Feb. 1st, 2010

10-149-TR-CVF

19

Dear Mr. Marvin,

I am requesting an administrative hearing.

I am enclosing a copy of the notice of preliminary determination, a copy of an email with my attorney, a copy of the inspection report, (the plate numbers on the inspection report are wrong), a copy of the registration of the vehicle that I was driving, copies of the court case in Xenia, OH, where the charge was reduced, and a copy of the video log that shows that the patrol cam was not erased after thirty days as I was told by the supervisor.

My case number is OH1276002768D

Peter S Becknall 114 2nd Ave. NE Elgin, ND 58533-7014

Phone #702-806-7287

E-mail is petebecknall@yahoo.com

Thank you, Peter S. Becknall

Peter S. Becknall

2010 FEB - 8 PH 3: 50

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 Date Processed FFB 0.8 2010



Ted Strickland, Governor Alan R. Schriber, Chairman Commissioners

Ronda Hartman Fergus Valerie A. Lemmie Paul A. Centolella Cheryl Roberto

January 4, 2010 MR. PETER BECKNALL

OH1276002768D

PAGE -2

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

Code

Violation

392.3

Operating a CMV while ill or fatigued - DRIVER ADM

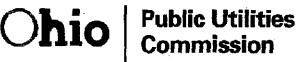
Total Forfeiture Agreed :

\$.00

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

Robert E. Marvin, Director Transportation Department

Public Utilities Commission of Ohio



Ted Strickland, Governor Alan R. Schriber, Chairman Commissioners

Ronda Hartman Fergus Valerie A. Lemmie Paul A. Centolella Cheryl Roberto

January 4, 2010

MR. PETER BECKNALL

114 2ND AVE NE ELGIN, ND 58533-7014

MOTICE OF PRELIMINARY DISTERMINATION

Case No. OH1276002768D

Officer: CS

Dear MR. BECKNALL:

On June 5, 2009, a vehicle operated by J-MAR ENTERPRISES INC, and driven by FETER S BECKNALL, 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

392.3

Operating a CMV while ill or fatigued - DRIVER ADM

Total Forfeiture Assessed :

\$.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)







PETE BECKNALL

From:

Brian Lusardi [blusardi woh.rr.com]

Sent:

Tuesday, October 27, 2009 7:01 PM

To:

PETE SECKNALL

Subject: Re: Hello

Thanks for the information.

The prosecutor said to me that since you challenged the officer via the commison review process, he was not willing to consider amending the violation to a no point violation. He was being a that day.

I will relay the message and maybe now I can better persuade him to make it an "unsafe vehicle" violation and just get you a fine and costs and be done with the case (as it should have been in the beginning).

I will keep you posted, and keep me posted as well.

Brian E. Lusardi, Esq.

— Original Message —— From: <u>PETE BECKNALL</u>

To: 'Brian Lusardi'

Sent: Tuesday, October 27, 2009 8:52 AM

Subject: Hello

Hello.

I had the conference call with one person at the Ohio Commission. All this was to tell me that it was basically my word against the Officer's. I told her the way he put me out of service as far as him telling me to get a cup of coffee before I finish my driving. She said I had some valid points. Now I will get another letter to schedule a hearing in their court (subpoena the Officer). I told her about my court date and that the prosecuting attorney would not work with me because I had scheduled the conference. She said that she never heard of that before. I also asked to get the hearing the same time as my court date.

I will send you the information that you requested in your last letter to me. I was hoping I that I would be able to avoid all this with the conference call.

I tried to get the patrol cam of my stop but was told it was erased after a month. The erase log shows that it was erased one day before I requested it. My citation was on June 5th and it was erased July 12th. I requested some video stops of the Officers other stops with out of service citations or other tickets. I got four video stops. There are some interesting comments on them and the kind of attitude he has.

The biggest thing is when he escorted me five miles to a Kmart parking lot that says no truck parking, he told me to get a cup of coffee before I finish driving. Sleep is the only thing that cures fatigue. His action contradicts the citation for fatigue and being put out of service.

