

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF ANTHONY K.
CULVER AND RICKY M. SAVOIE,
NOTICE OF APPARENT VIOLATION AND
INTENT TO ASSESS FORFEITURE.

CASE NO. 17-450-TR-CVF
(OH3281014376C)
(OH3281014376D)

ENTRY

Entered in the Journal on December 1, 2017

{¶ 1} Staff served notices of preliminary determination upon Anthony K. Culver and Ricky M. Savoie (Respondents), in accordance with Ohio Adm.Code 4901:2-7-12, alleging violations of the Commission's transportation regulations.

{¶ 2} On February 13, 2017, Respondents filed a request for an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13.

{¶ 3} A prehearing conference was held on March 16, 2017.

{¶ 4} By Entry dated March 16, 2017, this case was scheduled for an evidentiary hearing on May 25, 2017. The hearing was subsequently rescheduled for August 17, 2017, and September 7, 2017.

{¶ 5} The hearing was convened, as rescheduled, on September 7, 2017. At the hearing, Staff presented testimony and other evidence with respect to the alleged violations. Neither of the Respondents appeared at the hearing.

{¶ 6} On October 10, 2017, Respondents filed a request for a continuance of the hearing. In support of the request, Respondents explained that they were unable to attend the September 7, 2017 hearing due to an illness of one of the Respondents. No response to the request for a continuance was filed by Staff.

{¶ 7} In light of the circumstances, the attorney examiner finds that Respondents' request to reconvene the evidentiary hearing should be granted, in order to afford Respondents an additional opportunity to attend the hearing and present testimony and

other evidence in the case. Accordingly, the hearing in this matter should be reconvened on January 16, 2018, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th Floor, Hearing Room 11-C, Columbus, Ohio 43215-3793.

{¶ 8} If Respondents intend to question the witnesses that were presented by Staff at the hearing on September 7, 2017, Respondents should file a notice in this docket, no later than December 22, 2017. Respondents are advised that failure to so notify the attorney examiner will constitute a waiver by the Respondents of any cross-examination of Staff's witnesses.

{¶ 9} Ohio Adm.Code 4901:2-7-14(E) provides that a respondent who has requested an administrative hearing and fails to appear for the evidentiary hearing shall be in default. The rule further provides 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. Respondents are, therefore, advised that failure to appear at the hearing on January 16, 2018, may result in a default judgment against Respondents.

{¶ 10} Absent extraordinary circumstances, an additional continuance of the hearing will not be granted. At the conclusion of the rescheduled hearing, the case will be submitted on the record for the Commission's consideration.

{¶ 11} It is, therefore,

{¶ 12} ORDERED, That the hearing in this case be reconvened on January 16, 2018, in accordance with Paragraph 7. It is, further,

{¶ 13} ORDERED, That this matter proceed under the terms set forth in Paragraphs 8, 9, and 10. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Sarah Parrot

By: Sarah J. Parrot
Attorney Examiner

JRJ/sc

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in

Case No(s). 17-0450-TR-CVF

Summary: Attorney Examiner Entry directing the hearing be reconvened on 01/16/2018 in accordance with Paragraph 7 and that this matter proceed under the terms set forth in Paragraphs 8, 9, and 10. - electronically filed by Sandra Coffey on behalf of Sarah Parrot, Attorney Examiner, Public Utilities Commission of Ohio