

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF MARK L.
ARRASMITH, NOTICE OF APPARENT
VIOLATION AND INTENT TO ASSESS
FORFEITURE.

CASE NO. 21-203-TR-CVF
(OH3212300838D)

ENTRY

Entered in the Journal on January 11, 2023

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 Mark L. Arrasmith (Respondent) in accordance with Ohio Adm.Code 4901:2-7-12, alleging violations of the Commission's transportation regulations.

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

{¶ 4} The parties participated in a telephonic prehearing conference on April 20, 2021, but the matter was not resolved.

{¶ 5} On July 25, 2022, a hearing was scheduled to take place on September 1, 2022, at 10:00 a.m. On August 29, 2022, Respondent contacted Staff and stated that he will not be able to attend the hearing on September 1, 2022, due to illness. The hearing was then rescheduled to be held on December 12, 2022.

{¶ 6} The hearing commenced on December 12, 2022, as scheduled. However, Respondent did not appear at the hearing. At the hearing, Staff made a motion to dismiss the case because Respondent paid the full amount of the forfeiture assessed (\$500). Staff also argued that pursuant to Ohio Adm.Code 4901:2-7-22(B), payment of the forfeiture constitutes an admission of the occurrence of the violation. (Tr. at 5-9; Staff Ex. 1.)

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

{¶ 8} 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

{¶ 9} It is, therefore,

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

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

{¶ 12} 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

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in

Case No(s). 21-0203-TR-CVF

Summary: Entry that the Commission dismisses and closes this case, as the Respondent has paid the assessed civil forfeiture in full electronically filed by Ms. Donielle M. Hunter on behalf of Public Utilities Commission of Ohio