

FILE

PUCO EXHIBIT FILING

Date of Hearing: 2/3/10

Case No. 08-614-TA-CVF

PUCO Case Caption: Request of Larry Gnate  
For an Administrative Hearing

List of exhibits being filed:

STAFF Exhibits

- 1. DRIVER/VEHICLE EXAMINATION REPORT
- 2. NOTICE OF PRELIMINARY DETERMINATION
- 3. FINE SCHEDULE

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Reporter's Signature: [Signature]  
Date Submitted: 2/19/10

1       BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

2                               - - -

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4       In the Matter of the       :  
5       Request of Larry Grabo   : Case No.  
6       for an Administrative     : 08-614-TR-CVF  
7       Hearing.                   :

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12                               PROCEEDINGS

13       Before Gregory Price, Attorney Examiner, held at  
14       the offices of the Public Utilities Commission  
15       of Ohio, 180 East Broad Street, Hearing Room  
16       11-D, Columbus, Ohio, on Wednesday, February 3,  
17       2010, at 10:00 A.M.

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24                               Armstrong & Okey, Inc.  
25                               222 East Town Street, 2nd Floor  
                              Columbus, Ohio 43215  
                              (614) 224-9481 - (800) 223-9481  
                              Fax - (614) 224-5724

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                              - - -

1           A.     We would have to use other language  
2     within the contract that would have called for  
3     either RIFing a person, or possibly using  
4     language of involuntary transfer of a position  
5     or person out of a physical education position  
6     into another position which they were licensed  
7     for to open up a position for Ms. Beck.

8           MR. PODGURSKI: I want to explore  
9     that just a little bit further. This will be  
10    Board 2.

11                   (EXHIBIT HEREBY MARKED FOR  
12    IDENTIFICATION PURPOSES)

13           Q.     Can you identify this document,  
14    please?

15           A.     Yes. This is a seniority list we  
16    put together of all of those people employed in  
17    the Northeastern Local School District as  
18    physical education teachers.

19           THE ARBITRATOR: Employed, or  
20    licensed?

21           THE WITNESS: Employed.

22           THE ARBITRATOR: Okay. Thank you.

23           THE WITNESS: They are licensed  
24    also.

# STAFF EXHIBIT I



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: OH3202303296  
Inspection Date: 8/16/2005 Certification Date:  
Time Started: 08:35 Time Ended: 09:10  
Inspection Level: I - Full Inspection No HM Insp.  
Driver: GRABO, LARRY J  
License #: RR166300 State: OH  
Date of Birth: 03/28/1945

ROOF-SPEC INC  
9 HILLANDALE DR  
NEWARK, OH 43055  
Phone #:  
USDOT #:  
State #:

Fax #:  
MC/MX #:

Location: WILMINGTON SCALES SB MilePost: MP64  
Highway: 71 Origin: NEWARK, OH Bill of Lading: N/A  
County: CLINTON Destination: COVINGTON, KY Cargo: EQUIPMENT  
Shipper: CARRIER

### VEHICLE IDENTIFICATION:

Unit	Type	Make	Year	State	License #	Company #	Unit VIN	GVWR	CVSA #	OOS#
1	TR	FORD	2005	OH	PEZ9204	N/A	3FRXF75V15V146192	33,000		
2	OT	INTI	2005	OH	NONE	N/A	CARRIER	16,000		

### BRAKE ADJUSTMENTS:

Axe #	1	2	3	4
Right	1-1/4	1-5/8	N/A	N/A
Left	1-1/4	1-1/2	N/A	N/A
Chamber	C-20	C-30	ELEC	ELEC

### VIOLATIONS :

Section Code	St	Unit	OOS	Lvl	6	Citation #	Verify*	Crash	Violation Description
383.23(c)		D	Y	N			N	N	Operating on learner's permit w/o CDL holder
391.41(a)		D	N	N			N	N	No medical certificate on driver's possession (NONE)
395.8(a)		D	Y	N			N	N	No drivers record of duty status (145 miles:Newark, OH-Covington, KY)
390.21(b)		1	N	N			N	N	Failing to display required company markings (USDOT #, name)

