Docket No. TV-230083 - Vol. II

In re Application of: Accurate NW Moves LLC

April 26, 2023



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Page 18	Page 20
BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION In Re The Application of Accurate NW Moves, LLC for a Permit to Operate as a Motor Carrier of DOCKET TV-230083 Household Goods. BRIEF ADJUDICATIVE PROCEEDING VOLUME II Page 18 - 60 [All parties appearing via videoconference] DATE TAKEN: Wednesday April 26, 2023, 1:30 p.m. REPORTED BY: Danielle Schemm, CCR 3395	1 TESTIMONY BY: PAGE: 3 MR. REMFREY 25 4 MR. GIBBS 30 5 MS. MILLICAN 38 6 MS. ALLBEE 41 7 MS. NIELSEN 43 8 MS. KIM DAMALAS 45 9 MR. DEMMING 48 10 MR. SHULTZ 50 11 MS. KRISTINE DAMALAS 52 12 MR. GIBBS 54 13 EXHIBITINDEX 14 COMPANY EXHIBITS: DESCRIPTION: PAGE: 15 Exhibit AG-1 Department of 32 Corrections Form 32 16 Exhibit AG-2 Treatment Center 33 17 Completion Certificates 18 Exhibit AG-3 BeenVerified Background 34 Check 19 Exhibit AG-4 Letters of Recommendation 35 20 Recommendation 21 Exhibit AG-5 Moving Truck Information 35
Page 19 A P P E A R A N C E S RAYNE PEARSON, ADMINISTRATIVE LAW JUDGE Utilities and Transportation Commission PO Box 47250 Olympia, Washington 98504 rayne.pearson@utc.wa.gov 360.664.1164 JACKELINE NEIRA, ATTORNEY AT LAW 1908 South L Street Tacoma, Washington 98405 jackeline.neira@gmail.com 504.236.3592 ALSO APPEARING: ANDREW GIBBS JACKIE MILLICAN JOHN SHULTZ DOMINICK DEMMING DARCY ALLBEE KIMBERLY DAMALAS LAURIE NIELSEN JODI McBRIDE NASH CALLAGHAN PATRICK REMFREY PAIGE DOYLE JEFF ROBERSON BRIDGIT FEESER ELAINA YOUNG JAQUANDRIA EWANIKA KATHY HUNTER MATHEW PERKINSON	ADMINISTRATIVE LAW JUDGE PERASON: All right. It's 1:30 so let's go ahead and get started. Let's be on the record. This is Docket TV-230083 which is an application for a household good permits filed by Accurate Northwest Moves. Today is Wednesday April 26th, 2023, and the time is 1:30 p.m. My name is Rayne Pearson. I use she/her pronouns, and I'm the administrative law judge presiding over this proceeding. So let's take appearances from both parties, and then we will talk about how we're going to proceed this afternoon. So let's start with Commission Staff. Ms. Neira, go ahead. MS. NEIRA: Okay. I'm Ms. Neira here for counsel for staff. ADMINISTRATIVE LAW JUDGE PERASON: Okay. Thank you. And who is representing the company today? If you could just identify yourself, spell your first and last name for the court reporter. MS. MILLICAN: Jackie Millican. ADMINISTRATIVE LAW JUDGE PERASON: Can you spell your last name? MS. MILLICAN: It's M-i-I-I-i-c-a-n. ADMINISTRATIVE LAW JUDGE PERASON: And your first name is Jackie?

Page 22 Page 24 1 MS. MILLICAN: Jackie J-a-c-k-i-e. 1 hearing? 2 ADMINISTRATIVE LAW JUDGE PERASON: Okay. And with 2 MS. MILLICAN: I'm not sure what they would --3 3 ADMINISTRATIVE LAW JUDGE PERASON: Or Ms. Neira, did you, Mr. Gibbs, could you please introduce yourself? 4 4 MR. GIBBS: Yes. My name is Andrew Gibbs. I'm the you just file a list? 5 5 owner of Accurate Northwest Moves. MS. NEIRA: They were filed and served on March 24th, 6 ADMINISTRATIVE LAW JUDGE PERASON: Okay. Thank you. 6 7 I think that we got all of your information from you at 7 ADMINISTRATIVE LAW JUDGE PERASON: Okay. And can you 8 the prehearing conference, right? Like your email and 8 just describe what those exhibits are for us? 9 9 address? I think we have that on file now. MS. NEIRA: Yes. One of them is the web search 10 10 MR. GIBBS: Yes, ma'am, I believe so. transcript for the Washington State Patrol, and the second ADMINISTRATIVE LAW JUDGE PERASON: All right. So 11 is the -- one second -- the criminal record information. 11 12 let's talk about how today's brief adjudicative proceeding 12 MS. MILLICAN: I guess we did receive those. ADMINISTRATIVE LAW JUDGE PERASON: You didn't receive 13 is going to go. We're here today because the commission 13 issued a notice of intent to deny the company's 14 14 those? 15 application as a household goods carrier, and Andrew Gibbs 15 MR. GIBBS: Yes, I'm sorry. 16 requested a hearing to have an opportunity to respond to 16 MS. MILLICAN: No, we did. Sorry about that. 17 the allegations contained in that notice and explain why 17 ADMINISTRATIVE LAW JUDGE PERASON: You did? 18 the application should be approved. 18 MR. GIBBS: Yes, ma'am. 19 So what will happen is Ms. Neira will give a brief 19 ADMINISTRATIVE LAW JUDGE PERASON: And okay. And do 20 overview of Staff's case, and then, Mr. Gibbs, you'll have 20 you have any objection to admitting those into the record? MS. MILLICAN: No. 21 an opportunity to present your case. You can call your 21 22 ADMINISTRATIVE LAW JUDGE PERASON: Then those will be 22 witnesses, and then once all of the witness have 23 testified, both parties will have the chance to make 23 admitted today, and, again, when, Ms. Neira, when your 24 24 witness presents those, we'll admit them and mark them at closing statements. 25 25 that time. So the other part I want to tell you is that when Page 23 Page 25 1 Staff's witness testifies, Mr. Gibbs, you'll have an 1 MS. NEIRA: Okay. 2 opportunity to ask Staff's witness questions just like 2 ADMINISTRATIVE LAW JUDGE PERASON: Does anyone have 3 3 Ms. Neira will have an opportunity to ask you and anyone any questions before we get started? All right. 4 of your witnesses questions. Okay? 4 Hearing nothing, Ms. Neira, if you want to proceed 5 5 MR. GIBBS: Yes, ma'am. with an opening statement or calling your first witness, 6 ADMINISTRATIVE LAW JUDGE PERASON: And you did submit 6 you may go ahead when you're ready. 7 documents in advance of the hearing. Does Staff have any 7 MS. NEIRA: Yes. Staff calls Patrick Remfrey. 8 objection to admitting them in the record? 8 MR. REMFREY: Yes. 9 MS. NEIRA: We did review the document, your Honor. 9 ADMINISTRATIVE LAW JUDGE PERASON: Okay. Mr. Remfrey, 1.0 1.0 please raise your right hand. Do you swear or affirm that Staff does not object to the introduction of these 11 documents. However, we -- it is our position that the 11 the testimony you give today will be the truth, the whole 12 12 truth, and nothing but the truth? Commission should consider giving little weight since most 13 of these documents are for witnesses that are not 13 MR. REMFREY: I do. 14 available for cross-examination. I believe the ones 14 ADMINISTRATIVE LAW JUDGE PERASON: All right. Thank 15 present are not the same ones who wrote the letters, and 15 you. You may proceed, Ms. Neira. 16 this is Items Three to Seven and Nine. 16 **EXAMINATION** 17 ADMINISTRATIVE LAW JUDGE PERASON: Okay. Thank you. 17 BY MS. NEIRA: 18 So what we'll do then, Mr. Gibbs, is when it's your turn, 18 Q Okay. Good morning -- afternoon, Mr. Remfrey. 19 I'll have you walk through the exhibits. You can tell me 19 Please state your name for the record. 20 20 what they are, and we can number them for the court A Patrick Remfrey. 21 21 reporter and for the record. Okay? Q Who is your employer? A I'm employed by the Washington Utilities and 2.2 MR. GIBBS: Yes, ma'am. 2.2 23 ADMINISTRATIVE LAW JUDGE PERASON: Staff has 23 Transportation Commission. 24 stipulated to the admission, and then I assume that the 24 Q What is your job title at Commission? 25 company also received Staff's exhibits in advance of the 25 A I am the licensing services manager.

Page 26 Page 28 1 1 Q And what are your job duties? A We found several convictions over the past 2 A I oversee permitting for transportation industries 2 11 years relating to theft, drug possession, assault, 3 3 that the UTC regulates which include the processing, making false statements to public servants, amongst 4 approval, and disapproval of applications, insurance 4 5 filing, database, and cancellation of permits for 5 Q And what information found in the background 6 voluntary or insurance-related cause. 6 check -- was it consistent with the application found in 7 Q What kind of experience and qualifications do you 7 the application? 8 8 A It was not. There were only two convictions posses to perform your job duties? 9 9 A For three years prior to my position as licensing listed on the application. 10 10 Q Were the discrepancies between the crimes listed services manager, I was the Transportation Specialist 3 11 who processed these types of applications. So I've 11 in the application and those listed in the background 12 processed several hundred. 12 check of concern to Staff? 13 13 Q Are you familiar with Accurate Northwest Moves? A It's concerning because the omission of these 14 A Yes. 14 convictions indicates to Staff a level of dishonesty and 15 15 Q How did you become familiar with Accurate shows that the company may have a willingness to ignore 16 **Northwest Moves?** 16 rules and statutes governing the household goods industry 17 A I first heard of the company when they called 17 in Washington. And a company -- or as a company applying 18 18 asking for information on how to apply for the permit. It for -- to become a regulated company, this is concerning. was on speaker so I overheard that, and then I saw the 19 19 Q Considering these offenses occurred more than 20 20 five years prior to Mr. Gibb's submission to -- Accurate's application when it came in. 21 Q Did you review Accurate Northwest's application 21 application, what are Staff's reservations about granting 22 for authority to operate? 22 authority to operate? 23 A Yes, I have. 23 A Staff's opinion is the nature and extent of these Q What did you find upon review of the application? 2.4 24 offenses, as well as the frequency with which they 25 A Aside from common and easily resolved 25 occurred, to include their omission on the household goods Page 27 Page 29 1 application will likely interfere with the proper 1 discrepancies like obtaining insurance filings or vehicle 2 2 information, which is very normal, I identified several operation of the household goods moving company. Many of 3 criminal convictions on the background check that we ran 3 these offenses were for crimes specifically listed in WAC 4 that were not disclosed on the application. 4 480.15.302. 5 Q What are the factors you use to determine whether 5 Q Based on your review of Accurate's application and 6 6 to recommend granting or denying an application for your findings upon running the background check, what is 7 7 permanent authority? Staff's recommendation to the commission? 8 A Aside from submitting an application that does not 8 A Staff's recommendation is to dismiss the company's 9 contain any indication of fraud, misrepresentation, or 9 application. 10 10 erroneous information, the applicant must meet criteria Q And why is Staff making this recommendation? 11 11 relating to business licensing, financial fitness, vehicle A Staff believes based on the criminal record of 12 12 and insurance requirements, as well as not having any Mr. Gibbs, the requirements that Staff must follow to 13 criminal convictions of that the nature or extent of which 13 grant provisional authority, Staff cannot recommend 14 would likely interfere with the operation of a household 14 approval of a provisional household goods permit to 15 goods moving company. 15 Accurate Northwest Moves, LLC. 16 Q What is the process in place to verify the 16 MS. NEIRA: Thank you. Thank you, Mr. Remfrey. No 17 information contained in the application? 17 further questions, your Honor. 18 A When we receive an application, we need a copy of 18 ADMINISTRATIVE LAW JUDGE PERASON: All right. Thank 19 the driver's licenses for all people named within the 19 vou. 2.0 application, and we use that to run background checks 20 Mr. Gibbs, did you have any questions for 21 through Transunion's TLO service, and then sometimes we'll 21 Mr. Remfrey?

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23

24

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MR. GIBBS: No. No.

MS. NEIRA: No, your Honor.

ADMINISTRATIVE LAW JUDGE PERASON: All right.

Does Staff have any other witnesses?

22

23

24

25

check?

also use the Washington State Patrol's Washington Access

Q What did you find upon running the background

to criminal history service.

Page 30 Page 32 1 1 ADMINISTRATIVE LAW JUDGE PERASON: If you -- I'm going those numbered for the record. 2 to swear you in before you do anything. And then if you 2 MR. GIBBS: All right. My witnesses? 3 ADMINISTRATIVE LAW JUDGE PERASON: No. your exhibits, 3 would like to make an opening statement, you can do that, 4 4 give your testimony, and then we can proceed with your the documents that you submitted in advance. 5 5 witnesses one by one. MR. GIBBS: Yes, ma'am. MS. MILLICAN: We don't have the exhibit list. We 6 So go ahead and raise your right hand. Do you 6 7 swear or affirm that the testimony you give today will be 7 just have the exhibits. 8 8 ADMINISTRATIVE LAW JUDGE PERASON: Right. You -the truth, the whole truth, and nothing but the truth? 9 9 MR. GIBBS: I do. MR. GIBBS: Yeah, we don't have the list. 10 10 ADMINISTRATIVE LAW JUDGE PERASON: All right. Go MS. MILLICAN: I didn't think we were going to have to 11 11 ahead when you're ready. 12 ADMINISTRATIVE LAW JUDGE PERASON: No, I'm going to 12 **EXAMINATION** MR. GIBBS: I don't know. I guess, you know, in my 13 13 compile a list from what you tell me. MS. MILLICAN: Oh, I'm sorry. We did not -- I did not 14 twenties, when I was, you know, younger, I messed up a 14 lot. That's all there. The reason why we didn't list any 15 15 print the list. 16 ADMINISTRATIVE LAW JUDGE PERASON: There's not a list. 16 of those felonies on the background check, when we were 17 applying for the application, it said it was only going 17 We're going to make a list. 18 18 MS. MILLICAN: Okay. So we had submitted the form back five years, so I think that was just a common 19 misunderstanding. It was just a misunderstanding. 19 from Department of Corrections showing that everything 20 that Andrew was required to do had been taken care of. 20 In no way, no way whatever we were trying to hide 21 21 anything from you guys or not give you all the information ADMINISTRATIVE LAW JUDGE PERASON: All right. So 22 22 needed, you know, and I do -- I do apologize for that. I let's go through them one at a time. So the Department of 23 23 Corrections Form we're going to mark as Exhibit MG-1. mean, I haven't -- I haven't been in trouble for years, except for maybe a speeding ticket, you know, and I've 24 And what's the next document? 24 25 25 been working really hard to turn my life around, and this (Hearing Exhibit AG-1 was marked for Page 31 Page 33 1 is the one thing that's actually really helping me out. I 1 identification.) 2 2 don't know. Give me -- please give me a chance, you know. MS. MILLICAN: The next documents would be his 3 3 ADMINISTRATIVE LAW JUDGE PERASON: So I have a couple completion certificate from the treatment center that he 4 questions. So I have the list of the convictions that 4 5 5 were included in the notice, and it said that what was ADMINISTRATIVE LAW JUDGE PERASON: All right. Okay. 6 listed on the application was the 2014 possession of the 6 So Treatment Completion Certificate, we are going to mark 7 7 controlled substance, and I don't -- oh, the 2014 Second that as Exhibit MG-2. 8 Degree Taking a Motor Vehicle Without Permission, and the 8 I'm sorry. Am I saying M? I think I mean to say 9 2014 Second Degree Burglary, correct? Those were what 9 A. AG-1 and AG-2. I apologize. I don't know where the M 10 1.0 were listed? came from. Okay. 11 11 MR. GIBBS: Yes, ma'am. It -- honestly I haven't --What's the third document? 12 12 (Hearing Exhibit AG-2 was marked for it's -- it was a minute ago. It was a few months ago so. 13 13 ADMINISTRATIVE LAW JUDGE PERASON: Okay. identification.) 14 MR. GIBBS: Yes, ma'am. 14 MS. MILLICAN: The third document would be -- well, I 15 ADMINISTRATIVE LAW JUDGE PERASON: Okay. And the 15 submitted his two certificates of completion from the two remaining convictions were a Third Degree Assault in 2017, 16 16 different treatment centers together. Do you want them 17 Second Degree Possession of Stolen Property in 2014, 17 separate? 18 Second Degree Vehicle Prowling in 2014, Vehicle Prowling 18 ADMINISTRATIVE LAW JUDGE PERASON: We can put them 19 in 2016, Criminal Solicitation in 2013, False or 19 together and mark them as AG-2. That's fine. 20 20 Misleading Statements to a Public Servant in 2012, and MS. MILLICAN: Okay. And then it was the -- so we had 21 21 Obstructing Law Enforcement Officer in 2012. run a background check through BeenVerified to get his 2.2 2.2 Is that accurate? felonies. So we went through, and I just kind of wanted 23 MR. GIBBS: Yes, it sounds accurate. Yes, ma'am. 23 to show how we kind of went through and how it was listed ADMINISTRATIVE LAW JUDGE PERASON: Okay. So let's 24 24 on the application. It should have said --2.5 talk about the exhibits that you've offered up and get 25 ADMINISTRATIVE LAW JUDGE PERASON: Hold on. Hold on.

	Page 34		Page 36
1	You are not sworn in, and I'm not	1	speak to you said that you had made a lot of changes.
2	MS. MILLICAN: Oh, I'm sorry.	2	Did you want to talk about what you have done? What you
3	ADMINISTRATIVE LAW JUDGE PERASON: You're going to	3	have accomplished? What changes you've made? And did you
4		4	want to speak to the circumstances or facts around any of
	testify after this. I just want to get descriptions and	5	·
5	markings for the documents, and you will have an		the crimes that were committed?
6	opportunity to speak to everything in those documents.	6	MR. GIBBS: I mean, alls I can say is, you know, I
7	MS. MILLICAN: Okay. So it would be the criminal	7	was I was on drugs, you know. It was a long time ago,
8	record that we obtained for him.	8	and I'm, you know, I'm not that person whatsoever, what
9	ADMINISTRATIVE LAW JUDGE PERASON: Okay. So	9	what whatsoever anymore. And I just, you know, I've
10	BeenVerified Background Check?	10	kept up to AA. I've completed treatments. I've completed
11	MS. MILLICAN: Uh-huh.	11	DOC. I've stayed out of jail. Once I've been on DOC,
12	ADMINISTRATIVE LAW JUDGE PERASON: We'll mark that as	12	I've not been back to jail.
13	AG-3.	13	ADMINISTRATIVE LAW JUDGE PERASON: Okay. So you're
14	(Hearing Exhibit AG-3 was marked for	14	representing that you're clean and sober now?
15	identification.)	15	MR. GIBBS: Yes, ma'am.
16	MS. MILLICAN: Okay. And then there was three letters	16	ADMINISTRATIVE LAW JUDGE PERASON: Okay. And how long
17	of recommendation.	17	have you been clean and sober?
18	ADMINISTRATIVE LAW JUDGE PERASON: Okay. Let's put	18	MR. GIBBS: For a year.
19	those	19	ADMINISTRATIVE LAW JUDGE PERASON: Okay. Exactly one
20	MS. MILLICAN: Okay.	20	year or?
21	ADMINISTRATIVE LAW JUDGE PERASON: Let's put those	21	MR. GIBBS: It will be a year on the 15th of next
22	together as one exhibit and mark them as	22	month. Sorry. I apologize. So May 15th.
23	MS. MILLICAN: Okay.	23	ADMINISTRATIVE LAW JUDGE PERASON: Okay. And you said
24	ADMINISTRATIVE LAW JUDGE PERASON: We'll call them	24	you maintain your sobriety by going to Alcoholics
25	Letters of Recommendation and mark them as Exhibit AG-4.	25	Anonymous meetings?
	Page 35		Page 37
1	(Hearing Exhibit AG-4 was marked for	1	MR. GIBBS: Yes, ma'am.
2	identification.)	2	ADMINISTRATIVE LAW JUDGE PERASON: How often do you go
3	MS. MILLICAN: Okay. And then I think the only other	3	to those meetings?
4	thing we had submitted prior was information on the	4	MR. GIBBS: When I can. Sometimes I'm I'm usually
5	vehicle that we purchased and, like, information regarding	5	trying to work, but I'll usually try to hit the weekends
6	the vehicle we purchased, I guess.	6	at Friends of Bill, the noons.
7	ADMINISTRATIVE LAW JUDGE PERASON: Okay. What kind of	7	ADMINISTRATIVE LAW JUDGE PERASON: Okay. So would you
8	information? Is it, like, a DOL document?	8	say one to two times a week?
9	MS. MILLICAN: It was it was just the showing	9	MR. GIBBS: Yeah, maybe once a week.
10	what was purchased and the DOT inspection that was done on	10	ADMINISTRATIVE LAW JUDGE PERASON: Okay. Okay.
11	it and the lettering for it, just information on	11	Anything else that you want me to know about?
12	ADMINISTRATIVE LAW JUDGE PERASON: Okay. And this is	12	MR. GIBBS: No. No, ma'am.
13	for the	13	ADMINISTRATIVE LAW JUDGE PERASON: All right. Okay.
14	MS. MILLICAN: what we were going to be using.	14	Ms. Neira, do you have questions for Mr. Gibbs?
15	ADMINISTRATIVE LAW JUDGE PERASON: Okay.	15	MS. NEIRA: I have no questions, your Honor.
16	MS. MILLICAN: So we can transport.	16	ADMINISTRATIVE LAW JUDGE PERASON: Okay. Thank you.
17	ADMINISTRATIVE LAW JUDGE PERASON: So we'll call that	17	And then Ms. Millican, are you going to be the
18	Moving Truck Information, and we'll mark that AG-5.	18	next witness?
19	(Hearing Exhibit AG-5 was marked for	19	MS. MILLICAN: I guess, yeah, probably.
20	identification.)	20	ADMINISTRATIVE LAW JUDGE PERASON: All right. So if
21	MS. MILLICAN: And then the cover letter, that was the	21	you would raise your right hand, I'll swear you in. Do
22	only other thing I think that was submitted.	22	you would raise your right hand, his wear you in. Do you swear or affirm that the testimony that you give today
23	•	23	will be the truth, the whole truth, and nothing but the
24	ADMINISTRATIVE LAW JUDGE PERASON: Okay. All right.	24	truth?
25	So that's good for the exhibits. Now, did did you, Mr. Gibbs, did you want to	25	MS. MILLICAN: Yes.
23	. 1011, and and you, IVII. Oldbo, and you want to	"	MO. WILLION IV. 100.

