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FILE

15-1794-TR.CVF ✓

**MIA  
EXPRESS INC**

1185 KELLY AVE  
AKRON, OH 44306

RECEIVED-DOCKETING DIV  
2015 OCT 23 PM 1:16

PUCO

Public Utilities Commission of Ohio  
Attn: Docketing Division  
180 East Broad Street  
Columbus, OH 43215-3793

October 19, 2015

RE: Request for an Administrative Hearing, Case No. OH3262004721C

I'm requesting administrative hearing regarding Case No. OH3262004721C. I sold that truck on March 13, 2015 and violation occurred on August 26, 2015. Because that truck was not in my fleet at the time of violation, I'm requesting a hearing.

Regards,

*Aleksandar Mijatovic*  
Aleksandar Mijatovic, President  
MIA Express, Inc.

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 *DMS* Date Processed OCT 23 2015

MIA Express, Inc. 1185 Kelly Ave. Akron, OH 44306  
Phone 866 724-3553  
Fax 330 896-6338



# Public Utilities Commission

John R. Kasich, Governor  
Andre Porter, Chairman

## Commissioners

Thomas W. Johnson  
Asim Z. Haque  
Lynn Slaby  
M. Beth Trombold

10/16/2015

OH3262004721C

~~DRAGANA SALAPURA~~ ALEKSANDAR MIJATOVIĆ

1185 KELLY AVE  
AKRON, OH 44306

RE: **NOTICE OF PRELIMINARY  
DETERMINATION**  
Case No. OH3262004721C

Dear Sir or Madam:

On 08/26/2015, a vehicle operated by MIA EXPRESS INC, and driven by WALTER C OGLETREE SR, 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 MIA EXPRESS 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
393.9	0	Inoperable Required Lamp front right side clearance light	
390.21B	4	Carrier name and USDOT Number not displayed as required - on left side the marking for company name and us dot number not visible has missing letters and numbers	100.00
		Total of Group 0	0.00
		Total of Group 4	100.00

TOTAL AMOUNT DUE: \$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 MIA EXPRESS INC in the following amount:

CODE	GROUP	VIOLATION	FORFEITURE
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180 East Broad Street  
Columbus, Ohio 43215-3793

(614) 466-3016  
[www.PUCO.ohio.gov](http://www.PUCO.ohio.gov)

*An equal opportunity employer and service provider*



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		Total of Group 0	
		Total of Group 4	100.00

TOTAL AMOUNT DUE: \$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

**ROADSIDE INSPECTION  
INSTRUCTION SHEET  
NOTICE OF PRELIMINARY DETERMINATION**

***Please read this instruction sheet carefully. It contains information about your rights and responsibilities in regard to this Notice of Preliminary Determination.***

You have received a "Notice of Preliminary Determination" as described in Rule 4901:2-7-12, Ohio Administrative Code (O.A.C.). **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.** If you do not pay the forfeiture or file a request for an administrative hearing within 30 days of this notice, your case will be placed in our default process. Both procedures are described below.

**1. How to Pay the Forfeiture**

If you do not wish to further contest the violations described in this notice, you may make payment of the civil forfeiture indicated in this notice via one of the following methods:

**Online** at <https://omcis.puc.state.oh.us/home.aspx>. You will need your case number and PIN located on the enclosed voucher.

**Mail**: send a check or money order (no Canadian postal money orders) made payable to "Treasurer, State of Ohio." **In order to assure proper credit, you must write the case number on the face of the check or money order.** Please send payment to the following address:

Public Utilities Commission of Ohio  
Attn: CF Processing  
180 East Broad Street, 4th Floor  
Columbus, OH 43215-3793

**2. How to File a Request for an Administrative Hearing**

If you wish to further contest the violations described in this notice, **you should file a "Request for an Administrative Hearing"** with the Commission's Docketing Division as described in Rule 4901:2-7-13, O.A.C. Your "Request for an Administrative Hearing" must be **in writing** and must contain the **case number** indicated on this notice. Also, please include the **contact name, address, and telephone number**, of the person to whom further communications regarding this matter should be directed. The request shall be signed by the respondent or its authorized representative. A copy of this "Notice of Preliminary Determination" must be attached to your request.

Your "Request for an Administrative Hearing" must be mailed or hand-delivered **within 30 days of this notice** to the following address:

Public Utilities Commission of Ohio  
Attn: Docketing Division  
180 East Broad Street  
Columbus, OH 43215-3793

**3. Failure to Submit a Request for an Administrative Hearing**

If you do not serve a timely "Request for an Administrative Hearing" in the manner described above, you will forfeit your right to further contest the violations described in this notice and the occurrence of the violations will be conclusively established. 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

this notice and will result in the forfeiture amount being referred to the Ohio Attorney General's office for collection.

#### **4. Codes, Violation Groups, and Forfeiture Amounts**

"Code" in this notice identifies the rule that was violated. Numbers in a 100 or 300 series refer to specific sections of the Hazardous Materials Regulations or the Federal Motor Carrier Safety Regulations located in Title 49 of the Code of Federal Regulations (C.F.R.). Some section numbers may have suffixes beyond those which appear in the C.F.R. These are used for internal data collection purposes. Codes in other formats refer to violations of Ohio's statutes or regulations.

