

Docket Nos. TV-161206 and TV-170103
(Consolidated) - Vol. I

In the Matter of Cheryl Ball d/b/a Acme Moving
Labor

April 3, 2017



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1 BEFORE THE WASHINGTON
 2 UTILITIES AND TRANSPORTATION COMMISSION
 3 _____
 4 In the Matter of Determining)
 the Proper Carrier) Dockets TV-161206 &
 5 Classification of, and) TV-170103 (Consolidated)
 Complaint for Penalties)
 6 Against,)
 7)
 8 CHERYL BALL d/b/a ACME)
 MOVING LABOR)
 9 _____
 10 HEARING ON SETTLEMENT PROPOSAL, VOLUME 1
 11 Pages 1-34
 12 ADMINISTRATIVE LAW JUDGE RAYNE PEARSON
 13 _____
 14 10:00 A.M.
 15
 16 APRIL 3, 2017
 17 Washington Utilities and Transportation Commission
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1 A P P E A R A N C E S
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1 OLYMPIA, WASHINGTON; APRIL 3, 2017
 2 10:00 A.M.
 3 --oOo--
 4
 5 P R O C E E D I N G S
 6
 7 JUDGE PEARSON: Okay. So let's be on the
 8 record. Good morning. I'm Rayne Pearson, the
 9 administrative law judge assigned to this proceeding,
 10 and we are here before the Commission on April 3rd,
 11 2017, for a hearing on the settlement agreement and the
 12 joint motion to consolidate filed by the parties on
 13 March 14th, 2017.
 14 These are Dockets TV-161206, which is
 15 captioned, "In the Matter of Determining the Proper
 16 Carrier and Classification of and Complaint for
 17 Penalties Against Cheryl Ball d/b/a Acme Moving Labor,"
 18 and Docket TV-170103, which is an application for a
 19 household goods carrier permit filed by Acme Moving
 20 Labor. And the purpose of today's hearing is to get
 21 some additional information about the company's
 22 operations and Mr. Jackson's prior convictions.
 23 So let's start by taking brief appearances
 24 from both parties. Please just state your name, spell
 25 your last name, and identify who your witnesses are

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1 today.

2 And we'll start with Mr. O'Connell.

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

4 name is Andrew J. O'Connell, assistant attorney general

5 for the state of Washington. I represent Commission

6 Staff. Seated to my right is Mr. Mike Dotson,

7 D-o-t-s-o-n. He's a transportation specialist with the

8 Commission Staff. He'll be testifying on behalf of

9 Staff today.

10 JUDGE PEARSON: Okay. Thank you.

11 And for the company?

12 MS. STEEN: Good morning, Your Honor. I'm

13 Elizabeth Steen, spelled S-t-e-e-n, and I'm here

14 representing Acme Moving. My witnesses are Cheryl Ball,

15 and that's spelled B-a-l-l, and Kedric Jackson, and

16 that's J-a-c-k-s-o-n.

17 Thank you.

18 JUDGE PEARSON: Thank you. So as a

19 preliminary matter, I will just let the parties know I

20 am granting the joint motion to consolidate because

21 obviously these matters overlap substantially so I think

22 that that makes sense.

23 And if there aren't any other procedural

24 issues, before we came on the record, the company

25 presented me with two I would call them almost binders

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1 of information which Staff has had an opportunity to

2 look at and is fine with. It looks like one outlines

3 the company's structure, Ms. Ball's operations on a

4 day-to-day basis, Mr. Jackson's operations on a

5 day-to-day basis, and then rehabilitation documentation.

6 And the second one, which is thicker, has

7 Acme Moving Labor photos, some various online reviews

8 for the company, more rehabilitation materials,

9 community involvement letters, bond insurance,

10 background check, employees, and AMSA learning

11 materials, which American Moving and Storage

12 Association, I figured it had something to do with that.

13 And then Staff also presented me with a

14 packet of information that includes the applicable WAC

15 and what looks like a watch report, I'm assuming with

16 Mr. Jackson's criminal background check, correct?

17 MR. O'CONNELL: Yes, Your Honor.

18 JUDGE PEARSON: Okay. Thank you. So I can

19 swear the witnesses in at this time, and I will do that

20 all at once. If all three of you will stand and raise

21 your right hand.

22 (Witnesses sworn.)

23 JUDGE PEARSON: Thank you. You may all be

24 seated.

25 So before we get started, I just wanted to

Page 7

1 make it very clear to the parties that I called this

2 hearing today because I am seeking information that

3 supports approval of the settlement agreement. I'm not

4 looking to find information that supports denying the

5 company's application. I think that it's easy to make

6 assumptions and draw conclusions when you see that

7 someone has a criminal history, but I don't believe that

8 individuals should be forever tainted by their pasts,

9 and I'm a strong believer people can change. And

10 because information to that effect was missing from the

11 settlement agreement, I called you all here today to

12 gather it with hopes that that will strengthen the

13 settlement agreement.

