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1 BEFORE THE WASHINGTON
2 UTILITIES AND TRANSPORTATION COMMISSION

3 -----

4 In the Matter of Determining) DOCKET TV-131603
5 the Proper Carrier) Volume II
6 Classification of, and)
7 Complaint for Penalties)
8 against:) Order 02
9)
10 GREEN, CHANA d/b/a)
11 GREAT AMERICAN MOVING)
12 & STORAGE)

13 _____

14 MOVER'S COURT, Volume II
15 Pages 98 - 182

16 ADMINISTRATIVE LAW JUDGE ADAM TOREM

17 -----

18 9:30 a.m. - 11:17 a.m.

19 November 14, 2013

20 Washington Utilities & Transportation

21 Commission

22 1300 South Evergreen Park Drive Southwest

23 Olympia, Washington

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25 Mary M. Paradise, CSR 2469

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A P P E A R A N C E S

ADMINISTRATIVE LAW JUDGE:

ADAM TOREM

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Transportation Commission
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0100

1 E X A M I N A T I O N I N D E X

2	WITNESS:	DIRECT	CROSS
3	Lauren McCloy	106	-
4	Chana Green	128	142
5	Rascheik Dixon	164	165

6

7 E X H I B I T I N D E X

8	NUMBER	IDENTIFICATION	EVIDENCE
9	Commission 1	109	122
10	Green 2	123	161
11	Green 3	124	174
12	Green 4	125	175

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1 OLYMPIA, WASHINGTON; NOVEMBER 14, 2013

2 9:30 A.M.

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5 JUDGE TOREM: Let's get started. On the
6 record at docket TV-131603. This is Ms. Chana
7 Green's company, Great American Moving & Storage.
8 Today is Thursday, November the 14th, 2013. It's
9 now a little after 9:30. We're convened at the
10 Commission in room 108. I am Adam Torem. I'm the
11 administrative law judge presiding today. I'll
12 take appearances for the Commission staff.

13 MR. CEDARBAUM: Thank you, your Honor. My
14 name is Robert Cedarbaum. I'm an assistant
15 attorney general representing Commission staff.
16 Our business address is the Heritage Plaza
17 Building, 1400 South Evergreen Park Drive
18 Southwest, Olympia, Washington, 98504.

19 JUDGE TOREM: All right. And for the
20 company?

21 MS. GREEN: Chana Green, Great American
22 Moving & Storage, and my address is 1826 112th
23 Street East, suite D, Tacoma, Washington, 98445.

24 JUDGE TOREM: Excellent. We're here,
25 because on September 6th, the Commission sent out

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1 an order and a complaint instituting a special
2 proceeding. It was alleging that Ms. Green, your
3 company, was performing intrastate moves without
4 their required permit under the law.

5 On October the 8th, we convened a mover's
6 court proceeding, and at that point, you indicated
7 you wanted to contest the allegations in the
8 complaint. So we issued a pre-hearing conference
9 order the next day, set something up this date for
10 the hearing, and as we said off the record, I've
11 received copies of proposed exhibits and an
12 indication that staff will be presenting a witness
13 to sponsor those -- their exhibits.

14 And that you also submitted a declaration
15 of your own, Ms. Green, and the -- there were two
16 other declarations of employees, and they had
17 telephone numbers. So, again, I was asking if they
18 would be available by phone, if necessary or not.
19 So we'll get to those issues.

20 The issues for today are alleged
21 violations of RCW 81.80.075 sub 1. There are two
22 different types of issues. One, that the company
23 allegedly offered to perform intrastate moves, and
24 also, that its advertising offers to perform
25 intrastate moves. And penalties are being sought.

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1 So what I would suggest is we look at the
2 allegations of fact, and then we also have
3 testimony as to if I were to find the facts are as
4 alleged, what the penalties might be. So we've
5 already gone over, I think, what everything else
6 is.

7 The burden is going to be on the
8 Commission. Do you agree to prove the allegations
9 that her company should be classified as a
10 household goods moving company under our RCW and
11 our WAC, and Ms. Green will be able to cross-
12 examine any witnesses that the Commission puts on.
13 And we go from there, that Ms. Green would have an
14 opportunity to rebut the allegations that may get
15 into at that stage of the proceedings.

16 MR. CEDARBAUM: Your Honor, certainly,
17 staff has a witness available to prove the facts
18 that are alleged in the complaint. I would just
19 point out that under RCW 81.04.510, which is the
20 classification statute, that the statute
21 specifically states that the burden shall rest upon
22 the person or corporation to prove that his or her
23 operations or acts are not subject to the
24 provisions of this chapter.

25 So I would say that the burden of proof is

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1 not on the staff. It is on the company, in this
2 case, Ms. Chana Green and her company, Great
3 American Moving & Storage, to prove that they are
4 not subject to regulation by the Commission. Not
5 that staff has the burden of proof, but that they
6 are subject to regulation.

7 JUDGE TOREM: The staff has made the
8 allegations, though, about moving forward. I guess
9 I'm asking more, do you want to go first with the
10 case, your presentation?

11 MR. CEDARBAUM: Yes, that's our
12 preference, but we're open to other ideas.

13 JUDGE TOREM: Okay. So Ms. Green,
14 Mr. Cedarbaum is actually correct. I misstated.
15 The burden of proof is on you, under that part of
16 our statute. Once they have made this complaint,
17 then the burden goes with the presumption that
18 staff has made a correct allegation. What I'd like
19 to do is hear the allegation and let you cross-
20 examine first.

21 MS. GREEN: Yeah, I would like that, too.
22 And also, if there is any other things, except for
23 the paperwork that you provided, any evidence or
24 any stuff like that, I would like to hear that as
25 well. So I'm ready.

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1 JUDGE TOREM: Okay. So is there a need
2 for opening statements? I think I've covered the
3 general ground we're at.

4 MR. CEDARBAUM: No, I would just echo your
5 point, that -- that the -- this case is about
6 whether this company is transporting intrastate
7 moves, offering to transport them or advertising to
8 transport them. And under either of those
9 scenarios, the Commission has the authority to
10 classify the company as a household goods carrier,
11 order to cease and desist and to issue penalties
12 that the Commission deems necessary.

13 The staff case will, through Miss McCloy
14 as our witness, will demonstrate that the company
15 offered to provide service for intrastate moves and
16 advertises for that same service. So staff's
17 recommendation will be that the Commission classify
18 the company, order the company to cease and desist
19 and issue penalties.

20 JUDGE TOREM: Ms. Green, any other
21 opening comments?

22 MS. GREEN: No.

23 JUDGE TOREM: Okay. Then I'm going to
24 swear in Ms. McCloy. You'll have an opportunity,
25 after Mr. Cedarbaum's direct examination is done,

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1 to ask her cross-examination questions, and then
2 I'm going to advise you to limit yourself to
3 questions, because then I'll swear you in as a
4 witness for the company to give your own
5 testimony. That will be subject to cross-
6 examination by Mr. Cedarbaum, and then these other
7 employee declarations that we have, if you wish for
8 them to testify, we can take a brief pause off the
9 record, get them on the line, and go from there.
10 Okay?

11 MS. GREEN: Okay.

12 JUDGE TOREM: So Ms. McCloy, stand and
13 raise your right hand.

14 Whereupon,

15 LAUREN McCLOY,
16 was duly sworn and testified as follows:

17 DIRECT EXAMINATION

18 BY MR. CEDARBAUM:

19 Q. Thank you, your Honor. If we could just
20 start, Ms. McCloy, by you just stating your name
21 and your business address, and perhaps spelling
22 your last name for the court reporter?

23 A. Yes, my name is Lauren McCloy. That's
24 M-c-C-l-o-y. My business address is the Richard
25 Hemstad Building, 1300 South Evergreen Park Drive,

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1 Olympia, Washington, 98504.

2 Q. By whom are you employed?

3 A. I am employed by the Washington Utilities
4 & Transportation Commission as a compliance
5 investigator in the consumer protection and
6 communication section.

7 Q. If you can just generally describe your
8 duties in that position?

9 A. Part of my duties are investigating the
10 business practices of Commission regulated
11 transportation and utility companies for compliance
12 with applicable Commission laws and regulations. I
13 also investigate transportation companies that may
14 be operating within the state of Washington without
15 the required Commission issued permit.

16 Q. Would your duties include, then,
17 investigating household goods carriers as to
18 whether or not they're operating intrastate without
19 Commission authority?

20 A. Yes.

21 Q. Under what general circumstances is a
22 business engaged in the business of performing
23 intrastate household goods moving?

24 A. A household goods carrier requiring a
25 permit can be a business that transports household

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1 goods by a motor vehicle within the state of
2 Washington, and a household goods carrier requiring
3 a permit can also be a business that advertises,
4 solicits, offers or enters into an agreement to
5 transport household goods, even if the company does
6 not actually transport household goods within the
7 state of Washington.

8 Q. Were you assigned to investigate business
9 practices of Chana Green, doing business as Great
10 American Moving & Storage, to determine if that
11 company was engaged in intrastate moving as a
12 household goods carrier?

13 A. Yes.

14 Q. And when did your investigation begin?

15 A. June 2013.

16 Q. Did you prepare a written report of your
17 investigation?

18 A. Yes.

19 MR. CEDARBAUM: Your Honor, if I could
20 have marked for identification as Exhibit Number --
21 I assume, Exhibit Number 1, the declaration of
22 Lauren McCloy, with attachments that we pre-
23 submitted earlier?

24 JUDGE TOREM: Okay. I'll mark that as
25 Exhibit 1.

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1 (Marked Commission Exhibit 1 for
2 identification.)

3 BY MR. CEDARBAUM:

4 Q. Ms. McCloy, referring you to Exhibit 1 for
5 identification, is this the written investigation
6 report that you just referenced?

7 A. Yes.

8 Q. And attached to that are several -- well,
9 two Commission orders, and then some advertisements
10 that you came across during your investigation, is
11 that correct?

12 A. Yes.

13 Q. In your declaration, in paragraph 3, you
14 indicate that you sought and determined whether or
15 not Great American Moving & Storage holds a common
16 carrier permit with the Commission, is that
17 correct?

18 A. Yes, I was specifically looking for a
19 household goods permit.

20 Q. Did you find any evidence of a company
21 holding any sort of permit with the Commission?

22 A. No.

23 Q. After you determined that the company did
24 not hold a Commission permit, what was your next
25 step in your investigation?

