

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

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In the Matter of Dorcella :
Washington Notice of Apparent : Case No.
Violation and Intent to : 21-304-TR-CVF
Assess Forfeiture. :

- - -

PROCEEDINGS

Before David Hicks, Attorney Examiner, held at
the Public Utilities Commission of Ohio, 180
East Broad Street, Hearing Room 11-D, Columbus,
Ohio, on Thursday, November 16, 2023, at 2:00
P.M.

- - -

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- - -

APPEARANCES:

Ms. Ashley Wnek
Assistant Attorney General
30 East Broad Street, 26th Floor
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On behalf of the Staff of the
Public Utilities Commission
of Ohio.

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Thursday Afternoon,
November 16, 2023.

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ATTORNEY EXAMINER: The Commission
has called for hearing at this time and place
Case No. 21-304-TR-CVF In the Matter of Dorcella
Washington.

My name is David Hicks, and I am the
Attorney Examiner assigned by the Commission to
hear this case.

We will go head and start by taking
appearances.

MS. WNEK: Thank you, your Honor.
Ashely Wnek, with the Ohio Attorney General's
office representing Staff of the Ohio Public
Utilities Commission.

ATTORNEY EXAMINER: Thank you.
And then I will just go ahead and note for the
record that the Respondent in this case is not
here. It is -- we started around 2:10, we were
scheduled to start at 2:00 o'clock, and gave her
a little extra time to see if she would be here.

No one has reached out to me in
terms of Ms. Washington or someone on her
behalf. I believe Staff represented they had

1 not had contact from her as well.

2 I checked the docket to just verify
3 that the scheduling entry that went out on
4 September 27th was sent to the address that was
5 listed on her request for an administrative
6 hearing.

7 And so with her not appearing and
8 this already having been scheduled we are going
9 to go ahead and proceed. And I will turn it
10 over to Staff to go ahead.

11 MS. WNEK: Thank you, your Honor.
12 We will move for default judgment, but would
13 like to put our exhibits and witnesses'
14 testimony into the record. So at this time I
15 would like to call the person who prepared the
16 inspection report, Mr. Nadolsky.

17 (WITNESS SWORN)

18 MS. WNEK: And can I distribute the
19 exhibits?

20 ATTORNEY EXAMINER: Sure.

21 - - -

22 DANIEL NADOLSKY
23 called as a witness, being first duly sworn,
24 testified as follows:

25 DIRECT EXAMINATION

1 By Ms Wnek:

2 Q. Please state your name and spell it
3 for the record, please.

4 A. Daniel Nadolsky, motor carrier
5 safety inspector for the State Highway Patrol.

6 Q. Thank you. And you said you are
7 employed with the Patrol?

8 A. Yes.

9 Q. Thank you. What is your position
10 within the Highway Patrol?

11 A. Motor Carrier Inspector.

12 Q. Thank you. And what are your duties
13 in your capacity as a Motor Carrier Inspector?

14 A. Inspections and stuff like that.
15 Just on the commercial side.

16 Q. And what training do you have in
17 that area?

18 A. I have Part A, Part B, all my
19 hazmats.

20 Q. Thank you. Are motor carrier
21 inspections conducted to protect the safety of
22 the Ohio traveling public?

23 A. Yes.

24 Q. About how many inspections do you
25 perform in a year?

1 A. In a year? Probably a little over a
2 thousand inspections.

3 MS. WNEK: Thank you. And may I
4 approach with -- I believe you have Exhibit 1;
5 correct?

6 THE WITNESS: Yes.

7 MS. WNEK: Thank you. We would like
8 to mark this as Staff Exhibit 1.

9 (EXHIBIT MARKED FOR IDENTIFICATION)

10 Q. Do you recognize this?

11 A. Yes.

12 Q. And is this document a Commission or
13 Patrol record?

14 A. Yes.

15 Q. Is it kept in the ordinary course of
16 business?

17 A. Yes.

18 Q. Is it the practice of the Commission
19 to make this report?

20 A. Yes.

21 Q. Did you report on matters observed
22 pursuant to a duty imposed by law as to which
23 there was a duty to report?

24 A. As in --

25 Q. I can rephrase that. Did you

1 report on matters observed pursuant to a duty
2 imposed by law as to which there was a duty to
3 report?

