0050

 1 BEFORE THE WASHINGTON STATE

 2 UTILITIES AND TRANSPORTATION COMMISSION

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 4 In the Matter of Determining ) Docket No. TV-151655

 the Proper Carrier )

 5 Classification of and )

 Complaint for Penalties )

 6 against: )

 )

 7 Dexter Petrie and Dexter )

 Wendler d/b/a Budget Family )

 8 Moving )

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10 VOLUME II

11 PAGES 50-83

12 ADMINISTRATIVE LAW JUDGE RAYNE PEARSON

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14

 9:30 a.m.

15

 November 10, 2015

16

17 Washington Utilities and Transportation Commission

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 2

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 1 OLYMPIA, WASHINGTON, NOVEMBER 10, 2015

 2 9:30 A.M.

 3

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

 5

 6 JUDGE PEARSON: Okay. Then we will be on

 7 the record.

 8 Good morning. Today is Tuesday,

 9 November 10th, 2015, and the time is approximately

10 9:30 a.m.

11 This is Docket TV-151655, which is captioned

12 In the Matter of Determining the Proper Carrier

13 Classification of and Complaint for Penalties Against

14 Dexter Petrie and Dexter Wendler d/b/a Budget Family

15 Moving.

16 My name is Rayne Pearson. I'm the

17 administrative law judge presiding over today's hearing.

18 So let's start by taking appearances from both parties,

19 and then we will talk about how we're going to proceed

20 this morning.

21 So let's start with Commission staff.

22 MS. CAMERON-RULKOWSKI: Did you want just a

23 short appearance?

24 JUDGE PEARSON: Yes, that's fine.

25 MS. CAMERON-RULKOWSKI: Thank you,

0054

 1 your Honor.

 2 Jennifer Cameron-Rulkowski, Assistant

 3 Attorney General, representing Staff.

 4 JUDGE PEARSON: Thank you.

 5 And Mr. Petrie, if you could state your

 6 first and last name and spell your last name.

 7 MR. PETRIE: Dexter Petrie, P-e-t-r-i-e.

 8 JUDGE PEARSON: Okay. And can you provide

 9 your address, telephone number, and your e-mail address

10 if you have one.

11 MR. PETRIE: 1212 North Woodlawn Street,

12 Tacoma, Washington 98406, (253) 666-8711, and I don't

13 have an e-mail.

14 JUDGE PEARSON: You don't have an e-mail

15 address?

16 MR. PETRIE: No.

17 JUDGE PEARSON: So this is a classification

18 hearing that was brought by the Commission on its own

19 motion based on Staff's finding that you were conducting

20 a household goods moving company without the required

21 permit from the Commission.

22 So if we determine here today that you are

23 conducting business as a household goods carrier, or you

24 have in the past, then we will issue an order requiring

25 you to cease and desist all operations unless and until

0055

 1 you apply and obtain a permit from the Commission.

 2 We also have a complaint for penalties

 3 that's somewhat of a separate issue. The complaint for

 4 penalties alleges that you have engaged in activities as

 5 a household goods mover. So today is an evidentiary

 6 hearing to consider whether you should, number one, be

 7 classified as a household goods carrier, and then,

 8 number two, whether the penalties are appropriate for

 9 your past conduct.

10 And I take it that you're representing

11 yourself today?

12 MR. PETRIE: (Nods head.)

13 JUDGE PEARSON: Okay. So I'll go into a

14 little more detail than I normally would in a hearing

15 where both parties are represented by attorneys, because

16 I want to make sure that you understand what we're doing

17 here and how we're going to proceed and I can answer any

18 questions if you have them.

19 So the applicable law here is RCW 81.80.010,

20 subsection (5), which defines a household goods carrier

21 as any person who, quote, advertises, solicits, offers

22 or enters into an agreement to transport household goods

23 for compensation within the state of Washington.

24 So the term "person" can include a company,

25 which would be Budget Family Moving in this instance, as

0056

 1 well as an individual like yourself.

 2 And "household goods" are defined under the

 3 rules as the personal effects and property used or to be

 4 used in a residence.

