

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of Charlie :  
Wasaya, Notice of Apparent: Case No. 15-1049-TR-CVF  
Violation and Intent to :  
Assess Forfeiture. :

- - -

PROCEEDINGS

before Bryce A. McKenney, Hearing Examiner, at the  
Public Utilities Commission of Ohio, 180 East Broad  
Street, Room 11-D, Columbus, Ohio, called at 10:00  
a.m. on Thursday, April 14, 2016.

- - -

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2 Mike DeWine, Ohio Attorney General  
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4 Assistant Attorney General  
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7 On behalf of the Staff of the Public  
8 Utilities Commission of Ohio.

9 Alden Law  
10 By Zachary A. Bias  
11 One Livingston Avenue  
12 Columbus, Ohio 43215

13 On behalf of the Respondent.

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Thursday Morning Session,  
April 14, 2016.

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THE EXAMINER: Good morning. The Public Utilities Commission of Ohio calls for hearing at this time and place Case No. 15-1049-TR-CVF, being In the Matter of Charlie Wasaya, Notice of Apparent Violation and Intent to Assess Forfeiture.

My name is Bryce McKenney, and I'm the Attorney Examiner assigned by the Commission to hear this case. At this time I'd like to take the appearances of the parties. On behalf of the Staff.

MS. MESSENGER: Thank you, your Honor. On behalf of the Staff of the Public Utilities Commission of Ohio, Ohio Attorney General Mike DeWine, Natalia Messenger, Assistant Attorney General, 180 East Broad Street, Columbus, Ohio, 43215.

THE EXAMINER: Thank you very much. On behalf Mr. Wasaya.

MR. BIAS: Zach Bias on behalf of Mr. Wasaya with Alden Law, 1 East Livingston, Columbus, Ohio, 43215.

THE EXAMINER: Thank you. Briefly before we went on the record, a note was made that the

1 parties have stipulated to some matters; is that  
2 correct?

3 MS. MESSENGER: Yes, your Honor.

4 Mr. Wasaya has agreed to stipulate to receiving the  
5 Notice of Preliminary Determination and that the  
6 forfeiture amount of \$2,500 was calculated properly.

7 THE EXAMINER: Thank you very much. Is  
8 that correct?

9 MR. BIAS: Yes, your Honor.

10 THE EXAMINER: Thank you.

11 Is Staff prepared to present its case?

12 MS. MESSENGER: Yes, your Honor.

13 THE EXAMINER: Call your first witness.

14 MS. MESSENGER: Staff would call Officer  
15 Kurtz.

16 - - -

17 MELANIE KURTZ

18 being first duly sworn, as prescribed by law, was  
19 examined and testified as follows:

20 DIRECT EXAMINATION

21 By Ms. Messenger:

22 Q. Good morning. Could you state your name  
23 and business address, please.

24 A. Melanie Kurtz, 3201 North Main Street,  
25 Findlay, Ohio.

1 Q. Where are you employed?

2 A. Ohio State Patrol.

3 Q. How long have you been employed with the  
4 State Highway Patrol?

5 A. Since 2007.

6 Q. And what is your position there?

7 A. Motor Carrier Enforcement Inspector.

8 Q. How long have you been in this position?

9 A. Since February 4th, 2010.

10 Q. What are your duties as an Inspector?

11 A. Perform roadside inspections on  
12 commercial vehicles and drivers.

13 Q. What is your educational background?

14 A. I graduated high school, but for this  
15 position, the North American Standard Level 1  
16 Inspection classes, North American Standard General  
17 Hazardous Material Inspections and maintain  
18 certifications in all the in-service trainings.

19 THE EXAMINER: Off the record real quick.  
20 I'm going to close the door.

21 (Off the record.)

22 THE EXAMINER: Go back on the record.  
23 Miss Messenger, sorry.

24 Q. (By Ms. Messenger) Were you trained to  
25 enforce the Federal Motor Safety regulations?

1 A. Yes.

2 Q. And what is your jurisdiction?

3 A. The State of Ohio.

4 Q. And what was your jurisdiction the day --  
5 what sort of area were you working the day --

6 A. I was at the southbound scales on I-75.

7 Q. Were you on duty when you stopped the  
8 vehicle that Mr. Wasaya was driving?

9 A. Yes.

10 Q. Why did you pull over the vehicle?

11 A. Some lights -- a couple lights were out  
12 on the back of it.

13 Q. Do you create a report when you pull a  
14 vehicle over and do an inspection?

15 A. Yes.

16 Q. What kind of information does that report  
17 contain?

18 A. All the information about the truck, the  
19 driver, the carrier and any defects or violations  
20 that we found.

21 Q. Did you generate a report during the  
22 inspection of Mr. Wasaya's vehicle?

23 A. Yes.

24 MS. MESSENGER: Your Honor, at this time,  
25 I would like to mark the Driver/Vehicle Examination

1 Report that Inspector Kurtz performed as Staff  
2 Exhibit 1.

3 THE EXAMINER: So marked.

4 MS. MESSENGER: May I approach?

5 THE EXAMINER: You may.

6 (EXHIBIT MARKED FOR IDENTIFICATION.)

7 Q. (By Ms. Messenger) Inspector Kurtz, do  
8 you have before you what has been marked as Staff  
9 Exhibit 1?

10 A. Yes.

11 Q. What is this document?

12 A. This is the inspection report that was  
13 printed from my computer through the Aspen program.

14 Q. And who prepared this report?

15 A. I did.

16 Q. Does this report contain information on  
17 matters that you observed directly?

18 A. Yes.

19 Q. When did you prepare the report?

20 A. January 21st, 2015.

21 Q. And in relation to the time of the  
22 inspection, did you do it at the time of the  
23 inspection?

24 A. Yes.

25 Q. Do the employees of the Highway Patrol



1 make and keep this type of record in the ordinary  
2 course of business?

3 A. Yes.

4 Q. And is this report the same or  
5 substantially the same as the inspection report that  
6 you generated when you inspected the vehicle driven  
7 by Mr. Wasaya?

8 A. Yes.

9 Q. Where do you send this report after the  
10 traffic stop?

11 A. We send it electronically to the PUCO.

12 Q. What is the report number?

13 A. OH3258007037.

14 Q. And what is the date of the inspection?

15 A. January 21st, 2015.

16 Q. And what time did the inspection begin  
17 and end?

18 A. 7:55 a.m.

19 Q. What time did it end?

20 A. 8:45 a.m.

21 Q. What was the origin and destination of  
22 the vehicle driven by Mr. Wasaya?

23 A. Weberville, Michigan to Dayton, Ohio.

24 Q. What road was he driving on when you  
25 pulled him over?

1 A. Interstate 75.

2 Q. And where did you pull him over?

3 A. At the scales. I'm not sure of the mile  
4 post.

5 MR. EMNETT: 161.

6 THE WITNESS: 161.

7 Q. Well, if you look at the inspection  
8 record report, about a third of the way down --

9 A. Yes.

10 Q. -- where you have "Origin" and  
11 "Destination," is there a mile post?

12 A. Yes, 162.

13 Q. Can you look at the section that's  
14 labeled "Violations" about halfway down the page.

15 A. Yes.

16 Q. If you can look at the bottom three  
17 lines, what was the violation code that -- for the  
18 violation that Mr. Wasaya was cited for?

19 A. 393.207B.

20 Q. Can you read the violation description  
21 that corresponds to that?

22 A. Adjustable axle locking pins not engaged.

23 Q. What does 393.207B require?

24 A. That at least all the pins have to be in.  
25 If even one pin is out, it's a violation.

1 Q. Why did this regulation apply to  
2 Mr. Wasaya?

3 A. Because he had a sliding axle that would  
4 slide and it was -- it would be an out of service.

5 Q. How did Mr. Wasaya violate this  
6 regulation?

7 A. Three out of the four pins were out.

8 Q. So his pins were disengaged?

9 A. Correct.

10 Q. If you can take a look at in the  
11 "Violations" section the column labeled "OOS."

12 A. Yes.

13 Q. What does "OOS" mean?

14 A. Out of service.

15 Q. And what does out of service mean?

16 A. It means the vehicle cannot be moved  
17 until that violation is repaired.

18 Q. Okay. And the violations for 393.207B  
19 listed on the inspection report were then out of  
20 service?

21 A. Yes.

22 Q. And how is that indicated on the report?

23 A. With a "Y" standing for yes.

24 Q. Can you explain the process for putting a  
25 driver out of service?

1           A.    You fully explain the violation so they  
2 understand it, make it clear that they all have to be  
3 repaired at that location or it has to be towed. We  
4 place a bright orange sticker on whichever part of  
5 the vehicle is out of service, in this case the  
6 trailer, and that's about it.

7           Q.    Did you explain to Mr. Wasaya this  
8 protocol for being put out of service?

9           A.    Yes.

10          Q.    Could Mr. Wasaya have repaired the pins  
11 himself?

12          A.    Typically I would make mechanical  
13 judgments like that, but I showed him how they were  
14 totally misaligned, it was put together incorrectly.  
15 The front pin of the one side was in but then the  
16 rear pin was way off center. You weren't going to  
17 get it in. And I explained there was a board inside  
18 that had numbers of service trucks to call. Usually  
19 I would make mechanical judgments, but it was obvious  
20 you were not going to get these pins in. They had  
21 been out for a while.

22          Q.    Did you observe anyone that came out to  
23 repair the vehicle?

24          A.    No.

25          Q.    Did Mr. Wasaya remain at the weigh

1 station until the vehicle was repaired?

2 A. No.

3 Q. Did you see him leave the station?

4 A. I saw him drive past the front of the  
5 scales, but I assumed he was just going around back  
6 to move where I asked him to move the truck to, but  
7 instead he just kept going.

