

DRIVER/VEHICLE EXAMINATION REPORT



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

Report Number: OH3288013191  
 Inspection Date: 11/05/2020 Certification Date:  
 Time Started: 09:40 AM Time Ended: 10:15 AM  
 Inspection Level: 3  
 HM Inspection Type: No HM Inspection

RAY'S TRANSPORT INC  
 22077 MOUND RD  
 WARREN, MI 48091  
 USDOT#: 01638845

Driver: SOUEDAN, ABDULSALAM A  
 License #: State:  
 Date of Birth:

MC/MX#: 00603945 Phone #: (586)510-4333  
 State #: MI Fax #:

Location: ROADSIDE MilePost: 26  
 Highway: IR75 Origin: LIVONIA, MI  
 County: Butler Destination: LOUISVILLE, KY Bill of Lading: 24818885  
 Shipper: MPL2 Cargo: REFRIGERATED FOODS

VEHICLE IDENTIFICATION:													
Unit	Type	Make	Year	State	License#	Equipment ID	Unit VIN	GVWR	CVSA #	CVSA Issued #	OOS Stkr #		

BRAKE ADJUSTMENTS:														
Axle #	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Left														
Right														
Chamber														

VIOLATIONS:									
Vio Code	Section	Unit	OOS	State Citation Number	Verify*	Crash	Violation Description		
395.15I5	395.15(i)(5)	D	N		N	N	Onboard recording device does not display required information		
395.22H2	395.22(h)(2)	D	N		N	N	Driver failing to maintain ELD instruction sheet		
395.24C2II	395.24(c)(2)(i)	D	N		N	N	Driver failed to manually add the trailer number		
395.24C2III	395.24(c)(2)(ii)	D	N		N	N	Driver failed to manually add shipping document number		
395.3A3-PROP	395.3(a)(3)(i)	D	N		N	N	Driving beyond 11 hour driving limit in a 14 hour period. (Property Carrying Vehicle)		
395.3A3II	395.3(a)(3)(ii)	D	N		N	N	Driving beyond 8 hour limit since the end of the last off duty or sleeper period of at least 30 minutes		

\*N – Non-OOS or Driver OOS Violation

HazMat: Placard: Cargo Tank:

- Special Checks:**
- Alcohol/Controlled Substance
  - Traffic Enforcement
  - Post Crash Inspection
  - Conducted by Local
  - PASA Conducted Inspection
  - PBBS Inspection
  - Size and Weight Enforcement
  - Drug Interdiction Search
  - Arrests:
  - Escreening

Inspection Notes:

Report Prepared By: W Johnson Badge #: 3288 Copy Received By: SOUEDAN, ABDULSALAM A Page 1 of 2 Barcode

X \_\_\_\_\_ X \_\_\_\_\_

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180 E Broad St.
Transportation Department
Columbus OH 43215
Phone # (614) 466-0429 Fax # (614) 752-9274

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22077 MOUND RD
WARREN, MI 48091
USDOT#: 01638845
MC/MX#: 00603945
State #: MI

Phone #: (586)510-4333
Fax #:

Driver: SOUEDAN, ABDULSALAM A
License #:
State:
Date of Birth:

Special Study Fields:

Special Study1: Special Study6:
Special Study2: Special Study7:
Special Study3: Special Study8:
Special Study4: Special Study9:
Special Study5: Special Study10:

Locally Defined Fields:

DRIVER/VEHICLE EXAMINATION REPORT

All violations of the FHMR 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 ASD - 4th floor, 180 E Broad St, Columbus, OH 43215-3793 -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.

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

Signature of Carrier Official: X \_\_\_\_\_ Date: \_\_\_\_\_

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

Signature of Repairer: X \_\_\_\_\_ Facility: \_\_\_\_\_ Date: \_\_\_\_\_

Report Prepared By: W Johnson Badge #: 3288 Copy Received By: SOUEDAN, ABDULSALAM A Page 2 of 2 Barcode

X \_\_\_\_\_ X \_\_\_\_\_



# Public Utilities Commission

Sam Randazzo, Chairman

Staff Exhibit 2

Commissioners

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

November 6, 2020

RAY'S TRANSPORT INC  
22077 MOUND RD  
WARREN, MI 48091

RE: Notice of Apparent Violation  
Case No. OH3288013191C  
PIN #: AZSuqRAY

Dear Sir or Madam:

On 11-05-2020, a vehicle operated by RAY'S TRANSPORT INC and driven by SOUEDAN, ABDULSALAM A, was inspected in the State of Ohio, resulting in alleged violations of the Commission's rules:

