

FILE

PUCO EXHIBIT FILING

RECEIVED-DOCKETING DIV.
2016 MAR 21 PM 3:39

Date of Hearing: March 8, 2016

Case No. 15-1679-TR-CVF

PUCO

PUCO Case Caption: _____

In the Matter of Yeah Man Trucking, Inc.,
Notice of Apparent Violation and
Intent to Assess Forfeiture

List of exhibits being filed:

Staff Exhibits 1, 2

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Technician DM Date Processed MAR 21 2016

Reporter's Signature: Carolyn M. Burke
Date Submitted: 3/21/2016

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

In the Matter of Yeah Man :
Trucking, Inc., Notice of :
Apparent Violation and : Case No. 15-1679-TR-CVF
Intent to Assess :
Forfeiture. :

- - -

PROCEEDINGS

before Mr. Bryce McKenney, Hearing Examiner, at the
Public Utilities Commission of Ohio, 180 East Broad
Street, Room 11-C, Columbus, Ohio, called at
10:00 a.m. on Tuesday, March 8, 2016.

- - -

ARMSTRONG & OKEY, INC.
222 East Town Street, 2nd Floor
Columbus, Ohio 43215-5201
(614) 224-9481 - (800) 223-9481
Fax - (614) 224-5724

- - -



Public Utilities Commission

John R. Kasich, Governor
Andre Porter, Chairman



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

08/27/2015

OH3263001812C
Bradley D. Anderson
130 W. Second St., Ste. 2150
DAYTON, OH 45402

RE: **NOTICE OF PRELIMINARY
DETERMINATION**
Case No. OH3263001812C

Dear Sir or Madam:

On 06/07/2015, a vehicle operated by YEAH MAN TRUCKING INC, and driven by MATTHEW A POTTENGER, 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 YEAH MAN TRUCKING INC (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
393.48A	0	Inoperative/defective brakes - axle 6 left brake chamber mounting bracket is not connected to chamber	
393.75A	3	Flat tire - Axle 6 right Tire is flat and off the bead.	
		Total of Group 0	0.00
		Total of Group 3	0.00

TOTAL AMOUNT DUE: \$0.00

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 YEAH MAN TRUCKING INC in the following amount:

CODE	GROUP	VIOLATION	FORFEITURE
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180 East Broad Street
Columbus, Ohio 43215-3793

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

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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

393.48A	0	Inoperative/defective brakes - axle 6 left brake chamber mounting bracket is not connected to chamber	
393.75A	3	Flat tire - Axle 6 right Tire is flat and off the bead.	
		Total of Group 0	
		Total of Group 3	0.00

TOTAL AMOUNT DUE: \$0.00

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: OH3263001812
Inspection Date: 6/7/2015 Certification Date: 06/23/2015
Time Started: 07:30 Time Ended: 08:15
Inspection Level: II - Walk-Around
HM Inspection Type: No HM Inspection

YEAH MAN TRUCKING INC
6811 FOLKERTH ROAD
GREENVILLE, OH 45331
USDOT #: 02161641
MC/MX #: 847409
State #:

Phone #: (937)459-6125
Fax #:

Driver: POTTENGER, MATTHEW A
License #: SU786602 State: OH
Date of Birth: 9/15/1987

Location: ROADSIDE INSPECTION
Highway: IR 75
County: MONTGOMERY
Shipper: JURGENSON CONSTRUCTION

MilePost: 24
Origin: BROOKVILLE, OH
Destination: DAYTON, OH

Bill of Lading:
Cargo: EMPTY

VEHICLE IDENTIFICATION:

Unit	Type	Make	Year	State	License#	Equipment ID	Unit VIN	GVWR	CVSA #	CVSA Issued #	OOS Stkr.#
1	TR	KW	1998	OH	PVW5892		1NKDXUTX4WR781296	93,060			3263001812

BRAKE ADJUSTMENTS: No brake measurements recorded.

VIOLATIONS :

Vio Code	Section	Unit	OOS	State Citation Number	Verify*	Crash	Violation Description
396.3A1	396.3(a)(1)	1	N		N	Y	**Inspection, repair and maintenance of parts & accessories - Front bu,per on left side is bent out at 90 degree angle
393.9	393.9(a)	1	N		N	Y	**Inoperable Required Lamp - left front turn signal are broken off and inop
393.75A4	393.75(a)(4)	1	Y		U	Y	**Tire-cut exposing ply and/or belt material - the left front tire has a cut in side wall app. 2 in. x 2. In
393.75A	393.75(a)	1	Y		U	U	Flat tire - Axle 4 left (Tag) measures 50 psi on a tire rated for 120
393.75A	393.75(a)	1	Y		U	N	Flat tire - Axle 6 right Tire is flat and off the bead.
393.48A	393.48(a)	1	N		N	N	Inoperative/defective brakes - axle 6 left brake chamber mounting bracket is not connected to chamber

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

** Y - The violation occurred because of the crash; 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:

Special Study Fields:

Special Study1:
Special Study2:
Special Study3:
Special Study4:
Special Study5:

Special Study6:
Special Study7:
Special Study8:
Special Study9:
Special Study10:

Locally Defined Fields:

For-Hire Carrier: Y
Driver Address: 90 CORONADO CT
Driver State: OH
Photos Taken (Y/N): N

Fatalities (Y/N): Y
Driver City: BROOKVILLE
Driver Zip: 45309
Co-Investigator #: 0815

Report Prepared By:
D S Mowen

Badge #:
3263

Copy Received By:
POTTENGER, MATTHEW A

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OH3263001812

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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: OH3263001812
Inspection Date: 6/7/2015 Certification Date: 06/23/2015
Time Started: 07:30 Time Ended: 08:15
Inspection Level: II - Walk-Around
HM Inspection Type: No HM Inspection

YEAH MAN TRUCKING INC

6811 FOLKERTH ROAD
GREENVILLE, OH 45331

USDOT #: 02161641

MC/MX #: 847409

State #:

Phone #: (937)459-6125

Fax #:

Driver: POTTENGER, MATTHEW A

License #: SU786602

State: OH

Date of Birth: 9/15/1987

Reason Code: CRAS

CDL Verified (Y/N): Y

Crash Report #: 57-538-57

FMCSA Credentials Verified-Y/N: Y

FMCSA OOS Order Issued(Y/N): N

* 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:

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:

D S Mowen

Badge #:

3263

Copy Received By:

POTTENGER, MATTHEW A

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OH3263001812

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