

**BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of Anthony M. Vanslyke,	:	Case No. 21-0676-TR-CVF
Notice of Apparent Violation and	:	(OH0700001293D)
Intent to Assess Forfeiture.	:	
	:	

SETTLEMENT AGREEMENT

I. INTRODUCTION

Pursuant to Ohio Administrative Code (“Ohio Adm.Code”) 4901:2-7-11, Anthony M. Vanslyke (“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. The Parties agree that if the Commission rejects all or any part of this Settlement Agreement or otherwise materially modifies its terms, either Party

shall have the right, within thirty (30) business days of the Commission's order, either to file an application for rehearing or to terminate and withdraw from this agreement by filing a notice with the Commission. If an application for rehearing is filed, and if the Commission does not, on rehearing, accept the Settlement Agreement without material modification, either Party may terminate and withdraw from this Settlement Agreement by filing a notice with the Commission within ten (10) business days of the Commission's order or entry on rehearing. In such an event, a hearing shall go forward, and the Parties shall be afforded the opportunity to present evidence through witnesses, to cross-examine all witnesses, to present rebuttal testimony, and to file briefs on all issues.

II. PROCEDURAL HISTORY

- A.** On February 27, 2021, a vehicle operated by Nationwide Express, LLC, and driven by, Anthony M. Vanslyke was inspected within the state of Ohio. The following violation was discovered.
- Driver on duty and in possession of a narcotic drug, in violation of 49 C.F.R. § 392.4(A).
- B.** Staff sent a timely Notice of Apparent Violation and Intent to Assess Forfeiture ("Notice") to Mr. Vanslyke pursuant to Ohio Adm.Code 4901:2-7- 07 for Case No. 21-0676-TR-CVF, OH 0700001293D. The Notice assessed the Respondent \$250.00 for the violation.
- C.** The parties have negotiated this Settlement Agreement which the parties believe resolves all the issues raised in the Notice.

III. SETTLEMENT AGREEMENT

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

- A.** Respondent agrees that the violation of 49 C.F.R. § 392.4(A) may be included in the Respondent's history of violations insofar as it may be relevant for purposes of determining penalty actions by the Ohio Bureau of Motor Vehicles, including, but not limited to, the disqualification of the Respondent's commercial driver's license, or for future violations.
- B.** The recommended civil forfeiture for the violation of 49 C.F.R. § 49 C.F.R. § 392.4(A) shall be \$175.00.
- C.** This Settlement Agreement shall not become effective until adopted by an Opinion and Order of the Commission. The date of the entry of the Commission order adopting this Settlement Agreement shall be considered the effective date of the Settlement Agreement.
- D.** This Settlement Agreement is made in settlement of all factual or legal issues in this case. It is not intended to have any effect whatsoever in any other case or proceeding, except as described in Paragraph A.

IV. 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 the Settlement Agreement by affixing their signatures below.

On behalf of Anthony Vanslyke

/s/



Michael J. Yemc, Jr.

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Date: 10/29/2021

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

/s/ *Jodi J. Bair*

Jodi J. Bair

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Date: 12/23/2021

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in

Case No(s). 21-0676-TR-CVF

Summary: Agreement Settlement Agreement electronically filed by Mrs. Kimberly
M. Naeder on behalf of PUCO