

FILE

FAX

FAX COVER SHEET

TO	
COMPANY	Ohio Public Utility Commission/Docketing D
FAXNUMBER	16144660313
FROM	Zachary Gottesman
DATE	2021-04-13 19:24:15 GMT
RE	In the Matter of Casey Honn/Notice of Apparent Violation and Intent to Assess Forfeiture/Case No 21-186-TR-CVF

COVER MESSAGE

Please file the attached Motion

PUCO

2021 APR 15 PM 4:31

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Technician LL Date Processed 4.13.21

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of Casey Honn,
Notice of Apparent Violation and
Intent to Assess Forfeiture.

Case No. 21-186-TR-CVF
(OH0000002344D)

**CASEY HONN'S MOTION
FOR REINSTATEMENT**

1. Casey Honn, by and through counsel, hereby moves the Commission to reopen this matter and reinstate her Commercial Driver's License.

2. In support of this Motion, Ms. Honn relies on her Affidavit attached hereto as Exhibit 1.

3. Ms. Honn is a 24 year old and previously was driving a commercial motor vehicle for Lefke Tree Experts, LLC, as her sole means of support.

4. As a 24 year-old female, it is difficult for Ms. Honn to find employment driving a commercial motor vehicle.

5. As evidenced by the Affidavit of Casey Honn, attached hereto, during the calendar year 2020, she was on the road or out of the state with the exception of a few weeks.

6. In addition to the foregoing, during the 2020 calendar year, Ms. Honn lived with a roommate that interfered with Ms. Honn receiving her mail in a timely fashion.

7. In addition to the foregoing, during the 2020 calendar year, the COVID19 pandemic brought with it travel restrictions that limited Ms. Honn's ability to go home and that adversely affected her ability to get her mail on a timely basis.

8. As a result of the foregoing, Ms. Honn did not receive the Feb. 11, 2020 Notice of Apparent Violation and Intent to Assess Forfeiture until 60-90 days after it was mailed and she was unrepresented by counsel and did not know how to address the matter with the Public Utilities Commission.

9. As a result of the foregoing, Ms. Honn did not receive the Nov. 6, 2020 Notice of Disqualification and Opportunity for Hearing until 60-90 days after it was mailed and she was unrepresented by counsel and did not know how to address the matter.

10. As a result of the foregoing, Ms. Honn did not receive the Dec. 4, 2020 Final Order of Disqualification until mid-January 2021.

11. Upon receipt of the Final Order of Disqualification, Ms. Honn engaged counsel and appealed the Order of the BMV in Case No. A2100255 pending in the Hamilton County Common Pleas Court.

12. Although Ms. Honn's license was suspended for FRA non-compliance after being cited for expired license plates, she has had liability insurance in place without interruption for the past several years without lapse.

13. Attached as Exhibit 2 is an email from Assistant Ohio Attorney General indicating that the BMV has no objection to Ms. Honn's CDL disqualification being rescinded and her CDL being reinstated.

Respectfully submitted,

/s/Zachary Gottesman
Zachary Gottesman (0058675)
Attorney for Casey Honn
Gottesman & Associates, LLC
404 East 12th Street, First Floor
Cincinnati, Ohio 45202
T: 513/651-2121
F: 513/586-0655

Exhibit I

THE PUBLIC UTILITIES COMMISSION OF OHIO

**In the Matter of Casey Honn,
Notice of Apparent Violation and
Intent to Assess Forfeiture.**

**Case No. 21-186-TR-CVF
(OH0000002344D)**

**AFFIDAVIT OF CASEY HONN IN SUPPORT OF MOTION
FOR REINSTATEMENT**

State of Ohio)
)ss:
County of Hamilton)

Casey Honn, after being duly cautioned and sworn, states that the following is true and accurate based on her personal knowledge and belief.

Casey Honn I am requesting that the Ohio Public Utility Commission to reopen this matter and reinstate my Commercial Driver's License.

I am 24 years old and driving a commercial motor vehicle for Lefke Tree Experts, LLC, is my sole means of support.

As a 24 year-old female, I have found that it is difficult to find employment driving a commercial motor vehicle and if I am not reinstated I will lose my opportunity to continue working for Lefke Tree Experts, LLC.

During the calendar year 2020, I was on the road or out of the state with the exception of a few weeks.

During the 2020 calendar year, I lived with a roommate that interfered with me receiving my mail in a regular and timely fashion.

During the 2020 calendar year, the COVID19 pandemic brought with it travel restrictions that limited my ability to go home and adversely affected my ability to get her mail on a timely basis.

I did not receive the Feb. 11, 2020 Notice of Apparent Violation and Intent to Assess Forfeiture until 60-90 days after it was mailed.

