

NC
Airgas.
FILE

14-0951-TR-CVF

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Bernie Lozar
Director of DOT Compliance
Airgas USA, LLC
6055 Rockside Woods Blvd.
Independence, OH 44131
(216)642-1566
<http://www.airgas.com>
bernie.lozar@airgas.com

May 21, 2014

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

RE: Request for Administrative Hearing on Case No. OH3210302144S2

To Whom it May Concern:

Airgas USA LLC respectfully requests an Administrative Hearing regarding the above case number. We disagree with the assessment of a civil forfeiture based on an incorrect application and interpretation of the code stated in the original Notice of Apparent Violation and Intent to Assess Forfeiture; as well as the conference we had with Alla Magaziner-Tempesta of the Compliance Division on May 8, 2014.

Please note that this request is within the 30 day time period since we first received the Notice of Preliminary Determination dated 5/15/2014.

Please send all follow-up communication and notification of the next step in this review process to me at the mail address shown below.

Thank you,



Bernie Lozar
Director of DOT Compliance
Airgas USA, LLC
6055 Rockside Woods Blvd.
Independence, OH 44131

PUCO

2014 MAY 28 PM 12: 25

RECEIVED-DOCKETING DIV

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Public Utilities Commission

John R. Kasich, Governor
Thomas W. Johnson, Chairman

Commissioners

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

05/15/2014

OH3210302144S2

Bernie Lozar

6055 Rockside Woods Blvd.

Independence, OH 44131

RE: **NOTICE OF PRELIMINARY
DETERMINATION**

Case No. OH3210302144S2

Dear Sir or Madam:

On 03/11/2014, a vehicle operated by TUTTLE CONSTRUCTION INC, and driven by MICHAEL G BELLAMY, 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 AIRGAS USA 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	GROUP	VIOLATION	FORFEITURE
172.504A	-	Vehicle not placarded as required SHIPPER FAILED TO OFFER CARRIER HM PLACARDS (CLASS 2.1 & 2.2) AS REQUIRED.	780.00
		Total Hazmat	780.00

TOTAL AMOUNT DUE: \$780.00

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 AIRGAS USA LLC in the following amount:

CODE	GROUP	VIOLATION	FORFEITURE
172.504A	-	Vehicle not placarded as required SHIPPER FAILED TO OFFER CARRIER HM PLACARDS (CLASS 2.1 & 2.2) AS REQUIRED.	780.00
		Total Hazmat	780.00

180 East Broad Street
Columbus, Ohio 43215-3793

(614) 466-3016
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**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: CF Processing
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: 5/15/2014
Legal Name: AIRGAS USA LLC
Address: 1590 MCCLAIN ROAD
City: LIMA
State: OH
Zip: 45804-1974
Case Number: OH3210302144S2
PIN: 2LLT

Item	DueDate	Amount
1	5/22/2014	\$780.00
Total		\$780.00

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.



OH3210302144S2