

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of Ronald J.:
Kasperek, Notice of :
Apparent Violation and : Case No. 15-1428-TR-CVF
Intent to Assess :
Forfeiture. :

- - -

PROCEEDINGS

before Mr. Nick Walstra, Attorney Examiner, at the
Public Utilities Commission of Ohio, 180 East Broad
Street, Room 11-D, Columbus, Ohio, called at 10 a.m.
on Friday, April 1, 2016.

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- - -

APPEARANCES:

Mike DeWine, Ohio Attorney General
By Mr. William L. Wright, Section Chief
Public Utilities Section
Ms. Natalia Messenger,
Assistant Attorney General
180 East Broad Street, 6th Floor
Columbus, Ohio 43215

On behalf of the Staff of the PUCO.

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Staff Exhibit		Identified Admitted	
1	Notice of Preliminary Determination	6	6
2	Driver/Vehicle Examination Report	6	6

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1 Friday Morning Session,
2 April 1, 2016.

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4 EXAMINER WALSTRA: The Public Utilities
5 Commission of Ohio has called for hearing at this
6 time and place Case No. 15-1428-TR-CVF, being in the
7 Matter of the Ronald J. Kasperek, Notice of Apparent
8 Violation and Intent to Assess Forfeiture. My name
9 is Nick Walstra. I am the Attorney Examiner assigned
10 by the Commission to hear this case.

11 I'll take appearances of the parties.

12 MS. MESSENGER: Thank you, your Honor.
13 On behalf of the staff of the Public Utilities
14 Commission of Ohio, Assistant Attorney General
15 Natalia Messenger, 180 East Broad Street, Columbus,
16 Ohio 43215.

17 EXAMINER WALSTRA: Thank you. And I will
18 note for the record that Mr. Kasperek is currently
19 not in attendance.

20 Would you like to proceed.

21 MS. MESSENGER: Thank you. At this time
22 I would like to note, your Honor, for the record that
23 pursuant to Attorney Examiner entry the hearing in
24 this case was scheduled for April 1 of 2016 at 10
25 a.m. at the office of the Commission. The hearing

1 was scheduled to be held in -- on the 11th Floor
2 hearing room. It is about 10:10, and the Respondent
3 Mr. Kasperek is not here.

4 As a result, I move for a default
5 judgment under Ohio Administrative Code Rule
6 4901:2-7-14 Section (E). This section provides that
7 a Respondent who requests an administrative hearing
8 and fails to appear for the hearing shall be in
9 default. A Respondent in default shall be deemed to
10 have admitted the occurrence of the violation and
11 waived all further right to contest liability for the
12 forfeiture proposed in the Notice of Preliminary
13 Determination or to contest the making of the
14 compliance order described in the Notice of
15 Preliminary Determination.

16 At this time I would like to mark two
17 exhibits.

18 EXAMINER WALSTRA: Okay.

19 MR. MAYES: I would like to mark as Staff
20 Exhibit 1 the Notice of Preliminary Determination
21 that was issued to Ronald Kasperek. It -- in the
22 notice it explains that Mr. Kasperek was cited for a
23 violation of 49CFR 392.10(A)(4), failure to stop at a
24 railroad crossing which holds a forfeiture amount of
25 \$500. I would like to mark that as Staff Exhibit 1.

1 EXAMINER WALSTRA: So marked.

2 (EXHIBIT MARKED FOR IDENTIFICATION.)

3 MR. MAYES: I would like to mark as Staff
4 Exhibit 2 the Driver/Vehicle Examination Report in
5 this case which states that the Ohio State Highway
6 Patrol deleted Violation 393.10(A)(4) and added
7 Violation 393.10(A)(3). This change clarifies that
8 the truck was not a cargo tank as described in
9 393.10(A)(4) but instead was required to be marked or
10 placarded under the Division 2.2 classification as
11 specified in 393.10(A)(3) and, therefore, was
12 required to stop before crossing at a railroad
13 crossing.

14 EXAMINER WALSTRA: So marked.

15 (EXHIBIT MARKED FOR IDENTIFICATION.)

16 MS. MESSENGER: And I would like to move
17 those into the record.

18 EXAMINER WALSTRA: They will be admitted.

19 (EXHIBITS ADMITTED INTO EVIDENCE.)

20 MS. MESSENGER: And that is all staff has
21 today.

22 EXAMINER WALSTRA: Okay. The Commission
23 will take your motion under advisement, and we will
24 issue a ruling in the future. Thank you.

25 We're adjourned.

(Thereupon, at 10:13 a.m., the hearing
was adjourned.)

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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 Friday, April 1, 2016,
and carefully compared with my original stenographic
notes.

Karen Sue Gibson, Registered
Merit Reporter.

(KSG-6176)

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in

Case No(s). 15-1428-TR-CVF

Summary: Transcript In the matter of: Ronald J. Kasperek, Notice of Apparent Violation and Intent to Assess Forfeiture, hearing held on April 1, 2016. electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Gibson, Karen Sue Mrs.