

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of Leonard Dale Hite,	) Case No. 21-0060-TR-CVF
Notice of Apparent Violation and	) (OH3247016874D)
Intent to Assess Forfeiture.	)

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**MOTION TO DISMISS  
AND TO STAY PROCEEDINGS**

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**Dave A. Yost**  
Ohio Attorney General

**John H. Jones**  
Section Chief

**Werner L. Margard III**  
Assistant Attorney General  
Public Utilities Section  
30 East Broad Street, 26<sup>th</sup> Floor  
Columbus, Ohio 43215-3414  
614.995.5532 (telephone)  
866.818.6152 (facsimile)  
[werner.margard@ohioattorneygeneral.gov](mailto:werner.margard@ohioattorneygeneral.gov)

**On Behalf of the Staff of  
The Public Utilities Commission of Ohio**

February 19, 2021

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of Leonard Dale Hite,	)	Case No. 21-0060-TR-CVF
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**MOTION TO DISMISS  
AND TO STAY PROCEEDINGS**

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The Staff of the Public Utilities Commission of Ohio (Staff) hereby moves to dismiss this case for good cause as shown in the memorandum in support below. Inasmuch as a prehearing was improvidently scheduled in this matter for March 8, 2021, Staff further moves that all further proceedings be stayed until such time as a decision is rendered on its motion to dismiss.

Grounds for these motions are more particularly set forth in the accompanying Memorandum in Support.

Respectfully submitted,

**Dave A. Yost**  
Ohio Attorney General

**John H. Jones**  
Section Chief

/s/ Werner L. Margard III

**Werner L. Margard III**

Assistant Attorney General

Public Utilities Section

30 East Broad Street, 26<sup>th</sup> Floor

Columbus, Ohio 43215-3414

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**On Behalf of the Staff of**  
**The Public Utilities Commission of Ohio**

## **MEMORANDUM IN SUPPORT**

Staff moves to dismiss this case because it is an improper attempt to re-open a matter that is already the subject of a final Commission order. As shown below, Respondent Leonard Dale Hite failed to avail himself of opportunities to contest the violation and, consequently, the Commission found the Respondent in default and referred the assessed forfeiture to the Attorney General's office for collections. Respondent should not be permitted to now seek a hearing on the same violation.

On June 6, 2019, a vehicle driven by Respondent was inspected by the Ohio State Highway Patrol. Respondent was issued an inspection report noting two out-of-service violations: a violation of 49 C.F.R. 383.51(a) (driver not qualified; driving a CMV while CDL is suspended), and a violation of 49 C.F.R. 395.8(e)(1) (false report of duty status). A Notice of Apparent Violation and Intent to Assess Forfeiture was sent to Respondent on June 10, 2019. That Notice contained detailed instructions on how he could request a conference. A Second Notice of Apparent Violation and Intent to Assess Forfeiture was sent to Respondent on July 10, 2019, containing the same instructions. Respondent obviously received the Notice, as he requested a conference. He was sent a Notice scheduling the conference for August 20, 2019.

Following the conference, a Notice of Preliminary Determination (NPD) was issued to Respondent on March 6, 2020 and served in accordance with the Commission's rules. It was sent to the same address to which the Notice of Apparent Violation and the notice scheduling the conference were sent. A copy of this notice is attached as Exhibit A. The

NPD informed Respondent that he had thirty days in which to either pay the assessed forfeiture of \$600.00 or request an administrative hearing. The Notice contained detailed instructions on how he could request an administrative hearing.

Respondent neither paid the forfeiture nor requested a hearing within the thirty-day period. On May 18, 2020, Staff sent Respondent a letter advising him that the forfeiture remained unpaid. Still, there was no response from Mr. Hite. On August 26, 2020 the Commission issued a Finding and Order specifically finding Mr. Hite to be in default and liable for the full assessed forfeiture amount of \$600.00.<sup>1</sup> Mr. Hite was granted a final opportunity to demonstrate why he was not in default, and directed to show cause in writing by September 25, 2020 why the matter should not be referred to collection. The Respondent was served with the Finding and Order at the same address to which all of the previous notices had been sent. Once again, Respondent did not act within the time allowed.

