

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF MARK THURMAN,
NOTICE OF APPARENT VIOLATION AND
INTENT TO ASSESS FORFEITURE.

CASE NO. 19-2233-TR-CVF
(OH3226010278D)

ENTRY

Entered in the Journal on February 27, 2020

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

{¶ 2} On December 23, 2019, and December 27, 2019, Respondent requested an administrative hearing regarding the alleged driver violations in accordance with Ohio Adm.Code 4901:2-7-13.

{¶ 3} On January 7, 2020, the attorney examiner scheduled a prehearing conference for January 31, 2020, pursuant to Ohio Adm.Code 4901:2-7-16(B). During the prehearing conference, Respondent and Staff were unable to reach a settlement.

{¶ 4} On February 11, 2020, the attorney examiner scheduled this matter for hearing to convene on March 3, 2020, at 10:00 a.m. at the Commission offices, Hearing Room 11-D, 11th floor, 180 East Broad Street, Columbus, Ohio 43215-3793.

{¶ 5} On February 24, 2020, Respondent filed a request to postpone the hearing. In support of his request, Respondent states that he has retained counsel to represent him in this matter and needs additional time to gather information in preparation for the hearing.

{¶ 6} On February 26, 2020, Staff filed a response to Respondent's request indicating that it does not oppose postponing the hearing to a later date.

{¶ 7} After review, the attorney examiner finds that Respondent's unopposed request is reasonable and shall be granted. Accordingly, the hearing shall be rescheduled to April 21, 2020, 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.

{¶ 8} 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.

{¶ 9} 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).

{¶ 10} 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.

{¶ 11} It is, therefore,

{¶ 12} ORDERED, That Respondent's request be granted and the hearing be rescheduled for April 21, 2020, in accordance with Paragraph 7. It is, further,

{¶ 13} 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

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