

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of Brent Peace, Notice of)	
Apparent Violation and Intent to Assess)	Case No. 19-645-TR-CVF
Forfeiture.)	(OH0519000592D)

SETTLEMENT AGREEMENT

I. Introduction

Pursuant to Rule 4901:2-7-11 of the Ohio Administrative Code (O.A.C.), Richard L Arthur ("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 ("Parties") 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 December 27, 2018, Respondent was cited with a violation of the following:
- 49 C.F.R. 395.8(A)-NON-11 for no record of duty status when one is required;
 - 49 C.F.R. 391.41A-F for operating a property carrying vehicle without possessing a valid medical certificate; and
 - 49 C.F.R. 392.3-FPROP for operating a property carrying CMV while impaired by fatigue.
- B. The Respondent was timely served with a notice of preliminary determination in accordance with Ohio Administrative Code

(O.A.C) 4901:2-7-12.

- C. The notice of preliminary determination notified Respondent that the Commission intended to assess forfeitures against the Respondent of \$100.00 for violation of C.F.R. 395.8(A)-NON-11 and \$100.00 for violation of C.F.R. 391.41A-F, and \$100.00 for 49 C.F.R. 392.3-FPROP, for a total of \$300.00.
- D. The Respondent requested an administrative hearing pursuant to O.A.C 4901:2-7-13.
- E. 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 violation of C.F.R. 395.8(A)-NON-11 and C.F.R. 391.41A-F, and 49 C.F.R. 392.3-FPROP as cited on December 27, 2018, and agrees that the violation may be included in Respondent's history of violations insofar as it may be relevant for purposes of determining penalty actions by the Ohio Bureau of Motor Vehicles for future

violations.

- B. Respondent shall pay a reduced total forfeiture of \$250.00 within thirty (30) days after the Commission's order approving this Settlement Agreement.

The payment shall be made payable to "Treasurer State of Ohio," and shall be mailed to Public Utilities Commission of Ohio, Attn: CF Processing, 180 E. Broad St., 4th floor, Columbus, OH 43215-3793. The case number (OH0519000592D) should appear on the face of the payment.

- C. Respondent executed an agreement with Staff, which is attached hereto and incorporated by reference as Exhibit A, affirming that his primary business is not the transportation of persons or property in interstate commerce and agreeing to come into compliance with applicable regulations prior to doing so at any point in the future.

- 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 this Settlement Agreement.* This Settlement Agreement is intended to resolve only factual or legal issues raised in this case.

IV. Conclusion

The undersigned respectfully request that the Commission adopt this Settlement

Agreement in its entirety. The parties have manifested their consent and authority to enter into the Settlement Agreement by affixing their signatures below.

On the Behalf of Richard L. Arthur


Richard L. Arthur

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



Robert Eubanks
Assistant Attorney General
Public Utilities Section
Counsel for Staff

Exhibit A

Date: 7-24-19
Re: Medical Card
Case #: OH0519000592D
Carrier Name: Richard L Arthur

Richard L Arthur (respondent) violated Chapter 4901:2-15, Ohio Administrative Code (O.A.C.), for failure to obtain a medical certificate prior to transporting persons or property in interstate commerce into, within, or through Ohio. As a result of the violation, staff of the Public Utilities Commission of Ohio (staff) assessed a civil forfeiture in the amount of \$100.00.

Staff agrees to grant respondent a reduction of the civil forfeiture from \$100.00 to \$50.00. Respondent understands that this is a one-time reduction and is being offered pursuant to the following acknowledgments and conditions:

- A. The respondent's primary business is not the transportation of persons or property in interstate commerce, and the respondent had misunderstood or was unaware of the Medical Card requirements. Respondent now fully understands the requirements applicable to interstate drivers of persons or property.
- B. Respondent agrees to:
 - 1. Cease transporting persons or property in interstate commerce unless respondent is properly authorized to do so and has obtained the applicable medical card, or
 - 2. Contract with a third party authorized to transport persons or property in interstate commerce.
- C. Respondent understands that a subsequent violation of Chapter 4901:2-15, O.A.C., will result in the assessment of a civil forfeiture in the amount of \$500.00, which will not be eligible for a reduction.

On behalf of respondent:


NAME

8-16-19
Date

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

8/20/2019 9:55:50 AM

in

Case No(s). 19-0645-TR-CVF

Summary: Agreement Settlement Agreement electronically filed by Ms. Tonnetta Scott on behalf of PUC