

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of Casey :  
Honn, Notice of Apparent : Case No. 21-186-TR-CVF  
Violation and Intent to :  
Assess Forfeiture. :

- - -

PROCEEDINGS

before Mr. David Hicks and Mr. Nicholas Walstra,  
Attorney Examiners, at the Public Utilities  
Commission of Ohio, 180 East Broad Street, Room 11-C,  
Columbus, Ohio, called at 10:03 a.m. on Thursday,  
September 9, 2021.

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APPEARANCES:

Dave Yost, Ohio Attorney General  
 John Jones, Section Chief  
 By Mr. Robert Eubanks,  
 Assistant Attorney General  
 Public Utilities Section  
 30 East Broad Street, 26th Floor  
 Columbus, Ohio 43215

On behalf of the Staff of the PUCO.

Gottesman & Associates  
 By Mr. Zachary Gottesman  
 404 East 12th Street, First Floor  
 Cincinnati, Ohio 45202

On behalf of the Respondent.

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1                   Thursday Morning Session,  
2                   September 9, 2021.

3                   - - -

4                   EXAMINER HICKS: We will go ahead and go  
5 on the record.

6                   Good morning, everyone. The Public  
7 Utilities Commission of Ohio has called for hearing  
8 Case No. 21-186-TR-CVF which is captioned in the  
9 matter of Casey Honn. My name is David Hicks. I'm  
10 the Attorney Examiner assigned by the Commission to  
11 hear this case. Also with me is Nick Walstra, also  
12 an Attorney Examiner at the Commission.

13                  We will go ahead and start with  
14 appearances of counsel beginning with Staff.

15                  MR. EUBANKS: On behalf of Staff, Robert  
16 Eubanks, Assistant Attorney General, 30 East Broad  
17 Street, Columbus, Ohio 43215, the 26th Floor.

18                  EXAMINER HICKS: Thank you. And on  
19 behalf of the Respondent.

20                  MR. GOTTESMAN: My name is Zach  
21 Gottesman. I am counsel for Respondent. I'm with  
22 Gottesman & Associates. My firm is 404 East 12th  
23 Street, Cincinnati, Ohio 45202.

24                  EXAMINER HICKS: Thank you.

25                  With that I will turn it over to you,

1 Mr. Eubanks, and you can proceed.

2 MR. EUBANKS: Yes, your Honor. I would  
3 like to call to the stand Rod Moser.

4 (Witness sworn.)

5 EXAMINER HICKS: Thank you.

6 - - -

7 ROD MOSER

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

10 DIRECT EXAMINATION

11 By Mr. Eubanks:

12 Q. Hello, sir. Could you state and spell  
13 your name for the record.

14 A. My name is Rod Moser, R-O-D, last name is  
15 M-O-S-E-R.

16 Q. And could you state your position and  
17 your job duties as well.

18 A. I am the Chief of the Compliance and  
19 Registration Sections within the Transportation  
20 Department of the Public Utilities Commission of  
21 Ohio.

22 Q. And what are your duties in that  
23 position?

24 A. Basically there I -- I am responsible for  
25 the civil forfeiture process for the Transportation

1 Section.

2 Q. Okay. Does that also involve handing out  
3 notices about the forfeitures?

4 A. Yes, it does.

5 Q. Okay. One such notice would be a Notice  
6 of Apparent Violation?

7 A. That would be an initial letter that  
8 would go out, yes.

9 MR. EUBANKS: Okay. I would like -- may  
10 I approach the witness?

11 EXAMINER HICKS: Yes.

12 MR. EUBANKS: I've already passed out a  
13 set of documents. I would like the one that is dated  
14 March 12, 2020, to be State's Exhibit 1.

15 EXAMINER HICKS: It is so marked.

16 (EXHIBIT MARKED FOR IDENTIFICATION.)

17 Q. (By Mr. Eubanks) When it comes to  
18 assessing forfeiture, what is your training related  
19 to that?

20 A. Well, I'm certified as an inspector on  
21 North American Standards Parts A and B, General  
22 Hazmat, Cargo, and the Motor Coach and Bulk and  
23 Non-Bulk Hazmat. And then specifically related to  
24 the forfeitures I had on-the-job training when I  
25 started here. I've been doing this for four and a

1 half years.

2 Q. So you would be familiar with what's an  
3 appropriate forfeiture for a particular violation?

4 A. Yes.

5 Q. Okay. Do you have before you what has  
6 been marked as State's Exhibit 1?

7 A. Well, mine's not marked but dated  
8 March 12, 2020, Second Notice of Apparent Violation  
9 and Intent to Assess Forfeiture for Casey Honn.

10 Q. Okay. And do you recognize that  
11 document?

12 A. Yeah. It would be a document we send out  
13 just as part of our normal course of business.

14 Q. Was this document sent out to the  
15 Respondent?

16 A. Yes.

17 Q. And what was the purpose of that?

18 A. To -- this is actually a second notice.  
19 First notice would have gone out approximately a  
20 month earlier. This notice is to tell the  
21 Respondent, in this case Ms. Honn, that there was a  
22 violation identified during a roadside inspection and  
23 that the Commission intended to assess a forfeiture  
24 for that violation.

25 Q. The forfeiture that is listed on the

1 document is \$500?

2 A. That's correct.

3 Q. Is that an appropriate forfeiture for the  
4 violation as listed?

5 A. It is. That's the amount of forfeiture  
6 for that violation in all instances.

7 Q. Isn't it also typical for you to issue a  
8 Notice of Preliminary Determination?

9 A. Well, yeah. That's part of the process.  
10 If a person would have a conference with us, there is  
11 a couple of different avenues post-conference and one  
12 of those is that Notice of Preliminary Determination  
13 which tells the Respondent that their options are to  
14 either pay the civil forfeiture or request a formal  
15 administrative hearing.

16 Q. Why was there no Notice of Preliminary  
17 Determination in this case?

18 A. Because this case actually ended up going  
19 to collections. We did not have a conference and  
20 there is no NPD in that instance.

21 Q. Okay. Why was there no conference?

22 A. My recollection is that there was no  
23 request for one. I don't recall specifically, but I  
24 believe that the notes I put on the case the  
25 Respondent never contacted us.



1           Q.    Is this document a true and accurate copy  
2 of the notice in this case?

3           A.    I believe so.

4           MR. EUBANKS:  I have no further questions  
5 for the witness, and I would like to --

6                       - - -

7                               CROSS-EXAMINATION

8 By Mr. Gottesman:

9           Q.    Mr. Moser, my name is Zach Gottesman.  I  
10 am counsel for Ms. Honn, Respondent in this matter.  
11 Around March 12, 2020, when this was issued, the  
12 second notice, State's 1, that was right at the peak  
13 onset of COVID; is that true?

14          A.    Well, the -- I believe our last working  
15 day was March 13.

16          Q.    So it was right as the pandemic was  
17 set -- taking hold of our -- all of our offices and  
18 the -- becoming an apparent major problem in the  
19 state of Ohio, right?

20          A.    Yeah.  I don't know if I'd say peak; but,  
21 yes, it was an issue at that point.

22          Q.    Do you recall whether or not it was March  
23 of 2020 when the Governor of the state declared a  
24 public health emergency as a result of it?

