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BEFORE THE WASHINGTON STATE

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UTILITIES AND TRANSPORTATION COMMISSION

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4 In the Matter of the Application of ) DOCKET TV-112194  
5 ASM, LLC, d/b/a ALL SERVICE ) Pages 1-50  
6 MOVING, )  
7 For a Permit to Operate as a Motor )  
8 Carrier of Household Goods )

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BRIEF ADJUDICATIVE PROCEEDING, VOLUME I

11

Pages 1-50

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ADMINISTRATIVE LAW JUDGE MARGUERITE E. FRIEDLANDER

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1:31 P.M.

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AUGUST 9, 2012

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A P P E A R A N C E S

ADMINISTRATIVE LAW JUDGE:

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\* \* \* \* \*

0003

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			COMMISSION STAFF WITNESS:
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11			
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13	TL-1	--	9 ASM LLC Application for Permit, dated December 14, 2011
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23	TL-7	--	9 Email Communications between Employment Security Department and Applicant dated May 23, 2012
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1	TL-8	--	9	Email Communication from WUTC Staff to Applicant, dated May 25, 2012
2				
3	TL-9	--	9	Form H- Uniform Motor Carrier Cargo Certification of Insurance, and Form E - Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance for "ASM LLC DBA All Service Moving," dated December 13, 2011
4				
5				
6	TL-10	--	9	Printouts of: Applicant's Business Licence detail from Department of Licensing (DOL) website, dated February 28, 2012; Business License detail from DOL website, dated July 19, 2012; Corporation Detail from Washington Secretary of State website, dated July 19, 2012; Business Records Database Detail from Washington Department of Revenue website, dated July 19, 2012; Employer Liability Certificate from Washington Department of Labor and Industries website, dated July 19, 2012; Company Snapshot of ASM, LLC from FMCSA website, dated July 19, 2012
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RESPONDENT:  
JEFFREY GRABEEL

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16	JG-1	8	9	Certificate of Registration
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OLYMPIA, WASHINGTON, AUGUST 9, 2012

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1:31 P.M.

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P R O C E E D I N G S

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JUDGE FRIEDLANDER: Let's go on the record.

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My name is Marguerite Friedlander. I'm the administrative law judge for the Commission today presiding over this brief adjudicative proceeding.

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We are here today before the Commission on Thursday, August 9, 2012, to begin a hearing in Docket TV-112194, to address a request by ASM, LLC, doing business as All Service Moving, for a review of the Commission's order dismissing ASM's household goods permit application.

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The purpose of the hearing today is to take testimony and to also take evidence from both of the parties on the issues in the proceeding. My plan is to take appearances, address any preliminary matters that the parties may have, and then we'll get right into the testimony.

20

21

22

So let's go ahead and take appearances of the parties. I'll start with you, Mr. Grabeel, since you are the moveant in this case.

23

24

25

MR. GRABEEL: My name is Jeffrey Grabeel.

JUDGE FRIEDLANDER: Grabeel?

MR. GRABEEL: Grabeel, yeah.

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1 JUDGE FRIEDLANDER: Okay. And could you give your  
2 full physical address, telephone number, and e-mail address?

3 MR. GRABEEL: Of the business, or of the -- of  
4 myself?

5 JUDGE FRIEDLANDER: Business is fine.

6 MR. GRABEEL: Okay. Business is 5203 Southeast  
7 Johnson Creek Boulevard, Portland, Oregon 97222.

8 JUDGE FRIEDLANDER: And then your telephone number,  
9 as well as e-mail.

10 MR. GRABEEL: 503.810.2770. E-mail is  
11 move@allservicemoving.com.

12 JUDGE FRIEDLANDER: Great. Thank you.

13 And appearing today on behalf of Staff?

14 MR. FASSIO: Michael Fassio, Assistant Attorney  
15 General. My address is 1400 South Evergreen Park Drive  
16 Southwest, P.O. Box 40128, Olympia, Washington 98504-7250.

17 My telephone number is 360.664.1192; fax:  
18 360.586.5522; and my e-mail address is mfassio@utc.wa.gov.

19 JUDGE FRIEDLANDER: Thank you. It doesn't appear  
20 that there's anyone in the hearing room today other than our own  
21 Staff, who would be making an appearance.

22 Is there anyone on the conference bridge who would  
23 like to make an appearance today?

24 Hearing nothing, we'll go ahead and address  
25 administrative issues, if either party has any that they would

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1 like to bring before the Commission.

2 MR. GRABEEL: What is an administrative issue?

3 JUDGE FRIEDLANDER: It would be, for example, if you  
4 were to raise an objection about an exhibit. Now might be the  
5 time to do that, or if you had any other procedural matters that  
6 you wanted to raise at this time.

7 MR. GRABEEL: Procedural matters, I'm not sure if  
8 that refers to the Court, or to -- or to the actual process of  
9 the requirements, the requirements for them, for the UTC.

10 JUDGE FRIEDLANDER: "The requirements" meaning the  
11 requirements for your permit application?

12 MR. GRABEEL: Yeah, correct.

13 JUDGE FRIEDLANDER: That would be in the actual --  
14 the actual hearing of the case, so witness testimony and that,  
15 so, yeah.

16 MR. GRABEEL: Okay. I'm good.

17 JUDGE FRIEDLANDER: Okay. Okay. Great. Thank you.

18 Well, let's go ahead and then begin with witness  
19 testimony.

20 I'm sorry. Mr. Fassio?

21 MR. FASSIO: No, excuse me, Your Honor. One minor  
22 point.

23 I understand that Mr. Grabeel brought in an exhibit  
24 today, and so I would like a copy of that now, if I could.

25 MR. GRABEEL: Should I give it to you?

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1 JUDGE FRIEDLANDER: Sure. Thank you.

2 MR. GRABEEL: Do you need one, too?

3 JUDGE FRIEDLANDER: I do. And the excess will be  
4 needed -- you know, like I explained before, you'll need to file  
5 those with the Commission at the Record Center desk.

6 MR. GRABEEL: No problem.

7 JUDGE FRIEDLANDER: Thank you. Okay. I have marked  
8 this exhibit as Exhibit JG-1 for the record.

9 (Exhibit No. JG-1 marked for identification.)

10 JUDGE FRIEDLANDER: Why don't we go ahead and swear  
11 in the witnesses before we begin, and I'll just do it en masse.

12 So if Mr. Grabeel and Ms. Leipski will go ahead and  
13 stand and raise your right hand.

14

15 JEFFREY GRABEEL and TINA LEIPSKI,  
16 witnesses herein, having been first duly sworn on oath, were  
17 examined and testified as follows:

18

19 MS. LEIPSKI: Yes.

20 MR. GRABEEL: Yes.

21 JUDGE FRIEDLANDER: Okay. You can both be seated.

22 And before we begin, also, are there any objections  
23 to the exhibits either offered by Mr. Grabeel or by Staff?

24 MR. FASSIO: Not from Staff.

25 JUDGE FRIEDLANDER: Okay. Okay. Great.



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1                   And Mr. Grabeel?