8 Q. Let's back up a minute. Where did you  
9 ask him to -- Can you explain the way that the weigh  
10 station is?

11 A. The parking lot's pretty small. We were  
12 parked right up at the front. And usually when you  
13 place a vehicle out of service, we have them move  
14 over to a corner, but to accomplish that in this  
15 parking lot, they have to go around the front of the  
16 scales and then go to the back to make the maneuver  
17 to park in the corner. And that's what I assumed he  
18 was doing until he kept going.

19 Q. At any point did you remove the out of  
20 service sticker from the truck?

21 A. No.

22 Q. Did you ever allow him to leave?

23 Did he speak to you after being put out  
24 of service at all?

25 A. No.

1           Q.    Is it within your authority if the pins  
2   are disengaged to allow him to drive --

3           A.    No.

4           Q.    -- out of service?

5           MS. MESSENGER:  Can I just have a minute,  
6   your Honor?

7           THE EXAMINER:  You may.  Let's go off the  
8   record.

9           (Off the record.)

10          THE EXAMINER:  Let's go back on the  
11   record.  Miss Messenger.

12          MS. MESSENGER:  I have nothing further  
13   for Inspector Kurtz at this time, if I could reserve  
14   her for rebuttal.

15          THE EXAMINER:  You may.

16          Mr. Bias.

17          MR. BIAS:  Yes.  Thank you, your Honor.

18                               - - -

19                               CROSS-EXAMINATION

20   By Mr. Bias:

21           Q.    Inspector Kurtz, you said you viewed the  
22   pins when you were doing the examination of  
23   Mr. Wasaya's vehicle?

24           A.    Yes.

25           Q.    And you said two of the pins from your

1 judgment could not be engaged?

2 A. Right.

3 Q. Without -- could not be engaged by  
4 Mr. Wasaya?

5 A. Correct.

6 Q. You said there were three pins that  
7 weren't engaged?

8 A. Right.

9 Q. What about the third pin?

10 A. Well, the one side was just not -- if he  
11 moved it, it probably would have went in, but I  
12 wasn't -- when I talked to him about that, I wasn't  
13 referring to a single violation, I was referring to  
14 the whole, all three.

15 Q. You said you saw Mr. Wasaya pull back  
16 around to the scale?

17 A. No. Oh, around the front?

18 Q. Yes.

19 A. Yes.

20 Q. And you said that he left while he was  
21 out of service?

22 A. Right.

23 Q. And to not be out of service, he would  
24 have had to make the repairs?

25 A. Right.

1           Q.    And when he pulled back around, did you  
2 inspect the vehicles to see if the repairs had been  
3 fixed?

4           A.    No.

5           Q.    But you said that you just knew that they  
6 couldn't have been fixed in that amount of time?

7           A.    Not in that speed of time, no.

8           Q.    But you didn't know for sure if they had  
9 been fixed?

10          A.    Correct.

11          Q.    And then you said that it's not within  
12 your authority to allow him to drive while out of  
13 service?

14          A.    Right.

15          Q.    It's absolutely not in your authority to  
16 say he cannot drive?

17          A.    No. Well, I'm not placing him out of  
18 service, just the vehicle. The vehicle can't be  
19 driven.

20          Q.    And why for these violations can the  
21 vehicle not be driven?

22          A.    Because it's an out of service violation  
23 by CVSA criteria.

24          Q.    Right. And does it have anything to do  
25 with safety?



1 A. Yes.

2 Q. And is the safety issue that the trailer  
3 might become unhitched and hit a car on the roadway?

4 A. The tandem axles can come out.

5 Q. And if the vehicle was being towed while  
6 the violations had not been fixed, would that still  
7 be a safety issue?

8 A. Yes.

9 Q. And would it be appropriate for an  
10 officer to escort the vehicle while it's being driven  
11 while it's out of service?

12 A. That would depend on the out of service.  
13 In this particular circumstance, I wouldn't have, no.

14 Q. Okay. So is it within your discretion to  
15 escort the driver of the vehicle?

16 A. We were already at a safe location. I  
17 wouldn't have escorted any vehicle from this  
18 location, no.

19 Q. But there might be circumstances where  
20 that would be appropriate?

21 A. There might be other locations where that  
22 would be appropriate.

23 MR. BIAS: No more questions, your Honor.

24 THE EXAMINER: Redirect?

25 MS. MESSENGER: Yeah, just a few

1 questions.

2 - - -

3 REDIRECT EXAMINATION

4 By Ms. Messenger:

5 Q. If Mr. Wasaya had fixed one pin, would  
6 that have cured the out of service?

7 A. No.

8 Q. How many pins would he have had to repair  
9 in order to no longer be out of service?

10 A. To correct the violation, they all would  
11 have had to be repaired.

12 Q. All three of them?

13 A. Yes.

14 MS. MESSENGER: Nothing further, your  
15 Honor.

16 THE EXAMINER: Thank you. I have no  
17 questions. Inspector Kurtz, I will remind you that  
18 you remain under oath as you may have rebuttal, so  
19 please stay close.

20 Ms. Messenger, you may call your next  
21 witness.

22 MS. MESSENGER: Staff would call Harold  
23 Emnett.

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HAROLD EMNETT

being first duly sworn, as prescribed by law, was  
examined and testified as follows:

DIRECT EXAMINATION

By Ms. Messenger:

Q. Can you state your name and business  
address, please.

A. My name is Harold Emnett. My business  
address is 3201 North Main Street, Findlay, Ohio at  
the Ohio State Highway Patrol Post.

Q. Where are you employed?

A. The Ohio State Highway Patrol, Department  
of Public Safety.

Q. How long have you been employed by the  
State Highway Patrol?

A. 25-and-a-half years.

Q. What is your position with the Patrol?

A. Motor Carrier Enforcement Inspector.

Q. How long have you been in this position?

A. Since 1996.

Q. What are your duties as a Motor Carrier  
Enforcement Inspector?

A. To enforce the federal and state  
regulations on commercial vehicles and drivers and do  
inspections on the roadside or at the scales of the

1 vehicles and drivers.

2 Q. What kind of training and certifications  
3 do you have?

4 A. I've been certified in the North American  
5 Level 1, the North American Level 2, North American  
6 Level 3, North American Level 4 inspections, North  
7 American Level 5 inspections, and the North American  
8 Level 7 inspections. Also have been certified in the  
9 basic Haz Mat inspections, Haz Mat cargo tank  
10 inspections, Haz Mat bulk other inspections and Motor  
11 Coach inspections and....

12 Q. Okay. Were you trained to enforce the  
13 Federal Motor Safety regulations?

14 A. Yes.

15 Q. And what is your jurisdiction?

16 A. State of Ohio.

17 Q. And what was your jurisdiction on  
18 January 21st of 2015?

19 A. I was working at the I-75 southbound  
20 scales just north of Findlay.

21 Q. Were you on duty when you pulled over  
22 Mr. Wasaya's vehicle?

23 A. Yes, I was.

24 Q. And why did you pull over -- Why did you  
25 pull him over?

1           A.    Inspector Kurtz came in and -- She just  
2    come in and she goes, "He's leaving, there's no way  
3    he could have got those fixed." I said, "What?" "The  
4    out of service violation. The pins were not engaged,  
5    not all the pins were engaged."

6                        So I went ahead and followed him down the  
7    ramp and pulled him over to do a reinspection to  
8    verify the out of service violations were corrected.

9           Q.    What type of document do you create  
10 during a stop?

11           A.    An Aspen report that's made up by the  
12 United States Department of Transportation that we  
13 enter all the information in, and we send it to the  
14 PUCO which they go ahead and send it to the USDOT.  
15 And it has all the information from the inspection,  
16 including the carrier, the driver, the truck, the  
17 trailer, cargo and the violations.

18           Q.    Did you generate a report during your  
19 inspection of the vehicle driven by Mr. Wasaya?

20           A.    Yes, I did.

21                       MS. MESSENGER: Your Honor, at this time,  
22 I would like to mark as Staff Exhibit 2 the  
23 Driver/Vehicle Examination Report prepared by  
24 Inspector Emnett.

25                       THE EXAMINER: It will be so marked.

1 (EXHIBIT MARKED FOR IDENTIFICATION.)

2 MS. MESSENGER: May I approach?

3 THE EXAMINER: You may.

4 MR. BIAS: We have exchanged copies ahead  
5 of time of all exhibits. Thank you.

6 By Ms. Messenger:

7 Q. Inspector Emnett, do you have in front of  
8 you what's marked as Staff Exhibit 2?

9 A. Yes, I do.

10 Q. What is this document?

11 A. It would be the Driver/Vehicle  
12 Examination Report I completed on January 1st,  
13 2000 -- correction, January 21st, 2015.

14 Q. Who prepared this report?

15 A. I did.

16 Q. Does this report contain information on  
17 matters that you observed directly?

18 A. Yes.

19 Q. When did you prepare this report?

20 A. At 9:30 in the morning on January 21st,  
21 2015.

22 Q. Did you prepare it at the time of the  
23 inspection?

24 A. Yes, during the inspection.

25 Q. Do the employees of the Highway Patrol

1 make and keep this type of record in the ordinary  
2 course of business?

3 A. Yes, they do.

4 Q. And is this report the same or  
5 substantially the same as the inspection report that  
6 you generated when you inspected the vehicle driven  
7 by Mr. Wasaya?

