

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Douglas Bouch, Notice)	Case No. 11-622-TR-CVF
of Apparent Violation and Intent to)	(OH3240000237D)
Assess Forfeiture.)	

FINDING AND ORDER

The Commission finds:

- (1) On April 16, 2010, Staff conducted a roadside inspection of a commercial motor vehicle (CMV), operated by Douglas Bouch. As a result of the inspection, Mr. Bouch was served with a notice of preliminary determination (NPD) in accordance with Rule 4901:2-7-12, Ohio Administrative Code. The NPD assessed a civil forfeiture of \$100 against Mr. Bouch for violation of 49 CFR 392.3, operating a CMV while ill or fatigued.
- (2) On February 4, 2011, Mr. Bouch requested an administrative hearing pursuant to Rule 4901:2-7-13, O.A.C.
- (3) On June 27, 2011, the parties filed a settlement agreement, which the parties agree resolves all issues raised in the NPD. The parties further agree, and recommend that the Commission find, as follows:
 - (a) The settlement agreement does not constitute an admission of guilt, negligence, willfulness, wantonness, conscious disregard of a risk, or any other form of culpability on behalf of Mr. Bouch.
 - (b) For purposes of settlement only, and not as an admission that the violations occurred as alleged, Mr. Bouch agrees that the violation of 49 CFR 392.3 may be included in Mr. Bouch's Safety-Net record for purposes of determining future penalty actions.
 - (c) Mr. Bouch will pay the civil forfeiture of \$100.00 in full to the Commission. The payment shall be made by certified check or money order made payable to "Treasurer, State of Ohio," and mailed to PUCO Fiscal, 180 East Broad Street, 4th Floor, Columbus,

Ohio 43215-3793. Case number 11-622-TR-CVF and OH3240000237D should be written on the face of the check or money order.

- (d) The settlement agreement shall not become effective until adopted by an opinion and order of 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, including any other case or proceeding arising out of the August 16, 2010 accident that prompted the inspection described in the settlement agreement.
- (4) The Commission finds that the settlement agreement submitted in this case is reasonable. Therefore, the settlement agreement shall be approved and adopted in its entirety.

It is, therefore,

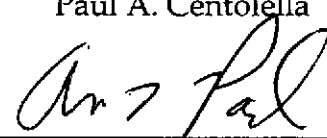
ORDERED, That the settlement agreement submitted in this case be approved and adopted in its entirety. It is, further,

ORDERED, That Case No. 11-622-TR-CVF be closed. It is, further,

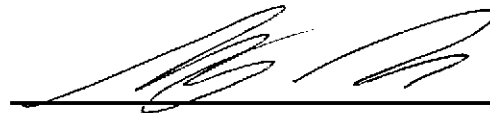
ORDERED, That a copy of this Finding and Order be served upon Douglas Bouch and all other interested parties of record.


THE PUBLIC UTILITIES COMMISSION OF OHIO


Todd A. Snitchler, Chairman

Paul A. Centolella


Andre T. Porter




Steven D. Lesser


Cheryl L. Roberto

JML/dah

Entered in the Journal

JUL 27 2011



Betty McCauley
Secretary