

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of Chemicals Inc.,) Case No. 20-424-TR-CVF
Notice of Apparent Violation and) (OH13288012334C)
Intent to Assess Forfeiture.)

SETTLEMENT AGREEMENT

I. Introduction

Pursuant to Rule 4901:2-7-11 of the Ohio Administrative Code (O.A.C.), Chemicals Inc. (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 December 18, 2019, a commercial motor vehicle operated by the Respondent was inspected within the State of Ohio.
- B. As a result of the inspection, on February 4, 2020, the Respondent was served with a Notice of Preliminary Determination (NPD) in accordance with 4901:2-7-12, O.A.C indicating that Staff intended to assess a civil forfeiture of \$660.00 against Respondent for violation of 49 C.F.R §171.504(a), vehicle not placarded as required. The Respondent requested an administrative hearing pursuant to 4901:2-7-13, O.A.C.
- C. 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 NPD, may be included in Respondent's history of violations.
- B. For purposes of settlement, Staff agrees to reduce the amount of the civil forfeiture from \$660.00 to \$462.00 and Respondent agrees to pay the amount of \$462.00 in order to resolve this case. Respondent shall pay the \$462.00 civil forfeiture within 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 20-424-TR-CVF and inspection number (OH13288012334C) should appear on the face of the 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 Chemicals Inc.

/s/ Tim Gibbs

Tim Gibbs

270 Osborne Dr.
Fairfield, OH 45014

7/10/2020

Date

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

/s/ Steven L. Beeler

Steven L. Beeler

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

7/10/2020

Date

This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 20-0424-TR-CVF

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