



TRANSPORTATION INC.

13-2136-TR-CVF

CORPORATE OFFICE
4700 Dakota Avenue
South Sioux City, NE 68776

Ph: (402) 494-3459
Fax: (402) 494-2676
Web: www.kbtransportation.com

RECEIVED-DOCKETING DIV
2013 OCT 29 AM 11:52

PUCO

Request for Administrative Hearing

October 24th, 2014

Public Utilities Commission of Ohio
Attn: Docketing Division
180 East Broad Street, 4th Floor
Columbus, OH 43215-3793

RE: Case No. OH3267007394C

Dear Sir or Madam:

This is a request for administrative hearing regarding an inspection that took place back on August 13th, 2013. My driver, Gilbert Ortiz, was inspected by Officer R.D. Bell, badge #3267, and placed out of service for an alleged equipment violation. The inspection report indicates an Out of Service violation for 393.75(a)(2) *Tire-tread and/or sidewall separation: #5 left outside tire has observable bulge in the side wall.* We immediately contacted Exit 11 Tire out of Richfield, OH who replaced the tire in question, loaded it on our trailer tire rack, and was transported back to our home terminal for inspection.

Once the tire arrived here only 3 days later the tire was inspected, inflated and photos take which are attached. The inspecting officer also took pictures of the tire which are attached. Both photos show an extremely minor bulge in the tire due to a previous repair and are compared to a tape measure. Both the pictures we submitted and those take by the officer are of the same tire and clearly show the tire bulge to barely exceed 1/16 of an inch. The tire has since been placed in storage and is available for inspection by law enforcement or any person of your choosing.

Attached in this Request for Administrative Hearing you will find the following documents:

- Copy of the "Notice of Preliminary Determination" as requested.
- Copy of the "Request for Conference".
- Copy of the DOT inspection conducted on my driver and equipment.
- FMCSA Out of Service Criteria regarding 393.75(a)(2)
- Photos taken both at the time of inspection and at our terminal of the tire in question.
- Copies of the Data Q disputes conducted on this inspection.

FMCSA regulations regarding 393.75(a)(2) clearly state that a *bulge (due to repair) of up to 3/8 inch (9.5mm) is height is allowed.* As you can see from both the pictures taken in our terminal and even those taken by the inspecting officer that the bulge in question is clearly under 3/8 inch in height and was due to repair. If there was any question that the tire was unsafe or in violation the repair would not have been made and the tire would have been replaced. Please review the attached inspection along with the supporting documents and remove the violations from our safety record when possible. Thank you in advance for your time and consideration

Respectfully,

10/24/13

Derek Cleveland
CSA Compliance Manager
K&B Transportation, Inc.
800-317-3852

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 AND Date Processed 10/29/13



Public Utilities Commission

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

Commissioners

Steven D. Lesser
Asim Z. Haque
Lynn Slaby
M. Beth Trombold

10/17/2013

OH3267007394C
DEREK CLEVELAND
P.O. BOX 1445
SIOUX CITY, IA 51102

RE: **NOTICE OF PRELIMINARY
DETERMINATION**

Case No. OH3267007394C

Dear Sir or Madam:

On 08/13/2013, a vehicle operated by K & B TRANSPORTATION INC, and driven by , was inspected within the State of Ohio. As the result of discovery of the following violations of the Commission's rules, Staff of the Commission timely notified K & B TRANSPORTATION INC (Respondent) pursuant to rule 4901:2-7-07, Ohio Administrative Code (O.A.C.), that it intended to assess a civil forfeiture against the Respondent in the following amount:

CODE	GROUP	VIOLATION	FORFEITURE
393.75A2	3	Tire-tread and/or sidewall separation:#5 LEFT OUTSIDE TIRE HAS A OBSERVABLE BULGE IN THE SIDE WALL (SIDEWALL SEPARATION).	
		Total of Group 3	0.00

TOTAL AMOUNT DUE: \$0.00

A conference was conducted pursuant to rule 4901:2-7-10, O.A.C., at which the Respondent had a full opportunity to present any reasons why the violation 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.

As a result of the conference, Staff has made a Preliminary Determination that the Commission should assess a civil forfeiture against K & B TRANSPORTATION INC in the following amount:

CODE	GROUP	VIOLATION	FORFEITURE
393.75A2	3	Tire-tread and/or sidewall separation:#5 LEFT OUTSIDE TIRE HAS A OBSERVABLE BULGE IN THE SIDE WALL (SIDEWALL SEPARATION).	
		Total of Group 3	

180 East Broad Street
Columbus, Ohio 43215-3793

(614) 466-3016
www.PUCO.ohio.gov

An equal opportunity employer and service provider

**ROADSIDE INSPECTION
INSTRUCTION SHEET
NOTICE OF PRELIMINARY DETERMINATION**

Please read this instruction sheet carefully. It contains information about your rights and responsibilities in regard to this Notice of Preliminary Determination.

You have received a "Notice of Preliminary Determination" as described in Rule 4901:2-7-12, Ohio Administrative Code (O.A.C.). **Within 30 days of this notice, you must either: (1) pay the assessed civil forfeiture or (2) file a written request for an administrative hearing.** If you do not pay the forfeiture or file a request for an administrative hearing within 30 days of this notice, your case will be placed in our default process. Both procedures are described below.

1. How to Pay the Forfeiture

If you do not wish to further contest the violations described in this notice, you may make payment of the civil forfeiture indicated in this notice via one of the following methods:

Online at <https://omcis.puc.state.oh.us/home.aspx>. You will need your case number and PIN located on the enclosed voucher.

Mail: send a check or money order (no Canadian postal money orders) made payable to "Treasurer, State of Ohio." **In order to assure proper credit, you must write the case number on the face of the check or money order.** Please send payment to the following address:

Public Utilities Commission of Ohio
Attn: Fiscal Division
180 East Broad Street, 4th Floor
Columbus, OH 43215-3793

2. How to File a Request for an Administrative Hearing

If you wish to further contest the violations described in this notice, **you should file a "Request for an Administrative Hearing"** with the Commission's Docketing Division as described in Rule 4901:2-7-13, O.A.C. Your "Request for an Administrative Hearing" must be **in writing** and must contain the **case number** indicated on this notice. Also, please include the **contact name, address, and telephone number**, of the person to whom further communications regarding this matter should be directed. The request shall be signed by the respondent or its authorized representative. A copy of this "Notice of Preliminary Determination" must be attached to your request.

