

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

In the Matter of :  
Everton Thompson Notice : Case No.  
of Apparent Violation and : 15-223-TR-CVF  
Intent to Assess Forfeiture :  
- - -

PROCEEDINGS

Before Sarah Parrot, Attorney Examiner, held at  
the offices of the Public Utilities Commission  
of Ohio, 180 East Broad Street, Hearing Room  
11-D, Columbus, Ohio, on Tuesday, April 7, 2015,  
at 10:00 A.M.

- - -

Armstrong & Okey, Inc.  
222 East Town Street, 2nd Floor  
Columbus, Ohio 43215  
(614) 224-9481 - (800) 223-9481  
Fax - (614) 224-5724

- - -

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

APPEARANCES:

Mr. Werner L. Margard  
Assistant Attorney General  
180 East Broad Street  
Columbus, Ohio 43215

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

Mr. Everton A. Thompson  
1329 Circle Drive East  
Baldwin, New York 11510

Appearing Pro se.

- - -

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

INDEX TO WITNESSES

- - -

DIRECT    CROSS

STATE'S WITNESSES

John Holzworth

6

15

Tom Persinger

18

RESPONDENT'S WITNESSES

Everton Thompson

25

- - -

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

INDEX TO EXHIBITS

- - -

STATE'S EXHIBITS	IDENTIFIED
1 Driver/Vehicle Examination Report	8
2 Medical Examiner's Certificate	12
3 Medical Information	12
4 Notice of Preliminary Determination	22

- - -

1 Tuesday Morning,  
2 April 7, 2015.

3 - - -

4 ATTORNEY EXAMINER: The Public  
5 Utilities Commission of Ohio has called for  
6 hearing at this time and place Case No.  
7 15-223-TR-CVF being in the Matter of Everton  
8 Thompson Notice of Apparent Violation and Intent  
9 to Assess Forfeiture.

10 My name is Sarah Parrot, and I am  
11 the Attorney Examiner assigned by the Commission  
12 to hear this case today. Let's get started with  
13 appearances. And we will begin with the Staff.

14 MR. MARGARD: Thank you, Your  
15 Honor. On behalf of the Transportation Staff of  
16 the Public Utilities Commission of Ohio, Mike  
17 DeWine, Ohio Attorney General, William Wright,  
18 Section Chief, Public Utilities Section by  
19 Assistant Attorney General Werner Margard, 180  
20 East Broad Street, 6th Floor, Columbus, Ohio.

21 ATTORNEY EXAMINER: Thank you. Mr.  
22 Thompson, if you could just state your full name  
23 and your address for the record.

24 MR. THOMPSON: Everton Thompson,  
25 1329 Circle Drive East, Baldwin, New York 11510.

1                   ATTORNEY EXAMINER: Thank you. You  
2 may have a seat. Are there any preliminary  
3 matters to discuss before we get started with  
4 our first witness? All right. Staff, I will  
5 turn things over to you.

6                   MR. MARGARD: Thank you, your Honor.  
7 And I would call Inspector John Holzworth to the  
8 stand.

9                   ATTORNEY EXAMINER: Thank you.

10                   (WITNESS SWORN)

11                   ATTORNEY EXAMINER: Please.

12   - - -

13                   INSPECTOR JOHN HOLZWORTH  
14 called as a witness, being first duly sworn,  
15 testified as follows:

16   DIRECT EXAMINATION

17 By Mr. Margard:

18                   Q. And begin, please, by stating your  
19 name and business address.

20                   A. My name is Motor Carrier Inspector  
21 John Holzworth. The business address is 1653  
22 Marion Road, Bucyrus, Ohio 44820.

23                   Q. And by whom are you employed?

24                   A. State Highway Patrol, State of Ohio.

25                   Q. And your official title is?

1           A.    Motor Carrier Enforcement Inspector  
2    Supervisor.

3           Q.    Now, Inspector Holzworth, how long  
4    have you had that position?

5           A.    I have been an inspector since 1998.

6           Q.    Do you have any special training or  
7    certification to perform that job?

8           A.    Absolutely. Trained in North  
9    American Standard A and B, cargo tank, hazmat,  
10   bulk, non-bulk, and motor coach.