"Violation Group" identifies the numerical group (1-4) of the violation for purposes of calculating the civil forfeiture. Section 4923.99, Ohio Revised Code, authorizes the Public Utilities Commission of Ohio to assess a civil forfeiture of up to \$25,000 for each day of each violation. The amount of any forfeiture depends upon the nature, gravity, circumstances, and extent of the violation, the offender's degree of culpability for the violation, and the offender's history of violations. "Total Amount Due" is the total amount of the civil forfeiture assessed for all violations described in this notice.

For additional information regarding the civil forfeiture program, please contact the Compliance Division.

#### **5. Violations of 49 C.F.R. 383.51, 391.15, 392.5(c)(2), 392.10, 392.80(a), 392.82(a), 395.13(d), 396.9(c)(2), and rule 4901:2-5-07(D) of the Ohio Administrative Code**

If you are "convicted" of violating any of the following: 49 C.F.R. 383.51, 391.15, 392.5(c)(2), 392.10, 392.80(a), 392.82(a), 395.13(d), 396.9(c)(2), or rule 4901:2-5-07(D) of the Ohio Administrative Code, you may be disqualified from operating a commercial motor vehicle for a minimum of 60 days. The federal regulations defines conviction as, "An unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by **an authorized administrative tribunal**, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the **payment of a fine** or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated."

#### **6. Copies of Inspection Reports**

A copy of the inspection report for the violations described in this notice was given to the driver at the time of inspection. You may request additional copies of inspection reports.

Obtain copies at this web site:

<https://www.puc.state.oh.us/secure/OMCIS/public/searchcarrierreports.aspx>

Or you may email your request to:

[cmvreports@puc.state.oh.us](mailto:cmvreports@puc.state.oh.us). Please provide the **inspection number and inspection date** in your request.



Request ID # 1399058 10/13/15e 11:10

## Detailed Inspection Report as of 9/25/2015

## CARRIER INFORMATION

## TIME/LOCATION

Carrier Name: Mia Express Inc  
 U.S. DOT#: 1121047  
 Carrier Address: 1185 Kelly Avenue  
 Akron, OH 44306  
 MC#: 547023

Report #: OH3262004721  
 Report State: OH  
 State: OH  
 Date: 8/26/2015  
 Start Time: 1550  
 End Time: 1715  
 Level: II. Walk-Around  
 Facility: Fixed Site  
 Post Crash Inspection: No  
 Hazmat Placard Required: No

## VEHICLE INFORMATION

UNIT	TYPE	MAKE	PLATE STATE	PLATE NUMBER	VIN
1	Truck Tractor	FRHT	OH	TC93741	1FUJBBCK26LV90032
2	Semi-Trailer	WANC	OH	TQM1979	1JJV532D7FL852627

## CARRIER VIOLATIONS

VIOLATION CODE	UNIT	OOS	DESCRIPTION	INCLUDED IN SMS	BASIC	REASON NOT INCLUDED IN SMS
390.21(b)	1	No	Carrier Name And/Or Usdot Number Not Displayed As Required	No		Not used in SMS Calculation
392.2IRP	1	No	Irp Apportioned Tag Or Registration Violation	No		Not used in SMS Calculation
392.2LV	Driver	No	Lane Restriction Violation	Yes	Unsafe Driving	
393.9	1	No	Inoperable Required Lamp	Yes	Vehicle Maint.	
395.8K2	Driver	Yes		Yes	HOS Compliance	

VIOLATION CODE	UNIT	OOS	DESCRIPTION	INCLUDED IN SMS	BASIC	REASON NOT INCLUDED IN SMS
			Driver Failing To Retain Previous 7 Days Records Of Duty Status			

**AMG PETERBILT**  
OF COLUMBUS**AMG Peterbilt of Columbus, LLC**8130 Corporate Blvd  
Plain City, Ohio 43064  
Phone: (614) 873-6823  
Fax: (614) 873-2884

Invoice # \_\_\_\_\_

Title To :		MIA EXPRESS INC		Date		3/13/2015	
Address		1185 KELLY AVENUE		Phone		330-896-8180	
City	AKRON	ST	OH	ZIP	44306	Fax	
County	SUMMIT			License #	License Exp.		
Tax ID #:	20-0958123	M.C. #:		547023	ICC #:		
Year	2011	Model		CAS	Color	GOLD	
Stock #	CUAY6634	Serial # 1FUJGLDR0BSAY6634					
Salesperson		Odometer 487,125					
Quantity	1	Cash Sale Price Per Unit		\$ 60,000.00	\$ 60,000.00		
Stock #	VIN #	YEAR	COLOR	Model	Mileage		
Warranty:							
<b>AS IS WHERE IS</b>							-
Declined Warranty Coverage							
Tires:							
Additional Agreements:							
<b>AS IS WHERE IS</b>							
Trade-In Information:							
2010 PETERBILT 387 MILES 679,427							
1XP7D49X5AD793332							
2006 FREIGHTLINER CENTURY MILES 947,706							
1FUJBBCK26LV90032							
					Unit Price	\$	60,000.00
					Trade Allowance	\$	52,000.00
LienHolder :					Difference to Trade	\$	-
					Payoff	\$	-
Sales Tax Rate-->					0.00%	Sales Tax	\$ -
					Doc/Title/Admin Fee	\$	350.00
					Total	\$	8,350.00
					Cash Deposit	\$	-
					Total Due	\$	8,350.00

Subject To The Terms and Conditions Set Forth On The Face  
And Reverse Side.Buyer Accepted By: Alexander Nijon Dealer Accepted By: Donna