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June 14, 2021

The Honorable Nicholas Walstra
Public Utilities Commission of Ohio
180 East Broad Street, 12th Floor
Columbus, OH 43215-3793

Re: Staff's Response to Applicant's Request
to Reopen the Proceeding,
Case No: 21-687-TR-CVF

Dear Examiner Walstra:

In response to the request to reopen the proceeding filed by Darren J. Miller (Applicant) in this matter, Staff of the PUCO Transportation Division (Staff) makes the following statements:

1. On April 21, 2021, a vehicle operated by Gollon Brothers Wholesale Live Bait, Inc. and driven by the Applicant was inspected within the state of Ohio.
2. On April 23, 2021, as a result of the inspection, the Applicant was served with a Notice of Intent to Assess a Forfeiture (NIF) for a violation of the Commission's rules. The NIF provided thirty (30) days for the Applicant to respond to the NIF by either requesting an administrative hearing or paying the forfeiture due. The NIF advised the Applicant that failure to respond to the NIF would result in admission of the violation as fact and potential suspension of the Applicant's commercial driver's license. The NIF also stated that payment of the forfeiture would act as an admission of the violation.
3. On May 22, 2021, the Applicant paid the \$250 civil forfeiture via the Commission's online Community Access Portal.

4. On June 10, 2021, the Applicant filed a letter requesting the Commission reopen his case. The Commission's Docketing Division opened a case and docketed this request, as is custom.

Staff recommends denial of the Applicant's request to reopen this case because it is an improper attempt to argue a matter that is already closed. The Applicant was provided an opportunity to challenge the violation and chose not to do so, instead opting to pay the civil forfeiture online, effectively admitting the offense. The Applicant was advised that payment of the forfeiture would constitute an admission of guilt and acceptance of all penalties against the Applicant.

The Applicant's May 22, 2021 payment of \$250 to the Commission operates as an admission of the violation listed in the NIF. Therefore, it is Staff's position that the Applicant's request is without merit and should be denied. In the alternative, if the Commission desires more information from the Applicant before ruling on his request, Staff recommends that the Commission issue a show cause order requiring a response from the Applicant within 20 days demonstrating and showing good cause why the case should be reopened.

Respectfully submitted,

/s/ Thomas M. Shepherd

Thomas M. Shepherd

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**On behalf of Staff of the
Public Utilities Commission of Ohio**

cc: Parties of Record

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Summary: Correspondence Regarding Staff's Response to Applicant's Request to Reopen the Proceeding electronically filed by Mrs. Kimberly M Naeder on behalf of PUCO