

03-705=CD  
ROBERT H. HUNT, JR. vs. COMM. OF PA. DEPT. OF TRANS

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF MERCER

COPY

03-705-CD

I, ELIZABETH F. FAIR,  
PROTHONOTARY, in and for the  
County aforesaid, the same being a Court  
of Record, do hereby certify that the  
attached is a true, full and correct

copy of the original RECORD  
in the matter of ROBERT H. HUNT, JR. VS.  
COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF TRANSPORTATION

**FILED** so full and entire as it remains permanently of record in the said Court of Mercer,  
Pennsylvania at No. 2003 - 555

MAY 09 2003

William A. Shaw  
Prothonotary

Witness my hand and seal of the said  
Court of Common Pleas of Mercer  
County, Mercer, Pennsylvania, this 29TH  
day of APRIL, 200. 3

Elizabeth F. Fair  
PROTHONOTARY

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF MERCER

03-705-CD

I, ELIZABETH F. FAIR,  
PROTHONOTARY, in and for the  
County aforesaid, the same being a Court  
of Record, do hereby certify that the  
attached is a true, full and correct

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in the matter of ROBERT H. HUNT, JR. VS.

COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF TRANSPORTATION

so full and entire as it remains permanently of record in the said Court of Mercer,  
Pennsylvania, at No. 2003 - 555

MAY 09 2003

William A. Shaw  
Prothonotary

Witness my hand and seal of the said  
Court of Common Pleas of Mercer  
County, Mercer, Pennsylvania, this 29TH  
day of APRIL, 2003

*Elizabeth F. Fair*  
PROTHONOTARY

2003-00555 ROBERT H HUNT JR (vs) COMMONWEALTH OF PA

Reference No...:  
 Case Type.....: APPEAL LICENSE SUSP  
 Judgment.....: .00  
 Judge Assigned:  
 Disposed Desc.:  
 ----- Case Comments -----

Filed.....: 2/25/2003  
 Time.....: 3:28  
 Execution Date 0/00/0000  
 Jury Trial....  
 Disposed Date: 0/00/0000  
 Higher Crt 1.:  
 Higher Crt 2.:

\*\*\*\*\*  
 General Index Attorney Info

HUNT ROBERT H JR  
 369 SPRUCE AVENUE  
 SHARON PA 16146

PLAINTIFF

WHALEN J JARRETT K

COMMONWEALTH OF PENNSYLVANIA  
 DEPARTMENT OF TRANSPORTATION

DEFENDANT

KARAS CHESTER J JR

\*\*\*\*\*  
 \* Date Entries \*  
 \*\*\*\*\*

----- FIRST ENTRY -----  
 2/25/2003 CAPTION: ROBERT H HUNT JR VS COMMONWEALTH OF PENNSYLVANIA  
 DEPARTMENT OF TRANSPORTATION  
 -----  
 2/25/2003 PETITION FOR APPEAL F/ATTY J JARRETT K WHALEN TO CT ADM W/PROPOSED  
 ORDER  
 008 Image page(s) exist(s) for this entry  
 -----  
 2/27/2003 ORDER OF 2/26/03 THE ORDER OF DEPT OF TRANSPORTATION IS SET ASIDE  
 PENDING FURTHER ORDER OF THIS COURT A HEARING DE NOVO IS GRANTED  
 SAID HEARING TO BE HELD ON 4/4/03 AT 11 AM IN CT RM #3 TRD FILED  
 2/27/03 CC: ATTY WHALEN ATTY KARAS CT ADMIN  
 001 Image page(s) exist(s) for this entry  
 -----  
 4/02/2003 MOTION TO TRANSFER VENUE F/ATTY KARAS  
 4/02/2003 006 Image page(s) exist(s) for this entry  
 -----  
 4/02/2003 ORDER OF 4/1/03 MOTION TO TRANSFER VENUE FILED ON BEHALF OF DEPT OF  
 TRANSPORTATION IS GRANTED & ABOVE-CAPTIONED APPEAL IS HEREBY  
 TRANSFERRED TO CLEARFIELD CO PA TRANSFER COSTS & FILING FEES IF ANY  
 ARE TO BE PAID BY PETITIONER ROBERT L HUNT JR & HE SHALL ENSURE THE  
 CASE IS TRANSFERRED & FILED W/IN 30 DAYS OF THE DATE OF THIS ORDER  
 DEPT OF TRANSPORTATION SHALL REINSTATE THE SUSPENSION OF OPERATING  
 PRIVILEGES IF THE APPEAL HAS NOT BEEN FILED IN ACCORDANCE W/ THIS  
 ORDER TRD FILED 4/2/03 CC: ATTY WHALEN ATTY KARAS  
 001 Image page(s) exist(s) for this entry  
 ----- LAST ENTRY -----

\*\*\*\*\*  
 \* Escrow Information \*  
 \* Fees & Debits Beg Bal Pymts/Adj End Bal \*  
 \*\*\*\*\*

|                 |        |        |       |
|-----------------|--------|--------|-------|
| APPEAL LIC SUS  | 75.00  | 75.00  | .00   |
| DISC            | 7.50   | 7.50   | .00   |
| TAX ON APPEAL   | .50    | .50    | .00   |
| PRO AUTO FUND   | 5.00   | 5.00   | .00   |
| JCS FEE         | 10.00  | 10.00  | .00   |
| REMOVE/TRANSFER | 22.50  | 22.50  | .00   |
| -----           | -----  | -----  | ----- |
|                 | 120.50 | 120.50 | .00   |

\*\*\*\*\*  
 \* End of Case Information \*  
 \*\*\*\*\*

**IN THE COURT OF COMMON PLEAS OF MERCER COUNTY, PENNSYLVANIA**

ROBERT H. HUNT, JR.,  
Petitioner,

vs.

Commonwealth of Pennsylvania,  
Department of Transportation

No. 2003 - 555

NO FILED IN MERCER  
COUNTY  
2003 APR -2 A  
ELIZABETH F. FAIR  
PROTHONOTARY  
9 45

**ORDER**

AND NOW, this 1<sup>st</sup> day of April, 2003, it is ORDERED,  
ADJUDGED, AND DECREED that the Motion to Transfer Venue, filed on behalf of the  
Department of Transportation, is granted and the above-captioned appeal is hereby  
transferred to Clearfield County, Pennsylvania,

It is FURTHER ORDERED AND DIRECTED that transfer costs and filing  
fees, if any, are to be paid by the Petitioner, Robert L. Hunt Jr., and he shall ensure the  
case is transferred and filed within 30 days of the date of this Order.

It is FURTHER ORDERED AND DIRECTED that the Department of  
Transportation shall reinstate the suspension of operating privileges, if the appeal has  
not been filed in accordance with this Order.

