

BEFORE THE WASHINGTON

UTILITIES AND TRANSPORTATION COMMISSION

In re Application of)
)
 HEATH, ANNAVILLA L. d/b/a)
)
 MOVERS4U) Docket TV-151116
) Volume I
 For a Permit to Operate as a)
 Motor Carrier of Household)
 Goods)
)

BRIEF ADJUDICATIVE PROCEEDING, VOLUME I

Pages 1 - 74

ADMINISTRATIVE LAW JUDGE RAYNE PEARSON

1:33 P.M.
 SEPTEMBER 29, 2015

Washington Utilities and Transportation Commission
 1300 South Evergreen Park Drive Southwest
 Olympia, Washington 98504-7250

REPORTED BY: SHERRILYN SMITH, CCR# 2097

Buell Realtime Reporting, LLC
 1325 Fourth Avenue
 Suite 1840
 Seattle, Washington 98101
 206.287.9066 | Seattle
 360.534.9066 | Olympia
 800.846.6989 | National

www.buellrealtime.com

A P P E A R A N C E S

ADMINISTRATIVE LAW JUDGE:

RAYNE PEARSON
Washington Utilities and
Transportation Commission
1300 South Evergreen Park Drive SW
P.O. Box 47250
Olympia, Washington 98504
360.664.1136

FOR COMMISSION STAFF:

BRETT P. SHEARER
Assistant Attorney General
1400 South Evergreen Park Drive SW
PO Box 40128
Olympia, Washington 98504
360.664.1187
bshearer@utc.wa.gov

APPLICANT:

ANNAVILLA L. HEATH
d/b/a Movers4U
1620 132nd Avenue East
Sumner, Washington 98390-9638
253.988.5009
movers4u2015@yahoo.com

-o0o-

1	EXAMINATION INDEX	
2		
3	ANNAVILLA HEATH	PAGE
4	Cross-Examination by Mr. Shearer	13
5	Examination by Judge Pearson	24
6	Examination by Judge Pearson	69
7		
8	LARRY E. HEATH	PAGE
9	Cross-Examination by Mr. Shearer	36
10	Examination by Judge Pearson	62
11		
12	DARREN TINNERSTET	
13	Direct Examination by Mr. Shearer	39
14	Cross-Examination by Ms. Heath	56
15		
16	EXHIBIT INDEX	
17	EXHIBITS FOR IDENTIFICATION	ADMITTED
18	DT-1 Application of Movers4U, filed	9
19	5/26/15 (11 pages)	
20	DT-2 Notice of Intent to Deny, dated	9
21	8/18/15 (4 pages)	
22	DT-3 Request for hearing, dated 8/20/15	9
23	(1 page)	
24	DT-4 Staff's Memorandum to Dave Pratt,	9
25	dated 8/11/15 (11 pages)	
26	DT-5 Google Maps photo of 1620 132nd	9
27	Ave. E, Sumner, WA (1 page)	
28	DT-6 Driver's License photo of Heath,	9
29	Larry E. (1 page)	
30	DT-7 Vehicle Registration from DOL website,	9
31	printed 7/16/15 (1 page)	
32		
33		

	EXHIBIT INDEX (Continued)	
	EXHIBITS FOR IDENTIFICATION	ADMITTED
1		
2		
3	DT-8 Facebook photo, dated 7/8/13 (1 page)	9
4	DT-9 Facebook photo, dated 6/1 (1 page)	9
5	DT-10 Facebook photo, dated 6/1 (1 page)	9
6	DT-11 Facebook photo, dated 6/1 (1 page)	9
7	DT-12 Facebook photo, dated 6/1 (1 page)	9
8	DT-13 Order 02, Docket TV-111943, dated 1/25/12 (8 pages)	9
9		
10	DT-14 WATCH Report for Heath, Larry E., from Washington State Patrol, dated 7/28/15 (11 pages)	9
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

* * * * *

1 OLYMPIA, WASHINGTON; SEPTEMBER 29, 2015

2 1:33 P.M.

3 -o0o-

4
5 JUDGE PEARSON: Good afternoon. Today
6 is Tuesday, September 29th, 2015, at 1:35 p.m.
7 approximately. This is Docket TV-151116, which is an
8 application for a household goods permit, filed by
9 Annavilla L. Heath, doing business as Movers4U. My
10 name is Rayne Pearson, I am the administrative law
11 judge presiding over today's brief adjudicative
12 proceeding.

13 Let's begin by taking appearances from both
14 parties, and then we will talk about how we are going
15 to proceed this afternoon.

16 Let's start with Commission Staff.
17 Mr. Shearer.

18 MR. SHEARER: Good afternoon, Your
19 Honor. My name is Brett Shearer, S-H-E-A-R-E-R. I am
20 here on behalf of Commission Staff.

21 Would you like long form?

22 JUDGE PEARSON: No, that's fine,
23 because --

24 MR. SHEARER: Okay.

25 JUDGE PEARSON: -- we did receive your

1 notice of appearance. Maybe if you could just --

2 MR. SHEARER: And I am --

3 JUDGE PEARSON: -- explain on the record
4 that you are --

5 MR. SHEARER: -- filling in for
6 Mr. O'Connell, who was previously Commission Staff's
7 counsel. I will ask everyone to bear with me, I am
8 filling in fairly last minute, but we should be okay.

9 And the parties have been served copies of my
10 notice of appearance in this case today.

11 JUDGE PEARSON: Okay. Thank you.

12 And, Ms. Heath, if you can state your first
13 and last name, spelling your last name.

14 MS. HEATH: All right. I am Annavilla
15 Heath, H-E-A-T-H, and I am representing for myself and
16 doing business as Movers4U.

17 JUDGE PEARSON: Okay. And can you
18 provide your address, telephone number, and e-mail
19 address?

20 MS. HEATH: My address is 1620 - 132nd
21 Avenue East, it is in Sumner, Washington 98390. The
22 contact number is (206) 588-5 -- 988-5009, and then
23 the e-mail address is Movers4U2015@yahoo.com.

24 JUDGE PEARSON: Okay. Thank you.

25 So I will just briefly, for your benefit,

1 provide a road map of how we are going to proceed
2 today.

3 MS. HEATH: Yes, ma'am.

4 JUDGE PEARSON: So we are here today
5 because the Commission issued a notice of intent to
6 deny to Ms. Heath's application for permanent
7 authority as a household goods carrier.

8 MS. HEATH: Uh-huh.

9 JUDGE PEARSON: Ms. Heath, you requested
10 a hearing, to have an opportunity to respond to the
11 allegations that were set forth in that notice and
12 explain why your application should be approved.

13 MS. HEATH: Yes.

14 JUDGE PEARSON: What we will do is I
15 will have Mr. Shearer give a brief overview of Staff's
16 case, and then I will swear you in and you can present
17 your case. You can provide testimony.

18 Do you intend to call any witnesses today?

19 MS. HEATH: With regards to the -- to
20 the WATCH part, if I may have my husband also --

21 JUDGE PEARSON: Sure.

22 MS. HEATH: -- explain better the
23 circumstances of that one.

24 JUDGE PEARSON: Sure.

25 MS. HEATH: If it's possible.

1 JUDGE PEARSON: Okay. So then once you
2 have presented your testimony and Mr. Heath has
3 presented his testimony, Mr. Shearer will have the
4 opportunity to cross-examine both of you.

5 MS. HEATH: All right.

6 JUDGE PEARSON: And then after that,
7 Staff will present its case. Mr. Darren Tinnerstet,
8 who is seated over here to my right, is Staff's
9 witness. Once he has testified, you will also have
10 the opportunity to ask him questions.

11 MS. HEATH: All right.

12 JUDGE PEARSON: And then once we are
13 done with testimony, both parties will have an
14 opportunity to make a closing statement.

15 Do you have any questions before we proceed?

16 MS. HEATH: Not as of now, Your Honor.

17 JUDGE PEARSON: Okay. Feel free to just
18 let me know if you have any questions --

19 MS. HEATH: Yes, Your Honor.

20 JUDGE PEARSON: -- as we are going.

21 Okay. So we will first turn to the documents
22 that were submitted by Staff in advance of today's
23 proceeding. We discussed off the record stipulating
24 to the admission of the exhibits.

25 Ms. Heath, you did agree to stipulate to

1 admission of the exhibits?

2 MS. HEATH: Uh-huh.

3 JUDGE PEARSON: Okay. Thank you.

4 Then I will add the exhibits marked DT-1
5 through DT-14.

6 (Exhibit Nos. DT-1 thru DT-14 admitted.)

7 JUDGE PEARSON: Mr. Shearer, you may
8 proceed with an opening statement when you are ready.

9 MR. SHEARER: Thank you, Your Honor.

10 Today the Commission is presented with a basic
11 question, and that question is whether an entity or
12 individual who would not be eligible to obtain a
13 household goods moving permit may circumvent the
14 relevant regulations by using his or her spouse to
15 file as a straw man. Staff will present a substantial
16 amount of evidence today. The only rational
17 conclusion to be drawn from that evidence is that this
18 application is a means to obtain a permit that would
19 otherwise not be granted and should not be granted and
20 avoid potential fines and other regulatory
21 obligations.

