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BEFORE THE WASHINGTON

UTILITIES AND TRANSPORTATION COMMISSION

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In the Matter of Determining )  
the Proper Carrier )  
Classification of, and )  
Complaint for Penlites ) Docket TE-151667  
against: )  
) )  
BLESSED LIMOUSINE INC. )  
)

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BRIEF ADJUDICATIVE PROCEEDING, VOLUME I

Pages 1 - 93

ADMINISTRATIVE LAW JUDGE RAYNE PEARSON

1:35 P.M.

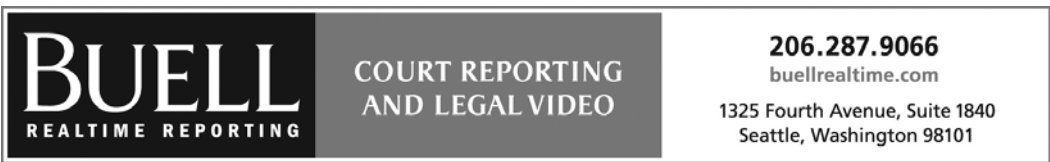
NOVEMBER 19, 2015

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A P P E A R A N C E S

ADMINISTRATIVE LAW JUDGE:

RAYNE PEARSON  
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Transportation Commission  
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EXHIBIT	A R	DESCRIPTION
PS-1	18	DOL Business License, dated 7/30/15 (1 page)
PS-2	25	Staff Investigation Report and Appendices (51 pages), dated 9/15
PS-3	33	Email from Betty Young to Blessed Limo, dated 2/23/15 (1 page)
PS-4	35	Letter from David Pratt to Blessed Limo, dated 3/24/15 (2 pages)
PS-5	38	Motor Carrier Safety Assignment Report, dated 5/8/15 (3 pages)
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2	EXHIBIT	A R	DESCRIPTION
3	PS-8	46	Website page "Services & Rates," dated 9/2/15 (1 page)
4			
5	PS-9	46	Website page "Our Fleet," dated 9/2/15 (2 pages)
6	PS-10	46	Website home page, dated 9/2/15 (1 page)
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8	PS-11	51	Facebook ad, dated 9/3/15 (1 page)
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14	PS-15	59	Email Offer, dated 8/26/15 (1 page)
15	PS-16	29	Declaration of Service of Complaint and Subpoena Duces Tecum, dated 11/3/15 (1 page)
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1 OLYMPIA, WASHINGTON; NOVEMBER 19, 2015

2 1:35 A.M.

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4

5 JUDGE PEARSON: Good afternoon. Today  
6 is Thursday, November 19th, 2015, and the time is  
7 1:30 p.m. This is Docket TE-151667, which is  
8 captioned "In the Matter of Determining the Proper  
9 Carrier Classification of, and Complaint for Penalties  
10 against: Blessed Limousine, Inc." My name is Rayne  
11 Pearson, I am the administrative law judge presiding  
12 over today's brief adjudicative proceeding.

13 So let's start by taking appearances from both  
14 parties and then we will talk about how we are going  
15 to proceed. Mr. O'Connell, if you just want to give a  
16 brief appearance.

17 MR. O'CONNELL: Thank you, Your Honor.

18 My name is Andrew J. O'Connell, Assistant  
19 Attorney General, representing Commission Staff. I am  
20 joined, to my right, by Ms. Pam Smith.

21 JUDGE PEARSON: Thank you.

22 And, Mr. Bagby, if you can state your first  
23 and last name, spelling your last name, and provide  
24 your address, telephone number, and e-mail address.

25 MR. BAGBY: Clussie Bagby, (206)

1 579-5911, info@blessedlimo.net.

2 JUDGE PEARSON: Okay. And your address?

3 MR. BAGBY: 3932 - 62nd Avenue Court  
4 East, Fife, Washington.

5 JUDGE PEARSON: Okay. Thank you.

6 So this is a classification hearing that was  
7 brought by the Commission based on Staff's findings  
8 that you were conducting business as charter party or  
9 excursion service carrier without required certificate  
10 from the Commission. If we determine here today that  
11 you are conducting such business, then we will issue  
12 an order requiring you to cease and desist those  
13 operations, unless and until you obtain a certificate  
14 from the Commission.

15 We also have a complaint for penalties.  
16 That's somewhat of a separate issue. The complaint  
17 for penalties alleges that you have in fact engaged in  
18 activities as a charter party or excursion service  
19 carrier. Today is an evidentiary hearing to consider  
20 whether you should be classified as a charter party or  
21 excursion service carrier and whether the penalties  
22 are appropriate.

23 So I will go into a little more detail than I  
24 usually would in a hearing where both parties are  
25 represented by attorneys, because I want to be sure

1           that you understand what we are doing here today and  
2           how we are going to proceed.

3                         MR. O'CONNELL:   Your Honor?

4                         JUDGE PEARSON:   Yes.

5                         MR. O'CONNELL:   May I jump in just for a  
6           moment?

7                         JUDGE PEARSON:   Sure.

8                         MR. O'CONNELL:   Before we get started  
9           with the hearing, I feel like as an officer of the  
10          Court, I have a duty to inform Your Honor on the  
11          record that I have had contact with Mr. Bagby.  As I  
12          stated when we were off the record, I think he and I  
13          would both agree that I have been a bit annoying in  
14          asking about whether he has retained an attorney to  
15          represent him in this matter and asking if I could  
16          speak with that attorney.

17                        I have not to this point been given a name or  
18          any contact information, but Mr. Bagby has explained,  
19          every time I have asked, that he has not yet retained  
20          an attorney to represent him in this matter, but was  
21          looking into retaining one.  He expressed a desire to  
22          do so if he was unable to resolve this matter before  
23          this hearing with Staff.

24                        Again, I have not been given a name or phone  
25          number for any attorney, but he did indicate to me

1 that he intended to ask for a continuance of this  
2 hearing so that he could determine whether he needed  
3 to get an attorney. Each time I did express my  
4 agreement, that I thought it was appropriate for him  
5 to retain an attorney. As of today, I do not see that  
6 there is an attorney with Mr. Bagby. I wanted to make  
7 that information clear to Your Honor and clear for the  
8 record.

9 JUDGE PEARSON: Okay. I appreciate  
10 that. I had not yet gotten to that yet, but off of  
11 the record, Mr. Bagby did request a continuance today,  
12 which I denied, and we will be going forward and  
13 proceeding with Mr. Bagby representing himself today.

14 MR. BAGBY: What's an appeal process?  
15 What's the process of an appeal?

16 JUDGE PEARSON: That is actually -- it  
17 will be explained in the last page of the order that I  
18 issue, but there is 20 days from the date that the  
19 order is issued to request review of the order.

20 MR. BAGBY: Okay.

21 JUDGE PEARSON: Okay?

22 MR. BAGBY: Yes, ma'am.

23 JUDGE PEARSON: So the applicable law  
24 here is RCW 81.70.220, which provides that it is  
25 illegal to engage in the business of charter party



1 carrier or excursion service carrier of passengers  
2 over any public highway within the state of Washington  
3 without first having obtained a certificate from the  
4 Commission to do so or having registered as interstate  
5 carrier.

6 So for the purposes of this section, engaging  
7 in the business of a charter party carrier or  
8 excursion service carrier includes advertising or  
9 soliciting, offering, or entering into an agreement to  
10 provide such service.

11 And the definition of a charter party carrier  
12 includes every person engaged in the transportation  
13 over any public highways in this state of a group of  
14 persons who, pursuant to a common purpose and under a  
15 single contract, require the use of a motor vehicle to  
16 travel together, as a group, to a specified  
17 destination or for a particular itinerary, either  
18 agreed upon in advance or modified by the charter  
19 group after leaving the place of origin.

20 And under 81.70.020, Subsection 9, a party bus  
21 is defined as any motor vehicle whose interior enables  
22 passengers to stand and circulate throughout the  
23 vehicle because seating is placed around the perimeter  
24 of the bus or is nonexistent, and in which food,  
25 beverages or entertainment may be provided.

1 Under RCW 81.70.220, Sub 1, any person who  
2 engages in the business of a charter party carrier or  
3 excursion service carrier in violation of that statute  
4 is subject to a penalty of up to \$5,000 per violation.  
5 If the basis for the violation is advertising, then  
6 each separate advertisement constitutes a separate  
7 violation. For example, if you had multiple ads on  
8 Craigslist, each one of those Craigslist ads would be  
9 a separate violation.

10 So it is alleged by Staff that you have at  
11 least twice offered to provide charter party or  
12 excursion carrier services without having first  
13 obtained a certificate from the Commission, and that  
14 you have also on two occasions advertised to provide  
15 charter party or excursion carrier services. In the  
16 complaint, Staff requested penalties of up to \$5,000  
17 per violation, which would be a total potential  
18 penalty of \$20,000.

19 So Staff will present its case first today,  
20 and you will have the opportunity to cross-examine  
21 Staff's witness, Ms. Pam Smith, which means you can  
22 ask her follow-up questions after she gives her  
23 testimony. And then after that, you will have the  
24 chance to testify, and then Mr. O'Connell will have  
25 some cross-examination questions for you.

1 Do you have any questions before we proceed?

2 MR. BAGBY: Yep, I need a lawyer, but  
3 since you're going to walk me through it, I'm going to  
4 just...

5 JUDGE PEARSON: Okay. So did that all  
6 make sense to you, then?

7 MR. BAGBY: It would make more sense if  
8 I had some counsel sitting next to me.

9 JUDGE PEARSON: Okay. That was a yes or  
10 no question. Do you understand how we are going to  
11 proceed, with Staff presenting its case, you having  
12 the opportunity to ask questions, you presenting your  
13 case, Staff having the opportunity to ask questions?

14 MR. BAGBY: I'm understanding you're  
15 walking me through it.

16 JUDGE PEARSON: Okay. You need to  
17 answer my question.

18 MR. BAGBY: I just did.

19 JUDGE PEARSON: Did what I just said  
20 make sense to you?

21 MR. BAGBY: You said you are going to  
22 walk me through it.

23 JUDGE PEARSON: Okay. You are being  
24 argumentative, Mr. Bagby --

25 MR. BAGBY: No, I'm not.

1 JUDGE PEARSON: -- which I don't  
2 appreciate. I asked you a very simple question.

3 MR. BAGBY: I'm --

4 JUDGE PEARSON: Do you understand the  
5 instructions --

6 MR. BAGBY: I'm allowing you --

7 JUDGE PEARSON: -- that I just --

8 MR. BAGBY: -- to walk me --

9 JUDGE PEARSON: -- gave to you?

10 MR. BAGBY: -- through it, ma'am.

11 JUDGE PEARSON: And you need to not  
12 speak over me.

13 Do you understand what I just explained to you  
14 about how this process is going to work?

15 MR. BAGBY: Yes, ma'am, I am allowing  
16 you to --

17 JUDGE PEARSON: Okay. Thank you.

18 MR. BAGBY: -- walk me through it.

19 JUDGE PEARSON: That's all I needed.

20 Mr. O'Connell, you can proceed when you are  
21 ready.

22 MR. O'CONNELL: Thank you, Your Honor.

23 Would you like Staff to proceed with an  
24 opening statement or would you like us to proceed  
25 directly to Ms. Smith's testimony?

1                   JUDGE PEARSON: That's completely up to  
2     you.

3                   MR. O'CONNELL: Your Honor, if it  
4     pleases the court, I would like to start with just a  
5     brief opening statement to outline what Staff will  
6     present today.

7                   As Your Honor correctly characterized, there  
8     are two issues presented today: The classification of  
9     Blessed Limousine, Inc., and also penalties for  
10    operating without a certificate. Your Honor has  
11    already stated the applicable statutes that are in  
12    question today.

