

THE PUBLIC UTILITIES COMMISSION OF OHIO

## FINDING AND ORDER

49 C.F.R. 391.45(a)	Using a driver not medically examined and certified.	\$	500.00
49 C.F.R. 391.51(b)(2)	Failing to maintain inquiries into driver's driving record	\$	600.00
49 C.F.R. 391.51(b)(3)	Failing to maintain road test certificate in driver's file	\$	0.0
49 C.F.R.391.51(b)(4)	Failing to maintain response of each state agency	\$	0.0
49 C.F.R.391.51(b)(5)	Failing to maintain a note related to annual review	\$	0.0
49 C.F.R. 391.51(b)(6)	Failing to maintain a list or certificate	\$	0.0

(b)(6) Failing to maintain a list or certificate \$ 0.0

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Technician Ann Date Processed 12/20/06

49 C.F.R. 391.51(d)	Failing to keep required records in driver's file	\$ 0.0
49 C.F.R. 395.8(a)	Failing to require driver to make record of duty status	\$ 3,300.00
49 C.F.R. 396.11(a)	Failing to require driver to prepare inspection report	\$ 1,125.00
49 C.F.R. 172.704	Failing to train haz mat Employee	\$ 0.0

- (4) Respondent requested a conference pursuant to Rule 4901:2-7-10, O.A.C. The matter was discussed, and the Respondent had a full opportunity to present any evidence that the violations did not occur as alleged, mitigating circumstances regarding the amount of the forfeiture, and any other information relevant to the action proposed to be taken by Staff.
- (5) As the result of this conference, Staff and Respondent entered into a settlement agreement to resolve these inspections. Among the terms of the settlement agreement, the Respondent agreed to make payments of a civil forfeiture of \$2,762.50 in five consecutive monthly payments of \$552.50. The consecutive monthly payments will commence within 30 days after the effective date of this settlement agreement.
- (6) Respondent agrees that the findings of violations enumerated above will be included in the Respondent's Safety-Net record and in Respondent's history of violations insofar as they may be relevant for purposes of determining future penalties.
- (7) Rule 4901:2-7-11(C), O.A.C., provides that settlement agreements providing for the payment of civil forfeitures of one thousand dollars or more for any violation shall not be effective until approved by and made the order of the Commission.
- (8) The settlement agreement entered into between Staff and Respondent represents an equitable settlement of the matter and should be approved and adopted by the Commission.

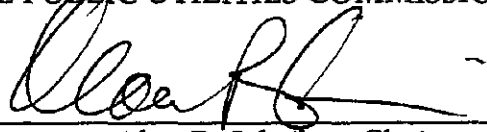
It is, therefore,

ORDERED, That the terms and conditions of the settlement agreement entered into between Staff and Cincinnati Sub-Zero Products be approved and adopted by the Commission by this Finding and Order. It is, further,

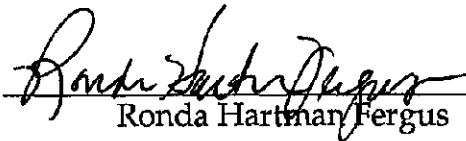
ORDERED, That the Respondent make five consecutive monthly payments of \$552.50 each commencing 30 days from the effective date of this settlement agreement. It is, further,

ORDERED, That the Commission's Docketing Division serve a copy of this Finding and Order on Respondent, Cincinnati Sub-Zero.

THE PUBLIC UTILITIES COMMISSION OF OHIO



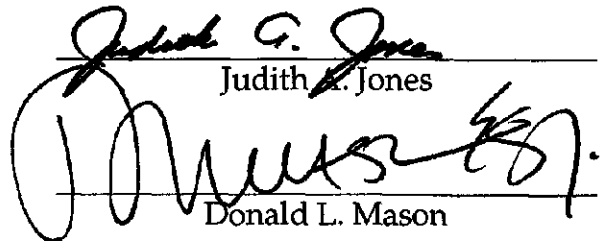
Alan R. Schriber, Chairman



Ronda Hartman Fergus



Valerie A. Lemmie



Judith A. Jones

Donald L. Mason

EW: sm

Entered in the Journal  
DEC 20 2008



Renee J. Jenkins  
Secretary