

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

In the Matter of Wes-Mid : Case No.
America, Inc. : 17-2532-TR-CVF

- - -

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, May 24, 2018, 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-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: OH3228011468
Inspection Date: 8/11/2017 Certification Date:
Time Started: 13:15 Time Ended: 14:45
Inspection Level: I - Full Inspection
HM Inspection Type: No HM Inspection

WES-MID AMERICA INC
12527 BLUE ROCK COURT
MIRA LOMA, CA 91752
USDOT #: 02793676
MC/MX #: 932205
State #:

Phone #: (951)316-0307
Fax #:

Driver: JENSEN, JONATHAN R
License #: D7051035 State: CA
Date of Birth: 11/1/1980

Location: ROADSIDE INSPECTION
Highway: IR70
County: MONTGOMERY
Shipper: TREE TOP C/O JOHANNA FOODS NJ

MilePost: 24
Origin: FLEMINGTON, NJ
Destination: DANVILLE, IL

Bill of Lading: 287000005577634
Cargo: REFRIGERATED FOODS

VEHICLE IDENTIFICATION:

Unit Type	Make	Year	State	License#	Equipment ID	Unit VIN	GVWR	CVSA #	CVSA Issued #	OOS Stkr.#
1	TT	FRHT	2012	CA	XP07644	160	1FUJGLBG7CSBL2852	53,300		3228011468
2	ST	UTIL	2004	CA	4LH6748	989	1UYVS25324U095014	65,000		3228011468

BRAKE ADJUSTMENTS:

Axle #	1	2	3	4	5
Right	1 5/8	1 3/4	1 1/2	1 3/4	2
Left	1 1/2	1 1/2	1 1/2	1 3/4	1 3/4
Chamber	L-20	L-30	L-30	C-30	C-30

VIOLATIONS:

Vio Code	Section	Unit	OOS	State Citation Number	Verify*	Crash	Violation Description
390.21A	390.21(a)	1	N		N	N	Not marked in accordance with regulations: Driver is leased on to another company, carrier name and USDOT not displayed on power unit.
396.3A1B	396.3(a)(1)	1	N		N	N	Brakes (general) Explain:: Audible air leak found at right steer axle brake chamber.
396.3A1BL	396.3(a)(1)	1	Y		U	N	Brake system pressure loss: Tractor fails air loss rate test.
392.2WC	392.2	2	N		N	N	Wheel (Mud) Flaps missing or defective: Mud flap behind left axle 5 tires missing at time of inspection.
393.75A1	393.75(a)(1)	2	N		N	N	Tire-ply or belt material exposed: Section of ply shown in right outside axle 5 tire tread area.
393.75A3	393.75(a)(3)	2	Y		U	N	Tire-flat and/or audible air leak: Right inside axle 4 tire tested at 0 psi.
395.8E	395.8(e)(1)	D	Y		N	N	False report of drivers record of duty status: False Log on 08/05/2017 Driver logs Flagstaff, AZ to Springdale, AR(1075mi) in 10.5hrs.
395.8K2	395.8(k)(2)	D	Y		N	N	Driver failing to retain previous 7 days records of duty status: No Log/Log not Current on 08/09/2017 09:15 AM Drivers last change of RODS was driving status from Hagerstown MD.
395.8	395.8	D	N		N	N	Record of Duty Status violation (general/form and manner): Violation(s) of 395.8(f)(4), 395.8(f)(12) Driver fails to log BOL numbers and total miles on all days.

* 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 | | |

Report Prepared By:
J L WHORTON

Badge #:
3228

Copy Received By:
JENSEN, JONATHAN R

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OH3228011468

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Public Utilities Commission of Ohio
180 East Broad Street
Transportation Department
Columbus, OH 43215
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Phone #: (951)316-0307
Fax #:

Driver: JENSEN, JONATHAN R
License #: D7051035 State: CA
Date of Birth: 11/1/1980

Inspection Notes: Driver stopped for missing mud flap. Driver states he just purchased the truck, and is starting his own company(his company markings are on the tractor) Driver states he is leased on to either H and Z quality(DOT-2825860) but is driving for Wes-Mid America(DOT-2793676) currently. Pictures taken of markings, bills, log book, and contract from his phone. Contract states Wes-Mid, as well as the drivers log book. Driver put OOS multiple times in past year for log book and license violations.

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: 13490 HWY 8 BUS 55;Driver City: LAKESIDE;Driver State: CA;Driver Zip: 92040;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 JONATHAN R. JENSEN "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:10 hours off duty

* 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.

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 L WHORTON

Badge #:
3228

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JENSEN, JONATHAN R

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STAFF EX-2

Ohio | **Public Utilities
Commission**
Asim Z. Haque, Chairman

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

11/22/2017

OH3228011468C
WEIJIE HU
12527 BLUE ROCK CT
MIRA LOMA, CA 91752

RE: **NOTICE OF PRELIMINARY
DETERMINATION**
Case No. OH3228011468C

Dear Sir or Madam:

On 08/11/2017, a vehicle operated by WES-MID AMERICA INC, and driven by JONATHAN R JENSEN, 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 WES-MID AMERICA 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
395.8	0	Record of Duty Status violation (general/form and manner)	
396.3A1B	0	Brakes (general) Explain:	
392.2WC	0	Wheel (Mud) Flaps missing or defective	
393.75A1	0	Tire-ply or belt material exposed	
396.3A1BL	2	Brake system pressure loss	
393.75A3	3	Tire-flat and/or audible air leak	
390.21A	4	Not marked in accordance with regulations	100.00
		Total of Group 0	0.00
		Total of Group 2	50.00
		Total of Group 3	40.00
		Total of Group 4	100.00

TOTAL AMOUNT DUE: \$190.00

180 East Broad Street
Columbus, Ohio 43215-3793

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



Ohio | Public Utilities Commission

Asim Z. Haque, Chairman

Commissioners

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

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 WES-MID AMERICA INC in the following amount:

CODE	GROUP	VIOLATION	FORFEITURE
395.8	0	Record of Duty Status violation (general/form and manner)	
396.3A1B	0	Brakes (general) Explain:	
392.2WC	0	Wheel (Mud) Flaps missing or defective	
393.75A1	0	Tire-ply or belt material exposed	
396.3A1BL	2	Brake system pressure loss	
393.75A3	3	Tire-flat and/or audible air leak	
390.21A	4	Not marked in accordance with regulations	100.00
		Total of Group 0	
		Total of Group 2	50.00
		Total of Group 3	40.00
		Total of Group 4	100.00

TOTAL AMOUNT DUE: \$190.00

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.

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Columbus, Ohio 43215-3793

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