

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of McCoy, Inc. Notice of)
Apparent Violation and Intent to Assess) Case No. 97-151-TR-CVF
Forfeiture.) (OHCB000857C)

ENTRY

The Commission finds:

- (1) On November 20, 1996, Commission staff served a notice of preliminary determination upon McCoy, Inc. (McCoy) in accordance with Rule 4901:2-7-12, Ohio Administrative Code, alleging violations of the Commission's Transportation Safety Rules.
- (2) By entry of February 26, 1997, this matter was set for prehearing on March 6, 1997 and for hearing on May 1, 1997.
- (3) On April 17, 1997, following the prehearing, McCoy and staff filed a settlement agreement that resolves this case.
- (4) The agreement states that McCoy agrees to be assessed a civil forfeiture in the amount of \$100.00 for the following assessed civil forfeitures:

violation of Title 49 C.F.R. §395.3(A)(1), driving more than ten hours.

McCoy shall make full payment of \$100.00 within 15 days of the Commission issuance of an opinion and order in this case. This payment shall constitute complete settlement of this case. Payment shall be made by company check, certified check, or money order made payable to "Treasurer, State of Ohio," and mailed or delivered to Fiscal Division, Public Utilities Commission of Ohio, 180 East Broad Street, 10th Floor, Columbus, Ohio 43215-3793. Although the settlement agreement is not an admission or evidence the violations occurred, McCoy agrees the alleged violations may be included in its safety record in so far as the violations may be relevant for purposes of assessing future civil forfeitures.

- (5) The Commission finds that the agreement is reasonable and should be adopted.

It is, therefore,

ORDERED, That the settlement agreement filed by staff and McCoy, Inc. is approved and adopted. It is, further,

ORDERED, That this case is closed as a matter of record. It is, further,

ORDERED, That a copy of this entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

Craig A. Glazer, Chairman

Jolynn Barry Butler

Ronda Hartman Fergus

David W. Johnson

Judith A. Jones

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