

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of : Case No.

Walter H. Bailey : 15-1534-TR-CVF

- - -

PROCEEDINGS

Before Kerry Sheets, Attorney Examiner, held at
the offices of the Public Utilities Commission
of Ohio, 180 East Broad Street, Hearing Room
11-C, Columbus, Ohio, on Thursday, November 12,
2015, at 10:00 A.M.

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1 APPEARANCES:

2 Mr. John H. Jones
3 Assistant Attorney General
4 180 East Broad Street
5 Columbus, Ohio 43215

6 On behalf of the Staff of the
7 Public Utilities Commission of
8 Ohio.

9 Mr. Walter Bailey
10 347 Mountain View Road
11 Pamplin, Virginia 23958

12 Appearing Pro se.

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1 Thursday Morning,
2 November 12, 2015.

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4 ATTORNEY EXAMINER: The Public
5 Utilities Commission of Ohio has set for hearing
6 at this time and place Case No. 15-1534-TR-CVF
7 in the matter of Walter H. Bailey.

8 My name is Kerry Sheets, I am an
9 Attorney Examiner for the Commission and I have
10 been assigned to hear this case.

11 May I now have the appearances of
12 the parties, please, starting with Staff.

13 MR. JONES: Yes. Good morning, your
14 Honor. On behalf of the Staff of the Public
15 Utilities Commission of Ohio, Ohio Attorney
16 General Mike DeWine, Assistant Attorney General
17 John Jones, 180 East Broad Street, Columbus,
18 Ohio 43215.

19 ATTORNEY EXAMINER: Thank you. For
20 the Respondent. Give your name and address.

21 MR. BAILEY: Yes. My name is Walter
22 Bailey, and I live in Pamplin, Virginia, 347
23 Mountain View Road, Pamplin, Virginia.

24 And we came here because we feel we
25 are not guilty, and I don't know what I can do

1 to prove it or anything, but I thought I would
2 come and find out exactly what everybody had to
3 say.

4 ATTORNEY EXAMINER: Thank you for
5 now, Mr. Billy.

6 MR. BAILEY: Thank you.

7 ATTORNEY EXAMINER: Do you have any
8 witness to call?

9 MR. JONES: Yes, your Honor. The
10 Staff would call Trooper Day to the stand.

11 (WITNESS SWORN)

12 - - -

13 TROOPER ANDREW DAY
14 called as a witness, being first duly sworn,
15 testified as follows:

16 DIRECT EXAMINATION

17 By Mr. Jones:

18 Q. Trooper Day, would you please state
19 your name for the record, please?

20 A. Trooper Andrew Day.

21 Q. And where are you employed?

22 A. The Chardon Highway Patrol post.

23 Q. And how long have you been employed
24 there?

25 A. Approximately three years.

1 Q. And your position?

2 A. I am a Trooper.

3 Q. And what are your duties
4 and responsibilities?

5 A. To uphold Ohio traffic law on all
6 Ohio roadways.

7 Q. And what training and certification
8 did you have to obtain the position?

9 A. Six months at the training academy
10 here in Columbus.

11 Q. And what is your jurisdiction?

12 A. State of Ohio.

13 Q. And what equipment is issued to you
14 to perform your job?

15 A. Patrol car, duty belt, radar, speed
16 laser for speed.

17 Q. And I want to ask you, were you on
18 the job for the Patrol on June 10th, 2015?

19 A. Yes, I was.

20 Q. And did you have occasion to make a
21 stop of a commercial motor vehicle operated by
22 Mr. Walter Bailey?

23 A. I did.

24 Q. Can you please walk us through that
25 stop and what occurred?

1 A. Yes. I was dispatched by my
2 dispatcher to a reckless semi truck heading
3 westbound in Lake County, Ohio on Interstate 90.
4 Proceeded up there to sit at a cross-over at
5 mile post 215, which is the county line there
6 between Lake County and Ashtabula.

7 The truck was described as a red cab
8 with a white trailer with a farm logo. I
9 observed the vehicle in the right lane coming
10 westbound into Lake County. I pulled out behind
11 it, observed several marked lane violations, the
12 vehicle going over the white line at some point,
13 multiple times.

14 I attempted to initiate a traffic
15 stop with my red light bar around mile post 214.
16 The vehicle didn't stop.

17 I then activated my siren and I
18 ended up straddling both the right and left lane
19 on the Interstate so the driver could see me and
20 at least be aware that I was behind him
21 attempting to make a traffic stop. Maybe he
22 didn't see my lights when I was behind him, but
23 if I straddled both lanes it would grab his
24 attention in his side mirror.

25 The vehicle continued to go for

1 about two miles and stop westbound at the 212
2 pretty much at the exit ramp to State Route 528
3 in Madison Township.

4 I made contact with Mr. Bailey, I
5 asked him to exit the vehicle, which he did.
6 And through talking with him a whole lot of
7 things weren't adding up to me as far as where
8 he was coming from and going to.

9 I believe reviewing the motor
10 carrier unit notes, bringing it back to me, he
11 said he was coming from Virginia heading to
12 Erie, PA, but he was in Lake County, Ohio and he
13 was westbound which is opposite direction where
14 he needed to be going. He needed to go
15 eastbound if he was going to Erie.

16 And just kind of talking with him,
17 just like a normal traffic stop I would do,
18 still things weren't kind of adding up with
19 the conversation. Then I observed his logbooks
20 and noticed they were not up to date, which kind
21 of threw a red flag up to me, and that is when I
22 called for a Motor Carrier Unit.

23 And then I believe at some point in
24 the conversation he stated he was a diabetic, so
25 then I switched my thinking to a medical issue,

1 at which point I called Madison Township or
2 village, I can't remember which one, there is
3 right there, they both respond mutually at
4 times.

5 I had them come out, they took
6 the driver to the hospital, at which point the
7 truck was then going to be towed from there
8 since there was no other driver who had a valid
9 CDL to take possession of it.

10 Motor Carrier unit came out,
11 inspected the vehicle. I proceeded to Madison
12 Hospital. They told me he was going to be, I
13 believe, they transported to Tri-Point Hospital
14 which is Concord Township, which is about 20
15 minutes away from Madison Hospital.

16 So, I issued him a citation for a
17 marked lanes violation. And that was the last
18 contact I had with Mr. Bailey.

19 Q. Okay. So, the nature of the stop
20 was a traffic violation, marked lane violation,
21 that you observed Mr. Bailey driving for a
22 distance and not staying within his lane; is
23 that correct?

24 A. Correct.

25 Q. Okay. And at this time you were on

1 duty, on patrol, in uniform; is that correct?

2 A. Yes.

3 Q. In a marked cruiser?

4 A. Yes.

5 Q. Okay. And the person that you
6 stopped, is he in the courtroom today?

7 A. Yes.

8 Q. Could you please point him out,
9 describe him, please?

10 A. Mr. Bailey is right there in a plaid
11 shirt, white hair, clean shaven.

12 MR. JONES: Your Honor, could the
13 record reflect that the witness has identified
14 Mr. Walter Bailey for the record?

15 ATTORNEY EXAMINER: Okay.

16 MR. JONES: Thank you.

17 Q. And so then you observed -- you had
18 called then for an ambulance to come to the
19 scene to evaluate Mr. Bailey. And you observed
20 that evaluation, as far as them then
21 transporting Mr. Bailey to a local hospital?

22 A. I did not observe them as far as the
23 treatment. They took him in the back of the
24 ambulance and administered IVs, checked his
25 vitals, checked the blood for the diabetes, or

1 however they do that. Then they took him from
2 there.

3 The only contact I made with
4 the fire department and the ambulance was just a
5 is he okay? And they said, yes, we are just
6 going to take him to Madison for further
7 evaluation. I said okay.

8 Q. And with your contact with Mr.
9 Bailey, what did you observe about his health?

10 A. Well, when we first made contact he
11 seemed somewhat confused as to exactly where he
12 was in terms of his physical location at that
13 time. I was just asking him normal questions I
14 would. At times he just seemed somewhat
15 confused and as he wasn't understanding the
16 question.

17 And then at first on my day-to-day
18 job that I would assume that would be somebody
19 impaired on alcohol. With talking to him for a
20 lengthy period of time I determined it was not
21 alcohol related whatsoever.

22 And then I believe I asked him, I
23 saw medications up in the cab and I asked him
24 what he was taking them for. And at some point
25 he said he was a diabetic, so I switched over my

1 thinking to this could be a diabetic episode.

2 Q. Did you have an opinion then as to
3 his ability to operate a commercial motor
4 vehicle?

5 A. My opinion was that he should not be
6 operating that vehicle whatsoever.

7 Q. And that was on the basis that it
8 was your opinion that he was impaired, not able
9 to do that?

10 A. I wouldn't say he was impaired. I
11 would say that if you want to classify his
12 medical condition as impairment, then, yes.
13 But impaired in terms of drugs or alcohol, no.

14 Q. But physically as far as what you
15 could see from his appearance and his
16 conversation with you you didn't think he was in
17 any condition to operate a commercial motor
18 vehicle?

19 A. Correct.

20 Q. And you said that you then issued
21 him a citation for a marked lane violation?

22 A. Yes, I did.

23 Q. And then as far as the truck then is
24 located on the side of the road. You had called
25 for an inspector to appear?

1 A. Yes.

2 Q. Through your dispatch?

3 A. Yes.

4 Q. Okay. And then what happened in
5 that regard? Did someone appear?

6 A. Yes.

7 Q. And who was that? Was that Officer
8 Hilling?

9 A. Yes, it was.

10 Q. Okay. And what information did you
11 communicate to him?

12 A. Who the driver was, kind of what I
13 briefly described here in terms of my traffic
14 stop, and that he was being -- he had been
15 evaluated by Madison, and was taken to Madison
16 Hospital. And based on -- I believe the truck
17 was still in the right exit lane which is why I
18 called for a tow truck because it was a hazard.

