

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF BRANDON DUPONT,
NOTICE OF APPARENT VIOLATION AND
INTENT TO ASSESS FORFEITURE.

CASE NO. 20-400-TR-CVF
(OH1251006413D)

ENTRY

Entered in the Journal on October 21, 2020

I. SUMMARY

{¶ 1} The Commission grants Staff's motion to dismiss the alleged violation of transportation regulations.

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 (FMCSR), published in the Code of Federal Regulations (C.F.R.), 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 upon Brandon Dupont (Respondent) in accordance with Ohio Adm.Code 4901:2-7-12, alleging a violation of the Commission's transportation regulations, specifically 49 C.F.R. 383.23(a)(1).

{¶ 4} On February 18, 2020, Respondent requested an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13.

{¶ 5} A prehearing conference was scheduled for June 30, 2020; however, the attorney examiner was unable to contact the Respondent at that time.

{¶ 6} On September 10, 2020, Staff filed a motion to dismiss for good cause, along with a memorandum in support. In support of its motion, Staff states that upon further investigation into this matter, and after discussion with the inspector from the Ohio Department of Public Safety, Staff believes that prosecution of the alleged violation of 49 C.F.R. 383.23(a)(1) is not warranted. Staff recommends that the Commission dismiss the alleged violation in this case.

{¶ 7} After review, the Commission finds that Staff's uncontested motion to dismiss is reasonable and should be granted. Accordingly, the alleged violation in this case shall be dismissed and the matter closed of record.

III. ORDER

{¶ 8} It is, therefore,

{¶ 9} ORDERED, That Staff's motion to dismiss be granted. It is, further,

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

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

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

COMMISSIONERS:

Approving:

Sam Randazzo, Chairman
M. Beth Trombold
Lawrence K. Friedeman
Daniel R. Conway
Dennis P. Deters

DMH/kck

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Case No(s). 20-0400-TR-CVF

Summary: Entry granting Staff's motion to dismiss the alleged violation of transportation regulations. electronically filed by Ms. Mary E Fischer on behalf of Public Utilities Commission of Ohio