

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF DAMARQUIS OWENS,
NOTICE OF APPARENT VIOLATION AND
INTENT TO ASSESS FORFEITURE.

CASE NO. 23-498-TR-CVF
(OH3274024883D)

ENTRY

Entered in the Journal on May 19, 2023

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

{¶ 2} On December 15, 2022, a vehicle operated by RT 80 Express Inc. and driven by Respondent was inspected in the state of Ohio. As a result, on December 19, 2022, the Respondent was served with a Notice of Intent to Assess a Forfeiture. The Respondent did not contact the Commission regarding the case.

{¶ 3} On January 18, 2023, a second notice was mailed to Mr. Owens. The second notice of intent to assess a forfeiture was returned by the United States Postal Service as undeliverable and, as a result, a notice was mailed to Respondent's employer on February 13, 2023.

{¶ 4} On March 13, 2023, the civil forfeiture was paid via the Commission's online portal. As such, on March 17, 2023, the notice of conviction for violation of 49 C.F.R. 383.51A-SIN, driving a commercial motor vehicle with a suspended commercial driver's license due to a safety-related or unknown reason and in state of driver's license issuance, was sent to the Ohio Bureau of Motor Vehicles.

{¶ 5} On May 4, 2023, Respondent requested an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13.

{¶ 6} On May 17, 2023, Staff filed a motion to dismiss the case because Respondent paid the full amount of the forfeiture assessed. 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. *See In the Matter of Mark L. Arrasmith, Notice of Apparent Violation and Intent to Assess Forfeiture*, Case No. 21-203-TR-CVF, Entry (Jan. 11, 2023); *In the Matter of Daniel Anofils, Notice of Apparent Violation and Intent to Assess Forfeiture*, Case No. 19-1792-TR-CVF, Finding and Order (Feb. 13, 2020).

{¶ 7} After review, the attorney examiner finds that although Mr. Owens was provided an opportunity to challenge the violation and chose instead to pay the civil forfeiture amount, which is a conviction pursuant to Commission rules, Respondent should be afforded the opportunity to respond. Respondent must file a response indicating why there is good cause to reopen this case within 30 days of the date of this Entry.

{¶ 8} It is, therefore,

{¶ 9} ORDERED, That Respondent file a response to this Entry within 30 days, as directed in Paragraph 7. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/Isabel M. Marcelletti

By: Isabel M. Marcelletti
Attorney Examiner

JAS/dmh

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

Case No(s). 23-0498-TR-CVF

Summary: Attorney Examiner Entry that the Respondent must file a response indicating why there is good cause to reopen this case within 30 days of the date of this Entry electronically filed by Ms. Donielle M. Hunter on behalf of Isabel M. Marcelletti, Attorney Examiner, Public Utilities Commission of Ohio.