On August 27, 2020, Staff sent Respondent a letter advising him that the forfeiture remained unpaid.<sup>2</sup> A copy of the August 26, 2020 Finding and Order was attached to the letter. This letter was sent to the same, correct address. And, once again, Respondent failed to act. It was not until August 29, 2019 that Respondent filed a request for an administrative hearing.

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<sup>1</sup> *In the Matter of the Default of Motor Carriers and Drivers Pursuant to Rule 4901:2-7-14 of the Ohio Administrative Code*, Case No. 20-533-TR-CVF (Finding and Order) (Aug. 26, 2020)

<sup>2</sup> Letter dated August 27, 2020 from John D. Williams to Leonard Dale Hite (copy attached as Exhibit B).

As shown by these facts, Respondent repeatedly ignored notices that were sent to him at his proper address. All notices, including the Notice of Preliminary Determination, were sent to the same address. Although Mr. Hite responded to the Notice of Intent, he failed to respond to either the Notice of Preliminary Determination or the Commission's August 27, 2020 "show cause" order. He was afforded ample opportunity to contest the violation and forfeiture but failed to do so in a timely manner.

On January 19, 2021, Respondent Leonard Dale Hite filed a request with the Commission's Docketing Division to have his case "reopened." Respondent's filing is in the nature of a motion. Specifically, Respondent asserts that he was not in violation of the above cited regulations. Staff respectfully submits that Respondent was provided with his full due process rights, which he ignored to his peril. The request to reopen this case must be denied.

The Commission's August 26, 2020 Finding and Order was a final order. Upon entry of that decision, Respondent had the statutory right to file an application for rehearing and, if unsuccessful, an appeal to the Court of Appeals for Franklin County. R.C. 4903.10; 4923.99(C). Therefore, that judgment is now *final* and Respondent *may not* use a "back door" to avoid the consequences of his failure to act promptly. See *In re Complaint of Pilkington*, 145 Ohio St.3d 125, 2015-Ohio-4797 at ¶35.

In sum, there is already a final Commission decision concerning the violations at issue here. Respondent was found to be in default, and should not be permitted to now contest those violations. The Commission should dismiss this case, and refer the matter to the Ohio Attorney General for collection.

The Commission scheduled a prehearing conference in this case unaware that the Respondent had already been found to be in default, and that the case had already concluded. That hearing is currently scheduled for March 8, 2021. Proceeding with the prehearing conference in light of these facts before a decision is rendered on this motion would be wasteful and inefficient. Staff therefore further respectfully requests that the prehearing conference be suspended and the case stayed pending a decision on this motion to dismiss.

Respectfully submitted,

**Dave A. Yost**  
Ohio Attorney General

**John H. Jones**  
Section Chief

*/s/ Werner L. Margard III*

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**Werner L. Margard III**

Assistant Attorney General

Public Utilities Section

30 East Broad Street, 26<sup>th</sup> Floor

Columbus, Ohio 43215-3414

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**On Behalf of the Staff of  
The Public Utilities Commission of Ohio**

## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the **Motion to Dismiss and to Stay Proceedings** submitted on behalf of the Staff of the Public Utilities Commission of Ohio has been served upon the below-named party via United States mail, this 19<sup>th</sup> day of February, 2021.

