

DRIVER/VEHICLE EXAMINATION REPORT



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

Report Number: OH3238015224
Inspection Date: 2/26/2021 Certification Date:
Time Started: 13:54 Time Ended: 15:24
Inspection Level: II - Walk-Around
HM Inspection Type: No HM Inspection

EUROPEAN TRUCKING CORP

31920 VAN DYKE AVE

WARREN, MI 48093

USDOT #: 02251987

MC/MX #: 00768255

State #:

Phone #: (586)306-6555

Fax #:

Driver: FRITEA, MIRCEA C

License #:

State: MI

Date of Birth:

Location: ROADSIDE

MilePost: 163

Highway: IR75 SB

Origin: STERLING HEIGHTS, MI

Bill of Lading:

County: HANCOCK

Destination: WEST CHESTER, OH

Cargo: EMPTY

Shipper:

VEHICLE IDENTIFICATION:

Unit	Type	Make	Year	State	License#	Equipment ID	Unit VIN	GVWR	CVSA #	CVSA Issued #	OOS Stkr.#
1	TT	VOLV	2009	MI	RB08066	1	4V4NC9TH59N279629	50,350			
2	ST	WANC	2012	MI	E211009	5530	1JJV532D3CL622482	68,000			YES

BRAKE ADJUSTMENTS: No brake measurements recorded.

VIOLATIONS :

Vio Code	Section	Unit	OOS	State Citation Number	Verify*	Crash	Violation Description
393.9	393.9(a)	2	Y		A	N	Inoperable Required Lamp: R turn signal lamp is defective; fails to flash. Lamp stays continuously illuminated with or without activation of the turn signal switch. -DRIVER CORRECTED-
393.75A3	393.75(a)(3)	2	Y		U	N	Tire-flat and/or audible air leak: L axle 4 inside dual tire. No measurable pressure with tire gauge; rated 123 PSI max per sidewall.
393.9	393.9(a)	1	N		N	N	Inoperable Required Lamp: L front turn signal lamp is inoperable.
393.9	393.9(a)	1	N		N	N	Inoperable Required Lamp: L front hazard warning lamp is inoperable.
393.45DLPC	393.45(d)	1	N		N	N	Brake Connections with Leaks - Connection to Power Unit: Service glad hand hisses air upon service brake application. Section of rubber bushing was pushed inward toward the blow hole. -DRIVER CORRECTED-
393.9	393.9(a)	2	N		N	N	Inoperable Required Lamp: R hazard warning lamp defective; fails to flash. Lamp stays continuously illuminated with or w/o activation of the hazard warning lamp switch. -DRIVER CORRECTED-
383.51A-SIN	383.51(a)	D	Y		N	N	Driving a CMV while CDL is suspended for a safety-related or unknown reason and in state of driver's license issuance.: Per NLETS, commercial status states *REVOKED*. Per FMCSA's CDLIS, CDL status states *Eligible*. NOTE: CDLIS indicates last medical on file expired 05/16/20.

* A - Repaired at Scene; U - Unknown; N - Non-OOS or Driver OOS Violation

HazMat:

No HM Transported.

Placard: NA

Cargo Tank:

Special Checks:

- ☐ Alcohol/Controlled Substance Check
☐ Conducted by Local Jurisdiction
☐ Size and Weight Enforcement
☐ EScreening

- ☐ Traffic Enforcement
☐ PASA Conducted Inspection
☐ Drug Interdiction Search

- ☐ Post Crash Inspection
☐ PBBT Inspection
Arrests:

Report Prepared By:

M Byrne

Badge #:

3238

Copy Received By:

FRITEA, MIRCEA C

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X

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Phone #: (586)306-6555
Fax #:

State #:

Driver: FRITEA, MIRCEA C

License #:

State: MI

Date of Birth:

Inspection Notes: Placed Out-of-Service at the Love's, SR 18/IR 75, North Baltimore, OH.

ADDENDUM

The trailer's right outside tail lamp illuminated at a much higher intensity than the illuminated left outside tail lamp. This was first observed at IR 75 SB/ MP 167. Such an intensity is typically not produced unless a stop lamp, turn signal lamp, or hazard warning lamp is activated.

Mr. Fritea witnessed for himself all lamp violations. He corrected the trailer's lamp violations by adjusting the electrical pigtail at the trailer connection. Additionally, he checked the pressure of the left axle 4 inside dual tire with his own tire gauge and got no reading.

Mr. Fritea was able to produce a current medical card; issued 11/17/20 and expires 11/17/22. Mr. Fritea was shown, but not given, a NLETS and CDLIS printout so he could witness for himself his CDL status.

