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## MEMORANDUM IN SUPPORT

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The Staff moves to dismiss this case based on Sangseob Kim (“Respondent”) providing a medical certificate showing he is not required to wear glasses while driving a commercial motor vehicle (“CMV”). Staff also requests that the Commission remove the violation from the Respondent’s history of violations.

On June 7, 2021, a vehicle operated by Schneider National Bulk Carriers Inc, and driven by Respondent was inspected within the State of Ohio. As a result, a violation of 49 C.F.R. § 391.11B(4) was discovered; a driver operating a CMV must wear corrective lenses if required under their medical certificate. On June 8, 2021, pursuant to Ohio Adm.Code 4901:2-7-12, Staff served Respondent with a Notice of Apparent Violation and Intent to Assess Forfeiture. On July 7, 2021, Respondent requested a conference. A conference was held on August 6, 2021. On August 17, 2021, Staff sent Respondent a Notice of Preliminary Determination. Respondent has provided a medical card that shows he does not need to wear corrective lenses while driving a CMV.

After a review of the facts, further investigations, and discussions among Staff, Staff agrees that further prosecution of the violation against Respondent is unwarranted and that the alleged violation should be removed from Respondent’s history of violations. Accordingly, Staff requests that the Commission dismiss the alleged violations in this case and order them to be removed from Respondent’s history of violations.

Respectfully submitted,

**Dave A. Yost**  
Ohio Attorney General

**John H. Jones**  
Section Chief

*/s/ Sarah Feldkamp*

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**Sarah Feldkamp**

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**On Behalf of the Staff of  
The Public Utilities Commission of Ohio**

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the **Motion to Dismiss** submitted on behalf of the Staff of the Public Utilities Commission of Ohio was served by regular U.S. mail, postage prepaid, hand-delivered, and/or electronic service upon the following parties of record, this 15<sup>th</sup> day of March 2022.

*/s/ Sarah Feldkamp*

**Sarah Feldkamp**

Assistant Attorney General

### **Party of Record:**

**Sangseob Kim**

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*Respondent*

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Summary: Motion to Dismiss Submitted on Behalf of the Staff of the Public Utilities  
Commission of Ohio electronically filed by Mrs. Kimberly M. Naeder on behalf of  
PUCO