

FILE

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of :
Stephen Krilyno, :
Notice of Apparent : Case No. 07-127-TR-CVF
Violation and Intent :
to Assess Forfeiture. :

PROCEEDINGS

before Mr. Kerry K. Sheets, Hearing Examiner, at the
Public Utilities Commission of Ohio, 180 East Broad
Street, Room 11-B, Columbus, Ohio, called at 10:00
a.m. on Tuesday, May 22, 2007.

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1 APPEARANCES:

2 Marc Dann, Ohio Attorney General
3 Duane W. Luckey
4 Senior Deputy Attorney General
5 Public Utilities Section
6 By Steven Logan Beeler
7 and Mr. John Jones
8 Assistant Attorneys General
9 180 East Broad Street, 9th Floor
10 Columbus, Ohio 43215

11 On behalf of the Staff of the Public
12 Utilities Commission.

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1 Tuesday Morning Session,
2 May 22, 2007.

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4 THE EXAMINER: The Public Utilities
5 Commission of Ohio has set for hearing at this time
6 and place case number 07-127-TR-CVF, In the Matter of
7 Stephen Krilyno, it's K-r-i-l-y-n-o. My name is
8 Kerry Sheets, I'm an attorney-examiner, and I've been
9 assigned to hear this case.

10 May I now have the appearances of the
11 parties, please.

12 MR. BEELER: Thank you, your Honor. On
13 behalf of the Staff, Marc Dann, Ohio Attorney
14 General, Duane Luckey, Section Chief, Public
15 Utilities Section, Steve Beeler and John Jones,
16 Assistant Attorneys General, 180 East Broad Street,
17 Columbus, Ohio 43215.

18 THE EXAMINER: Let the record show there
19 are no other parties in the hearing room at this
20 time.

21 Are we prepared to go forward, gentlemen?

22 MR. BEELER: Your Honor, we have a
23 preliminary matter. We would like to move for a
24 default judgment in this case pursuant to 4901:2-7-14

1 which reads, in section (A), "A respondent who has
2 requested an administrative hearing and fails to
3 participate in the hearing proceeding shall be in
4 default. A respondent in default shall be deemed to
5 have admitted the occurrence of the violation and
6 waived all further rights to contest liability to the
7 state for the forfeiture described in the notice."

8 Furthermore, section (B) states "A
9 respondent in default shall be deemed to have
10 admitted the occurrence of a violation and waived all
11 further rights to contest the making of the order
12 described in the notice."

13 Furthermore, section (D) states "If a
14 respondent is in default, the Commission may, on its
15 own motion and without prior notification to
16 respondent, make an order adopting the remedy set out
17 in the notice with respect to which a default has
18 occurred pursuant to this rule."

19 THE EXAMINER: Thank you, Mr. Beeler. .

20 MR. BEELER: And another preliminary
21 matter, your Honor. The Staff would request that
22 briefing be waived in this case because we've moved
23 for a default and the Respondent is not present at
24 the hearing.

1 THE EXAMINER: Very good. I'll take your
2 motion under advisement for the default judgment, and
3 we can, of course, dispense with briefs in this case.
4 But I think we better go ahead and put the case on.

5 MR. BEELER: Okay. Thank you, your
6 Honor. No further preliminary matters.

7 THE EXAMINER: Call your witness.

8 MR. BEELER: Staff would like to call its
9 first witness, Inspector Jeff Jirles of the Highway
10 Patrol.

11 (Witness sworn.)

12 MR. BEELER: Thank you, your Honor.

13 - - -

14 TROOPER JEFF JIRLES

15 being first duly sworn, as prescribed by law, was
16 examined and testified as follows:

17 DIRECT EXAMINATION

18 By Mr. Beeler:

19 Q. Again, Inspector Jirles, could you please
20 state your full name for the record?

21 A. Trooper Jeff Jirles, the Ohio State
22 Highway Patrol, currently assigned to the Cambridge
23 District headquarters.

24 Q. Okay. What is your specific position

1 with the patrol?

2 A. I'm a state trooper who also does motor
3 vehicle inspections with regard to Federal Motor
4 Carrier regulations.

5 Q. Okay. How long have you been with the
6 patrol?

7 A. Nine years.

8 Q. What are your specific duties in that
9 position?

10 A. Specifically, I'm assigned to do
11 commercial motor vehicle enforcement, commercial
12 violations on trucks.

13 Q. Okay. What sort of training do you have
14 in that area?

15 A. I have training that I completed at the
16 Ohio State Highway Patrol Academy, as all troopers
17 have. In addition to that I'm trained also at the
18 academy but for the federal program under the motor
19 carriers, it's called the North American Standards.

