| ACCO EXHIBIT LITING  | J                                     |            |  |
|--|---------------------------------------|------------|--|
| Date of Hearing: April 14, 2016  |                                       | <u> </u>   | ·                                      |
| Case No. 15-1049-TR-CVF  |                                       | <u>.</u>   |  |
| PUCO Case Caption:   | Wasayo                                | <u>a, </u> |  |
| Notice of apparent Viola   | ation a                               | and        |  |
| Intent to assess forfeit   | utc                                   |            |  |
|  |                                       | 2016       | 74 E                                   |
| The state of the s |                                       |            | 3                                      |
|  |                                       | 3          | 6 90 K                                 |
| List of exhibits being filed:  |                                       | Ö          |  |
| <u> </u>   | dentified                             | Admitted   |  |
| 1 Driver/Vehicle Examination Repor   | t 8                                   | 80         | 9_                                     |
| 2 Driver/Vehicle Examination Repor   | t 22                                  | 80         | ## ## ## ### ######################### |
| Respondent's Exhibit   | dentified                             | Admitted   | ring case                              |
| A Driver/Vehicle Examination Repor   | t 38                                  | 80         | 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4  |
| B Driver/Vehicle Examination Repor   | t 47                                  | 80         | app.                                   |
| C Driver/Vehicle Examination Repor   | t 53                                  | 80         | igės<br>Eion                           |
| D Beaverdam Fleet Service Invoice  | 55                                    | 80         | i image<br>Mucti                       |
| E D&M Truck and Tire Repair Invoic   | e 57                                  | 80         | t the imag<br>reproducti               |
|  |                                       |            | that<br>ete r                          |
|  |                                       | ·<br>·;.   | 40                                     |
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| ·  |                                       |            | <u>ي</u> و ا                           |
|  |                                       |            | ig to                                  |
|  |                                       |            | his                                    |

Reporter's Signature:

Date Submitted:

Apples is to certify that the images appearing are an accurate and complete reproduction of a case fille document delivered in the regular course, of pusiness. Date Processed Al Techatetan

# BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Charlie :

Wasaya, Notice of Apparent: Case No. 15-1049-TR-CVF

Violation and Intent to : Assess Forfeiture. :

#### PROCEEDINGS

before Bryce A. McKenney, Hearing Examiner, at the Public Utilities Commission of Ohio, 180 East Broad Street, Room 11-D, Columbus, Ohio, called at 10:00 a.m. on Thursday, April 14, 2016.

ARMSTRONG & OKEY, INC.

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

State: Mi

### DRIVER/VEHICLE EXAMINATION REPORT



Report Number: OH3258007037

Inspection Date: 1/21/2015

Time Started:

07:55

Certification Date: Time Ended: 08:45

Inspection Level: II - Walk-Around HM Inspection Type: No HM Inspection

INLINE EXPRESS

5201 ROSA PARKS BLVD

DETROIT, MI 48208

USDOT #: 02185932

Phone #: (586)907-7604

MC/MX #: 758904

Fax #:

State #:

Location: FINDLAY SCALES

Highway: IR75

HANCOCK County:

Shipper:

S GROUP AUTO LLC

MilePost:

Origin:

Destination: DAYTON, OH

162

Driver:

License #:

Date of Birth:

WEBERVILLE, MI

Bill of Lading: 121514

WASAYA, CHARLIE I

W200115344901

11/25/1989

Cargo: GENERAL FREIGHT

VEHICLE IDENTIFICATION:

| ,                         |            |                     |                   |             |       |               |            |
|---------------------------|------------|---------------------|-------------------|-------------|-------|---------------|------------|
| Unit Type Make Year State | License#   | Equipment ID        | Unit VIN          | <b>GVWR</b> | CVSA# | CVSA Issued # | OOS Stkr.# |
| 1 TT PTRB 2009 MI         | RB18059    | 5984                | 1XPHDU9X79D765984 | 52,000      |       |               |            |
| 2 ST WANC 2003 OK         | 9926JM     | 600551              | 1JJV532W33L817600 | 70,000      |       |               | Y          |
| BRAKE ADJUSTMENTS:        | No brake m | easurements recorde | d.                |             |       |               |            |
| VIOLATIONS :              |            |                     |                   |             |       |               |            |

