



may terminate and withdraw consent to the agreement within 30 days of issuance of the Commission's order, by filing with the Commission.

## **II. Procedural History**

- A. On January 12, 2011 a vehicle operated by Elite Express, LLC and driven by John Mercer was inspected within the State of Ohio. The inspection resulted in the discovery of one apparent violation attributed to the driver. The apparent violation was operating a commercial motor vehicle while out of service in violation of 49 O.A.C. §2-5-07(D). Respondent was timely served with a notice of preliminary determination in accordance with Rule 4901:2-7-12 O.A.C. The preliminary determination assessed Respondent \$1,000.00 as a forfeiture.
- B. On October 20, 2011, Respondent made a timely formal request for an administrative hearing pursuant to §4901:2-7-13, O.A.C.
- C. The parties have negotiated this settlement agreement which the parties believe resolves all the issues raised in the notice of preliminary determination.

## **III. Settlement Agreement**

The parties hereto agree and recommend that the Commission find as follows:

- A. Respondent admits to a violation of 49 O.A.C. 2-5-07(D) and agrees to pay a forfeiture of five hundred dollars (\$500.00) for this violation.

Respondent acknowledges that the violation may be included in the Respondent's Safety-Net record and history of violations insofar as it may be relevant for purposes of determining future penalty actions.

- B. Respondent will pay the forfeiture in five monthly installments of one hundred dollars (\$100.00) each, with the first payment being due within thirty days of the Commission entry approving this stipulation.
- C. This settlement agreement shall not become effective until adopted by an Opinion and Order of the Commission. The date of the entry of the Commission order adopting the settlement agreement shall be considered the effective date of the settlement agreement.
- D. 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.

### **III. Conclusion**

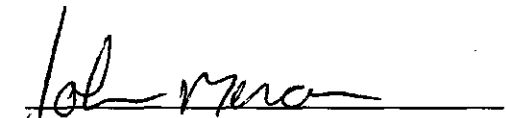
The Signatory parties agree that this Settlement Agreement is in the best interest of all parties, and urge the Commission to adopt the same. The undersigned respectfully request that the Commission issue an entry in accordance with the terms set forth in this Settlement Agreement.

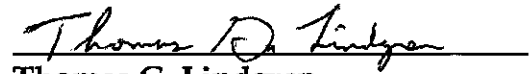
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The parties have manifested their consent to the Settlement Agreement by affixing their signatures below on this 12 day of April, 2012.

On behalf of John Mercer

On behalf of the Staff of the Public Utilities Commission of Ohio

  
John Mercer  
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Holland, Ohio 43528

  
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