

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of David Elmidort :
Notice of Apparent Violation :Case No.
and Intent to Assess Civil :19-461-TR-CVF
Forfeiture. :

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PROCEEDINGS

Before Ms. Lauren Augostini, Attorney Examiner,
held at the Public Utilities Commission of Ohio,
180 East Broad Street, Hearing Room 11-D,
Columbus, Ohio, on Tuesday, June 18, 2019, at
11:00 A.M.

- - -

Armstrong & Okey, Inc.
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- - -

1 APPEARANCES:

2 Mr. Thomas G. Lindgren
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.

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Tuesday Morning,
June 18, 2019.
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ATTORNEY EXAMINER: The Public
Utilities Commission of Ohio has assigned for
hearing at this time and place Case No.
19-461-TR-CVF being In Matter of David Elmidort
Notice of Apparent Violation and Intent to
Assess Forfeiture.

My name is Lauren Augostini and I am
the Attorney Examiner assigned by the Commission
to hear this case.

At this time let's take appearances
of the parties beginning with Staff.

MR. LINDGREN: Thank you, Your
Honor. On behalf of the Commission's Staff,
Ohio Attorney General Dave Yost by Thomas G.
Lindgren, Assistant Attorney General. The
address is 30 East Broad Street, 16th Floor,
Columbus, Ohio 43215.

ATTORNEY EXAMINER: Thank you. And
I would like to note that right now it's 11:01
A.M. and Mr. Elmidort is not present at this
time.

Mr. Lindgren, did Mr. Elmidort

1 indicate that he would not be present?

2 MR. LINDGREN: I spoke to him
3 approximately two weeks ago and he told me he
4 was going to be present this morning.

5 ATTORNEY EXAMINER: Okay. So,
6 let's go off the record.

7 (DISCUSSION OFF THE RECORD)

8 ATTORNEY EXAMINER: The time is now
9 11:15 and Mr. Elmidort is not present at this
10 time. Staff, would you like to proceed?

11 MR. LINDGREN: Yes. Thank you, Your
12 Honor. Well, initially I would move for a
13 default judgment. Under the Commission's rules
14 that if the Respondent does not appear for a
15 hearing that it acts as a default judgment.

16 If the Commission decides not to
17 grant that I would like to move for admission of
18 three exhibits. May I proceed with those?

19 ATTORNEY EXAMINER: Yes, please.

20 MR. LINDGREN: Thank you. First I
21 would move for the admission of a document I
22 would ask to be marked as Staff Exhibit 1. That
23 is the Driver/Vehicle Examination Report

24 ATTORNEY EXAMINER: So marked.

25 (EXHIBIT MARKED FOR PURPOSE OF

1 IDENTIFICATION)

2 MR. LINDGREN: Thank you. Then
3 Staff Exhibit 2 A, which is a screen shot of
4 the driver's license information.

5 ATTORNEY EXAMINER: So marked.

6 (EXHIBIT MARKED FOR THE PURPOSE OF
7 IDENTIFICATION)

8 MR. LINDGREN: Thank you. Staff
9 Exhibit 2 B which is a photograph of the
10 Respondent's Medical Examiner's Certificate.

11 ATTORNEY EXAMINER: So marked.

12 (EXHIBIT MARKED FOR THE PURPOSE OF
13 IDENTIFICATION)

14 MR. LINDGREN: Thank you. And
15 finally I would move for the admission of Staff
16 Exhibit 3, which is the Notice of Preliminary
17 Determination in this case.

18 ATTORNEY EXAMINER: So marked.

19 (EXHIBIT MARKED FOR THE PURPOSE OF
20 IDENTIFICATION)

21 MR. LINDGREN: Thank you. I will
22 provide those copies now.

23 ATTORNEY EXAMINER: Thank you.

24 MR. LINDGREN: Once again, Your
25 Honor, I would move admission of those three

1 exhibits.

2 ATTORNEY EXAMINER: Okay. Staff
3 Exhibit 1, Staff Exhibit 2-A, 2-B and Exhibit 3
4 will be so admitted into evidence.

5 (EXHIBITS ADMITTED INTO EVIDENCE)

6 MR. LINDGREN: Thank you. I have
7 nothing further, Your Honor.

8 ATTORNEY EXAMINER: Okay. The
9 Commission will consider your motion. Are there
10 any other matters that we need to discuss?

11 MR. LINDGREN: Nothing, Your Honor.

12 ATTORNEY EXAMINER: Hearing none,
13 this case is submitted on the record, and this
14 hearing is adjourned. Thank you.

15 MR. LINDGREN: Thank you.

16 (At 11:20 A.M. the hearing was
17 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 June
18, 2019, 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 David Elmidort Notice of Apparent Violation and Intent to Assess Civil Forfeiture, hearing held on June 18th, 2019. electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Spencer, Michael O. Mr.