

21.1011 TR CVF

NC



Manufacturer of Metal Roofing, Siding and Custom Metal Solutions

September 16, 2021

FILE

Public Utilities Commission of Ohio

ATTN: Docketing Division

180 E. Broad Street, 11th Floor

Columbus, Ohio 43215-3793

RECEIVED-DOCKETING DIV  
2021 SEP 21 PM 12:00  
PUCO

**RE: Notice of Preliminary Determination, Case No. OH322005114C**

Dear Sir or Madam:

We received notice of Preliminary Determination regarding Case No. OH322005114C. Enclosed with this letter, please find a copy of a diagram as a visual reference for our review request and the Notice Dated September 9, 2021. We would like to submit request for further review of the following violation(s).

| <u>CODE</u> | <u>GROUP</u> | <u>VIOLATION</u>   | <u>Review Requested</u>             |
|-------------|--------------|--|-------------------------------------|
| 393.48      | Group 1      | Inoperative/defective brakes                                 | Please Review – Nothing to resolve  |
| 393.48      | Group 1      | Inoperative/defective brakes                                 | Please Review – Nothing to resolve  |
| 393.48      | Group 1      | Inoperative/defective brakes                                 | Please Review – Nothing to resolve  |
| 393.48      | Group 1      | Inoperative/defective brakes                                 | Please Review – Nothing to resolve  |
| 393.47      | Group 1      | Inadequate brakes for safe stopping – Brake Lining Condition | Agree – Brake Lining issue resolved |

On the trailer in question, for above listed violation Code 393.48 (4 instances), the Dexter Axle 10k-12k /Disc brakes were inspected and the shoulder screw was noted to our driver as the issue as the shoulder screw was not locked in and had movement. Shoulder bolts, or shoulder screws, have a long, unthreaded, cylindrical shoulder that allows for the rotation of attached parts like pulleys, gears, moving parts of engines and mechanical assemblies, and rolling wheels. (Please see the diagram as a visual.) We would appreciate further consideration on the 4 violations listed under Code 393.48 for this reason.

We thank you for your time and should there be further questions, can make a part of our staff available. Our Main number is 740-254-4567, with offices open from 8AM-5PM, Monday through Friday, with our Maintenance/Mechanic staff leaving at approximately 3pm each day.

We appreciate your further consideration and opportunity for review.

