

FILE

PUCO EXHIBIT FILING

Date of Hearing: 2/7/2020Case No. 19-2078-TR-CVFPUCO Case Caption: Imo: Daniel J. LinnNotice of Apparent Violation and
Intent to Assess Forfeiture.

2020 MAR 11 PM 1:28

PUCO

List of exhibits being filed:

Staff Exhibits 1-4Respondent Exhibits 1A-1F: 2-10

This is to certify that the information reported on this form is true and correct to the best of my knowledge and belief.
 I am a duly qualified and licensed technician.
 Date Processed 2/11/20
 Technician MM

Reporter's Signature: _____

Date Submitted: _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of:)
Daniel J. Linn Notice of) Case No. 19-2078-TR-CVF
Apparent Violation and)
Intent to Assess)
Forfeiture.)

— — —

PROCEEDINGS

Before Matthew Sandor, Attorney Examiner, held at the Public Utilities Commission of Ohio, 180 East Broad Street, Hearing Room 11-D, Columbus, Ohio, on Friday, February 7, 2020, at 10:00 A.M.

ARMSTRONG & OKEY, INC.
222 East Town Street, Second Floor
Columbus, Ohio 43215-4620
(614)224-9481 - (800) 223-9481

Resp
1-A





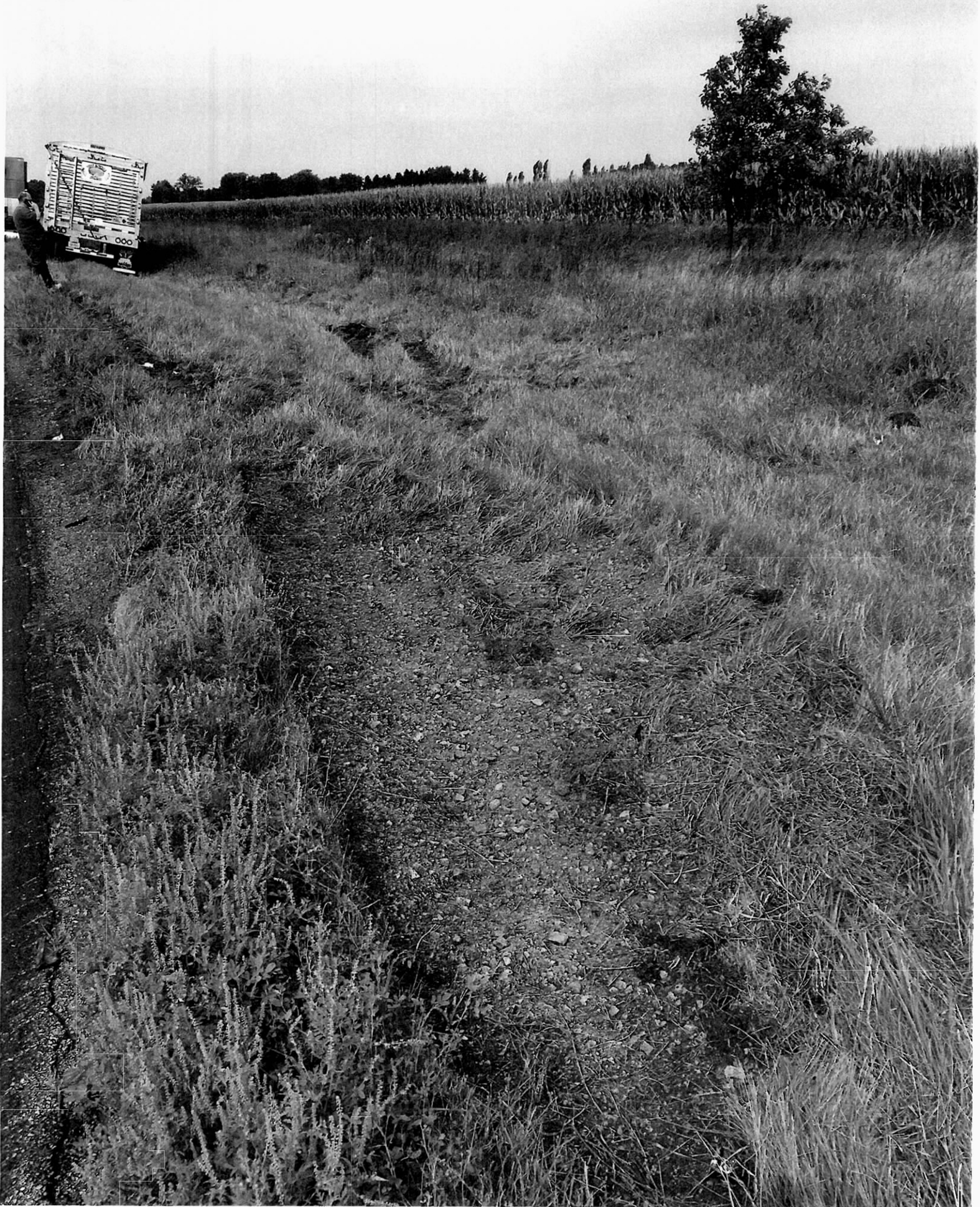
Resp
1-B

WARN

CAUTION
1. THE TWO WHEEL BEAMS MUST BE CLEANED MONTHLY.
2. TO MAINTAIN PROPER OPERATION AND PERFORMANCE OF THIS EQUIPMENT, THE LOWER ROLLER DRIVE AREA MUST BE KEPT CLEAN AND FREE OF DEBRIS.
3. OPERATOR MUST BE AWARE WHEN CLEANING AND MAINTENANCE IS PERFORMED. TO CLIMB THE EQUIPMENT, THE LOWER ROLLER DRIVE AREA MUST BE KEPT CLEAR OF PEOPLE.

WARNING
NEVER CLIMB INTO THE UPPER COMPARTMENT. FAILURE TO FOLLOW THIS WARNING COULD RESULT IN SERIOUS INJURY OR DEATH.

Resp
1-C



Resp
1-D



< Search

6 Messages
LL5113

<

Resp
1-E

David Garbrough

Yesterday



To: guy.lemieux@daimler.com

Details

Guy, this picture was taken the day it left the factory



On Sep 20, 2019, at 5:14 PM,
guy.lemieux@daimler.com
<guy.lemieux@daimler.com> wrote:





Kentucky Exposition Center

March 27 10:12 AM

Details

Resp
1-F



DAIMLER TRUCKS
NORTH AMERICA, LLC

FACTORY IN-SERVICE

DELIVERY RECEIPT

Received From: CLEVELAND TMP

Resp 2

SPECIFICATIONS

TRK MODEL WE126064S T 5KJJBHD11LLLL5113
& SERIAL
ENG MODEL DD16 473910S0647615
& SERIAL

FRONT AXLE LIGHTWEIGHT 11180 LBS.

REAR AXLE LIGHTWEIGHT 5100 LBS.

