

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of Bruce Henry :
Notice of Apparent Violation : Case No.
and Intent to Assess Forfeiture.: 16-1873-TR-CVF

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PROCEEDINGS

Before Jim Lynn, Attorney Examiner, held at the
offices of the Public Utilities Commission of
Ohio, 180 East Broad Street, Hearing Room 11-D,
Columbus, Ohio, on Monday, December 5, 2016, at
10:00 A.M.

- - -

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2 Mr. John Jones
3 Assistant Attorney General
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6 On behalf of the Staff of the
7 Public Utilities Commission
8 of Ohio.

9 Mr. Bruce Henry
10 9014 Coriander Circle
11 Manassas, Virginia 20110

12 Appearing Pro se.

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Monday Morning,
December 5, 2016.
- - -

ATTORNEY EXAMINER: The Public
Utilities Commission of Ohio has assigned for
hearing at this time and place Case No.
16-1873-TR-CVF in the matter of Bruce Henry
notice of apparent violation and intent to
assess forfeiture. I am Jim Lynn, Attorney
Examiner assigned to hear this case.

And at this time I will have the
appearances of the parties beginning with
the Staff.

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

ATTORNEY EXAMINER: Thank you.
And, Mr. Henry, if you would state your name and
address, please.

MR. HENRY: All right. My name is
Bruce Henry, I am honorably discharged USMC, and
I use honorable because -- the reason why I do
that is judges are honorable; is that right?

1 ATTORNEY EXAMINER: I believe so.

2 MR. HENRY: Well, you got yours
3 through going to law school, I got mine because
4 I earned it.

5 ATTORNEY EXAMINER: Well,
6 congratulations.

7 MR. HENRY: I am saying that because
8 the state where I came from evidence is held in
9 a different light to the Commonwealth, which
10 here this is different rules. I don't think it
11 has a preponderance; is that right?

12 ATTORNEY EXAMINER: Preponderance of
13 the evidence.

14 MR. HENRY: I expect to be believed
15 because my honorably just (indicating) way you
16 expect to be believed, unless you have any
17 obvious evidence. All right?

18 ATTORNEY EXAMINER: Well, and your
19 address?

20 MR. HENRY: The address that I use
21 on my license is 9014 Coriander Circle,
22 Manassas, Virginia 20110.

23 ATTORNEY EXAMINER: Thank you, Mr.
24 Henry. I believe we are ready to proceed. Mr.
25 Jones, if you would like to call your first

1 witness, please.

2 MR. JONES: Yes, your Honor. Staff
3 would call Inspector Ramps.

4 ATTORNEY EXAMINER: Please raise
5 your right hand.

6 (WITNESS SWORN)

7 - - -

8 ATTORNEY EXAMINER: Mr. Jones,
9 please proceed.

10 TROOPER RODNEY RAMPS
11 called as a witness, being first duly sworn,
12 testified as follows:

13 DIRECT EXAMINATION

14 By Mr. Jones:

15 Q. Would you state your name for the
16 record, please?

17 A. Trooper Rodney Ramps.

18 Q. And where are you employed?

19 A. I am employed by the Ohio State
20 Highway Patrol in the Warren District
21 headquarters in the Licensing and Commercial
22 Standards unit.

23 Q. And what are your job duties and
24 responsibilities there?

25 A. My duties are twofold. I am a State

1 Trooper on one end of the spectrum, I am a
2 Department of Transportation Enforcement Officer
3 on the other.

4 My primary duties are traffic based
5 enforcement inspections for commercial motor
6 vehicles.

7 Q. And how long have you been so
8 employed with that agency?

9 A. Almost 17 years with the Patrol,
10 approximately almost five years as a DOT
11 officer.

12 Q. And what qualifications or
13 certifications do you have to do your job?

14 A. For the current job, the Department
15 of Transportation Enforcement Officer, I spent
16 six weeks in Columbus through various courses
17 for Part A, Part B hazmat training,
18 jurisdictional trainings. We do updated roll
19 call training every month and every year on a
20 state-wide level coming down here. So it's
21 something that is -- it was done once in a big
22 session and it's routinely updated and followed
23 up upon every year and every month.

24 MR. HENRY: I have to object.

25 ATTORNEY EXAMINER: Basis?

1 MR. HENRY: I did a motion for
2 discovery of his qualifications. I was told
3 that they did not have a document in their
4 possession, when in fact they could have reached
5 out and got his qualifications here.

6 I do not -- I mean, if he did not
7 bring his qualifications, his certificates, I
8 ask it be totally stricken here because I asked
9 for it, and I have no way of looking at it. I
10 mean, he said things I didn't write down. I
11 mean, do you have any -- I am looking.

12 I have nothing to look at his
13 qualifications here at all here because I asked
14 for it, denied, and I guess you denied it in
15 your motion.

16 ATTORNEY EXAMINER: The reason being
17 that Commission rules require that such
18 documents be produced if they are in the
19 possession of the Commission. Mr. Ramps is an
20 employee of the Highway Patrol.

21 And I will add that we will take
22 into account what you said. I will overrule
23 your objection, but you will also have the
24 chance to state your position on the alleged
25 violation.

1 MR. HENRY: I mean, all this litany
2 of his qualifications there, I mean, you know, I
3 mean, I have no way of looking at it. I asked
4 for it a long time ago here and I do not have it
5 here.

6 ATTORNEY EXAMINER: I understand
7 your objection, but that was overruled. So --

8 MR. HENRY: I mean --

9 ATTORNEY EXAMINER: We will proceed
10 with things, and then, as I said, you will have
11 your opportunity to state your position on the
12 alleged violation too.

13 MR. JONES: Thank you, your Honor.

14 Q. So, Inspector Ramps, you have
15 included in your training the Federal Motor
16 Carrier Safety regulations?

17 A. Yes, sir.

18 Q. And is that classroom instruction as
19 well?

20 A. Yes, sir, it is.

21 Q. And what equipment is issued to you
22 for you to do your job?

23 A. Pretty much you name it. I have a
24 marked patrol car, computer MBT station.

25 MR. HENRY: Objection to the

1 equipment. That doesn't mean anything. Why are
2 we doing this?

3 ATTORNEY EXAMINER: I will let him
4 continue to make his statements.

5 MR. JONES: For background.

6 ATTORNEY EXAMINER: Background
7 information, laying a foundation of the case.
8 Please continue.

9 A. Radars, lasers. A litany of books
10 for Ohio traffic laws, safety regulations,
11 federal government hazmat regulations. You name
12 it, I have it.

13 Q. Okay. And do you generate any --
14 first of all I will ask you, what is your
15 jurisdiction?

16 A. I cover -- well, basically for me
17 specifically I am assigned out of the Warren
18 District headquarters which is the northeast
19 quadrant of the State of Ohio. However, my
20 particular assignment is to the Ohio Turnpike
21 solely, although they will routinely have me do
22 things off the Turnpike.

23 My primary location of routine
24 enforcement duties is for the Ohio Turnpike.
25 More specifically Mile Post 161 to the

1 Pennsylvania state line.

2 Q. Otherwise, you have statewide
3 jurisdiction?

4 A. I do. I can go anywhere in Ohio to
5 do this job, but that's my particular
6 assignment.

7 Q. Okay. All right. And let me ask
8 you, during the course of doing your job and
9 conducting inspections to enforce the Federal
10 Carrier Safety regulations, is there any
11 paperwork that is generated by you in that
12 course?

13 A. Yes, sir. The inspections that we
14 all have copies of is a routine form that is
15 generated after every inspection which I
16 complete. Also do traffic citations and things
17 like that, but for the purposes of what we are
18 here for today, it would be an inspection report
19 that we all have in front of us.

20 Q. And I would like to refer your
21 attention to Staff Exhibit 1. If you would
22 identify that document for the record, please.

23 (EXHIBIT MARKED FOR THE PURPOSE OF
24 IDENTIFICATION)

25 A. This is a routine Aspen report.

1 It's 3.0.0.17. This report number specifically
2 to me is OH-1251004232.

3 MR. HENRY: Can you repeat the first
4 number? I don't think it's on here.

5 A. As it's generated out of my
6 computer, it's the form that the computer
7 program utilizes for us. I am referencing my
8 copy.

9 It's Aspen 3.0.0.17, which I believe
10 is nothing more than the program's identifier
11 for what the document is.

12 Q. That is a computer program?

13 A. Computer program code. I believe
14 it's linked specifically just to the Aspen
15 program itself, which is what we utilize to
16 generate the reports.

17 Q. So, let me ask you then, referring
18 to Staff Exhibit 1, did you have occasion then
19 to conduct an inspection on July 1st, 2016
20 involving driver Bruce Henry?

21 A. According to this document, yes,
22 sir.

23 Q. Could you please tell us how that
24 inspection came about?

25 A. Essentially I was sitting stationery

1 on the Ohio Turnpike just to the east of our
2 eastern most gate, which is approximately Mile
3 Post 239. I am utilizing a laser device to
4 check the speed of westbound traffic which is a
5 marked 55 per hour zone at the time.

6 Basically this stop came about
7 because I was able to check the Defendant's
8 speed, at five over the speed limit, and his
9 safety belt was not visible at the time which he
10 passed me, at which point I pulled from
11 basically a dirt cross-over where I am sitting
12 and stopped the gentleman somewhere in the
13 vicinity of Mile Marker 239.

14 (EXHIBIT MARKED FOR PURPOSES OF
15 IDENTIFICATION)

16 Q. Okay. I want to refer your
17 attention to Staff Exhibit 1A, which is the
18 drawing on the board here. Could you please
19 identify that exhibit, please?

20 A. Basically, your Honor, I don't know
21 if you can see it.

22 ATTORNEY EXAMINER: I can.

23 A. It's not to scale by any means, but
24 this is a general idea of our eastern most gate.
25 Traffic lanes coming into the gate westbound,

1 traffic lanes exiting the gate eastwardly.

2 Cones that are set up in the center.
3 Basically this is grass median. And you got 76
4 westbound here, 76 eastbound here.

5 I sit right at the end of that grass
6 median. This is a dirt spot, if you will, where
7 I am seated. I am stationery there. I am
8 facing the westbound traffic and I am checking
9 the speed of traffic which is coming westbound
10 into this toll gate.

11 Q. And so you have marked on there
12 where you are sitting as to this picture, which
13 we know is not to scale, but you are sitting
14 there by the grass median; is that correct?

15 A. Yes, sir.

16 Q. And then you are observing traffic
17 heading westbound, and you observed Mr. Henry
18 traveling westbound; is that correct?

19 A. According to the report, yes, sir.

20 Q. Okay. So then at that point when
21 you were observing Mr. Henry you then -- you had
22 the device on him to record his speed?

23 A. Yes, sir. Basically the State of
24 Pennsylvania, if we are going to scale, would be
25 somewhere back here (indicating) is where we

1 have the state line. There is warning signs
2 after coming into Ohio that say -- one says
3 targeted enforcement area. I believe there is a
4 set of signs that say reduce speed ahead. Then
5 there is a 55 mile an hour.

6 MR. HENRY: I object to all that. I
7 mean, no -- I object to that scenario.

8 ATTORNEY EXAMINER: On what basis,
9 Mr. Henry?

10 MR. HENRY: Lack of specificity,
11 exactly what they are talking about, what is
12 being said. This is just being spoken very
13 general here. I mean, this here --

14 ATTORNEY EXAMINER: Mr. Henry, you
15 will have an opportunity to present what your
16 perspective is when we have your testimony. So,
17 we will overrule the objection, we will let the
18 Trooper continue. But you can certainly
19 describe the situation from your point of view
20 when you take the witness stand.

21 Q. So you can continue, Inspector.

22 A. I cannot say specifically. I can
23 only approximate the distance from where I am to
24 where the 55 sign is. Somewhere three-quarters
25 to a mile, somewhere in that vicinity. But

1 this is all 55 miles an hour as you approach
2 where I am seated here.

3 Q. So when did you then lock onto him,
4 approximately how far out?

5 A. I have to reference my notes.
6 According to the notes that I typed I had a
7 check speed of 673 feet out, and I checked the
8 defendant at least seven times at 60 miles an
9 hour. So those checks would have been somewhere
10 in this zone.

11 What I am utilizing at the time is a
12 laser device which is basically like a hand-held
13 gun. It has a laser beam, look outside
14 the scope with, put the laser dot on the front
15 of the vehicle you want to check, pull the
16 trigger on the device and it gives you the speed
17 reading.

18 Q. So you get this reading on your
19 laser for this particular truck that is
20 approaching. And then did you keep eye contact
21 then on this truck?

22 A. Yes, sir.

23 Q. Explain that then as this is coming
24 near you.

25 A. Once you have a particular violation

1 that draws your attention, if it's something
2 that I intend to potentially make a stop on
3 obviously I am going to keep my eyes, keep track
4 of it.

5 As any vehicle, not just trucks, but
6 cars or whatever, approaches this distance here
7 you can see I put a mark on here that there are
8 10 mile an hour speed signs they post at the
9 beginning of each of the toll lanes. I think
10 it's just to kind of make the toll booth workers
11 feel a little better, but nevertheless that's
12 why they are there.

13 So as they reach this distance as
14 they are passing me, I am maybe 20 to 30 yards
15 from that gate. On the Ohio Turnpike they still
16 use gates that are the arm system. Whether you
17 have Easy Pass or you have to stop to get a
18 ticket, pay your toll, whatever it may be, you
19 got to slow down to an absolute crawl right
20 here.

21 I sit where I do because the speed
22 as the person is passing me is significantly
23 reduced which gives me the greater enhanced
24 ability to view things on the truck, the driver,
25 the trailer, what have you.

1 Q. Is there lane shifting going on at
2 this point with trucks that are approaching the
3 gates?

4 A. The drivers would know better than I
5 do, down shift or just brake or whatever it may
6 be. But the speed is considerably reduced near
7 the point that they are going by me.

8 Q. Okay. Let me ask you, during this
9 time on July 1st, 2016, and you being stationed
10 there, were you on duty at that time?

11 A. According to this report, yes, sir.

12 Q. Okay. And were you in uniform?

13 A. Yes, sir, I would be.

14 Q. And were you in a marked cruiser?

15 A. I would be, yes, sir.

16 Q. At that time then after you got that
17 reading and then you observed Mr. Henry, how did
18 you observe him as to how he was secured in his
19 vehicle?

20 A. At the time Mr. Henry passed me,
21 according to what I have in my notes section,
22 there was no harness visible upon the driver at
23 the time he went by me. No safety belt harness.

24 Q. And approximately what distance did
25 you have to observe this?

1 A. Because I can't -- the stop was more
2 than five months ago, I don't have the thought
3 of remembering what lane he was in. From where
4 I am to this lane, maybe that is 15 feet, so to
5 that lane maybe 25 feet. That is an
6 approximation.

7 ATTORNEY EXAMINER: And, Trooper
8 Ramps, clarify this for the record then, it
9 sounds as though you are not really certain
10 whether as he approached you, Mr. Henry
11 approached you, he was in the lane closest to
12 where you were parked by the median?

13 THE WITNESS: That would be
14 accurate. I don't recall at this time if he is
15 in the left lane or the right lane. I viewed
16 him further away from me to give him the benefit
17 of doubt because I truly do not recall.

18 ATTORNEY EXAMINER: Okay. Mr.
19 Jones.

20 MR. JONES: Thank you.

21 Q. And do you recall the conditions
22 that day for the traffic?

23 A. Truthfully I don't. It being so
24 long ago I can't recall.

25 Q. Okay. Fair enough. So at that

1 point then what did you do after what you just
2 testified to?

3 A. At the point in time he passes me
4 here I must have made the decision obviously to
5 stop him. So I came out and I will turn my
6 lights on. I don't know if we stopped prior to
7 the gate or after.

