

## THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF VALERI  
BERDZENISHVILI, NOTICE OF APPARENT  
VIOLATION AND INTENT TO ASSESS  
FORFEITURE.

CASE NO. 21-185-TR-CVF  
(OH12510077070D)

### ENTRY

Entered in the Journal on October 19, 2022

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

{¶ 2} On February 25, 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 12, 2021, but the matter was not resolved.

{¶ 4} On January 19, 2022, the attorney examiner scheduled a hearing in this matter for March 29, 2022. On March 23, 2022, counsel for Respondent filed a motion to continue the hearing date because of a conflict with the hearing date.

{¶ 5} On March 25, 2022, the attorney examiner rescheduled the hearing for May 31, 2022. On May 31, 2022, counsel for Respondent filed a motion to continue the hearing date due to illness.

{¶ 6} On June 1, 2022, the attorney examiner rescheduled the hearing for June 28, 2022. On June 21, 2022, Staff filed a motion to continue the hearing date because of the unavailability of one of its witnesses.

{¶ 7} On June 23, 2022, the attorney examiner rescheduled the hearing for September 30, 2022. On September 29, 2022, counsel for Respondent filed a motion to continue the hearing date due to Respondent's illness.

{¶ 8} On September 29, 2022, the attorney examiner continued the hearing.

{¶ 9} At this time, the attorney examiner finds it appropriate to reschedule the hearing to be held on January 11, 2023, 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.

{¶ 10} 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.

{¶ 11} 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).

{¶ 12} 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.

{¶ 13} It is, therefore,

{¶ 14} ORDERED, That the hearing be rescheduled for January 11, 2023, as indicated in Paragraph 9. It is, further,

{¶ 15} 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

MJA/mef

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

**Case No(s). 21-0185-TR-CVF**

Summary: Attorney Examiner Entry rescheduling the hearing for January 11, 2023, 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