

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF
WIRELESS MANAGEMENT, INC. D/B/A
ROYAL TRUCKING, NOTICE OF
APPARENT VIOLATION AND INTENT TO
ASSESS FORFEITURE.

CASE NO. 17-2120-TR-CVF
(CR201705050238)

FINDING AND ORDER

Entered in the Journal on May 2, 2018

I. SUMMARY

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

II. DISCUSSION

A. *Applicable Law*

{¶ 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.

B. *Procedural History*

{¶ 3} On May 5, 2017, a compliance review was conducted at the facility of Wireless Management, Inc. d/b/a Royal Trucking (Respondent).

{¶ 4} As a result of the compliance review, Respondent was served with a Notice of Preliminary Determination (NPD), pursuant to Ohio Adm.Code 4901:2-7-12. The NPD assessed Respondent a civil forfeiture of \$7,200.00 for violations of 49 C.F.R. 395.8(k)(1) (Failing to preserve driver's record duty status supporting documents for six months) and

49 C.F.R. 391.51(b)(6) (Failing to maintain a list or certificate relating to violations of motor carrier laws and ordinances).

{¶ 5} On October 12, 2017, Respondent requested an administrative hearing, pursuant to Ohio Adm.Code 4901:2-7-13.

{¶ 6} A prehearing conference was conducted on November 21, 2017.

{¶ 7} On April 2, 2018, Staff and Respondent filed a settlement agreement that, in the parties' opinion, resolves the issues raised in the NPD. 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 violations listed above and in the NPD and agrees that the violations may be included in its history of violations, insofar as they may be relevant for purposes of determining future penalty actions.
- (b) The civil forfeiture of \$7,200.00 shall be reduced to \$3,600.00 due to corrective action taken by Respondent. Since the compliance review, Respondent has undertaken a more organized approach to record keeping, including keeping hard copies of its fuel reports. Further, Respondent has recently retained a national consulting company to review its record keeping, including managing supporting documents, for compliance with the Federal Motor Carrier Safety Regulations.
- (c) Respondent shall pay the \$3,600.00 civil forfeiture in 12 consecutive monthly installments of \$300.00 commencing 30 days after the Commission's order approving this settlement

agreement. The payments shall be made payable to "Treasurer State of Ohio," and they shall be mailed to PUCO, Attn: CF Processing, 180 E. Broad St., 4th floor, Columbus, OH 43215-3793. The case number (CR201705050238) should appear on the face of each check or money order.

- (d) In accordance with 4901:2-7-14(D), O.A.C., if the Respondent fails to comply with the provisions of this settlement agreement for a period exceeding 30 days, Respondent shall be in default and shall be deemed to have admitted the occurrence of the violation and waived all further right to contest liability for the forfeiture proposed in the NPD.
- (e) 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.

C. Commission Conclusion

{¶ 8} 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


{¶ 9} It is, therefore,

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

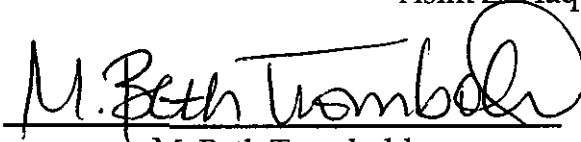
{¶ 11} ORDERED, That Respondent pay a civil forfeiture of \$3,600.00 in accordance with the settlement agreement. Payment shall be made by check or money order payable to "Treasurer, State of Ohio," and mailed to PUCO, Attn: CF Processing, 180 East Broad Street, 4th Floor, Columbus, Ohio 43215-3793. In order to assure proper credit, Respondent is directed to write Case No. 17-2120-TR-CVF and inspection number CR201705050238 on the face of the check or money order. It is, further,

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

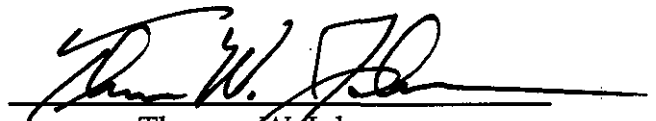
THE PUBLIC UTILITIES COMMISSION OF OHIO



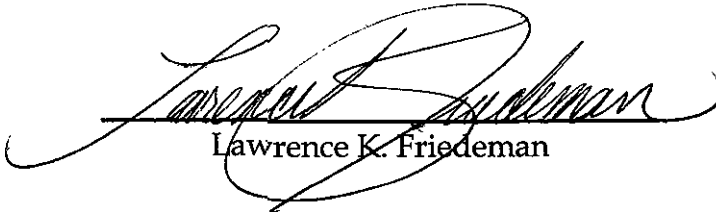
Asim Z. Haque, Chairman



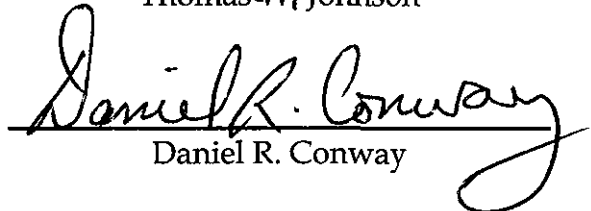
M. Beth Trombold



Thomas W. Johnson



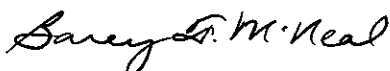
Lawrence K. Friedeman



Daniel R. Conway

KKS/vrm

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Barcy F. McNeal

Secretary

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