

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of James D. Wood, Notice of )  
Apparent Violation and Intent to Assess ) Case No. 06-679-TR-CVF  
Forfeiture. ) (OH3286002332D)

ENTRY

The Commission finds:

- (1) On June 9, 2004, a vehicle driven by James D. Wood (respondent) was inspected within the state of Ohio. As a result of the inspection, respondent was timely served with a notice of preliminary determination in accordance with Rule 4901:2-7-12, Ohio Administrative Code. This notice indicated staff's intention to assess a civil forfeiture of \$100.00 for the following violation of the Code of Federal Regulations (C.F.R.): Failing to retain the previous seven days' logs in violation of 49 C.F.R. Section 395.8(k)(2).
- (2) On May 9, 2006, respondent requested an administrative hearing, thereby initiating this case.
- (3) The parties filed a settlement agreement under which respondent agreed to make payment of a civil forfeiture. In the settlement agreement, staff and respondent agree, in pertinent part, as follows:
  - (a) Respondent agrees to pay a civil forfeiture of \$50.00 for failing to retain records of duty status in the proper format in violation of 49 C.F.R. §395.8(k)(2). Respondent acknowledges that this violation may be included in the respondent's safety-net record and history of violations insofar as it may be relevant for purposes of determining future penalty actions.
  - (b) This settlement agreement shall not become effective until adopted by an order of the Commission. The date of the entry of the Commission order adopting the settlement agreement shall be considered the effective date of the settlement agreement.
  - (c) This settlement agreement is made in settlement of all factual or legal issues in this case. It is not intended to have any affect whatsoever in any other case or proceeding.

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Accumulation *[Signature]* Date Processed 2-28-07

- (4) The Commission finds that the settlement agreement submitted in this case is reasonable. Therefore, the settlement agreement should be approved and adopted in its entirety.

It is, therefore,

ORDERED, That the settlement agreement submitted in this case be approved and adopted in its entirety. It is, further,

ORDERED, That Case No. 06-679-TR-CVF be closed of record. It is, further,

ORDERED, That a copy of this entry be served on each party of record. It is, further,

ORDERED, That a copy of this entry be served on each party of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

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Alan R. Schriber, Chairman

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Ronda Hartman Fergus

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Valerie A. Lemmie

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Judith A. Jones

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Donald L. Mason

KKS/vrm  
Entered in the Journal

FEB 28 2007

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Reneé J. Jenkins

Reneé J. Jenkins  
Secretary