

10) FILE
November 20, 2015
15-2016-TR-CVF

Richard E. Jennings
620 E. Muberry Hill Rd.
Mansfield, Pa. 16933
Phone No. (570) 419-3851

Public Utilities Commission of Ohio
Transportation Compliance Dept. Show Cause
180 East Broad St. 4th Floor
Columbus, Oh. 43215

RECEIVED-DOCKETING DIV.
2015 DEC -1 AM 9:53
PUCO

Re: Case No. OH0111006778C & OH0111006778D

I have had Preliminary Conference for the above cases with Wanda Williams. We concluded that she couldn't entertain any type of plea bargain and that I'd need to apply for a apply for an 'Administrative Hearing'. Related instruction info was forwarded.

I'm again requesting scheduling for 'Administrative Hearing' 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 requests reply by Dec 4, 2015

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.
Technician IN Date Processed DEC 01 2015

Copy included:

Finding and Order Case No. 15-1751-TR-CVF

Notice of Preliminary Determination Case No. OH0111006778C
" " " " " " OH0111006778D

Signed Richard 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)
Code.)

FINDING AND ORDER

The Commission finds:

- (1) R.C. 4923.04 authorizes the Commission to adopt safety 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 are applicable to transportation or offering for transportation by motor vehicle.
- (2) R.C. 4923.99 authorizes the Commission to determine 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 Ohio Adm.Code 4901:2-7. These rules require that a respondent be afforded reasonable notice and 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

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

- (7) However, before the Commission forwards the 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,

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 UTILITIES COMMISSION OF OHIO

C 7 Feb

Andre T. Porter, Chairman

Lynn Slaby
Lynn Slaby

M. Beth Trombold
M. Beth Trombold

Asim Z. Haque

Thomas W. Johnson
Thomas W. Johnson

JST/js

Attachment

Entered in the Journal

NOV 04 2015

Barcy F. McNeal

Barcy F. McNeal
Secretary



Public Utilities Commission

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	FORFEITURE
395.8A	1	No drivers record of duty status	

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Columbus, Ohio 43215-3793

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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

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



Public Utilities Commission

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
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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

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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	
		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 **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.

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