

05-1122-CD

Henry Eugene Lutchko vs Comm. Of Pa.
2005-1122-CD

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

HENRY EUGENE LUTCHKO,
Petitioner

vs.

No. 25-1122-CD

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION,
Respondent

L (D/A 11/05)

PETITION FOR REVIEW

Filed on behalf of:
Henry Eugene Lutchko

Counsel for this party:
Ronald L. Collins, Esquire

Supreme Court No. 36744

Sobel & Collins
Attorneys at Law
218 South Second Street
Clearfield, PA 16830

(814)765-5552
FAX (814)765-6210

OMG
TO
C/A

FILED
9:10 AM
AUG 03 2005
3CC Atty Collins
William A. Shaw \$85.00 pd
Prothonotary/Clerk of Courts

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
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vs. : No.

COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF TRANSPORTATION,
Respondent

PETITION FOR REVIEW

AND NOW comes Petitioner, Henry Eugene Lutchko, by and through Ronald L. Collins, Esquire, who Petitions your Honorable Court as follows:

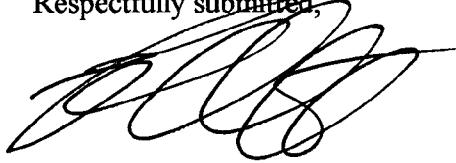
1. That Petitioner is Henry Eugene Lutchko, of 508 Mary Street, Houtzdale, Pennsylvania, 16651.
2. That Petitioner's Driver License No. 13423404.
3. That Respondent is the Commonwealth of Pennsylvania, Department of Transportation.
4. That by Official Notice dated July 19, 2005, Respondent notified Petitioner that his operating privileges were being suspended for a period of Six (6) Months as the result of his conviction of the offense of Reckless Driving, Section 3736 of the Vehicle Code on July 11, 2005.

A copy of said Notice is hereinafter attached as Exhibit "A".

5. That Petitioner filed a Notice of Appeal of said Summary Conviction in Cambria County which appeal is currently pending.
6. That if said Summary Conviction are vacated on appeal, Respondent will no longer have a basis upon which to suspend Petitioner's operating privileges for these offenses.

WHEREFORE, Petitioner respectfully requests your Honorable Court to review the actions of Respondent in suspending Petitioner's operating privileges based on the ultimate result of said appeal filed in Cambria County.

Respectfully submitted,



Ronald L. Collins, Esquire

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
Bureau of Driver Licensing
Mail Date: JULY 19, 2005

HENRY EUGENE LUTCHKO
508 MARY STREET
HOUTZDALE PA 16651

WID # 051939283298476 001
PROCESSING DATE 07/12/2005
DRIVER LICENSE # 13423404
DATE OF BIRTH 05/10/1948

Dear MR. LUTCHKO:

This is an Official Notice of the Suspension of your Driving Privilege as authorized by Section 1532B of the Pennsylvania Vehicle Code. As a result of your 07/11/2005 conviction of violating Section 3736 of the Vehicle Code RECKLESS DRIVING on 03/15/2005:

- Your driving privilege is SUSPENDED for a period of 6 MONTH(S) effective 08/23/2005 at 12:01 a.m.

Before PennDOT can restore your driving privilege, you must follow the instructions in this letter for COMPLYING WITH THIS SUSPENSION, PAYING THE RESTORATION FEE and PROVIDING PROOF OF INSURANCE. You should follow ALL instructions very carefully. Even if you have served all the time on the suspension/revocation, we cannot restore your driving privilege until all the requirements are satisfied.

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 08/23/2005. You may surrender these items before, 08/23/2005, 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

1A/1
tabbed

051939283298476

PROVIDING PROOF OF INSURANCE

Within the last 30 days of your suspension/revocation, we will send you a letter asking that you provide proof of insurance at that time. This letter will list acceptable documents and what will be needed if you do not own a vehicle registered in Pennsylvania.

IMPORTANT: Please make sure that PennDOT is notified if you move from your current address. You may notify PennDOT of your address change by calling any of the phone numbers listed at the end of this letter.

APPEAL

You have the right to appeal this action to the Court of Common Pleas (Civil Division) within 30 days of the mail date, JULY 19, 2005, 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 08/23/2005.

Sincerely,



Janet L. Dolan, Acting Director
Bureau of Driver Licensing

SEND FEE/LICENSE/DL-16LC/T0:
Department of Transportation
Bureau of Driver Licensing
P.O. Box 68693
Harrisburg, PA 17106-8693

INFORMATION (7:00 AM TO 9:00 PM)
IN STATE 1-800-932-4600
OUT-OF-STATE 717-391-6190
TDD IN STATE 1-800-228-0676
TDD OUT-OF-STATE 717-391-6191

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.