| VIOLATIONS    | :                       |             |     |  |         |       |   |
|---------------|-------------------------|-------------|-----|--|---------|-------|---|
| Vio Code      | Section                 | Unit        | oos | State Citation<br>Number               | Verify* | Crash | Violation Description   |
| 393.9         | 393.9(a)                | 1           | N   | 1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1- | N       | N     | Inoperable Required Lamp - Left tail lamp inop  |
| 393.9         | 393.9(a)                | 2           | N   |  | N       | N     | Inoperable Required Lamp - Left rear ID lamp inop   |
| 393.9         | 393.9(a)                | 2           | N   |  | N       | N     | Inoperable Required Lamp - Center rear ID lamp inop   |
| 393.75C       | 393.75(c)               | 2           | N   |  | N       | N     | Tire-other tread depth less than 2/32 of inch - Axie 4 Left inside - All tread 0/32" in 3 locations |
| 393.207B      | 393.207(b)              | 2           | Υ   |  | υ       | N     | Adjustable axle locking pins not engaged - Left rear  |
| 393,207B      | 393.207(b)              | 2           | Υ   |  | ប       | N     | Adjustable axle locking pins not engaged - Right rear   |
| 393.207B      | 393.207(b)              | 2           | Υ   |  | U       | N     | Adjustable axle locking pins not engaged - Right front  |
| * N - Non-OOS | or Driver OOS Violation | ı; U - Unkn | own |  |         |       |   |

| 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 Post Crash Inspection PASA Conducted Inspection PBBT Inspection Drug Interdiction Search Arrests: |  |

Inspection Notes: Explained oos to driver in detail. Explained that all 3 oos violations must be corrected before leaving scales. Explained that once all 4 pins were out he or whom ever repairs it should sign inspection and then the decal could be removed. Driver was told by carrier to take it to the T/A, he removed decal and left scales. Next inspection completed by 3229.

Special Study Fields:

Special Study1: Special Study2:

Special Study3: Special Study4:

Special Study5: Locally Defined Fields:

Driver City: DEARBORN Driver Zip: 48126

For-Hire Carrier: Y

Driver Address: 4331 SEYMOUR ST

Driver State: MI Photos Taken (Y/N): Y

Special Study6:

Special Study7:

Special Study8:

Special Study9:

Special Study10:

Report Prepared By:

M Kurtz

Badge #: 3258

Copy Received By: WASAYA, CHARLIE I Page 1 of 2





Report Number: OH3258007037

Inspection Date: 1/21/2015 **Certification Date:** 

07:55 Time Started:

Time Ended: 08:45

Inspection Level: II - Walk-Around HM Inspection Type: No HM Inspection

INLINE EXPRESS

5201 ROSA PARKS BLVD

DETROIT, MI 48208

USDOT #: 02185932

Driver: License #:

WASAYA, CHARLIE I W200115344901

State: MI

Date of Birth:

11/25/1989

MC/MX #: 758904 State #:

Reason Code: OBVI CDL Verified (Y/N): Y 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

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.

Phone #: (586)907-7604

Fax #:

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, TASD - 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:              | <u>X</u>   | Title:   | Date:                             |
|---|--|--|-----------------------------------|
| Failure to return this report wit \$10,000. | th the required certification can result in pena | lties up to \$1,000 per day for each day the vio | ation continues, up to a total of |
| Signature of Repairer:                      | <u>x</u>   | Facility:  | Date:                             |

|     | 7 |          |   |
|-----|---|----------|---|
| ( ) | h | 7        | 0 |
|     |   | <b>L</b> | V |

Report Number: OH3229011733

Inspection Date: 1/21/2015 Certification Date:

09:30 Time Started:

Driver:

License #:

Date of Birth:

Time Ended: 10:48

Inspection Level: II - Walk-Around HM Inspection Type: No HM Inspection

INLINE EXPRESS

5201 ROSA PARKS BLVD

DETROIT, MI 48208

USDOT #: 02185932

Phone #: (586)907-7604

Fax #:

MC/MX #: 758904

MilePost:

Origin:

WEBERVILLE, MI

Destination: DAYTON, OH

W200115344901

WASAYA, CHARLIE I

State: MI

11/25/1989

State #:

Location: ROADSIDE

Highway: IR75 SB

County: HANCOCK

Shipper: S GROUP AUTO LLC

Bill of Lading: 121514

Cargo: GENERAL FREIGHT

VEHICLE IDENTIFICATION:

| Unit | Тур | e Make | Year | State | License# | Equipment ID | Unit VIN          | GVWR   | CVSA# | CVSA Issued # | OOS Stkr.# |
|------|-----|--------|------|-------|----------|--------------|-------------------|--------|-------|---------------|------------|
| 1    | TT  | PTRE   | 2009 | MI    | RB18059  | 5984         | 1XPHDU9X79D765984 | 52,000 | ·     |               |            |
| 2    | ST  | WANG   | 2003 | OK    | 9926JM   | 600551       | 1JJV532W33L817600 | 70,000 |       |               | Y          |

