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1 APPEARANCES:

2 Natalia V. Messenger
3 Assistant Attorney General
4 30 East Broad Street, 16th Floor
5 Columbus, Ohio 43215

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

8 Imeda Londaridze
9 1733 Rockwell Road
10 Abington, Pennsylvania 19001

11 Appearing Pro se.

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Thursday morning,
August 25, 2016.

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ATTORNEY EXAMINER: I'll go ahead and
call the hearing. The Public Utilities Commission
of Ohio has set for hearing at this time and place
Case No. 16-1233-TR-CVF in the matter of Imeda
Londaridze -- is that how you pronounce your
name? -- and Blue Way Transport, Inc.

My name is Kerry Sheets. I'm the
Attorney Examiner for the Commission, and I've been
assigned to hear this case.

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

MS. MESSENGER: Thank you, Your Honor.
On behalf of the Staff of the Public
Utilities Commission of Ohio, Ohio Attorney General
Mike DeWine, by Assistant Attorney General Natalia
Messenger, 30 East Broad Street, Columbus, Ohio
43215.

ATTORNEY EXAMINER: Thank you. Now for
the respondent. Your name and address, sir?

MR. LONDARIDZE: My name is Imeda
Londaridze.

ATTORNEY EXAMINER: Your name and

1 address. Go ahead.

2 MR. LONDARIDZE: My address? 1733
3 Rockwell -- you want my address, yeah?

4 ATTORNEY EXAMINER: Yeah --

5 MR. LONDARIDZE: 1733 Rockwell Road,
6 Abington, PA 19001.

7 ATTORNEY EXAMINER: Thank you. You can
8 go ahead and be seated.

9 MR. LONDARIDZE: Thank you.

10 ATTORNEY EXAMINER: Now we start the
11 case with Staff's presentation. Do you have any
12 witnesses to call?

13 MS. MESSENGER: Yes, Your Honor.
14 Before I call our first witness, Mr. Londaridze has
15 agreed to stipulate to two violations. The first
16 one is the violation of Section 390.21, that the
17 USDOT number was not properly displayed. And the
18 other violation that he is stipulating to is of
19 Section 393.43, that there was an improper --

20 ATTORNEY EXAMINER: I'm going to ask
21 you to speak up just a little bit.

22 MS. MESSENGER: Sure. The second
23 violation that the respondent is stipulating to is
24 for Section 393.43, that there was no or improper
25 breakaway or emergency braking.

1 ATTORNEY EXAMINER: Okay.

2 MS. MESSENGER: So Staff would call
3 Inspector Arthur Philabaum to the stand.

4 (Witness sworn.)

5 ATTORNEY EXAMINER: Be seated.

6 - - -

7 ARTHUR PHILABAUM
8 called as a witness, being first duly sworn,
9 testified as follows:

10 DIRECT EXAMINATION

11 BY MS. MESSENGER:

12 Q. Can you please state your name and
13 business address for the record?

14 A. My name is Arthur Philabaum. I work
15 for the Ohio State Highway Patrol. I believe it's
16 2855 Dublin Granville Road, Columbus, Ohio.

17 Q. And what is your position with the
18 Highway Patrol?

19 A. I'm a DOT inspection officer.

20 Q. What are your duties as an inspection
21 officer?

22 A. To patrol Ohio's highways and stop and
23 inspect commercial motor vehicles that are
24 transporting.

25 Q. How long have you been with the Highway

1 Patrol?

2 A. Since 2004 in this capacity.

3 Q. And what certifications or training do
4 you have as an inspection officer?

5 A. I've been through the North American
6 Level 1, Level 2, three different HAZMAT classes,
7 and several annual in-services.

8 Q. Were you on duty on March 21, 2016?

9 A. Yes.

10 Q. And what was your job assignment that
11 day?

12 A. To work State Route 70 on the eastern
13 side of the district, which would be Licking County.

14 Q. Were you in uniform?

15 A. Yes, ma'am.

16 Q. And in a marked vehicle?

17 A. Yes, ma'am.

18 Q. Did you inspect a vehicle that resulted
19 in your preparing a report?

20 A. Yes, ma'am.

21 Q. And today, do you have an independent
22 recollection of that inspection?

23 A. Yes.

24 MS. MESSENGER: Your Honor, at this
25 time, I would like to mark as Staff Exhibit 1, the

1 driver/vehicle examination report.

2 (Staff Exhibit No. 1 was marked for
3 identification.)

4 MS. MESSENGER: May I approach?

5 ATTORNEY EXAMINER: Very good.

6 BY MS. MESSENGER:

7 Q. Inspector Philabaum, do you recognize
8 the document that's been marked Staff Exhibit 1?

9 A. Yes, ma'am.

10 Q. What is it?

11 A. This is a copy of a DOT inspection
12 report that I prepared on 3-21 of this year.

13 Q. You said you prepared it?

14 A. Yes, ma'am.

15 Q. How did you prepare this report?

16 A. At the completion of the inspection, I
17 took my notes and went to my vehicle and proceeded
18 to type in all the company's DOT number to research
19 them -- check them for operating authority. I ran
20 the driver's license to see that it was a valid
21 license, and then I entered each violation as they
22 came in order through our system.

23 Q. What kind of equipment do you have to
24 enter?

25 A. I use a Panasonic laptop -- a

1 Toughbook. I believe the one at that time was a 29
2 or a 30, and I'm currently using a Model 30.

3 Q. And there's a program on there that --

4 A. Aspen.

5 Q. Aspen. Okay. Was this report prepared
6 in the ordinary course of your duties?

7 A. Yes, ma'am.

8 Q. And was it prepared at the time of the
9 inspection?

10 A. Yes, ma'am.

11 Q. Is the report an accurate
12 representation of the report you created at the time
13 of the inspection?

14 A. Yes.

15 Q. If you can look at the top of the
16 report. What do the numbers in the report number
17 represent?

18 A. The report number -- or my report
19 number, the O-H is Ohio, 3261 is my unit number, and
20 then the following digits are the inspection report
21 number itself. So at this time, on this system, I
22 had 7,850 recorded.

23 Q. What time did this inspection take
24 place?

25 A. Noon. 12:05.

1 Q. What was the inspection level?

2 A. A Level 1, which was a full inspection.

3 Q. And what does that entail?

4 A. On a Level 1, we inspect the -- both
5 pieces of equipment, the load securement, the load,
6 the driver. We'll look at the brakes, the tires,
7 all securement systems and devices. We'll check all
8 the lights. We'll check his logbook, his driver's
9 license, medical card, and registrations.

10 Q. Does the report look like this when you
11 enter it into the program?

12 A. Not exactly. There's a -- on ours, it
13 comes out -- instead of saying the PUCO at the top,
14 it says the Highway Patrol. And it gives our local
15 office phone number so if a driver has a problem,
16 you know, he can immediately get ahold of somebody
17 in our office to get us to come back to a scene or
18 notify.

19 Q. Okay. Was the information in the
20 report accurate at the time you put it into your
21 computer?

22 A. Yes, ma'am.

23 Q. And what do you do with the report once
24 you have finished putting the information into the
25 computer?

1 A. After I enter it into the system, I
2 will print the driver a copy which I'll sign by my
3 name, and I'll sign it with my signature and unit
4 number. If it's multiple pages, I sign each page --
5 and unit number -- and I present that to the driver.
6 I show him the violations, explain them to him, ask
7 him if there's any questions that he has for me, and
8 then I'll send, electronically, our copy to the PUCO
9 on SAFER.

