

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

PAUL HENRICKSON, D/B/A CONCRETE AND MORE

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 Lacey, Washington 98503

REPORTED BY: TAYLER GARLINGHOUSE, CCR 3358

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1 EXAMINATION INDEX
2 KATHRYN MCPHERSON PAGE
3 By Mr. Roberson. 58
4 By Mr. Henrickson. 77
5 RYAN SMITH
6 By Mr. Roberson. 86
7 By Mr. Henrickson. 90
8 By Mr. Roberson. 96
9 PAUL HENRICKSON
10 By Mr. Roberson.100
11 EXHIBIT INDEX
12 EXHIBITS FOR ADMISSION PAGE
13 KM-1 Craigslist Advertisement 64
14 KM-2 HireRush Advertisement 66
15 KM-3 Craigslist Advertisement for Garbage Services 71
16
17 KM-4 Email String 75
18
19
20
21
22
23
24
25 KM-5 Screen Capture of Text Message 76

1 A P P E A R A N C E S
2 ADMINISTRATIVE LAW JUDGE:
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24 ALSO PRESENT:
25 KATHRYN MCPHERSON

1 LACEY, WASHINGTON; FEBRUARY 25, 2021
2 1:30 P.M.
3 --o0o--
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?

Page 49

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.

Page 50

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

Page 51

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

Page 52

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 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 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 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 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 Mr. Roberson.
 2
 3 EXAMINATION
 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 **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.

Page 61

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.

Page 62

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

Page 63

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

Page 64

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 (E 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 **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 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 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?**

Page 69

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?

Page 70

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?**

Page 71

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**

Page 72

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

Page 73

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**

Page 74

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.

Page 75

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

Page 76

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 EXAMINATION
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 **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 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 **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. 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 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 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

Page 85

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

Page 86

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

Page 87

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.

Page 88

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 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 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 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 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 **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 questions, Judge Kopta.

2 JUST KOPTA: All right. Go ahead.

3
4 EXAMINATION

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.)

Page 97

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 --

Page 98

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

Page 99

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.

Page 100

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 **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 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 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 CERTIFICATE
 2
 3 STATE OF WASHINGTON
 4 COUNTY OF THURSTON
 5
 6 I, Tayler Garlinghouse, a Certified Shorthand
 7 Reporter in and for the State of Washington, do hereby
 8 certify that the foregoing transcript is true and
 9 accurate to the best of my knowledge, skill and
 10
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~~Tayler Garlinghouse~~
 Tayler Garlinghouse, CCR 3358



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.)
 19
 20
 21
 22
 23
 24
 25

<p style="text-align: center;">A</p> <p>ability 107:9 able 54:24 83:2 106:9,10 abused 84:23 accepted 81:25 accepting 76:21 accessing 88:17 91:2 account 73:22 accurate 61:21 62:17 71:3 74:3 75:20 107:9 accurately 53:12 accused 99:12 Act 49:11,16 50:8 91:18 action 80:10 ad 53:4 61:21 66:4 66:21 71:4 73:10 74:4 101:18 102:24 add 94:17 addition 59:14 60:4 66:5 73:7 93:16 additional 65:16,20 94:7 additionally 93:13 additions 61:10 address 63:20 67:11 68:2,3 84:9 84:13 85:6,7,21 86:1 98:10,10 99:3,11 101:15 addresses 84:15 106:3 adjourned 106:15 106:18 adjudicative 45:9 48:12 49:5 53:13 administrative 45:11 46:2 84:18 ADMISSION 47:12 admit 61:25 64:15</p>	<p>64:15 66:9,16 71:7,20 74:7 75:24 admitted 62:21 64:17 66:19 71:23 74:24 75:2 76:3,4 85:13 admitting 62:6 66:11 74:10 76:1 Adobe 91:9 93:2,7 advanced 59:16 advertise 68:19 78:11 80:10 81:16 100:15,16 101:9 advertised 55:16 81:5 advertisement 47:13,14,15 60:24 61:2,18 64:21,23 65:2,5,18,20,22 66:3,22 67:1,9,17 67:19 70:9,17 71:1,25 72:1,3,5 72:11,12,16 73:14 73:16,23 80:2 81:24 advertisements 67:7 68:12,14,16 72:11 73:6,6 78:14 80:6,9,15 81:15 advertising 60:6 61:18 65:16 76:22 77:16 79:9,9 81:9 83:20 afternoon 56:17 58:5 agencies 91:19 ago 63:21 84:9 85:22 86:1 96:8 99:13 101:14,16 agree 68:11,13 agreed 68:16 80:6 agreement 84:6 agrees 53:6</p>	<p>ahead 56:6 74:25 96:2 air 51:17 ALJ 51:3 allegations 51:12 allow 48:17 49:24 59:12 71:11 79:7 86:24 96:20 104:5 allowed 53:13 allowing 51:24 answer 81:22 82:1 94:13 95:11 answered 81:21 answering 83:6,7 anybody 93:13 98:21 99:14 anyways 93:20 100:1 apart 73:2 Apartment 46:14 apologize 72:23 apparently 48:14 49:13 73:1 appear 56:15 83:25 appearance 57:7 appearances 56:5 appeared 89:13 appearing 57:7,7 appropriate 76:18 area 60:18 argument 78:2 99:16 argumentative 81:20 82:12,15 articles 64:24 asked 73:3 76:12 81:18,21 91:9 93:11 94:22 103:8 asking 62:5,20 82:8 83:4 Asshole 103:15 assist 94:25 assistance 67:21 76:23,24 77:19 assistant 46:7</p>	<p>56:18 assisting 86:25 associate's 59:13 assume 61:11 attempt 65:11 attempted 83:15 84:15 attempting 52:2 79:14 84:6 attempts 68:4 attention 101:24 104:16 attorney 46:7,8 56:19 attorney-client 90:11 authority 59:22 78:9 106:8 authorized 60:7 available 57:20 77:2 88:11 Avenue 45:22 46:14 awaiting 96:14 aware 50:21 53:25 81:5,11 90:13 94:22</p>	<p>believe 48:18 52:5 63:12 73:2 87:7 87:25 89:2 91:9 92:15 104:19 belonged 65:12 bench 77:3 best 107:9 beyond 51:4 bit 87:24 black 75:7 76:10 blackened 90:14 book 70:10 Box 46:8 break 96:24 97:2 brief 45:9 48:12 49:5 53:12 72:24 93:14 bring 106:14 broad 87:24 buddy 104:1 Buell 45:21 business 81:6 82:3 82:24,24 87:13 93:16 99:13,14</p>
			B	C
			<p>back 52:5 61:5,9 72:21 74:18 82:4 95:18 96:22 97:1 98:16,20 background 50:23 58:8,12 59:11 78:6 102:12 backyard 57:5 bags 75:7 76:7,10 102:11,17 based 89:11 basis 62:8 69:10,14 100:18 batch 96:15,16 bathroom 95:18 began 78:23 behalf 49:2 57:7</p>	<p>C 46:1 48:4 98:14 107:1,1 call 77:15 80:4 89:6 95:18 96:22 100:9 100:11 104:14,15 called 55:17 101:2 101:7 calling 99:25 calls 79:13,17,18,25 83:11,17 101:4,4 captioned 48:7 capture 47:17 61:1 65:21 70:19 careful 51:12 Carrier 45:4 46:12 48:8 carry 59:12 Carson 53:8 case 53:23 54:25 69:23 77:25 79:12</p>

