

NC



— ATTORNEYS • AT • LAW —
BLAIR & LATELL
Co., LPA.

18-1813-TR-CVF⁶

MATTHEW J. BLAIR
KURT D. LATELL

December 4, 2018

REQUEST FOR AN ADMINISTRATIVE HEARING

Public Utilities Commission of Ohio
Attn: docketing Division
180 East Broad Street
Columbus, Ohio 43215-3793

Re: Donald Connelly
Case No. CR201802270160

To Whom It May Concern:

Please be advised that the undersigned has been retained by Donald Connelly to represent him in the above captioned case. Mr. Connelly has requested that he be permitted an administrative hearing with reference to the Notice of Preliminary Determination, which you will find attached as "Exhibit A." It should be noted that the Notice of Preliminary Determination was not reviewed by counsel until December 4, 2018, well beyond the 30 days normally allotted for making such a request. For cause, Respondent states that he failed to participate in a hearing due to confusion and excusable neglect.

Respectfully submitted

Matthew J. Blair

Matthew J. Blair
Attorney at Law

MJB:ljlk
Enc.

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Public Utilities Commission

Asim Z. Haque, Chairman

Commissioners

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

06/08/2018

CR201802270160
Donald Connelly
221 douglas st ne
warren, OH 44483

RE: **NOTICE OF PRELIMINARY
DETERMINATION**
Case No. CR201802270160

Dear Sir or Madam:

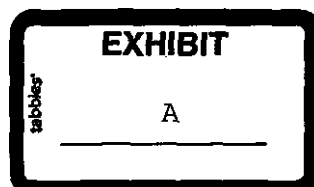
On 02/27/2018, a compliance review of your facility located at 221 douglas st ne, warren, OH, U.S.A., 44483 was conducted. As the result of discovery of the following violations of the Commission's rules, Staff of the Commission timely notified DONALD P CONNELLY (Respondent) pursuant to rule 4901:2-7-07, Ohio Administrative Code (O.A.C.), that it intended to assess a civil forfeiture against the Respondent in the following amount:

CODE	VIOLATION	FORFEITURE
391.51(a)	Failing to maintain driver qualification file on each driver employed.	400.00
387.7(a)	Operating a motor vehicle without having in effect the required minimum levels of financial responsibility coverage.	1250.00
4921.03	Transporting passengers and/or property without PUCO authority.	625.00
396.3(b)	Failing to keep minimum records of inspection and vehicle maintenance.	425.00
395.8(a)(1)	395.8(a)(I) Failing to require a driver to prepare a record of duty status using appropriate method.	1900.00
391.45(a)	Using a driver not medically examined and certified.	400.00
396.17(a)	Using a commercial motor vehicle not periodically inspected.	425.00

TOTAL AMOUNT DUE: \$5,425.00

180 East Broad Street
Columbus, Ohio 43215-3793

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



Ohio | Public Utilities Commission

Asim Z. Haque, Chairman

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Daniel R. Conway

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 DONALD P CONNELLY in the following amount:

CODE	VIOLATION	FORFEITURE
391.51(a)	Failing to maintain driver qualification file on each driver employed.	400.00
387.7(a)	Operating a motor vehicle without having in effect the required minimum levels of financial responsibility coverage.	1250.00
4921.03	Transporting passengers and/or property without PUCO authority.	625.00
396.3(b)	Failing to keep minimum records of inspection and vehicle maintenance.	425.00
395.8(a)(1)	395.8(a)(1) Failing to require a driver to prepare a record of duty status using appropriate method.	1900.00
391.45(a)	Using a driver not medically examined and certified.	400.00
396.17(a)	Using a commercial motor vehicle not periodically inspected.	425.00

TOTAL AMOUNT DUE: \$5,425.00

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.



Ohio

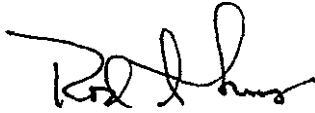
Public Utilities Commission

Asim Z. Haque, Chairman

Commissioners

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

Sincerely,



Rod Moser, Chief of Compliance
Transportation Department

Compliance Officer: Thomas Persinger



**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.

