

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF RONALD J.
CUMMINGS, NOTICE OF APPARENT
VIOLATION AND INTENT TO ASSESS
FORFEITURE.**

**CASE NO. 16-1219-TR-CVF
OH3230009680D**

ENTRY

Entered in the Journal on September 20, 2016

{¶ 1} Staff served a notice of preliminary determination upon Ronald J. Cummings in accordance with Ohio Adm.Code 4901:2-7-12, alleging a violation of the Commission's transportation regulations.

{¶ 2} On May 31, 2016, Mr. Cummings filed a request for an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13.

{¶ 3} A prehearing conference was held on July 19, 2016; however the parties were unable to reach a resolution. Thereafter, a hearing was scheduled for September 22, 2016.

{¶ 4} On September 20, 2016, Staff filed a motion for continuance due to the unavailability of a witness. Staff asserts it contacted Mr. Cummings and he does not object to the continuance.

{¶ 5} For good cause shown, the motion should be granted and the hearing should be continued. Accordingly, the hearing should be rescheduled for September 29, 2016 at 1:00 p.m., at the offices of the Commission, 180 East Broad Street, 11th floor, Hearing Room 11-D, Columbus, Ohio 43215-3793.

{¶ 6} Ohio Adm.Code 4901:2-7-14(E), provides that a respondent who requests 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.

{¶ 7} It is, therefore,

{¶ 8} ORDERED, That the motion for continuance be granted and a hearing in this case be scheduled in accordance with paragraph 5. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Nicholas Walstra

By: Nicholas Walstra
Attorney Examiner

jrj/vrm

This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 16-1219-TR-CVF

Summary: Attorney Examiner Entry rescheduling a hearing for September 29, 2016, at 1:00 p. m.; electronically filed by Vesta R Miller on behalf of Nicholas Walstra, Attorney Examiner, Public Utilities Commission of Ohio