

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF ANASTASIYA
CHUGAY, NOTICE OF APPARENT
VIOLATION AND INTENT TO ASSESS
FORFEITURE.

CASE NO. 21-1179-TR-CVF
(21-CR-457064)

ENTRY

Entered in the Journal on April 7, 2022

{¶ 1} Staff served a notice of apparent violation and intent to assess forfeiture upon Anastasiya Chugay (Applicant), alleging violations of the Commission's transportation regulations as a result of a compliance review.

{¶ 2} On November 15, 2021, Applicant filed correspondence seeking to "reopen" her case. In this filing, Applicant describes that she attempted to set up a conference with Staff to discuss the alleged violations by using the Commission's website, but, due to technical difficulties, she was unable to do so. Applicant asserts that this error was no fault of her own and that she hopes the case can be reopened for the purpose of reducing the assessed fine.

{¶ 3} On December 7, 2021, Staff filed a response to Applicant's case reopening request. Staff describes that Applicant was served a notice of apparent violation and intent to assess forfeiture (NIF) for violation of the Commission's transportation regulations as a result of a compliance review conducted by Staff at an Ohio Transportation Service, LLC facility that occurred on May 28, 2021. According to Staff, the NIF was served on June 12, 2021, and stated that the Applicant could either request an administrative hearing or pay the assessed forfeiture. Also, it advised the Applicant that failing to respond to the NIF would result in the admission of the violation and a potential suspension of Applicant's commercial vehicle driver's license. Further, it stated that payment of the forfeiture would act as an admission of the violation. According to Staff, the Applicant did not respond to the NIF. On September 27, 2021, in response to the Applicant's failure to respond to the Staff's NIF letter, the Commission mailed a letter to the Applicant, informing the Applicant that failure to pay the civil forfeiture by the deadline would result in the forfeiture amount

being referred to the Ohio Attorney General's (OAG) office for collection. As no payment was received, Applicant's case was submitted to the OAG's office for collection on November 6, 2021. Staff asserts that, on November 10, 2021, the Applicant called the AGO's office and said that she had tried to set up a conference call with Staff, as well as a payment arrangement, but was unable to do so because of a system glitch; thereafter, Applicant filed the request to reopen the case.

{¶ 4} Staff maintains that Applicant's lack of response to the NIF letter and the notice of unpaid civil forfeiture operate as an admission of the violations listed in the NIF such that the matter should not be further considered by the Commission. Accordingly, Staff requests 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.

{¶ 5} Upon review of the filings in this case, the attorney examiner advises that Applicant has until April 27, 2022, to file a response to Staff's correspondence in opposition to reopening the case. Any response from Applicant should be filed in the docket under this case number and should address her specific claims as to why this case should be reopened.

{¶ 6} At the conclusion of Applicant's time for response, the Commission, or the attorney examiner, will determine whether this matter should be opened for further consideration, or dismissed.

{¶ 7} It is, therefore,

{¶ 8} ORDERED, That the Applicant has until April 27, 2022, to file a response to Staff's correspondence in opposition to reopening the case. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Matthew Sandor

By: Matthew Sandor
Attorney Examiner

SJP/kck

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in

Case No(s). 21-1179-TR-CVF

Summary: Attorney Examiner Entry that the Applicant has until April 27, 2022, to file a response to Staff's correspondence in opposition to reopening the case. electronically filed by Kelli C. King on behalf of Matthew Sandor, Attorney Examiner, Public Utilities Commission of Ohio