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1 APPEARANCES:

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8 On behalf of the Staff of the PUCO.

9 Barron Young, Pro se
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12 On behalf of the Respondent.

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1 Monday Afternoon Session,
2 May 9th, 2016.

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4 ATTORNEY EXAMINER: Let's go on the
5 record at this time. The Public Utilities Commission
6 of Ohio has aligned for hearing at this time and
7 place Case No. 16-422TR-CVF, in the matter of Barron
8 Young, Notice of Apparent Violation and Intent to
9 Assess Forfeiture. I'm Jim Lynn. I'm the
10 Attorney-Examiner assigned to hear this case.

11 At this time we'll have the appearances
12 of the parties. We'll begin with the Ohio Attorney
13 General's office.

14 MR. MARGARD: Thank you, your Honor. On
15 behalf of the transportation staff of the Public
16 Utilities Commission of Ohio, by Mike DeWine, Ohio
17 Attorney General, William Wright, Section Chief,
18 Public Utility Section, by Assistant Attorney General
19 Werner L. Margard, 30 East Broad Street, 16th floor,
20 Columbus, Ohio.

21 ATTORNEY EXAMINER: Thank you,
22 Mr. Margard. And, Mr. Young, if you'd state your
23 name and address, please.

24 MR. YOUNG: Barron Young, 3639 Bearwood
25 Drive, Indianapolis, Indiana, 46235.

1 ATTORNEY EXAMINER: All right. Thank
2 you. Mr. Margard, we can proceed with your first
3 witness.

4 MR. MARGARD: Thank you. My first
5 witness is Officer Melanie Kurtz.

6 ATTORNEY EXAMINER: Officer Kurtz, if
7 you'd come up to the witness stand, please. Do you
8 swear the statements you are about to make are true?

9 OFFICER KURTZ: I do.

10 ATTORNEY EXAMINER: Thank you. Please
11 have a seat. Mr. Margard.

12 Officer Melanie Kurtz,
13 being first duly sworn, as prescribed by law, was
14 examined and testified as follows:

15 - - -

16 DIRECT EXAMINATION

17 By Mr. Margard:

18 Q. Good afternoon. Please state your name.

19 A. Melanie Kurtz.

20 Q. And by whom are you employed?

21 A. State Highway Patrol.

22 Q. And in what capacity?

23 A. Motor Carrier Enforcement.

24 Q. And how long have you been employed in
25 that capacity?

1 A. Eight years.

2 Q. And can you briefly describe your job
3 duties and responsibilities?

4 A. Enforcing the Federal Motor Carrier
5 Safety Standards, doing roadside inspections.

6 Q. Do you have any special background
7 training or certifications to enable you to perform
8 your job?

9 A. I took the North American Standard
10 Level 1 inspection class, North American Hazardous
11 Material classes, and completed my initial training
12 with a field coach.

13 Q. Officer Kurtz, were you on duty on
14 October 20th of 2015?

15 A. Yes.

16 Q. And that's the date of the inspection
17 that's resulted in this hearing today, you understand
18 that?

19 A. Yes.

20 Q. Do you have an independent recollection
21 today, as you testify, of that inspection?

22 A. Yes. I was on State Route 295, exiting
23 that road, merging onto 24, U.S. 24, eastbound at
24 about 57 mile post. There was a Roadway double truck
25 right next to me, so I slowed down a little bit, got

1 on the road behind it. As I'm behind it, another
2 semi is passing the double Roadway.

3 The Roadway goes to the left of center,
4 almost runs that other truck -- that truck went off
5 past the yellow line, and then back on. They
6 continued on.

7 So then I got up next to him, and when I
8 looked up he was steering with this hand, but had his
9 phone in this hand and was texting with his thumb.

10 Q. You saw that he had something in -- were
11 you able to identify it as a phone?

12 A. Yeah, it was a cellphone. He was
13 holding it up like this.

14 ATTORNEY EXAMINER: Officer Kurtz,
15 you're indicating that the steering wheel was being
16 held with the left hand and texting with the right?

17 THE WITNESS: Correct.

18 ATTORNEY EXAMINER: Thank you. Please
19 continue.

20 By Mr. Margard:

21 Q. Do you know precisely what he was doing,
22 you could just --

23 A. I could see him typing.

24 Q. And it was a result of that obvious what
25 you were able to observe that you pulled him over and

1 conducted the inspection?

