

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of : Case No.

Sarbjit Singh. : 15-1795-TR-CVF

- - -

PROCEEDINGS

Before Kerry Sheets, Attorney Examiner, held at
the offices of the Public Utilities Commission
of Ohio, 180 East Broad Street, Hearing Room
11-C, Columbus, Ohio, on Tuesday, December 8,
2015, at 10:00 A.M.

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1 APPEARANCES:

2 Mr. Thomas G. Lindgren
3 Assistant Attorney General
4 180 East Broad Street
5 Columbus, Ohio 43215

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

8 Mr. Sarbjit Singh
9 3603 Farm Hurst Lane
10 Columbus, Ohio 43204

11 Appearing Pro se.

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INDEX TO WITNESSES

- - -

DIRECT CROSS

STATE'S WITNESSES

Officer Mark Irmischer 6 11

Jonathan Frye 13

RESPONDENT'S WITNESSES

Sarbjit Singh 17

- - -

INDEX TO EXHIBITS

- - -

STATE'S EXHIBITS		MARKED ADT	
1	Drivers/Vehicle Examination Report	9	17
2	Notice of Preliminary Determination	15	17

- - -

1
2
3
4
5
6
7
8
9
10
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Tuesday Morning,
December 8, 2015.

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ATTORNEY EXAMINER: Public
Utilities Commission has set for hearing at this
time and place Case No. 15-1795-TR-CVF.

My name is Kerry Sheets, I am an
Attorney Examiner for the Commission and I have
been assigned to hear this case. May I now have
the appearances of the parties, please,
starting with Staff.

MR. LINDGREN: On behalf of the
Commission's Staff, Ohio Attorney General Mike
DeWine, by Thomas Lindgren, Assistant Attorney
General, 180 East Broad Street, 6th Floor,
Columbus, Ohio 43215.

ATTORNEY EXAMINER: Thank you. Mr.
Singh, would you give your name and address?

MR. SINGH: My name is Sarbjit
Singh, my address 3603 Farm Hurst Lane,
Columbus, Ohio.

ATTORNEY EXAMINER: Thank you. Are
there any preliminary matters to take care of
today?

MR. LINDGREN: No, your Honor.

1 ATTORNEY EXAMINER: Do you have any
2 witnesses to call?

3 MR. LINDGREN: Yes, I do. Thank
4 you, your Honor. Staff calls as its first
5 witness Mark Irmischer.

6 (WITNESS SWORN)

7 OFFICER MARK IRMSCHER
8 called as a witness, being first duly sworn,
9 testified as follows:

10 DIRECT EXAMINATION

11 By Mr. Lindgren:

12 Q. Good morning, sir.

13 A. Good morning.

14 Q. Would you please state your full
15 name for the record?

16 A. Mark Irmischer.

17 Q. And what is your business address?

18 A. It's West Jeff, West Jefferson Post,
19 out of West Jefferson, Ohio is the Post I am
20 assigned out of.

21 Q. Where are you employed?

22 A. Where?

23 Q. Yes. What agency?

24 A. It's Motor Carrier Enforcement
25 Division for the Highway Patrol out of the West

1 Jeff Post.

2 Q. Thank you. And what is your
3 position with the Ohio Highway Patrol?

4 A. I am a Motor Carrier Enforcement
5 Inspector.

6 Q. How long have you been in that
7 position?

8 A. In this Division approximately 15
9 years.

10 Q. And what are your duties as a Motor
11 Carrier Enforcement Officer?

12 A. Dealing with commercial vehicles out
13 on the highway, promoting safety, inspecting
14 vehicles and drivers.

15 Q. What training have you received in
16 connection with your duties?

17 A. There is several courses we had to
18 complete in the North American Standards, which
19 would be -- there is your general inspections
20 and your hazardous materials inspections.

21 We had to complete all those courses
22 prior to doing our position.

23 Q. Thank you. Do you recall inspecting
24 a commercial motor vehicle driven by the
25 Respondent, Mr. Singh?

1 A. Yes, sir.

2 Q. And what was the reason for this
3 inspection?

4 A. It was an obvious violation. I was
5 sitting on Frank Road and I observed the
6 vehicle, came up to a traffic light and there
7 was no brake lights on the trailer. And that
8 was the reason for making the stop.