No brake measurements recorded. BRAKE ADJUSTMENTS:

| VIOLATIONS | :           |      |     |                          |         |       |   |
|------------|-------------|------|-----|--------------------------|---------|-------|---|
| Vio Code   | Section     | Unit | oos | State Citation<br>Number | Verify* | Crash | Violation Description   |
| 393.9      | 393.9(a)    | 1    | N   |                          | N       | N     | Inoperable lamp (other than head/tail): ON THE TRACTOR, THE LEFT REAR TAIL ID LAMP WAS INOPERATIVE AT THE TIME OF THIS INSPECTION/STOP.                           |
| 393.9      | 393.9(a)    | 2    | N   |                          | N       | N     | Inoperable lamp (other than head/tail): ON REAR OF THE TRAILER, ONE OF THE MIDDLE ID LAMPS WAS INOPERATIVE AT THE TIME OF THIS STOP. L-1 ID LAMP INOP.            |
| 393.9      | 393.9(a)    | 2    | N   |                          | N       | N     | Inoperable lamp (other than head/tail): ON REAR OF THE TRAILER, ONE OF THE MIDDLE ID LAMPS WAS INOPERATIVE AT THE TIME OF THIS STOP. CENTER ID LAMP INOP.         |
| 393.75C    | 393.75(c)   | 2    | N   |                          | N       | N     | Tire-other tread depth less than 2/32 of inch: ON 4 LEFT AXLE, INSIDE TIRE MEASURED 0/32 OF AN INCH IN THREE AREAS, IN THE MAJOR TREAD GROOVES.                   |
| 393.207B   | 393.207(b)  | 2    | Υ   |                          | U       | N     | Adj axle locking pin disengaged: ON THE LEFT SIDE OF THE TRAILER, REAR PIN THAT HOLDS THE SLIDING SUBFRAME IN POSITION WAS NOT ENGAGED/LOCKED INTO THE HOLE.      |
| 393.207B   | 393.207(b)  | 2    | Y   |                          | U       | N     | Adj axie locking pin disengaged: ON THE RIGHT SIDE OF THE TRAILER, REAR PIN THAT HOLDS THE SLIDING SUBFRAME IN POSITION WAS NOT ENGAGED/LOCKED INTO THE HOLE.     |
| 396.9C2    | 396.9(c)(2) | D    | N   |                          | N       | N     | Operating an out-of-service vehicle: THIS DRIVER WAS STOPPED FOR LEAVING THE FINDLAY 3275 SCALE LOCATION BEFORE PROPERLY REPAIRING THE OUT-OF-SERVICE VIOLATIONS. |

N - Non-OOS or Driver OOS Violation; U - Unknown HazMat: No HM Transported.

| Special Checks: | Alcohol/Controlled Substance Check | Traffic Enforcement       | Post Crash Inspection |
|-----------------|------------------------------------|---------------------------|-----------------------|
|                 | Conducted by Local Jurisdiction    | PASA Conducted Inspection | PBBT Inspection       |
|                 | Size and Weight Enforcement        | Drug Interdiction Search  | Arrests:              |
|                 | EScreening                         |                           |                       |

Placard: NA



Cargo Tank:



Report Number: OH3229011733

Inspection Date: 1/21/2015 Certification Date:

09:30 Time Started:

Time Ended: 10:48

Inspection Level: II - Walk-Around HM Inspection Type: No HM Inspection

**INLINE EXPRESS** 

5201 ROSA PARKS BLVD DETROIT, MI 48208

USDOT #: 02185932

Phone #: (586)907-7604

MC/MX #: 758904

State #:

Fax #:

Driver: License #: Date of Birth:

11/25/1989

WASAYA, CHARLIE I W200115344901

State: MI

Inspection Notes: This vehicle was placed out-of-service at a truck stop near Beaverdam, Ohio. An out-of-service sticker was applied to the left front corner of the trailer and this driver was served with the original copy of the inspection report. The vehicle driver inspection report and the out-of-service violations were explained to this driver.

NOTE: The driver's home address listed in this inspection report was verified with this driver to be current and correct at the time of this inspection.

This driver-vehicle were stopped at the IR75 south bound platform scale at the 162 mile post by MCEI M. B. Kurtz, Unit 3258. MCEI Kurtz placed this vehicle (trailer) out-of-service at the IR75 SB Scale at the 162 mile post for having three of the four sliding subframe locking pins not engaged. MCEI Kurtz took digital photographs and placed an out-of-service sticker on the left front corner of this trailer. The inspection report number that MCEI Kurtz completed was OH3258007037.

MCEI Kurtz viewed this trailer-trailer leaving the IR75 SB Scale location shortly after the completion of that inspection. MCEI Kurtz advised this unit that there was no way this driver could of repaired the sliding subframe violations that quick and without help from a mechanic. The sliding subframe pins and the sliding subframe holes would not line up properly without lifting and moving the subframe.

