

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Jack Shaffer, Notice of)
Apparent Violation and Intent to Assess) Case No. 08-722-TR-CVF
Forfeiture.) (OH0191003260D)

FINDING AND ORDER

The Commission finds:

- (1) On September 18, 2007, a vehicle operated by Quality Supplier Trucking Inc. and driven by Jack Shaffer (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.): using or equipping a commercial motor vehicle with a radar detector in violation of 49 C.F.R. §392.71(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 a \$100.00 civil forfeiture against respondent.
- (3) On June 13, 2008, 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 and a hearing was scheduled in the matter.
- (4) On December 30, 2008, 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 civil forfeiture will be waived in full.
 - (b) 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.

- (c) 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.

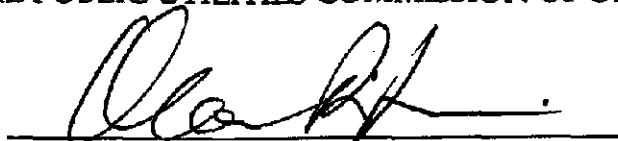
It is, therefore,

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

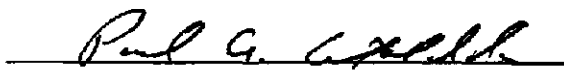
ORDERED, That Case No. 08-722-TR-CVF be dismissed. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO



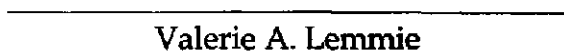
Alan R. Schriber, Chairman



Paul A. Centolella



Ronda Hartman Fergus



Valerie A. Lemmie

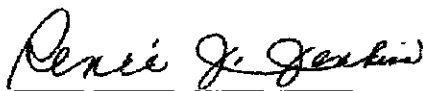


Cheryl L. Roberto

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Entered in the Journal

DEC 02 2009



Renee J. Jenkins
Secretary