

06-859-CD  
In Re: Larry Elvis Taylor

No Ret for Mo to  
Supersedes Rush  
or Order -  
hld to  
SCH per FJA  
5-30-06

LA

[illegible]

WID: 052706117688609 001

2006-859-CD

Type of Pleading:

207 E. Market Street  
PO Box 552  
Clearfield, PA 16830  
(814) 765-1601

FILED pd \$85.00 Att,  
0/10:46 am 2 CC Att, Needed  
MAY 30 2006 (m)

William A. Shaw  
Prothonotary

CM

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION  
BUREAU OF DRIVER LICENSING

IN THE MATTER OF:	*	
	*	
PETITION FOR ADMINISTRATIVE	*	WID: 052706117688609 001
HEARING FOR	*	
	*	
LARRY ELVIS TAYLOR,	*	Driver License No. 15486208
Petitioner.	*	DOB: 11/24/51

PETITION FOR ADMINISTRATIVE HEARING

NOW COMES your Petitioner, Larry Elvis Taylor, and by his attorney, James A. Naddeo, Esquire, and requests that The Pennsylvania Department of Transportation, Bureau of Driver Licensing, grant him an Administrative Hearing and in support thereof makes the following averments:

1. That your Petitioner is Larry Elvis Taylor, an adult individual, who resides at 900 Willow Drive, Clearfield, Pennsylvania 16830.

2. That your Petitioner is a Pennsylvania Driver with a License Number of 15486208.

3. That your Petitioner was charged with Driving while Ability Impaired.

4. That your Petitioner was sentenced on August 15, 2005.

5. That subsequently the Commonwealth of Pennsylvania entered an Order suspending his license pursuant to Section 3802A2 of the Pennsylvania Vehicle Code, DUI BAC .08-<.10 for a

period of one (1) year effective November 8, 2005. A copy of said Notice is attached hereto as Exhibit "A".

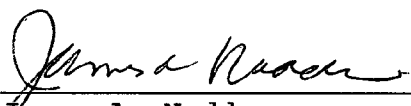
6. That had a similar offense occurred in the Commonwealth of Pennsylvania, Petitioner would have been eligible for admission to the ARD program.

7. That under the ARD program implemented by Clearfield County, Pennsylvania, the county of his home residence, his license would have been suspended for a period of one (1) month.

8. That the suspension imposed by the Department of Transportation pursuant to Section 3804E21 of the Pennsylvania Vehicle Code, while justified, is otherwise excessive for no reason other than the venue in which the incident occurred.

WHEREFORE, your Petitioner respectfully requests the Commonwealth of Pennsylvania, Department of Transportation, Bureau of Driver Licensing, to grant Petitioner an Administrative Hearing for a determination on the suspension of Petitioner's license and to grant supersedeas pending said hearing.

Respectfully submitted,

  
James A. Naddeo  
Attorney for Petitioner

COMMONWEALTH OF PENNSYLVANIA )

SS .

COUNTY OF CLEARFIELD )

Before me, the undersigned officer, personally appeared LARRY ELVIS TAYLOR, who being duly sworn according to law, depose and state that the facts set forth in the foregoing Petition for Administrative Hearing are true and correct to the best of his knowledge, information and belief.

EE Taylor

Larry Elvis Taylor

SWORN and SUBSCRIBED before me this 25<sup>th</sup> day of May, 2006.

*Inda C. Suwa*

**COMMONWEALTH OF PENNSYLVANIA**

Notarial Seal  
Linda C. Lewis, Notary Public  
Clearfield Boro, Clearfield County  
My Commission Expires July 25, 2007

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION  
Bureau of Driver Licensing  
Mail Date: OCTOBER 04, 2005

LARRY ELVIS TAYLOR  
900 WILLOW DR  
CLEARFIELD PA 16830

WID # 052706117688609 001  
PROCESSING DATE 09/27/2005  
DRIVER LICENSE # 15486208  
DATE OF BIRTH 11/24/1951

Dear MR. TAYLOR:

This is an **Official Notice of the Suspension** of your Driving Privilege as authorized by Section 3804E2I of the Pennsylvania Vehicle Code. As a result of your 08/15/2005 conviction in NEW YORK:

- Your driving record reflects a violation on 08/05/2005 that is similar to violating Section 3802A2 of the Pennsylvania Vehicle Code, DUI BAC .08-<.10.
- Your driving privilege is **SUSPENDED** for a period of 1 YEAR(S) effective 11/08/2005 at 12:01 a.m.

