



# The Public Utilities Commission of Ohio

Monitoring marketplaces and enforcing rules to assure safe, adequate and reliable utility services.

Ted Strickland, Governor  
Alan R. Schriber, Chairman

Commissioners

Ronda Hartman Fergus  
Donald L. Mason, Esq.  
Valerie A. Lemmie  
Paul A. Centolella

07 DEC 20 AM 8:23

## SETTLEMENT AGREEMENT

Case NO. CR07H107

Respondent: TAMARACK DISTRIBUTORS INC

Date of Agreement: November 29, 2007

08-36 TR-CVF

This agreement was reached between TAMARACK DISTRIBUTORS INC the Respondent in the above case (Respondent), and the Staff of the Public Utilities Commission of Ohio (staff), pursuant to Rule 4901:2-7-11(A), Ohio Administrative Code (O.A.C.).

On AUGUST 27, 2007, a Compliance Review was conducted by Staff of the Transportation Department Hazardous Materials Division at the Respondent's facility located at:

39 TECHVIEW DR  
CINCINNATI, OH 45215

As the result of discovery of the following apparent violations of rule 4901:2-5-02, O.A.C., the Staff timely notified Respondent pursuant to Rule 4901:2-7-07, O.A.C., that it intended to make a civil monetary assessment against Respondent in the following amounts:

Code	Violation	Forfeiture
172.202(a)(2)	Failing to enter the proper hazard class and	\$ 0.00
172.202(a)(3)	Failing to enter the proper identification nu	\$ 0.00
172.203(k)	Failing to enter the technical name in assoc.	\$ 0.00
177.817(a)	Transporting an HM shipment without a proper	\$ 1400.00
391.51(b)(4)	Failing to maintain the responses of each Sta	\$ 0.00
391.51(b)(5)	Failing to maintain a note relating to the an	\$ 0.00
391.51(b)(6)	Failing to maintain a list or certificate rel	\$ 0.00

A conference was conducted pursuant to Rule 4901:2-7-10(B), O.A.C., at which the Respondent had a full opportunity to present any reasons why the violations 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 Staff. As the result, for purposes of settlement, and not as an admission or evidence that the violation occurred, Respondent agrees that the following findings of violations may be included in the Respondent's hazardous materials compliance record, and in Respondent's history of violations insofar as they may be relevant for purposes of determining future penalty actions, and agrees to make immediate payment of the following forfeitures:

Code	Violation	Agreed Forfeiture
172.202(a)(2)	Failing to enter the proper hazard class and	\$ 0.00
172.202(a)(3)	Failing to enter the proper identification nu	\$ 0.00
172.203(k)	Failing to enter the technical name in assoc.	\$ 0.00
177.817(a)	Transporting an HM shipment without a proper	\$ 1400.00
391.51(b)(4)	Failing to maintain the responses of each Sta	\$ 0.00
391.51(b)(5)	Failing to maintain a note relating to the an	\$ 0.00
391.51(b)(6)	Failing to maintain a list or certificate rel	\$ 0.00

180 East Broad Street • Columbus, OH 43215-3793 • (614) 466-3016 • www.PUCO.ohio.gov  
The Public Utilities Commission of Ohio is an Equal Opportunity Employer and Service Provider

2570

PUCO

2008 JAN 16 AM 10:41

RECEIVED-DOCKETING DIV

2008 JAN 16 AM 10:41  
This document is a true and correct copy of the original document as filed with the Commission. It is not to be used for any other purpose.  
Date Processed  
Technician



## The Public Utilities Commission of Ohio

Monitoring marketplaces and enforcing rules to assure safe,  
adequate and reliable utility services.

Ted Strickland, Governor  
Alan R. Schriber, Chairman

Commissioners

Ronda Hartman Fergus  
Donald L. Mason, Esq.  
Valerie A. Lemmie  
Paul A. Centolella

This agreement shall become effective when executed by both parties.

Respondent understands that this agreement may be adopted by the Commission as its order without notice pursuant to Rule 4901:2-7-11(D), O.A.C. If Respondent defaults in its obligations under this agreement, the commission may set this agreement aside and order the Respondent to pay the amount indicated in the Notice of Intention to Assess Forfeiture served in this case, pursuant to Rule 4901:2-7-11(E), O.A.C.

This agreement, which is subject to the Rules of the Commission, constitutes the entire agreement of the parties.

Date: 12/17/07 *Terry Brannen*  
MR TERRY BRANNEN  
For: TAMARACK DISTRIBUTORS INC

*Check #25637*  
*SENT on 11/29/07*  
*JEB*

*Robert E. Marvin*

Robert Marvin, Director  
Transportation Department  
Public Utilities Commission of Ohio

Date: December 10, 2007

Case no. CR07H107  
Respondent: TAMARACK DISTRIBUTORS INC  
Date of Agreement: November 29, 2007  
Officer: TF  
Page -2-

