

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 August 5, 2021

{¶ 1} On December 23, 2019, as supplemented on December 27, 2019, Mark Thurman (Respondent) requested an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13.

{¶ 2} Respondent participated in a settlement conference with Staff on January 31, 2020, but the parties did not resolve the matter.

{¶ 3} In a July 15, 2021 Entry, the attorney examiner scheduled a hearing for September 2, 2021. However, because of a conflict for the attorney examiner, the hearing must be rescheduled.

{¶ 4} Accordingly, the hearing shall be rescheduled to September 13, 2021, 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. Consistent with Centers for Disease Control and Prevention guidelines and the May 17, 2021 Ohio Department of Health Order, individuals who are not fully vaccinated should continue to wear face coverings and socially distance. Any accommodations necessary to ensure availability of social distancing and plexiglass dividers should be made in advance of the hearing. As pandemic restrictions are evolving, instructions regarding further safety requirements or accommodations for the hearing room may be forthcoming, either posted on the Commission website or communicated to the parties.

{¶ 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} 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).

{¶ 7} 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.

{¶ 8} It is, therefore,

{¶ 9} ORDERED, That the hearing be rescheduled for September 13, 2021, as indicated in Paragraph 4. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/James M. Lynn

By: James M. Lynn
Attorney Examiner

SJP/hac

This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 19-2233-TR-CVF

Summary: Attorney Examiner Entry ordering that the hearing be rescheduled for September 13, 2021, as indicated in Paragraph 4 electronically filed by Heather A. Chilcote on behalf of James M. Lynn, Attorney Examiner, Public Utilities Commission