

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Illinois Commerce Commission,	:	
Plaintiff,	:	
	:	
v.	:	Docket No. 212451 MC
	:	Investigation No. 19-1005
H & M LOGISTICS II, INC.,	:	
Respondent.	:	
	:	
Stipulated Settlement Agreement	:	
concerning alleged violations of the	:	
Illinois Commercial Transportation Law.	:	

**ORDER**

By the Commission:

On October 10, 2019, the Commission's Transportation Division, Office of Transportation Counsel issued a Notice of Alleged Violation and Opportunity to Settle ("NAVOS") alleging H & M logistics II, Inc. ("Respondent") had performed intrastate for-hire transportation without authority. After being served with the NAVOS, Respondent initiated settlement negotiations with the Office of Transportation Counsel of the Commission. These negotiations resulted in a tentative settlement agreement.

Under the terms of the Agreement, Respondent has admitted to operating for 15 days as an intrastate motor carrier of property without a valid public carrier certificate during the period from February 28, 2019, through August 30, 2019. Additionally, Respondent waives findings by the Commission that it operated without authority. Respondent has further agreed to cease and desist from engaging in such alleged operations, and has consented to the assessment of a civil penalty in the amount of \$750.00

The Commission, having considered the entire record in this proceeding, is of the opinion and finds that:

- (1) The subject matter and parties are within the proper scope of the Commission's jurisdictional authority;
- (2) The recitals of fact set forth in the prefatory portion of this Order are supported by the record and are hereby adopted as findings of fact;
- (3) The evidence in this proceeding, which consists of a Stipulated Settlement Agreement entered into by Respondent and the Office of Transportation

Counsel and records obtained by the Commission's Police Section, establishes that during the period from February 28, 2019, through August 30, 2019, Respondent operated as a for-hire motor carrier of property within Illinois without proper authority from this Commission;

- (4) Respondent has agreed to settle this enforcement proceeding in accordance with the Stipulated Settlement Agreement dated December 16, 2019;
- (5) Respondent has agreed to a monetary settlement in the amount of \$750.00 and to cease and desist from violations of the type stipulated;
- (6) The agreement is reasonable and should be accepted.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that the Stipulated Settlement Agreement entered into by Respondent and the Office of Transportation Counsel is accepted and its terms incorporated in this Order as if recited herein. The civil penalty shall be paid in accordance with the terms recited in the Stipulated Settlement Agreement. Payment shall be made to the Illinois Commerce Commission/TRF, Processing & Information Section, 527 East Capitol Avenue, Springfield, Illinois 62701.

IT IS FURTHER ORDERED that the Respondent shall cease and desist from operations of the type stipulated.

IT IS FURTHER ORDERED that the Office of Transportation Counsel shall take any necessary actions to collect any portion of the civil penalty assessed in this Order which becomes delinquent, or to enforce any portion of this Order and Stipulated Settlement Agreement incorporated herein by reference.

IT IS FURTHER ORDERED that the Commission shall retain jurisdiction over the parties and subject matter for the entry of any orders it deems just and necessary.

By Order of the Commission this 8th day of January 2020.

(Signed) CARRIE ZALEWSKI  
CHAIRMAN