

1 BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

2 - - -

3 In the Matter of: :
4 Gregory Tincher. : Case No. 08-593-TR-CVF
5 Notice of Apparent :
6 Violation and Intent to :
Assess Forfeiture. :
- - -

7 PROCEEDINGS

8 before Mr Daniel E. Fullin, Attorney Examiner, at the
9 Public Utilities Commission of Ohio, 180 East Broad
10 Street, Room 11-C, Columbus, Ohio, called at 10:00
11 a.m. on Thursday, May 28, 2009.
12 - - -

13
14
15
16 6/1/09 Transcript docketed electronically
17
18
19
20
21

22 ARMSTRONG & OKEY, INC.
23 222 East Town Street, Second Floor
Columbus, Ohio 43215-5201
24 (614) 224-9481 - (800) 223-9481
Fax - (614) 224-5724
25 - - -

PUCO

2009 JUN 11 PM 3:51

RECEIVED-DOCKETING DIV

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on 6/1/09 at 11:00 AM. Date Processed 6/1/09
Technician

PUCO EXHIBIT FILING

Date of Hearing: 5-28-09

Case No. 08-593-TR-CVK

PUCO Case Caption: In re: Gregory Tincher

List of exhibits being filed:

— STAFF EXHIBITS

— 1 - Request for Conference

— 2 - Request for Hearing

— 3 - Notice of Preliminary Determination

— 4 - Fine Schedule

— 5 - Driver/Vehicle Examination Report

Reporter's Signature: 

Date Submitted: 6-11-09

To Wanda Williams - Compliance Division
 From Gregory Tinker Phone # 937-483-8588
 Re: Case # OH 3256004572D

Request for conference

153~~54~~ Hillcrest Rd Mount Orab OH 45154

As I was pulled over for a random DOT check I was wearing my seatbelt but not wearing my shoulder strap. The officer that pulled me over knew I had my seatbelt on, even complied I had my seatbelt on. The report states improper use of seatbelt not failure to wear seatbelt. At the time I was not issued a seatbelt ticket because the officer clearly saw I had my seatbelt on so why am I being issued a seatbelt ticket one month later? I have complied with the law of wearing my seatbelt and am appalled by this letter issuing me a ticket for \$100.00. I am a law abiding citizen of the state and country and am requesting conference and need be a hearing. Thank you
 Sunny Eke

P. U. C. O.
 HAZ. NAT. COMPLIANCE

SEP 27 AM 9:26

9/27/07

FILE

RECEIVED-DOCKETING DIV

08-593-TR-CVF

2008 MAY 14 AM 11:47

PUCO

Gregory Tincher
15354 Hillcrest Rd
Mt. Orab Ohio 45154
513-240-8918

page 1
May 12, 2008

Case # OH3256004572D

I am requesting an Administrative Hearing due to I was wearing my seat belt, the report clearly states "Improper use of seat belt" not "failure to use seat belt. If I was not wearing a seat belt. I obviously would have recieved a "ticket" on the site. How can I not receive a ticket on the site but receive a ticket in the mail after you, sitting at a desk, can determine I was not wearing a seat belt. An officer of the law does not site me for this "law I'm breaking" but you sitting at your desk can determine that I broke the law and site me a ticket through mail.

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Technician TP Date Processed 5/14/2008

Page 2

Therefore, I am requesting my
right to receive an administrative
hearing.

Gregory Tinker



The Public Utilities Commission of Ohio

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

Ted Strickland, Governor
Alan R. Schriber, Chairman

Commissioners

Ronda Hartman Fergus
Valerie A. Lomax
Paul A. Cantolalla
Cheryl Roberto

May 5, 2008

MR GREGORY TINCHER

15354 HILLCREST RD
MOUNT ORAB, OH 45154

RE: **NOTICE OF PRELIMINARY DETERMINATION**
Case No. OH3256004572D
Officer: WW

Dear MR TINCHER:

On AUGUST 21, 2007, a vehicle operated by HILLSBORO TRANSPORTATION CO., and driven by GREGORY TINCHER, was inspected within the State of Ohio. As the result of discovery of the following apparent violation, 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
392.16	Failing to use seat belt while operating CMV - Pri

Total Forfeiture Assessed : \$100.00

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 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 workplaces and enforcing rules to assure safe,
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Alan R. Schriber, Chairman

Commissioners

Ronda Hartman Fergus
Valerie A. Lemmie
Paul A. Centolella
Cheryl Roberto

May 5, 2008
MR. GREGORY TINCHER .

