

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of Edirgawai:
Transport, Inc., Notice of:
Apparent Violation and : Case No. 12-3161-TR-CVF
Intent to Assess :
Forfeiture. :

- - -

In the Matter of Edirgawai:
Transport, Inc., Notice of:
Apparent Violation and : Case No. 12-3162-TR-CVF
Intent to Assess :
Forfeiture. :

- - -

PROCEEDINGS

before Mr. Jonathan Tauber, Attorney Examiner, at the
Public Utilities Commission of Ohio, 180 East Broad
Street, Room 11-D, Columbus, Ohio, called at 10:15
a.m. on Tuesday, February 5, 2013.

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On behalf of the Staff of the PUCO.

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1 Tuesday Morning Session,
2 February 5, 2013.

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4 ATTORNEY EXAMINER TAUBER: The Public
5 Utilities Commission of Ohio has called for hearing
6 at this time and place Case Nos. 12-3161 and
7 12-3162-TR-CVF, being in the Matter of the Edirgawi
8 Transport, Inc.

9 MR. BABKKIR: Yep.

10 ATTORNEY EXAMINER TAUBER: And that's
11 E-D-I-R-G-A-W-I, Notice of Apparent Violation and
12 Intent to Assess Forfeiture. My name is Jon Tauber.
13 I am the Attorney Examiner assigned by the Commission
14 to preside over this morning's hearing.

15 We will begin with appearances, and we'll
16 start with staff.

17 MR. JONES: Yes. Good morning, your
18 Honor. On behalf of the staff of the Transportation
19 Department of the Public Utilities Commission of
20 Ohio, Ohio Attorney General Mike DeWine, Assistant
21 Attorneys General John Jones and Ryan O'Rourke, 180
22 East Broad Street, Columbus, Ohio.

23 ATTORNEY EXAMINER TAUBER: Thank you.
24 And on behalf of Edirgawi Transport.

25 MR. BABKKIR: Yes, sir. My name is Essam

1 Babkkir. I'm the owner of the Edirgawi Transport,
2 Incorporated.

3 ATTORNEY EXAMINER TAUBER: Could you
4 spell your name for the record too.

5 MR. BABKKIR: E-S-S-A-M B-A-B-K-K-I-R.

6 ATTORNEY EXAMINER TAUBER: Thank you.
7 And, Mr. Babkkir, just for the record just to clarify
8 you are a corporation, and you understand that as a
9 corporation, you have the right to an attorney, but
10 you chose to waive that right, correct?

11 MR. BABKKIR: Yeah. Actually looked for
12 but I couldn't find an attorney.

13 ATTORNEY EXAMINER TAUBER: Thank you.
14 That's fine. Then you will be given an opportunity
15 later this morning to present your side on the
16 witness stand.

17 MR. BABKKIR: Okay.

18 ATTORNEY EXAMINER TAUBER: Thank you.

19 MR. BABKKIR: Thank you, sir.

20 ATTORNEY EXAMINER TAUBER: So we'll begin
21 this morning with staff. Mr. Jones.

22 MR. JONES: Yes. Staff would like to
23 call Officer Kisner to the stand.

24 (Witness sworn.)

25 ATTORNEY EXAMINER TAUBER: Thank you.

1 You may be seated.

2 - - -

3 TROOPER RON KISNER

4 being first duly sworn, as prescribed by law, was
5 examined and testified as follows:

6 DIRECT EXAMINATION

7 By Mr. Jones:

8 Q. Would you please state your name for the
9 record, please.

10 A. Trooper Ron Kisner.

11 Q. Where are you employed?

12 A. State Highway Patrol on the Ohio Turnpike
13 at the Milan post.

14 Q. What is your job title?

15 A. I'm a trooper.

16 Q. And what are your job responsibilities?

17 A. I assist motoring public, I enforce
18 traffic laws, I conduct motor vehicle inspections on
19 commercial motor vehicles, handle traffic accidents,
20 just general road duties.

21 Q. How long have you been employed in that
22 position?

23 A. I have been a trooper 32 years, and I
24 have been doing the DOT motor carrier inspections for
25 17.

1 Q. So how many roadside inspections have you
2 done generally?

3 A. Well, my number here says 8,329.

4 Q. Okay. Let's -- what's your background
5 training for being able to be an inspector?

6 A. Well, I had to go -- I have been -- I
7 went to the academy for over two months for the
8 standard level I inspections. I went back for the
9 Hazmat inspections, and I went back for cargo tank,
10 went back for other bulk. So it's been about two
11 months of training at the patrol academy.

12 Q. Okay. So do you have updated training
13 that occurs as well?

14 A. Yes. Every year we go back to the patrol
15 academy for the day, and then occasionally we have
16 roll-call training at Bucyrus District Headquarters
17 for three or four hours once a month.

18 Q. And you're trained to enforce the Federal
19 Motor Carrier Safety Regulations; is that correct?

20 A. Yes, and the Public Utilities Commission
21 regulations on -- inform us of any updates or changes
22 in the laws.

23 Q. Okay. And as a result of your training,
24 have you received certifications for your position?

25 A. Yes. I have to maintain a certification

1 every year. We have to perform -- perform 32 level I
2 inspections, that's brake inspections, and I have to
3 do a certain number of bus inspections which are 8,
4 Hazmat inspections which are 8 also every year.

5 Q. Okay. And tell me what -- what equipment
6 is issued to you for you to do your job.

7 A. They give me a patrol car. They give me
8 a laptop inspection -- to do the DOT inspections on,
9 laptop computer, I'm sorry. I have a creeper. I
10 have gloves. I have whatever else is related to the
11 commercials.

12 Q. And how about your jurisdiction? How
13 wide is that?

14 A. Well, I'm assigned to the Ohio Turnpike,
15 but I have been called off turnpike to do other
16 inspections also. It's pretty much just the State of
17 Ohio.

18 Q. Okay. And when you conduct an
19 inspection, do you generate any paperwork as a
20 result?

21 A. Yes. Our computer generates a printout,
22 I guess, what we call it.

23 Q. Okay. And tell us about generally what
24 an inspection would entail.

25 A. Well, initially we stop and detect either

1 a traffic violation or equipment violation, radio the
2 license plate in, check it through LEADS, and then
3 generally walk up the right side checking for obvious
4 violations, contact the driver, get his paperwork
5 from him, driver's license, medical card, bills,
6 registrations, and then complete and ask questions at
7 the cab and then work my way back to the patrol car.

8 Q. Okay. I want to refer your attention --
9 there's a document before you up there on the stand
10 marked as Staff Exhibit 1. Could you please identify
11 that document for the record, please.

12 A. Yes. This is the DOT inspection that I
13 generated at the scene.

14 Q. Okay. And what's the title of that
15 report?

16 A. As far as the number?

17 Q. What's the title of the report?

18 A. It's a Driver/Vehicle Examination Report.

19 Q. Okay. So this report that you are
20 looking at, Staff Exhibit 1, is this a report that
21 was generated by you conducting an inspection?

22 A. Yes.

23 Q. And where did this inspection occur
24 according to your report?

25 A. The Ohio Turnpike at the 77 milepost

1 westbound.

2 Q. Let me ask you here, it has a report
3 number listed in the first field there on the first
4 page. From where does that number come?

5 A. The computer generates that number for
6 me.

7 Q. Okay.

8 A. It's sequential.

9 Q. Okay. And when was the date of the
10 inspection for this report?

11 A. August 15 of 2012.

12 Q. And what level of inspection did you do?

13 A. Level II, walk-around.

14 Q. And what time did the inspection occur?

15 A. That vehicle was detected at 5:45 a.m.

16 Q. And why did you conduct an inspection on
17 this vehicle at that time?

18 A. We initially -- the dispatch initially
19 got a call on him, on the vehicle, driving with a
20 chain on his axle and his shredded tire was emitting
21 sparks as he drove.

22 Q. Okay.

23 A. So we had troopers set up to watch for
24 him and found him at the 77 milepost.

25 Q. All right. So another motorist had

1 observed something that could be a safety issue with
2 the truck, and they called it in to the post.

3 A. Yes.

4 Q. And the post then radios back out for you
5 to look for the truck.

6 A. Yes. She radioed to the west car.

7 Q. Okay. And when you got to the scene,
8 what did you find?

9 A. I found all the defects here that I have
10 listed in the violations section.

11 Q. So the truck that was described and
12 identified by the motorist to the post, that truck
13 had been stopped by another trooper?

14 A. Trooper Brian Holden.

15 Q. Okay. And is that the person then who
16 called you to come to that location?

17 A. Yes.

18 Q. And what county is this?

19 A. That would have been Sandusky County.

20 Q. And the -- who did you identify as the
21 person, the operator of that vehicle at the time?

22 A. The person sitting right there.

23 Q. And what's the name that you have here
24 for your report?

25 A. Edirgawi -- excuse me, Essam Babkkir.

1 Q. Okay. So the person you see here in the
2 courtroom today, this is the person you saw, observed
3 to be operating the motor vehicle that you stopped,
4 did the inspection on August 15, 2012, this report?

5 A. He was in the driver's seat, yes.

6 Q. Okay.

7 MR. JONES: Your Honor, can the record
8 reflect that the witness has identified Mr. Babkkir
9 as the operator, the driver for this vehicle?

10 ATTORNEY EXAMINER TAUBER: Yes. We will
11 let the record reflect so.

12 MR. JONES: Thank you.

13 Q. Now, after such time then, you made --
14 did you make contact with the driver first, or did
15 you just go ahead and conduct your inspection?

16 A. This -- oh, no. I walked up and talked
17 to him.

18 Q. Okay. And what information did you
19 gather from Mr. Babkkir when you were doing the
20 inspection?

21 A. Driver's license; medical bills;
22 registrations if he had them, if he didn't, I wrote
23 them down; the serial numbers; and the like.

24 Q. And so the driver's license that you
25 obtained, it had his picture and identified him as

1 the -- for his identity?

2 A. Yes.

3 Q. And then you put all this information in
4 your report?

5 A. Yes.

6 Q. Staff Exhibit 1.

7 A. Uh-huh.

8 Q. Okay. And the vehicle identification
9 information, where did you get that from?

10 A. It was either on the registration, or I
11 wrote it down from the truck itself, the tractor.

12 Q. Okay. And from your inspection, what did
13 you find out as far as the origin of the trip and the
14 destination of the trip?

15 A. From the bill of lading.

16 Q. Okay. And what was the cargo?

17 A. I believe it was meat.

18 Q. And was this an interstate transport?

19 A. Yes, it was.

20 Q. And, now, you have -- for the vehicle
21 identification you have a unit 1 and unit 2. What's
22 the difference here?

23 A. Unit No. 1 is the power unit. It's a
24 Freightliner. No. 2 is the trailer that hauled. The
25 trailer was a Great Dane.

1 Q. And you obtained this information from
2 the vehicle that you inspected?

3 A. Yes.

4 Q. And, now, the next field we're looking at
5 on Staff Exhibit 1, violations there, now, these are
6 the violations you noted as a result of your
7 inspection?

8 A. Yes.

9 Q. And I want to have you focus then on the
10 one violation you have noticed there for the axle
11 violation. Let's start from the left side of your
12 chart there and work our way right. Can you walk us
13 through that?

14 A. You want the actual positioning part?

15 Q. No. I mean, the information you are
16 citing there for your violations for the axle
17 violation.

18 A. At the top starting at No. 1 and working
19 our way down?

20 Q. The axle violation.

21 A. Okay. The section is 393.207A, and it
22 was unit No. 2. This was the trailer. It was out of
23 service which was yes. And then there was a citation
24 number attached to that, A359607, and the
25 verification was unknown and it was a crash causing

1 violation and that was no and the description was
2 axle positioning parts defective and missing. Left
3 side trailing arm is broken.

4 Q. Okay. And also then for the defective
5 tire, could you give us that information from what
6 you noted for your violation.

7 A. Yes. This section was 393.75A, and it
8 was unit No. 2, the trailer. And out of service was
9 yes. And citation number associated with that was
10 A359607. And the verification on it was unknown, and
11 the crash causing was, no, it was not. And the
12 vehicle description was a flat tire, and it was
13 shredded, the left side of the trailer, inside
14 trailer, the last axle.

15 Q. And so that's the information you
16 provided from your inspection as to a description of
17 the violation and what -- what parts of the vehicle
18 were defective as to what the regulations require; is
19 that correct?