4 A. Yes.

5 Q. Is the document in the same
6 condition substantially as when you prepared it?

7 A. Yes.

8 Q. What was the reason that you
9 produced an inspection of this vehicle?

10 A. I was called by my supervisor to
11 roll out and do an inspection on the truck and
12 trailer.

13 Q. Do you remember the inspection?

14 A. Do what? I am sorry.

15 Q. Do you remember the inspection?

16 A. Yes.

17 Q. And who was the driver listed on
18 that report?

19 A. It was Dorcella Washington.

20 Q. Did she get a copy of the report at
21 this stop?

22 A. She was already in the hospital
23 when I got there so when I was done with my
24 report I put it inside the truck.

25 Q. All right. Are there any violations

1 noted on the report?

2 A. Violations that I found due to the
3 crash?

4 Q. Yes.

5 A. It was pretty extensive front end
6 damage to the truck. The frame was actually
7 bent back behind the cab of the impact with the
8 other vehicle.

9 Q. Thank you. And I see also that Ms.
10 Washington was cited for violation of 49 CFR
11 392.5A2-UI; is that correct?

12 A. Yes.

13 Q. Thank you. Did you observe Ms.
14 Washington?

15 A. No, I did not. I actually have not
16 ever met this driver. That violation was put on
17 by James Feddern. He was the supervisor for the
18 motor carriers at that time.

19 Q. Thank you. Is there anything else
20 that we have discussed that you would like the
21 Commission to know for the record?

22 A. Not to my knowledge right away.

23 MS. WNEK: Thank you.

24 Nothing further from this witness.

25 I would like to reserve for rebuttal.

1 ATTORNEY EXAMINER: Hold on just
2 one second. Real quick.

3 EXAMINATION

4 By the Attorney Examiner:

5 Q. There are two other violations noted
6 here. Could you just tell us what those two
7 specifically are? The 396.3A.1 Two citations
8 for that.

9 A. On the frame damage due to the
10 accident.

11 Q. Yes.

12 A. Extensive truck frame damage on the
13 front of the truck, and both frame rails were
14 bent back behind the cab of the truck.

15 And then the other one was front end
16 damage that was basically the hood, radiator,
17 air to air. There was engine damage.
18 Basically oil and antifreeze on the ground.

19 ATTORNEY EXAMINER: Okay. Those
20 are all the questions I have.

21 MS. WNEK: No further questions,
22 your Honor.

23 ATTORNEY EXAMINER: Thank you.

24 I don't know if I said, we marked it
25 as Exhibit 1, but we will mark it as Exhibit 1.

1 MS. WNEK: Thank you.

2 (EXHIBIT HEREBY MARKED FOR
3 IDENTIFICATION PURPOSES)

4 MS. WNEK: We will call the Trooper
5 to the stand.

6 (WITNESS SWORN)

