

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of :
Christopher M. Wickham : Case No.
Notice of Apparent Violation : 16-753-TR-CVF
and Intent to Assess :
Forfeiture. :

- - -

PROCEEDINGS

Before Sarah Parrot, Attorney Examiner, held at
the offices of the Public Utilities Commission
of Ohio, 180 East Broad Street, Hearing Room
11-D, Columbus, Ohio, on Tuesday, June 21, 2016,
at 10:00 A.M.

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6 Columbus, Ohio 43215

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

10 Mr. Christopher M. Wickham
11 331 Circleview Drive
12 Waverly, Ohio 45690

13 Appearing Pro se.

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Tuesday Morning,
June 21, 2016.

- - -

ATTORNEY EXAMINER: The Public
Utilities Commission of Ohio has called for
hearing at this time and place Case No.
16-753-TR-CVF in the Matter of Christopher M.
Wickham Notice of Apparent Violation and Intent
to Assess Forfeiture.

I am Sarah Parrot, I am the Attorney
Examiner assigned by the Commission to hear this
case. Let's begin with appearances of
the parties. We will start with Staff.

MR. MARGARD: Thank you, your Honor.
On behalf of the Staff of the Public Utilities
Commission of Ohio, Mike DeWine, Ohio Attorney
General, William L. Wright, Section Chief of the
Public Utilities Section, Assistant Attorney
General Werner L. Margard, III, 30 East Broad
Street, 16th Floor, Columbus, Ohio.

ATTORNEY EXAMINER: Thank you. Mr.
Wickham, if you would just state your full name
and address for the record.

MR. WICKHAM: Christopher M.
Wickham, 331 Circlevue Drive, Waverly, Ohio

1 45690.

2 ATTORNEY EXAMINER: Thank you. Any
3 preliminary matters before we get started with
4 the first witness?

5 MR. MARGARD: None, your Honor.

6 ATTORNEY EXAMINER: All right. Mr.
7 Margard, you may call your first witness.

8 MR. MARGARD: Thank you, Your Honor.
9 I would like to call Inspector Anthony Lester,
10 please.

11 (WITNESS SWORN)

12 - - -

13 OFFICER ANTHONY LESTER
14 called as a witness, being first duly sworn,
15 testified as follows:

16 DIRECT EXAMINATION

17 By Mr. Margard:

18 Q. Your name is Anthony Lester;
19 correct?

20 A. Yes, sir.

21 Q. Mr. Lester, by who are you employed,
22 please?

23 A. Ohio State Highway Patrol.

24 Q. And your business address?

25 A. Jackson, Ohio 45640.

1 Q. And the Attorney Examiner and the
2 reporter really need to hear what you say so if
3 you could keep your voice up so we can all hear
4 you clearly that would be great.

5 And you are employed in what
6 capacity?

7 A. Ohio State Highway Patrol.

8 Q. And what is your title?

9 A. Motor Carrier Enforcement Inspector.

10 Q. And what are your duties
11 and responsibilities as a Motor Carrier
12 Inspector?

13 A. To inspect commercial motor
14 vehicles, hazardous material haulers for
15 compliance regulations.

16 Q. And how long have you been doing
17 that?

18 A. Since May 17, 1997.

19 Q. Do you have any specialty training
20 or certification to perform your job?

21 A. Yes, sir. I have gone through the
22 Federal Motor Carrier training for driver
23 inspections, vehicle inspections, hazardous
24 materials, cargo tanks and motor carrier
25 inspections.

1 Q. Now, Inspector Lester, were you on
2 duty on February 1st, 2016?

3 A. Yes, sir, I was.

4 Q. Do your recall what your job
5 assignment was on that date?

6 A. Yes. It was Ross County, U.S. 23.

7 Q. And in the course of your duties on
8 that date did you have occasion to inspect a
9 vehicle being driven by Mr. Wickham?

10 A. Yes, sir, I did.

11 Q. And as a result of that inspection
12 did you prepare a report?

13 A. Yes, sir.

14 Q. Let me ask you first of all before
15 we get to the report if you have an independent
16 recollection today of that inspection? Do you
17 remember the event that day?

18 A. Yes. I remember it all pretty
19 clear.

20 Q. Thank you. And what caused you to
21 stop the vehicle that Mr. Wickham was driving
22 that day?

23 A. The company's safety rate was up a
24 little bit.

25 Q. They were on a watch list of some

1 sort?

2 A. Yes.

3 Q. And you noticed one of their
4 vehicles going by and --

5 A. Stopped it.

6 Q. -- you decided to stop it?

7 A. Right.

8 Q. Thank you. Inspector, you have
9 before you a document that is marked as Staff
10 Exhibit No. 1. Do you have that before you,
11 sir?

12 A. Yes, sir, I do.

13 Q. And what is that document?

14 A. That is a copy of my report.

15 Q. This is the report that you prepared
16 on that date?

17 A. Yes, sir.

18 Q. Would you please take a few moments
19 and look that over and let me know if this is a
20 true and accurate copy of the information that
21 you reported on that date?

22 A. Okay. It appears to be identical.

23 Q. Thank you.

24 A. Same thing.

25 Q. When did this inspection occur?

1 A. 2-1-16.

2 Q. What time of day, please?

3 A. 9:58 A.M.

4 Q. And according to the report it
5 lasted about 50 minutes; is that correct?

6 A. Yes, sir.

7 Q. Can you tell us how you conducted
8 the inspection? What did you do?

9 A. I approached the driver, spoke to
10 the driver, asked for all of his documents.
11 Ran a Level 2 roadside inspection. Returned to
12 my vehicle, prepared the report, ran the
13 license, found the issue with the license, and
14 went back up and questioned the driver more
15 about the license, returned to the car, and then
16 finished the report and approached him for what
17 would be the third time.

18 And with the violations then he was
19 considered out of service at the location.

20 Q. Thank you. I am going to direct
21 your attention to the violations section of
22 the report, please.

23 A. Okay.

24 Q. You understand that the issue that
25 we are concerned with today involves the

1 violation against the driver?

2 A. Yes, sir.

3 Q. When you were putting this
4 information into the report, what information do
5 you put into this section? What automatically
6 fills in? How does that work?

7 A. The violation code section, the unit
8 number, the violation section, just click on it.

9 The operating a commercial motor
10 vehicle without a CDL is pre-programmed and my
11 note follows that, which is automatic like the
12 date and no CDL privileges through Ohio.

13 Q. Okay. Can you please tell us how
14 you determined that Mr. Wickham was in violation
15 of this section?

16 A. I ran his CDL through LEADS.

17 Q. What is LEADS?

18 A. The Law Enforcement Administrative
19 Data System.

20 Q. And what was the result of that?

21 A. He was suspended.

22 Q. What was he suspended for?

23 A. Medical related.

24 Q. And when you say he was suspended do
25 you know who suspended him or how he came to be

1 suspended?

