

FILE

15

# PUCO EXHIBIT FILING

Date of Hearing: April 14, 2016

Case No. 15-1049-TR-CVF

PUCO Case Caption: IMO - Charlie Wasaya,  
Notice of Apparent Violation and  
Intent to Assess Forfeiture

## List of exhibits being filed:

Staff Exhibit	Identified	Admitted
1 Driver/Vehicle Examination Report	8	80
2 Driver/Vehicle Examination Report	22	80
Respondent's Exhibit	Identified	Admitted
A Driver/Vehicle Examination Report	38	80
B Driver/Vehicle Examination Report	47	80
C Driver/Vehicle Examination Report	53	80
D Beaverdam Fleet Service Invoice	55	80
E D&M Truck and Tire Repair Invoice	57	80

Reporter's Signature: \_\_\_\_\_  
Date Submitted: \_\_\_\_\_

RECEIVED COCKETING DIV  
2016 APR 29 PM 1:56  
PUCO

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 ke Date Processed APR 29 2016

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

- - -

## DRIVER/VEHICLE EXAMINATION REPORT

**Ohio**

Report Number: OH3258007037

Inspection Date: 1/21/2015 Certification Date:

Time Started: 07:55 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

MC/MX #: 758904

State #:

Phone #: (586)907-7604

Fax #:

Driver: WASAYA, CHARLIE I

License #: W200115344901

State: MI

Date of Birth: 11/25/1989

Location: FINDLAY SCALES

MilePost: 162

Highway: IR75

Origin: WEBERVILLE, MI

Bill of Lading: 121514

County: HANCOCK

Destination: DAYTON, OH

Cargo: GENERAL FREIGHT

Shipper: S GROUP AUTO LLC

## VEHICLE IDENTIFICATION:

Unit	Type	Make	Year	State	License#	Equipment ID	Unit VIN	GVWR	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 measurements recorded.

## VIOLATIONS :

Vio Code	Section	Unit	OOS	State Citation Number	Verify*	Crash	Violation Description
393.9	393.9(a)	1	N		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 - Axle 4 Left inside - All tread 0/32" in 3 locations
393.207B	393.207(b)	2	Y		U	N	Adjustable axle locking pins not engaged - Left rear
393.207B	393.207(b)	2	Y		U	N	Adjustable axle locking pins not engaged - Right rear
393.207B	393.207(b)	2	Y		U	N	Adjustable axle locking pins not engaged - Right front

\* N - Non-OOS or Driver OOS Violation; 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:** 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 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: 4331 SEYMOUR ST

Driver City: DEARBORN

Driver State: MI

Driver Zip: 48126

Photos Taken (Y/N): Y

Report Prepared By:

Badge #:

Copy Received By:

Page 1 of 2

M Kurtz

3258

WASAYA, CHARLIE I



OH3258007037

# DRIVER/VEHICLE EXAMINATION REPORT



Report Number: OH3258007037  
 Inspection Date: 1/21/2015 Certification Date:  
 Time Started: 07:55 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  
 MC/MX #: 758904  
 State #:

Phone #: (586)907-7604  
 Fax #:

Driver: WASAYA, CHARLIE I  
 License #: W200115344901 State: MI  
 Date of Birth: 11/25/1989

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 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, 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 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:  
 M Kurtz

Badge #:  
 3258

Copy Received By:  
 WASAYA, CHARLIE I

Page 2 of 2



OH3258007037

Staff Ex. 2

## DRIVER/VEHICLE EXAMINATION REPORT

**Ohio**

Report Number: OH3229011733

Inspection Date: 1/21/2015 Certification Date:

Time Started: 09:30 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

MC/MX #: 758904

State #:

Phone #: (586)907-7604

Fax #:

Driver: WASAYA, CHARLIE I

License #: W200115344901

State: MI

Date of Birth: 11/25/1989

Location: ROADSIDE

MilePost: 153

Highway: IR75 SB

Origin: WEBERVILLE, MI

Bill of Lading: 121514

County: HANCOCK

Destination: DAYTON, OH

Cargo: GENERAL FREIGHT

Shipper: S GROUP AUTO LLC

## VEHICLE IDENTIFICATION:

Unit	Type	Make	Year	State	License#	Equipment ID	Unit VIN	GVWR	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 measurements recorded.

