

FILE

21.0263 TR CLKF

Public Utilities Commission  
180 East Broad Street  
Columbus Ohio 43215-3793

Attention : Ron Mosher

Case number : OH3207302892D  
OH320730289D

To Whom It May Concern:

I would like to formally contest the violation via a Administration Hearing. Thank you for your time in this matter.

David Osburn

2411 Olde Falls Rd  
Zanesville Ohio 43701

740-705 -6610

PUCO

2021 MAR 24 PM 12: 24

RECEIVED-REGISTRATION DIV

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# DRIVER/VEHICLE EXAMINATION REPORT

Aspen 3.0.0.17

Public Utilities Commission of Ohio  
Transportation Department  
180 East Broad Street  
Columbus, Ohio 43215  
Phone #: (614)466-0429 Fax #: (614)752-9274

Report Number: OH3207302892  
Inspection Date: 12/22/2020  
Start: 10:24 AM ET End: 10:59:33 AM ET  
Inspection Level: II - Walk-Around  
HM Inspection Type: Bulk

AID STATE SYSTEMS INC  
PO BOX 926  
HEBRON, OH 43025  
ISDOT#: 00214896  
IC/MX#: 153267  
State#:

Phone#: (740)928-1115  
Fax#:

Location: ROADSIDE  
Highway: SR 79  
County: LICKING, OH

MilePost: 5.71  
Origin: HEATH, OH  
Destination: FRIENDLY, WV

Driver: OSBURN, DAVID L  
License#: RJ015111 State: OH  
Date of Birth: 10/06/1973  
CoDriver:  
License#: State:  
Date of Birth:  
Shipper: KAISER ALUMINUM & CHEMICAL CORP  
Bill of Lading: MSO#00696  
Cargo: HAZ MAT (ALL)

## VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate #	Equipment ID	VIN	GVWR	CVSA #	CVSA Issued #	OOS Sticker
1	TT	FRHT	2012	OH	PWM2726	314	1FUJGEDR6CSBR5550	48,000			
2	SB	UNK	2012	OH	TQT5824	DT185	4C9D43625C5071138	68,000			

BRAKE ADJUSTMENTS: No Brake Measurements Required For Level 2

## VIOLATIONS

Unit Code	Section	Unit	OOS	Citation #	Verify	Crash	Violations Discovered
192.10A3	392.10(a)(3)	D	N		N	N	Failure to stop at railroad crossing - CMV requiring display of HM placards: Failed to stop at Track on SR 79 near N. Maple Dr.
196.17C	396.17(c)	1	N		N	N	Operating a CMV without proof of a periodic inspection: Expired end of November 2020 on tractor
72.602C1	172.602(c)(1)	1	N		N	N	Maintenance/accessibility of Emergency Response Information: In compartment in center upper console with a door - driver had to search to locate
196.17C	396.17(c)	2	N		N	N	Operating a CMV without proof of a periodic inspection: Expired end of November 2020 on trailer
77.817A	177.817(a)	1	N		N	N	No or improper shipping papers (carrier): Shipping sequence is incorrect and additional wording in between proper shipping name - Carrier
72.201A4	172.201(a)(4)	1	N		N	N	Additional information not after Hazardous Materials basic description: Shipper violation
72.202A3	172.202(a)(3)	1	N		N	N	No or improper Hazard Class or Division number.: Shows hazard class 4 should show 4.3 in proper shipping description

HazMat: 4.3 Dangerous w/wet

Placard: Yes Cargo Tank:

Special Checks: Traffic Enforcement

## State Information:

MCSA Credentials Verified(Y/N): Y; CDL Verified(Y/N): Y; FMCSA OOS Order Issued(Y/N): N; For-Hire Carrier: Y; Reason Code: OBI;  
Driver Address Verified(Y/N): Y; Driver Address: 2411 OLDE FALLS RD; Driver City: ZANESVILLE; Driver State: OH; Driver Zip: 43701;  
Photos Taken(Y/N): Y; HM Safety Permit Verified(Y/N): N; Loaded by Shipper(Y/N): Y; Ship Doc Prep by Shipper(Y/N): Y; Haz Class A:  
3; ID # A: UN3170; Packing Group A: II; Gross Weight A: 15,820;

Report Prepared By:  
VT FORBES

Badge #:  
3207

Copy Received By:  
DAVID OSBURN

Page 1 of 2



00214896 OH OH3207302892

# DRIVER/VEHICLE EXAMINATION REPORT

Aspen 3.0.0.17

**Public Utilities Commission of Ohio**  
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**PO BOX 926**  
**HEBRON, OH 43025**  
**USDOT#: 00214896**  
**MC/MX#: 153267**  
**State#:**