Your "Request for an Administrative Hearing" must be mailed or hand-delivered **within 30 days of this notice** to the following address:

Public Utilities Commission of Ohio
Attn: Docketing Division
180 East Broad Street
Columbus, OH 43215-3793

3. Failure to Submit a Request for an Administrative Hearing

If you do not serve a timely "Request for an Administrative Hearing" in the manner described above, you will forfeit your right to further contest the violations described in this notice and the occurrence of the violations will be conclusively established. Such failure shall also constitute a waiver of your right to further contest liability to the state of Ohio for the civil forfeiture described in



The Public Utilities
Commission of Ohio
180 E. Broad St. - Fourth Floor
Columbus, OH 43215

OMCIS VOUCHER

Date: 10/17/2013
Legal Name: K & B TRANSPORTATION INC
Address: P.O. BOX 1445
City: SIOUX CITY
State: IA
Zip: 51102
Case Number: OH3267007394C
PIN: XWJJ

Item	DueDate	Amount
1	12/1/2013	\$0.00
Total		\$0.00

Pay online at <https://omcis.puc.state.oh.us/home.aspx> or enclose this voucher with your check or money order if paying by mail.



OH3267007394C



TRANSPORTATION INC.

CORPORATE OFFICE
4700 Dakota Avenue
South Sioux City, NE 68776

Ph: (402) 494-3459
Fax: (402) 494-2676
Web: www.kbtransportation.com

Request for Conference

August 30th, 2013

Public Utilities Commission of Ohio
180 East Broad Street, 4th Floor
Columbus, OH 432151-3793

RE: Case No. OH3267007394C

Dear Sir or Madam:

On August 13th, 2013 my employee, Gilbert Ortiz, was stopped for inspection by officer R.D. Bell, badge #3267, and placed out of service for an alleged equipment violation. The inspection report indicates that my driver was placed out of service for 393.75(a)(2) Tire-tread and/or sidewall separation: #5 left outside tire has observable bulge in the side wall. We immediately contacted Exit 11 tire out of Richfield, OH who replaced the tire in question, loaded it on our trailers tire rack, and was transported back to our home terminal for inspection.

Once the tire arrived at our terminal on August 16th I proceeded to take pictures of the patch on the inside of the tire showing a repair had previously been made. We then mounted the tire back on a rim, inflated to 100 psi, and took pictures of the tire bulge in question in relation to a tape measure indicating the extent of the tire bulge. The tire has since been placed in storage and available for inspection by law enforcement at any time.

Attached in this request for conference you will find the following attached documents:

- Copy of the DOT inspection conducted on my driver.
- FMCSA out of service criteria regarding 393.75(a)(2)
- Photos taken both at the time of inspection and at our terminal of the tire in question.
- Copies of the Data Q disputes conducted on this inspection.

FMCSA regulations regarding 393.75(a)(2) clearly state that a bulge (due to repair) of up to 3/8 inch (9.5mm) in height is allowed. As you can see from both the pictures taken in our terminal and those at the time of inspection by the inspecting officer the bulge in the tire is clearly under 3/8 inch in height and was due to a repair. If there was any question that this tire was unsafe or not legal to operate we would never have made the repair or placed the tire back on the trailer. This tire remains at our home terminal in South Sioux City, NE and is available for inspection by anyone of your choosing or I can arrange for a DOT officer to stop by here and look at the tire if need be.

Please review the attached inspection along with the supporting documents and remove the violation from our safety record if possible. This will also serve as our request for conference which I would like to be completed via telephone if possible. Thank you in advance for your time and consideration.

Respectfully,

Derek Cleveland
Compliance, Safety and Accountability Manager
K&B Transportation, Inc.
800.317-3852
dcleveland@kbtransportation.com

DRIVER/VEHICLE EXAMINATION REPORT

Aspen 2.14.1.1



OHIO STATE HIGHWAY PATROL
MOTOR CARRIER ENFORCEMENT
WARREN DISTRICT HEADQUARTERS
TELEPHONE 330-833-1056
Return certification to agency below

Report Number: OH3267007394
Inspection Date: 08/13/2013
Start: 9:48:00 AM ET **End:** 10:30:00 AM ET
Inspection Level: II - Walk-Around
HM Inspection Type: None

K & B TRANSPORTATION INC
4700 DAKOTA AVENUE
SOUTH SIOUX CITY, NE 68776

USDOT#: 00320526 **Phone#:** (402)494-3459
MC/MX#: 205685 **Fax#:**
State#:

Location: ROADSIDE
Highway: 77
County: SUMMIT, OH

MilePost: 141

Origin: BALTIMORE, MD

Destination: HINCKLEY, OH

Driver: ORTIZ, GILBERT
License#: 35567151
Date of Birth: 09/07/1962
CoDriver:
License#:
Date of Birth:

State: TX

State:

Shipper: UNILEVER BALTIMORE PLAN

Bill of Lading: 87818310

Cargo: GENERAL FREIGHT

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate #	Equipment ID	VIN	GVWR	CVSA #	CVSA Issued #	OOS Sticker
1	TT	FRHT	2013	NE	175648	80678	3AKJGLDV5DSBT7883	52,000			
2	ST	WANC	2012	NE	216932	11086	1JJV532BXCL703073	68,000			Y

BRAKE ADJUSTMENTS: No Brake Measurements Required For Level 2

VIOLATIONS

Vio Code	Section	Unit	OOS	Citation #	Verify	Crash	Violations Discovered
393.75A2	393.75(a)(2)	2	Y		U	N	Tire-tread and/or sidewall separation:#5 LEFT OUTSIDE TIRE HAS A OBSERVABLE BULGE IN THE SIDE WALL (SIDEWALL SEPARATION).

