

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of Full Up, :
LLC, Notice of Apparent : Case No. 15-1573-TR-CVF
Violation and Intent to :
Assess Forfeiture. :

- - -

PROCEEDINGS

before Megan Janelle Addison, Attorney Examiner, at
the Public Utilities Commission of Ohio, 180 East
Broad Street, Room D, Columbus, Ohio, called at 10:00
a.m. on Thursday, February 11, 2016.

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APPEARANCES:

Michael DeWine, Ohio Attorney General
By Mr. Werner L. Margard, III, Esq.
Assistant Attorney General
180 East Broad Street, 6th Floor
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On behalf of the Staff of the PUCO.

Mr. Issa Alahmad
612 South Sandusky Street
Delaware, Ohio 43015

Pro se.

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INDEX

- - -

WITNESSES: PAGE
STAFF'S CASE:

PHILLIP HASKINS

Direct Examination by Mr. Margard	5
Cross-Examination by Mr. Alahmad	14
Redirect Examination by Mr. Margard	18
Examination by the Attorney Examiner	19

JONATHAN FRYE

Direct Examination by Mr. Margard	22
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- - -

RESPONDENT'S CASE:

ISSA ALAHMAD

Direct Testimony by Mr. Alahmad	29
Examination by the Attorney Examiner	32

- - -

STAFF EXHIBITS ID'D REC'D

1 - Driver/Vehicle Examination Report, 7/11/15	7	29
2 - Packet of 8 color photographs	9	29
3 - Delaware Police Department, Investigation Report, 7/8/15	11	29
4 - Hazmat Civil Forfeiture Violations Chart	24	29
5 - Hazmat Assessment Worksheet, Inspection on 7/11/15	24	29
6 - Notice of Preliminary Determination, 8/28/15	26	29

- - -

1 Thursday Morning Session,
2 February 11, 2016.

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4 ATTORNEY EXAMINER ADDISON: Let's go
5 ahead and go on the record. Good morning. The
6 Public Utilities Commission of Ohio calls for hearing
7 at this time and place Case No. 15-1573-TR-CVF, being
8 In the Matter of Full Up, LLC, Notice of Apparent
9 Violation and Intent to Assess Forfeiture.

10 My name is Megan Addison, and I am the
11 Attorney Examiner assigned by the Commission to hear
12 this case.

13 At this time I will take appearances.
14 Staff, would you begin.

15 MR. MARGARD: Thank you, your Honor. On
16 behalf of the Transportation Staff of the Public
17 Utilities Commission of Ohio, Mike DeWine, Ohio
18 Attorney General, William Wright, Section Chief,
19 Public Utilities Section, by Assistant Attorney
20 General Werner L. Margard, 180 East Broad Street, 6th
21 Floor, Columbus, Ohio.

22 ATTORNEY EXAMINER ADDISON: Thank you.

23 Mr. Alahmad, could you please just stand
24 up and state your name and your address for the
25 record, please.

1 MR. ALAHMAD: Issa Alahmad, 612 South
2 Sandusky Street, Delaware, Ohio 43015.

3 ATTORNEY EXAMINER ADDISON: Thank you
4 very much.

5 Is Staff prepared to proceed?

6 MR. MARGARD: I am, your Honor. I'd
7 like to call Mr. Haskins to the stand, please.

8 ATTORNEY EXAMINER ADDISON: Mr. Haskins,
9 would you raise your right hand?

10 (Mr. Haskins was sworn.)

11 ATTORNEY EXAMINER ADDISON: Thank you.
12 You may be seated.

13 - - -

14 PHILLIP HASKINS,
15 being first duly sworn, as prescribed by law, was
16 examined and testified as follows:

17 DIRECT EXAMINATION

18 BY MR. MARGARD:

19 Q. I'll begin, sir, by asking you to state
20 your name and business address, please.

21 A. Phillip Haskins, Public Utilities
22 Commission of Ohio, Transportation Department, 180
23 East Broad Street, Columbus, Ohio.

