

02-1420-CD

COMM. OF PENNA. VS. DUANE W. HULL

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

COMMONWEALTH OF PENNSYLVANIA

vs

DUANE W. HULL,
Defendant

* No. 02- 1420 -C.D.

* Type of Case: Civil

* Type of Pleading: Appeal from
* Suspension of Operator's
* Privilege

* Filed on Behalf of: Defendant

* Counsel of Record for this Party:
* CHRIS A. PENTZ, Esquire

* Supreme Court I.D. # 39232
* 211 ½ East Locust Street
* P. O. Box 552
* Clearfield PA 16830
* 814 765-4000

FILED

SEP 13 2002
0111471atty Pentz pd 80.00
William A. Shaw
Prothonotary
BCH
JCC atty
JCC CA.

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

COMMONWEALTH OF PENNSYLVANIA *

*

vs

No. 2002-

-C.D.

*

DUANE W. HULL,

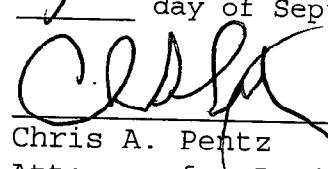
Defendant *

APPEAL FROM SUSPENSION OF OPERATOR'S LICENSE

1. The Petitioner is DUANE W. HULL, who resides at R. D. # 1 Box 88A Owens Street, Clearfield, Pennsylvania 16830.
2. The Petitioner has been issued Pennsylvania Driver's License Number 237 92 534.
3. By letter dated August 20, 2002, the Petitioner was advised that his driving privileges were being suspended for a period of sixty (60) days as a result of a violation of Section 3362 of the Vehicle Code: EXCEEDING MAXIMUM SPEED for a violation which occurred on 08/06/2002.
4. The Petitioner believes the suspension is improper due to the fact that Petitioner has not exhausted his appeal rights on the underlying conviction.
5. This Petition is filed pursuant to Section 1550 of the Pennsylvania Motor Vehicle Code.

WHEREFORE, Petitioner respectfully requests Your Honorable Court to enter an Order setting aside the Suspension.

Respectfully submitted this 9 day of September, 2002.


Chris A. Pentz
Attorney for Petitioner

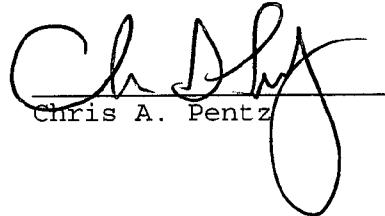
VERIFICATION

I, Chris A. Pentz, have read the foregoing Appeal from Suspension of Operator's Privilege. The statements therein are correct to the best of my personal knowledge or information and belief.

This statement and verification is made subject to penalties of 18 Pa. C.S. §4904 relating to unsworn falsifications to authorities, which provides that if I knowingly make false averments, I may be subject to criminal penalties.

I am authorized to make this verification on behalf of Defendant because of my position as counsel of record.

Dated: 9-9-02



Chris A. Pentz

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
Bureau of Driver Licensing
Harrisburg, PA 17123
AUGUST 20, 2002

DUANE W HULL	022259283365974 001
OWENS STREET	08/13/2002
R D 1 BOX 88 A	23792534
CLEARFIELD PA 16830	01/13/1976

Dear Motorist:

As a result of your conviction on 08/12/2002 of violating Section 3362 of the Vehicle Code, EXCEEDING MAXIMUM SPEED on 08/06/2002, your privilege to drive a commercial motor vehicle is being disqualified for a period of 60 DAY(S) as mandated by Section 1611G of the Vehicle Code.

The effective date of disqualification is 09/24/2002, 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.

022259283365974

Please see the enclosed application for restoration fee information.

While your commercial driving privilege is disqualified, the Vehicle Code permits a driver to obtain a noncommercial Class C or M license, if the driver possesses the motorcycle qualification, to drive noncommercial motor vehicles. If you wish to obtain this license, please complete the enclosed application as instructed and return it to the Department.

Please be aware that if you elect to obtain this noncommercial Class C or M license, you are still prohibited from operating a commercial motor vehicle. If you do so, you are subject to additional penalties, including possible lifetime disqualification of your commercial driving privilege.

You have the right to appeal the Department's action to the Court of Common Pleas (Civil Division) within 30 days of the mail date (AUGUST 20, 2002) of this notice. You must still send in your license before the effective date of disqualification unless you appear in person before a Judge and receive an order permitting you to continue to drive. PLEASE NOTE that this Civil Appeal is in addition to any appeal you have to file from the criminal conviction.

AFTER THE APPEAL HAS BEEN FILED IN THE COUNTY COURT, A TIME-STAMPED CERTIFIED COPY OF THE APPEAL MUST BE SENT BY CERTIFIED MAIL TO:

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

Sincerely,

Rebecca L. Bickley

Rebecca L. Bickley, Director
Bureau of Driver Licensing

022259283365974

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 8:00 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

211 1/2 EAST LOCUST ST. P.O. BOX 552
CLEARFIELD, PENNSYLVANIA 16830
ATTORNEY AT LAW
CHRIS A. PENNZ

Fold Here

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

COMMONWEALTH OF PENNSYLVANIA

vs

DUANE W. HULL,
Defendant

* No. 02-1420 -C.D.

