

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Wayne K. Wild, Notice of)	Case No. 09-95-TR-CVF
Apparent Violation and Intent to Assess)	(OH3216300545D)
Forfeiture.)	Case No. 09-96-TR-CVF
)	(OH3216300545C)

FINDING AND ORDER

The Commission finds:

- (1) On June 20, 2008, a vehicle operated and driven by Wayne K. Wild (respondent) was inspected within the state of Ohio. The inspection resulted in the discovery of four apparent violations of the Code of Federal Regulations (C.F.R.): (a) no logbook (duty status records) in driver's possession in violation of 49 C.F.R. §395.8(a); (b) no medical certificate in driver's possession in violation of 49 C.F.R. §391.41(a); (c) driver transporting property (for-hire) in interstate commerce, without first obtaining the authority to do so, in violation of 49 C.F.R. §392.9a(a)(1); and (d) carrier failed to display USDOT numbers, while operating in interstate commerce and transporting property, in violation of 49 C.F.R. §390.21(a).
- (2) Respondent was timely served with a Notice of Preliminary Determination (NPD) in accordance with Rule 4901:2-7-12, Ohio Administrative Code (O.A.C.). The NPD assessed respondent \$800.00.
- (3) On February 9, 2009, respondent made a timely formal request for an administrative hearing pursuant to Rule 4901:2-7-13, O.A.C. Thereafter, a prehearing conference was held and a hearing was scheduled in the matter.
- (4) On August 3, 2009, the parties filed a settlement agreement which, in the parties' opinion, resolves all issues raised in the NPD.
- (5) In the settlement agreement, the parties agree and recommend that the Commission find:
 - (a) The staff and the respondent agree that the respondent does not contest the violations

referenced above. Further, the staff and the respondent agree that the respondent will pay a civil forfeiture in the amount of \$800.00.

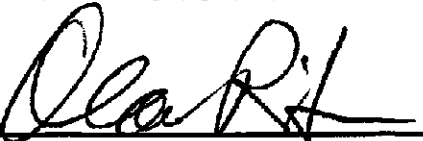
- (b) The staff and the respondent agree that the citations may be included in the respondent's Safety-Net record and history of violations insofar as they may be relevant for purposes of determining future penalty actions.
 - (c) Within 30 days of the effective date of this settlement agreement, the respondent shall make the first of eight separate installment payments of \$100.00 each month for eight consecutive months until the total amount of \$800.00 is paid in full. Each of the eight monthly payments shall be made using a certified check or money order payable to "Treasurer State of Ohio" and mailed to PUCO Fiscal, 180 East Broad Street, 13th Floor, Columbus, Ohio 43215-3793.
 - (d) This settlement agreement shall not become effective until adopted by the Commission. The date of the entry or order of the Commission adopting the settlement agreement shall be considered the effective date of the settlement agreement.
 - (e) This settlement agreement is made in settlement of all factual or legal issues in this case. It is not intended to have any effect whatsoever in any other case or proceeding.
- (6) 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 a copy of this finding and order be served on each party of record.


THE PUBLIC UTILITIES COMMISSION OF OHIO



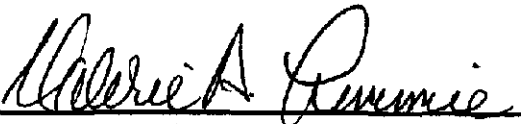
Alan R. Schriber, Chairman



Paul A. Centolella



Ronda Hartman Fergus



Valerie A. Lemmie



Cheryl L. Roberto

KKS/vrm

Entered in the Journal

AUG 26 2009



Renee J. Jenkins

Renee J. Jenkins
Secretary