

FILE

25

PUCO EXHIBIT FILING

Date of Hearing: 11/12/15

Case No. 15-1534-7A-CV

PUCO Case Caption: WALTER H. BAILEY

List of exhibits being filed:

STAFF Exhibits

1

2

3

RESPONDENT'S Exhibit

1

PUCO

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Technician W

Date Processed DEC 02 2015

Reporter's Signature: _____

Date Submitted: _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

In the Matter of : Case No.

Walter H. Bailey : 15-1534-TR-CVF

- - -

PROCEEDINGS

Before Kerry Sheets, Attorney Examiner, held at
the offices of the Public Utilities Commission
of Ohio, 180 East Broad Street, Hearing Room
11-C, Columbus, Ohio, on Thursday, November 12,
2015, at 10:00 A.M.

- - -

Armstrong & Okey, Inc.
222 East Town Street, 2nd Floor
Columbus, Ohio 43215
(614) 224-9481 - (800) 223-9481
Fax - (614) 224-5724

- - -

Respondent Ex. 1

FRACIEMI

DRIVER'S DAILY LOG

OFFICIAL - Deluxe Duplicate Copy
U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

YEAR:

2015

CARRIER:

Walter Bailey

MONTH:

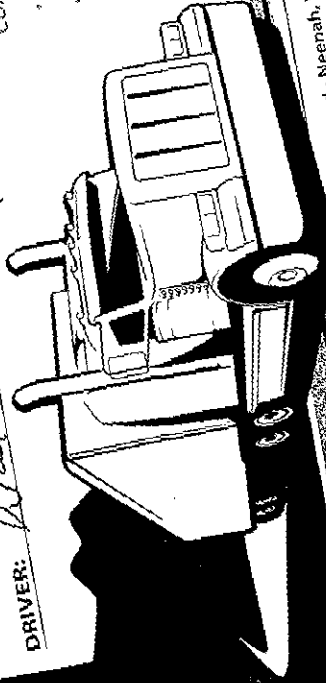
January

DRIVER:

Walter Bailey

CONTAINS:

- REGULATIONS
- INSTRUCTIONS
- DAILY VEHICLE INSPECTION REPORT
- MONTHLY LOG SUMMARY



8527 (Rev. 7/14)



7 55547 00797 4

J.J. Keller & Associates, Inc.
Since 1953

Printed in the United States

DRIVER'S DAILY LOG

24 HOURS

276 276

IMBES Driving License Date, Atlanta, Ga.

4-037

Truck/Tractor and Trailer Numbers or License Plate(s) State (show each unit)

Month Year

Day

Walter Bailey

Ranklin, Virginia

Ranklin, Virginia

Ranklin, Virginia

Ranklin, Virginia

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Ranklin, Virginia

RECAP

Complete at end of workday

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70 hour/8 Day Drivers

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70 hour/8 Day Drivers

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70 hour/8 Day Drivers

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70 hour/8 Day Drivers

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70 hour/8 Day Drivers

Signature of Driver at end of trip

Signature of Employer at end of trip

Signature of Carrier at end of trip

Signature of Office at end of trip

Signature of Office at end of trip

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Month Year

Day

Walter Bailey

Ranklin, Virginia

Ranklin, Virginia

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Use Time Standard at Home Terminal



WALTON'S DAILY LOG

6-12-2015

291 291

Walter Barker
Pamplin, Virginia
Pamplin, Virginia

4-037

Track Location and History Numbers of
Driver's License - Some States (each unit)

I certify these entries are true and correct.
Walter Barker
Driver's Signature

On Driver's Name

FT DUTY
LEEPER
ERTH
RIVING
N DUTY
ST LARKIN

MARKS

1 2 3 4 5 6 7 8 9 10 11 12

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5 1/4
3 1/4
24

Walter Barker
Walter Barker
Walter Barker

Walter Barker
Walter Barker
Walter Barker

BIPPING
OCCUPATION

W. O. Manley at No. 1
Battledfield-Flowers

Bippet & Co. Inc. Rapley, Va

Phone:

USE TIME STANDARD AT HOME TERMINAL

0527

WALTON'S
Completed at
end of voyage.

