# **PUCO EXHIBIT FILING**

Date of Hearing: 9-25-14Case No. 14-1254- TR- CVF PUCO Case Caption: In the Matter of: **All States Transportation** Notice of Apparent Violation and Intent to Assess Forfeiture. List of exhibits being filed: Reporter's Signature: Date Submitted:

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RECEIVED-DOCKETING DIV

## BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - **-**

In the Matter of: :

All States Transportation.: Case No. 14-1254-TR-CVF

:

Notice of Apparent : Violation and Intent to : Assess Forfeiture.

PROCEEDINGS

before Mr. Jim Lynn, Attorney Examiner, at the Public Utilities Commission of Ohio, 180 East Broad Street, Room 11-D, Columbus, Ohio, called at 9:00 a.m. on Thursday, September 25, 2014.

ARMSTRONG & OKEY, INC.

222 East Town Street, Second Floor
Columbus, Ohio 43215-5201
(614) 224-9481 - (800) 223-9481
Fax - (614) 224-5724

#### DRIVER/VEHICLE EXAMINATION REPORT

**EXHIBIT** 



ALL STATES TRANSPORTATION LLC

Report Number: OH0616002131

Inspection Date: 3/11/2014

Certification Date: 04/07/2014

Time Started: 12:43 Time Ended: 13:26

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

Driver:

License #:

LEIVA, MAURICIO 312737080

Date of Birth:

4/20/1964

State: NY

USDOT #: 02404151

Phone #: (888)551-4606

MC/MX #: 827035

250 PEHLE AVE STE 200

SADDLE BROOK, NJ 07663

Fax #:

State #:

Highway:

County:

Location: ROADSIDE

MilePost:

235

PISCATAWAY.NJ

Bill of Lading: 780135

Origin: Destination: TUSLA,AZ

Cargo: HOUSEHOLD GOODS

TRUMBULL

**IR80** 

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Unit `	Туре	Make	Year	State	License#		Equ	ipment ID		Unit V	IN	GVWR	CVSA#	CVSA Issued #	OOS Stkr.#
1	TT	VOLV	2007	NJ	AP184S			31	4V4NC	9GH67	N480835	52,000			
2	ST	KENT	1999	NJ	TLR73W		1	NONE	1KKVI	F5332X	L115947	70,000			Y
BRA	KE /	ADJU	STME	NTS:	No brake	meas	urem	ents recorded.							
VIOL	.ATK	ONS :													
								State Citation	ı						
Vio C	ode		٤	Section		Unit	oos	Number	Verify*	Crash	Violation	Description	חים		
392.2	-SLL	.S2	3	92,2		D	N	warning	N	N			Speeding 6- 5 mph zone	10 miles per hour ove	er the speed
392.9	AA1/	H	39	92.9a(a	)(1)	1	Y		U	N			carrier ope 14901(d)(3)	rating without Oper )	ating
393.9			39	93.9(a)		2	Y		บ	N				ght rear turn signal	
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Hazi	/lat:				No HM Trans	sporte	d.					F	Placard: N	Cargo Tank:	
Spec	ial C	heck	s;		Alcohol/Cont	rolled	Subst	ance Check	X	Traffic	Enforcem	nent		Post Crash Inspection	วก
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Special Study1;

Special Study6:

Special Study2:

Special Study7:

Special Study3:

Special Study8:

Special Study4:

Special Study9:

Special Study5:

Special Study10:

Locally Defined Fields:

For-Hire Carrier: Y

Driver Address: 599 FRONT

Driver City: HEMPSTEAD

**Driver State: NY** 

Driver Zip: 11550

Photos Taken (Y/N): N

Reason Code: TRAF

FMCSA Credentials Verified-Y/N: Y

FMCSA OOS Order Issued(Y/N): N CDL Verified (Y/N): Y

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.

Report Prepared By:

J.D HUGHES

Badge #: 0616

Copy Received By: LEIVA, MAURICIO Page 1 of 2



оно 616002131

Staff Ex.

## DRIVER/VEHICLE EXAMINATION REPORT



**ALL STATES TRANSPORTATION LLC** 

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LEIVA MAURICIO

License #: Date of Birth: 312737080 4/20/1964

State: NY

SADDLE BROOK, NJ 07663 USDOT #: 02404151

250 PEHLE AVE STE 200

Phone #: (888)551-4808

MC/MX #: 827035

Fax #:

State #:

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.

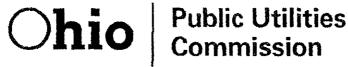
ATTENTION MOTOR CARRIER: The motor carrier must examine this report and repair all the vehicle defects/violations noted above -AND- The motor carrier must sign the Certification of Repairs below and return the signed form to: Public Utilities Commission of Ohio, TASD - 4th floor, 180 E Broad St, Columbus, 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:	<u>X</u>	Title:	Date:
Failure to return this report wi \$10,000.	th the required certification can resu	it in penalties up to \$1,000 per da	sy for each day the violation continues, up to a total of
Signature of Repairer:	X	Facility:	Date:







Thomas W. Johnson, Chairman

Steven D Lesser Asim Z. Haque

Lynn Slaby M. Beth Trombold

06/20/2014

OH0616002131C Andrei Bykovki, ALL STATES TRANSPORTATION LLC 250 PEHLE AVE STE 200 SADDLE BROOK, NJ 07663

> NOTICE OF PRELIMINARY RE:

> > **DETERMINATION**

Case No. OH0616002131C

#### Dear Sir or Madam:

On 03/11/2014, a vehicle operated by ALL STATES TRANSPORTATION LLC, and driven by MAURICIO LEIVA, 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 ALL STATES TRANSPORTATION LLC (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
392.2-SLLS2 0		State/Local Laws - Speeding 6-10 miles per hour over the speed limit.=73mph in a	
		65 mph zone	
393.9	2	Inoperable Required Lamp=right rear turn signal	
392.9AA	I/H 4	Household Goods carrier operating without Operating Authority (49 USC 14901(d)	500.00
		(3)) Total of Group 0	0.00
		Total of Group o	
		Total of Group 2	50.00
		Total of Group 4	500.00

#### **TOTAL AMOUNT DUE: \$550.00**

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.

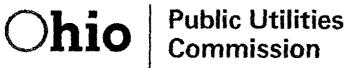
As a result of the conference, Staff has made a Preliminary Determination that the Commission should assess a civil forfeiture against ALL STATES TRANSPORTATION LLC in the following amount:

180 Fast Broad Street Columbus, Ohio 43215-3793

(614) 466-3016 www.PUCO.ohio.gov

An equal opportunity employer and service provider

Staff Ex. 2



John R. Kasich, Governor Thomas W. Johnson, Chairman Commissioners

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

CODE GRO	UP VIOLATION	FORFEITURE
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393.9 2	Inoperable Required Lamp=right rear turn signal	
392.9AA1/H 4	Household Goods carrier operating without Operating Authority (49 USC 14901(d) (3)) Total of Group 0	500.00
	Total of Group 2	50.00
	Total of Group 4	500.00

## TOTAL AMOUNT DUE: \$550.00

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.

Sincerely,

Milan Orbovich, Director

Juley abovich

Transportation Department

Compliance Officer: Cheryl Streets