In the Matter of: Paul Henrickson d/b/a Concrete and More

November 25, 2019



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	11/25/2019
	Page 3
1	LACEY, WASHINGTON; NOVEMBER 25, 2019
2	9:02 A.M.
3	000
4	PROCEEDINGS
5	
6	JUDGE PEARSON: Okay. So let's be on the
7	record. Good morning. Today is Monday,
8	November 25th, 2019, and the time is 9:02 a.m.
9	My name is Rayne Pearson. I'm an
10	administrative law judge with the Washington Utilities
11	and Transportation Commission.
12	And I was just speaking briefly with
13	Ms. McPherson before we before we came on the record,
14	and she is going to give us an update on the status of
15	the presence of the carriers who have been subpoenaed to
16	appear here today.
17	Ms. McPherson?
18	MS. McPHERSON: Yes, we have one company,
19	Ray Hahne, in attendance, Docket TG-190844. The other
20	two companies have not checked in yet. I would
21	recommend that we give them a little time to see if they
22	will appear in court this morning.
23	JUDGE PEARSON: Okay. That sounds good. If
24	they don't appear, then those companies will be held in
25	default, and we can take that up later this morning. So
	Page 4
1	why don't we go ahead and take a recess until 9:15; does
2	that work?
3	MS. McPHERSON: Thank you, yes.
4	JUDGE PEARSON: Okay. All right. We are in
5	recess. Thank you.
6	(Recess taken from 9:03 a.m.
7	until 9:15 a.m.)
8	JUDGE PEARSON: So let's be back on the
9	record. There are three solid waste carriers who should
10	be here today, so the first thing we will do is
11	establish for the record who is and is not present in
12	the room. There is a court reporter who is recording
13	everything we say, so when I call your name, please
14	raise your hand and also say "here" or "present."
15	The first is Docket TG-190488, Sean Smith?
16	Hearing nothing, the next is Docket
17	TG-190793, Paul Henrickson, d/b/a Concrete and More?
18	Hearing nothing, Docket TG-190844, Ray
19	Hahne?
	MR. HAHNE: Here.
20	
20 21	JUDGE PEARSON: Did I say your name
21	
21	JUDGE PEARSON: Did I say your name
21 22	JUDGE PEARSON: Did I say your name correctly?
	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 23 24 25 12 11 12 13 14 15 16 17 18 19 20 21 23 24 25 12 11 12 13 14 15 16 17 18 19 20 21 23 24 25 12 11 12 13 14 15 16 17 18 19 20 21 23 24 25 12 12 12 12 12 12 12 12 12 12

	CKel NO. 19-190793 - VOI. 1		
	Page 5		Page 7
1	JUDGE PEARSON: All right. So there are two		collection company without a certificate, and the law
2	companies not here today, and those companies will be	2	sets the maximum penalty for each violation at \$1,000.
3	held in default, and I'll take those cases up later this	3	So Staff will recommend a penalty, and you will have a
4	morning.	4	chance to reach an agreement with Staff about that
5	So the Commission has initiated an	5	penalty amount. If you're unable to agree, I will make
6	enforcement against you for operating as a solid waste	6	the final decision about the penalty amount after
7	collection company without the required certificate,	7	hearing arguments from both parties.
8	which is illegal and subject to penalties of up to	8	So, Ms. McPherson, I will go ahead and swear
9	\$1,000 per violation. So today I'm going to ask you how	9	you in right now.
L O	you choose to proceed, and you have two options.	10	(Kathryn McPherson sworn.)
11	Your first choice is agree to cease and	11	JUDGE PEARSON: Okay. All right.
L2	desist operating as an unpermitted solid waste carrier.	12	Mr. Hahne, if you want to come up to the table just
L3	And if you choose this option, you must agree to stop	13	right here and turn on the microphone.
14	providing, offering, and advertising solid waste	14	Thank you. If you could just state your
15	collection services unless or until you receive a	15	name and spell your last name for the court reporter.