19

20 Q. And did you then also explain to
21 Officer Hilling the condition of Mr. Bailey?

22 A. Yes.

23 Q. And I believe you also testified
24 that you had also looked in the cab of Mr.
25 Bailey's vehicle to look for a logbook?

1 A. Yes.

2 Q. And you did discover the logbook?

3 A. I discovered several logbooks, yes.

4 Q. From your review of the logbooks in
5 the cab what information did you see?

6 A. That, I don't remember the exact
7 dates, but a certain time he had an extended
8 period where he was off duty, and then he had
9 nothing for the previous seven days from June --
10 from my stop, June 10th, he had nothing seven
11 days previous to that.

12 And with a lengthy time off, not
13 having an entry within seven days, that is what
14 raised a red flag for me in order to call Motor
15 Carrier to do a further inspection.

16 MR. BAILEY: Can I ask a question?

17 MR. JONES: Not yet. Your Honor,
18 can I approach the witness, please?

19 ATTORNEY EXAMINER: Go ahead.

20 (EXHIBIT HEREBY MARKED FOR
21 IDENTIFICATION PURPOSES)

22 Q. Trooper Day, I have handed you
23 what's marked as Staff Exhibit 2. Could you
24 identify what is depicted there in that picture?

25 A. Daily logbook.

1 Q. Is this the logbook that you had an
2 opportunity to review from your stop of Mr.
3 Bailey?

4 A. Yes. This was the initial logbook,
5 I believe, I reviewed.

6 Q. And I know this is not that clear,
7 but --

8 A. Right.

9 Q. But could you read any information
10 that is shown there from that logbook entry?

11 A. At the very top it looks like 5,
12 then it looks like 27, 28, 29, 30 and 31st of
13 2015, which --

14 ATTORNEY EXAMINER: Let me interrupt
15 you there. Do you have another copy of that?

16 MR. JONES: Your Honor, I don't.
17 Well, let's see here. Sorry, your Honor. Here
18 you go.

19 ATTORNEY EXAMINER: Proceed,
20 please.

21 MR. JONES: Thank you.

22 Q. Trooper Day, you were saying about
23 the entry made on the logbook here. Is this
24 the -- tell me what page on the logbook this was
25 that you are reading from.

1 A. The page?

2 Q. Yes. I mean, did you look through
3 the logbook?

4 A. I think this was the first page I
5 came across that was the most current entries
6 that he made. It looks like he had quite a few
7 days off, I think at that time assuming for the
8 holiday. It was on May 31st, so assuming he was
9 five days off for the holiday.

10 Q. So this was the last entry made in
11 that particular logbook?

12 A. Yes.

13 Q. And it shows the dates that he was
14 off in May, on May 27th through the 31st; is
15 that correct?

16 A. Yes. That is what it appears.

17 Q. And then there was no other entry
18 after that point?

19 A. Correct.

20 Q. And you said that you also
21 discovered two other logbooks in the cab?

22 A. Yes. Two other what looked like new
23 logbooks that didn't have any entries in it.
24 None that I remember.

25 Q. All right. And what did you do with

1 the logbooks then?

2 A. Gave them to the Motor Carrier unit.

3 Q. And did you subsequently make any
4 follow-ups as to Mr. Bailey after this roadside
5 stop?

6 A. No, I did not.

7 Q. Okay. Was there any time then
8 following after that day, did you ever follow-up
9 then as to Mr. Bailey with his being admitted to
10 the hospital?

11 A. No, I didn't.

12 MR. JONES: Your Honor, that's all
13 the questions I have for Trooper Day.

14 ATTORNEY EXAMINER: Very good. Go
15 off the record here.

16 (DISCUSSION OFF THE RECORD)

17 ATTORNEY EXAMINER: Back on the
18 record.

19 CROSS-EXAMINATION

20 By Mr. Bailey:

21 Q. Mr. Day, when you pulled up behind
22 me on the highway, okay, you had your lights,
23 you came up very fast, you had your lights on.
24 You had your lights on when you came up very
25 fast behind me; is that correct?

1 A. Not initially.

2 Q. Well, when you came up, you did have
3 your lights on.

4 MR. JONES: Objection.
5 Argumentative, your Honor.

6 ATTORNEY EXAMINER: We will let the
7 answer stand. And I will caution you, don't
8 argue with the witness, just ask the question
9 and then you have to move on to another
10 question.

11 MR. BAILEY: Okay.

12 Q. All right. When you approached the
13 truck what did you do?

14 A. I believe I called you out from the
15 cab.

16 Q. Where were you standing when you
17 called me out of the cab?

18 A. I believe at the very back of the
19 trailer on the driver's side.

20 Q. Okay. All right. And when I got
21 out of the cab and came back what did you do
22 then?

23 A. I believe I asked you to walk with
24 me to the front passenger side of my patrol car.

25 Q. What did you say prior to that?

1 A. I believe I -- I don't recall. I
2 can only assume based on my normal initial
3 contact with drivers of any motor vehicle. What
4 exactly I said, I can't recall, but usually I
5 say the reason why I stopped you was for this
6 usually is my very beginning contact with a
7 driver.

8 Q. There was quite a bit said, but
9 anyway I won't go into that right now. All
10 right.

11 Once you got me back to the car what
12 did you do then?

13 A. I believe again asking questions
14 about where you were coming from, where you were
15 going to, what you were hauling.

16 Q. That was after you did what?

17 A. I placed you in the back of my
18 patrol car.

19 Q. And what else after that?

20 A. Patted you down for weapons.

21 Q. No, you didn't pat me down for
22 weapons, but anyway. After --

23 MR. JONES: Objection.

24 Argumentative, your Honor.

25 ATTORNEY EXAMINER: It has to be a

1 question.

2 MR. BAILEY: I am trying to get him
3 to -- your Honor, I am trying to get him to
4 review what he did.

5 ATTORNEY EXAMINER: You have to ask
6 a question. If he supplies the answer then you
7 have to move on to another question.

8 Q. So, once I am in the back of the
9 patrol car what did you do then?

10 A. I don't recall. Without having
11 video of the stop I can't recall what the exact
12 things I did step-by-step back on June 10th.

13 Q. Once you asked for the license and
14 registration card what did you do then?

15 A. I believe you didn't have some of it
16 on you and I asked you to retrieve it from
17 the cab. You said it was in the center console
18 area.

19 Q. Did I tell you at that point that
20 it's --

21 ATTORNEY EXAMINER: Ask a question.
22 Okay? Go ahead, if it's a question.

23 Q. Did I tell you at that time that
24 it's in a little basket right there on the edge
25 of the doghouse right in front of the driver's

1 seat next to the dash? My wallet and my phone.

2 Did I or did I not?

3 A. Yes, I believe you did say something
4 about the basket and the doghouse.

5 Q. Okay. And you then asked me what?

6 A. If I can retrieve those items.

7 Q. That is exactly right. Okay. And
8 once you retrieved them then what did you do?

9 A. Came back to the patrol car with
10 them.

11 Q. After that where did you go from
12 there?

13 A. At this point in time I have no
14 recollection exactly what I did.

15 Q. Okay. At what point did you think
16 that the logbooks violation was intact?

17 A. At what point did I think there was
18 a logbook violation?

19 Q. Yes.

20 A. I believe when I reviewed
21 the logbook.

22 Q. Okay. And for you to go get the
23 logbooks, what did you do?

24 A. I would have asked you.

25 Q. Did you?

1 A. I believe I did. I believe I asked
2 you if you had a logbook.

3 Q. And my answer was?

4 A. I believe you said yes.

5 Q. And at any time did you see this
6 book laying on the motor (indicating)?

7 ATTORNEY EXAMINER: You have got to
8 show it to him.

9 A. Possibly. I can't recall exactly
10 seeing this. There is a possibility.

11 ATTORNEY EXAMINER: Show counsel
12 the book. And I am assuming that's your
13 logbook?

14 MR. BAILEY: That is the current
15 logbook for that time.

16 ATTORNEY EXAMINER: Okay. Proceed.

17 Q. Okay. Do you want to open it and
18 see what it is?

19 A. Logbook.

20 Q. And?

21 ATTORNEY EXAMINER: Has counsel seen
22 it, the inside of it?

23 MR. JONES: Is there a question?

24 MR. BAILEY: Is there a question
25 now?

1 MR. JONES: Is there a question from
2 you?

3 Q. If you did see this and you didn't
4 pick it up, why not?

5 A. I don't know.

6 Q. Because --

7 A. I can't tell whether or not I did
8 see that. I can't recall.

9 Q. Okay. And the other logbooks that
10 you saw were laying in the bunk?

11 A. I believe so.

12 Q. Okay. So, they were the most
13 accessible, so that's where you saw them, you
14 looked at them and that's what you went for was
15 the ones that you saw, and not the one that I
16 told you.

