

FILE

16

PUCO EXHIBIT FILING

Date of Hearing: 8-4-15

Case No. 15-908-TR-CVF

PUCO Case Caption: In the Matter of  
Kurda Contractors, Inc., Notice  
of Apparent Violation and Intent  
to Assess Forfeiture.

List of exhibits being filed:

Staff 1-2-3-4-5-6-7-8-9  
10-11-12

RECEIVED-DOCKETING DIV  
2015 AUG 24 PM 3:26  
PUCO

Reporter's Signature: [Signature]

Date Submitted:

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Technician DMS Date Processed AUG 24 2015

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

In the Matter of Kirila :  
Contractors, Inc., Notice : Case No 15-908-TR-CVF  
of Apparent Violation and :  
Intent to Assess Forfeiture.:

- - -

PROCEEDINGS

before Mr. Nicholas Walstra, 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 Monday, August 4, 2015.

- - -

ARMSTRONG & OKEY, INC.  
222 East Town Street, Second Floor  
Columbus, Ohio 43215-5201  
(614) 224-9481 - (800) 223-9481  
Fax - (614) 224-5724

- - -

## DRIVER/VEHICLE EXAMINATION REPORT

**Ohio**

Report Number: OH3225005703  
 Inspection Date: 12/31/2014 Certification Date: 01/05/2015  
 Time Started: 13:47 Time Ended: 14:25  
 Inspection Level: II - Walk-Around  
 HM Inspection Type: No HM Inspection

KIRILA CONTRACTORS INC  
 PO BOX 179  
 BROOKFIELD, OH 44403-0179  
 USDOT #: 00377296  
 MC/MX #:  
 State #:

Phone #: (330)448-4055  
 Fax #:

Driver: WILSON, JOHN E  
 License #: RN570664 State: OH  
 Date of Birth: 9/2/1966

Location: ROAD SIDE MilePost: 2  
 Highway: SR 711 Origin: AUSTINTOWN, OH Bill of Lading: N/A  
 County: MAHONING Destination: BROOKFIELD, OH Cargo: MACHINERY, LARGE OBJECT  
 Shipper: CARRIER

## VEHICLE IDENTIFICATION:

Unit	Type	Make	Year	State	License#	Equipment ID	Unit VIN	GVWR	CVSA #	CVSA Issued #	OOS Stkr.#
1	TT	INTL	1991	OH	PVX6552	46	1HTGCNHR9MH329294	55,000			
2	ST	ROGR	1987	OH	TQD3053	23	1RBK3420XHAR20934	58,150			YES

BRAKE ADJUSTMENTS: No brake measurements recorded.

## VIOLATIONS :

Vio Code	Section	Unit	OOS	State Citation Number	Verify*	Crash	Violation Description
392.9A1	392.9(a)(1)	2	Y		U	N	Failing to secure cargo as specified in 49 CFR 393.100 through 393.142 Refer to section 393.130c1. No 4 point securement. Machine weight 20,000 lbs

\* U - Unknown

HazMat: No HM Transported. Placard: NA Cargo Tank:

Special Checks:

<input type="checkbox"/> Alcohol/Controlled Substance Check	<input type="checkbox"/> Traffic Enforcement	<input type="checkbox"/> Post Crash Inspection
<input type="checkbox"/> Conducted by Local Jurisdiction	<input type="checkbox"/> PASA Conducted Inspection	<input type="checkbox"/> PBBT Inspection
<input type="checkbox"/> Size and Weight Enforcement	<input type="checkbox"/> Drug Interdiction Search	Arrests:
<input type="checkbox"/> EScreening		

Inspection Notes: 1 chain on front hydraulic bucket.  
 2 chains on rear hydraulic arm for back hoe.  
 viewed on ir 680 no 4 point securement on machine.  
 CASE Super L 580

