

Docket No. TG-190793 - Vol. II

**In the Matter of: Paul Henrickson d/b/a Concrete and
More**

November 17, 2020



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BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of Determining) DOCKET TG-190793
the Proper Carrier Classification)
of, and Complaint for)
Penalties Against:)
))
))
))
PAUL HENRICKSON,)
D/B/A CONCRETE AND MORE)

PREHEARING CONFERENCE, VOLUME II

Pages 22-44

ADMINISTRATIVE LAW JUDGE RAYNE PEARSON

(All parties appearing via videoconference and/or
telephonically.)

November 17, 2020

Washington Utilities and Transportation Commission
621 Woodland Square Loop Southeast
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A P P E A R A N C E S

ADMINISTRATIVE LAW JUDGE:

RAYNE PEARSON

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ALSO PRESENT:

KATHRYN MCPHERSON
RYAN SMITH

* * * * *

1 LACEY, WASHINGTON; NOVEMBER 17, 2020

2 10:10 A.M.

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

6

7 JUDGE PEARSON: So let's be on the record.

8 Good morning. Today is Tuesday, November

9 17th, 2020. The time is approximately 10:10 a.m.

10 My name is Rayne Pearson. I'm an
11 administrative law judge with the Washington Utilities
12 and Transportation Commission.

13 We are here today for a brief adjudicative
14 proceeding in Docket TG-190793, which is captioned "In
15 the Matter of Determining the Proper Carrier
16 Classification of, and Complaint for Penalties Against:
17 Paul Henrickson, doing business as Concrete and More."

18 So just to give some procedural history. On
19 October 11th, 2019, the Commission served the company
20 with Order 01 in this docket, which was accompanied by a
21 subpoena requiring Mr. Henrickson and the company to
22 appear and respond to Staff allegations that Concrete
23 and More is or was operating or advertising it was a
24 solid waste collection company without the required
25 certificate from the Commission.

1 After the company failed to appear at the
2 hearing on November 25th, 2019, the Commission entered a
3 default order, which was later vacated at the company's
4 request on December 16, 2019. And then following
5 multiple attempts to reschedule the hearing, Staff was
6 eventually able to locate Mr. Henrickson and have him
7 personally served, which is why we're here today.

8 So last week, I received a number of emails
9 from Mr. Henrickson, which have been filed in the
10 docket. And one of the emails contained a request to
11 continue the hearing to a later date to give
12 Mr. Henrickson a chance to review the responses that he
13 will receive through the Commission's public records
14 requests that he's submitted to our records center, and
15 I responded to Mr. Henrickson that we would address his
16 request to continue this matter. So we will do that
17 first today after I take appearances from the parties.

18 So let's start with Commission Staff.
19 Mr. Roberson, if you could please introduce yourself for
20 the record.

21 MR. ROBERSON: Good morning, Judge Pearson.
22 My name is Jeff Roberson. I am an Assistant Attorney
23 General representing Staff.

24 With me is staff investigator, Kathryn
25 McPherson.

1 JUDGE PEARSON: Okay. Thank you.

2 And, Mr. Henrickson, if you could please
3 state your full name and spell your last name.

4 MR. HENRICKSON: Paul Henrickson,
5 H-E-N-R-I-C-K-S-O-N.

6 JUDGE PEARSON: Okay. Thank you.

7 And just to confirm, I have your email
8 address as P-M-H-E-N-R-I-C at Yahoo.com.

9 MR. HENRICKSON: Yeah.

10 JUDGE PEARSON: Okay. And we have your
11 address as 3706 - 103rd Avenue Southeast, Apartment A,
12 in Lake Stevens, Washington. Is that also correct?

13 MR. HENRICKSON: Yes.

14 JUDGE PEARSON: Okay. And is your phone
15 number (425) 686-5270?

16 MR. HENRICKSON: Yes.

17 JUDGE PEARSON: Okay. Great. Thank you.

18 All right. Mr. Henrickson, let's first
19 address your request to continue this matter until a
20 later date. Go ahead and present your motion to me.

