

NC

 **FILE**

22-0646-TR-CVF

June 20, 2022

Public Utilities Commission of Ohio
ATTN: Docketing Division
180 E. Broad Street, 11th Floor
Columbus, Ohio 43215

Re: Case #: OH1532002001D
Request for Administrative Hearing

To Whom It May Concern:

My name is Shane Grove. I am writing on behalf of SMG Transportation, LLC. On April 4, 2022, my employee, Nathan A. Woodring, was issued a ticket under violation code 383.23A2 for Operating a CMV without a CDL: Operating a CMV without a CDL on 04/04/20223. GVWR of truck and trailer combined is 29,500 LBS. Class A. CDL required. A copy of the ticket is attached as Exhibit "A" for your review.

I am requesting an Administrative Hearing as the information contained within the ticket is incorrect. The GVWR of the Ford truck is 11,500 pounds, and the GVWR of the trailer is 14,000 pounds for a total GVWR of 25,500 pounds. Copies of the VIN stickers are attached as Exhibit "B" for your review.

A driver is not required to have a CDL if the GVWR is less than 26,000 pounds. Mr. Woodring and my company were not in violation of Code 383.23A2. Because of this, I am respectfully requesting an Administrative Hearing in this matter.

Please forward all future communications to me, Shane Groves at 418 South 200 East, Angola, Indiana 46703 or at phone number 260-668-2245.

Sincerely,
SMG Transportation, LLC

Shane Groves
Manager



PUCO

2022 JUN 28 AM 9:43

RECEIVED-DOCKETING DIV

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 SK Date Processed 6.28.22

DRIVER/VEHICLE EXAMINATION REPORT

Aspen 3.0.0.17



OHIO STATE HIGHWAY PATROL
MOTOR CARRIER ENFORCEMENT
DISTRICT 4 HEADQUARTERS
PHONE: 330-898-7598
FAX CERTIFICATION TO 614-752-9274

Report Number: OH1532002001
Inspection Date: 04/04/2022
Start: 09:16 AM ET **End:** 10:20:00 AM ET
Inspection Level: II - Walk-Around
HM Inspection Type: None

SMG TRANSPORTATION LLC
935 CLEVELAND AVE
DEFIANCE, OH 43512-4016

USDOT#: 03800165 **Phone#:** (260)668-0230
MC/MX#: **Fax#:**
State#:

Location: ROADSIDE
Highway: IR80
County: TRUMBULL, OH

MilePost: 214 **Shipper:** JOHN DEERE
Origin: HASTINGS, MI **Bill of Lading:** 08654972
Destination: ST THOMAS, PA **Cargo:** OTHER

Driver: WOODRING, NATHAN A
State: IN

CoDriver:
License#: **State:**
Date of Birth:

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate #	Equipment ID	VIN	GVWR	CVSA #	CVSA Issued #	OOS Sticker
1	TR	FORD	2018	IN	WX9175		1FT8W3BT4JEB48957	11,500			
2	OT	PJTM	2019	IN	TR202KSP		4P5LS3522K1293275	18,000			

BRAKE ADJUSTMENTS: No Brake Measurements Required For Level 2

VIOLATIONS

Vio Code	Section	Unit	OOS	Citation #	Verify	Crash	Violations Discovered
383.23A2	383.23(a)(2)	D	Y		N	N	Operating a CMV without a CDL: Operating a CMV without a CDL on 04/04/2022. GVWR of truck and trailer combined is 29,500 LBS. Class A CDL required
392.2UCR	392.2	1	N		N	N	Failure to pay UCR Fee: No UCR for year 2022

HazMat: No HM Transported.

Placard: No **Cargo Tank:**

Special Checks: No Data for Special Checks.

State Information:

FMCSA Credentials Verified-Y/N: Y; CDL Verified (Y/N): N; FMCSA OOS Order Issued(Y/N): N; For-Hire Carrier: Y; Reason Code: ISSS; Fatalities (Y/N): N; Crash Report #: N; Supplemental Report #: N; Driver Address Verified (Y/N): Y; Driver Address: 418 S 200 E; Driver City: ANGOLA; Driver State: IN; Driver Zip: 46703; Photos Taken (Y/N): Y;

Report Prepared By:
 CMV TPR. MARTIN

Badge #:
 1532

Copy Received By:
 NATHAN WOODRING

Page 1 of 2



03800165 OH OH1532002001

DRIVER/VEHICLE EXAMINATION REPORT

Aspen 3.0.0.17



OHIO STATE HIGHWAY PATROL
MOTOR CARRIER ENFORCEMENT
DISTRICT 4 HEADQUARTERS
PHONE: 330-898-7598
FAX CERTIFICATION TO 614-752-9274

Report Number: OH1532002001
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935 CLEVELAND AVE
DEFIANCE, OH 43512-4016
USDOT#: 03800165
MC/MX#:
State#:

Phone#: (260)668-0230
Fax#:

Location: ROADSIDE
Highway: IR80
County: TRUMBULL, OH

MilePost: 214
Origin: HASTINGS, MI
Destination: ST THOMAS, PA

Shipper: JOHN DEERE
Bill of Lading: 08654972
Cargo: OTHER

Driver: WOODRING, NATHAN A
License#:
Date of Birth:
CoDriver:
License#:
Date of Birth:
State: IN
State:

I hereby declare NATHAN WOODRING "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 Valid CDL.

