

FILE

**PUCO EXHIBIT FILING**

Date of Hearing: February 7, 2017

Case No. 16-2040-TR-CVF

PUCO Case Caption: In the matter of:

Randolph Kuhn

**List of exhibits being filed:**

State's Exhibits 1 & 2

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Technician SM Date Processed FEB 21 2017

Reporter's Signature: Heather A. Piper

Date Submitted: 2/21/17

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

In the Matter of                   :  
                                     :  
Randolph Kuhn                   : Case No. 16-2040-TR-CVF  
                                     :  
                                     :

- - -

PROCEEDINGS

before Megan J. Addison, Attorney Examiner, at the  
offices of the Public Utilities Commission of Ohio,  
180 East Broad Street, Room 11-D, Columbus, Ohio, on  
Tuesday, February 7, 2017 at 10:00 a.m.

- - -

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

## 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: OH3291011282  
Inspection Date: 8/27/2016 Certification Date:  
Time Started: 13:38 Time Ended: 14:06  
Inspection Level: III - Driver-Only Inspection  
HM Inspection Type: No HM Inspection

## HIRSCHBACH MOTOR LINES INC

2460 KERPER BLVD  
DUBUQUE, IA 52001

USDOT #: 00065769

MC/MX #: 117686

State #:

Phone #: (402)404-2123

Fax #:

Driver: KUHN, RANDOLPH M  
License #: 052795653 State: GA  
Date of Birth: 3/24/1976

Location: ROADSIDE

MilePost: 18

Highway: US 30

Origin: COLUMBUS JUNCTION, IA

Bill of Lading: 072J25501

County: RICHLAND

Destination: CHELSEA, MA

Cargo: REFRIGERATED FOODS

Shipper: TYSON FOODS

## VEHICLE IDENTIFICATION:

Unit	Type	Make	Year	State	License#	Equipment ID	Unit VIN	GVWR	CVSA #	CVSA Issued #	OOS Stkr.#
1	TT	INTL	2016	NE	187017	26024	3HSDJAPR1GN691024	52,000			
2	ST	UTIL	2011	NE	230774	T31198	NA	68,000			

BRAKE ADJUSTMENTS: No brake measurements recorded.

## VIOLATIONS :

Vio Code	Section	Unit	OOS	State Citation Number	Verify*	Crash	Violation Description
392.82A1	392.82(a)(1)	D	N		N	N	Using a hand-held mobile telephone while operating a CMV: Driver using / talking on a hand held cell phone while operating a CMV. (OBVI)

\* N - Non-OOS or Driver OOS Violation

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: DRIVER PASSED ME TRAVELING EAST BOUND ON US-30 MILE POST 14 TALKING ON A HAND HELD CELL PHONE, DRIVER WAS HOLDING THE PHONE WITH HIS RIGHT HAND. AFTER I GOT DRIVER STOPPED HE PUT A BLUE TOOTH EAR PIECE IN AND STATE HE WASNT TALKING ON HIS PHONE. DRIVER WAS USING A LARGE SMART PHONE TO TALK ON.

## 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: 85 LEMMON UNIT 5112

Driver City: ELLIJAY

Driver State: GA

Driver Zip: 305540

Reason Code: OBVI

FMCSA Credentials Verified-Y/N: Y

CDL Verified (Y/N): Y

FMCSA OOS Order Issued(Y/N): N

Report Prepared By:  
J M Holzworth

Badge #:  
3291

Copy Received By:  
KUHN, RANDOLPH M

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OH3291011282

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Phone #: (402)404-2123

Fax #:

Driver: KUHN, RANDOLPH M  
License #: 052795653 State: GA  
Date of Birth: 3/24/1976

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:  
J M Holzworth

Badge #:  
3291

Copy Received By:  
KUHN, RANDOLPH M

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OH3291011282

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# Ohio | Public Utilities Commission

John R. Kasich, Governor  
Asim Z. Haque, Chairman

## Commissioners

Lynn Slaby  
M. Beth Trombold  
Thomas W. Johnson  
M. Howard Petricoff

09/27/2016

OH3291011282D  
RANDOLPH M KUHN  
85 LEMMON UNIT 5112  
ELLIJAY, GA 305540

RE: **NOTICE OF PRELIMINARY  
DETERMINATION**  
Case No. OH3291011282D

Dear Sir or Madam:

On 08/27/2016, a vehicle operated by HIRSCHBACH MOTOR LINES INC, and driven by RANDOLPH M KUHN, 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 RANDOLPH M KUHN (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
392.82A1	4	Using a hand-held mobile telephone while operating a CMV	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 RANDOLPH M KUHN in the following amount:

CODE	GROUP	VIOLATION	FORFEITURE
392.82A1	4	Using a hand-held mobile telephone while operating a CMV	250.00
		Total of Group 4	250.00

180 East Broad Street  
Columbus, Ohio 43215-3793

(614) 466-3016  
[www.PUCO.ohio.gov](http://www.PUCO.ohio.gov)





## Public Utilities Commission

John R. Kasich, Governor  
Asim Z. Haque, Chairman

### Commissioners

Lynn Slaby  
M. Beth Trombold  
Thomas W. Johnson  
M. Howard Petricoff

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: Michael Hines

