

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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OLYMPIA, WASHINGTON; JUNE 4, 2018
1:30 P.M.

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PROCEEDINGS

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

JUDGE CHARTOFF: Okay. Let's be on the
record. Good morning. This is Docket TE-180219, which
is captioned In the Matter of Determining the Proper
Carrier Classification of and Complaint for Penalties
Against Tiger Express Shipping Corporation, doing
business as Tiger Travel.

My name is Laura Chartoff, and I am an
administrative law judge with the Washington Utilities
and Transportation Commission. I am the presiding
officer for today's hearing being conducted at the
Commission's headquarters in Olympia. Today is Monday,
June 4th, 2018, and the time is 1:30 p.m.

Madam Interpreter, are you going to be --
Let's go off the record for a minute.

(Pause in the proceedings.)

JUDGE CHARTOFF: Let's be back on the
record. Okay. So let's start by taking short

APPEARANCES

ADMINISTRATIVE LAW JUDGE:

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ALSO PRESENT:

ZHONGXIANG YE
LIN HUEY
Chinese-Mandarin Interpreter

appearances starting with Commission Staff. So please
state your name and job title.

MR. RAUB: My name is Justin Raub. Last
name is spelled R-a-u-b. I'm a compliance investigator
within consumer protection.

MR. FELDMAN: Good afternoon, Your Honor.
Patrick Feldman, Feldman & Lee. Last name is spelled F,
as in Frank, e-l-d-m-a-n. Counsel for Mr. Ye.

You want to identify yourself?

THE INTERPRETER: He wants to identify
himself.

MR. YE: Hello, everyone. My name's
Zhongxiang Ye, last name Y-e.

JUDGE CHARTOFF: Thank you.

Okay. So you are here because the
Commission filed a complaint alleging that your company
is performing or advertising to perform work as a
charter party or excursion services carrier without the
required permit. The purpose of today's proceeding is
to explain what your choices are and then hear from you
regarding which option you wish to pursue. You can
choose one of two options on behalf of your company.

Okay. The first option is to cease and
desist providing, offering, or advertising unpermitted
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?

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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1 CERTIFICATE
2

3 STATE OF WASHINGTON
4 COUNTY OF THURSTON
5

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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11
12  Tayler Garlinghouse
13 Tayler Garlinghouse, CCR 3358
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<p style="text-align: center;">A</p> <p>ability 37:9 able 32:10 acceptable 33:6 accurate 37:9 acknowledge 35:22 action 32:3 adjourned 36:8,9 administrative 28:12 29:2 30:16 advertised 33:15 advertising 31:17 31:24 35:2 afternoon 31:6 agree 33:11,14,16 agreed 32:10 agreeing 35:3 agreement 33:21 34:2 ahead 35:25 alleging 31:16 allow 32:8 amount 33:21 35:8 and/or 35:5 answers 30:6 appearances 31:1 Appendix 35:17 apply 33:17 asking 32:21 attorney 34:22 Avenue 28:21 29:17 avoid 32:3</p> <hr/> <p style="text-align: center;">B</p> <p>B 32:24 back 30:24 34:3,8 34:12 behalf 31:22 best 37:9 Box 29:12 break 34:3 Buell 28:21 business 30:14 32:2 32:19 35:4</p>	<p style="text-align: center;">C</p> <p>C 29:1 30:4 37:1,1 captioned 30:11 carrier 28:4 30:12 31:18 35:12 case 33:22 35:1 CCR 28:20 37:13 cease 31:23 32:7 33:5 Certified 37:6 certify 37:8 chance 32:16 34:17 charter 31:18,25 35:4,11 Chartoff 28:12 29:3 30:9,15,24 31:14 32:20 33:1 33:4,8,13 34:4,7 34:12,16,19,24 35:7,16,21,24 36:3,8 Chinese-Mandarin 29:23 choices 31:20 choose 31:22,25 32:7,13 classification 28:5 30:12 32:21 come 34:2,8 Commission 28:2 28:17 29:4,8,11 30:17 31:1,16 32:4,4,11,12 Commission's 30:19 company 31:16,22 complaint 28:5 30:12 31:16 completely 32:2 compliance 29:10 31:4 conducted 30:18 conducting 35:2 consistent 35:17 consumer 29:10</p>	<p>31:5 copy 36:4,5 Corporation 28:8 30:13 Counsel 31:8 COUNTY 37:4 couple 34:13 Court 28:10 34:3</p> <hr/> <p style="text-align: center;">D</p> <p>D 30:4 D/B/A 28:8 date 35:10,18 decide 33:17 demonstrate 32:1 Depending 32:9 desist 31:24 32:7 33:6 Determining 28:4 30:11 different 33:23 discuss 32:16,24 Docket 28:4 30:10 documentation 32:17 doing 30:13 Drive 28:17 29:5,12 due 35:18</p> <hr/> <p style="text-align: center;">E</p> <p>E 29:1,1 30:4,4 37:1,1 e-l-d-m-a-n 31:8 either 32:2 enforcement 32:3 English 35:15 entry 33:11 error 35:21 Essentially 33:13 Evergreen 28:17 29:5,12 excursion 31:18,25 35:4,12 explain 31:20 32:21 explained 34:22 explaining 32:8</p>	<p>Express 28:7 29:15 30:13</p> <hr/> <p style="text-align: center;">F</p> <p>F 31:7 37:1 Feldman 29:16,17 31:6,7,7 32:14,23 33:5,12,24 35:20 35:22 36:1,6 filed 31:16 first 31:23 five 34:20 fixing 35:21 foregoing 37:8 Fourth 28:21 Frank 31:8 free 36:5 front 34:3 fully 34:22 further 32:3 34:5 35:11 36:1</p> <hr/> <p style="text-align: center;">G</p> <p>G 30:4 Garlinghouse 28:20 37:6,13 give 33:9 given 30:6 go 30:22 34:17 35:24 36:5 going 30:21 32:4 33:2,9 Good 30:10 31:6 guess 32:17 34:1,2</p> <hr/> <p style="text-align: center;">H</p> <p>hand 36:4 headquarters 30:19 hear 31:20 hearing 30:18 32:22 Hello 31:12 Honor 31:6 32:14 32:23 33:7,12,25 33:25 34:6 35:20</p>	<p>35:23 36:2,7 HUEY 29:23</p> <hr/> <p style="text-align: center;">I</p> <p>identify 31:9,10 II 28:10 imposed 33:21 include 33:20 indicated 33:5 intend 33:5 interpreter 29:23 30:5,6,21 31:10 34:18,21 investigator 29:10 31:4</p> <hr/> <p style="text-align: center;">J</p> <p>J 29:16 job 31:2 judge 28:12 29:2 30:9,16,24 31:14 32:20 33:1,4,8,13 34:4,7,12,16,19 34:24 35:7,16,21 35:24 36:3,8 June 28:14 30:1,20 Justin 29:9 31:3 33:3 justin.raub@utc.... 29:14</p> <hr/> <p style="text-align: center;">K</p> <p>knowledge 37:9</p> <hr/> <p style="text-align: center;">L</p> <p>Laura 28:12 29:3 30:15 law 28:12 29:2 30:16 Lee 29:17 31:7 let's 30:9,22,24,25 34:12 LIN 29:23 LLC 28:21 longer 32:5 looks 34:25</p>
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