

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF MICHAEL JAMES,
NOTICE OF APPARENT VIOLATION AND
INTENT TO ASSESS FORFEITURE.**

**CASE NO. 17-1414-TR-CVF
(OH0892000120D)**

ENTRY

Entered in the Journal on September 27, 2017

I. SUMMARY

{¶ 1} The Commission grants Staff's request to dismiss the alleged motor carrier safety rules violation.

II. DISCUSSION

{¶ 2} R.C. 4923.04 provides that the Commission shall adopt rules applicable to the transportation of persons or property motor carriers operating in interstate and intrastate commerce. Pursuant to Ohio Adm.Code 4901:2-5-03(A), the Commission adopted the Federal Motor Carrier Safety Regulations for the purpose of governing transportation by motor vehicle in the state of Ohio. Further, R.C. 4923.99 authorizes the Commission to assess a civil forfeiture of up to \$25,000 per day against any person who violates the safety rules adopted by the Commission.

{¶ 3} On June 8, 2017, Michael James filed a request for an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13.

{¶ 4} A prehearing conference was conducted on August 1, 2017. The parties were unable to resolve the matter and a hearing was scheduled for August 21, 2017.

{¶ 5} At the August 21, 2017 hearing, Mr. James was in attendance, but Staff's witness was not present. Staff moved for a continuance, but because Mr. James had traveled from his residence in Tennessee, the attorney examiner denied the motion. Staff then requested dismissal of the violation.

{¶ 6} The Commission finds that Staff's request to dismiss the violation against Mr. James is reasonable and should be granted. Accordingly, the violation against Mr. James should be deleted from his Safety-Net record and history of violations, and this case should be closed.

III. ORDER

{¶ 7} It is, therefore,

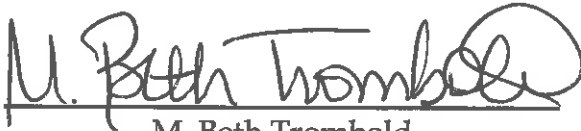
{¶ 8} ORDERED, That the violation against Mr. James be deleted from his Safety-Net record and history of violations, and this case be closed. It is, further,

{¶ 9} ORDERED, That a copy of this Entry be served upon Mr. James and all other interested parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



Asim Z. Haque, Chairman



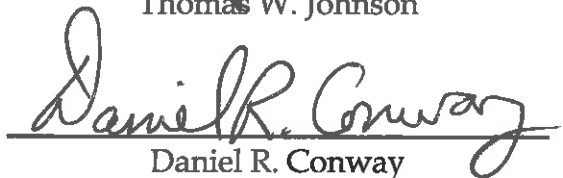
M. Beth Trombold



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SEP 27 2017



Barcy F. McNeal
Secretary

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in

Case No(s). 17-1414-TR-CVF

Summary: Entry ordering that the violation against Mr. James be deleted from his Safety-Net record and history of violations, and this case be closed electronically filed by Docketing Staff on behalf of Docketing