

**FILE** CASE NO. 06-1311-TR-CVF

STAFF EXHIBIT NO. 1, No. 2, No.3, No. 4 AND No. 5, MCGRAW EXHIBIT No. 1  
SUBMITTED WITH TRANSCRIPT FILED ELECTRONICALLY FOR HEARING  
HELD ON WEDNESDAY, JULY 16, 2008 BEFORE GREGORY PRICE, ATTORNEY  
EXAMINER.

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Technician                      Date Processed 8-13-08

1       BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

2                   - - -

3  
4       In Re: Thomas W. McGraw       :   Case No.  
5                                       :   06-1311-TR-CVF  
6

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8                   - - -  
9

10                               PROCEEDINGS

11       Before Gregory Price, Attorney Examiner, held at  
12       the offices of the Public Utilities Commission  
13       of Ohio, 180 East Broad Street, Hearing Room  
14       11-F, Columbus, Ohio, on Wednesday, July 16,  
15       2008, at 10:00 A.M.

16       8-13-08

17       Transcript docketed electronically

18                                       Kst  
19

20  
21                               Armstrong & Okey, Inc.  
22                               185 S. Fifth Street, Suite 101  
23                               Columbus, Ohio 43215  
24                               (614) 224-9481 - (800) 223-9481  
                                 Fax - (614) 224-5724

                 - - -

Public Utilities Commission of Ohio  
180 East Broad Street  
Transportation Department  
Columbus, OH 43215  
Phone: (614)466-0429 Fax: (614)752-9274

DRIVER/VEHICLE EXAMINATION REPORT  
Report Number: OH3202303680  
Inspection Date: 07/21/2006  
Start Time: 08:35 AM End Time: 09:10 AM  
Insp. Level: 1-Full, Non-Bulk HM Insp.

DELILLE OXYGEN COMPANY  
P O BOX 7890  
COLUMBUS, OH 43207-0890  
USDOT#: 00390728 Phone#: (614)444-1177  
MC/MX#: Fax#: State#:

Driver: MCGRAW, THOMAS W  
License#: RR079798 State: OH  
Date of Birth: 05/27/1972  
CoDriver: License#: State:  
Date of Birth:

Location: ROAD PATROL (OBETZ, OH)  
Highway: ALUM CREEK DR  
County: FRANKLIN, OH

MilePost: 2 Shipper: CARRIER  
Origin: COILUMBUS, OH Bill of Lading: 150710  
Destination: PATASKALA, OH Cargo: HAZ MAT (ALL)

#### VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	License #	Company #	Vin #	GVWR	CVSA #	OOS#
1	TR	INTL	1999	OH	PBU8614	684	CARRIER	30,000	4508101	

#### BRAKE ADJUSTMENTS

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

#### VIOLATIONS

Section Code	St	Unit	OOS	Citation #	Verify	Crash	Violations Discovered
	D	N			N	N	Failing to stop at railroad crossing-placarded (class 2.1, 2.2, 5.1)

HazMat: 2.1 Flammable gas; 2.2 Nonflammable gas; 5.1 Oxidizer

Placard: Yes Cargo Tank:

Special Checks: No Data for Special Checks.

#### State Information:

Replacement Seal: N/A; For-Hire Carrier: N; Fatalities (Y/N): N; Driver Address: 1432 TILIA CT; Driver City: GALLOWAY; Driver State: OH; Driver Zip: 43119; Photo Ref #: N/A; Supplemental Report #: N/A; Co-Investigator #: N/A; RSN Code: OBVI; Paper Report #: N/A;

NOTE TO DRIVER: This report must be furnished to the motor carrier whose name appears at the top of this report. NOTE TO MOTOR CARRIERS: Please sign the below certification and return this report to the address which appears at the top of this report within fifteen (15) days. Failure to return this report with the required certification can result in penalties up to \$500.

Signature Of Repairer X: Facility: Date:

CARRIER CERTIFICATION: The undersigned certifies that all violations noted on this report have been corrected and action taken to assure compliance with the Federal Motor Carrier Safety and Hazardous Materials Regulations insofar as they are applicable to motor carriers and drivers. False certifications of the required repairs are required to be prosecuted with penalties up to \$10,000.

