

NC
FILE
Ohio

**Public Utilities
Commission**

Ted Strickland, Governor
Alan R. Schriber, Chairman

RECEIVED-DOCKETING DIV

2010 SEP -1 PM 12: 27

10-1274-TR-CVF 3

Commissioners

Valerie A. Lemmie
Paul A. Centotella
Cheryl Roberto
Steven D. Lesser

PUCO

AUGUST 23, 2010
MR. RICK BURKHEAD SR
DIR. OF OPERATIONS ROE TRANSPORTATION EN
OH3238005458C

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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 ROE TRANSPORTATION ENTERPRISES INC in the following forfeiture:

| Code | Violation |
|------------|----------------------------------------------------|
| 396.3A1BOS | * BRAKES OUT OF SERVICE: The number of defective b |
| 392.9AA1/H | Operating w/o required operating authority. Per FM |

Total Forfeiture Agreed : \$600.00

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

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
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AUGUST 23, 2010

MR. RICK BURKHEAD SR
DIR. OF OPERATIONS ROE TRANSPORTATION EN
3680 W. MICHIGAN AVE
SIDNEY, OH 45365

RE: NOTICE OF PRELIMINARY DETERMINATION
Case No. OH3238005458C
Officer: CS

Dear MR. BURKHEAD SR:

On May 5, 2010, a vehicle operated by ROE TRANSPORTATION ENTERPRISES INC and driven by JOHN W ROE, 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 |
|------------|----------------------------------------------------|
| 396.3A1BOS | * BRAKES OUT OF SERVICE: The number of defective b |
| 392.9AA1/H | Operating w/o required operating authority. Per FM |

Total Forfeiture Assessed : \$600.00

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)

NC

10-1274-TR-CVF

*Roe Transport Inc. / Roe Logistics
Roe Transportation Enterprises Inc.
3680 West Michigan Ave. Sidney, Ohio 45365
Office 937-497-7161 Fax 937-493-0766*

08/30/2010

To: Public Utilities Commission of Ohio
From: Roe Transport Inc.
RE: Request for Conference according to Rule 4901:2-7-10,O.A.C
Case # OH3238005458C

Roe Transport is making a Request for Administrative Hearing for Case # OH3238005458C.

Contact persons are:
Rick Burkhead Sr. - Director of Operations
Chad Roe - Owner

This matter can probably be discussed by phone. We received violations for code 392.9AA1/H, Operating w/o required operating authority.

Roe Transport operates under DOT 1879584, MC 678022. When we renewed our IRP for 2010, they did not print the proper name or DOT number on our truck registrations. We do display the proper DOT number and name on our trucks and our operating authority is valid. We immediately contacted the IRP office and they made the corrections on our registrations which are carried in the trucks.

This entire issue was discussed with Mr. Robert Barrett (see below) during an in house DOT Audit. It was by his advice that we are "Requesting an Administrative Hearing."

Robert Barrett
Hazardous Materials Specialist
Public Utilities Commission of Ohio
Transportation Enforcement Division
Cell: 419-236-2130
Fax: 614-728-4527

Rick Burkhead Sr.

