

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

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

FINDING AND ORDER

The Commission finds:

- (1) On November 28, 2011, Staff conducted a roadside inspection of a commercial motor vehicle operated by Vernon Mullett. (Respondent). The inspection resulted in the discovery of the following apparent violation: 49 C.F.R. 393.11 (physically unqualified driver - not wearing corrective lenses as required by medical certificate).
- (2) Respondent was served with a Notice of Preliminary Determination (NPD), pursuant to Rule 4901:2-7-12, Ohio Administrative Code (O.A.C.), which contained an assessment of \$250.00 for the violation of 49 C.F.R. 393.11.
- (3) On February 15, 2012, Respondent requested an administrative hearing, pursuant to Section 4901:2-7-13, O.A.C.
- (4) On June 1, 2012, the parties filed a settlement agreement in which the parties 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 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 equal installments of \$50.00 each, with the first payment being due within thirty days of the Commission's order approving this settlement agreement. The payments shall be made by certified

check or money order payable to "Treasurer of State of Ohio" and mailed to PUCO Fiscal, 180 East Broad Street, 4th Floor, Columbus, Ohio 43215-3793. Case Number OH3203010447D should be written on the face of the check.

- (c) The settlement agreement shall not become effective until adopted by the Commission. The date of the Commission order adopting the settlement agreement shall be considered as the effective date of the settlement agreement.
 - (d) The settlement agreement is made in settlement of all factual and legal issues in this case. It is not intended to have any affect whatsoever in any other case or proceeding.
- (5) The Commission finds that the settlement agreement submitted in this case is reasonable. Therefore, the settlement agreement shall be approved and adopted in its entirety.

It is, therefore,

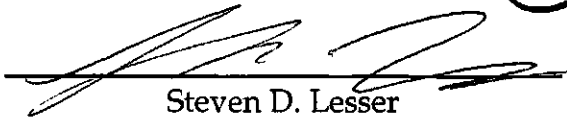
ORDERED, That the settlement agreement submitted in this case be approved and adopted in its entirety. It is, further,

ORDERED, That a copy of this finding and order be served upon Vernon Mullett and all other interested parties of record.

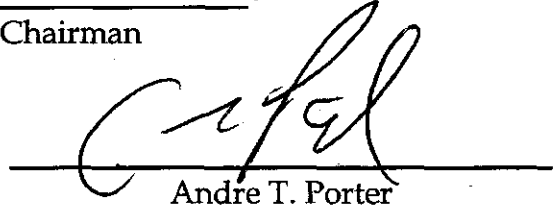
THE PUBLIC UTILITIES COMMISSION OF OHIO



Todd A. Snitchler, Chairman



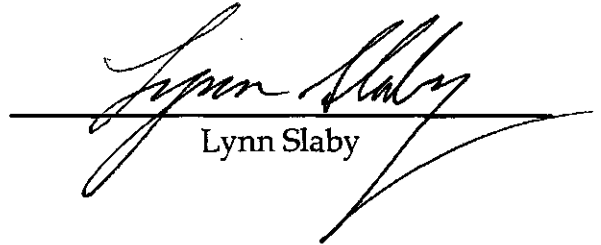
Steven D. Lesser



Andre T. Porter



Cheryl L. Roberto



Lynn Slaby

JML/dah

Entered in the Journal

JUN 13 2012



Barcy F. McNeal
Secretary