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: 3008 ROLLING OAK DR.; Driver City: CLEBURNE; Driver State: TX; Driver Zip: 76031; Photos Taken (Y/N): Y;

* 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.

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.

Signature Of Repairer X: *[Signature]* Facility: *East 11 Ave* Date: *8/13/13*

All violations of the FHMR 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, TASC - 4th floor, 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. If you have any questions, please contact (614) 466-0429.

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: *[Signature]* Title: *CSA Manager* Date: *8/13/13*

Report Prepared By:
R.D.BELL

Badge #:
3267

Copy Received By:
GILBERT ORTIZ

Page 1 of 1



00320526 OH OH3267007394

Derek Cleveland

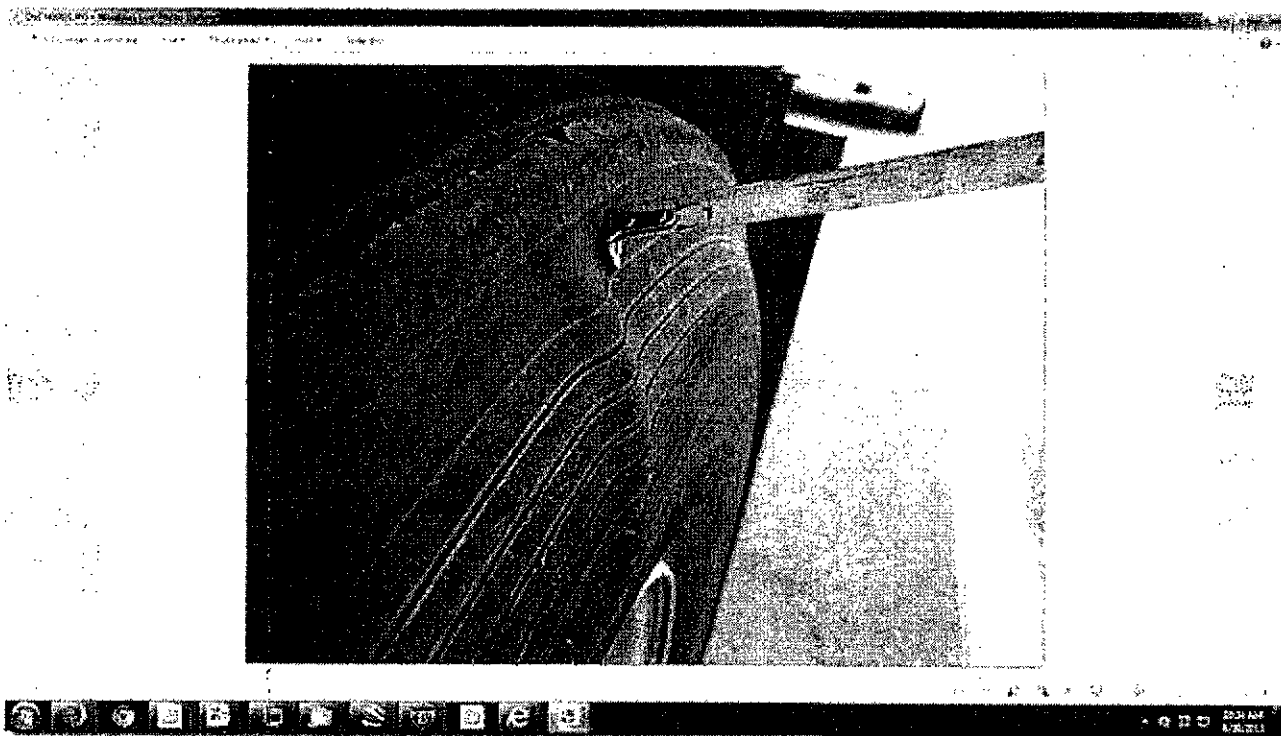
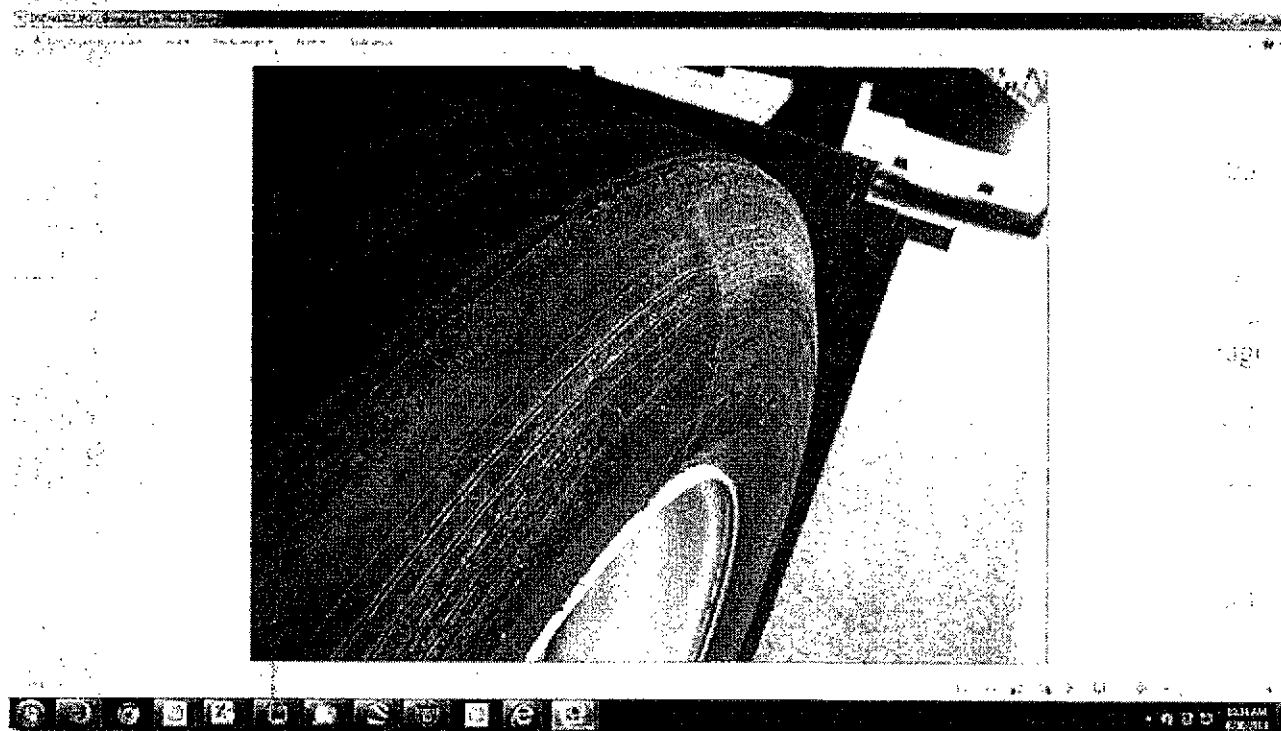
From: "Derek Cleveland" <DCleveland@kbtransportation.com>
Date: Friday, August 30, 2013 10:37 AM
To: <conferencerequest@puc.state.oh.us>
Attach: Public Utilites Commission.pdf
Subject: Case Number OH3267007394C