8 A. Yes.

9 Q. Where did you send this report after the  
10 stop?

11 A. I sent it out electronically to the  
12 Public Utilities Commission of Ohio and the USDOT.

13 Q. What is the report number on Staff  
14 Exhibit 2?

15 A. OH3229011733.

16 Q. And what is the date of the inspection?

17 A. January 1st -- January 21st, 2015.

18 Q. And what time did the inspection start  
19 and end?

20 A. Started at 9:30 a.m., ended at 10:48 a.m.

21 Q. And what was the origin and destination  
22 of the vehicle driven by Mr. Wasaya?

23 A. Origin was Weberville, Michigan to  
24 Dayton, Ohio.

25 Q. What road was Mr. Wasaya driving when you

1 pulled him over?

2 A. Southbound on Interstate 75.

3 Q. And where did you pull him over?

4 A. Just south of the Hancock County weigh  
5 station.

6 Q. It was at another weigh station?

7 A. No, the same weigh station on the exit  
8 ramp going out of the weigh station.

9 Q. If you can take a look at the  
10 "Violations" section on the report, in the bottom  
11 three lines, the third line from the bottom, what is  
12 the violation code there that Mr. Wasaya was cited  
13 with?

14 A. It would be 393.207B, as in boy.

15 Q. And what does that provide?

16 A. It was one of the locking pins on the  
17 sliding subframe was not engaged.

18 Q. And the next violation code below that?

19 A. 393.207B, as in boy.

20 Q. And can you read the violation  
21 description for that one as well?

22 A. This would be the right side rear locking  
23 pin that holds the subframe in position was not  
24 engaged or locked into the hole.

25 Q. And how was this violation -- or how was



1 this regulation violated?

2 A. He did not have the pin engaged into the  
3 hole so it would secure the subframe to the box  
4 trailer's frame.

5 Q. What kind of danger does it pose for the  
6 pins to be disengaged?

7 A. The side subframe would not be attached  
8 to the trailer, and in the course of action of  
9 braking or backing up or hitting a large hole, the  
10 subframe could come loose with the axles on it and  
11 actually come out from underneath the trailer.

12 Q. So it could disconnect from the trailer?

13 A. Yes.

14 Q. And what kind of hazard does that pose on  
15 the highway?

16 A. The last one I was to, they -- the frame  
17 shot out the back of the trailer, the trailer landed  
18 on the ground or the roadway as it was traveling down  
19 the road, went over the road, this was in the dark,  
20 and rolled over. A semi going the other direction  
21 hit the tandems that were still sitting in the  
22 roadway and he went off the road and crashed causing  
23 injuries to both drivers.

24 Q. Did you see the out of service sticker  
25 that Inspector Kurtz put on the trailer of the

1 vehicle?

2 A. Yes, I did, I took photographs of it.

3 Q. And was it on the vehicle when you pulled  
4 him over?

5 A. It was in the cab of the vehicle and it  
6 was tore in half.

7 Q. In your opinion, was it possible for  
8 Mr. Wasaya to engage all four of these pins at the  
9 scales?

10 A. I don't know what kind of tools he had or  
11 if he would have had to call someone in. We don't  
12 usually recommend how they repair it, but we just  
13 tell them it needs repaired before they leave or  
14 towed. And if he had the tools, maybe he could have,  
15 but I don't know what he was carrying, but  
16 personally, I don't think he had the tools to do that  
17 there at the lot.

18 Q. Can you describe your interaction with  
19 Mr. Wasaya?

20 A. Yes, I spoke to him, I kind of asked him  
21 why he left. And from the understanding I got, that  
22 the company told him to take it to a truck stop to  
23 get it repaired, and I went ahead and questioned him  
24 about the inspection report and the out of service  
25 sticker. And that's when I took pictures of the out

1 of service sticker that was still in the cab of the  
2 truck, and I laid it out so I could take a picture of  
3 it.

4 He did say -- He did say something about  
5 the other inspector saying if he got the other pin  
6 in, that he could leave. And I remember going back  
7 to my Patrol car and calling her on my cell phone and  
8 questioning her about that, and she said, "No, that  
9 was not discussed."

10 Q. So after you completed your inspection,  
11 what happened?

12 A. Since our policy and CVSA policy says we  
13 do not leave them on the roadside on the berm due to  
14 safety reasons, we're allowed to escort an out of  
15 service vehicle to a safe haven like a truck stop,  
16 rest area, scales, so I escorted him down to the  
17 truck stop.

18 MS. MESSENGER: I have nothing further at  
19 this time for Inspector Emnett.

20 THE EXAMINER: What type of vehicle were  
21 you in?

22 A. A 2009 Chevy Tahoe marked with the State  
23 Patrol markings and the light bar.

24 THE EXAMINER: Thank you.

25 Mr. Bias.

1 MR. BIAS: Yes, thank you, your Honor.

2 - - -

3 CROSS-EXAMINATION

4 By Mr. Bias:

5 Q. Inspector Emnett, what mile marker was  
6 the Findlay scales at?

7 A. The 162.

8 Q. And where did you say you pulled  
9 Mr. Wasaya over?

10 A. On the entrance ramp -- the exit ramp  
11 from the scales to southbound 75.

12 Q. And which scales was that?

13 A. The Hancock County southbound I-75  
14 scales.

15 Q. Is that the same scales where he had the  
16 first examination?

17 A. Yes.

18 Q. And what mile post does it say on Staff  
19 Exhibit 2?

20 A. 153.

21 Q. 153. So these scales are located at mile  
22 post 162, correct?

23 A. Yes.

24 Q. And the mile post that you put for this  
25 examination was 153, correct?

1 A. Yes, I must have hit the wrong numbers.

2 Q. Let me ask you about the inspection. How  
3 in depth did you look at Mr. Wasaya's vehicle?

4 A. I did a walk-around inspection.

5 Q. Walk-around. Did you look at the pins?

6 A. Yes.

7 Q. And how many pins were engaged?

8 A. Only two.

9 Q. Only two. And you only cited him for two  
10 pins engaged -- I mean two pins disengaged?

11 A. Correct.

12 Q. You stated those could not have been  
13 engaged manually unless you had specific tools?

14 A. Unless it was repaired correctly.

15 Q. You stated that it's dangerous to drive  
16 with the two pins not engaged?

17 A. Correct.

18 Q. That it could hurt other drivers?

19 A. Correct.

20 Q. And if you tow the vehicle, would that  
21 danger still exist?

22 A. No, because they could have chained the  
23 subframe to the frame of the trailer so there was no  
24 chance of it popping out.

25 Q. And you did escort Mr. Wasaya, correct?

1           A.    Yes, it's our policy -- because of the  
2 mechanics working on it, the number of wrecker  
3 drivers that have been hit over the years on the  
4 interstate, it's the policy to take them to a safe  
5 haven off the roadway so the repairs can be made.

6           Q.    What kind of facilities would be a safe  
7 haven?

8           A.    Either at a rest area, scales, truck  
9 stop, somewhere where we can park a truck legally.

10          Q.    You said you pulled him over at the exit  
11 ramp of the scales; is that correct?

12          A.    Correct.

13               MR. BIAS:   Okay.   No further questions.

14               THE EXAMINER:   Redirect?

15               MS. MESSENGER:   Yes, your Honor.

16                               - - -

17                               REDIRECT EXAMINATION

18   By Ms. Messenger:

19          Q.    If you can take a look at Staff Exhibit  
20 2, what's the final violation listed there?

21          A.    Operating -- for leaving the Findlay  
22 75 -- 3275 scale location before properly repairing  
23 the out of service violations.

24          Q.    How did you determine he violated that  
25 section?

1           A.    He actually left the parking area and was  
2 actually entering on 75 -- entering back onto I-75 on  
3 the driven portion of the roadway.

4           Q.    How much time was there between when  
5 Mr. Wasaya left the scales and when you pulled him  
6 over?

7           A.    About a couple minutes, just enough to  
8 get out in my car and go down the ramp.

9           MS. MESSENGER: I would like to reserve  
10 him for rebuttal, but I have nothing further for him  
11 at this time.

12           THE EXAMINER: Thank you. Inspector  
13 Emmett, you can step-down. Please stay close. You  
14 have been reserved for rebuttal.

15                   Anything further from Staff?

16           MS. MESSENGER: Not at this time, your  
17 Honor.

18           THE EXAMINER: All right. Thank you very  
19 much.

20                   Mr. Bias.

21           MR. BIAS: Yes, at this time I'd like to  
22 call Mr. Wasaya.

23           THE EXAMINER: Yes, please step up to the  
24 stand here.

25                   (Witness placed under oath.)

1 THE EXAMINER: Mr. Bias.

2 MR. BIAS: Yes, thank you, your Honor.

3 - - -

4 CHARLES WASAYA

5 being first duly sworn, as prescribed by law, was  
6 examined and testified as follows:

7 DIRECT EXAMINATION

8 By Mr. Bias:

9 Q. Mr. Wasaya, would you state your name?

10 A. Charlie Wasaya.

11 Q. Where do you work?

12 A. For a company out of Detroit, Michigan  
13 named Inline Express.

14 Q. How long have you worked there?

15 A. Going on two years now.

16 Q. And what is your position with Inline?

17 A. As a driver.

18 Q. Driver. And do you have any special  
19 driver's certifications?

20 A. They had put me through a training course  
21 certification that they have there at the company,  
22 yes.

23 Q. And do you have any particular license  
24 for your position with the company?

25 A. License as of --



1           Q.    Do you have a Commercial Driver's  
2 License?

3           A.    Yes, CDL A.

4           Q.    How long have you had that?

5           A.    Three years, maybe 2012 if I can recall.  
6 I'm not a hundred percent sure.

7           Q.    All right. I want to talk about the date  
8 of the events in question. How did you first pick up  
9 the trailer?

