## Docket No. TE-220497 - Vol. I

## In the Matter of: Jumpin' Joey's LLC d/b/a Lymelight Party Bus

**September 30, 2022** 



206.287.9066 I 800.846.6989

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                 BEFORE THE WASHINGTON
                                                                         1
                                                                                            September 30, 2022
             UTILITIES AND TRANSPORTATION COMMISSION
                                                                         2
                                                                                              2:07 p.m.
                                                                                               -000-
                                                                         3
                                                                         4
      In the Matter of Determining the
                                                                         5
                                                                                       JUDGE PEARSON: My name is Rayne Pearson. I
      Proper Carrier Classification of.
                                                                         6
                                                                                use she/her pronouns, and I'm an Administrative Law
      and Complaint for Penalties
                                 ) DOCKET TE-220497
      Against:
                                                                         7
                                                                                Judge with the Washington Utilities and Transportation
                                                                         8
                                                                                Commission.
      JUMPIN' JOEY'S LLC
                                                                         9
                                                                                 Today is Friday, September 30th. The time is
      d/b/a LYMELIGHT PARTY BUS
                                                                        10
                                                                                approximately 2:07 p.m. This is Docket TE-220497. And
                                                                        11
                                                                                we're here today because the Commission issued a
                                                                        12
                                                                                complaint against Jumpin' Joey's, LLC, doing business as
         VIDEOCONFERENCE BRIEF ADJUDICATIVE PROCEEDING BEFORE
                                                                        13
                                                                                Lymelight Party Bus based on information that the
                ADMINISTRATIVE LAW JUDGE
                                                                        14
                                                                                business is operating or advertising as a charter party
                                                                        15
                                                                                or excursion service carrier without a certificate from
                   RAYNE PEARSON
                                                                        16
                                                                                the Commission.
                    Volume I
                                                                        17
                                                                                 If it's proven that the company is in fact engaging
                   Pages 1 - 15
                                                                        18
                                                                                in that conduct, the Commission will order the company
                  September 30, 2022
                                                                        19
                                                                                to stop operating in that capacity and can impose
                    2:07 p.m.
                                                                        20
                                                                                penalties of up to $5,000 per violation.
                                                                        21
                                                                                 You were provided information in advance of the
                                                                        22
                                                                                hearing about how you can choose to proceed today. You
                                                                        23
                                                                                have two options. The first is to agree to cease and
                                                                        24
                                                                                desist operating as an unpermitted charter or excursion
                                                                        25
                                                                                carrier. And if you choose this option, you have to
         REPORTED BY: BARBARA CASTROW, RMR, CRR, CCR #2395
                                                         Page 2
                                                                                                                                Page 4
 1
                 APPEARANCES
                                                                         1
                                                                                 agree to stop providing, offering and advertising
      (ALL PARTIES APPEARING REMOTELY.)
 2
                                                                         2
                                                                                 unpermitted charter and excursion carrier services unless
       ADMINISTRATIVE LAW JUDGE:
 3
              RAYNE PEARSON
                                                                         3
                                                                                 or until you receive a certificate from the Commission.
 4
              Utilities and Transportation
                                                                         4
                                                                                    And if you choose this option, you'll need to show
 5
                 Commission
                                                                         5
                                                                                 what you've done to shut down your business either
               1300 South Evergreen Park Drive SW
 6
              Olympia, WA 98504
                                                                         6
                                                                                 completely or partially so that you are no longer
              360.664.1160
                                                                         7
                                                                                 advertising, offering or providing unpermitted charter
              rayne.pearson@utc.wa.gov
 7
                                                                         8
                                                                                 and excursion services in Washington state.
 8
 9
      JUMPIN' JOEY'S LLC and JOSEPH BOWERS:
                                                                         9
                                                                                    For example, you would need to prove that you have
               STEPHEN L. FREEBORN
10
                                                                        10
