

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Robert L. Columbo, )	Case No. 13-1684-TR-CVF
Notice of Apparent Violation and Intent )	(OH3225002995C)
to Assess Forfeiture. )	

FINDING AND ORDER

The Commission finds:

- (1) On March 29, 2013, Staff conducted a roadside inspection of a commercial motor vehicle operated by Robert L. Columbo (Respondent). The inspection resulted in the discovery of the following violations: 49 C.F.R. 393.51 (no or defective brake warning device) and 49 C.F.R. 390.21(b) (carrier name or USDOT number not displayed).
- (2) Respondent was served with a Notice of Preliminary Determination (NPD), pursuant to Rule 4901:2-7-12, Ohio Administrative Code (O.A.C.), which contained a total assessment of \$150.00 for the violations.
- (3) On July 25, 2013, Respondent requested an administrative hearing pursuant to Section 4901:2-7-13, O.A.C.
- (4) On October 21, 2013, the parties filed a settlement agreement in which the parties agree, and recommend that the Commission find, as follows:
  - (a) Respondent agrees to the aforementioned violations and recognizes that the violations may be included in Respondent's Safety-Net Record and history of violations, insofar as they may be relevant for purposes of determining future penalty actions.
  - (b) Based on evidence of mitigating circumstances, the parties agree that the civil forfeiture shall be reduced to \$100.00.

- (c) The settlement agreement shall not become effective until adopted by the Commission. The date of the Commission order adopting the settlement agreement shall be considered as the effective date of the settlement agreement.
  - (d) The settlement agreement is made in settlement of all factual and legal issues in this case. It is not intended to have any effect whatsoever in any other case or proceeding.
  - (e) Respondent waives the right to apply for rehearing under Section 4903.10, Revised Code, and Rule 4901:1-35, O.A.C.
- (5) The Commission finds that the settlement agreement submitted in this case is reasonable. Therefore, the settlement agreement shall be approved and adopted in its entirety. Respondent shall pay \$100.00 within 30 days of the Commission order approving this Settlement Agreement. The payment shall be made by certified check or money order payable to "Treasurer of State of Ohio" and mailed to PUCO Fiscal, 180 East Broad Street, 4<sup>th</sup> Floor, Columbus, Ohio 43215-3793. Case Number OH3225002995C should be written on the face of the check.

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 shall pay \$100 in accordance with Finding (5) of this finding and order. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

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Todd A. Snitchler, Chairman

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Steven D. Lesser

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M. Beth Trombold

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Lynn Slaby

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Asim Z. Haque

JML/sc

Entered in the Journal  
**NOV 06 2013**

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Barcy F. McNeal

Barcy F. McNeal  
Secretary