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APPEARANCES:

Mr. Kostadin Gjorgiev
910 Empire Avenue
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Pro se.

Mike DeWine, Ohio Attorney General
William L. Wright, Section Chief
Public Utilities Section
By Ms. Jodi J. Bair
30 East Broad Street, 16th Floor
Columbus, Ohio 43215-3793

On behalf of the Transportation Staff of
the Public Utilities Commission.

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1 Tuesday Morning Session,
2 August 14, 2018.

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4 THE ATTORNEY EXAMINER: The Public
5 Utilities Commission has assigned for hearing at this
6 time and place, Case No. 18-124-TR-CVF, being In the
7 Matter of Kostadin Gjorgiev, Notice of Apparent
8 Violation and Intent to Assess Forfeiture.

9 My name is Stacie Cathcart, and I am the
10 Attorney Examiner assigned by the Commission to hear
11 this case.

12 At this time I would like to take
13 appearances of the parties, beginning with staff.

14 MS. BAIR: Thank you, your Honor. On
15 behalf of the staff of the Public Utilities
16 Commission of Ohio, Jodi Bair, assistant attorney
17 general, 30 East Broad Street, Columbus Ohio, 43215.

18 THE ATTORNEY EXAMINER: Mr. Gjorgiev,
19 would you state your name and address for the record.

20 MR. GJORGIEV: My name is Kostadin
21 Gjorgiev, 910 Empire Avenue, Spokane, Washington.

22 THE ATTORNEY EXAMINER: Thank you.

23 Staff, are you ready to proceed?

24 MS. BAIR: Yes. Thank you, your Honor.
25 We would like to call -- our first witness will be

1 Investigator Mowen.

2 - - -

3 DOUGLAS MOWEN

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

6 DIRECT EXAMINATION

7 By Ms. Bair:

8 Q. Good morning, Mr. Mowen.

9 A. Good morning.

10 Q. Could you please state your name and
11 spell it for the record?

12 A. Douglas Mowen, M-O-W-E-N.

13 Q. And where are you employed and in what
14 capacity?

15 A. I am with the Ohio State Highway Patrol.
16 I am a motor carrier enforcement supervisor.

17 Q. And how long have you been in that
18 position?

19 A. That position, I've been doing that for
20 four years.

21 Q. And how about before that?

22 A. I have been a motor carrier enforcement
23 inspector for an additional three years, so a total
24 of seven, and I've been with the State Patrol for 12.

25 Q. And what are your duties? Can you

1 describe the duties of your current job, please?

2 A. Yes. We inspect semi trucks, buses,
3 commercial trucks, buses on roadside stops, scheduled
4 inspections, and things like that.

5 Q. And what type of training do you have in
6 that area?

7 A. We have North American federal
8 certifications, B, hazmat, cargo tank, and commercial
9 bus, and I'm actually a federal trainer in all of
10 those. I do training.

11 Q. Okay. Are the motor carrier inspections
12 conducted to protect the safety --

13 A. Yeah.

14 Q. -- of Ohio?

15 MS. BAIR: Your Honor, may I approach the
16 witness, please?

17 THE ATTORNEY EXAMINER: You may.

18 MS. BAIR: Your Honor, I would like to
19 mark the Examination Report as Staff Exhibit 1.

20 MR. GJORGIEV: So marked.

21 THE ATTORNEY EXAMINER: You.

22 (EXHIBIT MARKED FOR IDENTIFICATION.)

23 Q. (By Ms. Bair) Do you recognize that
24 document?

25 A. Yes.

1 Q. Is this a document that is kept as a
2 patrol record?

3 A. Yes, it is.

4 Q. Is it kept in the ordinary course of
5 business?

6 A. Yes, it is.

7 Q. And is it the practice of the patrol to
8 make reports such as these?

9 A. Yes; for every inspection that we do.

10 Q. Okay. Is that document in the same
11 condition substantially as when you prepared it?

12 A. Yes, it is.

13 Q. And what was the reason for you producing
14 this report?

15 A. Based upon my notes in there, I observed
16 the subject driving past me, as I was sitting in a
17 crossover, on his phone, which he looked to be
18 texting from when he went past me. So I, at that
19 point, pulled out to pull him over to discuss that,
20 and I witnessed him still on his phone once I finally
21 got to the point of pulling him over.

