

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION
OF RUDOLPH POLK III, NOTICE OF
APPARENT VIOLATION AND INTENT TO
ASSESS FORFEITURE.

CASE NO. 17-1422-TR-CVF

ENTRY

Entered in the Journal on November 29, 2017

I. SUMMARY

{¶ 1} The Commission grants Staff's request to dismiss the alleged motor carrier safety rules violation, as further investigation and discussion with the Ohio State Highway Patrol indicates that further prosecution is not warranted.

II. DISCUSSION

A. *Applicable Law*

{¶ 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.

B. *Procedural History*

{¶ 3} On June 9, 2017, Rudolph Polk III (Respondent) 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 10, 2017, but the parties did not resolve the matter, and a hearing was scheduled for October 17, 2017.

{¶ 5} Staff filed a motion to dismiss on October 12, 2017. Staff explains that, after reviewing the facts in the case and further investigating the matter with the Ohio State Highway Patrol (OSHP), Staff and OSHP agree that further prosecution is not warranted, and that the violation should be deleted.

C. Commission Conclusion

{¶ 6} The Commission finds reasonable Staff's request to dismiss the violation against Respondent and delete the violation from his record. Accordingly, this case should be closed.

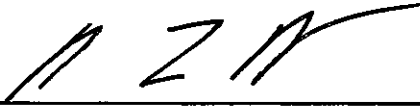
III. ORDER

{¶ 7} It is, therefore,

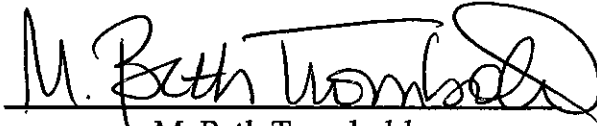
{¶ 8} ORDERED, That the violation against Rudolph Polk III be deleted from his record and this case be closed. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO



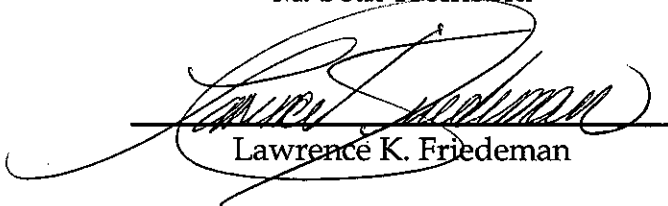
Asim Z. Haque, Chairman



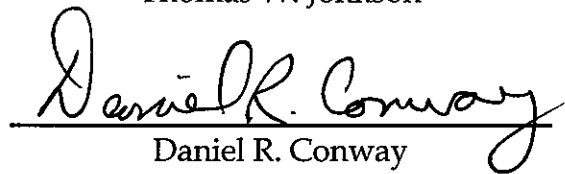
M. Beth Trombold



Thomas W. Johnson



Lawrence K. Friedeman



Daniel R. Conway

JML/sc

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NOV 29 2017



Barcy F. McNeal
Secretary