14 So I just wanted to be totally transparent

15 about my intentions so that the company doesn't have to

16 feel like it's on the defense. This is really an

17 opportunity for you. It looks like also you brought

18 extensive documentation to show me how you've turned

19 your life around. So I just wanted to put that out

20 there at the outset.

21 And let's start with Ms. Ball. I just have

22 a few questions.

23 ////

24 ////

25 ////

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EXAMINATION OF BALL / PEARSON

1 EXAMINATION

2 BY JUDGE PEARSON:

3 Q. So you're the owner of Acme Moving Labor; is

4 that correct?

5 A. Yes, I am.

6 Q. Okay. And how long has the company been in

7 operation?

8 A. Since April of 2014.

9 Q. Okay. And how long have you known Mr. Jackson?

10 A. Since September of 2013.

11 Q. Okay. And so he's been the with the company

12 from the beginning; is that accurate?

13 A. Yes.

14 Q. Okay. So was this a joint venture that you --

15 A. Yes.

16 Q. -- two undertook together?

17 Okay. And what is your involvement in the

18 company's day-to-day operations?

19 A. I talk with Kedric as far as ongoing day-to-day

20 businesses as far as the company goes with the -- with

21 the -- the employees, what we do as far as moving on

22 through the day-to-day customers as far as their -- what

23 they're requesting, and is it applicable for the -- what

24 the customer's requesting would meet the customer's

25 needs. So as far as if there's any special requests, we

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EXAMINATION OF BALL / PEARSON & EXAMINATION OF JACKSON / PEARSON

1 discuss that. We discuss the -- what jobs are going to
 2 be accepted and what aren't going to be accepted as far
 3 as time frame and if everything can be done in a safe
 4 and timely manner.

5 Q. Okay. Okay. I think that's all I have for you
 6 at this time. If I think of anything later, we can come
 7 back, but thank you for clarifying that.

8

9 **EXAMINATION**

10 BY JUDGE PEARSON:

11 Q. So, Mr. Jackson, at this point, I'd just like to
 12 give you an opportunity to explain circumstances
 13 surrounding your prior convictions and your
 14 rehabilitative efforts and anything else that you want
 15 to tell me about.

16 A. Yes, Your Honor. First, I want to thank the
 17 Commission for allowing us to get here and you having
 18 this hearing to -- for me to -- or allowing us to
 19 elaborate further on me and the Acme Moving Labor,
 20 Cheryl Ball.

21 Your Honor, I want to be straight to the point.
 22 A lot of my life was involved around, you know,
 23 drinking, using drugs, specifically just one drug.
 24 Alcohol is a drug, but not an illegal drug. I did what
 25 is tough for a lot of addicts to do, I quit. And what I

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1 **With -- now, so within DOC's chemical dependency**
 2 **program, you are given certain books to cover, to**
 3 **address maybe some of the underlying -- let me scoot**
 4 **up -- maybe some of the underlying issues that can --**
 5 **that help contribute to the person using, in this case**
 6 **myself. And I elected not only to study what the State**
 7 **DOT's -- DOC's program had, but I took on extra**
 8 **material. Some of it as you can see here, which is a**
 9 **manual here, which you can -- if it's okay with**
 10 **Ms. Steen, you can take a look at some of my notes here.**
 11 **What you have is just a copy of the front, but here's my**
 12 **written -- what I -- my notes of, you know, in this**
 13 **particular subject. Anger is one of them, feelings is**
 14 **number two, steps and spirituality is number three.**

15 Q. Is this in the larger book or is this not
 16 something you've provided?

17 MS. STEEN: It's in the larger book.

18 JUDGE PEARSON: Larger book, okay.

19 A. **But what you have -- see, the difference is what**
 20 **I did for you, Your Honor, and the Commission, is I just**
 21 **photocopied the front, but I brought the whole book**
 22 **itself right here in case you want to, you know, peruse**
 23 **my notes.**

24 BY JUDGE PEARSON:
 25 Q. Gotcha.

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1 **mean by "quit," I quit using, I quit socializing around**
 2 **people that are negative, and took the information, the**
 3 **extensive rehabilitation information and utilized it in**
 4 **my day-to-day life, which is what you see most of it**
 5 **here. But I have additional documentation here, some**
 6 **that you have and also the Commission has as well. But**
 7 **the bottom line is I stopped, I quit.**

8 Q. Okay. And when was that?

9 A. **Approximately five years now, Your Honor,**
 10 **approximately, yes.**

11 Q. Okay. And do you want to kind of walk me
 12 through some of the rehabilitation that you've had,
 13 what's in these exhibits?

