

7

Date of Hearing: 2/8/18

Case No. 17-2233-7A-CVF

PUCO Case Caption: Wayman Patterson

**List of exhibits being filed:**

STAFF Exs-12+3

Reporter's Signature: Michael O. Jensen  
Date Submitted: 3/5/18

**Date Submitted:** 3/5/8

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This is to certify that the accurate and complete document delivered in the name of a company, its technician AN This document is dated 3/2/18.

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

In the Matter of Wayman :  
Patterson Notice of Apparent : Case No.  
Violation and Intent to : 17-2233-TR-CVF  
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 Thursday, February 8, 2018, at 1:30  
P.M.

- - -

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

- - -

# DRIVER/VEHICLE EXAMINATION REPORT

Staff Exhibit No. 1



Public Utilities Commission of Ohio  
180 East Broad Street  
Transportation Department  
Columbus, OH 43215  
Phone #: (614)468-0429 Fax #: (614)752-9274

Report Number: OH3232008742  
Inspection Date: 7/19/2017 Certification Date:  
Time Started: 14:40 Time Ended: 15:05  
Inspection Level: III - Driver-Only Inspection  
HM Inspection Type: No HM Inspection

FALCON TRANSPORT CO  
4944 BELMONT AVENUE  
YOUNGSTOWN, OH 44505  
USDOT #: 00260165  
MC/MX #: 148604  
State #:

Phone #: (330)793-1345  
Fax #:

Driver: PATTERSON, WAYMAN  
License #: P362866025002 State: MI  
Date of Birth: 1/1/1978

Location: ROADSIDE I-76  
Highway: IR76  
County: MEDINA  
Shipper: MORTON SALT

MilePost: 5  
Origin: RITTMAN, OH  
Destination: PLAINFIELD, IN

Bill of Lading: 18097895  
Cargo: GENERAL FREIGHT

## VEHICLE IDENTIFICATION:

Unit Type	Make	Year	State	License#	Equipment ID	Unit VIN	GVWR	CVSA #	CVSA Issued #	OOS Stkr.#
1	TT	INTL	2013	OH	PVU4733	1628	3HSDJSJR2DN425585	52,350		
2	ST	WANC	2017	ME	404677Z	W25086	1JJV532D2HL028232	68,000		

**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 FAILING TO USE SEATBELT WHILE OPERATING CMV

\* 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:** OBVI = DRIVER WEARING RED SHIRT, SEATBELT BLACK IN COLOR. OBSERVED FROM STATIONARY POSITION. DRIVER STATED HE HAD JUST LEFT SHIPPER AND HADN'T PUT IT ON YET

## 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: 9030 PLAINVIEW AVE; Driver City: DETROIT; Driver State: MI; Driver Zip: 48228; Photos Taken (Y/N): N; Reason Code: OBVI; FMCSA Credentials Verified-Y/N: Y; CDL Verified (Y/N): Y; FMCSA OOS Order Issued(Y/N): N

Report Prepared By:  
E D ADKINS

Badge #:  
3232

Copy Received By:  
PATTERSON, WAYMAN

Page 1 of 2



OH3232008742

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: OH3232008742  
Inspection Date: 7/19/2017 Certification Date:  
Time Started: 14:40 Time Ended: 15:05  
Inspection Level: III - Driver-Only Inspection  
HM Inspection Type: No HM Inspection

FALCON TRANSPORT CO

4944 BELMONT AVENUE

YOUNGSTOWN, OH 44505

USDOT #: 00260165

MC/MX #: 148604

State #:

Phone #: (330)793-1345

Fax #:

Driver: PATTERSON, WAYMAN

License #: P362866025002

State: MI

Date of Birth: 1/1/1978

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:

E D ADKINS

Badge #:

3232

Copy Received By:

PATTERSON, WAYMAN

Page 2 of 2



OH3232008742

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# Public Utilities Commission

Asim Z. Haque, Chairman

Staff Exhibit No. 2

## Commissioners

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

07/20/2017

OH3232008742D  
WAYMAN PATTERSON  
9030 PLAINVIEW AVE  
DETROIT, MI 48228

RE: **NOTICE OF APPARENT VIOLATION  
AND INTENT TO ASSESS FORFEITURE**  
Case No. OH3232008742D

Dear Sir or Madam:

On 07/19/2017, a vehicle operated by FALCON TRANSPORT CO and driven by WAYMAN PATTERSON 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 WAYMAN PATTERSON in the following amount:

CODE	GROUP	VIOLATION	FORFEITURE
392.16	4	Failing to use seat belt while operating CMV	100.00
		Total of Group 4	100.00

**TOTAL AMOUNT DUE: \$100.00**

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) 466-3018  
[www.PUCO.ohio.gov](http://www.PUCO.ohio.gov)





# Public Utilities Commission

Asim Z. Haque, Chairman

Staff Exhibit No. 3

## Commissioners

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

10/05/2017

OH3232008742D  
Wayman Patterson  
9030 PLAINVIEW AVE  
DETROIT, MI 48228

RE: **NOTICE OF PRELIMINARY  
DETERMINATION**  
Case No. OH3232008742D

Dear Sir or Madam:

On 07/19/2017, a vehicle operated by FALCON TRANSPORT CO, and driven by WAYMAN PATTERSON, 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 WAYMAN PATTERSON (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
392.16	4	Failing to use seat belt while operating CMV	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 WAYMAN PATTERSON in the following amount:

CODE	GROUP	VIOLATION	FORFEITURE
392.16	4	Failing to use seat belt while operating CMV	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

Asim Z. Haque, Chairman

## Commissioners

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

**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: Thomas Persinger

