

THE PUBLIC UTILITIES COMMISSION OF OHIO

OPINION AND ORDER

The respondent was sent a Notice of Preliminary Determination on October 4, 2010, in accordance with Rule 4901:2-7-12, O.A.C., notifying him that staff intended to assess a civil monetary forfeiture of \$100.00 for the violation. On November 3, 2010, a request for administrative hearing was filed by the respondent, and a prehearing teleconference was conducted on January 10, 2011, but the parties failed to reach a settlement. Consequently, the hearing of this matter was held on February 23, 2011, at which time Officer Byrne and John Canty, Assistant Chief of the Compliance Division, Transportation Department, testified on behalf of the Commission's staff, and Mr. Bacisin testified on his own behalf.

DISCUSSION:

There is no factual issue in dispute in this case. Mr. Bacisin admits that his PUCO registration number was not on his vehicle as required by 49 C.F.R. §392.2 and Rule 4901:2-5-10, O.A.C. He stated that his practice was not to post his registration number on his vehicle because he is concerned that displaying this number might lead to identity theft. He also conceded, however, that he does not know of anyone who has suffered any damages or identity theft as a result of a posted PUCO registration number (Tr. 32-36).

The Commission finds no merit in the respondent's argument. A carrier's registration number must be displayed on both sides of the vehicle pursuant to 49 C.F.R. §392.2. This is not a new or unique requirement, and Mr. Bacisin has failed to provide any evidence that such requirement has caused any harm to himself or any other carrier. Accordingly, we reject his contention, and find that he should be held liable for a civil forfeiture of \$100.

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

- (1) On June 21, 2010, the Highway Patrol inspected a commercial motor vehicle operated by Mr. Bacisin in the state of Ohio, which resulted in the citation for violation of 49 C.F.R. §392.2 and Rule 4901:2-5-10, O.A.C., for failure to display the carrier's registration number on both sides of the vehicle.
- (2) The respondent was timely served with a Notice of Preliminary Determination to assess a civil forfeiture of \$100.00 in accordance with Rule 4901:2-7-12, O.A.C.
- (3) A hearing in this matter was held on February 23, 2011, at which Staff demonstrated by a preponderance of the evidence the occurrence of the violation and reasonableness of the civil forfeiture assessed. The respondent's arguments were not sufficient to demonstrate that he should not be held liable for the civil forfeiture assessed.
- (4) Pursuant to Section 4905.83, Revised Code, the respondent must pay the State of Ohio the assessed civil forfeiture of \$100.00 within 30 days from the date of this order.

It is, therefore,

ORDERED, That Mr. Bacisin pay the assessed amount of \$100.00 for violation of 49 C.F.R. §392.2 and Rule 4901:2-5-10, O.A.C., within 30 days from the date of this order. Payment should be made payable to "Treasurer, State of Ohio" and mailed or delivered to the Public Utilities Commission of Ohio, Attention: Fiscal Department, 180 East Broad Street, 4th Floor, Columbus, Ohio 43215-3793. In order to assure proper credit, Mr. Bacisin should write the inspection report number (OH3238005596C) on the face of the check or money order. It is, further,

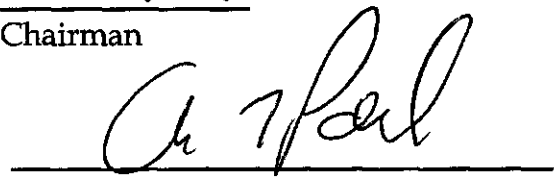
ORDERED, That the Ohio Attorney General take all legal steps necessary to enforce the terms of this opinion and order. It is, further,


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

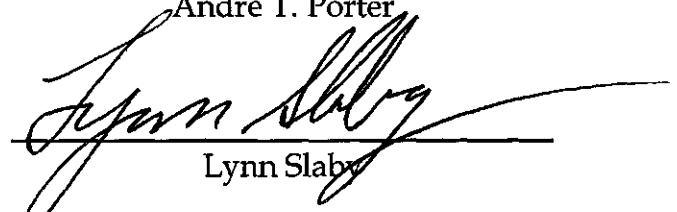
THE PUBLIC UTILITIES COMMISSION OF OHIO


Todd A. Snitchler, Chairman


Steven D. Lesser


Andre T. Porter

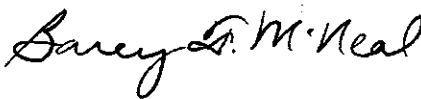

Cheryl L. Roberto


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Barcy F. McNeal
Secretary