

JOHANN MAGREEN CALIARI vs. COMM. OF PENNA.

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

JOANN MAUREEN CALIARI, :
Appellant :
vs. : No. 2002-1982-cv
:
COMMONWEALTH OF PENNSYLVANIA, :
DEPARTMENT OF TRANSPORTATION, :
Appellee :
:
: Type of Document: Petition for Appeal
: from Order of Department of
: Transportation Suspending Driver's
: License
:
:
: Filed on behalf of: Joann Maureen Caliari
:
: Counsel of Record for this party:
:
: DAVID J. HOPKINS, ESQUIRE
: Attorney at Law
: Supreme Court No. 42519
:
: 900 Beaver Drive
: DuBois, Pennsylvania 15801
:
: (814) 375-0300

FILED

DEC 24 2002

01/11/2003 was

William A. Shaw

Prothonotary/Clerk of Courts

CERT TO ATTY

COPY TO CLERK

COPY TO PENNS DOT
@ H-BURG 1/16/03

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

JOANN MAUREEN CALIARI, :
Appellant :
vs. : No.
:
COMMONWEALTH OF PENNSYLVANIA, :
DEPARTMENT OF TRANSPORTATION, :
Appellee :
:

PETITION FOR APPEAL FROM ORDER
OF DEPARTMENT OF TRANSPORTATION
SUSPENDING DRIVER'S LICENSE

Now, comes Appellant, Joann Maureen Caliari, by and through her attorneys, The Hopkins Law Firm, and avers as follows:

1. Appellant is Joann Maureen Caliari residing and having a mailing address at Laura Lane, R.R. #1, Box 161A, Penfield, PA 15849.
2. Appellee herein is the Department of Transportation of the Commonwealth of Pennsylvania, having a mailing address of Department of Transportation, Bureau of Driver Licensing, Harrisburg, Pennsylvania 17123.
3. By letter or notice dated December 9, 2002, a copy of which is attached hereto labeled Exhibit "A", the Department of Transportation ordered Appellant to surrender her operators license for a period of ninety (90) days.
4. The said suspension of Appellant's operating privileges is improper or unlawful for the following reasons:
 - a. The suspension is not supported by the law;

b. Appellant was convicted of a violation of compulsory attendance requirement by District Magistrate Patrick Ford on November 18, 2002. Appellant has appealed said conviction to the Court of Common Pleas of Clearfield County on December 17, 2002 and the Denovo Hearing has yet to be heard.

c. The suspension is not supported by the facts in as much as the Appellant was not truant;

WHEREFORE, Appellant respectfully requests this matter be set down for a hearing before your Honorable Court and that the order of suspension be set aside.

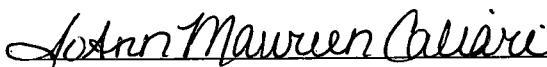
Respectfully submitted,



David J. Hopkins, Esquire

VERIFICATION

I hereby verify that the statements made in this pleading are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. Section 4904, relating to Unsworn Falsification to Authorities.



Joann Maureen Caliari

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
Bureau of Driver Licensing
Harrisburg, PA 17123
DECEMBER 16, 2002

JOANN MAUREEN CALIARI
LAURA LANE
RR 1 BOX 161A
PENFIELD PA 15849

023436114686240 001
12/09/2002
26817068
05/13/1985

Dear MS. CALIARI:

On 11/18/2002 you were convicted of Truancy under Section 1333 of the Public School Code. As a result, your driving privilege (or your right to apply for a driver's license) is being suspended for 90 DAY(S) as required by Section 1338.1 of the Public School Code.

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 01/20/2003, 12:01 a.m.

Approximately 30 days before your driving privilege is eligible for restoration, provided credit has begun on your suspension, you will receive a letter that identifies the steps you must follow for restoration of your driving privilege. When you receive the letter, please read it care-

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fully and follow all the instructions. This will ensure timely restoration of your driving privilege.

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, DECEMBER 16, 2002, 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/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

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

JOANN MAUREEN CALIARI, :
Appellant :
vs. : No. 2002-1982 C.D.
: :
COMMONWEALTH OF PENNSYLVANIA, :
DEPARTMENT OF TRANSPORTATION, :
Appellee :
:

ORDER FOR SUPERSEDEAS

NOW, this 15th day of January, 2003, upon
consideration of the within Petition, it is ORDERED AND ADJUDGED:

1. Appellant's driver's license shall not be revoked until further order of this Court; and
2. The Prothonotary of Clearfield County shall notify the Department of Transportation of the within Order and furnish a copy of the within Petition to the Department of Transportation.

BY THE COURT,

JUDGE

FILED

JAN 15 2003

William A. Shaw
Prothonotary

FILED

012150 LEX
JAN 15 2003

1cc
Amy Hopkins

1cc to DOR
14-8292 1/16/03

William A. Shaw
Prothonotary

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

COMMONWEALTH OF PENNSYLVANIA : :

VS : NO. 02-1982-CD

JOANN MAUREEN CALIARI : :

O R D E R

NOW, this 19th day of December, 2003, this being the day and date set for hearing in the above-captioned appeal from license suspension, it is the Order of this Court that said appeal be RESCINDED and said appeal is REMANDED to the Department for rescission of the suspension and deletion of the reported conviction for truancy.

BY THE COURT,
President Judge

FILED

DEC 23 2003

William A. Shaw
Prothonotary/Clerk of Courts

FILED *cc: Atlys Hopkins, Kehar*
REC'D 11/20/2003
REC 23 2003
for

William A. Shaw/
Prothonotary/Clerk of Courts