

FILE

PUCO EXHIBIT FILING

Date of Hearing: 9/12/19

Case No. 19-660-TH-CVF

PUCO Case Caption: Linxi Hong

List of exhibits being filed:

STAFF Ex 1-9

Reporter's Signature: Michael O. Spencer
Date Submitted: 10/4/19

PUCO

RECEIVED-DOCKETING IN
2019 OCT -4 PM 2:00

6/17/2019 1:00 PM
This is to certify that the following documents have been filed with the PUCO and are available for public inspection.
6/17/2019 1:00 PM
PUCO

DRIVER/VEHICLE EXAMINATION REPORT



Public Utilities Commission of Ohio
180 East Broad Street
Transportation Department
Columbus, OH 43215
Phone #: (614)466-0429 Fax #: (614)752-9274

Report Number: OH3244011664

Inspection Date: 7/17/2018 Certification Date: 08/10/2018

Time Started: 11:30 Time Ended: 12:00

Inspection Level: II - Walk-Around

HM Inspection Type: No HM Inspection

TBI EXPRESS LLC
18350 SANJOSE AVE
ROWLAND HEIGHTS, CA 91748
USDOT #: 02997891
MC/MX #: 022534
State #:

Phone #: (909)551-8733
Fax #:

Driver: HANG, ZIWEI
License #: Y4061467 State: CA
Date of Birth: 4/20/1985

Location: HARRISON SCALES
Highway: IR74
County: HAMILTON
Shipper: KUEHNE-NAGEL

MilePost: 2
Origin: TORRANCE, CA
Destination: GROVEPORT, OH

Bill of Lading: 6524251
Cargo: FRESH PRODUCE

VEHICLE IDENTIFICATION:

Unit Type	Make	Year	State	License#	Equipment ID	Unit VIN	GVWR	CVSA #	CVSA Issued #	OOS Stkr.#
1	TT	FRHT	2016	IN	2379379	146636	3AKJGLDV4GSHM3342	53,200		3244011664
2	ST	GDAN	2006	CA	4RM3102	535473	1GRAA06276K274275	68,000		

BRAKE ADJUSTMENTS: No brake measurements recorded.

VIOLATIONS :

Vio Code	Section	Unit	OOS	State Citation Number	Verify*	Crash	Violation Description
393.205A	393.205(a)	1	Y		U	N	Wheel/rim cracked or broken: on tractor axle#1 left side rim cracked.
396.9C2	396.9(c)(2)	1	N		N	N	Operating an out-of-service vehicle: placed out-of-service at Harrison Scales and driver left with out fixing problem.

* U - Unknown; N - Non-OOS or Driver OOS Violation

HazMat: No HM Transported.

Placard: NA Cargo Tank:

Special Checks:

- | | | |
|---|--|--|
| <input type="checkbox"/> Alcohol/Controlled Substance Check | <input type="checkbox"/> Traffic Enforcement | <input type="checkbox"/> Post Crash Inspection |
| <input type="checkbox"/> Conducted by Local Jurisdiction | <input type="checkbox"/> PASA Conducted Inspection | <input type="checkbox"/> PBBT Inspection |
| <input type="checkbox"/> Size and Weight Enforcement | <input type="checkbox"/> Drug Interdiction Search | Arrests: |
| <input type="checkbox"/> EScreening | | |

Inspection Notes: I put tractor out-of-service, driver spoke little English. I showed the driver and co-driver the out-of service (rim cracked). Then a minute later the driver left the scale house.(I was tied up with another inspection) Trooper 1111 got the tractor and trailer and brought them back to the Harrison Scales.

Special Study Fields:

Special Study1: Special Study6:
Special Study2: Special Study7:
Special Study3: Special Study8:
Special Study4: Special Study9:
Special Study5: Special Study10:

Locally Defined Fields:

For-Hire Carrier: Y; Driver Address: 1441 PASO REAL AVE SP 31; Driver City: ROWLAND HEIGHTS; Driver State: CA; Driver Zip: 91748; Photos Taken (Y/N): Y; Reason Code: OBVI; FMCSA Credentials Verified-Y/N: Y; CDL Verified (Y/N): Y; FMCSA OOS Order Issued(Y/N): N; ISS Score: 89

* Pursuant to authority contained in Title 49, Code of Federal Regulations, Section 396.9, I hereby declare vehicles with defects followed by an "Y" in the "Out of Service" column in the violations discovered section of this report OUT OF SERVICE. No person shall remove the out of service stickers applied to these vehicles, or operate such vehicles until the out of service defects have been repaired and the vehicles have been restored to safe operating condition.