TOTAL LIGHTWEIGHT LBS.
(INCLUDES: OIL, WATER, AND APPROXIMATELY 15 GAL. OF FUEL)

CUSTOMER NAME

LINN DANIEL

X76796

RELEASE DATE

2-19-2017

SERIAL NUMBER

LL5113

LOOSE EQUIPMENT

TRAILER LIGHT CABLE
WINTERFRONT
CAB PRIVACY CURTAIN
FIRE EXT IN BAGGAGE COMPT
MATTRESS, LOWER & UPPER
WARRANTY BOOK & CUST. PACKET

QUICK DISC. FITTING
SLEEPER CURTAIN
CUSTOM NAMEPLATE
TRIANGULAR REFLECTORS
DUAL AM/FM/CB ANTENNAS
PDI INSTALLED

() THIS UNIT SHIPPED SHORT EQUIPMENT PER 09QA-R009 FORM, STAPLED TO CUSTOMER COPY

COMMENTS

RECEIVER RESPONSIBILITY

THE UNDERSIGNED AS PURCHASER'S DESIGNATED AGENT, HEREBY
ACKNOWLEDGES RECEIPT OF THE ABOVE DESCRIBED MOTOR
VEHICLE AND LOOSE EQUIPMENT AND ASSUMES FULL RISK OR LOSS
THEREON.

RECEIVED BY

PURCHASER/AGENT

DATE

INSPECTED BY

DATE

WAR500
Transporter
Delivery Receipt



Pleasant Prairie Logistics
Brokered To:
CustomerCare@PPLdelivers.com

4566108

Resp 3

543 - CLEVELAND, NC

DELIVER TO: WHAYNE SUPPLY 1400 CECIL AVE LOUISVILLE, KY 40211	PICK UP FROM: Auto Truck Transport USA, Inc. 320 Bear Poplar Road CLEVELAND, NC 27013	LOAD/TRIP	TERM. 543	LOAD TYPE CPU	POSITION
SPECIAL INSTRUCTIONS		SHIP DATE		ETA	
VIN 5KJJBHD11LLLL5113		DRIVER NAME Customer Pickup			
COLOR Blue		MODEL 5700XE SLP		HOME TERM TRACTOR TRAILER	
CIRCLE AND INITIAL EQUIPMENT DELIVERED:		ROUTED MILES			
		Plant Fuel Inches DEF R 4.00 L 3.00 Plant 4.00 Delivery			

DRIVER ONLY: Complete the following two (2) sections.

Were items removed for transport? YES* NO *Provide dealer with the Items Removed for Transportation Form (WAR501) to review and sign.
If yes, has the WAR501 form been filled out? YES* NO

LOOSE ITEMS IN VEHICLE: (Indicate if present, check all that apply.)

☐ Antenna(s) ☐ Decals & Paperwork ☐ Fire Extinguisher ☐ Jacks ☐ License Plate Brackets ☐ Mattress ☐ Reflectors with Flares ☐ Reflectors without Flares ☐ Spare Wheels
☐ Trailer Cables (air/electric) ☐ Wheel Covers ☐ Winter Fronts ☐ Other:

VEHICLE CONDITION (Dealer: Indicate the condition of the vehicle after delivery in the DC & SC columns.

This form to be used for TRANSPORTATION DAMAGES ONLY

Description	AC*	DC	SC	CC	DAMAGE CODES (DC)	SEVERITY CODES (SC)
3 Right Door Mounted (Outside) Mirror	31				01 Bent	08 Missing
3 Right Fender (Spot) Mirror	71				02 Broken	09 Scuffed
3 Right Front Fender	16				03 Cut	10 Stained/Soiled
3 Right Fuel Tank	89				04 Dented	11 Punctured
3 Right Fuel Tank Faling	11				05 Chipped	12 Scratched
3 Right Hood Vertical Panel	38				06 Cracked	13 Torn
3 Right Glass	58				07 Gouged	14 Leaking
3 Right Side Extender	39				SEVERITY CODES (SC)	
3 Right Sleeper Panel	36				1 Up to & including 1" length/diameter	
3 Right Step Assembly	42				2 Over 1" up to & including 3" length/diameter	
3 Right Turn Signal	35				3 Over 3" up to & including 6" length/diameter	
4 Air Cleaner	69				4 Over 6" up to & including 12" length/diameter	
4 Air Tanks	09				5 Over 12" length/diameter	
4 Exhaust/Stack	91				6 Missing	
4 Muffler	28				OTHER (98)/UNCODED VEHICLE DAMAGE	
4 Muffler Shield	12					
4 Rear Cab/Sleeper Panel	77					
4 Rear Glass	82					
5 5th Wheel	86					
5 Air Bag/Pedestal	29					
5 Air Deflector/Falring Roof	64					
5 Axle Shafts	84					
5 Drive Shaft	72					
5 Frame	90					
5 Mud Flap/Hanger, Left & Right	73					
5 Oil Pan	97					
5 Quarter Fender, Left & Right	17					
5 Suspension - Undercarriage	93					
5 Tail Lamp, Left & Right	46					
5 Tires - Forward Tandem	02					
5 Tires - Rear Tandem	85					
5 Wheels - Forward Tandem	87					
5 Wheels - Rear Tandem	96					
6 Deck Plate	49					
6 Light Cable	47					
6 Trailer Hoses	55					
7 Bunk/Sleeper Curtain	57					
7 Cabinetry Interior	21					
7 Carpet	67					
7 Dashboard/Instrument Panel	66					
7 Door Panel Interior Left	63					
7 Door Panel Interior Right	62					
7 Headliner	19					
7 Key/Key Fob	15					
7 Left Seat	94					
7 Mattress	18					
7 Radio/CD/Tape/CB	33					
7 Right Seat	95					
7 Sleeper Compartment, Interior	48					
7 Steering Wheel	79					

DEALER ONLY: Complete the following sections.

All hang-on wiring removed, all connections returned to original condition, all lights operational? YES NO
All temporary fenders, frame blocks, banding, saddles, etc., disposed of or made ready for return shipment? YES NO
Spring parking brakes returned to correct position with dust covers? YES NO
Cab leveling valve in correct position? YES NO
If items were removed for transport, did driver provide WAR501 form? YES NO
Differential lock disengaged? YES NO

IN-DECKING EXPENSE AUTHORIZATION: To be used when paying to get un-decked

_____ hereby authorize _____ transport
company to use a wrecker service to un-deck serial numbers: _____

Check, as appropriate: ☐ UN-DECKING FACILITIES AVAILABLE

☐ I have been requested by the driver to pay the un-decking service and I declined to pay.

☐ There is no un-decking equipment available, free of charge, to transporter driver to use at this delivery location.