 5 And under RCW 81.80.075, subsection (1),

 6 it's illegal to engage in business as a household goods

 7 carrier within the state of Washington without first

 8 obtaining a household goods carrier permit from the

 9 Commission.

10 Any person who does engage in business as a

11 household goods carrier without a permit is subject to a

12 penalty of up to $5,000 per violation, and if the basis

13 for the violation is an advertisement, each

14 advertisement is a separate violation. So for example,

15 each Craigslist ad would constitute a separate and

16 distinct violation.

17 So when deciding the amount of the penalty

18 to be ordered for illegal operations as a household

19 goods carrier, the Commission considers the carrier's

20 willingness to comply with the requirements of State

21 laws and Commission rules.

22 It's alleged that you have at least once

23 offered to transport household goods without having

24 first obtained a permit, and that you have also at least

25 once advertised to transport household goods.

0057

 1 And if I understand from the complaint,

 2 Staff is requesting less than the maximum penalty, or

 3 $2,500 per violation.

 4 So Staff will go first today to present its

 5 case, and you will have the opportunity to cross-examine

 6 Staff's witness, who is Ms. Megan Banks, seated over

 7 there. And then after that, you'll have a chance to

 8 testify, and Ms. Cameron-Rulkowski will have some

 9 cross-examination questions for you.

10 Do you have any questions before we proceed?

11 MR. PETRIE: No.

12 JUDGE PEARSON: Okay. And it looks like you

13 brought some documents with you today. Are those

14 things that you would like to offer?

15 MR. PETRIE: I didn't know it was gonna be

16 this long. I just got one. If it's not gonna work,

17 then I'll just take the penalty.

18 JUDGE PEARSON: I'm sorry. What's that?

19 MR. PETRIE: I have one document to try to

20 clear my name off of it, and if it's not gonna hold up,

21 then I'll just pay the penalty. I don't want to go

22 through cross-examination. I'm not gonna do all that.

23 MS. CAMERON-RULKOWSKI: Your Honor, we've

24 had a chance to examine the document that Mr. Petrie

25 would like to submit as an exhibit, and we don't have

0058

 1 any objection to it being offered and admitted as a

 2 late-filed exhibit.

 3 JUDGE PEARSON: Okay. So when it's your

 4 turn, I can take a look at that, if you want to --

 5 MR. PETRIE: Yeah.

 6 JUDGE PEARSON: -- bring it up here. Okay.

 7 So do you have any other questions?

 8 MR. PETRIE: No.

 9 JUDGE PEARSON: Okay. So

10 Ms. Cameron-Rulkowski, you can proceed when you're

11 ready.

12 MS. CAMERON-RULKOWSKI: Thank you,

13 your Honor.

14 Just as a preliminary matter, I want to be

15 sure that the declaration of Megan Banks that Staff is

16 relying on is considered to be part of the record.

17 JUDGE PEARSON: It is, yes.

18 MS. CAMERON-RULKOWSKI: Thank you,

19 your Honor.

20 So Staff sees that there are three issues

21 that we need to address here. First, Budget Family

22 Moving bears the burden to prove that Budget Family

23 Moving did not advertise, solicit, offer, enter into

24 any -- one or more agreements to transport household

25 goods within the state of Washington without first

0059

 1 having obtained a household goods carrier permit from

 2 the Commission. And the other issue is that Mr. Dexter

 3 Petrie bears the burden of proving exactly that.

 4 And then finally, Staff likely will

 5 recommend a penalty. And Staff bears the burden of

 6 proving the violations underlying the penalty.

 7 And at this time, I would like to call

 8 Ms. Banks to the stand.

 9 JUDGE PEARSON: Okay. Great.

10 If you could stand and raise your right

11 hand.

12

13 MEGAN BANKS, witness herein, having been

14 first duly sworn on oath,

15 was examined and testified

16 as follows:

17

18 JUDGE PEARSON: Okay. Thank you.

19 DIRECT EXAMINATION

20 BY MS. CAMERON-RULKOWSKI:

21 Q. Good morning, Ms. Banks.

22 Please state and spell your name.

23 A. Megan Banks, M-e-g-a-n, B-a-n-k-s.

24 Q. And please state the name of your employer.

25 A. The Washington Utilities and Transportation

0060

 1 Commission.

 2 Q. In what position are you employed by the

 3 Commission?

 4 A. I'm a compliance investigator in the consumer

 5 protection and communications section.