16	certificate from the Commission.	16	MR. HAHNE: Ray Hahne, Jr. It's spelled
L7	If you choose this option, you'll need to		H-a-h-n-e.
L 8	show Staff what you've done to shut down your business	18	JUDGE PEARSON: Okay. Thank you.
L9	either completely or partially. Staff will want to see	19	And what's your position with the company?
	proof that you're no longer operating or advertising to	20	MR. HAHNE: Owner, I guess.
20	provide solid waste collection services.		•
21	·	21	JUDGE PEARSON: Owner, okay.
22	Option B is to ask for a classification	22	And you understand your operation or your
23	hearing. You would choose option B if you believe	23	options here today?
24	you're not subject to regulation by the Commission; in	24	MR. HAHNE: Yes.
25	other words, denying that you have offered solid waste	25	JUDGE PEARSON: Okay. Why don't I go ahead
	Page 6		Page 8
1	collection services. So if you choose that option, we	1	and swear you in. If you could stand and raise your
2			
	will schedule a formal evidentiary hearing where you	2	right hand.
3	will be required to present proof that your business is	2 3	(Ray Hahne sworn.)
3 4	will be required to present proof that your business is not subject to regulation by the Commission.		(Ray Hahne sworn.) JUDGE PEARSON: Okay. All right. Do you
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			11/20/201
1	Page 9 will both sign it. And it will also include, like I	1	important that you follow the law.
1	discussed earlier, an agreed penalty amount, and the	1	Do you have any questions?
2		2	MR. HAHNE: No.
3	penalty may be small or there may be a reason that Staff	3	
4	asks for a larger penalty. Usually part of the penalty	4	JUDGE PEARSON: Okay. So I will go ahead
5	is suspended and you won't have to pay it unless you	5	and sign the order. I'll hand it back to Ms. McPherson,
6	break the law again.	6	and then once you get a copy of it, you're free to
7	So after the break, we will reconvene, I	7	leave.
8	will make sure that you understand the order if you're	8	MR. HAHNE: All right.
9	able to come to an agreement, I'll sign it, and then you	9	JUDGE PEARSON: Thank you very much for
LO	will be free to leave with a copy of the order.	10	coming down today.
1	Anything else before we take a break?	11	MR. HAHNE: Thank you.
12	MS. McPHERSON: No, Your Honor.	12	JUDGE PEARSON: Okay. So there's no one
13	JUDGE PEARSON: Okay. So I'll be in my	13	else present in the hearing room today, so we can
.4	office. Just let me know when I need to come back, and	14	proceed with a motion for default for the remaining two
.5	we are in recess.	15	companies. And we are looking at Dockets TG-190488,
.6	(Recess taken from 9:21 a.m.	16	Sean Smith, and Docket TG-190793, Paul Henrickson, d/b/a
.7	until 9:46 a.m.)	17	Concrete and More. I've had a chance to review both
8	JUDGE PEARSON: Okay. Let's be back on the	18	dockets as well as the Commission's evidence and that
.9	record at 9:46 a.m.	19	there was an offer to haul solid waste in Washington and
20	Mr. Hahne, if you want to come up to the	20	an advertisement for hauling solid waste in both of
21	table. So, Mr. Hahne, I just want to confirm for the	21	those cases.
22	record that you read the whole order and that you	22	So, Ms. McPherson, what is Staff's motion
23	understand all of its contents.	23	for those two companies?
24	MR. HAHNE: Yes, I do.	24	MS. McPHERSON: I would like the companies
25	JUDGE PEARSON: Okay, great. So it looks	25	both classified as solid waste companies and a full
	Page 10		Page 12
1	like you've both signed it and that there are two	1	penalty of \$2,000 imposed on each company.
2	violations; one for offering solid waste collection	2	JUDGE PEARSON: Okay. So no portion of the
3	services and one for advertising those services. A	3	penalty would be suspended; is that correct?
4	\$2,000 penalty is imposed, and it looks like you've	4	MS. McPHERSON: No. Both companies
5	agreed to suspend the entirety of the penalty for a	5	continued to advertise in solid waste; one on Craigslist
6	period of two years from the date of the order; is that	6	and one on Facebook Marketplace.
