

1 BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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3
4 In the Matter of the :
5 Request of Larry Grabo : Case No.
6 for an Administrative : 08-614-TR-CVF
7 Hearing. :

8 - - -

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10 PROCEEDINGS

11 Before Gregory Price, Attorney Examiner, held at
12 the offices of the Public Utilities Commission
13 of Ohio, 180 East Broad Street, Hearing Room
14 11-D, Columbus, Ohio, on Wednesday, February 3,
15 2010, at 10:00 A.M.

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21
22 Armstrong & Okey, Inc.
23 222 East Town Street, 2nd Floor
24 Columbus, Ohio 43215
25 (614) 224-9481 - (800) 223-9481
 Fax - (614) 224-5724

 - - -

1 APPEARANCES:

2 Mr. John Jones
3 Assistant Attorney General
4 180 East Broad Street
5 Columbus, Ohio 43215

6 On behalf of the Transportation
7 Staff of the Public Utilities
8 Commission of Ohio.

9 - - -

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IDENTIFIED

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STATE'S WITNESSES

Phillip Haskins

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Jonathan Frye

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1 Wednesday Morning Session,
2 February 3, 2010.

3 - - -

4 ATTORNEY EXAMINER PRICE: Good
5 morning. The Public Utilities Commission has
6 set for hearing at this time and this place Case
7 No. 08-614-TR-CVF being in the matter of the
8 request of Larry Grabo for an administrative
9 hearing. My name is Gregory Price, I am the
10 Attorney Examiner assigned to preside at today's
11 hearing.

12 We will begin by taking the
13 appearances of the parties starting with the
14 Staff.

15 MR. JONES: Yes, Your Honor. On
16 behalf of the Transportation Staff of the Public
17 Utilities Commission of Ohio, Ohio Attorney
18 General Richard Cordray, Assistant Attorney
19 General John Jones, 180 East Broad Street,
20 Columbus, Ohio.

21 ATTORNEY EXAMINER PRICE: I would
22 like to note for the record that Mr. Grabo is
23 not in attendance at today's hearing. This is
24 the second hearing that we have scheduled in
25 this case, and this is the second time that Mr.

1 Grabo has not attended the hearing.

2 Mr. Jones, would you like to put on
3 a witness?

4 MR. JONES: Yes, Your Honor. Your
5 Honor, Staff would call Phillip Haskins to the
6 stand.

7 (WITNESS SWORN)

8 - - -

9 PHILLIP HASKINS
10 called as a witness on behalf of the Staff,
11 being first duly sworn, testified as follows:

12 ATTORNEY EXAMINER PRICE: Please be
13 seated and state your name and business address
14 for the record.

15 THE WITNESS: My name is Phillip
16 Haskins, I am employed by the Public Utilities
17 Commission of Ohio, Transportation Department,
18 180 East Broad Street, Columbus, Ohio 43215.

19 ATTORNEY EXAMINER PRICE: Please
20 proceed, Mr. Jones.

21 MR. JONES: Thank you, Your Honor.

22 - - -

23 DIRECT EXAMINATION

24 By Mr. Jones:

25 Q. Mr. Haskins, what are your job

1 responsibilities and duties?

2 A. My duties include enforcing federal
3 safety regulations, federal hazardous materials
4 regulations, motor carrier and shippers in
5 the State of Ohio.

6 Q. What training, certifications do you
7 have to do your job?

8 A. I maintain extensive training to
9 complete my tasks required by the Federal Motor
10 Carrier Safety Administration. USD requires
11 ongoing training annually; that I maintain
12 specific certifications for various disciplines
13 associated with my job.

14 Q. How long you been doing the job?

15 A. Twenty-three years.

16 Q. And what equipment is issued to you
17 to do your job?

18 A. The State of Ohio issues a state
19 vehicle that I utilize to conduct inspections at
20 facilities and along the highways in Ohio, as
21 well as other electronic devices such as a
22 notebook computer, printer, scanner, camera.
23 Various other reference materials that I
24 maintain in that vehicle.

25 Q. How broad is your jurisdiction to do

1 your job?

2 A. Throughout the State of Ohio.
3 Primarily I work in central and southwestern
4 regions of the State.

5 Q. And as a result of doing your job in
6 conducting inspections for compliance with
7 the Federal Motor Carrier safety regulations do
8 you generate any reports?

