

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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APPEARANCES:

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

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

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STAFF EXHIBITS	IDTF'D	ADMT'D
1 - Notice of Preliminary Determination	5	6
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3 - Driver/Vehicle Examination Report	6	6

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1 Tuesday Morning Session,
2 November 5, 2013.

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

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

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

19 EXAMINER PARROT: Thank you.

20 At this time I will note for the record
21 that there is no one present in the hearing room
22 today on behalf of either Harmony Farms or Guy C.
23 Martin. I will also note that pursuant to Attorney
24 Examiner entry, dated October 15th, 2013, the hearing
25 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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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.