6

On duty units
today: 1000
per 8.4.

70 Hour/
8 Day
Drivers

11

59

11

On duty/
7 Day
Drivers

A. Total hours on
duty: 1000
including time

B. Total hours
on duty:
including time

C. Total hours
on duty:
including time

D. Total hours
on duty:
including time

E. Total hours
on duty:
including time

WALTER BACKEY

6 / 3 / 2015

Walter Backey
Rampin, Virginia
Rampin, Virginia

0

Local Mils. (City, State) Total Mils. (City, State)

Each row for and Header Numbers in
each row (1-9) Show each row

Home Terminal Address

Walter Backey

Driver's Exp. Date

Co-Driver's Name

DATE

DEPART

AT

WING

DUY

DRIVER

APKS

OFF

PPINC
CUMENTS

00 Modified No.

9998 & Country

Printed

USE TIME STANDARD AT RAIL TERMINAL

USE TIME STANDARD AT RAIL TERMINAL

USE TIME STANDARD AT RAIL TERMINAL

3527



2020AV
Complete at
end of working

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70 Non/
8 Day
Drives

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107 107

Walter B. Kay
(Mortg.) (Trust) (Trust)

Prattville, Ala. Dec 1905

Sam, Virginia

4-021

Journal of Management Education, 20(6), 709-728.

(c) *Chlorophyll*

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1. *Journal of the American Medical Association*, 1997; 277: 103-107.
 2. *Journal of the American Medical Association*, 1997; 277: 108-112.
 3. *Journal of the American Medical Association*, 1997; 277: 113-117.

23

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[illegible]

1059

Drivers

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Abstract

100

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

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11-11-11

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Beethoven's Fledermaus

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3527

Super & Connectivity ✓ daily turn of life and reported and what's and were good about of duty received

11. Webster, Jan

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RECAP
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7 Day
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6 16.7 2015

Walter Bailey

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Drivers
and
100% Oil

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1. *Phragmites australis* (Cav.) Trin. ex Steud.

Dr. J. B. Jones

1.258

...the ... of ...

RIVER'S DAILY LOG

6-10-2015
(Month) (Year)

RECAP
Complete as
end of each day.

On duty hours
today (total
hours 8 & 11)

70 Hour/
5 Day
Drivers

Name of Carrier or Clients

City or State Address

Home Terminal Address

Miles Driven Today

Total Mileage Today

4-017

Tractor and Trailer Numbers on
86 Plates / State, show each unit

Driver's Full Signature

Cop Driver's Name

MD. 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 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527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 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DRIVER/VEHICLE EXAMINATION REPORT



Public Utilities Commission of Ohio
180 East Broad Street
Transportation Department
Columbus, OH 43215
Phone #: (614)466-0429 Fax #: (614)752-9274

Report Number: OH3234010221
Inspection Date: 6/10/2015 Certification Date:
Time Started: 21:40 Time Ended: 22:20
Inspection Level: III - Driver-Only Inspection
HM Inspection Type: No HM Inspection

WALTER H BAILEY
347 MOUNTAIN VIEW ROAD
PAMPLIN, VA 23958
USDOT #: 00256137
MC/MX #: 182044
State #:

Phone #: (434)248-9351
Fax #:

Driver: BAILEY, WALTER H
License #: T67528074 State: VA
Date of Birth: 3/18/1946

Location: ROADSIDE MilePost: 213
Highway: IR90 Origin: PAMPLIN, VA Bill of Lading: N/A
County: LAKE Destination: ERIE, PA Cargo: EMPTY
Shipper: N/A

VEHICLE IDENTIFICATION:

Unit	Type	Make	Year	State	License#	Equipment ID	Unit VIN	GVWR	CVSA #	CVSA Issued #	OOS Str.#
1	TT	KW	1991	VA	PY62419	04	1XKEDR9X1MJ378489	52,000			
2	ST	UTIL	2006	VA	918862TR	017	1UYVS25376M917017	65,000			

BRAKE ADJUSTMENTS: No brake measurements recorded.

