

FILE

20

PUCO EXHIBIT FILING

Date of Hearing: 8-26-10

Case No. 09-1859-TR-CVF

PUCO Case Caption: In the Matter of the Request of  
Michael L. Waller for an Administrative Hearing

List of exhibits being filed:

- Staff Exhibit 1 Driver/Vehicle Examiner Report  
2 Fine Schedule Out of Service Violations  
3 4-30-09 letter - Notice of Apparent Violation  
4 6-10-09 letter - Notice of Apparent Violation  
5 10-26-09 letter - Notice of Preliminary Determination  
6 10-29-09 letter - Notice of Preliminary Determination

PUCO

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Reporter's Signature: Karen Sue Gibson

Date Submitted to certify that the images appearing are an  
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Technician Sam Date Processed SEP 09 2010

1           BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

2                               - - -

3       In the Matter of the               :  
4       Request of Michael L.            :  
5       Waller for an                    : Case No. 09-1859-TR-CVF  
6       Administrative Hearing.         :  
7                               - - -

8                               PROCEEDINGS

9       before Mr. Henry H. Phillips-Gary, Attorney Examiner,  
10      at the Public Utilities Commission of Ohio, 180 East  
11      Broad Street, Room 11-D, Columbus, Ohio, called at  
12      10 a.m. on Thursday, August 26, 2010.

13                              - - -

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15  
16  
17  
18  
19  
20                              ARMSTRONG & OKEY, INC.  
21                              222 East Town Street, Second Floor  
22                              Columbus, Ohio 43215-5201  
23                              (614) 224-9481 - (800) 223-9481  
24                              Fax - (614) 224-5724  
25                              - - -

## DRIVER/VEHICLE EXAMINATION REPORT

**Ohio****Public Utilities  
Commission**Transportation Department  
Phone: (614) 466-0429  
Fax: (614) 752-9274

Report Number: OH3269005421

Inspection Date: 4/13/2009 Certification Date: 04/21/2009

Time Started: 16:56 Time Ended: 17:43

Inspection Level: II - Walk-Around

HM Inspection Type: No HM Inspection

MW2 CONSTRUCTION/MICHAEL L. WALLER

PO BOX 96

IVANHOE, VA 24350

Phone #: (276)724-6868

Fax #:

USDOT #:

MC/MX #:

State #:

Driver: WALLER, MICHAEL L

License #: T63716796

State: VA

Date of Birth: 04/25/1972

Location: ROAD SIDE

MilePost: 15

Highway: US 35

Origin: WYTHEVILLE/VA

Bill of Lading: NONE

County: JACKSON

Destination: INDIANAPOLIS/IN

Cargo: MACHINERY, LARGE OBJECT

Shipper: KIRK PHILLIPPI TRENCHING

**VEHICLE IDENTIFICATION:**

Unit	Type	Make	Year	State	License#	Company #	Unit VIN	GVWR	Issued	Decal#	Existing	Decal#	OOS	Stkr.#
1	TR	DODG	2003	VA	TX23268	NONE	3D7MU48CX3G838277	12,000						

**BRAKE ADJUSTMENTS:** No brake measurements recorded.**VIOLATIONS:**

Section Code	St	Unit	OOS	Lvl 6	Citation #	Verify*	Crash	Violation Description
390.21(a)		1	N	N		N	N	Not marked in accordance with regulations-No dot number or company name displayed.
391.41(a)		D	N	N		N	N	No medical certificate on drivers possession
395.8(a)		D	Y	N		N	N	No drivers record of duty status found at time of inspection.

\* 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  
☐ PASA Conducted Inspection  
☐ Drug Interdiction Search

☐ Post Crash Inspection  
☐ PBBT Inspection  
 Arrests:
**Inspection Notes:** Driver is hauling this load to Indianapolis/In for a subject named Mike Phillippi. Load came out of Wytheville/Va. Load is to be used in a bio diesel plant in Indianapolis. Consignee is a subject named Mike Awiebel.

Driver and shippers statements does not match. Driver stated that it was purchased from ebay by Mr. Awiebel. Shipper (Mr. Phillippi) stated that he had owned the equipment for some time now. And that he does business with Mr. Amiebel on a reguar basis.

Are you being compensated in any way to haul this load? Driver stated that he was just doing this for a friend and no money was changing hands. Mr. Phillippi stated over the phone that he is paying for all of Mr. Wallers expenses.

Shipper: Kirk Phillippi phone number 1-276-620-4211

Driver/truck owners phone number 1-276-724-6868

Consignee Mike Zwiebel no number found for him through In.

**Special Study Fields:**

Special Study1:

Special Study2:

Special Study3:

Special Study4:

Special Study5:

Special Study6:

Special Study7:

Special Study8:

Special Study9:

Special Study10:

**Locally Defined Fields:**

For-Hire Carrier: N; Driver Address: PO BOX 96; Driver City: IVANHOE; Driver State: VA; Driver Zip: 24350; Reason Code: QBV; FMCSA Credentials Verified-Y/N: N; CDL Verified (Y/N): Y; FMCSA OOS Order Issued(Y/N): N

I hereby declare MICHAEL L. WALLER "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: 10hr from completion of inspection

Report Prepared By:

A R Lester

Badge #:

3269

Copy Received By:

WALLER, MICHAEL L

SuffEx)



# DRIVER/VEHICLE EXAMINATION REPORT



## Public Utilities Commission

Transportation Department  
Phone: (614) 466-0429  
Fax: (614) 752-9274

Report Number: OH3269005421  
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HM Inspection Type: No HM Inspection

MW2 CONSTRUCTION/MICHAEL L. WALLER  
PO BOX 96  
IVANHOE, VA 24350  
Phone #: (276)724-6868 Fax #:  
USDOT #: MC/MX #:  
State #:

Driver: WALLER, MICHAEL L  
License #: T63716796 State: VA  
Date of Birth: 04/25/1972

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 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.

