

4901:2-7-07

Notice of intent to assess forfeiture.

(A) Within ninety days of discovery of a violation, but no later than one year following the violation, the staff may serve a "notice of intent to assess forfeiture" for that violation upon one or more respondents. The notice of intent to assess forfeiture shall contain:

- (1) An identification of the date of the violation and person, vehicle, or facility concerning which the violation occurred.
- (2) Reference to the statute, rule or regulation, or order of the commission that was violated.
- (3) A brief description of the manner in which the violation is alleged to have occurred.
- (4) The amount of the forfeiture intended to be assessed.
- (5) A statement that respondent's failure to serve timely a request for conference shall constitute a waiver of respondent's right to further contest liability to the state for the forfeiture described in the notice.
- (6) A description of the manner in which the respondent may make payment of the forfeiture.
- (7) Instructions regarding the manner in which the respondent may serve a timely request for conference to contest the occurrence of the violation or the amount of the forfeiture.

(B) In determining the amount of any forfeiture to be assessed, staff shall consider:

- (1) The nature and circumstances of the violation.
- (2) The extent and gravity of the violation.
- (3) The degree of the respondent's culpability.
- (4) The respondent's history of violations, including, but not limited to, prior "violations" as defined under this chapter and any other available information concerning the respondent's safety of operations.

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