

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Burlen L. Collins,)
Notice of Apparent Violation and) Case No. 13-204-TR-CVF
Intent to Assess Forfeiture.) OH3267006087D

FINDING AND ORDER

The Commission finds:

- (1) On August 13, 2012, Commission Staff (Staff) conducted an inspection of a commercial motor vehicle (CMV) operated by Burlen L. Collins (respondent). The inspection resulted in a citation for a violation of 49 Code of Federal Regulation (C.F.R.) 392.5(a), operating a CMV with a detectable presence of alcohol.
- (2) Pursuant to Rule 4901:2-7-12, Ohio Administrative Code (O.A.C.), Staff served a notice of preliminary determination upon respondent alleging a violation of the Commission's transportation regulations and assessing a \$500.00 civil forfeiture.
- (3) On January 14, 2013, PSC Metals-Mitco LLC, for whom Mr. Collins was operating the CMV, filed a request for an administrative hearing in accordance with Rule 4901:2-7-13, O.A.C.
- (4) Both Staff and respondent's counsel participated in a settlement conference held on February 12, 2013.
- (5) On March 15, 2013, as modified April 8, 2013, a settlement agreement was filed in this matter that, in the parties' opinion, resolves all issues raised in the NPD.
- (6) In the settlement agreement, the parties agree and recommend that the Commission find:
 - (a) The violation listed above may be included in respondent's history of violations, insofar as it may be relevant for purposes of determining future penalty actions.

- (b) The respondent agrees to pay a civil forfeiture in the amount of \$500.00 to resolve the case in ten consecutive monthly payments of \$50.00 commencing within 30 days of the Commission's order approving this settlement agreement. The payments shall be made payable to "Treasurer State of Ohio," and they shall be mailed to PUCO Fiscal, 180 E. Broad St., 4th floor, Columbus, OH 43215-3793. The case number (OH3267006087D) should appear on the face of each check.
- (d) 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. This settlement agreement is intended to resolve only factual or legal issues raised in this case. It is not intended to have any effect whatsoever 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,

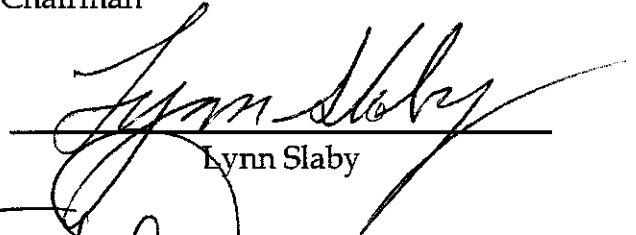
ORDERED, That respondent will pay a civil forfeiture of \$500.00 in ten consecutive monthly payments of \$50.00 commencing within 30 days of the Commission's order approving this settlement agreement. The payments shall be made payable to "Treasurer State of Ohio," and they shall be mailed to PUCO Fiscal, 180 E. Broad St, 4th floor, Columbus, OH 43215-3793. The case number (OH3267006087D) should appear on the face of each check. It is, further,

ORDERED, That a copy of this finding and order be served upon each party of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO


Todd A. Snitchler, Chairman

Steven D. Lesser

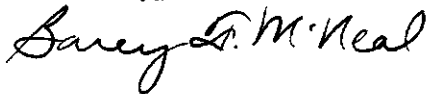

Lynn Slaby


M. Beth Trombold

KLS/sc

Entered in the Journal

APR 24 2013



Barcy F. McNeal
Secretary

Barcy F. McNeal
Secretary