

Docket No. TV-190858 - Vol. I

In re Application of: AmericaM Movers LLC

January 29, 2020



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BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION

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In re Application of, ) DOCKET TV-190858  
)  
AMERICAM MOVERS LLC, )  
)  
)  
For a permit to operate )  
as a motor carrier of )  
household goods )  
)

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BRIEF ADJUDICATIVE PROCEEDING, VOLUME I

Pages 1-87

ADMINISTRATIVE LAW JUDGES RAYNE PEARSON AND  
ANDREW J. O'CONNELL

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January 29, 2020

1:45 p.m.

Washington Utilities and Transportation Commission  
621 Woodland Square Loop Southeast  
Lacey, Washington 98503

REPORTED BY: TAYLER GARLINGHOUSE, CCR 3358

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A P P E A R A N C E S

ADMINISTRATIVE LAW JUDGES:

ANDREW J. O'CONNELL  
RAYNE PEARSON

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FOR AMERICAM MOVERS:

CAMANO GAHAGAN  
Owner

ALSO PRESENT:

MATHEW PERKINSON  
MIKE DOTSON

\* \* \* \* \*

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1 LACEY, WASHINGTON; JANUARY 29, 2020

2 1:45 P.M.

3 --o0o--

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

5  
6 JUDGE PEARSON: So good afternoon. Today is  
7 Wednesday, January 29th, 2020. The time is now  
8 approximately 1:45 p.m. This is Docket TV-190858, which  
9 is an application for a household goods permit filed by  
10 AmericaM Movers LLC.

11 My name is Rayne Pearson. I'm an  
12 administrative law judge with the Utilities and  
13 Transportation Commission, and seated to my left is  
14 Judge Andrew O'Connell. He is the administrative law  
15 judge that's presiding over today's brief adjudicative  
16 proceeding. As we spoke about before we were on the  
17 record this afternoon, Mr. O'Connell -- sorry, Judge  
18 O'Connell woke up with laryngitis this morning. He  
19 doesn't have a voice, so I am here to speak on his  
20 behalf. He is still the presiding officer and the  
21 decision-maker in this case.

22 So let's go ahead and take appearances from  
23 both parties and then we'll talk about how we're going  
24 to proceeding this afternoon. So let's start with  
25 Commission Staff, and a short appearance is fine.



1 MR. FUKANO: Good afternoon, Judge Pearson,  
2 Judge O'Connell. I am Harry Fukano, Assistant Attorney  
3 General with the utilities and transportation division,  
4 here on behalf of Commission Staff.

5 JUDGE PEARSON: Okay. And for the company,  
6 if you can state your first and last name, spelling your  
7 last name for the court reporter, and please provide  
8 your address, telephone number, and email address.

9 MR. GAHAGAN: First, I'd like to thank the  
10 Court for having us here and for giving us this  
11 opportunity. My name is Camano Gahagan. My address is  
12 5206 South 2nd Avenue. My phone number is 425-496-4041,  
13 and my email address is info@americammoversllc.

14 JUDGE PEARSON: Dot-com?

15 MR. GAHAGAN: Dot-com, sorry.

16 JUDGE PEARSON: Can you spell your last  
17 name?

18 MR. GAHAGAN: My last name is -- my first  
19 name is Camano, that's C-a-m-a-n-o, and last name is  
20 Gahagan, G-a-h-a-g-a-n.

21 JUDGE PEARSON: Okay. Thank you.

22 So before we were on the record, the parties  
23 reviewed the exhibits and stipulated to the admission of  
24 most of the exhibits, which I will now memorialize for  
25 the record. So Staff's Exhibits MP-1 through MP-4 are

1 admitted into the record.

2 (Exhibits MP-1 through MP-4 admitted.)

3 JUDGE PEARSON: For the company,  
4 Mr. Gahagan, because of the way that you've structured  
5 this, I'm going to -- for Exhibit A, I'm going to number  
6 those 19 exhibits as CG-A1 through CG-A19. Exhibit B  
7 will be CG-B1 and CG-B2, Exhibit C will be CG-C1 and  
8 CG-C2, Exhibit E will be CG-E1 and CG-E2, Exhibit G will  
9 be CG-G1 through CG-G3, Exhibit H will be CG-H1 through  
10 CG-H13, Exhibit I will be CG-I1 through CG-I17, Exhibit  
11 J will be CG-J1, Exhibit K will be Exhibit CG-K1 and  
12 CG-K2, L will be CG-L1, and Exhibit M we are reserving  
13 for argument. Staff did not stipulate to those three  
14 exhibits, so we will address those at the time they're  
15 offered. Exhibit N will be CG-N1. I think that covers  
16 everything.

17 (Above-referenced exhibits admitted.)

18 JUDGE PEARSON: Okay. So before we get  
19 started, I'd like to provide a roadmap for today's brief  
20 adjudicative proceeding. So we're here today because  
21 the Commission originally issued a notice of intent to  
22 deny the company's application for permit authority as a  
23 household goods carrier.

24 Mr. Gahagan, you requested a hearing to have  
25 an opportunity to respond to the allegations contained

1 in that notice and explain why your application should  
2 be approved. The Commission originally scheduled the  
3 hearing for January 7th and then granted a joint request  
4 by the parties to reschedule the hearing for today.

5 So in these matters, the applicant has the  
6 burden to show that the permit should be issued, but in  
7 this case, Mr. Gahagan, as we discussed before we came  
8 on the record, I think it makes sense to have Commission  
9 Staff present its case first and then give you the  
10 opportunity to respond to it.

11 So Mr. Fukano is going to give a brief  
12 overview of Staff's case and Staff will introduce its  
13 witness, Mr. Mat Perkinson, who will testify about  
14 Staff's investigation and then, Mr. Gahagan, you will  
15 have the opportunity to ask Mr. Perkinson questions when  
16 he's finished testifying, and you will also have the  
17 opportunity to ask questions of Mr. Dotson.

18 At that point, I'll swear you in and you  
19 will be able to present your case responding to Staff,  
20 including any additional testimony that you would like  
21 to give or any witnesses that you would like to call.  
22 Once all of the witnesses have testified, both parties  
23 will have the chance to make a closing statement.

24 So, Mr. Gahagan, do you have any questions  
25 before we get started?

1 MR. GAHAGAN: Not at the moment. I'm good.

2 JUDGE PEARSON: Okay. Anything from Staff?

3 MR. FUKANO: Just that Mr. Dotson is  
4 available, but would -- would need to leave by about  
5 2:30.

6 JUDGE PEARSON: Okay.

7 MR. FUKANO: And so if it were possible to  
8 have him go perhaps first or have him be available for  
9 questioning first, that would be Staff's preference.

10 JUDGE PEARSON: That's fine. Okay. We can  
11 do that.

12 So before we start, Mr. Gahagan, this is --  
13 this hearing is all about your criminal history, you  
14 know that? So Staff is going to explain how the nature  
15 and extent of your prior convictions are a concern, and  
16 then you will have the opportunity to explain why the  
17 nature and extent of your convictions should not be a  
18 concern to the Commission.

19 So, Mr. Fukano, you may proceed with your  
20 opening remarks and call your first witness.

21 MR. FUKANO: Good afternoon. Under  
22 Washington law, the Utilities and Transportation  
23 Commission is charged with reviewing and granting  
24 applications for household goods movers in the state of  
25 Washington performing intrastate moves if they are

1 willing to abide by applicable statutes, Commission  
2 rules, and their -- their operation's in the public  
3 interest. Staff, in its official review of the  
4 application submitted by AmericaM Movers LLC recommended  
5 that the Commission deny the application.

6 Staff understands that the company intends  
7 to provide additional evidence at this hearing bearing  
8 on the company's fitness to provide service. Staff  
9 welcomes the opportunity to engage in further review of  
10 the company's application based on the material provided  
11 today and will introduce its evidence through Mr. Mathew  
12 Perkinson. Thank you.

13 JUDGE PEARSON: Okay. Thank you. Would you  
14 like to call your first witness? And it can be  
15 Mr. Dotson if you would --

16 MR. FUKANO: I would like to call Mr. Mike  
17 Dotson.

18 JUDGE PEARSON: Okay. Mr. Dotson, if you  
19 would please stand and raise your right hand.

20 (Mike Dotson sworn.)

21 JUDGE PEARSON: Okay. You may be seated.

22 You can go ahead, Mr. Fukano.

23 ////

24 ////

25 ////

EXAMINATION OF DOTSON / FUKANO

1 EXAMINATION

2 BY MR. FUKANO:

3 **Q. Mr. Dotson, would you please state your name and**  
4 **spell your last name for the record?**

5 A. My name is Mike Dotson, D-o-t-s-o-n.

6 **Q. And what is your current position?**

7 A. Currently I'm a compliance investigator with our  
8 transportation safety division.

9 **Q. And how long have you been in that position?**

10 A. Six months.

11 **Q. I would now like to ask you about the matter at**  
12 **issue in today's hearing.**

13 **Are -- are you familiar with AmericaM Movers?**

14 A. Yes.

15 **Q. How did you become aware of the present matter**  
16 **involving AmericaM?**

17 A. AmericaM submitted an application for household  
18 goods moving authority, and I did a review of it in my  
19 previous role as the licensing services lead.

20 **Q. I am -- I am showing you what has been**  
21 **previously admitted as Exhibit MP-1. What is this**  
22 **exhibit?**

23 A. This is the application received from AmericaM  
24 Movers.

25 **Q. And are you familiar with it?**

**EXAMINATION OF DOTSON / GAHAGAN**

1 A. Yes.

2 **Q. How did you become familiar with it?**

3 A. It was submitted for authority, and I did the  
4 initial review.

5 MR. FUKANO: No further questions for  
6 direct. I would make Mr. Dotson available for cross.

7 JUDGE PEARSON: Okay. Mr. Gahagan?

8 MR. GAHAGAN: I can -- can I just like speak  
9 what I have to say or --

10 JUDGE PEARSON: No.

11 MR. GAHAGAN: -- do I have to ask him direct  
12 questions?

13 JUDGE PEARSON: You have to ask him  
14 direct -- because you're not sworn in, it's not time for  
15 you to testify at this point.

16 MR. GAHAGAN: Okay.

17 JUDGE PEARSON: So just you can ask him  
18 questions.

19 MR. GAHAGAN: Okay.

20  
21 **EXAMINATION**

22 **BY MR. GAHAGAN:**

23 **Q. Mr. Dotson, it is correct that I -- I spoke to**  
24 **you several times on the phone regarding my application?**

25 A. That is correct.

## EXAMINATION OF DOTSON / GAHAGAN

1       **Q. Okay. And do you recall the day of when I**  
2       **submitted my application and I had called you and I**  
3       **asked you if I filled out my application correctly?**

4       A. Yes.

5       **Q. Okay. And do you also recall that you had**  
6       **stated where you believed that I had did fill it out**  
7       **correctly?**

8       A. At that time, I did believe that, yes.

9       **Q. Okay. Do you also recall me -- I forgot what I**  
10       **was going to say. Do you also recall me calling you**  
11       **back after I was denied and stating that the court had**  
12       **stated -- or UTC had stated that I was dishonest on my**  
13       **application?**

14       A. Yes, I recall that.

15       **Q. Okay. And do you believe that I was dishonest**  
16       **on the application when I had spoke to you regarding my**  
17       **charges?**

18       A. I suppose I can't speak to your honesty, but the  
19       letter that you included with your application included  
20       many things you did not put into the application itself.  
21       So I believe there could have been some confusion  
22       perhaps.

