

05-1174-CD

Timothy Slawianowski vs. Comm. Of Pa.
2005-1174-CD

FILED
PA
M 19 193A
85.00
AUG 09 2005

William A. Shaw
Prothonotary/Clerk of Courts

05-1174-CD

COPY
Among the Records and Proceedings enrolled in the Court of Common Pleas
in and for the County of Beaver, in the Commonwealth of Pennsylvania, to No. 11156

Term, 19 2005, is contained the following:

COPY OF APPEARANCE/LICENSE SUSPENSION DOCKET ENTRY.

TIMOTHY W. SLAWIANOWSKI,	:	
Plaintiff,	:	
<u>-vs-</u>		No. 11156 of 2005
COMMONWEALTH OF PENNSYLVANIA,	:	
DEPARTMENT OF TRANSPORTATION,	:	
Defendant,	:	

June 29, 2005-Petition for Appeal from a Suspension of Operating Privilege/
Denial of Driver's License/Suspension of Motor Vehicle Registration presented
and ORDER OF COURT:

AND NOW, this 29th day of June, 2005, upon consideration of the Petition
for review of an order of the Department of Transportation suspending
petitioner's operating privilege, a hearing de novo is granted to determine
whether the action of the Department of Transportation in suspending
petitioner's operating privilege should be set aside.

HEARING on the above-captioned matter is set for September 20, 2005
at 9:30 A.M. in Courtroom No. 8, Beaver county Courthouse, Beaver, Penna.

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 or order,
by certified mail, return receipt requested.

It is further Ordered that this petition shall act as a supersedeas in
the above-referenced matter pending final order of Court after Hearing.

BY THE COURT:s/John P. Dohanich, j.

Jun 29 8:22AM'05

July 12, 2005-Motion to Transfer Appeal, filed on behalf of Commonwealth of
Pennsylvania, Department of Transportation.

August 2, 2005-ORDER OF COURT:

AND NOW, this 2nd day of August, 2005, it is ORDERED, ADJUDGED and DECREED
that the Motion for Transfer of Appeal filed on behalf of the Department of
Transportation is granted and the above-captioned appeal is hereby transferred
to Clearfield County Common Pleas Court.

It is further ORDERED and DIRECTED that transfer costs and filing fees, if
any are to be paid by the defendant/petitioner, Timothy W. Slawianowski, and
he shall ensure the case is transferred to, and filed in Clearfiled County
Common Pleas Court, and that a hearing date is obtained on this case,
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, and a hearing date not obtained, in accordance with this Order.

BY THE COURT:s/George E. James, j.

Aug 2 11:46AM'05

Please Remit

 COPY

Bill for service -

08/09/05 Transfer of Driver License Suspension Appeal from Beaver County, PA

05-1174-CD (Clearfield Co.)
Timothy Slawianowski vs. Commonwealth of PA, Dept. of Transportation

Cost: \$85.00

Remit to: Clearfield County Prothonotary, PO Box 549, Clearfield, PA 16830

Dear Timothy W. Slawianowski:

Please remit payment of \$85.00 for the above listed services. Your case cannot continue in Clearfield County prior to payment of the filing fee. If you have any questions, please contact my office at (814) 765-2641, ext. 1330. Thank you.

Sincerely,

William A. Shaw
Prothonotary

Enclosures

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

TIMOTHY W. SLAWIANOWSKI :
:
vs. : No. 05-1174-CD
:
COMMONWEALTH OF PENNSYLVANIA :

ORDER

AND NOW, this 25 day of August, 2005, it is the ORDER of the Court that hearing on Plaintiff's License Suspension Appeal in the above matter has been scheduled for Friday, September 23, 2005 at 1:00 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 this hearing will be heard.

BY THE COURT:

FREDRIC J. AMMERMAN
President Judge

05-1174-CD

Among the Records and Proceedings enrolled in the Court of Common Pleas
in and for the County of Beaver, in the Commonwealth of Pennsylvania, to No. 11156

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Plaintiff,	:	
-vs-	:	No. 11156 of 2005
COMMONWEALTH OF PENNSYLVANIA,	:	
DEPARTMENT OF TRANSPORTATION,	:	
Defendant,	:	

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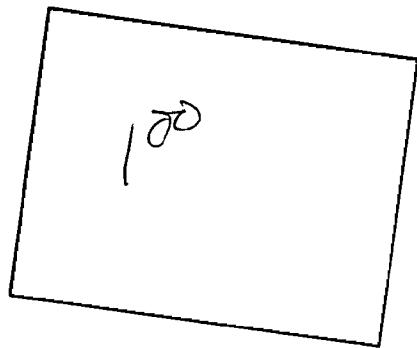
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BY THE COURT:s/George E. James, j.

