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Technician BMO Date Processed JUL 27 2016

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

In the Matter of Joel W. Pigeon :
Notice of Apparent Violation and : Case No.
Intent to Assess Forfeiture. : 16-837-TR-CVF

- - -

PROCEEDINGS

Before Kerry Sheets, Attorney Examiner, held at
the offices of the Public Utilities Commission
of Ohio, 180 East Broad Street, Room 11-C,
Columbus, Ohio, on Thursday, July 7, 2016, at
10:00 A.M.

- - -

Armstrong & Okey, Inc.
222 East Town Street, 2nd Floor
Columbus, Ohio 43215
(614) 224-9481 - (800) 223-9481
Fax - (614) 224-5724

- - -

DRIVER/VEHICLE EXAMINATION REPORT



Public Utilities Commission of Ohio
180 East Broad Street
Transportation Department
Columbus, OH 43215
Phone #: (614)466-0429 Fax #: (614)752-9274

Report Number: OH3229012576
Inspection Date: 12/1/2015 Certification Date: 12/30/2015
Time Started: 14:38 Time Ended: 17:41
Inspection Level: II - Walk-Around
HM Inspection Type: No HM Inspection

AMC EXPRESS INC
27416 ECORSE RD
ROMULUS, MI 48174
USDOT #: 02313051 Phone #: (313)283-3989
MC/MX #: 789656 Fax #:
State #:

Driver: PIGEON, JOEL W
License #: P250425887762 State: MI
Date of Birth: 10/3/1980

Location: ROADSIDE MilePost: 159
Highway: IR75 Origin: WAYNE, MI Bill of Lading: AP02A0000413091
County: HANCOCK Destination: HOPKINSVILLE, KY Cargo: OTHER
Shipper: FOTD MOTOR COMPANY

VEHICLE IDENTIFICATION:

Unit	Type	Make	Year	State	License#	Equipment ID	Unit VIN	GVWR	CVSA #	CVSA Issued #	OOS Stkr.#
1	TT	INTL	2007	MI	RA90998	7269	2HSCNAPR57C465750	52,000			
2	ST	WANC	2007	IL	318427ST	DOC2246	1JJV532WX7L084659	68,000			

BRAKE ADJUSTMENTS: No brake measurements recorded.

VIOLATIONS :

Vio Code	Section	Unit	OOS	State Citation Number	Verify*	Crash	Violation Description
396.3A1	396.3(a)(1)	2	N		N	N	Inspection, repair and maintenance of parts & accessories: ON REAR OF THIS TRAILER, THE LICENSE PLATE, LICENSE PLATE BRACKET, AND LICENSE PLATE LAMP WERE LOOSE AND HANGING DOWN ON THE RIGHT SIDE, NOT PROPERLY ATTACHED.
392.3-I	392.3	D	Y		N	N	Illness - Operate a CMV while impaired by illness or other cause.: THIS DRIVER STATED HE HAD NOT HAD ANYTHING TO EAT ALL DAY, HE STARTED TO DRINK A WEIGHT LOSS DRINK JUST PRIOR TO THIS STOP. (SEE NOTES)
392.4A	392.4(a)	D	Y	CHARGES	N	N	Driver on duty and under the influence of, or using a narcotic drug / amphetamine, which renders the driver incapable of safe operation.: DURING THE K-9 SEARCH, A SCHEDULE 2 AND SCHEDULE 4 DRUGS WERE FOUND IN THE CAB OF THIS TRACTOR, NOT IN THE PRESCRIBED CONTAINERS. (SEE PHOTOS AND NOTES)
392.2	392.2	D	N	CHARGES	N	N	Violation of Local Laws - Explain:: DRIVER WAS CHARGED BY TROOPER MERSHMAN, UNIT 1564, WITH HAVING A WEAPON UNDER DISABILITY. DRIVER WAS IN A COMMISSION OF A FELONY WHILE HAVING A HANDGUN. (NOTES)
393.203E	393.203(e)	1	N		N	N	Cab front bumper missing/unsecured/protrude: ON THE RIGHT SIDE OF THE TRACTOR, THE FRONT BUMPER WAS DAMAGED AND PROTRUDING OUT AWAY FROM THE HOOD/FENDER.