9 Q. Thank you. Other than the brake
10 lights did you find any other violations during
11 this inspection?

12 A. Brake lights, and there were other
13 marker lights and a brake chamber was defective
14 on the trailer. And the driver failed to have
15 corrective lenses on at the time.

16 Q. Was the driver required to wear
17 corrective lenses?

18 A. That's correct. He has a B
19 restriction on his license, which means he has
20 to have corrective lenses on at all times.

21 Q. Did you examine his driver's license
22 to make that determination?

23 A. Yes, I did. I noticed it had the B
24 restriction on the license.

25 Q. Did you see his eyeglasses anywhere

1 in the cab?

2 A. None. I asked the driver about the
3 glasses and he just pointed to his right side,
4 but there was no glasses in plain sight
5 anywhere.

6 Q. Did he make any statements to you
7 about the glasses?

8 A. Yes, he did. He said -- he stated
9 to me that he only needed them for driving at
10 night. And I returned by telling the driver he
11 needs to wear them at all times.

12 Q. Did the license say anything about
13 driving at night?

14 A. No, sir. It just had the B
15 restriction, which means corrective lenses must
16 be worn at all times.

17 Q. Thank you. Did you prepare any
18 report that reflects the findings of your
19 inspection?

20 A. Yes, sir.

21 MR. LINDGREN: Thank you. May I
22 approach?

23 ATTORNEY EXAMINER: You may.

24 (EXHIBIT MARKED FOR PURPOSES OF
25 IDENTIFICATION)

1 MR. LINDGREN: Let the record
2 reflect that I am handing the witness what I
3 have marked for identification purposes as Staff
4 Exhibit 1.

5 Q. Mr. Irmischer, do you recognize this
6 document?

7 A. Yes, sir.

8 Q. And what is it?

9 A. It's a vehicle inspection report
10 that we issued to the driver when we completed
11 the inspection.

12 Q. And was this prepared at the time of
13 your inspection of the vehicle driven by Mr.
14 Singh?

15 A. Yes, sir.

16 Q. And does it accurately reflect the
17 findings of your inspection?

18 A. Yes, sir.

19 Q. And does this document appear to
20 have been altered since you prepared it?

21 A. No, sir.

22 Q. And what did you do with this report
23 after you prepared it?

24 A. We just -- we have to upload the
25 inspection to our Safer website, which then in

1 return ended up going to the PUCO for review.

2 Q. And what is Safer?

3 A. That's a computer program that we
4 have to initiate at the end of the inspection so
5 that the inspection report can be saved.

6 Q. Thank you. Does this report note
7 all of the violations you found in the course of
8 your inspection?

9 A. Yes, sir.

10 MR. LINDGREN: Thank you. I have
11 no further questions, and the witness is
12 available for cross-examination.

13 ATTORNEY EXAMINER: Mr. Singh, do
14 you have any questions for this witness?

15 CROSS-EXAMINATION

16 By Mr. Singh:

17 Q. Sir, did I show you my glasses?

18 A. I am sorry.

19 Q. Did I show you my glasses to check
20 it in your hand?

21 A. No, you did not show me your
22 glasses.

23 Q. I showed you the glasses, sir.

24 A. No, sir.

25 ATTORNEY EXAMINER: Excuse me. You

1 have to ask questions now. You are not testify
2 yourself.

3 MR. SINGH: Okay.

4 Q. Then why don't you write that down I
5 don't have glasses? Why not you write down in
6 the violation I don't have glasses?

7 Q. The violation is on the report for
8 the restrictions. It says "Driver not wearing
9 glasses when stopped."

10 Q. And what does it mean by see notes?

11 A. These are --

12 Q. At the bottom.

13 A. It's a program, or it's a program in
14 our computer that helps refresh in my memory on
15 the stop.

16 Q. Did you see me when I driving?

17 A. No, I did not see you.

18 Q. Did you see me when you checked me
19 that -- when you give me a light, did you see my
20 glasses?

21 A. I did not see no glasses at all.

22 Q. Did you see I don't read the
23 glasses?

24 ATTORNEY EXAMINER: You have to ask
25 questions of the witness.

1 MR. SINGH: I asked him when I
2 driving and he stopped me did he see me that I
3 be in the glasses or not.

4 ATTORNEY EXAMINER: I think he had
5 answered the question.

6 A. I did not see glasses.

7 Q. Okay. Sir.

8 ATTORNEY EXAMINER: I think that's
9 the answer you have to go with and now you have
10 to come up with another question.

