

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF KARL NAGGATZ,
NOTICE OF APPARENT VIOLATION AND
INTENT TO ASSESS FORFEITURE.

CASE NO. 21-82-TR-CVF

ENTRY

Entered in the Journal on February 24, 2021

I. SUMMARY

{¶ 1} The Commission grants Respondent's withdrawal of the request for a hearing and closes this case.

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 (FMCSR) 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 January 26, 2021, counsel for Karl Naggatz (Respondent) filed a motion to vacate an August 26, 2020 Finding and Order in Case No. 20-533-TR-CVF (the Default Order) issued by the Commission. Counsel for Mr. Naggatz explains that, during a November 2019 roadside inspection, the officer conducting the inspection mistakenly concluded that Mr. Naggatz's Class A commercial driver's license (CDL) had been suspended, when in reality the CDL had been "downgraded * * * to a Class D 'regular' license." Counsel adds that, although Mr. Naggatz had turned in the results of the inspection to his employer's safety department, the safety department failed to respond to the Commission's notice of intent to assess forfeiture, which resulted in the Commission issuing the August 26, 2020 Default Order. Further, as a result of the mistaken CDL classification, counsel states that Mr. Naggatz's CDL "is now disqualified for 12 months."

Counsel requests that the Commission vacate the Default Order as it applies to Mr. Naggatz or set this matter for hearing.

{¶ 4} By Entry issued January 28, 2021, a settlement conference was scheduled for February 4, 2021. Counsel for Mr. Naggatz and Staff participated in the conference as scheduled.

{¶ 5} On February 10, 2021, counsel for Mr. Naggatz filed a letter to withdraw the hearing request.

{¶ 6} The Commission finds withdrawal of the hearing request to be reasonable and, accordingly, it should be granted.

III. ORDER

{¶ 7} It is, therefore,

{¶ 8} ORDERED, That withdrawal of the hearing request be granted and that this case be 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.

COMMISSIONERS:

Approving:

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

JML/hac

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Case No(s). 21-0082-TR-CVF

Summary: Entry granting Respondent's withdrawal of the request for a hearing and closes this case. electronically filed by Ms. Mary E Fischer on behalf of Public Utilities Commission of Ohio