10          A.    First we do a pre-trip on the truck, and  
11 then we go to the trailer from a drop lot that's been  
12 preloaded already. Looked at the trailer, turned off  
13 the lights, turned off all the four ways, walk  
14 around, make sure the tires are fine, make sure  
15 they're proper, make sure the air's proper, the air  
16 is inflated and no flat tires, brakes, all brake  
17 lights work and make sure everything's loaded good  
18 inside the trailer where it's not going to cause a  
19 hazard for drivers behind us and, you know, state it  
20 on the logbook.

21          Q.    And when you were doing this inspection,  
22 did you look at the lights on the vehicle?

23          A.    Yes.

24          Q.    And what was the status of the lights?

25          A.    They were all functional and working.

1 Q. And did you also look at the interlocking  
2 pins?

3 A. Yes.

4 Q. And how were they when you did your  
5 pre-trip inspection?

6 A. Before I left the lot, they were all  
7 functional and working.

8 Q. And then where were you headed when you  
9 left the lot?

10 A. I was headed on 75 southbound going  
11 towards Kettering, Ohio.

12 Q. And is that near Dayton?

13 A. Is that near Dayton? It's just northeast  
14 of Dayton, Ohio.

15 Q. Okay. And what were the road conditions  
16 that day, like the weather conditions?

17 A. It definitely snowed. I couldn't even  
18 say, maybe 7 or 8 inches. It was pretty darn cold.  
19 It was wet, icy. When I left the yard, it was still  
20 dark. It was early morning, so it wasn't the  
21 sunniest of days.

22 Q. How were the road conditions from the  
23 dropoff where you picked up the trailer to the  
24 scales?

25 A. I'll put it like this, the salt trucks

1 were out, so however you want to call it, but there  
2 were salt trucks on the road, plow trucks on the  
3 road. It had snowed all night and kind of took a  
4 little more time to get going.

5 Q. Was there any construction or anything  
6 throughout your path?

7 A. Definitely as everyone knows, 75 is under  
8 construction basically from Toledo, 280 -- Highway  
9 280 all the way past the Findlay scales is under  
10 rough construction and also 75 in Michigan is under  
11 construction, too.

12 Q. Tell me when you got to the scales, what  
13 was it like at the scales?

14 A. Before I got to the scale -- scales, from  
15 my experience, I haven't seen those scales opened in  
16 a long time. I don't know why. Scale was open.  
17 Signs were open. Traffic was -- Trucks were backed  
18 up on the right, so I got up on the shoulder with a  
19 blinker on, entered the scales pretty slow.  
20 Everyone's going on the scale. That scale isn't that  
21 big, so it was kind of backed up on the freeway.

22 Had the signal on. Got on the platform  
23 with all the trucks. It's 3 miles per hour on the  
24 scale. Put it into first gear, you know, approached  
25 the scale. You come to a complete stop before you

1 get on the platform for the scale where there is PA  
2 speakers, red and green light and the scale house is  
3 to the right of you.

4 Q. How many officers were there; do you  
5 think?

6 A. Probably from the cars outside and what  
7 I've seen while I was there, maybe five or six  
8 officers, I would say.

9 Q. And were there a lot of other trucks at  
10 the scales?

11 A. Definitely. There was a lot. As I was  
12 getting inspected, I actually asked Officer Kurtz if  
13 I could help a fellow driver slide his axles because  
14 he was overweight and he had a hard time because the  
15 floor was icy, the trailer kept on slipping. So it  
16 was kind of icy inside the scale. It wasn't cleaned  
17 to the best that they could do or salt was put down.

18 Q. What happened when you pulled up to the  
19 scale?

20 A. I pulled up to the scale, had it in first  
21 gear which is roughly one to five miles per hour is  
22 the max you can go. Cruised on the scale. Was  
23 placed at the red light. Stopped. I believe Officer  
24 Kurtz got on the PA speakers which I believe there's  
25 one -- two or three of them on the side of the

1 trucks. Had my window down which you're supposed to  
2 do by law, have your window down when you're  
3 approaching the scale house so you can communicate  
4 with the officers inside.

5 Officer stated to pull around for a  
6 safety inspection which at that time she gave me a  
7 green light, pulled around the scale, parked. Stayed  
8 in the truck and waited until Officer Kurtz  
9 approached the truck.

10 Helped her out with her -- the best I  
11 could, helped her out with the inspection,  
12 functioning the lights, turning on turn signals,  
13 turning on high beams, windshield wipers, sounding  
14 the horn, whatever I could help with and stayed in  
15 the truck until she finished the inspection.

16 Q. About how long do you think the  
17 inspection took?

18 A. A good hour, I would say.

19 Q. And did you see what she inspected?

20 A. I was in the truck. I seen what she was  
21 telling me to function, what to turn on, what to turn  
22 off, what to do.

23 Q. And did she give you anything as a result  
24 of this inspection?

25 A. She -- When the inspection was over, the

1 officer asked me to step-down to give me a sheet of  
2 paper.

3 MR. BIAS: At this time, I'd like to hand  
4 the witness what I've marked -- premarked as Exhibit  
5 A.

6 THE EXAMINER: You may approach.

7 (EXHIBIT MARKED FOR IDENTIFICATION.)

8 THE EXAMINER: I'm going to mark this as  
9 Respondent's Exhibit 1.

10 Q. (By Mr. Bias) Mr. Wasaya, have you seen  
11 this document before?

12 A. Yes, sir, I have.

13 Q. And can you tell me what this document  
14 is?

15 A. This is a Driver Examination Report that  
16 the Officer Kurtz I believe did during her  
17 inspection.

18 Q. And did she give you this report at that  
19 time?

20 A. At the end, yes, she did. She gave me a  
21 report.

22 Q. And is this a true and accurate copy of  
23 the report she gave you?

24 A. Yes, at that time, it was.

25 Q. I'd like you to look at the "Violations"

1 section.

2 A. Uh-huh.

3 Q. Can you describe the violations that she  
4 listed starting from the top.

5 A. Looks like improper required lamp, left  
6 tail lamp, left rear ID lamp.

7 Q. I want to stop you there. Did you talk  
8 to Officer Kurtz about the lamps?

9 A. During the inspection?

10 Q. Yes.

11 A. No. After the inspection, yes, sir.

12 Q. What was the conversation about the  
13 lamps?

14 A. The reason I didn't talk to her during  
15 the inspection, I was in the truck functioning the  
16 lamps so she could see if they worked or not. Can  
17 you repeat the question, sir?

18 Q. Yeah, when she gave you this inspection  
19 report and was discussing the inspection with you,  
20 did you discuss the lamps?

21 A. Yes, they were functional when I did my  
22 pre-trip inspection in the yard. Also, there was  
23 when I moved the wire, they all came back on, so it  
24 was a wiring issue that I couldn't have caught before  
25 I left the yard. Also got them fixed at the repair

1 shop there.

2 Q. Now, I want to point your attention to  
3 the other violations, the last three.

4 A. Yes.

5 Q. Can you describe what those violations  
6 are?

7 A. Those are axle lock pins not engaged.

8 Q. What was your conversation with Officer  
9 Kurtz about your disengaged pins?

10 A. What happened there is when I left, they  
11 were engaged, when I left the yard. Now, I don't  
12 know what happened between Detroit, Michigan and the  
13 Findlay scale. You know, obviously, it's not a short  
14 trip in between them. My understanding was that the  
15 pins were off and couldn't be engaged at the scale,  
16 the rears weren't lining up as we both seen. My  
17 understanding was to get two pins engaged and I can  
18 proceed back on the scale.

19 Q. Why was that your understanding?

20 A. That was just the communication that we  
21 had between me and the officer. That's what I  
22 understood. It was hectic, it was busy. You know, I  
23 bet she had a lot of things to do on the scales.  
24 There was a lot of trucks in and out of the scale.  
25 It was a busy day. It was really cold outside.



1                   So it was kind of, you know, a quick  
2 understanding of what was going on. So that's what I  
3 understood from the officer. I thought I did the  
4 best that I could from the understanding that I got,  
5 you know, on my behalf of the job.

6                   Q. Do you think it's possible that that  
7 could have been a misunderstanding?

8                   A. Yeah, definitely, I mean, it could have  
9 been a misunderstanding.

10                  Q. Now, at the bottom, there's a spot that  
11 shows copy received by and it says Charlie Wasaya?

12                  A. Correct.

13                  Q. There's a signature line; did you sign  
14 that?

15                  A. No, sir.

16                  Q. But there is a marking next to it that  
17 says, I believe, "Go to T.A."

18                  A. Yes.

19                  Q. Do you know who wrote that on there?

20                  A. I did.

21                  Q. Why did you write that on there?

22                  A. Because there was no way that I could get  
23 those functioning. My company called in. There was  
24 no way they can do it on the side of the road. They  
25 had to get different kind of wreckers out to lift the

1 trailer and another wrecker to straighten out the  
2 rail for them to line it up. I was told to go to TA,  
3 and I did what I was told.

4 THE EXAMINER: What do you mean "TA"?

5 A. TA is a truck stop or a repair facility.

6 THE EXAMINER: Thank you.

7 Q. (By Mr. Bias) Was an out of service  
8 sticker placed on your vehicle?

9 A. Yes, sir.

10 Q. Did you take it off?

11 A. Yes, sir. From my understanding, again,  
12 from Officer Kurtz, if I could get the two out, I  
13 could take the out of service sticker off. And if I  
14 repaired it correctly, to sign the sheet that it's  
15 been repaired correctly which I refused to do because  
16 it's not repaired correctly.