83:12 87:18 causing 77:15 caution 97:25 cc'd 93:4 CCR 45:20 107:11 center 49:14 86:19 86:20,22 centered 87:14 certainty 90:7 certificate 59:8 60:12 Certified 107:6 certify 107:8 change 90:17,19 changed 92:23 check 79:19 citizens 60:3 claim 102:21 claiming 99:10 clarification 64:4 71:13 73:25 clarified 78:8 clarity's 76:6 Classification 45:4 48:8 clear 50:19,25 clearly 90:5 clue 81:14 College 59:14 come 68:8 80:7 84:7 91:21 99:15 coming 54:11 58:12 99:17 comment 80:22 comments 80:24 Commission 45:2 45:16 46:6 49:2 56:16,19 58:19,20 58:23 59:2,4,9 60:13 64:7,12,12 77:21 78:9,16 80:9 84:1 86:17 86:18 87:6,12 88:4 89:8 94:24 105:14	Commission's 49:6 62:19 64:6 85:11 86:20 Commission-issu... 59:22 committed 76:19 99:9 common 91:16 companies 59:7,18 59:21,23 60:3,15 77:19 78:13,13 104:16 company 60:8 67:22,23 73:16 76:24 company's 59:25 compensation 59:24 65:1 Complaint 45:5 48:9 completed 59:15 87:3 88:7 completely 48:21 completes 104:19 compliance 68:17 68:25 70:7,11 79:14 comply 76:24 77:20 77:22 78:14,15 concerning 87:13 Concrete 45:7 46:13 48:10 conducted 99:13,14 conference 96:8 confident 49:18 confirm 60:12 96:9 construction 102:14 contact 56:20 65:8 67:9,12 68:9 84:8 84:13,14,16 contacted 84:5,5 continuance 51:2,4 51:24 52:7 93:25 94:23	continue 56:6 64:2 66:18 70:3 71:22 80:23 82:17 93:21 94:15 continued 70:17 76:22,25 79:12 80:10 continuing 50:20 63:6 68:19 contradict 62:13 conversant 105:5 conversation 53:5 68:10 73:2 78:5 conversations 93:13 converted 93:1 copied 93:12 copies 87:16 copy 61:21 63:10 71:3 74:3 75:20 correct 55:7 59:19 59:20 73:11,12 74:1 87:21 94:23 96:8,9 100:10 103:10 cost 76:12 counsel 56:21 57:1 57:2 99:3 County 60:18,20 107:4 couple 68:18 96:8 100:5 course 72:18 78:24 88:25 89:9 courses 59:16 court 50:22,23 74:19 80:7 87:17 101:13 102:8 104:4 106:2,11 Court's 103:13 courtesy 91:10 Cragislist 71:4 Craigslist 47:13,15 53:4 60:5,17,19 60:22 61:2,18,22	64:23 66:4 67:7 67:17 68:20 70:15 70:20 71:1 72:10 72:12 73:6,13,15 73:23 74:4 81:16 81:23 82:4,25 100:20,22 101:18 102:24 crazy 82:9 90:17 create 49:15 91:20 99:24 cross 50:11 56:8 62:16 63:18 77:3 80:13,18 82:20 85:20 91:15 92:6 105:3 curious 102:22 currently 93:9 customer 55:17 101:7 103:14 cut 80:22 82:17 cutting 84:21	definitely 105:6 degree 59:13 delay 54:3 Denied 57:18 depends 92:3,11 describe 59:10 64:22 desist 80:24 despite 81:15,17 destroy 104:9 determine 55:13 determines 76:19 Determining 45:4 48:8 dial 52:14 different 74:17 88:17 90:21,23 91:25 92:2 98:24 99:12 105:10,11 difficult 91:8 92:1 difficulties 88:17 91:4 difficulty 49:13 91:2 directing 101:19 discovered 70:8 discovery 48:20 49:5,7 53:10,12 discuss 85:11 discussed 80:5 93:3 discussing 78:7 discussion 48:13 49:19 dismissal 57:17 disparaging 80:23 division 58:22 docket 45:4 48:7 56:20 64:7 87:16 87:19,20 89:4 105:20 dockets 86:24 document 62:18,23 64:15 66:2,11,16 69:18 70:25 71:20 73:20 74:10,21,24
--	--	--	---	---

D**D** 48:4**d/b/a** 45:7 46:13
48:9**daily** 100:18**database** 60:11**date** 74:19 79:3
94:10**dates** 95:1**day** 60:19,23 68:24
70:6,20 80:3 94:2**days** 70:13 104:22
104:25 106:17**deadline** 54:7**dealing** 54:2**deceit** 106:1**December** 89:2**decided** 52:18,22
52:23**default** 83:21,24**defaulted** 83:16**defense** 53:23
54:14 85:5

