

## THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF TIMOTHY N. LOWE,  
NOTICE OF APPARENT VIOLATION AND  
INTENT TO ASSESS FORFEITURE.

CASE NO. 20-38-TR-CVF  
(OH1642002617D)

### ENTRY

Entered in the Journal on July 15, 2021

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

{¶ 2} On January 8, 2020, Respondent requested an administrative hearing regarding the alleged driver violation in accordance with Ohio Adm.Code 4901:2-7-13.

{¶ 3} On March 9, 2020, the governor signed Executive Order 2020-01D (Executive Order), declaring a state of emergency in Ohio to protect the well-being of Ohioans from the dangerous effects of COVID-19. As described in the Executive Order, state agencies were required to implement procedures consistent with recommendations from the Ohio Department of Health (ODH) to prevent or alleviate the public health threat associated with COVID-19. Additionally, all citizens were urged to heed the advice of the ODH regarding this public health emergency in order to protect their health and safety.

{¶ 4} As a result of the Executive Order, beginning March 13, 2020, the Commission reduced on-site staffing and most employees began working from home to reduce exposure to COVID-19.

{¶ 5} Pursuant to an Entry dated March 13, 2020, this matter was scheduled for a telephone prehearing conference on May 15, 2020. The matter was not resolved at the prehearing conference.

{¶ 6} On May 17, 2021, the Director of ODH issued an Order indicating that "except in certain limited circumstances, fully vaccinated persons may safely do most activities

without a facial covering and without socially distancing.” This Order was intended to align the state of Ohio’s health orders with new guidance from the Centers for Disease Control and Prevention. These new guidelines became effective in the state of Ohio on June 2, 2021.

{¶ 7} At this time, the attorney examiner schedules the evidentiary hearing on October 7, 2021, at 10:00 a.m. The hearing will take place at the Commission offices, Hearing Room 11-D, 11th Floor, 180 East Broad Street, Columbus, Ohio 43215. The parties should register at the lobby desk and then proceed to the 11th Floor in order to participate in the hearing. Consistent with Centers for Disease Control and Prevention guidelines and the May 17, 2021 ODH Order, individuals who are not fully vaccinated should continue to wear a face covering and socially distance. As COVID-related restrictions are evolving, instructions regarding further safety requirements or accommodations for the hearing room may be forthcoming, either posted on the Commission’s website or communicated directly to the parties. Please contact the Commission’s legal department at 614.466.6843 to ask any questions or request accommodations related to health protocols.

{¶ 8} At the evidentiary hearing, Staff must prove that Respondent committed the violations alleged in the notice of preliminary determination by a preponderance of the evidence. Ohio Adm.Code 4901:2-7-20. Following Staff’s presentation of the evidence, Respondent will have the opportunity to present testimony and other evidence supporting Respondent’s contentions regarding the alleged violations.

{¶ 9} Pursuant to Ohio Adm.Code 4901:2-7-14(E), a respondent who has requested an administrative hearing and fails to appear for the evidentiary hearing shall be in default. The rule further states that a respondent in default shall be deemed to have admitted the occurrence of the violations charged and to have waived all further right to contest liability to the state for the forfeiture described in the notice.

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That the hearing be scheduled for October 7, 2021, as discussed in Paragraph 7. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/Michael L. Williams

By: Michael L. Williams  
Attorney Examiner

SJP/hac

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

**Commission of Ohio Docketing Information System on**

**7/15/2021 11:38:17 AM**

**in**

**Case No(s). 20-0038-TR-CVF**

Summary: Attorney Examiner Entry ordering that the hearing be scheduled for October 7, 2021, as discussed in Paragraph 7 electronically filed by Heather A. Chilcote on behalf of Michael L. Williams, Attorney Examiner, Public Utilities Commission of Ohio