22 Included in that evidence will be a discussion
23 of the relationship between the applicant and an
24 ineligible individual, a discussion of the shared
25 business addresses and residential addresses, and also

1 BRIEF ADJUDICATIVE PROCEEDING

2 a discussion of the assets used and kept at that
3 shared address that clearly document the goal to
4 jointly run a moving business, a household goods
5 moving business.

6 JUDGE PEARSON: Okay. Thank you.

7 Ms. Heath, if you would please stand and raise
8 your right hand, then I will swear you in, and then
9 you can present your case.

10
11 ANNAVILLA HEATH, witness herein, having been
12 first duly sworn on oath, was
13 examined and testified as follows:

14
15 JUDGE PEARSON: Thank you. You may be
16 seated.

17 MS. HEATH: (Complies.)

18 JUDGE PEARSON: And just go ahead when
19 you are ready.

20 MS. HEATH: Well, I was just about to go
21 through the list that they have, the reasons of why
22 they are intending to deny my application.

23 I feel that as an individual, it doesn't mean
24 that -- since I am married to the person that has a
25 previous or past, even I met him or married him,

1 BRIEF ADJUDICATIVE PROCEEDING

2 should be a reason for my denial, since every
3 individual has the right to improve themselves, to
4 better themselves.

5 I am a new resident of this state and I have
6 dreams, I have had goals in life, especially that I
7 have -- now have a son -- a son, then I wanted to
8 better my future. I can -- I am the type of person
9 who is very independent. Since before -- even before
10 I met my husband, I am already working for myself.
11 And then now it gives me the reason to improve better.
12 Since US of A, they said this is a promise of -- a
13 land of promise. So I myself, it's not only -- I
14 wanted to prove that I can do something better, but
15 also to have my son be proud of me in the future for
16 what I have done and obtained as an individual, not
17 only because his father is a hardworking person. I
18 don't want to be just a wife or a shadow of my
19 husband's hard work.

20 So that's it.

21 JUDGE PEARSON: Okay. Is there anything
22 else that you wanted to speak to in the application
23 specifically.

24 MS. HEATH: With regards to the
25 application, especially for the -- for the forms that

1 BRIEF ADJUDICATIVE PROCEEDING

2 I filled out, Page 6, Questions No. 8 and 9, it was
3 asking if anyone listed, name above the application,
4 has been convicted or cited violation in the state. I
5 said no because I am solely, purely applying for
6 myself. My husband has his own business and I am not
7 taking part of the ownership of his business. I am
8 entitled to have my own business. I am not trying to
9 deny, because they said I am not disclosing in the
10 application. But if the question on the application
11 said, are you related or are you married or is -- does
12 any family member of the applicant, of this
13 application has been cited or committed crime, then I
14 would have enclosed that in the application.

15 JUDGE PEARSON: Okay. Thank you.

16 Did you have any other comments on the other
17 exhibits?

18 MS. HEATH: Yeah, for this -- for the
19 Facebook photos, I am not denying the photos, because
20 it was posted over there, but it's just like an
21 assumed perception. If you see something posted in
22 Facebook it doesn't mean that that is the reality that
23 you are seeing.

24 Like, for example, for the Facebook page that
25 they are trying to say that we got married on or about

1 CROSS-EXAMINATION OF ANNAVILLA HEATH

2 July 8 of 2013. We were married February of 2013. So
3 that itself says like what you see on Facebook is
4 really -- you have to dig deeper for the real -- for
5 the real reasons behind -- because everybody can post
6 anything on Facebook, but that doesn't mean that is
7 the exact thing that is going on.

8 And then you can actually -- since he has
9 already a previous case, so that is like a perception
10 or assumption that they have.

11 JUDGE PEARSON: Okay. Thank you.

12 Mr. Shearer, do you have questions for
13 Ms. Heath?

14 MR. SHEARER: I do, Your Honor.

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

17 BY MR. SHEARER:

18 **Q Mrs. Heath, what is your address?**

19 A 1620 - 132nd Avenue East, that is in Sumner.

20 **Q And is that also your proposed business**
21 **address?**

22 A Yes, sir.

23 **Q And are you sharing this address with anyone**
24 **else or any other entity?**

25 A With my husband. Yes, we are living in the

1 CROSS-EXAMINATION OF ANNAVILLA HEATH

2 same house.

3 **Q And what experience do you have in the**
4 **household goods moving industry?**5 A For my own self, I don't have really any
6 experience, but way back in the Philippines my family
7 is into that kind of business, but it is way different
8 over here. I decided to go into that business, since
9 that is the type of business that I can open up
10 without going out, since I am a mother. And then that
11 is something that you don't really have to go out
12 physically to do the business, since I can hire some
13 movers, and then -- that I can operate just within the
14 house.15 **Q So have you ever operated a household goods**
16 **moving company before?**17 A No, but I do have experience in how to do it.
18 I have seen my family do it in the Philippines. It is
19 way different over there.20 **Q When you say you have done this before in the**
21 **Philippines, have you loaded boxes in the trucks, have**
22 **you driven the truck? What exactly --**23 A I have never driven a truck, but I have seen
24 how people do it.25 **Q Speaking of trucks, how many moving trucks do**

CROSS-EXAMINATION OF ANNAVILLA HEATH

1
2 **you have?**

3 A That is titled to my name for the business?

4 **Q Yes, for the business.**

5 A Three.

6 **Q And how many additional moving trucks do you**
7 **have, do you maintain at your shared address?**

8 A As of now there is only -- one, two, three --
9 four.

10 **Q You have three licenses in your name?**

11 A Yes, that is correct.

12 **Q Do you have a driver's license?**

13 A I am applying for that. I have a permit
14 already, a learner's permit, and then I am just going
15 to schedule for a skill test.

16 **Q Who else will be in the Movers4U moving**
17 **business with you?**

18 A Just by myself. I am assuming I will be
19 operating and managing it.

20 **Q Have you hired any drivers?**

21 A We are trying to hire, but as -- the permit
22 didn't go through, so I didn't hire a driver as of now
23 because what is the use if -- having a driver before
24 operating?

25 **Q Have you hired anybody to do moving or any**

CROSS-EXAMINATION OF ANNAVILLA HEATH

other operations?

A We have hired one driver, just to test if he can actually drive the box truck.

Q And are you aware of your husband's experience in the household goods moving industry?

A Yes, I am aware.

Q And does your husband or your husband's business own a moving truck or a series of moving trucks?

A He does own moving trucks, but it is not used for moving, since he has his own business.

Q And what's the name of that company?

A It is Northwest Packing Services.

Q And it's not a household goods moving company?

A I believe it is on the code. When he opened up one in the Department of Revenue, it is under that, but he is -- the code that they use because they cannot have a code just for packing services, but it is in the -- under that, moving goods.

Q Does that entity do household goods moves?

A No, sir.

Q And you did state that you are aware of your husband's history in the household goods moving industry. Are you aware specifically of the case that

CROSS-EXAMINATION OF ANNAVILLA HEATH

1 **CROSS-EXAMINATION OF ANNAVILLA HEATH**
2 **was brought before this commission in 2011?**

3 A When I saw the letter, yes, I did ask him
4 about that.

5 **Q And are you aware of the outstanding assessed**
6 **penalty?**

7 A Yes, I am aware.

8 **Q And you are aware that that is still**
9 **outstanding?**

10 A I'm sorry?

11 **Q Are you aware that that penalty is still**
12 **outstanding?**

13 A Yes, I am aware.

14 **Q Are you aware of any past criminal**
15 **convictions?**

16 A Yes, I am aware. Even before I was given the
17 visa to come here, they did a background for my
18 husband. And then right there they said, Okay,
19 because the convictions that he had will do no harm to
20 me. Because if that would have been the case, then
21 they will not allow me to enter into the
22 United States.

23 **Q And did you discuss this application with your**
24 **husband?**

25 A Yes.

1 CROSS-EXAMINATION OF ANNAVILLA HEATH

2 Q And how did you know you needed to file for a
3 permit to be in the household goods moving business?

4 A Will you please explain better? How did I...

5 Q How did you know that you needed a permit and
6 how did you know to apply for a permit for a household
7 goods moving business?

8 A It said online.

9 Q Online?

10 A Yeah, I have been reading all through the
11 regulations of the UTC, whether the -- the tariffs,
12 regulations, and what you have to do once you are
13 permitted, before you are going to operate and
14 everything. Everything is on the website, you can
15 read it.

16 So you have to follow -- that's why I opened
17 it May of 2015, and then you have to go through all --
18 steps by steps before you can actually get the permit.

19 Q And how did you know to check online at the
20 UTC site?

21 A If you get -- if you are going to open or type
22 in moving services, then what are the -- you have to
23 go through with that. When I opened my license at
24 DOR, Department of Revenue, they are the one who is
25 trying to tell me the list of the specific agency that

1 CROSS-EXAMINATION OF ANNAVILLA HEATH

2 I need to go through before having this kind of
3 business that I am opening. At the Department of
4 Revenue, they said I have to go through with this, I
5 have to call, I have to coordinate with certain
6 agencies of this Washington State, so I got the list.