OH3256004572D

PAGE -2

As a result of the conference, Staff has made a Preliminary Determination that the Commission should make a civil monetary assessment against GREGORY TINCHER on the following forfeiture:

Code	Violation
392.16	Failing to use seat belt while operating CMV - dri

Total Forfeiture Agreed : \$100.00

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, 13th 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



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

COMPLIANCE DIVISION

EFFECTIVE JANUARY 2, 2003

**FINE SCHEDULE
OUT OF SERVICE VIOLATIONS**

GROUP 1

VIOLATIONS		MAXIMUM FINE
Braking Action Absent	Steering Gear Box	1 Violation = \$100
Missing or Broken Brake Component	Steering Modification	
Air Drop Test	Steering Wheel Play	2 Violations = \$250
Safety Devices-Chains or Hooks	Coupling, Towing Devices	
Tires, Retreads – on Buses	Frame	3 Violations = \$400*
Steering Column	Tire, Front Axle	
Other Steering Components	Safe Loading	
Record of Duty Status-		
10 Hour Violation		
15 Hour Violation		
60 in 7, or 70 in 8		
None in Possession/Not Current		
Falsification of Record of Duty Status (Intentional)		\$300
Violation of Out of Service Notice (Each Notice, Not Each Offense)		\$1,000

GROUP 2

VIOLATIONS		MAXIMUM FINE
Braking Pad	Lamps on the Rear	1 Violation = \$50
Brake Hose, Tube	Lamps on Projecting Load	
Parking Brake	Turn Signal-Rear	2 Violations = \$150
Low Air Warning Device	Fuel Tank Not Secure	
Air Reservoir	Adjustable Axle	3 Violations = \$250*
Brake Adjustment	Wheels and Rims	
Headlamp Inoperative	Front End Structure	
Stop Lamp Inoperative	Suspension	
Violation of Out of Service Notice (Each Notice, Not Each Offense)		\$1,000
Note: Fines will only be issued for a combination of two or more Violations from Group 2 or Group 3.		

GROUP 3

VIOLATIONS		MAXIMUM FINE
Fuel Tank Cap Missing	Audible Air Leak	1 Violation = \$40
Fuel System	Exhaust System	
Windshield Glazing	Tires, Other Axles	2 Violations = \$90
Windshield Wipers	Waiver of Physical	
Disqualification	License-Improper Class	3 Violations = \$150*
Radio Active Material – Training Certificate		
Violation of Out of Service Notice (Each Notice, Not Each Offense)		\$1,000
Note: Fines will only be issued for a combination of two or more Violations from Group 2 or Group 3.		

GROUP 4

VIOLATIONS	MAXIMUM FINE
No Operating Authority (intrastate)	\$500
Failure to Register (intrastate)	\$100
Age Under 21 (Interstate)	\$250
Intoxicants – Under the Influence	\$500
Intoxicants – Possession	\$100
Insurance Violations (intrastate)	\$1,000
SSRS Registration (Receipt)	\$100
Failure to Display Correct Ohio-Cab Card Stamp (ICC Exempt)	\$100
Failure to Display Tax Decal on Vehicle	\$100
Not Using Seat Belt	\$100
Radar Detectors	\$100
Medical Certificate (Driver)	\$ 50
Disqualifying Offenses	\$500
Drugs – Under the Influence	\$500
Drugs – Possessing	\$500

* Over three violations in any group will result in a review by Commission Staff to determine additional fine amount.