13                  Staff will explain during this hearing the law  
14    is clear. If a vehicle can transport more than 14  
15    passengers, then it qualifies as charter party carrier  
16    and is regulated by UTC. The evidence Staff will  
17    present today will show that Staff has made numerous  
18    efforts since February of this year to bring this  
19    company into compliance, but at this point in time the  
20    Company still does not have a certificate granting  
21    authority to operate as a charter party carrier. The  
22    Commission has not received any application for such  
23    authority from Blessed Limousine.

24                  Also, the evidence will show that the Company  
25    has advertised on its website and on its Facebook page

1 for its 22-passenger Hummer and party bus, both of  
2 which classify the Company as a charter party carrier,  
3 that means a certificate of authority to operate.

4 Finally, the evidence will show this company  
5 twice offered the services of its 22-passenger Hummer  
6 and party bus to Staff when Staff posed as a customer.  
7 And Staff will present its evidence through Ms. Pam  
8 Smith, who will testify to Staff's investigation of  
9 the company.

10 JUDGE PEARSON: Would you like to call  
11 Ms. Smith?

12 MR. O'CONNELL: I would, please, Your  
13 Honor.

14 JUDGE PEARSON: Okay.

15 If you could please stand and raise your right  
16 hand.

17 INVESTIGATOR SMITH: (Complies.)

18

19 PAM SMITH, witness herein, having been  
20 first duly sworn on oath, was  
21 examined and testified as follows:

22

23 JUDGE PEARSON: You may be seated.

24 INVESTIGATOR SMITH: (Complies.)

25 MR. O'CONNELL: Your Honor, before I

1 begin with Ms. Smith, I have a packet of the exhibits  
2 that were filed with the Commission this docket  
3 number. I have an extra copy for Mr. Bagby and  
4 Blessed Limousine, in addition to the copy that was  
5 sent to them through mail, and I also have a copy for  
6 Your Honor, if you need it.

7 I would like to distribute it at this time so  
8 that Mr. Bagby can follow along with the exhibits.

9 JUDGE PEARSON: That sounds good. I  
10 have my copy with me.

11 (Pause in the proceedings.)

12 MR. O'CONNELL: Thank you, Your Honor.  
13 May I proceed with Ms. Smith?

14 JUDGE PEARSON: Yes, you may.

15  
16 D I R E C T E X A M I N A T I O N

17 BY MR. O'CONNELL:

18 Q Would you please state your name and spell it  
19 for the record?

20 A Pam Smith, S-M-I-T-H.

21 Q And what is your occupation?

22 A I am a compliance investigator at the  
23 Utilities and Transportation Commission.

24 Q And how long have you been employed by the  
25 Commission?

1           A    24 years.

2           Q    Do you receive regular training as a  
3           compliance investigator?

4           A    Yes, I attend the annual Pacific Northwest  
5           fraud, tax and licensing training that is provided by  
6           the Association and any relevant training that's  
7           provided by the State of Washington.

8           Q    And what are your duties as a compliance  
9           investigator?

10          A    I conduct investigations into the operating  
11          and safety practices of regulated transportation  
12          companies and investigate companies that appear to be  
13          operating without authority. I also recommend  
14          enforcement action against transportation companies.

15          Q    Investigator Smith, do all companies engaged  
16          in providing charter party and excursion carrier  
17          services need a certificate from the Commission to  
18          operate?

19          A    Yes.

20          Q    Does Blessed Limousine have one of these  
21          certificates?

22          A    No.

23          Q    Has the Commission, to this point in time,  
24          received an application for any type of transportation  
25          authority from Blessed Limousine or Mr. Bagby?



1 A No.

2 Q Does Blessed Limousine have authorization to  
3 operate as a limousine company?

4 A Yes.

5 Q How do you know that?

6 A I checked the Department of Licensing, who  
7 licenses limousines, and on their website they have a  
8 database that will show if there is a limousine  
9 license.

10 Q Okay. I would like to direct your attention  
11 to the document that has been marked as Exhibit PS-1  
12 for identification. Will you please turn to that  
13 document?

14 A (Complies.)

15 Q Will you please identify this document?

16 A That is the database on the Department of  
17 Licensing website.

18 Q Have you reviewed this as part of your  
19 investigation?

20 A Yes.

21 Q Is this a true and accurate copy of the record  
22 that you viewed?

23 A Yes.

24 Q Does it indicate what licenses Blessed  
25 Limousine holds?

1 A Yes.

2 Q Does it also indicate who owns the business?

3 A Yes.

4 Q What licenses does Blessed Limousine, Inc.  
5 hold?

6 A A limousine company license.

7 Q And who are the owners of Blessed Limousine?

8 A Clussie Bagby and Genise Bagby.

9 MR. O'CONNELL: Staff offers Exhibit  
10 PS-1, Your Honor.

11 JUDGE PEARSON: Mr. Bagby, do you have  
12 any objection to this exhibit being entered into the  
13 record?

14 MR. BAGBY: I wouldn't know. I wouldn't  
15 know the difference.

16 JUDGE PEARSON: It's a copy of your  
17 business license. Are you looking at it in the --

18 MR. BAGBY: I wouldn't know the  
19 difference.

20 JUDGE PEARSON: So you are not  
21 objecting?

22 MR. BAGBY: I wouldn't know the  
23 difference.

24 JUDGE PEARSON: I will go ahead and  
25 admit the exhibit marked PS-1 into the record.

1 (Exhibit No. PS-1 admitted.)

2 BY MR. O'CONNELL:

3 Q Investigator Smith, do you have experience  
4 with charter party and excursion carriers?

5 A Yes.

6 Q Do you do investigations of these kinds of  
7 companies?

8 A Yes.

9 Q For the purposes of UTC classification, can  
10 you please explain what a charter party carrier is and  
11 how it is different from a limousine operator?

12 A Yes. Well, a limousine is a luxury  
13 chauffeur-driven vehicle that has a manufacturer's  
14 seating capacity of no less than four passengers and  
15 no more than 14 passengers behind the driver.

16 A charter and excursion carrier is a motor  
17 vehicle used to transport of group of people under a  
18 single contract to a specific destination or  
19 destinations.

20 Q From your experience, can you give us any  
21 examples of a charter party and excursion carrier  
22 service?

23 A Right now there's a number of popular wine  
24 tours. You will board a bus, or a vehicle, and they  
25 will take you to different wineries. You stop off and

1 visit the winery, then you get back on, and then they  
2 will drive -- tour you around, and then drop you off  
3 at a predetermined destination, location.

4 Q Okay. Does the UTC have authority to regulate  
5 these carriers?

6 A Yes.

7 Q And do you know, was there a recent  
8 legislative update to this law regarding charter party  
9 and excursion carriers?

10 A Yes.

11 Q Do you recall which statute specifically was  
12 updated?

13 A 81.70.220.

14 Q And when was it updated?

15 A July of 2015.

16 Q Thank you.

17 MR. O'CONNELL: Your Honor, Staff would  
18 at this time ask that Your Honor take official notice  
19 pursuant to Washington Administrative Code 480-07-495,  
20 Subsection 2, of what it means to engage in the  
21 business of a charter party carrier in Statute RCW  
22 82.70.220.

23 JUDGE PEARSON: Do you mean 81.70.220?

24 MR. O'CONNELL: Yes, Your Honor, I mean  
25 81.70.220.

1 JUDGE PEARSON: Okay. And I will take  
2 official notice of that.

3 BY MR. O'CONNELL:

4 Q Investigator Smith, you mentioned as part of  
5 your job, you conduct investigations of carriers.  
6 Have you investigated Blessed Limousine?

7 A Yes.

8 Q Did you write an investigation report?

9 A Yes, I did.

10 Q I would like to direct your attention to the  
11 document that has been marked as Exhibit PS-2 for  
12 identification. Will you please identify this  
13 document?

14 A This is the investigation report I prepared in  
15 September of this year regarding Blessed Limousine.

16 Q And is this a true and accurate copy of the  
17 report that you wrote?

18 A Yes.

19 MR. O'CONNELL: Staff offers Exhibit  
20 PS-2, Your Honor.

21 JUDGE PEARSON: Mr. Bagby, do you have  
22 any objection to Staff's investigation report being  
23 admitted into the record?

24 MR. BAGBY: Are you continuing to walk  
25 me through it?

1 JUDGE PEARSON: I believe that --

2 MR. BAGBY: Okay. I don't --

3 JUDGE PEARSON: -- you would have  
4 received a copy of this with the complaint when you  
5 were served; is that correct?

6 MR. BAGBY: No, I didn't.

7 JUDGE PEARSON: Mr. O'Connell, was this  
8 included with the complaint?

9 MR. O'CONNELL: Your Honor, I believe  
10 that it was. It was also included as part of the  
11 packet of exhibits that were mailed to Mr. Bagby when  
12 all these exhibits were filed with the Commission in  
13 this docket.

14 JUDGE PEARSON: Okay. So are you  
15 stating that you didn't receive a copy of this?

16 MR. BAGBY: I actually moved and  
17 relocated. They were mailing -- all the mail that  
18 were going -- was going to the old address I used to  
19 live at. I am now in a new address. This address  
20 I've got, they just gave -- I just gave it to him.

21 JUDGE PEARSON: The one that you gave us  
22 today?

23 MR. BAGBY: Yes. Yes, ma'am.

24 JUDGE PEARSON: In Fife?

25 MR. BAGBY: Yes, ma'am.

1 JUDGE PEARSON: Is that not the address  
2 on your business license?

3 MR. BAGBY: It might be now.

4 JUDGE PEARSON: Is it the 62nd --

5 MR. BAGBY: I've --

6 JUDGE PEARSON: -- Avenue --

7 MR. BAGBY: I've actually just changed  
8 it when I updated it. It's just been really recent  
9 that I went in and took paperwork and changed the  
10 date --

11 JUDGE PEARSON: Did you --

12 MR. BAGBY: -- changed the address.

13 JUDGE PEARSON: -- previously also have  
14 a Fife address? Was it from one Fife address to  
15 another Fife address?

16 MR. BAGBY: No, it was an address in  
17 Seattle, Washington.

18 JUDGE PEARSON: Okay. Because the  
19 address on your business license is 3932 - 62nd Avenue  
20 Court East in Fife; is that correct?

21 MR. BAGBY: Uh-huh, but I had -- I had  
22 another address that I had on my business license.  
23 There was actually a mailing address. Everybody --  
24 all my mail and all my business was going to that  
25 address.

1 JUDGE PEARSON: To the Tukwila address?

2 MR. BAGBY: You already know.

3 JUDGE PEARSON: What were you going to  
4 say, Mr. O'Connell?

5 MR. O'CONNELL: Your Honor, Exhibit  
6 PS-16 is the document of service, documentation of  
7 service of the complaint and notice of hearing in this  
8 docket number. It indicates that it was served on  
9 Mr. Bagby at 3932 - 62nd Avenue Court East, Fife,  
10 Pierce County, Washington 98424.

11 JUDGE PEARSON: Okay.

12 MR. O'CONNELL: And subsequent mailings  
13 in this docket, including the packet of exhibits, when  
14 it was filed with the Commission, was mailed to that  
15 same address. I do believe that's the same one that  
16 Mr. Bagby identified at the beginning of this hearing.

17 JUDGE PEARSON: Okay. So it sounds like  
18 they were using your correct address.

19 MR. BAGBY: You asked me did I get it.  
20 I have no mail.

21 JUDGE PEARSON: Okay. So this  
22 investigation report just documents what is in the  
23 complaint, which is what Ms. Smith is going to testify  
24 about with respect to the advertisements and the  
25 offers for service that she received. If you don't



1 have any objection, I am going to admit that into the  
2 record at this time.

3 You have no objection?

4 MR. BAGBY: I totally object, but I --  
5 if you're going to walk me through it and put it in  
6 there, I'm going to let you.

7 JUDGE PEARSON: On what grounds do you  
8 object?

9 MR. BAGBY: I object to the fact that I  
10 had never received it, haven't seen it. And the  
11 grounds, I'm not going to -- I don't have the exact  
12 grounds, but I totally object.

