

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Mel Easton & Sons, Inc.,                    )  
Notice of Apparent Violation and Intent                    )   Case No. 09-363-TR-CVF  
to Assess Forfeiture    )                   (OH3251007533C)

FINDING AND ORDER

The Commission finds:

- (1) On November 21, 2008, a vehicle operated by Mel Easton & Sons, Inc. (Respondent) and driven by Howard Johnson was inspected within the state of Ohio by staff of the Department of Public Safety (Staff). The inspection resulted in the discovery of one violation, as follows:

49 C.F.R. Sec. 393.45                   Brake tubing and hose adequacy:  
left steer hose leaking.

- (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.), for Inspection Report OH0989000125C. No forfeiture was assessed for the alleged violation.
- (3) Respondent made a timely request for an administrative hearing pursuant to Rule 4901:2-7-13, O.A.C. The hearing was scheduled for January 8, 2009.
- (4) On August 18, 2009, 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 no civil forfeiture will be paid by Respondent.
  - (b) For purposes of settlement, and not as an admission or evidence that the violation occurred, Staff and Respondent agree that the citation may be included in Respondent's Safety-Net record 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 finding and order adopting the settlement agreement shall be considered the effective date of the settlement agreement.
  - (d) 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.
- (5) 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.

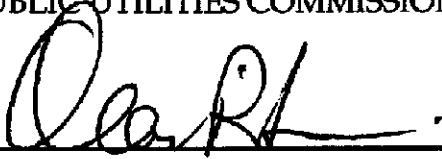
It is, therefore,

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

ORDERED, That Case No. 09-363-TR-CVF be dismissed. It is, further,

ORDERED, That a copy of this entry be served upon Mel Easton & Sons, Inc. and all other interested parties of record.

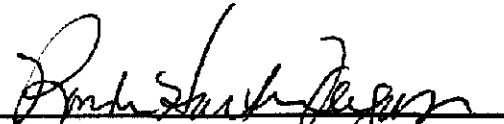
THE PUBLIC UTILITIES COMMISSION OF OHIO



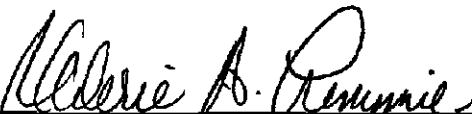
Alan R. Schriber, Chairman



Paul A. Centolella



Ronda Hartman Fergus



Valerie A. Lemmie

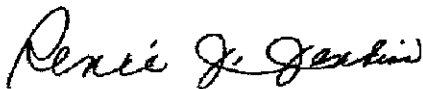


Cheryl L. Roberto

JML/vrm

Entered in the Journal

AUG 26 2009



Renee J. Jenkins  
Secretary