

FILE

PUCO EXHIBIT FILING

2017 SEP 20 PM 12: 20.

Date of Hearing: 8/24/17

Case No. 17-786-TA-CVF

PUCO Case Caption: DL WINNER LIVESTOCK

EXPRESS, INC.

List of exhibits being filed:

RESPONDENT Ex-1, 2+3

STATE Ex-1, 1A, 2, 3, 4 and 5

Reporter's Signature: Michael O. Jones
Date Submitted: _____

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technician dot Date Processed 9/26/17

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

In the Matter of DL Winner :
Livestock Express, Inc. : Case No.
Notice of Apparent Violation : 17-780-TR-CVF
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 Thursday, August 24, 2017, at 10:00
A.M.

- - -

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

- - -

	US DOT # 624363	Legal: DL WINNER LIVESTOCK EXPRESS INC Operating (DBA):					
MC/MX #: 359658		Federal Tax ID: 20-5736068 (EIN)					
Review Type: Compliance Review (CR)		Focused Investigation					
Scope: Principal Office		Location of Review/Audit: Company facility in the U. S.		Territory:			
Operation Types		Business: Corporation					
Carrier: Non-HM	Intrastate	Gross Revenue: \$1,354,035.00					
Shipper: N/A	N/A	for year ending: 6/30/2016					
Cargo Tank:	N/A						
Company Physical Address:							
6141 SR-705 New Weston, OH 45348							
Contact Name: Daniel L. Winner							
Phone numbers: (1) 419-336-0301		(2)		Fax 419-336-0400			
E-Mail Address: livestockexpress@watchtv.net							
Company Mailing Address:							
6080 SR-705 New Weston, OH 45348							
Carrier Classification							
Authorized for Hire							
Cargo Classification							
Livestock		Grain, Feed, Hay					
Equipment							
	Owned	Term Leased	Trip Leased		Owned	Term Leased	Trip Leased
Truck Tractor	0	13	0	Trailer	0	14	0
Power units used in the U.S.: 13							
Percentage of time used in the U.S.: 100							
Does carrier transport placardable quantities of HM? No							
Is an HM Permit required? N/A							
Driver Information							
	Inter	Intra	Average trip leased drivers/month: 0				
< 100 Miles:			Total Drivers: 9				
>= 100 Miles:	9		CDL Drivers: 9				





DL WINNER LIVESTOCK EXPRESS INC
U.S. DOT #: 624363

Review Date:
07/27/2016

Part A

QUESTIONS regarding this report or the Federal Motor Carrier Safety or
Hazardous Materials rules may be addressed to the Office of Motor Carriers at:

180 East Broad Street, 4th Floor
Columbus, Ohio 43215 ATTN: Chris May
Phone: 614-728-9128 Fax: 614-728-2133

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Daniel L. Winner

Title: President

Name: Steve Plummer

Title: Consultant





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Part B Violations

1 FEDERAL CRITICAL	Primary: 382.305(b)(1)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
Description Failing to conduct random alcohol testing at an annual rate of not less than the applicable annual rate of the average number of driver positions. Example Driver, Ben Poeppelman, interstate trip 12-1-2015 from New Weston, OH-Plainwell, MI (carrier averaged 12 driver positions during calendar year 2015; 2 random alcohol tests were required to be conducted. However, no tests were completed).					
2 FEDERAL CRITICAL	Primary: 382.305(b)(2)	Discovered 4	Checked 6	Drivers/Vehicles In Violation 4	Checked 6
Description Failing to conduct random controlled substances testing at an annual rate of not less than the applicable annual rate of the average number of driver positions. Example Driver, Ben Poeppelman, interstate trip 12-1-2015 from New Weston, OH-Plainwell, MI (carrier averaged 12 driver positions during calendar year 2015; 6 random controlled substances tests were required to be conducted. However, only 2 tests were completed).					
3 FEDERAL	Primary: 382.303(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
Description Failing to conduct post accident alcohol testing on driver following a recordable crash. Example On 4-22-2016, driver Keith Delzeith was involved in a 2 vehicle property damage accident which required his CMV to be towed due to disabling damage. As a result, he was cited for driving at an unreasonable speed, too fast to avoid a collision on citation# K351968; interstate trip from Owenton, KY-Plainwell, MI.					
4 FEDERAL	Primary: 382.303(b)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
Description Failing to conduct post accident testing on driver for controlled substances. Example On 4-22-2016, driver Keith Delzeith was involved in a 2 vehicle property damage accident which required his CMV to be towed due to disabling damage. As a result, he was cited for driving at an unreasonable speed, too fast to avoid a collision on citation# K351968; interstate trip from Owenton, KY-Plainwell, MI.					
5 FEDERAL	Primary: 382.303(d)(1)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
Description Failing to prepare and maintain on file a record stating the reasons the alcohol post-accident test was not properly administered. Example On 4-22-2016, driver Keith Delzeith was involved in a 2-vehicle recordable crash near Ft. Wayne, IN resulting in his CMV being towed due to disabling damage. As a result of the crash, he was cited for driving at an unreasonable speed, too fast to avoid a collision on citation# K351968. Mr. Delzeith did not submit to a post accident alcohol test within 2-hours and the carrier failed to maintain a record as to why the test was not properly administered; interstate trip from Owenton, KY-Plainwell, MI.					





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Part B Violations

6 FEDERAL	Primary: 382.303(d)(2)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
Description Failing to prepare and maintain on file a record stating the reasons the controlled substances post-accident test was not properly administered. Example On 4-22-2016, driver Keith Delzeith was involved in a 2-vehicle recordable crash near Ft. Wayne, IN resulting in his CMV being towed due to disabling damage. As a result of the crash, he was cited for driving at an unreasonable speed, too fast to avoid a collision on citation# K351968. Mr. Delzeith did not submit to a post accident controlled substances test within 32 hours and the carrier failed to maintain a record as to why the test was not properly administered; interstate trip from Owenton, KY-Plainwell, MI.					
7 FEDERAL	Primary: 382.305(i)(2)	Discovered 1	Checked 11	Drivers/Vehicles In Violation 1	Checked 11
Description Failing to ensure that each driver subject to random alcohol and controlled substances testing has an equal chance of being selected each time selections are made. Example Driver, Keith Delzeith DOH: 9-28-2015 was not enrolled in the carrier's random testing pool for the 2nd quarter of 2016. The quarterly selection was made on 4-11-2016, interstate trip date 4-22-2016 from Owenton, KY-Plainwell, MI.					
8 STATE	Primary: 395.8(e) Secondary: 4901:2-5-03 CFR Equivalent: 395.8(e)	Discovered 0	Checked 3	Drivers/Vehicles In Violation 1	Checked 5
Description False reports of records of duty status (inaccurate) Example No violations discovered.					
9 FEDERAL	Primary: 395.8(e)	Discovered 2	Checked 147	Drivers/Vehicles In Violation 2	Checked 5
Description False reports of records of duty status (inaccurate) Example On 2-21-16, driver Eric Seabold purchased 96 gallons of diesel fuel in Van Wert at 21:57 ET. However, his RODS indicated he was driving from Van Wert, OH-Haviland, OH between 21:45-22:15 ET; interstate trip from Van Wert, OH-Logansport, IN.					
10 STATE	Primary: 395.8(f) Secondary: 4901:2-5-03 CFR Equivalent: 395.8(f)	Discovered 0	Checked 3	Drivers/Vehicles In Violation 1	Checked 5
Description Failing to require driver to prepare record of duty status in form and manner prescribed. Example No violations discovered.					





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Part B Violations

11 FEDERAL	Primary: 395.8(f)	Discovered 14	Checked 147	Drivers/Vehicles In Violation 5	Checked 5
Description Failing to require driver to prepare record of duty status in form and manner prescribed. Driver, Mark Koenig, interstate trip date 2-3-2016 from Louisville, KY-New Weston, OH. Mr. Koenig failed to identify the location for changes in duty status as required.					
Safety Fitness Rating Information: Total Miles Operated 902,690 Recordable Accidents 1 Recordable Accidents/Million Miles 1.11		OOS Vehicle (CR): 0 Number of Vehicle Inspected (CR): 0 OOS Vehicle (MCMIS): 0 Number of Vehicles Inspected (MCMIS): 0			
Your proposed safety rating is : CONDITIONAL		Rating Factors			
		Acute Critical			
		Factor 1:	S	0	0
		Factor 2:	U	0	2
		Factor 3:	S	0	0
		Factor 4:	S	0	0
		Factor 5:	N	0	0
Factor 6:	S	-	-		

This rating will become the final rating 60 days from the date indicated on a forthcoming official notice from the Federal Motor Carrier Safety Administration headquarters in Washington, D.C.

However, if this rating improves a previous Unsatisfactory rating, it will become effective on the date of the official notice from the FMCSA headquarters.

Corrective actions must be taken for the violations (deficiencies) listed on Part B of this review. Title 49 CFR Sections 385.15 and 385.17 provide for administrative review and a change to a safety rating based on corrective actions, respectively. A request for a change to a safety rating under section 385.17 may be made at any time. A motor carrier may request, in writing, a change in the rating by providing evidence of corrective actions to the Field Administrator for the FMCSA Service Center in which the carrier maintains its principal place of business. (See 49 CFR 385.17 for additional details). A request for administrative review under section 385.15 must be made within 90 days of the date of the proposed safety rating issued under section 385.11(c) or a final safety rating issued under section 385.11(b), or within 90 days after denial of a request for a change in rating under section 385.17

If this was a focused investigation, which will be noted in the Review Type on the first page of this report (Part A), some factors shown above may be marked "SATISFACTORY" even if they were not reviewed. A focused investigation will not result in a SATISFACTORY safety rating because all standards and factors specified in 40 CFR 383.5 and 385.7 were not examined in full, even though it may appear that they were under the rating factors in Part B of this document. It may, however, result in a less than SATISFACTORY rating if sufficient violations are discovered in the parts and factors examined to result in a CONDITIONAL or UNSATISFACTORY rating, or a non-ratable review.

If you receive a conditional or unsatisfactory rating, you may request an administrative review under 49 CFR 385.15 or a safety rating upgrade based on corrective action under 49 CFR 385.17. However, a successful request may only result in a non-ratable status, upgrade to a conditional safety rating, or reinstatement of your most recent safety rating. You will not receive a new satisfactory safety rating as a result of your request(s) under 49 CFR 385.15 and/or 49 CFR 385.17.

If this was a focused investigation, which will be noted in the Review Type on the first page of this report (Part A), some factors shown above may be marked "SATISFACTORY" even if they were not reviewed. A focused investigation does not include review of all regulatory parts and factors as set forth in 49 C.F.R. Part 385, Appendix B's safety rating methodology and cannot therefore result in a SATISFACTORY safety rating. It may, however, result in a less than SATISFACTORY rating if sufficient violations are discovered in the parts and factors examined to result in a CONDITIONAL or UNSATISFACTORY rating.





Part B Requirements and/or Recommendations

1. CONTROLLED SUBSTANCES AND ALCOHOL BASIC PROCESS BREAKDOWN: Monitoring and Tracking

DESCRIPTION OF PROCESS BREAKDOWN

The management of DL Winner Livestock Express Inc. failed to monitor and track the performance of their consortium to ensure compliance with Part 40 & 382. As a result, the carrier's random testing program for 2015 was found to non-compliant; failed to test the minimum annual percentage of drivers for controlled substances and alcohol. The rosters for quarterly selections were not consistent with the drivers employed during that period. Post accident records were not prepared & maintained. The violations discovered have exposed the company, drivers, and the general public to unnecessary potential risk/liability.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Monitoring and Tracking Processes.

- Evaluate personnel who are monitoring drivers against performance standards related to controlled-substance and alcohol regulations and company policies to ensure that they are applying standards fairly, consistently, and equitably, and are documenting evaluations.
- Review and retain each driver's Motor Vehicle Record (MVR) at least annually to ensure compliance with company policies, Federal regulations, and State and local laws and ordinances related to controlled substances and alcohol. If a driver seems to have numerous violations, the MVR should be reviewed more often. Random MVR checks in addition to annual checks are also effective. File the MVR in each driver's driver qualification file after review.
- Monitor and adjust the testing program to ensure proper annual driver sampling.
- Ensure that all test records are monitored for adherence to retention dates and nondisclosure requirements.
- Implement a system for keeping accurate records of controlled-substance and alcohol completed training needs and completed training, via software, checklist in the driver's file, and/or another appropriate method.
- Implement an effective process for monitoring and tracking drivers' removal from safety-sensitive functions and their return to duty according to controlled-substance and alcohol regulations and related company policies and procedures.
- Provide adequate oversight of all personnel hiring and training processes, including qualification of service agents, to ensure adherence to controlled-substance and alcohol regulations and company policies and procedures.
- Maintain the following documents to help evaluate the performance of all staff (drivers and managers) involved in controlled-substance and alcohol testing and the effectiveness of the policies and procedures: Motor Vehicle Record (MVR); records related to testing, the designated employer representative (DER), return to duty, and dispatch; lists of drivers removed due to a history of controlled-substance and/or alcohol misuse and those disqualified for personal driving under the influence (DUI); substance-abuse professional (SAP) letters; and for each test type, include selection criteria, the eligibility-pool list, and the statistical laboratory summary.
- Regularly evaluate the company's controlled-substance and alcohol-related inspection results via the Federal Motor Carrier Safety Administration's (FMCSA) website at <http://ai.fmcsa.dot.gov/SMS>. Assess violations for process breakdowns and how to remedy them. Use data to help implement an effective process beyond self-reporting to monitor, document, and evaluate compliance with controlled-substance and alcohol regulations and company policies.
- When monitoring and tracking issues regarding controlled substances and alcohol use, always assess whether they are individual or represent a systemic breakdown in one of the Safety Management Processes (Policies and Procedures, Roles and Responsibilities, etc.).

Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

2. HOS COMPLIANCE BASIC PROCESS BREAKDOWN: Meaningful Action

DESCRIPTION OF PROCESS BREAKDOWN

The management of DL Winner Livestock Express Inc. does not currently utilize meaningful action. A driver policy &





Part B Requirements and/or Recommendations

procedure manual was drafted, and includes counseling, training and disciplinary action for non-compliance. However, no documentation was provided to indicate the carrier has provided or utilized the outlined methods intended to encourage compliance. Each carrier should regularly evaluate their drivers to determine if they are an asset or liability.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Meaningful Action.

- Design and implement incentives and/or recognition programs in order to reward and encourage effective performance related to compliance with Hours-of-Service (HOS) regulations and company policy - for example, bonuses, gift certificates, and/or verbal recognition for on-time completion of accurate Records of Duty Status (RODS).
- Reward dispatchers, terminal managers, and safety directors for having a low percentage of runs without fatigued-driving violations. Do not use on-time delivery incentives, which could encourage drivers to exceed Hours of Service.
- Give employees immediate feedback, and require corrective action as soon as the company is aware that fatigued-driving related issues, such as Hours of Service (HOS) are not being addressed.
- Provide required remedial training to employees with Hours-of-Service performance issues that can be addressed by enhancing their knowledge and skills.
- Implement a disciplinary policy where potential disciplinary measures correspond to risk posed, with violations associated with high-consequence accidents or incidents being punished more severely.
- Discipline carrier officials for knowingly and willfully allowing violations of Hours-of-Service (HOS)-related regulations, such as falsifying Records of Duty Status (RODS).
- If a problem related to fatigue is systemic, make adjustments to one or more of the Safety Management Processes (Policies and Procedures, Roles and Responsibilities, etc.).

Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

3. CRASH INDICATOR BASIC PROCESS BREAKDOWN: Training and Communication

DESCRIPTION OF PROCESS BREAKDOWN

The carrier's drivers & CMV's have been involved in 4 crashes within the previous 24 months, but only 1 within the previous 365 days. Two of those crashes have been the direct result of driver negligence; one driver was texting and the second was chemically impaired. The management of DL Winner Livestock Express Inc. must be diligent in their communication with & training of their drivers in the areas of prohibited conduct, distracted driving, defensive driving, accident prevention, and other related behaviors which may impact both the number and severity of future accidents.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Communication and Training.

- Communicate expectations for adhering to safe driving regulations and company policies and procedures to all staff, and provide new hire and refresher training and company communication channels to support meeting those expectations.
- Implement a training/testing program that includes hands-on demonstrations of safe driving with a focus on defensive driving skills and techniques and crash avoidance. Create opportunities for individual instruction and coaching as appropriate.
- Reinforce training by developing job aids and/or establishing communication channels for all staff.
- Ensure that managers and supervisors regularly communicate with their drivers and demonstrate their commitment to the management of safety and safe driving, in particular.

Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You





Part B Requirements and/or Recommendations

will need to use your PIN Number that has been provided by the FMCSA.

- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.
4. Ensure that as soon as practicable following a recordable traffic accident in which the driver employed by the motor carrier is cited as a result of the accident is tested for controlled substances. The test must be performed as required in 49 CFR 382.303(b)(1),(2)(i) and (2)(ii).
 5. If the post accident CST is not administered within 32 hours following the accident, the employing motor carrier shall cease attempts to administer the test and prepare and maintain a record stating the reasons why the test was not promptly administered.
 6. Ensure that as soon as practicable following a recordable traffic accident in which the driver employed by the motor carrier is cited as a result of the accident is tested for alcohol. The test must be performed as required in 49 CFR 382.303(a)(1),(2)(i) and (2)(ii).
 7. If the post accident BAT is not administered within 2 hours following the accident, the employing motor carrier shall prepare and maintain on file a record stating the reasons why the test was not promptly administered. If the test is not administered within 8 hours following the accident, the motor carrier shall cease attempts to administer the alcohol test and prepare and maintain the same record.
 8. Every employer shall require all operators of commercial vehicles which require a CDL to operate be randomly tested for controlled substances & alcohol. The carrier may make random selections themselves or may use a Consortium/TPA. The carrier shall test at least 10 percent of the average number of driver positions for random alcohol testing and at least 50 percent of the average number of driver positions for random controlled substance testing annually. If using a Consortium/TPA, the carrier must monitor their performance and ensure the testing pool meets the same minimum testing percentages.
 9. The carrier shall ensure that each driver subject to random controlled substances and alcohol testing is included in their testing pool and that each has an equal chance of being selected each time selections are made.
 10. Ensure all drivers prepare a true and accurate record of duty status. Promptly examine and verify the accuracy of driver's records of duty status, utilizing all supporting documents generated by each driver and motor carrier; including, but not limited to dispatch records, delivery receipts, shipping papers, fuel reports, GPS tracking technology (if applicable), toll receipts, custody & control forms, traffic citations, accident reports and roadside inspections etc. Internally audit driver's logs and take swift and appropriate disciplinary action against those who attempt to conceal violations of the hours of service rules. Document and maintain any record of disciplinary action taken against these drivers.
 11. Ensure all drivers who prepare a record of duty status; complete all applicable portions of the document as required in 49 CFR 395.8(f). The driver shall be sure to total his or her hours on the grid, list locations (full city name and 2 letter state abbreviation) for all changes in duty status, including a flag for fuel stops & other supporting activities, show the company assigned unit number for the equipment operated, document a bill of lading number or the name of the shipper & commodity being transported.
 12. Supporting documents are the records of the motor carrier which are maintained in the ordinary course of business and may be used by the motor carrier to verify the information recorded on the driver's record of duty status. Effective 12/19/2008, the FMCSA formally adopted a policy of including GPS and other advanced technology records as supporting documents (see Federal Register Vol. 73 No. 224, 11/19/2008). Failure to maintain such records for six months as required will result in your company being cited and/or penalized for failure to maintain supporting documents.

Other examples of supporting documents you should maintain are: Bills of lading, GPS tracking information, vehicle





Part B Requirements and/or Recommendations

position reports, carrier pros, freight bills, dispatch records, driver call-in records, gate record receipts, weight/scale tickets, fuel receipts, fuel billing statements, toll receipts, international registration plan receipts, international fuel tax agreement receipts, trip permits, port of entry receipts, cash advance receipts, delivery receipts, lumber receipts, interchange and inspection reports, lessor settlement sheets, over/short and damage reports, agricultural inspection reports, CVSA reports, accident reports, telephone billing statements, credit card receipts, driver fax reports, on-board computer reports, border crossing reports, custom declarations, traffic citations, overweight/oversize reports and citations, and/or other documents directly related to the motor carrier's operation, which are retained by the motor carrier in connection with the operation of its transportation business. Supporting documents may include other documents which the motor carrier maintains and can be used to verify information on the driver's records of duty status. If these records are maintained at locations other than the principal place of business but are not used by the motor carrier for verification purposes, they must be forwarded to the principal place of business upon a request by an authorized representative of the FMCSA or State official within 2 business days.

13. 49 CFR 395.1 (k) provides a statutory exemption from the hours of service regulations for certain drivers transporting agricultural commodities and farm supplies within a 150 air mile radius during the planting and harvesting season, as determined by the States in which the carrier is operating. The planting and harvesting season is defined in Ohio as a period between March, 1 and November, 30. Ensure that anytime a driver fails to meet this exception, a RODS or time record is prepared and maintained on file at the carrier's PPOB for a period of 6 months from the date of execution.

14. Electronic Mobile Mapping Technology (GPS, radio, or cell phone based systems) is a useful tool in compliance verification for Hours-of-Service Regulations. Although the technology may be primarily utilized for driver communication, freight tracking, maintenance etc., it is recognized by FMCSA and the industry as an important method to detect falsification of Records of Duty Status.

-EMMT records generated during the ordinary course of business is considered a supporting document and must be retained for six months [49 CFR 395.8(k)(1)]. This may necessitate downloading the data from the vendor or requesting additional storage space to meet record retention requirements.

-Vehicle position reports should contain the vehicle id information, date, time, location, and latitude/longitude.

-To qualify from certain record retention relief requirements the EMMT device must be integrally synchronized with the vehicle and ping the location at least once per hour while the vehicle is in motion.

Utilize vehicle position reports along with fuel billing statements, toll receipts, load slips, bill of lading, weigh station slips, inspection reports, accident reports, and other supporting documents to check RODS for falsification. Vehicle position reports may contain large amounts of data that can be overwhelming. Current best industry practice is to compare the beginning and ending location of breaks and if there was vehicle movement during that time. Periodically check locations of change of duty status for accuracy as well. If discrepancies are found verify the vehicle position report does not have a low validity code, software error, or hardware malfunction. Take corrective action on drivers who falsify RODS.