7 - - -

8 TROOPER OSAMA HAMED
9 called as a witness, being first duly sworn,
10 testified as follows:

11 DIRECT EXAMINATION

12 By Ms. Wnek:

13 Q. Would you please state and spell
14 your name for the record?

15 A. Trooper Osamn Hamed. O-S-A-M-A
16 H-A-M-E-D.

17 Q. Where are you employed?

18 A. I work for the Ohio State Highway
19 Patrol.

20 Q. How long have you been with the
21 Patrol?

22 A. I graduated Ohio State Highway
23 Patrol Academy on January 17, 2020.

24 Q. What are your duties in that
25 capacity?

1 A. To enforce traffic and criminal laws
2 within roadways of Ohio.

3 Q. What training do you have in that
4 area?

5 A. I had six months training in the
6 Academy of the Ohio State Highway Patrol.

7 Q. Thank you. And are motor carrier
8 inspections conducted to protect the safety of
9 the Ohio traveling public?

10 A. I am sorry. Can you repeat that
11 question?

12 Q. Are inspections conducted to protect
13 the safety of the Ohio traveling public?

14 A. I don't see the inspections. That
15 would be --

16 Q. We can withdraw that question.

17 Could you please state how you
18 became familiar with this case?

19 A. August 20, I was with -- Trooper
20 Brubaker was on an off duty detail on I-70 near
21 mile post 7. He called on a serious injury
22 crash, a semi truck versus a black pick-up
23 truck.

24 When I arrived to the scene I
25 observed the EMS personnel were trying to get

1 the victims out of the pick-up truck. I
2 observed Ms. Washington being escorted by
3 the EMS. I helped out Trooper Mullens with
4 measurements. And after that I was asked by a
5 supervisor to go to Reeds Hospital in Richmond,
6 Indiana to collect urine from Ms. Washington.

7 Q. And why was it you were being asked
8 to collect urine from Ms. Washington?

9 A. They suspected she might be under
10 the influence.

11 Q. Do you know why that was suspected?

12 A. Based on the crash. Based on how
13 the braking was and when she stopped, when she
14 crashed into the vehicle, how close she was to
15 the vehicle.

16 And also it was a serious injury
17 crash. We always -- we usually ask when someone
18 is seriously hurt, we ask whoever the drivers
19 were for a voluntary urine sample.

20 Q. Did you receive a voluntary urine
21 sample here?

22 A. Yes.

23 Q. Have you received training in
24 collection of urine specimens?

25 A. Yes.

1 Q. What type of training?

2 A. During training we collected urine
3 samples from many suspects.

4 Q. Where was the defendant when you
5 collected her, I am sorry, the Respondent when
6 you collected her urine?

7 A. I went to Reed Hospital. She was a
8 female, it was collected by a nurse, female, at
9 the hospital.

10 Q. Do you recall about what time you
11 collected the urine specimen?

12 A. I do not, no.

13 Q. Did you personally observe the
14 Respondent as she provided her urine specimen?

15 A. I did not, no.

16 Q. How did you collect this specimen?

17 A. I was provided a urine sample from
18 the nurse. I packaged the evidence and it was
19 packaged and sent to the OSP crime lab via USPS.

20 Q. So was the test done in accordance
21 with these processes?

22 A. It was sent to the OSP crime lab.

23 Q. Was there writing on the label of
24 the container?

25 A. I believe I put the collector's name

1 and my name also.

2 Q. After sealing the container and
3 completing the label what did you do next?

4 A. It was dropped to the USPS drop off.

5 Q. Was the container assigned a log
6 number?

7 A. It was just a cab number that we use
8 for evidence.

9 MS. WNEK: Your Honor, may I
10 approach with Staff Exhibit 2?

11 ATTORNEY EXAMINER: Okay. This is
12 Internal Chain of Custody?

13 MS. WNEK: Yes.

14 ATTORNEY EXAMINER: We will mark it
15 as Exhibit 2.

16 (EXHIBIT HEREBY MARKED FOR
17 IDENTIFICATION PURPOSES)

18 Q. So do you recognize this?

19 A. No. That is not what I used for a
20 chain of custody.

21 Q. Okay. Put that aside. Was the
22 urine, once it was submitted to the property
23 room was the urine specimen kept under
24 refrigeration?

25 A. After it was collected it was

1 dropped to the USPS drop box.

2 Q. Thank you. At any time while
3 handling the urine specimen did you allow for
4 any foreign object to makes its way into the
5 container? Was the seal broken?