Page 38 Page 40 1 ADMINISTRATIVE LAW JUDGE PERASON: All right. Go 1 to that, keeping that in mind. 2 ahead when you're ready. Oh, it looks like --2 MS. MILLICAN: Okay. 3 ADMINISTRATIVE LAW JUDGE PERASON: Okay? Ms. Millican, can you hear me? It looks like you're 3 4 frozen now. 4 MS. MILLICAN: Okay. I think that's all that I have 5 MS. MILLICAN: I can hear you. 5 right now. I know a couple other people are here to ADMINISTRATIVE LAW JUDGE PERASON: Okay. Now you're 6 6 support us only have a limited time. 7 unfrozen. If you said anything, I didn't hear anything 7 ADMINISTRATIVE LAW JUDGE PERASON: Sure. 8 you said. 8 MR. GIBBS: Like Darcy. 9 **EXAMINATION** 9 MS. MILLICAN: I guess if we could have Darcy --10 MS. MILLICAN: So the application process, we did it 10 MR. GIBBS: Allbee. together. We ran his criminal background, kind of tried 11 11 MS. MILLICAN: -- Allbee. 12 to list the different types of felonies that he had. ADMINISTRATIVE LAW JUDGE PERASON: Sure. I just need 12 13 So on the application, for the date I listed, like 13 MS. MILLICAN: As our next witness. 14 2014 and prior for his -- his theft and his -- basically 14 15 any, like, theft-type felonies, then the drug charges, I 15 ADMINISTRATIVE LAW JUDGE PERASON: Okay. I need to 16 didn't -- I listed just, like, I think it was 2015 maybe 16 first ask Ms. Neira if she has any questions for you, 17 and prior, 2016 and prior. 17 Ms. Millican. 18 So I just assumed that those -- I mean, I guess I 18 MS. NEIRA: No questions, your Honor. 19 didn't list them separately. I just -- I guess I didn't 19 ADMINISTRATIVE LAW JUDGE PERASON: Okay. All right. 20 put the number, just the types of felonies and the 20 So Darcy Allbee, if you would raise your right 21 years -- the year. So that was an oversight, and so I 21 hand, I'll swear you in. Do you swear of affirm that the 22 apologize about that. 22 testimony you give today will be the truth, the whole 23 Yeah, I definitely wasn't meant to hide any 23 truth, and nothing but the truth? 24 information. I mean, I already knew that there would be a 24 MS. ALLBEE: I do. 25 25 background check for him. I guess I just didn't list them ADMINISTRATIVE LAW JUDGE PERASON: All right. Go Page 39 Page 41 ahead when you're ready. 1 out correctly. 1 2 2 **EXAMINATION** I wanted to also address when we did the 3 prehearing, we were under the assumption that if we 3 MS. ALLBEE: So I am here as a character witness for 4 couldn't provide character witness for the meeting, that 4 Andrew and also as a counselor from the agency where he 5 5 completed his treatment. I was a substitute disorder we could submit -- yeah, the letters of recommendation, 6 6 but we did not know that we were supposed to have the same professional there. I am not there anymore. I'm working 7 7 people that wrote the letters of recommendation here as in mental health now as a primary therapist, but I did 8 have the opportunity to work with Andrew while he was at 8 witnesses. 9 9 the treatment center and get to know him on a personal So we had the character witnesses that came with 10 level. 10 us to support us today, but they are not the same ones 11 I can honestly say that while he was in treatment 11 that wrote the letters of recommendation. 12 at West Sound that he was definitely committed to turning 12 ADMINISTRATIVE LAW JUDGE PERASON: And that's okay. 13 13 That's okay. Because it looked to me like the letters of his life around, and I think he's being modest when you 14 14 recommendation were more around your business asked about the changes that he's made. He's made quite a 15 few changes in his life, and I know that, you know, a lot 15 operations --16 of those crimes were drug-driven crimes. 16 MS. MILLICAN: Uh-huh. 17 While he's been staying clean and has been 17 ADMINISTRATIVE LAW JUDGE PERASON: -- as opposed to 18 speaking to Mr. Gibbs' character; isn't that true? dedicated to sobriety and his personal growth, he has been 18 19 committed to changing his life including not committing 19 MS. MILLICAN: Yes, there was some -- yes. 20 felonies or crimes and staying clean. Positive actions 20 ADMINISTRATIVE LAW JUDGE PERASON: Okay. And those 21 that he's demonstrating to lead a law-abiding life, I 21 are typically submitted with a household goods application 22 think, show strongly with him. 22 anyway. And what Ms. Neira was saying was not that you 23 He also lives in a small community, too, so I have 23 had to bring them here in order for us to consider them, 24 24 but that because those people aren't here, and we can't had the chance to see and hear about him through our 25 25 ask them questions, to assign certain evidentiary weight community in different ways, and I know that he has been

Page 42 Page 44 1 1 committed to his sobriety, even with challenges he's So Kurt had mentioned that he knew someone that could 2 faced, that he's continued to make positive changes. 2 help. 3 ADMINISTRATIVE LAW JUDGE PERASON: Okay. Thank you. 3 So I spoke to Andrew, and he was extremely 4 4 And what were the dates that he was in treatment with you? professional on the phone, and he arrived when he said he 5 5 MS. ALLBEE: I don't work at that agency anymore, and would with his crew, and they were just so incredibly 6 I don't have, obviously, have client records from there, 6 hardworking. I was so impressed, and I just really 7 but it would be on that certificate that he had. 7 trusted him right off the bat, so much so that I had moved 8 ADMINISTRATIVE LAW JUDGE PERASON: Okay. 8 already, and I still had a second load of furniture left 9 9 MS. ALLBEE: So I don't want to give a date and have at the house, which I entrusted him to just go back with 10 it not be the correct date. 10 his crew and just pick up for me without me being present, ADMINISTRATIVE LAW JUDGE PERASON: Sure. All right. 11 11 and he was every step of the way, you know, communicating. 12 12 Knowing what I do now, I'm even more impressed at Ms. Neira, do you have any questions for 13 Ms. Allbee? 13 how he has overcome what he's gone through because he is one of the most upstanding individuals I have ever met 14 MS. NEIRA: I have no questions, your Honor. 14 15 ADMINISTRATIVE LAW JUDGE PERASON: All right. Thank 15 professionally or personally, so much so that he is going 16 16 vou. Ms. Allbee. over to move my mom now, and I just -- I think he's one 17 MS. ALLBEE: You're welcome, and I have to log off 17 heck of a really genuinely good person. 18 18 So I commend him for everything that he's because I am working so. 19 ADMINISTRATIVE LAW JUDGE PERASON: That's fine. 19 accomplished to where he is now, not knowing where he was 20 20 MR. GIBBS: Thank you, Darcy. before, but he's just an exceptional human. 21 ADMINISTRATIVE LAW JUDGE PERASON: Okay. Thank you. 21 MS. MILLICAN: Thank you, Darcy. 22 22 MS. ALLBEE: You're welcome. Bye. Ms. Neira, do you have any questions for 23 ADMINISTRATIVE LAW JUDGE PERASON: All right. 23 Ms. Nielsen? 24 Mr. Gibbs, who would you like to call next? 24 MS. NEIRA: Yes, your Honor. 25 MS. MILLICAN: Sorry. I'm sorry. 25 Q Ms. Nielsen, do you know whether Mr. Gibbs had a Page 43 Page 45 1 ADMINISTRATIVE LAW JUDGE PERASON: It looks like we 1 permit for -- a moving permit whenever he conducted the 2 2 move? have Dominick, Laurie. 3 3 MR. GIBBS: Yeah, we can start with Laurie. She seems A No, I did not. 4 4 MS. NEIRA: Okay. That's all, your Honor. Thank you. 5 ADMINISTRATIVE LAW JUDGE PERASON: Okay. All right. 5 ADMINISTRATIVE LAW JUDGE PERASON: Okay. Thank you. 6 MS. NIELSEN: Hi. 6 And who would you like to call next? 7 ADMINISTRATIVE LAW JUDGE PERASON: Would you please 7 MR. GIBBS: Kim Damalas. 8 state your full name for the record and spell your last 8 ADMINISTRATIVE LAW JUDGE PERASON: All right. If, 9 9 Kim, if you could you state your full name and spell your 10 1.0 MS. NIELSEN: Laurie Nielsen N-i-e-l-s-e-n. last name? 11 ADMINISTRATIVE LAW JUDGE PERASON: All right. And if 11 MS. KIM DAMALAS: Good afternoon, your Honor. 12 12 you could raise your right hand, I'll swear you in. Do Kimberly Damalas D-a-m-a-l-a-s. 13 you swear or affirm that the testimony you give today will 13 ADMINISTRATIVE LAW JUDGE PERASON: All right. And if 14 be the truth, the whole truth, and nothing but the truth? 14 you could raise your right hand, I'll swear you in. Do 15 MS. NIELSEN: Yes, I do. 15 you swear or affirm that the testimony you give today will ADMINISTRATIVE LAW JUDGE PERASON: All right. So if be the truth, the whole truth, and nothing but the truth? 16 16 17 you want to go ahead and just explain how you know 17 MS. KIM DAMALAS: I do. 18 Mr. Gibbs. 18 ADMINISTRATIVE LAW JUDGE PERASON: All right. And you 19 **EXAMINATION** 19 can go ahead when you're ready, just explain how you know 20 20 MS. NIELSEN: My brother, Kurt Nielsen, I believe is Mr. Gibbs. 21 21 in AA with him, and so I was aware of his prior **EXAMINATION** 2.2 2.2 challenges, not to the detail that we've gone into today. MS. KIM DAMALAS: Sure. I met Andrew, Mr. Gibbs, 23 But I had to move from Mill Creek over here to 23 two years ago when we were moving from Seattle to Gig 24 Poulsbo, which involves a lot because you have to deal 24 Harbor. He had previously worked with my sister on a move 2.5 with the ferry and a lot of trying to coordinate things. 25 and was highly recommended. I met him during that move,

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and he was immediately friendly, professional. You could tell right away that the work ethic was unmatched.

I will tell you that I am a retired Air Force officer, and I tell you this for a couple of reasons. First of all, Andrew helped me with my 17th move of my adult life, so I have seen many, many other individuals in that capacity, and I had -- I had no doubts at all or no concerns at all with my property in his hands.

In fact, he was almost overly concerned of pointing out, you know, parts of my furniture that had been scratched before to make sure, you know, I knew he was being careful and was being concerned about what he was doing with my property.

I had since met him several other times or interacted with him several other times as we have shifted furniture around our houses and around our carport and things like that. We have called him back to do some on-property moving.