10 Q. Who is the driver identified on this
11 report?

12 A. Imeda -- I can't pronounce his last
13 name -- Londaridze.

14 Q. Okay. And how did you identify the
15 driver?

16 A. By his driver's license.

17 Q. What were the origin and destination of
18 the trip?

19 A. On this trip, his origin was Newark,
20 New Jersey, and he was en route to Columbus, Ohio.

21 Q. And why did you pull him over?

22 A. He was hauling motor vehicles and
23 traveling down the highway. He was -- I don't
24 remember if I was using 10 or 15 that day as my
25 magic number, as they call it. When you pull out

1 and sit, you look for obvious defects. And then, if
2 you don't see an obvious, either Truck 10 or 15,
3 whichever number you decide on, that's the one you
4 pull over.

5 Q. Is there a spot on the report that
6 indicates the reason you pulled him over?

7 A. No. Let me look through here real
8 quick. I believe he might have had a high ISS,
9 which we discover at the -- as we go through.

10 Yes. His safety rating score was high,
11 which wasn't discovered until after I had stopped
12 him.

13 Q. Okay. Can you move down to the
14 violations section on the report on the first page?
15 The first violation code you listed as 391.11(b)(5).
16 What does that section provide?

17 A. That section -- the 391 is the operator
18 of a commercial motor vehicle. There's 15 or 20
19 different violations for a no-CDL. This particular
20 one was that he didn't have one that was suspended
21 or revoked or been taken away for any reason; he
22 just did not have a CDL.

23 Q. Can you read the violation description?

24 A. "Driver does not have a valid
25 operator's license for the CMV being operated."

1 Q. What is a CMV?

2 A. It's a commercial motor vehicle,
3 26,001 pounds or more.

4 Q. 26,000 -- so what is a GVWR?

5 A. GVWR is a weight rating. It's the
6 gross vehicle weight rating that the manufacturer
7 assigns to the motor vehicle when they manufacture
8 it. That's what they design it to safely haul or
9 carry or pull, operating on the highway.

10 Q. So when you say a CMV has to be -- is
11 classified as 26,000 -- more than 26,000 pounds, are
12 you talking about the GVWR for the vehicle?

13 A. Yes, ma'am.

14 Q. What is the significance of the GVWR?

15 A. On the -- the government defines the
16 GVWR as -- if you're below it, you're not considered
17 or regulated as a commercial motor vehicle. When
18 you exceed that load or weight rating, then you
19 become a commercial motor vehicle and you need to
20 have special training and licensing in order to
21 operate.

22 Q. What does a GVWR say about a vehicle?
23 What does it tell you about a vehicle?

24 A. How big a load it can carry.

25 Q. And what is the threshold GVWR a

1 vehicle must have to be a CMV?

2 A. 26,001 pounds or more.

3 Q. What is the GVWR of this vehicle that's
4 listed on the report?

5 A. On his truck was 14,000 GVWR on the
6 truck itself. And then his trailer had a
7 20,000-pound GVWR FID sticker on it.

8 Q. So the total GVWR of the vehicle is
9 what's taken into account?

10 A. Correct.

11 Q. And here it would have been 34,000?

12 A. 34,000.

13 Q. And how did you determine the GVWR of
14 this vehicle?

15 A. As I looked around and did the
16 inspection on his vehicle, I saw the federal ID tag
17 which the manufacturer places on the trailer. It
18 rated it at 20,000 -- two 10,000-pound axles. As I
19 went around, and then the driver pointed out, there
20 was another label. A tag had been attached to the
21 side of the trailer that said it was a 10,000-pound
22 axle with a GVWR of 11,950 pounds.

23 Q. Did you take a picture of either of
24 those tags?

25 A. Both. I took pictures of both of them.

1 MS. MESSENGER: Your Honor, at this
2 time, I would like to mark two exhibits. I would
3 like to mark as Staff Exhibit 2, the federal ID tag
4 of the vehicle, and as Staff Exhibit 3, the VIN
5 plate on the vehicle.

6 ATTORNEY EXAMINER: Very good.

7 (Staff Exhibit Nos. 2 and 3 were marked
8 for identification.)

9 MS. MESSENGER: May I approach?

10 ATTORNEY EXAMINER: Yes.

11 BY MS. MESSENGER:

12 Q. Do you have before you what's been
13 marked Staff Exhibit 2 and Staff Exhibit 3?

14 A. Yes.

15 Q. Can you turn to Staff Exhibit 2? Did
16 you take this picture?

17 A. Yes, ma'am.

18 Q. Was it taken at the time of the
19 inspection?

20 A. Yes, ma'am.

21 Q. Can you tell me what it is?

22 A. That is a picture of the federal ID
23 tags that were placed upon the vehicle with its --
24 any extra things that they might have done to it at
25 the time of manufacturing.

1 Q. And is this an accurate copy of the
2 picture that you took --

3 A. Yes.

4 Q. -- at the time of the inspection?

5 A. Yes.

6 Q. Can you describe where it says the GVWR
7 on this sticker?

8 A. It actually has the GVWR weight rating
9 on both of the stickers. The Kaufman manufacturer
10 tag in the center, it's the first two pieces of
11 information written. It will be -- first, it says
12 GVWR, and it's in kilograms. And then, in
13 parentheses, it has 20,000 pounds.

14 Q. So it's on the sort of left side of
15 that first big sticker there?

16 A. Yes, ma'am. On the other sticker, it's
17 the -- right above the bar code, on the left side,
18 it's the second line up, which is a GVWR of 20,000.
19 It's hard to read in the picture, and it was hard to
20 read on the sticker also.

21 Q. All right. Can you turn to Staff
22 Exhibit 3? Can you tell me what this is a picture
23 of?

24 A. When I took the picture of it, I
25 believed it to be an axle tag. This is a

1 manufacturer's VIN plate that the manufacturer will
2 issue to a vehicle, on which this one only states --
3 it doesn't say "axles"; it just says "axle" size of
4 10,000 with a GVWR of 11,950, with the VIN number of
5 the trailer listed.

6 Q. Did you take this picture?

7 A. Yes, ma'am.

8 Q. And is this an accurate representation
9 of the VIN plate that you took a picture of?

10 A. Yes, ma'am.

11 Q. And what is the GVWR listed in this
12 picture on the VIN plate?

13 A. 11,950.

14 Q. So can you explain, while you were
15 doing the inspection, how you came across these two
16 different labels?

17 A. When we stop this size vehicle, that's
18 one of the first things we look for is the federal
19 ID because that tells us whether we have
20 jurisdiction to inspect him or not. Then, if it
21 does have the federal ID stickers, then that's what
22 we'll use.

23 On this one, as I went around the
24 vehicle, I noticed this tag, and which the driver
25 came and pointed out to me afterwards, and -- well,

1 during the inspection, he pointed this tag out. And
2 I looked at it, and it was placed on there with
3 screws. It was on the left side of the trailer,
4 right behind the dolly jack, which is kind of an
5 unusual place for them to put a manufacture's VIN
6 plate.

7 But then, as I finished my inspection
8 and went around the vehicle, and then once I -- I
9 noticed that they had two different weights. That's
10 why I took pictures.