<p>75:17 76:2,3 81:2 87:7 91:12,12,17 91:17,20 98:23 101:15 105:8 documentation 54:5,10,11,13 62:12 69:21,25 documents 50:5 51:25 53:3,22 54:17,20,24 55:2 55:3,7,12,15,15 55:23 56:3 62:24 62:25 63:4,19 66:13 69:25 71:17 71:19 74:12,12 79:1 85:13 86:25 87:17 88:2,12 89:8 90:4,5,6,13 90:15,15,20,22 91:19 92:1,2,22 94:1,11 96:14,16 98:25 105:8,10 doing 48:22 60:17 83:20 93:16 103:24 dol- 102:9 dollars 76:13 102:5 102:6,11,17 103:8 103:9 door 82:7 dot 88:19 91:6 drag 105:17 driveway 75:8 due 52:21 dump 76:8 duties 59:6,12,17 86:21</p> <hr/> <p style="text-align: center;">E</p> <p>E 46:1,1 48:4,4 58:3 77:12 86:9 90:1 96:4 100:7 107:1,1 earlier 70:11 education 78:3,6,7 educational 59:10</p>	<p>efficiency 86:23 eight 75:7,7 76:10 either 88:22 97:7 100:17 electronic 64:10 email 47:16 64:8 73:21,25 74:3 75:5,8 93:4,5,6 94:17 emailed 64:4 73:15 101:14 emailing 70:9 emails 51:1 74:1 79:14 88:15,20,22 90:11 94:5,19 employer 58:18 86:15 engage 53:13 engaged 73:1 English 92:13 105:1 ensure 77:20 78:14 enter 104:24 entire 73:25 everybody 91:17 93:5 99:19 100:24 everything's 82:14 evidence 55:11 57:9 97:9,9 evidentiary 48:15 104:20 exactly 56:2 89:10 92:5,5 93:2 EXAMINATION 47:1 example 103:7 exception 90:10 exchange 74:4 75:5 Excuse 88:9 excused 85:16 96:19 exemption 50:7 exhibit 47:11 61:10 61:15,17,25 64:17 65:24 66:9,19</p>	<p>70:22 71:7,23 73:17 74:7 75:2 75:14,24 76:4 103:4,4 exhibits 47:12 61:5 63:10 89:7,11 exist 87:8 existed 54:18 exists 54:19 expect 83:4 explain 48:18 52:9 explained 68:8 92:16 export 91:21 extension 94:2 extensions 95:1 extensive 48:13 extent 49:6 52:6</p> <hr/> <p style="text-align: center;">F</p> <p>F 107:1 F250 65:4 67:4,5 72:7,9 103:25 fabricate 103:25 fabricating 99:5 104:6 Facebook 60:5 facilitate 49:16 95:1 fact 98:3 failed 52:19 83:25 84:17 false 69:6 familiar 87:2 fault 48:21 98:17 February 45:14 48:1 94:19 feel 77:16 80:14 feelings 56:12,14 fictitious 70:10 73:21 figure 52:12 103:9 file 51:2 56:20 64:11,12 88:18,18 90:25 91:3,6,7 92:1,3,11 94:4,7</p>	<p>filed 61:5 64:7 files 48:24 92:24 93:1,7,11 filing 86:23 final 50:18 94:18 96:15,16 find 60:8,22 78:11 fine 77:22 finger 53:18 finish 92:10 94:13 finished 49:24 51:13 69:9 90:3 first 49:4,4 80:3,4 87:14,15 88:6,10 90:8 five 59:5 83:17 95:20 102:11,17 five-minute 96:19 folks 96:20 follow 82:22 follow-up 57:12 84:25 95:25 followed 68:18 70:9 foregoing 107:8 forehead 53:9 form 91:22 format 48:24 49:10 49:12,13 55:8 62:24 63:1,5 74:17,18 90:19 91:23 92:22 formats 88:17,19 90:22,23 94:6 98:24 forms 60:2 91:24 91:25 92:2 found 60:24 65:15 67:18 Fourth 45:22 frauding 106:5 fraudulent 99:9 freaking 82:9,10 101:25 102:5,10 102:10 103:14</p>	<p>104:1,12,13 105:9 free 91:7 friend 83:12 front 66:1 70:24 73:19 75:16 frozen 72:20 fully 50:21 88:10 90:9 furniture 61:19 64:25 further 54:3 68:4 80:22 82:17 83:9 84:22 89:15 95:23 97:3 103:17,23</p> <hr/> <p style="text-align: center;">G</p> <p>G 48:4 game 54:4 games 52:24 79:23 102:7,7,8 garb- 76:7 garbage 47:15 60:25 61:19 64:25 65:20 66:24,25 67:2 68:6 70:18 71:1 72:4 73:23 75:6 76:8 78:11 102:2,5,6,10,11 102:12,13 103:24 104:12,13,13 Garlinghouse 45:20 107:6,11 gather 89:13 general 46:7,8 56:19 generic 88:18 91:6 91:21 germane 98:9 getting 92:15 girl 99:16,24 girl's 99:6 give 52:22 54:17 77:17 83:14 97:16 99:17 106:10 given 85:4 glad 56:13</p>
--	---	---	---	---