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 SLP Date Processed 9.28.21

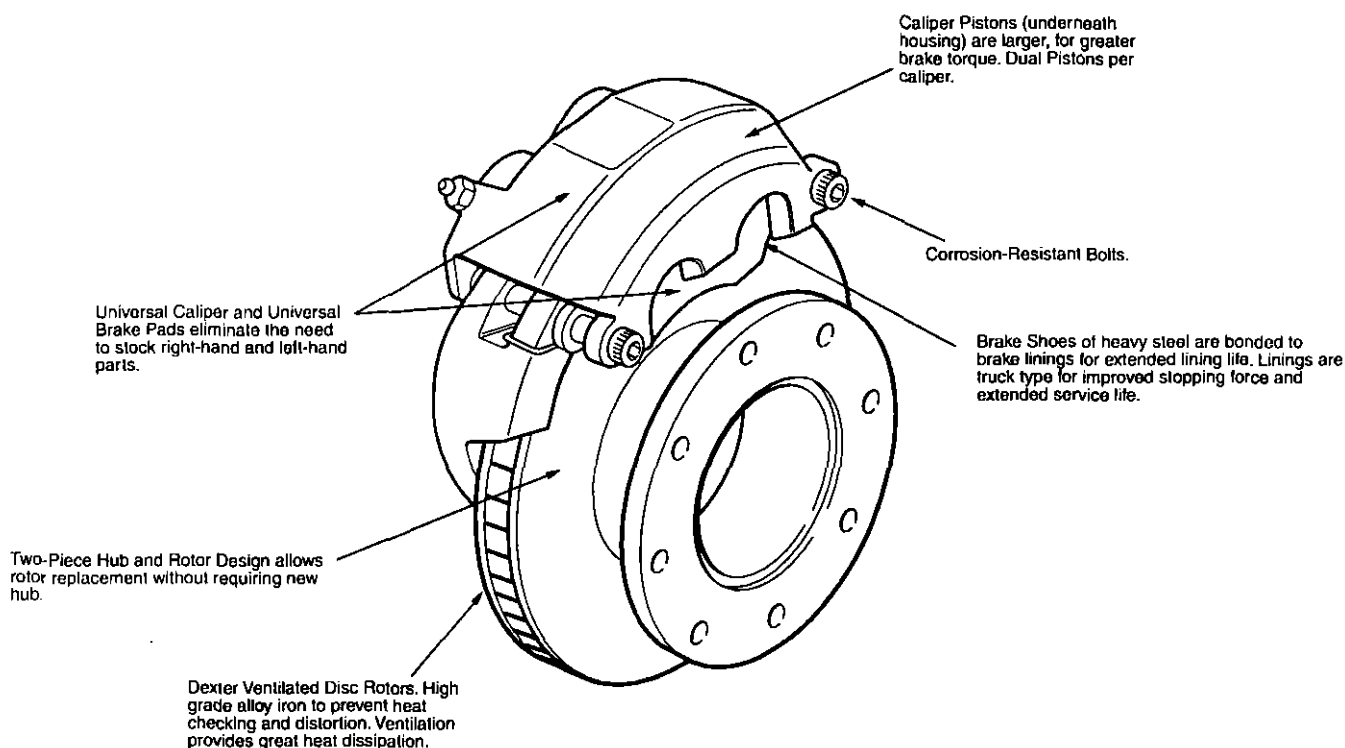
Thank you,

Heather E. Crews,

Human Resources

RECEIVED-DOCKETING DIV  
2021 SEP 28 AM 11:39  
PUCO

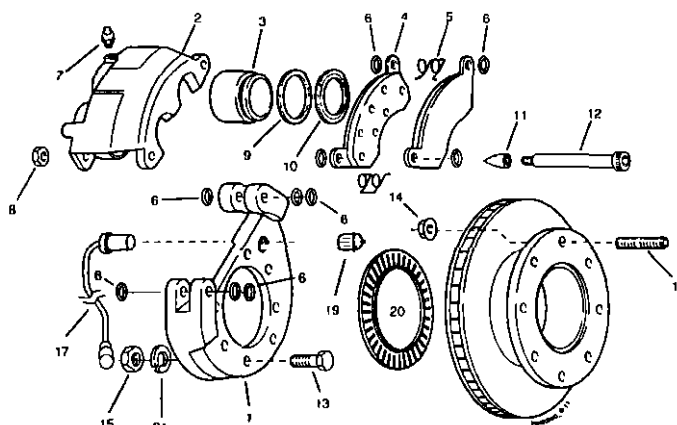
# 10,000 and 12,000 Lb. Hydraulic Disc Brake



## Hydraulic Disc Brake Parts

| Item                                     | Description                                    | Qty/Brake | 10K, 12K   |
|--|--|-----------|------------|
| 1  | Anchor Yoke Assembly (includes 6 of item #6)   | 1         | 090-002-02 |
| 2  | Caliper Assembly (includes items #6, 3, 9, 10) | 1         | 089-002-02 |
| 3  | Caliper Piston                                 | 2         | 054-066-00 |
| 12                                       | Shoulder Screw $\frac{1}{8}$ x 5               | 2         | 007-186-00 |
| 13                                       | Hex Screw $\frac{1}{16}$ -20 x 1.75            | 7         | 007-116-00 |
| 14                                       | Flange Nut                                     | 8         | 006-046-00 |
| 15                                       | Hex Nut $\frac{7}{16}$ -20                     | 7         | 006-017-00 |
| 16                                       | Rotor Mounting Stud                            | 8         | 025-014-00 |
| 17                                       | ABS Sensor (straight)                          | 1         | 097-004-00 |
| 19                                       | ABS Sensor Retaining Clip                      | 1         | 097-002-00 |
| 20                                       | ABS Tone Ring                                  | 1         | 024-203-00 |
| 21                                       | Lock Washer                                    | 7         | 005-008-00 |
| Caliper Repair Kit Contains:             |  | 1         | K71-181-00 |
| 6  | "O" Ring                                       | 4         | 010-062-00 |
| 7  | Bleeder Screw                                  | 1         | 054-069-00 |
| 9  | Caliper Seal                                   | 2         | 054-067-00 |
| 10                                       | Dust Boot                                      | 2         | 054-068-00 |
| Disc Brake Replacement Pad Kit Contains: |  | 1         | K71-180-00 |
| 4  | Brake Pad                                      | 4         | 091-003-00 |
| 5  | Anti-Rattle Spring                             | 4         | 046-105-00 |
| 6  | "O" Ring                                       | 20        | 010-062-00 |
| 8  | Hex Locknut                                    | 4         | 006-125-00 |
| 11                                       | Installation Tool                              | 1         | 071-182-00 |

Recommend hose with banjo fitting.  
 $\frac{7}{16}$ -20 threaded hole for fitting.





