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APPEARANCES

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On behalf of the Staff of the Public
Utilities Commission of Ohio

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Friday, February 7, 2020

10:00 a.m.

- - -

MR. SANDOR: The Public Utilities Commissions of Ohio has assigned for hearing at this time and place Case Number 19-2078-TR-CVF being in the matter of Daniel J. Linn, Notice of Apparent Violation and Intent to Assess Forfeiture.

My name is Matt Sandor and I'm the attorney examiner assigned by the Commission to hear this case.

At this time I would like to take appearances of the parties beginning with Ms. Bair.

MS. BAIR: Thank you, Your Honor. On behalf of the Staff of the Public Utilities Commission, Jody Bair, Assistant Attorney General, 30 East Broad Street, Columbus, Ohio 43215.

MR. SANDOR: Then on Mr. Linn, could you please state your full name and also your address?

MR. LINN: Yes, sir. Daniel J. Linn, 2848 Lemert Road, Bucyrus, Ohio.

MR. SANDOR: Ms. Bair, if you would like to proceed.

MS. BAIR: Thank you, Your Honor.

1 Staff would like to call Inspector Huff to the
2 stand, please

3 - - -

4 THOMAS HUFF,
5 being first duly sworn, as provided by law, was
6 examined and testified as follows:

7 MR. SANDOR: Have a seat.

8 DIRECT EXAMINATION

9 BY MS. BAIR:

10 Q. Good morning.

11 A. Good morning.

12 Q. Could you please state your name and
13 spell it for the record?

14 A. Thomas Edward Huff, T-h-o-m-a-s,
15 Edward, E-d-w-a-r-d, Huff, H-u-f-f.

16 Q. Where are you employed?

17 A. I'm employed with the Public Utilities
18 Commission of Ohio.

19 Q. What is your position with the
20 Commission?

21 A. I'm a safety investigator.

22 Q. How long have you been with the
23 Commission in that position?

24 A. I started with the Commission as of
25 September 15th of 2019.

1 Q. And before that what was your
2 occupation?

3 A. I was an Ohio State Highway Patrol
4 Motor Carrier Enforcement Inspector.

5 Q. For how long?

6 A. I had been an inspector for six years.
7 I worked for the Patrol a little over 11.

8 Q. You were six years with the Patrol and
9 you have been here five years with the Commission?

10 A. I have been here five months.

11 Q. Five months.

12 A. I was an inspector for six years,
13 actually worked in the Patrol for 11 total.

14 Q. Thank you. What are your current
15 duties?

16 A. At this point in time I am a safety
17 investigator. I'm assigned to compliance reviews
18 and investigations of trucking companies based upon
19 violations found.

20 Q. And what type of training do you have
21 in this area?

22 A. I had several years of training through
23 the State Patrol. We received the North American
24 Standards part A and part B training through them
25 for commercial motor vehicles, as well as North

1 American Standards for commercial motor coach, as
2 well as hazardous materials.

3 MS. BAIR: Your Honor, may I approach
4 the witness?

5 MR. SANDOR: You may.

6 MS. BAIR: Thank you.

7 - - -

8 (Staff Exhibit 1, was marked for
9 purposes of identification.)

10 - - -

11 MS. BAIR: Just for expediency sake,
12 I'm going to put the exhibits up here and I will
13 introduce them at a different time.

14 Your Honor, I would like to have the
15 inspection report marked as Staff Exhibit 1.

16 MR. SANDOR: So marked.

17 BY MS. BAIR:

18 Q. Do you recognize Staff Exhibit 1,
19 Inspector Huff?

20 A. Yes, ma'am, I do.

21 Q. Could you tell us what that is?

22 A. That is my inspector's report from the
23 crash that was investigated on September 3rd, 2019.

24 Q. And is this document kept in the
25 regular course of your work with the Commission?

1 A. Yes, ma'am.

2 Q. And it is a practice of the Commission
3 to make these reports?

4 A. Yes, ma'am.

5 Q. Is this document in the same condition
6 or substantially the same condition as you recall
7 it was on the day of the inspection?

8 A. Yes, it is.

9 Q. And do you remember this inspection?

10 A. Yes, ma'am, I do.

11 Q. Was the driver listed in that report?

12 A. Yes, it is, Daniel J. Linn.

13 Q. And does the driver get a copy of that
14 report at the stop?

15 A. Yes, ma'am, he did.

16 Q. And for clarification, there are
17 numerous violations listed on that, but what are
18 the ones that we are talking about here today? Can
19 you describe that according to Staff Exhibit 1?

20 A. Yes. So reference the multitude of
21 violations. The two that are in question are on
22 the tractor itself, that were violations discovered
23 outside the scope of the crash. So they actually
24 were violations that were not caused by the crash
25 itself.

1 Q. So the two violations that we are
2 talking about are the top two 39311?

3 A. Yes, ma'am.

4 Q. Thank you. Could you please tell us
5 how you discovered the violation of 39311 LR?

6 A. During the course of the inspection of
7 the crash scene, I do a walk around inspection for
8 the level 2, checking everything on the exterior of
9 the vehicle from the standpoint of what is required
10 to be on that vehicle while that vehicle is in
11 operation on the roadway.

12 39311 R was found to show that there were no
13 lower rear retro-reflective sheeting or reflection,
14 reflective material as required for the vehicle
15 manufactured after December of 1993.

16 At the time I noted that there was no lower
17 reflective on the rear of the tractor at the time
18 of my inspection.

19 Q. And could you please -- did you
20 describe the second violation?

21 A. I will. The 39311 UR is an upper rear
22 reflective, retro-reflective sheeting or reflection
23 reflective material requirement on the vehicle also
24 manufactured after December of 1993. Again, it was
25 noted and documented that there was no upper

1 reflective sheeting on the rear of this tractor at
2 the time of this inspection.

3 MS. BAIR: Your Honor, I would like to
4 have marked as Staff Exhibits 2 and 3 photographs
5 that the inspector took on that day.

6 MR. SANDOR: So marked.

7 - - -

8 (Staff Exhibits 2 & 3, were marked
9 purposes of identification.)

