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18-1836-TR-CVF 4

OHIO PUBLIC UTILITIES COMMISSION  
ATTN: DOCKETING DIVISION  
180 EAST BROAD STREET  
COLUMBUS, OHIO 43215-3793

RECEIVED-DOCKETING DIV  
2018 DEC 14 PM 2:19

PUCO

In The Matter of

Pride Hauling  
Frank D. Walker, III

Case Number

OH1575000403D

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REQUEST FOR ADMINISTRATIVE HEARING

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Now comes Pride Hauling Recycling, LLC and Frank D. Walker, III by and through counsel, hereby making their request for an Administrative Hearing pursuant to O.A.C. §§4901:2-7-13 et. seq.

A copy of the *Notice of Preliminary Determination*, received on December 10, 2018, is included with this request.

Respectfully submitted,

FREDERICK D. BENTON, JR.  
A Legal Professional Association

/s/Frederick D. Benton, Jr.

Frederick D. Benton, Jr.  
Ohio Supreme #0022800  
Counsel for Petitioners  
98 Hamilton Park  
Columbus, Ohio 43203  
(614) 732-4693  
[fdbenton@columbus.rr.com](mailto:fdbenton@columbus.rr.com)

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## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the forgoing Request for Administrative Hearing was delivered by Regular U.S. Mail, postage prepaid, on this the 12<sup>th</sup> day of December, 2018 to the following:

OHIO PUBLIC UTILITIES COMMISSION  
Attn: Docketing Division  
180 East Broad Street  
Columbus, Ohio 43215-3793

Respectfully submitted,

FREDERICK D. BENTON, JR.  
A Legal Professional Association

/s/Frederick D. Benton, Jr.  
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# Public Utilities Commission

Asim Z. Haque, Chairman

Commissioners

M. Beth Trombold  
Thomas W. Johnson  
Lawrence K. Friedeman  
Daniel R. Conway

12/10/2018

OH1575000403D  
Mr. Frederick D Benton, Jr  
98 HAMILTON PARK  
COLUMBUS, OH 43203

RE: **NOTICE OF PRELIMINARY  
DETERMINATION**  
Case No. OH1575000403D

Dear Sir or Madam:

On 08/16/2017, a vehicle operated by PRIDE HAULING & RECYCLING, LLC, and driven by FRANK D WALKER III, 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 FRANK D WALKER III (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 |
|-------------|-------|--|------------|
| 391.15A-SIN | 4     | Driving a CMV while disqualified. Suspended for safety-related or unknown reason and in the state of drivers license issuance. | 500.00     |
| 391.41A-F   | 4     | Operating a property-carrying vehicle without possessing a valid medical certificate.  | 100.00     |
| 2-5-07D     | 4     | Operating after vehicle/driver declared out of service. See inspection OH0417002256  | 2750.00    |
|             |       | Total of Group 4   | 3350.00    |

**TOTAL AMOUNT DUE:** \$3,350.00

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 FRANK D WALKER III in the following amount:





# Public Utilities Commission

Asim Z. Haque, Chairman

Commissioners

M. Beth Trombold  
Thomas W. Johnson  
Lawrence K. Friedeman  
Daniel R. Conway

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|             |       | Total of Group 4   | 3350.00    |

TOTAL AMOUNT DUE: \$3,350.00

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,

Rod Moser, Chief of Compliance  
Transportation Department

Compliance Officer: Mark Banks

