

# THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF ANTHONY HREBLUK  
DBA DECORATIVE CURB & CONCRETE,  
NOTICE OF APPARENT VIOLATION AND  
INTENT TO ASSESS FORFEITURE.

CASE NO. 21-115-TR-CVF  
(21-CR-386780)

## FINDING AND ORDER

Entered in the Journal on June 1, 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} Staff conducted a compliance review at Decorative Curb & Concrete (DCC or Respondent), which resulted in the discovery of the following apparent violations: 49 C.F.R. 382.115(a) failure to implement an alcohol and/or controlled substances testing program; 49 C.F.R. 383.37(a) allowing, requiring, permitting, or authorizing a driver to operate a commercial motor vehicle (CMV) when the driver does not have a commercial driver's license (CDL) or a CDL with the proper class or endorsements; Ohio Adm.Code 4901:2-5-03 failure to keep minimum records of inspection and maintenance; Ohio Adm.Code 4901:2-5-03 failure to require a driver to prepare a record of duty status; Ohio Adm.Code 4901:2-5-03 failure to maintain driver qualification file on each driver; Ohio Adm.Code 4901:2-5-03 driver not medically examined and certified.

{¶ 4} On November 18, 2020, Respondent was served with a Notice of Preliminary Determination (NPD), pursuant to Ohio Adm.Code 4901:2-7-12, which assessed Respondent a total civil forfeiture of \$5,675 for the violations.

{¶ 5} By Finding and Order issued January 13, 2021, the Commission found the Respondent to be in default, and directed Respondent either to pay the assessed forfeiture or demonstrate why he was not in default.

{¶ 6} By letter dated February 3, 2021, and docketed February 5, 2021, Respondent made a formal request for an administrative hearing pursuant to Ohio Adm.Code 4901:2-7-13.

{¶ 7} A prehearing conference was conducted on February 24, 2021.

{¶ 8} A hearing was conducted on January 31, 2022. During a break in the proceedings, the parties agreed to a settlement.

{¶ 9} On May 6, 2022, 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 to violations of 49 C.F.R. 382.115(a) and 383.37(a), and Ohio Adm.Code 4901:2-5-03, and recognizes that they may be included in Respondent's history of violations and recognizes that this violation 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.
- (b) Respondent and Staff agree that Respondent should pay a civil forfeiture of \$2,400 for the violations, in no more than

24 monthly installments of \$100, with the first such payment to be made within 30 days following Commission approval of this agreement. Respondent has provided sufficient proof to Staff that it has taken remedial actions to address these violations.

- (c) Payments should be made payable to Public Utilities Commission of Ohio, with Case Number 21-0115-TR-CVF and 21-CR-386780 written on the face of each check or money order. Payment of such forfeiture shall be made via the Commission website or by certified check or money order made payable to: "Public Utilities Commission of Ohio" and shall be mailed or delivered to: Public Utilities Commission of Ohio, Attn: CF Processing, 180 E. Broad St., 4th floor, Columbus, Ohio 43215-3793.
- (d) 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.
- (e) 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.

{¶ 10} 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.

{¶ 11} 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

{¶ 12} It is, therefore,

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

{¶ 14} ORDERED, That Respondent pay a civil forfeiture of \$2,400 in accordance with the settlement agreement. Payment of such forfeiture shall be made via the Commission website or by certified check or money order made payable to: “Public Utilities Commission of Ohio” and shall be mailed or delivered to: Public Utilities Commission of Ohio, Attn: CF Processing, 180 E. Broad St., 4th floor, Columbus, Ohio 43215-3793. In order to assure proper credit, Respondent is directed to write Case No. 21-0115-TR-CVF and inspection number 21-CR-386780 on the face of the check or money order. It is, further,

{¶ 15} 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

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). 21-0115-TR-CVF**

Summary: Finding & Order finding reasonable and approving the settlement agreement regarding a violation of the Commission's transportation rules electronically filed by Ms. Mary E. Fischer on behalf of Public Utilities Commission of Ohio