<p>Gmail 73:22 go 53:9 54:24 55:12 56:6 74:25 76:20 79:19 89:12 91:21 96:2 99:22 goal 105:24 God 79:22 80:17,20 83:18 103:21 104:16 goes 54:1 82:4 102:4 going 50:24 51:17 52:5 55:10 61:6 74:17 92:18,21,23 94:9,17,19 98:23 99:2,3,10,21 101:13 102:6,9,16 104:4,6,6,9 105:17 106:1 good 56:17 58:5 98:16 Google'd 65:15 gotta 102:10 government 99:5 graduated 59:13 GREGORY 45:11 46:3 guess 49:4 53:1,7 54:17 63:7,7 87:11 92:3 guilty 83:20 guy 51:9 52:24 98:6 99:23 102:10 guys 101:12 102:19 102:19 104:2,10</p> <hr/> <p style="text-align: center;">H</p> <p>half 55:7 101:3 hand 57:23 86:4 handful 88:13 happen 104:5 happened 55:21 95:2 harass 79:15 harassing 82:11 101:12</p>	<p>hard 89:10 hatred 99:7 haul 61:19 64:24 72:3 hauled 73:24 he'll 71:10 hear 50:23 52:16 106:16 heard 89:7 hearing 48:16,19 51:24 52:4,10 55:10,20 73:2 76:3 89:2 93:16 95:1,4 104:20 hearings 87:17 hearsay 49:22 held 89:2,5 96:8 hell 99:22,24 hello 89:20 93:21 93:22,23 help 86:23 94:25 Henrickson 45:7 46:13 47:4,7,9 48:9,15,17,20 49:7,12,17,20,22 49:23 50:9,12,14 50:20 51:1,5,8,11 51:16,19,25 52:3 52:6,12,13,16,17 53:2,7,15,17,24 54:4,9,15,21 55:1 55:4,6,9,14,22 56:2,6,11,24 57:1 57:4,16 62:2,5,7 62:10,15,17,18,22 63:2,3,10,12,14 63:17,20,22,24 64:1,8,13,20 66:7 66:10,12,23 67:10 67:23 68:5,7,11 68:22 69:1,4,5,7 69:12,15,16,19,20 69:22,24 70:2,9 71:9,14,16 73:1 74:8,11,15,25</p>	<p>75:5,21,25 76:7 76:11,19 77:6,8 77:13 79:22,24 80:12,16,19,20,22 80:25 81:22 82:1 82:5,14,16,19,23 83:6,9,10 84:12 84:21 85:2,6,8,21 85:23,25 87:2,5 87:12 88:3,8 89:17,20 90:2 92:18,20 93:15,19 93:24 94:12,20 95:14,15,17,21 96:10,22 97:7,12 97:14,17,21,22 98:1,5,12 100:4,9 100:19 101:11,17 102:15,18 103:17 103:20,22,24 104:9,19 105:1,7 105:13,16,22 106:7,11 Henrickson's 58:12 70:7 85:4 88:25 hey 55:17,18 HireRush 47:14 65:21 66:3 67:1,9 67:18 72:11 73:5 81:3,6,7,8,18,19 82:2,6,24 HireRush.com 65:19 hiring 81:8 hmm 53:9 hold 52:10 58:20 84:8,8 86:18 Honor 83:1 Hopefully 105:1 house 57:5 huh 104:11 hundred 66:13 76:13 90:6,7 101:1,24 102:5,6 102:9,11,17 103:8</p>	<p>103:9 hurting 56:11,13</p> <hr/> <p style="text-align: center;">I</p> <p>idea 103:3 identified 54:2 65:17 identify 61:17 65:5 65:11 66:2 67:1 70:25 72:5,12 73:20 75:17 89:10 ignoring 81:17 iHire 81:1,2 84:10 99:13 100:25 101:6,9 104:12,13 III 45:9 Illegal 80:2 inappropriate 80:21 include 59:17 93:10 included 102:2 Including 83:14 incompetent 99:25 inconscionable 98:21 incorrect 48:24 55:8 68:2 84:9 INDEX 47:1,11 indicated 91:1 93:10 individual 65:17 individuals 78:11 99:4 105:25 inform 68:4 information 55:20 56:20 67:10 81:9 88:2 90:12 91:1 inhumane 99:4 initial 80:4 104:21 104:24 105:21 initially 78:8,23 installment 94:18 95:7 instructions 91:2 intent 105:2 intention 56:14</p>	<p>interference 58:8,9 77:8 interruption 72:24 93:14 investigate 59:7,7 60:15 68:17 70:6 investigating 59:18 investigation 67:6 67:16 72:9,19 73:4 investigations 59:16 investigator 58:21 58:24,25 59:6,12 irrelevant 63:16 issue 48:23 55:12 77:14 79:2 104:21 issued 59:9 issues 48:14 54:1 77:15 items 91:21</p> <hr/> <p style="text-align: center;">J</p> <p>Japanese 92:12 95:8 105:5 Jeff 46:7 56:18 jeff.roberson@ut... 46:10 job 48:22 jobs 103:25 Johnny 53:8 joking 79:17 judge 45:11 46:2 48:6 49:1,3,23 50:12,15,18 51:11 51:19 52:11,15 53:2,11,16,21,25 54:6,12,19 55:1,5 55:9,19,24 56:4,9 56:13,17,23 57:2 57:6,18,20,22,25 58:9,11,13 61:4,8 61:24 62:1,5,8,15 62:18 63:2,9,22 63:25 64:4,9 66:8 66:10,14 69:3,7</p>
--	--	--	--	--

69:14,19,22 70:1 71:6,8,12,18 72:20,22,25 74:6 74:8,13,20 75:1 75:23,25 76:14,18 77:1,4,9 79:21 80:19,21 82:13,16 82:21 83:2,8 84:4 84:18,20 85:3,8 85:15,19,23 86:3 86:6 89:16,17,21 92:14 93:15,22 94:12 95:10,16,19 95:22 96:1,18 97:1,6,13,15,19 97:23 98:3,8,22 100:3 103:17,18 103:22 104:8,18 105:2,4,13,18 106:7,13 junk 102:2,2 justice 52:21 justify 99:7	100:17,22 101:3,5 101:7,17,21 102:2 102:3,3 104:14,14 105:18 knowledge 107:9 knows 102:12,14 Kopta 45:11 46:3 48:6 49:1,3,23 50:12,15,18 51:11 51:19 52:11,15 53:2,11,16,21,25 54:6,12,19 55:1,5 55:9,19,24 56:4,9 56:13,17,23 57:2 57:6,18,21,22,25 58:9,11,13 61:4,8 61:24 62:1,5,8,15 62:18 63:2,9,22 63:25 64:4,9 66:8 66:10,14 69:3,7 69:14,19,22 70:1 71:6,8,12,18 72:20,22,25 74:6 74:8,13,20 75:1 75:23,25 76:14,18 77:1,4,9 79:21 80:19,21 82:13,16 82:21 83:2,8 84:20 85:3,8,15 85:19,23 86:3,6 89:16,17,21 92:14 93:15,22 94:12 95:10,16,19,22 96:1,2,18 97:1,6 97:13,15,19,23 98:3,8 100:3 103:17,18,22 104:8,18 105:2,4 105:13,18 106:7 106:13	64:25 language 92:12 languages 105:5,11 law 45:11 46:2 84:18 let's 48:6 58:15 82:6 97:1 letter 67:20,25 68:1 68:1,8 letters 79:13 lie 51:10 80:17 106:6 lied 84:18 86:2 99:2 lies 56:7 105:23 106:1 life 51:9 104:1 line 92:14 99:11 100:9 103:10 link 89:4 list 61:10 65:7 listed 72:15 81:9 lists 65:4 66:3,5 little 59:1 87:24 lives 104:3,10 living 99:12 LLC 45:21 logical 102:19 logistics 101:2 long 51:3 58:23 98:9 longer 59:3 79:7,10 look 59:25 60:11,14 89:12 looked 60:22 64:21 68:24 looking 60:16 93:9 Loop 45:16 lost 103:13,15 lying 99:4 101:12	mailed 63:11,17,24 64:5 101:13,14 maintain 86:23 majority 90:9 making 66:15 79:25 103:12,12 marked 61:5,15 65:24 70:22 73:17 75:14 marker 90:14 marketplaces 60:5 materials 61:20 matter 45:4 48:7 50:21 52:5 89:3 McPherson 46:18 47:2 53:5 56:22 57:10,19,22,24 58:7,15,16 61:14 66:21 70:6 71:25 75:4 76:17 77:2,7 77:10 83:4 84:24 85:1,16,18 98:11 101:18 102:23 103:7 mean 50:1 67:23 78:12 87:19 92:4 97:20 100:15,15 media 60:4,15,16 mention 65:2 mentioned 59:17 60:14 64:20 73:10 96:7 message 47:17 75:18 91:7 93:10 103:9 messages 93:9 103:1 Microsoft 90:20 91:12 98:15 mine 63:20 minutes 95:20 missing 52:9 mistake 48:24 moment 83:14 Monday 54:7	money 81:11,12,19 82:3 99:6 100:16 101:1,2 months 64:13 78:24,25 96:8 morning 104:11 motion 51:2,3 57:17 move 61:25 64:24 71:7 74:7 75:24 moves 66:9 moving 66:24 83:8 MSG 88:19 91:6 mud 105:17 multiple 74:1 76:23 79:13,17 mute 51:14 56:9 58:10 63:25 74:23 74:25 84:22 89:18 muted 51:20 58:11 70:1 72:25 85:8
<hr/> K <hr/> Kathryn 46:18 47:2 56:21 57:24 58:7,16 keep 63:6 82:22 kind 59:21 KM-1 47:13 61:6 61:15,25 64:17 89:7 KM-2 47:14 65:25 66:9,19 KM-3 47:15 70:23 71:7,23 KM-4 47:16 73:18 74:7 75:2 KM-5 47:17 61:6 75:15,24 76:4 89:7 103:4 know 50:21 52:25 53:3 54:18 55:18 55:24 68:24 81:18 93:4 96:13 98:13	<hr/> L <hr/> Lacey 45:17 48:1 Lady 82:10 Lake 46:15 landscaping 61:20	<hr/> M <hr/> M 58:3 77:12 86:9 90:1 96:4 100:7 M-c-P-h-e-r-s-o-n 58:16 magic 54:15	<hr/> N <hr/> N 46:1 48:4 58:3,3 77:12,12 86:9,9 90:1,1 96:4,4 100:7,7 name 55:16 58:6,6 66:5,6 70:10 86:11,12,13,13 87:25 98:7 National 45:24 native 49:12 nature 85:4 87:10 87:22 natures 87:11 near 87:4 nearly 88:21 105:5 need 50:6 52:13 54:20 62:3 71:10 71:15 77:7 95:11 95:20 96:20 97:10 104:2 105:20 106:14 needed 51:2 68:5 73:24 75:7 76:8	