11          Q.    Are you required to maintain or to  
12   recertify periodically?

13          A.    Yes, sir.

14          Q.    And all of your certifications are  
15   current?

16          A.    Yes, they are.

17          Q.    Were you on duty on September 11,  
18   2014?

19          A.    Yes, sir.

20          Q.    Do you recall what your assignment  
21   was or what your duties were on that date?

22          A.    I believe I was working Wyandot  
23   County that day doing inspections.

24          Q.    And in the course of your duties  
25   that day did you have an opportunity to inspect

1 the vehicle being operated by the Respondent,  
2 Mr. Thompson?

3 A. Yes, sir.

4 Q. And as a result of that inspection  
5 did you generate a report?

6 A. I did.

7 MR. MARGARD: Your Honor, may I  
8 approach?

9 ATTORNEY EXAMINER: You may.

10 MR. MARGARD: Your Honor, I have  
11 marked for purposes of identification as Exhibit  
12 No. 1 a two-page document entitled  
13 Driver/Vehicle Inspection Report.

14 ATTORNEY EXAMINER: So marked.

15 (EXHIBIT HEREBY MARKED FOR  
16 IDENTIFICATION PURPOSES)

17 Q. Inspector Holzworth, do you have  
18 before you what I have marked as Staff Exhibit  
19 No. 1?

20 A. Yes, sir.

21 Q. And could you identify that document  
22 for me?

23 A. This is Inspection OH3291101407,  
24 inspection I completed on September 11, 2014 at  
25 06:37 in the morning when I stopped him.



1           Q.    And is this the report that you  
2 generated following your inspection of Mr.  
3 Thompson and his vehicle?

4           A.    Yes, sir.

5           Q.    And could you tell me how you  
6 conduct your inspection?

7           A.    This will be a Level 3 inspection,  
8 which is a driver only inspection. Getting  
9 the driver information, which would be medical  
10 card, log book, make sure driver's CDL is valid,  
11 there is no impairment by the driver, so on and  
12 so forth.

13                    During the inspection I believe I  
14 asked Mr. Thompson if he had a medical card and  
15 he did not produce one at the time of  
16 inspection. And I ran it through LEADS, and  
17 there was kind of a transition period where some  
18 of the states are participating in putting in  
19 medical information. So if they don't have  
20 their physical card on them on there persons you  
21 can pull up their driver's license and see if  
22 there is anything on file through their DMV and  
23 at that time there was not.

24                    So, he had nothing on his person and  
25 nothing was on file in the system.

1           Q.    Back up and let me just make sure I  
2    have got the ground covered here.  When you  
3    asked him for his documentation, you asked him  
4    for a whole variety of things that you  
5    indicated, the log book.  He produced his log  
6    book I presume.  You asked him for his CDL,  
7    which he was able to produce?

8           A.    Correct.

9           Q.    What else did you ask him for?

10          A.    Medical card.

11          Q.    And he was not able to produce  
12    anything for you at that time; is that correct?

13          A.    No, sir.

14          Q.    You also indicated that you checked  
15    something called LEADS.  Do you know what LEADS  
16    is?

17          A.    Yes, I do.

18          Q.    Do you know what it stands for?

19          A.    Law Enforcement Automatic Data  
20    System.

21          Q.    And what information is contained in  
22    system, please?

23          A.    It will show if he has got a valid  
24    driver's license and any suspensions, it will  
25    show some of -- it should show his medical if he

1 is self-certified through the DMV, which shows  
2 that he has got intrastate, interstate, and if  
3 he is qualified to operate that vehicle.

4 Q. And did his profile in fact show up  
5 on LEADS?

6 A. No, it did not. Nothing showed up.

7 Q. Noting showed up at all?

8 A. No, sir.

9 Q. Do you routinely check LEADS  
10 whenever you do a driver inspection, or did you  
11 do so only because he did not produce  
12 documentation?

13 A. LEADS is part of the inspection. It  
14 shows the driver if he is valid, if he is under  
15 suspension, if that is what we are checking for.  
16 And also you can check for medical information  
17 as well.

18 Q. So as a result of your inspection  
19 you issued a citation essentially for a  
20 violation; is that correct?

21 A. Yes, sir.

22 Q. And the violation is noted in the  
23 violation section of your report?

24 A. Yes, it is.

25 Q. It indicates that he had no

1 certification in his possession at the time and  
2 that LEADS contained no information; is that  
3 correct?