BY THE COURT:

4.2.03  
cc: Atty Whalen  
Atty Karas

Thomas Dobson J.  
Thomas Dobson

IN THE COURT OF COMMON PLEAS OF MERCER COUNTY, PENNSYLVANIA

ROBERT H. HUNT, JR.,  
Petitioner

vs.

Commonwealth of Pennsylvania,  
Department of Transportation.

No. 2003 - 555

FILED IN MERCER COUNTY  
2003 APR -2 A 9 45  
ELIZABETH E. FAIR  
PROTHONOTARY

**MOTION TO TRANSFER VENUE**

AND NOW, comes the Department of Transportation, by and through its counsel, Chester J. Karas, Jr., Esquire, and requests the Court transfer the above-captioned appeal to the appropriate forum. Although the Petitioner is a resident of Mercer County, the location of the violation of 75 Pa. C.S. §1547 that is the basis for the Petitioner's appeal is Clearfield County. As such, Mercer County is the improper venue for the appeal. In support thereof, the Department avers the following:

1. By a letter dated February 4, 2003, the Department of Transportation (Department) notified the Petitioner, Robert H. Hunt, Jr, that it was suspending his operating privileges as authorized by Section 1547 of the Vehicle Code for a chemical test refusal that occurred on December 23, 2002.
2. The Department based its action in this matter based upon an affidavit of refusal that State Trooper Kenneth J. Hahn of the Clearfield Barracks submitted to the Department. A copy of said affidavit of refusal is attached to this Motion as Exhibit "A."

3. The Department believes and therefore avers that Trooper Hahn arrested the Petitioner for violating 75 Pa. C.S. §3731 following a motor vehicle accident in Clearfield County and that the chemical test refusal occurred in Clearfield County.

4. The Petitioner filed a statutory appeal, from the notice of suspension referred to in paragraph 1, in the Court of Common Pleas of Mercer County at the above-referenced number.

5. Venue for appeals from determinations of the Department of Transportation is governed by Section 933 of the Judicial Code, which provides in pertinent part:

**§933. APPEALS FROM GOVERNMENTAL AGENCIES**

(a) **General Rule.** Except as otherwise prescribed by any general rule adopted pursuant to section 503 (relating to reassignment of matters), each court of common pleas shall have jurisdiction of appeals from final orders of government agencies in the following cases:

(1) Appeals from Commonwealth agencies in the following cases:

\* \* \* \* \*

(ii) Determinations of the Department of Transportation appealable under the following provisions of Title 75 (relating to vehicles):

§1377 (relating to judicial review).

§1550 (relating to judicial review)

\* \* \* \* \*

Except as otherwise prescribed by general rules, the venue shall be in the county of the principal place of business of any salvor or messenger service, the location of any inspection station involved, the county where the arrest for a violation of 75 Pa. C.S. §3731 (relating to driving under influence of alcohol or controlled substance) was made in appeals involving the suspension of operating privileges under 75 Pa. C.S. §1547 (relating to chemical testing to determine amount of alcohol or controlled substance) or the residence of any individual appellant where the venue is not

shall be in the county in which the offense giving rise to the recall, cancellation, suspension or revocation of operating privileges occurred.

42 Pa. C.S. § 933(a)(1)(ii)(emphasis added)

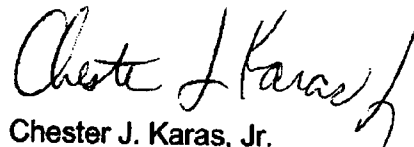
6. Pursuant to Section 933 proper venue lies only in the court of common pleas where the arrest for violating 75 Pa. C.S. §3731 occurred. The said violation in this matter did not occur in Mercer County, therefore Mercer County is an improper venue for this appeal.

7. Proper venue for the instant appeal would lie in Clearfield County because that is the county of Petitioner's arrest and chemical test refusal.

8. J. Jarrett K. Whalen, counsel for the petitioner, has been consulted regarding this motion to transfer venue. Attorney Whalen has no objection to the transfer of this matter to Clearfield County.

WHEREFORE, the Department of Transportation requests the Court transfer the instant case to Clearfield County.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Chester J. Karas, Jr.", written in dark ink.

Chester J. Karas, Jr.  
Assistant Counsel





**CHEMICAL TESTING WARNINGS AND REPORT OF  
REFUSAL TO SUBMIT TO CHEMICAL TESTING AS  
AUTHORIZED BY SECTION 1547 OF THE VEHICLE CODE**

C03-0729603

|                            |                  |                  |   |               |                                       |            |
|----------------------------|------------------|------------------|---|---------------|---------------------------------------|------------|
| NAME                       |                  |                  | SEX   | DATE OF BIRTH |                                       |            |
| FIRST<br>ROBERT            | MIDDLE<br>HAROLD | LAST<br>HUNT, JR | M   | MONTH<br>02   | DAY<br>25                             | YEAR<br>63 |
| ADDRESS<br>369 SPRUCE AVE. |                  |                  | CITY<br>SHARON                                    | STATE<br>PA   | ZIP CODE<br>16146                     |            |
| DRIVER NUMBER<br>27061371  |                  | STATE<br>PA      | CHEM TEST REQUEST DATE<br>MONTH 12 DAY 23 YEAR 02 |               | SOCIAL SECURITY NUMBER<br>280 74 9687 |            |

### SECTION 1547 - CHEMICAL TESTING WARNINGS

- Please be advised that you are now under arrest for driving under the influence of alcohol or a controlled substance pursuant to section 3731 of the Vehicle Code.
- I am requesting that you submit to a chemical test of BLOOD (breath, blood or urine. Officer chooses the chemical test.)
- It is my duty, as a police officer, to inform you that if you refuse to submit to the chemical test your operating privilege will be suspended for a period of one year.
- The constitutional rights you have as a criminal defendant, commonly known as the Miranda Rights, including the right to speak with a lawyer and the right to remain silent, apply only to criminal prosecutions and do not apply to the chemical testing procedure under Pennsylvania's Implied Consent Law, which is a civil, not a criminal proceeding.
  - You have no right to speak to a lawyer, or anyone else, before taking the chemical test requested by the police officer nor do you have a right to remain silent when asked by the police officer to submit to the chemical test. Unless you agree to submit to the test requested by the police officer your conduct will be deemed to be refusal and your operating privilege will be suspended for one year.
  - Your refusal to submit to chemical testing under the Implied Consent Law may be introduced into evidence in a criminal prosecution for driving while under the influence of alcohol or a controlled substance.

I certify that I have read the above warning to the motorist regarding the suspension of their operating privilege and gave the motorist an opportunity to submit to chemical testing.

Signature of Officer: TPR Kenneth J. WahnDate: 12/23/02

I have been advised of the above.

Signature of Motorist: \_\_\_\_\_

Date: \_\_\_\_\_

Motorist refused to sign, after being advised.

