

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Aleksandr Pruzhanskiy,)
Notice of Apparent Violation and Intent)
to Assess Forfeiture.)

Case No. 10-196-TR-CVF
(OH0380006098D)

ENTRY

The Commission finds:

- (1) Commission staff served a notice of preliminary determination upon Aleksandr Pruzhanskiy (respondent), in accordance with Rule 4901:2-7-12, Ohio Administrative Code (O.A.C.), alleging a violation of 49 Code of Federal Regulations 392.3 – operating a commercial motor vehicle while ill or fatigued, and, as a result, assessing a civil forfeiture of \$100.
- (2) On February 16, 2010, respondent filed a request for an administrative hearing in the above-captioned case in accordance with Rule 4901:2-7-13, O.A.C.
- (3) Pursuant to Rule 4901:2-7-16(B), O.A.C., a prehearing conference was held on June 8, 2010; however, the parties were unable to resolve this matter.
- (4) By entry issued on July 23, 2010, this matter was set for hearing on September 21, 2010. Respondent was served with a copy of the July 23, 2010, entry, in accordance with Rule 4901:2-7-03, O.A.C. The July 23, 2010, entry noted that 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. The July 23, 2010, entry further indicated that Rule 4901:2-7-14(A), O.A.C., also states that a respondent in default shall be deemed to have admitted the occurrence of the violation and waived all further right to contest liability to the state for the forfeiture described in the notice.
- (5) By entry issued September 21, 2010, the hearing was continued to November 16, 2010. Respondent was served with a copy of the September 21, 2010, entry, in accordance with Rule 4901:2-7-03, O.A.C.

- (6) The hearing was held as scheduled on November 16, 2010. At the hearing, staff presented evidence demonstrating the occurrence of the violation and supporting the civil forfeiture citation in this case. Respondent, however, did not appear or participate at the hearing.
- (7) Since respondent failed to appear or participate in the hearing in this case, the Commission finds that, pursuant to Rule 4901:2-7-14(A), O.A.C., respondent is in default and, therefore, has admitted the violation cited in the case and waived all further right to contest liability to the state for the forfeiture described in the notice. The recommended civil forfeiture of \$100, set forth in the notice of preliminary determination, should be assessed against respondent and should be paid within 30 days.
- (8) Rule 4901:2-7-22, O.A.C., requires that payment of any forfeiture be made by company check, certified check, or money order payable to "Treasurer, State of Ohio," and shall be mailed or delivered to "Fiscal Division, Public Utilities Commission of Ohio, 180 East Broad Street, Fourth Floor, Columbus, Ohio, 43215-3793." Respondent should write Case No. 10-196-TR-CVF and Inspection No. OH0380006098D on the face of the check to insure proper credit.

It is, therefore,

ORDERED, That respondent is in default and the assessed civil forfeiture remedy of \$100 is adopted. It is, further,

ORDERED, That respondent is ordered to pay the state of Ohio as set forth in finding (8). It is, further,

ORDERED, That the Attorney General take the appropriate action to enforce this order as provided by law. It is, further,

ORDERED, That, a copy of this entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO




Alan R. Schriber, Chairman

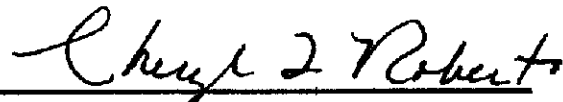
Paul A. Centolella



Valerie A. Lemmie



Steven D. Lesser



Cheryl L. Roberto

KLS/dah

Entered in the Journal **DEC 01 2010**



Renee J. Jenkins
Secretary