11 Q. Can you explain why there were two
12 different GVWRs on these two separate labels?

13 A. The first -- in Exhibit 2, that's the
14 manufacturer at the date of manufacture, and that's
15 what they rated the vehicle at. That's why it says
16 20,000. This second one -- like I said, at the time
17 of the inspection, I believed it to be a tag taken
18 off of an axle and applied to the side of the
19 trailer. It says 11,950.

20 If you go with 11,950, then a CDL is
21 not required, but that would be cutting the rating
22 of the vehicle in half. And there were no
23 modifications. There wasn't an axle removed or
24 other things removed. I mean, it was just as it was
25 when it was sold new.

1 Q. Can you explain a little more about why
2 you thought the plate was strange the way it was
3 attached or where it was?

4 A. It was put on with screws, first, and
5 that really stood out.

6 Q. What are these plates usually attached
7 with?

8 A. Rivets.

9 Q. Rivets?

10 A. They'll use a certain rivet that --
11 they modify the rivet, and that's part of their
12 trademark. So that way, if a vehicle is stolen or
13 somebody steals that tag off the trailer and they
14 apply it to another one, it's not just your plain
15 old white aluminum pop rivet. They have their own
16 style of rivet. The head style is different on most
17 of the them.

18 Q. And why did you say the location of the
19 tag was strange?

20 A. It was down low on the trailer where
21 the dolly jack -- where you jack up -- you jack the
22 legs down when you unhook your trailer. Normally,
23 any vehicle ID is up on the trailer body, usually up
24 on the top, either in the front or right on the
25 inside around close to the fifth wheel plates. It

1 will be mounted to protect it from being damaged in
2 a crash or just somebody just coming up and taking
3 it.

4 Q. So in your opinion, would you say that
5 it looked like a manufacturer attached this tag to
6 the trailer?

7 A. No.

8 Q. Can a driver modify the GVWR of a
9 vehicle?

10 A. I don't believe so. The driver can
11 perform certain functions to lower or raise the
12 GVWR, but I believe it's the manufacturer or their
13 representatives are the only ones that are permitted
14 to adjust the GVWR.

15 Q. And when is a GVWR changed?

16 A. If you remove an axle, you add an axle,
17 you take, like, a straight truck that doesn't have a
18 box on the back and you take it and put a freight
19 box on the back of it, you'll increase your GVWR.

20 MS. MESSENGER: Your Honor, those are
21 all the questions I have at this time for Inspector
22 Philabaum. I would like to reserve him for
23 rebuttal.

24 ATTORNEY EXAMINER: Very good.

25 MS. MESSENGER: I would like to move

1 for the admissions of Staff Exhibits 1 through 3.

2 ATTORNEY EXAMINER: I'll admit those
3 into evidence at this time.

4 (Staff Exhibit Nos. 1-3 were admitted.)

5 MS. MESSENGER: That's all that Staff
6 has for now.

7 ATTORNEY EXAMINER: Okay. We'll go to
8 your side. Do you have any questions of this
9 witness?

10 Let me just go off the record, here,
11 first.

12 (Discussion off the record.)

13 ATTORNEY EXAMINER: Back on the record.

14 MR. LONDARIDZE: My question is, you
15 know, just -- I don't have any questions, but what I
16 have -- the papers, I just want to show because --
17 same thing. When DOT officer stopped me, I show,
18 over there, these two stickers.

19 ATTORNEY EXAMINER: You want to come up
20 here closer to the witness? Bring whatever
21 information you want.

22 MR. LONDARIDZE: Okay. Can I take it
23 now?

24 ATTORNEY EXAMINER: Yes, you can bring
25 that.

1 MR. LONDARIDZE: Okay. I know what's
2 my question. This is -- it's some sticker.

3 ATTORNEY EXAMINER: Just stand a little
4 bit --

5 MR. LONDARIDZE: Stand --

6 ATTORNEY EXAMINER: Move up here.
7 Okay.

8 MR. LONDARIDZE: Anybody can make it in
9 a computer and put it and writing down what he
10 wants. This is its original sticker, which is --
11 it's Kaufman that changed it.

12 ATTORNEY EXAMINER: You need to ask a
13 question of the witness. Okay?

14 CROSS-EXAMINATION

15 BY MR. LONDARIDZE:

16 Q. Yeah, I -- just my question -- why you
17 trust the expired ticket, and why you not trust the
18 new ones? This one was the original, and this one
19 is working more than one and a half years.

20 A. Why do I -- I trust the white sticker
21 on the front of the trailer, Exhibit 2, because this
22 is the federal ID. This is what the manufacturer
23 places on that trailer at the time. You can't just
24 print this in a copier. If you go to take this off,
25 it's going to show "void" written across the trailer

1 when this is removed.

2 This one, at the time of the
3 inspection, to me, looks like an axle tag that was
4 removed from an axle and screwed on to the side of
5 the trailer. Because if you look at it, it doesn't
6 say "axles"; it says "axle." 10,000 pound, 11,950
7 maximum GVWR per axle.

8 MR. LONDARIDZE: I know.

9 ATTORNEY EXAMINER: Now we need another
10 follow-up question, whatever it is.

11 MR. LONDARIDZE: Just -- I don't
12 understand why you not trust the old ones and why
13 you trust the new ones and -- why you not trust the
14 new ones and why you trust the old ones. I don't
15 understand this question. You know, this says it's
16 a federal, but this says it's a federal too. This
17 is original Kaufman.

18 And also, these stickers -- these
19 stickers, anybody can make it and put it on
20 trailers. What you want, you can write it down.

21 MS. MESSENGER: Your Honor, I'm just
22 going to object. He'll have a chance to testify.
23 At this time, if he could just keep his -- stick to
24 questions for the inspector.

25 ATTORNEY EXAMINER: Okay. All right.

1 Keep in mind you have to ask questions. Do you have
2 any more questions?

3 MR. LONDARIDZE: No. I don't have any
4 more questions for the DOT officer.

5 ATTORNEY EXAMINER: Okay. No more
6 questions?

7 MR. LONDARIDZE: No, I don't have any
8 more questions. But I just --

9 ATTORNEY EXAMINER: Do you have any
10 follow-up questions?

11 MS. MESSENGER: I do not, Your Honor.

12 ATTORNEY EXAMINER: You're excused.

13 THE WITNESS: Thank you.

14 ATTORNEY EXAMINER: Okay. You can sit
15 down for now.

16 Do you have any other witnesses?

17 MS. MESSENGER: Yes, Your Honor. I
18 would like to call Jonathan Frye to the stand.

19 ATTORNEY EXAMINER: Very good.

20 - - -

21 JONATHAN FRYE

22 called as a witness, being first duly sworn,
23 testified as follows:

24 DIRECT EXAMINATION

25 BY MS. MESSENGER:

1 Q. Can you please state your name and
2 business address?

3 A. Jonathan Frye, 180 East Broad Street,
4 Columbus, Ohio, 43215, Public Utilities Commission
5 of Ohio.

6 Q. And what is your position with the
7 Public Utilities Commission of Ohio?

8 A. I'm the chief of the compliance
9 division.

10 Q. How long have you held this position?

11 A. Approximately 15 years.

12 Q. And what are your duties?

13 A. To review the fine assessments that are
14 done by the compliance officers.

15 Q. Are you familiar with the facts of this
16 case?

17 A. Yes.

18 MS. MESSENGER: Your Honor, at this
19 time, I would like to mark as Staff Exhibit 4, the
20 notice of preliminary determination for the driver
21 violations, and as Staff Exhibit 5, the notice of
22 preliminary determination for the carrier
23 violations.