21 MR. HENRICKSON: First off, I requested from
22 the opposition if I could do a deposition, especially
23 with Kathy McPherson, and I was told no.

24 I would like to have a conversation and a
25 lot of information from that deposition would show a lot

1 to this court and the future court where I believe this
2 will be heading.

3 So I want a motion for a deposition, if I am
4 able to, and get that out of the way --

5 JUDGE PEARSON: Well, I want to start with
6 your request for a continuance, so please address that
7 first. I need to hear what your basis is for continuing
8 the hearing and then when you're proposing the hearing
9 should be continued until.

10 MR. HENRICKSON: Okay. I haven't received
11 all of the information, and that is part of the
12 information that I need to go through because this has
13 been nothing but harassment. There's been over --
14 there's probably 100 phone calls made to me in regards
15 to playing games, Is your refrigerator running? You
16 need to go catch it.

17 Kathy McPherson and I got into a huge
18 argument. I abided by everything, then she said -- I
19 don't even know what she's talking about. I don't even
20 know who hired -- I need to sit there and do some
21 research and get to the basis of all that stuff.

22 In regards to the continuance, I received an
23 email not too long ago, they don't even have the records
24 available until the middle of December.

25 JUDGE PEARSON: Okay. So what are you

1 proposing for a new hearing date?

2 MR. HENRICKSON: Somewhere in the latter
3 part of January.

4 JUDGE PEARSON: All right.

5 And, Mr. Roberson, would you like to respond
6 to that request?

7 MR. ROBERSON: Certainly, Your Honor.

8 Excuse me.

9 Staff has no objection to a continuance -- a
10 short continuance to allow Mr. Henrickson to receive a
11 public records request response and prepare for the
12 hearing. Late January is about a two-month continuance,
13 that seems reasonable. Yeah.

14 MR. HENRICKSON: Can we take the deposition
15 because the --

16 JUDGE PEARSON: Mr. Henrickson, please stop,
17 okay? Only speak when I tell you it's your turn to
18 speak, and we are going to address each thing one thing
19 at a time. We are starting right now with the
20 continuance, okay?

21 MR. HENRICKSON: Mm-hmmm.

22 JUDGE PEARSON: So I need to know if later
23 in January works for you. Specifically for my calendar,
24 January 19th works for me, if that works for the
25 parties.

1 MR. HENRICKSON: Yes. I have a job, by the
2 way, so I mean, I have to coordinate with my job, but
3 January 19th is what we can pencil in, yeah.

4 JUDGE PEARSON: So this is not a pencil-in
5 situation. I'm going to need you to commit. So if you
6 know now what dates you could be available. January
7 22nd is a Friday, it's also open on my calendar.

8 And if we need to take a brief recess so you
9 can contact your employer, I'm fine doing that as well,
10 but it's been very hard to locate you and serve you, and
11 so I am going to need you to commit to a date on the
12 record today that you will appear again before the
13 Commission so we can resolve this matter.

14 MR. HENRICKSON: I don't agree that it's not
15 been hard to communicate with me because I received over
16 100 phone calls. I received all paperwork --

17 JUDGE PEARSON: Okay, Mr. Henrickson --
18 (Cross talking.)

19 JUDGE PEARSON: Mr. Henrickson, please stop.
20 I'm talking about how difficult it was for Staff to
21 locate an address to have you served. You --

22 MR. HENRICKSON: Is that --
23 (Cross talking.)

24 JUDGE PEARSON: When I'm speaking -- do not
25 speak when I'm speaking or I will have you muted. Hold

1 on a second.

2 Staff attempted to work with you amicably to
3 reschedule this hearing, which they were unable to do.

4 After that, they were --

5 MR. HENRICKSON: I --

6 JUDGE PEARSON: -- and you did not inform
7 Staff of your new address, so that's on you, not Staff.

8 Given your history --

9 MR. HENRICKSON: I do not appreciate -- I
10 did not --

11 JUDGE PEARSON: Do not speak when I'm
12 speaking. Mr. Henrickson, I will have you muted. Stop
13 speaking when I'm speaking.