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; 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.

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 Carrier Official: X Title: \_\_\_\_\_ Date: \_\_\_\_\_

Report Prepared By:  
A R Lester

Badge #:  
3269

Copy Received By:  
WALLER, MICHAEL L



**FINE SCHEDULE  
OUT OF SERVICE VIOLATIONS**

**GROUP 1**

VIOLATIONS		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-		
11 Hour Violation		
14 Hour Violation		
60 in 7, or 70 in 8		
None in Possession/Not Current		

**GROUP 2**

VIOLATIONS		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	
<b>Note:</b> Fines will only be issued for a combination of two or more Violations from Group 2 or Group 3.		

**GROUP 3**

<b>VIOLATIONS</b>		<b>FINES</b>
Fuel Tank Cap Missing	Audible Air Leak	1 Violation = \$40
Fuel System	Exhaust System	2 Violations = \$90
Windshield Glazing	Tires, Other Axles	3 Violations = \$150*
Windshield Wipers	Waiver of Physical	
<b>Note:</b> Fines will only be issued for a combination of two or more Violations from Group 2 or Group 3.		

**GROUP 4**

<b>VIOLATIONS</b>	<b>FINES</b>
No Operating Authority	\$500
Medical Waiver	\$100
Age Under 21 (Interstate)	\$250
Intoxicants – Under the Influence	\$500
Intoxicants – Possession	\$100
Insurance Violations	\$500
Unified Carrier Registration UCR	\$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	\$100
Violation of Out of Service Notice (Each Notice, Not Each Offense)	\$1,000

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

Section	Group	Description
2-5-07D		4DOUT OF SERVICE, OPERATING \$1000
2-5-10		4CMARKINGS,COMPANY INTRASTATE \$100
2-15-02		4CUNIFIED CARRIER REGISTRATION \$100
383.23A1		4DDRIVING A CMV WITHOUT A CDL \$250
383.23A2		4DOPERATING WITHOUT CDL \$250
383.23C		4DOPERATING ON LEARNER'S PERMIT W/O CDL HOLDER \$250
383.23C2		4DOPER ON LEARNER'S PERMIT W/O VALID DRV LIC \$250
383.51A		4DDRIVING CMV (CDL) WHILE DISQUALIFIED \$250
383.91A		4DOPERATING CMV WITH IMPROPER CDL GROUP \$250
383.93B1		4DNO DOUBLE/TRIPLE TRAILER ENDORSEMENT ON CDL \$250
383.93B3		4DNO TANK VEH ENDORSEMENT ON CDL \$250
383.93B4		4DNO HM ENDORSEMENT ON CDL \$250
383.95A		4DVIOLATING AIRBRAKE RESTRICTION \$100
386.72B		4CFAIL COMPLY IMM. HAZARAD OOS ORDER \$1000
387.31B3II		4CNO INS. ID CARD-MEXICAN PSGR CARRIER \$500
387.301A		4CNO PROOF FINANCIAL RESP. - FRT \$500
390.21A		4CDOT NUM MARKING,NM,CITY,STATE \$100
390.21B		4CCARR NM AND/OR USDOT NOT DISPLAY \$100
391.11		4DDRIVER QUALIFICATION \$250
391.11(b)(1)		4DINTERSTATE DRIVER UNDER 21 YEARS OLD \$250
391.11(B)(2)		4CNON-ENGLISH SPEAKING DRIVER \$100.00
391.11(b)(7)		4DNO OR INVALID DRIVER'S LICENSE CMV \$250
391.11B1		4DAGE UNDER 21 (INTERSTATE) \$250
391.11B2		4CNON-ENGLISH SPEAKING DRIVER \$100.00
391.11B4		4DOPERATING CMV W/O CORRECTIVE LENSES\$250
391.11B5		4DNOT LICENSED FOR TYPE VEH. BEING OPERATED \$250
391.11B6		4DOPERATING VEH. W/PHYS UNQUALIFIED DRIVER \$250
391.11B7		4DOPERATORS LICENSE, NO VALID \$250
391.15		4DDISQUALIFIED DRIVER \$500
391.15(a)		4DDRIVING A CMV WHILE DISQUALIFIED \$500
391.15A		4DDRIVING A CMV WHILE DISQUALIFIED \$500
391.41		4DMEDICAL CERTIFICATE, NO VALID \$100
391.41(a)		4DNO MEDICAL CERTIFICATE ON DRIVER'S POSS \$100
391.41A		4DNO MEDICAL CERT. ON DRIVER'S POSS. \$100
391.43H		4DIMPROPER MEDICAL EX. CERT. FORM \$100
391.45B		4DEXPIRED MED. EXAMINERS CERT \$100
391.49		4DMEDICAL WAIVER, NOT IN POSSESSION \$100
391.49(j)		4DNO VALID MED. WAIVER IN DRIVER'S POSS. \$100
391.49J		4DNO VALID MEDICAL WAIVER IN POSS. \$100
392.16		4DNOT WEARING SEATBELT \$100
392.2UCR		4CUNFIED CARRIER REGISTRATION \$100.00
392.3		4DILL OR FATIGUED DRIVER \$100
392.4		4DDRUGS, POSSESSING THOSE SPECIFIED \$100
392.4(a)		4DDRIVER IS IN POSSESSION OF DRUGS \$100

