

FILE

6

PUCO EXHIBIT FILING

Date of Hearing: 3/31/2016

Case No. 16-11-TR-CVF

PUCO Case Caption: John Coy

List of exhibits being filed:

Staff Exhibits 1#2

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2016 APR -5 PM 3:15

PUCO

Reporter's Signature: Karen Sue Gibson
Date Submitted: _____

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Technician MA Date Processed APR 5 2016

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

In the Matter of John Coy, :
 Notice of Apparent :
 Violation and Intent to : Case No. 16-11-TR-CVF
 Assess Forfeiture. :

- - -

PROCEEDINGS

before Mr. James Lynn, Attorney Examiner, at the
 Public Utilities Commission of Ohio, 180 East Broad
 Street, Room 11-D, Columbus, Ohio, called at 10 a.m.
 on Thursday, March 31, 2016.

- - -

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

- - -

Staff 1.

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: OH0047000033
Inspection Date: 10/23/2015 Certification Date: 11/05/2015
Time Started: 09:43 Time Ended: 10:35
Inspection Level: III - Driver-Only Inspection
HM Inspection Type: No HM Inspection

JART XPRESS INC
2535 HARRISON ROAD
COLUMBUS, OH 43204
USDOT #: 00430636
MC/MX #: 477863
State #:

Phone #: (614)351-0000
Fax #:

Driver: COY, JOHN A
License #: RR170146 State: OH
Date of Birth: 11/10/1974

Location: ROADSIDE
Highway: IR70
County: BELMONT
Shipper: LENNOX INUDUSTRIES

MilePost: 210
Origin: PITTSBURGH, PA
Destination: GROVE CITY, OH

Bill of Lading: 2002961366
Cargo: OTHER

VEHICLE IDENTIFICATION:

Unit	Type	Make	Year	State	License#	Equipment ID	Unit VIN	GVWR	CVSA #	CVSA Issued #	OOS Stkr.#
1	TT	VOLV	2003	OH	PID8898	03205	4V4MC9UFX3N346676	50,000			
2	ST	UTIL	2007	IN	P334194	484857	1UYVS24877G110610	65,000			

BRAKE ADJUSTMENTS: No brake measurements recorded.

VIOLATIONS :

Vio Code	Section	Unit	OOS	State Citation Number	Verify*	Crash	Violation Description
395.8A	395.8(a)	D	Y		N	N	No log book for 10/23/2015 to 10/16/2015
392.2M	392.2	D	N	LHP2089	N	N	Miscellaneous Traffic Law Violation. FAILURE TO DRIVE WITHIN MARKED LANES
392.16	392.16	D	N		N	N	Failing to use seat belt while operating CMV. SEE NOTES

* 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 checked="" 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"/> ESscreening		

Inspection Notes: AS VEHICLE DROVE BY MY STATIONARY LOCATION. THE DRIVER WAS LEANING FORWARD AND TO THE RIGHT, NO SEATBELT OBSERVED. DURING INSPECTION, SEATBELT WAS FOUND TO BE ORANGE, AND DRIVER WAS WEARING A RED SWEAT SHIRT

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	Fatalities (Y/N): N
Driver Address: 59 W. COLUMBUS ST	Driver City: MT. STERLING
Driver State: OH	Driver Zip: 43143
Photos Taken (Y/N): N	Co-Investigator #: 0111
Reason Code: TRAF	FMCSA Credentials Verified-Y/N: Y
CDL Verified (Y/N): Y	FMCSA OOS Order Issued(Y/N): N

I hereby declare JOHN A. COY "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: 10 HOURS OFF DUTY OR SLEEPER BERTH

Report Prepared By:

D S WILCOX

Badge #:

0047

Copy Received By:

COY, JOHN A

Page 1 of 2



OH0047000033

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X

DRIVER/VEHICLE EXAMINATION REPORT



Public Utilities Commission of Ohio
180 East Broad Street
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JART XPRESS INC
2535 HARRISON ROAD
COLUMBUS, OH 43204

USDOT #: 00430636

MC/MX #: 477863

State #:

Phone #: (614)351-0000

Fax #:

Driver: COY, JOHN A
License #: RR170146 State: OH
Date of Birth: 11/10/1974

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 WILCOX

Badge #:

0047

Copy Received By:

COY, JOHN A

Page 2 of 2



OH0047000033

X

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Staff 2



Public Utilities Commission

John R. Kasich, Governor
Andre Porter, Chairman

Commissioners

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

12/15/2015

OH0047000033D

John A Coy
59 W. COLUMBUS ST
MT. STERLING, OH 43143

RE: **NOTICE OF PRELIMINARY
DETERMINATION**
Case No. OH0047000033D

Dear Sir or Madam:

On 10/23/2015, a vehicle operated by JART XPRESS, and driven by JOHN A COY, 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 JOHN A COY (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
395.8A	1	No log book for 10/23/2015 to 10/16/2015	
392.16	4	Failing to use seat belt while operating CMV. SEE NOTES	100.00
		Total of Group 1	100.00
		Total of Group 4	100.00

TOTAL AMOUNT DUE: \$200.00

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 JOHN A COY in the following amount:

CODE	GROUP	VIOLATION	FORFEITURE
395.8A	1	No log book for 10/23/2015 to 10/16/2015	
392.16	4	Failing to use seat belt while operating CMV. SEE NOTES	100.00

180 East Broad Street
Columbus, Ohio 43215-3793

(614) 488-3018
www.PUCO.ohio.gov

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Public Utilities Commission

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Andre Porter, Chairman

Commissioners

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Total of Group 1	100.00
Total of Group 4	100.00

TOTAL AMOUNT DUE: \$200.00

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