During the questioning of this driver at the scene of this second stop, the driver stated that MCEI Kurtz told him if he got two of the four pins to engaged/locked into position that he could leave. The the driver then stated that the carrier told him to take the trailer to a T.A. Truck Stop for repairs. called MCE! Kurtz, she advised she did not tell the driver he could leave with only two of four pins engaged/locked into position. The driver still had in his possession the inspection report and the out-of-service sticker that the driver took off the trailer before leaving the IR75 Scale.

#### 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 City: DEARBORN

Driver Zip: 48126

Co-Investigator #: 3258

FMCSA Credentials Verified-Y/N: Y

FMCSA OOS Order Issued(Y/N): N

Driver Address: 4331 SEYMOUR ST

Driver State: MI

Photos Taken (Y/N): Y

Reason Code: REIN

CDL Verified (Y/N): Y

<sup>\*</sup> 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.



Report Number: OH3229011733

Inspection Date: 1/21/2015

Time Started: 09:30

Certification Date: Time Ended: 10:48

Inspection Level: II - Walk-Around HM Inspection Type: No HM Inspection

Driver: License #:

Date of Birth:

WASAYA, CHARLIE I W200115344901

11/25/1989

State: MI

6201 ROSA PARKS BLVD DETROIT, MI 48208

Phone #: (586)907-7604

USDOT #: 02185932 MC/MX #: 758904

**INLINE EXPRESS** 

Fax #:

State #:

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, TASD - 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  | Title:                        | Date:  |
|---|--|-------------------------------|--|
| Failure to return this report wit \$10,000. | h the required certification can result it | n penalties up to \$1,000 per | day for each day the violation continues, up to a total of |
| Signature of Repairer:                      | <u>x</u>                                   | Facility:                     | Date:  |



1 23

Report Number: OH3258007037 OHIO STATE HIGHWAY PATROL MOTOR CARRIER ENFORCEMENT Inspection Date: 01/21/2015 FINDLAY DISTRICT HEADQUARTERS Start: 7:55:00 AM ET End: 8:45:00 AM ET TELEPHONE:(419)421-8340 FAX:(614)752-9274 Inspection Level: || - Walk-Around RETURN CERTIFICATION TO AGENCY LISTED BELOW HM inspection Type: None INLINE EXPRESS Driver: WASAYA, CHARLIE I 5201 ROSA PARKS BLVD License#: W200115344901 State: Mi DETROIT, MI 48208 Date of Birth: 11/25/1989 USDOT#: 02185932 Phone#: (586)907-7604 CoDriver: MC/MX#: 758904 Fax#; License#: State: Date of Birth: State#: Shipper: S GROUP AUTO LLC Location: FINDLAY SCALES . MilePost: 182 Origin: WEBERVILLE, MI Highway: IR75 Bill of Lading: 121514 County: HANCOCK, OH Destination: DAYTON, OH Cargo: GENERAL FREIGHT VEHICLE IDENTIFICATION Plate # Equipment ID VIN GVWR CVSA# CVSA issued# OOS Sticker Unit Type Make Year State 1XPHDU8X78D765984 52,000 TT PTR8 2009 MI RB18059 5984 1JJV532W33L817600 70,000 ST WANC 2003 OK 8926JM 600551 Y BRAKE ADJUSTMENTS: No Brake Measurements Required For Level 2 VIOLATIONS Unit OOS Citation # Verify Crash Violations Discovered
1 N N Inoperable Required Lamp - Left tall temp inop Vio Code Section 393.9(a) Inoperable Required Lamp - Left rear ID lamp inop 393.9 393.9(8) 2 N N Inoperable Required Lamp - Center rear ID lamp Inop
Tire-other tread depth less than 2/32 of Inch - Axis 4 Left Inside N 393.9 393.8(a) N 393.75C 393.75(c) All tread 0/32" in 3 locations u 393,207(b) Adjustable axle locking pins not engaged - Left rear 393.207B U 393.207(b) Adjustable exte locking pins not engaged - Right rear N 393.207R Adjustable axie locking pins not engaged - Right front 393,207(b) 393,2078 HazMat: No HM Transported. Placard: No Cargo Tank: Special Checks: No Data for Special Checks. State Information: FMCSA Credentials Verified-Y/N: Y; CDL Verified (Y/N): Y; FMCSA COS Order Issued(Y/N); N; For-Hire Cauter, Y; Reason Code: OBVI; Driver Address: 4331 SEYMOUR ST; Driver City: DEARBORN; Driver State: MI; Driver Zip: 48128; Photos Taken (Y/N): Y; \* Pursuant to authority contained in Title 49, Code of Federat Regulations, Section 398.9, I hereby declars vehicles with defects followed by an "Y" in the "Out of Service violations discovered section of this report OUT OF SERVICE. No person shall remove the out of service stokers applied to these vehicles, or operate such vehicles a service defects have been repaired and the vehicles have been restored to eate operating condition. e-panelties up to \$1,000 per day for each day the viginition continues, up to global of \$10,000.

