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1 BEFORE THE WASHINGTON

2 UTILITIES AND TRANSPORTATION COMMISSION

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4 In the Matter of Determining )DOCKET NO. TE-180219

the Proper Carrier )

5 Classification of, and )

Complaint for Penalties )

6 Against, )

)

7 )

TIGER EXPRESS SHIPPING )

8 CORPORATION D/B/A TIGER )

TRAVEL )

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TRANSPORTATION COURT, VOLUME II

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Pages 28-37

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ADMINISTRATIVE LAW JUDGE LAURA CHARTOFF

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14

June 4, 2018

15

1:30 p.m.

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1300 South Evergreen Park Drive Southwest

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21 ALSO PRESENT:

22 ZHONGXIANG YE

23 LIN HUEY

Chinese-Mandarin Interpreter

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25 \* \* \* \* \*

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1 OLYMPIA, WASHINGTON; JUNE 4, 2018

2 1:30 P.M.

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

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(All proceedings were translated by the interpreter, and

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all answers given were through the interpreter,

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unless otherwise noted.)

8

9 JUDGE CHARTOFF: Okay. Let's be on the

10 record. Good morning. This is Docket TE-180219, which

11 is captioned In the Matter of Determining the Proper

12 Carrier Classification of and Complaint for Penalties

13 Against Tiger Express Shipping Corporation, doing

14 business as Tiger Travel.

15 My name is Laura Chartoff, and I am an

16 administrative law judge with the Washington Utilities

17 and Transportation Commission. I am the presiding

18 officer for today's hearing being conducted at the

19 Commission's headquarters in Olympia. Today is Monday,

20 June 4th, 2018, and the time is 1:30 p.m.

21 Madam Interpreter, are you going to be --

22 Let's go off the record for a minute.

23 (Pause in the proceedings.)

24 JUDGE CHARTOFF: Let's be back on the

25 record. Okay. So let's start by taking short

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1 appearances starting with Commission Staff. So please

2 state your name and job title.

3 MR. RAUB: My name is Justin Raub. Last

4 name is spelled R-a-u-b. I'm a compliance investigator

5 within consumer protection.

6 MR. FELDMAN: Good afternoon, Your Honor.

7 Patrick Feldman, Feldman & Lee. Last name is spelled F,

8 as in Frank, e-l-d-m-a-n. Counsel for Mr. Ye.

9 You want to identify yourself?

10 THE INTERPRETER: He wants to identify

11 himself.

12 MR. YE: Hello, everyone. My name's

13 Zhongxiang Ye, last name Y-e.

14 JUDGE CHARTOFF: Thank you.

15 Okay. So you are here because the

16 Commission filed a complaint alleging that your company

17 is performing or advertising to perform work as a

18 charter party or excursion services carrier without the

19 required permit. The purpose of today's proceeding is

20 to explain what your choices are and then hear from you

21 regarding which option you wish to pursue. You can

22 choose one of two options on behalf of your company.

23 Okay. The first option is to cease and

24 desist providing, offering, or advertising unpermitted

25 charter party or excursion services. If you choose this

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1 option, you will need to demonstrate what you have done

2 to shut down your business either completely or

3 partially to avoid further enforcement action by the

4 Commission. The Commission is going to want to see

5 sufficient proof that you are no longer performing

6 unlawful services.

7 If you choose to cease and desist, I will

8 allow you to make a statement explaining how you plan to

9 do that. Depending on what proof you can provide, you

10 should be able to reach an agreed order resolving this

11 matter with Commission Staff, and we will take a recess

12 to provide Commission Staff time to meet with you if you

13 choose that option.

14 MR. FELDMAN: And, Your Honor, if I may step

15 in at this point. That is the option that we want to

16 take. We've had a chance to discuss that option. I

17 have documentation I'll provide I guess at some point

18 showing that he's already taken steps to shut down the

19 business.

20 JUDGE CHARTOFF: Okay. Okay. So you don't

21 need me to explain about asking for a classification

22 hearing?

23 MR. FELDMAN: No, Your Honor. We did

24 discuss option B privately, and we want to proceed with

25 option A.

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1 JUDGE CHARTOFF: Okay. So -- okay. At this

2 time, I'm going to swear in Mr. Raub.

3 (Justin Raub sworn.)