Signature of Officer: TPR Kenneth J. WahnDate: 12/23/02

### AFFIDAVIT

- The above motorist was placed under arrest for driving under the influence of alcohol or a controlled substance in violation of Section 3731 of the Vehicle Code, and there were reasonable grounds to believe that the above motorist had been driving, operating or in actual physical control of the movement of a motor vehicle while under the influence of alcohol or a controlled substance or both.

or  
That the above named motorist was involved in an accident in which the operator or passenger of any vehicle involved or a pedestrian required treatment at a medical facility or was killed.

- The above motorist was requested to submit to chemical testing as authorized by Section 1547 of the Vehicle Code.
- The above motorist was informed by a police officer of the chemical test warnings contained in paragraph 3 and 4 above.
- The above named motorist refused to submit to chemical testing.

**OFFICER NOTE:** The refusal to sign this form is not a refusal to submit to the chemical test. You must still give the motorist an opportunity to take the chemical test after reviewing this form. If the individual was operating a commercial motor vehicle while having any alcohol or a controlled substance in their system, you must also complete the reverse side of this form.

DISTRICT JUDGE  
CENTRE COUNTY

SUBSCRIBED AND SWORN TO BEFORE ME  
NO 12 DAY 31 YEAR 02

Signature of Person Administering Oath  
ALLEN W. SINCLAIR  
SHERIFF OF CENTRE COUNTY  
My Commission Expires Jan. 3, 2006

Officer Signature: TPR Kenneth J. WahnOfficer Name: TPR KENNETH J. WAHN

(Type or Print)

Badge Number: 8378Jurisdiction: CLEARFIELD PSPPhone: (814) 857-3800Mailing Address 147 DOE HILL RD.WOODLAND, PA 16881

Forward to:

Department of Transportation  
Bureau of Driver Licensing  
P.O. Box 60037  
Harrisburg, PA 17106-0037

THIS FORM MAY BE DUPLICATED

EXHIBIT

"A"

Note: Any pertinent facts not covered by the affidavit should be submitted on a separate sheet and attached hereto. That sheet should include the names of additional witnesses necessary to prove the elements to which you have attested.

ADDITIONAL SUPPLIES OF THIS FORM MAY BE SECURED BY COMPLETING FORM OS-511A

**VERIFICATION**

I, Jeffrey L. Giltenboth, verify that the averments made in the within Motion to Transfer Venue are true and correct based upon my personal knowledge, information and belief. 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.

  
\_\_\_\_\_  
Jeffrey L. Giltenboth  
Senior Assistant Counsel

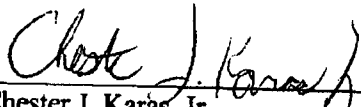
Date: March 31, 2003

CERTIFICATE OF SERVICE

I hereby certify that I have caused to be served a true and correct copy of the Department of Transportation's Motion To Transfer Venue on the date set forth below by mailing by first class mail, postage pre-paid:

J. Jarrett K. Whalen, Esquire  
118 North Pitt Street  
Mercer, PA 16137

Dated: March 31, 2003

  
\_\_\_\_\_  
Chester J. Karas, Jr.  
Assistant Counsel

IN THE COURT OF COMMON PLEAS OF MERCER COUNTY,  
PENNSYLVANIA

ROBERT H. HUNT, JR.,  
Petitioner,

vs.

No. 2003 - 555

COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF TRANSPORTATION,  
Respondent.

**ORDER**

AND NOW, this 26<sup>th</sup> day of February, 2003, upon consideration of the Petition of ROBERT H. HUNT, JR for review of an order of the Department of Transportation suspending Petitioner's operating privilege, it is hereby ORDERED AND DECREED:

1. The order of the Department of Transportation is set aside pending further Order of this Court;

2. A hearing de novo is granted, said hearing to be held on the 4<sup>th</sup> day of April, 2003, at 11:00 a.m. in Courtroom # 3, Mercer County Court of Common Pleas.

MAA J.

2-27-03  
cc: Atty Whalen  
Atty Karas  
cc-admin

CLERK OF COURT  
JUDICIAL BRANCH  
MERCER COUNTY

2003 FEB 27 P 12:29

IN THE COURT OF COMMON PLEAS OF MERCER COUNTY,  
PENNSYLVANIA

ROBERT H. HUNT, JR.,  
Petitioner,

vs.

COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF TRANSPORTATION,  
Respondent.

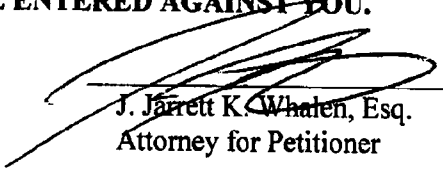
No. 2003 - 555

FILED IN MERCER COUNTY  
2003 FEB 25 P 3:28  
ELIZABETH FAIR  
PROTHONOTARY

**NOTICE TO PLEAD**

To COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF TRANSPORTATION, Respondent.:

**YOU ARE HEREBY NOTIFIED TO FILE A WRITTEN RESPONSE TO THE  
ENCLOSED PETITION WITHIN TWENTY (20) DAYS FROM SERVICE  
HEREOF OR A JUDGMENT MAY BE ENTERED AGAINST YOU.**

  
J. Jarrett K. Whalen, Esq.  
Attorney for Petitioner

J. JARRETT K. WHALEN  
ATTORNEY AT LAW

118 N. PITT ST.  
MERCER, PA 16137

(724) 662-1927

pk  
48.02  
Lubben

IN THE COURT OF COMMON PLEAS OF MERCER COUNTY,  
PENNSYLVANIA

ROBERT H. HUNT, JR.,  
Petitioner,

vs.

No. 2003 - \_\_\_\_\_

COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF TRANSPORTATION,  
Respondent.

**PETITION FOR APPEAL**

COMES NOW the Petitioner and respectfully petitions this Honorable Court pursuant to 75 Pa.C.S.A. §1550 for review of an order of the Department of Transportation suspending Petitioner's operating privilege, and in support thereof represents as follows:

1. Petitioner is ROBERT H. HUNT, JR., who currently resides at 369 Spruce Ave., Sharon, Mercer County, Pennsylvania.
2. Petitioner currently possesses a valid driver's license issued on the 20<sup>th</sup> day of March, 2001, which license has not heretofore been suspended, cancelled, or revoked.
3. By letter dated the February 4, 2003, a copy of which is marked as Exhibit "A," attached hereto and incorporated herein by reference as though fully set forth herein, Petitioner was notified in writing by Respondent of the entry of an order suspending Petitioner's driver's license for the following reason(s) as set forth in the notice: Violation of Section 1547 of the Vehicle Code, CHEMICAL TEST REFUSAL.

4. The suspension is improper and unlawful for the following reasons:

- a. Petitioner did not refuse the chemical test.