<p>needs 52:9 never 51:8 62:12 62:13 81:5 82:23 82:24 99:13,14 100:19 101:8 new 49:15 91:20 noise 50:23 non-PST 93:11 noncompliance 67:20 Nope 100:21 normal 78:13 90:24 91:11,12,23 93:12 note 52:4 noticed 61:8 notified 94:18 November 61:5,9 62:19 64:6 83:16 83:25 89:2 number 48:23 54:16,22 65:7,9 65:12,15,16 66:4 67:8,12,13,15 72:14,15,18 73:7 75:9,11,19 100:11 100:12,13,23,24 101:20 103:2 numbers 61:7,7 88:15</p> <hr/> <p style="text-align: center;">O</p> <p>O 48:4 58:3 77:12 86:9 90:1 96:4 100:7 o0o-- 48:3 object 57:16 62:7 62:10 objection 49:20 51:5,7,8 62:6,9,21 63:14,22 64:15 66:11,15 68:22 69:1,1,2,2,3,10,11 69:15 70:4 71:14 71:19 74:9,10,13 74:21,22 76:1 79:20 80:12 81:20</p>	<p>82:12 83:1 84:11 104:23 objections 89:7 obligated 104:21 occurrence 78:13 offer 72:2 76:21,25 83:15,18,19,23 offered 64:3 offers 66:23,24 Office 46:8 officer 87:1 oh 76:14 79:22 80:17,17,20 82:14 83:18 102:9 103:21 104:6,16 105:16 okay 54:23 61:7,12 72:21,22 73:10 87:10 88:9 89:6 96:13 Olympia 45:23 46:9 once 64:1 74:23 97:25 one-week 79:3 ones 92:25 online 65:15 81:8 88:11 open 91:3,17 92:13 95:9 opened 91:7 opening 92:2 operate 82:3 operating 59:18,22 60:1,9 opportunities 76:23 opportunity 49:24 55:19 57:10,12,13 62:20 64:14 69:23 77:9 85:24 97:19 97:24 order 68:5 80:7 83:16,24 104:22 104:24 105:21</p>	<p>originally 92:24 Outlook 90:16,21 91:3,16 98:15 output 88:18 overrule 52:24 64:14 overruled 63:23 66:16 69:11 70:4 74:14,22 overturned 84:2,5</p> <hr/> <p style="text-align: center;">P</p> <p>P 46:1,1 48:4 p.m 45:15 48:2 96:25,25 106:18 P.O 46:8 pad 52:14 PAGE 47:2,12 pages 45:10 50:5 53:21 88:21 94:4 94:7 paper 53:8 paperwork 52:19 52:22 85:7 part 62:19 63:12 73:4 105:15 parties 63:4 104:24 Pasco-Hernando 59:14 Paul 45:7 46:13 47:9 48:9 66:7 87:2 88:3 97:14 pay 101:23 102:4,6 102:9,10,16 104:16 PDF 88:20 90:14 90:20 91:9,11 93:2,7 94:4,7 PDF'd 88:20 Pearson 84:4 Penalties 45:5 48:9 penalty 76:18,21 people 60:6 71:11 99:22 100:16,17 100:25 101:1,1,5 101:12 102:2</p>	<p>people's 102:20 104:3,10 percent 54:16,16 54:16,21,22,22,22 55:2 74:16,16 90:7 perform 67:2 68:6 permit 59:19 60:1,9 60:10 68:5 person 55:16 65:5 65:11 74:4 98:13 person's 66:5 pertaining 87:25 88:3 pertinent 87:18 88:2 phone 65:7,9,12,15 65:16 66:4 67:8 67:13,15 68:7,15 71:15 72:14,15,18 73:7 74:9,23 75:9 75:19 76:1 77:7 79:13,17,18,25 80:4 83:11,17 89:18 100:12,23 100:24 101:3,4,19 103:1,5 104:15 phones 58:10 photo 75:7 102:1 physically 64:5 pick 64:24 picked 75:8 picture 75:9,11,12 76:9 pictured 76:9 pictures 101:19 piece 53:8 places 99:12 plan 54:5 play 52:24 playing 79:23 102:7,7,8 please 51:14 58:5 58:10 59:10 61:14 61:17 65:9,24</p>	<p>66:2 70:2,22,25 73:17,20 74:22 75:14,17 80:24 86:11 90:18 92:10 94:15 96:22 pmhenric@yahoo... 46:16 point 50:18 53:17 56:25 61:24 66:8 68:10 69:11 71:6 74:6 75:23 77:1 85:4 98:19 103:16 pointing 53:18,19 points 49:3 53:12 portion 104:20 position 51:23 52:8 58:20,25 78:8 86:18 possession 54:1 post 100:22 posted 53:4 64:6 65:6,18 74:4 100:19 prefer 97:11 prehearing 96:7 preliminary 59:15 prepared 50:9 67:20 prerogative 105:19 present 46:17 55:20 57:9 presented 53:23 55:11 98:13 presiding 51:3 press 52:14 prevent 80:7 previous 73:6,8 previously 72:8,10 72:19 94:5 prior 48:13 80:9 private 60:3 privilege 84:23 probably 63:15 problem 63:5 problems 92:25</p>
--	---	---	---	---

