

BEFORE THE WASHINGTON STATE

UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of Determining the)
 Proper Carrier Classification)
 of, and Complaint for Penalties)
 against:) Docket No. TE-160822
)
 MARCUS ALLEN PERKINS and EMERALD)
 CITY PARTY BUS, LLC d/b/a)
 ELLIE'S LIMO AND LUXURY CAR)
 SERVICE)
)

SPECIAL PROCEEDING

Volume I, Pages 1 - 53

ADMINISTRATIVE LAW JUDGE RAYNE PEARSON

1:30 P.M.

October 5, 2016

Washington Utilities and Transportation Commission
1300 South Evergreen Park Drive Southwest
Olympia, Washington 98504-7250

REPORTED BY: ANITA W. SELF, RPR, CCR #3032

Buell Realtime Reporting, LLC.
1325 Fourth Avenue
Suite 1840
Seattle, Washington 98101
206.287.9066 | Seattle
360.534.9066 | Olympia
800.846.6989 | National

www.buellrealtime.com

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A P P E A R A N C E S

ADMINISTRATIVE LAW JUDGE:

RAYNE PEARSON
Washington Utilities and
Transportation Commission
1300 So. Evergreen Park Drive SW
P.O. Box 47250
Olympia, Washington 98504
360.664.1136
rpearson@utc.wa.gov

FOR WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION:

JEFF ROBERSON
Assistant Attorney General
1400 So. Evergreen Park Drive SW
P.O. Box 40128
Olympia, Washington 98504
360.664.1188
jroberso@utc.wa.gov

FOR MARCUS ALLEN PERKINS and EMERALD CITY PARTY BUS, LLC
(via the bridge line):

In Propria Persona

ALSO PRESENT:

David Pratt
Mike Turcott

* * * * *

HEARING
VOLUME I: INDEX

WITNESSES:	PAGE
MIKE TURCOTT	
Direct Examination by Mr. Roberson	8
MARCUS ALLEN PERKINS	
Direct Testimony by Mr. Perkins.	27
Cross-Examination by Mr. Roberson.	36
DAVE PRATT	
Direct Examination by Mr. Roberson	42
Cross Testimony by Mr. Perkins	45

EXHIBITS FOR IDENTIFICATION	MARKED/ADMITTED
MT-1 - E-mail string, Appendix G	23
MT-2 - Screen captures of Emerald City website	24
MT-3 - Screen captures of Facebook advertisement	24
MT-4 - E-mail string, Appendix J	25
MT-5 - Screen captures of Craigslist post	25

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1 OLYMPIA, WASHINGTON; OCTOBER 5, 2016

2 1:30 P.M.

3 -o0o-

4
5 JUDGE PEARSON: Okay. Then let's be on the
6 record.

7 Good afternoon. Today is Wednesday,
8 October 5th, 2016, and the time is 1:30 p.m. This is
9 Docket TE-160822, which is captioned In the Matter of
10 Determining the Proper Carrier Classification of and
11 Complaint for Penalties Against Marcus Allen Perkins and
12 Emerald City Party Bus, LLC, d/b/a Ellie's Limo and
13 Luxury Car Service.

14 My name is Rayne Pearson. I'm the
15 administrative law judge presiding over today's brief
16 adjudicative proceeding. So we'll start by taking
17 appearances from both parties, and then we'll talk about
18 how we're going to proceed this afternoon.

19 So let's start with Commission Staff,
20 Mr. Roberson, if you would just give a brief appearance.

21 MR. ROBERSON: Good afternoon, your Honor.
22 My name is Jeff Roberson. I'm an assistant attorney
23 general representing Commission Staff. My address is
24 1400 South Evergreen Park Drive SW, P.O. Box 40128,
25 Olympia, Washington 98504. My telephone number is area

1 code (360) 664-1188, and my e-mail address is
2 j-r-o-b-e-r-s-o@utc.wa.gov.

3 JUDGE PEARSON: Thank you.

4 And Mr. Perkins, if you could just state
5 your first and last name and provide your address,
6 telephone number and e-mail address.

7 MR. PERKINS (via the bridge line): Yes,
8 ma'am. It's Marcus Allen Perkins. Address is 20115
9 32nd Avenue South, SeaTac, Washington 98198. My e-mail
10 is reservations@emeraldcitypartybus.com.

11 JUDGE PEARSON: Okay. And so Mr. Perkins
12 this is a classification hearing that was brought by the
13 Commission based on Staff's finding that you were
14 conducting business as a charter party or excursion
15 service carrier without the required certificate from
16 the Commission.

17 So if we determine here today that you're
18 conducting such business, we will issue an order
19 requiring you to cease and desist all operations unless
20 and until you obtain a certificate from the Commission.

21 And we also have a complaint for penalties.
22 That's somewhat of a separate issue. The complaint for
23 penalties alleges that you have, in fact, engaged in
24 activities as a charter party or excursion service
25 carrier. So today is an evidentiary hearing to consider

1 whether you should be classified as a charter party or
2 excursion service carrier and whether penalties are
3 appropriate.

4 So Mr. Perkins, if you have any questions
5 about the applicable laws, please let me know. I'm
6 assuming that you're at least somewhat familiar with
7 Commission laws and rules because you have applied for
8 charter and excursion authority in the past.

9 MR. PERKINS: Yes, ma'am.

10 JUDGE PEARSON: So -- sorry. What did you
11 say?

12 MR. PERKINS: I said, yes, ma'am. Yes, your
13 Honor.

14 JUDGE PEARSON: Okay.

15 Staff alleges that you have at least once
16 offered to provide charter party or excursion carrier
17 services without having first obtained the required
18 certificate, and that you have also advertised to
19 provide charter party or excursion carrier services on
20 at least three separate occasions. And Staff is
21 requesting penalties of up to \$5,000 per violation as
22 set forth in the complaint.

23 So Staff will present its case first today,
24 and then you'll have the opportunity to cross-examine
25 Staff's witness, Mr. Turcott, so you can ask him any

1 questions. And then after that, you'll have a chance to
2 testify, and Mr. Roberson may have some questions for
3 you.

4 Do you have any questions before we proceed?

5 MR. PERKINS: No, ma'am.

6 JUDGE PEARSON: Okay.

7 Mr. Roberson, you can proceed when you're
8 ready.

9 MR. ROBERSON: As you said, your Honor,
10 Staff alleges three internet advertisements, one on the
11 company's website, one on Facebook, one on Craigslist,
12 and an offer to provide services when contacted over
13 e-mail.

14 We would like to -- Commission Staff would
15 like to call Mike Turcott.

16 JUDGE PEARSON: Okay. Mr. Turcott, if you
17 would stand and raise your right hand.

18
19 MIKE TURCOTT, witness herein, having been
20 first duly sworn on oath,
21 was examined and testified
22 as follows:
23

24 JUDGE PEARSON: Okay. You may be seated.

25 / / /

DIRECT EXAMINATION BY MR. ROBERSON / TURCOTT

8

1 *** DIRECT EXAMINATION BY MR. ROBERSON ***

2 BY MR. ROBERSON:

3 **Q. Good afternoon.**

4 **Can you please state your name and spell it for**
5 **the record.**

6 A. Good afternoon. Michael -- good afternoon.
7 Michael L. Turcott, T-U-R-C-O-T-T.

8 **Q. And what is your occupation?**

9 A. I'm a compliance investigator with the
10 Washington Utilities and Transportation Commission,
11 working in the Transportation Safety section.