VIOLATIONS :

Vio Code	Section	Unit	OOS	State Citation Number	Verify*	Crash	Violation Description
395.8K2	395.8(k)(2)	D	Y		N	N	Driver failing to retain previous 7 days records of duty status, last log found was 05/31/15
392.3-I	392.3	D	Y		N	N	Illness - Operate a CMV while impaired by illness or other cause.
392.2	392.2	D	N	152151	N	N	Violation of Local Laws - 4511.33 Marked Lane Violation

* N - Non-OOS or Driver OOS Violation

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: Tpr Day U-0736

Court Code 4320
OHP280736061020152151
Driver was transported to hospital before I arrived
Trooper stopped driver for Marked Lane violation
No alcohol detected, but driver seemed confused, impaired, and his story did not make sense
Driver told Trooper he was diabetic and did not drink alcohol
I was unable to view Medical Card
Driver told Trooper he left home in VA and on his way to Erie, PA to pick up a load (he was WB on 90)
Driver had a log book, but last entry was Off Duty 05/31/15
2 brand new log books were in cab with no entries
Trooper followed up with hospital and was told driver did have some type of medical condition and tests were being run

Changed driver's CDL number from T675137 to T67528074 on 06/23/2015 by dfe per jrf.

Special Study Fields:

Special Study1:	Special Study6:
Special Study2:	Special Study7:
Special Study3:	Special Study8:
Special Study4:	Special Study9:
Special Study5:	Special Study10:



Report Prepared By: C M Hilling Badge #: 3234 Copy Received By: BAILEY, WALTER H Page 1 of 2



OH3234010221

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DRIVER/VEHICLE EXAMINATION REPORT



Public Utilities Commission of Ohio
180 East Broad Street
Transportation Department
Columbus, OH 43215
Phone #: (614)466-0429 Fax #: (614)752-9274

Report Number: OH3234010221
Inspection Date: 6/10/2015 Certification Date:
Time Started: 21:40 Time Ended: 22:20
Inspection Level: III - Driver-Only Inspection
HM Inspection Type: No HM Inspection

WALTER H BAILEY
347 MOUNTAIN VIEW ROAD
PAMPLIN, VA 23958
USDOT #: 00256137 Phone #: (434)248-9351
MC/MX #: 182044 Fax #:
State #:

Driver: BAILEY, WALTER H
License #: T67528074 State: VA
Date of Birth: 3/18/1946

Locally Defined Fields:

For-Hire Carrier: Y	Fatalities (Y/N): N
Driver Address: 347 MOUNTAIN VIEW RD	Driver City: PAMPLIN
Driver State: VA	Driver Zip: 23958
Photos Taken (Y/N): Y	Reason Code: TRAF
FMCSA Credentials Verified-Y/N: Y	CDL Verified (Y/N): Y
FMCSA OOS Order Issued(Y/N): N	

I hereby declare WALTER H. BAILEY "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:0740 on 06/11/15 AND no longer impaired

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 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:
C M Hilling