17 A. I don't recall what you did tell me.

18 Q. Okay. So, you kept on and on about
19 the logbooks to me.

20 A. Okay.

21 Q. Yes or no?

22 A. I believe I kept asking questions.

23 Q. Did I not tell you exactly where
24 the logbook was laying?

25 A. I don't recall.

1 ATTORNEY EXAMINER: Let's go off
2 the record again.

3 (DISCUSSION OFF THE RECORD)

4 ATTORNEY EXAMINER: We are going
5 back on the record.

6 We will mark this Respondent Exhibit
7 1.

8 (EXHIBIT MARKED FOR PURPOSES OF
9 IDENTIFICATION)

10 MR. BAILEY: I have no more
11 questions.

12 ATTORNEY EXAMINER: Do you have any
13 redirect?

14 MR. JONES: Yes.

15 REDIRECT EXAMINATION

16 By Mr. Jones:

17 Q. Trooper Day, you had testified that
18 you had recovered three logbooks from the cab of
19 the commercial motor vehicle that Mr. Bailey was
20 operating that day on June 10th; is that
21 correct?

22 A. Yes.

23 Q. And did you show -- what did you do
24 with those logbooks when you removed them? Did
25 you have a chance to go over those logbooks then

1 with Mr. Bailey?

2 A. I don't recall. I might have asked
3 him questions regarding them. Physically
4 showing him, I don't recall that.

5 Q. And I think you testified the area,
6 that the three logbooks were recovered back in
7 the sleeper area; is that correct?

8 A. I believe so.

9 Q. And at any time did Mr. Bailey tell
10 you to look elsewhere in the cab for a logbook?

11 A. I don't recall that.

12 Q. You don't recall?

13 A. No. Correct. I don't recall
14 anywhere else.

15 Q. The Respondent's Exhibit 1, have you
16 ever seen that before?

17 A. Not that I am aware of.

18 MR. JONES: No other questions, your
19 Honor.

20 ATTORNEY EXAMINER: Do you have any
21 on recross, Mr. Bailey?

22 MR. BAILEY: No, I guess not, your
23 Honor. He doesn't recall any of the things that
24 I would like.

25 ATTORNEY EXAMINER: No questions on

1 recross?

2 RECROSS-EXAMINATION

3 By Mr. Bailey:

4 Q. One that I would like to ask is when
5 did you give me back my personal effects, and
6 how?

7 A. What personal effects?

8 Q. If you can't recall any of this
9 stuff, your Honor, there is no way I can bring
10 this to a head because --

11 MR. JONES: Objection, your Honor.
12 It's not a question being posed here at this
13 point, it's just commentary.

14 ATTORNEY EXAMINER: Ask your
15 question now, Mr. Bailey.

16 Q. How many times did you come to the
17 emergency hospital?

18 A. Once.

19 Q. Only once?

20 A. I went to Madison ER. That was
21 the last time we had contact.

22 Q. What did you do when you came to
23 Madison ER the last time?

24 A. I issued you a citation.

25 Q. And what did you do with it?

1 A. Gave it to you.

2 Q. No. What did you do with it?

3 MR. JONES: Objection.

4 ATTORNEY EXAMINER: He has answered
5 the question. You have got to move to another
6 one.

7 MR. BAILEY: Well, Your Honor,
8 apparently he can't recall anything that is
9 important.

10 MR. JONES: Objection, your Honor.
11 I object to the commentary. It is not a
12 question.

13 ATTORNEY EXAMINER: Okay. Ask it in
14 the form of a question. Do you have anymore
15 questions for the Trooper that you haven't asked
16 already?

17 MR. BAILEY: I do not.

18 ATTORNEY EXAMINER: No more?

19 MR. BAILEY: I do not have no more
20 questions for him right now, no.

21 ATTORNEY EXAMINER: Okay. You are
22 excused.

23 MR. JONES: Your Honor, at this time
24 staff would call Officer Hilling to the stand.

25 (WITNESS SWORN)

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OFFICER CARL HILLING

called as a witness, being first duly sworn,
testified as follows:

DIRECT EXAMINATION

By Mr. Jones:

Q. State your name for the record,
please.

A. Carl Hilling.

Q. And where are you employed?

A. The Ohio State Highway Patrol, Brook
Park, Cleveland post.

Q. And what is your job title and
responsibilities?

A. Motor Carrier Enforcement Inspector.
And we basically inspect trucks and enforce the
Federal Motor Carrier Safety Administration
regulations and State of Ohio laws.

Q. And how long have you been employed
in your position?

A. About 18 months.

Q. And what training and certification
have you had to qualify you for your position?

A. There is an initial six-month
training process through the State Highway

1 Patrol training academy. And we have continual
2 in-service training, and we have an annual
3 recertification program that has to be passed.

4 Q. And so you are qualified and
5 authorized to enforce the Federal Motor Carrier
6 Safety regulations?

7 A. Yes.

8 Q. And what equipment is issued to you
9 to perform your duties?

10 A. We have a patrol car, our uniforms,
11 our radios in the car, portable laptop computer
12 and printer for generating inspection reports.

13 Various manuals and literature from
14 the state as well as the federal government. A
15 creeper, wheel chucks, some measurement tools.

16 Q. Okay. And what is the scope of your
17 jurisdiction?

18 A. State of Ohio, Federal Motor Carrier
19 Safety Administration. All regulations
20 throughout the entire state.

21 Q. And in the course of your duties as
22 an inspector do you ever generate any paperwork,
23 any documents?

24 A. Yes.

25 Q. Could you describe that process,

1 please?

2 A. The actual typing and what we do
3 through --

4 Q. Why is it done and what it's for?

5 A. In the course of our duties in
6 conducting a vehicle inspection we document the
7 basic identification information from DOT
8 numbers and name and address and phone numbers
9 and all the information on drivers, as well as
10 any violations in the course of the inspection
11 that we find.

12 And type into our laptop computer,
13 and we have an Aspen is the software, particular
14 software program that's utilized. And once all
15 the information that is required is entered we
16 actually physically print out the report.

17 MR. JONES: Your Honor, may I
18 approach the witness, please?

19 ATTORNEY EXAMINER: You may.

20 MR. JONES: Thank you.

21 (EXHIBIT HEREBY MARKED FOR
22 IDENTIFICATION PURPOSES)

23 Q. Officer Hilling, I am going to hand
24 you what's marked as Staff Exhibit 1. Could you
25 please identify that document for the record,

1 please?

2 A. This is a motor vehicle or truck
3 inspection report. Specifically I guess vehicle
4 examination report. We refer to them in the
5 field as inspection reports.

6 Q. Okay. And does this document look
7 familiar to you as to this inspection?

8 A. Yes.

9 Q. And was this report generated by
10 you?

11 A. Yes.

12 Q. And if you would tell me the report
13 number that is generated in the upper right-hand
14 corner of the report, where does that number
15 come from?

16 A. That is generated when I -- that is
17 assigned when I generate an inspection report in
18 the field. The OH for Ohio and the 3234 are my
19 unit number. And then the rest is the report
20 number in sequence.

21 Q. And the date of inspection?

22 A. June 10th, 2015.

23 Q. And the inspection level?

24 A. This was a Level 3, just checking
25 paperwork only.

1 Q. That is what that means, checking
2 the paperwork?

3 A. Level 3, yes. Yes.

4 Q. And what paperwork did you check in
5 this case?

6 A. I reviewed the driver's license,
7 logbook that we could find. I believe the
8 registration. I don't recall seeing any
9 shipping documents or bill of lading.

10 And generally require the medical
11 certification or medical card, but that was
12 not -- I was not able to find that.

13 Q. Okay. Let me back up here a second.
14 How is it that you became involved in this
15 inspection?

16 A. This was after my shift had ended by
17 several hours, and I was called by telephone by
18 my supervisor, informed me that there was a
19 situation with an impaired driver in Lake
20 County, and was not an inspector available based
21 out of that local post, and asked if I was
22 available. And so I was dispatched.

23 Q. You were dispatched. And what did
24 you find when you arrived at that location?

25 A. When I arrived the truck as

1 described by Trooper Day was pulled over at an
2 exit ramp. Mr. Bailey was not there. There
3 was -- I believe there were two Troopers,
4 Trooper Day, and I don't recall the other
5 Trooper that was there. There may have been
6 three when I got there. One left right away,
7 but I recall two Troopers.

8 Q. So when you arrived then at this
9 location where Mr. Bailey's commercial motor
10 vehicle was located on the berm of the ramp, you
11 were on duty at this time and you were in
12 uniform?

13 A. Yes.

14 Q. And then were you then briefed by
15 Trooper Day as to the circumstances at hand?

16 A. Yes.

17 Q. And what was reported to you?

18 A. Well, I don't recall if it was my
19 first question, but generally a driver,
20 especially when I was contacted that the driver
21 was impaired in some way, I was kind of
22 surprised when I arrived there was no driver.

23 And Trooper Day had described the
24 situation just as he had described when he was
25 sitting in my seat previously; that the reason

1 for his stop, the marked lane violation, the
2 concern over some of the paperwork, the logbooks
3 specifically. And the story of Mr. Bailey's
4 trip.

5 And he explained that he was
6 transported via squad to the hospital, to a
7 local hospital, before I had arrived. So I
8 didn't have a chance to speak with Mr. Bailey.

9 Q. Okay.

10 A. And at that point, if I can just
11 add, generally when we are called out it's an
12 accident or a situation with an impaired driver,
13 something along those lines, not your typical
14 scenarios.

15 And so at that point the inspectors
16 will decide whether a Level 1, which is a full
17 blown inspection; or a Level 2, which is kind of
18 a walk-around; or a Level 3, which is just a
19 paperwork check is initiated.

20 And at that point I just decided to
21 go for a Level 3.

22 Q. Okay. And so at that time then did
23 you happen to go into the cab of the truck?

24 A. I did. I did. And that is one of
25 the things that I recall, just wanting to be

1 thorough and be sure that we had not overlooked
2 anything. So I did go in the cab and look in
3 cubby holes and pockets and throughout. I
4 didn't reach under mattresses in the sleeper
5 berth or things of that nature. I didn't
6 disrupt anything, but I did look around.