**Phone#: (740)928-1115**  
**Fax#:**

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**Highway: SR 79**  
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**MilePost: 5.71**  
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**Date of Birth: 10/06/1973**  
**CoDriver:**  
**License#:**  
**Date of Birth:**  
**Shipper: KAISER ALUMINUM & CHEMICAL CORP**  
**Bill of Lading: MSO#00696**  
**Cargo: HAZ MAT (ALL)**

**State: OH**

**State:**

**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.

## \*\*\*\*\* POSSIBLE CDL DISQUALIFICATION \*\*\*\*\*

If this roadside inspection identified an alleged violation of one or more of the below noted regulations, your CDL may be disqualified. If the PUCO finds you committed a violation of any of these regulations, the violation will be treated as a conviction for the purposes of federal and state law and notice of such 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).

177.804(b)(1), 177.804(b)(2), 177.804(b)(3), 177.804(c), 4901.2-5-07D, 383.23(a)(2), 383.51(a), 383.51A-NSIN, 383.51A-NSOUT, 383.51A-SIN, 383.51A-SOUT, 383.91(a), 383.93(b)(1), 383.93(b)(2), 383.93(b)(3), 383.93(b)(4), 383.93(b)(5), 391.15(a), 391.15A-NSIN, 391.15A-NSOUT, 391.15A-SIN, 391.15A-SOUT, 392.10(a)(1), 392.10(a)(2), 392.10(a)(3), 392.10(a)(4), 392.11, 392.12, 392.4(a), 392.5(a)(2), 392.5A2-UI, 392.5(c)(2), 392.80(a), 392.82(a)(1), 395.13(d), 396.9(c)(2).

**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. If false certification of repairs is required to be prosecuted with penalties up to \$10,000.

Signature Of Repairer X: Mid State Systems Facility: Hebron OH Date: 12/22/2020

All violations of the FHMV 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 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&SD - 4th floor, 180 E Broad St, Columbus, OH 43215-3787 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.

Signature Of Motor Carrier X: [Signature] Title: [Signature] Date: [Signature]

**Report Prepared By:**  
**W T FORBES**

**Badge #:**  
**3207**

**Copy Received By:**  
**DAVID OSBURN**

Page 2 of 2



00214896 OH OH3207302892



# Public Utilities Commission

M. Beth Trombold, Acting Chair

Commissioners

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

December 24, 2020

OSBURN, DAVID L  
2411 OLDE FALLS RD  
ZANESVILLE, OH 43701

RE: Notice of Apparent Violation  
And Intent to Assess Forfeiture  
Case No. OH3207302892D  
OH3207302892  
PIN #: U9jkrDAV

Dear Sir or Madam:

On 12-22-2020, a vehicle operated by MID STATE SYSTEMS INC and driven by, OSBURN, DAVID L was inspected in the State of Ohio, resulting in the discovery of the following apparent violation(s) of the Commission's rules. The Commission intends to assess a civil forfeiture against DAVID L OSBURN in the following amount:

<u>Code</u>	<u>Group</u>	<u>Description</u>	<u>Crash</u>	<u>State Citation</u>	<u>Forfeiture</u>
392.10A3	4	Failure to stop at railroad crossing - CMV requiring display of HM placards	N		\$ 500.00
<u>Total Amount Due:</u>					\$ 500.00

Within 30 days of this notice you must either; 1) pay the assessed civil forfeiture or, 2) submit a written Request for Conference to present mitigating circumstances. \* Violations with a "Y" in the "crash" column or any text in the "State Citation" column are not assessed a civil forfeiture. Further, because these offenses are primarily under the jurisdiction of local courts, these violations are not available for a conference.

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 (CPCN) may be sanctioned as permitted by law.





**Public Utilities  
Commission**

M. Beth Trombold, Acting Chair, Chairman

Commissioners

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

OSBURN, DAVID L  
2411 OLDE FALLS RD  
ZANESVILLE, OH 43701

Invoice #: 20-00048627  
Date: 12/24/2020  
Due Date: 01/23/2021  
PIN #: U9jkrDAV  
Case #: OH3207302892D

2020

Item #	Type	Description	Amount Due
INVD-0121612	Civil Forfeiture HazMat	Failure to stop at railroad crossing - CMV requiring display of HM placards	\$ 500.00
Payments Received			\$ 0.00
Total Amount Due			\$ 500.00

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.

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(Remittance for mailed check payment)

Please make checks payable to:

Public Utilities Commission of Ohio  
PO BOX 715343  
Cincinnati, OH 45271-5343

OSBURN, DAVID L  
2411 OLDE FALLS RD  
ZANESVILLE, OH 43701

Invoice #: 20-00048627  
Date: 12/24/2020  
Due Date: 01/23/2021