2 A. Yes.

3 Q. And can you briefly describe what
4 happened in the course of your inspection, please?

5 A. I wrote him for texting while driving,
6 and that was really about it.

7 (EXHIBIT MARKED FOR IDENTIFICATION.)

8 MR. MARGARD: Okay. May I approach,
9 your Honor?

10 ATTORNEY EXAMINER: Yes.

11 By Mr. Margard:

12 Q. Officer Kurtz, I've handed you what I've
13 marked for purposes of identification as Staff
14 Exhibit No. 1. Can you identify that document for
15 me, please?

16 A. This is the inspection I typed on that
17 day.

18 Q. And does this accurately reflect your
19 inspection at that time?

20 A. Yes.

21 Q. And all of these findings were items
22 that you put into the system at the time of the
23 inspection; is that correct?

24 A. Yes.

25 Q. Do you recall any conversations that you

1 had with Mr. Young at the scene? Did he offer any
2 explanation to you?

3 A. He said he wasn't, I mean, but it was
4 extremely clear when I saw him, he was holding a
5 phone up very high. There was really no questions to
6 be asked.

7 Q. He said that he wasn't?

8 A. He said he wasn't texting.

9 Q. Wasn't texting. Did he say that he did
10 not have his phone?

11 A. Right. He said it was in the cup
12 holder, I think it was.

13 Q. I see. Okay. Do you believe that
14 having a phone in your hand while driving a semi
15 poses a risk or poses a danger?

16 A. Yes. It's a distraction.

17 Q. It is a distraction?

18 A. Definitely.

19 Q. And you drew that conclusion in part
20 from your observation of actually seeing the vehicle
21 cross the center line; is that correct?

22 A. Right.

23 MR. MARGARD: Your Honor, that's all the
24 questions I have for Officer Kurtz. Thank you.

25 ATTORNEY EXAMINER: I have a few

1 questions for you Officer, and I may have other
2 questions as the proceedings go along.

3 - - -

4 EXAMINATION

5 By the Attorney Examiner:

6 Q. So as I understand then, you entered the
7 highway, you were behind this double -- well, tractor
8 and two semitrailers, I guess?

9 A. Right.

10 Q. And you observed the semi -- the tractor
11 and double semitrailers as another vehicle attempted
12 to -- or I guess another tractor-trailer attempted to
13 pass this one you're following?

14 A. Yes.

15 Q. The double. The double began to swerve
16 to the left, and nearly forced the other one off the
17 road, or at least partially off the road?

18 A. Yes.

19 Q. Then you began to pull alongside what
20 we'll call the double tractor and double semitrailer.
21 What I'm wondering is how you could see up into the
22 driver's cab if you're looking -- you know, you're
23 looking straight at the driver?

24 A. I have a Tahoe, it's up a little bit
25 higher. And he wasn't holding it down like by the

1 steering wheel, he was holding it up, driving with
2 one hand, holding it up. I could see it extremely
3 clear.

4 Q. So it was being held, say, above the
5 level of the steering wheel, for example?

6 A. Yes, it was being held up like this.

7 Q. Could you actually see the texting go
8 on?

9 A. Yes.

10 Q. You mentioned a Tahoe, so that's what, a
11 sport utility vehicle?

12 A. It's like a Chevy truck.

13 Q. So you're indicating that you feel
14 because you were sitting up higher --

15 A. I'm up a little bit higher, yes.

16 Q. -- you could see better. And were the
17 conditions -- what time of day this was, it was early
18 afternoon, apparently?

19 A. Yes.

20 Q. Were the weather conditions suitable for
21 visibility?

22 A. Very.

23 Q. No problem with sunshine?

24 A. Yes.

25 Q. Anything like that?

1 A. Yes.

2 Q. They were good conditions?

3 A. Yes.

4 ATTORNEY-EXAMINER: All right. I may
5 have more questions for you as we go along.

6 Mr. Young, do you have any question for the witness?

7 MR. YOUNG: No, I'll wait until I get to
8 the stand.

9 ATTORNEY EXAMINER: Fine. Well, you can
10 take your seat for the time being. Thank you.

11 (Witness excused).

