

**BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of Secure Transport, LLC,)
Notice of Apparent Violation and Intent to)
Assess Forfeiture.)

Case No. 20-1823-TR-CVF

**MOTION TO DISMISS
AND MEMORANDUM IN SUPPORT**

The Staff of the Public Utilities Commission of Ohio hereby moves to dismiss this case based on Secure Transport, LLC's ("Respondent") payment in full of the forfeiture assessed. First, under Ohio Adm. Code § 4901:2-7-22, full payment terminates all further proceedings regarding the violations. Second, the Respondent does not dispute the violations assessed and has not provided any grounds to overturn the violations.

On December 30, 2020, Respondent filed an email requesting an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13.¹ On January 5, 2021, the Administrative Law Judge (ALJ) issued an Entry directing the parties to participate in a prehearing on January 26, 2021. Subsequently, Respondent paid, in full the \$100.00 forfeiture assessed for a violation of 49 C.R.F. 393.209(d), worn steering components.

Ohio Adm. Code § 4901:2-7-22(B) states: "If the only remedy requested with respect to a violation is the payment of a forfeiture, and full payment of the forfeiture demanded in the notice is made prior to the execution of a settlement agreement or a final

¹ Letter docketed on December 30, 2020.

commission order, full payment constitutes an admission of the occurrence of the violation... ." Respondent paid the forfeiture, and this case should be dismissed pursuant to O.A.C. § 4901:2-7-22(B).

In addition, Respondent did not provide any grounds in which to overturn the violations assessed, nor did he dispute the violations. Given this, the Staff of the Public Utilities Commission of Ohio respectfully requests that the Commission dismiss this case.

Respectfully submitted,

David Yost
Attorney General

John H. Jones
Section Chief

/s/ Jodi Bair

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

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing **Motion to Dismiss** was served by regular U.S. mail, postage prepaid, hand-delivered, or delivered via electronic mail, upon the following parties of record, this 16th day of July 2021.

/s/ Jodi J. Bair

Jodi J. Bair

Assistant Attorney General

PARTIES OF RECORD:

Victor Sizov

Secure Transport, LLC

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Mt. Pleasant, SC 29464

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Case No(s). 20-1823-TR-CVF

Summary: Motion to Dismiss and Memorandum in Support electronically filed by Mrs. Kimberly M. Naeder on behalf of PUCO