

00-351-CD
COMMONWEALTH OF PENNSYLVANIA -vs- STEVEN C. AUGHENBAUGH

--	--	--	--

FILED

MAR 9 1980

Q3383cc atty milgrub
William A Shaw

Prothonotary atty milgrub

PD \$80.00

Copy to CA

RICHARD H. MILGRUB

Attorney & Counselor at Law

211 NORTH SECOND STREET
CLEARFIELD, PENNSYLVANIA 16830

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

-vs-

STEVEN C. AUGHENBAUGH

*
*
*
*
*
*

No. 60-351-00

Type of Action:

Appeal

Type of Pleading:

Petition for Appeal From
Suspension of Operating
Privileges

Filed on Behalf of:

Defendant

Counsel of Record for this
Party:

Richard H. Milgrub, Esquire
Supreme Court I.D. 19865

211 North Second Street
Clearfield, PA 16830
(814) 765-1717

RICHARD H. MILGRUB
ATTORNEY & COUNSELOR
AT LAW
211 NORTH SECOND STREET
CLEARFIELD, PA 16830

109 NORTH BRADY STREET
DUBOIS, PA 15801

FILED

MAR 21 2000

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

COMMONWEALTH OF PENNSYLVANIA *
DEPARTMENT OF TRANSPORTATION *

-vs-

No.

STEVEN C. AUGHENBAUGH *

PETITION FOR APPEAL FROM
SUSPENSION OF OPERATING PRIVILEGES

TO THE HONORABLE JUDGES OF THE SAID COURT:

NOW COMES, STEVEN C. AUGHENBAUGH upon a Petition for Appeal from Suspension of Operating Privileges, whereof the following is a statement:

1. Petitioner is STEVEN C. AUGHENBAUGH whose address is 534 West Locust Street, Clearfield County, Pennsylvania.

2. By Official Notice from the Director of the Bureau of Driver Licensing, Department of Transportation, Commonwealth of Pennsylvania, a true and correct copy of which is attached hereto as Exhibit "A" and incorporated herein by reference as though set forth in full, Petitioner was informed that his operating privileges would be suspended for a period of one (1) year, effective April 5, 2000, as a result of an alleged violation of Section 1547 of the Motor Vehicle Code.

3. Petitioner believes and therefore avers that the suspension of his operating privileges by the Department of Transportation, Commonwealth of Pennsylvania, is improper and without legal basis for the following reasons:

(a) The arresting officer lacked reasonable grounds to believe that Petitioner had been driving while under the influence of alcohol.

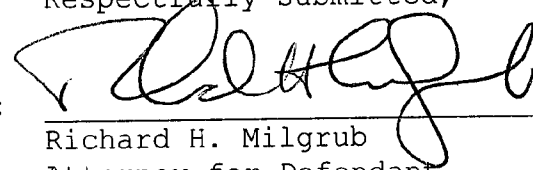
(b) The arresting officer failed to inform the Petitioner that his operating privileges would be suspended upon refusal to submit to chemical testing.

(c) The Petitioner's temporary inability to make a decision whether or not to submit to chemical testing at the time did not constitute a refusal and therefore, the license of the Petitioner should not be suspended.

WHEREFORE, Petitioner prays that this Court enter an Order fixing the time and place of a hearing to determine whether the operating privileges of Petitioner should be suspended or the suspension should be set aside as improper and invalid.

Respectfully submitted,

By:



Richard H. Milgrub
Attorney for Defendant

Date: 3/21/00

RICHARD H. MILGRUB
ATTORNEY & COUNSELOR
AT LAW
211 NORTH SECOND STREET
CLEARFIELD, PA 16830

109 NORTH BRADY STREET
DUBOIS, PA 15801

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
Bureau of Driver Licensing
Harrisburg, PA 17123
MARCH 01, 2000

STEVEN C AUGHENBAUGH
534 W LOCUST ST

CLEARFIELD PA 16830

000546101275140 001
02/23/2000
17440557
02/14/1956

Dear Motorist:

As a result of your violation of Section 1547 of the Vehicle Code, CHEMICAL TEST REFUSAL on 02/14/2000, your driving privilege is being SUSPENDED for a period of 1 YEAR(S).