<u>Code</u>	<u>Violation</u>	<u>Crash</u>	<u>State Citation</u>
395.22H2	Driver failing to maintain ELD instruction sheet	N	
395.3A3II	Driving beyond 8 hour limit since the end of the last off duty or sleeper period of at least 30 minutes	N	
395.3A3-PROP	Driving beyond 11 hour driving limit in a 14 hour period. (Property Carrying Vehicle)	N	
395.15I5	Onboard recording device does not display required information	N	
395.24C2II	Driver failed to manually add the trailer number	N	
395.24C2III	Driver failed to manually add shipping document number	N	

**No monetary fine will be assessed** for the violations described in this notice and no response is necessary unless you are requesting a conference to dispute the occurrence of the violations. A written Request for Conference must be submitted within 30 days of this notice. \* 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 request a conference within 30 days shall constitute a waiver of your right to further contest the violation and will conclusively establish the occurrence of the violations.

Please consult the enclosed instruction sheet for additional information regarding this "Notice of Apparent Violation."

Sincerely,

Mark Banks  
Compliance Division  
(614) 466-0351

Enclosure

## INSTRUCTION SHEET NOTICE OF APPARENT VIOLATION

**Please read these instruction carefully. They contain information about your rights and responsibilities in regard to this "Notice of Apparent Violation."**

You have received a "Notice of Apparent Violation" as described in 4901:2-7-05, Ohio Administrative Code (OAC). **No monetary fine will be assessed** for the violations described in this notice and no response from you is necessary unless you choose to request a conference to dispute the occurrence of the violation(s). **If you choose to request a conference, a written request for a conference must be submitted within 30 days of this notice.**

### **How to make a Request for Conference**

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If you believe any of the violations described in this notice did not occur as alleged, that any of the occurrences described did not constitute a violation of the Commission's rules, that you were not responsible for the violations, or if you wish to present mitigating circumstances regarding the amount of the forfeiture you should submit a "Request for Conference" as described in rule 4901:2-7-10 OAC.

- \* 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.

Your "Request for Conference" must be in writing and must contain the case number found at the top of the "Notice of Apparent Violation." Also, please include the contact name, address, and telephone number of the person to whom further communications should be directed. Your request should indicate your desire to discuss this matter in person or by telephone and may include any additional information you wish to submit to support your position.

Your "Request for Conference" must be submitted within 30 days of this notice via one of the following methods:

**Online**    <https://www.puco.ohio.gov/sc/mcos/>

**Mail**

Public Utilities Commission of Ohio  
Transportation – Compliance Division  
180 E. Broad Street, 4<sup>th</sup> Floor  
Columbus, Ohio 43215-3793

**Fax**        (614) 466-2753

### **Failure to submit a Request for Conference**

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If you do not serve a timely "Request for Conference" in one of the manners described, you will forfeit your right to further contest the violations described in the "Notice of Alleged Violation" and the occurrence of the violations will be conclusively established.





Public Utilities Commission

M. Beth Trombold, Acting Chair

Staff Exhibit 3

Commissioners

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

December 22, 2020

TONY HAYES
22077 MOUND RD
WARREN, Michigan 48089

RE: NOTICE OF PRELIMINARY DETERMINATION
Case No. OH3288013191C

Dear Sir or Madam:

On 11/05/2020, a vehicle operated by RAY'S TRANSPORT INC, and driven by, SOUEDAN, ABDULSALAM A 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 RAY'S TRANSPORT INC pursuant to rule 4901:2-7-07, Ohio Administrative Code (OAC), that it intended to assess a civil forfeiture against RAY'S TRANSPORT INC in the following amount:

Table with 4 columns: CODE, GROUP, VIOLATION, FORFEITURE. Contains 7 rows of violation data and a summary row for 'Original Amount Due'.

A conference was conducted pursuant to Rule 4901:2-10, OAC, at which RAY'S TRANSPORT INC 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 RAY'S TRANSPORT INC in the following amount:

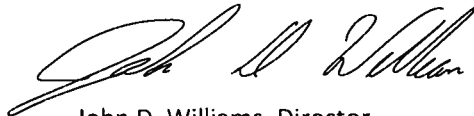
<u>CODE</u>	<u>GROUP</u>	<u>VIOLATION</u>	<u>FORFEITURE</u>
395.22 H2	Group 0	Driver failing to maintain ELD instruction sheet	\$ 0.00
395.3A 3II	Group 0	Driving beyond 8 hour limit since the end of the last off duty or sleeper period of at least 30 minutes	\$ 0.00
395.3A 3-PROP	Group 1	Driving beyond 11 hour driving limit in a 14 hour period. (Property Carrying Vehicle)	\$ 0.00
395.15I 5	Group 0	Onboard recording device does not display required information	\$ 0.00
395.24C 2II	Group 0	Driver failed to manually add the trailer number	\$ 0.00
395.24C 2III	Group 0	Driver failed to manually add shipping document number	\$ 0.00
<b><u>New Amount Due:</u></b>			<b>\$0.00</b>