7	correct? Ms. McPherson, yes?	7	JUDGE PEARSON: Okay. So these will be
8	MS. McPHERSON: Yes, yes, Your Honor.	8	default orders, finding them in default for failure to
9	JUDGE PEARSON: Okay. And for the record,	9	appear today and imposing the full \$2,000 penalty for
.0	you are agreeing to shut down your operations unless you	10	the two alleged violations.
.1	apply for and are granted a certificate; is that	11	So let's walk through the evidence you have
.2	correct?	12	for each company as well as when and how service was
L3	MR. HAHNE: Yes.	13	accomplished. So let's begin with Sean Smith.
.4	JUDGE PEARSON: Okay. So the \$2,000 penalty	14	MS. McPHERSON: Sean Smith, Docket No.
15	is suspended for two years from today's date, which is	15	TG-190488. On April 18th, I found information that Sean
.6	November 25th, 2021. So that means that if Staff finds	16	Smith was advertising on Facebook Marketplace
.7	an advertisement or if you offer solid waste collection	17	advertising as a solid waste carrier.
.8	services during that time, you will have to pay the	18	I on April 18th, I researched his
L0 L9	\$2,000 penalty; and you understand that?	19	activities with Washington State Department of Revenue
20	MR. HAHNE: Yes.	20	and found that records showed that Sean Smith had an
	JUDGE PEARSON: Okay. Also, the order to	20 21	active registration with DOR indicating that he had a
21	cease and desist is permanent, it never expires. So if		business address at the time of 3425 North Dale Road,
22		22	Millwood, Washington.
23	Staff discovers that you're still operating even after	23	•
24	the two years, Staff can go straight to superior court	24	On April 18th, 2019, I reviewed the
25	and ask for much higher penalties, so it's very	25	Commission records to determine if Sean Smith had

Page 15Page 152atthorty to perate as a sold wate carrier in the12attorty to perate as a sold wate carrier in the13na record of the company.140May 132, 2019, Itera is later to Sean5ronin basing that believed that the company was in56indicate of company.17waste carrier without the required certificate. Sean78sean Smith was required to respond by May 168, 2019, by89either submitting a completed application for soid110waste carrier without the required certificate. Sean711either submitting a completed application for soid112ecrtificate.1013control on one or require a soid waste of 160.114control on one or require a soid waste and Mere?115readiant for the company with, in wring, that116readiant for one one or require a soid waste and Mere?117control one on or require a soid waste and the company started doing118readiant for the company was at the company was at the advert started doing119application for certificate. Sean Smith requested at 11119application for certificate. Sean Smith requested at 11119application for certificate. Sean Smith requested at 12119application for certificate. Sean Smith requested at 12119application for certificate. Sean Smith requested at 121 <th></th> <th></th> <th>-</th> <th>— /-</th>			-	— /-
2 state of Washington and learned that the Commission had 2 On May 23rd, using an assumed name on 3 no record of the company. 3 Facebook Markbington adversionment, Sam Smith and I 4 of Mish staing that I belived that the company was in 6 haul eight large bags of solid waste for 5150. 5 waste carrifer without the required certificate. Sean 7 Sean Smith was served on October 20th. 2019. 9 ether submiting a completed appleciation for colid 9 UDQC FFARSON: Okay. Thank you. And for 10 waste certificate or by explaining why, in writing, that 10 Paul Henrickson, dhia Concrete and More? 11 the should not - does not require a soild waste 13 More advertised on Consults of soild waste carrier. 12 the cold not - does not require a soild waste 14 Information that Paul Henrickson, dhia Concrete and More? 13 IAMB have as a source of income. Sean Smith stated 15 On May 3rd. 2019. Incore was and that the company started doing 14 that have as a source of income. Sean Smith stated 14 Henrickson had an active busines mersit. 15 that have as eacond on finomation to be sent to 19 norme Concrete and More. DOR records indicate that 16 th	- 1	-	-	-