24 Q. You're employed by the Public Utilities
25 Commission?

1 A. I am.

2 Q. And in what capacity, please?

3 A. I am a Field Inspector in the Hazardous
4 Materials Enforcement Division.

5 Q. And what are your duties as a Field
6 Inspector?

7 A. My duty is to enforce the Federal Motor
8 Carrier Safety rules and regulations, Federal
9 Hazardous Materials rules and regulations, and the
10 state safety rules and regulations on motor carriers,
11 shippers, transporters within the State of Ohio.

12 Q. How long have you been employed in that
13 capacity?

14 A. Twenty-nine years.

15 Q. Do you have any particular
16 certifications, training?

17 A. I hold numerous certifications requiring
18 annual recertifications that allow me to perform
19 these duties as required by the Federal Motor Carrier
20 Safety Administration.

21 Q. And you're well acquainted with
22 hazardous materials regulations?

23 A. I am.

24 Q. Mr. Haskins, were you on duty on the
25 11th of July of 2015?

1 A. I was.

2 Q. And what was your assignment? What were
3 your duties on that date?

4 A. I was actually called in to assist with
5 an investigation with the Delaware, Ohio Fire
6 Department and Police Department.

7 Q. And did you have an opportunity to
8 inspect a vehicle being operated by Mr. Alahmad on
9 that date?

10 A. I did.

11 Q. And as a result of that inspection, did
12 you prepare an inspection report?

13 A. I did.

14 MR. MARGARD: May I approach, your
15 Honor?

16 ATTORNEY EXAMINER ADDISON: You may.

17 Q. Mr. Haskins, I've handed you a document
18 that I've marked for purposes of identification as
19 Staff Exhibit No. 1. Have you seen this before?

20 A. Yes, I have.

21 Q. Can you tell me what this is, please?

22 A. This is actually a business record, a
23 photocopy of the inspection report that I completed
24 on July 11th, 2015.

25 Q. And the information that's contained in

1 here is information that you put into this report as
2 a result of your inspection?

3 A. Yes.

4 Q. Can you briefly describe the
5 circumstances that led to this inspection, please?

6 A. This inspection was a -- a joint
7 inspection where the City of Delaware requested some
8 assistance during the prior week regarding some
9 hazardous materials, not compliance issues that was
10 discovered within their jurisdiction. They contacted
11 the -- the Delaware Police Department and the
12 Delaware Fire Department contacted the PUCO earlier
13 in the week to request assistance in resolving
14 this -- this matter of the transportation of
15 hazardous materials.

16 I then worked with the City of Delaware
17 that contacted me directly on this -- this particular
18 day, I believe, was a Saturday, and they requested
19 that I come into their jurisdiction to help
20 investigate this transportation of hazardous
21 materials, and that's when I performed the
22 inspection, on that day.

23 Q. What was the nature of your inspection?

24 A. The nature of the inspection involved
25 the shipping and transporting of hazardous materials

1 on a commercial vehicle that had drawn the attention
2 of the Delaware EMS and safety services that was not
3 in compliance with transportation regulations. With
4 their assistance requested, with the PUCO being
5 the -- the enforcement agency that handles such
6 situations, we were asked to come in to help
7 investigate the situation and discover any violations
8 that may be present.

9 Q. Mr. Haskins, did you take photographs at
10 the time of your inspection?

11 A. Yes.

12 MR. MARGARD: Your Honor, may I
13 approach?

14 ATTORNEY EXAMINER ADDISON: You may.

15 Q. Mr. Haskins, I've handed you a multiple
16 page document that I've marked for purposes of
17 identification as Staff Exhibit No. 2. Would you
18 please take a moment to briefly look through that
19 document?

20 Sir, I'll represent to you that these
21 represent some but not all of the photographs that
22 are in the Commission's file with respect to this
23 investigation. Can you state for me whether you took
24 these photographs, sir.

25 A. I did.

1 Q. And can you briefly describe for us what
2 these photographs depict?

3 A. This is a photo description of the
4 particulars involved that day specific to the vehicle
5 and the cargo that's being transported. The vehicle
6 was operated by Mr. Alahmad, and the cargo was
7 hazardous material which was contained in the
8 packages identified on the trailer attached to the
9 transport vehicle in these photos.

