

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

In Re: : Case No.
David A. Geldmacher : 16-49-TR-CVF

- - -

PROCEEDINGS

Before Ketty 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 Wednesday, April 27,
2016, at 10:00 A.M.

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APPEARANCES:

Mr. Robert Eubanks
Assistant Attorney General
180 East Broad Street
Columbus, Ohio 43215

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

Mr. David A. Geldmacher
106 S. 3rd Street
Dennison, Ohio 44621

Appearing Pro se.

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1 Wednesday Mornin,
2 April 27, 2016.
3 10:20 A.M.
4 - - -

5 ATTORNEY EXAMINER: The Public
6 Utilities Commission of Ohio has set for hearing
7 at this time and place Case No. 16-49-TR-CVF in
8 the matter of David Geldmacher.

9 My name is Kerry Sheets, I am an
10 Attorney Examiner for the Commission and I have
11 been assigned to hear this case.

12 May I now have the appearances of
13 the parties, please, starting with Staff.

14 MR. EUBANKS: Robert Eubanks,
15 Attorney General's office. I am here
16 representing the Public Utilities Commission of
17 Ohio.

18 ATTORNEY EXAMINER: Good. Mr.
19 Geldmacher, would you give your name and
20 address?

21 MR. GELDMACHER: My name is David
22 Geldmacher. I live at 106 South Third Street,
23 Dennison, Ohio 44621.

24 ATTORNEY EXAMINER: Very good. Are
25 there any preliminary matters to take care of

1 today?

2 MR EUBANKS: No.

3 ATTORNEY EXAMINER: You have
4 witnesses to call?

5 MR. EUBANKS: I do.

6 ATTORNEY EXAMINER: Go ahead.

7 MR. EUBANKS: I would like to call
8 to the stand Officer Fox.

9 (WITNESS SWORN)

10 - - -

11 JILL CLARE FOX

12 called as a witness, being first duly sworn,
13 testified as follows:

14 DIRECT EXAMINATION

15 By Mr. Eubanks:

16 Q. Could you state for the record your
17 full name?

18 A. Jill Clare Fox.

19 Q. Could you spell your name?

20 A. First name, J-I-L-L, middle name
21 Clare, C-L-A-R-E, and last Fox, F-O-X.

22 Q. And who are you employed with?

23 A. I am employed by the State of Ohio,
24 Department of Public Safety, State Highway
25 Patrol.

1 Q. And what are your duties?

2 A. I am a Motor Carrier Enforcement
3 Inspector. I do commercial safety inspections
4 for Ohio, and I regulate the federal laws and
5 also the PUCO laws.

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

8 A. Thirty years.

9 Q. And for how many of those 30 years
10 were you assigned the duties that you just now
11 described?

12 A. I have been with the State of Ohio
13 for almost 32 years, but 30 years with the PUCO,
14 and then with the Ohio State Patrol.

15 Q. So for 30 years you would have been
16 doing the duties you described?

17 A. That's correct.

18 Q. Okay. Do you have any training?

19 A. Yes. We went to schooling right at
20 the beginning for -- one week schooling for the
21 motor carrier part as far as vehicle inspection,
22 one week for driver logbook inspection, and then
23 one week for cargo tank inspection for hazmat,
24 and one week for nonbulk inspection for
25 hazardous materials.

1 Q. Do you have any certifications as a
2 result of that training?

3 A. Not on me, but, yes.

4 Q. What are those certifications?

5 A. It just shows that I completed those
6 and passed those, all those courses.

7 Q. Do you have to update your training?

8 A. Then periodically we have updates.
9 We have -- we come to Columbus and we have
10 updates on the new laws that come in, the
11 changes, the out of service criteria and things
12 like that that change.

13 Q. Are you current with keeping your
14 certification updated?

15 A. Yes.

16 Q. Okay. We are here today on the
17 matter of Case No. 16-49-TR-CVF. How are you
18 related to this case?

19 A. I am the commercial inspector that
20 stopped the commercial vehicle that Mr.
21 Geldmacher was driving, and did a commercial
22 safety inspection.

