

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Terrance R. MacDonald,       )  
Notice of Apparent Violation and Intent       ) Case No. 08-627-TR-CVF  
to Assess Forfeiture.                               ) (OH775003462D)

ENTRY

The Commission finds:

- (1) On May 30, 2007, a vehicle operated by Transit TEC Inc. and driven by Terrance R. MacDonald (the respondent) was inspected within the state of Ohio. The inspection resulted in the discovery of an alleged failure by the respondent to use a seat belt while operating a commercial motor vehicle, an apparent violation of 49 C.F.R. §392.16.
- (2) The respondent was timely served with a notice of preliminary determination in accordance with Rule 4901:2-7-12, Ohio Administrative Code (O.A.C.), for Inspection Report OH775003462D. The preliminary determination assessed the respondent \$100.00 as forfeiture. The respondent made a timely request for an administrative hearing pursuant to 4901:2-7-13, O.A.C.
- (3) On July 9, 2008, the Commission's staff (staff), through counsel, filed a notice of dismissal. The notice indicates that the staff has agreed to withdraw its notice of preliminary determination served upon the respondent. After a review of the facts in the case and discussion with the respondent, the staff determined both that there is a lack of evidence upon which to proceed to administrative hearing and that further prosecution of this matter is not warranted. The respondent agrees with this determination by staff. Accordingly, the parties request that the Commission dismiss this case and order that the violation be removed from the respondent's history of violations.
- (4) The Commission finds that the parties' request for dismissal of this case and for removal of the violation from the respondent's history of violations should, under the circumstances of record, be granted.

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It is, therefore,

ORDERED, That the parties' request for dismissal of this case and for removal of the violation is granted. It is, further,

ORDERED, That Case No. 08-627-TR-CVF is dismissed. It is, further,

ORDERED, That the apparent violation which is the subject of Inspection Report OH775003462D should be removed from the respondent's history of violations. It is, further,

ORDERED, That a copy of this entry be served upon Terrance R. MacDonald and all other interested parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



Alan R. Schriber, Chairman

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Paul A. Centolella



Ronda Hartman Fergus



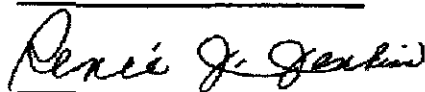
Valerie A. Lemmie

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Cheryl L. Roberto

DEF:geb

Entered in the Journal

**AUG 13 2008**



Renee J. Jenkins  
Secretary