



**MIKE DeWINE**

★ OHIO ATTORNEY GENERAL ★

Public Utilities Section

Office 614.466.4395

Fax 614.644.8764

30 East Broad Street, 16<sup>th</sup> Floor

Columbus, OH 43215-3414

[www.ohioattorneygeneral.gov](http://www.ohioattorneygeneral.gov)

December 14, 2017

*Via Electronic Mail*

The Honorable Kerry Sheets, Attorney Examiner  
Public Utilities Commission of Ohio  
180 East Broad Street, 12<sup>th</sup> Floor  
Columbus, OH 43215

Re: Case No. 17-1540-TR-CVF  
(OH3225009419C)

Case No. 17-1541-TR-CVF  
(OH3225009419D)

Dear Attorney Examiner Sheets:

On December 13, 2017, Respondent Mark Smith and counsel for the Staff of the Public Utilities Commission of Ohio appeared before you for the evidentiary hearing in the above referenced cases. To briefly recap the hearing, Respondent Mark Smith did not contest the Carrier and Driver violations cited in the Inspection Report and Notices of Preliminary Determination with the exception of the medical card violation. In response to Respondent's testimony, Counsel for Staff moved to withdraw and dismiss the medical card violation after discovering the charge was not properly cited and noticed to the Respondent. The hearing then concluded after the Parties moved for the admission of their uncontested exhibits.

Immediately following the hearing, Staff and Respondent met and agreed to a reduction of the proposed civil forfeiture of \$250.00 to \$100.00 on his Commercial Driver's License (CDL) violation based on Respondent providing proof that he now has a Class "A" CDL. Respondent has corrected his CDL status originating from this inspection and is now in compliance with the Commission's rules and regulations. With this letter, the Parties request to supplement the record with Staff's civil forfeiture assessment recommendation being modified from \$250.00 to \$100 for Respondent's violation of 49 C.F.R. 383.91(a) for operating a commercial motor vehicle (CMV) with improper CDL group. To clarify for the record and the convenience of the Bench and Commission, below are all of Staff's civil forfeiture assessment recommendations in these cases:

**Case No. OH3225009419D:**

<u>Code</u>	<u>Violation</u>	<u>Forfeiture</u>
383.91(a)	Operating a CMV with improper CDL group	\$100.00

**Case No. OH3225009419C:**

<u>Code</u>	<u>Violation</u>	<u>Forfeiture</u>
393.9	Inoperable Required Lamp	\$0.00
393.9	Inoperable Required Lamp	\$0.00
392.9(a)(1)	Failing to secure cargo	\$100.00
393.43(d)	No or defective automatic trailer brake	\$50.00
390.21(B)	Carrier name not displayed as required	\$100.00

Total of Case Nos. OH3225009419D and OH3225009419C: **\$350.00**

The Parties respectfully request that the Commission assess a total forfeiture of \$350.00 for the combined Carrier and Driver violations listed above that were not contested in the hearing of these cases on December 13, 2017.

Respectfully submitted,

*/s/ John H. Jones*

**John H. Jones**

Assistant Section Chief  
Public Utilities Section  
30 E. Broad St., 16<sup>th</sup> Floor  
Columbus, OH 43215  
614.466.4395 (telephone)  
866.524.1223 (fax)  
[john.jones@ohioattorneygeneral.gov](mailto:john.jones@ohioattorneygeneral.gov)

JHJ/klk

cc: Mark Smith  
2139 Wilson Ave., NE  
Warren, Ohio 44483

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**12/14/2017 2:41:43 PM**

**in**

**Case No(s). 17-1540-TR-CVF, 17-1541-TR-CVF**

Summary: Correspondence Letter to Attorney Examiner Kerry Sheets submitted by Assistant Attorney General John Jones on behalf of the Staff of the Public Utilities Commission of Ohio regarding forfeiture. electronically filed by Kimberly L Keeton on behalf of Public Utilities Commission of Ohio