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Before Kerry K. Sheets, Attorney Examiner, at the Public Utilities Commission of Ohio, 180 East Broad Street, Room 11-D, Columbus, Ohio, called at 11:00 a.m. on Tuesday, June 11, 2013.

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1 APPEARANCES:

2 Michael DeWine, Ohio Attorney General
3 By Ryan P. O'Rourke, Esq.
4 Assistant Attorney General
180 East Broad Street, 6th Floor
Columbus, Ohio 43215

5 On behalf of the Staff of the PUCO.

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STAFF EXHIBITS

ID'D REC'D

1 - Notice of Preliminary Determination,
4/1/13

5 7

2 - Driver/Vehicle Examination Report,
Inspection Date 2/25/13

6 7

1 Tuesday Morning Session,
2 June 11, 2013.

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4 ATTORNEY EXAMINER SHEETS: I'll go ahead
5 and call the hearing. The Public Utilities
6 Commission of Ohio has set for hearing at this time
7 and place Case No. 13-754-TR-CVF, in the Matter of
8 Kenneth W. Robinson.

9 My name is Kerry Sheets. I'm an
10 Attorney Examiner for the Commission, and I've been
11 assigned to hear this case.

12 May I now have the appearances of the
13 parties, please?

14 MR. O'ROURKE: Thank you, your Honor.
15 Ryan O'Rourke with the Ohio Attorney General's
16 Office, appearing here today representing Staff.
17 My address is 180 East Broad Street, Sixth Floor.
18 My phone number is 644-8660. That's Columbus, Ohio
19 43215.

20 HEARING EXAMINER SHEETS: Very good.

21 Let the record show there are no other
22 parties in the hearing room at this time, and we will
23 now take a recess of about 30 minutes and reconvene
24 after that. Thank you.

25 (Recess taken.)

1 ATTORNEY EXAMINER SHEETS: Let's go back
2 on the record.

3 Let the record show it is now 11:30, and
4 Staff is still the only party in the hearing room.

5 Do you have a statement to make, Mr.
6 O'Rourke?

7 MR. O'ROURKE: Yes, I do, your Honor.
8 You'll note that this case number identifies two
9 inspection numbers on it. Staff would like to
10 voluntarily dismiss one of the inspection numbers,
11 that being the inspection identified as OH3269008982,
12 and with respect to the other inspection number, that
13 being OH3269009388C, we would move for a default
14 under Commission Rule 4901:2-7-14(E), "A Respondent
15 who has requested an administrative hearing and fails
16 to appear for the hearing shall be in default," and
17 to support that motion, we'd like to offer two pieces
18 of evidence into the record. The first I'd like to
19 have marked as Staff Exhibit 1.

20 May I approach?

21 ATTORNEY EXAMINER SHEETS: Yes.

22 MR. O'ROURKE: Staff Exhibit 1 is the
23 Notice of Preliminary Determination that was sent to
24 the Respondent with respect to the inspection number
25 with the last three characters 88C.

1 I'd also like to admit Staff Exhibit 2
2 along with our motion as well.

3 May I approach?

4 ATTORNEY EXAMINER SHEETS: Yes.

5 MR. O'ROURKE: Now, if we look at Staff
6 Exhibit 1, it lists the violations that were cited
7 against the Respondent. The first one was a
8 violation of 392.9, and that was for the driver -- or
9 that provision says, "Driver may not operate a
10 commercial motor vehicle without proper load
11 securement." Here, if we look on the inspection
12 report, the Respondent was cited because there were
13 unsecure roofing shingles on the left side front of
14 the truck.

15 The second violation was a violation of
16 390.21A, the vehicle was not marked in accordance
17 with the regulations. There was no company name
18 displayed, and the final violation was for OAC
19 2-1-04, and that was a failure of the Respondent to
20 present a PUCO tax receipt.

21 That concludes our presentation, your
22 Honor. We would request for admission of our
23 exhibits into evidence.

24 ATTORNEY EXAMINER SHEETS: All right.
25 We'll admit those exhibits into evidence at this

time. I will take your motion under advisement and make a recommendation to the Commission, and the Commission will subsequently rule on it.

I thank you all for coming.

MR. O'ROURKE: Thank you.

(EXHIBITS MARKED FOR IDENTIFICATION.)

(EXHIBITS ADMITTED INTO EVIDENCE.)

(Case submitted on the record.)

(Thereupon, the hearing was concluded at 11:33 a.m.)

CERTIFICATE

I do hereby certify that the foregoing
is a true and correct transcript of the proceedings
taken by me in this matter on Tuesday, June 11, 2013,
and carefully compared with my original stenographic
notes.

Valerie J. Sloas, Registered
Professional Reporter and
Notary Public in and for
the State of Ohio.

My commission expires June 8, 2016.
(VJS-72619)

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in

Case No(s). 13-0754-TR-CVF

Summary: Transcript in the matter of Kenneth W. Robinson hearing held on 06/11/13 electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Sloas, Valerie J. Mrs.