



BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

In the Matter of : Case No.  
Radu P. Fotea. : 15-2065-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 No.  
11-D, Columbus, Ohio, on Thursday, February 18,  
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: OH1663003435  
Inspection Date: 9/21/2015 Certification Date: 09/28/2015  
Time Started: 09:50 Time Ended: 10:15  
Inspection Level: III - Driver-Only Inspection  
HM Inspection Type: No HM Inspection

## SMART EXPRESS LOGISTICS LLC

5103 WOOD AVE  
PARMA, OH 44134

USDOT #: 02390057

MC/MX #: 821651

State #:

Phone #: (216)375-6593

Fax #:

Driver: FOTEA, RADU P

License #: TG854537

State: OH

Date of Birth: 7/27/1976

Location: BRUNSWICK REST AREA SB

MilePost: 224

Highway: IR71

Origin: CLEVELAND, OH

Bill of Lading:

County: MEDINA

Destination: LIMA, OH

Cargo: EMPTY

Shipper:

## VEHICLE IDENTIFICATION:

Unit	Type	Make	Year	State	License#	Equipment ID	Unit VIN	GVWR	CVSA #	CVSA Issued #	OOS Sitr.#
1	TT	VOLV	2005	OH	PVU6692	001	4V4NC9THX5N384788	50,350			
2	ST	WANC	1998	OH	TQG2221		1JJV532Y9WL421354	65,000			

**BRAKE ADJUSTMENTS:** No brake measurements recorded.

## VIOLATIONS :

Vio Code	Section	Unit	OOS	State Citation Number	Verify*	Crash	Violation Description
391.11B4	391.11(b)(4)	D	Y		N	N	Driver not physically qualified...OPERATING A COMMERCIAL VEHICLE WITHOUT CORRECTIVE LENSES AS INDICATED ON THE DRIVERS MEDICAL CERTIFICATE

\* 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:

## 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: Y

Driver Address: 5103 WOOD AVE

Driver City: PARMA

Driver State: OH

Driver Zip: 44134

Reason Code: USSP

FMCSA Credentials Verified-Y/N: Y

CDL Verified (Y/N): Y

FMCSA OOS Order Issued(Y/N): N

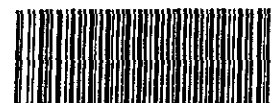
I hereby declare RADU P. FOTEA "Out of Service". This driver MAY NOT DRIVE any commercial motor vehicle nor may any carrier permit or require this driver to drive any commercial motor vehicle until:Compliant with medical certificate

Report Prepared By:  
Phillip MELICANT

Badge #:  
1663

Copy Received By:  
FOTEA, RADU P

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OH1663003435

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X

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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:  
Phillip MELICANT

Badge #:  
1663

Copy Received By:  
FOTEA, RADU P

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X

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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

11/10/2015

OH1663003435D  
Radu P Fotea  
5103 WOOD AVE  
PARMA, OH 44134

RE: **NOTICE OF PRELIMINARY  
DETERMINATION**  
Case No. OH1663003435D

Dear Sir or Madam:

On 09/21/2015, a vehicle operated by SMART EXPRESS LOGISTICS LLC, and driven by RADU P FOTEA, 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 RADU P FOTEA (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
391.11B4	4	Driver not physically qualified...OPERATING A COMMERCIAL VEHICLE WITHOUT CORRECTIVE LENSES AS INDICATED ON THE DRIVERS MEDICAL CERTIFICATE	250.00
		Total of Group 4	250.00

**TOTAL AMOUNT DUE: \$250.00**

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 RADU P FOTEA in the following amount:

CODE	GROUP	VIOLATION	FORFEITURE
391.11B4	4	Driver not physically qualified...OPERATING A COMMERCIAL VEHICLE WITHOUT CORRECTIVE LENSES AS INDICATED ON THE DRIVERS MEDICAL CERTIFICATE	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

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Andre Porter, Chairman

## Commissioners

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

Total of Group 4

250.00

**TOTAL AMOUNT DUE: \$250.00**

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: Thomas Persinger