

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of Rex L. Gregg, Notice)	Case No. 19-1899-TR-CVF
of Apparent Violation and Intent to)	(OH3215010340D)
Assess Forfeiture.)	

SETTLEMENT AGREEMENT

I. Introduction

Pursuant to Ohio Administrative Code 4901:2-7-11, Rex L. Gregg (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 July 23, 2019, a commercial motor vehicle operated by Herb Gregg Trucking, Inc. and driven by the Respondent was inspected within the State of Ohio. The inspection resulted in the discovery of a violation of the Federal Motor Carrier Safety Administration regulations, namely a violation of 49 C.F.R. 391.11(B)(4) (Operating a commercial vehicle while not physically qualified).
- B. As a result of the inspection, a Notice of Apparent Violation and Intent to Assess Forfeiture (NIF) was timely issued to Respondent on July 25, 2019. 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 25, 2019 NIF.
- C. On September 10, 2019, Respondent met with staff to discuss the violation mentioned in the July 25, 2019 NIF.
- D. On September 11, 2019, Respondent was served with a Notice of Preliminary Determination (NPD) in accordance with Ohio Adm.Code 4901:2-7-12.
- E. The July 30, 2019 NIF notified Respondent that Staff intended to assess a civil forfeiture of \$250.00 for the violation of 49 C.F.R. 391.11(B)(4).

- F. On October 15, 2019, Respondent requested an administrative hearing pursuant to Ohio Adm.Code 4901:2-7-13.
- G. The parties have negotiated this Settlement Agreement, which the parties believe resolves all of the issues raised in the case.

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 September 11, 2019 NPD may be included in Respondent's history of violations insofar as it may be relevant for purposes of determining penalty actions for future violations.
- B. For purposes of settlement, Staff agrees to reduce the amount of the civil forfeiture from \$250.00 to \$175.00 and Respondent agrees to pay the amount of \$175.00 in order to resolve this case. Respondent shall pay the \$175.00 civil forfeiture within 30 days of 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 (OH3215010340D) 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 Rex L. Gregg



Rex L. Gregg
2129 Greensburg Road
New Kensington, PA 15068

11/27/18
Date

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



Steven T. Darnell
Assistant Attorney General
Public Utilities Section
30 East Broad Street, Floor 16
Columbus, OH 43215

12/13/2019
Date

This foregoing document was electronically filed with the Public Utilities

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Case No(s). 19-1899-TR-CVF

Summary: Agreement electronically filed by Mrs. Tonnetta Y Scott on behalf of PUCO