

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of :
Ulugbek Abdurazzakov Notice : Case No.
of Apparent Violation and : 18-148-TR-CVF
Intent to Access Forfeiture :
- - -

PROCEEDINGS

Before Patricia A. Schabo, Attorney Examiner,
held at the offices of the Public Utilities
Commission of Ohio, 180 East Broad Street,
Hearing Room 11-C, Columbus, Ohio, on Wednesday,
April 18, 2018, at 10:00 A.M.

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- - -

1 APPEARANCES:

2 Mr. Werner L. Margard
3 Assistant Attorney General
4 30 East Broad Street, 16th Floor
Columbus, Ohio 43215

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

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1 Wednesday Morning,

2 April 18, 2018.

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4 ATTORNEY EXAMINER: The Public
5 Utilities Commission of Ohio has assigned for
6 hearing at this time and place Case No.
7 18-148-TR-CVF being in the Matter of Ulugbek
8 Abdurazzakov Notice of Apparent Violation and
9 Intent to Access Forfeiture.

10 My name is Patricia Schabo, I am the
11 Attorney Examiner assigned by the Commission to
12 hear this case.

13 We will begin by taking
14 appearances.

15 MR. MARGARD: Thank you, Your Honor.
16 On behalf of the Transportation Staff of the
17 Public Utilities Commission of Ohio, Mike
18 DeWine, Ohio Attorney General; William Wright,
19 Section Chief Public Utilities Section; by
20 Assistant Attorney General Werner L. Margard, 30
21 East Broad Street, 16th Floor, Columbus, Ohio.

22 ATTORNEY EXAMINER: Thank you, Mr.
23 Margard. I will note for the record that
24 neither Mr. Abdurazzakov nor counsel for him is
25 present.

1 This hearing was scheduled to start
2 at 10:00 A.M. It's now 10:19, 10:20. I have
3 not had any communication with Mr. Abdurazzakov
4 regarding today's hearing. And I just confirmed
5 that I do not have any voice mails or e-mails
6 from him.

7 Mr. Margard, have you heard from Mr.
8 Abdurazzakov?

9 MR. MARGARD: I have not. And as a
10 consequence Staff would respectfully move for
11 default judgment in this matter. We are
12 prepared to go forward with a prima facie case
13 to establish the violations.

14 ATTORNEY EXAMINER: Taking your
15 motion under consideration, I would like to go
16 ahead and just get a prima facie case on the
17 record, please.

18 MR. MARGARD: Thank you, Your Honor.
19 In that case I would like to call Inspector
20 Steve Morgan to the stand, please.

21 (WITNESS SWORN)

22 - - -

23 STEVE MORGAN
24 called as a witness, being first duly sworn,
25 testified as follows:

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DIRECT EXAMINATION

By Mr. Margard:

Q. Sir, if you would please state your name and by whom you are employed and in what capacity, please.

A. My name is Steve Morgan, I am a Motor Carrier Enforcement Officer for the State of Ohio.

Q. Sir, were you on duty in your capacity as an inspector on October 22nd, 2017?

A. Yes, sir.

Q. And while you were on duty did you have an opportunity to inspect the vehicle owned by US Power Express and operated by Mr. Abdurazzakov?

A. Yes, sir, I did.

Q. And as a result of that inspection did you generate a Driver/Vehicle Examination Report?

A. Yes, sir, I did.

MR. MARGARD: Your Honor, I have marked for purposes of identification as Staff Exhibit No. 1 a Driver/Vehicle Examination Report dated October 22, 2017.

ATTORNEY EXAMINER: It's so marked.

1 (EXHIBIT MARKED FOR IDENTIFICATION)

2 Q. Inspector Morgan, do you have before
3 you what's been marked Staff Exhibit No. 1?

4 A. Yes, sir, I do.

5 Q. And is that a copy of the report
6 that you generated following your inspection?

7 A. Yes, it is.

8 Q. Sir, would you briefly highlight for
9 us the violations that you found as a result of
10 your inspection?

11 A. Okay. Violations I found, the
12 reason I stopped the vehicle was because he had
13 no -- stop lights on the trailer were staying
14 on. And you couldn't tell when he was stopping
15 or anything like this. That was an out of
16 service violation.

17 The next out of service violation
18 was he was towing automobiles. And the one
19 automobile on the bottom just only had one
20 securement on it. It should have at least two.

21 So I wrote him up for that as
22 another out of service violation.

23 Then he had multiple lights out and
24 had multiple violations on logbook.

25 Q. Thank you, sir. I am going to ask

1 you if you would, please, to turn to what's been
2 marked as Staff Exhibit No. 2.

3 MR. MARGARD: Your Honor, I will
4 represent to you that these are screen shots
5 from a video that was sent to Staff by Mr.
6 Abdurazzakov demonstrating what he believed to
7 be the operation of his brake lights. And if
8 Your Honor wishes I have the URL for that video.
9 I would be happy to provide you and the court
10 reporter with that information.