Here are a little better pictures of the tire as well. Please see attached document regarding our request for conference.

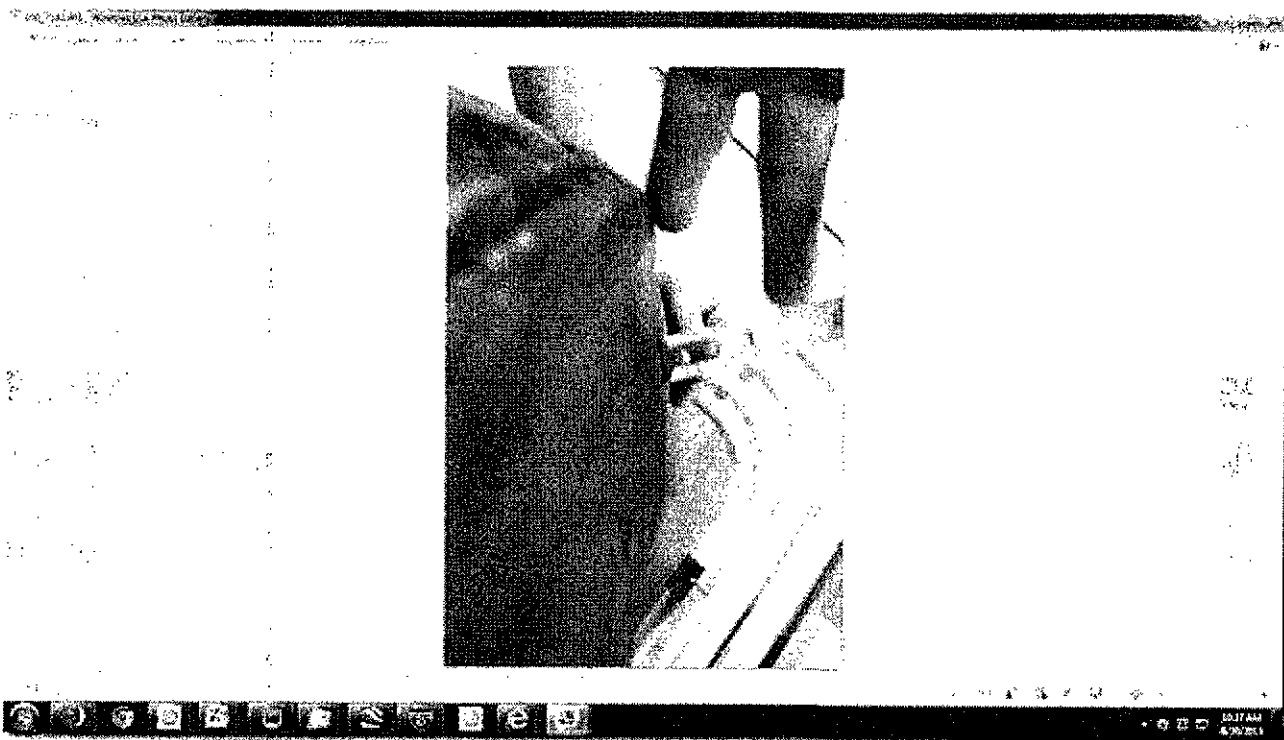
Thank you,

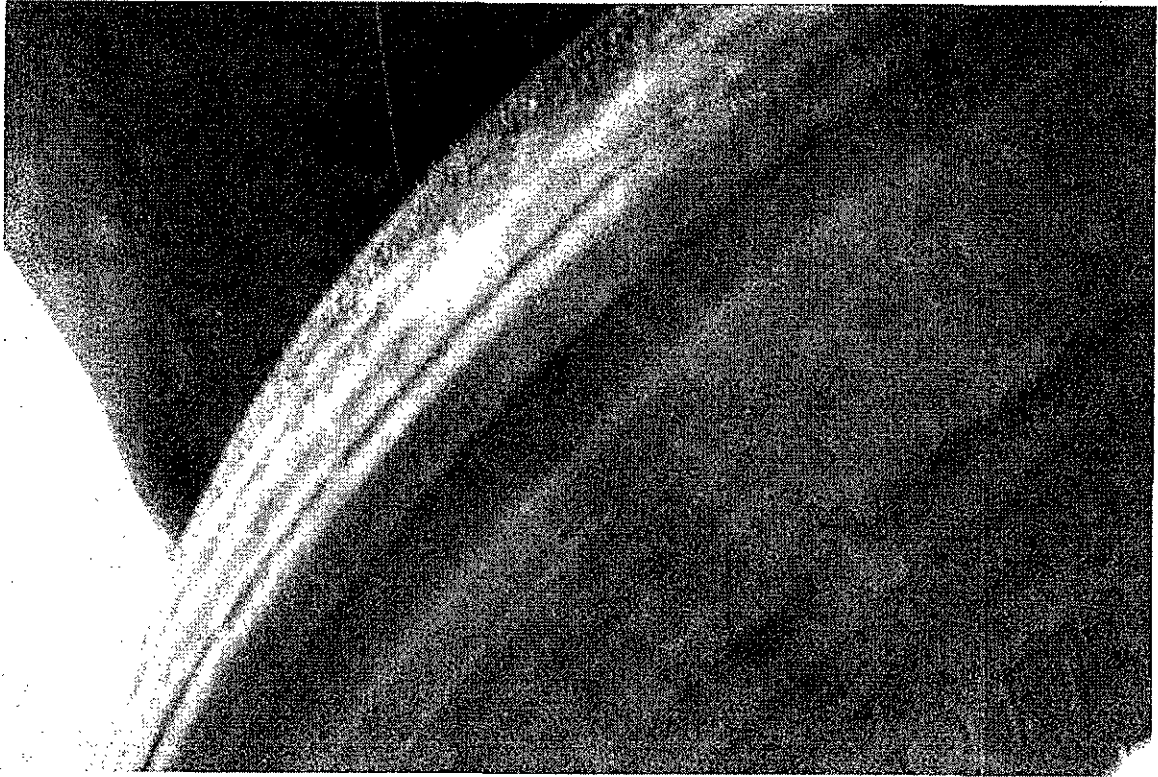
Derek Cleveland
Compliance, Safety, and Accountability Manager
K&B Transportation, Inc.
800-317-3852