14 MR. HENRICKSON: Mute me. I don't care. I
15 didn't do anything wrong.

16 JUDGE PEARSON: Okay. Go ahead and mute
17 him, please.

18 So whether or not you feel you've done
19 anything wrong, because it has been difficult to track
20 you down and get you served and get you here today, I am
21 not willing to schedule anything tentatively. You will
22 need to commit to a date and time at which you will
23 appear in January or I will not grant the continuance.
24 Do you understand?

25 Can he be unmuted?

1 MR. SMITH: Mr. Henrickson, you'll need to
2 dial -- on your dial pad, you'll need to enter star 6 to
3 unmute yourself.

4 MR. HENRICKSON: Hello?

5 JUDGE PEARSON: Okay. It sounds like you're
6 back off mute. So I need to know which day works for
7 you in January, and if we need to take a recess so you
8 can contact your employer, we can go off the record for
9 a few minutes if you need to straighten out your
10 schedule and pick a day the week of January 19th that
11 works for you.

12 MR. HENRICKSON: I wish it was that easy.

13 JUDGE PEARSON: I can do the 20th, I can do
14 the 21st, or I can do the 22nd all in the afternoon.

15 MR. HENRICKSON: Let's write down the 22nd.

16 JUDGE PEARSON: Okay. You want to pick the
17 22nd in the afternoon?

18 MR. HENRICKSON: Yes.

19 JUDGE PEARSON: Okay. We will start at
20 1:30, and I will memorialize that in the order that I
21 issue after today's proceeding.

22 So what I'll go ahead and do actually is --
23 because Mr. Roberson is amicable to making this change,
24 and because I think it makes sense for you to have time
25 to review the records that you receive in response to

1 the request to adequately prepare for the hearing, we
2 will convert today's brief adjudicative proceeding to a
3 prehearing conference, and I will issue a prehearing
4 conference order that sets the date and time for hearing
5 on Friday, January, 22nd, at 1:30 p.m.

6 And just to confirm, Mr. Roberson, that does
7 work for Staff?

8 MR. ROBERSON: I believe so. I need to
9 check with Ms. McPherson. She may need to rearrange her
10 schedule a bit. If you would just give me a second.

11 JUDGE PEARSON: Sure.

12 MR. HENRICKSON: Yeah. I really disagree
13 that people are already making objections before even we
14 go to court. I don't even know what this --

15 JUDGE PEARSON: So, Mr. Henrickson --
16 Mr. Henrickson, all we're doing today is talking about
17 scheduling. We've now continued this until a later
18 date --

19 MR. HENRICKSON: You already made a ruling.
20 You've already made a statement that I did something
21 when I didn't. You already did that.

22 JUDGE PEARSON: So are you telling me --

23 MR. HENRICKSON: And I don't --

24 JUDGE PEARSON: -- that when you moved, you
25 forgot to provide your address to Staff?

1 MR. HENRICKSON: I had just moved. I didn't
2 even talk to them -- I told -- they were harassing me
3 and making prank phone calls to me. I told them not to
4 contact me anymore.

5 JUDGE PEARSON: So, again, Mr. Henrickson,
6 stop speaking --

7 MR. HENRICKSON: I wasn't done talking. I
8 wasn't done talking.

9 JUDGE PEARSON: I don't care. I am going to
10 speak now. Please stop speaking.

11 (Cross talking.)

12 MR. HENRICKSON: They told me this was over.

13 JUDGE PEARSON: Please mute him again.
14 Please mute him again.

15 MR. HENRICKSON: Yeah.

16 JUDGE PEARSON: I told you over email that I
17 am not going to entertain your accusations about Staff
18 prank calling you, and the fact that you're making those
19 allegations is seriously undermining your credibility,
20 so I just want to give you that warning right now.

