

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Request of Timothy J.) Case No. 13-789-TR-CVF
Drumm for an Administrative Hearing.) (OH1251000454D)

FINDING AND ORDER

The Commission finds:

- (1) On August 16, 2012, an inspection of a vehicle operated by Timothy J. Drumm (Respondent) was conducted. The inspection resulted in a violation of 49 Code of Federal Regulations 392.16, failure to use a seatbelt while operating a commercial motor vehicle.
- (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 \$100.00 civil forfeiture.
- (3) On July 31, 2013, the parties filed a settlement agreement, which in the parties' opinion, resolves all of the issues raised in the NPD.
- (4) 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 violation occurred, Respondent agrees that the violation may be included in his history of violations, insofar as it may be relevant for the purposes of determining future penalty actions.
 - (b) Respondent agrees to pay the \$100.00 forfeiture amount in four monthly payments of \$25.00 commencing within 30 days of the Commission's order approving this settlement agreement. The payment should be 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 (OH1251000454D) should appear on the face of the payment.

- (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.
- (5) 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,

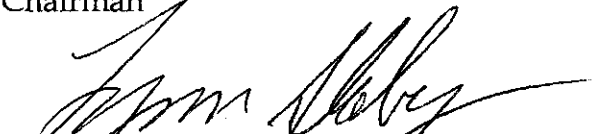
ORDERED, That the settlement agreement submitted in this case be approved and adopted in its entirety. It is, further,

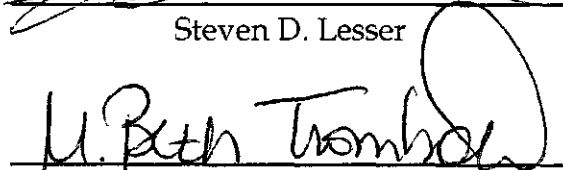
ORDERED, That a copy of this finding and order be served upon all parties of record.

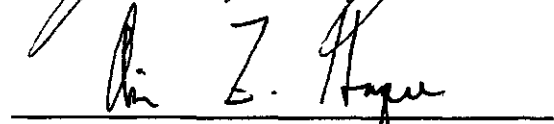
THE PUBLIC UTILITIES COMMISSION OF OHIO


Todd A. Snitchler, Chairman


Steven D. Lesser

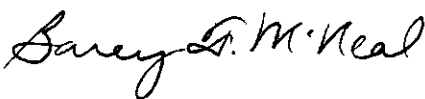

Lynn Slaby


M. Beth Trombold


Asim Z. Haque

JJT/sc

Entered in the Journal **AUG 21 2013**


Barcy F. McNeal
Secretary