

FILE

PUCO EXHIBIT FILING

11

Date of Hearing: 11/10/15

In the Matter of Quality :  
Fixtures Installations, :  
Notice of Apparent : Case No. 15-1103-TR-CVF  
Violation and Intent to :  
Assess Forfeiture. :

-----  
In the Matter of Mark :  
Burgess, Notice of :  
Apparent Violation and : Case No. 15-1209-TR-CVF  
Intent to Assess :  
Forfeiture. :

List of exhibits being filed:

Staff Exhibit

1 Driver/Vehicle Examination  
Report

2 Photograph

[REDACTED]

4 Photograph

5 Photograph

6 Notice of Preliminary  
Determination No. OH3284011175C

7 Notice of Preliminary  
Determination No. OH3284011175D

Reporter's Signature: AEO  
Date Submitted: \_\_\_\_\_

2015 NOV 30 PM 3:46

RECEIVED-DOCKETING DIV

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Technician PT Date Processed DEC 01 2015

## DRIVER/VEHICLE EXAMINATION REPORT



Report Number: OH3284011175

Inspection Date: 3/20/2015 Certification Date:

Time Started: 13:10 Time Ended: 14:13

Inspection Level: I - Full Inspection

HM Inspection Type: No HM Inspection

## QUALITY FIXTURES INSTALLATIONS

617 ROBIN LN

STEINHATCHEE, FL 32359

USDOT #:

Phone #: (502)689-3904

MC/MX #:

Fax #:

State #:

Driver: BURGESS, GARELL M

License #: B10091216

State: KY

Date of Birth: 12/20/1960

Location: ROAD SIDE

MilePost: 42-2

Highway: IR275

Origin: FAIRFIELD, OH

Bill of Lading: NONE

County: HAMILTON

Destination: ELIZABETHTOWN, KY

Cargo: OTHER, CONST EQUIPMENT

Shipper: QUALITY FIXTURES INSTALLATIONS

## VEHICLE IDENTIFICATION:

Unit	Type	Make	Year	State	License#	Equipment ID	Unit VIN	GVWR	CVSA #	CVSA Issued #	OOS Stkr.#
1	TR	FORD	2008	KY	7688222	NONE	1FTSW31R38ED81556	10,000			YES
2	FT	CRET	2006	FL	DASW58	NONE	5LBBE202061008336	8,178			YES

## BRAKE ADJUSTMENTS:

Axle #	1	2	3	4
Right	N/A	N/A	N/A	N/A
Left	N/A	N/A	N/A	N/A
Chamber	DISC	DISC	ELEC	ELEC

## VIOLATIONS:

Vio Code	Section	Unit	OOS	State Citation Number	Verify*	Crash	Violation Description
390.21B	390.21(b)	1	N		N	N	Carrier name and/or USDOT Number not displayed as required
391.41A-F	391.41(a)	D	N		N	N	Operating a property-carrying vehicle without possessing a valid medical certificate.
393.43	393.43	2	Y		U	N	No or improper breakaway or emergency braking was not hooked up see notes
393.95A	393.95(a)	1	N		N	N	No fire extinguisher with vehicle
393.95F	393.95(f)	1	N		N	N	No / insufficient warning devices none with vehicle
396.3A1	396.3(a)(1)	1	Y		U	N	right front steer axle tie rod end has excessive play about 1/4 of movement with hand pressure applied see notes
392.9BA-NOREG	392.9b(a)	1	N		N	N	USDOT REGISTRATION REQUIRED. Operating a commercial motor vehicle in interstate commerce without a USDOT Registration.

\* 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 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: ESCORTED DRIVER AND VEHICLE TO THE SHARONVILLE EXIT SO HE COULD MAKE REPAIRS. TOLD HIM TOO CALL A ROAD SERVICE

Report Prepared By:

D A Fowler

Badge #:

3284

Copy Received By:

BURGESS, GARELL M

Page 1 of 2



OH3284011175

# DRIVER/VEHICLE EXAMINATION REPORT



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## QUALITY FIXTURES INSTALLATIONS

617 ROBIN LN  
 STEINHATCHEE, FL 32359

USDOT #: Phone #: (502)689-3904

MC/MX #: Fax #:

State #: State: KY

Driver: BURGESS, GARELL M

License #: B10091216

Date of Birth: 12/20/1960

## 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: N	Driver Address: 323 CHURCH ST
Driver City: VINE GROVE	Driver State: KY
Driver Zip: 40175	Photos Taken (Y/N): Y
Reason Code: OBVI	FMCSA Credentials Verified-Y/N: N
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.