Mr. Fritea was enroute from the yard to pick up a load of auto parts in West Chester, OH. He would then transport the load back to the yard in Sterling Heights, MI. Cargo's final destination is in Texas.

Inspection was completed at the SB scale parking lot, IR 75 SB/MP 162.

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:

For-Hire Carrier: Y; Driver Address: 2801 CHICAGO RD; Driver City: WARREN; Driver State: MI; Driver Zip: 48092-3703; Photos Taken (Y/N): Y; Reason Code: OBVI; FMCSA Credentials Verified-Y/N: Y; CDL Verified (Y/N): Y; FMCSA OOS Order Issued(Y/N): N; Driver Address Verified (Y/N): Y; ISS Score: 43

I hereby declare MIRCEA C. FRITEA "Out of Service". This driver MAY NOT DRIVE any commercial motor vehicle nor may any carrier permit or require this driver to drive any commercial motor vehicle until: CDL-A IS VALID

* Pursuant to authority contained in Title 49, Code of Federal Regulations, Section 396.9, I hereby declare vehicles with defects followed by an "Y" in the "Out of Service" column in the violations discovered section of this report OUT OF SERVICE. No person shall remove the out of service stickers applied to these vehicles, or operate such vehicles until the out of service defects have been repaired and the vehicles have been restored to safe operating condition.

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. Any civil forfeiture assessed may be paid or challenge initiated online at <https://puco.ohio.gov/wps/portal/gov/puco/transportation/trucking/resources/motor-carrier-safety-online-services>.

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. You may also certify repairs online by registering for the PUCO Community at <https://puco.ohio.gov/wps/portal/gov/puco/transportation/trucking/resources/motor-carrier-safety-online-services>.

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 "No Violations Were Discovered" you do not need to return this report.

Report Prepared By:

M Byrne

Badge #:

3238

Copy Received By:

FRITEA, MIRCEA C

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MC/MX #: 00768255

State #:

Phone #: (586)306-6555

Fax #:

Driver: FRITEA, MIRCEA C

License #:

State: MI

Date of Birth:

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:

M Byme

Badge #:

3238

Copy Received By:

FRITEA, MIRCEA C

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OH3238015224



Public Utilities Commission

Jenifer French, Chair

State Capital

Commissioners

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

May 12, 2021

FRITEA, MIRCEA C
2801 CHICAGO RD
WARREN, MI 48092-3703

RE: **NOTICE OF PRELIMINARY DETERMINATION**
Case No. OH3238015224D

Dear Sir or Madam:

On 02/26/2021, a vehicle operated by EUROPEAN TRUCKING CORP, and driven by, FRITEA, MIRCEA C 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 MIRCEA FRITEA pursuant to rule 4901:2-7-07, Ohio Administrative Code (OAC), that it intended to assess a civil forfeiture against MIRCEA FRITEA in the following amount:

<u>CODE</u>	<u>GROUP</u>	<u>VIOLATION</u>	<u>FORFEITURE</u>
383.51 A-SIN	Group 4	Driving a CMV while CDL is suspended for a safety-related or unknown reason and in state of driver's license issuance.	\$ 500.00
<u>Original Amount Due:</u>			\$500.00

A conference was conducted pursuant to Rule 4901:2-10, OAC, at which MIRCEA FRITEA 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 MIRCEA FRITEA in the following amount:

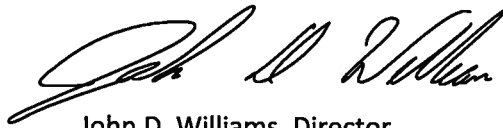
<u>CODE</u>	<u>GROUP</u>	<u>VIOLATION</u>	<u>FORFEITURE</u>
383.51 A-SIN	Group 4	Driving a CMV while CDL is suspended for a safety-related or unknown reason and in state of driver's license issuance.	\$ 500.00
<u>New Amount Due:</u>			\$500.00

Within 30 days of this notice you must either; 1) pay the assessed civil forfeiture or, 2) submit a written Request for 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", written in a cursive style.

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.puco.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, 4th 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, 11th 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.

**This foregoing document was electronically filed with the Public Utilities
Commission of Ohio Docketing Information System on**

11/18/2021 11:01:01 AM

in

Case No(s). 21-0692-TR-CVF

Summary: Exhibit State Exhibits 1 and 2 electronically filed by Mr. Ken Spencer on behalf of Armstrong & Okey, Inc. and Gibson, Karen Sue Mrs.