

## THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF CURTIS N. MASSEY,  
NOTICE OF APPARENT VIOLATION AND  
INTENT TO ASSESS FORFEITURE.

CASE NO. 20-545-TR-CVF  
(OH1200001847D)

### ENTRY

Entered in the Journal on August 19, 2021

{¶ 1} Staff served a notice of preliminary determination upon Curtis N. Massey (Respondent) in accordance with Ohio Adm.Code 4901:2-7-07, alleging a violation of the Commission's transportation regulations.

{¶ 2} On March 3, 2020, Respondent requested an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13.

{¶ 3} On March 9, 2020, the governor signed Executive Order 2020-01D (Executive Order), declaring a state of emergency in Ohio to protect the well-being of Ohioans from the dangerous effects of COVID-19. As described in the Executive Order, state agencies are required to implement procedures consistent with recommendations from the Department of Health to prevent or alleviate the public health threat associated with COVID-19. Additionally, all citizens are urged to heed the advice of the Department of Health regarding this public health emergency in order to protect their health and safety.

{¶ 4} A July 14, 2020 hearing was scheduled but subsequently rescheduled numerous times due to the COVID-19 emergency.

{¶ 5} At this time, a hearing shall be scheduled for October 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.

{¶ 6} 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.

{¶ 7} 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).

{¶ 8} 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.

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That a hearing be scheduled for October 13, 2021, as indicated in Paragraph 5. 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/Jacky Werman St. John

By: Jacky Werman St. John  
Attorney Examiner

MJA/mef

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

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**Case No(s). 20-0545-TR-CVF**

Summary: Attorney Examiner Entry scheduling a hearing for October 13, 2021 at 10:00 am electronically filed by Ms. Mary E. Fischer on behalf of Jacky Werman St. John, Attorney Examiner, Public Utilities Commission of Ohio