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1 A. I then performed an internet search for
2 advertising for Great American Moving & Storage.

3 Q. If you could refer to Exhibit Number 1,
4 attachment C, can you explain what this is?

5 A. This is www, dot, Great American Move, dot
6 com, which is the company's web site, and the first
7 page is the home page.

8 Q. Okay. So just to orient you, this is --
9 you came across this during your investigation of
10 advertising by this company?

11 A. Yes.

12 Q. Okay. If you could please explain what
13 attachment C is?

14 A. So attachment C is a series of screen
15 shots from the web site, and a visitor to the web
16 site can follow these screens one to the next in
17 the order that they are in the attachment.

18 Q. Okay. So I'd like you to just go ahead
19 and do that, so we can understand the exhibit --

20 A. Okay.

21 Q. -- fully, starting with page 1 of
22 attachment C.

23 A. So this is the home page for the web site,
24 and across the top, you see the tabs moving,
25 storage, boxes, services, et cetera. If you click

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1 on moving on the next page, there's a drop down
2 menu which lists long distance, local,
3 international, commercial and elite.

4 And if you click on the local tab and flip
5 to the next page, this is what comes up. It's
6 California moving, Washington moving, Oregon
7 moving, and then there's also Texas moving on here,
8 but that doesn't show on the screen. And if you
9 click on the more button on the right-hand side
10 under Washington moving, it pulls up the next
11 screen.

12 And some specific things that I wanted to
13 point out on this page are -- it states that moving
14 in Washington state can be a hassle, even if you
15 only move a few blocks. And it says, moving in,
16 moving out or staying put. And on the left side of
17 this screen, it lists the cities that Great
18 American Moving & Storage serves in Washington.
19 And it says, Seattle moving and Tacoma moving.

20 And if you click on Seattle moving and
21 turn to the next page, it specifies -- it says that
22 the -- at Great American Moving, we specialize in
23 the Seattle area, along with the surrounding
24 municipalities. And it goes on to say, we can help
25 you with your relocation to Seattle or your big

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1 move out of state. And further down, it says for
2 all your Seattle moving needs.

3 And on that previous screen, if you click
4 on Tacoma moving, it brings up the next screen,
5 which states that the company specializes in moving
6 property in, out and around Washington.

7 Q. So all of the pages that follow -- well,
8 the second page of the attachment refers to local,
9 as opposed to long distance, international,
10 commercial and elite, is that right?

11 A. That's correct.

12 Q. And that all of the following pages that
13 you referenced follow --

14 A. -- are under that local tab.

15 Q. Under that local tab?

16 A. Yes.

17 Q. Is that right?

18 A. Yes.

19 Q. And so what's your general conclusion from
20 attachment C?

21 A. My conclusion is that the company
22 advertises household goods services within
23 Washington.

24 Q. If we could turn to attachment D to your
25 declaration, can you please explain what this is?

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1 A. This is an advertisement on Angie's
2 List.com for Great American Moving & Storage, and
3 on the left side of the page, about two-thirds of
4 the way down, it says, services include commercial
5 moving, local, national and international
6 relocation, et cetera. And then it says, services
7 do not include, and there are no services listed in
8 that section.

9 Q. So this would also appear to be an
10 advertisement that advertises for local, as opposed
11 to national and international moving, is that
12 right?

13 A. Yes.

14 Q. And would you conclude from that this
15 involves intrastate -- that this advertises
16 intrastate moving within the state of Washington?

17 A. Yes.

18 Q. This is saying, on attachment D, this
19 shows the contact information above refers to the
20 Tacoma address, is that right?

21 A. Yes.

22 Q. If we could move on to attachment E, would
23 you please explain what this is?

24 A. This also came about through my
25 investigation, and it -- the web address for this

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1 is www, dot, Seattle mover, dot, org, but it's an
2 advertisement for Great American Moving & Storage.
3 It states that the company serves Seattle,
4 Washington, and it states that the company ships
5 property from one location to another, but it
6 doesn't specify that that would only be interstate
7 moves. And further down where it says, take the
8 stress out of moving day, in that paragraph, it
9 says, even within your own city.

10 Q. And so again, what is your conclusion with
11 respect to this advertisement?

12 A. My conclusion is that this doesn't
13 specifically advertise interstate moving, and that
14 it could be interpreted to be advertising
15 intrastate moves.

16 Q. When it refers to, take stress out of
17 moving day, that second sentence says, we know how
18 difficult it is to ship your property from one
19 location to another on your own, even within your
20 own city, that would clearly be intrastate, is that
21 correct?

22 A. Yes.

23 Q. And then looking at attachment F, can you
24 please explain this document?

25 A. This is a listing for the company on www,

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1 dot, Yelp, dot com. And at the top, under the
2 company name, Great American Moving & Storage, it
3 lists the company's address, and it says, serving
4 Tacoma and surrounding area.

5 Q. What do you conclude from this -- from
6 this advertisement?

7 A. I conclude that the company serves the
8 Tacoma area, including intrastate moves.

9 Q. This doesn't state that the company is
10 limited -- is limiting its service to national or
11 international moving, is that correct?

12 A. Correct.

13 Q. Now, for all of the attachment -- the
14 advertisements that are attachments C through F,
15 did you have occasion to determine whether or not
16 these ads exist today, as opposed to the time when
17 you did your investigation?

18 A. I did check again this morning, and they
19 all still exist, yes.

20 Q. Now, in addition to the advertisements
21 that are attached to your declaration, did your --
22 what else did you do in your investigation with
23 respect to the business practices of Great
24 American?

25 A. On June 19th, I called the telephone

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1 number listed on the company's web site, and I
2 spoke to a woman who identified herself as Amber,
3 and I requested an -- an estimate for a local
4 household goods move from Lakewood, Washington to
5 Olympia, Washington, and I was quoted a rate of \$99
6 per hour for two movers and a truck.

7 Q. So taking all of the evidence that you
8 have produced in your declaration, the
9 advertisements and the phone call you discussed,
10 what is your overall conclusion with respect to the
11 -- the jurisdictional business practices of Great
12 American Moving & Storage?

13 A. I conclude that Great American Moving &
14 Storage is advertising for household goods moving
15 services within the state of Washington, and
16 offering to provide household goods moving services
17 without -- without first receiving the proper
18 permit from the Commission.

19 Q. And based on your investigation in that
20 conclusion, what is the staff recommendation in
21 this case?

22 A. The staff recommends that the Commission
23 classify Great American Moving & Storage as being
24 engaged in business as a household goods carrier
25 subject to Commission regulation, and that the

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1 Commission order the company to cease and desist
2 from engaging in that business without first
3 acquiring the necessary permit from the Commission.

4 Q. Does staff have any additional
5 recommendation or condition in addition to that?

6 A. Yes.

7 Q. Please explain.

8 A. The Commission is authorized to issue
9 monetary penalties against anyone who engages in
10 business as a household goods carrier without the
11 proper authority, and penalties can be up to \$5,000
12 per violation. Staff recommends that the
13 Commission issue a penalty against Great American
14 Moving & Storage in the amount of \$5,000.

15 Q. Can you please explain the basis for that
16 penalty recommendation?

17 A. In determining the amount of the penalty,
18 the Commission considers the carrier's willingness
19 to comply with the requirement that a permit is
20 required before operations can commence. The
21 Commission also considers the carrier's history
22 with respect to compliance with the requirement to
23 obtain a permit.

24 As my declaration states, Great American
25 Moving & Storage applied for a permit in May of

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1 2012. The application was denied by final
2 Commission order in November 2012. The relevant
3 orders are attached in attachments A and B of my
4 declaration. Clearly, Great American Moving &
5 Storage understood the requirement for a permit,
6 but it nevertheless continued to engage in the
7 business of a household goods carrier without a
8 permit.

9 Therefore, staff believes that penalty in
10 the full amount of \$5,000 is warranted for the
11 advertisement contained in the company's web site
12 that I included in attachment C.

13 Q. Could -- your recommendation is for a
14 \$5,000 penalty. Could that have been higher?

15 A. Yes.

16 Q. Why is that?

17 A. Each of the other three advertisements I
18 included in attachments D, E and F are separate
19 violations, as is the offer to provide services
20 that I discussed earlier. Therefore, staff could
21 have recommended additional penalties of \$20,000,
22 for a total of \$25,000. We believe that the lower
23 penalty of \$5,000, along with the cease and desist
24 order, is sufficient in this case.

25 MR. CEDARBAUM: Your Honor, I would offer

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1 Exhibit 1 into evidence.

2 JUDGE TOREM: You've had it marked for
3 identification. So at this time, it's been offered
4 for me to consider what's in it. Ms. Green, any
5 objections?

6 MS. GREEN: Oh, yes.

7 JUDGE TOREM: What's the basis of your
8 objections?

9 MS. GREEN: I would like to refer to,
10 first of all, the advertisements.

11 JUDGE TOREM: Okay. I'll tell you what
12 we'll do. We'll hold off on a ruling of its
13 admission through your cross-examination, because I
14 don't want you to testify about it quite yet.

15 MS. GREEN: Oh, okay.

16 JUDGE TOREM: The admission of it just
17 means that I would consider it as part of the
18 evidence. If testimony or your cross-examination
19 brings doubt to it, it would give me some question
20 as to its weight of evidence. But for me to be
21 able to consider it as a document, in addition to
22 what Ms. McCloy has already said --

23 MS. GREEN: Oh, you're saying if I have an
24 objection to -- for it to be evidence?

25 JUDGE TOREM: Yes, it's not that it's true

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1 or not. I'll have to make that as a part of a
2 finding of fact.

3 MS. GREEN: Oh, then I could testify -- I
4 understand.

5 JUDGE TOREM: So I'll hold off on the
6 ruling and of admitting it until I hear more about
7 it in a way that I think is going to be
8 constructive to the procedure here.

9 MS. GREEN: Okay.

10 JUDGE TOREM: So it's been offered, and
11 we'll make a ruling on that shortly. Any other
12 evidence at this time, Mr. Cedarbaum?

13 MR. CEDARBAUM: No.

14 JUDGE TOREM: So Ms. McCloy is under oath
15 and is subject to cross-examination. You go ahead
16 and form up whatever questions you have for her,
17 and do those now. And then we'll see -- when we
18 swear you in for your testimony, we'll get your
19 testimony through that vehicle.