21 Okay. I have worked in a professional
22 capacity with Ms. McPherson for years. She conducts
23 herself with the utmost integrity, and she would never
24 prank call a company that she was trying to locate for a
25 classification proceeding, so please don't bring that up

1 again.

2 MR. ROBERSON: Judge Pearson, the 22nd works
3 for Staff.

4 JUDGE PEARSON: Okay. Great. So we'll
5 schedule the hearing for Friday, January 22nd, at
6 1:30 p.m.

7 Now, Mr. Henrickson, you stated that you
8 wanted to depose Ms. McPherson, so I need to hear what
9 your reasoning is for wanting to depose her. I want to
10 also explain that you'll have the opportunity to ask her
11 any questions that you need to at the hearing, so I need
12 an explanation for why you think a deposition is
13 necessary.

14 Please unmute yourself.

15 MR. HENRICKSON: The reason is, again, after
16 I already made another statement in regards to them
17 prank calling me is because of the prank calls, which
18 I'm going to pull up my phone records, and also they
19 called me up and told me that it was over and
20 congratulated me that this whole thing was done, and
21 that there would be no more phone calls towards me, and
22 the harassment would cease.

23 So, yeah, I need to depose her on the fact
24 that you say she acts professional. In fact, that's why
25 we got into an argument, and this is what led to this

1 whole thing is because of her unprofessionalism the
2 first time I ever talked to her.

3 JUDGE PEARSON: Okay. So I'm not going to
4 allow you to depose her for the purpose of asking her
5 questions about the prank phone calls that I am
6 confident never occurred.

7 MR. HENRICKSON: I'll show you my phone
8 records and the continued phone calls that kept on
9 coming from her office, and she said -- believe me, it
10 happened. So if you don't want to believe me, I at
11 least requested it from Superior Court.

12 JUDGE PEARSON: You want the deposition for
13 the Superior Court?

14 MR. HENRICKSON: Well, we're going
15 definitely to the Superior Court on this.

16 JUDGE PEARSON: So, here's the thing, your
17 allegations, which I believe are baseless about Staff
18 harassing you, don't have anything to do with why we're
19 here today, which is whether you conducted yourself as a
20 solid waste carrier without the certificate necessary to
21 conduct such operations.

22 Any other claims --

23 MR. HENRICKSON: And will --

24 JUDGE PEARSON: -- that you have about the
25 Commission, you'll have to pursue those on your own.

1 I'm not going to allow you to depose Ms. McPherson about
2 what you're claiming is harassment that I'm confident
3 never occurred for the purpose of this proceeding, which
4 is strictly looking at whether you should be classified
5 as a solid waste company.

6 MR. HENRICKSON: Yeah. Okay. And I did
7 solid waste, too, yeah. I have a job. I don't do solid
8 waste, but we can do whatever you want, Your Honor, all
9 right? It's been a game ever since the get-go. This
10 lady is unprofessional, and I'm going to show you this.
11 If you --

12 (Cross talking.)

13 JUDGE PEARSON: Again, I'm not going to have
14 testimony or offers of evidence based on Ms. McPherson's
15 character. This is about you and your illegal conduct.
16 End of story.

17 MR. HENRICKSON: No.

18 JUDGE PEARSON: You're not going to get to
19 turn this around on her, and again, I'm not going to
20 entertain those baseless arguments. I'm just not going
21 to. And you're hurting yourself by continuing to try to
22 go down that path.

23 MR. HENRICKSON: You will see that she has a
24 curriculum that she does and handles a situation in a
25 certain way. My situation by talking to her and telling

1 her that she was unprofessional, we got into a huge
2 argument. You'll see that it's done differently.
3 That's why I need to depose her and ask her these
4 questions on how to show and record how it's done.