9 A. I do.

10 Q. In those inspections?

11 A. I do.

12 Q. And what information would be
13 contained in your typical report?

14 A. The report contains the facts of the
15 findings of my investigation, biographical
16 information of the parties involved such as
17 the company or a driver employed by a motor
18 carrier, and any violations that I may have
19 discovered during the course of that inspection.

20 Q. I have what is before you marked as
21 Staff Exhibit 1. Can you please identify that
22 exhibit for the record, please?

23 A. Yes. This is a copy of an
24 inspection report that I completed.

25 Q. And this involved the inspection of

1 one driver named Larry Grabo?

2 A. Correct.

3 Q. Okay. And could you please describe
4 then when, for this report, when this inspection
5 took place?

6 A. This exhibit documents that I
7 conducted an inspection on the 16th of August in
8 2005.

9 Q. Okay. And where was the location of
10 this inspection?

11 A. This inspection occurred on
12 Interstate 71 at the Clinton County scale
13 facility.

14 Q. Now, there is information that is
15 provided at the top of that exhibit providing
16 the report number. Where does that come from?

17 A. Report number is generated from my
18 state issued notebook computer. It's
19 sequentially numbered that is generated. Each
20 time I conduct an inspection a specific, unique
21 identifier is generated to name that specific
22 inspection.

23 Q. And it's marked here as inspection
24 Level 1, full inspection. What does that mean?

25 A. There are several different types of

1 inspections from 1 through 6. In this case I
2 conducted a Level 1 inspection on this
3 particular vehicle which included a full
4 inspection of the vehicle, its undercarriage and
5 braking system.

6 Q. And I see there is information here
7 on the driver, Mr. Grabo. Where did you get
8 that information from?

9 A. Generally the driver presents a CDL
10 license verifying his employment status. So I
11 obtain that information from him presenting that
12 license to me.

13 Q. And do you have inspection notes
14 here that provide for more information about
15 the inspection?

16 A. Yes.

17 Q. Could you please read those notes
18 for the record, please?

19 A. Yes. The inspection notes that I
20 referred to are notes that were documented by me
21 upon completion of this inspection. So if I may
22 read from my notes here, I described the target
23 inspection as an OBVI-type of inspection, which
24 refers to an obvious violation.

25 I further state that the vehicle is

1 in interstate commerce from Newark, Ohio to
2 Covington, Kentucky as a private carrier to
3 conduct a roofing construction-type job.

4 The deliver maintained a temporary
5 CDL Class A while not operating a CMV with a
6 licensed CDL which is an out of service
7 violation.

8 Further stating that the driver
9 failed to maintain a medical examiner's
10 certificate, and was not in possession of any
11 record of duty status, which is also an out of
12 service violation.

13 The vehicle was transporting 16,000
14 pound gross vehicle rated weight piece of
15 roofing equipment and operating a 33,000 pound
16 gross vehicle rated weight power unit. It was a
17 dump truck. And it displayed no company
18 markings.

19 Q. And then in the violations field,
20 what violations did you note from your
21 inspection of this driver and vehicle?

22 A. During the course of the inspection
23 of this vehicle and driver I documented four
24 different violations of the Federal Motor
25 Carrier Safety regulations.

1 Q. And what was the obvious violation
2 that you noticed when first stopping the vehicle
3 for inspection?

4 A. The obvious violation that I
5 utilized to stop the vehicle was the fact that
6 it displayed no company markings.

7 Q. And as a result of that you made
8 the stop and then conducted the inspection of
9 Mr. Grabo?

10 A. That's correct.

11 Q. And during that inspection your
12 observation was that Mr. Grabo had a temporary
13 license, and there was no other licensed CDL
14 driver with Mr. Grabo?

15 A. That' correct. One of the
16 violations that I documented was the fact that
17 the driver possessed only a learners permit
18 while operating a commercial vehicle. Federal
19 regulations require that a driver in this
20 situation also be attended by a licensed CDL
21 driver for his position to be valid as a driver.

22 Q. And he did not have one?

23 A. He did not at this time.

24 Q. Okay. And did you also ask him for
25 a medical certificate?

1 A. Correct. The driver also must
2 possess a valid medical examiner's certificate
3 to verify physical qualifications as a driver of
4 a commercial vehicle. And in this case Mr.
5 Grabo did not possess a medical certificate.

6 Q. Someone who possesses a learners
7 permit, they are also required to have a medical
8 certificate?

9 A. If they operate a commercial vehicle
10 subject to the safety regulations, that's
11 correct.

12 Q. And the third violation that you
13 noted here from your report, no driver's record
14 of duty status. Can you explain that?