2                   MR. GRABEEL: No.

3                   JUDGE FRIEDLANDER: Okay. Then I will go ahead and  
4 admit those into the record just so we don't have to do that  
5 during witness testimony.

6                   (Exhibit Nos. TL-1 through TL-10, and JG-1 were  
7 admitted into the record.)

8                   JUDGE FRIEDLANDER: Since you have raised the issue  
9 of the review of the dismissal, I'll go ahead and allow you to  
10 speak first. You can treat this as testimony. You can give a  
11 statement if you would like. Explain what has happened in your  
12 own words, and then I will allow Mr. Fassio to cross-examine  
13 you. And after he's done cross-examining you, you can respond  
14 afterwards, what we would typically consider as redirect.

15                   MR. GRABEEL: Okay.

16                   JUDGE FRIEDLANDER: So if you would like to begin.  
17 Is your microphone on? Is the red light on?

18                   MR. GRABEEL: It's not.

19                   JUDGE FRIEDLANDER: Okay.

20                   MR. GRABEEL: Push the button?

21                   JUDGE FRIEDLANDER: Perfect.

22                   MR. GRABEEL: It's on.

23                   JUDGE FRIEDLANDER: Okay. Great. Thank you.

24                   MR. GRABEEL: Perfect. Okay. So I went into this  
25 last year trying to get our household goods moving license

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1 primarily so we could serve Vancouver, because we're based in  
2 Portland, and so I got the application. Filled it out.

3 I thought I met other requirements -- and I didn't,  
4 which is fine -- so I've spent the last -- since December, I  
5 think, trying to get this license, but trying to do some -- or  
6 register with some agencies that are impossible for an  
7 out-of-state business to register with. So if I'm asked to do  
8 things that are not possible, it's going to take time, and it's  
9 difficult.

10 For example, one of the places they wanted me to  
11 register with was the Department of Labor & Industry, which will  
12 not register a company outside of the State. If you don't have  
13 any basis in the State, if all of your employees come from  
14 Oregon, they will not register you in Washington.

15 I was able -- after weeks of attempts, calls, and  
16 being extremely annoying to them, I was able to get them to  
17 register us, which they said that they weren't supposed to do  
18 and if an issue came up, they would not keep us registered.

19 The Employment Security Department was the other one.  
20 That one I did the same thing. I was annoying. I did  
21 everything I could. They still refused to register. So Tina  
22 said that they made an exception for that, for the Employment  
23 Security Department because we could not do it, and that was  
24 based on a law, RCW 50.04.110. And so they said that was okay,  
25 and they were going to bypass that to get my application.

0011

1           I think the main point of this, from what I  
2 understand, is that the business name that the State gave us is  
3 a forced business name. We're not allowed to use our actual  
4 business name in the State of Washington because there is a  
5 company called "ASM, Incorporated," and our business name is  
6 ASM, LLC.

7           So the Secretary of State made a business name for  
8 us, told us this is what we were supposed to use, and that our  
9 business name -- any business we do -- for example, when you  
10 addressed me originally, you addressed that the business is ASM,  
11 LLC, not ASM, LLC, d/b/a All Service Moving, LLC, like the  
12 Secretary of State said.

13           Every document I have, minus the certificate from the  
14 Secretary of State, says ASM, LLC and -- or doing business as  
15 All Service Moving. It's not -- the business name is not ASM,  
16 LLC, d/b/a All Service Moving. They told me to bring my  
17 application in because it states clearly in the application the  
18 name of the company that we have is ASM, LLC. The name to be  
19 used in Washington State is All Service Moving, LLC. As far as  
20 every document I have, minus the certificate they gave me, it  
21 says ASM, LLC is our business name, including our insurance.

22           In addition, they also required -- the Secretary of  
23 State also required us to show proof that we are registered in  
24 our own state where we do business as, from the State of Oregon  
25 Secretary of State, proof of the same name that we're

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1 registering here in Washington, which is also ASM, LLC. From  
2 what I understand, the big -- the big problem is, is our  
3 insurance correlating with our business name.

4 Now, our insurance does correlate with our actual  
5 business name, but from the -- the certificate the State gave us  
6 doesn't correlate to that name, and there's no way it can,  
7 because this is a forced business name, which, in turn, makes it  
8 impossible -- another impossibility, in addition to the other  
9 two, to get the household goods moving authority, if we're based  
10 in Portland, Oregon, and we don't start a new business.

11 The only way I could get a business name like this or  
12 do business in Washington, apparently, is if I start a brand-new  
13 company, and that means our company cannot do business in  
14 Washington. I don't think Washington wants us to start a  
15 brand-new business, but if I make a business called "ASM, LLC,  
16 d/b/a All Service Moving," I will have to have brand-new DOT  
17 numbers, a new tax ID, new bank accounts, a new business  
18 license, a new Washington application, and everything I've  
19 already done in Washington would also have to be brand-new, too,  
20 to relate to ASM, LLC, d/b/a All Service Moving.

21 In addition, I would have to have different trucks.  
22 I would have to have liability insurance for our moving, for our  
23 trucks, workers' compensation, cargo, warehouse. Everything  
24 would have to be an entirely new company to meet this  
25 requirement.

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1                   Now, let me go back to the name that's on the  
2 application. I didn't write anywhere in the application to the  
3 Secretary of State ASM, LLC, d/b/a All Service Moving, was our  
4 business name. That's a forced business name, and yet the  
5 Secretary of State says that they recognize that. And if that's  
6 in dispute, you can call them. They -- but they will not  
7 call -- call you guys, so that's -- that's everything.

8                   JUDGE FRIEDLANDER: Okay. Thank you.

9                   Mr. Fassio?

10                  MR. FASSIO: Just a moment.

11

12                   C R O S S - E X A M I N A T I O N

13 BY MR. FASSIO:

14                  Q.       This is perhaps maybe a point of clarification.

15                   I remember your testimony stating that the -- your  
16 business name, as registered with the Secretary of State, is  
17 ASM, LLC, d/b/a All Service Moving, LLC. I was confused.

18                   Was your testimony that it's not in the same -- as  
19 it's registered with the Department of Licensing?

20                  A.       I believe that every department I'm registered with  
21 is registered as ASM, LLC, because that is our legal business  
22 name.

23                  Q.       Can I refer you to Staff's Exhibit No. TL-10?

24                  A.       Yes.

25                  Q.       And the first page of that exhibit is a page dated

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1 2/28/2012, and -- do you see that? The entity name on that is  
2 ASM, LLC; is that correct?