23 Q. On what day did you perform that
24 inspection?

25 A. October 1st, 2015.

1 MR. EUBANKS: Okay. I would like to
2 hand to the witness what will be State's Exhibit
3 1 if that is okay.

4 ATTORNEY EXAMINER: Excuse me.
5 Speak up just a little bit.

6 MR. EUBANKS: I would like to hand
7 to the witness what will be State's Exhibit 1.

8 ATTORNEY EXAMINER: Go ahead.

9 (EXHIBIT HEREBY MARKED FOR
10 IDENTIFICATION PURPOSES)

11 Q. Could you identify this document?

12 A. Yes, sir. It's my inspection
13 report.

14 Q. Okay. Is this the inspection report
15 that resulted from your September 1st
16 inspection?

17 A. That's correct. Yes.

18 Q. Okay. Were there any citations that
19 you had for the driver of the vehicle?

20 A. Well, we do not issue citations.
21 This is just a violation that was found during
22 the inspection.

23 Q. Were there any violations that were
24 found during the inspection that are on this
25 report?

1 A. For driver, his logbook was not
2 current. He was in violation of 395.8F1, which
3 is logbook not current to the last change of
4 duty status.

5 Q. So, could you tell us how you
6 identified that violation?

7 A. By asking for his logbook at the
8 beginning of the inspection, and he has to hand
9 it to us. And there it was, it was just right
10 there.

11 Q. So you opened the logbook?

12 A. After he handed it to me, yes.

13 Q. And you checked to see what the last
14 change of duty status was?

15 A. That's correct.

16 Q. And what was the last change of duty
17 status?

18 A. September 30th, 2015 at 4:00 P.M. on
19 duty status in North Canton, Ohio.

20 Q. What was the date for the last?

21 A. September 30th. The last day of
22 September, 2015. I stopped him on October 1st.

23 Q. Okay. Now, you stopped him on
24 October 1st. Where did you stop him at?

25 A. I stopped him in Wyandot County, US

1 30, mile post 21. That is about approximately
2 five miles east of Upper Sandusky, Ohio.

3 Q. And where was his last change of
4 duty status? Where was he at at that time?

5 A. His last change of duty status in
6 his logbook showed North Canton, Ohio.

7 Q. How far is North Canton, Ohio from
8 Upper Sandusky where you did your inspection?

9 A. It's near Canton, so it's
10 approximately about two hours.

11 Q. Okay. Now, what are the different
12 duty status that you can have in your logbook?

13 A. Well, we have -- it's a -- right now
14 it's a graph, and on the graph it has off duty,
15 sleeper birth, driving, and on duty.

16 And the driver fills these out by
17 drawing the line. He starts at 12:00 o'clock,
18 A.M. and starts drawing the line. So he should
19 be showing like if he is off duty he should be
20 showing the off duty and where he was off duty
21 at.

22 And then when he does his pre-trip,
23 when he starts to drive, and then any time he
24 changes the duty status. Like if he stops to
25 fuel then he should show himself on duty. If he

1 stops to unload he should be on duty until he
2 has no responsibility of the truck or the load
3 itself. Then he can show himself off duty.

4 And then he should be showing
5 himself on duty when he starts to drive again.

6 Q. Okay. And the time he said -- I am
7 not sure if you mentioned the last time that he
8 reported his duty status in Canton. What time
9 of day was that?

10 A. That was at 4:00 P.M. and he showed
11 himself on duty in North Canton.

12 Q. What was the last time -- what was
13 the time of the inspection you did in Upper
14 Sandusky?

15 A. It was the next day. October 1st at
16 9:24 A.M.

17 Q. So between 4 o'clock the previous
18 day and 9:00 o'clock on the day of inspection
19 there was nothing that showed that he was on
20 duty, unloading, or off duty or sleeping or
21 driving from Canton to Upper Sandusky?

22 A. As far as the logbook just showed
23 that he was still on duty in North Canton, where
24 here I had him close to Upper Sandusky.

25 Q. Okay. When you pointed this out to

1 the driver did he have any response?

