

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF JACK HERMIZ,
NOTICE OF APPARENT VIOLATION AND
INTENT TO ASSESS FORFEITURE.

CASE No. 16-2445-TR-CVF
OH3249006772D

ENTRY

Entered in the Journal on July 6, 2017

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

{¶ 2} On December 27, 2016, Mr. Hermiz filed a request for an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13.

{¶ 3} A prehearing conference was held on February 15, 2017; however the parties were unable to reach a resolution. A hearing was scheduled for May 18, 2017. Subsequently, on May 15, 2017, the attorney examiner granted Staff's motion for a continuance due to witness availability and rescheduled the hearing for July 13, 2017. Thereafter, Mr. Hermiz contacted the attorney examiner and stated travel restrictions would prevent him from attending the hearing. He asserted that Staff did not object to a continuance and requested a new hearing date. Accordingly, the attorney examiner finds good cause exists to reschedule the hearing. The hearing should be rescheduled to August 17, 2017, at 1:00 p.m., at the offices of the Commission, 180 East Broad Street, 11th floor, Hearing Room 11-C, Columbus, Ohio 43215-3793.

{¶ 4} 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.

{¶ 5} It is, therefore,

{¶ 6} ORDERED, That the hearing in this case be rescheduled in accordance with paragraph 3. It is, further,

{¶ 7} 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). 16-2445-TR-CVF

Summary: Attorney Examiner Entry rescheduling the hearing to August 17, 2017, at 1:00 p.m.; electronically filed by Vesta R Miller on behalf of Nicholas Walstra, Attorney Examiner, Public Utilities Commission of Ohio