

Docket No. TE-180219 - Vol. II

**In the Matter of Tiger Express Shipping Corporation
d/b/a Tiger Travel**

June 4, 2018



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BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of Determining) DOCKET NO. TE-180219
the Proper Carrier)
Classification of, and)
Complaint for Penalties)
Against,)
))
))
TIGER EXPRESS SHIPPING)
CORPORATION D/B/A TIGER)
TRAVEL)

TRANSPORTATION COURT, VOLUME II

Pages 28-37

ADMINISTRATIVE LAW JUDGE LAURA CHARTOFF

June 4, 2018

1:30 p.m.

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

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Page 29

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A P P E A R A N C E S

ADMINISTRATIVE LAW JUDGE:

LAURA CHARTOFF
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ALSO PRESENT:

ZHONGXIANG YE
LIN HUEY
Chinese-Mandarin Interpreter

* * * * *

1 OLYMPIA, WASHINGTON; JUNE 4, 2018

2 1:30 P.M.

3 --o0o--

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

5
6 (All proceedings were translated by the interpreter, and
7 all answers given were through the interpreter,
8 unless otherwise noted.)

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

Page 31

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

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.

Page 33

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

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

Page 35

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?

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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Page 37

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C E R T I F I C A T E

STATE OF WASHINGTON
COUNTY OF THURSTON

I, Tayler Garlinghouse, a Certified Shorthand Reporter in and for the State of Washington, do hereby certify that the foregoing transcript is true and accurate to the best of my knowledge, skill and ability.



Tayler Garlinghouse

Tayler Garlinghouse, CCR 3358