

# THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF ALLSTATE TRUCKING  
LLC, NOTICE OF APPARENT VIOLATION  
AND INTENT TO ASSESS FORFEITURE.

CASE NO. 21-575-TR-CVF  
(21-CR-403564)

## FINDING AND ORDER

Entered in the Journal on February 23, 2022

### I. SUMMARY

{¶ 1} The Commission finds reasonable and approves the settlement agreement filed between Staff and Allstate Trucking 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 (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} Staff conducted a compliance review of Allstate Trucking LLC's (Respondent) facility. As a result of the inspection, 14 violations of the FMCSR and one violation of the Revised Code were discovered, resulting in the assessment of a forfeiture in the amount of \$14,100. During the compliance review, Staff noted the following apparent violations of the C.F.R.:

- 1) 382.701(a); failing to conduct a pre-employment query;
- 2) 382.711(b); failing to register in the Clearinghouse;

- 3) 387.15; incomplete endorsement;
- 4) 395.3(a)(2); requiring or permitting property CMV driver to drive after 14 hours on duty;
- 5) 395.3(a)(3)(i); requiring or permitting property CMV driver to drive more than 11 hours;
- 6) 395.8(a)(1); failing to require a driver to prepare a record of duty status;
- 7) 395.8(e)(1); false reports of records of duty status;
- 8) 396.3(b); failing to keep minimum records of inspection and maintenance;
- 9) 392.2; operating a vehicle in violation of local/state laws – unsafe driving;
- 10) 387.7(a); operating a motor vehicle without having in effect the required minimum levels of financial responsibility coverage;
- 11) 396.3(b); failure to keep minimum records of inspection and vehicle maintenance;
- 12) 395.8(a)(1); failure to require a driver to prepare a record of duty status using appropriate method;
- 13) 391.45(a); using a driver not medically examined and certified;
- 14) 396.17(a); using a commercial motor vehicle not periodically inspected; and

- 15) R.C. 4921.03; transporting passengers and/or property without PUCO authority.

{¶ 4} Staff served a notice of preliminary determination upon Respondent in accordance with Ohio Adm.Code 4901:2-7-12, alleging violations of the Commission's transportation regulations.

{¶ 5} On May 12, 2021, Respondent requested an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13.

{¶ 6} A settlement conference was held on August 4, 2021, as scheduled.

{¶ 7} On December 15, 2021, Staff and Respondent filed a settlement agreement that, in the parties' opinions, resolves the issue raised in the notice of preliminary determination. 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 to the 14 violations of the C.F.R. and one violation of the Revised Code, as listed above, and recognizes that they may be included in the Respondent's Safety-Net Record and Respondent's history of violations insofar as they may be relevant for purposes of determining penalty actions.
- B. The Respondent agrees to make payment of a civil forfeiture of \$10,410 for the violations listed above. Respondent has provided proof to Staff that it has taken remedial actions to address these violations.
- C. Payments shall be made payable to "Treasurer State of Ohio" and shall be mailed to Public Utilities Commission, Attn: Fiscal Section, 180 E. Broad St., 4<sup>th</sup> Floor, Columbus, OH 43215-3793.

Case number 21-575-TR-CVF and inspection number 21-CR-403564 should appear on the face of each check.

- D. This settlement agreement shall not become effective until adopted by a Finding 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.
- E. 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.

{¶ 8} The Commission finds that the settlement agreement submitted in this case is reasonable. Therefore, it shall be approved and adopted in its entirety.

{¶ 9} 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 and this Finding and Order 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.

### III. ORDER

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That the settlement agreement submitted in this case be approved and adopted in its entirety. It is, further,

{¶ 12} ORDERED, That Respondent pay the civil forfeiture of \$10,410 in 24 monthly installments commencing 30 days after this Finding and Order and in accordance with the settlement agreement. Monthly payments shall be made via the Commission website or by

check or money order payable to “Treasurer State of Ohio” and shall be mailed to Public Utilities Commission, Attn: Fiscal Section, 180 E. Broad St., 4<sup>th</sup> Floor, Columbus, OH 43215-3793. In order to assure proper credit, Respondent is directed to write case number 21-575-TR-CVF and inspection number 21-CR-403564 on the face of the checks or money orders. It is, further,

{¶ 13} ORDERED, That a copy of this Finding and Order be served upon all parties of record.

COMMISSIONERS:

*Approving:*

Jenifer French, Chair  
M. Beth Trombold  
Lawrence K. Friedeman  
Daniel R. Conway  
Dennis P. Deters

JWS/mef

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

**2/23/2022 3:01:00 PM**

**in**

**Case No(s). 21-0575-TR-CVF**

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