

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of R&T Logistics, LLC, Notice)
of Apparent Violation and Intent to Assess) Case No. 15-1330-TR-CVF
Forfeiture.) (OH1251002853C)

FINDING AND ORDER

The Commission finds:

- (1) R.C. 4923.04 provides that the Commission shall adopt rules applicable to the transportation of persons or property by motor carriers operating in interstate and intrastate commerce. Pursuant to Ohio Adm.Code 4901:2-5-03(A), the Commission adopted the Federal Motor Carrier Safety Regulations for the purpose of governing transportation by motor vehicle in the state of Ohio. Further, R.C. 4923.99 authorizes the Commission to assess a civil forfeiture of up to \$25,000 per day against any person who violates the safety rules adopted by the Commission.
- (2) On February 3, 2015, a vehicle operated by R&T Logistics, LLC (Respondent), and driven by an agent of the Respondent, was inspected within the state of Ohio. The inspection resulted in the discovery of the following apparent violations of the Code of Federal Regulations (C.F.R.): (a) an inoperable right rear turn signal lamp under 49 C.F.R. 393.9, §50), and (b) failing to pay the Unified Carrier Registration (UCR) fee (2015) under 49 C.F.R. 392.2, §500).
- (3) Respondent was timely served with a Notice of Preliminary Determination (NPD) in accordance with Ohio Adm.Code 4901:2-7-12. The NPD assessed respondent a total civil forfeiture of \$550 for the violations.
- (4) In response to the NPD,, respondent made a timely formal request for an administrative hearing pursuant to Rule 4901:2-7-13, O.A.C. Thereafter, a prehearing conference was held and a hearing was scheduled in the matter.
- (5) On September 16, 2015, the parties filed a settlement agreement which, in the parties' opinion, resolves all issues raised in the NPD. The following is a summary of the provisions agreed to

by the parties and is not intended to replace or supersede the settlement agreement. The settlement agreement included, among other things, the following provisions:

- (a) Staff verified that the Respondent took immediate action and paid the UCR fee (2015) after receiving notice of the violation. The policy of the Commission's Transportation Department is to reduce its previously recommended civil forfeiture assessment for a UCR fee violation when a Respondent acts in a timely manner to correct such violation. Consistent with said policy, Staff agrees to reduce its recommended civil forfeiture assessment for the UCR fee violation to \$100.00 in this case. Staff's \$50.00 civil forfeiture recommendation for the inoperable right rear turn signal lamp violation remains unchanged.
- (b) Taking into consideration Respondent's corrective measure of paying the UCR fee, the parties agree to a total civil forfeiture of \$150.00 be assessed for the combined UCR and inoperable lamp violations. The parties have negotiated this settlement agreement which the parties believe resolves all of the issues raised in this case. Accordingly, the parties agree that Respondent shall make payment of a \$150.00 civil forfeiture no later than 30 days after the effective date of this settlement agreement. The date of the entry of the Commission order adopting the settlement agreement shall be considered the effective date of the settlement agreement. Respondent shall submit payment by check or money order, payable to: "Treasurer, State of Ohio," and mail to: PUCO Fiscal, Attn: CF Processing, 180 East Broad St., 4th Floor, Columbus, Ohio 43215-3793. The case number 15-1330-TR-CVF (OH1251002853C) must appear on the face of the check or money order.
- (c) For purposes of settlement, and not as an admission or evidence that the violations occurred, Respondent agrees that the violations

covered by this settlement agreement may be included in the Respondent's Safety-Net record, and in Respondent's history of violations insofar as they may be relevant for purposes of determining future penalty actions.

- (d) This settlement agreement is made in settlement of all factual or legal issues in this case. It is not intended to have any affect whatsoever 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.

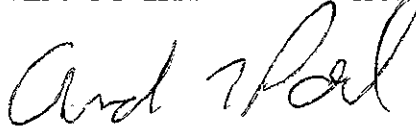
It is, therefore,

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


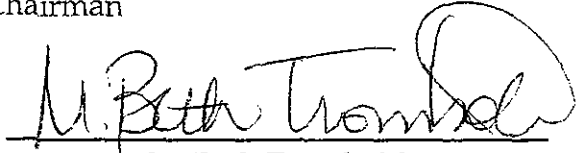
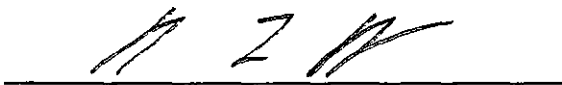
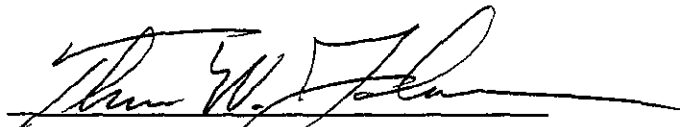
ORDERED, That Respondent pay a civil forfeiture of \$150.00 in accordance with the provisions of the settlement agreement. Payment shall be made by check or money order payable to "Treasurer, State of Ohio," and mailed to PUCO Fiscal, Attn: CF Processing, 180 East Broad Street, 4th Floor, Columbus, Ohio 43215-3793. In order to assure proper credit, Respondent is directed to write the case number 15-1330-TR-CVF (OH1251002853C) on the face of the 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



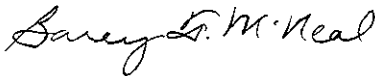
Andre T. Porter, Chairman


Lynn Slaby
M. Beth Trombold
Asim Z. Haque
Thomas W. Johnson

KKS/vrm

Entered in the Journal

DEC 02 2015



Barcy F. McNeal
Secretary