

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF JOSHUA COX, NOTICE
OF APPARENT VIOLATION AND INTENT
TO ASSESS FORFEITURE.

CASE NO. 19-2126-TR-CVF
(OH1057000114D)

ENTRY

Entered in the Journal May 27, 2020

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

{¶ 2} On December 9, 2019, Respondent requested an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13.

{¶ 3} On January 6, 2020, the attorney examiner scheduled a prehearing conference for February 4, 2020. During the prehearing conference, Staff and Respondent were unable to reach a settlement.

{¶ 4} On February 13, 2020, the attorney examiner issued an Entry scheduling a hearing for April 2, 2020, at the Commission offices.

{¶ 5} On February 21, 2020, Staff filed a motion for a continuance and a request for expedited consideration requesting that the hearing be rescheduled for April 14, 2020, since one of Staff's witnesses for the inspection report had a scheduling conflict on April 2, 2020.

{¶ 6} On February 24, 2020, the attorney examiner issued an Entry granting Staff's motion for continuance and rescheduled the hearing for April 14, 2020.

{¶ 7} On March 17, 2020, due to further scheduling conflicts, the attorney examiner issued an Entry rescheduling the hearing for June 16, 2020, at the Commission offices

{¶ 8} Due to circumstances surrounding COVID-19, the attorney examiner reschedules the hearing for August 25, 2020, at 10:00 a.m. at the Commission offices, Hearing Room 11-C, 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.

{¶ 9} 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.

{¶ 10} 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).

{¶ 11} Following the 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.

{¶ 12} It is, therefore,

{¶ 13} ORDERED, That the hearing scheduled for June 16, 2020, be rescheduled for August 25, 2020, in accordance with Paragraph 8. It is, further,

{¶ 14} 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

NW/kck

This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 19-2126-TR-CVF

Summary: Attorney Examiner Entry rescheduling the hearing for 8.25.20, at 10:00 a.m.
electronically filed by Kelli C King on behalf of Matthew Sandor, Attorney Examiner, Public
Utilities Commission of Ohio