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BEFORE THE WASHINGTON STATE

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UTILITIES AND TRANSPORTATION COMMISSION

3

4 In the Matter of the Application of)

5 IVAN INGRAM d/b/a AA EAGLE)

6 RELOCATION SERVICE,) DOCKET TV-120721

7 for a Permit to Operate as a Motor)

8 Carrier of Household Goods)

9

10

VOLUME I

11

Pages 1 - 114

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BRIEF ADJUDICATIVE PROCEEDING BEFORE

13

ADMINISTRATIVE LAW JUDGE ADAM E. TOREM

14

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9:30 A.M.

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Wednesday, December 12, 2012

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Washington Utilities and Transportation Commission

19

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A P P E A R A N C E S

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1 OLYMPIA, WASHINGTON; December 12, 2012

2 9:40 A.M.

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

6 JUDGE TOREM: This is Docket TV-120721. This is
7 an application that has been notified for being rejected or
8 denied by Mr. Ivan Ingram. We're here today on Wednesday,
9 December the 12th, 2012. It's almost a quarter to 10:00.
10 We've had a chance for counsel for both sides to introduce
11 themselves and exchange exhibits and make sure we have all
12 the documents we need.

13 What I want to do today is this is a brief
14 adjudicative proceeding, not as formal a hearing as perhaps
15 what's going on upstairs in the main hearing room, but it
16 is an important hearing for Mr. Ingram, and I want to make
17 sure that the idea today is he has an opportunity to be
18 heard, and his attorney and his witnesses will have a
19 chance to tell me their side of things and be
20 cross-examined. Then the Commission can put on their
21 witnesses as to policy and what their positions might be.
22 And I'll take it all under consideration. My goal is to
23 have a written decision out in the next couple of weeks.
24 If I need more than next Friday, which is the ten day
25 deadline for these kinds of things, I'll send you a notice

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1 indicating a date certain. But with the holiday schedule
2 and a few other things mixed in, I may. I'm hoping that I
3 can sit down within the next couple of days and get this
4 written and out to you next week.

5 I'm going to take appearances from both sides.
6 What we need in the form of a verbal appearance is just the
7 names of the attorney and the party. We've already got all
8 the other contact information provided and I believe
9 incorporated into our schedule. So we'll do that, then
10 we'll go over the exhibits that each party has shared with
11 each other. I understand there are some stipulations, and
12 we have the names of all the witnesses already provided to
13 the court reporter as well.

14 Let me start with Commission Staff, get the
15 appearances and the names of the witnesses so I know who
16 I'm hearing from today and who else is just observing.

17 MS. CAMERON-RULKOWSKI: Appearing on behalf of
18 Commission Staff, Jennifer Cameron-Rulkowski, Assistant
19 Attorney General. My address is 1400 South Evergreen Park
20 Drive Southwest, P.O. Box 40128, Olympia, Washington 98504.
21 My telephone number is 360-664-1186. Fax is 360-586-5522.
22 My E-mail address is jcameron@utc.wa.gov.

23 JUDGE TOREM: And the witnesses you'll actually
24 be calling today?

25 MS. CAMERON-RULKOWSKI: Today I will be calling

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1 David Pratt, Tina Leipski, and Mathew Perkinson.

2 JUDGE TOREM: All right, thank you.

3 On behalf of Mr. Ingram?

4 MR. BELLMER: Matthew Bellmer on behalf of Ivan
5 Ingram, who's present to my left.

6 Do you want me to give you the information on
7 the record anyway?

8 JUDGE TOREM: I think you've already given --

9 MR. BELLMER: I've already given.

10 JUDGE TOREM: It's force of habit around here
11 for some of us to maybe give these detailed appearances, so
12 it's all right.

13 What witnesses did you bring here today?

14 MR. BELLMER: Other than Mr. Ingram, Rena
15 Montanez, who's right behind me here.

16 JUDGE TOREM: Can you spell that name for me?

17 MR. BELLMER: Yes, R-E-N-A is the first name,
18 Montanez, M-O-N-T-A-N-E-Z.

19 JUDGE TOREM: M-O-N-T.

20 MR. BELLMER: A-N-E-Z.

21 JUDGE TOREM: Okay.

22 MR. BELLMER: And Martin Selvidge,
23 S-E-L-V-I-D-G-E.

24 JUDGE TOREM: Okay, so we'll have three
25 witnesses essentially for each side.

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1 We have a list of exhibits that's been provided
2 by Commission Staff. And previously before, Mr. Bellmer,
3 you made an appearance in this case, your client had
4 E-mailed in a variety of documents. I've been handed a
5 copy of those at this time. Let's go ahead and have
6 Commission Staff explain their witness list. I understand
7 there were some duplicates and overlap that have now been
8 eliminated. We'll have some stipulations to the
9 admissibility, or at least the relevance of a number of
10 these. If there are objections to any of them, I can rule
11 on them when they're presented, or we can discuss the
12 nature of the objection now. I'll leave that up to
13 counsel.

14 All right, Ms. Cameron-Rulkowski, why don't you
15 start. And did you want to label these just Exhibits 1 in
16 sequence all the way through, or did you want me to use
17 witness exhibit protocol we have for more complex cases?
18 I'm more in favor of just a number or a letter, whichever
19 you prefer, rather than using witness initials. That way
20 we won't feel like they're restricted to one witness or
21 another in this proceeding.

22 MS. CAMERON-RULKOWSKI: I'm perfectly
23 comfortable with consecutive numbering, Your Honor.

24 JUDGE TOREM: All right, so we'll do that. I
25 just want to walk through the list and we'll start

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1 assigning numbers.

2 MS. CAMERON-RULKOWSKI: So that first exhibit,
3 we have a stipulation as to its admission.

4 JUDGE TOREM: Okay. And this is the actual
5 Notice of the Intent to deny Mr. Ingram's application?

6 MS. CAMERON-RULKOWSKI: That the Commission
7 issued, that's correct.

8 JUDGE TOREM: All right, that one's dated
9 September 26, we'll call that Exhibit 1, and we'll
10 stipulate that as admitted; is that correct, Mr. Bellmer?

11 MR. BELLMER: Yes, it is.

12 JUDGE TOREM: Next.

13 MS. CAMERON-RULKOWSKI: And then the next
14 exhibit is the Statement of Disputed Allegations that
15 Mr. Ingram submitted to the Commission.

16 JUDGE TOREM: Okay, that's dated October 22nd.
17 Is that also stipulated admissible?

18 MS. CAMERON-RULKOWSKI: Yes, Your Honor.

19 MR. BELLMER: Yes.

20 JUDGE TOREM: Okay, that's Exhibit 2.

21 MS. CAMERON-RULKOWSKI: And then the next batch,
22 we can simply go through and number them consecutively. We
23 do not have any stipulations for the exhibits that are
24 listed under the name Mathew Perkinson.

25 JUDGE TOREM: Okay, so these exhibits, there are

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1 seven of them?

2 MS. CAMERON-RULKOWSKI: That's correct, Your
3 Honor.

4 JUDGE TOREM: If we go consecutive, then it will
5 be Exhibit 3 for the Compliance Investigation Memo dated
6 April 30th. Exhibit 4 would be a compliance letter dated
7 May 3rd.

8 MR. BELLMER: Actually, I don't mean to
9 interrupt, Your Honor, but I don't have any problem with
10 that one, that one in particular dated May 3rd, that's
11 fine.

12 JUDGE TOREM: All right, we'll mark that as
13 Exhibit 4 and admit that.

14 Exhibits 5, 6, 7, 8, and 9 look to be different
15 printouts of what appear to be advertising for the AA Eagle
16 Moving Services business from various sources, so I will
17 mark those in consecutive order as 5 through 9. So Exhibit
18 9 will be the one that looks like it came from Super Pages.

19 Then the next batch looks like exhibits
20 associated with the witness Leipski, so they'll be Exhibits
21 10, 11, 12, 13, 14, and 15. Are there any stipulations on
22 these?

23 MS. CAMERON-RULKOWSKI: Yes, Your Honor. The
24 Exhibit Number 10 we've stipulated to. Exhibit Number 11
25 we have also stipulated to.

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1 JUDGE TOREM: These are the Notices of Deficient
2 Application and then the actual Amended Plea Agreement from
3 Kitsap County Superior Court?

4 MS. CAMERON-RULKOWSKI: That's correct, Your
5 Honor. In fact, all of the exhibits listed under the
6 witness Ms. Leipski have been stipulated to.

7 JUDGE TOREM: Is that correct, Mr. Bellmer?

8 MR. BELLMER: Yeah, I think that's fine.

9 JUDGE TOREM: All right, so some of these are
10 from the State Patrol, Washington Access to Criminal
11 History, that acronym being WATCH. They're either a
12 transcript or other information about the WATCH program for
13 Exhibits 12, 13, 14, and 15.

14 So our next exhibit is from it looks like
15 Mr. Pratt, mark that as Exhibit 16. Is there any
16 stipulation on that?

17 MS. CAMERON-RULKOWSKI: Yes, Your Honor.

18 JUDGE TOREM: Mr. Bellmer, is that correct, is
19 there stipulation to the admission of this E-mail chain?

20 MR. BELLMER: That's fine, yes.

21 JUDGE TOREM: Okay, so those are Exhibits 1
22 through 16 of Commission Staff. Take a look at what we'll
23 start with as 17. Count how many there are. It looks like
24 there's seven exhibits. What I would mark as Exhibit 17 is
25 a one-page letter from Laura Haskins of At Best Appliance

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1 and Refrigeration, and these appear all to be character
2 references. Exhibit 18, Mr. Bellmer, looks to be a
3 two-page letter, sworn declaration from Sara Ikorn.
4 Exhibit 19 is from Susanne Hastings, and that's a one-page
5 letter. Exhibit 20 is also a one-page letter from Patty
6 Lent, who's the mayor of the City of Bremerton. Exhibit 21
7 is from a Jeff Nickerson, looks also to be one page.
8 Exhibit 22 is from Ron Ohnhaus, O-H-N-H-A-U-S, also one
9 page. And Marty Selvidge, who's here in person today, has
10 also provided a statement that's two pages, and that would
11 be Exhibit 23. So 17 through 23, have I identified those
12 correctly?

13 MR. BELLMER: Yes.

14 MS. CAMERON-RULKOWSKI: And, Your Honor,
15 Commission Staff stipulates to admitting those documents,
16 Exhibits 17 through 23.

17 JUDGE TOREM: Okay, so at this time we have
18 Exhibits 1, 2, and 4 all stipulated to admission, and then
19 Exhibits 10 through 23 also mutually stipulated to
20 admission. That leaves us to deal with Exhibits 3 and 5
21 through 9 at an appropriate time.

22 MR. BELLMER: Your Honor, I just wanted to ask
23 you a question. Did you want to -- early on we were dating
24 these, I mean the ones that did have dates, do you want
25 dates for these?

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1 JUDGE TOREM: I can put the dates in the exhibit
2 list when I formulate the --

3 MR. BELLMER: Okay, just to distinguish the
4 correct document I guess.

5 JUDGE TOREM: I'll mark them, exhibit stamp, and
6 then see that they're described reasonably in the exhibit
7 list that will be filed with the records center.

8 MR. BELLMER: Okay.

9 JUDGE TOREM: So I've asked
10 Ms. Cameron-Rulkowski to provide me electronically, which
11 she's already done, and I'll just add those other exhibits
12 onto it, and that should go out probably with the opinion
13 when it goes out. If not, it will certainly be accessible
14 on the Commission's web site.

15 All right, turning to the exhibits that don't
16 have a stipulation, Mr. Bellmer, why don't you just tell me
17 the nature of your concern with each document.

18 MR. BELLMER: Okay, well, 5 through 9 are simply
19 printouts from the Internet, and if they're offering those
20 documents, there has to be some foundation for them.
21 They're all hearsay, and I don't see what the foundation
22 would be.

23 JUDGE TOREM: Okay. And Exhibit 3?

24 MR. BELLMER: Well, it's my understanding that
25 Charity Thompson was the compliance investigator that

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1 created the notes for the memorandum with respect to
2 Exhibit 3. It's dated April 30th. And I do see
3 Mr. Perkinson's name there, but only in the sense that, you
4 know, I suppose during testimony he could say he has
5 personal knowledge of this information, but at this point
6 she's not here, so I'm objecting on that ground.

7 JUDGE TOREM: Okay. I'll allow Commission Staff
8 to respond to that when they call Mr. Perkinson to testify
9 and move the admission of those documents later and see if
10 you want to renew your objections and move on from there.

11 MR. BELLMER: Okay.

12 JUDGE TOREM: The purpose of a brief
13 adjudicative proceeding is really, like I said earlier, to
14 let me hear both sides and understand why the Commission
15 sent out this notice of intent to deny Mr. Ingram's
16 application and then either have Mr. Ingram rebut the
17 issues that are in the notice, and if not, then put the
18 burden on the applicant. The Commission will have a chance
19 to respond, and then I can issue a ruling on this. I don't
20 think I'll be prepared to do that today. There is a lot of
21 material here that I haven't seen before. I knew the
22 nature of the objections and concerns the Commission has
23 expressed from its notices and the order that went out
24 setting up the adjudication, but I don't think you can
25 anticipate when we're done today I will just issue a verbal

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1 ruling. Like I said, I'll get you a written ruling that
2 has findings of fact in this case and goes on to make a
3 decision. It is an initial decision. It is appealable to
4 the full Commission if you want to, and those rights of
5 appeal will be described in the written order.

6 So I think now, counsel, if you want to take a
7 few minutes to tell me very briefly, just literally a few
8 minutes each side, and then we'll start with the witnesses.
9 Ms. Cameron-Rulkowski, I think because the Commission Staff
10 has so many documents here that make up the basis for its
11 reason, would you like to go first this morning, or would
12 you like to be in a position to respond? This is very
13 flexible, so I'll take counsel's recommendations as to what
14 order we take witnesses.

15 MS. CAMERON-RULKOWSKI: Your Honor, I do have a
16 few introductory statements about the allegations and just
17 about what Staff is prepared to present here, and I would
18 be happy to go first.

19 JUDGE TOREM: As far as witness presentation as
20 well?

21 MS. CAMERON-RULKOWSKI: No, Your Honor, I would
22 like to lay out the introduction, and then if Mr. Ingram
23 can go ahead and present his response to the allegations,
24 that would be helpful for Staff.

25 JUDGE TOREM: Mr. Bellmer, what's your

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1 preference?

2 MR. BELLMER: That's fine.

3 JUDGE TOREM: All right. So let me hear the
4 opening statement from Commission Staff. Then,
5 Mr. Bellmer, I'll give you a chance to respond, and we'll
6 take your witnesses first.

7 MR. BELLMER: Okay, sure.

8 MS. CAMERON-RULKOWSKI: Thank you, Your Honor.

9 So I've prepared a brief summary of the
10 allegations and of the evidence that Staff intends to
11 offer. Staff recommended in the Commission's Notice of
12 Intent to Deny Application for Permanent Authority that
13 Mr. Ingram's application for a household goods carrier
14 permit be denied on two bases, first, because of the type
15 and extent of Mr. Ingram's criminal history, and second,
16 because it appeared that Mr. Ingram had misrepresented his
17 criminal history.

