

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Request of The)	
Sherwin-Williams Company for an)	Case No. 08-337-TR-CVF
Administrative Hearing.)	(3204302124S)

In the Matter of the Request of The)	
Sherwin-Williams Company for an)	Case No. 05-770-TR-CVF
Administrative Hearing.)	(8015002216)

In the Matter of the Request of The)	
Sherwin-Williams Company for an)	Case No. 05-170-TR-CVF
Administrative Hearing.)	(3206300383)
		(3236300095)
		(3258001312)

FINDING AND ORDER

The Commission finds:

- (1) On June 9, 2004, August 27, 2004, October 8, 2004, July 6, 2005, and August 27, 2007, vehicles containing hazardous materials offered for transportation by The Sherwin-Williams Company (Respondent) were inspected within the State of Ohio. Each inspection resulted in the discovery of the following apparent violation: improper loading of hazardous materials, in violation of 49 C.F.R. Section 173.30, as adopted by the Commission.
- (2) Respondent was timely served with notices of preliminary determination (NPD) in accordance with Rule 4901:2-7-12, Ohio Administrative Code (O.A.C.). The NPDs assessed Respondent a total of \$2,490.00 for the alleged violations.
- (3) Respondent made timely requests for administrative hearings pursuant to Rule 4901:2-7-13, O.A.C.
- (4) Prehearing conferences were held on May 24, 2005, September 30, 2005, and August 6, 2008.
- (5) On September 5, 2008, the parties filed a settlement agreement which, in the parties' opinion, resolves all issues raised in the

NPD. In the settlement agreement, Staff and Respondent agree, and recommend that the Commission find, as follows:

- (a) Respondent agrees to pay a civil forfeiture in the amount of \$1,245.00.
 - (b) The settlement agreement shall not become effective until adopted by the Commission. The date of the Commission entry or order adopting the settlement agreement shall be considered the effective date of the settlement agreement.
 - (c) The settlement agreement is made in settlement of all factual or legal issues in this case. It is not intended to have any effect in any other case or proceeding. Neither the agreement, nor any of its terms shall constitute or be construed as, or be used as evidence of, an admission of fact or law or an acknowledgement of a violation of any law or regulation.
- (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 Respondent pay a total civil forfeiture of \$1,245.00 within 30 days after the effective date of this Finding and Order. Payment should be made payable to "Treasurer, State of Ohio" and mailed to PUCO, Attention Fiscal Division, 13th Floor, 180 East Broad Street, Columbus, Ohio 43215. In order to assure proper credit, Respondent is directed to write the case numbers on the face of the check. It is, further,

ORDERED, That Case Nos. 08-337-TR-CVF, 05-770-TR-CVF, and 05-170-TR-CVF be dismissed. It is, further,

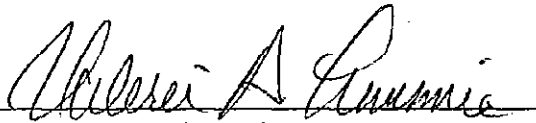
ORDERED, That a copy of this Finding and Order be served upon Respondent and all other interested parties of record.

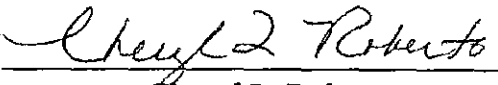
THE PUBLIC UTILITIES COMMISSION OF OHIO

Alan R. Schriber, Chairman


Paul A. Centolella


Ronda Hartman Fergus

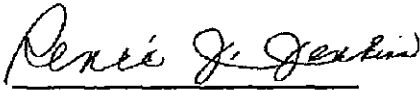

Valerie A. Lemmie


Cheryl L. Roberto

GAP:ct

Entered in the Journal

NOV 04 2008



Renee J. Jenkins
Secretary