

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF DANIEL ANOFILS,
NOTICE OF APPARENT VIOLATION AND
INTENT TO ASSESS FORFEITURE.

CASE NO. 19-1792-TR-CVF
(OH3260014976D)

FINDING AND ORDER

Entered in the Journal on February 13, 2020

I. SUMMARY

{¶ 1} The Commission grants the motion to dismiss filed by Staff, finding that there is no jurisdiction to further adjudicate this matter.

II. DISCUSSION

{¶ 2} On July 21, 2019, Staff served a notice of apparent violation and intent to assess forfeiture upon Daniel Anofils (Respondent), alleging a violation of the Commission's transportation regulations. Specifically, Respondent was charged with violating Federal Motor Carrier Safety Administration regulation 49 C.F.R. 383.51(a), driving a commercial motor vehicle while his commercial driver's license is suspended for safety-related or unknown reasons and outside the state of driver's license issuance. Staff assessed a civil forfeiture in the amount of \$500 due to the violation.

{¶ 3} On September 19, 2019, the Commission received a mailed request from Respondent dated September 8, 2019, wherein Respondent requested that his case be reopened. Respondent indicated that he did not understand the consequences to his CDL that resulted from his payment of the forfeiture that is the subject of this case.

{¶ 4} The attorney examiner, at that time, recognized Respondent's correspondence as a request for an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13. Accordingly, the attorney examiner scheduled this matter for a prehearing conference on December 13, 2019.

{¶ 5} On December 12, 2019, Staff filed correspondence requesting that this case be dismissed pursuant to Ohio Adm.Code 4901:2-7-22 because Respondent had already paid the full amount of the forfeiture in this case.

{¶ 6} On December 13, 2019, the attorney examiner held the scheduled prehearing conference. During the prehearing conference, the attorney examiner directed that Staff's request to dismiss this case would not be considered informally. The attorney examiner established and published a briefing schedule regarding Staff's intention to seek dismissal of the case.

{¶ 7} Consistent with the briefing schedule, Staff filed a motion to dismiss this case on December 13, 2019. Staff contends that the case should be dismissed pursuant to Ohio Adm.Code 4901:2-7-22 because Respondent has already paid the full amount of the forfeiture that is the subject of the case.

{¶ 8} Respondent did not file a reply memorandum or any other responsive document since Staff filed its motion to dismiss.

{¶ 9} Ohio Adm.Code 4901:2-7-22 provides, in pertinent part, that payment of a civil forfeiture assessed pursuant to a violation of the Commission's transportation regulations constitutes an admission of the occurrence of the violation and serves to terminate all further Commission proceedings.

{¶ 10} The Commission finds that Respondent's payment of the civil forfeiture in connection with inspection number OH3260014976D concludes jurisdiction over this matter as provided in Ohio Adm.Code 4901:2-7-22. Accordingly, the Commission finds that this case will be considered closed of record, effective from the date of this Finding and Order.

III. ORDER

{¶ 11} It is, therefore,

{¶ 12} ORDERED, That this case be closed as described in Paragraph 9. It is, further,

{¶ 13} ORDERED, That a copy of this Finding and Order be served upon each party in this case.

COMMISSIONERS:

Approving:

Sam Randazzo, Chairman

M. Beth Trombold

Lawrence K. Friedeman

Daniel R. Conway

MLW/hac

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2/13/2020 3:04:43 PM

in

Case No(s). 19-1792-TR-CVF

Summary: Finding & Order that the Commission grants the motion to dismiss filed by Staff, finding that there is no jurisdiction to further adjudicate this matter. electronically filed by Docketing Staff on behalf of Docketing