

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THOMAS J. NATHO,
NOTICE OF APPARENT VIOLATION AND
INTENT TO ASSESS FORFEITURE.

CASE NO. 17-1985-TR-CVF
(OH1554008856D)

ENTRY

Entered in the Journal on February 21, 2018

I. SUMMARY

{¶ 1} The Commission grants Staff's request to dismiss the motor carrier safety rule violation alleged against Thomas J. Natho, orders the alleged violation deleted from Mr. Natho's record, and closes this case.

II. DISCUSSION

{¶ 2} R.C. 4923.04(A)(1) mandates that the Commission adopt rules applicable to the transportation of persons or property by 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, published in the Code of Federal 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, per violation, against any person who violates the safety rules adopted by the Commission.

{¶ 3} Pursuant to Ohio Adm.Code 4901:2-7-12, Staff served a notice of preliminary determination (NPD) upon Thomas J. Natho (Respondent) alleging a violation of the Commission's transportation regulations. Specifically, the NPD indicated that Staff intended to assess a civil forfeiture against Respondent in the amount of \$250 for operating a commercial motor vehicle without a commercial driver's license.

{¶ 4} On September 13, 2017, Respondent filed a request for an administrative hearing as contemplated by Ohio Adm.Code 4901:2-7-13. Respondent and Staff participated in a prehearing conference on November 29, 2017, and a hearing was scheduled for January 30, 2018.

{¶ 5} On January 26, 2018, Staff filed a motion to dismiss. Staff represents that after a review of the relevant facts, additional investigation, and continued discussion with the Ohio State Highway Patrol (OSHP), Staff and OSHP agree that further prosecution of the alleged violation is not warranted. Staff and OSHP also agree that the violation should be deleted. Thus, Staff requests that the Commission dismiss the alleged violation and order it deleted from Respondent's record.

{¶ 6} Given Staff's recommendation that further prosecution is not warranted, the Commission concludes that this case should be dismissed and closed of record. Further, the alleged violation should be deleted from Respondent's record.

III. ORDER

{¶ 7} It is, therefore,

{¶ 8} ORDERED, That this case be dismissed and closed of record. It is, further,

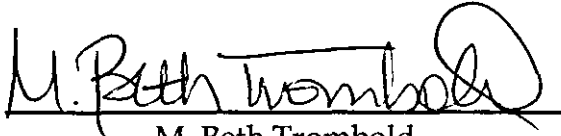
{¶ 9} ORDERED, That the alleged violation in this case be deleted from Respondent's record. It is, further,

[¶ 10] ORDERED, That a copy of this Entry be served upon Respondent and all other interested parties of record.

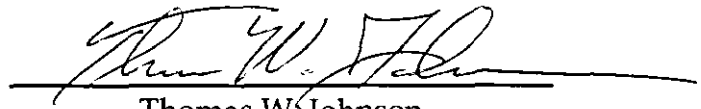
THE PUBLIC UTILITIES COMMISSION OF OHIO



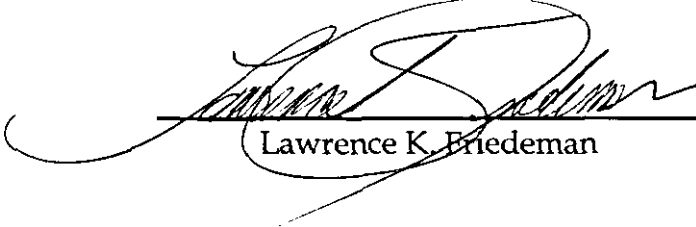
Asim Z. Haque, Chairman



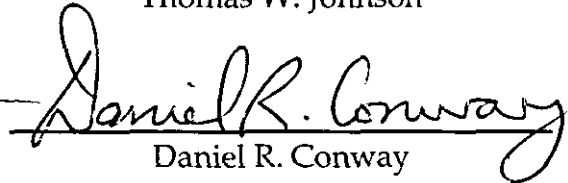
M. Beth Trombold



Thomas W. Johnson



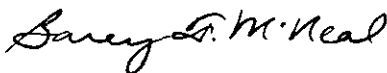
Lawrence K. Friedman



Daniel R. Conway

PAS/sc

Entered in the Journal
FEB 21 2018



Barcy F. McNeal
Secretary