

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Todd A. Ruck, Inc.,)	Case No. 12-606-TR-CVF
Notice of Apparent Violation and Intent)	(OH3272008730C)
to Assess Forfeiture.)	

FINDING AND ORDER

The Commission finds:

- (1) On July 28, 2011, Staff conducted an inspection of a commercial motor vehicle operated by Todd A. Ruck, Inc. (Respondent) and driven by James W. Collier. The inspection resulted in a citation for one violation of 49 Code of Federal Regulations (C.F.R.) 392.2—failure to pay the Unified Carrier Registration (UCR) fee.
- (2) Pursuant to Rule 4901:2-7-12, Ohio Administrative Code (O.A.C.), Staff served a notice of preliminary determination (NPD) upon the Respondent alleging a violation of the Commission's transportation regulations and assessing a \$500 civil forfeiture.
- (3) On February 9, 2012, Respondent filed a request for an administrative hearing in accordance with Rule 4901:2-7-13, O.A.C.
- (4) On March 28, 2012, the parties filed a settlement agreement, which in the parties' opinion, resolves all of the issues raised in the NPD.
- (5) The settlement agreement provides:
 - (a) Respondent admits to a violation of 49 C.F.R. 392.2 and acknowledges that the violation may be included in Respondent's Safety-Net Record and history of violations, insofar as it may be relevant for purposes of determining future penalty actions.

- (b) Respondent mistakenly believed its operations were intrastate in nature and, therefore, not subject to the UCR fee and Staff accepts Respondent's representation. Upon learning of its obligation to do so, Respondent paid \$1,714 to satisfy its UCR requirements.
 - (c) Because Respondent promptly paid the UCR fee, Staff and Respondent recommend that a forfeiture of \$100 be assessed for the violation.
 - (d) The settlement agreement shall not become effective until adopted by the Commission. The date of the Commission's entry or order adopting the settlement agreement shall be considered the effective date of the settlement agreement. Further, the settlement agreement is intended to resolve only factual or legal issues raised in this case and is not intended to have any effect in any other case or proceeding.
- (6) As such, the Commission finds that the settlement agreement submitted in this case is reasonable. Therefore, the settlement agreement is hereby approved and adopted in its entirety. Respondent should pay the \$100 civil forfeiture within 30 days of the date of the Commission's approval of this finding and order. Payment shall be made by certified check or money order made payable to the "Treasurer State of Ohio" and mailed to PUCO Fiscal, 180 East Broad Street, 4th Floor, Columbus, Ohio 43215-3793. The case number (OH3272008730C) should appear on the face of the check or money order.

It is, therefore,

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


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

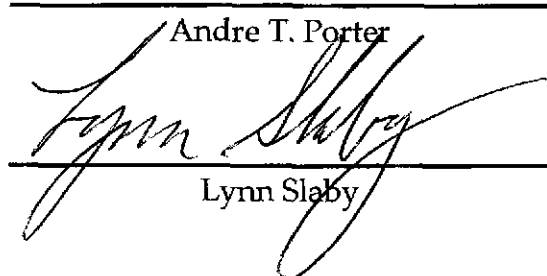
THE PUBLIC UTILITIES COMMISSION OF OHIO


Todd A. Smith, Chairman


Steven D. Lesser


Andre T. Porter


Cheryl L. Roberto


Lynn Slaby

SEF/sc

Entered in the Journal

APR 25 2012



Barcy F. McNeal
Secretary