

21-1244-TR-CVF

FILE

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2021 DEC 15 PM 1:19

PUCO
PUBLIC UTILITIES COMMISSION OF OHIO
ATTN - DOCKETING DIVISION
180 E. BROAD STREET - 11th FL.
COLUMBUS OH 43215-3793

REQUEST TO RE-OPEN CASE AND
SET ADMINISTRATIVE REVIEW HEARING

RE: Notice of Preliminary Determination
Case No. OH3291013737D

Now come Mastead Farms, Ltd., and Heath A. Stutzman, by and through their undersigned attorney, and request that this case be re-opened. Grounds for said request are set forth as follows:

Movants sent a timely Request for Administrative Hearing to the Public Utilities Commission of Ohio (hereinafter PUCO), Attn - Docketing Statement, by certified mail on August 11, 2021. A copy of said Request is attached hereto as Exhibit A, along with the certified mail return receipt, which was received by the PUCO on August 16, 2021. A telephone call was placed to PUCO's Transportation Division on December 9, 2021, during which the undersigned was advised that PUCO has no record of receiving said Request, despite the aforesaid signed certified mail return receipt.

Therefore, Mastead Farms, Ltd. and Heath A. Stutzman request that this case be re-opened and that an administrative hearing be set.

Movants further request that further communications be directed to the undersigned.

MILLER, MAST
& MASON, Ltd.
ATTORNEYS AT LAW
88 S. MONROE STREET
MILLERSBURG, OHIO 44654
330-674-7070

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.
Technician NJB Date Processed 12/15/21

Respectfully submitted,



Steve Knowling #0030974

Of Counsel

Miller, Mast & Mason, Ltd.

88 South Monroe Street

Millersburg OH 44654

Phone: (330) 674-7070

Fax: (330) 674-7090

Email: SteveK@millermast.com

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Max A. Miller
Grant A. Mason
Andrew P. Brower
Emily A. Thomas
Of Counsel
Stephen D. Knowling

August 11, 2021

Public Utilities Commission of Ohio
Attn - Docketing Division
180 E. Broad Street - 11th FL.
Columbus OH 43215-3793

RE: Request for an Administrative Hearing
Case No. OH3291013737D

To Whom It May Concern:

Enclosed please find a Request for Administrative Hearing regarding the above referenced matter.

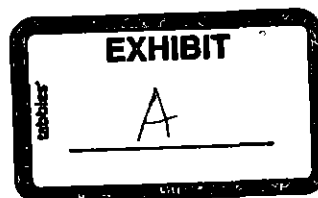
If you have any questions, please do not hesitate to contact me.

Sincerely,

MILLER, MAST & MASON, LTD.

Steve Knowling
Of Counsel

SDK:rec
Enclosure



PUBLIC UTILITIES COMMISSION OF OHIO
ATTN - DOCKETING DIVISION
180 E. BROAD STREET - 11th FL.
COLUMBUS OH 43215-3793

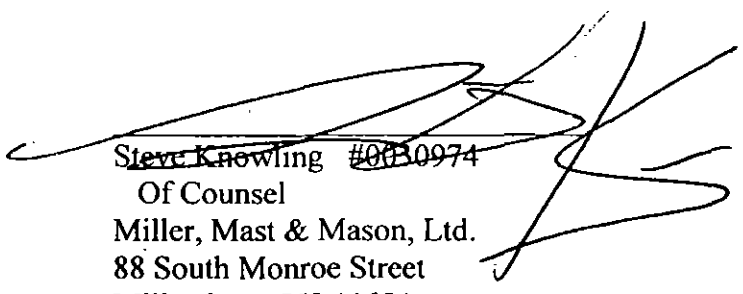
REQUEST FOR AN ADMINISTRATIVE HEARING

RE: Notice of Preliminary Determination
Case No. OH3291013737D

Now comes Mastead Farms, Ltd., and Heath A. Stutzman, by and through their undersigned attorney, and requests an administrative hearing pursuant to Ohio Administrative Code Rule 4901:2-7-13 in the above captioned matter (copy of the "Notice of Preliminary Determination" is attached as Exhibit A.)

Please direct further communications to the undersigned.