No.

Henry Eugene Lutckko,
Petitioner

vs.

Commonwealth of Pennsylvania
Department of Transportation
Respondent

Petition for Review

Ronald L. Collins, Esquire

Shiel & Collins
ATTORNEYS & COUNSELORS AT LAW
218 SOUTH SECOND STREET
CLEARFIELD, PENNSYLVANIA 16830
(814) 765-5552 (814) 765-6555

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

HENRY EUGENE LUTCHKO,
Petitioner

vs. : No. 05-1122-CD

COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF TRANSPORTATION,
Respondent

: **CERTIFICATE OF SERVICE**

: Filed on behalf of:
Henry Eugene Lutchko

: Counsel for this party:
Ronald L. Collins, Esquire

: Supreme Court No. 36744

: SOBEL & COLLINS
Attorneys at Law
218 South Second Street
Clearfield, PA 16830

: (814)765-5552
FAX (814)765-6210

FILED *no cc*
m 12 30 05
AUG 15 2005 *vs*

William A. Shaw
Prothonotary/Clerk of Courts

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Dept of Transportation
Office of Chief Counsel
Third Floor, Riverfront
Office Building
HARRISBURG PA 17104-2516

COMPLETE THIS SECTION ON DELIVERY**A. Signature****X** Agent
 Addressee**B. Received by (Printed Name)**

AUG 04 2005

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below:
Dept of Transportation

AUG 04 2005

B. Service Type

<input type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.

4. Restricted Delivery? (Extra Fee) Yes**2. Article Number**

(Transfer from service label)

7004 2510 0007 6100 4683

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

RONALD L. Collins
218 S. 2nd St
Clearfield PA 16830

Lutnick

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

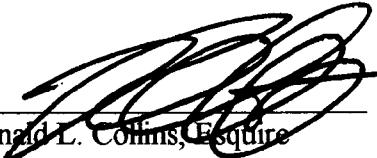
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COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF TRANSPORTATION,
Respondent

CERTIFICATE OF SERVICE

I, Ronald L. Collins, Esquire do hereby state that on the 4th day of August, 2005, I did forward a copy of the Petition for Review, filed to the above caption, and the same was served upon Commonwealth of Pennsylvania, Department of Transportation, Defendant, by Certified Mail, senders receipt attached hereto.



Ronald L. Collins, Esquire

NO. 05-1122-CD

Henry Eugene Lutchko,
Petitioner

vs.

Commonwealth of Pennsylvania,
Department of Transportation,
Respondent

Certificate of Service

Ronald L. Collins, Esquire

Suhel & Collins
ATTORNEYS & COUNSELORS AT LAW
218 SOUTH SECOND STREET
CLEARFIELD, PENNSYLVANIA 16830
(814) 765-5552 (814) 765-6555

FILED

AUG 15 2005
William A. Shaw
Prothonotary/Clerk of Courts

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Petitioner

vs.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
Respondent

:
: No. 2005-1122-CD
:
:
: License Suspension 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 ^{1cc}
07/14/06
JUN 12 2006
Atty's: Kuhar
Collins
GR

William A. Shaw
Prothonotary/Clerk of Courts

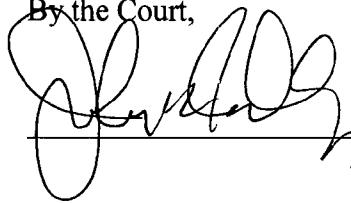
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Petitioner :
vs. : No. 2005-1122-CD
: :
COMMONWEALTH OF PENNSYLVANIA, :
DEPARTMENT OF TRANSPORTATION, :
Respondent :
:

ORDER OF COURT

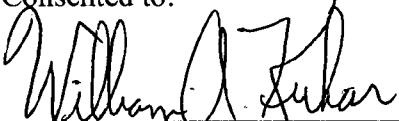
AND NOW, to wit: this 12 day of January, 2006, this appeal by the petitioner, Henry Eugene Lutchko, from an order of the Pennsylvania Department of Transportation's Bureau of Driver Licensing for the suspension of his driving privilege for a period of six (6) months pursuant to 75 Pa.C.S. §1532(b) is, with the consent of the Bureau, remanded to the Bureau for rescission of the appealed 6 month suspension and deletion from the petitioner's driving record of his July 11, 2005 conviction in District Court No. 47-3-04 for violating 75 Pa.C.S. §3736 on March 15, 2005, if such action has not already been taken.

By the Court,



J.

Consented to:



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

FILED

JUN 12 2006

**William A. Shaw
Prothonotary/Clerk of Courts**

DATE: 6/12/06

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: