

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF JUSTIN HOLMES,
NOTICE OF APPARENT VIOLATION AND
INTENT TO ASSESS FORFEITURE

CASE NO. 20-1154-TR-CVF
(OH3249009646D)

ENTRY

Entered in the Journal on November 17, 2021

I. SUMMARY

{¶ 1} The Commission grants Respondent's withdrawal of the request for a hearing and closes this case.

II. DISCUSSION

{¶ 2} R.C. 4923.04 provides that the Commission shall 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 (FMCSR) 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 June 19, 2019, Staff served a notice of apparent violation and intent to assess forfeiture upon Justin Holmes (Respondent), alleging a violation of the Commission's transportation regulations. Staff re-served Respondent with the notice of apparent violation and intent to assess forfeiture on August 18, 2019, and January 16, 2020.

{¶ 4} On January 15, 2020, the Commission issued an order finding Respondent in default and directing him to pay the forfeiture. *In re the Default of Motor Carriers and Drivers Pursuant to Rule 4901:2-7-14 of the Ohio Administrative Code*, Case No. 19-2132-TR-CVF, Finding and Order, (Jan. 15, 2020).

{¶ 5} On June 9, 2020, the Commission received an undated, mailed request from Respondent requesting that Respondent's case be reopened.

{¶ 6} By Entry issued July 27, 2020, the attorney examiner acknowledged Respondent's correspondence as a request for an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13. Also, the attorney examiner scheduled a prehearing teleconference for August 12, 2020.

{¶ 7} On June 14, 2021, Staff filed correspondence asserting that the Respondent does not intend to further contest this matter. Staff attached a copy of an email Respondent sent to Staff's counsel within which Respondent asked that his request for a hearing in this matter be withdrawn.

{¶ 8} The Commission finds Respondent's withdrawal of the hearing request to be reasonable and, accordingly, it should be granted.

III. ORDER

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That withdrawal of the hearing request be granted and that this case be closed of record. It is, further,

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

COMMISSIONERS:

Approving:

Jenifer French, Chair

M. Beth Trombold

Daniel R. Conway

Dennis P. Deters

MJS/IMM/kck

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Case No(s). 20-1154-TR-CVF

Summary: Entry granting Respondent's withdrawal of the request for a hearing and closes this case. electronically filed by Ms. Mary E. Fischer on behalf of Public Utilities Commission of Ohio