

# THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF LEE LOLLAR, NOTICE  
OF APPARENT VIOLATION AND INTENT  
TO ASSESS FORFEITURE.

CASE No. 17-1782-TR-CVF  
(OH320730248D)

## FINDING AND ORDER

Entered in the Journal on January 3, 2018

### I. SUMMARY

{¶ 1} The Commission approves the settlement agreement filed between Staff and Lee H. Lollar regarding a violation 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 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. Ohio Adm.Code 4901:2-7-20 requires that, at the hearing, Staff prove the occurrence of a violation by a preponderance of the evidence.

{¶ 3} On May 26, 2016, an inspector inspected a vehicle operated by Associated Pipe Line Contractors, Inc. and driven by Lee H. Lollar (Respondent). Respondent was driving the vehicle within the state of Ohio. The inspector discovered a violation of 49 C.F.R. 392.10(a)(4), which is a failure to stop at a railroad crossing while transporting hazardous materials.

{¶ 4} Staff served Respondent with a notice of preliminary determination (NPD), pursuant to Ohio Adm.Code 4901:2-7-12. The NPD assessed Respondent a \$500 civil forfeiture for the violation.

{¶ 5} On August 14, 2017, Respondent requested an administrative hearing, pursuant to Ohio Adm.Code 4901:2-7-13.

{¶ 6} A prehearing conference was conducted on September 27, 2017.

{¶ 7} On October 16, 2017, Staff and Respondent filed a settlement agreement that, in the parties' opinion, resolves the issue 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) Respondent admits to the violation and recognizes it may be included in his Safety-Net record and his history of violations, to the extent they may be relevant for purposes of determining future penalty actions.
- (b) Staff and Respondent agree that the forfeiture should be reduced to \$250 based upon Respondent's ability to pay, pursuant to Ohio Adm.Code 4901:2-7-11(D)(2).
- (c) Respondent will pay the \$250 civil forfeiture within 30 days of the Commission's order approving this settlement agreement. Payment shall be made by certified check or money order payable to "Treasurer State of Ohio," and mailed to: PUCO, Attn: CF Processing, 180 E. Broad St., 4th floor, Columbus, Ohio 43215-3793. In order to assure proper credit, Case No. 17-1782-TR-CVF and inspection number OH320730248D should 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 this 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 in this case. 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, it shall be approved and adopted in its entirety.

### III. ORDER

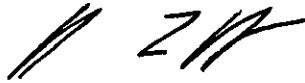
{¶ 9} It is, therefore,

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

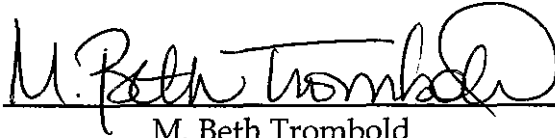
{¶ 11} ORDERED, That Respondent will pay the \$250 civil forfeiture within 30 days of the Commission's order approving this settlement agreement. Payment shall be made by certified check or money order payable to "Treasurer State of Ohio," and mailed to: PUCO, Attn: CF Processing, 180 E. Broad St., 4th floor, Columbus, Ohio 43215-3793. In order to assure proper credit, Case No. 17-1782-TR-CVF and inspection number OH320730248D should appear 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.

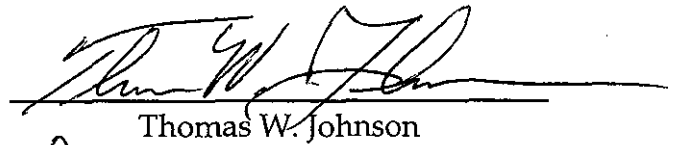
THE PUBLIC UTILITIES COMMISSION OF OHIO



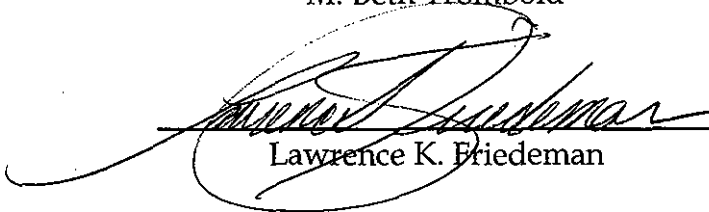
Asim Z. Haque, Chairman



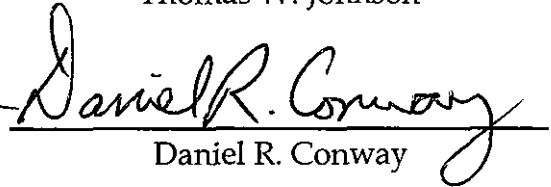
M. Beth Trombold



Thomas W. Johnson



Lawrence K. Friedeman



Daniel R. Conway

AS/vrm

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**JAN 03 2018**



Barcy F. McNeal  
Secretary