392.4A 4DOperating while under the influence of drugs **\$500**  
 392.5 4DINTOXICATING BEVERAGES, POSSESSING **\$100**  
 392.5(a) 4DUSE/UNDER INFLUENCE OF ALCOHOL-4 HRS PRIO DUTY **\$500**  
 392.5(c)(2) 4DOPERATING VIOLATING A ROADSIDE OOS ORDER**\$1000**  
 392.5A 4DDRIVER IS IN POSS. OF ALCOHOL **\$100**  
 392.5A2 4DOperating while under influence of an intox. bev. **\$500**  
 392.5A3 4DOperating a veh while in possession of intox bev. **\$100**  
 392.62 1CUNSAFE BUS OPERATIONS  
 392.71 4DRADAR DETECTOR, USE/POSSESSION **\$100**  
 392.71(a) 4DUSING OR EQUIPING A CMV WITH RADAR DETECTOR **\$100**  
 392.71A 4DRADAR DETECTOR, USE/POSSESSION **\$100**  
 392.9 1CINSECURE TAILGATE/BOARD,DOORS,ETC  
 392.9(a)(1) 1CFAILING TO SECURE CARGO/393.100-393.106  
 392.9(a)(2) 1CFAILING TO SECURE VEHICLE EQUIPMENT  
 392.9A1 1CINSECURE CARGO  
 392.9A2 1CINSECURE PARTS & ACCESSORIES  
 392.9AA1 4COPER. W/O REQUIRED AUTHORITY **\$500**  
 392.9AA2 4COPER BEY. SCOPE OPER. AUTHORITY **\$500**  
 392.9AA2/H 4CHHG-OP. BEY SCOPE OP. AUTH.14901D3 **\$500**  
 392.9AAR 4COPERATING W/O REGISTRATION(49 USC 13902) **\$500**  
 392.9AAS 4COPERATNG BEYOND REG SCOPE(49 USC 13902) **\$500**  
 393.100 1CCARGO SHIFTING OR FALLING LOADING TO PREVENT  
 393.100A 1CNO OR IMPROPER LOAD SECUREMENT  
 393.100B 1CLEAK/SPILL/BLOWING/FALLING CARGO  
 393.100C 1CFAIL TO PREVENT CARGO SHIFTING  
 393.100E 1CIMPROPER SECUREMENT OF INTERMODAL CONT.  
 393.102 1CSECUREMENT SYSTEMS  
 393.102A 1CIMP. SECUREMENT SYST(TIEDOWN ASSEMBLIES)  
 393.102A1 1CINSUFF MEANS PREVENT LONG MOVEMENT  
 393.102A2 1CINSUFF MEANS TO PREVENT REARW MOVEMENT  
 393.102A3 1CINSUFF MEANS PREVENT LAT MOVEMENT  
 393.102B 1CINSUFF MEANS PREVENT VERT MOVEMENT  
 393.102C 1CEXCEED WORK LD LIMIT FOR TIEDOWNS  
 393.104 1CIMPROPER BLOCKING/BRACING  
 393.104(a) 1CIMPROPER BLOCKING AND/OR BRACING-LONGITUDINAL  
 393.104(b) 1CIMPROPER BLOCKING AND/OR BRACING-LATERAL  
 393.104C 1CDAMAGED VEH STRUCTURES/ANCHOR PTS  
 393.104D 1CDAMAGED DUNN/BARS/BLOCKING-BRACING  
 393.104F1 1CKNOTTED TIEDOWN  
 393.104F2 1CUSE TIEDOWN W/IMPROPER REPAIR  
 393.104F3 1CLOOSE/UNFASTENED TIEDOWN  
 393.104F4 1CTIEDOWNS OUTSIDE RUBRAILS  
 393.104F4/R 1CNO EDGE PROT. FOR TIEDOWNS  
 393.104F5 1CNO EDGE PROTECTION FOR TIEDOWNS  
 393.106 1CHEADERBOARD OR SIMILAR-DEVICE  
 393.106(a) 1CNO/IMPROPER FRONT END STRUCTURE/HEADERBOARD