15. The 34 hour restart provision has been modified by the Consolidated and Further Continuing Appropriations Act of 2015. As of December 16, 2014 until September 30, 2015 drivers may take a 34 hour restart as often as they like and are no longer required to have two periods of 1 am to 5 am. Additional studies will be conducted to determine the effectiveness of Hours of Service Regulations. Continue to monitor FMCSA and industry news for further guidance and possible future changes.
16. The Pre-Employment Screening Program (PSP) is a screening tool that assists motor carriers in investigating crash history and roadside safety performance of prospective drivers. The PSP allows motor carriers to purchase 5 years of crash data and 3 years of roadside inspection data from the Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Management Information System (MCMIS). Records are available 24 hours a day via Web





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request. Motor carriers should visit the following website for more information:
<http://www.psp.fmcsa.dot.gov/Pages/default.aspx>

17. Effective January 30, 2015 paper copies of Medical Examiners Certificates are only good for 15 days. A driver, upon being medically qualified by a FMCSA certified medical examiner, is to provide the BMV with a copy of their medical examiners certificate. A motor carrier must then conduct a driver's license check and include a copy in their driver's qualification file. After 15 days the paper copy of the Medical Examiners Certificate is no longer valid and a BMV CDL report verifies the driver's medical qualification status. Drivers will no longer need to carry the paper copy of the medical examiners certificate. Motor carriers must maintain a CDLIS (BMV) report in the driver's qualification file indicating the driver is physically qualified.
18. NOTICE: 49 CFR Part 391.23 requires prospective employers to, at a minimum, investigate a driver's employment information, crash record, and alcohol and controlled substances history from all employers the driver worked for within the previous 3 years.
19. The Driver Vehicle Inspection Report regulation has been modified in accordance with the Presidential Executive Order 13563, Improving Regulation and Regulatory Review. Effective December 18, 2014 property carrying drivers will no longer be required to fill out a Driver Vehicle Inspection Report (DVIR) if no defects are discovered during the post-trip inspection. Drivers are still required to conduct a pre and post trip inspection of their vehicles. If defects are discovered they must be documented on the DVIR and repairs taken as appropriate and/or necessary. Passenger carrying drivers are also still required to document the post-trip inspection on their DVIR. The regulatory relief of not filling out a DVIR if no defects are discovered only applies to property carrying vehicles. All DVIRs must be retained for 90 days.
20. COMPASS PORTAL COMPANY ACCESS ACCOUNT - The COMPASS program is an FMCSA-wide initiative that is leveraging new technology to transform the way the FMCSA does business. The ultimate goal is to implement a customer-centric information technology (IT) solution that optimizes FMCSA's business processes and improves the Agency's ability to save lives. Key objectives include (1) creating a single source for crucial safety data via single sign-on access, (2) improving data quality to ensure better, more informed decision-making and (3) providing actionable information as well as data. For companies, the FMCSA Portal provides single sign-on access to L&I, DataQs, Analysis and Information (A&I) Online, and the National Consumer Complaint Database (NCCDB) via a single password and user ID. Company users can also access public functionality in L&I, SAFER, Commercial Vehicle Information Systems and Networks (CVISN), and the National Hazardous Material Route Registry (NHMRR) as well as the "Protect Your Move" and "Share the Road Safely" Web sites. To register for a COMPASS account, go to: <https://portal.fmcsa.dot.gov>.

Company access accounts are available to the following types of users: (1) carriers with a USDOT number and (2) carrier employees or other professionals (i.e. freight-forwarders, insurance companies) who need access to carrier information. Note: You must know the carrier's USDOT Number. In order to set up an account, you must know the user account type that you are requesting. A Company Official Account is for a person who will have full access to company information, and the ability and responsibility of approving and managing account requests from Company Employees. Note: There will be only one Company Official for each USDOT#. To request a Company Official user account, you must have the PIN associated with your USDOT#. If you do not have a PIN, or do not know your PIN, go to the USDOT PIN Request. An Access Company Information Account is for a person who needs access to limited company information, but is not responsible for managing accounts or other users. For additional information about COMPASS, go to <http://www.fmcsa.dot.gov/about/what-we-do/keyprograms/compass-factsheet.htm>.
21. A complete Educational and Technical Assistance package entitled "A MOTOR CARRIER'S GUIDE TO IMPROVING HIGHWAY SAFETY" is available free on the FMCSA website to assist you in complying with the safety regulations. It contains many forms and documents useful for improving the safety of your operations. Check: www.fmcsa.dot.gov/factsfigs/eta/index.html.





Part B Requirements and/or Recommendations

22. The Ohio Motor Carrier Information System (OMCIS) is the home to regulatory information for motor carriers in the State of Ohio.

Through this system you can find information about the motor carrier industry as a whole or view specific details about a single company. Motor Carriers and/or their representatives can also utilize the system to register their company with the Public Utilities Commission of Ohio, maintain their corporate profile, register as a motor carrier, pay fees/taxes, track inspections and compliance reviews conducted in Ohio, pay or contest forfeitures, see crash data, and interact with staff of the commission. You are encourage to create an on-line profile

23. Document and Follow Through on Action Plans: Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance
24. All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities. If you see an incident in Ohio the Ohio State Highway Patrol can be directly reached at #677 (non-emergency number) or 911 for the nearest police department. Discuss with your employees/drivers the "Security Measures for Truck Drivers and Companies" which are available online. Carriers should visit the following website for more information: <http://www.fmcsa.dot.gov/documents/Hijacking-Brochure.pdf>
25. Understand Why Compliance Saves Time and Money: Compliance with FMCSRs will not only save lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business.
26. 385.15
If you believe the proposed rating is in error and there are factual and procedural issues in dispute, Part 385.15 (copy provided) outlines procedures for petitioning the Federal Motor Carrier Safety Administration for an administrative review of these findings. Your petition should be addressed to:

Chief Safety Officer
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue SE,
Washington, DC 20590

385.17

In addition, a request for a revised rating based on corrective actions may be made at any time. Part 385.17 (copy provided) outlines the procedures for such a request. The request must be made in writing, must describe the corrective action taken and must include other documentation that may be relied upon as a basis for the requested change. Address your written request to:

U.S. Department of Transportation
Federal Motor Carrier Safety Administration
Linda D. Gilliam, Division Administrator
200 North High Street, Room 609
Columbus, OH 43215

Ensure that a CC copy of the request is mailed to:

U.S. Department of Transportation
Federal Motor Carrier Safety Administration
Midwestern Service Center
John Mulcare, Acting Field Administrator
4749 Lincoln Mall Drive, STE 300A





DL WINNER LIVESTOCK EXPRESS INC
U.S. DOT #: 624363

Review Date:
07/27/2016

Part B Requirements and/or Recommendations

Matteson, IL 60443

27. A Safety Management Plan manual was given to you detailing the requirements for you to follow to upgrade your safety rating.

A copy of the SMP shall be prepared and submitted to each of the following offices:

Linda D. Gilliam, Division Administrator
Ohio Division, Federal Motor Carrier Safety Administration
200 North High Street, Room 609
Columbus, OH 43215

John Mulcare, Acting Field Administrator
Midwestern Service Center, Federal Motor Carrier Safety Administration
4749 Lincoln Mall Drive STE 300A
Matteson, IL 60443

X _____ (initial)

28. NOTICE: A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six year period.



INVESTIGATIVE REPORT RECEIVED BY:

Name: Steve Plummer C/O Daniel L. Winner

Title: Consultant / President

Carrier Name: DL Winner Livestock Express Inc.

Date: 7-27-2016

A complete listing of current drivers and equipment was submitted with this investigation and is stored electronically on the Public Utilities Commission of Ohio's internal server. The carrier most recently updated their MCS-150 filing on 5-20-2015.

REASON FOR INVESTIGATION:

This carrier was assigned for review on 7-5-2016 as part of the moderate risk 1 list, and due to being in alert status in the Crash BASIC 70%, HOS Basic 73%, and Controlled Substances & Alcohol BASIC 88%. There were no USV's included on their previous review conducted on 5-29-2015. Therefore, considering the three full BASIC's requiring investigation; my review was assigned/conducted as an on-site focused review.

SCOPE OF INVESTIGATION:

As previously mentioned, my review was assigned/conducted as an on-site focused review investigating the Crash, HOS and Controlled Substances & Alcohol BASIC. No D & A Supplemental was required, because a full review of Parts 40 & 382 was conducted.

CARRIER OPERATION DESCRIPTION:

DL Winner Livestock Express Inc. has been incorporated and operating as such since September of 2006 and transports livestock in Ohio, Indiana, Kentucky and Michigan. The carrier is an authorized for-hire motor carrier with a fleet of (13) truck-tractors and (14) semi trailers. According to documentation provided by the carrier, they currently employ 9 drivers, including 2-owner operators.

Mr. Daniel Winner provided their 4 most recently completed IFTA reports, 3rd and 4th for year 2015 and the 1st and 2nd for 2016 and used to calculate their fleet mileage for the previous 12 months. However, he refused to provide the carrier's gross revenue. The carrier's revenue entered in Part A was calculated using the methodology prescribed in the FOTM (miles X \$1.50 per mile). The carrier has not engaged in emergency relief efforts. The carrier maintains a modern and very well kept facility which includes office space, and heated garage. The grounds also includes ample covered parking for tractors and trailers and wash-out facility for their livestock trailers. Mr. Winner advised the building is not equipped with any type of video surveillance or recording system.

DATE OF INVESTIGATION:

The review was opened on July 18, 2016 at 12 noon as scheduled to accommodate the carrier. The review was subsequently conducted on site on 7-22-16. I worked on the review at my field office on 7-25-2016, and 7-27-2016. The review was closed in the afternoon on 7-27-16 and uploaded on 7-29-2016.

Corporate Structure:

President: Daniel L. Winner

Vice President: vacant

Secretary/Treasurer: vacant

PRE-INVESTIGATION:

On 7-15-2016, I attempted to contact the carrier at the phone number listed on their MCS-150, but it went to Dan Winner's voicemail. I left a brief message along with my contact information. I subsequently received a return call from Mr. Winner. We discussed the reason for their review, scope of investigation, and my intention to begin on Monday July 18, 2016. He requested the review be delayed, because he was undergoing an IRS audit. However, it was established IRS investigators were not working on-site. He also wanted to ensure his consultant was present. Due to previously scheduled training to be held Tuesday thru Thursday next week, I advised him that I could not wait a week before opening. Mr. Winner advised he could be available around noon on 7-18-2016. We agreed to open the review at that time. I requested a driver list be forwarded as soon as possible. The carrier faxed a driver list within the hour. CDLIS queries were completed. I also checked the carrier thru the Ohio SOS, SAFER, L & I, UCR, OMCIS, MCMIS, and A & I prior to opening.

CDLIS:

As previously stated; the carrier currently employs 9-CDL drivers operating Class A CMV's. As a result, per the FMCSA/e-FOTM requirements, a CDLIS/AKA check was performed on their 9 drivers. Although, not required, copies of the CDLIS reports are included with this review. No violations were discovered.

AUTHORITY:

The carrier possessed active contract for-hire authority (MC# 359658).

INSURANCE:

The carrier provided a properly prepared MCS-90 consistent with the information posted with L & I. A copy of their MCS-90 is included.

CRASH BASIC:

The carrier was in alert in the Crash BASIC (70). According to MCMIS, they have been involved in 4 crashes within the previous 24 months, but only 1 within the previous 365 days. This CR was initiated prior to completing CBI training, thus the CAT Tool was not used. Two of those crashes have been the direct result of driver negligence; one driver was texting and the second was chemically impaired. The carrier maintained and provide a properly prepared accident register and was checked against their loss-run report. No unexplained losses were discovered.

On 4-22-2016, driver, Keith Delzeith was involved in a two vehicle crash on I-69 near Ft. Wayne, IN. According to witnesses, he was driving erratically when he struck the rear of a pickup truck pulling a camper. There were no injuries. As a result of the crash, he was issued multiple citations for moving violations and physically arrested by the Indiana State Police for DUI, possession of Methamphetamine, and drug paraphernalia. Delzeith's tractor was towed due to disabling damage and as previous mentioned, he was cited. The trailer loaded with cattle was destined for a packing plant in Plainwell, MI and was not damaged. The carrier dispatched another tractor to pickup the trailer. Post accident testing was required. See the drug & alcohol portion of this summary.

RED FLAG DRIVERS:

According to A & I, the carrier had one RFD (red flag driver) violation. On 4-22-2016, driver, Keith Delzeith was involved in a two vehicle crash on I-69 near Ft. Wayne, IN. As a result of the crash, he was issued multiple citations for moving violations and physically arrested by the Indiana State Police for DUI, possession of Methamphetamine, and drug paraphernalia. According to President, Daniel Winner,

he had received a call from the packing plant in Plainwell, MI inquiring why his driver (Delzeith) had not arrived and delivered as scheduled. He stated he was not able to contact the driver by phone. He was subsequently contacted by the Indiana State Police and informed of the crash and arrest. Delzeith eventually called Mr. Winner from the DeKalb County Jail. He was immediately terminated by the carrier and no further action is required.

DRUG AND ALCOHOL:

A supplemental review was not conducted, because a full review of Parts 40 & 382 was required due to being alert in the BASIC (88). The carrier has been using Tri-State Transportation Consulting Inc. to manage their testing program since 11-2014.

According to appendix A, DL Winner Livestock Express Inc. was not subject to the Drug & Alcohol Management Information System (DAMIS) survey. Supervisory training for reasonable suspicion testing was provided by Steve Plummer on 6-17-2016. The carrier also collects their own specimens for testing. Dan Winner was trained in specimen collection & certified by Mr. Plummer on 5-17-2013. He also completed SST, alcohol test strip training on 5-17-2013. A company policy was presented and reviewed.

Pre-employment CST:

According to the carrier's driver list, they have hired 6 drivers within the previous 12 months. The FOTM required that 5 be reviewed for compliance with pre-employment testing. The following 5 were reviewed;

Keith Delzeith DOH: 9-28-2015, tested on 9-15-2015 and the result was certified negative on 9-17-2015 (trip date 9-28-2015 from New Weston, OH-Portland, IN).

Thomas Stachler DOH: 2-29-2016, tested on 2-25-2016 and the result was certified negative on 2-29-2015 (trip date 3-3-2016 from New Weston, OH-Portland, IN).

Robert Park DOH: 6-15-2016, tested on 6-10-2016 and the result was certified negative on 6-13-2016 (trip date 6-26-2016 from Spencerville, OH-Latty, OH).

Scott Finnerty DOH: 6-5-2016, tested on 5-31-2016 and the result was certified negative on 6-2-2016 (trip date 6-5-2016 from new Weston, OH-Logansport, IN).

Justin Klinger DOH: 6-12-2016, tested on 6-3-2015 and the result was certified negative on 6-6-2016 (trip date 6-12-2016 from New Weston, OH-Louisville, KY). No violations were discovered.

2015 Random:

Mr. Plummer provided a carrier specific annual summary which showed a total of 3 pre-employment CST, 8 random CST, 2 random BAT, and 1 post accident CST. However, upon reviewing the carrier's selection notifications for the year, it was determined that only 2 drivers had been selected and completed random CST. Driver, Paul Gaier was selected and tested for CST during the first quarter 2015 (2-4-2015), and Kevin Dirksen was selected and tested during the second quarter of 2015 (5-12-2015). All results were negative.

Upon reviewing the annual summary for the consortium's 2015 pool, it indicated the average number of drivers was 555 and that a total of 277 random CST and 55 random BAT were conducted during the year. The required testing percentage for CST in 2015 was 50% of the average number of drivers. It was determined that the consortium was required to conduct a total of 278 random CST. The required testing percentage for BAT in 2015 was 10% of the average number of drivers. It was determined that the consortium was required to conduct a total of 56 random BAT. The consortium's random program was found to be non-compliant for 2015. As a result, the carrier was required to meet the minimum annual percentages as an independent program. DL Winner Livestock Express Inc. was also found to be non-compliant in random testing for calendar year 2015. They were required to conduct at least 6 random CST and at least 2 random BAT.

2016 Random:

The following drivers were selected for testing thus far for 2016. Brian Schemmel was selected for random CST and tested during the first quarter 2016 (1-14-2016), and Rick Schemmel was selected and tested during the first quarter of 2016 (1-12-2016). Scott Wehens was selected for random CST & BAT and tested during the 2nd quarter of 2016 (6-10-2016), and Thomas Stachler was selected for random CST and tested during the 2nd quarter (6-14-2016). All results were negative. Driver, Brian Schemmel was selected for random CST during the third quarter of 2016. As of 7-18-2016, the remaining test has not been conducted.

Post accident:

On 4-22-2016, driver Keith Delzeith was involved in a 2 vehicle accident on I-69 in DeKalb County, IN. According to the Indiana State Police, Delzeith was driving erratic on I-69 at approximately 15:13 ET, when he struck a pickup truck pulling a camper in the rear. As a result, 2 vehicles were towed due to disabling damage and Mr. Delzeith was subsequently cited by the investigating agency for reckless driving, driving under the influence of drugs, possession of drug paraphernalia, unsafe lane change, unsafe speed, and following too closely. The driver was incarcerated as a result of the crash and subsequently terminated by the carrier effective 4-22-2016. According to Sgt. Hans Schmidt (ISP), Mr. Delzeith submitted to a DataMaster BAC (breath test) and chemical blood test at the direction of the ISP. Both tests were conducted within 3 hours of the crash as required by Indiana law. Sgt. Schmidt advised the breath test was negative. The blood test result was not released to me. The carrier failed to obtain the results for the tests administered at the direction of ISP as required by 49 CFR Part 382, and able to be used in lieu of the carrier conducting post accident testing. They also failed to prepare and provide upon request, documentation indicating their reasons why post accident testing was not conducted. The carrier failed to provide a record of their attempts (e-mails, letters, or subpoena) to obtain the law enforcement test results.

WORST 1% DSMS DRIVERS:

According to DSMS, the carrier had no drivers amongst the worst 1%.

INVESTIGATION:

Upon my arrival, I met with Daniel Winner and Consultant, Steve Plummer at the office located in the garage/shop. I conducted my opening interview and discussed the state of the company. Mr. Winner advised the number of drivers employed is down from the previous review; one driver was fired (Delzeith), one driver retired in April and two quit in May. He sounded the familiar bell; that he cannot find desirable/quality drivers who are willing to transport livestock. He also discussed harassment of drivers by activists at the packing plants. There were no operational changes since his previous CR, except that they only haul for Cooper Farms and deliver to Ohio, Michigan, Indiana, and Kentucky.

I completed & confirmed Part A information. I discussed HOS with the carrier and discussed logs and supporting documents. RODS were filed by driver & month. Bulk fuel is maintained on site. The fuel island is not monitored by any type of surveillance system and no fuel log is maintained for inventory control including consumption & theft. Drivers are paid a flat rate. The only time and date stamped records generated are fuel receipts from one owner operator. A BOL is prepared by each driver based on a ticket provided by the initial livestock shipper. One copy is maintained by the carrier and the other is turned in to the packing house.

It was determined that none of the carrier's CMV's are equipped with any type of GPS tracking/locating or EMMT. DQ files, accident register, loss-run report, and maintenance records were all readily available. The standard, FMSCA required and custom recommendations were made in the appropriate

section of this review. The carrier's vehicle OOS percentage was not entered in Part A, because they were not deficient in the vehicle maintenance BASIC.

UNSAFE DRIVING:

The carrier was not alert in the Unsafe Driving BASIC.

DRIVER FITNESS:

The carrier was not alert in the Driver Fitness BASIC, but was partially reviewed as part of the Crash BASIC. I reviewed the DQ file for driver, Keith Delzeith DOH: 9-28-2015 and termination date 4-22-2016. A proper employment application was on file and dated 9-15-2015 and included the required previous employer language. A pre-employment MVR was on file and dated 9-28-2015. Previous employer verification N/A: according to the driver application, he was employed from 9-13 thru 9-15 at North Star Hardware (mechanic), and from 5-2009 thru 9-2013 at D L Winner Express (driver). The annual MVR, certificate of violations and annual review were not required. A photocopy of his CDL was on file. The MEC was issued on 10-14-2014, expires 10-14-2016 and was issued Dr. Juan Torres, #35-079391-OH, phone (419)-586-1220. The MEC was verified by Marge on 7-18-2016 @ 14:35 ET via phone. No violations discovered in Part 391.

HOURS OF SERVICE:

The carrier was in alert (73) in the HOS BASIC. Based on a carrier employing 9-drivers, the required sample size to review for HOS is 30 days X 5 drivers (150 RODS). According to the DSMS, the carrier has 3 drivers identified as having contributed to the alert BASIC, but are no longer employed; Keith Delzeith DOH: 9-28-2015 and termination date 4-22-2016, Ben Poeppelman DOH: 7-27-2014 and termination date 5-6-2016, and Richard Schemmel DOH: 11-8-1998 and termination date 4-29-2016. Thus, those 3 along with 2 additional drivers were selected for review.

Mr. Winner advised that he looks at the logs, but doesn't compare them to other documents. He was not aware of the 395.1(k) Ag exception during planting & harvesting season. Their routes are all within 150 air miles except Plainwell, MI. He advised that drivers are not pushed for hours and based on their operations, hours should never be an issue. He advised he personally ran each of the routes made by his drivers and knows the distance and amount of time required. Overall, the carrier's paperwork pertaining to Part 395 was organized.

The RODS for Keith Delzeith were reviewed for the day of his crash (4-22-2016) and the previous 7 days. This CR was initiated prior to completing CBI training. All 7 days prior to his crash were found to be excepted from Part 395 due to 395.1(k). However, the trip on 4-22-2016 was beyond 150 air miles. In conjunction with the RODS from 4-22-2016, I reviewed Delzeith for the month of February for a 30 day sample. All 30 days were on file as required. No HOS violations were discovered.

The RODS for Richard Schemmel were reviewed for the last day of January 2016 and all of February. All 30 days were on file. 1-false nominal RODS was discovered on 2-17-2016 when he logged off duty for 30 minutes in Portland, IN and flagged it as loading. No other HOS violations were discovered.

The RODS for Mark Koenig were reviewed for the last day of January 2016 and all of February. All 30 days were on file. Mr. Koenig had 3 days in violation of F & M for failing to indicate a location for changes in duty status. No other HOS violations were discovered.

The RODS for Ben Poeppelman were reviewed for the last day of January 2016 and all of February. All 30 days were on file. Mr. Poeppelman had 2 days in violation of F & M for failing to indicate a location for changes in duty status and record a BOL# or name of shipper & commodity on his RODS. No other HOS violations were discovered.

The RODS for Eric Seabold were reviewed for the last day of January 2016 and all of February. All 30 days were on file. Mr. Seabold had 9 days in violation of F & M for failing to indicate a location for

changes in duty status. He also had 1 false nominal RODS; on 2-21-16, he logged driving from Van Wert, OH-Haviland, OH from 21:45-22:15, but pumped 96 gallons of diesel fuel in Van Wert at 21:57 ET. No other HOS violations were discovered.

VEHICLE MAINTENANCE:

The carrier was not deficient in the Vehicle Maintenance BASIC. However, was required to be examined due to being alert in the Crash BASIC. The carrier had one crash (4-22-2016) within the previous 365 which was required to be reviewed for compliance with Part 396. It was established that no DVIR was required for the two vehicles involved. The recent rule change (December 2014) concerning DVIR was discussed.