18 Staff hereby withdraws its allegation that
19 Mr. Ingram misrepresented his criminal history. From the
20 Commission's paper trail, it appears that Mr. Ingram
21 disclosed only a fraction of his criminal history.
22 Licensing Services Staff, however, had accepted the last
23 ten years of Mr. Ingram's criminal history, which is
24 consistent with Licensing Services practice. Ms. Leipski
25 of Licensing Services is here to my right, and I will be

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1 calling her as a witness. The transportation safety
2 investigator appears not to have known of the Licensing
3 Services practice. Staff does not adopt all of the
4 representations about this issue in Mr. Ingram's statement
5 of disputed allegations, but it is no longer Staff's
6 position that Mr. Ingram misrepresented his criminal
7 history.

8 With respect to Mr. Ingram's criminal history,
9 however, Staff believes that the types of crimes Mr. Ingram
10 committed as well as the 12 year history of convictions for
11 these crimes, which included theft, residential burglary,
12 possession of stolen property, identity theft, forgery, and
13 driving violations, indicate that Mr. Ingram poses a
14 serious risk to the moving public. Checking criminal
15 history is a new process for Licensing Staff, and Staff
16 will be presenting some general information on this process
17 and the conviction history report generated by the
18 Washington State Patrol.

19 Also Staff questions Mr. Ingram's willingness
20 and ability to comply with the laws and rules enforced by
21 the Commission. Staff will show that despite technical
22 assistance, Mr. Ingram already has been flouting the law by
23 continuing to advertise moving services that he is
24 prohibited from providing unless and until he obtains a
25 household goods carrier permit from the Commission.

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1 I would like to note that Staff has reviewed
2 this application under the old entrance rules, and this was
3 a matter of fairness, because when the application came in,
4 those old entry rules were in effect. Revised rules on
5 entry for household goods carriers went into effect July
6 8th, 2012, in Docket TV-111493. Mr. Ingram filed his
7 application in May 2012. Because AA Eagle filed before the
8 new rules went into effect, Staff has processed this
9 application and applied the old rules to the application.

10 Staff will present three witnesses. Mathew
11 Perkinson will testify about technical assistance and
12 advertising, Tina Leipski will testify about the
13 application process, and David Pratt will testify about
14 Transportation Safety's investigation of Mr. Ingram and
15 will provide Staff's recommendation on the application.

16 And that concludes my introductory statement.

17 JUDGE TOREM: Mr. Bellmer.

18 MR. BELLMER: Well, Mr. Ingram applied for a
19 permit really at the behest of the Utilities and
20 Transportation Commission, because they sent him a letter
21 that indicated they believed that he was operating without
22 a permit. He did apply. During the application process,
23 he would testify that it took some time to actually get to
24 a point where his application was complete, which sort of
25 brings me to the rule that the Utilities and Transportation

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1 Commission would be submitting that the Judge should make a
2 determination under, and that's, you know, 480-15-330, but
3 his application wasn't actually complete until after the
4 rule took effect. Now I know that the new statute, there
5 is a provision that still allows the Utilities and
6 Transportation Commission to reject his application, but I
7 would ask the Court to consider proceeding under the new
8 rule, not the old rule, simply because his application
9 wasn't complete. In the exhibits we just admitted, the
10 application wasn't completed until after July. I think it
11 was July 8th that it took effect, 2012.

12 Also he would testify that he spoke to
13 Ms. Leipski about his application several times, and I know
14 that they're withdrawing the issue regarding his
15 misrepresentation, but I think he was trying to be
16 forthright in trying to get the information to them. He
17 would testify about that. He doesn't believe he's a threat
18 to public safety.

19 We have, as I indicated, Rena Montanez, who was
20 an owner of Lighthouse Cove Property Management, and she
21 would testify to the fact that he has done work for her
22 over the last 18 months and how he has done, how she came
23 to know him.

24 And also I don't know that Mr. Selvidge would
25 necessarily need to testify. As I interviewed him and I

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1 look at the letter that he submitted that's dated October
2 30th, 2012, that -- if I think that it's necessary for him
3 to testify, I would let the Court know that, but I think
4 that he may have covered it in the letter in the exhibit,
5 so he may not have to do that.

6 So he's telling you when he did provide his
7 information about why the permit should be granted is that
8 he does have trustworthiness and that he can provide
9 evidence of that.

10 That's all for now, Your Honor.

11 JUDGE TOREM: All right, thank you Mr. Bellmer.
12 When you said we should proceed under the new rules, what's
13 the difference that you see that makes a distinction in how
14 the application would be processed?

15 MR. BELLMER: Well, I think the old rule, if I'm
16 not mistaken -- I probably need to find it. Well, I guess
17 I would point out that the new rule says that the
18 Commission, well, under the provisional permit, but then
19 the permanent permit pretty much encompasses this also,
20 305, but it says the Commission will not grant provisional
21 authority to any named person who has within the past five
22 years been convicted of any crime of the list that's there.
23 I think the old statute says that you only have to have one
24 conviction to be denied, and I don't think there's a time
25 period if I --

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1 but also I would argue that based on the exhibit
2 that we've already admitted that indicated he was in the
3 application process, yes, he did apply in May of 2012, and
4 I understand why the UTC is indicating that that rule
5 should apply. However, I think he was trying to be
6 forthcoming in the information he was giving, but by I
7 think -- I can't remember what the third notice of
8 deficient application, I don't remember what the date is on
9 that right now, but anyway it was after the date. I think
10 it was July 21st or something like that. It came after --
11 July 18th, I'm sorry. It came after the date that the new
12 rule was effective, so we believe that you should proceed
13 under the new rule, which I think is not as restrictive as
14 the old rule in terms of his ability under his
15 circumstances to get a permit. So hopefully that explains
16 it a little bit better.

17 JUDGE TOREM: All right, it gives me a better
18 idea of where you're coming from. So I'll ask that when
19 Commission Staff testifies that one witness at least be
20 able to explain Staff's perception on how criminal history
21 is treated under both rules. Under the old rule that looks
22 like it's WAC 480-15-330(4)(e) talks about convicted of any
23 crime under that sub paragraph. There may be other
24 references that I'm not catching right away. As
25 Mr. Bellmer references in the new rules that are

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1 distinctive between provisional and permanent authority,
2 WAC 480-15-302(8) that deals with criminal background
3 checks. And again there may be other character and fitness
4 requirements elsewhere embedded in the rule that I would
5 like culled out so that Staff can at least give me their
6 opinion whether this hearing would be going on if we were
7 processing it under the new rule as opposed to the old
8 ones.

9 MS. CAMERON-RULKOWSKI: Certainly, Your Honor,
10 and I will be in a position to speak about Staff's legal
11 position on that.

12 JUDGE TOREM: Excellent.

13 Let's turn to witnesses then. Mr. Bellmer, who
14 would you like to testify first?

15 MR. BELLMER: Mr. Ingram.

16 JUDGE TOREM: Will you stand and raise your
17 right hand.

18 (Witness Ivan Ingram was sworn.)

19 JUDGE TOREM: All right, please have a seat.

20 Can you state your first and your last name, and
21 spell them both for the court reporter.

22 THE WITNESS: Ivan Ingram, I-V-A-N, I-N-G-R-A-M.

23 JUDGE TOREM: Mr. Bellmer, your witness.

24 MR. BELLMER: Thank you, Your Honor.

25

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1 Whereupon,

2 IVAN INGRAM,

3 having been first duly sworn, was called as a witness

4 herein and was examined and testified as follows:

5 DIRECT EXAMINATION

6 BY MR. BELLMER:

7 Q. Mr. Ingram, can you -- we'll just start at the
8 point that you received the letter from the Utilities and
9 Transportation Commission. You received that in May of
10 2012; is that correct?

11 A. Correct.

12 Q. How did you respond to that letter?

13 A. I responded immediately with a phone call with a
14 number that was provided on the letter and inquiring about
15 what exactly I needed to do. Because at that point in
16 time, I was only a college student building -- trying to
17 build a business, going through my marketing classes and so
18 forth. And, you know, I really had no idea about what
19 steps to take, so I contacted the number provided
20 immediately with questions.

21 Q. Okay. You were going to school; were you going
22 to school full time?

23 A. I was, yes.

24 Q. And what was the program?

25 A. I was working towards my ATA in business.

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1 Q. Have you completed that?

2 A. I'm just about done.

3 Q. How long is the course?

4 A. Two years.

5 Q. And where did you say you were doing that?

6 A. At Olympic College in Bremerton.

7 Q. Okay. And can you get a -- what kind of degree?

8 A. It's a technical degree in business.

9 Q. Is it an AA?

10 A. No, it's an ATA.

11 Q. ATA, okay.

12 All right, so who did you talk to, do you
13 remember who you talked to first?

14 A. It was a gentleman that spoke with me about
15 seeing my advertisement up on the web.

16 I don't remember if that was you, probably was.

17 MR. PERKINSON: Yeah, I believe it was.

18 A. So I called and spoke with him, and he said that
19 I need to get my web site down or whatnot. And I really
20 don't -- I'm not computer literate. What I did was I paid
21 somebody \$200 to put this just a single page. There's no
22 links or anything on the page. And I paid them \$200, and
23 they're supposed to market it or something. I had Yelp and
24 Superpages and all these people calling me trying to get
25 money out of me all the time. I didn't know, you know, all

0025

1 I had was I started out with a business license and a plan
2 in college of what to do, you know.

3 Q. Okay.

4 A. And so, you know, I explained to him that the
5 person that I had given the money to had moved out of the
6 area, and I tried to contact him. Matter of fact, I just
7 got an E-mail back the other day. And so that term, that
8 \$200 was for one year I believe, and that's up, so they
9 just contacted me asking me for more money, which I didn't
10 give them, so.

11 Q. Okay. Let me ask you this question. During the
12 time you were -- you've been attending school, but at the
13 time that you contacted the Commission about the letter
14 that you received, were you working?

15 A. Part time.

16 Q. Okay.

17 A. I was working for Christina.

18 Q. Okay. And that's Rena, she goes by Christina
19 just for everybody's information so we know who you're
20 referring to.

21 A. So I did have my business license, so I was able
22 to do some things. And before I decided to go into this
23 line of work, I was working for another moving company, and
24 so I still had work from them, so.

25 Q. So what did you do for Rena?

0026

1 A. Well, when a tenant would move out of one of her
2 properties and they left a bunch of trash or something, I
3 would go haul it to the dump.

4 Q. Okay.

5 A. Appliances and so forth.

6 The At Best Appliance, the statement that I
7 turned in from them, I do appliance deliveries twice a week
8 for them. And it's all under my business license and W-9
9 work, so I pay tax on everything.

10 Q. Okay.

11 A. All legitimate as far as I know.

12 Q. All right. So let's go back to your application
13 process for your permit. What happened next, you contacted
14 and apparently spoke to the witness here today, you spoke
15 to him?

16 A. Yeah.

17 Q. And so what happened after that, Mr. Perkinson?

18 A. Well, from there everything got transferred to
19 Ms. Leipski, and she was very helpful. She was very nice.
20 I hope you're not in any trouble. Sorry we ended up here.

21 MS. LEIPSKI: I know.

22 A. But, you know, I just tried to do everything I
23 could by the book. I mean I don't know all the rules by
24 any means, you know. I'm just trying to do the right
25 things. And so I was trying to follow her directions. I

0027

1 know we went through quite a thing with the insurance
2 trying to get the Form E. I have no idea what a Form E is,
3 and, you know, and I had to purchase a vehicle just to get
4 the cargo insurance, because I couldn't get a policy
5 without a vehicle. I never had a -- I don't have any
6 moving trucks, anything like that, so I went and purchased
7 an old U-Haul off of the sales lot in Spanaway just so I
8 could get the cargo insurance.

9 Q. Okay. So you didn't have a moving van or
10 anything like that before?

11 A. Huh-uh.

12 Q. Before you got the letter from the UTC?

13 A. No.

14 Q. Now in the application process itself, we've all
15 been sitting here and understand that there are Notices of
16 Deficient Application dated May 21, June 21, and July 18.
17 Can you explain basically what had occurred that those --
18 you can look at these obviously, but here's the first one,
19 May 21st.

20 A. Well, I needed to -- there's a checklist here,
21 four different things, and the first one was register with
22 Employment Security Department as well as Department of
23 Labor and Industries. So that was fairly simple. I just
24 had to go on line and register with my business license so
25 that they were aware that I existed I guess. And then

0028

1 USDOT, you know, I still don't really understand that,
2 because it's pretty confusing on how I'm -- what I am I
3 guess.

4 Q. What you're designated as?

5 A. Right. So I mean I talked to them on the phone
6 too and explained to them that I just had this small truck
7 that I had to buy for these purposes, and then all I do is
8 deliver appliances and put trash in it.

9 Q. Okay. And then before we get to this one about
10 your criminal history, let's talk about this one.

11 A. Okay. And then the cargo filing was, you know,
12 I had business insurance, but I needed to prove that I had
13 a certain amount of cargo insurance for the UTC's purposes.

14 Q. Okay.

15 A. I think it was a \$750,000 policy or something.
16 Told me that I needed that.

17 Q. Okay. And then you got a second notice of
18 deficient application dated June 21st, 2012, which is part
19 of Exhibit 10, and so it looks like verifying with
20 Department of Labor and Industries as well as Employment
21 Security and then USDOT number, corrected application page
22 with crime information, verification of cargo insurance
23 filing. So those are pretty much the same issues that you
24 were facing before, but you were working on those in the
25 meantime?

0029

1 A. Right, yeah.

2 Q. Then the third one is dated July 18th, and I
3 don't know exactly what information, missing information
4 would be on page 4, but --

5 A. That would be the criminal information.

6 Q. Oh, okay. And I'm sure Ms. Leipski can expand
7 on what she meant by that. But in any event, verification
8 of cargo insurance filing. So did you believe as of that
9 date or shortly after that date or between that date and
10 sometime maybe in August, you had -- your application
11 wasn't deficient anymore?

12 A. Right, yeah, because -- so I was pretty
13 surprised when I got this one because of the cargo
14 insurance. I was still -- we had had a couple of phone
15 calls I think. I had missed her, we were kind of playing
16 phone tag there for a minute. And so the criminal
17 information, I was still kind of up in the air about what
18 to do about that. And I believe she said that I could do a
19 little handwritten statement, but I suggested that perhaps
20 I send in the charging document, which would be a little
21 more formal. You know, so I wasn't trying to hide anything
22 at all. When I spoke to her on the phone, I told her, you
23 know, that I have 22 felonies, you know, and the --

24 Q. Before you go on, when was that you told her
25 that?

0030

1 A. That would be when I initially got the first
2 notice that said I needed the crime. That would be this
3 one, the first notice.

