

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF DL WINNER
LIVESTOCK EXPRESS, INC., NOTICE OF
APPARENT VIOLATION AND INTENT TO
ASSESS FORFEITURE.

CASE NO. 17-780-TR-CVF
(CR201609120408)

ENTRY

Entered in the Journal on April 21, 2017

{¶ 1} A prehearing conference was held in this case on April 13, 2017, but the parties were unable to resolve the matter.

{¶ 2} This case should now be scheduled for hearing on June 15, 2017, at 10:00 a.m. in the offices of the Commission, in Hearing Room 11-C, 180 East Broad Street, Columbus, Ohio 43215-3793.

{¶ 3} 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 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.

{¶ 4} Following Staff's presentation of evidence at the hearing, it shall be the responsibility of the Respondent, DL Winner Livestock Express, Inc., to present evidence in support of its contentions regarding the alleged violations in this matter.

{¶ 5} Ohio Adm.Code 4901-1-08 requires that all corporations must be represented in Commission proceedings by an attorney-at-law authorized to practice in Ohio.

{¶ 6} Pursuant to R.C. 4901.14, a regular salaried employee of a directly concerned corporation may appear before the Commission in the determination of transportation matters involving questions of fact only. However, such an employee cannot act as an attorney. More specifically, such an employee cannot examine witnesses, make motions, or file legal briefs.

{¶ 7} It is, therefore,

{¶ 8} ORDERED, That Case No. 17-780-TR-CVF be scheduled for hearing in accordance with paragraph (2). It is, further,

{¶ 9} ORDERED, That all findings herein be observed by the parties in this case. It is, further,

{¶ 10} ORDERED, That a copy of this Entry be served upon each party of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/Kerry Sheets

By: Kerry K. Sheets
Attorney Examiner

jrj/vrm

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

4/21/2017 8:52:13 AM

in

Case No(s). 17-0780-TR-CVF

Summary: Attorney Examiner Entry scheduling a hearing for June 15, 2017, at 10:00 a.m.; electronically filed by Vesta R Miller on behalf of Kerry K. Sheets, Attorney Examiner, Public Utilities Commission of Ohio