24 (Staff Exhibit Nos. 4 and 5 were marked
25 for identification.)

1 MS. MESSENGER: May I approach?

2 ATTORNEY EXAMINER: Very good. Go
3 ahead.

4 BY MS. MESSENGER:

5 Q. Do you recognize the documents that
6 have been marked Staff Exhibit 4 and Staff
7 Exhibit 5?

8 A. Yes.

9 Q. What are these documents?

10 A. The notice of preliminary determination
11 letters. They are letters that are sent after a
12 respondent has had a telephone or in-person
13 conference with a compliance officer.

14 And in the event that we're unable to
15 reach a resolution or a settlement of the case, we
16 will issue this notice of preliminary determination
17 letter advising the respondent that he can either --
18 he or she can either pay the fine or make a request
19 for an administrative hearing to contest it at the
20 next level.

21 Q. What is the amount of the forfeitures
22 shown on Staff Exhibit 4?

23 A. The amount of the fine is \$250.

24 Q. And how is this amount calculated?

25 A. It's -- the violations are broken up

1 into one of four groups based upon the type of
2 violation and the severity of the violation. And in
3 the instant case, a Group 4 violation -- again,
4 based upon the type of violation and the severity,
5 it's a \$250 fine.

6 Q. Is this amount consistent with the
7 guidelines issued by the Commercial Vehicle Safety
8 Alliance?

9 A. Yes. We're consistent with the
10 groupings that are outlined in the CVSA's
11 guidelines.

12 Q. Do you recommend that the Commission
13 order the respondent to pay this amount as a fine?

14 A. Yes.

15 Q. Can you take a look at Staff Exhibit 5?
16 What is the amount of the fine shown on that notice?

17 A. The total amount is \$150.

18 Q. And how was this amount calculated?

19 A. The same way as in Staff Exhibit 4.
20 It's -- the violations are broken up into one of
21 four groups. And in this particular case, there was
22 a Group 2 violation and a Group 4 violation. The
23 Group 2 violation was assessed at \$100, and the
24 Group 4 violation was assessed at \$50 for a total of
25 \$150.

1 Q. And is this amount consistent with the
2 guidelines issued by the Commercial Vehicle Safety
3 Alliance?

4 A. Yes, the groupings are consistent.
5 Yes.

6 Q. And do you recommend that the
7 Commission order the respondent to pay that amount?

8 A. Yes.

9 MS. MESSENGER: I have nothing further,
10 Your Honor, for Mr. Frye.

11 ATTORNEY EXAMINER: Do you have any
12 questions of this witness?

13 MR. LONDARIDZE: No.

14 ATTORNEY EXAMINER: No questions?

15 MR. LONDARIDZE: No.

16 ATTORNEY EXAMINER: You're excused.

17 THE WITNESS: Thank you.

18 MS. MESSENGER: I would like to move
19 for the admission of Staff Exhibits 4 and 5.

20 ATTORNEY EXAMINER: I will admit those
21 exhibits into evidence at this time.

22 (Staff Exhibit Nos. 4 and 5 were
23 admitted.)

24 MS. MESSENGER: Staff has nothing -- no
25 other witnesses at this time, Your Honor.

1 ATTORNEY EXAMINER: You have nothing
2 more?

3 MS. MESSENGER: Uh-uh.

4 ATTORNEY EXAMINER: Now we'll go to
5 your side of the case. Come on up if you want to
6 present testimony. It's up to you. Do you? Do you
7 want to testify?

8 MR. LONDARIDZE: Yes.

9 ATTORNEY EXAMINER: Come on up.

10 - - -

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

14 ATTORNEY EXAMINER: Okay. Be seated.

15 MR. LONDARIDZE: Thank you.

16 ATTORNEY EXAMINER: Now I'm going to
17 ask you to -- first of all, you have to speak up
18 when you give your testimony. And you can go ahead
19 and present it in a narrative style, if you will.
20 That is, tell us what happened and the events the
21 day of the inspection. Go ahead.

22 MR. LONDARIDZE: I was driving in my
23 vehicle --

24 ATTORNEY EXAMINER: Speak up, please.
25 Speak up.

1 MR. LONDARIDZE: Pick up?

2 ATTORNEY EXAMINER: No. I mean raise
3 your voice a bit.

4 MR. LONDARIDZE: Okay. I was driving
5 just in my vehicle, and the DOT officer stopped me.
6 And he asked me for papers, and I give. He check
7 everything.

8 And also, he -- when he check
9 everything, you know, he told me about the emergency
10 brakes. And emergency brake was that kind of
11 situation -- when we take the wire from emergency
12 brakes, trailer and pickup truck doesn't move.

13 But DOT officer, he's asking me, "Can
14 you push the brakes?" I push the brakes, and a
15 little bit, it moved. And I said, "Okay. Maybe
16 it's -- it doesn't work, this emergency brake." But
17 my truck has a 6.7 engine, almost 400 horsepower.
18 If it's moving trailers or tank, anything -- you
19 know, when you push it, the gas always cannot move
20 anything. And it's --

21 MS. MESSENGER: Your Honor, I --

22 MR. LONDARIDZE: No, no. What I want
23 to say -- half it doesn't working, emergency brakes.
24 Emergency brakes -- half it doesn't working.

25 And also, he gave me another violation

1 for -- in a window, there wasn't a USDOT. And I
2 said, "Okay. I know. Need the USDOT, but I don't
3 have it. But I'll do it for tomorrow or after
4 tomorrow."

5 And also, he take the picture and
6 little VIN numbers, which ones I have on the left
7 side -- new ones. And he check one more time in my
8 trailer, around. And also, he ask me, "What is
9 this?" All the VIN numbers which he was writing
10 down over there. Each axle, it's 10,000 pounds. In
11 total, it's 20,000.

12 I said, "This is its old stickers.
13 Anybody can put anything here." But what I have --
14 can I show you my paper? What I have?

15 Before we changed the GVWR, I make a
16 phone call in Pennsylvania Transportation
17 Department. And I ask, "I have -- I want to buy
18 this kind of trailer." I give the VIN number. I
19 explain to him I have a 20 GVWR. I want to -- it
20 was under CDL.

21 They explain to me what I cannot do,
22 and also, they send me paper too. They told me,
23 "Fill out these papers. Before you send to
24 Pennsylvania transportation, you want to make a
25 phone call to Kaufman." Because my trailer is from

1 Kaufman.

2 I make the phone call, and same thing.
3 I explain him. And they told me I want to pay some
4 money -- it was, I think, 40 bucks -- and we'll give
5 you new stickers. And they change the GVWR.

6 When Kaufman --

7 ATTORNEY EXAMINER: Okay. I'm going to
8 ask you to be concise in your testimony. Just focus
9 on the events of the day of the inspection.

10 MR. LONDARIDZE: Just the day of
11 inspection? Okay. Just this one was -- you know,
12 he check my trailer, he check everything, and he
13 just gave me three violations.