FMCSA defines fatigue to being out of hours to drive. The CVSA establishes the out of service criteria. The state has to adopt these as laws to enforce them. I have sent several emails trying to get the guidelines for officers to put truck drivers out of service for fatigue. I did not get a clear response.

I can send you a blow by blow if that is what you want.

Here are some web sites with information concerning my stop.

http://law.justia.com/ohio/codes/orc/jd_451179-ec13.html

http://codes.ohio.gov/orc/4511.79

http://www.fmcsa.dot.gov/rules-regulations/administration/fmcsr/fmcsrruletext.aspx?

<u>: it**o:/**'</u>

csa20" eticles/CSA 2010 Unsafe Driving Violation Severity Chart.htm

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vsa org/ - aut/index.aspx

http

10v/rules-regulations/administration/fmcsr/fmcsrruletext.aspx?chunkkey=0901633480023975



Motor Vehicle Division 608 E. Boulevard Avenue Biessarck, ND 58505-0780 Phone: (701)328-2725 Fac: (701)328-3500

J-MAR INC PO BOX 4143 BISMARCK ND 58502-4143

USDOT

291072

ACCOUNT NO

TRANS LEASE INC LSR

778 VEHICLE IDENTIFICATION NO SEATS/BUS 1FUJA6CK54LM82317 2004 FRHT D 3 COMB GROSS WEIGHT UNLADEN WEIGHT EXPIRES 80000 10/01/2009 18000 02/17/2009 10/01/2008 09/30/2009 OWNER (LESSOR)

The vehicle described has been proportionally registered in North Dakota and the jurisdiction(s) shown below.

Canadian province weights are in killpurses, US jurisdictions are shown in pounds.

				4.6	S 200	Service Control						
	ND	80000	AL.	80000	AR	80000	AZ	00008	CA	80000	CO	80000
	CT	80000	DE *	80000	, FL	80000	GA	80000	iA.	80000	ID	80000
	IL.	80000	M	80000	K8	80000	KY	80000	LA	80000	MA	80000
	MD	80000	ME	80000	NO	80000	MN	80000	- MO	\$0000	MS	80000
-	MT	80000	NC NC	80090	NE-	80000	NH	60000	NJ	80000	705	80000
	NV:	80000	NY	80000	ОН	80000	OK	80000	OR	80000	PA	80000
	RI	80000	SC	80000	SD	80008	TN	80000	TX	80000	UT	80000
	VA.	80000	VT	80000	WA	80000	W	80000	WV	60000	WY	80000
61.		******	7000	******			****	******		******	+	******
	****	******	-					******		*****	****	****

Copies are not valid. Owner or lessee Cartifies this vehicle is insured as required by law, (NDCC 35-98-20).

