



4  
19-D183-TR-CVF

Frank Leonetti, III  
Writer's Direct Dial: 216-430-2120  
E-mail: [flconetti@reminger.com](mailto:flconetti@reminger.com)

January 24, 2019

Via E-Mail: [conferencerequest@puc.state.oh.us](mailto:conferencerequest@puc.state.oh.us)

Public Utilities Commission of Ohio  
Atten: Docketing Division  
180 East Broad St.  
Columbus, OH 43215-3793

Re: **Request for an Administrative Hearing**  
Case Number: OH3233010037D  
Our File No.: 5105.82807

RECEIVED-DOCKETING DIV  
2019 JAN 28 PM 3:24  
PUCO

To whom it may concern:

Please be advised that our office represents John M. Shirey with regard to the Notice of Preliminary Determination dated January 4, 2019. On behalf of Mr. Shirey we are hereby submitting a Request for an Administrative Hearing as described in Ohio Administrative Code Rule 4901:2-7-13. Please direct further communication regarding an Administrative Hearing to my attention at the below address.

Frank Leonetti, III  
REMINGER CO., L.P.A.  
101 West Prospect Avenue, Suite 1400  
Cleveland, Ohio 44115-1093  
Phone: (216) 430-2120  
Email: [FLconetti@reminger.com](mailto:FLconetti@reminger.com)

Also in accordance with the instructions provided with the Notice of Preliminary Determination, I have attached a copy of the January 4, 2019 Notice of Preliminary Determination to this written request for an Administrative Hearing.

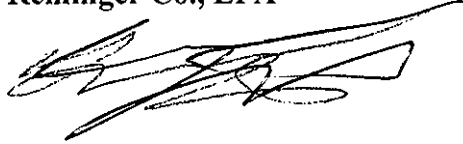
If any additional documentation is required, please contact me. I look forward to further notice regarding the scheduling of the requested Administrative Hearing.

This is to certify that the images appearing are an accurate and complete reproduction of a document delivered in the regular course of business.  
Technician A Date Processed 1/28/19



Very truly yours,

**Reminger Co., LPA**



Frank Leonetti, III

FL/rk  
Enclosure



**REMINGER CO., LPA**

101 West Prospect Avenue • Suite 1400 • Cleveland, OH 44115-1093 • phone: 216.687.1311 • fax: 216.687.1841 • [www.reminger.com](http://www.reminger.com)

CLEVELAND / COLUMBUS / CINCINNATI / AKRON / SANDUSKY / TOLEDO / YOUNGSTOWN / FT. MITCHELL / LEXINGTON / LOUISVILLE / INDIANAPOLIS / FT. WAYNE / NORTHWEST INDIANA / EVANSVILLE



# Public Utilities Commission

Asim Z. Haque, Chairman

Commissioners

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

01/04/2019

OH3233010037D  
Frank Leonetti, III  
101 West Prospect Ave, Ste 1400  
Cleveland, OH 44115-1093

RE: NOTICE OF PRELIMINARY  
DETERMINATION  
Case No. OH3233010037D

Dear Sir or Madam:

On 10/14/2018, a vehicle operated by CAL-ARK INTERNATIONAL INC, and driven by JOHN M SHIREY, 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 JOHN M SHIREY (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
392.5A2-POS	4	Driver having possession of alcohol while on duty, or operating, or in physical control of a CMV	250.00
		Total of Group 4	250.00

TOTAL AMOUNT DUE: \$250.00

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 JOHN M SHIREY in the following amount:

CODE	GROUP	VIOLATION	FORFEITURE
392.5A2-POS	4	Driver having possession of alcohol while on duty, or operating, or in physical control of a CMV	250.00

180 East Broad Street  
Columbus, Ohio 43215-3793

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



1A11 4 5 0010



# Public Utilities Commission

Asim Z. Haque, Chairman

Commissioners

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

Total of Group 4

250.00

TOTAL AMOUNT DUE: \$250.00

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: Cheryl Streets