20 MS. GREEN: Questions? I don't have any
21 questions, no.

22 JUDGE TOREM: Did you want to ask her
23 about anything she said in the last 20 minutes, or
24 about things she referred to in the document?

25 MS. GREEN: No. Could I say that in my

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1 statement? It's not a question. It's just --

2 JUDGE TOREM: I just want to make sure you
3 understand, this is the one chance I'm going to
4 give you to ask questions to the witness. I'm not
5 going to call her back later, because she's
6 available now. You don't have to. I just want to
7 make sure.

8 MS. GREEN: No, I don't have any
9 questions.

10 JUDGE TOREM: Okay. So Mr. Cedarbaum --
11 ms. McCloy, you can stand down. Mr. Cedarbaum, do
12 you have any other witnesses or evidence?

13 MR. CEDARBAUM: No, your Honor. But
14 again, I would re-offer Exhibit 1. I understand
15 Ms. Green is going to be testifying, and she can
16 contest whatever she wants to in the document, but
17 from an admission point of view, it seems to me
18 like it's admissible.

19 JUDGE TOREM: I'll ask again, any
20 objections to me admitting it? I understand you
21 understand what it means.

22 MS. GREEN: Yes. That means that this
23 just -- yeah. Okay. I don't have any -- yeah, I
24 understand.

25 JUDGE TOREM: That doesn't mean that

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1 everything in it is true. I think, sometimes,
2 that's what --

3 MS. GREEN: Yes, that's just the evidence.
4 Okay.

5 JUDGE TOREM: So Exhibit 1 is admitted to
6 the record.

7 (Commission Exhibit 1 admitted into
8 evidence.)

9 MR. CEDARBAUM: Okay.

10 JUDGE TOREM: All right. So let's move
11 into your part of the case. Let me swear you in
12 first, Ms. Green, and then we'll take your
13 testimony.

14 Whereupon,

15 CHANA GREEN,
16 was duly sworn and testified as follows:

17 JUDGE TOREM: Can you state and spell your
18 first and last name for the court reporter?

19 MS. GREEN: Yes, it's Chana Green.
20 C-h-a-n-a. Last name Green, G-r-e-e-n.

21 JUDGE TOREM: Okay. You don't have an
22 attorney to ask you question and answer formats
23 today, so you can simply give a narration, and as
24 needed, you can move for the admission of these
25 documents when you think that's ready. Okay?

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1 MS. GREEN: Okay. Do I first start with
2 my declaration, or do I --

3 JUDGE TOREM: The declaration, if you're
4 going to offer it, can be offered as evidence. I
5 can mark it as an exhibit.

6 MS. GREEN: Yes, I do offer this as
7 evidence, my declaration.

8 JUDGE TOREM: Let's mark the declaration
9 on its own as Exhibit 2.

10 (Marked Green Exhibit 2 for
11 identification.)

12 JUDGE TOREM: And I'm going to indicate
13 that's just a two-page --

14 MS. GREEN: Would the attachments, would
15 that be separate?

16 JUDGE TOREM: Well, I wonder if the
17 attachments have essentially already been admitted.

18 MS. GREEN: Yes, they have been. So, yes.

19 JUDGE TOREM: Are any of these different
20 than what Ms. McCloy had attached to her
21 declaration?

22 MS. GREEN: No, they're not.

23 JUDGE TOREM: So rather than admit them
24 twice --

25 MS. GREEN: Yes, we can just -- could we

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1 -- the list of the witnesses, is that separate? Or
2 could that be with the declaration?

3 JUDGE TOREM: These other statements?

4 MS. GREEN: Yes, they're statements.

5 JUDGE TOREM: I would mark them
6 separately.

7 MS. GREEN: Okay.

8 JUDGE TOREM: So your testimony -- your
9 declaration is going to be Exhibit 2.

10 MS. GREEN: Okay.

11 JUDGE TOREM: Is it Mr. or Ms. Dixon?

12 MS. GREEN: Mr.

13 JUDGE TOREM: Mr. Dixon will be Exhibit 3.

14 MS. GREEN: Okay.

15 (Marked Green Exhibit 3 for
16 identification.)

17 JUDGE TOREM: I couldn't figure out this
18 one name.

19 MS. GREEN: Nealy. Shayla Nealy.

20 JUDGE TOREM: Shayla?

21 MS. GREEN: Yes.

22 JUDGE TOREM: So I'm going to -- how do
23 you spell the last name?

24 MS. GREEN: N-e-a-l-y.

25 JUDGE TOREM: N-e-a-l-y?

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1 MS. GREEN: Yes.

2 JUDGE TOREM: All right. So I'll mark
3 that as a proposed Exhibit 4, and both 3 and 4 are
4 single pages.

5 (Marked Green Exhibit 4 for
6 identification.)

7 JUDGE TOREM: So are you moving for the
8 admission of each of these documents now, or do you
9 want to testify first, and at the end, offer
10 these?

11 MS. GREEN: I want to offer these at the
12 end.

13 JUDGE TOREM: Okay. So they're marked,
14 Exhibits 2, 3 and 4. Go ahead with your testimony.

15 MR. CEDARBAUM: Your Honor, I'm sorry to
16 interrupt, but I -- I don't have any problem with
17 the exhibits being offered after her testimony, but
18 I will -- will have objections to Exhibits 3 and 4
19 without the witnesses present or available to
20 testify.

21 So I would just ask that in Ms. Green's
22 testimony, that she not refer to anything in
23 Exhibits 3 and 4, since I would find that
24 objectionable. I don't want to cut her off
25 midstream.

0126

1 JUDGE TOREM: Is it based on --

2 MR. CEDARBAUM: Well, I mean, if it's of
3 her personal knowledge, that's fine. But if she's
4 going to refer to the declarations of two
5 witnesses -- proposed witnesses that are not here
6 to withstand cross-examination on their testimony,
7 I think that's objectionable and not in compliance
8 with the Commission's procedures for this
9 proceeding as well.

10 JUDGE TOREM: So basically, it will be
11 hearsay, which could be admissible, but generally
12 is not allowed in Commission proceedings.

13 MR. CEDARBAUM: Well, I think hearsay is
14 generally admissible, or it's -- it's a more lax
15 standard in an administrative proceeding than a
16 judicial proceeding, but I would say that that
17 standard becomes tougher when the witness they're
18 offering the hearsay is based upon testimony of a
19 witness that is not present.

20 So I just -- you know, again, I know we
21 want to be flexible, again, here on how we process,
22 Ms. Green not being represented by an attorney, and
23 I understand that, but I just want to be clear that
24 staff does object to Exhibits 3 and 4 at the
25 current time, because the witnesses aren't present

0127

1 for testimony -- to testify.

2 JUDGE TOREM: And would that witness
3 objection be diminished if they were available by
4 telephone?

5 MR. CEDARBAUM: Certainly.

6 JUDGE TOREM: All right. So that's why I
7 asked those questions earlier. So Ms. Green,
8 knowing that -- I'm not going to rule on those
9 objections until we -- if you wanted to ask them --

10 MS. GREEN: When do we call them? Like,
11 when does that happen?

12 JUDGE TOREM: Well, you have the choice of
13 how to put on your case. So you can testify first
14 or you can choose to call them as your first
15 witnesses.

16 MS. GREEN: So I will testify, and then we
17 could bring them in? We could call them?

18 JUDGE TOREM: Yes.

19 MS. GREEN: All right.

20 JUDGE TOREM: So understanding
21 Mr. Cedarbaum's objection to what's in 3 and 4, it
22 sounds as though you're ready to rely on their
23 presence by telephone at least, is that correct?

24 MS. GREEN: Yes.

25 JUDGE TOREM: Okay. So let's press on

0128

1 with your testimony, and we'll deal with those
2 objections when we get to them, if necessary.

3 MS. GREEN: Okay. So I want to refer to
4 the attachments of the advertisements on the web
5 site. I'm going to divide them into -- also, into,
6 one, two and three and four.

7 JUDGE TOREM: As long as you tell me what
8 pages you're referring to --

9 MS. GREEN: Yeah, I'm going to -- I'm
10 going to say that right now. The first part of it,
11 I want to refer to the language on my web site on
12 Great American Move, dot com, which is attachment
13 C.

14 JUDGE TOREM: So this is Exhibit 1,
15 Ms. McCloy's testimony, and the page numbers at the
16 bottom will help us all be on the same page.

17 DIRECT-EXAMINATION/TESTIMONY

18 MS. GREEN: Oh. Attachment C to page 10,
19 11, 12, 13, 14 and 15. On my web site, I'm -- I'm
20 pretty aware of what we advertise, and nothing in
21 the pages -- and I'm going to start with page
22 number 13, which Ms. McCloy was referring to,
23 moving to and from Washington state.

24 Over there, I clearly state that we do
25 moving to and from Washington. And in the second

0129

1 paragraph, it can be difficult for homeowners to
2 move to and from Washington, indeed, and then it
3 continues. This is very general information on how
4 moving can be a hassle. It wasn't referring to
5 anything that we will move you in Washington,
6 within Washington. I was very, very general. This
7 was just really for advertising purposes, like, for
8 SEO and Google to rank up the web site. Nothing
9 referring to doing specific local moving.

10 As well as on page 14, at Great American
11 Moving, we specialize in the Seattle area, along
12 with surrounding municipalities. It doesn't -- I
13 don't think that it's referring to doing moving in
14 Seattle. We do specialize in Seattle, because we
15 do pickups from the state of Washington outside of
16 Washington. That's what we do. We specialize in
17 moving.

18 So when we made a page for Seattle moving,
19 it wasn't for the purpose of saying, we move people
20 in Seattle. It was for the purpose of saying, we
21 move people from Seattle. We specialize in the
22 Seattle area, because we are local, we're here.
23 You know, for advertising purposes, basically, I'm
24 just telling the customer, you dot want to go with
25 a local company versus so many other companies that

0130

1 do advertise up here in Seattle from California,
2 Nevada, Arizona, they advertise.

3 So you want to go with a local company,
4 because we do specialize in this area, because
5 we're from here. We're local. So it just -- it
6 wasn't specifically for saying, you know, we move
7 people in -- in Washington. And that was basically
8 why this language was used in -- in my web site.
9 Nothing over there referred to specifically, you
10 know, we do local moving.