11 ATTORNEY EXAMINER: I think we will
12 be okay with the photographs, your
13 representation of where they come from. And we
14 will go ahead and mark this exhibit as Staff
15 Exhibit 2.

16 MR. MARGARD: Thank you, Your
17 Honor.

18 (EXHIBIT HEREBY MARKED FOR
19 IDENTIFICATION PURPOSES)

20 Q. Inspector Gordon, does this look
21 like the vehicle that you inspected?

22 A. Yes, it does.

23 Q. Does this appear to have been taken
24 at the location where you conducted your
25 inspection?

1 A. No, sir.

2 Q. So this would have been moved after?

3 A. Yes, sir.

4 Q. Okay. And what in your opinion do
5 these photographs demonstrate?

6 A. These photographs I am looking at,
7 the brake lights are working. I don't know
8 if -- they are on right now. But that
9 doesn't -- I don't know if they are actually
10 repaired and working or they are just stuck on
11 again.

12 Q. The first page would indicate the
13 brake lights off, the second page the brake
14 lights or, at least one of them on.

15 A. Yes. At least one, yes.

16 Q. But in your inspection at all times
17 that you observed this vehicle it looked like
18 page 2, never like page 1?

19 A. Yes.

20 Q. Is that yes?

21 A. He has got the brake light on page
22 2, yes.

23 Q. And that is how it looked at all
24 times when you saw the vehicle?

25 A. Yes.

1 Q. Okay. Let me ask you, sir, if you
2 would please take a look at what's been marked
3 as Staff Exhibit No. 3.

4 (EXHIBIT MARKED FOR THE PURPOSE OF
5 IDENTIFICATION)

6 Q. This is a multi-page document. Sir,
7 did you take photographs at the time of your
8 inspection?

9 A. Yes, I did.

10 Q. And does this document contain the
11 photographs that you took at that time?

12 A. Yes, sir.

13 Q. And do these documents accurately
14 reflect what you observed at the time of your
15 inspection?

16 A. Yes, with the exception of the brake
17 lights.

18 Q. Very good. And what in your opinion
19 do these photographs demonstrate?

20 A. That he doesn't have enough
21 securement on the vehicle.

22 Q. What does the vehicle require?

23 A. The vehicle requires two, one on
24 the front, one on the back pretty much parallel
25 from each other. That way it holds it down.

1 Q. This is on the axle or can it be on
2 some other portion?

3 A. It's on the car itself, on the body
4 of the car, frame of the car.

5 Q. How was this vehicle secured?

6 A. It only had one, had one strap I
7 believe over the tire.

8 MR. MARGARD: Thank you. Your
9 Honor, I have no further questions for Inspector
10 Morgan.

11 ATTORNEY EXAMINER: All right. I
12 have no further questions for you either. You
13 can step down.

14 THE WITNESS: Thank you, Judge.

15 MARGARD: Your Honor, I have also
16 marked as Staff Exhibit No. 4 the Notice of
17 Preliminary Determination which is contained in
18 the Commission's records which reflects Mr.
19 Abdurazzakov was sent all of the appropriate and
20 necessary notices with respect to the forfeiture
21 that was intended to be assessed.

22 And it also indicates the amount of
23 the forfeiture to be assessed.

24 I have Mr. Persinger here to testify
25 as to the reasonableness of that forfeiture if

1 you wish me to call him to do so.

2 ATTORNEY EXAMINER: I think we are
3 okay with Staff Exhibit No. 4, which I will
4 leave as marked.

5 And just for the clarity of
6 the record we will mark Staff Exhibit 3, the
7 collection of photos identified by Mr. Morgan.

8 MR. MARGARD: With that, Your Honor,
9 I have nothing further to offer and would
10 respectfully move the admission of Exhibits 1
11 through 4.

12 ATTORNEY EXAMINER: They will be
13 admitted at this time.

14 (EXHIBITS HEREBY ADMITTED INTO
15 EVIDENCE)

16 MR. MARGARD: With nothing further
17 to offer, Your Honor, I would renew my motion
18 for default judgment at this time.

19 ATTORNEY EXAMINER: Thank you, Mr.
20 Margard. We will go ahead and take your oral
21 motion under advisement, and we will present
22 this record to the Commission for their
23 determination.

24 And we will adjourn.

25 MR. MARGARD: Very good. Thank you.

ATTORNEY EXAMINER: Thank you.

(At 10:25 A.M. the hearing was
concluded)

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CERTIFICATE

I do hereby certify that the foregoing
is a true and correct transcript of the
proceedings taken by me in this matter on April
18, 2018, and carefully compared with my
original stenographic notes.

Michael O. Spencer
Michael O. Spencer,
Registered Professional
Reporter.

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Summary: Transcript In the Matter of Ulugbek Abdurazzakov Notice of Apparent Violation and Intent to Access Forfeiture, hearing held on April 18, 2018. electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Spencer, Michael O. Mr.