

FILE

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PUCO EXHIBIT FILING

Date of Hearing: 9/7/17

Case No. 17-450-TA-CUF

PUCO Case Caption: Anthony Culven and

Nicky Savoie

List of exhibits being filed:

STAFF Exp - 1-5

Reporter's Signature: _____

Date Submitted: _____

2017 SEP 26 PM 1:35
PUCO

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technician DMN Date Processed 09/26/17

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

In the Matter of Anthony :
K. Culver and Ricky M. : Case No.
Savoie Notice of Apparent : 17-450-TR-CVF
Violation and Intent to :
Assess Forfeiture. :

- - -

PROCEEDINGS

Before Sarah Parrot, Attorney Examiner, held at
the Public Utilities Commission of Ohio, 180
East Broad Street, Hearing Room 11-C, Columbus,
Ohio, on Thursday, September 7, 2017, at 10:00
A.M.

- - -

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

- - -

DRIVER/VEHICLE EXAMINATION REPORT

Ohio

Report Number: OH3281014376

Inspection Date: 10/4/2016 Certification Date:

Time Started: 12:35 Time Ended: 14:16

Inspection Level: III - Driver-Only Inspection

HM Inspection Type: No HM Inspection

ANTHONY K
1409 ROBERT CARTWRIGHT DR.
GOODLETTSVILLE, TN 37072Driver: SAVOIE, RICKY M
License #: S59836326 State: MA
Date of Birth: 8/23/1966

USDOT #:

Phone #: (845)891-5115

MC/MX #:

Fax #:

State #:

Location: ROADSIDE

MilePost: 234

Highway: IR 80

Origin: WORCHESTER, MA

Bill of Lading:

County: TRUMBULL

Destination: BILLINGS, MT

Cargo: OTHER

Shipper: ANTHONY K

VEHICLE IDENTIFICATION:

Unit Type	Make	Year	State	License#	Equipment ID	Unit VIN	GVWR	CVSA #	CVSA Issued #	OOS Stkr.#
1	OT GEOT	1999	MA	N/A	1	3FCMF53S7XJA21737	18,000			Y
2	OT TRLR	2012	MA	D36675		5NHUVH227CN068672	7,000			

BRAKE ADJUSTMENTS: No brake measurements recorded.

VIOLATIONS :

Vio Code	Section	Unit	OOS	State Citation Number	Verify*	Crash	Violation Description
391.41A-F	391.41(a)	D	N		N	N	Operating a property-carrying vehicle without possessing a valid medical certificate.: DRIVER SAID HE DID NOT HAVE A PHYSICAL CARD.
395.8A	395.8(a)	D	Y		N	N	No drivers record of duty status: No Log on 10/04/2016 NO PREVIOUS 7 DAYS(NO LOG AT ALL).
392.2RG	392.2	D	N		N	N	State vehicle registration or License Plate violation: DRIVER WAS GIVEN A WARNING FROM UNIT 1036 UNDER ORC.4503.11 FOR FAILURE TO REGISTER.
392.2UCR	392.2	1	N		N	N	Failure to pay UCR Fee: NO PRIOR REGISTRATION.
392.9AA1	392.9a(a)(1)	1	Y		U	N	Operating without the Required Operating Authority: NOTHING LISTED.
390.21A	390.21(a)	1	N		N	N	Not marked in accordance with regulations: MISSING USDOT # ON LEFT SIDE.
390.21A	390.21(a)	1	N		N	N	Not marked in accordance with regulations: MISSING USDOT # ON RIGHT SIDE.

* N - Non-OOS or Driver OOS Violation; U - Unknown

HazMat: No HM Transported.

Placard: NA Cargo Tank:

Special Checks:

- ☐ Alcohol/Controlled Substance Check
☐ Conducted by Local Jurisdiction
☐ Size and Weight Enforcement
☐ EScreening

- ☐ Traffic Enforcement
☐ PASA Conducted Inspection
☐ Drug Interdiction Search

- ☐ Post Crash Inspection
☐ PBBT Inspection
 Arrests:

Inspection Notes:

Special Study Fields:

Special Study1:

Special Study6:

Special Study2:

Special Study7:

Special Study3:

Special Study8:

Special Study4:

Special Study9:

Special Study5:

Special Study10:

Locally Defined Fields:

For-Hire Carrier: N

Driver Address: 1409 ROBERT CARTWRIGHT SR.

