

# THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF DAVID ELMIDORT,  
NOTICE OF APPARENT VIOLATION AND  
INTENT TO ASSESS FORFEITURE.

CASE NO. 19-461-TR-CVF  
(OH2510005977D)

## ENTRY

Entered in the Journal on April 25, 2019

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

{¶ 2} On February 25, 2019, Respondent requested an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13.

{¶ 3} On March 12, 2019, the attorney examiner scheduled a prehearing conference for April 22, 2019. During the prehearing conference, Respondent and Staff were unable to reach a settlement.

{¶ 4} Accordingly, the attorney examiner schedules a hearing for June 18, 2019, at 11:00 a.m. at the Commission offices, Hearing Room 11-D, 11th floor, 180 East Broad Street, Columbus, Ohio 43215-3793. The parties should register at the lobby desk and then proceed to the 11th floor in order to participate in the hearing.

{¶ 5} 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 further 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.

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

{¶ 7} Following Staff's presentation of evidence at the hearing, it shall be the responsibility of Respondent to present evidence supporting his contentions regarding the alleged violation in this matter.

{¶ 8} It is, therefore,

{¶ 9} ORDERED, That a hearing be scheduled for June 18, 2019, in accordance with Paragraph 4. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/Lauren L. Augostini

By: Lauren L. Augostini  
Attorney Examiner

NW/hac

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**4/26/2019 12:47:00 PM**

**in**

**Case No(s). 19-0461-TR-CVF**

Summary: Attorney Examiner Entry scheduling hearing electronically filed by Heather A Chilcote on behalf of Lauren L. Augostini, Attorney Examiner, Public Utilities Commission of Ohio