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Before Kerry Sheets, Attorney Examiner, held at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, Hearing Room No. 11-D, Columbus, Ohio, on Thursday, June 9, 2016, at 10:00 A.M.

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1 APPEARANCES:

2 Mr. John H. Jones
3 Assistant Attorney General
4 30 East Broad Street, 16th Floor
5 Columbus, Ohio 43215

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

9 Mr. Michael J. Yemc, Jr.
10 P.O. Box 468
11 Delaware, Ohio 43015

12 On behalf of the Respondent.

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Thursday Morning,
June 9, 2016.

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ATTORNEY EXAMINER: The Public
Utilities Commission of Ohio as set for hearing
at this time and place Case No. 16-484-TR-CVF In
the Matter of MCH Transportation, LLC.

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. JONES: Good morning, your
Honor. On behalf of Staff of the Public
Utilities Commission of Ohio, Ohio Attorney
General Mike DeWine, Assistant Attorney General
John Jones, 30 East Broad Street, 16th Floor,
Columbus, Ohio 43215.

ATTORNEY EXAMINER: Very good. Now
for the Respondent

MR. YEMC: Yes. Thank you. Michael
Yemc, Supreme Court No. 0065390, on behalf of
MCH Transportation.

ATTORNEY EXAMINER: Thank you. Do
we have any preliminary matters to take care of

1 today?

2 MR. YEMC: I believe so. There is
3 going to be a stipulation with regards to the
4 civil forfeiture amount of being zero.

5 ATTORNEY EXAMINER: Okay. Go ahead.

6 MR. JONES: Well, I believe, and
7 correct me if I am wrong, but I thought that the
8 Respondent was not challenging one of the
9 violations here involving the periodic
10 inspection sticker violation. Is that accurate?

11 MR. YEMC: Yes. Yes. It was not in
12 place at the time, but we did not have enough
13 time to search, but we will be challenging that
14 as well.

15 ATTORNEY EXAMINER: Okay. All
16 right.

17 MR. JONES: And just for further
18 clarification, your Honor, as Mr. Yemc has
19 stated as to the calculation of the forfeiture
20 being zero, that would be Staff Exhibit 2 for
21 that calculation and the notice that was
22 provided in this case to the Respondent, being
23 the Notice of Preliminary Determination that
24 shows that calculation being zero forfeiture in
25 this case.

1 ATTORNEY EXAMINER: Very good. Did
2 we have any witnesses today?

3 MR. JONES: Your Honor, one more
4 clarifying point for the record. There is
5 actually two periodic inspection stickers. I
6 believe there is one for the tractor unit, one
7 for the trailer part, just for the record.

8 In addition to a third charge being
9 the flat tire.

10 ATTORNEY EXAMINER: Very good. Do
11 you have any witnesses to call today?

12 MR. JONES: Yes, I do, Your Honor.
13 I would like to call Trooper Alloy to the stand.

14 (WITNESS SWORN)

15 - - -

16 TROOPER BRIAN ALLOY
17 called as a witness, being first duly sworn,
18 testified as follows:

19 DIRECT EXAMINATION

20 By Mr. Jones:

21 Q. If you would please state your name
22 for the record, please?

23 A. Brian Alloy.

24 Q. And where are you employed?

25 A. I am a Commerical Motor Vehicle

1 Trooper with Ohio State Highway Patrol, and my
2 reporting location is district headquarters, 161
3 in Linworth. And I cover approximately nine
4 counties right around central Columbus.

5 Q. And what are your job duties and
6 responsibilities?

7 A. I am still a State Trooper so I
8 enforce traffic criminal law on state property
9 and public roadways, and specifically I am a
10 commercial motor vehicle Trooper, so I also
11 enforce Federal Motor Carrier Safety
12 regulations.

13 Q. And what is your training and
14 qualifications to do your job?

15 A. My initial training to become a
16 State Trooper, I attended approximately 28-week
17 academy at 17th Avenue, our training facility,
18 and specifically my training related to what I
19 do now, commercial motor vehicle Trooper
20 position.

21 I attended the North American
22 training pertaining to the Federal Motor Carrier
23 Safety regulations regarding the vehicle and the
24 driver. That was approximately two weeks.

25 And then I also received additional

1 approximate four-week training over hazmat and
2 hazardous material regulations.

3 Q. Okay. And do you have ongoing
4 training certification?

5 A. Yes, sir.

6 Q. How often is that?

7 A. We have an annual commercial
8 in-service school at our training facility, and
9 monthly roll call meetings at district
10 headquarters where we receive updated training
11 as well.

12 Q. And how long have you been in your
13 position doing your job?

14 A. I have been a State Trooper for the
15 Ohio State Highway Patrol for 18 years. And
16 specifically commercial motor vehicle Trooper
17 spot for this month 4th year.

18 Q. And how many inspections have you
19 conducted over the course of your career,
20 roughly?

21 A. Roughly in four years, first year I
22 had roughly, well, total Level 1, 2 and 3
23 inspections, for the first year I had
24 approximately 900 combined. The next two years
25 approximately 6 to 700 both years. And then

1 this year I have roughly 3, 400.

2 Each year you have to maintain a
3 certain certification. So you have to have a
4 minimum of 32 Level 1 inspections, and 8
5 hazardous bulk inspections, and 8 nonbulk
6 inspections. So that is the bare minimum to
7 keep your certification.

8 Q. Okay. And what equipment is issued
9 to you to perform your job?

10 A. I have a Patrol vehicle, 2014 Chevy
11 Tahoe. There is various equipment inside it
12 that I use. There is a creeper to be able to be
13 underneath the vehicle. There is a chambermate
14 to check brake chamber size. Ruler, chalk to
15 measure brakes. Various tools I guess I could
16 use.

17 Q. And do you generate any paperwork as
18 a result of your inspections?

19 A. Yes.

20 Q. And what would that be?

21 A. There is a standard form, it's Aspen
22 program, where we have to fill it out upon
23 completion of every inspection where we include
24 carrier, driver information, vehicle
25 information.

1 And if there is as Level 1
2 inspection completed we obtain brake
3 measurements and any violations that we discover
4 on that inspection we list that on that report
5 as well.

6 Q. And what is your jurisdiction?

7 A. Like I cover approximately nine
8 counties right around central Columbus. Morrow,
9 Knox, Delaware, Franklin, Pickaway, Madison,
10 Licking, Fairfield. Any of those counties I can
11 be dispatched.

12 And we investigate or complete
13 inspections on all fatal crashes and serious
14 injury crashes. And if we don't get dispatched
15 to our agency handling a crash like that or we
16 can also be dispatched to other agencies that
17 request us to complete an inspection on a
18 commercial vehicle.

19 So if I don't get dispatched to
20 something like that then I just go out and
21 create my own activity as far as doing
22 inspections, working certain areas.