20 A. Yes.

21 Q. Now, as part of your inspection, did you
22 happen to do anything else to document your
23 inspection?

24 A. Well, I did take pictures of all the
25 violations that I discovered.

1 Q. Okay, okay. There's another packet there
2 in front of you beginning with Staff Exhibit 2A. Do
3 you see that?

4 A. Yes, I do.

5 Q. If you would, let's start with Staff
6 Exhibit 2A. Would you identify that for the record.

7 A. It's the photo of the front axle on the
8 driver's side of the trailer.

9 Q. Okay. And this is an accurate
10 representation of what you saw that day when you did
11 the inspection?

12 A. Yes. It was taken at the scene where he
13 was stopped.

14 Q. Okay. And you took this picture?

15 A. I believe I did, yes, I did.

16 Q. Okay. And let's go to Staff Exhibit 2B.
17 What's there?

18 A. That would be the serial number of the
19 trailer that he was pulling at the time, VIN
20 identification number.

21 Q. Okay. And Staff Exhibit 2C.

22 A. That would be the power unit, tractor he
23 was driving. That's a picture of the left sidesteps
24 that are missing and the battery cover that is
25 missing protecting the terminals.

1 Q. Staff Exhibit 2D.

2 A. Those would be old CVSA decals that were
3 issued to the trailer that somebody either pulled
4 them off or the weather wore them off.

5 Q. Staff Exhibit 2E.

6 A. That's a picture of the side of the
7 tractor that he was driving, the power unit, his
8 company name, city, and state and DOT number and the
9 motor carrier number.

10 Q. Staff Exhibit 2F.

11 A. That should be the front license plate of
12 the tractor, on the power unit.

13 Q. Staff Exhibit 2G.

14 A. That's the other side of the tractor he
15 was driving, on the power unit, company name, DOT
16 number, and motor carrier and city and state.

17 Q. And all the information that's depicted
18 here is information that's reflected in the report;
19 is that correct?

20 A. Yes.

21 Q. Staff Exhibit 1?

22 A. Yes.

23 Q. Plus it identifies the carrier, right?

24 A. Yes.

25 Q. US DOT number?

1 A. Yes, sir.

2 Q. Staff Exhibit 2H.

3 A. That's a picture of the trailer and the
4 chains that had use -- had been used to keep the axle
5 relatively straight as he drove down the street.

6 Q. Okay. And Staff Exhibit 2I.

7 A. Same picture, just different -- different
8 portion of the axle. That must be the left front
9 axle.

10 Q. Now, what's the purpose of these chains
11 that are shown here?

12 A. Well, the controlling arm was broken. I
13 believe -- it looked like they were used to keep the
14 axle from spreading as he drove. It kept the axle
15 relatively straight so he could drive down the road.

16 Q. And why is this a safety issue?

17 A. Well, I suppose if you could hit a bump
18 or the chain would break or the axle would move, the
19 chain would probably loosen up, and the axle, I would
20 think, would come off the back of the trailer.

21 Q. All right. And Staff Exhibit 2J.

22 A. That looks like a picture of the left
23 side controlling arm that's broken and partial
24 picture of the shredded tire.

25 Q. Describe the tire that's in the picture

1 there as to the wear on the tire, the condition of
2 the tire.

3 A. I always refer to that as shredded
4 because it's been driven for so long that the highway
5 has shredded it and alls that's left is the side
6 because the basic tread of it is gone.

7 Q. So in your opinion that's a road hazard
8 there, that tire condition?

9 A. Yes, sir. We really have had trailers
10 burn to the ground because tires get so hot they
11 catch on fire.

12 Q. And turning then to Staff Exhibit 2K,
13 what's depicted there?

14 A. That's a better picture of that shredded
15 tire on the left rear of the trailer.

16 Q. Do you see a tire on the inside -- the
17 inside rim in that picture?

18 A. Well, it's the sidewall is all that's
19 left.

20 Q. Oh, okay. So this was metal to pavement
21 then, right?

22 A. Well, the metal to pavement would have
23 been the steel cores in the tire. As it spun down
24 the road, it was throwing sparks.

25 Q. Okay. And Staff Exhibit 2L.

1 A. It's a picture of the rear of the
2 trailer, the unit number and Silver Lake Transport
3 stickers on it.

4 Q. Staff Exhibit 2M.

5 A. That would be a picture of the license
6 plate that was attached to the rear of the Great Dane
7 trailer.

8 Q. Staff Exhibit 2N.

9 A. That looks like a little bit of damage to
10 the right side of the trailer. It looks like old
11 damage, nothing that was relatively new.

12 Q. And Staff Exhibit 2O.

13 A. That would be a picture of the tire that
14 I violated for having no tread on it.

15 Q. Okay. So all these pictures that we just
16 went through, these were all pictures that were taken
17 by you at the scene at the time of the inspection; is
18 that correct?

19 A. I didn't take every one of them. I took
20 most of them. I think I had Brian Holden help me
21 with those as I was talking with the driver and the
22 wrecker service that he had called to help him or we
23 called to help him, I'm not sure which.

24 Q. Okay. So either you or another officer
25 at the scene would have taken these pictures.

1 A. Yes. The trooper that had initially
2 stopped him helped me, I believe, take some pictures.

3 Q. Okay. And the pictures are from a camera
4 that was issued to you to do your job?

5 A. Yes, sir. It's issued to me. It's a
6 Nikon.

7 Q. And so these pictures, they accurately
8 represent, reflect the condition of that vehicle at
9 the time of the inspection; is that correct?

10 A. Yes, they do.

11 Q. And these pictures that were taken, in
12 your opinion they support the violation that you are
13 asking the Commission to find here for the axle and
14 the tire?

15 A. Absolutely, yes.

16 Q. So based on your inspection and your
17 observation of this vehicle as to the condition of
18 the axle and the condition of the tire that you've
19 taken pictures of here and that you observed at the
20 scene, what's your opinion here as to this being a
21 violation of the Federal Motor Carrier Safety
22 Regulations?

23 A. He was operating an unsafe vehicle in my
24 opinion.

25 Q. So after such time as when you completed

1 your inspection, taken the pictures, what did you do
2 next?

3 A. I believe Trooper Holden asked me if it
4 would be okay to write a traffic citation for the
5 violation of the Ohio Revised Code 4531.02 section,
6 and I told him, yes, that would be fine. I then
7 placed the out of service decal on his trailer, and I
8 believe the wrecker -- the wrecker service was
9 already there with me, and I printed out a copy of
10 the inspection report, handed him his citation,
11 handed him a copy of the DOT driver examination
12 report.

13 Q. And the reason why you placed it out of
14 service was because the condition of the vehicle was
15 not safe to drive; is that correct?

16 A. Yes, in its present state, right.

17 Q. Right. So you observed then a trucker
18 come to the scene and take the truck away?

19 A. Well, Kevin was there; he is from Madison
20 Motors. I don't know what happened after that
21 because I had to go back east at that time.

22 Q. Okay. So the information that you
23 gathered from your inspection, you then had that
24 information incorporated into Staff Exhibit 1; is
25 that correct?

1 A. Yes.

2 Q. You did this in your cruiser, I think?

3 A. Yes.

4 Q. Entered the inspection?

5 A. Yes.

6 Q. So you filled out that information from
7 your laptop; is that correct?

8 A. Yes.

9 Q. And then what did you do? You printed
10 out a copy of that report?

11 A. Yes. I click on the time I'm done, the
12 date, and then I can print out a copy for myself and
13 the driver.

14 Q. Okay. So after you input all this
15 information and you then downloaded the report, you
16 then reviewed the report with the driver, Mr. Babkkir
17 in this case, correct?

18 A. Yeah. I walked up to the truck and gave
19 him his paperwork, yes.

20 Q. Okay. And what signatures were obtained
21 at that time?

22 A. I'm not sure if he signed his or not, but
23 I signed my portion that I gave to him.

24 Q. Okay. And the -- of course, the Staff
25 Exhibit 1 doesn't have signatures on this. This is

1 an accurate copy of what you had filled out that day
2 for your inspection?

3 A. Yes.

4 Q. And so what did you do as far as then
5 notifying the Public Utilities Commission of this
6 inspection?

7 A. Well, I downloaded the inspection to the
8 PUCO at the end of the day.

9 Q. At the end of the day.

10 A. Yes.

11 Q. Okay. And so you would -- you transmit
12 then that information electronically via your
13 computer?

14 A. Yes, sir. We have air cards, and we have
15 ability to do that. They want us to do it every day,
16 if we can.

17 Q. Okay. Gotcha. And were the pictures
18 sent as well?

19 A. Yes. I did those -- I'm not sure what
20 time, but I did them that day.

21 Q. Okay. And Staff Exhibit 1, the
22 Driver/Vehicle Examination Report, is this a record
23 that you have to generate as part of your job duties
24 when you do an inspection?

25 A. Yes, it is.

1 Q. Okay. And are these records kept with
2 the patrol after you do this inspection?

3 A. Yes. I -- they are archived in my
4 computer also.

5 Q. Okay. So Staff Exhibit 1 would be a
6 business record from the State Highway Patrol post?

7 A. Yes, it is, yes.

8 Q. Once you made out a report?

9 A. Yes.

10 Q. And the same with the pictures as well,
11 they are archived as well?

12 A. Yes.

13 Q. They are business records as well?

14 A. Yes, they are.

15 MR. JONES: Your Honor, I have no further
16 questions of this witness.

17 ATTORNEY EXAMINER TAUBER: Thank you.

18 - - -

19 EXAMINATION

20 By Attorney Examiner Tauber:

21 Q. Trooper Kiser, I have a few questions for
22 you, if you could turn to Staff Exhibit 1, please.

23 I'm looking at the violation -- the first violation,
24 it's 393.75C.

25 A. Yes.

1 Q. And it's the tire depth of less than 2/32
2 of an inch.

3 A. Yes.

4 Q. Did you measure the tire depth?

5 A. There was no need to measure the part
6 that was bald.

7 Q. And what would that be, Staff Exhibit 20?
8 Does that depict the tire depth?

9 A. Yes, completely smooth there.

10 Q. And so your opinion that didn't need to
11 be measured?

12 A. There's nothing there to measure. It was
13 completely bald from -- it's probably 8 inches from
14 where the first visual line of the partial tread is
15 left to the outside of the sidewalls.

16 Q. By the first visual line are you
17 referring to the line in the tire probably about --

18 A. The second to the right.

19 Q. The second.

20 A. Yeah. It's pretty much nonexistent
21 there. That was probably the best part of the tread.

22 Q. And then my next question is under the
23 next two citations under verification it says U which
24 according to the report says unknown. What does that
25 mean?

1 A. What that means is when I leave the
2 scene, it's unknown whether it was repaired there or
3 towed from the scene. Yeah, I can't remember -- I
4 believe A is repaired at the scene, U is unknown what
5 had happened, whether I can't stay there, or B might
6 be towed to repair facility, and I think there's one
7 more, but I can't remember what that is. So the
8 reason the computer automatically defaults to U
9 unless I would change it.

10 Q. Unless you verify it.

11 A. Yes, unless I would change that.

12 Q. Thank you. And then the next violation
13 mudflap missing right rear of the trailer. I might
14 have missed it when we were going through the
15 pictures, is there a picture of that?

16 A. Yes, yes, sir. The only one I have that
17 shows the left side is missing, that would be 2K.

18 Q. 2K?

19 A. Yes.

20 Q. And that's the left side of the trailer?

21 A. Yes. What probably happened was the tire
22 disintegrated and what it had done was removed the
23 whole mudflap, and then it bent the bracket up there.

24 Q. But then the report says right rear of
25 the trailer had a missing mudflap.

1 A. I think they were both missing, but I
2 only cited that one there.

3 Q. Thank you. And then the improper battery
4 installation and battery cover, there's also a
5 picture of that, I think, that was --

6 A. Yes.

7 Q. -- Staff Exhibit 2C, correct?

8 A. Yes.

9 Q. So this is the cab of the vehicle? Is
10 that the door, it looks like, above it?

11 A. Yes. It's right underneath the cab
12 driver's side.

13 Q. And normally this would be covered?

14 A. Yeah. They are supposed to be covered to
15 prevent something from striking them, preventing a
16 short, fires, that sort of thing.

17 Q. And then this would also be the picture
18 depicting the driver's sidesteps. Are there normally
19 driver's sidesteps?

20 A. Yeah, so they can enter and exit the
21 vehicle safely.

22 Q. And that would be here as well?

23 A. Yes.

24 Q. And just a few more questions about the
25 overall stop. If I understand correctly, the vehicle

1 was already pulled over when you arrived at the
2 scene?

