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1 BEFORE THE WASHINGTON

2 UTILITIES AND TRANSPORTATION COMMISSION

3 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

4 In the Matter of Determining ) DOCKET TV-180208

the Proper Carrier )

5 Classification of, and )

Complaint for Penalties )

6 against: )

)

7 )

)

8 DEAVONDIA TAYLOR )

d/b/a I HEART MOVERS, LLC. )

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TRANSPORTATION COURT, VOLUME I

11

Pages 1-24

12

ADMINISTRATIVE LAW JUDGE LAURA CHARTOFF

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14

May 18, 2018

15

1:30 p.m.

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Washington Utilities and Transportation Commission

17 1300 South Evergreen Park Drive Southwest

Olympia, Washington 98504

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REPORTED BY: TAYLER GARLINGHOUSE, CCR 3358

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1 A P P E A R A N C E S

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ADMINISTRATIVE LAW JUDGE:

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1 OLYMPIA, WASHINGTON; MAY 18, 2018

2 1:30 P.M.

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4 P R O C E E D I N G S

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6 JUDGE CHARTOFF: Let's be on the record.

7 Good afternoon. My name is Laura Chartoff. I am an

8 administrative law judge with the Washington Utilities

9 and Transportation Commission. I am the presiding

10 officer for today's hearing being conducted at the

11 Commission's headquarters in Olympia.

12 Today is Friday, May 18th, 2018, and the

13 time is 1:30 p.m. Today's hearing involves a total of

14 two household goods carriers.

15 So the first thing we will do is take a roll

16 call to determine which companies are present. As you

17 can see, there's a court reporter creating a record of

18 today's proceedings. So when I call your name, raise

19 your hand to identify yourself and also give a verbal

20 response to the roll call like "here" or "present."

21 Okay. The first docket is TV-180208,

22 Deavondia Taylor, doing business as I Heart Movers.

23 MR. TAYLOR: Present.

24 JUDGE CHARTOFF: Thank you.

25 The second docket is TV-180326, Anthony

0004

1 Wright, doing business as Man and a Van, Inc., Pick Up

2 and Move, The Wright Move, and Tacoma Movers.

3 Hearing nothing. Okay. So -- okay. So

4 that company has not entered an appearance today and we

5 will --

6 MR. BRAUN: Judge, just to let you know that

7 Mr. Wright had called around roughly 1 o'clock saying he

8 was going to be ten, 15 minutes late. I just want to

9 let you know that. So he is supposedly on his way and

10 will be just a little bit late.

11 JUDGE CHARTOFF: Oh, okay. So we will -- I

12 will call him again if he comes in.

13 Okay. So you are here because the

14 Commission filed a complaint alleging that each of your

15 company -- oh, okay. That your company was performing

16 or advertising to perform work as a household goods

17 carrier without the required permit.

18 I understand that one of the companies has

19 recently obtained his household goods permit. So for

20 that company, we're dealing with the past period where

21 the Commission alleges you were operating without a

22 permit. So the purpose of today's proceeding is to

23 explain what your choices are and then hear from you

24 regarding which option you wish to pursue.

25 So, in fact, since the other company is not

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1 here, usually I -- I explain all the options, but since

2 we only have one party here today, why don't I have

3 him -- I'll have him come forward and talk to him.

4 MR. BRAUN: Okay.

5 JUDGE CHARTOFF: So I call Deavondia Taylor,

6 I Heart Movers. Yes, come on up. Oh, no, sit right

7 there and turn on your microphone. Okay. So I'm going

8 to explain -- and while you're here, before I forget, I

9 will swear you in, and then I'll explain what your

10 options are, okay? So please stand up and raise your

11 right hand.

12 (Deavondia Taylor sworn.)

13 JUDGE CHARTOFF: So I'll start. So -- so

14 you have two options. So the first option is to cease

15 and desist, but since you --

16 I believe he had got his permit?

17 MR. BRAUN: Correct.

18 JUDGE CHARTOFF: Okay. So you will just

19 need to agree to maintain your permit, and if you were

20 to lose your permit, you would agree to cease operating.

21 Your other option is to ask for a formal

22 classification hearing to show why you didn't need a

23 permit prior to receiving it. And for that option, we

24 would do a -- schedule a formal hearing at another date.

