



FILE

**Public Utilities
Commission**

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

13-0993-TR-CVF

Commissioners

Steven D. Lesser
Andre T. Porter
Lynn Slaby

March 18, 2013

MR JEREMY ROWE
JEREMY L. ROWE
312 W BERGE RD
FORT GIBSON, OK 74434

PUCO

2013 APR 19 PM 3:19

RECEIVED-SOCKETING DIV

RE: **NOTICE OF PRELIMINARY DETERMINATION**

Case No. OH0779003248C

Officer: WW

Dear MR ROWE:

On October 24, 2012, a vehicle operated by JEREMY L. ROWE, and driven by JEREMY L. ROWE, 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
392.9A2	Failing to secure vehicle equipment/SPARE TIRE LOO
393.43	No or improper breakaway or emergency braking/NOT
393.87A	Warning flag required on projecting load
390.21B	Carrier name and/or USDOT Number not displayed as
392.2UCR	Failure to pay UCR fee

Total Forfeiture Assessed : \$850.00

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)



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MR JEREMY ROWE

OH0779003248D

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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 JEREMY L ROWE in the following forfeiture:

Code	Violation
395.8K2	Driver failing to retain previous 7 days records o
391.41A	No medical certificate on drivers possession

Total Forfeiture Agreed : \$200.00

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, 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.

Milan Orbovich, Director
Transportation Department
Public Utilities Commission of Ohio



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MR JEREMY ROWE

312 W BERGE RD
FORT GIBSON, OK 74434

RE: **NOTICE OF PRELIMINARY DETERMINATION**

Case No. OH0779003248D

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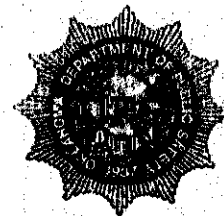
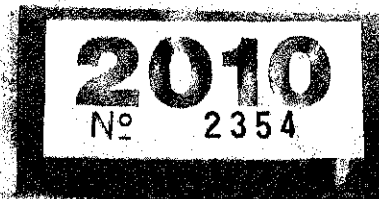
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(continued)



Oklahoma Department of Public Safety



This License is Official Recognition that:

**R. R. WRECKER #2
412 #B NORTH BLAKE
WAGONER OK 74467**

Is approved to use the following vehicle in their wrecker service:

1GBJC34D66E273620 CHEVROLET 2006 TS

Date Issued: March 2, 2010 Class: AA License No. DPS-52853-W

Having complied with all requirements of TITLE 47, SEC. 951, this license has been issued, granting authority to operate a Wrecker Service in the State of Oklahoma.

Wherefore, this license shall remain in full force and effect as provided by law and the rules of the **OKLAHOMA DEPARTMENT OF PUBLIC SAFETY**. The Department reserves the authority to suspend and/or cancel this license for good cause shown as provided by the rules of the **DEPARTMENT OF PUBLIC SAFETY** and by law.

This license expires at midnight on December 31, of the above year.

This License Must be Carried in the Above Described Vehicle

Not Transferable

Kevin P. Ward

Commissioner, Department of Public Safety

Rear

Lights and reflectors.

- Rear clearance and identification lights clean, operating, and proper color (red at rear).
- Reflectors clean and proper color (red at rear).
- Taillights clean, operating, and proper color (red at rear).
- Right rear turn signal operating, and proper color (red, yellow, or amber at rear).

License plate(s) present, clean, and secured.

Splash guards present, not damaged, properly fastened, not dragging on ground, or rubbing tires.

Cargo secure (trucks).

Cargo properly blocked, braced, tied, chained, etc.

Tailboards up and properly secured.

End gates free of damage, properly secured in stake sockets.

Canvas or tarp (if required) properly secured to prevent tearing, billowing, or blocking of either the rearview mirrors or rear lights.

If over-length, or over-width, make sure all signs and/or additional lights/flags are safely and properly mounted and all required permits are in driver's possession.

Rear doors securely closed, latched/locked.

Left Side

Check all items as done on right side, plus:

- Battery(ies) (if not mounted in engine compartment).
- Battery box(es) securely mounted to vehicle.
- Box has secure cover.
- Battery(ies) secured against movement.
- Battery(ies) not broken or leaking.
- Fluid in battery(ies) at proper level (except maintenance-free type).
- Cell caps present and securely tightened (except maintenance-free type).
- Vents in cell caps free of foreign material (except maintenance-free type).

Step 6: Check Signal Lights

Get In and Turn Off Lights

Turn off all lights.

Turn on stop lights (apply trailer hand brake or have a helper put on the brake pedal).

Turn on left turn signal lights.

Get Out and Check Lights

Left front turn signal light clean, operating and proper color (amber or white on signals facing the front).

Left rear turn signal light and both stop lights clean, operating, and proper color (red, yellow, or amber).

Get In Vehicle

Turn off lights not needed for driving.

Check for all required papers, trip manifests, permits, etc.

Secure all loose articles in cab (they might interfere with operation of the controls or hit you in a crash).

Start the engine.

Step 7: Start the Engine and Check

Test for Hydraulic Leaks. If the vehicle has hydraulic brakes, pump the brake pedal three times. Then apply firm pressure to the pedal and hold for five seconds. The pedal should not move. If it does, there may be a leak or other problem. Get it fixed before driving. If the vehicle has air brakes, do the checks described in Sections 5 and 6 of this manual.

Brake System

Test Parking Brake(s)

Fasten safety belt

Set parking brake (power unit only).