Signature of Registered Owner

Linda Butts
Deputy Disoctor
Office of Driver and Vehicle Service

. •				DRI	VER/	/EHIC	E EXAM	MINATION RI	EPORT			
OHIO STATE MOTOR CAS WILMINGTO \$27-656-9189 RETURN CE	RRIER (N DIST 9	ENFC RICT	RCI EIG	EMENT BHT	NCY L	ISTED I	BELOW		Inspecti Start Tir Inspecti	iumber: OH12 on Date: 06/09 ne: 06:35 AM on Level: III - ection Type:	5/2009 End Tim Driver On	ne: 07:33 AM
J-MAR ENTE PO BOX 545 WEST FARG USDOT#: 000	iO, ND 291072		78	hone#: (701	1)277-0	0039		Driver: BE License#: ! Date of Bir CoDriver:	BEC6361	66		State: ND
MC/MX#: 184 State#:	4300			Fax#:	. •			License#: Date of Bir	th:			State:
Location: RC Highway: US County: GRE	35 W				-	Origin			per: BEf Bill	RRY PLASTIC of Lading: 16 go: GENERAI	37324	IT - PLASTIC
VEHICLE ID	ENTIFIC	ATK	ON							Parameter South		,
Unit Type Ma	HT 2004	1 NE)	Plate # 46466		прапу # 4008		<u>VIN</u> 6CK54LM82317	GVWR 80,000	CVSA# CVS	A Issued #	OOS Sticker
2 ST FRU				22565		111)5327RE008104	·			
BRAKE ADJ		NTS	No	Brake Measur	ements	Require	d For Level	3		·	-	· ····
Section Cod 395.8(f)(1) 392.2C		Unit D D	005 N N	Citation #	<u>Verify</u> N N	<u>Crash</u> N N	Drivers red 1900 HOU Failure to	Discovered cord of duty status RS CENTRAL TI bebey traffic control COCCASIONS WESTRIPS	ME IN DR	IVING STATUS DRIVER DROV	i Æ OVER V	WHITE FOG
392.28	F	D	N	WARNING	N	N	Speeding -	DRIVER WAS C				
392.3	F	D	Y	Y641135	N	N .	Operating	OR 2 MILES AT 6 a CMV while ill IS RUN AND HA ISSUED BY U12	or fatigue S NOT BI	ed - DRIVER AI	DMITTED	HE IS AT THE
HazMat: No	HM Tran	sport	ed	•						Placard: No	Cargo	Tank:
Special Che	cks: Tra	affic E	ntore	ement								
State Inform FMCSA Crede Fatalities (Y/N)	ntials Ve	rified- ver Ai	-Y/N: ddres	Y, CDL Veril s: 114 2ND A	fied (Y/I VE NE;	vij: Y; FN ∵Driver (MCSA OOS City: ELGIN	Order Issued(Y/i	N): N; Foi iD; Driver	r-Hire Carrier: Y Zip: 58633; Ph	; Reeson lotos Taker	Code: TRAF; n (Y/N): N;
I hereby declare Pl commercial motor						NOT DRIV	E any comme	cial motor vehicle nor	mey any cen	ier permit or require	this driver to o	trive any
All violations of the assessed against a notice by mail. The	iný respons	iible pa	ıtigs if	accordance with	the penal	ty provision	s of Title 49 of	he PUCO's Transports the Ohio Revised God	ation Departm le. If civil forte	ent to determine wh itures are assessed	ether civil forfi , you will recei	eitures should be ve a separate
-	ER: This re	port m	ust be	sent to the motor	cernier wh	iose name i	appears at the	top of this inspection n	eport within 2	4 hours. If the inspe	Ction report o	armot be delivered
Certification of Rep	eirs below	and rel	lurn She	signed form to: <u>F</u>	ublic Util	ties Comm	esion of Ohio-	ehicle defects/violation TASD: 1602: 61446 9 eport. Failure to return	t.; Columbie	, Oh; 43215 (SAB) - &	PROPERTY.	POR COZA WITHIN

Report Prepared By:

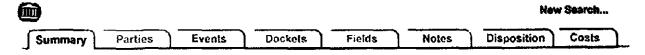
Signature Of Motor Carries

Copy Received By: PETER BECKNALL

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 felse certification of repairs is required to be prosecuted with penalties up to \$10,000.

Date:

Title:



TRAFFIC - Summary

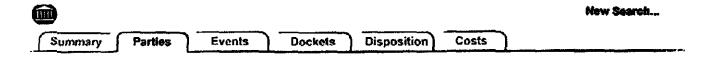
09 TR D 04096 STATE OF OHIO vs. BECKNALL, PETER SHANE SP

