

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF BRYAN PETTIFORD,
NOTICE OF APPARENT VIOLATION AND
INTENT TO ASSESS FORFEITURE.

CASE NO. 21-495-TR-CVF
(OH1251006740D)

ENTRY

Entered in the Journal on July 20, 2021

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

{¶ 2} On April 26, 2021, Respondent filed correspondence seeking to "reopen" his case. In this filing, Respondent describes that he did not receive prior Commission notice relating to his case because the notice was sent to a former address in Columbus, Ohio, and Respondent had relocated to Toledo, Ohio.

{¶ 3} On July 9, 2021, Staff filed a response to Respondent's case reopening request. Staff describes that Respondent 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 July 31, 2019. According to Staff, the NIF was served on August 2, 2019. In response to Respondent's failure to respond to the original NIF, additional NIF letters were issued on September 1, and September 4, 2019. On January 16, 2020, in response to Respondent's continuing failure to respond to the Staff's NIF letters, Respondent was served with a notice of unpaid civil forfeiture, along with a Commission Finding and Order (*In the Matter of the Default of Motor Carriers and Drivers Pursuant to Rule 4901:2-7-14*, Case No. 19-2132-TR-CVF) dated January 15, 2020, both of which directed him to pay the assessed forfeiture. In response to Respondent's continuing failure to respond to the matter, his case was certified to the Ohio Attorney General's office for collection on May 15, 2020.

{¶ 4} Staff maintains that Respondent's lack of response to the NIF letters, the notice of unpaid civil forfeiture, and the Commission's Finding and Order operate as an admission of the violations listed in the NIF such that the matter should not be further considered by

the Commission. Accordingly, Staff requests that the Commission either (1) deny Respondent's request to reopen the case, or (2) issue a show cause order requiring Respondent to demonstrate why the case should proceed.

{¶ 5} On July 15, 2021, the attorney examiner ordered that Respondent was required to file a response to Staff's correspondence in opposition to reopening the case.

{¶ 6} On July 20, 2021, Respondent delivered email correspondence to the attorney examiner in which he described that he did not receive "several letters" from the Commission regarding his case due to a change of address. As Respondent did not file his correspondence in the docket or deliver a copy to Staff, the attorney examiner coordinated the proper filing and delivery of the document on Respondent's behalf.

{¶ 7} At this time, the attorney examiner (1) recognizes Respondent's request as a request for an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13, and (2) reopens this case. In accordance with Ohio Adm.Code 4901:2-7-16(B), unless otherwise ordered by the Commission or agreed by the parties, a prehearing conference in a civil forfeiture case shall be scheduled upon the filing of a request for administrative hearing.

{¶ 8} The attorney examiner schedules this matter for a prehearing conference on August 10, 2021, at 10 a.m. At that time, the attorney examiner will attempt to contact Respondent by telephone.

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That the prehearing conference be scheduled for August 10, 2021, as set forth in Paragraph 8. It is, further,

{¶ 11} 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

GAP/hac

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in

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

Summary: Attorney Examiner Entry ordering that the prehearing conference be scheduled for August 10, 2021, as set forth in Paragraph 8 electronically filed by Heather A. Chilcote on behalf of Michael L. Williams, Attorney Examiner, Public Utilities Commission of Ohio