12 **Q. And how long have you been a Commission**
13 **investigator?**

14 A. For one year.

15 **Q. What did you do before you began working for the**
16 **Commission?**

17 A. I worked as a commissioned officer with the
18 Washington State Patrol for 28 years, holding a variety
19 of assignments. I retired in November 2013 from the
20 Patrol as a lieutenant in field operations.

21 I worked -- following that, I worked for a year
22 and a half at the Department of Licensing. I was the
23 administrator of the driver and vehicle title fraud
24 investigation unit until I went to work here at the
25 Commission one year ago.

DIRECT EXAMINATION BY MR. ROBERSON / TURCOTT

9

1 **Q. And can you describe any trainings or educations**
2 **you've received that enable you to carry out your duties**
3 **as a Commission investigator?**

4 A. Yes. I had training throughout my career at the
5 Patrol and with Department of Licensing and once I came
6 to the Commission. Training was related to overall
7 criminal and traffic investigations, training in vehicle
8 licensing records, business licensing, databases.

9 And then once at the Commission, I received
10 training in the licensing procedures and records here,
11 along with the rules and regulations and statutes that
12 apply to charter passenger services.

13 **Q. Are you aware of an individual named Marcus**
14 **Allen Perkins?**

15 A. I am.

16 **Q. And are you aware of Mr. Perkins' occupation?**

17 A. I am aware that Mr. Perkins is the
18 owner/operator of a limousine and/or charter service
19 company. He may have other employment as well.

20 **Q. Okay.**

21 **Has Mr. Perkins, to your knowledge, ever**
22 **operated a sole proprietorship named Ellie's Limo and**
23 **Luxury Car Service?**

24 A. Yes.

25 **Q. Okay.**

DIRECT EXAMINATION BY MR. ROBERSON / TURCOTT 10

1 Can you turn to Exhibit MT-7?

2 A. Okay. Ready.

3 **Q. Is that a true and accurate copy of the**
4 **Department of Revenue report showing that Mr. Perkins**
5 **operated as Ellie's Limo and Luxury Car Service?**

6 A. Yes, it is.

7 **Q. And as you said, Mr. Perkins works for a**
8 **different company now. Can you tell me what that is?**

9 A. My investigation found that Mr. Perkins is the
10 governing person in an LLC company -- just give me a
11 moment here -- Ellie's -- just one moment -- Emerald
12 City Party Bus, LLC, doing business as Ellie's Limo and
13 Luxury Car Service. And Marcus Perkins is listed as one
14 of the governing persons -- well, the governing person
15 for that business.

16 **Q. Thank you.**

17 **Did Mr. Perkins' operation of the sole**
18 **proprietorship, which used the trade name Ellie's Limo,**
19 **exist at the same time as Emerald City, which also used**
20 **the same trade name?**

21 A. Yes. There was actually a one-year overlap in
22 those two businesses.

23 **Q. Thank you.**

24 **Has the Commission ever investigated Mr. Perkins**
25 **before the current matter?**

DIRECT EXAMINATION BY MR. ROBERSON / TURCOTT 11

1 A. Yes.

2 **Q. And when was that?**

3 A. It was May of 2014.

4 **Q. Did Mr. Perkins e-mail Commission Staff in the**
5 **course of that investigation?**

6 A. Yes, he did.

7 **Q. And what did Mr. Perkins say in that e-mail?**

8 A. This was an e-mail from Mr. Perkins in response
9 to technical assistance provided by Betty Young, who was
10 a, at that time, compliance investigator in my section.

11 And Ms. Young had reached out to Mr. Perkins
12 after seeing a Craigslist ad, and she provided the very
13 standard technical assistance, referring to his
14 advertisement, explaining what the law was, and asking
15 him to either submit an application or explain in
16 writing why he felt his business was not under the
17 jurisdiction of the UTC.

18 And Mr. Perkins' response was that he was
19 familiar with the guidelines as he had worked under the
20 UTC with his bus previously, and that he was currently
21 on light duty, disabled status working from home, and he
22 only does dispatching of vehicles and referring of
23 services to other carriers.

24 **Q. Okay.**

25 **But you said Mr. Perkins stated in that e-mail**

DIRECT EXAMINATION BY MR. ROBERSON / TURCOTT 12

1 that he was familiar with the Commission's regulations?

2 A. Yes, he did.

3 Q. Did Commission Staff close that particular
4 investigation after receiving Mr. Perkins' e-mail?

5 A. Yes, they did.

6 Q. Okay.

7 But did Commission Staff ever begin a new
8 investigation of Mr. Perkins and/or Emerald City?

9 A. Yes.

10 Q. And when was that?

11 A. That was shortly after I came to work at the
12 Commission. I began looking again at some old cases,
13 and looking on the internet for advertising of party bus
14 services, and I located his company website.

15 Q. And I'm sorry. Actually, I'm going to have you
16 jump back.

17 Could you turn to Exhibit MT-1?

18 A. Yes.

19 Q. Is that a true and accurate copy of the e-mail
20 in which Mr. Perkins stated that he was familiar with
21 the Commission's regulations?

22 A. Yes.

23 Q. Thank you. Okay.

24 Turning back to the current investigation -- my
25 apologies -- on January 4th, 2016, did you view Emerald

DIRECT EXAMINATION BY MR. ROBERSON / TURCOTT**13**

1 City Party Bus's website?

2 A. Yes, I did.

3 **Q. Would you turn to Exhibit MT-2?**

4 A. Okay.

5 **Q. Is that series of pages a true and accurate**
6 **screen capture of Emerald City's website as you saw it**
7 **on that day?**

8 A. Yes.

9 **Q. And what did you find on the website when you**
10 **saw it?**

11 A. Well, it has the phone number (206) 571-5363.
12 It says, "Thank you for visiting Emerald City. My name
13 is Marcus Perkins," and he goes on to explain the
14 business services that he offers. It has an Ambaum
15 Boulevard address, 17431.

16 And I found that the -- though the website
17 advertises services that fell within the jurisdiction of
18 the UTC, specifically party bus services, a vehicle is
19 depicted with perimeter seating that allows the
20 passengers to circulate around the vehicle, as per the
21 definition of a party bus. It also has additional
22 amenities such as beverage service and lights and sound
23 and TVs and those sorts of things.

24 In addition, there was transportation advertised
25 that was in excess of 14 passengers behind the driver,

DIRECT EXAMINATION BY MR. ROBERSON / TURCOTT 14

1 which is what would be allowed under a limousine
2 license, but in excess of 14 falls within the
3 jurisdiction of the UTC.

4 Q. And did you say that Mr. Perkins identifies
5 himself as the author of the website?

6 A. Yes. The website reads, "My name is Marcus
7 Perkins, I am the owner and have been in the chauffeur
8 business for over 10 years."

9 Q. Now, is it a violation of RCW 81.72.220 to
10 engage in the business of a charter party or excursion
11 services carrier without a certificate of authority from
12 the Commission or registering as an interstate carrier?

13 A. Yes.

14 Q. Does advertising or soliciting or offering to
15 provide charter party or excursion service carrier [sic]
16 constitute engaging in the business of a charter party
17 or excursion services carrier? Sorry. That's a really
18 long question.

