

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of Loveland Transportation,
LLC

Case No. 21-0187-TR-CVF
(21-CR-418153)

Notice of Apparent Violation and Intent to
Assess Forfeiture.

SETTLEMENT AGREEMENT

I. Introduction

Pursuant to Rule 4901:2-7-11 of the Ohio Administrative Code (O.A.C.), Loveland Transportation, LLC (Respondent) and the Staff of the Transportation Department of the Public Utilities Commission of Ohio (Staff) enter into this settlement agreement and urge the Commission to adopt the same.

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 Respondent's and the Staff's desire to arrive at a reasonable result considering the law, facts and circumstances. Accordingly, the Respondent and the Staff believe that the Commission should 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, either 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. Procedural History

- A. On December 30, 2020 a compliance review was conducted at the Respondent's facility in Cincinnati, Ohio. The compliance review discovered the following violations:

<u>Code</u>	<u>Violation</u>	<u>Forfeiture</u>
382.701(a)	Failing to conduct a pre-employment query.	\$1,100.00
383.37(b)	Allowing driver to drive while disqualified (Safety Related).	\$1,000.00
390.35	Making fraudulent entry on annual periodic inspection form.	\$1,750.00
391.21(a)	Incomplete or no employment application.	\$0.00
391.45(a)	Using a driver not medically examined and certified.	\$400.00
391.5 l(b)(2)	Inquiries into driving record not kept in qualification file.	\$400.00

391.51(b)(4)	Inquiries into driving record not kept in qualification file.	\$0.00
391.51(b)(5)	Failing to maintain notation of annual review.	\$0.00
391.51(b)(6)	Failing to maintain list or certificate of violations.	\$0.00
391.51(b)(9)	Failing to note verification of medical examiner in DQ file.	\$0.00
392.2	Operating a vehicle in violation of local/state laws - Unsafe Driving.	\$0.00
395.S(a)(1)	Failing to require a driver to prepare a record of duty status.	\$19,000.00
395.S(e)(1)	False reports of records of duty status.	\$4,300.00
396.17(a)	Using a CMV not periodically inspected.	\$400.00
396.19(b)	Failing to maintain evidence of inspector's qualifications.	\$0.00
<u>Total Amount Due:</u>		\$28,350.00

- B. Respondent was timely served with a notice of preliminary determination in accordance with Rule 4901:2-7-12 O.A.C. for Case No. 21-CR-418153. The preliminary determination assessed Respondent \$28,350.00 for the violations.
- C. Respondent made a timely formal request for 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 the issues raised in the notice of preliminary determination.

III. Settlement Agreement

The parties hereto agree and recommend that the Commission find as follows:

- A. Respondent agrees to the violations listed above and recognizes that the violations may be included in the Respondent's Safety-Net Record and Respondent's history of violations insofar as it may be relevant for purposes of determining future penalty actions.
- B. Respondent and the Staff agree that the Respondent will pay a reduced forfeiture of \$19,845.00 based on Respondent's corrective action plan.
- C. Respondent shall pay the \$19,845.00 civil forfeiture in twenty-four (24) monthly payments beginning 30 days of the Commission's order approving this settlement agreement. Payment should be made by check or money order to "Treasurer State of Ohio," and mailed to: PUCO FINANCE, 180 East Broad St., 4th Floor, Columbus, OH 43215-3793. The case number (21-CR-418153) shall appear on the face of the check.
- D. Respondent and Staff agree that nothing in this settlement agreement shall prevent Staff from assessing civil forfeitures pursuant to Chapter 4901:2-7, O.A.C., as the result of future compliance reviews or roadside inspections.

- E. This settlement agreement shall not become effective until adopted by an Opinion and Order of the Commission. The date of the entry or of the Commission adopting the settlement agreement shall be considered the effective date of the settlement agreement.
- F. This settlement agreement is made in settlement of all factual or legal issues of only this case. It is not intended to have any effect whatsoever in any other case or proceeding.


II. Conclusion

The Signatory parties agree that this Settlement Agreement is in the best interest of all parties, and urge the Commission to adopt the same. The undersigned respectfully request that the Commission issue an entry in accordance with the terms set forth in this Settlement Agreement.

The parties have manifested their consent to this Settlement Agreement by affixing their signatures below on this 4th day of March, 2021.

On behalf of Respondent

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

/s/  _____

Brandie James
10999 Reed Hartman Highway
Suite 309
Cincinnati, Ohio 45242

/s/Thomas G. Lindgren _____

Thomas G. Lindgren
Assistant Attorney General
Public Utilities Section
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Case No(s). 21-0187-TR-CVF

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