

FILE

24

PUCO EXHIBIT FILING

Date of Hearing: 2/11/16

Case No. 15-1573-TR-CVF

PUCO Case Caption: _____

In The Matter of Fuel up, LLC, Notice
of Apparent Violation and Assessed
Forfeiture

List of exhibits being filed:

Staff Exhibits 1-6

I am to certify that the images appearing are an
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PUCO

Reporter's Signature: Valerie Sloan
Date Submitted: 2/19/16

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

In the Matter of Full Up, :
LLC, Notice of Apparent : Case No. 15-1573-TR-CVF
Violation and Intent to :
Assess Forfeiture. :

- - -

PROCEEDINGS

before Megan Janelle Addison, Attorney Examiner, at
the Public Utilities Commission of Ohio, 180 East
Broad Street, Room D, Columbus, Ohio, called at 10:00
a.m. on Thursday, February 11, 2016.

- - -

ARMSTRONG & OKEY, INC.
222 East Town Street, Second Floor
Columbus, Ohio 43215-4620
(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: OH3202306182
Inspection Date: 7/11/2015 Certification Date:
Time Started: 13:40 Time Ended: 14:30
Inspection Level: I - Full Inspection
HM Inspection Type: Bulk Inspection

FULL UP, LLC
3381 LIBERTY RD
DELAWARE, OH 43015
USDOT #:
MC/MX #:
State #:

Phone #: (740)272-3656
Fax #: (740)368-0048

Driver: ALAHMAD, ISSA
License #: QB704811 State: OH
Date of Birth: 1/15/1965

Location: ROADSIDE (DELAWARE, OH)
Highway: 473 S SANDUSKY ST
County: DELAWARE
Shipper: CARRIER

MilePost: N/A
Origin: DELAWARE, OH
Destination: DELAWARE, OH

Bill of Lading: NONE
Cargo: HAZ MAT (ALL)

VEHICLE IDENTIFICATION:

Unit Type	Make	Year	State	License#	Equipment ID	Unit VIN	GVWR	CVSA #	CVSA Issued #	OOS Stkr.#
1	TR	FORD	2002	OH	EZR4244	1	1FTRX17282KC01622	6,050		3202306182
2	ST	DOOL	2004	OH	SRU4501	1	1DGS162X3M051265	9,800		3202306182

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	HYDR	HYDR	HYDR	HYDR

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 (*NONE-no HM/Tank endorsement when required)
391.41A-F	391.41(a)	D	N		N	N	Operating a property-carrying vehicle without possessing a valid medical certificate.
177.817A	177.817(a)	1	Y		U	N	No shipping papers (carrier) *NONE
172.602A	172.602(a)	1	N		N	N	Emergency Response information not maintained with shipment
2-5-10	392.2	1	N		N	N	Company markings (Intrastate) *NONE
177.823A	177.823(a)	2	Y		U	N	Transport vehicle not placarded or marked when required (*bulk HM)
171.2A	171.2(a)	2	Y		U	N	Failure to comply with Hazardous Materials regulations-transporting Class 3 HM in an unauthorized package IBC-non specification (49 CFR 173.242)
393.102A	393.102(a)	2	Y		U	N	Improper securement system (tiedown assemblies) (*1-2" nylon webbing strap securing 2-300 gallon bulk packages

* N - Non-OOS or Driver OOS Violation; U - Unknown

HazMat: 3 Flammable,

Placard: Yes Cargo Tank: OTH

Special Checks:

- ☐ Alcohol/Controlled Substance Check
☐ Conducted by Local Jurisdiction
☐ Size and Weight Enforcement
☐ EScreening

- ☐ Traffic Enforcement
☐ PASA Conducted Inspection
☐ Drug Interdiction Search

- ☐ Post Crash Inspection
☐ PBBT Inspection
Arrests:

Report Prepared By:
P Haskins

Badge #:
3202

Copy Received By:
ALAHMAD, ISSA

Page 1 of 3



OH3202306182

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X

DRIVER/VEHICLE EXAMINATION REPORT



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FULL UP, LLC
3381 LIBERTY RD
DELAWARE, OH 43015

USDOT #:

Phone #: (740)272-3656

MC/MX #:

Fax #: (740)368-0048

State #:

Driver: ALAHMAD, ISSA
License #: QB704811 State: OH
Date of Birth: 1/15/1965

Inspection Notes: target inspection (OBVI) on 7/8/15 this office received a complaint from the Delaware OH Police & Fire Dept. regarding a hazardous materials transportation violation in the city of Delaware with a fuel facility owner transporting Class 3 HM in non-specification tanks without proper credentials. Enforcement Chief authorized this inspector to complete the investigation with enforcement as needed. On 7/11/15, I was contacted by the Delaware Police & Fire Department regarding activity of this vehicle & driver engaged in possible HM violations. The Delaware Police Department observed this vehicle loading gasoline into 2-300 gallon 31H plastic IBCs at Full Up, LLC located at 612 S. Sandusky St in Delaware OH and notified this inspector. The Delaware Police Department followed the vehicle to 473 S. Sandusky St which is also owned by Full Up, LLC & stopped the vehicle. I arrived to discover this vehicle engaged in HM transportation with a non-qualified driver, unauthorized package containing Class 3 HM & no emergency communication (placard/markings/HM shipping papers/ER information as required. The driver/owner stated that this was his second trip completing this type of movement and was not aware of the requirements although Mr. Alahmad was told by Delaware Fire Dept officials that this activity was prohibited. This company is a for-profit commercial operation where the owner owns & operates 2 facilities, however could not receive fuel deliveries under authorized conditions and elected to transport hazardous materials not in compliance with FMCSR & HMR.

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:

Loaded by Carrier (Y/N): Y

Loaded by Shipper (Y/N): N

Ship Docs Prep by Carrier(Y/N): Y

Ship Doc Prep by Shipper(Y/N): N

Haz Class A: 3

ID.# A: UN1203

Packing Group A: II

Gross Weight A: 600 GALLON

For-Hire Carrier: N

Fatalities (Y/N): N

Driver Address: 3381 LIBERTY RD

Driver City: DELAWARE

Driver State: OH

Driver Zip: 43015

Photos Taken (Y/N): Y

Supplemental Report #: DE-15-1449

Reason Code: OBVI

Paper Report #: N/A

FMCSA Credentials Verified-Y/N: Y

CDL Verified (Y/N): Y

FMCSA OOS Order Issued(Y/N): N

Crash Report #: N/A

HM Safety Permit Verified(Y/N): N

I hereby declare ISSA ALAHMAD "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: obtains required CDL license

* 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.

Report Prepared By:
P Haskins

Badge #:
3202

Copy Received By:
ALAHMAD, ISSA

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OH3202306182

DRIVER/VEHICLE EXAMINATION REPORT



Public Utilities Commission of Ohio
180 East Broad Street
Transportation Department
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FULL UP, LLC
3381 LIBERTY RD
DELAWARE, OH 43015

USDOT #:

Phone #: (740)272-3656

MC/MX #:

Fax #: (740)368-0048

State #:

Driver: ALAHMAD, ISSA
License #: QB704811 State: OH
Date of Birth: 1/15/1965

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:

P Haskins

Badge #:

3202

Copy Received By:

ALAHMAD, ISSA

Page 3 of 3



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X

OH3202306182

Photograph #1



Photograph #2



Photograph #3



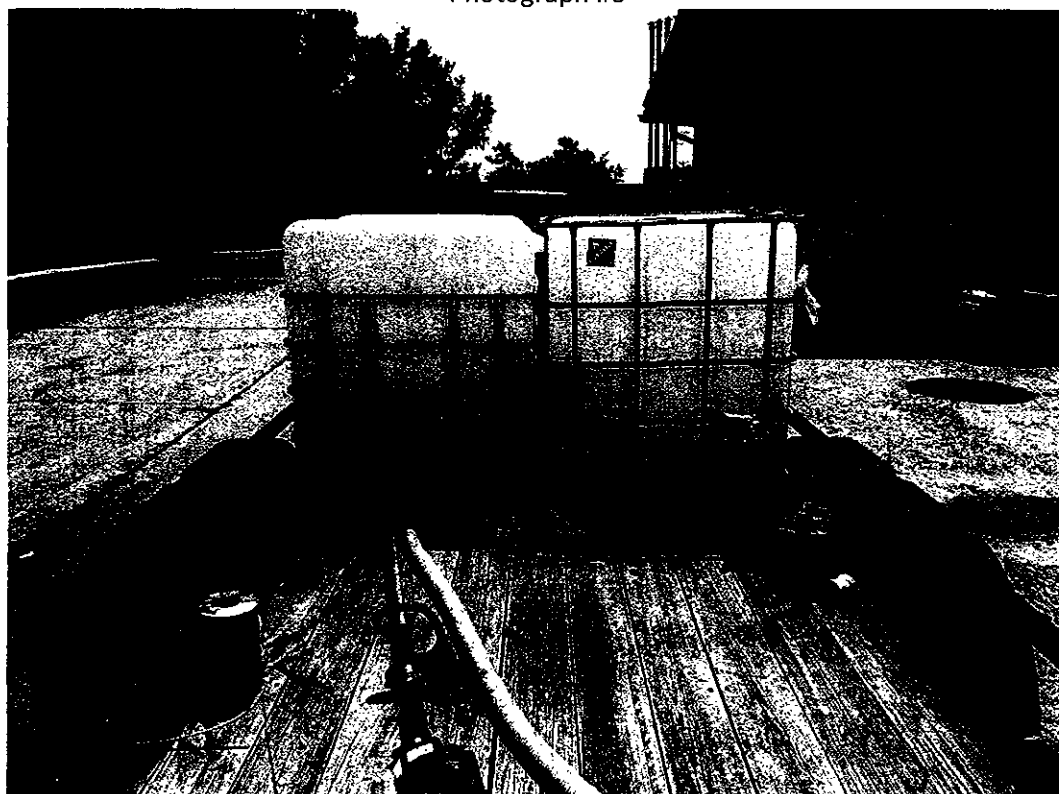
Photograph #4



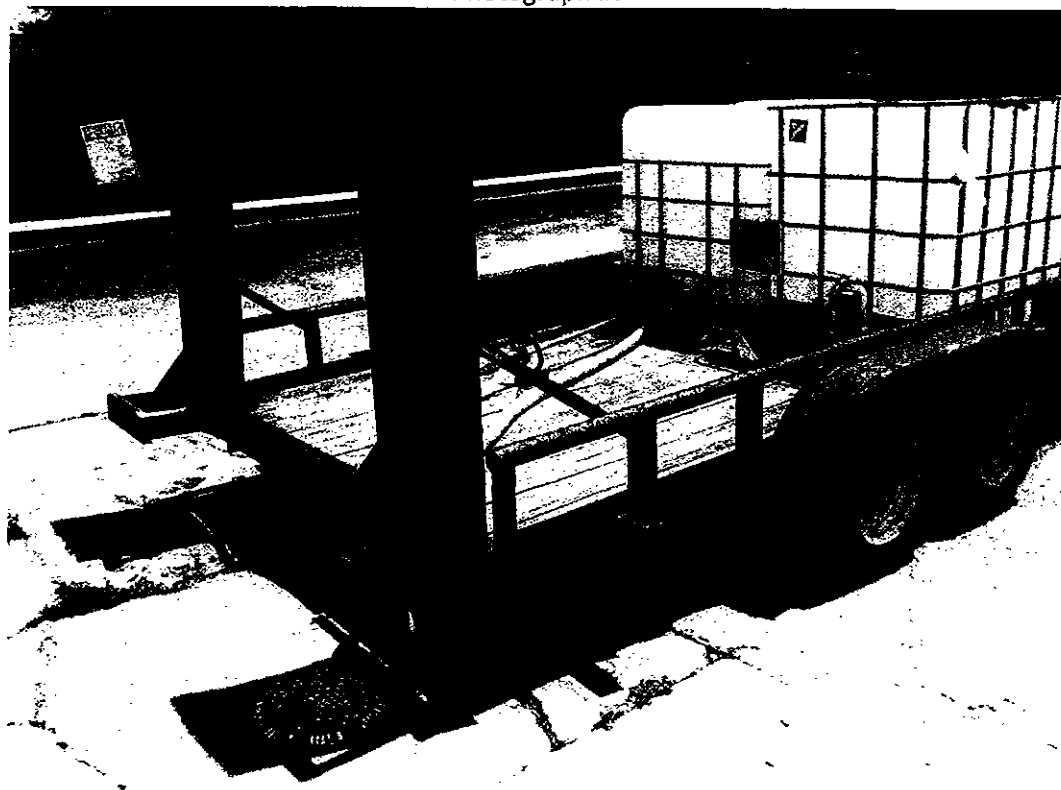
Photograph #5



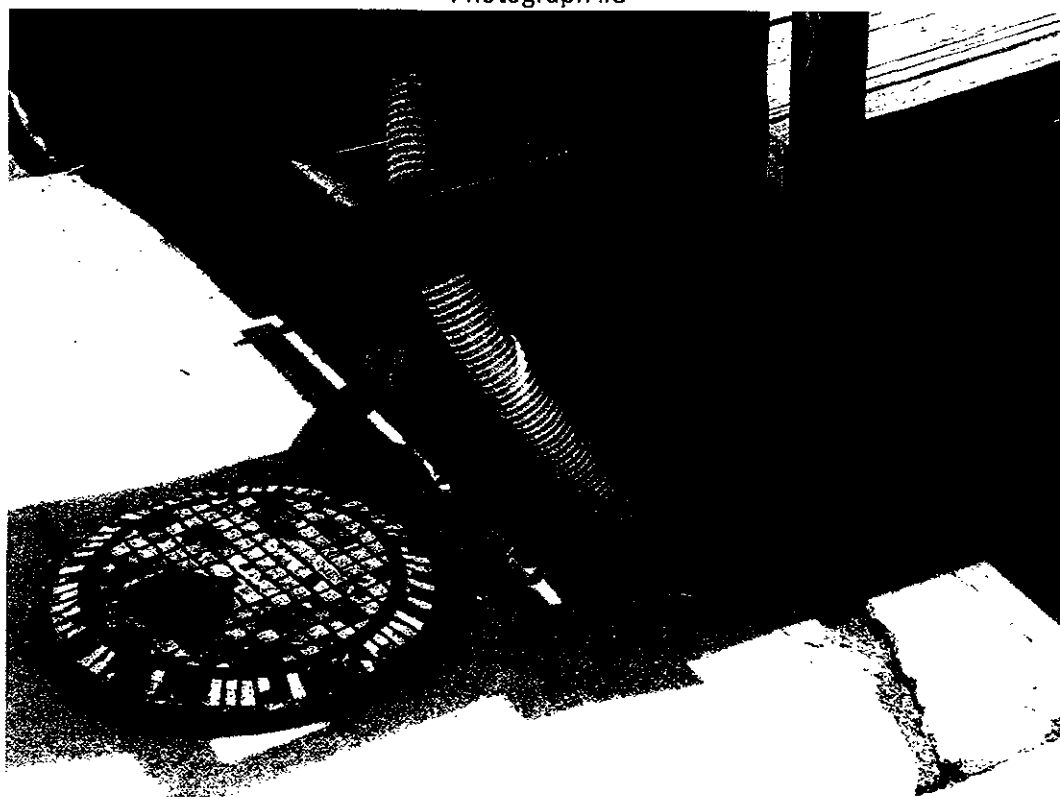
Photograph #6



Photograph #7



Photograph #8



Date: 7/08/15
Time: 22:47:16

DELAWARE POLICE DEPARTMENT
Investigation Report

Page: 1
Program: CMS301L

Case Number : 1-15-001449 Occur From Date: 7/06/15 18:40
Occur To Date : 7/06/15 19:02 Report Date : 7/08/15 20:02
Day Of Week : MONDAY Camera/roll# : NONE
Common Name : SWIFTY S SAND, 473 S SANDUSKY ST
Location Type : GAS STATION
City : DELAWARE,
Beat Assignment: AREA 3 Shift : Shift 2
Dept Class : INFORMATION
Case Status : INACTIVE/PENDING FURTHER INFO
Case Status Dt : 0/00/00 Alcohol Related: NO
Drug Related? : NO Report Officer : WEIRICH, JONATHAN
Investigator : WEIRICH, JONATHAN Supervisor : DIAZ, RAMON
Related Cases? : Interfaces? :

***** S U S P E C T / A R R E S T E E I N F O R M A T I O N - # 1 **

Case Number : 1-15-001449 Last Name : ALAHMAD, ISSA
Street Number : 3381 LIBERTY RD
City : DELAWARE, OH 43015
HOME : 740/272-3656 WORK : 740/368-0048
E Mail Address : Cell Phone Numb:
Cell Phone Carr: Birth Date : 1/15/1965 50
Social Security: Oper Lic No. : QB704811 OH
Race : WHITE Sex : MALE
Ethnic Origin : NON-HISPANIC Minimum Height : 508
Maximum Height : 0 Minimum Weight : 180
Maximum Weight : 0 Hair Color : BLACK
Hair Length : MEDIUM (UP TO 4") Eye Color : BROWN
Glasses : NO Facial Hair : NONE
Employer : SELF Occupation : MANAGER/OWNER SWIFTY
MUG# : Caution :
Maximum Age : 50 Status : STILL SUSPECT
FBI Number : Aliases? :
Be On Look Out?: Alt Address? :
Body Marks? : More clothing? :
E-mail Address : More E-Contacts:
More phone? :

***** W I T N E S S I N F O R M A T I O N - # 1 *****

Case Number : 1-15-001449 Last Name : MITCHELL, STEPHEN M
Street Number : 109 W HARRISON ST
City : DELAWARE, OH 43015
HOME : 740/369-8242 E Mail Address :
Cell Phone Numb: Cell Phone Carr:
Birth Date : 11/16/1962 52 Oper Lic No. : RG118288 OH
Race : WHITE Sex : MALE
Ethnic Origin : NON-HISPANIC Employer : SWIFTY
Occupation : ATTENDANT Caution :