25          A.    I don't know what the date was, but as I

1 said, our last day in the office was March 13.

2 Q. So let me ask it this way, was -- after  
3 this notice went out, there was a substantial  
4 departure from the normal business affairs by the  
5 Public Utilities Commission as a result of the  
6 statewide pandemic?

7 A. Actually not for our section, no. We  
8 were able to work from home telecommuting, and our  
9 process continued on really without a hitch.

10 Q. The -- but so in the normal course, you  
11 would all come here to work, right?

12 A. Right.

13 Q. And so in March that's -- that stopped.

14 A. Yes.

15 Q. Okay. But you still maintained your best  
16 business functions from working at home, right?

17 A. We did.

18 Q. Okay. Would you agree with me, sir,  
19 there was a substantial interruption though in the  
20 business of the Public Utilities Commission because  
21 of that change in the work dynamic?

22 A. There is -- there was an interruption.

23 Q. Characterization aside there was an  
24 interruption, right?

25 A. Right.

1 Q. And it didn't just affect the Public  
2 Utilities Commission, but from your experience, it  
3 affected all of the regulated industries that you are  
4 involved in supervising, right?

5 A. Yes.

6 Q. And that was statewide, right?

7 A. Yes.

8 Q. Do you know from your experience, did it  
9 affect the post office?

10 A. I would say probably.

11 MR. EUBANKS: Objection. Outside of his  
12 scope of knowledge.

13 MR. GOTTESMAN: I'm sorry.

14 EXAMINER HICKS: Yeah. I'm not sure  
15 Mr. Moser is a --

16 MR. GOTTESMAN: I limited it to his  
17 experience.

18 EXAMINER HICKS: You can answer based on  
19 your experience.

20 A. My experience was, yeah, I would say mail  
21 delivery was delayed.

22 Q. And affected by the pandemic, right?

23 A. Sure.

24 Q. Okay. Fair enough. Now, in this second  
25 notice it indicates that Ms. Honn has a 30-day period

1 to request a conference to present mitigating  
2 circumstances, right?

3 A. Yes, sir.

4 Q. And that never occurred --

5 A. No.

6 Q. -- right? And the basis, the underlying  
7 issue here, the description of offenses, driving a  
8 commercial motor vehicle while CDL is suspended for a  
9 safety-related or unknown reason and in state of  
10 driver's license issuance, right?

11 A. Yes.

12 Q. Do you have it there in front of you?

13 A. I do.

14 Q. Okay. Now, one such -- try -- I'm sorry,  
15 sir. If you don't understand what I am asking,  
16 please ask me to clarify because my questions are  
17 likely to be occasionally un -- inartful. This is  
18 not my normal place of work so.

19 If somebody has their driver's license,  
20 not their CDL but their actual driver's license,  
21 suspended for failure to display insurance when they  
22 are stopped for an infraction, that can result in an  
23 FRA noncompliance suspension of their driver's  
24 license, correct?

25 A. Well, I don't know. I mean, that would

1 be up to the BMV. I don't control what the BMV  
2 suspends people for.

3 Q. Right. But are you familiar with an FRA  
4 suspension issued by the BMV?

5 A. I know it's financial responsibility,  
6 sure.

7 Q. Right. And that's the demonstration of  
8 an active policy of insurance at the time and place  
9 on the vehicle being driven at the time of violation,  
10 right?

11 A. Okay.

12 Q. This suspension that's referenced in this  
13 second notice marked as State's 1, that could be  
14 based on an FRA noncompliance suspension, right?

15 A. It could be, I guess. It doesn't specify  
16 the exact reason.

17 Q. So in Ms. Honn's case, you're the  
18 examiner of her specific citation, right?

19 A. At some point, yes.

20 Q. And did you actually go and look at her  
21 BMV record to see what the underlying suspension was?

22 A. I looked at the report submitted by the  
23 inspector, and the inspector wrote on there that it  
24 was due to noncompliance suspension from the BMV.

25 Q. And so do you understand that to be a

1 lack of -- lack of displaying insurance suspension?

2 A. No. I think noncompliance can be much  
3 broader than that.

4 Q. Okay. So did you do any further analysis  
5 of her driving history to try and determine what the  
6 underlying offense was?

7 A. No, I did not.

8 Q. If she were to sit up here and testify  
9 later today that her driver's license was suspended  
10 for failure to show that she had insurance even  
11 though she did, would you have any way to contradict  
12 such testimony?

13 A. No.

14 MR. GOTTESMAN: Okay. No more questions.

15 EXAMINER HICKS: Mr. Eubanks?

16 MR. EUBANKS: I have no more questions.

17 EXAMINER HICKS: Thank you, Mr. Moser.

18 MR. EUBANKS: I would like to now call to  
19 the stand Officer York.

20 EXAMINER HICKS: Mr. Eubanks, did you  
21 want to move Exhibit 1 into evidence?

22 MR. EUBANKS: I'll move them both once  
23 I'm done with Officer York.

24 EXAMINER HICKS: Okay.

25 (Witness sworn.)

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DANIEL YORK

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

DIRECT EXAMINATION

By Mr. Eubanks:

Q. Could you state and spell your name for  
the record.

A. Daniel York, D-A-N-I-E-L, last name  
Y-O-R-K.

Q. And could you state your job position and  
your duties.

A. I am a Trooper with the Ohio State  
Highway Patrol currently designated in the Licensing  
Commercial Standards Division of the Highway Patrol.

Q. And what are your duties?

A. My duties are normal road patrol as a  
Trooper as well as conducting DOT inspections.

Q. Okay. What's your training?

A. My training as a Trooper is the Ohio  
State Highway Patrol Academy. Training for the DOT  
side is the NAS Part A and B, Hazmat, Cargo, Motor  
Coach.

Q. How are you related to the case at hand?

A. I'm the inspector for the inspection that  
we are here for.

1           Q.    Okay.  Did you write an inspection report  
2   for that?

3           A.    Yes, sir.

4           MR. EUBANKS:  May I approach the witness?

5           EXAMINER HICKS:  Yes.

6           MR. EUBANKS:  I would like to have the  
7   document entitled "Driver/Vehicle Examination Report"  
8   marked as State's Exhibit 2.

9           EXAMINER HICKS:  It is so marked.

10          (EXHIBIT MARKED FOR IDENTIFICATION.)

11          Q.    (By Mr. Eubanks) Do you have before you  
12   what I have requested to be marked State's Exhibit 2?

13          A.    Yes, sir.

14          Q.    Okay.  And could you identify the  
15   document.

16          A.    It is my inspection report for Lefke Tree  
17   Experts.

18          Q.    Okay.  And it was issued against who?

19          A.    Casey Honn.

20          Q.    Do you see Casey Honn here today?

21          A.    Yes, sir.

22          Q.    Would you point her out?

23          A.    She's sitting at the table here to my  
24   right.

25          Q.    And what was the purpose of this



1 inspection report?

2 A. Casey Honn was stopped at the northbound  
3 scale for an overweight violation. From there she  
4 was issued a citation for the overweight as well as  
5 an inspection done on the vehicle and including her  
6 vehicle and her license, registration, insurance, and  
7 so on.