5 JUDGE PEARSON: So why are you unable to do
6 that through cross-examination? You have not explained
7 that. That would be on the record. That would be
8 recorded. That would create a record for future
9 Superior Court proceedings. You do understand that --
10 and I've already told you I'm not going to grant you the
11 deposition for these purposes, because the reason you
12 want to do this is meritless and is not germane to this
13 proceeding. But you would have to bear the cost of
14 hiring a court reporter. You would need an attorney
15 present. It would be incredibly costly, and you would
16 accomplish nothing, other than asking her the same
17 questions that you would then ask her at the hearing, so
18 I'm not understanding.

19 MR. HENRICKSON: Again, we're going to be
20 going to Superior Court --

21 JUDGE PEARSON: And in Superior Court, the
22 record from the Commission of the hearing is just as
23 good as any deposition. You don't need both. Not to
24 mention that if you were to depose her about, you know,
25 the so-called harassment, I wouldn't accept that into

1 evidence, so you would have wasted a lot of money and
2 time.

3 MR. HENRICKSON: I actually did not know she
4 was going to be present today. So that was one of the
5 things I was asking for the deposition anyway.

6 JUDGE PEARSON: She's present --

7 MR. HENRICKSON: And I don't need --

8 JUDGE PEARSON: -- she will be present on
9 January 22nd and available for cross-examination at that
10 time.

11 MR. HENRICKSON: Okay. And also there was
12 other people from the office that called me with the
13 harassment, and I don't even know their names. They
14 called me and told me this was done and over and I won.

15 JUDGE PEARSON: So I'm also --

16 MR. HENRICKSON: So --

17 JUDGE PEARSON: -- confident that that
18 didn't happen, but we can wait and see what the public
19 records request produces to support your claim, and
20 again, it's not what we're here about.

21 MR. HENRICKSON: And -- and I'll have to dig
22 deep to find out who made that phone call because it did
23 happen.

24 JUDGE PEARSON: If you have proof --

25 MR. HENRICKSON: I am not a liar --

1 JUDGE PEARSON: -- if you have proof that
2 someone called and told you that you won -- which is not
3 language that our Staff uses -- but if you can produce
4 something to that effect, that may have some mitigating
5 factor on the facts of this case -- I'm not saying that
6 it does -- but, again, that will come out in your
7 request for public records.

8 So I'm willing to grant you a continuance to
9 give you an opportunity to obtain those records and
10 build your case. And I think I'm being very generous in
11 doing that, given the fact that you missed your first
12 court appearance. You asked us to reschedule, and then
13 you dropped off the face of the earth, and we were
14 unable to reschedule with you amicably.

15 MR. HENRICKSON: I didn't miss my first
16 court appearance. I never was served. They screwed up
17 on the service. Quit -- you need to stop and know the
18 evidence that's going to be presented before you before
19 you make a judgment. I did not miss it.

20 JUDGE PEARSON: Mr. Henrickson --

21 MR. HENRICKSON: She screwed up.

22 JUDGE PEARSON: -- you need to not lecture
23 me or tell me how to do my job. Do you understand?

24 MR. HENRICKSON: Well, I hope I don't, but I
25 did not miss --

1 JUDGE PEARSON: You hope you don't
2 understand?

3 Okay. Is there anything else that we need
4 to address today?

5 MR. HENRICKSON: No. We have --

6 JUDGE PEARSON: We have the hearing set. It
7 will be January 22nd at 1:30 p.m. I will issue a
8 prehearing conference order reflecting that --

9 MR. HENRICKSON: I would --

10 JUDGE PEARSON: Mr. Henrickson, we will --

11 MR. HENRICKSON: I would --

12 JUDGE PEARSON: -- serve you the order via
13 email, and it will have instructions about what you are
14 to file in advance of the hearing and what you need to
15 bring with you to the hearing.

16 And of course you're always --

17 MR. HENRICKSON: I would like --

18 JUDGE PEARSON: -- welcome to obtain an
19 attorney in the interim if you would like legal counsel
20 to represent you in this proceeding.

