

Request for Administrative Hearing

June 20, 2016

(w)

FILE

16-1466-TR-CVF

To whom it may concern:

I, Weddison Ebanks, request an Administrative Hearing
for case no. OH1687003174C.

Thank you

W

Weddison Ebanks
1510 Carlton St Longwood FL 32750
(407) 431-4285
OH1687003174C

2016 JUN 27 PM 3:07
PUCO



Public Utilities Commission

John R. Kasich, Governor
Asim Z. Haque, Chairman

Commissioners

Lynn Slaby
M. Beth Trombold
Thomas W. Johnson

06/13/2016

OH1687003174C
Weddison Ebanks
1860 STATE ROUTE 47
RUSSIA, OH 45363

RE: **NOTICE OF PRELIMINARY
DETERMINATION**
Case No. OH1687003174C

Dear Sir or Madam:

On 03/25/2016, a vehicle operated by MAP TRANSPORTATION INC, and driven by WEDDISON N EBANKS, 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 MAP TRANSPORTATION 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
392.2C	0	Failure to obey traffic control device	
		Total of Group 0	0.00

TOTAL AMOUNT DUE: \$0.00

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 MAP TRANSPORTATION INC in the following amount:

CODE	GROUP	VIOLATION	FORFEITURE
392.2C	0	Failure to obey traffic control device	
		Total of Group 0	

TOTAL AMOUNT DUE: \$0.00

180 East Broad Street
Columbus, Ohio 43215-3793

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

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Public Utilities Commission

John R. Kasich, Governor
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M. Beth Trombold
Thomas W. Johnson

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: Mark Banks

**ROADSIDE INSPECTION
INSTRUCTION SHEET
NOTICE OF PRELIMINARY DETERMINATION**

Please read this instruction sheet carefully. It contains information about your rights and responsibilities in regard to this Notice of Preliminary Determination.

You have received a "Notice of Preliminary Determination" as described in Rule 4901:2-7-12, Ohio Administrative Code (O.A.C.). **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.** If you do not pay the forfeiture or file a request for an administrative hearing within 30 days of this notice, your case will be placed in our default process. Both procedures are described below.

1. How to Pay the Forfeiture

If you do not wish to further contest the violations described in this notice, you may make payment of the civil forfeiture indicated in this notice via one of the following methods:

Online at <https://omcis.puc.state.oh.us/home.aspx>. You will need your case number and PIN located on the enclosed voucher.

Mail: send a check or money order (no Canadian postal money orders) made payable to "Treasurer, State of Ohio." **In order to assure proper credit, you must write the case number on the face of the check or money order.** Please send payment to the following address:

Public Utilities Commission of Ohio
Attn: CF Processing
180 East Broad Street, 4th Floor
Columbus, OH 43215-3793

2. How to File a Request for an Administrative Hearing

If you wish to further contest the violations described in this notice, you should file a "Request for an Administrative Hearing" with the Commission's Docketing Division as described in Rule 4901:2-7-13, O.A.C. Your "Request for an Administrative Hearing" **must be in writing and must contain the case number indicated on this notice.** Also, please include the **contact name, address, and telephone number**, of the person to whom further communications regarding this matter should be directed. The request shall be signed by the respondent or its authorized representative. A copy of this "Notice of Preliminary Determination" must be attached to your request.

Your "Request for an Administrative Hearing" must be mailed or hand-delivered **within 30 days of this notice** to the following address:

Public Utilities Commission of Ohio
Attn: Docketing Division
180 East Broad Street
Columbus, OH 43215-3793

3. Failure to Submit a Request for an Administrative Hearing

If you do not serve a timely "Request for an Administrative Hearing" in the manner described above, you will forfeit your right to further contest the violations described in this notice and the occurrence of the violations will be conclusively established. 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

this notice and will result in the forfeiture amount being referred to the Ohio Attorney General's office for collection.

4. Codes, Violation Groups, and Forfeiture Amounts

"Code" in this notice identifies the rule that was violated. Numbers in a 100 or 300 series refer to specific sections of the Hazardous Materials Regulations or the Federal Motor Carrier Safety Regulations located in Title 49 of the Code of Federal Regulations (C.F.R.). Some section numbers may have suffixes beyond those which appear in the C.F.R. These are used for internal data collection purposes. Codes in other formats refer to violations of Ohio's statutes or regulations.

"Violation Group" identifies the numerical group (1-4) of the violation for purposes of calculating the civil forfeiture. Section 4923.99, Ohio Revised Code, authorizes the Public Utilities Commission of Ohio to assess a civil forfeiture of up to \$25,000 for each day of each violation. The amount of any forfeiture depends upon the nature, gravity, circumstances, and extent of the violation, the offender's degree of culpability for the violation, and the offender's history of violations. "Total Amount Due" is the total amount of the civil forfeiture assessed for all violations described in this notice.