Your conviction in NEW YORK is listed in Article IV of Section 1581 of the Pennsylvania Vehicle Code which mandates that PennDOT process specific out-of-state convictions as though they had occurred in Pennsylvania.

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 11/08/2005. You may surrender these items before, 11/08/2005, 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 iden-

tification (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  
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.



052706117688609

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IGNITION INTERLOCK

Before your driving privilege can be restored you are required by law to have all vehicle(s) owned by you to be equipped with an Ignition Interlock System. This is a result of your conviction for Driving Under the Influence. You will receive more information regarding this requirement approximately 30 days before your eligibility date.

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, OCTOBER 04, 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 11/08/2005.

Sincerely,



Janet L. Dolan, Acting Director  
Bureau of Driver Licensing

052706117688609

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>		

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION  
BUREAU OF DRIVER LICENSING

IN THE MATTER OF:

PETITION FOR ADMINISTRATIVE  
HEARING FOR

LARRY ELVIS TAYLOR,  
Petitioner.

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\*

WID: 052706117688609 001

Driver License No. 15486208

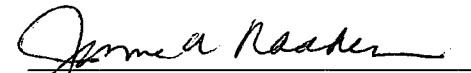
DOB: 11/24/51

CERTIFICATE OF SERVICE

I, James A. Naddeo, Esquire, do hereby certify that a  
certified copy of Petition for Administrative Hearing was served  
on the following and in the following manner on the 30th day of  
May, 2006:

First-Class Mail, Postage Prepaid

Pennsylvania Department of Transportation  
Office of Chief Counsel  
Third Floor, Riverfront Office Center  
1101 South Front Street  
Harrisburg, PA 17104-2516

  
James A. Naddeo  
Attorney for Petitioner

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

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION

vs.


LARRY ELVIS TAYLOR

:  
:  
:  
: No. 06-859-CD  
:  
:

**ORDER**

AND NOW, this 9 day of August, 2006, it is the ORDER of the Court that hearing on The Commonwealth of Pennsylvania's Motion to Quash on Defendant's Petition for Administrative Hearing in the above matter has been scheduled for **Tuesday, September 26, 2006 at 3:00 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** 2cc  
0/9:26/06  
AUG 10 2006  
Atty's: Kuhar  
Naddeo  
William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 8/10/06

☐ 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:

**FILED**

**AUG 10 2006**

William A. Shaw  
Prothonotary/Clerk of Courts

UA

: No. 2006-859-CD

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: Motion to Quash Appeal  
: for Untimely Filing

: Filed on Behalf of:  
: Commonwealth of Pennsylvania  
: Department of Transportation

: Counsel for this Party:

: William A. Kuhar, Jr., Esquire  
: Pa. ID #38885

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

: (412) 565-7555

AUG 23 2006

William A. Shaw  
Prothonotary/Clerk of Courts

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

Commonwealth of Pennsylvania,  
Department of Transportation

vs.

Larry Elvis Taylor

:  
:  
:  
: No. 2006-859-CD  
:  
:

**MOTION TO QUASH APPEAL FOR UNTIMELY FILING**

AND NOW, comes the Commonwealth of Pennsylvania, Department of Transportation, Bureau of Driver Licensing (Bureau), by its attorney, William A. Kuhar, Jr., Esquire, Assistant Counsel, and requests this Honorable Court to quash the above-captioned appeal by the petitioner, Larry Elvis Taylor, from a suspension of his driving privilege, and avers the following in support thereof:

1. On **October 4, 2005**, the Bureau mailed to the petitioner, Larry Elvis Taylor, at his address of record with the Bureau on that date – namely, 900 Willow Drive, Clearfield, PA, 16830 - an official notice of a one (1) year suspension of his Pennsylvania driving privilege, pursuant to 75 Pa.C.S. §3804(e)(2)(i), based on the Bureau's receipt of a report of the petitioner's **conviction** in a New York court for an August 5, 2005 violation of NY CLS Veh. & Tr. §1192(1), which, pursuant to 75 Pa.C.S. §3804(e)(2)(iv)(B), was treated as the equivalent of a violation of 75 Pa.C.S. §3802(a)(2). A copy of that suspension notice is attached hereto as Exhibit A.