13 JUDGE PEARSON: Okay. I am going to go  
14 ahead and overrule your objection --

15 MR. BAGBY: Okay.

16 JUDGE PEARSON: -- and admit it into the  
17 record and mark it as Exhibit PS-2, because Staff and  
18 Mr. O'Connell did just explain that they do have your  
19 correct address and you were personally served with  
20 the documents, and then these were mailed also to your  
21 correct address.

22 (Exhibit No. PS-2 admitted.)

23 JUDGE PEARSON: You can continue,  
24 Mr. O'Connell, when you are ready.

25 MR. O'CONNELL: Your Honor, as a

1 follow-up to this discussion, I would like to offer  
2 into the record what has been marked as Exhibit PS-16,  
3 which is the declaration of service that we have been  
4 discussing.

5 JUDGE PEARSON: Okay. Mr. Bagby, do you  
6 have any objection to --

7 MR. BAGBY: Would it do any good?

8 JUDGE PEARSON: If you have an objection  
9 and you want to state it, you are welcome to.

10 MR. BAGBY: I'm just going to continue  
11 to be walked through it.

12 JUDGE PEARSON: So is that a "no"?

13 MR. BAGBY: I'm just going to continue  
14 to be walked through it.

15 JUDGE PEARSON: You need to tell me  
16 whether you have an objection or not to admitting this  
17 into the record.

18 MR. BAGBY: Okay. I object.

19 JUDGE PEARSON: Okay. On what basis?

20 MR. BAGBY: The basis that I don't  
21 know -- what is it that you are putting in?

22 JUDGE PEARSON: It is the declaration of  
23 service saying that you were personally served at your  
24 home address, with these documents. Did that happen?

25 MR. BAGBY: That didn't happen.

1 JUDGE PEARSON: You were not personally  
2 served. So someone pretending to be you took --

3 MR. BAGBY: No.

4 JUDGE PEARSON: -- the documents; is  
5 that what you are saying?

6 MR. BAGBY: What I just said is that I  
7 have no paperwork, I knew nothing of this. It must  
8 have went to the old address. I don't have it, so...

9 JUDGE PEARSON: So what we have is a  
10 declaration of service that says it was personally  
11 served to you.

12 MR. BAGBY: That's wrong.

13 JUDGE PEARSON: You are saying a process  
14 server did not come to your house?

15 MR. BAGBY: Do you have a signature on  
16 me?

17 JUDGE PEARSON: We have the signature of  
18 the process server.

19 MR. BAGBY: Okay. Is it -- is that  
20 Clussie Bagby?

21 JUDGE PEARSON: He said that he  
22 delivered them to you --

23 MR. BAGBY: Okay.

24 JUDGE PEARSON: -- yes, and gave your  
25 description that matches your description.

1 MR. BAGBY: Okay.

2 JUDGE PEARSON: It was on the 27th of  
3 October at 4:25 in the afternoon at your home address.  
4 Do you recall that?

5 MR. BAGBY: No, ma'am.

6 JUDGE PEARSON: Okay. So you are saying  
7 that someone was at your house pretending to be you or  
8 someone who looks like you?

9 MR. BAGBY: What I said is I don't have  
10 the information that you've got and I wasn't served  
11 any paperwork. That's what I said.

12 JUDGE PEARSON: And what I asked you is  
13 if you recall being at your house at that date and  
14 time and whether documents were served on you and you  
15 are saying no; is that correct?

16 MR. BAGBY: Let me say it again. I was  
17 not served any paperwork. I don't know what time you  
18 are saying, but I was not served any paperwork at my  
19 house, no, ma'am.

20 MR. O'CONNELL: Okay. Your Honor, I  
21 would just like to clarify. That declaration of  
22 service is for the service of the complaint and the  
23 notice of hearing of the brief adjudicative  
24 proceeding.

25 JUDGE PEARSON: Okay. And I am just

1       trying to ask whether or not you got paperwork, if you  
2       recall that interaction with the process server, at  
3       your house on that date and time.

4                   MR. BAGBY: No, ma'am.

5                   JUDGE PEARSON: Okay. So you are  
6       denying that that was you?

7                   MR. BAGBY: I don't have any paperwork  
8       that I have been served, ma'am.

9                   JUDGE PEARSON: Okay. I'm going to go  
10      ahead and admit that into the record and mark it as  
11      Exhibit PS-16.

12                  MR. O'CONNELL: Yes, please, Your Honor.

13                               (Exhibit No. PS-16 admitted.)

14                  JUDGE PEARSON: You can continue when  
15      you are ready.

16                  MR. O'CONNELL: Thank you.

17      BY MR. O'CONNELL:

18                  Q     Investigator Smith, what prompted Staff's  
19      investigation of Blessed Limousine?

20                  A     On February 17th, 2015, we received a  
21      complaint from a regulated company that they believed  
22      that Blessed Limousine was providing charter and  
23      excursion service.

24                  Q     Did Staff reach out and contact Blessed  
25      Limousine about this complaint?

1           A    Yes, on February 23rd, Staff sent an e-mail to  
2           Blessed Limousine providing technical assistance and  
3           explaining that they needed to get charter and  
4           excursion service, if they were providing it.  It  
5           included an application, and explained that if they  
6           were providing it, they needed to cease at that time.

7           Q    Okay.  I would like to direct your attention  
8           to the document that has been marked as Exhibit PS-13  
9           for identification.  Will you please identify that  
10          document?

11          A    That was an e-mail that Staff sent on  
12          February 23rd.

13          Q    Have you reviewed this as part of your  
14          investigation?

15          A    Yes.

16          Q    Is this a true and accurate copy of the record  
17          that you viewed?

18          A    Yes.

19                   MR. O'CONNELL:  Staff offers Exhibit  
20          PS-13, Your Honor.

21                   JUDGE PEARSON:  Do you mean PS-3?

22                   MR. O'CONNELL:  I do mean PS-3.

23                   JUDGE PEARSON:  Okay.

24                   Then, Mr. Bagby, do you have an objection to  
25          admitting this into the record?

1           Did you take a look at it? It's in the pile  
2           of paperwork there.

3           MR. BAGBY: There is something that you  
4           are telling me that you are admitting. What is it  
5           that you are admitting?

6           JUDGE PEARSON: So it is marked as  
7           Exhibit PS-3, in that stack, and it is an e-mail from  
8           one of our staff people, Betty Young, to Blessed Limo,  
9           dated February 23rd, 2015.

10          So if you want to take a look at it, it's in  
11          that stack of paper right next to you.

12          MR. BAGBY: Okay. But do I -- do I want  
13          to allow it in, is that what you are saying?

14          JUDGE PEARSON: Right.

15          MR. BAGBY: No, I don't.

16          JUDGE PEARSON: Well, you need to look  
17          at it before you could tell me whether you object to  
18          it or not. I will give you a second to go ahead and  
19          take a look at it.

20          MR. BAGBY: Okay.

21                                 (Pause in the proceedings.)

22          JUDGE PEARSON: So it is underneath that  
23          paper that you are looking at. It's the third exhibit  
24          back, if you want to take a look at the e-mail.

25          MR. BAGBY: I just looked at it.

1 JUDGE PEARSON: You didn't look at it.

2 MR. BAGBY: You asked me. I'm looking  
3 at the paper that you are admitting.

4 JUDGE PEARSON: So it is underneath  
5 that. It is the exhibit marked PS-3. It would be the  
6 third one back.

7 MR. BAGBY: (Reviews documents.)

8 JUDGE PEARSON: That's PS-1. Staff's  
9 investigation report is PS-2, and it is thick.  
10 There's going to be a lot of those pages.

11 MR. BAGBY: Okay. I see it.

12 JUDGE PEARSON: It's farther back than  
13 that.

14 MS. BAGBY: What page is it?

15 JUDGE PEARSON: I don't think the pages  
16 are numbered, but it is marked Exhibit PS-3.

17 MR. BAGBY: Okay. I see it.

18 JUDGE PEARSON: I don't think that's it.

19 MR. BAGBY: I see it.

20 JUDGE PEARSON: Do you have an objection  
21 to it?

22 MR. BAGBY: Absolutely so.

23 JUDGE PEARSON: On what basis?

24 MR. BAGBY: That I don't know what it  
25 is. I have no idea what this paper is or what



1 concerns it is.

2 JUDGE PEARSON: Well, you don't have the  
3 paper in front of you, first of all. If you want to  
4 take a look at it, I will give you a moment to read it  
5 over.

6 MR. BAGBY: Okay.

7 JUDGE PEARSON: Do you want to do that?

8 MR. BAGBY: No, I don't. I wouldn't  
9 know anyway.

10 JUDGE PEARSON: If you don't want to  
11 take the time to read it then you don't have any basis  
12 for your objection.

13 MR. BAGBY: Oh, okay.

14 JUDGE PEARSON: So I will go ahead and  
15 admit that into the record and mark it as Exhibit  
16 PS-3.

17 (Exhibit No. PS-3 admitted.)

18 JUDGE PEARSON: Mr. O'Connell, you can  
19 go ahead.

20 MR. O'CONNELL: Thank you, Your Honor.

21 BY MR. O'CONNELL:

22 Q Investigator Smith, did Staff make any  
23 follow-up attempts with Blessed Limousine after that  
24 e-mail was sent?

25 A Yes, we did.

1 Q When did Staff make those attempts?

2 A On March 24th, May 4th, and June 3rd.

3 Q Now, as part of your investigation, did you  
4 look into these attempts that have been made to follow  
5 up with Blessed Limousine?

6 A Yes.

7 Q Okay. Can you please explain the March 24th  
8 attempt that Staff made?

9 A On March 24th, Staff sent a certified letter  
10 to Blessed Limousine explaining the regulations and  
11 informed Blessed Limousine that the Commission could  
12 take enforcement action if they didn't get a  
13 certificate for charter and excursion service.

14 Q Okay. I would like to direct your attention  
15 to the document that has been marked as Exhibit PS-4  
16 for identification. Will you please identify this  
17 document?

18 A That is the March 24th letter sent to Blessed  
19 Limousine.

20 Q And have you reviewed this letter as part of  
21 your investigation?

22 A Yes, I have.

23 Q Is this a true and accurate copy of the record  
24 that you viewed?

25 A Yes.

1 MR. O'CONNELL: Staff offers Exhibit  
2 PS-4, Your Honor.

3 JUDGE PEARSON: Again, Mr. Bagby, do you  
4 wish to look at the letter and make an objection? I  
5 am not going to entertain an objection if you are not  
6 going to look at the exhibit.

7 MR. BAGBY: Okay. I don't know. I  
8 don't know. I couldn't -- I wouldn't know what it is  
9 if I seen it, ma'am.

10 JUDGE PEARSON: Well, it's a copy of a  
11 letter that was sent to you from the Commission. It  
12 would be self-evident, if you looked at it, what it  
13 was.

14 MR. BAGBY: Do you know what, I think I  
15 remember that. That was sent to my old -- to the  
16 other address.

17 JUDGE PEARSON: It was sent to the  
18 Tukwila address?

19 MR. BAGBY: Exactly right. I remember  
20 that. I remember that. Yes, ma'am.

21 JUDGE PEARSON: And you received it?

22 MR. BAGBY: Yes, I did.

23 JUDGE PEARSON: Okay. So I will go  
24 ahead and admit that exhibit into the record and mark  
25 it as Exhibit PS-4.

1 (Exhibit No. PS-4 admitted.)

2 JUDGE PEARSON: Go ahead.

3 MR. O'CONNELL: Thank you, Your Honor.

4 BY MR. O'CONNELL:

5 Q Now, Investigator Smith, would you please  
6 explain the March 4th attempt that Staff made?

7 A On May 4th?

8 Q I'm sorry, on May 4th.

9 A On May 4th our -- one of our Staff  
10 investigators, safety investigators, visited Mr. Bagby  
11 at his location in Tukwila and explained the  
12 importance of getting the application and getting a  
13 certificate for the larger vehicles that he is  
14 operating, and actually handed Mr. Bagby an  
15 application, and at that time Mr. Bagby told him that  
16 he was going to apply right away.