6 A. No, ma'am.

7 Q. Did you have any further contact
8 with either the urine specimen or the
9 Respondent?

10 A. No, ma'am.

11 MS. WNEK: I am going to approach
12 the witness with Staff Exhibit 3.

13 ATTORNEY EXAMINER: Okay.

14 Q. Do you recognize this document?

15 A. Yes, ma'am.

16 Q. Okay. Could you please explain to
17 me what you see?

18 A. This is Property Control form that
19 we use.

20 Q. And why is that used?

21 A. It would show the time that the
22 urine was collected, and would show the time
23 that the urine was dropped to the USPS drop box.

24 Q. Thank you. So I see your name.
25 Could you verify that, that was the appropriate

1 time and signature?

2 A. Yes, ma'am.

3 Q. Thank you.

4 ATTORNEY EXAMINER: We will mark
5 Exhibit 3 for the record.

6 (EXHIBIT MARKED FOR IDENTIFICATION)

7 MS. WNEK: Nothing further for this
8 witness, your Honor.

9 ATTORNEY EXAMINER: Thank you.

10 MS. WNEK: Thank you. Your Honor,
11 at this time we would like to call the lab
12 technician Heidi Tincher.

13 (WITNESS SWORN)

14 - - -

15 HEIDI A. TINCHER
16 called as a witness, being first duly sworn,
17 testified as follows:

18 DIRECT EXAMINATION

19 By Ms. Wnek:

20 Q. Would you please state and spell
21 your name for the record?

22 A. My name is Heidi Tincher. And my
23 last name is spelled T-I-N-C-H-E-R.

24 Q. Thank you. Where are you employed?

25 A. At the time of this case I was

1 employed as criminalist with the Ohio State
2 Highway Patrol crime lab here in Columbus.

3 Q. How long were you employed there?

4 A. About five and a half years.

5 Q. Were you employed on the day of this
6 analysis?

7 A. Yes.

8 Q. What were your duties and
9 responsibilities then?

10 A. There I performed analysis in
11 toxicology, specifically alcohol testing, and I
12 also was qualified in the discipline of drug
13 chemistry as well.

14 Q. Could you describe your educational
15 background for alcohol analysis?

16 A. Yes. To be a criminalist in any
17 discipline you have had to have a certain
18 educational background. Mine is I have a
19 Bachelors of Arts in political science and a
20 Bachelor of Science in biology, both from Ohio
21 State University.

22 I also have an Associate of Applied
23 Science and Forensic Science Technology from
24 Central Ohio Technical College. And finally I
25 have my Master's of Science and Biomedical

1 Forensic Science from Boston University School
2 of Medicine.

3 Q. So were you trained to analyze urine
4 samples to determine their concentration of
5 alcohol?

6 A. I was.

7 Q. What type of training did you
8 receive?

9 A. In addition to my education there is
10 also an apprenticeship program at the Patrol
11 where in each discipline you are qualified you
12 have specified readings, mock cases. You go
13 through mock testimony, and that's all under the
14 supervision of a qualified criminalist.

15 Q. Did you have a proficiency
16 examination?

17 A. Yes. I take one every year.

18 Q. On this date in question could you
19 please describe the process and your
20 responsibilities with respect to this sample?

21 A. Do you want the specific chain of
22 custody or just the general process?

23 Q. The general process, please.

24 A. Okay. Usually what happens is we
25 have various refrigerators throughout the lab.

1 I have acces to a specific refrigerator, so when
2 I am ready to analyze samples I will take them
3 from the refrigerator. And for every sample a
4 form saying I received it sealed, I received it
5 refrigerated, and I checked administratively if
6 the names matched and the collection times
7 matched, things of that matter.

8 From that point I will take a small
9 sample, in this case from a urine tub, where I
10 put on instruments, review the data from that
11 instrument, and then write a report based
12 on that data.

13 Q. Thank you. What were your findings
14 in this case?

15 A. May I refer to my report? I have
16 it with me, but didn't --

17 Q. Yes. If you would like to look at
18 it to refresh your memory.

19 A. Okay. So in this case as determined
20 by gas chromatography the findings were .057
21 grams by weight of alcohol per 100 milliliters
22 or grams percent of urine.

