

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF MICHAEL TOBASH,
NOTICE OF APPARENT VIOLATION AND
INTENT TO ASSESS FORFEITURE.

CASE NO. 18-1050-TR-CVF
(OH9420300619D)

ENTRY

Entered in the Journal on October 3, 2018

{¶ 1} Staff served a notice of preliminary determination upon Michael Tobash (Respondent) in accordance with Ohio Adm.Code 4901:2-7-07, alleging a violation of the Commission's transportation regulations.

{¶ 2} On June 26, 2018, Respondent requested an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13.

{¶ 3} On August 1, 2018, the attorney examiner scheduled a prehearing conference for August 29, 2018, pursuant to Ohio Adm.Code 4901:2-7-16(B). During the prehearing conference, the attorney examiner was unable to contact Respondent via telephone.

{¶ 4} Accordingly, the attorney examiner schedules a hearing for November 6, 2018, at 10:00 a.m. at the Commission offices, Hearing Room 11-C, 11th floor, 180 East Broad Street, Columbus, Ohio 43215-3793. Visitors should register at the lobby desk and then proceed to the 11th floor in order to participate in the hearing.

{¶ 5} Ohio Adm.Code 4901:2-7-14(E) provides that a respondent who has requested an administrative hearing and fails to participate in the hearing proceeding shall be in default. The rule further 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.

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

{¶ 7} Following Staff's presentation of evidence at the hearing, it shall be the responsibility of Respondent to present evidence supporting his contentions regarding the alleged violation in this matter.

{¶ 8} It is, therefore,

{¶ 9} ORDERED, That a hearing be scheduled for November 6, 2018, in accordance to paragraph 4. 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/ Anna Sanyal

By: Anna Sanyal
Attorney Examiner

JRJ/mef

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

10/3/2018 3:12:57 PM

in

Case No(s). 18-1050-TR-CVF

Summary: Attorney Examiner Entry scheduling a hearing for 11/6/18 at 10:00am at the Commission offices, 180 E. Broad St., Columbus, OH 43215 electronically filed by Ms. Mary E Fischer on behalf of Anna Sanyal, Attorney Examiner, Public Utilities Commission