

FILE

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of Oversize Load Pulling : Case No. 15-1643-TR-CVF  
Team, : (OH0111007004C)  
Notice of Apparent Violation and Intent :  
to Assess Forfeiture.

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**SETTLEMENT AGREEMENT**

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**I. Introduction**

Pursuant to Rule 4901:2-7-11 of the Ohio Administrative Code (O.A.C.), Oversize Load Pulling Team (Respondent) and the Staff of the Transportation Department of the Public Utilities Commission of Ohio (Staff) enter into this settlement agreement and urge the Commission to adopt the same.

It is understood by the Respondent and the Staff that this Settlement Agreement is not binding upon the Public Utilities Commission of Ohio (Commission). This agreement, however, is based on the Respondent's and the Staff's desire to arrive at a reasonable result considering the law, facts and circumstances. Accordingly, the Respondent and the Staff believe that the Commission should adopt this Settlement Agreement.

This settlement agreement is submitted on the condition that the Commission adopts the agreed-upon terms. In the event the Commission rejects any part of the settlement agreement, or adds to, or otherwise materially modifies its terms, either

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party shall have the right, within thirty days of the date of the Commission's entry or 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. Procedural History**

- A. On May 28, 2015 a vehicle operated by Oversize Load Pulling Team and driven by Chad C. Williams was inspected within the State of Ohio. As a result of the inspection, Respondent was cited for an alleged violation of the following regulations:

<u>Code</u>	<u>Violation</u>
49 C.F.R. § 390.21(B)	Carrier name and/or USDOT number not displayed as required – No markings on tractor due to not registered as carrier
49 C.F.R. § 392.2UCR	Failure to pay UCR fee
49 C.F.R. § 392.2IRP	IRP Apportioned Tag or Registration Violation – Improper registration for a commercial vehicle
49 C.F.R. § 393.9	Inoperable Required Lamp – LF ID lamp, cluster of three, inoperable
49 C.F.R. § 393.9	Inoperable Required Lamp – RF clearance lamp inoperable

49 C.F.R. §393.95(F) No/insufficient warning devices

- B. Respondent was timely served with a notice of preliminary determination in accordance with Rule 4901:2-7-12 O.A.C. for Case No. OH0111007004C. The notice of preliminary determination notified the Respondent that the Commission intended to assess Respondent \$600.00 for the alleged violations.
- C. Respondent made a timely formal request for an administrative hearing pursuant to 4901:2-7-13, O.A.C.
- D. The parties have negotiated this settlement agreement which the parties believe resolves all the issues raised in the notice of preliminary determination.

### **III. Settlement Agreement**

The parties hereto agree and recommend that the Commission find as follows:

- A. For the purposes of settlement only, and not as an admission of liability or evidence that the violations occurred as alleged, Respondent agrees to pay the assessed forfeiture amount of \$600.00.
- B. Respondent shall pay the \$600.00 civil forfeiture within 30 days of the Commission's order approving this settlement agreement. Payment should be made by check or money order to "Treasurer State of Ohio," and mailed to: Public Utilities Commission of Ohio, Attn: CF Processing,

180 East Broad St., 4<sup>th</sup> Floor, Columbus, OH 43215-3793. The case number (OH0111007004C) shall appear on the face of the check.

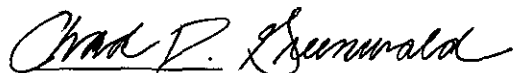
- C. Respondent and Staff agree that nothing in this settlement agreement shall prevent Staff from assessing civil forfeitures pursuant to Chapter 4901:2-7, O.A.C., as the result of future compliance reviews or roadside inspections.
- D. This settlement agreement shall not become effective until adopted by an Opinion and Order of the Commission. The date of the entry or of the Commission adopting the settlement agreement shall be considered the effective date of the settlement agreement.
- E. This settlement agreement is made in settlement of all factual or legal issues of only this case. It is not intended to have any effect whatsoever in any other case or proceeding.

#### **IV. Conclusion**

The Signatory parties agree that this Settlement Agreement is in the best interest of all parties, and urge the Commission to adopt the same. The undersigned respectfully request that the Commission issue an entry in accordance with the terms set forth in this Settlement Agreement.

The parties have manifested their consent to this Settlement Agreement by affixing their signatures below on this 9<sup>th</sup> day of November, 2015.

On behalf of Respondent



**Chad D. Greenwald**  
Ruschell & Assoc., LLC  
2338 East Carson Street  
Pittsburgh, PA 15203

On behalf of the Staff of the Public Utilities  
Commission of Ohio



**Thomas G. Lindgren**  
Assistant Attorney General  
Public Utilities Section  
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