

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Central Transport,)
Notice of Apparent Violation and Intent) Case No. 14-527-TR-CVF
to Assess Forfeiture.) (OH3211302051C)

FINDING AND ORDER

The Commission finds:

- (1) On October 1, 2013, a commercial motor vehicle operated by Central Transport, LLC (Respondent) was inspected within the state of Ohio. The inspection resulted in the discovery of an apparent violation of 49 C.F.R. 177.834(a): package not secure in vehicle.
- (2) Respondent was timely served with a notice of preliminary determination in accordance with Ohio Adm.Code 4901:2-7-12. A civil forfeiture of \$1,760.00 was assessed against Respondent.
- (3) On March 31, 2014, Respondent filed a request for an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13.
- (4) On October 27, 2014, Staff and Respondent filed a settlement agreement, which, in the parties' opinion, resolves all of the issues raised in the notice of preliminary determination.
- (5) The following is a summary of the provisions agreed to by the parties and is not intended to replace or supersede the settlement agreement. In the settlement agreement, the parties agree and recommend that the Commission find:
 - (a) Respondent agrees to the violation and recognizes that the violation may be included in the Respondent's Safety-Net Record and history of violations insofar as it may be relevant for purposes of determining future penalty actions.
 - (b) After reviewing the facts, Staff agrees to amend the driver/vehicle examination report to reflect that the violation of 49 C.F.R. 177.834(a) was not an out-of-service violation.
 - (c) Respondent agrees to pay the forfeiture of \$1,760.00. Respondent shall pay the forfeiture

within 30 days of the Commission's order approving the settlement agreement. Payment should be made by check or money order to "Treasurer, State of Ohio," and mailed to: PUCO Finance, 180 East Broad Street, 4th Floor, Columbus, OH 43215-3793. The inspection number shall appear on the face of the check.

- (d) Respondent and Staff agree that nothing in the settlement agreement shall prevent Staff from assessing civil forfeitures pursuant to Ohio Adm.Code Chapter 4901:2-7, as the result of future compliance reviews or roadside inspections.
 - (e) The settlement agreement shall not become effective until the Commission adopts the settlement agreement. The date of the entry or order of the Commission adopting the settlement agreement shall be considered the effective date of the settlement agreement.
 - (f) The settlement agreement is made in settlement of all factual and legal issues in only this case. It is not intended to have any effect in any other case or proceeding.
- (6) 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.

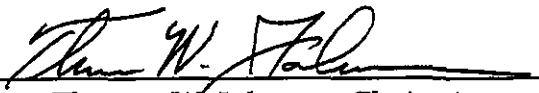
It is, therefore,

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

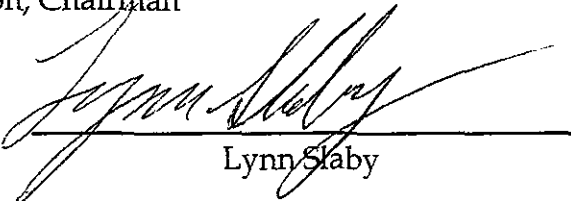
ORDERED, That Respondent pay a civil forfeiture of \$1,760.00 in accordance with the settlement agreement. Payment shall be made by check or money order payable to "Treasurer, State of Ohio," and mailed to PUCO Finance, 180 East Broad Street, 4th Floor, Columbus, Ohio 43215-3793. In order to assure proper credit, Respondent is directed to write the inspection number (OH3211302051C) on the face of the check or money order. It is, further,

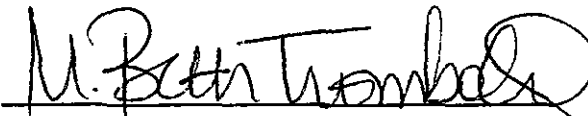
ORDERED, That a copy of this Finding and Order be served on each party of record.

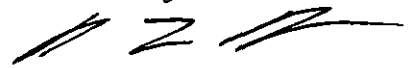
THE PUBLIC UTILITIES COMMISSION OF OHIO


Thomas W. Johnson, Chairman


Steven D. Lesser


Lynn Slaby

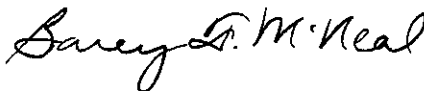

M. Beth Trombold


Asim Z. Haque

SJP/vrm

Entered in the Journal

NOV 20 2014



Barcy F. McNeal
Secretary