A maintenance file was requested for both units, tractor# 311, a 2011 Peterbilt tractor, VIN# 1NPXGGGG30D12766 and ST# 62, a 2012 Wilson livestock trailer, VIN# 1W165512A7D5543383. Both units were most recently inspected in January 2016 by the carrier's mechanic, Mitch Brockman. It was determined that he was qualified to conduct periodic annual inspection in compliance with 396.17 and 396.19. Both maintenance files were examined as required and each file was properly identified; and included annual inspections, and regularly scheduled maintenance and repairs. A full service is conducted on each tractor every 15,000 miles. The trailers are not equipped with hub meters, but are assigned with each tractor and serviced as one unit. According to Mr. Winner, tractors and trailers are very seldom switched out. According to MCMIS & Query Central, the carrier has had no roadside inspections, information or data generated since the 4-22-2016 crash.

FOLLOW-ON ACTION:

Due to scheduling conflicts and as a courtesy to the carrier, it was agreed to close the CR with the carrier's consultant at their PPOB. On 7-27-2016, I met with Steve Plummer (Owner of Tri-State Transportation Consulting Inc.) at his business in Grover Hill, OH. The review was explained to him and all corresponding documents were provided. Compliance monitoring of the carrier is recommended. Prior to closing the review, I checked the "display rating" button in Part B and discovered the proposed safety rating was conditional. As a result, and according to policy, the review type was changed in CAPRI to a rated review.

DOCUMENTS PROVIDED TO CARRIER:

I provided the SMC for the Drug & Alcohol, HOS, and Crash BASIC. I also provided information about the URS, multiple copies of the brochure, "Get road smart about the 7 BASICS of safety", and information concerning SR upgrade due to corrective action (385.17), including the most recent SMP (4-2016).

A copy of the compliance review was given to Steve Plummer, Owner of Tri-State Transportation Consulting Inc. on 7-27-2016. A copy of the compliance review and all associated documents were mailed to Daniel L. Winner, President of DL Winner Livestock Express Inc., on 8-1-2016. Mr. Winner may be reached at (419)-336-0301 or by e-mail at livestockexpress@watchtv.net <<mailto:livestockexpress@watchtv.net>>.

Calendar Year Covered by this Report: 2015

I Employer.

Company Name: Tri State Transportation Consulting Inc

STAFF EX. 2

Doing Business As (DBA) Name (if applicable): _____

Address: POB 9R Grover Hill Oh

E-mail:

Name of Certifying Official: Joe Higgins

Signature: Joe Hill

Telephone: (419) 789 0292

Date Certified: 2/2/11

Prepared by (if different):

Telephone: ()

C/TPA Name and Telephone (if applicable): TSTC

(419) 789 0292

Check the DOT agency for which you are reporting MIS data; and complete the information on that same line as appropriate:

✓ FMCSA - Motor Carrier DOT #: _____ Owner-operator: (circle one) YES or **NO** Exempt (Circle One) YES or NO

FAA - Aviation: Certificate # (if applicable): _____ Plan / Registration # (if applicable): _____

PHMSA - Pipeline: (Check) Gas Gathering Gas Transmission Gas Distribution Transport Hazardous Liquids Transport Carbon Dioxide

FRA - Railroad: Total Number of observed/documentated Part 219 "Rule G" Observations for covered employees:

USCG - Maritime: Vessel ID# (USCG- or State-Issued): (If more than one vessel, list separately.)

FTA - Transit

II. Covered Employees: (A) Enter Total Number Safety-Sensitive Employees In All Employee Categories:

555

(B). Enter Total Number of Employee Categories:

4

(C)

Employee Category	Total Number of Employees in this Category
	555

If you have multiple employee categories, complete Sections I and II (A) & (B). Take that filled-in form and make one copy for each employee category and complete Sections II (C), III, and IV for each separate employee category.

III. Drug Testing Data:

	1	2	3	4	5	6	7	8	9	10	11	12	13
Type of Test	Total Number Of Test Results (Should equal the sum of Columns 2, 3, 9, 10, 11, and 12)	Verified Negative Results	Verified Positive Results ~ For One Or More Drugs	Positive For Marijuana	Positive For Cocaine	Positive For PCP	Positive For Opiates	Positive For Amphetamines	Refusal Results				Cancelled Results
									Adulterated	Substituted	"Sly Blinder" With No Medical Explanation	Other Refusals To Submit To Testing	
Pre-Employment	450	442	8	7	1								2
Random	277	277											
Post-Accident	8	7	1	1									
Reasonable Susp./Cause													
Return-to-Duty													
Follow-Up													
TOTAL	735	726	9	8	1								2

IV. Alcohol Testing Data:

Type of Test	Total Number Of Screening Test Results (Should equal the sum of Columns 2, 3, 7, and 8)	Screening Tests With Results Below 0.02	Screening Tests With Results 0.02 Or Greater	Number Of Confirmation Tests Results	Confirmation Tests With Results 0.02 Through 0.039	Confirmation Tests With Results 0.04 Or Greater	Refusal Results		Cancelled Results
							"Shy Lung" ~ With No Medical Explanation	Other Refusals To Submit To Testing	
Pre-Employment	0								
Random	55	55							
Post-Accident	8	8							
Reasonable Susp./Cause									
Return-to-Duty									
Follow-Up									
TOTAL	63	63							

U.S. DEPARTMENT OF TRANSPORTATION DRUG AND ALCOHOL TESTING MIS DATA COLLECTION FORM

Calendar Year Covered by this Report: 2015

OMB No. 2105-0529

I. Employer:

Company Name: D.L. Winner Livestock Express Inc.
 Doing Business As (DBA) Name (if applicable): _____
 Address: 6080 State Route 705 New Weston OH 45348 E-mail: _____
 Name of Certifying Official: Jaime Greer Signature: Jaime Greer
 Telephone: (419) 789-0292 Date Certified: 7-4-2016
 Prepared by (if different): _____ Telephone: () _____

C/TPA Name and Telephone (if applicable): () _____

Check the DOT agency for which you are reporting MIS data; and complete the information on that same line as appropriate:

☒ FMCSA – Motor Carrier: DOT #: 16243103 Owner-operator: (circle one) YES or (NO) Exempt (Circle One) YES or (NO)
 ___ FAA – Aviation: Certificate # (if applicable): _____ Plan / Registration # (if applicable): _____
 ___ PHMSA – Pipeline: (Check) Gas Gathering ___ Gas Transmission ___ Gas Distribution ___ Transport Hazardous Liquids ___ Transport Carbon Dioxide ___
 ___ FRA – Railroad: Total Number of observed/documentated Part 219 "Rule G" Observations for covered employees: _____
 ___ USCG – Maritime: Vessel ID # (USCG- or State-Issued): _____ (If more than one vessel, list separately.)
 ___ FTA – Transit

II. Covered Employees: (A) Enter Total Number Safety-Sensitive Employees In All Employee Categories:

(B) Enter Total Number of Employee Categories:

(C)

Employee Category	Total Number of Employees in this Category
<u>FMCSA</u>	<u>8</u>

If you have multiple employee categories, complete Sections I and II (A) & (B). Take that filled-in form and make one copy for each employee category and complete Sections II (C), III, and IV for each separate employee category.

III. Drug Testing Data:

	1	2	3	4	5	6	7	8	9	10	11	12	13
Type of Test	Total Number Of Test Results [Should equal the sum of Columns 2, 3, 9, 10, 11, and 12]	Verified Negative Results	Verified Positive Results ~ For One Or More Drugs	Positive For Marijuana	Positive For Cocaine	Positive For PCP	Positive For Opiates	Positive For Amphetamines	Refusal Results				Cancelled Results
									Adulterated	Substituted	"Shy Bladder" ~ With No Medical Explanation	Other Refusals To Submit To Testing	
Pre-Employment	3	3											
Random	8	8											
Post-Accident	1	1											
Reasonable Susp./Cause													
Return-to-Duty													
Follow-Up													
TOTAL	12	12											

IV. Alcohol Testing Data:

	1	2	3	4	5	6	7	8	9
Type of Test	Total Number Of Screening Test Results [Should equal the sum of Columns 2, 3, 7, and 8]	Screening Tests With Results Below 0.02	Screening Tests With Results 0.02 Or Greater	Number Of Confirmation Tests Results	Confirmation Tests With Results 0.02 Through 0.039	Confirmation Tests With Results 0.04 Or Greater	Refusal Results		Cancelled Results
Pre-Employment							"Shy Lung" ~ With No Medical Explanation	Other Refusals To Submit To Testing	
Random	<u>2</u>								
Post-Accident									
Reasonable Susp./Cause									
Return-to-Duty									
Follow-Up									
TOTAL	<u>2</u>								



20308 Road 424
Defiance OH 43512
Phone: 419-789-0292
Fax: 419-587-3122

Random Selection Notice-CONFIDENTIAL

Customer:
D. L. Winner
Livestock Express, INC.
Attn: Dan Winner
6080 State Route 705
New Weston, OH 45348

Selection Date: 12/29/2014
Pool Name: Tri State Transportation Consulting Inc.
Industry: FMCSA
Pool Size: 524
Alcohol % Goal: 10%
Drug % Goal: 25%

Test Type	Employee Name	Date Tested
Drug Only	Paul Gaier	

The following employees have been randomly selected for testing. Please notify the employees as soon as possible and have them report to their designated collection site. Please remember that once the employee has been notified, he/she must report immediately to the collection site for testing. Your selections must be completed in the quarter they are selected for or your company will be terminated from the consortium.

*If the driver quits or is terminated before you are able to have them tested, it is your responsibility to notify Tri State Transportation Consulting Inc. so that an alternate may be selected.



CONFIDENTIAL

MRO: Dan Drew, MD ~ John Tetrick, MD
7160 Graham Road
Indianapolis, IN 46250
317-547-8620
fax 317-568-0849
<http://www.drugfree workplace.com>

Results of these tests **Negative**

Lab comments

MRO comments

Soc sec #	253-74-7710	Donor name	Galer, Paul L.
Test type	Random	Employer name	TSTC/D. L. WINNER LIVESTOCK EXPRESS, INC./
Lab	ALERE TOXICOLOGY	Specimen ID#	504888134
Collection site	TSTC/D. L. WINNER LIVESTOCK EXPRESS, INC.	Protocol	HHS/DOT
Collection date	2/4/15	Employer acct#	352176
Lab date	2/6/15	Lab result date	2/6/15
Test panel	5-Panel	<u>MRO Dates</u>	
Testing authority	FMCSA	Receipt of CCF #2	2/4/15
		Verified report date	02/06/2015 02:33:23 PM

The above captioned individual has submitted to drug testing pursuant to the requirements of 49 CFR 40 and pertinent regulations of the employer listed above. Urine testing was carried out for the following drugs: Amphetamines, Cocaine, Opiate, Phencyclidine, Marijuana, 6-AM, Ecstasy.

Medical Review Officer: Daniel C. Drew M.D.

Reviewed by: Nationwide Medical Review 7160 Graham Rd, Indianapolis IN 46250 (317) 547 8620



12236 CR 82
Paulding, Ohio 45879
Phone: 419-789-0292
Fax: 419-785-4703

Random Selection Notice

Customer:

D. L. Winner
Livestock Express, INC.
6080 State Route 705
New Weston, OH 45348

Selection Date: 04/06/2015

Pool Name: Tri State Transportation Consulting Inc.

Industry: FMCSA

Pool Size: 564

Alcohol % Goal: 10%

Drug % Goal: 50%

Test Type	Employee Name	Date Tested
Drug Only	Kevin Dirksen	5-12-2015

The following employees have been randomly selected for testing. Please notify the employees as soon as possible and have them report to their designated collection site. Please remember that once the employee has been notified, he/she must report immediately to the collection site for testing.
Your selections must be completed in the quarter they are selected for or your company will be terminated from the consortium.

*If the driver quits or is terminated before you are able to have them tested, it is your responsibility to notify Tri State Transportation Consulting Inc. so that an alternate may be selected.

**** CONFIDENTIAL ******NATIONWIDE MEDICAL
REVIEW**

7160 Graham Road
Indianapolis, IN 46250
Office: (317) 547-8620
Fax: (317) 568-0849

Daniel C. Drew, M.D., Certified
M.R.O.

John Tetrick, M.D., Certified
M.R.O.

Results of these tests : **Negative**

Soc Sec # / ID #:	293-76-7696	Donor Name:	Dirksen, Kevin J.
Test Type:	Random	Employer Name:	TSTC/D. L. WINNER LIVESTOCK EXPRESS, INC.()
Lab:	ALERE TOXICOLOGY	Specimen ID #:	504698135
Collection Site:	TSTC/D. L. WINNER LIVESTOCK EXPRESS, INC.	Protocol:	HHS/DOT
Collection Date:	05/12/2015	Employer Acct#:	362176
Lab Date:	05/14/2015	Lab Result Date:	05/14/2015
Test Panel:	5-Panel	MRO Dates:	05/12/2015
Testing Authority:	FMCSA	Receipt of CCF #2	05/14/2015 06:38:27 PM
		Verified Report Date:	

The above captioned individual has submitted to drug testing pursuant to the requirements of 49 CFR 40 and pertinent regulations of the employer listed above. Urine testing was carried out for the following drugs Amphetamines, Cocaine, Opiate, Phencyclidine, Marijuana, 6-AM, Ecstasy.

Medical Review Officer : John Tetrick, MD



20308 Road 424
 Defiance OH 43512
 Phone: 419-789-0292
 Fax: 419-587-3122

Random Selection Notice-CONFIDENTIAL

Customer:
 D. L. Winner
 Livestock Express, INC.
 Attn: Dan Winner
 6080 State Route 705
 New Weston, OH 45348

Selection Date: 07/06/2015
 Pool Name: Tri State Transportation Consulting Inc.
 Industry: FMCSA
 Pool Size: 571
 Alcohol % Goal: 10%
 Drug % Goal: 25%

Test Type	Employee Name	Date Tested
	NO SELECTION THIS QUARTER	

The following employees have been randomly selected for testing. Please notify the employees as soon as possible and have them report to their designated collection site. Please remember that once the employee has been notified, he/she must report immediately to the collection site for testing. Your selections must be completed in the quarter they are selected for or your company will be terminated from the consortium.

*If the driver quits or is terminated before you are able to have them tested, it is your responsibility to notify Tri State Transportation Consulting Inc. so that an alternate may be selected.



PO Box 98
Grover Hill, OH 45849
Phone: 419-789-0292
Fax: 419-587-3122

Random Selection Notice-CONFIDENTIAL

Customer:
D. L. Winner
Livestock Express, INC.
Attn: Dan Winner
6080 State Route 705
New Weston, OH 45348

Selection Date: 10/05/2015
Pool Name: Tri State Transportation Consulting Inc.
Industry: FMCSA
Pool Size: 585
Alcohol % Goal: 10%
Drug % Goal: 25%

Test Type	Employee Name	Date Tested
	NO SELECTION THIS QUARTER	

The following employees have been randomly selected for testing. Please notify the employees as soon as possible and have them report to their designated collection site. Please remember that once the employee has been notified, he/she must report immediately to the collection site for testing.
Your selections must be completed in the quarter they are selected for or your company will be terminated from the consortium.

*If the driver quits or is terminated before you are able to have them tested, it is your responsibility to notify Tri State Transportation Consulting Inc. so that an alternate may be selected.



DOT Drug Testing Laboratory Report By Facility

1111 Newton Street Gretna, Louisiana 70053 Ph: 800.433.3823 Fax: 504.361.1530

450 Southlake Boulevard Richmond, VA 23236 Ph: 800.433.3823 Fax: 804.379.5919

www.AlereToxicology.com

Facility Number: 362176

TSTC/D. L. WINNER LIVESTOCK EXPRESS, INC.

6080 STATE ROUTE 705

NEW WESTON, OH 45348

Account Number: 119965

COMPLIANCE CORE/DR. DREW

Start Date: 01/01/2015

End Date: 06/30/2015

1) Total Number of Specimens Reported _____ 5

Specimens Reported by Test Type

Pre-Employment _____	2
Post Accident _____	1
Random _____	2
Reasonable Cause _____	0
Return to Duty _____	0
Follow Up _____	0
Other _____	0

2) Total Number of Specimens Reported As _____

a) Negative _____	5
b) Negative Dilute _____	0

3) Total Number of Specimens Reported As Rejected _____ 0

a) Number of Fatal Flaws _____	0
b) Number of Uncorrected Flaws _____	0

4) Total Number of Specimens Reported As Positive _____ 0

Specimens Reported Positive by Drug

Marijuana Metabolites _____	0
Cocaine Metabolites _____	0
Opiates Class _____	0
Codeine: _____	0
Morphine: _____	0
6-AM: _____	0
Phencyclidine _____	0
Amphetamines Class _____	0
Amphetamine: _____	0
Methamphetamine: _____	0
MDMA: _____	0
MDEA: _____	0
MDA: _____	0

5) Total Number of Specimens Reported As Adulterated _____ 0

6) Total Number of Specimens Reported As Substituted _____ 0

7) Total Number of Specimens Reported As Invalid Result _____ 0

Selection Made 12-29-2014

1st 2015

Carrier's individual
Testing numbers

1st 13
2nd 12
3rd 10
4th 11

$$46 \div 4 = 11.5 \text{ (12)}$$

12 Avg # drivers

50% EST - (6)
10% BAT - 1.2 (2)

293-76-7696	Kevin	Dickson	DL Winner Livestock Express
298-74-7710	Paul	Galer	DL Winner Livestock Express
295-76-3840	Troy	Lewis	DL Winner Livestock Express
286-68-8274	Mark	Middendorf	DL Winner Livestock Express
296-56-1143	Joe	Rosenbeck	DL Winner Livestock Express
292-84-3987	Mark	Koenig	DL Winner Livestock Express
276-58-3285	Timothy	Runner	DL Winner Livestock Express
278-70-3879	Richard	Schemmel	DL Winner Livestock Express
281-82-3905	Brian	Schemmel	DL Winner Livestock Express
287-80-9805	Christopher	Thornhill	DL Winner Livestock Express
273-82-1778	Scott	Waters	DL Winner Livestock Express
301-82-3905	Daniel	Wagner	DL Winner Livestock Express
289-80-9733	Benjamin	Poppelman	DL Winner Livestock Express

Jan, Feb, March

2nd quarter 2015 Selection made 4-6-15

293-76-7696	Kevin	Dirksen	DL Winner Livestock Express	0.752505638
298-74-7710	Paul	Gaier	DL Winner Livestock Express	0.047106596
295-78-3940	Troy	Lewis	DL Winner Livestock Express	0.344326243
286-68-8274	Mark	Middendorf	DL Winner Livestock Express	0.695034544
296-56-1443	Joe	Rosenbeck	DL Winner Livestock Express	0.521051549
291-84-3987	Mark	Koenig	DL Winner Livestock Express	0.343255463
278-70-3679	Richard	Schemmel	DL Winner Livestock Express	0.659314916
281-82-3905	Brian	Schemmel	DL Winner Livestock Express	0.721729464
287-80-9805	Christopher	Thornhill	DL Winner Livestock Express	0.161578055
273-82-1778	Scott	Wehens	DL Winner Livestock Express	0.298276748
301-82-3905	Daniel	Winner	DL Winner Livestock Express	0.343843984
289-80-9233	Benjamin	Poppleman	DL Winner Livestock Express	0.814345123

April, May, June

12

3rd quarter 2015
Selection made 7-6-15

298-74-7710	Paul	Gaier	DL Winner Livestock Express
281-82-3905	Brian	Schemmel	DL Winner Livestock Express
291-84-3987	Mark	Koenig	DL Winner Livestock Express
286-68-8274	Mark	Middendorf	DL Winner Livestock Express
289-80-9233	Benjamin	Poppleman	DL Winner Livestock Express
278-70-3679	Richard	Schemmel	DL Winner Livestock Express
301-82-3905	Daniel	Winner	DL Winner Livestock Express
273-82-1778	Scott	Wehens	DL Winner Livestock Express

8 + 2 not in pool

July, Aug, Sept

Eric Seabold Dorr: 6-4-2015

Andy Plattfoot Dorr: 5-31-15

4th quarter 2015

Selection Made 10-5-2015

298-74-7710	Paul	Gaier	DL Winner Livestock Express
287-88-4042	Eric	Siebold	DL Winner Livestock Express
286-68-8274	Mark	Middendorf	DL Winner Livestock Express
290-92-1797	Andrew	Platfoot	DL Winner Livestock Express
291-84-3987	Mark	Koenig	DL Winner Livestock Express
278-70-3679	Richard	Schemmel	DL Winner Livestock Express
281-82-3905	Brian	Schemmel	DL Winner Livestock Express
273-82-1778	Scott	Wehens	DL Winner Livestock Express
301-82-3905	Daniel	Winner	DL Winner Livestock Express
289-80-9233	Benjamin	Poppleman	DL Winner Livestock Express

10+ 1 not in pool

Oct, Nov, Dec

Keith Delzeith DOH: 9-28-15

1st Quarter 2016 Drug pool Roster

Selection Made 12-30-15

298-74-7710	Paul	Gaier	DL Winner Livestock Express
	Keith	Delzeith	DL Winner Livestock Express
287-88-4042	Eric	Siebold	DL Winner Livestock Express

291-84-3987	Mark	Koenig	DL Winner Livestock Express
278-70-3679	Richard	Schemmel	DL Winner Livestock Express
281-82-3905	Brian	Schemmel	DL Winner Livestock Express
273-82-1778	Scott	Wehens	DL Winner Livestock Express
301-82-3905	Daniel	Winner	DL Winner Livestock Express
289-80-9233	Benjamin	Poppleman	DL Winner Livestock Express

9 + 1 not in pool

Jan. Feb. March

10

*Andy Platfoot DOH: 5-31-15
DOT: 1-21-16*

2nd quarter 2016 Random drug pool roster

Selection made on 4-11-2016

282-90-7041	Justin	Klinger	DL Winner Livestock Express
301-82-4082	Kevin	Winner	DL Winner Livestock Express
273-82-1778	Scott	Wehens	DL Winner Livestock Express
272-60-7759	Thomas	Stachler	DL Winner Livestock Express
301-82-3905	Daniel	Winner	DL Winner Livestock Express
281-82-3905	Brian	Schemmel	DL Winner Livestock Express
312-13-1717	Scott	Finnerty	DL Winner Livestock Express
298-74-7710	Paul	Gaier	DL Winner Livestock Express
291-84-3987	Mark	Koenig	DL Winner Livestock Express
287-88-4042	Eric	Siebold	DL Winner Livestock Express

11

10 + 1 not in pool

April, May, June

Keith Delzeth DOH: 9-28-15

DOT: 4-22-16

DRIVER/VEHICLE EXAMINATION REPORT

Query Central 3.4

Indiana State Police
Commercial Vehicle Enforcement
7811 Milhouse Road, Suite S
Indianapolis, IN 46241
Phone: (317)615-7373 Fax: (317)237-2116

Report Number: IN6921005893
Inspection Date: 12/01/2015
Start: 11:24 AM ET End: 12:00 PM ET
Inspection Level: III - DriverOnly
HM Inspection Type: None

DL WINNER LIVESTOCK EXPRESS INC
6141 ST RT 705
NEW WESTON, OH 45348
USDOT#: 00624363 Phone#: (419)336-0301
MC/MX#: 359658 Fax#: (419)336-0400
State#:

Driver: POEPELMAN, BENJAMIN U
License#: RE885995 State: OH
Date of Birth: 06/22/1978
CoDriver:
License#: State:
Date of Birth:

Location: US20 WB NEAR CR 800 W
Highway:
County:

MilePost: Shipper: WILLIAMS CATTLE
Origin: NEW WESTON, OH Bill of Lading: NONE
Destination: PLAINWELL, MI Cargo: CATTLE

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate #	Equipment ID	VIN	GVWR	CVSA #	New CVSA #	OOS#
1	TT	PTRB	2009	OH	PVU5390	0109	1XPXD49X69N782930	52,000			
2	ST	WILX	2013	OH	TPZ8887	60	1W16512A1D5543380	65,000			

BRAKE ADJUSTMENTS: No Brake Measurements Required For Level 3

VIOLATIONS

Vio Code	Section	Unit	OOS	Citation #	Verify	Crash	Violations Discovered
392.2-SLLS1	392.2-SLLS1	D	N	WARNING	N	N	State/Local Laws - Speeding 1-5 miles per hour over the speed limit: 55 MPH ZONE.
395.8F01	395.8F01	D	N	000076521028	N	N	Drivers record of duty status not current: Log not Current on 11/30/2015 12:00 AM. Driver's last entry was on 11/29/15 at 2400 hrs. in On-Duty Not Driving line from New Weston, OH.