23 Q. Okay. Did you have occasion to --
24 were you on duty on the date of November 13th,
25 2015 where you were involved in an inspection of

1 MCH Transportation, LLC?

2 A. Yes, sir.

3 Q. And could you please tell us how it
4 came about that you did that inspection?

5 A. I was just on normal patrol. I was
6 working Pickaway County and in the area of U.S.
7 23 mile post 18 around the rest area there.
8 And I was dispatched by the Post to complete an
9 inspection for a local agency there, South
10 Bloomfield Police Department.

11 They stated a commercial motor
12 vehicle was involved in a crash and they asked
13 for my assistance to inspect it.

14 Q. And so then you went to a location
15 to do an inspection then from that dispatch.
16 And where was that location?

17 A. It was on U.S. 23 near mile post 17
18 in Pickaway County. And the intersection of
19 U.S. 23 northbound and State Route 316.

20 Q. Trooper Alloy, I have before you
21 what is marked as Staff Exhibit 1. Could you
22 please identify that document for the record,
23 please?

24 A. Yes. It's the Driver/Vehicle
25 Examination report. It's an Aspen program that

1 is on my MCT mobile computer terminal that is
2 also supplied by the State to generate our
3 inspection reports. And it's just a program
4 that is used nationwide to complete our
5 inspection, enter all the information that is
6 required for a Level 1, 2 or 3 inspection.

7 Q. Now, let me ask you, on the date of
8 November 13, 2015, were you on duty that day?

9 A. Yes, sir.

10 Q. And how were you dressed?

11 A. I was dressed in my uniform of the
12 day, which is a little bit different than this
13 one. It's black like a TDU. It would have been
14 a long sleeve shirt, and pants with the State
15 Highway Patrol markings on it, patches like I am
16 wearing today, and cloth badge and ball cap.

17 Q. And could you describe the vehicle
18 you were operating?

19 A. It's a 2014 Chevy Tahoe, silver,
20 blue light bar.

21 Q. And any markings on that vehicle?

22 A. It's got the State Highway Patrol
23 logo marked on it, says State Patrol.

24 Q. And what were the hours of your
25 shift that day, if you recall?

1 A. If I recall correctly, it switches
2 back and forth occasionally, but I believe I was
3 on a 6 A to 2 P shift. It could have been a 7 A
4 to 3 P shift.

5 Q. Okay. And then when you arrived to
6 do this inspection that you were dispatched to
7 that day, what did you find?

8 A. When I arrived at the scene the
9 tractor-trailer was on 23 northbound, it was
10 parked in the right lane in the intersection of
11 State Route 316.

12 I can't recall specifically where
13 the other vehicle involved in the crash was. I
14 believe it was still in the intersection.

15 Spoke briefly with the South
16 Bloomfield police officer. It was a no injury
17 crash. The commercial motor vehicle unit, the
18 driver unit, was not at fault.

19 I believe upon investigation from
20 the South Bloomfield police officer that
21 basically that the other driver ran a red light
22 or something at the intersection, was struck by
23 the commercial motor vehicle.

24 Q. And could you describe where you
25 observed the damage to be for the

1 tractor-trailer?

2 A. Yes. The damage consisted of
3 completely on the tractor unit. It had heavy
4 front end damage to the tractor. It was leaking
5 fluid, was disabled.

6 Q. Okay. And was any part of the truck
7 off the road?

8 A. No, sir.

9 Q. And tell us then how you conducted
10 your inspection then for that scene?

11 A. I spoke with the driver of the
12 commercial motor vehicle unit and obtained
13 certain information that I need to obtain to
14 complete my inspection such as the US DOT
15 number, shipping paper, logbook, truck-trailer
16 registration, driver's license, medical card.

17 In this case it was an Ohio driver's
18 license, the medical information is attached to
19 the driver's license on the computer.

20 At this time just instruct the
21 driver that I was going to complete a Level 1
22 inspection, and started my Level 1 inspection.

23 Q. So then everything you observed, did
24 you record that information anywhere?

25 A. Yes, sir.

1 Q. Of the inspection?

2 A. Yes, sir.

3 Q. And where did you record that
4 information?

5 A. It's all recorded on my
6 Drive/Vehicle Examination report.

7 Q. That would be Staff Exhibit 1?

8 A. Yes, sir.

9 Q. Okay. Why don't we look at that.
10 Could you please identify for the first block of
11 information there it contains a report number.
12 Where does that come from?

13 A. It's a report number generated by
14 the State PUCO. It's the first four digits
15 and my unit number. It's just the last six
16 digits is just sequential number for that year
17 and keeps track of all my inspections I complete
18 for the year.

19 Q. Okay. And then there is more
20 information right below that. What information
21 is there?

22 A. It's just the inspection date, the
23 date I completed the inspection. And the time
24 started, time ended. The type of inspection or
25 level of inspection. And whether or not the

1 inspection was hazardous material inspection or
2 not.

3 Q. And what is Level 1? What is the
4 Level 1 full inspection? Can you tell us?

5 A. Level 1, the full inspection
6 includes inspection of driver, the driver's
7 paperwork, such as driver's license, valid or
8 not valid. Proper endorsement, CDL.

9 Also includes the paperwork for the
10 tractor and the trailer, or the commercial
11 vehicle that you are inspecting, whether or not
12 the registration is proper and valid.

13 Also includes I guess the further
14 paperwork part of the inspection as far as
15 logbook, any log violations, whether or not a
16 logbook is required. The shipping paper. If
17 it's not hazardous there is really no
18 regulations on a shipping paper, but still
19 verify the shipping paper, make sure there are
20 no hazardous materials that we would have to
21 further inspect.

22 Also as far as paperwork includes
23 the periodic annual inspections that commercial
24 motor vehicles require for both, in this case,
25 both units, the tractor and the trailer. That

1 completes all the paperwork part of the Level 1
2 inspection.

3 Then Level 1 inspection also
4 includes an exterior check of the whole unit
5 that you are inspecting, a commercial motor
6 vehicle in this case, tractor and the trailer.
7 That includes the horn, wipers, washer fluids
8 system, triangle, safety equipment, fire
9 extinguisher, all lights for the whole unit,
10 tractor and trailer.

11 Visual inspection of the whole
12 exterior of the unit as far as tires, the frame,
13 axles.

14 Then the further Level 1 inspection
15 we also check brake measurements. So you have
16 to actually crawl underneath the truck, the
17 commercial motor vehicle, obtain brake
18 measurements. We also check steering
19 components, drive shafts, every aspect of the
20 commercial motor vehicle as far as the vehicle
21 is concerned.

22 Q. Was this a hazmat inspection?

23 A. No, sir.

24 Q. All right. Moving to the second
25 block of information there, you have information

1 to the left as to MCH Transportation. Where did
2 you get this information from?

