

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF ORD TRANS, INC.,
NOTICE OF APPARENT VIOLATION AND
INTENT TO ASSESS FORFEITURE.

CASE NO. 19-1925-TR-CVF
(OH0944002559C)

ENTRY

Entered in the Journal on December 12, 2019

{¶ 1} Staff served a notice of preliminary determination upon Ord Trans, Inc. (Respondent) in accordance with Ohio Adm.Code 4901:2-7-12, alleging a violation of the Commission's transportation regulations.

{¶ 2} On October 18, 2019, Hristina V. Barganska, Esq., on behalf of Respondent, requested an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13.

{¶ 3} On October 31, 2019, the attorney examiner scheduled a prehearing conference for November 25, 2019. During the prehearing conference, Staff and counsel for Respondent were unable to reach a settlement.

{¶ 4} Accordingly, the attorney examiner schedules a hearing for January 30, 2020, at 10:00 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.

{¶ 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} Ohio Adm.Code 4901-1-08 requires that all corporations must be represented in Commission proceedings by an attorney-at-law authorized to practice in Ohio. Pursuant to R.C. 4901.14, a regular salaried employee of a directly concerned corporation may appear

before the Commission in the determination of transportation matters involving questions of fact only. However, such an employee cannot act as an attorney.

{¶ 7} If counsel intends to represent the Respondent at the hearing, the attorney examiner notes that an out-of-state attorney not licensed to practice law in the state of Ohio must file a motion for permission to appear pro hac vice before the Commission in this matter in accordance with Ohio Adm.Code 4901-1-08(B) and the Supreme Court Rules for the Government of the Bar of Ohio, and this motion must be granted before the hearing is held.

{¶ 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 January 30, 2020, in accordance with Paragraph 4. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Matthew Sandor

By: Matthew Sandor
Attorney Examiner

NJW/mef

This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 19-1925-TR-CVF

Summary: Attorney Examiner Entry scheduling a hearing for 1/30/20 at 10:00 am at the Commission offices. electronically filed by Ms. Mary E Fischer on behalf of Matthew Sandor, Attorney Examiner, Public Utilities Commission