

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Peter DeRocchis, Notice of )  
Apparent Violation and Intent to Assess ) Case No. 09-520-TR-CVF  
Forfeiture. ) (OH3256006028D)

FINDING AND ORDER

The Commission finds:

- (1) A commercial motor vehicle (CMV) driven by Peter DeRocchis was inspected within the State of Ohio. During the inspection, the driver was observed operating a CMV without wearing his seat belt properly in violation of 49 Code of Federal Regulations (C.F.R.) 392.16.
- (2) Mr. DeRocchis was timely served with a notice of preliminary determination (NPD) in accordance with Rule 4901:2-7-12, Ohio Administrative Code (O.A.C.). A civil forfeiture of \$100.00 was assessed to Mr. DeRocchis by staff for the alleged violation.
- (3) On June 22, 2009, Mr. DeRocchis made a timely request for an administrative hearing pursuant to Rule 4901:2-7-13, O.A.C. Thereafter, a prehearing conference was held on August 10, 2009, and a hearing was scheduled for October 26, 2009, but was rescheduled to March 15, 2010, at the request of the parties.
- (4) On February 12, 2010, the parties filed a settlement agreement which, in the parties' opinion, resolves all of the issues raised in the NPD. In the settlement agreement, staff and Mr. DeRocchis agree and recommend that the Commission find, as follows:
  - (a) Mr. DeRocchis acknowledges that the violation of 49 C.F.R. 392.16 may be included in his Safety-Net record and history of violations insofar as it may be relevant for purposes of determining future penalty actions.
  - (b) Mr. DeRocchis agrees to pay a civil forfeiture of \$100.00 for the violation.

- (c) Mr. DeRocchis shall have 30 days from the entry of the Commission order adopting the settlement agreement to pay in full the forfeiture. The payment shall be made using a certified check or money order payable to "Treasurer, State of Ohio" and mailed to PUCO Fiscal Division, 180 E. Broad Street, Columbus, Ohio 43215-3793. In order to ensure proper credit, Mr. DeRocchis is directed to write the inspection number OH3256006028D on the face of the check.
  - (d) The settlement agreement shall not become effective until adopted by the Commission. The date of the Commission 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.
- (5) The Commission finds that the settlement agreement submitted in this case is reasonable. Therefore, the settlement agreement should be approved and adopted. In addition, the hearing scheduled for March 15, 2010, should be cancelled.

It is, therefore,

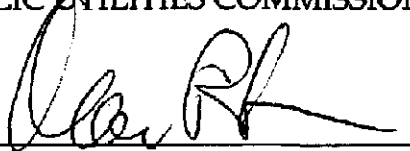
ORDERED, That the settlement agreement filed in this case be approved and adopted. It is, further,

ORDERED, That Case No. 09-520-TR-CVF be dismissed. It is, further,

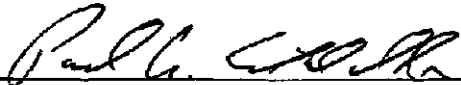
ORDERED, That the hearing scheduled for March 15, 2010, be cancelled. It is, further,

ORDERED, That a copy of this entry be served upon all parties of record.

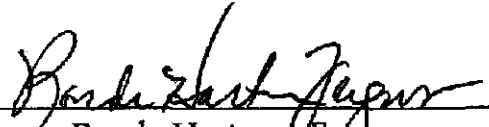
THE PUBLIC UTILITIES COMMISSION OF OHIO



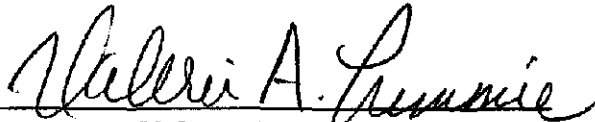
Alan R. Schriber, Chairman



Paul A. Centolella



Ronda Hartman Fergus



Valerie A. Lemmie



Cheryl L. Roberto

SEF:vm

Entered in the Journal

**FEB 24 2010**



Renee J. Jenkins  
Secretary