

**BEFORE THE  
UNITED STATES DEPARTMENT OF TRANSPORTATION  
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION**

<b>IN THE MATTER OF:</b>
<b>Patrick J. Kelly Drums, Inc.</b>
<b>(Respondent)</b>

PHMSA CASE NUMBER

12-0039-DR-EA

**FINAL ORDER**

**By this Order, I find that Patrick J. Kelly Drums, Inc. (Respondent) committed two (2) violations of the Hazardous Materials Regulations (HMR), 49 C.F.R. Parts 171-180, and I assess Respondent a \$3,840 civil penalty.**

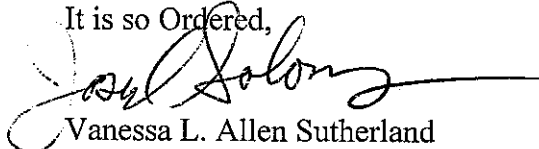
On November 30, 2012, the Office of Chief Counsel issued a Notice of Probable Violation (Notice) to Respondent proposing a \$3,840 civil penalty for two (2) violations of the HMR. On December 20, 2012, Respondent submitted a payment in the amount of \$3,840. By paying the full amount of the civil penalty proposed in the Notice, Respondent admitted the violations as alleged in the Notice (49 C.F.R. § 107.315). Therefore, I find Respondent committed the violation as set forth in the Notice.

These violations shall constitute a prior violation under 49 U.S.C. § 5123 in the event Respondent commits any future violation of the Federal hazardous materials transportation law, 49 U.S.C. § 5101 et seq., or the HMR.

By paying the proposed civil penalty, Respondent waived all rights to further respond to the Notice and to appeal this Order. Accordingly, PHMSA accepts Respondent's December 20, 2012 payment in full satisfaction of the civil penalty proposed in the Notice and PHMSA shall close this case with prejudice.

Dated: 1/15/2013

It is so Ordered,

  
Vanessa L. Allen Sutherland  
Chief Counsel

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## CERTIFICATE OF SERVICE

This is to certify that on the 16<sup>th</sup> day of January 2013 the undersigned served in the following manner the designated copies of this Order to each party listed below:

Mr. Patrick J. Kelly  
President  
Patrick J. Kelly Drums, Inc.  
2109 Howell Street  
Camden, New Jersey 08105

Original Order  
Certified Mail Return Receipt

Enforcement Officer  
Office of Hazardous Materials Enforcement  
1200 New Jersey Avenue, SE  
Washington, D.C. 20590-0001

One Copy  
Electronic

Ms. Colleen Abbenhaus, Director  
Hazardous Materials Enforcement Office  
Eastern Region, PHH-42  
820 Bear Tavern Road Suite 306  
West Trenton, NJ 08628

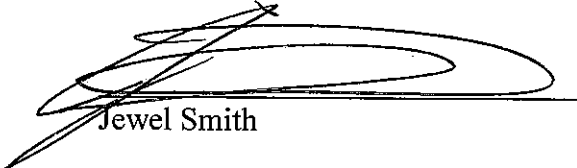
One Copy  
Electronic

Aris Generette, Attorney  
Pipeline and Hazardous Materials  
Safety Administration  
1200 New Jersey Avenue, SE  
Washington, DC 20590-0001

One Copy to File

U.S. DOT Dockets  
U.S. Department of Transportation  
1200 New Jersey Avenue, SE  
Washington, DC 20590-0001

One Copy  
Personal Delivery

  
Jewel Smith