20 Q. Okay. Could you just describe the
21 inspection process just generally?

22 A. Sure. There are general -- generally
23 three types of inspections that we would do, level 1,
24 level 2, and level 3. In this case this was a level

1 3 inspection where we check the driver's information,
2 meaning his license, does he have a valid medical
3 card, and check his vehicle registration and of the
4 vehicle that he's operating.

5 Level 2 is where we walk around the
6 vehicle checking lights, safety equipment, a little
7 more in depth.

8 And a level 1 is a full inspection where
9 we check the truck top to bottom, underneath,
10 suspension, that's -- level 1 is a full inspection.

11 Q. What are the reasons for these
12 inspections?

13 A. To discover any violations that may be
14 safety related on the highways.

15 Q. I have what's been marked as Staff
16 Exhibit 1. I believe you have a copy already.

17 A. Yes, I do.

18 MR. BEELER: This is for your Honor. At
19 this time I would ask that this Staff Exhibit 1 be
20 marked.

21 THE EXAMINER: It will be so marked.

22 (EXHIBIT MARKED FOR IDENTIFICATION.)

23 MR. BEELER: Thank you, your Honor.

24 Q. Take just a quick look at this, you know,

1 read it over for a second.

2 A. Okay, I'm familiar with it.

3 Q. So then you recognize this document?

4 A. Yes, I do.

5 Q. What is this document?

6 A. This is a report that I completed on
7 January the 27th, '06, near Cambridge, Ohio.

8 Q. Okay. Is this document a Patrol record?

9 A. Yes, it is.

10 Q. Is it kept in the patrol's ordinary
11 course of business?

12 A. Yes, it is.

13 Q. Is it the normal practice of the patrol
14 to make this report?

15 A. Yes.

16 Q. Okay. Is this document in the same
17 condition as when you prepared it?

18 A. Generally, yes. This report, when I
19 would have made it, would have had the patrol's
20 information, the State Highway Patrol's information
21 at the top, then we submit it to the Public Utilities
22 Commission and their header would then appear on the
23 top which is what we have here. Everything else is
24 the same.

1 Q. Okay. Let's turn to the specifics of
2 this report. Up in the first field I guess above the
3 first bold line, can you explain the information that
4 is contained in that field?

5 A. The top left is the Public Utilities
6 Commission header that I was talking about. On the
7 right side is the report number, which is
8 OH8006002366, inspection date and time.

9 Q. Okay. And I also see up there that
10 there's an inspection level.

11 A. Correct.

12 Q. What's the inspection level?

13 A. Level 3, which I discussed earlier, which
14 is a driver-only inspection.

15 Q. Okay. And then next to that there it
16 says that is no -- what is that information?

17 A. It says, "No HM inspection," meaning
18 there was no hazardous materials on board this
19 vehicle.

20 Q. Okay. Now we'll move on to the next
21 field. Can you explain the information in that
22 field?

23 A. This is the company information and the
24 driver's information. In this case the company was

1 identified as Tim's Thunderbirds, owner was Timothy
2 Ross, his address is listed. And the driver, Stephen
3 A. Krilyno I believe is how he pronounces it, out of
4 Kentucky. Correction, out of Connecticut.

5 Q. Okay. Moving right on down, explain the
6 next field.

7 A. This is the inspection location. It was
8 a roadside inspection on highway 70, Interstate 70,
9 in Guernsey County, milepost 173. This is just
10 outside of Cambridge, Ohio. The driver indicated
11 that he was coming from Rhode Island, his destination
12 was Zanesville, Ohio.

13 Q. Okay. The section titled "Vehicle
14 Identification," what does this section mean? What's
15 the information in this section?

16 A. This identifies the truck that he was
17 driving, unit 1. There was only one vehicle involved
18 here. Type, TT, it means it was a straight truck.
19 International is under the make. It was a 2005
20 registered in the state of Indiana. License given.

21 And off to the right it says "GVWR,"
22 that's the gross vehicle weight rating assigned to
23 that vehicle. Vehicles in excess of 10,000 pounds
24 are required to come into our scales for inspection.