3 A. Yes.

4 Q. So you didn't see sparks or anything?

5 A. No, no.

6 Q. Okay. And how long were you with the
7 vehicle? Was it the entire time that's depicted in
8 the report?

9 A. Or --

10 Q. Yeah, in the examination report?

11 A. I was probably with it over an hour,
12 maybe an hour. I left there at 8:19 it looks like.

13 ATTORNEY EXAMINER TAUBER: Thank you,
14 sir. I have no further questions. You may be
15 excused.

16 THE WITNESS: I thought he was going to
17 ask me.

18 ATTORNEY EXAMINER TAUBER: Because he
19 doesn't have an attorney, he's a corporation, he
20 will -- I will allow you to come up, and we will do
21 one report at a time probably to keep things
22 consistent so you may be excused. Thank you.

23 MR. JONES: Your Honor, next, I would
24 like to call Officer Lambert.

25 ATTORNEY EXAMINER TAUBER: For the

1 purposes of just keeping the record clear would
2 Officer Lambert be testifying to the report from
3 September 10, 2012?

4 MR. JONES: That's correct.

5 ATTORNEY EXAMINER TAUBER: Okay. We will
6 allow Mr. Babkkir to come up and address this report,
7 and then we will go to the next report.

8 Mr. Babkkir, would you like to testify?

9 MR. BABKKIR: All right.

10 - - -

11 ESSAM E. BABKKIR

12 being first duly sworn, as prescribed by law, was
13 examined and testified as follows:

14 DIRECT EXAMINATION

15 ATTORNEY EXAMINER TAUBER: Could you
16 state your name and address for the record.

17 THE WITNESS: Essam Babkkir, my address
18 is 7700 Steadman Street, Dearborn, Michigan 48126.

19 ATTORNEY EXAMINER TAUBER: Thank you.
20 You can have a seat. This is essentially your
21 opportunity to explain what happened and then I might
22 have some questions for you and the Attorney General
23 might have some questions for you as well. Go ahead.

24 THE WITNESS: Well, on 8-15-2012 around
25 5:15 I was driving on Interstate 80 just 2 miles

1 before Interstate 280. At the time I realized the
2 trailer's left rear inside tire along with the
3 mudflap was blown so I realized that. First, I hear
4 a thud like something movement on the trailer. Then
5 I looked to my mirror and I realized the tire is
6 shredded and the mudflap -- when the tire shred, the
7 mudflap blown so I realized that and I was driving
8 middle lane so I would try to pull to the right lane
9 so I can pull over.

10 And at the same time I realized behind me
11 is State Highway Patrol and I -- when I pull over,
12 you know, he came and told -- I realize, you know,
13 what happened, I have a breakdown. And he told me,
14 yeah, you got a flat tire. I told him, yes, I need a
15 service, a repair. So he told me do you know any
16 service people you can call, or do you want me to
17 call.

18 So I told him let me check. I check my
19 internet in my cell phone. I couldn't get access so
20 I told him you can call, you know; it's no big deal.
21 He called a wrecker, you know, a repair for the tire
22 and at that time we stopped like maybe 45 minutes and
23 then before, you know, that time like 15 minutes
24 repair the tow truck -- I mean the repair came and we
25 proceeded, you know. We get -- I get down, you know,

1 and he told me, the trooper, what is this chain. I
2 told him I have a problem with the trailer before and
3 I took it to the shop and they weld the axle and he
4 told me put this chain just to make sure, you know,
5 you don't have any problem, you know, so, you know,
6 just as a safety precaution, you know, but he welded
7 the axle with chain out.

8 So I told him what was going on, and like
9 after 45 minutes, Trooper Kisner showed up at the
10 scene, you know, so and I told him that officer gave
11 me a citation for unsafe vehicle and I accept that,
12 but when the Officer Kisner write me the report, I
13 told him I have a breakdown, you know, and I pulled
14 over before the officer, you know, pulled me over,
15 but coincidentally, you know, he noticed I have a
16 problem.

17 So he was there right in the median of
18 the turnpike so I told him you showed up like 45
19 minutes, gave me this inspection for all the
20 violations that will harm my safety as a carrier and
21 I can't find -- you know, like you are shutting me
22 down, you know.

23 So he told me, you know, I got to do
24 that, you know, so I told him, you know, I was, you
25 know, pulled over to the side of the road, I'm taking

1 care of the problem, you know, and breakdown happen
 2 any time, you know. I mean, you didn't stop me. I
 3 wasn't driving and you pulled me over, you know, so
 4 you can give me these violations. I was on the
 5 left -- I mean on the right side of the shoulder
 6 taking care of the problem and you saw the wrecker
 7 and the service repair was there on the scene, you
 8 know, so I -- at that time I contest that's a
 9 violation and asking you can meet me in Columbus.
 10 That's what he said.

11 TROOPER KISNER: I never said that.

12 THE WITNESS: Yes, you did, sir, I swear.
 13 So I told him I don't think this is -- you know,
 14 violation is right because, you know, I was having an
 15 accident, having, you know, breakdown, and I'm taking
 16 care of the problem. So, I mean, you saw the wrecker
 17 and you saw the repair guy sitting there and I end up
 18 not paying like -- yeah, let me. There is a bill.

19 ATTORNEY EXAMINER TAUBER: Would you like
 20 to introduce this as an exhibit?

21 THE WITNESS: Yes, sir. 12 -- I mean
 22 \$1,236 for just repair, for towing the trailer and
 23 they didn't even fix the tire or anything.

24 ATTORNEY EXAMINER TAUBER: I'll mark this
 25 as Edirgawi Exhibit 1.

1 (EXHIBIT MARKED FOR IDENTIFICATION.)

2 THE WITNESS: Okay.

3 ATTORNEY EXAMINER TAUBER: This is the
4 repair report. And then I'll make copies too. We'll
5 take a break when you're done. I will give a copy to
6 the Attorney General.

7 You may continue.

8 THE WITNESS: Okay. So at that time, you
9 know, I told the officer, you know, this trailer,
10 what happened, you know, it's big breakdown for me,
11 you know, and at this time, you know, I decide to
12 take the trailer out of service for good, you know.
13 And that's what happened, you know, like a week -- a
14 week later, you know, I bought another trailer,
15 Utility, and that's when I paid for it.

16 ATTORNEY EXAMINER TAUBER: This is the
17 sales parts and service report?

18 THE WITNESS: Yeah.

19 ATTORNEY EXAMINER TAUBER: We'll mark
20 that as Exhibit 2.

21 (EXHIBIT MARKED FOR IDENTIFICATION.)

22 THE WITNESS: Yep. So that trailer, you
23 know, had a breakdown. I was on the side of the
24 road, you know. The Officer Kisner didn't pull me
25 over. I wasn't driving. I mean, when the axle come

1 out, you know, it pushed the tire, you know, and the
2 tire blew, you know. When the tire blew, the mudflap
3 also blew. You know, for distance it's just for like
4 maybe half a mile or maybe -- less than that when the
5 tire blew, and when the I was doing like 65 or maybe
6 62, something like that, and when you are driving at
7 that speed, the tire it -- when it blew, it shredded
8 very quickly, and this inside part of the tire just
9 come out. And there is no vehicles behind me.

10 You know, it's 5 o'clock, I believe it
11 was 4:30, something like that, in the morning so
12 there is no traffic, not busy, you know, so and then
13 I took -- they towed the trailer to the shop and I
14 brought that trailer after I rented it before I
15 bought it, you know, just to make sure the trailer is
16 right, and I took the load out of that trailer, put
17 it in this trailer, and that trailer is done that
18 day.

19 So just to complying with -- comply with
20 the safety regulation of the Federal Motor Carrier so
21 I didn't take any chance, you know, to keep this
22 trailer any more. I mean, I'm not contesting, you
23 know, like the problem, you know. I mean, I am just
24 contesting the violations that he wrote them to me
25 but it was -- at that time it was unsafe, I believe,

1 so, because what happened. It even shocked me, you
2 know, as a driver and as an owner. I don't have
3 anything to say.

4 ATTORNEY EXAMINER TAUBER: Thank you.

5 THE WITNESS: Thank you, sir.

6 ATTORNEY EXAMINER TAUBER: Mr. Jones, do
7 you have any questions?

8 MR. JONES: Yes, your Honor.

9 - - -

10 CROSS-EXAMINATION

11 By Mr. Jones:

12 Q. Mr. Babkkir, I have some questions for
13 you.

14 A. Yes, sir.

15 Q. Let's see, you -- you see the pictures up
16 there before you.

17 A. Yes.

18 Q. Would you look at picture Exhibit 2J,
19 Staff Exhibit 2J.

20 A. Yes, sir.

21 Q. Now, this is a picture of the axle that
22 shows that the -- that the trailing arm is broken
23 from the axle. That does display that in that
24 picture; is that correct?

25 A. That's correct, yeah.

1 Q. That is correct.

2 A. Yeah.

3 Q. Okay. So are you -- are you challenging
4 the actual being defective in this proceeding?

5 A. No, I'm not.

6 Q. You're not.

7 A. I'm not.

8 Q. Okay. But you are -- you're challenging
9 the tire that -- that is -- that the shredded tire,
10 are you disputing that?

11 A. I'm disputing the write-up of the
12 violation because, you know, Trooper Kisner, you
13 know, didn't pull me over at the beginning, you know.

14 Q. Sure.

15 A. I was pulled over by myself to the side
16 of the road. I pulled over because I realize I have
17 a problem. I have a big out.

18 Q. Let me refer you to Staff Exhibit 2K.
19 Would you look at 2K for me.

20 A. Yes, sir, I see it.

21 Q. This is a -- you will see there from that
22 picture the inside tire is gone basically, right?

23 A. That's right.

24 Q. Okay. And even on the other tire that
25 looks pretty worn there in that picture, would you

1 agree with that, the other tire that's beside the
2 tire?

3 A. I don't think so. The other tire is not
4 that bad, you know.

5 Q. Let's --

6 A. It's legal, you know.

7 Q. Let's look at another tire. Let's look
8 at Staff Exhibit 20.

9 A. Yeah.

10 Q. Now, you would agree with me that that
11 tire is in pretty bad shape; would you agree with me
12 on that?

13 A. That this tire --

14 Q. This tire in that picture, that's in bad
15 shape, isn't it?

16 A. Well, I still I got tread on it.

17 Q. Well, okay. Let's break that down.
18 Let's -- let's say from the edge of the outer tire
19 going into the first line there, there is about
20 8 inches of no tread, right? It's no tread; would
21 you agree with that?

22 A. You mean inside here?

23 Q. That's right. You are pointing to the
24 side, the 8 inches going to the outer part of the
25 tire.

1 A. And you are pointing to the right side of
2 the picture?

3 Q. Right side of the picture of the tire,
4 right?

5 A. I don't see any tread over here.

6 Q. You don't see any tread?

7 A. I don't think there is tread.

8 Q. It's worn down completely?

9 A. No. I mean, there is no tread over here.

10 Q. Right, right.

11 A. It's not worn. That's the shape of the
12 tire. The tread I believe in the middle, that's how,
13 you know.

14 Q. It's not made that way though.

15 Okay. Mr. Babkkir, you had -- you were
16 driving for a distance, weren't you? That tire is
17 shredded. You had been driving for a distance?

18 A. No.

19 Q. Because there had been other motorists
20 that had observed there were sparks coming out from
21 that tire.

22 A. Not a distance, like maybe for a time,
23 maybe a minute or maybe more for a distance like
24 maybe a mile because I have to, you know -- I can't
25 pull over just like that. I have to slow down, and

1 every time I drive this tire was -- you know, it
2 keeps shredding, you know, keep throwing this rubber,
3 you know. When I stop, you know, it look like that,
4 you know.

5 Q. Mr. Babkkir, you're not disputing that
6 another motorist had observed sparks coming from your
7 tire and then called into the patrol post, had time
8 to call the patrol post and then have someone
9 dispatched out there and stop you so there was a time
10 that you are driving with this tire being shredded,
11 correct?

12 A. That's not -- like I said, maybe a minute
13 or more. I'm not, you know, exactly about the time,
14 but when I realized -- when I realized the tire is
15 shredded or blown, I, you know, proceed to pull over,
16 you know. But I don't recall when this guy -- the
17 other -- you know, people who called, you know, I
18 mean, all this, now coincident, you know, same time,
19 happened at the same time.

20 When the tire blew, maybe somebody saw
21 the tire before I see him and called, you know, and I
22 realized the tire is blown, you know, and the trooper
23 was there, right there, you know. It was a trooper,
24 you know, like follow away. I should have been out
25 of the turnpike, you know. I mean, I was just like

1 maybe a mile, 2 miles away from that -- from the
2 turnpike, you know.

3 Q. It's probably fair to say, is it not,
4 that you didn't know how long you were driving on
5 that shredded tire, right?

