

FILE

PUCO EXHIBIT FILING

Date of Hearing: 1/26/16

Case No. 15-1521-TR-CVF

PUCO Case Caption: _____

Tommy Shad

List of exhibits being filed:

Staff 1, 2, 3 and 4

Respondent 1

Reporter's Signature: Michael O. Spencer

Date Submitted: 2/2/16

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STATE OF OHIO
DEPARTMENT OF EDUCATION

- - -

In the Matter of Tommy Shad :
Notice of Apparent Violation : Case No.
and Intent to Assess : 15-1521-TR-CVF
Forfeiture. :

- - -

PROCEEDINGS

Before Nicholas Walstra, Attorney Examiner, held
at the offices of the Public Utilities
Commission of Ohio, 180 East Broad Street,
Hearing Room 11-D, Columbus, Ohio, on Tuesday,
January 26, 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

- - -

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: OH3267009705
Inspection Date: 7/8/2015 Certification Date: 07/16/2015
Time Started: 13:16 Time Ended: 14:30
Inspection Level: III - Driver-Only Inspection
HM Inspection Type: No HM Inspection

BRIDGE TERMINAL TRANSPORT SERVICES INC
9140 ARROWPOINT BLVD SUITE 300
CHARLOTTE, NC 28273
USDOT #: 00688143 Phone #: (704)571-2243
MC/MX #: 164032 Fax #:
State #:

Driver: SHAD, TOMMY L
License #: RL227242 State: OH
Date of Birth: 1/20/1954

Intermodal Equipment Provider Information

☒ Did the IEP provide the driver space to perform a pre-trip inspection? ☒ Did the driver perform a pre-trip inspection?

Location: ROADSIDE MilePost: 130
Highway: 77 Origin: CLEVELAND, OH Bill of Lading: 11814129900401
County: SUMMIT Destination: AKRON, OH Cargo: GENERAL FREIGHT
Shipper: BRIDGE TERMINAL-CLEVELAND

VEHICLE IDENTIFICATION:

| Unit | Type | Make | Year | State | License# | Equipment ID | Unit VIN | GVWR | CVSA # | CVSA Issued # | OOS Stkr.# |
|------|---------------------|------|------|-------|----------------------|--------------|-------------------|--------|--------|---------------|------------|
| 1 | TT | FRHT | 2000 | OH | PIK1133 | 118175 | 1FUPCSZB1YLF00857 | 52,000 | | | |
| 2 | IC | AJAX | 1995 | ME | 1875696 | TLXZ 426181 | 1AJC40251S1006971 | 73,700 | | | |
| Unit | Cargo Seal Removed# | | | | Cargo Seal Replaced# | | | | | | |
| 2 | DFU6237 | | | | 0001415 | | | | | | |

BRAKE ADJUSTMENTS: No brake measurements recorded.

VIOLATIONS :

| Vio Code | Section | Unit | OOS | State Citation Number | Verify* | Crash | Violation Description |
|----------|--------------|------|-----|-----------------------|---------|-------|---|
| 383.23A2 | 383.23(a)(2) | D | Y | | N | N | Operating a CMV without a CDL; DRIVING AN INTERNATIONAL MOVE WITH AN INTRASTATE RESTICTION ON THE CDL. |
| 392.82A1 | 392.82(a)(1) | D | N | | N | N | Using a hand-held mobile telephone while operating a CMV; DRIVING WHILE USING A HAND HELD COMMUNICATION DEVICE. |

* 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: OBVI: DRIVING WHILE USING A HAND HELD COMMUNICATION DEVICE, DRIVING AN INTERNATIONAL LOAD WITH A INTRASTATE RESTRICTION ON THE DRIVER'S CDL.

