

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF MICHAEL BARKER,
D/B/A/ COMEX TRANSPORT, NOTICE OF
APPARENT VIOLATION AND INTENT TO
ASSESS FORFEITURE.

CASE NO. 16-2186-TR-CVF
(OH1276008035C)

ENTRY

Entered in the Journal on January 12, 2016

{¶ 1} Staff served a notice of preliminary determination (NPD) upon Michael Barker, d/b/a ComEx Transport, (Respondent), in accordance with Ohio Adm.Code 4901:2-7-12, alleging a violation of the Commission's transportation regulations.

{¶ 2} On November 7, 2016, Respondent filed a request for an administrative hearing in the above-captioned case in accordance with Ohio Adm.Code 4901:2-7-13.

{¶ 3} A prehearing settlement conference was held on December 15, 2016; however, the parties were unable to settle this matter.

{¶ 4} Accordingly, this matter shall be set for hearing on February 21, 2017, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th Floor, Hearing Room 11-D, Columbus, Ohio 43215.

{¶ 5} 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 NPD.

{¶ 6} At the hearing, Staff must prove, by a preponderance of the evidence, the occurrence of a violation, pursuant to Ohio Adm.Code 4901:2-7-20(A).

{¶ 7} It is, therefore,

{¶ 8} ORDERED, That this matter be scheduled for hearing in accordance with Paragraph 4. It is, further,

{¶ 9} ORDERED, That a copy of this Entry be served upon each party of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Megan J. Addison

By: Megan J. Addison
Attorney Examiner

jrj/vrm

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in

Case No(s). 16-2186-TR-CVF

Summary: Attorney Examiner Entry scheduling a hearing for February 21, 2017, at 10:00 a. m.; electronically filed by Vesta R Miller on behalf of Megan Addison, Attorney Examiner, Public Utilities Commission of Ohio