

## Snyder, Jennifer (UTC)

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**From:** Friedlander, Marguerite (UTC)  
**Sent:** Tuesday, June 23, 2015 8:38 AM  
**To:** UTC DL Records Center  
**Subject:** FW: BAP Hearing in Docket TV-150223

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good morning,

Please post this email string to the record in Docket TV-150223.

Thank you,  
Marguerite

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**From:** Friedlander, Marguerite (UTC)  
**Sent:** Tuesday, June 23, 2015 8:37 AM  
**To:** 'Wall, Chris'; O'Connell, Andrew (UTC); Fry, Betty; DeMarco, Betsy (UTC); Walker, Kippi (UTC)  
**Subject:** RE: BAP Hearing in Docket TV-150223

Mr. Wall,

I'm inclined to deny your request. Character witness evidence is generally inadmissible in civil cases. Again, this is not a criminal proceeding. Unless any of the three witnesses are well-versed in "the proper operation of a household goods moving company," their testimony is unnecessary and irrelevant under ER 401.

Your request for declaratory statements by the witnesses raises procedural and due process concerns as Staff will not have an opportunity to cross-examine the witnesses.

You may present Mr. Trick and Dr. O'Connell tomorrow.

Thank you.  
Marguerite Friedlander

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**From:** Wall, Chris [<mailto:cwall@gth-law.com>]  
**Sent:** Monday, June 22, 2015 5:56 PM  
**To:** Friedlander, Marguerite (UTC); O'Connell, Andrew (UTC); Fry, Betty; DeMarco, Betsy (UTC); Walker, Kippi (UTC)  
**Subject:** RE: BAP Hearing in Docket TV-150223

Dear Judge Friedlander,

Thank you for your email. I understand the need to keep the proceeding as streamlined as possible. The character witnesses were eager to be heard as this proceeding is important to Mr. Trick's family. In the interest of brevity, I would ask that the witnesses be allowed to testify by declaration.

As you note below, the central issue in this proceeding is whether "the nature or extent of the crime(s) will likely interfere with the proper operation of a household goods moving company." WAC 480-15-302(8)(b). The character witnesses have first-hand knowledge of Mr. Trick's rehabilitation efforts, his employment and history of stable relationships in his life for the past 16 years. These attributes go to the heart of the question here: Whether Mr. Trick's

conviction “will likely interfere with the proper operation of a household goods moving company.” This testimony is therefore relevant to the core issues before you. See ER 401.

Five Stars respectfully requests that the testimony be allowed via declaration.

Sincerely,

**Christopher T. Wall**

**Attorney at Law**

**T 253 620 6522**

**F 253 620 6565**

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**From:** Friedlander, Marguerite (UTC) [<mailto:mfriedla@utc.wa.gov>]

**Sent:** Monday, June 22, 2015 3:03 PM

**To:** Wall, Chris; O'Connell, Andrew (UTC); Fry, Betty; DeMarco, Betsy (UTC); Walker, Kippi (UTC)

**Subject:** RE: BAP Hearing in Docket TV-150223

Thank you, Mr. Wall.

While I see the relevance of Mr. Trick and Dr. O'Connell's testimony, I fail to see the necessity for character witnesses. Unless any of the remaining proposed witnesses, Tom Cook, Brandy Cunningham, or Ashely Trick, have direct knowledge of the crime(s) that took place or direct knowledge of how the crime(s) would or would not interfere with the operation of a household goods moving company, I will not need to hear from them.

As I stated previously, this is a brief adjudicative proceeding to appeal the denial of a permit. This is not a criminal proceeding.

Thank you,  
Marguerite Friedlander

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**From:** Wall, Chris [<mailto:cwall@gth-law.com>]

**Sent:** Monday, June 22, 2015 2:48 PM

**To:** Friedlander, Marguerite (UTC); O'Connell, Andrew (UTC); Fry, Betty; DeMarco, Betsy (UTC); Walker, Kippi (UTC)

**Subject:** RE: BAP Hearing in Docket TV-150223

Dear Judge Friedlander,

Five Stars intends to call the following witnesses (subject to witness availability):

1. Tom Cook (telephonically, 1 hour direct): Mr. Cook is Mr. Trick's uncle. Mr. Cook has direct knowledge of Mr. Trick's character, his rehabilitation, and how Mr. Trick's 16-year-old conviction would not interfere with the proper operation of a household goods moving company.
2. Brandy Cunningham (telephonically, 30 minutes direct): Ms. Cunningham was married to Mr. Trick. They amicably separated. She has direct knowledge of Mr. Trick's character, his rehabilitation, how Mr. Trick's past conviction would not interfere with the proper operation of a household goods moving company.
3. Ashely Trick (telephonically, 30 minutes direct): Ms. Trick is married to Mr. Trick. She has direct knowledge of Mr. Trick's character, his rehabilitation and how Mr. Trick's past conviction would not interfere with the proper operation of a household goods moving company.
4. William Trick (in person, 1 hour direct): Mr. Trick has direct knowledge of his conviction, his rehabilitation and how his past conviction would not interfere with the proper operation of a household goods moving company.
5. Dr. Michael O'Connell (telephonically, 1 hour direct): Dr. O'Connell is a counseling psychologist with direct knowledge of Mr. Trick's rehabilitation, Mr. Trick's current risk of recidivism and how Mr. Trick's 16-year-old conviction would not interfere with the proper operation of a household goods moving company.