 6 Q. And how long have you been employed in this

 7 position?

 8 A. About a year and a half.

 9 Q. And how long have you been employed with the

10 Commission?

11 A. The same amount of time that I've been in the

12 position.

13 Q. And please tell us about your educational

14 background and your experience.

15 A. So I received my bachelor's degree in English

16 history and philosophy from Pacific Lutheran University.

17 I received my JD from Willamette University.

18 During law school, I worked as a law clerk for

19 the Oregon Department of Justice, and I investigated the

20 advertisements of car dealers to ensure compliance with

21 the rules.

22 Following law school, I worked as a program

23 supervisor at the Office of Superintendent of Public

24 Instruction, where I investigated complaints against

25 school district special education programs.

0061

 1 I've also attended State-sponsored investigator

 2 training.

 3 Q. Please briefly describe your responsibilities as

 4 they pertain to this matter.

 5 A. As a compliance investigator, my

 6 responsibilities include conducting investigations

 7 regarding the business practices of regulated utility

 8 and transportation companies.

 9 And as part of those duties, I investigate

10 household goods carriers that may be operating without

11 the required Commission permits, such as Budget Family

12 Moving.

13 Q. And are you familiar with Budget Family Moving?

14 A. Yes, I am.

15 Q. And how are you familiar with Budget Family

16 Moving?

17 A. I originally became familiar with them and began

18 my investigation after twice observing and photographing

19 a large moving truck in Tacoma, Washington.

20 Q. And besides photographing the truck, did you

21 document your investigation in any other way?

22 A. Yes, I did; in my declaration.

23 Q. And you're referring to the declaration of Megan

24 Banks, dated September 9th, 2015?

25 A. Yes.

0062

 1 Q. I'd like to go ahead and discuss the offers that

 2 you discuss in your declaration at paragraph seven.

 3 How did you contact Budget Family Moving?

 4 A. I sent a text message. On the side of the truck

 5 that I observed, there was two phone numbers, and I sent

 6 a text message to one of the phone numbers.

 7 Q. And did you receive the offers via text message?

 8 A. Yes, I did. I received a response the same day

 9 that I had sent a text message also by text message.

10 Q. Okay.

11 Let's discuss the June offer first.

12 What rate were you quoted?

13 A. I was quoted $80 an hour for two men and a

14 truck.

15 Q. And was the offer for a move within Washington?

16 A. Yes, it was for a move within Tacoma.

17 Q. All right.

18 Now let's discuss the August offer.

19 What rate were you quoted?

20 A. I was again quoted $80 an hour for two men and a

21 truck.

22 Q. And was the offer for a move within Washington?

23 A. Yes. It was a move from Tacoma to Burien.

24 Q. And was the offer for a household goods move?

25 A. Yes. It was a -- the offer was for a move from

0063

 1 a two-bedroom house in Tacoma to a three-bedroom house

 2 in Burien.

 3 Q. All right.

 4 Let's talk about the advertisements that you

 5 discussed in the declaration. Please refer to the

 6 Facebook printouts in Attachment B and in Attachment F.

 7 A. I'm there.

 8 Q. Is there any difference between the two other

 9 than the date that you printed them?

10 A. No, there is not.

11 Q. And what indicates to you on the Facebook

12 advertisement that Budget Family Moving provides

13 transportation as part of its moving services?

14 A. On the side of the truck that's pictured in the

15 Facebook advertisements, it says, "2 Men and Truck,

16 Affordable Rates." It also says, "Budget Family

17 Moving."

18 And then the picture of the truck shows up

19 multiple times, so the fact that it actually advertises

20 a truck being included told me that there was

21 transportation included in the move.

22 Q. And what indicates to you on the Facebook

23 advertisement that Budget Family Moving moves household

24 goods?

25 A. The fact that it's a Budget -- it says "Budget

0064

 1 Family Moving" tends to indicate that it is for smaller

 2 moves. The fact that it's a smaller truck. It's not

 3 one of the huge trucks, which, in my experience, tends

 4 to mean that it's more residential.