SIGNATURES

DEALER SIGNATURE:

PRINTED SIGNATURE:

COMPANY:

DATE/TIME

DRIVER SIGNATURE:

PRINTED SIGNATURE:

COMPANY:

DATE/TIME

DELIVERY RECEIPT-CONSIGNEE

ANNUAL VEHICLE INSPECTION REPORT

Resp 4

VEHICLE HISTORY RECORD	
REPORT NUMBER	FLEET UNIT NUMBER
	114-20
DATE 3/14/19	

MOTOR CARRIER OPERATOR Daniel J. Linn DBA Linn Acres Farms	INSPECTOR'S NAME (PRINT OR TYPE) Andy Hobbs
ADDRESS 2848 Lement Rd.	THIS INSPECTOR MEETS THE QUALIFICATION REQUIREMENTS IN SECTION 396.19. <input checked="" type="checkbox"/> YES
CITY, STATE, ZIP CODE Lucyus, OH. 44820	VEHICLE IDENTIFICATION (✓ AND COMPLETE) <input type="checkbox"/> LIC. PLATE NO. <input checked="" type="checkbox"/> VIN <input type="checkbox"/> OTI 5K3JBHD11LL513
VEHICLE TYPE <input checked="" type="checkbox"/> TRACTOR <input type="checkbox"/> TRAILER <input type="checkbox"/> TRUCK <input type="checkbox"/> BUS <input type="checkbox"/> (OTHER)	INSPECTION AGENCY/LOCATION (OPTIONAL) Western Star Wayne Power Systems - Louisville, KY

VEHICLE COMPONENTS INSPECTED											
OK	NEEDS REPAIR	REPAIRED DATE	ITEM	OK	NEEDS REPAIR	REPAIRED DATE	ITEM	OK	NEEDS REPAIR	REPAIRED DATE	ITEM
✓			a. Service Brakes				6. SAFE LOADING	✓			a. Tires on any steering a of a power unit.
✓			b. Parking Brake System	NA			a. Part(s) of vehicle or condition of loading such that the spare tire or any part of the load or dunnage can fall onto the roadway.	✓			b. All other tires.
✓			c. Brake Drums or Rotors	NA			b. Protection against shifting cargo.	✓			c. Installation of speed-restricted tires unless specifically designated motor carrier.
✓			d. Brake Hose	NA			c. Container securement devices on intermodal equipment.	NA			11. WHEELS AND RIMS
✓			e. Brake Tubing	NA				✓			a. Lock or Side Ring
✓			f. Low Pressure Warning Device				7. STEERING MECHANISM	✓			b. Wheels and Rims
✓			g. Tractor Protection Valve				a. Steering Wheel Free Play	✓			c. Fasteners
✓			h. Air Compressor				b. Steering Column	✓			d. Welds
✓			i. Electric Brakes				c. Front Axle Beam and All Steering Components Other Than Steering Column	✓			12. WINDSHIELD GLAZING
✓			j. Hydraulic Brakes				d. Steering Gear Box				Requirements and excepti as stated pertaining to any crack, discoloration or visi reducing matter (reference 393.60 for exceptions).
✓			k. Vacuum Systems				e. Pitman Arm	✓			13. WINDSHIELD WIPERS
✓			l. Antilock Brake System				f. Power Steering				Any power unit that has an inoperative wiper, or missi or damaged parts that ren it ineffective.
✓			m. Automatic Brake Adjusters				g. Ball and Socket Joints	NA			14. MOTORCOACH SEATS
							h. Tie Rods and Drag Links				Any passenger seat that is not securely fastened to th vehicle structure.
							i. Nuts				15. OTHER
							j. Steering System				List any other condition(s) which may prevent safe operation of this vehicle.
✓			a. Fifth Wheels				8. SUSPENSION				
✓			b. Pintle Hooks				a. Any U-bolt(s), spring hanger(s), or other axle positioning part(s) cracked, broken, loose or missing resulting in shifting of an axle from its normal position.				
✓			c. Drawbar/Towbar Eye				b. Spring Assembly				
✓			d. Drawbar/Towbar Tongue				c. Torque, Radius or Tracking Components				
✓			e. Safety Devices				9. FRAME				
✓			f. Saddle-Mounts				a. Frame Members				
✓			a. Exhaust system leaking forward of or directly below the driver/sleeper compartment.				b. Tire and Wheel Clearance				
✓			b. Bus exhaust system leaking or discharging in violation of standard.				c. Adjustable Axle Assemblies (Sliding Subframes)				
✓			c. Exhaust system likely to burn, char, or damage the electrical wiring, fuel supply, or any combustible part of the motor vehicle.								
✓			a. Visible leak.								
✓			b. Fuel tank filler cap missing.								
✓			c. Fuel tank securely attached.								
✓			All lighting devices and reflectors required by Part 393 shall be operable.	NA							

INSTRUCTIONS: MARK COLUMN ENTRIES TO VERIFY INSPECTION: ✓ OK, X NEEDS REPAIR, NA IF ITEMS DO NOT APPLY, _____ REPAIRED DATE

CERTIFICATION: THIS VEHICLE HAS PASSED ALL THE INSPECTION ITEMS FOR THE ANNUAL VEHICLE INSPECTION ACCORDANCE WITH 49 CFR PART 396.

Resp Ex 5

CUSTOMER #: 844072
UNIT# 114-20

5581

INVOICE

LINN ACRES FARMS
2848 LEMERT RD
BUCYRUS, OH 44820
HOME:419-563-1151 CONT:419-563-1151
BUS: CELL: SERVICE ADVISOR: 7010 WILLIAM NELSON

PAGE 1



25 Knight Parkway - Mansfield, OH 44903
(877) 521-3828 · (419) 522-3828 · Fax (419) 522-3894
www.mansfieldfreightlinertruck.com

Sales / Service / Parts Hours:
Monday - Friday 8:00 A.M. - 5:00 P.M.
Saturday 8:00 A.M. - 12:00 P.M.

COLOR	YEAR	MAKE/MODEL		VIN		LICENSE	MILEAGE IN/ OUT		TAG
	20	WESTERN STAR 5700		5KJJBHD11LLLL5113			17734/17734		T61
DEL DATE	PROD. DATE	WARR. EXP.	PROMISED		PO NO.	RATE	PAYMENT	INV. DATE	
22MAY19 DD			23:00 17SEP19			0.00	CHG	19SEP19	
R.O. OPENED		READY		OPTIONS:					
09:27 17SEP19		11:29 19SEP19							

LINE	OPCODE	TECH	TYPE	HOURS	LIST	NET	TOTAL
------	--------	------	------	-------	------	-----	-------

A INSTALL REFLECTORS ON BACK OF BUNK AND ON MUDFLAPS

CAUSE: E

730-0000T R&R REFLECTOR

7000 WSTL

1 BTS/RT25 STRIP-CONSPICUITY.STRAIGHT.PAIR

4 GRO/41121 SILV PLAST REFLECTIV

(N/C)

(N/C)

(N/C)

PARTS: 0.00 LABOR: 0.00 OTHER: 0.00 TOTAL LINE A: 0.00
17734

POLICY PER DAN OUILLETTE

REFLECTORS ON BACK OF BUNK AND ON MUDFLAP BRACKET

WE RENT TRUCKS! FOR THE DAY, WEEK OR MONTH
ASK ABOUT DISCOUNTED RATES IF IN FOR SERVICE
DRIVEN BY FLEET ONE RENTAL AND LEASING
ASK YOUR SERVICE ADVISOR FOR DETAILS