17 Q. And when you said she said to get two  
18 pins in, you mean two pins total or two more pins?

19 A. Two pins total. So I kind of fought with  
20 the trailer for a bit from my understanding. Got the  
21 right side in with a hammer and some tools,  
22 screwdriver, and rocked the trailer back and forth.  
23 Again, it was real icy out there, so when I was  
24 rocking it, it was just kind of sliding, so I had to  
25 use wheel chocks to kind of do my best.

1           Q.    Was it possible for you to get the  
2 remaining two pins engaged at that location?

3           A.    No.  Ask the officer, you can ask anyone,  
4 that's kind of a tough one.

5           Q.    So when you put one more pin engaged, did  
6 you think you corrected the problem?

7           A.    To my understanding, yes, where I can get  
8 it to a repair shop.  I didn't correct the problem  
9 where, you know, it's A-okay to be driven forever,  
10 but where I can get it to a repair shop and repair it  
11 fully there.

12          Q.    And so how did you proceed after you had  
13 made the fixes that you could?

14          A.    I waited in line to get back on the  
15 scale.  The only way off the Findlay scale is back on  
16 to the platform in front of the officers in front of  
17 the scale.  Had my window down.  Waited in line to  
18 squeeze into trucks because it was an extremely busy  
19 day down there.

20                A truck driver let me in.  I looped back  
21 around and, you know, doing the 3 miles per hour  
22 that's the posted speed limit at the scale.  Got onto  
23 the platform.  Was looking into the scale house, was  
24 looking at the light.  Had my window down.  Proceeded  
25 slowly.

1 Q. Why did you proceed?

2 A. Because I had a green light. I had  
3 nothing to tell me that I had to turn back into the  
4 scale. No one came on the PA. No one came outside.  
5 No one gave me a red light, so that's what we're  
6 taught in training when we're trained to drive a  
7 commercial truck, is that's what we're -- you know,  
8 that's what they teach us.

9 If you get a red light, you stop  
10 obviously. If you get someone on the PA, you  
11 obviously stop and communicate with them, you know,  
12 or if you get someone that pulls in front of the  
13 truck, you stop and communicate with them. Besides  
14 that, you're good to go to leave the scale.

15 Q. So after you left the scale, were you  
16 pulled over again?

17 A. Yes. After I left the scale, I was  
18 pulled over again, correct.

19 Q. Who pulled you over?

20 A. Officer... I can't recall his name.

21 Q. Officer Emnett?

22 A. Emnett, yes, sir.

23 Q. The gentleman in the room right here?

24 A. Yes, sir, it was Officer Emnett there.

25 Q. And did he turn on his lights to pull you

1 over?

2 A. He drove next to me in the left lane  
3 which I was driving. I didn't actually see him until  
4 I looked in the left mirror to check my surroundings  
5 which I usually do. Drove next to me in the left  
6 lane. And then he kind of got in the middle of both  
7 lanes, you know, because obviously we can't see them  
8 if they're directly behind us, so he got in the  
9 middle and then turned on his lights. I proceeded  
10 until I found a safe area to stop.

11 Q. And did he come up to the vehicle or  
12 inspect it first?

13 A. He -- right when he came out of the  
14 vehicle from what I seen in my rear view mirrors is  
15 he went straight to the pins and inspected the  
16 vehicle and then approached me.

17 Q. Did you have a conversation with Officer  
18 Kurtz?

19 A. Yes, sir, I did.

20 Q. And what did Mr. Kurtz tell you about the  
21 pins or the reason he pulled you over?

22 MS. MESSENGER: I'm sorry, just to  
23 clarify, was he talking about Mr. Emnett?

24 MR. BIAS: I'm sorry, Mr. Emnett, that  
25 was my mistake.

1 THE EXAMINER: Restate the question.

2 Q. (By Mr. Bias) Yes, when Mr. Emnett,  
3 Officer Emnett pulled you over and after he had done  
4 his inspection and approached, what was your  
5 conversation about? Did he tell you why he pulled  
6 you over?

7 A. Yes, he told me why he pulled me over,  
8 asked me why I left the scale. I stated why and what  
9 my understanding was.

10 Q. And what was that?

11 A. That first I had to get another pin  
12 engaged to leave the scale to get the rest repaired  
13 because there was no way to get them repaired at the  
14 facility I was. And also I spoke with the company,  
15 and they called and had a repair shop, and they asked  
16 them and they said there was -- I had to get to a  
17 repair shop some way.

18 Q. All right. Just to clarify real quick,  
19 did you have the out of service sticker inside the  
20 cab?

21 A. Yes.

22 Q. Was it ripped in half?

23 A. It was torn when I took it off the  
24 trailer, yes.

25 Q. What was Officer Emnett's reaction to the

1 reason why you left?

2 A. He was just asking me, you know, why did  
3 you leave the scale, what's the reason, you know, and  
4 I explained to him what the reason was. He said to  
5 sit tight, went back to his cruiser, you know, did  
6 what he had to do.

7 Q. Now, did Officer Emnett present you with  
8 any Driver/Vehicle Examination Report?

9 A. Yes, I believe he presented me with a  
10 report.

11 MR. BIAS: At this time, I'd like to give  
12 the witness what has been marked as Exhibit B.

13 THE EXAMINER: You may approach. I'm  
14 going to remark it as Respondent's Exhibit 2.

15 (EXHIBIT MARKED FOR IDENTIFICATION.)

16 Q. (By Mr. Bias) Mr. Wasaya, what is this  
17 exhibit?

18 A. This exhibit here is another  
19 Driver/Vehicle Examination Report.

20 Q. Have you seen this before?

21 A. Yes, I have.

22 Q. Is your signature on this document?

23 A. Yes, it is, and this was asked to be  
24 signed by the officer before it was given to me.

25 Q. All right. Is this a true and accurate

1 copy of the Driver/Vehicle Examination Report you got  
2 on January 21st, 2015?

3 A. Yes, sir.

4 Q. And can you tell me about the violations  
5 on this exhibit?

6 A. Violations, left rear tail ID lamp.

7 Q. Are these substantially the same  
8 violations that were given in the prior  
9 Driver/Vehicle Examination Report given by Officer  
10 Kurtz?

11 A. No. There was one missing if you look at  
12 them and that's the one it says that I had another  
13 pin engaged.

14 Q. So there's only two violations for  
15 disengaged pins on this?

16 A. Correct.

17 Q. And how many were on the other  
18 Driver/Vehicle Examination Report?

19 A. Three.

20 Q. Do you know why there would not be three  
21 on this one?

22 A. Because I engaged one.

23 Q. And there's an added violation on this,  
24 isn't there?

25 A. Yes, there is.



1           Q.    And I believe it's the bottom one.  Can  
2   you read what that one says?

3           A.    "Operating an out of service vehicle.  
4   This driver was stopped for leaving the Findlay scale  
5   3275 scale location before properly repairing the out  
6   of service violations."

7           Q.    And did Officer Emnett explain these  
8   violations to you?

9           A.    Yes, he did, actually.

10          Q.    And did you ever discuss again after he  
11   had gone back to his cruiser about your  
12   miscommunication of only getting one pin engaged  
13   before you left?

14          A.    Yes.

15          Q.    What did he say?

16          A.    He said he would escort me from the place  
17   I was stopped to the repair facility I was going to.

18          Q.    So he was going to take you to a repair  
19   facility?

20          A.    Yes.

21          Q.    And why was he going to take you there?

22          A.    Because I needed repairs obviously.  It  
23   was a misunderstanding on what had to be done.

24          Q.    So did you drive the vehicle from that  
25   stopped location?

1 A. Yes.

2 Q. And when you drove the vehicle again, had  
3 the out of service violations that had been now  
4 marked on this new exhibit been resolved?

5 A. No.

6 Q. And why did you not resolve them at that  
7 time?

8 A. Because I was asked to be escorted to a  
9 different facility.

10 Q. Could you have resolved them at that time  
11 with what you had in your vehicle?

12 A. No.

13 Q. And did you discuss safety at all with  
14 driving?

15 A. No.

16 Q. So where did you go for the repair  
17 facility?

18 A. We drove to I believe mile marker 131 or  
19 132, Beaverdam, I believe, Ohio.

20 Q. So about how far away was that from where  
21 you were pulled over?

22 A. About 30, 35 miles.

23 Q. And who chose that location?

24 A. Officer Emnett, I believe.

25 Q. And Officer Emnett was nice enough to

1 escort you there?

2 A. Yes, he was. Yes, he was.

3 Q. Instead of leaving you on the roadside?

4 A. Yes, he was.

5 Q. And what happened when you and Officer  
6 Emnett got to did you say Beaverdam repair something?

7 A. Yes, when we got there, you know, the  
8 Officer told me where it was at before I left. When  
9 I got there, I pulled off to the directions I got.  
10 Pulled over to the side, the Officer went inside and  
11 spoke with the mechanics or front desk and came  
12 outside and said that they will repair it here, so  
13 I --

14 Q. Did you have it repaired there?

15 A. Yes, I called the company, told them what  
16 was going on and had the truck repaired there. The  
17 company agreed to that.

18 Q. And about how long do you think it took  
19 to make the repairs?

20 A. Probably five to six hours I would say.

21 Q. Five to six hours. Did you talk to the  
22 mechanics before?

23 A. Yes.

24 Q. Did you discuss what was wrong with the  
25 vehicle?

1           A.    Yes, we spoke with the mechanics,  
2   discussed what was wrong with the vehicle.  They  
3   called me a couple times during the time they were  
4   repairing the vehicle to show me what was going on  
5   and everything.

6           Q.    And what was going on?

7           A.    What happened is, some way, somehow the  
8   frame got bent underneath the trailer.  They said it  
9   could have been from braking hard, from uneven roads,  
10  from potholes, that it would bend the frame a little  
11  bit on the trailer.