15 A. Yes. The violation states that
16 there was no record of duty status. When
17 operating a commercial vehicle that driver is
18 subject to hours of service requirements,
19 maintaining a safe period of on duty time.

20 A driver that operates in interstate
21 commerce exceeding 100 air miles must maintain a
22 document that ensures and provides his
23 compliance by him maintaining this record of
24 duty status.

25 Q. Okay. When did you generate this

1 report, Staff Exhibit 1?

2 A. The report was completed on that
3 morning at ten minutes after nine.

4 Q. And that was generated from your
5 cruiser?

6 A. It was, from a notebook computer and
7 a printer inside my vehicle.

8 Q. And the fields here that were filled
9 in from your inspection, you imputed information
10 at the time of the inspection?

11 A. Yes.

12 Q. And then after you printed out the
13 driver vehicle examination report what did you
14 do with it?

15 A. I presented a copy of this
16 inspection report to the driver. I signed a
17 copy of the -- I signed the driver's copy of the
18 inspection report and presented it to the driver
19 for his signature, and which he received a copy
20 of.

21 Q. So the driver, Mr. Grabo, was issued
22 a copy of this report?

23 A. That's correct.

24 Q. And is Staff Exhibit 1 a reasonable
25 representation then of the staff report that you

1 generated on the date of the inspection and
2 served Mr. Grabo?

3 A. Yes.

4 Q. And is this a record then, this
5 report, is it a record that is kept in the
6 ordinary course of business for you to carry out
7 your duties for your job?

8 A. Yes.

9 Q. And did you subsequently then submit
10 this report electronically to any agency?

11 A. Yes. At the completion of the day I
12 am required to upload these reports to a
13 Safetynet database for processing within our
14 compliance division, as well as processing
15 throughout the Federal Motor Carrier Management
16 Information Systems to identify the violations
17 that were discovered.

18 Q. So it's your opinion then based on
19 your training and experience and observations
20 that day when you conducted this inspection that
21 Mr. Grabo was in violation of the Federal Motor
22 Carrier Safety relations and operating a
23 commercial motor vehicle with a learner's permit
24 without having a licensed CDL driver with him,
25 and that he had no medical certificate and no

1 driver's record of duty status. Is that your
2 opinion?

3 A. That is correct, yes. That is what
4 I discovered.

5 MR. JONES: Your Honor, I have no
6 further questions of Mr. Haskins, and I would
7 ask to have Staff Exhibit 1 admitted into the
8 record of evidence.

9 ATTORNEY EXAMINER PRICE: Not so
10 fast. I have a question or two.

11 - - -

12 EXAMINATION

13 By the Attorney Examiner:

14 Q. Mr. Haskins, on your inspection
15 report you give the driver's address. Where did
16 you get that address from?

17 A. From his temporary CDL license.

18 Q. And also you have a carrier address
19 at the top of the report. Where did you get
20 that carrier address from?

21 A. From the registration of the
22 vehicle.

23 Q. And I noticed the two addresses are
24 identical.

25 A. Yes.

1 Q. Does that lead you to belief that
2 the driver was a sole proprietor operating more
3 or less out of his house?

4 A. I can't recall the actual dialogue
5 that I had with the driver, but I do remember
6 the fact that he did maintain other equipment,
7 and he did have employees that were completing
8 that job in Kentucky, or intended to complete
9 that job in Kentucky.

10 Q. The only address available to you at
11 the time of the inspection was that 9 Hillandale
12 Drive, the Newark address; is that correct?

13 A. That's correct.

14 ATTORNEY EXAMINER PRICE: Thank
15 you.

16 MR. JONES: Your Honor, I do have a
17 follow-up question.

18 - - -

19 FURTHER DIRECT EXAMINATION

20 By Mr. Jones:

21 Q. Mr. Haskins, have you had the
22 opportunity recently to run that address on Mr.
23 Grabo, the one that is listed in the Staff
24 report?

25 A. Yes, I did. While being notified

1 that this hearing was to take place I did
2 attempt to verify if the status of that driver
3 changed, and the address still listed under our
4 biographical database does list him as a
5 resident of 9 Hillandale Drive, Newark, Ohio.

