

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Hard Drive Express, Inc.,)
Notice of Apparent Violation and Intent to) Case No. 14-882-TR-CVF
Assess Forfeiture.) (OH0616002069C)

ENTRY

The Commission finds:

- (1) On February 14, 2014, a vehicle operated by Hard Drive Express, Inc. (Respondent) was stopped for traffic enforcement, received a warning for speeding, and inspected within the state of Ohio. As a result of the inspection, a violation of 49 C.F.R. 392.2 (failure to operate in accordance with state and local laws), was listed on the Driver/Vehicle Examination Report (DVER) issued by the inspecting officer.
- (2) Subsequently, Respondent was notified in a Notice of Preliminary Determination (NPD) that Staff intended to charge a civil forfeiture violation against it. However, pursuant to the Commission's fine schedule, no dollar amount was assessed for the violation, and Respondent was notified in the NPD that no fine would be issued.
- (3) On May 16, 2014, Respondent filed a letter requesting an administrative hearing, thereby initiating this matter.
- (4) A prehearing conference was held in the case on June 24, 2014. During the prehearing conference, the parties established a hearing date of August 12, 2014; however, they were unable to settle this matter.
- (5) Thereafter, by Entry dated June 26, 2014, a hearing was scheduled on August 12, 2014. A copy of the Entry was served on the Respondent and a service notice was filed in the case docket.
- (6) A hearing was convened on August 12, 2014. Respondent did not appear the hearing and present evidence to explain why it should not be charged with the violation in this case.

- (7) At the hearing, Staff presented, as exhibits, the DVER (Staff Ex. 1) and the NPD (Staff Ex. 2) in the case, and moved for a default judgment against Respondent.
- (8) Ohio Adm.Code 4901:2-7-14(A) 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.
- (9) In view of Respondent's failure to participate in the hearing, the Commission finds that Respondent is in default. Accordingly, Staff's motion for a default judgment should be granted, and the violation of 49 C.F.R. 392.2 should be included in Respondent's Safety-Net Record and history of violations.

It is, therefore,

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

ORDERED, That the violation of 49 C.F.R. 392.2 be included in Respondent's Safety-Net Record and history of violations. It is, further,

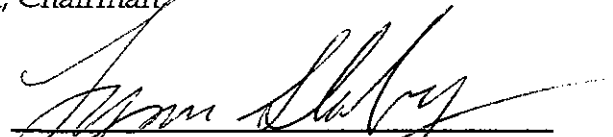
ORDERED, That this case be closed of record. It is, further,

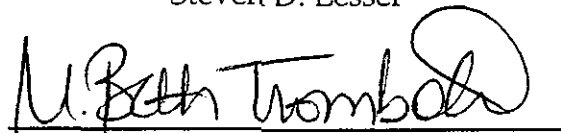
ORDERED, That a copy of this Entry be served upon each party of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO


Thomas W. Johnson, Chairman


Steven D. Lesser

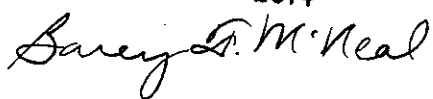

Lynn Slaby


M. Beth Trombold


Asim Z. Haque

KKS/vrm

Entered in the Journal

SEP 10 2014


Barcy F. McNeal
Secretary