3 A. The carrier information was obtained
4 by the DOT number that was marked on the
5 commercial motor vehicle.

6 Q. Did you run the DOT number?

7 A. Yes, sir.

8 Q. And the information that came back
9 was the information you identified here?

10 A. Yes, sir.

11 Q. And then further there is
12 information to the right as to driver
13 information. Where did you get that from?

14 A. That information was obtained from
15 the driver of the motor vehicle, commercial
16 motor vehicle driver's license.

17 Q. And how were you able to verify or
18 identify that that was in fact driver of that
19 vehicle?

20 A. I just verified the picture ID with
21 the driver of the commercial unit I was
22 completing the inspection with.

23 Q. All right. And then the next block
24 has about location. And this is referring to
25 where the inspection occurred; is that correct?

1 A. Yes, sir.

2 Q. Okay. And what other information is
3 there?

4 A. The location of the inspection was
5 completed on the roadside. It was on U.S. 23
6 mile post 17. The county it was inspected in
7 was Pickaway. And the origin and destination
8 is the origin where the commercial motor vehicle
9 was coming from and where its destination was.

10 So the commercial motor vehicle was
11 coming from Circleville, Ohio and was going to
12 Columbus, Ohio.

13 And the bill of lading or also
14 shipping paper and the cargo that it was
15 hauling, and in this particular time the motor
16 vehicle was empty. Or the trailer was empty.

17 Q. Okay. So inspection occurred in
18 Pickaway County, Ohio; is that correct?

19 A. Yes, sir.

20 Q. And within your jurisdiction?

21 A. Yes, sir.

22 Q. And the next block of information
23 here, vehicle identification, what is there?

24 A. The vehicle identification, that is
25 the commercial motor vehicle that I inspected.

Unit 1 was the tractor-trailer. It was a 2006 Freightliner. The license plate number, registration. It was an Ohio tractor-trailer.

The license plate was PVS6848. The equipment ID number, the truck number that the commercial motor vehicle or the driver uses to identify its truck was 1010. And it has the tractor's VIN number, the gross vehicle weight rating, is found on the sticker on the door frame on the driver's side.

And CVSA number, there is a CVSA decal issued. If we do complete a Level 1 inspection and there are no critical items found we do issue a CVSA decal. The CVSA issued decal number.

And then the out of service sticker number. And that is the number that we assign if there is an out of service violation that we find then we affix an orange out of service sticker decal. And then place the number on it.

And then unit 2 was the trailer, semi-trailer, was a 2004 Utility trailer, Ohio registration TQK4118. The equipment ID number on the that particular trailer was 47 B.

Then the trailer's VIN number, the

1 trailer's gross vehicle weight rating, which was
2 obtained from the VIN plate on the trailer.

3 And then the CVSA number, the issued
4 number, and out of service sticker number.

5 Q. And then the next block, brake
6 adjustments. You took those for this vehicle?

7 A. Yes, sir. That just includes the
8 axle number, the right and left side of the
9 axle, and the type of chamber.

10 When we do a Level 1 inspection we
11 number the axles starting from the front of the
12 tractor, the steer axle as axle 1, and then just
13 go from front to back. The first drive axle of
14 the tractor would be axle 2, second drive axle
15 would be axle 3, first axle of the trailer would
16 be 4, then the last axle of the trailer would be
17 5. So it's just from the front of the vehicle
18 to the back we just number them 1 through 4.

19 And then simply on each axle there
20 should be a brake chamber on both sides, the
21 left and right. And then measure the chamber
22 size and what type of particular chamber it is
23 for that axle.

24 And that would be the chamber where
25 it says the L in front of the 20 under axle 1,

1 that refers to whether it's just a standard
2 clamp chamber or in this particular case it was
3 a long stroke chamber. So long strokes are
4 given a little more brake stroke from the push
5 rod.

6 So that was a long stroke 20
7 chamber, and then axle 2 long stroke 30 chamber,
8 3, 4 and 5. 3 was a long stroke 30 chamber and
9 4 and 5 were both standard 30 clamp chambers.

10 Okay, then the numbers underneath
11 the axles are the measurements of the push rod
12 stroke when I did measure the brakes.

13 Q. And then as a result of conducting
14 your inspection in this case did you note any
15 violations of the Federal Motor Carrier Safety
16 regulations?

17 A. Yes, sir.

18 Q. And what were they?

19 A. In this particular case on
20 inspection the violations I noted were the
21 commercial motor vehicle was operating without a
22 proof of periodic inspection for the tractor.

23 There was a sticker. Generally when
24 we complete an inspection the carrier or
25 the driver will have either A, a sticker affixed

1 somewhere on the commercial motor vehicle that
2 has the date that it was inspected, and/or they
3 will have a -- what I call a hard copy, a piece
4 of paper that will have all the information from
5 the periodic annual inspection. They could have
6 one or both of those. Just as long as they have
7 some sort of proof that there was an annual
8 inspection done on the vehicle.

9 In this case I noted that the
10 sticker I found affixed on the tractor was dated
11 August 14th, so it would have been -- they are
12 good for a year. So this particular annual
13 inspection would have been due up August 2015.
14 So it would have been approximately three months
15 expired.

16 I noted that there was no hard copy,
17 so no paperwork was provided.

18 Q. How did you verify that there was no
19 hard copies?

20 A. From the driver. When I point out
21 that the sticker expired, then they will either
22 show me a hard copy that shows that it has been
23 inspected or no paperwork. So just from
24 interviewing the driver.

25 Q. And where was the sticker supposed

1 to be located that you observed?

2 A. I can't recall exactly where the
3 sticker was. There is no federal regulation
4 where the sticker has to be. You find them all
5 locations. So you just kind of when you do your
6 walk-around you just got to look in all
7 the places that you can try to locate the
8 sticker, or during your interview of the driver
9 you ask the driver, you know, do you know where
10 the annual sticker is, or do you have proof of
11 the periodic annual inspection that you know of
12 or can locate it.

13 I noted that there was a sticker and
14 that it was dated August 14th, but in this
15 particular case I can't recall exactly where I
16 located the sticker at.

17 Q. Okay. And what other violations did
18 you find?

19 A. Well, I also should note that on
20 that particular violation I had the violation
21 code, the section code. The unit number that
22 the violation occurred on was 1, which would
23 refer to the tractor.

24 It was not an out of receive
25 violation. And the violation where it says

1 crash, it could be pre-crash, post-crash or
2 result of the crash. So in this particular case
3 it was just noted as it was pre-crash.

4 The second violation I noted, like I
5 said, there was heavy damage to the tractor in
6 this particular case, so I listed the damage
7 under the violation section inspection repair
8 and maintenance of parts and accessories, and
9 stated that it was heavy front end damage.

10 The engine compartment had intrusion
11 and the engine was leaking fluids. This was
12 labeled as an out of service violation per
13 the regulation. And that this was -- particular
14 violation was a result of the crash, so it
15 hadn't existed prior to the catch.

