

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of Northampton :
Transportation LLC, :
Notice of Apparent Violation : Case No. 19-150-TR-CVF
and Intent to Assess :
Forfeiture. :

- - -

PROCEEDINGS

before Mr James M. Lynn, Attorney Examiner, at the
Public Utilities Commission of Ohio, 180 East Broad
Street, Room 11-A, Columbus, Ohio, called at
10:01 a.m. on Tuesday, September 17, 2019.

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- - -

1 APPEARANCES:

2 Dave Yost, Ohio Attorney General
3 Public Utilities Section
4 John H. Jones, Section Chief,
5 By Mr. Steven Beeler,
6 Assistant Attorney General
7 Public Utilities Section
8 30 East Broad Street, 16th floor
9 Columbus, Ohio 43215

10 On behalf of the Staff of the Public
11 Utilities Commission of Ohio.

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IDENTIFIED ADMITTED

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9 - Notice of Preliminary
Determination

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Tuesday Morning Session,
September 17, 2019.

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EXAMINER LYNN: At this time, the Public
Utilities Commission of Ohio has assigned for hearing
at this time and place, Case No. 19-150-TR-CVF, In
the Matter of Northampton Transportation, Notice of
Apparent Violation and Intent to Assess for
Forfeiture.

I'm Jim Lynn. I'm the Attorney Examiner
assigned to hear this case. I'll note that, at this
time, we do not have anyone in the room representing
Northampton Transportation. We will go on the
record, though, with a party representing the
Commission and then I'll have a few comments to make
after that.

Mr. Beeler.

MR. BEELER: Thank you, Your Honor. On
behalf of the Staff of the Public Utilities
Commission of Ohio, Ohio Attorney General Dave Yost,
I'm Steve Beeler, Assistant Attorney General. I'm at
30 East Broad Street, 16th floor, Columbus, Ohio
43215.

EXAMINER LYNN: Thank you, Mr. Beeler. I
will note that the person who has contacted us on

1 behalf of Northampton Transportation is Hassan
2 Ismael. I don't know it's if an owner-operator
3 situation or not but, at any rate, he contacted us on
4 behalf of the company, and he had asked, in July, for
5 a continuance of the hearing that was scheduled in
6 August and we granted that.

7 I also would note that there was no
8 indication that the letter indicating the
9 rescheduling of the hearing and rescheduling it
10 today, there's no indication that that letter was not
11 received by Mr. Ismael. And actually, indeed, I just
12 received word this morning, not from Mr. Ismael, but
13 apparently one of our inspectors out in the field,
14 that Mr. Ismael had contacted that inspector and
15 asked for another continuance.

16 MR. BEELEER: I believe, Your Honor, it
17 wasn't an inspector in the field. It was a
18 compliance officer in the building.

19 EXAMINER LYNN: Oh, oh, here at the
20 Commission.

21 MR. BEELEER: Correct.

22 EXAMINER LYNN: At any rate, I heard
23 nothing from Mr. Ismael myself that he could not make
24 it today, and I'll note that when it was time to --
25 when he had a conflict with the prior date for the

1 hearing, which was August, I did hear from him
2 myself. So there are certainly some questions today
3 that remain to be answered as far as why he wants
4 another continuance or, for that matter, why I didn't
5 hear from him before today and, actually, I didn't
6 hear from him directly today.

7 Mr. Beeler, having said those comments on
8 my behalf, would you like to continue further? What
9 else do you have to say?

10 MR. BEELER: At this time, Your Honor, I
11 would note that the Staff would object to a second
12 continuance in this case. The reasons being the
13 Respondent has already requested one continuance of
14 this hearing. Second, the Staff is here today with
15 its witnesses, ready. You know, a considerable
16 amount of resources were put into bringing everybody
17 in here today. And third, just a call this
18 morning, you know, a half-hour before the hearing, is
19 not significant notice to get something like this
20 moved especially for a second time.

