

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of Waymon R.:
Lanier, Notice of Apparent:
Violation and Intent to : Case No. 12-3231-TR-CVF
Assess Forfeiture.

- - -

PROCEEDINGS

before Mr. James Lynn, Attorney Examiner, at the
Public Utilities Commission of Ohio, 180 East Broad
Street, Room 11-D, Columbus, Ohio, called at 10:26
a.m. on Thursday, March 7, 2013.

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By Mr. William L. Wright,
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On behalf of the Staff of the PUCO.

Mr. Waymon Lanier

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Thursday Morning Session,
March 7, 2013.

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EXAMINER LYNN: Let's go on the record at this time. The Public Utilities Commission of Ohio has assigned for hearing at this time and place Case No. 12-3231-TR-CVF, in the Matter of Waymon Lanier, Notice of Apparent Violation and Intent to Assess Forfeiture.

I'm Jim Lynn, the Attorney Examiner assigned to hear this case. And at this time we will have the appearances of the parties. We'll begin with the Ohio Attorney General's Office.

Mr. Parram.

MR. PARRAM: Good morning, your Honor. Thank you. On behalf of staff of the Public Utilities Commission of Ohio, Ohio Attorney General Mike DeWine, by Assistant Attorney General William Wright, Section Chief, and Devin D. Parram, 180 East Broad Street, 6th Floor, Columbus, Ohio 43215.

EXAMINER LYNN: Thank you, Mr. Parram. And, Mr. Lanier, if you could indicate your name and address, please.

MR. LANIER: Waymon Lanier, 3890 East 147th Street, Cleveland, Ohio 44128.

EXAMINER LYNN: Okay. Thank you,
Mr. Lanier.

As far as our proceedings today, first,
we'll hear from Mr. Parram and then from Mr. Lanier.

So, Mr. Parram, if you would like to get
underway, please do so.

MR. PARRAM: Yes, your Honor. Thank you.
I do have one preliminary matter I would like to
discuss. Before the hearing off of the record I
discussed with Mr. Lanier a stipulation regarding the
forfeiture amount in this case. The forfeiture
amount is \$100. It's my understanding that
Mr. Lanier is not contesting the actual forfeiture
amount.

EXAMINER LYNN: Okay.

MR. PARRAM: But he is contesting the
violation itself so I would like to state that we've
come to a stipulation regarding the exact forfeiture
amount.

Mr. Lanier, is that correct, we have an
understanding regarding that?

MR. LANIER: Yeah.

EXAMINER LYNN: So, therefore, your case
will just be a matter of the violation but there
won't need to be any testimony as far as the amount,

1 how the forfeiture was calculated, and so forth.

2 MR. PARRAM: Yes, your Honor. We will
3 not be presenting any witness regarding the
4 forfeiture amount and how it was calculated, but we
5 will just focus on --

6 EXAMINER LYNN: That's fine.

7 MR. PARRAM: -- the violation itself.

8 EXAMINER LYNN: Thank you. If you would
9 like to proceed, please.

10 MR. PARRAM: Your Honor, staff would like
11 to call first witness Trooper Rodney Ramps.

12 EXAMINER LYNN: Mr. Ramps, would you come
13 to the witness stand, Trooper Ramps.

14 (Witness sworn.)

15 EXAMINER LYNN: Please take a seat and
16 off the record just for a minute.

17 (Discussion off the record.)

18 EXAMINER LYNN: All right. Back on the
19 record.

20 Mr. Parram, go ahead, please.

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TROOPER RODNEY RAMPS

being first duly sworn, as prescribed by law, was
examined and testified as follows:

DIRECT EXAMINATION

By Mr. Parram:

Q. Good morning.

A. Good morning.

Q. Would you please state your full name for
the record.

A. It's Trooper Rodney D. Ramps.

Q. Where are you employed?

A. By the Ohio State Highway Patrol, Warren
District Headquarters, 3424 U.S. 422, Covington, Ohio
44470.

Q. Thank you for the full address.

A. They told me I had to say it.

Q. That's all right. That's good. What is
your position?

A. I am an Ohio State Highway Patrol
Trooper. I am also a Federal Motor Carrier Inspector
within the Division.

Q. And how long have you been with the
Highway Patrol?

A. Slightly over 13 years.

Q. And what are some of your duties in your

1 capacity as patrolman?

2 A. Currently at this time my duties are to
3 inspect commercial vehicles in inter and intrastate
4 commerce, to enforce laws pertaining to commercial
5 motor vehicles and hazardous materials situations,
6 training sessions for the regulatory industry we do
7 quite often as well.

8 Q. Okay. Would you explain any training
9 that you have as it relates to inspecting commercial
10 motor vehicles.

11 A. Yes. I spent roughly six weeks in the
12 Ohio State Highway Patrol Academy to get certified in
13 North American Standard Level I Driver Vehicle
14 Inspections to be certified in hazardous material
15 inspections including cargo tanks and other bulk
16 packaging.

17 Q. And how many -- how many inspections have
18 you performed over your career?

19 A. To date more than a thousand.

20 Q. And could you just describe the
21 inspection process generally for me.

22 A. Which one?

23 Q. You mentioned a level I inspection. How
24 exactly does that work?

25 A. Typically any inspection process begins

1 with verifying the driver's information, his
2 identity, checking his ability to drive, and having
3 the proper certifications as well as exemptions. We
4 also verify the company information, your ability to
5 actually operate within commerce, all the rules and
6 regulations that would apply to them.

7 We inspect the vehicle on a II or level I
8 inspection for any visible defects that fall within
9 the regulations at that time. If we're talking about
10 a full level I inspection, I will actually get
11 underneath the vehicle, check the operation of the
12 brakes and anything visible from the undercarriage I
13 can't check on a mere walk-around or driver
14 inspection.

15 Q. Okay. And you mentioned a level II
16 inspection. Could you describe what that is.

17 A. Level II inspection is essentially a
18 driver inspection which is a level III and the
19 walk-around of the vehicle for any visible defects to
20 the equipment or anything that would be a violation
21 on the carrier by our databases that we check,
22 anything basically visible without actually getting
23 underneath the vehicle and checking the brakes.

24 MR. PARRAM: Your Honor, I would like to
25 have marked for purposes of identification

1 Driver/Vehicle Examination Report, inspection date
2 August 14, 2012, marked as Staff Exhibit 1.

3 EXAMINER LYNN: All right. That sounds
4 good. Please proceed.

5 (EXHIBIT MARKED FOR IDENTIFICATION.)

