

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

**IN THE MATTER OF MARCOS JAMES  
NOTICE OF APPARENT VIOLATION AND  
INTENT TO ASSESS FORFEITURE.**

**CASE NO. 19-451-TR-CVF  
(OH1687004560D)**

**ENTRY**

Entered in the Journal on July 3, 2019

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

{¶ 2} On February 22, 2019, Mr. James filed a request for an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13.

{¶ 3} As set forth in Ohio Adm.Code 4901:2-7-16(B), unless otherwise ordered by the Commission or agreed by the parties, a prehearing conference in a civil forfeiture case shall be scheduled upon the filing of a request for administrative hearing.

{¶ 4} On April 16, 2019, the parties participated in a prehearing conference. At that time, Mr. James requested an extension to obtain legal counsel.

{¶ 5} On May 30, 2019, the attorney examiner scheduled a second prehearing conference to convene on June 27, 2019. On June 27, 2019, the attorney examiner attempted to contact Mr. James; however, he did not answer his telephone and his voicemail was full.

{¶ 6} Accordingly, the attorney examiner schedules a hearing for August 5, 2019, at 11:00 a.m. at the Commission offices, Hearing Room 11-D, 11th floor, 180 East Broad Street, Columbus, Ohio 43215-3793. The parties should register at the lobby desk and then proceed to the 11th floor in order to participate in the hearing.

{¶ 7} 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.

{¶ 8} 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).

{¶ 9} 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.

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That a hearing be scheduled for August 5, 2019, in accordance with Paragraph 6. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/Lauren L. Augostini

By: Lauren L. Augostini  
Attorney Examiner

JRJ/hac

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**7/3/2019 2:30:36 PM**

**in**

**Case No(s). 19-0451-TR-CVF**

Summary: Attorney Examiner Entry scheduling hearing electronically filed by Heather A Chilcote on behalf of Lauren L. Augostini, Attorney Examiner, Public Utilities Commission of Ohio