8 MR. HENRY: I am going to object to
9 this testimony. He has admitted that he does
10 not remember what happened that day. I do not
11 know why you are allowing him to testify. He
12 doesn't know.

13 ATTORNEY EXAMINER: Mr. Henry, we
14 want to hear what both sides have to say. And
15 you will have your opportunity when you can
16 present your --

17 MR. HENRY: If he does not remember
18 here I don't know why he would be allowed to
19 testify. I don't know.

20 Q. So, Inspector Ramps, then is the
21 Staff Exhibit 1A an accurate depiction or
22 description of the scene where the inspection --
23 where the stop was made, where the violation was
24 noticed and where the inspection occurred?

25 A. Yes, sir, it would be.

1 Q. Okay. All right. And you are
2 noting for the record that this is not to scale?

3 A. Yes, sir.

4 Q. And you are not a professional
5 artist; are you?

6 A. My skills are not that good, no,
7 sir.

8 Q. Okay. So, let's see here. Okay.
9 So, now, if I could, you had made the stop of
10 Mr. Henry. And then Staff Exhibit 1 is the
11 report then of this inspection?

12 A. Yes, sir.

13 Q. Would you then walk through then,
14 let's see, the first -- you have down here
15 inspection Level III. What is inspection Level
16 III?

17 A. We refer to it as officers as
18 the driver check inspection. Basically requires
19 me to check their Department of Transportation
20 number displayed on the side of the truck, to
21 verify who the carrier is, to check driver's
22 license, medical card, log books, ensure that
23 the company's certifications are up to date.

24 UCR, MCS 150, insurance, things of
25 that nature. Basically it's a paperwork check.

1 We are not looking at either of the vehicles.

2 Q. Fair enough. And then the
3 information on Staff Exhibit 1 looks like you
4 have carrier information and driver information.
5 Where did you get -- how did you verify that
6 information?

7 A. The carrier information would be
8 displayed on the side of the truck with carrier
9 name and Department of Transportation number.
10 We will double check that based off his logbook
11 and make sure that is --

12 MR. HENRY: Objection. I would like
13 to ask him, is he saying what he saw on my
14 moving vehicle, or is he saying what a report
15 that he would do here, and he is not sure
16 whether he did it? I mean, right now this is
17 very general testimony here. I have no idea
18 what he is talking about.

19 ATTORNEY EXAMINER: Mr. Jones, could
20 you elaborate on why you are asking --

21 MR. HENRY: Lack of specificity.

22 MR. JONES: Well, I am asking him
23 questions as related to this inspection.

24 MR. HENRY: About his training or
25 about what happened that day?

1 MR. JONES: About this inspection.
2 What happened --

3 MR. HENRY: He can't remember. How
4 is he saying -- he doesn't know I would have
5 done this, I would have done that. How does he
6 know what he did? He didn't write it down.

7 MR. JONES: Mr. Henry, I am laying
8 the foundation now for answering the questions.

9 MR. HENRY: You are laying a sandy
10 foundation is what you are doing.

11 A. In this case if, although I don't
12 have the ability to recall somebody from five
13 months ago, if this company's name and --

14 MR. HENRY: Move for dismissal on
15 that right there. Bang, done, in Virginia.

16 ATTORNEY EXAMINER: Mr. Henry,
17 ultimately the Commissioners here will decide.
18 I will summarize what happens today, but they
19 will make the final decision. And if it turns
20 out that your arguments carry more weight than
21 the Staff's then it will be dismissed.

22 MR. HENRY: Go ahead.

23 Q. You may continue.

24 A. Thank you, sir. If his company's
25 name, Department of Transportation number,

1 defendant's name, defendant's license number and
2 date of birth and the following are placed on
3 this report, with my unit number and my name on
4 this report, then in fact I would have been
5 there to generate this report because this
6 report cannot be generated with report number
7 stated at the top if it's not me banging the
8 buttons on the computer.

9 Q. All right. Let's walk through that
10 and get that clear right now. You then after
11 you made contact with Mr. Henry, you then --
12 when do you start producing this report in
13 general?

14 A. This report happens after I make
15 initial contact with the driver, and I gather
16 all the relevant information that I need to
17 complete the report, I go back to my patrol car
18 and immediately begin checking everything that I
19 have.

20 First thing I do, I check the
21 driver's license, I run it through LEADS
22 automated system.

23 MR. HENRY: Object here. Is he
24 saying what he would do normally, or is he
25 saying what he did on this day here? This is

1 very ambiguous.

2 MR. JONES: He is testifying to
3 both.

4 A. I will specify to both. This is
5 what I do on every inspection, which would mean
6 that would be what I have done on this
7 inspection, although my mental recollection is
8 not there, again, because it's over five months
9 old, this would not have been generated had I
10 not had done these steps.

11 MR. HENRY: I am going to renew my
12 objection and a motion to dismiss right at this
13 point. Go ahead.

14 MR. JONES: The report was generated
15 at the time of the inspection.

16 MR. HENRY: I object to that point
17 of reference.

18 MR. JONES: You can object, but
19 that's it. You objected.

20 MR. HENRY: Let me come back to this
21 point because I want to point something out that
22 is false what he just said.

23 ATTORNEY EXAMINER: You can point
24 that out at a later time during these
25 proceedings.

1 MR. HENRY: Go ahead.

2 Q. You may continue.

3 A. I am sorry, I forgot what
4 the question was at this time. What would you
5 like me to state specifically?

6 Q. Yes. How soon this report is
7 generated from the time of the inspection?

8 A. Immediately. When it says time
9 started at the top, 10:24, that is the time that
10 I am pulling the person over. So that would be
11 the time that I actually activated my lights and
12 hitting the traffic stop button.

13 MR. HENRY: Are you talking about
14 this evidence here?

15 MR. JONES: That's the evidence.

16 MR. HENRY: I am going to have to
17 object. That's a false statement here because
18 there is no -- that's not what I got.

19 ATTORNEY EXAMINER: That's fine, Mr.
20 Henry. And again you will have the opportunity
21 to do so later in the proceedings. We will give
22 you plenty of opportunity.

23 MR. HENRY: This is not right.

24 ATTORNEY EXAMINER: If you disagree
25 you will have your chance to say so.

1 A. So this report would begin at that
2 time and the report itself, the physical typing
3 on the computer to generate this report, this
4 report doesn't start at 10:24. 10:24 is the
5 time that I stopped him. It is the beginning of
6 the traffic stop, which we carry by
7 organizational policy for how we carry the
8 inspections. That is what time we stopped him,
9 that is what time it starts.

10 And the reason for that is because
11 under rules of hours of operation the driver has
12 to be on duty for this portion of the
13 inspection, so we have to be as accurate as we
14 can be in our documentation of it so that as the
15 driver puts what he does for his hours of
16 service is reasonably reflective of the time
17 that we put there.

18 Q. Okay. So, this inspection started
19 at 10:24 on July 1st, 2016. And at the time
20 then that you conclude the inspection, which
21 would be 10:53; is that accurate?

22 A. Approximately. According to this
23 report, yes. I will state that to be fair and
24 to be honest, at the end of every inspection
25 when I am done typing I add 10 minutes to the

1 end of my inspection before I get out of my car.

2 The purpose for me doing that is this.

3 I still need time to walk up to my
4 car, finish my contact with the driver, give
5 the driver enough time to log the time of
6 the inspection into his logbook, and to put all
7 of his information away, which is an approximate
8 of about 10 minutes.

9 So I always add 10 minutes to the
10 end of my inspection time so that I afford
11 myself and the driver has the time to get
12 himself together and be ready to go at the time
13 that he pulls away.

14 Q. So all the information in Staff
15 Exhibit 1 was recorded contemporaneously with
16 the inspection?

17 A. Yes, sir.

18 MR. HENRY: I object. He said he
19 couldn't remember. Now you are saying you did
20 it contemporaneously. I object to that term,
21 that terminology there. It did not happen
22 contemporaneously. That means right there on
23 the spot.

24 And this man cannot remember
25 everything. That is my objection here. It

1 is -- I mean, that is -- there is a big dispute
2 of what he just said there. It's not
3 contemporaneously.

4 ATTORNEY EXAMINER: We will take
5 that into account. Let's continue.

6 Q. And then your -- what you did then
7 with Staff Exhibit 1 after you had put in, typed
8 in all the information on your keyboard, your
9 laptop in your cruiser, then you print out that
10 document?

11 A. Yes, sir. The document would be
12 printed out at that time.

13 Q. Okay. And then at that time after
14 you print the document out what did you do with
15 the document?

16 A. Any one of these I would sign at the
17 bottom where my name is, put my signature on the
18 original. And I will walk up with that document
19 and the remainder of the information providing
20 back to that driver and explain the inspection
21 report to that driver.

22 Q. So, your original document, the
23 original staff or the driver/vehicle inspection
24 report that you would have signed and that you
25 also then would have the driver, Mr. Henry,

1 sign, that would have been kept then by the
2 driver, Mr. Henry; is that correct?

3 A. Yes, sir. I turn that document, the
4 driver is given that document, the driver is
5 advised that he has to turn it into his company
6 and within a 15-day window that company has to
7 then certify receipt of it by getting that
8 document faxed back to us.

9 Q. So the reason why Staff Exhibit 1
10 doesn't have a signature on it is because this
11 is a copy of the original; is that accurate?

12 A. Yes, sir. Only the driver at this
13 point in time would be privy to the original.

14 Q. Okay. And so Staff Exhibit 1, is it
15 an accurate representation of the driver/vehicle
16 inspection report that you generated and served
17 on Mr. Henry on the date of the inspection?

18 A. To the best of my knowledge, yes,
19 sir.

20 Q. And in addition to serving the
21 driver/vehicle examination report on Mr. Henry,
22 who else is provided this information?

23 A. This particular report goes, again
24 it's part of that Aspen system. These reports
25 will be uploaded through a computer process,

1 which I don't understand, so don't ask me to
2 explain it, and the form gets forwarded through
3 that computer process to the Ohio Public
4 Utilities Commission.

5 Q. Okay. So you transmit a copy of
6 this form to the Public Utilities Commission
7 Transportation Department; is that correct?

8 A. Yes, sir.

9 Q. So they have it. Okay. So let me
10 go back here for a second. The information on
11 the form itself, Staff Exhibit 1, you record, I
12 think we talked about this, the carrier-driver
13 information. You verify information through
14 looking at what information is contained on the
15 truck itself for identification?

16 A. Yes, sir.

17 Q. And then also from the commercial
18 vehicle license of Mr. Henry?

19 A. Yes, sir.

20 Q. And so then you verified the person
21 that is here in the courtroom today, Mr. Henry,
22 is the same person that you stopped and
23 inspected that day?

24 A. He would have been, yes, sir

25 MR. HENRY: I object. That is not a

1 direct answer, he would have been. He doesn't
2 remember who I am. I can tell he doesn't. I
3 mean, you call this evidence. It's such a
4 dishonest answer here.

5 You are asking him something and he
6 is not specifically answering. Oh, I would
7 have. That is not, yes, that is the guy here.
8 He can't do it. And you know it.

9 A. I can't do it because I don't have
10 the memory of it, sir.

11 MR. HENRY: Again I renew my
12 objection and my motion to dismiss. Go ahead.

13 ATTORNEY EXAMINER: I will overrule
14 that. Please keep going.

15 Q. Let me ask you, how do you verify
16 information from the commercial driver's
17 license?

18 A. When a driver provides me with his
19 license the first thing you do is look at the
20 picture to make sure that the gentleman seated
21 behind the wheel is the guy that's in the
22 picture.

23 And once I confirmed that I run
24 the driver's license through the computer and 90
25 percent of the time, perhaps name and date of

1 birth are verified, and we confirm the driver's
2 record upon running that number or name and date
3 of birth.

4 Q. So according to all the checks you
5 would have run to verify who you are dealing
6 with, Mr. Henry here, all that checked out in
7 this case?

8 A. It would had to have verified in
9 this case.

10 Q. And also the relationship here
11 between the carrier and Mr. Henry, that he was
12 working for the carrier?

13 A. Yes, sir.

14 Q. Let's look at the violations here.
15 You testified that you observed him when he went
16 by you. According to the Staff Exhibit 1 A here
17 as drawn you had an opportunity to see him from
18 a distance of 15 to 30 feet. And you noted some
19 violations here.

20 Would you walk through that piece of
21 your report, please?

22 A. Yes, sir. There are two violations
23 listed. There is a warning which is being
24 issued for 60 miles per hour in a 55 miles per
25 hour zone.

1 There is also a violation listed for
2 failing to use his seat belt while operating a
3 CMV.

4 And after that I typed improper
5 usage in an effort to indicate that the driver
6 was not completely not wearing the seat belt,
7 but that he wore it improperly. Thus the word
8 improperly.

9 ATTORNEY EXAMINER: Trooper Ramps,
10 you say not completely wearing the belt. What
11 do you mean?

12 THE WITNESS: According to
13 regulation 392.16 it states clearly in there
14 that the safety harness has to be properly
15 restrictive. To have it improperly restrictive
16 would mean that it's not being worn in the
17 manner described by the manufacturer, which
18 would be under the arm, behind the back, seated
19 upon it, extended to it's fullest slack --

20 MR. HENRY: Object. That is not
21 what it says. I have a copy of this here. I
22 can hand it right to you if you would like to
23 read it. It's only about like 30 words long,
24 and all that what he said I ask that you would
25 strike it.

1 MR. JONES: Your Honor, I can have
2 him read the violation.

3 MR. HENRY: I have it right here.

4 ATTORNEY EXAMINER: I have got it
5 right here as well.

6 MR. JONES: We can all follow along.

7 MR. HENRY: This is not what it says
8 in the regulation. What's going on here?

9 ATTORNEY EXAMINER: Have a seat,
10 please. It says "A commercial motor vehicle
11 which has a seat belt assembly installed on the
12 driver's seat will not be driven unless the
13 driver has properly restrained himself or
14 herself by the seat belt assembly."

15 Properly restrained is
16 the terminology.

17 Trooper Ramps, do you acknowledge
18 that's the wording of the regulation that you
19 cited in this case?

20 THE WITNESS: Yes, sir.

21 ATTORNEY EXAMINER: And Trooper,
22 apparently it was your perspective there was not
23 proper restraint?

24 THE WITNESS: Yes, sir.

25 ATTORNEY EXAMINER: And in what way?

1 How so?

2 THE WITNESS: According to what I
3 have in my notes section that the driver had the
4 shoulder harness worn under his left arm.

5 ATTORNEY EXAMINER: So the lap belt
6 was present?

7 THE WITNESS: Yes, sir.

8 MR. HENRY: I object based on the
9 fact he doesn't remember and he can't say
10 specifically. He just does not remember. I
11 would ask that you strike that and --

12 ATTORNEY EXAMINER: I will not
13 strike it, but I will allow you to state your
14 position when you take the witness stand.

15 MR. HENRY: I have to note that for
16 the record. That is why I am doing this. I
17 don't mean to be disruptive or disturb the
18 decorum of the court. I really don't.

19 Q. Trooper Ramps, going back to the
20 violation section of the report, so then you
21 issued a warning to Mr. Henry for the speeding
22 of 60 in a 55 miles per hour zone based on the
23 laser reading you were getting of his vehicle?

24 A. Yes, sir.

25 Q. And then for the seal belt you cited

1 him because of improper usage of the restraint
2 in the vehicle that was worn under the arm
3 instead of over the shoulder to properly
4 restrain himself for his safety and the safety
5 of others. Is that accurate?