14 A. **Oh, I sure can, Your Honor. If you don't mind,**
 15 **you have two sets, Your Honor.**

16 Q. Okay.

17 A. **Okay. But I kind of like to -- on the thin one**
 18 **because we kind of consolidated it down.**

19 Q. Okay.

20 A. **Okay. First, the Department of Corrections has**
 21 **a very good chemical dependency program, intensive and**
 22 **outpatient program. And if you notice here that I**
 23 **completed the IOP and the -- I -- excuse me, Your Honor,**
 24 **it's the OP then the IO P, and both certifications you**
 25 **and the Commission has.**

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1 A. **Okay. And then next one will be value and**
 2 **responsibilities, life management, my change.**

3 Q. So are these materials that came from the DOC
 4 outpatient program?

5 A. **Inpatient and outpatient.**

6 Q. Okay. So did you do chemical dependency while
 7 you were incarcerated?

8 A. **Yes, ma'am.**

9 Q. Okay.

10 A. **That's that first certificate you see.**

11 Q. Okay.

12 A. **The first one --**

13 Q. The OP?

14 A. **The OP is in and the IOP is out.**

15 Q. Okay. Gotcha.

16 MS. STEEN: And the second packet has
 17 chemical dependency treatment as well. It's before the
 18 rehabilitation, I believe.

19 JUDGE PEARSON: Okay.

20 A. **And then it goes on to feelings, and I actually**
 21 **did a couple on feelings, and then family relationship**
 22 **and thinking errors. So if you'd like, Your Honor, you**
 23 **can, via through Ms. Steen, take a look at my notes.**

24 BY JUDGE PEARSON:
 25 Q. So it looks like the last convictions that you

Page 13

1 had were in December 2011, and then you did this in 2012
 2 and 2013?
 3 MS. STEEN: I --
 4 **A. I know my phone's off. I apologize, Your Honor.**
 5 **Excuse me, what was the question?**
 6 **BY JUDGE PEARSON:**
 7 Q. So it looks like from your documentation,
 8 looking at your -- your criminal history, your last
 9 conviction was in December of 2011, and then you
 10 subsequently completed these treatment programs and you
 11 have not had any trouble with the law since; is that
 12 correct?
 13 **A. None, not even a speeding ticket, Your Honor.**
 14 Q. Okay.
 15 **A. But, Your Honor, just for clarification, I've**
 16 **always, always participated in AA, NA, and finally like**
 17 **I mentioned, I quit.**
 18 Q. Okay. And what's your participation like in
 19 12-step programs like now?
 20 **A. Well, what I do, Your Honor, is I -- you have**
 21 **enough letters up there. What I do now is I more or**
 22 **less support individuals that go to NA. Your Honor, my**
 23 **phone is beeping, let me turn it off.**
 24 Q. Okay.
 25 **A. I apologize, Your Honor. I thought I turned it**

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1 **off.**
 2 MS. STEEN: Your Honor, the 2012 and 2013
 3 represents a year of Mr. Jackson's life that he devoted
 4 to solving some ongoing issues that continued to plague
 5 him for several years. The 2011 conviction I believe
 6 actually occurred in 2010, so the conviction was delayed
 7 for about a year. So the event was 2010, so he hasn't
 8 had an event in almost seven years.
 9 BY JUDGE PEARSON:
 10 Q. Okay. Go ahead.
 11 **A. So, you know, so, you know, I wanted to clarify,**
 12 **Your Honor, just quick. A lot of people stop, but they**
 13 **don't quit. I quit. I'm in a beautiful relationship, I**
 14 **do a great job as you can tell if you read the reviews,**
 15 **we have -- we, as Acme Moving Labor, we have 4.7, 4.8**
 16 **review no matter where you check, which is very, very**
 17 **high.**
 18 Q. Okay. So with respect to -- I'm assuming that
 19 the theft conviction in 2006 was related to drug use?
 20 **A. Your Honor, all that is.**
 21 Q. Okay.
 22 **A. It's just, you know, Your Honor, your thinking**
 23 **is -- you know, my thinking then and my thinking now,**
 24 **it's just like the division between this table and this**
 25 **table; you follow me?**

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1 Q. Mm-hmm.
 2 **A. And I don't deal with this table no more, I**
 3 **don't.**
 4 Q. Okay. And so the 2010 incident that were all --
 5 looks like resolved in 2011 were assault 4, reckless
 6 driving, and riot with a deadly weapon. Oh, that was a
 7 different one. I'm sorry. It was just the assault 4
 8 and the reckless driving, right?
 9 **A. Misdemeanor assault 4, Your Honor, yes.**
 10 Q. Okay. Okay. And so can you give me some sort
 11 of explanation about that since that was the most
 12 recent?
 13 **A. I sure can, Your Honor. Bad relationship, which**
 14 **is what -- when you're using, drinking, or whatever, you**
 15 **tend to -- you're a magnet.**
 16 Q. Okay. So it was a personal relationship, a
 17 romantic relationship?
 18 **A. Yes, Your Honor.**
 19 Q. Okay. And then what about the riot with a
 20 deadly weapon and assault 4 in 2009?
 21 **A. Your Honor, that was an incident, I believe, in**
 22 **Spokane where alcohol was involved. I let a guy that,**
 23 **actually he was -- I think he was about 20 years old,**
 24 **stay in my place in Spokane. At that time, I was going**
 25 **to school to be a paralegal at Spokane Community -- or**

