

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF HPC MANUFACTURING,
INC., NOTICE OF APPARENT VIOLATION AND
INTENT TO ASSESS FORFEITURE.**

**CASE NO. 17-330-TR-CVF
(OH1251004483C)**

**IN THE MATTER OF CHRISTOPHER PRATT,
NOTICE OF APPARENT VIOLATION AND
INTENT TO ASSESS FORFEITURE.**

**CASE NO. 17-331-TR-CVF
(OH1251004483D)**

FINDING AND ORDER

Entered in the Journal on December 6, 2017

I. SUMMARY

{¶ 1} The Commission finds reasonable and approves the settlement agreement regarding violations of the Commission's transportation rules.

II. DISCUSSION

{¶ 2} 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 4901:2-5-03(A), the Commission adopted the Federal Motor Carrier Safety Regulations (FMCSR) 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.

{¶ 3} On October 13, 2016, a vehicle operated by HPC Manufacturing, Inc. (HPC) and driven by Christopher Pratt (Mr. Pratt) (collectively, Respondents) was inspected by Staff. The inspection resulted in the discovery of the following violations against HPC: 49 C.F.R. 390.19(a) (failing to file the required biennial motor carrier identification report, Form MCS-150); 49 C.F.R. 393.95(f) (no/insufficient warning devices); 49 C.F.R. 392.9(a)(2) (failure to secure vehicle equipment); 49 C.F.R. 393.43 (no/improper breakaway or emergency braking); 49 C.F.R. 390.21(a) (no markings on vehicle as required); 49 C.F.R. 392.2 (failure to pay Unified Carrier Registration fee). In addition, the following violations were found against Mr. Pratt:

49 C.F.R. 395.8(a) (no driver's record of duty status); 49 C.F.R. 391.41(a) (no valid medical certificate).

{¶ 4} Pursuant to Ohio Adm.Code 4901:2-7-12, a Notice of Preliminary Determination (NPD), which assessed a civil forfeiture of \$600, was served upon HPC for its FMCSR violations indicated in Paragraph 3. An NPD which assessed a civil forfeiture of \$200 was served upon Mr. Pratt for his FMCSR violations indicated in Paragraph 3.

{¶ 5} On January 31, 2017, Respondents requested an administrative hearing, pursuant to Ohio Adm.Code 4901:2-7-13.

{¶ 6} A prehearing conference was conducted on February 21, 2017. Although the parties did not resolve matters at that time, settlement discussions continued afterwards.

{¶ 7} On October 5, 2017, Staff and Respondents filed a settlement agreement which, in the parties' opinion, resolves the issues raised in the NPD. The following is a summary of the conditions agreed to by the parties and is not intended to replace or supersede the settlement agreement.

- (a) Respondents admit to the violations in the NPD, and agree that the violations may be included in their history of violations, insofar as the violations may be relevant for purposes of determining future penalty actions.
- (b) HPC will pay a civil forfeiture of \$350 and Mr. Pratt will pay a civil forfeiture of \$150, because Respondents have provided sufficient proof to Staff of appropriate corrective actions in response to the violations.
- (c) Respondents shall pay their respective civil forfeitures in 30 days. Payments shall be made payable to "Treasurer State of Ohio," and mailed to PUCO, Attn: CF Processing, 180 E. Broad St., 4th floor,

Columbus, OH 43215-3793. In order to assure proper credit, Case No. 17-330-TR-CVF and inspection number OH1251004483C should appear on the face of the check or money order for HPC. Case No. 17-331-TR-CVF and inspection number OH1251004483D should appear on the face of the check or money order for Mr. Pratt.

- (d) This settlement agreement shall not become effective until adopted by the Commission. The date of the Commission order adopting this settlement agreement shall be considered the effective date of the settlement agreement.
- (e) This settlement agreement is intended to resolve only factual or legal issues raised in these cases. 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 these cases 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 these cases be approved and adopted in its entirety. It is, further,

{¶ 11} ORDERED, That HPC pays the civil forfeiture of \$350 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, Attn: CF Processing, 180 East Broad Street, 4th Floor, Columbus, Ohio 43215-3793. In order to assure proper credit, HPC is directed to write Case No. 17-330-TR-CVF and inspection number OH1251004483C on the face of the check or money order. It is, further,

{¶ 12} ORDERED, That Mr. Pratt pays the civil forfeiture of \$150 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, Attn: CF Processing, 180 East Broad Street, 4th Floor, Columbus, Ohio 43215-3793. In order to assure proper credit, Mr. Pratt is directed to write Case No. 17-331-TR-CVF and inspection number OH1251004483D on the face of the check or money order. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO



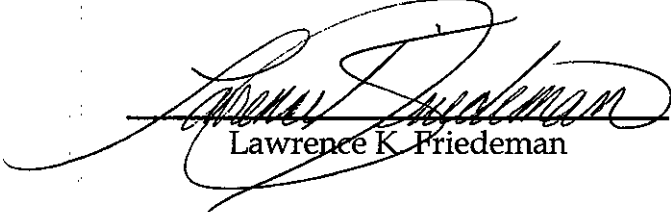
Asim Z. Haque, Chairman



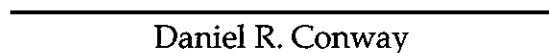
M. Beth Trombold



Thomas W. Johnson



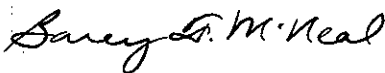
Lawrence K. Friedeman



Daniel R. Conway

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Barcy F. McNeal
Secretary