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# American Ultra Specialties, Inc.

Hines Hill Road • 6855 Industrial Parkway • Hudson, Ohio 44236-1158  
Phone: 330-656-5000 • FAX: 330-656-9742

October 30, 2002

Public Utilities Commission of Ohio  
Docketing Division  
180 East Broad Street, Tenth Floor  
Columbus, Ohio 43215-3793

REFERENCE: Case Number OHQW300535 C  
REQUEST FOR ADMINISTRATIVE HEARING

AUSI Contact: William D. Stofey  
6855 Industrial Parkway  
Hudson, Ohio 44236-1158  
President - (330) 656-5000

2002 NOV - 1 PM 12:19  
PUCO

02-2893-TR-CV 7

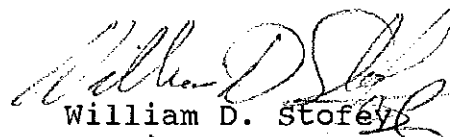
To Whom it May Concern:

In answer to your "Notice of Preliminary Determination" received October 15, 2002, we are requesting an administrative hearing.

We have enclosed a copy of the "Notice of Preliminary Determination". Also enclosed is the original letter and information requesting a conference dated May 14, 2002.

Please review and advise.

Sincerely,  
ULTRASPEC

  
William D. Stofey  
President

encl:

cc: Michaela M. Stofey, General Manager

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.  
Technician \_\_\_\_\_ Date Processed 11.1.02



ULTRASPEC

"Good as Gold"



The Public Utilities Commission of Ohio

Bob Taft, Governor

Alan R. Schriber, Chairman

Commissioners

Ronda Hartman Fergus

Craig A. Glazer

Judy A. Jones

Donald L. Mason

October 4, 2002

RECEIVED OCT 15 2002

MR WILLIAM STOFY  
PRESIDENT AMERICAN ULTRA SPECIALTIES IN  
6855 INDUSTRIAL PARKWAY  
HUDSON, OH 44236

RE: NOTICE OF PRELIMINARY DETERMINATION  
Case No. OHQW300535 C

Dear MR STOFY:

On February 21, 2002, a vehicle operated by AMERICAN ULTRA SPECIALTIES INC, and driven by DANIEL G BENNETT, was inspected within the State of Ohio. As the result of discovery of the following apparent violations the Staff timely notified Respondent pursuant to Rule 4901:2-7-07, O.A.C., that it intended to make a civil monetary assessment against Respondent in the following amount:

Code	Violation
393.48A	INOPERATIVE BRAKE
396.3A1BA	ADJUSTMENT, BRAKE OUT OF (PUSH ROD)

Total Forfeiture Assessed : \$150.00

A conference was conducted pursuant to Rule 4901:2-7-10(B), O.A.C., at which the Respondent had a full opportunity to present any reasons why the violations did not occur as alleged, mitigating circumstances regarding the amount of any forfeiture, and any other information relevant to the action proposed to be taken by Staff.

(continued)



The Public Utilities Commission of Ohio

Bob Taft, Governor

Alan R. Schriber, Chairman

Commissioners

Ronda Hartman Fergus

Craig A. Glazer

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Donald L. Mason

October 4, 2002

MR WILLIAM STOFY

PRESIDENT AMERICAN ULTRA SPECIALTIES IN

OHQW300535 C

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As a result of the conference, Staff has made a Preliminary Determination that the Commission should make a civil monetary assessment against AMERICAN ULTRA SPECIALTIES INC in the following forfeiture:

Code	Violation
393.48A	INOPERATIVE BRAKE
396.3A1BA	ADJUSTMENT, BRAKE OUT OF (PUSH ROD)

Total Forfeiture Agreed : \$150.00

Please include a certified check or money order for the total forfeiture Agreed, made payable to "Treasurer State of Ohio," and mail to: PUCO FISCAL, 180 E. Broad St, 10th floor, Cols. OH 43215-3793. FOR PROPER CREDIT, BE SURE TO PUT THE CASE NUMBER ON THE FACE OF THE CHECK.

Please consult the enclosed additional information concerning this Notice of Preliminary Determination.