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 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:  
 D A Fowler

Badge #:  
 3284

Copy Received By:  
 BURGESS, GARELL M

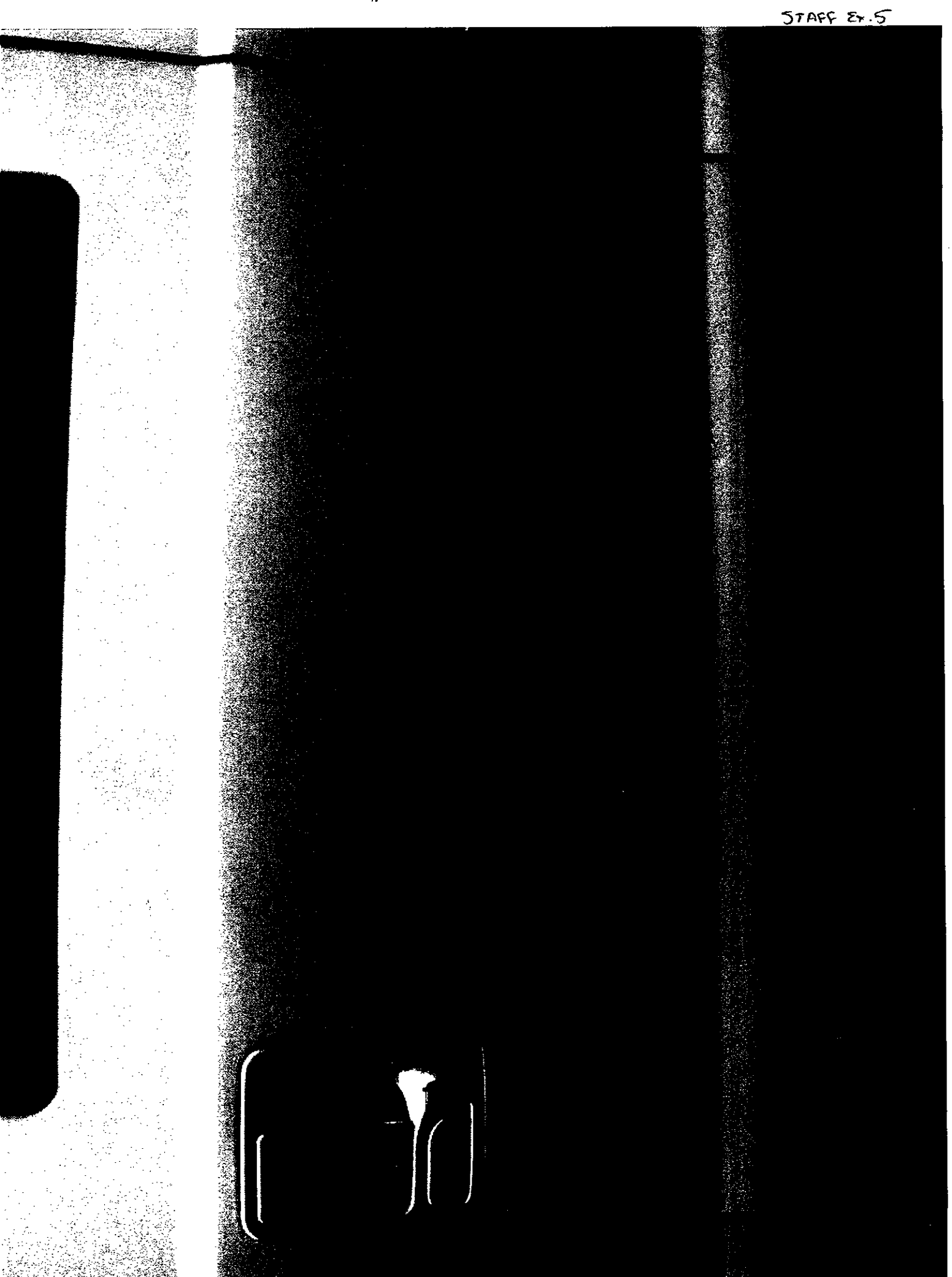
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OH3284011175