4 A. That's correct.

5 MR. MARGARD: May I approach, your  
6 Honor?

7 ATTORNEY EXAMINER: You may.

8 MR. MARGARD: Your Honor, I have  
9 marked for purposes of identification two  
10 separate documents. I have marked one labeled  
11 Medical Examiner's Certificate as Staff Exhibit  
12 No. 2.

13 ATTORNEY EXAMINER: So marked.

14 (EXHIBIT HEREBY MARKED FOR  
15 IDENTIFICATION PURPOSES)

16 MR. MARGARD: A second document from  
17 the New York State Department of Motor Vehicles  
18 as Staff Exhibit No. 3.

19 ATTORNEY EXAMINER: So marked.

20 (EXHIBIT HEREBY MARKED FOR  
21 IDENTIFICATION PURPOSES)

22 Q. Inspector, Holzworth, I have handed  
23 you two documents and I want to ask you if prior  
24 to today you have seen either one of these  
25 documents?

1           A.    I have not.

2           Q.    Do you know what these documents are  
3 or what they purport to be?

4           A.    Exhibit 2 is your basic Medical  
5 Examiner's Certificate.  And I see a lot of  
6 these on the roadside when you ask for it.  And  
7 that is perfectly acceptable.

8           Q.    And this document was not produced  
9 to you at the time of the inspection; is that  
10 correct?

11          A.    No, sir.

12          Q.    Had it been that would have been  
13 acceptable in your opinion?

14          A.    Absolutely.

15          Q.    And are you able to identify Staff  
16 Exhibit No. 3?  Do you know what this is?

17          A.    I am not familiar with it, no.

18          Q.    If I represent to you, sir, that  
19 both Staff Exhibit No. 2 and Staff Exhibit No. 3  
20 were produced to the Commission by the  
21 Respondent, by Mr. Thompson, as indication to us  
22 that he in fact had a medical certificate at the  
23 time of the inspection, and if I were to ask you  
24 to assume that at the time of the inspection he  
25 had produced to you a copy of Staff Exhibit No.

1 3, would that in your opinion have sufficed as  
2 evidence of medical certification?

3 A. Again, I have never seen a form like  
4 this doing inspections on the roadside. It  
5 really doesn't show me much.

6 Q. But in any event, he did not produce  
7 this document for you?

8 A. He did not, no.

9 Q. Did you make any other findings at  
10 the time of your inspection?

11 A. No, sir. Just the medical  
12 certificate not being present on the driver.

13 Q. And you provided a copy of Staff  
14 Exhibit No. 1, or a document similar to it to  
15 Mr. Thompson following your inspection; is that  
16 correct?

17 A. Yes, sir.

18 Q. Is there anything further regarding  
19 your inspection that you believe the Commission  
20 should know to determine this case?

21 A. No, other than if he had produced  
22 Staff Exhibit 2, like I said, it's acceptable,  
23 there would have never been a violation as long  
24 as it's valid.

25 MR. MARGARD: I have no further

1 questions. Thank you, Your Honor.

2 ATTORNEY EXAMINER: All right. Mr.  
3 Thompson, do you have any questions for  
4 the witness?

5 MR. THOMPSON: Certainly.

6 CROSS-EXAMINATION

7 By Mr. Thompson:

8 Q. On the morning when you stopped me  
9 and you examined me for driver's license,  
10 inspection, medical card, I produced it to you.  
11 You then in turn said to me, oh, that is  
12 the certification. I told you, all right, I am  
13 going back in the truck and look for the long  
14 form.

15 A. Okay.

16 Q. I am still looking for -- my long  
17 form was at the door in the book. You saw  
18 the long form because I present all these  
19 paperwork to you except this one.

20 You also write on the citation I  
21 should fax in my medical card, which I did  
22 around eight times. And that should be it.

23 You also stated that New York was  
24 not showing that I had a medical card. So I  
25 proceed to New York, they gave me this

1 paperwork. Said I should send it over to you.  
2 Also fax these paperwork, medical card, to the  
3 number, the 614 number you gave me. Eight  
4 times, like I said. And each time I faxed it I  
5 make sure call these people, did you receive.  
6 Yes, we receive.

7 On the first interview with  
8 the lady, I can't remember her name, got so many  
9 names in my lead. It's like --

10 ATTORNEY EXAMINER: Mr. Thompson, at  
11 this point, I am sorry to interrupt you, but at  
12 this point in the hearing you may ask questions  
13 to Inspector Holzworth. You will have at a  
14 later point an opportunity to testify.

