

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of Determining the Proper
Carrier Classification of, and Complaint
for Penalties Against:

MAKE A WAY LLC

DOCKET TG-210898

DECLARATION OF
KATHRYN MCPHERSON

Kathryn McPherson, under penalty of perjury under the laws of the State of Washington, declares as follows:

1. I am employed by the Washington Utilities and Transportation Commission (Commission) as an investigator in the Solid Waste Enforcement program within the Transportation Safety Division. As an investigator, my responsibilities include conducting investigations regarding the business practices of regulated transportation companies. As part of those duties, I investigate transportation companies that may be operating without the required Commission-issued certificate.
2. On December 20, 2019, I received a complaint by email alleging Make A Way LLC (Make A Way or Company) provided a drop-box containing mixed solid waste at 3136 Dellrose Rd, SW, Tumwater, Washington.¹
3. On December 23, 2019, I reviewed Commission records to determine if Make A Way has authority to operate as a solid waste carrier in the state of Washington. I learned that the Commission has no record of the Company. I reviewed the Department of Revenue's database and found a Unified Business Identifier number of 604-400-869 for Make A Way LLC, showing the Company's registered trade names, including Make A Way.²
4. On December 23, 2019, I discovered a website for Make A Way advertising for dumpster rental. The Company had business advertising for solid waste services.³ Advertisements included services for roll-off dumpster rentals for customer self-loading.
5. On December 26, 2019, Staff sent a letter to Make A Way at 6216 Johnson Point Rd NE, Olympia, Washington, 98516, stating that Make A Way is in violation of Commission rules by operating as a solid waste carrier without the required certificate.⁴ The response was required by January 10, 2020. The Company failed to respond.

¹ See Attachment A for copy of email complaint with photos.

² See Attachment B for a copy of Department or Revenue record.

³ See Attachment C for copy of Company webpage.

⁴ See Attachment D Copy of compliance letter to Company dated December 26, 2019.

6. On April 27, 2020, I received a second complaint alleging that the Company continued to advertise for drop-box services.⁵
7. On April 27, 2020, Staff contacted David Mulholland by telephone. When Staff asked about the remaining advertisements, Mullholland stated they contacted the webmaster to remove the remaining advertisements until they were able to re-advertise for recycling drop-box services.⁶
8. On May 5, 2020, Mulholland called Staff to report the webpage was removed. I stated if advertising is removed, I would send an investigation closure by email.⁷ I was able to confirm that the webpage was removed.⁸
9. On May 5, 2020, I closed the investigation and notified the company by email.⁹
10. On October 18, 2021, I discovered new webpage for the Company showing advertising for solid waste drop-box rental.¹⁰
11. Between October 18, 2021, and November 17, 2021, using a fictitious name, I emailed Make A Way's website and requested a quote for residential drop-box services.¹¹
12. On November 17, 2021, using a fictitious name, Staff contacted the Company by phone to confirm services and costs. The Company offered Staff drop-box service, with unlimited pick-ups and drop-offs, for \$500 per month, not including dump free of approximately \$119 per load.¹²

DATED this 8th day of February, 2022, at Lacey, Washington.

Kathryn McPherson

⁵ See Attachment E additional email complaint.

⁶ See Attachment F for a copy of Staff notes from telephone call.

⁷ See Attachment G Notes from phone call May 5, 2020.

⁸ See Attachment H Copy of removed advertisements online.

⁹ See Attachment I Email closure to Company May 5, 2020.

¹⁰ See Attachment J Advertisements discovered online for drop-box services.

¹¹ See Attachment K Request for services emails with Company.

¹² See Attachment L Notes from Staff phone call offer with Company November 17, 2021.

Attachment A

From: [Eddie Lewis \(Centralia\)](#)
To: [McPherson, Kathryn \(UTC\)](#)
Subject: Fwd: IMG_1191.JPG illegal hauler
Date: Friday, December 20, 2019 9:20:42 AM

Sent from my iPhone

Begin forwarded message:

From: "Eddie Lewis (Centralia)" <Eddie.Lewis2@WasteConnections.com>
Date: December 20, 2019 at 9:18:13 AM PST
To: PacificDisposalDropbox
<PacificDisposalDropbox@WasteConnections.com>
Subject: IMG_1191.JPG illegal hauler