10 - - -

11 BY MS. BAIR:

12 Q. And looking at what is marked as Staff
13 Exhibit 2.

14 A. This?

15 Q. Yes, that one. Did you take this
16 photograph?

17 A. Yes, ma'am, I did.

18 Q. And when did you take this photograph?

19 A. I took this photograph in the course of
20 the inspection.

21 Q. On -- what was the day?

22 A. On the day of September 3rd.

23 Q. Okay. Thank you. And could you please
24 describe what -- how this photograph shows a
25 violation of 39311?

1 A. When you are looking at the rear of
2 this tractor, there should be on the left right of
3 the rear most of that vehicle an upper L diamond of
4 a rear reflective material displayed on the rear of
5 this tractor, which there is not.

6 Q. So this picture does not show any
7 reflective material?

8 A. No, ma'am.

9 Q. 39311 requires that that be on the
10 truck?

11 A. Yes, ma'am, it does.

12 Q. So this picture indicates that that's a
13 violation?

14 A. Yes, ma'am, it does.

15 Q. Thank you. And could you please direct
16 your attention to Staff Exhibit 3 and, first of
17 all, what is that photograph?

18 A. This is a picture of the rear most of
19 the tractor, the lower rear.

20 Q. And what day did you take that
21 photograph?

22 A. Again, this photo was taken on 9/3 of
23 '19, the day of the inspection and crash.

24 Q. Could you please describe to us what
25 this shows a violation of 39311?

1 A. On the rear most, lower rear most of
2 the vehicle it is required to have retro-reflective
3 sheeting on the outer most portion of the rear --
4 of the lower rear of that tractor, at which point
5 in time there is none either on the bracket for the
6 lights or on the mud flap assembly out to the rear
7 most point of that vehicle.

8 Q. Thank you.

9 MS. BAIR: I have no more questions and
10 I would move Staff 1, 2, and 3 into evidence
11 subject to cross-examination.

12 MR. SANDOR: Do you have any specific
13 questions to what he just testified to?

14 MR. LINN: Yes, I do, Your Honor, and I
15 would like to have permission then to approach the
16 witness and ask some questions on these pictures I
17 have.

18 MR. SANDOR: Let's wait for any
19 exhibits you would like to submit until you are on.

20 MR. LINN: Yes, Your Honor. I would
21 just like a yes or no recognize certain things
22 while he is under oath.

23 MR. SANDOR: What -- so what
24 specific -- can I see what you are talking about?

25 MR. LINN: Can I -- should I bring it

1 up?

2 MR. SANDOR: M'hum.

3 MR. LINN: I want to know if he
4 recognizes this, the trailer and also the distance
5 it went, the strip also on the side of the trailer.

6 MR. SANDOR: Okay.

7 MR. LINN: I want to know if he
8 recognizes this, this was sent to me first. This
9 was wrong. It had to be changed and then this was
10 recently. I did not receive that.

11 MR. SANDOR: Okay. Let's --

12 MR. LINN: That's things I want to ask
13 him pertaining to that.

14 MR. SANDOR: Okay. So let's ask him
15 some questions and if those come up then let's, at
16 that point, let's cross that bridge whether you
17 want to bring them and have him look at it.

18 MR. LINN: Yes, Your Honor.

19 CROSS-EXAMINATION

20 BY MR. LINN:

21 Q. Inspector Huff, good morning.

22 A. Good morning, sir.

23 Q. You have quite a bit of experience I
24 understand and I was wondering in any of those
25 experiences as far as inspections, do you ever give

1 warnings or is it all citations?

2 A. Warnings in regards to violations
3 discovered?

4 Q. Violations, yeah.

5 A. During the inspection it was identified
6 that I was required to identify anything that was
7 not fulfilled under the subject of the 393
8 referenced vehicle maintenance and equipment.

9 Q. I see. So it is always any minor or
10 anything, it doesn't matter, you have never given
11 any warnings in all your years as an inspector?

12 A. As a motor carrier inspector, we are
13 not like a trooper from the standpoint that I sign
14 a warning in reference to speed or a seat belt or
15 something like that.

16 Q. Light bulb is out, then it is
17 automatic, you never give warnings or anything for
18 light bulb out?

19 A. The circumstances may vary depending
20 upon what I find in the course of the inspection.

21 Q. So you have given warnings out?

22 A. I can't say I would call it a warning,
23 sir. I may advise --

24 Q. You may advise it to be fixed?

25 A. -- that on the vehicle looks like this

1 may be going out, but at the time it may be a light
2 that is flickering. I may not write a violation
3 based upon the fact that it may not stay out
4 completely if that makes sense.

5 Q. Do you recall the day of the accident
6 September 3rd, what all was going on? As far as
7 there was a lot of confusion of things happening, a
8 police chase, chasing a car, there was a lot of
9 things happening, do you remember that?

10 A. Obviously for this there was a crash
11 involved for the inspection, sir.

12 Q. Yeah. Do you recall when you asked me
13 and I produced my ELD and everything you asked for,
14 do you recall that?

15 A. Yes, sir.

16 Q. Do you recall then after the accident
17 when the wrecker was getting ready, I asked to take
18 some pictures and we did a walk around, you and me,
19 and do you recall telling me about the reflective
20 strip that I need to get it fixed, but you never
21 said it was a citation? Do you recall that?

22 A. I might have advised you that yes,
23 there were violations referenced in the upper --

24 MS. BAIR: Excuse me, please, please
25 allow the witness to answer the question without

1 interrupting.

2 THE WITNESS: I'm sorry.

3 MR. SANDOR: Let him finish his answer
4 and then you can do a follow up.

5 MR. LINN: I apologize. I'm not real
6 professional.

7 MS. BAIR: I just want him to be able
8 to answer fully.

9 THE WITNESS: Yes, I did advise you
10 that there were violations of the upper and lower
11 rear reflective sheeting on the rear of the
12 tractor.

13 BY MR. LINN:

14 Q. And that I needed to get it repaired?

15 A. Yes, sir.

16 Q. And that was all that was said?

17 A. Yes, sir.

18 Q. Do you recall that you did not give me
19 any written report at that time?

20 A. I do believe -- I do believe that there
21 had been a copy of the inspection given to you that
22 day.

23 Q. No, sir, absolutely not. And I would
24 like to ask you if you recognize this original
25 inspection. I got this in the mail and I can get

1 the envelope out if I need the post mark on it.
 2 The original inspection, the bottom line was marked
 3 wrong, the last violation, and I called and they
 4 did resend another one, but I never received this
 5 at the time of inspection. I received it in the
 6 mail the following Saturday after the wreck. You
 7 just expressed to me that I needed to get it fixed.
 8 And never --

9 MR. SANDOR: Let's get him a copy then
 10 of what you are talking about.

11 MR. LINN: The madam has it.

12 BY MR. LINN:

13 Q. Here is the envelopes that are post
 14 marked that were mailed to me of inspections. I
 15 never received anything at the scene. All I
 16 received at the scene was this small piece of paper
 17 from the trooper.

