

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF BUFFALO
TRANSPORTATION LLC, NOTICE OF
APPARENT VIOLATION AND INTENT TO
ASSESS FORFEITURE.

CASE NO. 21-1010-TR-CVF
(21-CR-457053)

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 \$1,400 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 June 2, 2021, Commission Staff (Staff) inspected a commercial motor vehicle operated by Buffalo Transportation LLC (Respondent). Respondent was operating the vehicle within the state of Ohio. Staff discovered violations of 49 C.F.R. 382.701(b)(1), and 382.711(b), (failing to conduct an annual query; failing to register in the Clearinghouse, 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 \$1,400 civil forfeiture for the carrier violations.

{¶ 5} On September 28, 2021, Respondent requested an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13.

{¶ 6} On March 22, 2022, Staff filed a motion to dismiss the case, stating that Respondent paid the civil forfeiture amount in full on January 24, 2022.

{¶ 7} 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.

{¶ 8} 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.

III. ORDER

{¶ 9} It is, therefore,

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

{¶ 11} 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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Case No(s). 21-1010-TR-CVF

Summary: Entry granting Staff's motion to dismiss the case, as the respondent paid the civil forfeiture of \$1,400 prior to the commencement of the hearing.
electronically filed by Ms. Mary E. Fischer on behalf of Public Utilities Commission of Ohio