MUG# : Be On Look Out?:
Alt Address? : Body Marks? :
More clothing? : E-mail Address :
More E-Contacts: More phone? :

***** N A R R A T I V E # 1 *****

Original Report

Reported By: WEIRICH, JONATHAN

7/08/15

Date: 7/08/15
Time: 22:47:16

DELAWARE POLICE DEPARTMENT
Investigation Report

Page: 2
Program: CMS301L

1-15-001449 (Continued)

Entered By.: WEIRICH, JONATHAN

7/08/15

On 7/8/15, an officer responded to the area of 612 S. Sandusky St. on a report of a subject transporting large amounts of gasoline.

***** N A R R A T I V E # 2 *****
CONTINUATION
Reported By: WEIRICH, JONATHAN 7/08/15
Entered By.: WEIRICH, JONATHAN 7/08/15

On 7/6/15 at approximately 6:56PM, I responded to the area of Swifty and Full Up on S. Sandusky St. on a report of a subject transporting large amounts of gasoline between the two businesses. It was reported that the subject was using large water tanks.

I arrived on scene at Swifty, 473 S. Sandusky St., and found Issa Alahmad in a pickup truck with Ohio registration EZR4244. Issa was pulling a large flatbed trailer which had two large plastic containers with metal cages around them on the center of the trailer. The containers were later determined to be 275 gallon totes. Both containers were almost completely full, which Issa admitted was unleaded gasoline. I noticed that neither container was secured to trailer in any way. There were no placards or signage on the trailer or the containers.

I informed Issa of the complaint and he advised that the containers were approved for chemicals, and they had been washed out. Issa said he knew they weren't secured, but he was only traveling a short distance. Issa said the reasoning for the transportation was that they were out of unleaded gasoline at Swifty, and needed some to get by until their delivery on 7/7/15. Issa stated that he owns both Full Up and the Swifty, which I knew to be true from previous experiences. Issa advised he was going to unload the fuel and was done moving gasoline.

I did not stay around to watch Issa unload the gasoline, but can only imagine he was just connecting a hose to the bottom spout of the container and then letting it drain into the storage tank, as there was not any other noticeable equipment.

