

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF TIGER STYLE
CORPORATION, NOTICE OF APPARENT
VIOLATION AND INTENT TO ASSESS
FORFEITURE.

CASE NO. 21-61-TR-CVF
(20-CR-330154)

FINDING AND ORDER

Entered in the Journal on February 24, 2021

I. SUMMARY

{¶ 1} The Commission finds reasonable and approves the settlement agreement filed between Staff and Tiger Style Corporation regarding violations 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 (FMCSR), 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} Pursuant to Ohio Adm.Code 4901:2-7-11(C) settlement agreements providing for the payment of forfeitures of \$5,000 or more for any violation must be approved by order of the Commission.

{¶ 4} On December 9, 2019, Staff conducted a compliance review of a facility belonging to Tiger Style Corporation (Respondent). The inspection resulted in the discovery of 21 alleged violations of the FMCSR.

{¶ 5} Pursuant to Ohio Adm.Code 4901:2-7-07, Staff timely served Respondent with a Notice of Intent to Assess a Forfeiture (NIA). The NIA assessed Respondent a total civil forfeiture of \$9,900 for the 21 alleged violations.

{¶ 6} On January 20, 2021, Staff and Respondent filed a settlement agreement (Settlement Agreement) that, in the parties' opinions, resolves the issues raised in this case. Staff and Respondent filed the Settlement Agreement in accordance with Ohio Adm.Code 4901:2-7-11(C), which requires settlement agreements providing for the payment of forfeitures of \$5,000 or more for any violation to be approved by order of the Commission. 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. Respondent acknowledges that pursuant to the December 9, 2019 inspection, Respondent was found in violation of: 49 C.F.R. 382.301(a), 382.303(a), 382.303(b), 382.303(d)(1), 382.303(d)(2), 382.305(i)(3), 391.51(b)(2), 391.51(b)(4), 391.51(b)(5), 391.51(b)(6), 391.51(b)(7), 391.51(b)(9), 391.51(d), 391.53(a), 395.8(a)(1), 395.8(e)(1), 396.19(b), 396.25€, 396.3(a), 396.3(b), and 396.3(b)(2). Respondent further acknowledges that the violations listed above may be included in Respondent's compliance record and history of violations insofar as they may be relevant for the purposes of determining penalty actions for future violations.
- B. The Settlement Agreement shall become effective when executed by both parties. Pursuant to Ohio Adm.Code 4901:2-7-13, if Tiger Style Corporation fails to comply with the provisions of the Settlement Agreement, it shall be in default and deemed to have admitted the violation(s). In the event of default, the Commission may set aside the Settlement Agreement and order Respondent to pay the amount indicated in the NIA previously served in this case.

- C. Respondent shall immediately pay the \$7,470 civil forfeiture within 30 days immediately following the Commission's order approving the 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 (20-CR-330154) should appear on the face of the payment.
- D. The Settlement Agreement, which is subject to the rules of the Commission, constitutes the entire agreement between the parties.

{¶ 7} The Commission finds that the Settlement Agreement submitted 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 \$7,470 in accordance with the Settlement Agreement. Payment shall be made by check or money order payable to "Treasurer, State of Ohio," and mailed to Public Utilities Commission of Ohio, Attn: CF processing, 180 East Broad Street, 4th Floor, Columbus, Ohio 43215-3793. In order to assure proper credit, Respondent is directed to write case number 20-CR-330154 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.

COMMISSIONERS:

Approving:

M. Beth Trombold
Lawrence K. Friedeman
Daniel R. Conway
Dennis P. Deters

JMD/kck

This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 21-0061-TR-CVF

Summary: Finding & Order finding reasonable and approving the settlement agreement filed between Staff and Tiger Style Corporation regarding violations of the Commission's transportation rules. electronically filed by Ms. Mary E Fischer on behalf of Public Utilities Commission of Ohio