

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF JUAN MARTINEZ,
NOTICE OF APPARENT VIOLATION AND
INTENT TO ASSESS FORFEITURE.

CASE NO. 19-676-TR-CVF
(OH3276011229D)

ENTRY

Entered in the Journal on September 26, 2019

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

{¶ 2} On March 21, 2019, Respondent requested an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13.

{¶ 3} By Entry dated April 8, 2019, the attorney examiner scheduled a prehearing conference in this matter. During the conference, the parties were unable to settle this matter.

{¶ 4} By Entry dated September 10, 2019, the attorney examiner scheduled a hearing in this matter for October 22, 2019.

{¶ 5} On September 20, 2019, Staff filed a motion for continuance, indicating that its counsel is scheduled to appear for oral argument before the Supreme Court of Ohio on October 22, 2019.

{¶ 6} Upon review, the attorney examiner reschedules the hearing to October 30, 2019, at 10:00 a.m. at the Commission offices, Hearing Room 11-D, 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.

{¶ 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 rescheduled for October 30, 2019, in accordance to 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/ Anna Sanyal

By: Anna Sanyal
Attorney Examiner

JRJ/mef

This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 19-0676-TR-CVF

Summary: Attorney Examiner Entry rescheduling the hearing for 10/30/19 at 10:00 am at the Commission offices. electronically filed by Ms. Mary E Fischer on behalf of Anna Sanyal, Attorney Examiner, Public Utilities Commission