15 But I need to be hearing questions  
16 from you. And it sounds like I am hearing  
17 testimony. So you are getting a little ahead of  
18 yourself. So questions only, please.

19 MR. THOMPSON: Questions.

20 Q. If I never have a medical card why  
21 would New York present me this paperwork showing  
22 that they had me on file?

23 A. I don't think I ever said you didn't  
24 have a medical card, you just didn't have it  
25 with you.



1 Q. I had on me that morning.

2 A. Did you show it to me?

3 Q. Yes. I gave it to you and you  
4 gave --

5 ATTORNEY EXAMINER: Okay. Again  
6 let's stick with questions. We will give you a  
7 chance to testify.

8 MR. THOMPSON: Okay. That is it.

9 ATTORNEY EXAMINER: Okay. Thank  
10 you. Any redirect?

11 MR. MARGARD: If I may just one  
12 question. Thank you.

13 ATTORNEY EXAMINER: Yes.

14 REDIRECT EXAMINATION

15 By Mr. Margard:

16 Q. The violation here is he was not  
17 able to produce a medical certificate for you;  
18 is that correct?

19 A. Correct.

20 Q. Had you found information in LEADS  
21 that indicated that he had a medical certificate  
22 would that have sufficed even if he had none in  
23 his possession?

24 A. I probably would not have wrote a  
25 violation if was in LEADS showing some kind of

1 proof that he did certify with the BMV. Yes,  
 2 that would have sufficed.

3 Q. You had neither certificate nor any  
 4 evidence that any certificate had ever been  
 5 issued at the time of the inspection?

6 A. That's correct.

7 MR. MARGARD: That is all I have.  
 8 Thank you.

9 ATTORNEY EXAMINER: Okay. Do you  
 10 have a follow-up question based on the question  
 11 Mr. Margard just asked?

12 MR. THOMPSON: No.

13 ATTORNEY EXAMINER: Thank you.  
 14 Thank you very much. You are excused. I think  
 15 we may have one witness from the Staff,  
 16 possibly, and then we will give you your  
 17 opportunity to testify.

18 MR. MARGARD: Thank you, Your Honor.  
 19 I would like to call Mr. Tom Persinger to the  
 20 stand, please.

21 (WITNESS SWORN)

22 - - -

23 THOMAS PERSINGER  
 24 called as a witness, being first duly sworn,  
 25 testified as follows:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

## DIRECT EXAMINATION

By Mr. Margard:

Q. Please state your name and business address.

A. My name is Tom Persinger. Business address 180 East Broad Street, Columbus, Ohio 43215, 4th floor.

Q. Mr. Persinger, by whom are you employed and in what capacity, please?

A. I am employed as a Compliance Officer with the Public Utilities Commission of Ohio.

Q. How long have you been performing that job?

A. Just short of four years.

Q. And what are your duties and responsibilities in that position?

A. My duties include assessing fines that result from roadside inspections if applicable, as well as compliance reviews, as well as take training and do some roadside inspections as well.

Q. Are you certified to perform roadside inspections?

A. Yes, sir.

1           Q.    Would you please describe to us how  
2 a civil forfeiture is calculated for violations  
3 of Motor Carrier Safety regulations?

4           A.    After an inspection is done at  
5 roadside it is uploaded to a system and it comes  
6 into our system, and depending upon  
7 the violation a fine amount may or may not be  
8 applied to a particular violation.

9           Q.    Those fine amounts are according to  
10 some sort of schedule or program or algorithm?

11          A.    Yes.  They are determined by a fine  
12 chart.

13          Q.    And are the dollar amounts contained  
14 in that schedule consistent with those  
15 recommended by the Commercial Vehicle Safety  
16 Alliance?

17          A.    Yes, sir.

18          Q.    And the procedure you described is  
19 consistent for the recommended civil penalty  
20 procedure adopted by the Commercial Vehicle  
21 Safety Alliance?

22          A.    Yes, sir.

23          Q.    And that procedure is the same for  
24 all carriers and all drivers?

25          A.    With the State of Ohio, yes.

1 Q. Thank you. In the course of  
 2 preparing for the testimony today have you had  
 3 an opportunity to review the Commission's file  
 4 with respect to this violation?

