

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF MICHAEL IRGANG,
NOTICE OF APPARENT VIOLATION AND
INTENT TO ASSESS FORFEITURE.

CASE NO. 20-1302-TR-CVF
(OH1505004057D)

ENTRY

Entered in the Journal on September 23, 2021

I. SUMMARY

{¶ 1} The Commission dismisses, at Staff's motion, Respondent's request for an administrative hearing.

II. DISCUSSION

{¶ 2} Staff served a Notice of Preliminary Determination (NPD) upon Michael Irgang (Respondent) in accordance with Ohio Adm.Code 4901:2-7-12, alleging violations of the Commission's transportation regulations.

{¶ 3} On July 21, 2020, Respondent requested an administrative hearing in accordance with Ohio Adm. Code 4901:2-7-13.

{¶ 4} On August 18, 2020, an Entry was issued scheduling a September 3, 2020 settlement conference. Staff was unable to contact Respondent at that time or during several subsequent attempts.

{¶ 5} By Entry issued August 19, 2021, a September 15, 2021 hearing was scheduled. However, prior to the scheduled hearing date, Respondent contacted Staff to discuss the alleged violation.

{¶ 6} On September 9, 2021, Staff filed a motion to dismiss the case. In the motion, Staff explains that the violation at issue has been removed from the inspection report and from Respondent's safety record. Staff adds that it has withdrawn the NPD and that there is no need to continue the administrative hearing process. Staff requests that the case be dismissed and closed of record.

{¶ 7} Given the factors presented by Staff, the Commission finds that the motion to dismiss should be granted.

III. ORDER

{¶ 8} It is, therefore,

{¶ 9} ORDERED, That Staff's motion to dismiss be granted. It is, further,

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

{¶ 11} 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

JML/hac

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Case No(s). 20-1302-TR-CVF

Summary: Entry dismisses, at Staff's motion, Respondent's request for an administrative hearing electronically filed by Heather A. Chilcote on behalf of Public Utilities Commission of Ohio