

Date of Hearing: May 8, 2014Case No. 14-119-TR-CVF

PUCO Case Caption: _____

Imo: Auto Plaza, Inc. and Dennis E.
Hardesty

2014 MAY 22 PM 2:47

RECEIVED-DOCKETING DIV

2014 MAY 22 PM 2:48

List of exhibits being filed:

Staff 1-4

PUCO

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Technician MD Date Processed MAY 22 2014

Reporter's Signature: Maria DiParlorgius
Date Submitted: 5-22-14

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

Report Number: OH3247010472

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

Time Started: 12:11 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 #:

Driver: HARDESTY, DENNIS E

License #: HARDEDE495CN State: WA

Date of Birth: 02/15/1951

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, T ASD - 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 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:

J T Rammel

Badge #:

3247

Copy Received By:

HARDESTY, DENNIS E

Page 2 of 2

10472*Ä

OH3247010472

MANUFACTURED BY : FREEDOM TRAILERS, LLC

DATE OF MFG. : 02/20/13

GROSS : 8025 LBS (7000 LBS)

AXLES EACH AXLE WITH TIRES

RIMS AT

COOL

3175 LBS (7000 LBS)

ST22000016

16" X 7" J

621 HPA (90 PSI) SINGLE

THIS VEHICLE COMPLIES TO ALL APPLICABLE U.S. FEDERAL MOTOR VEHICLE SAFETY STANDARDS
IN EFFECT ON THE DATE OF MANUFACTURE SHOWN ABOVE

VIN : 5NWB3233D1019266 TYPE : TRAILER

LS002714

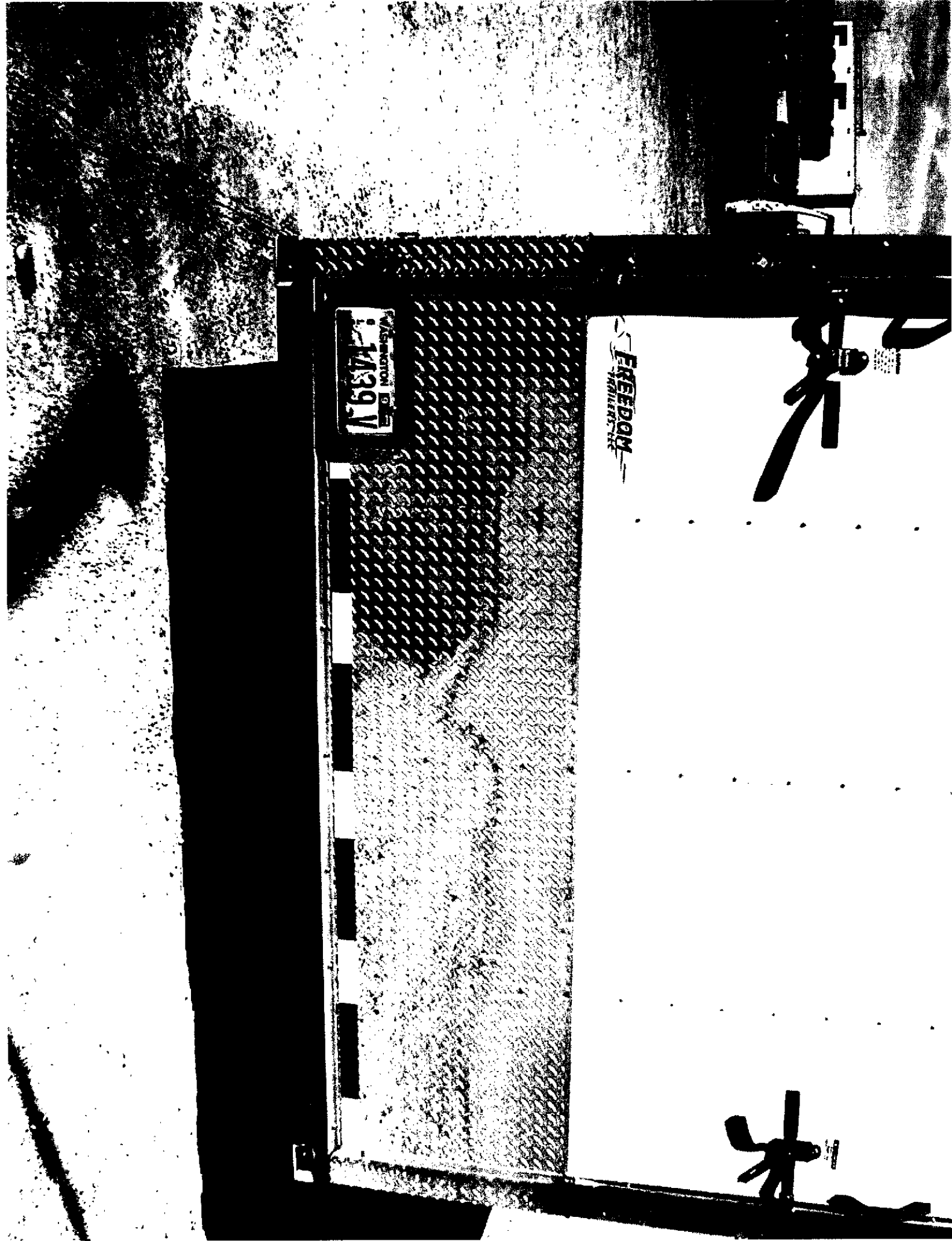
WEIGHT INFORMATION
The weight of cargo should never exceed
7,000 lbs or 14,000 lbs.