2 A. I am assuming through the BMV.

3 Q. You don't know that, or you don't
4 recall that?

5 A. I don't remember specifically how I
6 came to the issue with the medical card, whether
7 it came through dispatch or the computer.

8 Q. Now, your report indicates that you
9 took photographs at the time; is that correct?

10 A. Yes, sir.

11 Q. I have placed before you a certain
12 document marked for purposes of identification
13 Staff Exhibit No. 2. Is this one of the
14 photographs that you took?

15 A. Yes, sir.

16 Q. And what is this a photograph of,
17 please?

18 A. That is a copy of the driver's
19 medical card.

20 Q. So he had a medical card with him,
21 but it wasn't on file with BMV?

22 A. That is what I gathered, yes.

23 Q. That is what was reported back to
24 you?

25 A. Yes, sir.

1 Q. Did you have any conversation with
2 the driver? Did he offer any explanation?

3 A. When I went back up to the truck he
4 made the statement, and put it in the note
5 section of the report, that he had turned
6 the medical card over to the carrier and the
7 carrier had something to the effect of gotten
8 everyone's medical card and sent into the BMV.
9 And my statement back to him was, well, you
10 should go down and get it straightened out so
11 you can go on about your business.

12 Q. Was the driver cooperative and
13 compliant?

14 A. Yes. Very much so.

15 Q. Anything else about this inspection
16 that you think is important for the Commission
17 to know in rendering it's decision?

18 A. No, no, not at all.

19 MR. MARGARD: Just a second, please.

20 Q. I am going to direct your attention
21 back to the violations section of the violation
22 description. You indicate that he was operating
23 without a CDL.

24 A. Right.

25 Q. And that he had no CDL privileges

1 through Ohio.

2 A. Correct.

3 Q. It's your understanding that
4 the State of Ohio had suspended his commercial
5 driver's license?

6 A. Yes.

7 Q. And you further indicate that his
8 medical card on file expired on 2-25, which that
9 would be two weeks later; correct? 2-15?

10 A. Yes.

11 Q. Let's go back and take a look at
12 your notes where it says inspection notes. You
13 indicate medical card on file with the BMV
14 expired 2-15. Would that indicate February of
15 2015?

16 A. Yes.

17 Q. So your notes indicate that
18 the medical card had expired the previous year?

19 A. Right.

20 Q. So your understanding the reason his
21 CDL was suspended was because his medical card
22 was not on file with the BMV?

23 A. Correct. Yes.

24 Q. That was the reason for
25 the violation?

1 A. Yes, sir.

2 MR. MARGARD: I have no further
3 questions, Inspector. Thank you, your Honor.

4 ATTORNEY EXAMINER: Mr. Wickham, do
5 you have any questions for the Inspector?

6 MR. WICKHAM: No.

7 ATTORNEY EXAMINER: Thank you.
8 Thank you very much.

9 INSPECTOR LESTER: You are welcome.

10 ATTORNEY EXAMINER: Mr. Margard.

11 MR. MARGARD: Your Honor, Staff would
12 call Mr. Tom Persinger, please.

13 (WITNESS SWORN)

14 - - -

15 TOM PERSINGER

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

18 DIRECT EXAMINATION

19 By Mr. Margard:

20 Q. You are Tom Persinger; correct?

21 A. Yes, sir.

22 Q. And by whom are you employed, Mr.
23 Persinger?

24 A. I am employed by the Public
25 Utilities Commission of Ohio.

1 Q. What is you capacity and what is
2 your job title?

3 A. I am a Compliance Officer within
4 the Transportation Department.

5 Q. How long have you been Compliance
6 Officer?

7 A. Just over five years.

8 Q. What are your duties and
9 responsibilities as Compliance Officer?

10 A. Some of the duties include
11 determining fines that result from roadside
12 inspections and compliance reviews.

13 Q. Did you determine the initial fine
14 in this case?

15 A. Yes, sir.

16 Q. Since that time prior to this
17 hearing have you had an opportunity to review
18 the Commission's file with respect to this
19 matter?

20 A. Yes, sir.

21 Q. Please briefly describe for us how a
22 civil forfeiture is calculated.

23 A. Violations are classified upon
24 groups. Different violations are different
25 groups. And depending upon that group there are

1 a number of violations and specified amounts
2 assessed for a particular violation.

3 Q. Now, is this procedure one that was
4 created by the Commission? Is it one that was
5 created by the Commercial Motor Carrier Vehicle
6 Alliance? How did you come by this process?

7 A. It was implemented from their
8 guidelines.

9 Q. They are considered guidelines?

10 A. Correct.

11 Q. And are the forfeiture amounts that
12 you refer to also consistent with this
13 guideline?

14 A. Yes, sir.

15 Q. And the same criteria is used for
16 all motor carrier violations?

17 A. Same criteria, yes, sir.

18 Q. And how was the specific forfeiture
19 determined in this case? What amount for the
20 forfeiture and how was that determined in the
21 process?

22 MR. MARGARD: May I approach, your
23 Honor?

24 ATTORNEY EXAMINER: You may.

25 (EXHIBIT HEREBY MARKED FOR

1 IDENTIFICATION PURPOSES)

2 Q. Mr. Persinger, I have handed you a
3 document that has been marked for the purposes
4 of identification Staff Exhibit No. 3. Do you
5 recognize this document?

6 A. Yes, sir.

7 Q. What is that document, please?

8 A. It is a Notice of Preliminary
9 Determination letter.

10 Q. And this contains the amount of the
11 assessed forfeiture; is that correct?

12 A. Yes, sir.

13 Q. What is that amount?

14 A. \$250.

15 Q. And you indicated the determination
16 is based on a grouping of some sort?

17 A. Correct.

18 Q. And what is the group violation?

19 A. This is a Group 4 violation.

20 Q. And that is appropriate for
21 the amount for a violation of this sort?

22 A. Yes, sir.

23 Q. So in your opinion this amount has
24 been properly determined?

25 A. Yes, sir.

1 Q. And accurate. This is the notice
2 that Mr. Wickham would have been sent; is that
3 correct?

4 A. Yes, sir.

5 Q. In your opinion did he receive all
6 of the notices that he was required to be
7 provided with?

8 A. Yes, sir.

9 MR. MARGARD: No further questions,
10 Mr. Persinger.

11 ATTORNEY EXAMINER: Any questions,
12 Mr. Wickham?

13 MR. WICKHAM: No.

14 ATTORNEY EXAMINER: Thank you.

15 MR. TOMLISON: Am I allowed to ask
16 him questions?

17 ATTORNEY EXAMINER: Hold on just a
18 minute, Mr. Persinger. There is a question
19 coming.

20 CROSS-EXAMINATION

21 By Mr. Wickham:

22 Q. The phone number for that fax number
23 that the company sends the new medical card to
24 report it to so that adds to the license, is
25 1-614-308-5181.

