

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of Terry D. Colletti,
Notice of Apparent Violation and
Intent to Assess Forfeiture.

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Case No. 16-864-TR-CVF
(OH3298014192D)

SETTLEMENT AGREEMENT

- 1) Pursuant to Rule 4901:2-7-11, Ohio Admin. Code, Terry D. Colletti (Driver or Respondent) and the Staff of the Transportation Department of the Public Utilities Commission of Ohio (Staff) (Collectively, the Parties) enter into this Settlement Agreement to resolve all issues in the above captioned case.
- 2) On November 2, 2015, a vehicle operated by Respondent was inspected within the state of Ohio. As the result of the inspection, Respondent was cited for the following rule violation of the Public Utilities Commission of Ohio (Commission):
 - 49 C.F.R. 383.51A (driving a CMV while CDL is suspended for a safety-related or unknown reason and in state of driver's license issuance).
- 3) On February 25, 2016, the Staff served upon the Respondent a notice of preliminary determination (NPD) pursuant to Rule 4901:2-07-12, Ohio Admin. Code. The NPD notified Respondent that Staff intended to assess a \$500 civil forfeiture for the violation. In response to the NPD, the Respondent made a timely formal

request for an administrative hearing pursuant to Rule 4901:2-7-13, Ohio Admin. Code, and a prehearing conference was conducted on May 26, 2016.

- 4) For purposes of settlement only, Staff agrees to reduce the civil forfeiture to \$100. In mitigation, Respondent provided proof to the Staff that he obtained a release of his suspended license from the New Philadelphia Municipal Court and reinstated his CDL with the Ohio Bureau of Motor Vehicles immediately after the inspection. Accordingly, the Parties agree that Respondent shall make payment of a \$100 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, Attn: CF Processing, 180 East Broad St., 4th Floor, Columbus, Ohio 43215-3793. The Case Number, 16-864-TR-CVF (OH3298014192D), must appear on the face of the check.
- 5) For purposes of settlement, and not as an admission or evidence that the violation occurred, Respondent agrees that this violation may be included in the Respondent's history of violations insofar as it may be relevant for purposes of determining future penalty actions.
- 6) It is understood by the Respondent and the Staff that this Settlement Agreement is not binding upon the Commission. This agreement, however, is based on the Respondent's and the Staff's desire to arrive at a reasonable result considering the

law, facts and circumstances. Accordingly, the Respondent and the Staff recommend that the Commission adopt this Settlement Agreement.

- 7) 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 Commission's 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/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.
- 8) 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.
- 9) This agreement, which is subject to the Rules of the Commission, constitutes the entire agreement of the Parties. The Signatory Parties agree that this Settlement Agreement is in the best interest of all the Parties, and recommend the Commission to adopt the same. The undersigned respectfully request that the Commission issue an entry in accordance with the terms set forth in this Settlement Agreement.

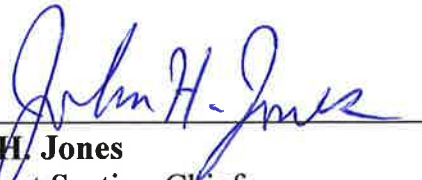
10) The Parties have manifested their consent to the Settlement Agreement by affixing their signatures below on this 29th day of August, 2016.

On behalf of the Respondent



Terry D. Colletti
501 Marion Street
Dover, OH 44662
330.243.2727 (telephone)

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



John H. Jones
Assistant Section Chief
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Case No(s). 16-0864-TR-CVF

Summary: Agreement Settlement Agreement submitted by Assistant Attorney General John H. Jones 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