10 Q. What was the nature of the hazardous
11 material, sir?

12 A. It was gasoline, a flammable liquid,
13 being transported from one facility owned by the
14 Respondent, delivered to another facility which was
15 owned by the Respondent in this case.

16 Q. And did you observe this vehicle in
17 operation and transporting gasoline?

18 A. I observed the vehicle at the designated
19 location, and I was informed by the Delaware Police
20 Department that they observed the actual movement of
21 the vehicle.

22 Q. And do you have any idea how much
23 gasoline was contained in these containers?

24 A. Those containers contain approximately
25 330 gallons each, so fully loaded they would have

1 been 675 gallons.

2 Q. And do you know whether they were fully
3 loaded at the time they were being transported?

4 A. I do not know the actual amount, no,
5 sir.

6 Q. But you understand that there was
7 some --

8 A. They were laden, yes, they were.

9 Q. You indicated that this was a joint, if
10 you will, investigation, a cooperative effort with
11 the Delaware Police and Fire Department; is that
12 correct?

13 A. Yes.

14 Q. And as a result of your cooperative
15 efforts, did you have opportunity to request copies
16 of the reports prepared by those departments?

17 A. Yes, I did.

18 MR. MARGARD: May I approach, your
19 Honor?

20 ATTORNEY EXAMINER ADDISON: You may.

21 Q. Mr. Haskins, I've handed you a document
22 that I've marked for purposes of identification as
23 Staff Exhibit No. 3. Have you seen this document
24 before?

25 A. Yes, I have.

1 Q. Have you reviewed this document in
2 preparing for your testimony today?

3 A. I have not.

4 Q. Can you describe what this document is?

5 A. This is actually the report taken from
6 the Delaware Police Department that was executed on
7 the day -- on or about the day of the inspection,
8 which was July 11th, and their particulars with their
9 affidavit with what they discovered working with the
10 Delaware Fire Department, requesting them to secure
11 the premises, and I helped identify the vehicle in
12 question.

13 Q. Now, you indicated that you previously
14 reviewed this document; is that correct?

15 A. Yes.

16 Q. Are you familiar with its contents?

17 A. I am.

18 Q. And do you believe that the contents of
19 this document accurately reflect your understanding
20 of the investigation?

21 A. It is.

22 Q. Now, as a result of your inspection,
23 there is a portion on Staff Exhibit No. 1 that's
24 denoted "Violations." Do you see that section?

25 A. Yes, sir.

1 Q. Can you briefly describe the violations
2 that you noted as a result of your inspection?

3 A. During my investigation I encountered
4 and did an interview of the driver, Mr. Alahmad, and
5 an inspection of the cargo. Consequently, I
6 discovered these violations which were noncompliant
7 conditions of the hazardous materials -- Federal
8 Hazardous Materials Regulations and the Federal
9 Safety -- Federal Motor Carrier Safety Regulations,
10 and I documented them on the report in this
11 particular section.

12 Q. Mr. Haskins, is there anything else with
13 respect to your investigation or with respect to your
14 discussions or encounters with Mr. Alahmad that you
15 think the Commission needs to know in order to render
16 its decision in this case?

17 A. No. I don't feel there's any
18 outstanding information that I can contribute other
19 than my inspection report and the photos.

20 MR. MARGARD: Your Honor, that's all the
21 questions I have for Mr. Haskins.

22 ATTORNEY EXAMINER ADDISON: Thank you.

23 Mr. Alahmad, do you have any questions
24 for Mr. Haskins?

25 MR. ALAHMAD: Yes.

1 ATTORNEY EXAMINER ADDISON: You may
2 proceed.

3 - - -

4 CROSS-EXAMINATION

5 BY MR. ALAHMAD:

6 Q. Did you see me drive on that road? When
7 I was driving the truck, did you see me driving?

8 A. No, I did not see you physically.

9 Q. Did you see any materials on the tanks?

10 A. Yes.

11 Q. Materials on both tanks?

12 A. Yes.

13 Q. Did you see that?

14 A. Yes.

15 Q. How many gallons did you see?

16 A. I -- I couldn't say exactly. I only
17 know the capacity of the --

18 Q. You said you see gas on the tanks?

19 ATTORNEY EXAMINER ADDISON: Mr. Alahmad,
20 if I may interrupt just briefly. In order to allow
21 the court reporter enough time to get the answer and
22 response in --

23 MR. ALAHMAD: I must present my
24 question.

25 Q. Did you see gas on the tanks?

1 ATTORNEY EXAMINER ADDISON: Mr. Alahmad,
2 if you could just let the court reporter make sure
3 that she gets the full response before you begin the
4 next question.

