

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF MARK B. KONZELMAN,
NOTICE OF APPARENT VIOLATION AND
INTENT TO ASSESS FORFEITURE.**

**CASE No. 17-2407-TR-CVF
(OH0519000424D)**

ENTRY

Entered in the Journal on April 18, 2018

I. SUMMARY

{¶ 1} The Commission grants Staff's request to dismiss the motor carrier safety rule violation alleged against Mark B. Konzelman 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 (CFR), 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 Mark B. Konzelman (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 \$100 for failing to use a seat belt while operating a commercial motor vehicle in violation of 49 CFR 392.16.

{¶ 4} On November 24, 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 January 24, 2018, and a hearing was scheduled for March 28, 2018.

{¶ 5} On March 27, 2018, Staff filed a notice of dismissal. Staff represents that the violation and related forfeiture against Respondent have been dropped. Specifically, Staff states that the original cited violation was deleted and attaches a copy of the relevant Driver/Vehicle Examination Report displaying "Deleted violation 392.16 on 2/01/2018 by dfe per rm" in the "Inspection Notes" field. Given the deletion, Staff indicates that the case is moot and needs to be dismissed.

{¶ 6} Given Staff's recommendation that the case is moot, the Commission concludes that this case should be dismissed and closed of record.


III. ORDER

{¶ 7} It is, therefore,

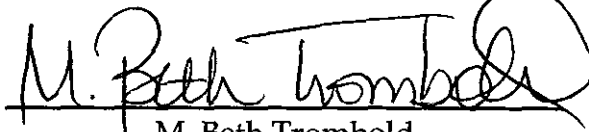
{¶ 8} ORDERED, That this case be dismissed and closed of record. It is, further,

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

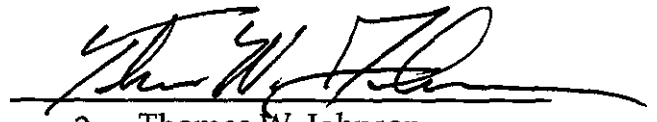
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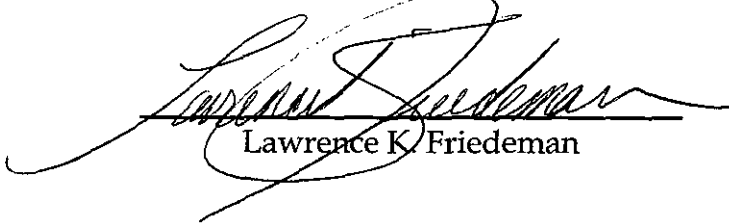
Asim Z. Haque, Chairman



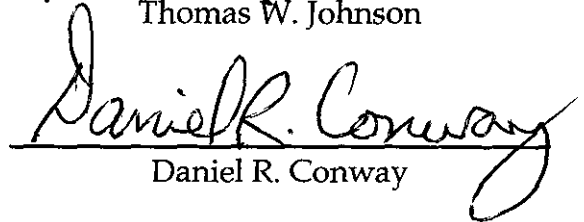
M. Beth Trombold



Thomas W. Johnson



Lawrence K. Friedeman

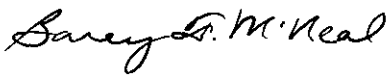


Daniel R. Conway

PAS/sc

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APR 18 2018



Barcy F. McNeal
Secretary