Facility: [Statistics of the continues of th Signature Of Repairer X: one of the FFMR and FMCSR or Title 49 of the Obio Revised Code will be reviewed by the PUCO's Transportation It signifiest any responsible parties in accordance with the penalty provisions of Title 49 of the Obio Revised Code, if of mail. These paralles may be essessed to motor certifiers, shippers, and/or drivers. ATTENTION ORIVER: This report must be sent to the motor carrier whose name a within 24 hours the driver must must or fax the inspection report to the motor certies. ns appears at the top of this inspection report within 24 hours. If the inspection report cannot be delivered ATTENTION MOTOR CARRIER: The motor carrier must examine this report and repair all the vehicle distorts noted above. AND- The motor carrier must sign the Certification of Repairs below and return the signed form for Public Utilities Commission of Ohio, TASD- 4th floor, 180 E Broad St, Columbus, OH 43215-3793-OR- Fax (614) 782-3274 within 15 days of the Inspection. If Two Violations Were Discovered then you do not need to return this report with the required certification can result in panelities 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 commoted and soliton taken to assure compliance with the Federal Notice Certier Safety & Hezardous Materials Regulations Insofar as they are applicable to motor centers and drivers. A false certification of repeirs in required to be prosecuted with penalties up to \$10,000. Title Signature Of Motor Carrier X:\_ Report Prepared By: Badge # Copy Received By: 3258 CHARLIE WASAYA 02185932 OH OH3258007037 **100** Ø OS\04\SOT@ TI:41 EVE

Aspen 2,14,1,1

State: MI

State:



OHIO STATE HIGHWAY PATROL
MOTOR CARRIER ENFORCEMENT
FINDLAY DISTRICT HEADQUARTERS
TELEPHONE:(419)421-5340 FAX:(614)752-9274
RETURN CERTIFICATION TO AGENCY LISTED BELOW

Inspection Level; II - Walk-Around
HM Inspection Type: None

Driver: WASAYA, CHARLIE I INLINE EXPRESS License#: W200115344901 5201 ROSA PARKS BLVD DETROIT, MI 48208 Date of Birth: 11/25/1989 USDOT#: 02185932 Phone#: (586)907-7604 CoDriver: MC/MX#: 758904 Fax#: License#: Date of Birth: State#: Shipper: S GROUP AUTO LLC Location: ROADSIDE MilePost: 153 Origin: WEBERVILLE, MI Bill of Lading: 121514 Highway: IR75 SB Cargo: GENERAL FREIGHT Destination: DAYTON, OH County: HANCOCK, OH

 VEHICLE IDENTIFICATION

 Unit Type Make Year State Plate # Equipment ID
 VIN
 GVWR
 CVSA # CVSA # CVSA Issued # QOS Sticker

 1
 TT PTRB 2009 MI
 RB18059
 5984
 1XPHDU9X79D765984
 52,000

 2
 ST WANC 2009 OK
 9926JM
 600551
 1JJV532W33L817600
 70,000
 Y

BRAKE ADJUSTMENTS: No Brake Measurements Required For Level 2

|   |                         |             |           |        | ···          |        |       |  |
|---|-------------------------|-------------|-----------|--------|--------------|--------|-------|--|
|   | VIOLATIONS              |             |           |        |              |        |       |  |
|   | Vío Code                | Section     | U         | nit OC | S Citation # | Verify | Crash | Violations Discovered  |
|   | 393.9                   | 393.9       | $\bar{C}$ | 1 1    |              | Ň      | N     | inoperable lamp (other than head/tell): ON THE TRACTOR, THE LEFT REAR TAIL ID LAMP WAS INOPERATIVE AT THE TIME OF THIS INSPECTION/STOP.                                |
|   | 393.9<br>L              | 393.9       |           | 2 N    | 1            | N      | N     | Inoperable lamp (other than head/tail): ON REAR OF THE TRAILER, ONE OF THE MIDDLE ID LAMPS WAS INOPERATIVE AT THE TIME OF THIS STOP. L-1 ID LAMP, JNOP.                |
|   | <sup>2</sup> 393.9<br>: | 393.9       |           | 2 1    | l            | N .    | N     | Inoperable lamp (other than head/tell): ON REAR OF THE TRAILER, ONE OF THE MIDDLE ID LAMPS WAS INOPERATIVE AT THE TIME OF THIS STOP. CENTER ID LAMP INOP.              |
|   | 393.75C                 | 393.75(c)   | (         | 2 1    | l            | N/     | N     | Tire-other tread depth less than 2/32 of inch: ON 4 LEFT AXLB, INSIDE TIRE MEASURED 0/32 OF AN INCH IN THREE AREAS, IN THE MAJOR TREAD GROOVES.                        |
|   | 393.207B                | 393.207(b)  | V         | 2 Y    | ,            | U      | N     | Adj axis locking pin disengaged: ON THE LEFT SIDE OF<br>THE TRAILER, REAR PIN THAT HOLDS THE SLIDING<br>SUBFRAME IN POSITION WAS NOT ENGAGED/LOCKED<br>INTO THE HOLE.  |
|   | 393.207B                | 393,207(b)  | )         | 2 \    | •            | υ      | N     | Adj axie locking pin disengaged: On the Right Side of<br>the trailer, rear pin that holds the Sliding<br>Subframe in Position was not engaged/locked<br>into the hole. |
| 8 | 396.9C2                 | 398.9(c)(2) |           | D N    |              | N      | Ŋ     | Operating an out-of-service vehicle; THIS DRIVER WAS STOPPED FOR LEAVING THE FINDLAY 3275 SCALE LOCATION BEFORE PROPERLY REPAIRING THE OUT-OF-SERVICE VIOLATIONS.      |

