

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Wallseye Concrete, Notice)	
of Apparent Violation and Intent to Assess)	Case No. 15-885-TR-CVF
Forfeiture.)	(CR201501150137)

ENTRY

The attorney examiner finds:

- (1) A prehearing conference was held in this case on June 18, 2015. At the prehearing conference, the parties established a hearing date of August 13, 2015.
- (2) Accordingly, this case should be scheduled for hearing on August 13, 2015, at 10:00 a.m., in hearing room 11-C, in the offices of the Commission, 180 East Broad Street, Columbus, Ohio 43215.
- (3) Ohio Adm.Code 4901:2-7-14(E) provides that a respondent who has requested an administrative hearing and fails to appear for the hearing shall be in default. The rule additionally states that a respondent in default shall be deemed to have admitted the occurrence of the violation and waived all further right to contest liability for the forfeiture proposed in the notice of preliminary determination.
- (4) At the hearing, following the presentation of evidence by Staff, it shall be the responsibility of Wallseye Concrete (Respondent) to present evidence in support of its contentions regarding the alleged violations in this matter.
- (5) Ohio Adm.Code 4901-1-08 requires that all corporations must be represented in Commission proceedings by an attorney-at-law authorized to practice in Ohio. Respondent does business under the name Elyria Concrete Incorporated, indicating that it is a corporation. Therefore, the attorney examiner wishes to give Respondent notice that it must secure legal counsel in order to proceed and fully participate in the hearing process before the Commission.
- (6) Nevertheless, pursuant to R.C. 4901.14, a regular salaried employee of a directly concerned corporation may appear

before the Commission in the determination of transportation matters involving questions of fact only. Such an employee, however, cannot act as an attorney. More specifically, such an employee cannot examine witnesses, make motions, or file legal briefs.

It is, therefore,

ORDERED, That Case No. 15-885-TR-CVF be scheduled for hearing in accordance with finding (2). It is, further,

ORDERED, That all findings herein be observed by the parties in this case. It is, further,

ORDERED, That a copy of this Entry be served upon each party of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Kerry K. Sheets

By: Kerry K. Sheets
Attorney Examiner

jrj/vrm

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in

Case No(s). 15-0885-TR-CVF

Summary: Attorney Examiner Entry scheduling a hearing for August 13, 2015, at 10:00 a.m.; electronically filed by Vesta R Miller on behalf of Kerry K. Sheets, Attorney Examiner, Public Utilities Commission of Ohio