

## 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 September 27, 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 filed 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 of the scheduled hearing. In its motion, Staff stated that it needed additional time to contact material witnesses. In addition to seeking a continuance, Staff requested that a conference be held among the parties prior to the evidentiary hearing.

{¶ 11} By Entry issued March 8, 2023, the attorney examiner granted Staff's motion for continuance and scheduled a prehearing teleconference for June 14, 2023. While Respondent did not join the teleconference, Staff participated and advised as to dates that would work for a rescheduled hearing date.

{¶ 12} At this time, the attorney examiner finds that the evidentiary hearing should be rescheduled for November 16, 2023, at 2:00 p.m. The hearing will take place at the Commission offices, Hearing Room 11-D, 11th Floor, 180 East Broad Street, Columbus, Ohio 43215. The parties should register at the lobby desk and then proceed to the 11th Floor in order to participate in the hearing.

{¶ 13} 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 of preliminary determination.

{¶ 14} At the hearing, Staff must prove, by a preponderance of the evidence, that Respondent committed the alleged violations, pursuant to Ohio Adm.Code 4901:2-7-20(A).

{¶ 15} Following Staff's presentation of evidence at the hearing, it shall be the responsibility of Respondent to present evidence supporting its contentions regarding the alleged violations in this matter.

{¶ 16} It is, therefore,

{¶ 17} ORDERED, That the evidentiary hearing in this case be rescheduled for November 16, 2023, in accordance with Paragraph 12. It is, further,

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

THE 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  
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**in**

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

Summary: Attorney Examiner Entry that the evidentiary hearing should be rescheduled for November 16, 2023, at 2:00 p.m., and will take place at the Commission offices, Hearing Room 11-D, 11th Floor, 180 East Broad Street, Columbus, Ohio 43215 electronically filed by Ms. Donielle M. Hunter on behalf of David M. Hicks, Attorney Examiner, Public Utilities Commission of Ohio.