 5 Also the picture that was posted on April 6th

 6 shows a man packing goods that -- they appear to be

 7 household goods in the picture on the Facebook page.

 8 Q. And what indicates to you on the Facebook

 9 advertisement that Budget Family Moving provides moving

10 services within Washington state?

11 A. There's a couple factors. On the Facebook page,

12 it says that it services the Puget Sound area, and

13 Tacoma, Washington is specified. And there's also --

14 the two numbers shown are 253 numbers, which tend to be

15 Tacoma telephone numbers.

16 Q. And what indicates to you on the Facebook

17 advertisement that Budget Family Moving provides moving

18 services for compensation?

19 A. On the side of the truck that's shown in the

20 Facebook page multiple times, it says, "Affordable

21 Rates," which indicates to me that they are expecting

22 compensation.

23 It also says that it's business services, which,

24 again, makes it seem like that it's an actual business

25 where they are going to expect compensation for their

0065

 1 activities.

 2 Q. And have you checked Facebook for the Budget

 3 Family Moving page since you printed it in August?

 4 A. Yes, I have.

 5 Q. And is it still active?

 6 A. Yes, it was.

 7 Q. When did you check it last?

 8 A. This morning.

 9 Q. All right.

10 Please refer to the printout of the Fixr web

11 page now, which is also in Attachment B.

12 A. I'm there.

13 Q. What indicates to you on the Fixr advertisement

14 that Budget Family Moving provides transportation as

15 part of its moving services?

16 A. It says that "Budget Family Moving is a

17 professional moving business," and "no job's too big or

18 small." The fact that it says it's a professional

19 moving business tends to indicate to me that it would

20 include transportation.

21 Q. And what indicates to you on the Fixr

22 advertisement that Budget Family Moving moves household

23 goods?

24 A. It says, "No job's too big or too small," which

25 indicates to me again that it offers all types of moving

0066

 1 services, including household goods moves.

 2 Q. And what indicates to you on the Fixr

 3 advertisement that Budget Family Moving provides

 4 services within Washington state?

 5 A. Again, there's two factors here. It says that

 6 it's located in Tacoma, Washington 98406. It also says,

 7 "Cities served, Seattle, Tacoma, Everett, Olympia, Kent,

 8 Bellevue, Renton, Puyallup, Federal Way, Bothell, and

 9 other cities within 85 miles of Tacoma."

10 Q. And what indicates to you on the Fixr

11 advertisement that Budget Family Moving provides moving

12 services for compensation?

13 A. It says, "Payment options," and it says, "Dexter

14 Petrie accepts cash and checks."

15 Q. Have you checked the Fixr advertisement for

16 Budget Family Moving since you printed it in June?

17 A. Yes, I have.

18 Q. When's the last time you checked it?

19 A. This morning.

20 Q. And was it still active?

21 A. Yes, it was.

22 Q. In your declaration at paragraph five, you

23 discuss a compliance letter that the Commission sent to

24 Mr. Wendler in 2012.

25 Do you know what the purpose of the compliance

0067

 1 letter was?

 2 A. Compliance letters are a courtesy that the

 3 Commission sends to non-permitted carriers that we have

 4 found that have been operating, and it's technical

 5 assistance that we send to tell them that they need to

 6 either get a permit or stop operating.

 7 Q. And does the Commission routinely send such

 8 compliance letters?

 9 A. Yes, it does.

10 Q. In your declaration, you note that the attempt

11 to send the compliance letter through US mail was

12 unsuccessful.

13 To your knowledge, were there any delivery

14 problems with the letter that the Commission e-mailed to

15 Mr. Wendler?

16 A. No, there were not.

17 Q. And to your knowledge, prior to last month's

18 hearing, had Mr. Wendler, Mr. Petrie, or anyone from

19 Budget Family Moving ever contacted the Commission?

20 A. Not to my knowledge.

21 Q. All right.

22 I want to talk now about where the name Dexter

23 Petrie appears in your documentation.

24 Let's go back to -- let's go to Attachment A.

25 This is the photo you took of the truck.

0068

 1 A. I'm there.

 2 Q. Thank you.

 3 When you conducted the reverse search of the

 4 telephone numbers, which you discuss in your declaration

 5 at paragraphs 3 and 4, who did you find that they

 6 belonged to?