14 And I said, "Okay." USDOT, it was --
15 it's not was. And also, emergency brake -- it's
16 half work, it half doesn't work. But that trailer's
17 under CDL. I just said to DOT officer -- but he
18 just trust the old stickers, and he doesn't trust
19 the new stickers. And this one was. And he told
20 me, "You have three violations."

21 And that's it. We was over there a
22 couple hours. And that's it.

23 ATTORNEY EXAMINER: Does that conclude
24 your testimony? Are you done with your testimony?

25 MR. LONDARIDZE: Yes.

1 ATTORNEY EXAMINER: Do you have any
2 questions?

3 MS. MESSENGER: I do.

4 CROSS-EXAMINATION

5 BY MS. MESSENGER:

6 Q. What was the GVWR of the trailer at the
7 time that you purchased it?

8 A. Before I buy it?

9 Q. Mm-hmm.

10 A. Before I buy, it was 20 GVWR.

11 Q. It was how much?

12 A. 20.

13 Q. 20,000?

14 A. Yes, 20,000. Each axle is 10,000.

15 Q. Did you have a CDL at that time?

16 A. No.

17 Q. Were you concerned that you did not
18 have a CDL?

19 A. What do you mean?

20 Q. Did you mention that to the seller
21 when --

22 A. No, no, no.

23 Q. Did you say that to the seller, that
24 you didn't have a CDL when you were buying this?

25 A. He know. And before I buy this one, I

1 make a phone call. I don't have a CDL. If I can, I
2 buy and change the GVWR. They gave me proof, and
3 because of that, I buy the trailer. I mean the
4 Pennsylvania Transportation gave me approval.

5 Q. How did you -- so you changed the GVWR
6 of --

7 A. No, I not change it.

8 Q. How did you attempt to change the GVWR
9 of the vehicle?

10 A. How? Okay. First was I make the
11 Pennsylvania Transportation Department phone call,
12 and I explained the kind of situation. You know, "I
13 found the trailer. It's 20 GVWR, and I want to buy
14 it. If I buy this one, I can drive without the
15 CDL -- under CDL? Or I can change the GVWR."

16 They told me, "If you not change the
17 GVWR, you can't drive without the CDL because you
18 need the CDL."

19 I said, "How I can do this?"

20 They send me the papers which I have
21 here. And also, they told me, "When you fill it
22 out, before you send it here, make the phone call to
23 Kaufman. Also, change the sticker too."

24 And I just called Kaufman too. And
25 they told me something for -- I pay money, and they

1 send me new sticker in the trailer. And they told
2 me, "Where you have the old stickers, take it out
3 and put in the new ones."

4 I can't put the new ones originally how
5 it was before because when I -- I make one more
6 call, and I said, "I want just to screw it -- four
7 screws."

8 And they told me, "You cannot screw it
9 because if somebody checking VIN numbers, everybody
10 know this trailer is 11,950."

11 Q. So you changed the GVWR -- you
12 requested the change -- there was a change in the
13 GVWR, correct?

14 A. They changed it.

15 Q. There was a change --

16 A. Yes.

17 Q. -- from 20,000 to 11,950?

18 A. Yes. Because I buy it.

19 Q. And you requested that change?

20 A. They told me, "You can change it, and
21 you can now drive." If somebody told me you can't
22 drive that vehicle, of course I not buy it.

23 Q. You were aware that when you bought the
24 trailer, if the GVWR was 20,000, that you needed a
25 CDL, correct?

1 A. Before first time when I found it, it
2 was 20,000, yeah. Of course I know.

3 Q. It required a CDL; is that correct?

4 A. Yes.

5 Q. Okay. So --

6 A. I know I'm just -- 26 doesn't need it,
7 but --

8 Q. So the change in the GVWR from 20,000
9 to 11,950 --

10 A. Yes.

11 Q. That change -- you requested that
12 change so that you could avoid the CDL requirement,
13 right?

14 A. Can you explain one more time?

15 Q. You wanted the GVWR changed --

16 A. We change it because --

17 Q. -- because you want --

18 A. -- because I don't have a CDL.

19 Q. Just let me finish my question.

20 A. Okay.

21 Q. You wanted to change the GVWR so that
22 you did not have to get a CDL, correct?

23 A. No. It's -- a little bit, it's
24 correct. It's close, but what I want to say -- if I
25 take the CDL, it takes a long time.

1 Q. Okay. My question was --

2 A. But -- okay.

3 Q. You changed the GVWR of the vehicle --

4 A. Mm-hmm.

5 Q. -- so that you did not have to get a
6 CDL?

7 A. How I answer this question? I don't
8 know. I'm just --

9 Q. Yes or no? Did you change it so
10 that --

11 A. No. First one --

12 Q. -- you did not have to get a CDL?

13 A. I not change it. They changed it.
14 Second one.

15 Q. You requested the change to the GVWR?

16 A. Yes.

17 Q. Why did you want the GVWR changed?

18 A. Why? Because it's under CDL.

19 Q. So you did not want --

20 A. If you have the CDL --

21 Q. You did not want to get a CDL?

22 A. No. If you have a CDL -- also, CDLs
23 need that too.

24 Q. Did you change -- did you request the
25 change to the GVWR in order to avoid getting a --

1 you didn't want to get a CDL, correct?

2 A. I don't want a CDL, yeah.

3 Q. Okay.

4 A. Because --

5 Q. And if the trailer is 11,950 pounds for
6 the GVWR, you don't need a CDL, correct?

7 A. Yes. Under 26. Because before I
8 working, same kind of trailers. You know, exactly
9 same kind. They just change it.

10 Q. Before you changed the GVWR, was there
11 any kind of change to the vehicle?

12 A. For this trailer?

13 Q. You bought it, and it was 20,000,
14 correct?

15 A. When I buy, it was the 20,000.

16 Q. And at that time, did you change
17 anything to the vehicle?

18 A. No. I'm not working. I just take it
19 in a shop. It was a trailer shop. Which ones --
20 papers I have. They sign it, and they do
21 everything.

22 Q. What did they do to the vehicle? They
23 made changes to the trailer?

24 A. They -- what they do exactly, I don't
25 know because I just trust. Because this was a big

1 trailer shop.

2 Q. Mm-hmm.

3 A. And I explain to him what the problem
4 was. I don't have a CDL. I need it under CDL.
5 Then they sign the papers and they change it.

6 Q. What did they change?

7 A. GVWR.

8 Q. But what -- did they make any kind of
9 changes to the trailer? Did they add an axle or
10 remove an axle?

11 A. Pennsylvania Transportation ask me, "We
12 need it signed from who have the big shop and who
13 have the license. Make the trailer or change the
14 axles or something." The trailer just -- we take it
15 over there, and they do it. They sign it. I have
16 papers, and I can show you.

17 Q. What did they do? Did they change the
18 trailer?

19 A. I don't know anything, what they give
20 me. Because I sent the papers to Pennsylvania
21 DOT -- Pennsylvania Transportation, and
22 Transportation gave me proof.

23 Q. Proof of what?

24 A. For drive these vehicles -- Imeda
25 Londaridze. Because I'm driving more than one and a

1 half years.

