

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

In the Matter of John :  
Larrow, Notice of Apparent: Case No. 16-61-TR-CVF  
Violation and Intent to :  
Assess Forfeiture. :

- - -

PROCEEDINGS

before Nicholas Walstra, Attorney Examiner, at the  
Public Utilities Commission of Ohio, 180 East Broad  
Street, Room 11-C, Columbus, Ohio, called at 1:08  
p.m. on Monday, June 20, 2016.

- - -

ARMSTRONG & OKEY, INC.  
222 East Town Street, Second Floor  
Columbus, Ohio 43215-5201  
(614) 224-9481 - (800) 223-9481  
Fax - (614) 224-5724

- - -

1 APPEARANCES:

2 Mike DeWine, Ohio Attorney General  
3 By Robert Eubanks  
4 Assistant Attorney General  
5 30 East Broad Street, 14th Floor  
6 Columbus, Ohio 43215

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

9 - - -

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

INDEX		
- - -		
Witness		Page
Jonathan Frye		
Direct Examination by Mr. Eubanks		5
- - -		
Staff Exhibit	Identified	Admitted
1 Notice of Preliminary Determination	7	7

1 Monday Afternoon Session,  
2 June 20, 2016.

3 - - -

4 THE EXAMINER: The Public Utilities  
5 Commission of Ohio has called for hearing at this  
6 time and place Case No. 16-61-TR-CVF, being in the  
7 Matter of John Larrow, Notice of Apparent Violation  
8 and Intent to Assess Forfeiture.

9 My name is Nick Walstra. I'm the  
10 Attorney-Examiner assigned by the Commission to hear  
11 this case. I'll begin by taking appearances of the  
12 parties. On behalf of Staff.

13 MR. EUBANKS: Robert Eubanks, Attorney  
14 General's Office here representing the Staff.

15 THE EXAMINER: Thank you. For the  
16 record, I'll note that Mr. Larrow is not present.

17 From Staff?

18 MR. EUBANKS: We'd like to move for a  
19 default, a default judgment in light of the fact that  
20 the defendant is not here. I guess I'll call to the  
21 stand Jonathan Frye to testify about the Notice of  
22 Preliminary Determination.

23 THE EXAMINER: Okay.

24 (Witness placed under oath.)

25 THE EXAMINER: Thank you. You may be

1 seated.

2 - - -

3 JONATHAN FRYE

4 being first duly sworn, as prescribed by law, was  
5 examined and testified as follows:

6 DIRECT EXAMINATION

7 By Mr. Eubanks:

8 Q. I may be being extra cautious, but I just  
9 want to put this on the record. Could you state your  
10 name for the record.

11 A. Jonathan Frye. That's J-O-N-A-T-H-A-N  
12 F-R-Y-E.

13 Q. And could you state your position with  
14 the Public Utilities Commission.

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

16 Q. And your responsibilities in that  
17 position.

18 A. To review the fines that have been  
19 assessed against drivers, shippers or carriers.

20 Q. In this particular case, did you do any  
21 such review for John Larrow?

22 A. Yes.

23 Q. And could you describe what you did?

24 A. I looked at the particular code cite and  
25 made sure that the code cite and the monetary fine

1 that was assessed for that particular code cite met  
2 all our parameters.

3 Q. And did it?

4 A. Yes.

5 Q. Did you send out a Notice of Preliminary  
6 Determination to John Larrow?

7 A. Yes.

8 Q. If you could take a look at the document  
9 before you right now. Could you identify it?

10 A. Yes, this is the Notice of Preliminary  
11 Determination letter. And we send this letter out --  
12 After there's a conference that's conducted when  
13 we're unable to reach a resolution, we send this  
14 letter to advise the Respondent of his choices in  
15 terms of either paying the fine or making a request  
16 for an administrative hearing.

17 Q. And as you said, just to be clear, this  
18 was sent out?

19 A. Yes, it was sent out on December 15th,  
20 2015.

21 MR. EUBANKS: I have no further questions  
22 of the witness.

23 THE EXAMINER: Should we mark this  
24 exhibit Staff Exhibit 1?

25 MR. EUBANKS: Yes.

1 THE EXAMINER: So marked. Thank you.

2 (EXHIBIT MARKED FOR IDENTIFICATION.)

3 MR. EUBANKS: So, once again, in light of  
4 the fact that the defendant received notice of the  
5 hearing and didn't show up and we have a Notice of  
6 Violation for seatbelt, we'd like to move for default  
7 judgment for violation of Code 392.16 for use of  
8 seatbelt while operating CMV in the forfeiture amount  
9 of \$400.

10 THE EXAMINER: Okay. The Commission will  
11 take that under advisement. The exhibit will be  
12 moved and admitted into the record.

13 (EXHIBIT ADMITTED INTO EVIDENCE.)

14 THE EXAMINER: Anything else?

15 MR. EUBANKS: Nothing else.

16 THE EXAMINER: All right. We are  
17 adjourned. Thank you.

18 (The hearing was concluded at 1:13 p.m.)

19 - - -

20

21

22

23

24

25

CERTIFICATE

I do hereby certify that the foregoing is  
a true and correct transcript of the proceedings  
taken by me in this matter on Monday, June 20, 2016,  
and carefully compared with my original stenographic  
notes.

\_\_\_\_\_  
Cynthia L. Cunningham

- - -



**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**6/30/2016 11:53:26 AM**

**in**

**Case No(s). 16-0061-TR-CVF**

Summary: Transcript In the Matter of John Larrow, Notice of Apparent Violation and Intent to Assess Forfeiture, hearing held on June 20, 2016. electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Cunningham, Cindy