18 A. That would have been referenced of the
 19 crash report.

20 Q. Yeah. This is only -- I would like to
 21 put that in evidence.

22 That was the only piece of paper I
 23 received at the scene.

24 MS. BAIR: Your Honor, I would like to
 25 object at this point. I think that it is fine for

1 Mr. Linn to cross-examine, but it seems like he is
2 testifying right now and I think he will have his
3 opportunity to testify when he takes the stand.

4 MR. LINN: Your Honor, I was just
5 asking questions about these documents, if he
6 recognized them and clarifying that I did not
7 receive them at the scene, that I received nothing
8 except this piece of paper.

9 MR. SANDOR: So, as I say, you will
10 have the opportunity when you are up here to kind
11 of tell your side of the story with regard to what
12 happened, what your thoughts are in this, but this
13 is contained to what -- just the questions that
14 were asked previously by Miss Bair to Inspector
15 Huff.

16 MR. LINN: Okay. There will be another
17 time when I can bring those up?

18 MR. SANDOR: You can bring those up
19 when you testify.

20 MR. LINN: Okay. Very well. I guess
21 I'll bring other issues up at that point then too
22 if that's what you prefer, okay.

23 MR. SANDOR: You have follow up?

24 MS. BAIR: I do have a question on
25 Redirect.

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REDIRECT EXAMINATION

BY MS. BAIR:

Q. I believe it was your testimony earlier that Mr. Linn did receive a copy of the report on the day of the inspection?

A. I do believe that he did, yes, ma'am.

Q. Is it the practice of the Commission, the transportation inspectors, to provide that report to the truck driver?

A. Yes. If there is extenuating circumstances, reference the other vehicle that was involved that driver was transported to the hospital. He was not given that inspection report immediately at the time of that crash. That was mailed to his company referencing the fact that he wasn't available for that inspection report.

Most times as long as we are able to complete that copy at the time, then, we are, you know, we would give that report to that driver at that time.

MS. BAIR: May I have just a moment, Your Honor?

Thank you, Your Honor. I have nothing further.

MR. SANDOR: I just have one or two questions about the violation.

1 Is it the carrier's responsibility to
2 make sure that these -- this reflective sheeting
3 are properly in place when the commercial motor
4 vehicle is on the road?

5 THE WITNESS: Yes, sir, that is
6 correct.

7 MR. SANDOR: And then was -- would say
8 a driver driving his truck are they -- in order,
9 let's say to obtain their commercial driver's
10 license or some other educational course that they
11 are required to take, are they educated about these
12 regulations and requirements from your
13 understanding?

14 THE WITNESS: They are educated and
15 also required to be doing pre and post trip
16 inspections on those vehicles to make sure that
17 everything on that vehicle is correct and working.

18 MR. SANDOR: Okay. Thank you. That's
19 all.

20 MS. BAIR: Your Honor, Staff calls Rod
21 Moser as its next witness, please.

22 - - -

23 ROD MOSER,
24 being first duly sworn, as provided by law, was
25 examined and testified as follows:

1 MR. SANDOR: Thank you. Have a seat.

2 DIRECT EXAMINATION

3 BY MS. BAIR:

4 Q. Please state your name and spell it for
5 the record?

6 A. My name is Rod Moser. Last name is
7 M-o-s-e-r.

8 Q. Where are you employed?

9 A. I'm the Chief of Compliance for the
10 Transportation Department with the Public Utilities
11 Commission of Ohio.

12 Q. And what are your duties in that
13 position?

14 A. Generally I would just say that I
15 administer the civil forfeiture process for the
16 transportation department.

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

19 A. About three years.

20 Q. And what was your occupation before
21 that?

22 A. I was with the Ohio Patrol for
23 approximately 30 years.

24 Q. And do you have any training to -- that
25 goes with your area of expertise?

1 A. I do. I'm certified in parts A and B
2 of North American Standards, cargo tank, general
3 hazmat, bulk and non-bulk and cargo inspection.

4 Q. And so on your job currently, you
5 assess the amount of the forfeiture; am I correct?

6 A. It's largely an automated process, but
7 it is my section that does that.

8 Q. So the Commission applies this process
9 uniformly to everyone?

10 A. Yes.

11 MS. BAIR: Your Honor, may I approach
12 the witness and I would also like to have marked
13 Staff Exhibit 4, notice of preliminary
14 determination.

15 MR. SANDOR: You may and so marked.

16 - - -

17 (Staff Exhibit 4, was marked for
18 purposes of identification.)

19 - - -

20 BY MS. BAIR:

21 Q. Mr. Moser, do you recognize this
22 document?

23 A. I do.

24 Q. Could you please tell us what this is?

25 A. It is a copy of the notice of

1 preliminary determination that was sent to the
2 Respondent, Mr. Linn. This notice is sent after an
3 unsuccessful telephone conference where the -- our
4 staff and the Respondent could not resolve the
5 issues at hand.

6 Q. And this is kept in the regular course
7 of business at the Commission; am I correct?

8 A. It is, yes.

9 Q. And could you explain what the civil
10 forfeiture is and how civil forfeitures are
11 derived?

12 A. Okay. Generally the Commission has
13 five groups of violations for nonhazmat
14 inspections. They are group zero, one, two, three,
15 four. The violations are divided into groups upon
16 their likelihood to cause a crash. That is based
17 upon a model developed by the Commercial Vehicle
18 Safety Alliance and adopted unofficially by the
19 PUCO.

20 In this particular case, all the violations
21 that were noted on the report are listed here.
22 They were varied from group zero to group 2,
23 actually it was group 3.

24 The group zeros never have a fine. The
25 groups 1, 2 and 3 have fines only if they are out

1 of service violations and if they are not crash
2 related.

3 So on this report anything that says Group
4 zero has zero violations. The groups 1, 2 and 3
5 that are noted were listed as being as a result of
6 the crash. So they were assessed as zero.

7 Q. So as it pertains to the 39311
8 violations, was there any civil -- was there a
9 forfeiture assessed?

10 A. No. In all cases for that particular
11 violation the fine is always zero.

12 Q. And the fine schedule that is adopted
13 by the Commission is also adopted by the Commercial
14 Motor Vehicle Alliance; am I correct?

