

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of Sangseob Kim,	) Case No. 21-954-TR-CVF
Notice of Apparent Violation and	) (OH3202307169D)
Intent to Assess Forfeiture.	)

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**MOTION TO DISMISS  
SUBMITTED ON BEHALF OF THE STAFF OF  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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Pursuant to Rule 4901-1-12 of the Ohio Administrative Code (“Ohio Adm.Code”), the Staff of the Public Utilities Commission of Ohio (“Staff”) moves to dismiss this case for good cause shown in the memorandum below.

Respectfully submitted,

**Dave A. Yost**  
Ohio Attorney General

**John H. Jones**  
Section Chief

*/s/ Sarah Feldkamp*

**Sarah Feldkamp**

**Kyle Kern**

Assistant Attorney General

Public Utilities Section

30 East Broad Street, 26<sup>th</sup> Floor

Columbus, Ohio 43215-3414

614.644.8754 (telephone)

877.381.1751 (facsimile)

[Sarah.Feldkamp@OhioAGO.gov](mailto:Sarah.Feldkamp@OhioAGO.gov)

[Kyle.Kern@OhioAGO.gov](mailto:Kyle.Kern@OhioAGO.gov)

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

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## MEMORANDUM IN SUPPORT

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The Staff moves to dismiss this case based on Sangseob Kim (“Respondent”) providing a medical certificate showing he is not required to wear glasses while driving a commercial motor vehicle (“CMV”). Staff also requests that the Commission remove the violation from the Respondent’s history of violations.

On June 7, 2021, a vehicle operated by Schneider National Bulk Carriers Inc, and driven by Respondent was inspected within the State of Ohio. As a result, a violation of 49 C.F.R. § 391.11B(4) was discovered; a driver operating a CMV must wear corrective lenses if required under their medical certificate. On June 8, 2021, pursuant to Ohio Adm.Code 4901:2-7-12, Staff served Respondent with a Notice of Apparent Violation and Intent to Assess Forfeiture. On July 7, 2021, Respondent requested a conference. A conference was held on August 6, 2021. On August 17, 2021, Staff sent Respondent a Notice of Preliminary Determination. Respondent has provided a medical card that shows he does not need to wear corrective lenses while driving a CMV.

After a review of the facts, further investigations, and discussions among Staff, Staff agrees that further prosecution of the violation against Respondent is unwarranted and that the alleged violation should be removed from Respondent’s history of violations. Accordingly, Staff requests that the Commission dismiss the alleged violations in this case and order them to be removed from Respondent’s history of violations.

Respectfully submitted,

**Dave A. Yost**  
Ohio Attorney General

**John H. Jones**  
Section Chief

*/s/ Sarah Feldkamp*

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**Sarah Feldkamp**

**Kyle Kern**

Assistant Attorney General

Public Utilities Section

30 East Broad Street, 26<sup>th</sup> Floor

Columbus, Ohio 43215-3414

614.644.8754 (telephone)

866.818.6152 (facsimile)

[Sarah.Feldkamp@OhioAGO.gov](mailto:Sarah.Feldkamp@OhioAGO.gov)

[Kyle.Kern@OhioAGO.gov](mailto:Kyle.Kern@OhioAGO.gov)

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

## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the **Motion to Dismiss** submitted on behalf of the Staff of the Public Utilities Commission of Ohio was served by regular U.S. mail, postage prepaid, hand-delivered, and/or electronic service upon the following parties of record, this 15<sup>th</sup> day of March 2022.

/s/ Sarah Feldkamp

**Sarah Feldkamp**

Assistant Attorney General

### **Party of Record:**

**Sangseob Kim**

5710 Winton Road,

Apartment 109

Cincinnati, Ohio 45232

[pickss71@gmail.com](mailto:pickss71@gmail.com)

*Respondent*

**This foregoing document was electronically filed with the Public Utilities  
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**Case No(s). 21-0954-TR-CVF**

Summary: Motion to Dismiss Submitted on Behalf of the Staff of the Public Utilities  
Commission of Ohio electronically filed by Mrs. Kimberly M. Naeder on behalf of  
PUCO