

FILE

10

PUCO EXHIBIT FILING

Date of Hearing: February 17, 2011

Case No. 10-1274-TR-CVF

PUCO Case Caption: In the Matter of Roe

Transportation Enterprises, Inc., Notice of

Apparent violation and Intent to

Assess Forfeiture

PUCO

2011 MAR -7 PM 4:19

RECEIVED BOOKKEEPING DIV

List of exhibits being filed:

State Exhibit 1 - Driver/Vehicle Examination Report

Roe Exhibit A - Permit

B - Photo

C - Ohio Apportioned Registration 2-24-09

D - Ohio Apportioned Registration 5-6-10

Reporter's Signature: Catherine Peasmore

Date Submitted: March 7, 2011

This is to certify that the images appearing are an accurate and complete reproduction of a file document delivered in the regular course of business to the PUCO. Date Processed 3/7/11 Technician Am

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

In the Matter of Roe :
Transportation Enterprises, :
Inc., Notice of Apparent : Case No. 10-1274-TR-CVF
Violation and Intent to :
Assess forfeiture, :

- - -

PROCEEDINGS

before James M. Lynn, Attorney Examiner, held at the
offices of the Public Utilities Commission of Ohio, 180
East Broad Street, Hearing Room 11-D, Columbus, Ohio,
on Thursday, February 17, 2011 at 10:09 a.m.

- - -

ARMSTRONG & OKEY, INC.
222 East Town Street, 2nd Floor
Columbus, Ohio 43215-5201
(614) 224-9481 - (800) 223-9481
FAX - (614) 224-5724

- - -

DRIVER/VEHICLE EXAMINATION REPORT

Aspen 2.13.1.2



OHIO STATE HIGHWAY PATROL
MOTOR CARRIER ENFORCEMENT
DISTRICT 2 HEADQUARTERS
TELEPHONE: (419) 562-8040
Return Certification to agency listed below

Report Number: OH3238005458
Inspection Date: 05/05/2010
Start: 5:56:11 PM ET **End:** 7:00:00 PM ET
Inspection Level: IV - Special Study
HM Inspection Type: None

ROE TRANSPORTATION ENTERPRISES INC
3680 SR 47 WEST
SIDNEY, OH 45365
USDOT#: 00846123 **Phone#:** (937)497-7161
MC/MX#: 542831 **Fax#:**
State#:

Driver: ROE, JOHN W
License#: RQ846628 **State:** OH
Date of Birth: 12/19/1960
CoDriver:
License#: **State:**
Date of Birth:

Location: ROADSIDE
Highway: US30
County: WYANDOT, OH

MilePost: 21 EB **Shipper:** IVEX PROTECTIVE PACKAGING, INC
Origin: SIDNEY, OH **Bill of Lading:** 004086
Destination: DOWNINGTOWN, PA **Cargo:** GENERAL FREIGHT

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate #	Equipment ID	VIN	GVWR	CVSA #	CVSA Issued #	OOS Sticker
1	TT	FRHT	2003	OH	PVH7298	396	1FUJBBCG23LK42741				YES
2	ST	STRI	2007	OH	TNN1799	RT9	1S12E95307E513600				YES

BRAKE ADJUSTMENTS

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

VIOLATIONS

Section	Type	Unit	OOS	Citation #	Verify	Crash	Violations Discovered
392.9a(1)	F	1	Y		U	N	Operating w/o required operating authority. Per FMCSA's L&I website, the carrier has no common or broker authority; contract authority shows inactive. OUT/SERVICE
393.55(d)(1)	F	1	N		N	N	Defective ABS: dash-mounted ABS malfunction indicator lamp fails to deactivate during a check of the lamp function.
396.3(a)(1)	F	2	Y		U	N	* BRAKES OUT OF SERVICE: The number of defective brakes is equal to or greater than 20 percent of the service brakes on the vehicle or combination
393.48(a)	F	2	N		N	N	* Inoperative brake at the left front trailer axle (axle 4). Pushrod fails to move when the service brake is applied.
393.48(a)	F	2	N		N	N	* Inoperative brake at the left rear trailer axle (axle 5). Pushrod fails to move when the service brake is applied.
393.48(a)	F	2	N		N	N	* Inoperative brake at the right front trailer axle (axle 4). Pushrod fails to move when the service brake is applied.
393.48(a)	F	2	N		N	N	* Inoperative brake at the right rear trailer axle (axle 5). Pushrod fails to move when the service brake is applied.

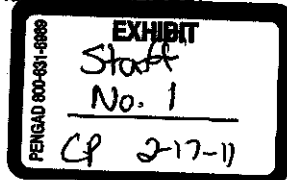
HazMat: No HM Transported.

Placard: No **Cargo Tank:**

Special Checks: No Data for Special Checks.

