

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF JIMMY MILLER,
NOTICE OF APPARENT VIOLATION AND
INTENT TO ASSESS FORFEITURE.

CASE No. 17-2061-TR-CVF
(OH3252014815D)

ENTRY

Entered in the Journal on April 18, 2018

I. SUMMARY

{¶ 1} The Commission closes this case at the Respondent has paid the assessed civil forfeiture in full.

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} Staff served a notice of preliminary determination (NPD) upon Mr. Jimmy Miller in accordance with Ohio Adm.Code 4901:2-7-12, alleging a violation of the Commission's transportation regulations.

{¶ 4} On September 28, 2017, Mr. Miller filed a request for an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13.

{¶ 5} A prehearing settlement conference was held on December 5, 2017; however, the parties were unable to settle this matter.

{¶ 6} On December 8, 2017, the attorney examiner scheduled a hearing date of February 20, 2018.

{¶ 7} On January 29, 2018, the attorney examiner granted Staff's unopposed motion to continue the hearing date to April 17, 2018.

{¶ 8} On March 26, 2018, Staff filed a motion to dismiss this case, stating that the Respondent had paid the assess forfeiture in full, as recommended in the NPD.

{¶ 9} Ohio Adm.Code 4901:2-7-22 provides, in pertinent part, that payment of an assessed forfeiture shall terminate all further proceedings regarding the alleged violation.

{¶ 10} In view of the payment of the forfeiture, the Commission finds that Staff's motion to dismiss should be granted.

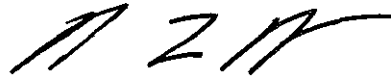
III. ORDER

{¶ 11} It is, therefore,

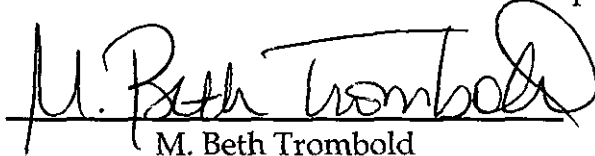
{¶ 12} ORDERED, That Staff's motion to dismiss be granted and this case be closed. It is further,

{¶ 13} ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



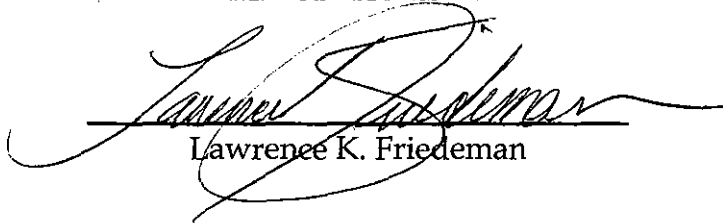
Asim Z. Haque, Chairman



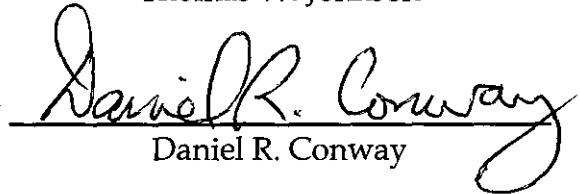
M. Beth Trombold



Thomas W. Johnson



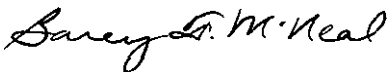
Lawrence K. Friedeman



Daniel R. Conway

SEC/sc

Entered in the Journal



Barcy F. McNeal
Secretary