1 A. I have no knowledge of that. That
2 is beyond my scope.

3 Q. Because that is the number that we
4 used to fax them.

5 ATTORNEY EXAMINER: You will get a
6 chance to testify in just a few moments I think,
7 Mr. Wickham. So if you have any further
8 questions with respect to Mr. Persinger here for
9 which basically is the assessment of the
10 forfeiture amount and how it was determined now
11 is your chance to ask those questions.

12 MR. WICKHAM: Okay.

13 ATTORNEY EXAMINER: Anything else?

14 MR. WICKHAM: That is all.

15 ATTORNEY EXAMINER: Thank you, Mr.
16 Persinger.

17 MR. MARGARD: The Staff has no
18 further witnesses and I will at this time move
19 for the admission of Staff 1, 2 and 3.

20 ATTORNEY EXAMINER: Any objection to
21 the admission of Staff Exhibits 1, 2 and 3?

22 MR. WICKHAM: No.

23 ATTORNEY EXAMINER: All right. Very
24 good. Staff Exhibits 1, 2 and 3 are admitted
25 into the record.

(EXHIBITS HEREBY ADMITTED INTO
EVIDENCE)

ATTORNEY EXAMINER: Mr. Wickham, I
assume you will be testifying on your own behalf
today, so feel free to come forward to the
witness stand.

(WITNESS SWORN)

- - -

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

ATTORNEY EXAMINER: Mr. Wickham,
you have chosen to proceed today without
counsel; is that correct.

MR. WICKHAM: Correct.

ATTORNEY EXAMINER: We won't go back
and forth with the questions and answers that
you have just seen with Staff witnesses, so I
will give you the opportunity to explain to us
in a narrative fashion your understanding of the
events that brought us here today. Take your
time. If you have any documents that you wish
to discuss you will want to bring those with
you.

But once you have finished your

1 testimony Mr. Margard will have a chance to ask
2 any questions that he has.

3 MR. TOMLISON: A question, please.
4 Are we allowed to ask him questions?

5 ATTORNEY EXAMINER: No. If you want
6 to testify on his behalf you may do that, but
7 not asking questions of him.

8 MR. TOMLISON: All right.

9 ATTORNEY EXAMINER: Again, if there
10 are documents that you think you need to have,
11 Mr. Wickham, now is the time to grab them before
12 we get started.

13 MR. WICKHAM: I had to get a new
14 physical, so there is a time lapse because I had
15 to have a sleep apnea test done. And once I got
16 the results from that then I get a new physical.
17 And that was -- it took about a month or so.
18 I can't remember exactly.

19 But once I got it I took it to my
20 company and they faxed a copy. As far as I knew
21 that was it. I had received a notice in the
22 mail that said that my physical had lapsed, but
23 I assume that had -- it was because there was a
24 time gap between the two, between one and the
25 other one.

1 And, yes, a couple weeks lapsed
2 after the new one was -- I got another notice
3 but figured it was because it wasn't caught up
4 from the new physical that was put in and the
5 notice that was sent out was too close together.

6 So as far as the new physical it was
7 good, I had the card in my hand, which we have
8 had another people come to meetings and another
9 officer and told them as long as we hold the
10 card, since it was still kind of new thing about
11 putting it on your license, hold the card and if
12 you got pulled over you had the card if it did
13 not show on your license through the computer.

14 So that is the reason I had the
15 card. So I had no idea, I never got any notice
16 that my license had been suspended or nothing.
17 So I had no idea that it was suspended.

18 So as far as I knew the license was
19 still good. And I had a physical card in my
20 hand, carry it in my wallet, which then got a
21 new physical, I still carry it in my wallet.

22 That is really all I got.

23 ATTORNEY EXAMINER: Okay. Mr.
24 Margard.

25 MR. MARGARD: Thank you, your Honor.

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CROSS-EXAMINATION

By Mr. Margard:

Q. First of all, Mr. Wickham, with respect to Mr. Persinger's testimony, you are not offering any testimony to contest the calculation of the forfeiture amount; are you?

A. No. I have no reason.

Q. You have no reason to question the amount of the determination?

A. Right.

Q. With respect to the testimony offered by Inspector Lester, did he testify truthfully as to --

A. Yes. Exactly the way it went.

Q. With respect to the document that I showed you earlier, Staff Exhibit No. 2, a photo of the medical certificate, that is the medical certificate that you said you are carrying in your wallet?

A. Yes.

Q. Is that an accurate depiction of that certificate?

A. Yes.

MR. MARGARD: Your Honor, may I

1 approach?

2 ATTORNEY EXAMINER: You may.

3 MR. MARGARD: Your Honor, may the
4 record reflect that I have handed the witness a
5 document marked for purposes of identification
6 Staff Exhibit No. 4. This is a certified
7 response to a record request to the Bureau of
8 Motor Vehicles for the driving record of
9 Respondent, Mr. Christopher Wickham.

10 ATTORNEY EXAMINER: So marked.

11 (EXHIBIT HEREBY MARKED FOR
12 IDENTIFICATION PURPOSES)

13 Q. Mr. Wickham, I am going to walk
14 through a couple of these pages. If you will,
15 please, I have them numbered at the bottom.
16 That number did not appear on the original
17 certification. I have added those numbers for
18 our convenience in reviewing this document
19 today.

20 If you will turn to page No. 2.
21 This is not a particularly good copy, but this
22 appears to be a medical examiner's certificate.
23 This is a certificate that was issued it appears
24 on October 16th of 2014 expiring on January
25 16th, 2015. And that appears to be correct?

1 A. Yes.

2 Q. That is a three-month medical
3 certificate?

4 A. Yes.

5 Q. Okay. If you will turn to page 3
6 please, sir. This is a medical card expiration
7 notice. Do you see that at the top?

8 A. Yes.

9 Q. And this notice refers to a medical
10 card expiring on January 16 of 2015. Do you see
11 that?

12 A. Yes.

13 Q. And that would be the medical card
14 that we just looked at; is that right?

15 A. Yes.

16 Q. And this notice was mailed sometime
17 around Thanksgiving, so about two months prior
18 to the expiration of that card. You would have
19 received this notice; is that correct?

20 A. Yes.

21 Q. And it was sent to you because as
22 indicated that your certificate was about to
23 expire and you were told what it is you have to
24 do in order to continue operating a motor
25 vehicle, and it specifically indicates how you

1 go about doing that; doesn't it?