HazMat: No HM Transported.

Placard: No **Cargo Tank:**

Special Checks: Traffic Enforcement;

State Information:

Board of Health Enf. Action: 0; CDL Checked: 1; DUTY STATUS:: OT; Food Transport Inspection: 0; Pre-Screened Carrier: 0;

I certify that all requirements of the "out-of-service" violations on this inspection report have been fulfilled in accordance with Title 49 CFR-395.13 and/or 396.9.

Signature Of Repairer X: _____ Facility: _____ Date: _____

IN ACCORDANCE WITH 49 CFR-396.9(d), SHOULD ANY VIOLATIONS BE NOTED, COMPLETE THIS CERTIFICATION AND RETURN TO THE POLICE AGENCY ABOVE WITHIN FIFTEEN (15) DAYS. BY DOING SO, YOU VERIFY AND ACKNOWLEDGE ALL NOTED VIOLATIONS AND THE COMPLETION OF EFFECTIVE CORRECTIVE MEASURES.

Signature Of Motor Carrier X: _____ Title: _____ Date: _____

Report Prepared By:
STEVE SPALLINGER

Badge #:
6921

Copy Received By:
BENJAMIN POEPELMAN

Page 1 of 2



00624363 IN IN6921005893

X _____

X _____

DRIVER/VEHICLE EXAMINATION REPORT

Query Central 3.4

Indiana State Police
Commercial Vehicle Enforcement
7811 Milhouse Road, Suite S
Indianapolis, IN 46241
Phone: (317)615-7373 Fax: (317)237-2116

Report Number: IN6921005893
Inspection Date: 12/01/2015
Start: 11:24 AM ET End: 12:00 PM ET
Inspection Level: III - DriverOnly
HM Inspection Type: None

DL WINNER LIVESTOCK EXPRESS INC
6141 ST RT 705
NEW WESTON, OH 45348
USDOT#: 00624363 Phone#: (419)336-0301
MC/MX#: 359658 Fax#: (419)336-0400
State#:

Driver: POEPELMAN, BENJAMIN U
License#: RE885995 State: OH
Date of Birth: 06/22/1978
CoDriver:
License#: State:
Date of Birth:

Inspection Notes

*overcast, COOL, WET, HAD BEEN RAINING*1 OCC, M-DR, US20 WB NEAR CR 800 W, *I MOVING EB US20 NEAR CR 800 W, NO TRAFFIC BETWEEN US WHEN MEASURED SPEED, FRONT AT 60, LOCKED 60, GOOD AUDIO AND TS*GAVE DL AND PAPERS*TOLD SPEEDING, DIDN'T REALIZE SPEEDING OR SPEED, TOLD 60, KNEW LIMIT 55 - WARNING *TICKET - LOG NOT CURRENT. HE HAD NOTHING FOR TODAY OR YESTERDAY, BUT HAD 6 COMPLETED DAYS OF LOGS. HIS LAST ENTRY WAS ON 11/29/15 AT 2400 HRS. IN THE ON-DUTY NOT DRIVING LINE FROM NEW WESTON, OH.*FAIR ATT*FAIR ATT*INPS. 5893*VIP MCSAP OT

Special Studies No Special Study Data Recorded

Report Prepared By:
STEVE SPALLINGER

Badge #:
6921

Copy Received By:
BENJAMIN POEPELMAN

Page 2 of 2



00624363 IN IN6921005893

X_____

X_____



Selection Criteria:
Crash Sum Date: 07/13/2014 To 07/12/2016
Crash Detail Date: 07/13/2014 To 07/12/2016
Insp Sum Date: 07/13/2014 To 07/12/2016
Insp Detail Date: 07/13/2014 To 07/12/2016
Inspection: All

Company Safety Profile

Legal Name: DL WINNER LIVESTOCK EXPRESS INC

Doing Business As:

USDOT #: 624363

Report 8A

Individual Inspections - Min: 1 Year, Max: 2 Years (from the Date of the Carrier Profile)

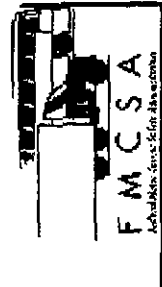
The report shows all inspections for at least one year (a year is defined as a total of 12 months of data previous to the date of the report).

For a Motor Carrier involved in less than 50 inspections in the requested year - the report will show inspections for the previous year up to a maximum of 50 inspections.

Post Crash Violations are not included in SMS calculations.

¹ Out-of-Service Violation ² Post Crash Violation ³ Both Out-of-Service and Post Crash Violation

Inspection										Carrier/Vehicle			Driver		
Level	Date	Time	State	Location	Report #	Name	City	State	Driver License #	Driver Name	Driver License #	State	Driver Name	Driver License #	State
3	04/22/2016	15:15	IN	7257003829	HM	DL WINNER LIVESTOCK EXPRESS INC	NEW WESTON	OH	SC112099	KEITH D DELZEITH	SC112099	OH	10/28/1984		
	Unit #:	1	Unit Type:	TT	License #:	OH-PVT8272	VIN: 1NPXGGGG30D127266			Company:			311		
		2	ST			OH-TPZ8889	1W16512A7D5543383						62		
Total	900\$	1D DRUGS	1D OTHDRV	1D OTHDRV	1D OTHDRV	1D LANCHG	1D OTHDRV	1D 2CLOSE	1D OTHOS	1D OTHER					
3	12/01/2015	11:24	IN	6921005893		DL WINNER LIVESTOCK EXPRESS INC	NEW WESTON	OH	RE885995	BENJAMIN U POEPELMAN	RE885995	OH	06/22/1978		
	Unit #:	1	Unit Type:	TT	License #:	OH-PVU5390	VIN: 1XPXD49X69N782930			Company:			0109		
		2	ST			OH-TPZ8887	1W16512A1D5543380						60		
Total	200\$	0D SPEDNG	1D LOGVIO												
3	11/05/2015	13:06	IN	5224007149		DL WINNER LIVESTOCK EXPRESS INC	NEW WESTON	OH	RM452515	RICHARD A SCHEMMEL	RM452515	OH	03/14/1961		
	Unit #:	1	Unit Type:	TT	License #:	OH-PVT8264	VIN: 1XPXD49X18N768044			Company:			108		
		2	ST			OH-TPZ8897	1W1UCS1K2BD540410						56		
Total	000\$	0													
3	03/11/2015	14:45	IN	5211004487		DL WINNER LIVESTOCK EXPRESS INC	NEW WESTON	OH	1210299590	TROY M LEWIS	1210299590	IN	10/23/1981		
	Unit #:	1	Unit Type:	TT	License #:	OH-PVT8271	VIN: 1NPXGGGG50D108055			Company:			310		
		2	ST			OH-TPZ8889	1W16512A7D5543383						62		
Total	100\$	0D SPEDNG													



Selection Criteria:
Crash Sum Date: 07/13/2014 To 07/12/2016
Crash Detail Date: 07/13/2014 To 07/12/2016
Insp Sum Date: 07/13/2014 To 07/12/2016
Insp Detail Date: 07/13/2014 To 07/12/2016
Inspection: All

Company Safety Profile

Legal Name: DL WINNER LIVESTOCK EXPRESS INC

Doing Business As:

USDOT #: 624363

Report 8A

Individual Inspections - Min: 1 Year, Max: 2 Years
(from the Date of the Carrier Profile)

1 Out-of-Service Violation 2 Post Crash Violation 3 Both Out-of-Service and Post Crash Violation

Inspection										Carrier/Vehicle		Driver	
Level	Date	Time	State	Location	Report #	HM	City	Name	State	Driver License #	State	Driver Name	DOB
3	02/04/2015	07:52	KY	DB90200075			DL WINNER LIVESTOCK EXPRESS INC	CHRISTOPHER M THORNHILL	OH				
	BOONE	VERONA				NO	NEW WESTON		OH	RS501228	OH		02/19/1981
	Unit #:	1	Unit Type:	TT	License #:		VIN: 1NPXGGGG70D782935	Company:					
		2	ST				OH-PVT8267						
							OH-TPZ8894						
	Total	300S	2D LOGVIO	D FLSLOG	D LOGVIO								
1	12/29/2014	04:00	IN	7301001323			DL WINNER LIVESTOCK EXPRESS INC	JOSEPH U ROSENBECK	OH				
	MIAMI	US 31 NB @ SR 18-KOKOMO		NO			NEW WESTON		OH	RR690092	OH		05/22/1954
	Unit #:	1	Unit Type:	TT	License #:		VIN: 1NPXGGGGX0D127264	Company:					
		2	ST				OH-PVQ7241						111
							OH-TPZ8900						59
	Total	000S	0										
3	09/30/2014	13:37	IN	8015000388			DL WINNER LIVESTOCK EXPRESS INC	SCOTT A WEHNES	OH				
	CLARK	I 65 NB @ 7MM		NO			NEW WESTON		OH	RP289777	OH		03/07/1968
	Unit #:	1	Unit Type:	TT	License #:		VIN: 1NPXGGGG30D108054	Company:					210
		2	ST				OH-TPZ8891						54
	Total	100S	0D SPEDNG										
2	09/16/2014	08:44	KY	CV43590159			DL WINNER LIVESTOCK EXPRESS INC	TROY M LEWIS	IN				
	JEFFERSON	LOUISVILLE		NO			NEW WESTON		OH	1210299590	IN		10/23/1981
	Unit #:	1	Unit Type:	TT	License #:		VIN: 1NPXGGGG50D108055	Company:					310
		2	ST				OH-PZH6929						62
							OH-PZ8889						
	Total	100S	0D LOGVIO										
3	07/30/2014	15:34	IN	8015000316			DL WINNER LIVESTOCK EXPRESS INC	TONY M LEWIS	IN				
	CLARK	I 65NB @ 7MM		NO			NEW WESTON		OH	1210299590	IN		10/23/1981
	Unit #:	1	Unit Type:	TT	License #:		VIN: 1NPXGGGG50D108055	Company:					310
		2	ST				OH-TPZ8889						62
	Total	000S	0										

VAN WERT PARTY MART
1042 S WASHINGTON ST
VAN WERT OH 45891
419-238-1418

SHELL 57 446 495905
1042 S WASHINGTON ST SINO305
VAN WERT OH 45891

Descr.	qty	amount
<CUSTOMER COPY>		
DIES CR #15	96.595G	178.60
SELF @ 1.848/ G		

Sub Total	178.60
Tax	0.00
TOTAL	178.60
CREDIT \$	178.60

XXXX XXXX XXXX 2718 MASTERCARD

Save \$0.25/gal! Join the Fuel Rewards
program today.
Terms & conditions apply. Offer ends
6/5/16. Visit fuelrewards.com

INVOICE: 543744 AUTH #: B23670

APPLY FOR THE NEW
SHELL MASTERCARD
FROM CITI CARDS!
1-866-GET-SHELL

REG# 0002 CSH# 024 DR# 01 TRAN# 23951
02/21/16 21:57:54 ST# 230

DRIVER'S DAILY LOG

(24 HOURS)

(Month) 2 (Day) 3 (Year) 16

Original - File at home terminal
Duplicate - Driver retains in his/her possession for eight days

D L WINNER LIVESTOCK EXPRESS, INC.

Name of Carrier or Carriers

6080 STATE RTE. 705 - NEW WESTON, OH

Main Office Address

6183 STATE RTE. 705 - NEW WESTON, OH

Home Terminal Address

I certify these entries are true and correct:

attached

Driver's Full Signature

110 **65**

Truck/Tractor and Trailer Numbers

		MID-NIGHT												MID-NIGHT												TOTAL HOURS	
		1	2	3	4	5	6	7	8	9	10	11	NOON	1	2	3	4	5	6	7	8	9	10	11			
1. OFF DUTY																									15.25		
2. SLEEPER BERTH																									0		
3. DRIVING																									7.5		
4. ON DUTY (NOT DRIVING)																									1.25		
REMARKS																										2.4	

New Weston OH
PTI

Union City IN
PTI

SHIPPING DOCUMENTS:

08538

Shipper's Commodity

21960

USE TIME STANDARD AT HOME TERMINAL



RECEIVED 07/15/2016 02:02PM 14193360400



Current Driver List

Company Name

Date

DL Linnert Livestock Express Inc

7-15-2016

Driver Name	Hire Date	DOB	DL#	Expire Date	DL Class	State
1 Paul Gaier	6-9-2004	1-20-1969	RQ846299	1-30-2017	A	OH
2 Daniel Linnert	1-1-1995	12-30-1969	RT259752	12-30-2017	A	OH
3 Brian Schimmel	10-18-2008	5-26-1962	RN235761	5-26-2020	A	OH
4 Mark Koenig	11-9-2014	11-22-1970	RG765782	11-22-2018	A	OH
5 Scott Wehner	9-21-2014	3-7-1968	RP289777	3-7-2020	A	OH
6 Eric Seabold	6-4-2015	7-9-1978	RP289036	7-9-2017	A	OH
7 Thomas Stachler	2-29-2016	7-31-1970	RN778627	7-31-2020	A	OH
8 Robert Parr	6-15-2016	11-5-1960	RT301029	11-5-2017	A	OH
9 Scott Finerthy	6-5-2016	2-25-1993	368006951	2-25-2019	A	IN
10						
11						
12						
13						
14						
15						

RECEIVED 07/15/2016 02:02PM 14193360400



Company Name

Date

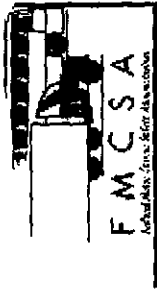
Current

Driver List

DL Limer Livestock Express Inc

7-15-2016

Driver Name (15)	Hire Date (16)	DOB	DL#	Expiry Date	DL Class	Status
1 Paul Gaier ✓	6-9-2004	1-20-1969	RQ8446299	1-20-2017	A	OH
2 David Linner ✓	1-1-1995	12-30-1969	RT259752	12-30-2017	A	OH
3 Brian Schimmel ✓	10-18-2008	5-26-1962	RN235761	5-26-2020	A	OH
4 Mark Koenig ✓	11-9-2014	11-22-1970	RG765782	11-22-2018	A	OH
5 Scott Wehner ✓	9-21-2014	3-7-1968	RP289777	3-7-2020	A	OH
6 Eric Seabold ✓	6-4-2015	7-9-1978	RP289036	7-9-2017	A	OH
7 Thomas Stachler ✓	2-29-2016	7-31-1970	RN778627	7-31-2020	A	OH
8 Robert Park ✓	6-15-2016	11-5-1960	RT301029	11-5-2017	A	OH
9 Scott Finerty	6-5-2016	2-25-1993	3680006951	2-25-2019	A	IND
10		DOT				
11 Matt Mottel ✓	9-23-13	12-15-2005				
12 Andy Platt ✓	5-31-15	1-21-16				
13 Justin Klueger	6-12-16	6-20-16				
14 Keith Delaney	9-28-15	4-22-16				
15 Richard Schimmel	11-8-1998	4-29-16				
Ben Poppenma	7-27-14	5-6-16				
Caleb Walters	2-13-16	5-6-16				
Chris Thomas 11	3-15-16					



Selection Criteria:
Crash Sum Date: 07/13/2014 To 07/12/2016
Crash Detail Date: 07/13/2014 To 07/12/2016
Insp Sum Date: 07/13/2014 To 07/12/2016
Insp Detail Date: 07/13/2014 To 07/12/2016
Inspection: All

Company Safety Profile

STAFF EX. 4

Legal Name: DL WINNER LIVESTOCK EXPRESS INC

Doing Business As:

USDOT #: 624363

Report 5

Individual Crashes - Min: 1 Year, Max: 2 Year

The report shows all Crashes for at least one year (a year is defined as a total of 12 months of data previous to the date of the report).

For a Motor Carrier involved in less than 50 Crashes in the requested year - the report will show Crashes for the previous year up to a maximum of 50 Crashes.

If multiple vehicles of the same Carrier are involved in a single Crash, each individual vehicle is displayed as a Crash and the number of Injuries and Fatalities will be repeated on the additional Crash record(s).

CRASH										CARRIER/VEHICLE				DRIVER			
Date	Report #	Time	Location	County	City	State	Injury	Fatal	Towaway	Name	City	Vehicle License Number	State	Driver Name	Driver License #	State	
04/22/2016		15:13	DE KALB	IN			0	0	YES	DL WINNER LIVESTOCK EXPRESS INC	NEW WESTON	PVT8272	OH	KEITH D DELZEITH	SC112099	OH	
IN0902691461			AUBURN														
169																	
01/29/2015		09:32	BOONE	KY			2	1	YES	DL WINNER LIVESTOCK EXPRESS INC	NEW WESTON	PVT8267	OH	CHRISTOPHER M THORNHILL	RS501228	OH	
KY0071566503			VERONA														
10071																	
12/29/2014		03:20	MIAMI	IN			1	0	YES	DL WINNER LIVESTOCK EXPRESS INC	NEW WESTON	PVQ7241	OH	JOSEPH U ROSENBECK	RR690092	OH	
IN0902362402			BUNKER HILL(MIAM)														
US31																	
12/12/2014		09:55	BLACKFORD	IN			1	0	YES	DL WINNER LIVESTOCK EXPRESS INC	NEW WESTON	PVT8271	OH				
IN0902356797			HARTFORD CITY														
SR26E																	



INDIANA OFFICER'S STANDARD CRASH REPORT

Electronic Version

902691461

Local ID

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201600117056

Date of Crash 04/22/2016	Day of Week Fri	Actual Local Time 3:13 PM	County DE KALB	Township BUTLER	# Motor Vehicles 2	# Injured 0	# Dead 0	# Commercial Vehicles 1	# Deer 0
Road Crash Occurred On 169			Nearest/Intersecting Road/Mile Marker/Interchange 326.0		If not an intersection, number of feet from 500	Direction S	Road Classification INTERSTATE		
Inside Corporate Limits? NO		City/Town or Nearest City/Town AUBURN			Property? 	Crash Latitude 		Crash Longitude 	
Driver #1 DELZEITH, KEITH, D			Driver #2 PIGEON, YVES		Driver #3 		Driver #4 		

Primary Cause		Vehicle 1		Vehicle 2		Vehicle 3		Vehicle 4		Area Information	
Driver Contributing Circumstances										Hit and Run NO	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	School Zone NO	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Rumble Strips NO	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Locality RURAL	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Light Condition DAYLIGHT	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Weather Conditions CLEAR	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Surface Condition DRY	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Type of Median	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Type of Roadway Junction NO JUNCTION INVOLVED	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Road Character STRAIGHT/LEVEL	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Roadway Surface CONCRETE	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Construction NO	If Yes, Construction Type
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Traffic Control Devices LANE CONTROL	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Traffic Control Device Operational? NA	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Was this crash the result of aggressive driving? NO	

Total Estimate of all damage in the Crash: \$25001 TO \$50000		
Other Property Damage (1)	State Property	Owner's Name and Address
Other Property Damage (2)	State Property	Owner's Name and Address
Witness/Other Participant		Non-Motorist
<input type="checkbox"/> Witness	#	Name
<input type="checkbox"/> Other Participant		
Address etc.		(Last Name, First Name, MI)
Phone #		Location at Time of Crash
Address etc.		Non-Motorist Type
Phone #		Non-Motorist Action
Address etc.		Apparent Physical Condition
Phone #		Cited?
Address etc.		Direction
Phone #		Street/Highway
Address etc.		Traffic Control?
Phone #		If yes, was traffic control operational?

Local ID

201600117056

**Type of
Crash**

REAR END

Time Notified 3:13 PM	Time Arrived 3:27 PM	Other Location of Investigation AT SCENE ONLY			
Assisting Officer SGT NATHALANG		ID No. 228	Agency ISP FORT WAYNE 22	Investigation Complete? YES	Photos Taken? YES
Assisting Officer TRP HARTMAN		ID No. 9595	Agency ISP FORT WAYNE 22	Date of Report 04/22/2016	
Investigating Officer STEVENS, J		ID No. 8761	Agency ISP FORT WAYNE 22	Reviewing Officer CPL LAZOFF 7926	

Narrative

On 4/22/2016 at approximately 3:13 P.M. Vehicles 1 and 2 were both northbound on I69 near the 326 mile marker. Allen County Dispatch advised ISP Dispatch that they had received several calls of a reckless driving semi hauling cattle northbound I69 from the 316 mile marker.

Sgt. Nathalang of the Indiana State Police informed ISP Dispatch that he had caught up to the suspect vehicle. Sgt. Nathalang stated that as he attempted to stop Vehicle 1 which had been traveling in the right lane, Vehicle 1 collided with the rear of Vehicle 2.

Vehicle 2 was a red Ford F450 dually pulling an approximately 42 foot long fifth-wheel Landmark Camper. Vehicle 2 had heavy damage from the rear of the trailer as well as the rear of the truck from the trailer being shoved into the Vehicle 2.

Driver 2 stated that he was travelling northbound on I69 in the right lane at approximately 85 km/h or approximately 55 mph when he was rear ended by Vehicle 1. Driver 2 stated that he did not see the vehicle prior to the crash and that the crash took him by surprise. Driver 2 stated that he and his passenger were not injured.

Sgt. Nathalang stated that Driver 1 stated that he did not know what happened and thinks he may have blacked out. During the course of the investigation, Driver 1 was arrested by Sgt. Nathalang for possession of methamphetamine and transported to the DeKalb County Jail for further investigation on possible operating while intoxicated charges.

Trp. Hartman arrived on scene and conducted a level 3 inspection of the Vehicle 1 which had been hauling cattle.

Parkers Wrecked arrived and removed all vehicles from the scene.