7 Q. So, then you were looking around as
8 to anything in plain sight, either between the
9 seats or --

10 A. Right. Right.

11 Q. Did you at any time see Respondent's
12 Exhibit 1 in the cab?

13 A. Not that I recall, because something
14 -- typically just based on other inspections if
15 I would see something like that I would, in my
16 experience with drivers, that's the type of
17 binder or book that important papers are kept
18 in. So if I saw something like that in the cab
19 I would definitely ask the driver about it.

20 Without the driver, if I would have
21 seen that, despite the rubber band, I would have
22 peeked into that to see if there was something
23 we needed.

24 Q. So, you were then made aware from
25 Trooper Day the nature of his traffic stop of

1 Mr. Bailey?

2 A. Yes.

3 Q. And the circumstances surrounding
4 that?

5 A. Yes.

6 Q. And what did you learn from that?

7 A. That there were initial reports of a
8 reckless semi, and Trooper Day stopped him and
9 had some concern over possible impairment, and
10 some questions and some information that didn't
11 seem to make sense.

12 And as mentioned previously, sent
13 Mr. Bailey to the hospital. And then at that
14 point somewhere along that line had contacted
15 the dispatch to dispatch a motor carrier
16 inspector.

17 And he provided the information as
18 far as driver's license and the three logbooks
19 that we were able to find. And I think he had
20 the registration information. He had most of
21 the information by the time -- it was about 50,
22 55 minute trip for me to get out there. So by
23 the time I arrived he had all the information as
24 far as physical information I needed for the
25 report.

1 Q. And what information did you rely on
2 in drawing the conclusion that this was
3 impairment due to a health related matter?

4 A. Trooper Day had mentioned that
5 the driver had said something about being a
6 diabetic. So there was a medical issue.

7 And then the reckless driving, or
8 the citation for marked lane violation went
9 hand-in-hand with driving with impairment,
10 medical condition.

11 Q. Did you also have any concerns as to
12 what was communicated by Mr. Bailey to Trooper
13 Day in regards to the origin and destination of
14 the trip?

15 A. Yes. Trooper Day mentioned that Mr.
16 Bailey had informed him that he was I believe
17 coming from -- left home in Virginia and on his
18 way to Erie, Pennsylvania to pick up a load.
19 And he was on 90 westbound, which coming from
20 Virginia to Erie where he could have been on a
21 map is past Erie. So he was going in the wrong
22 direction to go to Erie.

23 Q. And you identified all this
24 information in the report; is that correct?

25 A. Well, I made some inspection notes.

1 Any time we are called out, especially after
2 hours or for special circumstances such as a
3 traffic enforcement or an accident, I make some
4 notes in the report, and I don't believe my
5 inspection notes are part of the initial report.

6 I do see them on your copy, but when
7 I print a copy from my computer it does not have
8 my inspection notes. But, I made -- I put some
9 notes in just to refresh my memory.

10 Q. And are these your notes?

11 A. Yes. Yes.

12 Q. And would you please read your notes
13 for the record, please?

14 A. I started with Trooper Day. His
15 unit No. 0736. The court code of 4320. The
16 citation No. OHP280736061020152151. And then I
17 just made some notes to jog my memory about this
18 particular inspection and the circumstances.

19 Driver was transported to the
20 hospital before I arrived. Trooper stopped the
21 driver for marked lane violation.

22 No alcohol detected. Driver seemed
23 confused and impaired and his story did not make
24 sense. Driver told Trooper he was diabetic and
25 did not drink alcohol.

1 I was unable to view medical card.

2 The driver told the Trooper he left home in
3 Virginia, was on his way to Erie, PA to pick up
4 a load. He was 90 westbound.

5 Driver had a logbook with last entry
6 was off duty 5-31-15. Two brand new logbooks
7 were in the cab with no entries. Trooper
8 followed up with hospital and was told driver
9 did have some type of medical condition and
10 tests were being run.

11 Q. Okay. So then you also here listed
12 violations as part of your report?

13 A. Correct.

14 Q. What are the violations that you had
15 reported here?

16 A. I cited him for failing to retain
17 previous seven-day logbook or records of duty
18 status. It was June 10th, and the date of the
19 inspection and the last entry was May 31st.

20 And then the second one was
21 operating commercial motor vehicle while
22 impaired by illness or other cause. But this
23 was specifically illness related.

24 Q. And so the logbook violation piece
25 that you testified to, that was related to the

1 three logbooks that were recovered from the cab
2 of Mr. Bailey's commercial motor vehicle, and
3 that no other logbooks were found or discovered
4 in the cab at that time; is that correct?

5 A. Yes.

6 Q. And so then you had verified the
7 identity of Mr. Bailey how?

8 A. Well, No. 1, Trooper Day had his
9 driver's license information, but also any time
10 we do an inspection such as this we take
11 photographs and the photographs, his name is on
12 the side of the truck. And also with his USDOT
13 number identifies whose authority the truck is
14 being operated, and it was his.

15 Q. And do you have before you Staff
16 Exhibit 2? Is that up there?

17 A. No.

18 MR. JONES: Your Honor, may I
19 approach the witness?

20 ATTORNEY EXAMINER: You may.

21 Q. Officer Hilling, I am going to hand
22 you what has been marked as Staff Exhibit 2.
23 Could you please identify Staff Exhibit 2,
24 please?

25 A. These are photographs that were

1 taken by me on June 10th while conducting this
2 inspection.

3 Q. And do you want to walk us through
4 each page and what is depicted for each page?

5 A. The first page is a photo of
6 the most recent logbook entries, and it's from
7 May 27th, 28th, 29th, 30th and 31st. Walter
8 Bailey, identified as off duty. And he has
9 completed the name and the identification and he
10 signed the signature which is required.

11 And the line off duty status, and
12 hours totalled up. It's a little bit fussy.
13 It's dark, it was evening, and it was dark and I
14 tried to light it up, but didn't work out too
15 well.

16 The second was in my attempt to make
17 sure there was a clear picture. And it's even a
18 little fuzzier.

19 The third page is two other logbooks
20 that were found that were brand new. I recalled
21 flipping through making sure, looking for some
22 log entry, which there were none.

23 And then just for identification
24 purpose took, opened the top logbook on the next
25 photo and shows that blank page.

1 And then we have the trailer license
2 plate, and we take these just for identification
3 purposes. And then the DOT number on the side
4 of the tractor. And then also the door of
5 the -- driver's side door of the tractor, which
6 shows Mr. Bailey. And then the license plate
7 for the tractor is the last photo.

8 Q. Okay. You said you had taken these
9 pictures at the scene of the inspection.

10 A. Yes.

11 Q. And are these pictures accurate
12 representations of what you observed at that
13 time?

14 A. Yes.

15 Q. And now for your report, your
16 examination report itself, and it was prepared
17 at that time when you did your inspection as
18 well?

19 A. Yes.

20 Q. And is this record then, was it
21 transmitted to anybody?

22 A. It was generally in traffic
23 follow-up or traffic enforcement or accident
24 violations, prior to submitting this, the report
25 is generated and typically generally the report

1 is printed and given to the driver. The driver
2 not being there, I submitted my report
3 electronically to my supervisor.

4 And I don't know for certain, but
5 assumed that he mailed it to Mr. Bailey, or to
6 the address that was on here. But I did not
7 print a report at the scene and give it to
8 anyone.

9 Q. And was the report forwarded on to
10 any agencies?

11 A. I submit it electronically to the
12 PUCO, and wherever it goes electronically.

13 Q. And is the Staff Exhibit 1, is this
14 a record that is kept in the ordinary course of
15 business of the State Highway Patrol as far as
16 documenting?

17 A. All my inspection reports are saved
18 on my laptop, and I would, can't say for
19 certain, but I assume there is a mainframe or
20 big computer somewhere that is backing that
21 stuff up.

22 Q. So it's a business record for your
23 agency?

24 A. Yes.

25 MR. JONES: Your Honor, I have no

1 further questions.

2 ATTORNEY EXAMINER: Mr. Bailey, do
3 you have questions on cross-examination of this
4 witness?

5 MR. BAILEY: Yes.

6 CROSS-EXAMINATION

7 By Mr. Bailey:

8 Q. If you did an inspection you filed
9 the paperwork with your department? Yes or no?

10 A. Yes.

11 Q. Okay. Is there some way that the
12 owner of the truck is supposed to get a copy of
13 this paperwork?

14 A. Yes. That is why I said I sent it
15 to my supervisor, and I did not follow up with
16 him to make sure that he sent it. But,
17 generally in these situations when the driver,
18 if someone with the vehicle is not available it
19 will be sent via e-mail or through the postal
20 service, a copy of it.

21 Q. And if they don't do that then how
22 does the owner of the truck or the one that is
23 supposed to be getting the citation or whatever,
24 how does he find out about it?

25 A. I am not sure. I am not certain.

1 Q. And if he doesn't find out about it
2 for 20, 30 days or so then what happens?

3 MR. JONES: Your Honor, I am going
4 to have to object. This is kind of assuming
5 facts not in the record as far as it not being
6 done.

7 ATTORNEY EXAMINER: You have to move
8 on to another question.

9 Q. What I am trying to find out is how
10 does the owner of the vehicle find out if he is
11 being charged, or has a violation in the State
12 of Ohio with the PUCO, how does he find out if
13 he is not there, nobody brings it to him, nobody
14 gives it to him, and nobody sends it to him and
15 until you get this letter saying that you are
16 charged with this and this and you got to pay
17 this much?