6 Q. When did you do that run?

7 A. I believe it was Monday afternoon.
8 Two days ago.

9 Q. And it came back 9 Hillandale Drive,
10 Newark, Ohio?

11 A. Correct.

12 Q. For Mr. Larry Grabo?

13 A. Yes.

14 ATTORNEY EXAMINER PRICE: That was
15 four questions, Mr. Jones.

16 MR. JONES: Sorry, Your Honor.

17 ATTORNEY EXAMINER: That will not be
18 a precedent for future hearings. Thank you, Mr.
19 Haskins.

20 MR. JONES: Now, Your Honor, I will
21 move for admission of Staff Exhibit 1.

22 ATTORNEY EXAMINER PRICE: Hearing
23 no objection Staff Exhibit No. 1 will be
24 admitted

25 (EXHIBIT HEREBY ADMITTED INTO

1 EVIDENCE)

2 MR. JONES: Thank you. Your Honor,
3 Staff would call Jonathan Frye.

4 (WITNESS SWORN)

5 - - -

6 JONATHAN FRYE

7 called as a witness on behalf of the Staff,
8 being first duly sworn, testified as follows:

9 ATTORNEY EXAMINER PRICE: Please
10 be seated and state your name and business
11 address for the record.

12 THE WITNESS: Jonathan Frye, 180
13 East Broad Street, 4th Floor, Columbus, Ohio.

14 ATTORNEY EXAMINER PRICE: Thank
15 you. Mr. Jones.

16 MR. JONES: Thank you, Your Honor.

17 - - -

18 DIRECT EXAMINATION

19 By Mr. Jones:

20 Q. Mr. Frye, what are your job duties
21 and responsibilities?

22 A. To supervise compliance officers,
23 review the assessments that are made against the
24 carrier, driver and shippers.

25 Q. Okay. Did you have an opportunity

1 to review Staff Exhibit 1 in preparation for
2 your testimony today in this case?

3 A. Yes.

4 Q. Okay. And do you know how Staff
5 Exhibit 1 was received by your department?

6 A. Yes. It was electronically uploaded
7 from the field by an inspector in the field and
8 the computer, based upon the Code sections that
9 were written, the computer assessed a fine based
10 upon the Code sections that were written in the
11 field.

12 Q. So there was a computer program that
13 does those calculations?

14 A. That's correct.

15 Q. And then did you see the forfeiture
16 amounts that were assessed for this case against
17 Mr. Grabo?

18 A. Yes.

19 Q. Okay. That were served on him
20 through Staff Exhibit 2?

21 A. Yes.

22 Q. Could you please identify Staff
23 Exhibit 2?

24 A. Actually Staff Exhibit 2 is a Notice
25 of Preliminary Determination letter. It's a

1 letter that has been sent to the Respondent
2 after a settlement conference has been
3 conducted, we are unable to reach a resolution,
4 then we will issue a Notice of Preliminary
5 Determination advising the Respondent of our
6 finding and giving them the opportunity to
7 either pay the fine or to request an
8 administrative hearing to present their case
9 further.

10 Q. Okay. And Staff Exhibit 2 contains
11 a forfeiture assessed in the amount of \$400.50.
12 Do you see that?

13 A. Yes.

14 Q. And that is for three separate
15 violations that is noted in Staff Exhibit 2. Do
16 you see that too?

17 A. Yes.

18 Q. And what are those three violations
19 that that \$400.50 pertains to?

20 A. It pertains to the violations that
21 were written out in the field. The 395.8A, no
22 driver's record of duty status. The 383.23C,
23 operating on a learner's permit without a CDL
24 holder. And 391.41A, no medical certificate on
25 driver's possession.

1 Q. And did you then check to see if the
2 assessment made in this case was appropriate
3 consistent with the guidelines your department
4 follows?

5 A. Yes.

6 Q. And would you please take a look at
7 Staff Exhibit 3 and identify that document for
8 the record, please?

9 A. It is the civil forfeiture fine
10 schedule.

11 Q. Okay. And the effective date of
12 that schedule?

13 A. January 2nd, 2005.

14 Q. And would this be the schedule that
15 would be applicable at the time the inspection
16 occurred in this case on August 16th, 2005?

17 A. Yes.

18 Q. And could you please then walk us
19 through this exhibit as it breaks down the
20 forfeitures for the three different offenses
21 that were noted in Staff Exhibit 2?

22 A. Yes. The fine schedule is broken up
23 into four separate groups. Group 1, 2, 3 and 4.
24 Based upon the fine schedule that no record of
25 duty status, it indicates that it would fall

1 under Group 1.

2 It says that Group 1, there would be
3 a \$100 forfeiture assessed for that particular
4 group.

5 Code Section 391.41A, no medical
6 certificate on driver's possession, which would
7 be a Group 4 violation. It indicates that a
8 Group 4 violation for medical card certificate
9 is a \$50 fine.

