

FILE

PUCO EXHIBIT FILING

6

Date of Hearing: 1/24/2013

Case No. 12-2432-TR-CVF

PUCO Case Caption: _____

In the Matter of: Kevin Snyder
Notice of Apparent Violation
and Intent to Assess Forfeiture

List of exhibits being filed:

Staff 1+2

PUCO

RECEIVED-DOCKETING DIV
2013 FEB 11 PM 3:54

Reporter's Signature: Juliana Hernandez

Date Submitted: 2/8/2013

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 S Date Processed FEB 11 2013

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

In the Matter of :
Kevin Snyder, Notice of :
Apparent Violation and : Case No. 12-2432-TR-CVF
Intent to Assess :
Forfeiture. :

PROCEEDINGS

before James M. Lynn, Attorney Examiner, at the
Public Utilities Commission of Ohio, 180 East Broad
Street, Room D, Columbus, Ohio, called at 10:00 a.m.
on Thursday, January 24, 2013.

- - -

ARMSTRONG & OKEY, INC.
222 East Town Street, 2nd Floor
Columbus, Ohio 43215
(614) 224-9481 - (800) 223-9481
Fax - (614) 224-5724

- - -

Staff Ex. 1

DRIVER/VEHICLE EXAMINATION REPORT



Public Utilities Commission

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

Report Number: OH3272009650
Inspection Date: 6/7/2012 Certification Date:
Time Started: 14:47 Time Ended: 16:00
Inspection Level: I - Full Inspection
HM Inspection Type: No HM Inspection

KEVIN L SNYDER
7640 PETERS PIKE
DAYTON, OH 45414
Phone #: (859)757-9685
USDOT #:
State #:

Fax #:
MC/MX #:

Driver: LITTLE, GERALD A
License #: RT267341 State: OH
Date of Birth: 07/12/1949

Location: ROAD PATROL
Highway: IS70
County: MONTGOMERY
Shipper: CARRIER

MilePost: 21
Origin: DAYTON, OH
Destination: SAN DIEGO, CA

Bill of Lading: NA
Cargo: DRIVEAWAY / TOWAWAY

VEHICLE IDENTIFICATION:

Unit	Type	Make	Year	State	License#	Equipment ID	Unit VIN	GVWR	Issued Decal#	Existing Decal#	OOS Str.#
1	BU	CHEV	1998	OH	PHT4362	NA	1GBJG31F7W1066797	12,300			

BRAKE ADJUSTMENTS:

Axle #	1	2
Right	N/A	N/A
Left	N/A	N/A
Chamber	HYDR	HYDR

VIOLATIONS :

Section Code	St	Unit	OOS	Lvl 6	Citation #	Verify*	Crash	Violation Description
395.8(a)		D	Y	N		N	N	No drivers record of duty status
383.93(b)(2)		D	Y	N		N	N	No passenger vehicle endorsement on CDL
385.301(a)		1	N	N		N	N	Failing to register with FMCSA to obtain a USDOT number
390.21(a)		1	N	N		N	N	Not marked in accordance with regulations - NO MARKINGS DISPLAYED ON VEHICLE
393.9(a)		1	N	N		N	N	Inoperable Required Lamp - LEFT SIDE, UPPER FRONT CLEARANCE LIGHT INOPERATIVE
393.9(a)		1	N	N		N	N	Inoperable Required Lamp - RIGHT SIDE, UPPER FRONT CLEARANCE LIGHT INOPERATIVE
393.9(a)		1	N	N		N	N	Inoperable Required Lamp - 1 OF 3 CENTER CAB ID LIGHTS INOPERATIVE (LEFT SIDE)
393.9(a)		1	N	N		N	N	Inoperable Required Lamp - 1 OF 3 CENTER CAB ID LIGHTS INOPERATIVE (RIGHT SIDE)
393.9(a)		1	N	N		N	N	Inoperable Required Lamp - LICENSE PLATE LIGHT INOPERATIVE
393.75(a)(3)		1	Y	N		U	N	Tire-flat and/or audible air leak - AXLE 2 ON LEFT INSIDE, TIRE FLAT
393.75(a)(3)		1	Y	N		U	N	Tire-flat and/or audible air leak - AXLE 2 ON RIGHT INSIDE, TIRE FLAT
392.4(a)		D	Y	N	M004507	N	N	Driver on duty and under the influence of, or using a narcotic drug / amphetamine, which renders the driver incapable of safe operation. DRIVER IN POSSESSION
392.2	X	1	N	N		N	N	Failure to display valid vehicle registration papers - VEHICLE IMPROPERLY REGISTERED, REGISTERED AS CHEVY VAN, VEHICLE 22 PASSENGER BUS

* N - Non-OOS or Driver OOS Violation; U - Unknown

HazMat: No HM Transported.

