

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF CLIFF NEELY, NOTICE
OF APPARENT VIOLATION AND INTENT TO
ASSESS FORFEITURE.**

**CASE NO. 17-1097-TR-CVF
(OH0187000352C)**

ENTRY

Entered in the Journal on June 19, 2017

{¶ 1} Staff served a notice of preliminary determination (NPD) upon Cliff Neely (Respondent), in accordance with Ohio Adm.Code 4901:2-7-12, alleging a violation of the Commission's transportation regulations.

{¶ 2} On April 19, 2017, Respondent filed a request for an administrative hearing in the above-captioned case in accordance with Ohio Adm.Code 4901:2-7-13.

{¶ 3} A prehearing settlement conference was held on May 22, 2017, at 10:00 a.m.; however, the parties were unable to settle this matter.

{¶ 4} Accordingly, this matter shall be set for hearing on August 8, 2017, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th Floor, Hearing Room 11-D, Columbus, Ohio 43215.

{¶ 5} Ohio Adm.Code 4901:2-7-14(E) provides that a respondent who has requested an administrative hearing and fails to appear for the hearing 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 for the forfeiture proposed in the NPD.

{¶ 6} At the hearing, Staff must prove, by a preponderance of the evidence, the occurrence of a violation, pursuant to Ohio Adm.Code 4901:2-7-20(A).

{¶ 7} It is, therefore,

{¶ 8} ORDERED, That this matter be scheduled for hearing in accordance with Paragraph 4. 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/Megan Addison

By: Megan J. Addison
Attorney Examiner

JRJ/STD/MJA/sc

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in

Case No(s). 17-1097-TR-CVF

Summary: Attorney Examiner Entry scheduling hearing in accordance with Paragraph 4. -
electronically filed by Sandra Coffey on behalf of Megan Addison, Attorney Examiner, Public
Utilities Commission of Ohio