

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF TYRONE CARD,
NOTICE OF APPARENT VIOLATION AND
INTENT TO ASSESS FORFEITURE

CASE No. 22-13-TR-CVF

ENTRY

Entered in the Journal on February 7, 2023

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

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

{¶ 3} On April 27, 2022, an Entry was issued directing the parties to participate in a May 5, 2022 prehearing conference call. Both parties participated but the matter was not settled.

{¶ 4} On July 7, 2022, an Entry was issued scheduling an August 31, 2022 hearing. At the hearing, the parties agreed to a settlement in principle, with specific details to be finalized in weeks following the hearing.

{¶ 5} In February 2023, counsel for Staff informed the attorney examiner that Mr. Card had not provided Staff with additional information needed for the settlement.

{¶ 6} Accordingly, a second hearing shall be scheduled for April 27, 2023, at 10:00 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.

{¶ 7} 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.

{¶ 8} 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).

{¶ 9} 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.

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That a hearing be scheduled for April 27, 2023, as indicated in Paragraph 6. It is, further,

{¶ 12} 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

GAP/dmh

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

2/7/2023 1:54:00 PM

in

Case No(s). 22-0013-TR-CVF

Summary: Attorney Examiner Entry that a second hearing shall be scheduled for April 27, 2023, at 10:00 a.m. at the Commission offices, Hearing Room 11-D, 11th floor, 180 East Broad Street, Columbus, Ohio 43215-3793 electronically filed by Ms. Donielle M. Hunter on behalf of James M. Lynn, Attorney Examiner, Public Utilities Commission of Ohio