Aug 2 11:46AM'05



Driver's License Appeal- next to last
paragraph requires a hearing within 30
days of this order, dated August 2, though
it may be up to Plaintiff to ~~request~~ request
it.

Marcy
Better see to it that this is at least
scheduled for Fri. Sept. 23/74 when Judge I
Reilly is here next for Lic. Susp. Appeals C.A.

Commonwealth of Pennsylvania, } ss:
County of Beaver, }

I, Nancy Werme, Prothonotary of the Court of Common Pleas in and for said County, do hereby certify that the foregoing is a full, true and correct copy of the whole record of the case therein stated, wherein

TIMOTHY W. SLAWIANOWSKI

Plaintiff, and COMMONWEALTH OF PENNSYLVANIA

DEPARTMENT OF TRANSPORTATION

defendant, so full and entire as the same remains of record before the said Court, at No. 11156 of Term, A. D. XX 2005.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court this 4th day of August, A. D. XX 2005.

I, George E. James, ~~President~~ Judge of the Thirty-Sixth Judicial District,

composed of the County of Beaver, do certify that Nancy Werme by whom the annexed record, certificate and attestation were made and given, and who in his own proper handwriting, thereunto subscribed his name and affixed the seal of the Court of Common Pleas of said County, was at the time of so doing and now is Prothonotary in and for said County of Beaver, in the Commonwealth of Pennsylvania, duly commissioned and qualified, to all of whose acts, as such, full faith and credit are and ought to be given, as well in Courts of Judicature as elsewhere, and that the said record, certificate and attestation are in due form of law made by the proper officer.

George E. James, ~~President~~ Judge.
GEORGE E. JAMES, JUDGE, THE COURT OF COMMON PLEAS - 4 AUGUST 2005 A.D.

Commonwealth of Pennsylvania, } ss:
County of Beaver, }

I, Nancy Werme, Prothonotary of the Court of Common Pleas in and for said County, do certify that the Honorable George E. James by whom the foregoing attestation was made, and who has hereunto subscribed his name, was at the time of making thereof and still is President Judge of the Court of Common Pleas, Orphans' Court and Court of Quarter Sessions of the Peace in and for said County, duly commissioned and qualified; to all whose acts, as such, full faith and credit are and ought to be given, as well in Courts of Judicature as elsewhere.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court, this 4th day of August, A. D. XX 2005.

Nancy Werme, Prothonotary.

No. 11156 Term, Xx2005

TIMOTHY W. SLAWIANOWSKI,
Plaintiff,

VERSUS

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
Defendant,

EXEMPLIFIED RECORD

From Beaver County, Pa.

Debt, \$

Beaver Co. Costs Paid \$105.50

Entered and Filed August 4, Xx2005

Nancy Werne
Prothonotary.

2005-11-156 TIMOTHY W SLAWIANOWSKI (vs) COMM OF PA DEPARTMENT TRANSPOR

Reference No...: Case Type.....: STATUTORY APPEALS
 Judgment.....: .00
 Judge Assigned:
 Disposed Desc.:
 ----- Case Comments -----

Entered.....: 6/29/2005
 Time.....: 11:10
 Execution Date 0/00/0000
 Jury Trial....
 Disposed Date: 0/00/0000
 Higher Crt 1.: Higher Crt 2.:

General Index*****
Attorney Info

SLAWIANOWSKI TIMOTHY W
 129 DAVIDSON LANE
 ALIQUIPPA PA 15001

PLAINTIFF

PRO SE

COMMONWEALTH OF PENNSYLVANIA
 DEPARTMENT OF TRANSPORTATION
 BUREAU OF DRIVER'S LICENSING
 P.O. BOX 68693
 HARRISBURG PA 17106 8693

DEFENDANT

FARKAS, DENISE H.
 TOUREK, J. ELISE*****
* Date Entries

6/29/2005 - - - - - FIRST ENTRY - - - - -
 PETITION FOR APPEAL FROM A SUSPENSION OF OPERATING
 PRIVILEGE/DENIAL OF DRIVER'S LICENSE/SUSPENSION OF MOTOR VEHICLE
 REGISTRATION PRESENTED AND ORDER FOR HEARING, FILED.
 HEARING SCHEDULED FOR SEPTEMBER 20, 2005 AT 9:30 A.M. IN
 COURTROOM NO. 8.
 BY THE COURT: S/JOHN P. DOHANICH, J.
 JUN 29 8:22 AM'05

6/30/2005 A COPY OF THE ORDER DATED JUNE 29TH 2005 WAS MAILED TO TIMOTHY W.
 SLAWIANOWSKI THE PLAINTIFF AND THE DEPT. OF TRANSPORTATION THE
 DEFENDANT BY U.S. MAIL.