15 A. It was originally developed based on a
16 model from the CMVA. And it is largely modeled and
17 we try to maintain according to the US DOT
18 guidance.

19 Q. And that's what you used here at the
20 Commission?

21 A. Yes.

22 MS. BAIR: I have no further questions.

23 MR. SANDOR: Do you have any questions
24 for Mr. Moser?

25 MR. LINN: No, Your Honor, I do not.

1 MR. SANDOR: All right. You may be
2 excused and then --

3 MS. BAIR: I would like to move -- have
4 I moved Staff Exhibits 1, 2, 3, 4?

5 MR. SANDOR: Not yet, but I'll take
6 them now.

7 Do you have any objections to those
8 specific documents being admitted?

9 MR. LINN: No, Your Honor.

10 MR. SANDOR: Okay. They are admitted.

11 MS. BAIR: Thank you.

12 MR. SANDOR: Is that it?

13 MS. BAIR: That's all that we have,
14 yes.

15 MR. SANDOR: At this point if you would
16 like to come up to the stand and also bring
17 whatever documents.

18 MR. LINN: Yes, Your Honor. I have
19 some things I would like to put into evidence.

20 MR. SANDOR: Go ahead bring them up
21 with you. Do you have copies?

22 MR. LINN: Yes, except for the
23 envelopes.

24 MR. SANDOR: The envelopes.

25 MR. LINN: The envelopes are originals.

1 MR. SANDOR: Bring them all up. Now,
2 give a copy of all the documents, each separate
3 item you would like to try to admit into evidence,
4 give a copy to counsel over here, Miss Bair.

5 MR. LINN: I just have the one copy is
6 what I meant, Your Honor.

7 MR. SANDOR: Of everything.

8 MS. BAIR: If you want me to come up
9 there and look at it. I'm fine with that.

10 MR. MOSER: Your Honor, I can go across
11 the hall and make copies.

12 MR. SANDOR: We'll do that. Let's go
13 off the record and go ahead.

14 - - -

15 (Recess was taken.)

16 - - -

17 MR. SANDOR: Back on the record.
18 Ms. Bair, was there something with the evidence
19 that you would like to note?

20 MS. BAIR: Yes. Thank you, Your Honor.
21 On Staff Exhibit 1, we need to redact the CDL
22 number that is listed as the license number. So I
23 will redact that and provide that as Staff Exhibit
24 1 to the reporter and to Your Honor.

25 MR. SANDOR: Thank you. Now that we

1 know that we'll make sure that happens.

2 And now, Mr. Linn, I need to swear you
3 in.

4 - - -

5 DANIEL J. LINN,
6 being first duly sworn, as provided by law, was
7 examined and testified as follows:

8 MR. SANDOR: Take a seat. I'll note
9 too that we made some -- we were off the record for
10 a little bit making copies of some exhibits that
11 Mr. Linn would like to pass along. All right. Go
12 ahead and tell your side of the story, you know,
13 however you wish or feel comfortable.

14 MR. LINN: Then I can do the exhibits?

15 MR. SANDOR: Please, once you introduce
16 a potential document you want to discuss it at the
17 time so we are all on the same page.

18 MR. LINN: Do it as I'm telling my
19 story?

20 MR. SANDOR: Correct.

21 DIRECT EXAMINATION

22 MR. LINN: Okay. Good morning. Thank
23 you ladies and gentlemen for your time.

24 I would like to start out first with
25 the day of the accident. Was a very confusing day

1 around there. There was a police chase going on,
2 which is beside the point. I just want to kind of
3 set the stage what was going on. They actually
4 shot a person in the truck. That's why the traffic
5 was being stopped.

6 There is a lot of things that could
7 have went a little better about the whole
8 situation. The State -- there was no flashers.
9 Nobody was out warning of what was going on, but
10 that's how it all began. And obviously we were all
11 stopping and the truck, which I'll identify as
12 right here behind me is the one that did not stop.
13 He ran into the rear of my trailer.

14 MR. SANDOR: Which ones are you
15 referring to right now? So all the pictures, let's
16 mark that as a specific exhibit right now. Let's
17 mark that Respondent's Exhibit 1.

18 MR. LINN: Then you want me to number
19 them, Your Honor, as I go, then referring to the
20 next one is 2?

21 MR. SANDOR: Let's do Exhibit 1 and
22 then lettering after that A, B, C, so we can refer
23 to the picture since you have a lot here.

24 - - -

25 (Respondent's Exhibits 1A-1F, were marked

1 for purposes of identification.)

2 - - -

3 THE WITNESS: So this is Exhibit 1. So
4 I would like to introduce this as Exhibit A, and I
5 would like to note that this was the rear of my
6 truck that was in view and it did have the
7 reflective tape on the back and on the bumper and
8 up above. And that's what was in view at the time
9 of the accident and the time of inspection.

10 And there was heavy damage to the front
11 of the trailer, Exhibit B, in the middle.

12 MS. BAIR: Let me see if I can find
13 that one. I got them out of order. I'm sorry,
14 could you hold that one up?

15 MR. LINN: Yes, ma'am.

16 MS. BAIR: Thank you. I found it.

17 MR. LINN: This would be Exhibit D.
18 This is to show how far I was pushed down the road.

19 MS. BAIR: Exhibit C?

20 MR. LINN: That one would be D, okay.

21 MR. SANDOR: Can I see it?

22 MR. LINN: Okay. This truck obviously
23 it did not have a reflective strip. I take safety
24 very seriously. I try to take every precaution,
25 everything safe.

1 Some fleets have different ways of
2 doing things. I don't try to do my inspections
3 myself, that way it is impartial.

4 I picked the truck up myself at the
5 plant and here is a delivery receipt to verify that
6 I am the one that picked it up.

7 MR. SANDOR: What does that say on the
8 top left?

9 MR. LINN: It says delivery receipt
10 Daimler Trucks North American LLC over in Canton,
11 Ohio.

12 MR. SANDOR: We'll mark that as
13 Respondent's Exhibit 2.

14 - - -

15 (Respondent's Exhibit 2, was
16 marked for purposes of identification.)