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1 **actually a paralegal and administrative assistant at**
 2 **Spokane Community College. I went to Seattle, came**
 3 **back, he sold all my stuff, all of it, and I got upset,**
 4 **Your Honor.**
 5 Q. And got into an altercation?
 6 **A. Yes.**
 7 Q. Okay.
 8 **A. Your Honor, it wasn't no -- I just grabbed him,**
 9 **you know, so it wasn't really nothing -- well, you know,**
 10 **assault is assault, and I apologize for, you know, all**
 11 **my, you know, erroneous conduct to society. But, you**
 12 **know, I -- it's like I showed you here, Your Honor, I**
 13 **have to work on issues and I did.**
 14 Q. Okay. Okay. And the other things are fairly
 15 old, the 1996 and the 1986 assault convictions, and
 16 then, of course, the manufacture or possession with
 17 intent in 2000 makes perfect sense given what you've
 18 told me.
 19 **A. Yes.**
 20 Q. So is there anything else that you want to add
 21 about any of those, anything else you want to explain?
 22 **A. You know, Your Honor, that was me then.**
 23 Q. Okay.
 24 **A. Whole different person now.**
 25 Q. Okay. So do you want to tell me a little bit

Page 17

1 more about just what you do now for your recovery,
 2 what's your -- what's your plan, what's your relapse
 3 prevention that you do now today?
 4 **A. Your Honor, yes. You know, Your Honor, I was in**
 5 **counseling, and one of the things that I like to do is**
 6 **listen to Michael Jackson. That gets me away. That**
 7 **gets me away, it's -- and it soothes me. Another thing**
 8 **that I like to do which I didn't do before was get away.**
 9 **I never vacationed, wasn't in my vocabulary. I used to**
 10 **hear my sisters and other people saying, Haven't you**
 11 **been here? Haven't you been here? No, I haven't. I**
 12 **was so wound up into what was going on in my life that**
 13 **it wasn't -- I just wasn't managing my life right at**
 14 **that time. I can breathe now. I can see the trees now.**
 15 Q. Okay. And what about meetings or sponsorship?
 16 **A. You know, like I mentioned to you moments ago,**
 17 **Your Honor, my -- what I do is I support the individuals**
 18 **that's in the meetings. You have a letter, Your Honor,**
 19 **that -- from a chemical dependency counselor supervisor**
 20 **that she explains what Kedric Jackson does for the**
 21 **community, and specifically the people, not --**
 22 **unfortunately, not ladies, not to offend them, but men**
 23 **on helping them maintain their sobriety.**
 24 I am -- Your Honor, I come across as real
 25 strong. I mean, everybody, you know, got their little

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1 **thing that they want to come across real strong, but I**
 2 **really do influence these guys and help them maintain**
 3 **their sobriety, which helps me.**
 4 Q. So are you acting as a sponsor to these men?
 5 **A. Yes, Your Honor, but I -- but not directly on**
 6 **the books. Like this here, Your Honor, is about**
 7 **sponsorship right here. Strictly about the 12 steps of**
 8 **Narcotics Anonymous, okay? So what I'm saying is I**
 9 **won't take them through this book.**
 10 Q. Okay.
 11 **A. But I will support them morally and talk with**
 12 **them to help them maybe get through a potential relapse,**
 13 **because sometimes I can see it coming and convey it to**
 14 **them and direct them in the right direction either back**
 15 **to another meeting and/or back to your -- call your**
 16 **chemical dependency counselor.**
 17 Q. Right.
 18 Do you go to meetings?
 19 **A. No, ma'am.**
 20 Q. Okay.
 21 MS. STEEN: Your Honor, if I may, something
 22 that I have from my notes with Mr. Jackson, we did
 23 discuss this, is that first, these events were all in
 24 his personal life, nothing ever affected his
 25 professional life.

