

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)

ENTRY

Entered in the Journal on May 20, 2021

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

{¶ 2} On February 25, 2021, the Commission received correspondence from Respondent requesting that Respondent's case be reopened. The Commission recognized Respondent's correspondence as a request for an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13.

{¶ 3} On March 30, 2021, the parties participated in a prehearing conference but were unable to reach a settlement in the matter.

{¶ 4} On April 15, 2021, Respondent filed a motion for reinstatement, pursuant to which Respondent moves the Commission to reopen this matter and requests that her commercial driver's license be reinstated. Attached to the motion is an affidavit from Respondent and correspondence between Respondent's counsel and the Office of the Ohio Attorney General concerning the violations at issue in this case. As outlined more particularly in the motion and attached affidavit, Respondent declares that she was often "on the road" working or out of the state throughout 2020 and, due to the COVID-19 pandemic and associated travel restrictions, was not able to timely receive her mail. Further, Respondent states that upon ultimately receiving the multiple notices sent to her by Staff, she was unrepresented by counsel and uncertain how to proceed. Respondent asserts that she at all times had liability insurance. Staff did not file a response to the motion.

{¶ 5} Thereafter, on May 7, 2021, Staff filed separate correspondence in the docket in which it opposes reopening the case. Staff outlines the various notices that were mailed to Respondent and states that Respondent failed to respond to either of the two notices of intent to assess forfeiture or the notice of unpaid forfeiture. Staff states that ultimately the Respondent's case was certified to the Ohio Attorney General's Office for collections and that Respondent paid the assessed forfeiture on December 7, 2020. Staff states that Respondent was provided multiple opportunities to request an administrative hearing and failed to do so. Further, Staff claims that Respondent was advised on multiple occasions that payment of the forfeiture would constitute an admission of guilt and acceptance of all penalties assessed.

{¶ 6} Upon review, the attorney examiner finds that Respondent's motion is reasonable and that this matter should be reopened. The attorney examiner notes, however, that the matter is reopened solely for the purpose of examining Respondent's alleged violations of the Commission's transportation rules and that the Commission has no jurisdiction to reinstate Respondent's commercial driver's license.

{¶ 7} Accordingly, the attorney examiner schedules a hearing for August 17, 2021, at 10:00 a.m. Details concerning the location and format of the hearing will be provided to the parties within a reasonable time prior to the hearing.

{¶ 8} 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.

{¶ 9} 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).

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

{¶ 11} It is, therefore,

{¶ 12} ORDERED, That a hearing be scheduled for August 17, 2021, in accordance with Paragraph 7. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/David M. Hicks

By: David M. Hicks
Attorney Examiner

SJP/kck

This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 21-0186-TR-CVF

Summary: Attorney Examiner Entry scheduling a hearing for 8.17.21 at 10:00 a.m.
electronically filed by Kelli C. King on behalf of David M. Hicks, Attorney Examiner, Public
Utilities Commission of Ohio