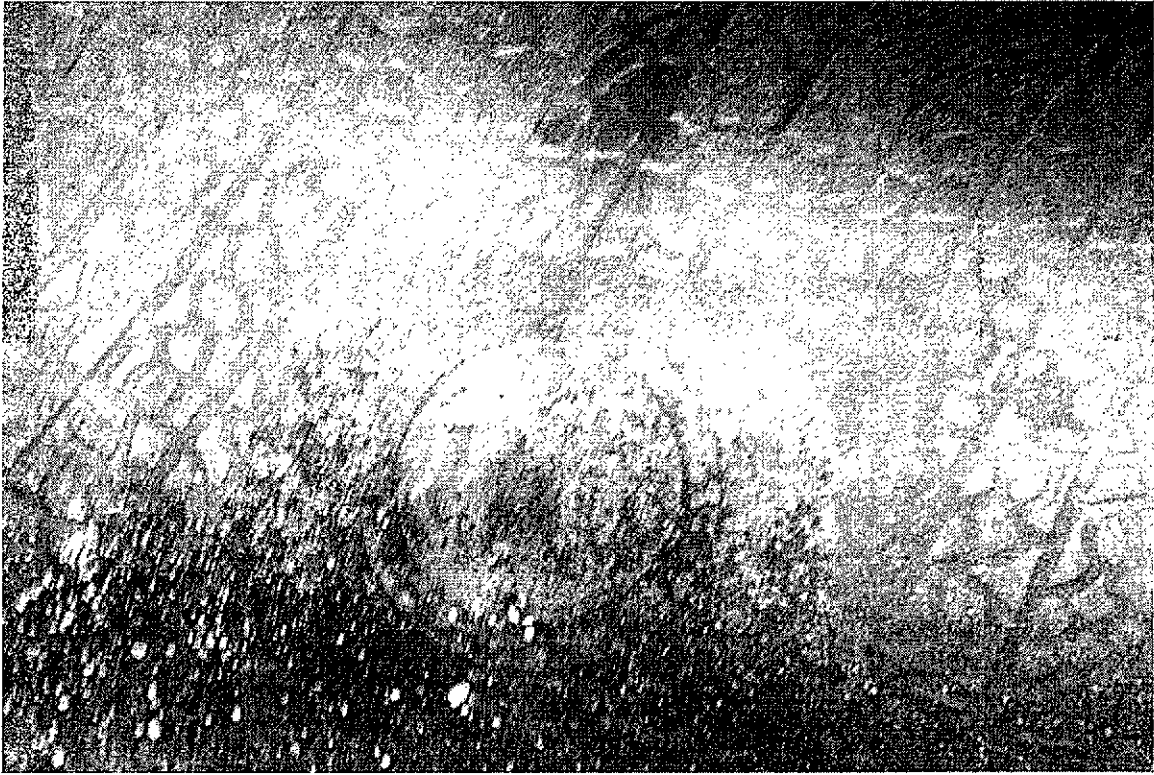


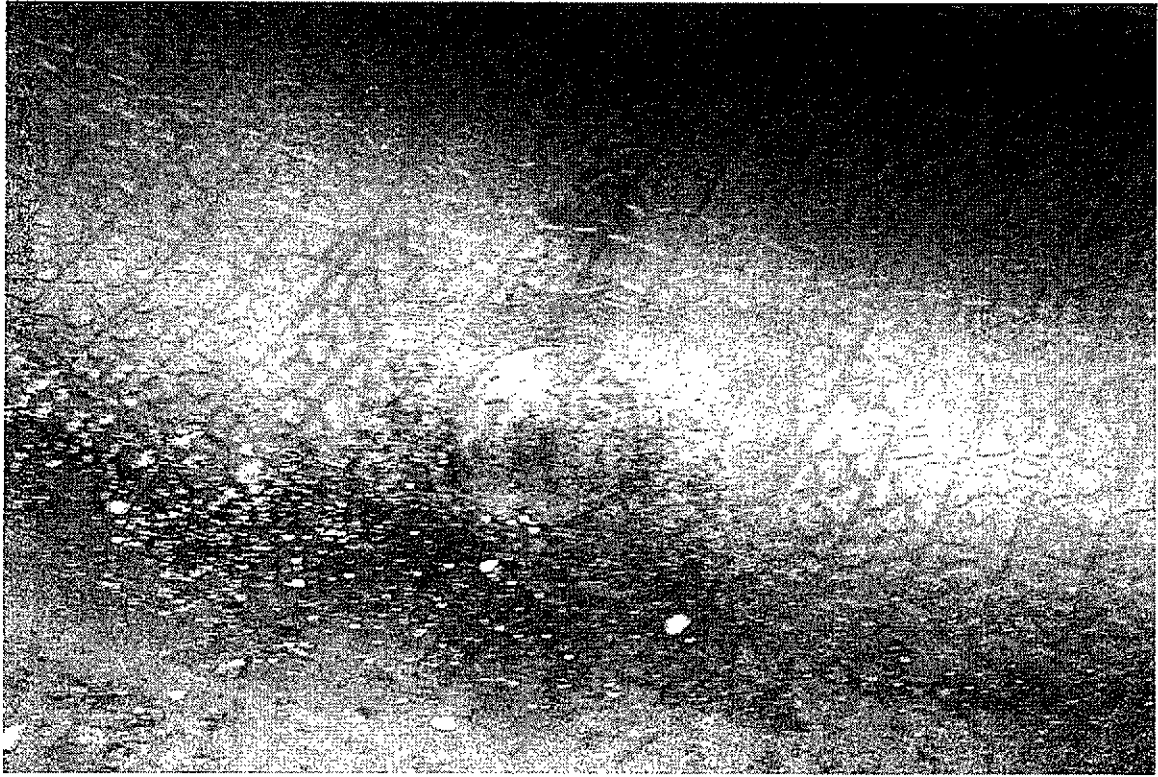
The above pictures are from the officer and what was supplied in the Data Q dispute from OH SP. Below are pictures from here at our terminal.