 7 A. The phone number (253) 517-5773 that's on the

 8 side of the truck, I found that that belonged to Dexter

 9 Petrie. The (253) 353-1251 phone number I found

10 belonged to Dexter Wendler.

11 Q. And regarding the number that you found belonged

12 to Mr. Petrie, did you call that telephone number?

13 A. Yes, I did.

14 Q. And what happened?

15 A. It just rang.

16 Q. And did you try it more than once?

17 A. Yes, I did.

18 Q. All right.

19 Please refer to the Fixr advertisement in

20 Attachment B.

21 Who is the contact listed there?

22 A. The contact person listed on this advertisement

23 is -- it says, "Contact Dexter Petrie."

24 Q. And what's the name listed under "Payment

25 Options"?

0069

 1 A. Dexter Petrie.

 2 Q. Does Mr. Wendler's name appear anywhere in this

 3 advertisement?

 4 A. No, it does not.

 5 MS. CAMERON-RULKOWSKI: Your Honor, Staff

 6 would like to reserve its recommendation until after

 7 Mr. Petrie presents its case [sic].

 8 JUDGE PEARSON: Sure.

 9 MS. CAMERON-RULKOWSKI: And at that time I

10 would like to recall Ms. Banks.

11 JUDGE PEARSON: Okay.

12 Mr. Petrie, do you have any questions for

13 Ms. Banks at this point?

14 MR. PETRIE: No.

15 JUDGE PEARSON: Okay. So if you want to go

16 ahead and stand and raise your right hand, I'll swear

17 you in and then you can present your testimony.

18 MR. PETRIE: All right.

19

20 DEXTER PETRIE, witness herein, having been

21 first duly sworn on oath,

22 was examined and testified

23 as follows:

24

25 JUDGE PEARSON: Okay. Go ahead and take a

0070

 1 seat. And you can begin whenever you're ready.

 2 MR. PETRIE: Okay. So I don't know when all

 3 this started, but my dad asked me what I wanted to do,

 4 and this is what I told him. I wanted to start a moving

 5 business.

 6 He bought the truck. Therefore, the Fixr --

 7 I went online, I set it up, but I never paid; therefore,

 8 it's still gonna show to today.

 9 But the truck broke down, I moved;

10 therefore, my number's no longer -- like she said, she

11 could call and it just rang and rang.

12 But the Facebook -- everything -- it's a

13 family moving business, so all my cousins, they decided

14 to do it.

15 If you look in here, the Healthy Living

16 Management, that's my business. I started that. It was

17 a medical dispensary.

18 JUDGE PEARSON: And where is that?

19 MR. PETRIE: On page -- I don't know, third

20 page to the back. So my number was disconnected in

21 April -- or actually, it was probably disconnected

22 before April, but I called and disconnected it and made

23 sure. I started a medical dispensary in Tacoma, the

24 Healthy Living Management.

25 JUDGE PEARSON: Are you talking about

0071

 1 marijuana?

 2 MR. PETRIE: Yes.

 3 JUDGE PEARSON: Okay.

 4 MR. PETRIE: So I started that company with

 5 a friend. I spent every single day for two years in

 6 there, 12-hour days, so how can I make moves if I'm

 7 there?

 8 Therefore, I'm just trying to clear my name

 9 from the moving company. My dad did it. He thought all

10 he needed was a business license.

11 I did talk to him recently. He said there

12 was a notification sent, and that's when he went and got

13 his business license, but he didn't know he had to get a

14 permit for separate moving goods.

15 But as of my part, I was never involved in

16 the moving company besides the reason why he started it.

17 JUDGE PEARSON: Okay. So you're saying he

18 bought the truck for you?

19 MR. PETRIE: Yes.

20 JUDGE PEARSON: And then it broke down?

21 MR. PETRIE: And then it broke down. I

22 started the Fixr -- I Googled how to, you know, set up,

23 like, an ad or something.

24 JUDGE PEARSON: Oh, okay.

25 MR. PETRIE: I never paid for it.

0072

 1 Therefore, if you check it today, it's still going to be

 2 there. I don't know how to delete it.

