

**BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of A Clarkson's)	
Logistic, Notice of Apparent)	Case No. 20-1632-TR-CVF
Violation and Intent to Assess)	
Forfeiture.)	

**MOTION TO DISMISS
AND MEMORANDUM IN SUPPORT**

The Staff of the Public Utilities Commission of Ohio hereby moves to dismiss this case based on Respondent's payment in full of the forfeiture assessed. First, under Ohio Adm. Code § 4901:2-7-22, full payment terminates all further proceedings regarding the violations. Second, the Respondent does not dispute the violations assessed and has not provided any grounds to overturn the violations.

On October 23, 2020, Respondent filed a letter requesting that this proceeding be re-opened by the Public Utilities Commission of Ohio.¹ Respondent previously paid the forfeiture amount assessed in full. In his letter, Respondent requested that the proceeding be re-opened so that he could discuss having the violations removed from his record. On November 23, 2020, the Administrative Law Judge (ALJ) issued an Entry recognized Respondent's letter as a request for an administrative hearing, in accordance with Ohio

¹ Case No. 20-1632-TR-CVF, Letter, October 23, 2020.

Adm. Code 4901:2-7-13. The ALJ directed the parties to participate in a prehearing on December 8, 2020. The parties participated in the December 8, 2020 prehearing.

Ohio Adm. Code § 4901:2-7-22(B) states: “If the only remedy requested with respect to a violation is the payment of a forfeiture, and full payment of the forfeiture demanded in the notice is made prior to the execution of a settlement agreement or a final commission order, full payment constitutes an admission of the occurrence of the violation... .” Respondent paid the forfeiture, and this case should be dismissed pursuant to O.A.C. § 4901:2-7-22(B).

In addition, Respondent did not provide any grounds in which to overturn the violations assessed, nor did he dispute the violations. Given this, the Staff of the Public Utilities Commission of Ohio respectfully moves to dismiss this case.

Respectfully submitted,

Dave Yost
Ohio Attorney General

John H. Jones
Section Chief

/s/ Kyle L. Kern

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**On Behalf of the Staff of the
Public Utilities Commission of Ohio**

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing **Motion to Dismiss** was served by regular U.S. mail, postage prepaid, hand-delivered, or delivered via electronic mail, upon the following parties of record, this 9th day of December, 2020

/s/ Kyle L. Kern

Kyle L. Kern

Assistant Attorney General

PARTIES OF RECORD:

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A Clarkson's Logistic

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This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

12/9/2020 2:14:51 PM

in

Case No(s). 20-1632-TR-CVF

Summary: Motion to Dismiss and Memorandum in Support electronically filed by Mrs. Kimberly M Naeder on behalf of PUCO