

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of John R. Schneider,	)	Case No. 08-379-TR-CVF
Notice of Apparent Violation and Intent	)	(OH3274004506D)
to Assess Forfeiture.	)	

ENTRY

The Commission finds:

- (1) Pursuant to Rule 4901:2-7-12, Ohio Administrative Code (O.A.C.), Commission staff served a notice of preliminary determination upon John R. Schneider (respondent), alleging a violation of Rule 4901:2-5-07(D), O.A.C., operating an out-of-service vehicle, and *assessing a civil forfeiture of \$1,000.*
- (2) On March 31, 2008, respondent filed a request for an administrative hearing.
- (3) In accordance with Rule 4901:2-7-16(B), O.A.C., a prehearing conference was held on April 29, 2008, but due to a clerical error, respondent was not served with notice of the prehearing, but was subsequently contacted by telephone. By entry issued December 23, 2010, this matter was set for hearing on February 14, 2011. Respondent was served with a copy of the December 23, 2010 entry in accordance with Rule 4901:2-7-03, O.A.C.
- (4) The December 23, 2010, entry noted that Rule 4901:2-7-14(A), O.A.C., provides that a respondent who has requested an administrative hearing and fails to participate in the hearing proceeding shall be in default. The entry further indicated that this rule also provides that a respondent in default shall be deemed to have admitted the occurrence of the violation and waived all further right to contest liability to the state for the forfeiture described in the notice.
- (5) The hearing was held as scheduled on February 14, 2011. At the hearing, staff presented evidence demonstrating the occurrence of the violation and supporting the civil forfeiture citation in this case. Respondent, however, did not appear or participate at the hearing.
- (6) Since respondent failed to appear or participate in the hearing in this case, the Commission finds that, pursuant to Rule 4901:2-7-14(A), O.A.C., respondent is in default and, therefore, has admitted

the violation cited in the case and waived all further right to contest liability to the state for the forfeiture described in the notice. The recommended civil forfeiture of \$1,000, set forth in the notice of preliminary determination, should be assessed against respondent and should be paid within 30 days.

- (7) Rule 4901:2-7-22, O.A.C., requires that payment of any forfeiture be made by company check, certified check, or money order payable to "Treasurer, State of Ohio," and shall be mailed or delivered to "Fiscal Division, Public Utilities Commission of Ohio, 180 East Broad Street, Fourth Floor, Columbus, Ohio, 43215-3793." In order to assure proper credit, respondent is directed to write the citation number (OH3274004506D) on the check or money order.

It is, therefore,

ORDERED, That respondent is in default and the assessed civil forfeiture of \$1,000 is adopted. It is, further,

ORDERED, That respondent is ordered to pay the state of Ohio as set forth in finding (7). It is, further,

ORDERED, That if payment is not received within 30 days of the date of this entry, the Attorney General of Ohio shall bring a civil action in the Court of Common Pleas of Franklin County, or take any other appropriate action allowed by law, to recover the \$1,000 forfeiture assessed herein. It is, further,

ORDERED, That, a copy of this entry be served upon the respondent by ordinary United States mail and upon all other parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

  
Todd A. Snitchler, Chairman

  
Paul A. Centolella


  
Valerie A. Lemmie

  
Steven D. Lesser

  
Cheryl L. Roberto

RMB/dah

Entered in the Journal **MAR 30 2011**

  
Renee J. Jenkins  
Secretary