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**SHOEMAKER & HOWARTH, LLP**

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Of Counsel:  
David A. Turano  
Sean A. McCarter

April 8, 2014

The Public Utilities Commission of Ohio  
Attention: Barcy F. McNeal, Secretary  
Docketing Division  
180 East Broad Street, 11<sup>th</sup> Floor  
Columbus, Ohio 43215

RECEIVED-DOCKETING DIV  
2014 APR -8 PM 2:38  
PUCO

**Re: Case No. 14 0561 -TR-CVF  
Stony Run Enterprises, Inc.  
(Civil Forfeiture Proceeding)**

Secretary McNeal:

Enclosed and submitted for filing on behalf of Stony Run Enterprises, Inc. please find the original and four (4) copies of a Request for Administrative Hearing submitted pursuant to Rule 4901:2-7-13, O.A.C.

Please acknowledge receipt by date-stamping and returning the additional copies of the submitted filing. Should there be any questions concerning this filing, please advise.

Sincerely,



David A. Turano

DAT/lg

Enc.

Cc: Stony Run Enterprises, Inc.

This document is the property of the State of Ohio and is loaned to you for your use only. It is to be returned to the State of Ohio upon completion of your use. It is not to be reproduced or distributed without the written consent of the State of Ohio. This document is delivered in the regular course of business.  
Technician Sum Date Processed APR 08 2014

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**BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of:

Stony Run Enterprises, Inc.  
(Civil Forfeiture Proceeding)

Case No. 14-0561-TR-CVF  
(OH 3280005035C)

**REQUEST FOR ADMINISTRATIVE HEARING**

Comes now Stony Run Enterprises, Inc., Respondent in the above-captioned civil forfeiture action, by its attorney, and pursuant to Rule 4901:2-7-13, Ohio Administrative Code, respectfully submits its Request for Administrative Hearing in response to the Notice of Preliminary Determination (the "NPD") issued March 19, 2014. A copy of the NPD is attached as Appendix "A". Respondent intends to further contest this forfeiture action on the basis that either the violation alleged did not occur or, if a violation took place, the amount of proposed monetary assessment is excessive. Respondent would request that the Commission initiate an administrative hearing proceeding in this matter and set a date for evidentiary hearing. All further communications related to this matter intended for Respondent should be directed to the undersigned as counsel.

Respectfully submitted,



David A. Turano (0025819)  
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dturano@midohiolaw.com  
Attorney for Stony Run Enterprises, Inc.

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing Request for Administrative Hearing was served upon Milan Orbovich, Director of the Transportation Department, The Public Utilities Commission of Ohio, 180 East Broad St., 4<sup>th</sup> Floor, Columbus, Ohio 43215-3793, by First Class U.S. Mail, postage prepaid, this 8<sup>th</sup> day of April, 2014.

A handwritten signature in black ink, appearing to read "David A. Turano", with a long horizontal flourish extending to the right.

David A. Turano (0025819)

Case No. 14-0561-TR-CVF  
Stony Run Enterprises, Inc.  
(Civil Forfeiture - OH3280005035C)

## **EXHIBIT "A"**



# Public Utilities Commission

John R. Kasich, Governor  
Todd A. Snitchler, Chairman

## Commissioners

Steven D. Lesser  
Asim Z. Haque  
Lynn Slaby  
M. Beth Trombold

03/19/2014

OH3280005035C

Larry Miller  
3772 OLD OXFORD ROAD  
HAMILTON, OH 45013

RE: **NOTICE OF PRELIMINARY  
DETERMINATION**  
Case No. OH3280005035C

Dear Sir or Madam:

On 11/08/2013, a vehicle operated by STONY RUN ENTERPRISES INC, and driven by ROBERT B UPDIKE, was inspected within the State of Ohio. As the result of discovery of the following violations of the Commission's rules, Staff of the Commission timely notified STONY RUN ENTERPRISES INC (Respondent) pursuant to rule 4901:2-7-07, Ohio Administrative Code (O.A.C.), that it intended to assess a civil forfeiture against the Respondent in the following amount:

CODE	GROUP	VIOLATION	FORFEITURE
173.24B1	-	Release of Hazardous Materials from package - BULK TANK LEAKING FROM UNDER TANK STORAGE / TRANFER PUMP, THROUGH BOLT ONTO GROUND	1600.00
		Total Hazmat	1600.00

**TOTAL AMOUNT DUE:** \$1,600.00

A conference was conducted pursuant to rule 4901:2-7-10, O.A.C., at which the Respondent had a full opportunity to present any reasons why the violation did not occur as alleged, mitigating circumstances regarding the amount of any forfeiture, and any other information relevant to the action proposed to be taken by Staff.

As a result of the conference, Staff has made a Preliminary Determination that the Commission should assess a civil forfeiture against STONY RUN ENTERPRISES INC in the following amount:

CODE	GROUP	VIOLATION	FORFEITURE
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180 East Broad Street  
Columbus, Ohio 43215-3793

(614) 466-3016  
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## Public Utilities Commission

John R. Kasich, Governor  
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173.24B1	-	Release of Hazardous Materials from package - BULK TANK LEAKING FROM UNDER TANK STORAGE / TRANSFER PUMP, THROUGH BOLT ONTO GROUND	1600.00
		Total Hazmat	1600.00

TOTAL AMOUNT DUE: \$1,600.00

Within 30 days of this notice, you must either: (1) pay the assessed civil forfeiture or (2) file a written request for an administrative hearing pursuant to rule 4901:2-7-13, O.A.C. Failure to file a written request for an administrative hearing within 30 days shall constitute a waiver of your right to further contest the violations and will conclusively establish the occurrence of the violations. Such failure shall also constitute a waiver of your right to further contest liability to the state of Ohio for the civil forfeiture described in the notice and will result in the forfeiture amount being referred to the Ohio Attorney General's office for collection.

Please consult the enclosed instruction sheet for additional information regarding this Notice of Preliminary Determination.

Sincerely,

Milan Orbovich, Director  
Transportation Department

Compliance Officer: Alla Magaziner-Tempesta