19 A. Yes.

20 Q. Did you check to see if Emerald City has
21 registered as an interstate carrier?

22 A. I did.

23 Q. How did you do that?

24 A. The Federal Motor Carrier Safety Administration,
25 or FMCSA, has a website where a person can check the

DIRECT EXAMINATION BY MR. ROBERSON / TURCOTT 15

1 company's status, their DOT authority, et cetera.

2 **Q. And was Mr. Perkins registered as an interstate**
3 **carrier?**

4 A. He was registered, but did not have current
5 authority.

6 **Q. Could you turn to Exhibit MT-6?**
7 **Is that a true and accurate copy of the USDOT**
8 **Company Snapshot showing that Emerald City is not**
9 **registered currently as an interstate carrier?**

10 A. Yes.

11 **Q. Has Emerald City or Mr. Perkins held a**
12 **Department of License [sic] limousine endorsement since**
13 **2014?**

14 A. No.

15 **Q. So at the time you visited the website, he was**
16 **not authorized to operate as a limousine carrier?**

17 A. For -- checking limousine records, I'm not able
18 to access those myself directly. I had to call Ms. Jody
19 Sisk, who is the limousine program manager at Department
20 of Licensing, who checked the records on my behalf, and
21 she advised that there was no current limousine
22 authority, and nothing -- at least since 2014 when they
23 switched to a new records system.

24 **Q. Thank you.**

25 **Have you ever viewed Emerald City's Facebook**

DIRECT EXAMINATION BY MR. ROBERSON / TURCOTT 16

1 page?

2 A. Yes.

3 **Q. Have you seen a post on a page dated March 27,**
4 **2016?**

5 A. Yes.

6 **Q. Could you turn to Exhibit MT-3?**

7 A. Okay.

8 **Q. Is that a true and accurate screen capture of**
9 **the Facebook posting that you saw dated that --**
10 **March 27th, 2016?**

11 A. Yes.

12 **Q. And could you tell me what that post contains?**

13 A. The top of the Facebook page says "Emerald City
14 Party Bus Limo Service," and there's a nighttime image
15 there of the Seattle skyline with the Space Needle,
16 which I observed in other advertising as well.

17 In the "About" area, the "About" section, the
18 business address is 20115 32nd Avenue South, Seattle,
19 Washington, the business phone number is (206) 571-5363,
20 and the company website is www.emeraldcitypartybus.com.

21 There is a "Timeline" post, dated March 27th, by
22 Emerald City Party Bus, which reads, "Its that time of
23 [sic] my friends for, proms, concerts, bar crawls, nites
24 on the town, And never forget Yearly Seahawks tailgates.
25 So get at me for fun and safe times on the Party Bus and

DIRECT EXAMINATION BY MR. ROBERSON / TURCOTT 17

1 Limo needs. 206-571-5363."

2 Q. Thank you.

3 Now, did you ever e-mail Emerald City and ask
4 for a quote for the provision of charter party services?

5 A. Yes, I did.

6 Q. Did you send that e-mail addressed particularly
7 to Mr. Perkins?

8 A. The e-mail went not -- not per se to
9 Mr. Perkins. It went to his -- on his website, the
10 Reservations feature, and it went to -- the reply
11 actually came from reservations@emeraldcitytaxi.com.

12 Q. With regard to, I guess, what you would call the
13 salutation, the Dear Mr. So and So, is that to any
14 particular individual?

15 A. I addressed -- yes, I addressed it -- I
16 addressed the e-mail, "Good morning, Mr. Perkins,"
17 because that was the gentleman's name that appeared on
18 the website, and I wanted to direct my inquiry to the
19 business owner.

20 Q. Thank you.

21 What did you say in that e-mail?

22 A. I wrote, "I am interested in renting a party bus
23 for a group of 18 people on Saturday, June 11th. Can
24 you give me a quote for the Hummer or the white bus you
25 have on your website? This will be a pickup in Des

DIRECT EXAMINATION BY MR. ROBERSON / TURCOTT 18

1 Moines, go to a ball game, then out to some bars for 18
2 people, 6:00 p.m. to midnight."

3 Q. And did Mr. Perkins respond?

4 A. He did.

5 Q. And what did he say?

6 A. [As read] "Hello Miguel. I have a bus available
7 that day. The rate is 40-person with a min -- minimum,
8 I believe -- of 15 people, and 20 people being the max.
9 I [sic] this works for you and your group, please feel
10 free to call me. Thank you."

11 Q. And could you turn to Exhibit MT-4? Is that a
12 true and accurate copy of the -- of your e-mail
13 correspondence with Mr. Perkins?

14 A. Yes.

15 Q. Okay.

16 Now, do you review advertisements on the website
17 Craigslist as part of your investigatory duties?

18 A. Yes, I do.

19 Q. Have you ever seen a Craigslist ad for Emerald
20 City Party Bus?

21 A. Yes.

22 Q. What day was that advertisement posted?

23 A. July 13th, 2016.

24 Q. Does Mr. Perkins identify himself as the author
25 of the Craigslist post?

DIRECT EXAMINATION BY MR. ROBERSON / TURCOTT 19

1 A. Yes, he does.

2 **Q. And what does the advertisement offer to**
3 **provide?**

4 A. It offers a variety of services. Of interest to
5 this investigation, oh, probably the third sentence or
6 so, third or fourth sentence, "I have a party buses
7 [sic], Hummer limo, Chrysler 300 limo and Lincoln
8 stretches." So the party bus is of interest to this
9 investigation.

10 **Q. Excellent.**

11 **And so could you turn to Exhibit MT-5?**

12 A. Yes.

13 **Q. Is that a true and accurate screen capture of**
14 **Emerald City's Craigslist ad?**

15 A. Yes, it is.

16 MR. ROBERSON: Thank you. I have no further
17 questions.

18 JUDGE PEARSON: Mr. Roberson, were you going
19 to move to admit --

20 MR. ROBERSON: I am, your Honor.

21 JUDGE PEARSON: Okay.

22 MR. ROBERSON: Exhibits MT-1 through MT-8.
23 I wasn't sure if I should do that after Mr. Perkins'
24 cross-examination or --

25 JUDGE PEARSON: Well, I'd like to -- because

1 he's not here and doesn't have them in front of him, I'd
2 like to walk through them and see if he has any
3 objections.

4 MR. ROBERSON: Absolutely. And I think I
5 can help identify them, because he was given the
6 investigative report.

7 JUDGE PEARSON: Okay. So most of the
8 exhibits were attachments to the investigation report?

9 MR. ROBERSON: Yes, your Honor.

10 JUDGE PEARSON: Okay.

11 So Mr. Perkins, we're going to walk
12 through --

13 MR. PERKINS: Yes, your Honor.

14 JUDGE PEARSON: We're going to walk through
15 each of the exhibits that Mr. Roberson and Mr. Turcott
16 just referenced. And as Mr. Roberson said, you have
17 seen these because they're attached to Staff's
18 investigation report, which was provided to you when you
19 were served with the complaint.

20 MR. PERKINS: Yes. Yes, your Honor.

21 JUDGE PEARSON: So I will have Mr. Roberson
22 describe them one at a time. And after he describes
23 each one, I will ask you if you have any objection to me
24 admitting those into the record.