HazMat: No HM Transported. Piacard: No Cargo Tank:

Special Checks: No Data for Special Checks.

State Information:

FMCSA Credentials Verified-Y/N; Y; CDL Verified (Y/N); Y; FMCSA OOS Order Issued(Y/N); N; For-Hire Carrier; Y; Reason Code: REIN; Driver Address: 4331 SEYMOUR ST; Driver City: DEARBORN; Driver State: MI; Driver Zip: 48126; Photos Taken (Y/N); Y;

Report Prepared By:

Badge #: Copy Received By:

Pege 1 of 2:

Pege 1 of 2:

Z00 🛭

01/53/5012 14:04 EVE

02185932 OH OH3229011733



| •   |   | DVIAE   |  |   |   | Aspen 2   |
|---|---|---|--|---|---|---|
| OHI   | STATE   | HIGHWAY PAT   | ROL  |   | Report Number: OH:  | 3229011733  |
|   |   | RIER ENFORCE  | · · · · · ·  |   | Inspection Date: 01/2   |   |
| P. C  |   | STRICT HEADQU                                       |  |   | Start; 9:30:00 AM ET  |   |
|   |   |   |  |   |   |   |
|   |   |   | FAX:(614)762-9274  |   | Inspection Level: II -  |   |
| REI   | URN CE  | RTIFICATION TO                                      | o agency listed  | ) RELOM   | HM Inspection Type  | : None  |
| INE EXPRESS   |   |   |  | Driver: W   | ASAYA, CHARLIE I  |   |
| 01 ROSA PARKS   | BLVD  |   |  |   | W200115344901   | State   |
| TROIT, MI 4820  | )8  |   |  | Date of B   | inth: 11/25/1989  | *   |
| DOT#: 0218593   |   | Phone#: (586)9                                      | 077804   | CoDriver  | * * * // // *   |   |
| C/MX#: 758904   | •   | Fax#:   | 01-1004  |   | · ·   | C   |
| 2/14/A#: 750804<br>ate#:  |   | Faxi  |  | License#  |   | State   |
|   |   |   |  | Date of B   |   |   |
| cation: ROADS   |   |   | MilePost: 15   |   | ipper: S GROUP AUT  |   |
| ghway: IR75 SB  |   |   | Origin: WE8  | ERVILLE, MI   | Bill of Lading:   | 121514  |
| unty: HANCOC  | K, OH   |   | Destination:   | DAYTON, OH  | Cargo: GENER  | AL FREIGHT  |
| lationa discovered sectio   | n of this repo                                  | IN OUT OF SERVICE, N                                | gulations, Section 396.9, I have<br>no person shall remove the o<br>watered to sale operating cor  | rut of service stickers ap                            | ith defects followed by an "Y" in ti<br>plied to these vahicles, or operate                                   | ne "Out of Service" column<br>e such vehicles until the or  |
| nature Of Repairer X:   | - Offi  | Man   |  | Facility:   | Conscion Flort  | Déte: 1-21  |
| deset you lanings been  | onalbia partie                                  | a in accordance will the                            | rvised Code will be reviewed<br>a panelty provisions of Tille 4<br>irs, shippers, and/or drivers.  | P of the Ohio Revised C                               | ristion Department to determine<br>ode. I civil forfellures are assess  | whether civil forfeitures sh<br>ed, you will receive a sape |
|   |   |   |  | the lop of this inspection                            | s report within 24 hours. If the Inc  | speciion report cennot be                                   |
|   |   | x the inspection report to                          |  |   |   |   |
|   | RIER: The M                                     | rotor carrier must exami                            | ine this report and repels all t   | he vehicle defects/violal                             | lons noted above -AND- The mo   | concernier must sign the                                    |
| TENTION MOTOR CAR   |   |   |  |   |   |   |
| TENTION MOTOR CAR<br>Hillostion of Repairs belt<br>days of the inspection. If                 | No Violetion                                    | ine signes lorm to: Pub.<br>la Were Discovered' the | HIC Utilite Commission of O<br>In you do not need to return (  | hio-TASO; 180 E. Bross<br>this recort. Fallure to net | urs this report with the required o   | artification cust seable to or                              |
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| up to \$600.  |   |   |  |   | •   |   |
| up to \$600.<br>OTOR CARRIER CERTIS<br>Impliance with the Federa                              | FICATION OF<br>Il Motor Cerri                   | COMPLETED REPAIRS<br>or Salety & Hazardous M        | S: The undersigned centiles  | beton arrotations agent                               | um this report with the required or<br>on this report have been correcte<br>o motor cerriers and drivers. Afs | ed and action taken to esse                                 |
| op to \$600.<br>TOR CARRIER CERTIF<br>repliance with the Federa<br>used to be prosecuted to   | FICATION OF<br>Il Motor Cerri<br>vith penalties | COMPLETED REPAIRS<br>or Salety & Hazardous M        | S: The undersigned centiles  | that elf violations nated<br>as they are applicable t | on this report have been correcte   | ed and action taken to assume vectification of repairs      |
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| up to \$600.<br>DTOR CARRIER CERTIS   | FICATION OF                                     | COMPLETED REPAIRS<br>or Salety & Hazardous M        | IS: The undersigned centifications in softer in the control of the | that all violations noted as they are applicable to   | on this report have been corrected or motor curriers and drivers. After                                       | ed and action taken to assume vectification of repairs      |