21 EXAMINER LYNN: Mr. Beeler, do you have
22 any knowledge, of course the call didn't come in to
23 you, about why he asked for a continuance today?

24 MR. BEELER: No. I haven't been in my
25 office for 45 minutes or so, but I didn't hear

1 anything this morning.

2 EXAMINER LYNN: And, again, I'll add I
3 heard nothing from Mr. Ismael myself today at all or
4 even any days leading up to today.

5 Were there any other comments you wanted
6 to make, Mr. Beeler?

7 MR. BEELER: Beyond that, I was going to
8 move for a default judgment if you want me to do that
9 now.

10 EXAMINER LYNN: You go ahead with that
11 and then we'll take that matter into consideration,
12 again with all of the other details of this case, but
13 you can move for that certainly, yes.

14 MR. BEELER: The Staff, at this time,
15 would move for a default judgment in this case and
16 that's pursuant to 4901:2-7-14(E), which states "A
17 respondent who has requested an administrative
18 hearing and fails to appear for the evidentiary
19 hearing shall be in default. A respondent in default
20 shall be deemed to have admitted the occurrence of
21 the violation and waived all further rights to
22 contest liability for the forfeiture proposed in the
23 notice of preliminary determination or to contest the
24 making of the compliance order described in the
25 notice of preliminary determination." And

1 accompanying this motion for default, Staff would
2 like to move into evidence nine exhibits.

3 EXAMINER LYNN: All right.

4 MR. BEELEER: Staff Exhibit 1 is the
5 Driver/Vehicle Examination Report with an inspection
6 date of August 30, 2018.

7 Staff Exhibits 2 through 8, are
8 photographs that accompany Staff Exhibit 1, the
9 Driver/Vehicle Examination Report. They were photos
10 taken on the day of the inspection by Inspector Lent
11 who conducted the inspection.

12 And then finally, Staff Exhibit 9, which
13 is the Notice of Preliminary Determination. This is
14 the letter that was mailed to the carrier and to
15 Mr. Ismael Hassan, and this is dated December 19,
16 2018.

17 Staff would move to have admitted into
18 the record, Staff Exhibits 1 through 9.

19 EXAMINER LYNN: Well, given that
20 Mr. Ismael isn't here to object, we'll admit those
21 into evidence. As I said, we'll take that into
22 account with everything else we've learned today.
23 Thank you.

24 MR. BEELEER: Thank you, Your Honor.

25 EXAMINER LYNN: Please present those to

1 our court reporter and to myself, as well, if you
2 have copies.

3 MR. BEELER: Yup.

4 EXAMINER LYNN: Thank you, Mr. Beeler.
5 As I indicated, we'll admit those into evidence,
6 given there's no one here to object to that.

7 (EXHIBITS ADMITTED INTO EVIDENCE.)

8 EXAMINER LYNN: Also I'll make a
9 correction here. I've been describing the
10 representative for Northampton as Hassan Ismael.
11 Apparently I had the names reversed. On the
12 inspection report it's Ismael Hassan, so I want to
13 make that straight.

14 With that being said, we will draw
15 today's proceedings to a hold -- to a close, and
16 we'll take into account all we've learned today about
17 the late request for another continuance and the
18 evidence that's already been presented.

19 Thank you, everybody, and have a good
20 morning.

21 MR. BEELER: Thank you, Your Honor.

22 (Thereupon, the proceedings concluded at
23 10:10 a.m.)

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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, September 17, 2019, and carefully compared with my original stenographic notes.

Carolyn M. Burke
Carolyn M. Burke, Registered
Professional Reporter, and
Notary Public in and for the
State of Ohio.

My commission expires July 17, 2023.

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in

Case No(s). 19-0150-TR-CVF

Summary: Transcript In the Matter of Northampton Transportation LLC, Notice of Apparent Violation and Intent to Assess Forfeiture, hearing held on September 17th, 2019. electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Burke, Carolyn