16 Then the third violation I noted was
17 on the trailer, unit 2, was not an out of
18 service violation.

19 Q. I am sorry. Can you back up a
20 second? What unit were you dealing with for
21 the second, the one you just spoke to?

22 A. The second violation was on the
23 tractor, unit 1.

24 Q. Okay.

25 A. The third violation was noted on the

1 trailer. It was a violation operating a
2 commercial motor vehicle without a proof of
3 periodic inspection. And it was not a result of
4 a crash, so it had existed prior to the crash.

5 This particular case, sort of the
6 same thing with the tractor. The driver or the
7 carrier can show proof by either a hard copy
8 that shows it had a periodic annual inspection
9 and/or a sticker that is affixed to typically
10 the nose of the trailer, front of the trailer.

11 In this particular case or
12 inspection I just noted that it did not have a
13 periodic inspection, so I can't recall exactly
14 if -- there wasn't a hard copy and/or sticker
15 shown or found.

16 Q. And you verified that?

17 A. By visually looking at the trailer
18 and the interview with the driver.

19 Q. Okay.

20 A. The fourth violation was noted was
21 on the trailer. It was an out of service
22 violation. The violation was listed as a flat
23 tire or fabric exposed.

24 In this particular case it was on
25 the first axle of the trailer on the passenger

1 side, or the right side. It was axle 4. The 4
2 R means 4 right passenger side inside tire.
3 It was a dual set of tires, so it would be the
4 inside trailer tire.

5 And I visually noted that the tire
6 had a spike or some sort of nail intruding from
7 the tire, and there was no air in the tire.
8 And this was verified by checking for air
9 pressure in the tire with a tire gauge, tire
10 pressure gauge.

11 And in this case the tire was rated
12 for 110 psi, and this was verified from on the
13 side wall of the tire. It will -- the tire will
14 have the tire rating, what it's supposed to be
15 rated for psi. And when I did check the tire
16 there was no psi found in the tire. So the tire
17 was completely flat.

18 Q. Visually how did the tire appear to
19 you?

20 A. When I check tires I kick the tire,
21 all the tires. So the tire was spongy I guess
22 you could classify it at where it felt like it
23 didn't have any air in it.

24 And also noted that there was an
25 object, a nail or some sort of spike sticking

1 out of the tire. So, therefore, I will check
2 the tire with a tire pressure gauge to see if
3 there is any air pressure.

4 The specific Federal regulation,
5 it's not considered flat unless it's less than
6 half of what the tire is rated. So to verify
7 that you have to check it with a tire pressure
8 gauge. So when I did check it there was no air,
9 therefore, it is considered a flat tire.

10 So, for instance, the tire was
11 checked with the nail or the spike in it, it
12 would not be a violation as long as you don't
13 hear or visually see the air leaking from that,
14 or it would not be a violation if the tire had
15 over half of what it rated for by psi.

16 So in this particular case it was
17 110 psi. If it had 55 pounds of air in it, then
18 it would not be a violation.

19 Q. Okay. And you are saying it had
20 less than that?

21 A. Yes, sir. I am saying it had no air
22 in it.

23 Q. And how did you observe this object
24 that you described as a spike or a nail in the
25 tire? How did you inspect that?

1 A. It's on my exterior check of
2 the motor vehicle, the commercial motor vehicle.
3 So on my walk-around, when I walk around the
4 tractor-trailer I visually inspect the tires.
5 That includes kicking the tire with my foot to
6 see if it is wobbly or spongy where it could be
7 lack of air in the tire.

8 Q. All right. Where on the tire was
9 the spike or nail located?

10 A. If I recall correctly seem to recall
11 it was in the tread area. I don't recall it
12 being in the sidewall or that would have been a
13 violation itself if there was an object in the
14 sidewall. So if I recall correctly it was in
15 the tread area of the tire.

16 Q. And in the area of that tire was
17 there any damage caused by the accident?

18 A. Excuse me, sir.

19 Q. In the area of that flat tire was
20 there any damage to the vehicle from the
21 accident that you could observe?

22 A. No, sir. I noted no damage at all
23 from the crash pertaining to the trailer. All
24 the damage from the crash occurred to the
25 tractor.

1 The other vehicle involved in the
2 crash never came in contact with the trailer.

3 Q. So, Trooper Allowy, what is your
4 opinion as to what may have caused that tire to
5 go flat?

6 A. Well, my opinion is that the
7 spike-nail in the tire existed prior to the
8 crash because there is no reasonable data or
9 upon my investigation any evidence that shows
10 that that nail or spike or that flat tire could
11 have existed or happened after the crash.

12 There was no damage to the trailer
13 as a result of the crash. The tractor-trailer
14 never left the roadway. And in fact it wasn't
15 even moved after the crash occurred. And at
16 least not until I completed my inspection. It
17 may have been moved post my inspection from a
18 wrecker or after I left maybe. I can't
19 speculate that.

20 I don't know if the officer had
21 the driver move it or what happened to the
22 vehicle after my inspection. But it's my
23 opinion that the nail-spike existed prior to the
24 crash.

25 It's my opinion that the vehicle was

1 moving down or up the roadway on US 23 with the
2 nail and spike and the flat tire on the trailer.
3 The crash happened to occur. It's not my
4 opinion that the driver knew about the
5 nail-spike in the tire or that he even knew that
6 the tire was flat.

7 I stop many drivers all the time
8 that their tire is completely shredded off and
9 they never know anything about it. But, like I
10 said, it's my opinion that that tire was flat
11 prior to the crash.

12 Q. What restrictions are imposed as a
13 result of an out of service sticker? What does
14 that mean? When you place a unit or both units
15 out of service?

16 A. The out of service order, if the
17 regulation or the violation I cite the
18 commercial motor vehicle or the driver with, if
19 I place the driver and/or the vehicle, 1 or 2 in
20 this case, out of service, that means that that
21 particular violation has to be repaired prior to
22 the vehicle moving on the roadway again, or
23 continuing on its trip. That particular
24 violation has to be repaired.

25 In this case it was obvious from my

1 inspection that the out of service on the
2 tractor, the inspection, repair, maintenance,
3 parts and accessories, the heavy front end
4 damage, that is not a violation that is going to
5 be able to be repaired at the scene. It's going
6 to probably require that vehicle to be towed
7 from the scene.

8 The flat tire violation on the
9 trailer, that is an out of service and that
10 violation could perhaps be, and most times is,
11 repaired at the scene and that vehicle continues
12 on up the road.

13 Q. All right. Moving on then to
14 Special Checks boxes, what is noted there?

15 A. The Special Check that was noted in
16 this particular case was that it was a
17 post-crash inspection, which means that this
18 inspection was generated from a crash that
19 occurred.

20 Q. Okay. And when was this report
21 generated?

22 A. This particular inspection report
23 was generated on November 13th, 2015. And like
24 I stated earlier, the time I started
25 the inspection was 1309 and the time that I

1 ended the inspection was 1346.