In order to comply with this sanction you are required to return any current driver's license, learner's permit and/or temporary driver's license (camera card) in your possession no later than the effective date listed. If you cannot comply with the requirements stated above, you are required to submit a DL16LC Form or a sworn affidavit stating that you are aware of the sanction against your driving privilege. Failure to comply with this notice shall result in this Bureau referring this matter to the Pennsylvania State Police for prosecution under SECTION 1571(a)(4) of the Vehicle Code.

Although the law mandates that your driving privilege is under suspension even if you do not surrender your license, Credit will not begin until all current driver's license product(s), the DL16LC Form, or a letter acknowledging your sanction is received in this Bureau.

WHEN THE DEPARTMENT RECEIVES YOUR LICENSE OR ACKNOWLEDGEMENT, WE WILL SEND YOU A RECEIPT. IF YOU DO NOT RECEIVE THIS RECEIPT WITHIN 15 DAYS CONTACT THE DEPARTMENT IMMEDIATELY. OTHERWISE, YOU WILL NOT BE GIVEN CREDIT TOWARD SERVING THIS SANCTION.

The effective date of suspension is 04/05/2000, 12:01 a.m.

|WARNING: If you are convicted for driving while your license is |
|suspended, the penalties will be: not less than 90 days imprison-|
|ment and a 1,000 fine and an additional 1 year suspension. |

Exhibit "A"

000546101275140

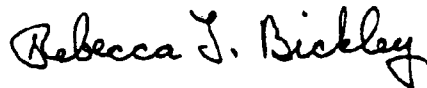
Please see the enclosed application for restoration fee information.

APPEAL

You have the right to appeal this action to the Court of Common Pleas (Civil Division) within 30 days of the mail date of this letter, MARCH 01, 2000. If you file an appeal in the County Court, the Court will give you a time-stamped certified copy of the appeal. Send this time-stamped certified copy of the appeal by certified mail to:

PENNSYLVANIA DEPARTMENT OF TRANSPORTATION
OFFICE OF CHIEF COUNSEL
THIRD FLOOR, RIVERFRONT OFFICE CENTER
HARRISBURG, PA. 17104-2516

Sincerely,



Rebecca L. Bickley, Director
Bureau of Driver Licensing

SEND FEE/LICENSE/DL-16LC/TO:
Department of Transportation
Bureau of Driver Licensing
P.O. Box 68693
Harrisburg, PA 17106-8693

INFORMATION (7:00 AM TO 9:00 PM)
IN STATE 1-800-932-4600
OUT-OF-STATE 717-391-6190
TDD IN STATE 1-800-228-0676
TDD OUT-OF-STATE 717-391-6191

VERIFICATION

Subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities, I, STEVEN C. AUGHENBAUGH, verify that the averments of fact set forth in the foregoing Petition for Appeal from Suspension of Operating Privileges are true and correct upon my personal knowledge or information and belief.


Steven C. Aughenbaugh

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

COMMONWEALTH OF PENNSYLVANIA *
DEPARTMENT OF TRANSPORTATION *

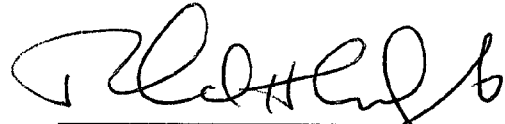
-vs-

No.

STEVEN C. AUGHENBAUGH *

CERTIFICATE OF SERVICE

AND NOW, this _____ day of _____, 2000, I, RICHARD H. MILGRUB, hereby certify that I have this date, served a copy of the foregoing document, by causing same to be mailed by Certified Mail, Return Receipt Requested, to the Pennsylvania Department of Transportation, Office of Chief Counsel, Third Floor, Riverfront Office Center, Harrisburg, PA 17104-2516.