25 MR. PERKINS: Yes, your Honor.

1 JUDGE PEARSON: Okay. Go ahead,
2 Mr. Roberson.

3 MR. ROBERSON: So Exhibit MT-1 is an e-mail
4 string between Betty Young and Mr. Perkins, and it's
5 Appendix G to the staff report.

6 JUDGE PEARSON: Does that sound familiar,
7 Mr. Perkins? It was the e-mail that Mr. Turcott --

8 MR. PERKINS: Yes, ma'am.

9 JUDGE PEARSON: Okay.

10 MR. PERKINS: Yes, ma'am. I'm familiar with
11 the e-mail, yes, ma'am.

12 JUDGE PEARSON: Do you have any objection to
13 that being offered into evidence?

14 MR. PERKINS: Well, as far as, I mean,
15 bringing it into evidence, I mean, like I said, I
16 specifically put in there, you know, what was going on.
17 And I was unaware that I could not, you know, give my
18 customers a call, since I had been in business and had
19 built up a clientele, that I couldn't give them to my
20 other colleagues that are licensed and insured that do
21 have busses. So that's what I did, and I was really
22 open and honest about that complaint, that that -- that
23 Mr. -- I believe Mr. Wilkerson [sic] just said --

24 JUDGE PEARSON: Okay. Mr. Perkins --

25 MR. PERKINS: -- but yes, I would object to

1 that, and in that matter, because I did not tell her
2 that I would be going or providing my busses or anything
3 like that, of that nature, for her -- that I could give
4 her to one of my colleagues to do that --

5 JUDGE PEARSON: So Mr. Perkins --

6 MR. PERKINS: -- and take care of their
7 group.

8 JUDGE PEARSON: Mr. Perkins, let me just
9 stop you there. I want to explain to you why this is
10 being offered into evidence. It's -- I'm asking you, I
11 guess, whether you object to it or you acknowledge that
12 you actually wrote it. And if you do acknowledge that
13 you wrote it, Staff is offering it into evidence to show
14 that you've been contacted in the past about this
15 activity, not to speak to the truth of the response that
16 you gave.

17 MR. PERKINS: Oh, no. No, your Honor.
18 Actually no, I don't respond to most of the e-mails that
19 I get, just because -- due to my arm, you know, my arm
20 and my nerve, you know, and my hand. I almost lost my
21 hand.

22 So I have a girlfriend of mine, she responds
23 back to any and everything that -- she usually puts in
24 there -- she puts my name and phone number and address
25 at the end of all these reservation requests.

1 JUDGE PEARSON: Okay. We're talking about
2 the e-mail between you and our staff person back in
3 2014. That's what we're talking about right now, where
4 you told her about your disability.

5 MR. PERKINS: Oh, yes. Then I don't object
6 to it. Yes, that one I did. I did respond to her, yes,
7 I did, your Honor.

8 JUDGE PEARSON: So I will admit that into
9 the record and mark it as Exhibit MT-1.

10 (Exhibit No. MT-1 marked and
11 admitted.)

12 MR. ROBERSON: Exhibit MT-2 is screen
13 captures of Emerald City Party Bus's website, and it's
14 Appendix B to the Staff investigative report.

15 JUDGE PEARSON: Mr. Perkins, did you see the
16 pictures of your website that were attached to the
17 investigation report?

18 MR. PERKINS: Yes, I did, your Honor.

19 JUDGE PEARSON: And do you acknowledge that
20 that's your website?

21 MR. PERKINS: Yes, I do.

22 JUDGE PEARSON: Okay.

23 So then I assume you don't have any
24 objection to admitting that into the record?

25 MR. PERKINS: No. No, your Honor.

1 JUDGE PEARSON: Okay. So I will admit that
2 and mark it as Exhibit MT-2.

3 (Exhibit No. MT-2 marked and
4 admitted.)

5 MR. ROBERSON: Exhibit MT-3 is a screen
6 capture of the Facebook advertisement on Emerald City
7 Party Bus's Facebook page, and it is Appendix K to the
8 Staff investigative report.

9 JUDGE PEARSON: Okay.

10 And Mr. Perkins, do you acknowledge that
11 that's your Facebook page?

12 MR. PERKINS: Yes, it is, your Honor.

13 JUDGE PEARSON: Okay.

14 So do you have an objection to admitting
15 that into evidence?

16 MR. PERKINS: No, your Honor.

17 JUDGE PEARSON: Okay. So I will admit that
18 and mark it MT-3.

19 (Exhibit No. MT-3 marked and
20 admitted.)

21 MR. ROBERSON: Exhibit MT-4 is the e-mail
22 string between Commission Staff and Emerald City
23 concerning the provision of charter party services, and
24 it's Appendix J to the investigative report.

25 JUDGE PEARSON: Okay. So Mr. Perkins, this

1 is the e-mail that contains the offer to provide
2 service, and if you want to provide testimony about who
3 actually wrote that, you'll have an opportunity to do
4 that later. But at this point in time, Staff is
5 offering it into evidence just to show that they
6 communicated with your company, whoever might have been
7 behind the keyboard.

8 MR. PERKINS: Yes. Yes, ma'am. I have no
9 objection.

10 JUDGE PEARSON: Okay. So I will admit that
11 and mark it as MT-4.

12 (Exhibit No. MT-4 marked and
13 admitted.)

14 MR. ROBERSON: Exhibit MT-5 is a screen
15 capture of the Craigslist post, and it is Exhibit -- or
16 Appendix L to the staff investigative report.

17 JUDGE PEARSON: Okay. Mr. Perkins, do you
18 have any objection to admitting the Craigslist post that
19 was attached to the investigation report?

20 MR. PERKINS: No, your Honor.

21 JUDGE PEARSON: Okay. I will admit that and
22 mark it MT-5.

23 (Exhibit No. MT-5 marked and
24 admitted.)

25 MR. ROBERSON: Exhibit MT-6 is the copy of

1 the USDOT Company Snapshot Report, and it was -- I
2 didn't see a letter, but it's the last three pages of
3 the investigative report appendix.

4 JUDGE PEARSON: So I will actually take
5 official notice of Exhibits MT-6, MT-7 and MT-8, because
6 they are records produced by other agencies.

7 MR. ROBERSON: Okay.

8 JUDGE PEARSON: Okay. Okay.

9 So Mr. Perkins, at this time do you have any
10 questions that you'd like to ask Mr. Turcott about the
11 testimony that he just gave?

12 MR. PERKINS: No. I mean, your Honor, he's
13 correct as far as, you know, the e-mails or -- and as
14 far as my website.

15 JUDGE PEARSON: Okay. Let me stop you right
16 there.

17 MR. PERKINS: That's all true.

18 JUDGE PEARSON: Hold on, Mr. Perkins.

19 MR. PERKINS: Yes, ma'am.

20 JUDGE PEARSON: It sounds like you're about
21 to give testimony, so I'd like to swear you in, and then
22 I'll just go ahead and let you explain yourself. And if
23 you could not interrupt me, because it's difficult for
24 the court reporter to keep track of who's talking.