6 A. I did not issue him any citation but
7 I listed the violation, yes, sir.

8 Q. Okay. And please describe, you have
9 notes here, inspection notes, and these notes
10 were included at the time of the inspection, so
11 at that time was all that information --

12 MR. HENRY: I object. That is a
13 blatant lie. They were not.

14 ATTORNEY EXAMINER: One comment you
15 made was you were not trying to be disruptive.
16 Well, this is disruptive. So --

17 MR. HENRY: To make an objection, to
18 note it for the record.

19 ATTORNEY EXAMINER: What you want to
20 do is this: First, at the end of his testimony
21 you can raise it and Staff will likely move that
22 the exhibits be admitted into evidence and you
23 can raise your objection at that point in time.

24 In addition, when you take
25 the witness stand you can state whatever your

1 perspective is.

2 MR. HENRY: It's not a perspective
3 if he is reading it into the record. It's false
4 that I received this thing here. Respectfully,
5 it's false.

6 ATTORNEY EXAMINER: And you will
7 have the opportunity --

8 MR. HENRY: Please go ahead. Okay.

9 ATTORNEY EXAMINER: Let's go ahead.

10 MR. JONES: Thank you.

11 Q. Trooper Ramps, you have
12 the inspection notes in your report that were
13 recorded at the time of your inspection; is that
14 correct?

15 A. Yes, sir.

16 Q. Okay. Would you please read your
17 inspection notes for the record, please?

18 A. Yes, sir. It reads "Speed - 27/7/3/
19 673 feet. Checked at least seven times at 60
20 miles per hour. Seat belt stationery position
21 facing traffic. Driver wearing light grey
22 sleeveless T-shirt. Seat belt was dark grey.
23 No harness was visible at passing. Upon
24 contact, driver had the shoulder harness worn
25 under his left arm. Driver was asked why he was

1 wearing the harness under his arm. Driver
2 responded I don't know. I'm supposed to have it
3 across my chest, ain't I."

4 Q. Now, is that a quote that you are
5 referring there to by what his responses were,
6 or were you paraphrasing what he said?

7 A. It's essentially -- any response I
8 list by drivers is essentially a paraphrase in
9 my own words. And I state that because due to
10 officer safety concerns I don't have the ability
11 to take my pen and paper out, put my head down
12 and write word for word what the driver responds
13 to me, whether it's for a mere seat belt or
14 the highest paying hazmat violation I have.

15 I have to be aware of what
16 the driver is doing, I have to watch the
17 driver's hands, I have got to watch traffic
18 around me. And my main concern is safety.

19 At the same time I am doing my very
20 best to try to take in, pay attention, recall
21 and regurgitate what the driver does say. That
22 statement at the end of my notes is not in
23 quotation marks for a reason, because it's not a
24 direct quote. It's my way of summarizing the
25 driver's response to that question.

1 It's for acknowledgement and
2 somewhat remembrance of that being stated to me.

3 Q. Okay. And these notes were being
4 recorded a matter of minutes after speaking with
5 Mr. Henry?

6 A. Before I completed with the
7 inspection at some point in time, yes, sir.

8 MR. HENRY: I object. He does not
9 remember, and this is very general. Note my
10 objection on this. I object to that.

11 ATTORNEY EXAMINER: You have made
12 that clear and that is on the record.

13 MR. HENRY: Okay.

14 ATTORNEY EXAMINER: We are watching
15 the time, Mr. Henry, and we will allow --

16 MR. HENRY: At some point I have to
17 stop and go out and feed --

18 ATTORNEY EXAMINER: I have been
19 watching the clock as well and I will certainly
20 give you the opportunity to get out to your
21 meter in time.

22 Q. So, Trooper Ramps, then this
23 vehicle/examination report was served on Mr.
24 Henry, and then I guess that was all the contact
25 you had then with Mr. Henry?

1 A. Essentially once he is served with
2 the report he is free to leave at that point in
3 time.

4 Q. So the Staff Exhibit 1, is this a
5 record that is kept in the ordinary course of
6 business as a business record for the Ohio State
7 Highway Patrol?

8 A. We don't keep a hard copy of it. I
9 can access it from my computer at any point in
10 time I wish to. But in terms of like a file or
11 hard copy, we don't keep printed copies in our
12 office.

13 Q. But it's kept in an electronic
14 database?

15 A. Electronic file, yes, sir.

16 Q. As a record?

17 A. Yes, sir.

18 Q. Like you said before, although this
19 is not the original, the original was served on
20 Mr. Henry at the time of the inspection. This
21 is an accurate copy or representation of what
22 was served on Mr. Henry that day?

23 A. It would be, yes, sir.

24 MR. HENRY: Note my objection
25 because he said it would be. He doesn't know

1 for sure. He doesn't remember. Go ahead.

2 Q. And, Trooper Ramps, that Staff
3 Exhibit 1A is a drawing that you prepared here
4 this morning for purposes of this hearing to
5 give a visual as to the scene of where you
6 observed the violation and the area where you
7 conducted the inspection, and that is what this
8 depicts?

9 A. Yes, sir. I completed that this
10 morning.

11 MR. JONES: Your Honor, that's all
12 the questions I have.

13 EXAMINATION

14 By the Attorney Examiner:

15 Q. I Just wanted to, for the record,
16 you know, summarize some things here. I am
17 assuming that -- Staff Exhibit 1A, which is a
18 large drawing will be entered into the record,
19 you have a smaller version of that; do you?

20 A. Well, when we first started talking
21 I was jotting down a smaller version of it, but
22 that is a little bit better depiction than my
23 drawing here.

24 Q. Well, I will mention this again just
25 to clarify for the record, you may have already

1 stated it, Trooper, given from what is indicated
2 in the drawing, Staff Exhibit 1 A, you were
3 parked near the toll booths of the Ohio
4 Turnpike, parked on the grass median or next to
5 the grass median?

6 A. Yes, sir.

7 Q. Prior to where those booths are.

8 A. Yes, sir.

9 Q. And that is where you observed the
10 alleged violation of Mr. Henry driving towards
11 to booths at allegedly an excessive speed, but
12 also without wearing the seat belt properly.

13 A. Yes, sir.

14 Q. I will also mention again just to
15 summarize, Trooper, you indicated you did not
16 have a clear recollection of what lane Mr. Henry
17 was in as he approached you, if it was the lane
18 closer to where you were parked, or say weather
19 conditions, you did not have a clear
20 recollection of that?

21 A. Truthfully, I do not.

22 Q. I just wanted to summarize that for
23 the record.

24 A. I do not.

25 ATTORNEY EXAMINER: I don't have

1 anymore questions at this time.

2 MR. JONES: Your Honor, I do have
3 another question.

4 ATTORNEY EXAMINER: Go ahead.

5 MR. HENRY: He already closed. He
6 lost his bite of the apple. Is he allowed to
7 reopen back up again? Did he make a motion to
8 open it back up? Once you said that is all I
9 have, most courts you don't get to go re-ask
10 another question.

11 ATTORNEY EXAMINER: Well, he can ask
12 another question.

13 MR. HENRY: I object to it, but note
14 my objection. Go ahead.

15 ATTORNEY EXAMINER: Go ahead.

16 Q. (By Mr. Jones) Trooper Ramps, as
17 far as Staff Exhibit 1 A, this is the area that
18 you have drawn here is the map, this is
19 the location from your report as Staff Exhibit
20 1?

21 A. Yes, sir.

22 Q. And would you describe the road that
23 is depicted on Staff Exhibit 1 A?

24 A. This is Interstate State 76 or
25 the Ohio Turnpike. This is the portion of 76

1 that is to the east of East Gate which is the
2 box drawn furthest to the left on the piece of
3 paper.

4 Q. That is fine. And what county is
5 this in?

6 A. Mahoning County.

7 Q. And what state?

8 A. Ohio.

9 MR. JONES: That is all I have, your
10 Honor.

11 ATTORNEY EXAMINER: All right. Mr.
12 Henry, questions for the witness?

13 MR. HENRY: My turn?

14 ATTORNEY EXAMINER: Yes.

15 MR. HENRY: All right.

16 CROSS-EXAMINATION

17 By Mr. Henry:

18 Q. Let's rock and roll. All right.
19 Officer Ramps, your probable cause was, given
20 this inspection, according to what you just said
21 here, or what you don't remember, from your
22 notes --

23 MR. JONES: Objection to the
24 characterization.

25 ATTORNEY EXAMINER: Mr. Henry, what

1 is the question?

2 MR. HENRY: I am getting ready to
3 ask the question here.

4 Q. Is a warning speeding alleged
5 allegation, is that right? How can it be a
6 violation because --

7 MR. HENRY: I don't have the
8 jurisprudence, I am not in the courtroom to go
9 in and challenge anything, okay, and this was
10 talked about so much and he can't remember,
11 that's what is amazing about this.

12 Q. I was inspected because of the speed
13 that you observed; is that correct? Would that
14 be reasonable? Is that your probable cause?

15 A. As a DOT officer --

16 Q. I asked you, this is yes or no.

17 MR. JONES: Your Honor, he is trying
18 to answer the question and he is interrupting
19 the witness.

20 ATTORNEY EXAMINER: He is allowed to
21 answer the question, Mr. Henry.

22 Q. Was that your probable cause to pull
23 me over? If it's no then we can move to another
24 question.

25 A. To answer your question you have to

1 allow me to do so, sir. As a DOT officer we
2 don't -- for the purposes of an inspection
3 probable cause is something that takes a variety
4 of forms. I can stop you for the purposes of
5 inspection simply because of your ISS score if I
6 choose to.

7 MR. HENRY: Objection here. He is
8 rambling on, he is not answering what I asked.
9 I asked him about what was his probable cause to
10 do the inspection. Not your qualifications that
11 you do not provide and you talked about and
12 the court does not have a record. Nobody has a
13 record here.

14 MR. JONES: Objection. Move to
15 strike.

16 MR. HENRY: Go ahead.

17 ATTORNEY EXAMINER: Well, let
18 the witness answer.

19 Q. Was that the probable cause?

20 ATTORNEY EXAMINER: Mr. Henry.
21 Trooper Ramps, if you can indicate for the Court
22 here your initial reason for stopping Mr. Henry.

23 THE WITNESS: The reason for
24 the stop is checking the defendant's speed of
25 five over the speed limit and no seat belt being

1 visible on him at the time of passing.

2 ATTORNEY EXAMINER: So was it both
3 of those violations?

4 THE WITNESS: Essentially, yes,
5 sir, it would be. I noticed both --

6 MR. HENRY: Objection.

7 ATTORNEY EXAMINER: Let him finish.

8 THE WITNESS: I don't notice these
9 after stopping the defendant, so obviously I
10 noticed prior to making the decision to stop the
11 defendant.

12 ATTORNEY EXAMINER: So you are
13 indicating that Mr. Henry was stopped for both
14 the alleged violations?

15 THE WITNESS: Yes, sir. Yes, sir.

16 MR. HENRY: If you read back his
17 probable cause was the speeding. All right.
18 And my line of questioning will first address
19 that. I am ready to go.

20 MR. JONES: I am going to object. He
21 has been consistent with the evidence we just
22 heard on the stand in his questioning.

23 Q. I am going to ask you, did you use
24 lidar or radar which is what you call a laser
25 device?

1 A. I used the laser device, not radar,
2 not lidar.

3 Q. What was the model of your laser
4 device?

5 A. I don't know the model number off
6 the top of my head, but I know that the number
7 that we used was No. 27.

8 Q. Okay. Was this No. 27, was it ever
9 calibrated?

10 A. They get calibrated regularly.

11 Q. Do you have evidence to show that
12 you calibrated that device?

13 A. I wasn't asked to bring that with
14 me. And I don't do --

15 Q. I am asking you, was that device
16 calibrated? Yes or no?

17 A. All of these devices are calibrated.

18 Q. Can you answer that question?

19 A. I am trying to.

20 MR. JONES: Objection, your Honor.
21 He is interfering with the witness trying to
22 give an answer.

23 Q. I asked whether the device was
24 calibrated.

25 A. Any devise that we use for the Ohio

1 State Highway Patrol is calibrated by our
2 electronic technicians. I do not do those
3 calibrations.

4 Q. You said you are certified, you
5 know, that long litany of certifications there,
6 and I believe it because I have asked for it and
7 they didn't give it to me. I am going to have
8 to question you about it here.

9 Now, you said you can't identify the
10 model. That is troubling to say the least. You
11 don't know what type of device it is.

12 A. I know it's a laser device.

13 Q. I know, you said that.

14 MR. JONES: Object.

15 MR. HENRY: I will ask you to let me
16 have my turn.

17 MR. JONES: I get to object here.
18 You can't tell me what to do.

19 I am objecting to the fact that the
20 speeding is not a violation before the
21 Commission, it's something that is indicated in
22 his notes that occurred for the officer at the
23 scene when he saw the truck approaching.

24 But we are not here on a speeding
25 violation, we are here on a seat belt violation

1 only.

2 MR. HENRY: But you allowed the door
3 to be open and that is a probable cause to pull
4 me over.

5 ATTORNEY EXAMINER: Mr. Henry. We
6 will do this. There are two alleged violations
7 here. Okay? You know, you have indicated --

8 MR. HENRY: But --

9 ATTORNEY EXAMINER: Mr. Henry. You
10 have indicated that you are skeptical to say
11 the least, or questioning about the validity of
12 the excessive speed violation. Okay.

13 I think that has been, you know, you
14 have asked a number of questions and Trooper
15 Ramps indicated that while these devices are
16 calibrated he didn't --

17 MR. HENRY: He said --

18 ATTORNEY EXAMINER: Mr. Henry, we
19 are trying to maintain some decorum here without
20 everyone speaking out over one another. That
21 makes it -- if there is speaking over one
22 another it makes it very difficult for the court
23 reporter.

24 Now, back to my point, which is
25 there are two alleged violations here. You have

1 asked some questions to the Trooper to indicate
2 that you are -- you doubt whether the device
3 which was used to measure your speed was
4 properly calibrated. Okay. And I think
5 the Trooper answered to the best of his ability.

6 If you have further objections to
7 that, again when you get up on the witness stand
8 you can say, well, here is --

9 MR. HENRY: Okay. Can we move on?
10 I have other direct questions on this.

11 ATTORNEY EXAMINER: Well, I will add
12 this too. I think we would like to move on.

13 MR. HENRY: Okay. Because he said
14 this brought his attention to me, and I wrote it
15 down when he said it. You can check the court
16 reporter. Okay.

17 What I have to ask here is, you do
18 not know and I have a certificate, to know the
19 exact time and date the calibration took place
20 on that device, do you or do you not? I know
21 that for sure. A reasonable, I mean, you don't
22 know -- the reason why I say this, you want me
23 to clarify why I am saying it, because I have
24 looked at a lot of articles and I have checked
25 in Ohio, Pennsylvania, Indiana, typically what

1 they do in calibration of devices is they
2 calibrate one or two devices. The rest don't
3 get calibrated and they use this certificate
4 here as a calibration in a court of law here.

5 ATTORNEY EXAMINER: If you would ask
6 your question we will get an answer and move on.

7 Q. You can't say specifically the date
8 this device was calibrated?

9 A. No, sir.

10 Q. The answer is no. Okay.

11 ATTORNEY EXAMINER: Now move on.

12 Q. You can't specifically say the model
13 used?

14 A. I don't know it off the top of my
15 head, no, sir.

16 Q. Did you do the internal calibration
17 or tuning fork test on this?

18 A. This does not use a tuning fork
19 test. Internal calibration, which according to
20 my notes was done 7:00 A.M. and 3:00 P.M.