6 A. No. I know because --

7 Q. How do you know?

8 A. I know because I see it. I see the tire,
9 I see when it -- I hear the thud, you know, jerking
10 the trailer because when this tire -- axle broke, you
11 know, I mean, they are welded, but they didn't weld
12 it that good so it gave like a space between the two
13 axles. That space, you know, pushed on the tire, you
14 know, pushed on the tire, you know, and blew it away.

15 So the tire blew and the mudflap blown
16 away also so I look to my side mirror, oh, you know,
17 I realized the tire is coming apart, you know, so
18 maybe I, you know -- I think maybe a minute or more,
19 you know, just to pull over, you know, because I was
20 in the middle lane, and I was being cautious not to
21 hit any motorist, you know. So I maybe took my time
22 to pull over.

23 Q. Yeah, Mr. Babkkir, when did you chain up
24 the axle?

25 A. The previous day.

1 Q. The previous day.

2 A. Yeah. But I was heading home. I am
3 going to Michigan, you know, and he weld -- he welded
4 the axle.

5 Q. So you knew you had an unsafe vehicle for
6 a whole day, right?

7 A. No, sir. Like I said, you know, the
8 axle, you know, kind of come loose. You know, I
9 mean, it didn't broke all the way but there was like
10 a crack, you know, so when I realized that, I took it
11 to the repair, you know, and he weld it and I asked
12 him just -- I have this chain on my truck, you know.
13 I asked him to put it on, you know, just to make
14 sure, you know, if anything happen, you know, I don't
15 have to lose the axle or cause any accident, you
16 know. That chain is like just safety precaution.
17 And that's what happened.

18 Q. You put the chain on because there was a
19 crack in the axle?

20 A. Yeah, but I took it to the shop, you
21 know.

22 Q. You were stopped by a trooper, weren't
23 you?

24 A. Yes, sir.

25 Q. You --

1 A. No, I'm sorry.

2 Q. You stopped -- you were stopped by a
3 trooper.

4 A. No, I did not. I pull over; the trooper
5 was coincidentally behind me, you know.

6 Q. He was behind you --

7 A. Yeah, happen, you know. I mean,
8 something, you know.

9 Q. When you went to the berm, he was behind
10 you with his lights on. You were going to the berm
11 with the trooper, right?

12 A. Like I said, you know, when I realize my
13 tire is shredded, you know, I believe I took my time
14 just to pull over, you know.

15 Q. Which at the --

16 A. The trooper was in the island in the
17 middle. So he just pulled behind me, and I saw
18 that's a trooper behind me, you know.

19 Q. So my question is when you pulled to the
20 berm, the trooper was behind you, right behind you.

21 A. Yeah, that's right. But, I mean, I was
22 pulling over before I saw him, you know, but he came
23 behind me.

24 Q. There was a plaza in that area where
25 you -- where you were stopped, right?

1 A. There is what?

2 Q. There was a truck plaza that's near --
3 you had already passed when you were stopped?

4 A. The truck -- truck plaza like maybe 3
5 miles behind me.

6 Q. 3 miles?

7 A. Almost 4 miles. There is no truck plaza.
8 The nearest thing was the gate of the turnpike, the
9 280 like 2 miles.

10 Q. But you had passed the truck plaza; it
11 was 3 miles behind.

12 A. It happened after I passed so, I mean. I
13 mean, when this -- I hear the thud and the tire blow,
14 it was after I pass it, you know. There is no truck
15 plaza at that time, you know, so that's why I pulled
16 over, you know, I find like an emergency parking so I
17 parked. The other trooper was behind me.

18 Q. You would agree with me though that the
19 picture depicting the condition of that inside tire
20 in Staff Exhibit 2K that there's -- there is nothing
21 there in the middle of the tire, right?

22 A. That's correct, yeah.

23 Q. There is no tire there.

24 A. I mean, yeah, when the tire blew, you
25 know, that's what happened, you know, all the time,

1 you know, when the tire blow, you know, the speed
2 and, you know, it just shred like that and I saw it
3 and a lot of trucks driving the road, you know. You
4 got to go away from the truck because a lot of time,
5 you know, they shredded this tire. It's flying.

6 Q. So --

7 A. I mean, there is nothing wrong with the
8 tire itself, you know, but, you know, the tire --

9 Q. There's no rubber in the area. If you
10 look at the pictures, there is no rubber showing
11 anywhere on the --

12 A. Like maybe --

13 Q. -- way back --

14 A. Like maybe a mile, maybe more.

15 MR. JONES: Okay. That's all the
16 questions I have.

17 ATTORNEY EXAMINER TAUBER: Thank you.

18 - - -

19 EXAMINATION

20 By Attorney Examiner Tauber:

21 Q. I have a couple questions for you too.

22 A. Yes, sir.

23 Q. Just to clarify with the axle chains, you
24 went to a repair shop, and they put the chains on it
25 to support the axle?

1 A. Yeah. He welded -- he welded this
2 trailer. He welded the axle, and I told him, you
3 know, to put this chain as a, you know, but just to
4 make sure, you know, the axle doesn't come apart.

5 Q. When did that happen? When did you take
6 it to the repair shop?

7 A. I took it to a repair shop in Virginia.

8 Q. How far in advance was it from the stop?
9 I guess what date? Was it a day before?

10 A. The day before, yeah.

11 Q. So the previous day you were stopped for
12 this report.

13 A. Yes.

14 Q. You took it to the shop.

15 A. That's correct, yeah.

16 Q. And when you took it in, did you
17 notice -- what made you take it in? Did you notice
18 there was a problem with the axle?

19 A. Yeah. When I inspected the trailer, I
20 noticed there was a problem.

21 Q. You noticed there was an axle defect.
22 They suggested and you asked them to put the chain in
23 there so you could get back to Michigan --

24 A. That's correct.

25 Q. -- before you fixed the axle.

1 A. Yeah.

2 Q. My --

3 A. No, I'm sorry. They welded it, you know.
 4 I mean, they welded it. They said, you know, this
 5 trailer, you know, you can weld it, you know, but you
 6 are not going to work a lot of time with it, you
 7 know. I mean, that's when I decided this trailer is
 8 going to get out of service but, you know, they said,
 9 okay, we are going to weld. It's going to be legal,
 10 you know, DOT legal and, you know, it's mounted and
 11 everything.

12 Q. So at that point you decided you wanted
 13 to weld it, but you knew you would sell it.

14 A. Yes.

15 Q. Your exhibit is the sale for that.

16 A. There is nothing wrong with the tire --
 17 with the chain, you know. It's not illegal to put
 18 the chain, you know.

19 Q. Right.

20 A. I don't think there is any DOT violation
 21 of this chain, just put it on as a precaution.

22 Q. I understand. So then clarifying that
 23 the actual stop occurred at about 5:45 in the
 24 morning, the road you were on you said you were in
 25 the middle lane.

1 A. Yes.

2 Q. That's a three-lane road?

3 A. Yeah, when I realize I have a problem.

4 Q. And so you are in the middle lane of a
5 three-lane road, and you heard the tire pop.

6 A. Yeah. Before I have tire, I hear
7 something, you know, the axle kind of, you know, I
8 feeling so the axle push to the tire, you know, and
9 that will happen and the tire blew because when I --

10 Q. The blown tire is the one in Staff
11 Exhibit 2K?

12 A. Yes, sir, yeah.

13 Q. And then so when you pulled, it blew.
14 Did you start to get over to the right towards the
15 berm?

16 A. Yes, yes.

17 Q. Or did you see the police officer first
18 before you went to the right berm?

19 A. Well, that I was paying attention to the,
20 you know, to the right lane, you know, you know, the
21 lane on the right.

22 Q. So you went -- so you went from the
23 center lane to the right lane --

24 A. Yes.

25 Q. -- first thing but you didn't pull over

1 right away, or did you pull over right away?

2 A. I went from the center lane, I checked my
3 mirror to make sure there is not any traffic on the
4 left -- on the right lane.

5 Q. Right.

6 A. Maybe I took my time, like maybe 30
7 seconds, just driving when the tire is kind of
8 shredded all the way.

9 Q. So if you had estimated a timeframe, it
10 was 30 seconds or so.

11 A. 30 seconds, yeah, just to pull to the
12 side.

13 Q. And then how long?

14 A. Another 30 seconds, 45 seconds just to
15 pull over to the shoulder.

16 Q. So you're probably looking at maybe 1 to
17 2 minutes before you pulled over?

18 A. Yeah, 1 minute maybe, almost 1-1/2, maybe
19 2 minutes.

20 Q. And when you were in the right lane, you
21 noticed there is a police vehicle or trooper vehicle?

22 A. Yeah. In the right lane I saw the police
23 vehicle. I believe he was in the divider.

24 Q. Okay. So he was in the median at that
25 time.

1 A. Right.

2 ATTORNEY EXAMINER TAUBER: All right. I
3 don't think I have any further questions for you.
4 Thank you. What we'll do at this time --

5 MR. JONES: Your Honor, if I could, I
6 would like to call Officer Kisner to the -- back to
7 the stand to clarify some things as to what was
8 stated from the stand, Mr. Babkkir's testimony. I
9 have some rebuttal testimony here that would rebut
10 some of the statements made by Mr. Babkkir.

11 ATTORNEY EXAMINER TAUBER: We'll allow
12 that, and then we'll allow Mr. Babkkir to respond to
13 those as well so maybe switch out.

14 You are reminded you are under oath.

15 - - -

16 TROOPER RON KISNER
17 being previously duly sworn, as prescribed by law,
18 was examined and testified further as follows:

19 FURTHER DIRECT EXAMINATION

20 By Mr. Jones:

21 Q. Officer Kisner, you heard the testimony
22 of Mr. Babkkir as to how long he said he had been
23 driving when he pulled over as a result of the tire
24 being shredded. Let me ask you what direction did
25 you come from to -- to find Mr. Babkkir in his truck

1 on the berm?

2 A. From the east.

3 Q. So when you were coming up, they were in
4 front of you -- he was in front of you to the berm?

5 A. Yes.

6 Q. Okay. And how many miles back were you
7 driving up, what was that, Highway 80?

8 A. Yeah, the turnpike.

9 Q. Turnpike, yeah. So how far did you have
10 to travel?

11 A. I left from 118 to get to the 77 where he
12 was stopped.

13 Q. Okay. And let me ask you, did you see
14 any rubber in the road as you were driving that
15 distance?

16 A. No.

17 Q. Any rubber?

18 A. No, no.

19 Q. Either in the road or in the berm,
20 anywhere?

21 A. No. I don't recall that. Through my
22 experience that tire there is anywhere from 20 to 40
23 miles worth of driving to get shredded like that.
24 That's why that officer was sitting in the crossover
25 because he was waiting for him because we had got

1 that call that vehicle was unsafe, throwing sparks.
2 As soon as he saw the officer, he knew he should pull
3 to the berm. Now, I agree with him if I would pull
4 up -- if he was disabled on the side of the road and
5 I would pull up behind him, I wouldn't violate him
6 for that stuff because he was already stopped aware
7 of it, but he was rolling trying to get to Canton,
8 Michigan. He rolled past the plaza --

9 Q. Where was the plaza?

10 A. The plaza was at the 77. He rolled past
11 that, and then he was stopped at the 75 at the large
12 pull off. He was trying to get to 280 which is at
13 the 70 milepost to get up into Michigan.

14 Q. Okay. If you look at your Staff Exhibit
15 1, the roadside location here is on post 77. Do you
16 see that?

17 A. Yeah. That's where he was first
18 observed.

19 Q. That's where he was --

20 A. First observed right there at the 77,
21 drove right by the plaza.

22 Q. Okay. So the plaza was a few miles back;
23 he had passed it?

24 A. Approximately 3 miles back.

25 Q. Approximately 3 miles back.

1 A. Yes.

2 Q. Okay. And so -- okay. Let's have you
3 look at Staff Exhibit 2K. You are looking at that
4 tire, and it's your testimony based on the condition
5 of what it shows there that that's been driven on for
6 a distance of 20 or greater miles?

7 A. A lot of miles, yes.

8 Q. And where do you -- what do you derive
9 that opinion from?

10 A. Just from past experience, talking with
11 drivers who don't know their tire shredded or they
12 knew it went flat at a certain point or they were
13 trying to get somewhere and you look at it and you
14 can generalize.

15 Q. How many instances of tires shredded have
16 you encountered?

17 A. Oh, at least one a day, sometimes none
18 but usually one a day.

19 Q. Have you actually seen tires shred as you
20 were following a vehicle?

21 A. Yes. Come up behind them, yes, throwing
22 stuff all over the patrol car, yes, tire.

23 Q. Does it take a distance for it to get to
24 the condition you see depicted in 2K, Exhibit 2K?

25 A. Oh, yes, quite a while, yeah. I've been

1 behind guys before with flat tires, followed them far
2 enough just to get them into a pull off or off the
3 grade and come up behind guys with shredded tires.
4 They are throwing chunks of rubber all over traffic
5 too. Tire problems are a big problem up there for
6 us.