12 ATTORNEY EXAMINER: And, Mr. Margard, do
13 you have any additional witnesses?

14 MR. MARGARD: I do. Thank you. I'd
15 like to call Mr. Jonathan Frye, please?

16 ATTORNEY EXAMINER: Mr. Frye, do you
17 swear the statements you are about to make are true?

18 MR. FRYE: Yes.

19 ATTORNEY EXAMINER: Thank you. Go
20 ahead.

21 Jonathan Frye,
22 being first duly sworn, as prescribed by law, was
23 examined and testified as follows:

24 - - -

25 DIRECT EXAMINATION

1 By Mr. Margard:

2 Q. And if you would state your name and
3 business address, please.

4 A. Jonathan Frye, J-o-n-a-t-h-a-n, F-r-y-e,
5 180 East Broad Street, Columbus 43215.

6 Q. Mr. Frye, by whom are you employed and
7 in what capacity?

8 A. Public Utility Commission of Ohio,
9 Transportation Department. I'm the chief of the
10 Compliance Division.

11 Q. How long have you been chief of the
12 Compliance Division?

13 A. Approximately 13 years.

14 Q. And what are your -- briefly summarize
15 your duties and responsibilities in that position.

16 A. To review the fines that are assessed
17 against carriers, shippers, and drivers when there
18 are violations on the roadside.

19 Q. Prior to your testimony today did you
20 have an opportunity to review the Commission's file
21 with respect to this case?

22 A. Yes.

23 Q. Before we get into the specifics of this
24 case, could you briefly describe for us how a civil
25 forfeiture is calculated for violations in the Motor

1 Carrier Safety Regulations?

2 A. Yes. We base it upon the commercial
3 vehicle -- the Commercial Motor Vehicle Safety
4 Alliance recommended fine structure. The violations
5 are broken down into one of four groups, and based
6 upon the particular group the violation falls under,
7 a fine is assessed.

8 Q. And the dollar amounts, the assessments,
9 you indicated are consistent with those recommended
10 by the Commercial Vehicle Safety Alliance?

11 A. That's correct.

12 Q. And is this a procedure that you use
13 consistent with their recommended procedure for
14 assessing penalties?

15 A. Yes.

16 Q. And is this the same procedure that you
17 use in determining such forfeitures for violations?

18 A. Yes.

19 Q. In your review of this case, what did
20 you determine with respect to the forfeiture that was
21 assessed?

22 A. That the fine was correctly assessed
23 against the Respondent.

24 Q. And the amount of that fine, sir, do you
25 recall?

1 A. I don't recall at the particular time.

2 Q. It would be contained on the notices
3 that were sent to Mr. Young; is that correct?

4 A. That's correct.

5 (EXHIBIT MARKED FOR IDENTIFICATION.)

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

8 ATTORNEY EXAMINER: Yes, you may.
9 By Mr. Margard:

10 Q. Mr. Frye, I've handed you a document
11 that I've marked for purposes of identification as
12 Staff Exhibit No. 2. Can you identify that document
13 for me, please?

14 A. Yes, it's a notice of preliminary
15 determination letter, and it's a letter that is
16 issued to the Respondent when we are unable to reach
17 a resolution, a settlement resolution of his case.

18 Q. And this sets forth the violation and
19 the amount of the forfeiture as you previously
20 indicated?

21 A. That's correct. As I indicated
22 previously, the violations are broken up into one of
23 four groups. In this particular case it indicates
24 that it's a Group 4 violation, and for Group 4 types
25 of violations, for the violation that's written, we

1 assessed a \$250 fine, and that fine is consistent
2 from carrier-to-carrier, driver-to-driver,
3 shipper-to-shipper.

4 Q. Is this one of the documents in the
5 Commission's file that you would have reviewed in
6 preparing to testify today?

7 A. That's correct.

8 Q. And in your opinion, is this forfeiture,
9 just want to reiterate, properly assessed in this
10 case?

11 A. That's correct.

12 Q. And is it also your opinion that
13 Mr. Young received all of the notices that he was
14 entitled to receive and in a timely fashion?