7 **Q And you just testified a few moments ago that**
8 **you did discuss this application with your husband; is**
9 **that correct?**

10 A Yes.

11 **Q What did you discuss about this application?**

12 A Well, since I have seen him doing the packing
13 services, then I -- I think, and I even told him, like
14 it would be better if -- when he has his own business,
15 I can have my own also, I can operate my own. And
16 then since moving industry or moving business is the
17 type of business that is what they called
18 recession-proof, when people -- when the economy is
19 okay people will move; when the economy is bad people
20 will move. That is a good business, that I really
21 don't have to go out every day, I can do my -- my
22 motherly chores inside the house and also operate
23 business without going out.

24 **Q Did you consider including Mr. Heath's**
25 **information on your application?**

1 **CROSS-EXAMINATION OF ANNAVILLA HEATH**

2 A It was not being asked, so no.

3 Q So let me just run through and make sure I
4 understand your testimony.

5 A Uh-huh.

6 Q So you are married to Mr. Heath?

7 A That is correct, sir.

8 Q You reside in Sumner with your husband --

9 A Correct, uh-huh.

10 Q -- at a shared address?

11 You also each operate your own separate
12 businesses out of that same address?

13 A I am about to, but still waiting.

14 Q Your plan is?

15 A Uh-huh.

16 Q And you are aware of the 2011 case, the
17 Commission and the outstanding penalty assessed
18 against your husband?

19 A I have read that, sir.

20 Q And you have, I can't remember now, four or
21 five trucks that you keep --

22 A As --

23 Q -- at that residence as of right now?

24 A Yes, sir.

25 Q And how many trucks did you used to keep

CROSS-EXAMINATION OF ANNAVILLA HEATH

there, moving trucks that you used to keep there?

A It was eight before, because aside from packing services, he would do buy-and-sell. He would do out-of-state, fix up the truck, and sell it for a profit.

Q At the shared business address, you have kept up to anywhere from four to eight moving trucks --

MR. HEATH: Box trucks. They are not moving trucks.

BY MR. SHEARER:

Q -- trucks, but those are not used, but they are -- excuse me, let me start over.

You kept eight trucks at this location, this shared address?

A Yeah.

Q And given all of that, your position is still that you are operating two separate businesses, there's no overlap?

A I'm not operating yet.

Q Well, that you plan to operate --

A Yes.

Q -- two separate businesses, with no overlap, and you will be in a business in which your husband has significant experience and would not be allowed a

CROSS-EXAMINATION OF ANNAVILLA HEATH

1 permit if he were to apply; is that your testimony?

2 Does that accurately summarize your testimony?

3
4 A You are -- what was it again? If you may
5 repeat that, sir.

6 Q So you have a shared address?

7 A Yes.

8 Q There are two individuals and two businesses?

9 A Uh-huh.

10 Q And your testimony is that you intend to
11 operate a household goods moving business?

12 A That's correct.

13 Q And that you will -- and you have anywhere
14 from four to eight trucks that can be used for moving,
15 regardless of what we call them, and your husband
16 would not be allowed a permit based on his history
17 with the Commission right now, but that you plan to
18 operate two separate businesses with similar assets
19 out of the same address?

20 A Well, I don't think that it is shared assets
21 as of now. Okay, there was box trucks. Because
22 moving trucks, big companies has moving trucks, is way
23 different from the box trucks that we have.

24 It's not a shared asset because I bought the
25 three that I intended to use, if given the chance to

1 CROSS-EXAMINATION OF ANNAVILLA HEATH

2 operate. I -- I bought that from him. So it means it
3 is -- it is a different entity, since he is still --
4 even if we live as husband and wife, it doesn't mean
5 that whatever his record is should be on me. I should
6 not be punished on that one. I should not be the one
7 who is going to suffer the punishment of whatever he
8 has done in the past, even before I met him. That was
9 already -- it is on him, it is not on me.

10 So as an individual, I think -- because if
11 that would -- if that will be the case -- so I am
12 assuming also, what if my son in the future will do
13 the same thing? Will he -- going to suffer the same
14 treatment or judgment because his father has a past?

15 **Q I am not going to answer the question. I will**
16 **assume it was rhetorical.**

17 **Let me try again. I just want to accurately**
18 **summarize your testimony, that's my goal here.**

19 A All right.

20 **Q And I am just speaking about the facts in this**
21 **case.**

22 A Uh-huh.

23 **Q So you will have a shared business address,**
24 **correct?**

25 A Yes, that is correct.

1 EXAMINATION BY JUDGE PEARSON OF ANNAVILLA HEATH

2 Q And you will have assets that include trucks,
3 both businesses will have box trucks or moving trucks;
4 is that correct?

5 A Uh-huh.

6 Q And your testimony is that you will run two
7 independent entities out of the same address and those
8 entities will have similar assets; is that correct?

9 A Yes.

10 Q Thank you.

11 MR. SHEARER: I have no further
12 questions for Mrs. Heath, Your Honor.

13 JUDGE PEARSON: I just have a couple of
14 follow-up questions.

15
16 E X A M I N A T I O N

17 BY JUDGE PEARSON:

18 Q So at what point did Mr. Heath change the
19 nature of his business and stop actually performing
20 household goods moves and just do the packing service?

21 A You were asking when?

22 Q Yes, when did his business change?

23 A I think that was -- if -- I may have the
24 record. Let me check.

25 He opened his business, Your Honor, that was

1 EXAMINATION BY JUDGE PEARSON OF ANNAVILLA HEATH

2 September 2013.

3 Q And which business was that?

4 A The packing services.

5 Q Okay. And prior to that he was performing
6 household goods moves, correct?

7 A I believe on the record he was, from UTC, it
8 was 2011.

9 Q Okay. So your testimony is that in September
10 of 2013, he stopped performing household goods moves
11 and just --

12 A No --

13 Q -- did a packing service?

14 A -- Your Honor. I -- I was trying to tell that
15 he opened his packing services by that year. I
16 have -- I don't know, or I am not aware of whatever he
17 has done between 2011 and 2013, since they gave him
18 the desist to operate that year, 2011.

19 Q Okay.

20 A So I -- I don't have the idea of what was
21 going -- between 2011 and 2013 --

22 Q Okay.

23 A -- since I only know about 2013.

24 Q Okay. So is it your testimony that as of
25 September 2013, he has not performed any household

EXAMINATION BY JUDGE PEARSON OF ANNAVILLA HEATH

goods moves?

A That is correct.

Q Okay.

A That's what I have.

Q At least from 2013, perhaps earlier?

A I'm not sure, but what I know is he opened the business, packing services, September 2013.

Q Okay. Thank you. And so just a couple of other follow-up questions.

Is it your representation here today that Mr. Heath will have absolutely no involvement with your household goods moving company?

A Yes, I will not let him manipulate me. I am a very independent. The involvement of him towards me will be just a husband. Probably, you know, when I need funds, because of course he has the funds.

Q What do you mean?

A Like, for example, if I need money I -- I don't think I can have the full funds for my business. So as a husband I think it -- I have the right to be given funds from him, but that doesn't mean that he has to operate with me or he will have the -- what do you call that?

Basically, in operating the business, I will

1 EXAMINATION BY JUDGE PEARSON OF ANNAVILLA HEATH
2 not allow him to manipulate. And whatever problems
3 that I am going to have -- since he has his own
4 business, he has to mind his own and I have to mind my
5 own, even though we are husband and wife.

6 Q So you would not employ him --

7 A No.

8 Q -- to do any of the work related to the
9 company?

10 A No, Your Honor.

11 Q Okay. Thank you.

12 You said earlier that you had hired a driver,
13 just to test and see if he could drive a truck?

14 A It is a -- like not really hired. Like for
15 the formality, hire a driver. I was assuming that I
16 will get to operate, so just to get ready. And also,
17 when I applied for the permit over here, I was
18 required to at least -- put at least a single
19 employee, to get the employment number. And also
20 for -- what was that?

21 So, yeah, there was a -- one that I tested,
22 but when I got the -- it was just for a test.

23 Q Okay. When you were speaking about hiring the
24 driver, and a couple of other times you said "we"
25 instead of "I," so I was just curious who you were

1 **EXAMINATION BY JUDGE PEARSON OF ANNAVILLA HEATH**

2 **referring to.**

3 A Well, I was referring to my husband. I was --
4 I -- I get to use "we" instead of "I."

5 **Q Okay. So he was assisting you with finding a**
6 **driver?**

7 A Not necessarily. I mean his information -- or
8 like he said, what you can do is go on this site, post
9 on this and that, so you can find whatever you want,
10 but I don't think that it's really -- he's just giving
11 his idea.

12 **Q Okay. Thank you.**

13 **JUDGE PEARSON: Do you want to take a**
14 **brief recess so you can tend to your child? It sounds**
15 **like he might need you.**

16 MS. HEATH: Yes.

17 JUDGE PEARSON: Okay.

18 MS. HEATH: Thank you, Your Honor.

19 JUDGE PEARSON: Let's just go off the
20 record for a few minutes --

21 MS. HEATH: Thank you.

22 JUDGE PEARSON: -- until he gets calmed
23 down.

24 (A brief recess.)