11 I think that if the local tab is a
12 problem, I could take off that tab. But everything
13 that says in that tab is very general information.
14 It's nothing very specific, like, do you want a
15 quote moving from Tacoma to Seattle? If you even
16 click on that, on page number 12, which shows up,
17 actually, on every page on the left-hand side. If
18 you click on get a quote, it's going to only give
19 you an option to get a quote from a zip code in
20 Washington to zip codes outside the state.

21 So even if -- if a customer did understand
22 from this that we move locally, he has -- he would
23 click on that, it only gives options to move out of
24 state, and I didn't refer to anything, in any of
25 the pages, that are specifically for local. I

0131

1 think that if the tab was a problem, I could remove
2 that tab and name it something else. But nothing
3 here that I refer to, we are doing moving inside
4 Washington. So that was about that advertisement.

5 On page number 16, which is attachment D,
6 is -- was an advertisement from Angie's List, which
7 I -- we did not open this page. This is Angie's
8 List. I don't even have access to this. I would
9 have to ask for access for it. I think this is a
10 blog. I don't know exactly what -- how this is
11 used, because I don't use Angie's List, but this is
12 a profile that's opened by the company or by a
13 customer that is part of Angie's List, and put
14 reviews on.

15 So anything that says, over here on our
16 profile -- like, I'm looking over here of
17 information that we're in business since 2000, it's
18 not even true, because -- I mean, I -- I didn't put
19 this information in here. It looks like this
20 information, this profile that was opened was by a
21 customer that was going to submit a review, and put
22 in general information that they had -- they put
23 contact information as Brian Meyer. He's not my
24 contact person at all, and the customer service
25 department.

0132

1 There's a lot of information over here
2 that is not correct. I know that I didn't open
3 this e-mail. It looks like the additional e-mail
4 that -- on the left-hand side of the page that they
5 put, Brian at Great American, who doesn't even work
6 in the customer service or not in the sales
7 department. He's in a whole different department.
8 I mean, you know, he does a lot of different things
9 in the office, but he's not our main contact.

10 So it looks like a customer, in my eyes, I
11 think, opened this profile, or the Angie's List,
12 because none of this information -- I didn't --
13 nobody from my company also opened this profile.
14 On Angie's List since April 2012, I don't even
15 recognize this information. So I don't even have
16 any control of -- what they put in here was general
17 information. Because if, like, I would put in my
18 information, my contact information, my business
19 information, it would look different, just like it
20 does in my web site.

21 So that was about Angie's List. I want to
22 refer the same thing to page number 20, which is
23 the advertisement from Yelp. It's the same thing.
24 A customer that's part of Yelp, they could go and
25 open a company profile. I tried to open a company

0133

1 profile myself, and I wasn't able to. I had to be
2 part of Yelp to open this, and I did not put any of
3 the information.

4 It looks like -- on the second page of the
5 Yelp advertisement, on page 21, it looks like some
6 of the sentences on the bottom where it says about
7 this business, some of the sentences were actually
8 taken out of my web site and put down into here,
9 established in 1999. I did not provide any of this
10 information. Again, I didn't open this -- we don't
11 advertise with Yelp. We're not part of Yelp.

12 I think that clients that are part of Yelp
13 are able to submit reviews and put in profiles for
14 companies, because I believe that if you search
15 Yelp, you could find a few more profiles on Great
16 American Moving & Storage in other states, which we
17 didn't -- in another state, which we didn't -- so I
18 -- I could contact Yelp to see if this could be
19 removed, but from my past experience, Yelp has, you
20 know, their profile settings for -- for customers
21 to put on reviews. So I don't -- I really don't
22 know how I would be able to remove this, but I
23 could contact them for, you know, removing this, if
24 it does advertise for local.

25 So -- and again, nothing in these pages

0134

1 did I refer or put information in as a company that
2 does local moving. On page 18, on attachment E is
3 also -- I guess it's called a landing page for our
4 company. In the -- many places in this page, we
5 actually emphasize the fact that we are a long
6 distance moving company. If you look at the second
7 paragraph, there's long distance moving is our
8 specialty. The same paragraph over there, that's
9 why you should call us for all your long distance
10 moving needs.

11 On the third paragraph on the bottom, if
12 you have a long distance project you need
13 completed, contact us today. Our support staff --
14 and again, if you put your information in, it will
15 only give you the option, if you go onto our web
16 site, you will only get a quote from a zip code in
17 Washington to outside. And -- and nowhere else --
18 I mean, nowhere else do we -- we emphasize the fact
19 that we do local moving. That was about the
20 advertising.

21 The second thing I wanted to refer to,
22 which I stated in my declaration, was the fact that
23 in the evidence, Ms. McCloy mentioned that we were
24 denied a license, and I tried to apply twice. At
25 the time, we did not have a lot of long distance

0135

1 moves. We were just at our beginning, pretty much,
2 and we thought that a good idea would be is to
3 start doing local moves to get more business and
4 get a little bit more money.

5 After we were denied -- at the time that
6 we were denied, we were actually very, very focused
7 on long distance moving, and we grew and, you know,
8 we started doing long distance moves in other
9 states as well. So I just let that go and let that
10 aside.

11 After the hearing that I requested, I just
12 decided that it also actually a better thing. I
13 don't need to focus on local moving, because it
14 wasn't a good business choice for me at the time,
15 because it's just not bringing in as much money as
16 long distance moving was. So I just left it
17 aside.

18 So when Lauren McCloy was mentioning that
19 we were denied, that's not any evidence or proof
20 for the fact that we are actually doing local
21 moving. So I wanted to mention that. And
22 basically, my declaration is, you know, my
23 statement, everything that Ms. McCloy mentioned in
24 the evidence, and also here, I -- I -- I answered
25 to.

0136

1 And the last thing was about the phone
2 call that you said you made in June. I did not get
3 any proof or any evidence of that thing that
4 happened. I didn't get -- you didn't provide me
5 with any written estimate from the girl, no
6 recordings, anything that actually tells me that
7 what you talked to Amber about was about a local
8 move in Washington.

9 We have an office in Texas, and we do
10 local moves in Texas. I don't know if, in that
11 conversation, you were specific about moving from a
12 city in Washington to a city in Washington. It
13 could be that you just called and asked for, how
14 much do you charge an hour for a local move. And
15 maybe she didn't understand that it was a move in
16 Washington, and so she just gave you a very general
17 answer of \$99 an hour for two men and a truck.

18 I don't know what happened there. I don't
19 have any evidence that show that I provided an
20 estimate for a move in Washington. Because first
21 of all, we don't do any moves in Washington. I
22 don't -- we don't -- we just do long distance. I
23 don't have any evidence or proof of a move that we
24 did in Washington.

25 And when I called Ms. McCloy before the

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1 first hearing -- not the hearing, but the -- we had
2 an October 8th, to ask why this -- she was
3 conducting this investigation, one of the things
4 that Ms. McCloy told me was that a company -- that
5 she didn't mention the name -- called and told her
6 that we are doing business as a local mover. Now,
7 I didn't get any prove proof of that. I don't
8 know. How do they know that I do local --

9 One of the things that Ms. McCloy
10 mentioned in the phone call was that they saw me at
11 a weigh station, my truck at a weigh station doing
12 a local move. If I was at a weigh station and it
13 was a local move, why was I at a weigh station if
14 it was a local move? I don't need to weigh a truck
15 in a weigh station. How would they even know
16 what's in my truck? Like, I -- I was just trying
17 to understand where the thing came from.

18 And if it was just from these
19 advertisements or it was because somebody called in
20 to say that we do local moves, there's no proof or
21 no evidence, and that's why I'm having a very hard
22 time to accept this, because I know that we don't
23 do any local moves. We don't -- we just -- we
24 don't give estimates. I mean, I have so many
25 customers -- I mean, I have so many situations

0138

1 where somebody would call in, do you do moves in
2 Washington? Could you move me from Tacoma? And we
3 would turn them down.

4 We don't -- most of our business that we
5 get is not from our web site at all. It's from --
6 we advertise in the way of leads, meaning we get
7 customers' information and we call them, customers
8 that are looking for a long distance move. These
9 usually don't come from my web site, or very rarely
10 does it come from our web site, because it just
11 costs a lot of money to advertise on Google.

12 So never did I get a call from Angie's
13 List or Yelp of customers that were trying to get
14 an estimate for a local move from those web sites.
15 Because if I ever get calls in, we always ask them
16 where they found us. You know, this is just for
17 our knowledge to know where we should advertise,
18 and stuff like that.

19 So basically, I didn't really get any good
20 proof or evidence of the fact that we are
21 conducting any local moves, and we don't. We just
22 don't. I don't do that. I mean, I don't have any
23 -- there's no customer that we moved. Nothing. I
24 mean, anything that -- and if you do have any
25 evidence like that, I would love to see it, and I

0139

1 would be -- you know, I -- I just know that there's
2 no proof, because we don't do any intrastate
3 moves. We only do interstate. We only, only do
4 long distance.

5 So if there is a problem with the way my
6 web site is set up, I will be happy to remove it,
7 and I think the only problem I would see is a tab.
8 Nothing over there mentions the long distance -- I
9 mean, the local moving. It only mentions -- in a
10 lot of places, it also emphasizes the fact that we
11 do long distance, that we specialize in long
12 distance.

13 What else did I want to refer to?
14 Basically, I am asking -- you know, I'm requesting
15 the Commission to dismiss these allegations,
16 because they're not enough proof, not for me, not
17 -- I don't think they're enough proof for -- you
18 know, I think that this case could be dismissed,
19 and without penalties, or anything like that,
20 because I really don't conduct moves.

21 If it's a problem with advertisement
22 and -- the other advertisements, I don't have
23 control over, because they're not my web sites, and
24 I don't put my information up there. The only
25 place I do have control over is my web site, and I

0140

1 could remove, you know, the word or two, which you
2 would have to really focus into to get the
3 conclusion of the company is doing local moves.

4 I don't even understand, from this
5 paragraph, that it's local moves. But if this is
6 the problem, I do have control over my web site,
7 I'm willing to remove any wording, any paragraphs,
8 anything like that. I have done it in the past. I
9 did, because I wasn't aware, I removed some stuff.
10 I could put in red -- I mean, lettering on the top
11 that we do not do local moves. I mean, just as far
12 as that. I don't do local moves, and that's just
13 basically -- that's all I have to say.

