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FILE

20-D144-TR-CVF

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MC Carrier LLC
4725 S Valley View Blvd
Las Vegas, NV 89103

General Information

USDOT # 2400167
MC# 825444
Phone: 702-202-4300
Fax: 702-509-9850

PUCO

2020 JAN 23 AM 9:11

To whom it may concern,

This is a request for Administrative Hearing No: OH3212300720C.

After carefully reviewing this inspection report, We cannot agree with most of the HM violations assigned to the Carrier, equally as to the Shipper, while those are only directed towards the shipper for several reasons;

- 1) We are 100% no touch freight
- 2) Drivers are not allowed (for liability reasons) at all HM facilities to have any contact with the freight whatsoever in order to verify or inspect in detail the validity of the entire cargo prior leaving the shipping site.
- 3) All HM drivers have limited access to the freight at all times
- 4) Drivers are required to wait in a "Cage" area, while being loaded and any contact with the "product" is prohibited.
- 6) In most cases all HM facility employees secure the freight and place the seal.

The violation 172.400A "Package or containment device not labeled as required, several drums missing proper label, as required"

Carrier is NOT responsible to how freight is prepared, this is solidly shipper's responsibility, and we described the limitations of carriers while transposing HM freight.

As far as the violation 172.301a1 "No proper shipping name and or/ ID# marking on non-bulk package: several drums missing UN# as required", Carriers are NOT allowed to produce, add, modify, correct or alter any labels or documents that are only issued and produced by the shipper. Again, carrier has limitations to conduct in detail verification of the product prior leaving the shipper due to liability reasons.

If possible, please reassigned those violations to the Shipper only, and not the Carrier,
Based all of the listed limitations.

For Administrative Hearing I can be reached at:

john.mccarrierllc@gmail.com

Fax: 702-850-2944

Phone number: 702-366-1039

Address: 4725 S Valley View Blvd
Las Vegas, NV 89103

Thank you

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01/20/2020

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.
Technician Dmm Date Processed 01/23/2020



Public Utilities Commission

Sam Randazzo, Chairman

Commissioners

M. Beth Trombold
Lawrence K. Friedeman
Dennis P. Deters
Daniel R. Conway

MC CARRIER LLC
2410 W MEMORIAL RD C533
OKLA CITY, OK 73134

Invoice #: 19-00028423
Date: 12/24/2019
Due Date: 01/23/2020
PIN #: AZLUIMC

2019

Item #	Type	Description	Amount Due
INVD-0064894	Civil Forfeiture HazMat	Package or containment device not labeled as required	\$ 900.00
INVD-0064895	Civil Forfeiture HazMat	Brake Hose or Tubing Chafing and/or Kinking - Connection to Power Unit	\$ 0.00
INVD-0064896	Civil Forfeiture HazMat	No placards/markings when required	\$ 900.00
INVD-0064897	Civil Forfeiture HazMat	No proper shipping name and/or ID# marking on non-bulk package	\$ 900.00
INVD-0064898	Civil Forfeiture HazMat	Group 1 Violations	\$ 100.00
Payments Received			\$ 0.00
Total Amount Due			\$ 2,800.00

Please visit <https://www.puco.ohio.gov/sc/mcos/> to make your online payments.

Questions concerning this invoice should be addressed to our call center at 1-800-686-7826.

(Remittance for mailed check payment)

Please make checks payable to:

Public Utilities Commission of Ohio
180 East Broad Street
4th Floor Finance
Columbus, OH 43215

MC CARRIER LLC
2410 W MEMORIAL RD C533
OKLA CITY, OK 73134

Invoice #: 19-00028423
Date: 12/24/2019
Due Date: 01/23/2020



December 25, 2019

Ion Lupusor
4725 S Valley View Blvd
Las Vegas, NV 89103

RE: **NOTICE OF PRELIMINARY DETERMINATION**
Case No. OH3212300720C

Dear Sir or Madam:

On 06/24/2019, a vehicle operated by MC CARRIER LLC, and driven by, MENA-PALACIO, MARIO was inspected within the state of Ohio. As a result of discovery of the following violation(s) of the Commission's rules, Staff of the Commission timely notified MC CARRIER LLC pursuant to rule 4901:2-7-07, Ohio Administrative Code (OAC), that it intended to assess a civil forfeiture against MC CARRIER LLC in the following amount:

<u>CODE</u>	<u>GROUP</u>	<u>VIOLATION</u>	<u>FORFEITURE</u>
172.400√	HazMat A	Package or containment device not labeled as required	\$ 900.00
393.45B	Group 1 2PC	Brake Hose or Tubing Chafing and/or Kinking - Connection to Power Unit	\$ 0.00
177.823	HazMat A	No placards/markings when required	\$ 900.00
172.301√	HazMat A1	No proper shipping name and/or ID# marking on non-bulk package	\$ 900.00
	Group 1	Group 1 Violations	\$ 100.00
<u>Original Amount Due:</u>			\$2,800.00

A conference was conducted pursuant to Rule 4901:2-10, OAC, at which MC CARRIER LLC had a full opportunity to present reasons why the violation(s) 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 the Staff.