4 Q. Okay. So just for the record, on your
5 application you answered the question, have you ever been
6 convicted of a crime, and you marked yes, you will need to
7 explain what type of crime and when.

8 A. So on the application, it asked if you have ever
9 been convicted of a crime. I marked yes. And then there
10 was a small space to explain. Well, naturally, you know,
11 it's not all going to fit in that small space, so I did it
12 like you would do on a job application, I put will discuss.
13 You know, and then when this notice came back, this first
14 notice, I called her, and that was the first thing I
15 brought up, you know, was do we need to go any farther
16 here, you know, I have an extensive criminal history, I
17 haven't been in trouble in quite a while, but, you know.

18 Q. So as of the date or around the date you got
19 this letter -- and by the way for the record, I was reading
20 off of the May 21st, 2012, notice of deficient application.
21 As of the date or around that date, you discussed the fact
22 that you need to expand upon what you mean by criminal
23 history and that kind of thing?

24 A. Mm-hm.

25 Q. With Ms. Leipski?

0031

1 A. Correct.

2 Q. Okay. All right, so did you then submit Exhibit
3 -- did you submit this?

4 A. I did submit that.

5 Q. Okay. To Ms. Leipski or to the Utilities and
6 Transportation Commission?

7 A. Yes, and that's the charging documents from the
8 Kitsap County.

9 Q. Right, okay, so Exhibit 11?

10 A. Yeah.

11 Q. All right. Okay, so let's look at Exhibit 11.
12 Can you explain to the Judge what it means here, it says
13 current offenses; what does that mean?

14 A. Those were all the things that I was charged
15 with at one time.

16 Q. Okay.

17 A. And --

18 Q. Are these the most -- were these the most recent
19 ones?

20 A. Correct.

21 Q. In time?

22 A. Most recent ones in time, and my last one was --

23 Q. Okay.

24 A. My last one was in there.

25 Q. And these are all convictions?

0032

1 A. Yeah.

2 Q. And you served --

3 A. And the reason why I did this was because it has
4 the date of the crime, and then it has the sentencing date.
5 It has both dates. That's the main reason why I did this.
6 It's a formal document, it's an original document from the
7 Kitsap County Superior Court, and it has all the dates
8 there.

9 Q. Okay. And these are the dates of the crime
10 itself?

11 A. Right, and then when I was sentenced I believe.

12 Q. Actually, it just says dates of crime from to,
13 so I think it's the date of the crime. But I'm not
14 testifying, I'm just looking at the document. That's what
15 it looks to me. All right, so but you informed Ms. Leipski
16 that you had other criminal history other than this?

17 A. Correct.

18 Q. Now you served time for these convictions?

19 A. Correct.

20 Q. And what time, can you explain?

21 A. From 2004 to 2009.

22 Q. Okay. You were in prison?

23 A. Mm-hm.

24 Q. Where?

25 A. I was in Stafford Creek, Olympic Correction

0033

1 Center, Clallum Bay, and Coyote Ridge Correction Center.

2 Q. During the time you were incarcerated, did you
3 -- what did you do while you were incarcerated; did you
4 engage in any programs?

5 A. Yeah, I took an accounting class and computer
6 classes, and I worked on becoming an electrician. I got my
7 electrical trainee card and worked under a journeyman
8 electrician and logged hours with the Department of Labor
9 and Industries. And then once I finally got out, it was
10 just there was no work available.

11 Q. Okay.

12 A. And so I had to find a new avenue of employment.

13 Q. All right. So when was your release date?

14 A. My release date was December 2009.

15 Q. Okay. Now but your last conviction was in 2005
16 or 4?

17 A. 2005.

18 Q. That was the sentencing date essentially?

19 A. Sentencing.

20 Q. Okay.

21 A. Beginning of 2005.

22 Q. So I want to go back to the Exhibit 10 again.
23 Again you provided that document, which was Exhibit 11 I
24 think, to Ms. Leipski or to the Utilities and
25 Transportation Commission?

0034

1 A. Mm-hm.

2 Q. And did you provide more information about your
3 convictions?

4 A. Verbally over the phone with her. I sent her
5 what I felt was sufficient from our conversations.

6 Q. Okay. Now after you received this last notice
7 of deficient application, did you receive any other notices
8 of deficient application?

9 A. The third notice, no.

10 Q. After the third notice?

11 A. No.

12 Q. Okay. So what's the next thing you heard from
13 the Utilities and Transportation Commission?

14 A. Well, I hadn't heard anything for a while, so I
15 called them. And I spoke to Tina, and she said that it had
16 been forwarded out of her office. And then not long after
17 that is when I found out that there was an intent to deny.

18 Q. Okay.

19 A. I believe I received an E-mail.

20 Q. You received an E-mail first?

21 A. Yeah.

22 Q. Okay. And then you got the notice which is
23 Exhibit 1?

24 A. Correct.

25 Q. Okay. Now you had spoken to you believe

0035

1 Mr. Perkinson about this web site, correct?

2 A. Correct.

3 Q. Okay. And did you indicate to him that you
4 wouldn't know how to take it down?

5 A. I did.

6 Q. Okay.

7 A. I told him I would try, and I contacted the
8 person that I was in contact with that set the whatever.
9 The \$15 for web hosting was taken automatically out of my
10 account every month. So she basically gave me the little
11 CD with the web page on it, and that was the last time. I
12 never saw an office or anything. So I attempted to contact
13 her through phone call and E-mail, and she had moved out of
14 the area.

15 Q. Okay. Now during the time you had the web site,
16 these other proposed exhibits, the printout of the one
17 that's from Ezlocal and then the Facebook and the Webcard
18 and the Superpages, did you have any knowledge of those?

19 A. Just the Facebook, because in fact I think she
20 did that for me when she took my money at the coffee shop
21 with her laptop, she started Eagle Moving on Facebook.

22 Q. Okay. What was your purpose in getting the web
23 site in the first place?

24 A. Just to get the name out there. Like this is
25 how much I knew about all this when I got into it. I

0036

1 picked AA Eagle Moving Services or Relocation Services
2 because I figured AA would put me at the top of the list
3 for everything. That's how, you know, outdated I am. I
4 didn't know anything about technology, and on the computer
5 it has nothing to do with alphabetical order, but I was
6 thinking like in the phone book, you know, AA, I would be
7 the first one there. But yeah, it didn't work out like
8 that.

9 Q. Okay.

10 A. So I'm not that bright when it comes to all that
11 stuff.

12 Q. All right, but during the time that you had this
13 web site and these other things, apparently, maybe you can
14 tell me, I think I just asked the question but I don't
15 think you really responded to it so maybe you can respond
16 to it, these other ones, Ezlocal, not the Facebook but the
17 other ones, were those --

18 A. I don't know.

19 Q. You don't know anything about those?

20 A. No.

21 Q. Okay. So those aren't something that you
22 intentionally created on the Internet in any way?

23 A. Hm-mm.

24 Q. During the time you had this web site, were you
25 working for Ms. Montanez?

0037

1 A. Yeah.

2 Q. And you were only doing for her what you
3 testified to earlier?

4 A. Right.

5 Q. No moving services?

6 A. No.

7 MR. BELLMER: Okay, I don't think I have any
8 other questions for him right now.

9 JUDGE TOREM: Okay, Ms. Cameron-Rulkowski is
10 going to have a chance to ask you some cross-examination
11 questions.

12 THE WITNESS: Sure.

13

14 C R O S S - E X A M I N A T I O N

15 BY MS. CAMERON-RULKOWSKI:

16 Q. Good morning, Mr. Ingram.

17 A. Good morning.

18 Q. Have you ever performed any residential moves
19 within the state?

20 A. As AA Eagle Relocation Service?

21 Q. That's correct.

22 A. No.

23 Q. I'm sorry, I didn't hear an answer.

24 A. No.

25 MR. BELLMER: He said no.

0038

1 Q. Have you ever provided an estimate or a quote to
2 provide residential moving services as AA Eagle Moving?

3 A. Yes. But as I mentioned previously, I was
4 working for another company, and so everything would be
5 referred back to them, or they would be referred to U-Haul
6 Moving Help.

7 Q. So let me make sure that I understand this. Are
8 you saying that you have represented AA Eagle as a moving
9 company and provided a quote under the name AA Eagle?

10 A. I'm saying that the company I used to work for
11 would try to pass jobs off on me, and I didn't want them
12 because I wasn't a legitimate business. And that I set out
13 to make a legitimate business, because I'm trying to do it
14 by the book and do it right. And so I have not -- I have
15 not performed work as AA Eagle Relocation Service, but I
16 will be more than glad to quote somebody and refer them,
17 you know, that this is what this should cost, and these are
18 the people that can do it for you.

19 Q. And would that prospective customer believe that
20 he or she was going to be provided service by a company
21 called AA Eagle or by another company?

22 A. I don't believe that I've even run into that,
23 so, you know.

24 Q. And who is the -- which moving company did you
25 work for previously?

0039

1 A. Harley and Sons.

2 Q. Do you have any type of authority from the
3 Commission currently?

4 A. None.

5 Q. You testified earlier that you had E-mailed
6 someone about your web site, and I believe that you said
7 that you had E-mailed the business or person who was
8 maintaining the web site; do I have that right?

9 A. Yeah.

10 Q. And when you E-mailed that person, what were you
11 seeking in the E-mail?

12 A. To shut the site down, because that was the
13 instructions.

14 Q. And so about when was that?

15 A. Immediately after I got notification and spoke
16 -- I may have called you a couple times. I think we spoke
17 a couple times in the beginning. He was the first one that
18 I spoke to, and then I think it went to Tina, and then, you
19 know. So I mean I'm just -- I'm not ever trying to do
20 anything wrong. I'm trying to do everything right and just
21 try to follow directions to the best of my ability, but.

22 Q. And let me just understand. I believe that you
23 had testified that you had tried to contact, and I was
24 understanding that you had tried to telephone the person
25 who had set up your web site and discovered that that

0040

1 person was no longer reachable. Did I understand that
2 correctly, that you were trying to telephone them?

3 A. Correct, yeah. I left her messages, and I sent
4 her E-mails, and I haven't heard anything from her until
5 recently. I don't know if it's an automated automatic
6 thing, but I just got an E-mail about renewing the -- they
7 want more money to keep going for another year or whatever,
8 the hosting thing. So when we originally did it, it was
9 \$200 and \$15 a month for the thing, and I signed the paper.
10 And after that, then that's when I heard from the UTC
11 saying that I needed to take that down. And, you know, so
12 this was a person that I met in a business networking
13 group, you know, and she was representing that business. I
14 met her in a coffee shop when we did everything, and then
15 from there she moved out of the area, so.

16 Q. And I believe I heard you testify that you had
17 not been paid to further maintain the web site. Have you
18 contacted the person who set up the web site since you got
19 the request for the payment?

20 A. Just in the beginning, you know, I haven't --
21 they haven't -- we haven't been in touch this whole time
22 that I've been working on this application.

23 Q. Okay.

24 A. Except for in the beginning.

25 Q. Now I noticed that you have a letter from the

0041

1 mayor of Bremerton among your exhibits?

2 A. Correct.

3 Q. And this would be Exhibit Number 20. How are
4 you acquainted with Mayor Lent?

5 A. Also she came to our -- to a business meeting
6 that I was at, and I met her there. I've also had meetings
7 with her office, and that's about the extent of our
8 relationship.

9 Q. So would it be fair to say that you've met her a
10 few times?

11 A. Correct.

12 Q. And I see that in the letter at the second to
13 last paragraph, Mayor Lent mentions Judge Roof?

14 A. Correct.

15 Q. And I don't see anything further in the exhibits
16 or your testimony about Judge Roof. Was there a particular
17 reason for including him in the letter?

18 A. Well, we were hoping to get a letter from Judge
19 Roof, but it was kind of short notice, and that was before
20 the extension, before yourself and Mr. Bellmer talked about
21 extending this date here. And she really wanted for me to
22 get a letter from Judge Roof, because he deals with drug
23 court and is an advocate for second chances and so forth,
24 and so that's why she mentioned it. I don't know why she
25 -- she just kind of did it.

0042

1 Q. And were you ever a participant in --

2 A. No.

3 Q. -- drug court in Kitsap County?

4 A. No.

5 Q. I would like to briefly consult the application
6 that you submitted, and I have a copy here that was printed
7 out from what is in the records center and available on the
8 web, and I am looking at what is listed as page 4 under the
9 form page numbers, and I'm looking at the question, have
10 you ever been convicted of a crime, and can you please just
11 read there what it appears to be that you wrote in?

12 A. Yes. Oh, and then it says N-A.

13 Q. Thank you.

14 JUDGE TOREM: Ms. Cameron, can I take a look at
15 that?

16 MS. CAMERON-RULKOWSKI: Certainly.

17 MR. BELLMER: Your Honor, may I see it one more
18 time?

19 JUDGE TOREM: (Complies.)

20 MR. BELLMER: Thank you.

21 MS. CAMERON-RULKOWSKI: Your Honor, I have no
22 further questions at this time of Mr. Ingram.

23 JUDGE TOREM: Mr. Bellmer, anything you wanted
24 to go back over?

25 MR. BELLMER: Yes.

0043

1 R E D I R E C T E X A M I N A T I O N

2 BY MR. BELLMER:

3 Q. First, you saw your application said NA on the
4 line that said yes, please explain. Is there any reason
5 why you think you would have done that?

6 A. No, not off hand. I mean I checked the box that
7 said yes, and I honestly thought that I wrote, will
8 discuss, in there.

9 Q. Okay.

10 A. Like you do on a job application.

11 Q. Okay. So you didn't have any suspicion that the
12 UTC wouldn't know what your criminal history was, correct?

13 A. Absolutely not.

14 Q. Okay. Now you've testified already that you
15 move garbage and appliances out of residential properties
16 for Ms. Montanez?

17 A. Correct.

18 Q. And that's the moving you've been doing,
19 correct?

20 A. Correct.

21 Q. And no other moving?

22 A. Correct.

23 Q. And just to, I think you already testified to
24 this, but just to reiterate, when you talked to Ms. Leipski
25 on the phone, you discussed your criminal history, did you

0044

1 not?

2 A. Yes.

3 Q. And you have said here today that you had 22
4 felony convictions, correct?

5 A. Correct.

6 Q. And you told Ms. Leipski that?

7 A. Yeah.

8 Q. And you, you know, could have had some
9 miscommunication with her, she may have had some
10 miscommunication with you, but the bottom line is you let
11 her know that you have these felony convictions, correct?

12 A. Yeah. What's the point of going forward if my
13 application was going to be denied at that point. There
14 was still a lot of financial responsibility that I had to
15 take to come into compliance with the UTC, and why go
16 forward any further like that if it was going to be a lost
17 cause.

18 Q. Okay. Now did she ever give you any indication
19 that no, Mr. Ingram, I appreciate the fact that you've gone
20 this far, but, you know, the Commission is probably not
21 going to give you a permit because you have 22 felony
22 convictions; did she ever tell you that?