25 So you have a right to be heard by the

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1 Commission. Commission Staff also has a right to be

2 heard, and Mr. Brian Braun will be representing the

3 Commission this morning. If you have not already met

4 Mr. Braun, he is seated at the table to my right.

5 Okay. I have sworn you in, and everything

6 you tell the Court will be under oath and be -- can be

7 considered sworn testimony. And in a minute, I will ask

8 you to state your preference, and as you -- in each of

9 the complaints, Commission Staff has also -- is also

10 seeking penalties. The law sets the maximum penalty for

11 each violation at $5,000, and Staff will be making a

12 penalty recommendation as part of any agreed order.

13 Mr. Braun will be explaining that recommendation, but

14 the Commission will be making the final decision about

15 the amount of penalty to be imposed.

16 Okay. So why don't I go ahead -- I will go

17 ahead and swear you in.

18 (Brian Braun sworn.)

19 JUDGE CHARTOFF: Thank you.

20 So -- so, Mr. Taylor, can you please state

21 your -- your name, spelling your last name?

22 MR. TAYLOR: Deavondia Taylor, T-a-y-l-o-r.

23 JUDGE CHARTOFF: And what is your position

24 with the company?

25 MR. TAYLOR: The owner.

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1 JUDGE CHARTOFF: And do you understand the

2 options that I laid out today?

3 MR. TAYLOR: Yeah, slightly. So one of them

4 is to cease and desist, the other is to just maintain my

5 permit and conduct business, and then the third one is

6 to set up a hearing?

7 JUDGE CHARTOFF: Oh, let me explain again.

8 My script that I go through is a little confusing with

9 regard to you because you've acquired your permit --

10 MR. TAYLOR: Okay.

11 JUDGE CHARTOFF: -- I think May 9th, right?

12 MR. TAYLOR: Yes.

13 JUDGE CHARTOFF: So this -- what we're going

14 to deal with today is -- like even though you have your

15 permit now, there's still a penalty --

16 MR. TAYLOR: Okay.

17 JUDGE CHARTOFF: -- for past periods. And

18 so what we're asking is, do you admit that you were

19 operating as a household goods mover prior to obtaining

20 your permit and agree that you will maintain your permit

21 and cease operating if you aren't able to maintain it?

22 MR. TAYLOR: Yes, to both questions.

23 JUDGE CHARTOFF: Okay. So what we would be

24 doing is --

25 And do you have a recommendation regarding

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1 entering an order with him?

2 MR. BRAUN: I do, Your Honor.

3 JUDGE CHARTOFF: Okay. And you are -- and

4 you would be willing to talk to him -- negotiate

5 penalties?

6 MR. BRAUN: Absolutely.

7 JUDGE CHARTOFF: Okay. So when we take a

8 recess, you'll have the opportunity to speak with

9 Mr. Braun and see if you can agree to an order, and that

10 order would say that you agree you were operating

11 without a permit, that you advertised without a permit,

12 and that you agree to maintain your permit or stop

13 operating if you no longer have one.

14 MR. TAYLOR: Yeah.

15 JUDGE CHARTOFF: And then once you're

16 satisfied and you understand all the terms of the order,

17 you and Mr. Braun will both sign it, and it will most

18 likely include an agreement about the amount of penalty

19 to be imposed. But if not, you can make your case about

20 why the penalty should be different than what Staff is

21 recommending.

22 MR. TAYLOR: I see.

23 JUDGE CHARTOFF: Do you have any other --

24 MR. TAYLOR: No.

25 JUDGE CHARTOFF: -- questions --

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1 MR. TAYLOR: That makes sense now.

2 JUDGE CHARTOFF: Okay. So -- okay. So you

3 can return to your seat and wait for the recess, which

4 should be in a minute.

5 I will call -- I don't see him, but I will

6 call TV-180326, Anthony Wright? Hearing nothing. Okay.