As a result of the conference, staff has made a preliminary determination that the commission should assess a civil forfeiture against MC CARRIER LLC in the following amount:

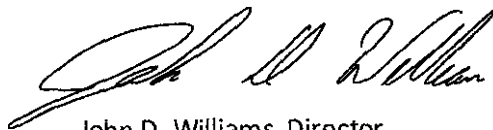
<u>CODE</u>	<u>GROUP</u>	<u>VIOLATION</u>	<u>FORFEITURE</u>
172.400 A	HazMat	Package or containment device not labeled as required	\$ 900.00
393.45B 2PC	Group 1	Brake Hose or Tubing Chafing and/or Kinking - Connection to Power Unit	\$ 0.00
177.823 A	HazMat	No placards/markings when required	\$ 900.00
172.301 A1	HazMat	No proper shipping name and/or ID# marking on non-bulk package	\$ 900.00
	Group 1	Group 1 Violations	\$ 100.00
<u>New Amount Due:</u>			\$2,800.00

Within 30 days of this notice you must either; 1) pay the assessed civil forfeiture or, 2) submit a written Request for an Administrative Hearing.

Failure to comply with either option above shall constitute a waiver of your right to further contest the violation(s) and will conclusively establish the occurrence of the violation(s). 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. In addition, your Ohio operating authority and/or commercial driving privileges may be sanctioned as permitted by law.

Please consult the enclosed instruction sheet for additional information regarding this "Notice of Preliminary Determination."

Sincerely,



John D. Williams, Director
Transportation Department

cc: Mark Banks



INSTRUCTION SHEET

NOTICE OF PRELIMINARY DETERMINATION

Please read these instruction sheets carefully. They contain 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 4901:2-7-12, Ohio Administrative Code (OAC). Within 30 days of this notice you must either; 1) pay the assessed civil forfeiture or, 2) submit a written Request for an Administrative Hearing. If you do not pay the forfeiture or request a hearing within 30 days of this notice, your case will be placed in our default process. Additionally, your Ohio operating authority and/or your commercial driving privileges may be sanctioned as permitted by law.

How to pay the forfeiture

Online <https://www.puco.ohio.gov/sc/mcos/>
Enter the case number and PIN located on the enclosed invoice.

Mail Public Utilities Commission of Ohio
Attn: Fiscal Section
180 E. Broad Street, 4th Floor
Columbus, Ohio 43215-3793

Send check/money order (no foreign checks/money orders) made payable to "**Public Utilities Commission of Ohio**". To ensure proper credit, write the case number on the face of the check or money order.

* Payments cannot be completed by telephone

How to make 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, OAC.

Your "Request for an Administrative Hearing" must be in writing and must contain the case number found at the top of the "Notice of Preliminary Determination." Also, please include the contact name, address, and telephone number of the person to whom further communications should be directed. The request shall be signed by the Respondent or the Respondent's authorized representative. A copy of the "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 E. Broad Street, 11th Floor
Columbus, Ohio 43215-3793

Failure to submit a Request for 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. Also, your Ohio operating authority and/or your commercial driving privileges may be sanctioned as permitted by law.

Codes, Violation Groups, and Forfeiture Amounts

"Code" in this notice identifies the rule 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 (CFR). Some section numbers may have suffixes beyond those appearing in the CFR. These are used for internal data collections purposes. Codes in other formats refer to violations of Ohio's statutes or regulations.

"Violations Group" identifies the assigned numerical group (1-4) for the violation for purposes of calculating the civil forfeiture. Section 4923.99, Ohio Revised Code (ORC) authorizes the Public Utilities Commission of Ohio to assess civil forfeiture up to \$25,000 for each day of each violation. The amount of any forfeiture is dependent upon the nature, gravity, circumstances, and extent of the violation, the offender's degree of culpability for the violation, and the offender's violation history. "Total Amount Due" is the total amount of the civil forfeiture assessed for all violations described in this notice.



