

(NC)  
FILE

11

16-0641-TR-CVF

## Request for an Administrative Hearing

Re: Public Utilities Commission of Ohio Attn: Docketing Division

I, Vladislav Bubnovskiy, would like to formally request for an Administrative Hearing to be held regarding

case #OH1651009889D pertaining to Vladislav Bubnovskiy residing on 333 West Grove Court, Medina OH 44256 Telephone number 330-723-4970. Please see attached copy of "Notice of Preliminary Determination

In addition, I would like to formally request the need for a Russian/English Interpreter who would assist in translational services during the administrative hearing.

Signature V. Bubnovskiy Date 03.19.16

PUCO

2016 MAR 22 PM 1:36

RECEIVED - COMPLAINTS

Dear Public Utilities Commission of Ohio,

I Vladislav Bubnovskiy, truck driver of the company Sealy Mattress Co (Address: 1070 Lake Road Medina, OH 44256), was subject to a vehicle inspection which occurred on December 8<sup>th</sup> 2015 at 3:10PM EST regarding case # OH1651009889D. In the report (page 4) the Trooper noted under violations "Using a hand-held mobile telephone while operating a CMV: driver was holding a cellular phone up to his right ear when I looked up into the cab". I am writing to dispute this claim for the following reasons:

1. After the traffic stop the Trooper Brian Hann immediately seized my phone and investigated the telephone call history which confirmed the fact that I did not place a call while I was operating the vehicle NOR had I received a call while operating the vehicle during the time in question per Trooper Brian Hann.
2. The Trooper Brian Hann stated that I "must have deleted my phone history and thus am lying about not having used my phone".
3. Had I needed to make a phone call I would certainly have used the Bluetooth "Hands-Free" connection which my company provides in ALL trucks which has always been installed in my truck. I have included additional photographs of my interior cabin and of the hands-free feature available on this Bluetooth radio model. (page 56)
4. I have obtained records from my cell phone company "SPRINT" which is in question pertaining to the timing of the trooper's claim regarding my use of a cell phone while driving. The records indicate during the time of the traffic stop, no calls were placed or received which supports my claim to the trooper and is contradictory to the statement made by Trooper Brian Hann that "I must have deleted the call history". (page 78)
5. Additional documents which I have included are my Driver's log for the day indicating I was well within my operational safety rules and regulations. According to the electronic driver's log, at the time of said inspection, I had already been driving over 10 hours. (page 8/9/11) and as such was massaging my neck using my right hand. At this moment, the trooper was located on the driver's side lane driving along the rear axle of my trailer. I can only infer that from this distant and obscure angle, he may have seen me massage my right neck with my right hand through the side mirror and simply mistook me for being on my phone.

I believe this case should be dismissed as I had previously pleaded my case to the trooper during the inspection that I was completely mistaken for someone who was using a cell phone while driving but did not have any evidence during the traffic stop to refute the word of the trooper. I currently have a clean drivers record and would like the Public Utilities Commission of Ohio to consider the above referenced points regarding my telephone records, availability of Bluetooth in my cabin in the event I would need to place or accept a phone call, and drivers logs indicating my extended

driving history pertaining to the day explaining why I was massaging my neck with my right hand.

In addition, I have also prepared a written request for administrative hearing regarding this case as detailed in the response letter pursuant to rule 4901:2-7-13, O.A.C. . Within this request I have also noted the need for a Russian/English Interpreter who would assist in translational services during the administrative hearing.

Best Regards,

Vladislav S Bubnovskiy

*V. Bubalovich 03.19.16.*

333 West Grove Court

Medina, OH 44256

330-723-4970

## DRIVER/VEHICLE EXAMINATION REPORT

Aspen 3.0.0.17

Ohio State Highway Patrol  
Motor Carrier Enforcement  
Bucyrus District Headquarters  
Phone 419-562-6325  
FAX 614-752-9274

Report Number: OH1651009889  
Inspection Date: 12/08/2015  
Start: 03:10 PM ET End: 3:55:00 PM ET  
Inspection Level: III - Driver Only  
HM Inspection Type: None

SEALY MATTRESS COMPANY  
1000 TEMPUR WAY  
LEXINGTON, KY 40511

USDOT#: 00044645

Phone#: (443)250-5462

MC/MX#: 547684

Fax#:

State#:

Location: ROADSIDE

Highway: IR 80

County: SANDUSKY, OH

MilePost: 85

Origin: DETROIT, MI

Destination: MEDINA, OH

Shipper:

Bill of Lading: NONE

Cargo: EMPTY

Driver: BUBNOVSKIY, VLADISLAV S

License#: SA470911

State: OH

Date of Birth: 11/09/1955

CoDriver:

License#:

State:

Date of Birth:

## VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate #	Equipment ID	VIN	GVWR	CVSA #	CVSA Issued #	OOS Sticker
1	TT	VOLV	2012	IN	2067302	2067302	4V4N39EG7CN556437	52,000			
2	ST	HYTR	2015	TN	U56696	283823	3H3V532C7FT671096	68,000			

BRAKE ADJUSTMENTS: No Brake Measurements Required For Level 3

## VIOLATIONS

Vio Code	Section	Unit	OOS	Citation #	Verify	Crash	Violations Discovered
392.82A1	392.82(a)(1)	D	N		N	N	Using a hand-held mobile telephone while operating a CMV: driver was holding a cellular phone up to his right ear when I looked up into the cab.

HazMat: No HM Transported.

Placard: No

Cargo Tank:

Special Checks: Traffic Enforcement

## State Information:

FMCSA Credentials Verified(Y/N): Y; CDL Verified(Y/N): Y; FMCSA OOS Order Issued(Y/N): N; For-Hire Carrier: N; Reason Code: TRAF;  
Driver Address: 333 WEST GROVE COURT; Driver City: MEDINA; Driver State: OH; Driver Zip: 44256; Photos Taken(Y/N): N;

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:

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, TASD - 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 Motor Carrier X:

Title: Trans. Supervisor Date: 12-10-15

Report Prepared By:  
TROOPER BRIAN HAMM

Page: 1  
1851

Copy Received By:  
VLADISLAV BUBNOVSKIY

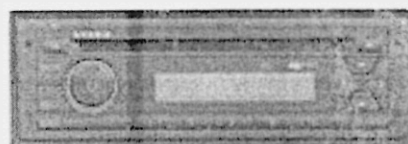
Page 1 of 1



00044645 OH OH1651009889

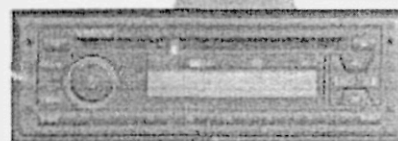
## OPERATING INSTRUCTIONS VOLVO RADIO / CD / MP3 / USB / BLUETOOTH SOUND SYSTEM

English  
Français  
Español



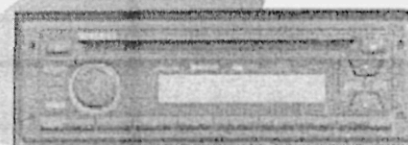
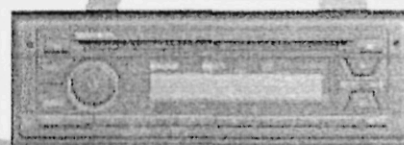
BASE LEVEL

MID LEVEL



MID LEVEL  
WITH BLUETOOTH  
AND XM RADIO

MID LEVEL  
WITH BLUETOOTH



MID LEVEL  
WITH BLUETOOTH  
AND SIRIUS RADIO

## Adjusting Fader Front and Back

The audio system's fader can be adjusted by pressing the **AUDIO** (16) button until "FADER" shows on the display.

The fader is then adjusted up by turning the **Volume Knob** (7) in a clockwise direction and adjusted down by turning the **Volume Knob** (7) in a counter-clockwise direction.

It can also be adjusted up and down by using **ESC** (16) or **OK** (14) buttons respectively.

## Adjusting Mid (Medium Frequency Range) Up and Down — (Optional Feature)

The audio system's mid can be adjusted by pressing the **AUDIO** (16) button until "MID" shows on the display.

The mid is then adjusted up by turning the **Volume Knob** (7) in a clockwise direction and adjusted down by turning the **Volume Knob** (7) in a counter-clockwise direction.