25 JUDGE PEARSON: Back on the record.

1 BRIEF ADJUDICATIVE PROCEEDING

2 We took a brief recess. At this point I will
3 swear in Mr. Heath, so he can give testimony.

4 You want to pull the microphone close to you
5 and press the button. When the red light comes on...

6 MR. HEATH: Is that right?

7 JUDGE PEARSON: Is the red light on?
8 You can test it.

9 MR. HEATH: Hello?

10 JUDGE PEARSON: There it is. Okay.

11 So if you could stand and raise your right
12 hand, I will swear you in.

13
14 LARRY E. HEATH, witness herein, having been
15 first duly sworn on oath, was
16 examined and testified as follows:

17
18 JUDGE PEARSON: Okay. Go ahead and have
19 a seat.

20 MR. HEATH: (Complies.)

21 JUDGE PEARSON: You can begin whenever
22 you are ready.

23 MR. HEATH: I would just like to make a
24 comment, as far as -- look at my Facebook and, you
25 know, trying to say that those are moving trucks. I

1 BRIEF ADJUDICATIVE PROCEEDING

2 have a packing and labor service. We do not --
3 absolutely do not use our trucks for moving. We
4 actually use them -- one is actually a packing and
5 crating, the other one is -- we -- we do -- go out and
6 pick up free boxes and packing materials every day,
7 which I do resell to my customers. I make a really
8 good profit doing that. Some days we pick up 1500,
9 \$2,000 worth of free packing materials. I do use
10 those trucks, but it's definitely not moving.

11 I haven't done moving since 2011, when the UTC
12 said I needed a license, which I -- I definitely
13 applied for, I started that process. Three days
14 before my hearing I was in a really bad accident, I
15 was t-boned by another car. I wasn't able to drive, I
16 had a neck brace. I had someone that was going to
17 bring me to my hearing in 2011.

18 That morning they did not show up. My hearing
19 was at eight o'clock in the morning. So about 8:15 I
20 started calling the UTC number. I mean I -- I called
21 ten times trying to get through, left two voicemails.
22 By the time I did get ahold of someone, they told me
23 there was nothing they could do.

24 My fine went from \$200, which I was told it
25 would be, to \$5,000. So -- and I was going through

1 BRIEF ADJUDICATIVE PROCEEDING

2 that process. At that point I just figured they do
3 not want me to have a license, so I'll do something
4 else. You know, I am trying to make money for my
5 family, but I am not doing anything illegal to do
6 that, to that means. I just absolutely will not do
7 that.

8 Yeah, I do have -- I do buy and sell trucks
9 from out of state. There's a big market for that in
10 the Seattle area. You cannot find them here. I
11 definitely do that. I have sold five trucks this
12 year. That's why there's only four trucks left.

13 My plan was to actually fully retire what I'm
14 doing, let her do her business, so I can go work on
15 our house. That was my plan. I mean I don't want to
16 work forever. I figured, you know, she could start
17 her own thing and make -- make, you know, money for --
18 for our family.

19 JUDGE PEARSON: Okay.

20 MR. HEATH: I've been pretty beat up,
21 you know, with the accidents and stuff and I'm just
22 tired.

23 But as far as doing any kind of moving, I know
24 better than that, I honestly do.

25 JUDGE PEARSON: Okay. So with respect

1 BRIEF ADJUDICATIVE PROCEEDING

2 to the four trucks that you recently sold, is there
3 any way you can provide me with documentation --

4 MR. HEATH: I could.

5 JUDGE PEARSON: -- of those sales?

6 MR. HEATH: I could show you the ads
7 online, actually, and when I sold them. I sold them
8 probably from April. I started picking them up in
9 January, because the new season was coming. I -- I
10 sold, actually, five of them on Craigslist. I could
11 bring those ads in. It all shows the dates that they
12 were sold.

13 JUDGE PEARSON: But the actual like --
14 do you have a copy of the --

15 MR. HEATH: I do.

16 JUDGE PEARSON: -- title transfer?

17 MR. HEATH: Yes, I -- well, not the
18 title transfer because once it's --

19 JUDGE PEARSON: Or receipt --

20 MR. HEATH: -- you know, sold to someone
21 else --

22 JUDGE PEARSON: -- from you --

23 MR. HEATH: Yeah.

24 JUDGE PEARSON: -- recording the title
25 transfer?

1 BRIEF ADJUDICATIVE PROCEEDING

2 MR. HEATH: Yeah, for sure.

3 JUDGE PEARSON: Okay. So if you
4 could --

5 MR. HEATH: I can even show that they
6 are not in my name. They did put them in their names.

7 JUDGE PEARSON: Okay.

8 MR. HEATH: They are using them for
9 whatever they are using them for.

10 JUDGE PEARSON: Do you think you could
11 get that to me within a week?

12 MR. HEATH: I can definitely try, Your
13 Honor.

14 JUDGE PEARSON: Okay. So let's -- what
15 is a reasonable time frame for you to get those to me?
16 Because let's set a deadline.

17 MR. HEATH: Let's say a week. I mean
18 I'll -- I'll get online. I'll --

19 JUDGE PEARSON: A week from today?

20 MR. HEATH: -- not only -- yeah. I'll
21 not only bring any ads, but if you want the contact
22 numbers of the people I actually sold them to, we can
23 do that also.

24 JUDGE PEARSON: Sure, whatever you want
25 to provide. So is a week from today --

1 BRIEF ADJUDICATIVE PROCEEDING

2 MR. HEATH: Sure.

3 JUDGE PEARSON: -- October 5th or 6th?
4 I don't have a calendar in front of me.

5 MR. SHEARER: Today is the 29th.

6 JUDGE PEARSON: Today is the 29th, yes.

7 MR. SHEARER: The 6th.

8 JUDGE PEARSON: The 6th. Okay.

9 So I will expect to see those by October 6th.

10 MR. HEATH: Sure.

11 JUDGE PEARSON: And you can e-mail them
12 to me directly.

13 MR. HEATH: Okay.

14 JUDGE PEARSON: And I can give you my
15 e-mail address after the hearing.

16 MR. HEATH: That would be awesome.

17 JUDGE PEARSON: Okay.

18 MR. HEATH: I would like to know if I
19 can actually readdress that thing about me missing my
20 hearing because I gave them ample notice that I wasn't
21 going to be in that day. I mean I tried calling the
22 UTC that day numerous times. I was put on hold like
23 three times. I mean I'm -- I'm on the phone literally
24 for three to four hours trying to get ahold of someone
25 to say, hey, I cannot make my -- my hearing. I mean,

1 BRIEF ADJUDICATIVE PROCEEDING

2 of course I knew I was going to have a \$200 fine, and
3 if I didn't go I knew it was going to be \$5,000.

4 I was actually on the last step of getting my
5 license.

6 JUDGE PEARSON: Okay.

7 MR. HEATH: I mean, I wanted to be given
8 that opportunity. I was doing everything they asked
9 me to do: Go through the license process, the
10 insurance process. I -- I was doing all my steps and
11 they would not let me redo my court hearing because of
12 my accident.

13 JUDGE PEARSON: Okay. That's not
14 something that we can take up here today. After the
15 hearing, if you want to maybe talk to Mr. Shearer
16 about if there are any possible ways that you can
17 address that.

18 MR. HEATH: Uh-huh.

19 JUDGE PEARSON: Is there anything else
20 that you want to speak to --

21 MR. HEATH: No, I --

22 JUDGE PEARSON: -- with respect to this
23 application?

24 MR. HEATH: I just think she should be
25 given a chance to have her business and to fulfill her

1 CROSS-EXAMINATION OF LARRY E. HEATH

2 dreams and the dreams of our son. I'm no way going to
3 be involved in her business. Like I said, I do have
4 my own.

5 JUDGE PEARSON: Thank you.

6 Mr. Shearer?

7 MR. SHEARER: Just a couple brief
8 questions, Your Honor.

9
10 C R O S S - E X A M I N A T I O N

11 BY MR. SHEARER:

12 **Q Mr. Heath, you spoke about contacting the**
13 **Commission back in 2011. Did I get that right?**

14 A I believe it was 2011, yes.

15 **Q Have you contacted anybody at the Commission**
16 **since then --**

17 A Yes, I --

18 **Q -- to talk about --**

19 A -- have called a few -- quite a few times.
20 The lady, Tina, I spoke with was just so rude and
21 obnoxious. She was not letting me do anything online.
22 I was saying, you know, Can I -- I asked her a couple
23 times, Can I please get another court date so I can
24 explain to the judge, show her my accident report? I
25 was wearing a neck brace, I wasn't supposed to drive,

1 CROSS-EXAMINATION OF LARRY E. HEATH

2 I had orders from a doctor not to drive.

3 I relied totally -- it's probably my -- my
4 fault. I totally relied on someone to bring me to
5 court that day. They promised they were going to be
6 there. Never showed. I was really trying to get to
7 court. I knew that was my last step to get my
8 license.

9 **Q My question is have you contacted the**
10 **Commission since then to address --**

11 A No, because it's --

12 **Q -- the penalty?**

13 A It's -- I have tried. Like I said, I tried a
14 couple times that year --

15 **Q That year --**

16 A -- and I was getting stonewalled every time.
17 Oh, you know, you were -- we caught you doing illegal
18 moving, so we're not really going to do too much for
19 you. No, we can't get you back into court.