Release trailer parking brake (if applicable).

Place vehicle into a low gear.

Gently pull forward against parking brake to make sure the parking brake holds.

Repeat the same steps for the trailer with trailer parking brake set and power unit parking brakes released (if applicable).

If it doesn't hold vehicle, it is faulty; get it fixed.

Test Service Brake Stopping Action

Go about five miles per hour.

Push brake pedal firmly

"Pulling" to one side or the other can mean brake trouble.

Any unusual brake pedal "feel" or delayed stopping action can mean trouble.

If you find anything unsafe during the pre-trip inspection, get it fixed. Federal and state laws forbid operating an unsafe vehicle.

2.1.6 – Inspection During a Trip

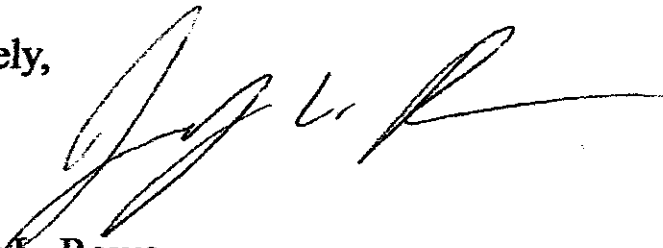
Request for Conference
November 19, 2012

Attn: Bruce
Case #OHO779003248C
#OHO779003248D

My name is Jeremy L. Rowe. I am an unemployed pipeline worker. I was recently visiting my last employer in West Virginia applying for work. Coming back I was in my personal vehicle, pulling a trailer loaded with saw milled wood for a set of cabinets. I have enclosed a copy of the insurance and vehicle registration to show it is registered and insured as a private vehicle. In addition to this I am enclosing a copy of the expired wrecker license which shows it was last tagged commercially in 2010. Given this evidence it clearly shows my vehicle is a private vehicle and not required to stop at port of entries. The sign said commercial vehicles. I tried to explain to the trooper who stopped me but when he said he didn't believe me I buttoned my lip and said yes sir. He said he was giving me only a warning, which I accepted. However, last week I received these tickets based on several of your laws of which a privately tagged vehicle does not apply. Therefore I am submitting this request for a conference and respectfully request these charges be dropped.

Awaiting your decision.

Sincerely,



Jeremy L. Rowe
Cell Phone: (918) 869-7985

12 pm
w and a william
614-995-1847

OKLAHOMA TAX COMMISSION

VEHICLE REGISTRATION

VIN: 1GBJC34D86E273620

TITLE: 558306342005

PREVIOUS TAG : 448GME
PREVIOUS DECAL: 2T498375

VEHYR: 2006
MAKE : CHEV
MODEL: SC3
BODY : CB
CLASS: PK
CGVW :
CNTY : 51

YRS REG: 7

EXPIRES LAST DAY OF FEB, 2013

120555116A7912
PYMT TYPE: CASH
DECAL: 3H759078

TAG: 448GME

AGNT #: 5116

DATE: 02/24/2012

REF#: 120555116A7912

REG FEE: 81.00
INSURANCE FEE: 1.50

LESSEE:

JEREMY ROWE

312 W BENGEE RD
FORT GIBSON

OK 74434

TOTAL:

82.50

COPY 2

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)

Your "Request for Administrative Hearing" should contain the case number indicated on the of Preliminary Determination and the name, address, and telephone number of the person to whom further communications regarding this matter should be directed. **A copy of the Notice of Preliminary Determination must be attached to your "Request for Administrative Hearing."**

3. The Administrative Hearing

Following receipt of your "Request for Administrative Hearing," the Commission will initiate an administrative hearing proceeding in this matter and set a date for an evidentiary hearing. The evidentiary hearing will be held at the Commission offices in Columbus, Ohio and may consist of written stipulations, oral testimony or such other evidence which is admitted. An Attorney-Examiner employed by the Commission will preside over the administrative hearing. Following the administrative hearing, the Commission will make its decision in this matter. The decision of the Commission may be appealed to the Franklin County Court of Appeals.

4. Failure to file a "Request for Administrative Hearing"

If you do not file a timely "Request for Administrative Hearing," in the manner described above, you will waive your right to contest liability to the State of Ohio for the amount of the civil forfeitures indicated in the Notice of Preliminary Determination, even if you had previously served upon the Staff a "Request for Conference" in this matter. The occurrence of the violations described in the Notice of Preliminary Determination will be conclusively established in your history of violations for the purposes of determining the amount of the penalty for future violations.

5. Violation Codes and Amounts

"Code" in the Notice of Preliminary Determination identifies the rule or regulation which was violated. Numbers in a 100 or 300 series refer to sections of the Hazardous Materials Regulations or the Federal Motor Carrier Safety Rules, respectively, contained in Title 49, Code of Federal Regulations. Codes in other formats refer to violations of the Ohio Revised Code or the Ohio Administrative Code.

Section 4905.83, Ohio Revised Code, authorized the Commission to assess a civil forfeiture of up to \$10,000.00 per day for any violation of the rules governing the highway transportation of hazardous materials against any person who transports, or offers for transportation, hazardous materials. The amount of the forfeiture depends on the nature, gravity, extent and circumstances of the violations and the degree of culpability, history of violations, effect upon ability to continue in business and ability to pay of the person who committed the violation.

Please contact the Compliance Division at (614) 466-0351 if you need additional information regarding this Notice of Preliminary Determination.