 3 And the Facebook, my cousin made it;

 4 therefore, if you check it today -- I don't know if he

 5 deleted it, but the moving truck's been sold months ago,

 6 six months ago.

 7 JUDGE PEARSON: Do you have proof of that --

 8 MR. PETRIE: I don't.

 9 JUDGE PEARSON: -- that the sale was made?

10 MR. PETRIE: It's out here somewhere. And I

11 believe, from what I was told last, the number and stuff

12 is still on it. My number right here, I have a

13 document, was disconnected back in 2014.

14 JUDGE PEARSON: Your phone number is what

15 you're talking about?

16 MR. PETRIE: Yeah, my phone number.

17 JUDGE PEARSON: Oh, okay.

18 MR. PETRIE: She says she texted the cell

19 phone number, which belongs to my dad.

20 JUDGE PEARSON: Okay.

21 MR. PETRIE: And -- yeah, it wasn't me that

22 she contacted, though.

23 JUDGE PEARSON: Okay. So after the truck

24 broke down, it was obviously fixed because it was in use

25 when Ms. Banks saw it in Tacoma?

0073

 1 MR. PETRIE: Yeah. Like I said, my

 2 number -- I mean, I don't know why -- I mean, he didn't

 3 ever delete it, you know, took the numbers off.

 4 JUDGE PEARSON: Your phone number's on the

 5 side of the truck?

 6 MR. PETRIE: Yeah, exactly.

 7 JUDGE PEARSON: But it's the phone number

 8 that's been disconnected?

 9 MR. PETRIE: Exactly.

10 JUDGE PEARSON: Okay. Do you want to bring

11 that up here for me?

12 MR. PETRIE: I will.

13 JUDGE PEARSON: Oh, so this was a Comcast

14 number?

15 MR. PETRIE: Yes, ma'am. And on there it

16 says residence, too. I just linked it because we have

17 two numbers on the truck.

18 But I went a different route. I didn't like

19 moving.

20 JUDGE PEARSON: Okay.

21 MR. PETRIE: But as far as everything else,

22 the permits, I obviously understand that he didn't get

23 the proper form, and I'm just trying to clear my name

24 from it.

25 I mean, from 2014, what time -- we did it in

0074

 1 February, we started that in February, until, what,

 2 October 31 -- or October 1st of this year is when I

 3 spent twelve -- eight to twelve hours a day seven days a

 4 week doing what I was doing; therefore, I was not

 5 involved in that.

 6 JUDGE PEARSON: Okay. And just for the

 7 record, Staff said that they had no objection to

 8 admitting this into the record, so I will admit this

 9 into the record and mark it as Exhibit DP-1.

10 (Exhibit DP-1 admitted.)

11 JUDGE PEARSON: And do you need a copy of

12 it? I can -- we can make copies of it, and we will file

13 it with the records center as well.

14 Okay. Do you have anything further?

15 MR. PETRIE: No, ma'am.

16 JUDGE PEARSON: Okay.

17 Ms. Cameron-Rulkowski, do you have any

18 questions for Mr. Petrie?

19 CROSS-EXAMINATION

20 BY MS. CAMERON-RULKOWSKI:

21 Q. I have a clarification question.

22 You had just said that you started something in

23 February of 2013. Was that the Healthy Living business

24 or was that the moving business?

25 A. The moving -- I mean, not the moving, the -- I

0075

 1 think it was February of 2014 is what I said. That was

 2 the dispensary, yes, the Healthy Living.

 3 MS. CAMERON-RULKOWSKI: Thank you. I don't

 4 have any further questions for Mr. Petrie.

 5 JUDGE PEARSON: Okay. Would you like to

 6 recall Ms. Banks at this time to make your

 7 recommendation?

 8 MS. CAMERON-RULKOWSKI: Yes, your Honor.

 9 If I could just take one moment, that would

10 be appreciated.

11 JUDGE PEARSON: Sure.

12 MS. CAMERON-RULKOWSKI: Thank you,

13 your Honor.

14 (Brief discussion off the record.)

