

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 August 11, 2021

I. SUMMARY

{¶ 1} The Commission dismisses the request for an administrative hearing because Applicant's payment of the civil forfeiture terminates further proceedings in the matter.

II. DISCUSSION

{¶ 2} 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.

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

{¶ 4} On June 14, 2021, Staff filed correspondence in opposition 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.

{¶ 5} Staff contends 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 requested 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.

{¶ 6} On June 23, 2021, the attorney examiner ordered that Applicant was required to file a response to Staff's correspondence in opposition to the case reopening request by

July 14, 2021. Applicant was directed to address Staff's position that the case is not appropriate for further consideration based on 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. Further, Applicant was advised that following his time for response, the Commission, or the attorney examiner, would determine whether the matter should be opened for further consideration, or dismissed.

{¶ 7} Applicant has not filed any response to Staff's correspondence in opposition to the case reopening.

{¶ 8} As described by Staff, pursuant to Ohio Adm.Code 4901:2-7-22(B), full payment of a forfeiture constitutes an admission of the violation and shall terminate all further proceedings. As Applicant has not filed any information in the case disputing his payment of the forfeiture, or indicating why that payment should not terminate further proceedings in the case, the Commission finds it reasonable to deny Applicant's case reopening request.

III. ORDER

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That Applicant's request to reopen his case be denied. It is, further,

{¶ 11} ORDERED, That this case be closed of record. It is, further,

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

COMMISSIONERS:

Approving:

Jenifer French, Chair

M. Beth Trombold

Lawrence K. Friedeman

Daniel R. Conway

Dennis P. Deters

MLW/hac

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

Summary: Entry dismissing the request for an administrative hearing because Applicant's payment of the civil forfeiture terminates further proceedings in the matter electronically filed by Heather A. Chilcote on behalf of Public Utilities Commission of Ohio