

FILE

BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Michael A. Hassell, : Case No. 12-431-TR-CVF
Notice of Apparent Violation and Intent to : (OH3271006598D)
Assess Forfeiture. :

SETTLEMENT AGREEMENT

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I. INTRODUCTION

Pursuant to Rule 4901:2-7-11 of the Ohio Administrative Code (O.A.C.), Michael A. Hassell (Respondent) and the Staff of the Transportation Department of the Public Utilities Commission of Ohio (Staff) enter into this Settlement Agreement and urge the Commission to adopt the same.

It is understood by the Respondent and the Staff that this Settlement Agreement is not binding upon the Public Utilities Commission of Ohio (Commission). This agreement however, is based on the Respondent's and the Staff's desire to arrive at a reasonable result considering the law, facts and circumstances. Accordingly, the Respondent and the Staff believe that the Commission should adopt this Settlement Agreement.

This Settlement Agreement is submitted on the condition that the Commission adopts the agreed upon terms. In the event the Commission rejects any part of the Settlement Agreement, or adds to, or otherwise materially modifies its terms, either party

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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 September 6, 2011 a vehicle operated by The Electrical Trades Center and driven by Michael A. Hassell was inspected within the State of Ohio. The inspection resulted in the discovery of two apparent violations for which a civil forfeiture was later assessed. The driver was cited for the following violations:

- 1) 49 C.F.R. § 391.11(b)(5) (not properly licensed for the type of vehicle being operated); and,
- 2) 49 C.F.R. § 391.41(a) (failure to have a valid medical certificate in driver's possession).

Respondent was timely served with a notice of preliminary determination in accordance with O.A.C. 4901:2-7-12 for Case No. OH3271006598D. The notice of preliminary determination assessed Respondent a civil forfeiture of \$350.00 for the violations.

- B. On January 24, 2012, Respondent made a timely formal request for an administrative hearing pursuant to O.A.C. 4901:2-7-13.
- 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:

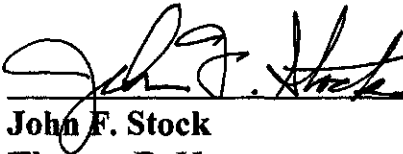
- A. For purposes of this Settlement Agreement and not as an admission that the violations occurred as alleged, Respondent agrees and acknowledges that the violations may be included in the Respondent's Safety-Net record and history of violations insofar as it may be relevant for purposes of determining future penalty actions.
- B. Respondent will pay the civil forfeiture of \$350.00 within thirty (30) days of Commission approval of this settlement agreement. Payment should be made by certified check or money order to "Treasurer State of Ohio," and mailed to: PUCO FISCAL, 180 East Broad St., 4th Floor, Columbus, OH 43215-3793. The case number (OH3271006598D) must appear on the face of the check.
- 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.

IV. 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.

The parties have manifested their consent to the Settlement Agreement by affixing their signatures below on this 24th day of May, 2012.

On behalf of Michael A. Hassell

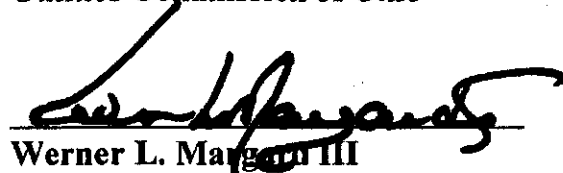


John F. Stock

Thomas B. Kern

Benesch Friedlander Coplan & Aronoff
41 South High Street, Suite 2600
Columbus, OH 43215

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



Werner L. Mangum III

Assistant Attorney General

Public Utilities Section

180 East Broad Street, 6th Floor
Columbus, OH 43215-3793