ATTENTION DRIVER

Potential Disqualification

If the roadside inspection leading to this letter identified an alleged violation of one or more of the below noted regulations, your CDL may be disqualified. If you are convicted of violating any of these regulations, notice of the conviction will be forwarded to the Ohio Bureau of Motor Vehicles (BMV). The BMV may disqualify you from operating a commercial motor vehicle for a minimum of 60 days. Any BMV sanction is **in addition to** sanctions imposed by the Public Utilities Commission of Ohio (PUCO).

177.804B1	177.804(b)(1)	Failure to comply with 49 CFR Section 392.12 Complying With Safe Clearance Requirements For Highway-Rail Grade Crossings.
177.804B2	177.804(b)(2)	Failure to comply with 49 CFR Section 392.80 Texting While Operating a CMV When Transporting Select Agents or Toxins or HM Requiring Placarding.
177.804B3	177.804(b)(3)	Failure to comply with 49 CFR Section 392.82 Using a Cell Phone While Operating a CMV When Transporting Select Agents or Toxins or HM Requiring Placarding.
177.804C	177.804(c)	Failure to comply with 49 CFR Section 392.82 Using a Handheld Mobile Phone While Operating a CMV When Transporting Select Agents or Toxins or HM Requiring Placard.
2-5-07D	392.2	Operating a CMV after Driver or Vehicle declared out of service.
383.23A2	383.23(a)(2)	Operating a CMV without a CDL.
383.51A	383.51(a)	Driving a CMV while disqualified from holding a CDL.
383.51A-NSIN	383.51(a)	Driving a CMV while CDL is suspended for a non-safety-related reason and in the state of driver's license issuance.
383.51A-NSOUT	383.51(a)	Driving a CMV while CDL is suspended for a non-safety-related reason and outside the state of driver's license issuance.
383.51A-SIN	383.51(a)	Driving a CMV while CDL is suspended for a safety-related or unknown reason and in state of driver's license issuance.
383.51A-SOUT	383.51(a)	Driving a CMV while CDL is suspended for safety-related or unknown reason and outside the state of driver's license issuance.
383.91A	383.91(a)	Operating a CMV with improper CDL group.
383.93B1	383.93(b)(1)	No double or triple trailer endorsement on CDL when required.
383.93B2	383.93(b)(2)	No passenger vehicle endorsement on CDL when required.
383.93B3	383.93(b)(3)	No tank vehicle endorsement on CDL when required.
383.93B4	383.93(b)(4)	No hazardous materials endorsement on CDL when required.
383.93B5	383.93(b)(5)	Operating a School Bus without a school bus endorsement as described in 383.93(b)(5).
391.15A	391.15(a)	Driving a CMV while disqualified.
391.15A-NSIN	391.15(a)	Driving a CMV while disqualified. Suspended for non-safety-related reason and in the state of driver's license issuance.
391.15A-NSOUT	391.15(a)	Driving a CMV while disqualified. Suspended for a non-safety-related reason and outside the state of driver's license issuance.
391.15A-SIN	391.15(a)	Driving a CMV while disqualified. Suspended for safety-related or unknown reason and in the state of drivers license issuance.
391.15A-SOUT	391.15(a)	Driving a CMV while disqualified. Suspended for a safety-related or unknown reason and outside the driver's license state of issuance.
392.10A1	392.10(a)(1)	Failure to stop at railroad crossing - Bus transporting passengers.
392.10A2	392.10(a)(2)	Failure to stop at railroad crossing - CMV transporting Division 2.3 Chlorine.
392.10A3	392.10(a)(3)	Failure to stop at railroad crossing - CMV requiring display of HM placards.
392.10A4	392.10(a)(4)	Failure to stop at railroad crossing - HM Cargo Tank vehicle.
392.11	392.11	Commercial Vehicle failing to slow down approaching a railroad crossing.
392.12	392.12	No Driver of a Commercial Motor Vehicle Shall Drive Onto a Highway-Rail Grade Crossing Without Having Sufficient Space to Drive Completely Through the Crossing Without Stopping.
392.4A	392.4(a)	Driver on duty and under the influence of, or using a narcotic drug / amphetamine, which renders the driver incapable of safe operation.
392.5A2-UI	392.5(a)(2)	Operating a CMV while under the influence of an intoxicating beverage regardless of its alcohol content.
392.5C2	392.5(c)(2)	Violating OOS order pursuant to 392.5(a)/(b) - Alcohol prohibitions.
392.80A	392.80(a)	Driving a commercial motor vehicle while Texting.
392.82A1	392.82(a)(1)	Using a hand-held mobile telephone while operating a CMV.
395.13D	395.13(d)	Driving after being declared out-of-service for HOS violation(s).
396.9C2	396.9(c)(2)	Operating an out-of-service vehicle.

Federal regulations define "conviction" as, "An un-vacated 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 un-vacated 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.

