

RECEIVED-DOCKETING DIV

2007 MAY -9 PM 4:05

Case # ~~07-563-TR-CVF~~ ~~07-563-TR-CVF~~ 07-563-TR-CVF
Tom Peleck
240 N. Barr St Bradwood IL 60408
630-319-3659

FILE
NC

I, Thomas J Peleck
"Request for Administrative
Hearing", to the Commission
Docketing Division. I in no
way received a ticket for
the violation described in
letter. To me that's
like if you got stopped
for speeding, was let off
with a warning then later
sent a fine to be paid.
You wouldn't appreciate it.
It's up to the officer at
the time to decide right
then & there to issue a ticket
or fine. I am Expressing
my Rights.

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 39-01 Date Processed

Tom Peleck



TOM PELECK

INSTRUCTION SHEET

NOTICE OF PRELIMINARY DETERMINATION

You have received a "Notice of Preliminary Determination" pursuant to Rule 4901:2-7-12, Ohio Administrative Code. This Notice of Preliminary Determination is based upon the inspection report prepared in this case further review and investigation by the Staff and information presented in a settlement conference with the Staff, if held.

Within thirty (30) days of receipt of this Notice you must either: (1) Pay the civil forfeiture indicated in the Notice; or (2) File a written "Request for Administrative Hearing." If you do not pay the civil forfeiture or file a Request for Administrative Hearing within thirty days, you will waive your right to further contest the violation and the civil forfeiture, and you will be subject to an order of the Commission placing you in default and referring your case to the Ohio Attorney General for collection.

Both procedures are described below. Please read them carefully.

1. **How to Pay the Forfeiture**

If you do not wish to further contest the civil forfeiture indicated in the notice, you must make payment of the civil forfeiture indicated in the Notice by check or money order (no Canadian postal money orders) made payable to: "Treasurer, State of Ohio," and must indicate the case numbers for which payment is being made. Please use the ENCLOSED ENVELOPE to make the payment or mail the payment to the following address:

Public Utilities Commission of Ohio
Attention: Fiscal Department
180 East Broad Street
Columbus, OH 43215-3793

THE CASE NUMBER AND COMPANY NAME MUST BE WRITTEN ON THE FACE OF YOUR CHECK OR MONEY ORDER.

2. **How to file a "Request for Administrative Hearing"**

If you do wish to further contest the civil forfeiture indicated in the notice, you should file a "Request for Administrative Hearing" with the Commission's Docketing Division. Please note that you must file a request for "Administrative Hearing" in order to further contest the civil forfeiture or compliance order in this matter, even if you had previously served upon the Staff a "Request for Conference." Your "Request for Administrative Hearing" must be in writing and should be mailed or otherwise delivered within thirty days after receipt of the Notice of Preliminary Determination to the following address:

Public Utilities Commission of Ohio
Docketing Division
180 East Broad Street, 13th Floor
Columbus, OH 43215-3793

(Over please)

Your "Request for Administrative Hearing" should contain the case number indicated on the Notice of Preliminary Determination and the name, address and telephone number of the person to whom further communications regarding this matter should be directed. A copy of the Notice of Preliminary Determination must be attached to your "Request for Administrative Hearing."

3. The Administrative Hearing

Following receipt of your "Request for Administrative Hearing," the Commission will initiate an administrative hearing proceeding in this matter and set a date for an evidentiary hearing. The evidentiary hearing will be held at the Commission offices in Columbus, Ohio and may consist of written stipulations, oral testimony or such other evidence which is admitted. An Attorney-Examiner employed by the Commission will preside over the administrative hearing. Following the administrative hearing, the Commission will make its decision in this matter. The decision of the Commission may be appealed to the Franklin County Court of Appeals.

4. Failure to file a "Request for Administrative Hearing"

If you do not file a timely "Request for Administrative Hearing," in the manner described above, you will waive your right to contest liability to the State of Ohio for the amount of the civil forfeitures indicated in the Notice of Preliminary Determination, even if you had previously served upon the Staff a "Request for Conference" in this matter. The occurrence of the violations described in the Notice of Preliminary Determination will be conclusively established in your history of violations for the purposes of determining the amount of the penalty for future violations.

5. Violation Codes and Amounts

"Code" in the Notice of Preliminary Determination identifies the rule or regulation which was violated. Numbers in a 100 or 300 series refer to sections of the Hazardous Materials Regulations or the Federal Motor Carrier Safety Rules, respectively, contained in Title 49, Code of Federal Regulations. Codes in other formats refer to violations of the Ohio Revised Code or the Ohio Administrative Code.

Section 4905.83, Ohio Revised Code, authorizes the Commission to assess a civil forfeiture of up to \$10,000.00 per day for any violation of the rules governing the highway transportation of hazardous materials against any person who transports, or offers for transportation, hazardous materials. The amount of the forfeiture depends on the nature, gravity, extent and circumstances of the violations and the degree of culpability, history of violations, effect upon ability to continue in business and ability to pay of the person who committed the violation.

Please contact the Compliance Division at (614) 466-0351 if you need additional information regarding this Notice of Preliminary Determination.