

FILE

6

PUCO EXHIBIT FILING

Date of Hearing: 9-25-14

Case No. 14-1254-TR-CVE

PUCO Case Caption: \_\_\_\_\_

In the Matter of:

All States Transportation

Notice of Apparent Violation and Intent to Assess Forfeiture.

List of exhibits being filed:

STAFF 1 & 2

PUCO

RECEIVED-DOCKETING DIV  
2014 OCT 14 PM 4:02

Reporter's Signature: \_\_\_\_\_

Date Submitted: \_\_\_\_\_

10-13-14

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.  
Technician KN Date processed OCT 14 2014

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— — —

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.

— 1 —

— — —

PENGAD 800-681-6868

EXHIBIT

1  
STAFF

# DRIVER/VEHICLE EXAMINATION REPORT



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

ALL STATES TRANSPORTATION LLC  
 250 PEHLE AVE STE 200  
 SADDLE BROOK, NJ 07663  
 USDOT #: 02404151  
 MC/MX #: 827035  
 State #:

Phone #: (888)551-4808  
 Fax #:

Driver: LEIVA, MAURICIO  
 License #: 312737080 State: NY  
 Date of Birth: 4/20/1964

Location: ROADSIDE MilePost: 235  
 Highway: IR80 Origin: PISCATAWAY, NJ Bill of Lading: 780135  
 County: TRUMBULL Destination: TUSLA, AZ Cargo: HOUSEHOLD GOODS  
 Shipper: UNIVERSAL VAN

## VEHICLE IDENTIFICATION:

Unit Type	Make	Year	State	License#	Equipment ID	Unit VIN	GVWR	CVSA #	CVSA Issued #	OOS Stkr.#
1	TT	VOLV	2007	NJ	AP184S	31	4V4NC9GH67N480835	52,000		
2	ST	KENT	1999	NJ	TLR73W	NONE	1KKVF5332XL115947	70,000		Y

BRAKE ADJUSTMENTS: No brake measurements recorded.

## VIOLATIONS :

Vio Code	Section	Unit	OOS	State Citation Number	Verify*	Crash	Violation Description
392.2-SLLS2	392.2	D	N	warning	N	N	State/Local Laws - Speeding 6-10 miles per hour over the speed limit.=73mph in a 65 mph zone
392.9AA1/H	392.9a(a)(1)	1	Y		U	N	Household Goods carrier operating without Operating Authority (49 USC 14901(d)(3))
393.9	393.9(a)	2	Y		U	N	Inoperable Required Lamp=right rear turn signal

\* N - Non-OOS or Driver OOS Violation; U - Unknown

HazMat: No HM Transported. Placard: NA Cargo Tank:

Special Checks:

<input type="checkbox"/> Alcohol/Controlled Substance Check	<input checked="" type="checkbox"/> Traffic Enforcement	<input type="checkbox"/> Post Crash Inspection
<input type="checkbox"/> Conducted by Local Jurisdiction	<input type="checkbox"/> PASA Conducted Inspection	<input type="checkbox"/> PBBT Inspection
<input type="checkbox"/> Size and Weight Enforcement	<input type="checkbox"/> Drug Interdiction Search	Arrests:
<input type="checkbox"/> EScreening		

## Inspection Notes:

### Special Study Fields:

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

\* 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

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OH0616002131

Staff Ex. 1

# DRIVER/VEHICLE EXAMINATION REPORT



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

ALL STATES TRANSPORTATION LLC

250 PEHLE AVE STE 200

SADDLE BROOK, NJ 07663

USDOT #: 02404151

Phone #: (888)551-4808

MC/MX #: 827035

Fax #:

State #:

Driver: LEIVA, MAURICIO

License #: 312737080

State: NY

Date of Birth: 4/20/1964

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.D HUGHES

Badge #:

0616

Copy Received By:

LEIVA, MAURICIO

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OH0616002131

# Ohio | Public Utilities Commission

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

Commissioners

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

RE: **NOTICE OF PRELIMINARY 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	
392.9AA1/H	4	Household Goods carrier operating without Operating Authority (49 USC 14901(d) (3))	500.00
		Total of Group 0	0.00
		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 East Broad Street  
Columbus, Ohio 43215-3793

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

An equal opportunity employer and service provider

Staff Ex. 2



## Public Utilities Commission

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

### Commissioners

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

CODE	GROUP	VIOLATION	FORFEITURE
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		Total of Group 0	
		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 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: Cheryl Streets