Respectfully submitted,



Steve Knowling #0030974
Of Counsel

Miller, Mast & Mason, Ltd.
88 South Monroe Street
Millersburg OH 44654
Phone: (330) 674-7070
Fax: (330) 674-7090
Email: SteveK@millermast.com

MILLER, MAST
& MASON, Ltd.

ATTORNEYS AT LAW

88 S. MONROE STREET
MILLERSBURG, OHIO 44654

330-674-7070

August 4, 2021

Mr. Steve Knowling
88 South Monroe Street
MILLERSBURG, OH 44654

RE: **NOTICE OF PRELIMINARY DETERMINATION**
Case No. OH3291013737D

Dear Sir or Madam:

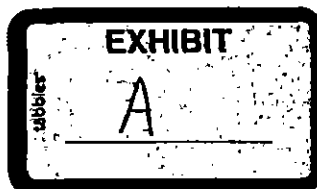
On 05/12/2021, a vehicle operated by MASTEAD FARMS LTD, and driven by, STUTZMAN, HEATH A was inspected within the state of Ohio. As a result of discovery of the following violation(s) of the Commission's rules, Staff of the Commission timely notified HEATH A STUTZMAN pursuant to rule 4901:2-7-07, Ohio Administrative Code (OAC), that it intended to assess a civil forfeiture against HEATH A STUTZMAN in the following amount:

<u>CODE</u>	<u>GROUP</u>	<u>VIOLATION</u>	<u>FORFEITURE</u>
391.41 A1-NPH	Group 4	Operating a property-carrying vehicle without possessing a valid medical certificate - no previous history.	\$ 100.00
383.23 A2	Group 4	Operating a CMV without a CDL	\$ 250.00
<u>Original Amount Due:</u>			\$350.00

A conference was conducted pursuant to Rule 4901:2-10, OAC, at which HEATH A STUTZMAN had a full opportunity to present reasons why the violation(s) did not occur as alleged, mitigating circumstances regarding the amount of any forfeiture, and any other information relevant to the action proposed to be taken by the Staff.

As a result of the conference, staff has made a preliminary determination that the commission should assess a civil forfeiture against HEATH A STUTZMAN in the following amount:

<u>CODE</u>	<u>GROUP</u>	<u>VIOLATION</u>	<u>FORFEITURE</u>
391.41 A1-NPH	Group 4	Operating a property-carrying vehicle without possessing a valid medical certificate - no previous history.	\$ 100.00
383.23 A2	Group 4	Operating a CMV without a CDL	\$ 250.00



New Amount Due: \$350.00

Within 30 days of this notice you must either, 1) pay the assessed civil forfeiture or, 2) submit a written Request for an Administrative Hearing.

Failure to comply with either option above shall constitute a waiver of your right to further contest the violation(s) and will conclusively establish the occurrence of the violation(s). Such failure shall also constitute a waiver of your right to further contest liability to the State of Ohio for the civil forfeiture described in the notice and will result in the forfeiture amount being referred to the Ohio Attorney General's Office for collection. In addition, your Ohio operating authority and/or commercial driving privileges may be sanctioned as permitted by law.

Please consult the enclosed instruction sheet for additional information regarding this "Notice of Preliminary Determination."

Sincerely,

A handwritten signature in black ink, appearing to read "John D. Williams", is written over a horizontal line.

**John D. Williams, Director
Transportation Department**

cc: Mark Banks

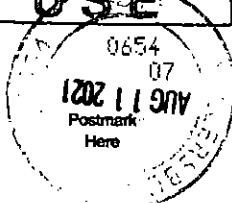


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Certified Fee	\$0.00
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
\$0.55	
Total Postage & Fees	\$7.00



08/11/2021

Sent To
PUCO - Docketing Division
 Street, Apt. No.,
 or PO Box No. **180 E. Broad Street - 11th Fl.**
 City, State, ZIP+4
Columbus OH 43215-3793
 PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Public Utilities Commission
 Attn - Docketing Division
 180 E. Broad St. - 11th Fl.
 Columbus OH 43215-3793



9590 9402 1494 5329 4070 28

2. Article Number (Transfer from service label)

7011 0470 0002 2230 7321

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X **PUCO**

☐ Agent

☐ Addressee

B. Received by (Printed Name)

CIA R532

C. Date of Delivery

8-16-21

- D. Is delivery address different from item 1?** ☐ Yes
 If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
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