25 Okay? So --

1 MR. PERKINS: Yes, your Honor.

2 JUDGE PEARSON: -- if you could stand and
3 raise your right hand.

4 MR. PERKINS: Okay.

5

6 MARCUS ALLEN PERKINS, witness herein, having been
7 first duly sworn on oath,
8 testified as follows:

9

10 JUDGE PEARSON: Okay. So why don't you just
11 go ahead and give us your side of the story.

12 MR. PERKINS: Yes, your Honor.

13

14 *** DIRECT TESTIMONY BY MR. PERKINS ***

15 MR. PERKINS: I've -- those are my websites.
16 That's my website. I have been -- that website has been
17 up since 2009. I have been advertising on Craigslist
18 since that same time.

19 And as far as responding back, I have not
20 been actually responding back for the last couple years
21 as far as -- unless somebody calls me directly. But as
22 far as e-mails, that was done by my girlfriend that's
23 been helping me, you know, out along the way since, you
24 know, my injury, since the car accident, which I was
25 hurt, you know, driving, you know, a licensed town car

1 service and was hit, and so I'm going through that.

2 So she had -- she had been taking care of,
3 like, up- -- you know, I should say -- what is it -- as
4 far as updating, and just the -- my Craigslist, you
5 know. I guess every seven to ten days, I guess, you can
6 update it and keep it current.

7 And as far as my website, my website
8 pictures have been the same since 2009. And as you can
9 see, even on there, I do have an issue as far as that
10 goes with the investigator. That address, that's where
11 I was when I put this website together back in 2009.
12 That's the condominium that I used to live in, and prior
13 to buying my house in 2013.

14 So everything on the website has stayed the
15 same, and I didn't think me having to change anything on
16 there was a -- had any bearing on anything as far as
17 business, me having pictures of colleagues' buses or
18 their limos or advertising that way, you know. And
19 that's basically all I can say in regards to my website.

20 And the Craigslist, I wasn't trying to hide
21 anything from anybody, you know. We responded back to
22 everybody. Anybody that asked, you know, I told them
23 the situation. I referred them to colleagues that are
24 licensed and insured through the UTC, and they would get
25 that -- basically those busses. Or if they couldn't,

1 then they weren't able to get, you know, the busses, due
2 to, you know, reservation conflicts.

3 In my line of work, you know, this is not --
4 this is not uncommon where, you know, business is passed
5 on to one another, and then -- and then on the backside
6 of that, commission is paid to the company that gives
7 the business out.

8 These colleagues of mine that I deal with
9 that are -- that know about my current situation and my
10 health situation, they were there by my side through
11 this whole thing, and I was giving them pretty much all
12 my business, and they were giving me commissions so that
13 I could just barely -- you know, basically stay afloat,
14 you know, keep my house while I'm going through this,
15 trying to get better health-wise.

16 You know, I'm going through right now with
17 the L&I as we speak. I got a hearing with them. I have
18 major injuries, and I'm not just talking, like, little
19 stuff. So I was not in the right state of mind to say,
20 like, oh, I need to take down my website, or don't put
21 anything on Craigslist, or don't respond to my
22 customers.

23 I have built up trust for years with people,
24 and they found out how hurt I was, you know, they still
25 called me, and I referred them because I wanted them to

1 be happy, to go out, to enjoy themselves, to have a good
2 time. So if I'm guilty of that, then that's what I'm
3 guilty of. And that's the truth.

4 I mean, there's -- all that other stuff,
5 yeah, the investigator's right, I do have a website. I
6 did -- I do have stuff on my Facebook. Yes, ma'am, I
7 did have stuff on Craigslist that Adriana, she updates
8 and uploads. And when calls come in, if I don't answer
9 the phone or -- she'll answer the phone.

10 Or with the e-mails, she'll respond to the
11 e-mail, and she'll give them -- and she'll let them
12 know, hey, we can do this. She'll call one of my
13 colleagues and say, hey, does that date work for you?
14 We got a call for a group.

15 And that's basically what I've been doing
16 for the last three years now since those injuries. So
17 yes, your Honor, that's pretty much what I have to say
18 on my behalf in regards to this investigation.

19 JUDGE PEARSON: Okay. Mr. Perkins, which
20 companies are you referring business to?

21 MR. PERKINS: My companies that I refer
22 business to is Brar Limousine out of SeaTac. Rick is
23 the governing agent of that. He has two party busses,
24 one with 20, one with 16 and a 28-passenger.

25 And the other one is DD Limousine, and the

1 governing person of that is Manoj Sharma.

2 JUDGE PEARSON: Did you say "DB"?

3 MR. PERKINS: Excuse me, ma'am?

4 JUDGE PEARSON: Did you say "DB," D as in
5 David, B --

6 MR. PERKINS: D as in dog, yes, ma'am. Yes.
7 Yes, your Honor. DD Limousine. Governing person for
8 that is Manoj Sharma. It's actually his picture of his
9 Hummer on my Facebook.

10 You know, it's not uncommon that we use
11 pictures for advertising, you know, to bring people in
12 to get all the -- to use the -- you know, to get the
13 work. So those are the two companies I use. Those are
14 the two colleagues that I trust that I give business to,
15 and that's -- that's what I do --

16 JUDGE PEARSON: Okay.

17 MR. PERKINS: -- you know, just because I'm
18 not working.

19 I'm in, like, you know, kind of an area
20 right now where they're not sure what's going to happen
21 with me, you know, with my nerves and my back.

22 I had back surgery, I had shoulder surgery,
23 I broke my arm in four different places, all due because
24 of the accident driving a town car, and I have to have
25 neck and still -- knee surgery still to this date.

1 So these gentlemen I consider my friends, my
2 colleagues, have been helping me out. And when I give
3 them business, they give me -- you know, they give me
4 commission to help me pay my bills, to make sure my
5 house payment's taken care of.

6 And I was not -- I didn't think by
7 advertising and keeping pictures on my website or
8 Craigslist, they would be updated, that that was some
9 kind of violation, considering that I'm not the one
10 driving, or my busses aren't out there on the road.

11 So that's -- that's where I'm at with this,
12 your Honor.

13 JUDGE PEARSON: Okay. Can I just go back to
14 the company name? I heard D, as in dog, but what was
15 the second letter?

16 MR. PERKINS: D as in dog. Two Ds.
17 Double D.

18 JUDGE PEARSON: DD Limousine?

19 MR. PERKINS: Yes, ma'am. Manoj, M-A-N-O-J,
20 Sharma, S-H-A-R-M-A.

21 JUDGE PEARSON: Okay.

22 MR. PERKINS: And the other one is Bhupinder
23 Brar Limo. We call him Rick for short because, you
24 know, they're Indian guys, so they like the short,
25 little kind of nicknames, so we call him Rick.

1 And they're both located here close to my
2 house here in SeaTac. That's where the majority of us
3 all live that are in this line of work, because it's
4 close to the airport with airport service.

5 And so I've known these gentlemen for ten
6 years now, if not more. And when they found out what
7 happened to me, they stepped in and are -- basically are
8 trying to help me, you know, until I get back on my feet
9 as far as, you know, hey, if you get calls, send them my
10 way, we'll take care of it for you, and we'll take care
11 of you, you know, while you're going through this and
12 getting help here.

13 And that's all, your Honor. That's all I've
14 been doing. And if I'm guilty of that, like I said, I'm
15 guilty of that. And that's all I can say about it. I
16 mean, I'm not going to sit here and tell you some other
17 story, but that's -- that's the truth.

