

BEFORE THE WASHINGTON

UTILITIES AND TRANSPORTATION COMMISSION

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

BRIEF ADJUDICATIVE PROCEEDING, VOLUME I

Pages 1 - 93

ADMINISTRATIVE LAW JUDGE RAYNE PEARSON

1:35 P.M.

NOVEMBER 19, 2015

Washington Utilities and Transportation Commission
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EXHIBIT	A	R	DESCRIPTION
PS-1	18		DOL Business License, dated 7/30/15 (1 page)
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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.

3 -o0o-

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.

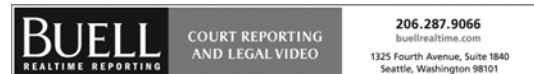
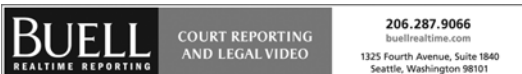
5 MR. O'CONNELL: May I jump in just for a
6 moment?

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.



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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.



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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.



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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?



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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.

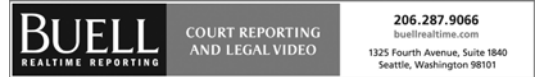
17 INVESTIGATOR SMITH: (Complies.)

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



DIRECT EXAMINATION OF PAM SMITH

15

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.

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

17 BY MR. O'CONNELL:

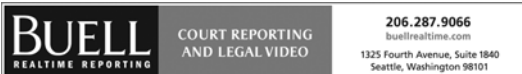
18 Q Would you please state your name and spell it
19 for the record?

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?



DIRECT EXAMINATION OF PAM SMITH

16

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?



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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.



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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



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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.



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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?



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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.



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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.



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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



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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.

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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.

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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

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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?



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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



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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.



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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.



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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.



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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



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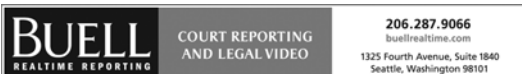
1 sometimes investigators will do a safety check or
2 compliance review.
3 Q Okay. I would like to direct your attention
4 to the document that has been marked as Exhibit PS-5
5 for identification purposes. Will you please identify
6 this document?
7 A That is the assignment report that was
8 completed 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.



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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?



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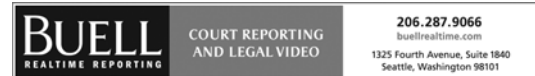


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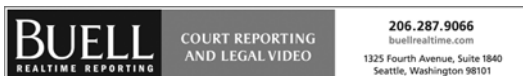
1 A Because they are advertising the ability to
2 provide passenger transportation for over 14
3 passengers.
4 Q And why is that a problem?
5 A Because up to -- anything over 14 passengers
6 behind the driver is considered a charter and
7 excursion vehicle.
8 Q Does a company need a certificate of authority
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



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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



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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.



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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!"



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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.



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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



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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.)



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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



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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.



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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 --



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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



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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.



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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



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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,



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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 --



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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.



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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



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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



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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



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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.



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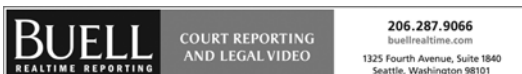
1 JUDGE PEARSON: Okay. And Genise is
 2 G-E-N-I-S-E?
 3 MS. BAGBY: That's it.
 4 JUDGE PEARSON: Okay. And do you have
 5 the same address as Mr. Bagby?
 6 MR. BAGBY: I do.
 7 JUDGE PEARSON: Okay. You can go ahead.
 8 MS. BAGBY: One of the things that I am
 9 not sure that this proceeding or Court is 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.



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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,



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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



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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.



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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?



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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



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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 --



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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



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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



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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



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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.

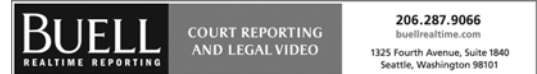
4 JUDGE PEARSON: Okay. Thank you.

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.

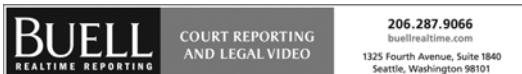
3 That's why when he offered me to come this
 4 morning, I was going to do it. But after conference
 5 with a lawyer -- which I hadn't retained, you're
 6 right, because I didn't know I need to, but now I see
 7 I do need to because there -- I didn't do anything
 8 wrong.

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?

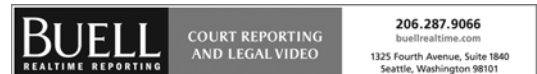
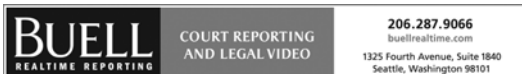
16 MR. O'CONNELL: Staff has nothing more,
 17 Your Honor.

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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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

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