

Docket No. TG-190793 - Vol. III

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

February 25, 2021



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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:)
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VIRTUAL BRIEF ADJUDICATIVE PROCEEDING, VOLUME III

Pages 45-107

ADMINISTRATIVE LAW JUDGE GREGORY KOPTA

February 25, 2021

1:30 p.m.

Washington Utilities and Transportation Commission
621 Woodland Square Loop Southeast
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2 ADMINISTRATIVE LAW JUDGE:

3 GREGORY KOPTA

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18 ALSO PRESENT:

19 KATHRYN MCPHERSON

20

21

22

23

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1 LACEY, WASHINGTON; FEBRUARY 25, 2021

2 1:30 P.M.

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

5

6 JUDGE KOPTA: Let's be on the record in
7 Docket TG-190793, which is captioned In the Matter of
8 Determining the Proper Carrier Classification of, and
9 Complaint for Penalties Against: Paul Henrickson d/b/a
10 Concrete and More.

11 We are here at the regularly scheduled time
12 for a brief adjudicative proceeding. We have had an
13 extensive discussion off the record prior to being on
14 the record, and there are apparently some issues that
15 Mr. Henrickson has with proceeding with the evidentiary
16 hearing at this time.

17 And, Mr. Henrickson, I will allow you to
18 explain why you do not believe that we should have the
19 hearing at this time right now.

20 MR. HENRICKSON: Because discovery has not
21 been made completely and it's not been my fault. It has
22 to do with the -- the State and doing their job. That
23 would be the number one issue. They said that they made
24 a mistake and sent the wrong files in incorrect format.
25 So what do you want me to do?

1 JUDGE KOPTA: Well, I will have Mr. Roberson
2 respond on behalf of Commission Staff.

3 MR. ROBERSON: Several points, Judge Kopta.
4 First of all, Staff -- well, first, I guess, there's no
5 discovery in a brief adjudicative proceeding per the
6 Commission's rules. So to the extent that
7 Mr. Henrickson is seeking discovery, that's not really
8 relevant here.

9 He does have a public records request.
10 Staff produced the required records in the format that
11 Staff had them in, which what the Public Records Act
12 requires, in their native format. Mr. Henrickson
13 apparently had difficulty with that format, and
14 Mr. Smith from the records center worked with him to
15 create new records, which he does not have to do under
16 the Public Records Act, but he did to facilitate the
17 production of the records to Mr. Henrickson.

18 I'm not super confident because I haven't
19 had any discussion --

20 MR. HENRICKSON: Objection --

21 MR. ROBERSON: -- about --

22 MR. HENRICKSON: -- that's hearsay.

23 JUDGE KOPTA: Mr. Henrickson, wait until Mr.
24 Roberson is finished and I allow you the opportunity to
25 respond.

1 MR. ROBERSON: Mr. Smith is here. I mean,
2 if you want to have a -- we can put Mr. Smith on the
3 stand. But from what I understand, Staff, in response
4 to the public records request, has produced something
5 like 2,000 pages of documents. There are, from what I
6 understand, roughly 13 that need to be redacted because
7 of one exemption or another under the Public Records
8 Act. And so the -- the production of --

9 MR. HENRICKSON: I'm not even prepared for
10 this --

11 [Cross talking.]

12 JUDGE KOPTA: Mr. Henrickson, I will silence
13 you --

14 MR. HENRICKSON: This is ridiculous.

15 JUDGE KOPTA: -- if you don't silence
16 yourself.

17 Proceed, Mr. Roberson.

18 MR. ROBERSON: My final point, Judge Kopta,
19 is simply that -- I want to be very clear. Staff did
20 not tell Mr. Henrickson that it was continuing the
21 matter. Staff is fully aware that, you know, Staff --

22 THE COURT REPORTER: I can't -- this is the
23 court reporter. I can't hear. There's background noise
24 going on.

25 MR. ROBERSON: I was very clear with

1 Mr. Henrickson in my emails with him that if he wanted
2 to seek a continuance, he needed to file a motion with
3 the presiding ALJ and that so long as the motion did not
4 seek a continuance beyond --

5 MR. HENRICKSON: Objection.

6 MR. ROBERSON: -- Staff would have no
7 objection.

8 MR. HENRICKSON: Objection. Never seen
9 anything like it in my life. This guy just does nothing
10 but lie.

11 JUDGE KOPTA: Mr. Henrickson, I would be
12 careful about what allegations that you make in this
13 proceeding. Now, I'm not finished talking with
14 Mr. Roberson, so please remain quiet or I will mute you;
15 do you understand?

16 MR. HENRICKSON: Well, he's just -- he's
17 just throwing things out in the air and going --
18 anything that's --

19 JUDGE KOPTA: Mr. Henrickson, I have just
20 muted you. So I will unmute you when it's your time to
21 talk.

22 Mr. Roberson, the question that I have for
23 you is, what is Staff's position on proceeding with the
24 hearing today or allowing for another continuance so
25 that Mr. Henrickson can review all of the documents that

1 he has requested?

2 MR. ROBERSON: Staff has been attempting to
3 work with Mr. Henrickson to get him the records that he
4 wants. This is I will note the third hearing we've had
5 in this matter going back to like 2019, I believe.

6 So to the extent that Mr. Henrickson didn't
7 ask for a continuance before today, it -- I think Staff
8 would take the position that he's got the records he
9 needs, he doesn't explain what he's missing, we should
10 just hold the hearing.

11 JUDGE KOPTA: All right. Now I have to
12 figure out how to unmute Mr. Henrickson.

13 MR. SMITH: Mr. Henrickson will need to
14 press star 6 on his dial pad to unmute himself.

15 JUDGE KOPTA: Thank you, Mr. Smith.

16 Mr. Henrickson, did you hear that?

17 MR. HENRICKSON: Throw anything that sticks
18 to the wall. It's already been decided and
19 what -- they failed to provide me the paperwork and,
20 what, they want to prosecute me and I don't get to sit
21 there and have my due justice, just it's already been
22 decided before. Give me the paperwork. It's already
23 been decided. Now you want to undecide [sic] it and
24 overrule somebody else and this guy wants to play games?
25 So, you know, just throw anything that sticks to the

1 wall, I guess.

2 JUDGE KOPTA: Well, Mr. Henrickson, I want
3 to know how the documents you have requested have any
4 relevance to whether you posted an ad on Craigslist or
5 whether you had a conversation with Ms. McPherson over
6 texting agrees --

7 MR. HENRICKSON: Am I -- I guess I would be
8 Johnny Carson if I could put that piece of paper up to
9 my forehead and go hmm, what does it say? Right? Isn't
10 that why we have discovery?

11 JUDGE KOPTA: Well, as Mr. Roberson
12 accurately points out, there is no discovery in brief
13 adjudicative proceedings. We have allowed you to engage
14 in a public records request, but --

15 MR. HENRICKSON: And I did that.

16 JUDGE KOPTA: Of all -- you haven't --

17 MR. HENRICKSON: Now you're point -- now
18 you're pointing the finger at me saying I did something
19 wrong. Now you're pointing at me saying I did something
20 wrong. No, they did it wrong.

21 JUDGE KOPTA: You have received many pages
22 of documents, and I have not seen any that you have
23 presented in defense of your case.

24 MR. HENRICKSON: I haven't even read one.

25 JUDGE KOPTA: I'm aware you have nothing

1 that you -- in your possession that goes to the issues
2 that we're dealing with today. You've not identified
3 any, so why should I delay this proceeding further on --

4 MR. HENRICKSON: I have a -- I have a game
5 plan and I've already seen some documentation.

6 JUDGE KOPTA: Then why have you not provided
7 it? There was a deadline of Monday for you to
8 provide --

9 MR. HENRICKSON: Because I haven't received
10 all the documentation and I was told that the
11 documentation was coming.