18 Yes, I have my website, I have Craigslist,
19 there's advertisements on my Facebook, yes. Yes, there
20 is.

21 JUDGE PEARSON: Okay.

22 MR. PERKINS: But not -- but not have I been
23 out driving, picking up people and putting people's
24 lives in danger in the condition that I am with all the
25 narcotics that they give me and shots that they give me

1 in my spine.

2 So no, I don't -- I'm not out there actively
3 driving and trying to do that. I understand -- safety
4 is the most important thing to me in this line of work,
5 and now -- and now it's almost like I'm -- almost like
6 I'm going -- I'm basically going against with L&I right
7 now, we're fighting, and then I get served with these
8 papers, like, a week later after. So I just kind of
9 find it, like, really odd that all this came about all
10 at the same time. So it's just a lot to deal with.

11 And your Honor -- and that's basically what
12 I have to say about those -- those actions or what's
13 being, you know, approached [sic] to me, you know, the
14 complaints -- excuse me -- that are filed against me.

15 JUDGE PEARSON: Okay. Thank you,
16 Mr. Perkins.

17 I'm going to ask Mr. Roberson here in just a
18 minute if he has any questions for you. But before I do
19 that, I just want to advise you, based on what you've
20 said, that RCW 81.70.220, Subsection 1, which is the
21 applicable statute upon which Staff's complaint was
22 based, provides that it is illegal to advertise as a
23 charter party or excursion service carrier without first
24 obtaining a permit from the Commission.

25 So even if, as you say, you're not actually

1 providing those services yourself, you may not advertise
2 those services, so you will need to take that down, to
3 take down your website and take down your Facebook page
4 and your Craigslist ads, or get a permit from the
5 Commission. Those are the two choices that you have
6 right now.

7 MR. PERKINS: That's totally understandable,
8 your Honor, you know -- and -- and then, to be honest
9 with you, I didn't read through the whole UTC Commission
10 book. I mean, you know, it's like -- it's like an
11 encyclopedia, you know. I was doing the safety checks
12 and doing the things that I thought were the most
13 prominent.

14 And I was unaware that I couldn't do that as
15 far as, you know, advertise -- you know, especially with
16 my -- for example, your Honor, with my -- with my
17 website, that website was there when I had my UTC
18 permit, when I didn't have a bus, that was in compliance
19 with you guys.

20 So that website has not changed since 2009,
21 just in my defense, just to say -- to let you know that,
22 you know, I didn't change anything. It's been that way
23 since 2009. But I do understand what you're saying now.

24 JUDGE PEARSON: Okay. Thank you.

25 Mr. Roberson, do you have any questions for

CROSS-EXAMINATION BY MR. ROBERSON / PERKINS 36

1 Mr. Perkins?

2 MR. ROBERSON: Just a couple, your Honor.

3 *** CROSS-EXAMINATION BY MR. ROBERSON ***

4 BY MR. ROBERSON:

5 Q. Mr. Perkins, so when Commission Staff reached
6 out to you in January and sent you a technical
7 compliance letter and advised you you needed to get a
8 permit if you were going to advertise as a charter party
9 services carrier, you didn't do that, did you?

10 A. No, I did not, because I wasn't -- I wasn't
11 driving, so I didn't think that it really was -- I
12 thought it was just affecting me personally, like I had
13 to do it myself in order to do that. You know, I didn't
14 know that I had to actually not have, you know, things
15 posted in that regards to that same sort of party
16 excursions. Yeah, I didn't know that.

17 Q. To the extent that Staff informed you that
18 advertisement was forbidden under RCW 81.70.220, you
19 didn't take down the advertisements, did you?

20 A. Yes, I did. If you look on my website, I did
21 take down the party busses on my website. And as far as
22 the Craigslist and stuff like that, those are -- those
23 are done by, like I said, my girlfriend. She is the one
24 that would just, you know, click it to update it, you
25 know, on Craigslist. Because when you set up an account

CROSS-EXAMINATION BY MR. ROBERSON / PERKINS 37

1 and it expires, you can just push "Repost" and it will
2 repost. So she would just go in and do that every week,
3 and do that, you know. And I'm not on top of those
4 things right now as far as, you know, Craigslist.

5 And as far as my Facebook, I put that on there,
6 yes, I did, because, you know -- I did do that because,
7 you know, it's that time of year coming and, you know --
8 and I did put that on there as far as that one goes,
9 yes.

10 **Q. Okay.**

11 **So is your girlfriend an employee of Emerald**
12 **City Party Bus or no?**

13 A. Excuse me?

14 **Q. Is your girlfriend an employee of Emerald City**
15 **Party Bus?**

16 A. She's just been helping me out. She's -- she
17 used to drive a town car for me, you know, before the
18 accident, and so basically she's been trying to stay on
19 top of all the paperwork, you know, and just take care
20 of those kinds of day-to-day kind of things, you know.
21 So that's -- that's where she is at right now with
22 everything.

23 **Q. So she's acting on your behalf for the purposes**
24 **of your business, just --**

25 A. Yes. Yes, sir.

CROSS-EXAMINATION BY MR. ROBERSON / PERKINS 38

1 Q. Okay.

2 I think the -- your Facebook post, your website,
3 your Craigslist post repeatedly discuss "I have," "I
4 have." You don't ever say that you're dispatching,
5 right? You say that you're providing the service in
6 your vehicles?

7 A. Yes. And my Craigslist ad, I've been having
8 that since 2009. It's been the same posting since then,
9 and I've never changed it. It's just been the same
10 paragraph that's been on there since then. Nothing's
11 been changed, so she's been going in and reposting. She
12 hasn't gone in there and done any kind of changing of
13 any wording or anything, so she's just been reposting
14 it.

15 So yes, I have -- if I have, yes -- if it says
16 "I have" on there, yes -- if you say it does, then it
17 probably does. I just don't look at it on a daily or
18 even a monthly basis right now.

19 JUDGE PEARSON: Mr. Perkins, this is Judge
20 Pearson. Can you tell me what your girlfriend's name
21 is, please, her first and last name?

22 MR. PERKINS: Yes. Adriana Ivan.

23 JUDGE PEARSON: I'm sorry. What?

24 MR. PERKINS: Adriana Ivan.

25 JUDGE PEARSON: How do you spell Adriana?

CROSS-EXAMINATION BY MR. ROBERSON / PERKINS 39

1 MR. PERKINS: A-D-R-I-A-N-A.

2 JUDGE PEARSON: And last name Evans,
3 E-V-A-N-S?

4 MR. PERKINS: I-V-A-N.

5 JUDGE PEARSON: Ivan?

6 MR. PERKINS: Yes, ma'am.

7 JUDGE PEARSON: Is there an S on the end?

8 MR. PERKINS: No, just a V -- or N, excuse
9 me.

10 JUDGE PEARSON: Adriana Ivan?

11 MR. PERKINS: Yes, your Honor.

12 JUDGE PEARSON: Okay. Go ahead,

13 Mr. Roberson.

14 BY MR. ROBERSON:

15 Q. So Mr. Perkins, could you actually turn to
16 Exhibit MT-5, which is the Craigslist post, if you have
17 it in front of you?