                                                                                 taken down or changed your website or your other online
               Freeborn Law Offices
11
               33400 9th Avenue South
                                                                        11
                                                                                 advertisements for your business.
               Suite 208
                                                                        12
                                                                                    If you have applied for or obtained a certificate in
12
               Federal Way, WA 98003-2607
                                                                        13
                                                                                 advance of this hearing, please let me know when it's
               253.838.4477
13
               steve@freebornlawoffices.com
                                                                        14
                                                                                 your turn to speak. And in that case, we would not ask
14
                                                                        15
                                                                                 you to stop operating, but we will want you to
15
      REPRESENTATIVE:
                                                                        16
16
               JASON HOXIT
                                                                                 acknowledge that you were previously operating without a
               Compliance Investigator
                                                                        17
                                                                                 certificate and that you agree you will stop operating if
17
               PO Box 47250
                                                                        18
                                                                                 your certificate is suspended or cancelled for any reason
               Olympia, WA 98504-7250
18
               360.480.5420
                                                                        19
                                                                                 in the future.
               michael.dotson@utc.wa.gov
                                                                        20
                                                                                    The second option is if you believe that your
19
                                                                        21
                                                                                 business is not subject to regulation by the Commission.
20
      ALSO PRESENT: LAURIE BOOK, REPORTING STUDENT
                                                                        2.2
                                                                                 So if you deny that you were advertising, offering or
21
                                                                        23
                                                                                 providing unpermitted charter and excursion carrier
22
23
                                                                        2.4
                                                                                 services, and if you choose this option, you will need to
24
                                                                        25
                                                                                 present evidence that your business is not subject to
25
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Page 5 Page 7 1 1 regulation by the Commission. a chance to reach an agreement with staff about the 2 2 So Jason Hoxit is speaking for Commission staff this penalty amount. And if you are unable to agree, then we 3 afternoon. He's a commissioned safety investigator. So 3 will reconvene and staff will explain its recommendation, 4 we're going to go ahead and begin by taking appearances 4 but the Commission will make the final decision about the 5 beginning with commission staff. 5 amount of the penalty. 6 So, Mr. Hoxit, if you would like to state your full 6 If you choose the second option, so if you deny that 7 name, spelling your last name for the record? 7 you are operating as a charter and excursion carrier, we 8 MR. HOXIT: Yes, Your Honor. Jason 8 will let staff present its evidence and then hear the 9 Hoxit, H-O-X-I-T. 9 company's response. 10 JUDGE PEARSON: Thank you. 10 So, Mr. Hoxit, I will go ahead and swear you in now. If you could, please, raise your right hand. 11 And, Mr. Freeborn, if you could please enter your 11 12 having been first duly sworn 12 appearance for the company, just state your name, spell JASON HOXIT. 13 your last name, the name of your law firm, if you work 13 under oath, was examined and testified as follows: 14 for one, or the name of your practice. 14 15 MR. FREEBORN: Sure. My name is 15 16 Steven Freeborn, first name with P-H, spelled 16 JUDGE PEARSON: And, Mr. Bowers, why 17 S-T-E-P-H-E-N, last name is Freeborn, F-R-E-E-B-O-R-N. 17 don't I go ahead and swear you in now, too. If you could 18 18 just raise your right hand for me? I'm a licensed practicing attorney in Washington state, 19 19 JASON BOWERS, witness herein, having been My law practice, I have my own law practice. It's 20 first duly sworn under oath. 20 21 called Freeborn Law Offices, P.S., and is located in 21 was examined and testified as 22 Federal Way, Washington. 22 follows: 23 JUDGE PEARSON: Okay. Thank you. 23 Did the court reporter get all that information? JUDGE PEARSON: Okay. Thank you. 24 24 25 REPORTER: Yes. 25 And can you please state your first and last name Page 6 Page 8 JUDGE PEARSON: Okay. Thank you. 1 for the record and spell your last name? 1 2 So now that we have gone over the company's choices, 2 MR. BOWERS: Joseph Bowers, 3 I will explain what else will happen today. 3 B-O-W-E-R-S. JUDGE PEARSON: And what's your 4 So in a few minutes, I will ask the company how it 4 5 position with the company? 5 wants to proceed. And, Mr. Freeborn, if Mr. Bowers wants 6 to testify, I will swear him in so that anything he says 6 THE WITNESS: I own Jumpin' Joey's. I 7 don't own Lymelight and have nothing to do with it. But, 7 will be under oath. And if there's anything the company 8 8 wants to explain to me, that will be the opportunity to I mean, however -- yeah, I'm going to -- I already hired an attorney, so I'm going to let him kind of handle that. 9 9 do that. 10 JUDGE PEARSON: Okay. That sounds 10 So if the first option is chosen and the company is 11 good. 11 getting out of the charter and excursion business, they 12 So, Mr. Freeborn, I will turn to you then. 12 can explain how they plan to do that. And then we will 13 How would you like to proceed with the options that 13 take the break and the company will have an opportunity 14 I've presented earlier or do you have an opening 14 to speak with Mr. Hoxit about negotiating an agreed cease 15 statement that you would like to make about the business 15 and desist order. 16 operations? 16 The same is true if you have recently applied for or 17 MR. FREEBORN: Thank you, Your Honor. 17 received a certificate, you will still need to negotiate 18 We're kind of in a difficult position because my client's 18 an agreed order to resolve this matter. And the agreed 19 business is a bounce house business, Jumpin' Joey's. It 19 order will also deal with any penalty amount. 20 has nothing to do with a -- with a -- operating a 20 So the complaint that the company was served with 21 transport -- a limo transport service. It never has. 21 asks that the Commission penalize the company for 2.2 I've looked at the papers that were submitted that 22 engaging in business as a charter or excursion carrier 23 were served upon Mr. Bowers, and I see a lot of 23 without a certificate, and the law sets the maximum 24 assumptions that are being made, and yet I see nothing 24 penalty for each violation at \$5,000. 25 about a person by the name of last name Sanchez, who is 25 So staff will recommend a penalty, and you will have