15 A. Yes, he received all the notices in a
16 timely fashion.

17 Q. Are you familiar with this particular
18 violation?

19 A. Yes.

20 Q. What is your understanding of what this
21 violation entails?

22 A. It entails that the driver has to --
23 that the driver can't text while operating a
24 commercial motor vehicle, and it's for the safety of
25 the motoring public because it takes his or her

1 attention away from the roadway.

2 Q. Is a driver permitted to perform other
3 functions with his phone?

4 A. Not that I am aware of.

5 Q. Is he permitted to, for example, search
6 for directions or check the weather?

7 A. Again, not that I'm aware of.

8 Q. What is your understanding of what the
9 essence of this violation is?

10 A. It's to ensure that the driver is
11 focused upon his duties, to be aware of his
12 surroundings and to -- again, for the safety of the
13 motoring public and himself as well.

14 Q. So that the driver is not distracted?

15 A. That's correct.

16 Q. And that just having a phone could be a
17 distraction?

18 A. That's correct.

19 MR. MARGARD: No further questions for
20 Mr. Frye.

21 ATTORNEY EXAMINER: Mr. Young, any
22 questions for the witness?

23 MR. YOUNG: No.

24 ATTORNEY EXAMINER: All right.

25 Mr. Frye, thank you.

1 (Witness excused.)

2 ATTORNEY EXAMINER: Mr. Young, if you'd
3 like to approach the witness stand, please. Come up
4 here. And if you'd raise your right hand, please.
5 Do you swear the statements you're about to make are
6 true?

7 MR. YOUNG: Yes.

8 ATTORNEY EXAMINER: Thank you. Have a
9 seat, please. And we'll hear your perspective.
10 Mr. Margard and I may have questions for you as you
11 speak.

12 Barron Young,
13 being first duly sworn, as prescribed by law, was
14 examined and testified as follows:

15 DIRECT TESTIMONY

16 MR. YOUNG: Well, I was pulled over by
17 Officer -- what is your name again?

18 MR. MARGARD: Kurtz.

19 MR. YOUNG: -- for texting while driving
20 a commercial vehicle. I was not texting. I never
21 crossed the center line in the road. When she pulled
22 me over I explained to her what happened.

23 I just had lunch about a half an hour
24 ago. I had my phone sitting behind the cup, it was
25 in the cup holder. The phone slid on the floor

1 underneath my accelerator foot, so I picked the phone
2 up, was putting it up on top of the dash, this little
3 holder on top of the dash, and that's when she saw
4 the phone in my hand and she pulled me over for
5 texting while driving.

6 When she stopped me, she come to the
7 truck with an attitude. I tried to prove to her,
8 show her proof I was not testing. The phone was
9 still on lock. I had like three, four missed calls
10 by the time on there.

11 And what she said to me was she didn't
12 want to hear it, "I know what I saw." And I tried to
13 prove to her I was not texting, which I wasn't.

14 ATTORNEY EXAMINER: You're indicating
15 you said the phone was on lock, so in other words,
16 like did you have to enter a code to use it or
17 something?

18 MR. YOUNG: Yes. And it proved the time
19 I had missed calls on there and everything. She said
20 she didn't want to hear it.

21 ATTORNEY EXAMINER: And you are saying
22 you showed the officer the phone with indicating that
23 there were calls or messages or something?

24 MR. YOUNG: I hadn't touched the phone,
25 it was still on lock.

1 ATTORNEY EXAMINER: All right.

2 MR. YOUNG: I also have my phone records
3 to prove it.

4 ATTORNEY EXAMINER: Your phone records?

5 MR. YOUNG: Yes.

6 ATTORNEY EXAMINER: All right. We'll
7 take a look at those. Do you have copies for
8 Mr. Margard as well?

9 MR. YOUNG: They are here.

10 ATTORNEY EXAMINER: Let's see those.

11 We'll go off the record for just a
12 minute. I think Mr. Margard would like to take a
13 look at them.

14 (Discussion off the record.)

15 ATTORNEY EXAMINER: Okay. Go back on
16 the record. We'll -- do you want to offer this as an
17 exhibit in the case, Mr. Young?

18 MR. YOUNG: Yes.

19 (EXHIBIT MARKED FOR IDENTIFICATION.)

20 ATTORNEY EXAMINER: We'll call this
21 Young Exhibit No. 1. This is the letter he received
22 from Sprint concerning his use of his cellphone on
23 October 20th of 2015.