3 A. That is correct.

4 Q. Now, on the next page, page 2 of that, it's -- it is  
5 another page, and it is dated at the bottom right-hand corner as  
6 July 19, 2012.

7 And this also appears to be a business license from  
8 the Department of Revenue and Department of Licensing; do you  
9 agree, similar to the previous page?

10 A. It looks similar. Just a little blown up.

11 Q. Yeah. And that entity name there says, "ASM LLC DBA  
12 ALL SERVICE MOVING LLC"; is that correct?

13 A. That is correct.

14 Q. So does that name with the Department of Revenue and  
15 Department of Licensing match what is on your, I guess, Exhibit  
16 JG-1, which is your registration currently with the Secretary of  
17 State?

18 A. Okay. The front page? Yes. That name does match  
19 the front page of Exhibit JG-1.

20 Q. And on page 3 of TL-10 -- or I'm sorry -- page --  
21 well, page 3 of TL-10, it's another page dated July 19, 2012.

22 This is a page for corporation detail from the  
23 Secretary of State as well; do you agree?

24 A. I'm sorry. Which page again?

25 Q. Page 3.

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1 A. Page 3. (Witness reviews document.)

2 Yes. It looks like the Secretary of State.

3 Q. And that matches your corporate name as you  
4 understand it today with the Secretary of State; is that  
5 correct?

6 A. Yes.

7 Q. And then page 4 is another page also dated July 19,  
8 2012.

9 And this is a page taken from the Washington State  
10 Department of Revenue State Business Records Database Detail; do  
11 you agree?

12 A. To the best of my knowledge.

13 Q. And that entity name is the same as what we just  
14 discussed?

15 A. Yep.

16 Q. And it has a business name, which may be a trade  
17 name, of All Service Moving as well?

18 A. Yes.

19 Q. So you would agree that with all of these agencies,  
20 currently, this is your legal name as registered in Washington  
21 State?

22 A. Not all of these agencies.

23 What about -- what page would that be? Page 5? ASM,  
24 LLC, legal business name?

25 Q. Okay. Well, let's look at page 5. This appears to

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1 be an Employer Liability Certificate from the Department of  
2 Labor & Industries; would you agree?

3 A. I agree.

4 Q. And that legal business name on there is just simply  
5 ASM, LLC; is that correct?

6 A. That is correct.

7 Q. And it has a doing business name as All Service  
8 Moving?

9 A. Yes.

10 Q. So it does appear that at this point, with the  
11 exception of Department of Labor & Industries -- so you have --  
12 this name is different than the other -- than the other three  
13 agencies we just mentioned?

14 A. That name, and the name on page 6 as well, with  
15 safersys.org, which is the -- I believe the USDOT, how we're  
16 registered.

17 Q. Okay. So you're currently registered with USDOT  
18 under your name -- that's under your legal name ASM, LLC?

19 A. Yes.

20 Q. Okay.

21 A. And on the final page, too, which at the very top  
22 says Snapshot of ASM, LLC.

23 Q. Now, in this case, the Company -- or the Commission  
24 dismissed your application on the basis that the insurance, the  
25 name on your insurance does not match your -- the corporate name



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1 as registered with the State agency; is that your understanding?

2 A. That is fully my understanding.

3 Q. Okay. And if I could direct you to Exhibit No. TL-9?

4 A. Okay.

5 Q. Do you recognize these exhibits, page 1 -- or this  
6 exhibit, page 1 and page 2?

7 A. Form H, right?

8 Q. Yes.

9 A. Okay. (Witness reviews document.)

10 You know, I can't say that I have seen these in  
11 person, but they look like they're our insurance documents.

12 Q. The document is stamped as -- both of these documents  
13 are stamped as received on December 13, 2011.

14 Would you agree that these documents were submitted  
15 with your original application?

16 A. I believe so.

17 Q. And the name on the -- if I direct you to the fourth  
18 line down on Form H, and can you read that name for me that's  
19 listed under the "has issued to"?

20 A. Yes. It's (as read): "ASM LLC" -- and then in  
21 quotations [sic] doing business as, meaning, "DBA," then "All  
22 Service Moving."

23 Q. Okay. And on Form E, the fourth line down where it  
24 says "has issued to," can you read that for me?

25 A. "ASM, LLC DBA: ALL SERVICE MOVING."

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1 Q. Since December 13, 2011, has the company submitted  
2 any different insurance forms than these two forms?

3 A. No, not that I know of.

4 Q. So would you agree that the name on the insurance  
5 forms that you have just named is different from the name that's  
6 currently registered with the Secretary of State's office,  
7 Department of Licensing and Department of Revenue --

8 A. Well, I would say that --

9 Q. -- as your entity name?

10 A. I would say this doesn't say a specific name. I  
11 would agree that this has ASM, LLC. And then in our state, we  
12 put d/b/a, if you're doing business as. You have two business  
13 names. I could put as many business names as we do business as  
14 that are registered. We register our business names.

15 So ASM, LLC is one name. D/b/a doing business as, is  
16 not part of the name. All Service Moving is part of the name.

17 Q. However, that's in the State of Oregon --

18 A. Right.

19 Q. -- correct?

20 A. Yes. And this came from the State of Oregon -- or,  
21 no. It came from somewhere else, but it's for the State of  
22 Oregon originally.

23 Q. Okay. So this reflects that your corporate name is  
24 ASM, LLC?

25 A. (Witness nods head.)

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1 Q. And then it has a tradename. That's the d/b/a  
2 designation of All Service Moving?

3 A. Correct.

4 Q. Okay. Have you attempted since the application was  
5 dismissed to obtain a certificate of insurance for Washington  
6 State that has a business name that matches what is in the  
7 Secretary of State's office? Have you attempted to get --

8 A. I have.

9 Q. -- an insurance carrier -- let me finish.

10 Have you attempted to get insurance forms that have  
11 the same name as what you would currently be using on your  
12 permit in Washington and as registered with the Secretary of  
13 State?

14 A. Okay. I've had lengthy conversations with our  
15 insurance agent, who's done a lot of research to find out that  
16 we cannot add another business name without changing -- without  
17 making a new policy.

18 We also attempted to put it as additionally insured,  
19 which would not work with this application, I understand. They  
20 said that the only way is if we can prove that we have a  
21 business name called "ASM, LLC." We have to make a new policy.

22 And if we start a new business called "ASM, LLC," we  
23 have to start a new business, which I have already gone over.  
24 So I have made the attempts. I made pretty good attempts at it.

25 MR. FASSIO: All right. I don't have any further

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1 questions at this time, Your Honor.