Any questions in regards to this fine schedule please contact:

Public Utilities Commission of Ohio

Compliance Division

180 East Broad St.

Columbus, Ohio 43215

(614) 466-0351

CODE	VIOLATION DESCRIPTION	GROUP
391.11B1	AGE UNDER 21 (INTERSTATE)	4
391.11B7	OPERATORS LICENSE, NO VALID	4
391.15	DISQUALIFIED DRIVER	\$500
391.41	MEDICAL CERTIFICATE, NO VALID	\$50
391.49	MEDICAL WAIVER, NOT IN POSSESSION	4
392.3	ILL OR FATIGUED DRIVER	2
392.4	DRUGS, USING OR POSSESSING THOSE SPECIFIED	4
392.4A	OPERATING WHILE UNDER THE INFLU OF DRUGS	\$500
392.5	INTOXICATING BEVERAGES, USING OR POSSESSING	4
392.5A2	OPERATING WHILE UNDER INFLU OF AN INTOX.	\$500
392.5A3	OPERATING VEH WHILE IN POSSESSION OF INTOX	\$500
392.9A1	INSECURE CARGO	1
392.9A2	INSECURE PARTS & ACCESSORIES	1
392.16	SEAT BELT	4
393.100	CARGO SHIFTING OR FALLING LOADING TO PVNT.	1
393.102	SECUREMENT SYSTEMS	1
393.104	IMPROPER BLOCKING/BRACING	1
393.106	HEADERBOARD OR SIMILAR DEVICE	1
393.11PL	PROJECTING LOAD, LAMP ON MISSING ETC.	2
393.11S	STOP LIGHT MISSING ETC.	2
393.11T	TAIL LIGHT MISSING ETC.	2
393.11TS	TURN SIGNAL MISSING ETC.	2
393.201	FRAME VIOLATIONS	1
393.203	CAB AND BODY COMPONENTS	1
393.205A	CRACKED OR BROKEN WHEEL OR RIM	2
393.205B	BOLT HOLE ELONGATED, WHEELS	2
393.205C	NUT OR BOLT LOOSE OR MISSING, WHEEL	2
393.207A	AXLES-POSITIONING PART CRACKED, BROKEN,	2
393.207B	ADJUSTABLE AXLE-SLIDER PIN MISSING/DISENG	2
393.207C	SPRING, LEAF-CRACKED, BROKEN, MISSING/SHIFT	2
393.207D	SPRING, COIL-CRACKED OR BROKEN	2
393.207E	TORSION BAR-CRACKED OR BROKEN	2
393.207F	AIR SUSPENSION DEFECTIVE	2
393.209A	WHEEL, STEERING INSECURE, SPOKES CRACKED	1
393.209B	LASH, STEERING EXCEEDS STANDARDS	1
393.209C	COLUMN, STEERING INSECURE	1
393.209D	SYSTEM COMPONENT, STEERING LOOSE OR DEFC.	1
393.209E	POWER COMPONENT, STEERING DEFECTIVE	1
393.41.1	PARKING BRAKE SYSTEM INOPERATIVE	2
393.42	NO BRAKE WHEN REQUIRED	1
393.42B1	FRONT WHEEL BRAKE, NONE	1
393.43	TRACTOR PROTECTION VALVE, MISSING OR INOP	2
393.46	HOSE OR TUBING LEAK & DEFECT AT CONNECTIO	2
393.46B	BRAKE HOSES IMPROPERLY JOINED	2