FRANKS EARTHEN COMPANY

WARRANTY STATEMENT AND DISCLAIMER:		DESCRIPTION	TOTALS
<p>THE DEALER HEREBY DISCLAIMS ALL WARRANTIES, EXPRESS OR IMPLIED, INCLUDING ANY IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE AND NEITHER ASSUMES NOR AUTHORIZES ANY OTHER PERSON TO ASSUME FOR IT ANY LIABILITY IN CONNECTION WITH THE SALE OF ANY PARTS OR THIS REPAIR. THIS DISCLAIMER IN NO WAY AFFECTS THE PROVISIONS OF ANY MANUFACTURER OR OTHER SUPPLIERS WARRANTIES.</p>		LABOR AMOUNT	0.00
		PARTS AMOUNT	0.00
		GAS, OIL, LUBE	0.00
		SUBLET AMOUNT	0.00
		MISC. CHARGES	0.00
		TOTAL CHARGES	0.00
		LESS INSURANCE	0.00
		SALES TAX	0.00
(Signed) Dealer, General Manager, Authorized Person		PLEASE PAY THIS AMOUNT	0.00

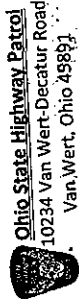
SHOP SUPPLY COSTS: We have added a charge equal to 10% of the cost of labor to the Repair Order for shop supplies used in connection with the repair.
ALL PARTS INSTALLED ARE NEW UNLESS OTHERWISE INDICATED.

X

Customer Signature

CUSTOMER COPY

Resp 4



10234 Van Wert-Decatur Road
Van Wert, Ohio 45881

DATA - Q

Report #

Fed - 614-286-

5651

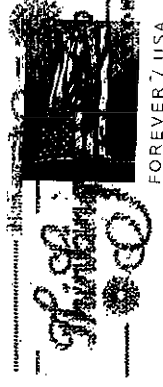
Donald J. Lumm

7848 Lomax Rd.

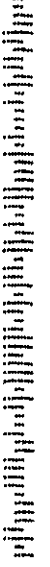
Bucyrus, Ohio 44820

COLUMBUS OH 432

05 SEP 2019 PM 5 L



44820-972248



Resp. Ex. 7

DRIVER/VEHICLE EXAMINATION REPORT

Aspen 3.0.0.17



OHIO STATE HIGHWAY PATROL
MOTOR CARRIER ENFORCEMENT
FINDLAY DISTRICT HEADQUARTERS
PHONE(419)421-5340 FAX(614)752-9274
RETURN CERTIFICATION TO AGENCY LISTED BELOW

Report Number: OH3249009759
Inspection Date: 09/03/2019
Start: 10:11 AM ET End: 12:40:00 PM ET
Inspection Level: II - Walk-Around
HM Inspection Type: None

DANIEL J LINN
2848 LEMERT RD
BUCYRUS, OH 44820

USDOT#: 00669571 Phone#: (419)562-7430
MC/MX#: 424749 Fax#:
State#:

Location: ROADSIDE/ US 30 & WAPAK RD
Highway: US 30
County: ALLEN, OH

MilePost: 7
Origin: BUCYRUS, OH
Destination: SWAYZEE, IN

Driver: LINN, DANIEL J
License#: [REDACTED] State: OH
Date of Birth: 07/02/1961
CoDriver:
License#: State:
Date of Birth:

Shipper:
Bill of Lading:
Cargo: EMPTY

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate #	Equipment ID	VIN	GVWR	CVSA #	CVSA Issued #	OOS Sticker
1	TT	WSTR	2020	OH	PVR1746	114-20	5KJJBHD11LLLL5113	53,220			
2	ST	TIMP	2016	OH	TQQ8922	214-16	1TDH4002XGB153217	65,000			Y

BRAKE ADJUSTMENTS: No Brake Measurements Required For Level 2

VIOLATIONS

Vio Code	Section	Unit	OOS	Citation #	Verify	Crash	Violations Discovered
393.11LR	393.11	1	N		N	N	No Lower rear retroreflective sheeting or reflex reflective materials as required for vehicles manufactured after December 1993: No lower reflective on rear of tractor at time of inspection.
393.11UR	393.11	1	N		N	N	Upper Rear retroreflective sheeting or reflex reflecting material requirements for vehicles manufactured after December 1993: No upper reflective sheeting on rear of tractor at time of inspection.
393.75A	393.75(a)	2	Y		U	Y	Flat tire or fabric exposed: 4L outside tire flat and off rim at time of inspection.
393.75A	393.75(a)	2	Y		U	Y	Flat tire or fabric exposed: 5L outside tire flat and off rim at time of inspection.
393.205A	393.205(a)	2	Y		U	Y	Wheel/rim cracked or broken: 5L outside wheel damaged and bent and unable to hold tire at time of inspection.
396.5B-HWSLOW	396.5(b)	2	Y		U	Y	Hubs - Wheel seal leaking - outer wheel: 5L outer wheel seal damaged at hub at time of inspection.
396.3A1	396.3(a)(1)	2	N		N	Y	Inspection, repair and maintenance of parts & accessories: Left side trailer landing gear damaged and torn away from trailer at time of inspection.
396.3A1	396.3(a)(1)	2	Y		U	Y	Inspection, repair and maintenance of parts & accessories: Front hopper on trailer damaged with unloading arm broken and damage into hopper area at time of inspection.

HazMat: No HM Transported.

Placard: No **Cargo Tank:**

Special Checks: Post Crash

State Information:

FMCSA Credentials Verified-Y/N: Y; CDL Verified (Y/N): Y; FMCSA OOS Order Issued(Y/N): N; For-Hire Carrier: Y; Reason Code: CRAS; Fatalities (Y/N): N; Crash Report #: 02-0768-02; Driver Address: 2848 LEMERT RD; Driver City: BUCYRUS; Driver State: OH; Driver Zip: 44820; Photos Taken (Y/N): Y; Co-Investigator #: 0163;

Report Prepared By:
T E HUFF

Badge #:
3249

Copy Received By:
DANIEL LINN

Page 1 of 2



00669571 OH OH3249009759

X

X

DRIVER/VEHICLE EXAMINATION REPORT

Aspen 3.0.0.17



**OHIO STATE HIGHWAY PATROL
MOTOR CARRIER ENFORCEMENT
FINDLAY DISTRICT HEADQUARTERS
PHONE(419)421-5340 FAX(614)752-9274**

RETURN CERTIFICATION TO AGENCY LISTED BELOW

**Report Number: OH3249009759
Inspection Date: 09/03/2019
Start: 10:11 AM ET End: 12:40:00 PM ET
Inspection Level: II - Walk-Around
HM Inspection Type: None**

**DANIEL J LINN
2848 LEMERT RD
BUCYRUS, OH 44820**

USDOT#: 00669571

MC/MX#: 424749

State#:

Phone#: (419)562-7430

Fax#:

Location: ROADSIDE/ US 30 & WAPAK RD

Highway: US 30

County: ALLEN, OH

MilePost: 7

Origin: BUCYRUS, OH

Destination: SWAYZEE, IN

Driver: LINN, DANIEL J

License#:

Date of Birth: 07/02/1961

CoDriver:

License#:

Date of Birth:

State: OH

State:

Shipper:

Bill of Lading:

Cargo: EMPTY

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.

