

**Ohio****Public Utilities  
Commission**

Sam Randazzo, Chairman

Commissioners

M. Beth Trombold  
Lawrence K. Friedeman  
Dennis P. Deters  
Daniel R. Conway

September 4, 2019

**FAX**Mr. Kyle Frey  
52 HOLDEN ST  
PARKERSBURG, WV 26104RE: **NOTICE OF PRELIMINARY DETERMINATION**  
Case No. OH1931000324D

Dear Sir or Madam:

On 04/25/2019, a vehicle operated by MAVERICK TRANSPORTATION LLC, and driven by, FREY, KYLE A was inspected within the state of Ohio. As a result of discovery of the following violation(s) of the Commission's rules, Staff of the Commission timely notified KYLE A FREY pursuant to rule 4901:2-7-07, Ohio Administrative Code (OAC), that it intended to assess a civil forfeiture against KYLE A FREY in the following amount:

<u>CODE</u>	<u>GROUP</u>	<u>VIOLATION</u>	<u>FORFEITURE</u>
392.16	Group 4	Failing to use seat belt while operating a CMV	\$ 100.00
<b><u>Original Amount Due:</u></b>			<b>\$100.00</b>

A conference was conducted pursuant to Rule 4901:2-10, OAC, at which KYLE A FREY had a full opportunity to present reasons why the violation(s) 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 the Staff.

As a result of the conference, staff has made a preliminary determination that the commission should assess a civil forfeiture against KYLE A FREY in the following amount:

<u>CODE</u>	<u>GROUP</u>	<u>VIOLATION</u>	<u>FORFEITURE</u>
392.16	Group 4	Failing to use seat belt while operating a CMV	\$ 100.00
<b><u>New Amount Due:</u></b>			<b>\$100.00</b>

Within 30 days of this notice you must either: 1) pay the assessed civil forfeiture or, 2) submit a written Request for an Administrative Hearing.

180 East Broad Street  
Columbus, Ohio 43215-3793(614) 466-3016  
www.PUCO.ohio.gov

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.  
Technician MA Date Processed SEP 30 2019

2019 SEP 30 AM 9:11

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PUCO

19-1827-TR-CVF

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FILE

Kyle Anthony Frey

52 Holden St. Parkersburg, WV 26104

304-210-2469

I, Kyle Frey, am making a Request for administrative hearing to present mitigating circumstances on Case no. OH19310003240.

I (Kyle Frey), was driving on Interstate 71 North April 25, 2019 nearing Lebanon, Ohio. It had just stopped raining and there was an overcast when I was pulled over by D.T. York- badge number 1931. Mr. York asked for my driver's license, registration, and Insurance and looked at my logbooks. He asked why I had gone over my 14 hours while in Georgia and I explained that I loaded late and got stuck in traffic in Atlanta, GA. Then he stated that I should have pulled off an hour or two before my 14 hours were up.

Next Mr. York said "I'm going to take a quick look at a few things and then enter some things into my computer. He closed the front passenger door and headed to the front of my truck and stood there for about 30 seconds and returned to his SUV and was in there for approximate 10-15 minutes. I presumed I was being stopped for a random Safety inspection.

Upon his return he stated that he did a Level-3 inspection then he said, "You have been sighted for not wearing your seatbelt." I told him that my seat belt was on. I had to take it off to open the passenger door you came to. He exclaimed that at some point in time from the time I saw you without it, and the time I came to this door you must have put it on. Mr. York said "the seat belt is bright orange you're not painting a very good picture for yourself" as he pointed at the seatbelt on the passenger's side. No, I had it on. He then asked, "Did you have it underneath your arm?" I said no "I did not have it under my arm because that is not how a seatbelt is worn.

I told him I never operate a vehicle without my seatbelt, even in my personal vehicle. Also, my Insurance doubles if I am not wearing a seat belt. He asked if there was anything else, I wanted to say. I said no because anything else I say could get me in trouble and he said, "Nothing you say will get you into trouble." I told him yes, I beg to differ. I have few choice words because, I think this is a bogus call and I will be fighting this in court. There is no way that he could have even noticed if I were wearing a seatbelt with the overcast. The seat belt on the passenger side is bright orange but not the one on the driver's side is dirty and not bright but, it is orange. I would like to see what his dash cam showed.

Mr. York not once mentioned my seatbelt until after he performed a Level-3- inspection and found nothing.

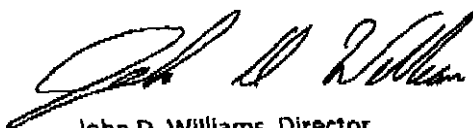
He drove off in his SUV. I called Maverick to let them know what happened and they stated don't worry it was probably just a warning. So, I drove to the nearest place to pull over and finished driving for that day.

I would like to request the Court date, time and place.

Failure to comply with either option above shall constitute a waiver of your right to further contest the violation(s) and will conclusively establish the occurrence of the violation(s). 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. In addition, your Ohio operating authority and/or commercial driving privileges may be sanctioned as permitted by law.

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

Sincerely,

A handwritten signature in black ink, appearing to read "John D. Williams", is written over a horizontal line.

John D. Williams, Director  
Transportation Department

cc: Mark Banks



Kyle Frey  
304-210-2469 |

TO:	Public Utilities Commission	FROM:	Kyle Frey
FAX:	(614) 466-0313	PAGES:	4 including this cover sheet
PHONE:	(614) 466-4095	DATE:	09/30/2019
RE:	Written Request for Administrative Hearing	CC:	

☐ Urgent    ☐ For Review    ☐ Please Comment    ☐ Please Reply    ☐ Please Recycle

Comments: Please accept my letter for a request for an Administrative Hearing. Thank you