24 As with some of the other witnesses, I
25 may have more question for you as we go along.

1 Mr. Margard, do you have -- you said you had already
2 received a copy of this exhibit?

3 MR. MARGARD: I have.

4 ATTORNEY EXAMINER: Do you have any
5 questions related to that?

6 MR. MARGARD: Related to the exhibit?

7 ATTORNEY EXAMINER: Yes, exactly.

8 MR. MARGARD: No, not related to the
9 exhibit.

10 ATTORNEY EXAMINER: Well, in that case,
11 what other questions would you have for the witness
12 anyway?

13 MR. MARGARD: Thank you.

14 - - -

15 CROSS-EXAMINATION

16 By Mr. Margard:

17 Q. Just briefly, Mr. Young, and I want to
18 make sure that I understand. You indicated that your
19 phone fell on the floor under your foot or under the
20 accelerator pedal?

21 A. No, it was by my foot.

22 Q. By your foot?

23 A. And I reached and picked it up. I
24 didn't want it to slide underneath the accelerator
25 and cause an accident. I never allow smoking while I

1 was driving.

2 Q. How were you able to see out of the
3 vehicle while you're reaching down to pick up the
4 phone?

5 A. Well, it's right here. I mean, I'm
6 sitting low to the floor anyway. I ride with all the
7 air out of my seat close to the floor. I can just
8 reach down and pick it up and put it up there. I
9 never lost focus or took my eyes off the road.

10 Q. You did have to reach down and pick up
11 an object off the floor, and you did in fact have the
12 phone in your hand?

13 A. Yes. That's when she stopped me. She
14 saw the phone in my hand. I put it on top of the
15 dash.

16 Q. You don't contest her testimony that she
17 would have seen you with the phone in your hand?

18 A. She had to see me with the phone is why
19 she pulled me over. But I was not texting. And I
20 tried to explain it to her. I never lost focus of
21 the road. I never crossed the yellow line.

22 If anything, she should have pulled the
23 truck over that cut me off five feet ahead of me
24 before he pulled over in front of me.

25 MR. MARGARD: I don't have any further

1 questions. Thank you, your Honor.

2 - - -

3 EXAMINATION

4 By the Attorney Examiner:

5 Q. Mr. Young, then, you're indicating that
6 when you picked up the phone from the floor of your
7 vehicle, and then you were trying to put the phone
8 on --

9 A. The console on top of the dash.

10 Q. The dash? There's a place above the
11 steering wheel or something where you put the phone?

12 A. Yes, on the dash, center dash.

13 Q. And you're saying that's why the
14 telephone was in your hand?

15 A. Yes.

16 Q. All right.

17 ATTORNEY EXAMINER: Okay. I have no
18 more questions for you at this time. You can take
19 your seat. I may have additional questions.

20 (Witness excused.)

21 ATTORNEY EXAMINER: Officer Kurtz, I
22 have additional question for you. Thank you.

23 MR. MARGARD: I presume, your Honor, you
24 have no more questions for Mr. Frye?

25 ATTORNEY EXAMINER: No more for

1 Mr. Frye, no. Thank you.

2 We had a witness leave the room.

3 Officer Melanie Kurtz,
4 being previously duly sworn, as prescribed by law,
5 was examined and testified as follows:

6 - - -

7 EXAMINATION

8 By the Attorney Examiner:

9 Q. Officer Kurtz, I have a question. As
10 you were driving alongside Mr. Young's commercial
11 motor vehicle and you looked up into the cab of that
12 vehicle, were you looking through the windshield, the
13 driver's -- passenger-side window?

14 A. Of my vehicle?

15 Q. Yes, exactly.

16 A. Well, both of our vehicles -- I was
17 looking through my passenger side window and his
18 driver side window.

19 Q. You were looking through your passenger
20 side and his driver's side?

21 A. Yes.

22 Q. And so you're indicating that you were
23 able to -- you were alongside of him, though you are
24 not in the passenger side seat of your vehicle, you
25 could look up and see him texting?

