

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Kevin Snyder, Notice of )	Case No. 12-2432-TR-CVF
Apparent Violation and Intent to Assess )	(OH3272009650C)
Forfeiture. )	

FINDING AND ORDER

The Commission finds:

- (1) Commission staff served a Notice of Preliminary Determination (NPD) upon Kevin Snyder, in accordance with Rule 4901:2-7-12, Ohio Administrative Code (O.A.C.). The NPD assessed a total civil forfeiture of \$140.00 for violation of Title 49 Code of Federal Regulations (C.F.R.) 393.75(a)(3), concerning two tires that were flat and/or had an audible air leak, and 49 C.F.R. 390.21(a), regarding failure to properly mark the vehicle.
- (2) On September 4, 2012, Kevin Snyder requested an administrative hearing in accordance with Rule 4901:2-7-13, O.A.C.
- (3) The parties in this case participated in a prehearing conference on January 24, 2013, but did not resolve matters at that time.
- (4) Rule 4901:2-7-14(E), 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 rule additionally 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) The hearing was convened on January 24, 2013. Mr. Snyder did not appear at the hearing. Staff moved for a default judgment against Mr. Snyder.

- (6) Because Mr. Snyder failed to appear or participate in the hearing, the Commission finds that, pursuant to Rule 4901:2-7-14(E), O.A.C., Mr. Snyder is in default and, therefore, has admitted to the violations 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 \$140.00, set forth in the NPD, should be assessed against Mr. Snyder and should be paid within 30 days.
- (7) Rule 4901:2-7-22, O.A.C., requires that payment of any forfeiture be made by 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." To ensure proper credit, Mr. Snyder is directed to write the citation number (OH3272009650C) on the check or money order.

It is, therefore,

ORDERED, That, pursuant to Rule 4901:2-7-14(E), O.A.C., Mr. Snyder is in default and the assessed civil forfeiture of \$140.00 is adopted. It is, further,

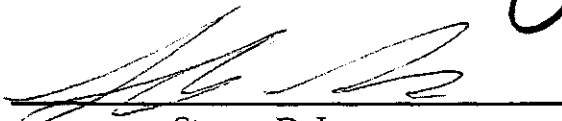
ORDERED, That Mr. Snyder is ordered to pay the state of Ohio the assessed civil forfeiture set forth above. It is, further,

ORDERED, That, if payment is not received within 30 days of the date of this finding and order, the Attorney General of Ohio is authorized to take any appropriate action allowed by law to recover the assessed civil forfeiture. It is, further,

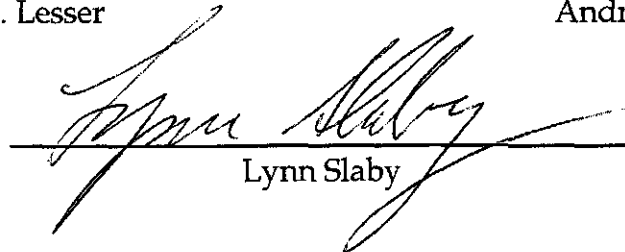
ORDERED, That a copy of this finding and order be served upon each party of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

  
Todd A. Snitchler, Chairman

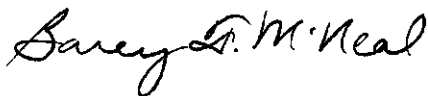
  
Steven D. Lesser

  
Andre T. Porter

  
Lynn Slaby

JML/sc

Entered in the Journal  
**FEB 27 2013**



Barcy F. McNeal  
Secretary