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**BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of **Vernon H. Mullet**, Notice : Case No. 12-669-TR-CVF
of Apparent Violation and Intent to Assess : (OH3203010447D)
Forfeiture. :

SETTLEMENT AGREEMENT

I. INTRODUCTION

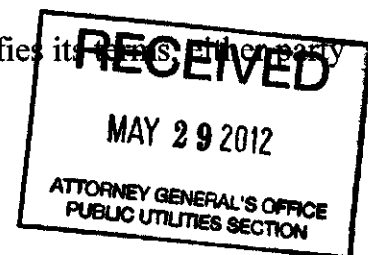
Pursuant to Rule 4901:2-7-11 of the Ohio Administrative Code (O.A.C.), Vern H. Mullet (Respondent) and the Staff of the Transportation Department of the Public Utilities Commission of Ohio (Staff) enter into this Settlement Agreement and urge the Commission to adopt the same.

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 November 28, 2011 a vehicle operated by Hopeline Logistics, LLC, and driven by Vernon H. Mullet 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 a violation of 49 C.F.R. § 391.11(b)(4) (physically unqualified driver – not wearing corrective lenses as required by medical certificate). Respondent was timely served with a notice of preliminary determination in accordance with O.A.C. 4901:2-7-12 for Case No. OH3203010447D. The notice of preliminary determination assessed Respondent a civil forfeiture of \$250.00 for the violation.
- B. On February 15, 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 violation occurred as alleged, Respondent agrees and 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 agrees to pay the total civil forfeiture of \$250.00 in five (5) equal installments of \$50.00 each, with the first payment being due within thirty (30) days of the Commission's order approving this Settlement Agreement. The payments 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 (OH3203010447D) must appear on the face of each 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 31st day of May, 2012.

On behalf of Respondent



Vernon H. Mullett
1370 TR 169
Sugar Creek, OH 44681
330.401.7889

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



Werner L. Mangard III
Assistant Attorney General
Public Utilities Section
180 East Broad Street, 6th Floor
Columbus, OH 43215-3793
614.466.4395