7 We will take up that case after the recess.

8 So yeah, at this point, we're going to take

9 a recess, and as soon as you have a chance to review the

10 order and language with Staff, there will be some

11 negotiation about the penalty. It may be nominal

12 depending on the history of your company or there may be

13 a reason that Staff asks for a larger penalty, for

14 example, if you have appeared here before or have

15 previously held a household goods permit with the

16 Commission.

17 Typically a portion of the penalty is

18 suspended, which is meant to deter you from future

19 illegal operations. So you pay a portion today and the

20 remaining portion does not become payable until you

21 violate the order. And then I will call you back up

22 after the recess to make sure you understand the order,

23 and will sign it on the record today, and then you will

24 leave with a copy of it.

25 Is there anything else before we take a

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1 break?

2 MR. BRAUN: No, Your Honor.

3 JUDGE CHARTOFF: Okay. We are in recess.

4 (Recess taken from 1:42 p.m.

5 to 2:04 p.m.)

6 JUDGE CHARTOFF: Thank you. Let's be back

7 on the record. I understand that the order has been

8 explained and presented to the company, so I will call

9 TV-180208, Deavondia Taylor, doing business as I Heart

10 Movers back up.

11 Please come back up to the seat. Thank you.

12 So I have a copy of Order 02, stipulated initial order

13 classifying respondent as a household goods carrier

14 imposing and suspending penalties on condition of future

15 compliance. Mr. Taylor, did you have a chance to walk

16 through the order?

17 MR. TAYLOR: Yes.

18 JUDGE CHARTOFF: And do you understand all

19 five page -- all the pages before the signature page?

20 MR. TAYLOR: Yes.

21 JUDGE CHARTOFF: Okay. And just for the

22 record, Mr. Braun, it looks like you're recommending two

23 violations in this case, one for offering a move and one

24 for advertising?

25 MR. BRAUN: Yes, Your Honor.

0011

1 JUDGE CHARTOFF: And there is a $5,000

2 penalty to be imposed, a four thousand -- look here,

3 $4,750 portion of the penalty is suspended for a period

4 of two years from the date of the order and waived

5 thereafter provided you maintain your permit or cease

6 operating if you should not have your permit anymore.

7 MR. TAYLOR: Yes.

8 JUDGE CHARTOFF: Okay. And you're making a

9 payment today?

10 MR. TAYLOR: Mm-hmm, I have already.

11 JUDGE CHARTOFF: Okay. Okay. And do you

12 understand what you can and can't do?

13 MR. TAYLOR: I do, yes.

14 JUDGE CHARTOFF: Okay. Okay. I think

15 that's all I have. Do you have any additional questions

16 about the order?

17 MR. TAYLOR: No.

18 JUDGE CHARTOFF: Okay. So I will go ahead

19 and sign it and -- okay. So I will hand this down to

20 you, and Staff will make a copy and give it to you and

21 then you'll be free to go.

22 MR. TAYLOR: Okay.

23 JUDGE CHARTOFF: Okay. So I'm next going to

24 call -- so I'm going to call TV-180326, Anthony Wright.

25 MR. WRIGHT: Yes, ma'am.

0012

1 JUDGE CHARTOFF: You're present, okay.

2 Could you come forward?

3 MR. WRIGHT: Yes, I will.

4 JUDGE CHARTOFF: And I'll just -- it's

5 Anthony Wright, doing business as Man and a Van, Inc.,

6 Pick Up and Move, The Wright Move, and Tacoma Movers.

7 So you are here today because the Commission

8 filed a complaint alleging that your company is

9 performing or advertising to perform work as a household

10 goods carrier without the required permit. And the

11 purpose of today's proceeding is to explain what your

12 choices are and then hear from you regarding which

13 option you wish to pursue.

14 So you have one of -- you can choose one of

15 two options on behalf of your company. The first option

16 is to agree to cease and desist from providing,

17 offering, or advertising unpermitted household goods

18 services. And if you choose this option, you will need

19 to demonstrate what you have done to shut down your

20 business either completely or partially to avoid further

21 enforcement action by the Commission. The Commission is

22 going to want to see sufficient proof that you are no

23 longer performing unlawful services. For example, you

24 need to provide proof that you've taken down or changed

25 your website or other online advertisements for your

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1 business.

2 The other option is to ask for a formal

3 classification hearing to show why you don't need a

4 permit. And if you choose this option, you are

5 contesting the allegations in the complaint and claim

6 not to be conducting household goods moving service.

