

RECEIVED-DOCKETING DIV
2018 NOV 29 PM 12:28

18-1752-TR-CVF-5

PUC This is a request for a administrative hearing on case no. OH32880103800.
After I had my phone conference and received my new paperwork I took it to the office. They told me the charges were still wrong and that I did not explain things accurately. They called the compliance division a few days later and spoke to someone and then told me I would be receiving new paperwork to file an appeal. Quite a bit of time went by and it somewhat slipped my mind until I received the new paperwork the middle of November. A few days later I had a chance to speak to Mike (the owner of the company) and he explained some things to me I did not know. The truck I was driving is basically a local vehicle which is able to travel within a 150 mi radius with no ELD or even a paper log, and that it is permitted to travel outside the radius 5 times a with no ELD but a paper log is required which I was not told about. On the date I was inspected I had no owners card in the truck for the trailer. He told me they were in the process of re-registering the trailer to bring the unit under 26,000 lbs so no COL was required (over)

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered and a full course of business. 11/29/18 technician

to drive it and had not received the new registration card yet.

Contacts I used are listed below

JAMES F. CUSTER

690 COOPER AVE

Johnstown PA 15906

PHONE 814-539-3714

CASE No. DH 328801038

M.J. DANIELS Trucking

501 COOPER AVE

Johnstown PA 15906

PHONE: 814-254-4064



Public Utilities Commission

Asim Z. Haque, Chairman

Commissioners

M. Beth Trombold
Thomas W. Johnson
Lawrence K. Friedeman
Daniel R. Conway

OH3288010380D
Mr. James Custer
690 COOPER AVE
JOHNSTOWN, PA 15906

10/31/2018

COPY

RE:

**NOTICE OF PRELIMINARY
DETERMINATION**

Case No. OH3288010380D

Dear Sir or Madam:

On 05/16/2018, a vehicle operated by M J DANIELS, and driven by JAMES F CUSTER, was inspected within the State of Ohio. As the result of discovery of the following violations of the Commission's rules, Staff of the Commission timely notified JAMES F CUSTER (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-ELD	1	ELD - No record of duty status (ELD Required)	
383.23A2	4	Operating a CMV without a CDL	250.00
		Total of Group 1	100.00
		Total of Group 4	250.00

TOTAL AMOUNT DUE: \$350.00

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

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

CODE	GROUP	VIOLATION	FORFEITURE
395.8A-ELD	1	ELD - No record of duty status (ELD Required)	

180 East Broad Street
Columbus, Ohio 43215-3793

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





Public Utilities Commission

Asim Z. Haque, Chairman

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Daniel R. Conway

383.23A2	4	Operating a CMV without a CDL	250.00
		Total of Group 1	100.00
		Total of Group 4	250.00

TOTAL AMOUNT DUE: \$350.00

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,

Rod Moser, Chief of Compliance
Transportation Department

Compliance Officer: Mark Banks





The Public Utilities
Commission of Ohio
180 E. Broad St. - Fourth Floor
Columbus, OH 43215

OMCIS VOUCHER

Date: 10/31/2018
Legal Name: JAMES F CUSTER
Address: 690 COOPER AVE
City: JOHNSTOWN
State: PA
Zip: 15906
Case Number: OH3288010380D
PIN: QXL4

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Item	DueDate	Amount
1	12/15/2018	\$350.00
Total		\$350.00

TREASURER, STATE OF OHIO

Pay online at <https://omcis.puc.state.oh.us/home.aspx> or enclose this voucher with your check or money order if paying by mail.



OH3288010380D