I spoke with the Delaware City Fire Department and advised them of the situation. This report will be forwarded to Chief Donahue for further investigation.**70**

* * * * * END OF REPORT * * * * *

Date/Time: 7/13/15 / 11:12:44

DELAWARE POLICE DEPARTMENT
Narrative Print

Page: 1

Progmr: CHF004P

Case Number: 1-15-001449

***** N A R R A T I V E # 3 *****

FOLLOW UP #1

Reported By: STURMAN, DAVID

7/13/15

Entered By.: STURMAN, DAVID

7/13/15

Offense: 3741.14 Rules governing the equipment, operation, and maintenance of self-service filling stations Suspect: Issa Alahmad
Victim : State of Ohio

On July 11, 2015 I was sent by DELCOM to Sweet's gas station at 473 South Sandusky Street to investigate a report of the business owner transporting gasoline there from the Full Up gas station. The caller stated that Alahmad had done this a week prior and was still making the transports in unapproved containers.

Upon my arrival I observed a gray Ford Truck attached to a long trailer parked just south of the underground tanks. Sitting on the trailer were two large plastic containers strapped to the trailer frame. Taped between the two containers was a sign warning that the contents were flammable. There was also a hose attached to one of the containers that was allowing a yellowish liquid substance to drain into one of the openings for the underground tanks. Some of the liquid was dripping on to the trailer where hose connected to the container. A fire extinguisher and a weed eater were also on the same trailer.

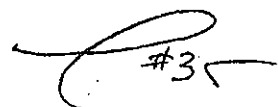
I was then approached by the station owner, Issa Alahmad. I asked Alahmad what he was doing and he replied he was moving gasoline from his one station to this one. He then explained that he his employee, Steven M. Mitchell had done this last week for him and was approached by a Delaware City firefighter about somethings he needed to do. These things included strapping the containers down, placing a fire extinguisher there, and marking the containers as flammable with a sign. Alahmad even called Mitchell to ask him to come to the station. Mitchell arrived shortly afterward.

I then asked DELCOM to check with the fire department to see if they had in fact been out to speak with Alahmad or Mitchell about the issue. While waiting for a response, Fire Chief Donoghue arrived in his personal vehicle stating he had heard this call being dispatched. Fire Capt. Hall also arrived in a marked city fire vehicle. I then explained my findings to Donoghue and Hall. Donoghue asked that I take digital images of the trailer set up. I also began recording on the DVR in K9-1. The digital images have since been turned into evidence.

A short while later I was relieved by Sgt. Shawn Snead. A copy of this follow up has been forwarded to Phillip S. Haskins of the Public Utilities Commission.

This follow up does not change the status of this case.

** End of Report **

 #3

Hazmat Civil Forfeiture Violations Chart Staff Ex. No. 4

Leaking Container Violations 10 points

- Package integrity failure
- Package valves and closures not securely closed

Packaging, Segregation, & Handling Violations 8 Points

- Segregation & Loading
- HM Vehicle attendance
- **Fail to Secure** HM package **WITH** motion/shifting
- Over 5% outage in propane home storage tank in transportation

6 Points

- **Specification/performance packaging** does not meet requirements
- Bulk Package: **weight or temperature exceeds** that allowed by **specification**
- Cargo Tank/Bulk Package: Test marking **not displayed** or tests **not completed**
 - **6 points for first** test/inspection not Conducted **OR** Displayed;
 - **+1 point for each additional** cargo tank test/inspection
- Cargo Tank: *manual* remote shutoff inoperable
- LPG Cargo Tank: *handheld* remote shutoff inoperable

4 Points

- Failure to **secure** HM packages with **NO** motion/shifting

3 Points

- Cargo Tank/Bulk Package: Double bulkhead **drain plugged**

Hazmat Civil Forfeiture Violations Chart

Non-Paperwork Hazard Communication Violations 6 Points

- Proper HM **PLACARDS** not offered/affixed-
 - Missing *2 of 4 sides* = **3 points**
 - Missing *1 of 4 sides* = **NAV**
 - **+6 points for each additional** hazard class missing
 - Displaying a sign (drive safely, ect.) that **could be confused with a Placard**, as per 172.502 = **2 Points**; If on *1 side* = **NAV**
- Proper HM **MARKINGS** not offered/affixed
 - Missing *2 of 4 sides* = **3 points**
 - Missing *1 of 4 sides* = **NAV**
 - **+6 points for each additional** hazard class missing
- Packages offered/accepted without proper HM **MARKINGS**
 - (+1 for required additional info: Examples: PIH, Hot, non-odorized, etc.)
- Packages offered/accepted without proper HM **LABELS**
 - (**+6 points** for subsidiary hazard class)
- **Misrepresenting hazmat** present on vehicle

3 Points

- **No emergency marking** on Cargo Tank emergency remote shutoff
- Package not marked with **special permit number** when required
- HM **MARKING** – no technical name

Paperwork Related Hazard Communication Violations 6 Points

- No proper HM **SHIPPING PAPER** present –
 - 172.202(a)(1) to (7): each *missing element* worth **1 point**
 - If **only 1** element missing = **NAV**
- **Hazardous waste manifest** not as required
- Fail to have a HM **Safety Permit** on file as required
- Violation of PHSMA **Special Permit** requirements
- HM **Training** Not As Required
 - (-2 extent for each completed, ie. Awareness)