Cross exam:

1. Susie Paul (in person, 1 hour cross)

In accordance with Your Honor's instructions, I have tried to be brief. Please let me know if any witness requires additional description.

Respectfully,

**Christopher T. Wall**

**Attorney at Law**

**T 253 620 6522**

**F 253 620 6565**

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**From:** Friedlander, Marguerite (UTC) [<mailto:mfriedla@utc.wa.gov>]

**Sent:** Monday, June 22, 2015 9:18 AM

**To:** Wall, Chris; O'Connell, Andrew (UTC); Fry, Betty; DeMarco, Betsy (UTC); Walker, Kippi (UTC)

**Subject:** RE: BAP Hearing in Docket TV-150223

Good morning,

Given Mr. Wall's late witness addition, I'd like both parties to, once again, provide me with a list of the witnesses they wish to examine, the time estimates for the examinations, and a statement as to the purpose of each witness the parties are offering on direct.

The hearing on Wednesday centers around WAC 480-15-302(8)(b) which allows the Commission to deny a permit if the "person named in the application has been convicted of any crime involving ... sexual misconduct... more than five years prior to the date of the application and the commission determines that the nature or extent of the crime(s) will likely interfere with the proper operations of a household goods moving company..." Therefore, the only relevant witnesses are those with either direct knowledge of the crime(s) that took place, direct knowledge of how those crime(s) would or would not interfere with the proper operation of a household goods moving company, or direct knowledge of the denial of the permit. Hence, each party will provide me with a statement as to the relevance of each witness being offered on direct. The statements should be very brief; a few sentences will suffice.

I would appreciate an emailed response no later than 3 pm today.

Thank you,

Marguerite Friedlander

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**From:** Wall, Chris [<mailto:cwall@gth-law.com>]

**Sent:** Friday, June 19, 2015 5:35 PM

**To:** Friedlander, Marguerite (UTC); O'Connell, Andrew (UTC); Fry, Betty; DeMarco, Betsy (UTC); Walker, Kippi (UTC)

**Subject:** RE: BAP Hearing in Docket TV-150223

Dear Judge Friedlander,

Five Stars would also like to call Dr. Michael O'Connell to testify telephonically. His direct should take less than 1 hour.

Have a nice weekend.

**Christopher T. Wall**

**Attorney at Law**

**T 253 620 6522**

**F 253 620 6565**

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**From:** Wall, Chris

**Sent:** Wednesday, June 10, 2015 11:10 AM

**To:** 'Friedlander, Marguerite (UTC)'; O'Connell, Andrew (UTC); Fry, Betty; DeMarco, Betsy (UTC) ([bdeMarco@utc.wa.gov](mailto:bdeMarco@utc.wa.gov)); Walker, Kippi (UTC) ([kwalker@utc.wa.gov](mailto:kwalker@utc.wa.gov))  
**Subject:** RE: BAP Hearing in Docket TV-150223

Dear Judge Friedlander,

Five Stars intends to call the following witnesses (subject to witness availability):

1. Tom Cook (in person, 1 hour direct)
2. Brandy Cunningham (telephonically, 30 minutes direct)
3. Ashely Trick (telephonically, 30 minutes direct)
4. William Trick (in person, 1 hour direct)

Cross exam:

1. Susie Paul (in person, 1 hour cross)

Please find attached Five Stars motion for leave to file a brief at the BAP. This will be filed and served today.

Best Regards,

**Christopher T. Wall**

**Attorney at Law**

**T 253 620 6522**

**F 253 620 6565**

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**From:** Friedlander, Marguerite (UTC) [<mailto:mfriedla@utc.wa.gov>]

**Sent:** Wednesday, June 10, 2015 9:35 AM

**To:** Wall, Chris; O'Connell, Andrew (UTC)

**Subject:** BAP Hearing in Docket TV-150223

Good morning,

In anticipation of tomorrow's hearing, please email me with your witness (both direct and cross-examination) time estimates. We will only be in hearing until 5 pm, and I'd like to verify that we've got enough time tomorrow to cover everything.

Please provide those estimates by noon today.

Thank you,

Marguerite Friedlander

Administrative Law Judge

Washington Utilities and Transportation Commission