

order, to file an application for rehearing that includes a request to terminate and withdraw from the Settlement Agreement. Upon the application for rehearing and request to terminate and withdraw from the Settlement Agreement being granted by the Commission, the Settlement Agreement shall immediately become null and void. In such event, the parties shall proceed to a hearing as if this Settlement Agreement had never been executed.

II. History

- A. On October 4, 2012, a commercial motor vehicle operated by Respondent was inspected within the State of Ohio.
- B. As a result of the inspection, Respondent was cited for four separate violations of 49 C.F.R. 177.823(a) (No placards markings when required) with each violation corresponding to a different type of hazardous material Respondent was transporting, those being hazardous materials classes 3,5.1,6.1, and 8.
- C. Respondent was timely served with a notice of preliminary determination in accordance with Rule 4901:2-7-12, O.A.C. The notice of preliminary determination notified respondent that Staff intended to assess a civil forfeiture \$5,040.00 for each violation 49 C.F.R. §177.823(a), resulting a total civil forfeiture of \$20,160.00. At the time of the inspection and the assessment of the civil forfeiture, Respondent was subject to a history factor of 4. Consequently, the total forfeiture reflects an amount that is

quadrupled from what the forfeiture would have been had the respondent not been subject to a history factor of 4.

- D. Respondent requested an administrative hearing pursuant to 4901:2-7-13, O.A.C.
- E. The parties have negotiated this Settlement Agreement, which the parties believe resolves all of the issues raised in the notice of preliminary determination.

III. Settlement Agreement

The Staff and Respondent agree and recommend that the Commission find as follows:

- A. Respondent admits the violations of 49 C.F.R. 177.823(a) and agrees to pay \$5,040.00 of the civil forfeiture as described in sub-paragraph III B, below. The remainder of the civil forfeiture will be held in abeyance until July 1, 2014. On that date, the civil forfeiture will be recomputed using the history factor that Respondent is then subject to (1, 2, or 4). Respondent will pay the difference between the recomputed civil forfeiture and the \$5,040.00 already paid, as described in sub-paragraph III C below.
- B. Respondent will pay the civil forfeiture of \$5,040.00 within thirty (30) days of the Commission's order approving this Settlement Agreement. The payment shall be made by check or money order made payable to "Treasurer State of Ohio," and shall be mailed to PUCO Fiscal, 180 E.

Broad St., 4th floor, Columbus, OH 43215-3793. The case number (OH0111004939C) must appear on the face of the check.

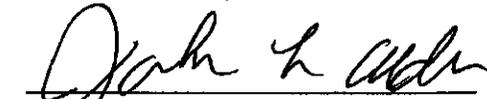
- C. Respondent will pay any remaining civil forfeiture resulting from the re-computation of the civil forfeiture under sub-paragraph A within thirty (30) days of the Commission order determining that additional monies are owed according to sub-paragraph A. Any payment ordered shall be made by check or money order made payable to "Treasurer State of Ohio," and shall be mailed to PUCO Fiscal, 180 E. Broad St., 4th floor, Columbus, OH 43215-3793. The case number (OH0111004939C) must appear on the face of the 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 the factual or legal issues raised in this case as it relates to the Respondent. This Settlement Agreement is not intended to have any effect whatsoever in any other case or proceeding.

IV. Conclusion

The undersigned respectfully request that the Commission adopt the agreement in its entirety.

The parties manifested their consent and authority to enter into the Settlement Agreement by signing below on this 14th day of August, 2013.

*On Behalf of Respondent, Ozark Motor
Lines, Inc.*

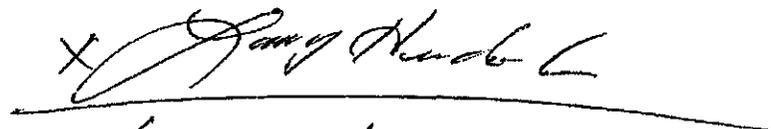


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*On Behalf of the Staff of the
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*LARRY HENDRICK'S
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OZARK MOTOR LINES, INC.*