15 EXAMINATION

16 BY MS. CAMERON-RULKOWSKI:

17 Q. All right.

18 Ms. Banks, do you have a recommendation for the

19 Commission concerning classification of Budget Family

20 Moving?

21 A. Yes. Staff recommends that Budget Family Moving

22 be classified as a household goods carrier within the

23 state of Washington.

24 Q. And are you recommending that a penalty be

25 assessed against Budget Family Moving?

0076

 1 A. Yes. Staff recommends a penalty of $5,000 for

 2 two violations of RCW 81.80.075, one violation for

 3 advertising to perform household goods within

 4 Washington, and the second violation for offering to

 5 perform a household goods move within Washington.

 6 Staff also recommends that $4,500 of the penalty

 7 be suspended for two years on the condition that Budget

 8 Family Moving pay the remaining $500 due and that the

 9 company refrains from operating as a household goods

10 carrier without a permit.

11 Staff believes the suspension of the penalty is

12 appropriate to ensure the company's future compliance.

13 Q. And does your recommendation consider Budget

14 Family Moving's history of compliance with and

15 willingness to comply with State laws requiring

16 household goods carriers to obtain a permit before

17 operating?

18 A. Yes, it does.

19 Q. And could you elaborate a little bit on what

20 exactly you considered there?

21 A. Since Mr. Petrie has stated that the company has

22 shut down and they've sold the truck, Staff is taking

23 that under advisement, which is why we are recommending

24 the $4,500 be suspended.

25 However, given the company's past history, we

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 1 believe that the remaining $500 is appropriate, as well

 2 as the suspension of the $4,500 to ensure that the

 3 company no longer operates.

 4 MS. CAMERON-RULKOWSKI: Good. Thank you.

 5 I have no further questions for Ms. Banks at

 6 this time. And we'd be happy to offer a brief closing

 7 statement.

 8 JUDGE PEARSON: Okay.

 9 Mr. Petrie, did you want to respond to

10 Staff's recommendation?

11 MR. PETRIE: No. I agree with the

12 recommendation. My argument is to get my name off of

13 it.

14 JUDGE PEARSON: Okay.

15 MR. PETRIE: Therefore, you know, he can be

16 assessed the $500. He's the reason the company -- the

17 company, it's under his name.

18 JUDGE PEARSON: And by "he," you mean your

19 father?

20 MR. PETRIE: Yes. I'm just here -- the

21 reason why I even continued it to come back was to try

22 to clear my name from it.

23 JUDGE PEARSON: Right, I understand.

24 MR. PETRIE: I understand there's no

25 argument to try to go against the recommendation or

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 1 saying that there was no moving company or anything like

 2 that. But as far as my name on it, I'm just trying to

 3 clear my name.

 4 JUDGE PEARSON: Okay. Do you think that the

 5 penalty recommendation is fair? Are you saying that you

 6 agree with paying the $500?

 7 MR. PETRIE: That's fine, I guess, but not

 8 for me.

 9 JUDGE PEARSON: Okay.

10 MR. PETRIE: He can pay the $500 and all

11 that stuff, but I just don't want it to be linked to my

12 name.

13 JUDGE PEARSON: Okay.

14 And Ms. Cameron-Rulkowski, did you want to

15 make a closing statement?

16 MS. CAMERON-RULKOWSKI: Thank you,

17 your Honor, yes.

18 Staff has provided evidence meeting each of

19 the elements of engaging in business as a household

20 goods carrier in Washington, and Budget Family Moving

21 has not met its burden to prove that it should not be

22 classified as a household goods carrier.

23 Mr. Petrie also has not met his burden to

24 show that he had not engaged in business as a household

25 goods carrier in Washington.

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 1 And it's Staff's position that he should not

 2 be dismissed from the proceeding. We have evidence that

 3 he is -- that he is advertising household goods moving

 4 services.

 5 And I think we've heard the argument before

 6 that it's difficult to get down Internet advertisements,

 7 but it can be done, and it has not been done, and there

 8 is Mr. Petrie's name out there advertising --

 9 advertising his provision of household goods moving

10 services, and that's -- that's a problem.

11 So the evidence supports classifying Dexter

12 Wendler and Dexter Petrie doing business as Budget

13 Family Moving as a household goods carrier, and the

14 Commission should issue a cease and desist order against

15 Dexter Petrie and Dexter Wendler doing business as

16 Budget Family Moving.

17 And the evidence also supports issuing a

18 penalty consistent with Staff's recommendation. And

19 that completes Staff's closing.

