

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

Application In the Matter of a Request)
for Approval of the Settlement Between) Case No. 22-13-TR-CVF
Staff and Tyrone Card. Pursuant to Rule) (OH3248015981D)
4901:2-7-11, Ohio Administrative Code.)

SETTLEMENT AGREEMENT

I. Introduction

Pursuant to Rule 4901:2-7-11 of the Ohio Administrative Code (O.A.C.), Tyrone Card (“Respondent”) and the Staff of the Transportation Department of the Public Utilities Commission of Ohio (Staff) enter into this agreement to resolve all issues in the above-captioned case.

It is understood by the Respondent and Staff that this Settlement Agreement is not binding upon the Public Utilities Commission of Ohio (Commission). This agreement, however, is based on the parties' desire to arrive at a reasonable result considering the law, facts, and circumstances. Accordingly, the Respondent and Staff encourage and recommend that the Commission adopt this Settlement Agreement.

This Settlement Agreement is expressly conditioned upon its adoption by the Commission in its entirety and without material modification. Should the Commission reject or materially modify all or any part of this Settlement Agreement, the Signatory Parties shall have the right, within thirty days of issuance of the Commission’s Order, to file an application for rehearing. Should the Commission, in issuing an entry on

rehearing, not adopt the Settlement Agreement in its entirety and without material modification, any Party may withdraw from the Settlement Agreement. Such withdrawal shall be accomplished by filing a notice with the Commission, including service to all parties, in the docket within thirty days of the Commission's entry on rehearing. Neither party to this Settlement Agreement will oppose the withdrawal from the Settlement Agreement by the other party. Prior to the filing of such a notice, the party wishing to withdraw agrees to work in good faith with the other Party to achieve an outcome that substantially satisfies the intent of the Settlement Agreement and, if a new agreement is reached, then the new agreement shall be filed for Commission review and approval. If the discussions to achieve an outcome that substantially satisfies the intent of the Settlement Agreement is unsuccessful in reaching a new agreement that includes all Signatory Parties to the present Settlement Agreement, then the Commission will convene an evidentiary hearing as if the withdrawing Party had never executed the Settlement Agreement.

II. History

- A.** On 09-27-2021, a vehicle operated by TRANS-SBQ COMPANY, and driven by, Tyrone Card was inspected within the state of Ohio.
- B.** As a result of discovery of the following violation(s) of the Commission's rules, Staff of the Commission timely notified Tyrone Card pursuant to rule 4901:2-7-07, Ohio Administrative Code (OAC), that it intended to assess a civil forfeiture against Tyrone Card in the following amount:

<u>C.F.R. Code</u>	<u>Violation</u>	<u>Forfeiture</u>
390.3E	Prohibited from performing safety sensitive functions per 382.501(a) in the Drug and Alcohol Clearinghouse.	\$ 3174.00

- C.** A conference was conducted pursuant to Rule 4901:2-10, OAC, at which Tyrone Card had a full opportunity to present reasons why the violation(s) did not occur as alleged, mitigating circumstances regarding the amount of any forfeiture, and any other information relevant to the action proposed to be taken by the Staff. This settlement conference was not able to resolve all issues and the Respondent was afforded the opportunity to request an administrative hearing
- D.** A hearing was scheduled and continued to allow the parties to settle matters; and the parties have since reached settlement terms.

III. Settlement Terms

- A.** For purposes of settlement Respondent agrees the violation(s) listed above in II. B. may be included in Respondent's compliance record and in its history of violations insofar as they may be relevant for the purposes of determining penalty for future violations and agrees to make payment of a reduced forfeiture amount of \$500.00
- B.** This agreement shall become effective when approved by the Commission. Pursuant to O.A.C. 4901:2-7-14, if Respondent fails to comply with the provisions of this settlement agreement Respondent shall be in default and

deemed to have admitted the violation(s). In the event of default, the Commission may set aside this agreement and order Respondent to pay the amount indicated in the “Notice of Alleged Violation and Intent to Assess Forfeiture” previously served in this case.

- C.** Respondent shall pay the \$500.00 civil forfeiture in ten consecutive monthly payments of \$50.00 starting within 30 days immediately following the Commission’s order approving this Settlement Agreement. The Respondent may make larger payments if the Respondent chooses. The payments shall be made payable to “Public Utilities Commission of Ohio,” and shall be mailed to Public Utilities Commission of Ohio, Attn: CF Processing, 180 E. Broad St., 4th floor, Columbus, OH 43215-3793. The case numbers (OH3248015981D and/or 22-13-TR-CVF) should appear on the face of the payments.
- D.** This agreement, which is subject to the rules of the Commission, constitutes the entire agreement between the parties.

IV. Conclusion

The undersigned respectfully request that the Commission adopt this Settlement Agreement in its entirety. The parties have manifested their consent and authority to enter into the Settlement Agreement by affixing their signatures below.

On the Behalf of Tyrone Card

/s/ Tyrone Card

Tyrone Card

1534 NORWOOD PL NW
CANTON, OH 44709

Date: 04/25/2023

On Behalf of the Staff of the Public
Utilities Commission of Ohio

/s/ Robert Eubanks

Robert Eubanks

Senior Assistant Attorney General
Counsel for Public Utilities Section
30 East Broad Street, 26th Floor
Columbus, Ohio 43215

Date: 04/25/2023

Kimberly Naeder

Subject: FW: Re:

From: Tyrone Card <cardtyrone112982@gmail.com>

Sent: Tuesday, April 25, 2023 11:39 AM

To: Robert Eubanks <Robert.Eubanks@OhioAGO.gov>

Cc: Bradley.Long@puco.ohio.gov; christopher.rhodes@puco.ohio.gov; Rod.Moser@puco.ohio.gov

Subject: Re: Re:

Alright, thank you..!