6 MR. PARRAM: May I approach the witness?

7 EXAMINER LYNN: Yes, certainly.

8 MR. PARRAM: Let the record reflect I am
9 giving Mr. Lanier a copy of Staff Exhibit 1 also.

10 Q. (By Mr. Parram) Trooper Ramps, do you
11 have a copy of Staff Exhibit 1 in front of you?

12 A. Yes, sir, I do.

13 Q. Have you seen this document before?

14 A. In a different format I have, the one
15 that I print off my printer.

16 Q. What is this document?

17 A. This is a copy of my motor vehicle
18 inspection report that I conducted on Mr. Lanier.

19 Q. And when did you prepare this document?

20 A. On the 14th of August, 2012.

21 Q. And this is a document that you typically
22 use in your inspection process?

23 A. Yes, sir.

24 Q. And what's the purpose of this document?

25 A. This is the -- this is essentially the

1 computerized program in which we record all of our
2 violations so that we can upload them electronically
3 through PUCO as well as provide the driver and
4 carrier a copy of exactly what it is that we've
5 discovered.

6 Q. And when you prepared this report, did
7 you -- did you accurately record on things that you
8 observed during your inspection?

9 A. Yes, sir.

10 Q. And is this particular form essentially
11 the same condition as when you prepared it?

12 A. Basically, yes.

13 Q. And the information within this form,
14 Staff Exhibit 1, this is essentially the same
15 information that you recorded --

16 A. Yes.

17 Q. -- during your inspection?

18 A. Yes, sir.

19 Q. And did you prepare the report at
20 approximately the same time that you performed your
21 inspection?

22 A. As soon as I complete it, it's printed
23 off, so yes.

24 Q. And before I talk about the specifics of
25 this inspection, I would like to just talk about some

1 of the things that are within the report. If you
2 could sort of start at the very top of the document,
3 top right-hand corner.

4 A. Yes, sir.

5 Q. When exactly was this inspection
6 performed?

7 A. It was begun at 4 a.m., and it ended at
8 4:50 a.m.

9 Q. And what date was the inspection on?

10 A. On the 14th of August, 2012.

11 Q. Okay. And what inspection level was this
12 particular inspection?

13 A. Level II inspection.

14 Q. Okay. And if you move down the document,
15 there are a couple of different names listed.
16 There's a section that states "driver."

17 A. Uh-huh.

18 Q. Who was the driver in this particular
19 inspection?

20 A. Waymon R. Lanier.

21 Q. And how did you verify Mr. Lanier was the
22 driver?

23 A. By his operator's license.

24 Q. Now, I would like to move down to the
25 middle of the document where there is a box that

1 indicates vehicle -- I'm sorry, "violations."

2 A. Uh-huh.

3 Q. There are a number of different
4 violations listed. I'm particularly interested in
5 392.16.

6 A. Yes, sir.

7 Q. It should be the second violation. Do
8 you see where I'm at?

9 A. Yes, sir, I do.

10 Q. What is this violation?

11 A. This is for "failing to properly wear a
12 seatbelt while operating a commercial motor vehicle."

13 Q. Do you recall the details of this
14 particular violation?

15 A. Yes, sir, I do.

16 Q. Okay. If you can move down to -- further
17 down in the document, there is a section that says
18 inspection notes.

19 A. Uh-huh.

20 Q. What is this particular portion of the
21 document for?

22 A. This is where we record anything that we
23 feel is pertinent to the violations that are listed
24 above.

25 Q. Could you read into -- read into the

1 record what your inspection notes say first, and then
2 after that, please describe what you're talking about
3 in that area of the document.

4 A. Okay. Initially it says Speed-Radar No.
5 11 is calibrated at 3:30 a.m. and 12 p.m. with a
6 tracking history of 6 which means 6 seconds. As far
7 as the seatbelt, it states that the "driver was
8 wearing a light grey" T-shirt, "the seatbelt was
9 black" -- or "light grey shirt, the seatbelt was
10 black." The "driver was wearing the shoulder harness
11 so loose that it slumped off the left side of his
12 left shoulder, providing no impact protection."

13 Q. I'm sorry. Let me stop you there.

14 A. Yes, sir.

15 Q. When did you prepare these notes that
16 are -- that are contained in the inspection notes
17 section of the document?

18 A. At the same time I prepare the document
19 itself.

20 Q. Okay. And, now, go ahead and explain to
21 me what you're talking about in this section.

22 A. Essentially with regards to the speed
23 it's just simply to list the functionality of the
24 radar. But with regard to the seatbelt it's just a
25 simple explanation to show that my observation of a

1 clearly contrasting color of a shirt with the actual
2 belt at the time and the manner in which it was worn
3 to justify the violation listed above.

4 Q. Okay. Now, I would like to sort of just
5 generally talk about how the inspection took place,
6 what happened the date of the inspection. I am going
7 to let you go ahead tell me how you came to pull over
8 Mr. Lanier and how you found the violations and in
9 particular the seatbelt violation which is at issue
10 in this case.

11 A. Okay. Being the low guy on the pole, so
12 to speak, I typically work the off shifts. At this
13 point I was working a 4 a.m. to noon shift. I was
14 assigned Mahoning County, Ohio, which is the home
15 county of my residence so I'm typically out roughly
16 around 3:30 in the morning. At 4 a.m., I observed
17 Mr. Lanier's vehicle traveling westbound on
18 Interstate 80 as I was traveling eastbound on
19 Interstate 80. I was utilizing moving radar at the
20 time by which I picked up his speed at 72 miles an
21 hour. The posted speed limit is a 65 mile per hour
22 zone.

23 After locking his speed in with my radar
24 device, I utilized my spotlight to illuminate the
25 inside of his cab as he passed me, at which time I

1 noticed the light gray shirt as I have stated in my
2 notes, and I was unable to see a strap going over the
3 front of his body as is required by proper
4 restriction rules for the seatbelt at that time.

5 Q. Let me stop you there. You said that you
6 used the spotlight to illuminate the inside of his
7 vehicle to see, and you saw his shirt.

8 A. Yes.

9 Q. And you explained how when you are --
10 when you are trying to determine if a driver does or
11 does not have on their seatbelt, what exactly are you
12 typically looking for?