State Information:

FMCSA Credentials Verified-Y/N: Y; CDL Verified (Y/N): Y; FMCSA OOS Order Issued(Y/N): N; For-Hire Carrier: Y; Reason Code: ISSS;
 Driver Address: 851 BROWN RD; Driver City: SIDNEY; Driver State: OH; Driver Zip: 45365;



Report Prepared By:
 MCEI M.J. BYRNE

Badge #:
 3238

Copy Received By:
 JOHN ROE

Page 1 of 2



X _____

X _____

00846123 OH OH3238005458

DRIVER/VEHICLE EXAMINATION REPORT

Aspen 2.13.1.2



OHIO STATE HIGHWAY PATROL
MOTOR CARRIER ENFORCEMENT
DISTRICT 2 HEADQUARTERS
TELEPHONE: (419) 562-8040
Return Certification to agency listed below

Report Number: OH3238005458
Inspection Date: 05/05/2010
Start: 5:56:11 PM ET End: 7:00:00 PM ET
Inspection Level: IV - Special Study
HM Inspection Type: None

ROE TRANSPORTATION ENTERPRISES INC

3680 SR 47 WEST
SIDNEY, OH 45365

USDOT#: 00846123

MC/MX#: 542831

State#:

Location: ROADSIDE

Highway: US30

County: WYANDOT, OH

Phone#: (937)497-7161

Fax#:

MilePost: 21 EB

Origin: SIDNEY, OH

Destination: DOWNINGTOWN, PA

Driver: ROE, JOHN W

License#: RQ846628

Date of Birth: 12/19/1960

CoDriver:

License#:

Date of Birth:

State: OH

State:

Shipper: IVEX PROTECTIVE PACKAGING, INC

Bill of Lading: 004086

Cargo: GENERAL FREIGHT

* Pursuant to authority contained in Title 49, Code of Federal Regulations, Section 396.9, I hereby declare vehicles with defects followed by an "Y" in the "Out of Service" column in the violations discovered section of this report OUT OF SERVICE. No person shall remove the out of service stickers applied to these vehicles, or operate such vehicles until the out of service defects have been repaired and the vehicles have been restored to safe operating condition.

Signature Of Repairer X: _____ Facility: _____ Date: _____

All violations of the FHRM 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 up to \$1,000 per day for each day the violation continues, up to a total of \$10,000.

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 Motor Carrier X: _____ Title: _____ Date: _____

Report Prepared By:
MCEI M.J. BYRNE

Badge #:
3238

Copy Received By:
JOHN ROE

Page 2 of 2



00846123 OH OH3238005458

X _____

X _____

REC'D
PUCCO

3238005458

OHIO STATE HIGHWAY PATROL TRAN DATA SYS
MOTOR CARRIER ENFORCEMENT
DISTRICT 2 HEADQUARTERS
TELEPHONE: (419) 562-8040
Return Certification to agency listed below

This fax was received by GFI FAXmaker
Report Number: OH3238005458
Inspection Date: 05/05/2010
Start Time: 05:58 PM End Time: 06:55 PM
Inspection Level: IV - Special Study
HM Inspection Type: None

2010 MAY -7 AM 8:22

ROE TRANSPORTATION ENTERPRISES INC
3680 SR 47 WEST
SIDNEY, OH 45385
USDOT#: 00846123
MC/MX#: 542631
State#:

Phone#: (937) 497-7161
Fax#:

Driver: ROE, JOHN W
License#: RQ646628
Date of Birth: 12/19/1960
CoDriver:
License#:
Date of Birth:
State: OH
State:

Pursuant to authority contained in Title 49, Code of Federal Regulations, Section 396.9, I hereby declare vehicles with defects followed by an "Y" in the "Out of Service" column in the violations discovered section of this report OUT OF SERVICE. No person shall remove the out of service stickers applied to these vehicles, or operate such vehicles until the out of service defects have been repaired and the vehicles have been restored to safe operating condition.

Signature Of Repetitor X: _____ Facility: _____ Date: _____

All violations of the FMVRS and FMCSRs or Title 49 of the Ohio Revised Code will be reviewed by the PUCCO'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.

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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: 43216-3783 -OR- Fax (614) 762-8274 within 15 days of the inspection. If "No Violations Were Observed" then you do not need to return this report. Failure to return this report with the required certification can result in penalties up to \$1,000 per day for each day the violation continues, up to a total of \$10,000.

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 Motor Carrier X: _____ Title: _____ Date: 5-6-10

Report Prepared By:
MCEI M.J. BYRNE

Badge #
3238

Copy Received By:
JOHN ROE

Page 2 of 2



OH3238005458

U.S. Department of Transportation
Federal Motor Carrier Safety Administration

1200 New Jersey Ave., S.E.
Washington, DC 20590

SERVICE DATE
May 08, 2009

PERMIT

MC 678022-P
ROE TRANSPORT INC
SIDNEY, OH

This Permit is evidence of the carrier's authority to transport transportation as a contract carrier of property (except household goods) by motor vehicle in interstate or foreign commerce.

This authority will be effective as long as the carrier maintains compliance with the requirements pertaining to insurance coverage for the protection of the public (49 CFR 397) and the designation of agents upon whom process may be served (49 CFR 396). Failure to maintain compliance will constitute sufficient grounds for revocation of this authority.

