



AMERICAN DEMOLITION, INC.

1800 - 19 th Street N.E.  
Canton, Ohio 44714

**FILE**

22-1193-TR-LVF

Phone: (330) 588-9250

Fax: (330) 588-9252

December 19, 2022

RE: Kenneth K. Swogger Case #OH3285015571D Reopen Suspension / Hearing

To Whom It May Concern:

Kenneth Swogger and American Demolition, Inc. are requesting that case #OH3285015571D suspension/disqualification be reopened. Kenneth Swogger received the Notice of Disqualification dated 12-14-22. With further investigation of the Inspection Report, it was found that 391.11 B4-DEN and 2-5-07D was not on page 2 of the Inspection Report or disqualifying offense. With our current knowledge of this situation, we *would not have* paid the fine and would have requested a hearing for that serious of an offense.

Again, we are asking for your consideration to reopen the suspension. This suspension will have a direct impact on Mr. Swogger's livelihood as well as a considerable negative impact to American Demolition's business by not having Mr. Swogger as a qualified CMV driver.

Thank You Again for Your Consideration.

Sincerely,

Sam Peterson

American Demolition, Inc.

1800 19<sup>th</sup> St. N.E.

Canton, Ohio 44714

Ph: 330-588-9250

Email: sampeterson239@gmail.com

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

SLR

Date Processed

12.27.22

RECEIVED-DOCKETING DIV  
2022 DEC 27 PM 1:59  
PUCO

# Ohio Public Utilities Commission

*under French, Ohio*

November 11, 2022

SWOGGER, KENNETH A.  
316 36TH ST NW  
CANTON, OH 44705

RE: **Notice of Apparent Violation  
And Intent to Assess Forfeiture**  
Case No. OH3285015571D  
PIN #: GvrRDKEN

Dear Sir or Madam:

On 11/10/2022, a vehicle operated by AMERICAN DEMOLITION INC and driven by, SWOGGER, KENNETH K 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 KENNETH SWOGGER 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
391.1184 -DEN	4	Driver operating a CMV without proper endorsements or in violation of restrictions.	N		\$ 250.00
2-5-07D	4	Operating vehicle after Driver or Vehicle declared out of service	N		\$ 3,230.00
<b>Total Amount Due:</b>					<b>\$ 3,580.00</b>

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

180 East Broad Street  
Columbus, Ohio 43215-3793

(614) 466-3016  
[www.PUCO.ohio.gov](http://www.PUCO.ohio.gov)

OHIO DEPARTMENT OF PUBLIC SAFETY  
BUREAU OF MOTOR VEHICLES

## NOTICE OF DISQUALIFICATION AND OPPORTUNITY FOR HEARING

12/14/2022

2127A/006436343/121422/DL22001379/00001  
KENNETH KEITH SWOGGER  
336 36TH ST NW  
CANTON OH 44709

## IMPORTANT CASE INFORMATION

BMV CASE NUMBER : DL22001379  
DISQUALIFIED : FROM 01/18/2023 TO 07/17/2023

You are hereby notified that you will be disqualified from operating a commercial motor vehicle thirty (30) days from the date of mailing of this notice for the period of time noted above. This disqualification will be imposed pursuant to the Ohio Revised Code (R.C.) Section below:

## SECTION 4506.16 OF THE OHIO REVISED CODE

## 1ST VIO. OUT OF SERVICE - PUCO

12/03/2022 VIO OUT OF SERVICE ORDER 4506.16 OH2575 CASE:3285015571

In accordance with R.C. Section 119.07, you are entitled to an adjudication hearing in this matter if you submit a request within thirty (30) days of the date of mailing of this notice. The purpose of this hearing is to allow you to give evidence, whether oral or written, regarding why you should not be disqualified from operating a commercial motor vehicle.

You are advised that you may appear at such hearing in person, represented by your attorney, or by such other representative who is permitted to practice before the agency. However, corporations may only appear through a licensed attorney. If you personally appear, you may present evidence and examine witnesses appearing for or against you. In lieu of personally appearing, you may submit your position, argument, and contentions in writing.