It is the opinion of the investigating officer that the primary cause of the crash was following too closely and illegal drug use on the part of Driver 1.

Local ID
201600117056

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1 Driver's Name (Last, First, MI) DELZEITH, KEITH, D				Safety Equipment Used LAP + HARNESS											
Address (Street, City, State, Zip) 3008 BEAMSVILLE UC RD				Safety Equipment Effective? YES											
ANSONIA OH 45303				Ejection/Trapped NOT EJECTED OR TRAPPED											
Date of Birth 10/28/1984		Age 31		Gender MALE		EMS No.		Inmed Attn		Driver Injury Status					
Driver's License # SC112099				Lic Type CD		CDL Class A		Lic State OH		Nature of Most Severe Injury					
Apparent Physical Status <input type="checkbox"/> Normal <input type="checkbox"/> Had Been Drinking <input type="checkbox"/> Handicapped <input type="checkbox"/> Ill <input type="checkbox"/> Asleep/Fatigued <input checked="" type="checkbox"/> Drugs/Medication <input type="checkbox"/> Unknown				Restrictions <input checked="" type="checkbox"/> Glasses/Contact Lenses <input type="checkbox"/> Outside Rearview Mirror <input type="checkbox"/> Daylight Driving <input type="checkbox"/> Automatic Transmission <input type="checkbox"/> Special Controls <input type="checkbox"/> Employment Only <input type="checkbox"/> Motorcycle Only <input type="checkbox"/> To/From Employment				<input type="checkbox"/> Employer's Vehicle Only <input type="checkbox"/> State-Owned Vehicles <input type="checkbox"/> PP Chauffeurs Taxi Only <input type="checkbox"/> Power Steering <input type="checkbox"/> Special Restrictions <input type="checkbox"/> Probation DWI <input type="checkbox"/> Probation HTO <input type="checkbox"/> None				Location of Most Severe Injury			
Test Given ALCOHOL AND DRUG				Type Given <input checked="" type="checkbox"/> Blood <input type="checkbox"/> Urine <input type="checkbox"/> Breath <input type="checkbox"/> SFST <input type="checkbox"/> PBT				<input checked="" type="checkbox"/> Infraction <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Felony				IC Codes 9-21-8-14 9-21-5-1 9-21-8-24 8-2.1-24-18			
Alcohol Results PBT				Certified Test <input checked="" type="checkbox"/> Pending				Drug Results				Initial Impact Area			
Veh# 1				Color CREEN		Vehicle Year 2011		Make ASSEMBLED		Model SEMI		Style CC		<input type="checkbox"/> Undercarriage <input type="checkbox"/> Trailer <input type="checkbox"/> None <input type="checkbox"/> Unknown	
# Occupants 1				Lic Year 2016		License # PVT8272		License State AB		Phone Number 8003285972		Areas Damaged (Multiples) <input type="checkbox"/> Undercarriage <input type="checkbox"/> Trailer <input type="checkbox"/> None <input type="checkbox"/> Unknown		<input checked="" type="checkbox"/> Undercarriage <input checked="" type="checkbox"/> Trailer <input checked="" type="checkbox"/> None <input checked="" type="checkbox"/> Unknown	
Vehicle Identification# 1NPXGGG30D127266				Registered Owner's Name (Last, First, MI) DL WINNER LIVESTOCK EXP				Address (Street, City, State, Zip) 6141 ST RD 705				Vehicle Use COMMERCIAL (TAXIS, COMMON, CONTRACT)		Emergency Run? Fire?	
NEW WESTON OH 45348				Towed? To PARKERS YES By PARKERS				Due to Disabling Damage YES				NO		Vehicle Type TRACTOR/ONE SEMI TRAILER	
1a				Lic State OH		Lic Year 2016		Registered Owner's Name (Last, First, MI) MLR LEASING				Same as Driver		Pre-Crash Vehicle Action GOING STRAIGHT	
License# TP28889				Address (Street, City, State, Zip) 6080 ST RT 705				Veh Year 2013				Make WILSON		Direction of Travel NORTH	
Veh Year 2013				Lic State OH		Lic Year 2016		Registered Owner's Name (Last, First, MI) NEW WESTON				Same as Driver		Type of Primary/Secondary Roadway <input type="checkbox"/> One Way Road <input type="checkbox"/> One Lane - One Way <input type="checkbox"/> Two Lanes - One Way <input type="checkbox"/> Multi-Lanes (3 or more) - One Way <input type="checkbox"/> Multi-Lane w/ Grass Median Only <input type="checkbox"/> Multi-Lane w/ Center Turn Lane <input type="checkbox"/> Multi-Lane w/ Curb Raised Median <input checked="" type="checkbox"/> Multi-Lane w/ Cable Barrier	
License#				Address (Street, City, State, Zip)				Veh Year				Make		<input type="checkbox"/> Two Lanes - Two Way <input type="checkbox"/> Multi-Lane Divided (3 or more) - Two Way <input type="checkbox"/> Multi-Lane Undivided Two Way Left Turn <input type="checkbox"/> Multi-Lane Undivided (3 or more) - Two Way <input type="checkbox"/> Multi-Lane w/ Concrete Barrier <input type="checkbox"/> Multi-Lane w/ Metal Guardrail Median <input type="checkbox"/> Private Drive <input type="checkbox"/> Alley <input type="checkbox"/> Ramp	
1				Commercial Vehicle: Carrier's Name and Address DL WINNER LIVESTOCK EXPRESS INC				6080 STATE ROUTE 705				Event Collision With 1. ANOTHER MOTOR VEHICLE			
NEW WESTON OH 45348				HAZMAT Proper Shipping Name:				State DOT#				US DOT# 0000624383		ICC#	
Gross Vehicle Weight Rating 26,001# OR MORE				Cargo Body Type OTHER - EXPLAIN IN NARRATIVE				CMV Inspection YES				If Yes L1			
HAZMAT Placard NO				HAZMAT Release of Cargo				HAZMAT 4-Digit ID#				Hazard Class #			

UNIT INFORMATION

902691461

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Local ID

201600117056

2		Driver's Name (Last, First, MI) PIGEON, YVES		Safety Equipment Used LAP + HARNESS	
Address (Street, City, State, Zip) 210 12A ST N APT 205				Safety Equipment Effective? YES	
LETHBRIDGE AB T1H2J1				Ejection/Trapped NOT EJECTED OR TRAPPED	
Date of Birth 01/09/1980		Age 56		Gender MALE	
Driver's License # 160490470		Lic Type OP		CDL Class AB	
Apparent Physical Status <input checked="" type="checkbox"/> Normal <input type="checkbox"/> Had Been Drinking <input type="checkbox"/> Handicapped <input type="checkbox"/> Ill <input type="checkbox"/> Asleep/Fatigued <input type="checkbox"/> Drugs/Medication <input type="checkbox"/> Unknown		Restrictions <input type="checkbox"/> Glasses/Contact Lenses <input type="checkbox"/> Outside Rearview Mirror <input type="checkbox"/> Daylight Driving <input type="checkbox"/> Automatic Transmission <input type="checkbox"/> Special Controls <input type="checkbox"/> Employment Only <input type="checkbox"/> Motorcycle Only <input type="checkbox"/> Tol/From Employment <input type="checkbox"/> Employer's Vehicle Only <input type="checkbox"/> State-Owned Vehicles <input type="checkbox"/> PP Chauffeurs Taxi Only <input type="checkbox"/> Power Steering <input type="checkbox"/> Special Restrictions <input type="checkbox"/> Probation DWI <input type="checkbox"/> Probation HTQ <input checked="" type="checkbox"/> None		Nature of Most Severe Injury	
Test Given NONE		Type Given <input type="checkbox"/> Blood <input type="checkbox"/> Urine <input type="checkbox"/> Breath <input type="checkbox"/> SFST <input type="checkbox"/> PBT		Location of Most Severe Injury	
Alcohol Results PBT		Certified Test <input type="checkbox"/> Pending		Drug Results	
Veh# 2		Color RED		Vehicle Year 2016	
# Occupants 2		Lic Year 2016		Make FORD	
# Axles 2		Speed Limit 70		Model F450	
Insured By PERSONAL INSURANCE CO		License # BDJ3781		Style PK	
Phone Number 8882776481		License State AB		Initial Impact Area	
Vehicle Identification# 1FT8W4DT3GEB08980		Registered Owner's Name (Last, First, MI) PIGEON, YVES		<input type="checkbox"/> Undercarriage <input checked="" type="checkbox"/> Trailer <input type="checkbox"/> None <input type="checkbox"/> Unknown	
Address (Street, City, State, Zip) 210 12A ST N APT 205		LETHBRIDGE AB T1H2J1		Areas Damaged (Multiples)	
Towed? To YES By PARKERS		Due to Disabling Damage YES		<input type="checkbox"/> Undercarriage <input checked="" type="checkbox"/> Trailer <input type="checkbox"/> None <input type="checkbox"/> Unknown	
Lic State AB		Lic Year 2016		Vehicle Use PERSONAL (FARM, COMPANY)	
Registered Owner's Name (Last, First, MI) PIGEON, YVES		Same as Driver <input type="checkbox"/>		Emergency Run? NO	
License#		Address (Street, City, State, Zip)		Vehicle Type TRUCK (SINGLE 2 AXLE, 6 TIRES)	
Veh Year		Make		Pre-Crash Vehicle Action GOING STRAIGHT	
Lic State		Lic Year		Direction of Travel NORTH	
Registered Owner's Name (Last, First, MI) PIGEON, YVES		Same as Driver <input type="checkbox"/>		Type of Primary/Secondary Roadway	
License#		Address (Street, City, State, Zip)		<input type="checkbox"/> One Way Road <input type="checkbox"/> One Lane - One Way <input type="checkbox"/> Two Lanes - One Way <input type="checkbox"/> Multi-Lanes (3 or more) - One Way <input type="checkbox"/> Multi-Lane w/ Grass Median Only <input type="checkbox"/> Multi-Lane w/ Center Turn Lane <input type="checkbox"/> Multi-Lane w/ Curb Raised Median <input checked="" type="checkbox"/> Multi-Lane w/ Cable Barrier	
Veh Year		Make		<input type="checkbox"/> Two Lanes - Two Way <input type="checkbox"/> Multi-Lane Divided (3 or more) - Two Way <input type="checkbox"/> Multi-Lane Undivided Two Way Left Turn <input type="checkbox"/> Multi-Lane Undivided (3 or more) - Two Way <input type="checkbox"/> Multi-Lane w/ Concrete Barrier <input type="checkbox"/> Multi-Lane w/ Metal Guardrail Median <input type="checkbox"/> Private Drive <input type="checkbox"/> Ramp	
Commercial Vehicle: Carrier's Name and Address		HAZMAT Proper Shipping Name:		Event Collision With 1. ANOTHER MOTOR VEHICLE	
State DOT#		US DOT#		HAZMAT Release of Cargo	
ICC#		CMV Inspection		HAZMAT 4-Digit ID#	
If Yes		Gross Vehicle Weight Rating		Hazard Class #	
Cargo Body Type		HAZMAT Release of Cargo		HAZMAT 4-Digit ID#	
HAZMAT Release of Cargo		HAZMAT 4-Digit ID#		Hazard Class #	

DRIVER/VEHICLE EXAMINATION REPORT

Indiana State Police
Commercial Vehicle Enforcement
7811 Milhouse Road, Suite S
Indianapolis, IN 46241
Phone #: (317)615-7373 Fax #: (317)237-2116

Report Number: IN7257003829
Inspection Date: 4/22/2016 Certification Date:
Time Started: 15:15 Time Ended: 23:59
Inspection Level: III - Driver-Only Inspection
HM Inspection Type: No HM Inspection

DL WINNER LIVESTOCK EXPRESS INC
6141 ST RT 705
NEW WESTON, OH 45348
USDOT #: 00624363 Phone #: (419)336-0301
MC/MX #: 359658 Fax #: (419)336-0400
State #:

Driver: DELZEITH, KEITH D
License #: SC112099 State: OH
Date of Birth: 10/28/1984

Location: I-69 NB @ 326 MM MilePost: 326 MM
Highway: I-69 Origin: OWENTON, KY Bill of Lading: 10244
County: DE KALB Destination: PLAINWELL, MI Cargo: 38 HEAD OF COWS
Shipper: WILLIAMS CATTLE COMPANY

VEHICLE IDENTIFICATION:

Unit	Type	Make	Year	State	License#	Equipment ID	Unit VIN	GVWR	CVSA #	CVSA Issued #	OOS Str.#
1	TT	TRUK	2011	OH	PVT8272	311	1NPXGGGG30D127266	52,000			
2	ST	WILX	2013	OH	TPZ8889	62	1W16512A7D5543383	65,000			

BRAKE ADJUSTMENTS: No brake measurements recorded.

VIOLATIONS:

Vio Code	Section	Unit	OOS	State Citation Number	Verify*	Crash	Violation Description
392.2IRP	392.2	D	N	WARNING	N	N	IRP Apportioned Tag or Registration Violation: I.C. 9-18-2-21 No truck registration certificate in possession when required.
392.4A	392.4(a)	D	Y	K274003	N	N	Driver on duty and under the influence of, or using a narcotic drug / amphetamine, which renders the driver incapable of safe operation.: Driver in possession of a glass smoking pipe that tested positive for METH. OWI while operating a CMV.
392.2MI	392.2	D	N	MISDEMEANOR	N	N	Miscellaneous Traffic Law Violation: I.C. 9-21-8-52(4)(c) Reckless driving of a CMV speed up/slow down blocking both lanes of traffic and causing a crash. Class B Misd (BY: Sgt. Nathalang P.E. 4600)
392.2MI	392.2	D	N	MISDEMEANOR	N	N	Miscellaneous Traffic Law Violation: I.C. 35-48-4-8.3 Possession of drug paraphernalia (Class A Misdemeanor). -Meth pipe-(BY: Sgt. Nathalang P.E. 4600)
392.2LC	392.2	D	N	K351969	N	N	Improper lane change: I.C. 9-21-8-24 Unsafe lane movement (BY: Sgt. Nathalang P.E. 4600)
392.2MI	392.2	D	N	K351968	N	N	Miscellaneous Traffic Law Violation: I.C. 9-21-5-1 Unreasonable speed and speed too fast to avoid collision (BY: Sgt. Nathalang P.E. 4600)
392.2MI	392.2	D	N	MISDEMEANOR	N	N	Miscellaneous Traffic Law Violation: I.C. 9-30-5-2 Operation of a CMV while intoxicated (Class C Misdemeanor) (BY: Sgt. Nathalang P.E. 4600)
392.2FC	392.2	D	N	WARNING	N	N	Following too close: I.C. 9-21-8-14 Following too close, and then ran into the vehicle in front of the CMV and not slowing down. (BY: Sgt. Nathalang P.E. 4600)
395.8	395.8	D	N		N	N	Record of Duty Status violation (general/form and manner): Violation(s) of 395.8(f)(12) Failed to enter proper BOL info for log book loads

* N - Non-OOS or Driver OOS Violation

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

Special Checks:

<input checked="" type="checkbox"/> Alcohol/Controlled Substance Check	<input checked="" type="checkbox"/> Traffic Enforcement	<input checked="" type="checkbox"/> Post Crash Inspection
<input checked="" 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:
JOSEPH HARTMAN

Badge #:
7257

Copy Received By:
DELZEITH, KEITH D

Page 1 of 2



X

X

IN7257003829

DRIVER/VEHICLE EXAMINATION REPORT

Indiana State Police
Commercial Vehicle Enforcement
7811 Milhouse Road, Suite S
Indianapolis, IN 46241
Phone #: (317)615-7373 Fax #: (317)237-2116

Report Number: IN7257003829
Inspection Date: 4/22/2016 Certification Date:
Time Started: 15:15 Time Ended: 23:59
Inspection Level: III - Driver-Only Inspection
HM Inspection Type: No HM Inspection

DL WINNER LIVESTOCK EXPRESS INC
6141 ST RT 705
NEW WESTON, OH 45348
USDOT #: 00624363
MC/MX #: 359658
State #:

Phone #: (419)336-0301
Fax #: (419)336-0400

Driver: DELZEITH, KEITH D
License #: SC112099 State: OH
Date of Birth: 10/28/1984

Inspection Notes: Record of Duty Status, Form and Manner Violations on 04/22/2016:

395.8(f)(12) - Driver failed to record shipping document number(s) or name of shipper and commodity for each 24 hour period.

Truck was an assembled vehicle Peterbuilt

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:

ACCIDENT/INCIDENT #: 2016-00117056; DUTY STATUS: RD; OUT-OF-SERVICE AT: DEKALB CO JAIL AUBURN, IN; CDL Checked: Yes; Pre-Screened Carrier: No; Food Transport Inspection: No; Board of Health Enf. Action: No

Pursuant to Title 49 CFR-395.13(c) and (d), KEITH D. DELZEITH is considered OOS until 24 HOURS OFF DUTY. No motor carrier shall require or permit a driver, nor shall any driver placed OOS drive any CMV until all terms of the OOS order has been fulfilled. OOS at:

IN ACCORDANCE WITH 49 CFR-396.9(d), SHOULD ANY VIOLATIONS BE NOTED, COMPLETE THIS CERTIFICATION AND RETURN TO THE POLICE AGENCY ABOVE WITHIN FIFTEEN (15) DAYS. BY DOING SO, YOU VERIFY AND ACKNOWLEDGE ALL NOTED VIOLATIONS AND THE COMPLETION OF EFFECTIVE CORRECTIVE MEASURES.

Signature of Carrier Official: X Date: _____

I certify that all requirements of the "out-of-service" violations on this inspection report have been fulfilled in accordance with Title 49 CFR-395.13 and/or 396.9.

Signature of Repairer: X Facility: _____ Date: _____

Report Prepared By:
JOSEPH HARTMAN

Badge #:
7257

Copy Received By:
DELZEITH, KEITH D

Page 2 of 2



IN7257003829

X

X

Barrett, Robert

From: Jody Liberty <JLiberty@co.dekalb.in.us>
Sent: Thursday, July 14, 2016 2:56 PM
To: Barrett, Robert
Subject: Delzeith

STATE OF INDIANA)
COUNTY OF DEKALB)

SS: IN THE DEKALB SUPERIOR COURT I

STATE OF INDIANA)

CAUSE NO.: 17D011605CM0302

-VS.-)

Count I
INFORMATION

FILED

KEITH D. DELZEITH)
Defendant)

Reckless Driving
B Misdemeanor
Indiana Code 9-21-8-52 (4)(c)

MAY 06 2016

Matthew Thomas
Clerk DeKalb Superior Court I

Sgt. Luke NaThalang states and verifies that on or about 04/22/2016, in DeKalb County, Indiana, Keith D.

Delzeith operated a vehicle and recklessly:

X Drove at such an unreasonably high or low rate of speed under the circumstances as to endanger the safety or the property of others or block the proper flow of traffic;

___ Passed another vehicle from the rear while on a slope or on a curve where vision is obstructed for a distance of less than five hundred (500) feet ahead;

___ Drove in and out of a line of traffic except as otherwise permitted;

X Sped up or refused to give one-half (1/2) of the roadway to a driver overtaking and desiring to pass; or

___ passed a school bus stopped on a roadway when the arm signal device specified in IC 9-21-12-13 was in the device's extended position.

All of which is contrary to the form of the statute in such cases made and provided, and against the peace and dignity of the State of Indiana.

I swear or affirm, under the penalty of perjury, that the foregoing representations are true.

04/22/2016

Date

Sgt. Luke NaThalang
Sgt. Luke NaThalang, Indiana State Police

STATE OF INDIANA)
COUNTY OF DEKALB)

SS: IN THE DEKALB SUPERIOR COURT I

STATE OF INDIANA)

-VS-

KEITH D. DELZEITH
Defendant

CAUSE NO.: 17D011605CM0301

Count II
INFORMATION

Possession of Paraphernalia
C Misdemeanor
Indiana Code 35-48-4-8.3

FILED

MAY 06 2016

Heather Thomas
Clerk DeKalb Superior Court I

Sgt. Luke NaThalang states and verifies that on or about 04/22/2016, in DeKalb County, Indiana, Keith D. Delzeith knowingly or intentionally possessed an instrument, a device, or another object that the person intended to use for:

☒ introducing into the person's body a controlled substance;

☐ testing the strength, effectiveness, or purity of a controlled substance; or

☐ enhancing the effect of a controlled substance;

which was a glass smoking pipe . All of which is contrary to the form of the statute in such cases made and provided, and against the peace and dignity of the State of Indiana.

I swear or affirm, under the penalty of perjury, that the foregoing representations are true.

04/22/2016
Date

Sgt. Luke NaThalang
Sgt. Luke NaThalang, Indiana State Police

State's witnesses:

1. Sgt. Luke NaThalang
2. Trp. Joe Hartman

Approved for filing on 05-06-16
[Signature]
Prosecuting Attorney/
Deputy Prosecuting Attorney
75th Judicial Circuit of Indiana

STATE OF INDIANA)
)
COUNTY OF DEKALB)

SS: IN THE DEKALB SUPERIOR COURT

CT I, II
CAUSE NO.:

17D011605CM0302

STATE OF INDIANA)

AFFIDAVIT OF PROBABLE CAUSE

-VS.-

KEITH D. DELZEITH
Defendant

Sgt. Luke NaThalang, BEING FIRST DULY APPRISED OF THE PENALTIES FOR PERJURY, AFFIRMS that he believes and has good cause to believe that on or about 04/22/2016, in DeKalb County, Indiana, Keith D. Delzeith committed:

1. Reckless Driving, a Class B Misdemeanor;
2. Possession of Paraphernalia, a Class C Misdemeanor
3. Operating of vehicle while intoxicated, a Class A Misdemeanor

and that such belief is based on the following information, to-wit:

On 04/22/2016 at approximately 1502 hrs., ISP District #22 and the Allen County Sheriff's Department dispatched a semi tractor trailer cattle hauler northbound on 169 from Dupont Rd. that was driving recklessly and running other vehicles off the roadway. I was northbound on 169 at 319 mile marker(MM) in the construction zone when I observed a semi tractor trailer matching the description that was dispatched, traveling in the middle of 169. The semi was traveling in such a manner that it blocked other vehicles from passing it. The vehicle then went into the left lane and continued weaving into the right lane and back into the left lane. At the 325 MM the vehicle was again traveling in the middle of 169. I activated my emergency lights at this point and followed the semi towards the 326 MM exit in the right lane. I positioned my vehicle in the left lane and saw that there was an RV camper traveling in the right lane ahead of the semi. The semi went up behind the camper and struck it in the rear at approximately 60-65 mph disabling both of the vehicles.

I stopped behind the semi in the right lane and approached the semi from the driver's side. As I was walking up to the cab, the male white driver started to exit from the driver's door. He appeared to be disoriented and confused. I met him at the driver's door and asked him if he was okay. He said he was ok. Due to the subject's condition, state of mind and traffic conditions, I placed him in handcuffs for his safety and mine. I frisked him for weapons and then escorted him to the front of the cab and questioned him further. He appeared to be nervous and anxious and constantly moved his hands and arms in a tick movement.

