

04-521-CD
JOHNSON MOTORS INC. vs. COMMONWEALTH OF PENNSYLVANIA

Johnson Motors vs. Comm. Of Penna.
2004-521-CD

Date: 11/04/2004

Time: 10:31 AM

Page 1 of 1

Clearfield County Court of Common Pleas

User: BANDERSON

ROA Report

Case: 2004-00521-CD

Current Judge: John K. Reilly Jr.

Johnson Motors, Inc. vs. Commonwealth of Pennsylvania Dept of Transporation

Civil Other

Date		Judge
04/15/2004	Filing: Civil Complaint Paid by: McNees Wallace & Nurick LLC Receipt number: 1877329 Dated: 04/15/2004 Amount: \$85.00 (Check) Motion For Supersedeas. filed by, s/Barbara A. Darkes, Esquire 2 cc Atty Darkes Appeal From Suspension Of Certificate of Appointment As An Official Safety Inspection Station. filed by, s/Barbara A. Darkes, Esquire Certificate of Service 2 cc Atty Darkes	No Judge ✓
04/28/2004	ORDER, AND NOW, this 28th day of April, 2004, re: Petition of Johnson Motors, Inc. for review of an Order of the Department of Transportation suspending Petitioner's Certification as an Official Safety Inspection Station. by the Court, s/FJA, P.J. 2 cc to Atty, 1 cc to C/A	No Judge ✓
10/15/2004	Order, AND NOW, this 15th day of October, 2004, it is the ORDER of the Court that hearig on Plaintiff's License Suspension appeal in the above matter has been scheduled for Wednesday, Nov. 10, 2004 at 1:30 p.m. before the Honorable John K. Reilly, Jr., Senior Judge, Specially Presiding, in the Clfd. Co. Courthouse. Please report to the Court Administrator's Office. BY THE COURT: /s/ Fredric J. Ammerman, President Judge. 2 CC to Atty. for Ser.	Fredric Joseph Ammerman ✓

FILED

APR 15 2004

William A. Shaw
Prothonotary/Clerk of Courts

JOHNSON MOTORS, INC.

Plaintiff

v.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
BUREAU OF MOTOR VEHICLES,

Defendant

IN THE COURT OF COMMON PLEAS,
CLEARFIELD COUNTY, PENNSYLVANIA

NO. 04-521-CJ
2004

CIVIL DIVISION

(SUSPENSION OF INSPECTION PRIVILEGES)

**APPEAL FROM SUSPENSION
OF CERTIFICATE OF APPOINTMENT
AS AN OFFICIAL SAFETY INSPECTION STATION**

AND NOW, comes the Plaintiff, Johnson Motors, Inc., by its attorneys, McNees Wallace & Nurick LLC, and pursuant to 75 Pa.C.S. §4724(b), files this appeal from the Order of Suspension of Official Safety Inspection Station and avers the following in support thereof:

1. Plaintiff is Johnson Motors, Inc. ("Johnson"), a licensed Pennsylvania Safety Inspection Station with its principal place of business at 1659 Blinker Parkway, DuBois, Clearfield County, Pennsylvania, 15801.
2. Defendant is the Commonwealth of Pennsylvania, Department of Transportation, Bureau of Motor Vehicles, with offices at Riverfront Office Center, 1101 S. Front Street, Harrisburg, Pennsylvania 17104-2416.
3. By order mail dated April 2, 2004, Johnson was notified that its Certificate of Appointment to operate as an official safety inspection station was being suspended. A true and correct copy of the notice is attached hereto as Exhibit "A".
4. The Order states that Johnson's Certificate of Appointment as an official safety inspection station is being suspended for a period of four months for the alleged violation of requiring or indicating unnecessary repairs (on a 2000 Chevrolet-S10 pick-up).
5. The suspension is effective 40 days from the mail date of the Notice, which will be May 12, 2004.

*Original
to CJA*

JOHNSON MOTORS, INC.

Plaintiff

v.
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
BUREAU OF MOTOR VEHICLES,

Defendant

IN THE COURT OF COMMON PLEAS,
CLEARFIELD COUNTY, PENNSYLVANIA

NO. 04-521-CO
2004

CIVIL DIVISION

(SUSPENSION OF INSPECTION PRIVILEGES)

ORDER

AND NOW, this _____ day of April, 2004, upon consideration of the Motion for
Supersedeas and Appeal of Johnson Motors, Inc., from the suspension of its Certificate of
Appointment as an Official Safety Inspection Station, a supersedeas is granted pending the
hearing.

