

PUCO EXHIBIT FILING

Date of Hearing: 12/9/2019

Case No. 19-1773-TR-CVF

PUCO Case Caption: In the Matter of Sovereign
Truck and Equipment Sales, Notice of Apparent
Violation and Intent to Assess Forfeiture.

List of exhibits being filed:

Commissioner Exhibit A & B

PUCO

2019 DEC 19 PM 3:04

Reporter's Signature: Karen Sue Gibson
Date Submitted: 12/19

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Technician MM Date Processed 12/19/19

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

In the Matter of Sovereign:
Truck and Equipment Sales, :
Notice of Apparent : Case No. 19-1773-TR-CVF
Violation and Intent to :
Assess Forfeiture. :

- - -

PROCEEDINGS

before Mr. Michael Williams, Attorney Examiner, at
the Public Utilities Commission of Ohio, 180 East
Broad Street, Room 11-D, Columbus, Ohio, called at
10:03 a.m. on Monday, December 9, 2019.

- - -

ARMSTRONG & OKEY, INC.
222 East Town Street, Second Floor
Columbus, Ohio 43215-5201
(614) 224-9481 - (800) 223-9481

- - -



Public Utilities Commission

Asim Z. Haque, Chairman

Commissioners

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

02/08/2019

OH3269014677C
Mr Phillip Steele
6230 E IH 20
ALED0, TX 76008

RE: **NOTICE OF PRELIMINARY
DETERMINATION**
Case No. OH3269014677C

Dear Sir or Madam:

On 06/20/2018, a vehicle operated by SOVEREIGN TRUCK AND EQUIPMENT SALES, and driven by ERIC D THOMAS, 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 SOVEREIGN TRUCK AND EQUIPMENT SALES (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
392.2RG	0	State vehicle registration or License Plate violation	
393.11	0	No or defective lighting devices or reflective material as required	
393.11	0	No or defective lighting devices or reflective material as required	
393.207A	0	Axle positioning parts defective/missing	
393.75A2	0	Tire-tread and/or sidewall separation	
393.81	0	Horn inoperative	
393.9	0	Inoperable Required Lamp	
393.9	0	Inoperable Required Lamp	
393.48A	1	Inoperative/defective brakes	
393.48A	1	Inoperative/defective brakes	
393.48A	1	Inoperative/defective brakes	
393.48A	1	Inoperative/defective brakes	
396.3A1BOS	1	BRAKES OUT OF SERVICE: The number of defective brakes is equal to or greater than 20 percent of the service brakes on the vehicle or combination	

180 East Broad Street
Columbus, Ohio 43215-3793

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

1.





Public Utilities Commission

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393.207F	2	Air suspension pressure loss	
396.3A1	3	Inspection, repair and maintenance of parts & accessories	
390.21B	4	Carrier name and/or USDOT Number not displayed as required	100.00
392.2UCR	4	Failure to pay UCR Fee	500.00
		Total of Group 0	0.00
		Total of Group 1	250.00
		Total of Group 2	50.00
		Total of Group 3	40.00
		Total of Group 4	600.00

TOTAL AMOUNT DUE: \$940.00

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 SOVEREIGN TRUCK AND EQUIPMENT SALES in the following amount:

CODE	GROUP	VIOLATION	FORFEITURE
392.2RG	0	State vehicle registration or License Plate violation	
393.11	0	No or defective lighting devices or reflective material as required	
393.11	0	No or defective lighting devices or reflective material as required	
393.207A	0	Axle positioning parts defective/missing	
393.75A2	0	Tire-tread and/or sidewall separation	
393.81	0	Horn inoperative	
393.9	0	Inoperable Required Lamp	
393.9	0	Inoperable Required Lamp	
393.48A	1	Inoperative/defective brakes	
393.48A	1	Inoperative/defective brakes	

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393.48A	1	Inoperative/defective brakes	
393.48A	1	Inoperative/defective brakes	
396.3A1BOS	1	BRAKES OUT OF SERVICE: The number of defective brakes is equal to or greater than 20 percent of the service brakes on the vehicle or combination	
393.207F	2	Air suspension pressure loss	
396.3A1	3	Inspection, repair and maintenance of parts & accessories	
390.21B	4	Carrier name and/or USDOT Number not displayed as required	100.00
392.2UCR	4	Failure to pay UCR Fee	500.00
		Total of Group 0	
		Total of Group 1	250.00
		Total of Group 2	50.00
		Total of Group 3	40.00
		Total of Group 4	600.00

TOTAL AMOUNT DUE: \$940.00

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.





Public Utilities Commission

Asim Z. Haque, Chairman

Commissioners

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

Sincerely,

A handwritten signature in black ink, appearing to read "Rod Moser".