On Tue, Apr 25, 2023, 11:37 AM Robert Eubanks <Robert.Eubanks@ohioago.gov> wrote:

Information on how to pay is in III. C. of the Stipulation.

I will get the stipulation filed.

Thanks,

Robert Eubanks

Senior Assistant Attorney General

Ohio Attorney General's Office

30 East Broad Street; 26th Floor

Columbus, Ohio 43215

614 517-6091 (Cell Phone)

** Please note that, in adherence to best practices brought about in response to COVID-19, the Ohio Attorney General's Office moved to a "remote work" status effective March 18, 2020. All members of the office remain available remotely during normal business hours. Thank you for your patience.*

From: Tyrone Card <cardtyrone112982@gmail.com>

Sent: Tuesday, April 25, 2023 11:32 AM

To: Robert Eubanks <Robert.Eubanks@OhioAGO.gov>

Cc: Bradley.Long@puco.ohio.gov; christopher.rhodes@puco.ohio.gov; Rod.Moser@puco.ohio.gov

Subject: Re: Re:

I agree but could you send me some type of info on how to go about making these payments - who/where am I sending the payments too..?

On Tue, Apr 25, 2023, 10:22 AM Robert Eubanks <Robert.Eubanks@ohioago.gov> wrote:

Mr. Card,

Please review the attached stipulation. If it is acceptable, state in your reply email that you give me the authority to sign the stipulation on your behalf and then I will file.

Bradley,

When Mr. Card approves the stipulation please alert the inspector that he does not need to appear for the hearing,

Thanks all,

Robert Eubanks

Senior Assistant Attorney General

Ohio Attorney General's Office

30 East Broad Street; 26th Floor

Columbus, Ohio 43215

614 517-6091 (Cell Phone)

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From: Tyrone Card <cardtyrone112982@gmail.com>

Sent: Monday, April 24, 2023 7:01 PM

To: Robert Eubanks <Robert.Eubanks@OhioAGO.gov>

Cc: Bradley.Long@puco.ohio.gov; christopher.rhodes@puco.ohio.gov; Rod.Moser@puco.ohio.gov

Subject: Re: Re:

Yes, I just need some time (in advance) to put some money together & I'll probably just pay the entire fee off in full but I'm not working currently & behind on other bills/fees that I have ???

On Mon, Apr 24, 2023, 5:18 PM Robert Eubanks <Robert.Eubanks@ohioago.gov> wrote:

Mr. Card,

Is a 10-month payment plan acceptable?

Robert Eubanks

Senior Assistant Attorney General

Ohio Attorney General's Office

30 East Broad Street; 26th Floor

Columbus, Ohio 43215

614 517-6091 (Cell Phone)

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From: Tyrone Card <cardtyrone112982@gmail.com>

Sent: Monday, April 24, 2023 3:14 PM

To: Robert Eubanks <Robert.Eubanks@OhioAGO.gov>

Cc: Bradley.Long@puco.ohio.gov; christopher.rhodes@puco.ohio.gov; Rod.Moser@puco.ohio.gov

Subject: Re:

Yes \$500 (with a payment plan) is acceptable, thank you..!

On Mon, Apr 24, 2023, 12:43 PM Robert Eubanks <Robert.Eubanks@ohioago.gov> wrote:

Mr. Card,

According to DACH, your status is cleared, but there is still the matter of settling the outstanding charge.

The hearing is scheduled for Thursday and Staff asked me to reach out to you to try to resolve this matter before the hearing. To that end, Staff is willing to reduce the fine to \$500 and offer you a payment plan for that outstanding amount.

Is this acceptable to you for the purposes of settling this matter and avoiding a hearing?

Thanks,

Robert Eubanks

Senior Assistant Attorney General

Ohio Attorney General's Office

30 East Broad Street; 26th Floor

Columbus, Ohio 43215

614 517-6091 (Cell Phone)

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From: Tyrone Card <cardtyrone112982@gmail.com>

Sent: Wednesday, February 8, 2023 8:26 AM

To: Robert Eubanks <Robert.Eubanks@OhioAGO.gov>

Subject:

Currently homeless - have alot going on (that i can only explain, or show visble proof) but I've BEEN had a Sap counsler (since the week of my initial violation), this guy DOES NOTHING FOR ME - just basically took my money & sent me what I'm sending you, I CAN'T EVEN REACH THIS GUY, so I reached out to the ODAPC people in Washinton (222 366 3784) to make a complaint & see if my sap has completed an intial evaluation because if he hasn't, I would like to hire a new one (here in Canton, Oh) but I've only received some kinda voice automated machine every time

I've called, so I left a message & no one has returned my call... I spoke of having money issues at the meeting in Columbus, the results of ALL OF MY ISSUE'S - I'm homeless now (since Nov.) but I haven't given up, just can't catch a break (have alot of personal thing's going on at once & absolutely no help, support at all) - REALLY NEED to get back in a truck, so I can get my life back in order... I've been clean FOR AWHILE now & I'm willing to come back to your office to take a test & prove it - I'm just on hard time's at the moment & previous bills, etc has left me penniless !!!

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

4/25/2023 12:21:22 PM

in

Case No(s). 22-0013-TR-CVF

Summary: Agreement Settlement Agreement electronically filed by Mrs. Kimberly
M. Naeder on behalf of PUCO.