

## BEFORE

## THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Terrence R. Speirs, Notice )  
 of Apparent Violation and Intent to Assess ) Case No. 06-862-TR-CVF  
 Forfeiture. ) (OH8006002253)

ENTRY

The Commission finds:

- (1) On December 18, 2005, a vehicle operated by Terrence R. Speirs (respondent) was inspected within the state of Ohio. As a result of the inspection, respondent was timely served with a notice of preliminary determination in accordance with Rule 4901:2-7-12, Ohio Administrative Code. This notice indicated staff's intention to assess civil forfeitures totaling \$500.00 for the following violations of the Code of Federal Regulations: 49 C.F.R. Section 395.8 - no driver record of duty status, 49 C.F.R. Section 393.43 - breakaway device inoperable, 49 C.F.R. Section 392.2 - failure to maintain SSRS receipt in vehicle, and 49 C.F.R. Section 391.11(b)(5) - failure to produce corrective lenses.
- (2) On June 30, 2006, respondent requested an administrative hearing, thereby initiating this case.
- (3) The parties filed a settlement agreement under which respondent agreed to make payment of a civil forfeiture. In the settlement agreement, staff and respondent agree, in pertinent part, as follows:
  - (a) Mr. Speirs agrees to a finding that he violated 49 C.F.R. Section 395.8 - no driver record of duty status, 49 C.F.R. Section 393.43 - breakaway device inoperable, 49 C.F.R. Section 392.2 - failure to maintain SSRS receipt in vehicle, and 49 C.F.R. Section 391.11(b)(5) - failure to produce corrective lenses 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

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Technician *[Signature]* Date Processed 12/20/06

\$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 30 days of the Commission's adoption of this Settlement Agreement. Payment should be made by certified check or money order to "Treasurer State of Ohio," and mailed to PUCO FISCAL, 180 East Broad Street, 13th Floor, Columbus, Ohio 43215-3793.

- (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.
- (4) 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.

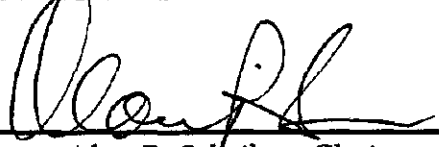
It is, therefore,

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

ORDERED, That Case No. 06-862-TR-CVF be closed of record. It is, further,

ORDERED, That a copy of this entry be served on each party of record.

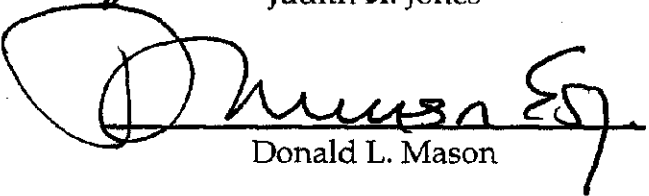
THE PUBLIC UTILITIES COMMISSION OF OHIO

  
Alan R. Schriber, Chairman

  
Ronda Hartman Fergus

  
Judith A. Jones

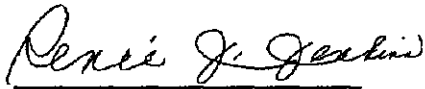
  
Valerie A. Lemmie

  
Donald L. Mason

KKS/vrm

Entered in the Journal

**DEC 20 2006**



Renee J. Jenkins  
Secretary