

# THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF CERTAIN TRUCKING  
LTD, NOTICE OF APPARENT VIOLATION  
AND INTENT TO ASSESS FORFEITURE.

CASE NO. 22-449-TR-CVF  
(22-CR-CFA-00360210)

## FINDING AND ORDER

Entered in the Journal on May 18, 2022

### I. SUMMARY

{¶ 1} The Commission finds reasonable and approves the settlement agreement filed between Staff and Certain Trucking LTD, 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 February 25, 2022, a facility owned by Certain Trucking LTD (Respondent), located at 1715 Indian Wood Circle, Suite 200, Maumee, Ohio 43537, was inspected for compliance within the state of Ohio.

{¶ 4} On March 11, 2022, pursuant to Ohio Adm.Code 4901:2-7-07, Staff timely served Respondent with a Notice of Apparent Violation and Intent to Assess a Forfeiture. The notice assessed Respondent a civil forfeiture of \$10,100 for the nine alleged compliance violations.

{¶ 5} On April 14, 2022, Staff and Respondent met for a conference to discuss potential settlement of this matter.

{¶ 6} On April 27, 2022, Staff and Respondent filed a settlement agreement (Settlement Agreement) that, in the parties' opinions, resolves the issues raised in this case. 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. §§382.305; 382.309; 382.503; 382.701(a); 382.701(b)(1); 382.711(b); 383.37(b); 395.3(a)(3)(ii); and 395.8(e)(1). Respondent recognizes that these violations may be included in Respondent's history of violations and Safety-Net Record insofar as they may be relevant for the purposes of determining penalty actions for future violations.
- B. Respondent has provided proof sufficient to the Staff that it has a compliance plan in place to correct the violations found in the inspection. Staff therefore agrees to reduce the forfeiture amount from \$10,100 to \$8,540.
- C. Respondent agrees to pay a total civil forfeiture of \$8,540 for the violations. Payment shall be made by certified check or money order within 30 days after the Commission's order approving the Settlement Agreement. Payment shall be sent to the "Public Utilities Commission of Ohio," and mailed to: Public Utilities Commission of Ohio, ATTN: CF Processing, 180 East Broad Street, 4th Floor, Columbus, Ohio 43215-3793.
- D. The Settlement Agreement shall not be effective until adopted by the Commission. The date of the Order adopting the Settlement

Agreement shall be considered the effective date of the Settlement Agreement.

- E. The Settlement Agreement is made in settlement of all factual or legal issues in the case. It is not intended to have any effect whatsoever in any other case or proceeding, except as described in Paragraph A of the Settlement Agreement.

{¶ 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. The Commission notes that in accordance with Ohio Adm.Code 4901:2-7-14(D), if 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.

### 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 \$8,540 in accordance with the Settlement Agreement. Payment shall be made via the Commission website or by check or money order payable to "Public Utilities Commission of Ohio," and mailed to the Public Utilities Commission of Ohio, Attn: Fiscal Section, 180 East Broad Street, 4th Floor, Columbus, Ohio 43215-3793. In order to assure proper credit, Respondent is directed to write case numbers 22-449-TR-CVF and 22-CR-CFA-00360210 on the face the 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

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

**5/18/2022 3:17:47 PM**

**in**

**Case No(s). 22-0449-TR-CVF**

Summary: Finding & Order finding reasonable and approving the settlement agreement filed between Staff and Certain Trucking LTD, regarding violations of the Commission's transportation rules electronically filed by Ms. Mary E. Fischer on behalf of Public Utilities Commission of Ohio