/s/ Werner L. Margard III

**Werner L. Margard III**  
Assistant Attorney General

### **Party of Record:**

**Leonard Dale Hite**  
72 Napoleon Ct.  
Dahlonaga, GA 30533  
(706) 252-4090 (telephone)

*Pro Se Respondent*





**Public Utilities  
Commission**

Sam Randazzo, Chairman

**Exhibit A**

**Commissioners**

M. Beth Trombold  
Lawrence K. Friedeman  
Dennis P. Deters  
Daniel R. Conway

March 6, 2020

Mr. Leonard Hite  
72 NAPOLEAN CT  
DAHLONEGA, CT 30533

RE: **NOTICE OF PRELIMINARY DETERMINATION**  
Case No. OH3247016874D

Dear Sir or Madam:

On 06/06/2019, a vehicle operated by JIMBO AND COMPANY INVESTMENTS LLC, and driven by, HITE, LEONARD D was inspected within the state of Ohio. As a result of discovery of the following violation(s) of the Commission's rules, Staff of the Commission timely notified LEONARD D HITE pursuant to rule 4901:2-7-07, Ohio Administrative Code (OAC), that it intended to assess a civil forfeiture against LEONARD D HITE in the following amount:

<u>CODE</u>	<u>GROUP</u>	<u>VIOLATION</u>	<u>FORFEITURE</u>
395.8E	Group 1	False report of drivers record of duty status	\$ 0.00
383.51	Group 4	Driving a CMV while CDL is suspended for a safety-related or	\$ 500.00
A-SIN		unknown reason and in state of drivers license issuance.	
	Group 1	Group 1 Violations	\$ 100.00
<b><u>Original Amount Due:</u></b>			<b>\$600.00</b>

A conference was conducted pursuant to Rule 4901:2-10, OAC, at which LEONARD D HITE had a full opportunity to present reasons why the violation(s) did not occur as alleged, mitigating circumstances regarding the amount of any forfeiture, and any other information relevant to the action proposed to be taken by the Staff.

As a result of the conference, staff has made a preliminary determination that the commission should assess a civil forfeiture against LEONARD D HITE in the following amount:

<u>CODE</u>	<u>GROUP</u>	<u>VIOLATION</u>	<u>FORFEITURE</u>
395.8E	Group 1	False report of drivers record of duty status	\$ 0.00

180 East Broad Street  
Columbus, Ohio 43215-3793

(614) 466-3016  
www.PUCO.ohio.gov



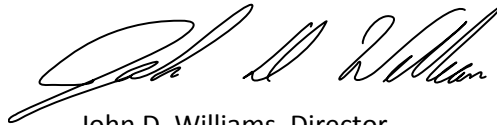
383.51 A-SIN	Group 4	Driving a CMV while CDL is suspended for a safety-related or unknown reason and in state of drivers license issuance.	\$ 500.00
	Group 1	Group 1 Violations	\$ 100.00
<b><u>New Amount Due:</u></b>			<b>\$600.00</b>

**Within 30 days of this notice you must either; 1) pay the assessed civil forfeiture or, 2) submit a written Request for an Administrative Hearing.**

Failure to comply with either option above shall constitute a waiver of your right to further contest the violation(s) and will conclusively establish the occurrence of the violation(s). Such failure shall also constitute a waiver of your right to further contest liability to the State of Ohio for the civil forfeiture described in the notice and will result in the forfeiture amount being referred to the Ohio Attorney General's Office for collection. In addition, your Ohio operating authority and/or commercial driving privileges may be sanctioned as permitted by law.

Please consult the enclosed instruction sheet for additional information regarding this "Notice of Preliminary Determination."

Sincerely,



John D. Williams, Director  
Transportation Department

cc: Mark Banks



# INSTRUCTION SHEET

## NOTICE OF PRELIMINARY DETERMINATION

Please read these instruction sheets carefully. They contain information about your rights and responsibilities in regard to this "Notice of Preliminary Determination."

You have received a "Notice of Preliminary Determination" as described in 4901:2-7-12, Ohio Administrative Code (OAC). **Within 30 days of this notice you must either; 1) pay the assessed civil forfeiture or, 2) submit a written Request for an Administrative Hearing.** If you do not pay the forfeiture or request a hearing within 30 days of this notice, your case will be placed in our default process. Additionally, your Ohio operating authority and/or your commercial driving privileges may be sanctioned as permitted by law.