2.2

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identified as owning the 414 -- the 414 or the 415 phone number that appears on all these text messages.

2.0

My client bought what could be deemed a limo vehicle for his family use. Mr. Art asked to borrow it to transport his kids to a prom or a high school function, which my client agreed to allow him to do, not for financial compensation or anything. That was the extent of the agreement.

These emails that pop up, I don't see any of the emails that are referencing to Jumpin' Joey's. We will provide you with a transcript. I do see a couple of emails that say call this person.

Well, that's the referral to somebody else who may be operating a transport business, Lymelight, which my client knows nothing about the structure. I have looked -- tried to do a search on Lymelight. I don't find anything. But that's arguably hardly my client's issue.

My client feels like he's been brought into this, but the critical person that should be here under subpoena is this Art fellow. But he's not.

And my client would like to -- my client certainly agrees that he won't operate a transport service of any kind. And, in fact, because of the headaches that are involved, he's willing to sell the vehicle.

But he's in a position, and I have to agree with

could look at the language, and that -- and I didn't get that. So I can't counsel my client to agree to sign something if I have never seen the language that is contained in the agreement.

That, in essence, is where we are. I have looked at in particular Exhibit H to the documents that were served on him, and it's got a Jumpin' Joey's, LLC, d/b/a Lymelight Party Bus. I don't how that d/b/a affiliation was created. The UBI number is directly related to Jumpin' Joey's and has nothing to do with Lymelight, and yet they are using a 315 phone number, which is my client's, when clearly all the text messages and emails that are part of the exhibits are using an entirely different number of, what is the number, I can look at it, 253.414.2662, which has never been tied to my client. My client never owned that number, doesn't pay a phone bill for that number and has nothing to do with that number.

So that's the frustration my client is at right now and, quite frankly, the frustration I see as well. We would like to see this resolved and like to do it. But to plead to something he didn't do and then be subject to a potential fine is just -- I can't counsel my client to agree to something like that if he hasn't done any of those things.

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him, that it's hard to confess to something you never did. And that would be the assumption that he is working as a transport service or was at one point doing that, and he never has done that.