TYPE	SIZE	COOL LINE PRESS.	IN WEIGHT
FRONT	ST22000016	621 HPA (90 PSI)	16" X 7" J
MID	ST22000016	621 HPA (90 PSI)	16" X 7" J
REAR	ST22000016	621 HPA (90 PSI)	16" X 7" J
SPARE	NONE		

5NWB3233D1019266









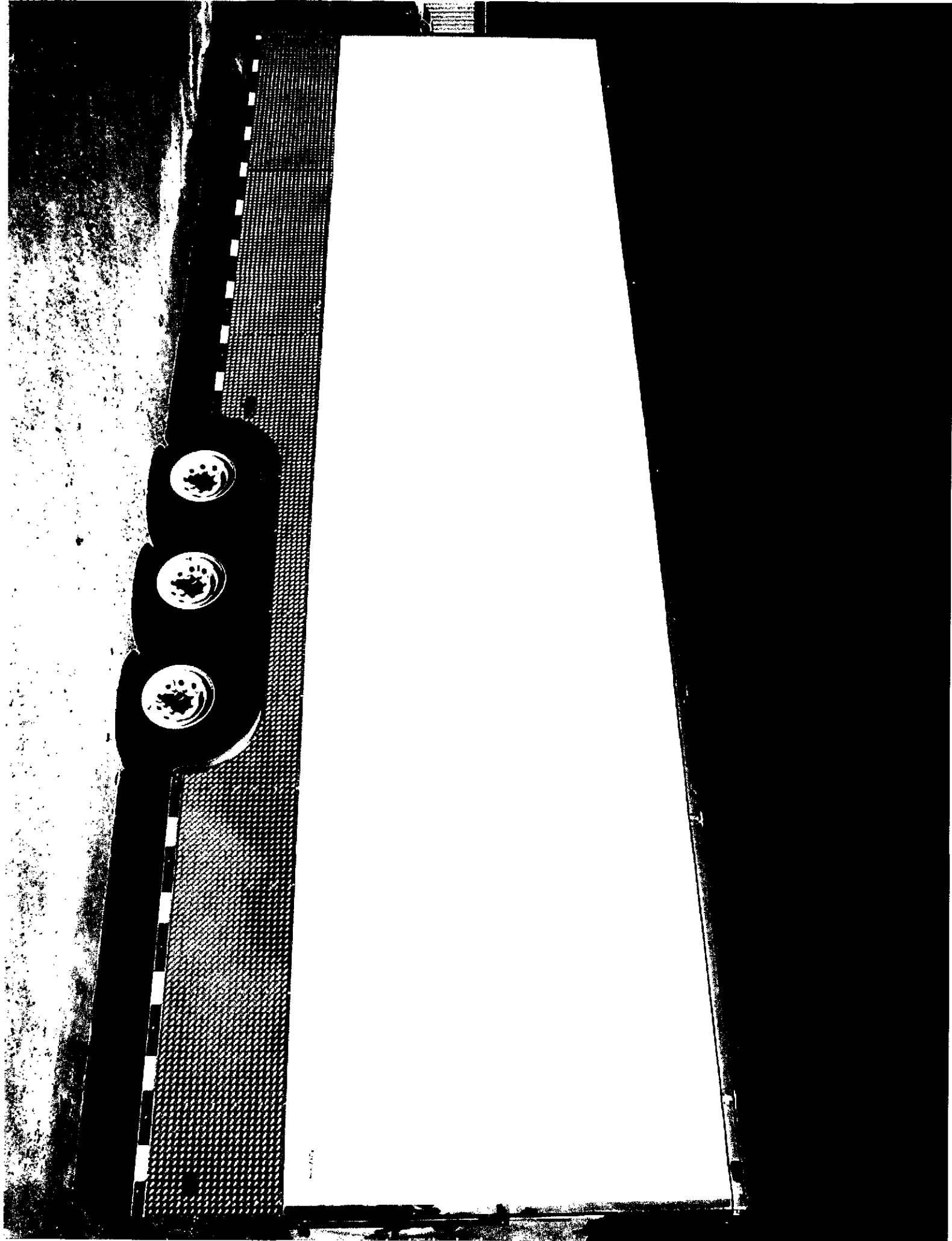
ANY OTHER FULL DOCUMENTATION ON THIS CASE ON

THE DO
STATE

DECEMBER

ON 10/1









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

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:

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 Street
Columbus, Ohio 43215-3793

(614) 486-3016
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Public Utilities Commission

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Todd A. Snitchler, Chairman

Commissioners

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

Total of Group 1	100.00
Total of Group 4	250.00

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

Compliance Officer: Wanda Williams



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

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Columbus, Ohio 43215-3793

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572 x Ex 4



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Commissioners

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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 **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