22 Q. What is the date of the report?

23 A. August 11, 2017.

24 Q. And what time was this report made?

25 A. 11:15 a.m. in the morning.

1 Q. And who is the driver listed in the
2 report?

3 A. Mr. Gjorgiev.

4 Q. And does the driver get a copy of that
5 report at the time of the stop?

6 A. Yes, they do.

7 Q. What is the violation noted in the
8 report?

9 A. The violation is Federal Code 390.17,
10 which is operating a CMV while texting.

11 Q. Okay. Could you tell me what your normal
12 practice is when you would be pulling over a vehicle?

13 A. When I pull out of the crossover -- and I
14 am a creature of habit, so I do it every single time
15 this way. When I catch up to the vehicle that I'm
16 going to pull over, I go into the middle of the two
17 lanes of a four-lane highway in the middle, turn on
18 my lights. That way they can see me in the mirror.

19 Then I don't have an exact set -- you
20 know, you use an internal clock. After they haven't
21 pulled over or hit their brakes, at that point then I
22 turn on my sirens. If they haven't then pulled over
23 then I up to the side of driver so that they can hear
24 and see me, and that's where I observed him the
25 second time still on his phone.

1 Q. Okay.

2 A. This went for a couple of miles, because
3 I would have been -- it was at mile marker 16, is
4 where I did the inspection, and I'm very familiar
5 with that road, and I would have been sitting in the
6 crossover at about mile 18, so it took me a couple
7 miles to get him pulled over.

8 Q. So probably with your lights on for about
9 two miles?

10 A. Probably a mile and a half by the time I
11 got up to him, yes.

12 MS. BAIR: Okay. I have no further
13 questions, and I would move Staff Exhibit 1 into
14 evidence.

15 THE ATTORNEY EXAMINER: Thank you.

16 Did you have any questions?

17 MR. GJORGIEV: Yes.

18 - - -

19 CROSS-EXAMINATION

20 By Mr. Gjorgiev:

21 Q. When you were parked on the crossroad, on
22 the side, or on the shoulder between the two
23 highways, do you know the speed that I was driving?

24 A. Well, I don't have -- I wasn't clocking
25 speeds, but the speed limit out there is 70 for

1 trucks.

2 Q. Okay. So do you think that when you were
3 stopped and if someone is driving with 70 miles per
4 hour, you would be able to see them clearly using the
5 phone?

6 A. Absolutely. We do every day because
7 we're used to looking for those kind of items.

8 Q. Even if someone is driving 70 miles per
9 hour and they are six, seven, eight feet higher than
10 you?

11 A. We're pretty high as well. But we can
12 observe them as the driver drives by, what they are
13 doing, if they are on the phone.

14 Q. Did you have your glasses back then?

15 A. Yes.

16 Q. Okay. You said the second time when you
17 saw me was when you were pulling me over. Do you
18 think it's possible that I touched the GPS, as I
19 explained to you? I don't know if you have a
20 recording in your car. I told you that I was looking
21 for a rest area, that I was driving since the
22 morning, and the closest rest area is, like, two
23 miles before the border between Ohio and Indiana.
24 That's two or three miles from when you stopped me.

25 We don't have a windshield here. The

1 place where I have my GPS is on the front, outside of
2 the wiper blades, and I was leaning forward, and I
3 was looking, because the GPS that I have, the GPS has
4 an option that tells you the truck stops, the rest
5 areas, things like that. And I don't know --

6 MS. BAIR: Objection. He's testifying,
7 not asking cross-examination questions.

8 THE ATTORNEY EXAMINER: I'll allow a
9 little bit of latitude here.

10 But your opportunity to testify will be
11 after they put on their case. Then you can explain
12 everything about the GPS when you're under oath. So
13 if you could maybe just focus on asking a question,
14 that's more proper at this time.

15 MR. GJORGIEV: Okay. I don't have -- I
16 don't know.

17 THE WITNESS: He did ask me a question I
18 could respond to. He asked me do I think he could
19 have been hitting his GPS.

20 Had you told me you were on your GPS,
21 this would not have been written because we know that
22 if you're on GPS, that is not something that we can
23 write. I know what I saw, and when I see somebody on
24 their phone, they're on their phone, and when they're
25 up texting, that's what I observed.

