

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF MONO FREIGHT LLC,
NOTICE OF APPARENT VIOLATION AND
INTENT TO ASSESS FORFEITURE.

CASE NO. 21-62-TR-CVF
(20-CR-319004)

FINDING AND ORDER

Entered in the Journal on January 26, 2022

I. SUMMARY

{¶ 1} The Commission finds reasonable and approves the settlement agreement filed between Staff and Mono Freight LLC 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, 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} On October 24, 2019, Staff inspected within the State of Ohio a facility located at 175 Rita Street, Dayton, Ohio 45404, owned by Mono Freight LLC (Respondent).

{¶ 4} 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 \$14,100 for three alleged violations.

{¶ 5} On December 8, 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 agrees to violations of 49 C.F.R. §§ 392.2; 395.8(a)(1); and 395.8(e)(1). The Respondent recognizes that these violations may be included in Respondent's history of violations insofar as they may be relevant for the purposes of determining penalty actions for future violations. Respondent agrees to make payment of a forfeiture amount of \$9,870 for the violations above.
- B. The agreement shall become effective when approved by the Commission. Pursuant to Ohio Adm.Code 4901:2-7-14, if Respondent fails to comply with the provisions of the Settlement Agreement, Respondent shall be in default and deemed to have admitted the violations in Section A. In the event of default, the Commission may set aside the Settlement Agreement and order the Respondent to pay the amount indicated in the NIA previously served in this case.
- C. The Respondent shall pay the \$9,870 civil forfeiture in 24 monthly installments commencing 30 days after the Commission's order approving the Settlement Agreement. The payments shall be made via the Commission website or by certified check or money order payable to "Treasurer State of Ohio," and mailed to PUCO, Attn: CF Processing, 180 E. Broad St., 4th Floor, Columbus, OH 43215-3793. Case Nos. 20-CR-319004 and 21-62-TR-CVF should appear on the face of each certified check or money order.
- D. The Settlement Agreement, which is subject to the rules of the Commission, constitutes the entire agreement between the parties.

{¶ 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, 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 the civil forfeiture of \$9,870 in accordance with the Settlement Agreement. Payments shall be made via the Commission website or by check or money order payable to "Treasurer State of Ohio," and mailed to PUCO, 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 numbers 20-CR-319004 and 21-62-TR-CVF on the face of each 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:

Jenifer French, Chair

M. Beth Trombold

Lawrence K. Friedeman

Daniel R. Conway

Dennis P. Deters

JMD/mef

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Case No(s). 21-0062-TR-CVF

Summary: Finding & Order approving the settlement agreement filed between Staff and Mono Freight LLC regarding violations of the Commission's transportation rules. electronically filed by Kelli C. King on behalf of The Public Utilities Commission of Ohio