

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -.

In the Matter of :
Charles M. Rodriguez Notice : Case No.
of Apparent Violation and : 18-1306-TR-CVF
Intent to Assess Forfeiture. :

- - -

PROCEEDINGS

Before Jim Lynn, Attorney Examiner, held at the
Public Utilities Commission of Ohio, 180 East
Broad Street, Hearing Room 11-D, Columbus, Ohio,
on Tuesday, December 4, 2018, at 10:10 A.M.

- - -

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

- - -

1 APPEARANCES:

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

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

9
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 EXHIBITS

- - -

STAFF EXHIBITS	MARKED ADT
1 Driver/Vehicle Examination Report	7
2 Notice of Preliminary Determination	7

- - -

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

Tuesday Morning,
December 4, 2018.
- - -

ATTORNEY EXAMINER: The Public
Utilities Commission of Ohio has assigned for
hearing at this time and place Case No.
18-1306-TR-CVF, In the Matter of Charles
Rodriguez 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 party, only one
party here presently. And we will start with
Mr. Jones.

MR. JONES: Thank you, Your Honor.
Your Honor, on behalf of the Staff of the Public
Utilities Commission of Ohio, Ohio Attorney
General Mike DeWine, Assistant Attorney General
John Jones, 30 East Broad Street, Columbus, Ohio
43215.

ATTORNEY EXAMINER: Thank you, Mr.
Jones. I will note for the record here that
Charles Rodriguez who had requested this hearing
is not present. I have not had any telephone
calls from him indicating he could not attend.

1 And I also checked our Commission
2 records of this case. There was a letter sent
3 out to him indicating that there will be a
4 hearing today. There is no indication that
5 letter was returned undeliverable by U. S. Mail.

6 So, at any rate he is certainly not
7 here. And we will give him maybe about five
8 more minutes and start up the hearing again.

9 And then Mr. Jones can proceed from
10 there. Thank you.

11 MR. JONES: Thank you, Your Honor.

12 (RECESS TAKEN)

13 ATTORNEY EXAMINER: We are back on
14 the record. I checked for any phone calls,
15 e-mails, any other communication form Mr.
16 Rodriguez, nothing at all. With that in mind,
17 Mr. Jones, would you like to continue?

18 MR. JONES: Yes, I would, Your
19 Honor. First of all I would like to make a
20 motion for a default judgment here based on the
21 failure to appear.

22 Mr. Rodriguez is not here for a
23 hearing he has requested dated December 4th,
24 2018. It's roughly 10:17 A.M. The hearing was
25 noticed to Mr. Rodriguez with a start time of

1 10:00 A.M. on this date, and he has not appeared
2 for this hearing.

3 And for his failure to appear I make
4 this motion for a default judgment under Ohio
5 Administrative Code Rule 4901:2-7-14 (E) which
6 states "That a Respondent who has requested an
7 administrative hearing and fails to appear for
8 the evidentiary hearing shall be in default. A
9 Respondent in default shall be deemed to have
10 admitted the occurrence of the violation and
11 waive all further right to contest liability for
12 the forfeiture proposed in the Notice of
13 Preliminary Determination or to contest the
14 making of compliance order described in the
15 Notice of Preliminary Determination."

16 So, based on that rule, Your Honor,
17 I move for default judgment.

18 I do have the inspecting officer
19 here today, Trooper Hunt. He is here and
20 prepared to go forward with the hearing, as well
21 as our other Staff witness, Rod Moser, who would
22 be testifying to the forfeiture that was
23 calculated for this violation.

24 And I don't know how you want to
25 proceed, Your Honor. Even with that motion if

1 you would like for us to call our witnesses to
2 briefly go through the evidence we can do that,
3 or if not we would at least based on our default
4 motion like to introduce and have admitted our
5 exhibits.

6 So we have two exhibits today.
7 Staff Exhibit 1 being the Driver/Vehicle
8 Examination Report, and Exhibit 2 being the
9 Notice of Preliminary Determination requesting
10 forfeiture of \$100.

11 ATTORNEY EXAMINER: Thank you, Mr.
12 Jones. We will admit those exhibits into
13 evidence.

14 And it will not be necessary to
15 proceed with your witnesses. We will take
16 the motion for a default into consideration.

17 And given the absence of Mr.
18 Rodriguez I am sure that request will be
19 granted.

20 Thank you all so much for all being
21 in attendance. And I appreciate it. And with
22 that we can let everyone go on with their day.
23 The proceedings are closed. Thank you.

24 MR. JONES: Thank you, Your Honor.

25 - - -

(At 10:20 A.M. the hearing was
concluded)

- - -

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 4, 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

12/14/2018 9:36:36 AM

in

Case No(s). 18-1306-TR-CVF

Summary: Transcript In the Matter of Charles M. Rodriguez Notice of Apparent Violation and Intent to Assess Forfeiture, hearing held on December 4th, 2018. electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Spencer, Michael O. Mr.