11 MR. SINGH: That would be all, sir.

12 ATTORNEY EXAMINER: You have no
13 more?

14 MR. SINGH: No more.

15 ATTORNEY EXAMINER: You are excused.
16 I am sorry. Did you have any --

17 MR. LINDGREN: No redirect, your
18 Honor. Staff next calls Jonathan Frye to the
19 stand.

20 (WITNESS SWORN)

21 - - -

22 JONATHAN FRYE
23 called as a witness, being first duly sworn,
24 testified as follows:

25 DIRECT EXAMINATION

1 By Mr. Lindgren:

2 Q. Good morning, sir. Could you
3 please state your full name for the record?

4 A. Jonathan Frye.

5 Q. And where is your business address?

6 A. 180 East Broad Street, Columbus,
7 Ohio 43215.

8 Q. And where are you employed?

9 A. Public Utilities Commission of Ohio,
10 Transportation Department.

11 Q. What is your position there?

12 A. I am the Chief of Compliance.

13 Q. And what are your duties as Chief of
14 Compliance?

15 A. To review the fine assessments that
16 are assessed against drivers, shippers and
17 carriers.

18 Q. How long have you been in that
19 position?

20 A. Approximately 12 years.

21 Q. And what training did you receive
22 for this position?

23 A. I have gone through the North
24 America Out of Service Training Parts A and B,
25 the hazardous materials training, gone through

1 supervisory training as well.

2 Q. Thank you. Did you review the
3 forfeiture assessed against the Respondent in
4 this case, Mr. Singh?

5 A. Yes.

6 MR. LINDGREN: Thank you. May I
7 approach?

8 ATTORNEY EXAMINER: You may.

9 MR. LINDGREN: Thank you. Let the
10 record reflect that I am handing the witness
11 what I have marked for identification purposes
12 as Staff Exhibit 2.

13 (EXHIBIT HEREBY MARKED FOR
14 IDENTIFICATION PURPOSES)

15 Q. Mr. Frye, do you recognize this
16 document?

17 A. Yes.

18 Q. And could you explain what that is?

19 A. It's a Notice of Preliminary
20 Determination letter. It's a letter that is
21 sent to a particular driver when we are unable
22 to reach a resolution of his case during a
23 settlement conference.

24 What the document does, it provides
25 instructions on how to pay the fine, as well as

1 instructions on how to contest the violation at
2 the administrative hearing level.

3 Q. And does this notice reflect the
4 forfeiture assessed against the Respondent here?

5 A. That's correct. It assesses a \$250
6 forfeiture against the driver.

7 Q. Could you explain how that
8 forfeiture amount was arrived at?

9 A. Yes. After the violation is
10 uploaded and then downloaded to the PUCO the
11 violations are broken up into four different
12 groups. And based upon the type of violation,
13 and severity of the violations, a dollar amount
14 is assigned to the various violations.

15 And it's based upon the recommended
16 fine schedule of the Commercial Motor Vehicle
17 Safety Alliance.

18 Q. Thank you. Would this amount be
19 consistent with forfeitures assessed other
20 drivers for similar violations?

21 A. Yes.

22 Q. And would this be the amount you
23 recommend the Commission assess if it finds that
24 Mr. Singh committed the violation?

25 A. Yes.

1 MR. LINDGREN: Thank you. I have no
2 further questions.

3 ATTORNEY EXAMINER: Mr. Singh, do
4 you have any questions?

5 MR. SINGH: No, sir.

6 ATTORNEY EXAMINER: Okay. You are
7 excused.

8 MR. LINDGREN: Your Honor, that
9 concludes my direct case and I move the
10 admission of Staff Exhibits 1 and 2.

11 ATTORNEY EXAMINER: I will admit
12 Staff Exhibits 1 and 2 into evidence at this
13 time.

14 (EXHIBITS HEREBY ADMITTED INTO
15 EVIDENCE)

16 ATTORNEY EXAMINER: Now we will go
17 to the Respondent's side of the case. Mr.
18 Singh, do you wish to present any testimony?