I requested District #22 for a CMV unit and additional unit to assist with traffic and CMV investigation. Trp. Joe Hartman (CMV-95-95) arrived shortly thereafter to assist. DeKalb County Deputy Derek Bergdall (17-12) also arrived at the scene to assist. Once Deputy Bergdall and Trp. Hartman arrived I uncuffed the driver. I asked the driver where his driver's license and registration were and he stated that his driver's license was in the wallet in the briefcase located on the passenger seat and the registration was in the glove box. I checked the briefcase, which was open on the passenger seat and I saw a brown wallet and took the driver's license out of the holder. The driver was identified as KEITH D. DELZEITH, dob 10/28/84, M, W, 5'7", 170 lbs., Ohio driver's license. I could not locate the registration in the glove box so I looked in the briefcase again and saw a brown napkin wrapped around a round object. Inside the napkin was a glass pipe with white residual on the inside. At this point Trp. Hartman placed DELZEITH into custody and handcuffed him in the back and DELZEITH then stated that "it's me". I checked the briefcase further and saw an open pack of cigarettes with several cotton q-tips, plastic straws, a blue round metal container and an empty small baggy.

Trp. Hartman ran a field test on the residual from the glass pipe and it checked positive for methamphetamine. I read DELZEITH the implied consent and he agreed to the breath test for alcohol and tested .00% bac. Deputy Bergdall then transported DELZEITH to the DeKalb county lockup. I arrived at the DeKalb county lockup along with Trp. Thrasher to conduct DRE analysis. Trp. Thrasher read DELZEITH his Miranda warning and he agreed to proceed with the DRE analysis. I administered DELZEITH on Intox EC/IR-II at 1722

hrs., and he tested .00 g/210L. Ttp. Hartman then transported DELZEITH to DeKalb Memorial Hospital for a blood test.

After DELZEITH returned from his blood draw I spoke with DELZEITH and explained to him what had happened with the crash. I told him that he was still under the Miranda warning and did not have to answer any questions if he did not want to. He stated that he had nothing to hide and was willing to tell the truth. I asked him how long he had been using meth and he stated about a year and a half. I asked him if the glass pipe and plastic straws were his and he stated that they were. He said he does not like to smoke the meth, instead he likes to snort it better and that is why there were several cut up plastic straws in the briefcase. I then advised him that he was being charged with the following: Speed too fast to avoid the collision, unsafe movement from lane to lane, warnings for failure to signal lane change and following too closely. He was also being charged with reckless driving, possession of paraphernalia, and operating while intoxicated. Ttp. Hartman also charged him with FMCSR of driving CMV under influence/ possession of drugs.

Further, affiant sayeth naught.

I swear or affirm, under the penalty of perjury, that the foregoing representations are true.

09/22/2016
Date

Sgt. Luke NaThalang 4600
Sgt. Luke NaThalang, Indiana State Police

STATE OF INDIANA

-VS.-

KEITH D. DELZEITH
Defendant

CAUSE NO.:

Court 
INFORMATION

17D017 605 CM 03

Operating A Vehicle While Intoxicated
Class A Misdemeanor
Indiana Code 9-30-5-2(b)

FILE

MAY 06


Clerk DeKalb Superi

Sgt. Luke NaThalang states and verifies that on or about 04/22/2016, in DeKalb County, Indiana, Keith D. Delzeith operated a vehicle while intoxicated in a manner that endangered a person. All of which is contrary to the form of the statute in such cases made and provided, and against the peace and dignity of the State of Indiana.

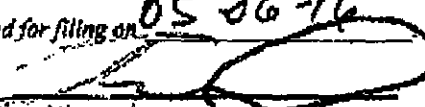
I swear or affirm, under the penalty of perjury, that the foregoing representations are true.

04/22/2016
Date

State's witnesses:

1. Sgt. Luke NaThalang
2. Trp. Josh Thrasher
3. Trp. Joe Hartman

Sgt. Luke NaThalang 4600
Sgt. Luke NaThalang, Indiana State Police

Approved for filing on 05-06-16

Prosecuting Attorney/
Deputy Prosecuting Attorney
75th Judicial Circuit of Indiana

STATE OF INDIANA)
COUNTY OF DEKALB)

SS: IN THE DEKALB SUPERIOR COURT I

CAUSE NO.:

17D017605CM030

STATE OF INDIANA)

Court IV

INFORMATION

-VS-

KEITH D. DELZEITH
Defendant

Operating a Vehicle With A Controlled Substance,
Class C Misdemeanor
Indiana Code 9-30-5-1(c)

FILED

MAY 06 21

Matthew Shaw
Clerk DeKalb Superior

Sgt. Luke NaThalang states and verifies that on or about 04/22/2016, in DeKalb County, Indiana, Keith D. Delzeith operated a vehicle with a controlled substance listed in schedule I or II, that being methamphetamine, or its metabolite, in his or her body. All of which is contrary to the form of the statute in such cases made and provided, and against the peace and dignity of the State of Indiana.

I swear or affirm, under the penalty of perjury, that the foregoing representations are true.

4/22/2016
Date

[Signature]
Sgt. Luke NaThalang, Indiana State Police

State's witnesses:

1. Sgt. Luke NaThalang
2. Trp. Joe Hartman

Approved for filing on 05-06-16
[Signature]
Prosecuting Attorney/
Deputy Prosecuting Attorney
75th Judicial Circuit of Indiana

STATE OF INDIANA IN THE

SUPERIOR

COURT COUNTY OF

DEKALB

58:

State of Indiana
vs.

17D017605CM0302

COURT CAUSE NUMBER

AGENCY CASE NUMBER 16ISPC004321

KEITH D. DELZEITH

AFFIDAVIT FOR PROBABLE CAUSE

I, Sgt. Luke NaThalang, a law enforcement officer with the (agency) Indiana State Police, affirms that on (date) 04 / 22 / 2016, at approximately 3:10 ☐ am ☒ pm the accused, (first name) Keith (middle initial) D. (last name) Delzeith, a ☒ Male, ☐ Female, (dob) 10 / 28 / 1984, (DL number or last four digits of SSN) SC112099, (license type) CPL-A, was observed in (location) 350 northbound from 319 pm to 325 pm (county) DeKalb, Indiana operating a (vehicle description) 2011, Peterbilt semi, OH inspection Plate PVT6272 under the following circumstances.

I. PRELIMINARY OBSERVATION/REASON FOR STOP (check all that apply)

- ☒ I observed the accused operate a vehicle in my presence and view, observed the accused operate a vehicle.
- ☐ I had reason to believe the accused operated the vehicle because:
- ☒ The accused committed the following violation(s): Unsafe movement lane to lane, reckless driving, failure to signal lane change, following too closely
- ☐ Passenger under age 18 pursuant to IC 9-30-5-3(2)
- ☐ Other:
- Crash involved: ☒ Yes ☐ No Crash involved Local Crash Number: 2016-0017086 Time of Crash: 3:15 ☐ am ☒ pm
- ☒ The accused admitted to being the driver involved in the crash.
- ☐ The result of the accused driving resulted in: ☐ serious bodily injury ☐ fatality
- Name(s) of person(s) injured: [Signature]

II. OBSERVATIONS

- I had reason to believe the accused was INTOXICATED because I observed the following:
- | | | | | |
|--|---|--|--------------------------|--------------------------|
| <input type="checkbox"/> Odor of alcoholic beverage | <input type="checkbox"/> Left vehicle in gear | Field Test | Passed | Failed |
| <input type="checkbox"/> Alcohol beverage containers in view | <input type="checkbox"/> Failed to shut off vehicle | <input type="checkbox"/> HGN | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Speech was _____ | <input type="checkbox"/> Could not open door | <input type="checkbox"/> Walk and Turn | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Eyes were _____ | <input type="checkbox"/> Pulled self from vehicle | <input type="checkbox"/> One Leg Stand | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Manual dexterity _____ | <input type="checkbox"/> Sluggered from vehicle | <input type="checkbox"/> Rhomberg Balance | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Abusive attitude _____ | <input type="checkbox"/> Leaned against vehicle | <input checked="" type="checkbox"/> P.B.T./Alco-sensor 0.02 gram of alcohol per 210 liters of breath | | |
| <input type="checkbox"/> Balance was _____ | | DRE: Conclusion: _____ Performed by: <u>Tro. Josh Thresher</u> | | |
| <input type="checkbox"/> Soiled/disorderly clothing _____ | | | | |
- Other observations/notes: subject was acting nervous and appeared disoriented, confused and was unable to stand still, kept moving his arms and hands. He admitted to having the glass smoking pipe with white residue on it as being methamphetamine, several plastic straws used to snort meth.

III. CHEMICAL TEST

- ☒ I advised the accused of the Implied Consent Law and the accused: ☒ submitted to, or ☐ refused a chemical test ☒ results are pending
- ☐ I was unable to offer a chemical test to the accused because such person was: ☐ unconscious ☐ injured
- ☐ _____, a certified chemical test operator, determined from a chemical test that the accused had an alcohol concentration equivalent to _____ gram of alcohol per 210 liters of breath. The chemical test was administered at (location) _____ at _____ am ☐ pm using certified instrument number _____
- ☐ I was told by _____ the result of the chemical test was an alcohol concentration equivalent to 0. _____ gram of alcohol per 100 milliliters of blood. Such test was administered by drawing or taking a sample of whole blood at _____ am ☐ pm. Drawn by: _____
- ☐ I was told by (name) _____ the result of the chemical test determined that the accused had in his/her body a controlled substance, a controlled substance metabolite, or a drug, to wit: _____ Such test was administered by drawing or taking a sample of: ☐ blood, ☐ urine, ☒ other: blood drawn at (location) DeKalb Health at (time) 6:43 ☐ am ☒ pm.
- Drawn by: Gonzalez Long

IV. WITNESS INFORMATION (Only Print Witness Information on Officer and Prosecutor Copy.)

1. Name _____ Address _____ TX Number _____
2. Name _____ Address _____ TX Number _____

V. PREVIOUS INDIANA AND OUT OF STATE CONVICTION(S)

1. Offense, Court Information, Conviction Date and Court Cause/Case number.
2. Offense, Court Information, Conviction Date and Court Cause/Case number.

THE ACCUSED COMMITTED A VIOLATION OF IC 9-30-5, IC 14-15-8, or IC 31-37-19.

I AFFIRM PURSUANT TO IC 35-34-1-2.4 UNDER THE PENALTY OF PERJURY THAT THE FOREGOING FACTS ARE TRUE.

Signature of Affiant: [Signature] Date (month, day, year): 04/22/2016 Print Name & Department: LUKE NATHALANG / Indiana State Pol

ORIGINAL TO PROSECUTOR/COURT 1st COPY TO BMV FROM COURT 2nd COPY FOR OFFICER

Bureau of Motor Vehicles Certificate

COURT CAUSE/CASE NUMBER: _____ AGENCY CASE NUMBER: 16ISPC004321

Offense Date (month, day, year): 04 / 22 / 2016 Time: 3:15 ☐ am ☒ pm (DL number or last four digits of SSN) SC112099

Driver License Type: CPL-A Driver License State: OHIO

Full Name: (First) Keith (Middle Initial) D. (Last) Delzeith

Date of Birth: 10 / 28 / 1984 Gender: M Weight: 170 Height: 5'7" Eye Color: _____ Hair Color: _____ Race: W

Address (number and street, city, state, and ZIP code): 3008 Beemsville UC Rd, Ansonia, OH 45303

Vehicle Type: ☐ Passenger ☒ CMV ☐ Hazmat ☐ Other:

The above Motorist: ☐ Refused ☐ Failed Alcohol Test 0. _____ DAC Drugs: ☐ Yes ☐ No ☒ Pending Results of Alcohol or Drug Test(s)

PROBABLE CAUSE FOUND THAT DEFENDANT VIOLATED IC 9-30-5 or IC 14-15-8 and charges are pending. THE COURT RECOMMENDS _____

17D017 605 CM C

CTV

FILED

MAY 06 2016

Matthew Thomas
Clerk DeKalb Superior Court

<input checked="" type="checkbox"/> INFORMATION AND SUMMONS <input checked="" type="checkbox"/> COMPLAINT AND SUMMONS		State Form 36044 (R6 / 6-00) Stock # 409 STATE OF INDIANA County of <u>DEKALB</u> Twp. of <u>KENNER</u>		K351969 Court <u>SUPERIOR</u> Cause no. Docket no. Page no.	
The undersigned having probable cause to believe says that on:					
Day of wk.	Day	Month	Year	Time	
FRI	22	APRIL	2016	3:15 P.M.	
Last name		First		MI	
DELZEITH		KEITH		D	
Street address					
3008 BEAMSVILLE LN RR.					
City		State		ZIP code	
ANGOLA		OH		43303	
Race	Sex	Age	DOB	Height	Weight
W	M	31	10/20/84	5'3"	170
Operator's license no.		State		Type	Class
112099		OH		COLA	
DID UNLAWFULLY OPERATE:					
Vehicle	Color	Veh. yr.	Veh. make	Lic. yr.	Lic. state
CRV	TR	16	16	OH	CVT 8272
Truck/Tractor	<input type="checkbox"/>	DOT	<input checked="" type="checkbox"/> ICG	<input type="checkbox"/> IMCA	
Trailer	<input type="checkbox"/>	#	624363		
Combination vehicle	<input type="checkbox"/>	18+ Passengers	<input type="checkbox"/>	Placarded HAZMAT <input type="checkbox"/>	
Location (A public street or highway)					
169 N. 325th St. 3850					
DID COMMIT THE FOLLOWING OFFENSE:					
Vehicle Speed _____ Prima Facie Speed _____					
UNSAFE MOVEMENT FROM LANE TO LANE					
Contrary to the form of the state statute, I.C. 9-21-8-24.					
I, affirm under the penalty of perjury as specified by IC 35-44-2-1, that the foregoing representations are true.					
Signature of Officer <i>P. Keith</i>				I.D. no. 4600	
Div. Dist. <i>GTCD22</i>		Police agency INDIANA STATE POLICE			
Approved by _____ Prosecutor/Deputy Prosecutor					
Judicial Circuit on _____ 20. _____					
COURT APPEARANCE - I promise to appear as follows or be subject to arrest and/or license suspension (IC 9-30-3-8).					
Court	Day	Mo.	Year	Time	
DeKalb Superior					
Court's address					
300 N. 100th St. Auburn, MA					
Your signature is not an admission of guilt or violation.		Signature 260/425-4723			

K351969

DATE TRIED _____

6. ☐ NO, PROS

7: ☐ DISMISSED

8. ☒ JUDGMENT WITHHELD.

9. ☐ CLOSED - REFERRED TO

COMM. BUREAU OF

MOTOR VEHICLES

10. ☐ JUDGMENT FOR PLAINTIFF.

11 ☒ JUDGMENT FOR DEFENDANT.

Answer:

Suspended

COSTS.

JAIL SENTENCE

(No. of days)

(1) (NO. OF DAYS)

LICENSE SUSPENDED

(ND OF DAYS)

WITNESSES:

OFFICER'S NOTES FOR TESTIFYING IN COURT:

Please note facts and circumstances in addition to those checked in face of complaint, that is: 1. Any specific action of violator which increased the hazard of the violation; 2. Where violation observed and where contact made; 3. Total distance traveled during pursuit; 4. Statements of violator and general attitude; 5. Place of employment

DIV. BEL. AND STAS MODIFIED LINEN CL. 101

ENTER PASS : BLT (D) P (U) C (H) D (R) E (T) DR. MODEL

BAZ ZONE 42 ADMIT STOP

COIA: IN SPEED SHIRT BAC PIC

Followed her home N/2 319 to 325
get her @ 303. V was in Cood Road
then went left to Silver Spring
highway on R in left lane

17D011 605 CM 0301

☐ INFORMATION AND SUMMONS
☒ COMPLAINT AND SUMMONS



State Form 35044 (RS 16-00)
Stock # 408
STATE OF INDIANA
County of DEKALB
Twp. of KEYSER

K274003
Court Superior
Cause no.
Docket no. Page no.

The undersigned having probable cause to believe
says that on:

Day of wk. FR Day 02 Month April Year 2016 Time 3:05 P.M.

Last name DELZEITH First KEITH MD

Street address 3008 BEAMSVILLE UC RD

City ANSONIA State OH ZIP code 45303

Race W Sex M Age 31 DOB 10/28/84 Height 5-07 Weight 170

Operator's license no. SE112099 State OH Type CDL A Class

DID UNLAWFULLY OPERATE:

Veh. color Gray Veh. yr 2011 Veh. make Ford Lic. yr 2016 Lic. state OH Lic. no. EVT8272
Truck/Tractor ☐ 0 DOT # 100 IMCA ☐
Trailer ☐ 0 # 624363
Combination vehicle ☐ 0 16+ Passengers ☐
Placarded HAZMAT ☐

Location (A public street or highway) I-69 NB @ 326 mi.

DID COMMIT THE FOLLOWING OFFENSE:

EXCESS DRIVING 392.4

Under Influence/Possession Drugs

Contrary to the terms of the state statute, I.C. 8-2.1-24-10

I, affirm under the penalty of perjury as specified by IC 35-44-2-1, that the foregoing representations are true

Signature of Officer CVE/Trapp I.D. no. 7257

Div. Dist. 20/CVE-99 Police agency INDIANA STATE POLICE

Approved by _____ Prosecutor/Deputy Prosecutor

Judicial Circuit on _____ 20

COURT APPEARANCE - I promise to appear as follows or be subject to arrest and/or license suspension (IC 9-30-3-6).

Court Superior Day Wed Mo. 30 Year 2016 Time 9:00

Court's address contact court

Your signature is not an admission of guilt or violation. Signature 100 main st #201
Admission TN 46704

260-925-4723

K274003

CTV

FILED

MAY 06 2016

Matthew Hume
Clerk DeKalb Superior Ct

STATE OF INDIANA IN THE

SUPERIOR

COURT COUNTY OF

DEKALB

SS:

State of Indiana
vs.17D01-1605-CM-0302
COURT CAUSE NUMBER

AGENCY CASE NUMBER 16ISPC004321

KEITH D. DELZEITH

AFFIDAVIT FOR PROBABLE CAUSE

I, Sgt. Luke Nathalang, a law enforcement officer with the (agency) Indiana State Police, affirms that on (date) 04 / 22 / 2016, at approximately 3:10 ☐ am ☒ pm the accused, (first name) Keith (middle initial) D. (last name) Delzeith, a ☒ Male, ☐ Female, (DOB) 10 / 28 / 1984, (DL number or last four digits of SSN) SC112099, (license type) CDL-A, was observed in (location) 68 northbound from 318 mm to 325 mm (county) DeKalb, Indiana operating a (vehicle description) Indiana operating a vehicle description include CMV and under the following circumstances.

I. PRELIMINARY OBSERVATION/REASON FOR STOP (check all that apply)

- ☒ I observed the accused operate a vehicle in my presence and view.
☐ I had reason to believe the accused operated the vehicle because:
☒ The accused committed the following violation(s): Unsafe movement lane to lane, reckless driving, failure to signal lane change, following too closely
☐ Passenger under age 18 pursuant to IC 9-30-5-3(2)
☐ Other:

Crash involved: ☒ Yes ☐ No Crash involved Local Crash Number: 2016-00117056 Time of Crash: 3:15 ☐ am ☒ pm☒ The accused admitted to being the driver involved in the crash.☐ The result of the accused driving resulted in: ☐ serious bodily injury ☐ fatality

Name(s) of person(s) injured:

II. OBSERVATIONS

I had reason to believe the accused was INTOXICATED because I observed the following:

- ☐ Order of alcoholic beverage
☐ Alcohol beverage containers in view
☐ Speech was
☐ Eyes were
☐ Manual dexterity
☐ Abusive attitude
☐ Balance was
☐ Soiled/disorderly clothing

- ☐ Left vehicle in gear
☐ Failed to shut off vehicle
☐ Could not open door
☐ Pulled self from vehicle
☐ Sluggered from vehicle
☐ Leaned against vehicle

Field Test Passed Failed

☐ HGN☐ Walk and Turn☐ One Leg Stand☐ Rhomberg Balance☒ P.B.T./Alco-sensor 0.00 gram of alcohol per 210 liters of breath

ORE: Conclusion:

Performed by: Tyr. Josh Thresher

☒ Other observations/test: subject was acting nervous and appeared disoriented, confused and was unable to stand still, kept moving his arms and hands
☒ He admitted to having the glass smoking pipe with white residue on it as being methamphetamine, several plastic straws used to snort meth.

III. CHEMICAL TEST

- ☒ I advised the accused of the Implied Consent Law and the accused: ☒ submitted to, or ☐ refused a chemical test ☒ results are pending.
☐ I was unable to offer a chemical test to the accused because such person was: ☐ unconscious ☐ injured
☐ a certified chemical test operator, determined from a chemical test that the accused had an alcohol concentration equivalent to _____ gram of alcohol per 210 liters of breath. The chemical test was administered at (location) _____ at _____ am ☐ pm using certified instrument number _____
☐ I was told by _____ the result of the chemical test was an alcohol concentration equivalent to 0. _____ gram of alcohol per 100 milliliters of blood. Such test was administered by drawing or taking a sample of whole blood at _____ am ☐ pm. Drawn by: _____
☐ I was told by (name) _____ the result of the chemical test determined that the accused had in his/her body a controlled substance, a controlled substance metabolite, or a drug, to wit: _____ Such test was administered by drawing or taking a sample of: ☐ blood, ☐ urine
☒ other _____ blood drawn at (location) DeKalb Health at (time) 6:43 ☐ am ☒ pm.
 Drawn by: Ganava Lina

IV. WITNESS INFORMATION (Only Print Witness Information on Officer and Prosecutor Copy.)

1. Name _____ Address _____ TC Number _____
 2. Name _____ Address _____ TC Number _____

V. PREVIOUS INDIANA AND OUT OF STATE CONVICTION(S)

1. Offense, Court Information, Conviction Date and Court Cause/Case number:
 2. Offense, Court Information, Conviction Date and Court Cause/Case number:

THE ACCUSED COMMITTED A VIOLATION OF IC 9-30-3, IC 14-15-8, or IC 31-37-19.

I AFFIRM PURSUANT TO IC 35-34-1-2.4 UNDER THE PENALTY OF PERJURY THAT THE FOREGOING FACTS ARE TRUE.