5 A. To some extent.

6 Q. You had no involvement with this  
 7 case prior to the hearing involving this  
 8 violation; is that right?

9 A. Correct.

10 Q. Based on your review of this case do  
 11 you know what the assessment should have been  
 12 for this violation?

13 A. It would depend upon what it showed  
 14 on the assessment chart, or on the fine chart.

15 Q. And do you know what that was in  
 16 this case, in this instance?

17 A. I believe \$100.

18 Q. And would that be the proper  
 19 assessment for this violation?

20 A. Yes.

21 MR. MARGARD: May I approach, your  
 22 Honor?

23 ATTORNEY EXAMINER: You may.

24 MR. MARGARD: Your Honor, I have  
 25 marked for purposes of identification as Staff

1 Exhibit No. 4 a Notice of Preliminary  
2 Determination dated December 30th, 2014 and  
3 addressed to the Respondent.

4 ATTORNEY EXAMINER: So marked.

5 (EXHIBIT HEREBY MARKED FOR  
6 IDENTIFICATION PURPOSES)

7 Q. Mr. Persinger, do you have before  
8 you what has been marked as Staff Exhibit No. 4?

9 A. Yes, sir, I do.

10 Q. And is this document part of the  
11 Commission record in this case that you reviewed  
12 prior to testifying today?

13 A. Yes, sir.

14 Q. Based on your review of the  
15 Commission's file did the Respondent receive all  
16 notices to which he was entitled?

17 A. Yes, sir.

18 Q. And were those notices properly and  
19 timely served upon him?

20 A. Yes, sir.

21 Q. And in your opinion is forfeiture in  
22 this case properly assessed?

23 A. Yes, sir.

24 MR. MARGARD: I have no further  
25 questions for Mr. Persinger. Thank you, Your

1 Honor.

2 ATTORNEY EXAMINER: Thank you. Mr.  
3 Thompson, do you have any questions for this  
4 witness?

5 MR. THOMPSON: No.

6 ATTORNEY EXAMINER: Thank you. Very  
7 good. You are excused.

8 MR. MARGARD: Your Honor, I have no  
9 further witnesses. I will move the admission of  
10 Staff Exhibits 1 and 4.

11 As regards to Staff Exhibits 2 and  
12 3, I will indicate that these are documents that  
13 were served upon us by the Respondent and are  
14 contained in the Commission's records. I would  
15 have no objection to their admission, although I  
16 have no means by which to authenticate them.

17 So, it may be advisable to do that  
18 through the Respondent, but I am not  
19 specifically moving for their admission.

20 ATTORNEY EXAMINER: We will hold off  
21 on those two.

22 Mr. Thompson, do you have any  
23 objections to the admission of Staff Exhibit 1,  
24 which is the Driver/Vehicle Examination report,  
25 or Staff Exhibit 4, which is the letter that is

1 called a Preliminary Determination?

2 MR. THOMPSON: 1.

3 ATTORNEY EXAMINER: Do you have  
4 objection to it being admitted into the record  
5 in this case?

6 MR. THOMPSON: Yes, ma'am.

7 ATTORNEY EXAMINER: And what is the  
8 basis of your objection?

9 MR. THOMPSON: At the time when he  
10 stopped me he said the LEADS was not showing  
11 that I have a medical card. Why did this  
12 company never come up with that information?

13 ATTORNEY EXAMINER: You will have an  
14 opportunity to offer your testimony into the  
15 record, but at this point I am asking you if you  
16 have any objection to this document being --

17 MR. THOMPSON: No.

18 ATTORNEY EXAMINER: Do you have any  
19 reason to believe this is not what the Staff  
20 says it is?

21 MR. THOMPSON: Yes.

22 ATTORNEY EXAMINER: Staff is saying  
23 this is a copy of the inspection report that was  
24 given to you on that date.

25 MR. THOMPSON: I got this.



1                   ATTORNEY EXAMINER: So you are not  
2                   disputing --

3                   MR. THOMPSON: No, ma'am.

4                   ATTORNEY EXAMINER: Okay. So Staff  
5                   Exhibit 1 and Staff Exhibit 4 will be admitted  
6                   to the record at this time.

