

NC

FILE

REQUEST FOR AN ADMINISTRATIVE HEARING

Jerry Cody
355 Frontier Dr.
Lexington, NC 27292

21-0832-TR-CVF

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

RE: OH17777002593D

Let it be heard, I, Jerry Cody, request an administrative hearing regarding the above-mentioned case concerning code 392.16 and code 395.8E, as I find the preliminary determination to be unwarranted. I can be reached in writing at the listed address or by telephone at 336-970-3838.

Sincerely,
Jerry Cody

PUCO

2021 JUL 29 AM 11:26

RECEIVED-DOCKETING DIV
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Technician Dubois Date Processed 7/29/21

June 29, 2021

Jerry Cody
355 Frontier Dr
Lexington, North Carolina 27292

RE: **NOTICE OF PRELIMINARY DETERMINATION**
Case No. OH1777002593D

Dear Sir or Madam:

On 05/12/2021, a vehicle operated by SHELBA D JOHNSON TRUCKING INC, and driven by, CODY, JERRY L 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 JERRY L CODY pursuant to rule 4901:2-7-07, Ohio Administrative Code (OAC), that it intended to assess a civil forfeiture against JERRY L CODY 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
395.8E	Group 1	False report of drivers record of duty status	\$ 0.00
<u>Original Amount Due:</u>			\$100.00

A conference was conducted pursuant to Rule 4901:2-10, OAC, at which JERRY L CODY 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 JERRY L CODY 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
395.8E	Group 1	False report of drivers record of duty status	\$ 0.00
<u>New Amount Due:</u>			\$100.00

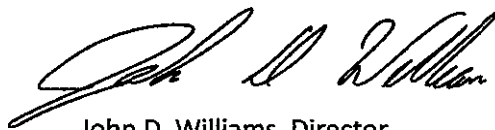


Within 30 days of this notice you must either; 1) pay the assessed civil forfeiture or, 2) submit a written Request for an Administrative Hearing.

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,

A handwritten signature in black ink, appearing to read "John D. Williams", is positioned above the printed name.

John D. Williams, Director
Transportation Department

cc: Cheryl Streets

