

00-1149-CD
Comm of PA vs Timothy Starcovic

00

JD-1115-CD
COMMONWEALTH OF PENNSYLVANIA, v. TIMOTHY J. STARCONIC

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

(18) COMMONWEALTH OF PENNSYLVANIA,)
DEPARTMENT OF TRANSPORTATION)
vs.)
(95) TIMOTHY J. STARCOVIC)
) NO. 00-1149-CJ
) 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:

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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 Licensing 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



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



William I. Arbuckle for Robert H. Bascom

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

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

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

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

40104/Atty Weaver
William A. Shaw
Prothonotary
Pd \$80.00

3cc atty Weaver
1cc CA

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

COMMONWEALTH OF PENNSYLVANIA,)
DEPARTMENT OF TRANSPORTATION)
vs.) NO. 00-1149-CO
TIMOTHY J. STARCOCVIC) APPEAL FROM SUSPENSION OF
) OPERATING PRIVILEGES

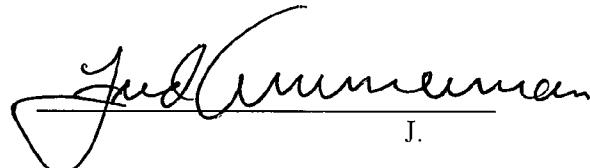
ORDER

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 9th day of October, 2000, at 2:30P.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:


J.

FILED

SEP 15 2000

William A. Shaw
Prothonotary

FILED

REC'D
SEP 15 2000
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William A. Shaw
Prothonotary
1cc CA

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

COMMONWEALTH OF PENNSYLVANIA,)
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mail date August 16, 2000, is hereby granted.

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 J. Ammerman
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
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Counsel for Timothy J. Starcovic
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Mazza, Schneider, Arbuckle & Bascom



William I. Arbuckle for Robert H. Bascom

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DEPARTMENT OF TRANSPORTATION
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EXHIBIT

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

Sincerely,

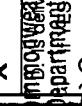
Rebecca L. Bickley

Rebecca L. Bickley, Director
Bureau of Driver Licensing

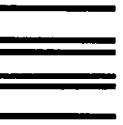
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Department of Transportation
Bureau of Driver Licensing
P.O. Box 68693
Harrisburg, PA 17106-8693

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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

SENDER: COMPLETE THIS SECTION**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly)	B. Date of Delivery
SEP 22 2000	
C. Signature	
	
D. Is this delivery from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
E. Agent <input type="checkbox"/> Addressee	
F. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
G. Article Number (Copy from service label) 1D99 3400 0000 7096 4776	
H. Domestic Return Receipt PS Form 3811, July 1999	
I. Reference 102595-99-M-1789	

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 9 8 2000

KRB-Starovic

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

COMMONWEALTH OF PENNSYLVANIA)
DEPARTMENT OF TRANSPORTATION)
Plaintiff)
vs.) NO. 00-1149-C
TIMOTHY J. STARCOVIC)
Defendant)

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

1400cc
William A. Shaw
Prothonotary

EWD

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

FILED

COMMONWEALTH OF PENNSYLVANIA : OCT 13 2000
DEPARTMENT OF TRANSPORTATION :
: *WPS*
-vs- : No. 00-1149-CD
:
TIMOTHY J. STARCOVIC :
:

William A. Shaw

Prothonotary *pm*

cc to *Chetig*
cc to *Walt*

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

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