

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF DEBRA A. BOOTH,
NOTICE OF APPARENT VIOLATION AND
INTENT TO ASSESS FORFEITURE.

CASE NO. 22-533-TR-CVF
(OH3239002981D)

FINDING AND ORDER

Entered in the Journal on August 9, 2023

I. SUMMARY

{¶ 1} The Commission finds reasonable and approves the settlement agreement entered by Staff and Debra A. Booth regarding a violation 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 March 24, 2022, a vehicle driven by Debra A. Booth (Respondent) and operated by Schneider National Carriers Inc. underwent an inspection for compliance with state transportation laws and rules. The inspection resulted in the discovery of a violation of 49 C.F.R. § 392.16, failing to use a seat belt while operating a commercial motor vehicle.

{¶ 4} Following that inspection, Staff served a notice of preliminary determination upon Respondent in accordance with Ohio Adm.Code 4901:2-7-12, alleging a violation of the Commission's transportation regulations and assessing a civil forfeiture of \$100.

{¶ 5} On May 17, 2022, Respondent filed a request for an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13.

{¶ 6} A prehearing conference was held between Respondent and Staff on July 21, 2022; however, the parties were unable to reach a settlement during the prehearing conference.

{¶ 7} By Entry issued December 14, 2022, the attorney examiner scheduled this matter for hearing on March 23, 2023. Ultimately, due to the submission of an agreement, by Entry dated March 21, 2023, the attorney examiner canceled the March 23, 2023 hearing.

{¶ 8} On March 20, 2023, the parties filed a Settlement Agreement resolving all issues in the above-captioned case (Settlement Agreement). The following is a summary of certain conditions agreed to by the parties; it is not intended to replace or supersede the Settlement Agreement:

- a. Respondent accepts responsibility for the cited violation and to its inclusion in Respondent's compliance record and history of violations, which Respondent acknowledges may be relevant for determining future penalty actions. Respondent agrees to pay a reduced forfeiture amount of \$50.
- b. The Settlement Agreement shall become effective when approved by the Commission. Pursuant to Ohio Adm.Code 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. The Commission may set aside this Settlement Agreement if default occurs, and order Respondent to pay the \$100 amount indicated in the "Notice of Alleged Violation and Intent to Assess Forfeiture."

- c. Respondent shall pay the \$50 civil forfeiture within 90 days immediately following the Commission's order approving the Settlement Agreement. The payment can be made via the Commission website or by certified check or money order 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 OH3239002981D and/or 22-533-TR-CVF should appear on the face of the payments.
- d. The Settlement Agreement constitutes the entire agreement between the parties.

{¶ 9} The Commission finds that the Settlement Agreement filed in this case is reasonable. Therefore, the Commission approves the Settlement Agreement and adopts it in its entirety.

{¶ 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, Respondent shall be in default and shall be deemed to have admitted the occurrence of the violation and waived all further right to contest liability for the forfeiture originally assessed by Staff.

III. ORDER

{¶ 11} It is, therefore,

{¶ 12} ORDERED, That the Settlement Agreement filed in this proceeding be approved and adopted in its entirety. It is, further,

{¶ 13} ORDERED, That Respondent pay the civil forfeiture of \$50 in accordance with the Settlement Agreement within 90 days of the date of this Finding and Order. The payment can 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. 22-553-TR-CVF and inspection number OH3239002981D on the face of the check or money order. It is, further,

{¶ 14} ORDERED, That a copy of this Finding and Order be served upon each party of record.

COMMISSIONERS:

Approving:

Jenifer French, Chair
Daniel R. Conway
Lawrence K. Friedeman
Dennis P. Deters
John D. Williams

CRW/DMH/mef

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in

Case No(s). 22-0533-TR-CVF

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