1 This one was 25,500, which required him to come into
2 the scales for inspection.

3 Q. Okay. The next section is titled Brake
4 Adjustments, what's the information in that?

5 A. There were no brake adjustments taken on
6 this truck.

7 Q. Now we're going to move to the section
8 titled "Violations." Can you just basically explain
9 the stop that occurred on the day of the inspection?

10 A. Sure. I was working at our Cambridge
11 facility that day. We have two scales at Cambridge,
12 eastbound and westbound, I was working the westbound
13 scales. Out on the roadway but prior to the scales
14 there's an Open and Close sign. Open, the trucks
15 come in. Closed, obviously, the trucks can go by.

16 In this case the sign was Open and this
17 truck met the requirements of a gross vehicle weight
18 rating in excess of 10,000 pounds, and he failed to
19 stop. He simply drove past.

20 I stopped him for that violation, had a
21 discussion with him as to what he was doing. He
22 indicated that he was going to Zanesville to buy car
23 parts and -- from an individual and then he was going
24 to resell them on an eBay business with the owner of

1 this company, Timothy Ross.

2 Once we determined that he was in
3 commerce in a commercial vehicle and explained to him
4 that he needed to come into the scales, I took him
5 off the side of the road and completed the
6 inspection.

7 The Violation section that you're asking
8 me about here, these were the violations that I
9 discovered. The first one was avoiding the
10 inspection site or bypassing the scale. No medical
11 certificate; he would have been required under the
12 federal regulations to have a medical certificate.
13 And he would have been required to have a logbook.
14 It says "Driver failed to retain previous 7 days
15 logs. NO LOGS" noted.

16 That size of a commercial vehicle he
17 would have been required to keep track of his hours
18 of driving and his rest periods, and he didn't have
19 any of that information.

20 Q. Okay. And he also didn't have a medical
21 certificate on his possession as well.

22 A. Well, beyond his possession, he didn't
23 have one period.

24 Q. Okay. I see there's some other

1 information in the Violations section that comes
2 after the specific code cites. Can you explain what
3 that information is?

4 A. There's a, to the right of the section
5 code, a column labeled "St," that would mean that
6 could be a -- I have that checked in the first
7 violation, a state code meaning a violation of the
8 Ohio Revised Code. The Revised Code section would be
9 4511.121. In addition to violating the federal
10 regulation he violated the state code by not coming
11 into the scale.

12 Unit D. Those are all marked D because
13 this is a driver inspection. We're just looking at
14 the driver's information in this case. "OOS" means
15 out of service. "N" for no, "Y" for yes. The
16 logging violation placed him out of service.

17 Verifications would be if the truck had a
18 mechanical violation and someone came and repaired
19 it, we would verify that it was repaired; that didn't
20 apply in this case.

21 And the next column is Crash, and there
22 was not a crash involved. And then the far right are
23 the descriptions of the violation.

24 Q. Okay. Moving on to the next section

1 marked "HazMat." Just explain the information in
2 that section.

3 A. This block would be completed if the
4 carrier was transporting HazMat. There was no HazMat
5 on board this vehicle.

6 Q. And then the Special Checks box.

7 A. Special Checks would be if we had a
8 special program we were doing that would apply, in
9 this case that was not the case.

10 Q. The next section, it's titled both
11 "Inspection Notes" and "Special Study Fields," can
12 you explain the information that's in that section?

13 A. The Inspection Notes is an area that the
14 inspector can complete if he wants to put notes in
15 there that he may refer to later to keep this report
16 fresh in his mind. I wrote in here that the driver
17 worked for the owner that was listed on page 1, which
18 would be the top of page 1 there, Timothy Ross, Tim's
19 Thunderbirds; stated that he had an eBay business;
20 was traveling from Rhode Island to Zanesville, Ohio,
21 to pick up Thunderbird parts for resale on eBay.

22 Driver/owner present meaning the driver
23 was present, and that the owner that we spoke to over
24 the phone had never heard of the federal regulations

1 and was not aware of what he needed to have with
2 regard to logbook, medical certificate, or coming
3 into the scale. He was not aware of any of those
4 regulations.

5 Q. Okay.

6 A. The Special Study field was not completed
7 in that block because this was not a special study
8 case.

9 Q. Okay. Then finally we have a box here
10 that says, it's titled "Locally Defined Fields";
11 explain the information in that.

