

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF ROGER D. ROUSH,
NOTICE OF APPARENT VIOLATION AND
INTENT TO ASSESS FORFEITURE.

CASE NO. 18-710-TR-CVF
(OH3297012534D)

FINDING AND ORDER

Entered in the Journal on September 19, 2018

I. SUMMARY

{¶ 1} The Commission finds reasonable and approves the settlement agreement regarding a violation 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 January 23, 2018, a commercial motor vehicle (CMV) operated by FQ Truck Operator, LLC and driven by Roger D. Roush (Respondent) was inspected within the state of Ohio. The inspection resulted in the discovery of a violation of 49 C.F.R. 383.51(a) (Driving a CMV while commercial driver's license is suspended).

{¶ 4} 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 \$500 for the violation of 49 C.F.R. 383.51(a).

{¶ 5} On April 18, 2018, Respondent requested an administrative hearing, pursuant to Ohio Adm.Code 4901:2-7-13.

{¶ 6} A prehearing conference was conducted on June 7, 2018.

{¶ 7} On August 27, 2018, Staff and Respondent filed a settlement agreement which, in the parties' opinion, resolves the issue 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 violation listed above and in the NPD.
- (b) Respondent shall pay a \$100 civil forfeiture. The payment shall be made payable to "Treasurer State of Ohio," and it shall be mailed to PUCO, Attn: CF Processing, 180 E. Broad St., 4th floor, Columbus, OH 43215-3793. The inspection number, OH3297012534D, should appear on the face of the check or money order.
- (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.
- (d) 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

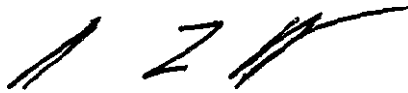
{¶ 9} It is, therefore,

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

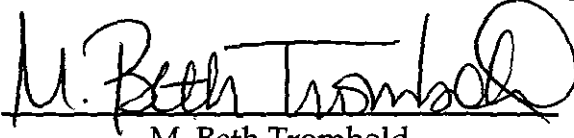
{¶ 11} ORDERED, That Respondent pay a civil forfeiture of \$100 in accordance with the settlement agreement. Payment shall be made by check or money order payable to "Treasurer, State of Ohio," and mailed to PUCO, Attn: CF Processing, 180 East Broad Street, 4th Floor, Columbus, Ohio 43215-3793. In order to assure proper credit, Respondent is directed to write the inspection number, OH3297012534D, 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



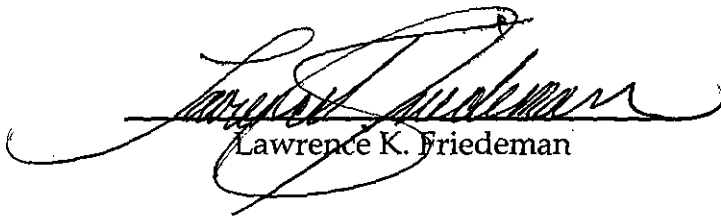
Asim Z. Haque, Chairman



M. Beth Trombold



Thomas W. Johnson



Lawrence K. Friedeman

Daniel R. Conway

KKS/mef

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SEP 19 2018



Barcy F. McNeal
Secretary