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1 And second, he was in the 12-step program
 2 for -- off and on for about ten years and it never
 3 changed him in the way that a year of counseling and
 4 intensive work on himself did. And to a certain extent,
 5 the key to his sobriety has been separating himself from
 6 other addicts. And so -- and separating all of his
 7 personal relationships with anyone who is an addict, and
 8 that has been the positive steps that he's done -- has
 9 been affected by separating from all addicts and all
 10 addictive behaviors. So 12 steps, he was in it for ten
 11 years.
 12 JUDGE PEARSON: Sure. And I understand
 13 there are a number of different ways people maintain
 14 their recovery, not just through 12-step programs. Some
 15 people go to church, some people go to counseling.
 16 BY JUDGE PEARSON:
 17 Q. So I'm wondering if there's other things that
 18 you do besides that?
 19 **A. If you don't mind, Your Honor, I'd like to read**
 20 **this one paragraph from Patsy Murphy. She's a chemical**
 21 **dependency counselor at Valley Cities, and she says, (as**
 22 **read) Mr. Jackson appears to be fit to be serving people**
 23 **in the community. Mr. Jackson brings a number of**
 24 **clients into Valley Cities when he sees they can use**
 25 **formal support. He provides natural support to a number**

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1 **of individuals from the community when he's witnessing**
 2 **how they could use both formal and natural support. I**
 3 **would personally recommend Mr. Jackson to colleagues and**
 4 **friends as a service provider in the community. He**
 5 **still frequents Valley Cities as a member of society**
 6 **while walking alongside others in the community.**
 7 Q. Okay. I see that letter here, and it looks like
 8 you were a patient there up until June of last year?
 9 **A. Yes, Your Honor. And, you know, Your Honor, if**
 10 **I feel like I need to go back, I go back.**
 11 Q. To counseling?
 12 **A. Oh, yes, oh, yeah. Because you just never know,**
 13 **Your Honor.**
 14 Q. Right.
 15 I guess I am just looking for, you know, what
 16 you do today to prevent relapse in your life. You know,
 17 like I said, some people go to 12-step programs, some
 18 people go to church, but typically there needs to be
 19 some sort of community support, in whatever form that
 20 might take, that someone can utilize to stay clean and
 21 sober.
 22 **A. And, again, it's that bond that I have with**
 23 **these guys that are already involved with AA and N A.**
 24 **That's my connection. That's -- for me to see them**
 25 **maintain their sobriety and for me to help out, that's**