23       **Q. And do you also remember a conversation we had**  
24       **about that confusion?**

25       A. Yes.



## EXAMINATION OF DOTSON / GAHAGAN

1     **Q. Okay. And you had stated -- or how can I say**  
2 **this. There was confusion around what I should be**  
3 **putting down on the application based off of what it**  
4 **states on the application to put down, correct?**

5     A. I remember you saying that, yes.

6     **Q. Okay. And so I had spoke to you about the**  
7 **robbery charges that I had, and you believed only the**  
8 **things that were on the application you should put on**  
9 **the application, correct?**

10    A. I do not believe that, because the application  
11 States in question No. 10 (as read) violation of state  
12 laws or Commission rules, name -- anyone named in this  
13 application has been cited for violation of state laws,  
14 and that would include other things beyond just those  
15 five that are listed in question No. 9.

16    **Q. Okay. But do you also recall I did ask you if I**  
17 **should put the robbery charge down on there and then you**  
18 **had stated no, you didn't think so?**

19    A. I do not recall that.

20    **Q. Okay. Do you also recall me speaking to you**  
21 **about anything over five years that I wouldn't have to**  
22 **list on there?**

23    A. I remember we had a conversation that Commission  
24 reserved the right to include things prior to five years  
25 in our decision.

## EXAMINATION OF DOTSON / GAHAGAN

1     **Q. Okay.**

2     A. I don't recall saying do not put anything prior  
3 to five years on the application.

4     **Q. Okay. Do you --**

5             MR. GAHAGAN: Can I have a moment just to  
6 look at my notes, please?

7             JUDGE PEARSON: Sure.

8             MR. GAHAGAN: Thank you.

9             JUDGE PEARSON: So, Mr. Gahagan, while  
10 you're looking through your notes, I have a clarifying  
11 question from Judge O'Connell for Mr. Dotson.

12             So just -- just to clarify, the application  
13 came in first followed by the letter or was the letter  
14 part of the application?

15             MR. DOTSON: I believe the letter was part  
16 of the application.

17             JUDGE PEARSON: Initially?

18             MR. DOTSON: Yes.

19             JUDGE PEARSON: Okay.

20             MR. DOTSON: I think it came all in a  
21 packet.

22             JUDGE PEARSON: Okay. Thank you.

23 BY MR. GAHAGAN:

24     **Q. Okay. Mr. Dotson, so you do recall that there**  
25 **was -- you did state just a minute ago that there was**

**EXAMINATION OF DOTSON / GAHAGAN**

1 some confusion as to what should have been listed on the  
2 application, correct?

3 A. Yeah, after we had a phone call after the letter  
4 came out we -- we discussed that and you had expressed  
5 that there was some confusion on your part at that point  
6 as to what you should have put on when you filled out  
7 the application.

8 **Q. Based off the conversation that we had, there**  
9 **was some confusion?**

10 A. Yes, that's what -- that's what you said.

11 **Q. Okay. And you also had stated that the -- about**  
12 **the charges about -- because my problem is I'll just say**  
13 **is that I had -- I had led to believe that anything**  
14 **after five years you wouldn't have to put on there**  
15 **because of the conversation I had with you stating that**  
16 **if it was over ten years, then you wouldn't have to --**  
17 **wouldn't have to worry about it. And I'm sorry, I'm not**  
18 **used to questioning, so this is difficult for me, so I**  
19 **apologize.**

20 **What I'm trying to say is that there was some**  
21 **confusion between us with what was in regards to what**  
22 **was supposed to be put on the application?**

23 A. I believe so, yes.

24 MR. GAHAGAN: Okay. I'm just leave it as  
25 that. I'm sorry.

## EXAMINATION OF DOTSON / FUKANO

1 JUDGE PEARSON: Okay. Is there any redirect  
2 for Mr. Dotson?

3 MR. FUKANO: Brief opportunity for redirect?

4 JUDGE PEARSON: Sure.

5 MR. FUKANO: Thank you.

6

## 7 EXAMINATION

8 BY MR. FUKANO:

9 **Q. Mr. Dotson, did you speak with Mr. Gahagan as**  
10 **part of the -- part of AmericaM's application process?**

11 A. I did.

12 **Q. And did you review the application form with**  
13 **Mr. Gahagan during your phone conversations with him?**

14 A. I did.

15 **Q. During your conversations, did you advise**  
16 **Mr. Gahagan that he should not disclose any convictions?**

17 A. I did not.

18 **Q. And during your conversation, did Mr. Gahagan,**  
19 **to the best of your recollection, ask whether there were**  
20 **any convictions that he should not disclose?**

21 A. Not that I recall.

22 **Q. And during any of your conversations with**  
23 **Mr. Gahagan, did you represent that the application**  
24 **would be granted?**

25 A. The one conversation I had was Mr. Gahagan

**EXAMINATION OF DOTSON / FUKANO**

1 informed me that he had an assault conviction from  
2 approximately ten years prior, and I stated that most  
3 likely if that is -- that would not prevent him from  
4 getting a household goods moving application.

5 **Q. And to -- to clarify, would that be in reference**  
6 **to the 2009 assault conviction?**

7 A. I -- I assumed that's what he was referring to.

8 **Q. And at the time you discussed the secondary**  
9 **assault, did Mr. Gahagan also mention his robbery**  
10 **conviction related to the second-degree assault?**

11 A. He did not.

12 **Q. Did Mr. Gahagan mention that a firearm was used**  
13 **as part of the assault?**

14 A. He did not.

15 **Q. Did Mr. Gahagan mention that he was also**  
16 **convicted of unlawful imprisonment during the same**  
17 **incident involving assault?**

18 A. He did not.

19 **Q. If Mr. Gahagan had mentioned those convictions,**  
20 **would your opinion perhaps changed?**

21 A. Yes, it would have.

22 **Q. And what would your opinion have been?**

23 A. That most likely that the application will be  
24 denied, and then I would have explained the process  
25 we're going through right now to him.

## EXAMINATION OF DOTSON / GAHAGAN

1       **Q. And during your conversations with Mr. Gahagan,**  
2 **did he mention he had been convicted of fourth-degree**  
3 **assault?**

4       A. He did not.

5               MR. FUKANO: No further questions. Thank  
6 you.

7               JUDGE PEARSON: Okay. Mr. Gahagan, do you  
8 have any additional questions based on Mr. Dotson's  
9 additional testimony?

10              MR. GAHAGAN: Yes, I -- I just have one  
11 other question.

12

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

14 BY MR. GAHAGAN:

15       **Q. Regarding -- regarding the letter and the**  
16 **robbery charge, when I sent that in and I spoke to you**  
17 **about that, if there was a confusion based off of what I**  
18 **was supposed to put on there, then why would have you**  
19 **not mentioned -- or had me mention the robbery charge on**  
20 **the application then when I called you back?**

21       A. I believe -- and you have to forgive me. I'm  
22 working at the licensing services, we get many phone  
23 calls a day, so it's hard for me to remember complete  
24 details --

25              JUDGE PEARSON: Mr. Dotson, can you come a

## EXAMINATION OF DOTSON / GAHAGAN

1 little bit closer to your microphone?

2 MR. DOTSON: Yeah.

3 JUDGE PEARSON: Thank you.

4 A. So it's hard for me to remember the complete  
5 details of every single phone call I have. But I  
6 believe in the conversation I said if you have concerns  
7 about this, you should provide -- write out your letter  
8 and provide evidence that -- of rehabilitation and that  
9 sort of -- that sort of thing, which I believe is where  
10 the -- the letter came from.

11 BY MR. GAHAGAN:

12 **Q. No, I understand that, but I -- I am -- what I'm**  
13 **asking is if there was -- because there was some**  
14 **confusion between us, and if there was confusion and I**  
15 **asked you if I should put the robbery charge down on**  
16 **there and I gave you the letter, then why -- why would**  
17 **have you not informed me to put the robbery charge --**  
18 **add the robbery charge to the application?**

19 A. I -- I don't have a response to that. I'm not  
20 sure.

21 **Q. Okay.**

22 **JUDGE PEARSON: Okay. Thank you.**

23 **So, Mr. Fukano, it's -- if you're done, we**  
24 **can excuse Mr. Dotson.**

25 MR. FUKANO: Yes, nothing further.

## EXAMINATION OF PERKINSON / FUKANO

1 JUDGE PEARSON: Okay.

2 MR. DOTSON: Thank you, Your Honor.

3 JUDGE PEARSON: Thank you, Mr. Dotson.

4 All right. Mr. Fukano, would you like to  
5 introduce your next witness?

6 MR. FUKANO: Yes, I would like to call  
7 Mr. Mathew Perkinson.

8 JUDGE PEARSON: Okay. Mr. Perkinson, if you  
9 could please stand and raise your right hand.

10 (Mathew Perkinson sworn.)

11 JUDGE PEARSON: Okay. Please be seated.

12 Mr. Fukano, whenever you're ready.

13 MR. FUKANO: Thank you.

14

15 EXAMINATION

16 BY MR. FUKANO:

17 **Q. Would you please state your name and spell your**  
18 **last name for the record?**

19 A. Mathew Perkinson, P-e-r-k-i-n-s-o-n.

20 **Q. And what is your current position?**

21 A. Assistant director of transportation safety.

22 **Q. And what are your responsibilities in that**  
23 **position?**

24 A. I manage the licensing services, motor carrier  
25 safety, and solid waste enforcement programs.



**EXAMINATION OF PERKINSON / FUKANO**

1 **Q. And how long have you been in that position?**

2 A. I've been involved in the motor carrier safety  
3 for roughly five years and at the Commission for about  
4 eight.

5 **Q. I would now like to talk about the matter at**  
6 **issue in today's hearing.**

7 **Are you familiar with AmericaM Movers LLC?**

8 A. Yes.

9 **Q. How did you become aware of the present matter**  
10 **involving AmericaM?**

11 A. I received a copy of the application --  
12 application from licensing services.

13 **Q. I'm showing you what has been previously**  
14 **admitted as Exhibit MP-1. What is this exhibit?**

15 A. This is an application listing AmericaM Movers  
16 LLC for household goods operating authority.

17 **Q. And are you familiar with it?**

18 A. Yes.

19 **Q. How did you become familiar with it?**

20 A. Again, given to me from licensing services  
21 program.

22 **Q. Are there any individuals -- are there any**  
23 **individuals specifically named in the application?**

24 A. Yeah, Camano Gahagan is listed as the CEO and  
25 Rianna Davis as the CFO.

## EXAMINATION OF PERKINSON / FUKANO

1 **Q. Would you please turn to page 3 of MP-1.**

2 A. Okay.

3 **Q. What does Item 9 of the application state?**

4 A. Item 9 asks the applicant to name any person  
5 named in the application that's been convicted -- I'm  
6 sorry, let me start over.

7 Has any person named in the application ever  
8 been convicted of a set of crimes.

9 **Q. And is there a table under Item 9?**

10 A. Yes.

11 **Q. What information, if any, is included in the**  
12 **table under Item 9?**

13 A. The table lists a conviction, second-degree  
14 assault, in 2009.

15 **Q. And in the text of Item 9, is assault listed as**  
16 **one of the enumerated convictions?**

17 A. Yes.

18 **Q. On the same page of the application, what does**  
19 **Item 10 state?**

20 A. So Item 10 asks that the application list any  
21 person that's named in it that's been cited for  
22 violations of state laws or Commission rules.

23 **Q. And is there a table under Item 10?**

24 A. Yes.

25 **Q. What information, if any, is included in the**

**EXAMINATION OF PERKINSON / FUKANO**

1 table under Item 10?