* 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 checked="" type="checkbox"/> Drug Interdiction Search	Arrests: 1
<input type="checkbox"/> EScreening		

Report Prepared By:
HA Emnett

Badge #:
3229

Copy Received By:
PIGEON, JOEL W

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OH3229012576

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Phone #: (313)283-3989
Fax #:

Driver: PIGEON, JOEL W
License #: P250425887762 State: MI
Date of Birth: 10/3/1980

Inspection Notes: I turn this stop over to Trooper Marshman and he continued the investigation of an impaired driver. During Trooper Marshman's investigation, a K-9 unit from the Hancock County Sheriff's Office was called to this stop to check the tractor and trailer listed in this inspection. The K-9 alerted to this vehicle and a probable cause search was conducted. During the search 7 pills of m366 hydrocodone actemephrine 325 a schedule 2 drug and 15 pills of mylan 477 diazepam 10mg a schedule 4 drug were found in the cab of the tractor. The hydrocodone actemephrine pills were found in a container for an over the counter antacid bottle and the diazepam pills were found in a clear plastic baggie. (See digital photographs)

During my interview with this driver, Mr. Pigeon, he admitted he had not had anything to eat all day. Mr. Pigeon stated he started feeling jittery/shaky and he opened up a can of ?Equate? Ultra Weight Loss Drink to drink just prior to this stop.

Mr. Pigeon was taken into custody by Trooper Marshman and he was transported to the Findlay Post of the State Highway Patrol for further investigation. Trooper Marshman was charging this driver, Mr. Pigeon, for F-3 possession of a scheduled 2 drug, O.R.C. 2925.11 (C)(1) and for MM-1 possession of a schedule 4 drug, O.R.C. 2925.11 (C)(2). Trooper Marshman took possession of the handgun as evidence for handling a weapon under a disability charge, O.R.C. 2923.13. These charges were issued through the Hancock County Common Pleas Court in Findlay, Ohio at the end of this inspection. The Ohio State Highway Patrol's case investigation number was 15-1320010100 for this incident.

Special Study Fields:

Special Study1:
Special Study2:
Special Study3:
Special Study4:
Special Study5:

Special Study6:
Special Study7:
Special Study8:
Special Study9:
Special Study10:

Locally Defined Fields:

For-Hire Carrier: Y
Driver City: DETROIT
Driver Zip: 48228-2322
Supplemental Report #: 12576S
FMCSA Credentials Verified-Y/N: Y
FMCSA OOS Order Issued(Y/N): N

Driver Address: 9152 SUSSEX ST
Driver State: MI
Photos Taken (Y/N): Y
Reason Code: OBVI
CDL Verified (Y/N): Y

I hereby declare JOEL W. PIGEON "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:24-HOUR DRUG VIOLATION PERIOD

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

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.

Report Prepared By:
H A Emmett

Badge #:
3229

Copy Received By:
PIGEON, JOEL W

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Signature of Repairer: X Facility: _____ Date: _____

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OH3229012576

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X _____

DRIVER/VEHICLE EXAMINATION REPORT

OHIO STATE HIGHWAY PATROL
MOTOR CARRIER ENFORCEMENT
FINDLAY DISTRICT HEADQUARTERS
TELEPHONE: (419) 421-5340
<http://statepatrol.ohio.gov>

Report Number: OH3229012576
Inspection Date: 12/01/2015
Supplemental Report Number: 12576S
Carrier: AMC EXPRESS INC
Driver: Pigeon, Joel W.

Statement:

This unit was dispatched by The Ohio State Highway Patrol Findlay Dispatch Center to reckless operation complaints of a commercial tractor-trailer north of Findlay, Ohio on the south bound IR75. The dispatchers received multiple complaints on this driver/vehicle unable to maintain the lane of travel, striking the concrete barrier three times, and running a passenger vehicle off the roadway.

I first saw this vehicle on south bound 75 at the 161 mile post. I caught up to this tractor-trailer at the 160 mile post and I asked the dispatcher again for the description of the vehicle from the complaints. The same time I called the dispatcher, other motorist put their arms out the windows and pointed at this tractor-trailer in this report.