And then I guess I would also say that I -- I guess in another aspect that I am very comfortable with him as a person to the point where just this last weekend, I -- we used Andrew to help my 70-year-old mother shift some property around in her house, and I have no concerns about leaving Andrew with my mother, leaving Andrew in her apartment building -- unsupervised sounds wrong but --

1 A Just move property within the house.

Q Okay. And did you hire Accurate Northwest for

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Page 49

3 this service?

A We -- we hired him to move things within the

5 house, not actually carry from point to point.

MS. NEIRA: Okay. Thank you. No further questions.

7 ADMINISTRATIVE LAW JUDGE PERASON: All right. Thank

you.

And who would you like to call next?

10 MR. GIBBS: I'll call Dominick Demming.

ADMINISTRATIVE LAW JUDGE PERASON: All right. If you

would state your name and spell your last name?

MR. DEMMING: My name is Dominick Demming. It's spelled D-e-m-m-i-n-g.

ADMINISTRATIVE LAW JUDGE PERASON: Okay. And if you

could raise your right hand, I'll swear you in. Do you

swear or affirm the testimony you give today will be the

truth, the whole truth, and nothing but the truth?

19 MR. DEMMING: Yes.

ADMINISTRATIVE LAW JUDGE PERASON: All right. So if

you want to just explain how you know Mr. Gibbs and

anything else that you'd like to add about his character.

EXAMINATION

MR. DEMMING: So I, like myself -- or I, like Andrew,

I'm in the recovery community. I met Andrew in the

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unsupervised.

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Personally when I speak to Andrew, I see someone who is very willing to work hard, very willing to treat people fairly and with respect. I have quite a bit of experience with younger individuals who may or may not be so conscientious, having had several subordinates through my military career, and I don't -- I don't see anything of what I've heard here today of Andrew's previous lifestyle.

I know him from after his treatment and after his reformation, and I just wouldn't -- I wouldn't question his background based on my interactions with him, and I wouldn't question any -- any concerns. I don't have any concerns going forward if I were to use him for a move or use him for help at a personal property or personal friend.

I have no problems recommending Andrew, and, as Ms. Nielsen said, I find him a very -- a very genuine and warm, caring person, and he is just very positive about life and absolutely trustworthy to me. And that's all I have, your Honor.

ADMINISTRATIVE LAW JUDGE PERASON: Okay. Thank you.

Ms. Neira, do you have questions for this witness?
MS. NEIRA: Yes, your Honor.

Q Ms. Damalas, you said Mr. Gibbs helped you move your mom's house last week?

1 recovery community a couple years back, and I've watched 2 him do all kinds of things for other people, helping

him do all kinds of things for other people, helping

people integrate back into society, learn how to be, you

4 know, appropriate human beings in the culture that we live5 in.

Andrew, with me personally, he's taught me things that I never knew about from, you know, a past life that I

that I never knew about from, you know, a past life th
 lived myself of, you know, how to be a contributing

member. I've learned how to do my taxes. I've learned how to start up my own business. I've learned how to, you

know, give and demand respect in a great way.

And again, all the more respect and appreciation for myself because of Andrew and the things that he does not only for me but other people. You know, I know there's other people that may not be here now that Andrew

You know, he may -- he doesn't go to very many meetings, but his impact on the community around him, especially in the recovery, is substantial. I don't have anything else to add, but that's what he's done for me, and that's what I see in the community of recovery.

has -- he always points someone in the right direction.

22 ADMINISTRATIVE LAW JUDGE PERASON: Okay. Thank you.

Dani, were you able to get most of that?

24 MADAM REPORTER: Yes, thank you.
25 ADMINISTRATIVE LAW JUDGE PERASO

ADMINISTRATIVE LAW JUDGE PERASON: All right.

Page 50 Page 52 ADMINISTRATIVE LAW JUDGE PERASON: Okay. If you could 1 1 Any questions for this witness? 2 MS. NEIRA: No questions, your Honor. 2 state your name and spell your last name, please? 3 ADMINISTRATIVE LAW JUDGE PERASON: Who would you like 3 MS. KRISTINE DAMALAS: Sure. My first name is 4 4 to call next? Kristine with a K, K-r-i-s-t-i-n-e. Last name is Damalas 5 5 MR. GIBBS: Can I call John Shultz? D-a-m-a-l-a-s. 6 ADMINISTRATIVE LAW JUDGE PERASON: Sure. Mr. Shultz, 6 ADMINISTRATIVE LAW JUDGE PERASON: Okay. If you would 7 if you would just state your name and spell your last name 7 raise your right hand, I'll swear you in. Do you swear or 8 for the record. But you'll have to unmute yourself. 8 affirm that the testimony you give today will be the 9 9 MR. SHULTZ: Is that better? truth, the whole truth, and nothing but the truth? 10 10 ADMINISTRATIVE LAW JUDGE PERASON: Yes. MS. KRISTINE DAMALAS: I do. MR. SHULTZ: Okay. My name is John Shultz. J-o-h-n. 11 ADMINISTRATIVE LAW JUDGE PERASON: All right. So you 11 12 12 Last name S-h-u-l-t-z. can go ahead when you're ready. ADMINISTRATIVE LAW JUDGE PERASON: All right. And if 13 13 **EXAMINATION** 14 you could raise your right hand, I'll swear you in. Do 14 MS. KRISTINE DAMALAS: Thank you. I appreciate the 15 you swear or affirm the testimony you give today will be 15 opportunity to speak on Andrew's behalf. I'm Kimberly 16 16 the truth, the whole truth, and nothing but the truth? Damalas's sister so I have a similar story to hers. 17 MR. SHULTZ: Yes. 17 Although I'm not former military, I've gone 1.8 ADMINISTRATIVE LAW JUDGE PERASON: All right. So if 18 through a horrendous amount of moves myself and some of 19 you want to just explain, just how the other witnesses 19 them pretty bad, and honestly the best ones I've had have 20 did, how you know Mr. Gibbs and speak to his character. 20 been with Andrew. You know, I have no reservations, you **EXAMINATION** 21 know, recommending him to family and friends and obviously 21 MR. SHULTZ: So I've known Andrew for over five years 22 22 23 or about five years now or so. I met him -- we were 23 You know, as my sister mentioned, you know, Andrew 24 working -- we worked as a -- for a moving company 24 has helped us move things around here in our houses as 25 together. And over the course of time, I've worked with 25 well as in our mom's house, and he has, you know, the Page 51 Page 53 1 him for -- on and off for that five years, and I really 1 utmost respect for people and property. He takes his job 2 2 see anyone -- like the quality that he would bring -- that seriously and is, you know, kind of goes above and beyond 3 3 he does bring to the customers that he would serve is and is super friendly while he does it. 4 probably as high as any van line out there. 4 So, you know, all of those are things that I 5 5 Like other people said, he's one of the nicest really appreciated working with him. And, you know, as 6 people you'll ever meet. He's real caring. He's -- his 6 other folks have spoken, you know, I don't know that I 7 7 customer service is top notch, the way he handles himself would have, you know, known his background, you know, is 8 and conducts himself with his customers. I don't know. I 8 what it is. You know, and I think, you know, he has taken, you know, obviously some major steps to reform and 9 honestly couldn't think of anyone else who is more 9 10 1.0 deserving to operate in the state of Washington. build a company, which I appreciate. 11 11 That's all I have to say. So I think that's all I have to say, unless you ADMINISTRATIVE LAW JUDGE PERASON: All right. Thank 12 12 have questions for me. 13 13 ADMINISTRATIVE LAW JUDGE PERASON: I don't. 14 Ms. Neira, do you have questions for Mr. Shultz? 14 Ms. Neira, do you have any questions for this 15 MS. NEIRA: No, your Honor. 15 witness? ADMINISTRATIVE LAW JUDGE PERASON: Okay. Thank you. 16 16 MS. NEIRA: No, your Honor. 17 MR. GIBBS: All right. Thank you. 17 ADMINISTRATIVE LAW JUDGE PERASON: Okay. Thank you. 18 ADMINISTRATIVE LAW JUDGE PERASON: All right. 18 MR. GIBBS: Thank you. 19 Ms. Millican, do you have any other witnesses? 19 ADMINISTRATIVE LAW JUDGE PERASON: Is there anyone 20 MR. GIBBS: Yes, your Honor. 20 21 MR. GIBBS: No, I don't think so. I don't -- I'm not 21 MS. MILLICAN: Can we call Kris? She's joining us on 2.2 22 the phone. She wasn't able to make the Zoom. sure how to tell who is on. 23 ADMINISTRATIVE LAW JUDGE PERASON: Is she the 23 ADMINISTRATIVE LAW JUDGE PERASON: It looks to me like 24 206 number? 24 that's everyone because everyone else I recognize as being 2.5 MS. MILLICAN: Yes, ma'am. 25 Commission Staff.

Page 54 Page 56 1 MR. GIBBS: All right. Yes, ma'am, that is it. Yes, 1 that we were trying to, you know, skate by. 2 your Honor. 2 We have all -- I mean, we had thought we had 3 **EXAMINATION** 3 everything in order as far as, like, doing all the state, ADMINISTRATIVE LAW JUDGE PERASON: All right. I do 4 4 you know, state requirements for Department of Revenue, 5 have a couple questions for you, Mr. Gibbs, in looking at 5 all of that kind of stuff. Unfortunately the UTC thing 6 the exhibits. It looks like you graduated the treatment 6 just did not happen, and it, for sure, wasn't anything 7 programs in 2017, 2018 and 2019, and you were released off 7 that was done on purpose. Had we known, we definitely 8 DOC in 2020. But you said that your clean date is 8 would have done that. 9 May 15th, 2022. So do you want to tell me what happened? 9 ADMINISTRATIVE LAW JUDGE PERASON: Okay. 10 MR. GIBBS: I was smoking marijuana, so it's not 10 Ms. Nielsen, I see your hand. Just one moment. really considered clean. And I went -- as soon as I had 11 11 I just want to clarify. I assume that the company 12 12 gotten out of prison, or, you know, gotten released from has had conversations with staff and understands that prison and off of DOC, I immediately put myself back in 13 13 until they get a permit, they cannot operate. You can do 14 treatment because I was scared that I was going to 14 labor-only moves, but you can't use your truck. 15 15 relapse. MR. GIBBS: Yes, ma'am. 16 And then work kind of got in with treatment, and I 16 ADMINISTRATIVE LAW JUDGE PERASON: Okay. I just 17 was smoking weed. So I had just pulled myself out so that 17 wanted to clarify that. 1.8 way I could continue working. 18 Ms. Nielsen, did you have something you wanted to 19 ADMINISTRATIVE LAW JUDGE PERASON: Okay. So you --19 say? 20 you guit smoking marijuana last May, and you've been clean MS. NIELSEN: Yes. I wanted to state for the record 20 21 since? 21 that he used a U-Haul not his own moving van, and I hired MR. GIBBS: Yes, ma'am. 22 22 him as a person not as a company. So if he was in ADMINISTRATIVE LAW JUDGE PERASON: And you did that on 23 23 violation of anything, it wasn't for that move. It was --24 24 he was just done as a recommendation from a friend using a 25 MR. GIBBS: Yes. 25 U-Haul. Page 55 Page 57 1 ADMINISTRATIVE LAW JUDGE PERASON: Okay. All right. 1 ADMINISTRATIVE LAW JUDGE PERASON: Okay. Well, that 2 2 Thank you for that clarification. All right. So do we actually is still regulated activity under the UTC's 3 3 have anything else that we need to address here today? rules. If he was -- even though he rented a truck, if he 4 Ms. Neira, do you have anything further? 4 was driving a truck with your belongings in it, that is 5 MS. NEIRA: Nothing further, your Honor. 5 still a regulated move. 6 ADMINISTRATIVE LAW JUDGE PERASON: Okay. And anything 6 MS. NIELSEN: Okay. 7 7 ADMINISTRATIVE LAW JUDGE PERASON: But we understand further from the company? 8 MS. MILLICAN: I just kind of wanted to address not 8 that he wasn't aware at the time, and, of course, as the 9 filing our UTC permit when we had started the business. I 9 consumer you're not at fault for that so. 10 1.0 kind of covered it all in the cover sheet and how things MS. NIELSEN: No, I just wanted to make sure that he 11 happened. It didn't kind of work as we had planned for 11 wasn't in trouble for doing that. He wasn't trying to 12 12 the business plan that we had. drive his truck or anything so. 13 Unfortunately, I didn't doublecheck when I was 13 ADMINISTRATIVE LAW JUDGE PERASON: All right. 14 told by the Federal Motor Carrier Safety Administration 14 MS. MILLICAN: Can I say the truck that we purchased, 15 that we didn't need to file the UTC until we were running 15 it's not ready. We wouldn't be -- we wouldn't be using it right now even if we have the UTC. We're not ready for 16 -- until we owned our own truck and were running our own 16 17 17 truck. So that was completely my fault, and I obviously that yet. I mean, we got some stuff we need to --18 should have doublechecked. 18 MR. GIBBS: It still needs to be lettered. 19 Obviously now I am really wishing I would have 19 MS. MILLICAN: Yeah. We purchased the lettering. We 20 20 doublechecked, but that was not something that was done on just haven't gotten it lettered because we didn't want to 21 21 purpose. There was -- we had zero idea that we were continue until we knew whether or not we would be able to 2.2 2.2 running, I guess, illegally without the authority. operate. 23 We didn't know at the time that we were supposed 23 ADMINISTRATIVE LAW JUDGE PERASON: Okay. And you do 24 to have it in place, so I kind of just wanted to address 24 understand you can't rent a U-Haul either and use that 25 that. It was nothing that was done on purpose or nothing 25 either?