23 ATTORNEY EXAMINER: Are you going to
24 have this as an exhibit, or have you already
25 marked it?

1 MS. WNEK: We can, yes. We can mark
2 that as exhibit, I think I have that marked
3 originally as 6.

4 Actually if we could, it would be
5 related to this topic, I have Ms. Tincher's
6 certificate, if we could move that into
7 evidence.

8 ATTORNEY EXAMINER: Yes. Let's
9 just go ahead, whatever exhibits you have for
10 her right now, just go ahead and mark them and
11 then we will go from there.

12 So 4 is her certificate on alcohol
13 and drug testing; correct?

14 MS. WNEK: That's correct.

15 ATTORNEY EXAMINER: So that will
16 be marked.

17 (EXHIBIT MARKED FOR IDENTIFICATION)

18 MS. WNEK: And then Exhibit 5 will
19 be the testing site generally.

20 ATTORNEY EXAMINER: So I think 6 is
21 what you have pre-marked as the Report Of
22 Analysis, Alcohol Analysis?

23 MS. WNEK: Yes.

24 ATTORNEY EXAMINER: So that will be
25 marked as Exhibit 6.

1 (EXHIBIT HEREBY MARKED FOR
2 IDENTIFICATION PURPOSES)

3 ATTORNEY EXAMINER: We will just
4 verify the report is the same you are working
5 from?

6 THE WITNESS: Yes.

7 ATTORNEY EXAMINER: Go ahead.

8 Q. With regard to the toxicology
9 report, so could you restate your findings?

10 A. Yes. As determined by gas
11 chromatography there was .05 grams by weight of
12 alcohol per 100 milliliters grams percent in the
13 urine.

14 Q. And is this a standard record kept
15 in the ordinary course of business?

16 A. Yes. We produce a report for every
17 case.

18 Q. I would like to move back to Staff
19 Exhibit 2, the Internal Chain of Custody. Do
20 you recognize this?

21 A. I have my copy. It looks like this
22 (indicating).

23 What was the question?

24 Q. Do you recognize this chain of
25 custody?

1 A. Yes, I do.

2 Q. Thank you. Could you point out
3 the entries where you completed the testing?

4 A. Yes. So kind of midway down the
5 page you will see "Relinquished By: Evidence
6 Receiving Refrigerator." That was the
7 refrigerator I was talking about before where I
8 took the samples from.

9 And that was on September 1st, 2020
10 at 8:48 A.M. That was when I was taking
11 the sample out to start my analysis.

12 Q. Thank you. With the testing itself,
13 what analytical techniques or methods approved
14 by the Director of Health are used to analyze
15 controlled substances or alcohol and bodily
16 substances?

17 A. For alcohol specifically we use gas
18 chromatology.

19 Q. Thank you. For each testing are the
20 analytical techniques and methods used to
21 analyze alcohol in urine?

22 A. Yes.

23 Q. You check for proper calibration
24 under the general direction of the designated
25 laboratory director?

1 A. Yes.

2 Q. Does the laboratory have a written
3 procedure manual for analytical techniques or
4 methods used for testing alcohol or drug use and
5 bodily substances?

6 A. Yes.

7 Q. Is a copy of the written procedural
8 manual for performing urine tests on file and in
9 the area where analytical tests are performed?

10 A. Yes.

11 Q. Does the laboratory director use,
12 sign and date the procedure manual as certifying
13 that the manual is in compliance with the Ohio
14 Department of Health regulations?

15 A. Yes.

16 Q. Are the results that you found in
17 this case indicative of alcohol consumption as
18 the level that you found in the testing?

19 A. Indicative that Ms. Washington had
20 consumed alcohol?

21 I can't speak to consumption, I can
22 only speak to in that urine that was the
23 concentration of alcohol that was determined.