21 Q. Okay. Now --

22 ATTORNEY EXAMINER: Mr. Henry, were
23 you going to move on to the violation?

24 MR. HENRY: Yes, I am.

25 ATTORNEY EXAMINER: Go ahead.

1 Q. Now, you said I would have gotten
2 this note here, it's conflicting here.

3 ATTORNEY EXAMINER: What are you
4 moving on to? What's your next question?

5 MR. HENRY: Please don't try to
6 confine me. You have allowed this mishmash
7 stuff here, and I have got to ask him in the
8 chronological order that I have this here.

9 Q. So, you said that you checked the
10 speed seven times and the special field studies
11 there. There is no information there, nothing
12 written down, even the one that I did not get
13 that you gave them. And you said that you gave
14 it to me at the time.

15 I mean, can you say --

16 MR. HENRY: Can I hand this to him
17 and ask him?

18 ATTORNEY EXAMINER: I believe he
19 already has a copy of it.

20 MR. HENRY: I don't know if it's a
21 copy. I think it's a different copy.

22 MR. JONES: It's the same.

23 MR. HENRY: Can I go look at what he
24 has? I think it's different.

25 ATTORNEY EXAMINER: We will have a

1 demonstration.

2 MR. HENRY: It appears to be the
3 same one. Okay.

4 ATTORNEY EXAMINER: We will
5 continue.

6 MR. HENRY: Can I give this to the
7 police officer here?

8 ATTORNEY EXAMINER: Yes. What is
9 it, Mr. Henry?

10 MR. JONES: Can I see that?

11 Q. It isn't the same; is it? Oh, it
12 isn't the same; is it?

13 A. Your Honor, this would be
14 the original form he provided.

15 MR. HENRY: That is the original.
16 And it greatly, greatly conflicts with
17 something. That is signed, it's in the wrong
18 places.

19 THE WITNESS: This is Staff Exhibit
20 1.

21 ATTORNEY EXAMINER: Mr. Henry, is it
22 your intent to introduce this into evidence?

23 MR. HENRY: Well, let me see if I
24 have a copy here.

25 ATTORNEY EXAMINER: Mr. Henry, the

1 point is --

2 MR. JONES: Your Honor, this is in
3 evidence.

4 MR. HENRY: Here is a copy.

5 MR. JONES: There is a different
6 caption for each document.

7 MR. HENRY: I have a photocopy here.
8 Could I have the original back?

9 ATTORNEY EXAMINER: Well, let Staff
10 explain any discrepancies and then you can --

11 MR. HENRY: Well, you know, I don't
12 yield the floor here for him to explain
13 anything. It's my turn. You don't get to do
14 that. You had a chance. I don't know whose
15 copy. I gave it to the policeman to look at it
16 because I am going to question him about it
17 here.

18 MR. JONES: Do you have another copy
19 for me?

20 MR. HENRY: You are supposed to have
21 it already here. Why are you asking me for a
22 copy?

23 MR. JONES: It's your exhibit.

24 MR. HENRY: You gave me this here
25 slam job of evidence here, and it's not what I

1 got. You sliced and copied and represented to
2 the court that I got it. I did not get it.

3 MR. JONES: It's your exhibit.

4 MR. HENRY: I don't know how you can
5 do this. You know, you have ethical violations
6 to look at.

7 ATTORNEY EXAMINER: Go ahead and ask
8 your question, Mr. Henry.

9 MR. HENRY: I am not an attorney
10 here. I should be able to get by with a little
11 bit, but you should not, because you have --

12 MR. JONES: You should address
13 questions to the witness.

14 ATTORNEY EXAMINER: Mr. Henry, if
15 you brought something --

16 MR. HENRY: Okay. Now --

17 ATTORNEY EXAMINER: Mr. Henry, if
18 you brought something that is different from
19 what staff has you have the opportunity to
20 present it.

21 MR. HENRY: I am going to be
22 questioning the officer on --

23 Q. Do you see the original, sir?

24 A. Yes, sir. I printed out a copy of
25 the original.

1 Q. I am asking do you see the original
2 here?

3 A. I do.

4 Q. Do you see where I signed? It was
5 for the motor carrier -- I signed it there. Do
6 you see that?

7 A. I see something.

8 Q. You can see right there on that copy
9 I gave you there. Do you see that?

10 A. Provided that copy back to you. I
11 believe the judge has the copy.

12 Q. This is for you to look at when I
13 question you here.

14 A. If that is your signature, then,
15 yes, I see it.

16 Q. Well, do you see the thing on the
17 bottom of the document in the left-hand corner
18 there?

19 A. Yes, sir.

20 Q. Whose signature is that?

21 A. That was mine.

22 Q. And it looks like --

23 MR. HENRY: Object to him coming and
24 encroach the witness.

25 ATTORNEY EXAMINER: Mr. Henry --

1 MR. JONES: I have to look at the
2 exhibit.

3 ATTORNEY EXAMINER: Overruled. He
4 has -- the Staff is represented by the Attorney
5 General in presenting their case. This is his
6 witness. Okay.

7 Q. Do Want to take time so you can get
8 your story right and I can come back and --

9 MR. JONES: Objection, your Honor.
10 This is uncalled for.

11 ATTORNEY EXAMINER: That's an
12 uncalled for remark. Now, Mr. Henry, I think
13 what basically you are questioning that Staff
14 had an exhibit which is different from something
15 that you have in your possession.

16 MR. HENRY: If you are asking me or
17 questioning me here, I don't know why I am being
18 questioned here. Yes, I never got it, never.

19 ATTORNEY EXAMINER: Well, then --

20 MR. HENRY: Yes, I asked for it many
21 times and didn't get it.

22 ATTORNEY EXAMINER: Then what we
23 will do --

24 MR. HENRY; I have questions about
25 this Staff copy here.

1 Q. And do you see, officer, where I
2 signed, you signed, that's what I got. This --
3 want to look at this one exhibit here?

4 A. I have it

5 Q. Show me a signature on it.

6 A. There is not one.

7 Q. Yet you represented, he represented,
8 and questioned I would have got it, but you
9 can't remember -- can you say 100 percent
10 whether I got this or not?

11 A. I would have nothing to do with
12 that. That is a Staff copy.

13 Q. Yet, this was read in the record I
14 would have received it.

15 A. I believe I stated you would have
16 received a copy of the original.

17 Q. No. Okay. Get to the Staff copy,
18 the one I didn't get here. All right.

19 Now, you said that it was
20 simultaneously written, yet you can't remember
21 that. Then you say it was a paraphrase.

22 A. Yes.

23 Q. Now, you want to look at the Staff
24 copy here. Date of inspection 7-1-2016 upper
25 right-hand corner, Staff No. 1. Do you see

1 that?

2 A. Yes, sir. I am looking at it.

3 Q. Certification date, one day after I
4 had a hearing with a Hearing Officer, Cheryl
5 Streets, August 10, 2016. Do you see that
6 certification date?

7 A. I see that date, yes, sir.

8 Q. Now look for my signature. It's not
9 on there. Do you see that? Do you see my
10 signature? It's not on there.

11 A. No, sir, it is not.

12 Q. Do you see your signature?

13 A. No, sir, I do not.

14 Q. I want to ask you a question. How
15 can this be certified without a signature?

16 MR. HENRY: Let the record show he
17 doesn't know.

18 MR. JONES: Objection. He answered
19 the question.

20 MR. HENRY: He did this
21 (indicating). It looks like an answer to me.

22 ATTORNEY EXAMINER: You can answer
23 the question.

24 A. I am sorry, your Honor. I don't
25 know how this Staff copy gets certified.

1 Q. The question was -- what was
2 the question here? Do you remember what I said?

3 A. You said how was this certified
4 without a signature? And I said I don't know
5 how this gets certified. I don't know how the
6 Staff copy gets certified.

7 Q. You don't remember any of this then;
8 right?

9 A. I don't deal with the Staff copy,
10 sir.

11 Q. I want to call your attention
12 there, it's a good thing you said it was --
13 your covered your bone there, my words, when you
14 said you couldn't remember and that it was a
15 paraphrase. You know --

16 MR. JONES: Objection, your Honor.
17 Move to strike.

18 MR. HENRY: Please don't interrupt
19 my train of thought.

20 ATTORNEY EXAMINER: Mr. Henry,
21 please continue without any editorial comments.

22 MR. HENRY: Okay. I will try to do
23 my best.

24 ATTORNEY EXAMINER: Please do.

25 Q. The word "ain't I", you know, you

1 said I am supposed to have it across my chest,
2 ain't I.

3 A. What's your question, sir.

4 Q. The word ain't, have you ever used
5 the word ain't in your vocabulary, every day
6 speaking, have you ever used it?

7 A. Yes, sir, I would say I do.

8 Q. Okay. Now, you are pretty sure --
9 you are not sure whether I ever used that word
10 or not?

11 A. Again, sir, as I already stated, I
12 don't have the luxury for safety reasons of
13 leaning, writing down --

14 Q. I am not talking about your luxury
15 here.

16 MR. JONES: Objection.

17 ATTORNEY EXAMINER: Mr. Henry.

18 A. I don't have the luxury of writing
19 down every word that you say because safety is
20 my primary concern. I do my best to remember
21 what a driver responds to me. I summarize it in
22 my own words by putting the statement on there.

23 Again, it's not in quotation marks
24 because in all likelihood it is not a direct
25 quote.

1 MR. HENRY: It's a lie and --

2 MR. JONES: Objection, your Honor.

3 Move to strike the commentary of Mr. Henry.

4 MR. HENRY: It's not a commentary.

5 ATTORNEY EXAMINER: Mr. Henry, I
6 asked you to not make any editorial comments.

7 MR. HENRY: What's an editorial
8 comment?

9 ATTORNEY EXAMINER: Things such as
10 that would be a lie.

11 MR. HENRY: Can I change it to not
12 the truth?

13 ATTORNEY EXAMINER: You are
14 questioning the witness. Now you are
15 questioning whether the alleged summary of what
16 he said was actually what you said. So, you can
17 raise that objection and move on.

18 Q. Do you see what was certified? It
19 appears this was certified 39 days after you
20 allegedly had the traffic inspection, the Level
21 III inspection.

22 A. I see the date, yes, sir.

23 Q. You see that.

24 MR. HENRY: Let the record reflect
25 39 days it was certified after the Level III

1 inspection.

2 ATTORNEY EXAMINER: Mr. Henry, if
3 you need to pause and go out --

4 MR. HENRY: I am looking here. I
5 mean, I have quite a bit to ask here, but I just
6 don't want to have to go back and loop around.
7 That is the reason I want to go --

8 Q. So a normal layperson would read
9 this, and would you agree 39 days is quite a
10 lapse of time from certification of the record,
11 especially since I have, I will education you,
12 not educate, but inform you I had a hearing on
13 the 9th over the phone with Cheryl Streets, and
14 a normal person would think this is suspect.
15 Would you not think so?

16 A. I don't know how the process works,
17 sir. I can't state.

18 Q. I am not going -- I will take that
19 on myself once it's my turn to talk. Speak and
20 testify.

21 The special study fields that, I
22 mean, you have right here, I mean, that would be
23 a place that you would check at least seven
24 times where the printout would come out for
25 the speed; isn't that right? Yet, there is

1 nothing there.

2 A. For the special study fields, no,
3 sir. We use those -- if we were asked to, for
4 example, run say like a, I don't know, following
5 too close violation, and if we are doing an or
6 specifying time by the federal government they
7 would say mark a caption and say set the special
8 study field whatever. And that is what we use.

9 Q. Speeding 7 times wouldn't enter
10 into any one of those bailiwicks like showed
11 here on the undersigned but allegedly certified
12 August --

13 A. No, sir, it would not.

14 Q. Now, I might have to come back to
15 this. Now I want to ask you about this. Could
16 you point out to me on your own unscaled drawing
17 here where the vehicle in which I was using that
18 day, where was it pulled over at?

19 A. As I stated I don't entirely
20 remember.

21 Q. You don't remember; do you?

22 A. No. I don't know if you stopped
23 before the gate or after the gate. I don't
24 recall.

25 MR. HENRY: Let the record show

1 that he is being truthful here because he
2 doesn't remember, and he is right, it's not on
3 there at all.

4 Q. Anyways, you can't recall the lane;
5 is that right?

6 A. I cannot see --

7 Q. That is truthful. Now, the ten
8 minutes you added to your end report, you just
9 add ten minutes on. This one that again is not
10 signed?

11 A. On the original.

12 Q. This would be --

13 A. The one that has your signature on
14 it, sir.

15 MR. HENRY: But the one I got, the
16 one I didn't get both at the same time. I am
17 done now, but if I need to call him back, I
18 would like to go ahead and give my version. So
19 I probably will not call him back. But do you
20 want to cross-examine him or --

21 ATTORNEY EXAMINER: Mr. Jones, any
22 further questions?

23 MR. JONES: Yes, I have just slight
24 redirect based on the other report that he gave
25 Trooper Ramps.

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REDIRECT EXAMINATION

By Mr. Jones:

Q. Is that -- the copy that Mr. Henry looked at, is that still up there?

A. This one here.

MR. JONES: Why don't we mark that as --

MR. HENRY: Do you want to mark that as your exhibit? Exhibit Power House. Put it down there.

ATTORNEY EXAMINER: Henry Exhibit 1.

(EXHIBIT MARKED FOR THE PURPOSE OF IDENTIFICATION)

ATTORNEY EXAMINER: All right.

Q. So, at the time that you had generated the report, and looking at Henry Exhibit 1 there, this has a different agency listed at the top of the report; is that correct?

A. Yes, sir.

Q. Same as Staff Exhibit 1?

A. Yes, sir, it does. Yes, sir.

Q. And so why don't you tell me the difference here?

A. On the copy that Mr. Henry provided,

1 which is a copy of the original, it says Ohio
2 State Highway Patrol Motor Carrier Enforcement
3 at the top. On Staff Exhibit 1, the copy that
4 Staff has provided, it says Ohio Public
5 Utilities Commission of Ohio.

6 Q. Okay. And since I don't have a
7 copy, can I see Henry Exhibit 1?

8 MR. HENRY: I have a question for
9 him after he is done.

10 ATTORNEY EXAMINER: I will give you
11 an opportunity, Mr. Henry.

12 Q. I will hand this back to you.

13 A. Okay.

14 Q. Do the inspection notes appear there
15 on Henry Exhibit 1?

16 A. No, sir, they do not.

17 Q. Why don't they?

18 A. We do not provide the driver, in
19 this case or any other case, with a copy of our
20 notes. It does not -- our notes do not generate
21 with the printed copy of that report.

22 Q. Is it a programming thing with your
23 system?

24 A. It's a protocol. We simply do not.

25 Q. So any inspection you do, and you do

1 many inspections?

2 A. Yes, sir.

3 Q. Never do you share at the time of
4 serving the report on the driver or carrier do
5 the notes appear?

6 A. No, sir, they do not.

7 Q. But they are left in the system, the
8 notes that you -- let me ask you. The notes
9 that appear then on Staff Exhibit 1, those were
10 actually notes that you placed into the computer
11 at the time of your inspection; is that correct?

12 A. Yes, sir.

13 Q. By the time then you print out Henry
14 Exhibit 1, those notes don't appear on that?

15 A. No, sir, they do not.

16 Q. You can see on your screen on your
17 laptop in your cruiser and get it in the result
18 when you print out from the computer?

19 A. Yes, sir. That would be correct.

20 Q. From a printer?

21 A. Yes, sir.

22 Q. And that is a protocol with the Ohio
23 State Highway Patrol?

24 A. My supervisors tell us not to do
25 that. I don't know if it's written down in

1 black and white in a policy somewhere or not,
2 but they tell us don't provide notes to the
3 drivers. We keep those for ourselves.

4 Q. So then you transmit -- Henry
5 Exhibit 1 you transmit then to the Public
6 Utilities Commission, you send it to them after
7 your inspection?