5 MR. ALAHMAD: Okay.

6 ATTORNEY EXAMINER ADDISON: I just want
7 to make sure she gets everything, so I apologize for
8 the interruption.

9 MR. ALAHMAD: That's fine.

10 ATTORNEY EXAMINER ADDISON: Please
11 proceed.

12 MR. ALAHMAD: You want me to ask him?

13 ATTORNEY EXAMINER ADDISON: Yes.

14 BY MR. ALAHMAD:

15 Q. Did you see me -- did you see me put gas
16 in the tank?

17 A. I saw liquid in the tanks, yes.

18 Q. How much you think you see?

19 A. At the time I arrived, I would say there
20 were several inches of product in the bottom of
21 the --

22 Q. Several inches. It was like maybe two
23 gallons or one gallon?

24 A. No. I would estimate 30.

25 Q. Thirty gallons?

1 A. (Witness nods head.)

2 Q. Okay. When you came like that's how
3 much was on the tanks; right? There's a flame on
4 side of the tanks; right?

5 A. That's how much was left in the tank.

6 Q. No. That's how much it was. There's no
7 left. This is when they stop me and this is when
8 they -- you came to see it. I didn't drop any. It
9 was closed. The police came at that time, and
10 there's no 30 gallon. It was 24 -- 24.99, 24
11 gallons. I was testing the pumps. That's how much
12 was on the -- on the things. It's not 300 gallons.
13 I have -- well, it's not a question. I'm going to
14 answer that that's how much it is. That's my
15 question to you.

16 A. My question is -- my answer is I
17 estimated 30 gallons which was left in the tank, but
18 I also discovered a hose from the tank into the
19 storage tank in the ground, which appeared to show
20 some product had been unloaded. The photos show
21 that.

22 Q. No. There's a couple inches. When
23 you -- when you -- when you come toward that -- that
24 site, it takes you, like, 30 minutes to come, maybe
25 more, right, to arrive to the -- from -- when did

1 they call you out to come?

2 A. Approximately 30 minutes after they
3 notified me, yes, I would say.

4 Q. Okay. Do you think, if there is a full
5 tank, will need 30 minutes to -- to fill -- to dump
6 from the tank?

7 A. I can't estimate that. I don't know. I
8 wasn't present at the time the entire cargo was
9 unloaded, only what I saw once I arrived.

10 Q. How much do you think -- how long a time
11 do you think will take to load 200 gallons or 300
12 gallons from that tank to the ground?

13 A. It depends. There could be a pump
14 involved, which might lessen the amount of time. I
15 can't exactly say. I can't estimate because I don't
16 know the physical properties of your loading and
17 unloading procedures.

18 Q. Well, that's my question. You see just
19 a couple inch of the liquid, which is -- that's what
20 you said. That's my question. Just a couple inches
21 you put on the tanks; right?

22 A. That's correct.

23 Q. Okay. Thank you. That's all my
24 questions.

25 ATTORNEY EXAMINER ADDISON: Thank you

1 very much. I don't have any questions at this time,
2 Mr. Haskins.

3 MR. MARGARD: Your Honor, may I ask a
4 couple of clarifying questions?

5 ATTORNEY EXAMINER ADDISON: I apologize,
6 Mr. Margard. Certainly.

7 - - -

8 REDIRECT EXAMINATION

9 BY MR. MARGARD:

10 Q. Just to be clear, you did not see this
11 vehicle operating; is that correct?

12 A. I did see it on the public highway, no.

13 Q. But you had discussions with the
14 Delaware Police and Fire Department that did see this
15 vehicle operating on the highway; is that correct?

