

**FILE**

42

PUCO EXHIBIT FILING

RECEIVED-DOCKETING DIV

Date of Hearing: 4/15/11

2011 MAY -3 PM 2:41

Case No. 10-2849-TR-CVF PUCO

PUCO Case Caption: Imo Steven McCargar

**List of exhibits being filed:**

Staff Exs. 1-75

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 AN Date Processed 5/3/66

Reporter's Signature: \_\_\_\_\_

Date Submitted:

Maria O. Paulo Jones  
5/2/11

# DRIVER/VEHICLE EXAMINATION REPORT

Query Central 3.0

OHIO STATE HIGHWAY PATROL  
Motor Carrier Enforcement  
District 05 Headquarters  
937-335-6517  
Return Certification to agency listed below

Report Number: OH3255007322  
Inspection Date: 08/18/2010  
Start: 10:40 AM ET End: 11:18 AM ET  
Inspection Level: II - Walk-Around  
HM Inspection Type: None

MSA INC  
4290 HANNAN RD  
CANTON, MI 48188  
USDOT#: 00292208  
MC/MX#: 195317  
State#:

Phone#: (734)397-7770  
Fax#:

Driver: MCCARGAR, STEVEN C  
License#: M262777115237 State: MI  
Date of Birth: 03/24/1966  
CoDriver:  
License#: State:  
Date of Birth:

Location: ROADSIDE  
Highway: IR70  
County: PREBLE, OH

MilePost: 04 Shipper: KENWORTH TRUCK  
Origin: CHILLICOTHE, OH Bill of Lading: 20836  
Destination: TRENTON, WA Cargo: OTHER

## VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate #	Equipment ID	Vin #	GVWR	CVSA #	New CVSA #	OOS#
1	TT	KW	2006	MI	RA27029	184	1XKDD89XX6J130778	80000			
2	ST	UNK	2009	MI	B874258	NONE	4U3J049229L009526	0			

**BRAKE ADJUSTMENTS:** No Brake Measurements Required For Level 2

## VIOLATIONS

Section Code	Type	Unit	OOS	Citation #	Verify	Crash	Violations Discovered
392.71(a)	F	D	N		N	N	Using or equipping a CMV with radar detector/A PASSPORT 8500 RADAR DETECTOR WAS IN THE CAB OF THE VEH. AT THE TIME OF STOP.

HazMat: No HM Transported.

Placard: No Cargo Tank:

## Special Checks:

## State Information:

For-Hire Carrier: Y; Fatalities (Y/N): N; Driver Address: 2582 GERALD AVE; Driver City: ROCHESTER HILLS; Driver State: MI; Driver Zip: 48307-4729; Photos Taken (Y/N): Y; Supplemental Report #: NONE; Co-Investigator #: NONE; Reason Code: OVI; Paper Report #: NONE; FMCSA Credentials Verified-Y/N: Y; CDL Verified (Y/N): Y; FMCSA OOS Order Issued(Y/N): N; Crash Report #: NONE; Orig Seal Placed by(C/D/S/U): N;

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 of up to \$500.

**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 Motor Carrier X:

Title:

Date:

Report Prepared By:  
MCEI. S.W.MORRIE

Badge #:  
3255

Copy Received By:  
STEVEN MCCARGAR

Page 1 of 2



00292208 OH OH3255007322

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57261 EX1

# DRIVER/VEHICLE EXAMINATION REPORT

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State#:  
Phone#: (734)397-7770  
Fax#:

Driver: MCCARGAR, STEVEN C  
License#: M262777115237  
Date of Birth: 03/24/1966  
CoDriver:  
License#:  
Date of Birth:  
State: MI  
State:

## Inspection Notes

STOP WAS MADE BASED ON A VG-2 HIT ON THE VEH.

**Special Studies** No Special Study Data Recorded

Report Prepared By:  
MCEI. S.W.MORRIE

Badge #:  
3255

Copy Received By:  
STEVEN MCCARGAR

Page 2 of 2



00292208 OH OH3255007322

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Signature Of Motor Carrier X: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

54261 EX1

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MCEI. S.W.MORRIE

Badge #:  
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Copy Received By:  
STEVEN MCCARGAR

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00292208 OH OH3255007322

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STEVEN MCCARGAR

Page 2 of 2



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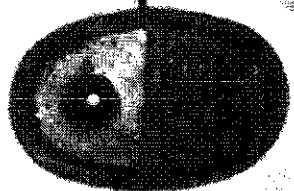
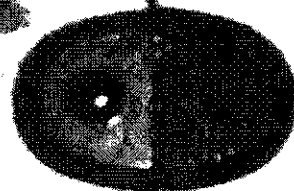
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REVIEW