Factoring | Fuel Tax Reporting | Prorates | Permits | ICC Authority Filings | Insurance | DOT Compliance ALL MAJOR CREDIT CARDS ACCEPTED

01/52/5012 14:04 EVI

|   | RDAM FLE   | et se | RVIC  | E INC.   |  |   |   | CASI      | SALE                   |
|---|------------|-------|---|--|--|---|---|-----------|------------------------|
|   | m, OH 458  | 808   |   |  |  | , , , , , , , , , , , , , , , , , , ,   |   | Date      | Involce No.            |
| 419) 643                                    | 3-8840     |       |   |  | •  |   | :   | 1/21/2015 | 75794                  |
| Sok   | i To       |       |   | ——————————————————————————————————————   |  |   |   | •         |                        |
| INLD  |            |       |   |  |  |   |   | Check N   |                        |
|   |            |       |   |  |  |   |   | Checkin   | 0. Payment             |
|   |            |       | 1   |  |  | T   |   | <u> </u>  | <u></u>                |
| MECH  | Service Ve | n. #  |   | TRACTOR#   | Mileage  | TRAIL   |   | Hub       |                        |
| iter  |            | Qly   |   |  | Description  | 6005  | <u>,,, , , , , , , , , , , , , , , , , , </u> | Rate      | Amount                 |
| LABOR                                       |            | 4.7   | 1.5   | TANDEM PRIEN   | YONT GO IN FOUR  | TATULT OF   | 155D  | 85.00     | 127,507                |
| 2 8 1 7 X 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 |            |       | Winch tandems foward. Tandems were not stuck. Trying to get holes lined up in slider rail. But slider rail does not line up with tandem pins. Was more than just trying to slide tandems that were stuck. Driver kept wanting me to try and pull tandems forward even after 1 tried to explain its not possible.  Lamp - (-1/4x3-7/8 sealed light |  |  |   | 175.00  |           |                        |
| 2919200R                                    |            |       | 2   | SLIDER RAIL E<br>UP WITH TAND!<br>TRYING TO SLU<br>DRIVER KEPT W<br>TANDEMS FOR!<br>EXPLAIN ITS NO | ut slider rail i<br>em pins. Was mo<br>de tandems th/<br>vanting me to t<br>ward even apti<br>dt possible. | Les Lined<br>Does not I<br>Dre I Han I<br>AT Were S<br>IRY and P<br>ER I I RIED | ULL<br>UST<br>UP IN                           | 2.71      | 175.00T<br>4.<br>5.42T |
| 2919200R                                    |            |       | 2   | SLIDER RAIL E<br>UP WITH TAND!<br>TRYING TO SLU<br>DRIVER KEPT W<br>TANDEMS FOR!<br>EXPLAIN ITS NO | ut slider rail i<br>em pins. Was mo<br>de tandems th/<br>vanting me to t<br>ward even apti<br>dt possible. | Les Lined<br>Does not I<br>Dre I Han I<br>AT Were S<br>IRY and P<br>ER I I RIED | ULL<br>UST<br>UP IN                           |           | 4.                     |
| 2919200R                                    |            |       | 2   | SLIDER RAIL E<br>UP WITH TAND!<br>TRYING TO SLU<br>DRIVER KEPT W<br>TANDEMS FOR!<br>EXPLAIN ITS NO | ut slider rail i<br>em pins. Was mo<br>de tandems th/<br>vanting me to t<br>ward even apti<br>dt possible. | Les Lined<br>Does not I<br>Dre I Han I<br>AT Were S<br>IRY and P<br>ER I I RIED | UP IN LINE UST PUCK.                          |           | 4.<br>5.421            |