8 Q. Okay. Specifically was there a violation  
9 that was written for suspension of her license?

10 A. Yes, sir.

11 Q. Okay. And where is that on this  
12 document?

13 A. On the violation side it's the -- or  
14 section, it's the first violation. It embolden.

15 Q. And why did you write that?

16 A. During every inspection we check the  
17 validity of the driver's license, and at this time  
18 when Casey Honn's license was ran via LEDS, it showed  
19 that her license was suspended for a noncompliance  
20 suspension.

21 Q. Could you explain what LEDS is.

22 A. It's our Law Enforcement Database System  
23 we run license plates, driver's licenses through.  
24 Shows, you know, registration for the vehicles. It  
25 shows the licensing history of the drivers. And, per

1 se, if a driver has a warrant, that's where it will  
2 show up, things like that.

3 Q. Do you remember if it stated why her  
4 license was suspended?

5 A. No, sir. It advised it was a BMV  
6 noncompliance suspension, and it does not elaborate  
7 further on what that suspension is for. And  
8 noncompliance could be for anything, could be for not  
9 paying a court fee, could be for not having proof of  
10 insurance. There's a number of things that could be.

11 Q. Are there certain noncompliances that  
12 would lead to the suspension of your CDL that would  
13 nonetheless make it appropriate for you to operate a  
14 vehicle?

15 A. Could you clarify that?

16 Q. So if the reason why the license was  
17 suspended was because of failure to show that you  
18 have proper insurance on your regular license, would  
19 that be a justifiable reason to nonetheless drive a  
20 truck?

21 A. I believe that would be up to the BMV. I  
22 am not aware of their procedures on what they would  
23 suspend and what they would not suspend for.

24 Q. Let me ask this a different way, you  
25 cited code 383.51A-SIN, right?

1 A. Yes, sir.

2 Q. Did you -- when you chose that violation,  
3 did you see anything in the statute -- in the Code  
4 that allowed exemption for certain -- certain  
5 noncompliances?

6 A. I'm not aware that it differentiates for  
7 noncompliance or different kinds of noncompliance.

8 Q. Okay. I am not sure if I asked this  
9 question, but is this a true and accurate copy of the  
10 inspection report that you wrote?

11 A. Yes.

12 MR. EUBANKS: I have no further questions  
13 for the witness.

14 - - -

15 CROSS-EXAMINATION

16 By Mr. Gottesman:

17 Q. Trooper, my name is --

18 EXAMINER HICKS: One moment, sir. Are  
19 you --

20 MR. EUBANKS: I am going to wait until he  
21 is done.

22 EXAMINER HICKS: Go ahead with your  
23 cross.

24 Q. (By Mr. Gottesman) Trooper, my name is  
25 Zach Gottesman. In your interaction with Ms. Honn,

1 was she polite and cooperative?

2 A. Yes, sir.

3 Q. Did she attempt to explain to you the  
4 status of her underlying issue with her driver's  
5 license?

6 A. She very well may have. That is a year  
7 and a half ago. I don't recall.

8 Q. You don't recall it?

9 A. No.

10 MR. GOTTESMAN: Okay. I have nothing  
11 further. Thank you.

12 MR. EUBANKS: At this time -- first of  
13 all, I have no follow-up questions.

14 EXAMINER HICKS: Okay.

15 MR. EUBANKS: And at this time I would  
16 like to move to have State's Exhibits 1 and 2  
17 admitted into evidence.

18 MR. GOTTESMAN: No objection.

19 EXAMINER HICKS: Okay. With no  
20 objections, State's Exhibits 1 and 2 will both be  
21 admitted into the record.

22 (EXHIBITS ADMITTED INTO EVIDENCE.)

23 MR. EUBANKS: Thank you, sir.

24 EXAMINER HICKS: Thank you, sir.

25 MR. GOTTESMAN: Thank you, Trooper.

1 MR. EUBANKS: Subject to possible  
2 rebuttal testimony, the State rests.

3 EXAMINER HICKS: Okay. Thank you,  
4 Mr. Eubanks.

5 I will turn it over to you,  
6 Mr. Gottesman.

7 MR. GOTTESMAN: On behalf of the  
8 Respondent, I call the Respondent. Casey, leave  
9 everything there and go to the stand. Stand there  
10 and take the oath.

11 - - -

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

15 DIRECT EXAMINATION

16 By Mr. Gottesman:

17 Q. Ms. Honn, please state your full name for  
18 the record --

19 A. Casey Honn.

20 Q. -- and your current work address.

21 A. 10900 Loveland Madeira Road.

22 Q. And you didn't get your full name out.  
23 State your full name, please.

24 A. Casey Nicole Honn.

25 Q. How old are you, Casey?

1           A.     25.

2           Q.     Casey, were you given a citation for  
3     having expired tags on your personal vehicle sometime  
4     in 2019?

5           A.     Yes.

6           Q.     Where did that happen?

7           A.     Newtown.

8           MR. GOTTESMAN: May I approach?

9           A.     Newtown, Ohio.

10          MR. GOTTESMAN: May I approach?

11          EXAMINER HICKS: Sure.

12          Q.     (By Mr. Gottesman) I am putting a stack  
13     of documents in front of you. I am going to ask  
14     you -- there is a number in the bottom right-hand  
15     corner and I am going to ask you occasionally to  
16     refer to a document. When I tell you the number, the  
17     number in the bottom right-hand corner is the one I  
18     am referring.

19                 So my last question was did you get a  
20     ticket for having expired tags on your personal  
21     vehicle in Newtown sometime in 2019?

22          A.     Yes.

23          Q.     Okay. How did you handle that ticket?

24          A.     I went in my glove box to search for my  
25     proof of service and registration when the Officer

1 asked, and I couldn't find my -- I had my  
2 registration, but I couldn't prove -- show my proof  
3 of insurance. My car was messy, and I just couldn't  
4 find my insurance card.

5 Q. So did you end up contesting that ticket,  
6 or did you just pay it out?

7 A. I paid it.

8 Q. So would you look at the document with  
9 No. 4.

10 A. Yeah.

11 Q. Is that the check that you used to pay  
12 the citation for your driver's license?

13 A. Yes.

14 EXAMINER HICKS: Sorry. Do we need to  
15 mark this as an exhibit or are we --

16 MR. GOTTESMAN: Yes. I will ask that  
17 this be marked as Respondent Exhibit 4.

18 EXAMINER HICKS: Okay. Do you happen to  
19 have other copies?

20 MR. GOTTESMAN: I do. I have just enough  
21 copies for everyone.

22 EXAMINER HICKS: Okay.

23 MR. GOTTESMAN: Would you like me?

24 EXAMINER HICKS: Yeah. Go ahead.

25 MR. GOTTESMAN: I have provided it to the

1 State already, and I will provide you with a stapled  
2 version. May I approach?

3 EXAMINER HICKS: Sure.

4 MR. GOTTESMAN: Thank you.

5 EXAMINER HICKS: So we -- go ahead. And  
6 you said --

7 MR. GOTTESMAN: I am not going to be  
8 seeking admission of all those, just the pages to  
9 which I make reference.

10 EXAMINER HICKS: Okay.

11 MR. GOTTESMAN: As we go through, I will  
12 make notes to myself, and we will pull those from the  
13 pile, if that's acceptable.