12 JUDGE KOPTA: You've received most of the
13 documentation and yet, none of it have you provided in
14 your defense.

15 MR. HENRICKSON: So do you have this magic
16 number where I get 50 percent, 40 percent, 30 percent of
17 documents and then I guess you give it a thumbs up? I
18 didn't know this rule existed.

19 JUDGE KOPTA: Well, the rule exists that you
20 need to provide whatever documents you have --

21 MR. HENRICKSON: Is it 7 percent, 10
22 percent, 15 percent, 20 percent, what is the number that
23 tells me that you -- that it says okay, you've got
24 enough documents and then you could be able to go settle
25 your case?

1 JUDGE KOPTA: Mr. Henrickson, you have
2 provided zero percent of the documents. You have
3 provided no documents even though we have --

4 MR. HENRICKSON: I just got them.

5 JUDGE KOPTA: -- provided them to you.

6 MR. HENRICKSON: I just got them and then
7 half the documents that he sent are in the correct --
8 incorrect format. And so --

9 JUDGE KOPTA: Mr. Henrickson, I'm sorry,
10 we're going to proceed with this hearing because you
11 have presented to me no evidence that there is any
12 documents that go to any issue that is relevant to what
13 we're to determine today.

14 MR. HENRICKSON: One of the -- one of the
15 documents is one -- one of the documents that they sent
16 me was from another person that advertised under my name
17 and a customer called me and said, hey, where are you?
18 And I said, hey, I don't know what you're talking about.

19 JUDGE KOPTA: Well, you have the opportunity
20 to present that information at this hearing if that's
21 what actually happened.

22 MR. HENRICKSON: I just -- I haven't even
23 got the documents yet.

24 JUDGE KOPTA: I don't know what you're
25 talking about, sir, because you simply just said you

1 have --

2 MR. HENRICKSON: Exactly because we don't
3 have the documents.

4 JUDGE KOPTA: We are proceeding and we will
5 start with taking appearances --

6 MR. HENRICKSON: Go ahead and continue with
7 more of your lies.

8 [Cross talking.]

9 JUDGE KOPTA: I will mute you again if I
10 have to.

11 MR. HENRICKSON: You're not hurting my
12 feelings.

13 JUDGE KOPTA: Well, I'm glad I'm not hurting
14 your feelings. That's not my intention.

15 Mr. Roberson, would you like to appear for
16 Commission Staff?

17 MR. ROBERSON: Good afternoon, Judge Kopta.
18 It's Jeff Roberson, R-o-b-e-r-s-o-n. I'm an assistant
19 attorney general representing Commission Staff. My
20 contact information is on file in the docket. And with
21 me at virtual counsel table is Staff's witness, Kathryn
22 McPherson.

23 JUDGE KOPTA: Thank you, Mr. Roberson.

24 Mr. Henrickson, are you representing
25 yourself at this point?

1 MR. HENRICKSON: I seek counsel.

2 JUDGE KOPTA: Well, do you have counsel
3 right now?

4 MR. HENRICKSON: No, I told you I'm in a
5 backyard of somebody's house.

6 JUDGE KOPTA: Then I will take your
7 appearance as you appearing -- you appearing on behalf
8 of yourself. And how we will proceed here is that
9 Mr. Roberson will present Staff's evidence, you will
10 have the opportunity to ask questions of Ms. McPherson,
11 and then you -- he will have -- Mr. Roberson will have
12 an opportunity to ask any follow-up questions after
13 which you will have the opportunity to provide testimony
14 yourself.

15 So, Mr. Roberson?

16 MR. HENRICKSON: I object to all of that and
17 I motion for dismissal.

18 JUDGE KOPTA: Denied.

19 Mr. Roberson, is your witness Ms. McPherson?

20 MR. ROBERSON: She is available, Judge
21 Kopta. She's here.

22 JUDGE KOPTA: All right. Ms. McPherson,
23 would you raise your right hand.

24 (Kathryn McPherson sworn.)

25 JUDGE KOPTA: Thank you. You may proceed,

1 Mr. Roberson.

2

3 E X A M I N A T I O N

4 BY MR. ROBERSON:

5 Q. Good afternoon. Would you please state your
6 name and spell your last name for the record?

7 A. Kathryn McPherson --

8 [Background interference.]

9 JUDGE KOPTA: We've got some interference.
10 Can everyone please mute their phones?

11 MR. SMITH: Judge Kopta, I muted him. It
12 was coming from Mr. Henrickson's background.

13 JUDGE KOPTA: All right. Thank you,
14 Mr. Smith.

15 Let's try that again, Ms. McPherson.

16 A. Kathryn McPherson, M-c-P-h-e-r-s-o-n.

17 BY MR. ROBERSON:

18 Q. Who is your employer?

19 A. Utilities and Transportation Commission.

20 Q. What position do you hold at the Commission?

21 A. Solid waste investigator for the safety --
22 transportation safety division.

23 Q. How long have you worked for the Commission as
24 an investigator?

25 A. As an investigator, I have been in my position a

1 little over two years.

2 Q. And have you worked for the Commission for
3 longer than that?

4 A. Yes, I've been with the Commission just over
5 five years.

6 Q. What are your duties as an investigator?

7 A. I investigate -- I investigate companies for the
8 transportation of solid waste without a certificate
9 issued by the Commission.

10 Q. And would you please describe your educational
11 background and any training that you've received to
12 allow you to carry out your duties as an investigator?

13 A. I graduated with an associate's degree from
14 Pasco-Hernando State College. In addition to that, I
15 have completed the State of Washington's preliminary and
16 advanced investigations training courses.

17 Q. And you just mentioned that your duties include
18 investigating companies that may be operating without a
19 permit, correct?

20 A. That is correct.

21 Q. And what kind of companies require
22 Commission-issued authority before operating?

23 A. Any companies transporting solid waste for
24 compensation.

25 Q. And how do you look into whether a company's

1 operating without a permit?

2 A. We have various forms. Often we will receive
3 tips from other companies or private citizens. In
4 addition to that, I do research on social media
5 marketplaces such as Facebook and Craigslist to see if
6 people are advertising for services they are not
7 authorized to provide.

8 Q. And if you find a company that you think might
9 be operating without a permit, how do you verify that
10 they don't have a permit?

11 A. I look it up through our system's database and
12 confirm that they don't have a certificate from the
13 Commission.

14 Q. Now, you just mentioned that you look on various
15 social media sites to investigate companies, were you
16 looking on any social media sites in May 2019?

17 A. Yes, I was doing research on Craigslist in the
18 Snohomish County area.

19 Q. And what day in May did you review Craigslist
20 for Snohomish County?

21 A. May 3rd.

22 Q. What did you find when you looked on Craigslist
23 on that day in May?

24 A. I found a solid waste advertisement for
25 transporting garbage.

1 Q. Did you take a screen capture of that
2 advertisement when you saw it on Craigslist?

3 A. I did.

4 MR. ROBERSON: And now, Judge Kopta, Staff
5 filed its exhibits back in November. They're marked
6 KM-1 through KM-5. I'm going to be referencing those
7 numbers if those numbers are okay?

8 JUDGE KOPTA: Yes, thank you. I noticed
9 that you did provide that back in November, so I will --
10 unless you had any additions, that's the exhibit list
11 that I will assume for Staff.

12 MR. ROBERSON: Okay.

13 BY MR. ROBERSON:

14 Q. Ms. McPherson, would you please turn to the
15 exhibit marked KM-1?

16 A. I have that before me.

17 Q. Would you please identify this exhibit?

18 A. That is a Craigslist advertisement advertising
19 to haul garbage amongst other things such as furniture,
20 landscaping materials.