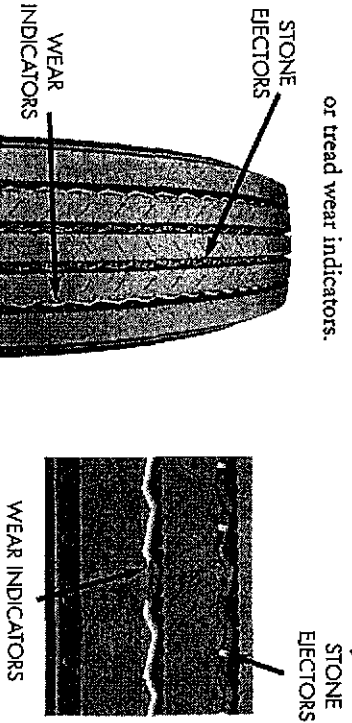


*10. TIRES

*a. Any Tire on Any Front Steering Axle(s) of a Power Unit

- (1) With less than 2/32 inch (1.6mm) tread when measured in any two adjacent major tread grooves (typically any groove containing a tread wear indicator) at any location on the tire. (393.75(b))

NOTE: Measurements should not be made on stone ejectors or tread wear indicators.



- (2) When any part of the belt material, breaker strip or casing ply is showing in the tread. (393.75(a)(1))
- (3) When sidewall is cut, worn, or damaged to the extent that the steel or fabric ply cord is exposed. (393.75(a)(1))
- (4) Labeled "Not For Highway Use" or carrying other markings that indicate excluded use on steering axles. (396.3(a)(1))
- (5) Visually observable bump, bulge, or knot apparently related to tread or sidewall separation. (393.75(a)(2))

EXCEPTION: A bulge (due to a repair) of up to 3/8 inch (9.5mm) in height is allowed. This bulge may sometimes be identified by a blue triangular label in the immediate vicinity.

- * (6) Presence of rubber coated cord or cured rubber plug in the sidewall. (396.3(a)(1))

Tire Bulge

- * (7) Tire has noticeable (e.g. can be heard or felt) leak, or has fifty (50) percent or less of the maximum inflation pressure marked on the tire sidewall. (393.75(a)(3))

NOTE: Measure tire air pressure only if there is evidence the tire is under-inflated.

- * (8) So mounted or inflated that it comes in contact with any part of the vehicle. (396.3(a)(1))

NOTE: An out-of-service condition exists only if the tire can be made to contact another component at the time of inspection.

- * (9) Weight carried exceeds tire load limit. This includes overloaded tire resulting from low air pressure. (Load Limit - 393.75(f) or Inflation Pressure - 393.75(h))

EXCEPTION: Does not apply to vehicles being operated under the special permit exclusion. (393.75(f)(1) or 393.75(f)(2))

- * (10) Passenger Carrying Vehicle: regrooved, recapped, or retreaded tires on front steering axles. (393.75(d))

*b. All Tires Other Than Those Found on the Front Steering Axle(s) of a Powered Unit

- (1) Tire has noticeable (e.g. can be heard or felt) leak, or has fifty (50) percent or less of the maximum inflation pressure marked on the tire sidewall. (393.75(a)(3))

NOTE: Measure tire air pressure only if there is evidence the tire is under-inflated.

- (2) Any tire with visually observable bump or knot apparently related to tread or sidewall separation. (393.75(a)(2))

EXCEPTION: A bulge (due to a repair) of up to 3/8 inch (9.5mm) in height is allowed. The bulge may sometimes be identified by a blue triangular label in the immediate vicinity.



DataQs

Home | Help Center

Help Center

Instructions, FAQs, and other materials to help you navigate this website.

