

**BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of Last-Time Inc. ,	:	
Notice of Apparent Violation and	:	Case No. 19-1825-TR-CVF
Intent to Assess Forfeiture.	:	(OH1239003415)
	:	

SETTLEMENT AGREEMENT

I. Introduction

Pursuant to Rule 4901:2-7-11 of the Ohio Administrative Code (O.A.C.), Last-Time Inc. (Respondent) and the Staff of the Transportation Department of the Public Utilities Commission of Ohio (Staff) enter into this settlement agreement and urge the Commission to adopt the same.

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 Respondent's and the Staff's desire to arrive at a reasonable result considering the law, facts and circumstances. Accordingly, the Respondent and the Staff believe that the Commission should adopt this Settlement Agreement.

This settlement agreement is submitted on the condition that the Commission adopts the agreed upon terms. The Parties agree that if the Commission rejects all or any part of this Settlement Agreement or otherwise materially modifies its terms, either Party shall have the right, within thirty (30) business days of the Commission's order, either to file an application for rehearing or to terminate and withdraw from this agreement by filing a

notice with the Commission. If an application for rehearing is filed, and if the Commission does not, on rehearing, accept the Settlement Agreement without material modification, either Party may terminate and withdraw from this agreement by filing a notice with the Commission within ten (10) business days of the Commission's order or entry on rehearing. In such an event, a hearing shall go forward, and the Parties shall be afforded the opportunity to present evidence through witnesses, to cross-examine all witnesses, to present rebuttal testimony, and to file briefs on all issues.

II. Procedural History

- A. On May 15, 2019, a vehicle operated by Last-Time Inc. and driven by Timothy Fielding was inspected within the State of Ohio. The inspection resulted in the discovery of two violations of the Federal Motor Carrier Safety Administration regulations. The violations were: 49 C.F.R. §393.55(c)(1) and 49 C.F.R. §395.8(a)(1).
- B. Respondent was timely served with a notice of apparent violation and intent to assess forfeiture in accordance with Rules 4901:2-7-05 and 4901:2-7-07.
- C. Respondent made a timely request for conference pursuant to Rule 4901:2-7-10, O.A.C. A conference was held on July 25, 2019, but the parties did not come to a resolution of the case.
- D. On August 30, 2019, Respondent was timely served with a notice of preliminary determination in accordance with Rule 4901:2-7-12, O.A.C. for

Case No. OH1239003415. The preliminary determination assessed Respondent \$100.00 for the violations.

- E. A prehearing conference was scheduled for on November 13, 2019, but Staff was unable to reach Last-Time Inc. at that time. Staff was able to reach Respondent before the hearing, which was set for December 17, 2019.
- F. The parties have negotiated this settlement agreement which the parties believe resolves all the issues raised in the notice of preliminary determination.

III. Settlement Agreement

The parties hereto agree and recommend that the Commission find as follows:

- A. Respondent acknowledges that pursuant to the May 15, 2019 inspection, Last-Time Inc. was found in violation of: 49 C.F.R. §393.55(c)(1) and 49 C.F.R. §395.8(a)(1).
- B. The civil forfeiture assessed is \$50.00.
- C. Respondent has agreed that he no longer wishes to proceed to hearing and accepts the violations and forfeitures as written.
- D. Payment shall be made payable to “Treasurer, State of Ohio,” and mailed to PUCO, Attn: CF Processing, 180 E. Broad St., 4th floor, Columbus, OH 43215-3793. The case number (19-1825-TR-CVF) and inspection number (OH1239003415) should appear on the face of the check.
- E. This settlement agreement shall not become effective until adopted by an Opinion and Order of the Commission. The date of the entry of the

Commission order adopting the settlement agreement shall be considered the effective date of the settlement agreement.

- F. This settlement agreement is made in settlement of all factual or legal issues in this case. It is not intended to have any effect whatsoever in any other case or proceeding.

III. Conclusion

The Signatory parties agree that this Settlement Agreement is in the best interest of all parties, and urge the Commission to adopt the same. The undersigned respectfully request that the Commission issue an entry in accordance with the terms set forth in this Settlement Agreement. The parties have manifested their consent and authority to enter into the Settlement Agreement by affixing their signatures below on this 17th day of December, 2019.

On behalf of Last-Time Inc.

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

/s/ James Kellogg, per auth.

James Kellogg

Last-Time Inc.

10380 Brant Angola Road

Brant, NY 14027

/s/ Andrew B. Shaffer

Andrew B. Shaffer

Assistant Attorney General

Public Utilities Section

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Case No(s). 19-1825-TR-CVF

Summary: Agreement Settlement electronically filed by Mrs. Kimberly M Naeder on behalf of
PUCO