17 - - -

18 MR. LINN: Also at the plant before I
19 took delivery there was a predelivery inspection,
20 which is to check everything that was ordered on
21 the truck that it was there. And this strip was
22 ordered on the truck, but when they took it back in
23 to repaint it, to touch up some paint, they took it
24 off and they did not put it back on and it was not
25 caught at predelivery.

MR. SANDOR: So that we'll mark as
Respondent's Exhibit 3. One second until everyone
catches up.

- - -

(Respondent's Exhibit 3, was
marked for purposes of identification.)

- - -

MR. LINN: Just tell me when. And also
then when I had took it to the dealer they did a
federal annual inspection, which has lighting and
devices down in the lower corner, which
unfortunately it wasn't caught there. This was
done at the dealer in Louisville, Kentucky. This
is one that says annual inspection report.

MR. SANDOR: That will be Respondent's
Exhibit 4.

- - -

(Respondent's Exhibit 4, was
marked for purposes of identification.)

- - -

MR. LINN: This represents the
inspection after the accident.

MR. SANDOR: That will be Exhibit 1-C.

MS. BAIR: I can't find it. Let me
see. I'm sorry, what is that Exhibit 1 what?

1 MR. SANDOR: C.

2 MS. BAIR: Thank you.

3 MR. LINN: Last two photos I have this
4 is one at Cleveland. You can see it has got the
5 date at the time, but it was taken at the plant at
6 Cleveland. That's when I printed it. This was
7 actually taken at the delivery center at Cleveland,
8 North Carolina at the plant.

9 MS. BAIR: Just for clarification, does
10 that say David Garboro at the top?

11 MR. LINN: Yes, ma'am, it does. That
12 is the salesman and guide at the Cleveland, North
13 Carolina plant.

14 MR. SANDOR: Mark that as 1-D.

15 MR. LINN: And then this picture is the
16 truck on display at the Mid-American truck show
17 with the FMCS people that I know there did come and
18 walk around the truck and it was also amazing with
19 all these inspections that nobody noticed that
20 either.

21 MR. SANDOR: Mark that as Respondent's
22 Exhibit 1-E at the trade show.

23 MR. LINN: Yes, the trade show.

24 So to wrap this up, what my point is, I
25 think safety is very important. Obviously if you

1 check my record I have a very good record. And I
2 tried to do the right thing with good intent to
3 have everything checked out and unfortunately,
4 there was something missed.

5 But the thing I did was the trailer was
6 what was in view, not the back of the tractor. I
7 realize it is supposed to be on there, but it was
8 not in use because it was towing the trailer.

9 MR. SANDOR: Can you describe what you
10 are holding up, what picture that is?

11 MR. LINN: That was a picture of the
12 rear of the trailer.

13 MS. BAIR: That is after B, but I don't
14 think you marked it as C.

15 MR. SANDOR: I did have 1-C. At the
16 end we'll have to readjust the exhibit numbers
17 because I marked two 1-C.

18 MR. LINN: So the reason I am bringing
19 this picture to your attention is because like I
20 said, everything is on the rear of the trailer,
21 which that is what is in use not the rear of the
22 tractor.

23 And immediately after I was notified
24 that there was a problem at the scene about the
25 upper and lower, the very next day I took it to the

1 dealer to not only have that fixed, but to have
2 everything inspected on the truck before I put it
3 back in service, even though I was told at the
4 scene that there was no reason I couldn't drive it,
5 but just because of this horrendous crash that it
6 had been through, I did that and this is Valley
7 Truck Center up in the top right-hand corner.

8 MR. SANDOR: Is that the one we already
9 made an exhibit?

10 MS. BAIR: No.

11 MR. LINN: No.

12 MR. SANDOR: That would be Respondent's
13 Exhibit 5. I think we are on 5.

14 - - -

15 (Respondent's Exhibit 5, was
16 marked for purposes of identification.)

17 - - -

18 MR. LINN: So I took care of that.

19 MR. SANDOR: One moment, let's mark
20 that.

21 MS. BAIR: I thought we were on 4, but
22 I may have missed one.

23 MR. SANDOR: I believe 4 was the annual
24 vehicle inspection.

25 MS. BAIR: That's right, sorry.

1 MR. SANDOR: Okay. Go ahead.

2 MR. LINN: Okay. So as soon as that
3 was brought to my attention I did not delay. I had
4 that issue taken care of immediately. And I am not
5 asking for a blind eye to say that the reflective
6 tape was on the tractor. It was not, obviously,
7 for many extenuating circumstances that I have
8 explained.

9 As soon as, like I said, it was brought
10 to my attention, I took and had it taken care of.
11 So I do believe there is some merit in that and
12 also I would like to clarify at the scene, I would
13 like to introduce these envelopes into evidence. I
14 was not given any --

15 MR. SANDOR: One second. So let's do
16 this as Respondent's Exhibit 6, the envelopes.

17 MR. LINN: Yes.

18 MS. BAIR: They will be one exhibit
19 together?

20 MR. LINN: They are two separate.

21 MR. SANDOR: Let's do two separate.
22 I'm sorry. Go ahead and go ahead with your story
23 and once you talk about each one specifically and
24 what they mean we'll mark it then.

25 MR. LINN: Okay. This one is the first

1 time I received a report and it was on September
2 5th. It was the Saturday -- I received it the
3 Saturday after the accident. It was post marked on
4 September 5th.

5 MR. SANDOR: What does that read on the
6 front so we can identify it differently from the
7 other one?

8 MR. LINN: It has got post mark as
9 September 5th.

10 MR. SANDOR: Okay. That will be
11 Respondent's Exhibit 6.

12 - - -

13 (Respondent's Exhibit 6, was
14 marked for purposes of identification.)

15 - - -

16 MR. LINN: And in this envelope was
17 this driver vehicle examination report, which is
18 the first time I ever saw it or I ever received a
19 copy of anything besides the insurance information
20 with the crash number from the State Patrol. And
21 when I reviewed this report --

22 MR. SANDOR: Is that -- that's a new,
23 at least for purposes for your testimony, that's a
24 new exhibit?

25 MR. LINN: Yes, Your Honor.

1 MR. SANDOR: Make that Respondent's
2 Exhibit 7.

3 - - -

4 (Respondent's Exhibit 7, was
5 marked for purposes of identification.)

6 - - -

7 MR. LINN: Inspection date on it is
8 9/3.

9 MR. SANDOR: Driver inspection report.

10 MR. LINN: Yeah, there is two of them.
11 I don't know. I guess you will have to mark them
12 different exhibits, I guess, Your Honor, because
13 there is differences.