18 A. Yes, I do. I have the paperwork right here.
19 Let's see here. Hold on. Yes, sir. I got it now.

20 Q. So at the very bottom of the page, there's a
21 posted date, and this is July 13, 2016, at 3:47 a.m.,
22 right?

23 A. Um, I'm looking at the Betty -- Ms. Young one.
24 Let's see. I do not see it. That's the one that you're
25 talking about -- just one second. I'm looking to see if

CROSS-EXAMINATION BY MR. ROBERSON / PERKINS 40

1 I have that, the one you're talking about.

2 MR. ROBERSON: It's attachment L, Appendix
3 L.

4 JUDGE PEARSON: Okay.

5 A. I don't.

6 BY MR. ROBERSON:

7 Q. Mr. Perkins, if this helps, it's Appendix L to
8 the Staff investigation report.

9 A. Yes, I'm looking through that. And the only --
10 the only e-mail that I have is one from Mrs. Betty Young
11 that I found so far, but I'm looking through here.

12 Q. Mr. Perkins, I'm actually talking about the
13 Craigslist ad, not an e-mail, the Craigslist ad itself.

14 A. Oh, the Craigslist ad itself, yeah. Okay.
15 Sorry. Okay. Yes, sir.

16 Q. So at the bottom of the post, there's a posted
17 date, which is July 13, 2016, at 3:47 a.m., correct?

18 A. Yes.

19 Q. Okay.

20 So this wasn't posted in 2009, right?

21 A. Well, no. No, I understand that, sir. But what
22 I'm saying is that I originally set up the account on
23 Craigslist in 2009. That's been the same paragraph for
24 introduction since 2009. And if you're familiar with
25 Craigslist, you don't have to write anything. If you

CROSS-EXAMINATION BY MR. ROBERSON / PERKINS 41

1 already set up an account, all you have to do is -- if
2 it expires, you hit "Repost" and it reposts the same
3 introduction or whatever it is that you're selling or
4 advertising.

5 **Q. Okay. Let's talk a little bit about Emerald**
6 **City.**

7 **Are you -- you're the managing member of Emerald**
8 **City Party Bus, LLC, correct?**

9 A. Yes, sir.

10 **Q. Does it have any employees?**

11 A. I did -- I had them, yes.

12 **Q. Currently do you have any employees?**

13 A. No, just -- I'm just by myself right now, like I
14 said, with my girlfriend just helping me now. I don't
15 have any work as far as, you know, I'm not doing any car
16 service or doing any driving, so no.

17 **Q. There are no other corporate officers then**
18 **either; it's just you?**

19 A. Yes, sir, it's just me.

20 MR. ROBERSON: Okay. I think that about
21 does it, your Honor.

22 JUDGE PEARSON: Okay. Thank you.

23 So do you have another witness today, or do
24 you want to just make a recommendation?

25 MR. ROBERSON: I would like to call another

DIRECT EXAMINATION BY MR. ROBERSON / PRATT

42

1 witness, if I could confer with him for just a second
2 before --

3 JUDGE PEARSON: Sure.

4 (Brief pause in the proceedings.)

5 MR. ROBERSON: Your Honor, Staff would like
6 to call Dave Pratt.

7 JUDGE PEARSON: Okay. Mr. Pratt, if you
8 could stand and raise your right hand.

9
10 DAVID PRATT, witness herein, having been
11 first duly sworn on oath,
12 was examined and testified
13 as follows:
14

15 JUDGE PEARSON: Okay. You may be seated.

16 *** DIRECT EXAMINATION BY MR. ROBERSON ***

17 BY MR. ROBERSON:

18 **Q. Could you please state your name and spell it**
19 **for the record?**

20 A. Sure. My name is David Pratt, D-A-V-I-D
21 P-R-A-T-T.

22 **Q. And what is your occupation?**

23 A. I currently am the Assistant Director for
24 Transportation Safety here at the UTC.

25 **Q. And how long have you held that position?**

DIRECT EXAMINATION BY MR. ROBERSON / PRATT**43**

1 A. Eleven years.

2 Q. And could you please describe any trainings or
3 education you've received to help you carry out your
4 duties at the Commission?

5 A. Yeah. I have a bachelor's degrees in public
6 administration from the Evergreen State College, and I
7 have 29 years experience in public safety.

8 Q. Are you familiar with RCW 81.70.220?

9 A. Yes, I am.

10 Q. And what does that statute set out as the
11 maximum penalty for engaging in the business of a
12 charter party service or excursion service carrier
13 without a certificate from the Commission or registering
14 as an interstate carrier?

15 A. The penalties under that statute are up to
16 \$5,000 per violation.

17 Q. Are you familiar with the Commission's guidance
18 [sic] on penalties?

19 A. Yes, I am.

20 Q. And are you familiar with Staff's investigation
21 of Emerald City Party Bus and/or Marcus Perkins?

22 A. Yes, I am.

23 Q. Do you have a recommendation as to the
24 appropriate penalties for the violations we've been
25 discussing today?

DIRECT EXAMINATION BY MR. ROBERSON / PRATT**44**

1 A. Yes, I do.

2 **Q. And what is that penalty?**

3 A. Okay. Based on my review, where we have four
4 violations that we've talked about, which was the offer
5 to provide service and the three advertisements, that
6 would give us a potential of up to \$20,000 penalty, or
7 \$5,000 each.

8 And I've listened to Mr. Perkins' case, and I
9 understand his dilemma and where he's been at, but I do
10 believe that he has reposted advertisements since then
11 and he has not changed them, so I'm not swayed [sic] of
12 that, but I also am swayed about his financial
13 condition.

14 So my recommendation would be to penalize him
15 \$1,000 for each violation, which would be a penalty of
16 \$4,000. I would recommend that the other \$16,000,
17 though, be suspended for a period of two years under the
18 conditions that he is compliant, which means he either
19 gets a permit or he ceases and desists from operating or
20 advertising.

21 MR. ROBERSON: Thank you.

22 JUDGE PEARSON: Okay. Thank you.

23 Mr. Perkins, did you want to respond to
24 that?

25 MR. PERKINS: Yes.

CROSS TESTIMONY BY MR. PERKINS

45

1 *** CROSS-TESTIMONY BY MR. PERKINS ***

2 MR. PERKINS: I believe the fines are
3 just -- I don't think they, you know, justify for the
4 situation. I never misled anybody that contacted me. I
5 let them know that there was going to be another company
6 calling that would take care of them.

7 You know, as far as advertising, I mean,
8 advertising is a part of business. I mean, I have to
9 make a living, and any colleagues of mine, you know,
10 they're helping me out, and so I don't see a fine that
11 severe being pushed on me.

12 And then to have me shut down my website is
13 what -- basically what he's saying. I mean, I gained a
14 lot of trust and a lot of customers over the years prior
15 to my accident, and, I mean, that's just -- you know, be
16 considered -- should be taken into consideration for the
17 great services and everything that I've done, and was
18 doing the right thing, including by following the
19 safety -- you know, I went about it the right way in
20 that accident.

21 I wasn't -- I wasn't trying to get over, I
22 guess you can say, or try to -- try to work the system,
23 you know. If that was the case, I would have just
24 completely just shut my business down and just dealt
25 with it and just whatever. But I -- I'm keeping my

CROSS TESTIMONY BY MR. PERKINS

46

1 business alive, because there's people out there that
2 actually enjoy what I've done for them, the business in
3 the past, the business that they want to do with me in
4 the future.