Ticket N	umber Y641	135	Jurisdic	ction STATE PATE	OL
Nu ^e nnda	int		Case In	formation	}
Full Nes	BECK!	NALL, PETER S	HANE Offense	Date 06/05/2009	to fre
			Haz. Ma	at. Unk.	
D.O.B.	12/12/1	963	Points	2	
Address	3		Prior C	onvictions	
114 2NI	D AVENUE NE		Vehicle	Year 2004	
Clau Clau		NIEN E	State Co	ode NORTH DAKOTA	
City/Stat	te/Zip ELGIN	ND 5	8533 License	****	
			License	P10000100	-
Gender	M	Race WHI	TE Vehicle		CIAL
Height	5'9"	Weight 170	Plate No	10,00	!
Hair	BROWN	Eyes BRO			į
Employe	er		Seconda	•	
			Officer	Code WILSON, WD	
Attorney	/(s) D I, BRIAN E		License Taken	Accident Insured	V
DOSAN	DI, DRIMINE		Speed Limit	Speed	
Case Co	ments		Case At	ttributes	1
IST MO	VING. MUST	APPEAR.	Number	r 09 TR D 04096	
			Status	OPEN	
			Filed	06/16/2009	
: -7.			Incomp	lete 🔲	
	4.				
Charge	> (s)				
Charge	Action Code	Indict Charge	Amd Charge	Disposition Code Counts	•
1	DRIVING WHILE				

.

FATIGUED

Coneral Inquiry



Case Parties

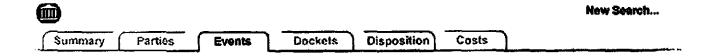
09 TR D 04096 STATE OF OHIO vs. BECKNALL, PETER SHANE SP

Name Type Disposition Special

BECKNALL, PETER SHANE DEFENDANT

LEWIS, RONALD C PROSECUTING
ATTORNEY

WILSON, W D OFFICER



Event Search

09 TR D 04096 STATE OF OHIO vs. BECKNALL, PETER SHANE SP

Search Criteria

Event Code

ALL

Begin Date

End Date

Search

Search Results

2 Event(s) found for case.

Event

Date

Start

End

Judge

Result

ARRAIGNMENT

06/19/2009 08:00 11:35

ARRAIGNMENT PLEAD NOT

JUDGE

GUILTY

COURT ROOM

TRIAL (CR/TR)

11/23/2009

13:00

13:30

MURRY,

CASE SETTLED

MICHAEL K

COURT ROOM



Docket Search

09 TR D 04096 STATE OF OHIO vs. BECKNALL, PETER SHANE SP

Search Criteria

Docket Desc.

ALL

Begin Date

ocein marc

Sort

End Date

O Ascending

Descending

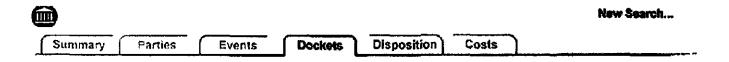
Search

Search Results

19 Docket(s) found matching search criteria.

Docket **Docket Text Amount Amount images** Date Due 11/23/2009 DEFENDANT FOUND GUILTY OF A 00.00.00REDUCED CHARGE. Case disposed with disposition of REDUCED CHARGE on 11/23/2009. 11/23/2009 SENTENCING INFO: Sentence: Fine: 0.00 0.00 35.00, Susp: Costs: 105.00, Susp: , Incl: N Jail Start: , days: , Jail End: susp days: , susp time: Points: 0, Lic susp: , Dr Ed: N Susp start: , days: , Susp end: Clearance Date: Mod:, narr:, Lic flag: Dr sch: N. DUI sch: N, Rest: MKM Prob type: , start: , days: , End: Charge #1: UNSAFE VEHICLE 11/23/2009 FINE Charge #1: DRIVING WHILE 35.00 0.00FATIGUED Receipt: 206414 Date: 11/23/2009 11/23/2009 STATE COSTS HOUSE BILL 562 10.00 0.00 Receipt: 206414 Date: 11/23/2009 11/23/2009 COURT COSTS Receipt: 206414 Date: 61.00 0.00 11/23/2009 11/23/2009 STATE COSTS Receipt: 206414 Date: 29.00 0.00

11/23/2009



Docket Search

09 TR D 04096 STATE OF OHIO vs. BECKNALL, PETER SHANE SP

Search Criteria

Docket Desc. ALL

Begin Date

Sort

Ascending

Descending

Search

Search Results 19 Docket(s) found matching search criteria.

