

THE PUBLIC UTILITIES COMMISSION OF OHIO

FINDING AND ORDER

49 CFR. §382.115(a)	Failing to implement an alcohol and/or controlled substance test program.	\$400.00
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Technician AND Date Processed 9/17/08

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| 49 CFR. §391.23(a)(2) | Failing to investigate driver's previous employment record and/or safety performance history. | \$900.00 |
| 49 CFR §391.23(b) | Failing to obtain a copy of the driver's driving record. | \$800.00 |
| 49 CFR §391.45(a) | Using a driver not medically examined. | \$700.00 |
| 49 CFR §395.8(a) | Failing to make record of duty status. | \$2100.00 |
| 49 CFR §395.8(a) | Failing to make record of duty status. | \$2100.00 |
| 49 CFR §396.11(a) | Failing to require driver to prepare driver vehicle report. | \$2100.00 |
- (4) Respondent requested a conference pursuant to Rule 4901:2-7-10, OAC. The matter was discussed and the Respondent had a full opportunity to present any evidence that the violations did not occur as alleged, mitigating circumstances regarding the amount of the forfeiture and any other information relevant to the action proposed to be taken by Staff. At conference, Respondent notified staff that it had implemented new policies in order to comply with the regulations at issue in this matter. Those new company policies included: subjecting all drivers to employment record checks, drug testing and alcohol testing; obtaining and retaining a copy of all drivers' driving records; requiring a medical examination and certification for all drivers; and requiring all drivers to prepare and submit vehicle inspection reports and records of duty status. Because of the mitigating measures taken after the compliance review and based on its history with the Commission, Staff offered to settle this matter with Respondent by agreeing to accept payment of \$4,865.00 within 30 days and holding a payment of the same amount in abeyance, pending a follow-up audit within 12 months.
- (5) As the result of this conference, Staff and Respondent entered into a settlement agreement to resolve this case. Among the terms of the

settlement agreement, the Respondent agreed to make payment of \$4865.00. Respondent requested that it be allowed to pay over a five-month period. Staff has agreed to the requested payment plan.

- (6) Respondent further agrees to grant consensual access to the Staff to conduct compliance reviews, without notice, of all its facilities located in the state of Ohio, at any time during the period of one year from the effective date of this settlement agreement. In the event that the respondent fails to fulfill its obligations under this agreement or in the event that compliance reviews conducted during the period of one year following the effective date of this agreement reveal a pattern of violations of the Hazardous Materials Regulations 49 CFR Parts 171-180, or the Federal Motor Carrier Safety Rules, 49 CFR Parts 382, 383, 387, 390-397, by the Respondent, Strikeleather Enterprises agrees to make payment of an additional civil forfeiture of \$4865.00.
- (7) Rule 4901:2-7-11(C), O.A.C., provides that settlement agreements providing for the payment of civil forfeitures of one thousand dollars or more for any violation shall not be effective until approved by and made the order of the Commission.
- (8) The settlement agreement entered into between Staff and Respondent represents an equitable settlement of the matter and should be approved and adopted by the Commission.


It is, therefore,

ORDERED, That the terms and conditions of the settlement agreement entered into between Staff and Strikeleather Enterprise be approved and adopted by the Commission by this Finding and Order. It is, further,


ORDERED, That Strikeleather Enterprise pay \$4865.00 according to the payment plan set forth in the settlement agreement. Payments should be made payable to "Treasurer, State of Ohio", and mailed to the PUCO, Attention Fiscal Division, 13th Floor, 180 East Broad Street, Columbus, Ohio, 43215. In order to assure proper credit, Strikeleather Enterprise must write the inspection number (CR08C193) on the face of the check. It is, further,

ORDERED, That the Commission's Docketing Division serve a copy of this Finding and Order on Strikeleather Enterprise.

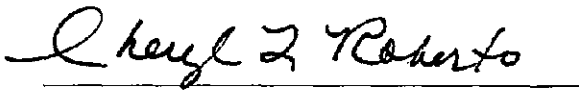
THE PUBLIC UTILITIES COMMISSION OF OHIO


Alan R. Schriber, Chairman


Paul A. Centolella


Ronda Hartman Fergus


Valerie A. Lemmie


Cheryl L. Roberto

REM:js

Entered in the Journal

SEP 17 2008


Renee J. Jenkins

Renee J. Jenkins
Secretary