2 A. Yes.

3 Q. By mail or fax or e-mail. Do you
4 see that?

5 A. Yes.

6 Q. Do you recall receiving this notice,
7 sir?

8 A. I don't remember 100 percent. I may
9 have.

10 Q. Let me ask you to turn to page 4,
11 please. This is a notice that is labeled
12 Certification Status Change Notice. Do you see
13 that heading?

14 A. Yes.

15 Q. That would be mailed subsequent to
16 the expiration of the medical certificate. And
17 it indicates that the medical certificate had
18 expired and no longer eligible to operate a
19 commercial motor vehicle. Do you see that?

20 A. Yes.

21 Q. You also see where it says in order
22 to keep your CDL you must either submit a valid
23 medical card or self-certify and that if you
24 fail to do so your CDL would be cancelled. Do
25 you see that?

1 A. Yes.

2 Q. And again it gives the same steps by
3 which you could submit documentation by mail, by
4 fax, by e-mail or in person. Do you see that on
5 this notice?

6 A. Yes.

7 Q. Do you remember receiving this
8 notice?

9 A. Yes.

10 Q. I would ask you to turn to page 5,
11 please. This is a medical certificate it
12 appears covering -- issued the 19th of January,
13 expiring on the 19th of February. Does that
14 appear to be the case? A one-month certificate?

15 A. Yes.

16 Q. And earlier you had testified that
17 you knew that your medical card had run out on
18 occasion and that you needed an additional
19 month. Would this have been the --

20 A. Yes. This was the little bit of
21 extension so I could get my test and everything
22 together.

23 Q. Very good. All right. Thank you.
24 Now I am going to ask you to turn to page 7 if
25 you will, please. This is another Certification

1 Status Change Notice that was mailed subsequent
2 to the expiration of your medical card
3 indicating that that medical card had also
4 expired and that you were no longer eligible to
5 operate a commercial motor vehicle. Do you see
6 that?

7 A. Yes.

8 Q. And the same steps in order to keep
9 your CDL and the four steps that you could take
10 or your CDL privileges would be cancelled. Do
11 you see that?

12 A. Yes.

13 Q. Do you recall receiving this notice?

14 A. Yes. That is one I do.

15 Q. Let me ask you to turn to the next
16 page, sir, page 8. Now, the previous notice
17 that we looked at, Page 7, which is identical
18 form to the notice on page 4, the one that you
19 said you received notice and you just assumed
20 there was a time lapse and you assumed there
21 wasn't an issue.

22 A. That would be this one.

23 Q. That would be the one on page 7 or
24 page 8?

25 A. Page 7 -- Page 8.

1 Q. On Page 8 there is a different
2 heading, isn't it? It says your CDL privileges
3 cancellation. Do you see that?

4 A. Yes.

5 Q. Okay. And it indicates that you had
6 an opportunity for a hearing?

7 A. But also states 3-25 and the date on
8 my card was 3-10. So that is why I assumed it
9 was an overlap.

10 Q. You said you thought the date on the
11 card was 3-10?

12 A. That is the date on this, my new
13 card that I got.

14 Q. The new card, so you received a new
15 card?

16 A. Faxed in.

17 Q. Do you know when it was faxed in?

18 A. Let's see. I got it on the 10th, so
19 this -- I took it out I think the next day, so
20 should be around the 12th it was faxed in.

21 Q. But you recall receiving the notice
22 on page 8; correct?

23 A. Yes.

24 Q. Okay. And you didn't request a
25 hearing because you thought you didn't need to?

1 A. Right.

2 Q. I would ask you to turn to page 9.

3 This is a document entitled CDL Privileges
4 Cancellation Notice. It was mailed more than a
5 month later on or about April 29th, 2015. In
6 the notice it indicates that your medical card
7 expired in February of 2015; that they had not
8 received the required documentation or requested
9 hearing and that your CDL privileges have been
10 cancelled. Do you see that, sir?

11 A. Yes.

12 Q. And it said it will remain cancelled
13 until you submitted a valid medical card by one
14 of the four means. Did you submit that
15 documentation using any of those four means?

16 A. I was still under the assumption
17 then that it was faxed and I asked and she
18 confirmed it has been faxed.

19 Q. So you are aware that your CDL had
20 been cancelled?

21 A. Well, I wasn't fully aware it was
22 cancelled.

23 Q. You received the notice that it was
24 cancelled; correct?

25 A. I didn't read the entire notice.

1 I thought it was the same as the one before just
2 telling me it was cancelled. I guess I just
3 didn't read it fully.

4 Q. That is fair. Let me ask you to
5 turn to page 10. This is a CDL
6 Self-Certification Authorization. This is
7 the document that you completed yourself?

8 A. Yes.

9 Q. And sent in to the BMV yourself?

10 A. Yes.

11 Q. This is not something that your
12 employer did for you, this is something that you
13 did?

14 A. I done this I believe at BMV when I
15 renewed my license. Maybe not. I am sorry.

16 Q. It's dated 2-1-16. Do you see that?

17 A. I do now.

18 Q. Okay. That is the same date as the
19 expiration; isn't it?

20 A. Oh, okay. I remember this now.

21 Q. Why don't you explain this to us?

22 A. Officer Lester told me that when I
23 found out, told me my CDL was cancelled, to go
24 to the local BMV and have them fax my card into
25 the company right away. That way it would be --

1 I would know it was put in the system the right
2 away.

3 Q. This occurred after the inspection?

4 A. Yes.

5 Q. And you went to the BMV and provided
6 them with the medical card in Staff Exhibit No.
7 2?

8 A. Yes. It sure appears to be the same
9 one.

10 Q. And that is the same -- if you turn
11 to page 1, this is the same medical certificate;
12 correct? That one expires on 3-10-2016?

13 A. Yes.

14 Q. And that in fact is a fax copy it
15 appears right from Rick Tomlison Trucking?

16 A. Yes.

17 Q. That would have been sent in from
18 your visit to the BMV?

19 A. This would have been I believe
20 the same day. Because after I got done with him
21 I called our office and she said she would fax
22 them into them hoping that -- and try again and
23 it didn't. Later that very same time I went
24 down and did it myself.

25 Q. You went subsequent to telling your

1 employer to send in the card again?

2 A. After I talked to him I told her and
3 she went and faxed it there again and it still
4 wouldn't show up. So then I went and went to
5 the BMV myself.

6 Q. Very good. Okay. And just so that
7 I am reading this correctly, on page 11 it
8 indicates this would have been faxed in about
9 2:52 P.M.

10 A. Yes.

11 MR. MARGARD: That is all I have for
12 Mr. Wickham. Thank you, your Honor.

13 ATTORNEY EXAMINER: Mr. Wickham, if
14 you have anything you wish to add to your
15 testimony based upon the questions Mr. Margard
16 just asked, if you feel there is something else
17 you want to add now is your opportunity to do
18 that.