1 A. Definitely, yes.

2 ATTORNEY-EXAMINER: All right. Okay. I
3 have an additional question -- actually, you can take
4 your seat.

5 MR. MARGARD: Your Honor, may I ask a
6 followup while she's on the stand?

7 ATTORNEY EXAMINER: Yes.

8 MR. MARGARD: Thank you, your Honor.

9 - - -

10 FURTHER DIRECT EXAMINATION

11 By Mr. Margard:

12 Q. Officer Kurtz, you've been in the
13 hearing while Mr. Young testified, correct?

14 A. Say that again.

15 Q. You were in the hearing while Mr. Young
16 testified?

17 A. Yes.

18 Q. And you heard him testify that he did
19 not go left of center?

20 A. He did not what?

21 Q. That he did not go left of center at any
22 time, did you hear him testify to that?

23 A. I heard that, yes.

24 Q. Is that a correct statement?

25 A. No.

1 Q. He also indicated that there was a
2 vehicle that cut him off. Did you observe that
3 occur?

4 A. No. I mean, it may have happened, but
5 my focus at that time was the violation I saw.

6 Q. I see.

7 MR. MARGARD: Thank you for the
8 clarification.

9 - - -

10 EXAMINATION

11 By the Attorney Examiner:

12 Q. Officer Kurtz, one additional question.
13 When you spoke to Mr. Young after pulling him over --

14 A. Yes.

15 Q. -- did he make any comments to you about
16 the explanations that he gave today, namely that he
17 was trying to pick a phone up off the floor of the
18 vehicle?

19 A. No. Volvo tractors, the floor is
20 totally flat. The pedals come down from the -- they
21 are not attached to the floor, they come down.
22 There's always stuff on the floor.

23 The floors are never perfectly clear,
24 there's always stuff laying down there. There's a
25 console that comes around right like this towards the

1 driver. I mean, usually their logbook is laying down
2 there.

3 Q. And you're saying that that is below
4 where said steering wheel would be, correct?

5 A. The floor, or where there's stuff?

6 Q. The console that you're describing?

7 A. The console like comes out from the
8 dash, but then it goes down to the floor, also.

9 Q. And is there -- you're indicating this
10 was a Volvo cab?

11 A. Yes.

12 Q. Is there the kind of place above the
13 steering wheel on the dash where Mr. Young is
14 indicating you could put a cellphone?

15 A. Yeah, there are cup holders.

16 Q. There are cup holders?

17 A. They all have cup holders there, yes.

18 Q. Then are you saying that because these
19 pedals, accelerator, brake and so forth, are not
20 actually attached to the floor, then where are you
21 going from there?

22 A. Something could go under them and it's
23 not going to disrupt -- especially a flat little
24 cellphone could go up under them. This is U.S. 24.
25 It has 12-foot berms. That's why I work there. You

1 could very easily pull off the road and pick up your
2 phone and continue anywhere for 60 miles.

3 You don't have to wait for a ramp, it's
4 not like -- there's no barrier walls or anything, you
5 can pull over anywhere and take -- I stopped with
6 them all the time doing various things alongside the
7 road.

8 Q. Okay. So what you're suggesting is if a
9 phone had ended up on the floor of the vehicle he
10 could pull off to the berm?

11 A. Pull off anywhere, take care of it and
12 move on.

13 ATTORNEY EXAMINER: All right. Well,
14 thank you.

15 (Witness excused.)

16 ATTORNEY EXAMINER: And Mr. Young, I
17 have an additional question for you -- question or
18 two as well.

19 Barron Young,
20 being previously duly sworn, as prescribed by law,
21 was examined and testified as follows:

22 - - -

23 EXAMINATION

24 By the Attorney Examiner:

25 Q. Mr. Young, if you would take a look at

1 the exhibit, you're going -- the line says texting
2 number. I assume that is whoever was sending you the
3 text message?

4 A. Yeah, those are all inbound.

5 Q. And where does it indicate on this
6 exhibit your own phone number?

7 A. Outbound.

8 Q. Well, but I mean, is there anything on
9 the first page of the exhibit that shows what your
10 number is?

11 A. Right here.

12 Q. Let's see. All right.

13 ATTORNEY EXAMINER: Mr. Margard, do you
14 have any additional questions?

15 MR. MARGARD: No, sir.

16 ATTORNEY EXAMINER: Okay.

17 MR. YOUNG: I never texted anyone that
18 day.

19 ATTORNEY EXAMINER: All right. I don't
20 believe I have any more questions then. Actually, I
21 guess one other question.