13 A. I am looking to see if I can see that
14 shoulder harness strap right here in this location.
15 Based off the vehicle's year, it's a 2009 Freight
16 Liner so it's required to have a shoulder harness
17 because of the year of the vehicle, and by proper
18 restriction rules it should be right here clearly
19 visible as he goes about.

20 Q. And sorry to stop you again but we are
21 trying to get all this in the record and you are
22 indicating right here so let's be clear. When you
23 say the seatbelt is -- should be right here, and
24 you're talking as to this particular vehicle, the
25 Freight Liner, where would the seatbelt be going

1 across the driver's body?

2 A. The harness should be coming across the
3 left shoulder across the internal chest plate locking
4 on the right side of the body. It should be clearly
5 visible going across the middle portion of a driver's
6 chest --

7 Q. Okay.

8 A. -- to be properly restricted.

9 Q. Okay. And so you -- the angle of the
10 belt should -- or should be coming --

11 A. Clearly visible.

12 Q. Coming down from the left side -- left
13 shoulder down to -- downward angle.

14 A. Yes, sir.

15 Q. Across to the right side to your right
16 hip.

17 A. That would be correct, yes, sir.

18 Q. And continue with where you were. Sorry
19 for interrupting.

20 A. No. That's perfectly okay. After
21 observing both of the violations, I'm certain I had
22 to have found a crossover at some point, turned
23 around, caught up with Mr. Lanier, activated my
24 overhead lights. I cannot say with absolute
25 certainty with regards to the next statement, but it

1 is typically my course of duty when it's that dark in
 2 the morning that I will also put my spotlight in the
 3 rearview mirror as I'm pulling the driver over.
 4 That's typically done intending to see if the
 5 violation I've already observed has changed or if
 6 it's still the same or if I can catch the driver
 7 perhaps writing in his logbook, something of that
 8 nature.

9 Q. Let me stop you there.

10 A. Yes, sir.

11 Q. When you say trying to determine whether
 12 the violation has changed, by looking in the rearview
 13 mirror?

14 A. Yes.

15 Q. That's what you said, correct?

16 A. Yes, sir.

17 Q. What do you mean by trying to see if the
 18 particular violation has changed?

19 A. Once I flipped around I am looking to see
 20 has the driver now put his seatbelt on to where that
 21 strap would be clearly visible. In this situation I
 22 can't say whether or not I actually performed that
 23 task because I don't recall, but I will say that is
 24 my general course of practice when I'm working either
 25 early morning or late in the evening. But with

1 specific instance to this case I can't say that I
2 recall.

3 Q. Okay. Please continue.

4 A. And then I simply activated my overhead
5 lights, got Mr. Lanier stopped approximately 221
6 milepost considering the violation occurred at the
7 222. I approached Mr. Lanier's vehicle and made
8 contact with him.

9 Upon making contact with Mr. Lanier, I
10 learned that it was not that Mr. Lanier was not --
11 did not have his seatbelt fastened, but it was the
12 manner in which he was wearing it that made me
13 believe he didn't have it on at all. And I say that
14 because once I made contact with Mr. Lanier, I
15 observed that the shoulder harness as I put in my
16 notes was slumped off the left side of his left
17 shoulder to the front, no frontal impact protection,
18 which is why it was not visible to me when he
19 operated down the road.

20 Q. Okay. And you -- the particular
21 violation is "failing to properly wear a seatbelt
22 while operating a commercial motor vehicle."

23 A. Yes, sir.

24 Q. Correct?

25 A. Yes, sir.

1 Q. And it is a requirement not only that the
2 vehicle -- that the operator wear a seatbelt but it
3 should be worn properly?

4 A. Properly restrained, yes, sir.

5 Q. And what is properly restrained?

6 A. That the seatbelt itself be not only
7 engaged into the locking mechanism but it be left
8 with no slack to where that -- that harness is
9 resting firmly against the driver's body, across his
10 left shoulder, middle portion of the chest as it
11 locks into his right hip.

12 MR. PARRAM: Your Honor, that is all I
13 have at this time. I would just like to indicate I
14 would like to reserve time for rebuttal, if
15 necessary.

16 EXAMINER LYNN: Certainly.

17 - - -

18 EXAMINATION

19 By Examiner Lynn:

20 Q. I have some questions for you.

21 A. Yes, sir.

22 Q. Trooper Ramps, I'll try to organize my
23 thoughts as I go along. This is a different fact
24 pattern than what I had anticipated having to write a
25 report. So, let's see, this occurred along

1 Interstate 80.

2 A. Yes, sir.

3 Q. And I -- let's see, I assume you were
4 traveling eastbound.

5 A. Yes, sir.

6 Q. Okay. Mr. Lanier is going westbound.
7 And the Interstate 80 is a -- is a four-lane divided
8 highway, median in the middle, correct?

9 A. Yes, sir.

10 Q. So you're indicating that, you know, as
11 you were traveling eastbound and Mr. Lanier was going
12 westbound, you were able to learn via your radar he
13 was going over the speed limit.

14 A. That's correct.

15 Q. And that's what attracted your attention
16 initially.

17 A. That's correct.

18 Q. And then you say you have a spotlight
19 which you were able to focus upon, excuse me,
20 Mr. Lanier's cab.

21 A. That's correct.

22 Q. Tractor-trailer. You were able to focus
23 upon him as he was going in the opposite direction --

24 A. That's correct.

25 Q. -- on the opposite side of the road but

1 also you were able to do that while you were driving
2 your own vehicle, your own cruiser.

3 A. I can't debate that, that's correct.

4 Q. I just wanted to get that straight. So
5 when you focused the light upon him, you were not in
6 a crossover; you were still in motion yourself --

7 A. That's correct.

8 Q. -- going the other way. And about how
9 far away was Mr. Lanier at that time, could you
10 estimate that, when you first focused the light upon
11 him?

12 A. I am trying to think of the location
13 itself.

14 Q. Or, you know, if you can answer that,
15 fine. If not, I have a different question or related
16 question.

17 A. I could ballpark it, but I don't know.

18 Q. Give me an estimate, if you can.

19 A. I would say 100 feet ballpark.

20 Q. Okay. So about that far away and so how
21 long were you able to observe him, you know, before
22 the two vehicles cross and he was going -- he had
23 gone past you going the other direction.

