

Date of Hearing: 9/19/19

PUCO Case Caption: Patro Chpnovskyi

STAFF EX-1-16

This image shows a single sheet of white paper with horizontal black ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. On the right side, there are some faint, dark marks that appear to be staple indentations or punch holes. The overall appearance is that of a standard piece of stationery or notebook paper.

FOUR

2019 OCT -7 PM 2:27

00-411300-0346-001

Reporter's Signature: Michael O. Spence
Date Submitted: 10-7-19

This is to certify that the inclosed enclosures are all accurate and complete reproduction of a Court file document delivered in the regular course of business.
Technician DR Date Processed 10/7/19

PUBLIC UTILITIES COMMISSION OF OHIO

- - -

In the Matter of Petro :
Chuprovskyi Notice of : Case No.
Apparent Violation and : 19-675-TR-CVF
Intent to Assess Forfeiture.:

- - -

PROCEEDINGS

Before Michael Williams, Attorney Examiner, held
at the Public Utilities Commission of Ohio, 180
East Broad Street, Hearing Room 11-D, Columbus,
Ohio, on Thursday, September 19, 2019, at 10:00
A.M.

- - -

Armstrong & Okey, Inc.
222 East Town Street, 2nd Floor
Columbus, Ohio 43215
(614) 224-9481 - (800) 223-9481

- - -

STAFF EX. L

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: OH3274020966
Inspection Date: 11/21/2018 Certification Date: 12/05/2018
Time Started: 09:45 Time Ended: 11:12
Inspection Level: II - Walk-Around
HM Inspection Type: No HM Inspection

PETRO EXPRESS INCORPORATED

32 W CONTI PKWY APT 2C

ELMWOOD PARK, IL 60707-4534

USDOT #: 03013893

Phone #: (773)240-6327

MC/MX #: 00030636

Fax #:

State #:

Driver: CHUPROVSKYI, PETRO

License #: C16166071289

State: IL

Date of Birth: 10/10/1971

Location: ROADSIDE..

MilePost: 6

Highway: US30

Origin: MOUNT HOPE, OH

Bill of Lading:

County: STARK

Destination: AKRON, OH

Cargo: EMPTY

Shipper:

VEHICLE IDENTIFICATION:

Unit	Type	Make	Year	State	License#	Equipment ID	Unit VIN	GVWR	CVSA #	CVSA Issued #	OOS Str.#
1	TT	FRHT	2009	IL	P949910	11	1FUJGLCK89LAC4404	52,000			
2	ST	GREY	2006	IL	659209ST	655091	1GRAA06226T530199	68,000			Y

BRAKE ADJUSTMENTS: No brake measurements recorded.

VIOLATIONS :

Vio Code	Section	Unit	OOS	State Citation Number	Verify*	Crash	Violation Description
393.207F	393.207(f)	2	Y		U	N	Air suspension pressure loss: Left front trailer air suspension bag broke off bottom mounting 4L
393.207F	393.207(f)	2	Y		U	N	Air suspension pressure loss: Right front trailer air suspension bag broke off bottom mounting, 4R
392.9A2	392.9(a)(2)	2	Y		U	N	Failing to secure vehicle equipment: Spare tire in tire rack under trailer not secured in rack by anything
393.75C	393.75(c)	2	N		N	N	Tire-other tread depth less than 2/32 of inch measured in a major tread groove: Right rear inside trailer tire worn 0/32 tread depth across 1 major tread groove, 5RI, Inside groove

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

HazMat:

No HM Transported.

