

FILE

PUCO EXHIBIT FILING

8

Date of Hearing: 10/9/14

RECEIVED-DOCKETING DIV

Case No. 14-279-TH-CVF

2014 OCT 23 PM 12:51

PUCO Case Caption:

PUCO

In the Matter of Done
Trucking, LLC, and Philip
Suver, Notice of Apparent
Violation and Intent to
Assess Forfeiture.

List of exhibits being filed:

Staff Ex 1

Staff Ex 2

Staff Ex 3

Reporter's Signature:

Date Submitted: 10/23/14

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technician Date Processed Oct 23 2014

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

In the Matter of Done :
Trucking, LLC, and Philip :
Suver, Notice of Apparent : Case No. 14-279-TR-CVF
Violation and Intent to :
Assess Forfeiture. :

- - -

PROCEEDINGS

Before Bryce A. McKenney, Attorney Examiner, at the
Public Utilities Commission of Ohio, 180 East Broad
Street, Room 11-C, Columbus, Ohio, called at
10:00 a.m. on Thursday, October 9, 2014.

- - -

ARMSTRONG & OKEY, INC.
222 East Town Street, Second Floor
Columbus, Ohio 43215-4620
(614) 224-9481 - (800) 223-9481
Fax - (614) 224-5724

- - -

Staff Ex 1

DRIVER/VEHICLE EXAMINATION REPORT

Ohio

Report Number: OH3296014206

Inspection Date: 8/14/2013 Certification Date:

Time Started: 07:35 Time Ended: 08:50

Inspection Level: I - Full Inspection

HM Inspection Type: No HM Inspection

CHRISTOPHER CASH

8080 SUBTLE ROAD

EDMONTON, KY 42129

USDOT #: 02396507

MC/MX #:

State #:

Phone #: (270)576-6149

Fax #:

Driver: SUVER, PHILIP N

License #: S12222501

State: KY

Date of Birth: 9/9/1971

Location: ROADSIDE

MilePost: 8

Highway: IR 271

Origin: EDMONTON, KY

Bill of Lading: NONE

County: SUMMIT

Destination: NEWBURY, OH

Cargo: GRAIN, FEED, HAY

Shipper: BLUEBERRY HILLS FARM

VEHICLE IDENTIFICATION:

Unit	Type	Make	Year	State	License#	Equipment ID	Unit VIN	GVWR	CVSA #	CVSA Issued #	OOS Stkr.#
1	TT	VOLV	1996	KY	615682		4U4WDBJH1TN719977	50,000			
2	ST	TRLR	2013	KY	615350		4Z1GF4021DS002482	24,900			

BRAKE ADJUSTMENTS:

Axle #	1	2	3	4	5
Right	2 1/4	2	2	N/A	N/A
Left	1 3/8	2	1 3/4	N/A	N/A
Chamber	C-20	C-30	C-30	ELEC	ELEC

VIOLATIONS :

Vio Code	Section	Unit	OOS	State Citation Number	Verify*	Crash	Violation Description
383.23A2	383.23(a)(2)	D	Y		N	N	Operating a CMV without a CDL
390.21B	390.21(b)	1	N		N	N	Carrier name and/or USDOT Number not displayed as required
392.2UCR	392.2	1	N		N	N	Failure to pay UCR fee
392.2FT	392.2	1	N		N	N	State or International Fuel Tax (IFTA) Violation
393.47E	393.47(e)	1	N		N	N	Clamp or Roto type brake out-of-adjustment 1R 1/2 OUT
393.53B	393.53(b)	1	N		N	N	CMV manufactured after 10/19/94 has an automatic airbrake adjustment system that fails to compensate for wear
393.87A	393.87(a)	2	N		N	N	Warning flag required on projecting load NONE SIDE MORE THAN 4 INCHES

* N - Non-OOS or Driver OOS Violation

HazMat:

No HM Transported.

Placard: NA Cargo Tank:

Special Checks:

- ☐ Alcohol/Controlled Substance Check
☐ Conducted by Local Jurisdiction
☐ Size and Weight Enforcement
☐ ESscreening

- ☐ Traffic Enforcement
☐ PASA Conducted Inspection
☐ Drug Interdiction Search

- ☐ Post Crash Inspection
☐ PBBT Inspection
 Arrests:

Inspection Notes: EDMONTON, KY TO NEWBURY, OH 388 AIR MILES

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:

Report Prepared By:

Badge #:

Copy Received By:

Page 1 of 2

M R Lambert

3296

SUVER, PHILIP N



OH3296014206

DRIVER/VEHICLE EXAMINATION REPORT

Ohio

Report Number: OH3296014206
 Inspection Date: 8/14/2013 Certification Date:
 Time Started: 07:35 Time Ended: 08:50
 Inspection Level: I - Full Inspection
 HM Inspection Type: No HM Inspection

