

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Raymond Lindsay, Notice)
of Apparent Violation and Intent to Assess) Case No. 08-795-TR-CVF
Forfeiture.) (OH0499005762D)

FINDING AND ORDER

The Commission finds:

- (1) On October 24, 2007, a vehicle operated by The Mason & Dixon Lines, Inc., and driven by Raymond Lindsay (Respondent), was inspected within Ohio by the Department of Public Safety. The inspection resulted in the discovery of one violation: failing to use a seat belt while operating a commercial motor vehicle (CMV), in violation of 49 C.F.R. §392.16.
- (2) Respondent was timely served with a notice of preliminary determination (NPD) in accordance with Rule 4901:2-7-12, Ohio Administrative Code (O.A.C.). The total forfeiture assessed the Respondent was \$100.00 for the alleged violation.
- (3) Respondent made a timely request for an administrative hearing pursuant to 4901:2-7-13, O.A.C.
- (4) A prehearing settlement conference was held on August 12, 2008. Thereafter, a hearing was scheduled for October 9, 2008. In advance of the hearing, the parties indicated that they had informally resolved this matter.
- (5) On October 29, 2008, the parties filed a settlement agreement which, in the parties' opinion, resolves all issues raised in the NPD. In the settlement agreement, the parties agree, and recommend that the Commission find, as follows:
 - (a) Respondent does not contest the violation referenced above and Respondent agrees to pay a civil forfeiture in the amount of \$100.00
 - (b) For purposes of settlement, and not as an admission or evidence that the violation above occurred, Respondent agrees that the citation may be included in Respondent's Safety-Net Record

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and history of violations insofar as it may be relevant for purposes of determining future penalty actions.

- (c) Respondent shall have 30 days from the entry of the Commission order adopting the settlement agreement to pay the forfeiture. The payment shall be made using a certified check or money order payable to "Treasurer State of Ohio" and mailed to the Commission Fiscal, 180 East Broad Street, 13th Floor, Columbus, Ohio 43215-3793.
 - (d) The settlement agreement shall not become effective until adopted by the Commission. The date of the Commission entry or order adopting the settlement agreement shall be considered the effective date of the settlement agreement.
 - (e) The settlement agreement is made in settlement of all factual or legal issues in this case. It is not intended to have any effect in any other case or proceeding.
- (6) 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.

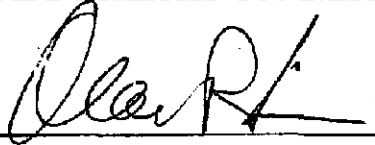
It is, therefore,

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

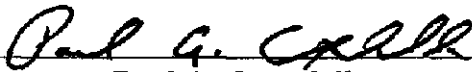
ORDERED, That Raymond Lindsay pay a total civil forfeiture of \$100.00, with such payment due within 30 days after the effective date of this finding and order. Payment should be made payable to "Treasurer, State of Ohio" and mailed to PUCO, Attention Fiscal Division, 13th Floor, 180 East Broad Street, Columbus, Ohio 43215. In order to assure proper credit, Raymond Lindsay is directed to write the inspection number (OH0499005762D) on the face of the check. It is, further,

ORDERED, That a copy of this finding and order be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



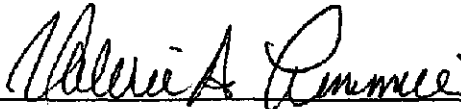
Alan R. Schriber, Chairman



Paul A. Centolella



Ronda Hartman Fergus



Valerie A. Lemmie

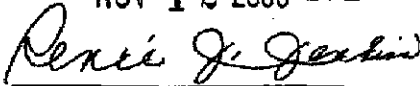


Cheryl L. Roberto

SEF:ct

Entered in the Journal

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Renee J. Jenkins
Secretary