

FILE

PUCO EXHIBIT FILING

Date of Hearing: 8-14-18

Case No. 18-124-TR-CVF

PUCO Case Caption: In the Matter of

Kostadin Gjorgiev

List of exhibits being filed:

STAFF Exhibit 1

STAFF Exhibit 2

PUCO

RECEIVED-DOCKETING DIV  
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Technician pe Date Processed 9/14/18

Reporter's Signature: 

Date Submitted: \_\_\_\_\_

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Staff 691

# 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: OH3263002698  
Inspection Date: 8/11/2017 Certification Date: 08/28/2017  
Time Started: 11:15 Time Ended: 11:46  
Inspection Level: III - Driver-Only Inspection  
HM Inspection Type: No HM Inspection

GSI EXPRESS INC  
9S025 LAKE DR BLDG 10 APT 206  
WILLOWBROOK, IL 60527  
USDOT #: 02110469  
MC/MX #: 735818  
State #:

Phone #: (630)366-0157  
Fax #: (630)366-0127

Driver: GJORGIEV, KOSTADIN  
License #: GJORGK\*0990JR State: WA  
Date of Birth: 4/19/1991

Location: ROADSIDE INSPECTION  
Highway: IR 70 WB  
County: PREBLE  
Shipper: HOME DEPOT

MilePost: 16  
Origin: CHESTER,VA  
Destination: WHITESTOWN,IN

Bill of Lading: 389466  
Cargo: BUILDING MATERIALS

## VEHICLE IDENTIFICATION:

Unit	Type	Make	Year	State	License#	Equipment ID	Unit VIN	GVWR	CVSA #	CVSA Issued #	OOS Str.#
1	TT	VOLV	2007	IL	P941034	735	4V4NC9TG07N448735	52,000			
2	ST	MAC	2017	IL	610204ST		5MAPA5324HA040621	80,000			

**BRAKE ADJUSTMENTS:** No brake measurements recorded.

## VIOLATIONS :

Vio Code	Section	Unit	OOS	State Citation Number	Verify*	Crash	Violation Description
390.17-DT	390.17	D	N		N	N	Operating a CMV while texting: observed on phone when he went by me in the crossover and when I pulled beside him to make the stop.

\* 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"/> PBET 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: 910 E EMPIRE AVE;Driver City: SPOKANE;Driver State: WA;Driver Zip: 99207;Reason Code: OBVI;FMCSA Credentials Verified-Y/N: Y;CDL Verified (Y/N): Y;FMCSA OOS Order Issued(Y/N): N

Report Prepared By:  
D S Mowen

Badge #:  
3263

Copy Received By:  
GJORGIEV, KOSTADIN

Page 1 of 2



OH3263002698



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**DRIVER/VEHICLE EXAMINATION REPORT**

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GS/ EXPRESS INC  
9S025 LAKE DR BLDG 10 APT 206  
WILLOWBROOK, IL 60527

USDOT #: 02110469

Phone #: (630)366-0157

MC/MX #: 735818

Fax #: (630)366-0127

State #:

Driver: GJORGIEV, KOSTADIN  
License #: GJORGK\*0990JR State: WA  
Date of Birth: 4/19/1991

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:

D S Mowen

Badge #:

3263

Copy Received By:

GJORGIEV, KOSTADIN

Page 2 of 2



OH3263002698

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Staff Ex. 2



# Public Utilities Commission

Asim Z. Haque, Chairman

## Commissioners

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

08/15/2017

OH3263002698D  
KOSTADIN GJORGIEV  
910 E EMPIRE AVE  
SPOKANE, WA 99207

RE: **NOTICE OF APPARENT VIOLATION  
AND INTENT TO ASSESS FORFEITURE**  
Case No. OH3263002698D

Dear Sir or Madam:

On 08/11/2017, a vehicle operated by GSI EXPRESS INC and driven by KOSTADIN GJORGIEV 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 KOSTADIN GJORGIEV in the following amount:

CODE	GROUP	VIOLATION	FORFEITURE
390.17-DT	4	Operating a CMV while texting	250.00
		Total of Group 4	250.00

**TOTAL AMOUNT DUE: \$250.00**

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,  
Cheryl Streets  
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)



**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**: [conferencerequest@puc.state.oh.us](mailto:conferencerequest@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](mailto: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:** 8/15/2017  
**Legal Name:** KOSTADIN GJORGIEV  
**Address:** 910 E EMPIRE AVE  
**City:** SPOKANE  
**State:** WA  
**Zip:** 99207  
**Case Number:** OH3263002698D  
**PIN:** 34LD

Item	DueDate	Amount
1	9/29/2017	\$250.00
Total		\$250.00

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.



OH3263002698D