Signature Of Motor Carrier X: Title: Date:

Report Prepared By:  
P HASKINS

Badge #:  
3202

Copy Received By:  
MCGRAW, THOMAS W.

Page 1 of 1



OH3202303680

X

Public Utilities Commission of Ohio  
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 Public Utilities Commission of Ohio (PUCO). 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.
- (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 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

Date Repairs Made

Printed Name

Address

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

Signature of Carrier's Officer/Agent

Date Signed

Printed/Typed Name

Title

Name of Carrier

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:  
PUCO-TRANSPORTATION DEPARTMENT  
DATA MANAGEMENT DIVISION  
180 EAST BROAD STREET  
COLUMBUS, OH 43215-3793

Public Utilities Commission of Ohio  
180 East Broad Street  
Transportation Department  
Columbus, OH 43215  
Phone #: (614)466-0429 Fax #: (614)752-9274  
robert.leader@puc.state.oh.us

**DRIVER VEHICLE EXAMINATION REPORT**

Report Number: OH3202303680  
Inspection Date: 7/21/2006 Certification Date: 07/26/2006  
Time Started: 08:35 Time Ended: 09:10  
Inspection Level: 1 - Full Inspection Non-Bulk HM Insp.

DELILLE OXYGEN COMPANY  
P O BOX 7890  
COLUMBUS, OH 43207-0890  
Phone #: (614)444-1177 Fax #:  
USDOT #: 380728 MC/MX #:  
State #:

Driver: MCGRAW, THOMAS W  
License #: RR079798 State: OH  
Date of Birth: 05/27/1972

Location: ROAD PATROL (OBETZ, OH) MilePost: 2  
Highway: ALUM CREEK DR Origin: COILUMBUS, OH Bill of Lading: 150710  
County: FRANKLIN Destination: PATASKALA, OH Cargo: HAZ MAT (ALL)  
Shipper: CARRIER.

**VEHICLE IDENTIFICATION:**

Unit	Type	Make	Year	State	License #	Company #	Unit VIN	GVWR	CVSA #	OOS#
1	TR	INTL	1999	OH	PBU8614	684	CARRIER	30,000	4508101	

**BRAKE ADJUSTMENTS:**

Axe #	1	2
Right	1 1/4	1 3/8
Left	1 1/8	1 1/4
Chamber	C-20	C-30

**VIOLATIONS:**

Section Code	St	Unit	OOS	Citation #	Verify*	Crash	Violation Description
392.10(a)(3)		D	N		N	N	Failing to stop at railroad crossing-placarded (class 2.1, 2.2, 5.1)

\* N - Non-OOS or Driver OOS Violation

HazMat: 2.1 Flammable Gas, 2.2 Nonflammable Gas, 5.1 Oxidizer, Placard: Yes Cargo Tank:

**Special Checks:**

<input type="checkbox"/> Alcohol/Controlled Substance Check	<input type="checkbox"/> Traffic Enforcement
<input type="checkbox"/> Conducted by Local Jurisdiction	<input type="checkbox"/> Drug Interdiction Search Arrests:
<input type="checkbox"/> Size and Weight Enforcement	<input type="checkbox"/> Post Crash Inspection

**Inspection Notes:**

target inspection (OBVI) vehicle was observed failing to stop at grade crossing as required-driver only slowed the transport vehicle at crossing and proceeded through grade crossing without stopping-driver stated he "thought he stopped" and then proceeded to ask what the law required for proper stopping at railroad grade crossings. driver further stated that he "did have his flashers on I think"

**Special Study Fields:**

Special Study 1: RAIL	Special Study 4:
Special Study 2: Y	Special Study 5:
Special Study 3: N	

**Locally Defined Fields:**

For-Hire Carrier: N	Fatalities (Y/N): N	Driver Address: 1432 TILIA CT
Driver City: GALLOWAY	Driver State: OH	Driver Zip: 43119
Photo Ref #: N/A	Supplemental Report #: N/A	Co-Investigator #: N/A
RSN Code: OBVI	Paper Report #: N/A	Replacement Seal: N/A

**CARRIER CERTIFICATION:** The undersigned certifies that all violations noted on this report have been corrected and action taken to assure compliance with the Federal Motor Carrier Safety and Hazardous Materials Regulations insofar as they are applicable to motor carriers and drivers. False certifications of the required repairs are required to be prosecuted with penalties up to \$10,000.

