

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Mickey S. Mitchell,)	
Notice of Apparent Violation and Intent)	Case No. 12-785-TR-CVF
to Assess Forfeiture.)	OH3250002745D

In the Matter of Mickey S. Mitchell,)	
Notice of Apparent Violation and Intent)	Case No. 12-786-TR-CVF
to Assess Forfeiture.)	OH3291008894D

In the Matter of Mickey S. Mitchell,)	
Notice of Apparent Violation and Intent)	Case No. 12-787-TR-CVF
to Assess Forfeiture.)	OH3250002745C

In the Matter of Mickey S. Mitchell,)	
Notice of Apparent Violation and Intent)	Case No. 12-788-TR-CVF
to Assess Forfeiture.)	OH3291008894C

ENTRY

The Commission finds:

- (1) Commission Staff served four notices of preliminary determination upon Mickey S. Mitchell (respondent), in accordance with Rule 4901:2-7-12, Ohio Administrative Code (O.A.C.), alleging multiple violations of the Commission's transportation regulations.
- (2) On February 27, 2012, Brent L. English, counsel for the respondent, filed four requests for an administrative hearing in accordance Rule 4901:2-7-13, O.A.C. Because each request was filed separately, each request was treated as a separate case.
- (3) Notwithstanding the requests for hearing, Commission records indicate that the civil forfeitures assessed against the respondent, in each of the four above-captioned cases, were paid in full, prior to the filing of the requests for hearing.

- (4) Rule 4901:2-7-22, O.A.C., provides, in pertinent part, that payment of the forfeiture shall terminate all further proceedings regarding that violation.
- (5) In view of the payment of the forfeitures, these cases should be closed. However, because requests for hearing were filed after the payments were received, it is unclear whether the respondent inadvertently paid the civil forfeitures or whether the respondent seeks a hearing on the merits of the notices of preliminary determination.
- (6) Accordingly, each of these four cases will be considered closed of record, effective twenty days from the date of this entry unless, by that date, the respondent's counsel files a pleading in each case requesting that, and setting forth good cause why, despite the payment of the forfeiture, and the policy enunciated in Rule 4901:2-7-22, O.A.C., the case should remain open and an administrative hearing held.


It is, therefore,

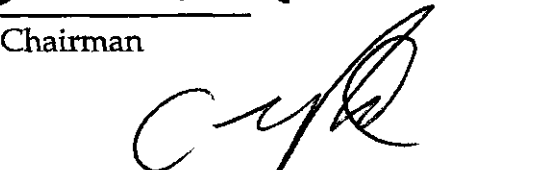
ORDERED, That, subject to the conditions set forth in Finding (6), each of the above-captioned cases be closed, effective twenty days from the date of this entry. It is, further,


ORDERED, That a copy of this entry be served upon each party of record in each case.

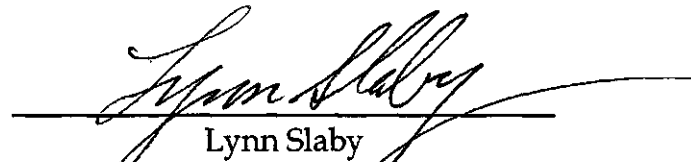
THE PUBLIC UTILITIES COMMISSION OF OHIO


Todd A. Snitchler, Chairman


Steven D. Lesser

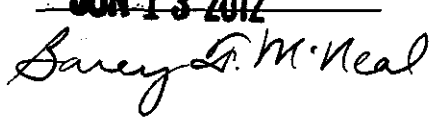

Andre T. Porter


Cheryl L. Roberto


Lynn Slaby

DEF/dah

Entered in the Journal

~~JUN 13 2012~~


Barcy F. McNeal
Secretary