16 A. Correct.

17 Q. And they informed you that the tanks had
18 some considerable amount of material in them at the
19 time?

20 A. Yes.

21 Q. More than the couple of inches that you
22 observed?

23 A. Yes.

24 Q. Did they indicate that the containers
25 were full?

1 A. They were loaded, is the terminology
2 that was used. There was no estimation of product.
3 I only know from experience how much the containers
4 can actually transport, but from their observations
5 and their communication to me was that it was -- they
6 were laden.

7 Q. And they had observed this moving
8 between the two gas stations?

9 A. Yes.

10 Q. And how far separated are these
11 stations?

12 A. Maybe 75 yards.

13 MR. MARGARD: That's all I have, your
14 Honor. Thank you.

15 ATTORNEY EXAMINER ADDISON: Thank you.

16 - - -

17 EXAMINATION

18 BY ATTORNEY EXAMINER ADDISON:

19 Q. Mr. Haskins, I actually did think of one
20 question.

21 A. Yes, ma'am.

22 Q. Does it matter how much gasoline was
23 actually in the tank in order for there to be a
24 violation?

25 A. If the cargo contained gasoline, no,

1 because a bulk package is regulated at all times,
2 whether it be fully ladened or ladened with only
3 residue, but it is always regulated; so really the
4 answer to the question is no, it doesn't.

5 ATTORNEY EXAMINER ADDISON: Thank you.

6 Mr. Alahmad, do you have any follow-up
7 questions?

8 MR. ALAHMAD: Yes.

9 ATTORNEY EXAMINER ADDISON: And you have
10 to limit them to just what was raised by Mr. Margard
11 right now.

12 MR. ALAHMAD: Yes. I think the police
13 didn't see me drive on the car -- the car from
14 facility to facility, and I was also -- the police
15 officer to tell a witness to see if there is a load
16 of gas on the tank, because there was no police --
17 they did not -- the police came where I was, just
18 said there is no -- the police did not see how much
19 it was on the -- on the -- on the tank. He did not
20 stop me on the road. The police came where I was
21 sitting, testing my tank -- my pumps, and he just
22 came and he said somebody called, you was going from
23 pump to pump.

24 ATTORNEY EXAMINER ADDISON: Thank you,
25 Mr. Alahmad. I will let you explain your side when

1 you come up to the witness stand to testify. Did you
2 have any follow-up questions for what Mr. Margard
3 just asked Mr. Haskins about?

4 MR. ALAHMAD: Well, no.

5 ATTORNEY EXAMINER ADDISON: Okay. I
6 have no further questions, Mr. Haskins. You're
7 excused.

8 (Witness excused.)

9 ATTORNEY EXAMINER ADDISON: Mr. Alahmad.

10 MR. MARGARD: Your Honor, I have another
11 witness.

12 ATTORNEY EXAMINER ADDISON: I apologize.

13 MR. MARGARD: Thank you.

14 ATTORNEY EXAMINER ADDISON: Please
15 proceed.

16 MR. MARGARD: I'd like to call Mr.
17 Jonathan Frye, please.

18 (Mr. Frye was sworn.)

19 ATTORNEY EXAMINER ADDISON: Thank you.
20 You may be seated.

21 - - -

22 JONATHAN FRYE,
23 being first duly sworn, as prescribed by law, was
24 examined and testified as follows:
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DIRECT EXAMINATION

BY MR. MARGARD:

Q. Sir, if you would please state your name and business address.

A. Jonathan Frye, 180 East Broad Street, Columbus, Ohio, Transportation Department.

Q. You're employed by the Public Utilities Commission?

A. That's correct.

Q. And in what capacity, please, sir?

A. I'm the Chief of the Compliance Division.

Q. And what are your duties and responsibilities?

A. To review the assessments that are assessed against drivers, carriers, and shippers as a result of violations that are discovered on the roadway.

Q. And how long have you held this position?

A. Approximately 15 years.

Q. And in the course and scope of your duties, did you have an opportunity to review the Commission's file with respect to this case?

