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Fax Cover Page

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From: Kimberly Naeder Fax Number: (866) 483-1098
Phone: (614) 466-4397 No. of pages: 7
(including cover page)

Subject: Settlement Agreement, Case no. 22-1155-TR-CVF

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Good afternoon,

Please file the attached Settlement Agreement in case no. 22-1155-TR-CVF.

Thank you,

Kimberly



Kimberly M. Naeder
Project Coordinator - Public Utilities
Section
Office of Ohio Attorney General Dave
Yost
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To: DIS Docketing

From: Kimberly Naeder, AGO Office

Fax: 866-483-1098

Pages: 4

Phone: 614-466-4397

Date: 12/19/2023

Subject: Settlement Agreement Case No. 22-1155-TR-CVF

Message:

Please file the attached Settlement Agreement in case no. 22-1155-TR-CVF. Thank you.

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of L&R Jones)	Case No. 22-1155-TR-CVF
Transportation LLC)	(OH9448300252C)
)	

SETTLEMENT AGREEMENT

I. Introduction

Pursuant to Rule 4901:2-7-11 of the Ohio Administrative Code (Ohio Adm.Code), L&R Jones Transportation LLC (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 the 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 the Staff encourage and recommend that the Commission adopt this Settlement Agreement.

This Settlement is conditioned upon adoption of the Settlement by the Commission in its entirety and without material modification. Each Signatory Party has the right, in its sole discretion, to determine whether the Commission's approval of this Settlement constitutes a "material modification" thereof. If the Commission rejects or materially modifies all or any part of this Settlement, any Signatory Party shall have the right to apply for rehearing. If the Commission does not adopt the Settlement without

material modification upon rehearing, or if the Commission makes a material modification to any Order adopting the Settlement pursuant to any reversal, vacation and/or appeals, then within thirty (30) days of the Commission's Entry on Rehearing or Order on Remand any Signatory Party may withdraw from the Settlement by filing a notice with the Commission ("Notice of Withdrawal"). No Signatory Party shall file a Notice of Withdrawal without first negotiating in good faith with the other Signatory Parties to achieve an outcome that substantially satisfies the intent of the Settlement. If a new agreement achieves such an outcome, the Signatory Parties will file the new agreement for Commission review and approval. If the discussions to achieve an outcome that substantially satisfies the intent of the Settlement are unsuccessful, and a Signatory Party files a Notice of Withdrawal, then the Commission will convene an evidentiary hearing to afford that Signatory Party the opportunity to contest the Settlement by presenting evidence through witnesses, to cross examine witnesses, to present rebuttal testimony, and to brief all issues that the Commission shall decide based upon the record and briefs. If the discussions to achieve an outcome that substantially satisfies the intent of the Settlement are successful, then some or all of the Signatory Parties shall submit the amended Settlement to the Commission for approval after a hearing if necessary.

II. History

- A. On September 21, 2022, a commercial motor vehicle operated by L&R Jones Transportation LLC (Respondent) and driven by Roosevelt H. Jones (Driver) was inspected within the State of Ohio.

- B. As a result of the inspection, the Respondent was served with a Notice of Apparent Violation on September 23, 2022.
- C. On November 15, 2022, Respondent's request for a conference was honored, but it was determined that there was no way to resolve the issue at the conference level.
- D. On November 23, 2022, the Respondent was served with a Notice of Preliminary Determination (NPD) in accordance with Ohio Adm.Code 4901:2-7-12 for violation of 49 C.F.R § 395.24(d), ELD could not transfer ELD records electronically.
- E. The Respondent requested an administrative hearing pursuant to Ohio Adm.Code 4901:2-7-13.
- F. The parties have negotiated this Settlement Agreement, which the parties believe resolves all of the issues raised in the case.

III. Settlement Agreement

The Staff and the Respondent agree and recommend that the Commission find as follows:

- A. The Respondent agrees to a violation of 49 C.F.R § 395.24(d). As this CFA carries with it no forfeiture amount, and per an agreement between staff and the Respondent that the violation will remain, the case should be closed as a matter of record.
- B. This Settlement Agreement shall not become effective until adopted by the Commission. The date of the entry or order of the Commission adopting

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

- C. This Settlement Agreement is intended to resolve only factual or legal issues raised in this case. It is not intended to have any effect whatsoever in any other case or proceeding, except as described in Paragraph A.

IV. Conclusion

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

On Behalf of L&R Jones Transportation
LLC

/s/Roosevelt Jones

Roosevelt H. Jones
L&R Jones Transportation LLC
2111 Post Wood Ln
Arlington, TX 76018

12-18-2023

Date

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

/s/ Lauren Williams

Lauren M. Williams
Assistant Attorney General
Public Utilities Section
30 East Broad Street, 26th Floor
Columbus, OH 43215

12-19-2023

Date