18 How does the driver or owner of the
19 truck find out anything prior to getting this?

20 A. I am not --

21 ATTORNEY EXAMINER: Excuse me. If
22 you don't know say it.

23 A. I don't know.

24 Q. Well, I can understand a lot of
25 this, but a lot of it I can't understand. And

1 as far as asking you direct questions on this,
2 it's a little awkward because most, is it or is
3 it not true that most of the information that
4 you have came from Officer Day?

5 A. Yes.

6 Q. And did he have the license of the
7 driver?

8 ATTORNEY EXAMINER: Again if you
9 don't know say so.

10 A. I don't recall whether physically he
11 had it or he had written the number down. I
12 don't recall.

13 Q. Well, because the point is if the
14 officer should have the license he would of had
15 the medical cards and everything else with the
16 driver's wallet. Okay? I mean, that was
17 the reason for the question. If you don't
18 recall, okay.

19 MR. JONES: I object to the
20 commentary. There is no question there, your
21 Honor.

22 ATTORNEY EXAMINER: I think we had
23 an answer to the question.

24 MR. BAILEY: All right. I guess I
25 don't have anymore questions for you.

1 ATTORNEY EXAMINER: Do you have
2 redirect?

3 REDIRECT EXAMINATION

4 By Mr. Jones:

5 Q. Officer Hilling, you testified that
6 the DOT number on the truck was registered to
7 who?

8 A. Walter H. Bailey.

9 Q. And also from the pictures you took
10 what name appeared on the side of the truck?

11 A. Walter H. Bailey.

12 Q. And who did Trooper Day identify to
13 you was operating the commercial motor vehicle?

14 A. Walter H. Bailey.

15 MR. JONES: No other questions, your
16 Honor.

17 ATTORNEY EXAMINER: Any on recross,
18 Mr. Bailey?

19 MR. BAILEY: Your Honor, the
20 questions that I need to ask I can't ask them.
21 And the questions on that --

22 ATTORNEY EXAMINER: It would be
23 based on what he said on redirect. So you have
24 no other questions?

25 MR. BAILEY: No.

1 ATTORNEY EXAMINER: You are excused.

2 MR. JONES: Your Honor, Staff has
3 one more witness, but could I ask for a
4 two-minute recess? I don't have sufficient
5 copies for the Court for the other document that
6 I need to present.

7 ATTORNEY EXAMINER: Let's take a
8 break here for 10 minutes.

9 MR. JONES: Thank you.

10 (RECESS TAKEN)

11 ATTORNEY EXAMINER: Back on the
12 record.

13 MR. JONES: Your Honor, Staff has
14 one other witness to call. Jonathan Frye.

15 (WITNESS SWORN)

16 - - -

17 JONATHAN FRYE
18 called as a witness, being first duly sworn,
19 testified as follows:

20 DIRECT EXAMINATION

21 By Mr. Jones:

22 Q. Would you state your name for the
23 record, please?

24 A. Jonathan Frye.

25 Q. And where are you employed?

1 A. Public Utilities Commission of Ohio,
2 Transportation Department.

3 Q. And what is your job title and
4 responsibilities?

5 A. I am the Chief of the Compliance
6 Division. I am responsible for reviewing the
7 fines that are assessed against drivers,
8 carriers, shippers.

9 Q. And did you have occasion to review
10 and make yourself familiar with the case file of
11 Walter Bailey?

12 A. Yes.

13 Q. Would you please explain the process
14 as to how information is received by
15 the Commission as to inspections done in the
16 field?

17 A. Yes. The inspections are uploaded
18 into the computer system by the inspector and
19 then the information is downloaded into our
20 computers into the Compliance Division.

21 Q. And after that information is
22 received and reviewed is there any sort of
23 calculation that is made then by the Commission?

24 A. Yes.

25 Q. Staff?

1 A. Yes. The violations are broken up
2 into one of four groups based upon the types of
3 violations that are discovered, and based upon
4 the violations that are discovered and the
5 severity a monetary fine is assessed to each one
6 of the violations that are discovered out on the
7 roadway.

8 Q. And the process you go through, does
9 it provide for uniformity, consistency as to the
10 types of violations that are reported?

11 A. Yes. No matter who the carrier or
12 driver is the violations are assessed uniformly.

13 Q. And is there compliance with the way
14 this procedure is done with the Commercial
15 Vehicle Safety Alliance?

16 A. Yes. We base our fine schedule upon
17 the Commercial Motor Vehicle Safety Alliance
18 fine structure.

19 Q. So there was a forfeiture then that
20 was calculated and recommended for assessment by
21 Staff in this case against Mr. Bailey?

22 A. That's correct.

23 MR. JONES: Your Honor, let me stop
24 there. Can I approach the witness, your Honor?

25 ATTORNEY EXAMINER: You may.

(EXHIBIT MARKED FOR PURPOSES OF
IDENTIFICATION)

Q. Mr. Frye, I have what's before you marked as Staff Exhibit 3. Could you please identify that document for the record, please?

A. Yes. It's a Notice of Preliminary determination letter.

Q. And was this generated by your department?

A. Yes.

Q. And could you please describe what information is contained therein?

A. Yes. It contains the violation codes that were written by the officer out in the field, and it also contains the grouping for the various violations. The violations would be broken up into one of four groups.

And it also contains the violation descriptions that were written out on the road by the inspector. In this particular case the inspector wrote the violation "Driver failing to retain previous seven-day record of duty status. Last log was found on 5-31 of '15."

He also wrote a violation for "Illness. Operating a commercial motor vehicle

1 while impaired by illness or other cause" which
2 was a Group 4 violation.

3 Q. And how does this then track the
4 vehicle examination report that was received by
5 the Commission?

6 A. The Notice of Preliminary
7 Determination letter has the case number. And
8 the letter itself has the Case No. OH3234010221
9 and the letter D, which is the case number that
10 is identified of the vehicle examination report
11 that the officer wrote out in the field.

12 Q. So that would match the case number,
13 report number, from the vehicle examination
14 report, Staff Exhibit 1?

15 A. That's correct.

16 Q. Okay. And then there is a letter
17 added to that number?

18 A. There is a letter D, meaning that
19 the violation is against the driver. If this
20 was a violation against the carrier we would add
21 the letter C.

22 Q. Okay. And so here it appears as a
23 D, so that would be a driver violation?

24 A. That's correct.

25 Q. And what date was this letter sent

1 out from the Commission?

2 A. On August the 9th, 2015.

3 Q. And who was it sent to?

4 A. Mr. Walter H. Bailey.

5 Q. And the address?

6 A. 347 Mountain View Road, Pamplin,
7 Virginia 23958.

8 Q. And that information then was taken
9 from the vehicle examination report as well?

10 A. That's right.

11 Q. The address?

12 A. Yes.

13 Q. And based on the calculation made by
14 the Staff in this case how much is Staff
15 recommending for the assessment of these
16 violations, these two violations?

17 A. \$100 for the failing to retain
18 the previous seven-day record log, and \$100 for
19 operating a commercial motor vehicle while
20 impaired by illness or other causes, which for a
21 total of \$200.

22 Q. And what was the method of service
23 for this letter to go out to Mr. Bailey?

24 A. This particular letter by regular
25 mail.

1 Q. By regular mail service. Okay.
2 And is Staff Exhibit 3 a record kept in the
3 ordinary course of business for the Commission?

4 A. Yes.

5 Q. And Staff Exhibit 3 is an accurate
6 representation of the Notice of Preliminary
7 Determination that was sent to Mr. Bailey
8 pursuant to review of the file in this matter?

9 A. Yes.

10 MR. JONES: Your Honor, I have no
11 other questions of this witness.

12 ATTORNEY EXAMINER: Do you have any
13 questions, Mr. Bailey?

14 MR. BAILEY: No.

15 ATTORNEY EXAMINER: You are excused.

16 MR. JONES: Your Honor, at this time
17 Staff has no other witnesses, and I would move
18 for the admission of Staff Exhibits 1, 2 and 3.

19 ATTORNEY EXAMINER: Very good. I
20 would admit Staff's Exhibits 1, 2 and 3 at this
21 time into evidence.

22 (EXHIBITS HEREBY ADMITTED INTO
23 EVIDENCE)

24 ATTORNEY EXAMINER: And we will
25 proceed to the Respondent's case. Mr. Bailey,

1 do you have any testimony to offer?

2 MR. BAILEY: Well, does that mean I
3 can tell the whole story?

4 ATTORNEY EXAMINER: Do you want to
5 testify?

6 MR. BAILEY: Yes, please.

7 ATTORNEY EXAMINER: Please take the
8 stand.

9 MR. BAILEY: Thank you.

10 (WITNESS SWORN)

11 ATTORNEY EXAMINER: Now, as far as
12 your direct testimony is concerned you may
13 proceed with a narrative style of testimony.
14 You can tell your story, then we will let Staff
15 have its questions on cross-examination. Now,
16 be succinct, get to the point, and speak up.

17 MR. BAILEY: Yes, sir.

18 ATTORNEY EXAMINER: Now, go ahead
19 and tell your story.

20 MR. BAILEY: Well, on June the 10th
21 I was headed westbound on 90, and I was
22 traveling along not running as fast as the rest
23 of the traffic. And Officer Day came up behind
24 me and has his lights on, and he laid way back,
25 didn't come up close to the truck.

1 And he rode along, and I guess a
2 period of almost two miles, and so I am thinking
3 why is he sitting so far back? This is me
4 thinking, I am thinking why he is sitting so far
5 back and not coming up closer unless there is
6 another vehicle in between us.

