

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of Michael Tobash : Case No.
Notice of Apparent Violation and: 18-1050-TR-CVF
Intent to Assess Forfeiture :

- - -

PROCEEDINGS

Before Anna Sanyal, Attorney Examiner, at the
offices of the Public Utilities Commission of
Ohio, 180 East Broad Street, Hearing Room 11-D,
Columbus, Ohio, on Friday, February 1, 2019, at
10:00 A.M.

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

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1 APPEARANCES:

2 Mr. Thomas G. Lindgren
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.

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INDEX TO EXHIBITS

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STATE'S EXHIBITS

MARKED ADT

1 Driver/Vehicle Examination
Report

5 7

2 Driver/Vehicle Examination
Report

6 7

3 Driver/Vehicle Examination
Report

6 7

4 Notice of Preliminary
Determination

6 7

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1 Friday Morning,
2 February 1, 2019.

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4 ATTORNEY EXAMINER: The Public
5 Utilities Commission of Ohio has called for
6 hearing Case No. 18-1050-TR-CVF which is
7 captioned as In the Matter of Michael Tobash
8 Notice of Apparent Violation and Intent to
9 Assess Forfeiture.

10 Prior to beginning this hearing I
11 would like to note for the record that Mr.
12 Tobash is not here presently. So, before we
13 proceed I would like to give him another 10
14 minutes in case he shows up. The weather is
15 rather bad.

16 So, it's about 10:01, so we will go
17 off the record and come back on around 10:11
18 A.M.

19 And we will go off the record now.

20 (RECESS TAKEN)

21 ATTORNEY EXAMINER: Let's go back
22 on the record. We have waited about 10 minutes
23 for Mr. Tobash. He is not here.

24 So at this time I will take
25 appearances from the Attorney General and then

1 proceed.

2 MR. LINDGREN: Your Honor, on behalf
3 of the Commission Staff, Ohio Attorney General
4 Dave Yost by Thomas G. Lindgren, Assistant
5 Attorney General. My address is 30 East Broad
6 Street, 16th Floor, Columbus, Ohio 43215.

7 ATTORNEY EXAMINER: Thank you, Mr.
8 Lindgren, I assume you have a motion.

9 MR. LINDGREN: Yes, Your Honor.
10 Seeing that the Respondent has not appeared at
11 this hearing I would move for a default judgment
12 under the Commission's rules.

13 And further, Your Honor, I would
14 like to introduce some exhibits into the record.

15 ATTORNEY EXAMINER: We will take
16 that motion under advisement, and the Commission
17 will rule on it.

18 And let's go ahead with
19 the exhibits.

20 MR. LINDGREN: Thank you, Your
21 Honor. First, I would like to introduce Staff
22 Exhibit 1, which is a Driver/Vehicle Examination
23 Report conducted in the State of Ohio on March
24 15th of 2018, on a vehicle operated by
25 Respondent.

1 My second exhibit, Staff Exhibit 2,
2 is a Driver/Vehicle Examination Report prepared
3 by the Missouri State Highway Patrol on March
4 10th of 2018, also on a vehicle driven by the
5 Respondent.

6 Staff Exhibit 3 is another
7 Driver/Vehicle Examination Report. This one was
8 prepared by the Maryland State Police Motor
9 Carrier Safety Program. It's dated March 12th
10 of 2018, and was also concerning a vehicle
11 operated by or driven by the Respondent in this
12 case.

13 Staff Exhibit 4 is a Notice of
14 Preliminary Determination issued on June 8th of
15 2018 to the Respondent, Mr. Michael B. Tobash,
16 and it recommends a forfeiture be assessed in
17 the amount of \$2,500.

18 Those are the four exhibits I would
19 like to move into the record, please.

20 ATTORNEY EXAMINER: Sure. Do you
21 have copies?

22 MR. LINDGREN: Yes, Your Honor.
23 I will bring them here.

24 ATTORNEY EXAMINER: Those exhibits
25 are so marked.

1 (EXHIBITS HEREBY MARKED FOR
2 IDENTIFICATION PURPOSES)

3 ATTORNEY EXAMINER: And the exhibits
4 have been marked, and since there will be no
5 objections from Mr. Tobash they are admitted.

6 (EXHIBITS HEREBY ADMITTED INTO
7 EVIDENCE)

8 ATTORNEY EXAMINER: Are there any
9 other matters you would like to discuss?

10 MR. LINDGREN: Nothing further, Your
11 Honor.

12 ATTORNEY EXAMINER: Okay. Hearing
13 no other matters that are to be discussed, we
14 are off the record, and this case is submitted
15 for the record. Thank you.

16 MR. LINDGREN: Thank you.

17 (At 10:15 A.M. the hearing was
18 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
February 1, 2019, and carefully compared with my
original stenographic notes.

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

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in

Case No(s). 18-1050-TR-CVF

Summary: Transcript In the Matter of Michael Tobash Notice of Apparent Violation and Intent to Assess Forfeiture, hearing held on February 1st, 2019. electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Spencer, Michael O. Mr.