It can also be adjusted up and down by using **ESC** (16) or **OK** (14) buttons respectively.

## Speakers Selection

The audio system can be adjusted to 1 or 2 speaker mode by performing the following:

1. Push **MENU** (15) button.
2. Push **UP** (13) or **DOWN** (17) buttons until "ADVANCED" is displayed.
3. Push **OK** (14) button to enter the advanced sub menu.
4. Push **UP** (13) or **DOWN** (17) buttons until "SPEAKERS" is displayed.
5. Push **OK** (14) button to change between 2CH and 4CH.

## Activate Speed Dependant Volume (ASC) — (Optional Feature)

The audio system's volume can be set to increase with the speed of the vehicle. This is sometimes preferred to compensate for road and engine sounds. The feature can be set to three levels of sensitivity: LOW, MILD and HIGH.

To activate ASC, perform the following:

1. Push **MENU** (15) button.
2. Push **UP** (13) or **DOWN** (17) buttons until "ADVANCED" is displayed.
3. Push **OK** (14) button to enter the advanced sub menu.
4. Push **UP** (13) or **DOWN** (17) buttons until "ASC" is displayed.
5. Push **OK** (14) button to enter the ASC sub menu.
6. Push **UP** (13) or **DOWN** (17) buttons to choose between LOW, MILD and HIGH.
7. Push **OK** (14) button to enter the desired ASC setting.

## Bluetooth Hands Free Phone Mode — (Optional Feature)

The radio is designed to work with mobile phones that support the Bluetooth Hands Free Profile 1.5. Other Bluetooth capable mobile phones may still work with the radio though. To connect a mobile phone to the radio through Bluetooth, the following steps must be completed on the radio:

1. Activate the Bluetooth function.
2. Add the Phone.

**Note:** Please note that corresponding steps have to be taken on the mobile phone.

An added phone will be stored in a list for quick access when connecting at another time.

## Bluetooth Activation

The purpose of this process is to make a Bluetooth connection possible.

1. Push **MENU** (15) button.
  2. Push **UP** (13) or **DOWN** (17) buttons until "HANDS FREE" is displayed.
  3. Push **OK** (14) button to enter the hands free sub menu.
  4. Push **OK** (14) button to activate Bluetooth.
- When Bluetooth is active, the display shows the icon (45).

## Adding a Phone

The purpose of this process is to make a connection between the radio and a phone as well as to add a phone to the radio phone list.

1. Push **MENU** (15) button.
2. Push **UP** (13) or **DOWN** (17) buttons until "HANDS FREE" is displayed.
3. Push **OK** (14) button to enter the hands free sub menu.
4. Push **UP** (13) or **DOWN** (17) buttons until "ADD PHONE" is displayed.
5. Push **OK** (14) button to initiate the phone connection.

The radio will now do a search for a blue tooth phone. This is indicated by the icon (45) blinking.

**Note:** Note that the phone must be in a corresponding connecting state during this process.

When a connection is established, the user will be prompted to enter a code on the phone. Enter code 0000 to verify connection.

# Premium Mobile

Activity Investigator

Billing Date: Dec 2015    Invoice Cycle    Market Cycle  
 Last Name    First Name    Number    Incoming    Detail Type    Voice    Usage Amount    Minutes  
 > > 0    Minutes

Hierarchy: Sealy  
 Department: Search All  
 QuickFind  
☒ Include Sub-Departments

Display: 50    Records Per Page  
 \*Wild Card Search - You may use asterisks to search by partial field, for example: \*415\* or m\*  
 \*Numbers does not apply for Data Detail Types. This field will be ignored for those searches.

