

# THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF TRUSTED TRANSPORT  
LLC, NOTICE OF APPARENT VIOLATION  
AND INTENT TO ASSESS FORFEITURE.

CASE NO. 21-249-TR-CVF  
(21-CR-403554)

## ENTRY

Entered in the Journal on April 6, 2022

### I. SUMMARY

{¶ 1} The Commission grants Staff's motion to dismiss the case, as the respondent paid the civil forfeiture of \$150 prior to the commencement of the hearing.

### II. DISCUSSION

{¶ 2} R.C. 4923.04 provides that the Commission shall adopt rules applicable to the transportation of persons or property by motor carriers operating in interstate and intrastate commerce. Pursuant to Ohio Adm.Code 4901:2-5-03(A), the Commission adopted the Federal Motor Carrier Safety Regulations for the purpose of governing transportation by motor vehicle in the state of Ohio. Further, R.C. 4923.99 authorizes the Commission to assess a civil forfeiture of up to \$25,000 per day, per violation, against any person who violates the safety rules adopted by the Commission.

{¶ 3} On October 7, 2020, Commission Staff (Staff) inspected a commercial motor vehicle operated by Trusted Transport LLC (Respondent) within the state of Ohio. Staff discovered violations of 49 C.F.R. 392.11(b)(4), 392.4(b), and 395.8(a)(1), (using a physically unqualified driver; requiring or permitting driver to violate 49 C.F.R. 392.4(a) which prohibits a driver on duty to possess, be under the influence of, or use the enumerated substances; and failing to require a driver to prepare a record of duty status, respectively).

{¶ 4} Staff served Respondent with a notice of preliminary determination (NPD), pursuant to Ohio Adm.Code 4901:2-7-12, regarding the driver violation. This NPD assessed Respondent a \$150 civil forfeiture for the carrier violations.

{¶ 5} On March 17, 2021, Respondent requested an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13.

{¶ 6} By Entry dated April 2, 2021, the attorney examiner scheduled a prehearing conference in this matter on April 23, 2021. During the conference, the parties were unable to settle the matter.

{¶ 7} By Entry dated March 16, 2022, the attorney examiner scheduled a hearing in this matter for May 10, 2022.

{¶ 8} On March 22, 2022, Staff filed a motion to dismiss the case, stating that Respondent paid the civil forfeiture amount in full in May of 2021.

{¶ 9} Ohio Adm.Code 4901:2-7-22 provides that 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 any final Commission order, full payment constitutes an admission of the occurrence of the violation and shall terminate all further proceedings under the chapter that regard the same violation.

{¶ 10} Upon review of the motion to dismiss, the Commission finds that Staff's motion to dismiss the case should be granted where the respondent has paid the civil forfeiture in full. Further, the hearing scheduled for May 10, 2022, is canceled.

### III. ORDER

{¶ 11} It is, therefore,

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

{¶ 13} ORDERED, That a copy of this Entry be served upon each party of record.

COMMISSIONERS:

*Approving:*

Jenifer French, Chair

M. Beth Trombold

Lawrence K. Friedeman

Daniel R. Conway

Dennis P. Deters

JMD/mef

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**in**

**Case No(s). 21-0249-TR-CVF**

Summary: Entry granting Staff's motion to dismiss the case, as the respondent paid the civil forfeiture of \$150 prior to the commencement of the hearing. electronically filed by Ms. Mary E. Fischer on behalf of Public Utilities Commission of Ohio