

FILE

PUCO EXHIBIT FILING

2017 AUG 28 PM 3:17

Date of Hearing: 8/15/2017

Case No. 17-591-TR-OVF

PUCO Case Caption: In the matter of:

William B. Ketchum

List of exhibits being filed:

Staff Exhibit No. 1 - Driver/vehicle examination
report

Staff Exhibit No. 2 - Notice of preliminary determination

Reporter's Signature: _____

Date Submitted: _____

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Technician PN
Date Processed AUG 28 2017

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Armstrong & Okey, Inc., Columbus, Ohio (614) 224-9481

DRIVER/VEHICLE EXAMINATION REPORT

Ohio

Report Number: OH3281014391
 Inspection Date: 10/10/2016 Certification Date:
 Time Started: 08:50 Time Ended: 09:16
 Inspection Level: III - Driver-Only Inspection
 HM Inspection Type: No HM Inspection

MURRAY TRUCKING INC
 P O BOX 2138
 EAST LIVERPOOL, OH 43920-0138
 USDOT #: 00188660
 MC/MX #: 152390
 State #:

Phone #: (330)386-4757
 Fax #:

Driver: KETCHUM, WILLIAM B
 License #: RP703736 State: OH
 Date of Birth: 10/29/1962

Location: ROADSIDE
 Highway: IR 80
 County: TRUMBULL
 Shipper: ND IBS

MilePost: 234
 Origin: LACKAWANA, NY
 Destination: PARKER, PA

Bill of Lading:
 Cargo: OTHER

VEHICLE IDENTIFICATION:

Unit	Type	Make	Year	State	License#	Equipment ID	Unit VIN	GVWR	CVSA #	CVSA Issued #	OOS Stkr.#
1	TT	INTL	2003	OH	PVZ6777	1789	2HSCHAER13C058903	52,350			
2	ST	TRLR	2017	OH	TQS6896	8030	1RNF50A21HR040958	90,000			

BRAKE ADJUSTMENTS: No brake measurements recorded.

VIOLATIONS :

Vio Code	Section	Unit	OOS	State Citation Number	Verify*	Crash	Violation Description
392.16	392.16	D	N		N	N	Failing to use seat belt while operating CMV: DRIVER HAD A TEAL SHIRT AND TRUCK HAD A GRAY SEATBELT.

* 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: DRIVER WAS EASTBOUND ON IR 80 AND I WAS STOPPED IN THE CROSSOVER AND WATCHED THE DRIVER DRIVING WITHOUT HIS SEATBELT ON. WHEN STOPPED AND ASKED WHY WAS HE DRIVING WITHOUT HIS SEATBELT ON DRIVER SAID HE WAS ADAMANT ABOUT WEARING HIS SEATBELT AND WEARS THE SHOULDER STRAP UNDER HIS LEFT ARM BEACUSE HE IS SHORT AND IT RUBS HIS NECK.

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: 11440 COLUMBIANA CANFIELD RD.

Driver City: CANFIELD

Driver State: OH

Driver Zip: 44406

Reason Code: OBVI

FMCSA Credentials Verified-Y/N: Y

CDL Verified (Y/N): Y

FMCSA OOS Order Issued(Y/N): N

Report Prepared By:
 G Maffitt

Badge #:
 3281

Copy Received By:
 KETCHUM, WILLIAM B

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OH3281014391

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DRIVER/VEHICLE EXAMINATION REPORT



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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:
 G Maffitt

Badge #:
 3281

Copy Received By:
 KETCHUM, WILLIAM B

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Public Utilities Commission

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

Commissioners

Lynn Slaby
M. Beth Trombold
Thomas W. Johnson

01/18/2017

OH3281014391D
Mr. William B. Ketchum
11440 COLUMBIANA CANFIELD RD.
CANFIELD, OH 44406

RE: **NOTICE OF PRELIMINARY
DETERMINATION**
Case No. OH3281014391D

Dear Sir or Madam:

On 10/10/2016, a vehicle operated by MURRAY TRUCKING INC, and driven by WILLIAM B KETCHUM, 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 B KETCHUM (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
392.16	4	Failing to use seat belt while operating CMV	100.00
		Total of Group 4	100.00

TOTAL AMOUNT DUE: \$100.00

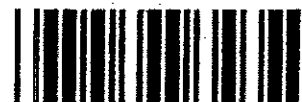
A conference was conducted pursuant to rule 4901:2-7-10, O.A.C., at which the Respondent had a full opportunity to present any reasons why the violation did not occur as alleged, mitigating circumstances regarding the amount of any forfeiture, and any other information relevant to the action proposed 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 B KETCHUM in the following amount:

CODE	GROUP	VIOLATION	FORFEITURE
392.16	4	Failing to use seat belt while operating CMV	100.00
		Total of Group 4	100.00

180 East Broad Street
Columbus, Ohio 43215-3793

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





Public Utilities Commission

John R. Kasich, Governor
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Commissioners

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M. Beth Trombold
Thomas W. Johnson

TOTAL AMOUNT DUE: \$100.00

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: Cheryl Streets