Docket Date	Docket Text	Amount	Amount images
11/23/2009	DEFENDANT FOUND GUILTY OF A REDUCED CHARGE. Case disposed with disposition of REDUCED CHARGE on 11/23/2009.	0.00	0.00
11/23/2009	SENTENCING INFO: Sentence: Fine: 35.00, Susp: Costs: 105.00, Susp:, Incl: N Jail Start:, days:, Jail End: susp days:, susp time: Points: 0, Lic susp:, Dr Ed: N Susp start:, days:, Susp end: Clearance Date: Mod:, narr:, Lic flag: Dr sch: N, DUI sch: N, Rest: MKM Prob type:, start:, days:, End: Charge #1: UNSAFE VEHICLE	0.00	0.00
11/23/2009	FINE Charge #1: DRIVING WHILE FATIGUED Receipt: 206414 Date: 11/23/2009	35. 00	0.00
11/23/2009	STATE COSTS HOUSE BILL 562 Receipt: 206414 Date: 11/23/2009	10.00	0.00
11/23/2009	COURT COSTS Receipt: 206414 Date: 11/23/2009	61.00	0.00
11/23/2009	STATE COSTS Receipt: 206414 Date:	29.00	0.00

11/23/2009

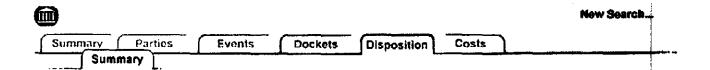
	DEF CALLED IN TO VERIFY AMT. ADVISED \$140 PYMT BY M.O., CASH CK, OR CERT CK.	0.00	0.00
	SPOKE WITH ATTY. LUSARDI. HE WILL CONTACT DEFENDANT TODAY TO ADVISE OF COSTS DUE.	0.00	0.00
11/16/2009	DEFENDANT MAY PAY THROUGH V.B. AT \$35.00 FINE PLUS COURT COSTS.	0.00	0.00
11/12/2009	PRETRIAL REPORT FILED. PROSECUTOR OFFERS DEFENDANT TO PAY THROUGH V.B. FILE TO JUDGE.	0.00	0.00
08/25/2009	HEARING SCHEDULED Event: TRIAL (CR/TR) Date: 11/23/2009 Time: 1:00 pm Judge: MURRY, MICHAEL K Location: COURT ROOM Result: CASE SETTLED	0.00	0.00
08/25/2009	COURT NOTICE Court Notice (CR/TR) Sent on: 08/25/2009 08:11:46 Receipt: 206414 Date: 11/23/2009	5.00	0.00
06/25/2009	PLEAD NOT GUILTY The following event: ARRAIGNMENT scheduled for 06/19/2009 at 8:00 am has been resulted as follows: Result: PLEAD NOT GUILTY Judge: ARRAIGNMENT JUDGE Location: COURT ROOM	0.00	0.00
06/25/2009	PLEAD NOT GUILTY	0.00	0.00
06/25/2009	NOTICE OF APPEARANCE FILED, NOT GUILTY PLEA TIME WAIVER REQUEST FOR PRE-TRIAL CONFERENCE MOTION FOR DISCOVERY FILED BY ATTORNEY LUSARDI	0.00	0.00
06/25/2009	VIOLATOR COMPACT FEE	25.00	0.00
06/16/2009	X3 Traffic/Criminal Docket Entry Traffic/Criminal Docket Entry (Charges 1- 12) Sent on: 06/16/2009 08:38:48	0.00	0.00
06/16/2009	TRAFFIC CASE FILED	0.00	0.00
06/16/2009	HEARING SCHEDULED Event: ARRAIGNMENT Date: 06/19/2009 Time: 8:00 am Judge: ARRAIGNMENT JUDGE Location: COURT ROOM Result: PLEAD NOT GUILTY	0.00	0.00



Case Disposition Listing

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Status	Status Date	Disposition Code	Disposition Date
<u>CLOSED</u>	06/16/2009	NOT GUILTY AJ REPORT	06/25/2009
<u>CLOSED</u>	06/25/2009	REDUCED CHARGE	11/23/2009