BY THE COURT:

(J.)

JOHNSON MOTORS, INC. : IN THE COURT OF COMMON PLEAS,
Plaintiff : CLEARFIELD COUNTY, PENNSYLVANIA
v. : NO. 04-521-CQ
COMMONWEALTH OF PENNSYLVANIA, : 2004
DEPARTMENT OF TRANSPORTATION, : CIVIL DIVISION
BUREAU OF MOTOR VEHICLES, :
Defendant : (SUSPENSION OF INSPECTION PRIVILEGES)

FILED

APR 15 2004

William A. Shaw
Prothonotary/Clerk of Courts

MOTION FOR SUPERSEDEAS

AND NOW, comes the Plaintiff, Johnson Motors, Inc., by its attorneys, McNees Wallace & Nurick LLC, and pursuant to 75 Pa.C.S. §4724(b), files this Motion for Supersedeas and avers the following in support thereof:

1. On or about April 14, 2004, Plaintiff, Johnson Motors, Inc. ("Johnson"), filed a timely appeal from an Order of Suspension issued by the Defendant, Commonwealth of Pennsylvania, Department of Transportation, Bureau of Motor Vehicles ("PennDOT"). A true and correct copy of the filed appeal is attached hereto as Exhibit "1."
2. The filing of this appeal does not act as an automatic supersedeas.
3. Johnson is entitled to a supersedeas as it meets the requirements of *Pennsylvania Public Utility Commission v. Process Gas Consumers Group*, 467 A.2d 805 (Pa. 1983).
4. There is a strong likelihood that Johnson will prevail on the merits of its appeal.
5. Without the granting of a supersedeas, which will allow Johnson to restore its inspection privilege pending appeal, Johnson will suffer irreparable injury as safety inspections will not be able to be performed by Johnson, who is in the business of inspecting and selling vehicles.

6. The granting of a supersedeas in this matter will not substantially harm the Department of Transportation. In fact, Matthew X. Haeckler, Assistant Counsel In Charge at PennDOT has verbally advised counsel for the Plaintiff that PennDOT does not oppose the granting of a supersedeas in this matter.

7. The granting of a supersedeas in this matter will not harm or adversely impact the public interest.

WHEREFORE, Plaintiff, Johnson Motors, Inc., requests that a supersedeas be entered staying the imposition of suspension pending appeal.

Respectfully submitted,

McNEES WALLACE & NURICK LLC

By



Barbara A. Darkes, Esquire
I. D. No. 77419
100 Pine Street
P. O. Box 1166
Harrisburg, PA 17108
(717) 237-5381

Attorneys for Johnson Motors, Inc.

Date: April 14, 2004



RECYCLED

JOHNSON MOTORS, INC. : IN THE COURT OF COMMON PLEAS,
Plaintiff : CLEARFIELD COUNTY, PENNSYLVANIA
v. : NO. 2004
COMMONWEALTH OF PENNSYLVANIA, : CIVIL DIVISION
DEPARTMENT OF TRANSPORTATION, :
BUREAU OF MOTOR VEHICLES, :
Defendant : (SUSPENSION OF INSPECTION PRIVILEGES)

ORDER

AND NOW, this _____ day of _____, 2004, upon consideration of the Appeal of Johnson Motors, Inc., from the suspension of its Certificate of Appointment as an Official Safety Inspection Station, a de novo hearing is scheduled for the _____ day of _____, 2004, at ___ o'clock __.m. in Court Room No. ___ of the Clearfield County Courthouse.

A supersedeas is granted pending the hearing.

BY THE COURT:

(J.)

