

# THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF NINE STAR FREIGHT  
LLC, NOTICE OF APPARENT VIOLATION  
AND INTENT TO ASSESS FORFEITURE.

CASE NO. 21-241-TR-CVF  
(OH3248015413C)

## ENTRY

Entered in the Journal on July 27, 2022

### I. SUMMARY

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

### II. DISCUSSION

{¶ 2} R.C. 4923.04(A)(1) mandates that the Commission 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, published in the Code of Federal Regulations (C.F.R.), 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} Commission staff (Staff) served a notice of preliminary determination (NPD) upon Nine Star Freight LLC (Respondent) in accordance with Ohio Adm.Code 4901:2-7-12, alleging violations of the Commission's transportation regulations.

{¶ 4} On March 12, 2021, Respondent filed a request for an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13.

{¶ 5} By Entry dated April 6, 2021, the attorney examiner scheduled a prehearing conference for April 22, 2021. During the prehearing conference, Respondent and Staff were unable to reach a settlement.

{¶ 6} By Entry dated February 11, 2022, the attorney examiner set this matter for hearing on May 12, 2022, at 10:00 a.m. Eastern time, at the offices of the Commission.

{¶ 7} Prior to the scheduled hearing, Respondent notified Staff that he no longer desired to have an administrative hearing and intended to pay the civil forfeiture assessed in the NPD. Based upon this information, the attorney examiner canceled the scheduled hearing via Entry issued on May 12, 2022,

{¶ 8} On June 30, 2022, Staff filed a motion to dismiss this case, stating that Respondent paid in full the forfeiture assessed in the NPD. Staff states that under Ohio Adm.Code 4901:2-7-22, full payment of a civil forfeiture constitutes an admission of the occurrence of a violation and terminates all further proceedings in the matter.

{¶ 9} No memoranda contra the motion to dismiss were filed.

{¶ 10} As indicated by Staff in its motion, Ohio Adm.Code 4901:2-7-22 provides, in pertinent part, that payment of a civil forfeiture assessed pursuant to a violation of the Commission's transportation regulations constitutes an admission of the occurrence of the violation and serves to terminate all further Commission proceedings. The Commission finds, therefore, that Respondent's payment of the civil forfeiture assessed in connection with inspection number OH3248015413C concludes jurisdiction over this matter as provided in Ohio Adm.Code 4901:2-7-22. Accordingly, the Commission finds that this case will be considered closed of record, effective from the date of this Entry.

## I. ORDER

{¶ 11} It is, therefore,

{¶ 12} ORDERED, That this case be closed as described in Paragraph 10. It is, further,

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

COMMISSIONERS:

*Approving:*

Jenifer French, Chair  
M. Beth Trombold  
Daniel R. Conway  
Dennis P. Deters

DMH/dmh

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**in**

**Case No(s). 21-0241-TR-CVF**

Summary: Entry that the Commission grants the motion to dismiss filed by Staff, finding that there is no jurisdiction to further adjudicate this matter electronically filed by Ms. Donielle M. Hunter on behalf of Public Utilities Commission of Ohio