PUCO EXHIBIT FILING	ţ
Date of Hearing: May 8, 2014	
Date of Hearing:	
PUCO Case Caption:	
Imo: Auto Plaza, Inc. and Dennis E.	
Hardesty	
List of avhibits hains filed:	
List of exhibits being filed:	
Staff 1-4	
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RECEIVED-SOUKETING DIV

# BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Auto Plaza, Inc. and Dennis E. :

Hardesty, Notice of : Case No. 14-119-TR-CVF

Apparent Violation and : Intent to Assess

Forfeiture.

PROCEEDING

before Mr. Kerry K. Sheets, Hearing Examiner, at the Public Utilities Commission of Ohio, 180 East Broad Street, Room 11-C, Columbus, Ohio, called at 10:00 a.m. on Thursday, May 8, 2014.

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

### DRIVER/VEHICLE EXAMINATION REPORT

Driver:

License #:

Date of Birth:

Report Number: OH3247010472

Inspection Date: 9/27/2013 Certification Date: 10/15/2013

HARDESTY, DENNIS E

12:11 Time Started: Time Ended: 13:30

Inspection Level; II - Walk-Around HM Inspection Type: No HM Inspection

AUTO PLAZA INC

539 B N EDISON

KENNEWICK, WA 99336

USDOT #: 2202629

Phone #: (509)735-6999

MC/MX #: 803453

Fax #:

State #:

County:

Location: ROADSIDE

Highway: US33

**AUGLAIZE** 

MilePost: Origin:

ORLANDO, FL

12

Destination; KENNEWICK, WA

HARDEDE495CN

02/15/1951

State: WA

Bill of Lading: 57 0405

Cargo: DRIVEAWAY / TOWAWAY

**PBBT Inspection** 

Arrests:

VEHICLE IDENT	TEICATION:						·				
Unit Type Make Y		License#	Ea	uipment (D		Unit VI	N	GVWR	CVSA#	CVSA Issued #	OOS Stkr.#
1 TR CHEV 2		NONE			1GCJK	39D67E	152089	11,400			
2 FT UNK 2	013 WA	1439V			5WKBE	3233D	1019296	21,000			
BRAKE ADJUS	MENTS:	No brake r	neasure	nents record	ied.		~			Me	
VIOLATIONS :									<del></del>		
Vio Code	Section	U	nit OOS	Citation #	Verify*	Crash	Violation	Descripti	on		
395.8A	395.8(a)		D Y		N	N	No log b	ook for 0	19/20/2013 to	09/27/2013	
383.23A2	383.23(a)(2)	) (	D Y		N	N		ng a CMV on od! lic		DL - operating a cla	ss a vehicle
385.325C	385.325(c)		1 Y		Ų	N		~		nerce on or after the failure of a Safety A	•
390.21A	390.21(a)		1 N		N	N	Not mark	ked in acc		regulations - not mai	
N - Non-OOS or E	Oriver OOS Vic	olation; U - U	Inknown					,			
HazMat:	No HM Transported.						F	Placard: NA	Cargo Tank:		
Special Checks:	T Ale	cohol/Control	ed Subst	ance Check	П	Traffic	Enforcem	ent		Post Crash Inspectio	n

Inspection Notes: Stopped for no markings, and when I tried to run plate on trailer - dealer plate - could not get anything back. Truck was bought in GA - saw receipt on driver phone, trailer was bought in FI - did not see receipt. Load inside of trailer was 2 pick-up which he had a receipt for. He was on his way to Ft Wayne In to pick up another truck then onto Wa state(home). All vehicle were bought for his car dealership

# Special Study Fields: Special Study1: Special Study6:

Special Study7: Special Study2: Special Study3: Special Study8: Special Study4: Special Study9: Special Study10: Special Study5:

Conducted by Local Jurisdiction Size and Weight Enforcement

Locally Defined Fields: For-Hire Carrier: N

Driver Address: 10117 MAPLE DR

Driver State: WA Photos Taken (Y/N): Y

Co-Investigator #: NONE

Paper Report #: NONE CDL Verified (Y/N): Y Crash Report #: NONE

Fatalities (Y/N): N Driver City: PASCO

Driver Zip: 99301

Supplemental Report #: NONE

Reason Code: OBVI

FMCSA Credentials Verified-Y/N: Y FMCSA OOS Order Issued(Y/N): Y Orig Seal Placed by(C/D/S/U): N

PASA Conducted Inspection

**Drug Interdiction Search** 

Report Prepared By:

JT Rammel

Badge #: 3247

Copy Received By: HARDESTY, DENNIS E Page 1 of 2

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OH3247010472

Ex. ( 5 to F4

#### **DRIVER/VEHICLE EXAMINATION REPORT**



Report Number: OH3247010472

Inspection Date: 9/27/2013 Certification Date: 10/15/2013

Time Started: 12:11 Time Ended: 13:30

Inspection Level: If - Walk-Around
HM Inspection Type: No HM Inspection

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HARDESTY, DENNIS E

License #: Date of Birth: HARDEDE495CN

02/15/1951

State: WA

KENNEWICK, WA 99336

USDOT #: 2202629

**AUTO PLAZA INC** 

539 B N EDISON

Phone #: (509)735-6999

MC/MX #: 803453

Fax #:

State #:

I hereby declare DENNIS E. HARDESTY "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:10 hours at end 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 - 4th floor, 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. If you have any questions, please contact (614) 466-0429.

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 wi \$10,000.	th the required certificati	ion can result in penalties up to \$1,000 per day fo	r each day the violation continues, up to a total of
Signature of Repairer:	<u>x</u>	Facility:	Date:

OH3247010472

THIS VEHICLE CONFORMS TO ALL APPLICABLE U.S. FEDERAL MOTOR VEHICLE SAFETY STANDARDS IN SPIECT ON THE DATE OF SLANUFACTURE SHOWN ABOVE CHIRC SEZS KO CHIROLO) V.M.: 5WNBE3233D1019266 пре: трацея CANTR SEACH AND S STAN CAME THE AUFACTURED BY: PREEDOM TRALERS, LLC THE STREET STATE HERE 5172548R14 16 16,480 PA 621 KPA (80 PB) 621 KPA (80 PB) 621 KPA (80 PB) COUNTRICES CAKL RMS AT **ENKERSESSEDIONISSER** 9300 621 KPA (90 PSI) SINGLE DATE OF MFG.: 02/2013 NZCZIW

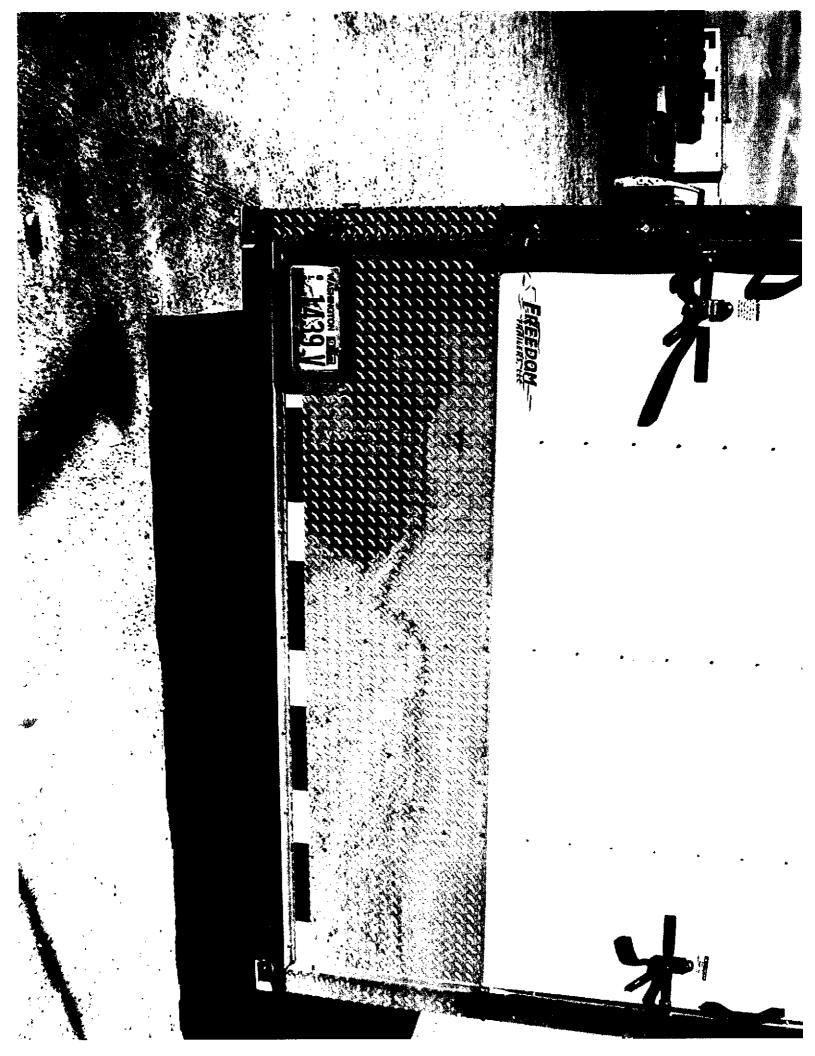
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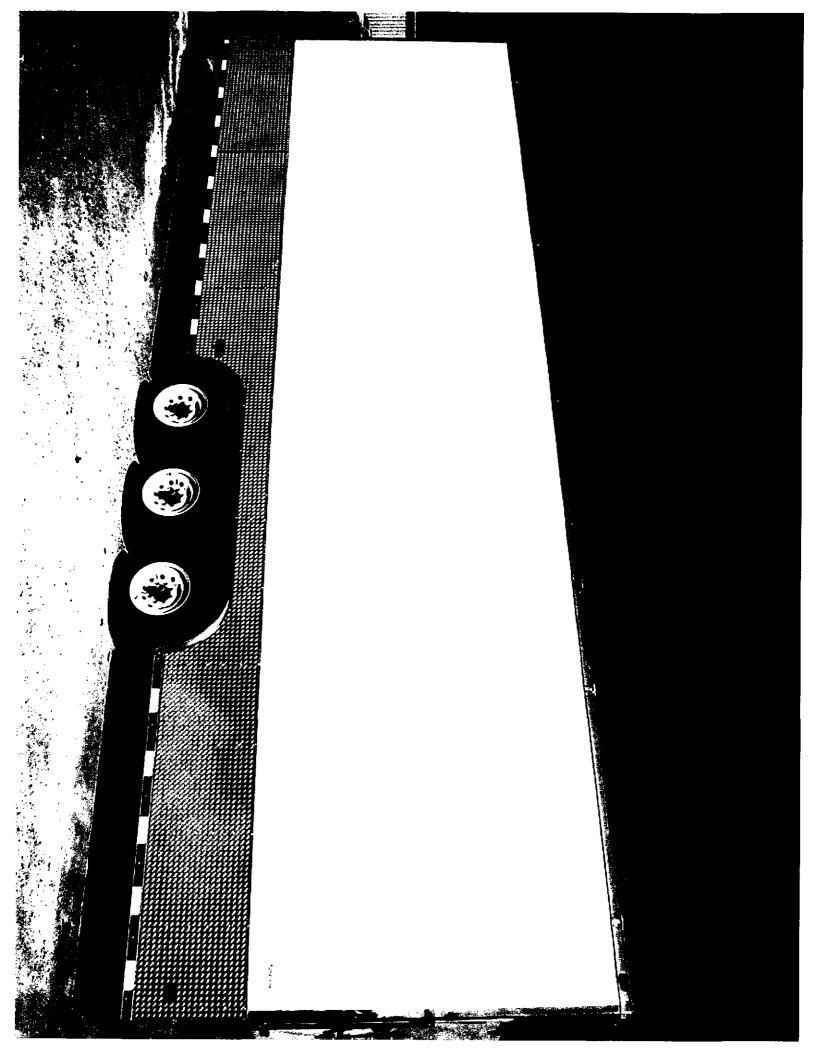
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John R. Kasich, Governor Todd A. Snitchier, Chairman Commissioners