1 Q. (By Mr. Gjorgiev) I told you that I
2 wasn't texting. I even have the proof from Verizon,
3 the calls and the texts from that day. Actually, I
4 have it from the whole month.

5 MS. BAIR: I'm going to object to that.
6 It's not authenticated in any way, shape, or form.
7 It's just a list. It doesn't --

8 MR. GJORGIEV: I tried for them to send
9 them directly to you, but they said that the request
10 has to be made from official government person. They
11 didn't want to release those documents directly to
12 me. I was only able -- when I looked on my -- what
13 is it called? -- my account online, I was able just
14 to download them, and I have a copy of them. But
15 because after six months I tried to -- this was in, I
16 believe, in April, or something like that. I tried
17 to get them also. They said it has to be done --
18 because more than six months had passed since the
19 date I was requesting, they said request has to be
20 made from an official person. They didn't want to
21 give me anything.

22 THE ATTORNEY EXAMINER: So you don't have
23 any further questions?

24 MR. GJORGIEV: No.

25 THE ATTORNEY EXAMINER: Okay. Thank you.

1 MS. BAIR: Can I follow up a little bit
2 on redirect?

3 THE ATTORNEY EXAMINER: That's fine.

4 - - -

5 REDIRECT EXAMINATION

6 By Ms. Bair:

7 Q. In your expert opinion, do you think it's
8 unsafe for a driver not to recognize that there's a
9 patrolman with lights on behind them?

10 A. Absolutely. Normally when somebody goes
11 by us, they're watching us and they're paying
12 attention to us. If we immediately pull out,
13 probably within a quarter of a mile they're pulling
14 over because they know we're coming out after them,
15 and it took me almost two miles to get him stopped.

16 MS. BAIR: Thank you. I have nothing
17 further.

18 THE ATTORNEY EXAMINER: Do you have any
19 additional questions?

20 MR. GJORGIEV: Yes.

21 - - -

22 CROSS-EXAMINATION

23 By Mr. Gjorgiev:

24 Q. Do you have a video of that?

25 A. No. Our vehicles do not have video.

1 Q. So you're just saying it was two miles?

2 A. I was in the crossover. Based upon my
3 notes, I was in crossover, which the only one is at
4 about the 18, and the inspection shows that the
5 inspection was done at the 16, so it took me two
6 miles to get you stopped.

7 Q. So when a truck is driving 70 miles per
8 hour, it takes like a minute and a half, two minutes
9 for two miles, plus or minus. It is like one minute
10 for me to see you and to pull over. I don't think
11 that's valid.

12 MS. BAIR: I would move Staff Exhibit 1.
13 I make a motion to move that into evidence.

14 THE ATTORNEY EXAMINER: So moved.

15 (EXHIBIT ADMITTED INTO EVIDENCE.)

16 MS. BAIR: And I would call Tom Persinger
17 as our next witness.

18 Thank you, Mr. Mowen.

19 - - -

20 TOM PERSINGER

21 being first duly sworn, as prescribed by law, was
22 examined and testified as follows:

23 DIRECT EXAMINATION

24 By Ms. Bair:

25 Q. Could you please state your name and

1 spell it for the record?

2 A. My name is Tom Persinger. The last name
3 is spelled P-E-R-S-I-N-G-E-R.

4 Q. And by whom are you employed and in what
5 capacity?

6 A. I am employed by Public Utilities
7 Commission in their Transportation Department,
8 Compliance Division.

9 Q. What are your duties?

10 A. My duties include determining forfeitures
11 resulting from roadside inspections that have
12 occurred from either the Public Utility Commission
13 field staff or the Highway Patrol field staff.

14 Q. And what are your expert qualifications
15 to perform your job?

16 A. My expert qualifications, including
17 taking the numerous FMCSA training courses for Part
18 A, Part B inspections, the various hazmat courses,
19 and then also I'm a licensed attorney with the State
20 of Ohio that I am familiar with the various
21 regulations.

22 Q. Okay. FMCSA, what does that stand for?

23 A. Federal Motor Carrier Safety
24 Administration. They are the agency that the State
25 of Ohio has adopted many of our transportation rules

1 from.

2 Q. Thank you. And how does the Commission
3 go about, or you in your position, determining the
4 proper forfeiture amount?

