

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Request)
of Charles Arn, Jr., for an) Case No. 09-1867-TR-CVF
Administrative Hearing.) (OH0841007229D)

FINDING AND ORDER

The Commission finds:

- (1) On May 7, 2009, a vehicle operated by Dart Trucking Company Inc. and driven by Charles Arn, Jr. (Respondent) was inspected within the State of Ohio. The inspection resulted in the discovery of two apparent violations: (1) failing to use seat belt while operating CMV in violation of 49 C.F.R. § 392.16; and (2) using a physically unqualified driver in violation of 49 C.F.R. § 391.11(b)(4).
- (2) Staff timely served Respondent with a notice of preliminary determination, in accordance with Rule 4901:2-7-12, Ohio Administrative Code (O.A.C.), that assessed a civil forfeiture of \$350.00.
- (3) On November 27, 2009, Respondent made a formal request for an administrative hearing pursuant to Rule 4901:2-7-13, O.A.C.
- (4) On October 1, 2010, the parties filed a settlement agreement. The settlement agreement consists of the following provisions:
 - (a) The Staff and the Respondent agree that the Respondent will pay a civil forfeiture in the amount of \$250.00 as the sole penalty in this case. The reduction is based on the investigating officer's

statement that he intended to issue only a warning for the seat belt violation.

- (b) Within 30 days of the effective date of this settlement agreement, the Respondent shall make the first of ten separate installment payments of \$25.00 each month for ten consecutive months until the total amount of \$250.00 is paid-in-full. Each of the ten monthly 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 inspection number (OH0841007229D) should be written on each certified check or money order.
 - (c) 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.
 - (d) This settlement agreement is made in settlement of all factual or legal issues in this case. It is not intended to have any effect whatsoever in any other case or proceeding.
- (5) The Commission finds that the settlement agreement is reasonable and should be approved and adopted.

It is, therefore,

ORDERED, That the settlement agreement be approved and adopted. It is, further,

ORDERED, That Respondent is ordered to pay the state of Ohio as set forth in finding 4. It is, further,

ORDERED, That if payment is not received in accordance with the settlement agreement, the Attorney General of Ohio take the appropriate action to enforce this order as provided by law. It is, further,

ORDERED, That this case be closed. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

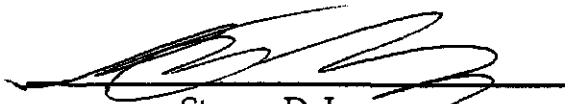
Todd A. Snitchler, Chairman



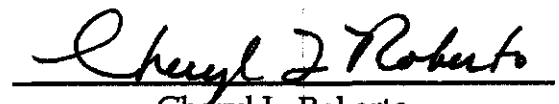
Paul A. Centolella



Valerie A. Lemmie



Steven D. Lesser



Cheryl L. Roberto

GAP/sc

Entered in the Journal

MAR 09 2011



Renee J. Jenkins
Secretary