14 So if there is any evidence, I'll be happy
15 to, you know, to refer to them. And then I have --
16 I would like to get Rascheik Dickson and Shayla
17 Nealy on the line. They work in my office. One of
18 them works for me for a very long time. One just
19 started this year. They train the people in the
20 office.

21 They're very well aware of this license
22 thing, because also, if you click on California
23 moving or Oregon moving, whatever, nothing over
24 there refers to it, because we just don't do local
25 moving in any state, except for Texas. And even in

0141

1 Texas, we don't mention that we do local moving.
2 We don't really advertise it. So that's it.

3 JUDGE TOREM: Let me see if Mr. Cedarbaum
4 has questions for you, and then we can deal with
5 the other witnesses.

6 MR. CEDARBAUM: Your Honor, I guess I do
7 have questions, but I would also like to talk to
8 staff off record for two or three minutes.

9 JUDGE TOREM: Do you want to take a brief
10 recess, then?

11 MR. CEDARBAUM: Let's take a brief recess.

12 JUDGE TOREM: We'll go off the record in a
13 moment. Ms. Green, if you could call your office
14 and let them know that we'll be calling them
15 shortly. We'll place the call and swear them in,
16 and if they can be ready, not to be out of the
17 office, say, any time after 10:30.

18 MS. GREEN: After 10:30.

19 JUDGE TOREM: Yes, our local time. Okay.
20 So we'll be off the record until 10:30.

21 MS. GREEN: Okay.

22 (A short recess was then taken.)

23 JUDGE TOREM: We're a little bit ahead of
24 10:30, but I understand we're ready to go back on
25 the record. Ms. Green, you're still under oath,

0142

1 and Mr. Cedarbaum has some questions for you.

2 CROSS-EXAMINATION

3 BY MR. CEDARBAUM:

4 Q. Thank you. My first question is, my
5 understanding is that the local business office of
6 Great American Moving & Storage is in Tacoma, is
7 that right?

8 A. We have a location in Tacoma. It's a
9 warehouse with an office. We have another office
10 in Texas where we have sales and customer service.
11 We just extend it to there.

12 Q. Are trucks and equipment housed at the
13 Tacoma location?

14 A. As well as in Texas, yes.

15 Q. And your particular place of business
16 where you personally is in Texas, is that correct?

17 A. Now, I live until Texas, yes, I do. I
18 just moved there seven months ago.

19 Q. Okay. And so you're -- currently, you're
20 not -- you're not doing business out of the -- out
21 of the Tacoma address?

22 A. Yes, we are.

23 Q. You personally?

24 A. Oh, me personally? No, I'm in Texas, yes.

25 Q. Okay. And who is in charge of the day-to-

0143

1 day operations out of the Tacoma location?

2 A. I have a manager over there, a field
3 manager that operates the trucks and the team, the
4 crews, and the packing materials and stuff like
5 that.

6 Q. What is that person's name?

7 A. His name is Alfonso.

8 Q. What is his last name?

9 A. Menocal.

10 JUDGE TOREM: Can you spell that, for the
11 record?

12 A. M-e-n-o-c-a-l. And the first name is
13 Alfonso, A-l-f-o-n-s-o.

14 BY MR. CEDARBAUM:

15 Q. So he's in charge of the Tacoma location?

16 A. Yes. Of operating the Tacoma location,
17 yes. But all the administrative, office stuff, and
18 all those things are from my home town right now in
19 Houston.

20 Q. I have some questions for you about
21 attachment C from the web site, and I think you've
22 agreed that page 11 of the exhibit, which is the
23 second page of the web site, does distinguish
24 between -- for moving services, it distinguishes
25 between long distance, local and international. Do

0144

1 you see -- that's correct?

2 A. You're talking about the tabs?

3 Q. Yes.

4 A. Yes, they do mention long distance, local
5 and international, but they don't describe anything
6 that -- they don't describe commercial. They don't
7 describe international.

8 Q. But if I -- in order to get to pages that
9 follow page 11, a visitor to the web site clicks on
10 the local tab, is that right?

11 A. You click on a local tab.

12 Q. And you get to the next page, which refers
13 to California moving, Washington moving and Oregon
14 moving, right?

15 A. Okay.

16 Q. Is that right?

17 A. Yes, that's right.

18 Q. So you don't -- you don't get to that page
19 until you click on local?

20 A. Yes.

21 Q. And then you don't get to the next page
22 without also being in that local tab portion of the
23 web site, is that right?

24 A. Yes.

25 Q. And on page 13, we're on Washington

0145

1 moving, on the left-hand side of the page, it says,
2 Seattle moving and Tacoma moving, and then in the
3 middle of the page, it distinguishes between moving
4 in, moving out and staying put, is that right?

5 A. Yes, but nowhere does it mention that we
6 do the local moving in here. It just describes
7 what moving in, what moving out and staying put
8 is. The same thing would be as in California or
9 Oregon. It doesn't advertise that we're going to
10 do a local move over here.

11 Q. Well, moving in refers to moving into
12 Washington, is that correct?

13 A. Yes.

14 Q. And moving out refers to moving out of
15 Washington, is that correct?

16 A. It's not specifically meant just for the
17 Washington. If you go -- it's what moving in,
18 moving out, it could be out of the state, in the
19 state. It doesn't -- it's not referring
20 specifically only to Washington.

21 Q. Well, this is on a page that refers to
22 Washington moving?

23 A. But if you look at -- but it doesn't
24 advertise anything for moving in Washington. It
25 just says, at Great American moving, we provide

0146

1 comprehensive moving services to all over the
2 country, moving to -- it's very general
3 information. That's what I was saying. It's not
4 -- if you want to move in Washington, then we will
5 provide you with a service in Washington.

6 What it's saying here, our goal is to
7 provide you with quality Washington state moving
8 services at a cost that you can afford, and we're
9 happy to show you why we've developed the
10 reputation as a customer first leader in moving and
11 related services, contact us today. It's not
12 referring to anything. It's very general. It's
13 just for ranking up the page.

14 So it's just so they will find us more on
15 Google, but nothing over here refers to staying
16 put. It doesn't say, if you're looking for a mover
17 in Washington to move you in Washington. In other
18 words, basically, it's referring to here what our
19 goal is provide you with quality Washington state
20 moving.

21 Q. So there's nothing on this page that
22 includes or excludes intrastate moving?

23 A. Not including and not excluding. It's
24 just general.

25 Q. And there's nothing on this page that

0147

1 includes or excludes national or interstate or
2 international moving, is that right?

3 A. That -- that is right, yes. It's just
4 general information. You could call it, I don't
5 know, just general information about moving. It
6 just -- the fact that the word Washington moving,
7 and then on the right side, it says, Seattle moving
8 or Tacoma moving, it's not referring to moving
9 within the state of Washington. It's just giving
10 you general information about moving.

11 Just like when it's saying moving is a
12 hassle, even if you're -- moving is a hassle,
13 whether you're moving from one room to another. If
14 you're moving from one state to one state, or
15 you're moving from one country to another country,
16 it's going to be a hassle. It wasn't referring
17 specifically to moving in Washington. It was just
18 referring to moving is a hassle, our goal is a
19 mover.

20 It's just general information for our web
21 site just to, I guess, show up more on Google.
22 It's -- it's -- I didn't build the web site. I
23 mean, I did point to them what kind of words -- you
24 know, paragraphs and stuff like that, but I -- I
25 know that there is a reason why they use different,

0148

1 you know, wording for the web site. That's why
2 it's very general.

3 It's not -- I mean, if you -- maybe if you
4 put in a search word of long distance, maybe our
5 web site is going to come up more, because that's
6 what they're focusing on throughout the web site.
7 I don't think it's specific. It's very general.
8 If that's not general enough, I can make it even
9 more general.

10 Q. So someone visiting this web site looking
11 for an intrastate move might understand that Great
12 American Moving & Storage could do it -- would do
13 intrastate moving or an interstate move?

14 A. No, I think that as a person living in
15 Washington would understand that it's a local -- a
16 local moving company. I would call to ask. Yes, I
17 would call to ask, just like I would call any other
18 moving company in Washington, you know, not because
19 -- specifically, I understood they're doing local
20 moving. They're a moving company. Moving
21 companies usually are able to do everything. If
22 they're able to move me out of state, they're
23 definitely able to move me in the city. That's
24 just the perception of a person when they look for
25 a moving company.

0149

1 You know, on the internet, moving
2 companies in Seattle, I will show up as moving
3 companies in Seattle. If you search me on the
4 Yellow Pages and you put moving companies in
5 Tacoma, I will show up, because I'm a local
6 business. I'm located here. I invest money being
7 advertised in these local areas.

8 I will show up, but as a -- you know, just
9 a perception of a person, if a moving company could
10 do just such a big move, international and
11 interstate moves, and all these big moves, what,
12 they can't move me from one street to another?
13 I'll call them, I'll see if they can do that. But
14 not because it's specifically mentioned there,
15 because I don't feel like it specifically mentions
16 it.

17 It just -- it just -- again, it's very
18 general. Like, on all my other pages, even when
19 it's stating on commercial, just for the example,
20 it's not specifically only talking about
21 commercial, about only -- it's talking about moving
22 in general. It just, you know, another tab in the
23 web site that would rank up our -- our -- our web
24 site in -- in the internet world, I guess.

25 So I just don't feel it's -- I don't feel

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1 that a customer would understand specifically we do
2 local moving, so they will call us. We're just a
3 moving company. We're a local moving company in
4 Seattle. So, you know, I'll give it a shot.

5 Q. But your web site specifically has a tab
6 that refers to local versus interstate or
7 international. We'll, we've covered that, but let
8 me --

9 A. Yes.

10 Q. Does your company get calls for intrastate
11 from potential customers, people interested in --

12 A. The only calls that --

13 Q. Let me finish. I'm sorry. Does Great
14 American Moving & Storage get calls from customers
15 from people in Washington who are looking --
16 interested in having your company move them solely
17 within the state of Washington?

18 A. I know I could tell you that once in a
19 blue moon, we get that. Weirdly, from June, we
20 started getting calls that I kept records of, and I
21 called back those numbers, and those numbers
22 reached this place, and those numbers reached -- I
23 called one number. It reached the Tacoma port. I
24 got to a number which reached the Tacoma port, hi,
25 do you move -- it was a very weird call. I don't

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1 know. I called it back. I got one, which was to a
2 disconnected number, one which reached here, and
3 one which reached the Tacoma port.