2 A. That I do not remember.

3 MR. EUBANKS: I have no further
4 questions for the witness.

5 ATTORNEY EXAMINER: Mr. Geldmacher,
6 do you have any questions for this witness?

7 MR. GELDMACHER: Yes. I told her --

8 ATTORNEY EXAMINER: Excuse me. Come
9 up here a little bit closer and take one of the
10 seats up here. You can turn it around.

11 MR. GELDMACHER: I stopped my truck.
12 What happened was I was in Canton, Ohio and --

13 ATTORNEY EXAMINER: You have to ask
14 questions of this witness. You will have a
15 chance --

16 MR. GELDMACHER: Excuse me. I told
17 her --

18 ATTORNEY EXAMINER: You will have a
19 chance to testify in a minute, but at this point
20 you ask questions of this witness. That's the
21 way you elicit information. So let's have a
22 question for the witness.

23 MR. GELDMACHER: She hasn't said
24 anything that's not exactly true or nothing yet.
25 So we will let the questions go. I don't really

1 have any for her.

2 ATTORNEY EXAMINER: Do you have any
3 questions?

4 MR. GELDMACHER: No. I will just
5 give my side of it when I get up there.

6 ATTORNEY EXAMINER: Okay.

7 MR. GELDMACHER: Because she is
8 telling the truth. I mean, what she says is
9 true.

10 ATTORNEY EXAMINER: You are excused.

11 THE WITNESS: Yes, sir.

12 ATTORNEY EXAMINER: Do you have any
13 other witnesses?

14 MR. EUBANKS: I do. I would like to
15 call Jonathan Frye to the stand.

16 (WITNESS SWORN)

17 - - -

18 JONATHAN FRYE

19 called as a witness, being first duly sworn,
20 testified as follows:

21 DIRECT EXAMINATION

22 By Mr. Eubanks:

23 Q. Would you state your name for the
24 record?

25 A. Jonathan Frye.

1 Q. What is your employment?

2 A. I am employed with the Public
3 Utilities Commission of Ohio, Transportation
4 Department, Compliance Division.

5 Q. And how long have you been in that
6 position?

7 A. Approximately 15 years.

8 Q. Okay. Do you have any training?

9 A. I have taken the North American out
10 of service training, management training,
11 hazardous materials training as well.

12 Q. Is that training current or --

13 A. Yes. I also do periodic updates of
14 the training as well.

15 MR. EUBANKS: I would like to
16 approach the witness and hand him what will be
17 marked as State's Exhibit 2.

18 (EXHIBIT HEREBY MARKED FOR
19 IDENTIFICATION PURPOSES)

20 Q. Could you identify State's Exhibit
21 2?

22 A. Yes. This is a Notice of
23 Preliminary Determination letter. It's a letter
24 that is sent after a driver or carrier has made
25 a request for a conference, and in the event

1 that we are unable to reach a resolution of the
2 case we will issue this Notice of Preliminary
3 Determination letter advising the carrier or
4 driver of their administrative rights; that they
5 have the right to make a request for an
6 administrative hearing.

7 Q. And this particular one was issued
8 to who?

9 A. To Mr. David Geldmacher on November
10 25th, 2015.

11 MR. EUBANKS: Okay. I have no
12 other questions for the witness.

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

15 MR. GELDMACHER: No, sir.

16 ATTORNEY EXAMINER: Okay. You are
17 excused.

18 THE WITNESS: Thank you.

19 ATTORNEY EXAMINER: Are you going
20 to introduce that into evidence?

21 MR. EUBANKS: Yes.

22 ATTORNEY EXAMINER: Staff Exhibit 1
23 is the inspection report, Staff Exhibit 2 the
24 Notice of Preliminary Determination. I will
25 admit those into evidence at this time.

1 (EXHIBITS ADMITTED INTO
2 EVIDENCE)

3 ATTORNEY EXAMINER: Now we will
4 proceed to your side of the case, Mr.
5 Geldmacher. If you want to take a seat.

6 MR. GELDMACHER: Yes, sir.

7 (WITNESS SWORN)

8 - - -

9 DAVID A. GELDMACHER
10 called as a witness, being first duly sworn,
11 testified as follows:

12 ATTORNEY EXAMINER: You may be
13 seated. Now I will let you go ahead and present
14 your testimony in a narrative style.