	Page 58		Page 60
1	MS. MILLICAN: We do now.	1	This certification does not apply to
2	MR. GIBBS: Yeah.	2	reproduction of this transcript by any means not under my
3	MS. MILLICAN: Yeah, we do now. Yeah.	3	direct supervision and control.
4	ADMINISTRATIVE LAW JUDGE PERASON: Okay. All right.	4	Signed and dated this 5th day of May
5	Anything else? Okay. So before oh, sorry. Go ahead.	5	2023.
6	MR. GIBBS: No. I was just saying no, ma'am.	6 7	NOTC A
7	ADMINISTRATIVE LAW JUDGE PERASON: So before we	8	
8	adjourn, I'd like to request that the parties waive the	9	
9	requirement that I issue an order in ten days because I'd	10	DANIELLE SCHEMM
10	like to have the transcript available to me because there		CERTIFIED COURT REPORTER
11	were so many witnesses today. We usually receive the	11	IN AND FOR THE STATE OF
12	transcript within seven to ten days, and then I would		WASHINGTON, RESIDING AT
13	issue an order most likely five to ten days after the	12	BELLINGHAM. LICENSE EXPIRES
14	transcript is received. Does anyone have an objection to	1 2	JULY 16, 2023
15	that?	13	
16	MS. NEIRA: No objection, your honor.	15	
17	MR. GIBBS: No, ma'am. No objection.	16	
18	ADMINISTRATIVE LAW JUDGE PERASON: Okay. Thank you.	17	
19	All right. Well, thank you all so much for being here	18	
20	today. I really appreciate all the witnesses who took the	19	
21	time out of their day to come and speak on Mr. Gibb's	20	
22	behalf. Thank you to staff, and we are adjourned.	21	
23	[Matter adjourned at 2:17 p.m.]	22	
24	. ,	24	
25		25	
3 4 5 6 7 8 9 10 11	COUNTY OF WHATCOM I, DANIELLE SCHEMM, a Certified Court Reporter within and for the State of Washington do hereby certify; That the testimony by parties appearing in the foregoing transcript was duly taken by me to the best of my ability and thereafter reduced to typewriting under my direction and is contained in Pages 1 through 44; That I am neither counsel for, related to, nor employed by any of the parties to the action in which this brief adjudicative procedure was taken;		
13	And further that I am not a relative or		
14	employee of any attorney or counsel employed by the		
15	parties thereto, nor financially or otherwise interested		
16	in the outcome of the action;		
17	This transcript and invoice have been		
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21	18-145, and applicable court rules regulating formatting		
22 23	and equal terms requirements;		
23	Alterations, changes, fees or charges that violate of these provisions are not authorized by me,		
25	and I have no interest in the outcome of said litigation;		
	and that he interest in the editorne of edit illigation,	I	
		1	

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A	42:23 43:1,5,7,11	40:10,11,20,24	approval 26:4	believes 29:11
AA 36:10 43:21	43:16 44:21 45:5	41:3 42:5,9,13,16	29:14	BELLINGHAM
ability 59:8	45:8,13,18 47:21	42:17,22	approved 22:18	60:12
able 49:23 51:22	48:7,11,15,20	allegations 22:17	April 18:24 21:6	belongings 57:4
57:21	49:22,25 50:3,6	alls 36:6	arrived 44:4	best 52:19 59:8
absolutely 47:19	50:10,13,18 51:12	Alterations 59:23	Aside 26:25 27:8	better 50:9
Access 27:22	51:16,18,23 52:1	amount 52:18	asked 41:14	beyond 53:2
accomplished 36:3	52:6,11 53:13,17	Andrew 19:10 22:4	asking 26:18	Bill 37:6
44:19	53:19,23 54:4,19	22:15 32:20 41:4	aspect 46:20	bit 47:4
accurate 18:4 21:4	54:23 55:1,6 56:9	41:8 44:3 45:22	assault 28:2 31:16	Box 19:3
22:5 26:13,15,21	56:16 57:1,7,13	46:5,22,24,24	assign 39:25	BRIDGIT 19:17
29:15 31:22,23	57:23 58:4,7,18	47:2,16 48:24,25	assume 23:24	brief 18:8 22:12,19
48:2	admission 23:24	49:6,13,15 50:22	56:11	59:12
Accurate's 28:20	admit 24:24	52:20,23	assumed 38:18	bring 39:23 51:2,3
29:5	admitted 24:23	Andrew's 47:8	assumption 39:3	brother 43:20
action 59:11,16	admitting 23:8	52:15	attorney 19:5	build 53:10
actions 41:20	24:20	Anonymous 36:25	59:14	building 46:25
activity 57:2	adult 46:6	anymore 36:9 41:6	authority 26:22	Burglary 31:9
add 48:22 49:20	advance 23:7,25	42:5	27:7 28:22 29:13	business 27:11
address 22:9 39:2	32:4	anyway 39:22	55:22	39:14 49:10 55:9
55:3,8,24	affirm 25:10 30:7	apartment 46:25	authorized 59:24	55:12
adjourn 58:8	37:22 40:21 43:13	apologize 30:22	available 23:14	Bye 42:22
adjourned 58:22	45:15 48:17 50:15	33:9 36:22 38:22	58:10	
58:23	52:8	appearances 21:9	aware 43:21 57:8	<u>C</u>
adjudicative 18:8	afternoon 21:11	appearing 18:13		C 19:1 59:2,2
22:12 59:12	25:18 45:11	19:9 59:6	<u>B</u>	call 22:21 34:24
Administration	AG-1 20:15 32:25	applicable 59:21	B 20:13	35:17 42:24 45:6
55:14	33:9	applicant 27:10	back 30:18 36:12	48:9,10 50:4,5
administrative	AG-2 20:16 33:9,12	application 18:4	44:9 46:17 49:1,3	51:21
19:2 21:1,8,16,21	33:19	21:3 22:15,18	54:13	CALLAGHAN
21:24 22:2,6,11	AG-3 20:18 34:13	26:20,21,24 27:4	background 20:18	19:15
23:6,17,23 24:3,7	34:14	27:6,8,17,18,20	27:3,20,24 28:5	called 26:17 46:17
24:13,17,19,22	AG-4 20:19 34:25	28:6,7,9,11,21	28:11 29:6 30:16	calling 25:5
25:2,9,14 29:18	35:1	29:1,5,9 30:17	33:21 34:10 38:11	calls 25:7
29:23 30:1,10	AG-5 20:21 35:18	31:6 33:24 38:10	38:25 47:11 53:7	cancellation 26:5
31:3,13,15,24	35:19	38:13 39:21	bad 52:19	capacity 46:7
32:3,8,12,16,21	agency 41:4 42:5	applications 26:4	based 29:5,11	care 32:20
33:5,18,25 34:3,9	ago 31:12,12 36:7	26:11	47:11	career 47:7
34:12,18,21,24	45:23	apply 26:18 60:1	basically 38:14	careful 46:12
35:7,12,15,17,23	ahead 21:2,13 25:6	applying 28:17	bat 44:7	caring 47:18 51:6
36:13,16,19,23	30:6,11 38:2 41:1	30:17	Been Verified 20:18	carport 46:16
37:2,7,10,13,16	43:17 45:19 52:12	appreciate 52:14	33:21 34:10	carrier 18:5 22:15
37:20 38:1,6	58:5	53:10 58:20	behalf 52:15 58:22	55:14
39:12,17,20 40:3	Air 46:3	appreciated 53:5	beings 49:4	carry 48:5
40:7,12,15,19,25	Alcoholics 36:24	appreciation 49:12	believe 22:10 23:14	case 22:20,21
42:3,8,11,15,19	Allbee 19:12 20:6	appropriate 49:4	43:20	cause 26:6
	l	l	I	1