14 EXAMINER HICKS: Okay. Do you -- I'm  
15 going to guess, Karen, you're going to want a copy?

16 COURT REPORTER: Yes. I have to file it.

17 EXAMINER HICKS: Yeah.

18 MR. GOTTESMAN: I can give her --

19 COURT REPORTER: I can take the witness  
20 copy at the end.

21 EXAMINER HICKS: So we will mark this as  
22 Respondent Exhibit 1 now?

23 MR. GOTTESMAN: Let's mark the individual  
24 pages as Respondent's 4, for instance, for page 4;  
25 Respondent's 2 for page 2. Does that make sense?



1 EXAMINER HICKS: I think. I mean, if  
2 everyone is on the same page how we are marking them.

3 MR. EUBANKS: I'm on the same page. He  
4 has got them numbered from 1 to 18 -- or 19.

5 MR. GOTTESMAN: 2 to 19. There is no  
6 page 1.

7 MR. EUBANKS: 2 to 19.

8 EXAMINER HICKS: So we want to mark them  
9 as Respondent's exhibit and then the page number?

10 MR. GOTTESMAN: That's my request.

11 MR. EUBANKS: I think what he said was  
12 page 4, for instance, would be Respondent's  
13 Exhibit 4.

14 EXAMINER HICKS: That's what -- that -- I  
15 think we are saying the same thing.

16 MR. EUBANKS: Okay. So we are all on the  
17 same page.

18 EXAMINER HICKS: I wanted to make sure.  
19 Okay. So then just give us a heads up when you are  
20 marking one --

21 MR. GOTTESMAN: I will.

22 EXAMINER HICKS: -- that you intend to  
23 move into evidence.

24 (EXHIBIT MARKED FOR IDENTIFICATION.)

25 Q. (By Mr. Gottesman) So, Ms. Honn, I am

1 asking you to look at what's marked -- the fourth  
2 page bearing 4, Respondent's 4, do you recognize that  
3 check?

4 A. Yes.

5 Q. Is that the check that you used to pay  
6 for the traffic ticket?

7 A. Yes.

8 Q. Okay. And when you -- did you do that at  
9 the Mayor's Court in Newtown?

10 A. Yes.

11 Q. And at the time you paid this, did you  
12 have -- let me ask it this way, when you were stopped  
13 for the issuance of that citation, was the vehicle  
14 you were driving insured?

15 A. Yes.

16 Q. Okay. Did you ever show insurance to the  
17 Newtown Mayor's Court?

18 A. When I went -- I went to the police  
19 department itself to pay the ticket and I showed my  
20 proof of insurance and she said that I was clear and  
21 everything was okay.

22 Q. Okay. Now I want to take you back to the  
23 first page of the packet which has got a 2 on it,  
24 Respond -- what I would refer to as Respondent's  
25 Exhibit 2.

1 (EXHIBIT MARKED FOR IDENTIFICATION.)

2 Q. (By Mr. Gottesman) Is this the proof of  
3 insurance for the Kia you were driving when you  
4 received the underlying citation?

5 A. Yep.

6 Q. Okay. Did you at some point become aware  
7 that there had been a mixup regarding whether or not  
8 you had insurance and whether or not your driver's  
9 license was -- your personal driver's license was  
10 valid?

11 A. It was one -- I didn't even know that I  
12 was suspended until I got pulled over for the  
13 overweight ticket.

14 Q. Okay. So at the time -- and do you  
15 recall when that was?

16 A. I can find it in here.

17 Q. Around February 10 of 2020?

18 A. Yeah.

19 Q. Okay. Now, at the time that you -- say  
20 the months surrounding, three months before and three  
21 months after you got this ticket, and you got pulled  
22 over in February of 2020, how many days out of a  
23 month were you here -- at your place of residence?

24 A. Not much, maybe three days max at a time  
25 before I left to go back out of town. Most of the

1 time it was one night, come home, do my laundry, get  
2 everything ready to go back out of town.

3 Q. What sort of driving were you doing at  
4 that time?

5 A. When I got the overweight ticket? I was  
6 hauling brush and logs for my company doing disaster  
7 relief work.

8 Q. Okay. Now, disaster relief work, what  
9 sort of work? Where were you doing the disaster  
10 relief work?

11 A. At that time we were in Columbus. I  
12 think we were on our way to Delaware.

13 Q. All right. Do you do a lot of work out  
14 of state?

15 A. All the time.

16 Q. What states do you do work out of the  
17 state in?

18 A. Ohio, Michigan, North Dakota, South  
19 Dakota, Iowa, Illinois, Kansas, Florida, Kentucky.

20 Q. Okay. So at the -- did you have any  
21 mechanism in place while you were traveling abroad  
22 like that -- not abroad but around the country by  
23 which your mail was getting forwarded to you on a  
24 regular basis?

25 A. No.

1 Q. Okay.

2 A. I didn't think I had --

3 Q. Hold on. There is no question pending.  
4 If you would, look up there at the -- what was  
5 previously marked as State's Exhibit 1. Do you see  
6 it?

7 A. Uh-huh.

8 Q. It's a letter from the Public Utilities  
9 Commission dated March 12.

10 A. Uh-huh.

11 Q. If you would, Casey, because the court  
12 reporter is taking down what we say, sounds like  
13 uh-huh and huh-uh --

14 A. Oh, yeah, sorry. I'm sorry.

15 Q. Okay. Thank you. This notice bears the  
16 date of March 12, 2020. Do you see that?

17 A. Yes.

18 Q. Do you recall when you received this  
19 notice?

20 A. It was after March 12, I know that. I  
21 didn't get it until later. I've moved about three  
22 times in the time of me getting all these letters, so  
23 I had to get my mail.

24 Q. Specifically what I am asking --

25 A. I don't know.

1           Q.    This indicates you have a 30-day period  
2   to request a hearing.

3           A.    Yes.

4           Q.    Did you receive it within that 30-day  
5   period?

6           A.    I'm not sure. I can't recall every bit  
7   of mail when I get it. It might have been in my  
8   mailbox, but I might not have been living there at  
9   the time any more. It might have been going back to  
10   the post office to get sent to my new address.

11          Q.    All right. When you received the notice  
12   that you owed \$500 as a result of this citation, what  
13   did you do?

14          A.    Well, I was late, and I regret to inform  
15   that I was late, but I did immediately go and pay  
16   online the \$500 when I could when I found out I owed.  
17   I did go and pay.

18          Q.    And did you know that you could request a  
19   hearing to present on your own behalf mitigation?

20          A.    Yes.

21          Q.    Why didn't you do that?

22          A.    I -- well, I didn't think -- because I  
23   paid the ticket -- or I paid the fee, I didn't think  
24   I would need to.

