

# THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF M PARKS TRUCKING  
LLC, NOTICE OF APPARENT VIOLATION  
AND INTENT TO ASSESS FORFEITURE.

CASE NO. 19-2042-TR-CVF  
(20-CR-304311)

## FINDING AND ORDER

Entered in the Journal on March 11, 2020

### I. SUMMARY

{¶ 1} The Commission finds reasonable and approves the settlement agreement filed between Staff and M Parks Trucking LLC regarding violations of the Commission's transportation rules.

### II. DISCUSSION

{¶ 2} R.C. 4923.04(A)(1) mandates that the Commission 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 (FMCSR), published in the Code of Federal Regulations (C.F.R.), 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, per violation, against any person who violates the safety rules adopted by the Commission.

{¶ 3} Pursuant to Ohio Adm.Code 4901:2-7-11(C) settlement agreements providing for the payment of forfeitures of \$5,000 or more for any violation must be approved by order of the Commission.

{¶ 4} On August 7, 2019, Staff conducted a compliance review of M Parks Trucking LLC. The inspection resulted in the discovery of three violations of the FMCSR and one violation of the Ohio Administrative Code.

{¶ 5} Pursuant to Ohio Adm.Code 4901:2-7-07, Staff timely served Respondent with a Notice of Intent to Assess a Forfeiture (NIA). The NIA assessed Respondent a total civil

forfeiture of \$27,250, based on six violations. Due to a technical error that Staff later discovered, it was determined that Respondent had been incorrectly assessed two violations, and after removal of the incorrect assessments, Staff set the correct forfeiture amount of \$13,850 for four violations and communicated the corrected forfeiture amount to Respondent.

{¶ 6} On December 30, 2019, Staff and Respondent filed a settlement agreement that, in the parties' opinions, resolves the issues raised in this case. Staff and Respondent filed this settlement agreement in accordance with Ohio Adm.Code 4901:2-7-11(C), which requires settlement agreements providing for the payment of forfeitures of \$5,000 or more for any violation to be approved by order of the Commission. The following is a summary of the conditions agreed to by the parties; it is not intended to replace or supersede the settlement agreement.

- A. Respondent acknowledges that pursuant to the August 7, 2019 inspection, Respondent was found in violation of 49 C.F.R. 395.8(k)(1); 49 C.F.R. 396.11(a); 49 C.F.R. 396.3(b)(1); and Ohio Adm.Code 4901:2-5-03.
- B. The civil forfeiture assessed is \$9,695.
- C. Respondent accepts the violations and forfeitures as written.
- D. Pursuant to Ohio Adm.Code 4901:2-7-11, the settlement agreement shall not become effective until adopted by the Commission. The date of the Commission's order shall be the effective date of the settlement agreement.
- E. Respondent shall pay the \$9,695 civil forfeiture in 10 consecutive monthly installments of \$969.50, commencing 30 days after the date of the Commission's order approving the settlement

agreement. Payments shall be made payable to "Treasurer, State of Ohio," and mailed to PUCO, Attn: CF Processing, 180 East Broad Street, 4th Floor, Columbus, Ohio 43215-3793. The case number (20-CR-304311) should appear on the face of each check.

- F. In accordance with Ohio Adm.Code 4901:2-7-14(D), if the Respondent fails to comply with the provisions of the settlement agreement for a period exceeding 30 days, Respondent shall be in default and shall be deemed to have admitted the occurrence of the violations and waived all further right to contest liability for the forfeiture proposed in the NIA.
- G. The settlement agreement is intended to resolve factual or legal issues raised in this case; it is not intended to have any effect on any other case or proceeding.

{¶ 7} 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

{¶ 8} It is, therefore,

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

{¶ 10} ORDERED, That Respondent pay the civil forfeiture of \$9,695.00 in accordance with the settlement agreement. Payments 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 case number 20-CR-304311 on the face of each check or money order. It

is, further,

{¶ 11} ORDERED, That a copy of this Finding and Order be served upon Respondent and all other interested parties of record.

COMMISSIONERS:

*Approving:*

Sam Randazzo, Chairman

M. Beth Trombold

Lawrence K. Friedeman

Daniel R. Conway

Dennis P. Deters

DMH/kck

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**3/11/2020 2:32:25 PM**

**in**

**Case No(s). 19-2042-TR-CVF**

Summary: Finding & Order that the Commission finds reasonable and approves the settlement agreement filed between Staff and M Parks Trucking LLC regarding violations of the Commission's transportation rules. electronically filed by Docketing Staff on behalf of Docketing