

FILE

PUCO EXHIBIT FILING

Date of Hearing: 1/21/16

Case No. 15-1552-TA-CUF

PUCO Case Caption: Louis J Valters

List of exhibits being filed:

STAFF Exhibits

1 NOTICE OF PRELIMINARY DETERMINATION

2 DRIVER/VEHICLE EXAMINATION REPORT

Reporter's Signature: Michael O. Spencer

Date Submitted: 1/28/16

PUCO

2016 FEB -2 PM 3:42

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BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

In the Matter of :
Louis J. Walters Notice : Case No.
of Apparent Violation and : 15-1552-TR-CVF
Intent to Assess Forfeiture :

- - -

PROCEEDINGS

Before Sarah Parrot, Attorney Examiner, held at
the Public Utilities Commission of Ohio, 180
East Broad Street, Hearing Room 11-C, Columbus,
Ohio, on Thursday, January 21, 2016, 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

- - -

Staff Ex. 1



Public Utilities Commission

John R. Kasich, Governor
Andre Porter, Chairman

Commissioners

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

07/12/2015

OH3225006219D
Mr. Louis J. Walters II
32 AMY DRIVE
PITTSBURGH, PA 15205

RE: **NOTICE OF PRELIMINARY
DETERMINATION**
Case No. OH3225006219D

Dear Sir or Madam:

On 05/04/2015, a vehicle operated by CLEAN TEXTILES SYSTEM, and driven by LOUIS J WALTERS II, 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 LOUIS J WALTERS II (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 |
|--------|-------|---|------------|
| 392.16 | 4 | Failing to use seat belt while operating CMV. Blue and white dress shirt, black belt, Driver viewed not wearing seat belt. | 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 LOUIS J WALTERS II in the following amount:

| CODE | GROUP | VIOLATION | FORFEITURE |
|--------|-------|---|------------|
| 392.16 | 4 | Failing to use seat belt while operating CMV. Blue and white dress shirt, black belt, Driver viewed not wearing seat belt. | 100.00 |
| | | Total of Group 4 | 100.00 |

180 East Broad Street
Columbus, Ohio 43215-3793

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

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Public Utilities Commission

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Andre Porter, Chairman

Commissioners

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

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: Cheryl Streets

Staff Ex. 2

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: OH3225006219
Inspection Date: 5/4/2015 Certification Date:
Time Started: 07:50 Time Ended: 08:10
Inspection Level: III - Driver-Only Inspection
HM Inspection Type: No HM Inspection

CLEAN TEXTILES SYSTEMS

40 51ST STREET
PITTSBURGH, PA 15201
USDOT #: 00394016
MC/MX #:
State #:

Phone #: (412)687-7900

Fax #:

Driver: WALTERS II, LOUIS J
License #: 19385605 State: PA
Date of Birth: 7/29/1961

Location: TURN PIKE
Highway: TP 76
County: MAHONING
Shipper: CARRIER

MilePost: 237
Origin: PITTSBURGH, PA
Destination: WARREN, OH

Bill of Lading: N/A
Cargo: GENERAL FREIGHT

VEHICLE IDENTIFICATION:

| Unit | Type | Make | Year | State | License# | Equipment ID | Unit VIN | GVWR | CVSA # | CVSA Issued # | OOS Stkr.# |
|------|------|------|------|-------|----------|--------------|-------------------|--------|--------|---------------|------------|
| 1 | TR | INTL | 2007 | PA | ZDN0850 | 1 | 1HTMMAAL57H524909 | 25,999 | | | |

BRAKE ADJUSTMENTS: No brake measurements recorded.

VIOLATIONS :

| Vio Code | Section | Unit | OOS | State Citation Number | Verify* | Crash | Violation Description |
|----------|---------|------|-----|-----------------------|---------|-------|--|
| 392.16 | 392.16 | D | N | | N | N | Failing to use seat belt while operating CMV. Blue and white dress shirt, black belt, Driver viewed not wearing seat belt. |

* 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 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: Driver commented that he had removed his seat belt to pick up paper work that had fallen to the floor of cab, afterwards he had put his seat belt back on.

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 | Fatalities (Y/N): N |
| Driver Address: 32 AMY DRIVE | Driver City: PITTSBURGH |
| Driver State: PA | Driver Zip: 15205 |
| Photos Taken (Y/N): N | Supplemental Report #: N |
| Co-Investigator #: N | Reason Code: OBVI |
| Paper Report #: N | FMCSA Credentials Verified-Y/N: Y |
| CDL Verified (Y/N): N | FMCSA OOS Order Issued(Y/N): N |
| Crash Report #: N | Orig Seal Placed by(C/D/S/U): N |

Report Prepared By:
John Brayer

Badge #:
3225

Copy Received By:
WALTERS II, LOUIS J

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OH3225006219

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X

DRIVER/VEHICLE EXAMINATION REPORT



Public Utilities Commission of Ohio
180 East Broad Street
Transportation Department
Columbus, OH 43215
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Inspection Level: III - Driver-Only Inspection
HM Inspection Type: No HM Inspection

CLEAN TEXTILES SYSTEMS

40 51ST STREET
PITTSBURGH, PA 15201

USDOT #: 00394016

Phone #: (412)687-7900

MC/MX #:

Fax #:

State #:

Driver: WALTERS II, LOUIS J
License #: 19385605 State: PA
Date of Birth: 7/29/1961

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, TARD - 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:
John Brayer

Badge #:
3225

Copy Received By:
WALTERS II, LOUIS J

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OH3225006219