2 Q. And how were you able to generate
3 this Staff Exhibit 1?

4 A. From my mobile computer terminal and
5 there are certain programs installed on my state
6 issued computer for me to generate this report.
7 In particular the Aspen program which we use to
8 generate this report.

9 Q. Okay. So walk us through as to how
10 you input data and then print out a form like
11 this?

12 A. Okay. On my computer, I just simply
13 click on the Aspen icon. It populates this
14 report, but it's all completely blank. And then
15 simply just type in the information.

16 I just go through just like what we
17 just did and just plug that information in that
18 I obtain from the driver and my inspection of
19 the commercial motor vehicle.

20 Q. Okay. So you input the data. What
21 do you do next?

22 A. At the completion of my inspection
23 the report is uploaded to PUCO Safer and I just
24 transfer the report from my computer to those
25 destinations or those places.

1 Q. And is this information shared with
2 anyone else at the scene of the inspection?

3 A. This particular report is given to
4 the driver to -- the driver has to give this
5 report to their carrier, so any additional
6 violations or repairs can be corrected. And
7 it's stated at the bottom of the report that
8 they have 15 days to get that report back to the
9 Public Utilities Commission of Ohio, has the
10 facts, information and all that.

11 And I give a copy of this report
12 also to -- well, in this particular case it
13 would have been the officer investigating the
14 crash.

15 Q. Okay. And what signatures are then
16 provided for this particular report?

17 A. I sign each report that I prepared
18 the report before I give it to the driver. I
19 instruct the driver to sign all sheets of the
20 report prior to them giving it to the carrier.

21 Q. So was there any discussion then
22 about the report with the driver?

23 A. It's just instructed that -- I
24 instruct the driver to carry this stop or
25 inspection on their logbook if they are required

1 to have a logbook as on duty, not driving, DOT
2 inspection. I give them the location of where
3 the inspection occurred, and the times.

4 And then I simply instruct them to
5 sign all sheets of the report prior to them
6 giving it to their carrier. And then I explain
7 to them that generally the carrier will know
8 what to do with the report once they get it.
9 And if they don't then just read the bottom of
10 the last page and it will explain to them where
11 to fax it and what they need to do as far as
12 PUCO is concerned.

13 Q. And from your inspection
14 and investigation in this case what business
15 relationship was there between Mr. Mohamed, the
16 identified driver here, and the carrier MCH
17 transportation?

18 A. I don't follow the question.

19 Q. Was Mr. Mohamed -- who was he
20 driving for?

21 A. The driver was noted as Mr. Mohamed.
22 He was for hire carrier for MCH Transportation,
23 LLC.

24 Q. Now, clearly this is a copy of that
25 report. Is this an accurate representation of

1 the information that was provided in your
2 original report that was prepared that day as a
3 result of your inspection on November 13, 2015
4 and issued to the driver, Mr. Mohamed?

5 A. Yes, sir.

6 Q. And is this a record that is kept in
7 the order course of business for your agency?

8 A. Yes, sir.

9 Q. And Staff Exhibit 1 was prepared by
10 you?

11 A. Yes, sir.

12 MR. JONES: If I could have just one
13 second, your Honor.

14 Your Honor, I have no further
15 questions of this witness for Staff.

16 ATTORNEY EXAMINER: Very good. Do
17 you have any questions?

18 MR. YEMC: Yes. Thank you, your
19 Honor.

20 CROSS-EXAMINATION

21 By Mr. Yemc:

22 Q. Trooper Alloy, when you inspected
23 the vehicle it was slightly north of the
24 intersection; wasn't it?

25 A. It may have been. I can't recall

1 exactly. I just know it was in the right lane
2 on U.S. 23. If I recall correctly, I believe it
3 was slightly south. No, it may have been
4 slightly north of the intersection. I know it
5 was on U.S. 23 in the right lane.

6 Q. Do you ever see the police report,
7 the accident report?

8 A. No, sir.

9 Q. Do you know anything about the
10 accident other than what you testified here
11 today where the vehicles were located, what
12 lanes they were in?

13 A. The only think I know from briefly
14 speaking with the Officer Skeens who
15 investigated at the time was the commercial
16 motor vehicle was not at fault, and that the
17 other vehicle was at fault and ran the red light
18 and was struck by the tractor-trailer.

19 And that is what, from my
20 experience, that is what I gathered by just
21 being at the crash scene.

22 Q. Did you ever see this commercial
23 motor vehicle being operated?

24 A. No.

25 MR. YEMC: I have no further

1 questions.

2 MR. JONES: No other questions,
3 your Honor. I would move for the admission of
4 Staff Exhibit 1 into the record.

5 ATTORNEY EXAMINER: Very good. I
6 will admit that exhibit into evidence.

7 (EXHIBIT ADMITTED INTO EVIDENCE)

8 MR. JONES: Your Honor, I would also
9 move for the admission of Staff Exhibit 2 for
10 the record, which is the Notice of Preliminary
11 Determination that was sent out on February 14,
12 2016 from the Public Utilities Commission which
13 indicated the violation description and the Code
14 number and the forfeiture computation for
15 the violations that were presented here today,
16 your Honor.

17 ATTORNEY EXAMINER: Very good.
18 Okay.

19 (EXHIBIT ADMITTED INTO EVIDENCE)

20 ATTORNEY EXAMINER: I will admit
21 the exhibits. Do you have any other witnesses?

22 MR. JONES: No. With that, Your
23 Honor, no other witnesses for Staff.

24 ATTORNEY EXAMINER: Okay. We will
25 go to your side of the case.

1 MR. YEMC: We will call the driver,
2 Mohamed Hire.

3 (WITNESS SWORN)

4 - - -

5 MOHAMED ABDI HIRE
6 called as a witness, being first duly sworn,
7 testified as follows:

8 DIRECT EXAMINATION

9 By Mr. Yemc:

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

12 A. Mohamed Hire.

13 Q. And, Mr. Hire, did you happen to be
14 driving a commercial vehicle on the 13th of
15 November, 2015?

16 A. Yes, I was.

17 Q. And who were you driving that
18 vehicle for?

19 A. MCH Transportation.

20 Q. What's your relationship to MCH
21 Transportation?

22 A. I am the owner and the driver of the
23 vehicle.

24 Q. And on that date did you happen to
25 get involved in a traffic accident?

1 A. Yes

2 Q. Could you explain what occurred?

3 A. Well, I woke up not that far from
4 the accident, 17 miles away from where the
5 accident happened. I did all my inspection, hit
6 the road, and then there was a light.

7 Q. Let's back up with regards to your
8 inspection. What do you do with regards to a
9 pre-trip inspection?

10 A. Well, basically you come out, open
11 the hood, and look all the hoses, if there is no
12 leak or air coming out, check all your tires,
13 kick them all.

14 If you have any suspicious, any tire
15 has low air, I got a gauge in my truck, make
16 sure what is the rating on the tire.