15 MR. GELDMACHER: Now, the only
16 thing -- my name is David Geldmacher.

17 The only thing I really came to talk
18 about was the thing with the logbook violation,
19 because what had happened was, and I explained
20 to the police officer, I was over in Canton and
21 I came over down to the Eagle truck stop in
22 Canton. That's as far as I went, which is only
23 like, you know, like 20 miles.

24 So then I went there and my wife
25 came and picked me up and took me back to my

1 garage. Because what had happened, a few days,
2 like I don't know how many days before, but a
3 couple days before and I was getting my police
4 report ready, the oil field workers robbed my
5 garage and stole me antique tool collection.
6 And I advised her of that.

7 And I was really mad. And I am
8 still very angry, because the tools I had cannot
9 be replaced. I went everywhere, they cannot be
10 replaced.

11 I went on the internet, they are
12 not -- you cannot get them. I had little
13 wrenches. I had little crescent wrenches that
14 were only this big (indicating). Pipe wrenches
15 barely this big. And square wrenches that were
16 only this big. All different makes and all --
17 lots of them. Like I am talking about like 100
18 of them that I collected in a collection.

19 So oil field workers stole some
20 other tools. She picked me up and took me to
21 the house. I went through to see what all was
22 missing because I was so wound up and mad
23 because they had robbed me. It was my
24 collection.

25 And it's gone, it's all gone. And

1 now I got some junk back, but not from this, but
2 I got some junk back. But I don't have the tool
3 collection like I had. It's gone forever, it's
4 gone.

5 So, anyway, then she took me back to
6 the truck. I rode up to -- you know, she said
7 it was Nevada, you know, over there by Rainbow,
8 I stopped there, because I was so wound up I
9 couldn't even drive because I was pissed
10 because my tool collection was gone.

11 I made the report to the Dennison
12 police and filed a report about all my tools
13 missing. But they didn't take my Craftsman
14 tools which I could have replaced.

15 They only had a short time. They
16 looked through the other side of the garage
17 where they have an apartment and they could see
18 my antique tool collection laying out. I had
19 them all on this table in piles on this table
20 and they could see them.

21 So then when I was cutting
22 the grass, I was only like 10 minutes cutting
23 the grass, a little strip of grass, they went in
24 there and stole my antique tool collection.

25 And I know it was Joe that lives

1 there said he is tired of looking for his tools,
2 which means I know he took my tools. Okay?

3 So then I went back to see what they
4 took, and they took a few other things. Sockets
5 and things for my house. But I was pissed off.
6 I was mad. I was so mad I couldn't even drive.

7 I was that mad. And I am still
8 angry about this. Because I liked my little
9 tool collection. I know it sounds insane, but I
10 liked it.

11 So, anyway, then I drove from the
12 Eagle truck stop up there, went to sleep and
13 slept so many hours. That's how all that time
14 elapsed. I wasn't riding around delivering
15 freight or nothing. Okay?

16 And then I went to do my logbook and
17 it was overcast, very cloudy that day, dark
18 clouds like black clouds floating around in the
19 sky.

20 So I could not read like close like
21 this. I couldn't write my log without my
22 flashlight. I bought an expensive flashlight, a
23 LED light, to see what I am writing because I
24 need a lot of light.

25 Well, I let somebody use my truck

1 one day, of course, my flashlight comes up
2 broken. So then -- so my flashlight wouldn't
3 work.

4 I told her, I said I am going to the
5 McDonald's up here and sit down and watch the
6 news and drink some coffee and do my log and
7 catch up. But I couldn't catch it up under the
8 circumstances because I cannot write the lines
9 unless I have bright light to see what I am
10 doing.

11 I even have a magnifying glass and
12 all to see, but I needed light. There is no
13 light because it come on in my truck but it's
14 dim, it's like very dim. So I can't see to do
15 the log.