22 This would be for Officer Kurtz. You
23 don't need to get up. If I'm reading this correctly,
24 then the inspection would have begun, it says 1502,
25 which I assume is like 3:02 p.m., if we're on

1 military time on this inspection report.

2 THE WITNESS: Yes.

3 ATTORNEY EXAMINER: Around 3:00 then.

4 THE WITNESS: Right.

5 ATTORNEY EXAMINER: And ended around
6 3:20 or so.

7 I don't believe I have any more
8 questions for either witness or either party. Thanks
9 so much for your attendance. And Mr. Margard -- we
10 need to offer the exhibits into evidence.

11 MR. MARGARD: I do. Thank you. Your
12 Honor, I would like to move for the admission of
13 Staff Exhibits No. 1 and 2.

14 ATTORNEY EXAMINER: Yes. And,
15 Mr. Young, do you have any objection to admitting the
16 Staff's Exhibits into evidence?

17 MR. YOUNG: No.

18 ATTORNEY EXAMINER: We'll admit Staff
19 Exhibits 1 and 2 into the record.

20 (EXHIBITS ADMITTED INTO EVIDENCE.)

21 ATTORNEY EXAMINER: And does Mr. Margard
22 have any objections to admitting Mr. Young's exhibits
23 into evidence?

24 MR. MARGARD: I do not.

25 ATTORNEY EXAMINER: All right. Thank

1 you. We'll admit Mr. Young's Exhibit 1 into evidence
2 as well.

3 (EXHIBITS ADMITTED INTO EVIDENCE.)

4 ATTORNEY EXAMINER: Thank you very much
5 everyone.

6 MR. MARGARD: Your Honor, before we
7 close the record, if I might, I believe that this is
8 a case that would benefit from legal argument, and I
9 would request an opportunity to submit a brief.

10 ATTORNEY EXAMINER: You certainly can do
11 so, absolutely. We'll go off the record just for a
12 minute.

13 (Discussion held off the record.)

14 ATTORNEY EXAMINER: We'll go back on the
15 record then. Both parties have indicated an interest
16 in doing briefs on the case, or on their arguments,
17 and we have come up with a schedule that will be two
18 weeks after the transcript is docketed.

19 The briefs would be due two weeks after
20 the transcript is docketed, and two weeks after the
21 briefs are due we would have a due date for the reply
22 briefs if the parties choose to file those.

23 MR. YOUNG: Is that the original
24 findings? Is that after the original findings.

25 ATTORNEY EXAMINER: Two weeks from when

1 the transcript is filed in the case, and that will be
2 in our electronic docketing information system. Two
3 weeks from when it's filed, when the transcript is
4 finished. You can file -- the deadline would be two
5 weeks after that you would file your written
6 arguments summarizing what you said here today, and
7 then two weeks beyond that you can file a reply brief
8 replying to what Staff has argued if you choose to do
9 so.

10 So we'll go off the record just a
11 moment. I want to check the dates on that.

12 (Discussion held off the record.)

13 ATTORNEY EXAMINER: We'll go back on the
14 record. So we're making sure days didn't conflict
15 with Memorial Day. The deadline for the briefs will
16 be June 6th, and the deadline for reply briefs June
17 the 20th. Any questions by anyone?

18 MR. MARGARD: No. Thank you.

19 ATTORNEY EXAMINER: Thank you for your
20 help on the calendar. With that we'll call the
21 meeting -- or call the hearing to a close. Thank
22 you.

23 (Thereupon, the hearing was
24 concluded at 1:29 p.m.)

25 - - -

CERTIFICATE

I do hereby certify that the foregoing
is a true and correct transcript of the proceedings
taken by me in this matter on Monday, May 9th, 2016,
and carefully compared with my original stenographic
notes.

Valerie J. Grubaugh,
Registered Merit Reporter
and Notary Public in and
for the State of Ohio.

My commission expires August 16, 2016

This foregoing document was electronically filed with the Public Utilities

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5/19/2016 8:53:17 AM

in

Case No(s). 16-0422-TR-CVF

Summary: Transcript In the matter of: Barron Young, hearing held on May 9, 2016.
electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Grubaugh,
Valerie