17 That point I did not find any
18 violation of my vehicle. And I do this every
19 morning because I am not just a driver, I own
20 the company, this is my living.

21 I hit the road and 17 minutes later
22 I was approaching a light which was green for us
23 northbound.

24 Q. What lane were you in at this time?

25 A. All the way right lane. It was

1 three lane, two were going straight and the left
2 lane was turning left. So I was in the far
3 right lane.

4 Q. Okay. What happened as you were
5 approaching the intersection?

6 A. Well, the traffic was moving and I
7 could see this lady was sitting at the --
8 turning left coming on the side on southbound
9 and she had her light, and I don't know what
10 happened, she was stopped at the beginning
11 because I was looking at her on the road.

12 And all of a sudden when I was very
13 close, maybe less than 3,000 feet away she
14 decided to cut in front of me. And that is how
15 it happened, the accident, I hit right on the
16 side. Truck was totally disabled. I had a lot
17 of damage, starting leaking fluids.

18 Q. Were you able to move the vehicle
19 after the accident?

20 A. I was forced to do so.

21 Q. You were forced by whom?

22 A. By the officer that showed up for --
23 officer, I can't recall his name. There was a
24 local police department that showed because the
25 place that happened at, the accident, was very

1 heavy traffic location. Had so many fast food
2 so many shopping centers. People could not get
3 around me.

4 So I was forced to, even though the
5 truck was not turning on for quite a while, it
6 was shutting off immediately, but I had to move
7 it inch by inch, you know, so people can get
8 behind me to go on the left lane and wherever
9 they want to go.

10 Q. So when you were instructed and
11 forced to move your vehicle, did you have to
12 drive through a debris field?

13 A. Yes, sir, I did.

14 Q. After you got stopped what happened?

15 A. Well, when we moved the vehicle out
16 of the way a little bit so people can go around
17 me, the officer called a State Trooper and as
18 well as -- I don't know who called the towing
19 company, towing company showed up too as well.

20 So at the time the officer come the
21 towing company was there to tow the truck and
22 trailer because they were not functioning, they
23 were disabled.

24 And he started his inspection at the
25 time. Well, the truck was not even starting

1 probably, but he asked me a couple times to do
2 so.

3 At that point I felt -- him and I
4 both put our lives in jeopardy. Right where we
5 was at was not the right place to do an
6 inspection. If he could have waited until
7 the truck gets towed out of the place and go to
8 a parking lot to do the inspections.

9 Q. During that inspection did Trooper
10 Alloy ask you for a copy of the annual vehicle
11 inspection report?

12 A. That's correct.

13 Q. Explain to me how that all occurred.

14 A. Well, I did have braking, I told him
15 I had all the documents in place. Since
16 the place was not a safe place and he knew it, I
17 knew it. He didn't have a lot of time to wait
18 for -- started looking where I put my documents,
19 but I did have braking and everything, you know,
20 all my paperwork was all over the place.

21 So I could not find immediately when
22 he approached at the window. But I did tell him
23 I do have them in place. And here they are.

24 Q. And I am going to show you what is
25 going to be marked Respondent's Exhibit A And B.

1 (EXHIBITS MARKED FOR THE PURPOSE OF
2 IDENTIFICATION)

3 Q. Could you describe what this first
4 document is that is going to be Respondent's
5 Exhibit A?

6 ATTORNEY EXAMINER: Excuse me. What
7 have we got here? What is this?

8 MR. YEMC: I don't have another
9 copy, I am sorry, I can pass it after he
10 describes what this is.

11 This is a copy of the annual vehicle
12 inspection report, Your Honor.

13 ATTORNEY EXAMINER: Okay. Do you
14 intend to mark this?

15 MR. YEMC: Yes, your Honor.

16 ATTORNEY EXAMINER: Exhibit 1?

17 MR. YEMC: It's going to be Exhibit
18 A. Since he was 1 and 2 I will be A and B.

19 ATTORNEY EXAMINER: We will use
20 numbers. Respondent's Exhibit 1.

21 MR. YEMC: Okay.

22 Q. Can you describe what that is?

23 A. This is MCH Transportation, the VIN
24 number of the vehicle, the date that
25 the inspection has been taken place, the unit

1 number 1010, which was the tractor unit.

2 Q. When did that inspection take place?

3 A. That was August 10, 2015.

4 Q. And you had this with you on the day
5 of the accident?

6 A. Yes, I did.

7 Q. The day your papers were all over
8 the floor because of the accident?

9 A. Yes.

10 Q. And this intersection down there in
11 South Bloomfield, that is where all, like you
12 described, all the restaurants and --

13 A. Fast food.

14 Q. Pretty busy area?

15 A. Yes.

16 Q. Okay. I will hand you what is going
17 to be marked as Respondent's Exhibit 2.

18 (EXHIBIT HEREBY MARKED FOR
19 IDENTIFICATION PURPOSES)

20 Q. Could you describe what that is?

21 A. There is MCH Transportation, LLC,
22 unit No. 47-B, which is the trailer number. It
23 shows the VIN number of the vehicle, the date of
24 this inspection, which was back in August 10,
25 2015.

1 Q. And was that for the trailer you
2 were pulling that day?

3 A. Yes, sir.

4 Q. And that's by equipment 47-B?

5 A. Yes, sir.

6 Q. And that corresponds with the
7 examination report?

8 A. Yes, sir.

9 Q. Okay. These are the original --

10 ATTORNEY EXAMINER: Let me see it,
11 please. This is different from the --

12 THE WITNESS: That's the trailer.
13 This is the tractor.

14 ATTORNEY EXAMINER: This is 2.

15 MR. YEMC: That is Exhibit 2.

16 ATTORNEY EXAMINER: Okay.

17 Q. And are those the original
18 documents?

19 A. Yes.

20 Q. Those are the copies that you keep
21 in your tractor?

22 A. Yes, sir.

23 Q. Do you recall how long the
24 examination took place?

25 A. Don't quote me on this, I was kind

1 of shocked with what happened, but I think it
2 was less than an hour, maybe a half hour.

3 Q. At what point did he ask you for
4 that documentation?

5 A. I think it was the last -- when he
6 did all his inspections and everything.

7 Q. After he is done looking at your
8 tractor and trailer?

9 A. Yes.

10 Q. Okay.

11 A. After he did all the brake
12 inspections and underneath the trailer. This
13 was the last thing he was looking for. And I
14 didn't have it in place at the time. But I told
15 him give me a minute, I will look for it and
16 there was not enough time. The truck has to
17 move out of the way.

18 Q. So he didn't give you enough time to
19 locate the form?

20 A. No.

21 Q. But you did have it that day?

22 A. Yes, I did.

23 Q. Let's focus in on that nail or spike
24 that was in your tire. Now, did you see that
25 nail or spike when you did your pre-trip

1 inspection?

