

01-843-CD
MICHAEL JOSEPH HASSAN -vs- COMMONWEALTH OF PENNSYLVANIA

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

MICHAEL JOSEPH HASSAN,
PETITIONER

VS.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
RESPONDENT

: NO. 01-843 C.D.

: TYPE OF CASE: CIVIL

: TYPE OF PLEADING: PETITION
FOR REVIEW OF ORDER OF
DEPARTMENT OF
TRANSPORTATION SUSPENDING
OPERATING PRIVILEGE

: FILED ON BEHALF OF:
MICHAEL JOSEPH HASSAN

: COUNSEL OF RECORD:
CHRISTOPHER E. MOHNEY, ESQ.

: SUPREME COURT NO.: 63494

: BLAKLEY, JONES & MOHNEY
90 BEAVER DRIVE, BOX 6
DU BOIS, PA 15801
(814) 371-2730

FILED

JUN 01 2001

William A. Shaw
Prothonotary

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

MICHAEL JOSEPH HASSAN :
:
vs. : No. 01-843-CD
:
COMMONWEALTH OF :
PENNSYLVANIA, DEPARTMENT :
OF TRANSPORTATION :
:

ORDER

AND NOW, this _____ day of _____, 2001, upon consideration of the Petition for MICHAEL JOSEPH HASSAN for review of an Order of the Department of Transportation suspending Petitioner's operating privilege, a Hearing De Novo is granted to determine whether the action of the Department of Transportation in suspending Petitioner's operating privilege should be set aside. The Court Administrator's Office is directed to schedule this matter on the next available License Suspension Hearing date.

The Petitioner is directed forthwith to serve a notice of the appeal and copies of the Petition for Review and Order for Hearing on the Department of Transportation at the address shown in the Department's notice of entry of Order, be certified main, return receipt requested.

This Order shall act as a supercedes of the action of the Pennsylvania Department of Transportation suspending Petitioner's driving privilege.

BY THE COURT:

JOHN K. REILLY, JR.
Judge

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

MICHAEL JOSEPH HASSAN, : NO. 01 - - C.D.
PETITIONER : :

VS.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
RESPONDENT

**PETITION FOR REVIEW OF ORDER OF
DEPARTMENT OF TRANSPORTATION
SUSPENDING OPERATING PRIVILEGE**

AND NOW, comes the Petitioner, **MICHAEL JOSEPH HASSAN**, by and through his attorneys, **BLAKLEY, JONES & MOHNEY**, who file the within Petition against the above-captioned Respondent, pursuant to 75 Pa. C.S.A. Section 1550 for review of an Order of the Department of Transportation Suspending Petitioner's Operating Privilege, and in support thereof, avers the following:

1. Petitioner **MICHAEL JOSEPH HASSAN** is an adult individual residing at R.D. # 4, Box 641, Du Bois, Clearfield County, Pennsylvania 15801.
2. Petitioner currently possesses a valid Pennsylvania driver's license which has not heretofore been suspended, canceled or revoked.
3. By letter dated May 3, 2001, Petitioner was notified in writing by the Department of Transportation of the entry of an Order suspending his operating privilege for the following reason as set forth in the notice: Petitioner's driving privilege is being suspended for a period of one (1) year as a result of notification to PennDOT of an out-of-state conviction equivalent to Section 3731 of

the Pennsylvania Motor Vehicle Code, driving under the influence. A copy of the notice is attached as Exhibit "A".

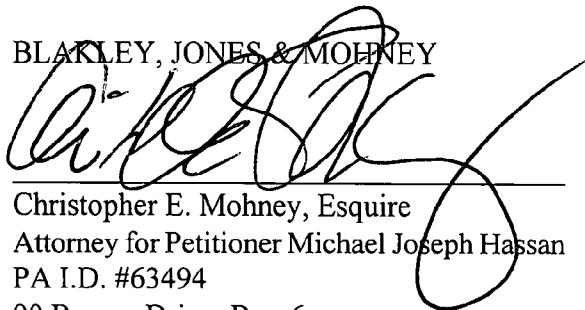
4. The suspension is improper and unlawful for the following reasons: The Order suspending Petitioner's driving privileges is resultant of a conviction of Petitioner in the State of New York for Driving While Impaired; currently, Petitioner is undergoing efforts to withdraw that plea bargain and enter a plea of guilt to the State of New York's lesser charge of Driving While Ability Impaired, to which Petitioner believes and therefore avers may not be the equivalent of Pennsylvania's driving under the influence statute.

WHEREFORE, Petitioner **MICHAEL JOSEPH HASSAN** respectfully requests that this Honorable Court set this matter down forthwith for a De Novo Hearing pursuant to 75 Pa. C.S.A. Section 1550 and that the Order of the Department of Transportation be set aside.

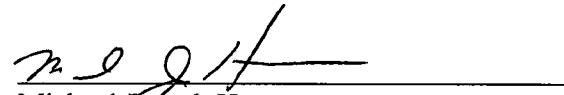
Respectfully submitted,

BY:

BLAKLEY, JONES & MOHNEY


Christopher E. Mohney, Esquire
Attorney for Petitioner Michael Joseph Hassan
PA I.D. #63494
90 Beaver Drive, Box 6
Du Bois, PA 15801
(814) 371-2730

I verify that the statements made in this Petition are true and correct. I understand that false statements herein are made subject to the penalties of Pa. C.S.A. Section 4904, relating to unsworn falsification to authorities.



Michael Joseph Hassan

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
Bureau of Driver Licensing
Harrisburg, PA 17123
MAY 03, 2001

MICHAEL JOSEPH HASSAN	011166101532570 001
RD 4 BOX 641	04/26/2001
DU BOIS PA 15801	19892922
	02/10/1963

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 03/29/2001 of an offense which occurred on 12/12/2000, 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 06/07/2001, 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.