24 A. I guess it's another ballpark answer.

25 Q. Okay.

1 A. Probably just a few seconds. I wouldn't
2 say it would be much greater than that.

3 Q. Okay. Let's see, at that part of
4 Interstate 80, are the eastbound lanes at the same
5 elevation, for lack of a better term, than the
6 westbound? That is, is the -- are the westbound
7 lanes higher than you, lower than you?

8 A. No. It's roughly the same.

9 Q. The same?

10 A. There is no median dividing wall. It's a
11 short grass median.

12 Q. Okay. There is a median but at any rate
13 the level of where the highway is Mr. Lanier's
14 direction and in your direction, you're saying it's
15 approximately the same?

16 A. Approximately the same, there is not a
17 great difference between the two.

18 Q. Let's see, and what were the weather
19 conditions like that evening -- or I should say that
20 night?

21 A. Well, based off my traffic citation it
22 was a dry night, no adverse conditions, very light
23 traffic.

24 Q. And where is this indicated? Oh, I see.

25 A. It's on my traffic citation, not on the

1 inspection report.

2 Q. It's not on the inspection report itself.

3 A. I have a copy of it if you would like to
4 see it.

5 EXAMINER LYNN: I think that would be
6 helpful, Mr. Parram.

7 MR. PARRAM: Would you like me to mark
8 that as an exhibit?

9 EXAMINER LYNN: I think that would be
10 helpful as an exhibit if you could indicate what the
11 weather conditions were at the time.

12 MR. PARRAM: Can we pause? I'll make
13 copies.

14 EXAMINER LYNN: Yeah. That would be
15 helpful. This having occurred at night, weather
16 could be perhaps a greater factor than in the
17 daytime. Thank you.

18 We'll go off the record just for a
19 minute.

20 (Recess taken.)

21 EXAMINER LYNN: Okay. Back on the
22 record. Mr. Parram, you have an additional exhibit
23 here, I believe.

24 MR. PARRAM: Yes. It's going to be a
25 little out of order because I already have another

1 one marked, but I would like to have marked for
2 purposes of identification a traffic citation that
3 was written by Trooper Ramps concurrently with the
4 Driver/Vehicle Examination Report --

5 EXAMINER LYNN: All right.

6 MR. PARRAM: -- from the same night and
7 time and this is a copy of the original traffic
8 citation.

9 EXAMINER LYNN: And, Mr. Parram, just for
10 my information I assume that citation indicates date,
11 time, so forth?

12 MR. PARRAM: It does. It's a little
13 bit -- okay. It is clear where you can see it on
14 here, your Honor. Since it's a copy of the original
15 it's a little bit harder to read.

16 EXAMINER LYNN: But it is indicated on
17 there.

18 MR. PARRAM: You can see that on here.

19 EXAMINER LYNN: Okay. Thank you.

20 MR. PARRAM: And I would like the record
21 to indicate I am giving Mr. Lanier a copy now.

22 EXAMINER LYNN: Please do.

23 MR. PARRAM: May I approach, your Honor?

24 EXAMINER LYNN: Yes.

25 (EXHIBIT MARKED FOR IDENTIFICATION.)

1 EXAMINER LYNN: Thank you, Mr. Parram.

2 Q. (By Examiner Lynn) Trooper Ramps, I can
3 see from this -- you claim this is a ticket, I
4 believe?

5 A. Yes, traffic citation, whatever you may
6 wish to call it.

7 Q. I can see an area that indicates pavement
8 conditions, visibility, weather, and so forth. I
9 have a few additional questions.

10 A. Yes, sir.

11 Q. Okay. You indicated that the highway on
12 your -- you are going eastbound, the highway going
13 westbound were about the same level; one wasn't
14 higher than the other. Is this flat ground? Is it
15 hilly where you are where this occurred?

16 A. Roughly the 222 there is a slight --
17 maybe a little bit more than a slight downhill grade
18 in the western direction so it would be uphill in the
19 eastern direction.

20 Q. So when you focused your light upon
21 Mr. Lanier, then you would have been --

22 A. I am traveling slightly uphill. He is
23 traveling slightly downhill.

24 Q. Therefore, your light would have been
25 focused up into his cab -- well --

1 A. It's still about the same elevation at
2 both points, more straight across I guess you would
3 say.

4 Q. Okay.

5 A. But the roadway itself is still slightly
6 sloped.

7 Q. So he was coming downhill towards you
8 slightly, I guess.

9 A. Yes, sir.

10 EXAMINER LYNN: Okay. I have no more
11 questions at this time but you are sworn in and I may
12 have some additional questions later.

13 THE WITNESS: Absolutely.

14 EXAMINER LYNN: Oh, Mr. Lanier, do you
15 have any questions for Trooper Ramps?

16 MR. LANIER: Yes, yes.

17 - - -

18 CROSS-EXAMINATION

19 By Mr. Lanier:

20 Q. When you first -- what mile marker were
21 you at coming down the hill?

22 A. I think I am going up the hill.

23 Q. Because you didn't put no spotlight
24 because I seen you as I was coming down.

25 EXAMINER LYNN: Okay. But questions.

1 Then you can add your statement later.

2 Q. When you pulled me over.

3 A. Yes, sir.

4 Q. What did you first do when you pulled me
5 over?

6 A. Probably asked for your license and your
7 medical card.

8 Q. Did you ask for my logbook?

9 A. Did I ask for it?

10 Q. Did you get my logbook?

11 A. I am assuming because you have a
12 violation on your report for a logbook violation.

13 Q. Right, right. When you got my -- when
14 you first walked up to the truck, you asked me -- I
15 mean, did you say you were speeding? You were doing
16 72 in a 65-mile zone?

17 A. I am assuming I must have because I
18 issued a traffic citation for it.

19 Q. Yes, sir. And when you said that, it's
20 like a downgrade, right?

21 A. Where you were traveling it's roughly a
22 downgrade, yes.

23 Q. And, see, if you go back to mile marker
24 217, it's a flat land, right?

25 A. 217. 217 is on the Ohio Turnpike.

1 For --

2 Q. Going backwards, going back.

3 A. It gets higher.

4 Q. About the 223 by Austintown, is it --

5 A. It's flat around State Route 46 which
6 would be roughly the 224.

7 Q. Yeah, at the exit. At the mile 2 -- is
8 that 226?

9 A. 223, 224.

10 Q. 223, that's 223.

11 A. Okay.

12 Q. Now, you hit me at the 221, right?

13 A. According to my report I am checking you
14 near the 222 based off the traffic citation. It
15 doesn't say at; it says near.