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: _____

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 Motor Carrier X: _____ Title: _____ Date: _____

Report Prepared By:

T E HUFF

Badge #:

3249

Copy Received By:

DANIEL LINN

Page 2 of 2

X

X

MAILED TO CARRIER



00669571 OH OH3249009759

Recp 8

Ohio State Highway Patrol
10234 Van Wert-Decatur Road
Van Wert, Ohio 45891

COLUMBUS OH 432

10 SEP 2019 PM 31

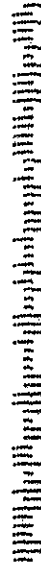
of. S. L.
Thinking



FOREVER / USA

Daniel J. Linn
2848 Lemuzet Road
Bucyrus, Ohio 44820

44820-572248



Resp Ey 9

DRIVER/VEHICLE EXAMINATION REPORT

Aspen 3.0.0.17



OHIO STATE HIGHWAY PATROL
MOTOR CARRIER ENFORCEMENT
FINDLAY DISTRICT HEADQUARTERS
PHONE(419)421-5340 FAX(614)752-9274
RETURN CERTIFICATION TO AGENCY LISTED BELOW

Report Number: OH3249009759
Inspection Date: 09/03/2019
Start: 10:11 AM ET End: 12:40:00 PM ET
Inspection Level: II - Walk-Around
HM Inspection Type: None

DANIEL J LINN
2848 LEMERT RD
BUCYRUS, OH 44820

USDOT#: 00669571
MC/MX#: 424749
State#:

Phone#: (419)562-7430
Fax#:

Location: ROADSIDE/ US 30 & WAPAK RD
Highway: US 30
County: ALLEN, OH

MilePost: 7
Origin: BUCYRUS, OH
Destination: SWAYZEE, IN

Driver: LINN, DANIEL J
License#: RS661063
Date of Birth: 07/02/1961
CoDriver:
License#:
Date of Birth:

State: OH

State:

Shipper:

Bill of Lading:
Cargo: EMPTY

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate #	Equipment ID	VIN	GVWR	CVSA #	CVSA Issued #	OOS Sticker
1	TT	WSTR	2020	OH	PVR1746	114-20	5KJJBHD11LLLL5113	53,220			
2	ST	TIMP	2016	OH	TQQ8922	214-16	1TDH4002XGB153217	65,000			Y

BRAKE ADJUSTMENTS: No Brake Measurements Required For Level 2

VIOLATIONS

Vio Code	Section	Unit	OOS	Citation #	Verify	Crash	Violations Discovered
393.11LR	393.11	1	N		N	N	No Lower rear retroreflective sheeting or reflex reflective materials as required for vehicles manufactured after December 1993: No lower reflective on rear of tractor at time of inspection.
393.11UR	393.11	1	N		N	N	Upper Rear retroreflective sheeting or reflex reflecting material requirements for vehicles manufactured after December 1993: No upper reflective sheeting on rear of tractor at time of inspection.
393.75A	393.75(a)	2	Y		U	Y	Flat tire or fabric exposed: 4L outside tire flat and off rim at time of inspection.
393.75A	393.75(a)	2	Y		U	Y	Flat tire or fabric exposed: 5L outside tire flat and off rim at time of inspection.
393.205A	393.205(a)	2	Y		U	Y	Wheel/rim cracked or broken: 5L outside wheel damaged and bent and unable to hold tire at time of inspection.
396.5B-HWSLOW	396.5(b)	2	Y		U	Y	Hubs - Wheel seal leaking - outer wheel: 5L outer wheel seal damaged at hub at time of inspection.
396.3A1	396.3(a)(1)	2	N		N	Y	Inspection, repair and maintenance of parts & accessories: Left side trailer landing gear damaged and torn away from trailer at time of inspection.
396.3A1	396.3(a)(1)	2	Y		U	Y	Inspection, repair and maintenance of parts & accessories: Front hopper on trailer damaged with unloading arm broken and damage into hopper area at time of inspection.

HazMat: No HM Transported.

Special Checks: Post Crash

State Information:

FMCSA Credentials Verified-Y/N: Y; CDL Verified (Y/N): Y; FMCSA OOS Order Issued(Y/N): N; For-Hire Carrier: Y; Reason Code: CRAS; Fatalities (Y/N): N; Crash Report #: 02-0768-02; Driver Address: 2848 LEMERT RD; Driver City: BUCYRUS; Driver State: OH; Driver Zip: 44820; Photos Taken (Y/N): Y; Co-Investigator #: 0163;

Report Prepared By:
T E HUFF

Badge #:
3249

Copy Received By:
DANIEL LINN

Page 1 of 2



00669571 OH OH3249009759

DRIVER/VEHICLE EXAMINATION REPORT

Aspen 3.0.0.17



OHIO STATE HIGHWAY PATROL
MOTOR CARRIER ENFORCEMENT
FINDLAY DISTRICT HEADQUARTERS
PHONE(419)421-5340 FAX(614)752-9274
RETURN CERTIFICATION TO AGENCY LISTED BELOW

Report Number: OH3249009759
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Start: 10:11 AM ET End: 12:40:00 PM ET
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DANIEL J LINN
2848 LEMERT RD
BUCYRUS, OH 44820

USDOT#: 00669571

MC/MX#: 424749

State#:

Location: ROADSIDE/ US 30 & WAPAK RD

Highway: US 30

County: ALLEN, OH

Phone#: (419)562-7430

Fax#:

MilePost: 7

Origin: BUCYRUS, OH

Destination: SWAYZEE, IN

Driver: LINN, DANIEL J

License#: RS661063

Date of Birth: 07/02/1961

CoDriver:

License#:

Date of Birth:

Shipper:

Bill of Lading:

Cargo: EMPTY

State: OH

State:

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.

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: _____

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 Motor Carrier X: Daniel J Linn Title: owner Date: 9-16-19

Report Prepared By:

T E HUFF

Badge #:

3249

Copy Received By:

DANIEL LINN

Page 2 of 2

X

3249

X

MAILED TO CARRIER



00669571 OH OH3249009759

Resp 10

OHIO DEPARTMENT OF PUBLIC SAFETY

**OBTAINING A HIGHWAY
PATROL CRASH REPORT**

The Ohio State Highway Patrol (OSHP) maintains complete reports, including witness statements, supplements, scale drawings, etc., for OSHP-investigated crashes.

