

## THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF BRIAN JOBE, NOTICE OF  
APPARENT VIOLATION AND INTENT TO  
ASSESS FORFEITURE.

CASE NO. 22-14-TR-CVF  
(OH329302431D)

### ENTRY

Entered in the Journal on January 18, 2023

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

{¶ 2} On January 5, 2022, Respondent requested an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13.

{¶ 3} Respondent participated in a settlement conference with Staff on February 24, 2022, but the parties did not resolve the matter.

{¶ 4} On March 18, 2022, an Entry was issued scheduling a June 6, 2022 hearing; however, because of a conflict for Staff's counsel, the hearing was rescheduled to July 20, 2022.

{¶ 5} On July 19, 2022, the parties filed a joint motion to suspend the procedural schedule. The parties explained that settlement negotiations were continuing. The attorney examiner granted the joint motion on July 20, 2022.

{¶ 6} On January 12, 2023, counsel for Staff informed the attorney examiner that a settlement was no longer in consideration.

{¶ 7} Accordingly, the hearing shall be rescheduled to April 19, 2023, at 11:00 a.m. at the Commission offices, Hearing Room 11-D, 11th Floor, 180 East Broad Street, Columbus, Ohio 43215-3793. Visitors should register at the lobby desk and then proceed to the 11th floor in order to participate in the hearing.

{¶ 8} 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.

{¶ 9} 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).

{¶ 10} 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.

{¶ 11} It is, therefore,

{¶ 12} ORDERED, That a hearing be scheduled for 11:00 a.m. on April 19, 2023, as indicated in Paragraph 7. It is, further,

{¶ 13} 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

NJW/hac

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

**Case No(s). 22-0014-TR-CVF**

Summary: Attorney Examiner Entry ordering that the hearing shall be rescheduled to April 19, 2023, at 11:00 a.m. at the Commission offices, Hearing Room 11-D, 11th Floor, 180 East Broad Street, Columbus, Ohio 43215-3793 electronically filed by Heather A. Chilcote on behalf of James M. Lynn, Attorney Examiner, Public Utilities Commission