

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: OH3209302431
Inspection Date: 10/10/2021 Certification Date:
Time Started: 10:50 Time Ended: 11:26
Inspection Level: I - Full Inspection
HM Inspection Type: No HM Inspection

SPORTSMAN'S MARKET INC
2001 SPORTYS DR
BATAVIA, OH 45103-9747
USDOT #: 02989162
MC/MX #:
State #:

Phone #: (513)735-9100
Fax #:

Driver: JOBE, BRIAN M
License #:
Date of Birth: State: OH

Location: ROAD PATROL
Highway: MEHRING PETE ROSE WAY
County: HAMILTON
Shipper:

MilePost:
Origin: BATAVIA, OH
Destination: CINCINNATI, OH

Bill of Lading:
Cargo: PASSENGER

VEHICLE IDENTIFICATION:

| Unit | Type | Make | Year | State | License# | Equipment ID | Unit VIN | GVWR | CVSA # | CVSA Issued # | OOS Strk # |
|------|------|------|------|-------|----------|--------------|-------------------|--------|--------|---------------|------------|
| 1 | BU | CHEV | 2002 | OH | BZ06WQ | 1 | 1GBJG31G221130411 | 12,300 | | 30612046 | |

BRAKE ADJUSTMENTS:

| Axle # | 1 | 2 |
|---------|------|------|
| Right | N/A | N/A |
| Left | N/A | N/A |
| Chamber | HYDR | HYDR |

VIOLATIONS :

| Vio Code | Section | Unit | OOS | State Citation Number | Verify* | Crash | Violation Description |
|------------|--------------|------|-----|-----------------------|---------|-------|--|
| 391.41A1-P | 391.41(a)(1) | D | Y | | N | N | Operating a passenger-carrying vehicle without possessing a valid medical certificate. |

* N - Non-OOS or Driver OOS Violation

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

Special Checks:

| | | |
|---|--|--|
| <input type="checkbox"/> Alcohol/Controlled Substance Check | <input type="checkbox"/> Traffic Enforcement | <input type="checkbox"/> Post Crash Inspection |
| <input type="checkbox"/> Conducted by Local Jurisdiction | <input type="checkbox"/> PASA Conducted Inspection | <input type="checkbox"/> PBBT Inspection |
| <input type="checkbox"/> Size and Weight Enforcement | <input type="checkbox"/> Drug Interdiction Search | Arrests: |
| <input type="checkbox"/> EScreening | | |

Inspection Notes: interstate trip into Kentucky as determines by field interview.

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: 4374 EASTWOOD DR APT 108; Driver City: BATAVIA; Driver State: OH; Driver Zip: 45103; Photos Taken (Y/N):
N; Reason Code: BUS.FMCSA Credentials Verified (Y/N): Y; CDL Verified (Y/N): Y; FMCSA OOS Order Issued (Y/N): N; Driver Address Verified (Y/N): Y

I hereby declare BRIAN M. JOBE "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: Obtains a Proper Medical Waiver

Report Prepared By:
K Swartz

Badge #:
3209

Copy Received By:
JOBE, BRIAN M

Page 1 of 2



OH3209302431

X

X

DRIVER/VEHICLE EXAMINATION REPORT



Public Utilities Commission of Ohio
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Transportation Department
Columbus, OH 43215
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SPORTSMAN'S MARKET INC
2001 SPORTYS DR
BATAVIA, OH 45103-9747
USDOT #: 02989162
MC/MX #:
State #:

Phone #: (513)735-9100
Fax #:

Driver: JOBE, BRIAN M
License #:
Date of Birth: State: OH

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, TASD - 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), 395.9(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:
K Swartz

Badge #:
3209

Copy Received By:
JOBE, BRIAN M

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OH3209302431

X

X

**Public Utilities
Commission**

Jenifer French, Chair

Commissioners

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

October 12, 2021

JOBE, BRIAN M
4374 EASTWOOD DR APT 108
BATAVIA, OH 45103RE: **Notice of Apparent Violation
And Intent to Assess Forfeiture**

Case No. OH3209302431D

OH3209302431

PIN #: [REDACTED]

Dear Sir or Madam:

On 10-10-2021, a vehicle operated by SPORTSMAN'S MARKET INC and driven by, JOBE, BRIAN M 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 BRIAN M JOBE in the following amount:

| <u>Code</u> | <u>Group</u> | <u>Description</u> | <u>Crash</u> | <u>State Citation</u> | <u>Forfeiture</u> |
|---------------------------------|--------------|--|--------------|-----------------------|-------------------|
| 391.41A1 -P | 4 | Operating a passenger-carrying vehicle without possessing a valid medical certificate. | 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."

