

FILE

PUCO EXHIBIT FILING

6

Date of Hearing: 12-3-13

Case No. 13-1916-TR-CVF

PUCO Case Caption: In the Matter of the Request of
Lewis De Salvo for an Administrative Hearing

List of exhibits being filed:

Staff Exhibit 1
2

PUCO

RECEIVED-DOCKETING DIV
2013 DEC 19 PM 3:05

Reporter's Signature: Karen Gibson

Date Submitted: DEC 19 2013
I hereby certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.

Technician SM Date Processed DEC 19 2013

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

In the Matter of the :
Request of Lewis DeSalvo :
for an Administrative : Case No. 13-1916-TR-CVF
Hearing. :
- - -

PROCEEDINGS

before Mr. Scott E. Farkas, Attorney Examiner, at the
Public Utilities Commission of Ohio, 180 East Broad
Street, Room 11-D, Columbus, Ohio, called at 1:30
p.m. on Tuesday, December 3, 2013.

- - -

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

- - -

**Public Utilities
Commission**

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

Commissioners

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

AUGUST 2, 2013

MR LEWIS DESALVO

4450 CORK COLD SPRINGS RD
GENEVA, OH 44041

RE: NOTICE OF PRELIMINARY DETERMINATION

Case No. OH3281010465D

Officer: WW

Dear MR DESALVO:

On May 17, 2013, a vehicle operated by LEW'S OUTDOOR SERVICES INC., and driven by LEWIS L DESALVO, was inspected within the State of Ohio. As the result of discovery of the following apparent violation 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
391.41A-F	Operating a property-carrying vehicle without poss

Total Forfeiture Assessed : \$100.00

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 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.

(continued)

AUGUST 7, 2013
MR LEWIS DESALVO

OH3281010465D

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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 LEWIS L DESALVO in the following forfeiture:

Code	Violation
391.41A-F	Operating a property-carrying vehicle without poss

Total Forfeiture Agreed : \$100.00

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, Colg. 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

DRIVER/VEHICLE EXAMINATION REPORT



Report Number: OH3281010465
 Inspection Date: 5/17/2013 Certification Date: 05/20/2013
 Time Started: 08:40 Time Ended: 09:13
 Inspection Level: II - Walk-Around
 HM Inspection Type: No HM Inspection

LEW'S OUTDOOR SERVICES INC.
 4450 CORK COLD SPRINGS RD.

GENEVA, OH 44041

USDOT #: Phone #: (440)223-6127

MC/MX #: Fax #:

State #:

Driver: DESALVO, LEWIS L
 License #: RF776455 State: OH
 Date of Birth: 10/05/1959

Location: ROADSIDE
 Highway: MERRITT & SR 44
 County: GEAUGA
 Shipper:

MilePost:
 Origin: GENEVA OH.
 Destination: NEWBURY OH.

Bill of Lading:
 Cargo: EMPTY

VEHICLE IDENTIFICATION:

Unit	Type	Make	Year	State	License#	Equipment ID	Unit VIN	GVWR	CVSA #	CVSA Issued #	OOS Str.#
1	TR	GMC	1997	OH	PFD9058		1GDL7H1P6VJ504276	29,260			Y

BRAKE ADJUSTMENTS: No brake measurements recorded.

VIOLATIONS:

Vio Code	Section	Unit	OOS	Citation #	Verify*	Crash	Violation Description
391.41A-F	391.41(a)	D	N		N	N	Operating a property-carrying vehicle without possessing a valid medical certificate.
393.95A	393.95(a)	1	N		N	N	No fire extinguisher.
393.9TS	393.9TS	1	Y		U	N	Inoperative turn signal LEFT REAR, BRAKE, & 4 WAY HAZARD.

* N - Non-OOS or Driver OOS Violation; U - Unknown

HazMat: No HM Transported. Placard: NA Cargo Tank:

Special Checks:

<input type="checkbox"/> Alcohol/Controlled Substance Check	<input type="checkbox"/> Traffic Enforcement	<input type="checkbox"/> Post Crash Inspection
<input type="checkbox"/> Conducted by Local Jurisdiction	<input type="checkbox"/> PASA Conducted Inspection	<input type="checkbox"/> PBBT Inspection
<input type="checkbox"/> Size and Weight Enforcement	<input type="checkbox"/> Drug Interdiction Search	Arrests:

Inspection Notes:

Special Study Fields:

Special Study1:	Special Study6:
Special Study2:	Special Study7:
Special Study3:	Special Study8:
Special Study4:	Special Study9:
Special Study5:	Special Study10:

Locally Defined Fields:

For-Hire Carrier: N; Driver Address: 4450 CORK COLD SPRINGS RD; Driver City: GENEVA; Driver State: OH; Driver Zip: 44041; Photos Taken (Y/N): N; Reason Code: USSP; FMCSA Credentials Verified-Y/N: N; CDL Verified (Y/N): Y; FMCSA OOS Order Issued(Y/N): N

* 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.

Report Prepared By:
 G Maffitt

Badge #:
 3281

Copy Received By:
 DESALVO, LEWIS L

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OH3281010465

DRIVER/VEHICLE EXAMINATION REPORT



Report Number: OH3281010465
 Inspection Date: 5/17/2013 Certification Date: 05/20/2013
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 HM Inspection Type: No HM Inspection

LEW'S OUTDOOR SERVICES INC.
 4450 CORK COLD SPRINGS RD.
 GENEVA, OH 44041

Driver: DESALVO, LEWIS L
 License #: RF776455 State: OH
 Date of Birth: 10/05/1959

USDOT #: Phone #: (440)223-6127
 MC/MX #: Fax #:
 State #:

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, T ASD - 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 Carrier Official: X Title: _____ Date: _____

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 Facility: _____ Date: _____

