

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Larry Grabo)
for an Administrative Hearing.) Case No. 08-614-TR-CVF

FINDING AND ORDER

The Commission finds:

- (1) On May 22, 2008, Larry Grabo (Respondent) filed a request for an administrative hearing regarding a notice of preliminary determination issued by the Commission staff.
- (2) A prehearing conference was held on September 23, 2008.
- (3) By entry dated September 30, 2009, the attorney examiner set this matter for hearing on November 3, 2009. The Respondent did not appear at the hearing, request a continuance or otherwise contact the attorney examiner.
- (4) By entry dated November 18, 2009, the attorney examiner rescheduled for hearing on February 3, 2010. The Respondent did not appear at the rescheduled hearing, request a continuance or otherwise contact the attorney examiner.
- (5) At the hearing on February 3, 2010, Staff presented evidence in support of the alleged violations and proposed forfeiture. Further, during the hearing, the Staff presented evidence that the notices regarding the hearing were sent to the Respondent's current address according to his driver's license and vehicle registration. At the conclusion of the hearing, Staff moved for a default judgment against respondent for the proposed forfeiture of \$350.00.
- (6) Rule 4901:2-7-14, Ohio Administrative Code, provides that a Respondent who has requested an administrative hearing and fails to participate in the hearing proceeding shall be in default. Further, a Respondent in default shall be deemed to have admitted the occurrence of the alleged violation and waived all further right to contest liability for the proposed forfeiture described in the notice.
- (7) The Commission finds that Staff's motion for default judgment should be granted. Therefore, the Commission

finds that Respondent violated 49 C.F.R. Sections 383.23(c) and 395.8(a), as alleged by Staff, and that Respondent should be assessed a civil forfeiture of \$350.00.

It is, therefore,

ORDERED, That Staff's motion for default judgment be granted. It is, further,

ORDERED, That Respondent pay a civil forfeiture of \$350.00 within 30 days after the effective date of this Finding and Order. Payment should be made payable to "Treasurer, State of Ohio" and mailed to PUCO, Attention Fiscal Division, 4th Floor, 180 East Broad Street, Columbus, Ohio 43215. In order to assure proper credit, Respondent is directed to write the case number on the face of the check. It is, further,

ORDERED, That the Ohio Attorney General take all legal steps necessary to enforce the terms of the Finding and Order. It is, further,

ORDERED, That a copy of this Finding and Order be served upon each party of record.

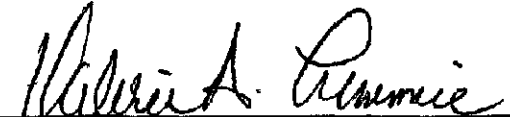
THE PUBLIC UTILITIES COMMISSION OF OHIO



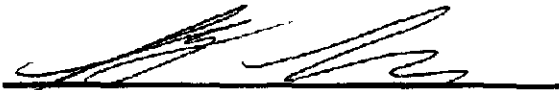
Alan R. Schriber, Chairman



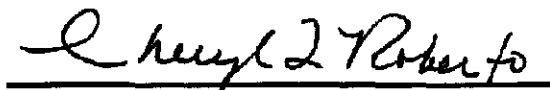
Paul A. Centolella



Valerie A. Lemmie



Steven D. Lesser

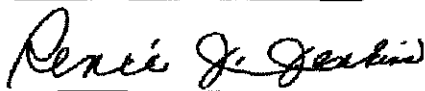


Cheryl L. Roberto

GAP/sc

Entered in the Journal

MAY 19 2010



Renee J. Jenkins
Secretary