7 So I moved a little bit where I
8 could see behind me on one side, and I didn't
9 see anything. And I went on a little further
10 and I still didn't see anything.

11 So I moved a little bit to the other
12 side and I looked back and I still didn't see
13 nothing. So said, well, maybe he wants me to
14 stop.

15 So I went on up and there was an
16 exit going off, so I just put the signal light
17 on and pulled on over and he pulled on over
18 behind me.

19 And so I am sitting there waiting
20 for him to come up to the truck to find out what
21 he wants.

22 So, he comes up to the back of the
23 trailer about 10, 15 feet back from the trailer
24 and he motions for me to get out of the truck
25 and come back there. So I got out of the truck

1 and went back there.

2 Of course, I didn't put my wallet
3 and phone and all that stuff back in my pocket
4 like normally would if you were going in a truck
5 stop or something. So I went back there to see
6 what he wanted.

7 And, of course, when I got out of
8 the truck the heat and all hit me. Just cool,
9 comfortable inside the truck, but when I got out
10 of the truck it just kind of made me woozey.

11 So, I walked on back there and
12 before I even got to the back of the trailer he
13 asked me, says "Are you drunk?" And I says "No,
14 I am not. I don't drink."

15 He said "Are you on drugs?" I said
16 "No, I don't take drugs."

17 So I walked on back there and he
18 said "What's wrong with you?" I said "I have no
19 idea." I said I wasn't like this until the air
20 hit me, the heat and everything."

21 And he said, "Well, I think what you
22 are going to do is you are going to come over
23 here with me."

24 So, I said okay. "He said are you
25 diabetic or something?" I and said yes. He

1 said "Are you having a problem with sugar?"

2 And I says "I haven't been, no."

3 So he said "You come on over here
4 and you sit down." He said "I am going to have
5 you sit in the car." So I said okay. I said
6 "It's hot in here." And he says "Get in the
7 car."

8 So I got in the car, and I sit down.
9 And he said "Do you have a license
10 and registration card?" I said "Yes, I do, but
11 they are in my wallet and it's inside the truck.
12 It's right up there on the doghouse in the
13 truck. I have got a little basket sitting there
14 and I keep my phone and my wallet in there.
15 Registration card and all is there with it."

16 So he says "Do I have permission to
17 go up there and get that out of your truck?"
18 I said, "Yes, you got permission to go up there
19 and get that out of my truck. When you open
20 the door and the seat is there and it's right in
21 front of the seat on the right."

22 And he said okay. So he goes up
23 there and he gets that and he comes back and he
24 is in front of the car and he opens my wallet up
25 and he goes through it and he gets my license

1 out and my medical card and all the stuff that
2 he needs and he comes back and he says "Why are
3 you driving a truck at 69 years of age?"

4 And I says "Well, I have got a family to feed.
5 I have got to work to support my family."

6 And he says "You should be retired,
7 you shouldn't be driving no truck." I said,
8 "Well, unfortunately I have to try to make a
9 living."

10 So, anyway, we go ahead and he
11 says -- walks around out there a little bit.
12 And in the meantime another police officer comes
13 up, State Trooper, and he says "Do you have a
14 logbook?" I said, "Yes, I do. It's on the
15 doghouse. When you open the door, the seat is
16 there and it's sitting right on top of the
17 doghouse. Registration card for the truck
18 and trailer and everything is all right there.
19 So when you get in the truck it will be right
20 in front of you, you can't miss it."

21 "Well, all right." So then he
22 disappears. Slams the door and I am sitting in
23 this hot police car.

24 And, so anyway, he disappears for a
25 few minutes and he comes back and he says "I

1 can't find a current logbook. All I can find is
2 the one that ends in 5-31." And I said "That is
3 because that was last month's logbook. It was
4 lying back in the bunk, and I have got some new
5 ones back there also. But this month's logbook
6 is laying on the doghouse. My current logbook
7 is laying on the doghouse in the truck, right
8 beside the seat."

9 "Well, I didn't see it." And I says
10 "That doesn't mean it's not there. It's there.
11 When I got out of the truck it was laying right
12 there. You can't miss it."

13 "Well, I will go look." So, he
14 disappeared a little bit. And the other police
15 officer when he came back he says "The man needs
16 some air. Would you please open the door and
17 let him get some air. The man, if he's sick, he
18 needs air."

19 And he said, "No, he is staying in
20 the car, he is not getting out, and he will just
21 have to wait and we will call the paramedics and
22 have them come and check him out."

23 So, he says "Do you have any
24 objection to that?" And I says "I don't think I
25 am sick or nothing, but that's what you want to

1 do, okay, fine."

2 So, anyway, kept me in the car and
3 he went back up there. I don't know what he
4 did. But, anyway, he wouldn't let me back.
5 I asked him could I go back and get it for him,
6 he said "No, you are going to stay in this car
7 right here." And a couple times I said "Can I
8 get some air?" He said "You stay in the car."

9 So, I stayed in the car. And the
10 other police officer says "He needs some air,
11 let the man out to get some air." He said "He
12 is not getting out, he is going to stay in the
13 car."

14 So, that was the way that went. So,
15 to make a long story short, anyway, after a
16 little bit I had been in the car probably hour,
17 hour and a half, and the other officer kept
18 coming, he says "He told me I couldn't let you
19 out." Okay.

20 And so the paramedics or
21 the ambulance came and they came back there to
22 check me out. And he told him, he says "He is a
23 little bit delusional and everything. So, you
24 know, make sure you have him secured."

25 And I think what? So, they come

1 over and they wanted to know if I could walk and
2 everything. I said I guess I can. You know, I
3 walked back here to the car.

4 And I said "I would like to get some
5 fresh air, if I could." And they said "Well,
6 come on with us." So they said "We are going to
7 check you out and everything and see if we can
8 figure out what's wrong with you." And I said
9 "I don't know what's wrong with me. I was fine
10 until I got out of the truck. Once I got out of
11 the truck I said the heat and everything just
12 made me all woosey like. So I don't know what's
13 wrong with me."

14 And so he is "Are you diabetic?"
15 I said, "Yes, but I haven't been having any
16 problem with sugar or anything like that. I
17 take the pills for it and I don't have a problem
18 with my sugar."

19 So he says, "Well, we are going to
20 check you out. Come on over here and we will
21 have you sit down right here in the back of the
22 ambulance." And I said okay.

23 So got over and he says "No, we want
24 you to get up in the ambulance and sit on the
25 gurney." And I said okay. So, I did.

1 I got up there and sat down. And
2 when I sat down one of the attendants started
3 buckling me down to the gurney. And I am saying
4 "What is all this about? "Well, if you are a
5 little bit unstable we don't want you to fall
6 off the gurney or anything while we are
7 transporting you to the hospital."

8 And I said "I thought you were going
9 to check me out." And he says "They will do
10 that at the hospital."

11 So, here I go off, my trunk door is
12 open, the motor is running, the lights are on,
13 the flashers on, everything, and I am going down
14 the road and my truck is being left.

15 So, I get to the hospital and they
16 start checking me over and everything. And they
17 did the blood sugar and everything. And they
18 said my sugar was a little bit elevated, but it
19 wasn't that severe.

20 And then they checked me for other
21 stuff. And I told them I need to go to the
22 bathroom. So, anyway, they said we need to
23 check your urine. So they did that. And they
24 started doing all these other tests.

25 All right. Officer Day had my

1 wallet, my phone, all my credentials and
2 everything.

3 So, somewhere along the way he
4 called my wife and family and told them that he
5 had me taken to the hospital; that I was a
6 little bit delirious and incoherent or whatever.
7 And that so told him, fine, good, going to the
8 hospital, we are on our way.

9 So, anyway, after they started
10 checking me and everything and I am sitting
11 there and been in the hospital for probably an
12 hour or so. And Officer Day shows up and he
13 brings my little bag that has my medicines and
14 stuff like that for my diabetes. Brought all of
15 that and he left it.

16 Well, he talked to the nurse for a
17 little bit and then he left. Well, some half
18 hour or 45 minutes or so later he comes back
19 into the room, doesn't say anything to me
20 neither time he comes into the room, and he
21 talks to the nurse out in the hallway and comes
22 in and he puts my wallet and my phone in my
23 medicine bag. And along with this he goes up
24 there and he is writing something and I asked
25 him, I said "What are you doing? And he says

1 "You can find out later."

2 And he sticks that in my bag and
3 leaves the room. I didn't see him anymore. So
4 then after that they kept me for a while and
5 they ran all kind of tests and everything on me.

6 And then they came in and told me
7 that "We are going to transport you over to the
8 other hospital." And I says, "Well, I thought I
9 was in a hospital. Well, this is an emergency
10 facility to where we check people and then we
11 have to ship them over to the other hospital."

12 And I say "Well, if I need to go
13 over there, okay, let's do it." So, they did.
14 They transported me over to the other hospital
15 about 2-ish in the morning. I don't know
16 exactly what time it was, but around 2-ish in
17 the morning.

18 So we went over to the other
19 hospital and they admitted me in and everything.
20 And my family got there about six or seven in
21 the morning.

22 ATTORNEY EXAMINER: Can you give us
23 a bottom line what happened here?

24 MR. BAILEY: I had pneumonia, which
25 affected a little bit of my abilities to know

1 exactly everything. Outside when the heat hit
2 me it really offset the pneumonia bad. So I had
3 triple pneumonia, which normally is a killer,
4 they say. And I had that and it offset while I
5 was driving, I had no idea I was sick or I had
6 any problems or anything like this.

7 And then when it started hitting on
8 me it hit pretty hard. So when I got out
9 and got put in that hot police car for all that
10 time it really blowed up.