21 Q. Is that a true and accurate copy of the ad you
22 saw on Craigslist on May 3rd?

23 A. It is.

24 MR. ROBERSON: Judge Kopta, at this point,
25 Staff would move to admit Exhibit KM-1.

1 JUDGE KOPTA: Mr. Smith, can you unmute
2 Mr. Henrickson?

3 MR. SMITH: He will need to use star 6 again
4 to unmute himself.

5 JUDGE KOPTA: Mr. Henrickson, I'm asking if
6 you have any objection to admitting that --

7 MR. HENRICKSON: I would object.

8 JUDGE KOPTA: What is the basis of your
9 objection?

10 MR. HENRICKSON: I object to everything
11 that's been said. I have no proof of anything that she
12 said. I've never seen any of her documentation. I've
13 never seen anything to try and sit there and contradict
14 anything that she had said. So --

15 JUDGE KOPTA: Mr. Henrickson --

16 [Cross talking.]

17 MR. HENRICKSON: -- that is accurate.

18 JUDGE KOPTA: Mr. Henrickson, that document
19 has been part of the Commission's record since November.
20 You had every opportunity to review it. I'm asking if
21 you have any objection to having it admitted.

22 MR. HENRICKSON: I have not reviewed any
23 document whatsoever because I have not received any of
24 the -- all the documents in proper format. So how can I
25 tell you if I've even seen the documents if I've not

1 even received in a proper format?

2 JUDGE KOPTA: Mr. Henrickson --

3 MR. HENRICKSON: That I was told by both --
4 all parties that I would receive the proper documents in
5 proper format. And I have no problem with the time, so
6 these things are -- just keep on continuing and anything
7 I guess that's throw at the wall I guess sticks
8 according to you.

9 JUDGE KOPTA: Mr. Roberson, did you provide
10 a copy of those exhibits to Mr. Henrickson?

11 MR. ROBERSON: They were mailed out to
12 Mr. Henrickson. I believe they were part of the public
13 records request although --

14 MR. HENRICKSON: Objection.

15 MR. ROBERSON: -- it's probably
16 irrelevant --

17 MR. HENRICKSON: Mailed out to where?

18 [Cross talking.]

19 MR. ROBERSON: -- the documents.

20 MR. HENRICKSON: You have an address of mine
21 from 15 years ago.

22 JUDGE KOPTA: Mr. Henrickson, your objection
23 is overruled.

24 MR. HENRICKSON: Mailed out to where?

25 JUDGE KOPTA: Mr. Smith, would you mute

1 Mr. Henrickson once again?

2 Mr. Roberson, you may continue.

3 MR. ROBERSON: He offered a useful
4 clarification, Judge Kopta. They were emailed to him.
5 They were not physically mailed to him. On -- on
6 November 10th when they were posted to the Commission's
7 docket, they were filed with the Commission and served
8 on Mr. Henrickson through email.

9 JUDGE KOPTA: Well, our -- our rules provide
10 for electronic service and that's all that is required.
11 So if that was done and they are on file with the
12 Commission and have been on file with the Commission for
13 three months, then Mr. Henrickson has had every
14 opportunity to review them. So I overrule this
15 objection and admit them -- admit that document into the
16 record. You may proceed, Mr. Roberson.

17 (Exhibit KM-1 admitted.)

18 MR. ROBERSON: Thank you.

19 BY MR. ROBERSON:

20 Q. Ms. Henrickson [sic], now, you mentioned you
21 looked at this advertisement and could you again
22 describe it?

23 A. Yes, it is a Craigslist advertisement stating
24 that they will haul or pick up and move any articles
25 such as landscaping, furniture, garbage, and whatever

1 for compensation.

2 Q. Does the advertisement mention the vehicle that
3 would be used to provide the transportation?

4 A. It does. It lists an F250 truck.

5 Q. And did the advertisement identify the person
6 who posted it?

7 A. It does not, but it does list a phone number to
8 contact.

9 Q. Would you please state that phone number?

10 A. 425-686-5270.

11 Q. Did you attempt to identify the person who that
12 phone number belonged to?

13 A. I did.

14 Q. And how did you do that?

15 A. I Google'd that phone number online and found an
16 additional advertising using that phone number as well
17 that also identified an individual.

18 Q. And where was this second advertisement posted?

19 A. It is on HireRush.com and it was another
20 additional advertisement for garbage services.

21 Q. Did you take a screen capture of the HireRush
22 advertisement when you viewed it?

23 A. I did.

24 Q. Would you please turn to the exhibit marked
25 KM-2?

1 A. I have in that front of me.

2 Q. Would you please identify this document?

3 A. It is a HireRush advertisement that lists the
4 phone number referenced in the Craigslist ad. In
5 addition to that, it lists a person's name.

6 Q. And what is the name?

7 A. Paul Henrickson.

8 MR. ROBERSON: Judge Kopta, at this point,
9 Staff moves to admit Exhibit KM-2.

10 JUDGE KOPTA: Mr. Henrickson, do you have an
11 objection to admitting that document into the record?

12 MR. HENRICKSON: Yeah, I don't see any
13 documents. I have already said this a hundred times.

14 JUDGE KOPTA: Well, if that -- if you're
15 making the same objection, I have the same ruling, which
16 is that it's overruled. I admit that document in the
17 record.

18 Mr. Roberson, you may continue.

19 (Exhibit KM-2 admitted.)

20 BY MR. ROBERSON:

21 Q. So, Ms. McPherson, we're turning to the ad.
22 Again, what service does the advertisement state that
23 Mr. Henrickson offers?

24 A. It says he offers garbage and moving services.
25 Garbage removal specifically.

1 Q. Does the HireRush advertisement identify a
2 vehicle that would be used to perform this garbage
3 removal?

4 A. Yes, an F250.

5 Q. And have you seen reference to an F250 before in
6 your investigation?

7 A. In the Craigslist advertisements with the same
8 phone number.

9 Q. Does the HireRush advertisement provide contact
10 information for Mr. Henrickson?

11 A. It does. It has an address and a telephone
12 number for contact.

13 Q. And what was the phone number?

14 A. 425-686-5270.

15 Q. Have you seen that phone number before in your
16 investigation?

17 A. Yes, on the Craigslist advertisement.

18 Q. What did you do after you found the HireRush
19 advertisement?

20 A. I prepared a noncompliance letter for my
21 supervisor to review so I could send out tech assistance
22 to the company.

23 Q. By the "company," you mean Mr. Henrickson?

24 A. Yes.

25 Q. And did you send that letter?

1 A. I did send that letter. The -- that letter was
2 returned for an incorrect address, so I researched and
3 updated the address.

4 Q. And did you make further attempts to inform
5 Mr. Henrickson that he needed a permit in order to
6 perform garbage transport?

7 A. Yes, I spoke with Mr. Henrickson on the phone
8 regarding the letter I sent and explained how I'd come
9 to contact him.

10 Q. And at any point in your conversation with
11 Mr. Henrickson, did he agree to take down his
12 advertisements?

13 A. He did agree that he would remove his
14 advertisements for solid waste services.

15 Q. And after you spoke with him by phone and he
16 agreed to take down his advertisements, did you
17 investigate his compliance?

18 A. I did. I followed up a couple of weeks later
19 and he was continuing to advertise for solid waste
20 services on Craigslist.

21 Q. And do --

22 MR. HENRICKSON: Objection.

23 BY MR. ROBERSON:

24 Q. -- you know what day you looked into his
25 compliance?

1 MR. HENRICKSON: Objection. Objection.
2 Objection. Objection.

3 JUDGE KOPTA: What's your objection,
4 Mr. Henrickson?

5 MR. HENRICKSON: She has no proof. It's
6 just -- it's just false --

7 JUDGE KOPTA: Mr. Henrickson, this is her
8 testimony. If you have questions about it, you may ask
9 those questions after she's finished with her testimony.
10 But that's not a basis of an objection, and any
11 objection you have at this point is overruled.