7 Q. Okay, okay. And you -- it's your
8 testimony that when you came up on this scene miles
9 back, you didn't see any rubber in the road or berm,
10 anywhere?

11 A. Nothing that caught my attention.

12 Q. Okay. And you had learned then from the
13 other officer -- the other officer executed the stop;
14 is that correct?

15 A. Yes.

16 Q. Do you happen to know where the other
17 officer was sitting in location to where Mr. Babkkir
18 had passed the other officer in the berm?

19 A. Yes. He would have been in the large --
20 the crossover in the median barrier probably 2 or
21 3/10s before the travel plaza so the driver could
22 have exited into the plaza if he knew he had a flat,
23 and he just drove right by it.

24 Q. You are very familiar with this stretch
25 of road; is that correct?

1 A. I work it every day.

2 Q. Every day.

3 A. Yes.

4 Q. So you know where the turnovers are,
5 troopers can go from one side of traffic to another
6 lane of traffic the opposite way, correct?

7 A. I have to know where they are so I can
8 get across to get on the other side to get the other
9 way.

10 Q. The other officer who executed this stop
11 with Mr. Babkkir, this stop at that crossover was
12 back before the turnoff that travel -- that truck
13 plaza?

14 A. About 2 or 3/10s before the exit ramp to
15 get into the plaza.

16 Q. And is it also your opinion it's improper
17 to have chains around your axle to begin with?

18 A. Yes. Anything could -- that chain could
19 come off, anything. It's summertime. Could be
20 laying in the road, somebody on a motorcycle run it
21 over, get tangled up into the tire, anything.

22 Q. So that was another safety hazard.

23 A. Yes, yes.

24 Q. And clearly in your opinion that axle was
25 clearly broken. You looked at it, took the picture

1 of it, right?

2 A. Absolutely.

3 MR. JONES: Your Honor, I have no other
4 questions. Thank you.

5 ATTORNEY EXAMINER TAUBER: Thank you.
6 Let's go off the record.

7 (Recess taken.)

8 - - -

9 FURTHER EXAMINATION

10 By Attorney Examiner Tauber:

11 Q. Let's go back on the record. You
12 indicated in the Vehicle Examination Report that the
13 milepost was 77 but you also -- I just want to
14 clarify for the record you also said that's the
15 service plaza milepost number?

16 A. Yes.

17 Q. So I don't understand. He wasn't pulled
18 over at the service plaza though.

19 A. That's where he was first observed by the
20 trooper waiting in the crossover.

21 Q. Was at 77?

22 A. 77 milepost.

23 Q. Do you know where he was actually pulled
24 over at?

25 A. 74, 75.

1 Q. But you don't know where he was pulled
2 over at for sure?

3 A. I would assume it was 75 because that's
4 where I did the DOT inspection.

5 Q. Where does it say that was the DOT
6 inspection on here?

7 A. Here, here is where I.

8 Q. But I see 77 right there.

9 A. Right, that's where he was first
10 observed.

11 Q. But do you know where he was actually
12 observed at?

13 A. I would assume 75, a couple of miles down
14 the street.

15 Q. But you don't know for sure?

16 A. Well, that's where he was sitting when I
17 pulled up, yeah.

18 Q. Okay. And then you indicated that you
19 pulled up after he was already pulled over by another
20 trooper, but you did not see him pull over. You did
21 not see him in the center lane.

22 A. No.

23 Q. He was already stopped when you saw him.

24 A. Yes.

25 Q. Okay. And you noticed that there were

1 no -- no tires in the roadway, correct?

2 A. Yes.

3 Q. How long were you on the road for?

4 A. From the 118.

5 Q. From mile marker 118?

6 A. About 45.

7 Q. About 45 miles. What time of day was
8 that?

9 A. The sun was coming up. The sun comes up
10 about 6 o'clock in the morning in the summer so, yes,
11 the sun was up.

12 Q. The sun was up? Because it says 5:45
13 a.m.

14 A. That's when he was first observed by the
15 trooper.

16 Q. First pulled over.

17 A. Yes.

18 Q. What time do you think you arrived?

19 A. I left the post at 6. I probably got
20 there 6:35, 6:40.

21 ATTORNEY EXAMINER TAUBER: Okay. Those
22 are all the questions I have. Thank you.

23 THE WITNESS: Well, I would like -- can I
24 make a comment? When I handed him his inspection, I
25 never said "I'll see you in Columbus." I don't talk

1 that way to my drivers, and he made that comment. I
2 didn't say that.

3 MR. BABKKIR: I swear to God.

4 ATTORNEY EXAMINER TAUBER: We are not
5 going to -- we'll note -- we'll note the disagreement
6 for the record.

7 MR. BABKKIR: That's not a big issue.

8 THE WITNESS: All right.

9 MR. BABKKIR: Can I ask him questions?

10 ATTORNEY EXAMINER TAUBER: No, but you
11 can come up and testify, if you want to.

12 MR. BABKKIR: Okay. All right.

13 ATTORNEY EXAMINER TAUBER: Just to remind
14 you you are under oath.

15 MR. BABKKIR: Yes, sir.

16 ATTORNEY EXAMINER TAUBER: You can have a
17 seat.

18 - - -

19 ESSAM E. BABKKIR

20 being previously duly sworn, as prescribed by law,
21 was examined and testified further as follows:

22 FURTHER DIRECT EXAMINATION

23 THE WITNESS: Well, I mean no disrespect
24 to Officer Kiser, I really respect your job, you
25 know.

1 TROOPER KISNER: Thank you.

2 THE WITNESS: That's why I myself before
3 I immigrated to the United States in 2001, I used to
4 be a trooper myself. I was a detective/police
5 officer in Cairo, and I just want to show this for
6 the record, sir.

7 ATTORNEY EXAMINER TAUBER: Thank you.
8 Would you like that as an exhibit?

9 THE WITNESS: No, no.

10 ATTORNEY EXAMINER TAUBER: I will just
11 let the record represent you are showing an
12 identification.

13 THE WITNESS: Yeah. So I know -- you
14 know, I do have a lot of respect for police officer.
15 So I respect your job, you know. And I just, you
16 know, with all due respect about the tire shredded,
17 you say you drive from mile marker 118 and you didn't
18 observe any shredded tire or rubber on the road,
19 right? So if you said that tire was shredded like
20 maybe 30, 20 miles before I pull over, how did you --
21 how didn't you see any rubber on the road?

22 TROOPER KISNER: Because it probably --

23 ATTORNEY EXAMINER TAUBER: Sir, he is
24 testifying right now, please.

25 TROOPER KISNER: I thought he was asking

1 me a question.

2 ATTORNEY EXAMINER TAUBER: But you can't
3 answer the question. Please let him testify.

4 THE WITNESS: Okay. This is my point,
5 you know. So if he drove like 45 miles just to get
6 to my location where I was pulled over, how he didn't
7 see any -- any rubber, you know? I mean and the
8 tire, you know, when it blow, you know, I mean, it
9 doesn't -- it doesn't take that much for the outside,
10 you know, layer of the tire to shred, you know. And
11 I see it all the time, you know. When tire blow, you
12 know, you see it all the rubber come apart, you know.
13 And that what remain the fiber of the tire. I don't
14 agree with him that tire was driven for 40 miles or I
15 drove it for -- just because I -- I was there and I
16 saw what happened. I drove for like a mile or 2.
17 That's the first thing.

18 The second thing I don't know about the
19 hazards of the chain, I mean, like a rule or the
20 code, federal regulation about the chain, you know.
21 If everything is mounted secure, what's the problem?
22 That's my point. If I put the chain and this chain
23 was secure, mounted and secured, probably is not a
24 safety issue so what the point? I mean, where is the
25 violation? I need like a law that state that, you

1 know, from the book.

2 No. 3, you know, Exhibit No. -- I believe
3 from the steps, you know, the frame -- I don't
4 know -- I didn't bring it back.

5 ATTORNEY EXAMINER TAUBER: Is it C,
6 Exhibit 2C?

7 THE WITNESS: Yeah, the side of the
8 tractor, he said there is no steps of the driver.
9 They are right there that I step on to get to my
10 truck. So I don't have any problem with getting off
11 or in my tractor, you know.

12 ATTORNEY EXAMINER TAUBER: Could you
13 identify the bar just for the record?

14 THE WITNESS: The bar -- the bottom.

15 ATTORNEY EXAMINER TAUBER: Right -- is it
16 right here?

17 THE WITNESS: Yes, this one here. You
18 see that like --

19 ATTORNEY EXAMINER TAUBER: So we are
20 looking about an inch off the bottom of the page
21 right here?

22 THE WITNESS: Yeah. You see like a --
23 like, you know, how I get up in the truck, you know.
24 There is a mark, mark on the bottom. These all I.

25 ATTORNEY EXAMINER TAUBER: Mr. Jones, do

1 you have any questions?

2 MR. JONES: Yeah, I just have one or two
3 here.

4 - - -

5 FURTHER CROSS-EXAMINATION

6 By Mr. Jones:

7 Q. Mr. Babkkir, look at the Staff Exhibit
8 2H. Do you see Exhibit 2H, Staff Exhibit 2H?

9 A. I'm sorry. I have to ask you excuse me.
10 I might have taken it by mistake. 2H?

11 Q. 2H, photograph?

12 A. It's not here.

13 Yes, I see it here.

14 Q. Do you see the picture?

15 A. Yes, sir.

16 Q. Oh, sorry. Do you see that chain binder
17 there that's displayed? It looks like it is about an
18 inch off the pavement?

19 A. Well, because the picture, how you take
20 the picture, you know, from up.

21 Q. Okay. It's pretty close to the pavement,
22 right?

23 A. It's got clearance, you know.

24 Q. Barely, right?

25 A. Yes, yeah.

1 Q. Barely, right? Yeah. Okay.

2 A. Got clearance.

3 Q. That could catch, right? That could
4 catch the pavement, you hit a bump or something that
5 could catch and flip that chain right off there;
6 would you agree with that?

7 A. There is no damage on the bottom.

8 Q. I'm saying that there's a good chance if
9 you would hit a bump, that could catch, right? Would
10 you agree with that?

11 A. I don't think so.

12 Q. You don't think that could catch if you
13 hit a bump?

14 A. No.

15 Q. No?

16 A. I was above that, you know.

17 Q. That's all right. I don't have a
18 question pending yet. Hold on. Now, are you aware,
19 Mr. Babkkir, that the Federal Motor Regulations say
20 you can't operate with a cracked axle? Are you
21 familiar with Section 393 dash -- or point 207A where
22 it says axles, no axle positioning parts shall be
23 cracked, broken, loose, or missing? All axles must
24 be in proper alignment. Were you aware of that?

25 A. I'm aware, yeah, but broken axle

1 happened, you know.

2 Q. That's why you had the chain on there,
3 right, because you had a cracked axle?

4 A. No. The chain -- when I had this crack
5 in the axle, I took it, and they welded it so there
6 is not any crack. I put the chain as a precaution,
7 safety, you know. But when we get to this point
8 here, you know, the axle broke again. I went -- tire
9 blown out.

10 Q. The reason why the chain is there is
11 because it is a loose axle.

12 A. No, the chain just if it happen, you
13 know. What I expected to happen, you know, the axle
14 broke again, the weld come apart, you know. And, you
15 know, that's what happened, you know. I mean, it
16 blew the tire and I pulled over, you know, to the
17 side of the road.

18 Q. It had been broke -- you had been driving
19 with it broken.

20 A. No, I didn't drive with broken axle.

21 Q. Huh?

22 A. I didn't drove with a broken axle, I did
23 not. I wasn't driving with a broken axle. I am not
24 going to drive with axle like this, you know what I
25 mean, I can't drive. I cared for my life, you know,

1 I mean.

2 Q. Yeah. Exhibit 2J, that displays the axle
3 is broken. You agree that that shows the axle is
4 broken, right?

5 A. Yeah. This one here?

6 Q. Yeah.

7 A. Yep. This is -- this axle was welded
8 when I start driving out of Virginia. This axle was
9 welded to the part -- you can't see it from here but
10 the other side, you know, kind of come like circle
11 and that welded to it, you know.

12 Q. Right.

13 A. So I welded it. When I drove the
14 trailer, you know, it was welded. And I just put the
15 axle -- I put the chain just like, you know.