7/12/2005 MOTION TO TRANSFER APPEAL, FILED ON BEHALF OF COMMONWEALTH OF
 PENNSYLVANIA, DEPARTMENT OF TRANSPORTATION.

8/02/2005 ORDER OF COURT, FILED.
 APPEAL TRANSFERRED TO CLEARFIELD COUNTY.
 BY THE COURT: S/GEORGE E. JAMES, J./AUG 2 11:46AM'05

8/03/2005 A COPY OF THE ORDER DATED AUGUST 2, 2005 WAS MAILED TO TIMOTHY
 SLAWIANOWSKI, THE PLAINTIFF AND DENISE FARKAS ATTORNEY(S) FOR THE
 DEFENDANT BY U.S. MAIL.

- - - - - LAST ENTRY - - - - -

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

JCP SURCHARGE	10.00	10.00	.00
ACT 164	5.00	5.00	.00
LICENSE/APPEAL	90.00	90.00	.00
TAX/LIC.APPEAL	.50	.50	.00
	105.50	105.50	.00

* End of Case Information

CERTIFIED TRUE AND
 CORRECT COPY OF ORIGINAL

I, Nancy Werme, Prothonotary of the
 Court of Common Pleas of Beaver County,
 do certify that this is a true and correct
 copy of the original record.

Date: 8-3-05 *Nancy Werme*
 Prothonotary
 By: *P.S.*
 Deputy

Court of Common Pleas of Beaver County

Civil Division

Civil Cover Sheet

For Prothonotary Use Only (Docket Number)

11156-2005

PLAINTIFF'S NAME	DEFENDANT'S NAME
Timothy W. Slawianowski	Department of Transportation
PLAINTIFF'S ADDRESS	DEFENDANT'S ADDRESS
129 Davidson Ln. Aliquippa PA 15001	Bureau of Driver Licensing Harrisburg PA 17104-2516
PLAINTIFF'S NAME	DEFENDANT'S NAME
PLAINTIFF'S ADDRESS	DEFENDANT'S ADDRESS
PLAINTIFF'S NAME	DEFENDANT'S NAME
PLAINTIFF'S ADDRESS	DEFENDANT'S ADDRESS
	FILED CR ISSUED 005 JUN 2005 NARROW MOUNTAIN PROTHONOTARY BEAVER COUNTY, PA 10

TOTAL NO. OF PLAINTIFFS	TOTAL NO. OF DEFENDANTS	COMMENCEMENT OF ACTION
1	1	<input type="checkbox"/> Complaint <input type="checkbox"/> Writ of Summons <input checked="" type="checkbox"/> Notice of Appeal <input type="checkbox"/> Transfer From Other Jurisdictions

AMOUNT IN CONTROVERSY	CASE TYPE
<input type="checkbox"/> \$25,000 or Less <input type="checkbox"/> Over \$25,000	<input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Medical Malpractice <input type="checkbox"/> Other Professional Liability <input type="checkbox"/> Product Liability <input type="checkbox"/> <i>LICENSE SUSPENSION</i> <input type="checkbox"/> Mortgage Foreclosure <input type="checkbox"/> Ejectment <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> Quiet Title <input type="checkbox"/> Partition <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Replevin <input type="checkbox"/> Asbestos <input type="checkbox"/> Domestic Relations <input type="checkbox"/> Divorce <input type="checkbox"/> Custody

TO THE PROTHONOTARY:

Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: (or Pro Se Litigant)

Papers may be served at the address set forth below

NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY (OR PRO SE LITIGANT)		ADDRESS (SEE INSTRUCTIONS)
PHONE NUMBER	FAX NUMBER	EMAIL ADDRESS
SIGNATURE	SUPREME COURT IDENTIFICATION NO.	DATE

KHL/DH

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY
PENNSYLVANIA
CIVIL ACTION - LAW

Timothy W. SIAWIANSKI

vs.

No. 11156-2005

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

ORDER FOR HEARING

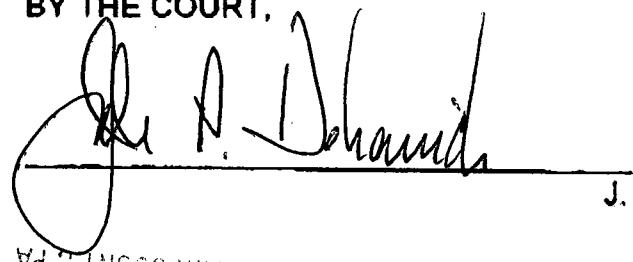
AND NOW, this 29th day of June, 2005, upon consideration of the petition of _____ for review of an order of the Department of Transportation suspending petitioner's operating privilege, a hearing de novo is granted to determine whether the action of the Department of Transportation in suspending petitioner's operating privilege should be set aside.