Signature of Affiant Sgt. Luke Nathalang Date (month, day, year) 04/22/2016 Print Name & Department LUKE NATHALANG / Indiana State Po
 ORIGINAL TO PROSECUTOR/COURT 1st COPY TO BMV FROM COURT 2nd COPY FOR OFFICER

Bureau of Motor Vehicles Certificate
 COURT CAUSE/CASE NUMBER: 17D01-1605-CM-000302 AGENCY CASE NUMBER: 16ISPC004321
 Offense Date (month, day, year): 04 / 22 / 2016 Time: 3:15 ☐ am ☒ pm (DL number or last four digits of SSN) SC112099
 Driver License Type: CDL-A Driver License State: OHIO
 Full Name: (First) Keith (Middle Initial) D. (Last) Delzeith
 Date of Birth: 10 / 28 / 1984 Gender: M Weight: 170 Height: 5'7" Eye Color: _____ Hair Color: _____ Race: W
 Address (number and street, city, state, and ZIP code): 3008 Beamspring UC Rd, Ansonia, OH 45303
 Vehicle Type: ☐ Passenger ☒ CMV ☐ Hazmat ☐ Other:
 The above Motorist: ☐ Refused ☐ Failed Alcohol Test 0. _____ BAC Drugs: ☐ Yes ☐ No ☒ Pending Results of Alcohol or Drug Test
 ADVERSE REACTION: FOUND THAT DEFENDANT VIOLATED IC 9-30-3 or IC 14-15-8 and charges are pending. THE COURT RECOMMENDS _____



TICKET

State of Indiana
County of: DeKalb
Township of: Keyser



UTT #: K274003

THE UNDERSIGNED HAVING PROBABLE CAUSE TO BELIEVE SAYS THAT:

Last Name DELZEITH	First Name KEITH	M.I. D	Suffix N/A	Violator DRIVER
Street Address 3008 BEAMSVILLE UC RD		City ANSONIA	State / Country OH / US	ZIP 45303
Race WHITE	Ethnicity N/A	Gender MALE	Eye Color N/A	Hair Color N/A
Dr. Lic. # / ID # / SSN # SC112099	Date of Birth 10/28/1984	License Type CDL CLASS A	Expiration Date N/A	Lic. State / Country OH / US

DID UNLAWFULLY OPERATE:

Vehicle Color CREAM	Year / Make 2011 / ASSEMBLED VI	Model N/A	Lic. Year 2016	Lic. # / Exp. Date PVT8272	Placarded HAZMAT NO
Commercial Vehicle NO	Truck / Tractor N/A	DOT # N/A	Lic. State / Country OH / US	Lic. Type N/A	

DID COMMIT THE FOLLOWING OFFENSE(S):

Upon (A public street or highway) I-69 NB @ 326 MILE MARKER MM 326.00			CIVIL COMPLAINT & SUMMONS
Date 04/22/2016	Time 03:15 PM EDT	Actual Wgt. N/A	
Vehicle Speed N/A	Prima Facie Speed N/A	Allowable Wgt. N/A	
Crash Involved NO	Local Crash # N/A	B.A.C. N/A	
Contrary to the form of the I.C. CODE 8-2.1-24-18 - FAILURE TO COMPLY WITH FEDERAL MOTOR CARRI Federal / I.A.C. 392.4(A) - DRIVER USES OR IS IN POSSESSION OF DRUGS			

I served Complaint and Summons and/or Information and Summons to the above named individual.

I AFFIRM, UNDER PENALTY OF PERJURY AS SPECIFIED BY IC 35-44.1-2-1, THAT THE FOREGOING REPRESENTATIONS ARE TRUE.

Officer's Name TROOPER JOE HARTMAN	I.D. (Badge) No. 7257	Div/District Headquarters	Police Agency Indiana State Police
--	---------------------------------	-------------------------------------	--

PLEA and COURT APPEARANCE: You shall answer this Complaint and Summons and/or Information and Summons as follows:

Plea: ☐ Admit ☐ No Contest Signature: _____ Date: _____

"My signature is an admission of the violation(s) or a pleading of no contest above and will have the same effect as a judgment of the court. I waive my rights including my right to a trial and will pay all fees and costs within the time allowed for payment. I understand that my admission or pleading of no contest may contribute to Habitual Traffic Violator Determination."

The record of the judgment will be sent to the commissioner of the motor vehicles of Indiana or the state where you received a license to drive (IC 34-28-5-12).

☐ "I Deny the Violation(s)" Signature: _____ Date: _____

If you enter a denial or decide not to answer, you must appear as follows or, if no date/time listed, contact this court to schedule appearance:

Court DeKalb Superior Court 1	Address 100 S. Main Street Auburn, IN 46706 260 9254576	Contact You will be contacted by the court
---	---	--

Failure to answer this Complaint and Summons and/or Information and Summons or failure to appear at court may subject you to arrest and/or license suspension (IC 19-30-3-8)

**OFFICER COPY**

State of Indiana
County of: DeKalb
Township of: Keyser
Court: DeKalb Superior Court 1

**UTT #: K274003****CAD #: 2016-00117056****THE UNDERSIGNED HAVING PROBABLE CAUSE TO BELIEVE SAYS THAT:**

Last Name DELZEITH	First Name KEITH	M.I. D	Suffix N/A	Violator DRIVER
Street Address 3008 BEAMSVILLE UC RD		City ANSONIA	State / Country OH / US	ZIP 45303
Race WHITE	Ethnicity N/A	Gender MALE	Eye Color N/A	Hair Color N/A
Dr. Lic. # / ID # / SSN # SC112099	Date of Birth 10/28/1984	License Type CDL CLASS A	Expiration Date N/A	Lic. State / Country OH / US

DID UNLAWFULLY OPERATE:

Vehicle Color CREAM	Year / Make 2011 / ASSEMBLED VI	Model N/A	Lic. Year 2016	Lic. # / Exp. Date PVT8272	Placarded HAZMAT NO	16+ Passenger NO
Commercial Vehicle NO	Truck / Tractor N/A	DOT # N/A	Lic. State / Country OH / US	Lic. Type N/A	VIN Number N/A	Classification TRUCK
Owner Name N/A	Insurance Company N/A				Policy N/A	
Street Address N/A		City N/A		State / Country N/A		ZIP N/A

DID COMMIT THE FOLLOWING OFFENSE(S):

Upon (A public street or highway) I-69 NB @ 326 MILE MARKER MM 326.00	CIVIL COMPLAINT & SUMMONS	Date 04/22/2016	Time 03:15 PM EDT
Vehicle Speed N/A	Prima Facie Speed N/A	Method N/A	Actual Wgt. N/A
Contrary to the form of the I.C. CODE 8-2.1-24-18 - FAILURE TO COMPLY WITH FEDERAL MOTOR CARRIER SAFI	NO	Crash Involved? N/A	Local Crash # N/A
Federal/I.A.C. 392.4(A) - DRIVER USES OR IS IN POSSESSION OF DRUGS		Evidence Seized NO	BAC N/A
		Unit #: N/A	

I AFFIRM, UNDER PENALTY OF PERJURY AS SPECIFIED BY IC 35-44.1-2-1, THAT THE FOREGOING REPRESENTATIONS ARE TRUE.

Officer's Name TROOPER JOE HARTMAN	I.D. (Badge) No. 7257	Div/District Headquarters	Police Agency Indiana State Police
---	--	--	---

If you enter a denial or decide not to answer, you must appear as follows or, if no date/time listed, contact this court to schedule appearance:

Court DeKalb Superior Court 1	Address 100 S. Main Street Auburn, IN 46706 260 9254576	Contact You will be contacted by the court
--	--	---

WITNESSES:

LOVE Voucher: No
Officer Notes: IN7257003829
Prosecutor Notes: N/A
Project Code: N/A
License Picture: No Photo Available



COURT SUMMARY

State of Indiana
County of: DeKalb
Township of: Keyser



UTT #: K274003
CAD #: 2016-00117056

THE UNDERSIGNED HAVING PROBABLE CAUSE TO BELIEVE SAYS THAT:

Last Name DELZEITH	First Name KEITH	M.I. D	Suffix N/A	Violator DRIVER
Street Address 3008 BEAMSVILLE UC RD		City ANSONIA	State / Country OH / US	ZIP 45303
Race WHITE	Ethnicity N/A	Gender MALE	Eye Color N/A	Hair Color N/A
Dr. Lic. # / ID # / SSN # SC112099	Date of Birth 10/28/1984	License Type CDL CLASS A	Expiration Date N/A	Lic. State / Country OH / US

DID UNLAWFULLY OPERATE:

Vehicle Color CREAM	Year / Make 2011 / ASSEMBLED VI	Model N/A	Lic. Year 2016	Lic. # / Exp. Date PVT8272	Placarded HAZMAT NO
Commercial Vehicle NO	Truck / Tractor N/A	DOT # N/A	Lic. State / Country OH / US	Lic. Type N/A	

DID COMMIT THE FOLLOWING OFFENSE(S):

Upon (A public street or highway) I-69 NB @ 326 MILE MARKER MM 326.00			<div style="border: 1px solid black; padding: 5px; text-align: center;"> CIVIL COMPLAINT & SUMMONS </div>
Date 04/22/2016	Time 03:15 PM EDT	Actual Wgt. N/A	
Vehicle Speed N/A	Prima Facie Speed N/A	Allowable Wgt. N/A	
Crash Involved NO	Local Crash # N/A	B.A.C. N/A	
Contrary to the form of the I.C. CODE 8-2.1-24-18 - FAILURE TO COMPLY WITH FEDERAL MOTOR CARRI Federal / I.A.C. 392.4(A) - DRIVER USES OR IS IN POSSESSION OF DRUGS Amended To: _____ Court Disposition: _____ Date: _____ Failure To: <input type="radio"/> Appear <input type="radio"/> Pay Date: _____			

I served Complaint and Summons and/or Information and Summons to the above named individual.

I AFFIRM, UNDER PENALTY OF PERJURY AS SPECIFIED BY IC 35-44.1-2-1, THAT THE FOREGOING REPRESENTATIONS ARE TRUE.

Officer's Name TROOPER JOE HARTMAN	I.D. (Badge) No. 7257	Div/District Headquarters	Police Agency Indiana State Police
--	---------------------------------	-------------------------------------	--

Approved by (Prosecutor/Deputy Pros.) _____ Date: _____

If you enter a denial or decide not to answer, you must appear as follows or, if no date/time listed, contact this court to schedule appearance:

Court DeKalb Superior Court 1	Address 100 S. Main Street Auburn, IN 46706 260 9254576	Contact You will be contacted by the court
---	---	--



**Public Utilities
Commission**

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

Commissioners

Lynn Slaby
M. Beth Trombold
Thomas W. Johnson

02/12/2017

CR201609120408
Mr Steve Plummer
101 S MAIN ST PO Box 98
GROVER HILL, OH 45849

RE: **NOTICE OF PRELIMINARY
DETERMINATION**
Case No. CR201609120408

Dear Sir or Madam:

On 09/12/2016, a compliance review of your facility located at 6080 STATE ROUTE 705, NEW WESTON, OH, U.S.A., 45348 was conducted. As the result of discovery of the following violations of the Commission's rules, Staff of the Commission timely notified D L WINNER LIVESTOCK EXPRESS 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:





Public Utilities Commission

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

Commissioners
Lynn Slaby
M. Beth Trombold
Thomas W. Johnson

CODE	VIOLATION	FORFEITURE
395.8(f)	Failing to require driver to prepare record of duty status in form and manner prescribed.	0.00
395.8(e)	(State)	0.00
395.8(f)	False reports of records of duty status (inaccurate) (State)	0.00
382.305(b)(1)	Failing to require driver to prepare record of duty status in form and manner prescribed.	500.00
382.303(b)	(Federal)	400.00
382.305(i)(2)	Failing to conduct random alcohol testing at an annual rate of not less than the applicable annual rate of the average number of driver positions.	0.00
382.303(d)(2)	Failing to conduct post accident testing on driver for controlled substances.	0.00
382.303(a)	Failing to ensure that each driver subject to random alcohol and controlled substances testing has an equal chance of being selected each time selections are made.	400.00
382.303(d)(1)	Failing to prepare and maintain on file a record stating the reasons the controlled substances post-accident test was not properly administered.	0.00
395.8(e)	Failing to conduct post accident alcohol testing on driver following a recordable crash.	700.00
382.305(b)(2)	Failing to conduct post accident testing on driver following a recordable crash.	
	Failing to prepare and maintain on file a record stating the reasons the alcohol post-accident test was not properly administered.	
	False reports of records of duty status (inaccurate) (Federal)	
	Failing to conduct random controlled substances testing at an annual rate of not less than the applicable annual rate of the average number of driver positions.	

TOTAL AMOUNT DUE: \$2,000.00

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 civil forfeiture against D L WINNER LIVESTOCK EXPRESS INC in the following amount:



Public Utilities Commission

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

Commissioners

Lynn Slaby
M. Beth Trombold
Thomas W. Johnson

CODE	VIOLATION	FORFEITURE
395.8(f)	Failing to require driver to prepare record of duty status in form and manner prescribed. (State)	0.00
395.8(e)	False reports of records of duty status (inaccurate) (State)	0.00
395.8(f)	Failing to require driver to prepare record of duty status in form and manner prescribed. (Federal)	0.00
382.305(b)(1)	Failing to conduct random alcohol testing at an annual rate of not less than the applicable annual rate of the average number of driver positions.	500.00
382.303(b)	Failing to conduct post accident testing on driver for controlled substances.	400.00
382.305(i)(2)	Failing to ensure that each driver subject to random alcohol and controlled substances testing has an equal chance of being selected each time selections are made.	0.00
382.303(d)(2)	Failing to prepare and maintain on file a record stating the reasons the controlled substances post-accident test was not properly administered.	0.00
382.303(a)	Failing to conduct post accident alcohol testing on driver following a recordable crash.	400.00
382.303(d)(1)	Failing to prepare and maintain on file a record stating the reasons the alcohol post-accident test was not properly administered.	0.00
395.8(e)	False reports of records of duty status (inaccurate) (Federal)	0.00
382.305(b)(2)	Failing to conduct random controlled substances testing at an annual rate of not less than the applicable annual rate of the average number of driver positions.	700.00

TOTAL AMOUNT DUE: \$2,000.00

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.





Public Utilities Commission

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

Commissioners

Lynn Slaby
M. Beth Trombold
Thomas W. Johnson

Sincerely,

A handwritten signature in black ink that reads 'Milan Orbovich'.

Milan Orbovich, Director
Transportation Department

Compliance Officer: Mark Banks

180 East Broad Street
Columbus, Ohio 43215-3793

(614) 486-3016
www.PUCO.ohio.gov



**COMPLIANCE REVIEW
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 the "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 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.

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.



Respondent Ex-1

U.S. DEPARTMENT OF TRANSPORTATION DRUG AND ALCOHOL TESTING MIS DATA COLLECTION FORM

Calendar Year Covered by this Report: 2015

OMB No. 2105-0529

Form DOT F 1385 (Rev. 5/2008)

I. Employer:

Company Name: Tri-State Transportation Consulting Inc

Doing Business As (DBA) Name (if applicable):

Address: PO Box 98 Grover Hill Ohio 45849

E-mail: splummer@tstcinc.com

Name of Certifying Official: Steven Plummer

Signature: Steven Plummer

Telephone: (419) 789 0292

Date Certified:

Prepared by (if different):

Telephone: ()

C/TPA Name and Telephone (if applicable): TSTC

(419) 789 0292

Check the DOT agency for which you are reporting MIS data; and complete the information on that same line as appropriate:

- ☒ FMCSA - Motor Carrier: DOT #: _____ Owner-operator: (circle one) YES or **NO** Exempt (Circle One) YES or **NO**
☐ FAA - Aviation: Certificate # (if applicable): _____ Plan / Registration # (if applicable): _____
☐ PHMSA - Pipeline: (Check) Gas Gathering _____ Gas Transmission _____ Gas Distribution _____ Transport Hazardous Liquids _____ Transport Carbon Dioxide _____
☐ FRA - Railroad: Total Number of observed/documentated Part 219 "Rule G" Observations for covered employees: _____
☐ USCG - Maritime: Vessel ID # (USCG- or State-Issued): _____ (If more than one vessel, list separately.)
☐ FTA - Transit

II. Covered Employees: (A) Enter Total Number Safety-Sensitive Employees In All Employee Categories:

555

(B) Enter Total Number of Employee Categories:

1

(C)

Employee Category	Total Number of Employees in this Category
	555

If you have multiple employee categories, complete Sections I and II (A) & (B). Take that filled-in form and make one copy for each employee category and complete Sections II (C), III, and IV for each separate employee category.

III. Drug Testing Data:

	1	2	3	4	5	6	7	8	9	10	11	12	13
Type of Test	Total Number Of Test Results [Should equal the sum of Columns 2, 3, 9, 10, 11, and 12]	Verified Negative Results	Verified Positive Results ~ For One Or More Drugs	Positive For Marijuana	Positive For Cocaine	Positive For PCP	Positive For Opiates	Positive For Amphetamines	Refusal Results				Cancelled Results
Pre-Employment	447	438	9	8	1				Adulterated	Substituted	"Shy Bladder" With No Medical Explanation	Other Refusals To Submit To Testing	10
Random	286	286											
Post-Accident	9	8	1	1									
Reasonable Susp./Cause	1			1									
Return-to-Duty	1	1											
Follow-Up	7	7											
TOTAL	751	740	10	10	1								10

IV. Alcohol Testing Data:

	1	2	3	4	5	6	7	8	9
Type of Test	Total Number Of Screening Test Results [Should equal the sum of Columns 2, 3, 7, and 8]	Screening Tests With Results Below 0.02	Screening Tests With Results 0.02 Or Greater	Number Of Confirmation Tests Results	Confirmation Tests With Results 0.02 Through 0.039	Confirmation Tests With Results 0.04 Or Greater	Refusal Results		Cancelled Results
Pre-Employment	0						"Shy Lung" With No Medical Explanation	Other Refusals To Submit To Testing	
Random	56	56							
Post-Accident	8	8							
Reasonable Susp./Cause									
Return-to-Duty									
Follow-Up									
TOTAL	64	64							



CONFIDENTIAL

MRO: John Tetrick, MD / Daniel Drew, MD
 7160 Graham Road
 Indianapolis, IN 46250
 317-547-8620
 fax 317-568-0849
<http://www.drugfreeworkplace.com>

Results of these tests **Negative**

Lab comments

MRO comments

Soc sec #	NA-504698150	Donor name	Gaier, Paul L.
Test type	Random	Employer name	TSTC/D. L. WINNER LIVESTOCK EXPRESS, INC./
Lab	ALERE TOXICOLOGY	Specimen ID#	504698150
Collection site	TSTC/D. L. WINNER LIVESTOCK EXPRESS, INC.	Protocol	HHS/DOT
Collection date	9/23/15	Employer acct#	362176
Lab date	9/24/15	Lab result date	9/24/15
Test panel	5-Panel	<u>MRO Dates</u>	
Testing authority	FMCSA	Receipt of CCF #2	9/23/15
		Verified report date	09/24/2015 01:33:51 PM

The above captioned individual has submitted to drug testing pursuant to the requirements of 49 CFR 40 and pertinent regulations of the employer listed above. Urine testing was carried out for the following drugs Amphetamines, Cocaine, Opiate, Phencyclidine, Marijuana, 6-AM, Ecstasy.

Medical Review Officer: John Tetrick, MD

Reviewed by: Nationwide Medical Review 7160 Graham Rd, Indianapolis IN 46250 (317) 547 8620



CONFIDENTIAL

MRO: John Tetrick, MD / Daniel Drew, MD
7160 Graham Road
Indianapolis, IN 46250
317-547-8620
fax 317-568-0849
<http://www.drugfreeworkplace.com>

Results of these tests Negative

Lab comments

MRO comments

Soc sec #	293-76-7696	Donor name	Dircksen, Kevin J.
Test type	Random	Employer name	TSTC/D. L. WINNER LIVESTOCK EXPRESS, INC./
Lab	ALERE TOXICOLOGY	Specimen ID#	504698135
Collection site	TSTC/D. L. WINNER LIVESTOCK EXPRESS, INC.	Protocol	HHS/DOT
Collection date	5/12/15	Employer acct#	362176
Lab date	5/14/15	Lab result date	5/14/15
Test panel	5-Panel	<u>MRO Dates</u>	
Testing authority	FMCSA	Receipt of CCF #2	5/12/15
		Verified report date	05/14/2015 06:38:27 PM

The above captioned individual has submitted to drug testing pursuant to the requirements of 49 CFR 40 and pertinent regulations of the employer listed above. Urine testing was carried out for the following drugs Amphetamines, Cocaine, Opiate, Phencyclidine, Marijuana, 6-AM, Ecstasy.

Medical Review Officer: John Tetrick, MD

~~John Will~~

Reviewed by: Nationwide Medical Review 7160 Graham Rd, Indianapolis IN 46250 (317) 547 8620



CONFIDENTIAL

MRO: John Tetrick, MD / Daniel Drew, MD
 7160 Graham Road
 Indianapolis, IN 46250
 317-547-8620
 fax 317-568-0849
<http://www.drugfree-workplace.com>

Results of these tests **Negative**

Lab comments

MRO comments

Soc sec #	298-74-7710	Donor name	Gaier, Paul L.
Test type	Random	Employer name	TSTC/D. L. WINNER LIVESTOCK EXPRESS, INC./
Lab	ALERE TOXICOLOGY	Specimen ID#	504698134
Collection site	TSTC/D. L. WINNER LIVESTOCK EXPRESS, INC.	Protocol	HHS/DOT
Collection date	2/4/15	Employer acct#	362176
Lab date	2/6/15	Lab result date	2/6/15
Test panel	5-Panel	<u>MRO Dates</u>	
Testing authority	FMCSA	Receipt of CCF #2	2/4/15
		Verified report date	02/06/2015 02:33:23 PM

The above captioned individual has submitted to drug testing pursuant to the requirements of 49 CFR 40 and pertinent regulations of the employer listed above. Urine testing was carried out for the following drugs Amphetamines, Cocaine, Opiate, Phencyclidine, Marijuana, 6-AM, Ecstasy.

Medical Review Officer: Daniel C. Drew M.D.