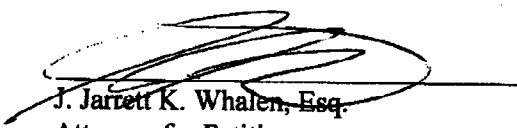
**WHEREFORE**, Petitioner respectfully requests that this Honorable Court set this matter down forthwith for a De Novo hearing pursuant to 75 Pa.C.S.A. §1550 and that the order of the Department of Transportation be set aside.

Respectfully Submitted,

J. JARRETT K. WHALEN  
ATTORNEY AT LAW

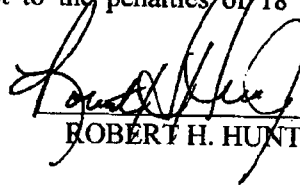
118 N. PITT ST.  
MERCER, PA 16137

(724) 662-1927

  
J. Jarrett K. Whalen, Esq.  
Attorney for Petitioner

**VERIFICATION**

I 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. §4904 relating to unsworn falsification to authorities.

A handwritten signature in black ink, appearing to read "Robert H. Hunt, Jr.", is written over a horizontal line.

ROBERT H. HUNT, JR., Petitioner

IN THE COURT OF COMMON PLEAS OF MERCER COUNTY,  
PENNSYLVANIA

ROBERT H. HUNT, JR.,  
Petitioner,

vs.

No. 2003 - \_\_\_\_\_

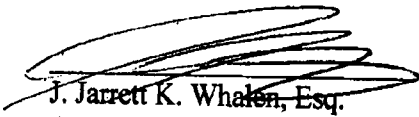
COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF TRANSPORTATION,  
Respondent.

**CERTIFICATE OF SERVICE**

I certify that a copy of the above was served on the following individual(s) in the manner indicated:

**First Class and Certified Mail Return Receipt Requested**

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

  
J. Jarrett K. Whalen, Esq.  
Attorney for Petitioner

J. JARRETT K. WHALEN  
ATTORNEY AT LAW

118 N. PITT ST.  
MERCER, PA 16137

(724) 662-1927



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION  
Bureau of Driver Licensing  
Mail Date: FEBRUARY 04, 2003

ROBERT H HUNT JR  
369 SPRUCE AVE

SHARON PA 16146

WID # 030286112446607 001  
PROCESSING DATE 01/28/2003  
DRIVER LICENSE # 27061371  
DATE OF BIRTH 02/25/1963

Dear MR. HUNT:

This is an Official Notice of the Suspension of your Driving Privilege as authorized by Section 1547 of the Pennsylvania Vehicle Code. As a result of your violation of Section 1547 of the Vehicle Code, CHEMICAL TEST REFUSAL, on 12/23/2002:

- Your driving privilege is **SUSPENDED** for a period of 1 YEAR(S) effective 03/11/2003 at 12:01 a.m.

\*\*\*\*\*  
| WARNING: If you are convicted of driving while your |  
| license is suspended/revoked the penalties will be a |  
| MINIMUM of 90 days imprisonment AND a \$1,000 fine AND |  
| your driving privilege will be suspended/revoked for |  
| a MINIMUM 1 year period |  
\*\*\*\*\*

COMPLYING WITH THIS SUSPENSION

You must return all current Pennsylvania driver's licenses, learner's permits, temporary driver's licenses (camera cards) in your possession on or before 03/11/2003. You may surrender these items before, 03/11/2003, for earlier credit; however, you may not drive after these items are surrendered.

**YOU MAY NOT RETAIN YOUR DRIVER'S LICENSE FOR IDENTIFICATION PURPOSES.** However, you may apply for and obtain a photo identification card at any Driver License Center for a cost of \$10.00. You must present two (2) forms of proper identification (e.g., birth certificate, valid U.S. passport, marriage certificate, etc.) in order to obtain your photo identification card.

You will not receive credit toward serving any suspension until we receive your license(s). Complete the following steps to acknowledge this suspension.

EXHIBIT "A"

030286112446607

1. Return all current Pennsylvania driver's licenses, learner's permits and/or camera cards to PennDOT. If you do not have any of these items, send a sworn notarized letter stating you are aware of the suspension of your driving privilege. You must specify in your letter why you are unable to return your driver's license. Remember: You may not retain your driver's license for identification purposes. Please send these items to:  
Pennsylvania Department of Transportation  
Bureau of Driver Licensing  
P.O. Box 68693  
Harrisburg, PA 17106-8693
2. Upon receipt, review and acceptance of your Pennsylvania driver's license(s), learner's permit(s), and/or a sworn notarized letter, PennDOT will send you a receipt confirming the date that credit began. If you do not receive a receipt from us within 3 weeks, please contact our office. Otherwise, you will not be given credit toward serving this suspension. PennDOT phone numbers are listed at the end of this letter.
3. If you do not return all current driver license products, we must refer this matter to the Pennsylvania State Police for prosecution under SECTION 1571(a)(4) of the Pennsylvania Vehicle Code.

PAYING THE RESTORATION FEE

You must pay a restoration fee to PennDOT to be restored from a suspension/revocation of your driving privilege. To pay your restoration fee, complete the following steps:

1. Return the enclosed Application for Restoration. The amount due is listed on the application.
2. Write your driver's license number (listed on the first page) on the check or money order to ensure proper credit.
3. Follow the payment and mailing instructions on the back of the application.

030286112446607

**APPEAL**

You have the right to appeal this action to the Court of Common Pleas (Civil Division) within 30 days of the mail date, FEBRUARY 04, 2003, 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

Remember, this is an OFFICIAL NOTICE OF SUSPENSION. You must return all current Pennsylvania driver license products to PennDOT by 03/11/2003.

Sincerely,

*Rebecca L. Bickley*

Rebecca L. Bickley, Director  
Bureau of Driver Licensing

**INFORMATION 7:00 a.m. to 9:00 p.m.**

|                  |                     |                  |                |
|------------------|---------------------|------------------|----------------|
| IN STATE         | 1-800-932-4600      | TDD IN STATE     | 1-800-228-0676 |
| OUT-OF-STATE     | 717-391-6190        | TDD OUT-OF-STATE | 717-391-6191   |
| WEB SITE ADDRESS | www.dot.state.pa.us |                  |                |

FILED

Atty. Jarett Cohen

3/1/55 ~~AT~~

pd 7/10/00

MAY 09 2003

1 CC to C/A

William A. Shaw  
Freightmaster

03-705-CD

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF MERCER

I, ELIZABETH F. FAIR,  
PROTHONOTARY, in and for the  
County aforesaid, the same being a Court  
of Record, do hereby certify that the  
attached is a true, full and correct

copy of the original RECORD  
in the matter of ROBERT H. HUNT, JR. VS.  
COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF TRANSPORTATION  
so full and entire as it remains permanently of record in the said Court of Mercer,  
Pennsylvania, at No. 2003 - 555

Witness my hand and seal of the said  
Court of Common Pleas of Mercer  
County, Mercer, Pennsylvania, this 29TH  
day of APRIL, 2003

Elizabeth F. Fair  
PROTHONOTARY

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

MAY 09 2003

Attest.