Purchase a crash report online with a credit card at www.statepatrol.ohio.gov/crash.stm. Crash reports are \$4 for each report and photographs that accompany each report will cost an additional \$12. Crash reports purchased online will be sent to your e-mail account within 24-hours. Crash photographs purchased online will be sent in the mail. Please allow 4 to 6 weeks to receive the photos.

For assistance in obtaining a crash report, please contact our Central Records Unit.

**OHIO STATE HIGHWAY PATROL
CENTRAL RECORDS**

PO BOX 182074

COLUMBUS OH 43218-2074

(614) 466-3536

ADCentralRecords@dps.ohio.gov

To obtain the crash report number or if you require additional information, contact the Highway Patrol Post that investigated the crash at the number listed below.

COMA POST

INVESTIGATING OFFICER <i>Tpr JOSH MENKE</i>
PATROL POST PHONE <i>419-228-2421</i>

Ohio Crime Victim Compensation Program

The Ohio Crime Victim Compensation Program may provide compensation to qualified individuals involved in alcohol-related fatal or injury crashes. For more information, contact the Ohio Attorney General's Office at 1-800-582-2877 or visit www.ohioattorneygeneral.gov/victim.

Photos @

*GWCC Net Comm
Dawn #1*



CRASH REPORT 02-0768-02		CRASH DATE 9/3/19	
LOCATION OF CRASH			
COUNTY 02-0768-02		CITY/TOWN	
ROAD U.S. 30 NEAR MP 6.58			
DRIVER 1			
NAME		PHONE	
ADDRESS Lord Rouse H-			
CITY, STATE		ZIP	
INSURANCE COMPANY			
POLICY		PHONE	
DRIVER 2			
NAME		PHONE	
ADDRESS			
CITY, STATE		ZIP	
INSURANCE COMPANY			
POLICY		PHONE	
DRIVER 3			
NAME		PHONE	
ADDRESS			
CITY, STATE		ZIP	
INSURANCE COMPANY			
POLICY		PHONE	

FERNANDO U-1601
Sgt CHAVEZ 812-337-4204

Eric Robison Insp
Lib
800 437-2699

OHP 0410 3/16 HP-90 10-0410-00 (760-1166)

Crean P 910646
Hana Tuer P 910711

Staff Ex. 1

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: OH3249009759
Inspection Date: 9/3/2019 Certification Date: 09/17/2019
Time Started: 10:11 Time Ended: 12:40
Inspection Level: II - Walk-Around
HM Inspection Type: No HM Inspection

DANIEL J LINN
2848 LEMERT RD
BUCYRUS, OH 44820
USDOT #: 00669571 Phone #: (419)562-7430
MC/MX #: 00424749 Fax #:
State #:

Driver: LINN, DANIEL J
License #: [REDACTED] State: OH
Date of Birth: 7/2/1961

Location: ROADSIDE/ US 30 & WAPAK RD MilePost: 7
Highway: US 30 Origin: BUCYRUS, OH Bill of Lading:
County: ALLEN Destination: SWAYZEE, IN Cargo: EMPTY
Shipper:

VEHICLE IDENTIFICATION:

Unit	Type	Make	Year	State	License#	Equipment ID	Unit VIN	GVWR	CVSA #	CVSA Issued #	OOS Stkr.#
1	TT	WSTR	2020	OH	PVR1746	114-20	5KJJBHD11LLLL5113	53,220			
2	ST	TIMP	2016	OH	TQQ8922	214-16	1TDH4002XGB153217	65,000			Y

BRAKE ADJUSTMENTS: No brake measurements recorded.

VIOLATIONS :

Vio Code	Section	Unit	OOS	State Citation Number	Verify*	Crash	Violation Description
393.11LR	393.11	1	N		N	N	No Lower rear retroreflective sheeting or reflex reflective materials as required for vehicles manufactured after December 1993: No lower reflective on rear of tractor at time of inspection.
393.11UR	393.11	1	N		N	N	Upper Rear retroreflective sheeting or reflex reflecting material requirements for vehicles manufactured after December 1993: No upper reflective sheeting on rear of tractor at time of inspection.
393.75A	393.75(a)	2	Y		U	Y	**Flat tire or fabric exposed: 4L outside tire flat and off rim at time of inspection.
393.75A	393.75(a)	2	Y		U	Y	**Flat tire or fabric exposed: 5L outside tire flat and off rim at time of inspection.
393.205A	393.205(a)	2	Y		U	Y	**Wheel/rim cracked or broken: 5L outside wheel damaged and bent and unable to hold tire at time of inspection.
396.5B-HWSLOW	396.5(b)	2	Y		U	Y	**Hubs - Wheel seal leaking - outer wheel: 5L outer wheel seal damaged at hub at time of inspection.
396.3A1	396.3(a)(1)	2	N		N	Y	**Inspection, repair and maintenance of parts & accessories: Left side trailer landing gear damaged and torn away from trailer at time of inspection.
396.3A1	396.3(a)(1)	2	Y		U	Y	**Inspection, repair and maintenance of parts & accessories: Front hopper on trailer damaged with unloading arm broken and damage into hopper area at time of inspection.

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

** Y - The violation occurred because of the crash; U - Unknown

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

Special Checks:

<input type="checkbox"/> Alcohol/Controlled Substance Check	<input type="checkbox"/> Traffic Enforcement	<input checked="" 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: Level 2 inspection completed from a Sig 31A injury crash on US 30 near Wapak Rd in Allen Co. The driver of this commercial vehicle was not injured and not at fault. Beaverdam Fleet handled removing this CMV from the scene. The trailer was placed out of service.

Report Prepared By:

T E Huff

Badge #:

3249

Copy Received By:

LINN, DANIEL J

Page 1 of 2



OH3249009759

X

X

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: OH3249009759
Inspection Date: 9/3/2019 Certification Date: 09/17/2019
Time Started: 10:11 Time Ended: 12:40
Inspection Level: II - Walk-Around
HM Inspection Type: No HM Inspection

DANIEL J LINN
2848 LEMERT RD
BUCYRUS, OH 44820
USDOT #: 00669571
MC/MX #: 00424749
State #:

Phone #: (419)562-7430
Fax #:

Driver: LINN, DANIEL J
License #:
Date of Birth: 7/2/1961
State: OH

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: 2848 LEMERT RD;Driver City: BUCYRUS;Driver State: OH;Driver Zip: 44820;Photos Taken (Y/N): Y;Co-Investigator #: 0163;Reason Code: CRAS;FMCSA Credentials Verified-Y/N: Y;CDL Verified (Y/N): Y;FMCSA OOS Order Issued(Y/N): N;Crash Report #: 02-0768-02;ISS Score: 50