3 no record of the company. 3 Facebook Messenger, I messaged Sean Smith regarding a 4 A Facebook Messenger, I messaged Sean Smith regarding a 5 Smith stating that believed that the company was in 6 6 Value carrier without the required cartificate. Sean 7 8 Smith stating and that believed that the company was in 6 9 ether submitting a completed application for sold 7 10 waste cartificate or by explaining why, in withing, that 10 11 bestind of - does not required a sold waste 11 12 ethic sear of the company was in a solar waste and on company to indicate and More? 11 13 On May 3rd, 2019, I received two separate 11 14 emails from Sean Smith. The first amal received was at 13 formeration that Paul Henrickson, dbia Concrete and More? 14 ford application for cartificate. Sean Smith stated 15 More advertiseed on Cragbials for sold waste carrier. 15 ford application from the company was 12 formeration that Paul Henrickson, dbia Concrete and More sold master baut 14 magain. The second email form the company was 12 formed Concrete and More More.DOR Tecocod sin dcate that<				
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Page 14 Page 16 1 apologize. An email to Sean Smith's request for a solid 1 advertisements on Craigslist. 2 waste application. In the email, I provided technical 2 On May 3rd, I reviewed the Commission 3 assistance to help the company determine whether or not 3 2019, I reviewed Commission records to determine if Paul 4 to apply. The email also informed Sean Smith that the 2 On May 3rd, I reviewed the Commission 5 company could not perform solid waste services without a 5 as a solid waste carrier in the state of Washington. I 6 certificate from the Commission and noted a recent 6 learned that the Commission An ore cord of of the 7 advertisement for moving services by Sean Smith. I 8 On May 6th, 2019, I sent a letter to 9 requires a permit from the Commission. 9 Concrete and More at 8821 - 20th Street Southeast, Unit 11 on May 7th, 2019, at 12:37 p.m., Sean Smith 10 A, Lake Stevens, Washington, stating that I believed his 12 advertising for another friend's company woring asol 10 contrate and More at 8821 - 20th Street Southeast, Unit 13 that the company would	24	On May 6th, 2019, I replied by email to	24	On May 3rd, 2019, a company business phone
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	D (7	1	
1	Page 17 I explained the technical assistance was provided was	1	Page 19 current advertising for Concrete and More on Craigslist.
1	regarding online advertisements for solid waste services	_	September 17th, 2019, I checked Craigslist
2	and household moving. I explained that the Commission	2	
3	•	3	advertising for Concrete and More advertisements. I
4	requires a permit prior to providing either of those	4	found the company's advertisements for hauling anything.
5	services. Paul Henrickson refused to provide an	5	The Craigslist advertisement was posted for
6	address, expressing concerns that the phone call may be	6	September 16th, 2019.
7	a scam.	7	September 17th, 2019, using an assumed name,
8	On July 18th, 2019, I called Paul Henrickson	8	I responded to Concrete and More's Craigslist
9	at 425-686-5270. Paul Henrickson did not want to	9	advertisement via Gmail. I explained that I had bagged
10	discuss his Craigslist advertising and stated that the	10	old stuff and needed it hauled away. I placed it was
11	Commission has no proof that the company was	11	placed roadside. The email included photos of
12	advertising. Paul Henrickson stated that the company	12	approximately eight garbage bags. Paul Henrickson
13	was probably stated the company probably has the	13	responded September 19th, 2019, requesting that I send
14	smallest truck at the dump and that the rules do not	14	the photos via text of solid waste to be hauled to
15	apply to Concrete and More. Paul Henrickson refused to	15	360-686-5270.
16	provide an address and stated that the company was not	16	On September 19th, 2019, I texted Concrete
17	going to accept mail from the Commission.	17	and More the photo of the garbage bags. In the text, I
18	On August 20th, 2019, I researched current	18	stated I needed the stuff taken to the dump. I included
19	known addresses for Paul Henrickson, Concrete and More	19	a photo for Paul Henrickson, responded that he would
20	and found an address at 22720 - 3rd Avenue Southeast, A,	20	or that he could do it for \$100.