10 The last violation, 383.23C dealing
11 with operating on a learner's permit without a
12 CDL holder, that particular violation isn't
13 listed on this particular fine schedule.

14 There are certain violations that
15 aren't on this particular fine schedule, but are
16 listed in our computer system, but isn't on this
17 particular fine schedule.

18 Q. And do you know what that amount
19 would be that is on your computer system that
20 would be assessed for the operating with a
21 learner's permit?

22 A. Operating on a learner's permit
23 would be a \$200 fine.

24 ATTORNEY EXAMINER PRICE: That
25 amount is consistent with or less than the fine

1 for other CDL violations; is it not?

2 THE WITNESS: That's correct. It's
3 less than.

4 Q. Mr. Frye, the Staff Exhibit 3, the
5 fine schedule that we see there, this was made
6 to be consistent with the Commercial Vehicle
7 Safety Alliance; is that correct?

8 A. That's correct. I would note that
9 the fine amount by the calculation comes to
10 \$350. The Notice of Preliminary Determination
11 has a fine of \$450.

12 Q. So, Mr. Frye, based on that
13 breakdown you just made, what is the correct
14 amount?

15 A. The correct amount would be \$350.

16 Q. And the computer program that you
17 are referring to for the assessment of \$200 for
18 the learner's permit violation, that program is
19 consistent with the Commercial Vehicle Safety
20 Alliance?

21 A. That's correct. The way we group
22 our particular violations and structure of our
23 assessment charge is consistent with the fine
24 structure of the Commercial Motor Vehicle Safety
25 Alliance.

1 Q. And if I could refer you back then
2 to Staff Exhibit 2 for a second, the Notice of
3 Preliminary Determination. Is there a reference
4 made to Staff Exhibit 1 on Staff Exhibit 2?

5 A. I am sorry. Could you repeat
6 the question?

7 Q. Is there information that is listed
8 in Staff Exhibit 2 that references Staff Exhibit
9 1?

10 ATTORNEY EXAMINER PRICE: You can
11 lead a little more than that, Mr. Jones.

12 MR. JONES: Thank you.

13 Q. The case number, is the case number
14 the same between Staff Exhibit 2 and Staff
15 Exhibit 1 for referencing alignment?

16 A. Yes.

17 Q. Okay. As well as the driver
18 information, his address, name, Larry Grabo;
19 correct?

20 A. That's correct. It's consistent.

21 Q. And I see then from Staff Exhibit 2
22 that this was mailed, the Notice of Preliminary
23 Determination, was mailed to Mr. Grabo on May
24 5th, 2008; is that correct?

25 A. That's correct, yes.

1 Q. And so, Mr. Frye, based on your
2 position, your experience and your review of
3 this case in determining the amount that you
4 feel was consistent with the Commercial Vehicle
5 Safety Alliance, and are you making that
6 recommendation then to the Public Utilities
7 Commission to adopt those fine amounts for this
8 case?

9 A. Yes. That's correct.

10 MR. JONES: Your Honor, I have no
11 further questions.

12 ATTORNEY EXAMINER PRICE: Let's go
13 off the record.

14 (DISCUSSION OFF THE RECORD)

15 ATTORNEY EXAMINER PRICE: Back on
16 the record.

17 - - -

18 EXAMINATION

19 By Attorney Examiner Price:

20 Q. Mr. Frye, I notice there is a
21 substantial period of time between the date of
22 the inspection on August 16, 2005 and the
23 service of the Notice of Preliminary
24 Determination on May 5th, 2008. Can you explain
25 the substantial time lag between those two

1 dates?

2 A. Yes. The initial inspection
3 occurred back in August of 2005. The initial
4 letter, the fine letter, was issued within a
5 30-day period of time.

6 Q. That would be the notice of Apparent
7 Violation and Notice of Intent to Assess
8 Forfeiture?

9 A. That's correct. The carrier at that
10 time, or the driver at that particular time, did
11 not make a request for a conference or pay the
12 particular fine. As a result of not making a
13 request for a conference and/or not paying the
14 fine, the driver went into what is called show
15 cause status.

16 As a result of going into a show
17 cause status the agency issued what is called a
18 show cause entry.

19 Q. Show cause why the driver should not
20 be placed in default.

21 A. That's correct.

22 Q. Do you know the date of that entry?

23 A. I would have to look at my records
24 in order to --

25 Q. That is okay. That is not

1 important.

