

**BEFORE THE  
UNITED STATES DEPARTMENT OF TRANSPORTATION  
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION**

**In the Matter of:**

**KELVIN W. CHEVIES DBA JJAC  
CHARTER SERVICE  
USDOT #2282884**

**Respondent**

**Docket No. FMCSA-2013-0365<sup>1</sup>  
(Southern Service Center)**

**ORDER APPROVING SETTLEMENT**

On May 30, 2013, the Louisiana Division of the Federal Motor Carrier Safety Administration (FMCSA) issued a Notice of Claim (NOC) against Kelvin W. Chevies dba JJAC Charter Service (Respondent). The NOC alleged that Respondent committed one count of violating 49 CFR 396.17(g) – failing to promptly repair parts and accessories not meeting minimum periodic inspection standards.<sup>2</sup> The NOC proposed a civil penalty of \$2,000.

Respondent filed a timely reply to the NOC. In its reply Respondent admitted the violations and requested binding arbitration.<sup>3</sup> On September 12, 2013, the Field Administrator for FMCSA's Southern Service Center (Claimant) consented to Respondent's request for binding arbitration.<sup>4</sup> On October 7, 2013, I referred this matter to binding arbitration.<sup>5</sup> On December 12,

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<sup>1</sup> The prior case number of this matter was LA-2013-0062-US1341.

<sup>2</sup> Field Administrator's Consent to Arbitration (Consent), Exhibit A.

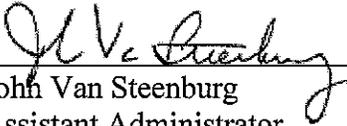
<sup>3</sup> Consent, Exhibits B, C.

<sup>4</sup> Field Administrator's Consent to Respondent's Request for Binding Arbitration.

2013, Claimant served a Notice of Settlement and Motion to Terminate Proceedings and Close Docket. Claimant attached a copy of the fully executed settlement agreement (Agreement) to his Motion.

The Agreement conditionally holds \$700 of the proposed penalty in abeyance provided that Respondent complies with the terms and conditions set forth in paragraph four of the Agreement. The Agreement requires Respondent to pay \$1,300 in six installments beginning on January 30, 2014. The Agreement sets forth the consequences for failure to comply with the terms and conditions of the Agreement. I conclude that the terms of the Agreement are in the public interest and the Agreement is accepted.<sup>6</sup>

*It is therefore ORDERED*, that the Settlement Agreement is the Final Order in this matter, the proceedings are dismissed, and the docket is closed.

  
\_\_\_\_\_  
John Van Steenburg  
Assistant Administrator  
Federal Motor Carrier Safety Administration

1/28/14  
Date

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<sup>5</sup> It appears that the parties settled this matter before they agreed upon an arbitrator to preside over the arbitration proceedings.

<sup>6</sup> Under 49 CFR 386.22(c), a settlement agreement does not become a final agency order in a proceeding until the Assistant Administrator enters an order accepting the settlement agreement.

## CERTIFICATE OF SERVICE

This is to certify that on this 29 day of January, 2014, the undersigned mailed or delivered, as specified, the designated number of copies of the foregoing document to the persons listed below.

Kelvin Chevies dba JJAC Charter Service 731 Iberville Street Baton Rouge, LA 70802 <i>Respondent</i>	One Copy U.S. Mail
Matthew J. Hardy Office of Chief Counsel FMCSA Southern Service Center 1800 Century Blvd., NE Suite 1700 Atlanta, GA 30345 <i>Claimant's Attorney</i>	One Copy U.S. Mail
U.S. Department of Transportation Docket Operations, M-30 West Building Ground Floor Room W12-140 1200 New Jersey Avenue, S.E. Washington, D.C. 20590	Original Personal Delivery

Janie Miller