20 I was trying to explain to, I think Tina was
21 her name, is the one I remember, what had happened and
22 how I was in an accident. I could not make it to
23 court. I did leave messages on the UTC line. She was
24 determined not to let me get it taken care of.
25 That's -- that was my feeling with that whole

1 CROSS-EXAMINATION OF LARRY E. HEATH

2 situation, even though I was trying.

3 I went and got my business license, I checked
4 into insurance, I was checking into getting a truck,
5 et cetera, et cetera. It was just, every avenue I
6 tried to pursue I was just stonewalled. It was like,
7 no, you can't go any further.

8 **Q I have one more question, Mr. Heath. You may**
9 **have addressed this tangentially. Why is it that you**
10 **didn't want to be included in Mrs. Heath's business?**

11 A I have my own business. This is something I
12 want her to do for herself.

13 MR. SHEARER: No further questions, Your
14 Honor.

15 JUDGE PEARSON: Okay. Thank you.

16 MR. HEATH: Thank you, Your Honor.

17 JUDGE PEARSON: Mr. Shearer, I can swear
18 in Mr. Tinnerstet?

19 MR. SHEARER: Yes, I am going to ask
20 Mr. Tinnerstet to testify.

21 JUDGE PEARSON: Okay. If you could
22 stand and raise your hand.

23 DARREN TINNERSTET, witness herein, having been
24 first duly sworn on oath, was
25 examined and testified as follows:

1 DIRECT EXAMINATION OF DARREN TINNERSTET

2 JUDGE PEARSON: Thank you.

3
4 D I R E C T E X A M I N A T I O N

5 BY MR. SHEARER:

6 Q Good afternoon, Mr. Tinnerstet. Can you
7 please state your name and spell your last name for
8 the record?

9 A Darren, D-A-R-R-E-N, my last name is
10 Tinnerstet, T-I-N-N-E-R-S-T-E-T.

11 Q What is your occupation here at the
12 Commission, Mr. Tinnerstet?

13 A I am a compliance investigator in the consumer
14 protection division.

15 Q What are your duties as a compliance
16 investigator?

17 A I conduct compliance investigations
18 of commission-regulated companies to determine or to
19 ensure that they are following the proper rules and
20 requirements.

21 Q And what is your involvement in this case, the
22 application of Movers4U?

23 A I was assigned to investigate this application
24 and just to look into the background of it.

25 Q And have you conducted an investigation and

DIRECT EXAMINATION OF DARREN TINNERSTET

1 reviewed the application of Movers4U in this docket?

2 A Yes, I have.

3 Q And when someone or an entity makes an
4 application to operate as a household goods mover, in
5 general, what does compliance analysis in those
6 investigations include?
7

8 A Well, staff -- our licensing staff, when an
9 application comes in, they handle -- they look at
10 the -- whether the company is fit, willing, and able
11 to operate as a household goods company. They -- they
12 make sure that the corporation is set up properly and
13 the insurance requirements are met. So that's -- yes.

14 Q And what is Staff's final recommendation in
15 this case for the application of Movers4U? Can you
16 describe that, please.

17 A Yes, Staff's recommendation in this case is to
18 deny the application permit based on the facts --
19 based on Staff's belief that the application was not
20 complete and it contained misleading information or
21 omissions that are relevant to the company.

22 MR. SHEARER: Your Honor, I have a quick
23 question on this procedurally. Because these
24 documents have been admitted already, I am not going
25 to ask Mr. Tinnerstet to authenticate them as we move

1 DIRECT EXAMINATION OF DARREN TINNERSTET
2 through.

3 JUDGE PEARSON: Okay.

4 MR. SHEARER: I trust that they will be
5 included in your decision-making process because they
6 have been admitted; is that correct?

7 JUDGE PEARSON: Yes, that's correct.

8 MR. SHEARER: Thank you.

9 BY MR. SHEARER:

10 **Q Moving on. Mr. Tinnerstet, I would like to**
11 **talk about the application in this case. When was the**
12 **application for Movers4U received by the Commission?**

13 A It was May 26th of 2015.

14 **Q And the exhibit marked DT-1, is that the**
15 **application that was submitted by Movers4U in this**
16 **case?**

17 A Yes, it is.

18 **Q And who is the owner of Movers4U?**

19 A According to the application that was
20 submitted, Mrs. Heath was the sole owner of the
21 company.

22 **Q And are there any employees listed on the**
23 **application?**

24 A No, there are not.

25 **Q Is there a Labor & Industries account listed?**

DIRECT EXAMINATION OF DARREN TINNERSTET

1
2 A There is not.

3 Q And is that L & I account a requirement on the
4 application?

5 A Yes, it is.

6 Q And what address is listed on that
7 application?

8 A The address is 1620 - 132nd Avenue East, in
9 Sumner, Washington.

10 Q And are you familiar with that property,
11 Mr. Tinnerstet?

12 A I am, yes.

13 Q And how are you familiar with that property,
14 Mr. Tinnerstet?

15 A During the course of my investigation, I used
16 online map services, Google Maps, to look at that
17 address to determine what type of building it was, was
18 it a commercial building or a private -- excuse me, or
19 a residential building.

20 Q And is that residence accurately portrayed in
21 DT-5 -- that property, excuse me, accurately displayed
22 in Exhibit DT-5?

23 A Yes, it is.

24 Q And you determined that Mrs. Heath was
25 connected to that address?

1 **DIRECT EXAMINATION OF DARREN TINNERSTET**

2 A (No verbal response.)

3 **Q Did you determine that Mrs. Heath was**
4 **connected to that address?**

5 A Yes.

6 **Q And did you determine that Mr. Heath was**
7 **connected to that address?**

8 A I did, yes.

9 **Q And how did you connect Mr. Heath to that**
10 **address?**

11 A I obtained Mr. Heath's driver's -- a copy of
12 his driver's license. On his driver's license the
13 same address that was on the application was listed,
14 the 1620 - 132nd Avenue in Sumner.

15 **Q And Exhibit DT-6 accurately reflects the**
16 **document you relied on, or a copy of the document you**
17 **relied on?**

18 A Yes, it does.

19 **Q Now I am going to turn your attention to the**
20 **exhibit marked DT-7. What is this document,**
21 **Mr. Tinnerstet?**

22 A This is a copy or printout from the Department
23 of Licensing for a registration for a truck, that the
24 license plate was obtained from a picture that was
25 found on Mr. Heath's Facebook page.

1 DIRECT EXAMINATION OF DARREN TINNERSTET

2 Q And under whose name is that truck registered?

3 A The truck is registered under Mr. Larry Heath.

4 Q And what address is listed as the registration
5 address?

6 A The same address as the application,
7 1620 - 132nd Avenue East, in Sumner, Washington.

8 Q Okay. Now turning back to the application,
9 Mr. Tinnerstet. Can you briefly describe, or
10 generally describe what it is about this application
11 that raises concern for the Commission Staff?

12 A There's two main concerns. The first concern
13 is that the application contains false or misleading
14 information for nondisclosure of Mr. Heath's
15 involvement in the company. Also, due to Mr. Heath
16 being found, back in 2011, to be operating without a
17 permit, and subsequently a default order was issued
18 for \$5,000, that has not been satisfied. It is
19 Staff's belief that this was left off of this
20 application due to that fact.

21 MR. HEATH: Can I ask where that
22 paragraph is, where that information goes on the
23 application?

24 JUDGE PEARSON: Mr. Heath, you can have
25 an opportunity --

1 DIRECT EXAMINATION OF DARREN TINNERSTET

2 MR. HEATH: Oh, okay.

3 JUDGE PEARSON: Well, you actually won't
4 have an opportunity to ask questions. Ms. Heath will
5 have an opportunity to ask questions.

6 MR. HEATH: Oh, okay.

7 JUDGE PEARSON: You can make any notes
8 that you want --

9 MR. HEATH: Okay.

10 JUDGE PEARSON: -- but please don't
11 interrupt the witness.

12 MR. HEATH: Sorry about that.

13 BY MR. SHEARER:

14 **Q I don't know if you were finished,**
15 **Mr. Tinnerstet. Can you explain how those**
16 **circumstances create problems for this application?**

17 A If the application doesn't reflect the
18 true owners -- the true operators of the company, then
19 it's -- it's hard for the Commission to do its full
20 background vetting process of -- before it issues the
21 permit. If it is not complete when it is submitted,
22 then it is very difficult for Commission Staff to
23 complete a thorough background check of that
24 application.

25 **Q And what did you do in the course of your**

DIRECT EXAMINATION OF DARREN TINNERSTET

investigation to connect Mr. Heath to this application?

A Initially, I researched the Commission's database or records and ran the last name of the applicant, of Heath, and determined that there was the prior case in 2011. At that point I wasn't -- I needed to determine whether Mr. Heath and Mrs. Heath were a couple, or married, legally married. I went on Facebook and I reviewed Mr. Heath's Facebook page and was able to obtain some pictures of both moving trucks and pictures of him and Mrs. Heath.

Q And you have included those as exhibits here today; is that correct?

A Yes, I have.

