

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Donald Jankowski,)	Case No. 12-2535-TR-CVF (OH0908008357D)
Notice of Apparent Violation and Intent)	
to Assess Forfeiture.)	

FINDING AND ORDER

The Commission finds:

- (1) On April 25, 2012, a vehicle operated by Donald Jankowski was stopped within the State of Ohio. As a result of the inspection, Mr. Jankowski was timely served with a notice of preliminary determination (NPD) in accordance with Rule 4901:2-7-12, O.A.C. The NPD assessed a civil forfeiture of \$250.00 for violation of 49 C.F.R. §391.11(B)(4) (Physically unqualified driver . . . not wearing corrective lenses).
- (2) On September 14, 2012, Mr. Jankowski requested an administrative hearing and thereby initiated this case.
- (3) A prehearing conference was held on October 31, 2012.
- (4) On December 3, 2012, a settlement agreement was filed in this matter that, 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) For purposes of this settlement only, Staff agrees to reduce the amount of the initial assessment from \$250.00 to \$0.00. Mr. Jankowski has provided documentation establishing that he is not required to wear corrective lenses while operating a commercial motor vehicle.
 - (b) This settlement agreement only resolves this case as it pertains to Mr. Jankowski. The violation will continue to remain on Waste Management's Safety-Net report.
 - (c) 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. This settlement agreement is intended to resolve only factual or legal issues raised in this case. It is not intended to have any effect whatsoever in any other case or proceeding.

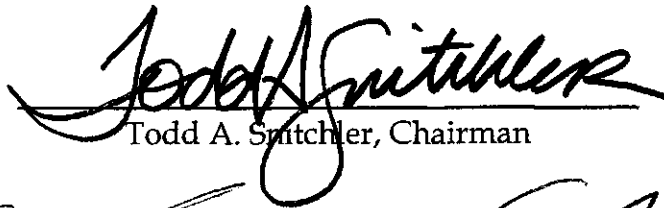
- (6) The Commission finds that the settlement agreement submitted in this case is reasonable. Therefore, the settlement agreement should be approved and adopted in its entirety.

It is, therefore,


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

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


THE PUBLIC UTILITIES COMMISSION OF OHIO



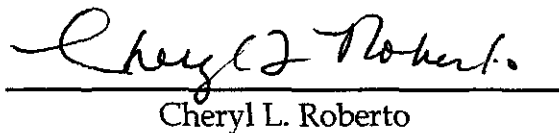
Todd A. Spitchler, Chairman



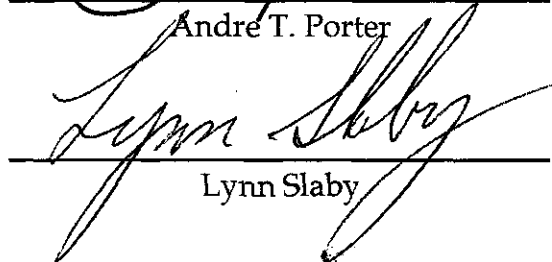
Steven D. Lesser



André T. Porter



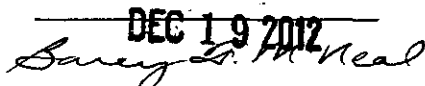
Cheryl L. Roberto



Lynn Slaby

BAM/sc

Entered in the Journal

DEC 19 2012

Barcy F. McNeal
Secretary