**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

<b>Online</b> <a href="https://www.puco.ohio.gov/sc/mcos/">https://www.puco.ohio.gov/sc/mcos/</a> Enter the case number and PIN located on the enclosed invoice.	<b>Mail</b> Public Utilities Commission of Ohio Attn: Fiscal Section 180 E. Broad Street, 4 <sup>th</sup> Floor Columbus, Ohio 43215-3793	
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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, 11<sup>th</sup> 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 the Public Utilities Commission of Ohio (PUCO) finds you committed a violation of any of these regulations, the violation will be treated as a conviction<sup>1</sup> 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 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.

<sup>1</sup> Federal regulations define "conviction" as, "... a determination that a person has violated or failed to comply with the law ... by an authorized administrative tribunal, ... the payment of a fine or court cost, ... regardless of whether or not the penalty is rebated, suspended, or probated." 49 CFR 383



**Public Utilities  
Commission**

M. Beth Trombold, Acting Chair, Chairman

Commissioners

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

RAY'S TRANSPORT INC  
22077 MOUND RD  
WARREN, MI 48091

Invoice #: 20-00048445  
Date: 12/21/2020  
Due Date: 01/20/2021  
PIN #: AZSuqRAY  
Case #: OH3288013191C

**2020**

Item #	Type	Description	Amount Due
INVD-0120996	Civil Forfeiture Non HazMat	Driver failing to maintain ELD instruction sheet	\$ 0.00
INVD-0120997	Civil Forfeiture Non HazMat	Driving beyond 8 hour limit since the end of the last off duty or sleeper period of at least 30 minutes	\$ 0.00
INVD-0120998	Civil Forfeiture Non HazMat	Driving beyond 11 hour driving limit in a 14 hour period. (Property Carrying Vehicle)	\$ 0.00
INVD-0120999	Civil Forfeiture Non HazMat	Onboard recording device does not display required information	\$ 0.00
INVD-0121000	Civil Forfeiture Non HazMat	Driver failed to manually add the trailer number	\$ 0.00
INVD-0121001	Civil Forfeiture Non HazMat	Driver failed to manually add shipping document number	\$ 0.00
<b>Payments Received</b>			\$ 0.00
<b>Total Amount Due</b>			\$ 0.00

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)

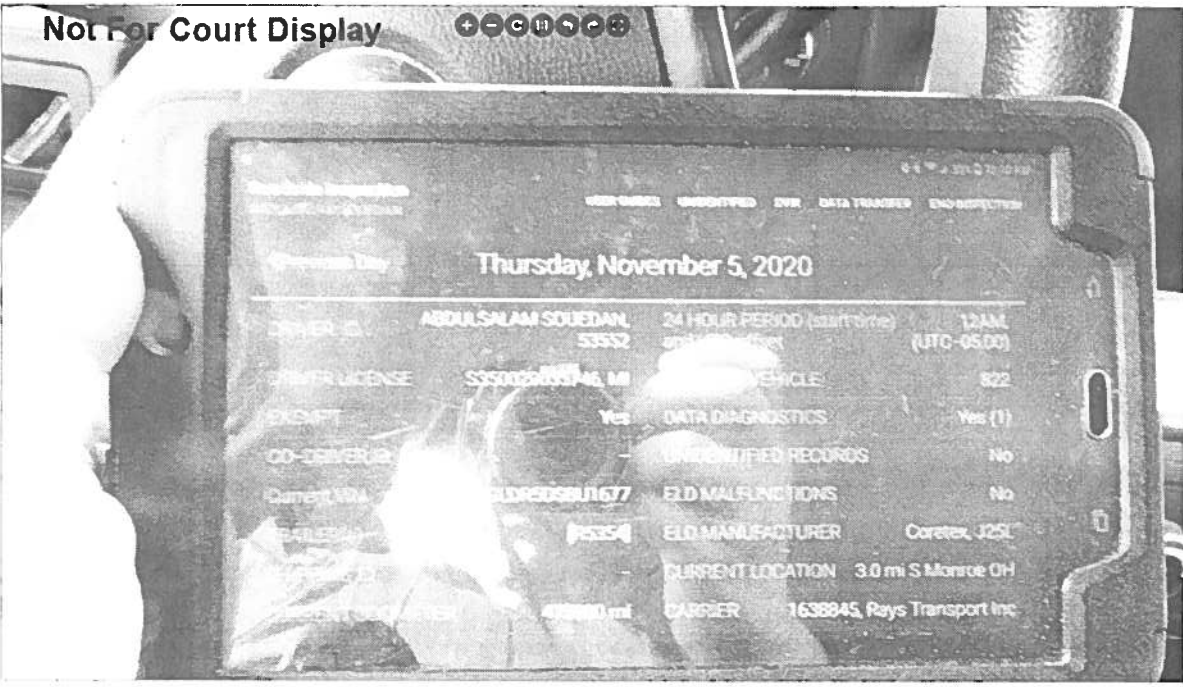
Please make checks payable to: Public Utilities Commission of Ohio  
PO BOX 715343  
Cincinnati, OH 45271-5343