12 MR. HENRICKSON: There's just no proof
13 behind anything that she is saying whatsoever.

14 JUDGE KOPTA: That's not the basis of an
15 objection, Mr. Henrickson.

16 MR. HENRICKSON: If it were true, then you
17 would see the two weeks afterwards, right, so where's
18 the document?

19 JUDGE KOPTA: Mr. Henrickson --

20 MR. HENRICKSON: How about we see the
21 documentation.

22 JUDGE KOPTA: Mr. Henrickson, you will have
23 an opportunity to make your own case --

24 MR. HENRICKSON: You say there's a thousand
25 documents, where is the documentation?

1 JUDGE KOPTA: I have just muted you again,
2 Mr. Henrickson. Please be silent.

3 Mr. Roberson, you may continue. His
4 objection is overruled.

5 BY MR. ROBERSON:

6 Q. Ms. McPherson, what day did you investigate
7 Mr. Henrickson's compliance?

8 A. On September 17th, I discovered another
9 advertisement and followed up by emailing Mr. Henrickson
10 under a fictitious name to book solid waste services.

11 Q. Did you review his compliance earlier in
12 September?

13 A. I did on several days, on September 3rd and
14 September 4th.

15 Q. And did you see anything on Craigslist on
16 September 4th, 2019?

17 A. I did. It was a continued advertisement for
18 garbage services.

19 Q. Did you take a screen capture of what you saw on
20 Craigslist that day?

21 A. I did.

22 Q. Would you please turn to the exhibit marked
23 KM-3?

24 A. I have that in front of me.

25 Q. Would you please identify this document?

1 A. It's a Craigslist advertisement for garbage
2 services.

3 Q. Is that a true and accurate copy of the
4 Cragislist ad you saw in September 2019?

5 A. It is.

6 MR. ROBERSON: Judge Kopta, at this point,
7 Staff would move to admit Exhibit KM-3.

8 JUDGE KOPTA: Mr. Smith, would you unmute
9 Mr. Henrickson.

10 MR. SMITH: Again, he'll need to use star 6.
11 Teams doesn't allow me to unmute people.

12 JUDGE KOPTA: All right. Thank you for that
13 clarification.

14 Mr. Henrickson, if you have an objection,
15 you will need to unmute your phone and state it.

16 MR. HENRICKSON: I haven't seen any of the
17 documents, so what am I supposed to do?

18 JUDGE KOPTA: I take that as the same
19 objection that you haven't read the documents and will
20 be ruled as the others have been. I admit that document
21 into the record.

22 Mr. Roberson, you may continue.

23 (Exhibit KM-3 admitted.)

24 BY MR. ROBERSON:

25 Q. Again, Ms. McPherson, what advertisement -- or

1 what service does the September 4th, 2019 advertisement
2 offer?

3 A. The advertisement states that he will haul
4 garbage.

5 Q. And does the advertisement identify the vehicle
6 that would be used to provide that transport?

7 A. An F250.

8 Q. And have you previously seen reference to an
9 F250 in your investigation?

10 A. Yes, it has previously been on the Craigslist
11 advertisements and the HireRush advertisement.

12 Q. And does this Craigslist advertisement identify
13 the service provider?

14 A. It does by phone number.

15 Q. And what is the phone number listed in the
16 advertisement?

17 A. 425-686-5270.

18 Q. Have you seen that phone number in the course of
19 your investigation previously?

20 JUDGE KOPTA: I think she's frozen.

21 A. Okay. I'm back.

22 JUDGE KOPTA: Okay.

23 A. I apologize.

24 [Brief interruption.]

25 JUDGE KOPTA: All right. I just muted

1 Mr. Henrickson. Apparently he is engaged in another
2 conversation apart from this hearing. So I believe,
3 Mr. Roberson, you had asked about whether she had seen
4 that vehicle on another part of her investigation.

5 A. I had seen that vehicle on both the HireRush
6 advertisements and previous Craigslist advertisements in
7 addition to the same phone number referenced in the
8 previous question.

9 BY MR. ROBERSON:

10 Q. Okay. And you mentioned that you saw another ad
11 September 17th, correct?

12 A. That is correct.

13 Q. Did you respond to that Craigslist
14 advertisement?

15 A. Yes, I did. I emailed from that Craigslist
16 advertisement to the company to request services.

17 Q. Would you please turn to the exhibit marked
18 KM-4?

19 A. I have that in front of me.

20 Q. Would you please identify that document?

21 A. That is an email off of my work's fictitious
22 Gmail account where I requested services from the
23 Craigslist advertisement to transport garbage that I
24 needed hauled away.

25 Q. And for clarification, this is an entire email

1 string, correct? It's multiple emails?

2 A. It is.

3 Q. Is that a true and accurate copy of your email
4 exchange with the person who posted the Craigslist ad?

5 A. It is.

6 MR. ROBERSON: Judge Kopta, at this point,
7 Staff would move to admit Exhibit KM-4.

8 JUDGE KOPTA: Mr. Henrickson, you may unmute
9 your phone and state any objection that you have to
10 admitting that document. Do you have an objection?

11 MR. HENRICKSON: I haven't seen any
12 documents. Haven't seen any documents.

13 JUDGE KOPTA: All right. Same objection,
14 same ruling. Overruled.

15 MR. HENRICKSON: When you only send -- when
16 you send 10 percent of them and -- and 20 percent of
17 them are in a different format and say that you're going
18 to send them back in the regular format and that I have
19 another court date --

20 JUDGE KOPTA: This has nothing to do with
21 your objection or this document and therefore I have
22 overruled your objection. Please be silent or I will
23 once again mute your phone.

24 That document is admitted --

25 MR. HENRICKSON: Go ahead and mute it.

1 JUDGE KOPTA: -- Mr. Roberson.

2 (Exhibit KM-4 admitted.)

3 BY MR. ROBERSON:

4 Q. Ms. McPherson, what did you say to
5 Mr. Henrickson in the email exchange?

6 A. I requested services for garbage and provided a
7 photo of eight -- eight black trash bags that needed to
8 be picked up on my driveway. He requested that I email
9 that -- or text that picture to his phone number of
10 425-686-5270.

11 Q. And did you send a picture to that number? Did
12 you actually send the picture?

13 A. I did.

14 Q. Would you please turn to the exhibit marked
15 KM-5?

16 A. I have that in front of me.

17 Q. Would you please identify this document?

18 A. That is a screen shot of the text message
19 between myself and the phone number 425-686-5270.

20 Q. Is this a true and accurate copy of the text
21 string you had with Mr. Henrickson?

22 A. It is.

23 MR. ROBERSON: Judge Kopta, at this point,
24 Staff would move to admit Exhibit KM-5.

25 JUDGE KOPTA: Mr. Henrickson, you may unmute

1 your phone and state any objection you have to admitting
2 that document into the record.

3 Hearing nothing, that document is admitted.

4 (Exhibit KM-5 admitted.)

5 BY MR. ROBERSON:

6 Q. Again, just for clarity's sake, what did you
7 tell Mr. Henrickson was in the garb- -- or in the bags?

8 A. Garbage that needed to be taken to the dump.

9 Q. And in the picture, what is pictured?

10 A. About eight black trash bags.

11 Q. And what did Mr. Henrickson say in response?

12 A. I had asked how much it would cost and he
13 replied a hundred dollars.

14 MR. ROBERSON: Judge Kopta -- oh, actually,
15 there's one more question.

16 BY MR. ROBERSON:

17 Q. So, Ms. McPherson, does Staff have a
18 recommendation as to appropriate penalty if Judge Kopta
19 determines that Mr. Henrickson committed the violations?

20 A. I would like to go with the recommended \$2,000
21 penalty; one for accepting an offer of service and one
22 for continued advertising for services. I have provided
23 multiple opportunities for technical assistance, and the
24 company did not comply with those technical assistance
25 requests and continued to offer services.

1 MR. ROBERSON: Judge Kopta, at this point, I
2 have no more questions and Ms. McPherson is available
3 for cross or questions from the bench.