HEARING on the above-captioned matter is set for September 20, 2005 at 9:30 A.M. in Courtroom 8, Beaver County Courthouse, Beaver, Pennsylvania.

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 or order, by certified mail, return receipt requested.

It is further Ordered that this petition ~~shall~~ not act as a supersedeas in the above-referenced matter pending final order of Court after Hearing.

BY THE COURT,


J.

BEAVER COUNTY, PA
PROTHONOTARY
NOTARY PUBLIC

2005 JUN 29 A 11:07

FILED OR ISSUED

BY THE COURT
2005 JUN 29 A 8:22
JOHN P. DOHANICH
JUDGE

A Certified Copy of this order
was issued to Timothy Laramouski
by first class mail by D.H.
Deputy Prothonotary on 6-30-05
and to Dept of Transportation

IN THE COUNTY OF COMMON PLEAS OF BEAVER COUNTY
PENNSYLVANIA
CIVIL ACTION - LAW

Timothy W. Slawianowski
Appellant

vs.

No. 11156-2005

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION,
Appellee

PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
BEAVER COUNTY

FILED OR ISSUED

PETITION FOR APPEAL FROM A SUSPENSION OF OPERATING
PRIVILEGE/DENIAL OF DRIVER'S LICENSE/SUSPENSION OF MOTOR
VEHICLE REGISTRATION

1. Appellant herein is Timothy W. Slawianowski residing at and having a mailing address of 129 Davidson Ln. Alquippa, PA 15001
2. Appellee herein is the Department of Transportation of the Commonwealth of Pennsylvania, having a mailing address of:
 Department of Transportation, Bureau of Driver Licensing, Harrisburg, Pennsylvania 17123.
3. Department of Transportation, Bureau of Motor Vehicles, Harrisburg, Pennsylvania 17123.
3. By letter or notice dated 6-02-05, a copy of which is attached hereto as Exhibit A, the Department of Transportation
 ordered Appellant to surrender his/ her operating license/ motor vehicle registration for a period of 18 months.

denied the issuance / renewal of a driver's license.

4. Supersedeas:

X Pursuant to 75 Pa.C.S.A. § 1550 (b)(1)(i), Appellant is retaining driver's license until final determination of the suspension of operating privilege.

Pursuant to 75 Pa.C.S.A. § 1550 (b)(1)(ii), a hearing attended by the Appellant must be held before the Court of Common Pleas before an order of supersedeas can be issued.

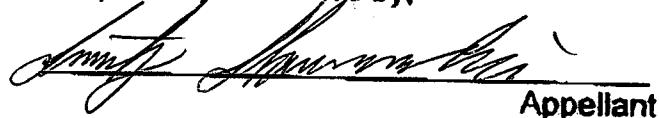
Pursuant to 75 Pa.C.S.A. § 1377(a), Appellant is retaining motor vehicle registration until final determination of the suspension of registration.

5. The said suspension of Appellant's operating privileges/ registration is improper or unlawful for the following reasons:

was not driving vehicle

Appellant respectfully requests that this matter be set down for a hearing and that the order of suspension / order of denial be set aside.

Respectfully submitted by,


Appellant

I verify that the statements made in this Petition are true and correct. I
understand that false statements herein are made subject to the penalties of 18
Pa.C.S. § 4904, relating to unsworn falsification to authorities.

Date: 6-27-05



Appellant

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
Bureau of Driver Licensing
Mail Date: JUNE 02, 2005

TIMOTHY W SLAWIANOWSKI
129 DAVIDSON LANE
ALIQUIPPA PA 15001

WID # 051466122578878 001
PROCESSING DATE 05/26/2005
DRIVER LICENSE # 24472989
DATE OF BIRTH 04/27/1977

Dear MR. SLAWIANOWSKI:

This is an **Official Notice of the Suspension** of your Driving Privilege as authorized by Section 1547B1II of the Pennsylvania Vehicle Code. As a result of your violation of Section 1547 of the Vehicle Code, CHEMICAL TEST REFUSAL, on 08/15/2004:

- Your driving privilege is **SUSPENDED** for a period of 18 MONTH(S) effective 07/07/2005 at 12:01 a.m.

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 07/07/2005. You may surrender these items before, 07/07/2005, 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.

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

051466122578878

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.

APPEAL

You have the right to appeal this action to the Court of Common Pleas (Civil Division) within 30 days of the mail date, JUNE 02, 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 07/07/2005.