17 Q Was this attempt documented?

18 A Yes.

19 Q How was it documented?

20 A By the investigator's assignment report that  
21 they fill out when they visit a site.

22 Q Okay. What is the purpose of these assignment  
23 reports that Staff fills out?

24 A It documents the visit, what -- what the  
25 reason for the visit was, and what was discussed, or

1 sometimes investigators will do a safety check or  
2 compliance review.

3 Q Okay. I would like to direct your attention  
4 to the document that has been marked as Exhibit PS-5  
5 for identification purposes. Will you please identify  
6 this document?

7 A That is the assignment report that was  
8 completed by our investigator.

9 Q And have you reviewed this document as part of  
10 your investigation?

11 A Yes.

12 Q Is this a true and accurate copy of the record  
13 that you viewed?

14 A Yes.

15 MR. O'CONNELL: Staff offers Exhibit  
16 PS-5 Your Honor.

17 JUDGE PEARSON: Okay. Thank you.

18 Mr. Bagby, do you have any objection to this?

19 Do you recall the visit that you had from  
20 Mr. Foster --

21 MR. BAGBY: Yes.

22 JUDGE PEARSON: -- on May --

23 MR. BAGBY: Yes, I do, very well.

24 JUDGE PEARSON: Okay.

25 MR. BAGBY: I remember that very well.

1 JUDGE PEARSON: Okay. So --

2 MR. BAGBY: Yes, I do.

3 JUDGE PEARSON: You do what?

4 MR. BAGBY: I remember that very well.

5 JUDGE PEARSON: Okay. Do you object to  
6 entering his documentation of that visit --

7 MR. BAGBY: No, I don't.

8 JUDGE PEARSON: -- into the record?

9 Okay. Then I will go ahead and admit that and  
10 mark it as Exhibit PS-5.

11 (Exhibit No. PS-5 admitted.)

12 You can go ahead, Mr. O'Connell.

13 BY MR. O'CONNELL:

14 Q Investigator Smith, does this document -- or  
15 where in this document does it exactly document what  
16 interaction Staff had with Mr. Bagby?

17 A On the second page, in Section 17, under  
18 "Findings," it explains where our investigator went to  
19 discuss the charter bus certificate with Mr. Bagby,  
20 explained that the size of his vehicles, the ones with  
21 the 22 passengers, did not qualify as limousines, and  
22 that he needed to apply for a certificate.

23 Q And lastly, could you please explain the  
24 June 3rd attempt that Staff made to contact Blessed  
25 Limousine?

1           A    Yes, on June 3rd, when we had not received an  
2           application, Staff actually reached out via the  
3           telephone and called Mr. Bagby and asked him about the  
4           application. He told Staff at that time that he would  
5           submit it right away.

6           Q    Did Staff make any follow-up after this phone  
7           call?

8           A    Yes, Staff followed up with an e-mail and told  
9           Mr. Bagby in the e-mail that if application was not  
10          received, we would pursue enforcement action.

11          Q    Okay. I would like to direct your attention  
12          to the document that has been marked as Exhibit PS-6  
13          for identification purposes. Will you please identify  
14          this document?

15          A    That is the Staff e-mail to Blessed Limousine,  
16          explaining that we hadn't received the application and  
17          how important it was for him to submit an application.

18          Q    And have you reviewed this as part of your  
19          investigation?

20          A    Yes.

21          Q    Is this a true and accurate copy of the record  
22          that you viewed?

23          A    Yes.

24                                   MR. O'CONNELL: Staff offers Exhibit  
25          PS-6.

1 JUDGE PEARSON: Mr. Bagby, have you had  
2 an opportunity to take a look at that?

3 MR. BAGBY: No, ma'am.

4 JUDGE PEARSON: Did you want to?

5 MR. BAGBY: No, ma'am, I want to just  
6 plead the Fifth.

7 JUDGE PEARSON: Okay.

8 MR. BAGBY: I just want to be walked  
9 through it.

10 JUDGE PEARSON: Okay. So you have no  
11 objection to --

12 MR. BAGBY: I'm going to let you walk me  
13 through it.

14 JUDGE PEARSON: All right. I will go  
15 ahead and admit PS-6 into the record.

16 (Exhibit No. PS-6 admitted.)

17 BY MR. O'CONNELL:

18 Q Investigator Smith, does Blessed Limousine  
19 have a website?

20 A Yes, they do.

21 Q Do they have a Facebook page?

22 A Yes.

23 Q As part of your investigation, did you look  
24 into these web pages?

25 A Yes, I looked at both of them.



1 Q What did you do?

2 A I went to www.blessedlimo.net and looked at  
3 their -- the tabs that they have on it, which is the  
4 About Us tab, the Our Fleet tab, the Services & Rates  
5 tab, and then their home page.

6 Q Okay. I want to come back to that in just a  
7 moment. Have you ever called Blessed Limousine  
8 yourself?

9 A Yes, I called them on October 27th to get  
10 an -- we had to get an address to serve the complaint.  
11 I spoke to Mr. Bagby, and he provided his address and  
12 he told me he was going to be in the following Monday  
13 to submit an application.

14 Q When you called Blessed Limousine, what phone  
15 number did you use?

16 A The (206) 579-5911.

17 Q And did you find that number on Blessed  
18 Limousine's website?

19 A Yes.

20 Q And who answered that number when you called  
21 it?

22 A Mr. Bagby.

23 Q I want to go back to the website that you  
24 mentioned. Did you view the About Us tab on that  
25 website?

1 A Yes.

2 Q Okay. I would like to direct your attention  
3 to the document that has been marked as PS-7 for  
4 identification purposes. Will you please identify  
5 that document?

6 A That is the About Us tab on the Blessed  
7 Limousine website.

8 Q Have you reviewed this as part of your  
9 investigation?

10 A Yes.

11 Q When did you first look at this tab on the  
12 website?

13 A September 2nd, 2015.

14 Q Is this printout a true and accurate  
15 representation of the web page that you viewed on  
16 September 2nd, 2015?

17 A Yes.

18 Q To the best of your knowledge, is this web  
19 page still available?

20 A Yes.

21 Q Does it display on this web page that same  
22 phone number that you used to call Blessed Limousine?

23 A Yes.

24 MR. O'CONNELL: Staff offers Exhibit  
25 PS-7, Your Honor.

1 JUDGE PEARSON: Okay. Mr. Bagby, if you  
2 want to look further down in the stack of papers in  
3 front of you, there is a series of exhibits that are  
4 printouts of your website. Do you have any objection  
5 to admitting those into the record?

6 Do you recognize them as your website?

7 MR. BAGBY: No, I don't recognize them  
8 as my website. Yes, I do disagree.

9 JUDGE PEARSON: Well, if you could  
10 actually turn to them and then tell me whether or not  
11 it's your website.

12 MR. BAGBY: Yes, that's my website.

13 JUDGE PEARSON: Okay. So do you have  
14 any objection to admitting these into the record?

15 MR. BAGBY: You just asked me that. I  
16 said, yes, I do.

17 JUDGE PEARSON: On what basis?

18 MR. BAGBY: That I'm -- I'm not aware of  
19 where we are at or what we are doing. I am being  
20 walked through this. I'm just going to allow it to  
21 happen.

22 JUDGE PEARSON: So she is offering  
23 printouts of your website into the record to show what  
24 your services are and that you offer vehicles that  
25 fall within the Commission's jurisdiction because they

1 can seat up to 22 passengers. That's the purpose of  
2 her offering it into the record.

3 So if you have an objection to that, and if  
4 so, what's the grounds for the objection?

5 MR. BAGBY: Okay. So what I'm going to  
6 do is I'm going to let you walk me through it, ma'am.

7 JUDGE PEARSON: That's what I just did.

8 MR. BAGBY: Okay.

9 JUDGE PEARSON: So if you don't have an  
10 objection, we will move on.

11 MR. BAGBY: (Shakes head.)

12 JUDGE PEARSON: I will go ahead and  
13 admit Exhibit PS-7 into the record.

14 (Exhibit No. PS-7 admitted.)

15 BY MR. O'CONNELL:

16 Q Investigator Smith, in looking at this  
17 exhibit, what about this web page was notable to you?

18 A On the second paragraph it states, and I will  
19 just read it, "Experience the comfort and extravagance  
20 your event deserves with our fleet that ranges from  
21 7-passenger SUVs to luxurious 22-passenger  
22 limousines."

23 Q Does this raise a red flag to Staff?

24 A Yes.

25 Q Why?

1           A    Because they are advertising the ability to  
2           provide passenger transportation for over 14  
3           passengers.

4           Q    And why is that a problem?

5           A    Because up to -- anything over 14 passengers  
6           behind the driver is considered a charter and  
7           excursion vehicle.

8           Q    Does a company need a certificate of authority  
9           to operate from the Commission in order to advertise  
10          or offer services of those vehicles?

11          A    Yes.

12          Q    Did you also view the Services & Rates tab of  
13          the website?

14          A    Yes, I did.

15          Q    Okay. I would like to direct your attention  
16          to the document that has been marked as Exhibit PS-8  
17          for identification purposes.

18          A    (Complies.)

19          Q    Will you please identify this document?

20          A    That is the Services & Rates tab that I  
21          reviewed on the Blessed Limousine website.

22          Q    Have you reviewed this as part of your  
23          investigation?

24          A    Yes.

25          Q    When did you first look at this tab on the

1 website?

2 A September 2nd, 2015.

3 Q Is this printout a true and accurate  
4 representation of the web page that you viewed  
5 on September 2nd?

6 A Yes.

7 Q And to the best of your knowledge is this web  
8 page still available?

9 A Yes.

10 Q Does it display on this web page that same  
11 telephone number that you used to call Blessed  
12 Limousine?

13 A Yes.

14 MR. O'CONNELL: Staff offers Exhibit  
15 PS-8, Your Honor.

16 JUDGE PEARSON: Okay. I am going to go  
17 ahead and admit Exhibits PS-8 through PS-10 into the  
18 record, since Mr. Bagby and I already discussed that  
19 these are printouts of his website, and he  
20 acknowledged that.

21 (Exhibit Nos. PS-8 thru PS-10 admitted.)

22 MR. O'CONNELL: Okay. Thank you, Your  
23 Honor.

24 BY MR. O'CONNELL:

25 Q Investigator Smith, referring to Exhibit PS-8,

1 what about this web page was notable to you?

2 A That it has the estimated hourly rates and it  
3 bullets 22-passenger Hummer limos for \$175 per hour,  
4 an 18-passenger executive party bus for \$175 per hour.

5 Q Does this raise a concern to Staff?

6 A Yes.

7 Q Why?

8 A Because again, they are advertising the  
9 ability to provide transportation service for vehicles  
10 that can accommodate up to 22 passengers.

11 Q Okay. And did you view the Our Fleet tab of  
12 the website?

13 A Yes.

14 Q I would like to direct your attention to  
15 Exhibit PS-9 that has been admitted. Have you  
16 reviewed this web page as part of your investigation?

17 A Yes.

18 Q And when did you first look at this part of  
19 the web page?

20 A September 2nd, 2015.

21 Q And just for clarification, is this printout  
22 here a true and accurate representation of the web  
23 page that you viewed on September 2nd?

24 A Yes.

25 Q Okay. Does it display on this web page the

1 same phone number that you used to call Blessed  
2 Limousine?

3 A Yes.

4 Q Okay. What about this web page was notable to  
5 you?

6 A Well, it lists all the different -- their  
7 fleet. The last on this, it says, "HUMMER LIMOUSINE,"  
8 and it says, "With seating for 22 passengers, this  
9 limousine is stretched out 200 INCHES and downright  
10 fun from the inside out!" And it also has an area  
11 where it talks about the executive party bus, which is  
12 a "22-passenger vehicle with ample sitting and  
13 standing room."

