

NC

12-754-TR-CVF 10

BRAJO INCORPORATED

**141 Beaver Lane
New Paris, Pa. 15554
Phone 814-839-9345
Cell ph. 814-285-6081**

2/19/12

The Public Utilities Commission of Ohio
180 East Broad Street, 11th Floor
Columbus, Ohio 43215-3793

PUCO

2012 FEB 23 PM 3:15

RECEIVED-DOCKETING DIV

Attention; Docketing Division

Subject: Request for Administrative Hearing
Case #OH03254005233C

To whom it may concern;

Please consider this letter a request for Administrative Hearing relative to subject.

Requested enclosures are;

- (1) copy of the Notice of Preliminary Determination
- (2) Contact person information;
 - a. Braddon B. Rininger
141 Beaver Lane
New Paris, Pa. 15554
Phone 814 839 9345
Cell 8142856081
- (3) Case #OHO3254005233C
- (4) copies of all correspondence

STATEMENT:

By my request, Ms. Cheryl Streets has forwarded me a copy of the filing instructions that were omitted in previous correspondence. I am trying to adhere to the commissions requests and requirements.

I note; The question of "number of chains to be used to secure a load" under the Federal Code is not mentioned. Route 71 at the inspection station falls under the Federal code. However, furthermore, tying down construction equipment with 5 tie downs meets not only the Federal code but also the State code. The officer pointed out the State Code

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Technician SM Date Processed FEB 23 2012

mentioning 5 chains making specific note to differentiate between (tie down points) and (number of chains used). This becomes irrelevant under Federal Code which requires no specific number of chains.

(1) I ask that you reconsider this case and find a reversal in order, as State code was used to make the determination of an infraction rather than Federal Code.

(2) Even if State Code was to be determined, a minimum of 5 tie down points were in place which is the minimum requirement.

Thank you.

Brad Kinninger

Copy; file

Ohio

Public Utilities
Commission

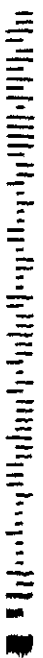
700 North State
Columbus, OH 43260-1503
(614) 467-1700

02-15-12 CDL BH 432

BRAJO INC
141 BEAVER LANE
NEW PARIS, PA 15554

*Received
for
File. 1/4/2012*

APR 23 1994



INSTRUCTION SHEET

NOTICE OF PRELIMINARY DETERMINATION

You have received a "Notice of Preliminary Determination" pursuant to Rule 4901:2-7-12, Ohio Administrative Code. This Notice of Preliminary Determination is based upon the inspection report prepared in this case, further review and investigation by the Staff, and information presented in a settlement conference with the Staff, if held.

Within thirty (30) days of receipt of this Notice you must either: (1) Pay the civil forfeiture indicated in the Notice, or (2) File a written "Request for Administrative Hearing." **If you do not pay the civil forfeiture or file a "Request for Administrative Hearing" within thirty days, you will waive your right to further contest the violation and the civil forfeiture, and you will be subject to an order of the Commission placing you in default and referring your case to the Ohio Attorney General for collections.**

Both procedures are described below. Please read them carefully.

1. How to Pay the Forfeiture:

If you do not wish to further contest the civil forfeiture indicated in the Notice, you must make payment of the civil forfeiture indicated in the Notice by check or money order (no Canadian postal money orders please) made payable to: "Treasurer, State of Ohio" and must indicate the case numbers for which payment is being made. Please use the ENCLOSED ENVELOPE to make payment or mail the payment to the following address:

The Public Utilities Commission of Ohio
Attention: Fiscal Department
180 East Broad Street, 4th Floor
Columbus, Ohio 43215-3793

THE CASE NUMBER AND THE COMPANY NAME MUST BE WRITTEN ON THE FACE OF YOUR CHECK OR MONEY ORDER.

2. How file a "Request for Administrative Hearing":

If you do wish to further contest the civil forfeiture indicated in the Notice, **you should file a "Request for Administrative Hearing"** with the Commission's Docketing Division. Please note that you must file a "Request for Administrative Hearing" in order to further contest the civil forfeiture or compliance order in this matter, even if you had previously served upon the Staff a "Request for Conference." Your "Request for Administrative Hearing" must be in writing and should be mailed or otherwise delivered within thirty (30) days after receipt of the Notice of Preliminary Determination to the following address:

The Public Utilities Commission of Ohio
Attention: Docketing Division
180 East Broad Street, 11th Floor
Columbus, Ohio 43215-3793

(Over please)



**Public Utilities
Commission**

John R. Kasich, Governor
Todd A. Snitchler, Chairman

Commissioners

Paul A. Centolella
Cheryl Roberto
Steven D. Lesser
Andre T. Porter

October 4, 2011

MR. BRAD RININGER
141 BEAVER LANE
NEW PARIS, PA 15554

RE: TELEPHONE CONFERENCE
Case No. OH3254005233
Inspection Date: 1-AUG-2011
Carrier: BRAJO INC

Dear MR. RININGER:

Your letter requesting a conference to discuss a civil forfeiture which the Commission intends to assess against BRAJO INC has been received by the PUCO Transportation Department's Compliance Division. Your conference has been scheduled as follows:

Please call Cheryl Streets of the Compliance Division on Wednesday, October 26, 2011 at 10:00AM Eastern Standard Time at (614) 644-1662.

If you cannot participate in the conference on the above date and need to reschedule, you must contact Cheryl Streets two (2) days prior to the scheduled conference date at (614) 644-1662.


