

Ed Burdue & Co., LLC
Excavating & Demolition Contractors
3025 Venice Rd.
Sandusky, Ohio 44870
Phone (419) 625-8121
Fax (419) 625-1330
An Equal Opportunity Employer

21-70-TR CVF

January 12, 2021

Public Utilities Commission of Ohio
ATTN: Docketing Division
180 E. Broad St. 11th Floor
Columbus, Ohio 43215-3793

RE: Request for an Administrative Hearing
Case No. 21-CR-406671

PUCC

2021 JAN 22 PM 12:20

To whom this may concern,

I would like to request an administrative hearing for my case.

Respectfully,



Ed Burdue, President
Ed Burdue & Co., LLC
3025 Venice Rd.
Sandusky, Ohio 44870
Office: 419-625-8121
Cell: 419-656-5206



Public Utilities Commission

M. Beth Trombold, Acting Chair

Commissioners

Lawrence K. Friedeman
Dennis P. Deters
Daniel R. Conway

January 7, 2021

ED BURDUE
3025 VENICE RD
SANDUSKY, OH 44870-1844

RE: **NOTICE OF PRELIMINARY DETERMINATION**
Case No. 21-CR-406671

Dear Sir or Madam:

On 08/20/2020, a vehicle operated by ED BURDUE & CO LLC, and driven by, 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 ED BURDUE & CO LLC pursuant to rule 4901:2-7-07, Ohio Administrative Code (OAC), that it intended to assess a civil forfeiture against ED BURDUE & CO LLC in the following amount:

<u>CODE</u>	<u>GROUP</u>	<u>VIOLATION</u>	<u>FORFEITURE</u>
382.305 - (i)(2)		Not ensuring each driver has an equal chance at random test	\$ 600.00
382.603 -		Fail to get "reasonable suspicion" designee 60 min training	\$ 0.00
49012- - 5-03		Failing to maintain driver qual. file on each driver	\$ 800.00
4901:2- - 5-03		Failing to require a driver to prepare a record of duty status.	\$ 12,300.00
4901:2- - 5-03		Using a driver not medically examined during preceding 24 months	\$ 800.00
4901:2- - 5-03		Using a CMV not periodically inspected	\$ 800.00

Original Amount Due: \$15,300.00

A conference was conducted pursuant to Rule 4901:2-10, OAC, at which ED BURDUE & CO 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 ED BURDUE & CO LLC in the following amount:

<u>CODE</u>	<u>GROUP</u>	<u>VIOLATION</u>	<u>FORFEITURE</u>
382.305 (i)(2)	-	Not ensuring each driver has an equal chance at random test	\$ 600.00
382.603	-	Fail to get "reasonable suspicion" designee 60 min training	\$ 0.00
49012- 5-03	-	Failing to maintain driver qual. file on each driver	\$ 800.00
4901:2- 5-03	-	Failing to require a driver to prepare a record of duty status.	\$ 12,300.00
4901:2- 5-03	-	Using a driver not medically examined during preceding 24 months	\$ 800.00
4901:2- 5-03	-	Using a CMV not periodically inspected	\$ 800.00

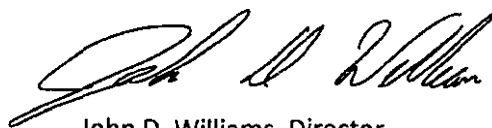
New Amount Due: \$15,300.00

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: Thomas Persinger

