

FILE

PUCO EXHIBIT FILING

Date of Hearing: 7/18/17

Case No. 17-1158-TA-CVF

PUCO Case Caption: GARY JOHANSEN

List of exhibits being filed:

STAFF Exhibits
1A 2 3

2017 AUG -1 PM 3:17

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technician [Signature] Date Processed AUG 01 2017

Reporter's Signature: Michael O. Spencer
Date Submitted: 7/31/17

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

In the Matter of :
Gary Johansen Notice : Case No.
of Apparent Violation : 17-1158-TR-CVF
and Intent to Assess :
Forfeiture. :

- - -

PROCEEDINGS

Before Kerry Sheets, Attorney Examiner, held at
the Public Utilities Commission of Ohio, 180
East Broad Street, Hearing Room 11-C, Columbus,
Ohio, on Tuesday, July 18, 2017, at 10:00 A.M.

- - -

Armstrong & Okey, Inc.
222 East Town Street, 2nd Floor
Columbus, Ohio 43215
(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: OH3267011466
Inspection Date: 2/21/2017 Certification Date:
Time Started: 10:46 Time Ended: 11:40
Inspection Level: (II) - Driver-Only Inspection
HM Inspection Type: No HM Inspection

T&A DELIVERY LLC
4500 WILLOW PARKWAY
CUYAHOGA HTS, OH 44125
USDOT #: 02488209
MC/MX #: 919864
State #:

Phone #: (216)391-4565
Fax #:

Driver: JOHANSEN, GARY I
License #: RF571463 State: OH
Date of Birth: 11/14/1960

Location: ROAD SIDE
Highway: IR77
County: STARK
Shipper: PREMIER PRODUCE ONE

MilePost: 113
Origin: NEWBURG HTS, OH
Destination: DOVER, OH

Bill of Lading: 00021881
Cargo: GENERAL FREIGHT

VEHICLE IDENTIFICATION:

Unit	Type	Make	Year	State	License#	Equipment ID	Unit VIN	GVWR	CVSA #	CVSA Issued #	OOS Str.#
1	TR	FRHT	2016	OH	PJA7086	96173	1FVACXDT0GHHG8357	33,000			

BRAKE ADJUSTMENTS: No brake measurements recorded.

VIOLATIONS :

Vio Code	Section	Unit	OOS	State Citation Number	Verify*	Crash	Violation Description
392.16	392.16	D	N		N	N	Failing to use seat belt while operating CMV: DRIVER WAS OPERATING (DRIVING) A CMV WITHOUT WEARING A SEAT BELT.
391.11B5-DEN	391.11(b)(5)	D	Y		N	N	Driver operating a CMV without proper endorsements or in violation of restrictions.: DRIVER HAS AN INTRASTATE RESTRICTION HAULING ITEMS FROM OUT OF STATE.

* 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"/> PBBS Inspection
<input type="checkbox"/> Size and Weight Enforcement	<input type="checkbox"/> Drug Interdiction Search	Arrests:
<input type="checkbox"/> EScreening		

Inspection Notes: OBVI: DRIVING WAS OPERATING (DRIVING) A CMV WITHOUT WEARING THE SEAT BELT, OBSERVED FROM STATIONARY, DRIVER HAS AN INTRASTATE RESTRICTION, BUT THE ITEMS HE IS HAULING ARE FROM OUT OF STATE.

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: N; Driver Address: 7814 SNOW ROAD; Driver City: PARMA; Driver State: OH; Driver Zip: 44129; Photos Taken (Y/N): Y; Reason Code: OBVI; FMCSA Credentials Verified-Y/N: Y; CDL Verified (Y/N): Y; FMCSA OOS Order Issued(Y/N): N

I hereby declare GARY I. JOHANSEN "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 Driver has Proper CDL RESTRICTIONS

Report Prepared By:
R Bell

Badge #:
3267

Copy Received By:
JOHANSEN, GARY I

Page 1 of 2



OH3267011466

X

X

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T&A DELIVERY LLC
4500 WILLOW PARKWAY
CUYAHOGA HTS, OH 44125

USDOT #: 02488209

Phone #: (216)391-4565

MC/MX #: 919864

Fax #:

State #:

Driver: JOHANSEN, GARY I
License #: RF571463 State: OH
Date of Birth: 11/14/1980

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&A - 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:
R Bell