<p>procedures 90:25 91:23</p> <p>proceed 50:17 55:10 57:8,25 64:16 97:15</p> <p>proceeding 45:9 48:12,15 49:5 51:13,23 54:3 56:4 98:9 105:15 105:15</p> <p>proceedings 53:13</p> <p>process 91:13 92:16</p> <p>produce 89:1,8 91:19</p> <p>produced 49:10 50:4 85:14</p> <p>production 49:17 50:8 85:12 96:14</p> <p>program 91:22</p> <p>programs 91:8</p> <p>projects 102:14</p> <p>promise 92:21</p> <p>proof 62:11 69:5,12</p> <p>proper 45:4 48:8 62:24 63:1,4,5</p> <p>prosecute 52:20</p> <p>prove 99:2 106:1,5 106:9</p> <p>proved 104:11</p> <p>provide 52:19 54:8 54:20 57:13 60:7 61:9 63:9 64:9 65:3 67:9 72:6 77:18 83:2 92:4 98:17</p> <p>provided 54:6,13 55:2,3,5 75:6 76:22 88:16,22 89:4 90:10,25 91:2 92:8,25 94:3 94:5,5,6 95:5 98:7 98:15</p> <p>provider 72:13</p> <p>providing 78:15</p>	<p>91:22</p> <p>PST 88:18 90:25 91:23 92:24 93:1</p> <p>public 49:9,11,16 50:4,7 53:14 63:12 86:25 87:1 91:18 94:25</p> <p>publicly 88:11</p> <p>pursue 99:21</p> <p>put 50:2 53:8 85:11 99:23</p> <p>putting 84:22</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p>question 51:22 73:8 76:15 82:2 90:18 94:9,14 95:11 96:13 97:17</p> <p>questioning 92:15</p> <p>questions 57:10,12 69:8,9 77:2,3,6,10 80:23 82:18 83:4 83:9 84:22,24 85:1,1 86:7 89:15 89:19,21 92:17 93:17 95:13 96:1 100:4 103:17</p> <p>quiet 51:14 85:24</p> <p>quo 77:14 78:10,12</p> <p>quote 80:14 88:1</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>R 46:1 48:4 107:1</p> <p>R-000273 90:8</p> <p>R-000275 90:24</p> <p>R-o-b-e-r-s-o-n 56:18</p> <p>raise 57:23 86:3</p> <p>Rayne 84:4</p> <p>re- 90:14</p> <p>read 53:24 71:19 105:8,12</p> <p>ready 94:19</p> <p>really 49:7 95:9</p> <p>Realtime 45:21</p> <p>reason 99:21 101:8</p>	<p>recall 78:4,7</p> <p>receive 60:2 63:4 90:15 105:21</p> <p>received 53:21 54:9 54:12 59:11 62:23 63:1 85:2 88:15</p> <p>receiving 104:25</p> <p>recess 95:20 96:20</p> <p>recommendation 76:18</p> <p>recommended 76:20</p> <p>record 48:6,13,14 58:6 62:19 64:16 66:11,17 71:21 76:2 86:12,20 87:3 94:3,25 96:23 97:1,9 99:20</p> <p>recording 95:2,4 96:6,7,10 98:18 98:19 99:1</p> <p>recordings 87:17 88:2,8</p> <p>records 49:9,10,11 49:14,15,16,17 50:4,7 52:3,8 53:14 63:13 78:22 79:8 85:12 86:19 86:22,24,25 87:1 87:5,22 88:5 89:9 91:18 98:7,13,17 98:20,22 99:21 100:1,2</p> <p>redact 90:22</p> <p>redacted 50:6 88:13,22 90:11</p> <p>redaction 88:16</p> <p>reference 67:5 72:8</p> <p>referenced 66:4 73:7 81:23</p> <p>referencing 61:6</p> <p>refrigerator 79:18</p> <p>regarding 68:8 87:16</p>	<p>regardless 81:23 82:2,4</p> <p>regards 80:1 83:12 94:3</p> <p>regular 74:18 92:22</p> <p>regularly 48:11</p> <p>released 89:13</p> <p>relevance 53:4 79:20 84:11</p> <p>relevant 49:8 55:12</p> <p>remain 51:14</p> <p>remember 78:8</p> <p>removal 66:25 67:3</p> <p>remove 68:13 78:14 80:6,15</p> <p>removing 80:8</p> <p>replied 76:13</p> <p>REPORTED 45:20</p> <p>reporter 50:22,23 107:7</p> <p>Reporting 45:21</p> <p>representing 56:19 56:24</p> <p>reproduced 91:5</p> <p>request 49:9 50:4 53:14 63:13 73:16 87:1,3,15,23 88:1 88:6,12,14 89:12 90:8,9,24 93:2 94:3 95:17</p> <p>requested 52:1 53:3 73:22 75:6,8 84:1 93:7 95:3 96:11</p> <p>requests 76:25 87:5 87:11 88:5 89:1 94:25</p> <p>require 59:21 88:16</p> <p>required 49:10 64:10 91:19,20</p> <p>requires 49:12</p> <p>research 60:4,17</p> <p>researched 68:2</p>	<p>respectfully 89:22</p> <p>respond 49:2,25 73:13 88:4 98:11 98:11,12 102:21 102:25</p> <p>responded 88:11 90:9 101:18 102:23</p> <p>responding 88:25 98:16</p> <p>response 50:3 76:11 81:24 89:9 94:10 101:19</p> <p>responses 87:9 101:25 102:22 103:5</p> <p>responsive 88:15 90:25 96:14</p> <p>restate 90:18</p> <p>result 85:1</p> <p>returned 68:2</p> <p>review 51:25 60:19 62:20 64:14 67:21 70:11 78:22 79:8</p> <p>reviewed 62:22</p> <p>revoked 84:23</p> <p>rhetorical 95:11</p> <p>ridiculous 50:14 98:25 99:10,18,18 99:18 104:5</p> <p>right 48:19 52:11 53:9 57:3,22,23 58:13 69:17 71:12 72:25 74:13 77:4 77:23 79:6 80:3 81:1 82:7,7 83:3 84:20 85:15 86:4 88:21 89:17 93:20 95:16,22 96:2,18 97:6,13,15 100:3 103:18 104:8,18</p> <p>road 82:17</p> <p>Roberson 46:7 47:3 47:6,8,10 49:1,3 49:21,24 50:1,17</p>
--	--	---	---	--