2 A. There's no information listed in the table.

3 **Q. As part of Staff's evaluation of the**  
4 **application, did Staff conduct a background check into**  
5 **all of the individuals named in the application?**

6 A. Yes.

7 **Q. Does Staff regularly conduct background checks**  
8 **into new applicants?**

9 A. Yes, all applicants.

10 **Q. Did Staff review any additional material as part**  
11 **of its background check into AmericaM Movers?**

12 A. Yes.

13 **Q. What material did Staff review?**

14 A. A Watch report and a LexisNexis report or  
15 Accurant.

16 **Q. I am showing you what's been previously admitted**  
17 **as Exhibit MP-2. What is this exhibit?**

18 A. This is a copy of the Watch report for Camano  
19 Gahagan.

20 **Q. And are you familiar with it?**

21 A. Yes.

22 **Q. How did you become familiar with it?**

23 A. This was given to me with the application from  
24 the licensing services program.

25 **Q. On MP-2, would you please turn to pages 2 and 3.**

**EXAMINATION OF PERKINSON / FUKANO**

1 To clarify, who does this Watch report pertain to?

2 A. Camano Gahagan.

3 **Q. How many convictions are included on pages 2 and**  
4 **3?**

5 A. There are 14.

6 **Q. And how many felonies are included?**

7 A. Five.

8 **Q. And what are those felonies?**

9 A. Unlawful imprisonment, assault two, robbery one,  
10 possession of a firearm two, and taking motor vehicle  
11 without permission.

12 **Q. And how many gross misdemeanors are included?**

13 A. Five.

14 **Q. And are what those gross misdemeanors?**

15 A. An assault four, minor in possession, minor in  
16 possession, supplying liquor to minors, and obstructing  
17 law enforcement officer.

18 **Q. How many misdemeanors are included?**

19 A. Three.

20 **Q. And what are those misdemeanors?**

21 A. Disorderly conduct, firearms dangerous weapon  
22 charge, unlawful bus conduct.

23 **Q. And how many additional convictions are**  
24 **included?**

25 A. There is one charge classified as unknown for

## EXAMINATION OF PERKINSON / FUKANO

1 malicious mischief.

2 **Q. As part of Staff's background check, did Staff**  
3 **also determine how long Mr. Gahagan was in custody or**  
4 **subject to supervision?**

5 A. Yes.

6 **Q. I am showing you what's been previously admitted**  
7 **as Exhibit MP-4. What is this exhibit?**

8 A. This is an email from Mike Dotson to the  
9 Department of Corrections inquiring about the time that  
10 Mr. Gahagan was incarcerated.

11 **Q. And you are familiar with it?**

12 A. Yes.

13 **Q. How did you become familiar with it?**

14 A. I requested that Mike Dotson reach out to  
15 Department of Corrections to learn more about the  
16 incarceration.

17 **Q. Does the email state how long Mr. Gahagan was**  
18 **incarcerated?**

19 A. Yes.

20 **Q. During what period of time was Mr. Gahagan**  
21 **incarcerated?**

22 A. From January 19, 2010, to March 8, 2017.

23 **Q. Does the email also state how long Mr. Gahagan**  
24 **was on community supervision?**

25 A. Yes.

**EXAMINATION OF PERKINSON / FUKANO**

1 **Q. During what period of time was Mr. Gahagan on --**  
2 **subject to community supervision?**

3 A. March 8th, 2017, to September 7th, 2018.

4 **Q. After reviewing the application and conducting**  
5 **the background check, did Staff have any concerns**  
6 **regarding AmericaM's application?**

7 A. Yes.

8 **Q. What were those concerns?**

9 A. Just the -- the length of the offenses, the  
10 severity of the charges that had been listed on the  
11 Watch report.

12 **Q. And what specifically in the Watch report was**  
13 **concerning to Staff?**

14 A. I think I would say that all criminal charges  
15 can be concerning, but a primary concern were probably  
16 the felonies; unlawful imprisonment, assault, robbery,  
17 possession of firearm, and then taking motor vehicle  
18 without permission.

19 **Q. And why are the firearm convictions concerning**  
20 **to Staff?**

21 A. The Commission is responsible for ensuring  
22 consumer protection. Obviously a charge involving a  
23 weapon is concerning for safety reasons for the  
24 consumers.

25 **Q. And similarly, why was the robbery conviction**

**EXAMINATION OF PERKINSON / FUKANO**

1 concerning for Staff?

2 A. The application has an area that lists theft.

3 Robbery is, I guess, more severe than theft, and

4 obviously un- -- potentially unsupervised access to

5 consumers' homes is concerning as it relates to robbery.

6 **Q. And why was the unlawful imprisonment conviction**  
7 **concerning to Staff?**

8 A. Again, consumer protection.

9 **Q. And based on these concerns, how did Staff**  
10 **initially resolve AmericaM's application?**

11 A. Can you clarify the question?

12 **Q. What was the outcome of Staff's review of**  
13 **AmericaM's application?**

14 A. Staff issued a notice of intent to deny the  
15 application.

16 **Q. Did the fact that AmericaM stated that it is**  
17 **willing to use body cameras influence Staff's review of**  
18 **the company's application?**

19 A. No.

20 **Q. And why did it not?**

21 A. Essentially, the Commission doesn't require body  
22 cams and thus couldn't not require them if an  
23 application were granted. It's not a -- it has no  
24 bearing on the -- on the decision.

25 **Q. And so when you say the Commission could not**

**EXAMINATION OF PERKINSON / GAHAGAN**

1 require, could you explain that a bit more?

2 A. The Commission has certain laws that it enforces  
3 related to safety consumer protection such as estimates,  
4 bills of lading, things of that nature, tariff and rate  
5 requirements. It doesn't have the type of equipment,  
6 for example, here that's a requirement.

7 **Q. And so if the company decided to no longer use**  
8 **cameras in the future, could Staff require the company**  
9 **to use cameras?**

10 A. No.

11 MR. FUKANO: No further questions for  
12 Mr. Perkinson at this time.

13 JUDGE PEARSON: Okay. Thank you.

14 Mr. Gahagan, do you have any questions for  
15 Mr. Perkinson?

16

17 EXAMINATION

18 BY MR. GAHAGAN:

19 **Q. Regarding just like charges in general, does the**  
20 **Staff allow companies to hire people with records?**

21 A. So we would need to know about any person named  
22 in the application that has convictions. That's  
23 essentially what we ask and what we review.

24 **Q. No, I understand that, but a company that is in**  
25 **operation, any moving company that you guys give a**



**EXAMINATION OF PERKINSON / GAHAGAN**

1 permit to, do they allow people to hire people with  
2 convictions?

3 A. No. Our Staff would visit a company during  
4 whether it be consumer protection intervention or  
5 investigation or safety investigation and we'd review  
6 all the company files and records. In that, we would  
7 check for any individuals employed by the company that  
8 have an offense listed in the Washington Administrative  
9 Code 480-15-555.

10 **Q. So is there -- is there individuals probably**  
11 **currently right now with charges maybe similar to mine**  
12 **that would be hired that are working for companies in**  
13 **Washington State?**

14 A. I'm not sure. Like I said, what we do is we  
15 check when we visit companies, ask them to provide us  
16 information about their employees.

17 **Q. Okay. So it's a possibility, then?**

18 A. Anything's possible, yep.

19 **Q. Okay. Thank you.**

20 A. Sure.

21 JUDGE PEARSON: Is that all?

22 MR. GAHAGAN: I believe so, yes. Thank you.

23 JUDGE PEARSON: Okay. So you're going to  
24 have a chance to testify in just a moment, but Judge  
25 O'Connell has some questions for Mr. Perkinson. So

## EXAMINATION OF PERKINSON / PEARSON

1 please bear with us as we communicate them back and  
2 forth.

3

4 EXAMINATION

5 BY JUDGE PEARSON:

6 **Q. Okay. So, Mr. Perkinson, if you could refer to**  
7 **page 2 of Exhibit MP-2. Let me know when you're there.**

8 A. Okay.

9 **Q. So just want to confirm at the bottom of the**  
10 **page that the conviction for first-degree robbery was**  
11 **actually attempt?**

12 A. Yes, that's correct.

13 **Q. Okay. Thank you.**

14 **Okay. And, Mr. Perkinson, what do you know**  
15 **about the events that occurred that led to Mr. Gahagan's**  
16 **charges and convictions, in particular the events**  
17 **surrounding the assault two conviction?**

18 A. My understanding, and I could probably let  
19 Mr. Gahagan state his case when he comes on.

20 **Q. We'll get to him. We just want to know what you**  
21 **know.**

22 A. Sure. Well, in this letter, he expressed that  
23 there was some things going on in his life that led him  
24 down a bad path and he made some bad decisions at the  
25 time, which ultimately resulted in -- in this case, a

**EXAMINATION OF PERKINSON / PEARSON**

1 group of felonies against him and that he's doing his  
2 best to rehabilitate himself and get his life on track  
3 is my general sense of...

4 **Q. Okay. Did you look into the case history or the**  
5 **facts surrounding the convictions?**

6 A. I -- I did a Google search and read some news  
7 articles about the -- what happened. I took those  
8 somewhat as opinions of the news and relied solely on  
9 facts in the Watch report, which, you know, as you can  
10 see here lists the conviction, the title of the  
11 conviction, less about the events that actually took  
12 place other than what Mr. Camano [sic] introduced in a  
13 letter and what he spoke to.

14 **Q. Okay. So can you tell us what is the -- about**  
15 **the specific convictions what is the nature and extent**  
16 **of those convictions that causes Staff concern?**

17 A. So I -- again, I would go back to the Commission  
18 has responsibility to protect consumers. There is  
19 obviously concerns with the nature of some of the  
20 convictions and the offenses that happened in that the  
21 company, like any household goods company, has  
22 potentially unsupervised access into residents' homes,  
23 which could be vulnerable -- vulnerable populations,  
24 people that are alone individually. They were -- these  
25 particular offenses were quite egregious in my opinion.

## EXAMINATION OF PERKINSON / PEARSON

1 They stood out as very serious.

2 And does that answer your question?

3 **Q. One moment, please.**

4 A. Okay.

5 **Q. Okay. So Mr. Dotson, before he left, stated**  
6 **that the letter came in with the application, so my**  
7 **question is -- sorry, Judge O'Connell's question is,**  
8 **does Staff consider any letters submitted with**  
9 **applications to be part of the application?**

10 A. I think they would. They would -- with any  
11 company that submits an application, if it's deemed to  
12 be incomplete, they would provide technical assistance  
13 and try to clarify. So yeah, they would accept that.

14 JUDGE PEARSON: Okay. Thank you.

15 Mr. Fukano, do you have any redirect?

16 MR. FUKANO: No, not at this time.

17 JUDGE PEARSON: Okay.

18 MR. GAHAGAN: Your Honor, may I ask a  
19 question?

20 JUDGE PEARSON: Of Mr. --

21 MR. GAHAGAN: Am I allowed to redirect?

22 JUDGE PEARSON: -- Perkinson?

23 MR. GAHAGAN: Yes.

24 JUDGE PEARSON: You want to recross?

25 MR. GAHAGAN: Is that okay?

## EXAMINATION OF PERKINSON / GAHAGAN

1 JUDGE PEARSON: Why don't you go ahead and  
2 ask the question, and then if Mr. Fukano has an  
3 objection, he can voice it.  
4

## EXAMINATION

5  
6 BY MR. GAHAGAN:

7 **Q. Is it true that people with like theft charges**  
8 **and charges of that nature after five years are still**  
9 **allowed to work within a moving company?**

10 A. There's a -- so the Commission has five years  
11 that it looks at and then there's an exception to the  
12 rule that allows the Commission or Commission Staff to  
13 consider other charges outside of the five-year period.