4 JUDGE KOPTA: All right. Thank you,
5 Mr. Roberson.

6 Mr. Henrickson, do you have any questions
7 for Ms. McPherson? You will need to unmute your phone.

8 MR. HENRICKSON: So what is [interference.]

9 JUDGE KOPTA: This is your opportunity to
10 ask questions of Ms. McPherson.

11

12 E X A M I N A T I O N

13 BY MR. HENRICKSON:

14 Q. What is the status quo of solving the issue
15 instead of causing more issues? So when you call
16 somebody that you feel is advertising, what do you do?
17 Is there a timeframe that you give them?

18 A. No, there's no specific timeframe. I provide
19 technical assistance and work with the companies to
20 ensure that they comply with the solid waste rules from
21 the Commission.

22 Q. So that they comply, but do you write out a fine
23 right away?

24 A. No, I do not.

25 Q. But on this case, you did.

1 A. No, I did not.

2 Q. Did we not have an argument about your
3 education?

4 A. I do not recall that.

5 Q. Did we or did we not have a conversation about
6 your education and your background and who you were?

7 A. I do not recall discussing my education with
8 you. I do remember initially I clarified my position
9 and what authority I had with the Commission.

10 Q. And what is the status quo that you do with
11 individuals that you find advertise garbage?

12 A. If by the "status quo" you mean what is the
13 normal occurrence between companies, most companies will
14 comply, they'll remove their advertisements, and ensure
15 that they aren't providing services that do not comply
16 with violations of Commission rules.

17 Q. So is there a timeframe? Is there a ten-second
18 timeframe, a two-week timeframe, a 30-day timeframe,
19 what is the timeframe?

20 A. There is no specific timeframe, sir.

21 Q. But with me, what was the timeframe?

22 A. If I review our records, I would say that
23 initially it began in May and I worked with you over a
24 course of several months in 2019 --

25 Q. Several months? Can we -- can we -- where are

1 these documents? Where was the timeframe from the week
2 and then you said the second week and then the issue of
3 the ticket date? Wasn't that a one-week timeframe?

4 A. No, sir.

5 Q. So you're saying it's a three-month timeframe,
6 right?

7 A. No, it was much longer than that. If you allow
8 me to review my records --

9 Q. For advertising? For advertising? You're
10 saying it's much longer? How much time are we talking
11 about?

12 A. Your case started in May 2019 and I continued to
13 work with you through multiple phone calls, letters, and
14 emails attempting for compliance --

15 Q. Work with me or harass me?

16 A. To work with you, sir.

17 Q. Didn't you make multiple phone calls, joking
18 phone calls, like is your refrigerator running, why
19 don't you go check it?

20 MR. ROBERSON: Objection. Relevance.

21 JUDGE KOPTA: Sustained.

22 MR. HENRICKSON: Oh my God. Yeah, these are
23 the games I've been playing.

24 BY MR. HENRICKSON:

25 Q. The phone calls that you were making, what were

1 they in regards to?

2 A. Illegal advertisement of solid waste services.

3 Q. You already did that on the first day, right?

4 A. I think our first initial phone call was
5 September 4th where I discussed with you and you had
6 agreed to remove your solid waste advertisements. In
7 order to prevent you from having to come into court, I
8 spoke with you again trying to work with you on removing
9 those advertisements prior to having to take Commission
10 action, and you continued to advertise after such
11 time --

12 MR. HENRICKSON: Objection.

13 [Cross talking.]

14 A. -- you stated to me, and I quote, I don't feel
15 like I should have to remove these advertisements.

16 BY MR. HENRICKSON:

17 Q. Oh, you lie. Oh my God.

18 [Cross talking.]

19 JUDGE KOPTA: Mr. Henrickson --

20 MR. HENRICKSON: Oh my God.

21 JUDGE KOPTA: That's an inappropriate
22 comment, Mr. Henrickson. I will cut any further
23 questions off if you continue to make disparaging
24 comments. Please desist.

25 BY MR. HENRICKSON:

1 Q. All right. So you said something about iHire
2 [sic], you -- you said there was a document about iHire?

3 A. HireRush?

4 Q. Yeah. And you're saying that's something I
5 advertised through? Are you aware that I have never
6 done any business with I HireRush [sic] and what I
7 HireRush does?

8 A. HireRush is an online hiring service that has
9 your information listed advertising solid waste services
10 and --

11 Q. To make money off -- are you aware how they make
12 money?

13 A. And as I was stating --

14 Q. You have no clue.

15 A. -- despite that most of the advertisements were
16 on Craigslist and that was the advertise --

17 Q. Despite what? Are you -- are you ignoring what
18 I just asked about I HireRush? Do you know what I
19 HireRush and how they make their money?

20 MR. ROBERSON: Objection. Argumentative and
21 also asked and answered.

22 MR. HENRICKSON: No, she didn't answer. She
23 said regardless it's been referenced to Craigslist.

24 A. Is where I did the advertisement response and
25 you accepted a --

1 MR. HENRICKSON: She did not answer the
2 question. She said regardless of I HireRush and how
3 they operate their business and how they make money,
4 regardless it goes back to Craigslist.

5 BY MR. HENRICKSON:

6 Q. So let's just throw the I rush -- I HireRush
7 thing out the door, then, right? Right?

8 A. Are you asking me?

9 Q. Am I the only one that's just freaking crazy
10 here or what? Are you freaking serious? Lady, you been
11 harassing me for two years.

12 MR. ROBERSON: Objection. Argumentative.

13 JUDGE KOPTA: Sustained.

14 MR. HENRICKSON: Oh, everything's
15 argumentative on me.

16 JUDGE KOPTA: Mr. Henrickson, if you
17 continue down this road, I will cut off any further
18 questions you can ask.

19 MR. HENRICKSON: I just --
20 [Cross talking.]

21 JUDGE KOPTA: If I have to warn you again, I
22 will follow through. Now keep --

23 MR. HENRICKSON: Yeah, I've never done any
24 business with I HireRush. Never done any business with
25 Craigslist.

1 MR. ROBERSON: Objection, Your Honor.

2 JUDGE KOPTA: You will be able to provide
3 that testimony when it's your turn. Right now you're
4 asking questions of Ms. McPherson and I would expect you
5 to --

6 MR. HENRICKSON: And she's not answering
7 them. And she's not answering them.

8 JUDGE KOPTA: We are moving on,
9 Mr. Henrickson. Do you have any further questions?

10 BY MR. HENRICKSON:

11 Q. So how many phone calls did you make to me in
12 regards to this case do you think? You and your friend
13 and who else?

14 A. If you'd give me just one moment. Including
15 when I attempted to make a settlement offer with you
16 after your order was defaulted in November, there were a
17 total of five phone calls to you in two years.

18 Q. Settle- -- settlement offer? Oh my God. Why
19 would you make a settlement offer to me if you thought I
20 was guilty of advertising for something I wasn't doing?

21 A. There was a default --

22 Q. And how much was that settlement -- how much was
23 that settlement offer for?

24 A. There was a default order on
25 November 21st, 2019, when you failed to appear before

1 the Commission, you had requested that that ruling be
2 overturned --

3 Q. Whoa.

4 A. -- by our judge, Rayne Pearson, and she
5 overturned that. We contacted you, I contacted you
6 attempting to make a settlement agreement to see if we
7 could come to terms in violation --

8 Q. Hold on. Hold on. Didn't you contact me by the
9 incorrect address from 15 years ago that has to do with
10 the iHire thing as well?

11 MR. ROBERSON: Objection. Relevance.

12 BY MR. HENRICKSON:

13 Q. Didn't you contact -- what address did you
14 contact me at?

15 A. I have several addresses I have attempted to
16 contact you through.

17 Q. And you failed. So what did you tell the
18 administrative law judge that you lied to again to
19 get --

20 JUDGE KOPTA: All right. That's it,
21 Mr. Henrickson. You have no -- that's it. I'm cutting
22 off any further questions. I'm putting you on mute.
23 You have abused privilege and therefore it is revoked.
24 No more questions of Ms. McPherson.