14 Q Does this raise concern to Staff?

15 A Yes.

16 Q Why?

17 A Because they are advertising again the ability  
18 to provide transportation for up to 22 passengers  
19 without authority.

20 Q Did you view the home page of the Blessed  
21 Limousine website?

22 A Yes.

23 Q I would like to direct your attention to what  
24 has been admitted as Exhibit PS-10. Have you reviewed  
25 this as part of your investigation?



1 A Yes.

2 Q When did you first look at this part of the  
3 Blessed Limousine website?

4 A On September 2nd, 2015.

5 Q And is this printout a true and accurate  
6 representation of the web page that you viewed on  
7 September 2nd?

8 A Yes.

9 Q And does it display on this web page that same  
10 phone number that you used to call Blessed Limousine?

11 A Yes.

12 Q What about this web page was notable to you?

13 A Well, next to the pictures there is a caption  
14 that reads, "Blessed Limousine has provided premiere  
15 limousine and transportation services in the Greater  
16 Seattle area since 2004."

17 Q I would like to move on to the Facebook page  
18 now for Blessed Limousine. Did you view the Facebook  
19 page for Blessed Limousine?

20 A I did.

21 Q And what did you find on the Facebook page?

22 A They have pictures of vehicles that  
23 accommodate more than -- you know, large vehicles, up  
24 to 22 passengers.

25 Q I would like to direct your attention to the

1 document that has been marked as PS-11 for  
2 identification. Will you please identify this  
3 document?

4 A That is the Facebook page that I looked at on  
5 September 3rd, 2015.

6 Q And have you reviewed this as part of your  
7 investigation?

8 A Yes.

9 Q Is this printout a true and accurate  
10 representation of the Facebook page that you viewed on  
11 September 3rd?

12 A Yes.

13 Q To the best of your knowledge, is this photo  
14 still available on Blessed Limousine's Facebook page?

15 A Yes.

16 MR. O'CONNELL: Staff offers Exhibit  
17 PS-11.

18 JUDGE PEARSON: Mr. Bagby, did you get  
19 an opportunity to look at this and confirm whether  
20 this is your Facebook page?

21 MR. BAGBY: Yes, I did.

22 JUDGE PEARSON: And is it your Facebook  
23 page?

24 MR. BAGBY: Yes, it is.

25 JUDGE PEARSON: Okay. So do you have

1 any objection to this being admitted into the record?

2 MR. BAGBY: I do, but I'm going to go  
3 along with the process.

4 JUDGE PEARSON: What is your basis for  
5 your objection?

6 MR. BAGBY: I want to just plead the  
7 Fifth. I want this to just go on and you do -- I'm  
8 going to be walked through it.

9 JUDGE PEARSON: So it sounds like you  
10 don't have an objection.

11 MR. BAGBY: Okay.

12 JUDGE PEARSON: I will go ahead and  
13 admit the Exhibits marked PS-11 and PS-12 into the  
14 record.

15 (Exhibit Nos. PS-11 and PS-12 admitted.)

16 BY MR. O'CONNELL:

17 Q Investigator Smith, what about this photo in  
18 PS-11 was notable to you?

19 A Above the pictures it states, "Inside look  
20 Seattle H2 Hummer seats up to 22 comfortably. Party  
21 b4 and after party."

22 Q And why is this a problem that Staff noted?

23 A Because they are advertising the ability to  
24 transport over 14 passengers without the proper  
25 authority.

1 Q Okay. I would like to direct your attention  
2 now to the document that has been admitted as Exhibit  
3 PS-12. Have you reviewed this document as part of  
4 your investigation?

5 A Yes.

6 Q When did you first view this document?

7 A September 3rd, 2015.

8 Q And that's when you first viewed this Facebook  
9 page --

10 A Yes.

11 Q -- correct?

12 A Yes.

13 Q Okay. And is this printout a true and  
14 accurate representation of the Facebook page that you  
15 viewed on September 3rd?

16 A Yes.

17 Q To the best of your knowledge, is this photo  
18 still available on Blessed Limousine's Facebook page?

19 A Yes.

20 Q What about this photo from the Facebook page  
21 was notable to you?

22 A It has a picture of a vehicle that shows, and  
23 it says that it can seat up to 22 passengers,  
24 "stretched out 200 INCHES and downright fun from the  
25 inside out!"

1 Q Why does this raise a concern to Staff?

2 A Because again it is showing that they have the  
3 ability to transport up to 22 passengers without the  
4 proper authority.

5 Q Have you viewed the Facebook page and website  
6 for Blessed Limousine since September 2nd and  
7 September 3rd?

8 A Yes.

9 Q Have you viewed both of them?

10 A I just viewed the website.

11 Q Okay. Did you notice anything that has  
12 changed since September 2nd?

13 A Yes, this morning I looked at the website and  
14 Blessed Limousine has added a holiday lights tour to  
15 the website, that shows -- that explains that they  
16 can -- you can book a reservation to look at the  
17 holiday lights tour, and they have vehicles that can  
18 accommodate up to 22 passengers.

19 Q Okay. And have you done anything else as part  
20 of your investigation into Blessed Limousine?

21 A I did make two e-mail contacts to Blessed  
22 Limousine.

23 Q Where did you get the e-mail address to  
24 contact Blessed Limousine?

25 A Off of their website.

1 Q Okay. What was your purpose of contacting  
2 them through e-mail?

3 A I contacted them to attempt to book a  
4 reservation for a couple of my -- different groups for  
5 a -- one was for a birthday party and one was for a  
6 Sounders game.

7 Q So were you posing as a customer?

8 A Yes, I used my alias.

9 Q Okay. When did you reach out to Blessed  
10 Limousine to make those bookings?

11 A The first one was on August 3rd.

12 Q Okay. And when was the second?

13 A August 24th.

14 Q Can you please tell us about the August 3rd  
15 attempt, when you inquired about Blessed Limousine's  
16 services?

17 A Yes, I contacted Blessed Limousine using my  
18 alias, Rachel Keller, and explained that I was having  
19 a birthday party and I wanted to transport between 17  
20 and 20 friends to -- out to dinner and then to some  
21 bars.

22 Q Did you specify what city you wanted to go  
23 downtown to?

24 A In Seattle.

25 Q Okay. I would like to direct your attention

1 to what has been marked as Exhibit PS-13 for  
2 identification. Will you please identify that  
3 document?

4 A Yeah, that's the e-mail I sent to Blessed  
5 Limousine as Rachel Keller.

6 Q Okay. Who is the Rachel Keller that is  
7 identified on that e-mail?

8 A That's the alias I use when I am conducting  
9 investigations.

10 Q Okay. Is this printout a true and accurate  
11 representation of the e-mail that you sent to Blessed  
12 Limousine?

13 A Yes.

14 MR. O'CONNELL: Staff offers Exhibit  
15 PS-13, Your Honor.

16 JUDGE PEARSON: Mr. Bagby, did you have  
17 a chance to look at these e-mails?

18 MR. BAGBY: I seen them.

19 JUDGE PEARSON: Okay. And do you have  
20 any objection to admitting them into the record?

21 MR. BAGBY: I am okay with you doing  
22 this.

23 JUDGE PEARSON: All right. I will admit  
24 the exhibits marked PS-13 and PS-14 into the record.

25 (Exhibit Nos. PS-13 and PS-14 admitted.)

1 BY MR. O'CONNELL:

2 Q Investigator Smith, did you get a response  
3 from Blessed Limousine to your e-mail?

4 A Yes, I did.

5 Q When did you get that response?

6 A On August 4th.

7 Q And how did Blessed Limousine respond?

8 A Genise responded via e-mail and said,  
9 "Thank you for inquiring, we absolutely do have a 22  
10 passenger limo available for either Aug 14 or 15...may  
11 we please call you, or please call us to discuss."

12 Q I would like to direct your attention to  
13 Exhibit PS-14. Is that the response e-mail that you  
14 received from Blessed Limousine?

15 A Yes.

16 Q Is that a -- is that printout a true and  
17 accurate representation of the e-mail that you  
18 received from Blessed Limousine?

19 A Yes.

20 Q Did this e-mail contain a telephone number for  
21 you to call Blessed Limousine?

22 A Yes.

23 Q What was the telephone number?

24 A (206) 579-5911.

25 Q Does this e-mail from Blessed Limousine raise



1 a red flag to Staff?

2 A Yes.

3 Q Why?

4 A Because they confirmed that they did have a  
5 22-passenger limo available for the dates that I  
6 requested.

7 Q And why is that of concern to Staff?

8 A Because that shows that they have the capacity  
9 to transport more than 14 passengers, which requires a  
10 certificate.

11 Q Okay. Would you please tell us now about the  
12 second instance when you inquired about Blessed  
13 Limousine's services as a customer?

14 A On August 24th, I e-mailed Blessed Limousine,  
15 inquiring about the possibility of renting a vehicle  
16 that could accommodate 16 to 18 of my friends, I used  
17 the alias Steve Webster, to go to a Sounders game.

18 Q Did you get a response from Blessed Limousine?

19 A Yes.

20 Q Okay. I would like to direct your attention  
21 to what has been marked as Exhibit PS-15 for  
22 identification purposes. Will you please identify  
23 this document?

24 A That is the response I received from Blessed  
25 Limousine on August 25th, regarding my Sounder trip.

1 Q Does it also contain the trail with the e-mail  
2 that you sent to Blessed Limousine?

3 A Yes, it has the August 24th e-mail as well.

4 Q And who is Steve Webster again, who is  
5 identified in this e-mail trail?

6 A That is one of the aliases I use when I am  
7 investigating companies.

8 Q And is this printout a true and accurate  
9 representation of the e-mail trail between you and  
10 Blessed Limousine?

11 A Yes.

12 MR. O'CONNELL: Staff offers Exhibit  
13 PS-15, Your Honor.

14 JUDGE PEARSON: Mr. Bagby.

15 MR. BAGBY: Yes, ma'am.

16 JUDGE PEARSON: Did you have an  
17 opportunity to review this exhibit?

18 MR. BAGBY: Yeah, and I don't want it  
19 in.

20 JUDGE PEARSON: Okay. What is your  
21 basis for not wanting it in?

22 MR. BAGBY: I'm just being walked  
23 through it, ma'am.

24 JUDGE PEARSON: You would have to  
25 provide me with a basis --

1 MR. BAGBY: Okay.

2 JUDGE PEARSON: -- for the objection.

3 MR. BAGBY: I'm just being walked  
4 through it.

5 JUDGE PEARSON: Do you have a basis for  
6 the objection?

7 MR. BAGBY: I'm just being walked  
8 through it, ma'am.

9 JUDGE PEARSON: That was a yes or no  
10 question. Do you have a basis for your objection?

11 MR. BAGBY: I am allowing you to do as  
12 you do.

13 JUDGE PEARSON: So if you are not going  
14 to answer my question, I will go ahead and admit it  
15 into the record --

16 MR. BAGBY: Thank you.

17 JUDGE PEARSON: -- and mark it as  
18 Exhibit PS-15.

19 (Exhibit No. PS-15 admitted.)

20 MR. BAGBY: Thank you.

21 BY MR. O'CONNELL:

22 Q Investigator Smith, how did Blessed Limousine  
23 respond to your inquiry?

24 A Genise sent an e-mail back and said that  
25 they -- "Thank you for your inquiry. We do have a bus

1 available on September 23. It can accommodate your  
2 party."

3 Q And why is this of concern to Staff?

4 A Because my party that I asked about was 16 to  
5 18 people and that's above the limit that they can  
6 transport without the certificate.