# Sales Invoice

Invoice No: 50905 Date: 1-21-15

moscar

# D & M TRUCK AND TIRE REPAIR

PO Box 46643 Mt Clemens, MI 48046-6643

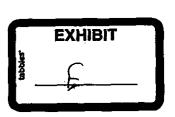
(586) 933-6354 (586) 630-0836 Fax

Sold To:

I MINE EXPLESS

|          |                          | PO#        |        |  |
|----------|--------------------------|------------|--------|--|
| Qty      | Description/Stock Number | Unit Price | Amount |  |
| 2        | Replace Slider Rail      | 345.       | 691,   |  |
| 2        | Hr Mech                  | 55=2       | 110.5  |  |
|          |                          |            |        |  |
|          |                          |            |        |  |
|          |                          |            |        |  |
| <u>-</u> |                          |            |        |  |
|          | Der Charles Wassyd       |            |        |  |
|          |                          | Parts      | 691 20 |  |
|          |                          | Labor      | 110:22 |  |
|          |                          | Mise       | 41,11  |  |
| _        | Received By:             | TOTAL      | 842 5  |  |

\*\*WARNING-Lug Nuts Need To Be Re-tighten After 100 Miles\*\* 1.5% per month will be charged on all over due bills. Annual percentage rate is 18% terms net 10 days.



#### **BEFORE**

# THE PUBLIC UTILITIES COMMISSION OF OHIO

| In | the Matter   | of Charlie | Wasa | ıya, Not | ice | ) | Case No. 15-1049-TR-CVF |
|----|--------------|------------|------|----------|-----|---|-------------------------|
| of | Apparent     | Violation  | and  | Intent   | to  | ) | (OH3229011733D)         |
| A۶ | sess Forfeit | ure.       |      |          |     | ) |                         |

# **ENTRY**

The attorney examiner finds:

- (1) Pursuant to Ohio Adm.Code 4901:2-7-2, Commission Staff served a notice of preliminary determination upon Charlie Wasaya alleging violations of the Commission's transportation regulations.
- (2) On June 1, 2015, Charlie Wasaya filed a request for an administrative hearing in the above-captioned case in accordance with Ohio Adm.Code 4901:2-7-13.
- (3) A prehearing settlement conference was held on July 16, 2015; however, the parties were unable to settle this matter.
- (4) By Entry issued on July 22, 2015, the attorney examiner scheduled this matter for hearing to take place on October 27, 2015.
- (5) On October 23 and December 23, 2015, and on February 5 and February 22, 2016, the parties filed motions to continue the hearing in this case. The attorney examiner granted each of the motions to continue the hearing. However, in the attorney examiner's February 22, 2016, Entry granting the motion for a continuance to April 14, 2016, the attorney examiner noted that apart from extraordinary circumstances, no additional continuances would be granted in this matter.
- (6) Subsequently, on April 13, 2016, the Respondent filed an additional motion to continue this case and a request for expedited treatment pursuant to Ohio Adm.Code 4901-1-12(C). The motion states that a continuance is requested because the Respondent will be unavailable for hearing.

- Took it OH The trailer

Very The Sound of Sou

- It you test ony test inspection Kuts did tellyou test you only had toget to prisein ? 15-1049-TR-CVF -2-

(7) The attorney examiner finds that the Respondent's motion for continuance is unreasonable and should be denied. The motion contains no memorandum in support, as required by Ohio Adm.Code 4901-1-12, and provides no explanation of the extraordinary circumstances detailing the Respondent's unavailability. Additionally, the attorney examiner notes that Ohio Adm.Code 4901-1-13 requires that any motion for an extension of time to file a document must be timely filed. However, this fifth motion to continue the hearing has been filed less than 24 hours in advance of the hearing. Accordingly, for these reasons, the attorney examiner finds that the motion to continue the hearing should be denied and that the hearing will commence on April 14, 2016.

It is, therefore,

ORDERED, That the motion to continue the hearing in this case be denied, in accordance with Finding (7). It is, further,

ORDERED, That a copy of this Entry be served upon each party of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Bryce A. McKenney

By: Bryce A. McKenney Attorney Examiner

GAP/dah

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

4/13/2016 4:41:18 PM

in

Case No(s). 15-1049-TR-CVF

Summary: Attorney Examiner Entry ordering a motion to continue the hearing in this case be denied, in accordance with Finding (7) - electronically filed by Debra Hight on behalf of Bryce A. McKenney, Attorney Examiner.