14 **Q. So is that true, then?**

15 A. Is what true?

16 **Q. Is it true that after five years charges similar**  
17 **to theft are -- they're allowed to work for the moving**  
18 **companies?**

19 A. I'm not sure how to answer the question, I'm  
20 sorry. So Staff looks at the totality of the  
21 circumstances including all the violations that are  
22 within the five years. Any exceptions outside of that  
23 five years, is it possible that a moving company employs  
24 somebody with a theft conviction beyond five years  
25 currently; is that the question?

## EXAMINATION OF PERKINSON / GAHAGAN

1       **Q. Yes.**

2               **JUDGE PEARSON: Okay. Hold on one second,**  
3 **Mr. Perkinson. Judge O'Connell wants to clarify**  
4 **something.**

5               **Okay. So what Judge O'Connell wants me to**  
6 **express is that he is familiar with the Commission's**  
7 **rules and the standards for entry, and that for certain**  
8 **specified crimes in the rule that occurred within the**  
9 **last five years, there is an absolute bar to granting an**  
10 **application for household goods authority. For those**  
11 **same crimes that occurred five years and one day or more**  
12 **in the past, then it's within the Commission's**  
13 **discretion on a case-by-case basis to decide whether or**  
14 **not to grant the application based on the nature and**  
15 **extent of the crimes.**

16               **MR. GAHAGAN: No, I -- I understand the**  
17 **application part. I apologize. I was referring to**  
18 **individuals who are working for the moving companies**  
19 **that are looking to be hired. As long as it's five**  
20 **years -- that's what was expressed to us when we went**  
21 **out to Yakima, anyone over five years as long as it's**  
22 **past five years, that they can go ahead and work for a**  
23 **moving company as long as it's been past five years for**  
24 **charges such as theft and those things.**

25               **JUDGE PEARSON: Okay. I understand your**

1 question.

2 MR. GAHAGAN: I apologize. I probably  
3 didn't eloquently state it correctly, and so I apologize  
4 for that.

5 JUDGE PEARSON: That's fine. Is there  
6 anything else?

7 MR. GAHAGAN: No, that's it.

8 JUDGE PEARSON: Okay. Is Staff ready for  
9 Mr. Gahagan to present his testimony?

10 MR. FUKANO: Yes, Staff is prepared.

11 JUDGE PEARSON: Okay. All right. So,  
12 Mr. Gahagan, okay, go ahead and stand and raise your  
13 right hand, and I will swear you in.

14 (Camano Gahagan sworn.)

15 JUDGE PEARSON: Please be seated. Okay.  
16 So, Mr. Gahagan, you can go ahead and just explain your  
17 side of the story whenever you're ready.

18 MR. GAHAGAN: Well, first of all, obviously  
19 I can't make any excuses for the crimes that I've  
20 already committed. That human being was very immature,  
21 selfish, and at that time, I was an addict of either  
22 alcohol or opioid use. Since then, I've done a lot, a  
23 lot to rehabilitate myself. Started with education  
24 while I was in prison. I took every minute I could to  
25 educate myself. That's what part of these documents

1 here that I wanted to present, which would be Exhibit A,  
2 was my education.

3 I first started with my GED in county jail.  
4 From there, I moved over to Peninsula College, and then  
5 I started small business management. And from there, I  
6 started doing building maintenance technology, I did  
7 bookkeeping, I did business marketing, I did QuickBooks.  
8 From -- I also did building maintenance technology.  
9 From there, I went to Walla Walla Prison and I got my  
10 associate's of arts degree. I also got my welding  
11 certificate and my degrees in that also. I also got  
12 siding, and I also was certified in a forklift.

13 JUDGE PEARSON: So before you go on, I -- I  
14 forgot to say at the beginning that I have removed the  
15 confidential exhibits from the exhibits that you  
16 offered, and I have set them up here on the bench. And  
17 so when you want to refer to them, we will look at them  
18 and then we will give them back to you.

19 MR. GAHAGAN: Okay.

20 JUDGE PEARSON: Okay?

21 MR. GAHAGAN: I just -- I just knew when I  
22 went to prison I wanted to be a changed man. I knew  
23 that the person that I was I did not like. I didn't  
24 like who he was. I didn't like what I was, where I was  
25 going with my life. I didn't want to be a



1 disappointment anymore to my mother, to my family, to my  
2 friends, and most importantly to myself. So I took it  
3 upon myself to take action, and instead of just standing  
4 there and not doing anything and sulking and blaming  
5 other people and never taking responsibility, I took it  
6 upon myself to take action and do something. That was  
7 the only thing I could do during that time.

8           So that's why I started educating myself.  
9 And during that time, I fell in love with business. I  
10 fell -- I fell in love with just the idea of being an  
11 entrepreneur, owning something, waking up every day and  
12 having something -- a new challenge to face you.  
13 Something that you can make a change in your life and in  
14 other people's lives, and that was something I really  
15 wanted to do. So I just -- I -- I moved in that  
16 direction.

17           After I was released from prison, I  
18 maintained that. I stayed out of trouble. I was  
19 released from probation early. I went to anger  
20 management class. I took Thinking for a Change, I  
21 completed that. I also did a drug and alcohol program  
22 and I completed that. It's been almost three years now  
23 since my release, and I have not had one interaction  
24 with law. I have stayed completely out of trouble.  
25 It's going over 11 years now that I've been sober from

1 any substances. And I maintain my sobriety because it's  
2 more of a meaningful life to live, and I love it. I  
3 love knowing who I am because before that, I didn't know  
4 who I was. I always tried to fit in. I always tried to  
5 belong in a crowd, and I always put myself in the wrong  
6 place with the wrong people. And I knew that wasn't me.

7 And so I -- I worked. I worked hard to  
8 change, and that's why I got into this because it meant  
9 something to me. And I'm not that man. I'm not that  
10 man anymore.

11 JUDGE PEARSON: We can give you a moment if  
12 you need it.

13 MR. GAHAGAN: I don't know where to go next.  
14 I apologize. I'm not used to this.

15 So from my education, I don't know if you  
16 guys have seen the various things that I have here.  
17 Obviously to see my certificates that I completed,  
18 sorry.

19 JUDGE PEARSON: You don't have to apologize.

20 MR. GAHAGAN: I got personal letters showing  
21 that I was an outstanding student. I finished with a  
22 3.84 degree, which I was very proud of. I dropped out  
23 of high school at the age of 14, and I didn't take  
24 education seriously because at the time, I didn't care.  
25 I didn't care about anything. I didn't care about

1 myself, my family, my friends. I was a very selfish  
2 human being. But when I got back into it, I found out I  
3 loved it, I loved learning, and so I continued it.

4 I'll move to the next thing. You can see  
5 here that I also completed the anger management class,  
6 which would be Exhibit B, Thinking for a Change. I had  
7 Kara Norsworthy write in there for me about everything  
8 that we went through. We went through social skills,  
9 problem solving, how to deal with certain situations,  
10 especially stressful situations. And I got a lot from  
11 that class on how to -- like just coping skills and  
12 things, how to just like break away. And like working  
13 on yourself, just continuing to work on yourself, real  
14 life situations. And I completed that class.

15 I also did a drug and alcohol class, which  
16 was my actual second time of doing a drug and alcohol.  
17 I had done that earlier in my life. About like 2004 I  
18 had completed a class after I had gotten in trouble, and  
19 I realized alcohol was just -- it was a major flaw in my  
20 life. Like it made me do a lot of stupid stuff.

21 And so after that, I'd actually cleaned up.  
22 If you see my record, it was very sporadic from the age  
23 of 17 to like twenty I think it was -2 or -3. I had a  
24 bunch of charges and then after that, I didn't have any.  
25 Then I got injured, and during that injury, I got

1 prescribed Oxycontin. And I had quit drinking up to  
2 that point. I was -- I was sober for I think it was  
3 almost like four or five years from alcohol, and then I  
4 got -- I got injured and the doctor prescribed me it was  
5 Percocets at first and then from Percocets it went from  
6 Oxycontin --

7 JUDGE PEARSON: Can you speak into your  
8 microphone?

9 MR. GAHAGAN: I apologize.

10 JUDGE PEARSON: That's okay.

11 MR. GAHAGAN: And I moved back from  
12 Colorado, and I seen another pain specialist, and he  
13 continued prescribing me Oxycontin. And that was the  
14 medical records that I provided there just to show  
15 proof. I was overly prescribed. I mean, he was giving  
16 me 80 -- 90 80s a day along with 90 Perc 15s, I mean,  
17 for a month like for my back pain. Like and that's just  
18 unheard of, you know. Like and I didn't know the  
19 addictive state that it was. It was never told to me, I  
20 wasn't informed. Along with a lot of other people, we  
21 weren't told, you know.

22 And that was some of the other documents  
23 that I brought was about the opioid crisis -- the crisis  
24 that, you know, struck our nation and especially  
25 Washington State where Governor I think it was Ferguson

1 or Inslee. I can't remember which one it was to be  
2 honest, but he actually had sued the pharmaceutical  
3 companies because of the fact that they were  
4 deliberately pumping it into our system and selling them  
5 knowing the addictive qualities that they had.

6           So ended up getting hooked on those. And I  
7 think it was in July -- it was in August, I believe, or  
8 in July I asked to be weaned off of them because I knew  
9 I had had a problem, I knew I was becoming dependent on  
10 them, and so I asked them to wean me off. He ended up  
11 cutting me off the next month and sending me to a pain  
12 specialist for Suboxone. At that time, I didn't have  
13 any insurance, so I couldn't cover the cost for the  
14 Suboxone. So what I did is I started buying them  
15 illegally.

16           And like a fool, I continued my use because  
17 I was an addict and was I picking up my old behaviors.  
18 And one thing led to another, I ran into an old crowd  
19 from my past, and that individual led me into the three  
20 charges that you see that are egregious, like he said.  
21 I don't know where in the right mind I was to think it  
22 would be okay to rob a drug dealer, but at that time, I  
23 wasn't -- I wasn't in the right state of mind. I was  
24 controlled by a substance.

25           And we went and -- went and robbed a drug

1 dealer and his girlfriend in a parking lot. Like who  
2 does that? Who even -- I mean, who's -- I can't even  
3 excuse that behavior. And it went wrong, you know, and  
4 it was the worst decision of my life. I hate myself for  
5 it. But and in a way I look at it, it was my saving  
6 grace because I lost two friends to OD and who knows  
7 about me. I could have followed behind them. But most  
8 importantly it changed me. It sent me away and I needed  
9 that. I needed that time away to find who I was, and  
10 during that time I did.

11 I guess I'll -- I would like to make some  
12 points that, one, yes, I do have those convictions. I  
13 do have an assault four, I do have a gun charge, I have  
14 the second gun charge involved with robbery. I did not  
15 have a gun. I was an accomplice to a gun. I was with  
16 him. It doesn't change anything because I was with him,  
17 but I don't pack guns. I don't carry guns. I don't  
18 want anything to -- with guns or be around them.

19 But I wanted to make some points and say  
20 that none of my charges have ever involved a customer.  
21 None of my charges are a fraud. Besides the robbery  
22 charge, I don't have any theft, I don't have any  
23 identity thefts. I've been entrusted throughout many of  
24 jobs doing remodeling, working for a medical supply  
25 company. Recently, I was working for Optimar as a

1 mana- -- as a warehouse manager. I've been entrusted  
2 with credit card information, Social Security card  
3 information, banking information, expensive equipment  
4 and never have I ever had an allegation, a charge, or  
5 anything brought up about me in a negative way when I've  
6 had that information. I would never do anything with  
7 the client's information. That's not the person I am.  
8 I'm not a -- I'm not a thief. I don't believe in that.

