

NC
FILE

10-2686-TR-CVF
Nolker Trucking LLC

11561 Highway C
Richmond, Mo. 64085
Phone 816-456-6767
Fax 816-470-2470

Ohio Public Utilities Commission
Compliance Division
180 E. Broad St, 4th Floor
Columbus, OH. 43215-3793

RE: Case # OH3259005336C

Dear Sirs:

The conference referred to in your letter was nothing more than a conversation with a lady who knew nothing whatsoever about the circumstances involved in the alleged violation.

I called at the scheduled time only to be greeted by a message saying she was not available. I reached her on the sixth try which was 22 minutes later. Her knowledge of the situation was limited to "it says here" you failed to secure, etc. There was no "conference" and the whole procedure was a waste of time. She finally said that the next step was a teleconference with the officer present and told me I would be called to schedule the conference.

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 11/17/10

PUCO

4
RECEIVED-DOCKETING DIV. HAZ. MAT. COMPLIANCE
P. U. C. O.
2010 NOV 17 AM 11:01 2010 NOV 15 PM 12:32

JULY 30, 10
W.W.

I'm still waiting for the phone call since my driver did not fail to secure his spare tires and the officer made an arbitrary judgment that a padlock should be used on spare tire chain which is not supported by FMCSA regulations.

As before, I can be reached at 816-456-6767

Respectfully,


Jim Nolker



Public Utilities Commission

Ted Strickland, Governor
Alan R. Schriber, Chairman

Commissioners

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

October 18, 2010

MR JIM NOLKER
FLIGHTPRO LLC
11561 HIGHWAY C
RICHMOND, MO 64085

RE: NOTICE OF PRELIMINARY DETERMINATION

Case No. OH3259005336C

Officer: WW

Dear MR NOLKER:

On July 30, 2010, a vehicle operated by FLIGHTPRO LLC, and driven by LARRY O MURPHY, 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
392.9A2	Failing to secure vehicle equipment - 3 spare tire

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)



**Public Utilities
Commission**

Ted Strickland, Governor
Alan R. Schriber, Chairman

Commissioners

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

October 18, 2010

MR JIM NOLKER
FLIGHTPRO LLC
OH3259005336C

PAGE -2

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

Code	Violation
392.9A2	Failing to secure vehicle equipment - 3 spare tire

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