14 MR. SANDOR: Okay.

15 MR. LINN: If I may go on.

16 MR. SANDOR: Go ahead with that.

17 MR. LINN: So when I reviewed this, I
18 discovered that the last line 396.3(A), when it
19 says, "verified crash for trailer damage," it
20 originally had a no, an N in it.

21 So I called the post and I asked about
22 that and they assured me that that was a mistake,
23 but a lot of this has been, you know, no crash
24 report at the scene, communication from the
25 inspector that I just needed to get that fixed, no

1 communication about any citation, no report, no
2 dialogue.

3 So then, after I brought that to the
4 attention of the number I called for that, I
5 received another report and this envelope is dated
6 September 10th.

7 MR. SANDOR: We'll mark that as
8 Respondent's Exhibit 8.

9 - - -

10 (Respondent's Exhibit 8, was
11 marked for purposes of identification.)

12 - - -

13 MR. LINN: And then this report was
14 corrected which was in this envelope that we just
15 marked September 10th exhibit, was the second
16 report. It has got the same inspection date
17 obviously. On the bottom -- the last violation was
18 changed to a U.

19 MR. SANDOR: This is the one that has
20 the writing?

21 MR. LINN: Yes, this is the one that
22 has the writing. It will be Respondent's Exhibit
23 9.

24 - - -

25 (Respondent's Exhibit 9, was

1 marked for purposes of identification.)

2 - - -

3 MR. LINN: So as soon as I had received
4 this corrected report, you will notice that I dated
5 it and I had it repaired on 9/4 as I had an exhibit
6 to verify that and this is where I have to
7 acknowledge and tell what was going on.

8 So I said the trailer will be a total
9 loss because that's what the insurance company told
10 me. It will go to salvage, which I did sell it to
11 a neighbor as salvage. So I signed this and
12 returned it.

13 Now, Your Honor, would I be able to ask
14 Inspector Huff a couple more questions about these
15 envelopes and these documents?

16 MR. SANDOR: Wait one second. Is there
17 anything else for your specific testimony that you
18 would like to --

19 MR. LINN: Your Honor, like I have
20 said, I'm not going to keep going over it. The
21 reflector tape was not on the back of the truck. I
22 explained why. I explained that it was at the
23 paint -- at the factory they took it off. They did
24 not put it back on.

25 I explained that the reflector tape was

1 in clear view on the rear of the trailer. What was
2 on the back of the tractor was not in use. And I
3 got it fixed immediately and as I had been told by
4 the inspector, sometimes there is warnings over all
5 the years.

6 And my safety record is really good.
7 I'm just asking the hearing and Your Honor to have
8 some leniency and say that the situation -- I
9 didn't get an inspection report and it came in the
10 mail then. I was told at the scene to get it
11 repaired. Nothing about a violation. And that's
12 what I leave the Court with, but I would like to
13 verify a couple of things on these documents.

14 MR. SANDOR: Well, at this time let's
15 pause and let Miss Bair, if you would like, if you
16 have questions for cross-examination.

17 CROSS-EXAMINATION

18 BY MS. BAIR:

19 Q. It is your testimony that you repaired
20 the reflective tape the day after, correct?

21 A. I had it taken to -- took the truck
22 myself to Western Star, Mansfield, Ohio and had
23 them repair and inspect the truck. They started on
24 it the day after. I don't know exactly what days.
25 It was there for a period of a couple of days.

1 Q. So obviously you were aware that that
2 was a problem because you took it to get it fixed?

3 A. Yes, ma'am. As soon as it was brought
4 to my attention, the truck -- when it got
5 transported off the road to the house, no trailer,
6 it went straight to the dealer in Mansfield, Ohio.

7 And the truck got tires. There was a tire
8 cut. It was brought to attention and they said it
9 was still DOT safe. We looked at it. We didn't
10 feel it was safe. So there was various things done
11 to the truck before I would say that it was fit to
12 go back in service.

13 It was, to be specific, it was the
14 front outside drive tire on the driver's side that
15 had a cut in it and it was brought to my attention
16 at the inspection, but when I looked at it a little
17 closer the cut was a little deeper than what I was
18 comfortable with and the insurance company said, no
19 problem.

20 And so they did those repairs there and
21 then it went to Monroeville, Ohio, to get an
22 alignment. That was the end of that week on Friday
23 I believe, whatever and then the truck went back in
24 service the following Tuesday.

25 MS. BAIR: Thank you, Your Honor. I

1 have no more questions.

2 MR. SANDOR: Let me step back and if --
3 I think I'm -- we'll allow you leniency in
4 recalling the inspector to ask him a few questions.

5 Is there anything that you wanted to
6 submit that you didn't mention or us marking as an
7 exhibit right now that you were going to ask him
8 about? It seems like we got through all your
9 documents.

10 MR. LINN: Yes, Your Honor, it does.
11 The ones that I would like to ask about are these
12 two envelopes and the two inspection papers.

13 MR. SANDOR: Okay.

14 MS. BAIR: Can we go off the record a
15 minute?

16 MR. SANDOR: Yeah, sure.

17 - - -

18 (Discussion was held off record.)

19 - - -

20 MR. SANDOR: Let's go back on the
21 record. We had a bit of a discussion about how we
22 are going to approach going through these exhibits
23 and also Mr. Linn potentially has questions for the
24 inspector.

25 Let's go back through all the exhibits

1 first because I think the numbering was off and
2 then also at that time we'll allow Mr. Linn to
3 describe, lay some foundation for the documents as
4 we discussed. Okay.

5 The first exhibit was Exhibit 1-A,
6 which I believe was the picture of --

7 MR. LINN: Yes, Your Honor, that
8 picture I took with my cell phone on the day of the
9 accident.

10 MR. SANDOR: Describe again what
11 it's --

12 MR. LINN: It is in reference to the
13 rear of the trailer that the reflective tape is on
14 and on the bumper and all intact. That's what is
15 in the most rear of the vehicle.

16 MR. SANDOR: Okay.

17 MR. LINN: With reflective tape in
18 plain view.

19 MR. SANDOR: There is Exhibit 1-B,
20 actually as I'm going through these if you have
21 objections maybe that is the time to kind of go
22 through, that way we know what we are talking about
23 at the time.