### How to pay the forfeiture

**Online** <https://www.puco.ohio.gov/sc/mcos/>  
Enter the case number and PIN located on the enclosed invoice.

**Mail** Public Utilities Commission of Ohio  
Attn: Fiscal Section  
180 E. Broad Street, 4<sup>th</sup> Floor  
Columbus, Ohio 43215-3793

Send check/money order (no foreign checks/money orders) made payable to "**Public Utilities Commission of Ohio**". To ensure proper credit, write the case number on the face of the check or money order.

\* Payments cannot be completed by telephone

### How to make a Request for an Administrative Hearing

If you wish to further contest the violations described in this notice, you should file a "Request for an Administrative Hearing" with the Commission's Docketing Division as described in Rule 4901:2-7-13, OAC.

Your "Request for an Administrative Hearing" must be in writing and must contain the case number found at the top of the "Notice of Preliminary Determination." Also, please include the contact name, address, and telephone number of the person to whom further communications should be directed. The request shall be signed by the Respondent or the Respondent's authorized representative. A copy of the "Notice of Preliminary Determination" must be attached to your request.

Your "Request for an Administrative Hearing" must be mailed or hand-delivered within 30 days of this notice to the following address:

Public Utilities Commission of Ohio  
ATTN: Docketing Division  
180 E. Broad Street, 11<sup>th</sup> Floor  
Columbus, Ohio 43215-3793

### Failure to submit a Request for Administrative Hearing

If you do not serve a timely "Request for an Administrative Hearing" in the manner described above, you will forfeit your right to further contest the violations described in this notice and the occurrence of the violations will be conclusively established. Such failure shall also constitute a waiver of your right to further contest liability to the state of Ohio for the civil forfeiture described in this notice and will result in the forfeiture amount being referred to the Ohio Attorney General's Office for collection. Also, your Ohio operating authority and/or your commercial driving privileges may be sanctioned as permitted by law.

### Codes, Violation Groups, and Forfeiture Amounts

"Code" in this notice identifies the rule violated. Numbers in a 100 or 300 series refer to specific sections of the Hazardous Materials Regulations or the Federal Motor Carrier Safety Regulations located in Title 49 of the Code of Federal Regulations (CFR). Some section numbers may have suffixes beyond those appearing in the CFR. These are used for internal data collections purposes. Codes in other formats refer to violations of Ohio's statutes or regulations.

"Violations Group" identifies the assigned numerical group (1-4) for the violation for purposes of calculating the civil forfeiture. Section 4923.99, Ohio Revised Code (ORC) authorizes the Public Utilities Commission of Ohio to assess civil forfeiture up to \$25,000 for each day of each violation. The amount of any forfeiture is dependent upon the nature, gravity, circumstances, and extent of the violation, the offender's degree of culpability for the violation, and the offender's violation history. "Total Amount Due" is the total amount of the civil forfeiture assessed for all violations described in this notice.



## ATTENTION DRIVER

### Potential Disqualification

If the roadside inspection leading to this letter identified an alleged violation of one or more of the below noted regulations, your CDL may be disqualified. If you are convicted of violating any of these regulations, notice of the conviction will be forwarded to the Ohio Bureau of Motor Vehicles (BMV). The BMV may disqualify you from operating a commercial motor vehicle for a minimum of 60 days. Any BMV sanction is **in addition to** sanctions imposed by the Public Utilities Commission of Ohio (PUCO).

