

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Milan Express Co., Inc.,)
Notice of Apparent Violation and Intent)
to Assess Forfeiture.)

Case No. 10-1005-TR-CVF
(OH3206301720C)

FINDING AND ORDER

The Commission finds:

- (1) On April 27, 2010, a vehicle operated by Milan Express Co., Inc. (Respondent) and driven by Richard A. Nelson was inspected within the State of Ohio by staff of the Department of Public Safety (Staff). During the inspection, the following violation was found:

49 C.F.R. Sec. 177.834(a) Package not secured in vehicle

- (2) Staff timely served Respondent with a notice of preliminary determination (NPD) in accordance with Rule 4901:2-7-12, Ohio Administrative Code (O.A.C.). A \$3,840.00 civil forfeiture was assessed by Staff for the alleged violations.
- (3) Respondent made a timely request for an administrative hearing pursuant to Rule 4901:2-7-13, O.A.C.
- (4) The parties participated in a settlement conference on November 5, 2010.
- (5) On December 29, 2010, 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 has improved its carrier history since Staff proposed the civil forfeiture for this case. At the time the civil forfeiture was proposed, Respondent had a "History 4" rating. Respondent has improved that rating, which currently is a "History 2" rating.
 - (b) Respondent shall pay a civil forfeiture of \$1,920.00 for the violation.

- (c) For purposes of settlement, and not as an admission or evidence that the violation occurred, Staff and Respondent agree that the citation may be included in Respondent's Safety-Net record and history of violation, insofar as it may be relevant for purposes of determining future penalty actions.
 - (d) The 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) The settlement agreement is made in settlement of all factual and 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. Respondent shall have 30 days from the entry of the Commission order adopting the settlement agreement to pay \$1,920.00. The payments shall be made using a certified check or money order payable to "Treasurer, State of Ohio" and mailed to PUCO Fiscal Division, 180 E. Broad Street, Columbus, Ohio 43215-3793. In order to ensure proper credit, Respondent is directed to write the inspection number OH3206301720C on the face of the check.

It is, therefore,

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

ORDERED, That Case No. 10-1005-TR-CVF be dismissed. It is, further,

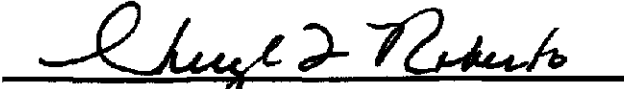
ORDERED, That a copy of this entry be served upon Milan Express Co., Inc., and all other interested parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO


Steven D. Lesser, Chairman


Paul A. Centolella

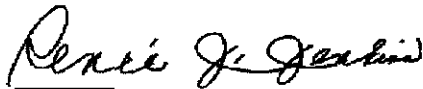

Valerie A. Lemmie


Cheryl L. Roberto

JML/dah

Entered in the Journal

JAN 11 2011



Renee J. Jenkins
Secretary