CHANGE



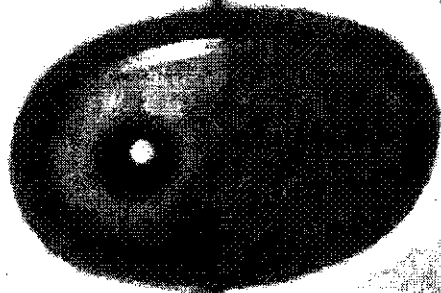
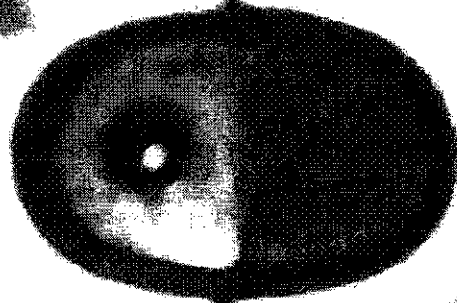
PROGRAM



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Staff Ex 2-3

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MECHAN

CHARACTER



**Public Utilities  
Commission**

Ted Strickland, Governor  
Alan R. Schriber, Chairman

**Commissioners**

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

November 1, 2010

MR STEVEN MCCARGAR  
2582 GERALD  
ROCHESTER HILLS, MI 48307

RE: NOTICE OF PRELIMINARY DETERMINATION

Case No. OH3255007322D

Officer: WW

Dear MR MCCARGAR:

On AUGUST 18, 2010, a vehicle operated by MSA INC, and driven by STEVEN C MCCARGAR, 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
392.71A	Using or equipping a CMV with radar detector/A PASS

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 Ex. 1



# Public Utilities Commission

Ted Strickland, Governor  
Alan R. Schriber, Chairman

## Commissioners

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

November 1, 2010  
MR STEVEN MCCARGAR

OH3255007322D

PAGE -2

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

Code	Violation
392.71A	Using or equipping a CMV with radar detector/A PASS

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, 4th 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

**Public Utilities  
Commission**Ted Strickland, Governor  
Alan R. Schriber, Chairman

## Commissioners

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

AUGUST 31, 2010

OH3255007322D  
STEVEN C MCCARGAR  
2582 GERALD AVE  
ROCHESTER HILLS, MI 48307-4729Re: NOTICE OF APPARENT VIOLATION  
AND INTENT TO ASSESS FORFEITURE  
Case No. OH3255007322D

Dear Driver:

On AUGUST 18, 2010 a vehicle numbers 184 (UNIT #1), NONE (UNIT #2), operated by MSA INC and driven by STEVEN C MCCARGAR 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 STEVEN C MCCARGAR in the following amount:

CODE	UNIT	VIOLATION	VIOL. GROUP
392.71A	D	Using or equipping a CMV with radar detector	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  
Wanda Williams  
Compliance Division  
(614) 466-0351

Stamp Ex 4



**Public Utilities  
Commission**

Ted Strickland, Governor  
Alan R. Schriber, Chairman

**Commissioners**

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

September 17, 2010

MR STEVEN MCCARGAR  
STEVEN C MCCARGAR  
2582 GERALD  
ROCHESTER HILLS, MI 48307

RE: TELEPHONE CONFERENCE  
Case No. OH3255007322D  
Inspection Date: 18-AUG-2010  
Carrier: MSA INC

Dear MR MCCARGAR:

Your letter requesting a conference to discuss a civil forfeiture which the Commission intends to assess against STEVEN C MCCARGAR has been received by the PUCO Transportation Department's Compliance Division. Your conference has been scheduled as follows:

Please call Wanda Williams of the Compliance Division on Wednesday, October 20, 2010 at 11:00AM Eastern Standard Time at (614) 995-1847.

If you cannot participate in the conference on the above date and need to reschedule, you must contact Wanda Williams two (2) days prior to the scheduled conference date at (614) 995-1847.

Sincerely,  
Jonathan Frye, Chief  
Compliance Division

cc: Wanda Williams

180 East Broad Street  
Columbus, Ohio 43215-3793

(614) 466-3016  
www.PUCO.ohio.gov

Did not call  
call left VM 10/20  
Re-schedule

ST-11 EX-5 UPD