

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Done Trucking, LLC, ) Case No. 14-279-TR-CVF  
and Philip Suver, Notice of Apparent ) (OH3296014206D)  
Violation and Intent to Assess Forfeiture. ) (OH3296014206C)

ENTRY

The Commission finds:

- (1) On August 14, 2013, a vehicle driven by Philip Suver, and operated by Done Trucking, LLC, was inspected within the state of Ohio. As a result of the inspection, violations of the Code of Federal Regulations (C.F.R.) were discovered. On February 11, 2014, Staff served notices of preliminary determination (NPDs) upon Philip Suver and Done Trucking, LLC (jointly, Respondents), in accordance with Ohio Adm.Code 4901:2-7-12.
- (2) The NPD served upon Done Trucking, LLC indicated that, as a result of the conference conducted pursuant to Ohio Adm.Code 4901:2-7-10, Staff made a preliminary determination that the Commission should assess a civil forfeiture in the amount of \$200.00 for violations of 49 C.F.R. 390.21B for failing to display the carrier name and/or USDOT number, and for 49 C.F.R. 392.2UCR for failing to pay the UCR fee. (Staff Ex. 2.)
- (3) The NPD served upon Philip Suver assessed a civil forfeiture of \$250.00 for a violation of 49 C.F.R. 393.23(A)(2), which is for operating a commercial motor vehicle without a commercial drivers license. (Staff Ex. 3.)
- (4) On February 20, 2014, Respondents jointly filed a request for an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13.
- (5) A prehearing settlement conference was held on April 24, 2014, however the parties were unable to settle this matter. Thereafter, by Entry issued on June 20, 2014, a hearing was scheduled for October 9, 2014. A copy of the Entry scheduling the hearing was served upon the Respondents at the address provided and a service notice was filed in the case docket.

- (6) The hearing was convened on October 9, 2014. Respondents did not appear for the hearing or present evidence to explain why they should not be charged with the violations in this case. At the hearing, Staff presented, as exhibits, the Driver/Vehicle Examination Report (Staff Ex. 1), the NPD for Done Trucking, LLC (Staff Ex. 2), and the NPD for Philip Suver (Staff Ex. 3).
- (7) Ohio Adm.Code 4901:2-7-14(A) provides that a respondent who has requested an administrative hearing and fails to participate in the hearing proceeding shall be in default. The rule additionally states 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.
- (8) In view of the Respondents' failure to participate in the hearing, the Commission finds that the Respondents are in default. Accordingly, Staff's motion for default judgment should be granted and the recommended civil forfeitures of \$200 against Done Trucking, LLC and \$250 against Philip Suver should be paid within 30 days.
- (9) Pursuant to R.C. 4923.99, the Respondents are liable to the state of Ohio for payment of the assessed civil forfeitures for the violations in this matter. Ohio Adm.Code 4901:2-7-22 provides that payment of such forfeitures shall be made by certified check or money order made payable to: "Treasurer, state of Ohio" and shall be mailed or delivered to: "Fiscal Division, Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793." Done Trucking, LLC should write the case number (OH3296014206C) and Philip Suver should write the case number (OH3296014206D) on the front of the check and each shall have 30 days from the date of this Entry to pay the assessed forfeiture.
- (10) R.C. 4923.99 further provides that, upon written request of the Commission, the Attorney General shall bring a civil action in the Court of Common Pleas of Franklin County to recover an assessed forfeiture.

It is, therefore,

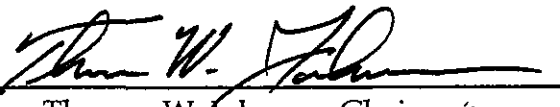
ORDERED, That Staff's motion for default judgment be granted. It is, further,

ORDERED, That Philip Suver pay the assessed civil forfeiture of \$250 and Done Trucking, LLC pay the assessed civil forfeiture of \$200 within 30 days to the state of Ohio as set forth in Findings (8) and (9). 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 assessed forfeitures. It is, further,

ORDERED, That a copy of this Entry be served upon each party of record.

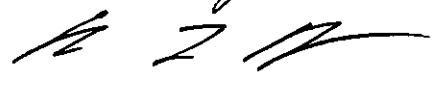
THE PUBLIC UTILITIES COMMISSION OF OHIO

  
Thomas W. Johnson, Chairman

  
Steven D. Lesser

  
M. Beth Trombold


  
Lynn Slaby

  
Asim Z. Haque

BAM/MJA/sc

Entered in the Journal

**NOV 20 2014**

  
Barcy F. McNeal  
Secretary