

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of Elvir Hamzic, Notice)	Case No. 18-1052-TR-CVF
of Apparent Violation and Intent to)	(OH1564000084D)
Assess Forfeiture.)	

SETTLEMENT AGREEMENT

I. Introduction

Pursuant to Rule 4901:2-7-11 of the Ohio Administrative Code (O.A.C.), Elvir Hamzic (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 April 27, 2018, a commercial motor vehicle operated by Transtrade Inc. and driven by the Respondent was inspected within the State of Ohio.
- B. As a result of the inspection, on June 14, 2018, the Respondent was served with a Notice of Preliminary Determination (NPD) in accordance with 4901:2-7-12, O.A.C. The Respondent requested an administrative hearing pursuant to 4901:2-7-13, O.A.C.
- C. The June 14, 2018 NPD was subsequently rescinded by the Staff and a new Notice of Apparent Violation and Intent to Assess Forfeiture (NIF) was timely issued to Respondent on July 26, 2018. A second NPD was not reissued for this case, but settlement discussions of the case have proceeded according to the violation stated in the July 26, 2018 NIF.
- D. The July 26, 2018 NIF notified the Respondent that Staff intended to assess a civil forfeiture of \$2,500.00 for violation of 4901:2-5-07(D), O.A.C., (Operating a motor vehicle that has been declared out of service).
- E. The parties have negotiated this Settlement Agreement, which the parties believe resolves all of the issues raised in the case. Because a second NPD was not reissued in this case, the parties, in accordance with 4901-7-02(B),

O.A.C., request a waiver of the Commission's NPD requirement under 4901:2-7-13.

III. Settlement Agreement

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

- A. For purposes of settlement, Respondent agrees that the violation listed above, and listed in the July 26, 2018 NIF may be included in Respondent's history of violations insofar as it may be relevant for purposes of determining penalty actions by the Ohio Bureau of Motor Vehicles, including but not limited to the disqualification of Respondent's commercial driver's license, or for future violations.
- B. For purposes of settlement, Staff agrees to reduce the amount of the civil forfeiture from \$2,500.00 to \$1,750.00 and Respondent agrees to pay the amount of \$1,750.00 in order to resolve this case. Respondent shall pay the \$1,750.00 civil forfeiture in 10 consecutive monthly installments of \$175.00 per installment 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 (OH1564000084D) should appear on the face of each check.
- 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.

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.

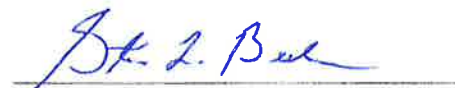
On Behalf of Elvir Hamzic



Michael J. Yemc
600 South Pearl Street
Columbus, OH 43206

01/17/19
Date

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



Steven L. Beeler
Assistant Attorney General
Public Utilities Section
30 East Broad Street, 16th Floor
Columbus, OH 43215

1/17/19
Date

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in

Case No(s). 18-1052-TR-CVF

Summary: Agreement Settlement electronically filed by Ms. Tonnetta Scott on behalf of PUC