

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF YURIY RUDKOVSKIY,
NOTICE OF APPARENT VIOLATION AND
INTENT TO ASSESS FORFEITURE.

CASE NO. 19-1554-TR-CVF
(OH3250004587D)

ENTRY

Entered in the Journal on January 15, 2020

I. SUMMARY

{¶ 1} The Commission grants Staff's motion to dismiss, resolving this matter in favor of Respondent.

II. DISCUSSION

{¶ 2} R.C. 4923.04(A)(1) mandates that the Commission adopt rules applicable to the transportation of persons or property by motor carriers operating in interstate and intrastate commerce. Pursuant to Ohio Adm.Code 4901:2-5-03(A), the Commission adopted the Federal Motor Carrier Safety Regulations, published in the Code of Federal 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, per violation, against any person who violates the safety rules adopted by the Commission.

{¶ 3} Staff served a notice of preliminary determination (NPD) upon Yuriy Rudkovskiy (Respondent) in accordance with Ohio Adm.Code 4901:2-7-12, alleging a violation of the Commission's transportation regulations.

{¶ 4} On August 5, 2019, Colin Maher, Esq., on behalf of Respondent, requested an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13. Counsel for Respondent participated in a prehearing conference on September 6, 2019, but the matter was not resolved.

{¶ 5} The attorney examiner set this case for hearing on Tuesday, December 10, 2019.

{¶ 6} On December 5, 2019, Staff filed a motion to dismiss the case, indicating that it is unable to further prosecute the alleged violation against Respondent due to insufficient evidence. Staff's motion indicates that the Ohio State Highway Patrol agrees with the decision to dismiss the case.

{¶ 7} For the reason outlined in the motion to dismiss, the Commission finds that this case should be dismissed, and the related docket closed.

III. ORDER

{¶ 8} It is, therefore,

{¶ 9} ORDERED, That this case be closed. It is, further,

{¶ 10} ORDERED, That a copy of this Entry be served upon all parties of record.

COMMISSIONERS:

Approving:

Sam Randazzo, Chairman

M. Beth Trombold

Lawrence K. Friedeman

Daniel R. Conway

Dennis P. Deters

MLW/hac

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Commission of Ohio Docketing Information System on

1/15/2020 4:39:46 PM

in

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