

THE PUBLIC UTILITIES COMMISSION OF OHIO

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

CASE NO. 18-1022-TR-CVF
(OH3210302643D)

ENTRY

Entered in the Journal on April 17, 2019

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 provides that the Commission shall 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 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 February 1, 2018, a motor vehicle operated by Mr. Michael Bone (Respondent) was inspected within the state of Ohio. As a result of the inspection, a Driver/Vehicle Examination Report was issued, citing Mr. Bone for a violation of the transportation rules. Specifically, Mr. Bone was cited for a violation of 49 C.F.R. 392.10 (a)(3), failure to stop at a railroad crossing, and was assessed a \$500 civil forfeiture.

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

{¶ 5} On June 13, 2018, Mr. Michael Yemc, counsel for Mr. Bone, filed a request for an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13.

{¶ 6} A prehearing settlement conference was held on August 8, 2018; however, the parties were unable to reach a resolution. By entry issued August 20, 2018, the attorney examiner set the matter for an evidentiary hearing on November 8, 2018. On September 27, 2018, the attorney examiner granted Mr. Yemc's motion to continue the hearing and scheduled the hearing to begin on November 15, 2018.

{¶ 7} At the hearing on November 15, 2018, the attorney examiner granted the joint motion to continue the hearing until January 2019.

{¶ 8} On January 15, 2019, the attorney examiner granted the joint motion to continue the hearing and requested a status report be filed in the docket by March 28, 2019.

{¶ 9} On February 7, 2019, Staff filed a status update requesting a hearing date of February 21, 2019. According to Staff, the Respondent has approved this date for hearing.

{¶ 10} On February 13, 2019, Mr. Yemc filed a status update in the docket showing that the Respondent had paid the civil forfeiture.

{¶ 11} 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.

{¶ 12} In view of the payment of the forfeiture, the Commission finds that this case be closed.

III. ORDER

{¶ 13} It is, therefore,

{¶ 14} ORDERED, That this case be closed. It is further,


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

THE PUBLIC UTILITIES COMMISSION OF OHIO


Sam Randazzo, Chairman


M. Beth Trombold

Lawrence K. Friedeman


Daniel R. Conway


Dennis P. Deters

SEC/sc

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APR 16 2019



Tanowa M. Troupe
Secretary