

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Jeffery L. Combs, Notice of ) Case No. 09-262-TR-CVF  
Apparent Violation and Intent to Assess ) (OH1687000549D)  
Forfeiture. )

FINDING AND ORDER

The Commission finds:

- (1) Commission staff served a notice of preliminary determination (NPD) upon Jeffery L. Combs, in accordance with Rule 4901:2-7-12, Ohio Administrative Code (O.A.C.). The NPD indicated that staff intended to make a civil monetary assessment of \$100.00 against Mr. Combs for his violation of 49 Code of Federal Regulation (C.F.R.) 392.16, the failure to use a seat belt while operating a commercial motor vehicle.
- (2) On March 24, 2009, Mr. Combs filed a request for an administrative hearing regarding the NPD.
- (3) A prehearing conference was held on May 7, 2009; however, the parties were unable to resolve this matter informally.
- (4) By entry dated June 8, 2009, a hearing was initially scheduled for August 11, 2009, but was continued at the request of the parties.
- (5) By entry of January 21, 2010, the attorney examiner rescheduled the hearing for March 25, 2010. A copy of the January 21, 2010 entry was properly served upon Mr. Combs by certified mail and a copy of the certified mail receipt was filed in the docket.
- (6) At the hearing, staff presented evidence in support of the alleged violation of 49 C.F.R. 392.16 and of the calculation of the assessed \$100.00 civil forfeiture. Mr. Combs did not appear at the hearing and no evidence was presented as to why he should not be held liable for the violation of 49 C.F.R. 392.16 or the civil forfeiture assessed in this case. At the hearing, staff moved for a default judgment.

- (7) Rule 4901:2-7-14(A), O.A.C., provides that a respondent who has requested an administrative hearing and fails to participate in the hearing proceeding shall be in default. This rule also provides that a respondent in default shall be deemed to have admitted the occurrence of the alleged violation and waived all further right to contest liability for the proposed forfeiture described in the notice.
- (8) As Mr. Combs failed to participate in the hearing that he requested, he is in default pursuant to Rule 4901:2-7-14(A), O.A.C., and staff's motion for default judgment should be granted. Accordingly, the Commission finds that Mr. Combs violated 49 C.F.R. 392.16, and that Mr. Combs should be assessed the civil forfeiture of \$100.00.
- (9) Mr. Combs shall have 30 days from the date of this finding and order to pay the civil forfeiture. The payment shall be made using a certified check or money order payable to "Treasurer, the State of Ohio" and mailed or delivered to the Public Utilities Commission of Ohio, Attention: Finance Department, 180 East Broad Street, 4th Floor, Columbus, Ohio 43215-3793. In order to assure proper credit, Mr. Combs is directed to write the citation number (OH1687000549D) on his check or money order.

It is, therefore,

ORDERED, That staff's motion for default judgment be granted. It is, further,

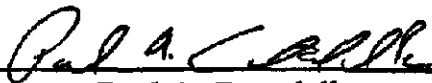
ORDERED, That Jeffery L. Combs pay a civil forfeiture of \$100.00 within 30 days from the date of this finding and order. It is, further,

ORDERED, That a copy of this finding and order be served upon each party of record.

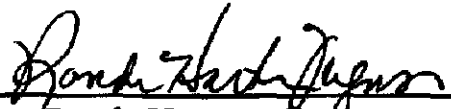
THE PUBLIC UTILITIES COMMISSION OF OHIO



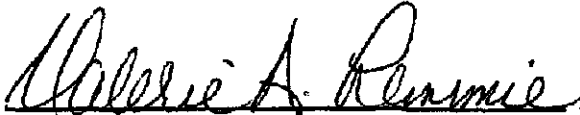
Alan R. Schriber, Chairman



Paul A. Centolella



Ronda Hartman Fergus



Valerie A. Lemmie



Cheryl L. Roberto

SEF/sc

Entered in the Journal

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Renee J. Jenkins  
Secretary