7 For this option, we will schedule a formal hearing for a

8 date in the near future with a deadline two to three

9 weeks from now for both your company and Commission

10 Staff to declare all witnesses and file all exhibits.

11 And Mr. Brian Braun will be representing the

12 Commission this morning. If you have not already met

13 Mr. Braun, he is seated at the table to my right, and he

14 is a Commission compliance investigator.

15 So in a moment, I will swear you in so that

16 anything you tell the Court will be under oath and will

17 be considered sworn testimony. And once you are sworn

18 in, I will ask you if you understand your options for

19 today's hearing and then ask you to state your

20 preferences. If there is anything else you want to

21 explain to me, you can do so at that time.

22 And in each of the complaints, Commission

23 Staff has not only alleged that you are providing

24 household goods moving services without a permit, they

25 are also seeking to have a penalty imposed. And the law

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1 sets the maximum penalty for each violation at $5,000.

2 Staff will be making a penalty recommendation as part of

3 any agreed order. Mr. Braun will be explaining the

4 recommendation, but the Commission will be making a

5 final decision on the amount of penalty to be imposed.

6 If you choose to testify about how you're

7 getting out of the household goods business, I will

8 allow you to make a statement stating how you plan to do

9 that. Depending on what proof you can provide, you

10 should be able to reach an agreed order resolving the

11 matter with Commission Staff, and you can speak to

12 Mr. Braun about that during the recess.

13 Okay. And, Mr. Braun, I've already sworn

14 you in, so -- okay.

15 So I will swear you in now. Please stand

16 and raise your right hand.

17 (Anthony Wright sworn.)

18 JUDGE CHARTOFF: Thank you. Please be

19 seated.

20 So please state your name.

21 MR. WRIGHT: Anthony O'Bryant Wright.

22 JUDGE CHARTOFF: Can you spell your last

23 name?

24 MR. WRIGHT: W-r-i-g-h-t.

25 JUDGE CHARTOFF: And what is your position

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1 with the company?

2 MR. WRIGHT: Owner.

3 JUDGE CHARTOFF: So do you understand the

4 options that I explained?

5 MR. WRIGHT: I could use a little more

6 explanation, but they seem pretty -- I understand part

7 of them, yes, ma'am.

8 JUDGE CHARTOFF: So are -- so do you have a

9 specific question or -- about it?

10 MR. WRIGHT: I think it might be going into

11 the part where you -- I don't necessary -- I think with

12 the second part where you said I could explain what is

13 happening and so forth. So I could address some of

14 the -- the work that's alleged as household good

15 moving -- household goods moving, make sure that I'm in

16 compliance.

17 And I also would more like -- I would like

18 to know where I'm not in compliance at and see how to

19 make that work, because I did withdraw a formal request

20 to become a household goods mover already that we had in

21 with the Commission pursuing that so we could provide

22 full services or at least be permitted. We're not

23 looking to -- to break the law, we're looking to be a

24 part of the -- providing services legally. And that was

25 our intent with requesting to be licensed as a mover

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1 with a reputable DOT number. We paid the $500 for that

2 so we could be instated as that and move forward to

3 provide services for people so we didn't have to hide

4 and try to be like a company that -- you know, we wanted

5 to be legitimate and -- and for people to know that we

6 have guys who are legitimate able to come into those

7 houses.

8 So that request was withdrawn because of

9 the, you know, issues with the Commission, and I

10 understand that there's all of these things you need to

11 go through. But anything that's been alleged against

12 our company or against us or against myself as a

13 background check or anything of that nature is over --

14 over 20-some-odd years ago that anything would have been

15 done.

16 Anything that is done now -- like I said, we

17 have attempted to move forward and do better, and I

18 think that maybe some of the issues with the materials,

19 with the website, and everything, we put labor only on

20 those things, we've put those. So I just would need to,

21 I guess, be clarified where -- where we're doing wrong

22 so we can kind of shift from that because we're trying

23 to be in compliance.

24 JUDGE CHARTOFF: Okay. First of all, can

25 you make sure your microphone is on?

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1 MR. WRIGHT: Oh, yes, ma'am.

2 JUDGE CHARTOFF: Hit the button.

3 Okay. So are you -- you mentioned labor

4 only, are you saying that you are not providing

5 household goods services or are you saying you don't

6 know if you are?