4 So those were pretty much the calls that I
5 got. Once in a blue moon, I'll get a call from a
6 customer that asks if we do a move. We don't even
7 get calls, to be honest. Because the way that we
8 advertise is not based on this. The way that we
9 advertise is we do the calls. We do -- it's, like
10 -- it's not cold calling. It's warm leads.

11 We don't -- our business is set up in a
12 way where -- because we don't -- I don't invest
13 that much money in the advertising of the web
14 site. Basically, the web site shows up just, I
15 guess, organically from what the content of the web
16 site is, but the way we advertise our company is
17 based on leads that we purchase.

18 So we make the call. We rarely get calls
19 of customers that are looking for our service.
20 Because of the big competition that there is in
21 this business, and only the bigger companies that
22 invest a lot of money in the advertising, or bigger
23 companies that have been around for a long time,
24 they will get more call-ins. They will get those
25 call-ins. I rarely get call-ins. I don't even get

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1 call-ins for long distance moves, because my
2 business is not even set up that way.

3 I get a lot of calls in my office. Most
4 of them are from current customers that we're
5 moving; where my stuff are, do you know when the
6 driver will be there, stuff like that. I don't get
7 advertising calls. My business is not set up that
8 way, and I mean, we just started advertising on
9 Yellow Pages.

10 We just started a campaign with them, and
11 we hardly even get calls from that. Hardly. I
12 invest more money in just advertising of Yellow
13 Pages, for instance, in Texas, so I did get a few
14 more calls in Texas. But even for the local moving
15 in Texas, I don't get calls in. It's all based on
16 leads that we purchase.

17 So to your question, if I get calls for
18 local moves, once in a blue moon do I even ever get
19 a call for somebody that's looking for my service,
20 because my business is not set up that way. Only
21 if you search my -- my -- my web site or you go
22 into my web site or you -- I -- so I basically
23 don't really handle the advertising calls.

24 Q. Well, when someone visits your web site,
25 there's a telephone number for them to call, and

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1 there's a place for them to ask for a quote on the
2 web site, is that right?

3 A. Yes.

4 Q. The web site and the Seattle movers
5 advertisements are currently in effect, and the
6 form is shown in the exhibit?

7 A. The what is in effect?

8 Q. Attachment C is still up and running?

9 A. Yes, yes.

10 Q. And attachment E is still up and running?

11 A. Yes.

12 Q. And attachment E, in the middle of the
13 page, under take the stress out of moving, refers
14 to moving even within your own city. That's about
15 in the middle of the page?

16 A. Yes. And on the top of that, it's talking
17 about long distance. I see more long distance in
18 this paragraph than -- I see long distance in this
19 specific paragraph one, two, three times, and a
20 general quote of, we know how difficult it is to
21 ship your property from one location to another.

22 Even if it's in your own city, I think
23 it's just a general quote, and I just -- I see the
24 word long distance in this paragraph a lot more,
25 and I never thought of -- with -- even within your

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1 own city that it's very difficult to move is
2 referring to advertising that we move people in
3 Washington.

4 I mean, I don't even -- I could even take
5 that out, but I see -- three times, I see long
6 distance. Also, in the other paragraphs, I see
7 long distance more than what I see -- I see that
8 one time over there, and it's a quote -- it's a
9 general quotation of -- referring to the difficulty
10 of moving and the hassle of moving.

11 Q. It also refers farther -- more at the top
12 of the page, when you need reliable Tacoma movers,
13 call us. There's no limitation there as to
14 interstate moving, is that right? That's the first
15 paragraph.

16 A. It just says that we're a local company,
17 Tacoma, yes.

18 Q. Just one other area with respect to
19 Ms. McCloy's testimony about the telephone call
20 that she made to Amber. Did you, at that time --
21 this was -- I can't recall the exact date --

22 A. June 19th, I think.

23 Q. June of 2000 -- this past summer time
24 frame?

25 A. Yes.

0155

1 Q. Did you have a person named Amber
2 employed?

3 A. Yes, I had a person named Amber. She was
4 doing sales for local moves in Texas, and if
5 Ms. McCloy called to get a quote, I could see why
6 she would -- she was also new. She just only
7 worked just for a few weeks. I could see if she
8 would naturally give a quote without understanding
9 or knowing what you were referring to, or if it was
10 Washington specifically.

11 She also -- she's lived in Texas all her
12 life. She grew up there. I mean, she -- I don't
13 think that -- again, I don't know what happened in
14 that conversation, but I could -- I know that she
15 was doing quotes for local moving in Texas, which
16 also is a very, very small part of our business.
17 We just did that to push ourselves when we started
18 working in Texas, so we could get on the roll of
19 getting a little bit more money and stuff.

20 Now, we don't -- now, we do, like, maybe
21 two or three moves, local moves in Texas a month.
22 Like, we hardly do that, because again, we're more
23 focused on long distance, because that's where the
24 money is. I mean, that's why we do it over here,
25 also. If I was -- I think, if I was a smaller

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1 company, I would probably focus more on the local.
2 I mean, I would just have, like, my one truck, or
3 whatever. I would probably focus on local -- local
4 moving.

5 But it's -- I was focusing on expanding
6 and becoming a bigger operation, and that's why we
7 do long distance. So basically, in that
8 conversation, I don't know what -- I mean, for that
9 to come out to a quote, to a written estimate, or
10 to something that would actually lead to a move,
11 Amber would have to get authorization from the
12 manager on the -- at the time, you know, if it was
13 Shayla at the time, she was training, okay, was
14 this a good -- you know, was this -- could I please
15 send this out?

16 She would take her to the system, show her
17 the information that she submits in with the
18 customer's information. None of that even came to
19 -- I didn't get any. Maybe -- maybe -- I don't
20 know if Ms. McCloy got an estimate, or anything
21 like that. I don't think that that would happen at
22 all, because there's is a whole process in the
23 office that she would have to go through,
24 especially for the fact that she was new.

25 She was working just, like, two weeks,

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1 working the system, and stuff like that. You know,
2 to lead to even giving out a quote would have to go
3 through another person that works in the office for
4 a longer time or knows more about it. So --

5 Q. Was she -- in Ms. McCloy's affidavit -- or
6 declaration, paragraph 6, she says that the move
7 that she was requesting from Amber was specifically
8 from a two bedroom house in Lakewood, Washington to
9 a two bedroom house in Olympia, Washington. So
10 there was specific reference to the state of
11 Washington?

12 A. I didn't get any proof or any evidence. I
13 don't -- I could say that I said many things. I
14 don't know. I'm not -- I don't know what was in
15 that -- I need proof of it. I need -- I really
16 didn't advertise. I could see maybe why Amber
17 would get confused, because she just started
18 working and did quotes for local moving in Texas.

19 I could see why she could get confused,
20 but I don't have any hard evidence that show that I
21 actually do that, because I don't. I really
22 don't. I don't do -- I don't -- I don't even have
23 time to do local moves in Washington. I don't have
24 enough people to do local moves in Washington, and
25 I don't even want to. I wanted to in the past. I

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1 don't want to. I don't -- it's not worth it for
2 me.

3 Money -- it's -- this industry is hard
4 enough as it is. I don't have the time and the
5 money to put in to advertising for local. I don't
6 -- I mean, the leads that I purchase, also, are
7 only for long distance. There's only -- the only
8 thing that gets into our system -- I mean, we work
9 with, like, a software, a moving software that the
10 moving companies work with.

11 At any given time, if you check it, you're
12 not going to see anything that has to do with local
13 in Washington; no quotes that were sent out, no
14 calls that were made, no e-mails, nothing that
15 would even -- nothing that would indicate local.

16 Q. Is it your understanding that in order to
17 get a permit from the Commission, you actually have
18 to be making intrastate moves within the state of
19 Washington?

20 A. That the what?

21 Q. Is it your understanding that to
22 acquire -- for your company to need a permit from
23 this Commission, it has to actually be performing
24 intrastate moves within the state of Washington?

25 A. I can't perform -- my understanding is

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1 that I can't perform intrastate if I don't have the
2 permit, and that is why I applied for it in the
3 past when I was thinking of doing it. So my
4 understanding is that you first have to get a
5 permit, and then you can do intrastate moves.

6 Q. Is it your understanding that -- that if
7 you advertise -- I understand you disagree with
8 this, but if you advertise for intrastate moves
9 within the state of Washington, you do not need a
10 permit?

11 A. I didn't have an understanding of that
12 until I came here and was -- you know, until
13 Ms. McCloy sent me all this stuff and the letter.
14 I never thought of what I have in my web site --
15 I'm not talking about Angie's List and Yelp,
16 because again, I can't -- I can't remove stuff from
17 that web site.

18 All I could try to do now is call them and
19 try to see if there is, but I didn't think that
20 what I have in my web site is referring to local
21 moving advertisement. I didn't -- I never thought
22 of that, and when Ms. McCloy presented me with
23 these things, I actually tried to do, like, a test,
24 and I --

25 Q. Ms. Green, I'm sorry, but you're not

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1 represented by an attorney, so we'll try to be --
2 allow you -- I'm trying to let you just tell your
3 story, but you're also not answering my question.

4 So my question was, is it your
5 understanding that in order to advertise for
6 intrastate moves in the state of Washington, you do
7 or do not require a permit from this Commission?
8 If you could just say yes or no.

9 A. Okay. I didn't understand it before, and
10 I understand it now.

11 MR. CEDARDAUM: Thank you. Those are all
12 my questions.

13 JUDGE TOREM: Okay. Ms. Green, do you
14 have any other testimony you want to present, or do
15 you want to get to your employees?

16 MS. GREEN: No, we could call our
17 employees -- my employees, yes.

18 JUDGE TOREM: Did you want to move to
19 admit your declaration, Exhibit 2, at this time?

20 MS. GREEN: Yes, please.

21 JUDGE TOREM: Any objections to Exhibit 2
22 being admitted?

23 MR. CEDARBAUM: No.

24 JUDGE TOREM: All right. Exhibit 2 is
25 admitted.

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1 (Green Exhibit 2 is admitted into
2 evidence.)

3 JUDGE TOREM: Who are we going to call
4 first?

5 MS. GREEN: I guess you could call
6 Rascheik.

7 JUDGE TOREM: Should I use the telephone
8 number that's on this declaration?

9 MS. GREEN: Yes.

10 (Telephone call attempted.)