2 Q. You --

3 A. These vehicles.

4 Q. When you bought the trailer, it was
5 20,000 GVWR, correct?

6 A. Yes.

7 Q. And you took it to a mechanic? Is that
8 what you're saying?

9 A. That's what I said. Before --

10 Q. Why did you take it to the mechanic and
11 what did they do to the vehicle?

12 A. Can I go step by step? First one, when
13 I found the trailer, it was 20,000. 20,000, I know,
14 need the CDL. Because 20,000 trailer and 14,000 is
15 the pickup truck. Total, it's 34,000. 34,000 needs
16 the CDL.

17 When I checked the trailer, I like it.
18 And I said, "If I buy this one, I need a CDL." At
19 that time, I don't have a CDL.

20 And I make the phone call in
21 Pennsylvania Transportation, and I ask. "I found
22 that kind of trailer, but I don't have a CDL. What
23 can I do?"

24 They told me, "If you want it, you want
25 to get a CDL or change the GVWR." And they send me

1 transportation paper, because I fill it out. And
2 the trailer -- I take it in a shop. They check the
3 trailer, and they sign that paper for I can -- the
4 trailer can drive under CDL.

5 And also, that paper, we sent in
6 Pennsylvania Transportation. These papers, I have
7 it. I can show you.

8 Q. Were you aware, when you bought the
9 trailer, that there was a mistake with the GVWR?

10 A. Who make mistake?

11 Q. The manufacturer. Were you aware of
12 any mistake? Did you think that the manufacturer
13 made a mistake with the 20,000 GVWR?

14 A. Okay. I don't know about this, but
15 just -- I know what. I'm a citizen. I just follow
16 the law. And I -- I don't like it. Just what I
17 want to say --

18 ATTORNEY EXAMINER: Let me impose here
19 a minute. I want you to give short answers to their
20 questions. This is on cross-examination. Okay? So
21 give a yes or no answer, okay? When she asks a
22 question, say "yes" or "no."

23 MR. LONDARIDZE: Oh, okay.

24 ATTORNEY EXAMINER: Then proceed to the
25 next. Okay?

1 MR. LONDARIDZE: Okay.

2 ATTORNEY EXAMINER: Now go ahead.

3 We'll start again.

4 BY MS. MESSENGER:

5 Q. So was there a mistake made by the
6 manufacturer when it assigned the trailer a GVWR of
7 20,000? Was there a mistake in that number?

8 A. Who made mistake?

9 Q. Do you know of a mistake that was made?

10 A. I don't know. I don't know.

11 Q. Do you -- and you're saying you don't
12 know of any change that was made to the trailer?

13 A. No. I know they change it. But who
14 made mistakes? I don't know who made mistakes.

15 Q. But you're saying there was a change to
16 the GVWR. Was there a change to the trailer itself?
17 Were there any axles added or removed?

18 A. I don't know.

19 Q. You don't know?

20 A. I don't know.

21 Q. How long have you been driving a truck
22 with a trailer?

23 A. Exactly this trailer and truck? Or
24 this job, you mean?

25 Q. How long have you had a job like this

1 where you were driving? Not this one specifically,
2 but a truck and a trailer?

3 A. Like maybe more than three years,
4 maybe.

5 Q. Okay. So you're familiar with
6 trailers?

7 A. Once more, the question?

8 Q. You know about trailers? You went and
9 you bought this trailer yourself, right?

10 A. No, I'm not by myself. I have a
11 friend. And before, he worked a long time at these
12 jobs. And he just found it, you know, online. And
13 first time, I go over there. Second time, he go
14 over there, and he check. And he said, "Trailer
15 looks good, and we can buy."

16 Q. So you know about trailers, right?
17 This is your job.

18 A. Not much.

19 Q. This is what you do.

20 A. Not much. No. My job is just to take
21 the cars and make the phone calls to customers and
22 drop off and pick up. I'm not mechanic. You know,
23 I'm just driver.

24 Q. I understand. But you work with this
25 trailer every day, right?

1 A. I'm just driving. I'm just driving.

2 Q. So you're unaware of any change that
3 was made to the trailer?

4 A. I don't know about this anything. Just
5 what I know, all the papers I have here.

6 Q. So did you talk to the manufacturer?
7 Did you talk to Kaufman about changing the GVWR?

8 A. Kaufman? Yes, I talked to them. And
9 also, I signed the papers which they sent me.

10 MS. MESSENGER: We have nothing further
11 for the witness.

12 ATTORNEY EXAMINER: No further
13 questions?

14 Do you have any response to make to
15 what she's said? This will be on redirect
16 examination. Do you have anything you want to add
17 at this point in response to what -- her questions
18 there?

19 MR. LONDARIDZE: No.

20 ATTORNEY EXAMINER: This would be
21 redirect.

22 MR. LONDARIDZE: No. What she ask
23 me -- I just answer questions.

24 ATTORNEY EXAMINER: You have nothing
25 you want to add?

1 MR. LONDARIDZE: I have nothing.
2 Just I want to say about under CDL -- I have all the
3 papers. I am not -- I think I'm not guilty.

4 ATTORNEY EXAMINER: Do you have any
5 exhibits to offer in the case? Any documents?

6 MR. LONDARIDZE: I have a couple
7 papers -- and I can show you if you want -- about
8 that kind of situation.

9 ATTORNEY EXAMINER: Anything more you
10 want to submit as an exhibit in the case? Any
11 document you wanted marked as an exhibit?

12 MR. LONDARIDZE: I'm sorry. It's a
13 little hard for me, that word, to understand.

14 ATTORNEY EXAMINER: Nothing -- you
15 don't want -- no documents? Okay.

16 MS. MESSENGER: Well, can we just go
17 off the record one second?

18 ATTORNEY EXAMINER: Okay.

19 (Discussion off the record.)

20 ATTORNEY EXAMINER: Let's go back on
21 the record.

22 Now go ahead. Explain the exhibits
23 that you want to offer.

24 MR. LONDARIDZE: Okay. R1. It means
25 the Pennsylvania --

1 ATTORNEY EXAMINER: Speak up now.

2 MR. LONDARIDZE: R1. It means the
3 Pennsylvania Department of Transportation.

4 ATTORNEY EXAMINER: That's Exhibit 1?

5 MR. LONDARIDZE: This is R1. It shows
6 they change the GVWR.

7 R2. R2, it means they just -- I
8 wasn't -- DOT officer checked my paper, and I think
9 they checked my trailer too. I'm not remembering.
10 It was a long time ago. But they're writing down
11 26,000 pounds.

12 This is a title -- a copy which has
13 writing down 11,950 GVWR.

14 ATTORNEY EXAMINER: What one are you
15 on? 3?

16 MR. LONDARIDZE: I'm sorry. It's R3.
17 I'm sorry.

18 ATTORNEY EXAMINER: Okay. Remember to
19 say the number.

20 MR. LONDARIDZE: Okay. R4. R4, it's
21 Kaufman paperwork which was -- I filled it out
22 and -- they sent me, and I filled it out for they
23 change it from GVWR 20,000. And they change it for
24 GVWR 11,950.

25 This is R5. R5, it means -- it's just

1 a paid receipt, which ones I pay for -- I paid
2 Kaufman.

3 Okay. R6. R6 is -- I just make the
4 phone call to Kaufman, and I give my VIN number.
5 And I ask, "What's my VIN number's GVWR?" And they
6 told me 11,950. And I said, "Okay. Thank you. But
7 can you send me some paper for what has writing down
8 exactly the GVWR?"