Report Prepared By:
R M SCOTT

Badge #:
3244

Copy Received By:
HANG, ZIWEI

Page 1 of 2



OH3244011664

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X

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Phone #: (909)551-8733
Fax #:

Driver: HANG, ZIWEI
License #: Y4061467 State: CA
Date of Birth: 4/20/1985

All violations of the FHMR and FMCSR or Title 49 of the Ohio Revised Code will be reviewed by the PUCO's Transportation Department to determine whether civil forfeitures should be assessed against any responsible parties in accordance with the penalty provisions of Title 49 of the Ohio Revised Code. If civil forfeitures are assessed, you will receive a separate notice by mail. These penalties may be assessed to motor carriers, shippers, and/or drivers.

ATTENTION MOTOR CARRIER: The motor carrier must examine this report and repair all the vehicle defects/violations noted above -AND- The motor carrier must sign the Certification of Repairs below and return the signed form to: Public Utilities Commission of Ohio, T ASD - 4th floor, 180 E Broad St, Columbus, OH 43215-3793 -OR- Fax (614) 752-9274 within 15 days of the inspection. If "No Violations Were Discovered" then you do not need to return this report. Failure to return this report with the required certification can result in penalties up to \$1,000 per day for each day the violation continues, up to a total of \$10,000. If you have any questions, please contact (614) 466-0429.

Signature of Carrier Official: X

Date: _____

ATTENTION DRIVER: This report must be sent to the motor carrier whose name appears at the top of this inspection report within 24 hours. If the inspection report cannot be delivered within 24 hours the driver must mail or fax the inspection report to the motor carrier.

***** POSSIBLE CDL DISQUALIFICATION *****

If this roadside inspection identified an alleged violation of one or more of the below noted regulations, your CDL may be disqualified. If the PUCO finds you committed a violation of any of these regulations, the violation will be treated as a conviction for the purposes of federal and state law and notice of such conviction will be forwarded to the Ohio Bureau of Motor Vehicles (BMV). The BMV may disqualify you from operating a commercial motor vehicle for a minimum of 60 days. Any BMV sanction is in addition to sanctions imposed by the Public Utilities Commission of Ohio (PUCO), 177.804(b)(1), 177.804(b)(2), 177.804(b)(3), 177.804(c), 4901.2-5-07D, 383.23(a)(2), 383.51(a), 383.51A-NSIN, 383.51A-NSOUT, 383.51A-SIN, 383.51A-SOUT, 383.91(a), 383.93(b)(1), 383.93(b)(2), 383.93(b)(3), 383.93(b)(4), 383.93(b)(5), 391.15(a), 391.15A-NSIN, 391.15A-NSOUT, 391.15A-SIN, 391.15A-SOUT, 392.10(a)(1), 392.10(a)(2), 392.10(a)(3), 392.10(a)(4), 392.11, 392.12, 392.4(a), 392.5(a)(2), 392.5A2-UI, 392.5(c)(2), 392.80(a), 392.82(a)(1), 395.13(d), 396.9(c)(2).

MOTOR CARRIER CERTIFICATION OF COMPLETED REPAIRS: The undersigned certifies that all violations noted on this report have been corrected and action taken to assure compliance with the Federal Motor Carrier Safety & Hazardous Materials Regulations insofar as they are applicable to motor carriers and drivers. A false certification of repairs is required to be prosecuted with penalties up to \$10,000.

