

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF DAVID D. GRASS,
NOTICE OF APPARENT VIOLATION AND
INTENT TO ASSESS FORFEITURE.

CASE NO. 22-85-TR-CVF
(OH1777003089D)

ENTRY

Entered in the Journal on July 12, 2022

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

{¶ 2} On February 1, 2022, David D. Grass (Respondent) requested an administrative hearing in accordance with Ohio Administrative Code 4901:2-7-13.

{¶ 3} Respondent participated in a settlement conference with Staff on March 8, 2022, but the parties did not resolve the matter.

{¶ 4} On May 3, 2022, Respondent filed a request to dismiss the case. On May 18, 2022, Staff filed a memoranda contra motion to dismiss.

{¶ 5} At this time, the attorney examiner finds that this case should be scheduled for hearing on August 1, 2022, at 10:00 a.m. at the offices of the Commission, Hearing Room 11-D, 180 East Broad Street, Columbus Ohio 43215-3793. All parties should register at the building's lobby desk and then proceed to the 11th floor in order to participate in the hearing.

{¶ 6} Ohio Adm.Code 4901:2-7-14(E) provides that 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 violation and waived all further right to contest liability for the forfeiture proposed in the notice of preliminary determination or to contest the making of the compliance order described in the notice of preliminary determination.

{¶ 7} At hearing, pursuant to Ohio Adm.Code 4901:2-7-20(A), Staff must prove, by a preponderance of the evidence, that Respondent committed the alleged violation.

{¶ 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 be scheduled for August 1, 2022, 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/Daniel Fullin

By: Daniel E. Fullin
Attorney Examiner

DEF/dmh

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

Case No(s). 22-0085-TR-CVF

Summary: Attorney Examiner Entry scheduling a hearing for August 1, 2022 at the Commission offices, Hearing Room 11-D electronically filed by Ms. Donielle M. Hunter on behalf of Fullin, Daniel E