8 A. Whatever is contained in that report
9 electronically, including any notes, when it's
10 transmitted everything goes to the Public
11 Utilities Commission.

12 Q. Okay. Just to get the record clear
13 here, when you send your report it contains
14 everything and including your notes, that goes
15 to the Commission?

16 A. Yes, sir.

17 Q. So then when the Commission then
18 goes to download that information all that
19 information appears?

20 A. Yes, sir.

21 Q. But what happens is when they
22 download then it shows the Public Utilities
23 Commission as a heading as opposed to the
24 Highway Patrol. Is that the difference between
25 the two then?

1 A. For all intents and purposes, yes,
2 sir.

3 Q. With the notes difference, of
4 course?

5 A. Yes, sir.

6 MR. JONES: That' all I have.

7 ATTORNEY EXAMINER: Thank you. Mr.
8 Henry, anything more as far as --

9 RECROSS-EXAMINATION

10 By Mr. Henry:

11 Q. Are you aware that the Staff said I
12 got that?

13 A. I don't know what you are
14 referencing.

15 ATTORNEY EXAMINER: Mr. Henry, what
16 are you referring to?

17 Q. I am referring to Exhibit 1 here.

18 A. Staff Exhibit 1, sir?

19 Q. Yes.

20 A. Okay.

21 MR. HENRY: That is not your doing
22 here, said I had it. Suppose I could ask more
23 questions, but I would like to take about 25, 20
24 minutes then, and if I need to reopen it to
25 question you. I would like it so you can't hear

1 what I say here in my testimony.

2 ATTORNEY EXAMINER: Mr. Henry, as I
3 understand your meter expires in less than a
4 half hour. Let's go off the record for a
5 minute.

6 (DISCUSSION OFF THE RECORD)

7 (WITNESS SWORN)

8 - - -

9 THOMAS PERSINGER

10 called as a witness, being first duly sworn,
11 testified as follows:

12 DIRECT EXAMINATION

13 By Mr. Jones:

14 Q. Could you please state your name for
15 the record, please?

16 A. Thomas Persinger.

17 Q. Where are you employed?

18 A. I am employed with the Public
19 Utilities Commission of Ohio.

20 Q. What department?

21 A. I work in the Transportation
22 Department in the Compliance Division.

23 Q. What are your job duties
24 and responsibilities?

25 A. I am a compliance officer. My

1 duties include determining fines for violations
2 determined from roadside inspections.

3 Q. All right. And I want to refer you
4 to Staff Exhibit 2. Do you have that before
5 you?

6 A. Yes, sir.

7 Q. And could you please identify
8 and describe that exhibit, please?

9 A. This exhibit is a Notice of
10 Preliminary Determination letter.

11 Q. What is that?

12 A. This is a letter sent out further
13 down in the process after the initial inspection
14 is completed, which in this case Mr. Ramps'
15 inspection was submitted to the PUCO's database
16 and the fine was sent out to the Respondent, and
17 Respondent had made a request for a conference
18 to discuss the case.

19 And at conference the matter could
20 not be settled, and because the matter could not
21 be settled what happened after that was a Notice
22 of Preliminary Determination letter was sent
23 out.

24 Q. And so this feeds off of the
25 driver/vehicle examination report being

1 submitted electronically or transmitted
2 electronically to the Commission from the field
3 from the State Highway Patrol from after an
4 inspection occurs; is that correct?

5 A. Yes, sir.

6 Q. So, now we have this report, we see
7 Henry Exhibit 1, it shows the report has the
8 Ohio State Highway Patrol and the caption to the
9 report, which is different than Staff Exhibit 1
10 which has the Public Utilities Commission of
11 Ohio as a caption to that report.

12 Can you please explain why there is
13 a difference when that gets transmitted to the
14 Commission?

15 A. The database that holds all
16 the inspections is maintained by the Public
17 Utilities Commission of Ohio. And as part of
18 that since we are the agency that maintains a
19 lot of the inspections into our database, since
20 more than just the Patrol do inspections. Or
21 PUCO inspectors also out there do inspections, I
22 believe for sake of uniformity and stuff --

23 MR. HENRY: Objection.

24 ATTORNEY EXAMINER: What basis?

25 MR. HENRY: One, it has nothing to

1 do with the violation at issue here. And it
2 is -- it does not address the fact that I did
3 not get the unsigned Exhibit 1 until I asked for
4 it. It was, you know, mailed to me here.

5 ATTORNEY EXAMINER: Mr. Henry, right
6 now the witness is discussing Staff Exhibit 2.
7 So I am not quite sure --

8 MR. HENRY: He has tried to do
9 something about this and that and this has
10 nothing to do with that which they are accusing
11 me of.

12 MR. JONES: Your Honor, the witness
13 is trying to explain why there is two different
14 captions shown on the reports.

15 ATTORNEY EXAMINER: That's as far as
16 Staff Exhibit 1?

17 MR. JONES: Yes, your Honor.

18 MR. HENRY: Why don't we just ask
19 him did I get it at the traffic stop here? Does
20 it show that? I mean --

21 MR. JONES: Your Honor, if I could
22 continue with my questioning.

23 ATTORNEY EXAMINER: Okay. Go ahead.

24 MR. JONES: Thank you.

25 Q. So, Mr. Persinger, you said that

1 there is -- we have two different
2 classifications of inspectors, or you have two
3 groups of inspectors?

4 A. Two different agencies do commercial
5 inspections here in Ohio.

6 Q. And what are those two agencies?

7 A. Highway Patrol as well as the Public
8 Utilities Commission of Ohio.

9 Q. Okay. All right. And because that
10 is the case that you have some employed by
11 the Public Utilities Commission and some
12 employed by the Ohio State Highway Patrol, the
13 software programming when these reports are
14 downloaded, that you are saying that they
15 provide uniformity as far as then having one
16 agency show the Public Utilities Commission
17 those reports?

18 A. Because after the roadside
19 inspection and any further process after that is
20 handled by the Public Utilities Commission.
21 Like this is an example, if it goes to hearing
22 it's handled by the Public Utilities Commission.

23 Q. So then if the Highway Patrol
24 submits a report that has their caption, Patrol,
25 on a report, and then someone from the PUCO goes

1 out and does the inspection it as the PUCO
2 caption, what you are saying though is when it
3 comes through the system for your Department,
4 Transportation Department, it converts that to
5 just one agency, the Public Utilities
6 Commission?

7 A. Electronically it will say the
8 Public Utilities Commission on the inspection.

9 Q. Okay. Okay. And the notes that the
10 inspector made on the report, that also then
11 comes up in your system, that shows on those
12 reports that you print from your --

13 A. Yes, sir, that is stored in the
14 system as well.

15 Q. So, in this case then, Mr. Henry's
16 case, walk us through then what you did with the
17 report that came in from Trooper Ramps to your
18 department, and then what you did with that
19 report in your department?

20 A. Explain the change process?

21 Q. Yes, please.

22 A. The roadside inspection initially
23 has, in this case, Trooper Ramps inspected the
24 vehicle that was driven Mr. Henry. And
25 violations that were written at that time are

1 uploaded by Trooper Ramps here, and they go into
2 our database Safetynet.

3 From Safetynet then an internal
4 program called OPSIS, uploads, picks violations
5 out of the inspection in Safetynet. Once it's
6 in Safetynet, or once it's in OPSES, excuse me,
7 particular violations have a fine amount
8 attached with them are determined at that point
9 were not hazmat violations, they are
10 automatically generated.

11 And then NIF NAV letters are sent
12 out indicating you have a fine, you don't have
13 the fine, on these violations.

14 Then the Respondent has the
15 opportunity to request a conference if they want
16 to dispute the violation, which in this case a
17 conference was requested by Mr. Henry.

18 And then if the matter is not
19 settled at conference a Notice of Preliminary
20 Determination letter will be sent out, which is
21 Exhibit 2 here, and then attached with that
22 there are instructions how to request an
23 administrative hearing, which leads us to where
24 we are today.

25 Q. So going back then to Staff Exhibit

1 2, the Notice of Preliminary Determination, this
 2 is generated as a result of the inspection
 3 report that comes from the field and then there
 4 is a fine classification for that particular
 5 type of offense that is generated, the same
 6 information from the report as to his mailing
 7 address, as to the report number from -- the
 8 officer report number being the same on the
 9 Staff Exhibit 2 as to Staff 1. This all
 10 correlates; right?

11 A. Yes, sir.

12 Q. Okay. And then it's also a
 13 description of the offense, failure to use a
 14 seat belt while operating a commercial motor
 15 vehicle, is the same violation as noted in Staff
 16 Exhibit 1; is that correct?

17 A. Yes, sir.

18 Q. Then what date then was the Notice
 19 of Preliminary Determination sent out from your
 20 department to Mr. Henry?

21 A. It appears to be August 22nd, 2016.

22 Q. And let me ask you, so you have
 23 maintained consistency with the types of
 24 violations that are committed by different
 25 drivers or carries, help you provide uniformity

1 for, you know, for a forfeiture in this
2 particular case as Mr. Henry might have the same
3 seat belt violation.

4 Do you have a thing called the
5 Commercial Vehicle Safety Alliance that provides
6 for consistency and uniformity for these
7 classifications?

8 A. Yes, sir. We follow that to
9 determine the fine amounts depending upon
10 the violation that is written.

11 Q. So that was done in this case?

12 A. Yes, sir.

13 Q. For Mr. Henry. Okay. And in the
14 Notice of Preliminary Determination here, Staff
15 Exhibit 2, is this a record, a business record,
16 for the Public Utilities Commission that is kept
17 for the records of the Commission?

18 A. Yes, sir.

19 Q. And the purpose of Staff Exhibit 2
20 is to provide notice to Mr. Henry as to the
21 forfeiture amount that the Staff of the
22 Commission is recommending for the type of
23 offense here that was noted by the inspecting
24 officer?

25 A. Yes, sir.

1 Q. And you as a member of the Staff
2 here testifying in this case, are you
3 recommending then that the \$100 forfeiture be
4 assessed if Mr. Henry is to be found in
5 violation of the Federal Motor Carrier Safety
6 Carrier regulation Code 329.16 for failure to
7 use a seat belt while operating a motor vehicle?

8 A. Yes, sir.

9 MR. JONES: Your Honor, I have no
10 further questions for Mr. Henry.

11 CROSS-EXAMINATION

12 By Mr. Henry:

13 Q. How do you spell your last name?

14 A. P-E-R-S-I-N-G-E-R.

15 Q. First name Thomas?

16 A. Yes.

17 Q. How long have you been doing the
18 job; Thomas?

19 A. What was that again?

20 Q. How long have you been in your
21 capacity at this position?

22 A. Over five years.

23 Q. That puts you at 2011. Starting.
24 Now, you recommended a violation, you know, if
25 found responsible here. Now, you know, why is

1 it a quote, violation, unquote? Why don't they
2 call that an allegation?

3 A. I am not management. I don't make
4 those decisions.

5 Q. But you recommended a \$100 fine. Is
6 it a fine or a forfeiture? I know he said fine,
7 now say forfeiture. These two are not
8 reconciled as far as I can see in all
9 the reading I have done here.

10 In other words, you don't know why
11 they don't call it an allegation. I mean, is
12 this a violation, where is the due process at,
13 you know, what type of regulation is 392.16?
14 Do you know what type of regulation that is?

15 A. What was your question again?

16 MR. JONES: Objection to the form of
17 the question, your Honor. I don't know that
18 it's clear what the question is.

19 MR. HENRY: I thought that was
20 straightforward.

21 ATTORNEY EXAMINER: How about
22 repeating, Mr. Henry?

23 Q. Do you know what type of regulation
24 that is?

25 A. What is?

1 Q. 392.16. That's two times.

2 A. It's a Federal Motor Carrier Safety
3 regulation.

4 Q. Yes, federal. Okay. That attaches
5 to a due process. Do you know that?

6 MR. JONES: Objection, your Honor.
7 The witness is not an attorney. He is here --

8 MR. HENRY: I am asking him a
9 question here.

10 MR. JONES: And I object to the
11 question.

12 ATTORNEY EXAMINER: Well, I will
13 overrule.

14 MR. HENRY: How can he object. I
15 mean, he has got --

16 ATTORNEY EXAMINER: I will overrule
17 the injection. What do you mean by attached to
18 the do process, Mr. Henry?

19 MR. HENRY: I want to know what due
20 process attaches. I mean, like call it a
21 violation. That is a final after a conviction.

22 MR. JONES: Your Honor, it's an
23 alleged violation. That is what we are here on.

24 MR. HENRY: Why don't you call it
25 that? That is what I am asking.

1 MR. JONES: Alleged violation is
2 what it is.

3 MR. HENRY: No, that's not what
4 you -- you call it a violation. That is final.

5 ATTORNEY EXAMINER: Mr. Henry --

6 MR. HENRY: You want to argue here.
7 You are interrupting me now and I am educating
8 you. You are a slam job of an attorney.

9 MR. JONES: Objection, your Honor.

10 ATTORNEY EXAMINER: Mr. Henry.
11 Your point being that you object to Staff
12 Exhibit 2 as being --

13 MR. HENRY: Are you familiar with
14 the 7th Amendment to the United States
15 Constitution about --

16 MR. JONES: Objection, your Honor.

17 ATTORNEY EXAMINER: Mr. Henry, we
18 have been down this road --

19 MR. HENRY: Well, federal
20 regulation, the Constitution attaches where you
21 get a jury trial, which you objected, I am
22 establishing this on the record here, a jury
23 trial for anything over \$20. You asked for a
24 hundred.

25 MR. JONES: Objection, your Honor.

1 MR. HENRY: It's \$100.

2 ATTORNEY EXAMINER: I will overrule
3 that. I addressed that in the entry that --

4 MR. HENRY: Is that part of the
5 record that you would keep here, all your
6 objections? Do you read that into the record,
7 or is that part of the record that they would
8 say, whoever looks at, reviews this, if I would
9 have to appeal this? Would they see what you
10 have sent me untimely that I didn't get?

11 But, is that part of the record.
12 That is why I am asking about it. It's his job.

13 ATTORNEY EXAMINER: Well, let's
14 state that your point being that from your
15 perspective the 7th Amendment requires a jury
16 trial for --

17 MR. HENRY: Then anything over \$20
18 over a federal regulation, violation of a
19 federal law --

20 ATTORNEY EXAMINER: That is in the
21 record.

22 MR. HENRY: Okay.

23 Q. So you realize that you are fining
24 someone in this --

25 MR. JONES: Objection, your Honor.

1 ATTORNEY EXAMINER: Mr. Henry.

2 MR. HENRY: You are interrupting me
3 here.

4 MR. JONES: Mr. Henry, it's an
5 accusation.

6 MR. HENRY: No, it's not an
7 accusation. I realize that you are having these
8 proceedings here denying a --

9 MR. JONES: Objection, your Honor.

10 MR. HENRY: This is a federal law.
11 Is that the reason you are saying that?

12 MR. JONES: It's not an objection.

13 MR. HENRY: What kind of procedure
14 is this?

15 ATTORNEY EXAMINER: It's an
16 administrative proceeding, Mr. Henry. Mr.
17 Henry, again your point being that you are
18 objecting to --

19 MR. HENRY: I am trying to get him
20 to admit the truth that whether they are issuing
21 these forfeitures without any due process.
22 It's according to federal regulation and the
23 U.S. Constitution and anything over \$20 gets a
24 jury trial.

25 You are pushing and passing all

1 these laws, fines and forfeitures.