RAY'S TRANSPORT INC  
22077 MOUND RD  
WARREN, MI 48091

Invoice #: 20-00048445  
Date: 12/21/2020  
Due Date: 01/20/2021








**\*\*\*REFER TO CONTINUOUSLY RUN AND BE SET AT 50 DEGREES F\*\*\***

Mastrorac Produce Limited  
 2100 Road 4 East  
 Kingsville, ON N9Y2E5  
 Sales: Tel 519-326-1481  
 Fax 519-326-8799  
 Accounting: Tel 519-326-3215  
 Fax 519-326-8887



**BILL OF LADING**

CCP: Carriage  
 DATE: 11/09/08  
 W.S.#: W510114177  
 P.O.#: 2481588

DEL. DATE: 11/09/08  
 DEL. BY: RAYS TRANSPORT INC  
 DEL. PHONE: 800 291 4111

DISTRIBUTORS OF FRUITS AND VEGETABLES

<p><b>SOLD TO:</b></p> <p>KROGER CORPORATION          4675 CORNELL RD FOUNTAIN          CINCINNATI, OH 45241          USA</p>	<p><b>SHIP FROM:</b></p> <p>MPL2 Livonia          28700 Plymouth Road          Livonia, MI 48150          USA</p>	<p><b>SHIP TO:</b></p> <p>KROGER CO          LOUISVILLE          2000 NELSON MILLER PKWY          LOUISVILLE, KY 40243          USA</p>
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Item No	Description	QUANTITY
1861	* 11lb LG ORG Orange Pepper Product of Canada	20
11300	11lb Sticker Organic Prod TOV Product of Canada	90
11300	* 11lb LG ORG Yellow Pepper Product of Canada	15
11300	12ct Single Wrap Organic Cucumbers Product of Canada	25

IF OF LADING TERMS: Please inspect goods upon delivery. No claims for credits or adjustments can be considered unless they are reported in writing to the carrier by fax at 800-291-4111 within 8 hours of receipt of the product along with written inspection pursuant to UIC or IATA rules.

**CONSIGNEE'S RECEIPT: I HAVE RECEIVED ABOVE PERISHABLE PROPERTY IN GOOD ORDER, EXCEPT AS NOTED.**

RECEIVED BY: \_\_\_\_\_

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

**TRANSPORTATION TEMPERATURES:**

- Tomatoes ONLY: 50°F or 10°C
- Cucumbers ONLY: 50°F or 10°C
- Peppers ONLY: 40°F or 5°C
- Tomatoes with Peppers and/or Cucumbers: 50°F or 10°C
- Peppers with Cucumbers: 45°F or 5°C
- Berries ONLY: 34°F or 1°C

TRAILER # \_\_\_\_\_

TEMP. RECORDER # \_\_\_\_\_

TOTAL PACKAGEE 2,750

Net Weight: 30,017.5

Expected Pallet Count: 28

SEAL# \_\_\_\_\_

BILL OF LADING NUMBER  
**SO00742754**

**ATTENTION CARRIER:**  
The carrier will acknowledge the products in apparent good order at the time of receipt. The Carrier shall be responsible for losses and damage incurred by the Shipper due to improper handling, lashing or lashing on later delivery. There is no exception.