393.106A 1CNO/IMPROPER FRONT END STRUCT/HEADER  
 393.106B 1CCARGO NOT IMMOBILIZED/SECURED  
 393.106C1 1CNO MEANS PREVENT CARGO FROM ROLLING  
 393.106C2 1CCARGO W/O DIRECT CONTACT/PREV SHIFT  
 393.106D 1CINSUFF. AGGREGATE WORKING LOAD LIMIT  
 393.110 1CFAIL MEET MINIMUM TIE DOWN REQUIREMENTS  
 393.110B 1CINSUF TIEDN W/O HEADERBOARD/BLOCKING  
 393.110C 1CINSUFF TIEDNS W/HEADERBOARD/BLOCKING  
 393.112 1CTIEDOWN NOT ADJUSTABLE BY DRIVER  
 393.114 1CNO/IMPROPER FRONT END STRUCTURE  
 393.114B2 1CINSUFF WIDTH FOR FRONT-END STRUCTURE  
 393.114D 1CFRONT-END STRUCTURE W/LARGE OPENING  
 393.116 1CNO/IMPROPER SECUREMENT OF LOGS  
 393.116D1 1CSHORT;OVER 1/3 LENGTH PAST STRUCTURE  
 393.116D2 1CSHORT,INSUFF/NO TIEDOWNS  
 393.116E 1CSHORT,LENGTH; IMPROPER SECUREMENT  
 393.118 1CNO/IMPROPER LUMBER/BLDING MATL SECURE  
 393.118B 1CIMPROPER PLACEMENT OF BUNDLES  
 393.118D 1CINSUFF PROTECTION AGAINST LATERAL MOV  
 393.118D3 1CINSUFF/IMPR ARRANGEMENT OF TIEDOWNS  
 393.11PL 2CPROJECTING LOAD, LAMP ON MISSING ETC.  
 393.11S 2CSTOP LIGHT MISSING ETC.  
 393.11T 2CTAIL LIGHT MISSING ETC.  
 393.11TS 2CTURN SIGNAL MISSING ETC.  
 393.120 1CNO/IMPROPER SECUREMENT METAL COILS  
 393.120B1 1CCOIL/VERTICAL IMPROPER SECUREMENT  
 393.120B2 1CCOILS,ROWS,EYES VERTICAL,IMPR. SECURE  
 393.120C1 1CCOIL/EYE CROSSWISE IMP. SECUREMENT  
 393.120C2 1CX PATTERN ON COIL(S) W/EYES CROSSWISE  
 393.120D1 1CCOIL W/EYE LNGTHWISE,IMPROPER SECURE  
 393.120D4 1CCOILS,ROWS,EYES LNGTH, IMPR SECURE  
 393.120E 1CNO PROTECT AGAINST SHIFTING/TIPPING  
 393.122 1CNO/IMPROPER SECUREMENT PAPER ROLLS  
 393.122B 1CROLLS VERT; IMPROPER SECUREMENT  
 393.122C 1CROLLS VERT/SPLIT;IMPROPER SECUREMENT  
 393.122D 1CROLLS VERT/STACKED; IMPROPER SECURE  
 393.122F 1CROLLS CROSS/STACKED LOAD, IMPR SECURE  
 393.122G 1CROLLS LENGTH, IMPROPER SECUREMENT  
 393.122H 1CROLLS LNGTH/STACKED IMP. SECURE  
 393.124 1CNO/IMPROPER SECUREMENT CONCRETE PIPE  
 393.124D 1CIMPROPER ARRANGEMENT CONCRETE PIPE  
 393.124E 2CIMP. SECURE UP TO 45 IN. DIA.  
 393.124F 1CIMPROP SECURE >45 IN. DIAMETER  
 393.126 1CNO/IMPROPER INTERMODAL CONTAINER SECUREMENT  
 393.126B 1CDAMAGED/MISS TIEDN/SECURE DEVICE  
 393.126C1 1CLOWER CORNERS NOT ON VEH/STRUCTURE