Sincerely,
Jonathan Frye, Chief
Compliance Division

cc: Cheryl Streets

(FAX
614-466-2753)

pl'd Cheryl S. - 10:08 AM 10/24/11

4th Floor



/12/2011

Public Utilities Commission of Ohio

Compliance Division

180 East Broad Street, 4th Floor

Brajo Incorporated

141 Beaver Lane

New Paris, Pa. 15554

Brad Rininger 814 285 6081

Subject: Request for Conference (by phone)

Please consider this letter a request for conference
regarding case #OH3254005233C.

I note; There are two violations listed.

We concur with violation code 396.3A1T. This pertains to one tire that did not pass inspection. Please indicate the fine amount for the bad tire and we will remit immediately.

However, Violation code 393.130, we have an issue with.

Once again the question becomes; Were there enough chains on the equipment. This code states that with construction equipment, which is very broad, that a minimum of 5 chains be used. The Highway Patrol (staff) person stated that "it did not matter what size the chains were or their ratings, only that 5 separate chains be used.

This is the question: When using one long chain and two binders at both the left and the right side of the load, attaching the binder to a pigtail on the trailer and then to the chain which is attached by looping its end hook to the machine, considered one chain at that point. And then doing the same at the opposite side with the other end of the same chain. To make clear, using this method two separate tie downs have been accomplished. Therefore,



Only two actual long chains have been utilized. But four (4)

Separate tie down points have been accomplished. These points are totally independent of each other.

I would like to discuss this matter by phone at your convenience.

Phone number 814-285-6081



**Public Utilities
Commission**

John R. Kasich, Governor
Todd A. Snitchler, Chairman

Commissioners

Paul A. Centolella
Cheryl Roberto
Steven D. Lesser
Andre T. Porter

AUGUST 16, 2011

OH3254005233C
BRAJO INC
141 BEAVER LANE
NEW PARIS, PA 15554

Re: NOTICE OF APPARENT VIOLATION
AND INTENT TO ASSESS FORFEITURE
Case No. OH3254005233C

Dear Carrier:

On AUGUST 1, 2011 vehicle numbers ONE (UNIT #1), ONE-A (UNIT #2), operated by BRAJO INC and driven by BRAD B RININGER were inspected within the state of Ohio by staff of the Ohio Highway Patrol, Commercial Motor Carrier Enforcement Section. As the result of discovery of the following apparent violation(s), of rule 4911:2-5-02, O.A.C., the Commission intends to make a civil monetary assessment against BRAJO INC in the following amount:

CODE	UNIT	VIOLATION	VIOL. GROUP
001.031	2	improper heavy vehicle/machine securement	1
001.0317	2	TRL- Tires (general) axle #5 left inside ti-	3

TOTAL AMOUNT DUE: \$140.00

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 to operate in the State of Ohio.

Please consult the enclosed additional information on the instruction sheet in regard to your rights and responsibilities concerning this Notice of Apparent Violation and Notice of Intent to Assess Forfeiture.

Sincerely
Cheryl Streets
Compliance Division
(614) 466-0351

141 Streets

BRATCO INCORPORATED

11-3-11

141 Beaver Lane

New Paris, PA. 15554

814-285-6081

CASE #

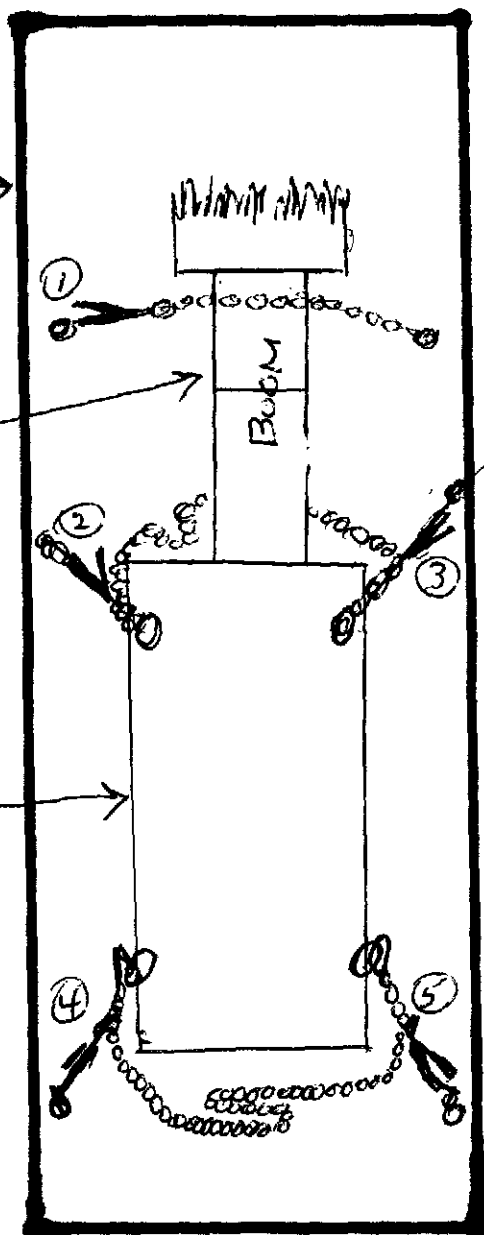
OH325400533

OH3254002533

Trailer = Birds EYE
VIEW

Backhoe Boom

Main Frame of Machine



⑤ Tie down Points
are required.

REGULATION 393
States ⑤ chains.

This is the Problem
There are only

3 chains used

but ⑤ Tie downs
are accomplished