5 A. We mainly base it upon a recommended
6 structure from the CVSA fine guidelines.

7 Q. And does the Commission apply this
8 process uniformly to everyone?

9 A. Yes, they do.

10 MS. BAIR: Your Honor, may I approach the
11 witness, please?

12 THE ATTORNEY EXAMINER: You may.

13 MS. BAIR: Your Honor, may I have this
14 marked as Staff Exhibit 2?

15 THE ATTORNEY EXAMINER: Yes.

16 MS. BAIR: Thank you.

17 THE ATTORNEY EXAMINER: So marked.

18 (EXHIBIT MARKED FOR IDENTIFICATION.)

19 Q. (By Ms. Bair) Do you recognize this
20 document?

21 A. Yes, I do.

22 Q. What is it?

23 A. It's a --

24 Q. It's the notice, isn't it?

25 A. Yes. It's a Notice of Apparent Violation

1 and Intent to Assess Forfeiture letter.

2 Q. And is this document sent to the
3 respondent?

4 A. Yes.

5 Q. Did you review the document to prepare
6 for today?

7 A. Yes.

8 Q. Is this a Commission record?

9 A. Yes, it is.

10 Q. And is it kept in the ordinary course of
11 business?

12 A. Yes, it is.

13 Q. Could you please explain how the civil
14 forfeiture in the case was derived?

15 A. It is based upon the standard guidelines
16 from CVSA, Recommended Fine Schedule. In this case
17 anything that falls under a Group 4 violation can
18 have a varied level of forfeiture depending upon the
19 specific code that it is.

20 In this regard, anything that is
21 operating a CMV while texting violation that is
22 listed the under Code 390.17, the general fine amount
23 for that is a \$250 fine. That is automatically
24 generated by our internal system here that comprises
25 the letters.

1 Q. Okay. Do you believe this is the correct
2 forfeiture amount for this case?

3 A. Yes, ma'am.

4 Q. Would you recommend this amount to the
5 Commission?

6 A. Yes, I do.

7 MS. BAIR: Thank you. I have no more
8 questions.

9 THE ATTORNEY EXAMINER: Thank you.
10 Do you have any questions?

11 MR. GJORGIEV: No.

12 MS. BAIR: Then I would move Staff
13 Exhibit 2 into evidence, please.

14 THE ATTORNEY EXAMINER: So moved.

15 (EXHIBIT ADMITTED INTO EVIDENCE.)

16 MS. BAIR: Thank you.

17 THE ATTORNEY EXAMINER: Thank you.

18 So, Mr. Gjorgiev, this is your
19 opportunity. If you would like to make a statement,
20 come up to the stand, and I will swear you in.

21 (Witness sworn.)

22 MR. GJORGIEV: Please state your name and
23 address clearly for the court reporter, and then you
24 can go ahead and tell your side of the story.

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KOSTADIN GJORGIEV

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

DIRECT TESTIMONY

MR. GJORGIEV: My name is Kostadin
Gjorgiev, K-O-S-T-A-D-I-N, last name,
G-J-O-R-G-I-E-V. I live in Spokane, Washington.

Can I start?

THE ATTORNEY EXAMINER: Yes.

MR. GJORGIEV: When I was pulled over on
the 11th, that was right a couple miles before the
Ohio and Indiana border. I was driving on US 70. I
was driving west. When I was pulled over, when the
officer came, he told me that he saw me texting and
driving.

I tried to explain to him that I wasn't
texting. I also had my GPS in front of me. I don't
remember clearly if I told that to him or not because
that happened one year ago, but I know that I was
looking for a rest area, for sure, because -- and I
know that I mentioned that to him, that I was looking
for a rest area, because I'm familiar with this area
because I drive on US 70 a lot, and I know the rest
area and the truck stop there.

There are two or three truck stops within

1 a short distance, in like ten miles, but I felt I'm
2 not going to lose a lot of time if I stop and pull
3 over in the rest area.

4 When he came, he -- I'm not going to say
5 that he was rude or he didn't want to hear my side of
6 the story, but to me, it looked like he didn't care.
7 And he took my paperwork. He -- he wasn't yelling,
8 or something like that, but he explained to me with
9 higher tone that I'm about to get a ticket. I'm
10 about to get a violation.