12 A. These are generally yes and no question
13 and answers. For-Hire Carrier? Yes, this was a
14 for-hire carrier. He had a car business of some type
15 where he resold parts on eBay.

16 The driver city is simply where the
17 driver lives. Photos, there were no photos taken in
18 this case. Reason code: TRAF, that's an
19 abbreviation for traffic meaning he committed a
20 traffic violation, that's why I stopped him.
21 Fatalities, N for no. Driver state was Connecticut.
22 Supplemental report, N for no. Paper report, N for
23 no. That would -- paper report means -- this was
24 generated by computer, in the event your computer's

1 not working, you can complete the paper report; that
2 was not done in this case.

3 Driver's address as listed.

4 Co-Investigator, if there would have been another
5 inspector on this case, there was not. Replacement
6 Seal would be if the back of the truck was sealed, we
7 broke that to inspect it and put a new seal on it,
8 that did not happen in this case although we did
9 check the truck to make sure there wasn't anything in
10 it, it was empty at the time.

11 Q. Okay. And then the last two boxes, you
12 know, just briefly explain what those two fields
13 mean.

14 A. The driver in this case was placed out of
15 service, states that he may not drive any commercial
16 vehicle for a period of ten hours, that's based on
17 the violation above of no logbook. As I said, "OOS"
18 stands for out of service. Once he's been placed out
19 of service for no logbook, he's out of service for a
20 ten-hour period so we can guarantee that he gets a
21 ten-hour rest period.

22 Carrier Certification is the place that
23 the company official, carrier official, would sign,
24 date, and return this information to the Public

1 Utilities Commission so we know that it got from the
2 driver to the company back to the PUCO.

3 Q. At the time of the inspection this was
4 signed and given to the driver, correct?

5 A. That box, no. That would have been
6 signed by Timothy Ross of Tim's Thunderbirds. The
7 bottom of the form, yes, that's where I would have
8 signed. And where it says "Copy Received By" the
9 driver, he would have signed that there.

10 Q. Okay.

11 MR. BEELER: I have no further questions
12 at this point, your Honor.

13 THE EXAMINER: Thank you. Do you have
14 another witness?

15 MR. JONES: Yes, your Honor, call John
16 Canty.

17 (Witness sworn.)

18 - - -

19 JOHN J. CANTY

20 being first duly sworn, as prescribed by law, was
21 examined and testified as follows:

22 DIRECT EXAMINATION

23 By Mr. Jones:

24 Q. Would you please state your name for the

1 record, please?

2 A. Yes. John, middle initial J, last name
3 Canty, C-a-n-t-y.

4 Q. And where do you work?

5 A. Public Utilities Commission of Ohio.

6 Q. What are your title and job duties?

7 A. I'm the assistant chief of the Compliance
8 division.

9 Q. And what are your duties and
10 responsibilities in that division?

11 A. I supervise the employees who assess the
12 violations that are discovered during commercial
13 motor vehicles.

14 Q. And how long have you been in that
15 position?

16 A. About 14 years.

17 Q. And what was your training and any
18 certifications you had received prior to taking that
19 position?

20 A. It's been a while. North American
21 Standard. I think cargo tank. I don't recall; it's
22 been a while since I've taken those.

23 Q. You have ongoing training on the job?

24 A. Oh, yes.

1 Q. As a supervisor.

2 A. Yes.

3 Q. All right.

4 MR. JONES: I'll show you Exhibits 2 and
5 3 for this witness.

6 (EXHIBITS MARKED FOR IDENTIFICATION.)

7 Q. Mr. Canty, I have marked as Staff Exhibit
8 2 for identification -- could you please describe
9 that document for the record, please?

10 A. Yes. This is the fine schedule for
11 out-of-service violations which we use in the
12 Compliance division to calculate what the fine amount
13 will be for the violations.

14 Q. Okay. Now, have you made yourself
15 familiar with the examination report in this case?

16 A. Yes, I have.

17 Q. So you had a chance to review Staff
18 Exhibit 1 --

19 A. Yes.

20 Q. -- and the information contained therein?

21 A. Yes, I have.

22 Q. And how is that information received from
23 the field?

24 A. When the investigator conducts his

1 inspection, it is then -- the information he puts
2 into his laptop computer is then uploaded to the
3 Public Utilities Commission and then we work from
4 that data which we have in a database here at the
5 PUCO.