Sincerely,

Michael Hines
Compliance Division
6144666168

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

| | | | |
|---------------|---|-------------|---|
| 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 PO BOX 715343 Cincinnati, OH 45271-5343 |
| | | | 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 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:

| | | | |
|-------------|--|---------------|---|
| Mail | Public Utilities Commission of Ohio Transportation – Compliance Division 180 E. Broad Street, 4 th Floor Columbus, Ohio 43215-3793 | Online | https://www.puco.ohio.gov/sc/mcos/ Register using the PIN located on the invoice. |
| | | Fax | (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 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 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. |

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

JOBE, BRIAN M
4374 EASTWOOD DR APT 108
BATAVIA, OH 45103

Invoice #: 21-00073623
Date: 10/12/2021
Due Date: 11/11/2021
PIN #: XXXXXXXXXX
Case #: OH3209302431D

2021

| Item # | Type | Description | Amount Due |
|-------------------|-----------------------------|--|------------|
| INVD-0183521 | Civil Forfeiture Non HazMat | Operating a passenger-carrying vehicle without possessing a valid medical certificate. | \$ 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

JOBE, BRIAN M
4374 EASTWOOD DR APT 108
BATAVIA, OH 45103

Invoice #: 21-00073623
Date: 10/12/2021
Due Date: 11/11/2021



December 9, 2021

WILLIAM H. ANDERSON
2001 SPORTY'S DRIVE
BATAVIA, OH 45103-9747

RE: NOTICE OF PRELIMINARY DETERMINATION
Case No. OH3209302431D

Dear Sir or Madam:

On 10/10/2021, a vehicle operated by SPORTSMAN'S MARKET INC, and driven by, JOBE, BRIAN M 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 BRIAN M JOBE pursuant to rule 4901:2-7-07, Ohio Administrative Code (OAC), that it intended to assess a civil forfeiture against BRIAN M JOBE in the following amount:

| <u>CODE</u> | <u>GROUP</u> | <u>VIOLATION</u> | <u>FORFEITURE</u> |
|----------------|--------------|--|-------------------|
| 391.41 A1-P | Group 4 | Operating a passenger-carrying vehicle without possessing a valid medical certificate. | \$ 100.00 |

Original Amount Due: \$100.00

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

| <u>CODE</u> | <u>GROUP</u> | <u>VIOLATION</u> | <u>FORFEITURE</u> |
|----------------|--------------|--|-------------------|
| 391.41 A1-P | Group 4 | Operating a passenger-carrying vehicle without possessing a valid medical certificate. | \$ 100.00 |

New Amount Due: \$100.00

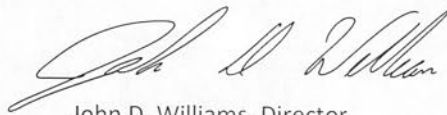
Within 30 days of this notice you must either; 1) pay the assessed civil forfeiture or, 2) submit a written Request for an Administrative Hearing.



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 cursive script, appearing to read "John D. Williams".

John D. Williams, Director
Transportation Department

cc: Michael Hines

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, 4 th 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. |
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| 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. |

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

JOBE, BRIAN M
4374 EASTWOOD DR APT 108
BATAVIA, OH 45103

Invoice #: 21-00077457
Date: 12/08/2021
Due Date: 01/07/2022
PIN #: [REDACTED]
Case #: OH3209302431D

2021

| Item # | Type | Description | Amount Due |
|-------------------|-----------------------------|--|------------|
| INVD-0195163 | Civil Forfeiture Non HazMat | Operating a passenger-carrying vehicle without possessing a valid medical certificate. | \$ 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

JOBE, BRIAN M
4374 EASTWOOD DR APT 108
BATAVIA, OH 45103

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

10/26/2023 11:00:29 AM

in

Case No(s). 22-0014-TR-CVF

Summary: Exhibit Staff Exhibits 1-3 from hearing held Tuesday, September 26, 2023 electronically filed by Debbie S. Ryan on behalf of Lisa K. Keller, Court Reporter.