11 After he went inside his vehicle, after,
12 I don't know, 20, 30 minutes had passed, he came back
13 and he gave me the inspection, and he told me that he
14 was -- that he saw me texting while driving.

15 THE ATTORNEY EXAMINER: Thank you. Do
16 you have anything additional to add?

17 MR. GJORGIEV: Not right now.

18 THE ATTORNEY EXAMINER: Okay. At this
19 time Ms. Bair will have an opportunity to ask you
20 some questions, so if you could just answer to the
21 best of your ability.

22 - - -

23 CROSS-EXAMINATION

24 By Ms. Bair:

25 Q. So you said you're very familiar with

1 that part of Route 70, right?

2 A. Yes.

3 Q. Then why did you need a GPS?

4 A. I don't know the exact mile marker where
5 the rest area is positioned, and I wasn't sure if I
6 already passed that one or if I have a truck stop
7 closer to me. I just wanted to make sure.

8 I know there is a weigh station over
9 there, and every single time whenever there's a weigh
10 station, I try to pull over, and I try to
11 double-check the tires and lights and everything to
12 make sure everything is okay with my truck and
13 trailer, because in the company where I drive,
14 whenever you have clean inspections, we have bonuses.
15 If we have bad inspection, then we have to pay the
16 penalty, plus the penalty for the company because it
17 affects the score of the company.

18 MS. BAIR: Could I have just a moment,
19 your Honor?

20 THE ATTORNEY EXAMINER: Yes.

21 (Off the record.)

22 Q. (By Ms. Bair) So on that part of 70 that
23 we're talking about today, is that a curvy road or a
24 straight road?

25 A. US 70 is the highest -- is the longest

1 interstate in the USA, all the way from the East to
2 the West. Usually all the highways, they go
3 straight, but it's normal for any road to have
4 curves.

5 In the particular area between the Ohio
6 and Indiana border, there's the city of Richmond, I
7 think. There are swings and there are curves a
8 little bit. It's like two or three miles east and
9 west of the city. But usually after that, going all
10 the way to Indianapolis, the road is straight.

11 Going from a couple miles east from --
12 east from Richmond from the border going to Dayton,
13 the road is straight. After that it starts a little
14 bit of curves. Then to Columbus the road is
15 straight. To continuing driving east, you have to
16 take downtown Columbus and all that area, but after
17 that, I think Millersport and Hebron, Ohio -- I know
18 the names of the cities because of the truck stops
19 over there. Going all the way almost to -- what was
20 the name? -- to Cambridge, Ohio, the road is pretty
21 straight.

22 It's not like you can just, you know,
23 relax and do nothing, but the road is straight, and
24 there are no curves, no stoplights, no stop signs or
25 something like that.

1 Q. Okay. So thank you for letting me know a
2 lot about 70. How about right where you were at 16
3 or 18?

4 A. The mile marker?

5 Q. Yes. How would you characterize the
6 road? It's pretty straight, isn't it?

7 A. It's straight there. There are no major
8 curves that will let you know that you have to slow
9 down or do a downshift or to use lower speed in order
10 for you to make the safe curves.

11 Q. But you were going 70, correct?

12 A. I was going 64. The truck has a speed
13 limit of 64.

14 Q. How about the elevation there? Are you
15 aware of the elevation? Is it pretty flat there on
16 70?

17 A. It's pretty level. It's pretty level.

18 MS. BAIR: All right. I have nothing
19 further.

20 THE ATTORNEY EXAMINER: Thank you.

21 Thank you, Mr. Gjorgiev.

22 MR. GJORGIEV: Okay.

23 THE ATTORNEY EXAMINER: Are there any
24 other matters that need to be addressed?

25 MS. BAIR: I have nothing else.

1 THE ATTORNEY EXAMINER: Okay.

2 MR. GJORGIEV: I have a digital copy of
3 the phone calls and the texts. I don't know if I'm
4 supposed to give them or not.

5 MS. BAIR: I'm going to object if you do
6 produce them.

7 THE ATTORNEY EXAMINER: What documents
8 did you say that you have?

9 MR. GJORGIEV: I'm on Verizon, and it's
10 the phone call records and the text messages.

11 MS. BAIR: I would argue you can't tell
12 what they are. You could just type it out. There's
13 no phone number. There's no name associated with it.
14 It's just a typed-up list of numbers. It lacks any
15 type of authentication.

