

NC
FILE

14-0119-TR-CVF

3

Untitled

Public Utilities Commission of Ohio
Attn Docketing Division
180 East Broad St.
Columbus Ohio 43215-3793

I am requesting an Administrative Hearing for the Case No. OH3247010472C. for the following reasons.

1. The trailer I was pulling was for my own personal use at home. It was set up to have a simple bed and toilet in front for my travels. Because it was mine and I am also the dealer principle of my dealership, the need to have a posted DOT placard and carry log books was in my view unnessessary. In view because of the trailer being personal and have some amount of overnight living quarters, I felt I was no different that a guy with a forty foot motorhome and a trailer.

2. The field officer called me a liar because I was out of force with my Dot. I had no Idea that was the case as we had not done any hauling since an audit 8 month prior, and the person with DOT said our audit was approved. A simple fax was not sent in at the time which we knew nothing about and we were never notified otherwise. As it was, once I made a phone to my business partner and he communicated to DOT we were reinstated 5 minutes after the conversation with your field officer.

3. These new laws are loosely interpreted my everybody I've been in contact with, and I have driven ticket and accident free for many many years because I drive well within the laws as described. I had to spend an additional 3500 to get my trailer home, when I didn't I had broken any laws in first place and more unwarranted fines and penalties is completely unjustified

Please review my case and advise me a time for a hearing

Thank You
Dennis Hardesty
539b n edison
Kennewick wa 99336
509-531 6998

RECEIVED-DOCKETING DIV
2014 JAN 24 AM 9:45
PUCO

This is to certify that the images appearing are an
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Public Utilities Commission

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

Commissioners

Steven D. Lesser
Asim Z. Haque
Lynn Slaby
M. Beth Trombold

12/18/2013

OH3247010472C
dennis hardesty
539 B N EDISON
KENNEWICK, WA 99336

RE: **NOTICE OF PRELIMINARY
DETERMINATION**
Case No. OH3247010472C

Dear Sir or Madam:

On 09/27/2013, a vehicle operated by AUTO PLAZA INC, and driven by DENNIS E HARDESTY, was inspected within the State of Ohio. As the result of discovery of the following violations of the Commission's rules, Staff of the Commission timely notified AUTO PLAZA INC (Respondent) pursuant to rule 4901:2-7-07, Ohio Administrative Code (O.A.C.), that it intended to assess a civil forfeiture against the Respondent in the following amount:

CODE	GROUP	VIOLATION	FORFEITURE
385.325C	4	Operating in interstate commerce on or after the Operational Out of Service order date for failure of a Safety Audit	1000.00
390.21A	4	Not marked in accordance with regulations - not marked for drive-away tow a way operation	100.00
		Total of Group 4	1100.00

TOTAL AMOUNT DUE: \$1,100.00

A conference was conducted pursuant to rule 4901:2-7-10, 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.

As a result of the conference, Staff has made a Preliminary Determination that the Commission should assess a civil forfeiture against AUTO PLAZA INC in the following amount:

CODE	GROUP	VIOLATION	FORFEITURE
385.325C	4	Operating in interstate commerce on or after the Operational Out of Service order date for failure of a Safety Audit	1000.00

180 East Broad Street
Columbus, Ohio 43215-3793

(614) 466-3016
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390.21A	4	Not marked in accordance with regulations - not marked for drive-away tow a way operation	100.00
		Total of Group 4	1100.00

TOTAL AMOUNT DUE: \$1,100.00

Within 30 days of this notice, you must either: (1) pay the assessed civil forfeiture or (2) file a written request for an administrative hearing pursuant to rule 4901:2-7-13, O.A.C. Failure to file a written request for an administrative hearing within 30 days shall constitute a waiver of your right to further contest the violations and will conclusively establish the occurrence of the violations. Such failure shall also constitute a waiver of your right to further contest liability to the state of Ohio for the civil forfeiture described in the notice and will result in the forfeiture amount being referred to the Ohio Attorney General's office for collection.

Please consult the enclosed instruction sheet for additional information regarding this Notice of Preliminary Determination.

Sincerely,

Milan Orbovich, Director
Transportation Department

Compliance Officer: Wanda Williams



Public Utilities Commission

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Todd A. Snitchler, Chairman

Commissioners

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Lynn Slaby
M. Beth Trombold

12/18/2013

OH3247010472D
DENNIS HARDESTY
10117 MAPLE DR
PASCO, WA 99301

RE: **NOTICE OF PRELIMINARY
DETERMINATION**
Case No. OH3247010472D

Dear Sir or Madam:

On 09/27/2013, a vehicle operated by AUTO PLAZA INC, and driven by DENNIS E HARDESTY, was inspected within the State of Ohio. As the result of discovery of the following violations of the Commission's rules, Staff of the Commission timely notified DENNIS E HARDESTY (Respondent) pursuant to rule 4901:2-7-07, Ohio Administrative Code (O.A.C.), that it intended to assess a civil forfeiture against the Respondent in the following amount:

CODE	GROUP	VIOLATION	FORFEITURE
395.8A	1	No log book for 09/20/2013 to 09/27/2013	
383.23A2	4	Operating a CMV without a CDL - operating a class a vehicle with a non cdl license	250.00
		Total of Group 1	100.00
		Total of Group 4	250.00

TOTAL AMOUNT DUE: \$350.00

A conference was conducted pursuant to rule 4901:2-7-10, 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.

As a result of the conference, Staff has made a Preliminary Determination that the Commission should assess a civil forfeiture against DENNIS E HARDESTY in the following amount:

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Total of Group 4	250.00

TOTAL AMOUNT DUE: \$350.00

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Sincerely,

Milan Orbovich, Director
Transportation Department

Compliance Officer: Wanda Williams