

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

In the Matter of Wes-Mid : Case No.  
America, Inc. : 17-2532-TR-CVF

- - -

PROCEEDINGS

Before Kerry Sheets, Attorney Examiner, held at  
the Public Utilities Commission of Ohio, 180  
East Broad Street, Hearing Room 11-C, Columbus,  
Ohio, on Thursday, May 24, 2018, at 10:00 A.M.

- - -

Armstrong & Okey, Inc.  
222 East Town Street, 2nd Floor  
Columbus, Ohio 43215  
(614) 224-9481 - (800) 223-9481

- - -

1 APPEARANCES:

2 Mr. Robert Eubanks  
3 Assistant Attorney General  
4 30 East Broad Street  
5 16th Floor  
6 Columbus, Ohio 43215

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

10 - - -  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

| INDEX TO WITNESSES |        |       |
|--------------------|--------|-------|
|                    | DIRECT | CROSS |
| STAFF'S WITNESSES  |        |       |
| Jason Whorton      | 6      |       |
| Rod Moser          | 8      |       |

- - -

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

| INDEX TO EXHIBITS |                                     |        |      |
|-------------------|-------------------------------------|--------|------|
| - - -             |                                     |        |      |
|                   |                                     | MARKED | ADMT |
| STAFF'S EXHIBITS  |                                     |        |      |
| 1                 | Driver/Vehicle Examination Report   | 6      | 10   |
| 2                 | Notice of Preliminary Determination | 9      | 10   |

- - -

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

Thursday Morning,  
May 24, 2018.

- - -

ATTORNEY EXAMINER: The Public  
Utilities Commission of Ohio has set for hearing  
at this time and place Case No. 17-2532-TR-CVF  
In the Matter of Wes-Mid America, Inc. My name  
is Kerry Sheets, I am Attorney Examiner for  
the Commission and I have been assigned to hear  
this case.

May I now have the appearances of  
the parties, please?

MR. EUBANKS: Robert Eubanks,  
Assistant Attorney General, 30 East Broad  
Street, 16th Floor, Public Utilities Section,  
here representing the Staff.

ATTORNEY EXAMINER: Thank you. I  
don't see the Respondent in the hearing room  
today. What we will do is go off the record for  
a period of time and give them a little bit of  
time to show up. And we will adjourn until  
10:30.

(RECESS TAKEN)

ATTORNEY EXAMINER: Let the record

1 show that the Respondent is still not in  
2 the hearing room. And do you have a statement  
3 to make, Mr. Eubanks?

4 MR. EUBANKS: Yes. Eventually after  
5 having the exhibits admitted and move for  
6 admission I am going to eventually ask for a  
7 default ruling, but first I would like to call  
8 to the stand the Inspector Jason Whorton.

9 (WITNESS SWORN)

10 - - -

11 INSPECTOR JASON WHORTON  
12 called as a witness, being first duly sworn,  
13 testified as follows:

14 MR. EUBANKS: I would like to have  
15 the Examination Report marked as Exhibit 1.

16 (EXHIBIT MARKED FOR THE PURPOSE OF  
17 IDENTIFICATION)

18 ATTORNEY EXAMINER: Very good.

19 DIRECT EXAMINATION

20 By Mr. Eubanks:

21 Q. Could you state your name for the  
22 record?

23 A. Jason Whorton.

24 Q. And your position?

25 A. I am a motor carrier enforcement

1 inspector with the State Highway Patrol.

2 Q. And what are your duties?

3 A. My duties are stopping and  
4 inspecting commercial vehicles and drivers,  
5 making sure they are in compliance with the  
6 Title 49 laws and regulations.

7 Q. How are you related to the case at  
8 hand?

9 A. I am the inspector on the case.

10 Q. Do you have any certifications or  
11 training?

12 A. Yes. I am certified to do Level 1  
13 inspections for the Federal North American  
14 Standards and employed by the State Highway  
15 Patrol and given authority by the Highway Patrol  
16 and the Public Utilities Commission to do those  
17 inspections.