Report Prepared By:

Badge #:

Copy Received By:

Page 1 of 2

G Maffitt

3281

SAVOIE, RICKY M



X

X

OH3281014376

DRIVER/VEHICLE EXAMINATION REPORT

Ohio

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 HM Inspection Type: No HM Inspection

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 1409 ROBERT CARTWRIGHT DR.
 GOODLETTSVILLE, TN 37072

Driver: SAVOIE, RICKY M
 License #: S59836326 State: MA
 Date of Birth: 8/23/1966

USDOT #: Phone #: (845)891-5115
 MC/MX #: Fax #:
 State #:

Driver City: GOODLETTSVILLE	Driver State: TN
Driver Zip: 37072	Photos Taken (Y/N): Y
Reason Code: OBVI	FMCSA Credentials Verified-Y/N: N
CDL Verified (Y/N): N	FMCSA OOS Order Issued(Y/N): N

I hereby declare RICKY M. SAVOIE "Out of Service". This driver MAY NOT DRIVE any commercial motor vehicle nor may any carrier permit or require this driver to drive any commercial motor vehicle until:12:16AM. on 10-5-2016 FOR 10 HRS.

* Pursuant to authority contained in Title 49, Code of Federal Regulations, Section 396.9, I hereby declare vehicles with defects followed by an "Y" in the "Out of Service" column in the violations discovered section of this report OUT OF SERVICE. No person shall remove the out of service stickers applied to these vehicles, or operate such vehicles until the out of service defects have been repaired and the vehicles have been restored to safe operating condition.

All violations of the FHMR and FMCSR or Title 49 of the Ohio Revised Code will be reviewed by the PUCO's Transportation Department to determine whether civil forfeitures should be assessed against any responsible parties in accordance with the penalty provisions of Title 49 of the Ohio Revised Code. If civil forfeitures are assessed, you will receive a separate notice by mail. These penalties may be assessed to motor carriers, shippers, and/or drivers.

ATTENTION DRIVER: This report must be sent to the motor carrier whose name appears at the top of this inspection report within 24 hours. If the inspection report cannot be delivered within 24 hours the driver must mail or fax the inspection report to the motor carrier.

ATTENTION MOTOR CARRIER: The motor carrier must examine this report and repair all the vehicle defects/violations noted above -AND- The motor carrier must sign the Certification of Repairs below and return the signed form to: Public Utilities Commission of Ohio, TAD - 4th floor, 180 E Broad St, Columbus, OH 43215-3793 -OR- Fax (614) 752-9274 within 15 days of the inspection. If "No Violations Were Discovered" then you do not need to return this report. Failure to return this report with the required certification can result in penalties up to \$1,000 per day for each day the violation continues, up to a total of \$10,000. If you have any questions, please contact (614) 466-0429.

MOTOR CARRIER CERTIFICATION OF COMPLETED REPAIRS: The undersigned certifies that all violations noted on this report have been corrected and action taken to assure compliance with the Federal Motor Carrier Safety & Hazardous Materials Regulations insofar as they are applicable to motor carriers and drivers. A false certification of repairs is required to be prosecuted with penalties up to \$10,000.

Signature of Carrier Official: X Date: _____

Failure to return this report with the required certification can result in penalties up to \$1,000 per day for each day the violation continues, up to a total of \$10,000.

Signature of Repairer: X Facility: _____ Date: _____

Report Prepared By:
 G Maffitt

Badge #:
 3281

Copy Received By:
 SAVOIE, RICKY M

Page 2 of 2



OH3281014376

X

X



Staff Ex. 2

JTAT 0x3





Public Utilities Commission

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

Commissioners

Lynn Slaby
M. Beth Trombold
Thomas W. Johnson

01/18/2017

OH3281014376C
Anthony K Culver
1409 ROBERT CARTWRIGHT DR.
GOODLETTSVILLE, TN 37072

RE: **NOTICE OF PRELIMINARY
DETERMINATION**
Case No. OH3281014376C

Dear Sir or Madam:

On 10/04/2016, a vehicle operated by ANTHONY K, and driven by RICKY M SAVOIE, was inspected within the State of Ohio. As the result of discovery of the following violations of the Commission's rules, Staff of the Commission timely notified ANTHONY K (Respondent) pursuant to rule 4901:2-7-07, Ohio Administrative Code (O.A.C.), that it intended to assess a civil forfeiture against the Respondent in the following amount:

CODE	GROUP	VIOLATION	FORFEITURE
392.2RG	0	State vehicle registration or License Plate violation	
390.21A	4	Not marked in accordance with regulations	100.00
390.21A	4	Not marked in accordance with regulations	0.00
392.2UCR	4	Failure to pay UCR Fee	500.00
392.9AA1	4	Operating without the Required Operating Authority	500.00
		Total of Group 0	0.00
		Total of Group 4	1100.00