Q I am going to turn your attention now specifically to Exhibits DT-9 through DT-12.

Let's start with DT-9, Mr. Tinnerstet. Would you please explain and describe what is in this photo?

A This is a photo of the residence that is listed on the application, the 1620 - 132nd Avenue in Sumner. It's a picture depicting eight box trucks, large moving trucks parked in front of the residence. The photo is dated, or was posted June 1st of this year, of 2015.

1 DIRECT EXAMINATION OF DARREN TINNERSTET

2 Q And how do you know that these are photos of
3 that same address from the application,
4 Mr. Tinnerstet?

5 A In comparing it to the photo from the Google
6 Map service, where I reviewed this address, that the
7 house matches. And there is a same vehicle that is --
8 there's a white minivan. That's the same vehicle in
9 the Google Maps picture, and that house matches.

10 Q Now turn to exhibit marked DT-10. Can you
11 please explain and describe what is in this photo?

12 A This is another photo from Mr. Heath's
13 Facebook page. It's of the same trucks. It is taken
14 at a slightly different angle, so it only shows five
15 moving trucks, or box moving trucks in this. It is
16 dated the same, June 1st of 2015. It has a caption on
17 it which states, Our most used trucks, out almost
18 every day.

19 Q And turning to DT-11, can you please briefly
20 explain and describe what is included in this
21 photograph -- or this series of photographs, excuse
22 me?

23 A This is another photo taken from Mr. Heath's
24 Facebook page, dated the same, June 1st. It is
25 multiple pictures of large box U-Haul-type trucks. No

1 DIRECT EXAMINATION OF DARREN TINNERSTET

2 markings are on the vehicle. Several of them have
3 three or four. There's multiple pictures. The
4 caption on these -- for these photos is, Our
5 ever-growing business, Trucks No. 7 and 8. Thanks
6 Lord for the blessings, time to have a great season.

7 **Q Turning to DT-12 now, Mr. Tinnerstet. Can you**
8 **please briefly describe and explain what you see in**
9 **that photo?**

10 A This is a close-up of the same large vehicles.
11 There are three large, unmarked box trucks in this.
12 It is dated the same, June 1st. The caption for this
13 picture is, The three big boys, our true moneymakers.
14 Two of the trucks in this picture, the license plates
15 were -- I was able to read the license plates. In the
16 record we spoke of previously for the registration, it
17 was registered to Mr. Heath. The truck in the middle,
18 the license is C45851B.

19 **Q Now, Mrs. Heath identified a truck in her**
20 **application as part of Movers4U; is that correct?**

21 A Yes, she did.

22 **Q And can you tell from any of those pictures**
23 **that we just discussed which truck that is?**

24 A I cannot. I cannot tell.

25 **Q I would like to briefly ask you,**

1 **DIRECT EXAMINATION OF DARREN TINNERSTET**

2 **Mr. Tinnerstet, about the 2011 case at the Commission**
3 **that you mentioned, and was it discussed earlier,**
4 **about Mr. Heath's case at that time? What was the**
5 **Commission's determination in that case?**

6 **Well, first off, are you familiar with that**
7 **case, Mr. Tinnerstet?**

8 A Yes, I am.

9 Q **And can you briefly describe what the outcome**
10 **of that case was?**

11 A The outcome of that case was, Mr. Heath was
12 ordered to attend a classification hearing that was
13 held in January of 2012. Mr. Heath failed to appear
14 at that hearing. A default order was issued with a
15 penalty of \$5,000 and a cease and desist on any
16 further moving operations. To date that penalty
17 has -- no amount of that penalty has been paid.

18 Q **And the order expressing that determination**
19 **from the Commission is included as Exhibit DT-13; is**
20 **that correct?**

21 A Yes, it is.

22 Q **Mr. Tinnerstet, to your knowledge, has there**
23 **been any communication between the Commission and**
24 **Mr. Heath about the \$5,000 penalty that stems from**
25 **this 2011 case?**

DIRECT EXAMINATION OF DARREN TINNERSTET

1
2 A Not to my knowledge, no.

3 Q And so at this time, given the status of the
4 application, the history we have discussed, does Staff
5 have any other concerns regarding Mr. Heath?

6 A Yes, Staff, in the course of this
7 investigation, ran a -- I ran a background check on
8 Mr. Heath. That revealed some criminal convictions in
9 his past that would be issues for an applicant for a
10 household goods permit.

11 Q And that check that -- the documents you
12 requested and relied on in that background check,
13 those are included as Exhibit DT-14; is that correct?

14 A That is correct.

15 Q And that is labeled the "WATCH Report"; is
16 that correct?

17 A Yes, it is Washington Access To Criminal
18 History. It is a report run by the Washington State
19 Patrol.

20 Q Now, at the Commission, is there a list of
21 convictions, where if applicant had committed one of
22 them, that would impact an applicant's eligibility to
23 obtain a permit?

24 A Yes, there is.

25 Q And are the convictions -- excuse me, are --

1 **DIRECT EXAMINATION OF DARREN TINNERSTET**

2 **the convictions listed on the WATCH Report you found**
3 **for Mr. Heath, do some of those fall within that**
4 **category here with the Commission that would impact**
5 **his ability to obtain a permit?**

6 A Yes, they do.

7 Q And is there a time period during which there
8 **is an automatic bar for those types of convictions?**

9 A Yes, there is a five-year window for the
10 specified offenses at the time of the application.

11 Q And at the time of that application -- that
12 **this application was received by the Commission, did**
13 **Mr. Heath have one of those types of convictions**
14 **within the previous five years?**

15 A Yes, there was a 2010 felony assault that was
16 on his record that was within the five-year window.

17 Q Thank you, Mr. Tinnerstet.

18 I would like to move on to talk about
19 household goods moving standards and requirements
20 generally.

21 Mr. Tinnerstet, you are generally familiar
22 with the standards that apply to household goods
23 moving companies; is that correct?

24 A That is correct.

25 Q Can you please tell us what it means to

DIRECT EXAMINATION OF DARREN TINNERSTET

properly operate as a household goods mover?

A Well, the initial step would be starting to obtain a permit, or a provisional permit, and then also to follow the relevant codes and regulations. One for household goods moving companies is Washington Administrative Code 480-15. They also need to abide by the industrywide tariff, which is Tariff 15C. That applies to all household goods moving companies. They also have recordkeeping requirements that they need to follow as a requirement of getting that permit.

Q And what are the general expectations placed on household goods movers?

A The general expectation is that they are trustworthy and that they operate in good faith and the best interests of the public. And that they follow the rules, and follow all the applicable rules, both during the application, the permitting process, and then afterwards, once they have obtained a permit.

Q Now, how would a member of the public who were to employ a household goods moving company, how would a member of the public know that that particular entity or the individual involved with that entity had problematic convictions or histories with the Commission?

DIRECT EXAMINATION OF DARREN TINNERSTET

A They wouldn't.

Q And what is the significance of the Commission granting a permit to a household goods moving entity?

A The significance is that it is -- for lack of a better term, it is a seal of approval, that the Commission Staff has vetted or researched the companies, or the application as it has come in, and has done due diligence on that to make sure the public's interests are protected and the company is operating properly.

Q And so what does it say to Staff, or what about it concerns Staff when an application appears to be less than forthcoming or appears to attempt to withhold certain facts from Staff?

A It raises concerns for Staff due to -- that that's the initial phase of obtaining a permit. If there is inaccurate information or information is omitted, that, further on down the road, with the regulatory requirements for operating a household goods company, that there are similar things -- it could be a pattern, they could continue to occur.

Q Speaking about business operations and patterns, does the application in this case, for Movers4U, indicate who will be responsible for

DIRECT EXAMINATION OF DARREN TINNERSTET

1 **ensuring compliance with the codes and regulatory**
2 **regime you have discussed here today?**

3
4 A Yes, the application indicates that Mrs. Heath
5 is that person.

6 **Q And are there regular filings that household**
7 **goods moving companies and -- excuse me, that**
8 **household goods moving companies must submit to the**
9 **Commission on a regular basis?**

10 A Yes, there are.

11 **Q And what are those?**

12 A The annual report is a big one, the main one.
13 They are due every year on May 1st. It is a report
14 that is submitted by the companies to reflect the
15 previous year's revenue that was generated, because
16 companies pay their regulatory fees based off of that
17 reported income.

18 **Q You just testified earlier that it is**
19 **Mrs. Heath, as indicated by the application, who would**
20 **be responsible for submitting those types of documents**
21 **and filings regularly with the Commission?**

22 A According to the application, yes.

23 **Q And does that pose any concerns for Staff?**

24 A It does. Once again, going back, due to -- it
25 is Staff's belief that that is not the true and

1 DIRECT EXAMINATION OF DARREN TINNERSTET

2 accurate company structure, or the way the company is
3 being run, or going to be run, that it will be solely
4 Mrs. Heath that's in charge of that.

5 **Q Mr. Tinnerstet, in light of your investigation**
6 **and your experience here at the Commission, can you**
7 **tell us your conclusions as to what this application**
8 **is and what the evidence shows?**

9 A It is Staff's position that this application
10 is misleading and false because it doesn't accurately
11 reflect the company structure and the way the company
12 is being -- is going to be run. It is Staff's belief
13 that, due to Mr. Heath's outstanding \$5,000 penalty
14 from the 2011 case, that has not been satisfied. And
15 also due to the fact of his prior criminal convictions
16 that would prevent him from obtaining a permit, leads
17 to the -- why he was intentionally left off of the
18 application, and his involvement in the company.

