

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF A CLARKSON'S
LOGISTIC, NOTICE OF APPARENT
VIOLATION AND INTENT TO ASSESS
FORFEITURE.

CASE NO. 20-1632-TR-CVF
(OH3254012813C)

ENTRY

Entered in the Journal on March 10, 2021

I. SUMMARY

{¶ 1} The Commission grants Staff's motion to dismiss the request for an administrative hearing because Respondent's payment of the civil forfeiture terminates further proceedings in the matter.

II. DISCUSSION

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

{¶ 3} On October 23, 2020, the Commission received a letter from Respondent in which Respondent requested that its case be reopened.

{¶ 4} Recognizing Respondent's correspondence as a request for an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13, by Entry dated November 23, 2020, the attorney examiner scheduled a prehearing conference in this matter pursuant to Ohio Adm.Code 4901:2-7-16(B).

{¶ 5} During the prehearing conference on December 8, 2020, the parties were unable to settle the matter.

{¶ 6} On December 9, 2020, Staff filed a motion to dismiss. In the motion, Staff observes that Respondent has paid the forfeiture associated with this proceeding in full and that Respondent requested to reopen the proceeding after it paid the assessed civil forfeiture in full. As a result, pursuant to Ohio Adm.Code 4901:2-7-22(B), Staff argues that Respondent

did not dispute the assessed violations or provide any grounds to overturn the assessed violations, that the payment terminates all further proceedings regarding the violation, and that Respondent's request for hearing should be dismissed.

{¶ 7} Pursuant to Ohio Adm.Code 4901-1-12(B)(2), a party may file a memorandum contra within 15 days after service of a motion. Respondent has not filed any response to Staff's motion to dismiss.

{¶ 8} As described by Staff, pursuant to Ohio Adm.Code 4901:2-7-22(B), full payment of a forfeiture constitutes an admission of the violation and shall terminate all further proceedings. The Commission observes that, in the request for hearing, Respondent acknowledged that the forfeiture has been paid. Given Respondent's payment of the civil forfeiture, the Commission finds it reasonable to grant Staff's motion and dismiss Respondent's request for a hearing.

III. ORDER

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That Staff's motion to dismiss be granted. It is, further,

{¶ 11} ORDERED, That this case be closed of record. It is, further,

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

COMMISSIONERS:

Approving:

M. Beth Trombold
Lawrence K. Friedeman
Daniel R. Conway
Dennis P. Deters

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

Summary: Entry granting Staff's motion to dismiss the request for an administrative hearing because Respondent's payment of the civil forfeiture terminates further proceedings in the matter. electronically filed by Kelli C. King on behalf of The Public Utilities Commission of Ohio