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: 4171 MARKS RD. |
| Driver City: MEDINA | Driver State: OH |
| Driver Zip: 44256 | Photos Taken (Y/N): Y |

Report Prepared By:
R Bell

Badge #:
3267

Copy Received By:
SHAD, TOMMY L

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OH3267009705

X

X

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: OH3267009705
Inspection Date: 7/8/2015 Certification Date: 07/16/2015
Time Started: 13:16 Time Ended: 14:30
Inspection Level: III - Driver-Only Inspection
HM Inspection Type: No HM Inspection

BRIDGE TERMINAL TRANSPORT SERVICES INC

9140 ARROWPOINT BLVD SUITE 300

CHARLOTTE, NC 28273

USDOT #: 00688143

Phone #: (704)571-2243

MC/MX #: 164032

Fax #:

State #:

Driver: SHAD, TOMMY L

License #: RL227242

State: OH

Date of Birth: 1/20/1954

Reason Code: OBVI

FMCSA Credentials Verified-Y/N: Y

CDL Verified (Y/N): Y

FMCSA OOS Order Issued(Y/N): Y

I hereby declare TOMMY L. SHAD "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 Driver has Proper CDL RESTRICTIONS

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

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:

R Bell

Badge #:

3267

Copy Received By:

SHAD, TOMMY L

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OH3267009705

X

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INTERMODAL EQUIPMENT PROVIDER 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: OH3267009705
Inspection Date: 7/8/2015 Certification Date: 07/16/2015
Time Started: 13:16 Time Ended: 14:30
Inspection Level: III - Driver-Only Inspection
HM Inspection Type: No HM Inspection

INTERMODAL EQUIPMENT PROVIDER INFORMATION

Name: Chicago Ohio Valley Consolidated Chassis Pool, LLC
US DOT#: 01962242 Data Source: Intermodal Equipment Web Service Look-up

MOTOR CARRIER INFORMATION

BRIDGE TERMINAL TRANSPORT SERVICES INC Driver: SHAD
9140 ARROWPOINT BLVD SUITE 300
CHARLOTTE, NC 28273
USDOT #: 00688143 Phone #: (704)571-2243
MC/MX #: 164032 Fax #:
State #:
Origin: CLEVELAND, OH Destination: AKRON, OH

☒ Did the IEP provide the driver space to perform a pre-trip inspection? ☒ Did the driver perform a pre-trip inspection?

VEHICLE IDENTIFICATION

| Unit Type | Make | Year | State | License# | Equipment ID | Unit VIN | GVWR | Issued Decal# | Existing Decal# | OOS Stkr.# |
|-----------|------|------|-------|----------|--------------|-------------|-------------------|---------------|-----------------|------------|
| 2 | IC | AJAX | 1995 | ME | 1875696 | TLXZ 426181 | 1AJC40251S1006971 | 73,700 | | |

Brake Adjustments : No brake adjustments recorded.

VIOLATIONS ATTRIBUTABLE TO THE INTERMODAL EQUIPMENT PROVIDER : No violations were discovered

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:

R Bell

Badge #:

3267

Copy Received By:

Drivers Initials

Page 1 of 1



OH3267009705

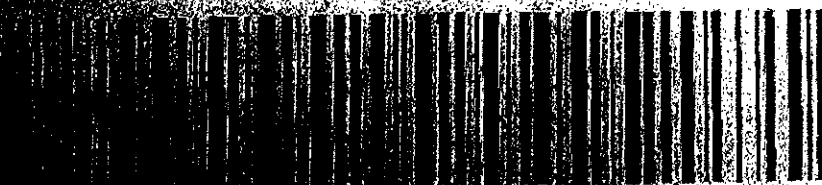
X X

FROM:

SHENYANG DESHENG MOTOR CO LTD
SHENYANG RD
SHENYANG TOWNSHUNDE CITY
LIAONING PROV

TO:

IMPERIAL ELECTRIC
1503 EXETER ROAD
AKRON OH 44306



01243002

MOTORCYCLE

DOUBLE/TRIPLE TRAILER

RESTRICTIONS: FOR INTRASTATE ONLY

CERTIFIED NON-EXCEPTED -- INTRASTATE

PERMIT REQUIRED -- PERMIT COMPLETED



Public Utilities Commission

John R. Kasich, Governor
Andre Porter, Chairman

Commissioners

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

08/28/2015

OH3267009705D
Mr. Tommy L. Shad
4171 MARKS RD.
MEDINA, OH 44256

RE: **NOTICE OF PRELIMINARY
DETERMINATION**
Case No. OH3267009705D

Dear Sir or Madam:

On 07/08/2015, a vehicle operated by XPO DRAYAGE INC, and driven by TOMMY L SHAD, 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 TOMMY L SHAD (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 |
|----------|-------|---|------------|
| 383.23A2 | 4 | Operating a CMV without a CDL: DRIVING AN INTERNATIONAL MOVE WITH AN INTRASTATE RESTICTION ON THE CDL. | 250.00 |
| 392.82A1 | 4 | Using a hand-held mobile telephone while operating a CMV: DRIVING WHILE USING A HAND HELD COMMUNICATION DEVISE. | 250.00 |
| | | Total of Group 4 | 500.00 |