# Public Utilities Commission

John R. Kasich, Governor  
Andre Porter, Chairman

## Commissioners

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

05/29/2015

OH3284011175C  
DUSTIN BASS  
617 ROBIN LN  
STEINHATCHEE, FL 32359

RE: **NOTICE OF PRELIMINARY  
DETERMINATION**

Case No. OH3284011175C

Dear Sir or Madam:

On 03/20/2015, a vehicle operated by QUALITY FIXTURES INSTALLATIONS, and driven by GARELL M BURGESS, 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 QUALITY FIXTURES INSTALLATIONS (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
393.95A	0	No fire extinguisher with vehicle	
393.95F	0	No / insufficient warning devices none with vehicle	
393.43	2	No or improper breakaway or emergency braking was not hooked up see notes	
396.3A1	3	right front steer axle tie rod end has excessive play about 1/4 of movement with hand pressure applied see notes	
390.21B	4	Carrier name and/or USDOT Number not displayed as required	100.00
392.9BA-NOR4		USDOT REGISTRATION REQUIRED. Operating a commercial motor vehicle in interstate commerce without a USDOT Registration.	500.00
		Total of Group 0	0.00
		Total of Group 2	50.00
		Total of Group 3	40.00
		Total of Group 4	600.00

**TOTAL AMOUNT DUE: \$690.00**

180 East Broad Street  
Columbus, Ohio 43215-3793

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

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# Public Utilities Commission

John R. Kasich, Governor  
Andre Porter, Chairman

## Commissioners

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

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 QUALITY FIXTURES INSTALLATIONS in the following amount:

CODE	GROUP	VIOLATION	FORFEITURE
393.95A	0	No fire extinguisher with vehicle	
393.95F	0	No / insufficient warning devices none with vehicle	
393.43	2	No or improper breakaway or emergency braking was not hooked up see notes	
396.3A1	3	right front steer axle tie rod end has excessive play about 1/4 of movement with hand pressure applied see notes	
390.21B	4	Carrier name and/or USDOT Number not displayed as required	100.00
392.9BA-NOR 4		USDOT REGISTRATION REQUIRED. Operating a commercial motor vehicle in interstate commerce without a USDOT Registration.	500.00
		Total of Group 0	
		Total of Group 2	50.00
		Total of Group 3	40.00
		Total of Group 4	600.00

**TOTAL AMOUNT DUE: \$690.00**

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.





## Public Utilities Commission

John R. Kasich, Governor  
Andre Porter, Chairman

### Commissioners

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

Sincerely,

A handwritten signature in black ink that reads "Milan Orbovich".

Milan Orbovich, Director  
Transportation Department

Compliance Officer: Wanda Williams



# Public Utilities Commission

John R. Kasich, Governor  
Andre Porter, Chairman

## Commissioners

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

05/29/2015

OH3284011175D  
GARELL BURGESS  
323 CHURCH ST  
VINE GROVE, KY 40175

RE: **NOTICE OF PRELIMINARY  
DETERMINATION**  
Case No. OH3284011175D

Dear Sir or Madam:

On 03/20/2015, a vehicle operated by QUALITY FIXTURES INSTALLATIONS, and driven by GARELL M BURGESS, 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 GARELL M BURGESS (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
391.41A-F	4	Operating a property-carrying vehicle without possessing a valid medical certificate.	100.00
		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 GARELL M BURGESS in the following amount:

CODE	GROUP	VIOLATION	FORFEITURE
391.41A-F	4	Operating a property-carrying vehicle without possessing a valid medical certificate.	100.00
		Total of Group 4	100.00

**TOTAL AMOUNT DUE: \$100.00**

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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