16 MR. GJORGIEV: I have a computer with me
17 if you want to.

18 MS. BAIR: I've never seen that.

19 MR. GJORGIEV: I'm sorry?

20 MS. BAIR: I haven't seen that. I just
21 saw the sheet of numbers that you sent me.

22 MR. GJORGIEV: I can download it again,
23 and you can see it comes from the official website.
24 Also on the phone call records on the first page it
25 says my name and everything, phone number. It has

1 the dates. It has also the location where I was. I
2 know that I received a phone call.

3 THE ATTORNEY EXAMINER: May I see a copy
4 of the documents? Do you have a copy with you, a
5 printed copy that I can see?

6 MR. GJORGIEV: No. I have it on my
7 phone.

8 THE ATTORNEY EXAMINER: Jodi, do you have
9 a copy of that he's --

10 MS. BAIR: Is this what you're talking
11 about?

12 MR. GJORGIEV: Yes. That's for the text
13 messages, and I have also for the call records. I
14 always use the headphone. It's a wireless headset.

15 Can I show? Right now it's on page --
16 that's the first call that I have.

17 MS. BAIR: It's much different than what
18 I have, totally different document, totally
19 different.

20 MR. GJORGIEV: Beaver creek, Ohio. This
21 one, it says -- you can see the date. August 10 is
22 first one. On August 11, my location is in
23 Beaver creek, Ohio when I was pulled over. The time
24 is 10:37 Central, incoming call. It lasted for one
25 minute. I told a friend of mine I got pulled over.

1 Let me call you back. You can see before that I had
2 no phone calls. After that, I had one at 11:20.

3 MS. BAIR: You said phone calls, right?

4 MR. GJORGIEV: Yes.

5 MS. BAIR: We are talking about a texting
6 violation, not phone calls.

7 MR. GJORGIEV: Okay, the same one.

8 THE ATTORNEY EXAMINER: Let's go off the
9 record.

10 (Discussion off record.)

11 THE ATTORNEY EXAMINER: Back on the
12 record.

13 Mr. Gjorgiev, would you like to mark your
14 exhibit?

15 MR. GJORGIEV: Yes.

16 THE ATTORNEY EXAMINER: Great. We will
17 mark that for the record as Gjorgiev Exhibit 1.

18 (EXHIBIT MARKED FOR IDENTIFICATION.)

19 THE ATTORNEY EXAMINER: Would you like to
20 move that exhibit into the record?

21 MR. GJORGIEV: Yes, please.

22 THE ATTORNEY EXAMINER: Any objection?

23 MS. BAIR: Yes. I object because it
24 doesn't tell if it's authentic. We can't tell who
25 the carrier is. Mr. Gjorgiev may have different

1 phones. This may be from another Verizon account.
2 It just lacks any way to verify it as what he had in
3 the truck on that day.

4 THE ATTORNEY EXAMINER: Mr. Gjorgiev.

5 MR. GJORGIEV: I have only one phone, and
6 this is the only document that I had from the Verizon
7 website. And they told me if this is a matter of a
8 legal issue, someone -- some official is supposed to
9 request a copy of the same document with everything,
10 that says it came from Verizon and things like that.

11 And if you want to, I can show you even
12 when I download right now something from last month
13 or this month, it will be in the same format. It
14 will be phone number, date, and the time the text was
15 received or sent.

16 THE ATTORNEY EXAMINER: Mr. Gjorgiev, is
17 there a way on Verizon to pull up the account so
18 these text messages show your name and the phone
19 number listed with the account?

20 MR. GJORGIEV: When I called them, they
21 told me the only way to do this is to go online. I
22 followed the steps that they gave me. I logged in on
23 my account, and I downloaded the file that we have
24 here right now. After that, six or seven months have
25 passed. And I was here one time with Cheryl, I

1 think, and I gave her all the numbers. She told me
2 this is not the hearing. You don't need all the
3 paperwork. When the hearing comes, you will present
4 everything then.

5 And I called Verizon again. I requested
6 if they have something they can send me. They told
7 me you can go online and you can download those. I
8 tried to do that again, but because more than six
9 months have passed, I wasn't able to get the texts,
10 and I requested they can send me. She said only an
11 official person can make an official request so they
12 will be able to release that kind of information.