21 MR. HENRICKSON: I would like to address the
22 fact that you -- I -- that you didn't receive the
23 paperwork that I sent probably in regards to, they did
24 not serve me on any court date. I did not miss
25 anything.

1 JUDGE PEARSON: Okay. So --

2 MR. HENRICKSON: They -- they messed up.

3 JUDGE PEARSON: -- when you --

4 MR. HENRICKSON: In fact, this lady called
5 me up and tried to talk me into showing up on that day,
6 and I said, What?

7 JUDGE PEARSON: Okay. Mr. Henrickson, let
8 me clarify. That's not even the issue. We vacated the
9 default order. I found that you established sufficient
10 cause for failing to appear. We vacated it --

11 (Cross-talking.)

12 MR. HENRICKSON: -- that I didn't tell me.

13 JUDGE PEARSON: Excuse me. He needs to be
14 muted again.

15 The issue is that after we vacated the order
16 and you were directed to work with Staff to either reach
17 an agreement or pick a new court date, you were unable
18 to successfully negotiate an outcome with Staff, and
19 then you became unreachable for an extended period of
20 time. And I know that because I kept tabs on the case.
21 It was on my roster of cases that I was dealing with.
22 So I routinely checked in with Staff and was told that
23 they could not locate you. So those are the facts.
24 Here we are. It's almost a year later, and I'm going to
25 grant you the continuance to give you the extra time

1 that you need, but I need you to commit on the record
2 today to a hearing at a date certain, which you've now
3 done.

4 And so I don't believe we have anything else
5 to discuss. Unless you have other questions, which you
6 need to let me know now.

7 So go ahead and unmute yourself.

8 MR. HENRICKSON: I just want a motion to
9 dismiss this whole action. I did not miss a court date.
10 They messed up. So...

11 JUDGE PEARSON: If you want to file a motion
12 to dismiss, you're welcome to do that. You can do it
13 pursuant to the Commission's procedural rules, but I'm
14 going to tell you right now that I won't rule on it or
15 entertain it until the hearing on the 22nd.

16 MR. HENRICKSON: That's fine. I just
17 didn't -- I really didn't -- I didn't miss any court
18 date, so I --

19 JUDGE PEARSON: I just explained to you that
20 vacating the order wasn't even the issue. The issue was
21 your failure to cooperate after the order was vacated,
22 and the inability to locate you to schedule a hearing
23 until October of 2020, almost a year later.

24 MR. HENRICKSON: They called me up and told
25 me that it was over and I won. Ha, ha. This is just

1 harassment. This whole thing. It's continuing, it's
2 harassment.

3 JUDGE PEARSON: Actually, I am feeling
4 harassed right now, Mr. Henrickson. So do you have any
5 other questions or can we be done?

6 MR. HENRICKSON: You're feeling harassed?
7 Okay.

8 JUDGE PEARSON: You're being --
9 (Cross talking.)

10 JUDGE PEARSON: Not mine --

11 MR. HENRICKSON: You called me a liar.

12 JUDGE PEARSON: I didn't call you a liar --
13 (Cross talking.)

14 JUDGE PEARSON: Stop interrupting me. I
15 said I would not entertain your baseless arguments --

16 MR. HENRICKSON: You said that --
17 (Cross talking.)

18 JUDGE PEARSON: -- and that they're not
19 germane to the proceeding.

20 Okay. Mr. Henrickson, we're done. We're
21 adjourned. Goodbye.

22 MR. HENRICKSON: It's down. Wow.

23 (Hearing adjourned at 10:31 a.m.)

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C E R T I F I C A T E

STATE OF WASHINGTON

COUNTY OF KING

I, Lisa Buell, a Certified Court Reporter in and for the State of Washington, do hereby certify that the foregoing transcript of the proceeding on November 17, 2020, is true and accurate to the best of my knowledge, skill and ability.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 17th day of November, 2020.



LISA BUELL, RPR, CRR, CCR #2204