Richard H. Milgrub
Attorney for Defendant

RICHARD H. MILGRUB
ATTORNEY & COUNSELOR
AT LAW
211 NORTH SECOND STREET
CLEARFIELD, PA 16830

109 NORTH BRADY STREET
DUBOIS, PA 15801

FILED

MAR 24 2000

09:04:30ccatly
William A Shaw
Prothonotary

Richard H. Milgrub
RM

RICHARD H. MILGRUB

Attorney & Counselor at Law

211 NORTH SECOND STREET
CLEARFIELD, PENNSYLVANIA 16830

SA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

-vs-

STEVEN C. AUGHENBAUGH

*
*
*
*
*
*

No. 00-351-CD

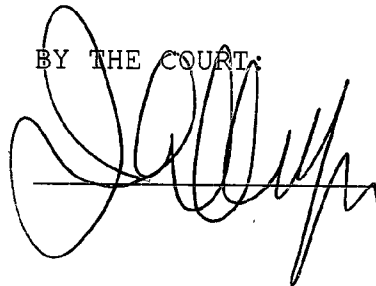
ORDER

AND NOW, this 24th day of March, 2000, upon consideration of the within Petition for Appeal from Suspension of Operating Privileges and on motion by Petitioner named above, supersedes of the suspension of the operating privileges of Petitioner, as set forth in the Official Notice of the Director of the Bureau of Driver Licensing, Department of Transportation, mail date _____, is hereby granted.

Written notice ~~no later than sixty (60) days prior to the hearing~~ shall be given to the Director of the Bureau of Driver Licensing, Department of Transportation, of the time and place of the hearing *in accordance with statutory law.*

The Court Administrator's Office is directed to schedule the above hearing on the next regularly scheduled date for License Suspension Hearings.

BY THE COURT:



Judge

FILED

MAR 24 2000

William A. Shaw
Prothonotary

Not

5

William A. Shaw
Prothonotary to
C/A
Cory

RICHARD H. MILGRUB
Attorney & Counsellor at Law
211 NORTH SECOND STREET
CLEARFIELD, PENNSYLVANIA 16830

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

COMMONWEALTH OF PENNSYLVANIA *
DEPARTMENT OF TRANSPORTATION *

-vs-

STEVEN C. AUGHENBAUGH *

No. 00-351-CD

Type of Action:
License Suspension

Type of Pleading:
Praecipe to Withdraw Appeal

Filed on Behalf of:
Defendant

Counsel of Record for this
Party:

Richard H. Milgrub, Esquire
Supreme Court I.D. 19865

211 North Second Street
Clearfield, PA 16830
(814) 765-1717

RICHARD H. MILGRUB
ATTORNEY & COUNSELOR
AT LAW
211 NORTH SECOND STREET
CLEARFIELD, PA 16830

111 NORTH BRADY STREET
DUBOIS, PA 15801

FILED

AUG 23 2000

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

COMMONWEALTH OF PENNSYLVANIA*
DEPARTMENT OF TRANSPORTATION*

-vs-

No. 00-351-CD

STEVEN C. AUGHENBAUGH

*
*
*
*

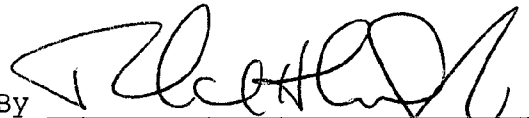
PRAECIPE TO WITHDRAW APPEAL

TO THE PROTHONOTARY;

Please mark the above appeal withdrawn.

Date: 8/22/00

By



Richard H. Milgrub, Esquire
Attorney for Defendant

RICHARD H. MILGRUB
ATTORNEY & COUNSELOR
AT LAW
211 NORTH SECOND STREET
CLEARFIELD, PA 16830

111 NORTH BRADY STREET
DUBOIS, PA 15801