A. Yes.

1 Q. And included as part of that I presume
2 was Staff Exhibit No. 1, the report of investigation?

3 A. Yes.

4 Q. And Staff Exhibit No. 2 which included
5 the photographs?

6 A. Yes.

7 Q. Did you also review the assessment that
8 was prepared by your staff?

9 A. Yes.

10 Q. Mr. Frye, can you please describe for us
11 how assessments are determined?

12 A. Yes. For each violation that's
13 discovered we assess a point value. We use a matrix.
14 There's a point value that's assessed for each type
15 of violation. We also take into consideration the
16 type of hazardous material that's being transported
17 and the amount of hazardous materials that are being
18 transported. We add those numbers together and
19 multiply, and we come up with a dollar amount based
20 upon those factors.

21 MR. MARGARD: May I approach, your
22 Honor?

23 ATTORNEY EXAMINER ADDISON: You may.

24 Q. Mr. Frye, I've handed you two documents
25 marked respectively for purposes of identification as

1 Staff Exhibits 4 and 5. A moment ago you described a
2 matrix of points. Is that what's contained in Staff
3 Exhibit No. 4?

4 A. Yes.

5 Q. And can you briefly again describe for
6 us how this document is used?

7 A. Yes. For the various violations that
8 are discovered there's a point value that's assessed
9 to the violations. In addition to the point value,
10 we also -- or in addition to the type of violation
11 that's discovered, we also take a look at the
12 hazardous material that's being transported, and
13 that's identified on Page 4 of Staff Exhibit 4.
14 There's a chart for the material that's being
15 transported, and also on Page 4 of Staff Exhibit 4
16 there's a chart dealing with the amount of hazardous
17 material that's being transported. We take all those
18 factors into consideration in determining how much
19 the fine should be.

20 Q. And this is the schedule that's used by
21 the Commission Staff to determine civil forfeiture
22 assessments in hazardous material cases; is that
23 correct?

24 A. That's correct.

25 Q. And it's the same procedure for all

1 carriers and individuals involved in hazardous
2 materials violations?

3 A. That's correct.

4 Q. And this was the chart or the matrix
5 that was used in determining the assessments in this
6 case; correct?

7 A. That's correct.

8 Q. And are those assessments reflected in
9 Staff Exhibit No. 5?

10 A. Yes.

11 Q. And have you reviewed Staff Exhibit No.
12 5 prior to taking the stand today?

13 A. Yes.

14 Q. And have you determined whether these
15 factors and points and so forth were accurately and
16 appropriately applied?

17 A. Yes.

18 Q. And are the resulting forfeitures
19 accurately calculated?

20 A. Yes.

21 Q. And are those forfeitures reasonable, in
22 your opinion?

23 A. Yes.

24 Q. And are they consistent with the
25 recommended fines and penalties schedule adopted by

1 the Commercial Vehicle Safety Alliance?

2 A. Yes.

3 Q. Did you also, in reviewing the
4 Commission's file, determine whether the Respondent
5 was served with all notices required by Chapter 4901
6 of the Ohio Administrative Code?

7 A. Yes, he has been served.

8 MR. MARGARD: Your Honor, may I
9 approach?

10 ATTORNEY EXAMINER ADDISON: You may.

11 Q. Mr. Frye, I've handed you what I've
12 marked for purposes of identification as Staff
13 Exhibit No. 6. In preparing for your testimony today
14 did you happen to review this document as part of the
15 Commission's file?

16 A. Yes.

17 Q. What is this document, please?

18 A. It's a Notice of Preliminary
19 Determination letter, and this is a letter that's
20 sent out to a Respondent when we're unable to reach a
21 resolution of the case, and what the document does,
22 it provides instructions on how to make payment, and
23 it also provides instructions on how to make a
24 request for an administrative hearing as well.

25 Q. This is one of the notices that was

1 served on the Respondent in this case?

2 A. That's correct.

3 MR. MARGARD: Thank you, your Honor. I
4 have no further questions of Mr. Frye.

5 ATTORNEY EXAMINER ADDISON: Thank you.

6 Mr. Alahmad, do you have any questions
7 for Mr. Frye?

8 MR. ALAHMAD: No.

9 ATTORNEY EXAMINER ADDISON: Thank you.
10 I have no questions. You are excused.

11 THE WITNESS: Thank you.

12 (Witness excused.)