25          Q.    Okay.

1           A.    They took the payment.  They took the  
2   \$500, so I did not think that they would -- I thought  
3   I would be cleared after I made the payment --

4           Q.    Okay.

5           A.    -- you know.

6           Q.    Did you have counsel advising you at the  
7   time?

8           A.    No.

9           Q.    All right.  Did you ultimately provide  
10  proof of your insurance to the BMV?

11          A.    Yes.

12          Q.    Okay.  And did you get your personal  
13  driving license reinstated?

14          A.    Yes.  As soon as I found out, yes.

15          Q.    Okay.  The document bearing No. 14, what  
16  I will mark -- refer to as Respondent's 14.

17          A.    Okay.

18                   (EXHIBIT MARKED FOR IDENTIFICATION.)

19          Q.    Is that the -- does this document refresh  
20  your recollection --

21          A.    Yes.  This is the website.

22          Q.    Don't talk over me, okay?  Let me get my  
23  questions.  Does this refresh your recollection as to  
24  when you paid the citation from the Public Utilities  
25  Commission?

1 A. Yes.

2 Q. And when was that?

3 A. I don't remember what -- I don't --  
4 12-03, December 3.

5 Q. Okay. At the time you were being  
6 notified that your license was -- notified your CDL,  
7 your commercial driver's license, was being  
8 suspended, did you understand why it was being  
9 suspended?

10 A. No.

11 MR. GOTTESMAN: I don't have any further  
12 questions.

13 EXAMINER HICKS: Mr. Eubanks?

14 MR. EUBANKS: I have a few.

15 - - -

16 CROSS-EXAMINATION

17 By Mr. Eubanks:

18 Q. First of all, you don't contest the fact  
19 that your license was suspended at the time of the  
20 inspection, correct?

21 A. What was -- what was that?

22 Q. You don't -- you are not contesting here  
23 today that your license was suspended at the time  
24 that you were stopped for the inspection.

25 A. No.



1 Q. Okay. Do you understand my question?

2 A. No.

3 Q. Okay. Let me state it differently. Was  
4 your license suspended at the time of the inspection?

5 A. Yes.

6 Q. Okay. And where do you currently live?

7 A. 22 Church Street, Apartment No. 4,  
8 Batavia, Ohio.

9 Q. Okay. And when did you move there?

10 A. About three months ago, four months ago.

11 Q. Okay. And where did you live before  
12 that?

13 A. I stayed at my mom's for about half a  
14 year while my license was suspended. I stayed with  
15 her. I moved out of my other apartment with my old  
16 roommate which is where the notices were going to.

17 Q. What was the date you moved out of your  
18 old?

19 A. January -- January 11, 12, 14, one of  
20 those.

21 Q. Of 2000?

22 A. '20 -- of 2021.

23 Q. We are currently in '21.

24 A. '20, I'm sorry. My lease was up in  
25 January of this -- of this year, I believe.

1           Q.    Okay.  So you moved in with your mom  
2   December of 2020?

3           A.    Yes.

4           Q.    Okay.  And where did you stay before  
5   that?  That was with your --

6           A.    My old roommate in Eastgate Woods over in  
7   Eastgate, Ohio.

8           Q.    And when did you move in with your  
9   roommate?

10          A.    A year before that exactly so January of  
11   2019.

12          Q.    You mean December of 2019?

13          A.    Yes.

14          Q.    Okay.  So you must have been living  
15   somewhere else when you -- when you were stopped and  
16   got the traffic ticket that --

17          A.    Oh, yeah, my old house.

18               MR. GOTTESMAN:  Let him finish his  
19   question.

20          A.    Sorry, sorry.

21          Q.    I am done with the question.  So where  
22   did you live then?

23          A.    7734 Bowen Avenue over in Cincinnati,  
24   Ohio 45255.

25          Q.    And when did you move there?

1           A.    I lived there my whole life and then I  
2 moved to Eastgate and then I moved in with my mom and  
3 now I am in Batavia.

4           Q.    Okay.  You said you lived there your  
5 whole life.  Was that with your father?

6           A.    My mom.

7           Q.    Okay.  All right.  When did you get your  
8 CDL?

9           A.    About three years ago in January.

10          Q.    Of 2000 what?

11          A.    '18.  I just -- during the middle of all  
12 this, I was an over-the-road truck driver when I got  
13 the ticket in Newtown and then I --

14          Q.    Just to be clear January of 2018 is when  
15 you got your CDL?

16          A.    Yes.

17          Q.    Okay.  So from January 2018 to December  
18 of 2019, you would have been at the original address  
19 with your mom and had your CDL.

20          A.    Yes.

21          Q.    Okay.  You were stopped in July of 2019?

22          A.    For the Newtown ticket?

23          Q.    Yes.

24          A.    Yes.

25          Q.    And when you were stopped for that

1 ticket, were you asked to show proof of insurance?

2 A. Yes.

3 Q. And you said you did show proof of  
4 insurance.

5 A. No.

6 Q. You didn't.

7 A. No, I didn't say that.

8 Q. Okay. So you did not show proof of  
9 insurance.

10 A. No, I didn't have it on me.

11 Q. Okay. And then you went to pay --

12 A. Uh-huh.

13 Q. -- later that year, right?

14 A. Yes.

15 Q. And that would have been October 22 of  
16 2019.

17 A. Yes.

18 Q. You were still staying at that same  
19 address, correct, with your mom because you said --

20 A. Yes.

21 Q. -- until December of 2019.

22 A. Yes.

23 Q. Okay. And you said at that time you did  
24 show proof of insurance.

25 A. Yes. When I paid the ticket, that is

1 where I showed my proof of insurance.

2 Q. And it showed proof that you were insured  
3 at the time of the accident.

4 A. Yes.

5 Q. And what you showed was -- was this card  
6 here or?

7 A. Yes.

8 Q. On page 2?

9 A. 2, correct, yes.

10 Q. Okay. Do you know when your license  
11 became suspended?

12 A. No.

13 Q. You don't know the initial date of the  
14 suspension?

15 A. I didn't know it was suspended until I  
16 got the overweight ticket.

17 Q. Do you know if it was suspended as of  
18 October 22, 2019, when you paid the --

19 A. I do not know the exact date that it was  
20 suspended.

21 Q. Okay.

22 A. I had no idea.

23 Q. When you moved to live with your  
24 roommate --

25 A. Yes.

1 Q. -- did you update your address with the  
2 BMV?

3 A. Not immediately. I, like I said, worked  
4 out of town quite often so.

5 Q. When did you update it?

6 A. Maybe a month or two after I moved in.

7 Q. So you are saying in February of 2020?

8 A. Correct.

9 Q. It would have been updated with the BMV.

10 A. Correct.

11 Q. Okay. And how did you do that? Did you  
12 go to the BMV?

13 A. To the post office. Or you are asking me  
14 my license address?

15 Q. No. What I am saying -- I am not asking  
16 did you update it with the post office. I am saying  
17 you have a CDL.

18 A. Correct.

19 Q. And it's your experience that if the BMV  
20 wants to contact you about suspensions or anything to  
21 do with your license, they issue mail to where you  
22 live, correct?

23 A. Correct.

24 Q. Do you know if you have a responsibility  
25 as a -- as a commercial driver to update your

1 information when you move?

2 A. Yes.

3 Q. Okay. So -- and you said you did update  
4 it around February of 2020, right? So my question to  
5 you is did you do that physically? Did you go to the  
6 BMV and say my address has changed --

7 A. Yes.

8 Q. -- and I now live here?

9 A. Yes. When I got my -- when I renewed my  
10 tags that year, normally when I renew my tags, that's  
11 when I update my address.