177.804B1	177.804(b)(1)	Failure to comply with 49 CFR Section 392.12 Complying With Safe Clearance Requirements For Highway-Rail Grade Crossings.
177.804B2	177.804(b)(2)	Failure to comply with 49 CFR Section 392.80 Texting While Operating a CMV When Transporting Select Agents or Toxins or HM Requiring Placarding.
177.804B3	177.804(b)(3)	Failure to comply with 49 CFR Section 392.82 Using a Cell Phone While Operating a CMV When Transporting Select Agents or Toxins or HM Requiring Placarding.
177.804C	177.804(c)	Failure to comply with 49 CFR Section 392.82 Using a Handheld Mobile Phone While Operating a CMV When Transporting Select Agents or Toxins or HM Requiring Placard.
2-5-07D	392.2	Operating a CMV after Driver or Vehicle declared out of service.
383.23A2	383.23(a)(2)	Operating a CMV without a CDL.
383.51A	383.51(a)	Driving a CMV while disqualified from holding a CDL.
383.51A-NSIN	383.51(a)	Driving a CMV while CDL is suspended for a non-safety-related reason and in the state of driver's license issuance.
383.51A-NSOUT	383.51(a)	Driving a CMV while CDL is suspended for a non-safety-related reason and outside the state of driver's license issuance.
383.51A-SIN	383.51(a)	Driving a CMV while CDL is suspended for a safety-related or unknown reason and in state of driver's license issuance.
383.51A-SOUT	383.51(a)	Driving a CMV while CDL is suspended for safety-related or unknown reason and outside the state of driver's license issuance.
383.91A	383.91(a)	Operating a CMV with improper CDL group.
383.93B1	383.93(b)(1)	No double or triple trailer endorsement on CDL when required.
383.93B2	383.93(b)(2)	No passenger vehicle endorsement on CDL when required.
383.93B3	383.93(b)(3)	No tank vehicle endorsement on CDL when required.
383.93B4	383.93(b)(4)	No hazardous materials endorsement on CDL when required.
383.93B5	383.93(b)(5)	Operating a School Bus without a school bus endorsement as described in 383.93(b)(5).
391.15A	391.15(a)	Driving a CMV while disqualified.
391.15A-NSIN	391.15(a)	Driving a CMV while disqualified. Suspended for non-safety-related reason and in the state of driver's license issuance.
391.15A-NSOUT	391.15(a)	Driving a CMV while disqualified. Suspended for a non-safety-related reason and outside the state of driver's license issuance.
391.15A-SIN	391.15(a)	Driving a CMV while disqualified. Suspended for safety-related or unknown reason and in the state of drivers license issuance.
391.15A-SOUT	391.15(a)	Driving a CMV while disqualified. Suspended for a safety-related or unknown reason and outside the driver's license state of issuance.
392.10A1	392.10(a)(1)	Failure to stop at railroad crossing - Bus transporting passengers.
392.10A2	392.10(a)(2)	Failure to stop at railroad crossing - CMV transporting Division 2.3 Chlorine.
392.10A3	392.10(a)(3)	Failure to stop at railroad crossing - CMV requiring display of HM placards.
392.10A4	392.10(a)(4)	Failure to stop at railroad crossing - HM Cargo Tank vehicle.
392.11	392.11	Commercial Vehicle failing to slow down approaching a railroad crossing.
392.12	392.12	No Driver of a Commercial Motor Vehicle Shall Drive Onto a Highway-Rail Grade Crossing Without Having Sufficient Space to Drive Completely Through the Crossing Without Stopping.
392.4A	392.4(a)	Driver on duty and under the influence of, or using a narcotic drug / amphetamine, which renders the driver incapable of safe operation.
392.5A2-UI	392.5(a)(2)	Operating a CMV while under the influence of an intoxicating beverage regardless of its alcohol content.
392.5C2	392.5(c)(2)	Violating OOS order pursuant to 392.5(a)/(b) - Alcohol prohibitions.
392.80A	392.80(a)	Driving a commercial motor vehicle while Texting.
392.82A1	392.82(a)(1)	Using a hand-held mobile telephone while operating a CMV.
395.13D	395.13(d)	Driving after being declared out-of-service for HOS violation(s).
396.9C2	396.9(c)(2)	Operating an out-of-service vehicle.

