

PUCO EXHIBIT FILING

Date of Hearing: May 16, 2017

Case No. 17-0054-TR-CVF

PUCO Case Caption: In the matter of Curtis

Holliday, Notice of

Apparent Violation

and Intent to Assess

For forfeiture.

2017 MAY 22 PM 3:16

List of exhibits being filed:

Staff Exhibits 1 & 2

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Technician [Signature] Date Processed MAY 22 2017

Reporter's Signature: _____

Date Submitted: _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

In the Matter of Curtis :
Holliday, Notice of :
Apparent Violation and : Case No. 17-0054-TR-CVF
Intent to Assess :
Forfeiture. :

- - -

PROCEEDINGS

before Megan Addison, 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
Tuesday, May 16, 2017.

- - -

ARMSTRONG & OKEY, INC.
222 East Town Street, Second Floor
Columbus, Ohio 43215-5201
(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: OH3256011617
Inspection Date: 9/15/2016 Certification Date:
Time Started: 12:30 Time Ended: 13:25
Inspection Level: II - Walk-Around
HM Inspection Type: No HM Inspection

AMITA TRANSPORT INC
507 PENNY LANE
FORTUNA, CA 95540
USDOT #: 02173171
MC/MX #: 754778
State #:

Phone #: (707)725-9221
Fax #:

Driver: HOLLIDAY, CURTIS D
License #: C6418186 State: CA
Date of Birth: 4/14/1965
CoDriver: BAINES, CRAIG STEVEN
License #: N8342904 State: CA
Date of Birth: 7/27/1959

Location: ROADSIDE
Highway: IR70
County: GUERNSEY
Shipper: DAYLIGHT

MilePost: 176
Origin: LOS ANGELES, CA
Destination: JERSEY CITY, NJ

Bill of Lading: 365483
Cargo: GENERAL FREIGHT

VEHICLE IDENTIFICATION:

Unit	Type	Make	Year	State	License#	Equipment ID	Unit VIN	GVWR	CVSA #	CVSA Issued #	OOS Stkr.#
1	TT	PTRB	2012	CA	4P87483	685	1XP4D49X4CD172637	52,000			
2	ST	GDAN	2011	CA	4NH6800	007	1GRAP0620BK213083	68,000			
Unit	Cargo Seal Removed#	Cargo Seal Replaced#									
2	870807	OSHP0000356									

BRAKE ADJUSTMENTS: No brake measurements recorded.

VIOLATIONS :

Vio Code	Section	Unit	OOS	State Citation Number	Verify*	Crash	Violation Description
393.11	393.11	1	N		N	N	No or defective lighting devices or reflective material as required: right headlamp.
393.11	393.11	1	N		N	N	No or defective lighting devices or reflective material as required: right turn at front.
393.67C7	393.67(c)(7)	1	N		N	N	Fuel tank fill pipe cap missing: driver's side fuel tank cap is hanging by its chain.
392.5A3	392.5(a)(3)	D	Y		N	N	Driver in possession of intoxicating beverage while on duty or driving.: had a full alcohol beverage in cab of truck. (non-manifested)
392.2MI	392.2	D	N	yes	N	N	Miscellaneous Traffic Law Violation: driver failed to move over for stopped police vehicle.

* 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: 0

Inspection Notes:

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 Address: 303 W POTTERY APT 8

Fatalities (Y/N): N
Driver City: LAKE ELSINORE

Report Prepared By:
D W Hostetler

Badge #:
3256

Copy Received By:
HOLLIDAY, CURTIS D

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OH3256011617

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DRIVER/VEHICLE EXAMINATION REPORT



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507 PENNY LANE
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USDOT #: 02173171
MC/MX #: 754778
State #:

Phone #: (707)725-9221
Fax #:

Driver: HOLLIDAY, CURTIS D
License #: C6416186 State: CA
Date of Birth: 4/14/1965
CoDriver: BAINES, CRAIG STEVEN
License #: N8342904 State: CA
Date of Birth: 7/27/1959

