

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of William P. Doody, Notice)
of Apparent Violation and Intent to) Case No. 13-1678-TR-CVF
Assess Forfeiture.) (OH3202305599D)

FINDING AND ORDER

The Commission finds:

- (1) On March 22, 2013, a commercial motor vehicle operated by William P. Doody (respondent) was inspected within the state of Ohio. As a result of the inspection, respondent was cited for a violation of 49 C.F.R. 392.10(a)(3)—failure of a marked or placarded commercial motor vehicle to stop at a railroad grade crossing.
- (2) Respondent was served with a notice of preliminary determination (NPD) in accordance with Ohio Adm.Code 4901:2-7-12. A total civil forfeiture of \$600.00 was assessed against respondent.
- (3) Respondent filed a request for an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13.
- (4) On December 12, 2013, Staff and respondent filed a settlement agreement, which, in the parties' opinion, resolves all of the issues raised in the NPD.
- (5) In the settlement agreement, the parties agree and recommend that the Commission find:
 - (a) Respondent admits to the violation of 49 C.F.R. 392.10(a)(3) and agrees that the violation may be included in his history of violations, insofar as it may be relevant for purposes of determining future penalty actions.
 - (b) Respondent shall pay the \$600.00 civil forfeiture in 12 consecutive monthly installments of \$50.00 per installment, commencing 30 days after the Commission's order approving the settlement agreement.

Payments shall be made by check or money order payable to "Treasurer, State of Ohio," and mailed to PUCO Fiscal, 180 East Broad Street, 4th Floor, Columbus, Ohio 43215-3793. Respondent should write the case number (OH3202305599D) on the face of each check or money order.

- (c) The settlement agreement shall not become effective until adopted by the Commission. The date of the entry of the Commission order adopting the settlement agreement will be the settlement agreement's effective date.
 - (d) The settlement agreement settles all factual and legal issues in this case. The parties do not intend the settlement agreement to have any effect in any other case or proceeding.
- (6) The Commission finds that the settlement agreement is reasonable and should be approved and adopted in its entirety.

It is, therefore,

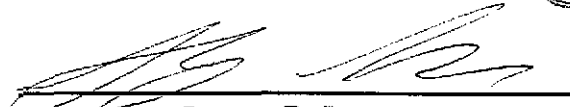
ORDERED, That the settlement agreement be approved and adopted in its entirety. It is, further,


ORDERED, That respondent pay a civil forfeiture of \$600.00 in accordance with the settlement agreement. Payment shall be made by check or money order payable to "Treasurer, State of Ohio," and mailed to PUCO Fiscal, 180 East Broad Street, 4th Floor, Columbus, Ohio 43215-3793. In order to assure proper credit, respondent is directed to write the inspection number (OH3202305599D) on the face of each check or money order. It is, further,

ORDERED, That a copy of this Finding and Order be served on each party of record.

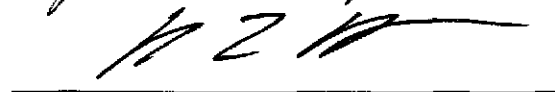
THE PUBLIC UTILITIES COMMISSION OF OHIO


Todd A. Snitchler, Chairman


Steven D. Lesser

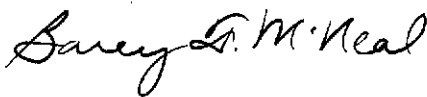

Lynn Slaby


M. Beth Trombold


Asim Z. Haque

SEF/sc

Entered in the Journal

JAN 08 2014


Barcy F. McNeal
Secretary