16 So then I make mistakes. And they
17 will tell you at my company, I am the only guy
18 that runs legal and runs a legal log. And then
19 the Department of the Public Utilities
20 Commission did something because of something my
21 company made me do, then they got me for
22 falsifying, but I wasn't even falsifying
23 anywhere, but I did do something wrong, I can't
24 lie to you.

25 I am going to admit to it, but I

1 don't care. Because I didn't do it, I didn't
2 choose to do this, they made me do it, they made
3 me ride from Indiana back to Illinois, come back
4 from Illinois, back to Indiana, just for
5 the hell of it.

6 So they said I would be meeting
7 another driver, something. But then I just did
8 that, all that riding for just to be doing it in
9 the thin air, just to be doing it.

10 So then that's the only thing they
11 ever jacked me up on the log. I am the only
12 person that runs a legal log in that company.

13 And then the reason I end up in
14 Kuntzman Trucking, that's how I ended up there,
15 because Rodney Gordon Transport or Gordon
16 Trucking or whatever name he is under now, he
17 had us running -- he wanted us to log 700 and
18 some miles per day on our log, which you have to
19 go like close to 70 miles an hour all day long,
20 which is impossible.

21 So I turned him into the DOT. So
22 the DOT told Rodney Gordon that I turned him in.
23 I was the one who did it.

24 So I go down to Nestle Foods in
25 Danville, Virginia, it was me and the other

1 driver, the other driver was in front of me, and
2 the other driver got my license back. So he had
3 my license and he had his license back.

4 Well, Rodney Gordon and John Enfe
5 said, well, bring it back to us and they deny it
6 went to the people at Danville, Virginia. I
7 said where's my license?

8 So nobody got my license. So I
9 leave and I get a major violation because I get
10 a ticket because Rodney Gordon had the other
11 driver take my license and steal it and bring it
12 back to him, then they acted like they knew
13 nothing about my license.

14 And Nestle Foods said we gave it to
15 your other driver. And he was in front of me
16 and I was behind him. He got my license
17 and took off with it. Okay? Because Rodney
18 Gordon done that because I turned him into the
19 DOT for telling me I had to log 700, like 730
20 miles a day on my log, which you can't do.

21 Plus that was before the speed limit
22 changed. It was still 55 and stuff. There
23 ain't no way you can log 700 miles going 55
24 miles an hour and stuff and 60. No way you
25 could do it.

1 So I turned him in, then I get a
2 major violation. Then I had one other major
3 violation. And even have a witness on this one.

4 I was out in Pennsylvania and there
5 was a Judge Alloway and I was riding with my
6 wife was in the truck. She was in the truck
7 with me riding on the PA, I think on the Turn
8 Pike, Pennsylvania Turn Pike, going through the
9 tunnel.

10 Before you get through the tunnel
11 they have one lane, truck turnoff lane. I was
12 in the right lane where I was supposed to be.
13 Here comes a truck, pulls right in front of me,
14 my wife can even witness this, and slams on his
15 brakes.

16 So there was a concrete wall on the
17 right side so I have to go to the left to avoid
18 hitting him because he pulled in front of me and
19 slammed on his brakes.

20 So then the guy circled and then
21 riding in the wrong lane. So that is what I am
22 charged with, riding in the wrong lane.

23 Well, anyway, I sent the ticket to
24 TRL Incorporated because we had to report all of
25 our tickets we got. So TRL sent the ticket to

1 the court where Judge Alloway was. Anyway, he
2 said we throw that stuff away. That is what he
3 said, they threw it away already.

4 And I am charged with this whole
5 paragraph, I am not charged with what he circled
6 me for, riding in the wrong lane, because
7 the cop wrote the wrong ticket out.

8 So then I got another major
9 violation then that's how I ended up working
10 where I work. I wouldn't even work for a
11 company like that.

12 ATTORNEY EXAMINER: Mr. Geldmacher,
13 let me stop you right there. Let's focus on
14 the date of inspection, October 1st, 2015. The
15 violation that you were charged with, which is
16 logbook violation.