	,	•	,	
CCR 18:25	41:12,19 42:1	control 60:3	52:3,4,10,14	28:10
center 20:16 33:3	committing 41:19	controlled 31:7	Damalas's 52:16	dishonesty 28:14
41:9	common 26:25	conversations	Dani 49:23	dismiss 29:8
centers 33:16	30:18	56:12	Danielle 18:25 59:3	disorder 41:5
certain 39:25	communicating	convictions 27:3,13	60:10	DOC 36:11,11 54:8
certificate 33:3,6	44:11	28:1,8,14 31:4,16	Darcy 19:12 40:8,9	54:13
42:7	community 41:23	coordinate 43:25	40:20 42:20,21	Docket 18:5 21:3
certificates 20:17	41:25 48:25 49:1	copy 27:18	database 26:5	document 23:9
33:15	49:18,21	correct 31:9 42:10	date 18:24 38:13	32:24 33:11,14
certification 60:1	company 20:14	Corrections 20:15	42:9,10 54:8	35:8
Certified 59:3	21:17 23:25 26:17	32:19,23	dated 60:4	documents 23:7,11
60:10	27:15 28:15,17,17	correctly 39:1	dates 42:4	23:13 32:4 33:2
certify 59:5	28:18 29:2 50:24	counsel 21:14	day 58:21 60:4	34:5,6
challenges 42:1	53:10 55:7 56:11	59:10,14	days 58:9,12,13	doing 46:13 56:3
43:22	56:22	counselor 41:4	deal 43:24	57:11
chance 22:23 31:2	company's 22:14	COUNTY 59:2	dedicated 41:18	DOL 35:8
41:24	29:8	couple 31:3 40:5	definitely 38:23	Dominick 19:11
changes 36:1,3	compile 32:13	46:4 49:1 54:5	41:12 56:7	43:2 48:10,13
41:14,15 42:2	completed 36:10	course 50:25 57:8	Degree 31:8,9,16	DOT 35:10
59:23	36:10 41:5	court 21:19 23:20	31:17,18	doublecheck 55:13
changing 41:19	completely 55:17	59:3,21 60:10	delivery 59:18	doublechecked
character 39:4,9,18	completion 20:17	cover 35:21 55:10	demand 49:11	55:18,20
41:3 48:22 50:20	33:3,6,15	covered 55:10	Demming 19:11	doubts 46:7
charges 38:15	concern 28:12	Creek 43:23	20:9 48:10,13,13	DOYLE 19:16
59:23	concerned 46:9,12	crew 44:5,10	48:19,24	drive 57:12
check 20:18 27:3	concerning 28:13	crimes 28:10 29:3	demonstrating	driver's 27:19
27:25 28:6,12	28:18	36:5 41:16,16,20	41:21	driving 57:4
29:6 30:16 33:21	concerns 46:8,23	criminal 24:11	deny 22:14	drug 28:2 38:15
34:10 38:25	47:12,13	27:3,13,23 29:11	denying 27:6	drug-driven 41:16
checks 27:20	conducted 45:1	31:19 34:7 38:11	Department 20:15	drugs 36:7
circumstances 36:4	conducts 51:8	criteria 27:10	32:19,22 56:4	duly 59:7
clarification 55:2	conference 22:8	cross-examination	describe 24:8	duties 26:1,8
clarify 56:11,17	conscientious 47:6	23:14	DESCRIPTION	
clean 36:14,17	consider 23:12	culture 49:4	20:14	E
41:17,20 54:8,11	39:23	customer 51:7	descriptions 34:4	E 19:1,1 20:1,1,13
54:20	considered 54:11	customers 51:3,8	deserving 51:10	20:13 59:2,2
client 42:6	Considering 28:19		detail 43:22	easily 26:25
closing 22:24	consistent 28:6	D	determine 27:5	either 57:24,25
come 58:21	consumer 57:9	D 20:1,13	different 33:16	ELAINA 19:18
comfortable 46:20	contain 27:9	D-a-m-a-l-a-s	38:12 41:25	email 22:8
commend 44:18	contained 22:17	45:12 52:5	direct 60:3	employed 25:22
commission 18:2	27:17 59:9	D-e-m-m-i-n-g	direction 49:16	59:11,14
19:2 21:12 22:13	continue 54:18	48:14	59:9	employee 59:14
23:12 25:23,24	57:21	Damalas 19:12,13	disapproval 26:4	employer 25:21
29:7 53:25	continued 42:2	20:8,11 45:7,11	disclosed 27:4	Enforcement 31:21
committed 36:5	contributing 49:8	45:12,17,22 47:24	discrepancies 27:1	entrusted 44:9
			_	

	İ	Ī	İ	i
equal 59:22	felonies 30:16	genuinely 44:17	57:20	hired 48:4 56:21
erroneous 27:10	33:22 38:12,15,20	Gibb's 28:20 58:21	governing 28:16	history 27:23
especially 49:19	41:20	Gibbs 19:10 20:4	graduated 54:6	hit 37:5
ethic 46:2	ferry 43:25	20:12 22:3,4,4,10	grant 29:13	Hold 33:25,25
evidentiary 39:25	file 22:9 24:4 55:15	22:15,20 23:1,5	granting 27:6	honestly 31:11
EWANIKA 19:18	filed 21:4 24:5	23:18,22 24:15,18	28:21	41:11 51:9 52:19
Exactly 36:19	filing 26:5 55:9	29:12,20,22 30:9	great 49:11	honor 23:9 29:17
EXAMINATION	filings 27:1	30:13 31:11,14,23	growth 41:18	29:25 37:15 40:18
25:16 30:12 38:9	final 59:18	32:2,5,9 35:25	guess 24:12 30:13	42:14 44:24 45:4
41:2 43:19 45:21	financial 27:11	36:6,15,18,21	35:6 37:19 38:18	45:11 47:20,23
48:23 50:21 52:13	financially 59:15	37:1,4,9,12,14	38:19,25 40:9	50:2 51:15,20
54:3	find 26:24 27:24	40:8,10 42:20,24	46:19,20 55:22	53:16 54:2 55:5
exceptional 44:20	47:17	43:3,18 44:25	guys 30:21	58:16
exhibit 20:15,16,18	findings 29:6	45:7,20,22 47:24		horrendous 52:18
20:19,21 32:6,23	fine 33:19 42:19	48:10,21 50:5,20	H	house 44:9 46:23
32:25 33:7,12	first 21:18,24 25:5	51:17,20 53:18,21	H 20:13	47:25 48:1,5
34:14,22,25 35:1	26:17 40:16 46:5	54:1,5,10,22,25	hand 25:10 30:6	52:25
35:19	52:3	56:15 57:18 58:2	37:21 40:21 43:12	household 18:5
exhibits 20:14	fitness 27:11	58:6,17	45:14 48:16 50:14	21:4 22:15 27:14
23:19,25 24:8	five 28:20 30:18	Gibbs' 39:18	52:7 56:10	28:16,25 29:2,14
31:25 32:3,7	50:22,23 51:1	Gig 45:23	handles 51:7	39:21
35:24 54:6	58:13	give 22:19 25:11	hands 46:8	houses 46:16 52:24
experience 26:7	folks 53:6	30:4,7,21 31:2,2	happen 22:19 56:6	human 44:20 49:4
47:5	follow 29:12	37:22 40:22 42:9	happened 54:9	hundred 26:12
EXPIRES 60:12	Force 46:3	43:13 45:15 48:17	55:11	HUNTER 19:19
explain 22:17	foregoing 59:7	49:11 50:15 52:8	Harbor 45:24	
43:17 45:19 48:21	form 20:15 32:18	giving 23:12	hard 30:25 47:3	I
50:19	32:23	go 21:2,13 22:13	hardworking 44:6	idea 55:21
extent 27:13 28:23	formatting 59:21	25:6 30:6,10	health 41:7	identification 33:1
extremely 44:3	former 52:17	32:22 37:2 38:1	hear 38:3,5,7 41:24	33:13 34:15 35:2
	forward 47:13	40:25 43:17 44:9	heard 26:17 47:8	35:20
F	found 28:1,5,6	45:19 49:17 52:12	hearing 22:16 23:7	identified 27:2
F 59:2	fraud 27:9	58:5	24:1 25:4 32:25	identify 21:18
faced 42:2	frequency 28:24	goes 53:2	33:12 34:14 35:1	ignore 28:15
fact 46:9	friend 47:15 56:24	going 21:10 22:13	35:19	II 18:9
factors 27:5	friendly 46:1 53:3	30:1,17 32:10,12	heck 44:17	illegally 55:22
facts 36:4	friends 37:6 52:21	32:17,23 33:6	help 44:2 46:22	immediately 46:1
fairly 47:4	frozen 38:4	34:3 35:14 36:24	47:14	54:13
false 28:3 31:19	full 43:8 45:9	37:17 44:15 47:13	helped 46:5 47:24	impact 49:18
familiar 26:13,15	furniture 44:8	54:14	52:24	impressed 44:6,12
family 52:21	46:10,16	good 21:4 25:18	helping 31:1 49:2	include 26:3 28:25
far 56:3	further 29:17 48:6	35:24 44:17 45:11	Hi 43:6	included 31:5
fault 55:17 57:9	55:4,5,7 59:13	goods 18:5 22:15	hide 30:20 38:23	including 41:19
Federal 55:14		27:15 28:16,25	high 51:4	59:20
fees 59:23	G	29:2,14 39:21	highly 45:25	incredibly 44:5
FEESER 19:17	genuine 47:17	gotten 54:12,12	hire 48:2	indicates 28:14

	T 1 10 11 50 5 11	54165501011	27.2.7.10.10.16	22 6 0 12 15 16
indication 27:9	John 19:11 50:5,11	54:16 55:8,10,11	37:2,7,10,13,16	32:6,9,13,15,16
individuals 44:14	joining 51:21	55:24 56:5	37:20 38:1,6	32:17 38:12,19,25
46:6 47:5	judge 19:2 21:1,8	kinds 49:2	39:12,17,20 40:3	listed 28:9,10,11
industries 26:2	21:16,21,24 22:2	knew 38:24 44:1	40:7,12,15,19,25	29:3 31:6,10
industry 28:16	22:6,11 23:6,17	46:11 49:7 57:21	42:3,8,11,15,19	33:23 38:13,16
information 20:21	23:23 24:3,7,13	know 30:13,13,14	42:23 43:1,5,7,11	litigation 59:25
22:7 24:11 26:18	24:17,19,22 25:2	30:22,24 31:2,2	43:16 44:21 45:5	little 23:12
27:2,10,17 28:5	25:9,14 29:18,23	33:9 36:6,7,8,9	45:8,13,18 47:21	live 49:4
30:21 35:4,5,8,11	30:1,10 31:3,13	37:11 39:6 40:5	48:7,11,15,20	lived 49:8
35:18 38:24	31:15,24 32:3,8	41:9,15,15,25	49:22,25 50:3,6	lives 41:23
inspection 35:10	32:12,16,21 33:5	43:17 44:11,25	50:10,13,18 51:12	LLC 18:4 29:15
insurance 26:4	33:18,25 34:3,9	45:19 46:10,11	51:16,18,23 52:1	load 44:8
27:1,12	34:12,18,21,24	47:9 48:21 49:4,7	52:6,11 53:13,17	log 42:17
insurance-related	35:7,12,15,17,23	49:8,11,14,14,17	53:19,23 54:4,19	long 36:7,16
26:6	36:13,16,19,23	50:20 51:8 52:20	54:23 55:1,6 56:9	looked 39:13
integrate 49:3	37:2,7,10,13,16	52:21,23,23,25	56:16 57:1,7,13	looking 54:5
intent 22:14	37:20 38:1,6	53:2,4,5,6,6,7,7,8	57:23 58:4,7,18	looks 38:2,3 43:1
interacted 46:15	39:12,17,20 40:3	53:8,9 54:12	law-abiding 41:21	53:23 54:6
interactions 47:11	40:7,12,15,19,25	55:23 56:1,4	laws 59:19	lot 30:15 36:1
interest 59:25	42:3,8,11,15,19	knowing 44:12,19	lead 41:21	41:15 43:24,25
interested 59:15	42:23 43:1,5,7,11	known 50:22 53:7	learn 49:3	
interfere 27:14	43:16 44:21 45:5	56:7	learned 49:9,9,10	M
29:1	45:8,13,18 47:21	Kris 51:21	leaving 46:24,24	M 20:1 33:8,9
introduce 22:3	48:7,11,15,20	Kristine 19:13	left 44:8	M-i-l-l-i-c-a-n
introduction 23:10	49:22,25 50:3,6	20:11 52:3,4,10	let's 21:2,2,9,12	21:23
invoice 59:17	50:10,13,18 51:12	52:14	22:12 31:24 32:22	ma'am 22:10 23:5
involves 43:24	51:16,18,23 52:1	Kurt 43:20 44:1	34:18,21	23:22 24:18 31:11
issue 58:9,13	52:6,11 53:13,17		letter 35:21	31:14,23 32:5
issued 22:14	53:19,23 54:4,19	L	lettered 57:18,20	36:15 37:1,12
Items 23:16	54:23 55:1,6 56:9	L 19:6	lettering 35:11	51:25 54:1,22
	56:16 57:1,7,13	labor-only 56:14	57:19	56:15 58:6,17
J	57:23 58:4,7,18	Laurie 19:13 43:2	letters 20:19 23:15	MADAM 49:24
J-a-c-k-i-e 22:1	JULY 60:12	43:3,10	34:16,25 39:5,7	maintain 36:24
J-o-h-n 50:11		law 19:2,5 21:1,8	39:11,13	major 53:9
JACKELINE 19:5	K	21:16,21,24 22:2	level 28:14 41:10	making 28:3 29:10
jackeline.neira@	K 52:4	22:6,11 23:6,17	LICENSE 60:12	manager 25:25
19:7	K-r-i-s-t-i-n-e 52:4	23:23 24:3,7,13	licenses 27:19	26:10
Jackie 19:10 21:20	KATHY 19:19	24:17,19,22 25:2	licensing 25:25	March 24:5
21:25 22:1	keeping 40:1	25:9,14 29:18,23	26:9 27:11	marijuana 54:10
jail 36:11,12	kept 36:10	30:1,10 31:3,13	life 30:25 41:13,15	54:20
JAQUANDRIA	Kim 20:8 45:7,9,11	31:15,21,24 32:3	41:19,21 46:6	mark 24:24 32:23
19:18	45:17,22	32:8,12,16,21	47:19 49:7	33:6,19 34:12,22
JEFF 19:17	Kimberly 19:12	33:5,18,25 34:3,9	lifestyle 47:8	34:25 35:18
job 25:24 26:1,8	45:12 52:15	34:12,18,21,24	limited 40:6	marked 32:25
53:1	kind 26:7 33:22,23	35:7,12,15,17,23	line 51:4	33:12 34:14 35:1
JODI 19:15	35:7 38:11 53:2	36:13,16,19,23	list 24:4 30:15 31:4	35:19
	-	•	-	·