2 JUDGE FRIEDLANDER: Thank you. And did you wish to  
3 make an additional statement regarding the questions that you  
4 were asked by Staff?

5 MR. GRABEEL: Yes, I would.

6 Okay. So back to -- okay. So in regards to the  
7 exhibit, 10, I would assume that most of these pulled their  
8 business name off of the Secretary of State of Washington. I'm  
9 guessing that's where they probably get these names, because  
10 I've never listed these business names as ASM, LLC, d/b/a All  
11 Service Moving, LLC, on any form I've ever filled out. So these  
12 are probably all pulling it off of this document that's listed  
13 with the Secretary of State. That would be a pretty good  
14 assumption.

15 And just in addition, like I said, you guys have a  
16 copy of my application which never -- I never asked for a  
17 business called "ASM, LLC, d/b/a All Service Moving," and that's  
18 it.

19 JUDGE FRIEDLANDER: Okay. Thank you. I have some  
20 questions. Just give me a minute to organize my thoughts here.

21

22 E X A M I N A T I O N

23 BY JUDGE FRIEDLANDER:

24 Q. Okay. First of all, you just said that you have  
25 never listed a d/b/a with us on your application; is that

0021

1 correct?

2 A. On which application?

3 Q. The application --

4 A. Oh, no. I have listed --

5 Q. -- you initially filed.

6 A. I have listed an actual d/b/a, doing business as  
7 name, which is All Service Moving. I believe I put it in the  
8 application. I did not list -- okay. Here's my application  
9 right here for the household goods. I think this is the  
10 house -- no, it's the Secretary of State. I have a copy of it  
11 somewhere.

12 Q. Actually, it would be Exhibit TL-1.

13 A. TL-1. Thank you.

14 Q. Sure. And I believe that's on the second page.

15 A. Okay. Perfect. TL-1, I listed our company name as  
16 ASM, LLC.

17 Q. Right. And then your tradename right below that is?

18 A. All Service Moving.

19 Q. Okay. So what would -- I mean, it sounds to me that  
20 the name that -- and I'll be asking Ms. Leipski about this  
21 later, but the name that would go on your certificate from  
22 Washington, it sounds to me that Staff is saying that that would  
23 be ASM, LLC, doing business as All Service Moving, or All  
24 Service Moving, LLC, depending on which name you chose.

25 So here, your certificate it sounds to me, would be

0022

1 including your d/b/a?

2 A. Our certificate is including the d/b/a. It's  
3 including it as one word -- or one sentence -- or one name, I  
4 think, is what's going on.

5 Q. I see. So that, in your mind, is really where the  
6 crux of this argument is?

7 A. Yeah.

8 Q. Okay. So -- okay. Going back.

9 When you first started testifying, you said that  
10 you're primarily intending to transport goods between Vancouver  
11 and Portland; is that correct?

12 A. Vancouver to Vancouver. Battleground to Vancouver.  
13 I already have an --

14 Q. I see.

15 A. I already have interstate authority. I don't have  
16 intrastate authority, so...

17 Q. I see. Okay. So this is basically from two points  
18 within the State of Washington?

19 A. Exactly.

20 Q. Okay. And you said when you were being questioned by  
21 Ms. Fassio that you had attempted to get insurance in the d/b/a  
22 name; is that correct?

23 A. Our d/b/a name is insured, All Service Moving. I  
24 mean, in Oregon, I think it's different. Oregon we have -- we  
25 register with the Secretary of State for our legal name and --

0023

1 Q. I'm sorry. I don't mean to interrupt.

2 But what is your -- it looks like from Exhibit JG-1,  
3 your name in Oregon is ASM, LLC, and that's it; is that correct?

4 A. Yeah. And we have an additional registration for All  
5 Service Moving. We pay \$50 every two years to keep our  
6 tradename, so...

7 Q. So you have two separate registrations in Oregon?

8 A. Well, yeah. So we -- we actually pay to have the  
9 tradename on there in addition to our Secretary of State  
10 registration, so...

11 Q. Okay. So it's not two separate business, it's just a  
12 d/b/a?

13 A. Exactly.

14 Q. And they made you register a second time?

15 A. They make us register ASM, LLC, and then they also  
16 make us register All Service Moving --

17 Q. Okay.

18 A. -- not at the same time.

19 Q. I see. Okay. So then walk me through. When you  
20 filed for authority here, you put ASM, LLC, doing business as  
21 All Service Moving.

22 You're seeking just one certificate for both of those  
23 names?

24 A. Yeah. We -- I mean, we only do business really as  
25 All Service Moving --

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1 Q. Right.

2 A. -- and ASM, LLC is just our legal name. Yeah. We're  
3 seeking authority so we can do business as All Service Moving  
4 here in Washington.

5 Q. Okay. And so you got your insurance for the  
6 Washington authority -- or I'm sorry -- the Oregon authority and  
7 filed that originally with your Washington application; is that  
8 correct?

9 A. I think that they sent in the form just for  
10 Washington, because it was a few years ago that we did Oregon.

11 Q. So this insurance was specifically designed for  
12 Washington? Was specifically procured for the Washington  
13 license?

14 A. Based on the date, I would guess that they just did  
15 it again, so -- because I don't think we've had to submit this  
16 to Oregon for a while. But I'd have to check on that, so...

17 And I didn't see this form. They sent it directly.  
18 Our agent had it sent in, so...

19 Q. I see. I guess I'm still a little confused about the  
20 insurance, because it seems to me that you have one policy under  
21 both names.

22 A. Yes, one policy for both names.

23 Q. Okay.

24 A. Our tradename and our legal name.

25 Q. Okay. And so going back to what you said about the



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1 Secretary of State of Washington, it seems that the main  
2 difference between these two names, between what you have on  
3 file at the Secretary of State's office and what you have here  
4 is that last LLC; is that correct? The last LLC meaning, All  
5 Service Moving, LLC.

6 A. Which was a problem. That was a forced business  
7 name. They gave it to us. You know, I see them as two separate  
8 things. I see this insurance, Form H, as listing two different  
9 names. It doesn't say what's the name of the company as issued  
10 to All Service Moving, though maybe you could consider it as the  
11 same name. This is one name, is what I understand this as, and  
12 this is two names on our insurance. Maybe -- so, yeah, I don't  
13 know. There's also none in quotations, either.

14 Q. My understanding is that that would be considered by  
15 the Commission as all one name, but I will definitely be asking  
16 Ms. Leipski about that when she takes that stand.

17 If that's the case though, if that's what Washington  
18 requires you to do, would you be willing to go back to the  
19 insurance agent? I know you said you've discussed it with them,  
20 and that they have done a lot of research. But it seems to me  
21 if this policy was specifically set up for Washington, it should  
22 be fairly easy to change. Just add an LLC?