Badge #:
3234

Copy Received By:
BAILEY, WALTER H

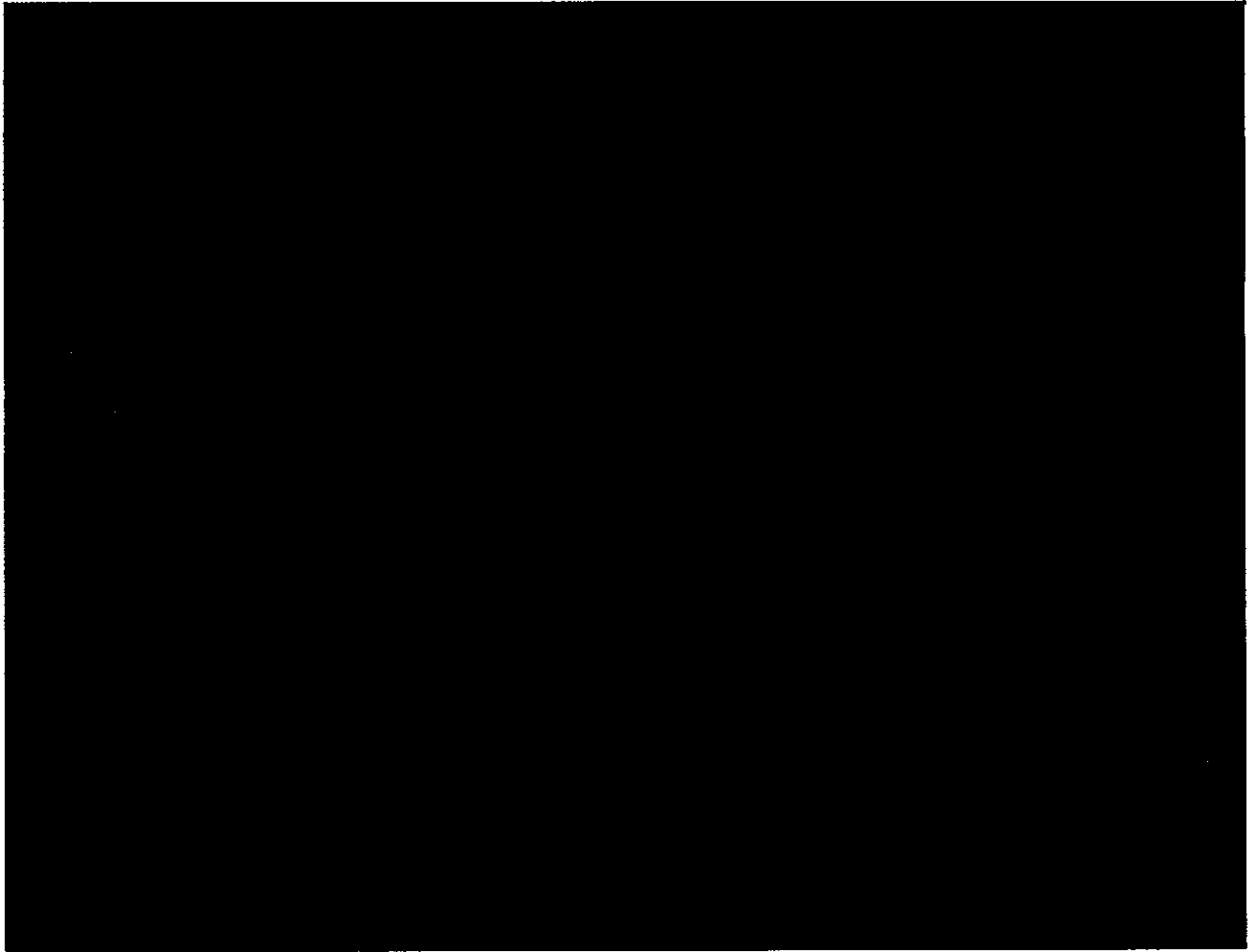
Page 2 of 2



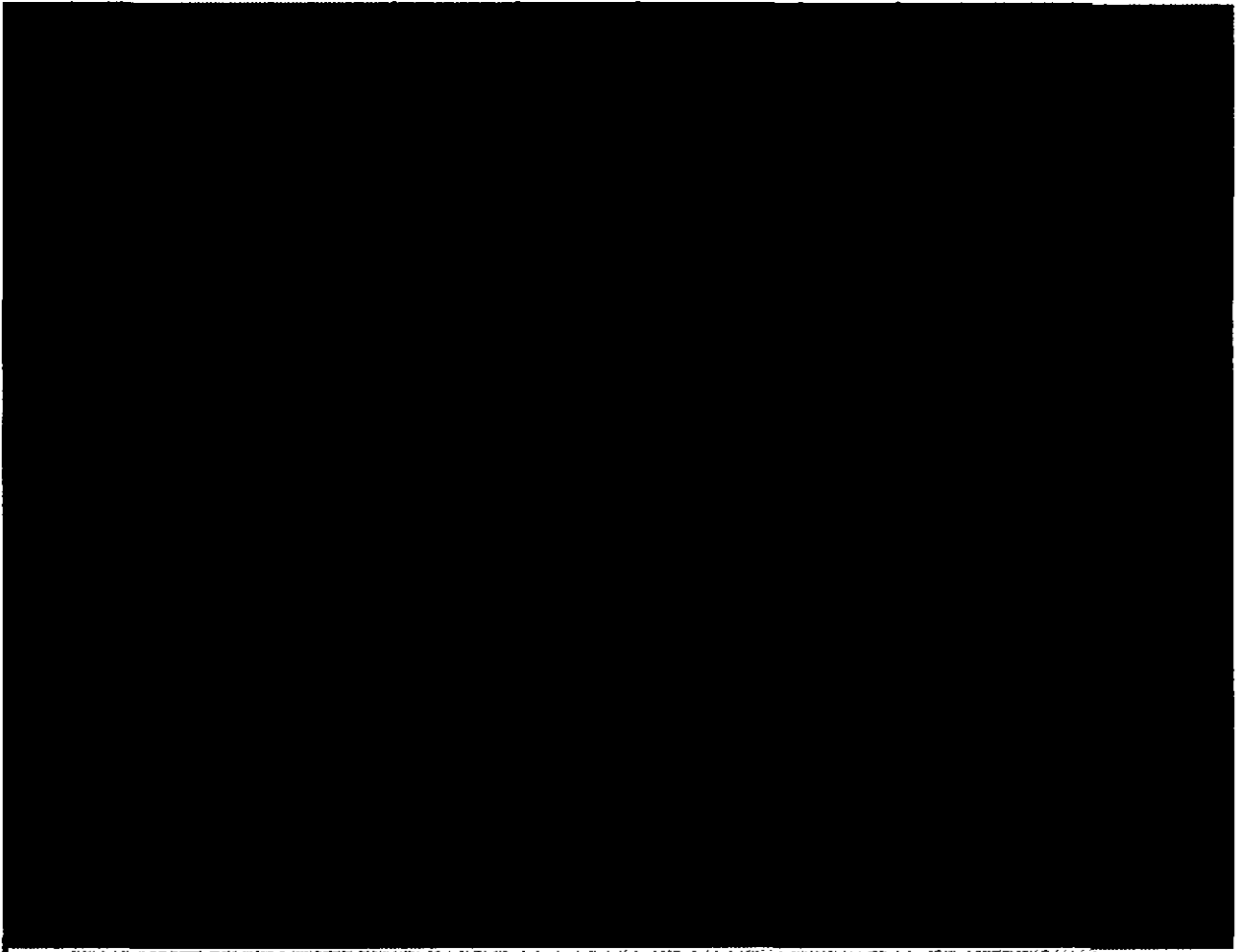
OH3234010221

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PENGAD 800-631-6883
EXHIBIT
Staff
2