12 Q. When did you renew your tags?

13 A. Well, that was for the 2019, I think --  
14 no, 2018.

15 Q. 2020 I am asking.

16 A. Yeah.

17 Q. You renewed your tags in 2020?

18 A. I don't -- I don't remember. I don't  
19 remember the exact date. I'm confused.

20 Q. Do you renew your tags yearly?

21 A. Yes.

22 Q. Is your birthday around February?

23 A. August.

24 Q. It's in August. So you normally renew  
25 your tags around your birthday; is that correct?

1 A. Yes.

2 Q. So if you did go to the BMV to update  
3 them about your address in February of 2020, that  
4 would just have been the sole purpose why you were  
5 going, right? Well, I don't know if it would have  
6 been the sole purpose, but it wouldn't have been to  
7 get --

8 A. When you go to get your tags updated and  
9 they ask for your license, they ask is this your  
10 current address and that's when I --

11 Q. Right. That would have happened in  
12 August, right?

13 A. Yes.

14 Q. Okay. Of 2019?

15 A. Yes.

16 Q. Okay. So in August of 2019, your address  
17 would have been updated.

18 A. Yes.

19 Q. Okay. So --

20 A. I need -- I need a calendar in front of  
21 me. This is jumping all over the place and I am just  
22 getting really confused. Sorry.

23 Q. As you stated, your birthday is in  
24 August.

25 A. Yes.



1           Q.    And you would update your license around  
2   the time of your birthday.

3           A.    Yes.

4           Q.    And as you stated, when they go there,  
5   they would ask what's your current address is?

6           A.    Yes.

7           Q.    And at that time you would have told them  
8   what your current address was, right?

9           A.    Yes.

10          Q.    Now, I'm sorry, in August of 2019, you  
11   would have still been staying with your mom, right?  
12   Because you said you stayed there until December of  
13   2019.

14          A.    Yes.

15          Q.    So there -- there really wouldn't have  
16   been any address to update.

17          A.    Exactly.

18          Q.    Okay. So my question is after you moved  
19   in December of 2019, did you then make a trip to the  
20   BMV updating your address?

21          A.    When I moved out of my mom's, yes.

22          Q.    Yes. When was that?

23          A.    When I moved into my apartment. I don't  
24   know when -- I can't tell you the exact date that I  
25   moved in. I don't remember off the top of my head.

1           Q.   Well, your testimony up until now would  
2 have been somewhere around January of 2020.

3           A.   Correct.

4           Q.   Okay. Do you want to change that date,  
5 or are you saying now you don't know when you moved  
6 there?

7           A.   I think I am a year behind on these -- on  
8 these dates that we've been talking about. I'm -- I  
9 need a calendar. I am trying to imagine whether on  
10 the calendar in my head this makes sense and we are  
11 jumping all around and it's confusing me. So can I  
12 just tell you from what I -- I moved into my new  
13 apartment, the one I live in currently in Batavia,  
14 Ohio, on January 14, I believe, 11th through 14th of  
15 this year.

16          Q.   Okay. So I am not so concerned about  
17 where you live now. I'm concerned about where you  
18 lived at the time that you were stopped when you --

19          A.   For the Newtown ticket.

20          Q.   Yes. And you weren't able to show your  
21 insurance, and I'm concerned about when you moved  
22 from that location. And then I'm concerned about  
23 when you updated the BMV about your new address.

24          A.   Okay. I was living at 7734 Bowen Avenue  
25 when I got pulled over in Newtown.

1 Q. Okay.

2 A. I do not remember the date that I updated  
3 the BMV. That's a long time ago. That's like three  
4 years ago, right? I don't remember the exact date  
5 that I went to the BMV to update my address.

6 Q. When did you move?

7 A. Out of my mom's house?

8 Q. Yes.

9 A. End of December, beginning of January  
10 that year that I got that ticket in Newtown.

11 Q. So either December of 2019 or January of  
12 2020.

13 A. Yes.

14 Q. Well, that's consistent with what you  
15 already testified to so we are solid on those dates.  
16 The only thing new is you don't know when you updated  
17 the BMV; is that correct?

18 A. Correct.

19 Q. But you are -- you are aware that you are  
20 supposed to update them when you move.

21 A. Yes.

22 Q. And if I understand your testimony, today  
23 what you are saying is you just never got notice  
24 of -- of when -- of notice that your license was  
25 suspended; is that correct?

1           A.    Yes.

2           Q.    Now, when you moved out of your mother's  
3 house, did she move out as well?

4           A.    She lived there technically, but she was  
5 also seeing someone else.

6           Q.    But it was still her residence.

7           A.    Yes, yes, still her residence.

8           Q.    And you knew that you could be receiving  
9 mail at her residence.

10          A.    Yes.

11          Q.    And so did you check her -- the mail at  
12 her house?

13          A.    I was 22 years old. I don't get  
14 important mail. Everything is online, so the most  
15 important thing that I get by mail are my receipts  
16 for online payments that I make for my car, my -- for  
17 all my cable and electric and utilities. I did not  
18 think I was supposed to be getting any sort of  
19 important information. And, no, I did not tell my  
20 mom to keep an eye out on my mail for any important  
21 information.

22          Q.    And you didn't go to your mom's to look  
23 for that mail.

24          A.    No. I didn't know I had important  
25 information sitting there. I figured once I paid the

1 ticket and I showed my insurance and the police  
2 officer at the police station said that it's okay,  
3 everything is cleared, I thought I was good. I  
4 thought my license was -- I thought my name was  
5 cleared for the -- for not having proof of insurance  
6 and expired tags.

7 Q. Okay. Well, we at least know that at the  
8 date that you were stopped, which would have been  
9 February 10 of 2020, at least by that time your  
10 license was suspended, correct?

11 A. I guess. I don't know when my license  
12 was suspended. I don't know the exact date.

13 Q. Well, I asked you earlier whether or not  
14 you contested the fact at the time you were stopped  
15 by the inspector whether or not your license was --  
16 was suspended, and you said you are not contesting  
17 that.

18 A. What does it mean to contest that?

19 Q. You said that your license was suspended  
20 on February 10, 2020.

21 A. Yeah. I know now. I didn't know at the  
22 time. When I got pulled over for the overweight  
23 ticket, I did not know my license was suspended.

24 Q. Okay. So -- and you did not receive  
25 notice at your new address of the suspension either,

1 right?

2 A. Maybe I did. I don't know. I never held  
3 the paper in my hand until later date.

4 Q. Okay. When did you hold the paper --  
5 when did you find out it was suspended?

6 A. I had to search through the mail --  
7 through the garbage. I don't know. I can't tell you  
8 the exact -- that's so long ago.

9 Q. Okay. When was the suspension lifted?

10 A. Once I got pulled over for the overweight  
11 ticket in Columbus, I went to the BMV here in  
12 Columbus while we were working here and went ahead  
13 and got it reinstated. I have it. Page 18, the last  
14 paper.