7 Q Did Blessed Limousine add in this e-mail a  
8 telephone number that you could reach them at?

9 A Yes, they provided the telephone number.

10 Q Is that telephone number the same one that you  
11 called when you spoke with Mr. Bagby himself?

12 A Yes.

13 Q Investigator Smith, as a result of your  
14 investigation, do you believe Blessed Limousine has  
15 been operating as a charter party carrier?

16 A Yes.

17 Q Why?

18 A Well, looking at their website, I see multiple  
19 tabs with multiple sections that show that they have  
20 the capability of providing that. Their Facebook page  
21 also has pictures of a party bus and captions that  
22 read that they have 22-passenger vehicles available.  
23 And I made those two e-mail attempts, where they  
24 confirmed that they could accommodate a party of up to  
25 20 people in vehicles.

1 MR. O'CONNELL: Your Honor, I have no  
2 more questions for Ms. Smith.

3 JUDGE PEARSON: Okay. Thank you.

4 Mr. Bagby, do you have any questions for  
5 Ms. Smith?

6 MR. BAGBY: No, ma'am.

7 JUDGE PEARSON: Okay. So if you would  
8 like to stand and raise your right hand, I will swear  
9 you in so that you can give testimony.

10 MR. BAGBY: (Complies.)

11

12 CLUSSIE BAGBY, witness herein, having been  
13 first duly sworn on oath, was  
14 examined and testified as follows:

15

16 JUDGE PEARSON: You may be seated.

17 MR. BAGBY: (Complies.)

18 JUDGE PEARSON: And you can go ahead  
19 whenever you are ready and respond to what Staff has  
20 testified to here today.

21 MR. BAGBY: In response to what you are  
22 saying, I guess, basically, I want to say that they  
23 are accusing me of having a limo that carries 22  
24 people. But I did have on my website that I was -- 22  
25 people is available. I was under the assumption that

1 I was subcontracting this work out. This wasn't work  
2 that I was going to put in a limo that was owned by  
3 Blessed Limousine. I have a bunch of contractors that  
4 do have proper license, and it's done by the UTC, have  
5 a license by the UTC to be able to carry that amount  
6 of people.

7 I was contacted by them numerous times and I  
8 was never given a date to say when -- as a matter of  
9 fact, when the guy came out, talked to me at my house,  
10 I explained to him that I had an insurance policy that  
11 wasn't carrying the 5 million that was necessary to  
12 get. So I explained to him, and he said, Once your  
13 insurance is up. I explained to him that my insurance  
14 was up soon and I was going to try and redo the -- no,  
15 I was going to redo the insurance, to allow me to have  
16 the proper amount of insurance to get that certificate  
17 necessary. I just hadn't got there.

18 The e-mails that she sent, my wife, or Genise,  
19 was going to subcontract that work out. That was no  
20 work that Blessed Limousine was going to do. The  
21 limos that I do have, they were all registered through  
22 the City of Seattle as a 12-passenger limo. I have  
23 never put more in there than that.

24 I have the -- the reason why they haven't  
25 gotten a form from me now is because I have the form

1 at my house. I actually had to cancel out my whole  
2 insurance policy and rewrite another one, which will  
3 be done on Monday. So Tuesday I -- I got a DOT number  
4 already. I won't actually get that DOT number. I've  
5 got the form, and I will have the proper amount of  
6 insurance, and I will give them the information that  
7 they need for me to obtain a certificate.

8 JUDGE PEARSON: Okay. So your intention  
9 is to apply for a certificate?

10 MR. BAGBY: It's already -- it's --  
11 everything is already done, except for the insurance.  
12 They -- the insurance was approved, they just need to  
13 approve it for the 5 million that's necessary for each  
14 car.

15 JUDGE PEARSON: Okay.

16 MR. BAGBY: And prior to this date I  
17 have not put that many people in my car. What I do is  
18 subcontract the work.

19 When they came out they explained to me  
20 numerous times that I needed to get one, but nobody  
21 never said there was a certain date I had to have it  
22 by. I wasn't supposed to be operating under those  
23 circumstances, which I understood that, and I have  
24 not.

25 The 16 to 18 people that the e-mail came to

1 me, that I was supposed to send off, or that Genise  
2 said that we can take care of, was going to be  
3 subcontracted out.

4 JUDGE PEARSON: Okay. Thanks.

5 Is that all?

6 MR. BAGBY: That was more than I had,  
7 actually.

8 JUDGE PEARSON: Mr. O'Connell, do you  
9 have any questions for Mr. Bagby?

10 MR. O'CONNELL: Yes.

11

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

13 BY MR. O'CONNELL:

14 Q Mr. Bagby, who are the contractors --

15 A I've got --

16 Q -- that have UTC authority that --

17 A I have eight contractors that's available. I  
18 don't go by the names of the companies, but I have the  
19 names of the individuals that have companies that are  
20 licensed through the UTC. The names of their  
21 companies I don't go through. Basically, what they do  
22 is give me the smaller work that they have, I give  
23 them the larger work that I have.

24 Q Can you give us the names of the people?

25 A Absolutely. So when I get back to my Rolodex,



1 where my phone is, I can give you names to everybody.  
2 I can give you ten providers that I have. Not  
3 business numbers, but I have personal numbers that I  
4 call and say, I've got this amount of people, and I  
5 let them take care of it. I don't take care of it.  
6 That's not my expertise. My expertise is Town Car,  
7 SUV, and ten-passenger limo, which is what I'm  
8 registered and licensed for.

9 Q So do you have the names of those individuals  
10 here with you today?

11 A Rolodex on my desk.

12 JUDGE PEARSON: So when do you think you  
13 could get them to us by?

14 MR. BAGBY: By Tuesday. Monday or  
15 Tuesday I can have them.

16 JUDGE PEARSON: By Monday or Tuesday.  
17 Okay. Let's just say by close of business on Tuesday,  
18 at 5:00 p.m. on Tuesday.

19 MR. BAGBY: Absolutely.

20 JUDGE PEARSON: Will you send those via  
21 e-mail?

22 MR. BAGBY: If that's what it takes,  
23 yes.

24 JUDGE PEARSON: Okay. And you can  
25 e-mail those --

1 MR. BAGBY: I can e-mail you at least --

2 JUDGE PEARSON: -- to Ms. Smith?

3 MR. BAGBY: -- six of them, no doubt.

4 That's easy, real simple.

5 MR. O'CONNELL: Your Honor, can we give

6 Mr. Bagby an e-mail? Should he send the e-mail to

7 Staff or directly to you or --

8 MR. BAGBY: It's fine if he wants to

9 communicate with Ms. Smith.

10 MR. O'CONNELL: Okay.

11 MR. BAGBY: No, no, no, I would rather

12 not.

13 JUDGE PEARSON: You would rather not

14 e-mail it to Ms. Smith?

15 MR. BAGBY: No, no, no, ma'am.

16 JUDGE PEARSON: Would you like to send

17 it to Mr. O'Connell?

18 MR. BAGBY: Is it possible I can send it

19 to Your Honor, to the bench, or something?

20 JUDGE PEARSON: You can send it to me.

21 I will caution you not to do anything other than give

22 me the information --

23 MR. BAGBY: That's it. That's --

24 JUDGE PEARSON: -- that's being

25 requested --

1 MR. BAGBY: -- all I'm going to give  
2 anybody.

3 JUDGE PEARSON: -- because we don't want  
4 to have any ex parte communications or anything like  
5 that.

6 MR. BAGBY: Okay. I need to say that I  
7 am not being difficult, I'm just sitting in a seat of  
8 somewhere [sic] that I knew nothing of this. I walked  
9 in to get a continuance and all of a sudden I'm put on  
10 the bench and say, Defend yourself.

11 This was the thing that I went to the lawyer  
12 with. I basically wanted to go and do what  
13 Mr. O'Connell said and say let's get -- let's get an  
14 agreement. I'll pay whatever, if I was wrong. You  
15 said I was wrong, I'll pay it. I don't want no  
16 problems. But the fact was, when I explained it to  
17 the lawyer, and he looked at the circumstances. Are  
18 you doing what they say you're doing?

19 No, I'm not. What I'm doing is I'm  
20 subcontracting work out and they are subcontracting  
21 work to me. That's not against the law.

22 JUDGE PEARSON: Do you have documents  
23 that show the subcontracting relationship, written  
24 contracts with the subcontractors that can prove that  
25 you are --

1 MR. BAGBY: They have -- they have  
2 contracts that they make with their own individual  
3 clients. I have nothing to do with that. All I do is  
4 subcontract the work and say, I've got a person that  
5 called me about what she said, a 16- to 18-passenger  
6 run. I give it to them. I don't get in the middle of  
7 what they do.

8 JUDGE PEARSON: That was going to be my  
9 question. Would you have just --

10 MR. BAGBY: Absolutely.

11 JUDGE PEARSON: -- ended up handing that  
12 off to the other company?

13 MR. BAGBY: I want no money out of it.  
14 All I'm doing is doing them a favor, and they do me  
15 just the same when they have smaller work.

16 JUDGE PEARSON: Okay. So you wouldn't  
17 be representing that it was your limo or your company.  
18 You would say I am going to refer you to this company,  
19 here's their phone number, I'll put in touch, you can  
20 make arrangements with them?

21 MR. BAGBY: Absolutely.

22 JUDGE PEARSON: That's how you do it?

23 MR. BAGBY: And I don't mean -- I don't  
24 mean to cut you off, I'm just -- this is -- this is  
25 all just a new concept.

1 JUDGE PEARSON: Mr. O'Connell?

2 MR. O'CONNELL: I don't have any further  
3 questions, Your Honor.

4 JUDGE PEARSON: Okay.

5 So, Mr. Bagby, it would be in your best  
6 interest to produce as much documentation of this  
7 subcontractor relationship that you can come up with,  
8 in addition to providing us the names. If you have  
9 any paperwork, if you have copies of e-mails that you  
10 have sent back and forth to these subcontractors, or  
11 copies of e-mails that can show that you are referring  
12 people who contact your company to other companies,  
13 anything of that nature, that can demonstrate and  
14 prove what you are saying today. Do you have anything  
15 like that?

16 MR. BAGBY: I'm going to look through my  
17 records and find them.

18 JUDGE PEARSON: Okay.

19 MR. BAGBY: I have -- I have text  
20 messages, where they are texting me back and I'm  
21 texting them back. I'm sure I can find that.

22 JUDGE PEARSON: Okay. Where you are  
23 referring them out.

24 I mean, you say that you have the names of  
25 these people, because there are very specific vehicles

1 that are in the photos.

2 MR. BAGBY: Uh-huh.

3 JUDGE PEARSON: There's the Seattle H2  
4 Hummer and there's pictures of the inside. So who  
5 owns that?

6 MR. BAGBY: I've got five people that  
7 own Hummers exactly as that picture says.

8 JUDGE PEARSON: And they all look the  
9 same?

10 MR. BAGBY: Exactly the same.

11 JUDGE PEARSON: Okay. And what about  
12 the executive party bus? I think there is -- I'm not  
13 sure if there is a photo of that as well or if you  
14 just have the -- you also have numerous people --

15 MR. BAGBY: I'll get you the information  
16 I have --

17 JUDGE PEARSON: -- that have the party  
18 buses?

19 MR. BAGBY: -- ma'am.

20 JUDGE PEARSON: Okay. So I am curious  
21 why you represent that to be part of your fleet if you  
22 don't actually own the vehicle.

23 MR. BAGBY: Oh, that's easy. That's  
24 very easy. Dealing with a customer on a corporate  
25 level, you deal with a customer so far as taking care

1 of all their needs. Any parts of their needs that you  
2 can't take care of they go somewhere else to get it  
3 taken care of, which eventually they go to that person  
4 to get everything taken care of.

5 That's about all I don't do, is the higher  
6 number of people. Anything else, from 1 to 12, I can  
7 take care of it. But when you get up to the higher  
8 numbers, I stay away from that.