19 MR. SINGH: Yes, sir.

20 ATTORNEY EXAMINER: Please come up.

21 (WITNESS SWORN)

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23 SARBJIT SINGH
24 called as a witness, being first sworn,
25 testified as follows:

1 ATTORNEY EXAMINER: Now I want you
2 to go ahead and present your testimony in a
3 narrative style. After you do that the Staff
4 will have an opportunity to ask you questions.
5 And you can add anything more that you wish to
6 at that time.

7 We will proceed in that manner. Now,
8 I want you to speak up and be succinct.

9 MR. SINGH: Okay.

10 HEARING OFFICER: So the court
11 reporter can hear you and --

12 MR. SINGH: I have little bit
13 problem with language.

14 ATTORNEY EXAMINER: Don't get
15 excited, just present your testimony.

16 MR. SINGH: Okay, sir. Sir, I am in
17 United States from 34 years. I been driving
18 commercial vehicle 30 years.

19 And I have a lense like reading
20 glasses from 2005. And 10 years I have been
21 inspected a lot of time.

22 This one inspector in Indiana, one
23 time I inspected by in Alabama. This is one
24 time I have involved in an accident in Indiana.
25 And I never got a ticket for my glasses.

1 ATTORNEY EXAMINER: What are you
2 holding up?

3 MR. SINGH: That is the papers,
4 papers like a citation has been given to me
5 somebody else, like out of state cops or --

6 ATTORNEY EXAMINER: These are past
7 citations.

8 MR SINGH: Past.

9 ATTORNEY EXAMINER: Okay. Proceed.

10 MR. SINGH: This is inspection.

11 ATTORNEY EXAMINER: You can keep
12 those. Let's focus on the case today.

13 MR. SINGH: Okay. That's why after
14 that when he pulled me over I be in the glasses.
15 Because it's hard, then he do the inspection, I
16 take it off, the glasses, and to put on my --
17 over there on the dashboard and to put over
18 there, put in a box. There is a box for
19 glasses that they don't get scratched if you put
20 them down.

21 When he did the inspection complete
22 he come to me, asked me where is my glasses. I
23 show him the glasses. He checked with his hand,
24 then he told me why not you be in it.

25 I told him I be in it, but when I

1 don't need it to do that reading, don't need
2 the glasses. I can read without the glasses.
3 I take it off, that way I don't need to read.
4 Maybe he misunderstand something.

5 But I wear when I driving. But that
6 is after even 10 years, if I am not reading
7 glasses, nobody checking me, sir.

8 Because I been inspect a lot of
9 times. I can find like just three or four my
10 citations, but I cannot find all. And nobody
11 give me glasses ticket before.

12 Maybe he misunderstanding something
13 in my language or something like that, I don't
14 know, sir.

15 That would be all, sir. If you want
16 to read this citations.

17 ATTORNEY EXAMINER: I don't think we
18 need past citations in the record.

19 MR. SINGH: Okay.

20 ATTORNEY EXAMINER: Does that
21 conclude your testimony?

22 MR. SINGH: Yes, sir.

23 ATTORNEY EXAMINER: Okay. Does
24 Staff have any questions?

25 MR. LINDGREN: No questions, your

1 Honor.

2 ATTORNEY EXAMINER: Very well. You
3 are excused.

4 MR. SINGH: Thank you, sir.

5 ATTORNEY EXAMINER: Is there
6 anything else to add today?

7 MR. LINDGREN: No. Thank you, your
8 Honor.

9 ATTORNEY EXAMINER: Mr. Singh, do
10 you have anything else to add?

11 MR. SINGH: No, sir.

12 HEARING EXAMINER: Very well. I
13 will consider this matter submitted to the
14 record. And I thank you all for coming.

15 MR. LINDGREN: Thank you.

16 (At 10:20 A.M. the hearing was
17 concluded)

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CERTIFICATE

I do hereby certify that the foregoing
is a true and correct transcript of the
proceedings taken by me in this matter on
December 8, 2015, and carefully compared with my
original stenographic notes.

Michael O. Spencer,
Registered Professional
Reporter.

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Case No(s). 15-1795-TR-CVF

Summary: Transcript in the matter of the Sarbjit Singh hearing held on 12/08/15 electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Spencer, Michael O. Mr.