

FILE

Ohio

Public Utilities  
Commission

Sam Randazzo, Chairman

Case 20-1588-TR-CVF  
Staff EX. 2

Commissioners

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

August 14, 2020

WILLIAMS, JOSEPH E  
6920 WILLOW BLOOM DR  
CANAL WNCHESTER, OH 43110RE: Notice of Apparent Violation  
And Intent to Assess Forfeiture  
Case No. OH3220003777D  
OH3220003777  
PIN #: GveczJOS

Dear Sir or Madam:

On 08-11-2020, a vehicle operated by COWAN SYSTEMS LLC and driven by, WILLIAMS, JOSEPH E 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 JOSEPH WILLIAMS in the following amount:

<u>Code</u>	<u>Group</u>	<u>Description</u>	<u>Crash</u>	<u>State Citation</u>	<u>Forfeiture</u>
392.16	4	Failing to use seat belt while operating a CMV	N		\$ 100.00
<u>Total 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 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.

Please consult the enclosed instruction sheet for additional information regarding this "Notice of Apparent Violation and Intent to Assess Forfeiture."

RECEIVED

JAN 04 2022

180 East Broad Street  
Columbus, Ohio 43215-3793(614) 466-3016  
www.PUCO.ohio.govDOCKETING DIVISION  
Public Utilities Commission of Ohio

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 SR Date Processed 1/5/22

Sincerely,

Michael Hines  
Compliance Division  
(614) 466-0351

Enclosure

# INSTRUCTION SHEET

## NOTICE OF APPARENT VIOLATION AND INTENT TO ASSESS FORFEITURE

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

You have received a combined "Notice of Apparent Violation and Intent to Assess Forfeiture" as described in 4901:2-7-09, 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 a conference to present mitigating circumstances. If you do not pay the forfeiture or request a conference 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 PO BOX 715343 Cincinnati, OH 45271-5343
Send check/money order (no foreign checks/money orders) made payable to " <b>Public Utilities Commission of Ohio</b> ". 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 Conference

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 Alleged Violation and Intent to Assess Forfeiture." 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. Violations will not be removed from the inspection unless documentation supporting your claim is provided and confirmed upon a review. Also, changes to an inspection following a successful "DataQ" challenge will be reflected in our records.

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

<b>Mail</b>	Public Utilities Commission of Ohio Transportation – Compliance Division 180 E. Broad Street, 4 <sup>th</sup> Floor Columbus, Ohio 43215-3793	<b>Online</b>	<a href="https://www.puco.ohio.gov/sc/mcos/">https://www.puco.ohio.gov/sc/mcos/</a> Register using the PIN located on the invoice.
		<b>Fax</b>	(614) 466-2753

### Failure to submit a Request for Conference

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 Intent to Assess Forfeiture" and the occurrence of the violations will be conclusively established.

Such failure shall also 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.

## **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**

Sam Randazzo, Chairman

**Commissioners**

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

WILLIAMS, JOSEPH E  
6920 WILLOW BLOOM DR  
CANAL WNCHESTER, OH 43110

Invoice #: 20-00038482  
Date: 08/13/2020  
Due Date: 09/12/2020  
PIN #: GveczJOS  
Case #: OH3220003777D

**2020**

Item #	Type	Description	Amount Due
INVD-0093872	Civil Forfeiture Non HazMat	Failing to use seat belt while operating a CMV	\$ 100.00
Payments Received			\$ 0.00
Total Amount Due			\$ 100.00

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

WILLIAMS, JOSEPH E  
6920 WILLOW BLOOM DR  
CANAL WNCHESTER, OH 43110

Invoice #: 20-00038482  
Date: 08/13/2020  
Due Date: 09/12/2020

