

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of :
Mark L. Arrasmith Notice : Case No.
of Apparent Violation and : 21-203-TR-CVF
Intent to Assess Forfeiture.:

- - -

PROCEEDINGS

Before Jacky St. John, Attorney Examiner, held
at the offices of the Public Utilities
Commission of Ohio, 180 East Broad Street,
Hearing Room 11-D, Columbus, Ohio, on Monday,
December 12, 2022, at 10:00 A.M.

- - -

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 Ms. Jodi Bair
3 Assistant Attorney General
4 30 East Broad Street, 26th Floor
5 Columbus, Ohio 43215

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

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STAFF WITNESSES	DIRECT	CROSS
Bradley Long	6	

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INDEX TO EXHIBITS

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STAFF'S EXHIBITS		MARKED	ADMT
1	Copy of Invoice Showing Payment of \$500.00 by Mark L. Arrasmith for Civil Forfeiture HazMat	7	8

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1 Monday Morning,
2 December 12, 2022.

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4 ATTORNEY EXAMINER: The Public
5 Utilities Commission of Ohio has set for hearing
6 at this time and place Case No. 21-203-TR-CVF
7 which is captioned In the Matter of Mark
8 Arrasmith Notice of Apparent Violation and
9 Intent to Assess Forfeiture.

10 Good morning, everyone. My name is
11 Jacky St. John, I am the Attorney Examiner
12 assigned by the Commission to hear this case.
13 At this time we will take appearances of the
14 parties. On behalf of Staff.

15 MS. BAIR: Thank you, your Honor.
16 On behalf of the Staff of the Public Utilities
17 Commission of Ohio, Dave Yost, Attorney General,
18 Jodi Bair, Assistant Attorney General, 30 East
19 Broad Street, 26th Floor, Columbus, Ohio 43215.

20 ATTORNEY EXAMINER: Thank you. And
21 I will note that it is 10:05 and the Respondent
22 has not yet appeared. So at this time we will
23 go ahead and proceed with the Staff's case.
24 Ms. Bair, go ahead.

25 MS. BAIR: Thank you, your Honor.

1 I would like to call Bradley Long to the stand,
2 please, on behalf of the Staff.

3 (WITNESS SWORN)

4 - - -

5 BRADLEY LONG

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

8 ATTORNEY EXAMINER: Thank you.
9 Please proceed.

10 DIRECT EXAMINATION

11 By Ms. Bair:

12 Q. Could you please state your name for
13 the record?

14 A. It's Bradley Long.

15 Q. By whom are you employed and what is
16 your position?

17 A. I am Assistant Chief of Compliance
18 with Public Utilities Commission of Ohio,
19 Transportation section.

20 Q. And how long have you been in that
21 position?

22 A. Since November 2019.

23 Q. Before that what was your job?

24 A. State Trooper with the Ohio State
25 Highway Patrol for 26 years.

1 MS. BAIR: Thank you. Your Honor,
2 may I approach the witness?

3 ATTORNEY EXAMINER: Yes, you may.

4 MS. BAIR: And, your Honor, I would
5 like to have an invoice marked as Staff Exhibit
6 1.

7 ATTORNEY EXAMINER: It shall be so
8 marked.

9 (EXHIBIT MARKED FOR IDENTIFICATION)

10 Q. Mr. Long, do you recognize this
11 document marked as Staff Exhibit 1?

12 A. I do.

13 Q. Could you please tell me what that
14 is?

15 A. Sure. It's a screen shot of the CFR
16 civil forfeiture assessment invoice for this
17 case.

18 Q. And you are aware that Mark
19 Arrasmith is the Respondent in this case;
20 correct?

21 A. That's correct.

22 Q. And what does this invoice indicate
23 that Mr. Arrasmith did?

24 A. As of today's date it shows that
25 the case has been paid and the invoice is now

1 closed.

2 Q. And the invoice was paid in full; is
3 that correct?

4 A. That is correct.

5 MS. BAIR: Your Honor, I would like
6 to move Staff Exhibit 1 into evidence.

7 ATTORNEY EXAMINER: That will be so
8 admitted.

9 (EXHIBIT HEREBY ADMITTED INTO
10 EVIDENCE)

11 MS. BAIR: Thank you. I have no
12 more questions.

13 ATTORNEY EXAMINER: All right. Mr.
14 Long, you are free to step down.

15 MS. BAIR: Your Honor, at this time
16 I would like to make a motion to dismiss. It's
17 based on Ohio Administrative Code 4901:2-7-22
18 (b) which states that "If the only remedy
19 requested with respect to a violation is
20 the payment of a forfeiture and full payment of
21 the forfeiture demanded in the Notice is made
22 prior to the execution of a settlement agreement
23 or any final Commission order, full payment
24 constitutes an admission of the occurrence of
25 the violation and shall terminate all

1 proceedings."

2 It goes on to say that "Full payment
3 under these circumstances shall conclusively
4 establish the occurrence of the violation for
5 purposes of consideration of Respondent's
6 history of violations and for determining the
7 appropriate remedy for any future violation."

8 And in this case as demonstrated by
9 Staff Exhibit 1 the Respondent has paid in full.
10 Therefore, I am making a motion to dismiss the
11 case based on 4901:2-7-22 (b).

12 ATTORNEY EXAMINER: All right.
13 Thank you for that. I will go ahead and take
14 that motion under advisement.

15 Is there anything else on behalf of
16 Staff?

17 MS. BAIR: Nothing further. Thank
18 you.

19 ATTORNEY EXAMINER: All right. We
20 will go ahead and close the record now. Thank
21 you all.

22 (At 10:10 A.M. the hearing was
23 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
December 12, 2022, 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**

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in

Case No(s). 21-0203-TR-CVF

Summary: Transcript December 12th 2022 In the Matter of Mark L. Arrasmith
Notice of Apparent Violation and Intent to Assess Forfeiture. electronically filed by
Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Spencer, Michael O. Mr.