12                   The lights, they showed me the wire that  
13  was actually cut, and it was grounding when it  
14  bounced with the trailer metal, and they showed me  
15  all that good stuff, and they replaced it, fixed it  
16  and signed the sheet that the Officer told me to make  
17  sure they sign there.

18                   MR. BIAS:  At this time, I'd like to  
19  present Mr. Wasaya with what we have marked as  
20  Exhibit C but what you will probably mark as  
21  Respondent's Exhibit 3.

22                   THE EXAMINER:  So marked as Respondent's  
23  Exhibit 3.

24                   MR. BIAS:  May I approach?

25                   THE EXAMINER:  You may.

1 (EXHIBIT MARKED FOR IDENTIFICATION.)

2 Q. (By Mr. Bias) Mr. Wasaya, can you  
3 identify the exhibit you've just been handed?

4 A. It's another Driver Examination Report.

5 Q. Do you know who gave you this exhibit?

6 A. I believe Officer Emnett.

7 Q. And did Officer Emnett sign this  
8 document?

9 A. Yes, he did.

10 Q. And did you sign this document?

11 A. Yes, I did.

12 Q. Is this a true and accurate copy of the  
13 document that Officer Emnett gave you?

14 A. Yes, sir.

15 Q. Is there another signature on this  
16 document?

17 A. Yes, this is the repair facility's  
18 signature stating that they repaired the vehicle to  
19 DOT standards.

20 Q. What's the facility and the date next to  
21 that signature in the middle?

22 A. Beaverdam Fleet 1-21 of 2015.

23 Q. Is that the same day you were pulled over  
24 for -- that you received the other Driver/Vehicle  
25 Examination Report?

1           A.    Yes.

2           Q.    So you got it fixed the same day?

3           A.    Yes, sir.

4           Q.    At Beaverdam Fleet?

5           A.    Yes.

6           Q.    And the mechanic signed off on the  
7 repairs?

8           A.    Yes.

9           Q.    All right.  And how did you pay for the  
10 repairs?

11          A.    The company actually paid for the repairs  
12 over the phone.

13          Q.    And did you receive anything from the  
14 Beaverdam Fleet service in regards to what repairs  
15 had been done?

16          A.    Yes, obviously a receipt.

17          Q.    All right.

18          MR. BIAS:  At this time, I'd like to  
19 offer --

20          THE EXAMINER:  Let's mark it Respondent's  
21 Exhibit 4.

22          MR. BIAS:  I thought I was working ahead  
23 of the game by pre-marking everything.

24          THE EXAMINER:  Just trying to keep it  
25 consistent.

1 MR. BIAS: Yes, I understand.

2 (EXHIBIT MARKED FOR IDENTIFICATION.)

3 Q. (By Mr. Bias) Mr. Wasaya, have you seen  
4 this invoice before?

5 A. Yes, this is the invoice that was given  
6 to me by the mechanics.

7 Q. And do the notes and the description  
8 reflect your understanding and your discussions with  
9 the mechanic?

10 A. Yes.

11 Q. Is this a true and accurate copy of the  
12 invoice that you received from Beaverdam Fleet?

13 A. Yes.

14 Q. Can you read to me the labor that was  
15 done on your vehicle, on your trailer?

16 A. Tandem pins. Also that the winch tandems  
17 forward tandems were not stuck.

18 Q. Can you just read the description  
19 starting from the beginning?

20 A. Do you want me to basically read it out  
21 loud?

22 Q. Yeah. I'll tell you when to stop.

23 A. "Tandem pins won't go in. Found that  
24 slider rail had been replaced and was the wrong one.  
25 Had to cut pin hole so pin would go in. Per customer

1 not responsible for rail. Per owner of the trailer  
2 winch tandems forward tandems were not stuck. Trying  
3 to get holes lined up and slider rail but the slider  
4 rail does not line up with the tandem pins. Was more  
5 than just trying to slide the tandems that were  
6 stuck. Driver kept wanting me to try and pull  
7 tandems forward even after" -- I can't read that word  
8 there because it's not clear -- "to explain it's not  
9 possible. 2, lamps" --

10 Q. Okay, that's it. So did the mechanic  
11 have to drill?

12 A. He actually had to weld.

13 Q. Weld. And what tools did he need? Did  
14 you see what tools he used to do that?

15 A. He pulled out quite a few. He pulled out  
16 a couple big tanks, welding tools, welding materials.  
17 They brought a wrecker out that actually lifted the  
18 trailer off the ground and then another wrecker that  
19 actually pulled the tandems to straighten them and  
20 align them. They had to cut the metal from my  
21 understanding, too, also.

22 Q. All right. And did the officer stay with  
23 you during the repairs?

24 A. No.

25 Q. And you also got the lights fixed?



1 A. Yes.

2 Q. And what did you do after you left that  
3 facility?

4 A. I -- the company directed me to come  
5 back.

6 Q. To come back?

7 A. Yes.

8 Q. When you got back to the company, did you  
9 do any further repairs or did you have any further --

10 A. The company automatically put that  
11 trailer out of service for examination. They I  
12 believe had it repaired again fully to make sure  
13 everything was functioning right.

14 Q. Did you or the company get an invoice for  
15 the repairs that were further done?

16 A. Yes, I believe the company was -- they  
17 deal with D&M.

18 MR. BIAS: At this time, I'd like to  
19 present Respondent's Exhibit 5. May I approach?

20 THE EXAMINER: You may.

21 (EXHIBIT MARKED FOR IDENTIFICATION.)

22 Q. Mr. Wasaya, have you seen this document  
23 before?

24 A. Yes, this is the receipt.

25 Q. Is this a true and accurate copy of the

1 receipt you received from D&M?

2 A. Yes, sir.

3 Q. And what is the first Quantity and  
4 Description/Stock Number listed?

5 A. "2, replace slider rail."

6 Q. So did you have the slider rails replaced  
7 on the trailer?

8 A. Yep.

9 Q. Why did you have the slider rails  
10 replaced?

11 A. Because they were not functioning  
12 properly.

13 Q. All right. Mr. Wasaya, before this date,  
14 had you ever been placed out of service?

15 A. No, sir, first time.

16 Q. While having your CDL, have you ever  
17 received any other citations?

18 A. Before this date?

19 Q. Yeah, or warnings, citations or warnings.

20 A. I received two over in Michigan. They  
21 pulled me over and gave me a warning for it.

22 Q. By "two over," do you mean --

23 A. Two miles per hour over the speed limit.  
24 I was doing a 62 in a 60, yes.

25 Q. But you never had any out of service

1 before?

2 A. No, sir, that was the first out of  
3 service. I've never experienced this before.

4 Q. You've never gone through an out of  
5 service protocol with an Officer?

6 A. No, never.

7 Q. And what would it mean for you if you  
8 were to lose your license?

9 A. It would mean a lot. I would lose my job  
10 obviously. You know, I've got a baby on the way, so  
11 it would be tough.

12 Q. And all this would be from what you  
13 believe now to be a misunderstanding?

14 A. Correct.

15 MR. BIAS: No further questions, your  
16 Honor.

17 THE EXAMINER: Thank you.

18 Cross.

19 MS. MESSENGER: Thank you.

20 - - -

21 CROSS-EXAMINATION

22 By Ms. Messenger:

23 Q. Mr. Wasaya, what's your understanding of  
24 what out of service means?

25 A. Out of service is you're out of service

1 where you can't operate a vehicle.

2 Q. Do you understand how an out of service  
3 violation can be corrected so you're no longer out of  
4 service?

5 A. Well, now I do, yes.

6 Q. So what's your understanding of that  
7 generally?

8 A. That you've got to get it repaired to the  
9 way I guess the law or the Officer requires it to be.

10 Q. When you were talking about the repairs  
11 that were made to the vehicle, these repairs happened  
12 after Inspector Emnett had pulled you over; is that  
13 correct?

14 A. Yes, that's correct.

15 Q. And escorted you over to the TA?

16 A. Yes, that's correct.

17 Q. Is it safe to say that you did not have  
18 the tools with you to make these repairs to engage  
19 the pins that were disengaged?

20 A. Yeah, there was no way. I mean, you have  
21 to have welding machines, and there's no way to fit  
22 that in the truck.

23 Q. You mentioned that the pins weren't  
24 lining up after Inspector Kurtz inspected your  
25 vehicle?

1 A. Yes, the rear pins weren't.

2 Q. They weren't lining up and that it took  
3 about five to six hours for the repair to happen?

4 A. Yes.

5 Q. If you can look at Respondent's Exhibit  
6 4.

7 THE EXAMINER: The receipt?

8 MS. MESSENGER: Yes, the receipt.

9 Q. (By Ms. Messenger) It says that the  
10 slider rail had been replaced and was the wrong one.  
11 Can you explain what that means, the wrong one?

12 A. You're asking me?

13 Q. Yes, your understanding.

14 A. I guess the wrong slider rail that's on  
15 the trailer.

16 Q. So it wasn't the right rail -- slider  
17 rail that corresponded to that kind of trailer?

18 A. Correct, in a way, yes.

19 Q. And then towards the bottom of that, of  
20 that, I guess it would be at the end of that second  
21 description, it says, "Driver kept wanting me to try  
22 and pull tandems forward even after I tried to  
23 explain it's not possible." It wasn't possible to  
24 pull them forward to line up the holes?

25 A. There's a law in the State of Ohio and

1 the State of Michigan and a few other states, there's  
2 a 41-foot bridge law that you must have from your  
3 middle of your tandems to the front of your king pin  
4 must only be 41 feet, no longer, no shorter. That's  
5 so the bridges obviously don't take a beating and  
6 that goes with your weight.