Placard: NA

Cargo Tank:

Special Checks:

- ☐ Alcohol/Controlled Substance Check
☐ Conducted by Local Jurisdiction
☐ Size and Weight Enforcement
☐ EScreening

- ☐ Traffic Enforcement
☐ PASA Conducted Inspection
☐ Drug Interdiction Search

- ☐ Post Crash Inspection
☐ PBBT Inspection
 Arrests:

Inspection Notes: OBVI - SPARE TIRE

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;Fatalities (Y/N): N;Driver Address: 32 W CONTI PKWY APT 2C;Driver City: ELMWOOD PARK;Driver State: IL;Driver Zip: 60707;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: 70

* 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:

Badge #:

Copy Received By:

Page 1 of 2

D A Bell

3274

CHUPROVSKYI, PETRO



X

X

OH3274020966

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: OH3274020966
Inspection Date: 11/21/2018 Certification Date: 12/05/2018
Time Started: 09:45 Time Ended: 11:12
Inspection Level: II - Walk-Around
HM Inspection Type: No HM Inspection

PETRO EXPRESS INCORPORATED
32 W CONTI PKWY APT 2C
ELMWOOD PARK, IL 60707-4534
USDOT #: 03013893
MC/MX #: 00030636
State #:

Phone #: (773)240-6327
Fax #:

Driver: CHUPROVSKYI, PETRO
License #: C16166071289 State: IL
Date of Birth: 10/10/1971

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, TASD - 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:

D A Bell

Badge #:

3274

Copy Received By:

CHUPROVSKYI, PETRO

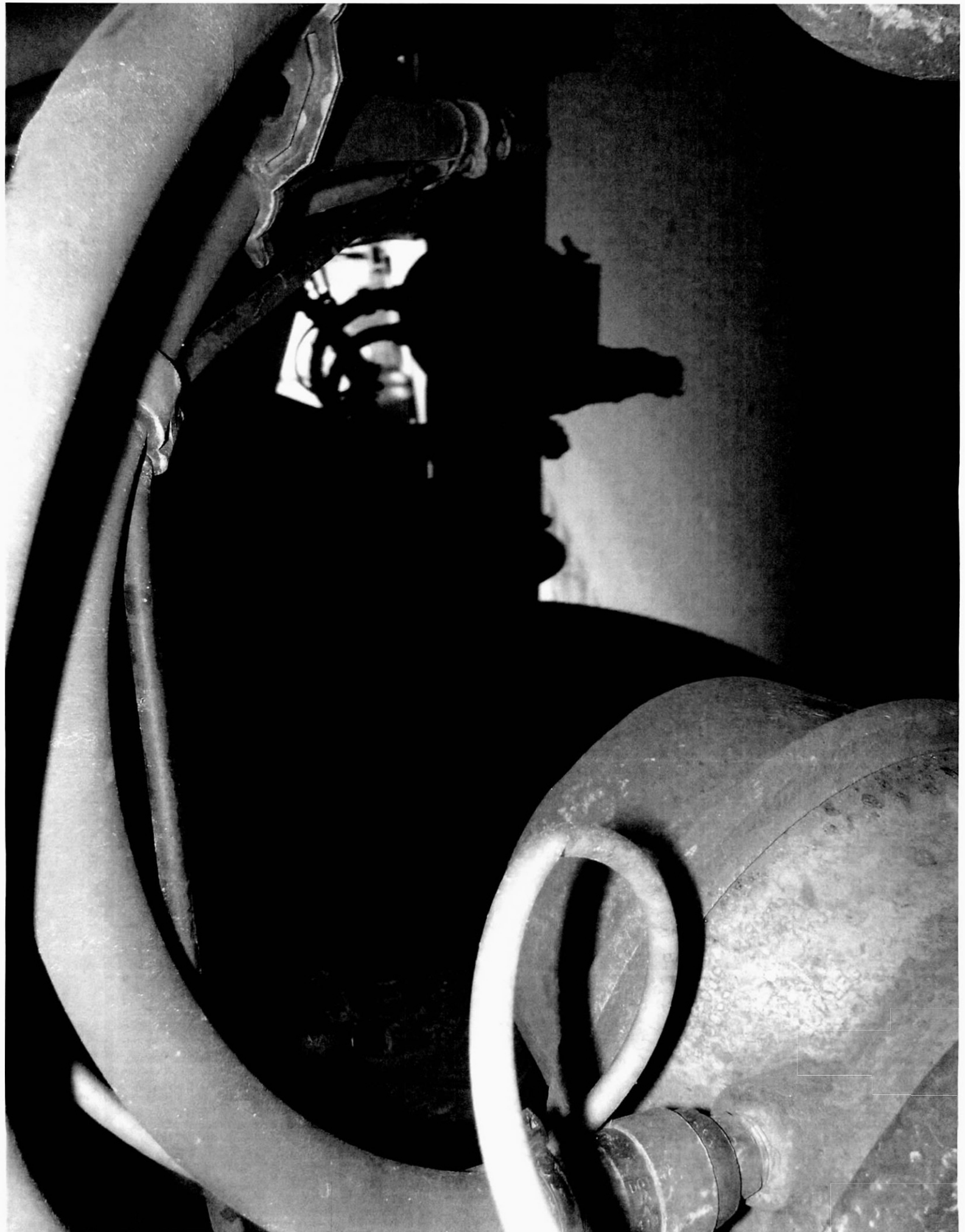
Page 2 of 2



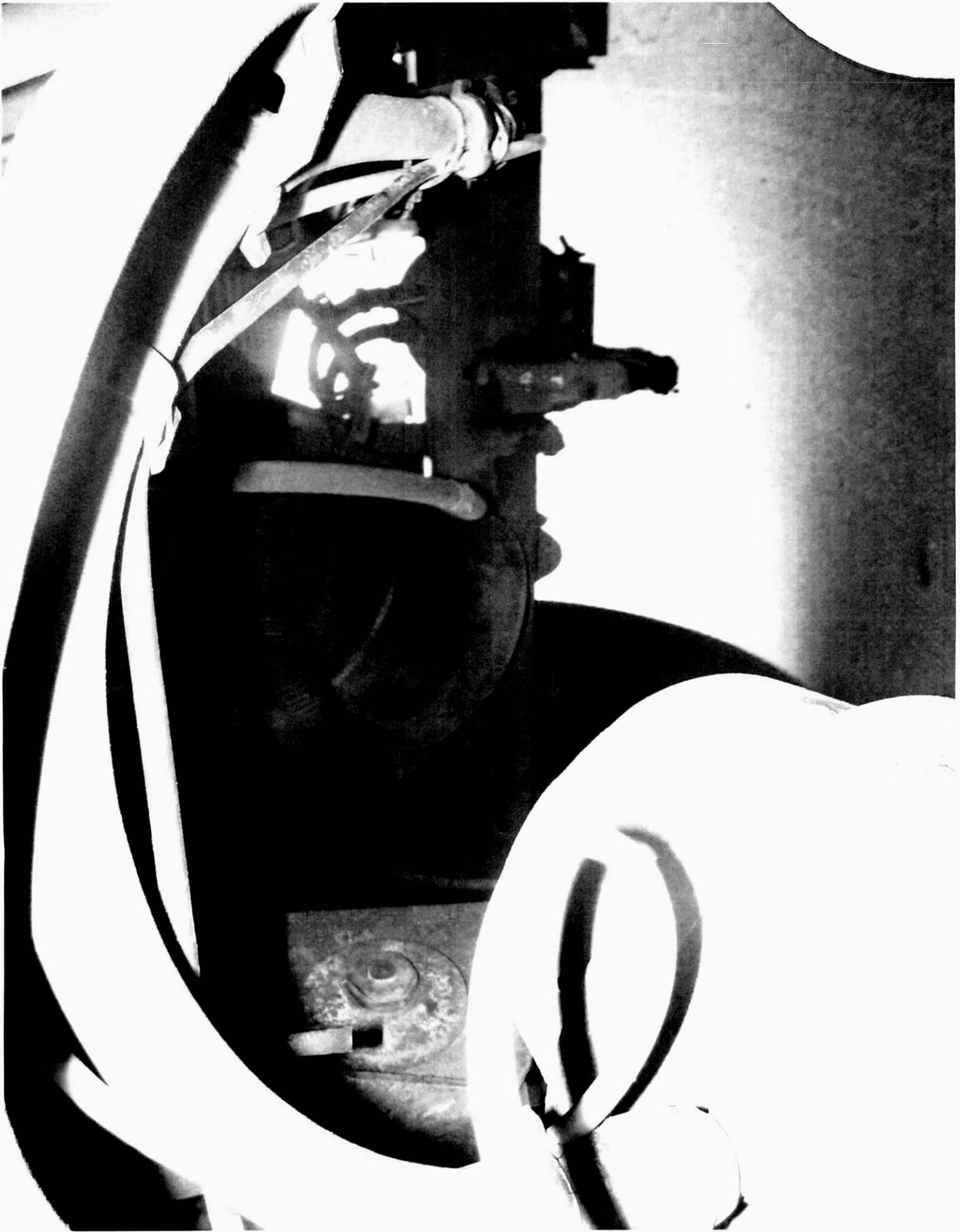
OH3274020966

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X



STAFF EX. 3



STAFF EX. 4

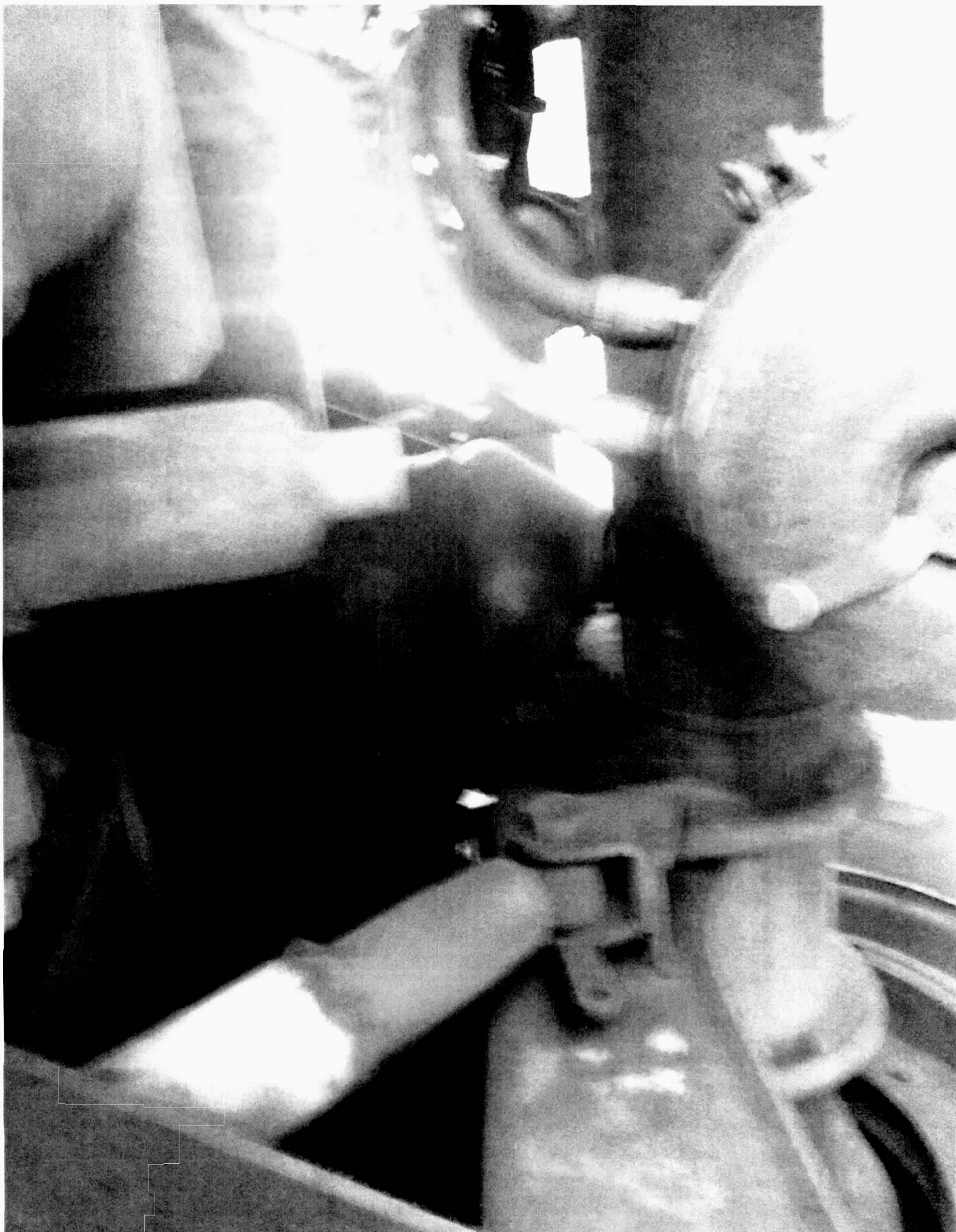






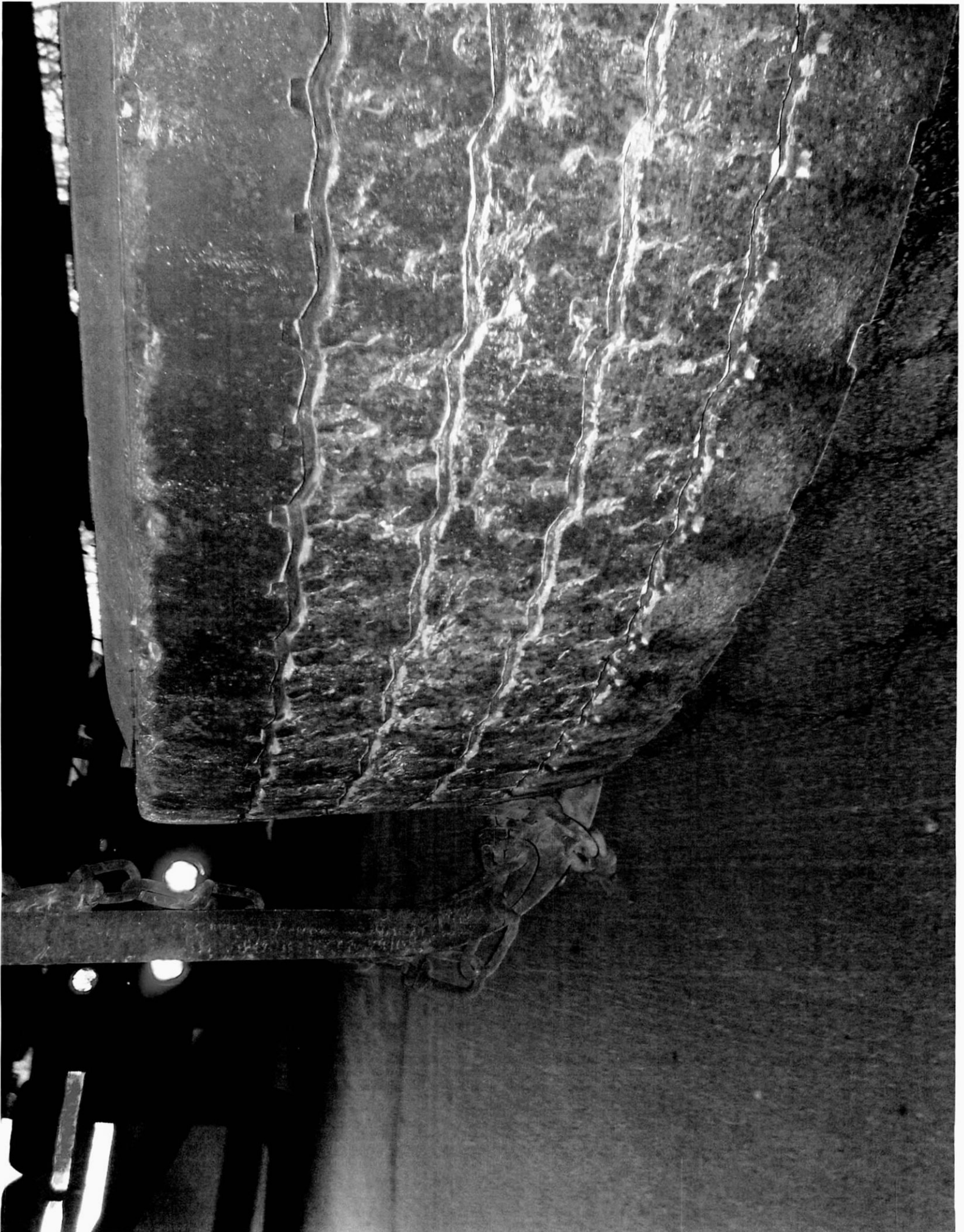




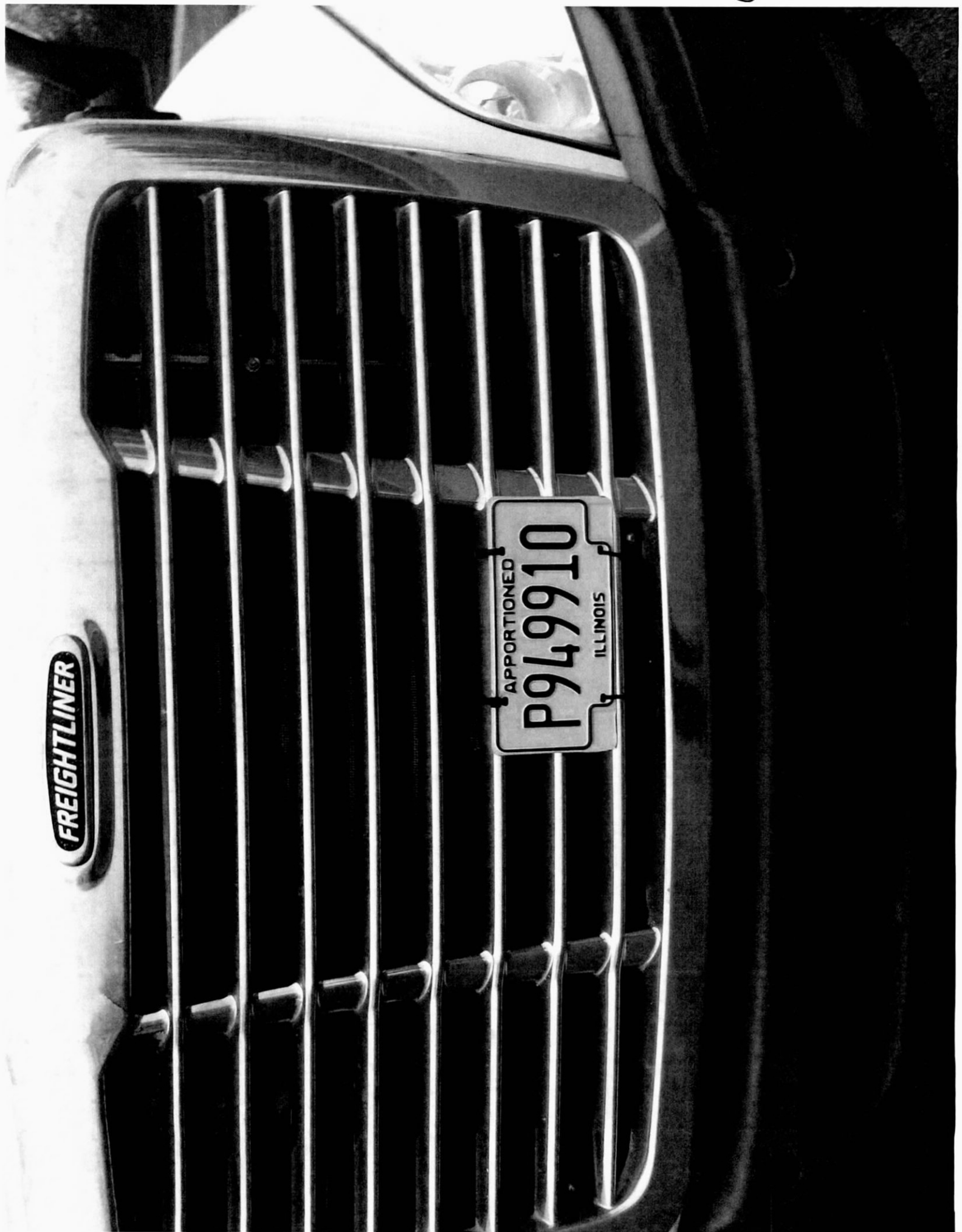




STAFF EX. 11



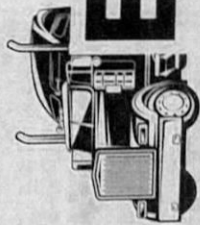
STAFF EX. 12





DRIVER USING

ELECTRONIC LOGS

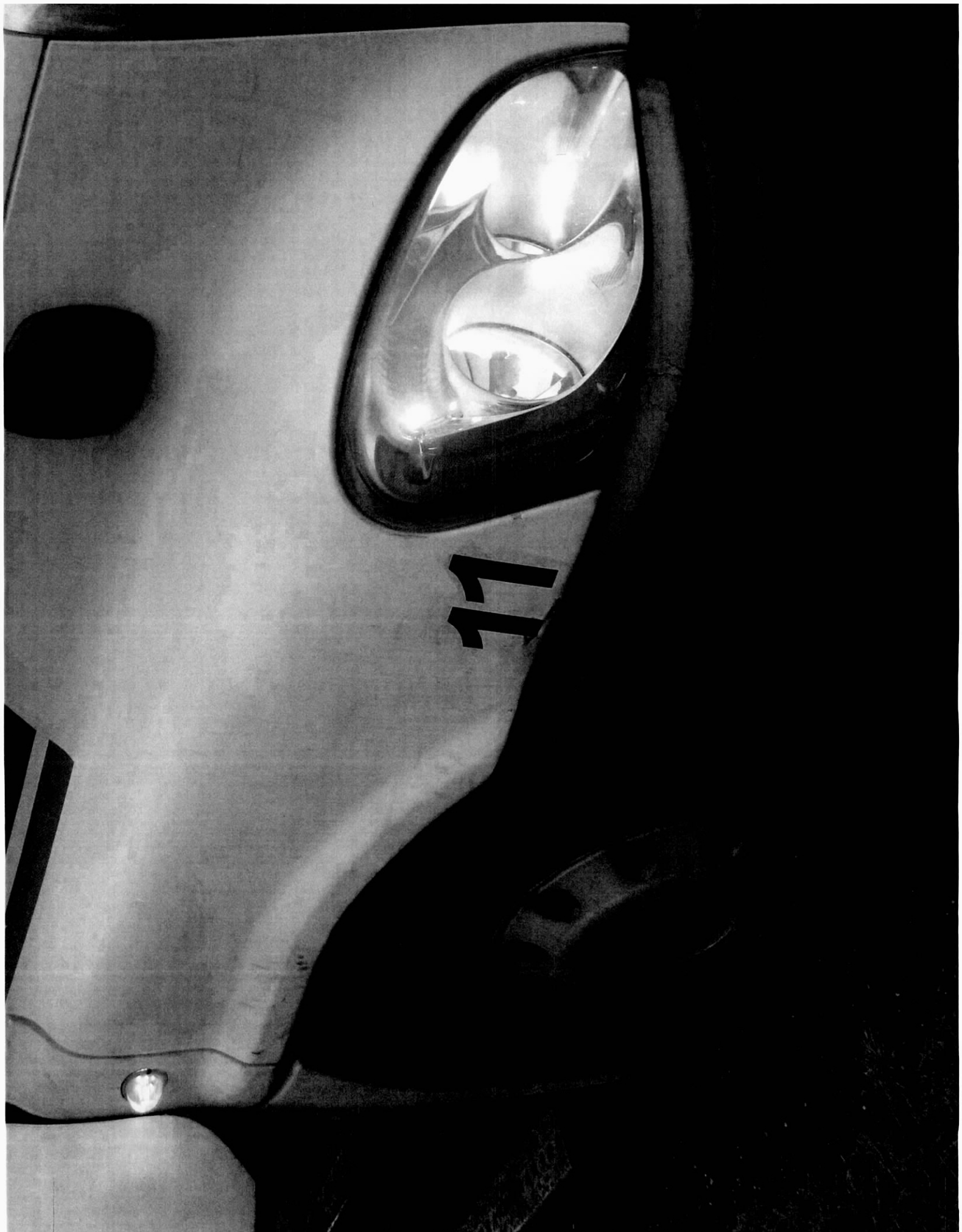


**PETRO
EXPRESS, INC**

USDOT 3013893

MC 30636

STAFF EX. 15





Public Utilities Commission

Asim Z. Haque, Chairman

Commissioners

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