THE PRODUCT SHALL REMAIN THE PROPERTY OF THE SHIPPER UNTIL RECEIVED BY THE CONSIGNEE IN GOOD CONDITION

11/09/08 07:40:20 AM



Federal Motor Carrier  
Safety Administration

March 13, 2020

**EMERGENCY DECLARATION**  
**UNDER 49 CFR § 390.23**  
**No. 2020-002**

**THE FIFTY UNITED STATES OF AMERICA AND THE DISTRICT OF COLUMBIA**

The President has declared an emergency under 42 U.S.C. 5121, et seq., and pursuant to 49 CFR 390.23(a)(1)(i), an emergency exists that warrants an exemption from Parts 390 through 399 of the Federal Motor Carrier Safety Regulations (FMCSRs), except as otherwise restricted by this Emergency Declaration. Such emergency is in response to Coronavirus Disease 2019 (COVID-19) outbreaks and their effects on people and the immediate risk they present to public health, safety and welfare in the fifty States and the District of Columbia. This Declaration addresses National emergency conditions that create a need for immediate transportation of essential supplies, equipment and persons, and provides necessary relief from FMCSRs for motor carriers and drivers engaged in the transport of essential supplies, equipment and persons.

By execution of this Emergency Declaration, motor carriers and drivers providing direct assistance in support of relief efforts related to the COVID-19 outbreaks are granted emergency relief from Parts 390 through 399 of Title 49 Code of Federal Regulations, except as restricted herein. Direct assistance means transportation and other relief services provided by a motor carrier or its driver(s) incident to the immediate restoration of essential services, such as medical care, or essential supplies such as food, related to COVID-19 outbreaks during the emergency.

This Emergency Declaration provides regulatory relief for commercial motor vehicle operations that are providing direct assistance in support of emergency relief efforts related to the COVID-19 outbreaks, including transportation to meet immediate needs for: (1) medical supplies and equipment related to the testing, diagnosis and treatment of COVID-19; (2) supplies and equipment necessary for community safety, sanitation, and prevention of community transmission of COVID-19 such as masks, gloves, hand sanitizer, soap and disinfectants; (3) food for emergency restocking of stores; (4) equipment, supplies and persons necessary to establish and manage temporary housing, quarantine, and isolation facilities related to COVID-19; (5) persons designated by Federal, State or local authorities for medical, isolation, or quarantine purposes; and (6) persons necessary to provide other medical or emergency services, the supply of which may be affected by the COVID-19 response. Direct assistance does not include routine commercial deliveries, or transportation of mixed loads that include essential supplies, equipment and persons, along with supplies, equipment and persons that are not being transported in support of emergency relief efforts related to the COVID-19 outbreaks.

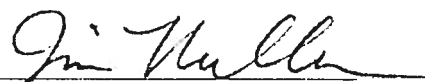
Direct assistance terminates when a driver or commercial motor vehicle is used in interstate

commerce to transport cargo or provide services that are not in support of emergency relief efforts related to the COVID-19 outbreaks or when the motor carrier dispatches a driver or commercial motor vehicle to another location to begin operations in commerce. 49 CFR 390.23(b). Upon termination of direct assistance to emergency relief efforts related to the COVID-19 outbreaks, the motor carrier and driver are subject to the requirements of 49 CFR Parts 390 through 399, except that a driver may return empty to the motor carrier's terminal or the driver's normal work reporting location without complying with Parts 390 through 399. However, if the driver informs the motor carrier that he or she needs immediate rest, the driver must be permitted at least 10 consecutive hours off duty before the driver is required to return to the motor carrier's terminal or the driver's normal reporting location. Once the driver has returned to the terminal or other location, the driver must be relieved of all duty and responsibilities and must receive a minimum of 10 hours off duty if transporting property, and 8 hours if transporting passengers.

Nothing contained in this Emergency Declaration shall be construed as an exemption from the controlled substances and alcohol use and testing requirements (49 CFR Part 382), the commercial driver's license requirements (49 CFR Part 383), the financial responsibility (insurance) requirements (49 CFR Part 387), the hazardous material regulations (49 CFR Parts 100-180), applicable size and weight requirements, or any other portion of the regulations not specifically exempted under to 49 CFR § 390.23.

Motor carriers or drivers currently subject to an out-of-service order are not eligible for the relief granted by this declaration until they have met the applicable conditions for its rescission and the order has been rescinded by FMCSA.

In accordance with 49 CFR § 390.23, this declaration is effective immediately and shall remain in effect until the termination of the emergency (as defined in 49 CFR § 390.5) or until 11:59 P.M. (ET) on April 12, 2020, whichever occurs sooner.



Jim Mullen  
Acting Administrator



**This foregoing document was electronically filed with the Public Utilities**

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Summary: Exhibit Staff Exhibits 1-6 electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Spencer, Michael O. Mr.