

Docket No. TV-190858 - Vol. I

In re Application of: AmericaM Movers LLC

January 29, 2020



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1 BEFORE THE WASHINGTON
 2 UTILITIES AND TRANSPORTATION COMMISSION
 3 _____
 4 In re Application of,) DOCKET TV-190858
 5 AMERICAM MOVERS LLC,)
 6)
 7 For a permit to operate)
 8 as a motor carrier of)
 9 household goods)
 10 _____
 11 BRIEF ADJUDICATIVE PROCEEDING, VOLUME I
 12 Pages 1-87
 13 _____
 14 ADMINISTRATIVE LAW JUDGES RAYNE PEARSON AND
 15 ANDREW J. O'CONNELL
 16 _____
 17 January 29, 2020
 18 1:45 p.m.
 19 Washington Utilities and Transportation Commission
 20 621 Woodland Square Loop Southeast
 21 Lacey, Washington 98503
 22 REPORTED BY: TAYLER GARLINGHOUSE, CCR 3358
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1 A P P E A R A N C E S
 2
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 6
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 15 FOR AMERICAM MOVERS:
 16 CAMANO GAHAGAN
 17 Owner
 18 ALSO PRESENT:
 19 MATHEW PERKINSON
 20 MIKE DOTSON
 21 * * * * *
 22
 23
 24
 25

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1	EXHIBIT INDEX (Cont.)		1 LACEY, WASHINGTON; JANUARY 29, 2020
2	EXHIBITS FOR ADMISSION	PAGE	2 1:45 P.M.
3	CG-H3 9		3 --o0o--
4	CG-H4 9		4 P R O C E E D I N G S
5	CG-H5 9		5
6	CG-H6 9		6 JUDGE PEARSON: So good afternoon. Today is
7	CG-H7 9		7 Wednesday, January 29th, 2020. The time is now
8	CG-H8 9		8 approximately 1:45 p.m. This is Docket TV-190858, which
9	CG-H9 9		9 is an application for a household goods permit filed by
10	CG-H10 9		10 AmericaM Movers LLC.
11	CG-H11 9		11 My name is Rayne Pearson. I'm an
12	CG-H12 9		12 administrative law judge with the Utilities and
13	CG-H13 9		13 Transportation Commission, and seated to my left is
14	CG-I1 9		14 Judge Andrew O'Connell. He is the administrative law
15	CG-I2 9		15 judge that's presiding over today's brief adjudicative
16	CG-I3 9		16 proceeding. As we spoke about before we were on the
17	CG-I4 9		17 record this afternoon, Mr. O'Connell -- sorry, Judge
18	CG-I5 9		18 O'Connell woke up with laryngitis this morning. He
19	CG-I6 9		19 doesn't have a voice, so I am here to speak on his
20	CG-I7 9		20 behalf. He is still the presiding officer and the
21	CG-I8 9		21 decision-maker in this case.
22	CG-I9 9		22 So let's go ahead and take appearances from
23	CG-I10 9		23 both parties and then we'll talk about how we're going
24	CG-I11 9		24 to proceeding this afternoon. So let's start with
25	CG-I12 9		25 Commission Staff, and a short appearance is fine.
		Page 6	Page 8
1	EXHIBIT INDEX (Cont.)		1 MR. FUKANO: Good afternoon, Judge Pearson,
2	EXHIBITS FOR ADMISSION	PAGE	2 Judge O'Connell. I am Harry Fukano, Assistant Attorney
3	CG-I13 9		3 General with the utilities and transportation division,
4	CG-I14 9		4 here on behalf of Commission Staff.
5	CG-I15 9		5 JUDGE PEARSON: Okay. And for the company,
6	CG-I16 9		6 if you can state your first and last name, spelling your
7	CG-I17 9		7 last name for the court reporter, and please provide
8	CG-J1 9		8 your address, telephone number, and email address.
9	CG-K1 9		9 MR. GAHAGAN: First, I'd like to thank the
10	CG-K2 9		10 Court for having us here and for giving us this
11	CG-L1 9		11 opportunity. My name is Camano Gahagan. My address is
12			12 5206 South 2nd Avenue. My phone number is 425-496-4041,
13			13 and my email address is info@americammoversllc.
14			14 JUDGE PEARSON: Dot-com?
15			15 MR. GAHAGAN: Dot-com, sorry.
16			16 JUDGE PEARSON: Can you spell your last
17			17 name?
18			18 MR. GAHAGAN: My last name is -- my first
19			19 name is Camano, that's C-a-m-a-n-o, and last name is
20			20 Gahagan, G-a-h-a-g-a-n.
21			21 JUDGE PEARSON: Okay. Thank you.
22			22 So before we were on the record, the parties
23			23 reviewed the exhibits and stipulated to the admission of
24			24 most of the exhibits, which I will now memorialize for
25			25 the record. So Staff's Exhibits MP-1 through MP-4 are

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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

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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?

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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

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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 ////

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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?**

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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.

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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.

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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.

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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**

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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.

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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

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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.

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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 EXAMINATION
 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

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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.

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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.

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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.

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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**

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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 Accurint.
 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.**

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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

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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.

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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**

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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**

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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

E X A M I N A T I O N

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**

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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

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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

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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.

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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?

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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
 5 EXAMINATION
 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?

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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.

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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

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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.

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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.

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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

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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

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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

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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,

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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

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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

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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

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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

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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.

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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

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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.

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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

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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**

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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

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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.

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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?

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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

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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

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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

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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

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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

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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

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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

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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.)
 23
 24
 25

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1 CERTIFICATE
 2
 3 STATE OF WASHINGTON
 4 COUNTY OF THURSTON
 5
 6 I, Tayler Garlinghouse, a Certified Shorthand
 7 Reporter in and for the State of Washington, do hereby
 8 certify that the foregoing transcript is true and
 9 accurate to the best of my knowledge, skill and ability.
 10
 11
 12 _____
 13 Tayler Garlinghouse, CCR 3358
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