6 Q. Okay. And so that information's received
7 electronically then --

8 A. Yes.

9 Q. -- to your department?

10 A. Yes.

11 Q. And please walk us through the steps of
12 procedure that's taken, the steps taken by your
13 department once they receive that information for
14 making any determinations as to an assessment for
15 forfeiture.

16 A. Okay. This being a non-HazMat
17 inspection, it would be assessed by the computer as
18 opposed to being assessed by a compliance officer.
19 We have a computer program that sifts through all the
20 inspections and looks for the out-of-service
21 violations, matches them up with the fine schedule
22 which is in the computer program, and then generates
23 the fine amount for each inspection.

24 Q. And what violations were an assessment

1 made for in this case?

2 A. I believe it was logbook violation and
3 medical card.

4 Q. Okay.

5 A. Lack of medical card.

6 Q. Okay. And where would you find those
7 violations on Staff Exhibit 2?

8 A. On the first page under Group 1
9 Violations, Record of Duty Status, that would be --
10 there's different violations listed there for logbook
11 violations; I believe that was one of the violations
12 here. If you look under the fine for that, one group
13 violation would be a \$100 fine. And on the second
14 page of the exhibit under Group 4 Violations, Medical
15 Certificate for the driver, the fine for that is
16 \$100. So it was a hundred for each violation for a
17 total of \$200.

18 Q. Okay. Now, this chart that you're
19 referring to as Staff Exhibit 2, who developed this
20 chart?

21 A. I don't recall exactly who it was.
22 Someone in the Transportation division years ago,
23 probably about ten years ago I would guess. About
24 1996, '97.

1 Q. Now, this chart, Staff Exhibit 2, has an
2 effective date January 2nd, 2005, and the
3 inspection involved in this case occurred on January
4 27th, 2006. Is Staff Exhibit 2 the chart that was
5 being used at the time for these assessments for this
6 inspection? Is it applicable?

7 A. Yes, it is.

8 Q. How often are these charts updated?

9 A. There's not a regular schedule. It
10 pretty much depends on how often the U.S. Department
11 of Transportation modifies their violations. I
12 believe they made some changes about a year ago and
13 then we changed our assessment chart accordingly.
14 But this is the -- this was the correct schedule at
15 the time.

16 Q. And you checked that yourself?

17 A. Yes, I did.

18 Q. You checked the records?

19 A. Yes, I did.

20 Q. So then when your department receives
21 violations according to the Federal Motor Carrier
22 Safety regulations for a driver failing to retain the
23 previous seven days' log violation and a no medical
24 certificate violation, are these the fines, then,

1 that are normally assessed if you just have one
2 violation of these offenses?

3 A. Yes.

4 Q. Okay. And is this chart then also
5 consistent for the fines that would be levied
6 according to the Commercial Vehicle Safety Alliance?

7 A. Yes.

8 Q. Okay. So the procedures that were
9 followed here by your department in assessing the
10 \$200 fine in this case, a hundred for each violation,
11 the procedures, they are consistent, then, with the
12 Commercial Vehicle Safety Alliance?

13 A. Yes.

14 Q. Now also I'll hand you Staff Exhibit 3
15 for identification. Could you please identify that
16 for the record, please?

17 A. Yes, this is what we referred to as the
18 Notice of Preliminary Determination. This is the
19 notice that is sent to the respondent following a
20 conference. I believe the conference was held with
21 the respondent, I'm not sure the date, but the notice
22 of preliminary determination was mailed to him
23 January 26th, 2007, notifying him that we intended
24 to keep the fine amount at \$200.

1 Q. And Staff Exhibit 3, what does it
2 indicate there for what the code violations are and
3 what the assessment amount is?

4 A. The violation code for the driver failing
5 to retain previous seven days' logs, violation code
6 for that is 395.8K2. The second violation, no
7 medical certificate, violation code is 391.41A.

8 Q. Okay. And is that consistent with the
9 information provided in Staff Exhibit 1 as to the
10 violations that were noted in this case?

11 A. Yes.

12 Q. Okay. And the amount assessed on Staff
13 Exhibit 3?

14 A. Yes, that is correct.

15 Q. Okay. And that's the amount that you
16 determined was made up from Staff Exhibit 2 once it
17 was reviewed by your department?

18 A. Correct.

19 Q. Okay. Now, looking at Staff Exhibit 3,
20 how is it cross-referenced with Staff Exhibit 1 for
21 purposes of identification?