3136 Dellrose rd sw

I noticed this new box hauler on Johnson point now here with MSW in box



Sent from my iPhone



Attachment B

Washington State Department of Revenue

[Services](#) [Business Lookup](#) [MAKE A WAY](#)

License Information:

[New search](#) [Back to results](#)

Entity name: MAKE A WAY LLC
Business name: MAKE A WAY
Entity type: [Limited Liability Company](#)
UBI #: 604-400-869
Business ID: 001
Location ID: 0001
Location: Active
Location address: 6216 JOHNSON POINT RD NE
 OLYMPIA WA 98516-9566
Mailing address: 6216 JOHNSON POINT RD NE
 OLYMPIA WA 98516-9566
Excise tax and reseller permit status: [Click here](#)
Secretary of State status: [Click here](#)

Governing People May include governing people not registered with Secretary of State

Governing people	Title
MULHOLLAND, DAVID	

Registered Trade Names

Registered trade names	Status	First issued
MAKE A WAY	Active	Feb-14-2019

The Business Lookup information is updated nightly. Search date and time: 12/23/2019 10:43:52 AM

Working together to fund Washington's future

Attachment C

Land Clearing & Roll Off Bins

 (360) 556-9526

 David@makeawayllc.com 



**Dumpster
Rental**

**Dumpster
Loading**

**Land
Clearing**

About

Contact

FREE
QUOTE

Dumpster Rental



[> Rent a Dumpster Today](#)

Dumpster Rental

If you are already tackling a do it yourself cleanup project, the last thing you want to do is overpay for a junk container rental.

Our affordable dumpster rental may be the perfect solution for your needs. Make A Way LLC will swing by and drop a dumpster off that can be used at your convenience.

Our mission is to provide our customers with an affordable solution to debris removal in Olympia WA. Our roll-off dumpster rentals include a flat rate pricing to save you money and the hassle of extra fees.

Contact us to schedule your dumpster delivery and you will be very pleased with our services. Place the desired debris in the container and when you are finished give Make A Way LLC

Attachment D



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

621 Woodland Square Loop S.E. • Lacey, Washington 98503

P.O. Box 47250 • Olympia, Washington 98504-7250

(360) 664-1160 • TTY (360) 586-8203

December 24, 2019

David Mulholland
Make A Way LLC
6216 Johnson Point Road NE
Olympia, WA 98516

Dear Mr. Mulholland,

The Washington Utilities and Transportation Commission (commission) believes you are engaged in services that require a certificate from the commission. The purpose of this letter is to provide technical assistance to you with respect to Washington's solid waste transportation requirements. Staff of the commission recently received a report that Make A Move LLC. (Make A Move) provided a drop-box container for solid waste disposal at 3136 Dellrose Road SW, Tumwater, WA 98512.

Operating as a solid waste company without the required certificate is illegal, and subject to a penalty of \$1,000 per violation.¹ Solid waste collection includes residential and commercial garbage, residential recycling, yard waste, and drop box service. Until you obtain a solid waste transportation certificate, you must immediately cease and desist from operating or advertising as a solid waste transport in Washington State.

Solid waste collection does not include collecting or transporting recyclable material from a drop-box or recycling buy-back center, or collecting or transporting recyclable materials by or on behalf of a commercial or industrial generator of recyclable materials to a recycler for use or reclamation.² Additionally, solid waste includes construction debris or construction waste.³

By January 7, please respond in writing to the following questions:

1. What materials were intended for collected?

¹ RCW 81.04.380

² RCW 81.77.010

³ WAC 480-70-041

December 24, 2019
David Mulholland
Page 2

2. What items were collected?
3. Who loaded the containers?
4. Who hired Make A Way to transport the container?
5. What was the intended destination of the containers?
6. How many total loads did Make A Way collect and transport to the disposal location?

Make A Way may not provide solid waste disposal service in Washington without a solid waste certificate from the commission. Until and unless the commission grants a solid waste certificate, Make A Way must immediately cease providing all forms of solid waste collection services. If you wish to offer solid waste collection services, you must first apply for authority as a solid waste collection company. An application is included in this letter.

Be advised, however, that your application is subject to a public protest period and you would have to demonstrate that the existing solid waste company is not providing the service you propose to offer. The commission will only grant new solid waste authority if the existing certificated company is determined to be unfit, unwilling, or unable to provide the service.

Please direct your written response, to Kathryn.McPherson@utc.wa.gov or by US Mail to PO Box 47250, Olympia, WA 98504. You may also reach Ms. McPherson at (360) 664-1108.

