

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of G-HUB Transport Corp.,)
Notice of Apparent Violation and Intent to) Case No. 15-1442-TR-CVF
Assess Forfeiture.) (OH1191011470C)

FINDING AND ORDER

The Commission finds:

- (1) R.C. 4923.04 provides that the Commission shall adopt rules applicable to the transportation of persons or property by motor carriers operating in interstate and intrastate commerce. Pursuant to Ohio Adm.Code 4901:2-5-02(A), the Commission adopted the Federal Motor Carrier Safety Regulations for the purpose of governing transportation by motor vehicle in the state of Ohio. Further, R.C. 4923.99 authorizes the Commission to assess a civil forfeiture of up to \$25,000 per day against any person who violates the safety rules adopted by the Commission.
- (2) On May 5, 2015, a commercial motor vehicle operated by G-HUB Transport Corp. (Respondent) was inspected within the state of Ohio. The inspection resulted in the discovery of the following apparent violations of the Code of Federal Regulations (C.F.R.): (a) failure to meet prescribed insurance requirements under 49 C.F.R. 387.301(a), \$500.00, and (b) traffic law violations under 49 C.F.R. 392.2, \$0.00.
- (3) Respondent was timely served with a Notice of Preliminary Determination (NPD) in accordance with Ohio Adm.Code 4901:2-7-12. The NPD assessed respondent a total civil forfeiture of \$500.00 for the violations.
- (4) In response to the NPD, Respondent made a timely formal request for an administrative hearing pursuant to Ohio Adm.Code 4901:2-7-13. Thereafter, a prehearing conference was held and a hearing was scheduled in the matter.
- (5) On September 29, 2015, the parties filed a settlement agreement which, in the parties' opinion, resolves all issues raised in the NPD. The following is a summary of the provisions agreed to

by the parties and is not intended to replace or supersede the settlement agreement. The settlement agreement included, among other things, the following provisions:

- (a) For purposes of settlement only, and not as an admission that the violations occurred as alleged, Respondent agrees 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) Respondent agrees to pay a reduced forfeiture amount of \$100.00. The reduction is premised upon Respondent having taken prompt action to ensure that the required amount of insurance is on file with the Federal Motor Carrier Safety Administration. It is the policy of the Commission's Transportation Department to reduce its previously recommended civil forfeiture assessment for this type of violation when a Respondent acts in a timely manner to correct such violation. Consistent with said policy, Staff agrees to reduce its recommended civil forfeiture assessment for the insurance violation to \$100.00 in this case.
- (c) Respondent will pay a civil forfeiture of \$100.00 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: Public Utilities Commission of Ohio, Attn: CF Processing, 180 E. Broad St., 4th Floor, Columbus, Ohio 43215-3793. The case number (OH1191011470C) must appear on the face of the check or money order.
- (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 only factual or legal issues raised in this case. It is not intended to have any effect whatsoever 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 \$100.00 in accordance with the provisions of the settlement agreement. Payment shall be made by check or money order payable to "Treasurer, State of Ohio," and mailed to PUCO Fiscal, Attn: CF Processing, 180 East Broad Street, 4th Floor, Columbus, Ohio 43215-3793. In order to assure proper credit, Respondent is directed to write the case number (OH1191011470C) 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

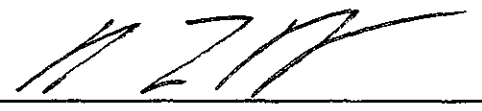


Andre T. Porter, Chairman


Lynn Slaby



M. Beth Trombold



Asim Z. Haque

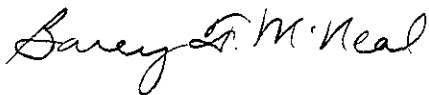


Thomas W. Johnson

KKS/vrm

Entered in the Journal

DEC 09 2015



Barcy F. McNeal
Secretary