## Search Results

SERVICE				TIME		USAGE AND CHARGE			
User xID	Recent Charges	Department	Service Number	Carrier	Originating Number	Date	Time	Connections	Amount / Unit
Lundeen, Jacqueline id: 301		113710003500-Kimberly Pemberto...	(330) 350-2625	Sprint	3303218004	11/24/2015	09:29:14 AM	1	1 Minutes
Lundeen, Jacqueline id: 301		113710003500-Kimberly Pemberto...	(330) 350-2625	Sprint	3303218004	11/24/2015	10:39:43 AM	1	1 Minutes
Lundeen, Jacqueline id: 301		113710003500-Kimberly Pemberto...	(330) 350-2625	Sprint	3303218004	12/18/2015	08:44:57 AM	1	1 Minutes
Young, Jeffrey id: 143		113710003500-David Postler/913...	(330) 350-2639	AT&T Mobility	3303218004	11/20/2015	02:27:00 PM	1	2 Minutes
TOTAL for 4 Calls									

From: Young Sr, Jeffrey  
 Sent: Tuesday, January 05, 2016 8:28 AM  
 To: Wilke, Sandra  
 Subject: RE: Phone Help



# Premium Mobile

Organize

Analyze

Summarize

Procurement

Sandra K. Vukic | Bookmarks | My Profile | Search

## Activity Investigator

Billing Date: Dec 2015    Invoice Cycle    Market Cycle

Last Name    Number

First Name    Outgoing    3303218004

Detail Type    Voice    Usage Amount    Minutes

>    0    minutes

Display    Records Per Page    50    Clear

\*Valid Card Search - You may use asterisks to search by partial field, for example: \*415\* or m\*  
 \*Number does not apply for Data Detail Types. This field will be ignored for those searches.

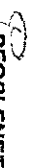
## Search Results

2 Matching Calls (Sorted by User, (ascending))

User ID	Recent Charges	Department	Service Number	Carrier	Terminating Number	Date	Time	Connections	Amount	Unit	T
Lundeen, Jacqueline	id: 391	113710003500-Kimberly Pemberto...	(330) 350-2625	Sprint	3303218004	12/2/2015	03:53:52 PM	1	1	minutes	
Lundeen, Jacqueline	id: 391	113710003500-Kimberly Pemberto...	(330) 350-2625	Sprint	3303218004	12/1/2015	12:11:37 PM	1	1	minutes	
TOTAL for 2 Calls											2



# PeopleNet Fleet Manager



<b>DRIVER</b>	<b>COMPANY/MAIN OFFICE</b>	<b>HOME TERMINAL</b>
<b>Bubnovsky Vlad</b>	<b>Sealy, Inc.</b> 1 Office Pkwy. Rd. Trinity, NC 27370	<b>Sealy Medina</b> 1070 Lake Road Medina, OH 44256 Start time: 0:00
<b>ID 12668</b>		
<b>Log Date: Tuesday Dec 08, 2015</b>		
<b>On duty+Driving 12:00</b>		
<b>Miles today 563.7</b>		
<b>Last Call 12/17/2015 8:06</b>		
<b>Last Certify Date 12/17/2015 6:49</b>	<b>US DOT INFORMATION</b>	
<b>Vehicle 626554</b>		
<b>EOBR # 1533286</b>	<b>Sealy Manufacturing</b> Mattress Co, Inc DOT #:44645	
<b>Trailer 781756</b>		
<b>Jurisdiction USA - Mainland</b>		
<b>Cycle US Federal 70/8 Long Haul</b>		
<b>Co driver no codriver</b>		
<b>Shipping information 710</b>		



EVENT	DELTA	LOG TIME	CREATED TIME	LOC/INFO	REMARKS	ODO	USER
Off duty		12/08/15 00:00:00	12/08/15 00:00:00	+41.112N - 81.895W 2.9 miles N from Brianwood Beach, OH	Duty status at start of log		
Vehicle number	25654	12/08/15 02:56:51	12/08/15 02:56:51		626554	216613.4	
Vehicle status	000116	12/08/15 02:56:51	12/08/15 02:56:51		Join vehicle	216613.4	
Driver Login	000116	12/08/15 02:57:47	12/08/15 02:57:47		626554	216613.4	
Change trailer	000116	12/08/15 03:00:39	12/08/15 03:00:39	781756			