\* N - Non-OOS or Driver OOS Violation

HazMat: No HM transported. Placard: NA Cargo Tank:

Special Checks: ☐ Alcohol/Controlled Substance Check ☐ Traffic Enforcement ☐ Post Crash Inspection  
☐ Conducted by Local Jurisdiction ☐ Drug Interdiction Search Arrests:  
☐ Size and Weight Enforcement ☐ PASA Conducted Inspection

Inspection Notes: target inspection (OBVI) vehicle was in interstate commerce (Newark, OH-Covington, KY) as a private carrier to conduct a roofing construction-type job. driver maintained a temporary CDL Class A while not operating a CMV with a licensed CDL driver (OOS) driver failed to maintain a medical examiner's certificate and was not in possession of any record of duty status (\*also OOS) vehicle was transporting a 16,000lb GVWR piece of roofing equipment and operating a 33,000lb GVWR power unit (dump truck)vehicle displayed no company markings (NONE)

Special Study Fields: Special Study 1: Special Study 4:  
Special Study 2: Special Study 5:  
Special Study 3:

### Locally Defined Fields:

For-Hire Carrier: N Fatalities (Y/N): N Driver Address: 9 HILLANDALE DR  
Driver City: NEARK Driver State: OH Driver Zip: 43055  
Photos Taken (Y/N): N/A Supplemental Report #: N/A Co-Investigator #: N/A  
Reason Code: OBVI Paper Report #: N/A Replacement Seal: N/A

Report Prepared By: P Haskins Badge #: 3202 Copy Received By: GRABO, LARRY J





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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Driver: GRABO, LARRY J  
License #: RR166300 State: OH  
Date of Birth: 03/28/1945

ROOF-SPEC INC  
9 HILLDALE DR  
NEWARK, OH 43055  
Phone #:  
USDOT #:  
State #:

Fax #:  
MC/MX #:

I hereby declare LARRY J. GRABO "Out of Service". This driver MAY NOT DRIVE any commercial motor vehicle nor may any carrier permit or require this driver to drive any commercial motor vehicle until obtains required CDL/accompanying CDL dr

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:  
P Haskins

Badge #:  
3202

Copy Received By:  
GRABO, LARRY J





## 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. Lemmie  
Paul A. Centolella  
Cheryl Roberto

May 5, 2008

MR LARRY GRABO

9 HILLDALE DR  
NEWARK, OH 43055

RE: NOTICE OF PRELIMINARY DETERMINATION

Case No. OH3202303296D

Officer: WW

Dear MR GRABO:

On AUGUST 16, 2005, a vehicle operated by ROOF-SPEC INC, and driven by LARRY J GRABO, 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
395.8A	No drivers record of duty status (145 miles:Newark
383.23C	Operating on learner's permit w/o CDL holder
391.41A	No medical certificate on driver's possession (NON

Total Forfeiture Assessed : \$450.00

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)

## STAFF EXHIBIT II



## The Public Utilities Commission of Ohio

*Monitoring marketplaces and enforcing rules to assure safe,  
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Ted Strickland, Governor  
Alan R. Schriber, Chairman

Commissioners

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

May 5, 2008  
MR LARRY GRABO

OH3202303296D

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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 LARRY J GRABO in the following forfeiture:

Code	Violation
395.8A	No drivers record of duty status (145 miles:Newark
383.23C	Operating on learner's permit w/o CDL holder
391.41A	No medical certificate on driver's possession (NON

Total Forfeiture Agreed : \$450.00

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

**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 POSSING THOSE SPECIFIED	4
392.4A	OPERATING WHILE UNDER THE INFLU OF DRUGS	\$500
392.5	INTOXICATING BEVERAGES, USING OR POSSESSIN	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 STANDARS	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