Rod Moser, Chief of Compliance
Transportation Department

Compliance Officer: Mark Banks

180 East Broad Street
Columbus, Ohio 43215-3793

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



DRIVER/VEHICLE EXAMINATION REPORT



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

Report Number: OH3289014677

Inspection Date: 06/20/2018

Time Started: 01:20 PM

Inspection Level: 1

HM Inspection Type: No HM Inspection

Certification Date:

Time Ended: 03:09 PM

SOVEREIGN TRUCK AND EQUIPMENT SALES

6230 E IH 20

ALEDO, TX 76008

USDOT#: 02071091

MC/MX#:

State #: TX

Phone #: (817)715-3306

Fax #: (817)441-5665

Driver: THOMAS, ERIC D

License #: ~~XXXXXXXXXX~~

State:

Date of Birth: ~~XXXXXXXXXX~~

Location: ROAD SIDE

Highway: US 23

County: Ross

Shipper: CARRIER

MilePost: 14

Origin: HOLLAND, OH

Destination: ALEDO, TX

Bill of Lading: NONE

Cargo: DRIVEAWAY / TOWAWAY

VEHICLE IDENTIFICATION:

Unit	Type	Make	Year	State	License#	Equipment ID	Unit VIN	GVWR	CVSA #	CVSA Issued #	OOS Stkr #
1	TT	VOLV	2003	TX	NONE	NONE	4V4MC9GF53N344183	50000		0	
2	ST	CIWE	1986	TX	NONE	NONE	11NB148B0H2A90358	0		0	3289014677

BRAKE ADJUSTMENTS:

Axle #	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Left	1 1/8	1 1/4	N/M	INOP	INOP									
Right	1 1/8	1 1/4	N/M	INOP	INOP									
Chamber	C-20	C-30	C-30	C-30	C-30									

VIOLATIONS:

Vio Code	Section	Unit	OOS	State Citation Number	Verify*	Crash	Violation Description
383.23A2	383.23(a)(2)	D	Y			N	
383.71H	383.71(h)	D	N			N	
390.21B	390.21(b)	1	N			N	
391.41A	391.41(a)	D	N			N	
392.2RG	392.2	1	N			N	
392.2UCR	392.2	1	N			N	
393.11	393.11	2	N			N	
393.11	393.11	2	N			N	
393.207A	393.207(a)	2	N			N	
393.207F	393.207(f)	2	Y			N	
393.48A	393.48(a)	2	Y			N	
393.48A	393.48(a)	2	Y			N	
393.48A	393.48(a)	2	Y			N	
393.48A	393.48(a)	2	Y			N	
393.75A2	393.75(a)(2)	2	N			N	
393.81	393.81	1	N			N	
393.9	393.9(a)	1	N			N	

Report Prepared By:

A R Lester

Badge #:

3269

Copy Received By:

THOMAS, ERIC D

Page 1 of 3

Barcode

X_____

X_____



DRIVER/VEHICLE EXAMINATION REPORT



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

Report Number: OH3269014677

Inspection Date: 06/20/2018

Time Started: 01:20 PM

Inspection Level: 1

HM Inspection Type: No HM Inspection

Certification Date:

Time Ended: 03:09 PM

SOVEREIGN TRUCK AND EQUIPMENT SALES
6230 E IH 20
ALEDO, TX 76008
USDOT#: 02071091

MC/MX#:

State #: TX

Phone #: (817)715-3306

Fax #: (817)441-5665

Driver: THOMAS, ERIC D

License #: [REDACTED]

State:

Date of Birth: [REDACTED]

VIOLATIONS:

Vio Code	Section	Unit	OOS	State Citation Number	Verify*	Crash	Violation Description
393.9	393.9(a)	1	N			N	
395.8A-NON-ELD	395.8(a)(1)	D	Y			N	
396.3A1	396.3(a)(1)	2	Y			N	
396.3A1BOS	396.3(a)(1)	2	Y			N	

*N - Non-OOS or Driver OOS Violation

HazMat:

Placard:

Cargo Tank:

Special Checks:

☐ Alcohol/Controlled Substance

☐ Traffic Enforcement

☐ Post Crash Inspection

☐ Conducted by Local

☐ PASA Conducted Inspection

☐ PBBT Inspection

☐ Size and Weight Enforcement

☐ Drug Interdiction Search

Arrests:

☐ Escreening

Inspection Notes: Driver was flown to Ohio by company. Tractor and trailer intransit back to Tx at dealership. Per driver interview.

Interstate private commercial move.

Driver and carrier is claiming exemption from all FMCSA regulations.

No GVWR listed in trailer vin plate.

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:

Driver City

FORT WORTH

Driver State

TX

Photos Taken (Y/N)

Y

Co-Investigator #

1525

FMCSA Credentials Verified-Y/N

Y

CDL Verified (Y/N)

Y

Report Prepared By:

Badge #:

Copy Received By:

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Barcode

A R Lester

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THOMAS, ERIC D

X _____

X _____

DRIVER/VEHICLE EXAMINATION REPORT



Public Utilities Commission of Ohio
180 E. Broad St.
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Phone #: (614) 466-0429 Fax #: (614) 752-9274

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Inspection Date: 06/20/2018

Certification Date:

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Inspection Level: 1

HM Inspection Type: No HM Inspection

SOVEREIGN TRUCK AND EQUIPMENT SALES

6230 E IH 20
ALEDO, TX 76008
USDOT#: 02071091

Driver: THOMAS, ERIC D

License #: ~~XXXXXXXXXX~~

State:

Date of Birth: ~~XXXXXXXXXX~~

MC/MX#:

Phone #: (817)715-3306

State #: TX

Fax #: (817)441-5665

FMCSA OOS Order Issued(Y/N)

N

For-Hire Carrier

Y

Driver Zip

76137

Reason Code

OBVI

Driver Address

3500 NE LOOP 820 APT E2066

DRIVER/VEHICLE EXAMINATION REPORT

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.

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 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:

Badge #:

Copy Received By:

Page 3 of 3

Barcode

A R Lester

3269

THOMAS, ERIC D

X

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