

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF DORCELLA
WASHINGTON, NOTICE OF APPARENT
VIOLATION AND INTENT TO ASSESS
FORFEITURE.

CASE NO. 21-304-TR-CVF
(OH3280006921D)

ENTRY

Entered in the Journal on March 8, 2023

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

{¶ 2} On March 31, 2021, Respondent filed a request for an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13.

{¶ 3} As set forth in Ohio Adm.Code 4901:2-7-16(B), unless otherwise ordered by the Commission or agreed by the parties, a prehearing conference in a civil forfeiture case shall be scheduled upon the filing of a request for administrative hearing.

{¶ 4} On May 13, 2021, a prehearing conference was held between the parties.

{¶ 5} On May 14, 2021, Respondent filed an unopposed motion to stay the proceeding. Respondent explained that this case stems from an August 20, 2020 motor vehicle accident that is also the subject of a criminal complaint in Eaton Municipal Court, Preble County, Ohio. To avoid any prejudice to her defense in the criminal case, Respondent requested that this proceeding be stayed until the pending criminal matter was fully adjudicated. According to Respondent's motion, Staff and its counsel indicated that they did not oppose this request.

{¶ 6} By Entry issued May 19, 2021, the attorney examiner granted the motion to stay the proceeding and ordered that this case be stayed pending resolution of Respondent's criminal case in Eaton Municipal Court relating to the August 20, 2020 motor vehicle accident. The Entry further directed the parties to file a case update on this docket upon

resolution of the criminal case or if the criminal case had not been resolved within six months.

{¶ 7} On December 15, 2022, the attorney examiner issued an entry directing the parties to file a case update in the docket within 30 days of the date of the entry.

{¶ 8} On January 17, 2023, the parties filed a case update, as directed, and stated that Staff is ready to proceed in this case. Additionally, as part of this filing, Respondent's attorney withdrew as counsel for Respondent in this proceeding.

{¶ 9} By Entry issued January 18, 2023, the attorney examiner scheduled this case for an evidentiary hearing to be held on March 14, 2023, at the offices of the Commission.

{¶ 10} On February 28, 2023, Staff filed a motion for continuance and requested an expedited ruling on the motion. As explained in the supporting memorandum, Staff states that it needs additional time to contact material witnesses related to the incident at issue in this case. Specifically, Staff needs additional time to contact the lab technician and Ohio State High Patrolman involved in the collection and analysis of samples taken from Respondent. Staff also requests that a prehearing conference be scheduled prior to the evidentiary hearing. Staff states that Respondent's previous counsel has withdrawn from the case and Staff has no valid contact information for Respondent. Therefore, Staff cannot certify that no party objects to the request for expedited treatment, but Staff avers that expedited treatment is necessary because of the current March 14, 2023 hearing date.

{¶ 11} No memoranda contra the motion for continuance were filed.

{¶ 12} At this time, the attorney examiner finds that Staff's motion for continuance is reasonable and should be granted. The hearing scheduled for March 14, 2023, shall be continued to a later date. A new procedural schedule, to include both a prehearing conference and a new evidentiary hearing date, will be set via subsequent entry in this case docket.

{¶ 13} It is, therefore,

{¶ 14} ORDERED, That the evidentiary scheduled for March 14, 2023, be continued, in accordance with Paragraph 12. It is, further,

{¶ 15} ORDERED, That a copy of this Entry be served upon all interested persons and parties of record.

PUBLIC UTILITIES COMMISSION OF OHIO

/s/David M. Hicks

By: David M. Hicks
Attorney Examiner

NJW/dmh

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

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in

Case No(s). 21-0304-TR-CVF

Summary: Attorney Examiner Entry that at this time, the attorney examiner finds that Staff's motion for continuance is reasonable and should be granted. The hearing scheduled for March 14, 2023, shall be continued to a later date. A new procedural schedule, to include both a prehearing conference and a new evidentiary hearing date, will be set via subsequent entry in this case docket electronically filed by Ms. Donielle M. Hunter on behalf of David M. Hicks, Attorney Examiner, Public Utilities Commission of Ohio