24 Q. So there was a concentration of
25 alcohol determined in her bodily fluids?

1 A. Yes. In the urine.

2 MS. WNEK: Thank you. Nothing
3 further.

4 ATTORNEY EXAMINER: I just have a
5 quick question.

6 EXAMINATION

7 By the Attorney Examiner:

8 Q. What, if you can, in layman's terms,
9 what exactly does .057 equate to?

10 A. So, that's how it's expressed in the
11 OAC. So, when you hear about like, typically
12 people hear about .08, the .08 is the grams
13 percent.

14 So, it's just how it's expressed in
15 the OAC. But it's in those same terms as when
16 you hear people say, oh, they were .08. It's
17 all that same unit of measurement.

18 Q. So this one was .057?

19 A. Yes.

20 ATTORNEY EXAMINER: Okay. That's
21 the only question I had.

22 MS. WNEK: We would like to move
23 those exhibits into evidence.

24 ATTORNEY EXAMINER: You want to move
25 everything so far, so 1, 2, 3, 4, 6.

1 MS. WNEK: Yes.

2 ATTORNEY EXAMINER: Okay. So those
3 will all be admitted.

4 (EXHIBITS HEREBY ADMITTED INTO
5 EVIDENCE)

6 MS. WNEK: And at this time we would
7 like to call Mr. Moser to the stand.

8 (WITNESS SWORN)

9 - - -

10 ROD MOSER

11 called as a witness, being first duly sworn,
12 testified as follows:

13 DIRECT EXAMINATION

14 By Ms. Wnek:

15 Q. Would you please state your name for
16 the record, please.

17 A. My name is Rod Allen Moser, last
18 name is M-O-S-E-R.

19 Q. Where are you employed?

20 A. I am employed as the Chief of the
21 Transportation and Compliance sections, for the
22 Compliance and Registration sections for
23 the Transportation Department of the Public
24 Utilities Commission of Ohio.

25 Q. How long have you been in that

1 position?

2 A. Six and a half years.

3 Q. What are your duties?

4 A. As it pertains to this particular
5 incident I administer the civil forfeiture
6 process for the Transportation Department.

7 Q. What are your expert qualifications
8 in the violations of the subject matter
9 violation?

10 A. I spent just shy of 30 years with
11 the Ohio State Highway Patrol focused primarily
12 on commercial vehicle enforcement. My last
13 assignment there was the Commercial Enforcement
14 Coordinator for District 6, which encompasses
15 Franklin County and all adjacent counties.

16 I have been trained in North
17 American Standards Parts A and B, general
18 hazmat, bulk and non-bulk, cargo tank and motor
19 coach.

20 Q. Could you please explain how you
21 determine the amounts of a forfeiture?

22 A. Sure. It's largely an automated
23 process. Violations are divided into categories
24 or groups depending upon whether or not the
25 violation was a hazardous material violation,

1 driver behavior, or equipment violation.

2 Q. Does the Commission apply
3 the process uniformly to everyone?

4 A. It is, particularly for
5 non-hazardous materials violations it is a fully
6 automated process. So all those violations are
7 treated the same regardless of the respondent.

8 Q. Thank you. And Staff's Exhibit 7 is
9 the Notice of Apparent Violation and Intent to
10 Assess Forfeiture.

11 What is the reason that a person
12 would receive that? What does that advise them?

13 A. In general that NIF letter, which we
14 call it, that is a notice to the Respondent that
15 the Commission is assessing a forfeiture amount
16 because of a violation noted on the roadside
17 inspection.

18 ATTORNEY EXAMINER: Just for the
19 record we will mark the Notice of Apparent
20 Violation as Staff Exhibit 7.

21 And then Staff Exhibit 8 will be the
22 Notice of Preliminary Determination. So
23 marked.

24 (EXHIBITS HEREBY MARKED FOR
25 IDENTIFICATION PURPOSES)

1 Q. And I think you began discussing it,
2 but would you please explain the Notice of
3 Preliminary Determination, when that is sent to
4 a respondent?

5 A. A Notice of Preliminary
6 Determination is sent to a respondent after the
7 respondent or their representative has had a
8 phone conversation with the assigned compliance
9 officer and during the conversation they were
10 unable to reach a settlement.

