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BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Ezzie Contractors, ) Case No. 13-862-TR-CVF  
LLC, Notice of Apparent Violation and ) (OH3284008880C)  
Intent to Assess Forfeiture. )

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SETTLEMENT AGREEMENT

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I. Introduction

Pursuant to Ohio Adm. Code 4901:2-7-11, Ezzie Contractors, LLC enters into this Settlement Agreement with the Staff of the Transportation Department of the Public Utilities Commission of Ohio ("Staff") to resolve all issues in the above captioned case.

It is understood by the parties that this Settlement Agreement is not binding upon the Public Utilities Commission of Ohio ("Commission"). This agreement however, is based on the parties' desire to arrive at a reasonable result considering the law, facts, and circumstances. Accordingly, the parties encourage and recommend that the Commission adopt this Settlement Agreement.

This Settlement Agreement is submitted on the condition that the Commission adopts the agreed upon terms. In the event the Commission rejects any part of the Settlement Agreement, or adds to, or otherwise materially modifies its terms, each party shall have the right, within thirty days of the date of the Commission's entry or order, to file an application for rehearing that includes a request to terminate and withdraw from the Settlement Agreement. Upon the application for rehearing and request to terminate

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and withdraw from the Settlement Agreement being granted by the Commission, the Settlement Agreement shall immediately become null and void. In such event, the parties shall proceed to a hearing as if this Settlement Agreement had never been executed.

## **II. History**

- A. On February July 30, 2012, a vehicle operated by Ezzie Contractors was inspected within the State of Ohio.
- B. As a result of the inspection, Ezzie Contractors was served with a notice of preliminary determination in accordance with Ohio Adm. Code 4901:2-7-12.
- C. The notice of preliminary determination notified Ezzie Contractors that Staff intended to assess a civil forfeiture of \$500.00 for a violation of 49 C.F.R. § 392.2 (failure to pay Unified Carrier Registration (“UCR”) fee).<sup>1</sup>
- D. Ezzie Contractors requested an administrative hearing pursuant to Ohio Adm. Code 4901:2-7-13.
- E. The parties have negotiated this Settlement Agreement, which the parties believe resolves all of the issues raised in the notices of preliminary determination.

## **III. Settlement Agreement**

The parties agree and recommend that the Commission find as follows:

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<sup>1</sup> Other violations were identified on the notice of preliminary determination, however these violations were cited into local court and not at issue in this proceeding.

- A. For purposes of settlement only, Staff agrees to reduce the civil forfeiture associated with the violation of 49 C.F.R. § 392.2 (failure to pay UCR fee) from \$500.00 to \$100.00. The forfeiture reduction is based on Ezzie Contractors' payment of the UCR fee for 2012 and 2013.
- B. Ezzie Contractors will pay the \$100.00 civil forfeiture within **thirty days** of the Commission's order approving this Settlement Agreement. The payment shall be made payable to the "Treasurer State of Ohio" and shall be mailed to PUCO Fiscal, 180 E. Broad Street, 4<sup>th</sup> Floor, Columbus, Ohio, 43215. The case number (OH3284008880C) shall appear on the face of the check.
- C. This Settlement Agreement shall not become effective until adopted by the Commission. The date of the entry or order of the Commission adopting the Settlement Agreement shall be considered the effective date of the Settlement Agreement. This Settlement Agreement is intended to resolve only factual or legal issues raised in this case. It is not intended to have any effect whatsoever in any other case or proceeding.

#### **IV. Conclusion**

The undersigned respectfully request that the Commission adopt the agreement in its entirety. The parties have manifested their consent and authority to enter into the Settlement Agreement by affixing their signatures below.

On behalf of Ezzie Contractors, LLC



**Darrell Mays**  
9927 Stonebridge Drive  
Loveland, OH 45140

6-23-13  
Date

Counsel for the Staff of the  
Public Utilities Commission  
of Ohio



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6/26/2013  
Date