01/17/2019

OH3274020966C

Anastasiya Chuprovskaya

32 W CONTI PKWY APT 2C

ELMWOOD PARK, IL 60707-4534

RE: **NOTICE OF PRELIMINARY
DETERMINATION**

Case No. OH3274020966C

Dear Sir or Madam:

On 11/21/2018, a vehicle operated by PETRO EXPRESS INCORPORATED, and driven by PETRO CHUPROVSKYI, 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 PETRO EXPRESS INCORPORATED (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
393.75C	0	Tire--other tread depth less than 2/32 of inch measured in a major tread groove	
392.9A2	1	Failing to secure vehicle equipment	
393.207F	1	Air suspension pressure loss	
393.207F	1	Air suspension pressure loss	
		Total of Group 0	0.00
		Total of Group 1	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 PETRO EXPRESS INCORPORATED in the following amount:

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. Friedeman
Daniel R. Conway

CODE	GROUP	VIOLATION	FORFEITURE
393.75C	0	Tire-other tread depth less than 2/32 of inch measured in a major tread groove	
392.9A2	1	Failing to secure vehicle equipment	
393.207F	1	Air suspension pressure loss	
393.207F	1	Air suspension pressure loss	
		Total of Group 0	
		Total of Group 1	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: Thomas Persinger

180 East Broad Street
Columbus, Ohio 43215-3793

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