Federal regulations define "conviction" as, "An un-vacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal, an un-vacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated.





# Public Utilities Commission

Sam Randazzo, Chairman

## Commissioners

M. Beth Trombold  
Lawrence K. Friedeman  
Dennis P. Deters  
Daniel R. Conway

LEONARD D HITE  
72 NAPOLEAN CT  
DAHLONE, GA 30533-6209

Invoice #: 20-00032709  
Date: 03/05/2020  
Due Date: 04/04/2020  
PIN #: Hn9WOLEO

### 2020

Item #	Type	Description	Amount Due
INVD-0078441	Civil Forfeiture Non HazMat	False report of drivers record of duty status	\$ 0.00
INVD-0078442	Civil Forfeiture Non HazMat	Driving a CMV while CDL is suspended for a safety-related or unknown reason and in state of drivers license issuance.	\$ 500.00
INVD-0078443	Civil Forfeiture Non HazMat	Group 1 Violations	\$ 100.00
Payments Received			\$ 0.00
Total Amount Due			\$ 600.00

Please visit <https://www.puco.ohio.gov/sc/mcos/> to make your online payments.

Questions concerning this invoice should be addressed to our call center at 1-800-686-7826.

(Remittance for mailed check payment)

Please make checks payable to: Public Utilities Commission of Ohio  
180 East Broad Street  
4<sup>th</sup> Floor Finance  
Columbus, OH 43215

LEONARD D HITE  
72 NAPOLEAN CT  
DAHLONE, GA 30533-6209

Invoice #: 20-00032709  
Date: 03/05/2020  
Due Date: 04/04/2020



THE PUBLIC UTILITIES COMMISSION OF OHIO

Exhibit B

IN THE MATTER OF THE DEFAULT  
OF MOTOR CARRIERS AND DRIVERS  
PURSUANT TO RULE 4901:2-7-14 OF THE  
OHIO ADMINISTRATIVE CODE.

CASE No. 20-533-TR-CVF

FINDING AND ORDER

Entered in the Journal on August 26, 2020

I. SUMMARY

{¶ 1} The Commission directs each identified respondent to pay the forfeiture amount indicated or demonstrate why it is not in default.

II. APPLICABLE LAW

{¶ 2} R.C. 4923.04 authorizes the Commission to adopt safety rules applicable to the highway transportation of persons or property, and the transportation and offering for transportation of hazardous materials. Pursuant to this authority, the Commission established safety standards in Ohio Adm.Code 4901:2-5, including the adoption of the provisions of the Federal Motor Carrier Safety Regulations (FMCSR) of the U.S. Department of Transportation contained in 49 C.F.R. 40, 107, subparts f and g, 367, 380, 382, 383, 385, 386, 387 and 390 to 397, unless specifically excluded or modified by a rule of the Commission, and those portions of the hazardous materials regulations contained in 49 C.F.R. 171 to 180 as are applicable to transportation or offering for transportation by motor vehicle..

{¶ 3} R.C. 4923.99 authorizes the Commission to determine whether any person has committed a violation of such regulations, and assess a civil forfeiture against such person. Accordingly, the Commission adopted the civil forfeiture and compliance proceeding rules contained in Ohio Adm.Code 4901:2-7. These rules require that a respondent be afforded reasonable notice and opportunity for a hearing when the Commission finds a violation of the regulations adopted in Ohio Adm.Code 4901:2-5-02.

{¶ 4} Ohio Adm.Code 4901:2-7-07 provides that Staff may serve a Notice of Intent to Assess Forfeiture (NIF) upon a respondent within 90 days after the discovery of a



violation, but no more than one year following the violation. In addition, Ohio Adm.Code 4901:2-7-12 states that a Notice of Preliminary Determination (NPD) may be issued to a respondent following the issuance of a NIF.