2 A. No.

3 Q. Did you see it after the accident?

4 A. Yes. After he mentioned about the
5 nail and I come out and looked at it and I was
6 surprised there was a nail.

7 Q. And it wasn't there prior to the
8 crash?

9 A. Not that I was aware of, no, because
10 when I did the inspection I could not see and
11 there was no low air in my tire.

12 Q. Other than when you were complying
13 with the lawful order of a police officer did
14 you operate that commercial vehicle at any point
15 with a flat tire?

16 A. No. Let me mention this: This is
17 not the first time I was stopped by DOT. It
18 happened in Texas, Missouri, Maryland. You name
19 it. I never had an out of service violation
20 because I take care of my equipment most of the
21 time.

22 And if had any nail or flat tire I
23 would not put that truck on the road.

24 MR. YEMC: Thank you, sir. I have
25 nothing further.

1 ATTORNEY EXAMINER: Do you have any
2 questions?

3 MR. JONES: Yes, Your Honor.

4 CROSS-EXAMINATION

5 By Mr. Jones:

6 Q. Mr. Mahamed, I believe you testified
7 that you had driven for 17 minutes, or how long
8 did you drive before -- between the time you
9 started and the time of the accident?

10 A. About 17, 20 minutes.

11 Q. 17 to 20 minutes?

12 A. Yes.

13 Q. And that was constant driving;
14 right? You didn't stop?

15 A. Yes. I did not stop.

16 Q. Okay. And then the accident
17 occurred?

18 A. Yes.

19 Q. At the location you described;
20 right?

21 A. Right.

22 Q. Okay. Now, before that time and
23 distance you could not have known whether or not
24 there was a -- you picked up a spike or nail in
25 that time frame and in that distance; is that

1 correct?

2 A. Before the accident, no.

3 Q. So you agree that you could not have
4 known if it was there present or not, you might
5 have picked it up on the road in that distance
6 and time?

7 A. It's a possibility, but at this
8 point I don't believe because when I first moved
9 the vehicle out of the way a couple times I was
10 dragging my tires because I didn't have enough
11 air. And stopped on the damage and on the road
12 that day.

13 Q. Let me --

14 A. I was trying to move on the
15 shoulder, and this U.S. 23, that does not have
16 enough shoulder to pull the truck and trailer,
17 so pushing far to the right lane and I could
18 hear stopping on some of the damages.

19 Q. Let me ask you, you were traveling
20 in the northbound lane of 23; is that correct?

21 A. Yes.

22 Q. And you were in the far right-hand
23 lane; is that correct?

24 A. That's correct.

25 Q. And there were how many lanes at

1 that location of that intersection of I believe
2 it was described as -- 316 and 23?

3 A. As far as I am concerned three
4 lanes, two going straight and one was turning to
5 the left.

6 Q. And so then the impact occurred with
7 you being in the far right lane; correct?

8 A. Yes.

9 Q. And that is where your truck came to
10 rest, right, in the far right lane after the
11 impact of the crash; is that correct?

12 A. Right. But when the officer showed
13 up for, the Trooper, told me to move out
14 the vehicle out of the way so these people can
15 go around us. And then I started, it was not
16 fun to do because the truck, whenever you start
17 you have to do quickly, put the gear in and move
18 because it will shut it off because of no oil
19 and coolant.

20 But I did move it from where
21 the accident happened all the way at the end of
22 the light so people can go around me.

23 Q. So you are saying at that time of
24 the impact your vehicle was still in the
25 intersection?

1 A. On the trailer.

2 Q. The trailer was in the intersection?

3 A. Yes. But everything else I moved it
4 forward so people can go around us.

5 Q. And --

6 A. That happened before he showed up.

7 Q. Before who showed up?

8 A. Office Alloy.

9 Q. So you are saying you moved the
10 vehicle before Officer Alloy appeared on the
11 scene?

12 A. Yes.

13 Q. And how far are you saying you moved
14 the truck?

15 A. Well, there is where I don't know if
16 I can -- the light was right here and this is
17 where the accident happened. We moved it all
18 the way right there (indicating) so people can
19 go around us.

20 Q. Can you give me an approximate
21 distance?

22 A. I would probably say 70 feet away
23 where the accident happened. And I am not
24 trained in feet measurement, but I am just
25 giving roughly so people can at least go around

1 us. We went in front of the light all the way
2 to the end of the light so people can go around
3 back of the vehicle.

4 Q. And how soon did this occur after
5 the impact?

6 A. Probably not that long. About five,
7 six minutes later because the Officer was very
8 close when he was called, the first officer that
9 showed up.

10 Q. So it's your testimony that the
11 South Bloomfield officer is the one that
12 directed you to move your truck?

13 A. Yes.

14 Q. From the exact location of
15 the accident?

16 A. Yes. He did it so because people --
17 we were blocking everybody, people can go around
18 us.

19 Q. And this is before that officer had
20 an opportunity to investigate that crash?

21 A. Yes.

22 Q. And it's your testimony that your
23 truck was operational? You could actually start
24 the truck and actually move the truck?

25 A. Again, the truck was starting, but

1 if you don't move and put it in gear quickly it
2 will shut it off. Basically it was not movable.
3 Basically it would not stay on for more than two
4 minutes. It would shut it off itself.

5 Q. The truck was shutting off?

6 A. Yes. Even though it was shutting
7 off, I moved it twice. Every time I had to wait
8 when it shut off to start again, move a little
9 bit forward.

10 Q. And you are saying you had to drive
11 over the debris from the impact of the crash?

12 A. Yes.

13 Q. And the other car was still not
14 connected to the front of your truck?

15 A. No. As soon as the accident
16 happened the other car twisted on the passenger
17 side, and she was facing towards me again coming
18 on the side of the vehicle. So basically she
19 was -- when I hit her right at the edge of her
20 door she got twisted and she went twice to
21 McDonald's. McDonald's was on the passenger
22 side, and she was turning like this (indicating)
23 again, so she was not in front of me at the
24 time.

25 Q. And there was debris in the road

1 from both vehicles?

2 A. Yes.

3 Q. And you sustained pretty heavy
4 damage to the front of your truck, right, your
5 grill?

6 A. Yes. Everything come apart.
7 Bumper, lights, the hood. Yes, it was heavy
8 damage.

9 Q. And your engine sustained damage as
10 well; right?

11 A. Yes.

12 Q. Do you know what parts of your
13 engine sustained damage?

14 A. Radiator, air to air, as far as I
15 know right now.

16 Q. Now, for the Respondent's Exhibits 1
17 and 2, it's your testimony that these exhibits
18 where in your possession at the time of the
19 accident?

20 A. Yes.

21 Q. And where were they located at the
22 time?

23 A. You are talking about this one?

24 Q. Both 1 and 2.

25 A. They were somewhere in the truck.

1 Everything was -- because I did have braking, as
2 as I said. If I would of had enough time to
3 look for it I could find it, but he has to go,
4 the truck has to get towed because tow guys were
5 out there waiting for him to do his job.