DRIVER'S DAILY LOG

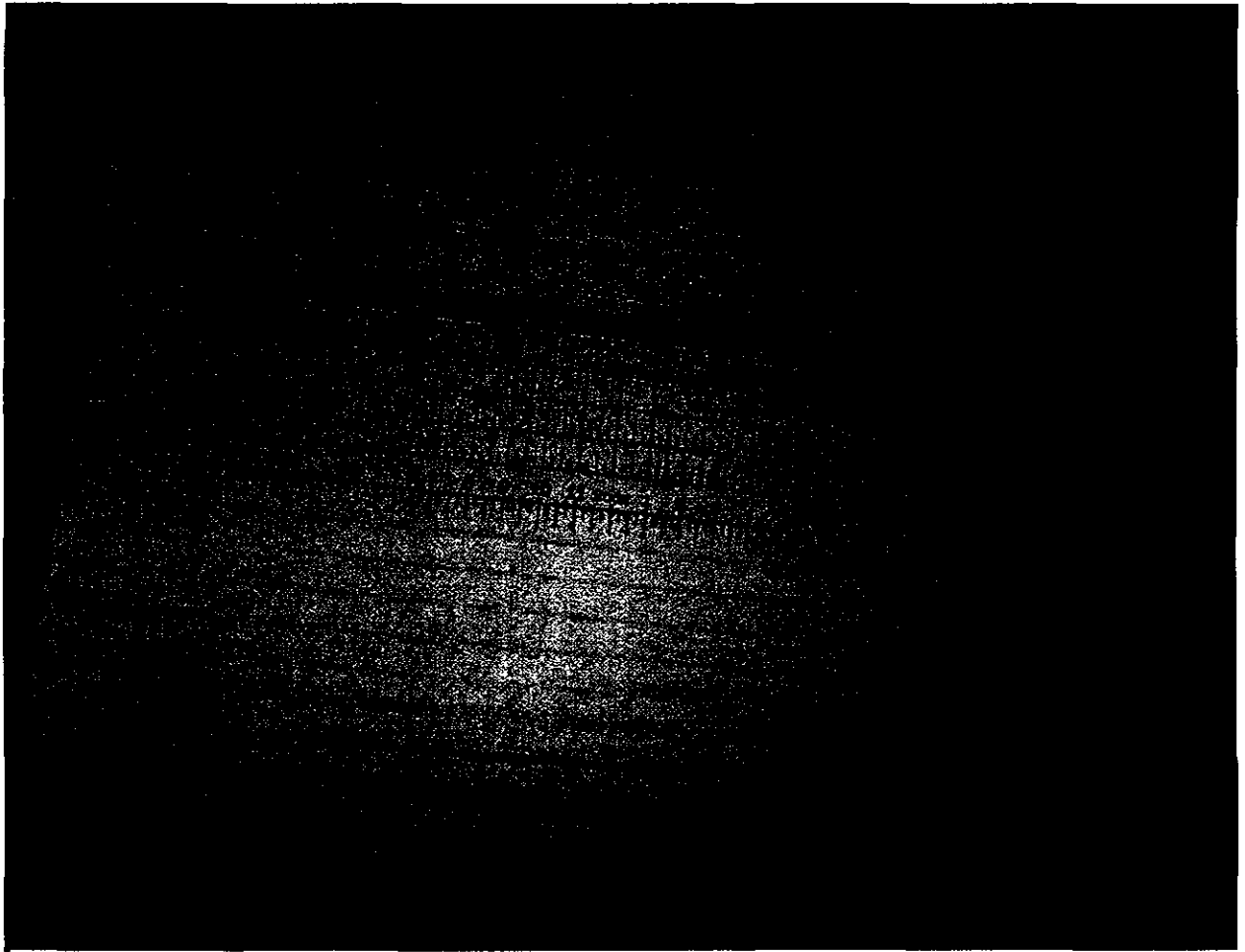
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

