

Staff  
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# 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: OH3288014008  
Inspection Date: 6/17/2021 Certification Date:  
Time Started: 10:05 Time Ended: 10:50  
Inspection Level: III - Driver-Only Inspection  
HM Inspection Type: No HM Inspection

LEGACY BROTHERS LOGISTICS LLC  
320 SINGLETON BLVD APT 3218  
DALLAS, TX 75212-4186  
USDOT #: 03281248  
MC/MX #:  
State #:

Phone #: (469)274-9418  
Fax #:

Driver: BERHE, YOHANNES G  
License #:   
State: OK  
Date of Birth:

Location: ROADSIDE MilePost: 25  
Highway: IR75 Origin: HEBRON, KY Bill of Lading:  
County: BUTLER Destination: MONROE, OH Cargo: EMPTY  
Shipper:

## VEHICLE IDENTIFICATION:

Unit	Type	Make	Year	State	License#	Equipment ID	Unit VIN	GVWR	CVSA #	CVSA Issued #	OOS Str.#
1	TT	MACK	2015	TX	R462332	001	1M1AW07Y3FM044106	52,000			
2	ST	HYTR	2019	OR	HV37444	V503536	3H3V532C2KR686144	68,000			

BRAKE ADJUSTMENTS: No brake measurements recorded.

## VIOLATIONS :

Vio Code	Section	Unit	OOS	State Citation Number	Verify*	Crash	Violation Description
395.8A-ELD	395.8(a)(1)	D	Y		N	N	ELD - No record of duty status (ELD Required): ELD NOT TURNED ON OR MALFUNCTIONING
392.2IRP	392.2	1	N		N	N	IRP Apportioned Tag or Registration Violation: TRACTOR NO REGISTRATION PAPERWORK AT TIME OF STOP
395.22H2	395.22(h)(2)	D	N		N	N	Driver failing to maintain ELD instruction sheet: NO INSTRUCTION SHEET AT TIME OF INSPECTION
395.22H4	395.22(h)(4)	D	N		N	N	Driver failed to maintain supply of blank drivers records of duty status graph-grids: NO BLANK LOG SHEETS AT TIME OF INSPECTION
395.13D	395.13(d)(1)	D	Y		N	N	Driving after being declared out-of-service for HOS violation(s): Driving after being declared OOS for HOS violation(s) on 6/16/2021 07:30 PM INSPECTION KYCV43051664

\* N - Non-OOS or Driver OOS Violation

HazMat: No HM Transported. Placard: NA Cargo Tank:

Special Checks: ☐ Alcohol/Controlled Substance Check ☐ Traffic Enforcement ☐ Post Crash Inspection  
☐ Conducted by Local Jurisdiction ☐ PASA Conducted Inspection ☐ PBBT Inspection  
☐ Size and Weight Enforcement ☐ Drug Interdiction Search Arrests:  
☐ EScreening

## Inspection Notes:

### 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: 9703 SW 16TH ST ; Driver City: OKLAHOMA CITY ; Driver State: OK; Driver Zip: 731280000 ; Photos Taken (Y/N):  
Y; Reason Code: USSP; 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: 70

Report Prepared By: W Johnson Badge #: 3288 Copy Received By: BERHE, YOHANNES G Page 1 of 2



OH3288014008

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DALLAS, TX 75212-4186

USDOT #: 03281248

Phone #: (469)274-9418

MC/MX #:

Fax #:

State #:

Driver: BERHE, YOHANNES G  
License #: [REDACTED] State: OK  
Date of Birth: [REDACTED]

I hereby declare YOHANNES G. BERHE "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: OOS FOR 10 HOURS

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

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:

BERHE, YOHANNES G

Page 2 of 2



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OH3288014008

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HM Inspection Type: No HM Inspection

## LEGACY BROTHERS LOGISTICS LLC

320 SINGLETON BLVD APT 3218

DALLAS, TX 75212-4186

USDOT #: 03281248

Phone #: (469)274-8418

MC/MX #:

Fax #:

State #:

Driver: BERHE, YOHANNES G

License #:

State: OK

Date of Birth:

I hereby declare YOHANNES G. BERHE "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: OOS FOR 10 HOURS

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

Signature of Carrier Official:

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Date:

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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), 392.13(d), 392.9(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:

BERHE, YOHANNES G

Page 2 of 2



OH3288014008

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# DRIVER/VEHICLE EXAMINATION REPORT

57aff Ex-2  
Query Central 3.4

Kentucky State Police  
Commercial Vehicle Enforcement Division  
919 Versailles Road  
Frankfort, Kentucky 40601  
cveinspections@ky.gov

