10) FILE November 20, 2015 Richard E. Jennings Monsfield, Pa. 16933 15-2016-TR-CVF Phone No. (570)419-3851 Public Utilities Commission of Ohio Transportation Compliance Dept. Show Cause 180 East Broad St. 4th Floor Columbus, Oh. 43215 Re: Case No. OHOIII006778C & OHOIII006778D I have had Preliminary Conference for the above lases with Wanda Williams. We concluded that she couldn't intertain any type of plea bargin and that I'd need to apply for an Administrative Heaving. Related instruction into was forwarded. I'm again requesting scheduling for Administrative Heaving to further review and establish explanation associated with the above listed cases. I'm including copy of the Notice of Preliminary Determination for these two cases as instructed by the instruction sheet. Therefore, I believe this letter complies with the Finding and Order Notice that it equest says planting Decay, 2015 accurate and complete reproduction of a case file Copy included: Finding and Order Case No. 15-1751-TR-CVF Notice of Preliminary Determination Case No. 040111006778C Signed Kichard E. Jennings Richard E. Jennings

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Default of Motor)	
Carriers and Drivers Pursuant to Rule)	Case No. 15-1751-TR-CVF
4901:2-7-14 of the Ohio Administrative)	4
Code.	•)	

FINDING AND ORDER

The Commission finds:

- R.C. 4923.04 authorizes the Commission to adopt safety (1)rules applicable to the highway transportation of persons or property, and the transportation and offering for transportation of hazardous materials. Pursuant to this authority, the Commission established safety standards in Ohio Adm. Code 4901:2-5, including the adoption of the provisions of the Federal Motor Carrier Safety Regulations (FMCSR) of the U.S. Department of Transportation contained in 49 C.F.R. 40, 107, subparts f and g, 367, 380, 382, 383, 385, 386, 387 and 390 to 397, unless specifically excluded or modified by a rule of the Commission, and those portions of the hazardous materials regulations contained in 49 C.F.R. 171 to 180 as applicable to transportation or offering for transportation by motor vehicle.
- R.C. 4923.99 authorizes the Commission to determine (2)whether any person has committed a violation of such regulations, and assess a civil forfeiture against such person. Accordingly, the Commission adopted the civil forfeiture and compliance proceeding rules contained in These rules require that a Ohio Adm.Code 4901;2-7. respondent be afforded reasonable notice opportunity for a hearing when the Commission finds a violation of the regulations adopted in Ohio Adm.Code 4901:2-5-02.

- (3) Ohio Adm Code 4901:2-7-07 provides that Staff may serve a Notice of Intent to Assess Forfeiture (NIF) upon a respondent within 90 days after the discovery of a violation, but no more than one year following the violation. In addition, Ohio Adm Code 4901:2-7-12 states that a Notice of Preliminary Determination (NPD) may be issued to a respondent following the issuance of a NIF. Additionally, Ohio Adm Code 4901:2-7-11 permits Staff and a respondent to enter into a settlement agreement regarding the amount of a forfeiture to be assessed.
- (4) Pursuant to Ohio Adm.Code 4901:2-7-14, a respondent upon whom an NIF or an NPD has been served who, within 30 days, fails to pay the amount of the forfeiture stated in the notice, or serve upon the Commission a request for conference, pursuant to Ohio Adm.Code 4901:2-7-10, or administrative hearing, pursuant to Ohio Adm.Code 4901:2-7-13, shall be in default. Pursuant to Ohio Adm.Code 4901:2-7-14(D), a respondent who has failed to comply with the provisions of a settlement agreement for a period exceeding 30 days shall be in default.
- (5) Pursuant to Ohio Adm.Code 4901:2-7-14, a respondent in default shall be deemed to have admitted the occurrence of the violation(s) and waived all further right to contest liability for the forfeiture described in the NIF or NPD, and the Commission may, on its own motion and without prior notice, order payment of the amount indicated in the NIF or NPD.
- (6) The respondents listed in the attachment have been served with either an NIF or an NPD and have neither: paid the forfeiture indicated in the notice, served a request for conference pursuant to Ohio Adm.Code 4901:2-7-10, served a request for administrative hearing pursuant to Ohio Adm.Code 4901:2-7-13, nor complied with the provisions of a settlement agreement. Each respondent therefore is in default, pursuant to

15-1751-TR-CVF . -3-

Ohio Adm.Code 4901:2-7-14, and is liable for the amount indicated in the attachment.

- However, before the Commission forwards the (7) attachment to the Ohio Attorney General's Office so that it may undertake further collection efforts against the identified respondents, each respondent will be granted a final opportunity to pay the civil forfeiture or demonstrate why it is not in default. A respondent may serve upon Staff a response to this finding and order demonstrating that it was not properly served with the NIF, it previously paid the civil forfeiture, it served a request for conference or administrative hearing within 30 days of receipt of the NIF or NPD, or is in compliance with the terms of a settlement agreement. This response shall be made in writing, by December 4, 2015, and addressed to the Public Utilities Commission of Ohio, Transportation Compliance Department Show Cause, 180 East Broad Street, 4th Floor, Columbus, Ohio 43215.
- (8) Staff shall review the responses and remove cases from this proceeding for which a respondent has demonstrated that it is not in default. After December 4, 2015, Staff shall forward a list of all respondents that remain in default to the Ohio Attorney General, Collections Enforcement Section.