* Type of Case: Civil

* Type of Pleading: Petition for
* Supersedeas/Order

* Filed on Behalf of: Defendant

* Counsel of Record for this Party:
* CHRIS A. PENTZ, Esquire

* Supreme Court I.D. # 39232
* 211 1/2 East Locust Street
* P. O. Box 552
* Clearfield PA 16830
* 814 765-4000

FILED

SEP 13 2002
013421 ~~accatty~~ *accatty*
William A. Shaw
Prothonotary
EP

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

COMMONWEALTH of PENNSYLVANIA

vs.

* No. 2002- -CD

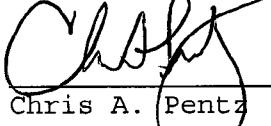
DUANE W. HULL,
Defendant

PETITION FOR SUPERSEDEAS

1. The Petitioner is the Defendant in the above captioned matter.
2. An Appeal from Suspension of Operator's License was filed with Your Honorable Court to the above Docket Number.
3. The Petitioner is reasonable likely of a successful Appeal of his commercial disqualification in that the underlying offense is being appealed.
4. This Ex Parte Petition is filed pursuant to 75 Pa.C.S.A. § 1550 (b) (2).

WHEREFORE, Petitioner requests a Supersedeas of the Commercial operating privileges disqualification.

Respectfully submitted this 9 of Sept, 2002.



Chris A. Pentz
Attorney for Defendant

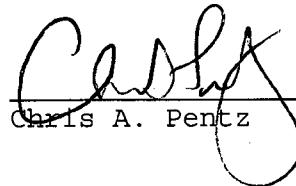
VERIFICATION

I, Chris A. Pentz, have read the foregoing Petition for Supersedeas/Order. The statements therein are correct to the best of my personal knowledge or information and belief.

This statement and verification is made subject to penalties of 18 Pa. C.S. §4904 relating to unsworn falsifications to authorities, which provides that if I knowingly make false averments, I may be subject to criminal penalties.

I am authorized to make this verification on behalf of Defendant because of my position as counsel of record.

Dated: 9-9-02


Chris A. Pentz

CHRIS A. PENNZ
ATTORNEY AT LAW
211 1/2 EAST LOCUST ST. P.O. BOX 552
CLEARFIELD, PENNSYLVANIA 16830

Fold Here

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

COMMONWEALTH of PENNSYLVANIA

vs.

* No. 2002-1420 -CD

DUANE W. HULL,
Defendant

SUPERCEDEAS ORDER

AND NOW, this 13th day of September, 2002, the
Defendant in the above captioned matter, having filed an
Appeal from Suspension of Operator's License, it is hereby
ORDERED and DECREED that pursuant to 75 Pa. C.S.A. §1550,
the Department's disqualification of the Defendant's
Commercial Operating Privileges is superseded until final
determination of this matter.

BY THE COURT:



FILED

SEP 13 2002
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William A. Shaw C
Prothonotary KJS

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

COMMONWEALTH OF PENNSYLVANIA

: No. 2002-1420-CD

vs.

DUANE W. HULL,

Defendant

: CDL Disqualification Appeal

: ORDER OF COURT

: Filed on Behalf of:

: COMMONWEALTH OF PENNSYLVANIA
: DEPARTMENT OF TRANSPORTATION

: Counsel of Record:

: William A. Kuhar, Jr., Esquire
: Assistant Counsel
: Pa.I.D. No. 38885

: Department of Transportation
: Office of Chief Counsel
: Firm No. 052

: 1209 State Office Building
: 300 Liberty Avenue
: Pittsburgh, PA 15222
: (412) 565-7555

FILED 2CC Atty Pertz
01/03/03 AD 1CC Atty Kuhar
JUN 13 2006

William A. Shaw
Prothonotary/Clerk of Courts

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

COMMONWEALTH OF PENNSYLVANIA :
:
vs. : No. 2002-1420-CD
DUANE W. HULL, :
Defendant. :
:

ORDER OF COURT

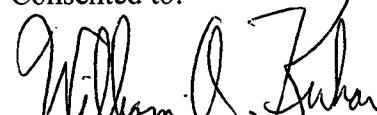
AND NOW, to wit: this 12 day of June, 2006, this appeal by the defendant/petitioner, Duane W. Hull, from an order of the Pennsylvania Department of Transportation's Bureau of Driver Licensing for the disqualification of his privilege to operate commercial motor vehicles for a period of sixty (60) days pursuant to 75 Pa.C.S. §1611(g) is, with the consent of the Bureau, remanded to the Bureau for rescission of the appealed 60 day disqualification, updating of the defendant/petitioner's driving record to show that he was convicted of violating 75 Pa.C.S. §3362 on August 6, 2002 by operating a motor vehicle at the rate of 59 m.p.h. in a 45 m.p.h. zone and deletion from the defendant/petitioner's driving record of 1 of the 4 points assigned to his driving record due to his conviction in District Court No. 59-3-03 for violating 75 Pa.C.S. §3362 on August 6, 2002, if such action has not already been taken.

By the Court



J.

Consented to:



William A. Kuhar, Jr., Esquire
Attorney for the Bureau

DATE: 6/13/06

 You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

 Plaintiff(s) Plaintiff(s) Attorney Other

 Defendant(s) Defendant(s) Attorney

 Special Instructions:

FILED

JUN 13 2006

William A. Shaw
Prothonotary/Clerk of Courts

Pentz, Kuhar