20 JUDGE PEARSON: Okay. Thank you.

21 Do you have anything further, Mr. Petrie?

22 MR. PETRIE: Kind of towards that, too, I

23 mean, if you Google it a year from now, I'm pretty sure

24 the same ad's going to be up; therefore, I don't know

25 how to delete any of that. That was back in 2014.

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 1 JUDGE PEARSON: Have you tried contacting

 2 Fixr?

 3 MR. PETRIE: I'm not gonna -- no. This --

 4 honestly, this is too much even for me. I mean, I'm way

 5 too busy. I have to sit up here and argue my case that

 6 I wasn't involved. I mean, it's my word.

 7 I have my own business, you know, I mean, I

 8 don't know how to delete any of that, and I'm not gonna

 9 go and try to make phone calls to Fixr and try to erase

10 that.

11 I mean, the moving truck's been sold.

12 There's no business. I made zero money off the

13 business. He might have made something. I mean, it's

14 not my word to say, you know, if he made any money or

15 not. But I didn't make nothing; therefore, I'm not

16 gonna pay the 500. He can pay it, but nothing's out of

17 my pocket -- coming out of my pocket.

18 JUDGE PEARSON: Okay. Well, I would advise

19 you to take steps to contact Fixr to take that

20 advertisement down. Because if you truly want to clear

21 your name as a household goods mover, it would be in

22 your best interest to ensure that there are no longer

23 any advertisements.

24 MR. PETRIE: I mean, if you call both

25 numbers, neither one of them are active. Like I just

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 1 told you last time, my father's incarcerated for the

 2 next two years.

 3 JUDGE PEARSON: You're talking about the

 4 numbers that are on the advertisement?

 5 MR. PETRIE: Yes. Yes.

 6 JUDGE PEARSON: Okay. You may be able to --

 7 MR. PETRIE: Therefore, neither one of them

 8 numbers are going to work.

 9 JUDGE PEARSON: You may be able to resolve

10 this via e-mail just by e-mailing the company and asking

11 them to take it down. It probably would take you less

12 than five minutes.

13 MR. PETRIE: I didn't even know it was up.

14 I mean, as far as, you know, not paying for something, I

15 don't see how it even got linked to even -- when I did

16 it, it says, make payments, so I just closed it;

17 therefore, I thought it wouldn't even be up there

18 anyways, and that was back in 2014.

19 JUDGE PEARSON: Right. And we hear about

20 that happening a lot with movers who place ads, or they

21 say they don't know how to take them down, but there

22 always is a way to get it taken down.

23 MR. PETRIE: But like I said, I mean, the

24 truck's sold. I mean -- yeah -- I mean, there's no

25 business or whatever. So I mean, like I say, you can

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 1 Google it -- and the Facebook, I could ask my cousin if

 2 he remembers the password or whatever he did. But if

 3 not, then that's going to be up for the next -- whenever

 4 Facebook decides to shut down.

 5 JUDGE PEARSON: Okay. All right.

 6 Do either of the parties have anything

 7 further?

 8 MS. CAMERON-RULKOWSKI: Nothing further from

 9 Staff, your Honor.

10 JUDGE PEARSON: Okay. Thank you. So I will

11 take everything under advisement that I heard here

12 today, and I will be issuing an order reflecting my

13 decision.

14 Thank you.

15 MS. CAMERON-RULKOWSKI: Thank you, your

16 Honor.

17 JUDGE PEARSON: We are adjourned.

18 (Hearing concluded at 10:00 a.m.)

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

 2

 3 STATE OF WASHINGTON )

 ) ss.

 4 COUNTY OF KING )

 5

 6

 7 I, ANITA W. SELF, a Certified Shorthand Reporter

 8 in and for the State of Washington, do hereby certify

 9 that the foregoing transcript is true and accurate to

10 the best of my knowledge, skill and ability.

11 IN WITNESS WHEREOF, I have hereunto set my hand

12 and seal this 1st day of December, 2015.

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17 ANITA W. SELF, RPR, CCR #3032

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