Badge #:
3267

Copy Received By:
JOHANSEN, GARY I

Page 2 of 2



X

X

OH3267011466



STATE OF OHIO - BUREAU OF MOTOR VEHICLES
CERTIFICATE OF REGISTRATION

90173

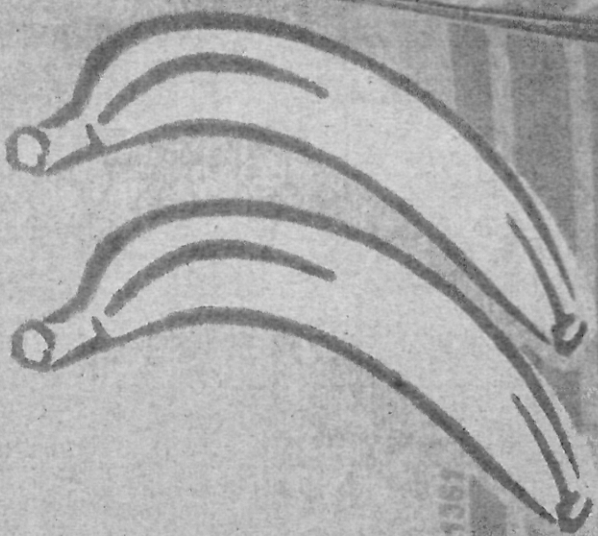
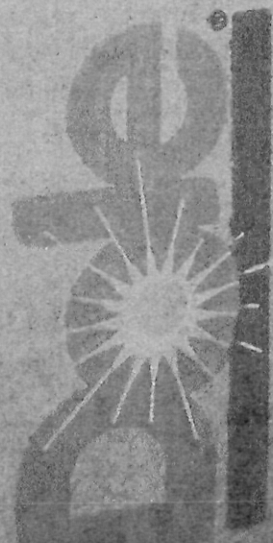
APP NO.: PJA7086 REG. DATE: 06/30/2016 EXP. DATE: 06/30/2017 ISSUE DATE: 06/03/2016 APP NO.: 346279FJ
VALIDATION NO.: 706PJA7086 AGENCY: 3159
LESSEE NAME: T AND A DELIVERY LLC VEHICLE OWNERSHIP: LEASE USER ID: SV
LESSOR: INTERSTATE TRUCKWAY INC OLD APP NO.: 413026EX
OLD PLATE: PJA7086

VEHICLE CLASS: COMM TRUCK
VEHICLE YEAR: 2016
VEHICLE TYPE: TK
ODOMETER READING: 132
MAKE: FRHT GVW: 33000 WEIGHT: 17250 STATE FEES: \$450.00
PLATE TYPE: OHIO PRIDE
REG TYPE: RENEWAL
LOCAL TAX: \$15.00
SUSPENSION/REVOCATION: NO REFL./CO. FEE: \$0.00
PRIOR OPERATION: YES DEPUTY FEE: \$3.50
FEES PAID: YES TOTAL FEES: \$468.50

ARTIFICATE TITLE NO.: 3107586807
H. SERIAL NO.: IFVACXDT0GHHG8357
PURCHASE DATE: 07/15/2015
In Ohio, it is illegal to drive any motor vehicle without insurance or other financial responsibility (FR) coverage.
It is also illegal for any motor vehicle owner to allow anyone else to drive the owner's vehicle without insurance or FR coverage.
PROOF OF INSURANCE OR FR COVERAGE IS REQUIRED: Whenever a police officer issues a traffic ticket* Upon traffic court appearances* Upon random checks by the Registrar of Motor Vehicles.
ANY DRIVER OR OWNER WHO FAILS TO SHOW PROOF OF INSURANCE OR OTHER COVERAGE WILL: Lose his or her driver license until requirements are met on first offense, one year on second offense, and two years on third and subsequent offenses* Lose his or her license plates and vehicle registration* Pay reinstatement fees of \$100.00 on first offense, \$300.00 for second offense, and \$600.00 for third and subsequent offenses* Pay a \$50.00 penalty for any failure to surrender his or her driver license, license plates or registration AND* Be required to maintain special FR coverage ("High-risk" insurance or equivalent) on file with the Bureau of Motor

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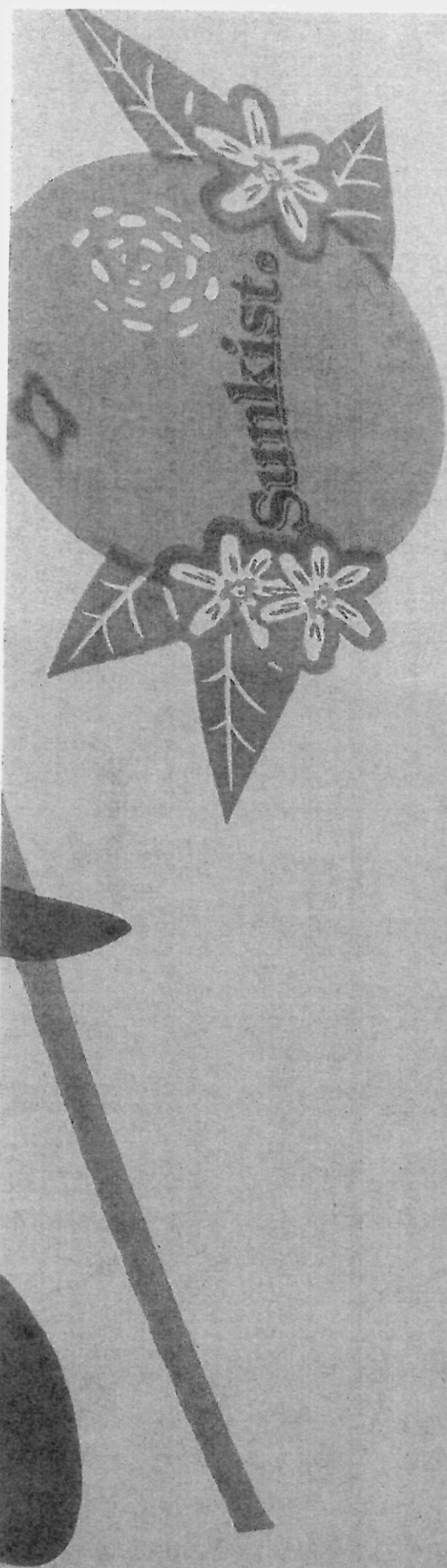
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Company, Inc.