17 MR. GELDMACHER: Yes, sir.

18 ATTORNEY EXAMINER: Can we focus on
19 that?

20 MR. GELDMACHER: Yes. I know, but
21 what I tried to explain to her was when she
22 pulled me over, she wanted to pull me over
23 because I was Kuntzman, not because I was
24 violating the law. And I told her, I said I am
25 going to McDonald's, I am going to do my log at

1 McDonald's because I can't see because my light
2 is broke.

3 I told you I bought a new flashlight
4 with LED lights so I could see. I cannot do my
5 log without a light. It was overcast, like
6 black clouds that day. I couldn't see. I could
7 not see to write the lines.

8 So I said I am going to McDonald's,
9 I am going to go in there and drink my coffee
10 and do my log, catch everything up. But
11 the reason there was all that time was because I
12 had that 10-hour break in there where I went to
13 sleep, and I slept like 10 hours. I didn't
14 sleep like 8 because I was so upset because my
15 tools were gone.

16 And I don't think, even my wife will
17 tell you if you call her up right now, she will
18 tell you I have been a hellion for weeks because
19 my tools are gone. I am pissed off about my
20 tools being gone.

21 I went out and tried to replace
22 them. I went all over, different states and I
23 cannot get my tools back. I am talking about
24 buying other tools that are similar back. I
25 cannot find my tools. They are not --

1 ATTORNEY EXAMINER: Okay. With
2 regard to the logbook violation, your testimony
3 is that you couldn't see to fill it out?

4 MR. GELDMACHER: When I stopped I
5 was only like two or three miles from where she
6 pulled me over and I was sleeping. Then I got
7 up, then I couldn't see, my flashlight wouldn't
8 work because another driver had used my truck
9 and he dropped the LED light and then the LED
10 light was flickering. And I bought another LED
11 light like that too and if you dropped it just
12 one time it will flicker, it will not work.

13 So I bought two of those. Now I
14 bought my third light just in the past three to
15 six months, I have had like three big lights I
16 bought and now I just bought another one. I
17 bought a plain one this time and it's still
18 working.

19 But the guy dropped my light and it
20 was flickering so I couldn't see. I cannot see
21 without a light. And the light in my truck is
22 not bright enough. I cannot see without a
23 light. I told her that. I cannot see to draw
24 the lines, I cannot do it.

25 I could see -- my vision is 20/20

1 straight out, but up close, I have a problem
2 seeing up close like reading, like I need
3 reading glasses up close. You know what I am
4 saying? That is what I am talking about. And I
5 cannot see to make the lines to do my log.
6 That's why I was going to McDonald's where I
7 could see.

8 And I use a magnifying glass and
9 hold it over the log and then I make my lines
10 and I make sure, I put the ruler down, I look in
11 the magnifying glass to see it's all straight
12 and the lines all match up where they are
13 supposed to be. Because I cannot do that.

14 And I told her that. I said I have
15 to go to McDonald's, it's too dark. And that's
16 what I am saying. I wasn't riding around for
17 like 14 hours or whatever. I wasn't riding
18 around. I stopped, my wife picked me up, we
19 went to the house, I went looking for my tools
20 because I had to finish the police report to go
21 to the Dennison police about what all is
22 missing.

23 And then never got nothing back.
24 They got my tools. And she took me back to the
25 truck, I rode and I went to bed because I was

1 mad. And even when she pulled me over I was
2 mad.

3 I hadn't even went to the bathroom
4 yet. I told her I had to go to the bathroom
5 because there was no bathroom where I was at.
6 So I wanted to go in there and use the restroom
7 because, you know, I had been 14 hours sitting
8 in the truck, you know. I had been two hours
9 going to my house or whatever, two hours riding
10 over there, 10 hours -- I had my 10-hour break,
11 more than a 10-hour break.

12 So from like, I don't know, I don't
13 remember what time, it was 5:00 o'clock in the
14 afternoon or something, until midnight, however
15 long that is, like six, seven hours, then I had
16 until like 9:00 o'clock the next morning. It
17 was like 16, like six hours and nine hours, it
18 was like 15 hours I didn't even -- I only drove
19 the truck two hours out of the 15.