User Guide & Manual

MyDataQs:

Detailed view of ID # 1038319

* ADMINISTRATION REVIEW

Date Entered: 8/26/2013
Status: New
Type: Inspection - Incorrect Violation
Assigned to Agency: OH PUC

Requestor Profile

Name: Derek Cleveland (Validated Motor Carrier)
Email Address: dcleveland@kbtransportation.com
Phone: 800-317-3852 4273
Fax Number: 402-494-2676
U.S. DOT #: 320526
Company/Agency Name: K&B Transportation Inc.
Address: 4700 Dakota Ave
City/State/Zip: South Sioux City, NE 68776

Detailed Information from Inspection Record

Report State: Ohio
Date (MM/DD/YYYY): 8/13/2013
City/Location: SOUTH SIOUX CITY
Reporting Officer ID: 3267
Report Number: 3267007394
Time (HH:MM AM/PM): 0948
County: SUMMIT

Carrier Information from Inspection Record

Carrier Name: K & B TRANSPORTATION INC
Address (Line 1): 4700 DAKOTA AVENUE
Address (Line 2):
Country: United States
Zip: 68776
U.S. DOT #: 320526
MC/MX #:
State:
City: SOUTH SIOUX CITY

Driver Information from Inspection Record

Driver Name: Gilbert Ortiz

Request Reason

Source: Carrier Profile Report

Status	Violation	Violation Description	Explanation
New	393.75(a)(2)	Tire-tread and/or sidewall separation	This is a request for administration review of Data Q dispute #1034236 in accordance with the Data Q best practice guidelines. The original dispute was denied stating that the pictures we uploaded were not the same tire which is a false statement. The tire is here at our terminal and available for inspection by any law enforcement officer of your choosing. Even based off of the pictures you provided, which I will agree are the same tire in question, show that the bulge is not greater than 3/8 inch and is legal to operate according to FMCSA regulations. I included pictures of the tire, the measurements, as well as the patch that was done on that particular tire. I am requesting that the violation be removed from our record in accordance with FMCSA regulations. Like I stated I have the tire here right now and is available for inspection by any law enforcement officer of your choosing or I can have a Nebraska DOT officer swing by and inspect the tire as well. If for any reason this inspection should remain on please give me a call. I requested a phone call with the last dispute as well and never received one. Thank you in advance for your time. Derek

Supporting Documents

The following files have been uploaded for submission

Date Uploaded	Document Name	Title	Content Type	Size (bytes)
8/26/2013	<u>Gilbert Ortiz.pdf</u>	Data Q dispute 1034236 and supporting documents	application/pdf	593972

Response List



[Feedback](#) | [Privacy Policy](#) | [USA.gov](#) | [Freedom of Information Act \(FOIA\)](#) | [Accessibility](#) | [OIG Hotline](#) | [Web Policies and Important Links](#) | [Site Map](#) | [Plug-ins](#)

Federal Motor Carrier Safety Administration
1200 New Jersey Avenue SE, Washington, DC 20590 • 1-800-832-5660 • TTY: 1-800-677-8339 • [Field Office Contacts](#)



DataQs

Home | Help Center

Help Center

Instructions, FAQs, and other materials to help you navigate this website

User Guide & Manual

MyDataQs:

Detailed view of ID # 1034236

Date Entered: 8/16/2013 Type: Inspection - Incorrect Violation
Status: Closed - No Data Correction Made Assigned to Agency: OH SP

Requestor Profile

Name: Derek Cleveland (Validated Motor Carrier) U.S. DOT #: 320526
Email Address: dcleveland@kbtransportation.com Company/Agency Name: K&B Transportation Inc.
Phone: 800-317-3852 4273 Address: 4700 Dakota Ave
Fax Number: 402-494-2676 City/State/Zip: South Sioux City, NE 68776

Detailed Information from Inspection Record

Report State: Ohio Report Number: 3267007394
Date (MM/DD/YYYY): 8/13/2013 Time (HH:MM AM/PM): 0948
City/Location: SOUTH SIOUX CITY County: SUMMIT
Reporting Officer ID: 3267

Carrier Information from Inspection Record

Carrier Name: K & B TRANSPORTATION INC U.S. DOT #: 320526
Address (Line 1): 4700 DAKOTA AVENUE MC/MX #:
Address (Line 2): State:
Country: United States City: SOUTH SIOUX CITY
Zip: 68776

Driver Information from Inspection Record

Driver Name: Gilbert Ortiz

Request Reason

Source:

Status	Violation	Violation Description	Explanation
Closed - No Data Correction Made	393.75(a) (2)	Tire-tread and/or sidewall separation	Driver was inspected and placed out of service for a bulge in a trailer tire. There is a very slight bulge in this tire. However, FMCSA regulations specifically state that a bulge (due to repair) of up to 3/8 inch in height is allowed. This tire had been repaired and the bulge on the tire is barely visible being <1/8 inch. After the inspection we immediately sent this to a repair facility to replace this tire to comply with the out of service order. The tire was then immediately brought back to our terminal, inspected, pictures taken, and this Data Q initiated. Please review the attached inspection, fmcsa regulations, and pictures and remove the violation from this inspection. We are holding the tire in question here if there is any more information you will need. We can also arrange for a DOT officer to come inspect the tire here as well. Please review and if there is any questions or reason you feel this should remain please call me at 800-317-3852. Thank you in advance for your help. Derek Cleveland

Supporting Documents

The following files have been uploaded for submission

Date Uploaded	Document Name	Title	Content Type	Size (bytes)
8/25/2013	DSCN0003.JPG	Inspection photo 3	image/jpeg	361693
8/25/2013	DSCN0002.JPG	Inspection photo 2	image/jpeg	375988
8/25/2013	DSCN0001.JPG	Inspection photo 1	image/jpeg	374900
8/16/2013	3267007394.pdf	3267007394	application/pdf	70073
8/16/2013	100_7162.JPG	Pic 5	image/jpeg	304258
8/16/2013	100_7163.JPG	Pic 4	image/jpeg	300931
8/16/2013	100_7159.JPG	Pic 2	image/jpeg	417404
8/16/2013	100_7158.JPG	Pic 1	image/jpeg	363684
8/16/2013	Tire Bulge.pdf	FMCSA Regulations	application/pdf	486162
8/16/2013	Ortiz Inspection.pdf	Inspection	application/pdf	179990

Response List

Response Date 8/25/2013

Entered By James Feddern (OH SP)

Phone Number 6147524882

Response To 393.75(a)(2)

Inspection photo 3 ([DSCN0003.JPG](#)) has been uploaded

Inspection photo 3

Status Prior to Response Closed - No Data
Correction Made

Response Date 8/25/2013

Entered By James Feddern (OH SP)

Phone Number 6147524882

Response To 393.75(a)(2)

Inspection photo 2 ([DSCN0002.JPG](#)) has been uploaded

Inspection photo 2

Status Prior to Response Closed - No Data
Correction Made

Response Date 8/25/2013

Entered By James Feddern (OH SP)

Phone Number 6147524882

Response To 393.75(a)(2)

Inspection photo 1 ([DSCN0001.JPG](#)) has been uploaded

No change will be made to the inspection. The photos you provided were not for the same tire. See inspection photos.

