

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Wampum Hardware	)	Case No. 16-81-TR-CVF
Company, Notice of Apparent Violation and	)	(OH0616003514C)
Intent to Assess Forfeiture.	)	

ENTRY

The Commission finds:

- (1) R.C. 4923.04 provides that the Commission shall adopt rules applicable to the transportation of persons or property by motor carriers operating in interstate and intrastate commerce. Pursuant to Ohio Adm.Code 4901:2-5-02(A), the Commission adopted the Federal Motor Carrier Safety Regulations for the purpose of governing transportation by motor vehicles in the State of Ohio. Further, R.C. 4923.99 authorizes the Commission to assess a civil forfeiture of up to \$25,000 per day against any person who violates the safety rules adopted by the Commission.
- (2) On November 18, 2015, a vehicle operated by Wampum Hardware Company (Respondent), and driven by Douglas Wetzel, was inspected within the state of Ohio. Respondent is a for-hire motor carrier, as defined in R.C. 4923.01, and subject to the jurisdiction of the Commission. The inspection resulted in the discovery of three apparent violations of the Code of Federal Regulations (C.F.R.): 49 C.F.R. 393.83(e), for improper exhaust discharge; 49 C.F.R. 393.209(e), for power steering violations; and 49 C.F.R. 390.21(b), for failing to display carrier name and/or USDOT number, as required.
- (3) Staff timely served a notice of preliminary determination (NPD) upon Respondent, in accordance with Ohio Adm.Code 4901:2-7-12. The NPD informed Respondent that Staff intended to assess a total forfeiture of \$200.00 for the violations of 49 C.F.R. 393.209(e) and 49 C.F.R. 390.21(b).
- (4) On January 19, 2016, Respondent filed a request for an administrative hearing regarding the violations cited in the NPD, in accordance with Ohio Adm.Code 4901:2-7-13.


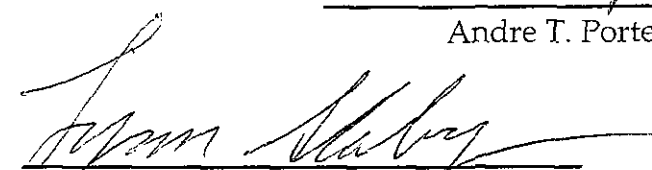
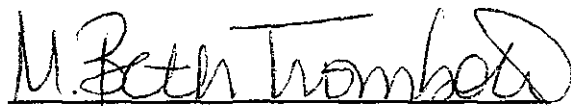
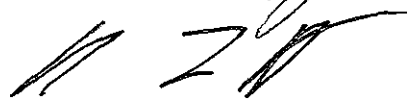

- (5) A prehearing settlement conference was held on March 1, 2016; however, the parties were unable to settle this matter at that time.
- (6) On April 5, 2016, Staff filed a motion to dismiss this case, stating that Respondent had paid the assessed forfeiture in full, as recommended in the NPD.
- (7) Ohio Adm.Code 4901:2-7-22 provides, in pertinent part, that payment of an assessed forfeiture shall terminate all further proceedings regarding the alleged violations.
- (8) In view of the payment of the forfeiture, the Commission finds that Staff's motion to dismiss should be granted.

It is, therefore,

ORDERED, That Staff's motion to dismiss be granted and this case be closed. It is, further,

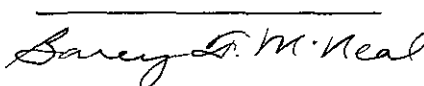
ORDERED, That a copy of this Entry be served on all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

  
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Andre T. Porter, Chairman  
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Lynn Slaby  
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M. Beth Trombold  
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Asim Z. Haque  
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Thomas W. Johnson

MJA/sc

Entered in the Journal **MAY 04 2016**

  
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Barcy F. McNeal  
Secretary