13 THE ATTORNEY EXAMINER: Thank you.

14 I think without a phone number or name
15 attached to the record, I think it's hard to show
16 what the document reflects, so at this time I am
17 going to deny the admission of Gjorgiev Exhibit 1.

18 Thank you.

19 MR. GJORGIEV: Can I say something? On
20 every text message where it says "Sent," it has my
21 phone number. On every message on the place where it
22 says "Received," it has the phone number from the
23 person that sent me the message. So every time when
24 I'm sending a message, on every single one sent, it
25 goes on the bottom one. On the 11th, there goes my

1 phone number.

2 Because I always take pictures from the
3 load before they unload me, because I do flatbed
4 loads, they require the load to be tarped, secured,
5 not damaged. Every single time when I'm doing that
6 on the delivery, I take pictures and send the
7 pictures to myself so that I can have the pictures
8 available.

9 This comes 2:15 p.m. And I was pulled
10 over at 11 -- the inspection ended 11:46. That's
11 Eastern time. This is 3:15 when I was delivering in
12 Whitestown, Indiana. That's like two and a half,
13 three hours away. So Eastern time, this would be
14 3:15, right at the time when I was doing the
15 delivery. And this one here has my phone number, the
16 last four texts.

17 I think I took more pictures, actually.
18 Yes, I got more, and all of them are in a period of
19 ten minutes. While those guys are unloading, I'm
20 also taking pictures because it happened to me
21 before. A forklift guy damaged the product and he
22 said that it was my fault.

23 But every single time from then on when
24 they're unloading me, I'm just taking pictures to
25 make sure everything is okay with the load.

1 MS. BAIR: I think it becomes more
2 confusing. Also, furthering my objection about the
3 time zones I think you referred to the time zones
4 changing, so I don't know how we would know, if it's
5 not indicating. It does not indicate from
6 Washington, and you're traveling here. There's no
7 indication if we are in Eastern time zone or what
8 time zone we're on, which I think just makes it more
9 unreliable.

10 MR. GJORGIEV: Can I say something?

11 THE ATTORNEY EXAMINER: Yes.

12 MR. GJORGIEV: Every bill from Verizon is
13 in Central time zone. I ask them. This inspection
14 says that it's done on Eastern, I believe. I can't
15 see it right now, but it was Eastern time Zone.

16 MS. BAIR: Everything on here is in the
17 Central Time Zone, but you were in the Eastern time
18 zone; is that what you're saying?

19 MR. GJORGIEV: Yes. Sometimes it happens
20 to change time zones while driving when you cross
21 borders.

22 MS. BAIR: So what would be indicated in
23 this document?

24 MR. GJORGIEV: This would be Central.

25 MS. BAIR: Everything?

1 MR. GJORGIEV: Yes.

2 MS. BAIR: Okay. It doesn't indicate
3 that.

4 MR. GJORGIEV: I know what you're going
5 to say. It's not stamped here. If you go -- if you
6 call Verizon, you think that might help?

7 THE ATTORNEY EXAMINER: No. I don't
8 think we are going to call Verizon at this time.

9 MR. GJORGIEV: But I think the
10 inspections are Eastern time zone.

11 MS. BAIR: Yes, oh, yes.

12 MR. GJORGIEV: They are?

13 MS. BAIR: Yes, they are right now.

14 MR. GJORGIEV: Every time when they do
15 the inspection, they put the local time on the
16 documents.

17 THE ATTORNEY EXAMINER: Okay. I am going
18 to stand by my ruling, and I'm going to deny the
19 motion to admit Gjorgiev Exhibit 1.

20 Thank you. This case is submitted on the
21 record and the hearing is adjourned.

22 (The hearing adjourned at 10:44 a.m.)

23 - - -

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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 Tuesday, August 14, 2018, and carefully compared with my original stenographic notes.

Rosemary Foster Anderson
Rosemary Foster Anderson,
Professional Reporter and Notary
Public in and for the State of
Ohio.

My commission expires April 5, 2019.

(rfa-87589)

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Case No(s). 18-0124-TR-CVF

Summary: Transcript In the Matter of Kostadin Gjorgiev Notice of Apparent Violation and Intent to Assess Forfeiture, hearing held on August 14, 2018. electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Anderson, Rosemary Foster Mrs.