

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Casey Jones, Notice of )  
Apparent Violation and Intent to Assess ) Case No. 09-100-TR-CVF  
Forfeiture. ) (OH3238003724D)

FINDING AND ORDER

The Commission finds:

- (1) On August 21, 2008, a vehicle operated by New Century Transportation Inc. and driven by Casey Jones (respondent) was inspected within the state of Ohio. The inspection resulted in the discovery of one apparent violation of the Code of Federal Regulations (C.F.R.): driver failing to use seat belt while operating a commercial motor vehicle in violation of 49 C.F.R. §392.16.
- (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 a \$100.00 civil forfeiture against respondent.
- (3) On February 12, 2009, respondent filed a formal request for an administrative hearing pursuant to Rule 4901:2-7-13, O.A.C. Thereafter, a prehearing conference was held in the matter.
- (4) On April 7, 2009, the parties filed a settlement agreement which, in the parties' opinion, resolves all of the 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 will pay a civil forfeiture in the amount of \$100.00.
  - (b) For purposes of settlement, and not as an admission or evidence that the violations occurred, 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) The respondent shall have 30 days from the Commission order adopting the settlement agreement to make the first of two separate installment payments of \$50.00 each month for two consecutive months until the total amount of \$100.00 is paid-in-full. Each of the two 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, 4th 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 affect 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,

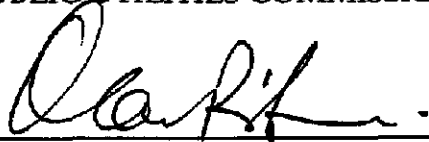
ORDERED, That the settlement agreement submitted in this case be approved and adopted in its entirety. It is, further,

ORDERED, That Casey Jones pay a civil forfeiture of \$100.00 in two monthly payments as specified in finding (5)(c) 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, 4th Floor, 180 East Broad Street, Columbus, Ohio 43215. In order to assure proper credit, Casey Jones is directed to write the inspection number (OH3238003724D) on the face of the check or money order. It is, further,

ORDERED, That Case No. 09-100-TR-CVF be dismissed. It is, further,

ORDERED, That a copy of this finding and order be served on each party of record.

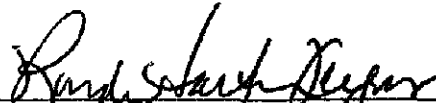
THE PUBLIC UTILITIES COMMISSION OF OHIO



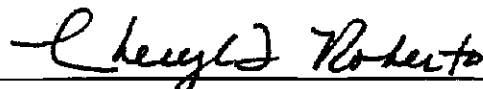
Alan R. Schriber, Chairman



Paul A. Centolella



Ronda Hartman Fergus



Cheryl L. Roberto

Valerie A. Lemmie

HPG:ct

Entered in the Journal

DEC 02 2009



Renee J. Jenkins  
Secretary