7 MR. WRIGHT: Yeah, we are advertising like

8 all of our advertisements, I attempt to put that labor

9 only stamp on there and request that people would rent

10 their own vehicles. We request that if they ask if

11 we -- you know, I ask them to get a truck and we can

12 drive it for them. We're trying to do that. We're

13 trying to be in compliance.

14 JUDGE CHARTOFF: Okay. So your options at

15 this proceeding -- let me back up a little.

16 MR. WRIGHT: I'm sorry, I didn't -- I kind

17 of just -- it's all one big ball to me, so I

18 apologize --

19 JUDGE CHARTOFF: Oh, that's fine.

20 MR. WRIGHT: -- if I've stepped ahead or

21 anything.

22 JUDGE CHARTOFF: No, that's fine. So you do

23 not have a permit at this time. You -- you said you

24 applied for one, but then you withdrew your application?

25 MR. WRIGHT: Yes, ma'am, that's correct.

0018

1 JUDGE CHARTOFF: And so your options today

2 are to agree to cease and desist from providing,

3 offering, or advertising unpermitted household goods

4 services. Or if you're not -- if you are saying you're

5 not conducting household goods moving services, you can

6 ask for a classification hearing where you would come

7 back and we would do a formal hearing to determine if

8 you are engaged in unpermitted moving services.

9 MR. WRIGHT: Okay.

10 JUDGE CHARTOFF: Do -- so we could -- it

11 sounds like -- do you -- are you willing -- which of the

12 options are you -- do you prefer?

13 MR. WRIGHT: I would -- I would cease

14 because that's our intent. I would choose the first one

15 and just see how could I -- you know, how can I do a

16 better job of being in compliance with that.

17 JUDGE CHARTOFF: Okay. And does Staff have

18 a recommendation on that? Or I guess my question is,

19 are you willing to talk to Mr. Wright and see if you can

20 come to an agreed order?

21 MR. BRAUN: Yes, Judge, I am. Yes, Your

22 Honor.

23 JUDGE CHARTOFF: Okay. The difficulty might

24 be -- so it sounds like you are not -- or tell me, are

25 you willing to -- it sounds like you don't know whether

0019

1 you are engaged in permitted -- in household goods

2 moving services that require a permit?

3 MR. WRIGHT: Well, my definition,

4 understanding of the labor only is that you just --

5 that's -- I don't know. I guess you don't offer -- I

6 don't know exactly where I've been -- I haven't had a

7 chance to review all of the materials to see where I'm

8 in error at. But wherever I'm in error at, I would like

9 to comply.

10 JUDGE CHARTOFF: Okay. Okay. So -- so we

11 will go ahead and take a recess, and you will have an

12 opportunity to speak with Staff to see if you can agree

13 on an order for entry. And if you are able to do that,

14 once you are satisfied and you understand all the terms

15 of the order, you and Mr. Braun will both sign it, and

16 it will most likely include an agreement about the

17 amount of penalty to be imposed. But if not, you can

18 make your case about why the penalty should be different

19 from what Staff is recommending. And -- okay.

20 Do you have anything else before we take a

21 break?

22 MR. BRAUN: No, Your Honor.

23 JUDGE CHARTOFF: Okay. So we'll take a

24 break. You will meet with Staff and after the recess, I

25 will call you back up. Do you have any questions?

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1 MR. WRIGHT: No, ma'am.

2 JUDGE CHARTOFF: Okay. We're in recess.

3 (Recess taken from 2:20 p.m.

4 to 3:19 p.m.)

5 JUDGE CHARTOFF: Let's be back on the

6 record. So I -- this is TV-180326, Anthony Wright,

7 doing business as Man and a Van. I have the order.

8 So, Mr. Wright, did you have a chance to

9 walk through this order?

10 MR. WRIGHT: Yes, ma'am.

11 JUDGE CHARTOFF: Did you understand all the

12 pages prior to the signature page?

13 MR. WRIGHT: Yes, ma'am.

14 JUDGE CHARTOFF: Okay. I see that you and

15 Mr. Braun both signed it?

16 MR. WRIGHT: Yes.

17 JUDGE CHARTOFF: So just for the record,

18 Mr. Braun, it looks like you have recommended two

19 violations in this case, one for offering a move and one

20 for advertising?

