

6

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 Re Date Processed MAR 04 2016

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

In the Matter of : Case No.

Howard M. Henry : 15-1932-TR-CVF

- - -

PROCEEDINGS

Before Nicholas Walstra, Attorney Examiner, held
at the offices of the Public Utilities
Commission of Ohio, 180 East Broad Street,
Hearing Room 11-C, Columbus, Ohio, on Friday,
February 19, 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

- - -



Public Utilities Commission

John R. Kasich, Governor
Andre Porter, Chairman

Commissioners

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

11/05/2015

OH1663003400D
Howard M. Henry
3561 TRUMAN RD LOT 337
PERRYSBURG, OH 43551

RE: **NOTICE OF PRELIMINARY
DETERMINATION**
Case No. OH1663003400D

Dear Sir or Madam:

On 09/05/2015, a vehicle operated by EAGLE EXPRESS LINES INC, and driven by HOWARD M HENRY, 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 HOWARD M HENRY (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...THE DRIVER WAS DRIVING A CMV 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 HOWARD M HENRY in the following amount:

CODE	GROUP	VIOLATION	FORFEITURE
391.11B4	4	Driver not physically qualified...THE DRIVER WAS DRIVING A CMV 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

John R. Kasich, Governor
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: Cheryl Streets

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: OH1663003400
Inspection Date: 9/5/2015 Certification Date: 10/15/2015
Time Started: 07:50 Time Ended: 08:35
Inspection Level: I - Full Inspection
HM Inspection Type: No HM Inspection

EAGLE EXPRESS LINES INC

P O BOX 348

SOUTH HOLLAND, IL 60473

USDOT #: 00649914

MC/MX #: 306908

State #:

Phone #: (708)333-8401

Fax #:

Driver: HENRY, HOWARD M
License #: RR775330 State: OH
Date of Birth: 6/8/1952

Location: TOWPATH PLAZA

MilePost: 170

Highway: IR80

Origin: CLEARFIELD, PA

Bill of Lading: 806

County: CUYAHOGA

Destination: MILLSBURRY, OH

Cargo: U.S. MAILER

Shipper: USPS

VEHICLE IDENTIFICATION:

Unit	Type	Make	Year	State	License#	Equipment ID	Unit VIN	GVWR	CVSA #	CVSA Issued #	OOS Str.#
1	TT	VOLV	2014	IL	P829392	1289	4V4NC9EG9EN176180	50,350			
2	ST	VANR	2013	IL	469681ST	16024	5V8VA5325DM304644	65,000			

BRAKE ADJUSTMENTS:

Axle #	1	2	3	4	5
Right	N/A	N/A	N/A	3/4	1
Left	N/A	N/A	N/A	1	1 1/8
Chamber	DISC	DISC	DISC	C-30	C-30

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...THE DRIVER WAS DRIVING A CMV WITHOUT CORRECTIVE LENSES AS INDICATED ON THE DRIVERS MEDICAL CERTIFICATE
393.48A	393.48(a)	2	N		N	N	Inoperative/defective brakes...#4 AXLE LEFT BRAKE CHAMBER WAS CAGED RENDERING THE PARKING SIDE INOPERABLE SO THAT 50% OF THE ORIGINAL BRAKE IS NOT OPERABLE

* N - Non-OOS or Driver OOS Violation

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:

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: 3561 TRUMAN RD LOT 337

Driver City: PERRYSBURG

Driver State: OH

Driver Zip: 43551

Reason Code: ISSS

FMCSA Credentials Verified-Y/N: Y

CDL Verified (Y/N): Y

Report Prepared By:

Badge #:

Copy Received By:

Page 1 of 2

Phillip MELICANT

1663

HENRY, HOWARD M



OH1663003400

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: OH1663003400
Inspection Date: 9/5/2015 Certification Date: 10/15/2015
Time Started: 07:50 Time Ended: 08:35
Inspection Level: I - Full Inspection
HM Inspection Type: No HM Inspection

EAGLE EXPRESS LINES INC

P O BOX 348

SOUTH HOLLAND, IL 60473

USDOT #: 00649914

MC/MX #: 306908

State #:

Phone #: (708)333-8401

Fax #:

Driver: HENRY, HOWARD M
License #: RR775330 State: OH
Date of Birth: 6/8/1952

FMCSA OOS Order issued(Y/N): N

I hereby declare HOWARD M. HENRY "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 COMPLIES W/MEDICAL REQUIRMENTS

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:
HENRY, HOWARD M

Page 2 of 2



OH1663003400

X

X