

FILE

**PUCO EXHIBIT FILING**

Date of Hearing: April 4, 2018

Case No. 17-2482-TR-CVF

PUCO Case Caption: In the matter of Benson Terrell, Notice of Apparent Violation and intent to assess Forfeiture.

**List of exhibits being filed:**

Staff Exhibits 1 & 2

RECEIVED-BOOKKEEPING DIV  
2018 APR -9 PM 3:37

PUCO

Printed name of the reporter appearing on the exhibit and complete registration number of the reporter. If the reporter is not a member of the PUCO, the registration number of the reporter shall be the registration number of the reporter's employer. Date Printed: 4-9-18

Reporter's Signature: \_\_\_\_\_  
Date Submitted: \_\_\_\_\_

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

In the Matter of Benson :  
Terrell, Notice of :  
Apparent Violation and : Case No. 17-2482-TR-CVF  
Intent to Assess :  
Forfeiture. :

- - -

PROCEEDINGS

before Kerry Sheets, Hearing Examiner, at the Public  
Utilities Commission of Ohio, 180 East Broad Street,  
Room 11-C, Columbus, Ohio, called at 10:00 a.m. on  
Wednesday, April 4, 2018.

- - -

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: OH0499008856  
 Inspection Date: 9/22/2017 Certification Date:  
 Time Started: 15:52 Time Ended: 16:17  
 Inspection Level: III - Driver-Only Inspection  
 HM Inspection Type: No HM Inspection

TTS LOGISTICS LLC  
 10352 LAKE BLUFF DRIVE  
 ST LOUIS, MO 63123  
 USDOT #: 01808215 Phone #: (314)714-3400  
 MC/MX #: 657151 Fax #:  
 State #:

Driver: TERRELL, BENSON F  
 License #: RS460043 State: OH  
 Date of Birth: 11/11/1973

Location: ROADSIDE MilePost: 221  
 Highway: IR80 Origin: MOGADORE, OH Bill of Lading: 4390392  
 County: MAHONING Destination: CLIFTON, NJ Cargo: BUILDING MATERIALS  
 Shipper: GEORGIA PACIFIC

**VEHICLE IDENTIFICATION:**

Unit	Type	Make	Year	State	License#	Equipment ID	Unit VIN	GVWR	CVSA #	CVSA Issued #	OOS Stkr.#
1	TT	VOLV	2015	MO	58AR3C	6191	4V4NC9EH7FN914911	52,000			
2	ST	UTIL	2018	MO	73E2XV	2140	1UYVS2531J3200921	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(a)	D	N		N	N	Failing to use seat belt while operating CMV: WHITE TSHIRT / DARK GRAY BELT. NOT ON AS DRIVER PASSED.

\* 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:**

**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: 10553 CRANWOOD CT; Driver City: CINCINNATI; Driver State: OH; Driver Zip: 45240; Reason Code: OBVI; FMCSA Credentials Verified-Y/N: Y; CDL Verified (Y/N): Y; FMCSA OOS Order Issued(Y/N): N

Report Prepared By:  
A T Ogden

Badge #:  
0499

Copy Received By:  
TERRELL, BENSON F

Page 1 of 2



OH0499008856

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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

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Inspection Date: 9/22/2017 Certification Date:
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State #:

Driver: TERRELL, BENSON F
License #: RS460043 State: OH
Date of Birth: 11/1/1973

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:
A T Ogden

Badge #:
0499

Copy Received By:
TERRELL, BENSON F



OH0499008856

X

X

# Ohio | Public Utilities Commission

Asim Z. Haque, Chairman

## Commissioners

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

11/05/2017

OH0499008856D  
Benson Terrell  
4147 Fox Run Trail Apt #2  
CINCINNATI, OH 45255

RE: **NOTICE OF PRELIMINARY  
DETERMINATION**  
Case No. OH0499008856D

Dear Sir or Madam:

On 09/22/2017, a vehicle operated by TTS LOGISTICS LLC, and driven by BENSON F TERRELL, 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 BENSON F TERRELL (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 BENSON F TERRELL 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