23 A. No. I was pretty surprised when I got the
24 intent to deny. I thought -- honestly I thought it was
25 because of the problems we were having with the insurance

0045

1 company and the Form E.

2 Q. Okay.

3 A. And then so immediately I called my insurance
4 agent, and he doublechecked everything, and I believe they
5 were in contact with Ms. Leipski at that point in time and
6 determined that in fact they had completed everything, all
7 their requirements. And so that's when I realized that the
8 intent to deny was due to my criminal history.

9 Q. All right. Now of course Ms. Leipski is going
10 to testify, but do you remember when you had indicated 10
11 convictions or maybe you gave her that document that had
12 those convictions on it, the document from Kitsap County,
13 Exhibit 11, did she ever inform you, you know, the last 10
14 are enough or anything like that?

15 A. I believe in our last conversation, what we
16 spoke about was either a handwritten statement. And I
17 said, well, you know, I have my charging documents from the
18 last time that I was incarcerated, would that be
19 sufficient? And she said yes as far as I believe. I'm not
20 going to put words in her mouth or anything, but that was
21 what I got from that conversation, that that was sufficient
22 and that the entirety of the criminal history wasn't really
23 necessary.

24 Q. Okay.

25 A. And of course --

0046

1 Q. Go ahead, I'm sorry.

2 A. -- they're a State agency, just like applying
3 for a job, of course I know that they're going to know
4 about everything. You know, there's no point in trying to
5 blow a smoke cloud.

6 Q. Okay. Now I just want to clarify this for the
7 Judge, but the July 18th notice of deficient application
8 indicates, and this is Ms. Leipski indicating, I am still
9 missing information on page 4. Is that about your criminal
10 history?

11 A. It is.

12 Q. Okay.

13 A. And so I hadn't E-mailed her anything at that
14 point pertaining to that, so.

15 Q. Okay. So again, what information was she
16 missing?

17 A. Well, I sent her that paper, the Exhibit 11.

18 Q. 11?

19 A. I believe I sent her that. And so after I
20 E-mailed that to her, I called her to doublecheck that she
21 had received that and that everything was complete.

22 Q. Okay. So at that point she indicated that was
23 enough information about your criminal history?

24 A. Yeah. And then I verified that she had
25 everything from the insurance company as well.

0047

1 Q. Okay.

2 A. Which I figured she did. And then after it got
3 forwarded beyond her, then that's when the intent to deny
4 came, and I thought that it was still a problem with the
5 insurance, but.

6 Q. Okay, got you, all right, just wanted to clarify
7 that for the Judge.

8 Okay, Mr. Ingram, just a couple more questions
9 if I may if the Judge will give me a couple more minutes
10 here. How do you know Sara Ikorn just briefly?

11 A. She is a friend of my wife's.

12 Q. Okay.

13 A. And she's known me for quite a period, a few
14 years.

15 Q. Okay. And how about Susanne Hastings?

16 A. She just works in the insurance office, and I
17 had done an appliance delivery to her house, and she had
18 seen me coming in there trying to get that Form E from them
19 time and time again, and she knew what I was going through
20 here and just -- and took this upon herself to write that.
21 I didn't ask her for it.

22 Q. Okay. And then of course we know how you --
23 well, okay, we know how you know Mayor Lent, you testified
24 to that. How about Jeff Nickerson?

25 A. Jeff Nickerson is my Narcotics Anonymous

0048

1 sponsor, and I work my steps with him, and I go to meetings
2 with him weekly.

3 Q. And you're still doing that?

4 A. Correct.

5 Q. Okay. And you plan on continuing that?

6 A. Yeah.

7 Q. Ronald Ohnhaus?

8 A. He was like my mentor. This guy, he's amazing.
9 I started working for him when I was living in Oxford House
10 when I first got out of prison. I, you know, I needed
11 something different, a little more stable, I needed a
12 support network. So I had no probation, no State overhead
13 paper trail or anything, so I decided to get into Oxford.
14 So I went directly from work release to Oxford House, and I
15 did some side work with one of the previous residents of
16 the Oxford House, he was a contractor, and we did work on
17 some of Mr. Ohnhaus's properties. And he just continued to
18 amaze me from there. He's just -- he's started businesses
19 and he's just -- he does everything. He's kind of like my
20 mentor, and he's got a lot of years clean and sober too.

21 Q. All right. And Mr. Selvidge?

22 A. Mr. Selvidge is the outreach worker for Oxford
23 House for all Western and Central Washington. He's in
24 charge of over 63 Oxford Houses, and I have been to Oxford
25 world conventions. They have houses in Australia, all over

0049

1 the world. And I've gone out to the world convention and
2 gone to break-out sessions and learned more and more about
3 Oxford. And I continue to give back to my community by
4 volunteering with Oxford, which has opened a new house here
5 recently. And, you know, I helped them gather the
6 donations to completely furnish that house from top to
7 bottom. And, you know, it's just -- it's gratifying when
8 you see somebody coming out of addiction and trying to do
9 something with their lives and knowing that you can help
10 and then seeing them do the right thing and getting their
11 kids back and doing the things that they need to be doing
12 to be responsible citizens.

13 Q. Okay. And Laura Haskins?

14 A. She's the lady from At Best Appliance.

15 Q. Okay. And you did recycling?

16 A. Yeah, twice a week I worked for them.

17 MR. BELLMER: All right, no further questions
18 for Mr. Ingram.

19 JUDGE TOREM: Any followup from Staff?

20 MS. CAMERON-RULKOWSKI: None, Your Honor.

21 JUDGE TOREM: Mr. Ingram, I may have some
22 questions for you, but I'm going to hold them until we get
23 toward the end of the hearing so I can hear if it might be
24 answered by somebody else.

25 Next witness you have, Mr. Bellmer?

0050

1 MR. BELLMER: Yes, Your Honor, I would like to
2 call Rena Montanez.

3 (Witness Rena Montanez was sworn.)

4 JUDGE TOREM: Can you spell your first and last
5 name for me, please.

6 THE WITNESS: R-E-N-A, M-O-N-T-A-N-E-Z.

7 JUDGE TOREM: Mr. Bellmer.

8 MR. BELLMER: Thank you.

9

10 Whereupon,

11 RENA MONTANEZ,

12 having been first duly sworn, was called as a witness
13 herein and was examined and testified as follows:

14 D I R E C T E X A M I N A T I O N

15 BY MR. BELLMER:

16 Q. Ms. Montanez, how do you know Mr. Ingram?

17 A. He was a member of our business networking group
18 that I'm a member of.

19 Q. And what do you do for a living?

20 A. I own a property management company.

21 Q. What's that called?

22 A. Lighthouse Cove Property Management.

23 Q. And how long have you been in business?

24 A. The company has been in business for 13 years.

25 I have owned it for 5.

0051

1 Q. Where is your office?

2 A. Our office is in Silverdale.

3 Q. Okay.

4 A. But we cover the entire Kitsap County area.

5 Q. And you said you met Mr. Ingram at a business
6 networking convention or --

7 A. A group.

8 Q. A group, oh, okay, got you. And how did you
9 come to hire him?

10 A. I actually had a old oil tank at my house. We
11 had converted our house, our personal house, over to gas.
12 And it was probably close to 2,000 pounds, and I couldn't
13 get anybody to move it, and so I had expressed that while
14 talking to him at a meeting. And the next day he showed up
15 with, you know, four of his friends, and I no longer had it
16 in my back yard.

17 Q. Okay. So he's done what for you?

18 A. Mostly when tenants leave property behind in a
19 house that's going to go to the dump, he's the one who goes
20 in and removes everything. We've had him do brush removals
21 when we've had landscapers take down, you know, trees and
22 stuff, he's done brush removal for us. Appliance, when we
23 have to remove appliances for whatever reason, he's done
24 that for us too.

25 Q. Okay. How long has he done that?

0052

1 A. Probably about ten months, ten months, maybe a
2 year.

3 Q. And does he get paid for it?

4 A. He does.

5 Q. And how long has he actually worked for you?

6 A. As an independent contractor, I would say
7 probably a year.

8 Q. Okay. Now when you first met him at the
9 business networking meeting or group, what did you know
10 about him other than you just were talking to him?

11 A. For the first couple of meetings, I didn't know
12 anything other than, you know, he was funny at the
13 meetings, his commercials were humorous, and he seemed like
14 a put together person. After probably three or four
15 meetings, we started actually conversing, and he was very
16 up front and let me know, you know, what he was trying to
17 do and that he was, you know, coming out of addiction and
18 that he had a past, but he was trying to make good on, you
19 know, with his life. And so I found that interesting. I'm
20 a big believer in second chances myself, and so, you know,
21 from that point we had a conversation where, you know, we
22 kind of went more into what his plan was. And because I
23 was a business person, you know, I was trying to give him
24 some advice on, you know, this is how business works, this
25 is kind of, you know, what you may need to do or what you

0053

1 might want to do and classes that you might want to take,
2 those kinds of things.

3 Q. So that's when you -- when you had this
4 conversation, he indicated to you his background?

5 A. Yes.

6 Q. What did he tell you about that?

7 A. He told me that he had a pretty extensive
8 criminal background, that he had been in prison as recently
9 as I think he said he got out in 2009. We didn't really go
10 into super detail about every single conviction or
11 anything, but I knew that it wasn't, you know, for a DUI or
12 a speeding ticket.

13 Q. Okay. You were aware they were felony
14 convictions?

15 A. Yes, I was absolutely aware they were felony
16 convictions.

17 Q. And during the time you've employed him, have
18 you ever had any concerns about his integrity?

19 A. Never.

20 Q. Has he ever stolen from you?

21 A. Never. That I know of.

22 Q. That's a fair answer. And you would hire him
23 again?

24 A. Absolutely.

25 Q. And he's still working for you today?

0054

1 A. Yes.

2 MR. BELLMER: Okay, no further questions at this
3 time, Your Honor.

4 JUDGE TOREM: Ms. Cameron.

5 MS. CAMERON-RULKOWSKI: I have no questions.

6 JUDGE TOREM: Okay. It's about 5 minutes to
7 11:00. I'm hoping that if we take a 5 minute break at this
8 juncture, that covers your witnesses, then we come back and
9 hear from Staff's witnesses, that will give me an idea, do
10 you think your witnesses are going to take more than the
11 hour between now and noon? We can take as long as it
12 needs, I just need to let someone else who booked the room
13 for noon know if we're still going to be here.

14 MS. CAMERON-RULKOWSKI: As far as my direct
15 examination goes, I don't think so, Your Honor. We could
16 be in here -- it's conceivable that we would be in here
17 beyond the noon hour.

18 JUDGE TOREM: All right, so let's take a 5
19 minute break now. We'll come back on the record as close
20 to 11:00 as possible with Staff's witnesses. And again, I
21 don't want to rush this at all, I just wanted to make sure
22 I give notice to the other folks to replan their afternoon
23 or their lunch hour, and we'll press on until we're done I
24 hope rather than take a lunch break and have to come back
25 for an afternoon session.

0055

1 All right, we're off the record.

2 (Recess taken.)

3 JUDGE TOREM: All right, it's about 6 minutes
4 after 11:00, and everybody's reassembled. I've let the
5 folks know that wanted this room at noon that that's not
6 going to happen most likely. They have another appointment
7 at 2:00 and I think that's more probable.

8 So we'll get down to Commission's witnesses.
9 Who's going to testify first?

10 MS. CAMERON-RULKOWSKI: Your Honor, I would like
11 to call Mathew Perkinson.

12 JUDGE TOREM: Okay, Mr. Perkinson, if you'll
13 stand and raise your right hand.

14 (Witness Mathew Perkinson was sworn.)

15 JUDGE TOREM: All right, if you can spell your
16 first and last name for the court reporter.

17 THE WITNESS: Yeah, it's Mathew Perkinson,
18 M-A-T-H-E-W, P-E-R-K-I-N-S-O-N.

19 JUDGE TOREM: Go ahead.

20 MS. CAMERON-RULKOWSKI: Thank you, Your Honor.

21

22 Whereupon,

23 MATHEW PERKINSON,
24 having been first duly sworn, was called as a witness
25 herein and was examined and testified as follows:

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1 D I R E C T E X A M I N A T I O N

2 BY MS. CAMERON-RULKOWSKI:

3 Q. And please state the name of your employer.

4 A. The Washington Utilities and Transportation
5 Commission.

6 Q. In what position are you employed by the
7 Commission?

8 A. Compliance Investigator.

9 Q. And how long have you been employed in this
10 position?

11 A. It's roughly seven months.

12 Q. And how long have you been employed by the
13 Commission?

14 A. About two years.

15 Q. Please briefly describe your responsibilities as
16 they pertain to this matter.

17 A. I investigate companies that operate as
18 household goods companies without permits and attempt to
19 bring them into compliance.

20 Q. Are you familiar with the applicant, Mr. Ivan
21 Ingram, doing business as AA Eagle Relocation Service?

22 A. Yes, I am.

23 Q. How did you become familiar with Mr. Ingram?

24 A. Charity Thompson, a former compliance
25 investigator, transferred to a different section in

0057

1 transportation safety, and her caseload was given to me,
2 and Mr. Ivan Ingram's was one of those cases.

3 Q. So when you transitioned into Ms. Thompson's
4 prior position of compliance investigator and you took over
5 her workload, did you review documents pertaining to Ivan
6 Ingram?

7 A. Yes, I did.

8 Q. Please turn your attention to the document
9 marked Exhibit Number 3. Can you please identify this
10 document?

11 A. This is a memorandum which was prepared by
12 Charity Thompson for Sharon Wallace regarding AA Eagle and
13 Ivan Ingram and how she became aware of the company
14 operating without a permit.

15 Q. And can you please tell us who is Sharon
16 Wallace?

17 A. Sharon Wallace is my boss, the Assistant
18 Director of Consumer Protection and Communications.

19 Q. Thank you. And was this document in
20 Ms. Thompson's files?

21 A. Yes, it was.

22 Q. And you received Ms. Thompson's files then when
23 her workload was transferred to you?

24 A. Yes.

25 Q. And is this document, which is Exhibit Number 3,

0058

1 a true and accurate copy of the memo from Ms. Thompson's
2 files on her investigation of Mr. Ingram?