24 MS. BAIR: Okay. Thank you.

25 MR. SANDOR: The next is 1-B.

1 MR. LINN: That also, Your Honor, I
2 took that picture the day of the accident. That is
3 just a reference to the significant impact and
4 damage that was occurred in this crash.

5 MR. SANDOR: This is where the
6 numbering, I believe, was mixed up originally,
7 Exhibit 1-C. I marked 1-C as both, I believe, the
8 picture showing your truck being pushed down and
9 then also 1-C, the inspection. Let's revise that
10 and make the picture that was pushed down in the
11 grass as 1-C.

12 MR. LINN: Yes, Your Honor. That
13 picture I also took the day of the accident and
14 that's to demonstrate also the severity of this
15 crash of how horrendous an event this was.

16 MR. SANDOR: All right. The next we
17 will mark now as 1- -- we'll change to -- we'll
18 make it 1-D.

19 MR. LINN: Yes, Your Honor. I took
20 that also the day of the accident and that's to
21 demonstrate that there was plenty of inspection
22 people on scene to take care of things properly
23 according to procedure.

24 MR. SANDOR: The next is what we'll now
25 call 1-E. Is the picture with the name David

1 Garboro at the top of it. If you have it go ahead
2 and lift it up.

3 MR. LINN: This picture, Your Honor, is
4 in reference to the truck at the plant. This was
5 before the delivery receipt was signed. This is to
6 demonstrate how it came out of the factory after
7 the paint was repaired on the back of the cab for
8 the Mid-American truck show.

9 MR. SANDOR: All right. And next we
10 will relabel as 1-F, which is a picture of it -- of
11 what you said the truck is at the trade show; is
12 that correct?

13 MR. LINN: Yes, that's just to
14 demonstrate that the truck was visited by FCMS
15 people at the trade show that I have known for many
16 years. It was at the trade show and also it came
17 to no one's attention there at that point either.

18 MR. SANDOR: The next is the Valley
19 Truck Center, so Respondent's Exhibit 5. The
20 invoice from Valley Truck Center.

21 MR. LINN: Yes, Your Honor, that's just
22 to verify that I had that reflective tape fixed
23 immediately after I was notified. I did not get
24 home until that evening after the crash. US 30 was
25 closed for roughly three hours. And I got home

1 that evening and the very next morning I took it
2 and that's the receipt to verify that they did the
3 repair work.

4 MR. SANDOR: The next is Respondent or
5 Respondent's Exhibit 6, which is the envelope with
6 the date stamped September 5th, 2019.

7 MR. LINN: That, Your Honor, is to
8 verify that is the very first time I ever saw an
9 inspection report from the accident was that
10 Saturday when I opened that envelope. That was the
11 first inspection report that came.

12 MR. SANDOR: That you opened on
13 September 5th, 2019?

14 MR. LINN: It was mailed then. I don't
15 know the date. I can look. I actually received it
16 on that following Saturday.

17 MR. SANDOR: Respondent's Exhibit 7,
18 which I believe is the driver inspection report
19 that you said was contained in that envelope.

20 MR. LINN: Yes, Your Honor, that was
21 the first driver inspection report that I received.
22 It is the bottom line was changed is the difference
23 between the first and the second one.

24 MR. SANDOR: You received it in the
25 mail like that?

1 MR. LINN: I received it in the mail
2 with no ink and I called them.

3 MR. SANDOR: Where can you point to
4 specifically on there where you see it?

5 MR. LINN: Okay. I received this in
6 the mail, the very first inspection report I ever
7 got was on a Saturday. I noticed that this was
8 marked --

9 MR. SANDOR: Can you describe what that
10 is?

11 MR. LINN: That is an N and that means
12 that it was not from the accident. And I called
13 and they told me that it would be changed, just to
14 put a Y on it and I said I would like verification
15 with a corrected copy if I am going to sign
16 something and send it back.

17 MR. SANDOR: You are reading from the
18 very last violation line 6.3 (A)(1)?

19 MR. LINN: Yes, Your Honor.

20 MR. SANDOR: Then Respondent's Exhibit
21 8 is the envelope marked as the 10th, I believe.

22 MR. LINN: Yes, Your Honor. This
23 envelope is the second one I received and this was
24 the second inspection report that was contained in
25 this envelope.

1 MR. SANDOR: And then Exhibit 9,
2 Respondent's Exhibit 9 you said is another
3 inspection report?

4 MR. LINN: Yes, Your Honor.

5 MR. SANDOR: Is this what was inside
6 the envelope, the second one?

7 MR. LINN: That's what was inside the
8 envelope, the second one and the last violation was
9 corrected and that's the one where you are required
10 to write on it if it has been repaired or if the
11 trailer -- what is going to happen with the trailer
12 and I wrote on there exactly what was going to
13 happen with the trailer and I signed it and sent it
14 back according to the regulations.

15 MR. SANDOR: Okay. I believe that is
16 all the exhibits. Miss Bair.

17 MS. BAIR: I have no objections.

18 MR. SANDOR: No objections.

19 MR. LINN: Can we do this one now?

20 MR. SANDOR: That was Exhibit 4.

21 MR. LINN: Okay. We did that. How
22 about this one?

23 MR. SANDOR: Since you are still up
24 here, we'll make this one more exhibit. I don't
25 think you talked about it. Can you please tell

1 what this is and when you received it and --

2 - - -

3 (Respondent's Exhibit 10, was
4 marked for purposes of identification.)

5 - - -

6 MR. LINN: Yes, Your Honor. This paper
7 here, is the only paper that I received September
8 3rd, at the scene, at the accident and I received
9 it from a trooper and he put the crash number and
10 where the crash happened and he put the trooper's
11 contact number and the other trooper because there
12 was some controversy of which post was going to
13 handle it because of the Lima County and the
14 trooper came from Van Wert.

15 And this is the document that he told
16 me that I could refer to to get an accident report
17 or call them for information and that's the day I
18 received it and that is the only thing I received.

19 MR. SANDOR: What is the title of that
20 document?

21 MR. LINN: It says, Obtaining a Highway
22 Patrol Crash Report by Department of Public Safety
23 and then on the back it has got the crash report
24 and you will notice the top crash report is crossed
25 out and there is one put underneath because they

1 had to transfer it from one post to another post
2 was my understanding. I don't know how all that
3 works, but that's what I was told.

4 MR. SANDOR: Sorry, any questions on
5 that?

6 MS. BAIR: No questions. No objection.

7 MR. SANDOR: So all those documents are
8 admitted.

9 I will allow briefly the Inspector to
10 come back up and you question him about those
11 documents. Give you a little bit of leeway.