## 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:

For-Hire Carrier: N	Fatalities (Y/N): N
Driver Address: 3290 WAKEFIELD CREEK	Driver City: FARMDALE
Driver State: OH	Driver Zip: 44417
Photos Taken (Y/N): Y	Supplemental Report #: N
Co-Investigator #: N	Reason Code: OBVI
Paper Report #: N	FMCSA Credentials Verified-Y/N: Y
CDL Verified (Y/N): Y	FMCSA OOS Order Issued(Y/N): N
Crash Report #: N	Orig Seal Placed by(C/D/S/U): N

Report Prepared By:  
 John Brayer

Badge #:  
 3225

Copy Received By:  
 WILSON, JOHN E

Page 1 of 2



OH3225005703

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KIRILA CONTRACTORS INC  
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 Fax #:

Driver: WILSON, JOHN E  
 License #: RN570664 State: OH  
 Date of Birth: 9/2/1966

\* Pursuant to authority contained in Title 49, Code of Federal Regulations, Section 396.9, I hereby declare vehicles with defects followed by an "Y" in the "Out of Service" column in the violations discovered section of this report OUT OF SERVICE. No person shall remove the out of service stickers applied to these vehicles, or operate such vehicles until the out of service defects have been repaired and the vehicles have been restored to safe operating condition.

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: \_\_\_\_\_

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: \_\_\_\_\_









USDOT377296





Staff Ex. 4



SHAFT EX. 5

Made in U.S.A. By <b>CASE CORPORATION</b>		FOR APPLICATION ON 580 L, 580 SUPER L & 590 SUPER L CONSTRUCTION KING Tractors		TYPE - CERTIFICATION FOR ROLLOVER PROTECTIVE STRUCTURES	
RACINE, WI 53404 U.S.A.					
ROPS SERIAL No.		FOR MAX. GROSS MACHINE WEIGHT		PROTECTION AFFORDED BY THIS ROPS WILL BE REDUCED IF THE ROPS IS ALTERED, HAS STRUCTURAL DAMAGE, OR HAS BEEN SUBJECT TO UPSET. SEE OPERATOR'S MANUAL FOR COM- PLETE INSTRUCTIONS AND INSPECTION REQUIREMENTS.	
		3072 kg (20 000 lb.)			
CONFORMS TO OSHA REGULATION		1926.1001			
PERFORMANCE STANDARDS MEASURED IN ACCORDANCE WITH		CEA B352, ISO 3471(1994), SAE J231(JAN81) & SAE J1019(APR88)			



Staff Ex. 6





SHOT EX. 7





Staff Ex. 9



Staff Ex. 10





Staff Ex. 11



# Public Utilities Commission

John R. Kasich, Governor  
Andre Porter, Chairman

Staff Ex. No. 12

Commissioners

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

04/23/2015

OH3225005703C  
ROBERT KIRILA  
PO BOX 179  
BROOKFIELD, OH 44403-0179

RE: **NOTICE OF PRELIMINARY  
DETERMINATION**  
Case No. OH3225005703C

Dear Sir or Madam:

On 12/31/2014, a vehicle operated by KIRILA CONTRACTOR INC, and driven by JOHN E WILSON, 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 KIRILA CONTRACTOR 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
392.9A1	1	Failing to secure cargo as specified in 49 CFR 393.100 through 393.142 Refer to section 393.130c1. No 4 point securement. Machine weight 20,000 lbs	
		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 KIRILA CONTRACTOR INC in the following amount:

CODE	GROUP	VIOLATION	FORFEITURE
392.9A1	1	Failing to secure cargo as specified in 49 CFR 393.100 through 393.142 Refer to section 393.130c1. No 4 point securement. Machine weight 20,000 lbs	
		Total of Group 1	100.00

180 East Broad Street  
Columbus, Ohio 43215-3793

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

*An equal opportunity employer and service provider*



# Public Utilities Commission

John R. Kasich, Governor  
Andre Porter, Chairman

## Commissioners

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

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

Compliance Officer: Wanda Williams