

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Rodney S. Tabler, Notice of)
Apparent Violation and Intent to Assess) Case No. 06-946-TR-CVF
Forfeiture.) (OH3293001382D)

ENTRY

The Commission finds:

- (1) On October 7, 2005, Kennedy Freight Lines, Inc. went through a Post Crash Driver and Vehicle Examination inspection by the staff of the Department of Public Safety. During the course of the inspection, the driver, Rodney S. Tabler (respondent) was cited under 49 C.F.R. Section 395.8(K)(2) for failing to retain logs for the previous seven days.
- (2) Respondent was timely served with a notice of preliminary determination in accordance with Rule 4901:2-7-12, Ohio Administrative Code. This notice indicated Commission staff's (staff) intention to assess a civil forfeiture totaling \$100.00 for the violation.
- (3) On July 26, 2006, respondent requested an administrative hearing, thereby initiating this case.
- (4) The parties filed a settlement agreement. In the settlement agreement, staff and respondent agree, in pertinent part, as follows:
 - (a) Staff and respondent agree that respondent will not be assessed a civil forfeiture in this case for the alleged log book violation referenced above under the Federal Motor Carrier Regulations.
 - (b) For purposes of settlement, and not as an admission or evidence that the violation occurred, respondent agrees that the citation for the log book violation in this settlement agreement 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.

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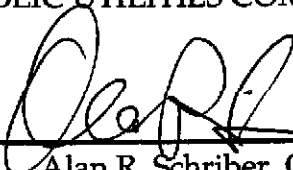
- (c) This settlement agreement shall not become effective until adopted by an order of the Commission. The date of the entry of the Commission order adopting the settlement agreement shall be considered the effective date of the settlement agreement.
- (d) This settlement agreement is made in settlement of all factual or legal issues in this case. It is not intended to have any affect whatsoever in any other case or proceeding.
- (5) The Commission finds that the settlement agreement submitted in this case is reasonable. Therefore, the settlement agreement should be approved and adopted in its entirety.

It is, therefore,

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

ORDERED, That Case No. 06-946-TR-CVF be closed of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO




Alan R. Schriber, Chairman



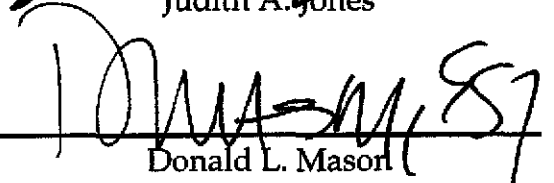
Ronda Hartman Fergus



Judith A. Jones



Valerie A. Lemmie



Donald L. Mason

KKS/vrm

Entered in the Journal

DEC 06 2006



Renee J. Jenkins

Renee J. Jenkins
Secretary