2 A. The carrier or the driver, the
3 Respondent, contacted our agency and indicated
4 that he had not received a copy of the Notice of
5 Intent to Assess Forfeiture. As a result of
6 the driver contacting our agency, which was back
7 in 2007, we allowed the Respondent driver to
8 come out of the show cause status.

9 Q. Following a request for a
10 conference?

11 A. That's correct. The conference was
12 held, or a conference was scheduled with the
13 Respondent. The Respondent failed to show on
14 two separate occasions for a follow-up
15 conference.

16 So that is why you have the -- on
17 the Notice of Preliminary Determination you will
18 see a date of May 5th, 2008, and an inspection
19 date of August 16th, 2005, because the driver
20 went into a show cause status, we allowed the
21 driver to come out of that show cause status,
22 and to make a request for a conference beyond
23 the requisite time period.

24 Q. And just to be clear, if he had not
25 responded to the show cause order he would have

1 been placed in default several years ago?

2 A. That's correct.

3 Q. And all communications from the
4 Staff and from the Commission have all been sent
5 to that 9 Hilllandale Drive address in Newark,
6 Ohio; is that correct?

7 A. That's correct.

8 Q. Everything was sent to that address;
9 is that correct?

10 A. That's correct. And that is the
11 address that is contained on the driver
12 examination report, the very same address that
13 was given to the inspector at the time of the
14 inspection as the correct address for the
15 driver.

16 ATTORNEY EXAMINER PRICE: Thank
17 you. You are excused. Mr. Jones.

18 MR. JONES: Yes, Your Honor. We
19 would move for admission of Staff Exhibits 2 and
20 3.

21 ATTORNEY EXAMINER PRICE: The
22 exhibits will be admitted.

23 (EXHIBITS HEREBY ADMITTED INTO
24 EVIDENCE)

25 ATTORNEY EXAMINER PRICE: Did you

1 have a motion?

2 MR. JONES: Yes, Your Honor. We
3 would move for default judgment here. The fact
4 that the Respondent has been served, or
5 attempted service has been made at the address
6 provided by the Respondent on the date of the
7 inspection that took place, and that he had, Mr.
8 Grabo, referring to Mr. Grabo here, had
9 responded to the show cause order at that same
10 address a couple years later, which then brought
11 this out of the default classification.

12 So, he did respond in 2007, and in
13 2008, Your Honor, he did attend a settlement
14 conference with Staff. So, again, that address
15 was good in 2008.

16 ATTORNEY EXAMINER PRICE: I think
17 that is not correct. I think in 2008 Mr. Frye
18 testified that he did not attend two scheduled
19 conferences. I believe that is in the record.

20 MR. JONES: I stand corrected.

21 ATTORNEY EXAMINER PRICE: That is
22 okay.

23 MR. JONES: And, Your Honor, we also
24 heard testimony here from Officer Haskins that
25 he had run the address check on Mr. Grabo and

1 that address continues to be -- appears to be a
2 good address for Mr. Grabo.

3 And so it is also incumbent upon Mr.
4 Grabo to keep the Commission updated on any
5 address changes knowing that this case is still
6 pending with the Commission. So, it is his
7 obligation to keep the Commission updated to any
8 address changes.

9 So, I feel that the Staff has done
10 everything they could to provide notice to Mr.
11 Grabo of this hearing today, and Mr. Grabo is
12 not here today, and we would move for default
13 judgment pursuant to Ohio Administrative Code
14 4901:2-7-14. Thank you, Your Honor.

15 ATTORNEY EXAMINER PRICE: Thank
16 you. I think we need to clarify this issue on
17 the record. The notice scheduling today's
18 hearing was sent by certified mail and returned
19 as undeliverable, no forwarding address. The
20 notice for the hearing that was originally
21 scheduled in this case for November 3rd, 2009,
22 the return mail receipt was received.

23 So, we do not have any other
24 addresses to even attempt service on the driver,
25 Mr. Grabo, at this point.

MR. JONES: Thank you, Your Honor.

— — —

CERTIFICATE

I do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me in this matter on February 3, 2010 and carefully compared with my original stenographic notes.

Michael O. Spencer,
Registered Professional
Reporter.

— — —

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This foregoing document was electronically filed with the Public Utilities

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2/19/2010 10:52:14 AM

in

Case No(s). 08-0614-TR-CVF

Summary: Transcript Transcript of Larry Grabo hearing held on 02/03/10. electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Spencer, Michael O. Mr.