

# THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF TIMOTHY REMBERT-  
SCROGGINS, NOTICE OF APPARENT  
VIOLATION AND INTENT TO ASSESS  
FORFEITURE.

CASE NO. 22-1013-TR-CVF  
(OH3246015764D)

## ENTRY

Entered in the Journal on April 2, 2024

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

{¶ 2} On October 28, 2022, Respondent requested an administrative hearing, pursuant to Ohio Adm.Code 4901:2-7-13.

{¶ 3} In an August 18, 2023 Entry, the parties were directed to participate in a September 5, 2023 prehearing conference. The Entry was served on Respondent by regular U.S. Mail and was not returned to the Commission as undeliverable.

{¶ 4} On September 5, 2023, Staff called the telephone number provided by Respondent, but could not contact him; the call was answered by Respondent's employer, who provided two additional telephone numbers for contacting Respondent. One of the additional numbers was disconnected and a call to the remaining number went into Respondent's voice mail. Attempts in subsequent months by Staff to obtain any other telephone numbers for Respondent, and additional efforts to contact him at the number at which Staff had left a voice message, were also unsuccessful. Finally, Respondent did not contact Staff regarding the status of his hearing request.

{¶ 5} On March 13, 2024, an Entry was issued requiring that by April 1, 2024, Respondent must file at the Commission an updated telephone number, as well as any days

of the week and times of day that are best for contacting him. Respondent did not respond by the April 1, 2024 deadline.

{¶ 6} Accordingly, a hearing shall be scheduled for May 2, 2024, 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.

{¶ 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 his contentions regarding the alleged violation in this matter.

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That the hearing be scheduled for 10:00 a.m. on May 2, 2024, as indicated in Paragraph 6. It is, further,

{¶ 12} 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

PAS/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). 22-1013-TR-CVF**

Summary: Attorney Examiner Entry that a hearing shall be scheduled for May 2, 2024, 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 Ms. Donielle M. Hunter on behalf of James M. Lynn, Attorney Examiner, Public Utilities Commission of Ohio.