11 JUDGE TOREM: The number I dialed was
12 (615)732-3075. Apparently, that number doesn't
13 work.

14 MS. GREEN: Could we call him on his desk
15 phone maybe?

16 JUDGE TOREM: Give me any number you would
17 like me to call. What number would you like me to
18 try?

19 MS. GREEN: I'm going to tell you. It's
20 206 -- wait, (206) 971 --

21 JUDGE TOREM: 971 --

22 MS. GREEN: 9701.

23 JUDGE TOREM: Okay.

24 (Telephone call made.)

25 JUDGE TOREM: Hello, is this Rascheik

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1 Dixon? Hello, I'm looking for Rascheik Dixon.

2 MR. DIXON: Yes, this is he.

3 JUDGE TOREM: Mr. Dixon, this is Judge
4 Torem. I'm calling from Olympia, and I have in the
5 room Chana Green and another attorney representing
6 the Commission. Ms. Green indicated that we would
7 be calling to take your testimony this morning.

8 MR. DIXON: Yes, sir.

9 JUDGE TOREM: All right. Are you in a
10 spot where you can take the call where it's quiet
11 and you won't be disturbed?

12 MR. DIXON: Yes, in about two seconds.
13 One second, please. Yes, could you call on the
14 same --

15 JUDGE TOREM: I'm sorry, which number can
16 we reach you at?

17 MR. DIXON: The same number, because this
18 is a cell phone here.

19 JUDGE TOREM: So did it forward to your
20 cell? I'm not understanding.

21 MS. GREEN: Yes, it's going to be echoey.

22 JUDGE TOREM: Mr. Dixon, do you want me to
23 call you back on this exact same number? Is that
24 what he wants?

25 MS. GREEN: Yes.

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1 JUDGE TOREM: All right. I'll try it
2 again.

3 MS. GREEN: If it was forward to the cell,
4 it's going to be echoey, and you're not going to be
5 able to hear.

6 JUDGE TOREM: Okay.

7 (Telephone call made.)

8 MR. DIXON: Hello.

9 JUDGE TOREM: Hello, is this Mr. Dixon?

10 MR. DIXON: Yes, it is. All right. This
11 is better.

12 JUDGE TOREM: Excellent. Mr. Dixon, this
13 is Judge Torem. I'm going to give you the oath of
14 witness and turn you over to Ms. Green. She's
15 going to ask you questions, and depending on what
16 areas we cover, Mr. Bob Cedarbaum may also have
17 some questions for you. Can you hear me okay?

18 MR. DIXON: Yes, sir, I can hear you
19 perfectly.

20 JUDGE TOREM: I'm going to ask Ms. Green
21 to pull the microphone between her and
22 Mr. Cedarbaum so that you'll be able to hear them
23 as well.

24 MR. DIXON: Excellent.

25 JUDGE TOREM: Would you raise your right

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1 hand, please, sir?

2 MR. DIXON: Yes, sir.

3 Whereupon,

4 RASCHEIK DIXON,

5 was duly sworn and testified as follows:

6 JUDGE TOREM: Can you spell your first
7 name and your last name for the court reporter?

8 MR. DIXON: My first name is spelled
9 R-a-s-c-h-e-i-k. Last name is spelled D-i-x-o-n.

10 JUDGE TOREM: All right. Thank you.

11 Ms. Green.

12 MS. GREEN: Say my name again?

13 JUDGE TOREM: No, you can ask him
14 questions now.

15 MS. GREEN: I don't really have any
16 questions. Basically, the testimony is --

17 JUDGE TOREM: Well, speak up and ask him
18 if he remembers the statement.

19 DIRECT EXAMINATION

20 BY MS. GREEN:

21 Q. Rascheik, do you remember the statement
22 that you turned in?

23 A. Yes, ma'am, I remember the statement.

24 MS. GREEN: Okay. Go ahead, if you have
25 any questions.

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1 JUDGE TOREM: I think, Mr. Dixon, what
2 she's asking formally, is this statement you signed
3 on October the 30th, do you want to adopt that as
4 your testimony in this hearing?

5 A. Yes. I will adopt that as my testimony.

6 JUDGE TOREM: Okay. So Ms. Green doesn't
7 have any additional questions. I'm going to ask
8 Mr. Cedarbaum, once he has a chance to familiarize
9 himself with what's been marked as Exhibit 3, if he
10 has any questions for you. Do you have a copy of
11 the statement in front of you, by chance?

12 A. Yes, my statement.

13 JUDGE TOREM: Do you have it there?

14 A. Yes, sir.

15 JUDGE TOREM: Okay. Mr. Cedarbaum, go
16 ahead.

17 CROSS EXAMINATION

18 BY MR. CEDARBAUM:

19 Q. Thank you. Mr. Dixon, my name is Robert
20 Cedarbaum. I'm an attorney that represents the
21 Commission staff here in Olympia.

22 A. Hello, sir.

23 Q. I appreciate you being on the phone. I
24 only have a few questions for you, actually.

25 A. Okay.

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1 Q. I'm looking at your statement, which is --
2 which the judge has marked as Exhibit 3. And my
3 first question, though, is where are you -- where
4 are you located in your business for Great American
5 Moving & Storage?

6 A. Great American is located in Washington,
7 in Tacoma, Washington.

8 Q. I understand that's the local place of
9 business for the company, but I'm asking about your
10 specific location?

11 A. Oh, okay. Yes, sir. So I'm physically
12 located in Nashville, Tennessee.

13 Q. Okay. And so I take it, then, that you
14 are not involved with the day-to-day operations of
15 the Tacoma business, is that correct?

16 A. Yes, sir, I am involved with the day-to-
17 day operations with Tacoma.

18 Q. To what extent?

19 A. Well, just, you know, the -- the back end
20 stuff, dealing with the sales office, and I do the
21 training. And also, I look for new employees, if
22 need -- if need be. And also, let people go, if
23 that's the case.

24 Q. Are you involved -- I'm sorry. Are you
25 involved with the dispatching of equipment from the

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1 Tacoma location?

2 A. No, no. The dispatching involves, you
3 know, the logistics of getting the household goods
4 from one place to another. The only thing I do is
5 bring in the customers. Once the customers are
6 brought in and added on our schedule, then our
7 dispatchers actually do the scheduling and follow
8 up with the ETA, the earliest time of arrivals, and
9 assists the customers, if they have any customer
10 relation issues, such as broken or damaged items.

11 Anything dealing with customer relations,
12 helping out the customer after the -- the furniture
13 has been picked up. Once the furniture is picked
14 up, then it's passed on to our dispatcher --
15 dispatching department, slash, customer service,
16 because they share that -- those duties.

17 Q. Okay. You weren't here -- obviously, you
18 weren't listening into the hearing before you came
19 on the phone now, but there's been a lot of
20 discussion this morning about the company's web
21 site, which is an exhibit in the case.

22 A. Uh-huh.

23 Q. Are you familiar with the web site?

24 A. Yes, sir. Yes, sir.

25 Q. In your role as a sales manager, do you

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1 consider that an important marketing tool for the
2 company?

3 A. I mean, you would think that, definitely,
4 since in the moving industry now, everything is --
5 you know, a bulk of the profit in companies are
6 on-line sales, but we actually benefit from, you
7 know, another aspect of the marketing -- many
8 marketing tools that we have at our disposal.

9 We don't have too many call-ins at all.
10 It's -- it's, like, weird if we have any call-ins.
11 But we usually use the lead generation process, so
12 you have these huge lead companies that, you know,
13 spend a lot of money on, if you were to get a lot
14 of the customers attracted to their web site. And
15 then once they -- the customer inputs their
16 personal information to the lead generation
17 company, they sell that information to the actual
18 moving companies.

19 And that's been -- that's been our bread
20 and butter ever since I've been working here, for
21 the past three years. Pardon?

22 Q. The web site serves no useful marketing
23 purpose?

24 A. I -- I wouldn't say that. What I would
25 say is what we use it for, we use it for -- and

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1 what we know to use it for. It's not something
2 that we -- we're doing on purpose or on an
3 accident. We use the web site to solidify us as a
4 legit company. Since most of the business
5 transactions are done via the telephone or on line
6 via e-mail, we have to have some type of stamp on
7 our name to show that we're -- we're a legit
8 company.

9 And the web site, a rating with the VDB,
10 being licensed with the Department of
11 Transportation, having a bond on file is -- is just
12 a part of the process of -- of being a legit
13 company. It's not something that we're trying to
14 target companies into -- it's not on-line sales,
15 per se.

16 If you have an on-line sales company, then
17 you're spending X amount of dollars to turn that
18 into a profit. What we're doing is we're spending
19 the X amount of dollars on the -- on the lead
20 generation opposed to SCO work. So no, it's
21 insignificant in our daily business, but we have to
22 have it to show we have some type of branding.

23 Just like if you're driving on the road,
24 you're looking for something to eat, and you see a
25 building, if it doesn't have a logo on the side of

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1 it or on the top, or some type of words or
2 something, it just looks like a building. So
3 that's how I see it in -- in the moving industry.

4 Because they just don't -- we're at a time
5 right now where customers just don't come to the
6 office anymore with any company. You just don't
7 hear it anymore. So that's what we use it for.

8 Q. You indicated, I think, that customers
9 call the company on the telephone?

10 A. Yes. So the customers have to deal with
11 the company on the telephone. It's not -- it's not
12 a matter of initiating the call, because nine times
13 out of ten, the company is going to initiate the
14 call, because we already received their information
15 via the lead generation web site.

16 So once we receive that information from
17 the lead company, then we call the customer. All
18 right. This is a cold calling. We actually have
19 their information on file in our system that we're
20 using, which is Granot, Inc., based in Florida.
21 And what we do is we reach out to those customers
22 in that manner.

23 But there are times, and just rare
24 occasions, where customers did find our information
25 and do call us, but it's very -- it's extremely

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1 rare. And just off the top of my head, because I
2 have to keep -- I have to kind of keep track of how
3 many jobs we're putting on the board and what we're
4 losing and what we're gaining, I know that -- I
5 mean, I can count on one hand how many call-ins we
6 have. It's just not something that we're geared
7 towards. It's something that I have suggested to
8 press towards, but it's not -- it's -- it's one of
9 those -- it's not familiar territory.

10 Q. Okay. In your declaration, your witness
11 statement, at the bottom on paragraph 8, you do say
12 that customers randomly call your company to do
13 service for intrastate moves, is that right?