15 Q. November 18?

16 A. Page 18.

17 Q. Oh, page 18.

18 A. January 13, 2021. "Thank you. All your  
19 reinstatement requirements have been satisfied."

20 Q. What were your reinstatement  
21 requirements?

22 A. Show them my -- I had proof of insurance  
23 at the time when I got pulled over in Newtown.

24 Q. Were you required to pay anything --

25 A. \$40.

1           Q.    Okay.  You also understood that -- well,  
2   when you were stopped by the inspector, did you give  
3   the inspector an address where you were staying?

4           A.    I believe so.

5           Q.    The -- is it possible that you gave them  
6   your mother's address?

7           A.    No, I did not give him my mom's address.

8           Q.    So the address you gave the inspector was  
9   what?

10          A.    Eastgate -- Eastgate address, I think.  I  
11   don't remember what address I gave him.

12          Q.    Okay.

13          A.    I just don't remember.  It was a while  
14   ago.

15               MR. EUBANKS:  I have no further questions  
16   for the witness, but I do have rebuttal testimony.

17               EXAMINER HICKS:  Okay.  Wait.  Any  
18   redirect?

19               MR. GOTTESMAN:  No.

20                       - - -

21                       EXAMINATION

22   By Examiner Hicks:

23          Q.    Okay.  I do have, I think, a question or  
24   two to clarify, and I don't mean to beat a dead  
25   horse, but to make sure I'm understanding the

1 timeline a little bit.

2 MR. GOTTESMAN: Sure.

3 Q. When you say the Eastgate address, is  
4 that referring to the 7734 Bowman?

5 A. No.

6 Q. Okay. So I'm -- I'm asking -- and I know  
7 the years are a little fuzzy --

8 A. Yeah.

9 Q. -- when you lived at 7734 Bowen.

10 A. 2018, I believe that would be four years  
11 ago -- or three years ago. Three years ago. 2018,  
12 yeah. It's towards the end.

13 Q. Of 2018.

14 A. Yes.

15 Q. Until?

16 A. I mean, I can -- if I could use -- I can  
17 figure out the exact dates that I moved into this  
18 apartment.

19 Q. This is the apartment you lived in with  
20 your roommate?

21 A. My roommate in Eastgate, yes.

22 Q. And you lived there until when?

23 A. For exactly a year until my lease was up.  
24 I moved out.

25 Q. In 2019.



1           A.     Correct.

2                     EXAMINER HICKS:   Okay.   I'm not sure.

3                     MR. GOTTESMAN:   Now I am even more  
4     confused to be candid.   I would like to -- I wasn't  
5     going to question her, but I would like to take a  
6     swing at this, if I could.

7                     EXAMINER HICKS:   Okay.

8                                     - - -

9                                     REDIRECT EXAMINATION

10    By Mr. Gottesman:

11                     Q.     Casey, you lived with your mom until a  
12    certain point, right?

13                     A.     Uh-huh.

14                     Q.     And what was the address where you lived  
15    with your mom?

16                     A.     Are you talking about for the six-month  
17    period that --

18                     Q.     No, the first --

19                     A.     Okay.   You are talking about lived there  
20    lived there?

21                     Q.     Yeah.

22                     A.     I lived there until I moved out in -- to  
23    my Eastgate Woods apartment with my roommate.   My  
24    lease started January 14 of 2018 or '19.   I don't --  
25    I need a calendar.   I need a calendar in front of me.

1 2021. 2018, 2018. It's so long ago. I don't.

2 Q. Let's start from today. Where do you  
3 live right now?

4 A. I live in Batavia, Ohio, 22 Church  
5 Street.

6 Q. And how long have you lived there?

7 A. January 14 I moved in there.

8 Q. Of this year.

9 A. Of this year.

10 Q. Okay. So we will start from January 14  
11 to the present, we know you lived on Church Street in  
12 Batavia.

13 A. Yes, correct.

14 Q. Now, before you moved to Church Street,  
15 you lived somewhere.

16 A. I was with my mom.

17 Q. For how long?

18 A. Two months.

19 Q. Two months. Now, where did you live for  
20 those two months with your mom?

21 A. She's in Batavia as well on May Street.

22 Q. On May Street.

23 A. Her address.

24 Q. So -- and stick with me. Don't interrupt  
25 me. Let me finish my questions. Be patient, okay?

1 Because we've got to let the court reporter get this  
2 down. So if you moved in January of '21 to Church  
3 Street and you lived for two months at May Street,  
4 that takes us back to roughly October of 2020. Do  
5 you agree?

6 A. Yes.

7 Q. Okay. So from October of 2020 to January  
8 of 2021, you lived on May Street.

9 A. Yes.

10 Q. Okay. Stick with me. Before you lived  
11 on May Street, where did you live?

12 A. Eastgate Woods.

13 Q. Eastgate Woods. And how long did you  
14 live at the Eastgate Woods?

15 A. One year.

16 Q. One year. Now, Eastgate Woods, what was  
17 the street address at Eastgate Woods? Do you recall?

18 A. No, but I can find the address.

19 Q. That's fine. But it's an apartment in  
20 Eastgate Woods.

21 A. Correct.

22 Q. And you lived there for a year.

23 A. Yes.

24 Q. Is that what you are telling me? You had  
25 a one-year lease at that apartment?

1 A. Yes.

2 Q. And that would take you back to -- when  
3 did you move in there? Keep in mind we're talking  
4 October of '20.

5 A. Uh-huh.

6 Q. And then how long were you there? One  
7 year?

8 A. One year.

9 Q. So that would have been all of 2020.

10 A. Correct.

11 Q. And a little bit of 2019.

12 A. Correct, and then 2019. That's 7734.

13 Q. And so then prior to that, you were at  
14 7734 Bowen Avenue.

15 A. Yes.

16 Q. And that was also living with your --

17 A. Yes. My mom lives there.

18 MR. GOTTESMAN: Your mother. That's it.

19 MR. EUBANKS: I think that's consistent.

20 THE WITNESS: I'm sorry that was  
21 confusing. Yeah.

22 MR. GOTTESMAN: So does that eliminate?

23 EXAMINER HICKS: I think it's consistent.

24 I was just trying to make sure that I -- that we were  
25 all understanding the timeline correctly.

1 THE WITNESS: I'm sorry, so sorry.

2 MR. GOTTESMAN: I have nothing. I am not  
3 going to ask any other questions.

4 EXAMINER HICKS: I have no further  
5 questions. Thank you, Ms. Honn.

6 MR. GOTTESMAN: Casey, you are -- excuse  
7 me?

8 THE WITNESS: Do I need to take any of  
9 it?

10 MR. GOTTESMAN: Leave it all right there.  
11 I know he is going to present rebuttal, but at this  
12 time I am not calling a further witness, and I would  
13 ask for admission of Exhibit -- Respondent's Exhibits  
14 2, 4, and 14.

15 EXAMINER HICKS: Mr. Eubanks, did you  
16 hear?

17 MR. GOTTESMAN: I've sought -- I've  
18 sought to admit Respondent's Exhibits 2, 4, and 14.  
19 Those were the only three pages she identified.

20 MR. EUBANKS: 2, 4, 14. I don't have a  
21 problem.

22 EXAMINER HICKS: Okay. With no  
23 objections from Mr. Eubanks, Respondent's Exhibits 2,  
24 4, and 14 will be admitted into the record.