23 A. They might not be willing to add an LLC. Actually,  
24 the State of Washington said that -- Tina actually told me that  
25 I -- that we need to drop one of the LLCs. Actually, I

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1 believe -- she said we needed to drop one of the LLCs because  
2 they wouldn't let us have this name as ASM, LLC, d/b/a All  
3 Service Moving, LLC, originally.

4           Probably about maybe two or three months ago, she --  
5 she agreed that she would let -- she found some way that they'll  
6 allow us to have two LLCs in our name, because that's what this  
7 says.

8       Q.       Sure.

9       A.       So she didn't want two LLCs either, and I believe my  
10 insurance agent -- I think that might have been an issue, but I  
11 would have to go back through our e-mails of having two LLCs.

12       Q.       Okay. So if your insurance agent, though, could do  
13 it -- I mean, it seems like --

14       A.       Absolutely.

15       Q.       -- from the exhibits that I have received from Staff,  
16 it seems like the Staff's attorneys have agreed that they would  
17 allow you to have two LLCs.

18       A.       Yes.

19       Q.       And if that's the only fix that Staff needs, it seems  
20 like this would be a fairly simple fix.

21       A.       If I could -- if I can do it. I can ask my insurance  
22 agent, and I definitely will --

23       Q.       Okay.

24       A.       -- if it's possible. I just want this to get over  
25 with, and I don't want a little LLC making -- making my life

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1 miserable, so...

2 Q. And I don't think the State of Washington wants that  
3 either.

4 But I think those are all the questions that I had  
5 for you. I think right now I would like to hear from  
6 Ms. Leipski, so thank you.

7 Mr. Fassio?

8 MR. FASSIO: Thank you, Your Honor.

9

10 DIRECT EXAMINATION

11 BY MR. FASSIO:

12 Q. Good afternoon, Ms. Leipski.

13 A. Good afternoon.

14 Q. Could you please state and spell your first and last  
15 name for the record.

16 A. Tina Leipski. T-i-n-a; last name L-e-i-p-s-k-i.

17 Q. Who is your employer?

18 A. State of Washington, UTC.

19 Q. And what is your position with the Commission?

20 A. Transportation Specialist III.

21 Q. And how long have you held this position?

22 A. About six years.

23 Q. Would you please describe your duties as they relate  
24 to this case?

25 A. I process household goods applications, reviewing and

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1 issuing permits.

2 Q. I'm going to ask you a few questions about -- general  
3 questions about processing applications, and then specific  
4 questions about the processing of this application, and then  
5 your recommendations to the Commission, and then responding to  
6 some of the things that Mr. Grabeel has already testified about.

7 When Staff processes an application for household  
8 goods carrier permit, does it review the application for  
9 completeness?

10 A. Yes.

11 Q. Can you give us some examples of things that are  
12 reviewed for completeness?

13 A. Making sure the three support statements are  
14 attached; reviewing the UBI number; seeing if it's a corporation  
15 registered with the Secretary of State's office; Labor &  
16 Industries; Employment Security; and we make sure that they have  
17 the correct insurance on file.

18 Q. So putting it in another way, would an application be  
19 considered incomplete if an applicant hadn't properly registered  
20 to do business in Washington with the Secretary of State and  
21 other agencies that it was required to register with?

22 A. Yes.

23 Q. And do you also make -- do you also look to make sure  
24 that the permitted name of the applicant matches the legal name  
25 that is licensed to operate in Washington?

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1 A. Yes.

2 Q. And you mentioned insurance?

3 A. Mm-hm.

4 Q. Do you look to see that the application has the  
5 required proof of insurance on file?

6 A. That's correct.

7 Q. And is it your understanding that in order for the  
8 proof of insurance to be complete and for the application then  
9 to be complete, that it has to show the company's legal business  
10 name exactly as it's going to show on the company's permit?

11 A. That's correct; per WAC 40.15.530.

12 Q. When the Staff reviews an application, if it finds  
13 it's incomplete in some way, does it have a process for  
14 addressing that?

15 A. Yes. We issue them a Notice of Deficient Application  
16 letter with the deficiencies listed.

17 Q. And if it remains incomplete after a certain period  
18 of time, is it customary for Staff to recommend that the  
19 Commission dismiss the application?

20 A. We usually hold on to them for 90 days. We follow up  
21 every 30. But in this case, he would -- Mr. Grabeel called and  
22 said he was working on it, so we extended the deadline for  
23 dismissing the application.

24 Q. Okay. Let me ask you just a few questions about this  
25 particular application and your processing of it.

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1                   First, for the record, when did the Commission  
2 receive the application?

3           A.       December 14, 2011.

4           Q.       And for what authority is the company seeking?

5           A.       Permanent household goods moving permit.

6           Q.       And that is Exhibit 1, TL-1?

7           A.       That's correct.

8           Q.       When you reviewed the application, was it complete  
9 when it was filed?

10          A.       No, it was not.

11          Q.       And what things were identified as being incomplete  
12 at that time?

13          A.       There was a -- the UBI number was missing, so I  
14 couldn't do any lookups, because that is the main number that we  
15 do all our checks on. And there were some support statements  
16 missing, and the other registrations with the Department of  
17 Labor & Industries and Employment Security were marked "no" on  
18 the application.

19          Q.       And what initial actions did Staff take?

20          A.       We sent them a deficient letter requesting that  
21 information on January 6th.

22          Q.       And referring to Exhibit TL-2, is that a copy of that  
23 letter?

24          A.       That's correct.

25          Q.       Did you follow up with any additional notices?

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1           A.       Yes.  On January 30th, I sent another one asking for  
2 the same things:  The UBI number -- oh, no.  I had the UBI  
3 number then, but they were not registered with the Secretary of  
4 State's office.

5           Q.       Okay.  And that's Exhibit TL-3?

6           A.       Correct.

7           Q.       And then after that letter, did you follow up with  
8 any additional letter?

9           A.       Yes.  I sent another one on February 28th, stating  
10 that they still hadn't registered with the Secretary of State's  
11 office.  And the support statements were still missing, as well  
12 as the Department of Labor & Industries and Employment Security  
13 registrations.

14          Q.       Let me just ask you while we're on this one.  This is  
15 Exhibit TL-4.

16                    Prior to the Company's application being dismissed,  
17 did you receive the required support statements from --

18          A.       Yes.

19          Q.       -- the company?

20                    And this notice also talks about Department of Labor  
21 & Industry.

22                    Is it your understanding as of today, that -- that  
23 there is a -- they are registered or they have a registration on  
24 file with them?

25          A.       Correct.

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1 Q. And just for completeness, that's Exhibit TL-10 on  
2 page 5; is that right?

