

FILE

PUCO EXHIBIT FILING

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Date of Hearing: 10/31/17

PUCO

Case No. 17-1602-M-CUF

PUCO Case Caption: Shaun Kibler

List of exhibits being filed:

STAFF Exhibits 1, 2 and 3

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Technician mm Date Processed 11/15/17

Reporter's Signature: Michael D. Spence

Date Submitted: 11/13/17

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

In the Matter of Shawn Kibler:
Notice of Apparent Violation : Case No.
and Intent to Access : 17-1602-TR-CVF
Forfeiture. :

- - -

PROCEEDINGS

Before Jim Lynn, Attorney Examiner, held at the
offices of the Public Utilities Commission of
Ohio, 180 East Broad Street, Hearing Room No.
11-D, Columbus, Ohio, on Tuesday, October 31,
2017, at 10:00 A.M.

- - -

Armstrong & Okey, Inc.
222 East Town Street, 2nd Floor
Columbus, Ohio 43215
(614) 224-9481 - (800) 223-9481

- - -

Staff Ex. 3



Public Utilities Commission

Asim Z. Haque, Chairman

Commissioners

M. Beth Trombold
Thomas W. Johnson
Lawrence K. Friedeman
Daniel R. Conway

06/13/2017

OH3235003734D
Mr. Shawn Kibler
1673 MERILINE AVE
OBETZ, OH 43207

RE: **NOTICE OF PRELIMINARY
DETERMINATION**
Case No. OH3235003734D

Dear Sir or Madam:

On 08/17/2016, a vehicle operated by COLLATERAL INVESTIGATIONS AND RECOVERY GROUP INC, and driven by SHAWN M KIBLER, 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 SHAWN M KIBLER (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
2-5-07D	4	Operating vehicle after Driver or Vehicle declared out of service	2500.00
		Total of Group 4	2500.00

TOTAL AMOUNT DUE: \$2,500.00

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 SHAWN M KIBLER in the following amount:

CODE	GROUP	VIOLATION	FORFEITURE
2-5-07D	4	Operating vehicle after Driver or Vehicle declared out of service	2500.00
		Total of Group 4	2500.00

180 East Broad Street
Columbus, Ohio 43215-3793

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





Public Utilities Commission

Asim Z. Haque, Chairman

Commissioners

M. Beth Trombold
Thomas W. Johnson
Lawrence K. Friedman
Daniel R. Conway

TOTAL AMOUNT DUE: \$2,500.00

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: Mark Banks

180 East Broad Street
Columbus, Ohio 43215-3793

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



**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.





The Public Utilities
Commission of Ohio
180 E. Broad St. - Fourth Floor
Columbus, OH 43215

OMCIS VOUCHER

Date: 6/13/2017
Legal Name: SHAWN M KIBLER
Address: 1673 MERILINE AVE
City: OBETZ
State: OH
Zip: 43207
Case Number: OH3235003734D
PIN: TKA1

Item	DueDate	Amount
1	7/28/2017	\$2,500.00
Total		\$2,500.00

Pay online at <https://omcis.puc.state.oh.us/home.aspx> or enclose this voucher with your check or money order if paying by mail.



OH3235003734D



Staff. Ex. 1

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: OH3242011671
Inspection Date: 8/17/2016 Certification Date:
Time Started: 09:02 Time Ended: 09:22
Inspection Level: II - Walk-Around
HM Inspection Type: No HM Inspection

COLLATERAL INVESTIGATIONS AND RECOVERY GROUP INC
1330 STRINGTOWN RD GROVE
GROVE CITY, OH 43123

Driver: KIBLER, SHAWN M
License #: RP396402 State: OH
Date of Birth: 2/10/1978

USDOT #: 02521174 Phone #: (614)400-0714
MC/MX #: Fax #: (614)427-5572
State #:

Location: ROADSIDE MilePost:
Highway: SR 104/ IR 71 Origin: COLUMBUS, OH Bill of Lading:
County: FRANKLIN Destination: GROVE CITY, OH Cargo: MOTOR VEHICLES
Shipper: CARRIER

VEHICLE IDENTIFICATION:

Unit Type	Make	Year	State	License#	Equipment ID	Unit VIN	GVWR	CVSA #	CVSA Issued #	OOS Str.#
1	TT	FORD	2014	OH	PIR1144	1	1FT7X2B68EEB59625	150,000		

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 and right rear tail lamps of towed truck
393.9	393.9(a)	1	Y		U	N	Inoperable Required Lamp: left rear turn signal of towed truck
393.9	393.9(a)	1	Y		U	N	Inoperable Required Lamp: right rear turn signal of towed truck
393.9	393.9(a)	1	Y		U	N	Inoperable Required Lamp: left and right rear stop lamps of towed truck
393.9	393.9(a)	1	N		N	N	Inoperable Required Lamp: license plate light

