

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of a Settlement Agreement )  
between the Public Utilities Commission of ) Case No. 08-1186-TR-CVF  
Ohio and Hot Shot Trucking LLC. ) CR08H104  
)

## FINDING AND ORDER

**The Commission finds:**

- (1) Sections 4919.79 and 4921.04 of the Revised Code authorize the Commission to adopt safety rules applicable to interstate and intrastate highway transportation and the offering for transportation of hazardous materials. Pursuant to this authority, the Commission adopted in Rule 4901:2-5-02, Ohio Administrative Code (O.A.C.), the provisions of the Federal Motor Carrier Safety Regulations and the Hazardous Materials Regulations of the U.S. Department of Transportation contained in Title 49, Parts 40, 383, 385, 387, 390 through 397, and Parts 171 through 180, Code of Federal Regulations (C.F.R.). Sections 4905.83, 4919.99 and 4921.99 of the Revised Code authorize the Commission to assess forfeiture against any person who violates these rules. Pursuant to this statutory authority, the Commission adopted the civil forfeiture and compliance proceeding rules contained in Rules 4901:2-7-01 through 4901:2-7-22, O.A.C. This action is brought pursuant to those rules and regulations.
- (2) On June 19, 2008, Staff conducted a compliance review of a facility operated by Hot Shot Trucking LLC (Hot Shot, Respondent), and located at Hicksville, Ohio.
- (3) During the compliance review, staff discovered apparent violations of the Code of Federal Regulations including:

49 CFR §382.301(a)	Using a driver before the carrier has received a negative pre-employment substance test result.	\$280.00
49 CFR §391.45(b)(1)	Using a driver not medically examined or certified.	\$280.00

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Technician SM Date Processed NOV 05 2008

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| 49 CFR §391.23(b) | Failing to investigate driver's driving record.                        | \$280.00 |
| 49 CFR §396.3(b)  | Failing to keep minimum records of inspection and vehicle maintenance. | \$297.50 |
- (4) Respondent requested a conference pursuant to Rule 4901:2-7-10, OAC. On September 11, 2008, a settlement conference was conducted and the matter was discussed. The Respondent had a full opportunity to present any evidence that the violations did not occur as alleged, mitigating circumstances regarding the amount of the forfeiture and any other information relevant to the action proposed to be taken by Staff. At conference, Hot Shot explained that it had taken corrective action to comply with each of the violations discovered during the compliance review. All required medical and drug testing had been completed, reviewed and approved by a contractor and all documents relating thereto were being maintained by the carrier. Because of the mitigation taken by the carrier in this case and because it was otherwise eligible, Commission Staff offered the carrier a 30 percent reduction of the original assessment amount.
- (5) As a result of this conference, Staff and Respondent entered into a settlement agreement to resolve this case. Among the terms of the settlement agreement, the Respondent agreed to make payment of a civil forfeiture of \$1137.50.
- (6) Rule 4901:2-7-11(C), OAC, provides that settlement agreements providing for the payment of civil forfeitures of one thousand dollars or more for any violation shall not be effective until approved by and made the order of the Commission.
- (7) The settlement agreement entered into between Staff and Respondent represents an equitable settlement of the matter and should be approved and adopted by the Commission.

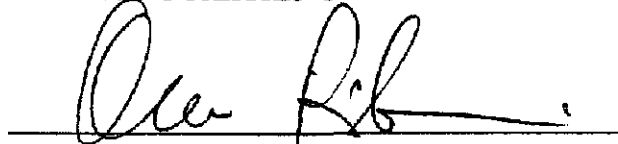
It is, therefore,

ORDERED, That the terms and conditions of the settlement agreement entered into between Staff and Hot Shot Trucking LLC be approved and adopted by the Commission by this Finding and Order. It is, further,

ORDERED, That Hot Shot Trucking LLC pay a total civil forfeiture of \$1137.50, within 30 days after the effective date of this Finding and Order. Payment should be made payable to "Treasurer, State of Ohio" and mailed to PUCO, Attention Fiscal Division, 13<sup>th</sup> Floor, 180 East Broad Street, Columbus, Ohio 43215. In order to assure proper credit, Hot Shot Trucking LLC is directed to write the inspection number (CR08H104) on the face of the check. It is, further,

ORDERED, That the Commission's Docketing Division serve a copy of this Finding and Order on Hot Shot Trucking LLC.

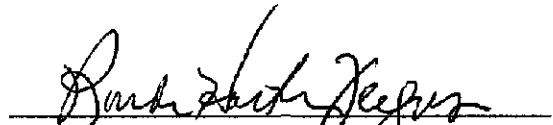
## THE PUBLIC UTILITIES COMMISSION OF OHIO



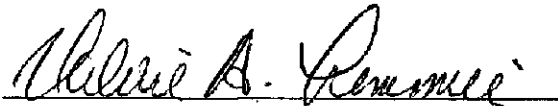
Alan R. Schriber, Chairman



Paul A. Centolella



Ronda Hartman Fergus



Valerie A. Lemmie

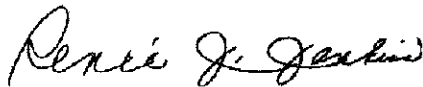


Cheryl L. Roberto

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Renee J. Jenkins  
Secretary