				. Tage 00
markings 34:5	mom's 47:25 52:25	51:15 53:14,16	31:13,15,24 32:18	P
MATHEW 19:19	moment 56:10	55:4,5 58:16	33:5,10,20 34:7,9	P 19:1,1
Matter 58:23	month 36:22	neither 59:10	34:16,18,20,23	p.m 18:24 21:7
McBRIDE 19:15	months 31:12	never 49:7	35:3,7,12,15,23	58:23
mean 30:23 33:8	morning 25:18	nicest 51:5	36:13,16,19,23	Page 18:10 20:2,14
36:6 38:18,24	mother 46:22,24	Nielsen 19:13 20:7	37:7,10,10,13,16	Pages 59:9
56:2 57:17	Motor 18:5 31:8	43:6,10,10,15,20	38:6 39:12,13,20	PAIGE 19:16
means 60:2	55:14	43:20 44:23,25	40:2,3,4,15,19	part 22:25
meant 38:23	move 43:23 44:16	47:17 56:10,18,20	42:3,8 43:5 44:21	part 22.23 parties 18:13 21:10
meet 27:10 51:6	45:2,24,25 46:5	57:6,10	45:4,5 47:21 48:2	22:23 58:8 59:6
meeting 39:4	47:13,24 48:1,4	Nine 23:16	48:6,15 49:22	59:11,15
meetings 36:25	52:24 56:23 57:5	noons 37:6	50:11 51:16 52:1	parts 46:10
37:3 49:18	moved 44:7	normal 27:2	52:6 53:17 54:19	Patrick 19:16 25:7
member 49:9	moves 18:4 21:5	Northwest 21:4	55:1,6 56:9,16	25:20
mental 41:7	22:5 26:13,16	22:5 26:13,16	57:1,6,23 58:4,5	Patrol 24:10
mentioned 44:1	29:15 52:18 56:14	29:15 48:2	58:18	Patrol 24:10 Patrol's 27:22
52:23	moving 20:21	Northwest's 26:21	Olympia 19:3	Pearson 19:2 21:7
messed 30:14	27:15 29:2 35:18	notch 51:7	omission 28:13,25	Pearson 19:2 21:7 people 27:19 39:7
met 44:14 45:22,25	45:1,23 46:18	notice 22:14,17	on-property 46:18	39:24 40:5 47:4
46:14 48:25 50:23	50:24 56:21	31:5	once 22:22 36:11	
MG-1 32:23		number 23:20	37:9	49:2,3,14,15 51:5
MG-2 33:7	N	38:20 51:24	ones 23:14,15	51:6 53:1
military 47:7 52:17	N 19:1 20:1,1,13	numbered 32:1	39:10 52:19	PERASON 21:1,16
Mill 43:23	N-i-e-l-s-e-n 43:10	NW 18:4	opening 25:5 30:3	21:21,24 22:2,6
Millican 19:10 20:5	name 21:7,18,22,24		operate 18:5 26:22	22:11 23:6,17,23
21:20,20,23 22:1	22:4 25:19 43:8,9	0	28:22 51:10 56:13	24:3,7,13,17,19
24:2,12,16,21	45:9,10 48:12,12	O 20:1	57:22	24:22 25:2,9,14
32:6,10,14,18	48:13 50:7,7,11	object 23:10	operation 27:14	29:18,23 30:1,10
33:2,14,20 34:2,7	50:12 52:2,2,3,4	objection 23:8	29:2	31:3,13,15,24
34:11,16,20,23	named 27:19	24:20 58:14,16,17	operations 39:15	32:3,8,12,16,21
35:3,9,14,16,21	NASH 19:15	Obstructing 31:21	opinion 28:23	33:5,18,25 34:3,9
37:17,19,25 38:3	nature 27:13 28:23	obtained 34:8	opportunity 22:16	34:12,18,21,24
38:5,10 39:16,19	need 27:18 40:12	obtaining 27:1	22:21 23:2,3 34:6	35:7,12,15,17,23
40:2,4,9,11,14,17	40:15 55:3,15	obviously 42:6	41:8 52:15	36:13,16,19,23
42:21,25 51:19,21	57:17	52:21 53:9 55:17	opposed 39:17	37:2,7,10,13,16
51:25 55:8 57:14	needed 30:22	55:19	order 39:23 56:3	37:20 38:1,6
57:19 58:1,3	needs 57:18	occurred 28:19,25	58:9,13	39:12,17,20 40:3
mind 40:1	Neira 19:5 21:12	offenses 28:19,24	outcome 59:16,25	40:7,12,15,19,25
minute 31:12	21:14,14 22:19	29:3	overcome 44:13	42:3,8,11,15,19
Misleading 31:20	23:3,9 24:3,5,9,23	offered 31:25	overheard 26:19	42:23 43:1,5,7,11
misrepresentation	25:1,4,7,15,17	officer 31:21 46:4	overly 46:9	43:16 44:21 45:5
27:9	29:16,25 37:14,15	oh 31:7 32:14 34:2	oversee 26:2	45:8,13,18 47:21
misunderstanding	39:22 40:16,18	38:2 58:5	oversight 38:21	48:7,11,15,20
30:19,19	42:12,14 44:22,24	okay 21:14,16 22:2	overview 22:20	49:22,25 50:3,6
modest 41:13	45:4 47:22,23	22:6 23:4,17,21	owned 55:16	50:10,13,18 51:12
mom 44:16	48:6 50:2 51:14	24:7,19 25:1,9,18	owner 22:5	51:16,18,23 52:1
11.10		, , , , , , , , , , , , , , , , , , , ,	5 WIIOI 22.5	52:6,11 53:13,17
	•	•	•	•

	Ī	İ	Ī	
53:19,23 54:4,19	pretty 52:19	0	recommended	52:20
54:23 55:1,6 56:9	previous 47:8	qualifications 26:7	45:25	RESIDING 60:11
56:16 57:1,7,13	previously 45:24	quality 51:2	recommending	resolved 26:25
57:23 58:4,7,18	primary 41:7	question 47:10,12	47:16 52:21	respect 47:4 49:11
perform 26:8	print 32:15	questions 23:2,4	record 21:3 23:8,21	49:12 53:1
PERKINSON	prior 26:9 28:20	25:3 29:17,20	24:11,20 25:19	respond 22:16
19:19	35:4 38:14,17,17	31:4 37:14,15	29:11 32:1 34:8	retired 46:3
permanent 27:7	43:21	39:25 40:16,18	43:8 50:8 56:20	Revenue 56:4
Permission 31:8	prison 54:12,13	42:12,14 44:22	records 42:6	review 23:9 26:21
permit 18:4 26:18	probably 37:19	47:22 48:6 50:1,2	recovery 48:25	26:24 29:5
29:14 45:1,1 55:9	51:4	51:14 53:12,14	49:1,19,21	right 21:1 22:8,11
56:13	problems 47:16	54:5	reduced 59:8	25:3,10,14 29:18
permits 21:4 26:5	procedure 59:12	quit 54:20	reform 53:9	29:23 30:6,10
permitting 26:2	proceed 21:11 25:4	quite 41:14 47:4	reformation 47:10	32:2,8,21 33:5
person 36:8 44:17	25:15 30:4		regarding 35:5	35:23 37:13,20,21
46:21 47:18 56:22	proceeding 18:8	R	regulated 28:18	38:1 40:5,19,20
personal 41:9,18	21:9 22:12	R 19:1 59:2	57:2,5	40:25 42:11,15,23
47:14,14	process 27:16	raise 25:10 30:6	regulates 26:3	43:5,11,12,16
personally 44:15	38:10	37:21 40:20 43:12	regulating 59:21	44:7 45:8,13,14
47:2 49:6	processed 26:11,12	45:14 48:16 50:14	regulations 59:20	45:18 46:2 48:7
phone 44:4 51:22	processing 26:3	52:7	relapse 54:15	48:11,16,20 49:16
pick 44:10	production 59:18	ran 27:3 38:11	related 59:10	49:25 50:13,14,18
place 27:16 55:24	professional 41:6	Rayne 19:2 21:7	relating 27:11 28:2	51:12,17,18 52:7
plan 55:12	44:4 46:1	rayne.pearson@	relative 59:13	52:11 54:1,4 55:1
planned 55:11	professionally	19:4	released 54:7,12	55:2 57:13,16
please 22:3 25:10	44:15	RCW 59:20	remaining 31:16	58:4,19
25:19 31:2 43:7	programs 54:7	ready 25:6 30:11	Remfrey 19:16	ROBERSON 19:17
52:2	pronouns 21:8	38:2 41:1 45:19	20:3 25:7,8,9,13	rules 28:16 57:3
PO 19:3	proper 29:1	52:12 57:15,16	25:18,20 29:16,21	59:19,21
point 46:21 48:5,5	property 31:17	real 51:6	rent 57:24	run 27:20 33:21
pointing 46:10	46:8,13,23 47:14	really 30:25 31:1	rented 57:3	running 27:24 29:6
points 49:16	48:1 53:1	44:6,17 51:1 53:5	REPORTED 18:25	55:15,16,22
position 23:11 26:9	provide 39:4	54:11 55:19 58:20	reporter 21:19	S
positive 41:20 42:2	provisional 29:13	reason 30:15	23:21 49:24 59:4	
47:18	29:14	reasons 46:4	60:10	S 19:1 20:1
posses 26:8	provisions 59:24	receive 24:12,13	representing 21:17	S-h-u-l-t-z 50:12
possession 28:2	Prowling 31:18,18	27:18 58:11	36:14	Safety 55:14
31:6,17	public 28:3 31:20	received 23:25	reproduction 60:2	saw 26:19
Poulsbo 43:24	pulled 54:17	58:14	request 58:8	saying 33:8 39:22
prehearing 22:8	purchased 35:5,6	recognize 53:24	requested 22:16	58:6
39:3	35:10 57:14,19	recommend 27:6	required 32:20	scared 54:14
prepared 59:18	purpose 55:21,25	29:13	requirement 58:9	Schemm 18:25
present 22:21	56:7	recommendation	requirements	59:3 60:10
23:15 44:10	put 33:18 34:18,21	20:20 29:7,8,10	27:12 29:12 56:4	scratched 46:11
presents 24:24	38:20 54:13	34:17,25 39:5,7	59:22	search 24:9
presiding 21:8		39:11,14 56:24	reservations 28:21	Seattle 45:23
	l	l	l	l