19 MR. WICKHAM: I can't think of
20 anything right now.

21 ATTORNEY EXAMINER: Okay. All
22 right. You may be excused from the witness
23 stand. If you have any other witnesses that
24 wish to offer testimony you need to kind of call
25 them as your witnesses and ask questions of

1 them. So you can go sit at the table back
2 there.

3 MR. WICKHAM: Okay.

4 (WITNESS SWORN)

5 - - -

6 ROCHELLE FULTZ

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

9 ATTORNEY EXAMINER: I am going to
10 help Mr. Wickham along a little bit here. If
11 you would state your full name and address for
12 the record.

13 THE WITNESS: Rochelle Fultz, 899
14 Allegheny Trail Road, Wheelersburg.

15 ATTORNEY EXAMINER: Mr. Wickham, you
16 need to get the information you wish to have
17 added to the record in the case and it then
18 becomes part of the entire record for the
19 Commission to consider, so it's kind of tough,
20 but you need to ask questions at this point.

21 MR. WICKHAM: Okay.

22 DIRECT EXAMINATION

23 By Mr. Wickham:

24 Q. What is your job title?

25 A. Compliance coordinator.

1 Q. How long have you been that?

2 A. Six years in May.

3 Q. What is the procedure for the new
4 medical certificates that are brought to you?

5 A. Okay. When they started everything
6 to certify them and it would be faxed in to the
7 BMV. I got a fax number.

8 And so when each of our drivers
9 bring in a new medical card then I fax that into
10 that number. And I have a confirmation showing
11 that the fax went through.

12 So, on this case Mr. Wickham had
13 obtained his new physical on March 10, 2015.
14 He did bring it to me on March 12th, 2015 and I
15 faxed it to Columbus and got my confirmation
16 like I always do that the fax went through.

17 So, during this time we thought Mr.
18 Wickham was good to go like all the previous
19 times. He then gets that roadside inspection on
20 March 16th, 2015, still thought, you know, we
21 were good to go.

22 He gets another roadside inspection
23 on August 14 -- may I give this to you so you
24 can follow along?

25 ATTORNEY EXAMINER: That is okay.

1 I am with you so far.

2 A. Gets the second roadside inspection
3 on August 14, 2015. We still had no knowledge.

4 He gets the third violation,
5 roadside inspection, on November 19, 2015. And
6 then February 1st, 2016 was when he got
7 the roadside inspection and put out of service
8 for no medical card.

9 So that was the first time that was
10 brought to our knowledge that his medical card
11 had not attached, and that was even though a
12 year later.

13 And I keep a list here of every time
14 I fax in their medical cards so I know when I
15 faxed it, got confirmation. Of course, since
16 then we don't trust faxing anymore. We told
17 them take it straight to the BMV.

18 But I would like to say that when up
19 here last time we were asked if he run yearly
20 BMVs and we have Drug Consortium people that we
21 paid to keep all of that in compliance for us.

22 I have a copy here where we ran the
23 BMV and Mr. Wickham's CDL was in good standing.
24 Contacted the insurance because they do BMVs.
25 And I also have a copy where they ran the BMV

1 saying that his CDL and medical was --

2 Q. What is the date on them?

3 A. Okay. Let's see. The one from our
4 insurance was ordered May 29th, 2015, which --
5 and then the one from our Drug Consortium was
6 ordered August 11, 2015. Still at this time,
7 you know, with the BMVs and roadside inspections
8 we still wasn't aware that, you know, that his
9 CDL, you know, was in trouble.

10 Let's see. I don't know anything
11 else to add. Do you have any questions?

12 Q. Was there any problems with any
13 other drivers until this point?

14 A. There was not until yourself.

15 Q. How many was done that way?

16 A. Well, there is a whole sheet, but I
17 would say when yours was brought to my attention
18 in February I only faxed two more. Two out of
19 six that I faxed was actually attached. There
20 was four that wasn't.

21 I have then since learned to check
22 it myself. And then we just told the drivers
23 the last two meetings they need to just go
24 ahead, sent them to the -- take them to the BMV
25 themselves so we don't have this problem

1 anymore.

2 Q. Have you always used the same fax
3 number for all of them?

4 A. Yes.

5 Q. And you have the confirmation?

6 A. Yes. Sir, yes. And also Mr.
7 Wickham was taking about when he called our
8 office and he was put out of service that day
9 due to his medical card. I called Columbus and
10 I had spoken with a lady named Grace and I tried
11 to explain to her can you help me through, you
12 know, this was originally faxed. And she said
13 fax it to me right now. So and then Chris in
14 return went to the BMV and did it himself.

15 ATTORNEY EXAMINER: You said you
16 called Columbus a couple times. Do you mean the
17 BMV located in Columbus?

18 THE WITNESS: Yes.

19 ATTORNEY EXAMINER: I was not sure,
20 clear if it was actually you, but the employer?

21 THE WITNESS: Rick Tomlison
22 Trucking.

23 ATTORNEY EXAMINER: Mr. Wickham is a
24 driver for Rick Thompson Trucking?

25 THE WITNESS: Yes.

1 ATTORNEY EXAMINER: Thank you. Are
2 there any other questions, Mr. Wickham?

3 MR. WICKHAM: No.

4 ATTORNEY EXAMINER: Mr. Margard.

5 MR. MARGARD: Thank you, your
6 Honor.

7 CROSS-EXAMINATION

8 By Mr. Margard:

9 Q. First of all, Ms. Fultz, you have
10 been referring to a number of documents but you
11 haven't offered anything for the record. So
12 it's kind of hard for me to question on those
13 documents.

14 A. Well, I am new at this.

15 ATTORNEY EXAMINER: Let's go off the
16 record.

17 (DISCUSSION OFF THE RECORD)

18 (RECESS TAKEN)

19 ATTORNEY EXAMINER: Let's go back
20 on the record. We have made photocopies of some
21 of the documents. Ms. Fultz is going to be kind
22 enough to go through and identify them for
23 the record. If there is a set order I think it
24 would make more sense to try and follow along as
25 best you can.

1 THE WITNESS: Okay. Do you need to
2 number them or --

3 ATTORNEY EXAMINER: The first one
4 will be marked Respondent's Exhibit No. 1.

5 (EXHIBIT MARKED FOR IDENTIFICATION)

6 THE WITNESS: And that will be the
7 paper where I have the dates in sequence with
8 the roadside inspections that happened.

