

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF MARK L.
ARRASMITH, NOTICE OF APPARENT
VIOLATION AND INTENT TO ASSESS
FORFEITURE.

CASE NO. 21-203-TR-CVF
(OH3212300838D)

ENTRY

Entered in the Journal on August 30, 2022

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

{¶ 2} On March 3, 2021, counsel for Respondent requested an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13.

{¶ 3} The parties participated in a telephonic prehearing conference on April 20, 2021, but the matter was not resolved.

{¶ 4} On July 25, 2022, a hearing was scheduled to take place on September 1, 2022, at 10:00 a.m. On August 29, 2022, Respondent contacted Staff and stated that he will not be able to attend the hearing on September 1, 2022, due to illness.

{¶ 5} At this time, the hearing shall be rescheduled to December 12, 2022, at 10:00 a.m. at the Commission offices, Hearing Room 11-D, 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. 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 may 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 be rescheduled to take place December 12, 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/ Jacky Werman St. John

By: Jacky Werman St. John
Attorney Examiner

GAP/mef

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

Case No(s). 21-0203-TR-CVF

Summary: Attorney Examiner Entry rescheduling the evidentiary hearing to December 12, 2022, at 10:00 a.m. at the Commission offices, Hearing Room 11-D electronically filed by Ms. Mary E. Fischer on behalf of Jacky Werman St. John, Attorney Examiner, Public Utilities Commission of Ohio