For additional information regarding the civil forfeiture program, please contact the Compliance Division.

5. Violations of 49 C.F.R. 383.51, 391.15, 392.5(c)(2), 392.10, 392.80(a), 392.82(a), 395.13(d), 396.9(c)(2), and rule 4901:2-5-07(D) of the Ohio Administrative Code

If you are "convicted" of violating any of the following: 49 C.F.R. 383.51, 391.15, 392.5(c)(2), 392.10, 392.80(a), 392.82(a), 395.13(d), 396.9(c)(2), or rule 4901:2-5-07(D) of the Ohio Administrative Code, you may be disqualified from operating a commercial motor vehicle for a minimum of 60 days. The federal regulations defines conviction as, "An unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an **authorized administrative tribunal**, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the **payment of a fine** or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated."

6. Copies of Inspection Reports

A copy of the inspection report for the violations described in this notice was given to the driver at the time of inspection. You may request additional copies of inspection reports.

Obtain copies at this web site:

<https://www.puc.state.oh.us/secure/OMCIS/public/searchcarrierreports.aspx>

Or you may email your request to:

cmvreports@puc.state.oh.us. Please provide the inspection number and inspection date in your request.



The Public Utilities
Commission of Ohio
180 E. Broad St. - Fourth Floor
Columbus, OH 43215

OMCIS VOUCHER

Date: 6/13/2016
Legal Name: MAP TRANSPORTATION INC
Address: 1860 STATE ROUTE 47
City: RUSSIA
State: OH
Zip: 45363
Case Number: OH1687003174C
PIN: K832

Item	DueDate	Amount
1		\$0.00
Total		\$0.00

Pay online at <https://omcis.puc.state.oh.us/home.aspx> or enclose this voucher with your check or money order if paying by mail.



OH1687003174C

DRIVER/VEHICLE EXAMINATION REPORT



**Public Utilities
Commission**

Transportation Department
Phone: (614) 466 - 0429
Fax: (614) 752-9274

Report Number: OH1687003174
Inspection Date: 3/25/2016 Certification Date: 03/30/2016
Time Started: 08:07 Time Ended: 08:26
Inspection Level: III - Driver-Only Inspection
HM Inspection Type: No HM Inspection

MAP TRANSPORTATION INC
1860 STATE ROUTE 47
RUSSIA, OH 45363
Phone #: (937)295-2236
USDOT #: 1332123
State #:

Driver: EBANKS, WEDDISON N
License #: State:
Date of Birth:
Fax: MC/MX #: 514261

Location: ROADSIDE MilePost: 23
Highway: SR53 Origin: DETROIT, MI Bill of Lading: 3192435
County: CRAWFORD Destination: TIFFIN, MI Cargo: GENERAL FREIGHT
Shipper: WOLVORENE PACKAGING

VEHICLE IDENTIFICATION:

Unit	Type	Make	Year	State	License#	Equipment ID	Unit VIN	GVWR	Issued Decal#	Existing Decal#	OOS Stkr.#
1	TT	FRHT	2000	FL	F2389R	M176	1FUYSSEB9YP941218	52,000			
2	ST	UTIL	2016	OH	TQN2941	300R	1UYVS2532GM524608	68,000			

BRAKE ADJUSTMENTS: No brake measurements recorded.

VIOLATIONS :

Section Code	St	Unit	OOS	Lvl 6	Citation #	Verify*	Crash	Violation Description
392.2		D	N	N		N	N	Failure to obey traffic control device

* N - Non-OOS or Driver OOS Violation

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

Special Checks:

<input type="checkbox"/> Alcohol/Controlled Substance Check	<input checked="" 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:

Inspection Notes:

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: Y	Fatalities (Y/N): N
Photos Taken (Y/N): N	Reason Code: TRAF
FMCSA Credentials Verified-Y/N: Y	CDL Verified (Y/N): Y
FMCSA OOS Order Issued(Y/N): N	

Report Prepared By:

R Swart

Badge #:

1687

Copy Received By:

EBANKS, WEDDISON N

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OH1687003174

DRIVER/VEHICLE EXAMINATION REPORT

**Public Utilities
Commission**

Transportation Department
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Fax: (614) 752-9274

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HM Inspection Type: No HM Inspection

MAP TRANSPORTATION INC

1860 STATE ROUTE 47

RUSSIA, OH 45363

Phone #: (937)295-2236

Fax

USDOT #: 1332123

MC/MX #: 514261

State #:

Driver: EBANKS, WEDDISON N

License #:

State:

Date of Birth:

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 Carrier Official:

X

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:

R Swart

Badge #:

1687

Copy Received By:

EBANKS, WEDDISON N

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OH1687003174

X

X

About DataQs

Instructions, FAQs, and other materials to help you navigate this website.

