

NE
FILE

22-475-TR.CVF



April 19, 2022

Public Utilities Commission of Ohio
ATTN: Docketing Division
180 E. Broad Street, 4th Floor
Columbus, OH 43215-3793

Re: Request for an Administrative Hearing - Total Distribution, Inc., Case # OH3216301804S

To Whom it May Concern,

This letter is in response to a Notice of Preliminary Determination that we received from your office on or about April 15, 2022. We would like to formally request an Administrative Hearing for the above referenced case.

Should you have any additional questions or need any additional information please feel free contact me at jdevirgilio@peopleservices.com or at 234-999-4750.

Regards,

Joseph DeVirgilio, CSP, SMS, CIT
Director of Safety & Regulatory Compliance
2207 Kimball Road SE
Canton, OH 44707

Enclosure(s)

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 MM Date Processed MAY 02 2022



Public Utilities Commission

Jenifer French, Chair

Commissioners

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

April 6, 2022

Joseph Devirgilio
2207 Kimball Road SE
Canton, OH 44707

RE: **NOTICE OF PRELIMINARY DETERMINATION**
Case No. OH3216301804S

Dear Sir or Madam:

On 02/17/2022, a vehicle operated by TRX GREAT LAKES INC, and driven by, OFORI, EDWARD K 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 TOTAL DISTRIBUTION INC. pursuant to rule 4901:2-7-07, Ohio Administrative Code (OAC), that it intended to assess a civil forfeiture against TOTAL DISTRIBUTION INC. in the following amount:

<u>CODE</u>	<u>GROUP</u>	<u>VIOLATION</u>	<u>FORFEITURE</u>
172.504 A	HazMat	Vehicle not placarded as required	\$ 720.00

Original Amount Due: \$720.00

A conference was conducted pursuant to Rule 4901:2-10, OAC, at which TOTAL DISTRIBUTION 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 TOTAL DISTRIBUTION INC. in the following amount:

<u>CODE</u>	<u>GROUP</u>	<u>VIOLATION</u>	<u>FORFEITURE</u>
172.504 A	HazMat	Vehicle not placarded as required	\$ 720.00

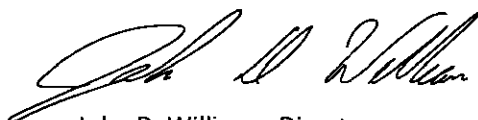
New Amount Due: \$720.00

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: Thomas Persinger