				_
second 24:10,11	sounds 31:23 46:25	Street 19:6	testifies 23:1	30:7 37:22 39:10
31:7,9,17,18 44:8	South 19:6	strongly 41:22	testify 34:4	40:22 43:13,22
see 41:24 47:2,7	speak 34:6 36:1,4	stuff 56:5 57:17	testimony 20:2	45:15 47:8 48:17
49:21 51:2 56:10	47:2 50:20 52:15	submission 28:20	25:11 30:4,7	50:15 52:8 55:3
seen 46:6	58:21	submit 23:6 39:5	37:22 40:22 43:13	58:11,20
separate 33:17	speaker 26:19	submitted 32:4,18	45:15 48:17 50:15	today's 22:12
separately 38:19	speaking 39:18	33:15 35:4,22	52:8 59:6	told 55:14
seriously 53:2	Specialist 26:10	39:21 59:18	thank 21:16 22:6	top 51:7
Servant 31:20	specifically 29:3	submitting 27:8	23:17 25:14 29:16	transcript 24:10
servants 28:3	speeding 30:24	subordinates 47:6	29:16,18 37:16	58:10,12,14 59:7
serve 51:3	spell 21:18,21 43:8	substance 31:7	42:3,15,20,21	59:17 60:2
served 24:5	45:9 48:12 50:7	substantial 49:19	44:21 45:4,5	transport 35:16
service 27:21,23	52:2	substitute 41:5	47:21 48:6,7	transportation
48:3 51:7	spelled 48:14	super 53:3	49:22,24 51:12,16	18:2 19:2 25:23
services 25:25	spoke 44:3	supervision 60:3	51:17 52:14 53:17	26:2,10
26:10	spoken 53:6	support 39:10 40:6	53:18 55:2 58:18	Transunion's
seven 23:16 58:12	SS 59:2	supposed 39:6	58:19,22	27:21
she/her 21:7	staff 21:12,15 23:7	55:23	theft 28:2 38:14	treat 47:3
sheet 55:10	23:10,23 25:7	sure 24:2 40:7,12	theft-type 38:15	treatment 20:16
shift 46:22	28:12,14 29:10,11	42:11 45:22 46:11	therapist 41:7	33:3,6,16 41:5,9
shifted 46:15	29:12,13,24 53:25	50:6 52:3 53:22	thereto 59:15	41:11 42:4 47:9
show 33:23 41:22	56:12 58:22	56:6 57:10	thing 31:1 35:4,22	54:6,14,16
showing 32:19 35:9	Staff's 22:20 23:1,2	swear 25:10 30:2,7	56:5	treatments 36:10
shows 28:15	23:25 28:21,23	37:21,22 40:21,21	things 43:25 46:17	tried 38:11
Shultz 19:11 20:10	29:7,8	43:12,13 45:14,15	48:4 49:2,6,13	trouble 30:23
50:5,6,9,11,11,17	start 21:12 43:3	48:16,17 50:14,15	52:24 53:4 55:10	57:11
50:22 51:14	49:10	52:7,7	think 22:7,9 30:18	truck 20:21 35:18
Signed 60:4	started 21:2 25:3	sworn 34:1	32:10 33:8 35:3	55:16,17 56:14
similar 52:16	55:9	т	35:22 38:16 40:4	57:3,4,12,14
sister 45:24 52:16	state 24:10 25:19	T T T T T T T T T T T T T T T T T T T	41:13,22 44:16	true 39:18
52:23	27:22 43:8 45:9	T 20:1,1,13 59:2,2	51:9 53:8,11,21	trusted 44:7
skate 56:1	48:12 50:7 51:10	Tacoma 19:6	third 31:16 33:11	trustworthy 47:19
small 41:23	52:2 56:3,4,20	take 21:9	33:14	truth 25:11,12,12
smoking 54:10,17	59:1,4,19 60:11	taken 18:24 32:20	thought 56:2	30:8,8,8 37:23,23
54:20	statement 25:5	53:9 59:7,12	three 23:16 26:9	37:24 40:22,23,23
sober 36:14,17	30:3	takes 53:1	34:16	43:14,14,14 45:16
sobriety 36:24	statements 22:24	talk 21:10 22:12	ticket 30:24	45:16,16 48:18,18
41:18 42:1	28:3 31:20	31:25 36:2	time 21:6 24:25	48:18 50:16,16,16
society 49:3	statutes 28:16	taught 49:6	32:22 36:7 40:6	52:9,9,9
Solicitation 31:19	stayed 36:11	taxes 49:9	50:25 55:23 57:8	try 37:5
soon 54:11	staying 41:17,20	tell 22:25 23:19	58:21	trying 30:20 37:5
sorry 24:15,16	step 44:11	32:13 46:2,3,4 53:22 54:9	times 37:8 46:14,15	43:25 56:1 57:11
32:14 33:8 34:2	steps 53:9		title 25:24	turn 23:18 30:25
36:22 42:25,25	stipulated 23:24	ten 58:9,12,13	TLO 27:21	turning 41:12
58:5	Stolen 31:17	terms 59:22 testified 22:23	today 21:6,17	TV-230083 18:5
Sound 41:12	story 52:16	tesimeu 22:23	22:13 24:23 25:11	21:3
	l	<u> </u>	<u> </u>	<u> </u>

	ı	ı	ı	
twenties 30:14	voluntary 26:6	went 33:4,22,23	YOUNG 19:18	34 20:18
two 28:8 33:15,15		54:11	younger 30:14 47:5	35 20:19,21
37:8 45:23	W	West 41:12		360.664.1164 19:4
types 26:11 38:12	WAC 29:3	WHATCOM 59:2	Z	38 20:5
38:20	WAC-308-14-130	whatsoever 36:8,9	zero 55:21	
typewriting 59:8	59:20	willing 47:3,3	Zoom 51:22	4
typically 39:21	WAC-308-14-135	willingness 28:15		41 20:6
	59:20	wishing 55:19	0	43 20:7
U	waive 58:8	witness 22:22 23:1	1	44 59:9
U-Haul 56:21,25	walk 23:19	23:2 24:24 25:5		45 20:8
57:24	want 22:25 25:4	37:18 39:4 40:14	1 59:9	47250 19:3
Uh-huh 34:11	33:16 34:4 35:25	41:3 47:22 50:1	1:30 18:24 21:2,7	48 20:9
39:16	36:2,4 37:11 42:9	53:15	11 28:2	480.15.302 29:4
understand 57:7	43:17 48:21 50:19	witnesses 22:22	15th 36:21,22 54:9	
57:24	54:9 56:11 57:20	23:4,13 29:24	16 60:12	5
understands 56:12	wanted 33:22 39:2	30:5 32:2 39:8,9	17th 46:5 18 18:10	50 20:10
Unfortunately	55:8,24 56:17,18	50:19 51:19 58:11	18 18:10 18-145 59:21	504.236.3592 19:7
55:13 56:5	56:20 57:10	58:20	1908 19:6	52 20:11
unfrozen 38:7	warm 47:18	work 37:5 41:8	1908 19:0	54 20:12
unmatched 46:2	Washington 18:2	42:5 46:2 47:3	2	5th 60:4
unmute 50:8	19:3,6 24:10	54:16 55:11	2:17 58:23	6
unsupervised	25:22 27:22,22	worked 45:24	2012 31:20,21	60 18:10
46:25 47:1	28:17 51:10 59:1	50:24,25	2013 31:19	00 10.10
upstanding 44:14	59:4,19 60:11	working 30:25 41:6	2014 31:6,7,9,17,18	7
use 21:7 27:5,20,22	wasn't 38:23 51:22	42:18 50:24 53:5	38:14	70-year-old 46:22
47:13,14 56:14	56:6,23 57:8,11	54:18	2015 38:16	
57:24	57:11	wouldn't 47:10,10	2016 31:19 38:17	8
usually 37:4,5	watched 49:1	47:12 57:15,15	2017 31:16 54:7	
58:11	way 30:20,20 44:11	wrong 46:25	2018 54:7	9
UTC 26:3 55:9,15	49:11 51:7 54:18	wrote 23:15 39:7	2019 54:7	98405 19:6
56:5 57:16	ways 41:25	39:11	2020 54:8	98504 19:3
UTC's 57:2	we'll 23:18 24:24	X	2022 54:9	
Utilities 18:2 19:2 25:22	27:21 34:12,24 35:17,18		2023 18:24 21:6	
utmost 53:1	we're 21:10 22:13	X 20:1,13,13	24:6 60:5,12	
utiliost 33.1	32:17,23 57:16	Y	206 51:24	
$\overline{\mathbf{v}}$	we've 43:22	Y 20:1	24th 24:5	
van 51:4 56:21	web 24:9	veah 32:9 37:9,19	25 20:3	
vehicle 27:1,11	Wednesday 18:24	38:23 39:5 43:3	26 18:24	
31:8,18,18 35:5,6	21:6	57:19 58:2,3,3	26th 21:6	
verify 27:16	weed 54:17	year 36:18,20,21	3	
videoconference	week 37:8,9 47:25	38:21		
18:13	weekend 46:21	years 26:9 28:2,20	3 26:10	
violate 59:24	weekends 37:5	30:18,23 38:21	30 20:4	
violation 56:23	weight 23:12 39:25	45:23 49:1 50:22	32 20:15 33 20:16	
VOLUME 18:9	welcome 42:17,22	50:23 51:1	3395 18:25	
	,		JJ73 10.4J	
	•		•	•