William D. Shaw  
Prothonotary/  
Clerk of Courts

2003-00555 ROBERT H HUNT JR (vs) COMMONWEALTH OF PA

Reference No.:  
Case Type.....: APPEAL LICENSE SUSP  
Judgment.....: .00  
Judge Assigned:  
Disposed Desc.:Filed.....: 2/25/2003  
Time.....: 3:28  
Execution Date 0/00/0000  
Jury Trial....  
Disposed Date. 0/00/0000  
Higher Crt 1.:  
Higher Crt 2.:

----- Case Comments -----

\*\*\*\*\*  
General Index Attorney InfoHUNT ROBERT H JR  
369 SPRUCE AVENUE  
SHARON PA 16146

PLAINTIFF

WHALEN J JARRETT K

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION

DEFENDANT

KARAS CHESTER J JR

\*\*\*\*\*  
\* Date Entries \*  
\*\*\*\*\*

2/25/2003 FIRST ENTRY  
CAPTION: ROBERT H HUNT JR VS COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION

2/25/2003 PETITION FOR APPEAL F/ATTY J JARRETT K WHALEN TO CT ADM W/PROPOSED  
ORDER  
008 Image page(s) exist(s) for this entry

2/27/2003 ORDER OF 2/26/03 THE ORDER OF DEPT OF TRANSPORTATION IS SET ASIDE  
PENDING FURTHER ORDER OF THIS COURT A HEARING DE NOVO IS GRANTED  
SAID HEARING TO BE HELD ON 4/4/03 AT 11 AM IN CT RM #3 TRD FILED  
2/27/03 CC: ATTY WHALEN ATTY KARAS CT ADMIN  
001 Image page(s) exist(s) for this entry

4/02/2003 MOTION TO TRANSFER VENUE F/ATTY KARAS  
4/02/2003 006 Image page(s) exist(s) for this entry

4/02/2003 ORDER OF 4/1/03 MOTION TO TRANSFER VENUE FILED ON BEHALF OF DEPT OF  
TRANSPORTATION IS GRANTED & ABOVE-CAPTIONED APPEAL IS HEREBY  
TRANSFERRED TO CLEARFIELD CO PA TRANSFER COSTS & FILING FEES IF ANY  
ARE TO BE PAID BY PETITIONER ROBERT L HUNT JR & HE SHALL ENSURE THE  
CASE IS TRANSFERRED & FILED W/IN 30 DAYS OF THE DATE OF THIS ORDER  
DEPT OF TRANSPORTATION SHALL REINSTATE THE SUSPENSION OF OPERATING  
PRIVILEGES IF THE APPEAL HAS NOT BEEN FILED IN ACCORDANCE W/ THIS  
ORDER TRD FILED 4/2/03 CC: ATTY WHALEN ATTY KARAS  
001 Image page(s) exist(s) for this entry  
----- LAST ENTRY -----

\*\*\*\*\*  
\* Escrow Information \*  
\* Fees & Debits Beg Bal Pymts/Adj End Bal \*  
\*\*\*\*\*

|                 |        |        |     |
|-----------------|--------|--------|-----|
| APPEAL LIC SUS  | 75.00  | 75.00  | .00 |
| DISC            | 7.50   | 7.50   | .00 |
| TAX ON APPEAL   | .50    | .50    | .00 |
| PRO AUTO FUND   | 5.00   | 5.00   | .00 |
| JCS FEE         | 10.00  | 10.00  | .00 |
| REMOVE/TRANSFER | 22.50  | 22.50  | .00 |
|                 | 120.50 | 120.50 | .00 |

\*\*\*\*\*  
\* End of Case Information \*  
\*\*\*\*\*

IN THE COURT OF COMMON PLEAS OF MERCER COUNTY, PENNSYLVANIA

ROBERT H. HUNT, JR.,  
Petitioner,

vs.

Commonwealth of Pennsylvania,  
Department of Transportation

No. 2003 - 555

NO FILED IN MERCER  
COUNTY  
2003 APR -2 A ✓  
ELIZABETH F. FAIR  
PROTHONOTARY  
9:45

ORDER

AND NOW, this 1<sup>st</sup> day of April, 2003, it is ORDERED,  
ADJUDGED, AND DECREED that the Motion to Transfer Venue, filed on behalf of the  
Department of Transportation, is granted and the above-captioned appeal is hereby  
transferred to Clearfield County, Pennsylvania,

It is FURTHER ORDERED AND DIRECTED that transfer costs and filing  
fees, if any, are to be paid by the Petitioner, Robert L. Hunt Jr., and he shall ensure the  
case is transferred and filed within 30 days of the date of this Order.

It is FURTHER ORDERED AND DIRECTED that the Department of  
Transportation shall reinstate the suspension of operating privileges, if the appeal has  
not been filed in accordance with this Order.

BY THE COURT:

4-2-03  
cc: Atty Whalen  
Atty Karas

Thomas Dobson J.  
Thomas Dobson

IN THE COURT OF COMMON PLEAS OF MERCER COUNTY, PENNSYLVANIA

ROBERT H. HUNT, JR.,  
Petitioner

vs.

Commonwealth of Pennsylvania,  
Department of Transportation.

No. 2003 - 555

FILED IN MERCER COUNTY  
APR - 2 A 9 45  
ELIZABETH F. FAIR  
PROTHONOTARY

**MOTION TO TRANSFER VENUE**

AND NOW, comes the Department of Transportation, by and through its counsel, Chester J. Karas, Jr., Esquire, and requests the Court transfer the above-captioned appeal to the appropriate forum. Although the Petitioner is a resident of Mercer County, the location of the violation of 75 Pa. C.S. §1547 that is the basis for the Petitioner's appeal is Clearfield County. As such, Mercer County is the improper venue for the appeal. In support thereof, the Department avers the following:

1. By a letter dated February 4, 2003, the Department of Transportation (Department) notified the Petitioner, Robert H. Hunt, Jr, that it was suspending his operating privileges as authorized by Section 1547 of the Vehicle Code for a chemical test refusal that occurred on December 23, 2002.
2. The Department based its action in this matter based upon an affidavit of refusal that State Trooper Kenneth J. Hahn of the Clearfield Barracks submitted to the Department. A copy of said affidavit of refusal is attached to this Motion as Exhibit "A."



3. The Department believes and therefore avers that Trooper Hahn arrested the Petitioner for violating 75 Pa. C.S. §3731 following a motor vehicle accident in Clearfield County and that the chemical test refusal occurred in Clearfield County.

4. The Petitioner filed a statutory appeal, from the notice of suspension referred to in paragraph 1, in the Court of Common Pleas of Mercer County at the above-referenced number.

