

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Leroy Zimmerman, Notice of)	Case No. 16-0016-TR-CVF
Apparent Violation and Intent to)	(OH1191011991C)
Assess Forfeiture.)	

SETTLEMENT AGREEMENT

I. Introduction

Pursuant to Rule 4901:2-7-11 of the Ohio Administrative Code (O.A.C.), Leroy Zimmerman (Respondent) and the Staff of the Transportation Department of the Public Utilities Commission of Ohio (Staff) enter into this agreement to resolve all issues in the above captioned case.

It is understood by the Respondent and the Staff 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 Respondent and the Staff 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 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 October 12, 2015, a commercial motor vehicle operated by the Respondent was inspected within the State of Ohio.
- B. As a result of the inspection, the Respondent was timely served with a notice of preliminary determination in accordance with 4901:2-7-12, O.A.C.
- C. The notice of preliminary determination notified Respondent that the Commission intended to assess an aggregate forfeiture of \$500.00 against the Respondent as follows:
 - \$500.00 for violation of 49 C.F.R. 387.301(a) (no evidence of public liability and property damage insurance)
 - \$0.00 for violation of 49 C.F.R. 395.8 (record of duty status violation (general/form and manner))
- D. The Respondent requested an administrative hearing pursuant to 4901:2-7-13, O.A.C.
- E. The parties have negotiated this Settlement Agreement, which the parties believe resolves all of the issues raised in the notice of preliminary determination.

III. Settlement Agreement

The Staff and the Respondent agree and recommend that the Commission find as follows:

- A. Upon further review of the facts of this case, Staff agrees with the Ohio State Highway Patrol that further prosecution of the alleged violation of 49 C.F.R. 387.301(a) is not warranted and that the violation should be deleted.
- B. Respondent admits to the violation of 49 C.F.R. 395.8 listed above and in the notice of preliminary determination and agrees that the violation may be included in Respondent's history of violations, insofar as it may be relevant for purposes of determining future penalty actions.
- C. This Settlement Agreement shall not become effective until adopted by the Commission. The date of the entry or order of the Commission adopting this 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 Leroy Zimmerman

Leroy Zimmerman
7172 State Route 13
Greenwich, OH 44837

Date

On Behalf of the Staff of the Public
Utilities Commission of Ohio



Robert Eubanks
Assistant Attorney General
Public Utilities Section
180 East Broad Street, 6th Floor
Columbus, OH 43215-3793

March 23, 2016

Date

Settlement Agreement by affixing their signatures below.

On Behalf of the Staff of the Public
Utilities Commission of Ohio

Leroy Zimmerman

Robert Eubanks
Assistant Attorney General
Public Utilities Section
180 East Broad Street, 6th Floor
Columbus, OH 43215-3793

Assistant Attorney General
Public Utilities Section

180 East Broad Street, 6th Floor
Columbus, OH 43215-3793

Date _____

Date _____

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Case No(s). 16-0016-TR-CVF

Summary: Agreement Settlement Agreement submitted by Assistant Attorney General Robert Eubanks on behalf of the Staff of the Public Utilities Commission of Ohio electronically filed by Kimberly L Keeton on behalf of Public Utilities Commission of Ohio