12 MR. LINN: These right here are the
13 ones. Then could I have for my closing statement
14 then?

15 MR. SANDOR: Let's have -- well, you
16 have already -- your testimony is -- you did that
17 during your testimony.

18 Okay. You may be excused. Inspector
19 Huff, will you please come up here and may I remind
20 you that you are still under oath?

21 THE WITNESS: Yes, sir.

22 MR. SANDOR: If you, while you are
23 speaking to Inspector Huff, if you would please
24 state the exact exhibit that you are looking at so
25 we all can follow along.

1 MR. LINN: Okay. I don't know the
2 numbers of them.

3 MR. SANDOR: Hold it up and I'll say.

4 MR. LINN: It is dated September 5th.

5 MR. SANDOR: Respondent's Exhibit 6.

6 MR. LINN: And then the first date, the
7 first crash report examination report.

8 MR. SANDOR: Respondent's Exhibit 7.

9 RECROSS-EXAMINATION

10 BY MR. LINN:

11 Q. Yes. Inspector Huff, I would like you
12 to look at this document and see if you recognize
13 that?

14 A. Yes, sir, I do.

15 Q. And also this envelope?

16 A. Yes, sir. I don't recognize it. I did
17 not handle that at all.

18 MR. LINN: Okay. Your Honor, I would
19 like to direct to the second envelope, September
20 10th.

21 MR. SANDOR: Okay. Respondent's
22 Exhibit 8.

23 BY MR. LINN:

24 Q. Inspector Huff, do you recognize that?

25 A. No, I don't. I did not handle that.

1 MR. LINN: I would like to refer to
2 this inspection.

3 MR. SANDOR: Respondent's Exhibit 9.
4 BY MR. LINN:

5 Q. Do you recognize that inspection
6 report?

7 A. Yes. It would be the same inspection
8 from what you had previously given me of what had
9 been given to you on scene, yes, sir.

10 Q. Except for what?

11 A. No, it had been given to you on scene.
12 This is the same report that I had given you on
13 scene, yes, sir.

14 Q. Inspector, you did not give me anything
15 on scene.

16 MS. BAIR: Is there a question?
17 Objection.

18 MR. LINN: Yeah.

19 BY MR. LINN:

20 Q. Inspector, under oath, did you give me
21 either of those documents on scene, the envelopes?

22 A. The envelopes, no, sir, I did not. The
23 inspection report, yes, sir, I did.

24 MR. LINN: That's all I have. I would
25 like to make a statement.

1 MR. SANDOR: Well, Mr. or Inspector,
2 you may be excused.

3 I'm sorry, does Miss Bair want any
4 follow-up questions before he is officially
5 excused?

6 MS. BAIR: One moment, Your Honor.

7 MR. LINN: I had one other question.

8 MS. BAIR: I don't have any questions.

9 MR. SANDOR: That's okay.

10 MR. SANDOR: Off the record.

11 - - -

12 (Discussion was held off record.)

13 - - -

14 MR. SANDOR: We are back on the record.

15 BY MR. LINN:

16 Q. Inspector Huff, all the other
17 inspectors were there too. Did any of them see you
18 hand me that document?

19 A. Sir, I can't answer that for sure
20 because I don't know.

21 MR. SANDOR: Okay. All right. I think
22 that is good. Any follow up?

23 MS. BAIR: No follow up.

24 MR. SANDOR: You may be excused.

25 Before we end today, I believe Mr. Linn you would

1 like to make a final statement.

2 MR. LINN: Yes, Your Honor. I would
3 just like to say that here are two envelopes with
4 the dates on them. And these are what I received
5 and I swear to God, I did not receive any
6 inspection reports at the scene. There was none
7 generated. And I'm sure that somebody had to send
8 these out. The return is on here, the post mark,
9 and the first one as I pointed out earlier, it was
10 a mistake on the bottom of it and you will see the
11 second one doesn't have that. It is printed
12 correctly.

13 And this is the only paper I received
14 at the scene of the accident. I did not receive
15 any inspection report. All I was asked was to
16 print off my ELD the last three days, which I did,
17 immediately, and I was back with the troopers while
18 they did the whole inspection and then I walked up
19 because they were starting to hook the cables up
20 and that's when I asked if I could take some
21 close-up pictures and then the inspector and I
22 walked around the truck and he noted the reflective
23 tape that I needed to get fixed. Nothing was said
24 about a citation. There was no papers exchanged.
25 Nothing. He said he was done.

1 I walked away. The wrecker pulled the
2 truck up on the road and we took it to a wrecker
3 service at Beaver Dam, Ohio. That is the honest to
4 God truth.

5 MR. SANDOR: Thank you.

6 MR. LINN: Thank you.

7 MR. SANDOR: Anything, Ms. Bair, any
8 statement?

9 MS. BAIR: Are we doing a closing
10 statement?

11 MR. SANDOR: I was allowing him to make
12 a statement just to close. Is there anything you
13 would like to say?

14 MS. BAIR: Well, I just think that the
15 evidence, a preponderance of the evidence, even
16 that put forth by Mr. Linn, his Exhibits 1-D, 1-F,
17 1-5, his testimony today is an admission that there
18 were violations of 39311 because his truck did not
19 have the reflective material as required.

20 Inspector Huff testified that the
21 reflective requirements were not there. Inspector
22 Huff also testified that he gave the Respondent a
23 copy of the inspection report the day of. I would
24 ask that the Commission find Mr. Linn in violation
25 of those two 39311 rules. Thank you.

MR. SANDOR: Thank you. Any other matters before we adjourn? Hearing none, this case is submitted on the record and this hearing is adjourned.

- - -

(Proceedings were concluded at 11:30 a.m.)

- - -

C E R T I F I C A T E

I do hereby certify that the foregoing is
a true and correct transcript of the proceedings
taken by me in this matter on Friday, February 7,
2020, and carefully compared with my original
stenographic notes.

Donna D. Chafins
Donna D. Chafins, Registered
Professional Reporter, and
Notary Public in and for the
State of Ohio.

My commission expires November 8, 2021.



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Case No(s). 19-2078-TR-CVF

Summary: Transcript In the Matter of Daniel J. Linn Notice of Apparent Violation and Intent to Assess Forfeiture, hearing held on February 7th, 2020. electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Donna Chafins