

**BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of Heath Stutzman,	:	Case No.	21-866-TR-CVF and
Notice of Apparent Violation and	:		21-1244-TR-CVF
Intent to Assess Forfeiture.	:		(OH3291013737D)
	:		

SETTLEMENT AGREEMENT

I. Introduction

Pursuant to 4901:2-7-11 of the Ohio Administrative Code (Ohio Adm.Code), Heath A. Stutzman (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 Staff (jointly, Signatory Parties) that this Settlement Agreement is not binding upon the Public Utilities Commission of Ohio (Commission). This Settlement Agreement, however, is based on the Signatory Parties' desire to arrive at a reasonable result considering the law, facts and circumstances. Accordingly, the Signatory Parties believe that this Settlement Agreement should be approved by the Commission.

This Settlement Agreement is submitted on the condition that the Commission adopts the agreed upon terms in their entirety and without material modification. The Signatory Parties agree that if the Commission rejects all or any part of this Settlement

Agreement or otherwise materially modifies its terms, either Signatory 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 Settlement Agreement by filing a notice with the Commission. If an application for rehearing is filed, and if the Commission does not adopt the Settlement Agreement without material modification, or if the Commission makes a material modification to any Order adopting the Settlement Agreement pursuant to any reversal, vacation and/or remand by the Supreme Court of Ohio, then either signatory part may terminate and withdraw from this agreement by filing a notice with the Commission within ten (10) days of the Commission's Entry on Rehearing or Order. In such an event, a hearing shall go forward, and the Signatory 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 May 12, 2021, a vehicle operated by Mastead Farms, Ltd. and driven by Respondent was inspected within the State of Ohio. The inspection resulted in the discovery of two violations of the Commission's rules: 49 C.F.R. 391.41(a)(1) for operating a property-carrying vehicle without possessing a valid medical certificate; and 49 C.F.R. 383.23(a)(2) for operating a commercial motor vehicle without a commercial driver's license.
- B. On May 14, 2021, Respondent was timely served with a notice of apparent violation and intent to assess forfeiture (NIF) in accordance with Ohio

Adm.Code 4901:2-7-07. Staff served Respondent with a second NIF on June 13, 2021. The NIFs assessed Respondent \$350 for the violations.

- C. The Signatory Parties participated in a conference pursuant to Ohio Adm.Code 4901:2-7-10 on July 15, 2021, but a resolution was not reached.
- D. On August 4, 2021, Respondent was timely served with a notice of preliminary determination pursuant to Ohio Adm.Code 4901:2-7-12, in which Respondent was assessed \$350 for the violations listed in paragraph II.A.
- E. On August 11, 2021, Respondent made a timely request for an administrative hearing under Ohio Adm.Code 4901:2-7-13. On August 16, 2021, in response to this request, the Docketing Division of the Commission opened a docket for Case No. 21-866-TR-CVF.
- F. On December 15, 2021, a duplicate request for administrative hearing was filed with the Commission, and the Docketing Division of the Commission opened a docket for Case No. 21-1244-TR-CVF.
- G. On February 1, 2022, Staff and Respondent attended a prehearing conference, in which the Signatory Parties arrived at a settlement.
- H. Pursuant to Ohio Adm.Code 4901:2-7-11, the Signatory Parties have negotiated this Settlement Agreement, which they believe resolves all the issues raised in the notice of preliminary determination.

III. Settlement Agreement

The Signatory Parties agree and recommend that the Commission find as follows:

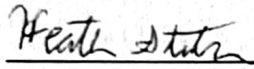
- A. Respondent agrees to violations of 49 C.F.R. 391.41(a)(1) and 49 C.F.R. 383.23(a)(2), and recognizes that it may be included in the Respondent's Safety-Net Record and Respondent's history of violations insofar as it may be relevant for purposes of determining future penalty actions.
- B. The Respondent agrees to make payment of a civil forfeiture of \$245 for the violations listed in paragraph II.A.
- C. Payment shall be made payable to "Public Utilities Commission of Ohio," and it shall be mailed to PUCO FISCAL, 180 E. Broad St., 4th floor, Columbus, OH 43215-3793. Case Nos. OH3291013737D and 21-866-TR-CVF should appear on the face of the check.
- D. The December 15, 2021 request for administrative hearing that was filed in Case No. 21-1244-TR-CVF was an administrative error. As the issues raised in Case No. 21-1244-TR-CVF are duplicate to and arise from the same set of facts as those settled in Case No. 21-866-TR-CVF by this Settlement Agreement, the Signatory Parties respectfully request that the Commission dismiss and close of record Case No. 21-1244-TR-CVF.
- 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, except as described in paragraph III.A.

IV. Conclusion

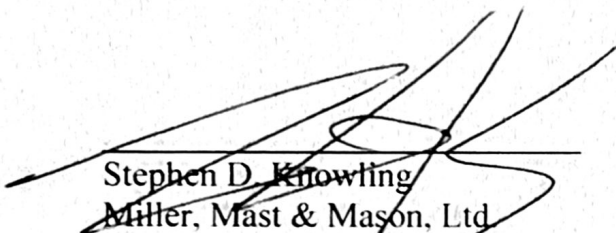
The Signatory Parties agree that this Settlement Agreement is in the best interest of all parties, and urge the Commission to adopt the same. The undersigned respectfully

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 this 5th day of May, 2022.



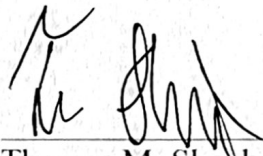
Heath Stutzman



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**This foregoing document was electronically filed with the Public Utilities
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in

Case No(s). 21-0866-TR-CVF, 21-1244-TR-CVF

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