TOTAL AMOUNT DUE: \$500.00

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 TOMMY L SHAD in the following amount:

| CODE | GROUP | VIOLATION | FORFEITURE |
|----------|-------|--|------------|
| 383.23A2 | 4 | Operating a CMV without a CDL: DRIVING AN INTERNATIONAL MOVE WITH AN INTRASTATE RESTICTION ON THE CDL. | 250.00 |

180 East Broad Street
Columbus, Ohio 43215-3793

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

An equal opportunity employer and service provider



Public Utilities Commission

John R. Kasich, Governor
Andre Porter, Chairman

Commissioners

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

| | | | |
|----------|---|--|--------|
| 392.82A1 | 4 | Using a hand-held mobile telephone while operating a CMV: DRIVING WHILE USING A HAND HELD COMMUNICATION DEVISE. | 250.00 |
| | | Total of Group 4 | 500.00 |

TOTAL AMOUNT DUE: \$500.00

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



Invoice Number Account Number Date Due Page

3277911114 988268292-00001508/17/15 9 of 15

Detail for Chadsky Inc: 330-421-0648

Voice, continued

Att. Joe Turek
Case No. OH32670097050

| Date | Time | Number | Rate | Usage Type | Origination | Destination | Min. | Airtime Charges | Long Dist/ Other Chgs | Total |
|-------|--------|--------------|------|---------------------------|---------------|---------------|------|-----------------|-----------------------|-------|
| 07/08 | 9:23A | 216-252-3907 | Peak | PlanAllow | Cleveland OH | Cleveland OH | 2 | -- | -- | -- |
| 07/08 | 10:16A | 216-296-2994 | Peak | M2MAIlow | Akron OH | Incoming CL | 2 | -- | -- | -- |
| 07/08 | 10:33A | 216-749-4975 | Peak | PlanAllow | Akron OH | Cleveland OH | 4 | -- | -- | -- |
| 07/08 | 10:58A | 330-419-3259 | Peak | PlanAllow | Akron OH | Sharon Ctr OH | 26 | -- | -- | -- |
| 07/08 | 11:41A | 330-419-3259 | Peak | PlanAllow | Brecksvill OH | Sharon Ctr OH | 5 | -- | -- | -- |
| 07/08 | 12:02P | 330-419-3259 | Peak | PlanAllow | Maple Heig OH | Incoming CL | 3 | -- | -- | -- |
| 07/08 | 12:04P | 216-780-1309 | Peak | M2MAIlow,CallWait | Maple Heig OH | Incoming CL | 1 | -- | -- | -- |
| 07/08 | 2:11P | 216-252-3907 | Peak | PlanAllow | Akron OH | Cleveland OH | 3 | -- | -- | -- |
| 07/08 | 2:22P | 330-734-3600 | Peak | PlanAllow | Akron OH | Akron OH | 3 | -- | -- | -- |
| 07/08 | 2:30P | 216-252-3907 | Peak | PlanAllow | Akron OH | Cleveland OH | 13 | -- | -- | -- |
| 07/08 | 2:47P | 330-769-0330 | Peak | PlanAllow | Akron OH | Seville OH | 3 | -- | -- | -- |
| 07/08 | 2:50P | 216-470-2818 | Peak | M2MAIlow | Akron OH | Cleveland OH | 6 | -- | -- | -- |
| 07/08 | 2:59P | 216-252-3907 | Peak | PlanAllow | Akron OH | Cleveland OH | 3 | -- | -- | -- |
| 07/08 | 3:03P | 216-470-2818 | Peak | M2MAIlow | Akron OH | Cleveland OH | 5 | -- | -- | -- |
| 07/08 | 3:10P | 216-470-2818 | Peak | M2MAIlow | Akron OH | Cleveland OH | 1 | -- | -- | -- |