<p>50:18,25 51:6,14 51:22 52:2 53:11 56:15,17,18,23 57:9,11,15,19,20 58:1,4,17 61:4,12 61:13,24 63:9,11 63:15,19 64:2,3 64:16,18,19 66:8 66:18,20 68:23 70:3,5 71:6,22,24 73:3,9 74:6 75:1,3 75:23 76:5,14,16 77:1,5 79:20 81:20 82:12 83:1 84:11,25 85:3,10 86:7,10 88:24 89:15 95:23,25 96:5,12,17 97:3,5 97:20 98:6 100:3 100:5,8 103:16,19 role 94:24 roughly 50:6 ruining 104:2 rule 54:18,19 ruled 71:20 rules 49:6 64:9 77:20 78:16 104:21 ruling 66:15 74:14 84:1 running 79:18 rush 82:6 Ryan 47:5 86:5,13</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>S 46:1 48:4 S-m-i-t-h 86:14 safety 58:21,22 sake 76:6 sanction 106:8,9 sanctions 105:23 105:23,25 saw 61:2,22 70:19 71:4 73:10 saying 53:18,19 69:13 79:5,10</p>	<p>81:4 94:2 106:4,4 says 54:23 66:24 99:8 101:6 102:10 scheduled 48:11 screen 47:17 61:1 65:21 70:19 75:18 Seattle 45:22,23 second 65:18 79:2 87:4,22 88:14 96:13 see 60:5 66:12 69:17,20 70:15 84:6 92:14 93:9 93:12 105:19 seek 51:2,4 57:1 seeking 49:7 seen 51:8 53:22 54:5 62:12,13,25 67:5,15 71:16 72:8,18 73:3,5 74:11,12 105:7 send 67:21,25 68:1 74:15,16,18 75:11 75:12 85:7,7 90:16,20,23 92:22 94:11 98:23,24,24 101:19 sending 90:3 106:3 sends 101:22 102:1 sense 99:1 sent 48:24 55:7,15 68:8 85:25 90:5,5 90:6,14,16,21 91:13,24,25 92:12 99:11 105:9,10,11 separate 105:14 September 70:8,12 70:13,14,16 71:4 72:1 73:11 80:5 serious 82:10 served 64:7 service 64:10 66:22 72:1,13 76:21 81:8 86:24 services 47:15 60:6</p>	<p>65:20 66:24 68:14 68:20 70:10,18 71:2 73:16,22 75:6 76:22,25 78:15 80:2 81:9 settle 54:24 Settle- 83:18 settlement 83:15,18 83:19,22,23 84:6 short 95:19 Shorthand 107:6 shot 75:18 show 99:3 101:8 showed 101:8,15 shows 93:12 103:9 sic 52:23 64:20 81:2,6 98:21 106:5 silence 50:12,15 silent 70:2 74:22 simply 50:19 55:25 sir 55:25 78:20 79:4,16 sit 52:20 62:13 90:4 101:9 104:4 sites 60:15,16 skill 107:9 Smith 47:5 49:14 50:1,2 52:13,15 58:11,14 62:1,3 63:25 71:8,10 85:10,19 86:3,5 86:13 88:9 89:16 89:19,22 92:16 93:17 94:13,15,16 95:12,24 96:6,19 98:8 Snohomish 60:18 60:20 social 60:4,15,16 solid 58:21 59:8,23 60:24 68:14,19 70:10 77:20 80:2 80:6 81:9 solving 77:14</p>	<p>somebody 52:24 77:16 98:22 99:23 99:25 101:22 102:1 somebody's 57:5 sorry 55:9 Southeast 45:16 46:14 Spanish 105:4 speak 85:24 specific 77:18 78:20 specifically 66:25 87:16 93:7 spell 58:6 86:11 spoke 68:7,15 80:8 Square 45:16 Staff 46:6 49:2,4,10 49:11 50:3,19,21 50:21 51:6 52:2,7 56:16,19 61:4,11 61:25 66:9 71:7 74:7 75:24 76:17 97:4 Staff's 51:23 56:21 57:9 stand 50:3 star 52:14 62:3 71:10 start 56:5 started 79:12 state 48:22 58:5 59:14,15 65:9 66:22 71:15 74:9 76:1 86:11 91:18 107:3,7 stated 80:14 statement 97:8,8,22 states 72:3 stating 64:23 81:13 status 77:14 78:10 78:12 statute 104:21 Stevens 46:15 sticks 52:17,25</p>	<p>63:7 stop 92:7,7,9 93:18 104:2,2 string 47:16 74:1 75:21 stuff 99:15 102:12 103:12,12,25 104:1 stupid 101:23 102:1 104:15,15 Suite 45:22 super 49:18 superior 104:4 supervisor 67:21 86:19,21 99:17 suppose 92:13 supposed 71:17 supreme 104:3,4 sure 98:22 104:24 Sustained 79:21 82:13 swear 97:10,12 swore 98:3 sworn 57:24 86:5 97:14,18 98:2 system 86:24 88:19 91:5 102:8 system's 60:11</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>T 58:3 77:12 86:9 90:1 96:4 100:7 107:1,1 table 56:21 take 52:8 57:6 61:1 65:21 68:11,16 70:19 71:18 80:9 89:18 95:10,19 96:19 105:14 taken 76:8 96:24 talk 51:21 talking 50:11 51:13 55:18,25 56:8 62:16 63:18 79:10 80:13,18 82:20 85:20 91:15 92:6</p>
---	---	--	---	--