Hazmat Civil Forfeiture Violations Chart

3 Points

- **HM SHIPPING PAPERS** – no **technical names** per 172.203 (c) or (k)
 - (+1 **point** for Poison inhale haz, Dang. when wet 172.203 violations)
- **HM SHIPPING PAPERS not accessible-**
 - HM shipping papers **not tabbed or first** / HM entries **not distinguished**
- No 24 Hour Emergency Response **Phone Number** on Shipping Papers
- **NO EMERGENCY RESPONSE INFORMATION** (Subpart G) not as required
 - **No Written ER info/MSDS** (no book or sheet)
- **EMERGENCY RESPONSE INFORMATION: not easily accessible**
 - Not located instantly, within arms reach, etc.
 - **-1 Point Extent**
- Fail to **maintain a copy** of the **HM safety Permit** on the vehicle when required
- No **emergency discharge procedure** with LPG Cargo Tank

No Point Hazmat Violations

- **PLACARD/MARKING/LABELING: visibility & display** (faded/obscured)
- Cargo Tank Part 180 marking **not properly placed** (180.415(b)(2))
- No **ltd. Qty, RQ, DOT-SP** on SHIPPING PAPERS
- **Unauthorized abbreviation** used in proper shipping name
- Technical name **not in association** with proper shipping name
 - Examples: Out of sequence, not in parenthesis
- “UN” instead of “NA” on shipping papers
- Minor typographical errors on shipping papers
- **No current copy** of Federal or Uniform Hazmat Permit
- **Failing to register** for Federal Hazmat Permit

Hazmat Civil Forfeiture Violations Chart

Material Hazard Chart

POINTS

Hazard Classes/Divisions

1.5

1.1	6.1	Any PIH
2.3	7	

1.3

1.2	4.3
1.3	

1.1

2.1	4.1	4.2
3 (flammable)		

0.9

5.1	8
5.2	

0.7

1.4
1.5

0.5

1.6	3 (Combustible PGIII)	ORM-D	LTD-QTY
2.2	6.2	9	

Point Modifiers

+ or - all that apply

PG I	+0.3
PG II	0.0
PG III	-0.3
Haz. Waste	+0.1
Haz. Substance	+0.1
MARPOL	+0.1

Hazardous Amount Chart

POINTS

AMOUNT

1.0

35,000+ LBS	15,876+ KGS	4,375+ Gallons
Any Cargo Tank w/ 2.1 & Class 3 Flammable		

0.6

10,000-34,999 LBS	4,546-15,875 KGS	1,250-4,374 Gallons
-------------------	------------------	---------------------

0.4

1,000-9,999 LBS	454-4,535 KGS	125-1,249 Gallons
-----------------	---------------	-------------------

0.2

Less than 1,000 LBS	Less than 454 KGS	Less than 124 Gallons
Any Cargo Tank-Non-Flammable Residue		

0.1

Less than 100 LBS	Less than 45 KGS	Less than 12.5 Gallons
-------------------	------------------	------------------------

0.0

Less than 5 LBS	Less than 2 KGS	Less than 0.625 Gallon
-----------------	-----------------	------------------------

Hazmat Assessment Worksheet

Staff Ex. No. 5

Assigned CO: Thomas Persinger

Case Summary

Case Number: OH3202306182C
 Respondent: FULL UP, LLC
 USDOT:
 Address: 3381 LIBERTY RD
 DELAWARE, OH 43015
 Inspection: Hazmat on 7/11/2015 (213 days ago)
 Status: Admin Hearing Saved
 Respondent Type: Carrier

Assessments Pending Review

Non-Hazmat: 0 Last Letter: NPD
 Hazmat: 0 Letter Sent: 8/28/2015
 Compliance Review: 0

Code	Violation	Total Points	Assessed	Post Conference Amount	Commission Ordered Forfeiture		
171.2A	Failure to comply with Hazardous Materials regulations-transporting Class 3 HM in an unauthorized package IBC-non specification (49 CFR 173.242)	9.00	\$900.00	\$900.00			
172.602A	Emergency Response information not maintained with shipment	4.50	\$450.00	\$450.00			
177.817A	No shipping papers (carrier) *NONE	9.00	\$900.00	\$900.00			
177.823A	Transport vehicle not placarded or marked when required (*bulk HM)	9.00	\$900.00	\$900.00			
4901.2-6-03HM	Failure to obtain a uniform program permit prior to transporting hazardous materials	0	\$500.00	\$500.00			

Assessment DetailsEdit Violation Information

Respondent Type: Carrier Code: 171.2A
 Violation: Failure to comply with Hazardous Materials regulations-transporting Class 3 HM in an unauthorized package IBC-non specification (49
 Gravity: 6.00
 Extent: 0.00 Material Hazard: 1.10
 Actual Harm: 0.00 Other: 0.00
 Respondent History: 1.00 Culpability: 1.00
 Amount of Material: 0.40 Assessed: \$900.00
 Conference Amount: 900.00 Commission Ordered:
 Notes:

Save Hazmat Assessment

Hazmat History Information

Initial History: 1 Current History: 1

Total Amounts

Assessed: \$3,650.00 Post Conference: \$3,650.00
 Commission Ordered: Total Fine: \$3,650.00