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:
T E Huff

Badge #:
3249

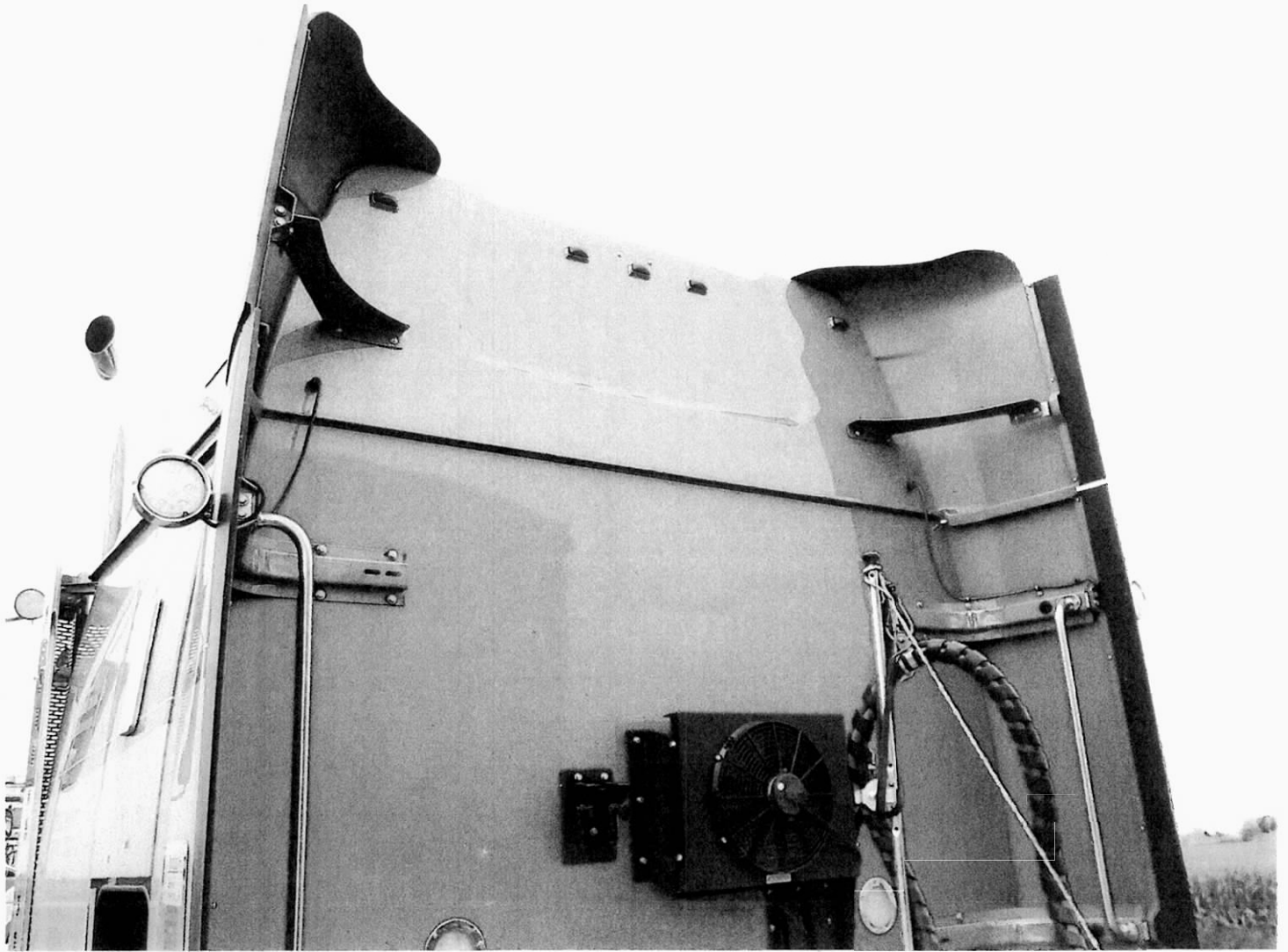
Copy Received By:
LINN, DANIEL J

Page 2 of 2



X _____ X _____ OH3249009759

Staff Ex. 2





October 24, 2019

Daniel J. Linn
2848 Lemert Road
Bucyrus, OH 44820

RE: **NOTICE OF PRELIMINARY DETERMINATION**
Case No. OH3249009759C

Dear Sir or Madam:

On 09/03/2019, a vehicle operated by DANIEL J LINN, and driven by, LINN, DANIEL J 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 DANIEL J LINN pursuant to rule 4901:2-7-07, Ohio Administrative Code (OAC), that it intended to assess a civil forfeiture against DANIEL J LINN in the following amount:

<u>CODE</u>	<u>GROUP</u>	<u>VIOLATION</u>	<u>FORFEITURE</u>
393.11L R	Group 0	No Lower rear retroreflective sheeting or reflex reflective materials as required for vehicles manufactured after December 1993	\$ 0.00
393.11 UR	Group 0	Upper Rear retroreflective sheeting or reflex reflecting material requirements for vehicles manufactured after December 1993	\$ 0.00
393.75 A	Group 2	Flat tire or fabric exposed	\$ 0.00
393.75 A	Group 2	Flat tire or fabric exposed	\$ 0.00
393.205 A	Group 1	Wheel/rim cracked or broken	\$ 0.00
396.5B- HWSLO W	Group 0	Hubs - Wheel seal leaking - outer wheel	\$ 0.00
396.3A 1	Group 3	Inspection, repair and maintenance of parts & accessories	\$ 0.00

180 East Broad Street
Columbus, Ohio 43215-3793

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



396.3A Group 3 Inspection, repair and maintenance of parts & accessories \$ 0.00
1

Original Amount Due: \$0.00

A conference was conducted pursuant to Rule 4901:2-10, OAC, at which DANIEL J LINN 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 DANIEL J LINN in the following amount:

<u>CODE</u>	<u>GROUP</u>	<u>VIOLATION</u>	<u>FORFEITURE</u>
393.11L R	Group 0	No Lower rear retroreflective sheeting or reflex reflective materials as required for vehicles manufactured after December 1993	\$ 0.00
393.11 UR	Group 0	Upper Rear retroreflective sheeting or reflex reflecting material requirements for vehicles manufactured after December 1993	\$ 0.00
393.75 A	Group 2	Flat tire or fabric exposed	\$ 0.00
393.75 A	Group 2	Flat tire or fabric exposed	\$ 0.00
393.205 A	Group 1	Wheel/rim cracked or broken	\$ 0.00
396.5B- HWSLO W	Group 0	Hubs - Wheel seal leaking - outer wheel	\$ 0.00
396.3A 1	Group 3	Inspection, repair and maintenance of parts & accessories	\$ 0.00
396.3A 1	Group 3	Inspection, repair and maintenance of parts & accessories	\$ 0.00
<u>New Amount Due:</u>			\$0.00

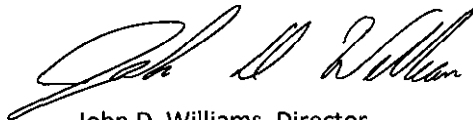
Within 30 days of this notice you must either; 1) pay the assessed civil forfeiture or, 2) submit a written Request for an Administrative Hearing.