JOHNSON MOTORS, INC.	:	IN THE COURT OF COMMON PLEAS,
Plaintiff	:	CLEARFIELD COUNTY, PENNSYLVANIA
V.	:	NO. 2004
COMMONWEALTH OF PENNSYLVANIA,	:	
DEPARTMENT OF TRANSPORTATION,	:	CIVIL DIVISION
BUREAU OF MOTOR VEHICLES,	:	
Defendant	:	(SUSPENSION OF INSPECTION PRIVILEGES)

**APPEAL FROM SUSPENSION
OF CERTIFICATE OF APPOINTMENT
AS AN OFFICIAL SAFETY INSPECTION STATION**

AND NOW, comes the Plaintiff, Johnson Motors, Inc., by its attorneys, McNees Wallace & Nurick LLC, and pursuant to 75 Pa.C.S. §4724(b), files this appeal from the Order of Suspension of Official Safety Inspection Station and avers the following in support thereof:

1. Plaintiff is Johnson Motors, Inc. ("Johnson"), a licensed Pennsylvania Safety Inspection Station with its principal place of business at 1659 Blinker Parkway, DuBois, Clearfield County, Pennsylvania, 15801.
2. Defendant is the Commonwealth of Pennsylvania, Department of Transportation, Bureau of Motor Vehicles, with offices at Riverfront Office Center, 1101 S. Front Street, Harrisburg, Pennsylvania 17104-2416.
3. By order mail dated April 2, 2004, Johnson was notified that its Certificate of Appointment to operate as an official safety inspection station was being suspended. A true and correct copy of the notice is attached hereto as Exhibit "A".
4. The Order states that Johnson's Certificate of Appointment as an official safety inspection station is being suspended for a period of four months for the alleged violation of requiring or indicating unnecessary repairs (on a 2000 Chevrolet-S10 pick-up).
5. The suspension is effective 40 days from the mail date of the Notice, which will be May 12, 2004.

6. Johnson is in the business of inspecting and selling vehicles.

7. Johnson has been greatly prejudiced by the lack of due process and will suffer irreparable harm due to the suspension, if a supersedeas is not immediately granted pending appeal, as Johnson is a new vehicle dealer and operates an official Pennsylvania state inspection station.

8. The four-month suspension for the alleged violation of requiring or indicating unnecessary repairs is improper as Johnson did not engage in nor permit such conduct.

9. Johnson appeals this suspension to the Court of Common Pleas pursuant to 75 Pa. C.S. §4724(b), and requests that a Supersedeas be granted pending a hearing on the merits.

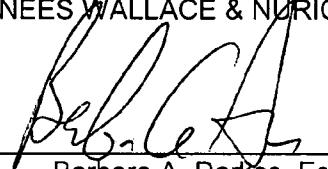
10. The Respondent, Commonwealth of Pennsylvania, Department of Transportation, does not oppose the issuance of a supersedeas.

WHEREFORE, Plaintiff, Johnson Motors, Inc., requests that a supersedeas be entered staying the imposition of suspension pending appeal and that this matter be scheduled for hearing pursuant to 75 Pa.C.S. §4724(b).

Respectfully submitted,

McNEES WALLACE & NURICK LLC

By



Barbara A. Darkes, Esquire
I. D. No. 77419
100 Pine Street
P. O. Box 1166
Harrisburg, PA 17108
(717) 237-5381

Attorneys for Johnson Motors, Inc.

Date: April 14, 2004



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
HARRISBURG, PA 17104

Robert G Johnson
Johnson Motors-OIS#5163
RD 1 Blinker Parkway
DuBois, PA 15801

Vehicle Inspection Division
Post Office Box 69003
Harrisburg, PA 17106-9003
Phone: (717) 787-2895
STATION: 5163
CERTIFIED MAIL: 7003 1680 0001 0674 3774
MAIL DATE: 04-02-04

ORDER OF SUSPENSION OF OFFICIAL INSPECTION STATION

You are hereby notified that your Certificate of Appointment as an Official Safety Inspection Station is suspended, pursuant to Section 4724 of the Vehicle Code. No vehicle safety inspections may be performed at your station during the suspension. Pursuant to Departmental regulations, your Certificate of Appointment will be suspended for four (4) months for requiring or indicating unnecessary repairs (on a 2000 Chevrolet S10 Truck).

The suspension(s) will run consecutively, for a total suspension of four (4) months. This suspension is to run consecutively with any other suspension(s) imposed by the Department for any violation considered separately. **THE SUSPENSION WILL BE EFFECTIVE 40 DAYS FROM THE MAIL DATE OF THIS ORDER.** At the end of the 40 days, you are ordered to surrender to the Quality Assurance Officer, who is a representative of the Department of Transportation, your Certificate(s) of Appointment, and all safety inspection stickers. Two (2) weeks prior to the expiration of your suspension, you may contact your Quality Assurance Officer for reappointment. A complete and thorough investigation may be conducted to determine if you are qualified for reappointment.