19 **Q And why is it that Staff is opposed to that**
20 **sort of arrangement?**

21 A It is not -- it is not protecting the public
22 interest and it also -- it circumvents the
23 requirements which are in place for companies to
24 become permitted. It is an exhaustive process that
25 needs to be gone through. If the proper people are

1 CROSS-EXAMINATION OF DARREN TINNERSTET

2 not put on the application and allowed to be vetted by
3 Staff, then it is not a true portrayal of the
4 company's operations.

5 MR. SHEARER: I have no further
6 questions for Mr. Tinnerstet at this time, Your Honor.
7 He is prepared for cross as necessary.

8 JUDGE PEARSON: Ms. Heath, do you need a
9 brief recess?

10 MR. HEATH: Yes, could we?

11 JUDGE PEARSON: Okay. We will just go
12 off the record for about five minutes. Thank you.

13 (A brief recess.)

14 JUDGE PEARSON: We are back on the
15 record after a brief recess.

16 Ms. Heath, if you have any questions for
17 Mr. Tinnerstet, now would be the time to ask those.

18
19 C R O S S - E X A M I N A T I O N

20 BY MS. HEATH:

21 Q Good afternoon, Mr. Tinnerstet.

22 Is that the right pronunciation?

23 A Yes.

24 Q I do have some questions for you with regards
25 to the application that I filed.

1 **CROSS-EXAMINATION OF DARREN TINNERSTET**

2 So based on your statement before, a while
3 ago, you -- you think that -- based on your
4 investigations that you gathered through Facebook, is
5 it basis enough to deny my application, since I live
6 the same address as my husband?

7 A I'm not sure I understand the question. Could
8 you repeat it, please?

9 Q Yes. According to all the information
10 gathered, you have from the investigation, whether I
11 will be granted for a permit to operate or not, and
12 then of all those -- information you got, it is really
13 basing on my husband's background and past. So does
14 that mean that because my husband has a past it will
15 reflect onto me as an applicant?

16 A That's part of the investigation, yes, was
17 that -- it is Staff's belief that he would be involved
18 with the company, yes.

19 Q Why is that?

20 A Because of pictures that were obtained of
21 moving trucks.

22 (Simultaneous talking.)

23 MR. HEATH: Of my box trucks I use for
24 my business.

25 JUDGE PEARSON: Mr. Heath, it is not

1 CROSS-EXAMINATION OF DARREN TINNERSTET

2 your turn to talk.

3 MR. HEATH: It's just ridiculous, Your
4 Honor.5 JUDGE PEARSON: It's not your turn to
6 talk.7 A Of pictures obtained on the moving trucks
8 stating the business, and that they are out every day,
9 and the shared address of the business, and the fact
10 of Mr. Heath's prior --

11 MR. HEATH: Priors?

12 A -- dealings with the Commission, yes, that was
13 the reasoning for the -- for Staff's belief in our
14 investigation.

15 BY MS. HEATH:

16 Q Okay. So basically you are trying to say that
17 since I am married to this man, who has the prior
18 convictions, prior violations, that the Commission --
19 and since you cannot find anything with regards to my
20 background, so you have to go through to his; is that
21 correct?

22 A That is not correct.

23 Q Well, the information you gathered is not
24 based on my capability, you are basing it through my
25 husband's past, the information you gathered.

CROSS-EXAMINATION OF DARREN TINNERSTET

1
2 A Yes. The information that Staff believes you
3 left off the application, yes.

4 Q Yes.

5 A We used that form for our basis for -- of our
6 denial.

7 Q So it means that an individual -- like if you
8 are married to someone who has convictions, and then
9 wanted to do your own -- let me rephrase that.

10 So you believe, or you think, or it is in your
11 opinion that Mr. Heath will be -- will take part of
12 the ownership because we are married?

13 A That is part of the reason. The rest of it
14 would be the shared address and the similarities of
15 the businesses, the business that you are intending to
16 operate and the one that Mr. Heath operates. And then
17 also the moving trucks that are stored -- or the large
18 cargo moving trucks, I keep using that term -- but the
19 large box trucks kept that are kept at the place. And
20 then the pictures that show moves and those kinds of
21 things that were found on Facebook, yes. So it's not
22 just solely based on the fact that you are married to
23 him, there's other factors that go into that.

24 Q So --

25 MR. HEATH: This is ridiculous.

1 CROSS-EXAMINATION OF DARREN TINNERSTET

2 BY MS. HEATH:

3 Q Basically, because we live in the same
4 address, and then it happens that you captured all
5 those photos on Facebook and stuff like that -- so
6 what if -- what if I happen to have applied for this
7 business permit, I'm still married to this man, but my
8 business address will not be the same -- the same
9 address as I applied for? Is there a possibility that
10 you will grant or give me a chance to operate, because
11 my operating business -- I mean address is not on
12 same, where I live with my husband?

13 MR. SHEARER: Calls for speculation,
14 Your Honor.

15 MR. HEATH: Just like you guys are
16 doing, speculating.

17 JUDGE PEARSON: Mr Heath, I will give
18 you an opportunity to address --

19 MR. HEATH: Please, Your Honor.

20 JUDGE PEARSON: -- the Facebook photos
21 in a minute, if you want to talk about that.

22 Your question, I agree with Mr. Shearer, that
23 it calls for speculation.

24 Do you have any further questions for
25 Mr. Tinnerstet?

1 CROSS-EXAMINATION OF DARREN TINNERSTET

2 BY MS. HEATH:

3 Q I'm sorry, just one question. Basing on this,
4 that you have gathered, do you think I am not capable
5 of operating a business as an individual?

6 A It is Staff's belief that it is -- that the
7 application as submitted is not a true reflection of
8 how the business is going to be run.

9 Q How is that?

10 A For the previously stated reasons, Staff
11 believes that Mr. Heath will be involved in the
12 company, yes.

13 Q Is it because I am married to him?

14 A That is one of the factors. As you previously
15 asked me, yes, that is one of the factors, but not the
16 sole, only factor.

17 Q So in my understanding with that, anybody who
18 is married and then wanted to have its own business,
19 does it automatically, or is it just like a perception
20 that this person will be part of the business because
21 they are related?

22 MR. SHEARER: Asked and answered, Your
23 Honor.

24 JUDGE PEARSON: Yes, I agree. He has
25 already answered that question earlier.

1 EXAMINATION BY JUDGE PEARSON OF LARRY E. HEATH

2 Is that all that you have?

3 MS. HEATH: Basically, yes, Your Honor.

4 JUDGE PEARSON: Okay.

5
6 E X A M I N A T I O N

7 BY JUDGE PEARSON:

8 Q Mr. Heath, I actually need you to state your
9 name for the court reporter's benefit because I didn't
10 have you do that.

11 A Larry Eugene Heath.

12 Q Okay. Thank you.

13 And did you want to speak to the Facebook
14 photos? I had some questions about them. I'm
15 wondering if you can explain some of the captions that
16 were with the photos because --

17 A Yes.

18 Q -- they do --

19 A Yes, Your Honor.

20 Q They lead me to believe that you were
21 referring to moving trucks and these being big
22 moneymakers and --

23 A They are big moneymakers.

24 Q -- requiring -- so do you want to explain in
25 what way?

EXAMINATION BY JUDGE PEARSON OF LARRY E. HEATH

A Like I said, we --

Q Can you lean forward and speak into the microphone?

A We take our trucks all day and we go to different moving companies. We go to -- online on Craigslist.

Q Use your microphone.

A Can you hear me now?

Q Yes.

A I do use my trucks. We pick up free packing materials almost every day in the summertime. I mean if we pick up 1,000 boxes a day, that's a minimum of \$2,000 I make off of those boxes. Yes, we do use trucks for picking up materials.

Also, when I do a pack job, anything that the customer is giving away -- sometimes we are given half a household. I'll go pick that stuff up and resell it. I mean I have no problem making money. That's why I buy and sell box trucks. I do that with old muscle cars, too. You don't see pictures of those on Facebook that he's bringing in. It's the same thing as a box truck.

Q Well, that's not relevant --

A It is.

1 EXAMINATION BY JUDGE PEARSON OF LARRY E. HEATH

2 **Q -- to this proceeding.**

3 A Why isn't -- why isn't -- he's bringing up
4 pictures of box trucks on Facebook that I buy and
5 sell, but yet he's bringing that in the court. Why
6 not all the muscle cars I have sitting around the
7 property that I do the same thing?

8 **Q Well, Mr. Heath, the question is --**

9 A I mean --

10 **Q -- the box trucks, it looks as though those**
11 **are being used in the course of household goods moves,**
12 **obviously.**

13 A Do you see any moving signs on those? Do you
14 see anyone moving stuff in and out of those trucks? I
15 don't understand how you can even say that. I use
16 them for a packing business.