Page 21	Page 23
<p>1 what I need, and that's what I -- not only on myself,</p> <p>2 but I help the community because it works. I've seen --</p> <p>3 seen guys maintain their sobriety just off me</p> <p>4 communicating with them. I go home, talk to my fiancee,</p> <p>5 Cheryl Ball, about it.</p> <p>6 Q. Okay.</p> <p>7 A. You know, Your Honor, there's another letter</p> <p>8 that I'd like to touch on, which is going to be with</p> <p>9 Alvin Curry.</p> <p>10 Q. Okay.</p> <p>11 A. And Alvin is a chemical dependency counselor</p> <p>12 also.</p> <p>13 Q. Okay.</p> <p>14 A. And I work with Alvin. Alvin is a person that I</p> <p>15 call if I need to talk right now.</p> <p>16 Q. So he's like a mentor to you?</p> <p>17 A. Yes, he is.</p> <p>18 Q. Okay. That's what I was looking for was who do</p> <p>19 you rely on for support, because typically people in</p> <p>20 recovery can't do it alone. There needs to be a network</p> <p>21 of support and other people you can talk to.</p> <p>22 A. I understand that, Your Honor, I understand</p> <p>23 that, Your Honor, but I keep reiterating this one word,</p> <p>24 quit. I quit. That's the bottom line. I quit. Kedric</p> <p>25 Dwayne Jackson quit using chemicals and drinking.</p>	<p>1 MS. STEEN: Last tab, Your Honor.</p> <p>2 JUDGE PEARSON: Oh, okay.</p> <p>3 MR. O'CONNELL: Your Honor, Staff has seen</p> <p>4 this paperwork before, as it was submitted with the</p> <p>5 company's first application from September of 2006.</p> <p>6 JUDGE PEARSON: Okay. Thank you.</p> <p>7 MR. O'CONNELL: Sorry, 2016, I apologize.</p> <p>8 JUDGE PEARSON: Okay.</p> <p>9 BY JUDGE PEARSON:</p> <p>10 Q. Is there anything else that you'd like to add?</p> <p>11 A. No, Your Honor. Thank you, Your Honor.</p> <p>12 Q. You're welcome.</p> <p>13 JUDGE PEARSON: So now I would like to hear</p> <p>14 from Staff.</p> <p>15 Mr. O'Connell, I don't know if you had</p> <p>16 anything to say or if I should just go directly to</p> <p>17 Mr. Dotson.</p> <p>18 MR. O'CONNELL: I would defer to how you</p> <p>19 would like to proceed, Your Honor. If you would like me</p> <p>20 to question Mr. Dotson --</p> <p>21 JUDGE PEARSON: No, that's okay.</p> <p>22 MR. O'CONNELL: -- that's fine, or if you</p> <p>23 would like to ask questions, that's fine with Staff as</p> <p>24 well.</p> <p>25 ////</p>
Page 22	Page 24
<p>1 That's the bottom line.</p> <p>2 Q. Okay. Yeah, and I guess I should have clarified</p> <p>3 that, too, that you abstain from all drugs and alcohol,</p> <p>4 correct?</p> <p>5 A. Everything, Your Honor. There's nothing in my</p> <p>6 system.</p> <p>7 Q. Okay. I just wanted to clarify.</p> <p>8 A. And you also have DOT test results I took</p> <p>9 approximately a year ago, I believe.</p> <p>10 Q. What's that?</p> <p>11 A. You have a test result, I believe, a urine</p> <p>12 analysis test.</p> <p>13 Q. Oh, oh.</p> <p>14 MR. O'CONNELL: Where is that, please?</p> <p>15 THE WITNESS: Oh, it's right here. Let me</p> <p>16 show you right quick. Right -- sir, it's right here.</p> <p>17 You start -- if you look at that green on the back, it's</p> <p>18 in the back.</p> <p>19 JUDGE PEARSON: Of the thick one?</p> <p>20 THE WITNESS: Thick one, ma'am -- I mean,</p> <p>21 Your Honor.</p> <p>22 JUDGE PEARSON: Which tab is it under?</p> <p>23 THE WITNESS: Your Honor, it's consolidated,</p> <p>24 Your Honor. Want me to just bring mine up?</p> <p>25 JUDGE PEARSON: Sure.</p>	<p>EXAMINATION OF DOTSON / PEARSON</p> <p>1 E X A M I N A T I O N</p> <p>2 BY JUDGE PEARSON:</p> <p>3 Q. Okay. So, Mr. Dotson, I guess if you can just</p> <p>4 provide me a more detailed explanation of Staff's</p> <p>5 recommendation.</p> <p>6 A. Yes, no problem. I have a timeline from the</p> <p>7 original application to the current application right</p> <p>8 here. So at the end of September of last year, Ms. Ball</p> <p>9 applied for the household good moving permit. I</p> <p>10 reviewed the application, which involves checking it for</p> <p>11 fullness, filled out completely, insurance, and we run</p> <p>12 background checks. It was filled out completely, which</p> <p>13 is very unusual actually. It was very professionally</p> <p>14 done. I think there was one issue that we had to</p> <p>15 resolve, and that was some insurance papers we needed to</p> <p>16 be updated.</p> <p>17 We also ran a background check, and we saw that</p> <p>18 Mr. Jackson was listed as the operations manager in the</p> <p>19 application, did have an assault within five years. So</p> <p>20 due to the rule stating that we can't have anyone with</p> <p>21 certain criminal activity within a five-year period, we</p> <p>22 denied it. After the denial, we received -- they</p> <p>23 wanted -- they requested a hearing to contest it, and</p> <p>24 during that prehearing period, we received some</p> <p>25 additional information including the certificates of</p>

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EXAMINATION OF DOTSON / PEARSON

1 rehabilitation and that sort of thing.
 2 At a certain point, they withdrew their request
 3 for hearing. I'm not sure -- I'm not sure why. In mid
 4 February of this year, Ms. Ball reapplied. Reviewed the
 5 new application, same stuff as before, ran new
 6 background checks. And at that point, the five years
 7 had elapsed since Mr. Jackson's most recent conviction.
 8 Let's see, yeah, like I said, we saw during the
 9 previous hearing, we got the certificates of completion
 10 of rehabilitation and some anger management courses it
 11 looked like he'd taken. Everything was past five years
 12 at this point. He'd been the operations manager for a
 13 pack and load business for years, which is really not
 14 that much different than a household goods moving
 15 business, just no vehicle essentially. He still enters
 16 people's homes and is alone with their valuables.
 17 And I reviewed many of the online reviews, they
 18 were overwhelmingly positive, like he mentioned. So
 19 there isn't an issue that appears with that or anything
 20 like that during his pack and load time. Any negative
 21 reviews were basically standard household goods stuff,
 22 you know, scratched furniture, maybe a dispute over some
 23 payment, that sort of thing. And with that and the
 24 materials we received, we decided that he seemed like a
 25 good fit for a household good mover.

