

00-1149-CD  
Comm of PA vs Timothy Starcovic

00

06-1115-CD  
COMPTONVILLE OF PENNSYLVANIA  
TIMOTHY J. STAROVIC

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW

(112) COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF TRANSPORTATION

vs.

(95) TIMOTHY J. STARCOVIC

NO. 00-1149-CO

APPEAL FROM SUSPENSION OF  
OPERATING PRIVILEGES

PETITION FOR APPEAL FROM  
SUSPENSION OF OPERATING PRIVILEGES

TO THE HONORABLE JUDGES OF THE COURT:

NOW COMES Timothy J. Starcovic with this Petition for Appeal from Suspension of  
Operating Privileges, and Application for Supersedeas, and in support thereof alleges:

1. Petitioner is Timothy J. Starcovic whose address is Platt Road, RR 4, Box 53, Dubois,  
PA 15801, 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 year, effective  
September 20, 2000, as a result of an alleged conviction in New York State, which would  
constitute a violation equivalent to Section 3731 of the Pennsylvania 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:

**FILED**

SEP 15 2000

1

William A. Shaw  
Prothonotary

- A. The New York conviction is not an offense which is equivalent to a violation of Section 3731 of the Pennsylvania Vehicle Code Driving Under the Influence;
- B. The Commonwealth will not be able to meet the proof requirements as they exist under the driver's license compact;
- C. The Amendments to the Pennsylvania version of the Interstate Compact on Drivers Licencing were made in violation of the Compact;
- D. The interstate compact is unconstitutional under both the Federal and State Constitutions.

WHEREFORE, Petitioner prays that this Honorable Court enter and 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,  
Mazza, Schneider, Arbuckle & Bascom



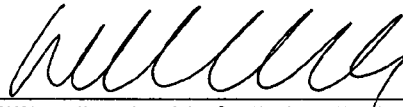
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William I. Arbuckle for Robert H. Bascom, Jr.  
Counsel for Timothy J. Starcovic  
Attorney ID #66402  
1315 South Allen Street  
State College, PA 16801  
(814) 237-6440

VERIFICATION

Subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities, I, William I. Arbuckle, for Robert H. Bascom of the law firm of Mazza, Schneider, Arbuckle & Bascom as counsel for the Petitioner, 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. This verification by Counsel is being provided because the signature of the client cannot be obtained in the time allowed for filing. A verification by the client will be provided upon request.

Mazza, Schneider, Arbuckle & Bascom

A handwritten signature in black ink, appearing to read 'William I. Arbuckle', written over a horizontal line.

William I. Arbuckle for Robert H. Bascom

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION  
Bureau of Driver Licensing  
Harrisburg, PA 17123  
AUGUST 16, 2000

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TIMOTHY J STARCOVIC  
PLATT ROAD  
RR4 BOX 53  
DU BOIS PA 15801

002226101375045 001  
08/09/2000  
26589263  
11/18/1960

Dear Motorist:

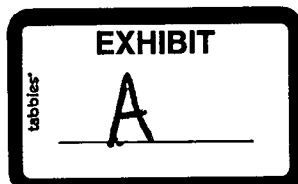
Section 1581 of the Vehicle Code requires the Department to treat certain out of state convictions as though they had occurred in Pennsylvania. Therefore, as a result of the Department receiving notification from NEW YORK of your conviction on 06/27/2000 of an offense which occurred on 05/02/2000, which is equivalent to a violation of Section 3731 of the Pa. Vehicle Code, DRIVING UNDER INFLUENCE, your driving privilege is being SUSPENDED for a period of 1 YEAR(S), as mandated by Section 1532B of the Vehicle Code.

The effective date of suspension is 09/20/2000, 12:01 a.m.

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.



002226101375045

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Please see the enclosed application for restoration fee information.

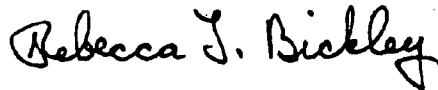
You will be notified of any outstanding restoration requirements approximately 30 days before the eligibility date of the restoration of your driving privilege. You must follow those instructions very carefully in order to have your driving privilege restored.

