

## THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF MICHAEL HYMES,  
NOTICE OF APPARENT VIOLATION AND  
INTENT TO ASSESS FORFEITURE.

CASE No. 21-886-TR-CVF

### ENTRY

Entered in the Journal on February 10, 2022

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

{¶ 2} On August 24, 2021, Michael Hymes requested an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13.

{¶ 3} An Entry was issued September 28, 2021, directing the parties to participate in a November 5, 2021 settlement conference. The parties participated as scheduled but a settlement was not reached.

{¶ 4} The attorney examiner finds that a hearing shall be held remotely on March 15, 2022, at 10:00 a.m., and will be conducted using virtual hearing technology. Instructions for participation in the evidentiary hearing will be emailed to the parties. Additionally, all exhibits intended to be used on direct and cross-examination shall be marked and exchanged by the parties and provided to the attorney examiner via electronic means prior to the hearing. Individuals interested in attending the evidentiary hearing as a non-party can access the hearing using the link <http://bit.ly/21-886-EVH> and entering the password PUCO, or by calling 1-408-418-9388 and entering access code/event number 2339 868 9037.

{¶ 5} 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.

{¶ 6} 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).

{¶ 7} 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.

{¶ 8} It is, therefore,

{¶ 9} ORDERED, That the evidentiary hearing take place as scheduled remotely on March 15, 2022, in accordance with Paragraph 4. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/James M. Lynn

By: James M. Lynn  
Attorney Examiner

SJP/hac

**This foregoing document was electronically filed with the Public Utilities  
Commission of Ohio Docketing Information System on**

**2/10/2022 10:01:50 AM**

**in**

**Case No(s). 21-0886-TR-CVF**

Summary: Attorney Examiner Entry ordering that the evidentiary hearing take place as scheduled remotely on March 15, 2022, in accordance with Paragraph 4 electronically filed by Heather A. Chilcote on behalf of James M. Lynn, Attorney Examiner, Public Utilities Commission