9           So I'd like -- I want to make that apparent  
10 that if you guys did give me the opportunity, that would  
11 be one thing you guys would not have to be concerned  
12 about is I would never steal from a customer. I would  
13 never take their identity, I would never do anything of  
14 that nature.

15           I have statements here that I -- if you guys  
16 wouldn't mind that I could read from people that wrote  
17 character statements for me that I've worked with  
18 recently that I've done work for as a handyman, that  
19 I've also worked for the companies and for like  
20 customers also just stating their experiences with me  
21 and everything. I don't know if that's okay or is that  
22 relevant?

23           JUDGE PEARSON: That's fine. They're  
24 already in the record --

25           MR. GAHAGAN: Okay.

1 JUDGE PEARSON: -- so if you just want to  
2 highlight specific things.

3 MR. GAHAGAN: Yeah, I'm not going to read  
4 the whole thing.

5 JUDGE PEARSON: Okay.

6 MR. GAHAGAN: I wouldn't read that -- I  
7 wouldn't do that.

8 One -- this one right here is with Carso  
9 [phonetic]. This was from Heidi. We actually -- before  
10 we had got the permit, before I even found out that you  
11 guys even existed, which I didn't even know, and once I  
12 did, I went and applied for a permit. We had moved one  
13 company and was actually -- it was commercial, which I  
14 found out you can do. But she noted in here, she said  
15 (as read) What I appreciated about most was Camano's  
16 honesty. During the move, there was an incident where  
17 one of our -- our cabinets got a small amount of damage  
18 on the backside. The damage was minor, but Camano  
19 offered to fix and reimburse Carso for the damage. I  
20 informed him that there was no need for any  
21 reimbursements since the cabinet was still usable and  
22 the damage was not visible. I appreciate his honesty,  
23 especially since we would have never known of the damage  
24 unless he had mentioned it.

25 Becky Summers, (as read) Camano is always



1 warm, always there with a positive attitude and smile.  
2 He's generous in the services he provides. He's  
3 trustworthy, honest, and cares about the people, and his  
4 quality of work has been appreciated. Camano has  
5 success written all over his endeavors, and his  
6 willingness to help and love in serving and helping  
7 others is inspiring and appreciated.

8 She's a real estate agent who I do work for  
9 from time to time doing handy work or whatever, and I'm  
10 inside some of her clients' homes and stuff.

11 I also have Elizabeth -- or here, I'll read  
12 Elizabeth Basir who owns Perso Properties. She  
13 mentioned -- where is she at? (As read) I was out of  
14 town. I sent pictures to my tenant and he said he did a  
15 great job. And he had gotten done -- he had done  
16 getting the place looking great again.

17 I can go on about these other ones, like  
18 Ryan here, who was my logistics manager at -- at  
19 Optimar, he wrote, (as read) Although we were aware of  
20 Camano's past record, we still felt confident in  
21 trusting him with access to expensive parts, vendors's  
22 accounts, company credit cards, patents, and other  
23 important company information. At no time did we ever  
24 have an incident involving Camano in the workplace.

25 I worked there for about a year or so.

1 Jason Helen, he owns Westland Construction,  
2 and I work with him from time to time. He says, (as  
3 read) I trust Camano with my customers and inside their  
4 homes. I've given Camano the alarm code or keys to  
5 several of my customers' remodels and with the customers  
6 still living in most of those homes. Never have I  
7 received complaints about Camano nor has anything ever  
8 came up missing.

9 And also Chuck, my -- my PO officer, he  
10 wrote, (as read) We had the pleasure of working with  
11 Camano -- or he said, (as read) He was a pleasure to  
12 work with. Was always punctual for appointments and he  
13 made himself available for contacts. He had zero  
14 violations and he was released from probation early.

15 That was my probation officer, Chuck Carter.  
16 I was scheduled for 36 months of probation and they  
17 released me after a year based off my behavior.

18 Marcy Smith who works at the Bothell Fire  
19 Department, she said, (as read) When I found myself in  
20 need to help move a large sectional couch that I was  
21 donating to a single mom, Camano offered to serve me  
22 free of charge, and even though it was a free service,  
23 Camano and his staff were exceptionally professional and  
24 treated their donation of time and -- and resources as  
25 if it was of a high paying customer.

1           What I'm trying to say is that I have been  
2 entrusted with people's property, with their personal  
3 information, inside their homes, and never has an  
4 incident ever happened nor would it. I'm an honest man.  
5 I have made a lot of mistakes, that is true, but that  
6 person that I was is no longer. And I'm just -- I'm  
7 just trying to make an honest living for -- for my  
8 family and for myself. I want something I can be proud  
9 of. I want my family to be proud of me.

10           I don't want to -- to leave a legacy of just  
11 a man that was in the paper for a robbery charge, you  
12 know. When I'm -- my obituary is written, I want to be  
13 remembered for something a lot more, something that's  
14 rememberable for good that -- helping somebody or -- or  
15 helping others. I just -- I just want more than what  
16 was, and I still feel there's plenty of time to write a  
17 new story and tell that.

18           I don't know, I would like to maybe make  
19 also how important this company is to me, to Rianna, to  
20 Lupe, to Lady. We -- we've put our hearts into this.  
21 We've -- we've taken so much time just looking into all  
22 the little fine details. We took a truck -- we bought a  
23 truck, we stripped it, we took it to its bare bones, we  
24 repainted it, we put new vinyl decals on it, we put just  
25 all the love that we could into that truck. I built my

1 own website. I knew nothing about computers. I'm  
2 terrible when it comes to them, but it took me two  
3 months, but I built my open website, which I'm very  
4 proud of.

5           Some of these pictures, I don't know if you  
6 guys have them there, but you can see the truck here.  
7 The before pictures and the after pictures and how  
8 professional we tried to make it so that way we can, you  
9 know, offer the best service possible to customers out  
10 there. You can see us working on it here. You can see  
11 us here, you know, representing, you know, our love for  
12 the troops. You know, we -- we really would like to be  
13 able to offer service where, you know, we can give a  
14 good discount for the troops and reward them for serving  
15 our country. I mean, that's important to us.

16           We also offer service to seniors. The  
17 picture right here is of Lisa. We moved their chair  
18 upstairs for them free of charge because they needed  
19 help and they didn't have somebody, so we did that.  
20 Back there is Heidi, that's who -- Carso, we moved them,  
21 and that's a picture of us.

22           And the body cams, that was an idea I came  
23 up with. I didn't -- I don't know how relevant it is.  
24 I know the reason I thought about it was for, you know,  
25 upscale customers, I guess, people in like tech firms or

1 people who have like merchandise that they want to keep  
2 a closer eye on, I thought it could be added on as an  
3 additional service, something that's new and innovative  
4 that's different that -- I mean, we can't -- we can't  
5 record voice or anything like that, but you can record  
6 still pictures and -- and everything like that in the  
7 state of Washington. But it would be something that  
8 they could watch live if they wanted to or go back if  
9 there was an incident with, you know, anything being  
10 broken or anything, we can just easily rewind and go  
11 over that and figure out what happened and then pay for  
12 it accordingly. And it's just transparent. It's open  
13 and in our market, in our world, we're moving toward a  
14 more technologically based market.

15 So that was something, if possible, we would  
16 move forward with if we were granted the permit today.  
17 And backside there is the cameras again. We also have  
18 what is a cargo cam that we were going to install in the  
19 back of the cargo haul there so that way we could keep  
20 track of, you know -- for training purposes for new  
21 employees where we're training them and making sure that  
22 they're doing everything correctly and they're handling  
23 the property correctly. Also for any incidents that  
24 happen, anything like that, or even if anything came up  
25 missing, God forbid, but that -- that's more of what

1 that is for.

2 We also have GPS on our truck so that way  
3 customers can like track the arrival times of their  
4 stuff if they choose to. That was something else that  
5 we wanted to provide. We do home safety proofing.  
6 We -- when we enter the customer's home, obviously we  
7 come in there, we give the greeting, we assess  
8 everything, and then we go ahead and we start proofing  
9 their home. We lay mats down on the floors and -- which  
10 are these exercise mats that puzzle together really  
11 well. It's something I came up with, I thought would  
12 work well. And then we use these ram jam covers for the  
13 doorways, make sure that nothing gets dinged up or the  
14 doors don't get dinged up. That goes along with  
15 protecting their banisters and their walls and whatever  
16 else they do.

17 Also got a little language translator in  
18 case a customer ever had difficulty, you know, we -- we  
19 couldn't understand them all that well, then we have  
20 that available to be able to speak to the customer back  
21 and forth and so that way we could hear what they --  
22 what their needs are and better understand them. We had  
23 bought a shirt press to press our own shirts, which we  
24 have with our logo, which is AmericaM. And that's us  
25 and you see everyone wearing them here today, you know,

1 showing their support.

2           We have eco-friendly bins. I mean, we've  
3 put so much time into this, our hearts. And then I have  
4 a packet here, it's our website, and that just offers  
5 everything in here. You can see in there that the  
6 services we offer, everything from residential and  
7 commercial to our shop room cams is what we call them,  
8 and we offer delivery pickups and stuff like that, just  
9 anything they need. And junk removal, you know, that's  
10 another thing that we offer. And it's very well  
11 detailed. Scored very well on the website, which I was  
12 surprised. I got a really good thumbs up. I was proud  
13 of that. So that's something else I was going to  
14 present to the Court there.

15           And then going back to -- I came across it  
16 here. Going back to Mike Dotson, when I spoke to him, I  
17 had sent him the letter and I -- I was trying to be  
18 honest. I -- I honestly was. I believe you have to  
19 take accountability and credibility for everything in  
20 life. I had spoke to him about, you know, which I said  
21 if it was past ten years, you need not to worry about  
22 it. And I asked him, Well, if it's a robbery charge,  
23 what about that?

24           And he's like, Well, then they're going to  
25 probably -- what they'll do is go back and look at your

1 other record.

2 I said -- and I said, Well, I have other  
3 charges.

4 And he's like, Well, it just -- it depends  
5 on what the charges are and everything.

6 And I was like, All right. So should I go  
7 ahead and move forward with putting in my application?

8 He's like, If you want to.

9 Because I could have easily just put it in  
10 her name, I guess, and tried to hide myself or whatever,  
11 but I didn't want to do that. I wanted to be honest, I  
12 wanted to be forthright, I wanted it to be in my name, I  
13 wanted to be a part of it. And so when I had spoke to  
14 Mr. Dotson, I had asked him did I fill this out  
15 correctly because it -- I had the charges, said list the  
16 charges, and I read him the charges and I said does it  
17 mean any charges. I did not mention about my unlawful  
18 imprisonment. I'll be honest about that. I did not  
19 mention that to him, but it was not on that list and  
20 that's why I did not mention it to him. But I look back  
21 at it now and I should have mentioned it to him, you  
22 know, but I really wanted to be a part of this, and I  
23 was hoping that I could be a part of this.

24 And -- and so he said, From what I can tell,  
25 you only need -- you only need to list your



1 second-degree assault charge. And he had that letter,  
2 and he could have told me to list the robbery charge.  
3 And admitted there was confusion and he admitted that he  
4 didn't know why he didn't tell me not to list the  
5 robbery charge, but I was honest with him. I was not  
6 trying to hide anything from him. I knew what my record  
7 was, I knew it would be shown.

8           And then there is also -- I know that they  
9 were mentioning that there was a couple of charges -- of  
10 gun charges. There was just the -- the two, that was  
11 it. The other one was a brass knuckles charge. It  
12 was -- I had it -- and he had listed as a firearms  
13 dangerous weapon, but here nor there, it's still on my  
14 rap sheet, I know.