25 Mr. Roberson, do you have any follow-up

1 questions for Ms. McPherson as a result of the questions
2 she received from Mr. Henrickson?

3 MR. ROBERSON: No, Judge Kopta. I will
4 point out that given the nature of Mr. Henrickson's
5 defense about --

6 MR. HENRICKSON: What address did you
7 send -- what address did you send that paperwork to --

8 JUDGE KOPTA: Mr. Henrickson, I've muted you
9 again.

10 MR. ROBERSON: Mr. Smith is here. I would
11 like to put him up to discuss the Commission's
12 production of records, because from what I understand,
13 he has all of the documents that have been admitted here
14 today. They were produced to him.

15 JUDGE KOPTA: All right. Then,
16 Ms. McPherson, you are excused. Thank you for your
17 testimony today.

18 MS. MCPHERSON: Thank you.

19 JUDGE KOPTA: Mr. Smith --
20 [Cross talking.]

21 MR. HENRICKSON: -- an address from 15 years
22 ago.

23 JUDGE KOPTA: Mr. Henrickson, you will have
24 an opportunity to speak later. Be quiet now.

25 MR. HENRICKSON: Yeah, well, they were sent

1 to an address from 15 years ago and that's why they
2 lied --

3 JUDGE KOPTA: Mr. Smith, would you raise
4 your right hand?

5 (Ryan Smith Sworn.)

6 JUDGE KOPTA: Thank you.

7 Mr. Roberson, you may ask your questions.

8

9 E X A M I N A T I O N

10 BY MR. ROBERSON:

11 Q. Would you please state your name and spell your
12 last name for the record?

13 A. My name is Ryan Smith. My last name is
14 S-m-i-t-h.

15 Q. And who is your employer?

16 A. The Washington Utilities and Transportation
17 Commission.

18 Q. What position do you hold at the Commission?

19 A. I am the records center supervisor in the
20 Commission's record center.

21 Q. What are your duties as the supervisor of the
22 records center?

23 A. So I help maintain efficiency in our filing
24 system to allow records to get into the dockets, service
25 of documents, as well as assisting our public records

1 officer on public records request.

2 Q. Are you familiar with Mr. Paul Henrickson?

3 A. I am. I have completed one record request for
4 him and then I also am near the end of a second one.

5 Q. So Mr. Henrickson had made two records requests
6 with the Commission?

7 A. I believe three. One of them was for a document
8 that didn't exist. I'd have to verify that one, but
9 that one had no responses.

10 Q. Okay. And what was the nature of -- what were
11 the natures, I guess, of the two requests that
12 Mr. Henrickson made with the Commission?

13 A. They were both concerning him and his business.
14 The first one centered around -- I've got that up here.
15 So the first one was request No. 273, and that one was
16 specifically regarding his docket, and he wanted copies
17 of all documents, court hearings, recordings, or
18 anything pertinent to the case.

19 Q. And when you say "the docket," you mean this
20 docket, which is TG-190793?

21 A. That is correct.

22 Q. And what was the nature of the second records
23 request?

24 A. The next one was a little bit more broad. That
25 one was I believe anything pertaining to his name.

1 Yeah, it was and I quote, This is a request for any and
2 all documents, recordings, and pertinent information
3 pertaining to Paul Henrickson.

4 Q. As -- well, did the Commission respond to those
5 records requests?

6 A. Yeah, so the first request, that one has been
7 completed and it's --

8 MR. HENRICKSON: No recordings.

9 MR. SMITH: Excuse me? Okay. Thank you.

10 A. So the first one has already been fully
11 responded to and is publicly available online. There
12 was a total of 144 documents from that request. A
13 handful of those were redacted.

14 And then in the second request, I have the
15 numbers here, he has received 388 responsive emails that
16 did not require redaction, 335 were provided in three
17 different formats as he had difficulties in accessing a
18 PST file, which is the generic file that is output from
19 our system as well as the dot MSG formats. And so I
20 PDF'd all those emails. One PDF itself was over 2300
21 pages. And right now I am nearly done with the 79
22 redacted emails that will be provided to him either by
23 the end of today or by the end of tomorrow.

24 BY MR. ROBERSON:

25 Q. In the course of responding to Mr. Henrickson's

1 requests, did you produce the transcript from the
2 hearing held in I believe it was November or December
3 2019 in this matter?

4 A. He was provided a link to the docket itself,
5 which held the transcript.

6 Q. Okay. And you've been on this call, you've
7 heard his objections to Exhibits KM-1 through KM-5. Did
8 the Commission produce those documents to him in the
9 course of the records response?

10 A. It's hard for me to identify exactly what those
11 exhibits are just based on the title, but when I went to
12 go look over the request No. 273, from what I could
13 gather, it appeared that everything was released to him
14 through there.

15 MR. ROBERSON: I have no further questions
16 for Mr. Smith, Judge Kopta.

17 JUDGE KOPTA: All right. Mr. Henrickson,
18 you may take your phone off mute and if you have any
19 questions of Mr. Smith, you may ask them.

20 MR. HENRICKSON: Hello?

21 JUDGE KOPTA: Yes, you may ask any questions
22 you have of Mr. Smith respectfully.

23 /////

24 /////

25 /////

1 EXAMINATION

2 BY MR. HENRICKSON:

3 Q. So you haven't finished sending all the
4 documents and you cannot sit there and say what
5 documents you sent and what you haven't sent clearly?

6 A. There have been several hundred documents sent
7 to you, and I can say with a hundred percent certainty
8 that your first request, which is R-000273, has been
9 fully responded to. And the majority of request
10 No. 000275 has been provided to you with the exception
11 of some redacted emails that have like attorney-client
12 information.

13 Q. Are you aware that all the documents that were
14 sent by any PDF were just re- -- blackened marker? I
15 didn't receive any of the documents, and the documents
16 that you did send were sent in Outlook or something like
17 that, crazy. And so why would it change?

18 A. Can you please restate that question again? Why
19 would the format change --

20 Q. Why would you send documents in PDF in Microsoft
21 Outlook and then some other -- you sent three different
22 formats, and I ask you to redact the documents, why
23 would you send it in three different formats?

24 A. So in request R-000275, per our normal
25 procedures, I provided you a PST file of the responsive

1 information, and then you indicated that you had
2 difficulty accessing it. I provided you instructions on
3 how to open the file within Outlook and you still had
4 difficulties.

5 So I reproduced them through the same system
6 that we use in a dot MSG file, which is a generic
7 message file that can be opened in a variety of free
8 programs, and that was still difficult. And then you
9 asked, I believe, actually for an Adobe PDF version, so
10 then I as a courtesy --

11 Q. Don't you think PDF is the -- the -- the normal
12 document or Microsoft Word is a normal document that is
13 a process that's sent?

14 A. So --

15 [Cross talking.]

16 Q. -- or Outlook or something is not a common
17 document that everybody has to open up a document?

18 A. So the -- per the Public Records Act, the State
19 agencies are not required to produce documents and we're
20 not required to create a new document. And so when we
21 go to export those items, they come out in their generic
22 form from the program that we use. And so providing
23 them in a PST format is normal procedures --

24 Q. So don't you think if I sent you ten forms --
25 don't you think if I sent you ten forms of different

1 documents in one file, that you would have a difficult
2 time opening up those ten different forms of documents?

3 A. I'm -- it depends on the file type, I guess, but
4 I mean, I'm -- so when they provide those --

5 Q. Exactly. Exactly.

6 [Cross talking.]

7 Q. Stop. Stop.

8 A. -- provided you --

9 Q. Stop.

10 A. Can I please finish --

11 Q. Depends on the file type. If I don't have your
12 language, if you sent it to me in Japanese, how am I
13 suppose to open it in English?

