



Public Utilities Commission

John R. Kasich, Governor
Thomas W. Johnson, Chairman

Commissioners

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

March 3, 2015

Mr. Scott Farkas
Attorney Examiner, Public Utilities of Ohio
180 E. Broad Street, 12th Floor
Columbus, Ohio 43215

RECEIVED-DOCKETING DIV
2015 MAR -3 AM 10:15
PUCO

Re: Notice of payment in full – *In the Matter of LMD Integrated Logistics Services, Inc., Notice of Apparent Violation and Intent to Assess Forfeiture*, Case No. 14-685-TR-CVF

Dear Mr. Farkas,

On January 28, 2015, the Commission issued its opinion and order in this case, which directed LMD Integrated Logistics Services, Inc. (LMD) to pay a civil forfeiture of \$1,680 for violating 49 C.F.R. 177.817(A). On February 10, 2015, the Commission's fiscal division received a check drawn on LMD's account and made payable to the Treasurer, State of Ohio for the full amount of the forfeiture. That check was duly deposited on February 11, 2015. A copy of the front and back of the check, as well as a document containing information about the deposit, are enclosed along with a supporting affidavit.

The Staff brings this development to the Commission's attention because under Ohio Adm. Code 4901:2-7-22(B):

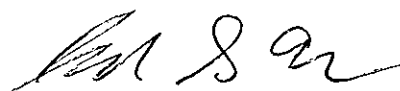
If the only remedy requested with respect to a violation is the payment of a forfeiture, and full payment of the forfeiture demanded in the notice is made prior to the execution of a settlement agreement or any final commission order, full payment shall terminate all further proceedings under this chapter regarding that violation. Full payment under these circumstances constitutes an admission of the occurrence of the violation for purposes of consideration of a respondent's history of violations in determining the appropriate remedy for any future violation.

Applying this rule, it is Staff's view that the proceedings in this case terminated when LMD paid the full forfeiture because the Commission's opinion and order had not yet become final when the payment was made. The Commission's order was not final because neither the time for filing an application for rehearing nor for filing an appeal

It is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.
technician
Date processed MAR 03 2015

had expired. Consequently, because the proceedings terminated upon LMD's payment of the full forfeiture, the application for rehearing that LMD later filed on February 25, 2015, should be treated as a nullity.

Sincerely,

A handwritten signature in black ink, appearing to read "J. S. Turek", written in a cursive style.

Joseph S. Turek

Staff Attorney
Transportation Department

cc: John Alden (via electronic mail: jalden@aldenlaw.net)

Enclosure

STATE OF OHIO)
) SS
COUNTY OF FRANKLIN)

1. I, Brett J. McClaskie am a Program Administrator with the Fiscal Division of the Public Utilities Commission of Ohio.
2. As part of its customary duties, the Fiscal Division receives checks that are made in payment of civil forfeitures ordered by the Public Utilities Commission of Ohio. Upon receipt, these checks are duly deposited with the Treasurer, State of Ohio.
3. On February 10, 2015, the Fiscal Division received check number 2362, drawn on the account of LMD Integrated Logistics Services, Inc., and made payable to the Treasurer, State of Ohio in the amount of \$1,680.00.
4. The Fiscal Division duly deposited that check with the Treasurer, State of Ohio on February 11, 2015.
5. The Fiscal Division contacted the office of the Treasurer, State of Ohio for copies of the front and back of check number 2362. In response to that request, the Treasurer's office emailed a copy of the front and back of the check, as well as a document containing information about the deposit.
6. The attached records are true and accurate copies of what the Treasurer's office sent to the Fiscal Division.

Further affiant sayeth not.

Bruce McClash

SUBSCRIBED and SWORN to before me
this 3 day of March, 2015.



NOTARY PUBLIC

THOMAS W. MCNAMEE
NOTARY PUBLIC STATE OF OHIO
MY COMMISSION NEVER EXPIRES

LMD INTEGRATED LOGISTIC SERVICES, INC. Date

3136 E. VICTORIA ST.
RANCHO DOMINGUEZ, CA 90221

77553

FEB 10

DATE 2-4-15

Public Utilities
Commission of Ohio

PAY
TO THE
ORDER OF

Treasurer, State of Ohio

\$ 1680.00

One Thousand Six Hundred Eighty 2/1000

DOLLARS

Bank of America

Russ D. Dubois

FOR #114-1685-17-SNE / REF # 043333003840C

1100236211

2362

55-33712 HJ
2883

Serial
Number
Date
Mkt

MP

TREASURER STATE OF
FOR DEPOSIT
PUCO - TRAC
ACCT. [REDACTED]

15036931 -1680.00
TREAS REV MGMT

FOR DEP ONLY JOSH MANDEL OHIO
[REDACTED] 021115

003812132341 Index Form

15042REMT010787682Form1

Treasury Management Services - Check Imaging

Treasurer's Receipt Number:15036931

Deposit Date:2/11/2015

Amount:1,680.00

Check Number:002362

Batch Number:0057

Batch Amount:23,442.35

Account Number: [REDACTED]

ABA: [REDACTED]

Sequence Number:7500

Work Type: 51

Work Group:01