051466122578878

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	<u>www.dmv.state.pa.us</u>		

RECEIPT FOR PAYMENT

Beaver County Prothonotary
 NANCY WERME
 Beaver, PA 15009

Receipt Date 6/29/2005
 Receipt Time 12:13:32
 Receipt No. 256818

TIMOTHY W SLAWIANOWSKI (VS) COMM OF PA DEPARTMENT TRANSPOR

Case Number 2005-11156
 Received of TIMOTHY W SLAWIANOWSKI
 DD

Total Non-Cash..... +	105.00	Check#	682
Total Cash..... +	.50		
Change..... -	<u>.00</u>		
Receipt total..... =	105.50		

----- Distribution Of Payment -----

Transaction Description Payment Amount

JCP SURCHARGE	10.00
ACT 164	5.00
LICENSE/APPEAL	90.00
TAX/LIC.APPEAL	.50
	<hr/>
	105.50

BUREAU OF RECEIPTS & CNTR.M.D.
 ACT 164
 TREASURER OF BEAVER COUNTY
 BUREAU OF RECEIPTS & CNTR.M.D.

Case Balance Due: .00



BEAVER COUNTY, PA
 PROTHONOTARY
 NANCY WERME

2005 JUN 29 P 12:13

FILED CR ISSUED

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY, PENNSYLVANIA

Commonwealth of Pennsylvania
Department of Transportation

v.

No. 11156-2005

Timothy W. Slawianowski

Defendant

Hearing Date: September 20, 2005

Motion to Transfer Appeal

Filed on Behalf of
Commonwealth of Pennsylvania,
Department of Transportation

Counsel for this Party:

J. Elise Tourek, Esquire
Pa ID #39659

Office of Chief Counsel
Firm #052
1209 State Office Building
300 Liberty Avenue
Pittsburgh PA 15222

412.565.7555

FILED OR ISSUED

2005 JUL 12 P 12:33

NANCY WERME
PROTHONOTARY
BEAVER COUNTY, PA

TS

YC

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA)
DEPARTMENT OF TRANSPORTATION,)
) NO. 11156-2005
v.)
)
TIMOTHY W. SLAWIANOWSKI)

NOTICE OF PRESENTATION

To: Mr. Timothy W. Slawianowski
129 Davidson Lane
Aliquippa, PA 15001

This is to notify you that the attached motion will be presented to the Statutory Appeals Motions, Judge George E. James, Beaver County Court of Common Pleas, on Friday, July 27, 2005 at 9:30 a.m.

Respectfully submitted,

J. Elise Tourek
J. Elise Tourek
Attorney for Department of Transportation
Office of Chief Counsel
1209 State Office Building
300 Liberty Avenue
Pittsburgh, Pennsylvania 15222
(412) 565-7555

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY, PENNSYLVANIA

Commonwealth of Pennsylvania :
Department of Transportation

: No. 11156-2005

Timothy W. Slawianowski

Defendant.

MOTION FOR TRANSFER OF APPEAL

AND NOW, comes the Department of Transportation and requests the Court to transfer the above-captioned appeal to the appropriate forum which is Clearfield County. Beaver County Common Pleas Court is the improper venue for the appeal. In support therof, the Department avers the following:

1. By a letter dated, June 02, 2005, the Department of Transportation (Department) notified the defendant/petitioner, Timothy W. Slawianowski, that it was suspending his operating privilege for a period of one year, pursuant to Section 1547 of the Vehicle Code.
2. On June 27, 2005, the defendant/petitioner filed a timely appeal from the notice of suspension referred to in Paragraph 1 with the Office of the Prothonotary of Beaver County.
4. Venue for appeals from determinations of the Department of Transportation is governed by 42 Pa.C.S. §933. Section 933 reads in pertinent part:

933. Appeals from government 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):

* * * *

Section 1550 (relating to judicial review)

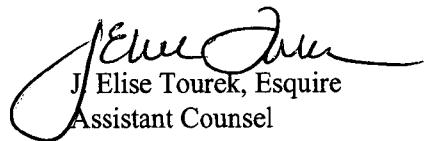
Except as otherwise prescribed by general rules, the venue shall be in the county.....where the arrest for a violation of 75 Pa. CS §3731 (relating to driving under influence of alcohol or controlled substance) was made in appeals involving the suspension of operating privileges under 75 Pa CS §1547 (relating to chemical testing to determine amount of alcohol or controlled substance)

5. In the instant case the underlying arrest and refusal on which the subject appeal is taken occurred in Sandy Creek Township. Clearfield County, Pa. See copy of criminal complaint attached hereto as Exhibit "A".

6. The only proper venue for petitioner's appeal of his license suspension for chemical testing refusal is in the Clearfield County Common Pleas Court because that is the county where the defendant/petitioner was arrested on August 15, 2004.

WHEREFORE, the Department of Transportation requests the Court to transfer the present appeal to Clearfield County Common Pleas Court.

