



The Public Utilities Commission of Ohio

Monitoring marketplaces and enforcing rules to assure safe, adequate and reliable utility services.

08-1186-TR-CVF

Ted Strickland, Governor
Alan R. Schriber, Chairman

Commissioners

Ronda Hartman Fergus
Valerie A. Lemmie
Paul A. Centolella
Cheryl Roberto

SETTLEMENT AGREEMENT

Case NO. CR08H104

Respondent: HOT SHOT TRUCKING LLC

Date of Agreement: September 11, 2008

This agreement was reached between HOT SHOT TRUCKING LLC the Respondent in the above case (Respondent), and the Staff of the Public Utilities Commission of Ohio (staff), pursuant to Rule 4901:2-7-11(A), Ohio Administrative Code (O.A.C.).

On June 19, 2008, a Compliance Review was conducted by Staff of the Transportation Department Hazardous Materials Division at the Respondent's facility located at:

06235 JERICHO ROAD
HICKSVILLE, OH 43526

As the result of discovery of the following apparent violations of rule 4901:2-5-02, O.A.C, the Staff timely notified Respondent pursuant to Rule 4901:2-7-07, O.A.C., that it intended to make a civil monetary assessment against Respondent in the following amounts:

Code	Violation	Forfeiture
382.301(a)	Failing to have driver undergo pre-employment	\$ 400.00
391.45(b)(1)	using a driver not medically examined and cer	\$ 400.00
391.23(b)	failing to investigate drivers driving record	\$ 400.00
396.3(b)	Failing to keep minimum records of inspection	\$ 425.00
395.8(e)	False reports of records of duty status	\$ 0.00
395.8(e)	False reports of records of duty status	\$ 0.00
395.3(b)(2)	Requiring or permitting a property-carrying c	\$ 0.00
395.3(b)(2)	Requiring or permitting a property-carrying c	\$ 0.00
395.3(a)(2)	Requiring or permitting driver to drive after	\$ 0.00
395.3(a)(2)	Requiring or permitting driver to drive after	\$ 0.00
395.3(a)(1)	Requiring or permitting driver to drive more	\$ 0.00
395.3(a)(1)	Requiring or permitting driver to drive more	\$ 0.00
380.509(a)	failing to ensure each entry level CMV driver	\$ 0.00
391.21(a)	Using a driver who has not completed an applic	\$ 0.00
391.51(d)	Failing to keep CASUAL's DQ file in accordanc	\$ 0.00
395.8(f)	Failing to prepare RODS in form and manner pr	\$ 0.00
395.8(f)	Failing to prepare RODS in form and manner pr	\$ 0.00
396.9(d)(3)	Failing to keep inspection form 12 mo. at PPO	\$ 0.00

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A conference was conducted pursuant to Rule 4901:2-7-10(B), O.A.C., at which the Respondent had a full opportunity to present any reasons why the violations did not occur as alleged, mitigating circumstances regarding the amount of any forfeiture, and any other information relevant to the action proposed to be taken by Staff. As the result, for purposes of settlement, and not as an admission or evidence that the violation occurred, Respondent agrees that the following findings of violations may be included in the Respondent's hazardous materials compliance record, and in Respondent's history of violations insofar as they may be relevant for purposes of determining future penalty actions, and agrees to make immediate payment of the following forfeitures:

Code	Violation	Agreed Forfeiture
382.301(a)	Failing to have driver undergo pre-employment	\$ 280.00
391.45(b)(1)	using a driver not medically examined and cer	\$ 280.00
391.23(b)	failing to investigate drivers driving record	\$ 280.00
396.3(b)	Failing to keep minimum records of inspection	\$ 297.50
395.8(e)	False reports of records of duty status	\$ 0.00
395.8(e)	False reports of records of duty status	\$ 0.00
395.3(b)(2)	Requiring or permitting a property-carrying c	\$ 0.00
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395.3(a)(2)	Requiring or permitting driver to drive after	\$ 0.00
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395.3(a)(1)	Requiring or permitting driver to drive more	\$ 0.00
395.3(a)(1)	Requiring or permitting driver to drive more	\$ 0.00
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This agreement shall become effective when executed by both parties.

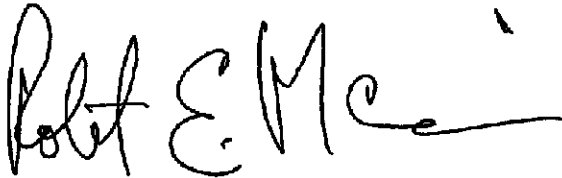
Respondent understands that this agreement may be adopted by the Commission as its order without notice pursuant to Rule 4901:2-7-11(D), O.A.C. If Respondent defaults in its obligations under this agreement, the commission may set this agreement aside and order the Respondent to pay the amount indicated in the Notice of Intention to Assess Forfeiture served in this case, pursuant to Rule 4901:2-7-11(E), O.A.C.

This agreement, which is subject to the Rules of the Commission, constitutes the entire agreement of the parties.

Date: 10/13/08


MR DAVID HUMPHREY

For: HOT SHOT TRUCKING LLC



Robert Marvin, Director
Transportation Department
Public Utilities Commission of Ohio

Date: September 19, 2008

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