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September 13, 2010

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Ohio Public Utilities Commission

Attn: Docketing Division

180 East Broad Street 11th floor

Columbus, Ohio 43215-3793

Case No. OH3291007803C

Vs

Ronald E. Moton Sr.

The King of Bar-B-Que Ribs Co. Inc.

**Motion for Administrative Hearing
and To dismiss**

Now comes the Defendant in the above captive case to ask the administrator

Law judge to dismiss this case on the following grounds:

On or about June 30th, 2010, I was going east bound on route 30 and I was pulled over by the highway patrol driving in my box Mack truck. He stated that he stopped me for the right rear tail light being out. Then, at the time when he stopped me, I informed him that I was on my way to a Mack truck service department to have my truck serviced. Because I had tried to get my truck serviced in Mansfield, Ohio at Reindl Springs for the broken springs on the truck. Reindl springs told me that they could not help me, and that I needed to take my truck to a mack dealer. I informed this patrolman that I was taking the truck to R&R Sales on Rte 224 to have my truck serviced.

At the time, the patrolman said he was going to give me a safety inspection. He found one of my windshield wipers were not working properly, then he looked inside the truck and asked me to pump down my brakes so the low pressure warning device could come

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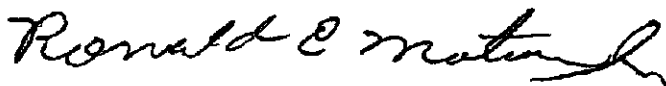
on. At the time I did as I was ordered to do. I stopped when he told me to stop. Five seconds later after the patrolman turned around, I put my foot on the brakes, and the warning light came on. I pointed it out to the patrolman at the time it happened and told the patrolman that it was a possibility that the warning light did not come on because the brakes were not pumped down enough.

The probable cause that the highway patrol officer stopped me was because of my right tail light was out. I was only charged with violation of code 393.51 and 393.207C. Then the officer red tagged my truck. Since I only lived a couple of blocks away from where he stopped me, the officer escorted me to my driveway. I feel that the probable cause is the main issue in this complaint is the rear tail light and that's why my truck was red tagged. After coming home, I immediately fixed the light, and then proceeded to have my truck inspected by the Mack dealer, at R&R Sales.

Therefore, I ask this court to dismiss this case because the probable cause I was stopped for, I didn't even get charged for, which was the tail light. And if the court feels this case should be heard by an administrative judge, please assign it and let me know.

I had a conference call with Wanda Williams at 9a on August 24, 2010. We could not resolve this issue.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Ronald E. Moton Sr.", with a stylized flourish at the end.

Ronald E. Moton Sr.

293 Second Avenue

Mansfield, Ohio 44902

419-525-1851 home



Public Utilities Commission

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Cheryl Roberto
Steven D. Lesser

September 3, 2010
MR RONALD MOTON
THE KING OF BAR-B-QUE RIBS COMPANY
OH3291007803C

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As a result of the conference, Staff has made a Preliminary Determination that the Commission should make a civil monetary assessment against THE KING OF BAR-B-QUE RIBS COMPANY in the following forfeiture:

Code	Violation
393.51	Low pressure warning device does not operate at 55
393.207C	Main leaf spring broken at axle # 2 right side, se

Total Forfeiture Agreed : \$150.00

Please include a certified check or money order for the total forfeiture Agreed, made payable to "Treasurer State of Ohio," and mail to: PUCO FISCAL, 180 E. Broad St, 13th floor, Cols. OH 43215-3793. FOR PROPER CREDIT, BE SURE TO PUT THE CASE NUMBER ON THE FACE OF THE CHECK.

Please consult the enclosed additional information concerning this Notice of Preliminary Determination.

Robert E. Marvin, Director
Transportation Department
Public Utilities Commission of Ohio