

PUCO EXHIBIT FILING

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

In the Matter of R&R :
Trucking, Notice of :
Apparent Violation and : Case No. 15-519-TR-CVF
Intent to Assess :
Forfeiture. :

- - -

PROCEEDINGS

Before Jim M. Lynn, Attorney Examiner, at the Public
Utilities Commission of Ohio, 180 East Broad Street,
Room 11-D, Columbus, Ohio, called at 10:00 a.m. on
Tuesday, November 24, 2015.

- - -

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

- - -

DRIVER/VEHICLE EXAMINATION REPORT

Ohio

Report Number: OH3230008116

Inspection Date: 12/22/2014 Certification Date:

Time Started: 10:43 Time Ended: 11:20

Inspection Level: III - Driver-Only Inspection

HM Inspection Type: No HM Inspection

R & R TRUCKING INC
5791 S SHANDLE BLVD

MENTOR, OH 44060

USDOT #: 01503255

MC/MX #: 817346

State #:

Phone #: (440)487-2336

Fax #:

Driver: POWER, MATTHEW D

License #: RW675458

State: OH

Date of Birth: 8/22/1981

Location: ROADSIDE

Highway: IR 90

County: LORAIN

Shipper:

MilePost: 151

Origin: MIDDLEFIELD, OH

Destination: ELYRIA, OH

Bill of Lading:

Cargo: EMPTY

VEHICLE IDENTIFICATION:

Unit	Type	Make	Year	State	License#	Equipment ID	Unit VIN	GVWR	CVSA #	CVSA Issued #	OOS Stkr.#
1	TT	FRHT	1996	OH	PVU7839	2424	1FUYYDYB9TH750596	52,000			
2	ST	STOU	1998	OH	TQH5669	200	1DW1A5321WS153358	68,000			

BRAKE ADJUSTMENTS: No brake measurements recorded.

VIOLATIONS :

Vio Code	Section	Unit	OOS	State Citation Number	Verify*	Crash	Violation Description
395.3A3-PROP	395.3(a)(3)	D	Y		N	N	Driving beyond 11 hour driving limit in a 14 hour period. On 12-22-14 driver broke 11 hour rule from 10 am to 1045 am..
395.3A2-PROP	395.3(a)(2)	D	Y		N	N	Driving beyond 14 hour duty period. On 12-22-14 driver broke 14 hour rule from 10 am to 1045 am.
391.15A-SIN	391.15(a)	D	Y	20141118	N	N	Driving a CMV while disqualified. Suspended for safety-related or unknown reason and in the state of drivers license issuance. OSHP unit 0820 issued citation

* 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
☐ EScreening

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

- ☐ Post Crash Inspection
☐ PBBT Inspection
 Arrests:

Inspection Notes: running e log emailed pages if needed driver out of service at pilot sr611 at 1120

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: 16647 TIMBERLINE DR

Driver City: STRONGSVILLE

Driver State: OH

Driver Zip: 44136

Reason Code: USSP

FMCSA Credentials Verified-Y/N: Y

CDL Verified (Y/N): Y

FMCSA OOS Order Issued(Y/N): Y

I hereby declare MATTHEW D. POWER "Out of Service". This driver MAY NOT DRIVE any commercial motor vehicle nor may any carrier permit or require this driver to drive any commercial motor vehicle until gets cdl suspension removed

Report Prepared By:

J D ANDERSON

Badge #:

3230

Copy Received By:

POWER, MATTHEW D

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OH3230008116

DRIVER/VEHICLE EXAMINATION REPORT



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R & R TRUCKING INC
 5791 S SHANDLE BLVD
 MENTOR, OH 44060
 USDOT #: 01503255
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 State #:

Phone #: (440)487-2336
 Fax #:

Driver: POWER, MATTHEW D
 License #: RW675458 State: OH
 Date of Birth: 8/22/1981

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: _____

Report Prepared By:
 J D ANDERSON

Badge #:
 3230

Copy Received By:
 POWER, MATTHEW D

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OH3230008116

Staff Ex. 2



Public Utilities Commission

John R. Kasich, Governor
Thomas W. Johnson, Chairman

Commissioners

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

02/25/2015

OH3230008116C
R & R TRUCKING
5791 S SHANDLE BLVD
MENTOR, OH 44060

RE: **NOTICE OF PRELIMINARY
DETERMINATION**
Case No. OH3230008116C

Dear Sir or Madam:

On 12/22/2014, a vehicle operated by R&R TRUCKING INC, and driven by MATTHEW D POWER, 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 R&R TRUCKING 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
395.3A2-PROI1		Driving beyond 14 hour duty period. On 12-22-14 driver broke 14 hour rule from 10 am to 1045 am.	
395.3A3-PROI1		Driving beyond 11 hour driving limit in a 14 hour period. On 12-22-14 driver broke 11 hour rule from 10 am to 1045 am..	
		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 R&R TRUCKING INC in the following amount:

CODE	GROUP	VIOLATION	FORFEITURE
395.3A2-PROI1		Driving beyond 14 hour duty period. On 12-22-14 driver broke 14 hour rule from 10 am to 1045 am.	

180 East Broad Street
Columbus, Ohio 43215-3783

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

An equal opportunity employer and service provider



Public Utilities Commission

John R. Kasich, Governor
Thomas W. Johnson, Chairman

Commissioners

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

395.3A3-PROI I

Driving beyond 11 hour driving limit in a 14 hour period. On 12-22-14 driver broke
11 hour rule from 10 am to 1045 am..

Total of Group I

100.00

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