I stopped the tractor-trailer in this report on 12/01/2015 at 14:38 hours for an equipment violation, a loose license plate, license plate bracket, and license plate lamp on the rear of this trailer. The traffic was very heavy at the time of this stop. During this stop, another truck driver pulled in behind this unit and he got out of his tractor-trailer. This other driver informed this unit about the unsafe driving of the tractor-trailer I had stopped. This other truck driver witnessed this tractor-trailer, in this inspection, strike the center concrete barrier, while in the left lane, with the left side of the tractor-trailer, and ran a passenger car off the roadway.

I approached the tractor and I talked with the driver of the tractor-trailer in this inspection, Mr. Pigeon, and he immediately yelled/advised this unit he had a gun in the cab. The driver then advised me he had a C.C.W. Permit. I called for backup and Trooper Mershman, Unit 1564, and Trooper Cavin, Unit 1297, arrived at the scene of this stop.

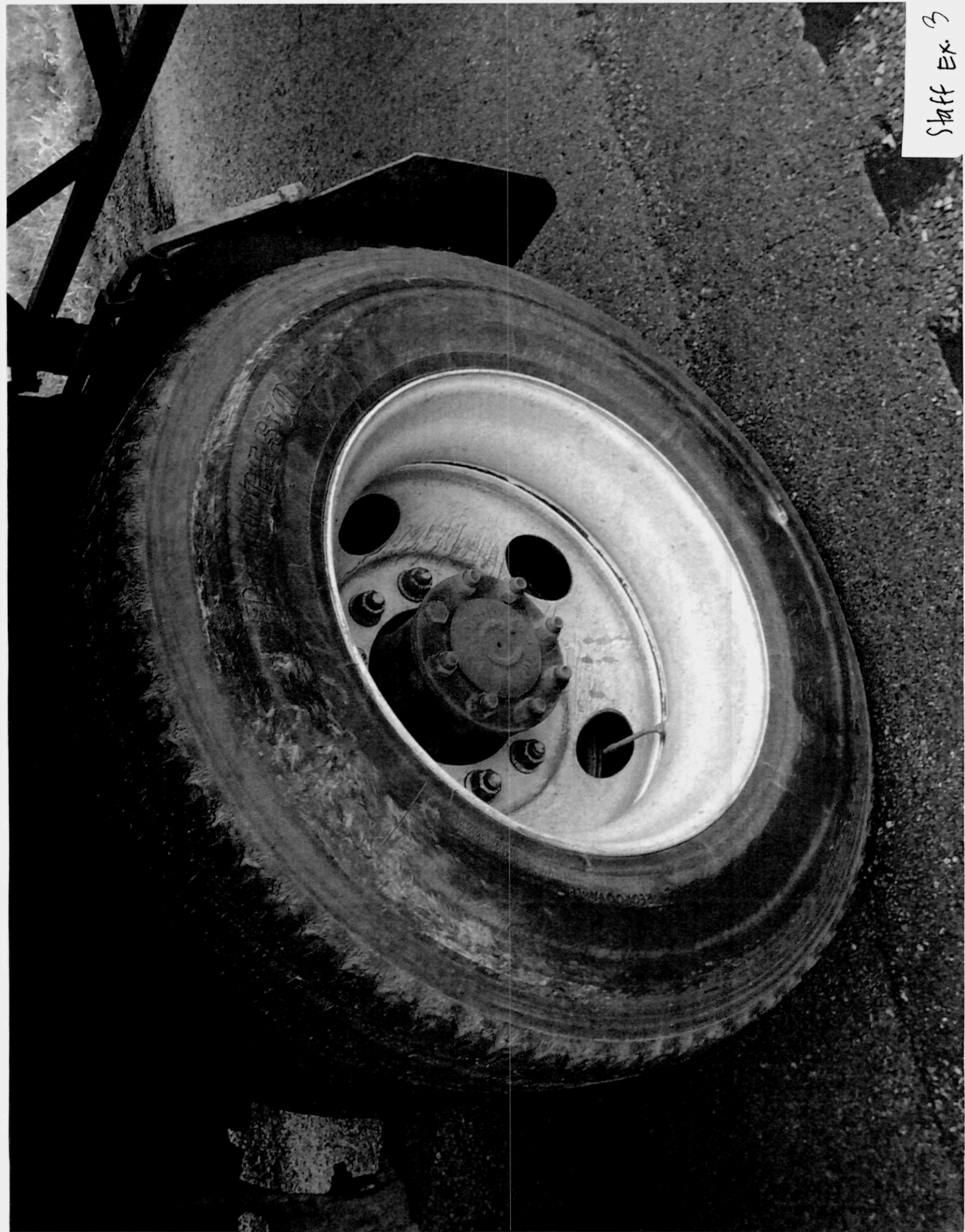
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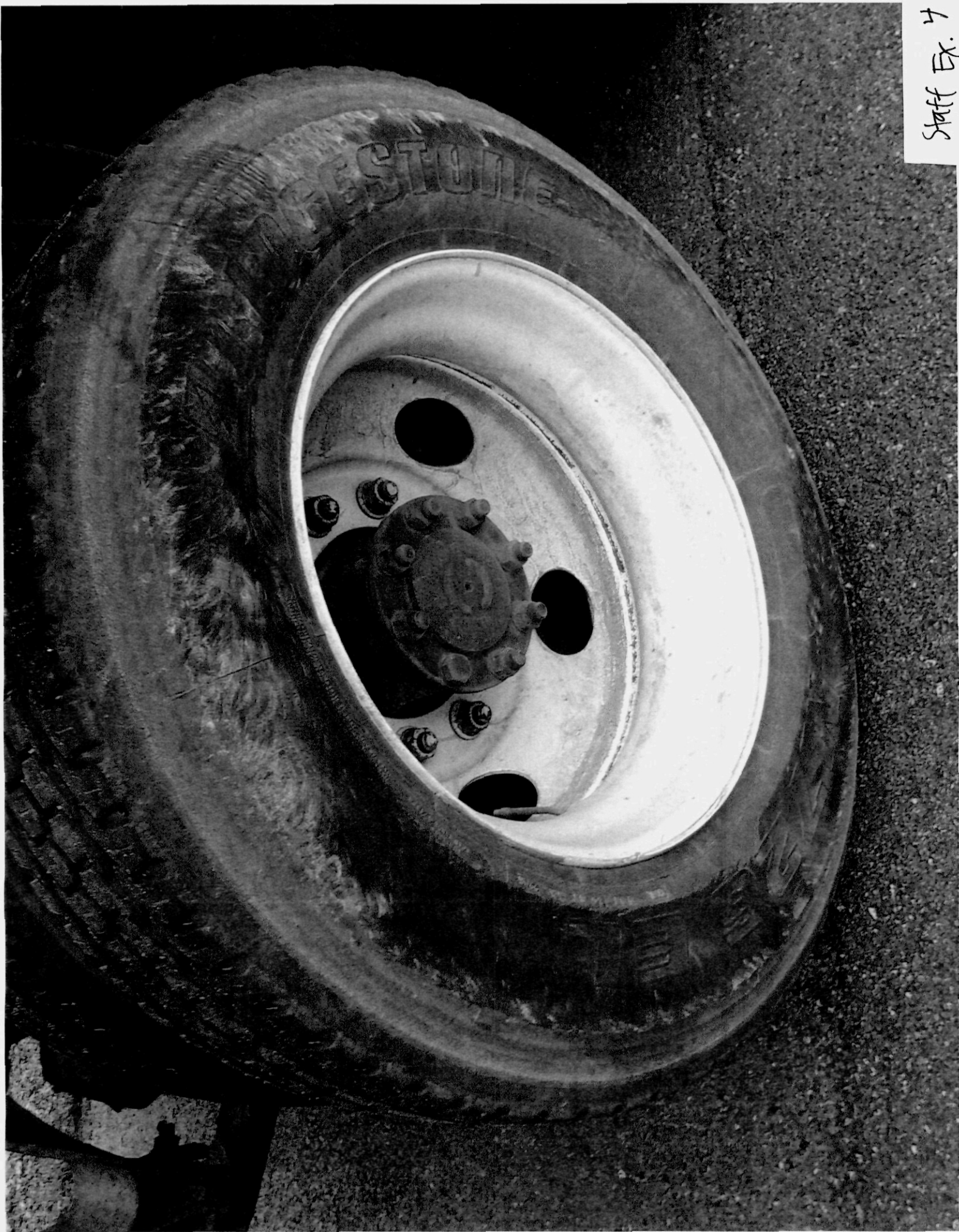
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End.

Staff Ex. 3







Staff Ex. 7