14 JUDGE KOPTA: I don't see this line of
15 questioning is getting us anywhere, so I believe
16 Mr. Smith has explained what the process was, do you
17 have any other questions about --

18 MR. HENRICKSON: I'm going from -- from the
19 next thing.

20 BY MR. HENRICKSON:

21 Q. So didn't you promise me that you were going to
22 send me the documents in a regular format and that
23 everything was going to be changed?

24 A. So I took the PST files that I had originally
25 provided to you, the ones that you had problems with,

1 and then I took those PST files and converted them to
2 Adobe PDF as per your request. So I did exactly as we
3 discussed.

4 Q. And do you know -- so that email, I also cc'd
5 everybody on that email?

6 A. Which email? Are you talking about the one
7 where you specifically requested Adobe PDF files?

8 Q. Yes.

9 A. I am looking at our messages currently. I see
10 the message where I indicated that I would include
11 non-PST files, and then you asked why can't this be
12 normal, but I do not see where it shows that you copied
13 anybody additionally on those conversations.

14 [Brief interruption.]

15 JUDGE KOPTA: Mr. Henrickson, I understand
16 that you're doing business in addition to this hearing.
17 If you have no more questions for Mr. Smith, we will
18 stop.

19 BY MR. HENRICKSON:

20 Q. All right. So anyways, didn't you say that you
21 continue with -- hello?

22 JUDGE KOPTA: Hello.

23 A. Hello?

24 BY MR. HENRICKSON:

25 Q. So didn't -- wasn't there a continuance where

1 you would say you'd get the documents to me at another
2 day like today or like you're saying an extension?

3 A. In regards to your record request, I provided
4 you the one PDF file that had over 2300 pages of the
5 previously provided emails that were provided in two
6 other formats before that. I also provided you an
7 additional PDF file I had that had 496 pages in it,
8 and --

9 Q. The question was were you going to --

10 A. -- my next response date --

11 Q. Do you still have more documents to send me?

12 JUDGE KOPTA: Mr. Henrickson, let
13 Mr. Smith finish his answer before you ask another
14 question.

15 Please continue, Mr. Smith.

16 MR. SMITH: Thank you.

17 A. I was just going to add that in that email, I
18 notified you that my next and likely final installment
19 of emails was going to be ready by February 26th.

20 BY MR. HENRICKSON:

21 Q. Uh-huh.

22 So are you aware that I -- I asked for a
23 continuance, correct?

24 A. My role in what I do here at the Commission is I
25 help assist in public record requests. I don't

1 facilitate extensions of hearing dates.

2 Q. And where -- what happened to the recording that
3 I requested?

4 A. The recording of the last hearing? That was
5 also provided to you --

6 Q. Yeah.

7 A. -- in that last installment as well.

8 Q. Well, if I have everything in Japanese, I
9 wouldn't really open it, would I?

10 JUDGE KOPTA: I will take that as a
11 rhetorical question. You don't need to answer it,
12 Mr. Smith.

13 Do you have any more questions,
14 Mr. Henrickson?

15 MR. HENRICKSON: No.

16 JUDGE KOPTA: All right. Thank you.

17 MR. HENRICKSON: But I do have a request. I
18 have -- I have to use the bathroom and call you back.

19 JUDGE KOPTA: Well, we can take a short
20 recess for five minutes if that's what you need.

21 MR. HENRICKSON: Yes.

22 JUDGE KOPTA: All right. After --
23 Mr. Roberson, do you have anything further for
24 Mr. Smith?

25 MR. ROBERSON: I have two follow-up

1 questions, Judge Kopta.

2 JUST KOPTA: All right. Go ahead.

3

4 E X A M I N A T I O N

5 BY MR. ROBERSON:

6 Q. Mr. Smith, the recording that you just
7 mentioned, that was the recording of the prehearing
8 conference held a couple of months ago, correct?

9 A. That is correct. Let me -- I can confirm the --

10 MR. HENRICKSON: That was the recording I
11 requested.

12 BY MR. ROBERSON:

13 Q. Okay. The second question, do you know how many
14 responsive documents are awaiting production that will
15 be in that final batch?

16 A. It should be 79 documents for a final batch.

17 MR. ROBERSON: Thank you.

18 JUDGE KOPTA: All right. Thank you,
19 Mr. Smith. You are excused. We will take a five-minute
20 recess to allow folks to do what they need to do. It's
21 now 2:38.

22 Please, Mr. Henrickson, call back in at no
23 later than 2:45. We will be off the record.

24 (A break was taken from
25 2:38 p.m. to 2:47 p.m.)

1 JUDGE KOPTA: Let's be back on the record
2 after our break.

3 Mr. Roberson, do you have anything further
4 for Staff?

5 MR. ROBERSON: I do not.

6 JUDGE KOPTA: All right. Thank you.

7 Mr. Henrickson, would you like to either
8 make a statement or testify? A statement would not be
9 evidence -- evidence in the record whereas testimony
10 would be and I would need to swear you in. Which would
11 you prefer?

12 MR. HENRICKSON: You can swear me in.

13 JUDGE KOPTA: All right.

14 (Paul Henrickson sworn.)

15 JUDGE KOPTA: All right. You may proceed
16 with the testimony that you would like to give.

17 MR. HENRICKSON: I do have a question of why
18 nobody else was sworn in.

19 JUDGE KOPTA: This is your opportunity to
20 say what you want to say, Mr. Roberson -- I mean,
21 Mr. Henrickson.

22 MR. HENRICKSON: I just made a statement.

23 JUDGE KOPTA: Well, whatever you want to say
24 by way of -- of testimony, this is your opportunity and
25 I would once again caution you --

1 MR. HENRICKSON: I wonder why nobody else --
2 I wonder why nobody else was sworn in.

3 JUDGE KOPTA: Well, in fact, I swore in the
4 other two witnesses.

5 MR. HENRICKSON: Are you just wanting me to
6 testify to what Mr. Roberson said or the guy who has
7 provided the records or -- what's his name again?

8 JUDGE KOPTA: Mr. Smith. You -- you may --
9 as long as it is germane to this proceeding, you may
10 address whatever you would like to address. You can
11 respond to Ms. McPherson, you can respond --

12 MR. HENRICKSON: I would like to respond
13 to -- to what, you know, the records person presented
14 and -- yeah, I don't own no C++ and I don't own
15 Microsoft Outlook, and what he provided, I was actually
16 good at responding back to him. So since he didn't
17 provide the records timely, it's not my fault.

18 And he did get a voice recording, which
19 didn't point out that it was a voice recording, and all
20 the records came back as something that was
21 inconscionable -- unconscionable [sic] to anybody. You
22 threw off ten records to somebody, I'm sure, Judge, that
23 when you send out your document, you're not going to
24 send it out in ten different formats. For him to send
25 out the documents like he did is just ridiculous and

1 made no sense. And I still didn't get the recording,
2 which was going to prove that they lied about the
3 address and was going to show about how the counsel was
4 lying and is -- is inhumane towards individuals. That
5 they are just fabricating this, wasting government
6 money, working on this girl's vindictiveness just to
7 justify for hatred.

8 There is nothing that they have that says
9 that I committed this fraudulent thing that they're
10 claiming. It's ridiculous. They're going way out of
11 line. They sent it to the wrong address, they've
12 accused me of living in different places. It's from 15
13 years ago. I have never conducted business with iHire,
14 never conducted business with anybody that they've ever
15 said. They just come up with all this stuff because I
16 got in an argument with a girl and I said where are you
17 coming from, who are you, give me your supervisor. This
18 is ridiculous, ridiculous, ridiculous. Waste of time
19 for everybody.

20 So I have not gone on the record. The
21 reason I want the records is because I'm going to pursue
22 this so other people do not have to go through this hell
23 that this guy is trying to put somebody through for a
24 girl that is trying to be vindictive and create hell for
25 somebody for calling her incompetent.

