

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Hill Farms Trucking,)
LLC., Notice of Apparent Violation and) Case No. 10-422-TR-CVF
Intent to Assess Forfeiture.) (CR10C078)

FINDING AND ORDER

The Commission finds:

- (1) On December 11, 2009 the Commission's staff conducted a compliance review of a facility operated by Hill Farms Trucking, LLC. (Respondent), located at 8901 State Route 762, Orient, Ohio. In the above-captioned inspection report, staff cited respondent with the following violations of the Code of Federal Regulations (C.F.R.):

49 C.F.R. § 382.303(a) Failing to conduct a post accident alcohol test on driver following a recordable crash;

49 C.F.R. § 382.303(b) Failing to conduct post accident testing on driver for controlled substances;

49 C.F.R. § 382.305 Failing to implement a random drug/alcohol test program;

49 C.F.R. § 395.8(i) Failing to submit record duty status within 13 days.

- (2) On March 15, 2010, staff served a notice of preliminary determination upon respondent in accordance with Rule 4901:2-7-12, Ohio Administrative Code (O.A.C.), to assess a civil forfeiture of \$2,600.00. On April 1, 2010, respondent filed a request for an administrative hearing pursuant to Rule 4901:2-7-13, O.A.C.

- (3) On March 14, 2011, the parties filed a settlement agreement, which includes the following provisions:

- (a) The parties agree to a civil forfeiture of \$ 1,800 for the violations contained in the compliance review report. Staff agrees to waive the two monetary fines associated with the post accident drug/alcohol testing

violations, which total \$800, because respondent provided sufficient documentary proof that the truck involved in the referenced accident was not registered to respondent and the driver of said vehicle was terminated by respondent prior to the accident.

- (b) The Commission staff and respondent agree that the violations served on respondent in the compliance review report and notice of preliminary determination may be included in respondent's Safety-Net record and history of violations for purposes of determining future penalty actions.
 - (c) Within 30 days of the effective date of the settlement agreement, respondent shall make a payment of \$1,800.00 by submitting a certified check or money order payable to "Treasurer State of Ohio," and mailed to: PUCO Fiscal, 180 East Broad St., 4th Floor, Columbus, OH 43215-3793. The case number (CR10C078) should be referenced with the payment.
- (4) 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 (3). It is, further,

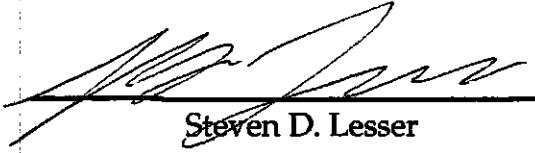
ORDERED, That if payment is not received in accordance with the settlement agreement, the Attorney General of Ohio take the appropriate action to enforce this order as provided by law. It is, further,

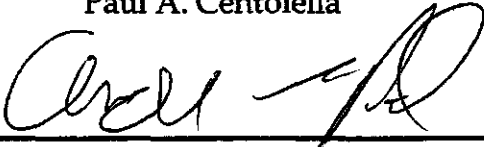
ORDERED, That a copy of this finding and order be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO


Todd A. Snitchler, Chairman


Paul A. Centolella


Steven D. Lesser

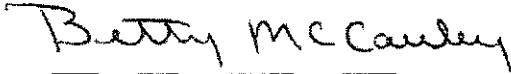

Andre T. Porter


Cheryl L. Roberto

RMB/dah

Entered in the Journal

MAY 04 2011


Betty McCauley
Secretary