9 JUDGE PEARSON: Okay. So you're saying  
10 the Suburban is yours, the Chrysler limousines are  
11 yours, but the Hummer and the executive party bus are  
12 not yours?

13 MR. BAGBY: Those are limos that I have,  
14 that somebody -- are available to have to do the run  
15 for me, subcontractor.

16 JUDGE PEARSON: That have all of these  
17 features that are listed?

18 MR. BAGBY: Absolutely -- no, no, those  
19 features and more. Those are just the features that's  
20 listed.

21 JUDGE PEARSON: Okay.

22 MR. BAGBY: Yes, ma'am.

23 JUDGE PEARSON: All right. Do you have  
24 anything further, Mr. O'Connell?

25 MR. O'CONNELL: At the conclusion of the

1 hearing, I would like to make a brief closing  
2 statement, Your Honor.

3 MR. BAGBY: My wife is itching to say  
4 something. Is it possible she --

5 JUDGE PEARSON: Absolutely. I can swear  
6 you in.

7 MS. BAGBY: Please.

8 JUDGE PEARSON: If you would raise your  
9 right hand and stand.

10 MS. BAGBY: Do I need to stand?

11 JUDGE PEARSON: Yes, if you can.

12 MS. BAGBY: (Complies.)

13

14 GENISE BAGBY, witness herein, having been  
15 first duly sworn on oath, was  
16 examined and testified as follows:

17

18 JUDGE PEARSON: Make sure your  
19 microphone is turned on.

20 MS. BAGBY: Mine?

21 JUDGE PEARSON: If you could state --

22 MS. BAGBY: It looks red.

23 JUDGE PEARSON: Okay. If you could  
24 state your name for the record.

25 MS. BAGBY: My name is Genise Bagby.



1 JUDGE PEARSON: Okay. And Genise is  
2 G-E-N-I-S-E?

3 MS. BAGBY: That's it.

4 JUDGE PEARSON: Okay. And do you have  
5 the same address as Mr. Bagby?

6 MR. BAGBY: I do.

7 JUDGE PEARSON: Okay. You can go ahead.

8 MS. BAGBY: One of the things that I am  
9 not sure that this proceeding or Court is aware of, is  
10 that a lot of companies have websites and they have  
11 vehicles listed on the websites, and services that  
12 they have also on the website, of which they own  
13 absolutely not one vehicle. All of that information  
14 gets -- oftentimes -- well, not often, they do get  
15 subcontracted out to other companies.

16 There's a company called --

17 MR. BAGBY: Don't, don't.

18 MS. BAGBY: Don't tell them? Oh, okay.

19 Well, there's a company in Tacoma, for  
20 example, who, when they get -- have requests, they may  
21 send us an e-mail, a contact form, but it's through  
22 their own website. They are receiving the request,  
23 they own not even one vehicle.

24 You have companies, limo, limo.com --

25 MR. BAGBY: Don't.

1 MS. BAGBY: But I just want to make sure  
2 that they understand that it's a -- it's a common  
3 practice that you offer the services, but then you  
4 farm out, it's called farming out, you farm out the  
5 work to another company that actually does the  
6 service.

7 MR. BAGBY: And on my website, I do have  
8 an actual farm-out page.

9 JUDGE PEARSON: Oh, you do?

10 MR. BAGBY: Yes.

11 JUDGE PEARSON: Okay.

12 MR. BAGBY: Yes, I do have a farm-out  
13 page, where I farm out this work.

14 And I don't know it's -- I'm going to get to  
15 the point. I guess that's where the lawyer is going  
16 to come in handy, if it's going to be illegal for me  
17 to have this -- this limo on my website, seeing as how  
18 I really don't have this limo. That's why I haven't  
19 said this. I mean, but I have people that do have the  
20 same limo. H2 Hummer with that very inside is so  
21 common, it's so common, it's so common.

22 This is why the severity of me sitting here  
23 today, I'm just kind of being -- when you said you are  
24 going to walk me through it, it just kind of blew me  
25 away.

1 JUDGE PEARSON: I am sure you can  
2 understand how Staff could infer from looking at your  
3 website that these vehicles belong to you, because you  
4 do hold yourself out as a company that provides  
5 service with these vehicles. It's not at all  
6 unreasonable that Staff would believe that these  
7 vehicles belong to you and that you are providing that  
8 service.

9 You had the opportunity to come, and you have  
10 another explanation, which is what you gave to us  
11 today, saying that you subcontract the business out  
12 and that these vehicles don't belong to you.

13 Go ahead.

14 MR. BAGBY: But why didn't they ask me  
15 this at first, when we were talking? I mean, he  
16 said -- he -- me and him talked about this yesterday.  
17 I wanted to come and explain this to him when we had  
18 this open setting. When he starts saying I had to be  
19 guilty of what I -- what he said I was -- I was guilty  
20 of, then I felt that there -- there was no need for me  
21 to come here.

22 JUDGE PEARSON: Well, I offered you  
23 another opportunity to speak with Staff before the  
24 hearing started today --

25 MR. BAGBY: Okay.

1 JUDGE PEARSON: -- if you wanted to  
2 discuss --

3 MR. BAGBY: Okay.

4 JUDGE PEARSON: -- the terms of the  
5 settlement.

6 MR. BAGBY: Okay.

7 JUDGE PEARSON: The other thing is, is  
8 that it sounds like Staff -- it looked, from the  
9 evidence, Staff contacted you multiple times to  
10 explain the process to you. From what the evidence  
11 shows in Ms. Smith's testimony, there wasn't any  
12 response from you at that time answering the letter  
13 back, or the e-mails back saying, hey, this isn't what  
14 I do, I subcontract this work out.

15 You did have multiple opportunities, before it  
16 escalated to this point, to explain to Staff what was  
17 going on. I don't see it documented in your  
18 conversation with Mr. Foster either, that you told him  
19 at that time, hey, these vehicles aren't mine.

20 MR. BAGBY: Are you done? Can I?

21 JUDGE PEARSON: Go ahead.

22 MR. BAGBY: Okay. No, he never once  
23 said that I was able to give my point. Basically,  
24 what he wanted -- what he did was said, We've got a  
25 court date, you've got to go to court, and we're going

1 to show you what it is that you did wrong.

2 JUDGE PEARSON: Well, Mr. Foster didn't  
3 say that because there was no court date at that point  
4 in time.

5 MR. BAGBY: When -- when -- for when it  
6 first started, all they told me was I needed a license  
7 through the UTC.

8 JUDGE PEARSON: Right.

9 MR. BAGBY: They never gave me an  
10 opportunity to say -- they never even asked me where  
11 are these cars at.

12 JUDGE PEARSON: So you are saying  
13 Mr. Foster didn't see the cars?

14 MR. BAGBY: He never even see a car.

15 JUDGE PEARSON: He just went to you --

16 MR. BAGBY: He walked to my house and  
17 told --

18 MS. BAGBY: He came to our house.

19 MR. BAGBY: -- me that you need this  
20 license. So me, seeing as how -- what he is saying, I  
21 never knew what the validity of it was, so far as  
22 what -- how would it -- you know, and you're -- I  
23 won't say you're wrong, but I did respond back to them  
24 numerous times and told them what I'm doing is I'm in  
25 the process of getting a UTC license.

1 JUDGE PEARSON: Right.

2 MR. BAGBY: Because I do plan eventually  
3 to be positioned to have big, larger cars.

4 JUDGE PEARSON: Okay. And Ms. Smith did  
5 say that there was a phone conversation with you,  
6 where you did say that you were going to. And it  
7 looks like you told Mr. Foster the same thing, that  
8 your intention was to submit an application as soon as  
9 possible.

10 But it does say in his account that he  
11 explained to you that the reason you needed the  
12 authority was because of the 22-passenger vehicles.  
13 There is no notes in here of you trying to explain to  
14 him at that time that those vehicles weren't yours.  
15 So it looks like you had an opportunity to tell that  
16 to Mr. Foster but did not.

17 MR. BAGBY: I'm -- I'm sorry --

18 MS. BAGBY: Mr. --

19 MR. BAGBY: Hold on, excuse me.

20 I'm sorry about Mr. Foster. My wife can't  
21 wait to say this. Mr. Foster had a two-word  
22 conversation with us. He walked to my door and he  
23 said, How are you doing? And he said, You need a  
24 license with UTC. You're using bigger vehicles, you  
25 need a license, and he walked -- he gave me his card,

1 and he said, Please call, and he was gone.

2 Now, what the paper says, I have no idea.

3 Maybe he had that conversation after the door was  
4 closed or after I left. I didn't get that part of the  
5 conversation.

6 JUDGE PEARSON: Okay. So your position  
7 today, that you are taking, is that until you got here  
8 today, you didn't have an opportunity to explain that  
9 these vehicles aren't yours because you didn't  
10 understand what the allegations were against you. Is  
11 that what you are saying?

12 MR. BAGBY: I guess -- I guess that's  
13 partial. The biggest part of it -- to be quite frank,  
14 I want to be honest with the court itself, what I  
15 wanted to do was to come to court in compliance, which  
16 is what we talked about, with the paperwork necessary,  
17 saying, okay, now I'm in compliance. Whatever I might  
18 have done, it wasn't me that did it, and I have a  
19 license now to go do it, if that's what I choose to  
20 do, if I ever choose to buy a car that big. That's  
21 basically where I was.

22 But yes, I didn't -- I felt no need to defend  
23 myself because I wasn't given the opportunity to know  
24 what was being done. I've asked numerous times. You  
25 need a license with the UTC. Okay, but what's the

1 cost?

2 Then you say you sent me these papers. I  
3 don't know. I don't know how, what, when. Now I need  
4 to get you the information that you need.

5 JUDGE PEARSON: Right, and your  
6 intention is to submit an application by Tuesday at  
7 the latest?

8 MR. BAGBY: Monday morning I will have  
9 that. Not -- and I have the application. I can -- I  
10 can submit the application today -- tomorrow. I can  
11 submit the application tomorrow. As soon I go to our  
12 office and get it, I can submit it then. I just  
13 wanted to have everything compiled, so when I submit  
14 it, it's a guaranteed go, that's all.

15 JUDGE PEARSON: You are waiting on the  
16 insurance?

17 MR. BAGBY: That's all. And I have the  
18 insurance, I'm just waiting on the 5 million level --  
19 line to go through.

20 JUDGE PEARSON: Okay.

21 MR. BAGBY: And that's guaranteed by  
22 Tuesday. That's guaranteed.

23 JUDGE PEARSON: Okay. So we will most  
24 likely see that from you before Tuesday?

25 MR. BAGBY: Absolutely.



1 JUDGE PEARSON: And then you do  
2 understand that I have requested that you e-mail to me  
3 the names of the subcontractors that you are using who  
4 can verify your story?

5 MR. BAGBY: They won't get in any  
6 trouble for taking work from me, will they?

7 JUDGE PEARSON: If they have the correct  
8 operating authority from the Commission, there is no  
9 reason why they should get in trouble for taking  
10 referrals from you.

11 MR. BAGBY: That's it. That's easy. I  
12 just don't want to get anybody else in trouble.

13 JUDGE PEARSON: Unless they are not  
14 permitted, then --

15 MR. BAGBY: I guarantee --

16 JUDGE PEARSON: -- they would be subject  
17 to the same thing you are being subjected to right  
18 now.

19 MR. BAGBY: I -- oh, I'm sorry.

20 JUDGE PEARSON: But if they are  
21 permitted, then there is no issue with you referring  
22 customers to them.

23 MR. BAGBY: Okay.

24 MS. BAGBY: You need the address.

25 MR. BAGBY: Yeah, she's going to give me

1 the e-mail address.

2 JUDGE PEARSON: Mr. O'Connell, did you  
3 want to go ahead?

4 MR. O'CONNELL: Well, based on some of  
5 the information that has come out, I have -- I feel  
6 like I have two follow-up questions that need to be  
7 asked of Investigator Smith.