11 The Notice of Preliminary
12 Determination advises the respondent of two
13 options essentially. Either pay the civil
14 forfeiture amount or request a formal
15 administrative hearing.

16 Q. Is this the document that was sent
17 to the Respondent?

18 A. Notice of Preliminary Determination
19 actually was sent to the Respondent's
20 representative, an attorney named Jessica Reese.

21 Q. Did you review it in preparation
22 for this hearing?

23 A. I did, yes.

24 Q. Is this document a Commission
25 record?

1 A. It is.

2 Q. Is it kept in the ordinary course of
3 business?

4 A. Yes, it is.

5 Q. Could you explain how the forfeiture
6 amount was derived in this case?

7 A. Sure. Again, there is a non-hazmat
8 violation. Those are divided in to five groups.
9 Group zero, through Group 1, 2, 3 and 4.

10 Group Zero violations are equipment
11 violations that are not likely at all to cause a
12 crash. They never receive a civil forfeiture
13 amount.

14 Groups 1, 2 and 3 are equipment
15 violations that could cause a crash, the most
16 likely which would be Group 1. The less likely
17 Group 2, and least likely of those Group 3.

18 Those receive civil forfeiture
19 assessments if they are marked as out of service
20 on the inspection.

21 And then Group 4 violations, which
22 this particular case is, are driver behavior,
23 insurance, authority, those kind of things.
24 Group 4 violations always get a civil forfeiture
25 assessment.

1 Q. Is the penalty consistent with the
2 recommended fine schedule and recommended civil
3 penalty procedure adopted by the Commercial
4 Motor Vehicle Alliance?

5 A. Yes, it is.

6 Q. What is the forfeiture amount here?

7 A. \$1,000.00.

8 Q. And is that the correct amount for
9 this case?

10 A. Yes.

11 Q. Would you recommend this amount to
12 the Commission?

13 A. Yes, I would.

14 Q. Is here anything else you would like
15 to note for the record?

16 A. No, ma'am.

17 MS. WNEK: Thank you. No further
18 questions.

19 ATTORNEY EXAMINER: Thank you.

20 MS. WNEK: Staff would ask that
21 Exhibit 7 and 8 be moved into the record.

22 ATTORNEY EXAMINER: They will both
23 be admitted.

24 (EXHIBITS HEREBY ADMITTED INTO
25 EVIDENCE)

1 MS. WNEK: Thank you, your Honor.
 2 At this time given our witness testimony and
 3 Exhibits, we would like to move for a default
 4 judgement pursuant ORC 4901:2-7-14 E, request
 5 that everything become part of the record and
 6 that, you know, this violation found to be a
 7 violation.

8 ATTORNEY EXAMINER: Okay. So just
 9 before we close things up to verify, we did not
 10 use Staff Exhibit 5; correct? Just wanted to
 11 make sure I did not miss it.

12 MS. WNEK: I would like to have
 13 entered that as we were discussing the
 14 laboratory. That is the certification of the
 15 testing.

16 ATTORNEY EXAMINER: I am not
 17 telling whether you should, I just want to make
 18 sure we didn't miss it.

19 MS. WNEK: We don't need this.

20 ATTORNEY EXAMINER: So the record
 21 will reflect that you moved for default
 22 judgement, and the Commission will take that
 23 under advisement.

24 If there is nothing else from Staff
 25 then we will wrap things up and we are

1 adjourned.

2 MS. WNEK: Thank you. Nothing
3 further.

4 ATTORNEY EXAMINER: Thanks.

5 (At 2:50 P.M. the hearing was
6 adjourned)

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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
November 16, 2023, and carefully compared with
my original stenographic notes.

Michael O. Spencer,
Registered Professional
Reporter.

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in

Case No(s). 21-0304-TR-CVF

Summary: Transcript November 16th 2023 In the Matter of Dorcella Washington
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..