7                   (EXHIBITS ADMITTED INTO EVIDENCE)

8                   ATTORNEY EXAMINER; Is there  
9                   anything else from Staff?

10                  MR. MARGARD: No. Thank you, Your  
11                  Honor.

12                  ATTORNEY EXAMINER: Okay. Mr.  
13                  Thompson, if you want to come to the witness  
14                  stand and bring any documents with you.

15                  (WITNESS SWORN)

16                  - - -

17                  EVERTON THOMPSON  
18                  called as a witness, being first duly sworn,  
19                  testified as follows:

20                  ATTORNEY EXAMINER: And at this  
21                  point since you are proceeding without counsel  
22                  today just offer your testimony in a narrative  
23                  fashion, and then once you are finished, and,  
24                  you know, take your time in doing that, tell us  
25                  what happened on the day of the inspection, and

1 then once you are finished Mr. Margard will have  
2 an opportunity to ask any questions he has at  
3 that point. Okay?

4 Let's start with again state your  
5 name and your address for us.

6 MR. THOMPSON: Everton Thompson,  
7 1329 Circle Driver East, Baldwin, New York  
8 11510.

9 ATTORNEY EXAMINER: And then  
10 anything else that you feel the Commission  
11 should know.

12 MR. MARGARD: So that you know, sir,  
13 the previous story that you were telling us was  
14 not under oath, and, therefore, it can't be  
15 given the weight by the Examiner as true or  
16 false. So this is the time for you to retell  
17 your story.

18 ATTORNEY EXAMINER: I think it's  
19 usually best to kind of go in chronological  
20 fashion myself. If you just kind of start with  
21 why you were out on the road that day, where you  
22 were going, that sort of basic background  
23 information is helpful. And then sort of talk  
24 about the inspection itself. And we will  
25 obviously be focusing on the medical card, but

1 if you can start and give the background  
2 and then lead up to that I think that is  
3 helpful.

4 MR. THOMPSON: Okay. The date was  
5 September 11th. Memorial Day. I was heading  
6 west on 30 almost to the rest area. All of a  
7 sudden I see a bright light. Damn, where did  
8 this light come from? Excuse my French.

9 Stopped, he said pull over in the  
10 rest area. I did what he said. He said could I  
11 have your driver's license, insurance, and such  
12 like that.

13 I had an e-log at the time, so he  
14 looked at it. Went back to his vehicle. Came  
15 back. He said to me the medical card you gave  
16 me is not the certification. I said to him that  
17 is what the doctor gave me.

18 He went back to the car, came back  
19 up with the citation. He asked me -- I told him  
20 I looked for the long form. Because I have  
21 the long form and short form. He said okay.

22 Went back and wrote the ticket, the  
23 citation, gave it to me with the number. He  
24 said fax your medical card to this number, which  
25 I did. Calling they said they didn't receive

1 it. I kept calling to make sure they have it in  
2 their -- with them.

3 So I called the job because I sent  
4 it to my job, the citation. My job lose that.  
5 It's like you got fax in the information to them  
6 back, because I am on the road. Did it twice.

7 I had an interview with some lady,  
8 I don't know who she is. She telling me we  
9 receive it. All of a sudden I get this other  
10 letter about coming to here. She said I didn't  
11 get the medical card from you.

12 So I spoke to some gentleman and  
13 inside the office. And it's like you got to  
14 make sure you get your medical card, get a paper  
15 from New York that show New York have you in the  
16 system. And make sure you certified letter to  
17 you guys, which I did.

18 So, I got this other letter saying  
19 they going to set up a conference with me, which  
20 I did. So they set the date today. So that is  
21 it.

22 And he also said in his report New  
23 York was not showing the LEADS. That is why I  
24 went to New York to make sure they have it.  
25 Because I make sure call New York when I sent it

1 in the first time. Second time they said don't  
2 worry about it, we have it, got to make sure  
3 it's there.

4 And I spoke to you on the phone.  
5 Talking and talking. And I never like what you  
6 did to me. You cover the phone, and in your  
7 conversation with people in the room, "Oh, I  
8 know he is a liar." And I heard him on the  
9 phone. That is when I hang up.

10 And I didn't bother to call back  
11 the lady who I spoke to who said she is going to  
12 step out of the room. And it's like this guy  
13 don't even know me so why is he bragging like  
14 he's a touch dumb. "Oh, yes." That is what he  
15 said.

