

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of Harmony :  
Farms and Guy C. Martin, : Case Nos. 13-761-TR-CVF  
Notice of Apparent : 13-762-TR-CVF  
Violation and Intent to :  
Assess Forfeiture :

- - -

PROCEEDINGS

before Ms. Sarah Parrot, Hearing Examiner, at the  
Public Utilities Commission of Ohio, 180 East Broad  
Street, Room 11-C, Columbus, Ohio, called at  
10:01 a.m. on Tuesday, November 5, 2013.

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ARMSTRONG & OKEY, INC.  
222 East Town Street, 2nd Floor  
Columbus, Ohio 43215-5201  
(614) 224-9481 - (800) 223-9481  
Fax - (614) 224-5724

- - -

1 APPEARANCES:

2 Mike DeWine, Ohio Attorney General  
3 Public Utilities Section  
4 By Mr. Ryan P. O'Rourke  
5 Assistant Attorney General  
6 180 East Broad Street, 6th Floor  
7 Columbus, Ohio 43215

8 On behalf of the Staff of the Public  
9 Utilities Commission of Ohio.

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STAFF EXHIBITS

IDTF'D ADMT'D

1 - Notice of Preliminary  
Determination

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2 - Notice of Preliminary  
Determination

6 6

3 - Driver/Vehicle Examination  
Report

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Tuesday Morning Session,  
November 5, 2013.

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EXAMINER PARROT: The Public Utilities Commission of Ohio has called for hearing at this time and place, Case No. 13-761-TR-CVF and Case No. 13-762-TR-CVF, being In the Matter of Harmony Farms and Guy C. Martin, Notice of Apparent Violation and Intent to Assess Forfeiture. My name is Sara Parrot, I'm the Attorney Examiner assigned by the Commission to hear these cases.

At this time let's get started with the appearances of the parties.

MR. O'ROURKE: Thank you, your Honor. My name is Ryan O'Rourke and I'm representing the staff in this case today, and I'm with the Ohio Attorney General's office, Public Utilities Section, 180 East Broad Street, 6th Floor, Columbus, Ohio 43215.

EXAMINER PARROT: Thank you.

At this time I will note for the record that there is no one present in the hearing room today on behalf of either Harmony Farms or Guy C. Martin. I will also note that pursuant to Attorney Examiner entry, dated October 15th, 2013, the hearing on these cases was scheduled for this time and place

1 today and a copy of that entry was served upon the  
2 Respondents.

3 Mr. O'Rourke.

4 MR. O'ROURKE: Thank you, your Honor.

5 At the outset, we would move for a  
6 default. As you mentioned, this hearing was called  
7 for 10:00 o'clock this morning, it's now 10:03, and  
8 there's been no appearance by the Respondent. And I  
9 would cite to the Commission, Ohio Administrative  
10 Code 4901:2-7-14 Section (E) which provides, in  
11 relevant part, that a Respondent who has requested an  
12 administrative hearing and fails to appear for the  
13 hearing shall be in default. So that would be the  
14 first order of business from the staff today.

15 And, moving along, we do have some  
16 exhibits that we'd like to put into the record.

17 EXAMINER PARROT: Okay. Very good.

18 MR. O'ROURKE: The first exhibit is  
19 marked Staff Exhibit 1. This is the Notice of  
20 Preliminary Determination that is associated with the  
21 13-761 case, that's the carrier violation, and noted  
22 on here the Respondent was cited \$500 for failing to  
23 pay the UCR fee.

24 EXAMINER PARROT: Thank you.

25 (EXHIBIT MARKED FOR IDENTIFICATION.)

1 MR. O'ROURKE: Staff Exhibit 2 is for the  
2 13-762 case. This is the driver violation.  
3 Respondent was cited \$100 for not having a medical  
4 certificate in his possession.

5 And, finally, Staff Exhibit 3 is the  
6 inspection report that is associated with both of  
7 these case numbers. One inspection report was  
8 created; it arose out of the same transaction.

9 That's all we have, your Honor.

10 EXAMINER PARROT: All right. Thank you.

11 (EXHIBITS MARKED FOR IDENTIFICATION.)

12 EXAMINER PARROT: If you'd like to go  
13 ahead and move for admission.

14 MR. O'ROURKE: Yes, we would seek to have  
15 those exhibits admitted.

16 EXAMINER PARROT: All right. At this  
17 time we will admit exhibits -- I'm sorry, Staff  
18 Exhibits 1 through 3 into the record.

19 (EXHIBITS ADMITTED INTO EVIDENCE.)

20 EXAMINER PARROT: And the motion for  
21 default judgment will be taken under advisement by  
22 the Commission.

23 Is there anything else to come before us  
24 today?

25 MR. O'ROURKE: That's all.

1 EXAMINER PARROT: All right. Thank you  
2 very much. We are adjourned.

3 (The hearing concluded at 10:05 a.m.)

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5 CERTIFICATE

6 I do hereby certify that the foregoing is a  
7 true and correct transcript of the proceedings taken  
8 by me in this matter on Tuesday, November 5, 2013,  
9 and carefully compared with my original stenographic  
10 notes.

11 \_\_\_\_\_  
12 Carolyn M. Burke, Registered  
13 Professional Reporter, and  
Notary Public in and for the  
State of Ohio.

14 My commission expires July 17, 2018.

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**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**11/19/2013 12:13:31 PM**

**in**

**Case No(s). 13-0761-TR-CVF, 13-0762-TR-CVF**

Summary: Transcript in the matter of Harmony Farms and Guy C. Martin hearing held on 11/05/13 electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Burke, Carolyn M. Mrs.