9 ATTORNEY EXAMINER: These are your
10 handwritten notes, Mrs. Fultz?

11 THE WITNESS: Yes. To keep it
12 straight I just wanted to have dates in front of
13 me when he obtained the new physical, when it
14 was faxed, and the date of the inspections and
15 the days that the MVR was ran.

16 ATTORNEY EXAMINER: Okay. Thank
17 you. The next exhibit will be marked
18 Respondent's Exhibit 2.

19 (EXHIBIT HEREBY MARKED FOR
20 IDENTIFICATION PURPOSES)

21 THE WITNESS: This is showing where
22 the fax went through, when I faxed Mr. Wickham's
23 medical card to the BMV to Columbus.

24 ATTORNEY EXAMINER: Respondent's
25 Exhibit 2 is the fax confirmation.

1 THE WITNESS: And then 3 it will
2 be -- showing where we got the number from for
3 the CDL Self-Certification. That is the number
4 that I always use to fax their medical cards to.

5 ATTORNEY EXAMINER: That is headed
6 at the top CDL Self-Certification Authorization
7 and is Respondent's 3.

8 (EXHIBIT MARKED FOR THE PURPOSE OF
9 IDENTIFICATION)

10 THE WITNESS: Yes. Along with
11 their new medical card I always sent
12 the driver's license in case something isn't
13 legible on the medical card. I want to make
14 sure, you know, they know who it is.

15 And then No. 4 will be the first
16 roadside inspection on March 16, 2015. Like I
17 say, with all these other inspections we didn't
18 know there was a problem with his CDL and his
19 medical card.

20 ATTORNEY EXAMINER: Marked
21 Respondent's Exhibit 4.

22 (EXHIBIT HEREBY MARKED FOR
23 IDENTIFICATION PURPOSES)

24 MR. MARGARD: Four-page document,
25 your Honor? How are we doing this? I want to

1 make sure I have got the right document.

2 ATTORNEY EXAMINER: To me it looks
3 like just one page.

4 MR. MARGARD: Which document?

5 ATTORNEY EXAMINER: Inspection from
6 March 16th.

7 MR. MARGARD: One page. Okay. Very
8 about.

9 ATTORNEY EXAMINER: No. 5.

10 THE WITNESS: No. 5 will be the
11 roadside inspection for August 14, 2015.

12 (EXHIBIT HEREBY MARKED FOR
13 IDENTIFICATION PURPOSES)

14 ATTORNEY EXAMINER: So marked.

15 THE WITNESS: And No. 6 will be
16 the roadside inspection for November 19, 2015.

17 ATTORNEY EXAMINER: So marked.

18 (EXHIBIT HEREBY MARKED FOR
19 IDENTIFICATION PURPOSES)

20 THE WITNESS: And then No. 7 will
21 be the one where he was put out of service on
22 2-1-16, which then was brought to our attention
23 that was wrong.

24 ATTORNEY EXAMINER: Okay. So
25 marked.

1 (EXHIBIT HEREBY MARKED FOR
2 IDENTIFICATION PURPOSES)

3 THE WITNESS: No. 8 will be our MVR
4 ran by our Drug Consortium Motor Carriers
5 Solution.

6 ATTORNEY EXAMINER: That is headed
7 Motor Vehicle Record at the top?

8 THE WITNESS: American Driving
9 Records.

10 ATTORNEY EXAMINER: I am sorry.
11 I am looking at the wrong one.

12 THE WITNESS: That is just showing
13 I called and explained there was a problem with
14 the medical card. And e-mailed back and forth.

15 And at the top there it says "This
16 MVR shows a valid CDL. If there were a medical
17 card issue the driver would show medical
18 downgrade. This one is fine."

19 So, I am taking his word on it.

20 ATTORNEY EXAMINER: So again just so
21 the record is clear, Respondent's Exhibit No. 8
22 is a two-page document and in the top left
23 corner it says American Driving Record, Inc.
24 Okay.

25 (EXHIBIT MARKED FOR THE PURPOSES OF

1 IDENTIFICATION)

2 ATTORNEY EXAMINER: No. 9?

3 THE WITNESS: Will be the MVR that
4 we had our insurance run for us.

5 ATTORNEY EXAMINER: That is the one
6 with LexisNexis in the upper left corner?

7 THE WITNESS: Yes. Two pages also.

8 ATTORNEY EXAMINER; So marked.

9 (EXHIBIT MARKED FOR THE PURPOSE OF
10 IDENTIFICATION)

11 ATTORNEY EXAMINER: I think the
12 last will be marked Respondent's Exhibit 10.

13 THE WITNESS: Yes. That is showing
14 when I faxed our drivers up to Columbus to the
15 BMV. Once again the number at the top.

16 ATTORNEY EXAMINER: These are
17 handwritten notes that you yourself took and
18 recorded?

19 THE WITNESS: Yes. I just started
20 doing this. I didn't think to keep
21 documentation, but then I thought, well, just go
22 ahead and put it on a piece of paper.

23 ATTORNEY EXAMINER: Thank you

24 (EXHIBIT MARKED FOR IDENTIFICATION)

25 ATTORNEY EXAMINER: Mr. Margard,

1 questions? Thank you, Mrs. Fultz, for doing
2 that.

3 By Mr. Margard:

4 Q. All right. Ms. Fultz, let me begin
5 with your Exhibit No. 2. And I will just ask
6 you to confirm for me that that document
7 indicates that the fax was sent but it does not
8 contain the information that was sent?

9 A. It shows that it was sent, yes, but
10 doesn't say what was sent? Is that what you are
11 saying.

12 Q. That is what I am asking you.

13 A. Yes.

14 Q. That is fine. Thank you.

15 A. But if you refer to document 10 you
16 will see Mr. Wickham's name and it has 3-12-15
17 by his name. That was the day that I faxed it.
18 It says two pages sent because, like I said, I
19 always sent his driver's license.

20 Q. So you are suggesting that two pages
21 would be his medical certificate and his
22 driver's license?

23 A. Yes.

24 Q. But, Mrs. Fultz, you indicated that
25 you have been compliance coordinator for six

1 years now; is that correct?

2 A. Yes.

3 Q. What sort of training did you have
4 to perform your job?

5 A. On the job. On the job experience,
6 yes.

7 Q. And --

8 A. And I always refer to our
9 Consortium, we work together. Any time I have a
10 question I will call him.

11 Q. And you rely on what he tells you?

12 A. Yes, yes. That is what we pay them
13 for.

14 Q. I understand. Have you sought any
15 kind of other training to perform your job?

16 A. No.

17 Q. Are you familiar with the Motor
18 Carrier Safety regulations?

19 A. I am familiar with -- well, no.
20 Some I am, yes.

21 Q. Which ones would you be responsible
22 for performing your job?

23 A. Well, basically I make sure that our
24 license, all our guys' licenses, that they are
25 getting them in time, getting physicals on time,

1 make sure their logs are done properly, make
2 sure, you know, everything is filled out.