Supervisor Signature  
I certify these entries are true and correct

Date

Driver Signature

Date

# PeopleNet Fleet Manager

PEOPLENET

EVENT	DELTA	LOG TIME	CREATED TIME	LOC/INFO	REMARKS	ODO	USER
Shipping info	0:00:03	12/08/15 03:00:42	12/08/15 03:00:42	710 643 379 611 679 180			Driver
Co-driver	0:00:03	12/08/15 03:00:45	12/08/15 03:00:45		No co-driver		Driver
Single Driver	0:00:00	12/08/15 03:00:45	12/08/15 03:00:45				Driver
On duty	0:00:02	12/08/15 03:00:47	12/08/15 03:00:47	+41. 112N - 81. 895W 3. 0 miles N from Briarwood Beach, OH			Driver
Log certification	0:00:02	12/08/15 03:00:49	12/08/15 03:00:49		Driver certifies all previous logs are true and correct		Driver
Pre-trip inspection	0:04:43	12/08/15 03:05:37	12/08/15 03:05:37				Driver
Driving	0:00:17	12/08/15 03:05:54	12/08/15 03:05:54	+41. 112N - 81. 895W 3. 0 miles N from Briarwood Beach, OH			Driver
On duty	3:36:32	12/08/15 06:42:26	12/08/15 06:42:26	+42. 536N - 83. 043W 3. 1 miles S from Sterling Heights, MI			Driver
Off duty	0:18:26	12/08/15 07:00:52	12/08/15 07:00:52	+42. 533N - 83. 040W 3. 3 miles S from Sterling Heights, MI			Driver
On duty	1:06:59	12/08/15 08:07:51	12/08/15 08:07:51	+42. 534N - 83. 040W 3. 2 miles S from Sterling Heights, MI			Driver
Driving	0:07:21	12/08/15 08:15:12	12/08/15 08:15:12	+42. 536N - 83. 040W 3. 1 miles S from Sterling Heights, MI			Driver
On duty	1:36:50	12/08/15 09:52:02	12/08/15 09:52:02	+41. 642N - 83. 549W 2. 0 miles SE from Toledo, OH			Driver
Driving	0:01:22	12/08/15 09:53:24	12/08/15 09:53:24	+41. 642N - 83. 549W 2. 1 miles SE from Toledo, OH			Driver
On duty	2:19:12	12/08/15 12:12:36	12/08/15 12:12:36	+41. 690N - 85. 907W 4. 2 miles N from Dunlap, IN			Driver
Off duty	0:00:20	12/08/15 12:12:56	12/08/15 12:12:56	+41. 690N - 85. 907W 4. 2 miles N from Dunlap, IN			Driver
On duty	0:30:49	12/08/15 12:43:45	12/08/15 12:43:45	+41. 690N - 85. 908W 4. 2 miles N from Dunlap, IN			Driver
Driving	0:01:07	12/08/15 12:44:52	12/08/15 12:44:52	+41. 690N - 85. 907W 4. 2 miles N from Dunlap, IN			Driver
On duty	2:29:58	12/08/15 15:14:50	12/08/15 15:14:50	+41. 436N - 83. 223W 1. 1 miles N from Lindsey, OH			Driver
Driving	0:42:08	12/08/15 15:56:58	12/08/15 15:56:58	+41. 436N - 83. 222W 1. 1 miles N from Lindsey, OH			Driver
On duty	0:35:17	12/08/15 16:32:15	12/08/15 16:32:15	+41. 328N - 82. 619W 3. 5 miles N from Milan, OH			Driver
Post-trip inspection	0:05:43	12/08/15 16:37:58	12/08/15 16:37:58				Driver

# PeopleNet Fleet Manager



EVENT	DELTA	LOG TIME	CREATED TIME	LOC/INFO	REMARKS	ODO	USER
Off duty	0:00:22	12/08/15 16:38:20	12/08/15 16:38:20	+41.328N - 82.619W 3.5 miles N from Milan, OH			Driver
Off duty	0:00:34	12/08/15 16:38:54	12/08/15 16:38:54	+41.328N - 82.619W 3.5 miles N from Milan, OH			Driver
Log certification	0:00:02	12/08/15 16:38:56	12/08/15 16:38:56		Driver certifies all previous logs are true and correct		Driver
Driver Logout	0:00:02	12/08/15 16:38:58	12/08/15 16:38:58		626554	217178.2	Driver
Vehicle number	0:00:03	12/08/15 16:39:01	12/08/15 16:39:01		No vehicle	217178.2	Driver
Vehicle status	0:00:00	12/08/15 16:39:01	12/08/15 16:39:01		Leave vehicle	217178.2	Driver