

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

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PUCO

In the Matter of **Terrence R. Speirs,**
Notice of Apparent Violation and Intent
To Assess Forfeiture

) Case No. 06-862-TR-CVF
) OH8006002253
)

SETTLEMENT AGREEMENT

I. Introduction

Pursuant to Rule 4901:2-7-11 of the Ohio Administrative Code, (O.A.C.) Mr. Terrence R. Speirs (Mr. Speirs or 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 Mr. Speirs 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, Mr. Speirs and the Staff encourage and recommend that the Commission adopt this Settlement Agreement.

This agreement shall not become effective until adopted and approved by the Commission pursuant to Rule 4901:2-7-11(C). O.A.C. The date of any entry or order of the Commission adopting this settlement agreement shall be considered the effective date of this settlement agreement. The Respondent further waives its right to rehearing

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in accordance with Rule 4901-1-35, O.A.C. Respondent understands that this agreement may be adopted by the Commission as its order without notice pursuant to Rule 4901:2-7-11(D), O.A.C.

II. History

- A. On December 18, 2005, a vehicle operated by Mr. Speirs was inspected within the State of Ohio.
- B. As a result of the inspection, Mr. Speirs was timely served with a notice of preliminary determination in accordance with Rule 4901:2-7-12 O.A.C. The preliminary determination assessed Mr. Speirs \$500.00 for violation of O.A.C. 4901:2-5-02 incorporating C.F.R. Part 49 §395.8 no driver record of duty status, §393.43 breakaway device inoperable, §392.2 failure to maintain SSRS receipt in vehicle, and §391.11(b)(5) failure to produce corrective lenses as required of the Federal Code of Regulations.
- C. Mr. Speirs requested an administrative hearing pursuant to 4901:2-7-13, O.A.C.

III. Settlement Agreement

The Staff and Mr. Speirs agree and recommend that the Commission find as follows:

- A. Mr. Speirs agrees to a finding that it violated O.A.C. 4901:2-5-02 incorporating C.F.R. Part 49 §395.8 no driver record of duty status, §393.43 breakaway device inoperable, §392.2 failure to maintain SSRS receipt in

vehicle, and §391.11(b)(5) failure to produce corrective lenses as required of the Federal Code of Regulations, and that such findings may be included in Mr. Speirs' Safety-Net Record and history of violations, for purposes of determining future penalty actions.

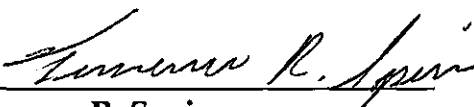
- B. Mr. Speirs and the Staff agree that the civil forfeiture totaling \$500.00, shall be reduced to \$350.00. This Settlement Agreement shall not become effective until adopted by an Order of the Commission. Mr. Speirs and Staff also agree that the civil forfeiture of \$350.00 for the violation shall be paid within thirty (30) days of the Commission's adoption of this Settlement Agreement.
- C. This Settlement Agreement is intended to resolve only factual or legal issues raised in this case. This agreement shall not be used in any other case or proceeding, except in any action that may be required to enforce the terms of this agreement.

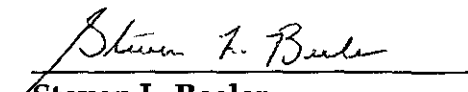
IV. Conclusion

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 this 11 day of November, 2006.

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


Terrence R. Speirs
P.O. Box 75
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