

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

In the Matter of :
William H. Hughes : Case No.
Notice of Apparent : 16-1467-TR-CVF
Violation and Intent to :
Assess Forfeiture. :

- - -

PROCEEDINGS

Before Kerry Sheets, Attorney Examiner, held at
the Public Utilities Commission of Ohio, 180
East Broad Street, Hearing Room 11-C, Columbus,
Ohio, on Tuesday, December 6, 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

- - -

STAFF EX-A



Public Utilities Commission

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

Commissioners

Lynn Slaby
M. Beth Trombold
Thomas W. Johnson

06/05/2016

OH3235003382D
William Hughes
8221 CRUMWELL DR
AVON, IN 46123

RE: **NOTICE OF PRELIMINARY
DETERMINATION**
Case No. OH3235003382D

Dear Sir or Madam:

On 04/22/2016, a vehicle operated by MANHEIM INDIANAPOLIS, and driven by WILLIAM H HUGHES, 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 WILLIAM H HUGHES (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
395.8K2	1	Driver failing to retain previous 7 days records of duty status	
		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 WILLIAM H HUGHES in the following amount:

CODE	GROUP	VIOLATION	FORFEITURE
395.8K2	1	Driver failing to retain previous 7 days records of duty status	
		Total of Group 1	100.00

TOTAL AMOUNT DUE: \$100.00

180 East Broad Street
Columbus, Ohio 43215-3793

(614) 466-3016
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Public Utilities Commission

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Asim Z. Haque, Chairman

Commissioners

Lynn Slaby
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,

A handwritten signature in cursive script that reads "Milan Orbovich".

Milan Orbovich, Director
Transportation Department

Compliance Officer: Thomas Persinger

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: OH3235003382
Inspection Date: 4/22/2016 Certification Date:
Time Started: 13:06 Time Ended: 14:12
Inspection Level: I - Full Inspection
HM Inspection Type: No HM Inspection

MANHEIM INDIANAPOLIS
3110 SOUTH POST RD
INDIANAPOLIS, IN 46239

Driver: HUGHES, WILLIAM H
License #: 8915977512 State: IN
Date of Birth: 7/28/1970

USDOT #: Phone #: (317)862-8622
MC/MX #: Fax #:
State #:

Location: ROADSIDE MilePost: 70
Highway: INTERSTATE 70 WEST Origin: COLUMBUS, OH Bill of Lading: 4924039
County: MADISON Destination: INDIANAPOLIS, IN Cargo: DRIVEAWAY / TOWAWAY
Shipper: COLUMBUS FAIR AUTO AUCTION

VEHICLE IDENTIFICATION:

Unit	Type	Make	Year	State	License#	Equipment ID	Unit VIN	GVWR	CVSA #	CVSA Issued #	OOS Stkr.#
1	TT	GMC	2007	IN	31381E	1	1GDJ7C1387F900884	25,950			

BRAKE ADJUSTMENTS:

Axle #	1	2
Right	N/A	N/A
Left	N/A	N/A
Chamber	DISC	DISC

VIOLATIONS :

Vio Code	Section	Unit	OOS	State Citation Number	Verify*	Crash	Violation Description
393.83E	393.83(e)	1	N		N	N	Improper exhaust discharge (not rear of cab): no tail pipe on muffler
395.8K2	395.8(k)(2)	D	Y		N	N	Driver failing to retain previous 7 days records of duty status: No Log/Log not Current on 04/15/2016 12:01 AM

* 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 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:
<input type="checkbox"/> EScreening		

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: N	Driver Address: 8221 CRUMWELL DR
Driver City: AVON	Driver State: IN
Driver Zip: 46123	Reason Code: USSP
FMCSA Credentials Verified-Y/N: N	CDL Verified (Y/N): Y
FMCSA OOS Order Issued(Y/N): N	

Report Prepared By:
S Morgan

Badge #:
3235

Copy Received By:
HUGHES, WILLIAM H

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OH3235003382

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X

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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

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Inspection Date: 4/22/2016 Certification Date:
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Inspection Level: I - Full Inspection
HM Inspection Type: No HM Inspection

MANHEIM INDIANAPOLIS
3110 SOUTH POST RD
INDIANAPOLIS, IN 46239

Driver: HUGHES, WILLIAM H
License #: 8915977512 State: IN
Date of Birth: 7/28/1970

USDOT #: Phone #: (317)862-8622
MC/MX #: Fax #:
State #:

I hereby declare WILLIAM H. HUGHES "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: 10 HOURS FROM END OF INSPECTION.

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, TAD - 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:
S Morgan

Badge #:
3235

Copy Received By:
HUGHES, WILLIAM H

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X _____ X _____

OH3235003382