20 And I was sitting. I was sleeping.
21 Then I actually slept the whole ten hours
22 because I had been worked up, so upset about my
23 tools being ripped off.

24 It was more than a thousand dollars
25 worth of tools. Way more than that. I don't

1 know how much money worth of tools it fully was
2 because I never appraised them.

3 So I kind of got ripped off because
4 I have an antique spot and the woman selling
5 some wrenches like the ones I had in there and
6 she is getting like 50, 60, \$70 apiece for them.
7 And I had a hundred of them and the oil field
8 workers robbed me.

9 ATTORNEY EXAMINER: Okay. With
10 regard to logbook violation, do you have anymore
11 testimony dealing with that?

12 MR. GELDMACHER: No. I just wanted
13 you to hear what I was upset about. That is why
14 I was upset because I wasn't riding around doing
15 nothing like delivering freight or, you know
16 what I am saying, I wasn't driving the truck or
17 delivering freight. I was sleeping.

18 And then I got up, and she pulled me
19 over because she said you are Kuntzman is why I
20 pulled you over, which they did. The State
21 Patrol has pulled me over and in the last couple
22 of years like 25 times and said we just stopped
23 you because you are Kuntzman, not because I was
24 getting a ticket, because you are Kuntzman.

25 Because we have the ability of

1 putting Kuntzman out of business. But the only
2 person getting put out of business is Dave
3 Geldmacher because my driving record is so bad
4 nobody will give me a job if I don't stop
5 working for that bastard.

6 And that is the truth and he hates
7 me and I am getting ready to lose my job. He
8 already threatened to fire me. I might even be
9 fired today. So I have no job at all.

10 And even worst stuff than this has
11 been happening. And it's all him and his
12 garbage. And I told him, I told him everything
13 he owns is shit. That is what I told him right
14 to his face. That is why he really hates me.

15 And that's the truth. He made \$3
16 million last year and in 2015 he reported he
17 made \$3 million in profits for himself. And he
18 drives shit down the road. That is the truth.

19 And I ended up because of Rodney
20 Gordon, I wouldn't even work for a man like that
21 because of what he is, what he has done with his
22 equipment. And you write it up, it doesn't get
23 fixed, nothing gets repaired, nothing. And
24 that's how it is for me.

25 So eventually I will lose my job and

1 I am stuck there because nobody will give me a
2 job because of this stuff. Mainly because of
3 the Ohio State Patrol riding our ass --

4 ATTORNEY EXAMINER: Okay. With
5 regard to the logbook violation, do you have
6 anymore testimony dealing with that?

7 MR. GELDMACHER: No. That's it.

8 ATTORNEY EXAMINER: Okay. Thank
9 you.

10 MR. GELDMACHER: I just wanted you
11 to know what happened. It wasn't that I was
12 riding around for 15 hours and didn't do my log.
13 I was at my house then I rode over and went to
14 sleep, was going to do it, and couldn't do it
15 because I couldn't see. That's why.

16 ATTORNEY EXAMINER: Thank you.

17 MR. GELDMACHER: Yes, sir.

18 ATTORNEY EXAMINER: Do you have any
19 questions for this witness?

20 MR. EUBANKS: I don't.

21 ATTORNEY EXAMINER: You are excused.

22 MR. GELDMACHER: Yes, sir.

23 ATTORNEY EXAMINER: Is there
24 anything more to add?

25 MR. EUBANKS: I am not calling any

1 rebuttal.

2 ATTORNEY EXAMINER: I will consider
3 this matter submitted on the record. And I
4 thank you all for coming.

5 (At 10:55 A.M. the hearing was
6 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 April
27, 2016, and carefully compared with my
original stenographic notes.

Michael O. Spencer,
Registered Professional
Reporter.

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Case No(s). 16-0049-TR-CVF

Summary: Transcript In Re: David A. Geldmacher, hearing held on April 27, 2016.
electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Spencer,
Michael O. Mr.