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: _____

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.

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. If "No Violations Were Discovered" then you do not need to return this report. 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 you have any questions, please contact (614) 466-0429.

Signature Of Motor Carrier X: _____ Title: *Manager* Date: *4/18/2022*

Report Prepared By:
 CMV TPR. MARTIN

Badge #:
 1532

Copy Received By:
 NATHAN WOODRING

Page 2 of 2



03800165 OH OH1532002001

MFD BY/FABRIQUE PAR: P.J. Trailer Mfg Co.

GVWR/PNEV: 6,350 KG (14000LB)

02/2018

COLD INFL. PRESS./PRESS.
DE GONF A FROID

GAWR/PNBE	TIRES/PNEU	RIM/JANTE	KPA(PSI/LPC)	SGL/DUAL
FRONT 3,629 KG (8000 LB)	ST235/80R16 (E)	16x6K	551 KPA (80 PSI)	SINGLE
REAR 3,629 KG (8000 LB)	ST235/80R16 (E)	16x6K	551 KPA (80 PSI)	SINGLE

THIS VEHICLE CONFORMS TO ALL APPLICABLE STANDARDS PRESCRIBED UNDER THE CANADIAN MOTOR VEHICLE
SAFETY REGULATIONS IN EFFECT ON THE DATE OF MANUFACTURE. / CE VEHICULE EST CONFORME A TOUTES LES
NORMES QUI LUI SONT APPLICABLES EN VERTU DU REGLEMENT SUR LA SECURITE DES VEHICULES
AUTOMOBILES DU CANADA EN VIGUEUR A LA DATE DE SA FABRICATION.

THIS VEHICLE CONFORMS TO ALL APPLICABLE U.S. FEDERAL MOTOR VEHICLE SAFETY
STANDARDS (FMVSS) IN EFFECT ON THE DATE OF MANUFACTURE SHOWN ABOVE.

V.I.N./N.I.V. 4P5LS3522K1293275 TYPE/TYPE DE VEHICULE: TRA/REM GOOSENECK LS352

MFD. BY FORD MOTOR CO.
FRONT GAWR: 2717 KG (5990 LB)
WITH LT275/70R18 125/122R
18x8.0J

DATE: 01/18

GVWR: 5216 KG (11500 LB)

REAR GAWR: 3280 KG (7230 LB)

TIRES

WITH

LT275/70R18 125/122R

TIRES

RIMS

18x8.0J

RIMS

AT 420 kPa/ 60 PSI COLD

1A 750 KPa/ 80 PSI COLD

THIS VEHICLE CONFORMS TO ALL APPLICABLE FEDERAL MOTOR VEHICLE
SAFETY STANDARDS IN EFFECT ON THE DATE OF MANUFACTURE. APPROVED

VIN. 1FT8W3BT4JEB49957

TYPE Truck



EXT PNT: G1

RC 48 DSO

WE

INT TR

TR/PS

TR

AXLE

TR

SPR

11018

160

2S

5

31

W

CONN

11249

ULC

305A-3520472-AA

MADE IN U.S.A.

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.



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 conviction¹ 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 driver's 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.

¹ 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

WOODRING, NATHAN A
418 S 200 E
ANGOLA, IN 46703

Invoice #: 22-00090808
Date: 05/27/2022
Due Date: 06/26/2022
PIN #: 5hk82NAT
Case #: OH1532002001D

2022

Item #	Type	Description	Amount Due
INVD-0229581	Civil Forfeiture Non HazMat	Operating a CMV without a CDL	\$ 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

WOODRING, NATHAN A
418 S 200 E
ANGOLA, IN 46703

Invoice #: 22-00090808
Date: 05/27/2022
Due Date: 06/26/2022





Public Utilities Commission

Jenifer French, Chair

Commissioners

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

May 28, 2022

SMS TRANSPORTATION: ATTN - MR. SHANE GROVES
418 S 200 E
ANGOLA, IN 46703

RE: **NOTICE OF PRELIMINARY DETERMINATION**
Case No. OH1532002001D

Dear Sir or Madam:

On 04/04/2022, a vehicle operated by SMG TRANSPORTATION LLC, and driven by, WOODRING, NATHAN 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 NATHAN A WOODRING pursuant to rule 4901:2-7-07, Ohio Administrative Code (OAC), that it intended to assess a civil forfeiture against NATHAN A WOODRING in the following amount:

<u>CODE</u>	<u>GROUP</u>	<u>VIOLATION</u>	<u>FORFEITURE</u>
383.23 A2	Group 4	Operating a CMV without a CDL	\$ 250.00

Original Amount Due: \$250.00

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

<u>CODE</u>	<u>GROUP</u>	<u>VIOLATION</u>	<u>FORFEITURE</u>
383.23 A2	Group 4	Operating a CMV without a CDL	\$ 250.00

New Amount Due: \$250.00

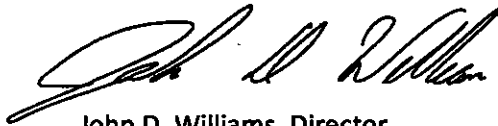
Within 30 days of this notice you must either; 1) pay the assessed civil forfeiture or, 2) submit a written Request for an Administrative Hearing.



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,

A handwritten signature in black ink, appearing to read "John D. Williams", written in a cursive style.

John D. Williams, Director
Transportation Department

cc: Cheryl Streets