3 A. Yes.

4 MS. CAMERON-RULKOWSKI: I offer Exhibit Number 3
5 for admission into evidence.

6 JUDGE TOREM: Any objections?

7 MR. BELLMER: May I ask a couple questions?

8 Mr. Perkinson, I just want to ask you a couple
9 questions about this.

10 MS. CAMERON-RULKOWSKI: Your Honor.

11 JUDGE TOREM: Is the nature that you want to
12 find out more of what he knows, the foundation of this
13 document?

14 MR. BELLMER: Yes, Your Honor, that's my purpose
15 in asking these questions.

16 MS. CAMERON-RULKOWSKI: That's acceptable, Your
17 Honor.

18 MR. BELLMER: Is that okay?

19 JUDGE TOREM: All right, go ahead.

20

21 C R O S S - E X A M I N A T I O N

22 BY MR. BELLMER:

23 Q. Mr. Perkinson, you did not create the document;
24 is that correct?

25 A. Correct.

0059

1 Q. Were you present when Charity Thompson created
2 the document?

3 A. No, I was not.

4 Q. Are you privy to any conversation between
5 Charity Thompson and Kay Hill?

6 A. No, I'm not.

7 Q. Do you know who Kay Hill is other than what it
8 says in the memo?

9 A. No.

10 Q. Have you ever spoken to Kay Hill?

11 A. No, I have not.

12 Q. Do you know if there's any other versions of
13 this memorandum?

14 A. No, I do know this -- I believe this is the only
15 version.

16 Q. But you're not -- you don't know for sure if
17 there's any other versions of it?

18 A. That I'm aware of, no.

19 Q. This is all you saw in the file?

20 A. Yes.

21 MR. BELLMER: Well, Your Honor, I can make an
22 argument here. I would still object to the admission of
23 this memorandum simply because he didn't create it. I mean
24 he's looking at it in a file, and the first indication from
25 Kay Hill, he has never spoken to Kay Hill, he doesn't know

0060

1 who Kay Hill is he just testified to.

2 JUDGE TOREM: Is the basis just that he doesn't
3 have any personal knowledge?

4 MR. BELLMER: He has no personal knowledge of
5 the creation of this other than reading it when he saw it
6 in the file.

7 JUDGE TOREM: Okay. My question really is
8 what's the relevance of this document?

9 MS. CAMERON-RULKOWSKI: So this document is
10 introduced simply to show how the investigation of AA Eagle
11 began and the basis that Mr. Perkinson then worked toward.
12 It's not admitted to -- it's not being offered to prove
13 anything in particular. It's admitted more as or it's
14 offered as background and also to indicate the timing of
15 the investigation.

16 JUDGE TOREM: So the contents of it really,
17 whether he has personal knowledge or not, that's not what
18 the Commission's arguing here or trying to present?

19 MS. CAMERON-RULKOWSKI: That would be correct,
20 Your Honor. This was a document that Mr. Perkinson
21 reviewed when he took over this file, and it's more or less
22 showing what he started out knowing about AA Eagle when he
23 continued to look into the company.

24 MR. BELLMER: Okay, so it's not -- they're not
25 offering it for the truth of the statements made in this,

0061

1 correct?

2 MS. CAMERON-RULKOWSKI: That's correct.

3 MR. BELLMER: Okay, then I don't have a problem
4 with it.

5 JUDGE TOREM: All right, so I'm going to admit
6 this with the limited notation that it's only to show how
7 Mr. Perkinson came to be on the case. It will show that it
8 came from Charity Thompson and that it's dated April 30th,
9 2012. Mr. Perkinson has yet to testify approximately when
10 he took over and would have looked at this.

11 Mr. Perkinson, can you let us know when did you
12 actually first look at this file; do you recall?

13 THE WITNESS: It would have been in early May
14 when I started the position. The transfer of the file took
15 place at that time.

16 JUDGE TOREM: Okay, let's admit the document
17 then, 3, for that purpose only, not for the various
18 statements that are in it, and go on from there.

19

20 D I R E C T E X A M I N A T I O N

21 BY MS. CAMERON-RULKOWSKI:

22 Q. Mr. Perkinson, we have admitted a document
23 already, and this is Exhibit Number 4; are you familiar
24 with this document?

25 A. Yes, I am.

0062

1 Q. And how did you become familiar with this
2 document?

3 A. This was in the file also. It's a compliance
4 letter which was sent to Mr. Ingram.

5 Q. And when you say it was in the file, you mean it
6 was in the file of Ms. Thompson's workload?

7 A. Correct.

8 Q. Thank you.

9 Now Mr. Ingram had testified before that he had
10 called in response to the compliance letter which is
11 Exhibit Number 4. Did you speak with Mr. Ingram at that
12 time?

13 A. I did.

14 Q. And do you recall approximately when that was?

15 A. Right around the date of this letter, May 3rd or
16 so. I noted it. I want to say it was the 5th, but I'm
17 sorry, I don't have a note here.

18 Q. Thank you. And when you spoke with Mr. Ingram
19 on the phone, did you discuss the permit process with him?

20 A. Yes, I did.

21 Q. And Mr. Ingram has testified that there was some
22 discussion of advertising during that conversation or
23 possibly another conversation. During that telephone call
24 which occurred in early May, do you recall discussing
25 advertising with Mr. Ingram?

0063

1 A. Yes, I do. We discussed the letter and the
2 content of the letter, which explains that he needed to
3 cease operating and cease advertising, remove any
4 advertisements that he currently had up.

5 Q. And do you have any idea of how difficult it
6 might be to remove an advertisement from the web?

7 A. I did contact one of the web pages and asked
8 them if -- one of these particular ones, I believe it was
9 Superpages -- asked them what it would take to remove that
10 advertisement. The woman said that I personally couldn't
11 remove it. However, with a phone call, it could be removed
12 quite easily.

13 Q. Thank you.

14 And did you have any subsequent contact with
15 Mr. Ingram after that conversation in early May?

16 A. Yes, in August.

17 Q. And what kind of contact was that that occurred
18 in August?

19 A. I called Mr. Ingram or AA Relocation and
20 requested a quote for moving services.

21 Q. And did you call under your own name?

22 A. I called posing as a consumer or customer.

23 Q. And what were you told?

24 A. That the service could be provided at \$75 an
25 hour for two men and a truck.

0064

1 Q. And what service exactly was this?

2 A. Provide residential moving.

3 Q. And do you know if you spoke with Mr. Ingram
4 himself?

5 A. Yes, I believe it was.

6 Q. Did he identify himself as Mr. Ingram?

7 A. I'm not sure. I would have to look at my file
8 on that.

9 Q. But according to your recollection, you believe
10 that you spoke with Mr. Ingram?

11 A. Yes, I do.

12 Q. Does Mr. Ingram currently have any
13 advertisements for residential intrastate moving services
14 on line?

15 A. Yes, he does. I -- go ahead.

16 Q. Please go ahead.

17 A. I checked this morning for advertisements, and
18 there were several.

19 JUDGE TOREM: Can you elaborate what you found
20 this morning.

21 A. Yeah, the exhibits that we have here, I went to
22 each of the web sites, and every one of the ones in the
23 exhibit list that we have were up on line this morning.

24 Q. And so, Mr. Perkinson, you are referring -- are
25 you referring to exhibits numbered 5 through 9?

0065

1 A. Yes.

2 Q. Thank you. Please turn your attention to
3 Exhibit Number 5. Now you've just testified that you have
4 checked all of these exhibits today and that they were up.
5 Had you printed them out previously?

6 A. Yes, I did in October on the 29th.

7 Q. And are exhibits numbered 5 through 9 true and
8 accurate copies of the advertisements that you had printed
9 out on October 29th?

10 A. Yes, they are.

11 MS. CAMERON-RULKOWSKI: And, Your Honor, I offer
12 Exhibit Numbers 5 through 9 for admission into evidence.

13 JUDGE TOREM: Any objection?

14 MR. BELLMER: Can I ask him a couple questions?

15 JUDGE TOREM: As to?

16 MR. BELLMER: For the foundation.

17 JUDGE TOREM: I think he's laid enough
18 foundation. He printed these out.

19 MR. BELLMER: Okay.

20 JUDGE TOREM: So I don't think there's going to
21 be any more foundation. If you have cross-examination
22 questions later, that's fine. As to admission, if you have
23 a basis for objection, let me know.

24 MR. BELLMER: Well, okay, my objection is
25 foundation. He only said he printed them out on October

0066

1 29th and looked at them on the Internet today. He didn't
2 create these. I mean there's nobody here to testify --

3 JUDGE TOREM: I'm not sure what you mean by
4 create.

5 MR. BELLMER: Create the web page other than
6 printing it. He's not the author of the web page.

7 JUDGE TOREM: He hasn't said that he was.

8 MR. BELLMER: No, I understand that. I'm just
9 saying that I believe that for these to be admitted, we
10 have to have somebody to lay a foundation as to what the
11 web page is about. And so anyway, that's my objection.

12 JUDGE TOREM: Overruled. I will allow these,
13 but it's only for the purpose that he viewed them.

14 MR. BELLMER: Okay, that's fine then.

15 JUDGE TOREM: What's on the web site, we don't
16 believe everything we see on the Internet, but that
17 certainly doesn't appear to be the purpose of
18 Mr. Perkinson's testimony.

19 MR. BELLMER: Okay, Your Honor, clarifying it
20 that way, I don't have an objection.

21 JUDGE TOREM: I will admit Exhibits 5 through 9
22 to show what Mr. Perkinson saw on the web on the date he
23 printed it and apparently again today.

24 Ms. Cameron.

25 BY MS. CAMERON-RULKOWSKI:

0067

1 Q. Mr. Perkinson, I'm referring to Exhibits 5
2 through 9, which are the printouts of the web sites that
3 you viewed, did they print out as you viewed them on
4 screen?

5 A. I believe there was one of them that printed
6 didn't have like a graphic or something on it.

7 Q. Would you say that they included, to the best of
8 your recollection, would you say that they included the
9 text that you viewed on line?

10 A. Yes.

11 Q. I'm going to ask you to look now at Exhibit
12 Number 6, and in the section business description, would
13 you please read the text there?

14 A. (Reading.)

15 Business Description: AA Eagle Moving
16 Services is a trusted moving company. We
17 take pride in our work and make moving your
18 possessions safely our priority. We like
19 to move it, move it.

20 Q. And does that sound to you like information that
21 a company would insert into a web site rather than
22 something like a phone number or business name that could
23 be pulled from one web site to another automatically?

24 A. No, it does not.

25 Q. So let me ask you once more. Does it look like

0068

1 -- does that business description look like something let's
2 call it generic, more generic like a company name or a
3 telephone number that might have just been pulled from
4 another web site?

5 A. No.

6 Q. So would you say does it look like text that's
7 unique enough that someone would actually have had to have
8 entered on the web site?

9 A. Yes.

10 Q. I'm going to ask you to look now at Exhibit
11 Number 8, and with regard to the information on this web
12 site, again does this, and there's a variety of information
13 there, does this look like information that might be pulled
14 from another web site automatically or something that would
15 have had to have been entered specifically about this
16 company?

17 A. I believe it would have had to have been entered
18 specifically.

19 Q. And could you give me an example of what you
20 think might need to have been entered specifically?

21 JUDGE TOREM: Ms. Cameron, I'm going to
22 interrupt. The crux of this hearing really is the criminal
23 history. I understand the nature of where you're going
24 with this, but if we could speed it up really quick.

25 MS. CAMERON-RULKOWSKI: Certainly, this is my

0069

1 last question on this, and I'm simply a little concerned
2 about the limited nature or limited purpose for which this
3 exhibit was admitted.

4 JUDGE TOREM: I understand that these speak for
5 themselves, and I understand the opinion. If it's the same
6 from Exhibit 6, Mr. Perkinson, just say so.

7 THE WITNESS: Yes.

8 MS. CAMERON-RULKOWSKI: Thank you, Your Honor.

9 JUDGE TOREM: Let's move along.

10 BY MS. CAMERON-RULKOWSKI:

11 Q. Mr. Perkinson, if Mr. Ingram does not receive a
12 permit in this proceeding, is it likely that you will check
13 again to see if he still is advertising in-state
14 residential moving services?

15 A. Yes, I will.

16 MS. CAMERON-RULKOWSKI: Thank you, I have no
17 further questions for Mr. Perkinson at this time.

18 JUDGE TOREM: All right, thank you.

19 Mr. Bellmer, any cross?

20 MR. BELLMER: No.

21 JUDGE TOREM: Okay, next witness.

22 MS. CAMERON-RULKOWSKI: Thank you, Your Honor, I
23 would like to call Tina Leipski.

24 JUDGE TOREM: Ms. Leipski, please stand and
25 raise your right hand.

0070

1 (Witness Tina Leipski was sworn.)

2 JUDGE TOREM: State your name and spell it for
3 the court reporter.

4 THE WITNESS: Tina Leipski, T-I-N-A,
5 L-E-I-P-S-K-I.

6

7 Whereupon,

8 TINA LEIPSKI,

9 having been first duly sworn, was called as a witness
10 herein and was examined and testified as follows:

11 D I R E C T E X A M I N A T I O N

12 BY MS. CAMERON-RULKOWSKI:

13 Q. And please state the name of your employer.

14 A. Washington Utilities and Transportation
15 Commission.

16 Q. In what position are you employed by the
17 Commission?

18 A. Transportation Specialist 3.

19 Q. How long have you been employed in this
20 position?

21 A. For the past seven years.

22 Q. And in what section of the Commission do you
23 work?

24 A. Licensing Services.

25 Q. How long have you been employed by the

0071

1 Commission?

2 A. 12 years.

3 Q. Please briefly describe your responsibilities as
4 they pertain to this matter.

5 A. I process transportation and household goods
6 applications for authority.

7 Q. Are you familiar with the applicant, Mr. Ivan
8 Ingram doing business as AA Eagle Relocation Service?

9 A. Yes.

10 Q. How did you become familiar with Mr. Ingram?

11 A. I received an application from him in May 2012.

12 Q. Now he had testified earlier about receiving
13 notices of a deficient application, and he had also
14 testified that that last notice contained a notice of
15 deficiency with regard to his criminal history. I would
16 like you to turn your attention for a moment, please, to
17 Exhibit Number 10, which contains those notices. Did each
18 of those notices of deficiency address Mr. Ingram's
19 criminal history?

20 A. Yes.

21 Q. And with respect to that deficiency, what was
22 exactly the deficiency in Mr. Ingram's application?

23 A. On the question for crimes, he had marked yes
24 but put NA underneath, so I needed clarification.

25 Q. And when in your mind did Mr. Ingram ultimately

0072

1 address that deficiency?

2 A. I believe in a phone call on 6/4/2012 he
3 disclosed that he had the 22 felonies.

4 Q. And did he ultimately correct the deficiency in
5 writing?

6 A. He sent me a copy of that plea agreement.

7 Q. And when you're talking of the plea agreement,
8 are you referring to Exhibit Number 11?

9 A. Correct.

10 Q. Thank you. Did you understand the crimes listed
11 on the excerpt of the plea agreement that is Exhibit Number
12 11 to represent the sum total of Mr. Ingram's convictions?

13 A. No, because he had told me he had 22.

14 Q. And when you say that he told you, are you
15 referring to the phone conversation?

16 A. Correct.

17 Q. Can you estimate approximately how many
18 household goods applications you have processed in the last
19 year that included a disclosure of one or more criminal
20 convictions?

21 A. I've processed about 16 applications, and 2 of
22 them had convictions.

23 Q. And that's within approximately the last year?

24 A. Approximately, yeah.

25 Q. And in your experience, would you say this is

0073

1 typical?