22 A. The case number on Staff Exhibit 3
23 corresponds to the inspection number on Staff Exhibit
24 1, it's the same inspection number that was -- of the

1 inspection that was conducted January 27th, 2006.

2 Q. And Staff Exhibit 3, is this a document
3 that's kept in the ordinary course of business for
4 your department?

5 A. Yes, it is.

6 MR. JONES: Your Honor, that's all the
7 questions I would have for this witness, and I would
8 move for admission of Staff Exhibits 2 and 3.

9 THE EXAMINER: Thank you. I will admit
10 all Staff exhibits at this time into evidence.

11 (EXHIBITS ADMITTED INTO EVIDENCE.)

12 MR. BEELER: Excuse me, you said you
13 would admit all?

14 THE EXAMINER: Yes.

15 MR. BEELER: Thank you.

16 THE EXAMINER: I'll just note on the
17 record it's 10:30, there are no other parties present
18 in the hearing room, and if there's nothing more,
19 gentlemen, I'll, as I indicated before, take the
20 motion under advisement for a default judgment and
21 make that recommendation to the Commission, and I
22 will consider this matter submitted on the record.
23 Thank you.

24 MR. JONES: Thank you, your Honor.

1 MR. BEELER: Thank you.

2 (Thereupon, the hearing concluded at
3 10:30 a.m.)

4 - - -

CERTIFICATE

I do hereby certify that the foregoing is a true and correct transcript of the proceedings taken by me in this matter on Tuesday, May 22, 2007, and carefully compared with my original stenographic notes.

Maria DiPaolo Jones
Maria DiPaolo Jones, Registered
Diplomate Reporter and CRR and
Notary Public in and for the
State of Ohio.

My commission expires June 19, 2011.

(MDJ-3006)

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8:10,16,19	614 1:22,23			
11:17 15:17,18	7			
20:18 22:8	7 13:14			
25:9,20,24	70 11:8,8			
1/26/07 3:12	8			
10,000 11:23	8 3:9			
12:18	800 1:22			
10:00 1:10	9			
10:30 26:17 27:3	9th 2:6			
101 1:21	97 22:24			
11-B 1:10				
14 19:16				
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19 28:10				
1996 22:24				
2				
2 3:10 7:24 8:5				
20:4,8 22:7,19				
23:1,4 25:16				
26:8				
2nd 23:2				
20 3:10				
2005 11:19 23:2				
2006 23:4 26:1				
2007 1:11 4:2				
24:23 28:4				
2011 28:10				
22 1:11 4:2 28:4				
223-9481 1:22				
224-5724 1:23				
224-9481 1:22				
24 3:12				
25,500 12:1				
26 3:9,10,12				
26th 24:23				
27th 9:7 23:4				
26:1				
3				
3 3:12 7:24 8:1				
10:13 20:5				
24:14 25:1,13				
25:19,22 26:2				
26:8				
391.41A 25:7				
395.8K2 25:6				
4				
4 22:14				
43215 2:6 4:17				

EXHIBITS

Public Utilities Commission of Ohio
180 East Broad Street
Transportation Department
Columbus, OH 43215
Phone #: (614)466-0429 Fax #: (614)752-9274
robert.leader@puc.state.oh.us

DRIVER VEHICLE EXAMINATION REPORT

Report Number: OH8006002366
Inspection Date: 1/27/2006 Certification Date:
Time Started: 08:45 Time Ended: 09:24
Inspection Level: 3 - Driver-Only Inspection No HM Insp.

TIM'S THUNDERBIRDS/TIMOTHY ROSS
5 BRIARWOOD DRIVE
N SCITUATE, RI 02857

Driver: KRILYNO, STEPHEN A
License #: 031571293 State: CT
Date of Birth: 03/07/1943

Phone #: Fax #:
USDOT #: MC/MX #:
State #:

Location: ROADSIDE
Highway: 70
County: GUERNSEY
Shipper:

MilePost: 173
Origin: N. SCITUATE, RI
Destination: ZANESVILLE, OH

Bill of Lading:
Cargo: Empty

VEHICLE IDENTIFICATION:

Unit	Type	Make	Year	State	License #	Company #	Unit VIN	GVWR	CVSA #	OOS#
1	TT	INTL	2005	IN	301711			25,500		

BRAKE ADJUSTMENTS: No brake measurements recorded.