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,

A handwritten signature in black ink, appearing to read "John D. Williams". The signature is fluid and cursive, with the first name "John" being the most prominent part.

John D. Williams, Director
Transportation Department

cc: Thomas Persinger



INSTRUCTION SHEET

NOTICE OF PRELIMINARY DETERMINATION

Please read these instruction sheets carefully. They contain 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 4901:2-7-12, Ohio Administrative Code (OAC). 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. If you do not pay the forfeiture or request a hearing within 30 days of this notice, your case will be placed in our default process. Additionally, your Ohio operating authority and/or your commercial driving privileges may be sanctioned as permitted by law.

How to pay the forfeiture

Online <https://www.puco.ohio.gov/sc/mcos/>
Enter the case number and PIN located on the enclosed invoice.

Mail Public Utilities Commission of Ohio
Attn: Fiscal Section
180 E. Broad Street, 4th Floor
Columbus, Ohio 43215-3793

Send check/money order (no foreign checks/money orders) made payable to "**Public Utilities Commission of Ohio**". To ensure proper credit, write the case number on the face of the check or money order.

* Payments cannot be completed by telephone

How to make 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, OAC.

Your "Request for an Administrative Hearing" must be in writing and must contain the case number found at the top of the "Notice of Preliminary Determination." Also, please include the contact name, address, and telephone number of the person to whom further communications should be directed. The request shall be signed by the Respondent or the Respondent's authorized representative. A copy of the "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 E. Broad Street, 11th Floor
Columbus, Ohio 43215-3793

Failure to submit a Request for 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. Also, your Ohio operating authority and/or your commercial driving privileges may be sanctioned as permitted by law.

Codes, Violation Groups, and Forfeiture Amounts

"Code" in this notice identifies the rule 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 (CFR). Some section numbers may have suffixes beyond those appearing in the CFR. These are used for internal data collections purposes. Codes in other formats refer to violations of Ohio's statutes or regulations.

"Violations Group" identifies the assigned numerical group (1-4) for the violation for purposes of calculating the civil forfeiture. Section 4923.99, Ohio Revised Code (ORC) authorizes the Public Utilities Commission of Ohio to assess civil forfeiture up to \$25,000 for each day of each violation. The amount of any forfeiture is dependent upon the nature, gravity, circumstances, and extent of the violation, the offender's degree of culpability for the violation, and the offender's violation history. "Total Amount Due" is the total amount of the civil forfeiture assessed for all violations described in this notice.



ATTENTION DRIVER

Potential Disqualification

If the roadside inspection leading to this letter identified an alleged violation of one or more of the below noted regulations, your CDL may be disqualified. If you are convicted of violating any of these regulations, notice of the 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).

177.804B1	177.804(b)(1)	Failure to comply with 49 CFR Section 392.12 Complying With Safe Clearance Requirements For Highway-Rail Grade Crossings.
177.804B2	177.804(b)(2)	Failure to comply with 49 CFR Section 392.80 Texting While Operating a CMV When Transporting Select Agents or Toxins or HM Requiring Placarding.
177.804B3	177.804(b)(3)	Failure to comply with 49 CFR Section 392.82 Using a Cell Phone While Operating a CMV When Transporting Select Agents or Toxins or HM Requiring Placarding.
177.804C	177.804(c)	Failure to comply with 49 CFR Section 392.82 Using a Handheld Mobile Phone While Operating a CMV When Transporting Select Agents or Toxins or HM Requiring Placard.
2-5-07D	392.2	Operating a CMV after Driver or Vehicle declared out of service.
383.23A2	383.23(a)(2)	Operating a CMV without a CDL.
383.51A	383.51(a)	Driving a CMV while disqualified from holding a CDL.
383.51A-NSIN	383.51(a)	Driving a CMV while CDL is suspended for a non-safety-related reason and in the state of driver's license issuance.
383.51A-NSOUT	383.51(a)	Driving a CMV while CDL is suspended for a non-safety-related reason and outside the state of driver's license issuance.
383.51A-SIN	383.51(a)	Driving a CMV while CDL is suspended for a safety-related or unknown reason and in state of driver's license issuance.
383.51A-SOUT	383.51(a)	Driving a CMV while CDL is suspended for safety-related or unknown reason and outside the state of driver's license issuance.
383.91A	383.91(a)	Operating a CMV with improper CDL group.
383.93B1	383.93(b)(1)	No double or triple trailer endorsement on CDL when required.
383.93B2	383.93(b)(2)	No passenger vehicle endorsement on CDL when required.
383.93B3	383.93(b)(3)	No tank vehicle endorsement on CDL when required.
383.93B4	383.93(b)(4)	No hazardous materials endorsement on CDL when required.
383.93B5	383.93(b)(5)	Operating a School Bus without a school bus endorsement as described in 383.93(b)(5).
391.15A	391.15(a)	Driving a CMV while disqualified.
391.15A-NSIN	391.15(a)	Driving a CMV while disqualified. Suspended for non-safety-related reason and in the state of driver's license issuance.
391.15A-NSOUT	391.15(a)	Driving a CMV while disqualified. Suspended for a non-safety-related reason and outside the state of driver's license issuance.
391.15A-SIN	391.15(a)	Driving a CMV while disqualified. Suspended for safety-related or unknown reason and in the state of drivers license issuance.
391.15A-SOUT	391.15(a)	Driving a CMV while disqualified. Suspended for a safety-related or unknown reason and outside the driver's license state of issuance.
392.10A1	392.10(a)(1)	Failure to stop at railroad crossing - Bus transporting passengers.
392.10A2	392.10(a)(2)	Failure to stop at railroad crossing - CMV transporting Division 2.3 Chlorine.
392.10A3	392.10(a)(3)	Failure to stop at railroad crossing - CMV requiring display of HM placards.
392.10A4	392.10(a)(4)	Failure to stop at railroad crossing - HM Cargo Tank vehicle.
392.11	392.11	Commercial Vehicle failing to slow down approaching a railroad crossing.
392.12	392.12	No Driver of a Commercial Motor Vehicle Shall Drive Onto a Highway-Rail Grade Crossing Without Having Sufficient Space to Drive Completely Through the Crossing Without Stopping.
392.4A	392.4(a)	Driver on duty and under the influence of, or using a narcotic drug / amphetamine, which renders the driver incapable of safe operation.
392.5A2-UJ	392.5(a)(2)	Operating a CMV while under the influence of an intoxicating beverage regardless of its alcohol content.
392.5C2	392.5(c)(2)	Violating OOS order pursuant to 392.5(a)/(b) - Alcohol prohibitions.
392.80A	392.80(a)	Driving a commercial motor vehicle while Texting.
392.82A1	392.82(a)(1)	Using a hand-held mobile telephone while operating a CMV.
395.13D	395.13(d)	Driving after being declared out-of-service for HOS violation(s).
396.9C2	396.9(c)(2)	Operating an out-of-service vehicle.

Federal regulations define "conviction" as, "An un-vacated 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 un-vacated 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.