# Public Utilities Commission

Jenifer French, Chair

Commissioners

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

September 9, 2021

RECEIVED

SEP 16 2021

Vic Hottinger  
6850 Edwards Ridge RD SE  
Uhrichsville, OH 44683

RE: **NOTICE OF PRELIMINARY DETERMINATION**  
Case No. OH3220005114C

Dear Sir or Madam:

On 08/02/2021, a vehicle operated by NORTH STAR METALS MFG CO, and driven by, KERNS, SCOTT 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 NORTH STAR METALS MFG CO pursuant to rule 4901:2-7-07, Ohio Administrative Code (OAC), that it intended to assess a civil forfeiture against NORTH STAR METALS MFG CO in the following amount:

| <u>CODE</u>                        | <u>GROUP</u> | <u>VIOLATION</u>   | <u>FORFEITURE</u> |
|------------------------------------|--------------|--|-------------------|
| 393.48<br>A                        | Group 1      | Inoperative/defective brakes                                 | \$ 0.00           |
| 393.48<br>A                        | Group 1      | Inoperative/defective brakes                                 | \$ 0.00           |
| 393.48<br>A                        | Group 1      | Inoperative/defective brakes                                 | \$ 0.00           |
| 393.48<br>A                        | Group 1      | Inoperative/defective brakes                                 | \$ 0.00           |
| 393.47<br>A                        | Group 1      | Inadequate brakes for safe stopping - Brake Lining condition | \$ 0.00           |
|                                    | Group 1      | Group 1 Violations   | \$ 250.00         |
| <b><u>Original Amount Due:</u></b> |              |  | <b>\$250.00</b>   |

A conference was conducted pursuant to Rule 4901:2-10, OAC, at which NORTH STAR METALS MFG CO 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 NORTH STAR METALS MFG CO in the following amount:

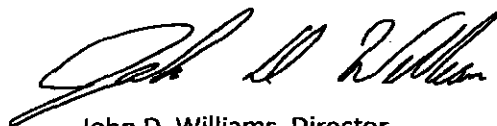
| <u>CODE</u> | <u>GROUP</u> | <u>VIOLATION</u>   | <u>FORFEITURE</u> |
|-------------|--------------|--|-------------------|
| 393.48<br>A | Group 1      | Inoperative/defective brakes                                 | \$ 0.00           |
| 393.48<br>A | Group 1      | Inoperative/defective brakes                                 | \$ 0.00           |
| 393.48<br>A | Group 1      | Inoperative/defective brakes                                 | \$ 0.00           |
| 393.48<br>A | Group 1      | Inoperative/defective brakes                                 | \$ 0.00           |
| 393.47<br>A | Group 1      | Inadequate brakes for safe stopping - Brake Lining condition | \$ 0.00           |
|             | Group 1      | Group 1 Violations   | \$ 250.00         |
|             |              | <u>New Amount Due:</u>                                       | \$250.00          |

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: 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

**Online** <https://www.pucpo.ohio.gov/sc/mcos/>  
Enter the case number and PIN located on the enclosed invoice.

**Mail** Public Utilities Commission of Ohio  
Attn: Fiscal Section  
180 E. Broad Street, 4<sup>th</sup> Floor  
Columbus, Ohio 43215-3793

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

Jenifer French, Chair, Chairman

## Commissioners

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

NORTH STAR METALS MFG CO  
P O BOX 309  
GNADENHUTTEN, OH 44629-0309

Invoice #: 21-00069341  
Date: 09/08/2021  
Due Date: 10/08/2021  
PIN #: AZPDKNOR  
Case #: OH3220005114C

### 2021

| Item #            | Type                        | Description  | Amount Due |
|-------------------|-----------------------------|--|------------|
| INVD-0174461      | Civil Forfeiture Non HazMat | Inoperative/defective brakes                                 | \$ 0.00    |
| INVD-0174462      | Civil Forfeiture Non HazMat | Inoperative/defective brakes                                 | \$ 0.00    |
| INVD-0174463      | Civil Forfeiture Non HazMat | Inoperative/defective brakes                                 | \$ 0.00    |
| INVD-0174464      | Civil Forfeiture Non HazMat | Inoperative/defective brakes                                 | \$ 0.00    |
| INVD-0174465      | Civil Forfeiture Non HazMat | Inadequate brakes for safe stopping - Brake Lining condition | \$ 0.00    |
| INVD-0174466      | Civil Forfeiture Non HazMat | Group 1 Violations   | \$ 250.00  |
| Payments Received |                             |  | \$ 0.00    |
| Total Amount Due  |                             |  | \$ 250.00  |

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

NORTH STAR METALS MFG CO  
P O BOX 309  
GNADENHUTTEN, OH 44629-0309

Invoice #: 21-00069341  
Date: 09/08/2021  
Due Date: 10/08/2021