3 A. (Witness reviews document.)

4 That's the Labor & Industries, yes.

5 Q. Okay. And these letters also discuss registration  
6 with the Employment Security Department, and I know  
7 Mr. Grabeel's already testified about -- that that issue has  
8 apparently been resolved.

9 Is that your understanding as well?

10 A. Yes.

11 Q. And just referring to Exhibit TL-7, this is a copy of  
12 correspondence between the company and the Employment Security  
13 Department, and you're also including yourself; is that right?

14 A. That's correct.

15 Q. And what's your understanding with the requirements  
16 that ESD has with this Company?

17 A. They made the decision not to establish an account  
18 for this LLC per RCW 50.04.110.

19 Q. Okay. Now, after the February 28th letter that  
20 you've already testified about, did you send any follow-up  
21 letters?

22 A. I did. I sent one on March 29th with -- as a final  
23 notice saying the application would be dismissed on April 27th  
24 if the name -- that's when I was having an issue with the two  
25 LLCs in there. Then I got legal clarification, and he had



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1 called me on 4/20 asking for more time to get his stuff  
2 together.

3 Q. Okay. So as Mr. Grabeel's testified about, there was  
4 an issue -- and please correct my understanding if I'm  
5 incorrect -- that there was an issue with the fact the name  
6 appears to show LLC in it twice; however, you have since  
7 resolved that issue?

8 A. That's correct.

9 Q. And now can you explain -- can you explain perhaps  
10 why the name is fine in your estimation?

11 A. Now?

12 Q. Yeah, why it's an acceptable name.

13 A. The Secretary of State went ahead and registered it,  
14 so that's normally what we go by.

15 Q. Okay. And then looking at that name, do you find  
16 that the corporate designation of LLC is what's reflected at the  
17 very end of that name?

18 A. Correct.

19 Q. And everything that precedes it is part of the legal  
20 name?

21 A. That's correct.

22 Q. And it's not -- even though it says d/b/a All Service  
23 Moving, that is technically part of the legal name?

24 A. That's correct.

25 Q. So they could operate as a tradename -- they could

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1 operate and have additional tradenames or other tradenames as  
2 well?

3 A. Yes, as long as they're registered with the  
4 Department of Licensing.

5 Q. Okay. And after that March 29th letter, did you send  
6 any follow-up letters?

7 A. I did. I sent another one on May 17th recalling our  
8 phone call on April 20th when I extended the time, and I let him  
9 know what was still needed.

10 The UBI number was still different names in different  
11 places, and the registrations were different. I told him I  
12 would dismiss on June 18th, because now the name with the  
13 Secretary of State's office was different from Department of  
14 Licensing.

15 Q. Okay. And after May 17th, did you follow up and  
16 notify the company of any additional issues that you discovered  
17 now that the issue of -- okay. Let me step back.

18 By this time, the issue of the Company's name was  
19 registered with the Secretary of State, that was resolved in  
20 your opinion?

21 A. (Witness nods head.)

22 Q. In other words, it would be sufficient, and the  
23 Commission could issue a permit taking the name that the  
24 Secretary of State has licensed him as?

25 A. That's correct.

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1 Q. And, however, at that time, did you identify a new  
2 issue that needed to be resolved?

3 A. The insurance still didn't have the LLC designation  
4 at the end of it.

5 Q. And referring to Exhibit TL-8, is this a -- is this a  
6 copy of the notification that you sent to the Company reflecting  
7 that?

8 A. Yes.

9 Q. So is it correct on the 25th, you notified them of  
10 what their insurance must read?

11 A. That's correct.

12 Q. And after May 25th, did you receive anything from the  
13 Company with new insurance?

14 A. No.

15 Q. And at that time what did you recommend to the  
16 Commission?

17 A. To dismiss the application.

18 Q. On?

19 A. Due to lack of requirements met.

20 Q. And specifically?

21 A. The insurance in the proper name.

22 Q. And since the application has been dismissed, have  
23 you received any additional -- have you received anything from  
24 the Company?

25 A. No.

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1 Q. Have you communicated with the Company in any way?

2 A. There's been, I think, one e-mail.

3 Q. And so you have e-mailed the Company?

4 A. Yes.

5 Q. And what was just the general nature of that?

6 A. Letting him know what was still needed.

7 Q. And so just to be clear for the record, in order to  
8 have this as a complete application, what specifically as of  
9 this date would be necessary?

10 A. To get the insurance in the correct name.

11 Q. And that correct name is?

12 A. ASM, LLC, d/b/a All Service Moving, LLC.

13 Q. Thank you.

14 MR. FASSIO: I don't have any further questions at  
15 this time.

16 JUDGE FRIEDLANDER: Thank you.

17 Mr. Grabeel, did you wish to ask Ms. Leipski any  
18 questions of clarification?

19 MR. GRABEEL: Yes.

20 JUDGE FRIEDLANDER: Okay. Go ahead.

21

22 C R O S S - E X A M I N A T I O N

23 BY MR. GRABEEL:

24 Q. Tina, do you know what d/b/a means?

25 A. Tradename. Doing business as.

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1 Q. Doing business as. And you say that ASM, LLC, d/b/a  
2 All Service Moving, LLC, is considered -- you think it's -- you  
3 personally view it as one big name, right? ASM, LLC, d/b/a All  
4 Service Moving, LLC, is one big name, and you can have  
5 additional tradenames after that.

6 So if you consider that one name, I can't break that  
7 into two. I can't break that into ASM, LLC, and I can't break  
8 that into All Service Moving, LLC.

9 You understand what a d/b/a is, which it says d/b/a  
10 on the name, so I don't -- I can't see any reason why anybody  
11 would put d/b/a in a name other than that, so I think it's  
12 self-clarifying that it does say two different names.

13 A. Well, in our state, you can register extra tradenames  
14 that go underneath the legal name. You can have as many  
15 tradenames, d/b/a's as you want, as long as they're registered  
16 properly. But the legal name is a legal name still.

17 Q. Okay.

18 A. Has a designation.

19 Q. So it has to be ASM, LLC -- to use the name ASM, LLC,  
20 I would have to add ASM, LLC, All Service Moving, LLC as my  
21 legal name, and then I can use ASM, LLC as tradename, and I can  
22 use All Service Moving, LLC as a tradename; is that correct?

23 A. LLCs designate a company, so most of the time  
24 tradenames don't have LLCs.

25 Q. All right. My next question would be: Do you recall

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1    how many times I had to contact you regarding the Employment  
2    Security Department and the Department of Labor & Industry, how  
3    long that process took, because they would not register me?

4           A.       Yes, you called me.

5           Q.       I called you multiple times, numerous times, and I  
6    tried to harass you just as much as I was harassing them.  And I  
7    apologize, but there's nothing I could do.