3 I make sure all the proper documents
4 are turned in that need to be turned in. We do
5 record violations. They have to do one then
6 every year.

7 I mean, as far as my -- we are a mom
8 and pop business. And started with a handful of
9 trucks and it's now just got big, bigger. So
10 basically maybe dual compliance coordinator
11 between me and my boss saying you take care of
12 everything, you know, make sure everything is in
13 compliance.

14 Q. So you are responsible for
15 everything, responsible for maintaining the
16 files?

17 A. Licenses, drivers' files. The Drug
18 Consortium makes sure we have those.

19 Q. Do you maintain those on-site?

20 A. They remain on-site. The drug
21 tests, the physicals and our tax documents that
22 we need, other than their log books.

23 Q. Is there somebody responsible for
24 reviewing their work in your company?

25 A. Reviewing?

1 Q. Reviewing the information that you
2 get from the Consortium?

3 A. No. Well, I mean, audit the Drug
4 Consortium and makes -- they audit us.
5 Basically they are paid to take care of
6 everything.

7 Q. You don't do oversight, do anything,
8 double checks or anything like that?

9 A. No. Yes, we will. I guess Rich,
10 the owner, would be in charge of that.

11 Q. But that is not part of your job
12 responsibilities?

13 A. No. Perhaps shouldn't be called
14 compliance coordinator, but like I said, we are
15 a mom and pop group and, you know, it's --

16 Q. Okay. You indicated that your
17 drivers bring you their medical cards when they
18 receive them. Do they also bring in various
19 kinds of notices that they receive from being in
20 inspections such at the one we went through with
21 Mr. Wickham?

22 A. I have had several drivers bring to
23 me and say, hey, I got this. And that is when I
24 check and make sure it was faxed. Sometimes I
25 will call the local BMV and say, hey, is this

1 okay.

2 But, yes, there has been more than
3 one occasion where drivers thought there was a
4 problem and I would say the faxes probably
5 crossed in the mail because they are generated
6 automatically.

7 Q. But you would tell them not to
8 self-certify or we will take care of it?

9 A. Well, when I started we wanted to
10 take care of everything because, you know, they
11 are our lifeline. If they can't drive then they
12 can't make money.

13 So we thought it was a shortcut for
14 us to make sure by faxing it to Columbus that
15 they are going to be taken care of.

16 But we found out almost two years
17 later that that isn't always the safe way to go.

18 Q. Now, you indicate some drivers bring
19 in notices. Do you ever recall if Mr. Wickham
20 ever brought the notices that we discussed with
21 him today?

22 A. No. I don't recall, but, I mean, we
23 have 25 drivers.

24 Q. If you don't recall that is fine.
25 And prior to this inspection on February 1, 2016

1 you didn't do anything yourself independently
2 verifying that his medical certificate was on
3 file with the BMV?

4 A. No. Just our fax transmittal has
5 also been or -- or like I said, went through
6 several roadside inspections and still, I mean,
7 we had no knowledge.

8 Q. Let me ask you to take a look at
9 Exhibit No. 8 if you will, please. The one that
10 you say comes from your Drug Consortium.

11 Let me ask you first of all if you
12 know where they obtained the information that is
13 contained in this report?

14 A. It looks like they obtained it from
15 MVR driving records.

16 Q. And do you know where they obtained
17 this information?

18 A. No. That is what we hire them for.

19 Q. You have no idea what the source of
20 this information is. And the date on this
21 report is August 11, 2015; is that correct?

22 A. Yes.

23 Q. Let me ask you, if you will, please,
24 to review that section that says CDL Medical
25 Information.

1 A. Yes.

2 Q. What does it indicate there with
3 respect to his medical certificate?

4 A. It says that it's non-excepted
5 interstate, which then that is when I called him
6 and we started e-mailing. That is when he sent
7 me an e-mail and said if there is a problem with
8 the medical card issue the driver would show
9 medical downgrade.

10 Q. But -- I am sorry. I will let you
11 finish your answer.

12 A. Well, once again, this is over our
13 head, so we trust them to do it because that is
14 what we pay them for.

15 Q. I understand. It does indicate
16 though that his medical certificate expired on
17 2-19-2015?

18 A. Yes.

19 Q. Did that cause you any concern?

20 A. Well, I asked Rob and he said there
21 wasn't a problem once again.

22 Q. But you don't know where the
23 information came from and you didn't follow up
24 with the BMV; is that correct?

25 A. I didn't follow up with the BMV

1 until we knew there was a problem. Unless there
2 is a problem, they call us and say, hey, your
3 driver here needs to be off the road. And
4 neither did the insurance company or the Drug
5 Consortium see a problem with it.

6 We didn't see an issue that he
7 wasn't allowed to drive a truck.

8 Q. I would ask you to take a look at
9 Exhibit No. 9. And it indicates here
10 the information was obtained from, looking where
11 it says Possession Characteristics, it says
12 Information Obtained from CPS Database. Do you
13 know what that is?

14 A. No. This is not my document. Our
15 insurance does this.

16 Q. And it indicated that
17 the information was last updated through March
18 26th of 2015?

19 A. Yes.

20 Q. Correct? That would have been prior
21 to the notice received by Mr. Wickham cancelling
22 his CDL privileges in April 2015; correct?

23 A. Well, he got his medical card on
24 March 10th, 2015.

25 Q. All I am asking for is that you

1 confirm that that information contained --

2 A. Yes. 3-26-15.

3 Q. Again you don't know where the
4 information came from. Are you aware that
5 ultimately the accuracy of the information is
6 your responsibility?

7 A. No. This is our first time. I had
8 no idea what to expect or I would have made
9 copies and taken care of this myself. I had no
10 idea it was going to be like it is today.

11 Q. Do you understand now that you are
12 responsible to ensure the accuracy of all
13 the information contained in Exhibit 8 and 9?

14 A. Is that what you are telling me?

15 Q. Well, I am asking you basically is
16 that what you understand to be your
17 responsibilities as compliance coordinator?

18 A. Yes.

19 MR. MARGARD: Your Honor, I am going
20 to make a request at this time for the Bench to
21 take administrative notice of the guidance that
22 is provided by the Federal Motor Carrier Safety
23 Administration with respect to the motor carrier
24 safety regulations. And specifically with
25 respect to the guidance related to Section

1 391.25.

2 ATTORNEY EXAMINER: The Bench will
3 take notice of that guidance.

4 MR. MARGARD: Thank you, your Honor.
5 May I approach?

6 ATTORNEY EXAMINER: You may.

7 Q. Ms. Fultz, you indicated that you
8 were at least somewhat familiar with the Federal
9 Motor Carrier Safety regulations. Are you aware
10 they also provide guidance in interpreting the
11 regulations?