9 ATTORNEY EXAMINER: Okay. Go to the
10 next one.

11 MR. LONDARIDZE: R7. R7, it's -- my
12 friends have the same problem in New Jersey for --
13 DOT officer ask -- he need a CDL. And they was in a
14 court, and they just win this court because their
15 trailer doesn't need a CDL. It's under CDL.

16 Okay. R8. R8, it's my pickup truck
17 registration and trailer registration which I have
18 from Pennsylvania department.

19 R9. R9, it's just a ticket which I
20 make pay. I make --

21 ATTORNEY EXAMINER: What number is
22 that?

23 MR. LONDARIDZE: This is R9, which
24 is -- DOT officer stopped me -- stopped my vehicle
25 in Pennsylvania after Ohio DOT officer, and he just

1 gave me a simple ticket. And he checked my vehicle,
2 but he not give me any violation.

3 And R10, it's just original ticket
4 copy. Pennsylvania DOT writing down just ticket.

5 ATTORNEY EXAMINER: Okay. Now we'll
6 let Natalia have those.

7 MS. MESSENGER: Your Honor, I'm going
8 to object to all of the exhibits except for
9 Exhibit 4.

10 So Respondent's Exhibit 1 is irrelevant
11 because it's an application for a correction of the
12 GVWR or the identification number that -- I mean,
13 it's irrelevant, here, that he applied for that in
14 Pennsylvania.

15 I mean, Respondent's Exhibit 2 --
16 again, it's from Maryland. And again, it shows the
17 GVWR, but what he --

18 A lot of these exhibits are him
19 identifying that the GVWR was changed to 11,950.
20 And that's -- he changed it on all of his documents.
21 We don't dispute that. The dispute is whether it
22 was proper. And so he's trying to admit all these
23 documents that show that the GVWR was changed, and
24 it's irrelevant and unnecessary and it's duplicative
25 here.

1 So Respondent's Exhibit 2 -- again,
2 it's unnecessary.

3 Respondent's Exhibit 3 is the title for
4 his vehicle, and it shows that the trailer has a
5 GVWR of 11,950. You know, he would have given them
6 that information. This does not do anything here.
7 It doesn't give any important information that is
8 relevant to the case here or probative of anything.

9 Respondent's Exhibit 5 is just an
10 invoice from Kaufman. Again, it's irrelevant. It
11 doesn't show anything except that he paid, but we
12 know that he has the tag already. There's an
13 exhibit that Staff admitted for that.

14 Respondent's Exhibit 6 is problematic
15 because it does not have -- it just can't be
16 verified. It's a picture, it looks like, of a
17 computer screen. We don't know where it came from.
18 There's no one here to testify to what it is or who
19 made it or what the information is.

20 ATTORNEY EXAMINER: What number is
21 that?

22 MS. MESSENGER: This is Respondent's
23 Exhibit 6.

24 ATTORNEY EXAMINER: 6?

25 MS. MESSENGER: Yeah.

1 ATTORNEY EXAMINER: And it is what?

2 MS. MESSENGER: I don't know what it
3 is. I mean, I think that's really problematic that
4 there's no kind of label. You know, there's nothing
5 official here that says where it's from or what it's
6 even meant to represent.

7 Respondent's Exhibit 7 is irrelevant.
8 It's also from Pennsylvania. All it says is that
9 the disposition was withdrawn. There are no facts.
10 There's nothing here, again, that makes this exhibit
11 relevant to the issue here.

12 Respondent's Exhibit 8 is duplicative
13 too. He's just admitting it to show that the GVWR
14 is 11,950, and it's unnecessary. There are other
15 exhibits that show that, including the examination
16 report.

17 Respondent's Exhibit 9 is also the
18 disposition of another trial. I'm just -- it's
19 irrelevant again. I hate to use the same argument
20 over and over, but it's irrelevant. I don't know
21 how this is probative of anything in this case or
22 the issue of his requiring a CDL.

23 And Respondent's Exhibit 10 is a
24 traffic citation. I don't know from where because
25 the top is cut off here. But, again, he just wants

1 to show that what the -- that he changed the GVWR,
2 and it's unnecessary and irrelevant because we
3 understand that the GVWR was changed. What we're
4 disputing is whether it was done properly, and none
5 of these exhibits are probative of that.

6 ATTORNEY EXAMINER: Do you have
7 anything to add?

8 MR. LONDARIDZE: Excuse me?

9 ATTORNEY EXAMINER: To what she said.

10 MR. LONDARIDZE: I can tell you
11 something, yes.

12 ATTORNEY EXAMINER: Nothing to add in
13 response to what she said?

14 MR. LONDARIDZE: What she said -- did
15 you understand my papers or not?

16 MS. MESSENGER: Yes.

17 MR. LONDARIDZE: Everything, did you
18 understand? What you said, the last page here --
19 this is the last page. It said Pennsylvania DOT
20 officer stopped me after Ohio DOT, and they did
21 nothing to me because they told me Ohio DOT officer
22 made the wrong one.

23 MS. MESSENGER: Your Honor, we don't --

24 MR. LONDARIDZE: And I have every paper
25 writing down 26 GVWR. I not changed for myself.

1 Everything changed with the law. Everything was
2 with law. Nobody's going to say, you know, I
3 changed for myself or I do it just to get my --

4 And also, Kaufman papers which you said
5 you don't know what is this. I have one question.
6 If you can -- any time, you can make phone call to
7 Kaufman, give them my VIN number, and they'll tell
8 you exactly what GVWR is, which is what I have
9 exactly, and also in the title too, and also
10 registration too. Insurance, my insurance is just
11 without the CDL -- under CDL.

12 You know, everybody checks the VIN
13 numbers. If you check VIN numbers, it tells you
14 everything about the cars -- about car or trailer's
15 history. You know? If you're writing down my
16 trailer's VIN numbers, you can find it anywhere
17 20,000 GVWR.

18 When they changed, everything changed
19 with the law. Everything was with law. I'm driving
20 more than one and a half years, and nobody gave me
21 that kind of ticket that was given to me by Ohio DOT
22 officer. Nobody. I have old tickets too. I have,
23 after this one, Pennsylvania DOT. I have Maryland
24 too. Nobody. Nobody told me I made the wrong one.

25 Because my friend, same thing. Stopped

1 in Ohio. Nobody give that violation. They just
2 give the emergency brake ticket.

3 ATTORNEY EXAMINER: Okay. I just
4 wanted to know about the exhibits.

5 Now, do you have a response?

6 MS. MESSENGER: Yeah. You know, the --
7 he's talking about his violations in other states
8 and that these documents show that when he was
9 pulled over, the GVWR was listed as 11,950. The
10 problem is that we don't know -- we don't have the
11 facts of that inspection or the stop or the
12 inspectors that prepared those documents here to
13 testify as to what they saw.

14 We know that his VIN plate said 11,950.
15 The inspection officer found that there was another
16 sticker that showed the true GVWR. So without more
17 facts about his other inspections or anything else
18 he was pulled over for, we can't really -- it's not
19 relevant, it's incomplete, and they don't show
20 anything more about the change in the GVWR.

