

BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Shunkor Khimmat, Notice )  
of Apparent Violation and Intent to Assess ) Case No. OH0519000602C  
Forfeiture. ) Case No. 19-1093-TR-CVF

---

**SETTLEMENT AGREEMENT**

---

**I. Introduction**

Pursuant to Rule 4901:2-7-11 of the Ohio Administrative Code (O.A.C.), Shunkor Khimmat (“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 January 9, 2019, Respondent was cited with a violation of the following:

- 49 C.F.R.395.8A-ELD – No record of duty status (ELD Required);
- 49 C.F.R. 390.21B – Carrier name and/or USDOT reqd; Not displayed; and
- 49 C.F.R. 392.9BA-NOR – USDOT REGISTRATION REQUIRED. (1st Offense) Operating a commercial motor vehicle in interstate commerce without a USDOT Registration.

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 49 C.F.R.395.8A-ELD and \$100.00 for violation of 49 C.F.R. 390.21B, and \$500.00 for 49 C.F.R. 392.9BA-NOR, for a total of \$700.00.
- 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 49 C.F.R.395.8A-ELD, 49 C.F.R. 390.21B, and 49 C.F.R. 392.9BA-NOR as cited on January 9, 2019, 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 \$200.00 within thirty (30) days after the Commission's order approving this Settlement Agreement.

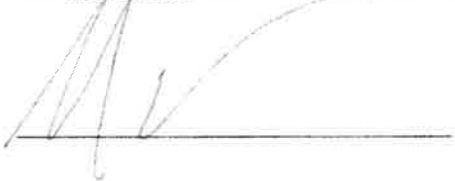
The payment shall be made payable to "Treasurer State of Ohio," and shall be mailed to Public Utilities Commission of Ohio, Attn: CF Processing, 180 E. Broad St., 4th floor, Columbus, OH 43215-3793. The case number (OH0519000602C) should appear on the face of the payment.

- 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 Shunkor Khimmat



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



**Michael J. Yenc Jr**  
Counsel for the Respondent

**Robert Eubanks**  
Assistant Attorney General  
Public Utilities Section  
Counsel for Staff

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**11/21/2019 9:57:57 AM**

**in**

**Case No(s). 19-1093-TR-CVF**

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