16 Q. You also got my billing of -- my bills,
17 right?

18 A. I would have to take your shipping papers
19 to confirm who ships your products.

20 Q. You had the weight on there too, correct?

21 A. I would imagine that it did. To what
22 that is I don't recall at this time.

23 Q. Over 70,000 pounds. Now, if you are in
24 an 18 wheeler and you are going on a flat line, a
25 flat road of 65 miles an hour, you are approaching

1 the ground -- a downgrade at 70 miles an hour, you're
2 down at 221, any commercial vehicle coming down there
3 from doing 65 miles an hour, they are going to hit 5
4 miles over the speed limit. You see, where you sit
5 at that's like a speed trap, okay? It's like a speed
6 trap.

7 EXAMINER LYNN: Okay. Mr. Lanier, I
8 understand your point there but.

9 MR. LANIER: That's how come I got pulled
10 over.

11 EXAMINER LYNN: Okay.

12 MR. LANIER: You see, this is why I was
13 pulled over.

14 EXAMINER LYNN: Okay. But our focus here
15 today is on the seatbelt issue, not why you were
16 pulled over but whether, you know, from your
17 perspective there was a violation of the seatbelt
18 requirement or not.

19 MR. LANIER: Okay.

20 EXAMINER LYNN: Just if you could focus
21 your questions on anything related to that.

22 MR. LANIER: Okay.

23 EXAMINER LYNN: Did you have any?

24 MR. LANIER: Yeah, I got some more.

25 EXAMINER LYNN: Seatbelt part of it.

1 Q. Which lane was I riding in when I -- when
2 you was -- was I in the far right lane or was I in
3 the middle lane because it's three?

4 A. I have middle lane marked on my traffic
5 citation.

6 Q. And you are in the --

7 A. I am in the left lane.

8 Q. Left lane.

9 EXAMINER LYNN: So, Trooper, you are
10 indicating then both parties were in the what I would
11 call the passing lane?

12 THE WITNESS: No, your Honor. There are
13 three lanes in both directions.

14 EXAMINER LYNN: There's three lanes.
15 Interstate 80 there is actually three lanes.

16 THE WITNESS: It is three lanes.

17 EXAMINER LYNN: Okay. So then I'll go
18 back to you, Mr. Lanier. Tell me where you were.

19 THE WITNESS: I was in the left-hand
20 lane.

21 EXAMINER LYNN: The far left.

22 THE WITNESS: Far left lane closest to
23 the median traveling eastbound. Mr. Lanier is in the
24 middle of lane -- of three lanes traveling westbound.

25 EXAMINER LYNN: Mr. Lanier, we will get

1 back to what lane he was involved when you give your
2 testimony but what -- focus your questions on the
3 seatbelt issue itself.

4 MR. LANIER: Okay, okay.

5 Q. (By Mr. Lanier) Well, when you -- okay.
6 When you came up to the truck, was the seatbelt on --

7 MR. LANIER: See, when he came up there,
8 you got my logbook. What I am really trying to get
9 at is this, the reason why I was pulled over, you
10 know, which comes to the seatbelt, you know, because
11 when he first pulled me over, he said you was doing
12 72 in a 65. And I said, no, I wasn't so there was an
13 argument there.

14 EXAMINER LYNN: Sure.

15 MR. LANIER: So then he took my logbook
16 and my logbook it went to -- on August 2 he seen
17 where I had already had the truck written up. You
18 see, that's when he gave me the level II violation.

19 EXAMINER LYNN: But, again, we want to
20 focus on the seatbelt.

21 MR. LANIER: It's going to the seatbelt.

22 EXAMINER LYNN: Well, how about this, if
23 you want to -- if you want that to be part of your
24 sworn testimony, that would be fine but it's -- right
25 now, I just want you to focus on questions

1 specifically concerning the seatbelt.

2 MR. LANIER: Okay.

3 EXAMINER LYNN: It's better that, you
4 know, you give your testimony and you are showing the
5 logbook or whatever, the repairs to the vehicle into
6 it, when you are on the witness stand, that's fine.
7 Right now, you are not sworn in so.

8 MR. LANIER: Okay.

9 Q. (By Mr. Lanier) Well, when you got up in
10 the truck, I had -- my seatbelt was on and it was
11 strapped across me right. I went to MTA in 1984 for
12 safety. In 1995 I went to C1, and all we did was
13 practice the seatbelt.

14 EXAMINER LYNN: Keep going.

15 MR. LANIER: That's the truck driver's.
16 So like he explained how much safety he had like when
17 I was asking him.

18 EXAMINER LYNN: Sure.

19 MR. LANIER: This is the safety I had.

20 EXAMINER LYNN: Mr. Lanier, again, that's
21 the kind of thing you can repeat on the witness stand
22 when you are sworn in but any specific questions
23 concerning the seatbelt?

24 MR. LANIER: Seatbelt only.

25 Q. (By Mr. Lanier) When you got up into the

1 truck, did I have my seatbelt on, correct?

2 A. It was latched in place, correct.

3 Q. And it was going across my chest,
4 correct?

5 A. At the point in time when I approached
6 you, I don't recall seeing the seatbelt across your
7 chest because from what I can recall from what my
8 notes say your seatbelt was latched in place. I
9 don't dispute it was actually hooked into the
10 mechanism, but it was worn in a manner that was so
11 loose I felt it provided no frontal impact protection
12 for you which is why I issued the violation.

13 MR. LANIER: Well, I had my seatbelt on.
14 Okay. That's all because I can't say anything else.

15 EXAMINER LYNN: Right. Any further
16 questions then, Mr. Lanier? Again, related to the
17 seatbelt issue itself.

18 Q. (By Mr. Lanier) How tall is your car?

19 A. I have no idea.

20 Q. The height of your car.

21 A. I have no idea.

22 Q. I'm 13,6 and then you coming at me --

23 EXAMINER LYNN: Just limit it to the
24 questions and then you can add your statements later
25 when you are sworn in.

1 MR. LANIER: Okay. I'm through with
2 questions.

3 EXAMINER LYNN: No more questions? Thank
4 you. We are just trying to have your statements be
5 when you are actually sworn in. Thank you.

