

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Bob Stratton/Service 1	)	Case No. 10-75-TR-CVF
Marine, Notice of Apparent Violation and	)	(OH1071001909C)
Intent to Assess Forfeiture.	)	(OH1071001909D)

FINDING AND ORDER

The Commission finds:

- (1) On May 15, 2009, a vehicle operated by Bob Stratton/Service 1 Marine (respondent carrier or carrier) and driven by Michael A. Bukowski (respondent driver or driver) (together, respondents) was inspected within the state of Ohio. The inspection resulted in the discovery of the following apparent violations of the Code of Federal Regulations (C.F.R.): (a) failing to display carrier's USDOT number, as required by 49 C.F.R. §390.21(b), (b) failing to pay UCR fee, as required under 49 C.F.R. §392.2, (c) operating without the required operating authority, as required by 49 C.F.R. §392.9a(a)(1), (d) failing to retain previous seven days of logs, as required by 49 C.F.R. §395.8(k)(2), and (e) driving a CMV while disqualified in violation of 49 C.F.R. §391.15.
- (2) Respondents were 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 the carrier and the driver \$700.00 and \$600.00, respectively.
- (3) On January 21, 2010, respondents 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 May 7, 2010, the parties filed settlement agreements which, in the parties' opinion, resolve all issues raised in the NPDs.
- (5) In the settlement agreements, the parties agree and recommend that the Commission find:
  - (a) The parties agree to total civil forfeitures of \$700.00 (carrier) and \$600.00 (driver).

- (b) The Commission staff and the respondent carrier agree that the carrier citations for 49 C.F.R. §390.21(b) - failing to display the carrier USDOT Number, 49 C.F.R. §392.2 - failing to pay UCR fee, and 49 C.F.R. §392.9a(a)(1) - operating without the required operating authority, may be included in the respondent carrier's Safety-Net record and history of violations for purposes of determining future penalty actions.
- (c) The Commission staff and the respondent driver agree that the driver citations for 49 C.F.R. §395.8(k)(2) - failing to retain previous seven days log and 49 C.F.R. §391.15(a) - driving a CMV while disqualified, may be included in respondent driver's Safety-Net record and history of violations for purposes of determining future penalty actions.
- (d) Within 30 days of the effective date of the settlement agreements, respondent carrier shall make a payment of \$100.00 each month for seven consecutive months until the balance or total amount of \$700.00 is paid-in-full. Each of the seven payments shall be made using a certified check or money order payable to: "Treasurer State of Ohio," and mailed to: PUCO Fiscal, 180 E. Broad St., 4th Floor, Columbus, Ohio 43215-3793. The case number should be referenced with all payments.
- (e) Within 30 days of the effective date of the settlement agreements, respondent driver shall make a payment of \$50.00 each month for 12 consecutive months until the balance or total amount of \$600.00 is paid-in-full. Each of the 12 payments shall be made using a certified check or money order payable to: "Treasurer State of Ohio," and mailed to: PUCO Fiscal, 180 E. Broad St., 4th Floor, Columbus, Ohio 43215-3793. The case number should be referenced with all payments.

- (f) The settlement agreements shall not become effective until adopted by an order of the Commission. The date of the Commission order adopting the settlement agreements shall be considered the effective date of the settlement agreements.
  - (g) The settlement agreements are made in settlement of all factual or legal issues in this case. They are not intended to have any affect whatsoever in any other case or proceeding.
- (6) The Commission finds that the settlement agreements submitted in this case are reasonable. Therefore, the settlement agreements should be approved and adopted in their entirety.

It is, therefore,

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

ORDERED, That Bob Stratton/Service 1 Marine and Michael A. Bukowski pay civil forfeitures of \$700.00 and \$600.00, respectively, under the terms set forth in the settlement agreements in this matter. Payments should be made payable to "Treasurer, State of Ohio" and mailed to PUCO, Attention: Fiscal Division, 4<sup>th</sup> Floor, 180 East Broad Street, Columbus, Ohio 43215. In order to assure proper credit, Bob Stratton/Service 1 Marine and Michael A. Bukowski are directed to write the inspection numbers (carrier - OH1071001909C and driver - OH1071001909D) on the face of their checks or money orders. 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

  
Valerie A. Lemmie

  
Steven D. Lesser

  
Cheryl L. Roberto

KKS/vrm

Entered in the Journal

**JUN 02 2010**

  
Renee J. Jenkins

Renee J. Jenkins  
Secretary