18 Q. Was the inspection that you  
19 performed in this case a Level 1 inspection?

20 A. Yes, it was.

21 Q. Okay. I would like you to look at  
22 what will be marked as Exhibit 1. Could you  
23 identify that document?

24 A. Yes. Right in front of me here.

25 Q. What is the document?

1           A.    This is an inspection report on the  
2 driver and vehicle.

3           Q.    And is it accurate?

4           A.    Yes, it is.

5           Q.    Okay.  It details the violations  
6 that were cited during the inspection?

7           A.    Yes.

8           Q.    What date did the inspection occur  
9 on?

10          A.    It was on August 11th, 2017.

11          Q.    And it was against again?

12          A.    The driver, Jonathan Jensen, and the  
13 company Wes-Mid America.

14               MR. EUBANKS:  Okay.  With that I  
15 have no further questions for the witness with  
16 regards to the document.

17               ATTORNEY EXAMINER:  Very good.  You  
18 are excused.

19               MR. EUBANKS:  Next I would like to  
20 call Rod Moser.

21               (WITNESS SWORN)

22               - - -

23               ROD MOSER

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



1 MR. EUBANKS: I would like to have  
2 the Notice of Preliminary Determination marked  
3 as Exhibit 2.

4 ATTORNEY EXAMINER: Very good.

5 (EXHIBIT HEREBY MARKED FOR  
6 IDENTIFICATION PURPOSES)

7 DIRECT EXAMINATION

8 By Mr. Eubanks:

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

11 A. My name is Rod Moser.

12 Q. And your position?

13 A. I am Chief of Compliance within the  
14 Transportation Department of the Public  
15 Utilities Commission of Ohio.

16 Q. And do you have any training or  
17 certifications?

18 A. I am certified in Level 1, 2, 3 and  
19 5 and 6 of the North American Standards. I was  
20 trained as a Highway Patrol Trooper and enforced  
21 primarily commercial vehicles for roughly the  
22 past 30 years.

23 Q. Does any of your training cover  
24 forfeitures and assessing those?

25 A. It does, yes.

1 Q. Did you do that in this case?

2 A. Yes, sir.

3 Q. Are they reflected anywhere?

4 A. They are. On what we call  
5 the Notice of Preliminary Determination.

6 Q. Is that the document you have before  
7 you?

8 A. Yes, sir.

9 Q. Is it accurate?

10 A. It appears to be, yes.

11 Q. Okay. Was this Notice of  
12 Preliminary Determination sent out to the  
13 Respondent?

14 A. Yes, it was.

15 MR. EUBANKS: Okay. I have no  
16 further questions.

17 ATTORNEY EXAMINER: You are excused.

18 MR. EUBANKS: With that I would like  
19 to have both the Examination Report and the  
20 Notice of Preliminary Determination admitted  
21 into evidence.

22 ATTORNEY EXAMINER: I will admit  
23 those exhibits in evidence at this time.

24 (EXHIBITS ADMITTED INTO EVIDENCE)

25 MR. EUBANKS: At this time I would

1 like to note for the record that the Respondent  
 2 has not shown up, and as a result we would like  
 3 to move for a default under OAC Rules 4901.27  
 4 14 E. This section provides that "The  
 5 Respondent who requests for administrative  
 6 hearing and fails to appear for the hearing  
 7 shall be in default. The Respondent in default  
 8 shall be deemed to have admitted the occurrence  
 9 of the violation and waived all further rights  
 10 to contest the making of the compliance order  
 11 described in the Notice of Preliminary  
 12 Determination."

13 So, with that I would move the Court  
 14 for default, and rest our case.

15 ATTORNEY EXAMINER: I will take that  
 16 motion under advisement and make a  
 17 recommendation to the Commission.

18 Thank you. Thank you all for  
 19 coming. I will consider the case submitted on  
 20 the record.

21 (At 10:35 A.M. the hearing was  
 22 concluded)

23 - - -

24

25

CERTIFICATE

I do hereby certify that the foregoing  
is a true and correct transcript of the  
proceedings taken by me in this matter on May  
24, 2018, and carefully compared with my  
original stenographic notes.

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

- - -



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

**Commission of Ohio Docketing Information System on**

**6/15/2018 10:20:20 AM**

**in**

**Case No(s). 17-2532-TR-CVF**

Summary: Transcript In the Matter of Wes-Mid America, Inc., hearing held on May 24th, 2018. electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Spencer, Michael O. Mr.