

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Brian D. Engle,)	Case No. 12-432-TR-CVF
Notice of Apparent Violation and)	(OH3271006641D)
Intent to Assess Forfeiture.)	

FINDING AND ORDER

The Commission finds:

- (1) On September 29, 2011, Staff conducted an inspection of a commercial motor vehicle operated by The Electrical Trades Center and driven by Brian D. Engle (Respondent). The inspection resulted in a citation for one violation of 49 Code of Federal Regulations (C.F.R.) 391.11(b)(5) - not properly licensed for the type of vehicle being operated, and one violation of 49 C.F.R. 391.41(a) - failure to have a valid medical certificate on driver's possession.
- (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 violations of the Commission's transportation regulations and assessing a \$350.00 civil forfeiture for the carrier violations.
- (3) On January 24, 2012, Respondent filed a request for an administrative hearing in accordance with Rule 4901:2-7-13, O.A.C.
- (4) On June 1, 2012, the parties filed a settlement agreement, which in the parties' opinion, resolves all of the issues raised in the NPD.
- (5) In the settlement agreement, the parties agree and recommend that the Commission find:
 - (a) For the purposes of settlement only, and not as an admission that the alleged violations occurred, Respondent agrees that the violations of 49 C.F.R. 391.11(b)(5), and

391.41(a) may be included in Respondent's Safety-Net Record and history of violations, insofar as may be relevant for purposes of determining future penalty actions.

- (b) Respondent will pay the civil forfeiture of \$350.00 within 30 days of the Commission's order approving this settlement agreement. The payments 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 (OH3271006641D) should appear on the face of the check.
- (c) 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) The Commission finds that the settlement agreement submitted in this case is reasonable. Therefore, the settlement agreement should be approved and adopted in its entirety.

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.

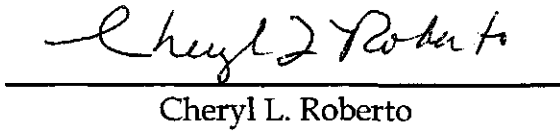
THE PUBLIC UTILITIES COMMISSION OF OHIO



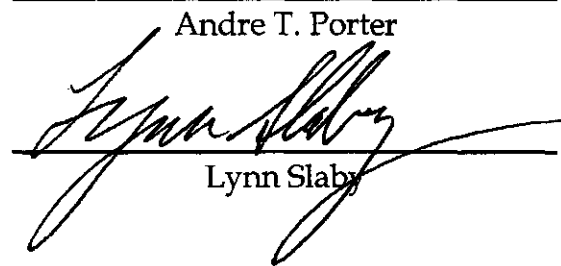
Todd A. Snitchler, Chairman



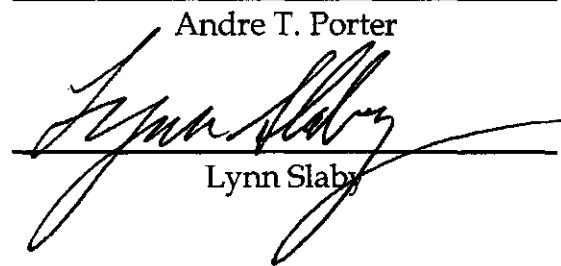
Steven D. Lesser



Cheryl L. Roberto



Andre T. Porter

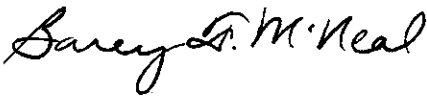


Lynn Slaby

JJT/sc

Entered in the Journal

JUN 20 2012



Barcy F. McNeal
Secretary