Steven D. Lesser Asim Z. Haque 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 395.8A	GROUP 	VIOLATION No log book for 09/20/2013 to 09/27/2013	FORFEITURE
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	00.001
		Total of Group 4	250.00

# TOTAL AMOUNT DUE: \$350,00

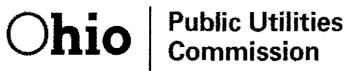
A conference was conducted pursuant to rule 4901:2-7-10, O.A.C., at which the Respondent had a full opportunity to present any reasons why the violation did not occur as alleged, mitigating circumstances regarding the amount of any forfeiture, and any other information relevant to the action proposed 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:

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
180 East Broad Columbus, Oh			(614) 466-3016 www.PUCO.ohio.gov

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Todd A. Snitchler, Chairman

John R. Kasich, Governor

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

Commissioners

100.00

250.00

Total of Group 1 Total of Group 4

TOTAL AMOUNT DUE: \$350.00

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

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Compliance Officer: Wanda Williams

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	1000.00
		date for failure of a Safety Audit	
390.21A	4	Not marked in accordance with regulations - not marked for drive-away tow a way	100.00
		operation	
		Total of Group 4	1100.00

# TOTAL AMOUNT DUE: \$1,100.00

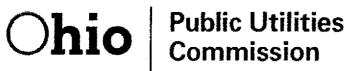
A conference was conducted pursuant to rule 4901:2-7-10, O.A.C., at which the Respondent had a full opportunity to present any reasons why the violation did not occur as alleged, mitigating circumstances regarding the amount of any forfeiture, and any other information relevant to the action proposed 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 GROUI	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 43215-37	3	(614) 466-3016 www.PUCO obio gov

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

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

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 <u>either</u>: (1) pay the assessed civil forfeiture <u>or</u> (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.

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Transportation Department

Compliance Officer: Wanda Williams