

FILE

I am filling a request for an Administrative Hearing with the Commission's Docketing Division.  
Case # CR201807240375.

NTR Canoe Livery  
Ann Swain  
POBox 203  
Bolivar, Ohio 44612  
330-484-4295

<sup>2</sup>  
*Ann Swain*

~~18-1791-TR-CVF~~  
18-1718-TR-CVF

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# Public Utilities Commission

Asim Z. Haque, Chairman

## Commissioners

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

10/25/2018

CR201807240375  
Mrs. Ann Swain  
11358 OH 212  
BOLIVAR, OH 44612

RE: **NOTICE OF PRELIMINARY  
DETERMINATION**  
Case No. CR201807240375

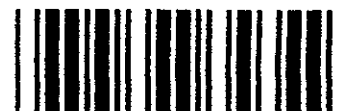
Dear Sir or Madam:

On 07/24/2018, a compliance review of your facility located at 11358 OH 212, BOLIVAR, OH, U.S.A., 44612 was conducted. As the result of discovery of the following violations of the Commission's rules, Staff of the Commission timely notified NTR 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:

CODE	VIOLATION	FORFEITURE
4921.03	No operating authority	625.00
383.37(a)	Allowing, requiring, permitting, or authorizing a driver to operate a CMV during any period in which the driver does not have a current CLP or CDL or does not have a CLP or CDL with the proper class or endorsements. An employer may not use a driver to ope	800.00
382.115(a)	Failing to implement an alcohol and/or controlled substances testing program on the date the employer begins commercial motor vehicle operations.	800.00
4901:2-13-03	Operating a motor vehicle without having in effect the required minimum levels of financial responsibility coverage.	0.00
391.45(a)	Using a driver not medically examined and certified.	500.00

**TOTAL AMOUNT DUE: \$2,725.00**

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

Asim Z. Haque, Chairman

## Commissioners

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

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

CODE	VIOLATION	FORFEITURE
4921.03	No operating authority	625.00
383.37(a)	Allowing, requiring, permitting, or authorizing a driver to operate a CMV during any period in which the driver does not have a current CLP or CDL or does not have a CLP or CDL with the proper class or endorsements. An employer may not use a driver to ope	800.00
382.115(a)	Failing to implement an alcohol and/or controlled substances testing program on the date the employer begins commercial motor vehicle operations.	800.00
4901:2-13-03	Operating a motor vehicle without having in effect the required minimum levels of financial responsibility coverage.	0.00
391.45(a)	Using a driver not medically examined and certified.	500.00

TOTAL AMOUNT DUE: \$2,725.00

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

180 East Broad Street  
Columbus, Ohio 43215-3793

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