CHRISTOPHER CASH
 8080 SUBTLE ROAD
 EDMONTON, KY 42129
 USDOT #: 02396507
 MC/MX #:
 State #:

Phone #: (270)576-6149
 Fax #:

Driver: SUVER, PHILIP N
 License #: S12222501 State: KY
 Date of Birth: 9/9/1971

For-Hire Carrier: Y
 Driver City: EDMONTON
 Driver Zip: 42129
 Reason Code: OBVI
 CDL Verified (Y/N): Y

Driver Address: 8050 SUBTLE ROAD
 Driver State: KY
 Photos Taken (Y/N): Y
 FMCSA Credentials Verified-Y/N: Y
 FMCSA OOS Order Issued(Y/N): N

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: _____

Note to carrier this section applies to self adjusting brake.

Advisory: This vehicle has been identified to have brake adjustment violations. 49CFR Section 393.53 requires that a self-adjusting brake system be equipped on this vehicle. A qualified service technician needs to determine why the defective brake has excessive stroke and make the appropriate repairs. Simply re-adjusting a self-adjusting brake adjuster, or replacing it, does not guarantee that the problem is corrected. The problem may exist in the foundation brake system. By certifying this inspection report you have indicated that this vehicle now has a properly functioning self-adjusting brake adjustment system.

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: _____





Public Utilities Commission

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

Commissioners

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

Staff #2

12/23/2013

OH3296014206C
Chris Cash
8080 SUBTLE ROAD
EDMONTON, KY 42129

RE: **NOTICE OF PRELIMINARY
DETERMINATION**
Case No. OH3296014206C

Dear Sir or Madam:

On 08/14/2013, a vehicle operated by CHRISTOPHER CASH, and driven by PHILIP N SUVER, 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 CHRISTOPHER CASH (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
392.2FT	0	State or International Fuel Tax (IFTA) Violation	
393.47E	0	Clamp or Roto type brake out-of-adjustment 1R 1/2 OUT	
393.53B	0	CMV manufactured after 10/19/94 has an automatic airbrake adjustment system that fails to compensate for wear	
393.87A	0	Warning flag required on projecting load NONE SIDE MORE THAN 4 INCHES	
390.21B	4	Carrier name and/or USDOT Number not displayed as required	100.00
392.2UCR	4	Failure to pay UCR fee	500.00
		Total of Group 0	0.00
		Total of Group 4	600.00

TOTAL AMOUNT DUE: \$600.00

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

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

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Public Utilities Commission

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

Commissioners

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

As a result of the conference, Staff has made a Preliminary Determination that the Commission should assess a civil forfeiture against CHRISTOPHER CASH in the following amount:

CODE	GROUP	VIOLATION	FORFEITURE
392.2FT	0	State or International Fuel Tax (IFTA) Violation	
393.47E	0	Clamp or Roto type brake out-of-adjustment 1R 1/2 OUT	
393.53B	0	CMV manufactured after 10/19/94 has an automatic airbrake adjustment system that fails to compensate for wear	
393.87A	0	Warning flag required on projecting load NONE SIDE MORE THAN 4 INCHES	
390.21B	4	Carrier name and/or USDOT Number not displayed as required	100.00
392.2UCR	4	Failure to pay UCR fee	100.00
		Total of Group 0	
		Total of Group 4	200.00

TOTAL AMOUNT DUE: \$200.00

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

Compliance Officer: Cheryl Streets

180 East Broad Street
Columbus, Ohio 43215-3793

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Staff # 3



Public Utilities Commission

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

Commissioners

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

12/23/2013

OH3296014206D
Chris Cash
8080 Subtle Rd
EDMONTON, KY 42129

RE: **NOTICE OF PRELIMINARY
DETERMINATION**
Case No. OH3296014206D

Dear Sir or Madam:

On 08/14/2013, a vehicle operated by CHRISTOPHER CASH, and driven by PHILIP N SUVER, 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 PHILIP N SUVER (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
383.23A2	4	Operating a CMV without a CDL	250.00
		Total of Group 4	250.00

TOTAL AMOUNT DUE: \$250.00

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 PHILIP N SUVER in the following amount:

CODE	GROUP	VIOLATION	FORFEITURE
383.23A2	4	Operating a CMV without a CDL	250.00
		Total of Group 4	250.00

TOTAL AMOUNT DUE: \$250.00

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

Sincerely,

Milan Orbovich, Director
Transportation Department

Compliance Officer: Cheryl Streets