{¶ 5} Ohio Adm.Code 4901:2-7-11 permits Staff and a respondent to enter into a settlement agreement regarding the amount of a forfeiture to be assessed.

{¶ 6} Ohio Adm.Code 4901:2-7-14 provides that a respondent upon whom an NIF or an NPD has been served who, within 30 days, fails to pay the amount of the forfeiture stated in the notice, or serve upon the Commission a request for conference, pursuant to Ohio Adm.Code 4901:2-7-10, or administrative hearing, pursuant to Ohio Adm.Code 4901:2-7-13, shall be in default.

{¶ 7} Pursuant to Ohio Adm.Code 4901:2-7-14(D), a respondent who has failed to comply with the provisions of a settlement agreement for a period exceeding 30 days shall be in default.

{¶ 8} Pursuant to Ohio Adm.Code 4901:2-7-14, a respondent in default shall be deemed to have admitted the occurrence of the violation(s) and waived all further right to contest liability for the forfeiture described in the NIF or NPD, and the Commission may, on its own motion and without prior notice, order payment of the amount indicated in the NIF or NPD.

### III. DISCUSSION

{¶ 9} The respondents listed in the attachment have been served with either an NIF or an NPD and have neither: paid the forfeiture indicated in the notice, served a request for conference pursuant to Ohio Adm.Code 4901:2-7-10, served a request for administrative hearing pursuant to Ohio Adm.Code 4901:2-7-13, nor complied with the provisions of a settlement agreement. Each respondent therefore is in default, pursuant to Ohio Adm.Code 4901:2-7-14, and is liable for the amount indicated in the attachment.

{¶ 10} Before the Commission forwards the attachment to the Ohio Attorney General's Office so that it may undertake further collection efforts against the identified respondents, each respondent will be granted a final opportunity to pay the civil forfeiture or demonstrate why it is not in default. A respondent may serve upon Staff a response to this finding and order demonstrating that it was not properly served with the NIF, it previously paid the civil forfeiture, it served a request for conference or administrative hearing within 30 days of receipt of the NIF or NPD, or is in compliance with the terms of a settlement agreement. This response shall be made in writing, by September 25, 2020, and addressed to the Public Utilities Commission of Ohio, Transportation Compliance Department Show Cause, 180 East Broad Street, 4th Floor, Columbus, Ohio 43215.

{¶ 11} Staff shall review the responses and remove cases from this proceeding for which a respondent has demonstrated that it is not in default. After September 25, 2020, Staff shall forward a list of all respondents that remain in default to the Ohio Attorney General, Collections Enforcement Section.

#### IV. ORDER

{¶ 12} It is, therefore,

{¶ 13} ORDERED, That by September 25, 2020, each respondent listed in the attachment to this finding and order pay the forfeiture amount indicated or demonstrate why it is not in default. It is, further,

{¶ 14} ORDERED, That Staff remove from this proceeding cases for which a respondent demonstrates that it is not in default. It is, further,

{¶ 15} ORDERED, That after September 25, 2020, Staff submit a list of all respondents that remain in default to the Ohio Attorney General, Collections Enforcement Section. It is, further,



{¶ 16} ORDERED, That a copy of this Finding and Order be served upon each respondent.

COMMISSIONERS:

*Approving:*

Sam Randazzo, Chairman

M. Beth Trombold

Lawrence K. Friedeman

Daniel R. Conway

Dennis P. Deters

DL/hac

Civil Forfeiture Case Number	Account Name	Respondent Street	Respondent City	Respondent State	Respondent Zip	Amount Remaining
OH1575001629C	BILL THOMPSON TRANSPORT INC	4000 49th Avenue	Moline	IL	61265	\$150.00
OH1251006553C	FABRICATION GROUP LLC	3453 W 140TH ST	CLEVELAND	OH	44111	\$4,200.00
OH3241014030D	DREW D ELKINS	5206 DRY CREEK DR	DUBLIN	OH	43016	\$250.00
OH3247016789D	CLARENCE W MOORE	3461 QUAKER CHURCH RD	PINNACLE	NC	27043	\$100.00
OH3278013264D	TRAVIOUS M EVANS	1161 GREEN ACRES DR	UNION POINT	GA	30669	\$500.00
OH3261010704D	CHAD R WALKER	4752 TATTON PARK CIR UNIT	WINSTON SALEM	NC	27103	\$250.00
19-CR-273277	ASHKA TRUCKING LLC	3540 E 5TH AVE	COLUMBUS	OH	43219	\$17,315.62
OH3226010169C	BOBKAT TRUCKING LLC	14517 ATHENS AVE	LAKEWOOD	OH	44107	\$150.00
OH3247016874D	LEONARD D HITE	72 NAPOLEAN CT	DAHLONE	GA	30533	\$600.00
OH3284016451C	WALZ & SONS MASONRY CO	456 CATAWBA RD	FALMOUTH	KY	41040	\$100.00
OH1238004015D	EDWARD G FRAME	417 POLAND AVE.	STRUTHERS	OH	44471	\$100.00
OH3205401267C	ANDREW KRAMP	23691 N DIXIE HWY	PERRYSBURG	OH	43551	\$1,452.00
OH3212300720S	DUBAI GENERAL SALES	5095 WESTERVILLE ROAD	COLUMBUS	OH	43231	\$3,150.00
OH3228013518D	MOHAMED A SHEIKH ALI	2674 SUNBURY CT W #4	COLUMBUS	OH	43219	\$100.00
OH3242015323D	JORGE S GONZALEZ	2050 S. Broad St.	Hamilton	NJ	08610	\$100.00
OH0700000551D	JOHNNY F HENDERSON	114 TATTNALL WAY	DALTON	GA	30721	\$100.00
OH1056003211D	JUSTIN H GARRETT	271 KESTERSON RD	EWING	VA	24248	\$350.00
OH3241014200C	BARTON MALOW RIGGING CO	21090 FERN	OAK PARK	MI	48237	\$100.00
OH0616006550D	THOMAS G VOS	523 7T AVE	CORAOPOLIS	PA	15108	\$250.00
OH1865000386C	KBM CONSTRUCTION AND CONTRACTING LLC	7601 SANDPIPER AVE NW	NORTH CANTON	OH	44720	\$600.00
OH3220003313D	TRAVIS J KNOTE	2179 N 600 E	KENDALLVILLE	IN	46755	\$350.00
OH3253013145D	DARIN L BARTHOLOMEW	3121 NORTH JACOBSON ROAD	Suttons Bay	MI	49682	\$100.00
OH3253013144D	PAVEL V SUKHORUKOV	111 BONNE DR APT 2	SYRACUSE	NY	13209	\$100.00
OH1251007048C	NIK EXPRESS LLC	2696 GLENDRIVE PLACE	MD HEIGHTS	MO	63043	\$50.00
OH1251007048D	WALTER J MCCLENDON	11710 ADMINISTRATION DR	ST LOUIS	MO	63146	\$100.00
OH3267014994D	GREGORY A BREWER	617 PURBEE AVE SW	NORTH CANTON	OH	44720	\$250.00
OH3273008236D	SERGEY IVASYUK	8655 W FOSTER AVE APT 1A	CHICAGO	IL	60656	\$350.00
OH1554010756D	EON E DUCAT	522 W FRONT ST	PEMBERVILLE	OH	43450	\$500.00
OH1251007047D	MOHAMED Y HASSAN	4255 MAIN ST NE	COLUMBIA HEIGHTS	MN	55421	\$100.00

**This foregoing document was electronically filed with the Public Utilities**

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**Case No(s). 21-0060-TR-CVF**

Summary: Motion to Dismiss and to Stay Proceedings electronically filed by Mrs. Kimberly M Naeder on behalf of PUCO