Respectfully submitted,


J. Elise Tourek, Esquire
Assistant Counsel

COUNTY OF: **CLEARFIELD****CRIMINAL COMPLAINT**

Registered Docket Number: 46 - 3 - 01

District Judge Name: Hon

PATRICK N. FORD

Address: 309 Maple Ave
PO BOX 452
DUBOIS PA 15801

Telephone: (814) 371-5321

COMMONWEALTH OF PENNSYLVANIA
VS.

Docket No.:

Date Filed:

OTN:

DEFENDANT:

NAME and ADDRESS

**Timothy W Slawianowski
129 Davidson Lane
Aliquippa, Pa. 15001**

Defendant's Race/Ethnicity [X] White [] Asian [] Black [] Hispanic [] Native American [] Unknown	Defendant's Sex (x) Male () Female	Defendant's D.O.B. 04-27-77	Defendant's Social Security Number 162643064	Defendant's SID (State Identification Number)
Defendant's A.K.A. (also known as)		Defendant's Vehicle Information Plate Number YFS9642	State PA Registration Sticker (MM/YY) 10-04	Defendant's Driver's License Number State PA 24472989
Complaint/Incident Number STP-04083009	Licenses tracking number	Complaint/Incident Number of other Participants		UCR/NIBRS Code

District Attorney's Office Approved Disapproved because: _____

(The district attorney may require that the complaint, witness warrant affidavits, or both be approved by the attorney for the Commonwealth prior to filing. Ps.R.Cr.P. 107.)

(Name of Attorney for Commonwealth - Please Print or Type)

(Signature of Attorney for Commonwealth)

(Date)

I, **SGT. RC Fairman****804**

(Name of Affix - Please Print or Type)

(Officer Badge Number / I.D.)

of **Sandy Township Police Department****PA 0170800**

(Identify Department or Agency Represented and Political Subdivision)

(Police Agency ORI Number)

(Originalizing Agency Case Number (OCA))

do hereby state: (check appropriate box)

1. I accuse the above named defendant, who lives at the address set forth above
 I accuse the defendant whose name is unknown to me but who is described as: _____

I accuse the defendant whose name and popular designation or nickname is unknown to me and whom I have therefore designated as John Doe.

with violating the penal laws of the Commonwealth of Pennsylvania at _____

Sandy Township,

(Place-Political Subdivision)

in **Clearfield**

County on or about

8-15-2004

Participants were: (if there were participants, place their names here, repeating the name of above defendant)

2. The acts committed by the accused were:

(Set forth a summary of the facts sufficient to advise the defendant of the nature of the offense charged. A citation to the statute allegedly violated, without more, is not sufficient. In a summary case, you must cite the specific section and subsection of the statute or ordinance allegedly violated.)

EXHIBIT**A**

Defendant's Name: Timothy W Slawianowski

Docket Number: _____

**Title 75/3802 Driving Under the Influence of Alcohol or a Controlled Substance****(a) General Impairment-**

(1) An individual may not drive, operate or be in actual physical control of the movement of a vehicle after imbibing a sufficient amount of alcohol such that the individual is rendered incapable of safely driving, operating or being in actual physical control of the movement of the vehicle.

Title 75/3301 Driving on right side of roadway. (Summary)

(a) Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the road way.,

all of which were against the peace and dignity of the Commonwealth of Pennsylvania and contrary to the Act of Assembly, or in violation of

1. <u>3802</u>	<u>A 12</u>	of the <u>TITLE 75</u>	<u>1</u>
2. <u>3301</u>	<u>(a)</u>	of the <u>" "</u>	<u>1</u>
3. _____	_____	of the _____	_____
4. _____	_____	of the _____	_____

3. I ask that a warrant of arrest or a summons be issued and that the defendant be required to answer the charges I have made. (In order for a warrant of arrest to issue, the attached affidavit of probable cause must be completed and sworn to before the issuing authority.)

4. I verify that the facts set forth in this complaint are true and correct to the best of my knowledge or information and belief. This verification is made subject to the penalties of Section 4904 of the Crimes Code (18 PA. C.S. § 4904) relating to unsworn falsification to authorities.

November 6, 2004

AND NOW, on this date _____, I certify that the complaint has been properly completed and verified. An affidavit of probable cause must be completed in order for a warrant to issue.