Case Disposition Summary

Status	CLOSED	Disposition	NOT GUILTY AJ REPORT
Status Date	06/16/2009	Disposition Date	06/25/2009
Judge	MURRY, MICHAEL K	Judge Report	Administrative
Magistrate		Termination	07 TRANSFER (NOT GUILTY PLEA)

					New Search
Summary Parties	Events	Dockets	Disposition	Costs	
Summary			_		

Case Disposition Summary

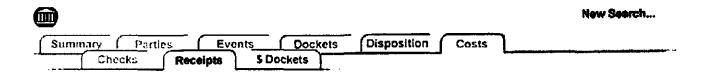
Status	CLOSED	Disposition	REDUCED CHARGE
Status Date	06/25/2009	Disposition Date	11/23/2009
Judge	MURRY, MICHAEL K	Judge Report	Individual
Magistrate		Termination	09 GUILTY OR NO CONTEST PLEA TO REDUCED CHARGE

					New Search
Summary Parti			Disposition	Costs	
Checks	Receipts	\$ Dockets			

Case Financial Summary

Docket Application COST FINE	Owed	Paid	Adjusted	Due
	130.00	105.00	25.00	0.00
	35.00	35.00	0.00	0.00
Total Fees:	165.00	140.00	25.00	0.00

Money on Deposit With Cour	t Balance	Money Distributed by Court	Amount	
· -				



Case Receipts

09 TR D 04096 STATE OF OHIO vs. BECKNALL, PETER SHANE SP

Number

Cash Book

Received From

Status

Date

Total Amount

206414

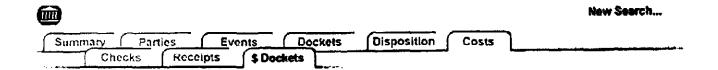
CRIMINAL/TRAFFIC BECKNALL, CASH BOOK

PETER SHANE

FINAL

11/23/2009

140.00



Financial Dockets Summary

09 IK D 040	196 STATE OF OHIO	vs. BECKN	ALL, PETEK S	HÄNE SP	" "	The second second
Date	Docket Description	Owed	Adjusted	Paid	Due	Due Date
11/23/2009	FINE	35.00	0.00	35.00	0.00	
11/23/2009	STATE COSTS HOUSE BILL 562	10.00	0.00	10.00	0.00	
11/23/2009	COURT COSTS	61.00	0.00	61.00	0.00	
11/23/2009	STATE COSTS	29.00	0.00	29.00	0.00	
08/25/2009	COURT NOTICE	5.00	0.00	5.00	0.00	
06/25/2009	VIOLATOR COMPACT FEE	25.00	25.00	0.00	0.00	

WILMINGTON MOBILE VIDEO LOG

NAME Bill Wilson UNIT # 1276 D8 LCS

#	FIRST	FIRST USED LAST USED			SIGNIFICANT EVENTS				ERASED		ENTERED ADM-3504	
	DATE	TIME	DATE	TIME	DEFENDANT/CASE, CRASH NUMBER, ETC.	REPORT DATE / TIME	COURT CODE	COMPLETE DATE	DATE	UNIT	DATE	UNIT
1	031899	N/A	032709	N/A		1		051009	851009	442	651409	442
2	632709	N/A	041609	N/A				652509	052509	443	0 525 0 9	442
3	041609	N/A	951999	N/A				070609	96- 2009	442	06- 2009	442
4	051009	N/A	8 \$17 8 9	N/A	REVIEWED			070609	07-06- 2009	442	97-06- 2009	442
5	051709	N/A	0 513 09	N/A				67 (289	471209	442	071209	442
6	051309	N/A	052409	N/A				071209	971289	442	071209	442
7	052409	N/A	868809	N/A				071269	G 71209	462	671209	441
a	760809	N/A	861489	N/A								
2	061409	N/A	061 989	N/A								