Report Number: KYCV43051664  
Inspection Date: 06/16/2021  
Start: 6:00 PM ET End: 07:30 PM ET  
Inspection Level: III - DriverOnly  
HM Inspection Type: None

LEGACY BROTHERS LOGISTICS LLC  
320 SINGLETON BLVD APT 3218  
DALLAS, TX 75212  
USDOT#: 03281248  
MC/MX#: 00000000  
State#:

Phone#: (469)274-9418  
Fax#:

Driver: BERHE, YOHANNES G  
License#: [REDACTED] State: OK  
Date of Birth: [REDACTED]  
CoDriver:  
License#: [REDACTED] State:  
Date of Birth:

Location: LONDON  
Highway: I-75  
County:

MilePost: 33 Shipper: AMAZON  
Origin: CHARLOTTE, NC Bill of Lading: CLT4111R1WPHW  
Destination: HEBRON, KY Cargo: GENERAL FREIGHT

## VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate #	Equipment ID	VIN	GVWR	CVSA #	New CVSA #	OOS#
1	TT	MACK	2015	TX	R462332		1M1AW07Y3FM044106	52,000			
2	ST	HYTR	2019	OR	HV38033		3H3V532C8KT709283	65,000			

**BRAKE ADJUSTMENTS:** No Brake Measurements Required For Level 3

## VIOLATIONS

Vio Code	Section	Unit	OOS	Citation #	Verify	Crash	Violations Discovered
391.41A	391.41A	D	N	DT83579	N	N	No medical certificate in driver's possession: EXPIRE DT: 11-15-2020 STATUS: NOT-CERTIFIED
396.17C	396.17C	D	N	DT83579	N	N	Operating a CMV without proof of a periodic inspection: driver states he has no paper work
392.2IN	392.2IN	D	N	DT83579	N	N	State Insurance Violation: driver states he has no copy of insurance in truck
387.303B4	387.303B4	D	N	DT83579	N	N	No copy of certificate of registration: driver states he has no paper work or registration
383.71H	383.71H	D	N	DT83579	N	N	Failing to submit medical certification documentation as required.: EXPIRE DT: 11-15-2020 STATUS: NOT-CERTIFIED
392.2	392.2	D	N	DT83579	N	N	Violation of Local Laws - Explain:: drivers license not in possession; driver stated it was stolen
392.2FT	392.2FT	D	N	DT83579	N	N	State or International Fuel Tax (IFTA) Violation: driver states he has no paperwork
395.8K2	395.8K2	D	Y	DT83579	U	N	Driver failing to retain previous 7 days records of duty status: No log/log not current on 06/09/2021 06:00 PM

**HazMat:** No HM Transported.

Placard: No Cargo Tank:

**Special Checks:**

Report Prepared By:  
OFC. 1 CHRIS MCQUEEN

Badge #:  
4305

Copy Received By:  
YOHANNES BERHE

Page 1 of 3



03281248 KY KYCV43051664

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# DRIVER/VEHICLE EXAMINATION REPORT

Query Central 3.4

Kentucky State Police  
Commercial Vehicle Enforcement Division  
919 Versailles Road  
Frankfort, Kentucky 40601  
cveinspections@ky.gov

Report Number: KYCV43051664  
Inspection Date: 06/16/2021  
Start: 6:00 PM ET End: 07:30 PM ET  
Inspection Level: III - DriverOnly  
HM Inspection Type: None

LEGACY BROTHERS LOGISTICS LLC

320 SINGLETON BLVD APT 3218

DALLAS, TX 75212

USDOT#: 03281248

MC/MX#: 00000000

State#:

Phone#: (469)274-9418

Fax#:

Driver: BERHE, YOHANNES G

License#: [REDACTED]

Date of Birth: [REDACTED]

CoDriver:

License#:

Date of Birth:

State: OK

State:

## Inspection Notes

Driver states his ELD malfunctioned has no paper logs; Looking through prev. inspections, safety#ORAAU2006231 and #NV7115018147, driver has had the exact same problems on previous inspections.

**Special Studies** No Special Study Data Recorded

Report Prepared By:  
OFC. 1 CHRIS MCQUEEN

Badge #:  
4305

Copy Received By:  
YOHANNES BERHE

Page 3 of 3



03281248 KY KYCV43051664

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cveinspections@ky.gov

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HM Inspection Type: None

LEGACY BROTHERS LOGISTICS LLC  
320 SINGLETON BLVD APT 3218

DALLAS, TX 75212

USDOT#: 03281248

MC/MX#: 00000000

State#:

Phone#: (469)274-9418

Fax#:

Driver: BERHE, YOHANNES G

License#: [REDACTED]

State: OK

Date of Birth: [REDACTED]

CoDriver:

License#:

State:

Date of Birth:

Pursuant to authority in 49 CFR 396.9 and KRS 281.600 and 601 KAR 1:005, driver YOHANNES BERHE is OUT OF SERVICE. No motor carrier shall permit nor require this driver to operate any commercial vehicle until: RECORD OF DUTY STATUS/10HRS.

