

Arena District 250 West Street Suite 700 Columbus, OH 43215-7509

14 - 0334 - TK - CVF Writer's Direct Number: 614 462-2281 Direct Fax: 614 224-3284 Internet. corey.crognale@icemiller.com

### **Delivered via Certified Mail - RRR**

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

> Re: Request for Administrative Hearing Case No. CR201307180384 MC Trucking Company

Dear Sir/Madam:

The undersigned is counsel for MC Trucking Company in the above-referenced matter. MC Trucking Company, 11641 Mosteller Road, Cincinnati, Ohio 45241, contests the attached Notice of Preliminary Determination in its entirety and requests an administrative hearing pursuant to 4901:2-7-13, O.A.C. The undersigned also requests that this matter be set for a prehearing conference pursuant to 4901-1-26.

Very truly yours,

ICE MILLER LLP Corev V. Crognale

CVC:lec

Enclosure

cc: Mr. Dave Coniglio

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Ohio |

## Public Utilities Commission

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

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

02/11/2014

CR201307180384 TIM RENNEKER, MC TRUCKING CO 11641 MOSTELLER RD CINCINNATI, OH 45241

RE:

#### NOTICE OF PRELIMINARY DETERMINATION

Case No. CR201307180384

Dear Sir or Madam:

On 07/18/2013, a compliance review of your facility located at P O BOX 158, SABINA, OH, U.S.A., 45169 was conducted. As the result of discovery of the following violations of the Commission's rules, Staff of the Commission timely notified THE M C TRUCKING CO LLC (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	VIOLATION	FORFEITURE
396.3(b)	Failing to keep minimum records of inspection and vehicle maintenance.	425.00
396.3(b)	Failing to keep minimum records of inspection and vehicle maintenance.	1050.00
396.11(a)	Failing to require driver to prepare driver vehicle inspection report.	0.00
390.35	Making, or causing to make fraudulent or intentionally false statements or records and/or reproducing fraudulent records.	1500.00
390.35	Making, or causing to make fraudulent or intentionally false statements or records and/or reproducing fraudulent records.	10250.00
396.17(a)	Using a commercial motor vehicle not periodically inspected.	1325.00
396.17(a)	Using a commercial motor vehicle not periodically inspected.	450.00

TOTAL AMOUNT DUE: \$15,000.00

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.

180 East Broad Street Columbus, Ohio 43215-3793



# Ohio Public Utilities Commission

Commissioners

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

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

As a result of the conference, Staff has made a Preliminary Determination that the Commission should assess a civil forfeiture against THE M C TRUCKING CO LLC in the following amount:

CODE	VIOLATION	FORFEITURE
396.3(b)	Failing to keep minimum records of inspection and vehicle maintenance.	425.00
396.3(b)	Failing to keep minimum records of inspection and vehicle maintenance,	1050.00
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#### TOTAL AMOUNT DUE: \$15,000.00

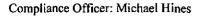
Within 30 days of this notice, you must <u>either</u>: (1) pay the assessed civil forfeiture <u>or</u> (2) file a written request for an administrative hearing pursuant to rule 4901:2-7-13, O.A.C. Failure to file a written request for an administrative hearing within 30 days shall constitute a waiver 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,

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Milan Orbovich, Director Transportation Department



180 East Broad Street Columbus, Ohio 43215-3793

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