

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF BRIAN L. SOULE,
NOTICE OF APPARENT VIOLATION AND
INTENT TO ASSESS FORFEITURE.

CASE NO. 19-1858-TR-CVF
(OH3238013335D)

ENTRY

Entered in the Journal on December 13, 2019

{¶ 1} On December 25, 2018, Staff served a notice of apparent violation and intent to assess forfeiture upon Brian L. Soule (Respondent), alleging a violation of the Commission's transportation regulations. Staff re-served the notice of apparent violation and intent to assess forfeiture on February 6, 2019.

{¶ 2} On October 1, 2019, the amount of the civil forfeiture was paid on Respondent's behalf by a representative of Countryside Transportation Service (Countryside).

{¶ 3} On October 2, 2019, the Commission received an undated, mailed joint request from Respondent and Countryside requesting that Respondent's case be reopened. The attorney examiner recognized Respondent's correspondence as a request for an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13.

{¶ 4} The parties in this case participated in a prehearing conference on November 5, 2019, but the matter was not resolved. Accordingly, the attorney examiner set the case for hearing on December 19, 2019.

{¶ 5} On December 12, 2019, counsel for Staff filed a request to continue the hearing in this matter from December 19, 2019, based on a conflict in counsel's hearing schedule. Staff's counsel indicates that he is scheduled to conclude a three-day hearing in Case No. 18-1419-GA-EXM on December 19, 2019.

{¶ 6} The attorney examiner finds that Staff's continuance request is well-taken. Accordingly, this matter is rescheduled on March 5, 2020, at 10 a.m. in Hearing Room 11-D, 180 East Broad Street, Columbus, Ohio 43215.

{¶ 7} At the evidentiary hearing, Staff must prove that Respondent committed the violations alleged in the NPD by a preponderance of the evidence. Ohio Adm.Code 4901:2-7-20. Following Staff's presentation of the evidence, Respondent will have the opportunity to present testimony and other evidence supporting Respondent's contentions regarding the alleged violations.

{¶ 8} Pursuant to Ohio Adm.Code 4901:2-7-14, a respondent who has requested an administrative hearing and fails to appear for the evidentiary hearing shall be in default. A respondent in default shall be deemed to have admitted the occurrence of the violations charged and to have waived all further right to contest liability for the forfeiture proposed in the NPD.

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That Case No. 19-1858-TR-CVF is set for hearing on March 5, 2020, as discussed in Paragraph 6. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/Michael L. Williams

By: Michael L. Williams
Attorney Examiner

JRJ/hac

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in

Case No(s). 19-1858-TR-CVF

Summary: Attorney Examiner Entry granting continuance and rescheduling hearing electronically filed by Heather A Chilcote on behalf of Michael L. Williams, Attorney Examiner, Public Utilities Commission of Ohio