8                    I think that -- well, let me ask you another  
9    question:  How often do you see a business in -- how often do  
10   you see a business try to register in the State of Washington, a  
11   moving company, who has no -- no appearance that we run actually  
12   in Washington?

13          A.       We have a few of those that --

14          Q.       A few of those?

15          A.       Yeah.

16          Q.       Now, it seems to me that most of the requirements --  
17   maybe not most, but a lot of the requirements the UTC requires  
18   are impossible for a company outside of the State with no --  
19   that doesn't have a place in Washington to actually get.

20          A.       Actually, we haven't run into that with the other  
21   companies.

22          Q.       So they were able to register with the Employment  
23   Security Department and the Department of Labor & Industry?

24          A.       Correct.  It's a requirement per the rules.

25          Q.       Yeah.  Well, they both told me -- and one of them

0039

1 sent you a letter -- that said that they would not register me  
2 and the other one was very clear that they wouldn't but they  
3 did.

4 A. Mm-hm.

5 Q. I'm not sure how the other companies did it, but if  
6 those agencies will not -- are not supposed to register us, I  
7 don't think that should be a requirement for the UTC. But  
8 that's something completely different.

9 The Secretary of State is -- it's a forced tradename.  
10 You know, that's -- that's -- I guess it has to meet up with our  
11 insurance, but our insurance doesn't say that it's our business  
12 name, so I don't know.

13 MR. FASSIO: Your Honor, if I may, this is an  
14 opportunity to ask questions of Ms. Leipski, and I appreciate  
15 that this is also testimony of Mr. Grabeel. I just wanted to  
16 point that out that if he could ask questions.

17 JUDGE FRIEDLANDER: Understood.

18 And I understand that you're a pro se witness,  
19 meaning that you're not represented. But if you could combine  
20 your questions specifically to asking for information out of  
21 Ms. Leipski and refrain from testifying -- I can allow both  
22 counsels to give closing statements if you would like, but you  
23 should really confine yourself to asking questions only.

24 MR. GRABEEL: Okay. I apologize. I have one last  
25 question.

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1 BY MR. GRABEEL:

2 Q. Do you think that for an out-of-state company the  
3 requirements for the UTC are not possible?

4 A. No.

5 MR. GRABEEL: That's it.

6 JUDGE FRIEDLANDER: Okay. Thank you.

7 And did you have any redirect?

8 MR. FASSIO: No.

9 JUDGE FRIEDLANDER: Okay. Thank you. I'm going to  
10 look at my notes and see if I have any clarification questions  
11 for you, Ms. Leipski.

12

13 E X A M I N A T I O N

14 BY JUDGE FRIEDLANDER:

15 Q. One question I did have was that you noted the  
16 only -- the only requirement that is still outstanding for ASM,  
17 LLC, d/b/a All Service Moving, LLC, is the insurance in that  
18 name; is that correct?

19 A. That is correct.

20 Q. Okay. And that's what I got from the order  
21 dismissing the application, but I didn't see in the exhibit the  
22 three supporting statements that were all from Washington  
23 residents.

24 Is that something that the Commission waived, or did  
25 you receive three statements?



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1 A. I received three statements.

2 Q. Okay. Okay. So that requirement has been met as  
3 well?

4 A. Correct.

5 Q. And as Mr. Grabeel was questioning you about earlier,  
6 you've never ran into the problem of companies not being able to  
7 meet the requirements of ESD, the Employment Security division,  
8 or L&I, the Labor & Industries?

9 A. I haven't. It's been recently that we've been  
10 requiring it, though.

11 Q. I see. I see.

12 A. Probably the past year, so...

13 Q. I see. Okay. Thank you.

14 A. Yeah.

15 Q. So just to clarify, under direct you said to  
16 Ms. Fassio the Commission treats ASM, LLC, d/b/a All Service  
17 Moving, LLC, as one name?

18 A. (Witness nods head.)

19 Q. The d/b/a is just part of the -- what we consider to  
20 be the legal name of the company.

21 Is that what the permit would have been issued in?

22 A. That's correct.

23 Q. Okay. Was the Company given a provisional permit?

24 A. No.

25 Q. Okay. Because the insurance is still in the

0042

1 incorrect name?

2 A. We never did. I mean, we dismissed the application.

3 Q. Right.

4 A. We never issued anything.

5 Q. Okay. I see. If he were to get insurance with the  
6 correct name, would Staff consider, I guess, requesting that the  
7 order be dismissed or requesting that we vacate the order in  
8 order to allow for this one requirement to fulfill his  
9 application?

10 A. Yes.

11 Q. Okay. If that were to happen, though, I'm  
12 guessing -- because it looks like his USDOT and the MC numbers  
13 are under a different name.

14 Would that jeopardize his USDOT and the MC numbers?  
15 And I know you're not an attorney, but your experience with the  
16 federal requirements, would he then have to go and change those  
17 names as well?

18 A. Normally, those have to match also, but we had heard  
19 that we could get an intrastate USDOT number, which has this  
20 name on it, and that would clear that up.

21 Q. I see. I see. Okay. So the federal government,  
22 U.S. Department of Transportation, could potentially issue an  
23 intrastate license or permit?

24 A. Number.

25 Q. Number?

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1 A. Yes.

2 Q. Okay. Okay.

3 JUDGE FRIEDLANDER: Okay. That's all of the  
4 questions that I have.

5 Before we close today, did the parties wish to give  
6 any closing statements? I think I have quite a bit of  
7 information before me, and I -- I certainly understand your  
8 frustration with the different agency requirements, and I  
9 applaud Staff also for working with the Company and for  
10 interpreting the regulations. It's not always an easy task.

11 The main thing is protecting consumers. We certainly  
12 want to do business with companies, and we want companies to do  
13 business within the State of Washington. But we also have to  
14 protect the consumers, and I believe that's why the requirement  
15 in there in our regs is dealing with the insurance and having it  
16 in the same name.

17 Did the parties wish to make any closing statements?

18 Mr. Grabeel?

19 MR. GRABEEL: I'll make a closing statement.

20 Well, actually, can I ask a question right now?

21 JUDGE FRIEDLANDER: You can. Sure.

22 MR. GRABEEL: I just want to know what exactly is an  
23 intrastate permit number.

24 MS. LEIPSKI: It's a USDOT number, and it's -- it  
25 would -- would just be a tracking number they issue. Like your

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1 USDOT number that you have now, that's interstate. This one  
2 would be intrastate only.

3 MR. GRABEEL: So if I'm doing interstate moving from  
4 Oregon to Washington, what number would I -- I would still use  
5 my regular interstate number?