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, AUGUST 16, 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

FILED

SEP 15 2000

PROthonotary  
William A. Shaw

attys leave

per \$80.00

3cc attys leave  
1cc GA



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW

COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF TRANSPORTATION

vs.

TIMOTHY J. STARCOVIC

NO. 00-1149-CO

APPEAL FROM SUSPENSION OF  
OPERATING PRIVILEGES

ORDER

AND NOW, this 15 day of Sept., 2000, upon consideration of the within Petition for Appeal from Suspension of Operating Privileges and on motion by Petitioner named above, the 9<sup>th</sup> day of October, 2000 at 2:30 P.M., in Courtroom No. 2, of the Clearfield County Courthouse, Pennsylvania, is hereby fixed as the time and place for hearing of the within petition.

Written notice no later than thirty (30) days prior to the hearing shall be given by counsel for the Petitioner to the Director of the Bureau of Driver Licensing, Department of Transportation, of the time and place of the hearing.

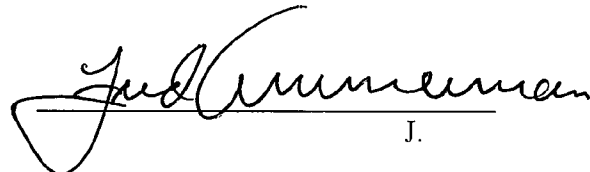
Supersedeas of the suspension of the operating privileges of Petitioner, as set forth in the Official Notice of the Director of the Bureau of Driver Licensing, Department of Transportation, mail date August 16, 2000, is hereby granted.

BY THE COURT:

**FILED**

SEP 15 2000

William A. Shaw  
Prothonotary

  
J.

FILED

SEP 15 2000

*by* William A. Shaw  
Prothonotary

*cc atty. general  
cc CA*

COPY

F:\Bascom\DOCUMENT\Starcovic.Drivers License Appeal.wpd

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW

COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF TRANSPORTATION

vs.

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BY THE COURT:

/s/ Fredric J. Ammerman

J.

I hereby certify this to be a true  
and attested copy of the original  
statement filed in this case.

SEP 15 2000

Attest.

*William L. Smith*  
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW

COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF TRANSPORTATION

vs.

TIMOTHY J. STARCOVIC

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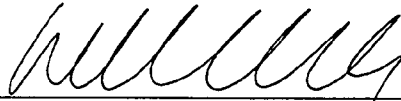
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William I. Arbuckle for Robert H. Bascom, Jr.  
Counsel for Timothy J. Starcovic  
Attorney ID #66402  
1315 South Allen Street  
State College, PA 16801  
(814) 237-6440

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William I. Arbuckle for Robert H. Bascom

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION  
Bureau of Driver Licensing  
Harrisburg, PA 17123  
AUGUST 16, 2000

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TIMOTHY J STARCOVIC  
PLATT ROAD  
RR4 BOX 53  
DU BOIS PA 15801

002226101375045 001  
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11/18/1960

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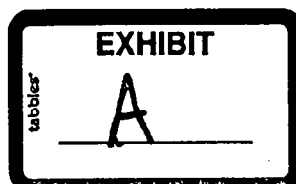
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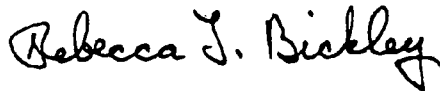
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APPEAL

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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



**COMPLETE THIS SECTION ON DELIVERY**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or to the front if space permits.

1. Article Addressed to:

Pennsylvania Dept. of Transportation  
Office of Chief Counsel  
Third Floor, Riverfront Off. Center  
Harrisburg, PA 17104-2516

Commonwealth of Pennsylvania

Partnership of Transportation  
 Department, enter delivery address below:

SEP 22 2000

~~OFFICE OF  
CHIEF COUNSEL~~

CHIEF COUNSEL

☒ Certified Mail      ☐ Express Mail  
☐ Registered      ☒ Return Receipt  
☐ Insured Mail      ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

2. Article Number (Copy from service label)

Article Number 3400 0000 7096 4776  
 Copy from service lab

PS Form 3811, July 1999

## Domestic Return Receipt

102595-99-M-1789

**COMPLETE THIS SECTION ON DELIVERY**

A., Received by (Please Print Clearly)	B. Date of Delivery
--	---------------------