You have the right to appeal this Departmental Order of Suspension to the Court of Common Pleas of the County in which the above referenced inspection station is located, **WITHIN THIRTY (30) DAYS OF THE MAIL DATE OF THIS ORDER.** If you do file an appeal, a signed and time-stamped copy of the appeal must be served upon the Department at the mailing address listed below. **FILING OF AN APPEAL DOES NOT AUTOMATICALLY STAY THE SUSPENSION.** In order for your privileges to be restored pending appeal, a signed Order of Supersedeas from the Court directing the Department to stay the suspension must be served upon the Department at the mailing address listed below.

MAILING ADDRESS:
Department of Transportation
Chief Counsel's Office
Riverfront Office Center
1101 S Front Street, 3rd Floor
Harrisburg, PA 17104-2416

Sincerely,

Kurt J. Myers, Director
Bureau of Motor Vehicles

Station Copy

Post-it® Fax Note	7671	Date	4/9/04	# of pages	4
To	BARR DARKES	From	DAVE SENIER		
Co./Dept.		Co.	Johnson Motors		
Phone #		Phone #	814-376-4444		
Fax #		Fax #	814-371-7762		

CERTIFICATE OF SERVICE

AND NOW, this 14th day of April, 2004, I hereby certify that I have served a true and correct copy of the within document, via certified United States mail, return receipt requested and postage prepaid as follows:

Matthew X. Haeckler, Assistant Counsel in Charge
PA Department of Transportation
Office of Chief Counsel
Motor Vehicle Section
Riverfront Office Center
1101 S. Front Street - 3rd Floor
Harrisburg, PA 17104-2416

McNEES WALLACE & NURICK LLC

By:



Barbara A. Darkes
Attorney I.D. # 77419
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166
(717) 237-5381

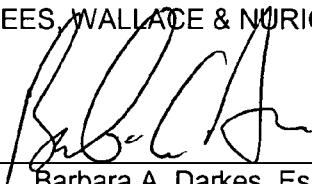
Attorneys for Johnson Motors, Inc.

CERTIFICATE OF SERVICE

AND NOW, this 14th day of April, 2004, I hereby certify that I have served a true and correct copy of the within document, via certified United States mail, return receipt requested and postage prepaid as follows:

Matthew X. Haeckler, Assistant Counsel in Charge
PA Department of Transportation
Office of Chief Counsel
Motor Vehicle Section
Riverfront Office Center
1101 S. Front Street - 3rd Floor
Harrisburg, PA 17104-2416
Fax No. (717) 705-1122

McNEES, WALLACE & NORICK

By: 

Barbara A. Darkes, Esquire
Attorney I.D. # 77419
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166
(717) 237-5381

Attorneys for Johnson Motors, Inc.

FILED 2cc
M P 5184 AMY DARNES
APR 15 2004
DAR
William A. Straw
Prothonotary/Clerk of Courts

JOHNSON MOTORS, INC. : IN THE COURT OF COMMON PLEAS,
Plaintiff : CLEARFIELD COUNTY, PENNSYLVANIA
v. : NO. 04-521-CJ
COMMONWEALTH OF PENNSYLVANIA, : 2004
DEPARTMENT OF TRANSPORTATION, : CIVIL DIVISION
BUREAU OF MOTOR VEHICLES, :
Defendant : (SUSPENSION OF INSPECTION PRIVILEGES)

ORDER

AND NOW, this _____ day of _____, 2004, upon consideration of the Appeal of
Johnson Motors, Inc., from the suspension of its Certificate of Appointment as an Official Safety
Inspection Station, a de novo hearing is scheduled for the _____ day of _____,
2004, at _____ o'clock .m. in Court Room No. _____ of the Clearfield County Courthouse.

A supersedeas is granted pending the hearing.

BY THE COURT:

(J.)