Hazmat Assessment Worksheet

Assigned CO: Thomas Persinger

Case Summary

Case Number: OH3202306182C
 Respondent: FULL UP, LLC
 USDOT:
 Address: 3381 LIBERTY RD
 DELAWARE, OH 43015
 Inspection: Hazmat on 7/11/2015 (213 days ago)
 Status: Admin Hearing Saved
 Respondent Type: Carrier

Assessments Pending Review

Non-Hazmat: 0 Last Letter: NPD
 Hazmat: 0 Letter Sent: 8/28/2015
 Compliance Review: 0

Code	Violation	Total Points	Assessed	Post Conference Amount	Commission Ordered Forfeiture			
171.2A	Failure to comply with Hazardous Materials regulations-transporting Class 3 HM in an unauthorized package IBC-non specification (49 CFR 173.242)	9.00	\$900.00	\$900.00				
172.602A	Emergency Response information not maintained with shipment	4.50	\$450.00	\$450.00				
177.817A	No shipping papers (carrier) *NONE	9.00	\$900.00	\$900.00				
177.823A	Transport vehicle not placarded or marked when required (*bulk HM)	9.00	\$900.00	\$900.00				
4901.2-6-03HM	Failure to obtain a uniform program permit prior to transporting hazardous materials	0	\$500.00	\$500.00				

Assessment DetailsEdit Violation Information

Respondent Type: Carrier Code: 172.602A
 Violation: Emergency Response information not maintained with shipment
 Gravity: 3.00
 Extent: 0.00 Material Hazard: 1.10
 Actual Harm: 0.00 Other: 0.00
 Respondent History: 1.00 Culpability: 1.00
 Amount of Material: 0.40 Assessed: \$450.00
 Conference Amount: 450.00 Commission Ordered:
 Notes:

Save Hazmat Assessment

Hazmat History Information

Initial History: 1 Current History: 1

Total Amounts

Assessed: \$3,650.00 Post Conference: \$3,650.00
 Commission Ordered: Total Fine: \$3,650.00

Hazmat Assessment Worksheet

Assigned CO: Thomas Persinger

Case Summary

Case Number: OH3202306182C
 Respondent: FULL UP, LLC
 USDOT:
 Address: 3381 LIBERTY RD
 DELAWARE, OH 43015
 Inspection: Hazmat on 7/11/2015 (213 days ago)
 Status: Admin Hearing Saved
 Respondent Type: Carrier

Assessments Pending Review

Non-Hazmat: 0 Last Letter: NPD
 Hazmat: 0 Letter Sent: 8/28/2015
 Compliance Review: 0

Code	Violation	Total Points	Assessed	Post Conference Amount	Commission Ordered Forfeiture		
171.2A	Failure to comply with Hazardous Materials regulations-transporting Class 3 HM in an unauthorized package IBC-non specification (49 CFR 173.242)	9.00	\$900.00	\$900.00			
172.602A	Emergency Response information not maintained with shipment	4.50	\$450.00	\$450.00			
177.817A	No shipping papers (carrier) *NONE	9.00	\$900.00	\$900.00			
177.823A	Transport vehicle not placarded or marked when required (*bulk HM)	9.00	\$900.00	\$900.00			
4901.2-6-03HM	Failure to obtain a uniform program permit prior to transporting hazardous materials	0	\$500.00	\$500.00			

Assessment DetailsEdit Violation Information

Respondent Type: Carrier Code: 177.817A
 Violation: No shipping papers (carrier) *NONE
 Gravity: 6.00
 Extent: 0.00 Material Hazard: 1.10
 Actual Harm: 0.00 Other: 0.00
 Respondent History: 1.00 Culpability: 1.00
 Amount of Material: 0.40 Assessed: \$900.00
 Conference Amount: 900.00 Commission Ordered:
 Notes:

Save Hazmat Assessment

Hazmat History Information

Initial History: 1 Current History: 1

Total Amounts

Assessed: \$3,650.00 Post Conference: \$3,650.00
 Commission Ordered: Total Fine: \$3,650.00

Hazmat Assessment Worksheet

Assigned CO: Thomas Persinger

Case Summary

Case Number: OH3202306182C
 Respondent: FULL UP, LLC
 USDOT:
 Address: 3381 LIBERTY RD
 DELAWARE, OH 43015
 Inspection: Hazmat on 7/11/2015 (213 days ago)
 Status: Admin Hearing Saved
 Respondent Type: Carrier

Assessments Pending Review

Non-Hazmat: 0 Last Letter: NPD
 Hazmat: 0 Letter Sent: 8/28/2015
 Compliance Review: 0

Code	Violation	Total Points	Assessed	Post Conference Amount	Commission Ordered Forfeiture		
171.2A	Failure to comply with Hazardous Materials regulations-transporting Class 3 HM in an unauthorized package IBC-non specification (49 CFR 173.242)	9.00	\$900.00	\$900.00			
172.602A	Emergency Response information not maintained with shipment	4.50	\$450.00	\$450.00			
177.817A	No shipping papers (carrier) *NONE	9.00	\$900.00	\$900.00			
177.823A	Transport vehicle not placarded or marked when required (*bulk HM)	9.00	\$900.00	\$900.00			
4901.2-6-03HM	Failure to obtain a uniform program permit prior to transporting hazardous materials	0	\$500.00	\$500.00			

