

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF KARL NAGGATZ,
NOTICE OF APPARENT VIOLATION AND
INTENT TO ASSESS FORFEITURE.

CASE No. 21-82-TR-CVF

ENTRY

Entered in the Journal on January 28, 2021

{¶ 1} On January 26, 2021, counsel for Karl Naggatz filed a motion to vacate an August 26, 2020 Finding and Order in Case No. 20-533-TR-CVF (the Default Order) issued by the Commission. Counsel for Mr. Naggatz explains that, during a November 2019 roadside inspection, the officer conducting the inspection mistakenly concluded that Mr. Naggatz's Class A commercial driver's license (CDL) had been suspended, when in reality the CDL had been "downgraded * * * to a Class D 'regular' license." Counsel adds that, although Mr. Naggatz had turned in the results of the inspection to his employer's safety department, the safety department failed to respond to the Commission's notice of intent to assess forfeiture, which resulted in the Commission issuing the August 26, 2020 Default Order. Further, as a result of the mistaken CDL classification, counsel states that Mr. Naggatz's CDL "is now disqualified for 12 months." Counsel requests that the Commission vacate the Default Order as it applies to Mr. Naggatz or set this matter for hearing.

{¶ 2} The attorney examiner, at this time, recognizes Mr. Naggatz's motion as a request for an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13.

{¶ 3} As set forth in Ohio Adm.Code 4901:2-7-16(B), unless otherwise ordered by the Commission or agreed by the parties, a prehearing conference in a civil forfeiture case shall be scheduled upon the filing of a request for administrative hearing.

{¶ 4} The parties in this case are directed to participate in a prehearing conference at 2:00 p.m. on February 4, 2021. At that time, Commission Staff will attempt to contact counsel for Mr. Naggatz by telephone.

{¶ 5} It is, therefore,

{¶ 6} ORDERED, That a prehearing conference be conducted by telephone as indicated in Paragraph 4. 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/James M. Lynn

By: James M. Lynn
Attorney Examiner

SJP/hac

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Case No(s). 21-0082-TR-CVF

Summary: Attorney Examiner Entry ordering that a prehearing conference be conducted by telephone as indicated in Paragraph 4 electronically filed by Heather A Chilcote on behalf of James M. Lynn, Attorney Examiner, Public Utilities Commission