

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of Richard Simon,) Case No. 17-1897-TR-CVF
Notice of Apparent Violation and) (OH3252014734D)
Intent to Assess Forfeiture.)

SETTLEMENT AGREEMENT

I. Introduction

Pursuant to Rule 4901:2-7-11 of the Ohio Administrative Code (O.A.C.), Richard Simon (Respondent) and the Staff of the Transportation Department of the Public Utilities Commission of Ohio (Staff) enter into this agreement to resolve all issues in the above captioned case.

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 parties' desire to arrive at a reasonable result considering the law, facts, and circumstances. Accordingly, the Respondent and the Staff encourage and recommend that the Commission 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, each 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. History

- A. On June 15, 2017, a commercial motor vehicle operated by Alltype Trucking LLC and driven by the Respondent was inspected within the State of Ohio.
- B. As a result of the inspection, the Respondent was served with a notice of preliminary determination in accordance with Ohio Adm. Code 4901:2-7-12.
- C. The notice of preliminary determination notified the Respondent that Staff intended to assess a civil forfeiture of \$100.00 for violation of 49 C.F.R. 392.16 (Failing to use seat belt while operating a commercial motor vehicle).

The Respondent requested 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 of the issues raised in the notice of preliminary determination.

III. Settlement Agreement

The Staff and the Respondent agree and recommend that the Commission find as follows:

- A. Respondent admits to the violation listed above and in the Notice of Preliminary Determination and agrees that the violation may be included in his history of violations, insofar as it may be relevant for purposes of determining future penalty actions.
- B. Respondent shall pay the \$100.00 civil forfeiture in 4 consecutive monthly installments of \$25.00 per installment commencing 30 days after the Commission's order approving this Settlement Agreement. The payments shall be made payable to "Treasurer State of Ohio," and they shall be mailed to PUCO, Attn: CF Processing, 180 E. Broad St., 4th floor, Columbus, OH 43215-3793. The case number (OH3250214734D) should appear on the face of each check.
- C. 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. 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.

IV. Conclusion

The undersigned respectfully request that the Commission adopt the agreement in its entirety. The parties have manifested their consent and authority to enter into the Settlement Agreement by affixing their signatures below.



Richard Simon
2379 Delaware Street
Canton, OH 44706

3/1/2018

Date

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



Jodi J. Bair
Assistant Attorney General
Public Utilities Section
30 East Broad Street, 16th Floor
Columbus, OH 43215

3/6/18

Date

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

3/6/2018 11:17:16 AM

in

Case No(s). 17-1897-TR-CVF

Summary: Agreement Settlement Agreement electronically filed by Mrs. Tonnetta Y Scott on behalf of PUCO