15           And then the other documents I just -- I had  
16 here, you guys see is my J and S because originally he  
17 said something about that you guys had me listed as  
18 kidnapping, but it wasn't kidnapping. An unlawful  
19 imprisonment is just if you move somebody, you know,  
20 three feet can be kidnapping or if you -- if you hold  
21 someone for a minute, that could be unlawful  
22 imprisonment. We -- we didn't do either. I'm not  
23 excusing what I did, it was wrong, but -- I don't know.

24           Let me see what else I had in here. I just  
25 put some other things -- also I added in here because of

1 the -- the weight in this permit and getting up here to  
2 this point, I had -- had to take on another job as a  
3 temporary means to make money for us, and that job is  
4 working at Kitchen Plus right now. And, again, that's  
5 working inside customer homes. I'm working for a  
6 remodeling company, and we are left in homes all the  
7 time unattended.

8 I think that covers everything here that I  
9 had. I'm here to answer any questions truthfully and  
10 honestly that you guys have. Anything after that, I  
11 think that's it for right now.

12 JUDGE PEARSON: We're conferring about these  
13 confidential exhibits. So you did refer to the medical  
14 records already, the -- or Judge O'Connell was wondering  
15 if you wanted to talk about what was in the other  
16 medical exhibit, the UA results?

17 MR. GAHAGAN: Oh, yes, thank you. Thank you  
18 so much. Yeah, I wanted to show that I have been clean.  
19 As you can see, my probation officer listed I had zero  
20 violations. We were randomly UA'd all the time. And  
21 the last one I just recently took another UA just so I  
22 could present that to the Court to show that I am clean.  
23 I felt that that might be important just to let you guys  
24 know and prove because everything needs to be proved,  
25 especially with someone with a rap sheet like mine, you

1 need as much proof as possible to show that I've changed  
2 and I'm doing the right things. So I wanted to bring  
3 that to the Court's attention also.

4 JUDGE PEARSON: Is the random one the one  
5 that's on November 19th, 2019, or is that one that you  
6 did on your own?

7 MR. GAHAGAN: Which -- "random" as in with  
8 my -- my probation officer, that was when I went to and  
9 I did it on my own.

10 JUDGE PEARSON: Okay.

11 MR. GAHAGAN: I went and had it done, yes.

12 JUDGE PEARSON: Are you still on community  
13 custody?

14 MR. GAHAGAN: No, I'm not.

15 JUDGE PEARSON: Okay.

16 MR. GAHAGAN: I was released in September of  
17 2018, I believe.

18 JUDGE PEARSON: Okay.

19 MR. GAHAGAN: Actually, sooner than that. I  
20 was actually released -- I was released of supervised in  
21 like March, and then I still had six more months of  
22 community custody unsupervised, and that was completed  
23 in '18.

24 JUDGE PEARSON: Okay.

25 MR. GAHAGAN: In September '18.

1 JUDGE PEARSON: Okay. So how -- what -- for  
2 what time period and how long were you taking random UAs  
3 and were those for your probation officer?

4 MR. GAHAGAN: For the entire year that I was  
5 with him, I had to take random UAs with him.

6 JUDGE PEARSON: Okay. How often?

7 MR. GAHAGAN: I would take at least one a  
8 month.

9 JUDGE PEARSON: Okay. What year was that?

10 MR. GAHAGAN: That was 2017.

11 JUDGE PEARSON: Okay. So it was immediately  
12 after your release?

13 MR. GAHAGAN: Correct.

14 JUDGE PEARSON: Okay. Is there anything  
15 else within these confidential exhibits that you would  
16 like Judge O'Connell to take note of before we return  
17 them to you?

18 MR. GAHAGAN: Just -- I just wanted to show  
19 the medication that was given to me and what led up to  
20 that -- that night and why that was relevant I thought.

21 JUDGE PEARSON: Okay. Judge O'Connell sees  
22 that the exhibits support your testimony, so we can hand  
23 them back to you at this time.

24 MR. GAHAGAN: Thank you.

25 JUDGE PEARSON: If you want to approach the

1 bench.

2 MR. GAHAGAN: Okay.

3 JUDGE PEARSON: And then, Mr. Fukano, if you  
4 just want to supply those back to him at the end of the  
5 hearing.

6 MR. FUKANO: Yes, we will return those  
7 exhibits.

8 JUDGE PEARSON: Okay. And so...

9 MR. FUKANO: Pardon.

10 JUDGE PEARSON: I was going to bring up the  
11 group exhibits under -- that are labeled M that you  
12 haven't referred to, Staff had an objection to their  
13 relevance to this case. So I don't know if you wanted  
14 to explain why you wanted to offer those or just leave  
15 it alone. It's up to you.

16 MR. GAHAGAN: The reason I -- I thought  
17 about it, it was just the fact that this day and age,  
18 convicted felons, like myself, are automatically  
19 disbarred of any opportunities without -- not always,  
20 but majority of the time, they're disbarred of any  
21 opportunities without looking at the person's character  
22 and what he has really done to change himself. And with  
23 that, I felt like it was relevant to the fact that --  
24 that they are starting to change those laws and are  
25 starting to show that first look at the person, look at

1 what his track record is, what he has done before you  
2 make a hire, before you look into his -- into his  
3 history, past history and stuff.

4 JUDGE PEARSON: Mr. Fukano, did you want to  
5 respond to that now that you know the purpose for what  
6 they're being offered?

7 MR. FUKANO: While Staff understands the  
8 purpose, Staff would still maintain that they are not  
9 strictly relevant to this proceeding insofar as the  
10 Commission is not purporting to employ AmericaM or any  
11 of the individuals listed in the application. So while  
12 Staff would not object to some discussion of the perhaps  
13 intent behind those measures, Staff does not believe  
14 that they're appropriate evidence for the purpose of  
15 this hearing.

16 JUDGE PEARSON: Okay. So Judge O'Connell  
17 agrees with Staff, that this is not relevant to this  
18 proceeding, so we're not going to admit the exhibit into  
19 the record; however, he -- he wants me to let you know  
20 that he understands the point that you're making with  
21 respect to rehabilitation efforts for convicted  
22 criminals. So your point is taken.

23 MR. GAHAGAN: Thank you.

24 JUDGE PEARSON: Okay. Mr. Gahagan, do you  
25 have anything else that you want to present before we

1 ask Mr. Fukano if he has any questions for you?

2 MR. GAHAGAN: Just the fact that I know  
3 moving companies, they hire a lot of people that do have  
4 criminal records. There is a lot of gentlemen out there  
5 that are working currently that are inside customer  
6 homes that do have criminal records. I know one  
7 company, I'm not going to name them, that is another  
8 moving company, but he hires people with criminal  
9 records. Just because your record reflects something  
10 doesn't mean that that same person is going to commit  
11 those crimes over and over again obviously.

12 So I -- I just wanted to say that, just  
13 wanted to mention that. And I know that you guys have  
14 the standard of five years and then to allow someone to  
15 work within the companies after they've committed those  
16 type of offenses. And so that's why I just wanted to  
17 mention too that I would hope you guys would give me  
18 that opportunity because mine has been over ten years  
19 and I've done a lot to rectify my life.

20 JUDGE PEARSON: Okay. Thank you.

21 Mr. Fukano, do you have any questions for  
22 Mr. Gahagan?

23 MR. FUKANO: I do. Just for the purpose of  
24 clarity, I wanted to confirm which exact exhibits we  
25 should ensure to return to the company at the conclusion

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1 of this proceeding.

2 JUDGE PEARSON: So that was everything  
3 labeled under Exhibit D, medical records, and everything  
4 under Exhibit F, urine analysis.

5 MR. FUKANO: Thank you.

6

7 EXAMINATION

8 BY MR. FUKANO:

9 **Q. Mr. Gahagan -- oh, sorry. Would you agree that**  
10 **the application as submitted due to confusion, potential**  
11 **confusion or otherwise, was incomplete?**

12 A. As in listing the charges?

13 **Q. Or as broadly as possible.**

14 A. From my understanding, I filled it out to what I  
15 thought was correct based off of what I would --  
16 discussed with Mr. Dotson.

17 **Q. And you would agree that you have a**  
18 **fourth-degree assault conviction?**

19 A. I do. And, again, when I had spoke with  
20 Mr. Dotson, I honestly thought he said anything after  
21 five years wouldn't need to be listed unless it was  
22 something of a serious nature like my felonies. So  
23 that's why I didn't list that also, I apologize.

24 **Q. And turning to your Exhibit B, Thinking for a**  
25 **Change, would you care to explain kind of some of the --**



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1 some of the particulars of that program or what it may  
2 have addressed?

3 A. Let me find it again. Hold on. It's provided  
4 necessary life skills -- oh, sorry. Providing necessary  
5 life skills to participants in order to reduce  
6 recidivism.

7 **Q. Thank you.**

8 **Would you also care to explain with just perhaps**  
9 **in a little bit -- little bit more detail Exhibit C**  
10 **regarding the letter from Clint Gruger and the**  
11 **completion of the drug and alcohol program?**

12 A. Yeah, it was part of -- part of it was for my  
13 DOC obligations. So I went in there as part of my DOC  
14 obligations, I had to complete a drug and alcohol class.  
15 So I completed a six-month course with them.

16 **Q. And were there -- I know you've gone through**  
17 **several of the character statements, but were there any**  
18 **particular character statements that you would invite**  
19 **kind of Staff's attention to?**

20 A. The ones that I read just notating the fact that  
21 I was inside other customers' homes, never had an  
22 incident, always been honest. Like I had stated, I  
23 don't have any crimes of dishonesty outside of that  
24 robbery charge. So that was kind of what I was trying  
25 to get from there and just based off of what they feel

1 about me and my character.

2 MR. FUKANO: Thank you. No further  
3 questions.

4 JUDGE PEARSON: So, Mr. Gahagan, can you  
5 provide more detail about what happened on  
6 December 29th, 2008, that led to the 2010 conviction?

7 MR. GAHAGAN: I would rather not. Yes, I  
8 can. So like I alluded to earlier, I stopped getting my  
9 supply of narcotics or whatever, the opioids back in  
10 August of 2008, and so I started buying them illegally  
11 at that time. I ran into some old people that I had  
12 stopped hanging out with during that because those  
13 people travel in those circles. One of those  
14 individuals was RK.

15 After hanging out with him for a little  
16 while, he had approached me about the idea of robbing a  
17 drug dealer. And he was someone that he knew and he  
18 would set it up, and he said it would go easy and no one  
19 would get hurt and, you know, sold me on this spiel or  
20 whatever, and I wasn't thinking straight. I was  
21 thinking like an addict, and I didn't have any drugs at  
22 that time, and I was in need. I mean, drugs steal your  
23 soul. It takes everything from you, and it controls  
24 you, and it makes you do things you would never do.

25 So I agreed, and he set up the deal, and it

1 was at a Top Foods store. And we watched the  
2 individuals leave their vehicle, they went inside the  
3 store, and while they went in there, he was like let's  
4 climb in the back seat of the car. We climbed in the  
5 back seat of the car and waited for them to come back  
6 in. And that's when they opened up the door, his  
7 girlfriend, Laura-whatever, she jumped in the driver's  
8 side, and RK grabbed her and had his gun and told him,  
9 Devin, to get in the vehicle, which at that time Devin  
10 wouldn't get in the vehicle and -- which I wouldn't  
11 either.

