

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF RONALD J.
CUMMINGS, NOTICE OF APPARENT
VIOLATION AND INTENT TO ASSESS
FORFEITURE.**

**CASE NO. 16-1219-TR-CVF
OH3230009680D**

ENTRY

Entered in the Journal on October 27, 2016

{¶ 1} Staff served a notice of preliminary determination upon Ronald J. Cummings in accordance with Ohio Adm.Code 4901:2-7-12, alleging a violation of the Commission's transportation regulations.

{¶ 2} On May 31, 2016, Mr. Cummings filed a request for an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13.

{¶ 3} A prehearing conference was held on July 19, 2016; however the parties were unable to reach a resolution. Thereafter, a hearing was scheduled for September 22, 2016.

{¶ 4} By Entry on September 20, 2016, the attorney examiner granted a motion for continuance filed by Staff. The hearing was rescheduled for September 29, 2016. On September 29, 2016, Mr. Cummings contacted the Commission and requested a continuance, indicating he was ill and unable to travel. At that time, the hearing was continued until October 18, 2016. The hearing was held, as scheduled, on October 18, 2016. Mr. Cummings was not in attendance at the hearing.

{¶ 5} On October 19, 2016, Mr. Cummings contacted the attorney examiner and requested a new hearing date. Mr. Cummings indicated he mistakenly believed the hearing was scheduled for a previously discussed date.

{¶ 6} For good cause shown, the request should be granted and the hearing should be rescheduled. Accordingly, the hearing should be rescheduled for November 15, 2016, at 1:00 p.m., at the offices of the Commission, 180 East Broad Street, 11th floor, Hearing Room 11-D, Columbus, Ohio 43215-3793.

{¶ 7} Ohio Adm.Code 4901:2-7-14(E), provides that a respondent who requests an administrative hearing and fails to participate in the hearing proceeding 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 to the state for the forfeiture described in the notice.

{¶ 8} It is, therefore,

{¶ 9} ORDERED, That the request for continuance be granted and a hearing in this case be rescheduled in accordance with paragraph 6. 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/ Nicholas Walstra

By: Nicholas Walstra
Attorney Examiner

jrj/vrm

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in

Case No(s). 16-1219-TR-CVF

Summary: Attorney Examiner Entry rescheduling the hearing for November 15, 2016, at 1:00 p.m.; electronically filed by Vesta R Miller on behalf of Nicholas Walstra, Attorney Examiner, Public Utilities Commission of Ohio