

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of Kenneth :
McCardle, Notice of Apparent : Case No. 15-112-TR-CVF
Violation and Intent to :
Assess Forfeiture. :

- - -

PROCEEDINGS

Before Bryce A. McKenney, Attorney Examiner, at the
Public Utilities Commission of Ohio, 180 East Broad
Street, Room 11C, Columbus, Ohio, called at 9:57 a.m.
on Tuesday, April 28, 2015.

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ARMSTRONG & OKEY, INC.
222 East Town Street, Second Floor
Columbus, Ohio 43215-4620
(614) 224-9481 - (800) 223-9481
Fax - (614) 224-5724

- - -

1 APPEARANCES:

2 Mike DeWine, Ohio Attorney General
3 By Werner L. Margard, III, Esq.
4 Assistant Attorney General
5 Public Utilities Section
6 180 East Broad Street, 6th Floor
7 Columbus, Ohio 43215

8 On behalf of the Staff of the PUCO.

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STAFF EXHIBITS

ID'D REC'D

1 - Driver/Vehicle Examination Report,
10/22/14

5 6

2 - Notice of Preliminary Determination,
1/9/15

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Tuesday Morning Session,
April 28, 2015.

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ATTORNEY EXAMINER McKENNEY: Good morning. The Public Utilities Commission of Ohio calls for hearing at this time and place Case No. 15-112-TR-CVF, being: In the Matter of Kenneth McCardle, Notice of Apparent Violation and Intent to Assess Forfeiture.

My name is Bryce McKenney. I'm the Attorney Examiner assigned by the Commission to hear this case.

At this time I'd like to take appearances of the parties. On behalf of Staff?

MR. MARGARD: Thank you, your Honor. On behalf of the Transportation Staff of the Public Utilities Commission of Ohio, Mike DeWine, Attorney General, William Wright, Section Chief, Public Utilities Section, by Assistant Attorney General Werner Margard, 180 East Broad Street, Columbus, Ohio.

ATTORNEY EXAMINER McKENNEY: Mr. Margard, at this time I'd like to note for the record that Mr. McCardle is not present at this morning's hearing. Has the Staff heard from Mr. McCardle and

1 are they aware whether he is intending to show up for
2 this morning's hearing?

3 MR. MARGARD: We have indeed, your
4 Honor, heard from Mr. McCardle, who has indicated
5 that he will not be present this morning and that he
6 does not intend to further contest this violation.

7 ATTORNEY EXAMINER McKENNEY: Thank you,
8 Mr. Margard. Are you prepared to proceed, then?

9 MR. MARGARD: I am, your Honor. Thank
10 you. I have marked for purposes of identification
11 and placed before you this morning two exhibits. The
12 first labeled Staff Exhibit No. 1 is a copy of the
13 Vehicle Examination Report that was issued on October
14 22nd, 2014, in this matter. The second labeled Staff
15 Exhibit No. 2 is the Notice of Preliminary
16 Determination that was served upon the Respondent in
17 this case on January 9th, 2015, indicating the
18 forfeiture assessment in the amount of \$250. Both of
19 these documents, your Honor, are business records
20 that are contained in the files here at the
21 Commission and are part of its regularly maintained
22 business records, and I would, therefore,
23 respectfully move for their admission into the
24 record, and further, given the absence of the
25 Respondent at today's hearing, we further move for a

default judgment against Mr. McCardle in the amount
of \$250.

ATTORNEY EXAMINER McKENNEY: Thank you,
Mr. Margard. Staff Exhibits 1 and 2 will be so
marked and admitted into the record. We will take
the motion for default under advisement.

Anything further from Staff?

MR. MARGARD: I have nothing further.
Thank you.

ATTORNEY EXAMINER McKENNEY: Thank you,
everyone. We are adjourned.

(EXHIBITS ADMITTED INTO EVIDENCE.)

(Thereupon, the hearing was concluded at
9:59 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, April 28,
2015, 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-78341)

This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 15-0112-TR-CVF

Summary: Transcript in the matter of Kenneth McCardle hearing held on 04/28/15 electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Sloas, Valerie J. Mrs.