* N - Non-OOS or Driver OOS Violation; U - Unknown

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:

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;Fatalities (Y/N): N;Driver Address: 3646 PARK ST;Driver City: GROVE CITY;Driver State: OH;Driver Zip: 43123;Photos Taken (Y/N): N;Supplemental Report #: N;Co-Investigator #: N;Reason Code: OBT;Paper Report #: N;FMCSA Credentials Verified-Y/N: Y;CDL Verified (Y/N): Y;FMCSA OOS Order Issued(Y/N): N;Crash Report #: N;Orig Seal Placed by(C/D/S/U): 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:
S Morgan

Badge #:
3235

Copy Received By:
KIBLER, SHAWN M

Page 1 of 2



OH3242011671

X

X

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: OH3242011671
Inspection Date: 8/17/2016 Certification Date:
Time Started: 09:02 Time Ended: 09:22
Inspection Level: II - Walk-Around
HM Inspection Type: No HM Inspection

COLLATERAL INVESTIGATIONS AND RECOVERY GROUP INC

1330 STRINGTOWN RD GROVE

GROVE CITY, OH 43123

USDOT #: 02521174

Phone #: (614)400-0714

MC/MX #:

Fax #: (614)427-5572

State #:

Driver: KIBLER, SHAWN M

License #: RP396402

State: OH

Date of Birth: 2/10/1978

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:

S Morgan

Badge #:

3235

Copy Received By:

KIBLER, SHAWN M

Page 2 of 2



OH3242011671

XX

Staff Ex. 2

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: OH3235003734
Inspection Date: 8/17/2016 Certification Date:
Time Started: 10:56 Time Ended: 11:26
Inspection Level: II - Walk-Around
HM Inspection Type: No HM Inspection

COLLATERAL INVESTIGATIONS AND RECOVERY GROUP INC
1330 STRINGTOWN RD GROVE
GROVE CITY, OH 43123
USDOT #: 02521174 Phone #: (614)400-0714
MC/MX #: Fax #: (614)427-5572
State #:

Driver: KIBLER, SHAWN M
License #: RP396402 State: OH
Date of Birth: 2/10/1978

Location: ROADSIDE MilePost: 104 S
Highway: INTERSTATE 71 N Origin: COLUMBUS, OH Bill of Lading:
County: FRANKLIN Destination: GROVE CITY, OH Cargo: MOTOR VEHICLES
Shipper:

VEHICLE IDENTIFICATION:

Unit Type	Make	Year	State	License#	Equipment ID	Unit VIN	GVWR	CVSA #	CVSA Issued #	OOS Stkr.#
1	TT	FORD	2014	OH	PIR1144	1	1FT7X2B68EEB59625	150,000		

BRAKE ADJUSTMENTS: No brake measurements recorded.

VIOLATIONS :

Vio Code	Section	Unit	OOS	State Citation Number	Verify*	Crash	Violation Description
2-5-07D	392.2	1	N		N	N	Operating vehicle after Driver or Vehicle declared out of service: truck was placed out of service at 9:23AM on 8/17/2016 inspection # OH3242011671

* 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: The truck was placed out of service at 9:23AM on 8/17/2016 inspection # OH3242011671

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;Fatalities (Y/N): N;Driver Address: 3646 PARK ST;Driver City: GROVE CITY;Driver State: OH;Driver Zip: 43123;Supplemental Report #: N;Reason Code: OVI;Paper Report #: N;FMCSA Credentials Verified-Y/N: Y;CDL Verified (Y/N): Y;FMCSA OOS Order Issued(Y/N): N;Crash Report #: N

Report Prepared By:
S Morgan

Badge #:
3235

Copy Received By:
KIBLER, SHAWN M

Page 1 of 2



OH3235003734

X

X

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: OH3235003734
Inspection Date: 8/17/2016 Certification Date:
Time Started: 10:56 Time Ended: 11:26
Inspection Level: II - Walk-Around
HM Inspection Type: No HM Inspection

COLLATERAL INVESTIGATIONS AND RECOVERY GROUP INC

1330 STRINGTOWN RD GROVE
GROVE CITY, OH 43123

USDOT #: 02521174

Phone #: (614)400-0714

MC/MX #:

Fax #: (614)427-5572

State #:

Driver: KIBLER, SHAWN M
License #: RP396402 State: OH
Date of Birth: 2/10/1978

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:
S Morgan

Badge #:
3235

Copy Received By:
KIBLER, SHAWN M

Page 2 of 2



OH3235003734

X

X