5. Venue for appeals from determinations of the Department of Transportation is governed by Section 933 of the Judicial Code, which provides in pertinent part:

**§933. APPEALS FROM GOVERNMENTAL AGENCIES**

(a) **General Rule.** Except as otherwise prescribed by any general rule adopted pursuant to section 503 (relating to reassignment of matters), each court of common pleas shall have jurisdiction of appeals from final orders of government agencies in the following cases:

(1) Appeals from Commonwealth agencies in the following cases:

\* \* \* \* \*

(ii) Determinations of the Department of Transportation appealable under the following provisions of Title 75 (relating to vehicles):

§1377 (relating to judicial review).

§1550 (relating to judicial review)

\* \* \* \* \*

Except as otherwise prescribed by general rules, the venue shall be in the county of the principal place of business of any salvor or messenger service, the location of any inspection station involved, the county where the arrest for a violation of 75 Pa. C.S. §3731 (relating to driving under influence of alcohol or controlled substance) was made in appeals involving the suspension of operating privileges under 75 Pa. C.S. §1547 (relating to chemical testing to determine amount of alcohol or controlled substance) or the residence of any individual appellant where the venue is not

shall be in the county in which the offense giving rise to the recall, cancellation, suspension or revocation of operating privileges occurred.

42 Pa. C.S. § 933(a)(1)(ii)(emphasis added)

6. Pursuant to Section 933 proper venue lies only in the court of common pleas where the arrest for violating 75 Pa. C.S. §3731 occurred. The said violation in this matter did not occur in Mercer County, therefore Mercer County is an improper venue for this appeal.

7. Proper venue for the instant appeal would lie in Clearfield County because that is the county of Petitioner's arrest and chemical test refusal.

8. J. Jarrett K. Whalen, counsel for the petitioner, has been consulted regarding this motion to transfer venue. Attorney Whalen has no objection to the transfer of this matter to Clearfield County.

WHEREFORE, the Department of Transportation requests the Court transfer the instant case to Clearfield County.

Respectfully submitted,



Chester J. Karas, Jr.  
Assistant Counsel



CHEMICAL TESTING WARNINGS AND REPORT OF  
REFUSAL TO SUBMIT TO CHEMICAL TESTING AS  
AUTHORIZED BY SECTION 1547 OF THE VEHICLE CODE

C03-0729603

|                            |                  |  |                |  |                   |
|----------------------------|------------------|--|----------------|--|-------------------|
| NAME                       |                  | SEX  |                | DATE OF BIRTH                          |                   |
| FIRST<br>ROBERT            | MIDDLE<br>HAROLD | LAST<br>HUNT, JR   | M              | MONTH<br>02                            | DAY<br>25         |
| ADDRESS<br>369 SPRUCE AVE. |                  |  | CITY<br>SHARON | STATE<br>PA                            | ZIP CODE<br>16146 |
| DRIVER NUMBER<br>27061371  | STATE<br>PA      | CHEM TEST REQUEST DATE<br>MONTH<br>12 DAY<br>23 YEAR<br>02 |                | SOCIAL SECURITY NUMBER<br>280 74 96 87 |                   |

## SECTION 1547 - CHEMICAL TESTING WARNINGS

1. Please be advised that you are now under arrest for driving under the influence of alcohol or a controlled substance pursuant to section 3731 of the Vehicle Code.
2. I am requesting that you submit to a chemical test of BLOOD (breath, blood or urine. Officer chooses the chemical test.)
3. It is my duty, as a police officer, to inform you that if you refuse to submit to the chemical test your operating privilege will be suspended for a period of one year.
4. a) The constitutional rights you have as a criminal defendant, commonly known as the Miranda Rights, including the right to speak with a lawyer and the right to remain silent, apply only to criminal prosecutions and do not apply to the chemical testing procedure under Pennsylvania's Implied Consent Law, which is a civil, not a criminal proceeding.  
b) You have no right to speak to a lawyer, or anyone else, before taking the chemical test requested by the police officer nor do you have a right to remain silent when asked by the police officer to submit to the chemical test. Unless you agree to submit to the test requested by the police officer your conduct will be deemed to be refusal and your operating privilege will be suspended for one year.  
c) Your refusal to submit to chemical testing under the Implied Consent Law may be introduced into evidence in a criminal prosecution for driving while under the influence of alcohol or a controlled substance.

I certify that I have read the above warning to the motorist regarding the suspension of their operating privilege and gave the motorist an opportunity to submit to chemical testing.

Signature of Officer: TPR Kenneth J. Hahn

Date: 12/23/02

I have been advised of the above.

Signature of Motorist: \_\_\_\_\_

Date: \_\_\_\_\_

Motorist refused to sign, after being advised.

Signature of Officer: TPR Kenneth J. Hahn

Date: 12/23/02

## AFFIDAVIT

1. The above motorist was placed under arrest for driving under the influence of alcohol or a controlled substance in violation of Section 3731 of the Vehicle Code, and there were reasonable grounds to believe that the above motorist had been driving, operating or in actual physical control of the movement of a motor vehicle while under the influence of alcohol or a controlled substance or both.

or  
That the above named motorist was involved in an accident in which the operator or passenger of any vehicle involved or a pedestrian required treatment at a medical facility or was killed.

2. The above motorist was requested to submit to chemical testing as authorized by Section 1547 of the Vehicle Code.
3. The above motorist was informed by a police officer of the chemical test warnings contained in paragraph 3 and 4 above.
4. The above named motorist refused to submit to chemical testing.

**OFFICER NOTE:** The refusal to sign this form is not a refusal to submit to the chemical test. You must still give the motorist an opportunity to take the chemical test after reviewing this form. If the individual was operating a commercial motor vehicle while having any alcohol or a controlled substance in their system, you must also complete the reverse side of this form.

Officer Signature: TPR Kenneth J. Hahn

Officer Name: TPR KENNETH J. HAHN  
(Type or Print)

Badge Number: 8378

Jurisdiction: CLEARFIELD PSP

Phone: (814) 857-3800

Mailing Address 147 DOE HILL RD.

WOODLAND, PA 16881

Forward to:

Department of Transportation  
Bureau of Driver Licensing  
P.O. Box 60037  
Harrisburg, PA 17106-0037

THIS FORM MAY BE DUPLICATED

EXHIBIT

"A"

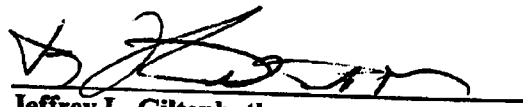
Note: Any pertinent facts not covered by the affidavit should be submitted on a separate sheet and attached hereto. That sheet should include the names of additional witnesses necessary to prove the elements to which you have attested.

ADDITIONAL SUPPLIES OF THIS FORM MAY BE SECURED BY COMPLETING FORM OS-511A

03028 6112 446607

**VERIFICATION**

I, Jeffrey L. Giltenboth, verify that the averments made in the within Motion to Transfer Venue are true and correct based upon my personal knowledge, information and belief. 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.