5 So shutting my website down -- I have no
6 problem with making adjustments to -- as far as, you
7 know, as far as the UTC action part of it is, you know,
8 involved in this, I have no problem with doing that.
9 And shutting down with Craigslist, that's -- I have no
10 problem with doing that.

11 But with that being said, I mean, if you
12 fine \$4,000 for basically, like, I'm just trying to, you
13 know, just stay afloat and not lose my home, you know.
14 I'm a father to a six-year-old daughter that I can't
15 even do anything with. You know, I have serious
16 injuries.

17 You know, due to working under the State,
18 you know, that I'm fighting with now through L&I -- and
19 it's, like, I'm getting it from both sides right now.
20 And it's like -- it's been -- it's been overwhelming.

21 And yes, I have not been on top of these
22 things probably like I should have been, but I've been
23 under doctor's, specialist's care for over three years
24 now, with major surgeries, not just broken femur or
25 something like that.

CROSS TESTIMONY BY MR. PERKINS

47

1 You know, I've taken a lot of medication.
2 I'm on nerve medication, pain medication, everything,
3 and I just -- I just -- I couldn't take -- I just -- I
4 couldn't -- I just -- I don't think I could even afford
5 to do that. I mean, I would rather just shut things
6 down and deal with it and, you know, and see where the
7 next step in my life goes at this point.

8 Because you know -- I mean, I just thought I
9 was doing a service for people out there, getting them
10 to go out and have a great time. And advertising is one
11 of the things, and I thought I did a great job and was
12 great customer service to people, and people would think
13 that way. And you know, it's just -- I kind of find it
14 sad that it's come to this point where now, I mean, it's
15 like I'm going to have to shut down my websites and all
16 this stuff. And so that's -- that's it, your Honor.

17 JUDGE PEARSON: But Mr. Perkins, you
18 understand you have the option of applying for a
19 certificate, correct?

20 MR. PERKINS: Yes, ma'am. But the thing is
21 this. I'm not going to pass the required physical that
22 is required, you know, through the DOT, you know,
23 because you have to take a physical. And then the
24 doctors, they've already told me, Marcus, you're far
25 from that even happening.

CROSS TESTIMONY BY MR. PERKINS

48

1 So even if I applied, I'm the one that, when
2 I drive the busses, I'd be usually the only one. I
3 never had another bus driver. When I had my town cars
4 and I was doing the car service, that was different,
5 because people can drive cars, but they can't drive
6 busses safely.

7 So I took that very seriously, because when
8 you have that many people on board, I mean, an accident
9 can hurt, obviously kill people. And so I was trained
10 to drive. I got extra training prior to even applying
11 to be -- you know, for a business here, I worked for
12 FedEx for seven years prior to this driving
13 tractor-trailer. I had all kinds of training. So I
14 took the training and safety very seriously.

15 So that's why, you know, I just -- I just --
16 I'm just -- like I said, I guess that's all I have to
17 say, your Honor. I just -- I don't believe this. I'm
18 kind of at a loss for words right now.

19 JUDGE PEARSON: Okay. I just --

20 MR. PERKINS: I've got a lot going on, and I
21 understand where the State's coming from as far as the
22 UTC thing, the violation, or the complaints, you know.
23 There was not -- no intention or any kind of malice in
24 that to try to -- to try to do something to the State,
25 you know, on purpose. It wasn't -- it wasn't that at

1 all.

2 And I feel like I'm being penalized or,
3 like, I was trying to do this on purpose, and I wasn't
4 trying to do anything intentionally. And you know, I
5 pride myself on safety and taking care of others and
6 whatever, and having people have fun.

7 So that's it, your Honor. That's all I have
8 to say about it.

9 JUDGE PEARSON: Okay. Thank you,
10 Mr. Perkins.

11 So Mr. Roberson, I just want to ask if Staff
12 is amenable to a payment plan as part of their
13 recommendation.

14 MR. ROBERSON: Yes, your Honor.

15 JUDGE PEARSON: Okay. Thank you.

16 So anything else, Mr. Pratt?

17 MR. PRATT: Yeah. I would just like to make
18 an offer to Mr. Perkins. When this case is concluded,
19 we would be happy to work with you to adjust the wording
20 on your advertisements and your website to reflect that
21 you do not provide the service yourself but that you
22 refer it to others.

23 And we have some criteria, and if you're
24 willing to meet that criteria, you could then continue
25 to advertise, which does not run afoul of our rules.

1 And so I would say, when this case is resolved, which
2 would be after the order comes out and you comply with
3 it, then we'd be happy to work with you so you can
4 continue to broker, so to speak, loads out, as long as
5 you did it appropriately.

6 MR. PERKINS: That's great. Thank you very
7 much. I will consider that. And I'd be willing to do
8 that, you know, come down there and talk with you about
9 that, and show me -- you know, show me what I did wrong,
10 you know, as far as how to reword everything now with,
11 you know -- but yes, I'm definitely -- I'm definitely on
12 board with doing things like that.

13 I built up a lot of customers and, you know,
14 and a good base, you know, and gave great service, and I
15 just don't want to throw that all away just because I'm
16 hurt and trying to just get better. So yes, I would
17 really appreciate that. Thank you.

18 JUDGE PEARSON: So I will just note that
19 there's nothing that prevents the parties from working
20 together immediately towards fixing the website, and my
21 preference is that that would be corrected sooner rather
22 than later to get Mr. Perkins into compliance with
23 Commission rules.

24 So Mr. Perkins, at your earliest
25 convenience, you're welcome to contact Staff and get

1 some technical assistance about how to make changes to
2 your website to bring it into compliance.

3 MR. PERKINS: Your Honor, may I ask, can I
4 have a phone number and that gentleman, Mr. Pratt's,
5 number so I could contact him personally, please?

6 JUDGE PEARSON: Yes. We'll give you
7 Mr. Turcott's information.

8 MR. TURCOTT: Mr. Perkins?

9 MR. PERKINS: Yes.

10 MR. TURCOTT: This is Mike Turcott. We
11 spoke this morning. My number is (360) 664-1147.

12 MR. PERKINS: Okay. Great. Thank you.

13 MR. TURCOTT: All right. Thank you.

14 JUDGE PEARSON: Okay. Thank you.

15 So I will take everything under advisement
16 and issue an order reflecting my decision within ten
17 days, probably sooner than that. Okay?

18 MR. PERKINS: Yes, your Honor.

19 JUDGE PEARSON: Okay. Anything else before
20 we go off the record?

21 MR. ROBERSON: (Nods head.)

22 MR. PERKINS: No, thank you.

23 JUDGE PEARSON: Thank you, Mr. Perkins, for
24 making yourself --

25 MR. PERKINS: Have a good rest of the day.

1 Thank you.

2 JUDGE PEARSON: Okay. Thank you for
3 participating today.

4 MR. PERKINS: Okay. Thank you, your Honor.
5 You're welcome.

6 JUDGE PEARSON: Okay. And we will be off
7 the record then. We're adjourned. Thank you.

8 MR. PERKINS: Thank you so much.

9 (Hearing concluded at 2:27 p.m.)

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3 STATE OF WASHINGTON)

4 COUNTY OF KING) ss.

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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 11th day of October, 2016.

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17 ANITA W. SELF, RPR, CCR #3032

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