011166101532570

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, MAY 03, 2001, of this letter. If you file an appeal in the County Court, the Court will give you a time-stamped certified copy of the appeal. In order for your appeal to be valid, you must 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/T0:
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

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION
NO. 01 - C.D.

MICHAEL JOSEPH HASSAN,
PETITIONER

VS.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
DEFENDANT

PETITION FOR REVIEW OF ORDER OF
DEPARTMENT OF TRANSPORTATION
SUSPENDING OPERATING PRIVILEGE

FILED

RECEIVED
JULY 1 2001
William A. Shaw
Prothonotary

cc: Attn: Mohney

LAW OFFICES
BLAKLEY, JONES & MOHNEY
90 BEAVER DRIVE - BOX 6
DUBOIS, PA 15801

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

MICHAEL JOSEPH HASSAN, PETITIONER	:	NO. 01 - 843 - C.D.
VS.	:	TYPE OF CASE: CIVIL
COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF TRANSPORTATION, RESPONDENT	:	TYPE OF PLEADING: AFFIDAVIT OF SERVICE
	:	FILED ON BEHALF OF: MICHAEL JOSEPH HASSAN
	:	COUNSEL OF RECORD: CHRISTOPHER E. MOHNEY, ESQ.
	:	SUPREME COURT NO.: 63494
	:	BLAKLEY, JONES & MOHNEY 90 BEAVER DRIVE, BOX 6 DU BOIS, PA 15801 (814) 371-2730

FILED

JUN 27 2001

William A. Shaw
Prothonotary

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

MICHAEL JOSEPH HASSAN, : NO. 01 - 843 - C.D.
PETITIONER : .

VS.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
RESPONDENT

AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF CLEARFIELD : SS.

CHRISTOPHER E. MOHNEY, ESQUIRE, being duly sworn according to law deposes and says: that he is a partner in the law firm of **BLAKLEY, JONES & MOHNEY**, attorneys for **MICHAEL JOSEPH HASSAN**, the Plaintiff in the above-captioned action; that he did cause to be served on Defendant **COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF TRANSPORTATION** in the above-captioned action, a true and correct certified copy of the Petition for Review of Order of Department of Transportation Suspending Operating Privilege filed on behalf of Plaintiff **MICHAEL JOSEPH HASSAN** on June 1, 2001 by sending the same via certified mail, return receipt requested, under cover letter dated June 5, 2001, a copy of which is attached; that the Defendant **COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF TRANSPORTATION** received the certified copy of the Petition on June 11, 2001 as evidenced by

the attached return receipt; and that the foregoing facts are true and correct to the best of his knowledge, information and belief.

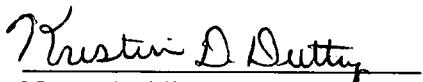


Christopher E. Mohney, Esquire

Sworn to and subscribed

before me this 26th day

of June, 2001.



Kristin D. Duttry
Notary Public

<p>Notarial Seal Kristin D. Duttry, Notary Public DuBois, Clearfield County My Commission Expires Jan. 30, 2003</p>

BLAKLEY, JONES & MOHNEY
Attorneys and Counselors at Law
90 Beaver Drive, Box 6
Du Bois, Pennsylvania 15801

June 5, 2001

Telephone (814) 371-2730
Fax (814) 375-1082

Benjamin S. Blakley, III
Christopher E. Mohney

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

**RE: Michael Joseph Hassan v. Commonwealth of Pennsylvania,
Department of Transportation
No. 01-843-C.D.**

Dear Sir or Madam:

Enclosed we hereby serve you with Petition of Mr. Hassan for review of Order suspending his operating privileges.

Once an Order is received from the Court setting forth Hearing date, time and place on the matter, we will serve you with the same.

Thank you.

Sincerely,

BLAKLEY, JONES & MOHNEY



Christopher E. Mohney, Esquire

CEM:kdm

Enclosure

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

copy to: Michael J. Hassan



SENDER: COMPLETE THIS SECTION

- 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 on the front if space permits.

1. Article Addressed to:

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

COMPLETE THIS SECTION ON DELIVERY

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

JUN 11 2001

C. Signature

X Agent
 AddresseeD. Is delivery address different from item 1? Yes
 No**JUN 12 2001****STATE OF
PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
OFFICE OF CHIEF COUNSEL** Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Copy from service label)

7000 1670 0000 4738 0195

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION
NO. 01 - 843 - C.D.

MICHAEL JOSEPH HASSAN,

PETITIONER

VS.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,

RESPONDENT

AFFIDAVIT OF SERVICE

FILED

JUN 27 2001

131 NOCC

William A. Shaw
Prothonotary

REB

LAW OFFICES

BLAKLEY, JONES & MOHNEY
90 BEAVER DRIVE - BOX 6
DUBOIS, PA 15801

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

COMMONWEALTH OF PENNSYLVANIA : :

VS : NO. 01-843-CD

MICHAEL JOSEPH HASSAN : :

O R D E R

NOW, this 19th day of December, 2003, following hearing
in the above-captioned appeal from license suspension, it is the
Order of this Court that said appeal be and is hereby DISMISSED
and the suspension imposed by the Commonwealth SUSTAINED.

BY THE COURT,

President Judge

FILED

DEC 23 2003

William A. Shaw
Prothonotary/Clerk of Courts

FILED acc. Atty's Mohney, Kuhar
DEC 23 2003
William A. Shaw
Prothonotary/Clerk of Courts