

FILE

P. U. C. O.
HAZ. MAT. COMPLIANCE

BEFORE

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THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of a Settlement Agreement)
 Between the Public Utilities Commission of) Case No. 08-1013-TR-CVF
 Ohio and Stikeleather Enterprise)

SETTLEMENT AGREEMENT

- 1) This agreement was reached between Stikeleather Enterprise, the Respondent in Staff Case No. CR08C193, 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.).
- 2) On March 14, 2008, a compliance review of the Respondent's facility located at 8831 Hartle Road, Greenville, Ohio, was conducted by Staff. As the result of discovery of the following apparent violations of Rule 4901:2-5-02, O.A.C., 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
49 C.F.R. § 382.115(a)	Failing to implement an alcohol and/or controlled substance test program.	\$ 1000.00
49 C.F.R. § 391.21(a)	Using a driver who has not completed and furnished an employment application.	\$ 00.00
49 C.F.R. § 391.23(a)(2)	Failing to investigate driver's previous employment record and/or safety performance history.	\$ 900.00
49 C.F.R. § 391.23(b)	Failing to obtain a copy of the driver's driving record.	\$ 800.00
49 C.F.R. § 391.25(a)	Failing to make an inquiry into the drivers' driving record.	\$ 00.00
49 C.F.R. § 391.25(b)	Failing to review driving record of each driver to determine whether driver meet minimum requirement for safe driving.	\$ 00.00
49 C.F.R. § 391.27(a)	Failing to obtain an annual list of traffic violations.	\$ 00.00
49 C.F.R. § 391.45(a)	Using a driver not medically examined.	\$ 700.00
49 C.F.R. § 395.8(a)	Failing to make record of duty status.	\$ 2100.00
49 C.F.R. § 395.8(a)	Failing to make record of duty status.	\$ 2100.00
49 C.F.R. § 396.11(a)	Failing to require driver to prepare driver vehicle report. inspected.	\$ 2100.00

- 3) A conference was conducted pursuant to Rule 4901:2-7-10(B), O.A.C., at which the Respondent had 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.
- 4) For purposes of settlement, and not as an admission or evidence that the violations occurred, Respondent agrees that the findings of violations enumerated in paragraph two of this agreement may be included in the Respondent's Safety-Net record, and in Respondent's history of violations insofar as they may be relevant for purposes of determining future penalty actions.
- 5) The Respondent agrees to make payment of a civil forfeiture of four thousand eight hundred and sixty-five dollars (\$4,865.00) within thirty days after the effective date of this settlement agreement.

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- 6) The Respondent agrees to grant consensual access to the Staff to conduct compliance reviews, without notice, of all its facilities located in the State of Ohio, at any time during the period of one year from the effective date of this settlement agreement.
- 7) In the event that the Respondent fails to fulfill its obligations under this settlement agreement, or in the event that compliance reviews of facilities or roadside inspections of vehicles operated by the Respondent, conducted during the period of one year following the effective date of this settlement agreement, reveals a pattern of violations of the Hazardous Materials Regulations, 49 C.F.R. Parts 171 through 180, or the Federal Motor Carrier Safety Rules, 49 C.F.R. Parts 382, 383, 387, 390 through 397, by the Respondent, the Respondent agrees to make payment of an additional civil forfeiture of four thousand eight hundred and sixty-five dollars (\$4,865.00).
- 8) Respondent and Staff agree that nothing in this settlement agreement shall prevent Staff from assessing civil forfeitures pursuant to Chapter 4901:2-7, O.A.C., as the result of future compliance reviews or roadside inspections. Respondent and Staff further agree that nothing in this settlement agreement shall prevent Staff from proposing that the Commission make a Compliance Order pursuant to Chapter 4901:2-7, O.A.C., as the result of future compliance reviews or roadside inspections.
- 9) This agreement shall not become effective until adopted by and made the order of the Commission pursuant to Rule 4901:2-7-11(C), O.A.C. The date of any entry or order of the Commission adopting this settlement agreement shall be considered the effective date of this settlement agreement. Respondent further waives its right to rehearing in accordance with Rule 4901-1-35, O.A.C.
- 10) 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.
- 11) This agreement, which is subject to the Rules of the Commission, constitutes the entire agreement of the parties.


Chris Strikeleather, Owner
For Strikeleather Enterprise

8-15-08
Date


Robert E. Marvin, Director
Transportation Department
Public Utilities Commission of Ohio
cc: Commission agenda/CR08C193
MH

7/13/08
Date



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
Valerie A. Lemmie
Paul A. Centolella
Cheryl Roberto

JUNE 18, 2008

CHRIS J STRIKELEATHER
STRIKELEATHER ENTERPRISES
8831 HARTLE ROAD
GREENVILLE, OH 45331
RE: Payment plan STRIKELEATHER ENTERPRISES
Case No. CR08C193

Dear MR.STRIKELEATHER: PHONE NUMBER 937 547-0741

The Public Utilities Commission of Ohio (PUCO) has reviewed and approved your request for a payment plan to pay the civil forfeiture assessed in the case listed above. The total amount due is \$4865.00 We request that you follow the payment schedule listed below:

Date Due	Amount Due
SEPTEMBER 26,2008	\$973.00
OCTOBER 31,2008	\$973.00
NOVEMBER 28,2008	\$973.00
DECEMBER 26,2008	\$973.00
JANUARY 30,2009	\$973.00
Total	\$4865.00

You may pay by certified check or money order made payable to TREASURER, STATE OF OHIO. Please be sure to include the **case number** on the front of each check or money order. Please send payments to the following address:

Public Utilities Commission of Ohio
Attn: Fiscal Division
180 East Broad Street 13TH FLOOR
Columbus, OH 43215-3793