6 - - -

7 FURTHER EXAMINATION

8 By Examiner Lynn:

9 Q. Trooper Ramps, you indicated you focused
10 the light upon Mr. Lanier's cab as he was going in
11 the opposite direction, and you said he was in which
12 lane?

13 A. The middle lane, yes, your Honor.

14 Q. Middle lane and then you -- at some point
15 you couldn't focus on him any more because he had
16 gone past you in the opposite direction?

17 A. Correct.

18 Q. You found a crossover, turned around, and
19 you made a comment to Mr. Parram earlier I just
20 wanted to get clear in my mind what you were saying
21 or what you meant. You stated that after you turned
22 around, you would typically try to focus a spotlight
23 in the driver's rearview mirror -- side mirrors.

24 A. In the side mirrors. You have a mirror
25 roughly this big by this big which gives you quite an

1 awful bit of illumination into that cab on to the
2 driver.

3 Q. So if you would focus on the mirror, it
4 would light up the cab itself, and you would see the
5 driver inside?

6 A. You can see more than you would believe
7 in those mirrors.

8 Q. Okay. And did you indicate -- you said
9 that was your typical practice. But you're not --
10 you're not 100 percent certain whether you did it in
11 this instance.

12 A. I can't say whether I did in this
13 instance, yes, your Honor.

14 Q. Okay. Then you approached the cab. You
15 found a seatbelt to be as you're -- as you have
16 written in the inspection report notes.

17 A. That's correct, yes, your Honor.

18 EXAMINER LYNN: Okay. I have no more
19 questions at this time. I may have some more
20 questions later.

21 THE WITNESS: Absolutely, yes, your
22 Honor.

23 EXAMINER LYNN: You may return to your
24 seat.

25 And, Mr. Lanier, if you would like to

1 come to the witness stand, please. We'll swear you
2 in. Thank you.

3 MR. PARRAM: And, your Honor, I would
4 like to correct something. I made a mistake on the
5 record. Staff Exhibit 3 should be Staff Exhibit 2
6 because since we stipulated to the forfeiture amount
7 there will be no Staff Exhibit 2. If I can have
8 Staff Exhibit --

9 EXAMINER LYNN: 3 which is this ticket
10 will be Staff Exhibit 2, okay.

11 (Witness sworn.)

12 EXAMINER LYNN: Mr. Lanier, please add
13 any comments that you have and now you are sworn in,
14 comments as far as your perspective of what happened.

15 - - -

16 WAYMON LANIER
17 being first duly sworn, as prescribed by law, was
18 examined and testified as follows:

19 DIRECT EXAMINATION

20 THE WITNESS: Oh, okay. First of all, I
21 have been driving truck for almost 30 years, a little
22 over 30 years. I went to MTA Professional Truck
23 Driver School in 1984. Then I did a recertification
24 for my CDL in 1995, C1 in Indianapolis, Indiana. MTA
25 was in Jefferson, Ohio.

1 EXAMINER LYNN: That's a truck driving
2 school?

3 THE WITNESS: Driving, truck driver.

4 EXAMINER LYNN: The other one, C1 or
5 something?

6 THE WITNESS: C1 Professional Truck
7 Drivers School in Indianapolis, Indiana.

8 EXAMINER LYNN: Okay.

9 THE WITNESS: I went there in '95. I
10 completed it. From there I went to Star Transport,
11 and every job I had every three months you do three
12 months safety, you know.

13 EXAMINER LYNN: Training program or
14 something?

15 THE WITNESS: Yeah. You know, recertify
16 for your safety, getting your skills changed. The
17 main thing they teach you was how to wear your
18 seatbelt.

19 EXAMINER LYNN: Okay.

20 THE WITNESS: So I have been doing this
21 for over 30 years, you know, over 4,000 -- or 4
22 million miles I done driven. And every time since I
23 have been driving professional truck, in them 30
24 years driving a professional truck I've never had a
25 seatbelt issue. I've always wore my seatbelt

1 correctly because first thing they teach you that's
2 what saves your life. Well, I value my life more
3 than anything. And to be told that I wasn't wearing
4 my seatbelt improperly, that's like saying my school
5 is not accredited. Every safety meeting I went to on
6 my job first thing you do you do your seatbelt
7 because, see, the life I save may be mine or someone
8 else's out there. I take my job seriously, very
9 seriously.

10 It's not about me coming here fighting
11 for the money. It's about him telling me I didn't
12 wear my seatbelt properly. See, that hurt. It
13 really hurts, you know, for him -- he's got the
14 authority and whatever he say goes but, see, the way
15 it happened the day he pulled me over August 14 --

16 EXAMINER LYNN: Actually the night, I
17 guess.

18 THE WITNESS: That midnight night, I'm up
19 there on flat land. 223 -- that exit, I forgot the
20 exit number around -- Niles exit.

21 EXAMINER LYNN: Okay.

22 THE WITNESS: He's down at the bottom of
23 the hill. I'm up at the hill. I can see him. I can
24 see him just as good. When a truck is doing 65 miles
25 an hour on flat land and you are about to hit a

1 downgrade, you are like 72,000 pounds, before you get
2 a quarter of a mile down there, you are going to be 5
3 miles an hour. The truck I had it couldn't go over
4 62 miles an hour because the drive shaft had like
5 a -- the ball joints in it when you get to 62 miles
6 an hour, you get a shimmer like this. So when I come
7 down the hill, he had to see my brake lights because
8 when the truck shimmers, I am looking right at him.
9 All at once I see him do a flip right there at the
10 222. I am looking at him. You can see.

11 EXAMINER LYNN: You are referring to the
12 222 mile marker?

13 THE WITNESS: Yeah. I'm looking at him.
14 I'm downhill. He jumps behind me. He pulls me over.
15 He shines the light in the thing. He asked for my
16 logbook, my license, and my bills. I give him all of
17 it. He noticed on August 2 -- after he comes back,
18 he gives me the level II because, see, it clearly
19 states -- did you want to see my logbook?

20 MR. PARRAM: Go right ahead.

21 THE WITNESS: My air lines, they needed
22 repaired and coming down the hill I couldn't hardly
23 stop because the brakes was a little hard. That's
24 why he put me out of service with the air line
25 brakes, okay? I didn't hide that. But, first, he

1 kept saying you were doing 72. I said I was not
2 doing 72. We argued. He said, yes, you was. I
3 said, no, I wasn't.