Signature of Carrier Official: X

Date:

Report Prepared By:  
Haskins, P

Badge #:  
3202

Copy Received By:  
MCGRAW, THOMAS W

Public Utilities Commission of Ohio  
180 East Broad Street  
Transportation Department  
Columbus, OH 43215  
Phone #: (614)466-0429 Fax #: (614)752-9274  
robert.leader@puc.state.oh.us

## DRIVER VEHICLE EXAMINATION REPORT

Report Number: OH3202303680  
Inspection Date: 7/21/2006 Certification Date: 07/26/2006  
Time Started: 08:35 Time Ended: 09:10  
Inspection Level: 1 - Full Inspection Non-Bulk HM Insp.

DEILLE OXYGEN COMPANY  
P O BOX 7890

COLUMBUS, OH 43207-0890

Phone #: (614)444-1177

Fax #:

USDOT #: 390728

MC/MX #:

State #:

Driver: MCGRAW, THOMAS W

License #: RR079798

State: OH

Date of Birth: 05/27/1972

**NOTE TO DRIVER:** This report must be furnished to the motor carrier whose name appears at the top of this report. **NOTE TO MOTOR CARRIERS:** Please sign the below certification and return this report to the address which appears at the top of this report within fifteen (15) days. Failure to return this report with the required certification can result in penalties up to \$500.

Signature of Repairer:

X

Facility:

Date:

Report Prepared By:  
Haskins, P

Badge #:  
3202

Copy Received By:  
MCGRAW, THOMAS W

**Civil Forfeiture Violation Chart  
Nature & Gravity Points**

<b>10 Points</b>	<b>Leaking Container Violations</b>
10	Package integrity failure Cargo tank valves and closures not securely closed
<b>6 - 8 Points</b>	<b>Packaging, Segregation, &amp; Handling Violations</b>
8	Segregation & Loading Non-specification or non-performance packaging HM Vehicle attendance Relative motion among HM packaging
6	Specification/performance packaging does not meet req. Packaging qualification and maintenance violations (Cargo tanks: 6 points for first test/insp. not conducted; +1 extent for each additional cargo tank test/inspection not conducted) HM Training Not As Required (-2 extent for each completed, ie. awareness)
<b>6 Points</b>	<b>Hazard Communication Violations</b>
6	Proper HM placards not offered/ affixed (+6 for each additional hazard class missing) (1 not affixed=NAV, +1 extent for each additional) Proper HM markings not offered/affixed (+6 extent for each additional haz. class missing) (1 not affixed =NAV, +1 extent for each additional) No proper HM shipping paper (+1 extent 172.203 violations for PIH, DWW; +3 for technical names per 172.203 (c) or (k) **each element worth 1 point **If 1 element is missing = NAV) Packages offered/accepted without proper HM markings (+1 for required additional info) Packages offered/accepted without proper HM labels (+6 for subsidiary hazard class) Hazardous waste manifest not as required Misrepresenting hazmat present on vehicle
<b>4 Points</b>	<b>Hazardous Materials Handling Violations</b>
4	Failure to secure packages (no movement)

<b>3 Points</b>	<b>Hazardous Communication Violations</b>
	HM shipping papers – no technical name as per 172.203 (c) or (k) HM marking – no technical name Emergency response information (Subpart G) not as required **No Written ER info **No telephone no.
<b>2 Points</b>	<b>Hazardous Communication Violations</b>
	Displaying a sign (drive safely, etc.) that could be confused with a Placard, as per 172.502.
<b>3 Points</b>	<b>Shipping Paper/ER Information Accessibility</b>
3	Shipping papers/ER information not accessible HM shipping papers not tabbed or first HM entries not distinguished
<b>0 Points</b>	<b>Minor Hazard Communication Violations</b>
0	Placards/markings/labeling visibility & display No Ltd Qty, RQ, DOT-E on shipping papers Unauthorized abbreviation used in proper shipping name Tech. Name not in association with proper shipping name Minor shipping description sequence “UN” instead of “NA” Minor typographical errors One placard visibility & display CT Part 180 markings not properly placed CT Part 180 markings not displayed
<b>1 - 5 Points</b>	<b>FMCSR Handling Violations</b>
5	No route plan for radioactive materials No emergency plan for radioactive and explosives
4	Failure to comply with local routing requirement Driving after being placed out-of-service
2	Railroad grade crossing violations
1	Failure to comply with state or local laws
<b>2 – 3 Points</b>	<b>FMCSR Violation (Must meet specific CVSA OOS Criteria)</b>



