

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Pop's Auto LLC, Notice )  
of Apparent Violation and Intent to ) Case No. 12-2894-TR-CVF  
Assess Forfeiture. ) (OH0616000984C)

FINDING AND ORDER

The Commission finds:

- (1) On May 31, 2012, Staff conducted an inspection of a vehicle operated by Pop's Auto LLC (Respondent). The inspection resulted in violations of: 49 Code of Federal Regulations (C.F.R.) 390.21B- carrier name and/or USDOT number not displayed; and 49 CFR 392.2 - failure to register.
- (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 \$600.00 civil forfeiture.
- (3) On November 1, 2012, Scott J. Williamson, acting on behalf of Respondent, filed a request for an administrative hearing in accordance with Rule 4901:2-7-13, O.A.C.
- (4) A prehearing conference was held on December 20, 2012.
- (5) On January 3, 2013, the parties filed a settlement agreement, which in the parties' opinion, resolves all of the issues raised in the NPD.
- (6) 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, Staff agrees to reduce the civil forfeiture from \$600.00 to \$200.00 for the alleged violations. The parties note that Respondent is now aware that, in the event Respondent transports property in interstate

commerce by means of commercial vehicle, it must conform its conduct with the applicable transportation regulations.

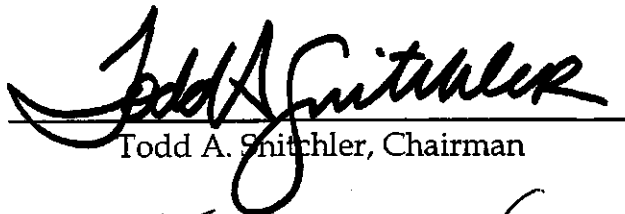
- (b) Respondent agrees that, if in a separate proceeding it is found in violation of 49 C.F.R. 390.21B it will be subject to a \$300.00 civil forfeiture, and for a violation of 49 C.F.R. 392.2, it will be subject to a \$1,500.00 civil forfeiture.
  - (c) The civil forfeiture of \$200.00 shall be paid by check or money order within 30 days of the Commission's order approving the settlement agreement. The payment should be made payable to the "Treasurer State of Ohio" and mailed to PUCO Fiscal, 180 East Broad Street, 4<sup>th</sup> Floor, Columbus, Ohio 43215-3793. The case number (OH0616000984C) should appear on the face of the payment.
  - (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.
- (7) 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,

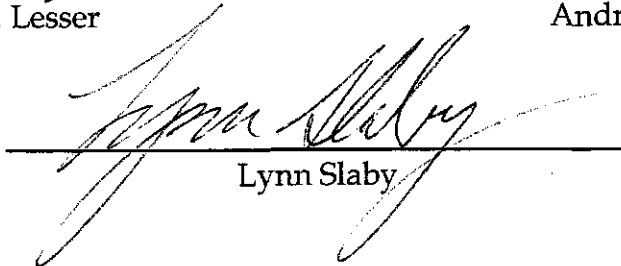
ORDERED, That a copy of this finding and order be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

  
Todd A. Snitchler, Chairman

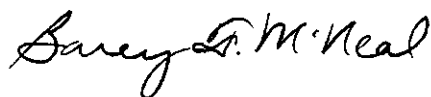
  
Steven D. Lesser

  
Andre T. Porter

  
Lynn Slaby

JJT/sc

Entered in the Journal  
**JAN 16 2013**

  
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Barcy F. McNeal  
Secretary