16 Q. You put the chain on the day before,
17 right?

18 A. The same day when they welded, I put the
19 chain, the same moment.

20 Q. Right. But it --

21 A. Safety precaution, you know, just to make
22 sure, you know.

23 Q. But at some point in your trip it was
24 broke. It was broke -- it broke. As you were
25 sitting there, it was broke.

1 A. Broke like I said. It broke; I took it
2 to the shop, repair. I mean, you know, all the time,
3 you know, you have a breakdown. You repair it, you
4 know.

5 Q. Okay.

6 A. I took it to the shop. They weld it. I
7 put a chain, you know, just to make sure, you know,
8 doesn't come apart if it broke again. What happened
9 it broke again. I stopped.

10 Q. Right.

11 A. The trailer out of service for good.

12 MR. JONES: I have no further questions,
13 your Honor.

14 ATTORNEY EXAMINER TAUBER: Thank you. I
15 don't believe I have any more questions. Thank you.

16 MR. BABKKIR: Thank you, sir.

17 ATTORNEY EXAMINER TAUBER: At this
18 point --

19 MR. BABKKIR: Do you need these?

20 ATTORNEY EXAMINER TAUBER: You can leave
21 it, whatever is easier.

22 At this point we'll transition into Case
23 No. 12-3162. Mr. Jones, I will allow you to proceed.

24 MR. JONES: Thank you, your Honor. Staff
25 would call Officer Lambert to the stand.

1 (Witness sworn.)

2 ATTORNEY EXAMINER TAUBER: Thank you.

3 - - -

4 OFFICER MARK LAMBERT

5 being first duly sworn, as prescribed by law, was
6 examined and testified as follows:

7 DIRECT EXAMINATION

8 By Mr. Jones:

9 Q. Could you please state your name for the
10 record.

11 A. Mark Lambert.

12 Q. Where are you employed?

13 A. State of Ohio Public Safety, Ohio State
14 Highway Patrol Motor Carrier Enforcement Unit.

15 Q. Okay. And what's your job title and
16 responsibilities?

17 A. Motor carrier enforcement, to inspect
18 commercial motor vehicles, buses.

19 Q. Okay. And what is your job training?

20 A. Completed North American Standard Level
21 I, North American Standard Cargo Tank, North American
22 Standard Motor Coaches, North American Standard
23 Hazardous Material Courses.

24 Q. And do you have continuing training?

25 A. Yes.

1 Q. How many years have you been on the job?

2 A. 30 years.

3 Q. 30 years?

4 A. (Witness nods head.)

5 Q. And you've been trained to enforce the
6 Federal Motor Carrier Safety Regulations; is that
7 correct?

8 A. Correct.

9 Q. And how many inspections have you done
10 over your career generally?

11 A. I don't know, 30,000.

12 Q. Okay. And what's the scope of your
13 jurisdiction?

14 A. Anything that falls under the PUCO rules
15 or the Federal Motor Carrier Safety Rules.

16 Q. Do you have statewide jurisdiction?

17 A. Yes.

18 Q. And what equipment is issued to you?

19 A. Patrol car, computer, creepers, wheel
20 chucks, tape measures, tire gauges.

21 Q. And I forgot to ask you, what
22 certifications do you have? Do you have a
23 certification for your job?

24 A. Yes, we do.

25 Q. What's that?

1 A. I just have to have 32 level Is a year, I
2 have to have 8 cargo tanks, 8 hazardous materials, 8
3 buses.

4 Q. Do you have all those?

5 A. Yes.

6 Q. Okay. And do you have to generate a
7 report as a result of doing an inspection, a roadside
8 inspection?

9 A. Yes.

10 Q. Okay. And I want to direct your
11 attention there to Staff Exhibit 3 that's before you.
12 I think it's there. And would you identify that
13 report, please.

14 A. That's Exhibit 1. That's the inspection
15 report I did on September 10, 2012.

16 Q. Okay. And how did this inspection come
17 about?

18 A. I was sitting in the crossover facing
19 westbound on State Route 2, and the vehicle drove by
20 me with the paper plate on the trailer. I got in
21 behind it. The plate was expired. I made a traffic
22 stop and pulled him in the rest area of State Route 2
23 and did an inspection.

24 Q. Okay. So you conducted a stop of
25 Mr. Babkkir's vehicle on September 10, 2012, as a

1 result of a -- what, an obvious violation, the tag
2 expiration?

3 A. Yes.

4 Q. Okay. And what did you do once you
5 stopped this vehicle?

6 A. I asked for, you know, registration,
7 driver's license, medical certificate, bill of
8 lading if he was loaded, and then did a level I
9 inspection.

10 Q. Level I inspection, that's a full
11 inspection?

12 A. Yes.

13 Q. Okay. And there is a report number on
14 your report on Staff Exhibit 3. Where did that
15 number come from?

16 A. That's the Aspen inspection number.

17 Q. Your computer generates that number?

18 A. Yes.

19 Q. Okay. And so the information you have
20 there, you have the identification of the carrier
21 information, the driver information; is that correct?

22 A. Yes.

23 Q. And could you identify who you stopped
24 for this inspection as far as the driver information?

25 A. The carrier was Edirgawi Transport. The

1 driver was Mr. Babkkir.

2 Q. Okay. And how did you verify the
3 identification of the driver? What sources of
4 information did you get from him?

5 A. His driver's license, his medical
6 certificate, logbook, his license.

7 Q. So you verified the identification of
8 Mr. Babkkir, that was the one before you for the
9 inspection driving that vehicle?

10 A. Yes.

11 Q. Is he here in the courtroom today?

12 A. Yes, he is.

13 Q. And would you please describe him as --
14 point him out.

15 A. He's right there.

16 MR. JONES: Your Honor, could the record
17 reflect that the Officer Lambert has identified
18 Mr. Babkkir in this proceeding?

19 ATTORNEY EXAMINER TAUBER: Yes, the
20 record reflects such.

21 MR. JONES: Thank you.

22 Q. And, Officer Lambert, what did you --
23 information did you obtain as far as the origin and
24 destination of the trip for this transport?

25 A. From the shipping paper originated in

1 Solon and was going to Byron Center, Michigan.

2 Q. Okay. Cargo?

3 A. Refrigerated foods.

4 Q. Okay. This was an interstate trip?

5 A. Yes.

6 Q. Okay. And I see you have vehicle
7 identification information units 1 and 2. What are
8 units 1 and 2?

9 A. Truck, tractor, semi trailer.

10 Q. All that information in that block then
11 is information that you got from those two units?

12 A. Yes.

13 Q. Okay. And then you have brake adjustment
14 information there?

15 A. Yes.

16 Q. Did you plug in information you obtained
17 from your reading of the brakes?

18 A. Yes.

19 Q. And as to the left and right axle, there
20 is an area column 5 that's darkened in. Why is it
21 depicted that way?

22 A. When the brakes are out of adjustment, it
23 will show up shaded like that.

24 Q. So for column 5 for the right axle, you
25 have a reading there of what?

1 A. 2 and 1/8 inches.

2 Q. And what does that mean?

3 A. The maximum stroke is 2 inch so he's -- 5
4 right is 1/8 inch out of adjustment.

5 Q. Okay. And so you measured that?

6 A. Yes.

7 Q. And how about the left axle?

8 A. Left is C-30, 2 inch allowed, he had a 2
9 and 1/4 inch movement.

10 Q. And that was how far out of alignment
11 there?

12 A. A quarter inch out.

13 Q. A quarter inch. Now, then the violation
14 area of your report you have some violations noted
15 there. So you have a violation noted for the -- for
16 the clamp or roto type brake out-of-adjustment; is
17 that right?

18 A. Correct.

19 Q. And you have another violation noted for
20 the tires that they were -- there were defects with
21 the tires; is that correct?

22 A. Yes. He had a bulge in the sidewall.

23 Q. Okay. And so you note the violation of
24 the code section in the left-hand column; is that
25 correct?

1 A. Yes.

2 Q. And then when you follow it across, you
3 then describe how that's a violation; is that
4 correct?

5 A. Yes.

6 Q. Would you read the descriptions for the
7 violations of the -- of the tire and the brakes.

8 A. Okay. 393.47E, unit 2, out of service
9 no, verify no. He wasn't out of service. It wasn't
10 a crash. Clamp or roto brake type 5 right 1/8 out.

11 Under that is 393.53B, unit 2, it's not
12 out of service, CMV manufactured after 10-19-94 has
13 an automatic airbrake adjustment system that fails to
14 compensate for wear.

15 And the next one, 393.47E, unit 2, out of
16 service no, clamp or roto type brake
17 out-of-adjustment 5 left 1/4 out.

18 393.11, defective lighting devices,
19 license lamp amber not white as required. License
20 plate lights are required to be white.

21 And 393.3A1T tires (general) 4 left out
22 bulge in sidewall.

23 Q. Okay. Can you describe the tire defect,
24 the tire that you say there is a bulge in the
25 sidewall? And this was in more than one tire?

1 A. No, just one.

2 Q. One tire, and what tire?

3 A. 4 left out.

4 Q. 4 left out. So that tire had a bulge in
5 the sidewall, okay.

6 A. Correct.

7 Q. What's the danger there?

8 A. Well, it separates, you know, obviously
9 there is belt problems. It's going to explode on
10 him, but you're allowed if it's repaired 3/8s inch in
11 height. Usually if it's under 3/8s of an inch and
12 it's not separated, I'll just write it as violation
13 set out of service.

14 Q. But you observed that it was separated
15 out 3/8ths of an inch?

16 A. No, it wasn't separated. It was just a
17 bulge in the sidewall which I showed to him.

18 Q. Okay, okay. And so in your opinion that
19 was close to being a tire that could -- that could
20 blow then, right?

21 A. Yes. If it -- if it would have -- that
22 bulge would have split, it would have been out of
23 service. He had to fix it right on the spot.

24 Q. I see. Okay, okay. All right. Let's
25 see, what else? Then your report, Staff Exhibit No.

1 3 here, this is a report then that you had prepared
2 at the scene after you conducted your inspection?

3 A. Correct.

4 Q. And you had to input all this information
5 there at the scene as to what you obtained from the
6 driver and the truck in your inspection?

7 A. Correct.

8 Q. And you served a copy of this on
9 Mr. Babkkir at the time?

10 A. Correct.

11 Q. And the one you served on him, it was
12 signed by you and him?

13 A. No. He wouldn't sign the report.

14 Q. He wouldn't sign the report. And this
15 one, Staff Exhibit 3, this is not -- is not a signed
16 copy. This is a copy of what you served him that
17 day?

18 A. Correct.

19 Q. It's an accurate representation of what
20 all the information you gathered from your
21 inspection?

22 A. Correct.

23 Q. And is this a record kept in the ordinary
24 course of business in that you have to generate these
25 reports as part of your duties, and you have to keep

1 these reports; is that correct?

2 A. Yes.

3 Q. Okay. And so that -- was the tire
4 corrected at the scene?

5 A. No.

6 Q. No. And then after you had served
7 Mr. Babkkir with a copy of the inspection report, did
8 you send a copy of the report anywhere else?

9 A. Yes. I uploaded it to Saver and
10 SafetyNet.

11 Q. So you sent an electronic copy to the
12 Public Utilities Commission of Ohio?

13 A. Yes.

14 Q. Did you do that the same day?

15 A. Yes.

16 Q. Okay. So it's your opinion then that the
17 violations that you had noted in and recorded in your
18 inspection report on September 10, 2012, it's your
19 opinion that from what you observed these are
20 violations of the Federal Motor Carrier Regulations
21 as it concerns the brakes, the tires, and the other
22 things you have noted here; is that correct?

23 A. Yes.

24 MR. JONES: I have no further questions,
25 your Honor.

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ATTORNEY EXAMINER TAUBER: Thank you.

- - -

EXAMINATION

By Attorney Examiner Tauber:

Q. I just have a few questions for you.
Just to flush out the record a little bit more, could
you just describe in a little bit more detail the
inspection process when he was stopped.

A. Well, how I do it I get his driver's
license, his registration, his bills. I'll run his
driver's license first to make sure he is not wanted.

Q. What caused the stop first?

A. Expired trailer tag.

Q. So you noticed the expired plate, and
then you pulled him over?

A. Yes.

Q. Okay. And then go on.

A. I got his bills, ran them, his license.
There is no warrants. His license was valid, and I
conducted a level I inspection.

Q. And then I get -- turning to the
violations, the first clamp or roto type, you said it
was 1/8 out?

A. Correct.

Q. What does that mean?

1 A. Maximum travel allowed on the clamp 30 is
2 2 inches so the right one, 5 right, travel 2 and 1/8,
3 that was an 1/8 of an inch out; 5 left travel 2 and
4 1/4 inch and that was a 1/4 inch out.