4 Then it went to the level II. From level
5 II he came back and said, well, your seatbelt. I
6 said my seatbelt is tight, and it was real tight. He
7 said, no, that's not tight. I said, yes, it is
8 tight. This is how I always wear my seatbelt. He
9 kept saying, no, come on. I said, no, this is tight.

10 And it went from that because I argued
11 and, see, plus on the speeding I complained about
12 that. I said I wasn't speeding so I went and fought
13 that but that's another issue.

14 EXAMINER LYNN: That's another issue.
15 Okay. Mr. Lanier --

16 THE WITNESS: I'm hyped up and this --
17 just to be saying I didn't wear my seatbelt properly,
18 that's what's tearing me up. Over 30 years I have
19 been wearing mine always. See, March 16, same
20 location, right there, exit 218, truck, same company,
21 same violations. Truck was engulfed in flames right
22 at the 218 on the eastbound side. I'm just going to
23 tell if I hadn't had my seatbelt on properly, I got
24 ready to jump out because flames came right out the
25 dash on the inside. Wait. Once I did that I pulled

1 over -- I like to ran into the tollbooth. See, if it
2 hadn't been for my seatbelt, from wearing my seatbelt
3 properly, I wouldn't be sitting right here right now,
4 sir.

5 EXAMINER LYNN: Well, let's get back to
6 what happened on August --

7 THE WITNESS: I was wearing my seatbelt.
8 I had it on. It was his word against mine.

9 EXAMINER LYNN: Well, let's focus a
10 little more on the night of August 14, 2012.

11 THE WITNESS: Okay.

12 EXAMINER LYNN: Do you -- when you were
13 traveling in the direction you were going on
14 Interstate 80 which would have been -- you are going
15 west.

16 THE WITNESS: Westbound.

17 EXAMINER LYNN: You said -- you indicate
18 you noticed Trooper Ramps at the bottom of this
19 slope.

20 THE WITNESS: I could see him coming up.

21 EXAMINER LYNN: Okay. Now, do you -- you
22 could see him but do you recall any -- any lighting
23 at that time coming into your cab, any indication he
24 was using a spotlight to see into your cab?

25 THE WITNESS: Not -- as travel, no.

1 EXAMINER LYNN: So when you first noticed
2 him, he was coming in the opposite direction on
3 Interstate 80.

4 THE WITNESS: Uh-huh.

5 EXAMINER LYNN: You did not notice any --
6 that he was trying to train a spotlight on your cab.

7 THE WITNESS: Was no light.

8 EXAMINER LYNN: There was no light?

9 THE WITNESS: You could see it, bright
10 light. You could see it. All I seen him doing was
11 turning around.

12 EXAMINER LYNN: The next question then
13 once he began to, you know, follow you and/or when
14 you were pulled over, did you -- was there any
15 indication he was using the spotlight at that point
16 in time?

17 THE WITNESS: When he was behind me?

18 EXAMINER LYNN: When he was behind you.

19 THE WITNESS: Behind me I could see the
20 spotlight, you know, in the mirror like that.

21 EXAMINER LYNN: So the lights were on the
22 mirror at that point in time.

23 THE WITNESS: Uh-huh.

24 EXAMINER LYNN: Describe to me from your
25 perspective how you were wearing the belt when you

1 first noticed Trooper Ramps and then as he followed
2 you and he pulled you over. How were you wearing the
3 belt during that period of time?

4 THE WITNESS: Straight across like this,
5 I had this much movement.

6 EXAMINER LYNN: You are indicating
7 straight across.

8 THE WITNESS: Right across here.

9 EXAMINER LYNN: Across your shoulder,
10 over your chest, down to where it would buckle around
11 your waist.

12 THE WITNESS: Right.

13 EXAMINER LYNN: I have no more questions
14 right now, but as with Trooper Ramps, I may have some
15 further questions for you.

16 Mr. Parram, do you have any questions for
17 Mr. Lanier?

18 MR. PARRAM: Just a couple of quick ones.

19 - - -

20 CROSS-EXAMINATION

21 By Mr. Parram:

22 Q. You just indicated you didn't notice the
23 spotlight coming in from the rear into your vehicle,
24 correct?

25 A. No. When I was coming west -- he was

1 going east, and I was going west, I didn't see no
2 spotlight come flashing.

3 Q. When he was behind you.

4 EXAMINER LYNN: When he was following
5 you.

6 Q. When he was following you, you did notice
7 a spotlight.

8 A. Yeah, because as soon as he did that U
9 turn, he hit the spotlight, yeah.

10 Q. Okay. And when you were -- you were
11 heading west?

12 A. West.

13 Q. And he was heading east.

14 A. Right.

15 Q. And you were going down slope. Were you
16 looking to -- where was your attention at that time
17 when you were heading down east?

18 A. Looking in the mirror looking at him.

19 Q. So you were driving down a hill in your
20 vehicle. How -- and you were looking to in the
21 other -- on the other side of traffic as opposed to
22 looking in front of you?

23 A. When I seen him do the U turn, I didn't
24 think he was coming behind. I started getting over
25 in the right-hand lane. I got in the right-hand

1 lane. He jumped behind me.

2 Q. I guess my question is when you are
3 driving -- when you were driving west and you were
4 driving downhill --

5 A. Uh-huh.

6 Q. -- and as you indicate you have to be
7 careful in your vehicle which is very heavy driving
8 downhill, where was your attention at that time?

9 A. Focused in the mirror.

10 EXAMINER LYNN: Focused in the mirror?

11 A. When I was going down the hill?

12 Q. Yes.

13 A. Looking straight ahead.

14 Q. You were looking straight ahead; you
15 weren't looking for vehicles coming toward you?

16 A. I already -- when I am driving, it's like
17 a big picture window. When I seen him coming, I
18 noticed him. I already checked my mirrors, my east
19 coast and west coast mirrors, make sure I get a lane
20 clear. When he did the U turn, focus went to the
21 right lane. I seen him doing a U turn. It's an
22 emergency vehicle going on pursuit on something. I
23 didn't know. So I pulled over in the right-hand
24 lane. I'm looking straight ahead pulling over. Then
25 he motioned me, you know, to pull over to the

1 shoulder.