Robert E. Marvin, Director  
Transportation Department  
Public Utilities Commission of Ohio

# American Ultra Specialties, Inc.

Hines Hill Road • 6855 Industrial Parkway • Hudson, Ohio 44236-1158  
Phone: 330-656-5000 • FAX: 330-656-9742

May 14, 2002

Public Utilities Commission of Ohio  
Civil Forfeiture Division  
180 East Broad Street, 5th Floor  
Columbus, Ohio 43215-3793

REFERENCE: Case Number OHQW300535 C

AUSI Contact: William D. Stofey  
President - (330) 656-5000

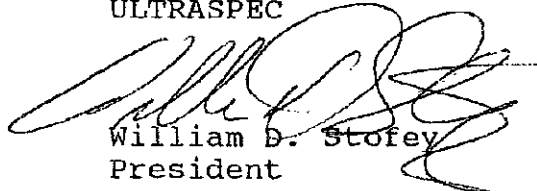
To Whom it May Concern:

In answer to your notice of April 30, 2002, we are requesting a conference by telephone in reference to the above case number.

We have enclosed a copy of the completed Driver Vehicle Inspection Report which was mailed to the Ohio State Highway Patrol on February 22, 2002. We have also enclosed a copy of the bill from D & K Truck & Equipment Repair which states that there was no problem with the brakes from their inspection.

We believe the original violation of inoperative brake was in error. Please review and advise.

Sincerely,  
ULTRASPEC

  
William D. Stofey  
President

encl:

cc: Michaela M. Stofey, General Manager  
Daniel G. Bennett, Driver



1. Per Union Contract  
Driver must inspect  
truck before & after run  
- 1/2 hr to do it.
2. Driver checked 15 miles  
before stop - plant only  
15 miles
3. Union defunded driver  
since repair company  
found nothing wrong
4. What else can we do??



The Public Utilities Commission of Ohio

Bob Taft, Governor

Alan R. Schriber, Chairman

RECEIVED MAY 10 2002

Commissioners

Ronda Hartman Fergus

Judy A. Jones

Donald L. Mason

Clarence D. Rogers, Jr.

April 30, 2002

AMERICAN ULTRA SPECIALTIES INC  
6855 INDUSTRIAL PKWY  
HUDSON, OH 44236-1158

Re: NOTICE OF APPARENT VIOLATION  
AND INTENT TO ASSESS FORFEITURE  
Case No. OHQW300535 C

Dear Carrier:

On February 21, 2002 vehicle numbers 544917 (UNIT #1), 6611 (UNIT #2), operated by AMERICAN ULTRA SPECIALTIES INC and driven by DANIEL G BENNETT were inspected within the state of Ohio by staff of the Ohio Highway Patrol, Commercial Motor Carrier Enforcement Section. As the result of discovery of the following apparent out-of-service violation(s) of Rule 4901:2-5-02, O.A.C., the Commission intends to make a civil monetary assessment against AMERICAN ULTRA SPECIALTIES INC in the following amount:

CODE	UNIT	VIOLATION	VIOL. GROUP
393.48A	2	INOPERATIVE BRAKE	1
396.3A1BA	2	ADJUSTMENT, BRAKE OUT OF (PUSH ROD)	2

TOTAL AMOUNT DUE: \$150.00

[Payment must be received within 30 days of receipt of this notice.]

You are urged to take corrective action immediately concerning the apparent violation(s) and to take appropriate measures to ensure that it is not repeated.

Please consult the enclosed additional information on the instruction sheet in regard to your rights and responsibilities concerning this Notice of Apparent Violation and Notice of Intent to Assess Forfeiture.

Sincerely,

Robert E. Marvin, Director  
Transportation Department  
Public Utilities Commission of Ohio

Ohio State Highway Patrol  
Vehicle Inspection Report  
INFORMATION AND INSTRUCTIONS TO DRIVER AND CARRIER

The vehicle listed on the reverse side of this form has been inspected by the Ohio State Highway Patrol (OSHP). The following explanations pertain to sections which may not be self-evident.

**Citation Number:** A number on this line refers to a separate court citation document (the citation will indicate the cited violation) which has been issued as a result of this inspection. These citations are issued into the Municipal or County Court nearest the inspection site, and any follow-up action regarding the citation will be indicated on the citation form. Citations may be issued only on violations including, but not limited to, speeding, overweight, fuel permit, etc. All other safety violations and hazardous materials violations are handled by the PUCO as explained below.

