

# THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF ORD TRANS, INC.,  
NOTICE OF APPARENT VIOLATION AND  
INTENT TO ASSESS FORFEITURE.

CASE NO. 19-1925-TR-CVF  
(OH0944002559C)

## FINDING AND ORDER

Entered in the Journal on October 7, 2020

### I. SUMMARY

{¶ 1} The Commission finds reasonable and approves the settlement agreement filed between Staff and ORD Trans, Inc. 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} On July 30, 2019, a commercial motor vehicle operated by ORD Trans, Inc. (Respondent) and driven by Mihail Petrov was inspected within the state of Ohio. As a result of the inspection, two violations of the FMCSR were discovered.

{¶ 4} Pursuant to Ohio Adm.Code 4901:2-7-12, Staff served Respondent with a Notice of Preliminary Determination (NPD) on September 22, 2019. The NPD assessed Respondent a total civil forfeiture of \$2,400.00 for the two violations.

{¶ 5} On October 18, 2019, counsel for Respondent filed a timely request for an administrative hearing pursuant to Ohio Adm.Code 4901:2-7-13. Staff and Respondent participated in a prehearing conference on November 25, 2019, and a hearing was scheduled

for January 30, 2020. On January 29, 2020, the parties filed a joint motion for a continuance, requesting additional time to engage in settlement discussions. The attorney examiner issued an Entry on January 29, 2020, that continued the hearing indefinitely.

{¶ 6} On August 20, 2020, Staff and Respondent filed a settlement agreement that, in the parties' opinion, resolves the issues raised in this case. 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 July 30, 2019 inspection, Respondent was found in violation of 49 C.F.R. 177.834(a) and 49 C.F.R. 177.823(a), and Respondent recognizes that these violations may be included in 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 \$2,400.00. Respondent and Staff further agree that Respondent may pay the \$2,400.00 in 12 equal monthly installments of \$200.00, with the first such payment to be made within 30 days following Commission approval of the agreement.
- C. 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.
- D. 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 \$2,400.00 in accordance with the settlement agreement. Payment 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 No. 19-1925-TR-CVF and the inspection number OH30944002559C on the face of the 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

MJS/kck

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

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

Summary: Finding & Order finding reasonable and approving the settlement agreement filed between Staff and ORD Trans, Inc. regarding violations of the Commission's transportation rules. electronically filed by Ms. Mary E Fischer on behalf of Public Utilities Commission of Ohio