8 JUDGE PEARSON: Okay.

9 MR. O'CONNELL: So I was wondering if I  
10 could --

11 JUDGE PEARSON: Absolutely.

12 MR. O'CONNELL: -- bring her back on the  
13 stand.

14 JUDGE PEARSON: Sure.

15 MR. O'CONNELL: Does she need to be  
16 sworn back in?

17 JUDGE PEARSON: No, she does not. She  
18 remains sworn in.

19

20 D I R E C T E X A M I N A T I O N (Cont'd)

21 BY MR. O'CONNELL:

22 Q Ms. Smith, when you viewed the website in  
23 September, and most recently this week, did you see  
24 anything on the Blessed Limousine website about  
25 farm-out arrangements?

1 A No.

2 Q This is a question about seating capacity for  
3 the vehicles. Can you have one of these larger  
4 vehicles, like an H2 Hummer that seats 22 people, or a  
5 party bus that can seat 22 people, and only fill it  
6 with 12 people and then be in compliance?

7 A No, it's -- the seating capacity is based on  
8 the manufacture's specifications when the vehicle is  
9 built.

10 Q So it doesn't matter if you only fill it up  
11 halfway?

12 A A lot of people do aftermarket, I guess they  
13 call it, modifications, like the party buses. Yeah,  
14 you have to be able to use the manufacturer's --

15 Q So what does the UTC look at to determine how  
16 many people are in a vehicle and whether that vehicle  
17 has to have a UTC certificate?

18 A They will look at the VIN numbers and then the  
19 manufacturer's specifications for the amount of seats  
20 in the vehicles.

21 MR. O'CONNELL: Okay. Those are the  
22 only two questions I have. Thank you, Your Honor.

23 MR. BAGBY: I have one.

24 It was stated that, if you have more than 16  
25 people behind you, that you are out of compliance.

1 Not that if you have room for 16 people behind you,  
2 but if you have 16 people behind you, you are out of  
3 compliance. So I mean I -- there needs to be a little  
4 clarification there.

5 INVESTIGATOR SMITH: I don't quite  
6 understand what --

7 MR. BAGBY: The statement that I heard  
8 earlier was that if you have more than 16 people  
9 behind you, you are out of compliance.

10 INVESTIGATOR SMITH: More than 14.

11 MR. BAGBY: More than 14. Not if you  
12 have room for more than 14. So what I'm saying is if  
13 I did have a vehicle bigger, that there wasn't that  
14 many people behind, that wouldn't be -- would that be  
15 wrong?

16 INVESTIGATOR SMITH: Yes, if it seats  
17 more than 14.

18 MS. BAGBY: Okay.

19 MR. BAGBY: Thank you. I'll -- I'll  
20 look it up.

21 MS. BAGBY: May I ask a question to  
22 Ms. Smith?

23 JUDGE PEARSON: Sure, go ahead.

24 MS. BAGBY: You mentioned that you did  
25 not see the information regarding the farm-out, but

1 did you actually -- were you actually at any point  
2 looking for subcontractor or farm-out information?

3 INVESTIGATOR SMITH: I do know on the  
4 website you fill out the e-mail response. That's what  
5 I did to get -- so I don't know what -- there was an  
6 e-mail re -- you know, you would put in your  
7 information and it gets e-mailed to Blessed Limousine.

8 MS. BAGBY: Correct.

9 INVESTIGATOR SMITH: That's what I used.  
10 I didn't see anything more than that. I'm not saying  
11 there isn't, I just -- I did not see it.

12 MS. BAGBY: Right.

13 MR. BAGBY: Do you know what, I think  
14 she's right, because the farm-out is on the inside.  
15 I'm sitting here thinking, it's on the inside, because  
16 it's for me to know who I am giving the business to  
17 and --

18 JUDGE PEARSON: So it's not available to  
19 the public?

20 MR. BAGBY: It's probably not available  
21 to the public.

22 MS. BAGBY: No.

23 JUDGE PEARSON: Okay.

24 MR. BAGBY: It's probably not.

25 JUDGE PEARSON: Thank you for --

1                   MR. BAGBY: But there is a farm-out  
2 section in there.

3                   JUDGE PEARSON: Thank you for clarifying  
4 that.

5                   MR. BAGBY: Yes.

6                   JUDGE PEARSON: So I have one other  
7 question. On your About Us page of your website there  
8 is a note left by Wally Newby that says, "Saw one of  
9 your HUMMERS today in Sequim WA. believe The  
10 Gentleman Chauffeur was CLUSSIE. Great Man! Great  
11 Company! CLASS ALL THE WAY! am interested in doing  
12 business with Him, BLESSED LIMOUSINE, all its people  
13 and sharing the blessings given to us by our CREATOR."

14                   So that makes it sound like you were driving  
15 the Hummer.

16                   MR. BAGBY: What that -- what you just  
17 heard was there's two limos there, a Hummer and my  
18 ten-passenger Chrysler. That's where some  
19 subcontractor comes in handy, because that gentleman  
20 got to be a really, really, really high end of  
21 business for me.

22                   JUDGE PEARSON: Wally Newby?

23                   MR. BAGBY: Yes.

24                   But not on the level of the Hummer, but on the  
25 level of SUVs going to Sequim, and my vans going to

1 Sequim. But so far as a Hummer, he just wanted that  
2 just for that moment. It was a ten-passenger that he  
3 was really inquiring about it.

4 I was there, but it wasn't the Hummer that I  
5 was in.

6 JUDGE PEARSON: So he was mistaken.

7 MR. BAGBY: No, he wasn't mistaken. He  
8 looked at both cars and he didn't know who was driving  
9 which car, so he wasn't mistaken.

10 JUDGE PEARSON: But he was mistaken  
11 about who was driving the Hummer because --

12 MR. BAGBY: He didn't say --

13 JUDGE PEARSON: -- he said you were  
14 driving the Hummer.

15 MR. BAGBY: He might have felt I was  
16 driving the Hummer because I was there with both cars.

17 JUDGE PEARSON: Okay.

18 You can proceed with your closing statement,  
19 if you would like.

20 MR. O'CONNELL: Thank you, Your Honor.

21 There has been a long history of Staff trying  
22 to bring Mr. Bagby and Blessed Limousine into  
23 compliance. Since February Staff has been reaching  
24 out to Blessed Limousine. Each time Mr. Bagby has --  
25 he stated back that he was in the process of making an

1 application, but we are still waiting for that  
2 application. It has been eight months since that  
3 time. Eight months of working with the Company and  
4 waiting for the Company to voluntarily come into  
5 compliance is enough.

6 The website says they provide limousine and  
7 transportation services. I think that clearly shows  
8 that there is a difference between limousine and  
9 transportation services that the Company understands.  
10 The Hummer limousine and party bus are advertised for  
11 on the website. The Company needs the authority to  
12 operate or engage in the business of a charter party  
13 carrier. What it means to engage in the business of a  
14 charter party carrier is to advertise or offer charter  
15 party carrier services.

16 So in advertising on their website for these  
17 larger vehicles, they are engaging in the business,  
18 and that is the violation that Staff is alleging  
19 today, along with two e-mail inquiries for which  
20 Blessed Limousine responded with an offer to provide  
21 those services.

22 Now, statute allows a penalty of up to \$5,000  
23 per violation in these cases. Staff in this case  
24 recommends a penalty of only 2,500 per violation.

25 This court could reasonably conclude that



1       there were multiple violations on Blessed Limousine's  
2       website because there are ads on each page, and that  
3       there were multiple violations on the Blessed  
4       Limousine Facebook page. For this case, Staff is  
5       recommending that the website be considered a single  
6       violation and the Facebook page be considered a single  
7       violation. This makes a total of four violations,  
8       including the two e-mail offers that Staff received  
9       from the Company. That makes a total penalty  
10      recommended by Staff of \$10,000.

11               Staff would be amenable if the court decided  
12      to suspend \$6,000 of that total, so down to \$4,000, on  
13      certain conditions that Staff would need to have  
14      fulfilled, including that the Company submit an  
15      application by November 30th, but as Mr. Bagby has  
16      already made clear, he intends to do that well before  
17      November 30th.

18               Staff would also need the condition that the  
19      Company cease and desist its operations of the larger  
20      vehicles, including advertising or offering, until it  
21      has an approved application from the UTC. And that  
22      the Company submit to inspection of these larger  
23      vehicles prior to getting any sort of approval for a  
24      certificate to operate.

25               And finally, that the Company stay in

1 compliance for one year from the effective date of the  
2 Commission's order.

3 Thank you, Your Honor.

4 JUDGE PEARSON: Okay. Thank you.

5 Mr. Bagby, did you want to respond to any of that?

6 MR. BAGBY: You know what I'm going to  
7 say. Not really. I mean, I'm just going to be walked  
8 through it.

9 But for the most part, not my wife, but Genise  
10 couldn't wait to get me home so she could tell me  
11 that -- I know this -- we should have never been here.  
12 I should have took care of this and got this  
13 certificate. In spite that I don't have cars, I  
14 should have been [sic] and had a certificate. But the  
15 fact still remains that I can't wait now to tell her,  
16 I didn't have to have a certificate because I don't  
17 have cars. But I was under the assumption, and I  
18 wasn't aware yet, and that's where the lawyer comes  
19 for, he's checking to see if I need a certificate just  
20 to advertise this car and to subcontract it to  
21 somebody else.

22 Now, remind me not to get in the middle, and  
23 I'm going to get \$200 out of whatever the fee is, but  
24 just, here, this is yours, and you take care of that,  
25 and if you have anything that's under ten-passenger

1 call me. So now I find out that I was not -- I was  
2 never in the wrong.

3 That's why when he offered me to come this  
4 morning, I was going to do it. But after conference  
5 with a lawyer -- which I hadn't retained, you're  
6 right, because I didn't know I need to, but now I see  
7 I do need to because there -- I didn't do anything  
8 wrong.

9 JUDGE PEARSON: Well, Staff's position,  
10 what you just heard Mr. O'Connell say, is that  
11 advertising these vehicles and offering to provide  
12 them are violations in and of themselves, whether or  
13 not you are subcontracting the work out. That is what  
14 Staff's allegations are today.

15 MR. BAGBY: Okay. Okay.

16 JUDGE PEARSON: So the only other thing  
17 that I wanted to address before we go off the record,  
18 is because this was noticed as a brief adjudicative  
19 proceeding, I would like to request from both parties  
20 that the requirement that I issue an order in ten days  
21 be waived, because of both the Thanksgiving holiday  
22 and the fact that we are waiting for Mr. Bagby to  
23 submit follow-up documents.

24 MR. O'CONNELL: Staff is willing to  
25 waive that ten-day requirement, Your Honor.

1 MR. BAGBY: Ten-day requirement for?

2 JUDGE PEARSON: To issue an order in  
3 this case, because ten days won't be enough time for  
4 me to issue an order because of both the Thanksgiving  
5 holiday, and also the fact that we are going to be  
6 waiting for these additional documents from you, and  
7 your permit application.

8 MR. BAGBY: I want an order today, right  
9 now.

10 JUDGE PEARSON: That's not going to  
11 happen.

12 MR. BAGBY: No, I'm just kidding. I'm  
13 just kidding. Okay. I'm okay.

14 JUDGE PEARSON: Okay. Thank you.  
15 Anything further from either party?

16 MR. O'CONNELL: Staff has nothing more,  
17 Your Honor.

18 JUDGE PEARSON: Okay. All right.  
19 Well, thank you for coming here today and we  
20 will be off the record.

21 (Proceedings concluded 2:59 p.m.)

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C E R T I F I C A T E

STATE OF WASHINGTON  
COUNTY OF KING

I, Sherrilyn Smith, a Certified  
Shorthand Reporter in and for the State of Washington,  
do hereby certify that the foregoing transcript is  
true and accurate to the best of my knowledge, skill  
and ability.

\_\_\_\_\_

SHERRILYN SMITH