393.126C2 1CALLCORNERS OF CHASIS NOT SECURED  
 393.126C3 1CFRONT/REAR NOT SECURED INDEPENDENTLY  
 393.126D1 1CEMPTY CONTAINER NOT PROPERLY POS.  
 393.126D2 1CEMPTY CONTAINER NOT PROP. SECURE  
 393.126D4 1CEMPTY CONTAINER NOT PROPERLY SECURED  
 393.128 1CNO/IMPROPER SECUREMENT OF VEHICLES  
 393.128B1 1CVEHICLE NOT SECURED, FRONT & REAR  
 393.128B2 1CTIEDNS(S) NOT AFFIXED TO MOUNTING PTS  
 393.128B3 1CTIEDOWN(S) NOT OVER/AROUND WHEELS  
 393.130 1CNO/IMPROPER HVY VEH/MACHINE SECUREMENT  
 393.130B 1CITEM NOT PROPERLY PREPARED TRANSPORT  
 393.130C 1CIMPROPER RESTRAINT/SECURE OF ITEM  
 393.132 1CNO/IMPROPER SECUREMENT CRUSHED VEHICLES  
 393.132B 1CPROHIBITED USE SYNTHETIC WEBBING  
 393.132C 1CINSUFF TIEDOWNS PER STACK CARS  
 393.132C5 1CINSUFF MEANS RETAIN LOOSE PARTS  
 393.134 1CNO/IMPROPER SECUREMENT ROLL/HOOK CONTAINER  
 393.134B1 1CNO BLOCKING FORWARD MOVEMENT  
 393.134B2 1CCONTAINER NOT SECURE FRONT VEHICLE  
 393.134B3 1CREAR OF CONTAINER NOT PROPERLY SECURE  
 393.136 1CNO/IMPROPER SECUREMENT LARGE BOULDERS  
 393.136B 1CIMP PLACEMENT/POS FOR BOULDER  
 393.136D 1CIMP. SECURE; CUBIC BOULDER  
 393.136E 1CIMP SEC. NON-CUBIC BOULDER W/BASE  
 393.136F 1CIMPR. SECURE NON CUBIC W/O BASE  
 393.19 2CTURN SIGNAL/HAZARD LIGHT  
 393.201 1CFRAME VIOLATIONS, ALL  
 393.201(a) 1CFRAME CRACKED/BROKEN/BENT/LOOSE  
 393.201A 1CFRAME CRACKED/BROKEN/BENT/LOOSE  
 393.203 1CCAB AND BODY COMPONENTS  
 393.205(a) 2CWHEEL/RIM CRACKED OR BROKEN  
 393.205(b) 2CSTUD/BOLT HOLES ELONGATED ON WHEELS  
 393.205(c) 2CWHEEL FASTENERS LOOSE AND/OR MISSING  
 393.205A 2CCRACKED OR BROKEN WHEEL OR RIM  
 393.205B 2CBOLT HOLE ELONGATED, WHEELS  
 393.205C 2CNUT OR BOLT LOOSE OR MISSING, WHEEL  
 393.207(a) 2CAXLE POSITIONING PARTS DEFECTIVE/MISSING  
 393.207(b) 2CADJ AXLE LOCKING PIN MISSING/DISENGAGED  
 393.207(c) 2CLEAF SPRING ASSEMBLY DEFECTIVE/MISSING  
 393.207(d) 2CCOIL SPRING CRACKED AND/OR BROKEN  
 393.207(e) 2CTORSION BAR CRACKED AND/OR BROKEN  
 393.207(f) 2CAIR SUSPENSION PRESSURE LOSS  
 393.207A 2CAXLES-POSITIONING PART CRACKED,BROKEN,ETC.  
 393.207B 2CADJUSTABLE AXLE-SLIDER PIN MISSING/DISENGAGED  
 393.207C 2CSRING,LEAF-CRACKED,BROKEN,MISSING,OR SHIFTED  
 393.207D 2CSRING,COIL-CRACKED OR BROKEN

393.207E 2CTORSION BAR-CRACKED OR BROKEN  
 393.207F 2CAIR SUSPENSION DEFECTIVE  
 393.207G 2CNO/DEF AIR SUSPENSX EXH CONTROL  
 393.209(a) 1CSTEERING WHEEL NOT SECURED/BROKEN  
 393.209(b) 1CEXCESSIVE STEERING WHEEL LASH  
 393.209(c) 1CLOOSE STEERING COLUMN  
 393.209(d) 1CSTEERING SYSTEM COMPONENTS WORN/WELDED/MISSING  
 393.209(e) 1CPower STEERING VIOLATIONS  
 393.209A 1CWHEEL,STEERING-INSECURE;SPOKES CRACKED/MISSING  
 393.209B 1CLASH,STEERING-EXCEEDS STANDARDS  
 393.209C 1CCOLUMN,STEERING INSECURE  
 393.209D 1CSYSTEM COMPONENT,STEERING LOOSE OR DEF.  
 393.209E 1CPower COMPONENT,STEERING DEFECTIVE  
 393.23 3CREQ LAMP NOT POWERED BY VEH ELEC  
 393.24A 2CNON COMPLIANCE HEADLAMP REQ  
 393.24B/R 3CNON COMPLIANT FOG DRIVING LAMPS  
 393.24C 3CIMPROPER HEAD LAMP MOUNTING  
 393.24D 3CIMP HEAD/AUXILIARY/FOG LAMP AIMING  
 393.25A 2CIMPROPER LAMP MOUNTING  
 393.25F 2CSTOP LAMP VIOLATIONS  
 393.41 2CPARKING BRAKE SYSTEM INOPERATIVE  
 393.42 1CNO BRAKE WHEN REQUIRED  
 393.42B1 1CFRONT WHEEL BRAKE, NONE  
 393.43 2CTRACTOR PROTECTION VALVE,MISSING OR INOP.  
 393.43D 2CNO OR DEF. AUTOMATIC TRAILER BRAKE  
 393.45 2CHOSE OR TUBING NOT SECURED  
 393.45A4 2CBRAKE HOSE/TUBING CHAF AND/OR KINKING  
 393.45B2 2CBRAKE HOSE/TUBING CHAFFING/KINKING  
 393.45B3 2CBRAKE HOSE/TUBING CONTACT EXH SYS  
 393.45D 2CBRAKE CONN WITH LEAKS/CONSTRICTIONS  
 393.46 2CHOSE OR TUBING LEAK AND DEFECT AT CONNECTION  
 393.46(b) 2CBRAKE CONNECTIONS WITH LEAKS/CONSTRICTIONS  
 393.46B 2CBRAKE hoses improperly joined  
 393.47 2CBRAKE LINING OR PAD INADEQUATE  
 393.47A 2CINADEQUATE BRAKES FOR SAFE STOPPING  
 393.47B 2CMIS MATCHED BRAKE CHAMBERS SAME AXLE  
 393.47C 2CMIS MATCHED SLACK ADJ EFF LENGTH  
 393.47D 2CINSUFFICIENT BRAKE LININGS  
 393.47E 2CCLAMP/ROTO TYPE BRAKE(S) OUT OF ADJ  
 393.47F 2CWEDGE TYPE BRAKE(S) OUT OF ADJ  
 393.47G 2CINSUFF DRUM/ROTOR THICKNESS  
 393.48(a) 1CINOPERATIVE/DEFECTIVE BRAKES  
 393.48A 1CINOPERATIVE BRAKE  
 393.50 2CVACUUM SYSTEM,DEFECT IN BRAKE  
 393.50A 2CBRAKE AIR TANK RESERVOIR DEFECT  
 393.50D 2CNO/DEF AIR RESERVOIR DRAIN VALVE