- 3 Inoperative brake OOS  
Hours of service violation  
Ill or fatigued driver  
Unauthorized passenger  
Failure to have proper Commercial Drivers License  
(No HM Endorsement)
- 2 Slider handle assembly-Pin OOS; missing/broken OOS  
5<sup>th</sup> wheel OOS Violation  
Frame stress cracks OOS  
Air brake systems OOS
- 0 Driver Smoking  
Log Book Violations

**0- 1 Points                      FMCSR Violations (Must be 2 or more OOS violations)**

- 1 Brake/pushrod adjustment (if only viol. assess if severe)  
If 20% of brake out of adjust. = 1 point violation  
If >20% out of adjust., +1 extent for each full brake  
out of adjust.  
Broken main leaf spring or spring hanger OOS  
Brake pad violations OOS  
Cracked wheel/tire rim OOS  
Other OOS suspension violations  
Cut tire OOS  
Worn tire, cord showing, OOS violation, 4/32" & 2/32"  
Lug nuts missing, OOS violation  
Inoperative low air warning device OOS violation
- 0 Stoplights out OOS violation  
Emergency brake inoperable  
Improperly attached cargo tank appurtenance  
No emergency equipment  
Failure to carry Part 397 on vehicle placarded Class 1  
Flat tire, OOS violation  
Leaking tire OOS violation  
Blocking and bracing of non-HM

**1 - 4 Points                      FMCSR Driver Violations**

- 4 Failure to comply with routing designation  
Driving after being placed out-of-service  
Failure to stop at check point  
Driving after consumption of alcohol or controlled substance

- 1
- No log book OOS
  - Falsification of log book OOS
  - Late log book OOS
  - No commercial driver's license
  - Driver smoking
  - Seat belt violation
  - Radar detector in use/possession
  - Unauthorized passenger
  - Failure to stop at railroad grade crossing
  - CT Part 180 markings not displayed

Effective January 4, 2004

# MATERIAL HAZARD CHART

<u>POINTS</u>	<u>HAZARD CLASS/DIV.</u>
1.5	1.1 2.3 6.1 7 Any PIH
1.3	1.2 1.3 4.3
1.1	2.1 3 4.1 4.2
0.9	5.1 5.2 8
0.7	1.4 1.5
0.5	1.6 2.2 PGIII (Combustible Liq.) 6.2 9 ORM-D

## Point Modifiers

PGI = .3

PGII = 0.0

PGIII = -.3

Hazardous Waste = +.1

Hazardous Substance = +.1

MARPOL = +.1

## HAZARDOUS AMOUNT CHART

<u>POINTS</u>	<u>AMOUNT (WEIGHT)</u> Pounds/Kilograms
1.0	35,000+ lb. 15,876+ kg (Cargo Tank w/ Flammable – Class 3 & 2.1)
0.6	10,000 - 34,999 lb. 4,536 –15,875 kg
0.4	1,000 - 9,999 lb. 454 - 4,535 kg
0.2	<1,000 lb. < 454 kg Residue (Not Flammable)
Less	
0.1	If package < 100 lb. /45 kg
0.2	If package < 5 lb. /2 kg

# FORFEITURE ASSESSMENT

REPORT #

3202303680 COMPLETED BY T FORBES

REPORT DATE:

July 21, 2006

DATE ASSESSED

08/22/06

RESPONDENT:

McGraw, Thomas

DRIVER CITED  
CARRIER CITED

Delille Oxygen Company

	VIOULATION CODE/ DESCRIPTION	392.10A3 RR Crossing Violation HM 2.1, 2.2 & 5.1			
	NATURE GRAVITY 0 -10 PTS.	1	0	0	0
	EXTENT OF VIOL. -10 TO +10 PTS.	0	0	0	0
	ACTUAL HARM 0 - 20 PTS.	0	0	0	0
	OTHER CIRCUMST. -10 TO +10 PTS.	0	0	0	0
(A)	SUBTOTAL POINTS 0-50 PTS.	1	0	0	0
(B)	MATERIAL HAZARD	1.1	0	0	0
(C)	AMOUNT OF MATERIAL	0.4	0	0	0
(D)	SUBTOTAL POINTS = A*(B+C)	1.50	0.00	0.00	0.00
(E)	RESPONDENT CULPABILITY	1	1	1	1
(F)	RESPONDENT HISTORY 1,2,OR 4	1	1	1	1
(G)	TOTAL POINTS = D*E*F	1.50	0.00	0.00	0.00
	FORFEITURE ASSESSED AMOUNT = G * \$75.00	\$112.50	\$0.00	\$0.00	\$0.00