2. On **May 30, 2006**, the petitioner filed with the Office of the Prothonotary of Clearfield County at the above-mentioned docket number a petition for appeal from the one year driving privilege suspension referred to in Paragraph 1 of this Motion.

3. Inasmuch as the notice of the one year driving privilege suspension that the petitioner has appealed was mailed to him on October 4, 2005, the petitioner's appeal from the one year driving privilege suspension referred to in Paragraph 1 of this Motion was filed nearly eight (8) months after the mailing date of the notice of that suspension.

4. Section 1550(a) of the Vehicle Code, 75 Pa.C.S. §1550(a), governs judicial review of, *inter alia*, driving privilege suspensions imposed by the Bureau. Section 1550(a) provides, in pertinent part:

**(a) General Rule.**--Any person who has been denied a driver's license, whose driver's license has been cancelled or whose operating privilege has been recalled, **suspended**, revoked or disqualified by the department shall have the right to appeal to the court vested with

jurisdiction of such appeals by or pursuant to Title 42 (relating to judiciary and judicial procedure).

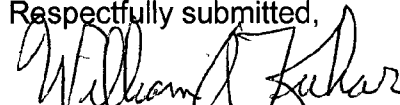
5. A statutory appeal from a driving privilege suspension imposed by the Bureau pursuant to 75 Pa.C.S. §3804(e)(2) must be filed within thirty (30) days from the date of the mailing of the notice of that suspension, unless the thirtieth day falls on a Saturday, Sunday or legal holiday, in which case it must be filed on the next business day. 42 Pa.C.S. §5571(b); 42 Pa.C.S. §5572; 1 Pa.C.S. §1908; *Department of Transportation, Bureau of Driver Licensing v. Karff*, 529 A.2d 76 (Pa. Cmwlth. 1988).

6. A common pleas court is without jurisdiction to hear a licensee's statutory appeal of a driving privilege suspension imposed pursuant to 75 Pa.C.S. §3804(e)(2) if the licensee fails to file the petition for appeal from that suspension within the statutorily-mandated appeal period, *Department of Transportation v. Shain*, 538 A.2d 994 (Pa. Cmwlth. 1988), *Karff*, unless the licensee can prove to the court that his or her failure to file a timely appeal of that suspension resulted from fraud or a breakdown in the operations of either the court or the Bureau or from non-negligent circumstances – i.e., that he or his agent attempted to file a timely appeal from the suspension to the common pleas court but that unforeseeable and unavoidable events precluded him from actually doing so – and that he promptly requested leave to appeal the suspension *nunc pro tunc* upon learning of the need to request such relief. *Schofield v. Department of Transportation, Bureau of Driver Licensing*, 828 A.2d 510 (Pa. Cmwlth. 2003), *appeal denied*, 837 A.2d 1179 (Pa. 2003); *Kulick v. Department of Transportation, Bureau of Driver Licensing*, 666 A.2d 1148 (Pa. Cmwlth. 1995).

7. The petitioner does not allege in his petition for appeal facts from which it can be concluded as a matter of law that his failure to file a timely appeal from the suspension referred to in Paragraph 1 of this Motion resulted from fraud or a breakdown in the operations of either the court or the Bureau or from non-negligent circumstances. Moreover, he has not requested that this Court grant him leave to appeal that suspension *nunc pro tunc*.

WHEREFORE, the Bureau requests that this Court issue a rule against the petitioner to show cause, if any, why this appeal by him from the one year suspension of his driving privilege imposed pursuant to 75 Pa.C.S. §3804(e)(2)(i) should not be quashed because it was untimely filed.

Respectfully submitted,



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



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION  
Bureau of Driver Licensing  
Mail Date: OCTOBER 04, 2005

LARRY ELVIS TAYLOR  
900 WILLOW DR  
  
CLEARFIELD PA 16830

WID # 052706117688609 001  
PROCESSING DATE 09/27/2005  
DRIVER LICENSE # 15486208  
DATE OF BIRTH 11/24/1951

Dear MR. TAYLOR:

This is an **Official Notice of the Suspension** of your Driving Privilege as authorized by Section 3804E2I of the Pennsylvania Vehicle Code. As a result of your 08/15/2005 conviction in NEW YORK:

Your driving record reflects a violation on 08/05/2005 that is similar to violating Section 3802A2 of the Pennsylvania Vehicle Code, DUI BAC .08-<.10.

