

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF LEROY BROWN, NOTICE
OF APPARENT VIOLATION AND INTENT TO
ASSESS FORFEITURE

CASE NO. 18-88-TR-CVF
(OH1251005261D)

FINDING AND ORDER

Entered in the Journal on May 2, 2018

I. SUMMARY

{¶ 1} The Commission finds reasonable and approves the settlement agreement filed between Staff and Leroy Brown regarding a violation 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 (C.F.R.), 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 October 24, 2017, a commercial motor vehicle operated by Nat Services, Inc. and driven by Leroy Brown (Respondent) was inspected in Ohio. The inspection resulted in the discovery of a single apparent violation of the Commission's rules. Specifically, Respondent was cited for driving a commercial motor vehicle while commercial driver's license (CDL) is suspended for a safety-related or unknown reason in the state of driver's license issuance, a violation of 49 C.F.R. 383.51a.

{¶ 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 \$500 for the alleged violation.

{¶ 5} On January 10, 2018, Respondent requested an administrative hearing pursuant to Ohio Adm.Code 4901:2-7-13. Respondent and Staff participated in a prehearing conference on February 22, 2018, and a hearing was scheduled for April 10, 2018.

{¶ 6} On April 5, 2018, 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; it is not intended to replace or supersede the settlement agreement.

- (a) For purposes of settlement only, Staff agrees to reduce the total forfeiture to \$100 because Respondent has submitted proof of insurance to the Massillon Municipal Court, BMV, and Staff, which resulted in his CDL being reinstated.
- (b) The parties agree that Respondent shall make a civil forfeiture payment of \$100 no later than 30 days after the effective date of the settlement agreement. The date the Commission adopts the settlement agreement shall be its effective date.
- (c) Respondent and Staff agree that this settlement agreement can be considered to determine future forfeitures if Respondent has any future cases before the Commission.
- (d) The settlement agreement is made in settlement of all factual or legal issues in this case only.

{¶ 7} The Commission finds that the settlement agreement submitted by the parties in this case is reasonable. Therefore, the settlement agreement shall be approved and adopted in its entirety.

III. ORDER

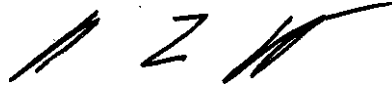
{¶ 8} It is, therefore,

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

{¶ 10} ORDERED, That Respondent pay the civil forfeiture of \$100 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 OH1251005261D on the face of the check or money order. It is, further,

{¶ 11} 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



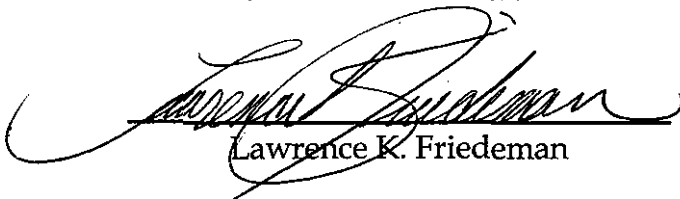
Asim Z. Haque, Chairman



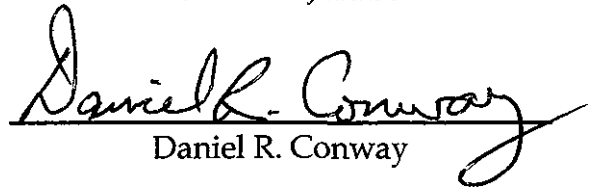
M. Beth Trombold



Thomas W. Johnson



Lawrence K. Friedeman

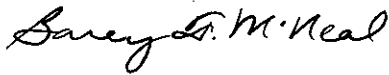


Daniel R. Conway

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Barcy F. McNeal
Secretary