

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF DARREN J. MILLER,
NOTICE OF APPARENT VIOLATION AND
INTENT TO ASSESS FORFEITURE.

CASE NO. 21-687-TR-CVF
(OH3267016178D)

ENTRY

Entered in the Journal on June 23, 2021

{¶ 1} Staff served a notice of apparent violation and intent to assess forfeiture upon Darren J. Miller (Applicant), alleging a violation of the Commission's transportation regulations.

{¶ 2} On June 10, 2021, Applicant filed correspondence seeking to "reopen" his case.

{¶ 3} On June 14, 2021, Staff filed a response to Applicant's case reopening request. Staff describes that Applicant was served a notice of intent to assess a forfeiture (NIF) for violation of the Commission's transportation regulations as a result of a vehicle inspection that occurred on April 21, 2021. According to Staff, the NIF was served on April 23, 2021. Further, Staff describes that Applicant paid the forfeiture described in the NIF using the Commission's online Community Access Portal on May 22, 2021.

{¶ 4} Staff maintains that Applicant's payment of the forfeiture serves as an admission of the violation listed in the NIF, which precludes further Commission consideration of the matter. Accordingly, Staff requests that the Commission either (1) deny Applicant's request to reopen the case, or (2) issue a show cause order requiring Applicant to demonstrate why the case should proceed.

{¶ 5} Upon review of the filings in this case, the attorney examiner advises that Applicant has until July 14, 2021, to file a response to Staff's correspondence in opposition to reopening the case. Any response from Applicant should be filed in the docket under this case number and should address the rationale for further consideration of this case in spite of the provision in Ohio Adm.Code 4901:2-7-22, which describes that the payment of

a civil forfeiture constitutes an admission of the violation of the Commission's transportation regulations that terminates all further proceedings as to the violation.

{¶ 6} At the conclusion of Applicant's time for response, the Commission, or the attorney examiner, will determine whether this matter should be opened for further consideration, or dismissed.

{¶ 7} It is, therefore,

{¶ 8} ORDERED, That Applicant has until July 14, 2021, to file a response to Staff's correspondence in opposition to reopening the case. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/Michael L. Williams

By: Michael L. Williams
Attorney Examiner

NJW/hac

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in

Case No(s). 21-0687-TR-CVF

Summary: Attorney Examiner Entry ordering that Applicant has until July 14, 2021, to file a response to Staff's correspondence in opposition to reopening the case electronically filed by Heather A Chilcote on behalf of Michael L. Williams, Attorney Examiner, Public Utilities Commission of Ohio