| 07/08 | 3:17P | 843-796-9722 | Peak | PlanAllow | Norton OH | Wmyrtlebc SC | 10 | -- | -- | -- |
| 07/08 | 3:27P | 614-449-2529 | Peak | PlanAllow,CallWait | Copley OH | Incoming CL | 1 | -- | -- | -- |
| 07/08 | 3:27P | 614-449-2529 | Peak | PlanAllow | Norton OH | Columbus OH | 1 | -- | -- | -- |
| 07/08 | 3:27P | 614-449-2529 | Peak | PlanAllow | Norton OH | Columbus OH | 11 | -- | -- | -- |
| 07/08 | 3:39P | 216-470-2818 | Peak | M2MAIlow | Akron OH | Cleveland OH | 8 | -- | -- | -- |
| 07/08 | 3:48P | 216-252-3907 | Peak | PlanAllow | Akron OH | Cleveland OH | 4 | -- | -- | -- |
| 07/08 | 3:51P | 954-330-1907 | Peak | PlanAllow | Akron OH | Flauderdl FL | 5 | -- | -- | -- |
| 07/08 | 3:58P | 321-759-0265 | Peak | PlanAllow | Norton OH | Cocoa FL | 1 | -- | -- | -- |
| 07/08 | 4:05P | 614-449-2529 | Peak | PlanAllow | Akron OH | Columbus OH | 2 | -- | -- | -- |
| 07/08 | 4:07P | 614-449-2529 | Peak | PlanAllow | Akron OH | Columbus OH | 1 | -- | -- | -- |
| 07/08 | 4:07P | 000-000-0086 | Peak | PlanAllow,CallVM | Akron OH | Voice Mail CL | 1 | -- | -- | -- |
| 07/08 | 4:08P | 614-449-2529 | Peak | PlanAllow | Akron OH | Columbus OH | 1 | -- | -- | -- |
| 07/08 | 4:08P | 614-449-2529 | Peak | PlanAllow | Akron OH | Columbus OH | 2 | -- | -- | -- |
| 07/08 | 4:10P | 614-449-2529 | Peak | PlanAllow | Akron OH | Columbus OH | 2 | -- | -- | -- |
| 07/08 | 4:14P | 614-449-2529 | Peak | PlanAllow | Akron OH | Columbus OH | 2 | -- | -- | -- |
| 07/08 | 4:16P | 321-759-0265 | Peak | PlanAllow | Akron OH | Incoming CL | 9 | -- | -- | -- |
| 07/08 | 4:24P | 954-330-1907 | Peak | PlanAllow | Akron OH | Flauderdl FL | 15 | -- | -- | -- |
| 07/08 | 4:54P | 614-449-2529 | Peak | PlanAllow | Akron OH | Columbus OH | 1 | -- | -- | -- |
| 07/08 | 4:55P | 000-000-0086 | Peak | PlanAllow,CallVM,ContCall | Akron OH | Voice Mail CL | 1 | -- | -- | -- |
| 07/08 | 4:55P | 614-449-2529 | Peak | PlanAllow | Akron OH | Columbus OH | 1 | -- | -- | -- |
| 07/08 | 4:56P | 000-000-0086 | Peak | PlanAllow,CallVM | Copley OH | Voice Mail CL | 2 | -- | -- | -- |
| 07/08 | 5:13P | 321-759-0265 | Peak | PlanAllow | Independen OH | Incoming CL | 5 | -- | -- | -- |
| 07/08 | 5:18P | 216-749-4975 | Peak | PlanAllow | Cleveland OH | Cleveland OH | 1 | -- | -- | -- |
| 07/08 | 5:48P | 330-461-6466 | Peak | PlanAllow | Cleveland OH | Incoming CL | 3 | -- | -- | -- |
| 07/08 | 5:56P | 330-833-2428 | Peak | PlanAllow | Cleveland OH | Massillon OH | 5 | -- | -- | -- |
| 07/08 | 6:47P | 216-470-2818 | Peak | M2MAIlow | Cleveland OH | Cleveland OH | 1 | -- | -- | -- |
| 07/08 | 6:47P | 216-470-2818 | Peak | M2MAIlow | Cleveland OH | Incoming CL | 12 | -- | -- | -- |
| 07/08 | 8:18P | 843-796-9722 | Peak | PlanAllow | Medina OH | Wmyrtlebc SC | 1 | -- | -- | -- |
| 07/08 | 8:21P | 843-796-9722 | Peak | PlanAllow | Medina OH | Incoming CL | 19 | -- | -- | -- |