SEAL

Defendant's Name: Timothy Slawianowski

Docket Number:

CRIMINAL COMPLAINT



AFFIDAVIT of PROBABLE CAUSE

On Aug 15, 2004 around 2100hrs. This Affiant received a complaint from CCC of a reported possible DUI vehicle traveling on SR 322 in the area of the old Drive Inn . The complainant being Officer David Johnston Off Duty Police Officer from Curwensville PD. Johnston had been behind the vehicle for a substantial distance . Johnson states the vehicle had crossed the center line multiple times. Moments later This Officer did come into contact with the vehicle at the Sheetz store at the Blinker light. As I pulled in behind the vehicle bearing Pa. Registration YFS 9642 I observed a male individual exit the drivers side door. As he got out of the truck he almost fell over stumbling to get his balance. The driver identified himself as Tim Slawianowski he appeared to be highly intoxicated. He stated he had not been driving the truck. Subjects speech was very slurred. I also noticed a strong smell of alcohol coming from his person. An acquaintance of his who identified himself as John Ochman stated Slawianowski was indeed the driver as they left a camp prior to stopping at Sheetz. Subject was asked to perform field sobriety tests that he was unable to perform. Suspect stated she had been drinking earlier in the evening. Suspect was placed under arrest then transported to DRMC but refused to submit to a test of blood drawn. Suspect was read the chemical test warning and refused to sign the form. Suspect was then released to John Ochman. based on this information I am filing above said charges.

I, SGT. RC FAIRMAN

, BEING DULY SWORN ACCORDING TO LAW,

DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE FOREGOING AFFIDAVIT

ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

SGT R.R.

Sworn to me and subscribed before me this _____ day of _____, 1999.

Date _____

, District Justice

My Commission expires first Monday of January, 2006

SEAL

7/7/05

Copy Sent:

Judy Keefer - Please send documents

CERTIFIED TRUE AND
CORRECT COPY OF ORIGINAL

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY
PENNSYLVANIA
CIVIL ACTION - LAW

Timothy W. SIAWIAWSKI

vs.

No. 11156-2005

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

ORDER FOR HEARING

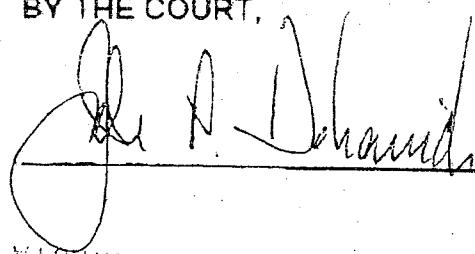
AND NOW, this 29th day of June, 2005, upon consideration of the petition of _____ for review of an order of the Department of Transportation suspending petitioner's operating privilege, a hearing de novo is granted to determine whether the action of the Department of Transportation in suspending petitioner's operating privilege should be set aside.

HEARING on the above-captioned matter is set for September 20, 2005 at 9:30 A.M. in Courtroom 8, Beaver County Courthouse, Beaver, Pennsylvania.

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 or order, by certified mail, return receipt requested.

It is further Ordered that this petition ~~shall~~ not act as a supersedeas in the above-referenced matter pending final order of Court after Hearing.

BY THE COURT,



J.

2005 JUN 29 A 8:22

JOHN P. DOHMAN
JUDGE

BY THE COURT

LOHMEIER 63-2005-001

GENERAL 63-2005-001

I, Nancy Wenzel, Prostitorary of the
Court of Common Pleas of Beaver County,
do certify that this is a true and correct
copy of the original record.

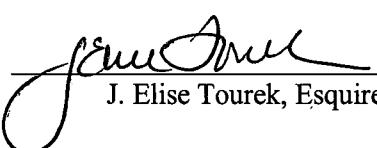
Date 6/30/05 Timothy Siaowski
By KH Deputy

CERTIFICATE OF SERVICE

The undersigned does hereby certify that, on the date set forth below, she served a true and correct copy of the foregoing Motion for Transfer of Appeal upon the defendant/petitioner by regular United States first class mail, postage prepaid, addressed as follows:

Timothy W. Slawianowski
129 Davidson Lane
Aliquippa, PA 15001

Date: 7/11/05


J. Elise Tourek, Esquire

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY, PENNSYLVANIA

Commonwealth of Pennsylvania, :
Department of Transportation : No. 11156-2005

Timothy W. Slawianowski

Defendant : **ORDER OF COURT**

It is further ORDERED and DIRECTED that transfer costs and filing fees, if any, are to be paid by the defendant/petitioner, Timothy W. Slawianowski, and he shall ensure the case is transferred to, and filed in Clearfield County Common Pleas Court, and that a hearing date is obtained on this case, 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, and a hearing date not obtained, in accordance with this Order.

BY THE COURT:

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY, PENNSYLVANIA

Commonwealth of Pennsylvania,
Department of Transportation

: No. 11156-2005

Timothy W. Slawianowski

Defendant

ORDER OF COURT

AND NOW, this 2nd day of *August*, 2005, it is
ORDERED, ADJUDGED and DECREED that the Motion for Transfer of Appeal filed on
behalf of the Department of Transportation is granted and the above-captioned appeal
is hereby transferred to Clearfield County Common Pleas Court.

It is further ORDERED and DIRECTED that transfer costs and filing fees,
if any, are to be paid by the defendant/petitioner, Timothy W. Slawianowski, and he shall ensure
the case is transferred to, and filed in Clearfield County Common Pleas Court, and that
a hearing date is obtained on this case, 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, and a hearing date not obtained, in accordance with this Order.

