

FILE

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**PUCO EXHIBIT FILING**

Date of Hearing: 2/11/16

Case No. 15-1429-TR-CVF

PUCO Case Caption: In the Matter of Andrzej Jan  
Razams, Notice of Apparent Violation and Intent  
to Assess Forfeiture

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2016 FEB 19 PM 2:20

PUCO

**List of exhibits being filed:**

Staff 1 & 2  
Respondents 1-3

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.  
Technician AM Date Processed FEB 19 2016

Reporter's Signature: Karen Sue Gibson  
Date Submitted: 2/18/16

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

In the Matter of Andrzej :  
Jan Lazarus, Notice of :  
Apparent Violation and : Case No. 15-1429-TR-CVF  
Intent to Assess :  
Forfeiture. :

- - -

PROCEEDINGS

before Ms. Sarah Parrot, Attorney Examiner, at the  
Public Utilities Commission of Ohio, 180 East Broad  
Street, Room 11-C, Columbus, Ohio, called at 10 a.m.  
on Thursday, February 11, 2016.

- - -

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ARMSTRONG & OKEY, INC.  
222 East Town Street, Second Floor  
Columbus, Ohio 43215-5201  
(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: OH1552000282  
Inspection Date: 5/20/2015 Certification Date: 06/04/2015  
Time Started: 13:05 Time Ended: 14:45  
Inspection Level: I - Full Inspection  
HM Inspection Type: No HM Inspection

ANDRZEJ JAN LAZARUS

PO BOX 50296

LOS ANGELES, CA 90050

USDOT #: 02303662

MC/MX #: 786459

State #:

Phone #: (213)273-4184

Fax #:

Driver: LAZARUS, ANDRZEJ J

License #: F1932338

State: CA

Date of Birth: 1/30/1961

Location: ROADSIDE

MilePost: 128

Highway: IR71

Origin: DELAWARE, OH

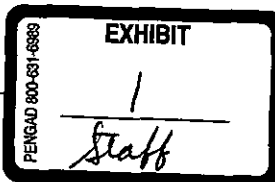
Bill of Lading:

County: DELAWARE

Destination: REYNOLDSBURG, OH

Cargo: EMPTY

Shipper:



## VEHICLE IDENTIFICATION:

Unit Type	Make	Year	State	License#	Equipment ID	Unit VIN	GVWR	CVSA #	CVSA Issued #	OOS Stkr.#
1 TT	KW	2010	CA	WP52560	02	1XKAA49X5AJ272231	47,200	18822883		
2 ST	UTIL	2014	IN	SP790KTS	R209	1UYVS2530EM782008	65,000	18669955		1552000282

## BRAKE ADJUSTMENTS:

Axle #	1	2	3	4	5
Right	1 1/8	1	1	INOP	INOP
Left	1	1	1	INOP	INOP
Chamber	C-20	C-30	C-30	C-30	C-30

## VIOLATIONS :

Vio Code	Section	Unit	OOS	State Citation Number	Verify*	Crash	Violation Description
393.47E	393.47(e)	2	N		N	N	Clamp or Roto type brake out-of-adjustment..axle 4 right side inop
393.53B	393.53(b)	2	N		N	N	CMV manufactured after 10/19/94 has an automatic airbrake adjustment system that fails to compensate for wear
393.47E	393.47(e)	2	N		N	N	Clamp or Roto type brake out-of-adjustment..axle 4 left side inop
393.47E	393.47(e)	2	N		N	N	Clamp or Roto type brake out-of-adjustment..axle 5 left side inop
393.47E	393.47(e)	2	N		N	N	Clamp or Roto type brake out-of-adjustment..axle 5 right side inop
396.3A1BOS	396.3(a)(1)	2	Y		U	N	<b>BRAKES OUT OF SERVICE:</b> The number of defective brakes is equal to or greater than 20 percent of the service brakes on the vehicle or combination

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

HazMat:

No HM Transported.