Assessment DetailsEdit Violation Information

Respondent Type: Carrier Code: 177.823A
 Violation: Transport vehicle not placarded or marked when required (*bulk HM)
 Gravity: 6.00
 Extent: 0.00 Material Hazard: 1.10
 Actual Harm: 0.00 Other: 0.00
 Respondent History: 1.00 Culpability: 1.00
 Amount of Material: 0.40 Assessed: \$900.00
 Conference Amount: 900.00 Commission Ordered:
 Notes:

Save Hazmat Assessment

Hazmat History Information

Initial History: 1 Current History: 1

Total Amounts

Assessed: \$3,650.00 Post Conference: \$3,650.00
 Commission Ordered: Total Fine: \$3,650.00

Hazmat Assessment Worksheet

Assigned CO: Thomas Persinger

Case Summary

Case Number: OH3202306182C
 Respondent: FULL UP, LLC
 USDOT:
 Address: 3381 LIBERTY RD
 DELAWARE, OH 43015
 Inspection: Hazmat on 7/11/2015 (213 days ago)
 Status: Admin Hearing Saved
 Respondent Type: Carrier

Assessments Pending Review

Non-Hazmat: 0 Last Letter: NPD
 Hazmat: 0 Letter Sent: 8/28/2015
 Compliance Review: 0

Code	Violation	Total Points	Assessed	Post Conference Amount	Commission Ordered Forfeiture		
171.2A	Failure to comply with Hazardous Materials regulations-transporting Class 3 HM in an unauthorized package IBC-non specification (49 CFR 173.242)	9.00	\$900.00	\$900.00			
172.602A	Emergency Response information not maintained with shipment	4.50	\$450.00	\$450.00			
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177.823A	Transport vehicle not placarded or marked when required (*bulk HM)	9.00	\$900.00	\$900.00			
4901.2-6-03HM	Failure to obtain a uniform program permit prior to transporting hazardous materials	0	\$500.00	\$500.00			

Assessment DetailsEdit Violation Information

Respondent Type: Carrier Code: 4901:2-6-03HM
 Violation: Failure to obtain a uniform program permit prior to transporting hazardous materials
 Gravity: 0.00
 Extent: 0.00 Material Hazard: 0.00
 Actual Harm: 0.00 Other: 0.00
 Respondent History: 1.00 Culpability: 1.00
 Amount of Material: 0.00 Assessed: \$500.00
 Conference Amount: 500.00 Commission Ordered:
 Notes:

Save Hazmat Assessment

Hazmat History Information

Initial History: 1 Current History: 1

Total Amounts

Assessed: \$3,650.00 Post Conference: \$3,650.00
 Commission Ordered: Total Fine: \$3,650.00



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

OH3202306182C
Issa Alahmad
3381 LIBERTY RD
DELAWARE, OH 43015

RE: **NOTICE OF PRELIMINARY
DETERMINATION**
Case No. OH3202306182C

Dear Sir or Madam:

On 07/11/2015, a vehicle operated by FULL UP, LLC, and driven by ISSA ALAHMAD, 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 FULL UP, LLC (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
393.102A	1	Improper securement system (tiedown assemblies) (*1-2" nylon webbing strap securing 2-300 gallon bulk packages	
2-5-10	4	Company markings (Intrastate) *NONE	100.00
171.2A	-	Failure to comply with Hazardous Materials regulations-transporting Class 3 HM in an unauthorized package IBC-non specification (49 CFR 173.242)	900.00
172.602A	-	Emergency Response information not maintained with shipment	450.00
177.817A	-	No shipping papers (carrier) *NONE	900.00
177.823A	-	Transport vehicle not placarded or marked when required (*bulk HM)	900.00
4901:2-6-03H	-	Failure to obtain a uniform program permit prior to transporting hazardous materials	500.00
		Total of Group 1	100.00
		Total of Group 4	100.00
		Total Hazmat	3650.00

TOTAL AMOUNT DUE: \$3,850.00

180 East Broad Street
Columbus, Ohio 43215-3793

(614) 466-3016
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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 FULL UP, LLC in the following amount:

CODE	GROUP	VIOLATION	FORFEITURE
171.2A	-	Failure to comply with Hazardous Materials regulations-transporting Class 3 HM in an unauthorized package IBC-non specification (49 CFR 173.242)	900.00
172.602A	-	Emergency Response information not maintained with shipment	450.00
177.817A	-	No shipping papers (carrier) *NONE	900.00
177.823A	-	Transport vehicle not placarded or marked when required (*bulk HM)	900.00
4901:2-6-03H†	-	Failure to obtain a uniform program permit prior to transporting hazardous materials	500.00
393.102A	1	Improper securement system (tiedown assemblies) (*1-2" nylon webbing strap securing 2-300 gallon bulk packages	
2-5-10	4	Company markings (Intrastate) *NONE	100.00
		Total of Group 1	100.00
		Total of Group 4	100.00
		Total Hazmat	3650.00

TOTAL AMOUNT DUE: \$3,850.00

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". The signature is written in a cursive, flowing style.

Milan Orbovich, Director
Transportation Department

Compliance Officer: Thomas Persinger