

FILE

mark thurman  
case oh3226470278d  
pob 54456 jacksonville fl 32245  
904.520.8195

FILED-DOCKETING

2019 DEC 27 PM 2: 34

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PUCO

twime:

19-2233-TR-CVF

i, mark thurman, am not guilty of any of the three "false report of drivers record of duty status" violations i was cited for on 05sep19 by b k wilson, badge # 3226, of the ohio state highway patrol, motor carrier enforcement district 3, cleveland, phone 330.433.6210, report # oh3226010278. these inaccurate charges are also indicated on your 12sep19 and 12oct19 "notice of apparent violation and intent to assess forfeiture", case # oh3226470278d, pin # jw66imar, and your 09dec19 "notice of preliminary determination", case # oh3226010278d.

furthermore, as instructed by your "instruction sheet", i hereby file this "written request for an administrative hearing" within the 30 days you indicated on your last notice to me dated 09dec19. i was in fact not responsible for those violations and wish to wholeheartedly contest the violations that i am accused of and described in that notice, as per your "rule 4901:2-7-13, oac". it was impossible for me to edit any of the data on that device. in fact i was completely locked out of, and did not have any ability to edit the eld unit in question. it was fully automated, digital and locked out to me. i simply drove when the green lights indicated that i could, and stopped before the red lights indicating any violation ever showed. b k wilson, at my suggestion, attempted to edit the device at the time of the inspection. he can attest to the fact that any editing capability was entirely beyond my ability.

also, a simple subpoena of the digital record kept by the device and on the carrier company's server will undoubtedly show exactly who did have access to the data and the ability to edit that data. the company in question, and my employer at the time was ben hergic, bh logistics, usdot 3099008, mc # 76381, address 311 sanctuary dr, st johns fl 32259, phone 904.322.1135. that data will easily indicate who logged in and edited the data thereby creating your "false report of drivers record of duty status". i am completely innocent of all these charges.

i am happy to, and have an intense desire to discuss this matter in person, or by telephone with anyone. i also look forward to a full jury trial to address these dysfunctional procedures and prove my innocence beyond a shadow of a doubt to a jury of my peers.

sincerely,



mark thurman  
case oh3226470278d  
pob 54456 jacksonville fl 32245  
904.520.8195

mailed to: public utilities commission of ohio, attn: docketing division, 180 e broad st, 11th fl, columbus, ohio 43215-3793, 23dec19.

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 A Date Processed 12/27/19



**Public Utilities  
Commission**

Sam Randazzo, Chairman

**Commissioners**

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

December 9, 2019

MARK A THURMAN  
7507 beach blvd  
jacksonville, FL 32216

RE: **NOTICE OF PRELIMINARY DETERMINATION**  
Case No. OH3226010278D

Dear Sir or Madam:

On 09/05/2019, a vehicle operated by HARIS HERGIC, and driven by, THURMAN, MARK 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 MARK A THURMAN pursuant to rule 4901:2-7-07, Ohio Administrative Code (OAC), that it intended to assess a civil forfeiture against MARK A THURMAN in the following amount:

| <u>CODE</u>                        | <u>GROUP</u> | <u>VIOLATION</u>                              | <u>FORFEITURE</u> |
|------------------------------------|--------------|---|-------------------|
| 395.8E                             | Group 1      | False report of drivers record of duty status | \$ 0.00           |
| 395.8E                             | Group 1      | False report of drivers record of duty status | \$ 0.00           |
| 395.8E                             | Group 1      | False report of drivers record of duty status | \$ 0.00           |
|                                    | Group 1      | Group 1 Violations                            | \$ 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 MARK A THURMAN 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 MARK A THURMAN in the following amount:

| <u>CODE</u> | <u>GROUP</u> | <u>VIOLATION</u>                              | <u>FORFEITURE</u> |
|-------------|--------------|---|-------------------|
| 395.8E      | Group 1      | False report of drivers record of duty status | \$ 0.00           |

180 East Broad Street  
Columbus, Ohio 43215-3793

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



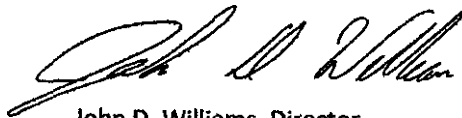
|                               |         |   |                 |
|-------------------------------|---------|---|-----------------|
| 395.8E                        | Group 1 | False report of drivers record of duty status | \$ 0.00         |
| 395.8E                        | Group 1 | False report of drivers record of duty status | \$ 0.00         |
|                               | Group 1 | Group 1 Violations                            | \$ 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.

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,



John D. Williams, Director  
Transportation Department

cc: Cheryl Streets



MARK THURMAN  
80B 54456  
OAX FL 32245  
CASE 043226470278D  
904.520.8195

PUBLIC UTILITIES COMMISSION OF FLA  
ATTN: DOCKETING DIVISION  
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