  
Jeffrey L. Giltenboth  
Senior Assistant Counsel

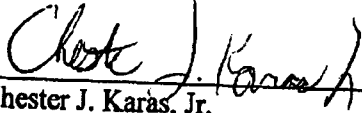
Date: March 31, 2003

CERTIFICATE OF SERVICE

I hereby certify that I have caused to be served a true and correct copy of the Department of Transportation's Motion To Transfer Venue on the date set forth below by mailing by first class mail, postage pre-paid:

J. Jarrett K. Whalen, Esquire  
118 North Pitt Street  
Mercer, PA 16137

Dated: March 31, 2003

  
\_\_\_\_\_  
Chester J. Karas, Jr.  
Assistant Counsel

IN THE COURT OF COMMON PLEAS OF MERCER COUNTY,  
PENNSYLVANIA

ROBERT H. HUNT, JR.,  
Petitioner,

vs.

COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF TRANSPORTATION,  
Respondent.

No. 2003 - 555

**ORDER**

AND NOW, this 26<sup>th</sup> day of February, 2003, upon consideration of the Petition of ROBERT H. HUNT, JR for review of an order of the Department of Transportation suspending Petitioner's operating privilege, it is hereby ORDERED AND DECREED:

1. The order of the Department of Transportation is set aside pending further Order of this Court;

2. A hearing de novo is granted, said hearing to be held on the 4<sup>th</sup> day of April, 2003, at 11:00 a.m. in Courtroom # 3, Mercer County Court of Common Pleas.

MAA J.

2-27-03  
cc: Atty Whalen  
Atty Karas  
cc-admin

ELIZABETH FAIR  
PROCLAMATORY

2003 FEB 27 P 12:29

CLERK OF COURT

IN THE COURT OF COMMON PLEAS OF MERCER COUNTY,  
PENNSYLVANIA

ROBERT H. HUNT, JR.,  
Petitioner,

vs.

COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF TRANSPORTATION,  
Respondent.

No. 2003 -

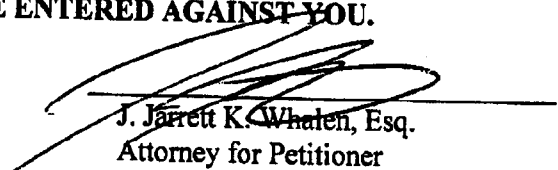
555

FILED IN MERCER  
COUNTY  
2003 FEB 25 P 3:28  
CLERK OF THE COURT  
PROthonotary

NOTICE TO PLEAD

To COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF TRANSPORTATION, Respondent.:

YOU ARE HEREBY NOTIFIED TO FILE A WRITTEN RESPONSE TO THE  
ENCLOSED PETITION WITHIN TWENTY (20) DAYS FROM SERVICE  
HEREOF OR A JUDGMENT MAY BE ENTERED AGAINST YOU.

  
J. Jarrett K. Whalen, Esq.  
Attorney for Petitioner

J. JARRETT K. WHALEN  
ATTORNEY AT LAW

118 N. PITT ST.  
MERCER, PA 16137

(724) 662-1927

pt  
98.02  
Lublin

IN THE COURT OF COMMON PLEAS OF MERCER COUNTY,  
PENNSYLVANIA

ROBERT H. HUNT, JR.,  
Petitioner,

vs.

COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF TRANSPORTATION,  
Respondent.

No. 2003 - \_\_\_\_\_


**PETITION FOR APPEAL**

COMES NOW the Petitioner and respectfully petitions this Honorable Court pursuant to 75 Pa.C.S.A. §1550 for review of an order of the Department of Transportation suspending Petitioner's operating privilege, and in support thereof represents as follows:

1. Petitioner is ROBERT H. HUNT, JR., who currently resides at 369 Spruce Ave., Sharon, Mercer County, Pennsylvania.
2. Petitioner currently possesses a valid driver's license issued on the 20<sup>th</sup> day of March, 2001, which license has not heretofore been suspended, cancelled, or revoked.
3. By letter dated the February 4, 2003, a copy of which is marked as Exhibit "A," attached hereto and incorporated herein by reference as though fully set forth herein, Petitioner was notified in writing by Respondent of the entry of an order suspending Petitioner's driver's license for the following reason(s) as set forth in the notice: Violation of Section 1547 of the Vehicle Code, CHEMICAL TEST REFUSAL.
4. The suspension is improper and unlawful for the following reasons:
  - a. Petitioner did not refuse the chemical test.

**WHEREFORE**, Petitioner respectfully requests that this Honorable Court set this matter down forthwith for a De Novo hearing pursuant to 75 Pa.C.S.A. §1550 and that the order of the Department of Transportation be set aside.

Respectfully Submitted,

  
J. Jarrett K. Whalen, Esq.  
Attorney for Petitioner

J. JARRETT K. WHALEN  
ATTORNEY AT LAW

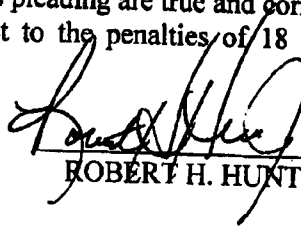
118 N. PITT ST.  
MERCER, PA 16137

(724) 662-1927



**VERIFICATION**

I 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. §4904 relating to unsworn falsification to authorities.

A handwritten signature in black ink, appearing to read "Robert H. Hunt, Jr.", is written over a horizontal line.

ROBERT H. HUNT, JR., Petitioner

IN THE COURT OF COMMON PLEAS OF MERCER COUNTY,  
PENNSYLVANIA

ROBERT H. HUNT, JR.,  
Petitioner,

vs.

No. 2003 - \_\_\_\_\_


COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF TRANSPORTATION,  
Respondent.

**CERTIFICATE OF SERVICE**

I certify that a copy of the above was served on the following individual(s) in the manner indicated:

**First Class and Certified Mail Return Receipt Requested**

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

  
J. Jarrett K. Whalen, Esq.  
Attorney for Petitioner

J. JARRETT K. WHALEN  
ATTORNEY AT LAW

118 N. PITT ST.  
MERCER, PA 16137

(724) 662-1927

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION  
Bureau of Driver Licensing  
Mail Date: FEBRUARY 04, 2003

ROBERT H HUNT JR  
369 SPRUCE AVE

SHARON PA 16146

WID # 030286112446607 001  
PROCESSING DATE 01/28/2003  
DRIVER LICENSE # 27061371  
DATE OF BIRTH 02/25/1963

Dear MR. HUNT:

This is an Official Notice of the Suspension of your Driving Privilege as authorized by Section 1547 of the Pennsylvania Vehicle Code. As a result of your violation of Section 1547 of the Vehicle Code, CHEMICAL TEST REFUSAL, on 12/23/2002:

- Your driving privilege is SUSPENDED for a period of 1 YEAR(S) effective 03/11/2003 at 12:01 a.m.

