

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF MITCHELL R.
DURKOP, NOTICE OF APPARENT
VIOLATION AND INTENT TO ASSESS
FORFEITURE.

CASE NO. 21-603-TR-CVF
(OH3230016165D)

ENTRY

Entered in the Journal on May 6, 2022

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

{¶ 2} On May 20, 2021, Respondent filed a request for an administrative hearing as permitted by Ohio Adm.Code 4901:2-7-13.

{¶ 3} By Entry dated January 18, 2022, the attorney examiner scheduled a prehearing settlement conference in this matter for February 1, 2022. During the conference, the parties were unable to settle the matter.

{¶ 4} At this time, the attorney examiner finds it appropriate to schedule a hearing for July 6, 2022, at 10:00 a.m., to occur at the offices of the Public Utilities Commission of Ohio, 180 E. Broad Street, Hearing Room 11-C, Columbus, Ohio 43215.

{¶ 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 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 a hearing in this case be scheduled as indicated in 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/Jesse M. Davis

By: Jesse M. Davis
Attorney Examiner

MJA/mef

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

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in

Case No(s). 21-0603-TR-CVF

Summary: Attorney Examiner Entry scheduling a hearing for July 6, 2022, at 10:00 a.m. electronically filed by Ms. Mary E. Fischer on behalf of Jesse M. Davis, Attorney Examiner, Public Utilities Commission of Ohio