2 A. The amount of convictions?

3 Q. Would you say that it's typical that you would
4 receive approximately two applications with disclosures in
5 a year?

6 A. Correct.

7 Q. And in your experience, were the number of
8 crimes that Mr. Ingram disclosed in that plea agreement and
9 the type of crimes typical when compared with other
10 applications that included disclosure of a criminal
11 conviction?

12 A. No. Most of the time they're DUI's.

13 Q. So once Mr. Ingram's application was complete,
14 what happened with it at that point?

15 A. I handed the completed applications over to my
16 manager, Dave Pratt, for review.

17 Q. And was the excerpt of the plea agreement that
18 is Exhibit Number 11 part of the file that you gave to
19 Mr. Pratt?

20 A. Correct, yes.

21 Q. Now I would like to talk a little bit about the
22 criminal background check process. Is it currently routine
23 for staff to check a household goods permit applicant's
24 criminal history?

25 A. It is now with the new rules, but previously no.

0074

1 Q. So do you perform a criminal background check on
2 every applicant for a household goods carrier permit?

3 A. Correct, yes.

4 Q. And did I understand you correctly that this was
5 not the process or this was not the practice before the new
6 household goods carrier entry rules went into effect last
7 July?

8 A. Right.

9 Q. Does Licensing Services perform the check or
10 does another component?

11 A. We do now.

12 Q. What exactly do you check when you check an
13 applicant's criminal history?

14 A. We go to the State Patrol web site and pull a
15 WATCH report with the name and date of birth.

16 Q. And you mentioned a WATCH report, is that the
17 format of the results that you get when you pull a search?

18 A. Correct. WATCH stands for Washington Access to
19 Criminal History, so that is the report we receive with the
20 findings, if any.

21 Q. And what is in a WATCH report, what do you look
22 at?

23 A. To make sure it's the right person and any
24 crimes that have been committed.

25 Q. Now you just said any crimes that have been

0075

1 committed, but do you perhaps mean any convictions?

2 A. Any convictions.

3 Q. And how many WATCH reports have you ordered so
4 far?

5 A. Two.

6 Q. Did you order a WATCH report on Ivan Ingram?

7 A. I did.

8 Q. And the document that we already admitted as
9 Exhibit Number 12, is that a true and accurate copy of the
10 WATCH report that you received on Ivan Ingram?

11 A. That's correct, yes.

12 Q. And when did you order the WATCH report on Ivan
13 Ingram?

14 A. October 29th, 2012.

15 Q. And what was your purpose in ordering the WATCH
16 report?

17 A. I ordered it because our unit was going to start
18 having to pull them, and I wanted to be able -- I wanted to
19 know how to -- I would have to do it and to be able to
20 explain it at this hearing.

21 Q. Thank you. Well, let's talk a little bit more
22 about the WATCH report ordering process. How exactly do
23 you procure a WATCH report?

24 A. On line, go to the State Patrol web site, and
25 they have access to just do it on line.

0076

1 Q. Is there a cost associated with ordering the
2 WATCH search report?

3 A. There is, there's a \$10 charge.

4 Q. To order a WATCH report, do you have to be part
5 of a particular organization, or can just anybody order a
6 WATCH report?

7 A. Anybody can go to the web site and order a WATCH
8 report.

9 MS. CAMERON-RULKOWSKI: Now we've already
10 admitted various documents that are printouts regarding the
11 WATCH report and from the Washington State Patrol's web
12 site. In order to expedite the hearing at this point, I
13 think they're fairly self-explanatory and they're offered
14 there educationally, they're offered really for educational
15 purposes just so we all know what the WATCH report is.
16 Your Honor, would you like to hear more about those
17 exhibits at this point?

18 JUDGE TOREM: It's the contents I think that are
19 at issue, not how she got the report.

20 Mr. Bellmer, do you have concerns about how this
21 information was accessed or procured?

22 MR. BELLMER: No.

23 MS. CAMERON-RULKOWSKI: So I think we'll move on
24 from the WATCH report information.

25 BY MS. CAMERON-RULKOWSKI:

0077

1 Q. If a person is performing commercial moves only,
2 does that person need any sort of authority from the
3 Commission?

4 A. Yes, they would need a common carrier permit
5 through the Commission.

6 Q. And how about if a person is delivering some
7 sort of property such as appliances in a truck from a store
8 to the purchaser, does that person need any sort of
9 authority from the Commission?

10 A. If they are being paid to do that haul, they
11 need a common carrier permit.

12 Q. And if a person is picking up an appliance from
13 a residence and transporting it somewhere from a repair
14 shop or somewhere else, does that person need any sort of
15 authority from the Commission?

16 A. If they're getting paid to haul it, they need a
17 common carrier permit.

18 MS. CAMERON-RULKOWSKI: Thank you, I have no
19 further questions for Ms. Leipski at this time.

20 JUDGE TOREM: Counsel.

21 MR. BELLMER: Yes, Your Honor, thank you.

22

23 C R O S S - E X A M I N A T I O N

24 BY MR. BELLMER:

25 Q. Ms. Leipski, I don't know if you can testify

0078

1 about this, but I will ask you the question anyway.
2 Exhibit 1, which is the notice of intent to deny the
3 application for permanent authority, the denial letter
4 essentially, the denial order I guess essentially, how does
5 that come into being; what's your role in that that this is
6 generated?

7 A. I didn't -- my manager does this because he -- I
8 just reviewed the application. Once it's complete and I
9 think that it's ready to go, I turn it over to him, and
10 then he would produce this.

11 Q. And who's that?

12 A. Dave Pratt.

13 Q. Yeah, I knew it was, I just wanted to have you
14 say.

15 A. Yeah.

16 Q. Okay. So your testimony about the WATCH report,
17 you had the information from Mr. Ingram probably sometime
18 in -- I want you to correct me if I'm wrong, but the page
19 that he sent you that's Exhibit 11.

20 A. Plea agreement.

21 Q. Right. You had that when again, can you tell me
22 that approximately?

23 A. May 12th. No, that's not when I got it. I
24 actually don't have a clue.

25 MS. CAMERON-RULKOWSKI: It would have been after

0079

1 that last notice of deficiency.

2 THE WITNESS: After, yeah.

3 MR. BELLMER: That's what I'm thinking, that was
4 in July.

5 BY MR. BELLMER:

6 Q. And you testified that you discussed the fact
7 that he had -- he discussed the fact with you that he had
8 22 felony convictions, correct?

9 A. Correct.

10 Q. Okay. Now under the new rule after July 8th,
11 you were going through this sort of back and forth with
12 Mr. Ingram with those notices of deficiency with the last
13 one being in July.

14 MS. CAMERON-RULKOWSKI: Objection, Your Honor,
15 to the question.

16 You said under the new rule in July.

17 MR. BELLMER: Well, after July 8th, yeah, I'm
18 talking about under the new rule after July 8th.

19 MS. CAMERON-RULKOWSKI: Right, but Staff was
20 processing this application under the old rule.

21 MR. BELLMER: I understand that they were
22 processing it under the old rule, correct.

23 BY MR. BELLMER:

24 Q. But after the new rule took effect, I understand
25 you weren't operating under that rule at the time, but

0080

1 after the new rule took effect, when did you first learn
2 how to use the WATCH system?

3 A. On October 29th when I ran this first report.

4 Q. That's the first time you knew how to use it?

5 A. That's correct.

6 Q. So the information you had about Mr. Ingram's
7 convictions is only what he told you and what he supplied
8 you?

9 A. Correct.

10 Q. Up to that point?

11 A. That's correct.

12 Q. Okay. You don't have any independent way of
13 determining what his criminal history is?

14 A. Nope.

15 Q. Okay. Now I didn't quite understand the
16 question and answer, and correct me if I'm -- I don't want
17 to say something you didn't testify to, but in the last --
18 during this year, you've processed 16 applications with 2
19 applications indicating criminal history disclosure,
20 correct?

21 A. Correct.

22 Q. Okay, so I did understand that. Now and you
23 said that's typical?

24 A. Within a year, yeah.

25 Q. Okay. And you also said that when you heard

0081

1 about his criminal history, you found that to be unusual?

2 A. A lot, yes.

3 Q. Okay. And you said that most of what you see as
4 criminal history are DUI's?

5 A. Correct.

6 Q. No felony convictions?

7 A. Not very often.

8 Q. But you do see felony --

9 A. We have had them, yes.

10 Q. Have you ever recommended a permit for someone
11 who had a felony conviction?

12 A. Personally, no, I don't make those
13 recommendations.

14 Q. Okay. So when you submit his application
15 package, everything to Mr. Pratt, do you make a
16 recommendation or you just submit the information?

17 A. I just submit it saying that this is a completed
18 application, we have all the parts we need, and then he
19 makes the determination.

20 Q. Okay. Did you ever tell Mr. Ingram that you
21 thought it might be a problem that he had 22 felony
22 convictions?

23 A. No, because that's just one of the parts. We
24 take the whole application into consideration, so I didn't
25 know if that would be, you know, deny him or not.

0082

1 Q. Okay.

2 A. Because they consider the whole thing.

3 MR. BELLMER: Okay, I don't have any further
4 questions.

5 JUDGE TOREM: Any follow up?

6 MS. CAMERON-RULKOWSKI: No.

7

8 E X A M I N A T I O N

9 BY JUDGE TOREM:

10 Q. Ms. Leipski, I want to be sure I understand the
11 role when you hand off the package to the next witness,
12 Mr. Pratt, your supervisor, do you offer any opinion on it
13 at all or just that it's complete?

14 A. I probably -- my own personal opinion, yeah, but
15 nothing in writing or formal.

16 Q. Okay. So do you recall what you may have said
17 when you transmitted this application to Mr. Pratt?

18 A. That there was a lot of felonies that he needed
19 to be aware of.

20 Q. Okay, so you were just culling out the
21 information that was unusual?

22 A. That's correct.

23 Q. Did you say there's no way this guy's going to
24 get a permit or make any suggestions?

25 A. No, because that's not my call, so I mean no.

0083

1 JUDGE TOREM: Okay, I just wanted to know if you
2 said anything.

3 Does that raise any other questions that counsel
4 want to ask for followup on my questions?

5 MR. BELLMER: I have one.

6 JUDGE TOREM: Go ahead.

7

8 C R O S S - E X A M I N A T I O N

9 BY MR. BELLMER:

10 Q. So if that applicant had a DUI or two or three,
11 would you say that to Mr. Pratt?

12 A. Probably not, because 2 or 3 versus 22 is a big
13 difference to me.

14 Q. Okay.

15 A. But I would probably mention it, because he
16 would have to -- that would be one of those things, you
17 know, that would be looked at in consideration.

18 Q. But there are a lot of things that --

19 A. Yes.

20 Q. -- have to be looked at, right?

21 A. That's correct.

22 Q. Is it your practice to make a -- you don't make
23 a recommendation, I understand that in terms of what the
24 Judge asked you, but is it your practice to point out
25 something that you find to be a red flag so to speak?

0084

1 A. Yes.

2 Q. To Mr. Pratt?

3 A. Yes.

4 Q. Okay. What other thing, I don't know how to
5 describe it, what other item other than criminal history
6 might you point out that could be a red flag?

7 A. Financial statements. Maybe there's not enough
8 money or they've had proceedings, other legal proceedings
9 going on. Because the application does ask for that that
10 they've had previously, and so I would mention it to him.
11 Just anything, yeah, that brings up a red flag, I would
12 tell him about.

13 Q. Okay. So I used the words red flag, so that
14 doesn't sound very promising for Mr. Ingram if you point
15 out that he has 22 felony convictions?

16 A. It's on paper. It is what it is.

17 Q. But it isn't your recommendation, right?

18 A. Hm-mm.

19 MR. BELLMER: Okay, no further questions.

20 JUDGE TOREM: Anything else?

21 MS. CAMERON-RULKOWSKI: No.

22 JUDGE TOREM: Thank you, Ms. Leipski.

23 Next witness will be Mr. Pratt?

24 MS. CAMERON-RULKOWSKI: Yes.

25 JUDGE TOREM: All right.

0085

1 (Witness David Pratt was sworn.)

2 JUDGE TOREM: Can you quickly spell both names
3 for the record, state your employer, and a quick summary of
4 your experience.

5 THE WITNESS: David Pratt, D-A-V-I-D, P-R-A-T-T.
6 I work for the Washington Utilities and Transportation
7 Commission. I've been in my current position five years,
8 and I've been with the agency seven years.

9 JUDGE TOREM: And your current position is?

10 THE WITNESS: I'm the Assistant Director for
11 Transportation Safety.

12 JUDGE TOREM: All right, let's go on from there.

13

14 Whereupon,

15 DAVID PRATT,
16 having been first duly sworn, was called as a witness
17 herein and was examined and testified as follows:

18 D I R E C T E X A M I N A T I O N

19 BY MS. CAMERON-RULKOWSKI:

20 Q. How did you become familiar with Mr. Ingram?

21 A. When I reviewed the household goods packets,
22 which is when Tina hands it off to me.

23 Q. And which Commission sections or components do
24 you supervise?

25 A. I manage three programs in the agency. I manage

0086

1 the Licensing Services program, which Tina works in. I
2 manage the Transportation Safety Program, which consists of
3 motor carrier safety and rail safety, those two programs,
4 and that includes compliance investigations for both of
5 those.

6 Q. Thank you. And do you currently supervise
7 Ms. Leipski?

8 A. Yes. Well, actually I should say I am the
9 manager of licensing. There is a supervisor between me and
10 Ms. Leipski that's only been in place for about three and a
11 half weeks I believe. We just did a little structural
12 change.

13 Q. So during the time that Ms. Leipski was
14 processing Mr. Ingram's application, were you her direct
15 supervisor?

16 A. Yes.

17 Q. And she testified that she gave you Mr. Ingram's
18 application; what happened at that point?

19 A. Well, the current process is I sit down and talk
20 to her quite a bit. And so we sit down, she says, I've got
21 a completed packet. It comes in a folder that's got all
22 the information in it. She gives it to me. I tend to sit
23 down and look through it briefly to say is everything here,
24 are there any parts missing, is there anything that jumps
25 out at you that I need to make sure I pay attention to.

0087

1 And then I take the packet, I go back to my
2 office, and review it. I review pretty much everything in
3 there that goes through the application to make sure that
4 they're in compliance with other state agencies. That's
5 Labor and Industries, Employment Security, Revenue. I make
6 sure the proper insurance form is in the file. I make sure
7 the customer support statements, the financial
8 responsibility, I review those. And then finally I look at
9 the criminal history to see if there is a criminal history
10 disclosed. And this application was processed under the
11 old rule. When we were processing under the old rule, what
12 I would do is I would look to see if anything was
13 disclosed. If there was, I would hand it off to one of my
14 investigators to verify that information to see if this was
15 accurate and true or if there was more. And then I kind of
16 take it from there.

17 Q. And is that what happened to Mr. Ingram's
18 application?

19 A. Yes. And at the time, Ms. Charity Thompson
20 worked for me as an investigator, and I handed it to her
21 and asked her to verify the criminal background.

