

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of ORD Trans, Inc.,)	
Notice of Apparent Violation and)	Case No. 19-1925-TR-CVF
Intent to Assess Forfeiture)	(OH30944002559C)

SETTLEMENT AGREEMENT

I. Introduction

Pursuant to Rule 4901:2-7-11 of the Ohio Administrative Code (O.A.C.), ORD Trans, 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, to file an application for rehearing 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 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.

I. Procedural History

- A. On July 30, 2019, a vehicle operated by ORD Trans, Inc. and driven by Mihail Petrov was inspected within the State of Ohio. The inspection resulted in the discovery of two (2) out-of-service violations of the federal hazardous materials regulations. The violations were: failure to properly secure a package in the vehicle in violation of 49 C.F.R. §177.834(a); and failure to display placards / markings when required to do so in violation of 49 C.F.R. §177.823(a).
- B. On September 22, 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. OH30944002559C. The preliminary determination assessed Respondent \$2,400.00 for the violations.
- C. On October 18, 2019, Respondent made a timely formal request for an administrative hearing pursuant to Rule 4901:2-7-13, O.A.C.
- D. On November 25, 2019, a pre-hearing conference was conducted and the matter was discussed. The Respondent had a full opportunity to present information that the violations did not occur as alleged, mitigating

circumstances regarding the amount of the forfeiture and other information relevant to the action proposed to be taken by Staff. Subsequent to that conference, the parties have negotiated this settlement agreement which the parties believe resolves all the issues raised in the notice of preliminary determination.

II. Settlement Agreement

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

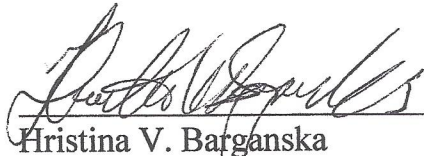
- A. Respondent agrees to violations of 49 C.F.R. §177.834(a) and 49 C.F.R. §177.823(a), and recognizes that they may be included in the Respondent's Safety-Net Record and Respondent's history of violations insofar as they may be relevant for purposes of determining future penalty actions.
- B. Respondent agrees to pay a civil forfeiture of \$2,4000.00. Respondent and Staff further agree that Respondent may pay the \$2,400.00 in twelve (12) equal monthly installments of \$200, with the first such payment to be made within thirty (30) days following Commission approval of this agreement.
- C. This settlement agreement shall not become effective until adopted by an 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.
- D. 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 to the Settlement Agreement by affixing their signatures below on this 20th day of August, 2020.

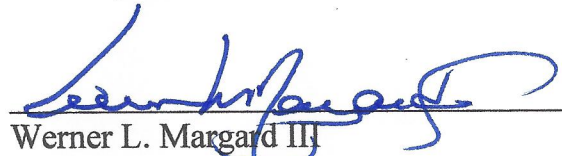
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Case No(s). 19-1925-TR-CVF

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