

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of James Kellogg, Notice of)	
Apparent Violation and Intent to Assess)	Case No. 18-1638-TR-CVF
Forfeiture.)	(OH1569000596D)

SETTLEMENT AGREEMENT

I. Introduction

Pursuant to Rule 4901:2-7-11 of the Ohio Administrative Code (O.A.C.), James Kellogg ("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 August 6, 2018, Respondent was cited with a violation of 383.23(a)(2) for operating a CMV without a CDL.
- B. The Respondent was timely served with a notice of preliminary determination in accordance with Ohio Administrative Code (O.A.C) 4901:2-7-12.
- C. The notice of preliminary determination notified Respondent that the Commission intended to assess a forfeiture of \$250.00 against the Respondent for violation of 49 C.F.R. 383.23(a)(2) (operating a CMV without a CDL).
- D. The Respondent requested an administrative hearing pursuant to O.A.C 4901:2-7-13.
- E. The parties have negotiated this Settlement Agreement, which the

parties believe resolves all of the issues raised in the notice of preliminary determination.

III. Settlement Agreement

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

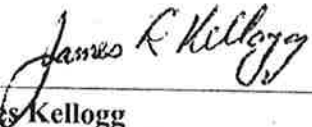
- A. Respondent admits to violation of 49 C.F.R. 383.23(a)(2) (operating a CMV without a CDL), as cited on August 6, 2018, and agrees that the violation may be included in Respondent's history of violations insofar as it may be relevant for purposes of determining penalty actions by the Ohio Bureau of Motor Vehicles, including, but not limited to the disqualification of Respondent's commercial driver's license, or for future violations.
- B. Respondent shall pay the \$100.00 civil forfeiture within thirty (30) days after the Commission's order approving this Settlement Agreement. The payment shall be made payable to "Treasurer State of Ohio," and shall be mailed to Public Utilities Commission of Ohio, Attn: CF Processing, 180 E. Broad St., 4th floor, Columbus, OH 43215-3793. The case number (OH1569000596D) should appear on the face of the payment.
- 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 this 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 this Settlement Agreement in its entirety. The parties have manifested their consent and authority to enter into the Settlement Agreement by affixing their signatures below.

On the Behalf of James Kellogg



James Kellogg
10380 Brant-Angola
Brant, NY 14027

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



Robert Eubanks
Assistant Attorney General
Public Utilities Section
30 East Broad Street, 16th Floor
Columbus, Ohio 43215

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Case No(s). 18-1638-TR-CVF

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