25 (EXHIBITS ADMITTED INTO EVIDENCE.)

1 MR. GOTTESMAN: Thank you.

2 EXAMINER HICKS: And then let's remember  
3 to provide a copy to the court reporter.

4 MR. GOTTESMAN: They are there.

5 EXAMINER HICKS: Okay. Mr. Eubanks.

6 MR. EUBANKS: Yes, your Honor. I would  
7 like to call to the stand again Officer York.

8 EXAMINER HICKS: Just remind you,  
9 Officer, you are still under oath.

10 THE WITNESS: Yes, sir.

11 - - -

12 DANIEL YORK

13 being previously duly sworn, as prescribed by law,  
14 was examined and testified on rebuttal as follows:

15 DIRECT EXAMINATION

16 By Mr. Eubanks:

17 Q. Hello, Officer. At the time of the  
18 inspection, were you able to obtain the address of  
19 the Respondent?

20 A. Yes, sir.

21 Q. And what address did you receive?

22 A. The address that I received and the  
23 address that was used for her inspection was the  
24 Bowen Avenue address.

25 Q. And how would you -- did she tell you

1     that address or what?

2             A.     According to her LEDS report, the  
3     printout of her license, the address that was on her  
4     driver's license was the Eastgate Woods address. So  
5     the only way that I would have gotten Bowen Avenue is  
6     if she had provided that to me. I wouldn't have  
7     access to that.

8             Q.     Okay. And would you have -- would you  
9     have requested for an alternative address at the time  
10    of the stop?

11            A.     We -- typically with every traffic stop  
12    we'll ask is the address on your license current and  
13    that way we don't put something on the citation  
14    that's incorrect, and we have this scenario where,  
15    you know, people aren't getting things that they  
16    should be getting in the mail.

17            Q.     Okay. So it is your testimony here today  
18    that you got the Bowen address from the Respondent.

19            A.     Yes, sir.

20            Q.     Okay. And that is the address to which  
21    all the follow-up -- all the follow-up mail from the  
22    PUCO was sent.

23            A.     Yes.

24            Q.     Also at the time of the stop, would you  
25    have explained the process for paying or contesting a

1 violation?

2 A. Correct, right. That's -- the end of the  
3 inspection is I hand off the inspection. I advise  
4 the driver that this is your copy of the inspection.  
5 Your signature is required at the bottom of it. The  
6 bottom two paragraphs are the instructions for  
7 yourself and your company to return this inspection  
8 to the PUCO showing the fax number and address.

9 Q. Would you explain the consequences of  
10 paying versus contesting or?

11 A. I -- typically, no, that's not something  
12 I would -- I would get into.

13 Q. Okay.

14 A. I would advise they have the 15 days that  
15 it has to be returned as the timeline.

16 MR. EUBANKS: Okay. I have no further  
17 questions.

18 - - -

19 CROSS-EXAMINATION

20 By Mr. Gottesman:

21 Q. Trooper, I couldn't help but notice  
22 during the testimony and exchange that you are  
23 reviewing the doc -- you were reviewing documents  
24 with Mr. Eubanks while Ms. Honn was on the stand. Do  
25 you recall?



1           A.    Yeah.  I was looking at the paperwork in  
2   front of me.

3           Q.    One of those documents, is that a LEDS  
4   printout for Ms. Honn?

5           A.    Yes.

6           Q.    Okay.  So the testimony you just gave  
7   about the address she gave you at the time during the  
8   stop, is it a fact that you have no independent  
9   recollection of that?  You are basing that on the  
10  document you were looking at over there.

11          A.    The -- what I am basing that off of is  
12  the issuance date of her driver's license at that --  
13  for that printout there was prior to the inspection  
14  and expired after the inspection so the address that  
15  she gave the BMV, which would have been on her  
16  license that she gave me that day, is that address,  
17  and the address that I put on the inspection was one  
18  that she provided me.  Otherwise I would have no  
19  access or recollection of this Bowen Avenue.

20          Q.    So is there an address on State's  
21  Exhibit 2?

22          A.    That is the Company address.  The  
23  Radabaugh?

24          Q.    Right.

25          A.    That's the address for the company.

1           Q.    So my question is she gave you another  
2 address for her residence when you saw her different  
3 than what was on her plastic, right?

4           A.    Yes, sir.

5           Q.    And you don't have any independent  
6 recollection of that, correct?

7           A.    Of her giving me a different address?

8           Q.    Right.

9           A.    Like I said, it was a year and a half. I  
10 don't remember.

11          Q.    That's fine. But it's your surmise that  
12 she did because of the address that you put down for  
13 her, correct?

14          A.    Right. I would have asked for the  
15 current address also for the -- not only for  
16 inspection but the overweight citation she received  
17 that day.

18               MR. GOTTESMAN: Okay. All right.  
19 Nothing further.

20               EXAMINER HICKS: Mr. Eubanks.

21               MR. EUBANKS: I have no follow-up  
22 questions for the witness. Also I have no further  
23 witnesses I have to call for rebuttal as well.

24               MR. GOTTESMAN: I am not presenting any  
25 further evidence.

1 EXAMINER HICKS: Okay. I think with that  
2 from both sides, that concludes today's proceeding.  
3 The matter will be submitted to the record.

4 Just for your benefit, Mr. Gottesman,  
5 once the transcript is submitted, try to get opinions  
6 out from the Commission in about three months.

7 MR. GOTTESMAN: Okay.

8 EXAMINER HICKS: And we will proceed from  
9 there. Thank everybody for coming in today.

10 MR. EUBANKS: I do want to stay  
11 afterwards to -- I know there's been problems with  
12 some information not being redacted off of our  
13 documents. I just want to make sure that the phone  
14 numbers for the Respondent are redacted. Should I do  
15 that now or is doing it later, is that fine?

16 EXAMINER HICKS: We're talking about on  
17 the Examination Report?

18 MR. EUBANKS: Yes. Mainly the  
19 Respondent's phone number. I know docketing has not  
20 been accepting some of our documents that contain  
21 personal information and the driver's license number.  
22 So I can do that now or -- how about this, I will do  
23 it now on the one I have provided to the --

24 EXAMINER HICKS: Let's just do it now and  
25 we can make sure that Karen gets the right --

1 MR. EUBANKS: I'm sorry.

2 EXAMINER HICKS: Yeah. I don't see it  
3 anywhere else. Mr. Gottesman, I don't think yours  
4 have any identifying information.

5 Yeah. I don't know if -- the checking  
6 account number perhaps on your Exhibit 4, yeah.

7 I think we will go ahead and close the  
8 record and deal with these to make sure you got the  
9 right ones.

10 (Discussion off the record.)

11 (Thereupon, at 11:08 a.m., the hearing  
12 was adjourned.)

13 - - -

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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, September 9,  
2021, and carefully compared with my original  
stenographic notes.

\_\_\_\_\_  
Karen Sue Gibson, Registered  
Merit Reporter.

(KSG-7150)

- - -

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Summary: Transcript in the matter of the Casey Honn hearing held on 09/09/21 electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Gibson, Karen Sue Mrs.