



DAVE YOST

OHIO ATTORNEY GENERAL

Public Utilities Section
Office 614-466-4395
Fax 614-644-8764

July 9, 2021

The Honorable Michael Williams
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. 21-495-TR-CVF

Dear Examiner Williams:

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

1. On July 31, 2019, a vehicle operated by Convenient Transport, LLC and driven by the Applicant was inspected within the state of Ohio.
2. On August 2, 2019, as a result of the inspection, the Applicant was served with a Notice of Intent to Assess a Forfeiture (NIF) for violations of the Commission's rules. The NIF provided thirty (30) days for the Applicant to respond to the NIF by either requesting a telephone conference or paying the forfeiture due. The NIF advised the Applicant that failure to respond to the NIF would result in admission of the violations as fact and potential suspension of the Applicant's commercial driver's license (CDL). The NIF also stated that payment of the forfeiture would act as an admission of the violations.
3. Applicant did not pay the forfeiture amount or otherwise respond to the NIF.

4. On September 1, 2019, and again on September 4, 2019, additional NIF letters (NIFs) were sent to the Applicant. The NIFs again provided thirty (30) days for the Applicant to respond to the NIFs either requesting a telephone conference or paying the forfeiture due. The NIFs advised the Applicant that failure to respond to the NIFs would result in admission of the violations as fact and potential suspension of the Applicant's CDL. The NIFs also stated that payment of the forfeiture would act as an admission of the violations.
5. The Applicant did not pay the forfeiture amount or otherwise respond to the NIFs.
6. The Applicant was served with a notice of unpaid civil forfeiture on January 16, 2020, along with a copy of the Commission's Finding and Order directing him to pay the amount assessed.¹ The Finding and Order provided thirty (30) days for the Applicant to pay the forfeiture due or request a hearing to show why he should or should not be held in default.
7. The Applicant did not pay the forfeiture amount or otherwise respond to the Commission's directive.
8. On May 15, 2020, the Applicant's case was certified to the Ohio Attorney General's office for collection. No payment has been received by the office.
9. On April 27, 2021, the Applicant filed a letter requesting that 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 multiple opportunities to request a conference to challenge the violations in this case and did not do so. The Applicant was advised that failure to respond to the Commission's multiple communications would constitute an admission of guilt and acceptance of all penalties against the Applicant.

The Applicant's lack of response to the Commission operates as an admission of the violations 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

¹ *In re the Default of Motor Carriers and Drivers Pursuant to Rule 4901:2-7-14 of the Ohio Administrative Code*, Finding and Order (Jan. 15, 2020).

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 (0100164)

Werner L. Margard III (0024858)

Assistant Attorneys General

Public Utilities Section

30 E. Broad St., 26th Floor

Columbus, OH 43215

614.644.8539 (telephone)

866.411.5685 (fax)

Thomas.Shepherd@OhioAGO.gov

Werner.Margard@OhioAGO.gov

On behalf of Staff of the

Public Utilities Commission of Ohio

cc: Parties of Record

Bryan A. Pettiford

295 Quarry Road

Maumee, OH 43537

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

7/9/2021 11:26:24 AM

in

Case No(s). 21-0495-TR-CVF

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