Analyst Guide

A practical guide for Federal and State data quality practitioners

MyDataQs:

Detailed view of ID # 1504606

CREATE PDF

Date Entered: 5/3/2016 **Type:** Inspection - Incorrect Information
Status: Closed - No Data Correction Made **Assigned to Agency:** OH SP

Requestor Profile

Name: Weddison Ebanks (Commercial Driver) **U.S. DOT #:**
Email Address: wadeebanks@yahoo.com **Company/Agency Name:**
Phone: 407-431-4285 **Address:** 1510 Carlton Street
Fax Number: _____ **City/State/Zip:** Longwood, FL 32750

Detailed Information from Inspection Record

Report State: * OH **Report Number: *** 1687003174
Report State: * OH-Ohio **Date (MM/DD/YYYY): *** 3/25/2016
Time (HH:MM AM/PM): 0807 **County:** CRAWFORD
City/Location: ROADSIDE
Reporting Officer ID: 1687

Carrier Information from Inspection Record

Carrier Name: * MAP TRANSPORTATION INC **U.S. DOT #:** 1332123
Address (Line 1): 1860 STATE ROUTE 47 **MC/MX #:**
Address (Line 2): **State:** Ohio
Country: United States **City:** RUSSIA
Zip: 45363

Driver Information from Inspection Record

Driver Name: Weddison Ebanks

Explanation of Request for Data Review

Where did you view the information you want reviewed?:
 Inspection Report

Explanation:

On the inspection/citation the officer reported my destination as Tiffin, MI but on my delivery paperwork provided the delivery was Tiffin, OH. According to section 2B.48 sign R11-3 series there are no specified vehicles allowed to continue as local traffic only. My delivery is considered local traffic.

Supporting Documents

The following files have been uploaded for submission

Date Uploaded	Document Name	Title	Content Type	Size (bytes)
5/4/2016	W. Ebanks.pdf	W. Banks bills	application/pdf	2500694

Phone Number 6147524882

No change will be made to the inspection. If you wish to challenge this violation further you may contact the Public Utilities Commission of Ohio (PUCO) Transportation Compliance Division at 614-466-0351 and advise them you would like to challenge the violation through the PUCO's civil forfeiture process. At the hearing, you, your driver and the repair mechanic will be able to provide sworn testimony in front of the inspector and the hearing officer.

Response Date 5/17/2016

Entered By Weddison Ebanks (Commercial Driver)

Phone Number 407-431-4285

Officer Feddern All of what is stated may be true but the sign still stated local traffic. With my delivery being on that route considering me as local traffic. I would greatly appreciate having a little leeway with the warning violation being removed as the sign definition of local traffic being confusing.

Status Changed to Closed - No Data Correction Made

Status Prior to Response *Closed - No Data Correction Made*

Response Date 5/12/2016

Entered By James Feddern (OH SP)

Phone Number 6147524882

Per the inspecting trooper: The truck was northbound on State Route 53 from US Route 23 in Upper Sandusky. The stop was made just north of County Road 16 and the road was closed just north of County Road 5. If the driver had continued north on State Route 53 he would have had to turn around on a county road. There were warning signs at State Route 67 stating the state route was closed ahead and then about three warning signs just before the State Route 103 west split. There was a road closed barricade sitting just off the road at State Route 103 with an arrow showing detour on State Route 103 east. Then, at the road closure the road was barricaded off. There were two roads (Township Route 11 and County Route 5) after the stop that he would have had to use to turn around.

Status Changed to Closed - No Data Correction Made

Status Prior to Response *Open - Pending Agency Review*

Response Date 5/6/2016

Entered By Weddison Ebanks (Commercial Driver)

Phone Number 407-431-4285

According to your response, Trooper Feddern which states the road was closed to through traffic and local traffic. I respectfully request you reconsider because the sign clearly stated local traffic only on the morning of March 25, 2016. Thank you for your time respectfully Weddison Ebanks

Status Changed to Open - Pending Agency Review

Status Prior to Response *Closed - No Data Correction Made*

Response Date 5/5/2016

Entered By James Feddern (OH SP)

Phone Number 6147524882

The violation will remain on the inspection. Per the inspecting trooper, the driver needed to follow detour. The road was closed at McCutchenville north of Upper Sandusky, no thru traffic or local traffic permitted. The destination (Tiffin, MI) listed on the inspection will be changed to Tiffin, OH.

Status Changed to Closed - No Data Correction Made

Status Prior to Response *Open - In Review*

Response Date 5/4/2016

Entered By Barb Conkle (Validated Motor Carrier)

Phone Number 8003200215

W. Banks bills ([W. Ebanks.pdf](#)) has been uploaded

Please see attached bills on load for Tiffin, Ohio

Status Changed to New

Status Prior to Response *New*

