

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Howard Garmier,)
 Notice of Apparent Violation and Intent) Case No. 08-668-TR-CVF
 To Assess Forfeiture.) (OH3274006029D)

FINDING AND ORDER

The Commission finds:

- (1) On April 6, 2007, a commercial vehicle driven by Howard Garmier (Respondent) was inspected within the State of Ohio by staff of the Ohio State Highway Patrol (Staff). The inspection resulted in the discovery of the following violation: driver was operating his commercial motor vehicle (CMV) without his corrective lenses, as required by his commercial drivers license, in violation of 49 C.F.R. §383.23(a)(2).
- (2) Respondent was timely served with a notice of preliminary determination (NPD) in accordance with Rule 4901:2-7-12, Ohio Administrative Code (O.A.C.). The preliminary determination assessed Respondent \$250.00 for the alleged violation.
- (3) Respondent made a timely request for an administrative hearing pursuant to 4901:2-7-13, O.A.C.
- (4) A prehearing settlement conference was held on June 30, 2008.
- (5) On July 17, 2008, the parties filed a settlement agreement which, in the parties' opinion, resolves all issues raised in the NPD. In the settlement agreement, Staff and Respondent agree, and recommend that the Commission find, as follows:
 - (a) Staff and Respondent agree that Respondent does not contest the violation referenced above and will pay a civil forfeiture in the amount of \$100.00 for operating a CMV without wearing his prescription lenses.
 - (b) For purposes of settlement, and not as an admission or evidence that the violation above occurred, Respondent agrees that the citation may be included in Respondent's Safety-Net Record

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and history of violations insofar as it may be relevant for purposes of determining future penalty actions.

- (c) The settlement agreement shall not become effective until adopted by the Commission. The date of the Commission entry or order adopting the settlement agreement shall be considered the effective date of the settlement agreement.
- (d) Within 30 days of the effective date of the settlement agreement, Respondent shall make payment of \$100.00. Payment shall be made using a certified check or money order payable to "Treasurer, State of Ohio" and mailed to PUCO Fiscal, 180 E. Broad Street, 13th Floor, Columbus, Ohio 43215-3793.
- (e) The settlement agreement is made in settlement of all factual or legal issues in this case. It is not intended to have any effect in any other case or proceeding.
- (6) The Commission finds that the settlement agreement submitted in this case is reasonable. Therefore, the settlement agreement should be approved and adopted in its entirety.

It is, therefore,

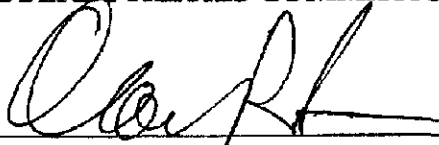
ORDERED, That the settlement agreement submitted in this case be approved and adopted in its entirety. It is, further,

ORDERED, That Howard Garmier pay a total civil forfeiture of \$100.00, with such payment due within 30 days after the effective date of this Finding and Order. Payment should be made payable to "Treasurer, State of Ohio" and mailed to PUCO, Attention Fiscal Division, 13th Floor, 180 East Broad Street, Columbus, Ohio 43215. In order to assure proper credit, Howard Garmier is directed to write the case number on the face of the check. It is, further,

ORDERED, That Case No. 08-668-TR-CVF be dismissed. It is, further,

ORDERED, That a copy of this finding and order be served upon Howard Garmier and all other interested parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



Alan R. Schriber, Chairman



Paul A. Centolella



Ronda Hartman Fergus



Valerie A. Lemmie

Cheryl L. Roberto

SEF:ct

Entered in the Journal

JUL 31 2008



Renee J. Jenkins
Secretary