

PC  
FILE

08-0043-TR-CVK-3

JANUARY 05, 2008

TO WHOM IT MAY CONCERN,

I, DAVID E PHEANIS II, WOULD LIKE A REQUEST FOR ADMINISTRATIVE HEARING  
FOR CASE #OHO158001714D.

THANK YOU,

DAVID E PHEANIS II  
258 N DELMAR AVE  
DAYTON, OH 45403  
937-654-3673

RECEIVED-DOCKETING DIV

2008 JAN 15 PM 1:52

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## 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  
Donald L. Mason, Esq.  
Valerie A. Lemmie  
Paul A. Centolella

December 10, 2007

MR DAVID PHEANIS

258 N DELMAR AVENUE  
DAYTON, OH 45403

RE: **NOTICE OF PRELIMINARY DETERMINATION**

Case No. OH0158001714D

Officer: WW

Dear MR PHEANIS:

On November 20, 2006, a vehicle operated by BROWN TRANSPORT INC, and driven by DAVID E PHEANIS, was inspected within the State of Ohio. As the result of discovery of the following apparent violation 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
392.16	Failing to use seat belt while operating CMV / OBS

Total Forfeiture Assessed : \$100.00

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 violation did not occur as alleged, mitigating circumstances regarding the amount of any forfeiture, and any other information relevant to the action proposed to be taken by Staff.

(continued)



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MR DAVID PHEANIS

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

Code	Violation
392.16	Failing to use seat belt while operating CMV / OBS

Total Forfeiture Agreed : \$100.00

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