Sincerely,

/s/ Mathew Perkinson
MATHEW PERKINSON
Assistant Director, Transportation Safety

Enclosures (4)

Attachment E

From: [Eddie Lewis \(Centralia\)](#)
To: [Hoxit, Jason \(UTC\)](#); [Hoxit, Jason \(UTC\)](#); [McPherson, Kathryn \(UTC\)](#)
Subject: Dumpster Rental | Make A Way LLC
Date: Monday, April 27, 2020 1:40:55 PM

See link I need some help
<https://makeawayllc.com/dumpster-rental/>

Sent from my iPhone

Attachment F

12/6/21, 9:25 AM

Motor Carrier Activities - Telephone call to Mr. Mulholland

SharePoint

Newsfeed

OneDrive

Sites

McPherson, Kathryn (UTC) ▾



Activity Date	4/27/2020 4:24 PM
Title	Telephone call to Mr. Mulholland
Activity Status	Complete
Activity Due Date	
Activity Type	Phone call
Activity Mode	Phone Call
Activity Contact Name	
Activity Contact Email	
Activity Contact Phone	
Activity Contact Address	
Activity Contact Location	
Desc	Mr. Mullholland states he asked the webmaster to remove until they can readvertise for commercial recycling boxes and junk removal. I stated i would follow up again next week.
UTC Staff Members	<input type="checkbox"/> McPherson, Kathryn (UTC)
InvestigationItemSPID	919
Activity Document Count	0
Is Reportable	No
Investigation ID	
Content Type:	MotorCarrierInvestigationActivity
Created at	4/27/2020 4:33 PM by <input type="checkbox"/> McPherson, Kathryn (UTC)
Last modified at	4/27/2020 4:33 PM by <input type="checkbox"/> McPherson, Kathryn (UTC)

Close

Attachment G

Activity Date 5/5/2020 11:02 AM

Title Phone call from David Mulholland

Activity Status Complete

Activity Due Date

Activity Type [Phone call](#)

Activity Mode

Activity Contact Name

Activity Contact Email

Activity Contact Phone

Activity Contact Address

Activity Contact Location

Desc Mr. Mulholland called to say webpage was removed. I confirmed while on phone. I let Mr. Mulholland know I would send email confirming closure of complaint.

UTC Staff Members McPherson, Kathryn (UTC)

InvestigationItemSPID 919

Activity Document Count 1

Is Reportable No

Investigation ID

Content Type: MotorCarrierInvestigationActivity
 Created at 5/5/2020 11:22 AM by McPherson, Kathryn (UTC) Close
 Last modified at 5/5/2020 11:22 AM by McPherson, Kathryn (UTC)

Search for Documents
Delete Selected

Letter
▼

Documents

<input checked="" type="checkbox"/>		Name	Modified	Modified By	InvestigationDocIndustry	InvestigationDocumentType
<input type="checkbox"/>		Website removed_8822	May 5, 2020	<input type="checkbox"/> McPherson, Kathryn (UTC)		permit

Attachment H



Sorry, we're doing some work on the site

Thank you for being patient. We are doing some work on the site and will be back shortly.

 (<https://makeawayllc.com/wp-login.php>)

Attachment I

From: [McPherson, Kathryn \(UTC\)](#)
To: ["David.mulholland@gmail.com"](mailto:David.mulholland@gmail.com)
Subject: Complaint closure
Date: Tuesday, May 5, 2020 11:25:00 AM
Attachments: [image001.png](#)

Thank you for your response to the investigation. Reviewing the information you provided, and the information provided by the reporting company, staff's opinion is Make A Way advertised for the transported solid waste without a certificate of convenience and necessity. Until such time that your company has applied for, and received a certificate, you may not haul, or advertise to haul, solid waste to a solid waste transfer station for disposal.

The commission's compliance program allows staff to provide technical assistance to companies found in violation of a rule or law. This investigation is Make A Way's technical assistance on the education and rules regarding solid waste transportation. If the solid waste collection company continues to operate without a certificate after commission education and technical assistance is offered, the commission may institute an administrative proceeding to classify the company pursuant to RCW **81.04.510**. (WAC 480-70-221(1)(c)).