## The Public Utilities Commission of Ohio

Monitoring marketplaces and enforcing rules to assure safe, adequate, and reliable utility services

3202303680D  
THOMAS W MCGRAW  
1432 TILIA CT  
GALLOWAY, OH 43119

Bob Taft, Governor  
Alan R. Schriber, Chairman  
Commissioners  
Ronda Hartman Fergus  
Judy A. Jones  
Donald L. Mason  
Clarence D. Rogers, Jr.

RE: NOTICE OF APPARENT VIOLATION  
AND INTENT TO ASSESS FORFEITURE  
Case No. 3202303680D

Dear Sir or Madame:

On July 21, 2006, a vehicle operated by DELILLE OXYGEN COMPANY, was inspected within the State of Ohio by staff of the Transportation Department of the Public Utilities Commission of Ohio. As the result of discovery of the following apparent violation, of rule 4901:2-5-02, O.A.C., the Commission intends to make a civil monetary assessment against THOMAS W MCGR in the following amount:

CODE	UNIT	VIOLATION	FORFEITURE
392.10A3	D	FAIL STOP RR XING- ANY PLA	\$ 112.50

Within 30 days, you must pay the forfeiture or send a written request for conference. Failure to pay the forfeiture or send a written request for a conference within 30 days will result in this forfeiture amount being referred to the Attorney General's office for collection, and may adversely affect your authority with the Public Utilities Commission of Ohio.

Please review the enclosed information concerning this notice.

"NOTICE REGARDING OFFENSES 392.10A3 AND 392.10A4.

If you pay this assessment, fail to dispute the charges, or are found guilty of the offense, your commercial vehicle driving privileges MAY BE DISQUALIFIED for a length of time specified by law."

Sincerely,  
Jonathan Frye, Chief  
Compliance Division  
Public Utilities Commission of Ohio  
614-466-0351

TF



# The Public Utilities Commission of Ohio

Monitoring marketplaces and enforcing rules to assure  
safe, adequate, and reliable utility services.

Bob Taft, Governor  
Alan R. Schriber, Chairman

Commissioners

Ronda Hartman Fergus  
Judy A. Jones  
Valerie A. Lemmie  
Donald L. Mason, Esq.

October 20, 2006

MR. KERRY DONAHUE

*Thomas McGraw*

6295 EMERALD PARKWAY  
DUBLIN, OH 43016

RE: NOTICE OF PRELIMINARY DETERMINATION  
Case No. 3202303680D

Dear MR. DONAHUE:

On July 21, 2006, a vehicle operated by DELILLE OXYGEN CO and driven by THOMAS W MCGRAW, was inspected within the State of Ohio. As the result of discovery of the following apparent violation of rule 4901:2-5-02 O.A.C, 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	Forfeiture
392.10A3	FAIL STOP RR XING- ANY PLA	\$ 112.50

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 violation 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

Monitoring marketplaces and enforcing rules to assure  
safe, adequate, and reliable utility services.

Bob Taft, Governor  
Alan R. Schriber, Chairman

## Commissioners

Ronda Hartman Fergus  
Judy A. Jones  
Valerie A. Lemmie  
Donald L. Mason, Esq.

MR KERRY DONAHUE

October 20, 2006  
3202303680D

PAGE -2-

As a result of the conference, Staff has made a Preliminary Determination that the Commission should make a civil monetary assessment against THOMAS W MCGRAW in the following forfeiture:

Code	Violation	N.P.D. Forfeiture
392.10A3	FAIL STOP RR XING- ANY PLA	\$ 112.50

Please include a certified check or money order for the N.P.D. forfeiture total, 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 Marvin, Director  
Transportation Department  
Public Utilities Commission of Ohio

cc:TF