2 ATTORNEY EXAMINER: Well, Mr.
3 Henry, you have the opportunity to make those
4 comments as a witness on the stand. Okay?
5 Now --

6 MR. HENRY: Do you realize --

7 ATTORNEY EXAMINER: Let me finish.
8 Do you have anymore questions of the witness
9 concerning --

10 MR. HENRY: I was going to ask him
11 does he know the jurisdiction which this
12 happened here Mahoning County, yet here
13 typically, you know, it's in the bailiwick in
14 which it happens in the county, specific county,
15 yet, you know, you are on the stand and you look
16 at these inspections that cover the State of
17 Ohio.

18 You know, talking about computer
19 programming, talks about all this information,
20 talking about computer programs. I mean, all
21 this I think, you know, this being a
22 preponderance of the evidence here. I have no
23 idea what he was talking about.

24 But, I would say even if a police
25 officer had done what he is talking about, why

1 would it be allowed as part of the evidence
2 against me, or for a preponderance of the
3 evidence. That is what I am wondering here.

4 You know, and you mentioned
5 uniformity, what you are doing here. I mean,
6 how can you say uniformity? This is uniform,
7 how you do these things when things are not
8 uniform.

9 Like if somebody had a seat belt
10 violation, I mean, you would be, you know,
11 allowing Mahoning County to look at this
12 violation here, you call it a violation, really
13 an allegation. It's a dispute. Do you realize
14 that?

15 MR. JONES: Objection.

16 ATTORNEY EXAMINER: Mr. Henry --

17 Q. Are you familiar with the
18 regulations?

19 A. I am familiar with the regulation.

20 Q. And I have a case law here, you
21 know, there is a case law here. Do you realize
22 your case law says, just looks at the regulation
23 whether a seat belt was on or off?

24 It's a case law where --

25 MR. JONES: Object.

1 MR. HENRY: Now, it's your opinion
2 from the Public Commission. Why are you
3 objecting to that. Have you got something to
4 hide?

5 ATTORNEY EXAMINER: Mr. Henry,
6 every case is based on -- every decision is
7 based on its own.

8 MR. HENRY: Okay. I need a time
9 break here. I will come back because I don't
10 want to get a ticket.

11 ATTORNEY EXAMINER: We will
12 certainly go off the record. I stated at the
13 very beginning we would take a break.

14 MR. HENRY: Well, it's going to
15 expire. I will come right back.

16 ATTORNEY EXAMINER: Okay. Let's go
17 off the record.

18 (DISCUSSION OFF THE RECORD)

19 (RECESS TAKEN)

20 ATTORNEY EXAMINER: Let's go back
21 on the record, please. Mr. Henry, do you have
22 any further questions for this witness?

23 Q. (By Mr. Henry) Basically you were
24 just doing your job instructed by the authority
25 before you; is that right?

1 A. I suppose.

2 Q. It better be a yes. I assume you
3 are doing that. You don't know --

4 A. Follow the procedures.

5 Q. You follow what you are told to do
6 here, but right now I have thought about it,
7 it's just not going -- doesn't serve any, you
8 know, you are not the decisionmaker. You do
9 what you are told.

10 MR. JONES: Objection. There is no
11 question.

12 ATTORNEY EXAMINER: Mr. Henry, do
13 you have any further questions?

14 MR. HENRY: He already said he did
15 what he was told to do. I am done here.

16 ATTORNEY EXAMINER: All right.
17 Then, Mr. Jones, no more questions as well?

18 MR. JONES: No, your Honor, I have
19 no other questions.

20 ATTORNEY EXAMINER: All right. Mr.
21 Persinger, then you can take your seat. Thank
22 you.

23 MR. JONES: At this time, your Honor,
24 I would move for the admission of Staff Exhibits
25 1, 1 A, and 2.

1 ATTORNEY EXAMINER: Into evidence.

2 Okay.

3 MR. JONES: Yes, your Honor.

4 MR. HENRY: I will object, but just
5 I have noted my objections. I mean, am I
6 allowed to question Mr. Ramps? That would be a
7 second bite of the apple, I realize.

8 MR. JONES: What was that?

9 MR. HENRY: Usually you are not
10 allowed to. I am asking --

11 ATTORNEY EXAMINER: Mr. Henry, hold
12 on. As far as the admission of the exhibits
13 into evidence, I will grant the motion because
14 we will take into account all the exhibits
15 including what you have brought with you
16 yourself.

17 MR. HENRY: I have already
18 sufficiently objected, you know, it's just like
19 a waste making this guy do extra stuff.

20 ATTORNEY EXAMINER: Well, again, we
21 will weigh everything in the record and
22 the Commissioners make the final decision.

23 MR. HENRY: That's good to hear.

24 ATTORNEY EXAMINER: Well, I will
25 grant this motion then and admit the exhibits

1 into evidence, Staff Exhibits 1 and 2.

2 (EXHIBITS ADMITTED INTO EVIDENCE)

3 ATTORNEY EXAMINER: Okay.

4 MR. JONES: And Exhibit 1 A.

5 ATTORNEY EXAMINER: As well as 1 A,
6 yes. Mr. Henry, you said you had some questions
7 for --

8 MR. HENRY: I wanted to question Mr.
9 Ramps on Level III inspection and also case law
10 here. I want to ask him if he knew about it, or
11 felt like you don't want that to happen.

12 ATTORNEY EXAMINER: Why don't we do
13 this. You said you could handle that in a
14 different way. You will be given
15 the opportunity to take the witness stand now.
16 Okay. And why don't we, because we need to hear
17 your testimony as well, how about if you take
18 the witness stand then we will see where things
19 are and --

20 MR. HENRY: The reason why I want to
21 do Level III inspection, and he cited all his
22 qualifications, and just let me go through this
23 and you will see he did not do a proper Level
24 III inspection.

25 ATTORNEY EXAMINER: What you can do,

1 Mr. Henry, is when you take the witness stand
2 that can be part of your testimony, then see
3 where things stand after that.

4 So how about if you come up here and
5 we will proceed with your testimony, then see
6 what remains after that.

7 (WITNESS SWORN)

8 - - -

9 BRUCE HENRY

10 called as a witness, being first duly sworn,
11 testified as follows:

12 ATTORNEY EXAMINER: Mr. Henry,
13 whenever you are ready to begin.

14 MR. HENRY: All right. I will
15 point this out here.

16 ATTORNEY EXAMINER: Mr. Henry, you
17 are pointing to Staff Exhibit 1 for the record?

18 MR. HENRY: 1 A. This absolutely is
19 incomplete. This is not where the inspection
20 took place. It doesn't even show here. It was
21 on the other side of --

22 ATTORNEY EXAMINER: Of the toll
23 booths?

24 MR. HENRY: Yes, it was.

25 ATTORNEY EXAMINER: So Mr. Henry is

1 indicating then that the inspection itself
2 occurred after he passed through the toll
3 booths?

4 MR. HENRY: Well, I would point out
5 the fact that the cruiser did not know that, so
6 that is preponderance of the evidence in my
7 favor. Okay.

8 Let's touch upon -- we will do the
9 Level III inspection, the case law, then I will
10 try to go, or not try, to go over and I will
11 tell you exactly the way it happened.

12 North American Standard Level III
13 inspection procedure, this is like 6th page. If
14 I have to submit this into evidence can I get a
15 photocopy back and sent to me at a later time?

16 ATTORNEY EXAMINER: Certainly. We
17 will call that, Mr. Henry, call that Henry
18 Exhibit 2.

19 (EXHIBIT HEREBY MARKED FOR
20 IDENTIFICATION PURPOSES)

21 MR. HENRY: Okay. Step 1, safe
22 location. The policeman in charge here, Step 1,
23 he didn't even know where the location was as he
24 testified to that. That's preponderance in my
25 favor here.

1 You know, approach the vehicle,
2 designated inspection, it should be parked on a
3 hard level surface in a straight line. It was
4 not. That is preponderance in my favor.
5 Because I pulled over, I wasn't signaled until I
6 was on the other side of the toll booth and
7 moved over immediately because I obey the law.

8 ATTORNEY EXAMINER: Okay.

9 MR. HENRY: And, okay. I won't say
10 exactly what happened until I tell what
11 happened. Check for CVSA decals should only be
12 selected if you notice obvious defects there.
13 This was not done.

14 This is in the preponderance of
15 evidence in my favor.

16 3. Make initial contact with
17 the driver and identify yourself. I am going to
18 give me half a point and him half a point
19 because he did not show me his identification.
20 It was not done.

21 Ensure the driver is capable of
22 communicating sufficiently to understand and
23 respond to official inquiries and directions.
24 This was not done.

25 And, by the way, I was not told

1 about something about the seat belt, which I
2 will get in detail, but I was not told I was
3 getting a violation until I got one thing handed
4 to me. I didn't argue. I did not argue, and
5 indeed it looked like I wasn't going to get any
6 type of a fine. I didn't argue, say anything.

7 Not like in a court room here. I
8 said nothing.

9 Place chock blocks in a position
10 between the driver's side, one in front and one
11 behind the driver's axle or between the axles.

12 This was not done. It's another
13 point in my favor, the preponderance of
14 the evidence.

15 Explain the inspection procedures.
16 This was not done. Another point. I am
17 marking them up pretty good I would say.

18 Ask the driver to turn off engine,
19 allowing a cool down of a turbocharged engine.

20 A, I had already turned the engine
21 off. And, B, he never ascertained whether I had
22 a turbocharged engine.

23 Check for belt usage and condition.
24 This was not done. The belt wasn't checked and
25 condition wasn't checked, picture wasn't taken.

1 ATTORNEY EXAMINER: Belt as in seat
2 belt; is that what you are referring to?

3 A. Yes. This was not done. I mean,
4 for such a variance of the regulation, even
5 though he even admits I had it on.

6 There is case law that shows that
7 you have it on or don't. He admits on it's face
8 it's on.

9 And the other things I have to say
10 about the color of it. This is what I had on.

11 ATTORNEY EXAMINER: Well, we will
12 get to that, I assume.

13 MR. HENRY: Check the cab for
14 presence of alcohol, drugs, weapons or other
15 contraband. I guess he did look around because
16 I put the seat belt under my arm, and let him
17 in. So that is the reason why it was in the
18 position it was to let him in. And I did notice
19 he did look around in the cab.

20 Engage the driver in conversation
21 about the trip and load. For example, where
22 they started at, where they are heading, how
23 long have they been traveling, have they
24 stopped.

25 This is Step 4. None of this was

1 done. Bing, another point.

2 Check the driver's documents. I had
3 documents to give to him because I did what I
4 told you, I put it down so I could move around,
5 and give it to him, which he gets half a point
6 and I get half a point. I did what I was
7 supposed to do, he did what he was supposed to
8 do.

9 Talks about bill of lading, all
10 that. He said it was in order. In fact, I
11 passed the inspection, I might add. I passed it
12 except for these quote allegations or called
13 violations, unquote.

14 Steps -- let me see. Step 6 through
15 12 are not pertinent because I don't know what
16 he did, and I am sure I was in compliance as I
17 read this over, once you look at it here.

18 Complete the inspection. I would
19 say he didn't do a complete inspection, what it
20 says here. And it says refer to the North
21 American Standard Out of Service criteria to
22 determine whether the driver may drive again.

23 Here was not pertinent, but he
24 certainly knows the North American Standards,
25 like it says here, he is supposed to know this.

1 So a lot is not pertinent but he is
2 supposed to know the standards. Reason why it's
3 not pertinent is because I not have been put out
4 of service. Indeed, I was not.

5 If you read this case law here,
6 case law No. 10-464-TR-CVF, it clearly states
7 the criteria is almost verbatim that you have
8 the seat belt on, not whether you have it under
9 your -- nothing like that proper or not proper.
10 None of that.

11 ATTORNEY EXAMINER: Mr. Henry, is
12 that something you would like included in
13 evidence?

14 MR. HENRY: Yes. I would like to
15 make a copy of this, copy of that, you know.

16 ATTORNEY EXAMINER: Well --

17 MR. HENRY: Your case law is --
18 actually, let me see. It's by Todd A.
19 Snitchler, which was your Chairman, Centolella,
20 Steven D. Lesser, Cheryl Roberto, Andre Porter.

21 ATTORNEY EXAMINER: That's a
22 Commission order, but the main thing I want to
23 ask again, and that case number then, and that
24 will be Henry Exhibit 3.

25 (EXHIBIT MARKED FOR THE PURPOSE OF

1 IDENTIFICATION)

2 MR. HENRY: Power House 3.

3 ATTORNEY EXAMINER: Fine.

4 MR. HENRY: You look at it here,
5 and save me a lot of time if you look at it, it
6 talks about the guy says that I will not tell a
7 lie, didn't have it on. Well, I will tell you
8 the truth, it's more or less by omission he did
9 not tell the truth, which it's reversed here.

10 ATTORNEY EXAMINER: Well, you have
11 got those two exhibits now. You indicated you
12 also will be moving on more to the alleged
13 violation.

14 MR. HENRY: I want to say something
15 about the radar here. I know for a, I am not
16 going to say for a fact, but if I was betting,
17 which in a proper forum here, I would bet he
18 engaged in something called panning.

19 MR. JONES: Objection, your Honor.
20 First of all there is no radar involved in
21 evidence.

22 MR. HENRY: I am just talking about
23 override his preponderance, they are giving me a
24 warning, probable cause here, which I don't
25 think it was a probable cause. I wasn't

1 speeding.

2 ATTORNEY EXAMINER: What we will do
3 is this. I will overrule the objection. I will
4 let you make some brief, very brief comments,
5 about the radar issue, but really I believe that
6 the violation that brought you in here was
7 the alleged seat belt violation. That is
8 the one that you received --

9 MR. HENRY: What made him notice --

10 ATTORNEY EXAMINER: If you can make
11 a very brief comment about the radar issue, and
12 then move on to the seat belt.

13 MR. HENRY: The radar, no way they
14 can assign these violations quote-unquote
15 without any forms to go out and challenge their
16 sufficiency of the evidence here, which is
17 calibration, which I caught police departments
18 actually turning in the wrong calibration sheet.
19 They should be fired for that.

20 I support the, I am an ex-Marine, I
21 support, I defend the police department, but
22 when I catch them doing that they need my foot
23 up their crack for doing that. They should not
24 be giving a false --

25 ATTORNEY EXAMINER: And we

1 understand your position.

2 MR. HENRY: I cannot prove that you
3 did a bad thing, you looked up a girl's dress or
4 something like that.

5 ATTORNEY EXAMINER: Let's focus. So
6 as far as the seat belt issue again.

7 MR. HENRY: Going to the seat belt
8 issue now, here is what I did here. I did take
9 a note here, I wrote down what happened. I
10 wrote down what happened.

11 ATTORNEY EXAMINER: This is at the
12 time of the inspection?

13 MR. HENRY: Yes. I want to show you
14 something here. When I drive I have notes like
15 this, about a page a day I generate. Where I
16 go, pick up, drop off and stop, in and out,
17 everything I write down. It's not all
18 inclusive, but most of it you can take it to the
19 bank.

20 I have had people I work for call
21 and ask me stuff. I get like 30 pages. Look,
22 here it is and I will tell them what they need
23 to know. I don't know any other truck driver
24 does that, just me.

25 ATTORNEY EXAMINER: So it sounds

1 like you have some record of what occurred on
2 that day of the inspection.

3 MR. HENRY: Not with me, but I wrote
4 here Cheryl Streets. I am not going to say, she
5 is not here to defend herself, but just was sent
6 this thing.

7 First of all, after I was pulled
8 over here and I pulled over there we went
9 through the -- what happened there, you know.

10 Not that I am thinking about it I
11 will tell you here, I did not know I was going
12 to get any type of a violation there. He
13 mentioned, well, you might, and it's improper to
14 have it over your shoulder here. And he
15 mentioned all of that.