**ROADSIDE INSPECTION
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 this "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, Violation Groups, 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.

"Violation Group" identifies the numerical group (1-4) of the violation for purposes of calculating the civil forfeiture. 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.

5. Violations of 49 C.F.R. 383.51, 391.15, 392.5(c)(2), 392.10, 392.80(a), 392.82(a), 395.13(d), 396.9(c)(2), and rule 4901:2-5-07(D) of the Ohio Administrative Code

If you are "convicted" of violating any of the following: 49 C.F.R. 383.51, 391.15, 392.5(c)(2), 392.10, 392.80(a), 392.82(a), 395.13(d), 396.9(c)(2), or rule 4901:2-5-07(D) of the Ohio Administrative Code, you may be disqualified from operating a commercial motor vehicle for a minimum of 60 days. The federal regulations defines conviction as, "An unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an **authorized administrative tribunal**, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the **payment of a fine** or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated."

6. Copies of Inspection Reports

A copy of the inspection report for the violations described in this notice was given to the driver at the time of inspection. You may request additional copies of inspection reports.

Obtain copies at this web site:

<https://www.puc.state.oh.us/secure/OMCIS/public/searchcarrierreports.aspx>

Or you may email your request to:

cmvreports@puc.state.oh.us. Please provide the **inspection number and inspection date** in your request.





The Public Utilities
Commission of Ohio
180 E. Broad St. -- Fourth Floor
Columbus, OH 43215

OMCIS VOUCHER

Date: 1/17/2019
Legal Name: PETRO EXPRESS INCORPORATED
Address: 32 W CONTI PKWY APT 2C
City: ELMWOOD PARK
State: IL
Zip: 60707-4534
Case Number: OH3274020966C
PIN: Q12Z

Item	DueDate	Amount
1	3/3/2019	\$250.00
Total		\$250.00

Pay online at <https://omcis.puc.state.oh.us/home.aspx> or enclose this voucher with your check or money order if paying by mail.



OH3274020966C