6 So I did not have enough time to
7 look for it. But I did tell him I did have it
8 but not in the space. But I found it after they
9 towed me and I had enough time to look for it
10 and I found it. And immediately I e-mailed this
11 to the DOT asking for consideration.

12 Q. Where is the sticker on your
13 tractor? Where is the sticker on your tractor,
14 your annual inspection sticker?

15 A. That was a human error. I did not
16 have it in the space.

17 Q. You didn't have the sticker?

18 A. No.

19 Q. Okay. And you can't recall where
20 these documents would have been in your cab?

21 A. There were top shelves where most
22 truckers put their paperwork. That is where
23 they were located at. But since everything was
24 messed up and moved side-by-side I could not
25 find them immediately.

1 Q. Well, the officer did ask you if you
2 had any documentation; right?

3 A. Right.

4 Q. And did you make any attempt to look
5 for it?

6 A. Oh, yes. Oh, yes. He was there at
7 the door with me looking for those paperwork.
8 But, unfortunately, when I looked around and
9 couldn't see them right there and he asked to
10 let it go and to put it in the report. There
11 was not enough time basically.

12 Q. How much paperwork would you keep in
13 your cab?

14 A. I keep all my bill of ladings,
15 documents that need to be -- all any repair,
16 stuff like that. Some of them I bring with me,
17 so I keep all that in my cab.

18 Q. What was with this documentation?
19 Was this with anything or was it by itself?

20 A. No. They were among with the other
21 paperwork.

22 Q. Are you saying that you weren't
23 given enough time to find the paperwork, or you
24 just looked --

25 A. No, I was not given enough time to

1 look for the paperwork, yes.

2 Q. Did somebody tell you that? Did
3 somebody tell you that you couldn't have any
4 more time to look?

5 A. Well, I was looking, he stopped, get
6 out. He was right at the window trying to get
7 the paperwork and I looked and I didn't have
8 immediately in his hand. Then he says, okay,
9 that's fine, then get out.

10 And put in the record that I did not
11 have because I did not give it to him right at
12 the time he was at the window.

13 Q. But Officer Alloy didn't cut your
14 search short, did he, when you were searching
15 for these documents? He didn't interrupt you or
16 stop you from searching further; did he?

17 A. Well, he was at the window for a few
18 minutes and when I could not provide this
19 document he get out and say, okay, that is fine,
20 put it in his report.

21 Q. How long did you look?

22 A. Probably three minutes. Maybe less.
23 I don't know. He wasn't out there for a lot of
24 time.

25 Q. Mr. Mahamed, where was the

1 inspection done?

2 A. Where was the inspection done?

3 Q. For this paperwork here that you
4 have for Exhibits 1 and 2, Respondent's Exhibits
5 1 and 2, where is this shop at?

6 A. Oh, at Weber -- I have to look
7 there. I might have some other repairs they did
8 there. In the north part of Columbus. I don't
9 know exactly in my head but I look if you give
10 me time.

11 Q. What's the name of the business?

12 A. Diesel Experts.

13 A. Diesel Experts?

14 A. Yes.

15 Q. And what street are they located on?

16 A. Right on Weber. I can't recall
17 the other street. Right on Weber on the left
18 side right past the school on the left side.
19 I don't know.

20 Q. Is this Columbus?

21 A. Yes. Columbus.

22 Q. Is it up near Clintonville? Does
23 that sound familiar?

24 A. Where at?

25 Q. Clintonville, Weber.

1 A. No. Clintonville, High Street.

2 MR. JONES: I have no further
3 questions, your Honor.

4 ATTORNEY EXAMINER: Do you have any
5 on redirect?

6 MR. YEMC: Yes. Just to clarify.

7 REDIRECT EXAMINATION

8 By Mr. Yemc:

9 Q. These annual vehicle inspection
10 reports that you had that day, did you get those
11 directly from Diesel Experts?

12 A. Yes.

13 Q. Okay. And you keep them in your
14 truck?

15 A. Yes.

16 Q. Is this a document you keep in the
17 normal course of business?

18 A. Yes.

19 Q. I saw that there is a vehicle copy.
20 Are there other copies that you keep with your
21 company records?

22 A. Yes.

23 Q. And you had those that day?

24 A. Yes.

25 Q. And those are accurate depiction of

1 what you had that day?

2 A. Yes.

3 MR. YEMC: I have nothing further.

4 ATTORNEY EXAMINER: Recross?

5 MR. JONES: No, your Honor. Nothing
6 further.

7 ATTORNEY EXAMINER: You are excused.

8 MR. YEMC: I move to have exhibits,
9 Respondent's Exhibits 1 and 2 admitted. If I
10 can make copies, because these are going to have
11 to remain in the truck. If I can make copies of
12 both of these so he can keep the originals in
13 the truck. That is a requirement.

14 ATTORNEY EXAMINER: I will admit
15 those into evidence.

16 MR. JONES: Your Honor, I just
17 wanted to note an objection for the record to
18 the admission of those documents; that they are
19 hearsay. The person who prepared those
20 documents is not here in court today for me to
21 be able to cross-examine that person to verify
22 the authenticity of those documents for purposes
23 of an inspection occurring in August of 2015.

24 And so I just wanted to note that
25 objection for the record.

1 ATTORNEY EXAMINER: Very good. Go
2 ahead and put those in the record at this time.

3 (EXHIBITS HEREBY ADMITTED INTO
4 EVIDENCE}

5 MR. YEMC: Thank you, your Honor.

6 ATTORNEY EXAMINER: Let's go off the
7 record here. We will discuss -- is there
8 anything more to add?

9 MR. JONES: I am sorry, your Honor.

10 ATTORNEY EXAMINER: Do you have
11 anything more?

12 MR. JONES: The Staff has no further
13 evidence to present, your Honor.

14 ATTORNEY EXAMINER: Okay. We will
15 talk about briefs. Do you want briefs, anyone?
16 I won't call for one.

17 MR. JONES: I don't.

18 MR. YEMC: No.

19 ATTORNEY EXAMINER: Well, if that is
20 all there is, I will consider the case submitted
21 on the record. I thank you for coming.

22 MR. YEMC: Thank you, your Honor. I
23 appreciate it.

24 - - -

25 (At 11:30 A.M. the hearing was

1 concluded)

2 CERTIFICATE

3 I do hereby certify that the foregoing
4 is a true and correct transcript of the
5 proceedings taken by me in this matter on June
6 9, 2016, and carefully compared with my original
7 stenographic notes.

8 Michael O. Spencer,
9 Registered Professional
10 Reporter.

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Case No(s). 16-0484-TR-CVF

Summary: Transcript In the matter of: MCH Transportation, LLC, hearing held on June 9, 2016. electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Spencer, Michael O. Mr.