## VIOLATIONS :

Vio Code	Section	Unit	OOS	State Citation 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	Y		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 axle 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.

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:

 Report Prepared By:  
 H A Emnett

 Badge #:  
 3229

 Copy Received By:  
 WASAYA, CHARLIE I

Page 1 of 3



OH3229011733

# DRIVER/VEHICLE EXAMINATION REPORT



Report Number: OH3229011733  
 Inspection Date: 1/21/2015 Certification Date:  
 Time Started: 09:30 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  
 MC/MX #: 758904  
 State #:

Phone #: (586)907-7604  
 Fax #:

Driver: WASAYA, CHARLIE I  
 License #: W200115344901 State: MI  
 Date of Birth: 11/25/1989

**Inspection Notes:** This vehicle was placed out-of-service at a truck stop near Beavertown, 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. I called MCEI 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 Address: 4331 SEYMOUR ST
Driver City: DEARBORN	Driver State: MI
Driver Zip: 48126	Photos Taken (Y/N): Y
Co-Investigator #: 3258	Reason Code: REIN
FMCSA Credentials Verified-Y/N: Y	CDL 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.

Report Prepared By:  
 H A Emmett

Badge #:  
 3229

Copy Received By:  
 WASAYA, CHARLIE I

Page 2 of 3



OH3229011733

# DRIVER/VEHICLE EXAMINATION REPORT

# Ohio

Report Number: OH3229011733  
 Inspection Date: 1/21/2015 Certification Date:  
 Time Started: 09:30 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  
 MC/MX #: 758904  
 State #:

Phone #: (586)907-7604  
 Fax #:

Driver: WASAYA, CHARLIE I  
 License #: W200115344901 State: MI  
 Date of Birth: 11/25/1989

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.

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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 Title: \_\_\_\_\_ 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:  
 H A Emmett

Badge #:  
 3229

Copy Received By:  
 WASAYA, CHARLIE I

Page 3 of 3



OH3229011733

# DRIVER/VEHICLE EXAMINATION REPORT

Aspen 2.14.1.1

OHIO STATE HIGHWAY PATROL  
MOTOR CARRIER ENFORCEMENT  
FINDLAY DISTRICT HEADQUARTERS  
TELEPHONE:(419)421-8340 FAX:(614)752-8274  
RETURN CERTIFICATION TO AGENCY LISTED BELOW

Report Number: OH3258007037  
Inspection Date: 01/21/2015  
Start: 7:55:00 AM ET End: 8:45:00 AM ET  
Inspection Level: II - Walk-Around  
HM Inspection Type: None

INLINE EXPRESS  
5201 ROSA PARKS BLVD  
DETROIT, MI 48208  
USDOT#: 02185932 Phone#: (586)907-7804  
MC/MX#: 758904 Fax#:  
State#:

Driver: WASAYA, CHARLIE I  
License#: W200115344901 State: MI  
Date of Birth: 11/25/1989  
CoDriver:  
License#:  
Date of Birth:

Location: FINDLAY SCALES  
Highway: IR75  
County: HANCOCK, OH

MilePost: 182 Shipper: S GROUP AUTO LLC  
Origin: WEBERVILLE, MI Bill of Lading: 121514  
Destination: DAYTON, OH Cargo: GENERAL FREIGHT

## VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate #	Equipment ID	VIN	GWR	CVSA #	CVSA Issued #	OOS Sticker
1	TT	PTB	2009	MI	RB18059	5984	1XPHDUBX78D765984	52,000			
2	ST	WANC	2003	OK	8926JM	600551	1J3V532W33L817600	70,000			Y