6 MS. LEIPSKI: Correct.

7 MR. GRABEEL: My closing statement is based on the  
8 UTC. I really do appreciate you doing a good job and helping  
9 me. I wish that there wasn't these problems.

10 Our business is a really good one, and I think that  
11 our area where we serve, especially Vancouver -- all the areas  
12 in Washington right around us, they're in bad need of a good  
13 company, and what's why we're wanting to go over there and do  
14 this. So I hope it works out. That's my statement.

15 JUDGE FRIEDLANDER: Thank you. I appreciate that.

16 Mr. Fassio, did you have a closing statement?

17 MR. FASSIO: Yes, very brief, Your Honor.

18 First, Staff does understand that some of these  
19 issues for an out-of-state company working in Washington State  
20 with federal agencies can be difficult.

21 However, in this case, the Commission did properly  
22 dismiss the application for the basis -- on the basis of an  
23 incomplete application because the insurance wasn't in the --  
24 was not in the right name.

25 Staff, in light of the -- in light of the --

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1 Mr. Grabeel's testimony that he -- he would be willing and  
2 perhaps able to contact his insurance company and find out if it  
3 is possible to get insurance in the correct name that would  
4 enable him to have a permit, that Staff would support perhaps  
5 leaving this -- leaving this case open for a limited period of  
6 time to enable him to file correct papers with the Commission in  
7 order that the application can be further processed.

8 So I guess to summarize the recommendation there, if  
9 he were to file such papers in a reasonable amount of time, then  
10 the Commission would support vacating the dismissal order and  
11 returning this case to licensing for further processing.

12 However, in the event that he is not able to procure  
13 those documents within a reasonable period of time, then Staff  
14 would support upholding the dismissal and that he would be free  
15 to apply at a future date.

16 JUDGE FRIEDLANDER: Okay. And then I guess my legal  
17 question would then be: Is he prohibited, I guess, from  
18 refiling an application? Since he has been dismissed, does he  
19 have to wait the six months before reapplying?

20 MS. LEIPSKI: No.

21 JUDGE FRIEDLANDER: Okay. Okay. Thank you.

22 Okay. So taking into account Staff's recommendation  
23 and all of the testimony that I have heard today, I would like  
24 to hold this record open.

25 I am, however, bound by the BAP rules which prevent

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1 me from taking any longer than ten days to issue -- to enter an  
2 initial order. I'm going to check and see if there's any way  
3 around that, if the Commission can change this proceeding to  
4 atypical adjudicative -- yes, Mr. Fassio?

5 MR. FASSIO: I have one suggestion, Your Honor.

6 JUDGE FRIEDLANDER: Okay.

7 MR. FASSIO: Which would be that you could issue an  
8 initial order that provides for a deadline by which the Company  
9 can file.

10 JUDGE FRIEDLANDER: That's true. That's true.

11 MR. FASSIO: And perhaps an interlocutory order or  
12 some form of --

13 JUDGE FRIEDLANDER: Right.

14 MR. FASSIO: -- way that the order could specify a  
15 date by which the Company needs to file paperwork. And then in  
16 the event -- you know, and then kind of prospectively...

17 JUDGE FRIEDLANDER: I see what you're saying. I see  
18 what you're saying. And hold it open conditionally.

19 MR. FASSIO: Conditionally.

20 JUDGE FRIEDLANDER: Staff had recommended a  
21 reasonable time which to hold this open.

22 Mr. Grabeel, do you have any idea how long it might  
23 take you to contact the insurance company and possibly get a  
24 revised paper adding just that LLC designation to the end of the  
25 name?

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1           MR. GRABEEL: Well, we can get -- I do additionally  
2 insured, and that only takes about seven days. I'm sure it  
3 would be something similar.

4           The only issue is that they might not do it, so...

5           JUDGE FRIEDLANDER: Okay. And I understand that, you  
6 know, at this moment we don't know what your insurance will or  
7 won't do.

8           But would you say 30 days, even, would be a  
9 reasonable amount of time?

10          MR. GRABEEL: More than reasonable.

11          JUDGE FRIEDLANDER: Okay. Okay. All right. Then  
12 I'm going to hold this -- I'm going to take everything under  
13 advisement, and I will be issuing an initial order within ten  
14 days, and we'll go from there.

15          I appreciate all of the testimony, and unless anybody  
16 has anything further, then we're adjourned.

17          MR. GRABEEL: I have one question.

18          JUDGE FRIEDLANDER: Oh, I'm sorry. Okay. We're not  
19 adjourned. We're back on the record. Sorry, Shelby.

20          MR. GRABEEL: I don't know who could answer this.

21          In the event that they do not do it, they do not  
22 allow the LLC at the end, I still have the problem where I have  
23 this registered name, and I still have to create a new business  
24 if I can't get this registered.

25          So if I change the name to, for example, Portland

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1 Moving, some random name and have that insured and listed as an  
2 additional -- or as a tradename here in Portland, I think that  
3 that might work if I had it like -- well, I have to have an LLC,  
4 too.

5 JUDGE FRIEDLANDER: You know what? And, actually,  
6 those are questions you might be able to talk to Ms. Leipski  
7 about off the record, because we're just dealing right now with  
8 the application that you filed. So whatever you have on record  
9 is what is in the evidence today, and that's what I'm going to  
10 base my decision on.

11 But I would be willing at this time to give you 30  
12 additional days to have your insurance company at least look  
13 into adding that LLC to the policy since it appears that that  
14 was obtained specifically for the Washington Commission.

15 MR. GRABEEL: Yeah.

16 MR. FASSIO: And if I may just briefly respond.

17 JUDGE FRIEDLANDER: Sure.

18 MR. FASSIO: That Commission Staff and Ms. Leipski  
19 and the licensing department is available to answer any  
20 questions that he would have in the interim about these issues.

21 JUDGE FRIEDLANDER: Certainly. I appreciate that.  
22 Thank you.

23 Okay. Is there anything further?

24 MR. GRABEEL: Thank you.

25 MR. FASSIO: No.



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1                   JUDGE FRIEDLANDER:  Okay.  Great.  Okay.  We are  
2  adjourned, then.  Thank you.

3                   MR. FASSIO:  Thank you.

4                   (Proceeding adjourned at 2:29 p.m.)

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3 STATE OF WASHINGTON )

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4 COUNTY OF KING )

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6 I, SHELBY KAY K. FUKUSHIMA, a Certified Shorthand Reporter  
7 and Notary Public in and for the State of Washington, do hereby  
8 certify that the foregoing transcript is true and accurate to  
9 the best of my knowledge, skill and ability.

10 IN WITNESS WHEREOF, I have hereunto set my hand and seal  
11 this 20th day of August, 2012.

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SHELBY KAY K. FUKUSHIMA, CCR

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18 My commission expires:

June 29, 2013

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