11 So I had triple pneumonia and they
12 kept me in the hospital up there for about three
13 days. And then we came home because my neighbor
14 across the road from me, he died, and were
15 having his funeral and I wanted to get home to
16 at least see him before he was buried.

17 So we left the hospital, went home.
18 And I had a relapse of the triple pneumonia and
19 it took forever for it to kind of dissipate and
20 for me to get better.

21 So, I got better. And we got
22 everything, I had the hearing and stuff. But in
23 the meantime I didn't know anything about all of
24 the DOT stuff, none of this. And we got a
25 letter from the State of Virginia telling me

1 that FMCSA, all this reports and stuff, they
2 were going to review my authority and everything
3 else.

4 And I am thinking what, what, from
5 Ohio? And then a day or two later we get the
6 letter from them telling us that we have a fine
7 to pay for the \$200, which is this one here, one
8 like that. And I am thinking for what? What is
9 it for.

10 So I called the number that was on
11 that and talked to I believe Terry Veit and she
12 told me, she says you can appeal it and I said I
13 don't understand. I said I never got a copy of
14 anything. I don't know what this is all about.
15 I said can you tell me something?

16 And she read the findings and she
17 read it to me. And she said I was supposed to
18 get a copy of that or something. And she said I
19 should have gotten one and I said I haven't, I
20 don't know nothing about it, I haven't received
21 nothing in the mail, nothing from anybody except
22 for this bill from the Ohio Public Commission.

23 And I said I don't know what to do
24 with this because I am not guilty. It says I
25 did not have a logbook and I had one all

1 the time. I got home, it's still there, I said
2 I don't understand why I am charged for not
3 having a logbook when the old one was in the
4 bunk and the new one laying around where I told
5 the police it was. I said I don't understand.

6 And so anyway, she says you will
7 have to bring it up with somebody else. She
8 said, you know, as far as I am concerned guilty
9 as charged, you know. And I said -- but I was
10 trying to explain. She says she don't want to
11 hear no more. She says you have to file a
12 petition.

13 So, I did, I filed whatever was
14 necessary. And I talked with you on the phone
15 that time. And so, after talking with you you
16 told me that we will have this hearing. So we
17 sat the time and date and everything and I came
18 today for this.

19 And I still, I mean, after I spoke
20 with you I called here and asked them if I am
21 going to need a lawyer or legal counsel or
22 anything. And she says, no, that is a lot of
23 extra money. If you really want to get one you
24 can, but you don't need one.

25 And I said, well, if I don't need

1 one that is a lot of extra money. So I said I
2 will just come without one. So, here I am. And
3 that is it pretty much.

4 ATTORNEY EXAMINER: Does that
5 complete your story?

6 MR. BAILEY: Yes.

7 ATTORNEY EXAMINER: Okay. I will
8 let the Staff cross-examine.

9 CROSS-EXAMINATION

10 By Mr. Jones:

11 Q. Mr. Bailey, you are from Virginia;
12 is that correct?

13 A. That's correct.

14 Q. And you are owner-operator of your
15 commercial motor vehicle?

16 A. I am, yes, sir.

17 Q. And it was you who was stopped on
18 June 10th, 2015 here in Ohio in Lake County; is
19 that correct?

20 A. That's correct.

21 Q. And at the time you weren't carrying
22 a load on your truck?

23 A. No. I was going to pick up a load.

24 Q. So your medical situation is that
25 you have diabetes; is that correct?

1 A. I have diabetes, yes.

2 Q. And that you were also diagnosed
3 with triple pneumonia on the day of the
4 inspection, which was June 10th, 2015; correct?

5 A. They diagnosed me with pneumonia and
6 then triple pneumonia. I didn't know until I
7 was in the other hospital in the morning right
8 after my wife and family came in after running
9 some tests and she came in and said you have a
10 severe case of pneumonia. And I said severe
11 meaning? And she says you have triple pneumonia
12 and she says that is really bad. She says that
13 is what you have.

14 And she says a lot times it causes
15 you to be delirious, but not 100 percent, but it
16 doesn't mean you can't function, do things you
17 need to do. So I asked her to explain it to me.

18 Q. So you had three logbooks that were
19 in plain view in the sleeper; is that correct?

20 A. That's correct.

21 Q. Two of those were new logbooks that
22 had no entries and there was a third logbook
23 that the last entry was May 31st showing you
24 were out of service from the 27th to the 31st;
25 is that correct?

1 A. Well, yes.

2 Q. And now you are here today to claim
3 that yet there was another logbook that was in
4 your cab; in that what you are saying?

5 A. Yes. In plain view.

6 Q. And that was your Respondent's
7 Exhibit No. 1; is that correct?

8 A. That's correct.

9 Q. The logbook you are saying was
10 present that day?

11 A. Yes.

12 Q. And so you use a logbook for each
13 one, or each month; right?

14 A. That's correct.

15 Q. And when were you discharged then
16 from the hospital?

17 A. All right. I was discharged Sunday
18 morning -- no. Saturday evening from the
19 hospital in Ohio. Because the viewing and
20 everything was Sunday morning for my neighbor.
21 And I wanted to get there for that. Because
22 that was the last chance to ever get to see him.
23 He was a very good neighbor, and fishing buddy.

24 Q. Did you then resume your profession
25 then as owner-operator and truck driver?

1 A. Well, I have not gone back to work
2 as of yet because if I feel in any way that I am
3 not physically fit to drive I do not drive. It
4 doesn't matter who I am hauling for, what I am
5 hauling. If I feel any way sick or not able to
6 drive I will stop and stay put until I am able
7 to drive again.

8 And that is like this situation.
9 Had I known that I was sick, that sick, I would
10 not have been on the road at all.

11 Q. Okay. So you haven't driven a
12 commercial motor vehicle since June 10th, 2015?

13 A. No more than just taking it down to
14 get it inspected and to have the oil changed,
15 grease job, so forth.

16 Q. So, your condition continues, you
17 still don't feel comfortable driving or
18 operating a commercial motor vehicle due to your
19 medical condition; is that correct?

20 A. No, nothing to due with my medical
21 condition. It's just I have had no flowers to
22 be delivered for the last say two months. I
23 have gotten better, I am well enough to drive,
24 and I have no problem with driving. It's that I
25 don't have any flowers to go out. I haul

1 flowers. I don't have any flowers to go out.

2 So I have just stayed at home and
3 relaxing with my wife and family.

4 Q. Well, you haven't had any trips
5 since June 10th; right?

6 A. No.

7 Q. And Respondent's Exhibit 1.

8 MR. JONES: Your Honor, may I get
9 the exhibit?

10 ATTORNEY EXAMINER: You may.

11 Q. You are saying this was the way it
12 would have appeared on June 10th, 2015?

13 A. Yes.

14 Q. And --

15 A. I had a rubber band around it.

16 Q. Three rubber bands; wasn't it?

17 A. Yes.

18 Q. Okay. And this logbook had entries
19 beginning on June 1st, 2015 all the way through
20 June 10th, 2015, including June 10th?

21 A. Including June 10th.

22 Q. Including. And if you would look
23 at the June 10th entry, what time did you start
24 that day?

25 A. Well, I started according to this

1 right here, legal document, at 8:00 o'clock A.M.

2 Q. 8:00 o'clock A.M?

3 A. Yes.

4 Q. And started from where?

5 A. Started from a rest area in
6 Pennsylvania. Some people call them service
7 plazas, rest areas.

8 Q. Started from a rest area in
9 Pennsylvania?

10 A. Yes. I started.

11 Q. Well, the log book says from
12 Virginia. I can't make out the name, but --

13 A. That is where the trip started was
14 Rapilon, Virginia.

15 Q. So, okay, so the trip that day
16 started from Rapilon, Virginia. And according
17 to the logbook for that day the destination was?

18 A. Warren, Pennsylvania.

19 Q. Warren, Pennsylvania?

20 A. Yes.

21 MR. JONES: Your Honor, just one
22 second, please.

23 No further questions.

24 ATTORNEY EXAMINER: No more?

25 Anything else, Mr. Bailey, on redirect?

1 MR. BAILEY: Okay. That is about
2 it. I have nothing else to add.

3 ATTORNEY EXAMINER: You are excused,
4 Mr. Bailey. Thank you. Do you have any other
5 witnesses to call?

6 MR. BAILEY: Well, my son was
7 the one who went over to pay the impound.

8 ATTORNEY EXAMINER: Do you want to
9 call him as a witness? Excuse me, Mr. Bailey, I
10 have to ask, how he is connected with this case?

11 MR. BAILEY: Well, they came to the
12 hospital and from there he went on to pay the
13 impound fee, and to take the money out of
14 the truck that I keep in the truck so it
15 wouldn't disappear. So he went out and paid the
16 impound fee, the storage bill, and everything
17 for the truck.

18 And then he went ahead and retrieved
19 the money and stuff in the truck that I always
20 keep there in case of emergency. And then came
21 back to the hospital.

22 ATTORNEY EXAMINER: Okay.

23 MR. BAILEY: Picked up the logbook
24 in the truck and brought it back.

25 ATTORNEY EXAMINER: Well, if he

1 wants to testify, if you want to call him.

2 (WITNESS SWORN)

3 - - -

4 JAMES BAILEY

5 called as a witness, being first duly sworn,
6 testified as follows:

7 ATTORNEY EXAMINER: I want you to
8 keep your testimony relevant to the case and
9 make it succinct. But go ahead.

10 MR. JAMES BAILEY: My name is James
11 Bailey. Like he said, we had arrived at the
12 hospital around 6:00 o'clock on the 11th. I
13 checked on him, left my mother and some other
14 brothers and family members with him and myself
15 and younger brother went over to take care of
16 the tow bill and to collect the truck.

