

FILE

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PUCO EXHIBIT FILING

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2016 MAY 19 PM 3:44

Date of Hearing: May 9, 2016

Case No. 16-422-TR-CVF

PUCO

PUCO Case Caption: In the matter of:

Barron Young

List of exhibits being filed:

STAFF EXHIBITS	IDENTIFIED	ADMITTED
1 - Inspection	8	30
2 - Notice of Preliminary Determination	15	30
RESPONDENT'S EXHIBITS		
Young Exhibit 1	20	31
Sprint phone records		

Reporter's Signature: _____

Date Submitted: _____

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 Jim Date Processed MAY 19 2016

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

In the Matter of :
 :
Barron Young, : Case No. 16-422-TR-CVF
 :
 :

- - -

PROCEEDINGS

Before Jim M. Lynn, Attorney-Examiner, at the Public
Utilities Commission of Ohio, 180 East Broad Street,
Room 11-D, Columbus, Ohio, called at 1:00 p.m. on
Monday, May 9th, 2016.

- - -

ARMSTRONG & OKEY, INC.
222 East Town Street, Second Floor
Columbus, Ohio 43215-4620
(614) 224-9481 - (800) 223-9481
Fax - (614) 224-5724

- - -

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: OH3258007932
Inspection Date: 10/20/2015 Certification Date: 10/26/2015
Time Started: 15:02 Time Ended: 15:22
Inspection Level: III - Driver-Only Inspection
HM Inspection Type: No HM Inspection

YRC INC
10990 ROE AVENUE
OVERLAND PARK, KS 66211
USDOT #: 00071821
MC/MX #: 002202
State #:

Phone #: (913)696-6100
Fax #:

Driver: YOUNG, BARRON
License #: 2950036846 State: IN
Date of Birth: 5/12/1964

Location: ROADSIDE
Highway: US 24
County: LUCAS
Shipper: VARIOUS - LTL

MilePost: 58
Origin: INDIANAPOLIS, IN
Destination: TAYLOR, MI

Bill of Lading:
Cargo: LTL

VEHICLE IDENTIFICATION:

Unit	Type	Make	Year	State	License#	Equipment ID	Unit VIN	GVWR	CVSA #	CVSA Issued #	OOS Str.#
1	TT	VOLV	2005	IN	2323195	10767	4V4M19GFX5N378161	38,000			
2	ST	FRUE	1998	IN	P372134		1JJV281F5WF456283	38,000			
3	ST	GDAN	2004	IN	P371913	126392	1GRAA56194K257527	38,000			

BRAKE ADJUSTMENTS: No brake measurements recorded.

VIOLATIONS :

Via Code	Section	Unit	OOS	State Citation Number	Verify*	Crash	Violation Description
390.17-DT	390.17	D	N		N	N	Operating a CMV while texting - Driver holding cell phone in his right hand typing with his thumb while I passed him.

* 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 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"/> EScreening | | |

Inspection Notes: I entered 24 @ sr 295 next to this truck, I was behind him as he was being passed by another truck. He went left of center and would have sideswiped that truck if it had not crossed the line to their left. Then as I was passing this truck I looked up at him and he had his black cell phone in his right hand typing with his right thumb.

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 City: INDIANAPOLIS
Driver Zip: 46235
Reason Code: OBVI
CDL Verified (Y/N): Y

Driver Address: 3639 BEARWOOD DR
Driver State: IN
Photos Taken (Y/N): N
FMCSA Credentials Verified-Y/N: Y
FMCSA OOS Order Issued(Y/N): N

Report Prepared By:
M Kurtz

Badge #:
3258

Copy Received By:
YOUNG, BARRON

Page 1 of 2



OH3258007932

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DRIVER/VEHICLE EXAMINATION REPORT



Public Utilities Commission of Ohio
180 East Broad Street
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YRC INC
10990 ROE AVENUE
OVERLAND PARK, KS 66211
USDOT #: 00071821
MC/MX #: 002202
State #:

Phone #: (913)696-6100
Fax #:

Driver: YOUNG, BARRON
License #: 2950036846 State: IN
Date of Birth: 5/12/1964

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, TARD - 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:
M Kurtz

Badge #:
3258

Copy Received By:
YOUNG, BARRON

Page 2 of 2



OH3258007932

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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

01/29/2016

OH3258007932D
Barron Young
3639 BEARWOOD DR
INDIANAPOLIS, IN 46235

RE: **NOTICE OF PRELIMINARY
DETERMINATION**
Case No. OH3258007932D

Dear Sir or Madam:

On 10/20/2015, a vehicle operated by YRC INC, and driven by BARRON YOUNG, 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 BARRON YOUNG (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
390.17-DT	4	Operating a CMV while texting - Driver holding cell phone in his right hand typing with his thumb while I passed him.	250.00
		Total of Group 4	250.00

TOTAL AMOUNT DUE: \$250.00

A conference was conducted pursuant to rule 4901:2-7-10, O.A.C., at which the Respondent had a full opportunity to present any reasons why the violation did not occur as alleged, mitigating circumstances regarding the amount of any forfeiture, and any other information relevant to the action proposed to be taken by Staff.

As a result of the conference, Staff has made a Preliminary Determination that the Commission should assess a civil forfeiture against BARRON YOUNG in the following amount:

CODE	GROUP	VIOLATION	FORFEITURE
390.17-DT	4	Operating a CMV while texting - Driver holding cell phone in his right hand typing with his thumb while I passed him.	250.00
		Total of Group 4	250.00

180 East Broad Street
Columbus, Ohio 43215-3793

(614) 486-3016
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

TOTAL AMOUNT DUE: \$250.00

Within 30 days of this notice, you must either: (1) pay the assessed civil forfeiture or (2) file a written request for an administrative hearing pursuant to rule 4901:2-7-13, O.A.C. Failure to file a written request for an administrative hearing within 30 days shall constitute a waiver of your right to further contest the violations and will conclusively establish the occurrence of the violations. Such failure shall also constitute a waiver of your right to further contest liability to the state of Ohio for the civil forfeiture described in the notice and will result in the forfeiture amount being referred to the Ohio Attorney General's office for collection.

Please consult the enclosed instruction sheet for additional information regarding this Notice of Preliminary Determination.

Sincerely,

Milan Orbovich, Director
Transportation Department

Compliance Officer: Alla Magaziner-Tempesta

Young Ex. 1

From: "Text_Usage_Retrieval@sprint.com < Caution-mailto:Text_Usage_Retrieval@sprint.com >
" <Text_Usage_Retrieval@sprint.com < Caution-mailto:Text_Usage_Retrieval@sprint.com > >
Date: November 17, 2015 at 5:29:18 PM EST
To: <ybarron74@yahoo.com < Caution-mailto:ybarron74@yahoo.com > >
Subject: Text Retrieval (KMM146545320V99299L0KM)

Dear Barron,

Thank you for contacting Sprint. I am happy to assist you with e-mailing you the text messaging detail reports for your Sprint phone number 2144571402. The date is 10/20/2015. The times in the report are based on the United States Central time zone. The attachment is in Microsoft Excel format. The file is protected with a password and this is to prevent unwanted access to your information.

We value your business and appreciate the opportunity to answer your questions. Please reply to this e-mail or call us at 844-804-8691 option 1 if we can be of assistance.

Sincerely,
Angela S.
Sprint

[Attachment 1 Type:
application/vnd.openxmlformats-officedocument.spreadsheetml.sheet Name:
2144571402_102015_102015.xlsx]

Sent-to-Biller Messages by MDN for External Distribution			
{Mobile Dialable Number (MDN)} (ID) = "2144571402"			
Dates provided: 10/20/2015 12:00:00 AM through 10/20/2015 11:59:59 PM			
Please note that all timestamps are reported in Central Time.			

Texting Number	Texted Number	Inbound/ Outbound	Text Timestamp
9343	2144571402	Inbound	10/20/2015 1:20:50 PM
2145386105	2144571402	Inbound	10/20/2015 7:02:12 PM