Placard: NA Cargo Tank:

Special Checks:

<input type="checkbox"/> Alcohol/Controlled Substance Check	<input type="checkbox"/> Traffic Enforcement	<input type="checkbox"/> Post Crash Inspection
<input type="checkbox"/> Conducted by Local Jurisdiction	<input type="checkbox"/> PASA Conducted Inspection	<input type="checkbox"/> PBBT Inspection
<input type="checkbox"/> Size and Weight Enforcement	<input checked="" type="checkbox"/> Drug Interdiction Search	Arrests: 1

Report Prepared By:
D Staudt

Badge #:
3272

Copy Received By:
LITTLE, GERALD A

Page 1 of 2



OH3272009650

DRIVER/VEHICLE EXAMINATION REPORT



Public Utilities Commission

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

Report Number: OH3272009650
Inspection Date: 6/7/2012 Certification Date:
Time Started: 14:47 Time Ended: 16:00
Inspection Level: I - Full Inspection
HM Inspection Type: No HM Inspection

KEVIN L SNYDER
7640 PETERS PIKE
DAYTON, OH 45414
Phone #: (859)757-9685
USDOT #:
State #:

Fax #
MC/MX #:

Driver: LITTLE, GERALD A
License #: RT267341 State: OH
Date of Birth: 07/12/1949

Inspection Notes: I FIRST OBSERVED THIS BUS OPERATING WB ON IS70 AT MP 23 WITH NO MARKINGS DISPLAYED ON AN OHIO PLATED BUS, PASSENGER SIDE LOADING DOORS WERE OPEN ON VEHICLE. I STOPPED BUS AT MP 21 WB. BUS WAS REGISTERED AS AN OHIO TRUCK & I ALSO OBSERVED THAT THE VEHICLE HAD 2 FLAT TIRES ON AXLE 2 ON INSIDE TIRES. AFTER INTERVIEWING DRIVER I DETERMINED THAT THIS WAS A DRIVEAWAY-TOWAWAY MOVE FROM HUBER HEIGHTS TO SAN DIEGO, CA. FURTHER INTERVIEW WITH DRIVER WAS DONE & A REQUEST WAS MADE FOR A CANINE. ALERT WAS INDICATED BY CANINE & SEARCH OF VEHICLE FOUND THAT DRIVER WAS IN POSSESSION OF A TOTAL OF 47 MARIJUANA CIGARETTES. FOUND IN LUGGAGE & ON DRIVER.

Special Study Fields:

Special Study1:	Special Study6:
Special Study2:	Special Study7:
Special Study3:	Special Study8:
Special Study4:	Special Study9:
Special Study5: ROADCHECK	Special Study10:

Locally Defined Fields:

For-Hire Carrier: N; Fatalities (Y/N): N; Driver Address: 6155 KARNES RD; Driver City: WEST MILTON; Driver State: OH; Driver Zip: 45383; Photos Taken (Y/N): Y; Supplemental Report #: N/A; Co-Investigator #: 3259; Reason Code: OBVI; Paper Report #: N/A; FMCSA Credentials Verified-Y/N: N; CDL Verified (Y/N): Y; FMCSA OOS Order Issued(Y/N): N; Crash Report #: N/A

I hereby declare GERALD A. LITTLE "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: 24 HOURS FROM COMPLETION OF INSPECTION

* Pursuant to authority contained in Title 49, Code of Federal Regulations, Section 396.9, I hereby declare vehicles with defects followed by an "Y" in the "Out of Service" column in the violations discovered section of this report OUT OF SERVICE. No person shall remove the out of service stickers applied to these vehicles, or operate such vehicles until the out of service defects have been repaired and the vehicles have been restored to safe operating condition.

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: _____

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.

Signature of Repairer: X Facility: _____ Date: _____

Report Prepared By:
D Staudt

Badge #:
3272

Copy Received By:
LITTLE, GERALD A

Page 2 of 2



OH3272009650



**Public Utilities
Commission**

John R. Kasich, Governor
Todd A. Snitchler, Chairman

Staff Ex. 8 2

Commissioners

Cheryl Roberto
Steven D. Lesser
Andre T. Porter
Lynn Staby

AUGUST 20, 2012

MR KEVIN SNYDER
KEVIN L SNYDER
7640 PETERS PIKE
DAYTON, OH 45414

RE: NOTICE OF PRELIMINARY DETERMINATION
Case No. OH3272009650C
Officer: CS

Dear MR SNYDER:

On June 7, 2012, a vehicle operated by KEVIN L SNYDER, and driven by GERALD A LITTLE, 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
393.75A3	Tire-flat and/or audible air leak - AXLE 2 ON LEFT
390.21A	Not marked in accordance with regulations - NO MAR

Total Forfeiture Assessed : \$140.00

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)



**Public Utilities
Commission**

John R. Kasich, Governor
Todd A. Snitchler, Chairman

Staff Ex. 8

Commissioners

Cheryl Roberto
Steven D. Lesser
Andre T. Porter
Lynn Slaby

AUGUST 20, 2012
MR KEVIN SNYDER
KEVIN L SNYDER
OH3272009650C

PAGE -2

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

Code	Violation
393.75A3	Tire-flat and/or audible air leak - AXLE 2 ON LEFT
390.21A	Not marked in accordance with regulations - NO MAR

Total Forfeiture Agreed : \$140.00

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