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1 Q. Okay. Thank you.
 2
 3 **EXAMINATION**
 4 BY JUDGE PEARSON:
 5 Q. So, Mr. Jackson, let's go back to that because I
 6 didn't hear anything about -- in your explanation about
 7 anger management treatment, you also completed that?
 8 **A. Yes, Your Honor.**
 9 Q. Okay. And when was that?
 10 **A. All that, Your Honor, State encompasses in their**
 11 **extensive chemical dependency program, you try to cover,**
 12 **like I mentioned, little bits and pieces of generalized**
 13 **things that -- that helps or enables a person to**
 14 **continue to use, and anger is one -- is one of many,**
 15 **Your Honor. And, again, here's the book right here.**
 16 Q. Okay. So it was part of the treatment that you
 17 received through the Department of Corrections, it
 18 wasn't a separate -- I guess that's what I'm getting at.
 19 **A. No, Your Honor, no.**
 20 Q. It was all the same program?
 21 **A. Yes, Your Honor.**
 22 Q. Okay. Okay. Thank you.
 23 MR. O'CONNELL: Your Honor, can I ask one,
 24 maybe two questions of Mr. Dotson?
 25 JUDGE PEARSON: Sure.

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EXAMINATION OF DOTSON / O'CONNELL

1 **EXAMINATION**
 2 BY MR. O'CONNELL:
 3 Q. Mr. Dotson, you reviewed Mr. Jackson's history
 4 of criminal convictions, did you look at the two most
 5 recent assault 4 convictions?
 6 **A. Yes, I did.**
 7 Q. And do you recall whether those, in your review,
 8 were associated with domestic violence?
 9 **A. They appeared to be, yeah. They were -- looked**
 10 **like based on a personal relationship.**
 11 Q. Were either of those that you looked into, the
 12 most recent ones or any in the past, were they involved
 13 with any business operations?
 14 **A. No, strictly personal based on the police report**
 15 **that I read.**
 16 Q. And you mentioned that you went online and
 17 reviewed a number of reviews for the business?
 18 **A. That's correct.**
 19 Q. Did the company also submit a number of reviews
 20 along with its initial application?
 21 **A. With their initial application, they submitted**
 22 **about the same size as the large binder which, again, is**
 23 **very unusual.**
 24 Q. Did you review those?
 25 **A. Yes, I reviewed them.**

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EXAMINATION OF DOTSON / O'CONNELL & EXAMINATION OF DOTSON / PEARSON

1 Q. And you did more in addition?
 2 **A. Yeah, independently I went online and did some**
 3 **Google searches, Yelp, that sort of thing to see if**
 4 **there was any negative ones that would jump out at me as**
 5 **something concerning.**
 6 Q. So the number of reviews that you reviewed,
 7 would you say that was in the hundreds?
 8 **A. Yeah, I scanned through I think one of them was**
 9 **like 21 pages worth of 20 -- or page, that sort of**
 10 **thing.**
 11 Q. And do you recall, sometimes on those websites
 12 they have some sort of percentage calculator of positive
 13 feedback. Do you remember if there was any sort of
 14 positive feedback calculator?
 15 **A. Yeah, one was hirelabor.com or something along**
 16 **those lines, and it was 90-something percent out of I**
 17 **think it was 290 around 300.**
 18 MR. O'CONNELL: I don't think I have
 19 anything else.
 20
 21 **EXAMINATION**
 22 BY JUDGE PEARSON:
 23 Q. Okay. So, Mr. Dotson, just to verify, have you
 24 discussed the application with consumer protection?
 25 **A. Yeah, it was -- it was discussed.**

