

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Mark Hoppe, Notice of	)	
Apparent Violation and Intent to	)	Case No. 10-983-TR-CVF
Assess Forfeiture.	)	(OH3291007417D)

ENTRY

The attorney examiner finds:

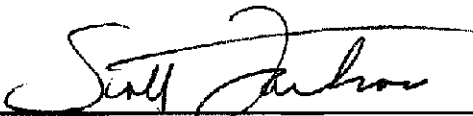
- (1) Commission staff served a notice of preliminary determination upon Mark Hoppe, in accordance with Rule 4901:2-7-12, Ohio Administrative Code (O.A.C.), alleging a violation of the Commission's transportation regulations.
- (2) On July 16, 2010, Mr. Hoppe filed a request for an administrative hearing in accordance with Rule 4901:2-7-13, O.A.C.
- (3) A prehearing settlement conference was held on September 9, 2010; however, the parties were unable to settle this matter.
- (4) Accordingly, this matter should be set for a hearing on October 27, 2010, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th floor, Hearing Room 11-D, Columbus, Ohio 43215-3793.
- (5) Rule 4901:2-7-14(A), O.A.C., provides that a respondent who has requested an administrative hearing and fails to participate in the hearing proceeding shall be in default. The rule additionally 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 the preponderance of the evidence, that respondent committed the alleged violation, pursuant to Rule 4901:2-7-20(A), O.A.C.


It is, therefore,

ORDERED, That this matter be set for hearing on October 27, 2010, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th floor, Hearing Room 11-D, Columbus, Ohio 43215-3793. It is, further,

ORDERED, That a copy of this entry be served upon all parties of record.

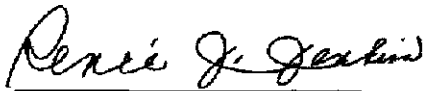
THE PUBLIC UTILITIES COMMISSION OF OHIO

  
By: Scott Farkas  
Attorney Examiner

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Entered in the Journal

SEP 13 2010



Renee J. Jenkins  
Secretary