I am providing a [LINK](#) to apply for a common carrier permit. Common carrier permits are for companies who undertake the transportation of property for the general public by motor vehicle for compensation. If Make A Way plans to follow a junk removal service, you should apply for a common carrier permit per RCW 81.80.010(1). A common carrier permit should provide your company compliance with the commission. Your compliance with the commission has been reflected in the investigation. You may contact our licensing department regarding this permit at 360-664-1222.

At this time, the solid waste compliance investigation is closed. Although evidence of previous solid waste transportation advertisements, a violation of RCW 81.77.040, was discovered, your company has taken corrective action. I am closing the investigation as provided technical assistance. If you have any follow up questions, please contact me.

Thank you,

Kathryn McPherson
Investigator, Solid Waste Enforcement
Transportation Safety Division
(360) 664-1108 Office
Kathryn.Mcpherson@utc.wa.gov
www.utc.wa.gov



This email/letter states the informal opinions of commission staff, offered as technical

Attachment J

Land Clearing & Roll Off Bins

(360) 556-9526 (mailto:david@makeawayllc.com)
(tel:360-556-9526) (tel:360-556-9526)



FREE QUOTE
(https://makeawayllc.com/contact)

Home(https://makeawayllc.com/)
About(https://makeawayllc.com/about/)
Services
Gallery(https://makeawayllc.com/gallery/)
Contact(https://makeawayllc.com/contact/)

Dumpster Rental and Proper Loading



→ Rent a Dumpster today
(https://makeawayllc.com/contact/)

Dumpster Rental

If you are already tackling a do it yourself cleanup project, the last thing you want to do is overpay for a container rental.

Our affordable dumpster rental may be the perfect solution for your needs. Make A Way LLC will swing by and drop a dumpster off that can be used at your convenience.

Our mission is to provide our customers with an affordable solution for yard or storm debris and/or recycled construction materials removal in Olympia WA. Our roll-off dumpster rentals include a flat rate pricing to save you money and the hassle of extra fees.

Contact us to schedule your dumpster delivery and you will be very pleased with our services. Place the desired yard or storm debris and/or recycled construction materials in the container and when you are finished give Make A Way LLC a call and we will haul it away! It's as simple as that.

Dumpster Size and Specs:

16 cubic yards or 13,600 lbs, whichever comes first.

16 feet long, 7 feet wide, and 4 feet tall, with doors at the rear for easy access.



Veteran Owned!

Make A Way LLC is a local, Veteran Owned small business serving clients in Olympia, Lacey, Tumwater and surrounding communities since 2010!

Contact Information

6216 Johnson Point Rd NE, Olympia, WA 98516
(tel:360-556-9526) (360) 556-9526 (tel:360-556-9526)

Business Hours

Monday 8:00 AM - 5:00 PM
Tuesday 8:00 AM - 5:00 PM
Wednesday 8:00 AM - 5:00 PM



Search mail



I am planning a home project. I need a dumpster for long term (about a month). I purchased a fixer upper



Can you let me know how much you charge for deliver, pick-up and if you charge per day rates as well?

Kelley

2



Make A Way LLC

to me

Kelly,
I can help you with that. Give me a call 360-556-9526. So we can discuss.

Thanks
David



Sent from my T-Mobile 5G Device



Kelley Jurgensen <kkplay1221@gmail.com>

to Make

Thank you... i am super busy at work (at a front desk) ... i texted my husband and asked him to call you

No
cl
Start
c

On Wed, Nov 17, 2021 at 12:01 PM Make A Way LLC <david@makeawayllc.com> wrote:

Kelly,
I can help you with that. Give me a call 360-556-9526. So we can discuss.

Thanks
David

ATTACHMENT L

From: [Dotson, Michael \(UTC\)](#)
To: [McPherson, Kathryn \(UTC\)](#)
Subject: Make a Way LLC phone call
Date: Wednesday, November 17, 2021 3:25:07 PM

Spoke to David at Make a Way LLC. Explained to him that my wife and I had recently purchased a house on Yelm Hwy that the previous owners had left kind of a mess. Explained that we had to replace the cabinets in the kitchen and do some other general DIY construction projects. I also mentioned that the previous owners had left a bunch of indeterminate stuff in the garage that needed to be disposed of.

David offered a drop box for the month of December for \$500 dollars with unlimited pick-ups and drop-offs for around \$119 a piece for the dump fee.

Mike Dotson
Compliance Investigator
Washington Utilities and Transportation Commission
PH: 360-480-5420