When I received the Notice referenced in the preceding paragraph, I was unrepresented by counsel and did not know how to address the matter.

I did not receive the Nov. 6, 2020 Notice of Disqualification and Opportunity for Hearing until 60-90 days after it was mailed.

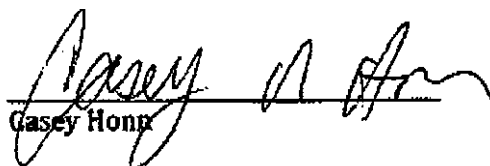
When I did receive the Notice referenced in the preceding paragraph, was unrepresented by counsel and did not know how to address the matter.

I did not receive the Dec. 4, 2020 Final Order of Disqualification until mid-January 2021.

Upon receipt of the Final Order of Disqualification, I engaged counsel and appealed the Order of the BMV in Case No. A2100255 pending in the Hamilton County Common Pleas Court.

Although my license was suspended for FRA non-compliance after being cited for expired license plates, I have had liability insurance in place without interruption for the past several years.

FURTHER AFFIANT SAYETH NAUGHT


Casey Honn

Jurat

On 4/13/2021, Casey Honn did hereunto subscribe her name after being known to me or otherwise properly identified.



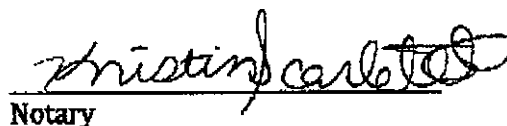

Notary

Exhibit 2



From: Maggie O'Shea Margaret.O'Shea@ohioattorneygeneral.gov
Subject: RE: Casey Honn/Contact Information
Date: March 31, 2021 at 10:00 AM
To: Zachary Gottesman zg@zgottesmanlaw.com, Robert Eubanks robert.eubanks@ohioattorneygeneral.gov

Hi Zach and Robert,

Just to confirm - Ms. Honn's noncompliance suspension was immediately deleted when she presented proof of insurance to the BMV on February 11, 2020.

Now, the February 10, 2020 PUCO citation is the sole basis for Ms. Honn's disqualification with the BMV.

If the PUCO citation was deleted, the disqualification would be deleted. Especially with Ms. Honn appearing to have insurance at all times, the BMV has no objection to reinstating Ms. Honn's commercial driver's license.

If I can help with anything, please do not hesitate to reach out any time.

Best,

Maggie



Maggie O'Shea
Assistant Attorney General - Legal Initiatives
Office of Ohio Attorney General Dave Yost
Office number: 614-466-1393
Fax number: 614-728-9470
Margaret.O'Shea@OhioAttorneyGeneral.gov

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* Please note that, in adherence to best practices brought about in response to COVID-19, the Ohio Attorney General's Office moved to a "remote work" status effective March 18, 2020. All members of the office remain available remotely during normal business hours. Thank you for your patience.

From: Zachary Gottesman <zg@zgottesmanlaw.com>
Sent: Tuesday, March 30, 2021 10:42 AM
To: Robert Eubanks <robert.eubanks@ohioattorneygeneral.gov>; Maggie O'Shea <Margaret.O'Shea@ohioattorneygeneral.gov>
Subject: Re: Casey Honn/Contact Information

Dear Robert and Maggie,

This morning at 10 a.m. I had a prehearing conference before the PUCO regarding the Casey Honn's CDL disqualification. During our conference a question was raised regarding the pendency and status of her appeal of the suspension of her driver's license. I represented to Mr. Eubanks that the BMV did not object to the reinstatement of Ms. Honn if she was otherwise eligible.

Ms. Honn's continued disqualification is creating an extreme hardship for Ms. Honn and her employer. Please give this whatever consideration you can. Ms. O'Shea, please confirm the BMV's position on this matter.

Kind regards,

Zachary Gottesman, Esq.
Gottesman & Associates, LLC
404 East 12th Street
First Floor
Cincinnati, Ohio 45202
Tele: 513/651-2121
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zg@zgottesmanlaw.com

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On Mar 30, 2021, at 10:22 AM, Zachary Gottesman <zg@zgottesmanlaw.com> wrote:

Zachary Gottesman, Esq.
Gottesman & Associates, LLC
404 East 12th Street
First Floor
Cincinnati, Ohio 45202
Tele: 513/651-2121
Fax: 513/651-2131
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zg@zgottesmanlaw.com

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<210208 Client Documents.pdf>

Certificate of Service

I certify a copy of the foregoing was served upon all counsel and/or parties entitled to service under the applicable administrative regulations by mail or email on April 13, 2021.

/s/Zachary Gottesman
Zachary Gottesman (0058675)