

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of :  
Michael James Notice of : Case No.  
Apparent Violation and : 17-1414-TR-CVF  
Intent to Assess Forfeiture. :

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PROCEEDINGS

Before Jim Lynn, Attorney Examiner, at the  
Public Utilities Commission of Ohio, 180 East  
Broad Street, Hearing Room 11-D, Columbus, Ohio,  
on Monday, August 21, 2017, at 10:00 A.M.

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Armstrong & Okey, Inc.  
222 East Town Street, 2nd Floor  
Columbus, Ohio 43215  
(614) 224-9481 - (800) 223-9481

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1 APPEARANCES:

2 Mr. John Jones  
3 Assistant Attorney General  
4 30 East Broad Street  
5 16th Floor  
6 Columbus, Ohio 43215

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

10 Mr. Michael James  
11 Appearing Pro se.

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Monday Morning,  
August 21, 2017.  
10:30 A.M.

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ATTORNEY EXAMINER: The Public  
Utilities Commission of Ohio has assigned for  
hearing at this time and place Case No.  
17-1414-TR-CVF in the Matter of Michael James  
Notice of Apparent Violation and Intent to  
Assess Forfeiture.

I am Jim Lynn, I am the Attorney  
Examiner assigned to hear this case. At this  
time we will have the appearances of the parties  
beginning with the Ohio Attorney General's  
office.

MR. JONES: Good morning, Your  
Honor. On behalf of the Commission's Staff Ohio  
Attorney General Mike DeWine, Assistant Attorney  
General John Jones, 30 East Broad Street,  
Columbus, Ohio 43215.

ATTORNEY EXAMINER: Thank you.  
And, Mr. James, would you state your name  
and address, please?

MR. JAMES: Yes. Michael James,

1 2201 Park Drive, Chattanooga, Tennessee 37421.

2 ATTORNEY EXAMINER: Thank you.

3 Thank you, Mr. James. Mr. Jones, we have had  
4 some developments before we started the hearing  
5 here. If you could bring us up to speed and  
6 summarize what the story is on your end.

7 MR. JONES: Yes, your Honor. Thank  
8 you. Your Honor, I have been given notice that  
9 my officer, Officer Sexton, will not be  
10 attending the hearing today. Although Staff had  
11 issued a subpoena to the officer I guess there  
12 was some paperwork confusion at the Post where  
13 the officer is based out of.

14 And so based on that confusion at  
15 the Post the officer will not be attending  
16 today. And because of that, your Honor, I will  
17 be asking, making a motion, for a continuance of  
18 the hearing to a later date to allow the Staff  
19 to have its witness, the inspector in this case,  
20 appear and so we could proceed with the case.

21 I understand Mr. James has traveled  
22 here today from the State of Tennessee, I know  
23 that's a long distance to travel, and I know  
24 that is a burden to travel that distance.

25 But under the circumstances the

1 Staff would ask the Bench if we could have this  
2 flexibility to have a continuance so we can  
3 secure the appearance of the officer that did  
4 the inspection in this case so we could proceed  
5 to hear the merits of the case.

6 ATTORNEY EXAMINER: Thank you,  
7 thanks for you explanation, Mr. Jones. Given  
8 the circumstances, particularly Mr. James  
9 traveled a long way to get here, and the burden  
10 will be on him to return, I will deny your  
11 request for a continuance.

12 And do you have any other comments  
13 to make?

14 MR. JONES: Your Honor, given that  
15 ruling from the Bench Staff at this time will  
16 withdraw the violation in this case.

17 ATTORNEY EXAMINER: Okay. I will  
18 approve that withdraw of the violation. I will  
19 note that this case is similar to Case  
20 16-2271-TR-CVF, Jonathan Hanson, similar  
21 circumstances where a driver traveled a long way  
22 to get here from out of state and the staff  
23 witness was not present. And given the  
24 difficulties or time involved to get the driver  
25 back we ruled it wouldn't be fair to the driver.

1                   So we understand what happened on  
2   Staff's end, but nonetheless in fairness to the  
3   driver we will, as I said, deny the motion for a  
4   continuance and we will approve the dismissal of  
5   the violation, or withdraw of the violation.

6                   That being said, I want to thank  
7   everyone for attending today. And have a safe  
8   trip back to where you live, Mr. James.

9                   MR. JAMES: Okay. Thank you, your  
10   Honor.

11                  MR. JONES: Thank you, your Honor.

12                  ATTORNEY EXAMINER: Have a good  
13   day.

14                                 - - -

15                  (At 10:35 A.M. the hearing was  
16   concluded)

18                                 - - -

CERTIFICATE

I do hereby certify that the foregoing  
is a true and correct transcript of the  
proceedings taken by me in this matter on August  
21, 2017, and carefully compared with my  
original stenographic notes.

\_\_\_\_\_  
Michael O. Spencer,  
Registered Professional  
Reporter.

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**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**9/5/2017 12:53:58 PM**

**in**

**Case No(s). 17-1414-TR-CVF**

Summary: Transcript In the Matter of Michael James Notice of Apparent Violation and Intent to Assess Forfeiture, hearing held on August 21, 2017. electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Spencer, Michael O. Mr.