13 MR. MARGARD: Your Honor, I have no
14 further witness and respectfully move for the
15 admission of Staff Exhibits 1 through 6.

16 ATTORNEY EXAMINER ADDISON: All right.

17 Mr. Alahmad, do you have any objections
18 to admitting the exhibits by Mr. Margard into the
19 record?

20 MR. ALAHMAD: I am not admitting. I am
21 not guilty. That's all there is.

22 ATTORNEY EXAMINER ADDISON: It's not --
23 it's just allowing the papers that he handed out
24 during his questioning --

25 MR. ALAHMAD: Well, I don't understand

1 anything that he --

2 ATTORNEY EXAMINER ADDISON: He wants as
3 part of the record.

4 MR. ALAHMAD: Well, no, I don't --

5 ATTORNEY EXAMINER ADDISON: You don't --
6 let's go off the record for a moment.

7 (Discussion off the record.)

8 ATTORNEY EXAMINER ADDISON: Let's go
9 back on the record.

10 Mr. Alahmad, do you have any objections
11 to the admission of these exhibits?

12 MR. ALAHMAD: Yes.

13 ATTORNEY EXAMINER ADDISON: Do you want
14 to provide a reason as why you are objecting?

15 MR. ALAHMAD: Because there is no gas on
16 the tanks. Why do I get like -- they make me like
17 I'm transportation of gas and stuff. I've been --
18 I've been -- I've been having a gas station for 20
19 years. Why I have to transportation of gas from -- I
20 bought that gas from the -- the company. Why I have
21 to transportation of gas? I was testing my pumps. I
22 didn't travel on the roads. I didn't travel -- I
23 didn't drive on the roads for gas.

24 ATTORNEY EXAMINER ADDISON: Thank you,
25 Mr. Alahmad.

1 I'm going to overrule the objection and
2 admit Staff Exhibits No. 1 through 6 into the record
3 for the Commission's consideration.

4 (EXHIBITS ADMITTED INTO EVIDENCE.)

5 ATTORNEY EXAMINER ADDISON: At this
6 time, Mr. Alahmad, would you like to take the stand?
7 Please raise your right hand.

8 (Mr. Alahmad was sworn.)

9 ATTORNEY EXAMINER ADDISON: Thank you.
10 You may be seated. Mr. Alahmad, just feel free to
11 provide your side of the story of the events leading
12 up to the inspection and anything that you would like
13 for the Commission to consider concerning this.

14 - - -

15 DIRECT TESTIMONY

16 MR. ALAHMAD: Thank you. My name is
17 Issa Alahmad. I live in Delaware for 15 years. I
18 have two gas stations. I've been working the gas
19 station for almost 20 years. What happened is that
20 they -- we have a test every year. For each gas
21 station, they have to test it to see the -- the
22 gallons, how -- like when you pump the gas, how much
23 gallons that -- same, like exactly, the gallon is
24 exactly a gallon, not this, not over.

25 So the first time I test the first gas

1 station it was okay. Then I went next week when --
 2 when that happened to test. I -- I test five pumps.
 3 Each pump five gallon. It comes to 24.999, which is
 4 okay by the law, like 0.1 is okay.

5 Then my -- one of the customers, when we
 6 was testing the pumps, called the police. The police
 7 came. He said when we get -- we get a phone call
 8 that you guys pumping the gas on tanks, on the big
 9 tanks, which were four regular and one for the
 10 premium gas. We have two kinds of gas, regular gas
 11 and the premium gas. I didn't have a small container
 12 to test the pumps, each one. That's why I have these
 13 tanks. These tanks is water tanks, but here it tests
 14 the steel tanks. I do transportation --
 15 transportation of gas in these tanks just first time
 16 use or second time. The first time I was testing the
 17 pumps. Then the second time I was testing the other
 18 pumps.