16 And I didn't say anything because I
17 don't really -- there is no benefits to argue
18 with anybody. It just doesn't work out.

19 I have never seen it work out here.
20 You got to go to court here. This is like you
21 don't have too him rights here.

22 But, anyways, so when I wrote to,
23 before we get to exact what happened, I wrote to
24 request a telephone conference with Cheryl
25 Streets, I am sure you know who that person is,

1 requested a hearing 7-13-16. These are from my
2 notes. Pretty much verbatim here.

3 I have my seat belt on over my
4 shoulder. The Trooper did not see it. When I
5 pulled over I had to adjust the seat belt as it
6 was under my shoulder to let the State Trooper
7 open the passenger door.

8 He never asked me how it was worn
9 while in motion. And he did not. I thought I
10 had received a clean report. Please call my
11 number, and I am not going to say this for the
12 record because I don't want it on the record.
13 State correct date and mail also to my address,
14 my name and my address and signed.

15 ATTORNEY EXAMINER: Mr. Henry, what
16 you have there in your hand, those are --
17 actually they are not notes that you made on
18 the day of the inspection, these are some notes
19 that you made during a telephone conference to
20 the Commission?

21 MR. HENRY: No, I did it after I saw
22 that I got a \$100, and you call a violation,
23 they call forfeiture. Usually a forfeiture is
24 that you have something that you forfeit. You
25 don't have any of my money, so I don't know how

1 I can forfeit something you don't have. So,
2 that's one thing.

3 ATTORNEY EXAMINER: But help me out
4 again. So what were you reading from there?

5 MR. HENRY: This is what I sent to
6 Cheryl Streets and asking for the August 9th
7 hearing.

8 ATTORNEY EXAMINER: Okay.

9 MR. HENRY: We had the hearing.
10 And I pulled over, I forget what state it was
11 in, made sure I had the phone, you know,
12 reception there and I had the hearing.

13 ATTORNEY EXAMINER: So that was
14 something you prepared prior to -- when you knew
15 you had a telephone conference?

16 MR. HENRY: I mean, yes. I sent it
17 in saying I wanted a hearing. And that was my
18 explanation exactly what happened.

19 ATTORNEY EXAMINER: Now, help me out
20 again. You said that you often will make notes.
21 You make day-by-day notes when you were on your
22 job driving as a truck driver?

23 MR. HENRY: Well, load number, where
24 you pick it up, when you drop it off, where you
25 stop, the fuel, writing down how much fuel you

1 get. All that because I will not remember it.

2 ATTORNEY EXAMINER: Sure. I
3 understand. And but you indicated, the notes
4 that you made on that particular day, which was
5 July 1st of this year, you don't happen to have
6 those with you?

7 MR. HENRY: No, I do not. I mean,
8 nor was I asked. This attorney should have
9 asked for them and I would have given them.

10 ATTORNEY EXAMINER: Is there any
11 other recollection you would have that would
12 explain the circumstances, however this
13 happened? So you are indicating that, help me
14 out on this and repeat what's appropriate, you
15 are saying that you were wearing the belt
16 properly, you are saying, am I correct, are you
17 saying that you had not only the lap belt on but
18 the shoulder belt over your shoulder as well?

19 MR. HENRY: I had everything on.

20 ATTORNEY EXAMINER: This was before
21 the inspection occurred. And when you were
22 going into the toll booth and so forth. Am I
23 right about that? You are indicating you were
24 wearing it properly as you were approaching the
25 toll booth, and then you are saying that you

1 exit the toll booth, and that is where you were
2 pulled over for the inspection.

3 And again you made a lot of comments
4 there. Are you saying that you then adjusted
5 the belt in some way to let the Trooper enter
6 your vehicle or your cab?

7 MR. HENRY: First of all, the light
8 come on. I saw I had to pull over. I pulled
9 over and turned the engine off. And I believe I
10 saw him coming up to the mirror, thought and,
11 you know, made sure he could get in the truck
12 because I usually don't let anybody in the
13 truck.

14 ATTORNEY EXAMINER: So when you made
15 sure he could get into the truck what did you
16 do? Help me.

17 MR. HENRY: What did he do?

18 ATTORNEY EXAMINER; What did you do?

19 MR. HENRY: With --

20 ATTORNEY EXAMINER: In other words,
21 I thought you made a statement earlier something
22 to this effect: That when you wanted to let the
23 Trooper enter your cab I thought you said that
24 was where you put the shoulder belt under your
25 arm or something --

1 MR. HENRY: So I could pivot around
2 and reach back here and get things set up and
3 reach over and unsecure the door.

4 ATTORNEY EXAMINER: So that you are
5 indicating that to your recollection that is
6 where you put the shoulder belt under your arm
7 is when you were actually pulled over for the
8 inspection and you wanted to let the Trooper
9 into your cab?

10 MR. HENRY: I knew he was going to
11 try to come in the cab. And so I got to let him
12 in the cab. So I had to do that.

13 ATTORNEY EXAMINER: So you are
14 saying that is where you actually adjusted the
15 belt, or put the shoulder belt under your arm?

16 MR. HENRY: Yes.

17 ATTORNEY EXAMINER: I just wanted to
18 make it clear for the record, you know, how
19 things occurred and what from your perspective
20 happened.

21 MR. HENRY: He mentions they were
22 almost the exact same colors. He mentioned they
23 were gray, and they were not gray. Blue and
24 blue, and I am not a small guy. The belt does
25 not come down over, it comes like right here and

1 over and around.

2 ATTORNEY EXAMINER: Mr. Henry, let's
3 make this clear for the court reporter because
4 he can't see and he has got to get this down in
5 words. Okay. So you are indicating that --

6 MR. HENRY: I want to check whether
7 he is color blind.

8 ATTORNEY EXAMINER: Let's hear your
9 description. Describe the color, from your
10 recollection, the color of the shirt you were
11 wearing on that day.

12 MR. HENRY: Blue and blue.

13 ATTORNEY EXAMINER: So you are
14 indicating the belt and your shirt were blue.
15 Were the same shade of blue, close to the same
16 shade?

17 MR. HENRY: Yes.

18 ATTORNEY EXAMINER: Yes, being the
19 same shade?

20 MR. HENRY: Yes.

21 ATTORNEY EXAMINER: Same shade.

22 Okay. And --

23 MR. HENRY: I want to stop you
24 there. The case law doesn't really seem,
25 because dispute on a guy's color of his shirt,

1 and they didn't seem to really think that they
2 should take that information into consideration.
3 So I am just letting you know what it says. You
4 can read it.

5 ATTORNEY EXAMINER: Given you
6 brought it up, the subject though, about
7 the color of the shirt, and that is in the
8 inspection report, I just wanted to make clear,
9 I believe you were pointing to the color of your
10 shirt right here today.

11 MR. HENRY: A tan tank top.

12 ATTORNEY EXAMINER: And are you
13 saying that's the color of the shirt you had on
14 that particular day?

15 MR. HENRY: Yes.

16 ATTORNEY EXAMINER: So that's what I
17 will call a dark blue. And you are saying that
18 the color of the belt was the same color?

19 MR. HENRY: Yes.

20 ATTORNEY EXAMINER: Okay. Any other
21 recollections?

22 MR. HENRY: These are not
23 recollections. That is exactly what it was.

24 ATTORNEY EXAMINER: What you are
25 saying happened then?

1 MR. HENRY: Now, he mentions these
2 things about it being under the armpit, I didn't
3 say anything about it here because he left and
4 did his writeup and I thought I passed it when
5 he was giving me all this, and I saw this
6 warning that seat belt and then he said he
7 wasn't writing a ticket, and, I mean, like I
8 didn't say anything about it. What was I going
9 to say.

10 You think somebody would have maybe
11 said something if I would have known but, you
12 know, you know, there was no point about it
13 here. Like, you know, there is nothing I could
14 gain by that. So I did nothing.

15 ATTORNEY EXAMINER: I understand.
16 Do you have any other comments about your
17 perspective what you believe happened? Do you
18 have any other comments about --

19 MR. HENRY: My comments --

20 ATTORNEY EXAMINER: The seat belt
21 issue because that is --

22 MR. HENRY: My comments are that his
23 testimony is just so overwhelmingly -- his
24 comments is he couldn't remember what happened.
25 You cannot as a matter of law go in and pick,

1 take this out and, you know, he gave sort of the
2 statements here and these other things he can't
3 remember.

4 Why would you -- he said on this
5 court record if you go back and look at it here
6 that he said he didn't remember and that he
7 paraphrased. What is that? Paraphrasing, I
8 mean, you got to throw this case out.

9 I mean, it's a normal person would
10 throw it out. And the reason why this seems
11 like a small violation, but I don't really need
12 to get into that, but I don't want a safety
13 violation on my record I do not deserve
14 especially since I had the seat belt on.

15 And you will read the case law, look
16 at it. You guys will be reading it?

17 ATTORNEY EXAMINER: If you introduce
18 that into evidence.

19 MR. HENRY: You are the guy, take a
20 look at it. These three things I would like and
21 I would like them mailed back to me here, 1, 2,
22 3.

23 ATTORNEY EXAMINER: So, Mr. Henry,
24 we will get to the admission of the exhibits
25 after Mr. Jones has a chance to ask some

1 questions of you. Mr. Jones.

2 MR. JONES: Thank you, Your Honor.

3 CROSS-EXAMINATION

4 By Mr. Jones:

5 Q. Mr. Henry, on July 1st, 2016
6 approximately 10:24 you were stopped by an
7 officer of the Ohio State Highway Patrol at the
8 toll booths on Interstate 76 going westbound.
9 You admit to that; is that right?

10 A. Well, no. It was not at the toll
11 booth.

12 Q. Where were you stopped?

13 A. Substantially past the toll booth,
14 in a place not prescribed and against where it
15 says Level III inspection.

16 Q. When you say substantially past
17 the toll booth, what do you mean by that? How
18 far?

19 A. 100 yards. And didn't get out and
20 measure it, but you are asking me to tell you
21 something like this.

22 Q. Let me ask you, do you have an Easy
23 Pass to go through the toll booth or you had to
24 stop and pay the toll booth?

25 A. I had a -- I don't have, the truck

1 had an Easy Pass bought and paid for, no
2 problems.

3 Q. But even with the Easy Pass you have
4 to slow down for the --

5 A. Five miles an hour.

6 Q. I am sorry?

7 A. Five miles an hour.

8 Q. Five miles per hour? And, of
9 course, there is considerable braking and
10 slowing down leading up to entering that toll
11 gate; right?

12 A. Not really. I mean --

13 Q. It's a gradual slow down; isn't it?

14 A. I did it safely. I came up and out
15 here. He says 60, I say 54, you know, like is
16 what -- that is why I was saying he engaged in
17 something called panning. You look what that is
18 here, I mean, I cannot even look into what type
19 of instrument he used, whether he followed
20 the procedure, whether he did, you know, had it
21 properly calibrated.

22 I don't know. I mean, you should
23 know, we always do it. Well, the sky is always
24 blue. Doesn't really mean anything what he said
25 there.

1 Q. So, in July on this date, July 1st,
2 2016, were you driving with your windows down?

3 A. No. I am pretty sure I was not.

4 Q. And so when your were driving and
5 approaching this booth you had the seat belt,
6 the shoulder part of the belt, underneath your
7 arm; is that correct?

8 A. No. It was over my arm, usually
9 comes down over. My seat comes out, was in back
10 of me, looped down over and across. You could
11 not really tell by looking at it.

12 ATTORNEY EXAMINER: And for the
13 record, Mr. Henry is indicating it went over his
14 left shoulder down across his --

15 A. But that is not a consideration by
16 the case law and/or federal regulation 392-16
17 for somebody to go out of their way and point
18 something out and say this is a violation.

19 And it's not proper and he missed so
20 many other things on this Level III inspection.
21 It just seems like he is a tax collector, really
22 not wanting to do a safety inspection.

23 Q. Mr. Henry, Trooper Ramps had a
24 conversation with you about the seat belt; isn't
25 that correct?

1 A. Not -- he pointed it out, he said he
2 noticed it was under my arm, and he -- the word
3 ain't, I didn't say that. I mean, him saying I
4 used the word ain't and said it's supposed to be
5 under there, you know.

6 Q. Taking ain't out of the picture, you
7 did tell him you were supposed to wear it over
8 your chest, you acknowledged that?

9 A. He pointed out the speed and that.
10 I didn't say anything. The reason I didn't say
11 anything about it, I didn't think I was going to
12 get anything out of it.

13 Q. That was part of the conversation,

14 A. I remember what I was thinking here.
15 I was thinking, a normal police officer would
16 not give a ticket for that. He simply wouldn't
17 do it. He would give you a verbal heads up and
18 a warning to start doing it so everybody could
19 see it at all times. That is what he would have
20 done. This was not normal. This was --

21 Q. So you are saying normal, it's not
22 normal for an officer to give a citation to you
23 for driving with the shoulder belt under your
24 arm?

25 A. It is normal for a police officer to

1 give you a ticket if you don't wear a seat belt.

2 That is what I am saying.

3 Q. But you are saying --

4 A. You probably need to look at
5 regulation 392.16. Look at it. Look at the
6 case law.

7 Q. So you think you were complying with
8 the law when you were driving with the seat belt
9 underneath your arm?

10 A. No. It was over -- see, this is
11 asked and answered. He already mentioned this
12 that I had it on over my shoulder and now he is
13 trying to rephrase.

14 ATTORNEY EXAMINER: You are saying
15 that you had it on over your shoulder --

16 MR. HENRY: Yes.

17 ATTORNEY EXAMINER: Let me finish.
18 Prior to the inspection, before the inspection?

19 MR. HENRY: When I was driving.

20 ATTORNEY EXAMINER: When you were
21 driving, and driving through the toll booth and
22 then you are saying that --

23 MR. HENRY: After I cut the engine.

24 ATTORNEY EXAMINER: After you shut
25 off the engine and the inspection had already

1 started, you are saying that is --

2 MR. HENRY: It didn't start then.

3 I don't think it started yet.

4 ATTORNEY EXAMINER: But you had been
5 pulled over for the inspection. And you are
6 saying that you were through the toll booth,
7 pulled over for the inspection?

8 MR. HENRY: He really didn't do an
9 inspection.

10 ATTORNEY EXAMINER: Well, whatever,
11 the main thing, the vehicle was stopped?

12 MR. HENRY: Yes, it was.

13 ATTORNEY EXAMINER: And you had
14 moved the shoulder belt underneath your arm at
15 that point, but before that, before --

16 MR. HENRY: I did it so I could have
17 movement in the truck. I mean, that is well
18 established.

19 ATTORNEY EXAMINER: But before that
20 occurred you are saying that as you were driving
21 the vehicle and approaching the toll booth you
22 had the belt, not only the lap belt, but the
23 shoulder belt on as well?

24 MR. HENRY: Can I get one person
25 here and point to where the belt was at? I can

1 use this chair.

2 Pretend this chair is me. And
3 the belt, there is a seat back here that comes
4 out and over my shoulder, down over and across
5 here. I have like a 53 inch chest.

6 So, that is why the inspection says
7 you have to check that. He didn't do that. I
8 mean, like right here it says that he is
9 supposed to do something there. You know, it
10 says --

11 MR. JONES: Your Honor, if I could
12 ask a question here.

13 ATTORNEY EXAMINER: Let the witness
14 finish his comment.

15 MR. HENRY: Check the belt condition
16 here. He never did that. And that would be to
17 check to see how it fits the driver, all that.
18 He never did that. Never took a picture, didn't
19 even take a picture.

20 ATTORNEY EXAMINER: But
21 the violation is about wearing it, and you are
22 indicating you were wearing it properly, not
23 only lap but shoulder belt over your chest.