BRAKE ADJUSTMENTS: No Brake Measurements Required For Level 2

## VIOLATIONS

Unit	Code	Section	Unit	OOS	Citation #	Verify	Crash	Violations Discovered
393.9	393.9(a)	1	N		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 - Axle 4 Left inside - All tread 0/32" in 3 locations
393.207B	393.207(b)	2	Y		U	N		Adjustable axle locking pins not engaged - Left rear
393.207B	393.207(b)	2	Y		U	N		Adjustable axle locking pins not engaged - Right rear
393.207B	393.207(b)	2	Y		U	N		Adjustable axle locking pins not engaged - Right front

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

\* Pursuant to authority contained in Title 49, Code of Federal Regulations, Section 398.9, 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.

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: [Signature] Facility: [Signature] Date: 1-21-15

All violations of the FHMR and FMCSA 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.

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Signature Of Motor Carrier X: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

Report Prepared By:  
M.B. KURTZ

Badge #  
3258

Copy Received By:  
CHARLIE WASAYA

Page 1 of 1



02185932 OH OH3258007037

FAX 419 2102 9020

EXHIBIT

tabler

A



# DRIVER/VEHICLE EXAMINATION REPORT

Aspen 2.14.1.1



OHIO STATE HIGHWAY PATROL  
MOTOR CARRIER ENFORCEMENT  
FINDLAY DISTRICT HEADQUARTERS  
TELEPHONE:(419)421-5340 FAX:(614)752-8274  
RETURN CERTIFICATION TO AGENCY LISTED BELOW

Report Number: OH3229011733  
Inspection Date: 01/21/2015  
Start: 9:30:00 AM ET End: 10:48:00 AM ET  
Inspection Level: II - Walk-Around  
HM Inspection Type: None

INLINE EXPRESS  
5201 ROSA PARKS BLVD  
DETROIT, MI 48208

USDOT#: 02185932  
MC/MX#: 758904  
State#:

Phone#: (586)907-7604  
Fax#:

Location: ROADSIDE  
Highway: IR75 SB  
County: HANCOCK, OH

MilePost: 153  
Origin: WEBERVILLE, MI  
Destination: DAYTON, OH

Driver: WASAYA, CHARLIE I  
License#: W200115344901  
Date of Birth: 11/25/1989  
CoDriver:  
License#:  
Date of Birth:

State: MI  
State:

Shipper: S GROUP AUTO LLC  
Bill of Lading: 121514  
Cargo: GENERAL FREIGHT

## VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate #	Equipment ID	VIN	GVWR	CVSA #	CVSA Issued #	OOS Sticker
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2	ST	WANC	2003	OK	9926JM	600551	1JJV532W33L817600	70,000			Y

BRAKE ADJUSTMENTS: No Brake Measurements Required For Level 2

## VIOLATIONS

Vio Code	Section	Unit	OOS	Citation #	Verify	Crash	Violations Discovered
393.9	393.9	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	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	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 AXLES, INSIDE TIRE MEASURED 0/32 OF AN INCH IN THREE AREAS, IN THE MAJOR TREAD GROOVES.
393.207B	393.207(b)	2	Y		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 axle 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.

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 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:  
EMMETT, HAROLD A.

Badge #:  
3229

Copy Received By:  
CHARLIE WASAYA

Page 1 of 2



02185932 OH OH3229011733

X

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01/23/2015 14:04 FAX

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ALL MAJOR CREDIT CARDS ACCEPTED

EXHIBIT

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# DRIVER/VEHICLE EXAMINATION REPORT

Aspen 2.14.1.1



**OHIO STATE HIGHWAY PATROL**  
**MOTOR CARRIER ENFORCEMENT**  
**FINDLAY DISTRICT HEADQUARTERS**  
**TELEPHONE:(419)421-6340 FAX:(614)762-9274**  
**RETURN CERTIFICATION TO AGENCY LISTED BELOW**