393.51 2CLOW AIR PRESSURE WARNING DEVICE  
 393.52A1 2CINSUFF. BRAKING FORCE AS % OF GVW/GCW  
 393.61 1CWINDOW,PUSH-OUT,CONSTRUCTION AND OPERATION  
 393.61(a) 1CINADEQUATE OR MISSING TRUCK SIDE WINDOWS  
 393.61(b) 1CBUSES-WINDOW ESCAPE INOPERATIVE/OBSTRUCTED  
 393.61A 1CINADEQUATE OR MISSING TRUCK SIDE WINDOWS  
 393.61B 1CBUSES-WINDOW ESCAPE INOPERATIVE/OBSTRUCTED  
 393.62 1CWINDOW,PUSH-OUT,OBSTRUCTING  
 393.62A 1CNO/DEFECTIVE BUS EMERGENCY EXITS  
 393.62C 1CNO/DEFECTIVE BUS EMERG EXIT WINDOWS  
 393.62D 1CNO/DEF. SAFETY GLASS/P-O WINDOW  
 393.62E 1CNO/INADEQUAT BUS EMERG EXIT MARKINGS  
 393.65 2CFUEL TANK NOT SECURE  
 393.65C 2CFUEL TANK SECUREMENT  
 393.67 2CFUEL LEAK  
 393.67C7 3CFUEL TANK FILL PIPE CAP MISSING  
 393.70 1CFIFTH WHEEL DEFECT  
 393.70B2 1CDEFECTIVE FIFTH WHEEL LOCKING MECH  
 393.70C 1CCHAIN DEF., CABLE OR OTH SAFETY DEVICE  
 393.70D 1CSAFETY CHAINS/CABLES  
 393.70D8 1CIMP SAFETY CHAIN ATTACHMENT  
 393.71 1CCOUPPL. DEV. IN DRIVEWAY TOWAWAY OPER.,DEF. OF  
 393.75(a) 3CFLAT TIRE OR FABRIC EXPOSED  
 393.75(a)(1) 3CTIRE-PLY OR BELT MATERIAL EXPOSED  
 393.75(a)(2) 3CTIRE-TREAD AND/OR SIDEWALL SEPARATION  
 393.75(a)(3) 3CTIRE-FLAT AND/OR AUDIBLE LEAK  
 393.75(a)(4) 3CTIRE-CUT EXPOSING PLY AND/OR BELT MATERIAL  
 393.75(b) 1CTIRE-FRONT TREAD DEPTH LESS THAN 4/32 OF INCH  
 393.75(c) 3CTIRE-OTHER TREAD DEPTH LESS THAN 2/32 OF INCH  
 393.75(d) 1CTIRE-BUS REGROOVED/RECAP ON FRONT WHEEL  
 393.75(f) 3CTIRE-LOAD WEIGHT RATING/UNDER INFLATED  
 393.75A 3CFAB./CORDS EXPOS. THRU TIRE TREAD OR SIDEWALL  
 393.75A1 3CEXPOSED FABRIC/CORDS THRU TREAD OR SIDEWALL  
 393.75A2 3CSEPARATION OF ANY TREAD OR SIDEWALL  
 393.75A3 3CFLAT TIRE OR AUDIBLE LEAK  
 393.75A4 3CCUT IN TREAD/SIDEWALL EXPOSING FABRIC/CORDS  
 393.75B 1CTREAD ON STEERING AXLE TIRE LESSTHAN 4/32 INC  
 393.75C 3CTREAD ON TIRE LESSTHAN 2/32 INCH  
 393.75D 1CBUS TIRE,RECAP ON STEERING AXLE  
 393.75F 3CLOAD LIMIT,WEIGHT CARRIED EXCEEDS TIRE  
 393.78 3CWIPER,WINDSHIELD  
 393.83(b) 3CEXHAUST DISCHARGE FUEL TANK/FILLER TUBE  
 393.83(c) 3CIMPROPER EXHAUST-BUS(GASOLINE)  
 393.83(d) 3CIMPROPER EXHAUST-BUS(DIESEL)  
 393.83B 3CEXHAUST,IMPROPER (BUS)  
 393.83C 3CEXHAUST SYSTEM

