

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF JOHN FULLEN,
NOTICE OF APPARENT VIOLATION AND
INTENT TO ASSESS FORFEITURE.

CASE NO. 21-1143-TR-CVF
(OH0315001289D)

ENTRY

Entered in the Journal on August 10, 2022

I. SUMMARY

{¶ 1} The Commission dismisses and closes this case, as the Respondent has paid the assessed civil forfeiture in full.

II. DISCUSSION

{¶ 2} Staff served a notice of preliminary determination upon John Fullen (Respondent) in accordance with Ohio Adm.Code 4901:2-7-12, alleging a violation of the Commission's transportation regulations.

{¶ 3} On November 3, 2021, Respondent requested an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13.

{¶ 4} A prehearing conference was held on February 7, 2022. The parties were not able to resolve this matter during the conference.

{¶ 5} On April 22, 2022, Staff filed a motion to dismiss. In the motion, Staff explains that Respondent paid the full amount of the forfeiture assessed (\$500) on March 30, 2022. Staff also argues that pursuant to Ohio Adm.Code 4901:2-7-22(B), payment of the forfeiture constitutes an admission of the occurrence of the violation. Staff asserts that Respondent's payment of the forfeiture amount in this case therefore ends the Commission's jurisdiction. Staff asks that Respondent's request for hearing be dismissed and that the case be closed of record.

{¶ 6} Respondent did not file a response to Staff's motion to dismiss.

{¶ 7} After review, the Commission finds that Staff's motion to dismiss is reasonable and should be granted. As described in Ohio Adm.Code 4901:2-7-22(B), if full payment of the forfeiture demanded is made prior to the execution of a settlement agreement or any final order, such full payment constitutes an admission of the violation and terminates all further proceedings in the matter. Based upon Respondent's payment of the \$500 civil forfeiture, Staff's motion to dismiss is granted and this case will be considered closed of record.

III. ORDER

{¶ 8} It is, therefore,

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

{¶ 10} ORDERED, That the case be dismissed and closed of record. It is, further,

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

COMMISSIONERS:

Approving:

Jenifer French, Chair

M. Beth Trombold

Lawrence K. Friedeman

Daniel R. Conway

Dennis P. Deters

JWS/dmh

**This foregoing document was electronically filed with the Public Utilities
Commission of Ohio Docketing Information System on**

8/10/2022 2:39:23 PM

in

Case No(s). 21-1143-TR-CVF

Summary: Entry dismissing and closing this case, as the Respondent has paid the assessed civil forfeiture in full electronically filed by Heather A. Chilcote on behalf of Public Utilities Commission of Ohio