

# THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF LARRY D. HELM,  
NOTICE OF APPARENT VIOLATION AND  
INTENT TO ASSESS FORFEITURE.

CASE NO. 22-91-TR-CVF  
(OH1822000467D)

## ENTRY

Entered in the Journal on August 29, 2023

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

{¶ 2} On February 2, 2022, Respondent filed a request for an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13.

{¶ 3} By Entry dated June 1, 2022, the attorney examiner scheduled a settlement conference with Respondent and Staff to take place on July 11, 2022. Owing to an address error, Respondent did not receive a copy of the Entry scheduling the prehearing conference.<sup>1</sup>

{¶ 4} By Entry dated July 27, 2022, the attorney examiner scheduled a second prehearing conference to occur on August 31, 2022. The conference occurred as scheduled and the parties were unable to settle the matter. Further, in the same Entry, the attorney examiner directed Respondent to file a request to correct his address. Respondent has not filed any request to correct his address.

{¶ 5} At this time, the attorney examiner orders that (1) the Commission's Docketing Staff mail this Entry to Respondent at 1031 N. 90th Street, Apt. 6, Omaha, NE

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<sup>1</sup> The Entry scheduling the original settlement conference was returned to the Commission's Docketing Department marked "return to sender" and "unable to forward."

68114, and (2) Respondent shall file a request in the case docket to update his address to a correct listing.

{¶ 6} Accordingly, the hearing shall take place on October 12, 2023, at 10:00 a.m. at the Commission offices, Hearing Room 11-C, 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 Respondent's contentions regarding the alleged violations in this matter.

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That the hearing be scheduled for October 12, 2023, as discussed in Paragraph 6. It is, further,

{¶ 12} ORDERED, That Docketing mail this Entry as described in Paragraph 5. 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/Jesse M. Davis

By: Jesse M. Davis  
Attorney Examiner

PAS/dmh

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

**8/29/2023 4:29:52 PM**

**in**

**Case No(s). 22-0091-TR-CVF**

Summary: Attorney Examiner Entry ordering that the hearing shall take place on October 12, 2023, at 10:00 a.m. at the Commission offices, Hearing Room 11-C, 11th Floor, 180 East Broad Street, Columbus, Ohio 43215-3793 electronically filed by Ms. Donielle M. Hunter on behalf of Jesse M. Davis, Attorney Examiner, Public Utilities Commission of Ohio.