16 But I overheard him on the phone.  
17 Hang the phone up and speed off. It's like if  
18 that is the way you guys behave, it's like, hey.  
19 Ain't going to get nothing out of this because  
20 he already convict me.

21 But they celebrate. Next time you  
22 do that wait until the person gets off the phone  
23 before you start rejoicing. That was not good  
24 representing the State. You should set an  
25 example to somebody else.

1           So I called my job today, let them  
2 know about it's like there is things going on.  
3 Yes, I fax it, safety fax it twice. I went back  
4 and fax and fax. All of a sudden everybody is  
5 telling me, hey, we never get no medical card,  
6 nothing like that.

7           So I went to New York State twice.  
8 Finally they give me this letter, which I  
9 certified to because like if I am going to be  
10 faxing the information, which the cop told me to  
11 fax, to the fax number, and each time I fax it  
12 the secretary told me, yes, I have it right  
13 here. I faxed it like three times one day. Oh,  
14 it's right here.

15           All of a sudden nobody knows where  
16 the medical card is. I am not in your office, I  
17 am in a truck going down the road trying to keep  
18 my head on the road, trying to take care me and  
19 my kids. Any the way you acted that day it's  
20 like, (indicating). That wasn't nice.

21           And wasn't the one working the  
22 office computer for him not to find the LEADS  
23 was not showing me. That is what he does every  
24 day. Right?

25           So if he can't find the information

1 in the computer why do you want to hold me  
2 guilty of not having this or that? That was his  
3 fault not finding the information which he does  
4 every day.

5 And in his statement it's like if I  
6 found this in the LEADS I let him go. He never  
7 found it. So I can't be doing his job also.  
8 And he can't do my job.

9 And when I look at this paper here  
10 all I see is the money. Nobody cares about  
11 nobody, they just care about vengeance. And to  
12 be honest I never met you before, but, that was  
13 not a good approach from you. You let me feel  
14 like I went and robbed somebody in the street.  
15 You convicted me right on the spot.

16 So I go down the road, call the job,  
17 let them know, hey, this guy ain't right. And  
18 like it's a football series or something like  
19 that, celebrating.

20 Because I spoke to him that day, you  
21 stepped out, you came in. I think some other  
22 people behind me because I am not hearing  
23 everything through the phone. I was about to  
24 call you but I never did because I was already  
25 in the conversation on the phone.

1                   And I swear to God that's why he did  
2                   it. And at the end of the day he wanted me to  
3                   pay \$100. Trying to rob money from me and my  
4                   kids, which I don't have. Just like Florida  
5                   trying to do. I pay them this, I pay them that,  
6                   all of a sudden you never pay, even though I  
7                   sent them the proof.

8                   I am going through this from  
9                   state-to-state, state-to-state. The morning he  
10                  stopped me I am just coming from court as a  
11                  matter of fact from Florida as if I was robbing  
12                  somebody. Well, (indicating).

13                  I pay the price. But I got a  
14                  medical card, which is up the 31st of August  
15                  this year. You tell me I never had one. And if  
16                  the cop was doing his job he gets into the LEADS  
17                  it would have showed him, yes, it's there.

18                  He never went no further with it.  
19                  Why did nobody take the phone and call New York  
20                  and said, hey, does this guy have a medical  
21                  card? Now, it's right there to call.

22                  All I seen from these guys is money.  
23                  I am sorry to say, but it's true. I could have  
24                  said more, but I don't even know you guys so I  
25                  can't even say. That's it, ma'am.



1                   ATTORNEY EXAMINER: Thank you. Any  
2 questions?

3                   MR. MARGARD: No questions. Thank  
4 you.

5                   EXAMINATION

6 By the Hearing Officer:

7                   Q. Mr. Thompson, I just want to make  
8 sure the record is clear. So is it your  
9 testimony that, and it may be helpful to refer  
10 you to, I hope you still have a copy of what Mr  
11 Margard Marked as Staff Exhibit 2, which is  
12 actually a photocopy I believe of the actual  
13 medical certificate.

14                   A. Yes, ma'am.

15                   Q. Is it your testimony that you had  
16 this in your possession and provided it to the  
17 inspector at that time?

18                   A. I had both of them on me, ma'am.

19                   Q. I am just focused on this  
20 representation of the actual medical certificate  
21 itself. So if it's helpful I am referring you  
22 to Staff Exhibit 2. Did you have this in your  
23 possession at the time of the inspection?