22 Q. And when you received the application from
23 Ms. Leipski, do you recall what you knew about Mr. Ingram's
24 criminal history at that point?

25 A. I remember she showed me the, I'm not sure I

0088

1 labeled it, but the plea or the statement that we have in
2 the report here, the exhibit of the amended plea agreement,
3 she pointed that document out to me and said this is one I
4 haven't seen before. So she pointed out it was in the
5 pack.

6 Q. And were you aware that there may have been more
7 criminal convictions?

8 A. At that point, no.

9 Q. And after Ms. Thompson's investigation, what did
10 you know of Mr. Ingram's criminal history?

11 A. Of the criminal history, I guess she went and
12 ran a WATCH report and brought it back to me and showed me
13 the WATCH report, which was a little more detailed than the
14 plea agreement. She went over it with me, and I asked her
15 to do a little more verification specifically about
16 incarceration times and whether there was a probation
17 officer. I wanted to -- quite truthfully at that time I
18 wanted to know whether there was a probation officer,
19 because I wanted to talk to him. My thought was if I'm
20 trying to verify whether this is a good applicant, I might
21 want to talk to a probation officer to find out if they had
22 information to share. And but there wasn't, so I didn't
23 have anybody I could follow up with.

24 The other side of that I guess the story is
25 that Ms. Thompson had also recently been transferred from

0089

1 another section to me, and so she told me that there had
2 been an investigation into this company for being
3 non-permitted under her old job, so I learned -- that's
4 when I learned and I went into our data base and I reviewed
5 the previous investigation, so I kind of put the whole
6 picture together.

7 Q. And do you currently supervise Ms. Thompson?

8 A. No, she has left the agency.

9 Q. And do you recall approximately when she left
10 the agency?

11 A. Middle of September.

12 Q. And what happened with her files?

13 A. They were all handed off to me as part of the
14 transition when she left. That's what we normally do with
15 employees. They go over what they have, they're given the
16 files and they review them. If there's anything pending
17 that needs to be done, they share it with me, and I make
18 sure I know what they were working on so I can hand it off
19 to somebody else.

20 Q. And so did you review Ms. Thompson's file on her
21 investigation of Mr. Ingram?

22 A. Yes.

23 Q. And did the file contain the printouts of E-mail
24 correspondence between Ms. Thompson and the Department of
25 Corrections that are contained in Exhibit Number 16, which

0090

1 has already been admitted?

2 A. Yes.

3 Q. Did you recommend to the Commission that
4 Mr. Ingram's application be denied?

5 A. Yes, I did.

6 Q. You heard Ms. Leipski's testimony that in her
7 experience there typically are few disclosures of criminal
8 convictions in a year by household goods permit applicants.
9 Are you aware whether criminal history has ever been an
10 issue in a Commission proceeding concerning household goods
11 carrier authority?

12 A. Yes. Since I've been in this position, there
13 was one other case that I recommended denial on a household
14 goods permit for criminal history. It was V&K Delivery, it
15 was back in 2008, I believe the docket was TV-080054.

16 Q. And how many convictions were at issue in that
17 proceeding?

18 A. There was one conviction for attempted
19 residential burglary.

20 Q. And did the Commission end up revoking V&K
21 Delivery Services' permit?

22 A. Not per my recommendation there, no. The facts
23 of that actually were is he had a provisional permit
24 because we didn't know about the criminal history when we
25 issued a permit. When we learned of it, I submitted

0091

1 paperwork to revoke the permit. Through the hearing, I
2 went to the hearing just like it is here today, and the
3 judge did not agree with me, so the judge allowed him to
4 have a permit.

5 Q. So in your opinion, is the criminal history at
6 issue in Mr. Ingram's application similar to the
7 applicant's in the V&K Delivery Services proceeding?

8 A. No, not at all.

9 Q. And could you elaborate a little bit on what --
10 how you consider it to be different?

11 A. Well, V&K Delivery was one -- there was one
12 conviction of attempted residential burglary. There was
13 more about a domestic issue. A mover was trying to break
14 into his own home to retrieve what he said was his
15 materials and his property. Where in this case here, it
16 was many, many convictions of both felonies and
17 misdemeanors for a variety of different crimes.

18 Q. And, Mr. Pratt, have you reviewed the exhibits
19 submitted by Mr. Ingram?

20 A. Yes.

21 Q. And have you heard Mr. Ingram's testimony today?

22 A. Yes.

23 Q. And did you also hear the testimony of
24 Mr. Ingram's witness, Ms. Montanez?

25 A. Yes.

0092

1 Q. After reviewing these exhibits and hearing the
2 testimony today, has your recommendation that the
3 Commission deny Mr. Ingram's application changed in any
4 way?

5 A. No.

6 Q. And, Mr. Pratt, are you generally familiar with
7 the current household goods rules on entry?

8 A. I'm very familiar, yes.

9 Q. And if you were considering Mr. Ingram's
10 application under the new rules, would your recommendation
11 be different?

12 A. No, I would still be recommending denial.

13 Q. Is there anything else that you would like to
14 add to Staff's oral statement?

15 A. I guess just to give a little more detail since
16 it's probably going to be asked was part of my job I
17 believe is to look at the -- is the public interest test
18 such as called in the rules. And that's what we do here in
19 the agency is to judge what is the interest to the public
20 and is there danger. I looked at this extensive criminal
21 history, and I looked at the types of crimes that were
22 involved in there, the -- just to make sure I don't
23 mischaracterize these, it would be there's the crimes such
24 as theft, possession of stolen property, theft II, identity
25 theft, burglary, residential burglary. Those were the

0093

1 types of crimes that concerned me that they were crimes
2 against persons or property. And a household goods mover
3 has to go into people's homes, has a lot of trust, has to
4 take all their worldly possessions and take possession of
5 them and move them to another place, and these are the type
6 of crimes that I believe could violate that trust, so I
7 recommend denial.

8 MS. CAMERON-RULKOWSKI: Thank you, I have no
9 further questions for Mr. Pratt at this time.

10 JUDGE TOREM: Mr. Bellmer.

11 MR. BELLMER: Yes.

12

13 C R O S S - E X A M I N A T I O N

14 BY MR. BELLMER:

15 Q. I just wanted to go back to your conversation
16 with Ms. Leipski at the time she handed the information to
17 you about Mr. Ingram's application. Did you do that in
18 every situation?

19 A. Yes.

20 Q. But you don't find -- well, she gathers the
21 information, do you find her comments to be in your opinion
22 any kind of a recommendation to you?

23 A. No. I believe what Tina's job to me is to just
24 make sure I have all the facts, and there's a lot of things
25 that we look at in there which I need to know to make sure

0094

1 are they -- what do you think about them. For example,
2 insurance, she didn't mention that, but insurance is really
3 a critical part of having a permit, and one of the
4 questions I typically ask of her is, okay, did you verify
5 there was insurance, yes, did you verify that the amounts
6 were correct. Often we get an insurance form, the Form E,
7 and it doesn't give the amount of insurance, it just says
8 they're insured. I always make sure, go back and verify
9 that that amount is correct. We're trying to work with
10 insurance companies, but they don't, so but I tend to
11 sometimes probe things like that. And I looked at the,
12 okay, you verified Employment Security, you verified L&I,
13 you verified their accounts, good, you went back and looked
14 and checked. So I do kind of quiz her on the pieces of the
15 application just to make sure I have the facts, because I
16 do a lot of things, I have a lot of duties, and I deal with
17 a lot of applications.

18 Q. Thank you. You said that she showed you in
19 particular Exhibit 11?

20 A. Exhibit 11?

21 Q. Which is, I'm sorry, it's the first page of the
22 statement of defendant on plea of guilty.

23 A. Yes, that was part of the packet.

24 Q. Okay. Now you got a WATCH report, presumably
25 the same one we have here, early on?

0095

1 A. Yes.

2 Q. Okay. So that would have been before September
3 26th certainly?

4 A. Correct. At the time, Charity Thompson was my
5 investigator. At the time, we were just starting with the
6 new rule and everything, we were going to have to do these
7 criminal background checks, where previously we only did
8 them if there was cause or if we thought we needed to. So
9 Charity had previously worked for the WSP, I figured she
10 was a good resource to get help, so this was the first
11 example that I actually took to her and said, we've got
12 this plea agreement here, can you run a WATCH report for me
13 and tell me what you learned and tell me -- and verify this
14 information, so I asked her to do that.

15 Q. Okay. Now when you did speak to her, did she
16 indicate to you other than what's in Exhibit 11 that he had
17 22 felony convictions?

18 A. When I did speak to?

19 Q. Ms. Leipski, I'm sorry, at the time she
20 essentially handed the information to you.

21 A. She showed me what was written, what he had
22 submitted, yes, and what he had put on the application. I
23 looked at that, yes. I'm a little confused the numbers
24 we're throwing around. I don't have 22 felony convictions.
25 What I've always gone by is 14 felonies and the gross

0096

1 misdemeanors and misdemeanors that add up to 30, so I'm a
2 little confused on the 22 number. I don't remember her
3 ever saying 22. She just said here's a bunch of
4 convictions.

5 Q. Okay. Did you ever ask her or would you have
6 asked her whether or not that she believed that he
7 disclosed all of his criminal history?

8 A. I think I did. I asked her is -- what did you
9 -- I kind of quizzed her on you had a conversation with
10 him, what did you ask him, is this what you got, is this
11 everything, and I believe she said, this is what he gave
12 me, this is what he says he has.

13 Q. Okay. So after that process and then you make
14 your recommendation, do you ever go back and talk to her
15 about it afterwards?

16 A. To Ms. Leipski?

17 Q. Yeah, if you --

18 A. Sure, I have to. In fact, I went back to her
19 and said, I'm not going to be handing this folder back to
20 you because I'm going to recommend denial.

21 Q. Okay.

22 A. Normally we have a form in here that says I
23 reviewed it and I check off I reviewed all the pieces, and
24 at the end if I'm going to recommend issuing a permit, I
25 sign that form, I hand the packet back to her so she can

0097

1 then move forward to issue the permit.

2 Q. Okay.

3 A. When I chose not to, I told her, I said, I'm
4 keeping this file because I'm going to take it from here,
5 and then I took the responsibility from her for me, and
6 then I drafted the denial order.

7 Q. Okay. Other than the criminal history, was
8 everything else in order?

9 A. I believe yes.

10 Q. Okay.

11 A. I believe there was a couple minor little things
12 that were hanging, but they weren't something that I was
13 going to -- that I would have drug the application off on.

14 Q. Okay.

15 A. No, it was in good shape. I realized he had
16 been making every attempt to get us what we asked.

17 Q. Okay. And so the question was asked, under the
18 new rule, you would still deny it; is that correct?

19 A. Yes.

20 Q. Okay. So, you know, this is not a question that
21 necessarily is evidentiary in any sense, but I'm going to
22 ask the question anyway. How long would he have to wait,
23 or would he never be permitted to have a permit? I mean is
24 there -- I mean I think that's a question, you don't have
25 to answer, but it's a question to think about I guess.

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1 A. I'm not really sure I know, because I'm not sure
2 I really know when an appropriate time frame might be quite
3 truthfully with this volume of criminal history. I might
4 go back to the V&K then and say if there was one crime
5 there and it was ten years old I might think maybe that's
6 been time. Again, that was where I originally felt like I
7 could reach out to a probation officer to find out what has
8 this gentleman done.

9 Q. So I didn't mean to interrupt you, sir. So
10 under the old rule or the rule you are proceeding under,
11 your perception is pretty subjective on what your
12 determination is going to be, he could have five
13 convictions, he could have one conviction, he could have
14 eight convictions, it could be three years, five years?

15 A. Yes, the rule, the previous rule, said any
16 crime.

17 Q. Right, I know that.

18 A. So it was very broad.

19 Q. Right.

20 A. And it was very subjective, and that was part of
21 my -- one of the things I'm hired for I guess is for my
22 judgment, to make a judgment call on the data and how I see
23 and make a recommendation. In this case, I make a
24 recommendation to the Commission, I don't -- I can't make
25 that decision myself.

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1 Q. Sure.

2 A. But I recommended to the Commission.

3 Q. Now I know you probably didn't have all this
4 information at the time you made your decision, but after
5 hearing, you know, from Ms. Montanez and hearing the
6 description of some of the letters that are, you know,
7 sworn statements written by people in support of him, does
8 that make any difference to you?

9 A. It wouldn't change my mind on the
10 recommendation, no.

11 Q. Okay. So it's the convictions and the type of
12 crimes?

13 A. That's the basis for where I started from quite
14 truthfully as we were going through this case and I'm
15 watching this case, still thinking about my recommendation
16 that I made because I realize I'm affecting somebody's life
17 here and livelihood. I did also continue watching that he
18 was still advertising, that he was giving quotes for moves.
19 He still holds himself out as a mover after we had given
20 him a letter saying you can't do this until we resolve this
21 issue, so I felt like he wasn't listening to what we were
22 saying or following our direction as far as not operating
23 as a mover. That concerned me still.

24 MR. BELLMER: All right, thank you very much,

25 Mr. Pratt. No further questions.

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1 JUDGE TOREM: Any followup?

2 MS. CAMERON-RULKOWSKI: No, Your Honor.

3

4 E X A M I N A T I O N

5 BY JUDGE TOREM:

6 Q. Mr. Pratt, I think that Mr. Bellmer's question
7 really is the crux of the case. What would it take, if
8 anything, to be able to grant a permit to someone who has
9 some criminal history like this, that has possession of
10 stolen property, household burglary, and theft convictions,
11 would you ever consider granting a household goods permit
12 to someone in that situation?

13 A. I would say possibly, and I guess what I would
14 look at would be try and evaluate what the person is doing
15 with their life. I would try and look at the length of
16 time. That would be the big key for me would be the length
17 of time. I believe we're talking just a few years here. I
18 don't know what an appropriate time would be, but again, as
19 I said, maybe if I saw that somebody hadn't committed a
20 crime in 10 years or hadn't had convictions, then okay, I
21 guess I can believe that maybe things were there. I saw
22 like a 12 year criminal history and I saw 3 years out of
23 prison, and I felt like I don't think there's enough time
24 yet to show that he indeed wouldn't commit crimes anymore
25 of these types.

0101

1 Q. What was the date of his last conviction, if you
2 can recall?

3 A. 2005 I believe. It was '04 or '05.

4 MR. BELLMER: '05.

5 JUDGE TOREM: Yeah, I think that's what it says
6 there, the conviction in Exhibit 11 was listing 2004 and
7 2005.

8 A. I also took the fact that he just had been
9 incarcerated to '09, so I looked -- I kind of took the '09
10 date as the date I kind of looked as for when has he been
11 back out having the opportunity to do reform or recommit.

12 Q. You said you would have been interested in
13 speaking to a probation officer, what kind of questions did
14 you want to ask?