17 But my main concern was based on
18 when I spoke to Trooper Day on the phone before
19 we left home and he told me that my dad did not
20 have a logbook for the month of June. And I am
21 sure -- not sure whether I recall, but I said to
22 him on the phone that doesn't sound right at
23 all.

24 So, we went, myself and one other
25 brother, over to pay the tow bill so they would

1 release the truck to me. We took care of the
2 money situation that he keeps in the truck, and
3 opened the door of the truck and climbed up
4 there and put my hand right on the doghouse and
5 it was just sitting right there without three
6 rubber bands. It was laying right there in
7 plain sight where he always keeps it.

8 So I took it and when I got done
9 with everything I went back to the hospital and
10 handed it to him and said the Trooper said you
11 did not have it, it was right there where you
12 always have it on the doghouse right there. And
13 that is the knowledge I have of the situation.

14 I went where the truck was towed
15 to, the location, I believe Kinsman, Ohio or
16 wherever they took it. So the tow truck driver
17 locked the truck and when I went there and
18 the first thing, I put my hand in and the
19 logbook was right there. Like I said it was
20 minus three rubber bands and business card that
21 was on it.

22 ATTORNEY EXAMINER: Does that
23 conclude your testimony?

24 MR. JAMES BAILEY: Yes, sir.

25 ATTORNEY EXAMINER: Does the staff

1 have any questions for this witness?

2 CROSS-EXAMINATION

3 By Mr. Jones:

4 Q. Mr. Bailey, where do you reside?

5 A. I reside in Pamplin, Virginia.

6 Q. Is your residence close by to your
7 father's residence?

8 A. Yes, it is.

9 Q. And so when you had a conversation
10 with Trooper Day that was before you arrived in
11 Ohio that is where you were at home; right?

12 A. No. I was at my parents' home.
13 They called my mother and my mother called me up
14 there. So I went up to their house and I spoke
15 to Trooper Day on the phone.

16 Q. So you spoke to Trooper Day then
17 from your father's and mother's residence?

18 A. Correct.

19 Q. And Trooper Day informed you at that
20 time that there was not an updated logbook
21 present in the vehicle?

22 A. Yes, he did.

23 Q. Then after the conversation with
24 Trooper Day then you made the trip to Ohio?

25 A. Yes.

1 Q. And then you proceeded to go to the
2 impound lot to get the truck released; is that
3 correct?

4 A. No, sir. I went to the hospital
5 first.

6 Q. Hospital first?

7 A. We spent probably two or three hours
8 there. If I may add to it, we stopped in
9 Maryland to get my dad's brother and his wife,
10 who was retired from driving a truck, because we
11 needed a CDL license to bring the truck home.
12 That was the whole reason, you know, reason for
13 going and paying the tow bill and have it
14 released so that after we knew he was okay we
15 could have a driver licensed, qualified driver,
16 to drive the truck home.

17 So, a few hours after arriving at
18 the hospital and talking to the doctors and
19 knowing he was okay, I left the rest of the
20 family there with him to go with one brother and
21 drive over to the tow yard, impound yard,
22 whatever.

23 Q. And so you said that then you opened
24 up the cab of the truck and you found the
25 Respondent's Exhibit No. 1 located I think you

1 said on top of the doghouse?

2 A. Yes. Right where he always keeps
3 it.

4 Q. What is the doghouse?

5 A. The doghouse, basically it's a box
6 and the engine is located underneath it and it's
7 padded. But it's between the seats and it's
8 called a doghouse.

9 Q. And you are saying that Respondent's
10 Exhibit 1 was located on top of the doghouse?

11 A. Yes, sir.

12 Q. But it did not have three rubber
13 bands around it at that time?

14 A. No, sir. It did not have the three
15 rubber bands and that business card on it.

16 Q. Was there anything else on top of
17 the doghouse?

18 A. Yes, sir. Two unused logbooks were
19 on top. And at that point in time I was rather
20 upset because he is not exactly the cleanest
21 person, but he does keep an organized mess when
22 it comes to his paperwork. It's right where
23 it's supposed to be. But it looked like a
24 tornado had gone through that truck. Everything
25 in the bunk was basically upside down,

1 everything was torn upside down in that truck.

2 But I still was able to -- first
3 thing when I was able to climb up in that truck
4 and looked because I know where he keeps it and
5 I put my hand on that logbook.

6 Q. So you are saying that Respondent's
7 Exhibit 1 was on top of the pile?

8 A. No. It was right -- everything else
9 was piled up on top of it where somebody had
10 gone through and just tossed stuff. It was
11 laying on the doghouse in front of his
12 registration book. He has, well, I think a gray
13 book that has his registration, his state
14 authority, authority stuff that he keeps on
15 the back of the doghouse up against the bunk.

16 The next thing you will find in that
17 logbook is the current month logbook then he has
18 a pad that lays closer to it, like a clipboard,
19 but also a note pad that he writes down when he
20 stopped somewhere, what time he stopped and what
21 time he left, so he can go back and fill out his
22 logbook if he is a few hours behind.

23 That is the order in which he always
24 keeps things. I am 35 years old, I have grown
25 up over the road with this man and I know

1 the order which he keeps his items and the order
2 in which I saw them underneath the mess that had
3 been made there. They were still in that order
4 that he kept them for 35 years.

5 Q. You didn't happen to see
6 the condition of the cab on the morning that he
7 left; did you?

8 A. No.

9 Q. So you don't know what the condition
10 was when he left the house and traveling, you
11 have no idea what the condition was --

12 A. That day, no, sir.

13 Q. -- was in that cab?

14 A. I believe 35 years of experience
15 being on the road with this man --

16 Q. I am asking you what you know.

17 A. I am trying to tell you what I know.

18 ATTORNEY EXAMINER: I think he
19 answered the question. Go ahead.

20 A. I believe that after 35 years of
21 being over-the-road with this man I know how he
22 keeps the inside of his vehicle. I cannot speak
23 for that morning of, no, I cannot, but I can
24 tell you for a fact that he did have two unused,
25 underwritten logbooks laying on top of

1 everything else. He did not have two previous
2 months, May and April, laying on top of
3 everything else. They would be in the bunk
4 where he always kept them, where he told
5 the officer they were.

6 That is the way he keeps the inside
7 of his truck, sir. Not the condition it was in
8 when I got to it in the impound yard.

9 Q. So you are saying Respondent's
10 Exhibit 1 was underneath a lot of different
11 things?

12 A. There was all kinds of, lack of a
13 better term, debris pile on top of it. Yes,
14 sir.

15 MR. JONES: If have no further
16 questions, your Honor.

17 ATTORNEY EXAMINER: Mr. Bailey,
18 Senior, do you have any questions for your son?

19 MR. BAILEY: No.

20 ATTORNEY EXAMINER: Okay. Do you
21 have anything additional to add?

22 MR. JAMES BAILEY: No, sir.

23 ATTORNEY EXAMINER: You are excused.

24 MR. JAMES BAILEY: Thank you.

25 ATTORNEY EXAMINER: Did you have

1 other witnesses to call?

2 MR. BAILEY: No, sir. Your Honor,
3 may I make one comment?

4 ATTORNEY EXAMINER: Does Staff have
5 anything else?

6 MR. JONES: No, your Honor. Just to
7 say that as to Respondent's Exhibit 1, I mean,
8 we had testimony from Mr. Bailey, asked
9 questions about that logbook, stipulate that
10 there is a log. I will stipulate that he
11 brought the logbook to the hearing today that
12 contains entries from June 1st through June
13 10th, and there are no other entries even
14 contained after June 10th for the rest of
15 the month in the logbook.

16 We will stipulate that that
17 information was brought today by Mr. Bailey, but
18 we will not, of course, stipulate that was in
19 his possession at the time of the inspection
20 which would be a requirement.

21 But if the purpose of why he brought
22 it today was to identify it for evidence as to
23 Respondent's Exhibit 1, we will stipulate
24 without the necessity of making any copies of
25 what he brought because I think it has been

1 identified for the record and we will stipulate
2 to the contents of that exhibit.

3 ATTORNEY EXAMINER: Very good.
4 Staff's stipulation is on the record. We will
5 take a recess right now. We have to make copies
6 of that logbook. So I need Mr. Bailey and I
7 need Staff to come with me.

8 (RECESS TAKEN)

9 ATTORNEY EXAMINER: We will go back
10 on the record. And for the record we made
11 copies of Mr. Bailey's logbook marked
12 Respondent's Exhibit 1. And I will admit that
13 into evidence at this time.

14 (EXHIBIT HEREBY ADMITTED INTO
15 EVIDENCE)

16 ATTORNEY EXAMINER: And anything
17 else to add?

18 MR. JONES: Nothing from Staff, your
19 Honor.

20 ATTORNEY EXAMINER: If there is
21 nothing more I consider this case submitted on
22 the record. Thank you for coming.

23 MR. JONES: Thank you, your Honor.

24 (At 12:20 P.M. the hearing was
25 concluded)

CERTIFICATE

I do hereby certify that the foregoing
is a true and correct transcript of the
proceedings taken by me in this matter on
November 12, 2015, and carefully compared with
my original stenographic notes.

Michael O. Spencer,
Registered Professional
Reporter.

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12/1/2015 4:54:53 PM

in

Case No(s). 15-1534-TR-CVF

Summary: Transcript in the matter of the Walter H. Bailey hearing held on 11/12/15 electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Spencer, Michael O. Mr.