

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Lazer Express, Inc., Notice)
of Apparent Violation and Intent to Assess) Case No. 09-577-TR-CVF
Forfeiture.)

FINDING AND ORDER

The Commission finds:

- (1) On February 26, 2009, a vehicle operated by Lazer Express, Inc. (respondent) and driven by Cecil R. Sheppard was inspected within the state of Ohio. The inspection resulted in the discovery of the following apparent violations of the Code of Federal Regulations (C.F.R.): (a) tractor - audible air leak, right side steering axle brake chamber is leaking around clamp (pressure maintained) in violation of 49 C.F.R. §393.48(a); and (b) brakes out of service (the number of defective brakes is equal to or greater than 20 percent of the service brakes on the vehicle or combination) in violation of 49 C.F.R. §396.3(a)(1).
- (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 NPD assessed respondent \$250.00.
- (3) On July 9, 2009, respondent made a timely formal request for an administrative hearing pursuant to Rule 4901:2-7-13, O.A.C. Thereafter, a prehearing conference was held and a hearing was scheduled in the matter.
- (4) On October 29, 2009, the parties filed a settlement agreement which, in the parties' opinion, resolves all issues raised in the NPD.
- (5) In the settlement agreement, the parties agree and recommend that the Commission find:
 - (a) The staff and the respondent agree that the respondent will pay a civil forfeiture in the amount of \$250.00.

- (b) For purposes of settlement, and not as an admission or evidence that the violations occurred, the staff and the respondent agree that the citations may be included in the respondent's Safety-Net record and history of violations insofar as they may be relevant for purposes of determining future penalty actions.
 - (c) The respondent shall have 30 days from the Commission order adopting the settlement agreement to pay the forfeiture of \$250.00. The payment shall be made using a certified check or money order payable to "Treasurer State of Ohio" and mailed to PUCO Fiscal, 180 East Broad Street, 13th Floor, Columbus, Ohio 43215-3793.
 - (d) This settlement agreement shall not become effective until adopted by the Commission. The date of the entry or order of the Commission adopting the settlement agreement shall be considered the effective date of the settlement agreement.
 - (e) This settlement agreement is made in settlement of all factual or legal issues in this case. It is not intended to have any affect whatsoever 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,

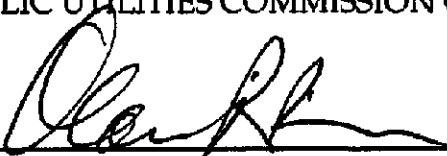
ORDERED, That the settlement agreement submitted in this case be approved and adopted in its entirety. It is, further,

ORDERED, That Lazer Express, Inc. pay a civil forfeiture of \$250.00 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, Lazer Express, Inc. is directed to write the inspection number (OH3268006580C) on the face of the check or money order. It is, further,

ORDERED, That Case No. 09-577-TR-CVF be dismissed. It is, further,

ORDERED, That a copy of this finding and order be served on each party of record.

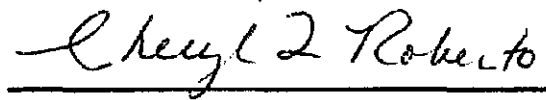
THE PUBLIC UTILITIES COMMISSION OF OHIO


Alan R. Schriber, Chairman


Paul A. Centolella


Ronda Hartman Fergus


Valerie A. Lemmie


Cheryl L. Roberto

KKS/vrm

Entered in the Journal

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Renee J. Jenkins
Secretary