

**Dickie McCamey**

14-0257-TR-CVF

**Eric D. Thompson**  
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February 12, 2014

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

**RE: R&R Trucking Inc.**  
**Case Number: OH3251012771C, OH3251012771D**

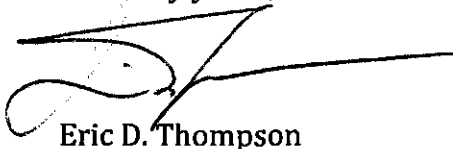
**REQUEST FOR ADMINISTRATIVE HEARING**

Dear Sir or Madam:

Please be advised that the undersigned attorney represents R&R Trucking Inc. in regard to the currently pending matters, Case Nos. OH3251012771C and OH3251012771D. On behalf of R&R Trucking, we are requesting an **Administrative Hearing** in order to contest the alleged violations. Please send me written verification acknowledging my request for an Administrative Hearing before the Public Utilities Commission of Ohio for Case Nos. OH3251012771C and OH3251012771D.

All further correspondence regarding this matter is to be directed to my office. My telephone number is (614) 258-6000 and my email address is ethompson@dmclaw.com. Thank you for your attention in this matter.

Sincerely yours,

  
Eric D. Thompson

Cc: Rob Ready, R&R Trucking, Inc.  
EDT

RECEIVED-DOCKETING DIV  
2014 FEB 13 PM 2:12  
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# Public Utilities Commission

John R. Kasich, Governor  
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## Commissioners

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

01/15/2014

OH3251012771D  
ROB READY  
5791 S. SHANDLE BLVD  
MENTOR, OH 44060

RE: **NOTICE OF PRELIMINARY  
DETERMINATION**  
Case No. OH3251012771D

Dear Sir or Madam:

On 10/15/2013, a vehicle operated by R&R TRUCKING INC, and driven by KENNETH M MCKINNON, 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 KENNETH M MCKINNON (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
395.8A	1	No drivers record of duty status:...FOR OCTOBER...OUT OF SERVICE 10 HOURS...	
		Total of Group 1	100.00

**TOTAL AMOUNT DUE: \$100.00**

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 KENNETH M MCKINNON in the following amount:

CODE	GROUP	VIOLATION	FORFEITURE
395.8A	1	No drivers record of duty status:...FOR OCTOBER...OUT OF SERVICE 10 HOURS...	
		Total of Group 1	100.00

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Todd A. Sattler, Chairman

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M. Beth Trombold

01/15/2014

OH3251012771C  
ROB READY  
5791 S SHANDLE BLVD  
MENTOR, OH 44060

RE: **NOTICE OF PRELIMINARY  
DETERMINATION**  
Case No. OH3251012771C

Dear Sir or Madam:

On 10/15/2013, a vehicle operated by R&R TRUCKING INC, and driven by KENNETH M MCKINNON, 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 R&R TRUCKING 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
393.47E	0	Clamp or Roto type brake out-of-adjustment:...#3 RIGHT...OOS...	
393.47E	0	Clamp or Roto type brake out-of-adjustment:...#5 RIGHT...OOS...	
393.53B	0	CMV manufactured after 10/19/94 has an automatic airbrake adjustment system that fails to compensate for wear	
393.75C	0	Tire-other tread depth less than 2/32 of inch:...#5 left inside has flat spot in the tread area...	
396.3A1BOS	1	BRAKES OUT OF SERVICE: The number of defective brakes is equal to or greater than 20 percent of the service brakes on the vehicle or combination:...3R.5R.	
		Total of Group 0	0.00
		Total of Group 1	100.00

**TOTAL AMOUNT DUE: \$100.00**

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.

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

CODE	GROUP	VIOLATION	FORFEITURE
393.47E	0	Clamp or Roto type brake out-of-adjustment:...#3 RIGHT...OOS...	
393.47E	0	Clamp or Roto type brake out-of-adjustment:...#5 RIGHT...OOS...	
393.53B	0	CMV manufactured after 10/19/94 has an automatic airbrake adjustment system that fails to compensate for wear	
393.75C	0	Tire-other tread depth less than 2/32 of inch:...#5 left inside has flat spot in the tread area...	
396.3A1BOS	1	BRAKES OUT OF SERVICE: The number of defective brakes is equal to or greater than 20 percent of the service brakes on the vehicle or combination:...3R.5R.	
		Total of Group 0	
		Total of Group 1	100.00

**TOTAL AMOUNT DUE: \$100.00**

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 pursuant to rule 4901:2-7-13, O.A.C. Failure to file a written request for an administrative hearing within 30 days shall constitute a waiver of your right to further contest the violations and will conclusively establish the occurrence of the violations. 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 notice and will result in the forfeiture amount being referred to the Ohio Attorney General's office for collection.

Please consult the enclosed instruction sheet for additional information regarding this Notice of Preliminary Determination.

Sincerely,

Milan Orbovich, Director  
Transportation Department

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