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<p>EXAMINATION OF DOTSON / PEARSON</p> <p>1 Q. Okay. And they agree with your recommendation?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. I just wanted to double-check that.</p> <p>4 JUDGE PEARSON: So if the parties would like</p> <p>5 to make closing statements at this time, you may.</p> <p>6 Ms. Steen, if you want to go first.</p> <p>7 MS. STEEN: Are you making a closing</p> <p>8 statement, Andrew?</p> <p>9 JUDGE PEARSON: You certainly don't have to.</p> <p>10 It's optional. I just wanted to provide the parties an</p> <p>11 opportunity to do that if you wish.</p> <p>12 MR. O'CONNELL: I think I would like to say</p> <p>13 a couple words if I'm allowed so...</p> <p>14 MS. STEEN: I would just like to say thank</p> <p>15 you for this opportunity to bring everyone together and</p> <p>16 support the petition and the application. Like you</p> <p>17 said, people can change. Mr. Jackson has made extensive</p> <p>18 ongoing efforts, and he continues his efforts by</p> <p>19 separating himself from anyone who could be connected to</p> <p>20 his past by refusing to drink, staying in touch with his</p> <p>21 counselor, and keeping in touch with his mentor on a</p> <p>22 regular basis.</p> <p>23 The focus on rehabilitation efforts, you'll</p> <p>24 notice there's half of a very significant packet, and in</p> <p>25 this workbook, one thing that I noticed is Mr. Jackson</p>	<p>1 had a criminal conviction within five years of the kind</p> <p>2 that is specifically listed in the rule, the</p> <p>3 Commissions' rule, WAC 480-15-302. That rule required</p> <p>4 mandatory without discretion denial of the permit based</p> <p>5 upon the timing of that conviction.</p> <p>6 Now, the second application that was</p> <p>7 submitted by the company arrived in February of 2017, at</p> <p>8 which point in time five years had passed since</p> <p>9 Mr. Jackson's conviction, which by rule places Staff in</p> <p>10 the position of making a holistic evaluation of looking</p> <p>11 at the nature and extent of the conviction and making a</p> <p>12 determination as to whether it is likely to interfere</p> <p>13 with the proper operation of the household goods</p> <p>14 company.</p> <p>15 Now, that prior conviction, and there were</p> <p>16 several others that are older than five years that Staff</p> <p>17 had to consider, and Staff considered a number of</p> <p>18 mitigating factors as to those convictions, including</p> <p>19 the passage of time that had -- you know, time had</p> <p>20 elapsed since those convictions, as well as the nature</p> <p>21 of the most recent convictions being the personal</p> <p>22 relationship. Staff did not see any evidence as</p> <p>23 testified by Mr. Dotson that they were business-related</p> <p>24 convictions.</p> <p>25 Mr. Jackson has been involved with the</p>
Page 30	Page 32
<p>1 has filled out these workbooks right to the end. He</p> <p>2 didn't just start a program, go a couple of times, do</p> <p>3 just enough to keep this -- to say -- to be able to say</p> <p>4 that he did it. He filled out these workbooks to the</p> <p>5 last sheet with enthusiastic -- printing out the sides.</p> <p>6 Mr. Jackson is someone who looks out for his</p> <p>7 sobriety and he looks out for his business. And in my</p> <p>8 dealings with Mr. Jackson and Ms. Ball, they're good</p> <p>9 people. They're small town people, they're very hard</p> <p>10 working, extremely hard working, and I think</p> <p>11 Mr. Jackson's focus on work is something that has</p> <p>12 enabled him to make this change in the last five years.</p> <p>13 So you have documentation of his success,</p> <p>14 you have support from Mr. Dotson, we appreciate that,</p> <p>15 and you have noted yourself that Washington State has</p> <p>16 extensive support for people with prior convictions.</p> <p>17 And so I'm just glad that we could all come together in</p> <p>18 this way and support this settlement.</p> <p>19 Thank you.</p> <p>20 JUDGE PEARSON: Thank you.</p> <p>21 MR. O'CONNELL: Thank you, Your Honor. So</p> <p>22 Staff has received two applications from the company</p> <p>23 requesting household goods permit. The first one, as</p> <p>24 Mr. Dotson testified to, was in September of 2016. At</p> <p>25 that time, person named in the application, Mr. Jackson,</p>	<p>1 company doing pack and load operations for some time,</p> <p>2 and Staff has seen hundreds of positive reviews for the</p> <p>3 company and for Mr. Jackson with no negative reviews</p> <p>4 that would raise a concern to Staff as to his ability to</p> <p>5 properly operate the household goods company. Coupled</p> <p>6 with Mr. Jackson submitted evidence of rehabilitation,</p> <p>7 Staff made a holistic evaluation and determined that the</p> <p>8 convictions that are older than five years would not</p> <p>9 likely interfere with the proper operation of the</p> <p>10 household goods company, and that is the basis of</p> <p>11 Staff's recommendation in this case.</p> <p>12 JUDGE PEARSON: Thank you.</p> <p>13 MR. O'CONNELL: Thank you, Your Honor.</p> <p>14 JUDGE PEARSON: Okay. So I appreciate</p> <p>15 everyone coming here today. Mr. Jackson, I appreciate</p> <p>16 you being candid.</p> <p>17 THE WITNESS: Thank you, Your Honor.</p> <p>18 JUDGE PEARSON: And explaining the</p> <p>19 circumstances, and I especially appreciate the extensive</p> <p>20 documentation that you provided because I didn't have to</p> <p>21 ask for anything or wait for you to produce anything,</p> <p>22 it's all right here, which is extremely helpful. This</p> <p>23 is exactly what I was looking for, so thank you for</p> <p>24 putting that together. And what I will do is issue an</p> <p>25 order in about a week I would say, so you can just</p>

1 expect to see that shortly.
 2 So if there's nothing further, then we can
 3 be adjourned.
 4 THE WITNESS: Thank you, Your Honor.
 5 (Adjourned at 10:43 a.m.)
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1 C E R T I F I C A T E
 2
 3 STATE OF WASHINGTON
 4 COUNTY OF THURSTON
 5
 6 I, Tayler Russell, a Certified Shorthand Reporter
 7 in and for the State of Washington, do hereby certify
 8 that the foregoing transcript is true and accurate to
 9 the best of my knowledge, skill and ability.
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 12 Tayler Russell, CCR 3358
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