393.83G	3CEXHAUST LEAK UNDER TRUCK CAB/SLEEPER
393.87A	2CWARNING FLAG REQ. PROJECTING LOAD
393.87B	3CIMPROPER WARNING FLAG PLACEMENT
393.9	3COP. VEH W/OUT 1 LAMP LOW BEAM
393.95B	3CNO SPARE FUSES AS REQUIRED
393.9H	2CINOPERABLE HEAD LAMP
393.9T	3CTAIL LAMP
395.13(d)	4DDRIVING AFTER BEING DECLARED OUT-OF-SERVICE <b>\$1000</b>
395.13C	4DOUT-OF-SERV DRIVER OPERATING CMV <b>\$1000</b>
395.13D	4DDRIVING AFTER DECLARED OOS <b>\$1000</b>
395.13D1	4DDRIVING AFTER BEING DECLARED OOS <b>\$1000</b>
395.15F	1DON BRD RCDING DEV FAIL RECONSTR INFO
395.15I5	1CONBOARD RCDING DEVC NOT DISPLAY
395.1H1	1C15,20,70/80 HOS VIOLS(AK-PROPERTY)
395.1O	1D16HR RULE VIOL(PROPERTY)
395.3(a)(1)	1D10 HOUR RULE VIOLATION
395.3(a)(2)	1D15 HOUR RULE VIOLATION
395.3(b)	1C60/70 HOUR RULE VIOLATION
395.3A1	1CDRIVING MORE THAN 10 HOURS
395.3A1/R	1C11 HOUR RULE VIOL (PROPERTY)
395.3A2	1CDRIVING AFTER HAVING BEEN ON DUTY 15 HOURS
395.3A2/R	1C14 HOUR RULE VIOL (PROPERTY)
395.3B	1CDRIV. AFTER ON DUTY 60/70 HRS IN 7/8 DAYS
395.3B/R	1C60/70 HR RULE VIOL (PROPERTY)
395.5A1	1C10 HR RULE VIOLATION(PASSENGER)
395.5A2	1C15 HR RULE VIOLATION(PASSENGER)
395.5B	1C60/70 HR RULE VIOL (PASSENGER)
395.8	1DLOG BOOK OTHER VIOLATION
395.8(a)	1DNO DRIVERS RECORD OF DUTY STATUS
395.8(e)	1DFALSE REPORT OF DRIVERS RECORD OF DUTY STATUS
395.8(f)(1)	1DDRIVERS RECORD OF DUTY STATUS NOT CURRENT
395.8(k)(2)	1DDRIVERS FAILING TO RETAIN PREVIOUS 7 DAYS LOGS
395.8A	1DLOG BOOK, NONE IN DRIVERS POSSESSION
395.8A1	1DNO DUTY STATUS RECORD
395.8A2	1DFAIL TO MAINTAIN DUTY STATUS IN PROPER FORM
395.8E	1DLOG BOOK, FALSE ENTRIES
395.8F	1DDUTY STATUS NOT CURRENT TO MOST RECENT CHANGE
395.8F1	1DLOG BOOK NOT CURR. TIME LAST CHNG OF DUTY
395.8K2	1DFAILING TO RETAIN PRIOR 7 DAYS
395.8K3	1DLOG BOOK NOT POSS. RECORD FOR PRIOR 7 DAYS
395.13(d)	4DOPERATING VIOLATING A ROADSIDE OOS ORDER <b>\$1000</b>
396.3A1	2COPERATING VEH. W/CRACKED BRAKE DRUM
396.3A1B	2CAIR RESERVOIR LOOSE
396.3A1BA	2CADJUSTMENT,BRAKE OUT OF (PUSH ROD)
396.3A1BC	2CAIR COMPRESSOR,VIOLATIONS
396.3A1BD	1CDRUM OR DISK VIOLATIONS

396.3A1BH 2CHOSE OR TUBING DAMAGED/LEAKING  
 396.3A1BL 2CLEAK AIR RESULTING IN RESERVOIR PRESSURE LOSS  
 396.3A1H 2CHYDRAULIC SYSTEM, DEFECTS IN  
 396.3A1T 3COTHER TIRE VIOLATION  
 396.3A1W 2COTHER WHEEL VIOLATION  
 396.7 1CUNSAFE OPERATIONS FORBIDDEN  
 396.9C2 4DDRIVING A VEHICLE DECLARED OOS **\$1000**  
 398.4 4DOPERATING CMV WHILE ILL/FATIGUED **\$100**  
 4919.81 4CINTERSTATE-ICC -LIABILITY INSURANCE **\$500**  
 4919.82 4CINTERSTATE-ICC-CARGO INSURANCE **\$500**  
 4921.07 4COPERATING WITH NO PUCO INTRA AUTHORITY **\$500**  
 4921.11 4CINTRASTATE INSURANCE **\$500**  
 4921.14 4COPERATING BEYOND THE SCOPE OF PUCO AUTHORITY **\$500**  
 4923.04 4COPERATING WITH NO PUCO INTRA AUTHORITY **\$500**  
 4923.08 4CINTRASTATE INSURANCE **\$500**  
 4923.14 4COPERATING BEYOND THE SCOPE OF PUCO AUTHORITY **\$500**  
 172.303A 4CPROHIBITED MARKINGS **\$100**  
 172.502A1 4CPROHIBITED PLACARDING **\$100**  
 172.502A2 4CSIGN/DEVICE CONFUSED FOR PLACARD **\$100**

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



# Public Utilities Commission

Ted Strickland, Governor  
Alan R. Schriber, Chairman

Commissioners

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

April 30, 2009

OH3269005421D  
MICHAEL L WALLER  
PO BOX 96  
IVANHOE, VA 24350

Re: NOTICE OF APPARENT VIOLATION  
AND INTENT TO ASSESS FORFEITURE  
Case No. OH3269005421D

Dear Driver:

On April 13, 2009 a vehicle numbers NONE (UNIT #1), operated by MW2 CONSTRUCTION/MICHAEL L. WALLER and driven by MICHAEL L WALLER were inspected within the state of Ohio by staff of the Ohio Highway Patrol, Commercial Motor Carrier Enforcement Section. As the result of discovery of the following apparent violation(s), of rule 4901:2-5-02, O.A.C., the Commission intends to make a civil monetary assessment against MICHAEL L WALLER in the following amount:

CODE	UNIT	VIOLATION	VIOL. GROUP
395.8A	D	No drivers record of duty status found at t	1
391.41A	D	No medical certificate on drivers possessio	4

TOTAL AMOUNT DUE: \$200.00

Within 30 days, you must pay the forfeiture or send a written request for conference. Failure to pay the forfeiture or send a written request for a conference within 30 days will result in this forfeiture amount being referred to the Attorney General's office for collection and may adversely affect your authority to operate in the State of Ohio.

Please consult the enclosed additional information on the instruction sheet in regard to your rights and responsibilities concerning this Notice of Apparent Violation and Notice of Intent to Assess Forfeiture.

Sincerely  
Cheryl Streets  
Compliance Division  
(614) 466-0351

Staff Ct. 3





**Public Utilities  
Commission**

Ted Strickland, Governor  
Alan R. Schriber, Chairman

Commissioners

Valerie A. Lemmie  
Paul A. Centolella  
Cheryl Roberto  
Steven D. Lesser

June 10, 2009

OH3269005421C  
MW2 CONSTRUCTION/MICHAEL L. WALLER  
PO BOX 96  
IVANHOE, VA 24350

Re: NOTICE OF APPARENT VIOLATION  
AND INTENT TO ASSESS FORFEITURE  
Case No. OH3269005421C

Dear Carrier:

On April 13, 2009 vehicle numbers NONE (UNIT #1), operated by MW2 CONSTRUCTION/MICHAEL L. WALLER and driven by MICHAEL L WALLER were inspected within the state of Ohio by staff of the Ohio Highway Patrol, Commercial Motor Carrier Enforcement Section. As the result of discovery of the following apparent violation(s), of rule 4901:2-5-02, O.A.C., the Commission intends to make a civil monetary assessment against MW2 CONSTRUCTION/MICHAEL L. WALLER in the following amount:

CODE	UNIT	VIOLATION	VIOL. GROUP
390.21A	1	Not marked in accordance with regulations-N	4

TOTAL AMOUNT DUE: \$100.00

Within 30 days, you must pay the forfeiture or send a written request for conference. Failure to pay the forfeiture or send a written request for a conference within 30 days will result in this forfeiture amount being referred to the Attorney General's office for collection and may adversely affect your authority to operate in the State of Ohio.

Please consult the enclosed additional information on the instruction sheet in regard to your rights and responsibilities concerning this Notice of Apparent Violation and Notice of Intent to Assess Forfeiture.

Sincerely  
Cheryl Streets  
Compliance Division  
(614) 466-0351

Staff Ex. 4





## 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  
Valerie A. Lemmie  
Paul A. Centolella  
Cheryl Roberto

October 26, 2009

MR. MICHAEL WALLER

PO BOX 96  
IVANHOE, VA 24350

RE: NOTICE OF PRELIMINARY DETERMINATION  
Case No. OH3269005421D  
Officer: CS

Dear MR. WALLER:

On April 13, 2009, a vehicle operated by MW2 CONSTRUCTION/MICHAEL L. WALLER and driven by MICHAEL L WALLER, 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
395.8A	No drivers record of duty status found at time of
391.41A	No medical certificate on drivers 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 Ex 5



## 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  
Valerie A. Lemmie  
Paul A. Centolella  
Cheryl Roberto

October 26, 2009  
MR. MICHAEL WALLER

OH3269005421D

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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 MICHAEL L WALLER in the following forfeiture:

Code	Violation
395.8A	No drivers record of duty status found at time of
391.41A	No medical certificate on drivers 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

Staff Ex 5



## The Public Utilities Commission of Ohio

Ted Strickland, Governor  
Alan R. Schriber, Chairman

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

Commissioners

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

October 29, 2009

MR. MICHAEL WALLER  
MW2 CONSTRUCTION/MICHAEL L. WALLER  
PO BOX 96  
IVANHOE, VA 24350

RE: NOTICE OF PRELIMINARY DETERMINATION

Case No. OH3269005421C

Officer: CS

Dear MR. WALLER:

On April 13, 2009, a vehicle operated by MW2 CONSTRUCTION/MICHAEL L. WALLER and driven by MICHAEL L. WALLER, 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
390.21A	Not marked in accordance with regulations-No dot n

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)

Staff & 6  
APRIL 13  
C.S.

October 29, 2009  
MR. MICHAEL WALLER  
MW2 CONSTRUCTION/MICHAEL L. WALLER  
OH3269005421C

PAGE -2

As a result of the conference, Staff has made a Preliminary Determination that the Commission should make a civil monetary assessment against MW2 CONSTRUCTION/MICHAEL L. WALLER in the following forfeiture:

Code	Violation
390.21A	Not marked in accordance with regulations-No dot n

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