24 MR. HENRY: The violation alleged is
25 392.16, and that information you said just says

1 not having any seat belt on period. Nothing
2 about improper or not proper.

3 Cheryl Streets sent me one, they
4 sent me one, the verbiage is always does not
5 include not having it on properly. The word
6 properly is not there. All of a sudden you are
7 putting something that is -- you didn't accuse
8 me of this.

9 ATTORNEY EXAMINER: I have the
10 Federal Code here, 329.16, says driver has
11 properly restrained himself or herself.

12 So, what you are indicating is that
13 you had the restraint both across your lap and
14 your shoulder as you were driving towards
15 the toll booth, and that after you exited the
16 toll booth then you were stopped for the
17 inspection. That is when you moved the shoulder
18 belt under your arm. Would you agree with that?

19 MR. HENRY: Yes. That when he was
20 getting ready to come in and I had no choice.

21 ATTORNEY EXAMINER: For the record
22 Mr. Henry means enter the vehicle or the cab.

23 Mr. Jones, you had a question?

24 Q. Yes. Mr. Henry, at no time did
25 Trooper Ramps enter your cab; correct?

1 A. I don't know what the ramifications
2 of that are here. The door was open, he leaned
3 in and looked around. Now, to the extent that,
4 you know, probably not sat in the passenger
5 seat, you know. I had some things there. But
6 he got up and looked. I noticed, you can read
7 the court record here, that he went and looked
8 around.

9 Q. You opened the driver's door; right?

10 A. Yes, I did.

11 Q. Okay.

12 A. For the third time.

13 Q. You don't have to take your seat
14 belt off to open the driver's door?

15 A. I didn't say -- I mean, I did not
16 take it off, I reached over. I mean, what are
17 you --

18 Q. You can open the driver's door
19 without even adjusting your seat belt?

20 A. Most certainly you cannot here. I
21 could not move. He is not even --

22 Q. You don't have to put the shoulder
23 strap under your arm to open the door to the --

24 A. I could not move unless I put it
25 underneath my armpit to pivot. Left up the

1 thing, there is a thing that lifts up there and
2 turn sideways and reach over like this. You
3 couldn't do it, you are restrained here.

4 Evidently here, you are just
5 throwing a Hail Mary pass there because you
6 don't know what you are talking about. Have you
7 ever been in a truck before? I don't think you
8 have.

9 Q. I am asking the questions.

10 A. I don't think you have. And you are
11 asking me stuff like you know what you are
12 talking about. You do not know what you are
13 talking about.

14 MR. JONES: Your Honor.

15 ATTORNEY EXAMINER: Mr. Henry, just
16 state you perspective which is -- you are
17 indicating --

18 MR. HENRY: I don't think it's
19 funny. You are trying to stick me with this
20 fine and something on my driver's record I do
21 not deserve.

22 ATTORNEY EXAMINER: Let's just
23 clarify for the record, Mr. Henry, what you are
24 saying is that to move around at all in
25 the driver's seat, and this could be, be it

1 allowing somebody to be reaching across from the
2 passenger door, or if even you were trying to
3 open the driver's door, you are saying that you
4 would have to put the shoulder strap underneath
5 your arm?

6 MR. HENRY: To pivot. It's
7 restrictive.

8 ATTORNEY EXAMINER: And you are
9 indicating that is true --

10 MR. HENRY: I will tell you, he did
11 not do his job it says in that report. By the
12 way, that is the preponderance of my evidence
13 for me. He did not do the check at all. Why
14 can't you move around. He never did that.

15 ATTORNEY EXAMINER: But again just
16 to clarify for the record, we have got a lot of
17 comments going around here from three people,
18 you are saying that to turn, as you call it to
19 pivot, in the driver's seat you had to put the
20 shoulder strap under your arm?

21 MR. HENRY: To lift my arm up and
22 pivot.

23 ATTORNEY EXAMINER: All right. Mr.
24 Jones.

25 MR. JONES: Thank you, your Honor.

1 Q. Mr. Henry, in Henry Exhibit 2 I
2 believe you had something about the Level III
3 inspection. Where did you get that from?

4 A. Why don't you ask the police
5 officer.

6 Q. I am asking you, Mr. Henry.

7 ATTORNEY EXAMINER: Mr. Henry, it's
8 your exhibit.

9 A. I pulled it off of the internet
10 here. How I got it is the Department of
11 Transportation Level III standards are in here,
12 and you can look at it because I am going to be
13 giving it for evidence.

14 Q. That is what, U.S. Department of
15 Transportation?

16 A. North American Standard Level III
17 Inspection Procedure. You might want to type
18 that in and you would get it here. I mean, why
19 are you doing this? Why don't you ask the
20 police officer? He said he has all this
21 training here. I mean, I think he has it.

22 I think he is trying to wear too
23 hats hast here. I think he really wants to get
24 out and arrest criminals here.

25 Q. What is the title of that document?

1 A. 16-1876-TR-CVR wrote at the top for
2 some reason. And North American Standard Level
3 III Inspection Procedure.

4 Q. North American Level III inspection
5 Procedure.

6 ATTORNEY EXAMINER: We will go off
7 the record.

8 (DISCUSSION OFF THE RECORD)

9 ATTORNEY EXAMINER: We will go back
10 on the record. Mr. Jones, you have had the
11 opportunity to look over one of Mr. Henry's
12 exhibits.

13 MR. HENRY: This is confined to the
14 exhibits?

15 Mr. JONES: No. I never had a
16 chance to see them.

17 ATTORNEY EXAMINER: Mr. Henry --

18 MR. HENRY: If you would have asked
19 I would have given that to you.

20 ATTORNEY EXAMINER: He has an
21 opportunity to look over it now, and this is
22 Case No. 10-464-TR-CVF. Go ahead, please.

23 Q. Mr. Henry, so you didn't record any
24 notes yourself the day of the inspection as it
25 concerns the alleged violation; is that correct?

1 A. No. I have a page of notes, not all
2 about the inspection.

3 Q. So you don't have those notes with
4 you today?

5 A. No, I do not. Were I have them at
6 is I have about six months driving, probably
7 about 180 pages of documents. I usually get
8 like 30 pages for 30 days, maybe 27, whatever.
9 Beginning at the front I will write beginning
10 miles, end miles, and the loads I did.

11 The main focus of this is the loads
12 I did, and this I did talk about, I mean.

13 Q. But you didn't record any notes on
14 the day of the inspection when you had your
15 inspection by the officer here as to what color
16 your shirt was you were wearing that day, or
17 anything about the conversation you had with
18 Trooper Ramps here?

19 A. I had notes, yes.

20 Q. You have notes as to the
21 conversation and as to what color your shirt was
22 that you were wearing?

23 A. Yes, I did, and they have a copy.

24 Q. Who has a copy of your notes?

25 A. Cheryl Streets, she looked at it

1 before we had our hearing.

2 Q. I am saying notes that you would
3 have made that day, on July 1st, 2016 at the
4 time of the inspection.

5 A. Yes.

6 Q. Or shortly after the inspection.

7 A. Before and after I made notes, a
8 lot of notes.

9 ATTORNEY EXAMINER: Mr. Henry, you
10 indicated earlier, I believe, you don't have
11 those with you today.

12 MR. HENRY: No, I do not have them,
13 no. What I do, is I don't put them on the
14 internet, I don't scan them, I put a staple like
15 30, beginning date and end date. I have a lot.

16 Q. But you brought notes here today
17 that you had with Ms. Streets.

18 A. It's not notes. That is something I
19 sent to her telling I wanted a hearing. That is
20 not my notes. I never said it was my notes.

21 MR. JONES: All right. I have no
22 further questions, your Honor.

23 ATTORNEY EXAMINER: All right.
24 Let's see. Let's go off the record for a
25 minute.

1 (DISCUSSION OFF THE RECORD)

2 ATTORNEY EXAMINER: Back on the
3 record. Mr. Henry, I just want to try to fine
4 tune something that was discussed earlier.

5 EXAMINATION

6 By the Attorney Examiner:

7 Q. Did Trooper Ramps, did he ever
8 actually enter the cab of the vehicle?

9 A. He leaned -- did he actually get in
10 the seat inside? He did not. But he leaned
11 into it and looked around.

12 Q. Okay. Then the question, when he
13 leaned in what side of the vehicle? Was it on
14 the driver's side or passenger's side?

15 A. It was on the passenger side. I had
16 to reach over and open it, reach over, reach
17 over, left it up and reach over.

18 Q. Referring to reach --

19 A. I want you to visualize, I reach
20 over and unsecure the door here.

21 Q. So what you are --

22 A. I could not do it with this over my
23 shoulder.

24 Q. I want to make sure, we had a lot of
25 discussion here, I want to fine tune it. So --

1 A. You want to compare it to see if I
2 am lying. I know what you are doing.

3 Q. I want to compare what both parties
4 said.

5 A. You are being repetitive here.

6 Q. It helps clarify things for the
7 record. Now, you said you put the belt under
8 your shoulder, underneath your arm in
9 anticipation of letting the Trooper in. And
10 what you are telling me is that he actually
11 leaned into the cab and was on the passenger
12 side. Am I right?

13 A. Yes.

14 Q. Then you are saying that to reach
15 over and I guess opening the door apparently in
16 anticipation that he would get into the cab,
17 that is why put your shoulder strap under your
18 arm.

19 A. No. I tried to turn and couldn't
20 move. That is why I had it under the shoulder.
21 I knew I would get weaseled out like this
22 because I had been told you have to have your
23 seat belt on even though you are stopped. And I
24 was stopped the whole time.

25 Q. So you tried to turn and couldn't

1 move, and then you put the shoulder strap under
2 your arm and then the Trooper actually --

3 A. I tried to move but couldn't make
4 it.

5 Q. And he leaned in.

6 A. It's hard for you to empathize. You
7 have low body fat. That's a compliment. You
8 are better off.

9 Q. That is fine.

10 A. Most of us are not here. I mean, I
11 need to lose weight. I can bench press over 300
12 pounds. That's why I don't look fat.

13 Q. Mr. Henry, let's get back to the
14 point. So the Trooper, he actually leaned in
15 from the passenger's side of the cab?

16 A. After I opened it, yes.

17 Q. After you opened the door. Okay. I
18 just want to make sure of that because there has
19 been a lot of discussion I don't think has
20 actually be officially clarified before.

21 MR. HENRY: Okay. We are done, or
22 closing?

23 ATTORNEY EXAMINER: We are getting
24 pretty close. Mr. Jones, do you have anymore
25 questions?

1 MR. HENRY: He already said no.

2 FURTHER CROSS-EXAMINATION

3 By Mr. Jones:

4 Q. So in light of the examination by
5 the Attorney Examiner here you are changing your
6 story as to what door you opened, Mr. Henry?

7 A. No. I never changed it. I said it
8 was the passenger side throughout.

9 Q. But you told me it was the driver's
10 door.

11 A. I did not.

12 Q. Yes, you did.

13 A. I did not.

14 MR. JONES: No further questions,
15 your Honor.

16 ATTORNEY EXAMINER: We will review
17 that in the record.

18 MR. HENRY: I want to clarify one
19 thing. If that was said, it was the passenger
20 side. And I was not dogmatic about it. It was
21 the passenger side, it will always be the
22 passenger side.

23 And you might want to recall that.
24 It was the passenger side because, you know, it
25 was dangerous to go on the outside there. I

1 mean, why, you know, what a nitpicky thing. I
2 have a very low opinion of what he is trying to
3 do, very low.

4 ATTORNEY EXAMINER: You are
5 indicating that the Trooper came in on the
6 passenger side and you opened the door for him.

7 MR. HENRY: And looked around, yes.

8 ATTORNEY EXAMINER: Great. We need
9 to get to one other issue, Mr. Henry, I assume
10 you will be moving for the exhibits into
11 admission into evidence.

12 MR. HENRY: I move that they go in.

13 ATTORNEY EXAMINER: And this will
14 be Henry Exhibits 1, 2, 3 and 4.

15 MR. HENRY: And I move that you send
16 me a copy of each one.

17 ATTORNEY EXAMINER: And --

18 MR. JONES: I am sorry. What is No.
19 4?

20 ATTORNEY: Henry Exhibit No. 4 would
21 be the summary, I will call it a summary, that
22 Mr. Henry prepared before his discussion with
23 Cheryl Streets.

24 So we have again Henry Exhibit 1 is
25 his signed version of the Driver/Vehicle

1 Examination Report.

2 Henry Exhibit 2 is the North
3 American Standard Level III Procedure.

4 And Henry Exhibit 3 is the
5 Commission Order, Opinion and Order in case
6 10-464-TR-CVF.

7 And Henry Exhibit 4 is this I will
8 call it a summary that he prepared for
9 the discussion with Cheryl Streets of the
10 Commission Staff. Mr. Jones.

11 MR. JONES: Yes, your Honor. Staff
12 has no objection to Henry Exhibit 1 or Henry
13 Exhibit 3.

14 But Staff does object to Henry
15 Exhibits 2 and 4. Start with No. 4. The notes
16 that he gave to Ms. Streets some substantial
17 amount of time later than the inspection, that
18 is not even relevant to our case.

19 As to the notes by him on the date
20 of the inspection, that I don't know the date he
21 talked to Ms. Streets, but I know it was after,
22 sometime after the inspection. Maybe during the
23 conference that he had in August, I guess.

24 But, which would have been some time
25 39 days or whatever after the inspection.

1 And then the other one dealing with
2 the Level III procedures manual, again there is
3 no way to authenticate. That seems like he just
4 has -- I don't know where he got that from, but
5 it doesn't identify where, to authenticate that
6 document, it's that part of a larger manual or
7 what.

8 And I would object on that basis
9 that it's hearsay, and there is no foundation
10 for it. I challenge the authenticity of it.
11 And object for those grounds.

12 ATTORNEY EXAMINER: Thank you. We
13 understand your objection. We will overrule
14 those and we will allow those into evidence.

15 (EXHIBITS ADMITTED INTO
16 EVIDENCE)

17 MR. HENRY: I want to say one
18 thing. Does it say July 13, 12 days after?
19 When you say --

20 ATTORNEY EXAMINER: What exhibit are
21 you referring to?

22 MR. HENRY: The one he objects to
23 about I told Cheryl Streets. And I don't know
24 why he doesn't have a copy of it, because Cheryl
25 Streets has a copy. Why don't you have a copy

1 of it?

2 ATTORNEY EXAMINER: Well, we
3 understand --

4 MR. HENRY: Because I sent it to her
5 to get the August 9th hearing. Why don't you
6 have a copy of it? Can I question him?

7 ATTORNEY EXAMINER: What we will do
8 is admit your exhibits into evidence as well as
9 Staff's, and everything will be given
10 the appropriate weight and, as I said, the
11 Commissioners will make the final decision.

12 MR. HENRY: Are we done here?

13 ATTORNEY EXAMINER: Mr. Jones, any
14 other questions?

15 MR. JONES: Nothing else, your
16 Honor.

17 ATTORNEY EXAMINER: Then we are
18 admitting all exhibits into evidence for Staff
19 and for Mr. Henry.

20 And I believe that will wrap things
21 up for today. Thank you for your attendance.

22 MR. JONES: Thank you, your Honor.

23 (At 12:45 P.M. the hearing was
24 concluded)

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
December 5, 2016, and carefully compared with my
original stenographic notes.

Michael O. Spencer,
Registered Professional
Reporter.

- - -

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Summary: Transcript In the Matter of Bruce Henry Notice of Apparent Violation and Intent to Assess Forfeiture, hearing held on December 5, 2016. electronically filed by Mr. Ken Spencer on behalf of Spencer, Michael O. Mr. and Armstrong & Okey, Inc.