24                   A. Yes, ma'am.

25                   Q. And you provided it to the

1 inspector?

2 A. Yes. He said it was not  
3 certification. And that is like what the doctor  
4 give me. I gave him the paperwork, I was  
5 looking for the long form which I keep in the  
6 door. And I couldn't find it.

7 All of a sudden it was up top of my  
8 head where I put it up there. And I got a lot  
9 of stuff going on that day and it's like, plus  
10 Memorial Day and all the rest of the stuff.  
11 And it's like I don't know.

12 Q. Still not sure I am following you.  
13 What did you, you said you had a lot of  
14 documents in your vehicle, what did you find  
15 that pertains to the medical examination that  
16 you actually provided to the inspector?

17 A. The medical card.

18 Q. Is that Staff Exhibit 2?

19 A. Yes.

20 Q. Specifically. So you are saying  
21 that is an accurate representation of what you  
22 provided to the inspector?

23 A. Yes. I gave it to him. He gave me  
24 back and it's like it's not certification.

25 Q. So it's your testimony that the

1 inspector refused to accept --

2 A. He said that was not the  
3 certification, yes. So he came back to me and  
4 did you find the long form? No. It's not over  
5 here. It's like came back with the citation.  
6 I went down the road about my business.

7 ATTORNEY EXAMINER: Okay. Mr.  
8 Margard, do you have any questions based on my  
9 questions?

10 MR. MARGARD: I do not. Thank you.

11 ATTORNEY EXAMINER: Thank you very  
12 much, Mr. Thompson.

13 MR. THOMPSON: You are welcome,  
14 ma'am.

15 ATTORNEY EXAMINER: Going to move  
16 for admission of either of these two exhibits,  
17 Mr. Margard?

18 MR. MARGARD: I am not, although,  
19 your Honor, I can understand how they could  
20 complete the record. But I have no need to move  
21 them.

22 ATTORNEY EXAMINER: Mr. Thompson, do  
23 you wish to have either Staff Exhibits 2 or 3  
24 admitted into the record for the Commissions's  
25 consideration in this case?

1 MR. THOMPSON: Yes, ma'am.

2 ATTORNEY EXAMINER: All right. With  
3 that I think we will admit Staff Exhibits 2 and  
4 3 into the record and allow the Commission to  
5 determine the proper weight.

6 (EXHIBITS ADMITTED INTO EVIDENCE)

7 ATTORNEY EXAMINER: Anything else  
8 for me today, Mr. Thompson? Do you have  
9 anything further?

10 MR. THOMPSON: One question.

11 ATTORNEY EXAMINER: Yes.

12 MR. THOMPSON: If he has a computer  
13 which is linked up to the whole state why wasn't  
14 he showing --

15 ATTORNEY EXAMINER: Mr. Thompson, I  
16 am sorry, the time for asking questions of the  
17 witness has passed. Do you have any further  
18 witnesses to testify on your behalf?

19 MR. THOMPSON: No.

20 ATTORNEY EXAMINER: Okay. Thank  
21 you. Let's go off the record then.

22 (DISCUSSION OFF THE RECORD)

23 ATTORNEY EXAMINER: Let's go back  
24 on the record. We have while off the record  
25 talked about the possibility of the parties

1 filing in Staff's case what would be a brief and  
2 the Respondent's case a written statement, but  
3 the parties have elected to waive that in this  
4 case. So we will not be filing briefs or  
5 setting a brief deadline.

6 Anything else to come before us  
7 today from any of the parties? All right.  
8 Hearing nothing, we are adjourned for today.  
9 The matter will be submitted to the Commission  
10 for its consideration. Thank you.

11 (At 10:40 A.M. the hearing was  
12 concluded)

13 - - -  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CERTIFICATE

I do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me in this matter on April 7, 2015, and carefully compared with my original stenographic notes.

\_\_\_\_\_  
Michael O. Spencer,  
Registered Professional  
Reporter.

- - -

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

**Commission of Ohio Docketing Information System on**

**4/24/2015 9:56:45 AM**

**in**

**Case No(s). 15-0223-TR-CVF**

Summary: Transcript in the matter of Everton Thompson hearing held on 04/07/15.  
electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Spencer,  
Michael O. Mr.