7 I told him that it was lining up past  
8 that marker. I kept telling him we have to pull them  
9 forward. And that's when he had to get out the  
10 welding tools and everything else to get them -- to  
11 get forward enough for that bridge law, you see. And  
12 that's also a violation if you get caught with that  
13 bridge law, that's for turns, weight and, you know,  
14 driving expectations basically.

15 Q. So all of these tools were needed. This  
16 was a five to six-hour repair, these holes were not  
17 lining up?

18 A. Yes.

19 Q. But you're stating when you did your  
20 pre-trip inspection, these were engaged?

21 A. Yes.

22 Q. Even though this receipt is saying that  
23 the wrong slider rail was there on the truck?

24 A. Yes, even though it was the wrong slider  
25 rail, I guess when they repaired it, when it was

1 done, that it was set at that certain length to  
2 comply with DOT standards on the 41-foot bridge law.

3 They were in. I believe I did my  
4 inspection, it was still dark out, early morning. It  
5 was snowing like I stated in the beginning. They  
6 were all functional to what I seen.

7 Q. Can you take a look at Respondent Exhibit  
8 1?

9 A. Yes.

10 Q. Inspector Kurtz, did she explain the out  
11 of service violation to you?

12 A. She explained that I was placed out of  
13 service on those pins. And really, it was like I  
14 said, I don't blame her, it was cold outside, it was  
15 a busy day at the scales, it was kind of a fast thing  
16 where we really didn't communicate enough to get an  
17 understanding on exactly what she means and exactly  
18 how she wants it done.

19 Q. Respondent Exhibit 1 is what she handed  
20 to you, correct?

21 A. Yes.

22 Q. And those bottom three lines cite  
23 violation code 393.207B, adjustable axle locking pins  
24 not engaged, correct?

25 A. Yes.

1 Q. And over in the out of service, the "OOS"  
2 column, there's a "Y" next to each one of those --

3 A. Yes.

4 Q. -- pins; is that correct?

5 A. Yes.

6 Q. Stating that you are out of service for  
7 each one of those pins, correct?

8 A. Well --

9 Q. Is that your understanding?

10 A. To my understanding now, yes. "OOS" --  
11 "Y" means yes. I don't know what the "U" means for.

12 Q. But in the "OOS" column, there's a "Y"  
13 next to each violation?

14 A. Yes.

15 Q. You received this report, correct?

16 A. Yes, I received the report, correct.

17 Q. Right after the inspection?

18 A. It was handed to me before she walked  
19 back into the -- the Officer walked back into the  
20 scale house.

21 Q. Can you take a look at -- I don't know if  
22 you can read this, if not, we can look at one of the  
23 Staff exhibits -- right under the section -- so it's  
24 sort of where the small type starts, it's right under  
25 the section that says "State Information," there's a



1 section that has an asterisk and it says, "Pursuant  
2 to authority...", do you see that?

3 A. That's on Exhibit 1 or A?

4 Q. Yeah.

5 A. I do not see that.

6 MS. MESSENGER: Your Honor, may I  
7 approach to point it out?

8 THE EXAMINER: You may. It's  
9 Respondent's Exhibit 1?

10 MS. MESSENGER: It's Respondent's Exhibit  
11 1, yes.

12 Q. (By Ms. Messenger) Where it says,  
13 "Pursuant to...", can you read that? Is that legible  
14 to you?

15 A. "To authority..."

16 Q. Can you start with "Pursuant to..."

17 A. "Pursuant to authority" -- that word is  
18 not legible -- "Title 49 Code of Federal  
19 Regulations," I believe that's "Section 396.8" or 9.

20 MS. MESSENGER: I'm sorry, your Honor, it  
21 may be easier to read off of a Staff Exhibit that has  
22 the same language.

23 Q. Can you take a look at Staff Exhibit 1?

24 MS. MESSENGER: Your Honor, may I  
25 approach once more?

1 THE EXAMINER: You may.

2 Q. Right here (indicating).

3 MR. BIAS: Your Honor, I'll stipulate to  
4 the language being the same in both of the exhibits,  
5 the exhibit he had and then this other exhibit.

6 THE EXAMINER: Thank you.

7 A. "Pursuant to authority contained in Title  
8 49, Code of Federal Regulations, Section 396.9, I  
9 hereby declare vehicles with defects followed by a  
10 "Y" in the out of service column in the violations  
11 discovered section of this report out of service, no  
12 person shall remove the out of service sticker  
13 applied to these vehicles or operate such vehicles  
14 until the out of service defect has been repaired and  
15 the vehicle has been restored to a safe operating  
16 condition."

17 Q. Thank you. And you did receive this  
18 report from Inspector Kurtz, correct?

19 A. Yes, I received the report. I didn't --  
20 I wasn't told to read anything on it or told to sign  
21 the report.

22 Q. You did see her put the out of service  
23 sticker on your vehicle, correct?

24 A. After I came down from the vehicle.

25 Q. And you, in fact, took the sticker off

1 before you left?

2 A. Yes, from my understanding, I was told to  
3 take the sticker off and if the repairs were  
4 completely finished. The DOT standard is to sign the  
5 paper which I refused to sign because it wasn't.

6 Q. Because to your understanding, it wasn't  
7 repaired fully?

8 A. It wasn't repaired fully to where you  
9 could go down the road. It had to go to the repair  
10 shop.

11 Q. And you understood that?

12 A. Yes.

13 Q. Did you ask any of the inspectors to  
14 escort you to the nearest place where you could have  
15 your truck repaired?

16 A. I asked Officer Kurtz if after I was done  
17 doing what I had to do she would like me to come in  
18 and add -- take a peak at what was done. She said  
19 no, if you believe it's repaired, you can take the  
20 out of service sticker off, sign the sheet and pull  
21 back on to the platform in front of the scale and  
22 I'll give you a green light to proceed if I see it's  
23 repaired. So that's what I thought. Again, I'm not  
24 saying anything. That's my understanding between me  
25 and the Officer.

1           Q.    But you just stated that you did not sign  
2   the report because you did not believe the repairs  
3   were in place to correct your out of service  
4   violation.

5           A.    So to keep going down the road, they were  
6   not repaired correctly. To get to a repair shop,  
7   yes.

8                   MS. MESSENGER: I have nothing further,  
9   your Honor.

10           MR. BIAS: Just two on redirect.

11           THE EXAMINER: What's that?

12           MR. BIAS: Just two quick questions on  
13   redirect.

14                               - - -

15                               REDIRECT EXAMINATION

16   By Mr. Bias:

17           Q.    Did you state that the trailer was bent,  
18   the frame was bent?

19           A.    Yes, the frame was definitely bent.

20           Q.    Could the frame have made it -- from what  
21   you saw and your experience on that day, could the  
22   frame have made it -- made the pins misalign?

23           A.    Yes, definitely it could have -- would be  
24   enough that it could have disengaged the pins.

25           MR. BIAS: No further questions, your

1 Honor.

2 THE EXAMINER: Mr. Wasaya, I just have  
3 one matter I want to clear up. It's your testimony  
4 that you had a misunderstanding that if you corrected  
5 one of the pins --

6 A. Yes, sir.

7 THE EXAMINER: -- you could continue to  
8 drive?

9 Is it also your testimony that Inspector  
10 Kurtz specifically told you that you could continue  
11 if you corrected one of the pins?

12 A. My understanding from her, yes.

13 THE EXAMINER: Is it your testimony that  
14 she told you that you could carry on if you corrected  
15 it?

16 A. Yes.

17 THE EXAMINER: Nothing further. You can  
18 step-down.

19 Mr. Bias?

20 MR. BIAS: No further witnesses, your  
21 Honor.

22 THE EXAMINER: Miss Messenger, you have  
23 two witnesses reserved for rebuttal. Do you intend  
24 to call those witnesses?

25 MS. MESSENGER: I do, your Honor.

1 THE EXAMINER: Which witness will you be  
2 calling?

3 MS. MESSENGER: I would like to call  
4 Inspector Kurtz back to the stand.

5 MR. BIAS: Would it be appropriate for me  
6 to offer my exhibits into evidence at this time?

7 THE EXAMINER: You may do that now or you  
8 may do that at the end of the hearing.

9 MR. BIAS: I'll wait.

10 THE EXAMINER: Inspector Kurtz, I'm going  
11 to remind you you do remain under oath.

12 THE WITNESS: Yes, sir.

13 - - -

14 MELANIE KURTZ

15 having previously been sworn, as prescribed by law,  
16 was examined and testified as follows:

17 DIRECT REBUTTAL EXAMINATION

18 By Ms. Messenger:

19 Q. Inspector Kurtz, did you ever tell  
20 Mr. Wasaya that he could leave after two pins were  
21 engaged on his vehicle?

22 A. No, I did not.

23 Q. What would it have taken, just once again  
24 for the record, to cure the out of service violation?

25 A. The rail was obviously the wrong rail.

1 Usually in this situation, I would have had the  
2 driver go up in the truck, I would have helped him  
3 move the trailer back and forth and assisted him in  
4 getting the pins in.

5 You could tell this was not going to  
6 happen with this -- There had been previous repairs.  
7 You could see the welds. You could see the cuts. It  
8 was going to require a torch and a welder to repair  
9 this situation. It wasn't going to happen with me  
10 assisting the driver. It was going to require a lot  
11 more tools than he would have had available, and I  
12 did express that to him that you're going to have to  
13 call someone. That's really about it.

