

FILE (NC)  
To Whom This May Concern:

4-5-13 4  
13-0943-TR.CVF

I REGINALD C. JONES Respectfully Request A  
ADMINISTRATIVE HEARING ON CASE # OH ~~325~~ 3259007535D  
CODE 395.8E AND 396.9C2

Thank You  
Reginald C. Jones

RECEIVED-DOCKETING DIV

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PUCO



## Public Utilities Commission

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

Commissioners  
Steven D. Lesser  
Andre T. Porter  
Lynn Slaby

March 25, 2013

MR REGINALD JONES

20 LANYAN AVENUE  
TROTWOOD, OH 45426

RE: NOTICE OF PRELIMINARY DETERMINATION

Case No. OH3259007535D

Officer: WW

Dear MR JONES:

On December 16, 2012, a vehicle operated by FRED MARTIN TRUCKING INC, and driven by REGINALD C JONES, 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
395.8E	False report of drivers record of duty status - LO
396.9C2	Operating an out-of-service vehicle - ON 10/12/201

Total Forfeiture Assessed : \$1100.00

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)



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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 REGINALD C JONES in the following forfeiture:

Code	Violation
395.8E	False report of drivers record of duty status - LO
396.9C2	Operating an out-of-service vehicle - ON 10/12/201

Total Forfeiture Agreed : \$1100.00

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.

Milan Orbovich, Director  
Transportation Department  
Public Utilities Commission of Ohio

Your "Request for Administrative Hearing" should contain the case number indicated on the of Preliminary Determination and the name, address, and telephone number of the person to whom further communications regarding this matter should be directed. **A copy of the Notice of Preliminary Determination must be attached to your "Request for Administrative Hearing."**

**3. The Administrative Hearing**

Following receipt of your "Request for Administrative Hearing," the Commission will initiate an administrative hearing proceeding in this matter and set a date for an evidentiary hearing. The evidentiary hearing will be held at the Commission offices in Columbus, Ohio and may consist of written stipulations, oral testimony or such other evidence which is admitted. An Attorney-Examiner employed by the Commission will preside over the administrative hearing. Following the administrative hearing, the Commission will make its decision in this matter. The decision of the Commission may be appealed to the Franklin County Court of Appeals.

**4. Failure to file a "Request for Administrative Hearing"**

If you do not file a timely "Request for Administrative Hearing," in the manner described above, you will waive your right to contest liability to the State of Ohio for the amount of the civil forfeitures indicated in the Notice of Preliminary Determination, even if you had previously served upon the Staff a "Request for Conference" in this matter. The occurrence of the violations described in the Notice of Preliminary Determination will be conclusively established in your history of violations for the purposes of determining the amount of the penalty for future violations.

**5. Violation Codes and Amounts**

"Code" in the Notice of Preliminary Determination identifies the rule or regulation which was violated. Numbers in a 100 or 300 series refer to sections of the Hazardous Materials Regulations or the Federal Motor Carrier Safety Rules, respectively, contained in Title 49, Code of Federal Regulations. Codes in other formats refer to violations of the Ohio Revised Code or the Ohio Administrative Code.

Section 4905.83, Ohio Revised Code, authorized the Commission to assess a civil forfeiture of up to \$10,000.00 per day for any violation of the rules governing the highway transportation of hazardous materials against any person who transports, or offers for transportation, hazardous materials. The amount of the forfeiture depends on the nature, gravity, extent and circumstances of the violations and the degree of culpability, history of violations, effect upon ability to continue in business and ability to pay of the person who committed the violation.

Please contact the Compliance Division at (614) 466-0351 if you need additional information regarding this Notice of Preliminary Determination.