Placard: NA Cargo Tank:

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:

Inspection Notes: passed air loss test

## 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:

Report Prepared By:

Kelly Weakley

Badge #:

1552

Copy Received By:

LAZARUS, ANDRZEJ J

Page 1 of 2



OH1552000282

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: OH1552000282  
Inspection Date: 5/20/2015 Certification Date: 06/04/2015  
Time Started: 13:05 Time Ended: 14:45  
Inspection Level: I - Full Inspection  
HM Inspection Type: No HM Inspection

ANDRZEJ JAN LAZARUS  
PO BOX 50296  
LOS ANGELES, CA 90050  
USDOT #: 02303662  
MC/MX #: 786459  
State #:

Phone #: (213)273-4184  
Fax #:

Driver: LAZARUS, ANDRZEJ J  
License #: F1932338 State: CA  
Date of Birth: 1/30/1961

For-Hire Carrier: Y  
Driver City: LOS ANGELES  
Driver Zip: 90050  
Co-Investigator #: 3264  
FMCSA Credentials Verified-Y/N: Y  
FMCSA OOS Order Issued(Y/N): N

Driver Address: PO BOX 50296  
Driver State: CA  
Photos Taken (Y/N): N  
Reason Code: ISSS  
CDL Verified (Y/N): Y

\* 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, 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: \_\_\_\_\_

## Note to carrier this section applies to self adjusting brake.

**Advisory:** This vehicle has been identified to have brake adjustment violations. 49CFR Section 393.53 requires that a self-adjusting brake system be equipped on this vehicle. A qualified service technician needs to determine why the defective brake has excessive stroke and make the appropriate repairs. Simply re-adjusting a self-adjusting brake adjuster, or replacing it, does not guarantee that the problem is corrected. The problem may exist in the foundation brake system. By certifying this inspection report you have indicated that this vehicle now has a properly functioning self-adjusting brake adjustment system.

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:

Kelly Weakley

Badge #:

1552

Copy Received By:

LAZARUS, ANDRZEJ J

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OH1552000282

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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

07/19/2015

OH1552000282C  
ANDRZEJ LAZARUS  
PO BOX 50296  
LOS ANGELES, CA 90050

RE: **NOTICE OF PRELIMINARY  
DETERMINATION**  
Case No. OH1552000282C

Dear Sir or Madam:

On 05/20/2015, a vehicle operated by ANDRZEJ JAN LAZARUS, and driven by ANDRZEJ J LAZARUS, 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 ANDRZEJ JAN LAZARUS (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
393.47E	0	Clamp or Roto type brake out-of-adjustment..axle 4 left side inop	
393.47E	0	Clamp or Roto type brake out-of-adjustment..axle 5 left side inop	
393.47E	0	Clamp or Roto type brake out-of-adjustment..axle 5 right side inop	
393.47E	0	Clamp or Roto type brake out-of-adjustment..axle 4 right side inop	
393.53B	0	CMV manufactured after 10/19/94 has an automatic airbrake adjustment system that fails to compensate for wear	
396.3A1BOS	1	BRAKES OUT OF SERVICE: The number of defective brakes is equal to or greater than 20 percent of the service brakes on the vehicle or combination	
		Total of Group 0	0.00
		Total of Group 1	100.00

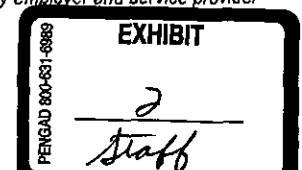
**TOTAL AMOUNT DUE: \$100.00**

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.