12 Ran away from the scene, and she at the time  
13 was -- had a warrant for her arrest. He was calling the  
14 cops. She was high and she had drugs on her, and she  
15 started driving off with us in the vehicle. And so we  
16 started driving, and she's like where do you guys want  
17 to go, and the whole time we're like where's Devin,  
18 where does he stay at, you know. Like we were still  
19 like trying to get a way, a means to try to get the  
20 drugs, which is just crazy. Like the whole thing is  
21 just insane.

22 And so we continued to drive. She agreed to  
23 drop us off at the apartment complex down the road where  
24 we were kind of staying, and in the midst of all that,  
25 we -- they set up roadblocks all around for us, pulled

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1 us over, and that was the end of it.

2 JUDGE PEARSON: Okay. So Judge O'Connell  
3 wants to know that if he looks at the public records and  
4 the case history, is it going to confirm the version of  
5 events that you just told him today or is there anything  
6 else you would like to add?

7 MR. GAHAGAN: Yeah, if you look at the  
8 events like within like the actual newspapers, the  
9 newspapers will read differently, because when they had  
10 the actual story come out or release before they had any  
11 inclination of what happened, they thought it was some  
12 woman just leaving the store buying her groceries that  
13 we kidnapped and tried to take her money for. But if  
14 you go back and you read the story -- or if you actually  
15 go into the dockets and see it, you will see exactly  
16 what I had stated is what happened.

17 JUDGE PEARSON: Okay. Mr. Fukano, do you  
18 have any additional questions based off of Judge  
19 O'Connell's questions?

20

21 EXAMINATION

22 BY MR. FUKANO:

23 **Q. Just to clarify, there was a firearm involved in**  
24 **the course of events that involved the robbery?**

25 A. Correct.

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1 **Q. And how -- in what capacity was that involved?**

2 A. RK -- and that's one thing also that I need to  
3 mention. In the events of it, RK had the gun, and when  
4 he was screaming at Devin to get in the vehicle, he was  
5 telling him to get in the car, he fired off a round,  
6 discharged a round inside the vehicle to try to scare  
7 him to get in the car, and he didn't do that. Why would  
8 you, but yes.

9 MR. FUKANO: No further questions from  
10 Staff.

11 JUDGE PEARSON: Okay. Do you have any other  
12 witnesses that you would like to call?

13 MR. GAHAGAN: If any of them would like to  
14 speak on my behalf.

15 Would you like to say anything, Rianna or  
16 Lady or Lupe? Do you guys need to say anything?

17 JUDGE PEARSON: Please come up to the table.  
18 I'm going to swear you in, and if you want to sit over  
19 here, you can turn on that microphone. Just hold the  
20 button down until the light turns green. There you go.  
21 If you want to just stay standing and raise your right  
22 hand.

23 (Lupe Rivas, Jr. sworn.)

24 JUDGE PEARSON: Okay. Please be seated.

25 Okay. So can you first state your name, your full name

1 for the record and spell your last name?

2 MR. RIVAS: Yeah, Lupe Rivas, Jr.,

3 R-i-v-a-s.

4 JUDGE PEARSON: Okay. And what's your  
5 relationship to the company and Mr. Gahagan?

6 MR. RIVAS: Friend, friend of his and  
7 hopefully a muscle mover for him.

8 JUDGE PEARSON: Okay. You can -- what is it  
9 that you want to say? You want to attest to his  
10 character?

11 MR. RIVAS: His character.

12 JUDGE PEARSON: Okay. Go ahead.

13 MR. RIVAS: Just I've known Mr. Gahagan for  
14 a few years, and everything he says is just very  
15 genuine, honest. He's a completely different person  
16 than how he was before. And like every time I've been  
17 around him it's always -- there's nothing negative  
18 from -- that comes out of his mouth. It's always -- he  
19 helps me to become a better person with my family and  
20 everything, personal, business-wise, everything.  
21 He always looks for the positive no matter  
22 what the outcome is. He's trying to get everyone around  
23 him better. And I think if you guys grant this, it's  
24 going to really show how good change can be in someone,  
25 and he would be a perfect mascot for change. If you get

1 a picture for it, it would be a perfect one because he's  
2 a real good person to have in the community. Everybody  
3 has a past, yeah, but he learned from his.

4 JUDGE PEARSON: Did you know Mr. Gahagan  
5 prior to his incarceration or did you meet him after?

6 MR. RIVAS: I met him afterwards.

7 JUDGE PEARSON: Okay. How about, how many  
8 years do you think you've known him?

9 MR. RIVAS: Feels like forever, but maybe  
10 three, something like that. It's hard to remember a  
11 time.

12 JUDGE PEARSON: Sure.

13 MR. RIVAS: I have six kids.

14 JUDGE PEARSON: Okay.

15 MR. RIVAS: So time just kind of goes in and  
16 out, you know.

17 JUDGE PEARSON: Understood.

18 How did you meet Mr. Gahagan?

19 MR. RIVAS: Walking dogs.

20 JUDGE PEARSON: Okay.

21 MR. RIVAS: And he gots [sic] a little small  
22 dog named Gizmo. Cute, but kind of weird looking dude  
23 at the same time. And -- and I had two dogs at the time  
24 and seen the dog, little conversation with him, sports.  
25 I'm a big Niner fan, and so he was kind of giving me a

1 hard time about it, and the next thing I know, a little  
2 conversation led to meeting up with the dogs and then  
3 hanging out here and there, getting to know his -- his  
4 girl, me and my -- my kids, my wife, and a friendship  
5 built after that, a real strong one.

6 JUDGE PEARSON: Okay. Is there anything  
7 else you want to add?

8 MR. RIVAS: No, that's it.

9 JUDGE PEARSON: Okay. Mr. Fukano, do you  
10 have any questions?

11 MR. FUKANO: No questions.

12 JUDGE PEARSON: Okay. Thank you. You're  
13 excused.

14 MR. RIVAS: Thank you.

15 JUDGE PEARSON: Anything else, Mr. Gahagan,  
16 before we move on to closing remarks?

17 MR. GAHAGAN: Not that I can think of. I  
18 guess I -- what I wanted to say in my closing I guess  
19 was after eight and a half years, I had the chance to --  
20 or during my eight and a half years in prison, I had the  
21 chance for reflection, personal analysis, and my  
22 education. Something I had never done in the past,  
23 because before, I always tried, like I said, always to  
24 fit in. I always tried to be a part of a certain crowd.  
25 And during that time, I never -- I never did. I never



1 fit in. I was still longing, still yearning to be  
2 something more than -- than that.

3           When I started this business, I finally  
4 found who I am. I finally found where I belong. I  
5 finally found my passion, and I loved this. I love  
6 waking up every day. I love facing a new challenge.  
7 It's something inspirational, it's something to look  
8 forward to, and not many people have that. Not many  
9 people can wake up every morning and be proud of what  
10 they do and be thankful for that.

11           And I don't want that taken from me. I  
12 don't know. It would be so hard. I know I'll recover  
13 and I'll still fight forward, but I know what I'm  
14 capable of, and I know I'm capable of doing a lot more.  
15 And like I said, my story isn't finished, and I still  
16 have a lot to write. And so I'm just asking you guys to  
17 help me write that next chapter, and I'm asking you guys  
18 to help me take that shirt and put that on and finally  
19 form this company, and we can be a part of this  
20 community and service others, and we'll do a very  
21 honorable job. We'll be very transparent, we'll be very  
22 accountable, we'll be well-organized, and there won't be  
23 any issues with us.

24           You guys could put us on probation or  
25 whatever and inspect us every two weeks, every month, or

1 whatever, and if one time I'm not complying, you guys  
2 can revoke that license. But I swear I'll be compliant,  
3 and I will always be on top of my game because I love it  
4 that much and I want it that much.

5 JUDGE PEARSON: Okay. Thank you.

6 Staff, do you have a closing statement that  
7 you would like to make?

8 MR. FUKANO: Staff does, but Staff would  
9 like to request a short recess to confer and review some  
10 of the additional materials that's been provided --

11 JUDGE PEARSON: Okay.

12 MR. FUKANO: -- at the hearing today.

13 JUDGE PEARSON: How long would you like?

14 MR. FUKANO: Would ten to 15 minutes be  
15 reasonable?

16 JUDGE PEARSON: That would be just fine.

17 Why don't we take a recess and reconvene at 3:30.

18 MR. FUKANO: Thank you.

19 JUDGE PEARSON: We will be off the record  
20 and in recess.

21 (Recess taken from 3:15 p.m.

22 until 3:34 p.m.)

23 JUDGE PEARSON: Let's be back on the record.

24 Staff, before we ask for your closing statements, we  
25 have one more question for Mr. Gahagan.

1           So Judge O'Connell wants to give you the  
2 chance to explain what you do now to make sure that you  
3 stay clean and sober and any programs that you might be  
4 participating in.

5           MR. GAHAGAN: Okay. I did add in here, I  
6 don't go that often, maybe once every two or three  
7 months because I'm so hectic with work and trying to get  
8 this business going lately and everything, but I do  
9 attend AA or NA meetings. I play fantasy football.  
10 Every winter I do that, and in I'm two leagues. I work  
11 out. That's why I added that in there. I love going to  
12 the gym and just pumping some iron, getting some stress  
13 out and doing that.

14           And I'm a big family man. I was away from  
15 my family for a long time. So I have nieces and  
16 nephews. Recently, my brother just passed here in  
17 November, and so now I've taken kind of over the male  
18 figure role in his children's life. And so I'm a big  
19 part of all of their lives, and so I just try to be  
20 there as much as possible.

21           Also, my mom is disabled. She is partially  
22 blind, cataracts, she has diabetes and can't get around.  
23 So at least twice a week, I'm over there helping her  
24 clean up her house, I'm taking her grocery shopping, I'm  
25 running her errands and doing those things. So I have a

## EXAMINATION OF PERKINSON / FUKANO

1 very active life outside and inside of business so...

2 JUDGE PEARSON: Thank you.

3 MR. GAHAGAN: You're welcome.

4 JUDGE PEARSON: And, Mr. Fukano?

5 MR. FUKANO: Could Staff have a just brief

6 redirect to have Staff's opinion on the record?

7 JUDGE PEARSON: Sure.

8 MR. FUKANO: Thank you. I would like to

9 call Mr. Mathew Perkinson.

10

11

## EXAMINATION

12

BY MR. FUKANO:

13

**Q. Mr. Perkinson, have you had an opportunity to**

14

**review the additional material provided today by**

15

**AmericaM?**

16

A. Yes.

17

**Q. And does the material impact your review of the**

18

**application?**

19

A. I would say it does.

20

**Q. And having reviewed the additional material, has**

21

**your recommendation regarding AmericaM's application**

22

**been changed or altered?**

23

A. So could I walk through some of the things that

24

might lead to sort of a closing or conclusion?

25

**Q. Yes, please explain what material reviewed your**

**EXAMINATION OF PERKINSON / FUKANO**

1 app- -- or impacted your review of the application.

2 A. Okay. So as you're aware, there was a number of  
3 documents introduced today that speak to the character  
4 of Mr. Gahagan, documents that support his  
5 rehabilitation. Although I'm not a rehabilitation  
6 expert, there are -- appears to be letters from  
7 rehabilitation experts that speak toward his  
8 rehabilitation. There is reference -- or a letter from  
9 his corrections officer talking about early release  
10 probation. There's documents relevant to him furthering  
11 his education while in prison.

12 He did provide some clarification about the  
13 firearm. One of the firearms charges was brass  
14 knuckles. While that's still important and significant,  
15 I think it's different than having a gun. He was -- he  
16 immediately replied after being contacted by the  
17 Commission. He's expressed a willingness to be open to  
18 any audit investigation. I think he's been honest  
19 today. There's several lists of other documents that  
20 support he's trying to improve himself, and he admits  
21 that he's made a mistake.

