

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF JACK HERMIZ,
NOTICE OF APPARENT VIOLATION AND
INTENT TO ASSESS FORFEITURE.**

**CASE NO. 16-2445-TR-CVF
(OH3249006772D)**

FINDING AND ORDER

Entered in the Journal on November 21, 2017

I. SUMMARY

{¶ 1} The Commission finds reasonable and approves the settlement agreement regarding violations of the Commission's transportation rules.

II. DISCUSSION

{¶ 2} 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.

{¶ 3} On September 19, 2016, a commercial motor vehicle (CMV) operated by Skopje Truck, Inc. and driven by Jack Hermiz (Respondent) was inspected within the state of Ohio. The inspection resulted in the discovery of a violation of 49 C.F.R. 383.23(A)(2), for operating a CMV without a commercial driver's license (CDL).

{¶ 4} Respondent was served with a Notice of Preliminary Determination (NPD), pursuant to Ohio Adm.Code 4901:2-7-07 on December 14, 2016. The NPD assessed Respondent a civil forfeiture of \$250 for the operating a CMV without a CDL.

{¶ 5} On December 22, 2016, Respondent requested an administrative hearing, pursuant to Ohio Adm.Code 4901:2-7-13.

{¶ 6} A prehearing conference was conducted on February 15, 2017. At that time, the parties were unable to settle the matter.

{¶ 7} A hearing was set for May 18, 2017. Thereafter, the attorney examiner granted Staff's motion for a continuance and the hearing was rescheduled to August 17, 2017.

{¶ 8} Prior to the hearing on August 17, 2017, Staff and Respondent reached a settlement agreement that, in the parties' opinion, resolves the issue raised in the NPD. The settlement was read into the record at the hearing. The following is a summary of the conditions agreed to by the parties and is not intended to replace or supersede the settlement agreement.

- (a) Respondent admits to the violation of 49 C.F.R. 383.23(A)(2) and recognizes that the violation may be included in Respondent's Safety-Net record and Respondent's history of violations, insofar as it may be relevant for purposes of determining future penalty actions.
- (b) Respondent agrees to pay a civil forfeiture of \$100 for the violation.
- (c) Payment will be due 30 days from Commission approval of this settlement agreement. Payment shall be made by certified check or money order payable to "Treasurer State of Ohio," and mailed to: PUCO, Attn: CF Processing, 180 E. Broad St., 4th floor, Columbus, Ohio 43215-3793. In order to assure proper credit, Case No. 16-2445-TR-CVF and inspection

number OH3249006772D should appear on the face of the check or money order.

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

{¶ 9} The Commission finds that the settlement agreement submitted in this case is reasonable. Therefore, the settlement agreement shall be approved and adopted in its entirety.

III. ORDER

{¶ 10} It is, therefore,

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


{¶ 12} ORDERED, That Respondent pay a civil forfeiture of \$100 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, Attn: CF Processing, 180 East Broad Street, 4th Floor, Columbus, Ohio 43215-3793. In order to assure proper credit, Respondent is directed to write Case No. 16-2445-TR-CVF and inspection number OH3249006772D on the face of the check or money order. It is, further,

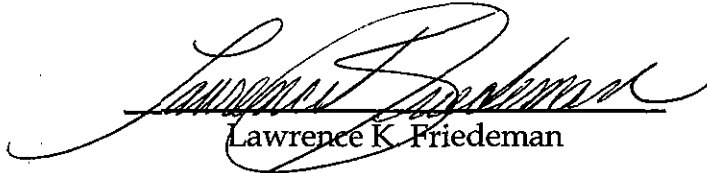
{¶ 13} ORDERED, That a copy of this Finding and Order be served upon Respondent and all other interested parties of record.

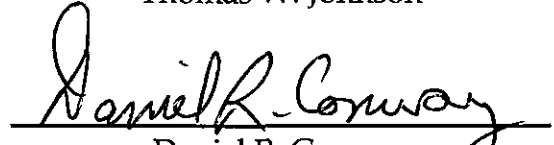
THE PUBLIC UTILITIES COMMISSION OF OHIO

Asim Z. Haque, Chairman


M. Beth Trombold


Thomas W. Johnson

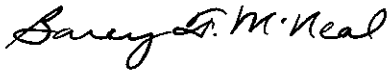

Lawrence K. Friedman


Daniel R. Conway

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Barcy F. McNeal
Secretary