

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF MARKEITH SPRIGGS,
NOTICE OF APPARENT VIOLATION AND
INTENT TO ASSESS FORFEITURE.

CASE NO. 22-136-TR-CVF
CASE NO. 22-931-TR-CVF

ENTRY

Entered in the Journal on March 7, 2023

{¶ 1} On December 7, 2021, Staff served a Notice of Intent to Assess Forfeiture (NAF) upon Markeith Spriggs (Respondent) in accordance with Ohio Adm.Code 4901:2-7-07, alleging a violation of the Commission's transportation regulations.

{¶ 2} On December 27, 2021, Respondent requested a teleconference in response to the NAF. Respondent and Staff participated in the teleconference on January 26, 2022, but were unable to resolve the matter, and Staff made a preliminary determination that Respondent's civil forfeiture should be upheld.

{¶ 3} On February 2, 2022, Staff served a Notice of Preliminary Determination (NPD) upon Respondent, pursuant to Ohio Adm.Code 4901:1-7-12.

{¶ 4} On February 22, 2022, Respondent requested an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13. Respondent's request was assigned Case No. 22-136-TR-CVF.

{¶ 5} Due to administrative oversight, Respondent's request for administrative hearing was not scheduled for a prehearing conference or evidentiary hearing. As a result, on May 20, 2022, the Commission ordered Respondent to show cause as to why he should not be declared in default in the case by June 17, 2022. Respondent did not reply to the show cause Order. Accordingly, his case was referred to the Collections Enforcement Section in the Office of the Ohio Attorney General (OAG).

{¶ 6} On October 7, 2022, Respondent filed correspondence requesting that the Commission re-open his case. Respondent's request was assigned Case No. 22-931-TR-CVF.

{¶ 7} On October 14, 2022, Staff filed a response to Respondent's request to re-open his case. Staff recommended that Case No. 22-136-TR-CVF be reopened and consolidated with Case No. 22-931-TR-CVF. Staff further recommended cancelling the OAG's collection process in Case No. 22-136-TR-CVF and recommended that Staff notify the Ohio Bureau of Motor Vehicles (BMV) to hold in abeyance any suspension order for Respondent until the Commission adjudicates Respondent's cases. The Commission approved Staff's recommendation on November 2, 2022.

{¶ 8} On November 14, 2022, an Entry was issued scheduling a November 21, 2022 prehearing conference. The parties participated in the conference but were unable to agree upon a settlement.

{¶ 9} On February 23, 2023, an Entry was issued scheduling a March 31, 2023 hearing. However, Staff has informed the attorney examiner that one of its witnesses is not available during the week of March 27-31, 2023.

{¶ 10} Accordingly, the hearing shall be rescheduled for April 20, 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.

{¶ 11} 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.

{¶ 12} 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).

{¶ 13} 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.

{¶ 14} It is, therefore,

{¶ 15} ORDERED, That the hearing be rescheduled for 10:00 a.m. on April 20, 2023, as indicated in Paragraph 10. It is, further,

{¶ 16} 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

MJA/dr

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

Case No(s). 22-0136-TR-CVF, 22-0931-TR-CVF

Summary: Attorney Examiner Entry ordering that the hearing be rescheduled for April 20, 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 Debbie S. Ryan on behalf of James M. Lynn, Attorney Examiner, Public Utilities Commission of Ohio