**Violation Code:** Numbers in a 170 or 300 series (for example, 173.24 or 395.8) refer to section numbers in Title 49 of the Code of Federal Regulations (CFR), commonly known as the Federal Hazardous Materials Regulations (FHMR) and the Federal Motor Carrier Safety Regulations (FMCSR). Copies of these regulations may be obtained from various trade associations and commercial supply firms. Some section numbers may have suffixes beyond those in the CFR; these are used for data collection purposes. Numbers in a format such as 2-5-11 refer to rules of the PUCO contained in Chapter 4901 of the Ohio Administrative Code. Numbers in a format such as 4919.78 OR 4511.19 refer to sections in the Ohio Revised Code.

**OOS:** Indicates whether the vehicle or driver was placed out-of-service (Yes or No) at the time of inspection, in accordance with criteria of the Federal Highway Administration. An out-of-service vehicle may not be driven until repairs have been made. A driver is out-of-service for a specified time or until certain problems are corrected. This may be determined from the nature of the violation or annotations in the "declaration of out-of-service" section of this form.

**VERIFY:** Indicates the status of the out of service vehicle at the completion of the inspection. "A" indicates the out-of-service violations were corrected during the inspection; "B" indicates the out-of-service vehicle was towed/escorted to a facility for repairs; and "U" indicates that the out-of-service violations still existed at the completion of the inspection and it was "unknown" to the Inspector what actions were to be taken to make repairs.

**VIOLATIONS DISCOVERED:** A brief description of the violation may be included. Abbreviations may be used to show the location of brake, tire, and light violations.

**ACTION REQUIRED**

**DRIVER:**

If your vehicle has been placed "out-of-service" it may not be driven until required repairs have been made. You are required to return this form to the carrier responsible for this shipment within 24 hours of inspection, even if that requires you to mail the form to them. Unless advised otherwise by the carrier, the person making any required repairs should complete the certification below before returning this form to the carrier.

**CARRIER AND DRIVER:**

(1) If a citation number is listed on the Citation Number line above the "Violations" section, any follow-up action required will be shown on the separate court citation document which has been issued. All communications regarding the citation should be with the Court listed.

(2) All violations of the FHMR and FMCSR or Title 49 of the Ohio Revised Code will be reviewed by the PUCO's Transportation Department to determine whether civil forfeitures should be assessed against any responsible parties in accordance with the penalty provisions of Title 49 of the Ohio Revised Code. If civil forfeitures are assessed, you will receive a separate notice by mail. These penalties may be assessed to carriers and/or drivers.

(3) If any entries in the "Violations" section show a number in the "Unit" column (referring to the tractor or one of the trailers), the Certificate of Repair shown below must be completed and returned by the carrier to the address indicated below within 15 days following inspection. This is required even if the driver or a mechanic made the repairs at the time of the inspection.

(Do Not Detach)

**CERTIFICATION OF COMPLETED REPAIRS**

"I certify that each mechanical defect for which a violation is listed on this inspection report has been repaired satisfactorily."

Signature of Person Making Repairs

Daniel G. Bennett

Printed Name

Date Repairs Made

2-21-02  
6855 Industrial Pkwy. Hudson, OH 44236

Address

"I certify that all violations listed on this inspection report have been satisfactorily corrected."

Signature of Carrier's Officer/Agent

Michaela M. Stofey

Printed/Typed Name

American Ultra Specialties, Inc.

Name of Carrier

Date Signed

2-22-02  
General Manager

Title

Any intentional false statement on this inspection form or willful misrepresentation relative thereto may be a violation of Federal Law punishable by a fine not more than \$10,000 or imprisonment of not more than five years or both (18 U.S.C. 1001).