Driver State: CA
Photos Taken (Y/N): Y
Reason Code: TRAF
FMCSA Credentials Verified-Y/N: Y
FMCSA OOS Order Issued(Y/N): N
Orig Seal Placed by(C/D/S/U): S

Driver Zip: 92530
Supplemental Report #: N
Paper Report #: N
CDL Verified (Y/N): Y
Crash Report #: N

I hereby declare CURTIS D. HOLLIDAY "Out of Service". This driver MAY NOT DRIVE any commercial motor vehicle nor may any carrier permit or require this driver to drive any commercial motor vehicle until:24 hours off duty/sleeper

All violations of the FHMR and FMCSR or Title 49 of the Ohio Revised Code will be reviewed by the PUCO's Transportation Department to determine whether civil forfeitures should be assessed against any responsible parties in accordance with the penalty provisions of Title 49 of the Ohio Revised Code. If civil forfeitures are assessed, you will receive a separate notice by mail. These penalties may be assessed to motor carriers, shippers, and/or drivers.

ATTENTION DRIVER: This report must be sent to the motor carrier whose name appears at the top of this inspection report within 24 hours. If the inspection report cannot be delivered within 24 hours the driver must mail or fax the inspection report to the motor carrier.

ATTENTION MOTOR CARRIER: The motor carrier must examine this report and repair all the vehicle defects/violations noted above -AND- The motor carrier must sign the Certification of Repairs below and return the signed form to: Public Utilities Commission of Ohio, T ASD - 4th floor, 180 E Broad St, Columbus, OH 43215-3793 -OR- Fax (614) 752-9274 within 15 days of the inspection. If "No Violations Were Discovered" then you do not need to return this report. Failure to return this report with the required certification can result in penalties up to \$1,000 per day for each day the violation continues, up to a total of \$10,000. If you have any questions, please contact (614) 466-0429.

MOTOR CARRIER CERTIFICATION OF COMPLETED REPAIRS: The undersigned certifies that all violations noted on this report have been corrected and action taken to assure compliance with the Federal Motor Carrier Safety & Hazardous Materials Regulations insofar as they are applicable to motor carriers and drivers. A false certification of repairs is required to be prosecuted with penalties up to \$10,000.

Signature of Carrier Official: X

Date:

Failure to return this report with the required certification can result in penalties up to \$1,000 per day for each day the violation continues, up to a total of \$10,000.

Signature of Repairer: X

Facility:

Date:

Report Prepared By:
D W Hostetter

Badge #:
3256

Copy Received By:
HOLLIDAY, CURTIS D

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OH3256011617

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Public Utilities Commission

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

Commissioners

Lynn Staby
M. Beth Trombold
Thomas W. Johnson
M. Howard Patricoff

12/08/2016

OH3256011617D
Mr. Curtis Holliday
303 W POTTERY APT 8
LAKE ELSINORE, CA 92530

RE: **NOTICE OF PRELIMINARY
DETERMINATION**
Case No. OH3256011617D

Dear Sir or Madam:

On 09/15/2016, a vehicle operated by AMITA TRANSPORT INC, and driven by CURTIS D HOLLIDAY, 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 CURTIS D HOLLIDAY (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
392.5A3	4	Driver in possession of intoxicating beverage while on duty or driving.	100.00
		Total of Group 4	100.00

TOTAL AMOUNT DUE: \$100.00

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 CURTIS D HOLLIDAY in the following amount:

CODE	GROUP	VIOLATION	FORFEITURE
392.5A3	4	Driver in possession of intoxicating beverage while on duty or driving.	100.00
		Total of Group 4	100.00

180 East Broad Street
Columbus, Ohio 43215-3793

(614) 466-3016
www.PUCO.ohio.gov





Public Utilities Commission

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

Commissioners

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

TOTAL AMOUNT DUE: \$100.00

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: Cheryl Streets



**ROADSIDE INSPECTION
INSTRUCTION SHEET
NOTICE OF PRELIMINARY DETERMINATION**

Please read this instruction sheet carefully. It contains information about your rights and responsibilities in regard to this Notice of Preliminary Determination.

