

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 January 25, 2022

{¶ 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} On August 19, 2021, this case was scheduled for an in-person hearing to be held on October 13, 2021.

{¶ 6} On Sunday, October 10, 2021, Respondent informed the attorney examiner that he will be unable to attend the October 13, 2021 evidentiary hearing.

{¶ 7} On October 12, 2021, the attorney examiner cancelled the hearing based on communications from the Respondent. In that Entry, the attorney examiner stated that the hearing will be rescheduled for a later date in a subsequent entry.

{¶ 8} The attorney examiner finds that an evidentiary hearing shall be scheduled for March 2, 2022, at 10:00 a.m. and will be conducted using virtual hearing technology. Instructions for participation in the hearing shall be emailed to the parties. Additionally, all exhibits intended to be used on direct and cross-examination shall be marked and exchanged by the parties and provided to the attorney examiner via electronic means prior to the hearing. Anyone interested in observing the evidentiary hearing as a nonparty can access the hearing using the link <https://bit.ly/20-545-EVH>, and entering the password PUCO, or by calling 1-408-418-9388, and entering code 2347 625 8184.

{¶ 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 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 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 a hearing be scheduled for March 2, 2022, as indicated in Paragraph 8. It is, further,

{¶ 14} 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

GAP/mef

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

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

Summary: Attorney Examiner Entry scheduling a virtual hearing for March 2, 2022,
at 10:00 a.m. electronically filed by Ms. Mary E. Fischer on behalf of Jacky Werman
St. John, Attorney Examiner, Public Utilities Commission of Ohio