19 The police came. He asked me a
 20 question. I said thought it was just like the
 21 others, so -- he said well, I don't know, the police
 22 guy. Then he called the fire marshal department.
 23 The fire marshal, he came, and he said well, this
 24 is -- we have to call the public safety. He call the
 25 officer. The officer, after 30 minutes he came, and

1 he asked me the questions. I answer. I answered
2 him. He never see me go on the road. He never see
3 any gas on the tanks, because it was just 24 gallons,
4 maybe a couple inches. That's what he said, but it
5 was 24.99. That's what happened. That's exactly
6 what happened. I never transportation. Why I have
7 to transportation of gas if there is a big load of
8 gas comes to my gas station, put gas here and the gas
9 here. This is the story.

10 ATTORNEY EXAMINER ADDISON: Thank you,
11 Mr. Alahmad.

12 MR. ALAHMAD: You're welcome.

13 ATTORNEY EXAMINER ADDISON: Is that
14 everything that you'd like to say?

15 MR. ALAHMAD: Well, this is what
16 happened. This is what I said. If there is a
17 question, I will answer it.

18 ATTORNEY EXAMINER ADDISON: Thank you.
19 I'm going to allow Mr. Margard to ask you some
20 questions.

21 MR. MARGARD: I don't have any
22 questions. Thank you, your Honor.

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EXAMINATION

BY ATTORNEY EXAMINER ADDISON:

Q. Just to make sure that the record is clear, Mr. Alahmad, you're saying that you never drove on the road; is that correct?

A. I drove on the road from that gas station to the gas station, but there was no gas in the tanks.

Q. Okay.

A. There was not gas, like full tanks of the gas. Why do I have to take gas from this gas station to this gas station? This is the question. This is -- that's why I said I need the officer, the police officer. The officer, he said he take the information from that police officer. That's why I need that police officer to testify, did he see me driving on the road with a load of gas.

Q. Did you make a request for the officer to be present at the hearing?

A. No. I asked the officer if -- if this is a violation of jail time. He said no, it's a fine, maybe 150 or like a ticket fine. When I asked the question if this is jail time, you said to me no. You told me no, this is just a fine, like a ticket, a speeding ticket or something like that. That's what

1 he told me.

2 And why I need a CDL for? I see here a
3 CDL -- a CDL, a driver license. Why I need the CDL?
4 I don't use my -- these tanks to transportation of
5 gas like every day or all the times. It's just one
6 time in a year, one time a year test, and if I know
7 that this is a violation, I will never do it.

8 I think -- it's \$150 test, that I could
9 call a company. Well, that's what I was doing each
10 year. Then last year the guy, he told me -- well, I
11 told him why you guys charge 150 for just pumping
12 gas, you know. I could do it. He said well -- he
13 showed me how to do it, and then the county has to
14 come after me to test it, too. So he told me how to
15 do it, how to calibrate it, to see if there is
16 anything we have to do, and call them. They come.
17 They just have to charge \$150, but to save \$150 I
18 have to pay \$4,000. I don't understand.

19 ATTORNEY EXAMINER ADDISON: Thank you,
20 Mr. Alahmad. I have no further questions.

21 MR. ALAHMAD: Thank you.

22 ATTORNEY EXAMINER ADDISON: You can go
23 ahead and take your seat.

24 (Witness excused.)

25 ATTORNEY EXAMINER ADDISON: If there's

1 nothing else we need to address -- I believe we have
2 everything.

3 Mr. Alahmad, did you have any papers
4 that you wish to --

5 MR. ALAHMAD: No.

6 ATTORNEY EXAMINER ADDISON: With that,
7 we are adjourned. Thank you very much for coming in
8 today.

9 (Thereupon, the hearing was concluded at
10 10:36 a.m.)

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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 Thursday, February 11,
2016, and carefully compared with my original
stenographic notes.

Valerie J. Sloas, Registered
Professional Reporter and
Notary Public in and for
the State of Ohio.

My commission expires June 8, 2016.
(VJS-80210)

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Case No(s). 15-1573-TR-CVF

Summary: Transcript in the matter of Full Up, LLC hearing held on 02/11/16 electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Sloas, Valerie J. Mrs.