FILED

APR 15 2004

William A. Shaw
Prothonotary/Clerk of Courts

CA

JOHNSON MOTORS, INC. : IN THE COURT OF COMMON PLEAS,
Plaintiff : CLEARFIELD COUNTY, PENNSYLVANIA
v. : NO. 04-521-CJ
COMMONWEALTH OF PENNSYLVANIA, : CIVIL DIVISION
DEPARTMENT OF TRANSPORTATION, :
BUREAU OF MOTOR VEHICLES, :
Defendant : (SUSPENSION OF INSPECTION PRIVILEGES)

**APPEAL FROM SUSPENSION
OF CERTIFICATE OF APPOINTMENT
AS AN OFFICIAL SAFETY INSPECTION STATION**

AND NOW, comes the Plaintiff, Johnson Motors, Inc., by its attorneys, McNees Wallace & Nurick LLC, and pursuant to 75 Pa.C.S. §4724(b), files this appeal from the Order of Suspension of Official Safety Inspection Station and avers the following in support thereof:

1. Plaintiff is Johnson Motors, Inc. ("Johnson"), a licensed Pennsylvania Safety Inspection Station with its principal place of business at 1659 Blinker Parkway, DuBois, Clearfield County, Pennsylvania, 15801.
2. Defendant is the Commonwealth of Pennsylvania, Department of Transportation, Bureau of Motor Vehicles, with offices at Riverfront Office Center, 1101 S. Front Street, Harrisburg, Pennsylvania 17104-2416.
3. By order mail dated April 2, 2004, Johnson was notified that its Certificate of Appointment to operate as an official safety inspection station was being suspended. A true and correct copy of the notice is attached hereto as Exhibit "A".
4. The Order states that Johnson's Certificate of Appointment as an official safety inspection station is being suspended for a period of four months for the alleged violation of requiring or indicating unnecessary repairs (on a 2000 Chevrolet-S10 pick-up).
5. The suspension is effective 40 days from the mail date of the Notice, which will be May 12, 2004.

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7. Johnson has been greatly prejudiced by the lack of due process and will suffer irreparable harm due to the suspension, if a supersedeas is not immediately granted pending appeal, as Johnson is a new vehicle dealer and operates an official Pennsylvania state inspection station.

8. The four-month suspension for the alleged violation of requiring or indicating unnecessary repairs is improper as Johnson did not engage in nor permit such conduct.

9. Johnson appeals this suspension to the Court of Common Pleas pursuant to 75 Pa. C.S. §4724(b), and requests that a Supersedeas be granted pending a hearing on the merits.

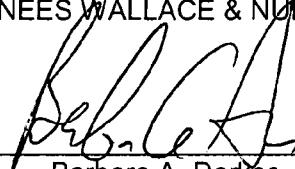
10. The Respondent, Commonwealth of Pennsylvania, Department of Transportation, does not oppose the issuance of a supersedeas.

WHEREFORE, Plaintiff, Johnson Motors, Inc., requests that a supersedeas be entered staying the imposition of suspension pending appeal and that this matter be scheduled for hearing pursuant to 75 Pa.C.S. §4724(b).

Respectfully submitted,

McNEES WALLACE & NURICK LLC

By



Barbara A. Darkes, Esquire
I. D. No. 77419
100 Pine Street
P. O. Box 1166
Harrisburg, PA 17108
(717) 237-5381

Attorneys for Johnson Motors, Inc.

Date: April 14, 2004





COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
HARRISBURG, PA 17104

Robert G Johnson
Johnson Motors-OIS#5163
RD 1 Blinker Parkway
DuBois, PA 15801

Vehicle Inspection Division
Post Office Box 69003
Harrisburg, PA 17106-9003
Phone: (717) 787-2895
STATION: 5163
CERTIFIED MAIL: 7003 1680 0001 0674 3774
MAIL DATE: 04-02-04

ORDER OF SUSPENSION OF OFFICIAL INSPECTION STATION

You are hereby notified that your Certificate of Appointment as an Official Safety Inspection Station is suspended, pursuant to Section 4724 of the Vehicle Code. No vehicle safety inspections may be performed at your station during the suspension. Pursuant to Departmental regulations, your Certificate of Appointment will be suspended for four (4) months for requiring or indicating unnecessary repairs (on a 2000 Chevrolet S10 Truck).