4 JUDGE CHARTOFF: Thank you. Okay.

5 Mr. Feldman has indicated they intend to pursue a cease

6 and desist order. Is that acceptable to Staff?

7 MR. RAUB: Yes, Your Honor.

8 JUDGE CHARTOFF: Okay. So at this point,

9 then, we're going to take a recess, and I'll give you

10 the opportunity to speak with Staff and see if you can

11 agree on an order for entry.

12 MR. FELDMAN: Okay. Thank you, Your Honor.

13 JUDGE CHARTOFF: Essentially, that order

14 will say that you agree you were operating without a

15 permit, that you advertised without a permit, and that

16 you agree to stop operating until you get a permit if

17 you decide to apply for one.

18 Once you are satisfied that you understand

19 all the terms of the order, you and Staff will both sign

20 it. It will include but most -- most likely an

21 agreement as to the amount of the penalty to be imposed,

22 but if not, you can make your case about why the penalty

23 should be different than what Staff is recommending.

24 MR. FELDMAN: And just one moment, Your

25 Honor. Okay, Your Honor. I think we're prepared to, I

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1 guess, have me talk to the Staff now to see if we can

2 work to a mutual agreement, and if not, I guess come

3 back in front of the Court after a break.

4 JUDGE CHARTOFF: Yes.

5 Anything further from Staff?

6 MR. RAUB: No, Your Honor.

7 JUDGE CHARTOFF: Okay. So I'll be in my

8 office and please notify me when I need to come back.

9 So we will be in recess.

10 (Recess taken from 1:44 p.m.

11 until 2:33 p.m.)

12 JUDGE CHARTOFF: Let's be back on the

13 record. So I have the order. I have a couple of

14 questions for Mr. Ye, so I need to swear you in.

15 (Zhongxiang Ye sworn.)

16 JUDGE CHARTOFF: Okay. Mr. Ye, did you have

17 a chance to go through the order?

18 THE INTERPRETER: Yes, yes, he does.

19 JUDGE CHARTOFF: And do you understand all

20 five pages prior to the signature page?

21 THE INTERPRETER: He read all of them, and

22 the attorney explained all to him, and he fully

23 understand.

24 JUDGE CHARTOFF: Okay. Thank you.

25 Okay. And for the record, it looks like

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1 Staff has recommended two violations in this case, one

2 for conducting operations and one for advertising

3 operations. And for the record, you are agreeing to

4 shut down the charter party and excursion business

5 unless and/or until you get a permit?

6 MR. YE: Yes.

7 JUDGE CHARTOFF: Thank you. Okay. And the

8 penalty amount is $5,000. A $4,500 portion of the

9 penalty is suspended for a period of two years from the

10 date of this order and then waived provided Tiger Travel

11 refrains from further operations as a charter party or

12 excursion carrier in the state of Washington. Okay --

13 provided Tiger Travel doesn't get a permit. And the

14 remainder of the penalty I understand was paid today?

15 MR. YE: (In English) Yes.

16 JUDGE CHARTOFF: Okay. And I just wanted to

17 mention that consistent with that on Appendix A, I wrote

18 in that -- that the due date of the $500 was today. I

19 think that was just a --

20 MR. FELDMAN: Sorry. Yes, Your Honor.

21 JUDGE CHARTOFF: -- fixing an error.

22 MR. FELDMAN: Yeah, we'll acknowledge that,

23 Your Honor. Thank you.

24 JUDGE CHARTOFF: Okay. Okay. So I will go

25 ahead and sign this. Any questions?

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1 MR. FELDMAN: Nothing further from our side,

2 Your Honor. Thank you.

3 JUDGE CHARTOFF: Okay. So I will sign this,

4 I'll hand this to Staff, and they will make a copy for

5 you. And once you get your copy, you're free to go.

6 MR. FELDMAN: Thank you very much, Your

7 Honor.

8 JUDGE CHARTOFF: Okay. We are adjourned.

9 (Adjourned at 2:38 p.m.)

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3 STATE OF WASHINGTON

4 COUNTY OF THURSTON

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6 I, Tayler Garlinghouse, a Certified Shorthand

7 Reporter in and for the State of Washington, do hereby

8 certify that the foregoing transcript is true and

9 accurate to the best of my knowledge, skill and ability.

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13 Tayler Garlinghouse, CCR 3358

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