BY THE COURT:

GEORGE E. JAMES
JUDGE

2005 AUG -2 AM 11:46

FILED OR ISSUED
2005 AUG -2 PM
HANCY WERMA
PROTHONOTARY
BEAVER COUNTY
PA

BY THE COURT

12

FILED OR ISSUED

2005 AUG -2 P 3:34

NANCY WERME
PROTHONOTARY
BEAVER COUNTY, PA

FILED

AUG 09 2005

William A. Shaw
Prothonotary/Clerk of Courts

27

15

A Certified Copy of this ORDER
was issued to TIMOTHY STAWIANSKI

by first class mail by TS
Deputy Prothonotary on 8-3-05
and to DENISE FARKAS

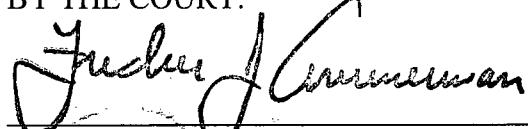
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL DIVISION

TIMOTHY W. SLAWIANOWSKI :
vs. : No. 05-1174-CD
COMMONWEALTH OF PENNSYLVANIA :

ORDER

AND NOW, this 25th day of August, 2005, it is the ORDER of the Court that hearing on Plaintiff's License Suspension Appeal in the above matter has been scheduled for Friday, September 23, 2005 at 1:00 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 this hearing will be heard.

BY THE COURT:



FREDRIC J. AMMERMAN
President Judge

FILED

0/2/05 cm 2cc C/A

AUG 25 2005 (R)

William A. Shaw
Prothonotary

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:

Mr. Timothy W. Slawianowski
129 Davidson Lane
Aliquippa, PA 15001

No 05-1174-CD

**2. Article Number
(Transfer from service label)**

11117005 0390 0003 7227 1767

COMPLETE THIS SECTION ON DELIVERY**A. Signature**

X

 Agent Addressee**B. Received by (Printed Name)**

8-29-05

C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

<input checked="" 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



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

Office of Court Administrator
Clearfield County Courthouse
230 East Market Street, Suite 228
Clearfield, PA 16830

multiple susp

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

TIMOTHY W. SLAWIANOWSKI :
vs. : No. 05-1174-CD
COMMONWEALTH OF PENNSYLVANIA :
:

ORDER

AND NOW, this 25th day of August, 2005, it is the ORDER of the Court that hearing on Plaintiff's License Suspension Appeal in the above matter has been scheduled for Friday, September 23, 2005 at 1:00 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 this hearing will be heard.

BY THE COURT:

/s/ Fredric J. Ammerman

FREDRIC J. AMMERMAN
President Judge

FILED

AUG 31 2005 (60)
0/11:20/05
William A. Shaw
Prothonotary/Clerk of Courts
No C/C

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

AUG 25 2005

FLD BY

MK/ Dep. Ct. Adm.

Attest.

William A. Shaw
Prothonotary/
Clerk of Courts

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

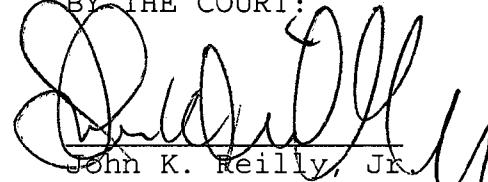
COMMONWEALTH OF PENNSYLVANIA : :

VS. : NO. 05-1174-CD
TIMOTHY W. SLAWIANOWSKI : License Suspension Appeal

O R D E R

NOW, this 23rd day of September, 2005, this being the day and date set for hearing into the above-captioned Appeal from License Suspension; upon oral motion of the Appellant, it is the ORDER of this Court that said appeal shall be and is hereby marked withdrawn and the action of the Department affirmed.

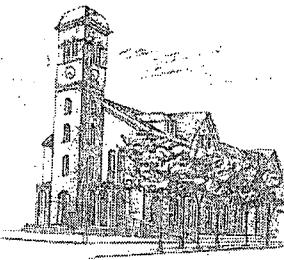
BY THE COURT:



John K. Reilly, Jr.
Senior Judge
Specially Presiding

FILED 2CCAnyKuha
0135381 2CCPIFF
SEP 23 2005 (6K)

William A. Shaw
Prothonotary/Clerk of Courts



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

David S. Ammerman
Solicitor

Jacki Kendrick
Deputy Prothonotary

Bonnie Hudson
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

Date: September 19, 2005

Over the past several weeks, it has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw
Prothonotary

You are responsible for serving all appropriate parties.

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

Plaintiff(s)/Attorney(s)

Defendant(s)/Attorney(s)

Other

Special Instructions: