

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF ADAM J. BOWEN,
NOTICE OF APPARENT VIOLATION AND
INTENT TO ASSESS FORFEITURE.

CASE NOS. 22-945-TR-CVF
(OH3202307417D)
22-979-TR-CVF
(OH3202307471C)

ENTRY

Entered in the Journal on November 2, 2022

I. SUMMARY

{¶ 1} The Commission grants Staff's motions to dismiss due to Staff's determination that further prosecution of the alleged violations is not warranted and that the alleged violations should be removed from Adam J. Bowen's driver and carrier Safety-Net records.

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} Staff served notices of apparent violation and intent to assess forfeiture upon Adam J. Bowen (Respondent) both as a driver and carrier, alleging driver's license and hazmat shipping violations of the Commission's transportation regulations.

{¶ 4} On October 12, 2022, Respondent filed a request for an administrative hearing in Case Number 22-945-TR-CVF, in accordance with Ohio Adm.Code 4901:2-7-13.

{¶ 5} On October 17, 2022, Staff filed a motion to dismiss Case Number 22-945-TR-CVF based on further investigation, which Staff maintains demonstrates that the alleged

driver's license violation was not warranted and that the alleged violation should be deleted from the Respondent's Safety-Net record. Staff contacted Respondent and he did not object to this motion to dismiss.

{¶ 6} On October 19, 2022, Respondent filed a request for an administrative hearing in Case Number 22-979-TR-CVF, in accordance with Ohio Adm.Code 4901:2-7-13.

{¶ 7} On October 24, 2022, Staff filed a motion to dismiss Case Number 22-979-TR-CVF based on further investigation, which Staff maintains demonstrates that the alleged hazmat shipping violations were not warranted and that the alleged violations should be deleted from the Respondent's Safety-Net record. Staff contacted Respondent and he did not object to this motion to dismiss.

{¶ 8} Accordingly, for the reasons outlined in Staff's motions to dismiss, the Commission finds that these cases should be dismissed, and the related dockets should be closed. Further, the alleged violations should be removed from Respondent's driver and carrier Safety-Net records.

III. ORDER

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That these cases be dismissed and closed. It is, further,

{¶ 11} ORDERED, That the alleged violations of the Commission's transportation regulations should be removed from Respondent's driver and carrier Safety-Net records.

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

COMMISSIONERS:

Approving:

Jenifer French, Chair
Lawrence K. Friedeman
Daniel R. Conway

MLW/hac

**This foregoing document was electronically filed with the Public Utilities
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in

Case No(s). 22-0979-TR-CVF

Summary: Entry that the Commission grants Staff's motions to dismiss due to Staff's determination that further prosecution of the alleged violations is not warranted and that the alleged violations should be removed from Adam J. Bowen's driver and carrier Safety-Net records electronically filed by Ms. Donielle M. Hunter on behalf of Public Utilities Commission of Ohio