

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Request of)	Case No. 11-5517-TR-CVF
Elite Express, LLC for an)	(OH3258002704C)
Administrative Hearing.)	(OH3258002704D)

ENTRY

The attorney examiner finds:

- (1) Pursuant to Rule 4901:2-7-12, Ohio Administrative Code (O.A.C.), the Commission staff served a notice of preliminary determination upon the operator, Elite Express, LLC (Elite), and driver, John Mercer, of a commercial motor vehicle, alleging violations of the Commission's transportation regulations.
- (2) On October 20, 2011, Bonnie Ostrander filed a request for an administrative hearing on the violations against Elite and Mr. Mercer. Ms. Ostrander is identified on the hearing request as "Agent Elite Express, LLC."
- (3) A prehearing conference was held on November 15, 2011; however, Ms. Ostrander failed to participate. Accordingly, this case should be scheduled for hearing on January 12, 2012, 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.
- (4) 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.
- (5) Rule 4901-1-8, O.A.C., provides that corporations must be represented by an attorney-at-law. Accordingly, Elite must be represented by an attorney-at-law who must file a notice of appearance in this case and appear at the hearing.


- (6) While Mr. Mercer did not file a request for hearing, the attorney examiner will accept the request for hearing filed by Ms. Ostrander with regards to the violation against Mr. Mercer; however, either Mr. Mercer or his attorney must appear at the hearing.


It is, therefore,

ORDERED, That this case be set for hearing on January 12, 2012, 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 Elite Express, LLC and John Mercer.

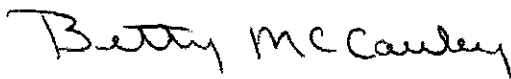
THE PUBLIC UTILITIES COMMISSION OF OHIO


By: Scott Farkas
Attorney Examiner

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Entered in the Journal

NOV 28 2011



Betty McCauley
Secretary