You have received a "Notice of Preliminary Determination" as described in Rule 4901:2-7-12, Ohio Administrative Code (O.A.C.). **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.** If you do not pay the forfeiture or file a request for an administrative hearing within 30 days of this notice, your case will be placed in our default process. Both procedures are described below.

1. How to Pay the Forfeiture

If you do not wish to further contest the violations described in this notice, you may make payment of the civil forfeiture indicated in this notice via one of the following methods:

Online at <https://omcis.puc.state.oh.us/home.aspx>. You will need your case number and PIN located on the enclosed voucher.

Mail: send a check or money order (no Canadian postal money orders) made payable to "Treasurer, State of Ohio." In order to assure proper credit, you must write the case number on the face of the check or money order. Please send payment to the following address:

Public Utilities Commission of Ohio
Attn: CF Processing
180 East Broad Street, 4th Floor
Columbus, OH 43215-3793

2. How to File a Request for an Administrative Hearing

If you wish to further contest the violations described in this notice, you should file a "Request for an Administrative Hearing" with the Commission's Docketing Division as described in Rule 4901:2-7-13, O.A.C. Your "Request for an Administrative Hearing" must be in writing and must contain the case number indicated on this notice. Also, please include the contact name, address, and telephone number, of the person to whom further communications regarding this matter should be directed. The request shall be signed by the respondent or its authorized representative. A copy of this "Notice of Preliminary Determination" must be attached to your request.

Your "Request for an Administrative Hearing" must be mailed or hand-delivered within 30 days of this notice to the following address:

Public Utilities Commission of Ohio
Attn: Docketing Division
180 East Broad Street
Columbus, OH 43215-3793

3. Failure to Submit a Request for an Administrative Hearing

If you do not serve a timely "Request for an Administrative Hearing" in the manner described above, you will forfeit your right to



further contest the violations described in this notice and the occurrence of the violations will be conclusively established. 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 this notice and will result in the forfeiture amount being referred to the Ohio Attorney General's office for collection.

4. Codes, Violation Groups, and Forfeiture Amounts

"Code" in this notice identifies the rule that was violated. Numbers in a 100 or 300 series refer to specific sections of the Hazardous Materials Regulations or the Federal Motor Carrier Safety Regulations located in Title 49 of the Code of Federal Regulations (C.F.R.). Some section numbers may have suffixes beyond those which appear in the C.F.R. These are used for internal data collection purposes. Codes in other formats refer to violations of Ohio's statutes or regulations.

"Violation Group" identifies the numerical group (1-4) of the violation for purposes of calculating the civil forfeiture. Section 4923.99, Ohio Revised Code, authorizes the Public Utilities Commission of Ohio to assess a civil forfeiture of up to \$25,000 for each day of each violation. The amount of any forfeiture depends upon the nature, gravity, circumstances, and extent of the violation, the offender's degree of culpability for the violation, and the offender's history of violations. "Total Amount Due" is the total amount of the civil forfeiture assessed for all violations described in this notice.

For additional information regarding the civil forfeiture program, please contact the Compliance Division.

5. Violations of 49 C.F.R. 383.51, 391.15, 392.5(c)(2), 392.10, 392.80(a), 392.82(a), 395.13(d), 396.9(c)(2), and rule 4901:2-5-07(D) of the Ohio Administrative Code

If you are "convicted" of violating any of the following: 49 C.F.R. 383.51, 391.15, 392.5(c)(2), 392.10, 392.80(a), 392.82(a), 395.13(d), 396.9(c)(2), or rule 4901:2-5-07(D) of the Ohio Administrative Code, you may be disqualified from operating a commercial motor vehicle for a minimum of 60 days. The federal regulations defines conviction as, "An unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated."

6. Copies of Inspection Reports

A copy of the inspection report for the violations described in this notice was given to the driver at the time of inspection. You may request additional copies of inspection reports.

Obtain copies at this web site:

<https://www.puc.state.oh.us/secure/OMCIS/public/searchcarrierreports.aspx>

Or you may email your request to:

cmvreports@puc.state.oh.us. Please provide the inspection number and inspection date in your request.