21 MR. BRAUN: That is correct.

22 JUDGE CHARTOFF: And a $5,000 penalty

23 imposed. A 4,000 portion of that will be suspended, and

24 the company will pay a thousand dollar penalty; is that

25 correct?

0021

1 MR. BRAUN: That is correct, Your Honor.

2 JUDGE CHARTOFF: Okay. And for the record,

3 Mr. Wright, you are agreeing to stop providing household

4 goods carrier services or advertising such services?

5 MR. WRIGHT: Yes, ma'am.

6 JUDGE CHARTOFF: Okay. And the suspension

7 period is for two years from today's date. That means

8 that if Staff finds an advertisement or you offer to

9 move during that time, the remaining 4,000 becomes

10 immediately due; do you understand that?

11 MR. WRIGHT: Yes, ma'am.

12 JUDGE CHARTOFF: Additionally, the order to

13 cease is permanent, meaning it does not expire. So if

14 even after the two-year period of the suspended penalty

15 Staff discovers you are still operating, Staff can go

16 straight to superior court and seek enforcement of this

17 order, which will include significant additional

18 penalties. So there's a very strong incentive for you

19 to comply with the law. And I see there's a proposed

20 payment schedule for the thousand dollar penalty. You

21 will make a payment of $250 today; is that correct?

22 MR. WRIGHT: Yes, ma'am.

23 JUDGE CHARTOFF: And then you will make a

24 second payment on June 18th, 2018, the third payment on

25 July 18th, 2018, and a final payment on

0022

1 August 20th, 2018?

2 MR. WRIGHT: Yes, ma'am.

3 JUDGE CHARTOFF: And do you understand that

4 if you miss a payment, the entire amount including the

5 $4,000 penalty will become due and payable immediately?

6 MR. WRIGHT: Yes.

7 JUDGE CHARTOFF: And if for some reason

8 you're going to be late making a payment, you will need

9 to contact Staff and make arrangements. Failure to

10 contact Staff will ensure that the entire penalty will

11 be imposed. Okay. And I understand the first payment

12 has been made?

13 MR. WRIGHT: Yes, it has.

14 JUDGE CHARTOFF: Okay. And do you

15 understand legally what you can and can't do?

16 MR. WRIGHT: Yes.

17 JUDGE CHARTOFF: Remember that Commission

18 Staff are always available to assist you if you have any

19 questions. The Commission's goal is compliance.

20 Are there any additional questions about the

21 order? Okay. I will sign it and -- thank you. I will

22 hand this down to Staff. They will make a copy of it,

23 and when they get you a copy you -- and give it to you,

24 you will be free to go.

25 MR. WRIGHT: May I have comments, Your

0023

1 Honor?

2 JUDGE CHARTOFF: (Nodding head.)

3 MR. WRIGHT: I just wanted to say to the

4 Court, I appreciate your time today, to the Commission

5 for being so helpful in resolving this, and I apologize

6 for the inconvenience of the Court. I do -- I did

7 withdraw my application as a household goods mover

8 because my application was unfortunately denied. But I

9 do intend in the near future to resolve that by applying

10 so I can be properly permitted to have a household

11 goods, if not a license, a permit or something that

12 would give us the opportunity to help people out and

13 demonstrate that we are trustworthy so we can abide by

14 the regulations that are through the State. Because I

15 do -- I pay my taxes, all kinds of stuff. I try to be

16 as in compliance as possible. So I will definitely be

17 seeking that in the near future and doing all I can to

18 be in proper compliance with the law.

19 JUDGE CHARTOFF: Okay. Thank you.

20 MR. WRIGHT: Yes, ma'am.

21 JUDGE CHARTOFF: Okay. Anything further?

22 MR. BRAUN: No, Your Honor.

23 JUDGE CHARTOFF: Okay. So we are adjourned.

24 (Adjourned at 3:25 p.m.)

25

0024

1 C E R T I F I C A T E

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3 STATE OF WASHINGTON

4 COUNTY OF THURSTON

5

6 I, Tayler Garlinghouse, a Certified Shorthand

7 Reporter in and for the State of Washington, do hereby

8 certify that the foregoing transcript is true and

9 accurate to the best of my knowledge, skill and ability.

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13 Tayler Garlinghouse, CCR 3358

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