

NC
FILE

20.1509-TR-CVF

09-15-2020

Case# OH17780001900 3

to: John D. Williams
Transportation Department
I MIKE DURBIN am requesting an
Administrative Hearing.

On the day of 07-21-2020, I was
pulled over because the inspector thought
that I was not wearing a seat belt,
but I was. I was in a rental truck
and the shoulder harness was cutting my
neck so I put it under my arm pit.
The inspector gave me a warning ticket.

Please read carefully the warning ticket.
I would like to get this resolved ASAP.
Thanks

MIKE DURBIN
Mike Durbin

Contact name: Mike Durbin
1627 E. Fifth St.
Dayton, OH 45403

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 A Date Processed 9/16/20

PUCCO

2020 SEP 16 PM 12:54

August 22, 2020

michael c durbin
1627 e. fifth st.
dayton, ohio 45403

RE: **NOTICE OF PRELIMINARY DETERMINATION**
Case No. OH1778000190D

Dear Sir or Madam:

On 07/21/2020, a vehicle operated by LOWE'S HOME CENTERS LLC, and driven by, DURBIN, MICHAEL C 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 MICHAEL C DURBIN pursuant to rule 4901:2-7-07, Ohio Administrative Code (OAC), that it intended to assess a civil forfeiture against MICHAEL C DURBIN in the following amount:

<u>CODE</u>	<u>GROUP</u>	<u>VIOLATION</u>	<u>FORFEITURE</u>
392.16	Group 4	Failing to use seat belt while operating a CMV	\$ 100.00
<u>Original Amount Due:</u>			\$100.00

A conference was conducted pursuant to Rule 4901:2-10, OAC, at which MICHAEL C DURBIN 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 MICHAEL C DURBIN in the following amount:

<u>CODE</u>	<u>GROUP</u>	<u>VIOLATION</u>	<u>FORFEITURE</u>
392.16	Group 4	Failing to use seat belt while operating a CMV	\$ 100.00
<u>New Amount Due:</u>			\$100.00

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.



DRIVER/VEHICLE EXAMINATION REPORT

Aspen 3.0.0.17

OHIO STATE HIGHWAY PATROL
PIQUA DISTRICT HEADQUARTERS
DISTRICT 5 COMMERCIAL ENFORCEMENT
TELEPHONE: (937) 335-6517
FAX REPAIR CERTIFICATION TO: (614)752-9274

Report Number: OH1778000190
Inspection Date: 07/21/2020
Start: 08:49 AM ET End: 9:20:00 AM ET
Inspection Level: III - Driver Only
HM Inspection Type: None

LOWE'S HOME CENTERS LLC
1000 LOWE'S BLVD
MOORESVILLE, NC 28117
USDOT#: 00097235 Phone#: (704)757-4334
MC/MX#: Fax#: State#:

Driver: DURBIN, MICHAEL C
License#: [REDACTED] State: OH
Date of Birth: [REDACTED]
CoDriver: License#: State:
Date of Birth:

Location: MONTGOMERY COUNTY MilePost: 32 Shipper:
Highway: 70 Origin: HUBER HEIGHTS, OH Bill of Lading: N/A
County: MONTGOMERY, OH Destination: DAYTON, OH Cargo: EMPTY

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate #	Equipment ID	VIN	GVWR	CVSA #	CVSA Issued #	OOS Sticker
1	ST	INTE	2019	IN	2908395	8118501	3HCDZAPR2KL658798	52,350			
2	ST	CLAN	2017	OH	TRB7937		1CD2L3222HA011359	90,000			

BRAKE ADJUSTMENTS: No Brake Measurements Required For Level 3

VIOLATIONS

Vio Code	Section	Unit	OOS	Citation #	Verify	Crash	Violations Discovered
392.16	392.16(a)	D	N		N	N	Failing to use seat belt while operating a CMV: Driver wearing seat belt under the arm not visible when passing DOT officer.

HazMat: No HM Transported.

Placard: No **Cargo Tank:**

Special Checks: No Data for Special Checks.

State Information:

FMCSA Credentials Verified-Y/N: Y; CDL Verified (Y/N): Y; FMCSA OOS Order Issued(Y/N): N; For-Hire Carrier: Y; Reason Code: OBVI; Fatalities (Y/N): N; Driver Address Verified (Y/N): Y; Driver Address: 1627 EAST 5TH STREET; Driver City: DAYTON; Driver State: OH; Driver Zip: 45403; Photos Taken (Y/N): Y;

Report Prepared By:

TPR J R HUTCHISON

X

Badge #:

1778

Copy Received By:

MICHAEL DURBIN

X

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