VIOLATIONS :

Section Code	St	Unit	OOS	Citation #	Verify*	Crash	Violation Description
392.2	X	D	N		N	N	Avoiding inspection (bypassing) scale ORC 4511.121
391.41(a)		D	N		N	N	No medical certificate on driver's possession
395.8(k)(2)		D	Y		N	N	Driver failing to retain previous 7 days logs NO LOGS.

* 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

☐ Traffic Enforcement
☐ Drug Interdiction Search
☐ Post Crash Inspection

Arrests:

Inspection Notes:

Driver working for owner listed on pg. 1Ebay businessTravel from Rhode Island to Zanesville, Ohio to pick-up Thunderbird parts for resale on Ebay.Driver/owner present: Had never heard of federal regulations.

Special Study Fields:

Special Study 1:
Special Study 2:
Special Study 3:

Special Study 4:
Special Study 5:

Locally Defined Fields:

For-Hire Carrier: Y
Driver City: SIMSBURY LN
Photo Ref #: N
RSN Code: TRAF

Fatalities (Y/N): N
Driver State: CT
Supplemental Report #: N
Paper Report #: N

Driver Address: 15 ECHO LN
Driver Zip: 06070
Co-Investigator #: N
Replacement Seal: N

I hereby declare STEPHEN A. KRILYNO "Out of Service". This driver MAY NOT DRIVE any commercial motor vehicle nor may any carrier permit or require this driver to drive any commercial motor vehicle until:10 hours off duty obtained

CARRIER CERTIFICATION: 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 and Hazardous Materials Regulations insofar as they are applicable to motor carriers and drivers. False certifications of the required repairs are required to be prosecuted with penalties up to \$10,000.

Signature of Carrier Official: X

Date:

STAFF EX.

Report Prepared By:
Jirles, J.P.

Badge #:
0779

Copy Received By:
KRILYNO, STEPHEN A

1

X

X

Public Utilities Commission of Ohio
180 East Broad Street
Transportation Department
Columbus, OH 43215
Phone #: (614)466-0429 Fax #: (614)752-9274
robert.leader@puc.state.oh.us

DRIVER VEHICLE EXAMINATION REPORT

Report Number: OH8006002366
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TIM'S THUNDERBIRDS/TIMOTHY ROSS
5 BRIARWOOD DRIVE
N SCITUATE, RI 02857

Driver: KRILYNO, STEPHEN A
License #: 031571293 State: CT
Date of Birth: 03/07/1943

Phone #: Fax #:
USDOT #: MC/MX #:
State #:

NOTE TO DRIVER: This report must be furnished to the motor carrier whose name appears at the top of this report. NOTE TO MOTOR CARRIERS:
Please sign the below certification and return this report to the address which appears at the top of this report within fifteen (15) days. Failure to return this
report with the required certification can result in penalties up to \$500.

Signature of Repairer: X Facility: _____ Date: _____

Report Prepared By:
Jirles, J.P.

Badge #:
0779

Copy Received By:
KRILYNO, STEPHEN A

X

X

**FINE SCHEDULE
OUT OF SERVICE VIOLATIONS**

GROUP 1

VIOLATIONS		MAXIMUM FINE
Braking Action Absent	Steering Gear Box	1 Violation = \$100
Missing or Broken Brake Component	Steering Modification	
Air Drop Test	Steering Wheel Play	2 Violations = \$250
Safety Devices-Chains or Hooks	Coupling, Towing Devices	
Tires, Retreads – on Buses	Frame	3 Violations = \$400*
Steering Column	Tire, Front Axle	
Other Steering Components	Safe Loading	
Record of Duty Status-		
10 Hour Violation		
15 Hour Violation		
60 in 7, or 70 in 8		
None in Possession/Not Current		
Falsification of Record of Duty Status (Intentional)		\$300
Violation of Out of Service Notice (Each Notice, Not Each Offense)		\$1,000

GROUP 2

VIOLATIONS		MAXIMUM FINE
Braking Pad	Lamps on the Rear	1 Violation = \$50
Brake Hose, Tube	Lamps on Projecting Load	
Parking Brake	Turn Signal-Rear	2 Violations = \$150
Low Air Warning Device	Fuel Tank Not Secure	
Air Reservoir	Adjustable Axle	3 Violations = \$250*
Brake Adjustment	Wheels and Rims	
Headlamp Inoperative	Front End Structure	
Stop Lamp Inoperative	Suspension	
Violation of Out of Service Notice (Each Notice, Not Each Offense)		\$1,000
Note: Fines will only be issued for a combination of two or more Violations from Group 2 or Group 3.		