14 A. Yes, that is correct.

15 Q. So you do get some of those calls?

16 A. Yes, randomly, but we have -- excuse me.
17 But I'm just being honest, but we have, you know,
18 figured out that those weren't customers a long,
19 long time ago. We have not only been harassed by
20 current parties in the past few months, but, you
21 know, there's been the incidents in the past.

22 Like, a year ago, two years ago, where
23 other companies, you know, they see -- they --
24 they're taking full potential and using maximum
25 effort, you know, in their competitive nature, and

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1 they reach out to us and they do different things,
2 and some things aren't professional. Most of it is
3 not professional. So you get a lot of crank calls
4 and, you know, fake leads, also. You get a lot of
5 this and that. So call-ins come in, but your focus
6 is on the part -- on the word randomly, because it
7 randomly happens.

8 So we know that this isn't something that
9 we really market for, and we've seen it. We've
10 noticed a pattern, because we keep track of a lot
11 of different things. We noticed a pattern, and we
12 know, just based on past experiences, how things
13 operate, especially from the Commission. So we --
14 we were already led to the fact, you know, that
15 these aren't just customers calling in for
16 intrastate moves.

17 I did want to make mention of that, but I
18 did not want to be disrespectful and add something
19 on there, you know, in addition to what I wrote
20 saying that we know who it really is. We're not
21 for sure. We just know that this is not typical.
22 I know a typical workday opposed to decoy customers
23 calling in.

24 Q. You didn't -- in your declaration, you
25 didn't say decoy customers or prank calls. You

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1 said customers, is that right?

2 A. Exactly, customers. It's -- it's
3 hearsay. It's neither here nor there, so I did say
4 customers, because we did not do any in-depth
5 research. We went on about our day. So my final
6 word is the customer, because we don't know for
7 sure. We just know -- we just know that other
8 things resulted out of those situations in the
9 past.

10 MR. CEDARBAUM: All right. Thank you.
11 Those are all my questions.

12 A. Thank you, sir.

13 JUDGE TOREM: Ms. Green, do you have any
14 follow-up questions for Mr. Dixon?

15 MS. GREEN: No, I do not.

16 JUDGE TOREM: Thank you, Mr. Dixon. We're
17 going to move onto the next part of our hearing.

18 A. Thank you, sir. You guys, God bless.

19 (Telephone call disconnected.)

20 JUDGE TOREM: All right. Ms. Green, that
21 was Mr. Dixon, and he had adopted his Exhibit 3
22 declaration. Do you want to move for its admission
23 now?

24 MS. GREEN: Yes, please.

25 JUDGE TOREM: Any objections?

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1 MR. CEDARBAUM: No.

2 JUDGE TOREM: Exhibit 3 has been marked.

3 It's now admitted.

4 (Green Exhibit 3 is admitted into
5 evidence.)

6 MR. CEDARBAUM: Your Honor, with respect
7 to Shayla, I can't remember --

8 MS. GREEN: Yes, Shayla.

9 MR. CEDARBAUM: I don't recall her last
10 name.

11 MS. GREEN: Nealy.

12 MR. CEDARBAUM: Nealy. If Ms. Green can
13 just specify her specific location where she works,
14 I don't think I would have any questions of her.

15 MS. GREEN: She is in Texas, in Houston,
16 Texas, in our office.

17 MR. CEDARBAUM: So if Ms. Green doesn't
18 have any additional questions to ask that witness,
19 as long as we have that on the record, I don't have
20 any need to question her anymore.

21 JUDGE TOREM: Ms. Green, did you want to
22 call Ms. Nealy?

23 MS. GREEN: I don't have any questions,
24 no.

25 JUDGE TOREM: All right. Did you want to

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1 move the admission of her witness statement with
2 the -- I've made a note that her last name is Nealy
3 at the top. I see it in her signature at the
4 bottom.

5 MS. GREEN: Yes.

6 JUDGE TOREM: With that modification, do
7 you move that Exhibit 4 to be admitted?

8 MS. GREEN: Yes.

9 JUDGE TOREM: Any objections?

10 MR. CEDARBAUM: No.

11 JUDGE TOREM: And my understanding is her
12 office is in Texas?

13 MS. GREEN: Yes.

14 (Green Exhibit 4 is admitted into
15 evidence.)

16 JUDGE TOREM: All right. Is there any
17 other evidence that you'd like to put on,
18 Ms. Green?

19 MS. GREEN: No, I do not have any.

20 JUDGE TOREM: Okay. Then I think if
21 there's no other evidence, unless there is rebuttal
22 evidence, that --

23 MR. CEDARBAUM: No.

24 JUDGE TOREM: -- the Commission wants to
25 present? Is there a need for brief closing

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1 statements?

2 MR. CEDARBAUM: Sure, if that's
3 permissible.

4 JUDGE TOREM: That's certainly
5 permissible. Do you want a break before we do
6 that, or should we go right into them?

7 MR. CEDARBAUM: I'm ready to proceed.

8 JUDGE TOREM: Mr. Cedarbaum, you can
9 proceed with your closing, and then I'll let
10 Ms. Green make any closing remarks.

11 MR. CEDARBAUM: Thank you. Your Honor,
12 there is nothing that -- with respect to a closing
13 statement, we've had testimony for the past hour
14 and a half from two witnesses -- three witnesses.
15 There is nothing in that testimony from the company
16 that would dissuade staff from its position in this
17 case, as I stated in the opening statement given at
18 the beginning of the hearing.

19 The evidence, I think, is clear with
20 respect to the advertisements by the company.
21 Despite Ms. Green's statements that as to her
22 intent, the company's intent, clearly, attachment C
23 to Ms. McCloy's declaration would lead a potential
24 customer to believe that this company offers local
25 moving services.

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1 They -- they start on the web site, page
2 1, under moving, they move, then, to local, as
3 distinguished from long distance and
4 international. They then move to pages with --
5 with -- which refer specifically to Washington
6 moving, and then Seattle and Tacoma moving, and
7 there's nothing in those pages that would exclude
8 intrastate moving.

9 In fact, in many regards, they would
10 include intrastate moving. For example, on page 13
11 of the exhibit, the notion of staying put in
12 Washington, as distinguished from moving in and
13 moving out, and the second paragraph under
14 Washington moving, it refers to, in the second
15 sentence, indeed, moving in Washington state can be
16 a hassle. Again, as distinguished from interstate
17 or international moving.

18 Pages 14 and 15, then, specifically after
19 you can -- after you click on the local tab, it
20 refers to Seattle and Tacoma moving. So it is the
21 staff belief that despite any intention that the
22 company may have, as stated today, that the web
23 site is clearly an advertisement that a customer
24 can access and be led to believe that this company
25 offers intrastate moving within the state of

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1 Washington.

2 That is specifically proven by these facts
3 as a matter of law under the statute classifies
4 this company as a household goods carrier that
5 requires permit authority. Attachment E to the
6 exhibit is no different. It's a specific page for
7 serving Seattle. There is nothing here that would
8 exclude intrastate moving.

9 In fact, in the middle of the page under,
10 take the stress out of moving, it specifically
11 refers to moving even within your own city. So
12 again, despite other references to interstate
13 moving or international moving, intrastate moving
14 is also referenced, and a customer -- a potential
15 customer referring to this page would be led to
16 believe that Great American Moving & Storage
17 provides intrastate moving within the state of
18 Washington.

19 And finally, with respect to Ms. McCloy's
20 telephone call to the company and her conversation
21 with -- with Amber at the company, that person
22 picked up the phone, when Ms. McCloy called the
23 company's telephone number. There was no reason
24 for Ms. McCloy to doubt whether or not that person
25 was a new employee or old employee or was trained

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1 to provide the evidence -- the information or not,
2 but with a specific intrastate move within the
3 state of Washington from Lakewood to Olympia was
4 requested.

5 The company is offering to provide
6 services also classifies as a household goods mover
7 within the state requirement currently. We think
8 the evidence is clear as to the necessity of her
9 permit, and the discretion for the Commission to
10 issue a cease and desist order and also issue
11 penalties in this case, as requested by staff.
12 Thank you.

13 JUDGE TOREM: All right. Thank you,
14 Mr. Cedarbaum. Ms. Green, any closing remarks?

15 MS. GREEN: Yes. Basically, what I want
16 to say is that our web site uses more like a
17 business card and not as an advertisement --
18 advertising tool. If there is a problem with the
19 general wording that was referring to hassle of
20 moving, difficulty of moving, I could change that.

21 I don't feel that a penalty of \$5,000 is
22 -- that that is a good enough reason for a penalty
23 of \$5,000, because it was referring to more general
24 information of, you know, the difficulties of
25 moving.

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1 On the other web sites, I could try to see
2 and do some research as to how those things could
3 be changed. I know I emphasized to my sales team,
4 and also my sales manager, the fact that we don't
5 do any local moving in other states, because other
6 states require permits as well, and it's just
7 basically a business card.

8 We don't really advertise our company
9 through the internet so much, like Rascheik Dixon
10 mentioned in his testimony. And you know, I'm more
11 than willing to change it, if it's necessary. If
12 the Commission will -- believes that it leads a
13 customer to believe that we do local moving, I
14 could even put a big -- you know, a big -- in the
15 palm page, or something like that, just to
16 emphasize that. That's it.

17 JUDGE TOREM: All right. All the evidence
18 provided to the Commission will be taken under
19 advisement and reduce it to a written order, and
20 get it out in the next couple of weeks, and let you
21 know once I've had a chance to consider what my
22 full decision will be. Any questions procedurally
23 before we go on from here?

24 MS. GREEN: No.

25 JUDGE TOREM: Mr. Cedarbaum, any questions

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1 from staff?

2 MR. CEDARBAUM: No.

3 JUDGE TOREM: All right. It's now 11:17.

4 We are adjourned.

5 (The proceedings concluded at 11:17 a.m.)

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C E R T I F I C A T E

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4 STATE OF WASHINGTON

5 COUNTY OF KING

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I, Mary M. Paradise, a Certified Shorthand
Reporter and Notary Public in and for the State of
Washington, do hereby certify that the foregoing
proceedings is true and accurate to the best of my
knowledge, skill and ability.

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IN WITNESS WHEREOF, I have hereunto set my
hand and seal this 11th day of December, 2013.

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MARY M. PARADISE, CSR

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