2 Q. Okay. What color is your seatbelt?

3 A. Black.

4 Q. What color was the shirt you were
5 wearing?

6 A. Gray.

7 MR. PARRAM: That's all I have, your
8 Honor.

9 - - -

10 EXAMINATION

11 By Examiner Lynn:

12 Q. Mr. Lanier, you mentioned your shirt was
13 gray. Is that part of like a uniform you typically
14 wear or what?

15 A. No, just a regular T-shirt.

16 Q. Okay. But you're certain that day it was
17 a gray T-shirt?

18 A. Not really, not really, not really.
19 Because he said gray so I figured he was, but I'm not
20 sure what color it was.

21 Q. So, okay, but you're sure your seatbelt
22 was black.

23 A. Oh, yes.

24 MR. PARRAM: Just to clarify, your Honor.

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CROSS-EXAMINATION

By Mr. Parram:

Q. You don't know what color your T-shirt was? Was it gray or was it?

A. I'm not sure what it was.

MR. PARRAM: Okay.

EXAMINER LYNN: I have a question for Trooper Ramps.

- - -

TROOPER RODNEY RAMPS

being previously duly sworn, as prescribed by law, was examined and testified further as follows:

FURTHER EXAMINATION

By Examiner Lynn:

Q. You are still sworn in.

A. Yes, your Honor.

Q. So you would -- your typical procedure is to shine the spotlight in the rearview mirror, the driver -- the vehicle ahead of you or the tractor-trailer ahead of you as you are following them, correct?

A. Yes, your Honor. Prior to obtaining this position, I spent 10 years working midnights straight. It's a habit you just kind of get into; and, you know, you get good at it over a while so

1 it's something I try to do on every stop I make,
2 whether it be a tractor-trailer or even a passenger
3 car.

4 Q. All right. Thank you. And you are
5 saying that -- that enables you to see inside the cab
6 because it was reflecting light into the cab?

7 A. With a Freight Liner of this model it
8 gives you quite a view into the inside of the cab,
9 yes, your Honor.

10 - - -

11 WAYMON LANIER

12 being previously duly sworn, as prescribed by law,
13 was examined and testified further as follows:

14 FURTHER EXAMINATION

15 By Examiner Lynn:

16 Q. And back to Mr. Lanier for a minute too,
17 you are indicating as you came down that hill or
18 slope, you were able to see Trooper Ramps coming in
19 the opposite direction and you were also able to
20 know -- I guess you were looking in numerous places,
21 that is, the traffic ahead of you, straight ahead of
22 you?

23 A. Yeah, because, see, I'm driving, I look
24 in my mirror to see how clear I am, and if there is
25 nothing beside me, I can see I can stay in this lane

1 for a little longer to stay with him, but you are
2 always working your neck like this, you know.

3 Q. But when you were headed westbound
4 then --

5 A. I straight focused on him.

6 Q. You were focused on the trooper.

7 A. Because there wasn't no cars in front of
8 me, beside, anywhere.

9 Q. Once you noticed him your primary focus
10 was on him but you did not notice --

11 A. To see which --

12 Q. You didn't notice -- when he was coming
13 in the direction opposite of you, you did not notice
14 any spotlight being shown on your vehicle at that
15 time.

16 A. No, none.

17 Q. You noticed it after he had made --
18 turned around and was following you.

19 A. Right.

20 EXAMINER LYNN: Let's go off the record
21 for a minute.

22 (Discussion off the record.)

23 EXAMINER LYNN: Back on the record.

24 Q. Mr. Lanier, the way you typically wear
25 your belt is the way you described which is across

1 your shoulder, down over your chest, buckled around
2 the waist.

3 A. Yes, because, sir -- excuse me. When you
4 are in a Freight Liner, you are sitting up real high.
5 If you make the wrong thing, you will fall out that
6 chair. That seatbelt is what holds you in there, you
7 see. You are up real high. You got air seats and,
8 see, I'm tall. So my seat goes up real high because
9 I'm 6 feet something, you see now, and if I don't
10 have that seatbelt on, if I make a wrong leave like
11 this, I will roll over in the floor. I am in the
12 cabover. I got a bed in the back. So if I fall
13 like, I could roll.

14 I'm an over-the-road driver so you must
15 put that seatbelt on because if you make one little
16 fall out the seat, sir, especially if you are tall
17 because you got long legs, you got to wear your
18 seatbelt, right.

19 If it's loose, you hit a -- if you make a
20 right-hand turn, you could easily roll out that seat,
21 sir. That's why I am here today, ain't no way you
22 could keep a lot of slack like the officer said, no
23 way, and you are driving an 18 wheeler cabover, a
24 Freight Liner 2009, and you are 6 feet 4, that chair
25 is going to be up this high and you are that far from

1 the floor. Imagine you making a right-hand turn and
2 you are doing like this in a truck.

3 EXAMINER LYNN: And, Trooper Ramps, what
4 kind of vehicle is yours by the way?

5 TROOPER RAMPS: I drive a Chevrolet
6 Tahoe, but I believe at the time I was in a Ford
7 Victoria because I recently obtained the other
8 vehicle.

9 EXAMINER LYNN: Okay. I have no other
10 questions at this time.

11 Mr. Parram, do you have any additional
12 questions?

13 MR. PARRAM: I do not, your Honor.

14 EXAMINER LYNN: Thank you. I want -- I
15 appreciate everyone coming today.

16 MR. PARRAM: And I think I just need to
17 move for admission of my exhibits.

18 EXAMINER LYNN: Thank you, yes.

19 MR. PARRAM: Staff exhibits.

20 EXAMINER LYNN: Mr. Lanier, do you have
21 any objection to either of these exhibits being
22 admitted into evidence or the case?

23 MR. LANIER: Oh, no.

24 EXAMINER LYNN: The inspection report or
25 ticket?

1 We will admit Staff Exhibits 1 and 2 into
2 evidence.

3 (EXHIBITS ADMITTED INTO EVIDENCE.)

4 EXAMINER LYNN: I believe that's it.

5 MR. LANIER: Do you want these back?

6 EXAMINER LYNN: I believe that's it for
7 today. I want to thank everyone for attending and
8 waiting while we had our delay. Have a safe trip
9 home, everyone.

10 (Thereupon, the hearing was concluded at
11 11:18 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 Thursday, March 7,
2013, and carefully compared with my original
stenographic notes.

Karen Sue Gibson, Registered
Merit Reporter.

(KSG-5675)

- - -

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Case No(s). 12-3231-TR-CVF

Summary: Transcript in the matter of Waymon R. Lanier hearing held on 03/07/13 electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Gibson, Karen Sue Mrs.