GROUP 3

VIOLATIONS		MAXIMUM FINE
Fuel Tank Cap Missing	Audible Air Leak	1 Violation = \$40
Fuel System	Exhaust System	
Windshield Glazing	Tires, Other Axles	2 Violations = \$90
Windshield Wipers	Waiver of Physical	
Disqualification	License-Improper Class	3 Violations = \$150*
Radio Active Material – Training Certificate		
Violation of Out of Service Notice (Each Notice, Not Each Offense)		\$1,000
Note: Fines will only be issued for a combination of two or more Violations from Group 2 or Group 3.		

GROUP 4

VIOLATIONS	MAXIMUM FINE
No Operating Authority (intrastate)	\$500
Failure to Register (intrastate)	\$100
Age Under 21 (Interstate)	\$250
Intoxicants – Under the Influence	\$500
Intoxicants – Possession	\$100
Insurance Violations (intrastate)	\$1,000
SSRS Registration (Receipt)	\$100
Failure to Display Correct Ohio-Cab Card Stamp (ICC Exempt)	\$100
Failure to Display Tax Decal on Vehicle	\$100
Not Using Seat Belt	\$100
Radar Detectors	\$100
Medical Certificate (Driver)	\$100
Disqualifying Offenses	\$500
Drugs – Under the Influence	\$500
Drugs – Possessing	\$500

* Over three violations in any group will result in a review by Commission Staff to determine additional fine amount.

Any questions in regards to this fine schedule please contact:
Public Utilities Commission of Ohio
Compliance Division
180 East Broad St.
Columbus, Ohio 43215
(614) 466-0351



The Public Utilities Commission of Ohio

*Monitoring marketplaces and enforcing rules to assure safe,
adequate, and reliable utility services.*

Ted Strickland, Governor
Alan R. Schriber, Chairman

Commissioners
Ronda Hartman Fergus
Judy A. Jones
Valerie A. Lemmie
Donald L. Mason, Esq.

January 26, 2007

MR STEPHEN A KRILYNO

15 ECHO LANE
SIMSBURY, CT 06070

RE: NOTICE OF PRELIMINARY DETERMINATION
Case No. OH8006002366D
Officer: WW

Dear MR KRILYNO:

On January 27, 2006, a vehicle operated by TIM'S THUNDERBIRDS/TIMOTHY ROSS, and driven by STEPHEN A KRILYNO, was inspected within the State of Ohio. As the result of discovery of the following apparent violations the Staff timely notified Respondent pursuant to Rule 4901:2-7-07, O.A.C., that it intended to make a civil monetary assessment against Respondent in the following amount:

Code	Violation
395.8K2	Driver failing to retain previous 7 days logs NO L
391.41A	No medical certificate on driver's possession

Total Forfeiture Assessed : \$200.00

A conference was conducted pursuant to Rule 4901:2-7-10(B), O.A.C., at which the Respondent had a full opportunity to present any reasons why the violations 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.

(continued)

STAFF EXHIBIT 3



The Public Utilities Commission of Ohio

Monitoring marketplaces and enforcing rules to assure safe, adequate, and reliable utility services.

Ted Strickland, Governor
Alan R. Schriber, Chairman

Commissioners
Ronda Hartman Fergus
Judy A. Jones
Valerie A. Lemmie
Donald L. Mason, Esq.

January 26, 2007
MR STEPHEN A KRILYNO

OH8006002366D

PAGE -2

As a result of the conference, Staff has made a Preliminary Determination that the Commission should make a civil monetary assessment against STEPHEN A KRILYNO in the following forfeiture:

Code	Violation
395.8K2	Driver failing to retain previous 7 days logs NO L
391.41A	No medical certificate on driver's possession

Total Forfeiture Agreed : \$200.00

Please include a certified check or money order for the total forfeiture Agreed, made payable to "Treasurer State of Ohio," and mail to: PUCO FISCAL, 180 E. Broad St, 13th floor, Cols. OH 43215-3793. FOR PROPER CREDIT, BE SURE TO PUT THE CASE NUMBER ON THE FACE OF THE CHECK.

Please consult the enclosed additional information concerning this Notice of Preliminary Determination.

Robert E. Marvin, Director
Transportation Department
Public Utilities Commission of Ohio