Service must be performed under a continuing agreement with one or more persons.

Kathy A. Warner

Kathy Warner, Chief
Information Systems Division

NOTE: Willful and persistent noncompliance with applicable safety fitness regulations as evidenced by a DOT safety fitness rating of "unsatisfactory" or by other indicators could result in a proceeding holding the holder of this certificate or permit to show cause why this authority should not be suspended or revoked.

RMO

Roe

PENCAD 800-631-6889

EXHIBIT

B





OHIO APPORTIONED REGISTRATION CAB CARD

NEW APPLICATION NO. ZJ02752		VALIDATION NO. 0029006748		APPORTIONED PLATE NO. PVH7298			
ACCOUNT NO. 2152	FLEET NO. 001	SUPP NO. 000	UNIT NO. 396	DATE REGISTERED 2/24/2009	EXPIRATION DATE 2/28/2010		
VEHICLE IDENTIFICATION NO. 1FUJBBCG23LK42741	YEAR 2003	MAKE FRHT	TYPE TP	FUEL D	NO. AXLES 3	CMBD AXLES 5	SEATS/BUS
GROSS VEHICLE WEIGHT 80000	UNLADEN WEIGHT 18000	TAX DISTRICT 7508	OLD APPLICATION NO. ZH38347	OLD PLATE NO.			
OWNER (LESSOR) ROE TRANSPORTATION INC							
REGISTRANT/OPERATOR (LESSEE) ROE TRANSPORTATION INC 3680 ST RT 47 SIDNEY OH 45365							
USDOT OF CARRIER RESPONSIBLE FOR SAFETY							
<p>The vehicle described has been proportionally registered between the State of Ohio and the jurisdiction(s) shown below. Canadian provinces are shown in kilograms, all other jurisdictions are shown in pounds.</p> <p>AL080000 AR080000 CT080000 DC080000 DE080000 FL080000 GA080000 IA080000 IL080000 IN080000 KS080000 KY080000 LA080000 MA080000 MD080000 ME080000 MI080000 MN080000 MO080000 MS080000 NC080000 ND080000 NE080000 NH080000 NJ080000 NY080000 OK080000 PA080000 RI080000 SC080000 TN080000 TX080000 VA080000 VT080000 WI080000 WV080000 WY080000 ***** ***** ***** *****</p>							
<p>STATE OF OHIO – BUREAU OF MOTOR VEHICLES</p> <p>Authority granted under Act. No. H.B. 831 (PA 1990). No jurisdictions are to be listed after the row of asterisks or card is invalid. This card must be carried in the vehicle to which it is issued or be subject to confiscation. Copies are not valid.</p> <p>Agency Number 2543</p>							





OHIO APPORTIONED REGISTRATION CAB CARD

EXHIBIT

D

NEW APPLICATION NO. ZG94806		VALIDATION NO. 1029007796		APPORTIONED PLATE PVH7298			
ACCOUNT NO. 2152	FLEET NO. 001	SUPP NO. 001	UNIT NO. 396	DATE REGISTERED 5/06/2010	EXPIRATION DATE 2/28/2011		
VEHICLE IDENTIFICATION NO. 1FUJBBCG23LK42741	YEAR 2003	MAKE FRHT	TYPE TR	FUEL D	NO. AXLES 3	CMBD AXLES 5	SEATS/BUS
GROSS VEHICLE WEIGHT 80000	UNLADEN WEIGHT 18000	TAX DISTRICT 7508	OLD APPLICATION NO. ZJ65857	OLD PLATE NO.			
OWNER (LESSOR) ROE TRANSPORTATION INC							
REGISTRANT/OPERATOR (LESSEE) ROE TRANSPORTATION INC 3680 ST RT 47 SIDNEY OH 45365				USDOT OF CARRIER RESPONSIBLE FOR SAFETY 1879584 ROE TRANSPORT INC 3680 WEST MICHIGAN ST SIDNEY OH 45365			
The vehicle described has been proportionally registered between the State of Ohio and the jurisdiction(s) shown below. Canadian provinces are shown in kilograms, all other jurisdictions are shown in pounds.							
AL080000 AR080000 CT080000 DC080000 DE080000 FL080000 GA080000 IA080000							
IL080000 IN080000 KS080000 KY080000 LA080000 MA080000 MD080000 ME080000							
MI080000 MN080000 MO080000 MS080000 NC080000 ND080000 NE080000 NH080000							
NJ080000 NY080000 OK080000 PA080000 RI080000 SC080000 SD080000 TN080000							
TX080000 VA080000 VT080000 WI080000 WV080000 *****							

STATE OF OHIO - BUREAU OF MOTOR VEHICLES							
Authority granted under Act. No. H.B. 831 (PA 1990). No jurisdictions are to be listed after the row of asterisks or card is invalid. This card must be carried in the vehicle to which it is issued or be subject to confiscation. Copies are not valid.							
Agency Number 3243							