14 Q. You cited him for three pins being  
15 disengaged?

16 A. Correct.

17 Q. How many of those pins would he have had  
18 to reengage in order to no longer be out of service?

19 A. Once you're inspected, all of them.

20 Q. All three pins?

21 A. Right. If he had presented to me with  
22 just one pin not engaged, then it would have just  
23 been a violation, but once you have an inspection,  
24 all violations have to be repaired until there's no  
25 violation.

1           Q.    Okay.  Let's back up a little bit.  If  
2 one pin is disengaged, is that an out of service  
3 violation?

4           A.    No, it would just be a violation.

5           Q.    If more than one pin is disengaged --

6           A.    If it's four pins, yes.

7           Q.    And then once the vehicle is placed out  
8 of service, all three rather than just two would have  
9 to be engaged?

10          A.    All four would have to be engaged, yes.

11          Q.    All four pins on the trailer?

12          A.    Correct.

13          Q.    When a vehicle is put out of service, are  
14 mechanics typically called to wherever the vehicle is  
15 or the scales?

16          A.    Yes, we have a board inside.

17          Q.    You have a what inside?

18          A.    A bulletin board inside with various  
19 repair companies.  I had told him about that.  
20 There's a board inside with phone numbers, you can  
21 choose who you want to call.

22          Q.    Mr. Wasaya mentioned a green light at the  
23 scales.  Can you explain?

24          A.    The light is always green.  We don't do  
25 our reinspections by them driving across the scales



1 in front of us. We very rarely do reinspections.  
 2 Usually it's just the driver, the form is signed by  
 3 someone verifying it's repaired and the driver could  
 4 leave. The time period and the extent of the repairs  
 5 he needed, I knew when he was driving by me they  
 6 weren't done.

7 He was already pretty much past the green  
 8 light before by the time I realized it was him. I  
 9 think I went in the back for a moment and I came back  
 10 to the front and saw him. You know, we're not  
 11 sitting there specifically waiting for our trucks  
 12 that we have parked out back to drive by. We do take  
 13 breaks and stuff that we're not sitting there staring  
 14 at the trucks driving by.

15 Q. At any time while Mr. Wasaya was at the  
 16 the scales, did you see a mechanic or someone come to  
 17 repair the vehicle?

18 A. No.

19 Q. You didn't observe that at all?

20 A. No.

21 Q. You testified that it's not really -- you  
 22 don't typically do reinspections?

23 A. Right.

24 Q. Correct?

25 A. Right.

1           Q.    So is it part of your job to ensure that  
2 he properly repaired the vehicle when he's out of  
3 service before he takes off again?

4           A.    In that specific location, yes,  
5 especially when I knew it couldn't have been repaired  
6 in the time span. We've had drivers come and say,  
7 "Hey, will you just come and look at this and make  
8 sure it's good before I leave?" Gladly. We would  
9 always do that.

10                   But as for typing an inspection and  
11 entering it as a reinspection, no, I've not done  
12 that. I'll gladly go -- and I showed him the pins.  
13 We did walk around the truck and I showed him the  
14 pins and what I meant about how they weren't lining  
15 up, the rail was wrong.

16           Q.    Is a driver obligated to come in and show  
17 you that the repairs were fixed before he takes off?

18           A.    No.

19                   MS. MESSENGER: We have nothing further,  
20 your Honor.

21                   THE EXAMINER: Cross?

22                   MR. BIAS: Just a few, your Honor.

23                                 - - -

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CROSS REBUTTAL EXAMINATION

By Mr. Bias:

Q. When Mr. Wasaya first pulled up, you said you red lighted him, correct?

A. Yes.

Q. And did you speak to him over the PA speaker, tell him to pull around?

A. Yes.

Q. You noticed that he was proceeding past the scales again, correct?

A. What do you mean, the second time when he was leaving?

Q. Yes.

A. Yes. Okay, yeah, I saw him, yeah.

Q. Did you red light him?

A. No.

Q. Did you speak to him over the speaker?

A. No.

Q. And did you see how far he got when Officer Emnett pulled him over?

A. No.

MR. BIAS: No further questions.

THE EXAMINER: Thank you. Miss Kurtz, you may step-down.

You have one more witness reserved for

1 rebuttal. Do you intend to call him?

2 MS. MESSENGER: Just for one question.

3 I'll call Inspector Emnett back to the stand.

4 THE EXAMINER: I'm remind you you remain  
5 under oath.

6 THE WITNESS: Yes.

7 - - -

8 HAROLD EMNETT

9 having previously been sworn, as prescribed by law,  
10 was examined and testified as follows:

11 DIRECT REBUTTAL EXAMINATION

12 By Ms. Messenger:

13 Q. After you completed your inspection, you  
14 escorted Mr. Wasaya, correct, to a TA?

15 A. Correct.

16 Q. How far away was that?

17 A. That's at 135-mile post, and we were at  
18 the -- it's right at the 161/162-mile post where I  
19 stopped him. And I don't know if I took him on down  
20 to the rest -- the 153 to finish the inspection, I  
21 can't remember that, but I remember stopping him just  
22 as he left the scales.

23 Q. So about 25 miles?

24 A. Yeah.

25 Q. Was there a closer location to take him

1 to?

2 A. No, we couldn't have backed him up the  
3 ramp because that's illegal, so I just followed him  
4 and made sure everything was okay, and I followed him  
5 to where I placed him out of service again.

6 Q. So you followed him to the closest  
7 location you could?

8 A. Yes.

9 Q. Where he could safely repair his vehicle?

10 A. And legally park.

11 MS. MESSENGER: Nothing further.

12 THE EXAMINER: Cross of this witness?

13 MR. BIAS: Yes, your Honor.

14 - - -

15 CROSS REBUTTAL EXAMINATION

16 By Mr. Bias:

17 Q. You stated that you pulled Mr. Wasaya  
18 over as he was leaving the scale on the exit ramp?

19 A. I couldn't remember if it was exactly on  
20 the ramp or it was on down but into the interstate  
21 part, but it was somewhere in there because I had to  
22 get in my vehicle and it might have been down the  
23 road, but I remember it was after he left the scales.

24 And if he said I pulled up beside him,  
25 the exit ramp's only one lane, so it might have been

1 farther down the road because I couldn't have got up  
2 beside him on an exit ramp to see which truck it was  
3 to make sure I was pulling over the right truck.

4 Q. Did you turn on your lights before you  
5 pulled up beside him?

6 A. No, I wanted to make sure I had the right  
7 truck before I pulled someone over.

8 Q. And you placed him out of service,  
9 State's Exhibit No. 2? Actually, it's not on that  
10 one.

11 MR. BIAS: Can I show him Respondent's  
12 Exhibit 2?

13 THE EXAMINER: Yes, you may approach. I  
14 want to try to keep this to the scope of what was on  
15 direct rebuttal.

16 MR. BIAS: I will, your Honor.

17 Q. (By Mr. Bias) Have you seen that report?

18 A. Yes.

19 Q. Can you read what it says for the out of  
20 service?

21 A. Axle?

22 Q. "Operating an out of service vehicle.  
23 This driver was..."

24 A. "Stopped for leaving the Findlay scale  
25 location before properly repairing the out of service

1 violations."

2 Q. Is the entrance ramp part of the Findlay  
3 scale location?

4 A. Entrance ramp is part of the traveled  
5 roadway. The actual scale part is the building, the  
6 platform and the parking lot behind.

7 Q. And you stated that you potentially  
8 pulled him over on the exit ramp?

9 A. It was hard -- it must have been a  
10 year-and-a-half ago. If I pulled up beside him, it  
11 was probably past the ramp because it's only one  
12 lane. Exit and entrance ramps are only one lane, and  
13 I wouldn't have been able to get up beside him to  
14 look.

15 MR. BIAS: No further questions.

16 THE EXAMINER: Thank you.

17 Inspector Emnett, you may step-down.

18 I have two inspection reports marked into  
19 evidence by Staff. Do you intend to move those into  
20 evidence?

21 MS. MESSENGER: I do, your Honor.

22 THE EXAMINER: Any objection to the  
23 admission of those exhibits?

24 MR. BIAS: None here, your Honor.

25 THE EXAMINER: They have been so

1 admitted.

2 (EXHIBITS ADMITTED INTO EVIDENCE.)

3 THE EXAMINER: I have five exhibits that  
4 have been marked. Do you intend to move those into  
5 evidence?

6 MR. BIAS: I do, your Honor.

7 THE EXAMINER: Any objection to the  
8 admission of Respondent's Exhibits 1 through 5?

9 MS. MESSENGER: None, your Honor.

10 THE EXAMINER: Each will be so admitted.

11 (EXHIBITS ADMITTED INTO EVIDENCE.)

12 THE EXAMINER: Anything further on behalf  
13 of Staff?

14 MS. MESSENGER: Nothing, your Honor.

15 THE EXAMINER: Anything further on behalf  
16 of Mr. Wasaya?

17 MR. BIAS: As a housekeeping matter, do  
18 we get closing arguments?

19 THE EXAMINER: We do not do closing  
20 arguments. Let's go off the record.

21 (Off the record.)

22 THE EXAMINER: Let's go back on the  
23 record. We do not typically do closing arguments.  
24 Seeing nothing from the parties, we are adjourned.  
25 Thank you everyone. Let's go off the record.



(Off the record.)

(The hearing was concluded at 11:32 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, April 14,  
2016 and carefully compared with my original  
stenographic notes.

\_\_\_\_\_  
Cynthia L. Cunningham

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**in**

**Case No(s). 15-1049-TR-CVF**

Summary: Transcript In the matter of Charlie Wasaya, Notice of Apparent Violation and Intent to Assess Forfeiture, hearing held on April 14, 2016. electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Cunningham, Cindy