\*\*\*\*\*  
| WARNING: If you are convicted of driving while your |  
| license is suspended/revoked the penalties will be a |  
| MINIMUM of 90 days imprisonment AND a \$1,000 fine AND |  
| your driving privilege will be suspended/revoked for |  
| a MINIMUM 1 year period |  
\*\*\*\*\*

COMPLYING WITH THIS SUSPENSION

You must return all current Pennsylvania driver's licenses, learner's permits, temporary driver's licenses (camera cards) in your possession on or before 03/11/2003. You may surrender these items before, 03/11/2003, for earlier credit; however, you may not drive after these items are surrendered.

**YOU MAY NOT RETAIN YOUR DRIVER'S LICENSE FOR IDENTIFICATION PURPOSES.** However, you may apply for and obtain a photo identification card at any Driver License Center for a cost of \$10.00. You must present two (2) forms of proper identification (e.g., birth certificate, valid U.S. passport, marriage certificate, etc.) in order to obtain your photo identification card.

You will not receive credit toward serving any suspension until we receive your license(s). Complete the following steps to acknowledge this suspension.

EXHIBIT "A"

030286112446607

1. Return all current Pennsylvania driver's licenses, learner's permits and/or camera cards to PennDOT. If you do not have any of these items, send a sworn notarized letter stating you are aware of the suspension of your driving privilege. You must specify in your letter why you are unable to return your driver's license. Remember: You may not retain your driver's license for identification purposes. Please send these items to:  
Pennsylvania Department of Transportation  
Bureau of Driver Licensing  
P.O. Box 68693  
Harrisburg, PA 17106-8693
2. Upon receipt, review and acceptance of your Pennsylvania driver's license(s), learner's permit(s), and/or a sworn notarized letter, PennDOT will send you a receipt confirming the date that credit began. If you do not receive a receipt from us within 3 weeks, please contact our office. Otherwise, you will not be given credit toward serving this suspension. PennDOT phone numbers are listed at the end of this letter.
3. If you do not return all current driver license products, we must refer this matter to the Pennsylvania State Police for prosecution under SECTION 1571(a)(4) of the Pennsylvania Vehicle Code.

PAYING THE RESTORATION FEE

You must pay a restoration fee to PennDOT to be restored from a suspension/revocation of your driving privilege. To pay your restoration fee, complete the following steps:

1. Return the enclosed Application for Restoration. The amount due is listed on the application.
2. Write your driver's license number (listed on the first page) on the check or money order to ensure proper credit.
3. Follow the payment and mailing instructions on the back of the application.

030286112446607

**APPEAL**

You have the right to appeal this action to the Court of Common Pleas (Civil Division) within 30 days of the mail date, FEBRUARY 04, 2003, 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

Remember, this is an OFFICIAL NOTICE OF SUSPENSION. You must return all current Pennsylvania driver license products to PennDOT by 03/11/2003.

Sincerely,

*Rebecca L. Bickley*

Rebecca L. Bickley, Director  
Bureau of Driver Licensing

**INFORMATION 7:00 a.m. to 9:00 p.m.**  
IN STATE 1-800-932-4600 TDD IN STATE 1-800-228-0676  
OUT-OF-STATE 717-391-6190 TDD OUT-OF-STATE 717-391-6191  
WEB SITE ADDRESS [www.dot.state.pa.us](http://www.dot.state.pa.us)

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

ROBERT H. HUNT, JR.,  
Petitioner,

vs.

No. 03-706-CD

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION,  
Respondent.

**ORDER**

AND NOW, this 15<sup>th</sup> day of December, 2003, upon review and consideration of the attached Motion To Withdraw Petition For Appeal, it is hereby ORDERED AND DECREED as follows:

1. the Motion is GRANTED and Petitioner is given leave to WITHDRAW the Petition;
2. the Petition is WITHDRAWN;
3. the Court recommends that Petitioner's suspension begin on June 9, 2004, as per the recommendation of counsel for both parties.

BY THE COURT

J.

FILED

DEC 15 2003

William A. Shaw  
Prothonotary/Clerk of Courts

FILED  
DEC 15 2003

8/23/35

ice

Anthony Whalen  
37

William A. Shaw  
Prothonotary/Clerk of Courts

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA**

ROBERT H. HUNT, JR.,  
Petitioner,

vs.

No. 03-70<sup>5</sup>~~6~~-CD

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION,  
Respondent.


**MOTION TO WITHDRAW PETITION FOR APPEAL**

**COMES NOW** the Petitioner, through Petitioner's undersigned counsel, and moves this Court to allow Petitioner to withdraw the Petition For Appeal and in support thereof avers:

1. On February 25, 2002, Petitioner filed a Petition for Appeal.
2. Upon review of the evidence presented by the Commonwealth, Petitioner believes Petitioner will not succeed on the merits.
3. Counsel for Respondent has been consulted and consents to the Motion.
4. Counsel for Respondent also joins in Petitioner's request that the suspension in the instant case shall begin on June 9, 2004.

**WHEREFORE** Petitioner, through Petitioner's undersigned counsel, request this Honorable Court grant Petitioner leave to withdraw the Petition For Appeal.

Respectfully submitted,

  
J. Jarrett K. Whalen, Esq.  
Attorney for Petitioner

J. JARRETT K. WHALEN  
ATTORNEY AT LAW

118 N. PITT ST.  
MERCER, PA 16137

(724) 662-1927

**FILED**

DEC 12 2003

Shaw  
of Courts



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

ROBERT H. HUNT, JR.,  
Petitioner,

vs.

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION,  
Respondent.

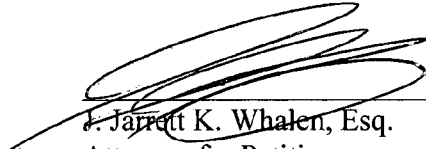
No. 03-70<sup>5</sup>~~6~~-CD

**CERTIFICATE OF SERVICE**

I hereby certify that I caused to be served a true and correct copy of the foregoing upon the following individual in the manner set forth below:

**Facsimile and First Class Mail:**

Pennsylvania Department of Transportation  
Office of Chief Counsel  
Mr. William A. Kuhar, Esq.  
1209 State Office Building  
300 Liberty Avenue  
Pittsburgh, PA 15222

  
J. Jarrett K. Whalen, Esq.  
Attorney for Petitioner

J. JARRETT K. WHALEN  
ATTORNEY AT LAW

118 N. PITT ST.  
MERCER, PA 16137

(724) 662-1927

FILED 1cc  
DEC 10:45 AM  
DEC 12 2003  
Amy Whalen  
Clerk

William A. Shaw  
Prothonotary/Clerk of Courts