The suspension(s) will run consecutively, for a total suspension of four (4) months. This suspension is to run consecutively with any other suspension(s) imposed by the Department for any violation considered separately. **THE SUSPENSION WILL BE EFFECTIVE 40 DAYS FROM THE MAIL DATE OF THIS ORDER.** At the end of the 40 days, you are ordered to surrender to the Quality Assurance Officer, who is a representative of the Department of Transportation, your Certificate(s) of Appointment, and all safety inspection stickers. Two (2) weeks prior to the expiration of your suspension, you may contact your Quality Assurance Officer for reappointment. A complete and thorough investigation may be conducted to determine if you are qualified for reappointment.

You have the right to appeal this Departmental Order of Suspension to the Court of Common Pleas of the County in which the above referenced inspection station is located, **WITHIN THIRTY (30) DAYS OF THE MAIL DATE OF THIS ORDER.** If you do file an appeal, a signed and time-stamped copy of the appeal must be served upon the Department at the mailing address listed below. **FILING OF AN APPEAL DOES NOT AUTOMATICALLY STAY THE SUSPENSION.** In order for your privileges to be restored pending appeal, a signed Order of Supersedeas from the Court directing the Department to stay the suspension must be served upon the Department at the mailing address listed below.

MAILING ADDRESS:
Department of Transportation
Chief Counsel's Office
Riverfront Office Center
1101 S Front Street, 3rd Floor
Harrisburg, PA 17104-2416

Sincerely,

Kurt J. Myers, Director
Bureau of Motor Vehicles

Station Copy

Post-it® Fax Note	7671	Date	4/9/04	# of pages	4
To	BARR DARKES	From	DAVE Senior		
Co./Dept.		Co.	Johnson MOTORS		
Phone #		Phone #	814-376-4444		
Fax #		Fax #	814-371-7762		

CERTIFICATE OF SERVICE

AND NOW, this 14th day of April, 2004, I hereby certify that I have served a true and correct copy of the within document, via certified United States mail, return receipt requested and postage prepaid as follows:

Matthew X. Haeckler, Assistant Counsel in Charge
PA Department of Transportation
Office of Chief Counsel
Motor Vehicle Section
Riverfront Office Center
1101 S. Front Street - 3rd Floor
Harrisburg, PA 17104-2416

McNEES WALLACE & NURICK LLC

By: 

Barbara A. Darkes
Attorney I.D. # 77419
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166
(717) 237-5381

Attorneys for Johnson Motors, Inc.

FILED Aug 12 2014
APR 15 2014
200 Aug Daskes
PACIFIC STATES JOURNALISTS' COOPERATIVE

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

JOHNSON MOTORS, INC. :
:
vs. : No. 04-521-CD
:
COMMONWEALTH OF :
PENNSYLVANIA, DEPARTMENT :
OF TRANSPORTATION, BUREAU :
OF MOTOR VEHICLES :
:

O R D E R

AND NOW, this 28 day of April 2004, upon consideration of the Petition of JOHNSON MOTORS, INC. for review of an Order of the Department of Transportation suspending Petitioner's Certification as an Official Safety Inspection Station, a Hearing De Novo is granted to determine whether the action of the Department of Transportation 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 mail, return receipt requested.

This Order shall act as a supersedeas of the action of the Pennsylvania Department of Transportation suspending Petitioner's Certification as an Official Safety Inspection Station.

FILED

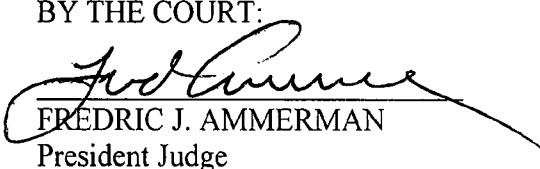
APR 28 2004

William A. Shaw
Prothonotary/Clerk of Courts

1 copy to AMM

1 copy to C/A

BY THE COURT:


FREDRIC J. AMMERMAN
President Judge

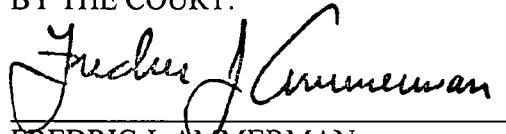
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL DIVISION

JOHNSON MOTORS, INC. :
:
vs. : No. 04-521-CD
:
COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF TRANSPORTATION :

ORDER

AND NOW, this 15th day of October, 2004, it is the ORDER of the Court that hearing on Plaintiff's License Suspension Appeal in the above matter has been scheduled for Wednesday, November 10, 2004 at 1:30 P.M. before the Honorable John K. Reilly, Jr., Senior Judge, Specially Presiding, in the Clearfield County Courthouse, Clearfield, PA. Please report to the Court Administrator's Office. You will be directed from there where these hearing will be heard.