**Report Number: OH3229011733**  
**Inspection Date: 01/21/2015**  
**Start: 9:30:00 AM ET End: 10:48:00 AM ET**  
**Inspection Level: II - Walk-Around**  
**HM Inspection Type: None**

**INLINE EXPRESS**  
**5201 ROSA PARKS BLVD**  
**DETROIT, MI 48208**  
**USDOT#: 02185932**  
**MC/MX#: 758904**  
**State#:**

**Phone#: (586)907-7804**  
**Fax#:**

**Driver: WASAYA, CHARLIE I**  
**License#: W200115344901**  
**Date of Birth: 11/25/1989**  
**CoDriver:**  
**License#:**  
**Date of Birth:**  
**State:**

**Location: ROADSIDE**  
**Highway: IR75 SB**  
**County: HANCOCK, OH**

**MilePost: 153**  
**Origin: WEBERVILLE, MI**  
**Destination: DAYTON, OH**  
**Shipper: S GROUP AUTO LLC**  
**Bill of Lading: 121514**  
**Cargo: GENERAL FREIGHT**

\* Pursuant to authority contained in Title 49, Code of Federal Regulations, Section 398.9, I hereby declare vehicles with defects followed by an "X" 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.

**Signature Of Repairer X:** [Signature] **Facility:** Bonvicini Fleet **Date:** 1-21-15

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; 180 E. Broad St.; Columbus, OH; 43216-3793 -OR- Fax (614) 762-9274 within 10 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 of up to \$500.

**MOTOR CARRIER CERTIFICATION OF COMPLETED REPAIRS:** The undersigned certifies that all violations noted on this report have been corrected and action taken to ensure 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 Motor Carrier X:** \_\_\_\_\_ **Title:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Report Prepared By:**  
**EMNETT, HAROLD A.**

**Badge #:**  
**3229**

**Copy Received By:**  
**CHARLIE WASAYA**

**Page 2 of 2**



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**EXHIBIT**

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Justin

BEAVERDAM FLEET SERVICE INC.

424 E. Main St.  
Beaverdam, OH 45808  
(419) 643-8840

# CASH SALE

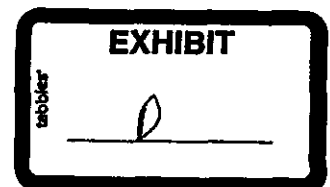
Date	Invoice No.
1/21/2015	75794

Sold To
IN LINE

Check No.	Payment ...

MECH...	Service Veh. #	TRACTOR #	Mileage	TRAILER #	Hub
OW				600531	
Item	Qty	Description	Rate	Amount	
LABOR	1.5	TANDEM PINS WONT GO IN FOUND THAT SLIDER RAIL HAD BEEN REPLACED AND WAS THE WRONG ONE HAD TO CUT RF PIN HOLE SO PIN WOULD GO IN PER CUSTOMER NOT RESPONSIBLE FOR RAIL PER OWNER OF TRL	85.00	127.50T	
TOWING	1	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 I TRIED TO EXPLAIN ITS NOT POSSIBLE.	175.00	175.00T	
2919200R.	2	LAMP - 1-1/4X3-7/8 SEALED LIGHT	2.71	5.42T	
				Sales Tax (6.75%)	\$20.78
				Total	\$328.70

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ALL MAJOR CREDIT CARDS ACCEPTED



125 am

## D & M TRUCK AND TIRE REPAIR

PO Box 46643

Mt Clemens, MI 48046-6643

(586) 933-6354

(586) 630-0836 Fax

**Sold To:**

## Inline Express

[illegible]

**\*\*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.

**EXHIBIT**

**Appendix**

*7ae Blue*

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Charlie Wasaya, Notice ) Case No. 15-1049-TR-CVF  
of Apparent Violation and Intent to ) (OH3229011733D)  
Assess Forfeiture. )

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.

*Resp Ex-7  
that is your exhibit  
- so you did  
receive a  
copy*

*— Took it off the trailer*

*— If you testified that inspection  
Kurt did tell you that you  
only had to get two photos?*

- (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.