

FIL

PUCO EXHIBIT FILING

Date of Hearing: 11/6/16

Case No. 16-846-TR-CUF

PUCO Case Caption: James T. Marchenas

List of exhibits being filed:

STAFF Ex 1 and 2

RECEIVED - COMPLAINTS
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Technician [Signature] Date Processed DEC 07 2016

Reporter's Signature: Michael O. Spencer

Date Submitted: 12/2/16

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

In the Matter of :
James T. Macheras Notice : Case No.
of Apparent Violation and : 16-846-TR-CVF
Intent to Assess Forfeiture. :

- - -

PROCEEDINGS

Before Kerry Sheets, Attorney Examiner, held at
the offices of the Public Utilities Commission
of Ohio, 180 East Broad Street, Hearing Room
11-C, Columbus, Ohio, on Wednesday, November 16,
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: OH1238001195
Inspection Date: 12/28/2015 Certification Date: 01/05/2016
Time Started: 09:55 Time Ended: 10:12
Inspection Level: III - Driver-Only Inspection
HM Inspection Type: No HM Inspection

BUCKEYE WASTE INDUSTRIES INC

PO BOX 1262

CUYAHOGA FALLS, OH 44223

USDOT #: 00979160

Phone #: (330)645-9900

MC/MX #: 413018

Fax #:

State #:

Driver: MACHERAS, JAMES T
License #: RL318726 State: OH
Date of Birth: 2/11/1975

Location: ROADSIDE

MilePost: 3

Highway: SR14

Origin: YOUNGSTOWN, OH

Bill of Lading: NONE

County: PORTAGE

Destination: TWINSBURG, OH

Cargo: EMPTY

Shipper: NONE

VEHICLE IDENTIFICATION:

Unit	Type	Make	Year	State	License#	Equipment ID	Unit VIN	GVWR	CVSA #	CVSA Issued #	OOS Str.#
1	TT	PTRB	2006	OH	PVW1821	430	1XPFD00XX6D647786	59,220			
2	ST	ACE	2000	OH	TQD4674	502	1A9SS3629Y1169005	0			

BRAKE ADJUSTMENTS: No brake measurements recorded.

VIOLATIONS :

Vio Code	Section	Unit	OOS	State Citation Number	Verify*	Crash	Violation Description
392.82A1	392.82(a)(1)	D	N		N	N	Using a hand-held mobile telephone while operating a CMV

* 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: Driver stated he was holding his phone to his ear listening to music

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

Driver Address: 1320 BAILEY RD APT 15

Driver City: CUYAHOGA FALLS

Driver State: OH

Driver Zip: 44221

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:
PLLI TPR C. MENDENHALL

Badge #:
1238

Copy Received By:
MACHERAS, JAMES T

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OH1238001195

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Public Utilities Commission of Ohio
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State #:

Driver: MACHERAS, JAMES T

License #: RL318726

State: OH

Date of Birth: 2/11/1975

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.

Signature of Repairer: X

Facility: _____

Date: _____

Report Prepared By:

PLLI TPR C. MENDENHALL

Badge #:

1238

Copy Received By:

MACHERAS, JAMES T

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OH1238001195

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Public Utilities Commission

John R. Kasich, Governor
Andre Porter, Chairman

Commissioners

Thomas W. Johnson
Asim Z. Haque
Lynn Slaby
M. Beth Trombold

03/18/2016

OH1238001195D
JAMES T MACHERAS
487 CELTIC ST
AKRON, OH 44314

RE: **NOTICE OF PRELIMINARY
DETERMINATION**

Case No. OH1238001195D

Dear Sir or Madam:

On 12/28/2015, a vehicle operated by BUCKEYE WASTE INDUSTRIES INC, and driven by JAMES T MACHERAS, 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 JAMES T MACHERAS (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
392.82A1	4	Using a hand-held mobile telephone while operating a CMV	250.00
		Total of Group 4	250.00

TOTAL AMOUNT DUE: \$250.00

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 JAMES T MACHERAS in the following amount:

CODE	GROUP	VIOLATION	FORFEITURE
392.82A1	4	Using a hand-held mobile telephone while operating a CMV	250.00
		Total of Group 4	250.00

TOTAL AMOUNT DUE: \$250.00

180 East Broad Street
Columbus, Ohio 43215-3793

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

An equal opportunity employer and service provider



Public Utilities Commission

John R. Kasich, Governor
Andre Porter, Chairman

Commissioners

Thomas W. Johnson
Asim Z. Haque
Lynn Slaby
M. Beth Trombold

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: Michael Hines