BY THE COURT:



FREDRIC J. AMMERMAN

President Judge

FILED *EW*

OCT 15 2004
o/s: *Shaw*
William A. Shaw
Prothonotary/Clerk of Courts
2 CERT TO HARRI FON SEL

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COMMONWEALTH OF PENNSYLVANIA : :

VS. : NO. 04-521-CD

JOHNSON MOTORS, INC. : License Suspension Appeal

O R D E R

NOW, this 10th day of November, 2004, following hearing into the above-captioned Appeal from License Suspension, it is the ORDER of this Court that said appeal be and is hereby sustained and the ORDER of the Department of Transportation suspending Appellant's inspection station privileges reversed.

BY THE COURT:

John K. Reilly, Jr.
Senior Judge
Specially Presiding

FILED 6K
cc: 354-201-0000
NOV 12 2004

WASH
PROSEC

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COMMONWEALTH OF PENNSYLVANIA :
vs.

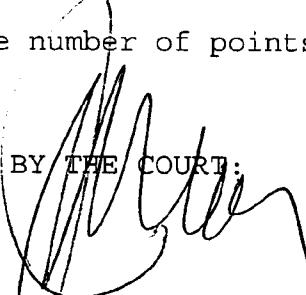
: NO. 04-521-CD

JOHNSON MOTORS, INC. : License Suspension Appeal

O R D E R

NOW, this 10th day of November, 2004, this being the day and date set for hearing into the above-captioned Appeal from License Suspension; this Court finds as a matter of fact that there was no impropriety by the management of Johnson Motors and this matter shall be and is hereby remanded to the hearing officer of the Department of Transportation for a determination of the appropriate number of points to be assigned in lieu of suspension.

BY THE COURT:


John K. Reilly, Jr.
Senior Judge
Specially Presiding

66K
FILED ^{2cc}
01/10/2004 Atty:
NOV 23 2004 Darke
Haeckler
William A. Shaw
Prothonotary/Clerk of Courts

604 **FILED** CA
01010 BA 1CC Darke
1CC City Haekler
DEC 03 2004

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA

Plaintiff

v.

JOHNSON MOTORS, INC.,

Defendant

No. 2004-521-C

AMENDED ORDER

NOW, this 2nd day of December, 2004, the Order

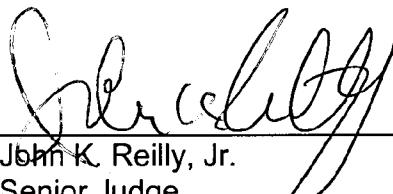
entered November 10, 2004, is amended as follows:

Following hearing in the above-captioned Appeal from the Suspension of Johnson Motors, Inc.'s Certificate of Appointment to Operate as a Certified Inspection Station, the appeal is dismissed in part and sustained in part. As to the culpability of Johnson Motors, Inc. for the actions of its mechanic, Raymond R. Tapper, the appeal is dismissed and Johnson Motors, Inc. is held accountable for the first offense of Indicating Unnecessary Repairs to Pass Inspection.

Further, the Court finds that the station met its burden of proving that it provided proper supervision of Mr. Tapper, but that supervision could not have prevented the violation, and that the station owner and management level personnel did not know, nor could they have known, about Mr. Tapper's conduct. Therefore, as to the sanction imposed upon Johnson Motors, Inc., the appeal is sustained. The proper sanction for Johnson Motors, Inc. is an assessment of points rather than a suspension. As such, this matter is remanded to the Department to rescind the four-month suspension

William A. Shaw
Prothonotary

imposed upon Johnson Motors, Inc.'s certificate of appointment as an official state inspection station. In keeping with 67 Pa. Code §175.51(b),(c), the Department shall impose two points upon Johnson Motors, Inc.'s certificate of appointment as an official state inspection station.



John K. Reilly, Jr.
Senior Judge
Specially Presiding