Reviewed by: Nationwide Medical Review 7160 Graham Rd, Indianapolis IN 46250 (317) 547 8620

286- Total

Test Type	Total	Ne	Po	Pos-	Ca	Ad	Su	Unsu	Ref
2015	769	751	9	1	0	0	0	0	0
TRI-STATE TRANSPORTATION CONSULTING	28	28	0	0	0	0	0	0	0
NOT PROVIDED	1	1	0	0	0	0	0	0	0
PRE-EMPLOYMENT	4	4	0	0	0	0	0	0	0
RANDOM	23	23	0	0	0	0	0	0	0
TRI-STATE TRANSPORTATION CONSULTING/I294	290	290	2	1	0	0	0	0	0
3. Random	42	42	0	0	0	0	0	0	0
8. Other	4	3	0	0	0	0	0	0	0
Pre Employment	248	245	2	1	0	0	0	0	0
Tri-State Transportation Consulting/Menke B	3	3	0	0	0	0	0	0	0
RANDOM	3	3	0	0	0	0	0	0	0
TRI-STATE TRANSPORTATION CONSULTING/I1	1	1	0	0	0	0	0	0	0
RANDOM	1	1	0	0	0	0	0	0	0
TRI-STATE TRANSPORTATION CONSULTING/A1	1	1	0	0	0	0	0	0	0
RANDOM	1	1	0	0	0	0	0	0	0
TRI-STATE TRANSPORTATION CONSULT/NOK90	85	85	5	0	0	0	0	0	0
3. Random	11	10	1	0	0	0	0	0	0
8. Other	4	4	0	0	0	0	0	0	0
Pre Employment	75	71	4	0	0	0	0	0	0
TSTC/SC'S FARM INC	3	3	0	0	0	0	0	0	0
3. Random	2	2	0	0	0	0	0	0	0
Pre Employment	1	1	0	0	0	0	0	0	0
TSTC/A PLUS PROPANE LLC ,	4	4	0	0	0	0	0	0	0
3. Random	4	4	0	0	0	0	0	0	0
TSTC/AARON RUBLE AAA FARMS	1	1	0	0	0	0	0	0	0
3. Random	1	1	0	0	0	0	0	0	0
TSTC/ALL PURPOSE CONTRACTING INC.	3	3	0	0	0	0	0	0	0
3. Random	2	2	0	0	0	0	0	0	0
Pre Employment	1	1	0	0	0	0	0	0	0
TSTC/ARCHBOLD EQUIPMENT COMPANY	4	4	0	0	0	0	0	0	0
3. Random	3	3	0	0	0	0	0	0	0
Pre Employment	1	1	0	0	0	0	0	0	0
TSTC/ARCHBOLD EQUIPMENT CO.	1	1	0	0	0	0	0	0	0
3. Random	1	1	0	0	0	0	0	0	0
TSTC/BARKER FARMS	1	1	0	0	0	0	0	0	0
3. Random	1	1	0	0	0	0	0	0	0
TSTC/BARNHISEL TRUCKING LLC	6	6	0	0	0	0	0	0	0
3. Random	2	2	0	0	0	0	0	0	0
Pre Employment	4	4	0	0	0	0	0	0	0
TSTC/BATES EQUIPMENT SALES LLC	1	1	0	0	0	0	0	0	0
3. Random	1	1	0	0	0	0	0	0	0
TSTC/BER-NEL FARMS TRUCKING LLC.	1	1	0	0	0	0	0	0	0
3. Random	1	1	0	0	0	0	0	0	0
TSTC/BEST TRUCKING LLC.	2	2	0	0	0	0	0	0	0
3. Random	1	1	0	0	0	0	0	0	0
Pre Employment	1	1	0	0	0	0	0	0	0
TSTC/BEUCLER FAMILY FARMS, LLC.	6	6	0	0	0	0	0	0	0
3. Random	4	4	0	0	0	0	0	0	0
Pre Employment	2	2	0	0	0	0	0	0	0
TSTC/CRIPES AUCTION SERVICE	3	3	0	0	0	0	0	0	0
3. Random	3	3	0	0	0	0	0	0	0
TSTC/DAVE JONES TRUCKING	1	1	0	0	0	0	0	0	0
3. Random	1	1	0	0	0	0	0	0	0

Test Type	Total	Ne	Po	Pos-	Ca	Ad	Su	Unsu	Ref
TSTC/DELLINGER BROS LLC	1	1	0	0	0	0	0	0	0
3. Random	1	1	0	0	0	0	0	0	0
TSTC/DOUG MEYER TRUCKING INC.	5	5	0	0	0	0	0	0	0
3. Random	2	2	0	0	0	0	0	0	0
Pre Employment	3	3	0	0	0	0	0	0	0
TSTC/D. L. WINNER LIVESTOCK EXPRESS, INC.	7	7	0	0	0	0	0	0	0
3. Random	3	3	0	0	0	0	0	0	0
4. Post Accident	1	1	0	0	0	0	0	0	0
Pre Employment	3	3	0	0	0	0	0	0	0
TSTC/D.O.C. TRUCKING LLC	7	7	0	0	0	0	0	0	0
3. Random	3	3	0	0	0	0	0	0	0
Pre Employment	4	4	0	0	0	0	0	0	0
TSTC/ESTLE TOWING LLC	2	2	0	0	0	0	0	0	0
Pre Employment	2	2	0	0	0	0	0	0	0
TSTC/EVOLUTION AG LLC	17	17	0	0	0	0	0	0	0
3. Random	9	9	0	0	0	0	0	0	0
4. Post Accident	1	1	0	0	0	0	0	0	0
8. Other	1	1	0	0	0	0	0	0	0
Pre Employment	6	6	0	0	0	0	0	0	0
TSTC/FARM TRANSPORT, LLC	34	33	0	0	0	0	0	0	0
3. Random	17	16	0	0	0	0	0	0	0
4. Post Accident	1	1	0	0	0	0	0	0	0
7. Follow Up	5	5	0	0	0	0	0	0	0
Pre Employment	11	11	0	0	0	0	0	0	0
TSTC/FINDLAY IMPLEMENT CO	12	12	0	0	0	0	0	0	0
3. Random	8	8	0	0	0	0	0	0	0
Pre Employment	4	4	0	0	0	0	0	0	0
TSTC/FINDLAY IMPLEMENT CO.	7	7	0	0	0	0	0	0	0
3. Random	3	3	0	0	0	0	0	0	0
Pre Employment	4	4	0	0	0	0	0	0	0
TSTC/FRY BROTHERS LLC.	5	5	0	0	0	0	0	0	0
3. Random	5	5	0	0	0	0	0	0	0
TSTC/G4 TRANSPORT LLC	1	1	0	0	0	0	0	0	0
3. Random	1	1	0	0	0	0	0	0	0
TSTC/GAERTE AG SERVICE	1	1	0	0	0	0	0	0	0
3. Random	1	1	0	0	0	0	0	0	0
TSTC/GILMAR TRUCKING, LLC.	11	11	0	0	0	0	0	0	0
3. Random	9	9	0	0	0	0	0	0	0
4. Post Accident	1	1	0	0	0	0	0	0	0
Pre Employment	1	1	0	0	0	0	0	0	0
TSTC/GRELTON ELEVATOR, INC.	3	3	0	0	0	0	0	0	0
3. Random	2	2	0	0	0	0	0	0	0
Pre Employment	1	1	0	0	0	0	0	0	0
TSTC/GUILFORD FARMS	1	1	0	0	0	0	0	0	0
3. Random	1	1	0	0	0	0	0	0	0
TSTC/G&H EXPRESS HAULING LLC	7	7	0	0	0	0	0	0	0
3. Random	3	3	0	0	0	0	0	0	0
Pre Employment	4	4	0	0	0	0	0	0	0
TSTC/HLC TRANSPORTATION LLC	5	5	0	0	0	0	0	0	0
3. Random	2	2	0	0	0	0	0	0	0
8. Other	1	1	0	0	0	0	0	0	0
Pre Employment	2	2	0	0	0	0	0	0	0
TSTC/HOWARD SHEPHERD TRUCKING	3	3	0	0	0	0	0	0	0

Test Type	Total	Ne	Po	Pos-	Ca	Ad	Su	Unsu	Ref
3. Random	3	3	0	0	0	0	0	0	0
TSTC/INTEGRITY DEFIANCE AUTO BODY INC	1	1	0	0	0	0	0	0	0
3. Random	1	1	0	0	0	0	0	0	0
TSTC/J & O TRUCKING LLC.	1	1	0	0	0	0	0	0	0
3. Random	1	1	0	0	0	0	0	0	0
TSTC/JADE TRUCKING LLC.	4	4	0	0	0	0	0	0	0
3. Random	3	3	0	0	0	0	0	0	0
4. Post Accident	1	1	0	0	0	0	0	0	0
TSTC/JBL TRUCKING LLC.	1	1	0	0	0	0	0	0	0
4. Post Accident	1	1	0	0	0	0	0	0	0
TSTC/JILLB LLC.	5	5	0	0	0	0	0	0	0
3. Random	4	4	0	0	0	0	0	0	0
Pre Employment	1	1	0	0	0	0	0	0	0
TSTC/JOHN KAUSER TRUCKING SERVICE, INC	11	11	0	0	0	0	0	0	0
3. Random	9	9	0	0	0	0	0	0	0
8. Other	1	1	0	0	0	0	0	0	0
Pre Employment	1	1	0	0	0	0	0	0	0
TSTC/K SCHROEDER FARMS & TRUCKING LLC	1	1	0	0	0	0	0	0	0
3. Random	1	1	0	0	0	0	0	0	0
TSTC/KLENKE'S TRASH SERVICE, LLC.	1	1	0	0	0	0	0	0	0
3. Random	1	1	0	0	0	0	0	0	0
TSTC/KTS EXPRESS INC.	4	4	0	0	0	0	0	0	0
3. Random	2	2	0	0	0	0	0	0	0
Pre Employment	2	2	0	0	0	0	0	0	0
TSTC/KYLE A LUGINBILL	1	1	0	0	0	0	0	0	0
3. Random	1	1	0	0	0	0	0	0	0
TSTC/LARRY J. BISCHOFF TRUCKING LLC	2	2	0	0	0	0	0	0	0
3. Random	1	1	0	0	0	0	0	0	0
Pre Employment	1	1	0	0	0	0	0	0	0
TSTC/LC. TRANSPORT LLC	9	9	0	0	0	0	0	0	0
3. Random	5	5	0	0	0	0	0	0	0
Pre Employment	4	4	0	0	0	0	0	0	0
TSTC/LH TRANSPORT LLC	8	8	0	0	0	0	0	0	0
3. Random	8	8	0	0	0	0	0	0	0
TSTC/LIBERTY TRANSPORT SERVICES LLC.	1	1	0	0	0	0	0	0	0
3. Random	1	1	0	0	0	0	0	0	0
TSTC/LOGISTOIZE LTD.	2	2	0	0	0	0	0	0	0
Pre Employment	2	2	0	0	0	0	0	0	0
TSTC/LONG CONNECTION LLC.	1	1	0	0	0	0	0	0	0
3. Random	1	1	0	0	0	0	0	0	0
TSTC/LOOP ASPHALT SERVICES	3	3	0	0	0	0	0	0	0
3. Random	1	1	0	0	0	0	0	0	0
Pre Employment	2	2	0	0	0	0	0	0	0
TSTC/LOOP ASPHALT SERVICES LLC	1	1	0	0	0	0	0	0	0
3. Random	1	1	0	0	0	0	0	0	0
TSTC/MAY PAINTING AND SANDBLASTING INC	1	1	0	0	0	0	0	0	0
3. Random	1	1	0	0	0	0	0	0	0
TSTC/MEKLE HEAVY MOVING INC.	1	1	0	0	0	0	0	0	0
3. Random	1	1	0	0	0	0	0	0	0
TSTC/MICHAEL FIECHTER	3	3	0	0	0	0	0	0	0
3. Random	2	2	0	0	0	0	0	0	0
Pre Employment	1	1	0	0	0	0	0	0	0
TSTC/MID AMERICA FOUNDATION SUPPLY	2	2	0	0	0	0	0	0	0

Test Type	Total	Ne	Po	Pos-	Ca	Ad	Su	Unsu	Ref
3. Random	1	1	0	0	0	0	0	0	0
Pre Employment	1	1	0	0	0	0	0	0	0
TSTC/MIDWAY LOGISTICS	2	2	0	0	0	0	0	0	0
3. Random	2	2	0	0	0	0	0	0	0
TSTC/MIKE TODD FARMS LTD	1	1	0	0	0	0	0	0	0
3. Random	1	1	0	0	0	0	0	0	0
TSTC/MKT FARMS LLC.	1	1	0	0	0	0	0	0	0
3. Random	1	1	0	0	0	0	0	0	0
TSTC/MOORE FARMS	2	2	0	0	0	0	0	0	0
3. Random	2	2	0	0	0	0	0	0	0
TSTC/OBERLIN TRUCKING LLC.	1	1	0	0	0	0	0	0	0
3. Random	1	1	0	0	0	0	0	0	0
TSTC/ONE SOURCE WASTE SOLUTIONS INC	45	43	2	0	0	0	0	0	0
3. Random	14	14	0	0	0	0	0	0	0
4. Post Accident	2	1	1	0	0	0	0	0	0
7. Follow Up	3	3	0	0	0	0	0	0	0
8. Other	1	1	0	0	0	0	0	0	0
Pre Employment	24	23	1	0	0	0	0	0	0
Return To Duty	1	1	0	0	0	0	0	0	0
TSTC/PERRYSBURG PAVEMENT SOLUTIONS	1	1	0	0	0	0	0	0	0
3. Random	1	1	0	0	0	0	0	0	0
TSTC/PORTERS BP LLC	6	6	0	0	0	0	0	0	0
3. Random	6	6	0	0	0	0	0	0	0
TSTC/RAD TRANSPORTATION LTD	1	1	0	0	0	0	0	0	0
Pre Employment	1	1	0	0	0	0	0	0	0
TSTC/RUFENACHT FARMS	1	1	0	0	0	0	0	0	0
3. Random	1	1	0	0	0	0	0	0	0
TSTC/SAM HENRY TRUCKING LLC.	1	1	0	0	0	0	0	0	0
Pre Employment	1	1	0	0	0	0	0	0	0
TSTC/SCHUMACHER & BASINGER LLC.	2	2	0	0	0	0	0	0	0
3. Random	2	2	0	0	0	0	0	0	0
TSTC/SHUR GREEN FARMS LLC	5	5	0	0	0	0	0	0	0
3. Random	2	2	0	0	0	0	0	0	0
Pre Employment	3	3	0	0	0	0	0	0	0
TSTC/SLOAN EXPRESS LLC	2	2	0	0	0	0	0	0	0
3. Random	2	2	0	0	0	0	0	0	0
TSTC/STOSE BROTHERS TRUCKING LLC	2	2	0	0	0	0	0	0	0
3. Random	2	2	0	0	0	0	0	0	0
TSTC/S&S DIRECTIONAL BORING LTD	19	13	0	0	0	0	0	0	0
3. Random	1	1	0	0	0	0	0	0	0
7. Follow Up	2	2	0	0	0	0	0	0	0
8. Other	3	0	0	0	0	0	0	0	0
Pre Employment	13	10	0	0	0	0	0	0	0
TSTC/S&S SANITATION INC.	4	4	0	0	0	0	0	0	0
3. Random	4	4	0	0	0	0	0	0	0
TSTC/THE STRYKER FARMERS EXCHANGE	3	3	0	0	0	0	0	0	0
3. Random	3	3	0	0	0	0	0	0	0
TSTC/TIM COR INC.	4	4	0	0	0	0	0	0	0
3. Random	1	1	0	0	0	0	0	0	0
Pre Employment	3	3	0	0	0	0	0	0	0
TSTC/TONNER TRUCKING LLC.	2	2	0	0	0	0	0	0	0
3. Random	2	2	0	0	0	0	0	0	0
TSTC/TRI-STATE TRANSLOAD	2	2	0	0	0	0	0	0	0

Test Type	Total	Ne	Po	Pos-	Ca	Ad	Su	Unsu	Ref
Pre Employment	2	2	0	0	0	0	0	0	0
TSTC/TWIN STIX TRANSPORT, LLC	6	6	0	0	0	0	0	0	0
3. Random	4	4	0	0	0	0	0	0	0
4. Post Accident	1	1	0	0	0	0	0	0	0
Pre Employment	1	1	0	0	0	0	0	0	0
TSTC/VAN WERT PROPANE INC.	4	4	0	0	0	0	0	0	0
3. Random	3	3	0	0	0	0	0	0	0
Pre Employment	1	1	0	0	0	0	0	0	0
TSTC/WEHRLE TRUCKING	1	1	0	0	0	0	0	0	0
3. Random	1	1	0	0	0	0	0	0	0
TSTC/WILLSON FARMS	2	2	0	0	0	0	0	0	0
3. Random	2	2	0	0	0	0	0	0	0
TSTC/ZYLSTRA CUSTOM FARMING	2	2	0	0	0	0	0	0	0
3. Random	1	1	0	0	0	0	0	0	0
Pre Employment	1	1	0	0	0	0	0	0	0

Collapse All Expand All View by... Reports / All by year

Search...

	Test Type	<input checked="" type="checkbox"/> Total	Neg.	Pos- Ver	Pos- NC	Can- Ver	Adult- RT	Subs- RT
2014			507	2	0	0	0	0
2015			751	9	1	0	0	0
2016			324	4	1	0	0	0
			1582	15	2	0	0	0

Accident DeKalb co. INDIANA. 4-22-16

Respond 2 EX. 3

Post accident Drug and Alcohol test were not done.
due to Driver Keith Delzerth was incarcerated by Indiana
State Police DeKalb co. jail, Driver was not released
before allowed time for testing.



D. L. W. L. W. Express Inc.

DRIVER/VEHICLE EXAMINATION REPORT

Aspen 3.0.0.17



Indiana State Police
Commercial Vehicle Enforcement
7811 Milhouse Road, Suite S
Indianapolis, IN 46241
Phone: (317)615-7373 Fax: (317)237-2116

Report Number: IN7257003829
Inspection Date: 04/22/2016
Start: 03:15 PM ET End: 11:59:00 PM ET
Inspection Level: III - Driver Only
HM Inspection Type: None

DL WINNER LIVESTOCK EXPRESS INC

6141 ST RT 705
NEW WESTON, OH 45348

USDOT#: 00624362

Phone#: (419)336-0301

MC/MX#: 358658

Fax#:

State#:

Location: I-69 NB @ 326 MM

Highway: I-89

County: DE KALB, IN

MPilePost: 326 MM

Origin: OWENTON, KY

Destination: PLAINWELL, MI

Shipper: WILLIAMS CATTLE COMPANY

Bill of Lading: 10244

Cargo: 38 HEAD OF COWS

Driver: DELZEITH, KEITH D

License#: SC112089

State: OH

Date of Birth: 10/28/1984

CoDriver:

License#:

State:

Date of Birth:

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate #	Equipment ID	VIN	GVWR	CVSA #	CVSA Issued #	OOS Sticker
1	TT	TRUK	2011	OH	PVT8272	311	1NPXGGGG30D127266	52,000			
2	ST	WILX	2013	OH	TPZ8889	62	1W16512A7D5543363	65,000			

BRAKE ADJUSTMENTS: No Brake Measurements Required For Level 3

VIOLATIONS

Vio Code	Section	Unit	OOS	Citation #	Verify	Crash	Violations Discovered
392.2IRP	392.2	D	N	WARNING	N	N	IRP Apportioned Tag or Registration Violation: I.C. 9-18-2-21 No truck registration certificate in possession when required.
392.4A	392.4(a)	D	Y	K274003	N	N	Driver on duty and under the influence of, or using a narcotic drug / amphetamine, which renders the driver incapable of safe operation.: Driver in possession of a glass smoking pipe that tested positive for METH. OWI while operating a CMV.
392.2MI	392.2	D	N	MISDEMEANOR	N	N	Miscellaneous Traffic Law Violation: I.C. 9-21-8-52(4)(c) Reckless driving of a CMV speed up/low down blocking both lanes of traffic and causing a crash. Class B Misd (BY: Sgt. Nathalang P.E. 4600)
392.2MI	392.2	D	N	MISDEMEANOR	N	N	Miscellaneous Traffic Law Violation: I.C. 35-48-4-8.3 Possession of drug paraphernalia (Class A Misdemeanor). -Meth pipe-(BY: Sgt. Nathalang P.E. 4600)
392.2LC	392.2	D	N	K351868	N	N	Improper lane change: I.C. 9-21-8-24 Unsafe lane movement (BY: Sgt. Nathalang P.E. 4600)
392.2MI	392.2	D	N	K351868	N	N	Miscellaneous Traffic Law Violation: I.C. 9-21-5-1 Unreasonable speed and speed too fast to avoid collision (BY: Sgt. Nathalang P.E. 4600)
392.2MI	392.2	D	N	MISDEMEANOR	N	N	Miscellaneous Traffic Law Violation: I.C. 9-30-5-2 Operation of a CMV while intoxicated (Class C Misdemeanor) (BY: Sgt. Nathalang P.E. 4600)
392.2FC	392.2	D	N	WARNING	N	N	Following too close: I.C. 9-21-8-14 Following too close, and then ran into the vehicle in front of the CMV and not slowing down. (BY: Sgt. Nathalang P.E. 4600)
395.8	395.8	D	N		N	N	Record of Duty Status violation (general form and manner): Violation(s) of 395.8(f)(12) Failed to enter proper BOL info for log book loads

HazMat: No HM Transported.

Placard: No

Cargo Tank:

Special Checks: Alcohol Substance Check; Traffic Enforcement; Local Enforcement; Post Crash; Drug Interdiction

Report Prepared By:
CVEO/TRP JOE HARTMAN

Badge #:
7257

Copy Received By:
KEITH DELZEITH

Page 1 of 2

X

X



00624363 IN IN7257003829

DRIVER/VEHICLE EXAMINATION REPORT

Aspen 3.0.0.17



Indiana State Police
Commercial Vehicle Enforcement
7811 Millhouse Road, Suite S
Indianapolis, IN 46241
Phone: (317)615-7373 Fax: (317)237-2116

Report Number: IN7257003829
Inspection Date: 04/22/2016
Start: 03:15 PM ET End: 11:59:00 PM ET
Inspection Level: III - Driver Only
HM Inspection Type: None

DL WINNER LIVESTOCK EXPRESS INC

6141 ST RT 705

NEW WESTON, OH 45348

USDOT#: 00624363

Phone#: (419)336-0301

MC/MX#: 359658

Fax#:

State#:

Location: I-69 NB @ 326 MM

Highway: I-69

County: DE KALB, IN

Driver: DELZEITH, KEITH D

License#: SC112099

State: OH

Date of Birth: 10/28/1984

CoDriver:

License#:

State:

Date of Birth:

MilePost: 326 MM

Shipper: WILLIAMS CATTLE COMPANY

Origin: OWENTON, KY

Bill of Lading: 10244

Destination: PLAINWELL, MI

Cargo: 38 HEAD OF COWS

State Information:

ACCIDENT/INCIDENT #: 2016-00117056; DUTY STATUS: RD; OUT-OF-SERVICE AT: DEKALB CO JAIL AUBURN, IN; CDL Checked: YES; Pre-Screened Carrier: NO; Food Transport Inspection: NO; Board of Health Enf. Action: NO;

Pursuant to Title 49 CFR 385.13(c) and (d), KEITH DELZEITH is considered OOS until 24 HOURS OFF DUTY. No motor carrier shall require or permit a driver, nor shall any driver placed OOS drive any CMV until all terms of the OOS order has been fulfilled. OOS at:

IN ACCORDANCE WITH 49 CFR 385.9(d), SHOULD ANY VIOLATIONS BE NOTED, COMPLETE THIS CERTIFICATION AND RETURN TO THE POLICE AGENCY ABOVE WITHIN FIFTEEN (15) DAYS. BY DOING SO, YOU VERIFY AND ACKNOWLEDGE ALL NOTED VIOLATIONS AND THE COMPLETION OF EFFECTIVE CORRECTIVE MEASURES.

Signature Of Motor Carrier X:

Title:

Date:

Report Prepared By:
OVEO/TRP JOE MARTMAN

Badge #:
7257

Copy Received By:
KEITH DELZEITH

Page 2 of 2



00624363 IN IN7257003829