I did try to reach out to Michael Dotson a couple of weeks ago, but I have since learned in catching up with Jason that he was relocated to another -- to another position on the East Coast.

And so the ability to talk about this as -- as it says, if you would like to talk in advance, please call this number, well, I was unsuccessful, and even emailing him didn't seem to work either.

But, anyway, where we are now, I've only had about a week to prepare on this thing, if that. And my concern, like I said, is my client -- it's hard -- I can't counsel my client to plead to something he never did. But if it makes things easier, he's -- never has he intended to operate a charter business.

When he found out what the costs were involved in that, he is not doing it. He has never used that vehicle for transport. He's never received money for it.

And if it makes things -- satisfies the Commission in that regard, he's willing to even put that car -- that vehicle up for sale and be done with it.

But I asked Jason to send me the proposed order so I

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JUDGE PEARSON: Okay. So if I could just interject, this is what I want to propose: It sounds like you were retained relatively recently. It is difficult for both me and the court reporter to hear you clearly.

So what I suggest is that we continue this hearing to a later date that works for all of us when, Mr. Freeborn, you can be on a computer and join via video with us, and that will give you some additional -- not only some additional time to prepare, but to work with Mr. Hoxit about maybe coming to an agreed resolution.

I don't think it would be fruitful to send you off to talk right now with the quality of your connection and your lack of familiarity with the materials.

So what we could do is go off the record and look at our calendars and pick a date in the next couple of weeks to reconvene.

MR. FREEBORN: Okay.

JUDGE PEARSON: Does that work for you, Mr. Hoxit?

MR. HOXIT: That does work for staff.

JUDGE PEARSON: All right. Let's go
ahead and take a recess and give Barbara a break for a
minute.

///

Page 13 Page 15 CERTIFICATE (Recess was taken from 2:19 1 1 2 2 p.m. to 2:24 p.m.) 3 STATE OF WASHINGTON JUDGE PEARSON: We are back on the 3 **COUNTY OF KING** 4 4 record following a brief recess. 5 5 We've discussed with the parties continuing this I, Barbara K. Castrow, a Certified Court 6 6 matter and have agreed that we will reconvene on Friday 7 Reporter in and for the State of Washington, do hereby 7 October 14th at 10 a.m., at which point we will address 8 certify that the foregoing transcript of the proceedings 8 the matter of the classification of Jumpin' Joey's. taken on September 30, 2022, is true and accurate to the 9 9 And Mr. Freeborn has also agreed that if in fact 10 best of my knowledge, skill and ability. 10 that date won't work for him, he will notify myself and 11 IN WITNESS WHEREOF, I have hereunto set my hand staff by close of business on Monday, October 10th, at 11 12 and seal this 11th day of October, 2022. which point in time we will pick a new date for the 12 13 remainder of the hearing. 13 14 14 Is there anything else we need to address while 15 we're here today? 16 15 17 16 MR. FREEBORN: One other thing just Barbara K. Castrow. CCR. RMR. 18 17 from a procedural thing. I spoke with Jason, I think it Certified Court Reporter #2395 18 was the day before yesterday or it may have even been 19 19 Tuesday, I can't remember the exact day. But I did file, My certification expires: 20 again, a second notice of appearance. 20 November 24, 2023 21 Did that get in to the court file or did that get to 21 22 Jason? 22 23 JUDGE PEARSON: It did. 23 24 MR. FREEBORN: Okay. I just wanted to 24 25 make sure. 25 Page 14 JUDGE PEARSON: Yes, we received your 1 2 notice of appearance. Thank you. 3 MR. FREEBORN: Perfect. Then I don't 4 have anything else. 5 JUDGE PEARSON: Anything further from 6 staff? 7 MR. HOXIT: Nothing from staff, Your 8 Honor. 9 JUDGE PEARSON: Thank you all for being here today, and I look forward to seeing you all 10 again on October 14th at 10:00, and we're adjourned. 11 (Proceedings adjourned at 2:25 p.m.) 12 13 14 15 16 17 18 19 20 21 22 23 2.4 25

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