TOTAL AMOUNT DUE: \$1,100.00

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





Public Utilities Commission

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

Commissioners

Lynn Slaby
M. Beth Trombold
Thomas W. Johnson

As a result of the conference, Staff has made a Preliminary Determination that the Commission should assess a civil forfeiture against ANTHONY K in the following amount:

CODE	GROUP	VIOLATION	FORFEITURE
392.2RG	0	State vehicle registration or License Plate violation	
390.21A	4	Not marked in accordance with regulations	100.00
390.21A	4	Not marked in accordance with regulations	0.00
392.2UCR	4	Failure to pay UCR Fee	500.00
392.9AA1	4	Operating without the Required Operating Authority	500.00
		Total of Group 0	
		Total of Group 4	1100.00

TOTAL AMOUNT DUE: \$1,100.00

Within 30 days of this notice, you must either: (1) pay the assessed civil forfeiture or (2) file a written request for an administrative hearing pursuant to rule 4901:2-7-13, O.A.C. Failure to file a written request for an administrative hearing within 30 days shall constitute a waiver of your right to further contest the violations and will conclusively establish the occurrence of the violations. Such failure shall also constitute a waiver of your right to further contest liability to the state of Ohio for the civil forfeiture described in the notice and will result in the forfeiture amount being referred to the Ohio Attorney General's office for collection.

Please consult the enclosed instruction sheet for additional information regarding this Notice of Preliminary Determination.

Sincerely,

Milan Orbovich, Director
Transportation Department

Compliance Officer: Cheryl Streets

180 East Broad Street
Columbus, Ohio 43215-3793

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



**ROADSIDE INSPECTION
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 this "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, Violation Groups, 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.

"Violation Group" identifies the numerical group (1-4) of the violation for purposes of calculating the civil forfeiture. 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.

5. Violations of 49 C.F.R. 383.51, 391.15, 392.5(c)(2), 392.10, 392.80(a), 392.82(a), 395.13(d), 396.9(c)(2), and rule 4901:2-5-07(D) of the Ohio Administrative Code

If you are "convicted" of violating any of the following: 49 C.F.R. 383.51, 391.15, 392.5(c)(2), 392.10, 392.80(a), 392.82(a), 395.13(d), 396.9(c)(2), or rule 4901:2-5-07(D) of the Ohio Administrative Code, you may be disqualified from operating a commercial motor vehicle for a minimum of 60 days. The federal regulations defines conviction as, "An unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by **an authorized administrative tribunal**, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the **payment of a fine** or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated."

6. Copies of Inspection Reports

A copy of the inspection report for the violations described in this notice was given to the driver at the time of inspection. You may request additional copies of inspection reports.

Obtain copies at this web site:

<https://www.puc.state.oh.us/secure/OMCIS/public/searchcarrierreports.aspx>

Or you may email your request to:

cmvreports@puc.state.oh.us. Please provide the **inspection number and inspection date** in your request.





Public Utilities Commission

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

Commissioners

Lynn Slaby
M. Beth Trombold
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01/05/2017

OH3281014376D

Ricky M Savoie

1409 ROBERT CARTWRIGHT SR.

GOODLETTSVILLE, TN 37072

RE: **NOTICE OF PRELIMINARY
DETERMINATION**
Case No. OH3281014376D

Dear Sir or Madam:

On 10/04/2016, a vehicle operated by ANTHONY K, and driven by RICKY M SAVOIE, was inspected within the State of Ohio. As the result of discovery of the following violations of the Commission's rules, Staff of the Commission timely notified RICKY M SAVOIE (Respondent) pursuant to rule 4901:2-7-07, Ohio Administrative Code (O.A.C.), that it intended to assess a civil forfeiture against the Respondent in the following amount:

CODE	GROUP	VIOLATION	FORFEITURE
395.8A	1	No drivers record of duty status	
391.41A-F	4	Operating a property-carrying vehicle without possessing a valid medical certificate.	100.00
		Total of Group 1	100.00
		Total of Group 4	100.00

TOTAL AMOUNT DUE: \$200.00

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

As a result of the conference, Staff has made a Preliminary Determination that the Commission should assess a civil forfeiture against RICKY M SAVOIE in the following amount:

CODE	GROUP	VIOLATION	FORFEITURE
395.8A	1	No drivers record of duty status	

180 East Broad Street
Columbus, Ohio 43215-3793

(614) 466-3016
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