Status Changed to Closed - No Data Correction Made

Status Prior to Response Open - In Review

Response Date 8/16/2013

Entered By Kelly Selzer (OH PUC)

Phone Number 6144660429

Forwarding to Ohio State Highway Patrol

Status Changed to Forwarded to another office for
resolution

Status Prior to Response Open - In Review

Response Date 8/16/2013

Entered By Kelly Selzer (OH PUC)

Phone Number 6144660429

Response To 393.75(a)(2)

3267007394 ([3267007394.pdf](#)) has been uploaded

Inspection Report

Status Prior to Response Open - In Review



[Feedback](#) | [Privacy Policy](#) | [USA.gov](#) | [Freedom of Information Act \(FOIA\)](#) | [Accessibility](#) | [OIG Hotline](#) | [Web Policies and Important Links](#) | [Site Map](#) | [Plug-ins](#)

Federal Motor Carrier Safety Administration
1200 New Jersey Avenue SE, Washington, DC 20590 • 1-800-832-5660 • TTY: 1-800-877-8339 • Field Office Contacts



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

CONTACT US | FMCSA.GOV | FMCSA PORTAL | DOT.GOV

Search All FMCSA Sites

Home My DataQs Help Center

My Profile

Logged in as: derek

View profile

Log out

Help Center

Instructions, FAQs, and other materials to help you navigate this website.

User Guide & Manual

A practical guide for Federal and State data quality practitioners.

Notifications

The list below identifies requests pending action from you or may be automatically closed.

Announcements

DataQs 2.0 Released!
DataQs enhanced more →

MyDataQs:

Detailed view of ID # 1038319

Date Entered: 8/26/2013 Type: Inspection - Incorrect Violation
Status: Closed - No Data Correction Made Assigned to Agency: OH SP

Requestor Profile

Name: Derek Cleveland (Validated Motor Carrier) U.S. DOT #: 320526
Email Address: dcleveland@kbltransportation.com Company/Agency Name: K&B Transportation Inc.

Detailed Information from Inspection Record

Report State: Ohio Report Number: 3267007394
Date (MM/DD/YYYY): 8/13/2013 Time (HH:MM AM/PM): 0948

Carrier Information from Inspection Record

Carrier Name: K & B TRANSPORTATION INC U.S. DOT #: 320526
Address (Line 1): 4700 DAKOTA AVENUE MC/MX #:

Driver Information from Inspection Record

Driver Name: Gilbert Ortiz

Explanation of Request for Data Review

Where did you view the information you want reviewed?: Carrier Profile Report

The following violation code(s) have been requested to be reviewed:

Status	Violation	Violation Description	Explanation
Closed - No Data Correction Made	393.75 (a)(2)	Tire-tread and/or sidewall separation	This is a request for administration review of Data Q dispute #1034236 in accordance with the Data Q best practice guidelines. The original dispute was denied stating that the pictures we uploaded were not the same tire which is a false statement. The tire is here at our terminal and available for inspection by any law enforcement officer of your choosing. Even based off of the pictures you provided, which I will agree are the same tire in question, show that the bulge is not greater than 3/8 inch and is legal to operate according to FMCSA regulations. I included pictures of the tire, the measurements, as well as the patch that was done on that particular tire. I am requesting that the violation be removed from our record in accordance with FMCSA regulations. Like I stated I have the tire here right now and is available for inspection by any law enforcement officer of your choosing or I can have a Nebraska DOT officer swing by and inspect the tire as well. If for any reason this inspection should remain on please give me a call. I requested a phone call with the last dispute as well and never received one. Thank you in advance for your time. Derek

Supporting Documents

The following files have been uploaded for submission

Date Uploaded	Document Name	Title	Content Type	Size (bytes)
8/27/2013	3267007394.pdf	3267007394	application/pdf	70073
8/26/2013	Gilbert Ortiz.pdf	Data Q dispute 1034236 and supporting documents	application/pdf	583972

Add Response/Documentation

Response List

Response Date 8/30/2013

Entered By Derek Cleveland (Validated Motor Carrier)

Phone Number 800-317-3852

Response To 393.75(a)(2)

James, what is the reason this dispute was denied and was an administrative review conducted in accordance with the data q best practice guide?

Status Prior to Response Closed - No Data Correction Made

Response Date 8/29/2013

Entered By James Feddern (OH SP)

Phone Number 6147524882

Response To 393.75(a)(2)

No change will be made to the inspection. If you wish to challenge this violation further you may contact the contact the Public Utilities Commission of Ohio (PUCO) Transportation Compliance Division at 614-466-0351 and advise them you would like to challenge the violation through the PUCO's civil forfeiture process.

Status Changed to Closed - No Data Correction Made
Status Prior to Response Open - In Review

Response Date 8/27/2013

Entered By Kelly Selzer (OH PUC)

Phone Number 6144660429

Forwarding to Ohio State Highway Patrol

Status Changed to Forwarded to another office for resolution

Status Prior to Response Open - In Review

Response Date 8/27/2013

Entered By Kelly Selzer (OH PUC)

Phone Number 6144660429

Response To 393.75(a)(2)

3267007394 (3267007394.pdf) has been uploaded

Inspection Report

Status Prior to Response Open - In Review


[Feedback](#) | [Privacy Policy](#) | [USA.gov](#) | [Freedom of Information Act \(FOIA\)](#) | [Accessibility](#) | [OIG Hotline](#) | [Web Policies and Important Links](#) | [Site Map](#) | [Plugins](#)

Federal Motor Carrier Safety Administration

1200 New Jersey Avenue SE, Washington, DC 20590 • 1-800-832-5660 • TTY: 1-800-877-8339 • [Field Office Contacts](#)