21 MR. LONDARIDZE: Can I ask you one
22 question?

23 ATTORNEY EXAMINER: Okay.

24 MS. MESSENGER: That's my response to
25 his --

1 ATTORNEY EXAMINER: And the one that
2 you did not have an objection on -- where is that?
3 It's up there?

4 MS. MESSENGER: Yeah. He --

5 ATTORNEY EXAMINER: It's what? 4?

6 MS. MESSENGER: Yeah. Respondent
7 Exhibit 4.

8 ATTORNEY EXAMINER: Okay. Let me see
9 4.

10 Okay. I'll go ahead and make a ruling,
11 then. I agree with Staff that most of these
12 documents are irrelevant to his case, but I will
13 admit into evidence one of them -- Exhibit 4. And
14 that will be in the record.

15 (Respondent Exhibit 4 was admitted.)

16 ATTORNEY EXAMINER: Okay. Is there
17 anything more to add?

18 MS. MESSENGER: Can we have just one
19 minute, Your Honor?

20 ATTORNEY EXAMINER: Go ahead.

21 (Discussion off the record.)

22 MS. MESSENGER: Staff would like to
23 re-call Inspector Philabaum to the stand for a few
24 questions.

25 ATTORNEY EXAMINER: Okay.

1 You're excused for now. Go ahead. You
2 can get up. Just take a seat.

3 MR. LONDARIDZE: Over there?

4 ATTORNEY EXAMINER: If you want to.

5 MR. LONDARIDZE: Okay.

6 ATTORNEY EXAMINER: And you're still
7 under oath.

8 MR. PHILABUM: Yes, sir.

9 ATTORNEY EXAMINER: Be seated.

10 - - -

11 ARTHUR PHILABAUM

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

14 REDIRECT EXAMINATION

15 BY MS. MESSENGER:

16 Q. Can you talk about the trailer a little
17 more and about what you saw on the trailer and why
18 the GVWR of 20,000 that was assigned by the
19 manufacturer would be accurate?

20 A. On this particular trailer, it had two
21 axles. On this one, it was tandem axle and there
22 were tandem wheels. So each axle had two wheels on
23 each side, which -- out there in the field, that's
24 indicative of a 10,000-pound or more axle.

25 You get your lighter axles for single

1 tires. A 7,000-pound axle -- you see it go down the
2 road, it's only got a single tire on each side.
3 There will be two, sometimes three of them, on a
4 trailer.

5 This particular trailer only had the
6 two axles, which appeared to be original -- not
7 modified or changed in any way -- and they were
8 tandem axle, tandem wheeled -- dual wheeled. So he
9 had eight tires on the trailer. And out there, to
10 us, that says that's a 20,000-pound trailer or more.

11 Q. Can you explain what tandem axle and
12 tandem wheel means?

13 A. Tandem axle is more than one axle. You
14 either have a single axle, you have a tandem axel,
15 or a tri-axle. A tandem axle is two axles.

16 Tandem wheels are if you have more than
17 one tire on each side of the axle. When you're
18 looking at the left side, the driver's side of the
19 trailer, if you look at the axle, there's an inside
20 tire and outside tire just like on a semi. That's a
21 tandem wheel or a dual wheel.

22 Q. Would you say that the trailer at issue
23 in this case is of the nature of 20,000 pounds?

24 A. Yes.

25 Q. Would you, approaching it, think that

1 it was 11,950 pounds --

2 A. No.

3 Q. -- for the GVWR?

4 A. No.

5 Q. Is there any possible way that with two
6 axles with dual wheels, could that be -- could that
7 trailer have a GVWR -- with those two axles and
8 those two wheels, could that trailer have a GVWR of
9 11,950?

10 A. If the manufacturer made it with a
11 single axle and rated it at 11,950 and somebody
12 added an axle. But it would still be -- it would
13 still have the actual capacity of over -- of the
14 20,000. Over 10. Definitely way over the 11.

15 Q. Okay. You've inspected how many
16 vehicles, would you say, in the years you've been
17 with the patrol?

18 A. Total? Over 8,000.

19 Q. And you've had experience with
20 modifications of a vehicle to change the GVWR?

21 A. Yes.

22 Q. Would you say that this is a proper way
23 to change a GVWR?

24 A. On this particular one, no. I could
25 see no modifications made to the trailer.

1 Everything looked to be as it was -- as it would
2 have been manufactured. And with reading the FID
3 sticker, that's what the manufacturer -- how they
4 would have put it together and what they would have
5 equipped it with.

6 Q. In your experience, how common is it
7 for a GVWR to be reduced?

8 A. I've not seen them reduce GVWRs on
9 anything.

10 Q. And in this kind of trailer with the
11 two axles and the dual wheels, would it be possible
12 to reduce the GVWR?

13 A. Not without removing an axle.

14 MS. MESSENGER: Nothing further, Your
15 Honor.

16 ATTORNEY EXAMINER: Do you have any
17 questions of this witness? You've got to come -- do
18 you have any --

19 MR. LONDARIDZE: No.

20 ATTORNEY EXAMINER: None?

21 MR. LONDARIDZE: No.

22 ATTORNEY EXAMINER: You're excused.

23 THE WITNESS: Thank you.

24 MS. MESSENGER: Staff has nothing
25 further, Your Honor.

1 ATTORNEY EXAMINER: Do you have
2 anything further to add?

3 MR. LONDARIDZE: Just I want to say one
4 more thing now. Why does he not trust the State of
5 Pennsylvania --

6 ATTORNEY EXAMINER: This is not a time
7 to testify now. I mean anything else -- any
8 procedural matters? Nothing --

9 MR. LONDARIDZE: Nothing.

10 ATTORNEY EXAMINER: Okay. All right.
11 Just let me clarify. All witnesses were duly sworn.
12 All Staff's exhibits were admitted into evidence,
13 but only Respondent's Exhibit 4 was admitted into
14 evidence. With that said, I thank you all for
15 coming.

16 MS. MESSENGER: Your Honor, just one
17 more --

18 ATTORNEY EXAMINER: I'll consider this
19 matter submitted on the record.

20 MS. MESSENGER: Your Honor, just one
21 more thing. Staff would like the opportunity to
22 submit a brief for this case.

23 ATTORNEY EXAMINER: Excuse me?

24 MS. MESSENGER: Staff would like the
25 opportunity to submit a brief.

1 ATTORNEY EXAMINER: You want a brief?

2 MS. MESSENGER: Mm-hmm. Yes.

3 ATTORNEY EXAMINER: Okay. Let's go off
4 the record and discuss a briefing schedule.

5 (Discussion off the record.)

6 ATTORNEY EXAMINER: We'll go back on
7 the record. And we've agreed that October 7 will be
8 the day to submit simultaneous briefs in the case.
9 In the respondent's case, it could be a statement of
10 the case, if he wishes.

11 That's it. Thank you.

12 (Thereupon, the hearing was concluded
13 at 11:30 a.m.)

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CERTIFICATE

I do hereby certify that the foregoing
is a true and correct transcript of the proceedings
taken by me in this matter on Thursday, August 25,
2016, and carefully compared with my original
stenographic notes.

Heather A. Piper, Registered
Professional Reporter and
Notary Public in and for
the State of Ohio.

My commission expires October 29, 2020.

This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 16-1233-TR-CVF

Summary: Transcript In the matter of Imeda Londaridze and Blue Way Transport, hearing held on August 25, 2016. electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Piper, Heather A. Ms.