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

As a result of the conference, Staff has made a Preliminary Determination that the Commission should assess a civil forfeiture against ANDRZEJ JAN LAZARUS in the following amount:

CODE	GROUP	VIOLATION	FORFEITURE
393.47E	0	Clamp or Roto type brake out-of-adjustment..axle 4 left side inop	
393.47E	0	Clamp or Roto type brake out-of-adjustment..axle 5 left side inop	
393.47E	0	Clamp or Roto type brake out-of-adjustment..axle 5 right side inop	
393.47E	0	Clamp or Roto type brake out-of-adjustment..axle 4 right side inop	
393.53B	0	CMV manufactured after 10/19/94 has an automatic airbrake adjustment system that fails to compensate for wear	
396.3A1BOS	1	BRAKES OUT OF SERVICE: The number of defective brakes is equal to or greater than 20 percent of the service brakes on the vehicle or combination	
		Total of Group 0	
		Total of Group 1	100.00

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



2330 Enterprise Park Drive o Indianapolis, Indiana 46218-4293

P 317.472.6410 o F 317.337.1033 o xpresscargoinc.com

November 12, 2015

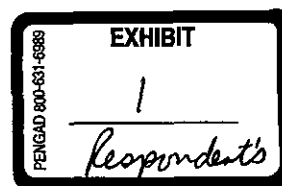
To Whom It May Concern,

Here at Xpress Cargo, we perform our Trailer PM's every 60 days and DOT's on trailers every 6 months. We perform a 35 point inspection on our trailers every PM, which includes greasing unit, checking brake shoe thickness and push rod stroke, lights, tires/tire pressure, air leaks, body damage (inside and out and top), checking reefer operation and preventive maintenance.

Thank you.

*PEREY*

Shop Manager



DUPLICATE

# **Invoice Detail** Fast Truck & Trailer Repair

Invoice No: 000000006623

Invoice Date: 2/1/2016

Open Date: 1/31/2016

Customer ID: LA37LICA

PO No:

Shop: 150

RO No: 000000007922

Close Date: 2/1/2016

Unit: R84

License: 9928364

Remit To:

Fast Truck & Trailer Repair  
2330 Enterprise Park Drive  
Indianapolis, IN 46218  
Fax: 317-288-3408  
Fastrepair@fastrepairinc.com

LA 37 LIVE CARRIERS EXPRESS  
6163 GARRISON DRIVE  
LOS ANGELES, CA 90042  
losangelesca37@live.com

Phone:

Ext:

Make: UTLTY

Hour Meter: 11,425

Model: 3000R

Year: 2010

Division: FAST

Dept: 950

VIN: 1UYVS2532AM093503

Cost Center: 000

Customer Phone: 213-273-4184 Ext:

Fax:

Section: 1 Priority: 0 Rep Reason: BREAKDOWN

Component: 013

Complaint: LEAKING

Comp. Desc: Brakes

Cause:

Correction:

Job Code:

Comments:

2/1/16@0856 JC

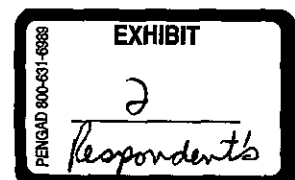
Driver called in on sunday night saying that he had an air leak on the trailer. per the invoice and email. tech arrived and could not find anything wrong with the unit.

inv#1601318

tech notes

service call to ripon for air loss. no significant loss found . diag as air bags leveling

Fee	Description		Qty	Unit Charge	Total
	Tcheck Charge		1	35.00	35.00
Labor Charges	Description		Hours	Rate	Total
	call out		1.00	59.00	59.00
	after hours labor		2.00	110.00	220.00
Part Charges	Part ID	Description	Qty	Unit Price	Total
	2	Mileage	10.00	1.500	15.00





DUPLICATE

**Invoice Detail**  
Fast Truck & Trailer Repair

Invoice No: 000000006623

Customer: LA37LICA

PO No:

Unit: R84

Total Parts Issued:		10.00
Total Labor Hours:		3.00
 Total Part Charges:	\$	15.00
Total Labor Charges:		279.00
Total Service Charges:		<u>0.00</u>
<b>Repair Total:</b>	<b>\$</b>	<b>294.00</b>
Taxes:		0.00
Fees:		35.00
Discount:		<u>0.00</u>
<b>Invoice Total:</b>	<b>\$</b>	<b>329.00</b>
Amt Paid:		<u>0.00</u>
<b>Balance Due:</b>	<b>\$</b>	<b><u>329.00</u></b>

Fax: 740-387-7281

Phone: 740-387-1679

PENGAD 800-631-6989