Your driving privilege is **SUSPENDED** for a period of 1 **YEAR(S)** effective 11/08/2005 at 12:01 a.m.

Your conviction in NEW YORK is listed in Article IV of Section 1581 of the Pennsylvania Vehicle Code which mandates that PennDOT process specific out-of-state convictions as though they had occurred in Pennsylvania.

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 11/08/2005. You may surrender these items before, 11/08/2005, 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 iden-

Exhibit A

tification (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  
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.

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Before your driving privilege can be restored you are required by law to have all vehicle(s) owned by you to be equipped with an Ignition Interlock System. This is a result of your conviction for Driving Under the Influence. You will receive more information regarding this requirement approximately 30 days before your eligibility date.

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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, OCTOBER 04, 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 11/08/2005.

Sincerely,



Janet L. Dolan, Acting Director  
Bureau of Driver Licensing

052706117688609

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><a href="http://www.dmv.state.pa.us">www.dmv.state.pa.us</a></u>		

CP

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

Commonwealth of Pennsylvania,  
Department of Transportation

vs.

Larry Elvis Taylor

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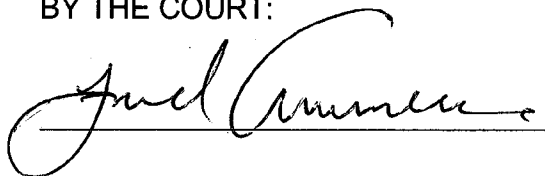
No. 2006-859-CD

ORDER OF COURT

AND NOW, this 22 day of August, 2006,  
upon consideration of the foregoing Motion to Quash Appeal for Untimely Filing filed  
on behalf of the Pennsylvania Department of Transportation's Bureau of Driver  
Licensing, it is hereby ORDERED, ADJUDGED and DECREED that a Rule be issued  
against the petitioner, Larry Elvis Taylor, to show cause, if any, as to why the above-  
captioned appeal from a one year driving privilege suspension which was imposed  
due to the petitioner's reported conviction in a New York court for an August 5, 2005  
violation of NY CLS Veh. & Tr. §1192(1), which, pursuant to 75 Pa.C.S.  
§3804(e)(2)(iv)(B), was treated as a violation of 75 Pa.C.S. §3802(a)(2), should not  
be quashed because this Court lacks jurisdiction to hear the appeal because it was  
untimely filed.

Said rule is returnable on the 26th day of September, 2006, at 3:00 p.m.  
before the Honorable John K. Reilly, Jr., Specially Presiding in a courtroom of the  
Clearfield County Courthouse to be determined at a later date.

BY THE COURT:

  
J.

FILED

AUG 23 2006

0/9:00/w  
William A. Shaw  
Prothonotary/Clerk of Courts

1 Clerk to Kuttan

DATE: 8-23-06

☒ 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:

## CERTIFICATE OF SERVICE

The undersigned does hereby certify that, on the date set forth below, he served a true and correct copy of the foregoing Motion to Quash Appeal for Untimely Filing upon counsel for the petitioner by regular United States first class mail, postage pre-paid, addressed as follows:

James A. Naddeo, Esquire  
207 East Market Street  
P.O. Box 552  
Clearfield, PA 16830

Date: 8/17/2006

William A. Kuhar  
William A. Kuhar, Jr.

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

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION

VS.

LARRY ELVIS TAYLOR

- \* \*
- \* \*
- \* \*
- \* \*

NO. 06-859-CD

## ORDER OF COURT

NOW, this 26th day of September, 2006, this being the day and date set for hearing into the above-captioned appeal from license suspension, upon agreement of the parties IT IS THE ORDER OF THIS COURT that said appeal shall be and is hereby dismissed and the action of the Department affirmed.

BY THE COURT:

John K. Reilly, Jr.  
Senior Judge  
Specially Presiding

**FILED**

SEP 28 2006

1cc Amy Kuhar  
2cc Amy Maddox  
(6)

William A. Shaw  
Prothonotary/Clerk of Courts



DATE: 9/28/06

       You are responsible for serving all appropriate parties.

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

       Plaintiff(s)   X   Plaintiff(s) Attorney        Other

       Defendant(s)   X   Defendant(s) Attorney       

       Special Instructions:

**FILED**

SEP 28 2006

William A. Shaw  
Prothonotary/Clerk of Courts