

Armstrong & Okey, Inc., Columbus, Ohio (614) 224-9481

1 APPEARANCES:

2 Mike DeWine, Ohio Attorney General  
3 William L. Wright, Section Chief  
4 Public Utilities Section  
5 Mr. Steven L. Beeler  
6 180 East Broad Street  
7 Columbus, Ohio 43215-3793

8  
9 On behalf of the Transportation Staff of  
10 the Public Utilities Commission.

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Thursday Morning Session,  
August 27, 2015.

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THE ATTORNEY EXAMINER: Go on the record at this time. The Public Utilities Commission of Ohio has assigned for hearing at this time and place Case No. 15-805-TR-CVF, In the matter of Jacob Dillingham, Notice of Apparent Violation and Intent to Assess Forfeiture.

I am Jim Lynn, the Attorney Examiner assigned to this hearing. At this time we will take the appearances of the parties beginning with staff.

MR. BEELER: Thank you, your Honor. On behalf of staff of the Public Utilities Commission of Ohio, Ohio Attorney General Mike DeWine, Steven Beeler, assistant attorney general, 180 East Broad Street, Columbus, Ohio 43215.

THE ATTORNEY EXAMINER: Thank you, Mr. Beeler. I will note for the record Mr. Dillingham is not present, and Mr. Beeler indicates that he had a call from Mr. Dillingham this morning.

If you would like to elaborate on that, Mr. Beeler.

MR. BEELER: Yes, your Honor. At about

1 9:36 a.m. or so this morning I got a call from the  
2 respondent, Jacob Dillingham, indicating that he has  
3 talked with his counsel, and his counsel told  
4 Mr. Dillingham that he could not make it today, so  
5 Mr. Dillingham, you know, would not be present at the  
6 hearing today.

7 THE ATTORNEY EXAMINER: When you say he  
8 could not make it, you're referring to the attorney?

9 MR. BEELER: The attorney, correct.

10 THE ATTORNEY EXAMINER: Okay. With that  
11 in mind, would you want to make any motion,  
12 Mr. Beeler?

13 MR. BEELER: Yes, thank you, your Honor.

14 The staff would move for a default  
15 judgment in this case in accordance with Ohio  
16 Administrative Code 4901: 2-7-14(E), which states:  
17 "A respondent who has requested an administrative  
18 hearing and fails to appear for the evidentiary  
19 hearing shall be in default. A respondent in default  
20 shall be deemed to have admitted the occurrence of  
21 the violation and waived all further right to contest  
22 liability for the forfeiture proposed in the notice  
23 of preliminary determination or to contest the making  
24 of the compliance order described in the notice of  
25 preliminary determination."

1           And in addition to that, staff would move  
2           for the admission of Staff Exhibit 1, which is the  
3           Driver/Vehicle Examination Report, with an inspection  
4           date of January 5, 2015.

5           And staff would also move for the  
6           admission of the Notice of Preliminary Determination,  
7           dated March 13, 2015, and again, that's the Notice of  
8           Preliminary Determination that is related to this  
9           case.

10           THE ATTORNEY EXAMINER: Thank you,  
11           Mr. Beeler. We will admit those exhibits into  
12           evidence.

13           (EXHIBITS ADMITTED INTO EVIDENCE.)

14           THE ATTORNEY EXAMINER: I will mention  
15           this. As Mr. Beeler has stated, typically if a  
16           respondent does not appear at a hearing in a  
17           forfeiture case, there is default. However, given we  
18           heard from Mr. Dillingham this morning to the effect  
19           he has an attorney, I will issue an entry directing  
20           that his attorney make an appearance in the case  
21           within two weeks of the date of the entry, and if we  
22           do not hear anything during that period of time, the  
23           default will be granted.

24           So with that in mind, thank you all for  
25           making an appearance today. We will admit those

exhibits into evidence, and I'll also add for the record, I think you clarified this earlier Mr. Beeler, although Mr. Dillingham said he had an attorney, he did not mention the attorney's name or anything to that effect or if the attorney would be calling us.

MR. BEELER: No, nothing.

THE ATTORNEY EXAMINER: I will issue an entry directing that person, that attorney, enter an appearance, and we will work out a date for hearing, and if I don't hear from them in the specified period of time, the default will be granted.

MR. BEELER: One more thing to note, your Honor. I assume if this does go forward and Mr. Dillingham's attorney does enter an appearance and requests a hearing, that the exhibits that were admitted can be reopened or reevaluated at that time.

THE ATTORNEY EXAMINER: Sure. They can be brought forward at that time. I doubt the other party will have an objection to it, but, nonetheless, you can do so, if necessary. Thank you.

Any other questions?

MR. BEELER: No, your Honor.

THE ATTORNEY EXAMINER: Thank you.

I also thank the reporter for showing up,

1 too, and have a good morning.

2 (The hearing adjourned at 10:02 a.m.)

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CERTIFICATE

I do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me in this matter on Thursday, August 27, 2015, and carefully compared with my original stenographic notes.

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Rosemary Foster Anderson,  
Professional Reporter and Notary  
Public in and for the State of  
Ohio.

My commission expires April 5, 2019.

(RFA-79149)

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**in**

**Case No(s). 15-0805-TR-CVF**

Summary: Transcript in the matter of Jacob Dillingham hearing held on 08/27/15 electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Anderson, Rosemary Foster Mrs.