Signature of Repairer: X

Facility: _____

Date: _____

Report Prepared By:
R M SCOTT

Badge #:
3244

Copy Received By:
HANG, ZIWEI

Page 2 of 2



OH3244011664

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X

TBI EXPRESS LLC

DOT 29978

MAC 02253

CA 50676

VIN:GSHM 3341

TBI EXPRESS, LLC

DOT 2997891

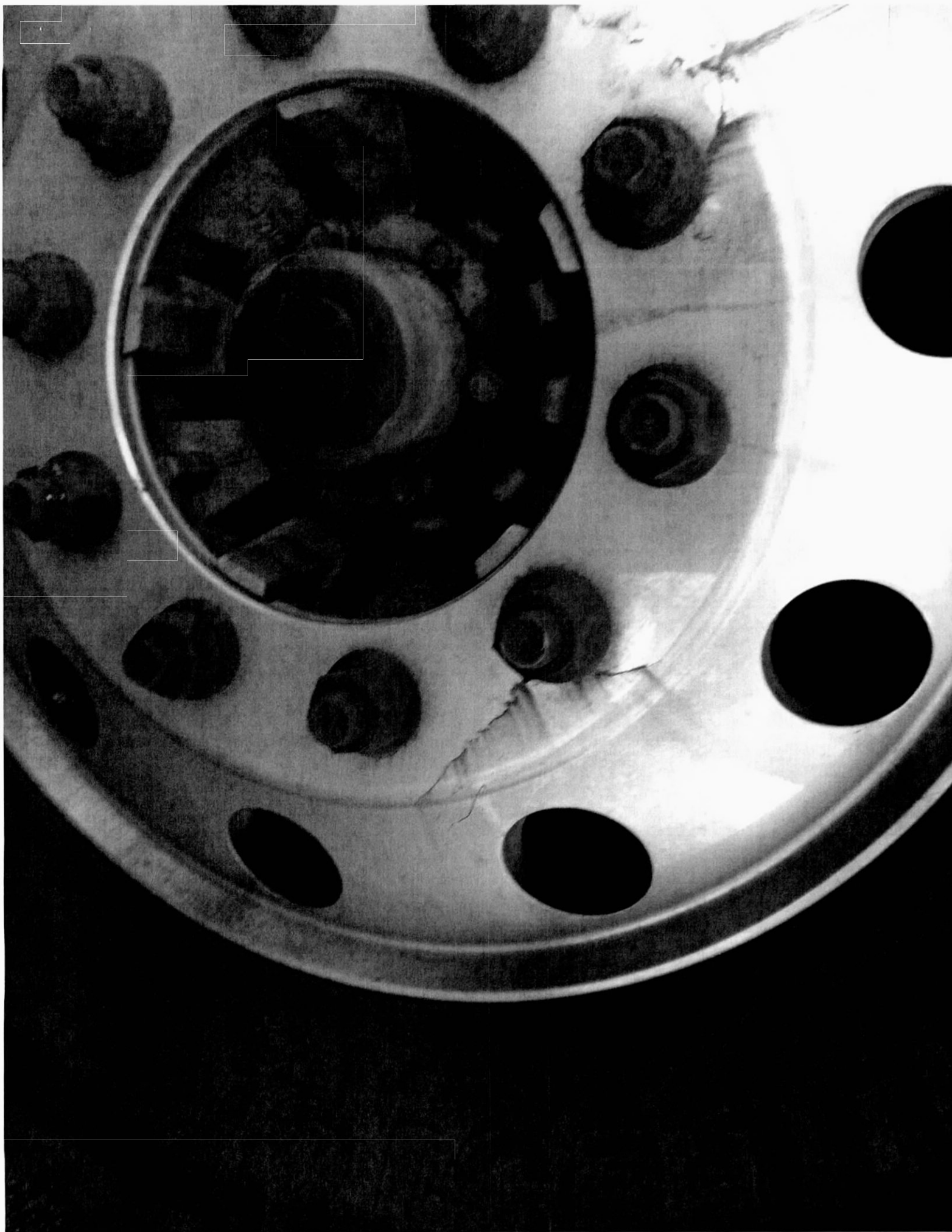
MC 022534

CA 506765

VIN:GSHM 3341

FIRE EXTINGUISHER INSIDE





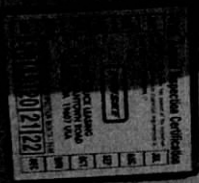
STAFF EX 5



SIATF EXC

OUT OF
SERVICE

146636





Public Utilities Commission

Asim Z. Haque, Chairman

Commissioners

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

02/26/2019

OH3244011664D
Mr James Zheng
1441 PASO REAL AVE SP 31
ROWLAND HEIGHTS, CA 91748

RE: **NOTICE OF PRELIMINARY
DETERMINATION**
Case No. OH3244011664D

Dear Sir or Madam:

On 07/17/2018, a vehicle operated by TBI EXPRESS LLC, and driven by ZIWEI HANG, 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 ZIWEI HANG (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
396.9C2	4	Operating an out-of-service vehicle	2500.00
		Total of Group 4	2500.00

TOTAL AMOUNT DUE: \$2,500.00

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 ZIWEI HANG in the following amount:

CODE	GROUP	VIOLATION	FORFEITURE
396.9C2	4	Operating an out-of-service vehicle	2500.00
		Total of Group 4	2500.00

180 East Broad Street
Columbus, Ohio 43215-3793

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





Public Utilities Commission

Asim Z. Haque, Chairman

Commissioners

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

TOTAL AMOUNT DUE: \$2,500.00

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



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180 East Broad Street
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Phone #: (614)466-0429 Fax #: (614)752-9274

Report Number: OH3244011662
Inspection Date: 7/17/2018 Certification Date:
Time Started: 09:34 Time Ended: 11:00
Inspection Level: I - Full Inspection
HM Inspection Type: No HM Inspection

TBI EXPRESS LLC
18350 SANJOSE AVE
ROWLAND HEIGHTS, CA 91748
USDOT #: 02997891
MC/MX #: 022534
State #:

Phone #: (909)551-8733
Fax #:

Driver: HANG, ZIWEI
License #: Y4061467 State: CA
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Location: HARRISON SCALES
Highway: IR74
County: HAMILTON
Shipper: KUEHNE-NAGEL

MilePost: 2
Origin: TORRANCE, CA
Destination: GROVEPORT, OH

Bill of Lading: 6524251
Cargo: FRESH PRODUCE

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1	TT	FRHT	2016	IN	2379379	146636	3AKJGLDV4GSHM3342	53,200		3244011662
2	ST	GDAN	2006	CA	4RM3102	535473	1GRAA06276K274275	68,000		

BRAKE ADJUSTMENTS:

Axle #	1	2	3	4	5
Right	1 7/8	1 7/8	1 3/4	1 3/4	1 3/4
Left	1 1/2	1 7/8	1 7/8	2	INOP
Chamber	L-24*	L-30	L-30	C-30	C-30

VIOLATIONS:

Vio Code	Section	Unit	OOS	State Citation Number	Verify*	Crash	Violation Description
393.205A	393.205(a)	1	Y		U	N	Wheel/rim cracked or broken: on tractor axle#1 left side rim cracked.
393.40	393.40	2	N		N	N	Inadequate brake system on a CMV: on trailer axle#5 left side pad not touching drums when service brake is applied.
392.2WC	392.2	2	N		N	N	Wheel (Mud) Flaps missing or defective: on trailer right mud flap missing.

* U - Unknown; N - Non-OOS or Driver OOS Violation

HazMat: No HM Transported. Placard: NA Cargo Tank:

Special Checks:

- | | | |
|---|--|--|
| <input type="checkbox"/> Alcohol/Controlled Substance Check | <input type="checkbox"/> Traffic Enforcement | <input type="checkbox"/> Post Crash Inspection |
| <input type="checkbox"/> Conducted by Local Jurisdiction | <input type="checkbox"/> PASA Conducted Inspection | <input type="checkbox"/> PBBT Inspection |
| <input type="checkbox"/> Size and Weight Enforcement | <input type="checkbox"/> Drug Interdiction Search | Arrests: |
| <input type="checkbox"/> EScreening | | |

Inspection Notes:

Special Study Fields:

Special Study1: Special Study6:
Special Study2: Special Study7:
Special Study3: Special Study8:
Special Study4: Special Study9:
Special Study5: Special Study10:

Locally Defined Fields:

For-Hire Carrier: Y; Driver Address: 1441 PASO REAL AVE SP 31; Driver City: ROWLAND HEIGHTS; Driver State: CA; Driver Zip: 91748; Photos Taken (Y/N): Y; Reason Code: OBVI; FMCSA Credentials Verified-Y/N: Y; CDL Verified (Y/N): Y; FMCSA OOS Order Issued(Y/N): N; ISS Score: 89

Report Prepared By:
R M SCOTT

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Report Prepared By:

R M SCOTT

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HANG, ZIWEI

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OH3244011662