22 So from my perspective, I appreciate him being  
23 transparent today, and I understand that there is -- was  
24 a miscommunication with the application, and I guess  
25 with that, you know, I would put forth the

**EXAMINATION OF PERKINSON / FUKANO**

1 recommendation that -- I'm not sure if you want to...

2 **Q. And what would your recommendation regarding the**  
3 **application be having reviewed the additional material?**

4 A. So essentially, Staff would like a little bit  
5 more time for Mr. Gahagan to establish sort of a law  
6 enforcement or incident-free period of time. Two years  
7 from unsupervised provision would -- basically, our  
8 recommendation would be to stay -- deny the application  
9 currently, and after two years of unsupervised  
10 probation, which would be in September, allow the  
11 company to reapply.

12 MR. FUKANO: No further questions from  
13 Staff.

14 JUDGE PEARSON: So, Mr. Gahagan, we have a  
15 clarifying question for you.

16 Oh, start with Staff?

17 Okay. So Mr. Perkinson, clarifying question  
18 for you. When you talked about two years from the time  
19 that he was off of community custody, but you said  
20 supervised community custody, and Mr. Gahagan testified  
21 that he was on unsupervised community custody. Do you  
22 know the dates -- I think we're confused about which  
23 period was supervised and which period was unsupervised  
24 and -- and which date you want to count the two years  
25 from going forward.

1 MR. PERKINSON: So in Exhibit MP-4, the  
2 dates are listed to reflect that Mr. Gahagan was on  
3 community supervision until September 7th, 2018, at  
4 which point I take that to mean that he's no longer on  
5 community supervision and would like a period of two  
6 years from that date. So September 7th, 2020, would be  
7 two years not on community supervision.

8 JUDGE PEARSON: Okay. So another clarifying  
9 question, Mr. Perkinson. Is Staff requesting that the  
10 company submit a new application in September or that  
11 the Commission hold off on finalizing consideration of  
12 the pending application until six months have passed?  
13 Is that -- is that your only concern with the  
14 application? So would you need him to refile and pay  
15 another fee or could Staff make its decision based on  
16 the application that's already been submitted after the  
17 six months?

18 MR. PERKINSON: Yeah, I think Staff would be  
19 willing to waive a fee. Not necessarily need the  
20 company to reapply. It is time that Staff is looking  
21 for to be able to further provide evidence that the  
22 company has a trustworthiness and no other infractions.

23 JUDGE PEARSON: Okay. Mr. Gahagan, do you  
24 want to respond to Staff's recommendation and do you  
25 have any additional questions for Mr. Perkinson?

1 MR. GAHAGAN: No, it -- that -- that's a  
2 fair recommendation, and I appreciate it. My only --  
3 the only problem is, is that we've put in a lot of money  
4 to get this company started, so we have a lot of debt  
5 accumulated from that. And during that time is going to  
6 be like the hot season when you can make the most money.  
7 On top of it, I also have insurance that we had to have  
8 in order to even apply for the application, which has  
9 already been almost six months that we've been paying  
10 for, which is almost roughly, I don't know, two, three  
11 grand, and then we would have to have to let go of that  
12 insurance, and then we would have to reapply again for  
13 the insurance, which then we would have to pay double  
14 for the insurance again.

15 JUDGE PEARSON: Do you have any questions  
16 for Mr. Perkinson?

17 MR. GAHAGAN: No, there's no questions for  
18 Mr. Perkinson. I would like -- just outside I would  
19 maybe ask maybe I could be on supervised -- or be on  
20 probation for those six months and you guys allow us the  
21 permit and we can be under some type of probation by you  
22 guys monitoring us, just because of the insurance  
23 reasons and how much money we have invested in this  
24 company and everything. And then like I said, if we had  
25 to wait for that time, then I would have to stop my



1 insurance, reapply, and it would just be an exorbitant  
2 amount more money that we would have to put forward for  
3 insurance.

4 JUDGE PEARSON: One moment. So,  
5 Mr. Perkinson, Judge O'Connell wants to know what you  
6 think of Mr. Gahagan's proposal. It sounds like what he  
7 is seeking is a provisional permit under 480-15-302?

8 MR. PERKINSON: While I understand that  
9 there are costs associated with having a business and  
10 insurance and that the summer would be the best time to  
11 get moves done and jobs secured, I guess Staff's  
12 position would still be that there's a period of time  
13 that they'd be more comfortable allowing it to pass  
14 with.

15 JUDGE PEARSON: Okay. Mr. Perkinson, just  
16 to clarify, is Staff's position that if nothing occurs  
17 between now and September 7th, 2020, that Staff would  
18 recommend granting the application at that time provided  
19 that there are no further incidents?

20 MR. PERKINSON: I mean, I would like to  
21 reserve the right to reevaluate the application, but  
22 yes, assuming that there is no reason to deny the  
23 application.

24 JUDGE PEARSON: Okay. So just to clarify  
25 then, Staff is not ready to say for sure right now, you

1 would want additional review in September of 2020?

2 MR. PERKINSON: Yeah, we would review the  
3 application as a new application, I guess. So we talked  
4 about using the current application, correct, not  
5 needing to --

6 JUDGE PEARSON: Correct, so you would check  
7 to make sure that everything was still in place as it is  
8 today such as insurance and -- and all the other  
9 requirements that have to be met?

10 MR. PERKINSON: Yes.

11 JUDGE PEARSON: Okay. So in light of  
12 Staff's changed recommendation, Mr. Gahagan, we want to  
13 give you another opportunity to make any closing remarks  
14 at this time.

15 MR. GAHAGAN: Like I said, I would just hope  
16 that the Court takes into consideration -- first of all,  
17 I would like to thank Mr. Perkinson and Fukano for  
18 giving us that opportunity to at least review our  
19 application. That means a lot. I really do appreciate  
20 that. Thank you.

21 The hardship of waiting six more months  
22 would be tremendous. Like I said, I'm in debt right  
23 now. I've put my life savings. Me and Rianna put a lot  
24 of money into this. The hot season is during that time.  
25 I completely understand where they're coming from, and

1 it's just it would be such a hardship. I'm just  
2 trying -- right now we're struggling, and to be able  
3 to -- to be able to start this business, that means my  
4 website would have to shut down, phone lines,  
5 everything. I'd have to restart everything. We're  
6 talking thousands of dollars to get it up and running  
7 again. It's just that's a lot of money to get started  
8 up again and try to pay for my bills on top of it to get  
9 that money. I mean, all our money is into the business  
10 right now plus debt.

11           So it would be -- it would be extremely hard  
12 for us to get the -- the costs for the insurance because  
13 then we have to put another big down payment, which is  
14 like almost like a thousand dollars for -- just for the  
15 insurance itself just to get that going. Which we've  
16 already paid for insurance all the way back since we put  
17 in the application, which was on -- I don't recall.  
18 When was it? That was a while ago we put in the  
19 application.

20           I've been paying insurance to keep it up and  
21 running just so that way we could still get the  
22 application because I know if you don't have the  
23 insurance, then they can deny your application. So I've  
24 been paying that out of my pocket every month in the  
25 hopes that we would be granted that. And so that is a

1 lot of money that we've already lost, which I'm willing  
2 to eat because I want this business to succeed. It  
3 would just be an extreme hardship to have to wait all  
4 the way until September. That's when the season's over  
5 and then we're going right into winter and not a lot of  
6 jobs, harder to compete, and then to have to come up  
7 with all that money again would just be really hard. I  
8 would hope that there was another remedy that the Court  
9 would come up with, but I leave it in your guys' hands  
10 because that's all I can do.

11 JUDGE PEARSON: Mr. Fukano, did you want to  
12 make a closing statement?

13 MR. FUKANO: Yes, I'll make a brief -- brief  
14 closing.

15 As an initial matter, Staff would also like  
16 to thank Mr. Gahagan and Ms. Davis for their  
17 participation and patience through this process. Staff  
18 greatly appreciates the ability to review -- to review  
19 the additional material provided by the company today.

20 As you've heard from Staff, after reviewing  
21 the materials, Staff still has some concerns regarding  
22 the application. Staff's two primary concerns regarding  
23 AmericaM application -- or has two primary concerns.  
24 First, there was concern about the lack of certain  
25 disclosure in the application form itself. Staff

1 acknowledges that there may have been some possible  
2 confusion in various communication with Commission  
3 Staff, but Staff would also still maintain that the  
4 language of the application is clear enough to  
5 understand what is required in terms of disclosure.

6         Second, Staff is also concerned by the  
7 nature and extent of some of Mr. Gahagan's convictions.  
8 Staff would again kind of note the assault convictions  
9 and the firearm and dangerous weapon convictions. You  
10 also heard Staff express concern regarding the rob- --  
11 the attempted robbery conviction, which while not an  
12 enumerated conviction, under Commission rules that will  
13 cause the Commission to examine it more closely, does  
14 have certain aspects of assault and property crime  
15 contained within it. And so it does heighten Staff's  
16 concern of that conviction.

17         And finally, Staff is additionally concerned  
18 regarding the unlawful imprisonment conviction insofar  
19 as a household goods company may have unsupervised  
20 access to a person's home or in a home where there are  
21 either a single person or otherwise vulnerable  
22 individuals. Both of these concerns ultimately relate  
23 to consumer protection goals, namely safety and security  
24 of customers and their belongings.

25         Staff is also con- -- you've also heard

1 Staff is concerned about the amount of time that  
2 Mr. Gahagan has been out of custody and out free of any  
3 community supervision or other post-incarceration  
4 status. By Staff's calculation, Mr. Gahagan -- Gahagan  
5 was under -- was incarcerated or under community  
6 supervision for about eight years, seven months. He has  
7 since been free of any incarceration or supervision for  
8 approximately one year, five months. And that is at  
9 least in- -- partially informs Staff's recommendation  
10 that the Commission should have the applicant wait until  
11 two years after any post-incarceration supervision to  
12 September of 2020.

13 And so in summary, Staff believes that based  
14 on the concerns identified through this hearing and the  
15 review process, that the Commission should deny the  
16 application at this time.

17 JUDGE PEARSON: Okay. Thank you.

18 Okay. So Judge O'Connell is going to take  
19 official notice of the case history regarding the  
20 convictions in 2010 to aid in his assessment of whether  
21 the nature and extent of the crimes will interfere with  
22 Mr. Gahagan's operation of a household goods company.

23 And then before we adjourn, Judge O'Connell  
24 would like to request the parties waive the requirement  
25 to issue an order within ten days. He would like to

1 have the transcript available to him when he's writing  
2 the decision, and we usually receive the transcript  
3 within seven to ten days. He anticipates that he would  
4 issue an order within five business days from the date  
5 that the transcript is received at the latest. Does  
6 either party have an objection to waiving the ten-day  
7 requirement?

8 MR. FUKANO: Staff waives.

9 MR. GAHAGAN: I have no -- I have no  
10 problem.

11 JUDGE PEARSON: Okay. Thank you.

12 Okay. Does either party have anything  
13 further before we go off the record today?

14 MR. FUKANO: Nothing further from Staff.

15 MR. GAHAGAN: Nothing further.

16 JUDGE PEARSON: Okay. Thank you for coming  
17 here today. We appreciate you coming and telling us  
18 your side of the story, and I know that that was  
19 emotional for you, so thank you for that. We appreciate  
20 it. And we are adjourned and will be off the record.  
21 Thank you.

22 (Adjourned at 3:55 p.m.)  
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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, CCR 3358