

## 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  
(OH3209302431D)

### ENTRY

Entered in the Journal on April 26, 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 19, 2022.

{¶ 6} On January 12, 2023, counsel for Staff informed the attorney examiner that a settlement was no longer in consideration, and a January 18, 2023 Entry was issued scheduling the hearing for April 19, 2023.

{¶ 7} On April 17, 2023, counsel for Staff filed a motion for continuance and request for expedited consideration. Counsel explained that the Staff witness who conducted the roadside inspection is on medical leave and unavailable to appear on April 19, 2023.

{¶ 8} On April 19, 2023, the attorney examiner granted the request for continuance and convened a status conference. While the parties agreed to continue discussions after the conference ended, a new hearing date was also agreed upon.

{¶ 9} Accordingly, the hearing shall be rescheduled for May 26, 2023, at 11:00 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. The attorney examiner emphasizes, however, that scheduling a hearing does not prevent the parties from continuing settlement discussions.

{¶ 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 11:00 a.m. on May 26, 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/James M. Lynn

By: James M. Lynn  
Attorney Examiner

JSA/mef

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

**4/26/2023 2:02:29 PM**

**in**

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

Summary: Attorney Examiner Entry rescheduling the hearing for May 26, 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 Ms. Mary E. Fischer on behalf of James M. Lynn, Attorney Examiner, Public Utilities Commission of Ohio.