5 Q. Where does it say 2 and 1/2 inch?

6 A. The highlighted.

7 Q. The highlighted part up there, the
8 adjustment?

9 A. Yeah.

10 Q. So anything more than an 1/8 is not
11 permissible?

12 A. No. Anything -- well, depends on the
13 chamber size but on that particular axle anything
14 over 2 inches is out of adjustment.

15 Q. Okay. And then turning to the next
16 violation, 393.53, the automatic air brakes, could
17 you provide me with a little bit more detail on that,
18 please?

19 A. That basically just comes up. It's
20 automatic slack adjustors. It was pretty much just
21 comes up on the violation.

22 Q. And you noticed that with your
23 inspection?

24 A. No. Once you hit that it's out of
25 adjustment. It's auto slack. It will almost come up

1 automatically.

2 Q. What do you mean it came up
3 automatically?

4 A. He's required to have automatic slacks.
5 When you hit brake out-of-adjustment, a box will pop
6 up.

7 Q. So you can tell instantaneously when you
8 check them, they will pop out?

9 A. Yeah.

10 Q. Okay. And then I guess turning to the
11 next one, clamp or roto type brake out-of-adjustment,
12 is that similar?

13 A. Yeah. That's just each brake will pop up
14 like that.

15 Q. And then the next one, the defective
16 lighting device, the license lamp was amber and not
17 white as required.

18 A. Right.

19 Q. How did you observe that?

20 A. Driver told me.

21 Q. And so did you actually see the lamp was
22 amber?

23 A. Yes.

24 Q. And then finally the bulge in the
25 sidewall, you said that your -- it was not corrected

1 at the scene, and it did not need to be corrected at
2 the scene?

3 A. No. There was no out of service
4 violations.

5 Q. And so he was able to drive with the
6 bulge in the sidewall?

7 A. Correct.

8 ATTORNEY EXAMINER TAUBER: Okay. All
9 right. I have no further questions for you. Thank
10 you. You may be excused.

11 Mr. Babkkir, come on up.

12 MR. BABKKIR: Yes, sir.

13 ATTORNEY EXAMINER TAUBER: You are just
14 reminded you are under oath.

15 MR. BABKKIR: Right.

16 ATTORNEY EXAMINER TAUBER: Have a seat.

17 - - -

18 ESSAM E. BABKKIR

19 being previously duly sworn, as prescribed by law,
20 was examined and testified further as follows:

21 FURTHER DIRECT EXAMINATION

22 THE WITNESS: On September 10, I was
23 driving on the highway to -- just to remind you guys
24 before the last incident was a trailer, you know. I
25 took it out of service for good, and I bought the

1 other trailer, Exhibit 1. Before I drove the
2 trailer, I took that trailer, the new trailer, to the
3 shop. It's called Royal -- Royal Truck and Trailer
4 Repair in Dearborn, Michigan. I took the trailer to
5 the shop. That was on August 22. So it's like maybe
6 16 days before -- 17 days before the inspection. I
7 took it to the shop, and I paid \$650, Exhibit 3.

8 ATTORNEY EXAMINER TAUBER: Thank you.
9 We'll mark this as Exhibit 3. This is the Royal
10 Truck and Trailer Sales and Service.

11 (EXHIBIT MARKED FOR IDENTIFICATION.)

12 THE WITNESS: The shop did a full DOT
13 inspection. The shop at Dearborn, Michigan, they
14 inspected the trailer, everything, tires, brakes,
15 lights, everything. And they gave me a DOT
16 inspection report.

17 ATTORNEY EXAMINER TAUBER: We'll mark the
18 inspection report as Exhibit 4.

19 (EXHIBIT MARKED FOR IDENTIFICATION.)

20 THE WITNESS: Yep, dated August 22.

21 ATTORNEY EXAMINER TAUBER: You can
22 continue.

23 THE WITNESS: So to comply with that
24 safety regulation, the Federal Safety Regulation,
25 like I said, you know, that trailer took it out of

1 service. I bought the new trailer.

2 ATTORNEY EXAMINER TAUBER: So this
3 reflects the new trailer.

4 THE WITNESS: Yeah. This is new trailer.
5 It's a different license, different everything,
6 different number. And that trailer was -- the broken
7 trailer, the axle broke, whatever, is 2000. This one
8 is 2005.

9 ATTORNEY EXAMINER TAUBER: 2004?

10 THE WITNESS: 2005, yeah.

11 ATTORNEY EXAMINER TAUBER: I think it
12 says 2004.

13 THE WITNESS: Yeah. They put wrong year.

14 ATTORNEY EXAMINER TAUBER: Go ahead.

15 THE WITNESS: 2005 Utility, different
16 kind of trailer, you know, the make and model are
17 different. So I bought the trailer. It's very good.
18 Nothing wrong with it. But to comply more with the
19 safety, you know, I have to have an inspection for
20 the trailer. I took it to the shop like I said in
21 Dearborn, and they did full DOT inspection. And I
22 paid \$650 just to comply with the safety rule. I
23 drove it like a week. I went northeast, I believe
24 New York, and then when I came back, I encounter
25 Officer -- sorry, I cannot recall the name but anyway

1 the officer. Like I said, you know, that trailer was
2 a new trailer, you know, so when I bought it from the
3 dealer in Dearborn, you know, they put a temporary
4 plate, temporary tag, and everybody know that and
5 when you buy a trailer, you know, the trailer not the
6 like -- you know, you pay like every year for the
7 truck to have -- renew the plate, but the trailer is
8 not expired.

9 I told the officer this is my own
10 trailer, you know. It's on my own company name. I
11 own the company. I own the trailer, you know, and I
12 bought the trailer just a couple -- a couple weeks or
13 less than a couple weeks ago.

14 I can't wait, you know, for the State of
15 Michigan to complete the plate and send it to me, two
16 weeks to wait at home. I have to make some money so
17 I have to go and they put this temporary plate so I
18 can roll with the trailer.

19 I was heading home. I was maybe 50 or
20 70 miles away from home when he pulled me over. This
21 is a temporary. It's a dealer tag. But this trailer
22 doesn't have any expiring plates. Right now, my wife
23 called me. She said she got the license. They send
24 it in the mail. So, I mean, that's, you know, how it
25 goes. There is no harm. This trailer belongs to me,

1 not expired. This is temporary plate, you know.

2 Anyway he proceeded to inspect the
3 tractor and the trailer. I told him, you know, I
4 have full DOT inspection on the trailer. I took it
5 to the shop before I drive it, you know. I don't
6 have any problem with the trailer and no problem with
7 the brakes, no problem with the slack adjustor,
8 nothing wrong, no problems with the tire. They pass
9 DOT inspection. I took it to the people who are
10 mechanic, who, you know, deal with the trailer
11 inspection so that's all I want to.

12 ATTORNEY EXAMINER TAUBER: Thank you.
13 And then I'll make copies of these two. Allow
14 Mr. Jones.

15 MR. JONES: Thank you.

16 ATTORNEY EXAMINER TAUBER: Do you have
17 any questions?

18 MR. JONES: Yes, I do. Oh, that's
19 Exhibit 3 and this is Exhibit 4, okay.

20 - - -

21 FURTHER CROSS-EXAMINATION

22 By Mr. Jones:

23 Q. On Exhibit 4 here there is nothing on
24 here as to the brake adjustment; is that correct?

25 A. Yeah, nothing wrong.

1 Q. No brake measurement taken.

2 A. No. When you take it to the --

3 Q. I am just saying on this report there is
4 no -- nothing as to a brake measurement being
5 conducted.

6 A. No. There is a check on the brake, you
7 know, nothing wrong with the brake. The brake
8 includes the brake drum, the brake shoes, the brake
9 adjustment, everything, full DOT inspection. I paid
10 \$650 for that.

11 Q. My question there is no measurements
12 taken in the block of information where it says brake
13 system. That's where all the information is.

14 A. They do the measuring, but they didn't
15 put it in the report.

16 Q. There is nothing here in the report as to
17 a brake measurement.

18 A. Well, when they do the DOT inspection --

19 Q. My question is there is no brake
20 measurement in this block of information for the
21 brake system, correct, on this Exhibit 4? There's
22 nothing there, right? Would you agree with that?

23 A. But there is brake.

24 Q. I understand there is a brake information
25 but there is no brake measurement taken.

1 A. But, like I said, when you say brake, you
2 know, you check the brake. That means including the
3 brake adjustment.

4 Q. There was no brake measurement though.

5 A. Yeah. It's included, brake measurement.

6 Q. All right.

7 A. I don't know how to explain this but
8 that's how they do it. This is DOT form, you know.
9 I mean, this form, you know, it's DOT form.

10 Q. Let's see, this is -- this is taken on
11 August 22.

12 A. Yes, sir.

13 Q. You were stopped on September 10.

14 A. Yeah.

15 Q. And this is for a -- for a trailer you
16 say?

17 A. Yes, trailer 79223.

18 Q. Sir, on the Exhibit 4 there the lighting
19 devices, they checked your lighting devices okay too
20 but there was an amber light that you had instead of
21 a white light; isn't that correct? They didn't catch
22 this on this report either.

23 A. They said the light -- I mean, it looked
24 yellow or amber, but when it bright, it was white. I
25 don't know.

1 Q. Okay.

2 A. That's what they said.

3 Q. All right. I see here that the fleet
4 unit number here that was inspected on August 22 in
5 your Exhibit No. 4 here, it's fleet unit No. 79232,
6 and the unit that was inspected for the trailer in
7 the inspection of September 10, 2012, Staff Exhibit
8 3, is unit 79223. Those numbers don't match.

9 A. 79223, yeah.

10 Q. They don't match between your exhibit and
11 our exhibit.

12 A. Honest mistake here in this report.

13 Q. I'm just saying they don't match. You
14 agree with that, right? What I just said, the unit
15 number in your exhibit and unit number in our exhibit
16 don't match.

17 A. Yeah.

18 Q. Yes or no. Yes?

19 A. Yes, yes, correct, but honest mistake.

20 MR. JONES: Yeah. No other questions,
21 your Honor.

22 - - -

23 FURTHER EXAMINATION

24 By Attorney Examiner Tauber:

25 Q. I have a few questions for you,

1 Mr. Babkkir.

2 A. Yes, sir.

3 Q. Okay. First of all, the license
4 application you said you had a temporary plate on the
5 trailer, correct?

6 A. Yes, from the dealer.

7 Q. From the dealer. So then I want to
8 clarify do you dispute it was expired? There is no
9 expiration date? I am not clear with that.

10 A. Well, like I said, you know, the license,
11 the dealer gave me a temporary license, you know,
12 until I get my permanent license. And the license I
13 get, you know, from the Secretary of State is not
14 expired.

15 Q. Right, but you didn't have a license from
16 the Secretary of State.

17 A. Yeah, because, like I said, I bought the
18 trailer just two weeks so instead of sitting at home,
19 you know, two weeks just to wait for the plate to
20 come in the mail, you know --

21 Q. So the license -- they essentially
22 crossed paths. You were on the road, and you said
23 you had the actual plate at home.

24 A. Yeah, came the day before. Like
25 September 8, you know, my wife called me. She said

1 the license came in the mail, you know, so I told her
2 two days I will be there so I was heading home, you
3 know.

4 Q. Okay.

5 A. Going to Michigan, you know.

6 Q. So then the second violation, the clamp
7 or roto type, you dispute that with the inspection
8 report, correct?

9 A. Yeah, because I don't see any problem
10 with it.

11 Q. But do you think these adjustments here
12 are correct then, these right here?

13 A. Where?

14 Q. It's right in the middle. It says brake
15 adjustment.

16 A. CMV manufactured after 10-19-94 had
17 automatic brake -- airbrake adjustment system.

18 Q. Yeah.

19 A. This one?

20 Q. Yeah.

21 A. Yeah, because, like I said, I took the
22 trailer to the shop, you know, and they did do an
23 inspection, you know, and I paid them \$650 just to do
24 that.

25 Q. And then the same with the clamp and roto

1 type out-of-adjustment too, the next one down?

2 A. Yep.

3 Q. That's just --

4 A. I am disputing all this, yeah.

5 Q. And what about the license lamp amber?

6 A. Well, like I said, you know, I went back
7 to them and I said you don't need to be white. Said
8 this light here, you know, when it lights, you know,
9 it become white, you know. I don't know.