SEP 2 2000

**C. Signature**

☐ Agent

☐ Addressee

☐ Yes

Department of Transportation  
partments, enter delivery address below:

SEP 22 2000

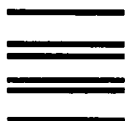
~~OFFICE OF  
CHIEF COUNSEL~~

CHIEF COUNSEL

☒ Certified Mail      ☐ Express Mail  
☐ Registered      ☒ Return Receipt for Merchandise  
☐ Insured Mail      ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes ☒ No

UNITED STATES POSTAL SERVICE



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

**MAZZA, SCHNEIDER, ARBUCKLE & BASCOM**  
**1315 S. ALLEN STREET, SUITE 302**  
**STATE COLLEGE, PA 16801**

**RECEIVED SEP 28 2000**

*RHB-Starcovic*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW

COMMONWEALTH OF PENNSYLVANIA )  
DEPARTMENT OF TRANSPORTATION )  
Plaintiff )

vs. )

TIMOTHY J. STARCOVIC )

Defendant )

NO. 00 - 1149 - CD

AFFIDAVIT OF SERVICE

I, Robert H. Bascom, attorney for Timothy J. Starcovic, Defendant do swear according by law,  
that I have made service of the Petition For Appeal From Suspension of Operating Privileges upon the  
Plaintiff, Commonwealth of Pennsylvania, Department of Transportation by certified mail, return receipt  
requested. Service was accomplished on 9-22-00.

Attached hereto as evidence of said service is a signed return receipt.

  
Robert H. Bascom

**FILED**

OCT 05 2000

William A. Shaw  
Prothonotary

FILED

OCT 05 2000

1011240110cc

William A. Shaw

Prothonotary

EAS

101124

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

**FILED**

OCT 13 2000

COMMONWEALTH OF PENNSYLVANIA :  
DEPARTMENT OF TRANSPORTATION :

-vs-

No. 00-1149-CD

TIMOTHY J. STARCOVIC :

William A. Shaw  
Prothonotary  
Jocelyn Cherry  
Jocelyn Cherry

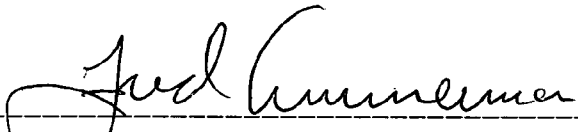
O R D E R

NOW, this 9th day of October, 2000, this being the date set for License Suspension Appeal as requested by the Defendant, Timothy J. Starcovic, with the Court noting that the said Defendant has failed to appear, however, his counsel of record has appeared; the Court also noting that counsel for the Department of Transportation has also failed to appeared; that in consideration thereof, it is the ORDER of this Court that the matter be and is hereby continued. The Court Administrator is directed to reschedule the matter. Estimated time thereof to be one (1) hour in length. The matter should be rescheduled as soon as possible.

The Court also notes that in the event President Judge John K. Reilly, Jr., has a session of Summary Appeals Court whereby the case could be heard by President Judge Reilly prior to its scheduling in front of the undersigned, the undersigned judge has no objection to the matter being

reassigned to the President Judge.

BY THE COURT,

  
\_\_\_\_\_  
Judge

CA

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COMMONWEALTH OF PENNSYLVANIA :

VS : NO. 00-1149-CD

TIMOTHY J. STARCOVIC :

O R D E R

NOW, this 25th day of June, 2001, the Court hereby  
GRANTS the appellant's petition to withdraw and reinstates the  
decision of the Department of Transportation.

BY THE COURT,

\_\_\_\_\_  
President Judge

**FILED**

**JUN 25 2001**

William A. Shaw  
Prothonotary

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

COMMONWEALTH OF PENNSYLVANIA :

VS : NO. 00-1149-CD

TIMOTHY J. STARCOVIC :

O R D E R

NOW, this 25th day of June, 2001, the Court hereby  
GRANTS the appellant's petition to withdraw and reinstates the  
decision of the Department of Transportation.

BY THE COURT,

/s/ JOHN K. REILLY, JR.

President Judge