393.47	BRAKE LINING OR PAD INADEQUATE	2
393.48A	INOPERATIVE BRAKE	1
393.50	VACUUM SYSTEM, DEFECT IN BRAKE	2
393.51	LOW AIR PRESSURE WARNING DEVICE	2
393.61	WINDOW, PUSH-OUT, CONSTRUCTION & OPERATI.	1
393.62	WINDOW, PUSH-OUT, OBSTRUCTING	1
393.65	FUEL TANK NOT SECURE	2
393.67	FUEL LEAK	3
393.70	FIFTH WHEEL DEFECT	1
393.71	COUPL. DEV IN DRIVEWAY TOWAWAY OPER. DEF	1
393.75A	FAB/CORD EXPO. THRU TIRE TREAD OR SIDEWAL	3
393.75A1	EXPOSED FABRIC/CORD THRU TREAD/SIDEWALL	3
393.75A2	SEPARATION OF ANY TREAD OR SIDEWALL	3
393.75A3	FLAT TIRE OR AUDIBLE LEAK	3
393.75A4	CUT IN TREAD/SIDEWALL EXPOSING FABRIC/COR.	3
393.75B	TREAD ON STEERING AXLE TIRE LESS THAN 4/32"	1
393.75C	TREAD ON TIRE LESS THAN 2/32"	3
393.75D	BUS TIRE, RECAP ON STEERING AXLE	1
393.75F	LOAD LIMIT, WEIGHT CARRIED EXCEEDS TIRE	3
393.78	WIPER, WHINDSHIELD	3
393.83B	EXHAUST, IMPROPER (BUS)	3
393.83C	EXHAUST SYSTEM	3
395.3A1	DRIVING MORE THAN 10 HOURS	1
395.3A2	DRIVING AFTER HAVING BEEN ON DUTY 15 HRS.	1
395.3B	DRIVING AFTER ON DUTY 60/70HRS. IN 7/8 DAYS	1
395.8A	LOG BOOK, NONE IN DRIVERS POSSESSION	1
395.8E	LOG BOOK, FALSE ENTRIES	1
395.8F1	LOG BOOK NOT CURRENT, TIME LAST CHNG OF D.	1
395.8K2	LOG BOOK NOT POSS. RECORD FOR PRIOR 7 DAYS	1
396.3A1B	AIR RESERVIOIR LOOSE	2
396.3A1BA	ADJUSTMENT, BRAKE OUT OF (PUSH ROD)	2
396.3A1BC	AIR COMPRESSOR, VIOLATIONS	2
396.3A1BD	DRUM OR DISK VIOLATIONS	1
396.3A1BH	HOSE OR TUBING DAMAGED/LEAKING	2
396.3A1BL	LEAK AIR RESULTING IN RESERVOIR PRESS. LOSS	2
396.3A1H	HYDRAULIC SYSTEM, DEFECTS IN	2
396.3A1T	OTHER TIRE VIOLATION	3
396.3A1W	OTHER WHEEL VIOLATION	2

ECONOMIC VIOLATIONS

CODE	VIOLATION DESCRIPTION
2-1-04 (B)	FAILURE TO PRESENT PUCO TAX RECEIPT (INTER) \$100
2-1-06	FAILURE TO DISPLAY PUCO TAX DECAL ON VEH. \$100
2-15-05	NO SINGLE STATE REGISTRATION \$100
2-15-05(E)	FAILURE TO MAINTAIN SSRS REGISTRATION \$100
2-17-02	INTERSTATE-EXEMPT NOT REGISTERED IN OHIO \$500
2-17-04	FAIL TO DISPLAY CORRECT CAB CARD OR STAMP \$100
2-17-05	INTERSTATE-EXEMPT-LIABILITY INSURANCE \$1000
2-5-04	AGE UNDER 18 (Intrastate) \$250
2-5-10	MARKING, COMPANY INTRASTATE \$100
2-5-7D	OPERATING OUT OF SERVICE VEHICLE \$1000
4921.07	OPERATING WITH NO AUTHORITY (INTER) \$500



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: OH3256004572
Inspection Date: 8/21/2007 Certification Date: 10/23/2007
Time Started: 11:15 Time Ended: 11:55
Inspection Level: II - Walk-Around No HM Insp.