12 A. Yes. We have logs in our office, we
13 have current logs.

14 Q. What do you mean by logs? Can you
15 explain that for me, please?

16 A. Yes. I mean we have -- any time
17 that we get an inspection we will look and see
18 the ins and outs of the service inspection.

19 Q. You have copies of the regulations,
20 you have copies of the guidance?

21 A. I don't personally. It's for Rick
22 and for our dispatcher.

23 Q. Okay. I am going to ask you to take
24 a look if you will, please, at a document that I
25 just provided you that is titled "Qualifications

1 of Drivers and Longer Combination Vehicle Driver
2 Instructions" and ask you to please look at the
3 guidance provided with respect to Question No.
4 3.

5 Take a moment and familiarize
6 yourself with that guidance. Let me know when
7 you have finished reading it.

8 A. Okay.

9 Q. Please read the last sentence out
10 loud.

11 A. Yes. "However, the motor carrier is
12 responsible for ensuring the information is
13 accurate."

14 Q. I just want to make sure I am
15 clear. Your understanding is that you are not
16 that responsible person at this carrier; is that
17 correct?

18 A. No. No.

19 Q. And who would that person be?

20 A. Well, once again, we pay Drug
21 Consortium to take care of us.

22 Q. I understand, but you understand
23 that you just read that the motor carrier is
24 responsible for ensuring the information is
25 accurate. Who with the Tomlison Company is

1 responsible for ensuring that that information
2 is accurate?

3 A. I guess it would be the owner.

4 Q. And that would be?

5 A. Rick Tomlison.

6 MR. MARGARD: Thank you. I have no
7 further questions. Thank you, Your Honor.

8 ATTORNEY EXAMINER: Ms. Fultz, at
9 this point I will give you, as I did Mr.
10 Wickham, an opportunity if you have anything you
11 wish to add to your testimony, or, Mr. Wickham,
12 I guess I should ask you if you have any
13 follow-up questions based on what Mr. Margard
14 just asked Ms. Fultz. Now is your chance to ask
15 those follow-up questions.

16 REDIRECT EXAMINATION

17 By Mr. Wickham:

18 Q. If I had the other reports why would
19 I not be put out of service because of my
20 license was suspended?

21 A. Right. Well --

22 MR. MARGARD: Your Honor, I am going
23 to object to the extent he is asking why the
24 inspector did or didn't do something they did at
25 the time of the inspection she wasn't present

1 for. She has no personal knowledge what
2 occurred at those inspections.

3 ATTORNEY EXAMINER: Do you have
4 another follow-up question that --

5 MR. WICKHAM: I have no further
6 questions.

7 THE WITNESS: If I could add
8 something. I don't know if all of them drivers,
9 I don't know if they choose not to run the
10 license to see if the medical cards are attached
11 or not. We just know he went through three
12 inspections where it wasn't brought to his
13 attention, but yet on the last one it was.

14 So, I don't know how that works.
15 I just know on our end with, you know, just
16 thought that we were taking care of him because
17 it was faxed and because he was pulled over
18 several times and not brought to our attention.

19 ATTORNEY EXAMINER: Anything
20 further, Mr. Margard?

21 MR. MARGARD: No, nothing further.
22 Thank you, your Honor.

23 ATTORNEY EXAMINER: Thank you very
24 much, Ms. Fultz. Mr. Wickham, I assume you wish
25 to move what has now been marked Respondent's

1 Exhibits 1 through 10 into the record.

2 MR. WICKHAM: Yes.

3 ATTORNEY EXAMINER: Any objections?

4 MR. MARGARD: I do, your Honor.

5 I am going to object to the inclusion of
6 Exhibits 4, 5 and 6 for a variety of reasons.

7 For one, I don't know that these are
8 full reports. I don't know that there is not
9 additional information. There is additional
10 handwriting on here, cross-outs and so forth.
11 But I don't know where these came there.

12 So, I have some concerns about
13 the completeness of those exhibits.

14 With respect to Exhibit No. 7, I
15 will only note that this is the examination
16 report that is essentially the same as Staff
17 Exhibit No. 1, although this one again is not as
18 complete as Exhibit No. 1. So duplicative.

19 I won't object to the other
20 exhibits, your Honor.

21 ATTORNEY EXAMINER: Okay. Mr.
22 Margard, your objection is noted for the record,
23 but I am going to admit all the exhibits that
24 have been marked for Respondent, Exhibits 1
25 through 10.

1 (EXHIBITS ADMITTED INTO EVIDENCE)

2 MR. WICKHAM: Well, on that first
3 one, the cross-outs and the circles, that was
4 all -- the officer done all those.

5 ATTORNEY EXAMINER: I have admitted
6 them into the record and the Commission will
7 consider what weight, if any, should be given to
8 all of them.

9 Any other -- I am sorry, Mr.
10 Margard. Your exhibit as well.

11 MR. MARGARD: Thank your, your
12 Honor. Exhibit No. 4.

13 ATTORNEY EXAMINER: Any objection to
14 his Exhibit 4, Mr. Wickham?

15 MR. WICKHAM: No.

16 ATTORNEY EXAMINER: All right.
17 Staff Exhibit 4 will be admitted into evidence.

18 (EXHIBIT ADMITTED INTO EVIDENCE)

19 ATTORNEY EXAMINER: Mr. Wickham, do
20 you have any other witnesses to call today?

21 MR. WICKHAM: I have a couple
22 questions for Mr. Lester, if I could.

23 ATTORNEY EXAMINER: I don't think
24 so. Mr. Lester -- Mr. Margard, will you be
25 calling him for rebuttal testimony?

1 MR. MARGARD: I am done, your Honor.

2 ATTORNEY EXAMINER: That opportunity
3 has passed. Do you have any other witnesses to
4 call on your behalf?

5 MR. WICKHAM: No.

6 ATTORNEY EXAMINER: Okay. Let's let
7 go off the record briefly.

8 (DISCUSSION OFF THE RECORD).

9 ATTORNEY EXAMINER: We while off the
10 record talked about a briefing schedule for
11 the case. We have established July 15th for
12 the deadline for Staff to file a brief and Mr.
13 Wickham to file a statement if he wishes.

14 Anything else to come before us
15 today?

16 All right. Hearing none, we are
17 adjourned. Thank you.

18 (At 11:20 A.M. the hearing was
19 concluded)

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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 June
21, 2016, and carefully compared with my
original stenographic notes.

Michael O. Spencer,
Registered Professional
Reporter.

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Summary: Transcript in the matter of the Christopher M. Wickham hearing held on 06/21/16 electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Spencer, Michael O. Mr.