



4380 GLENBROOK ROAD • WILLOUGHBY, OHIO 44094 •

LICENSED • BONDED • INSURED

440/953-9300 • FAX 440/953-8633

March 20, 2012

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

PUCO

RECEIVED-DOCKETING DIV
2012 MAR 21 AM 11:15

Subject: Request for Administrative Hearing and review of findings of Compliance
Review performed by Investigators of the Public Utilities Commission of Ohio
from October 13 – October 28, 2011

Case No: CR12H009
Five Star Trucking Inc
USDOT: 035101

Contact: Lennie R. Glass, Vice-President
Regulatory Affairs
Ph: 440-953-9300
Fx: 440-953-8633
safety@fivestartrucking.com

Dear PUCO:

Please accept this document as Five Star's request for an Administrative Hearing on the above mentioned case. Documents in support of request will be forwarded to the Commission upon appointment of presiding Attorney Examiner.

Thank you,

Lennie R. Glass, Vice-President
Regulatory Affairs
Five Star Trucking Inc.

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.

Technician JD Date Processed 3-21-12



Public Utilities Commission

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

Commissioners

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

MR LENNIE GLASS
FIVE STAR TRUCKING INC
4380 GLENBROOK RD
WILLOUGHBY, OH 44094

RE: NOTICE OF PRELIMINARY DETERMINATION
Case No. CR12H009

DEAR MR LENNIE GLASS :

On October 28, 2011, a Compliance Review was conducted by Staff of the Public Utilities Commission of Ohio at the Respondent's facility located at:

4380 GLENBROOK ROAD
WILLOUGHBY, OH 44094

As the result of discovery of the following apparent violations of rule 4901:2-5-02, O.A.C, 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 amounts:

Code	Violation	Forfeiture
382.303(a)	Failing to conduct post accident alcohol test	\$ 400.00
382.303(b)	Failing to conduct post accident testing on d	\$ 400.00
395.3(b)(2)	Requiring or permitting a property-carrying C	\$ 0.00
395.8(e)	False reports of records of duty status	\$ 2700.00
395.8(k)(1)	Failing to preserve driver's record of duty s	\$10000.00

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)



Public Utilities Commission

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

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MR LENNIE GLASS
FIVE STAR TRUCKING INC
February 21, 2012
CR12H009

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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 FIVE STAR TRUCKING INC in the following forfeitures:

Code	Violation	N.P.D. Forfeiture
382.303(a)	Failing to conduct post accident alcohol test	\$ 400.00
382.303(b)	Failing to conduct post accident testing on d	\$ 400.00
395.3(b)(2)	Requiring or permitting a property-carrying C	\$ 0.00
395.8(e)	False reports of records of duty status	\$ 2600.00
395.8(k)(1)	Failing to preserve driver's record of duty s	\$10000.00

Please include a certified check or money order for the N.P.D. forfeiture total, made payable to "Treasurer State of Ohio," and mail to: PUCO FISCAL, 180 E. Broad St, 4th 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 Marvin, Director
Transportation Department
Public Utilities Commission of Ohio

cc:TF

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)