10 Q. Was it amber too? Was it like a whitish
11 amber?

12 A. Yeah. I dispute it was amber, yeah.

13 Q. Then the tire bulge, did you notice a
14 bulge in the tire?

15 A. No, I did not.

16 Q. Okay.

17 A. I did not.

18 ATTORNEY EXAMINER TAUBER: All right. I
19 have no further questions. Thank you. You may be
20 excused.

21 MR. BABKKIR: Okay. Thank you, sir.

22 ATTORNEY EXAMINER TAUBER: Let's go off
23 the record real quick.

24 (Discussion off the record.)

25 ATTORNEY EXAMINER TAUBER: Let's go back

1 on the record.

2 Mr. Jones.

3 MR. JONES: Yes, your Honor. I would
4 like to call Tom Forbes to the stand.

5 - - -

6 TOM FORBES

7 being first duly sworn, as prescribed by law, was
8 examined and testified as follows:

9 DIRECT EXAMINATION

10 By Mr. Jones:

11 Q. Would you please state your name for the
12 record, please.

13 A. Tom Forbes, F-O-R-B-E-S.

14 Q. And where are you employed?

15 A. Public Utilities Commission of Ohio, 180
16 East Broad Street, Columbus, Ohio 43215.

17 Q. And what is your job title and
18 responsibilities?

19 A. Compliance officer, I review inspections
20 and compliance reviews for forfeitures. I enter fine
21 amounts into the computer, conduct settlement
22 conferences with Respondents, answer technical
23 questions, conduct inspections to keep my
24 certifications current. I attend in-service training
25 and teach at in-service training.

1 Q. And how long have you been in that
2 position?

3 A. Eight years.

4 Q. And did you have a chance to review Staff
5 Exhibits 1 and 3 in this case, the inspection reports
6 involved in this case?

7 A. Yes.

8 Q. Okay. And did you also check for these
9 cases for those inspection reports, the letters of
10 Notice of Preliminary Determination that were sent
11 out for each one of these inspections to -- to
12 Respondent here, Mr. Babkkir?

13 A. Yes, sir.

14 Q. Okay. And I want you to look at Staff
15 Exhibit 4. Would you identify that for the record,
16 please.

17 A. I don't believe Staff Exhibit 4 is up
18 here. Yes, sir. Staff Exhibit 4 is a Notice of
19 Preliminary Determination that was sent to
20 Mr. Babkkir subsequent to his telephone conference on
21 Inspection No. OH1191008329C.

22 Q. And that coincides with the Staff Exhibit
23 1 for the report number?

24 A. Yes, sir.

25 Q. Okay. And what are the code violations

1 that are noted for that notice?

2 A. The two violations that are noted are
3 393.207A, axle positioning parts, and 393.75A, flat
4 tire.

5 Q. And what is the amount of the forfeiture
6 that the staff assessed for those violations?

7 A. The proposed forfeiture was zero.

8 Q. And can you explain why or?

9 A. Yes. In situations where a traffic
10 citation is issued in the local courts, the PUCO does
11 not then send another forfeiture to the Respondent.

12 Q. Okay. And that was done in this case?

13 A. Yes.

14 Q. As far as the citation into the other
15 court system?

16 A. Yes. According to the inspection report
17 under citation number, each violation listed
18 including the two on our sheet had a citation number
19 listed and that causes our system to erase the fine.

20 Q. Okay, okay. So for Staff Exhibit 4 then
21 it's staff's recommendation to the Commission not to
22 assess any forfeiture as a result of the fact this
23 has been cited into the court for a similar citation.

24 A. Yes, sir.

25 Q. Okay. Would you also identify Staff

1 Exhibit 5 that's before you.

2 A. Yes, sir. Staff Exhibit 5 is made out to
3 the same Respondent from Case No. OH3296013037C, and
4 it was sent after a telephone conference. It's a
5 Notice of Preliminary Determination.

6 Q. And the C that's in that case number,
7 what's that stand for?

8 A. Carrier.

9 Q. Carrier. Is that the same for Staff
10 Exhibit 4?

11 A. Yes, sir.

12 Q. Okay. So these are carrier violations;
13 is that correct?

14 A. Yes, sir.

15 Q. Okay. And what are the code violations
16 for Staff Exhibit 5?

17 A. The two violations listed are 393.47E
18 which was a brake out-of-adjustment and 396.3A1T
19 which is tires, a bulge in the sidewall.

20 Q. Okay. So although that Staff Exhibit 1
21 and Staff Exhibit 3 contained additional citations in
22 the staff -- in those staff reports, the letters that
23 went out here to the Respondent, Mr. Babkkir, the
24 staff had focused on certain violations that are
25 indicated in Staff Exhibits 4 and 5; is that correct?

1 A. Yes. If those violations would have been
2 out of service, then Staff Exhibit 5, they would have
3 potentially received a forfeiture, and on the brake
4 adjustment staff only issues a violation one time for
5 the exact same code cite. We only issue a forfeiture
6 one time so even though there were two brakes
7 out-of-adjustment it only shows up once because it's
8 the exact same code cite on the exact same unit.

9 Q. Okay. And that's the reason why you have
10 a zero for Exhibit 5?

11 A. Yes. Neither one of these violations
12 were out of service and that resulted in a zero
13 forfeiture.

14 Q. Okay. And that's the staff's
15 recommendation to the Commission in this case for
16 both -- both inspections?

17 A. Yes, sir.

18 Q. Okay. And are these Exhibits 4 and 5,
19 these are records kept in the ordinary course of
20 business with the Commission?

21 A. Yes, sir.

22 MR. JONES: Okay. I have no further
23 questions, your Honor.

24 ATTORNEY EXAMINER TAUBER: Thank you.

25 - - -

EXAMINATION

By Attorney Examiner:

Q. Mr. Forbes, just clarify real quickly, with Staff Exhibit 4 there were only two of the six violations there and I think we started to discuss but it -- but why were there only two of the six violations in the Notice of Preliminary Determination?

A. Had those been -- had a citation not been issued in this case, those are the two violations that the Commission would have went after a forfeiture in because those two violations were out of service. And based on our assessment matrix of what group these violations is in, only out of service violations of that type receive forfeitures.

Q. And so the other violations like the mudflap missing, that wouldn't be --

A. That would just be defects and they would not receive a forfeiture.

ATTORNEY EXAMINER TAUBER: All right. Thank you. You may be excused.

Mr. Babkkir, would you like to testify on the forfeiture?

MR. BABKKIR: Yes.

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ESSAM E. BABKKIR

being previously duly sworn, as prescribed by law,
was examined and testified further as follows:

DIRECT EXAMINATION

THE WITNESS: Well, in Exhibit No. 4, the
two violations, like I said, I'm contesting them, you
know. And the zero, you know, it's not about
monetary issue. All I can say about the safety
rating on my Federal Motor Carrier Safety Score TSA
and that's -- you know, harm you a lot, you know. I
mean, broker, you know, when you have -- want to book
a load, you know, you go to the website and call the
broker for the load, you know, and then he will -- I
check his credit. He check my safety, you know. So
he check my safety, see, oh, man, got a lot of
problem, you know, so my income, you know, or my
work, you know, is going to be a lot. This is the
point. So I'm coming here not because of the
monetary issue, you know. I'm coming for the
violation to be on my record and harm me, you know,
in my safety. So that's what I want to clarify.

You know, so when I call here, I talked
to an officer here at Public Utility and I told him I
am contesting these violations and I want it to be
deleted from my safety record.

1 ATTORNEY EXAMINER TAUBER: So just to
2 clarify you're contesting the violations, but you're
3 not contesting the zero dollar forfeiture?

4 THE WITNESS: No. It's zero. I
5 appreciate he didn't give me any monetary. I
6 appreciate that, you know. But, I mean, I'm not
7 contesting the money issue. I'm contesting the
8 violation itself, you know, because it's -- I am
9 disputing it because they are not right, you know,
10 and they're not -- shouldn't be in the first place.

11 ATTORNEY EXAMINER TAUBER: Thank you.

12 Mr. Jones, do you have any questions?

13 MR. JONES: No, your Honor.

14 ATTORNEY EXAMINER TAUBER: Thank you.

15 You may be excused. Let's go off the record.

16 (Discussion off the record.)

17 ATTORNEY EXAMINER TAUBER: So we'll go
18 back on the record.

19 Mr. Jones.

20 MR. JONES: Yes, your Honor. Staff would
21 like to move for the admission of Staff Exhibits 1,
22 2A 2B, 2C, 2D, 2E, 2F, 2G, 2H, 2I, 2J, 2K, 2L, 2M,
23 2N, 2O, and Staff Exhibit 3, Staff Exhibit 4, and
24 Staff Exhibit 5.

25 ATTORNEY EXAMINER TAUBER: All right.

1 Staff Exhibits 1 and then 2 -- Exhibits 2A through
2 20, Staff Exhibits 3, 4, and 5 shall be admitted into
3 the record.

4 (EXHIBITS ADMITTED INTO EVIDENCE.)

5 ATTORNEY EXAMINER TAUBER: Mr. Babkkir,
6 would you like to move for admission of your Exhibits
7 1, 2, 3and?

8 MR. BABKKIR: Yep.

9 ATTORNEY EXAMINER TAUBER: Are there any
10 objections to the Exhibits 1, 2, 3, and 4?

11 MR. BABKKIR: No.

12 MR. JONES: Your Honor, I would just say
13 that these exhibits I think I -- have you got some?
14 Is it four exhibits?

15 ATTORNEY EXAMINER TAUBER: Correct.

16 MR. JONES: Your Honor, I just have to
17 object to all four of them that they are not relevant
18 to the date of inspection. They are all different
19 dates. They are either weeks before the inspection
20 or, let's see here, I don't believe they are on the
21 dates that the inspections occurred here maybe with
22 the exception of one here, Exhibit -- I don't know
23 what exhibit that is. That is from the Madison Motor
24 something.

25 But, still, these are not -- these are

1 not relevant to the timeframe of the inspection.
 2 They are things that occurred post-inspection. They
 3 are things that occurred preinspection. But nothing
 4 relevant to the time of the inspection that the
 5 condition that the inspector's found these vehicles
 6 in when they were doing the inspection so I would say
 7 that, you know, they offer no weight to the Bench for
 8 deciding the violation of the regulations that the
 9 staff is seeking the Commission to find violations
 10 on.

11 And these are mostly -- well, he has
 12 nothing but repair bills which, you know, like I
 13 said, they are either weeks before or following the
 14 inspection. They are not relevant to the inspection
 15 itself.

16 ATTORNEY EXAMINER TAUBER: Mr. Babkkir,
 17 would you like to respond?

18 MR. BABKKIR: Well, a couple weeks before
 19 the inspection and the DOT requirement you have to
 20 have inspection, annual inspection, so for the whole
 21 12 months and what coincidence, you know, I bought
 22 the trailer just a couple weeks, you know, had the
 23 inspection, and I took it to the inspection just two
 24 weeks prior, you know.

25 So, I mean, these defective, you know,

1 out of the violation noted would not happen in just
2 two weeks, no way. That's why the DOT requirement is
3 just one year. You have to have an inspection for
4 the whole 12 months. You have to have only one
5 yearly inspection, the one I have in Exhibit 1. So,
6 I mean, it's relevant. It is very relevant to the --
7 to the inspection.

8 ATTORNEY EXAMINER TAUBER: Thank you.

9 MR. BABKKIR: I can't inspect the trailer
10 every day. I take it to the trailer shop and do full
11 inspection, pay money, and then drive it. You can't
12 do that.

13 ATTORNEY EXAMINER TAUBER: Thank you. At
14 this time the Bench is going to overrule the
15 objections, and we are going to admit Exhibits 1, 2,
16 3, and 4 into the record. It will be helpful in
17 clarifying the record, and the Commission will
18 provide the appropriate weight for these exhibits so
19 they shall be admitted.

20 (EXHIBITS ADMITTED INTO EVIDENCE.)

21 ATTORNEY EXAMINER TAUBER: Anything else
22 to come us before this afternoon?

23 MR. JONES: No, your Honor.

24 MR. BABKKIR: No.

25 ATTORNEY EXAMINER TAUBER: Seeing none we

1 are adjourned. Thank you.

2 (Thereupon, the hearing was concluded at
3 12:49 p.m.)

4 - - -

5 CERTIFICATE

6 I do hereby certify that the foregoing is
7 a true and correct transcript of the proceedings
8 taken by me in this matter on Tuesday, February 5,
9 2013, and carefully compared with my original
10 stenographic notes.

11

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13

Karen Sue Gibson, Registered
14 Merit Reporter.

15 (KSG-5657)

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in

Case No(s). 12-3161-TR-CVF, 12-3162-TR-CVF

Summary: Transcript in the matter of Edirgawai Transport, Inc. hearing held on 02/05/13 electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Gibson, Karen Sue Mrs.