RETURN THIS FORM TO:  
PUBLIC UTILITIES COMMISSION OF OHIO - TRANSPORTATION DEPARTMENT  
DATA MANAGEMENT DIVISION  
180 E BROAD ST  
COLUMBUS, OH 43215-3793

Ohio State Highway Patrol  
Ofc of Licensing and Commercial Standards  
Post Office Box 182074  
Columbus, Ohio 43218-2074  
MASSILLON D-3 HQ (330) 833-1056

DRIVER VEHICLE INSPECTION REPORT  
Report #: OHQW300535  
Date: 02/21/02  
Time Started: 09:00 Time Ended: 09:40  
Insp. Level: 1 (Full Inspection)

AMERICAN ULTRA SPECIALTIES INC  
6855 INDUSTRIAL PKWY  
HUDSON, OH 44236-1158  
ICC #:  
Phone #:

DOT #: 452110  
Fax #:

Driver: BENNETT, DANIEL G  
License #: RL269659  
DOB: 11/10/60  
State #:  
Cargo: OTHER

State: OH

Location: ROADPATROL  
Highway: 271  
Shipper: CARRIER

MilePost: 8  
County: SUMMIT

Origin: HUDSON, OH  
Destination: WILLARD, OH  
Shipping Paper #: 8371

VEHICLE IDENTIFICATION

Unit	Type	Make	Yr	Company
1	TT	VOLV	01	544917
2	ST	FRUE	97	6611

License	State
PUN8979	OH
TLD4474	OH

HAZARDOUS MATERIALS  
HM Code/Class Qty Wst

BRAKE ADJUSTMENTS

Axle #	1	2	3	4	5
Right	1 1/2	1 3/8	1 1/2	2	2 3/8
Left	1 5/8	1 3/8	1 1/2	INOP	1 3/8
Chamber	C-20	C-30	C-30	C-30	C-30

VIOLATIONS

Violation Code	St	Unit	OOS	Citation #	Verify	Violations Discovered
393.9H		1	N		N	Inoperable head lamps LEFT
396.3A1BA		2	Y		U	Brake-out of adjustment
396.3A1BA		2	N		N	Brake-out of adjustment
393.48(a)		2	Y		U	Inoperative brakes 4L

Consignee : R R DONNELLY & SONS Interstate Shipment : N For-Hire Carrier : N SSN :  
Dvr Street Address : 116 MUNROE FALLS AVE Dvr City : CUYAHOGA FALLS Dvr State : OH Dvr ZIP : 44221  
Seal Broken for Inspection : N Original Seal No. : Replacement Seal No. : HM Incident/Accident : N  
Placards Displayed : N Placards offered by shipper : N Ship. docs. prep by carrier : N  
Ship. docs. prep. by shipper : N Loaded by Shipper : N Loaded by carrier : N Tank Spec. No. : HazClass A :  
ID No. A : Gross Wt. A : Haz Class B : ID No. B : Gross Wt B : Haz Class C : ID No. C :  
Gross Wt C : Haz Class D : ID No. D : Gross Wt D : Haz Class E : ID No. E : Gross Wt. E :  
Photos Taken : N Photo Ref No : Supplemental Report : N PaperRptNumber :

I hereby declare the vehicle(s) so marked above to be OUT OF SERVICE. No person shall remove the OUT OF SERVICE stickers applied to this vehicle, if any, nor operate such vehicle until the out of service defects have been repaired and the vehicle(s) restored to safe operating condition. POSSIBLE \$1,000 PENALTY (\$10,000 IF HAULING HAZMAT) □

NOTE TO DRIVER/MECHANIC: This report must be furnished WITHIN 24 HOURS to the motor carrier whose name appears at the top of this report. NOTE TO MOTOR CARRIERS: Sign the certification below and the one on the back of this form, and return this report to the address which appears on the other side of this report within 15 days.

Signature of Repairer: X

Facility: Ship + Equip Date: 2-21-02

CARRIER CERTIFICATION: [This certification and the one on the back of this form MUST BE SIGNED by the motor carrier and RETURNED WITHIN 15 DAYS if any mechanical violations are listed above.] "The undersigned certifies that all mechanical violations listed on this report have been corrected and action taken to assure compliance with the Motor Carrier Safety and HM Regulations insofar as they are applicable to motor carriers and drivers."

Signature of Carrier Official: X

Date: 2-22-02

Report Prepared By:  
LAMBERT, MR  
X

Badge #:  
3296

Copy Received By:  
DANIEL G. BENNETT  
X

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