- REGULATIONS
- INSTRUCTIONS
- MONTHLY LOG SUMMARY
- DAILY VEHICLE INSPECTION

MONTH: _____ YEAR: _____

CARRIER: _____

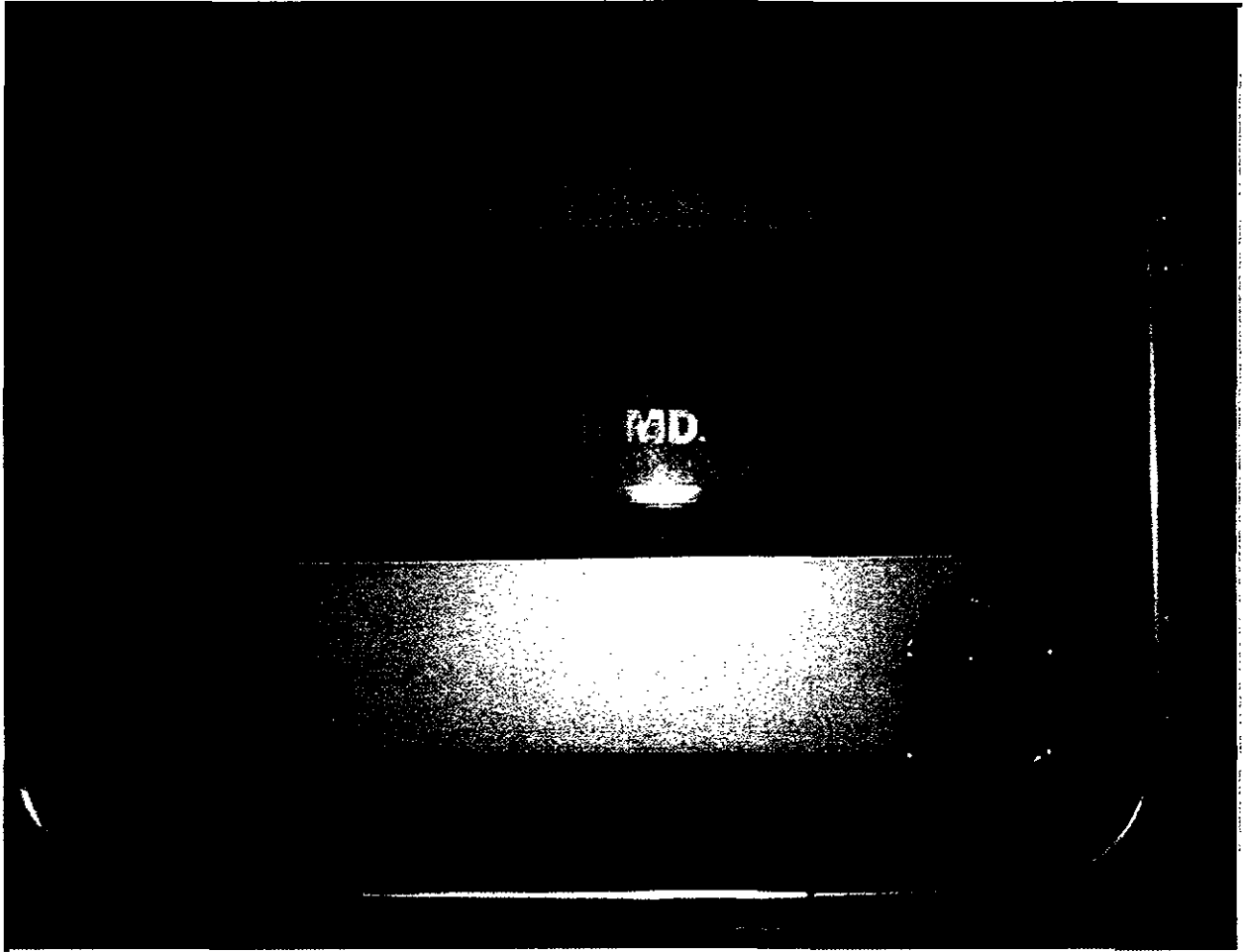
GENERAL DAILY LOG DISTRIBUTION



918-8621

PERMANENT TRANSFER





VIRGINIA
Y62-419



Public Utilities Commission

John R. Kasich, Governor
Andre Porter, Chairman

Commissioners

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

08/09/2015

OH3234010221D

Mr. Walter H. Bailey
347 MOUNTAIN VIEW RD
PAMPLIN, VA 23958

RE: **NOTICE OF PRELIMINARY
DETERMINATION**
Case No. OH3234010221D

Dear Sir or Madam:

On 06/10/2015, a vehicle operated by WALTER H BAILEY, and driven by WALTER H BAILEY, 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 WALTER H BAILEY (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
395.8K2	1	Driver failing to retain previous 7 days records of duty status. last log found was 05/31/15	
392.3-1	4	Illness - Operate a CMV while impaired by illness or other cause.	100.00
		Total of Group 1	100.00
		Total of Group 4	100.00

TOTAL AMOUNT DUE: \$200.00

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 WALTER H BAILEY 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

An equal opportunity employer





Public Utilities Commission

John R. Kasich, Governor
Andre Porter, Chairman

Commissioners

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

395.8K2	1	Driver failing to retain previous 7 days records of duty status, last log found was 05/31/15	
392.3-I	4	Illness - Operate a CMV while impaired by illness or other cause.	100.00
		Total of Group 1	100.00
		Total of Group 4	100.00

TOTAL AMOUNT DUE: \$200.00

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