

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF RICHARD A.
PEARSON, NOTICE OF APPARENT
VIOLATION AND INTENT TO ASSESS
FORFEITURE.

CASE NO. 20-1684-TR-CVF
(OH3225014232D)

ENTRY

Entered in the Journal on July 15, 2021

{¶ 1} Pursuant to Ohio Adm.Code 4901:2-7-12, Staff served a notice of preliminary determination upon Richard A. Pearson (Respondent) alleging a violation of the Commission's transportation regulations.

{¶ 2} On November 5, 2020, Respondent filed a request for an administrative hearing as permitted by Ohio Adm.Code 4901:2-7-13.

{¶ 3} By Entry dated November 23, 2020, the attorney examiner scheduled a prehearing settlement conference in this matter for December 7, 2020. During the conference, the parties were unable to settle the matter. Due to the COVID-19 state of emergency, this matter was not immediately set for hearing.

{¶ 4} On May 17, 2021, the Director of the Ohio Department of Health 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.

{¶ 5} In light of the updated health-safety guidelines, the attorney examiner finds it appropriate to schedule a hearing for September 7, 2021, at 10:00 a.m., at the offices of the Public Utilities Commission of Ohio, Hearing Room 11-C, 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. Consistent with Centers for Disease Control and Prevention Guidelines and the May 17, 2021 Ohio Department of Health Order,

individuals who are not fully vaccinated should continue to wear face coverings and socially distance. Any accommodations necessary to ensure availability of social distancing and plexiglass dividers should be made in advance of the hearing. As pandemic restrictions are evolving, instructions regarding further safety requirements or accommodations for the hearing room will be forthcoming, either posted on the Commission website or communicated to the parties.

{¶ 6} 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.

{¶ 7} 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).

{¶ 8} 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.

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That a hearing in this case be scheduled as indicated in Paragraph 5. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/Jesse M. Davis

By: Jesse M. Davis
Attorney Examiner

SJP/kck

This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 20-1684-TR-CVF

Summary: Attorney Examiner Entry scheduling a hearing for September 7, 2021, at 10:00 a. m., at the offices of the Public Utilities Commission of Ohio, Hearing Room 11-C, 11th Floor, 180 East Broad Street, Columbus, Ohio 43215-3793. electronically filed by Kelli C. King on behalf of Jesse M. Davis, Attorney Examiner, Public Utilities Commission of Ohio