15 A. I guess I would have wanted to ask him what can
16 you tell me about this gentleman, what is he doing with his
17 life, what is your opinion on him as a probation officer,
18 because obviously there would have been a close
19 relationship or a pretty good understanding of what was
20 going on, and I thought maybe they would give me a clue. I
21 was trying to be fair and trying to say I'm going to learn
22 what I can if I can.

23 Q. And when you read the statements that were
24 provided in the other exhibits that were sent in in October
25 and printed out and admitted today, did that answer any of

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1 the questions you would have asked a probation officer?

2 A. Maybe the same kind of questions, but from a
3 different perspective. I thought like a probation officer
4 might have been somebody that really had a deep
5 understanding of Mr. Ingram. I kind of felt like these
6 were acquaintances he had made over time, most of them more
7 recent, several of them since he had been released, and I
8 just don't -- I thought they were good statements, but
9 there wasn't enough time. I felt like they didn't -- how
10 did they really know this gentleman after such one or two
11 acquaintances.

12 JUDGE TOREM: Those are all the questions that I
13 had. Does that raise any additional questions for Staff?

14 MS. CAMERON-RULKOWSKI: No, Your Honor.

15 JUDGE TOREM: Mr. Bellmer?

16 MR. BELLMER: Your Honor, I just want to clarify
17 something, and if you want to object, you certainly can,
18 but he did not have a probation officer when he was
19 released this last time because he wasn't on community
20 custody, so they didn't assign a probation officer, so
21 there wouldn't have been anybody to talk to.

22 JUDGE TOREM: Understood. I think that's in one
23 of the exhibits.

24 MR. BELLMER: Oh, okay, I didn't know if it was
25 or not, okay.

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1 JUDGE TOREM: I think it might be in Exhibit 16,
2 the E-mail exchange.

3 MR. BELLMER: Oh, okay, I didn't see it in
4 there, but yeah, okay.

5 JUDGE TOREM: I know I saw words to that effect,
6 so I understood why.

7 MR. BELLMER: Oh, okay. I just wanted to
8 clarify that.

9 JUDGE TOREM: Anything else to clarify then?

10 MR. INGRAM: Yeah. I love my life today. It's
11 great. Even though we're here, I still love my life today.
12 And I give society, you know, a lot of credit for allowing
13 me to show my integrity and stuff. I've been married over
14 a year. I have a son on the way.

15 MR. BELLMER: This is his wife, if you didn't
16 catch that.

17 MR. INGRAM: About 40 more days. Anyway.

18 JUDGE TOREM: This is a good time for you to
19 make some closing comments, I was just going to ask you, so
20 thank you, feel free to elaborate.

21 MR. INGRAM: You know, I came this far in this
22 journey. A lot of people told me, hey, how come you didn't
23 just go put the company in somebody else's name and
24 continue doing what you're doing or doing what you do or
25 what you want to do and live your dream. You know, like I

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1 said before, I was working for another moving company, I
2 can go right back to work for another moving company and
3 still enter people's homes tomorrow. That's not going to
4 make a difference.

5 What makes a difference here is my integrity,
6 and I'm the responsible party, you know, and I want to do
7 something with my life, and I want to make a change, and I
8 want to give back to society for all the damage that I've
9 done in my past. And I want something for my son in the
10 future and for my wife, and I'm here today because this
11 permit means more to me than just a piece of paper. You
12 know what I mean? It's a life, you know, it's life
13 choices, it's what I'm going to do for a living. It's, you
14 know, it's me, and it's my integrity, you know, and I have
15 a lot of integrity.

16 And, you know, and that's one of the reasons why
17 I brought Christina with me today from Lighthouse Cove.
18 You know, she manages over 450 houses, you know. She's a
19 great human being besides being a great business owner, and
20 I would never want to do anything to sabotage that
21 relationship or anything. Any time I have questions or
22 whatnot, I stop and I contact her, I call her, I ask her, I
23 make sure that we're doing the right thing, you know. And,
24 you know, that's what it's about for me today, you know.

25 And all I can do is put one foot in front of the

0105

1 other. I can't change the past. You know, like when I
2 spoke with Tina, I was like, you know, I've been in a lot
3 of trouble in the past. I mean yeah, sure, it comes back
4 to bite you at times, and I got to just stand here and take
5 it. That's all I can do, you know, and just let what I'm
6 doing today reflect the person that I am today. You know,
7 we can let things that we've been through, positive or
8 negative, refine us or define us, and today I choose to let
9 those negative things refine me and not define me. So, you
10 know, I appreciate each one of you for the jobs that you're
11 doing, and, you know, I'm sorry that I'm, you know, coming
12 with this background and criminal history and so forth, but
13 I'm trying to do something different with my life today,
14 and I just -- I'm grateful to be here really, so.

15 JUDGE TOREM: All right, thank you, Mr. Ingram.

16 Let me give counsel an opportunity to give me a
17 quick closing statement to refine their views on today
18 after hearing all the evidence, and we started off with
19 Staff having a chance to go first this morning, so I'll
20 trade it back to Mr. Bellmer to go first today and talk
21 about again the burden here is on your client to rebut the
22 assertions of Staff, and so I will give you a chance to
23 talk to that and then turn to Staff to wrap up.

24 MR. BELLMER: Well, first, Your Honor, I just
25 wanted to briefly reiterate my perception of the timing of

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1 what occurred here in terms of the application process. I
2 understand the application was -- he made the application
3 before the rule changed, but on the other hand I think
4 something that should be taken into account is the fact
5 that he didn't actually get all the information. And I
6 think -- I don't think it -- I mean I think even Mr. Pratt
7 said he was cooperative, he was trying to get the
8 information to the Utilities and Transportation Commission.
9 So the last deficiency application letter was dated after
10 the rule took place, so I would ask you to consider
11 proceeding under the new rule.

12 If you proceeded under the new rule, certainly
13 it gives a time period, which makes the statute less
14 subjective, although I understand number 10 says, number 13
15 in the provisional but number 10 in the permanent, no other
16 circumstances exist that cause the Commission to deny
17 permanent authority. The way I read that is, well, if the
18 conditions are not within five years, his criminal history,
19 you know, is that not a consideration now, but what other
20 circumstances are we talking about. Are we talking about,
21 well, you know, I know they're not within five years, but
22 they're for theft, burglary, da da da da da, and I still
23 don't think he would be a good fit for a permit. But I
24 would still ask the Court to consider considering the new
25 statute.

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1 Other than that, Your Honor, you know, I think
2 Mr. Ingram came here to try to be honest, and I think he
3 tried to be honest to the Commission early on. And I think
4 it is a good question to think about, and that is will
5 somebody like Mr. Ingram never get a permit if that's sort
6 of his goal and that's what he wants to do. You know, how
7 long is it. I mean in the case that was cited by the
8 Commission, it appears that this person actually said, I
9 don't have any criminal history, if I'm reading the case
10 correctly, and then you found out that that person actually
11 had a conviction. Is that right, Mr. Pratt?

12 JUDGE TOREM: You can't ask him any more
13 questions now.

14 MR. BELLMER: Oh, okay, no, I was just trying to
15 jog my memory.

16 But in any event, and then it proceeded to a
17 point where he was denied and then reinstated essentially
18 provisionally I guess with some conditions. You know,
19 maybe there could be a circumstance at some point where
20 Mr. Ingram could have a permit with some conditions placed
21 on him. I don't know. I'm not sure if that's something
22 that can be done. But in any event, he did come here to
23 try to be honest, and we would ask the Court to consider
24 granting him a permit.

25 Thanks.

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1 JUDGE TOREM: Thank you.

2 Staff.

3 MS. CAMERON-RULKOWSKI: I think initially I
4 would just like to recognize on behalf of Staff our
5 appreciation for the respectful conduct of this proceeding.
6 It's been a very respectful process, and we really
7 appreciate that. And Staff, as Mr. Pratt testified, does
8 recognize what the result is for applicants who have
9 permits denied.

10 We're operating under a state law, which is RCW
11 81.80.075, and this law requires the Commission to issue a
12 household goods permit only if the applicant is fit,
13 willing, and able to perform the services proposed and
14 conforms to the chapter and the requirements, rules, and
15 regulations of the Commission, the operations are
16 consistent with the public interest, and the operations are
17 required by the present or future public convenience and
18 necessity, and otherwise the application must be denied.

19 Staff has concerns about the applicant's fitness
20 because of the nature and extent of the criminal history,
21 which we've discussed at length in this hearing, and Staff
22 also has concerns about Mr. Ingram's ability to comply with
23 the laws and rules enforced by the Commission.

24 With respect to fitness, the Commission has
25 considered the issue of criminal history before. We've

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1 referred to a prior proceeding, which is V&K Delivery
2 Services in Docket TV-080054 and a final order served
3 January 26, 2009. And in that order, the Commission
4 discussed whether a provisional permit holder's criminal
5 history rendered him unfit for a household goods carrier
6 permit. After considering a number of mitigating factors,
7 the Commission declined to dismiss the application. The
8 Commission considered the age of the applicant at the time
9 he committed the crime, which was 20, the passage of time
10 since the commission of the crime, the lack of evidence of
11 other criminal activity or that the applicant is a present
12 threat to the public, character letters that related to the
13 applicant's professionalism, work ethic, and customer
14 service, the context of the crime. Mr. Pratt had explained
15 that the applicant in the V&K case had asserted that he was
16 intending to enter his prior home to receive his personal
17 belongings and not a stranger's home to steal items. The
18 fact that the applicant had applied for a permit instead of
19 operating illegally and the lack of consumer complaints,
20 improper behavior, or other risk to the public during
21 operations under the temporary permit.

22 And Staff has considered these various
23 mitigating factors, and in this case in Mr. Ingram's
24 application, the convictions were -- happened -- occurred
25 over a much longer period, and there were so many more of

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1 them. They appear to have started when he was
2 approximately 18 with theft III and escalated to theft I at
3 age 30. And as Mr. Pratt testified regarding the passage
4 of time, there has been approximately 3 years during which
5 to consider Mr. Ingram's potential risk to the public.

6 Regarding the lack of evidence of other criminal
7 activity, Mr. Ingram actually could be subject to multiple
8 gross misdemeanor charges. RCW 81.04.385 states that any
9 person acting as a public service company who violates
10 Title 81 RCW shall be guilty of a gross misdemeanor.
11 Mr. Ingram has been violating Chapter 81.80 RCW by
12 advertising interstate residential household goods carriage
13 without a permit.

14 Regarding character letters, Mr. Ingram has
15 presented various letters which speak favorably of him, but
16 as Mr. Pratt testified, it's not clear from the source of
17 the letters just how much weight they should be given. We
18 don't have a wealth of information about the context of
19 this crime, the context of the crimes. What we do know is
20 that there was a consistent pattern of convictions over a
21 long period and involving many of the same types of crime
22 which -- and those types of crime are ones that Mr. Pratt
23 was specifically concerned about with regard to providing
24 moving services.

25 With regard to whether the applicant applied for

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1 a permit or continued to operate illegally, Staff
2 recognizes that Mr. Ingram did come in right away and apply
3 for a permit after being contacted, yet it appears that he
4 has continued to operate illegally. And we know this from
5 the advertisements that are still on the web today, and
6 also it appears that he has been holding himself out as a
7 moving company, because Mr. Perkinson did place an
8 undercover call and received information that certainly led
9 him to believe that AA Eagle would provide moving services.
10 So with respect to whether Mr. Ingram has the ability and
11 willingness to comply with laws and rules applicable to
12 in-state residential household goods carriage, Staff
13 certainly has concerns, because the evidence does show some
14 persistent noncompliance. Mr. Ingram was warned to stop
15 operating and remove his advertising from the Internet, but
16 he was unable or unwilling to do this.

17 Now even if Staff had considered this
18 application under the current household goods rules,
19 Mr. Pratt testified that Staff would have reached the same
20 conclusion. And what the new rules do under WAC 480-15-302
21 provisional authority is they provide for an automatic
22 denial if an applicant has convictions for certain types of
23 crimes within the last five years. The rule does not
24 address what the Commission is to do in the case of crimes
25 that were committed prior to the five year period or other

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1 types of crimes. Here we're looking at exactly the type of
2 crimes that are in the new rule that would automatically
3 bar an applicant from receiving a permit if the crimes were
4 five years old or newer. The rule provides Staff with the
5 flexibility still to look at an applicant who has
6 convictions that go beyond the five year period in section
7 13 and to consider whether there are other circumstances
8 that exist that would cause the Commission to deny the
9 application. And Dave Pratt has essentially testified yes,
10 in this case with Mr. Ingram, his criminal convictions, not
11 only the type of convictions but the period over which they
12 were committed and the relatively short period since he was
13 released from incarceration are circumstances that have
14 caused Staff to recommend that the Commission deny the
15 application.

16 The Commission regulates in the public interest,
17 and so overarching all of this in the entry statute as well
18 as the Commission's general mandate, the public interest is
19 the standard. And given Staff's concern about the
20 applicant's fitness and willingness and ability to comply,
21 Staff believes it would not be in the public interest to
22 issue a permit to this applicant at this time.

23 And that concludes my closing statement.

24 JUDGE TOREM: All right, thank you, counsel.

25 I've got all the exhibits now, I've got all the testimony,

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1 so Exhibits 1 through 23 have been admitted one way or the
2 other, one with a limited purpose, we discussed that on the
3 record. I've heard all the testimony of the witnesses.
4 I'll take it under advisement. I'll compliment both
5 counsel today, it's not going to be an easy decision for me
6 to make, I want to think about this a little bit longer. I
7 still think I can get this written up and hopefully out to
8 you no later than next week, Friday, the 21st would be the
9 ten day limit. If it turns out that I need more time, then
10 I'll send out a notice on Friday the 21st indicating that
11 under the Administrative Procedures Act, and I will go to
12 whatever the rule is to take some additional time, and it
13 will come out the following week. But that will be the
14 soonest you should look for it is next week sometime. And
15 if you don't see it Friday, you'll see something telling
16 you when you'll get it.

17 Any questions about procedure from here,
18 Mr. Bellmer or Mr. Ingram?

19 MR. BELLMER: No.

20 JUDGE TOREM: Thank you all for your time, and
21 thank you for your witnesses, thank you for coming and
22 presenting the best case possible. Thank you, Staff, for
23 your presentation.

24 We are adjourned at 12:25 p.m.

25 (Hearing adjourned at 12:25 p.m.)

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C E R T I F I C A T I O N

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3 STATE OF WASHINGTON

4 COUNTY OF KING

5

6 I, Joan E. Kinn, a Certified Shorthand Reporter

7 and Notary Public in and for the State of Washington, do

8 hereby certify that the foregoing transcript of the

9 adjudicative proceeding on December 12, 2012, is true and

10 accurate to the best of my knowledge, skill, and ability.

11 IN WITNESS WHEREOF, I have hereunto set my hand

12 and seal this 21st day of DECEMBER, 2012.

13

14

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JOAN E. KINN, RPR, CCR

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18 My commission expires:

19 JANUARY 2016

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