The undersigned certifies that necessary repairs were made to this vehicle to correct all noted defects.

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

ATTENTION MOTOR CARRIER: If the inspection indicates violations/defects on the driver and or vehicle a signed copy of the inspection shall be returned within 15 days to the address shown at the top left of the inspection. An inspection absent any type of violation/defect does not need to be returned. Motor carriers are required to keep a copy of this inspection on file for 12 months from the date of inspection (49 CFR 396.9(d)(3)(ii)). NOTE: Drivers or carriers may challenge the accuracy or validity of a commercial vehicle inspection, including the issuance of an Out of Service Order, by contacting the Federal Motor Carrier Safety Administration (FMCSA) at: <https://dataqs.fmcsa.dot.gov> If your citation for a fatigue and or illness violation is dismissed by a prosecutor or judge for lack of probable cause, or you are acquitted of the charge, you can make application through the DataQ system to have the related out of service order rescinded. The undersigned certifies that all violations noted have been corrected and compliance achieved with the Federal Motor Carrier Safety and / or Federal Hazardous Materials Regulations as applicable to motor carriers and drivers.

Signature Of Motor Carrier X: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

Report Prepared By:  
OFC. 1 CHRIS MCQUEEN

Badge #:  
4305

Copy Received By:  
YOHANNES BERHE

Page 2 of 3



03281248 KY KYCV43051664

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Staff ~~Ex~~ <sup>Δ</sup>



**Public Utilities  
Commission**

Jenifer French, Chair

**Commissioners**

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

August 11, 2021

YOHANNES G BERHE  
1113 LANCASTER ST  
DURHAM, NC 27701

RE: **NOTICE OF PRELIMINARY DETERMINATION**  
Case No. OH3288014008D

Dear Sir or Madam:

On 06/17/2021, a vehicle operated by LEGACY BROTHERS LOGISTICS LLC, and driven by, BERHE, YOHANNES G 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 YOHANNES G BERHE pursuant to rule 4901:2-7-07, Ohio Administrative Code (OAC), that it intended to assess a civil forfeiture against YOHANNES G BERHE in the following amount:

<u>CODE</u>	<u>GROUP</u>	<u>VIOLATION</u>	<u>FORFEITURE</u>
395.13 D	Group 4	Driving after being declared out-of-service for HOS violation(s)	\$ 3,174.00
395.8A- ELD	Group 1	ELD - No record of duty status (ELD Required)	\$ 0.00
	Group 1	Group 1 Violations	\$ 100.00
<b><u>Original Amount Due:</u></b>			<b>\$3,274.00</b>

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

<u>CODE</u>	<u>GROUP</u>	<u>VIOLATION</u>	<u>FORFEITURE</u>
395.13 D	Group 4	Driving after being declared out-of-service for HOS violation(s)	\$ 3,174.00



395.8A- ELD	Group 1	ELD - No record of duty status (ELD Required)	\$ 0.00
	Group 1	Group 1 Violations	\$ 100.00
		<b><u>New Amount Due:</u></b>	<b>\$3,274.00</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: Cheryl Streets





**Public Utilities  
Commission**

Jenifer French, Chair, Chairman

**Commissioners**

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

BERHE, YOHANNES G  
1113 LANCASTER ST  
DURHAM, NC 27701

Invoice #: 21-00067191  
Date: 08/10/2021  
Due Date: 09/09/2021  
PIN #: hDbImYOH  
Case #: OH3288014008D

**2021**

Item #	Type	Description	Amount Due
INVD-0168631	Civil Forfeiture Non HazMat	Driving after being declared out-of-service for HOS violation(s)	\$ 3,174.00
INVD-0168632	Civil Forfeiture Non HazMat	ELD - No record of duty status (ELD Required)	\$ 0.00
INVD-0168633	Civil Forfeiture Non HazMat	Group 1 Violations	\$ 100.00
Payments Received			\$ 0.00
Total Amount Due			\$ 3,274.00

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

BERHE, YOHANNES G  
1113 LANCASTER ST  
DURHAM, NC 27701

Invoice #: 21-00067191  
Date: 08/10/2021  
Due Date: 09/09/2021



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

**6/10/2022 1:20:19 PM**

**in**

**Case No(s). 21-0983-TR-CVF**

Summary: Exhibit Redacted Staff Exhibits 1 through 3 electronically filed by Mr.  
Ken Spencer on behalf of Armstrong & Okey, Inc. and Spencer, Michael O. Mr.