1 Anyways, I still haven't got the records.
2 That's what I want to say. I want my records.

3 JUDGE KOPTA: All right. Mr. Roberson, do
4 you have any questions for Mr. Henrickson?

5 MR. ROBERSON: Just a couple.

6

7 E X A M I N A T I O N

8 BY MR. ROBERSON:

9 Q. Mr. Henrickson, this call to you is on the line
10 425-686-5270, correct?

11 A. That's the number of the call.

12 Q. That's your phone number?

13 A. That is my number.

14 Q. So --

15 A. Doesn't mean I advertise -- doesn't mean that
16 people don't try to advertise and make money off of me
17 either. You know how many people I have do that on a
18 daily basis?

19 Q. Mr. Henrickson, so you've never posted anything
20 on Craigslist?

21 A. Nope.

22 Q. Do you know why the post on Craigslist had your
23 phone number?

24 A. Why does everybody else have my phone number?
25 iHire and other people, like I just said, there's a

1 hundred people -- there's people trying to make money
2 called logistics. So they try to make money off of me.
3 I don't know what they're talking about half the phone
4 calls I get. Three-quarters of the phone calls I don't
5 even know what people are talking about. That's why I
6 said on that iHire thing, that I -- it says some
7 customer called and he didn't know what he was talking
8 about. So he never showed up. The reason I didn't show
9 up, because I didn't sit there and advertise on iHire.
10 I don't do that.

11 Q. So, Mr. Henrickson --

12 A. You guys are harassing people and you're lying
13 to the Court going yeah, we -- we mailed him. No, you
14 emailed -- you mailed something of 15 years ago. And
15 that document showed that was an address from 15 years
16 ago.

17 Q. Mr. Henrickson, do you know why, when
18 Ms. McPherson responded to a Craigslist ad, she got a
19 response directing her to send pictures to your phone
20 number?

21 A. Yeah, and I don't know what she's talking about.
22 And if somebody sends me something or something like
23 that and it's something stupid, I usually don't pay
24 attention to it. Like I told you, I get a hundred
25 responses from things all around the freaking world, and

1 if somebody sends me something stupid and her photo
2 included junk, people don't know what garbage and junk
3 are. I don't know. I don't know what they're talking
4 about. But if I -- if she goes yeah, I want to pay a
5 hundred dollars for some freaking garbage, no, she's not
6 going to pay a hundred dollars for garbage. She is
7 playing games with you. She's playing games with the
8 court system. She's playing games.

9 She's not going to pay a hundred dol- -- oh, I
10 got freaking -- my garbage guy says I gotta pay freaking
11 a hundred dollars for five bags of garbage. No, she has
12 stuff in the background that was all garbage. Who knows
13 what was in the garbage. It could be all wood. It
14 could be construction projects. Who knows what it is.

15 Q. Mr. Henrickson --

16 A. But the thing is, you're not going to pay a
17 hundred dollars for five bags of trash.

18 Q. Mr. Henrickson --

19 A. You guys aren't logical. You guys are wasting
20 people's time.

21 Q. You claim that you don't respond when you get a
22 text, I'm just curious why there are two responses from
23 you to Ms. McPherson when she responded to the
24 Craigslist ad?

25 A. I didn't even respond. It's not even me.

1 Q. So the -- the text messages from your phone
2 number weren't from you?

3 A. I have no idea what you're talking about.

4 Q. Exhibit KM-5, the exhibit --

5 A. And my phone is -- what? What responses are you
6 talking about?

7 Q. Well, for example, you say that Ms. McPherson
8 asked if you would do it for a hundred dollars. The --
9 the text message shows the figure of a hundred dollars
10 came from your line, correct?

11 A. No. What are you talking about? Now you're
12 making more stuff up. You are making stuff up. You are
13 wasting the Court's time, my time. You just lost me
14 \$4,000 talking to a freaking customer just now. You
15 just lost me \$4,000. Asshole.

16 MR. ROBERSON: I think at this point, I have
17 no further questions for Mr. Henrickson, Judge Kopta.

18 JUDGE KOPTA: All right. Thank you,
19 Mr. Roberson.

20 MR. HENRICKSON: Has nothing to do with
21 that. Oh my God.

22 JUDGE KOPTA: Mr. Henrickson, do you have
23 anything further?

24 MR. HENRICKSON: Yeah, I'm doing garbage
25 jobs for \$4,000 in my F250. You fabricate stuff. You

1 just make stuff up. Get a freaking life there, buddy.
2 You guys need to stop being vindictive and stop ruining
3 people's lives. I'm taking this to supreme -- or not
4 supreme, superior court. I'm not going to sit there and
5 allow this to happen. This is just ridiculous. You're
6 fabricating, oh, I'm going to do this, I'm going to do
7 that. No, you're not.

8 JUDGE KOPTA: All right, Mr. --

9 MR. HENRICKSON: Yeah, I'm going to destroy
10 people's lives now today. That's what you guys woke up
11 to do this morning, huh? You already proved yourself on
12 the iHire thing. It's all garbage. Freaking all
13 garbage. She's garbage. Freaking iHire. Yeah. You
14 know how many times they call me? You know how many
15 times I get a stupid phone call from those stupid
16 companies? Oh my God. Don't even pay attention to
17 them.

18 JUDGE KOPTA: All right. Thank you for your
19 testimony, Mr. Henrickson. And I believe that completes
20 the evidentiary portion of this hearing. Under our
21 rules and the statute, I'm obligated to issue an initial
22 order within ten days, but that's when the transcript
23 will be done. So unless there is an objection to the
24 parties, I will make sure to enter an initial order
25 within ten days after receiving the transcript. So --

1 MR. HENRICKSON: Hopefully in English.

2 JUDGE KOPTA: Well, that is my intent.

3 [Cross talking.]

4 JUDGE KOPTA: -- or Spanish, but I'm not
5 nearly as conversant in those languages. Japanese,
6 definitely not.

7 MR. HENRICKSON: I haven't even seen -- of
8 these documents, I haven't even read not one document
9 from this thing because he sent it to me in freaking --
10 sent me 500 documents and they're all different -- in
11 different languages, all 500 of them. Whatever he sent,
12 I -- I didn't read one.

13 JUDGE KOPTA: Mr. Henrickson, you may -- you
14 may take that up with the Commission in a separate
15 proceeding. That's not part of this proceeding. I --

16 MR. HENRICKSON: Oh, I will. If they're
17 going to drag me through the mud, yeah.

18 JUDGE KOPTA: You know, that is -- that is
19 your prerogative. But I think with that, I don't see
20 anything else that we need to do in this docket today,
21 so you will receive an initial order from me --

22 MR. HENRICKSON: I would ask for
23 sanctions -- I would ask for sanctions for their lies.
24 That is my -- that was my goal to -- at the end of this
25 whole thing was to get sanctions from these individuals

1 for their lies and deceit. And I was going to prove
2 that with the testimony that I got from the Court and
3 their addresses that they've been sending things to and
4 what they've been saying -- saying to you and I could
5 prove that they were frauding [sic] the whole thing and
6 everything they said was just a lie.

7 JUDGE KOPTA: Well, Mr. Henrickson, I do not
8 have sanction authority. So even if -- even if you were
9 able to prove those things, there is no sanction that I
10 would be able to give. So I think with that --

11 MR. HENRICKSON: You don't, the next Court
12 does.

13 JUDGE KOPTA: Well, then that's where you
14 will need to bring it up.

15 And with that, we are adjourned. Thank you,
16 everyone, and -- and you will hear from me within 20
17 days.

18 (Adjourned at 3:01 p.m.)

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C E R T I F I C A T E

STATE OF WASHINGTON
COUNTY OF THURSTON

I, Tayler Garlinghouse, 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.



Tayler Garlinghouse
Tayler Garlinghouse, CCR 3358

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