

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF ANTHONY VANSLYKE,
NOTICE OF APPARENT VIOLATION AND
INTENT TO ASSESS FORFEITURE.

CASE NO. 21-676-TR-CVF
(OH0700001293D)

FINDING AND ORDER

Entered in the Journal on January 12, 2022

I. SUMMARY

{¶ 1} The Commission finds reasonable and approves the settlement agreement regarding a violation of the Commission's transportation rules.

II. DISCUSSION

{¶ 2} R.C. 4923.04 provides that the Commission shall 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 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 against any person who violates the safety rules adopted by the Commission.

{¶ 3} On February 27, 2021, a commercial motor vehicle operated by Nationwide Express, LLC, and driven by Anthony VanSlyke (Respondent) was inspected within the state of Ohio. The inspection resulted in the following violation: 49 C.F.R. 392.4(a) (driver on duty and in possession of a narcotic drug).

{¶ 4} Respondent was served with a Notice of Preliminary Determination (NPD), pursuant to Ohio Adm.Code 4901:2-7-13, which assessed Respondent a civil forfeiture of \$250.00 for the violation.

{¶ 5} On December 23, 2021, Staff and Respondent filed a settlement agreement which, in the parties' opinion, resolves the issues raised in the NPD. The following is a

summary of the conditions agreed to by the parties and is not intended to replace or supersede the settlement agreement.

- (a) Respondent agrees that the violation of 49 C.F.R. 392.4(a) may be included in Respondent's history of violations and recognizes that these violations may be included in the Respondent's Safety-Net Record and history of violations, insofar as it may be relevant for purposes of determining penalty actions, including but not limited to disqualification of Respondent's commercial driver's license, or for future violations.
- (b) Respondent and Staff agree that the total forfeiture should be reduced from \$250.00 to \$175.00 for the violation. Payment will be due 30 days from Commission approval of this settlement agreement. Payment should be made by certified check or money order to "Treasurer State of Ohio" and mailed to PUCO Fiscal, 180 East Broad Street, Columbus, OH 43215-3793. Case No. 21-676-TR-CVF and inspection number OH0700001293D should be written on the face of the certified check or money order.
- (c) This settlement agreement shall not become effective until adopted by 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 and legal issues in this case. It is not intended to have any effect in any other case or proceeding.

{¶ 6} The Commission notes that, in accordance with Ohio Adm.Code 4901:2-7-14(D), if the respondent fails to comply with the provisions of the settlement agreement for a period exceeding 30 days, the respondent shall be in default and shall be deemed to have admitted the occurrence of the violations and waived all further right to contest liability for the forfeiture originally assessed by Staff.

{¶ 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 a civil forfeiture of \$175.00 in accordance with the settlement agreement. Payment shall be made via the Commission website or by check or money order payable to "Treasurer, State of Ohio," and mailed to PUCO Fiscal, 180 East Broad Street, Columbus, Ohio 43215-3793. In order to assure proper credit, Respondent is directed to write Case No. 21-676-TR-CVF and inspection number OH0700001293D on the face of the certified 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

JML/hac

**This foregoing document was electronically filed with the Public Utilities
Commission of Ohio Docketing Information System on**

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in

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

Summary: Finding & Order approving the settlement agreement regarding a violation of the Commission's transportation rules. electronically filed by Kelli C. King on behalf of The Public Utilities Commission of Ohio