<p>93:6 101:3,5,7,21 102:3 103:3,6,11 103:14 105:3 Taylor 45:20 107:6 107:11 Teams 71:11 tech 67:21 technical 76:23,24 77:19 telephone 67:11 tell 50:20 62:25 76:7 84:17 tells 54:23 ten 91:24,25 92:2 98:22,24 104:22 104:25 ten-second 78:17 terms 84:7 testify 97:8 98:6 testimony 57:13 69:8,9 83:3 85:17 97:9,16,24 104:19 106:2 text 47:17 75:9,18 75:20 102:22 103:1,9 texting 53:6 TG-190793 45:4 48:7 87:20 thank 52:15 56:23 57:25 58:13 61:8 64:18 71:12 77:4 85:16,18 86:6 88:9 94:16 95:16 96:17,18 97:6 103:18 104:18 106:15 thing 82:7 84:10 92:19 99:9 101:6 102:16 104:12 105:9,25 106:5 things 51:17 61:19 63:6 101:25 106:3 106:9 think 52:7 60:8</p>	<p>72:20 80:4 83:12 91:11,24,25 103:16 105:19 106:10 third 52:4 thought 83:19 thousand 69:24 three 64:13 87:7 88:16 90:21,23 three-month 79:5 Three-quarters 101:4 threw 98:22 throw 52:17,25 63:7 82:6 throwing 51:17 thumbs 54:17 THURSTON 107:4 ticket 79:3 time 48:11,16,19 51:20 63:5 79:10 80:11 92:2 99:18 102:20 103:13,13 timeframe 77:17 77:18 78:17,18,18 78:18,19,20,21 79:1,3,5 timely 98:17 times 66:13 104:14 104:15 tips 60:3 title 89:11 today 51:24 52:7 54:2 55:13 85:14 85:17 88:23 94:2 104:10 105:20 told 54:10 57:4 63:3 101:24 tomorrow 88:23 total 83:17 88:12 training 59:11,16 transcript 89:1,5 104:22,25 107:8 transport 68:6 72:6 73:23</p>	<p>transportation 45:2,16 58:19,22 59:8 65:3 86:16 transporting 59:23 60:25 trash 75:7 76:10 102:17 truck 65:4 true 61:21 69:16 71:3 74:3 75:20 107:8 try 58:15 62:13 100:16 101:2 trying 80:8 99:23 99:24 101:1 turn 61:14 65:24 70:22 73:17 75:14 83:3 turning 66:21 two 59:1 69:17 82:11 83:17 87:5 87:11 94:5 95:25 98:4 102:22 two-week 78:18 type 92:3,11</p> <hr/> <p style="text-align: center;">U</p> <p>Uh-huh 94:21 unconscionable 98:21 undecide 52:23 understand 50:3,6 51:15 85:12 93:15 unmute 51:20 52:12,14 62:1,4 71:8,11,15 74:8 75:25 77:7 updated 68:3 use 62:3 71:10 91:6 91:22 95:18 useful 64:3 usually 101:23 Utilities 45:2,16 58:19 86:16</p> <hr/> <p style="text-align: center;">V</p>	<p>variety 91:7 various 60:2,14 vehicle 65:2 67:2 72:5 73:4,5 verify 60:9 87:8 version 91:9 viewed 65:22 vindictive 99:24 104:2 vindictiveness 99:6 violation 84:7 violations 76:19 78:16 virtual 45:9 56:21 voice 98:18,19 VOLUME 45:9</p> <hr/> <p style="text-align: center;">W</p> <p>wait 49:23 wall 52:18 53:1 63:7 want 48:25 50:2,19 52:20,23 53:2 97:20,23 99:21 100:2,2 102:4 wanted 51:1 87:16 wanting 98:5 wants 52:4,24 warn 82:21 Washington 45:1 45:16,17,22 46:9 46:15 48:1 86:16 107:3,7 Washington's 59:15 wasn't 79:3 83:20 93:25 waste 58:21 59:8 59:23 60:24 68:14 68:19 70:10 77:20 80:2,6 81:9 99:18 wasting 99:5 102:19 103:13 way 97:24 99:10 we're 54:2 55:10,13 66:21 91:19</p>	<p>we've 52:4 58:9 week 79:1,2 weeks 68:18 69:17 went 89:11 weren't 103:2 whatsoever 62:23 69:13 Whoa 84:3 witness 56:21 57:19 witnesses 98:4 woke 104:10 wonder 98:1,2 wood 102:13 Woodland 45:16 Word 91:12 work 52:3 77:19 79:13,15,16 80:8 work's 73:21 worked 49:14 58:23 59:2 78:23 working 99:6 world 101:25 wouldn't 95:9 write 77:22 wrong 48:24 53:19 53:20,20 99:11 www.buellrealti... 45:25</p> <hr/> <p style="text-align: center;">X</p> <p>X 58:3 77:12 86:9 90:1 96:4 100:7</p> <hr/> <p style="text-align: center;">Y</p> <p>yeah 66:12 79:22 81:4 82:23 85:25 88:1,6 95:6 98:14 101:13,21 102:4 103:24 104:9,13 105:17 years 59:1,5 63:21 82:11 83:17 84:9 85:21 86:1 99:13 101:14,15</p> <hr/> <p style="text-align: center;">Z</p>
---	--	---	--	---

<p>zero 55:2</p> <hr/> <p>0</p> <p>000275 90:10</p> <hr/> <p>1</p> <p>1:30 45:15 48:2 10 54:21 74:16 100 47:10 103rd 46:14 10th 64:6 13 50:6 1325 45:22 144 88:12 15 54:22 63:21 84:9 85:21 86:1 99:12 101:14,15 17th 70:8 73:11 1840 45:22</p> <hr/> <p>2</p> <p>2,000 50:5 76:20 2:38 96:21,25 2:45 96:23 2:47 96:25 20 54:22 74:16 106:16 2019 52:5 60:16 70:16 71:4 72:1 78:24 79:12 83:25 89:3 2021 45:14 48:1 206 45:23 21st 83:25 2300 88:20 94:4 25 45:14 48:1 26th 94:19 273 87:15 89:12 287-9066 45:23</p> <hr/> <p>3</p> <p>3:01 106:18 30 54:16 30-day 78:18 335 88:16 3358 45:20 107:11</p>	<p>360 45:23 46:9 3706 46:14 388 88:15 3rd 60:21 61:22 70:13</p> <hr/> <p>4</p> <p>4,000 103:14,15,25 40 54:16 40128 46:8 425 46:15 425-686-5270 65:10 67:14 72:17 75:10,19 100:10 45-107 45:10 496 94:7 4th 70:14,16 72:1 80:5</p> <hr/> <p>5</p> <p>50 54:16 500 105:10,11 534-9066 45:23 58 47:3</p> <hr/> <p>6</p> <p>6 52:14 62:3 71:10 621 45:16 64 47:13 66 47:14 664-1188 46:9 686-5270 46:15</p> <hr/> <p>7</p> <p>7 54:21 71 47:15 75 47:16 76 47:17 77 47:4 79 88:21 96:16</p> <hr/> <p>8</p> <p>800 45:24 846-6989 45:24 86 47:6</p> <hr/> <p>9</p>	<p>90 47:7 96 47:8 98101 45:22 98258 46:15 98503 45:17 98504 46:9</p>		
---	---	--	--	--