

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF ANTS TRUCKING,
LLC, NOTICE OF APPARENT VIOLATION
AND INTENT TO ASSESS FORFEITURE.**

**CASE NO. 17-1810-TR-CVF
(CR201701110069)**

FINDING AND ORDER

Entered in the Journal on November 8, 2017

I. SUMMARY

{¶ 1} The Commission finds reasonable and approves the settlement agreement filed between Staff and ANTS Trucking, LLC regarding violations of the Commission's transportation rules.

II. DISCUSSION

{¶ 2} R.C. 4923.04(A)(1) mandates that the Commission adopt rules applicable to the transportation of persons or property by motor carriers operating in interstate and intrastate commerce. Pursuant to Ohio Adm.Code 4901:2-5-03(A), the Commission adopted the Federal Motor Carrier Safety Regulations, published in the Code of Federal 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, per violation, against any person who violates the safety rules adopted by the Commission.

{¶ 3} On January 11, 2017, Commission Staff (Staff) conducted a compliance review of ANTS Trucking, LLC (Respondent), which is located in Medina, Ohio. The compliance review resulted in the discovery of four apparent violations of the Code of Federal Regulations (C.F.R.): (1) failing to require a driver to prepare a driver vehicle inspection report in violation of 49 C.F.R. 396.11(a), designated as a federal violation; (2) using a commercial motor vehicle not periodically inspected, a violation of 49 C.F.R. 396.17(a); (3) failing to require a driver to prepare a driver vehicle inspection report in

violation of 49 C.F.R. 396.11(a), designated as a state violation; and, (4) requiring or permitting the operation of a motor vehicle declared "out-of-service" before repairs were made, a violation of 49 C.F.R. 396.9(c)(2).

{¶ 4} Pursuant to Ohio Adm.Code 4901:2-7-12, Staff timely served Respondent with a Notice of Preliminary Determination (NPD). The NPD assessed Respondent a civil forfeiture of \$3,550.00. This total forfeiture amount was comprised of \$400.00 each for the second and third violations, \$2,750.00 for the fourth violation, and no forfeiture for the first violation.

{¶ 5} On August 18, 2017, Respondent requested an administrative hearing pursuant to Ohio Adm.Code 4901:2-7-13.

{¶ 6} A prehearing conference was conducted on October 5, 2017.

{¶ 7} On October 16, 2017, Staff and Respondent filed a settlement agreement which, in the parties' opinion, resolves the issue raised in the NPD. The following is a summary of the conditions agreed to by the parties; it is not intended to replace or supersede the settlement agreement.

- (a) Respondent admits to the cited C.F.R. violations and recognizes that they 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 and Staff agree that, pursuant to Ohio Adm.Code 4901:2-7-11(D)(2) and existing mitigating circumstances, the total forfeiture should be reduced to \$2,485.00.
- (c) Respondent shall pay the \$2,485.00 civil forfeiture within 30 days of the Commission's approval of the settlement

agreement. Payment should be made by certified 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, with a notation of the case number (CR201701110069).

- (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 adopted by an order of the Commission. The date the Commission adopts the settlement agreement shall be considered the effective date of the settlement agreement.
- (f) The settlement agreement is made in settlement of all factual or legal issues of this case only. It is not intended to have any effect whatsoever in any other case or proceeding.

{¶ 8} 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.

III. ORDER

{¶ 9} It is, therefore,

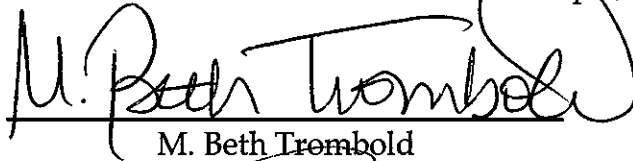
{¶ 10} ORDERED, That the settlement agreement submitted in this case be approved and adopted in its entirety. It is, further,

{¶ 11} ORDERED, That Respondent pay the civil forfeiture of \$2,485.00, in accordance with the settlement agreement. Payment shall be made by check or money order payable to the "Treasurer, State of Ohio" and mailed or delivered to PUCO FINANCE, 180 East Broad Street, 4th Floor, Columbus, Ohio 43215-3793. In order to ensure proper credit, Respondent is directed to write case number CR201701110069 on the face of the check or money order. It is, further,

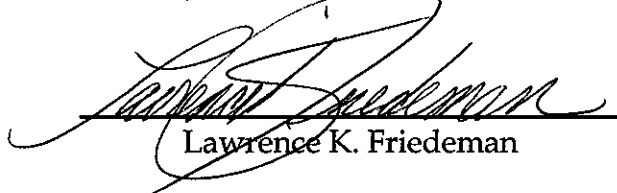
{¶ 12} ORDERED, That a copy of this Finding and Order be served upon Respondent and all other interested parties of record.

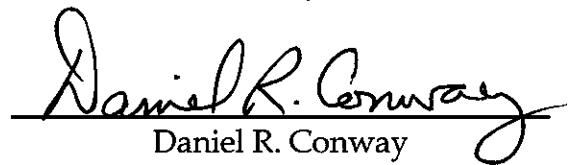
THE PUBLIC UTILITIES COMMISSION OF OHIO

Asim Z. Haque, Chairman


M. Beth Trombold


Thomas W. Johnson



Lawrence K. Friedeman


Daniel R. Conway

PAS/sc

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NOV - 8 2017



Barcy F. McNeal

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Secretary