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Elyria Concrete Incorporated
226 Commerce East
Lagrange, Ohio 44050

15-0885-TR-CVF

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April 29, 2015

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

Re: Case No. CR201501150137

To Whom It May Concern:

This letter shall serve as a **Request for an Administrative Hearing** regarding the above referenced case no.

Our company is not agreeing to the penalties assessed to us as a result of a compliance review on January 15, 2015 and further a Preliminary Determination from the conference held regarding the penalties.

Enclosed is a copy of the Notice of Preliminary Determination for your review.

I look forward to hearing from your office.

Sincerely,

ELYRIA CONCRETE, INC.

John D. Walls

/kms

Enclosure

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Public Utilities Commission

John R. Kasich, Governor
Andre Porter, Chairman

Commissioners

Thomas W. Johnson
Asim Z. Haque
Lynn Slaby
M. Beth Trombold

04/23/2015

CR201501150137
John D. Walls
400 LOWELL ST
ELYRIA, OH 44035

RE: **NOTICE OF PRELIMINARY
DETERMINATION**
Case No. CR201501150137

Dear Sir or Madam:

On 01/15/2015, a compliance review of your facility located at 400 LOWELL ST, ELYRIA, OH, U.S.A., 44035 was conducted. As the result of discovery of the following violations of the Commission's rules, Staff of the Commission timely notified WALLSEYE CONCRETE (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
391.23(a)	Failing to investigate driver's background.	900.00
391.25(a)	Failing to make an inquiry into the driving record of each driver to the appropriate State agencies in which the driver held a commercial motor vehicle operator's license at least once every 12 months.	0.00
391.45(b)(1)	Using a driver not medically examined and certified during the preceding 24 months.	400.00
391.11(a)	Using a driver not medically examined and certified during the preceding 24 months.	500.00
396.11(a)	Failing to require driver to prepare driver vehicle inspection report.	475.00
382.301(a)	Using a driver before the motor carrier has received a negative pre-employment controlled substance test result.	400.00
396.17(a)	Using a commercial motor vehicle not periodically inspected.	475.00
396.3(a)	Failing to systematically inspect, repair, and maintain, or cause to be systematically inspected, repaired, and maintained, all motor vehicles and intermodal equipment subject to your control	0.00
396.3(b)	Failing to keep minimum records of inspection and vehicle maintenance.	425.00
391.11(b)(6)	Failing to require driver to furnish list of motor vehicle traffic violations each 12 months.	0.00

180 East Broad Street
Columbus, Ohio 43215-3793

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390.15(b)	Failing to maintain, for a period of three years after an accident occurs, an accident register.	0.00
391.51(b)(7)	Failing to maintain medical examiner's certificate in driver's qualification file.	400.00
382.603	Failing to ensure person designated to determine that drivers undergo reasonable suspicion testing receive 60 minutes training for alcohol and/or 60 minutes of training for controlled substances.	0.00
391.51(b)(2)	Failing to maintain inquiries into driver's driving record in driver's qualification file.	700.00
391.25(b)	Failing to review the driving record of each driver to determine whether that driver meets minimum requirements for safe driving or is disqualified to drive.	0.00

TOTAL AMOUNT DUE: \$4,675.00

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 WALLSEYE CONCRETE in the following amount:

CODE	VIOLATION	FORFEITURE
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391.25(a)	Failing to make an inquiry into the driving record of each driver to the appropriate State agencies in which the driver held a commercial motor vehicle operator's license at least once every 12 months.	0.00
391.45(b)(1)	Using a driver not medically examined and certified during the preceding 24 months.	400.00
391.11(a)	Using a driver not medically examined and certified during the preceding 24 months.	500.00
396.11(a)	Failing to require driver to prepare driver vehicle inspection report.	475.00
382.301(a)	Using a driver before the motor carrier has received a negative pre-employment controlled substance test result.	400.00
396.17(a)	Using a commercial motor vehicle not periodically inspected.	475.00
396.3(a)	Failing to systematically inspect, repair, and maintain, or cause to be systematically inspected, repaired, and maintained, all motor vehicles and intermodal equipment subject to your control	0.00
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391.11(b)(6)	Failing to require driver to furnish list of motor vehicle traffic violations each 12 months.	0.00



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TOTAL AMOUNT DUE: \$4,675.00

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: Alla Magaziner-Tempesta