17 **Q Okay. So I --**

18 A I have 5,000 boxes I cannot keep in my house,
19 they sit on my trucks. When we go to a pack job, we
20 pull up in our truck, we go in there and pack it, we
21 do crating. I have power tools on there, I have wood.
22 I have everything I need for a portable packing and
23 crating business.

24 **Q Okay.**

25 A I can't pack all -- I can't store all of that

1 EXAMINATION BY JUDGE PEARSON OF LARRY E. HEATH
2 in my house, I have no room.

3 Q I understand that. I don't think you need to
4 get so agitated.

5 A Well, I am because he's really doing --

6 Q Hold on a second.

7 A He's really saying stuff --

8 Q Hold on a second.

9 A -- and that's not true.

10 Q A reasonable person could conclude by looking
11 at those photos that you, especially given your
12 history as a household goods mover, which is well
13 established --

14 A I was never a household goods mover.

15 Q -- with the Commission -- okay. That's not
16 what your wife said earlier, or what you said earlier.

17 Regardless, a reasonable person could conclude
18 by looking at those photos that you might be
19 conducting household goods moves. It is reasonable to
20 ask you to provide us with another explanation. It's
21 not reasonable for you to get so upset --

22 A Okay. Is there any --

23 Q -- so you need to take it down a couple
24 notches.

25 A I am. Sorry, Your Honor.

1 EXAMINATION BY JUDGE PEARSON OF LARRY E. HEATH

2 Is there any other possible use for a box
3 truck besides moving? I mean, really, is there?

4 **Q It sounds like you just gave us another**
5 **explanation, which --**

6 A There's a hundred explanations.

7 **Q -- I was providing you with an opportunity to**
8 **do.**

9 A Well, what I'm saying, he is basing judgment
10 on her from speculation off of pictures on Facebook.
11 I mean, he is really changing her whole future by his
12 prejudice against me because I tried to get my
13 household goods license.

14 You said I was in household goods. No, I was
15 never given the opportunity to get my license.

16 **Q No, you conducted household goods moves**
17 **illegally.**

18 A Well, I had no idea that I had to have a
19 specific license. I had a labor license, but I did
20 not have my moving license. As soon as I found that
21 out, what did I do? I went down and started that
22 whole process. I really honestly did. I put 100
23 percent.

24 No one told me, when I was talking to the UTC
25 on the phone, before I was doing that, that, oh, my

1 EXAMINATION BY JUDGE PEARSON OF LARRY E. HEATH
2 record would stop me from getting that. No. It said,
3 Yeah, go get your license, go -- go through this step,
4 go through that step. Not once was I ever told
5 because you have a conviction you won't be able to get
6 a license.

7 Q So just --

8 A They made me --

9 Q Let me just explain to you that our rules
10 around fitness and criminal convictions are relatively
11 new, so at that time, when you were attempting to get
12 your permit, those rules weren't in place.

13 A Then I should be grandfathered in.

14 Q Well, no --

15 A You shouldn't use that against my wife--

16 Q -- that's --

17 A -- getting a license. That makes no sense.
18 That's her business.

19 Q Do you have anything else that you want to
20 add? Because I have some more questions for
21 Ms. Heath.

22 A Sure. I just want to see where on the
23 application it says -- he keeps saying she omitted
24 information. Show me on the application where
25 anything was omitted. Is there any paragraphs blank?

1 EXAMINATION BY JUDGE PEARSON OF LARRY E. HEATH

2 Is there anything about her having an ex that was in
3 trouble with the law? Where's that at on the
4 application? I just want to see that. Can you show
5 me where she omitted information? Am I allowed to see
6 that in his evidence over there?

7 **Q You are not allowed to ask him questions, no.**

8 A Well, can I see the evidence where she omitted
9 the information?

10 **Q Mr. --**

11 A I don't see that anywhere.

12 **Q Mr. Tinnerstet gave his testimony about what**
13 **he feels was omitted from the application. I am**
14 **satisfied with his representation at this point.**

15 A Okay. I was just asking for my personal
16 benefit, and hers, where we can see something on the
17 application that was omitted.

18 **Q You understand his --**

19 A Is there a paragraph she missed?

20 **Q -- his testimony. He is not saying that she**
21 **left portions blank, he is saying the omission was not**
22 **including you as a partial business owner.**

23 A Where does it say anything about me on there?

24 **Q It doesn't. The crux of his case is that**
25 **there is no information about you and it should have**

1 **EXAMINATION BY JUDGE PEARSON OF ANNAVILLA HEATH**

2 **been --**

3 A Don't punish --

4 Q -- on there.

5 A -- someone else for what I have done.

6 Q Okay. I am not going to argue with you. I am
7 done asking you questions at this point.

8 JUDGE PEARSON: Ms. Heath, I have
9 another question for you.

10
11 **E X A M I N A T I O N**

12 **BY JUDGE PEARSON:**

13 Q Looking at Page 9 of the application, which is
14 a household goods statement of support submitted by
15 Wally Lane, who is the manager at Bucky's.

16 A Uh-huh.

17 Q I was wondering if you could just explain to
18 me the answers to his questions. He said, They do a
19 great job and care about things they move. And then
20 also said, No scratching, denting, and covered.

21 So when I read this, it looks to me like you
22 performed a move for Mr. Lane. Can you just address
23 that?

24 MS. HEATH: Bucky's is what she is
25 asking about, my friend Wally.

1 EXAMINATION BY JUDGE PEARSON OF ANNAVILLA HEATH

2 BY JUDGE PEARSON:

3 **Q Page 9.**

4 MR. HEATH: You know, the guy that works
5 on my cars.

6 A For Mr. Wally Lane, he must have not --
7 understand the -- the questions itself. But they know
8 me and my husband because my husband -- since my
9 husband has trucks, my husband do the -- goes to the
10 Bucky's shop to have all the trucks repaired or
11 whatever needed for maintenance, so...

12 MR. HEATH: I had asked him to fill that
13 out.

14 A I am not really sure of what he is trying to
15 say about no scratching and denting and covered. I
16 just asked him in the last minute to do this, so
17 probably he didn't comprehend with the question.

18 BY JUDGE PEARSON:

19 **Q So your testimony is that he didn't understand**
20 **the question?**

21 A Probably, Your Honor.

22 **Q Okay. And what about the previous answer,**
23 **They do a great job and care about things they move?**

24 A Probably he is referring to this, with my
25 husband's previous, way back in 2011. Since he is

1 EXAMINATION BY JUDGE PEARSON OF ANNAVILLA HEATH
2 already a customer of Bucky's, so he must have known
3 him before then. Probably the answers that he have is
4 basing on what he have experienced with Mr. Heath.

5 MR. HEATH: He knows I have a labor
6 service, Your Honor.

7 BY JUDGE PEARSON:

8 Q But isn't it your testimony that this is your
9 moving company and Mr. Heath wouldn't have any
10 involvement in it?

11 A That is correct.

12 Q So why would he answer questions related to
13 your husband's household goods moving services?

14 A Because he knows me and my husband, but he
15 knows my husband better than me. He probably is
16 thinking that it will be my husband's application.

17 Q Okay. Thank you.

18 JUDGE PEARSON: I don't have any further
19 questions.

20 MR. SHEARER: Nothing.

21 JUDGE PEARSON: At this time, if you
22 want -- do you have a closing statement that you want
23 to make?

24 MR. SHEARER: No, Your Honor, I don't
25 have any additional information to place in the

1 EXAMINATION BY JUDGE PEARSON OF ANNAVILLA HEATH
2 record.

3 JUDGE PEARSON: Okay. Thank you.

4 Ms. Heath, do you have any closing statement
5 that you would like to make?

6 MS. HEATH: Based on my own
7 understanding with the application itself, I do
8 believe that you should at least give me a chance, if
9 I am capable of operating the household goods moving
10 services, not because -- because of the -- the law
11 that they have, since the evidence that they have is
12 based on my husband. They should at least give me a
13 chance, operate for like six months, and by then they
14 can deny me or say you are not capable of doing this
15 business, because I believe I can do, and I will do
16 whatever it takes to operate this. And I will also
17 vouch that by husband will not be into this business
18 once granted.

19 JUDGE PEARSON: Okay. Thank you.

20 Anything else from either party? Are we good?

21 MR. SHEARER: Nothing from Staff, Your
22 Honor.

23 JUDGE PEARSON: Okay. So just to recap
24 what we discussed off the record, earlier I requested
25 that the parties waive the ten-day requirement for

1 EXAMINATION OF ANNAVILLA HEATH BY JUDGE PEARSON
2 issuing an order, and instead I will issue an order
3 within ten days of receiving the transcript from
4 today's proceeding. I would like to just confirm that
5 with both parties on the record.

6 MR. SHEARER: Yes, Your Honor, that's
7 our understanding as well.

8 JUDGE PEARSON: Ms. Heath?

9 MS. HEATH: Yes.

10 JUDGE PEARSON: Okay. Thank you.

11 So thank you for coming here today. I
12 appreciate you coming and giving your testimony and
13 explaining your side of the story. That's all we
14 have. We will go off the record.

15 (Proceeding concluded 3:14 p.m.)
16
17
18
19
20
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

STATE OF WASHINGTON
COUNTY OF KING

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

SHERRILYN SMITH