

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: OH0616004962
Inspection Date: 9/20/2017 Certification Date:
Time Started: 10:10 Time Ended: 10:43
Inspection Level: II - Walk-Around
HM Inspection Type: Non-Bulk Inspection

ROBBIE D WOOD INC
PO BOX 125
DOLOMITE, AL 35081
USDOT #: 00130504
MC/MX #: 142393
State #:

Phone #: (205)744-8440
Fax #:

Driver: TILSON, DAVID C
License #: T68711438 State: VA
Date of Birth: 3/26/1954

Location: ROADSIDE
Highway: IR80
County: TRUMBULL
Shipper: CLEAN HARBORS

MilePost: 235
Origin: MILFORD, CT
Destination: SMITHFIELD, KY

Bill of Lading: 11166858
Cargo: HAZ MAT (ALL)

VEHICLE IDENTIFICATION:

Unit	Type	Make	Year	State	License#	Equipment ID	Unit VIN	GVWR	CVSA #	CVSA Issued #	OOS Str.#
1	TT	KW	2014	AL	112177	410	1XKYDP8X8EJ386626	52,000			
2	ST	UTIL	2014	WV	1	CT-HW-678	1UYVS2536EG880801	65,000			

BRAKE ADJUSTMENTS: No brake measurements recorded.

VIOLATIONS :

Vio Code	Section	Unit	OOS	State Citation Number	Verify*	Crash	Violation Description
392.2-SLLS2	392.2	D	N	warning	N	N	State/Local Laws - Speeding 6-10 miles per hour over the speed limit.: 72 mph in a 65 mph zone
172.201A1	172.201(a)(1)	1	N		N	N	Hazardous Materials not distinguished from non-Hazardous Materials: pile of bills with haz mat and non hazmat mixed together not distinguishing them from each other
177.817E	177.817(e)	1	N		N	N	Shipping paper accessibility: Shipping paper accessibility. HM bills not distinguished from non-HM bills. (see notes).

* N - Non-OOS or Driver OOS Violation

HazMat: 3 Flammable,

Placard: Yes **Cargo Tank:**

Special Checks:

- | | | |
|---|---|--|
| <input type="checkbox"/> Alcohol/Controlled Substance Check | <input checked="" 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: 6th bill non haz

7th bill non haz
8th bill non haz
9th bill haz
19t non haz
20th non haz
21st haz

Deleted violation 172.201c and added carrier violation 177.817e on 10/03/2017 by dfe per jrf.

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:

Report Prepared By:
J.D HUGHES

Badge #:
0616

Copy Received By:
TILSON, DAVID C

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OH0616004962

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Fax #:

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License #: T68711438 State: VA
Date of Birth: 3/26/1954

HM Incid/Crash w/release(Y/N): N;Placards Displayed (Y/N): Y;Placards Offered (Y/N): N;Loaded by Carrier (Y/N): N;Loaded by Shipper (Y/N): Y;Ship
Docs Prep by Carrier(Y/N): N;Ship Doc Prep by Shipper(Y/N): Y;Haz Class A: 3;ID # A: UN1993;Packing Group A: II;Gross Weight A: 2000LBS;RQ
(A): X;Haz Class B: 3;ID # B: UN1219;Packing Group B: II;Gross Weight B: 600 LBS;Haz Class C: 9;ID # C: NA;Packing Group C: III;Gross Weight
C: 400LBS;Haz Class D: 3;ID # D: UN1263;Packing Group D: II;Gross Weight D: 300LBS;Haz Class E: 3;ID # E: UN1992;Packing Group E: II;Gross
Weight E: 880LB;RQ (E): X;For-Hire Carrier: Y;Driver Address: 801 EDGEMONT;Driver City: ABINGDON;Driver State: VA;Driver Zip: 24210;Photos
Taken (Y/N): N;Reason Code: TRAF;Haz Class F: 9;ID# F: NA3082;Packing Group F: III;Gross Weight F: 1395LBS;FMCSA Credentials Verified-Y/N:
Y;CDL Verified (Y/N): Y;FMCSA OOS Order Issued(Y/N): N;HM Safety Permit Verified(Y/N): Y;Shipper 1 Name: CLEAN HARBORS;Shipper 1 Street
Address: 761 MIDDLE ST;Shipper 1 City: BRISTOL;Shipper 1 State: CT;Shipper 1 Zip Code: 06010