21	Bothell, Washington. The address appeared inaccurate as	21	Mr. Henrickson was served on
22	inactive as of August 2019.	22	October 11th, 2019, at 9:58 a.m. to appear in court
23	On August 22nd, 2019, I sent a second letter	23	today.
24	to Paul Henrickson at 22720 - 3rd Avenue Southeast, A,	24	JUDGE PEARSON: Thank you.
25	Bothell, Washington, stating that I believed the	25	MS. McPHERSON: I'm requesting a default
	Page 18		Page 20
1	business was in violation of Commission rules by	1	order.
2	operating as a solid waste carrier without a required	2	JUDGE PEARSON: Okay. Thank you. So I will
3	certificate. Paul Henrickson was required to respond by	3	grant the motion for those two companies, and if you
4	September 5th by either submitting a completed	4	want to bring the default orders up to me, I will sign
5	application for a solid waste transportation certificate	5	both of them.
6	or by explaining why the business does not require a	6	Is there any other business that we need to
7	solid waste certificate.	-	
I		/	take care of today?
8	On September 4th, 2019, Paul Henrickson	8	take care of today? MS. McPHERSON: No, Your Honor.
8 9	On September 4th, 2019, Paul Henrickson called me stating that he had received a noncompliance		-
		8	MS. McPHERSON: No, Your Honor.
9	called me stating that he had received a noncompliance	8 9	MS. McPHERSON: No, Your Honor. JUDGE PEARSON: Okay. So we are adjourned.
9 10	called me stating that he had received a noncompliance letter. He stated that he does not own Concrete and	8 9 10	MS. McPHERSON: No, Your Honor. JUDGE PEARSON: Okay. So we are adjourned. Thank you.
9 10 11	called me stating that he had received a noncompliance letter. He stated that he does not own Concrete and More and has not owned Concrete for more than 15 years.	8 9 10 11	MS. McPHERSON: No, Your Honor. JUDGE PEARSON: Okay. So we are adjourned. Thank you.
9 10 11 12	called me stating that he had received a noncompliance letter. He stated that he does not own Concrete and More and has not owned Concrete for more than 15 years. I stated that I discovered current registration with his	8 9 10 11 12	MS. McPHERSON: No, Your Honor. JUDGE PEARSON: Okay. So we are adjourned. Thank you.
9 10 11 12 13	called me stating that he had received a noncompliance letter. He stated that he does not own Concrete and More and has not owned Concrete for more than 15 years. I stated that I discovered current registration with his name on the DOR website. Paul Henrickson stated that	8 9 10 11 12 13	MS. McPHERSON: No, Your Honor. JUDGE PEARSON: Okay. So we are adjourned. Thank you.
9 10 11 12 13 14	called me stating that he had received a noncompliance letter. He stated that he does not own Concrete and More and has not owned Concrete for more than 15 years. I stated that I discovered current registration with his name on the DOR website. Paul Henrickson stated that the DOR's information was inaccurate. I explained the	8 9 10 11 12 13 14	MS. McPHERSON: No, Your Honor. JUDGE PEARSON: Okay. So we are adjourned. Thank you.
9 10 11 12 13 14 15 16	called me stating that he had received a noncompliance letter. He stated that he does not own Concrete and More and has not owned Concrete for more than 15 years. I stated that I discovered current registration with his name on the DOR website. Paul Henrickson stated that the DOR's information was inaccurate. I explained the laws and regulations regarding household solid	8 9 10 11 12 13 14 15 16	MS. McPHERSON: No, Your Honor. JUDGE PEARSON: Okay. So we are adjourned. Thank you.
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Page 21	
1 CERTIFICATE	
2	
3 STATE OF WASHINGTON	
4 COUNTY OF THURSTON	
5	
I, Tayler Garlinghouse, a Certified Shorthand	
7 Reporter in and for the State of Washington, do hereby	
 certify that the foregoing transcript is true and accurate to the best of my knowledge, skill and ability. 	
L	
Tayler Garlinghouse, CCR 3358	
L	
5	
UELL REALTIME REPORTING, LLC	Page: 6 (21