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before Mr. Jim Lynn, Attorney 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, October 20, 2016.

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1 APPEARANCES:

2 Mike DeWine, Ohio Attorney General
3 William L. Wright, Section Chief
4 Public Utilities Section
5 By Mr. Steven L. Beeler
6 30 East Broad Street, 16th Floor
7 Columbus, Ohio 43215-3793

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

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Thursday Morning Session,
October 20, 2016.

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THE ATTORNEY EXAMINER: On the record at
this time.

The Public Utilities Commission of Ohio
has assigned for hearing at this time and place Case
No. 16-1449-TR-CVF, In the Matter of Jonathan Rickman
Notice of Apparent Violation and Intent to Assess
Forfeiture.

I am Jim Lynn, the Attorney Examiner
assigned to this hearing. I note at this point we
have only the representative of the Ohio Attorney
General's Office, and I ask for his appearance, and
then we will put matters on hold for a time and
hopefully have Mr. Rickman show up.

Mr. Beeler, would you indicate your name
and address, please.

MR. BEELER: Thank you, your Honor. On
behalf of the staff of the Public Utilities
Commission of Ohio, Ohio Attorney General Mike
DeWine's Office, Steven Beeler, assistant attorney
general, 30 East Broad Street, 16th Floor, Columbus,
Ohio, 43215.

THE ATTORNEY EXAMINER: Thank you,

1 Mr. Beeler.

2 At this point I'll note that we have not
3 heard from Mr. Rickman to indicate that he cannot
4 attend today and/or having difficulty being here. I
5 will also check to see whether our service notice to
6 him was returned in the mail. To my knowledge it
7 never was returned.

8 We will go off the record at this point
9 in time. We will give Mr. Rickman about a half hour
10 and then we will resume and see where things stand.

11 MR. BEELER: Thank you, your Honor.

12 THE ATTORNEY EXAMINER: Off the record.

13 (Recess taken.)

14 THE ATTORNEY EXAMINER: It's just about
15 10:30. We gave Mr. Rickman a half hour. I'll note
16 that I did check the service notice that went out to
17 him indicating today's hearing date and time. It was
18 sent out on August 15, and there was no indication
19 that letter was ever returned, and as I indicated
20 earlier, we have also not heard from Mr. Rickman at
21 all. Why he is not here today is a mystery to us.

22 Mr. Beeler, do you have any additional
23 comments?

24 MR. BEELER: Yes. At this point, your
25 Honor, the staff would move for default under Ohio

Administrative Code Section 4901: 2-7-14(E), which states, "The respondent who has requested an administrative hearing and fails to appear for the evidentiary hearing shall be in default. A respondent in default shall be deemed to have admitted the occurrence of the violation and waives all further rights to contest the liability and forfeiture proposed in the Notice of Preliminary Determination or to contest the making of the compliance order described in the Notice of Preliminary Determination."

THE ATTORNEY EXAMINER: Thank you, Mr. Beeler.

MR. BEELER: At this point staff would also move to at least have marked and moved into evidence Staff Exhibit 1, which is the Driver/Vehicle Examination Report with the inspection date of March 10, 2016 that states the violation and what occurred on this day.

And staff would also like to have marked as Staff Exhibit 2, the Notice of Preliminary Determination dated May 24, 2016, and that's the letter that was sent to the respondent in this case, notifying him of the forfeiture.

And staff would also move for the

1 admission of Staff Exhibit 1 and Staff Exhibit 2.

2 THE ATTORNEY EXAMINER: We admit Staff
3 Exhibits 1 and 2 into evidence.

4 (EXHIBITS ADMITTED INTO EVIDENCE.)

5 MR. BEELER: Thank you.

6 THE ATTORNEY EXAMINER: Anything else,
7 Mr. Beeler?

8 MR. BEELER: That's all, your Honor.

9 THE ATTORNEY EXAMINER: We have admitted
10 the documents into evidence, and we will close the
11 proceedings for today.

12 Thank you, everyone, for your
13 appearances. Have a good morning. Thanks so much
14 for coming.

15 (The hearing concluded at 10:30 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, October 20, 2016, and carefully compared with my original stenographic notes.

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

My commission expires April 5, 2019.

(rfa-82203)

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in

Case No(s). 16-1449-TR-CVF

Summary: Transcript in the matter of the Jonathan Rickman hearing held in 10/20/16 electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Anderson, Rosemary Foster Mrs.