

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF SAVLAT RASULOV,
NOTICE OF APPARENT VIOLATION AND
INTENT TO ASSESS FORFEITURE.

CASE NO. 22-146-TR-CVF
(OH0057000550D)

ENTRY

Entered in the Journal on May 18, 2022

I. SUMMARY

{¶ 1} The Commission grants Staff's motion to dismiss the case, finding that there is no jurisdiction to further adjudicate this matter.

II. DISCUSSION

{¶ 2} R.C. 4923.04 provides that the Commission shall adopt rules applicable to the transportation of persons or property 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 against any person who violates the safety rules adopted by the Commission.

{¶ 3} On February 25, 2022, Sultan Transportation sent a letter to the Commission requesting to reopen the case.

{¶ 4} On March 18, 2022, Staff filed a motion to dismiss the case. In its motion to dismiss, Staff argues that the case is an improper attempt to reopen a matter that is already subject to a final order of the Commission. Staff states that a notice of apparent violation and intent to assess forfeiture was sent to Savlat Rasulov (Respondent) on August 13, 2021, and a second notice was sent to Respondent on September 12, 2021. Staff adds that on December 1, 2021, the Commission issued a Finding and Order requiring Respondent to either pay the assessed forfeiture or demonstrate why he was not in default by January 3,

2022.¹ Staff further notes that on December 3, 2021, Staff sent a letter to Respondent indicating that the forfeiture was unpaid. Staff contends that Respondent took no action to dispute the violations within the time allowed. Staff contends that Respondent had “* * ample opportunity to contest the violation and forfeiture, but failed to do so in a timely manner,” and that Respondent could have requested a rehearing of the December 1, 2021 Finding and Order, but he did not. Staff emphasizes that a final Commission judgment has already been made and that Respondent should not have further opportunity to contest the violation. Staff urges dismissal of the case.

{¶ 5} Respondent did not file a response to Staff’s motion to dismiss.

{¶ 6} The Commission finds Staff’s motion to dismiss the case to be reasonable. Initially, we note that the Commission has already found Respondent in default, pursuant to Ohio Adm.Code 4901:2-7-14, in *In re Default of Motor Carriers and Drivers*, Case No. 21-1182-TR-CVF, Finding and Order (Dec. 1, 2021) att. at 47. Ohio Adm.Code 4901:2-7-14 states that respondents found in default are deemed to have admitted the occurrence of the violation and waive all further right to contest liability. The Commission’s order directed any respondents to indicate why they are not in default by January 3, 2022. Here, the request to reopen was not filed until February 25, 2022. As indicated by Staff, Respondent did not respond in a timely manner to the August 13, 2021, or September 12, 2021, notices of apparent violation or to the Commission’s December 1, 2021 Finding and Order requiring him to either pay the assessed forfeiture or demonstrate why he was not in default. Respondent did not request a rehearing of the December 1, 2021 Finding and Order, nor did he reply to Staff’s December 3, 2021 letter indicating that the forfeiture was unpaid. Finally, Respondent did not respond to Staff’s motion to dismiss. Therefore, as there is already a final Commission decision concerning Respondent’s default, Staff’s motion to dismiss should be granted.

¹ *In re Default of Motor Carriers and Drivers Pursuant to Rule 4901:2-7-14 of the Ohio Administrative Code*, Case No. 21-1182-TR-CVF, Finding and Order (Dec. 1, 2021).

III. ORDER

{¶ 7} It is, therefore,

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

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

COMMISSIONERS:

Approving:

Jenifer French, Chair

M. Beth Trombold

Lawrence K. Friedeman

Daniel R. Conway

Dennis P. Deters

JWS/mef

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in

Case No(s). 22-0146-TR-CVF

Summary: Entry granting Staff's motion to dismiss the case, finding that there is no jurisdiction to further adjudicate this matter electronically filed by Ms. Mary E. Fischer on behalf of Public Utilities Commission of Ohio