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, TASD - 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:
J.D HUGHES

Badge #:
0616

Copy Received By:
TILSON, DAVID C

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OH0616004962



Public Utilities Commission

Asim Z. Haque, Chairman

Commissioners

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

10/06/2017

OH0616004962C
ROBBIE D WOOD INC
PO BOX 125
DOLOMITE, AL 35061

RE: **NOTICE OF APPARENT VIOLATION
AND INTENT TO ASSESS FORFEITURE**
Case No. OH0616004962C

Dear Sir or Madam:

On 09/20/2017, a vehicle operated by ROBBIE D WOOD INC, and driven by DAVID C TILSON, 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 ROBBIE D WOOD INC in the following amount:

CODE	GROUP	VIOLATION	FORFEITURE
177.817E	-	Shipping paper accessibility	450.00
		Total Hazmat	450.00

TOTAL AMOUNT DUE: \$450.00

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,
Mark Banks
Compliance Division
(614) 466-0351

180 East Broad Street
Columbus, Ohio 43215-3793

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



**ROADSIDE INSPECTION
INSTRUCTION SHEET
NOTICE OF APPARENT VIOLATION AND INTENT TO ASSESS FORFEITURE**

Please read this instruction sheet carefully. It contains information about your rights and responsibilities in regard to this Notice of Apparent Violation and Intent to Assess Forfeiture.

You have received a combined "Notice of Apparent Violation" and "Notice of Intent to Assess Forfeiture" as described in Rule 4901:2-7-09, Ohio Administrative Code (O.A.C.). Within 30 days of this notice, you must either: (1) pay the assessed civil forfeiture or (2) submit a written request for a conference. If you do not pay the forfeiture or request a conference 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

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 Make a Request for Conference

If you believe that any of the violations described in this notice did not occur as alleged, that any of the occurrences described did not constitute a violation of the Commission's rules, that you were not responsible for the violations, or if you wish to present mitigating circumstances regarding the amount of the forfeiture, you should submit a "Request for Conference" as described in rule 4901:2-7-10, O.A.C. Your "Request for Conference" must be in writing and must contain the case number which can be found at the top of 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. Your request should indicate your preference whether this matter be discussed by telephone or in person and may include any additional information you wish to submit at this time to support your position.

Your "Request for Conference" must be submitted within 30 days of 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.

E-mail: confrencerequest@puc.state.oh.us
Fax: (614) 466-2753
Mail: Public Utilities Commission of Ohio
Transportation - Compliance Division
180 East Broad Street, 4th Floor
Columbus, OH 43215-3793



3. Failure to Submit a Request for Conference

If you do not serve a timely "Request for Conference" 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. Violation of 4901:2-6 - Failure to File Uniform Hazmat Application

If this violation appears on this notice, you are required to immediately file a Uniform Program Registration and Permit application for the transportation of hazardous materials/hazardous wastes. Instructions are enclosed. Do not combine your forfeiture payment with your registration fee.

7. 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.



Ohio | Public Utilities Commission

Asim Z. Haque, Chairman

Commissioners

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

11/03/2017

OH0616004962C
Mr. Bruce Fallaw
PO BOX 125
DOLOMITE, AL 35061

RE: **NOTICE OF PRELIMINARY
DETERMINATION**
Case No. OH0616004962C

Dear Sir or Madam:

On 09/20/2017, a vehicle operated by ROBBIE D WOOD INC, and driven by DAVID C TILSON, 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 ROBBIE D WOOD INC (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
177.817E	-	Shipping paper accessibility	450.00
		Total Hazmat	450.00

TOTAL AMOUNT DUE: \$450.00

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 ROBBIE D WOOD INC in the following amount:

CODE	GROUP	VIOLATION	FORFEITURE
177.817E	-	Shipping paper accessibility	450.00
		Total Hazmat	450.00

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: \$450.00

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



**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/homc.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.

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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

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