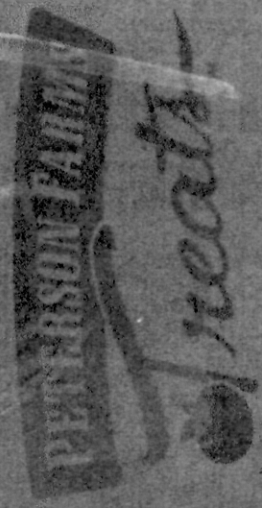
COMPANY, WESTLAKE VILLAGE, CALIF.



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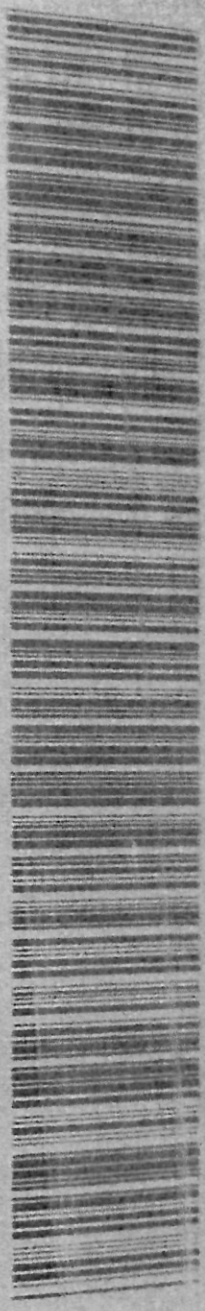


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Public Utilities Commission

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

Commissioners

Lynn Slaby
M. Beth Trombold
Thomas W. Johnson

02/23/2017

OH3267011466D
GARY I JOHANSEN
7814 SNOW ROAD
PARMA, OH 44129

RE: **NOTICE OF APPARENT VIOLATION
AND INTENT TO ASSESS FORFEITURE**
Case No. OH3267011466D

Dear Sir or Madam:

On 02/21/2017, a vehicle operated by T & A DELIVERY LLC and driven by GARY I JOHANSEN was inspected in the State of Ohio. As the result of discovery of the following violations of the Commission's rules, the Commission intends to assess a civil forfeiture against GARY I JOHANSEN in the following amount:

CODE	GROUP	VIOLATION	FORFEITURE
391.11B5-DE	4	Driver operating a CMV without proper endorsements or in violation of restrictions.	250.00
392.16	4	Failing to use seat belt while operating CMV	100.00
		Total of Group 4	350.00

TOTAL AMOUNT DUE: \$350.00

Within 30 days of this notice, you must either: (1) pay the assessed civil forfeiture or (2) submit a written request for a conference. Failure to submit a written request for a conference 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 Apparent Violation and Intent to Assess Forfeiture.

Sincerely,
Thomas Persinger
Compliance Division
(614) 466-0351

180 East Broad Street
Columbus, Ohio 43215-3793

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





Public Utilities Commission

Asim Z. Haque, Chairman

Commissioners

Lynn Slaby
M. Beth Trombold
Thomas W. Johnson
Lawrence K. Friedman

04/09/2017

OH3267011466D
Gary Johansen
7814 SNOW ROAD
PARMA, OH 44129

RE: **NOTICE OF PRELIMINARY
DETERMINATION**
Case No. OH3267011466D

Dear Sir or Madam:

On 02/21/2017, a vehicle operated by T & A DELIVERY LLC, and driven by GARY I JOHANSEN, 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 GARY I JOHANSEN (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
391.11B5-DEI 4		Driver operating a CMV without proper endorsements or in violation of restrictions.	250.00
392.16	4	Failing to use seat belt while operating CMV	100.00
		Total of Group 4	350.00

TOTAL AMOUNT DUE: \$350.00

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 GARY I JOHANSEN in the following amount:

CODE	GROUP	VIOLATION	FORFEITURE
391.11B5-DEI 4		Driver operating a CMV without proper endorsements or in violation of restrictions.	250.00
392.16	4	Failing to use seat belt while operating CMV	100.00

180 East Broad Street
Columbus, Ohio 43215-3793

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





Public Utilities Commission

Asim Z. Haque, Chairman

Commissioners

Lynn Slaby
M. Beth Trombold
Thomas W. Johnson
Lawrence K. Friedman

Total of Group 4

350.00

TOTAL AMOUNT DUE: \$350.00

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: Thomas Persinger