HILLSBORO TRANSPORTATION CO

6256 US 50 WEST

HILLSBORO, OH 45133

Phone #: (937)393-4213

Fax #:

USDOT #: 81390

MC/MX #: 063801

State #:

Driver: TINCHER, GREGORY

License #: QD016959

State: OH

Date of Birth: 08/09/1962

Location: ROADSIDE

MilePost: 2

Highway: US30

Origin: WOOSTER, OH

Bill of Lading: 70821026

County: WAYNE

Destination: BATAVIA, OH

Cargo: OTHER

Shipper: LUK TRANSMISSION

VEHICLE IDENTIFICATION:

Unit	Type	Make	Year	State	License #	Company #	Unit VIN	GVWR	CVSA #	OOS#
1	TT	VOLV	2001	OH	PUX2597	79	4V4MC9UF11N257348	50,000		
2	ST	WANC	2005	WI	482785	775678	1JJV532W45L923024	68,000		

BRAKE ADJUSTMENTS: No brake measurements recorded.

VIOLATIONS :

Section Code	St	Unit	OOS	Lvl	Citation #	Verify*	Crash	Violation Description
392.16		D	N	N		N	N	Failing to use seat belt while operating CMV - driver observed operating a commercial vehicle without wearing his seat belt properly.
392.2	X	1	N	N		N	N	Fail to display valid license plate - plate displayed is registered to another vehicle.

* N - Non-OOS or Driver OOS Violation

HazMat: No HM transported.

Placard: NA Cargo Tank:

Special Checks:

☐ Alcohol/Controlled Substance Check
☐ Conducted by Local Jurisdiction
☐ Size and Weight Enforcement

☐ Traffic Enforcement
☐ Drug Interdiction Search
☐ PASA Conducted Inspection

☐ Post Crash Inspection

Arrests:

Inspection Notes:

obvi - seat belt

derv dr reg

Driver passed by me (stationary in the median) wearing a tan tank top shirt and his black belt was not visible. When I walked up to the driver he was wearing his belt properly. When asked, the driver stated he places the shoulder belt behind the seat when he drives.

Special Study Fields:

Special Study 1:

Special Study 4:

Special Study 2:

Special Study 5:

Special Study 3:

Locally Defined Fields:

For-Hire Carrier: Y

Fatalities (Y/N): N

Driver Address: 15354 HILLCREST RD

Driver City: MOUNT ORAB

Driver State: OH

Driver Zip: 45154

Photos Taken (Y/N): N

Reason Code: OQV1

FMCSA Credentials Verified-Y/N: N

CDL Verified (Y/N): Y

FMCSA OOS Order Issued(Y/N): N

Crash Report #: N

STAFF EXHIBIT 

Report Prepared By:

D W Hostettler

Badge #:

3256

Copy Received By:

TINCHER, GREGORY





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

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HILLSBORO, OH 45133

Phone #: (937)393-4213

Fax #:

USDOT #: 81390

MC/MX #: 063801

State #:

Driver: TINCHER, GREGORY

License #: QD016959

State: OH

Date of Birth: 08/09/1962

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 motor carriers, shippers, and/or drivers.

ATTENTION DRIVER: This report must be sent to the motor carrier whose name appears at the top of this inspection report within 24 hours. If the inspection report cannot be delivered within 24 hours the driver must mail or fax the inspection report to the motor carrier.

ATTENTION MOTOR CARRIER: The motor carrier must examine this report and repair all the vehicle defects/violations noted above -AND- The motor carrier must sign the Certification of Repairs below and return the signed form to: Public Utilities Commission of Ohio-TASD; 180 E. Broad St.; Columbus, Oh; 43215-3793 -OR- Fax (614) 752-9274 within 15 days of the inspection. If "No Violations Were Discovered" then you do not need to return this report. Failure to return this report with the required certification can result in penalties of up to \$500.

MOTOR CARRIER CERTIFICATION OF COMPLETED REPAIRS: 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 & Hazardous Materials Regulations insofar as they are applicable to motor carriers and drivers. A false certification of repairs is required to be prosecuted with penalties up to \$10,000.

Signature of Carrier Official: X Title: _____ Date: _____

Report Prepared By:
D W Hostetter

Badge #:
3256

Copy Received By:
TINCHER, GREGORY

