

# THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF  
ROBERT NEFF, INC., NOTICE OF  
APPARENT VIOLATION AND INTENT TO  
ASSESS FORFEITURE.

CASE NO. 19-627-TR-CVF  
(OH3288011042)

## ENTRY

Entered in the Journal on July 31, 2019

### I. SUMMARY

{¶ 1} The Commission grants Staff's request to dismiss the alleged motor carrier safety rules violation, following a review of facts in the case and discussions with representatives of Robert Neff, Inc. and the Ohio State Highway Patrol.

### II. DISCUSSION

{¶ 2} R.C. 4923.04 provides that the Commission shall adopt rules applicable to the transportation of persons or property motor carriers operating in interstate and intrastate commerce. Pursuant to Ohio Adm.Code 4901:2-5-03(A), the Commission adopted the Federal Motor Carrier Safety Regulations for the purpose of governing transportation by motor vehicle 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.

{¶ 3} On March 13, 2019, Robert Neff, Inc. (Neff) filed a request for an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13.

{¶ 4} A prehearing conference was conducted on April 26, 2019, after which the parties continued discussions.

{¶ 5} Staff filed a motion to dismiss on July 11, 2019. Staff explains that, after further investigation and reviewing the facts in the case, as well as discussion with the Ohio State Highway Patrol (OSHP), OSHP agrees with Staff that further prosecution of the violation is unwarranted and should be deleted from Neff's Safety-Net record. Therefore,

Staff requests that the Commission dismiss the alleged violation and order it deleted from Neff's Safety-Net record.

{¶ 6} The Commission finds reasonable Staff's request to dismiss the violation against Neff and delete the violation from its record. Accordingly, this case should be closed.

### III. ORDER

{¶ 7} It is, therefore,

{¶ 8} ORDERED, That the violation against Neff be deleted from its record and this case be closed. It is, further,

{¶ 9} ORDERED, That a copy of this Entry be served upon Neff and all other interested parties of record.

COMMISSIONERS:

*Approving:*

Sam Randazzo, Chairman

Lawrence K. Friedeman

Daniel R. Conway

JML/hac

**This foregoing document was electronically filed with the Public Utilities**

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**Case No(s). 19-0627-TR-CVF**

Summary: Entry that the Commission grants Staff's request to dismiss the alleged motor carrier safety rules violation, following a review of facts in the case and discussions with representatives of Robert Neff, Inc. and the Ohio State Highway Patrol. electronically filed by Docketing Staff on behalf of Docketing