It is, therefore,

4. Ch. 4.

ORDERED, That by December 4, 2015, each respondent listed in the attachment to this finding and order pay the forfeiture amount indicated or demonstrate why it is not in default. It is, further,

ORDERED, That Staff remove from this proceeding cases for which a respondent demonstrates that it is not in default. It is, further,

ORDERED, That after December 4, 2015, Staff submit a list of all respondents that remain in default to the Ohio Attorney General, Collections Enforcement Section. It is, further,

ORDERED, That a copy of this Finding and Order be served upon each respondent.

THE PUBLIC UTIL	ITIES COMMISSION OF OHIO
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Andre	T. Porter, Chairman
Lynn Slaby	M. Beth Trombold
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Asim Z. Haque	Thomas W. Johnson

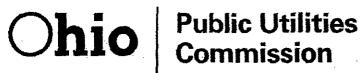
JST/js

Attachment

Entered in the Journal

NOV 0 4 2015

Barcy F. McNeal Secretary



John R. Kasich, Governor Andre Porter, Chairman Commissioners

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

05/21/2015

OH0111006778D RICHARD JENNINGS 620 E MULBERRY HILL RD MANSFIELD. PA 16933

RE:

NOTICE OF PRELIMINARY

DETERMINATION

Case No. OH0111006778D

Dear Sir or Madam:

On 02/19/2015, a vehicle operated by RICHARD JENNINGS, and driven by RICHARD E JENNINGS, 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 RICHARD E JENNINGS (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
395.8A	1	No drivers record of duty status	
383.91A	4	Operating a CMV with improper CDL group-needs Requires Class 'A' Driver has Class 'B' CDL	250.00
		Total of Group 1	100.00
		Total of Group 4	250.00

TOTAL AMOUNT DUE: \$350.00

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 RICHARD E JENNINGS in the following amount:

CODE GROUP VIOLATION

395.8A 1 No drivers record of duty status

FORFEITURE

180 East Broad Street Columbus, Ohio 43215-3793 (614) 466-3016 www.PUCO.ohio.gov



John R. Kasich, Governor Andre Porter, Chairman Commissioners

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

383.91A

Operating a CMV with improper CDL group-needs Requires Class 'A' Driver has

250.00

Class 'B' CDL

100.00

Total of Group 1

Total of Group 4

250.00

TOTAL AMOUNT DUE: \$350.00

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.

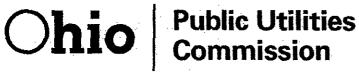
Sincerely,

Milan Orbovich, Director

Transportation Department

melan debovick

Compliance Officer: Wanda Williams



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John R. Kasich, Governor Andre Porter, Chairman Commissioners

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

05/21/2015

OH0111006778C RICHARD JENNIGS 620 EAST MULBERRY HILL MANSFIELD, PA 16933

RE:

NOTICE OF PRELIMINARY DETERMINATION

Case No. OH0111006778C

Dear Sir or Madam:

On 02/19/2015, a vehicle operated by RICHARD JENNINGS, and driven by RICHARD E JENNINGS, 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 RICHARD JENNINGS (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
392.2IRP	0	IRP Apportioned Tag or Registration Violation-Truck registered "Business trade"	
		status Requires apportioned registration	
392.2IRP	0	IRP Apportioned Tag or Registration Violation-Trailer registered "regular" status	
		Requires apportioned registration	
393.9	0	Inoperable Required Lamp-RR corner marker lamp inoperable	
392.9A	1	Failing to secure load-Debris, cargo, chains & binders laying loose on trailer deck	
		unsecured	
393.43	2	No or improper breakaway or emergency braking-Inoperable	**
392.2UCR	. 4	Failure to pay UCR fee-for 2015	500.00
		Total of Group 0	0.00
	,	Total of Group 1	100.00
		Total of Group 2	50.00
		Total of Group 4	500.00

TOTAL AMOUNT DUE: \$650.00

180 East Broad Street Columbus, Ohio 43215-3793 (614) 466-3016 www.PUCO.ohio.gov



John R. Kasich, Governor Andre Porter, Chairman Commissioners

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

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 RICHARD JENNINGS in the following amount:

CODE	GROUP	VIOLATION	FORFEITURE
392.2IRP	0	IRP Apportioned Tag or Registration Violation-Truck registered "Business trade"	
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392.9A	1	Failing to secure load-Debris, cargo, chains & binders laying loose on trailer deck	
	•	unsecured	
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392.2UCR	. 4	Failure to pay UCR fee-for 2015	500.00
		Total of Group 0	
		Total of Group 1	100.00
		Total of Group 2	50.00
		Total of Group 4	500.00

TOTAL AMOUNT DUE: \$650.00

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.