

07-447-CD  
Wendy A. Senior vs Comm of PA

Wendy Senior vs Comm of PA  
2007-447-CD

THE COURT OF COMMON PLEAS OF THE FORTY-SIXTH JUDICIAL DISTRICT OF  
PENNSYLVANIA

WENDY ANN SENIOR,  
Petitioner

- v -

COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF TRANSPORTATION,  
Respondent

ACTION AT LAW-CIVIL

NO. 2007- 447-CD

Type of Case: Department of  
Transportation Suspension of  
Operating Privilege Appeal

Type of Pleading: Petition for  
Review of an Order of Department  
of Transportation Suspending  
Operating Privilege

Attorney for Petitioner:  
Nathaniel J. Schmidt, Esq.  
I.D. 201508  
Meyer & Wagner  
115 Lafayette St.  
St. Marys, PA 15857  
(814) 781-3445

*Schedule w/  
Judge  
Reilly*

pd \$85.00 Atty,  
m/12:00 cm acc Atty  
MAR 22 2007  
(un)

William A. Shaw  
Prothonotary, Clerk of Courts

THE COURT OF COMMON PLEAS OF THE FORTY-SIXTH JUDICIAL DISTRICT OF  
PENNSYLVANIA

WENDY ANN SENIOR,  
Petitioner

ACTION AT LAW-CIVIL

- v -

NO. 2007- 447-C0

COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF TRANSPORTATION,  
Respondent

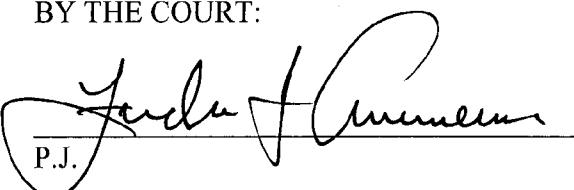
**ORDER FOR HEARING**

AND NOW, this 26<sup>th</sup> day of March, 2007, upon consideration of the Petition of Wendy Ann Senior, 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 to be set aside.

Hearing on the above captioned matter is scheduled for the \_\_\_\_\_ day of \_\_\_\_\_, 2007, at \_\_\_\_\_ .m. in Room \_\_\_\_\_ of the Clearfield County Courthouse, Clearfield, Pennsylvania.

The Petitioner is directed to serve a copy of the Notice of the Appeal and copies of the Petition for Review and Order for Hearing on the Department of Transportation at the address shown on the Department's Notice of Entry of Order, by certified mail, return receipt requested.

BY THE COURT:

  
P.J.

FILED *2cc*  
014:48/07  
APR 03 2007  
Atty Schmidt  
(64)

William A. Shaw  
Prothonotary/Clerk of Courts

THE COURT OF COMMON PLEAS OF THE FORTY-SIXTH JUDICIAL DISTRICT OF  
PENNSYLVANIA

WENDY ANN SENIOR,	:	
Petitioner	:	ACTION AT LAW-CIVIL
- v -		:
	:	NO. 2007-
COMMONWEALTH OF PENNSYLVANIA,	:	
DEPARTMENT OF TRANSPORTATION,	:	
Respondent	:	

**PETITION FOR REVIEW OF AN ORDER OF DEPARTMENT  
OF TRANSPORTATION SUSPENDING OPERATING PRIVILEGE**

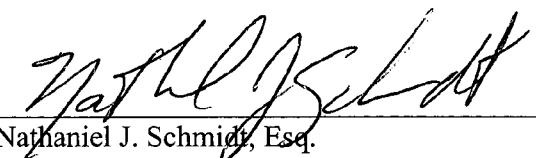
Petitioner, Wendy Ann Senior, by her counsel, Nathaniel J. Schmidt, respectfully petitions the Court pursuant to 75 Pa.C.S.A. §1550 for review of an Order of the Department of Transportation suspending Petitioner's operating privilege, and in support thereof represents as follows:

1. Petitioner, Wendy Ann Senior, is an adult individual residing at 37 Johnson Street, Byrnedale, PA 15827.
2. Petitioner currently possesses a valid driver's license issued to her in March 2003, which has not heretofore been suspended, cancelled, or revoked.
3. By letter mailed March 7, 2007, Petitioner was notified in writing from the Pennsylvania Department of Transportation that her driving privilege was to be suspended by means of an Official Notice of Suspension dated February 28, 2007, with a copy of such notice attached to this Petition as "Exhibit A." The reason for this suspension was stated as the following: a conviction under Judge Patrick N. Ford for Pennsylvania Magisterial District 46-301, finding that she violated §3345A of the Vehicle Code, passing a school bus on 12/12/2006. A copy of the conviction is attached as "Exhibit B."

4. The suspension is improper and unlawful for the following reasons: Petitioner has filed an appeal from her District Court conviction for violation of 75 Pa. C.S.A. §3345A. These charges may be dropped or dismissed in the course of future legal proceedings. Accordingly, the suspension of her operating privileges should be delayed until the appeals process has been completed.

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

Date: 3/20/07

  
\_\_\_\_\_  
Nathaniel J. Schmidt, Esq.  
Attorney for Petitioner  
I.D. 201508  
Meyer & Wagner  
115 Lafayette St.  
St. Marys, PA 15857  
(814) 781-3445

VERIFICATION

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. Cons. Stat. Ann. § 4904 relating to unsworn falsification to authorities.

Date: 3-20-07

Wendy Ann Senior  
Wendy Ann Senior

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF TRANSPORTATION  
Bureau of Driver Licensing  
Mail Date: MARCH 07, 2007

WENDY ANN SENIOR  
1728 RIVER RD  
WEEDVILLE PA 15868

WID # 070599283182721 001  
PROCESSING DATE 02/28/2007  
DRIVER LICENSE # 24865936  
DATE OF BIRTH 04/27/1979

Dear MS. SENIOR:

This is an Official Notice of the Suspension of your Driving Privilege as authorized by Section 1535 of the Pennsylvania Vehicle Code. As a result of your 02/27/2007 conviction of violating Section 3345A of the Vehicle Code, PASSING A SCHOOL BUS, on 12/12/2006:

- Your driving privilege is SUSPENDED for a period of 60 days effective 04/11/2007 at 12:01 a.m.
- PennDOT is required by law to assign 5 points to your driving record.

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 04/11/2007. You may surrender these items before, 04/11/2007, 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.

EXHIBIT

A

070599283182721

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.

070599283182721

**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, MARCH 07, 2007, 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 04/11/2007.

Sincerely,



Janet L. Dolan, Director  
Bureau of Driver Licensing

**INFORMATION 8:00 a.m. to 6:00 p.m.**

IN STATE	1-800-932-4600	TDD IN STATE	1-800-228-0676
OUT-OF-STATE	717-412-5300	TDD OUT-OF-STATE	717-412-5380
WEB SITE ADDRESS	<u><a href="http://www.dmv.state.pa.us">www.dmv.state.pa.us</a></u>		

1. Docket Number of Final Issuing Authority <b>TR-0000008-07</b>			2. Common Pleas Docket Number			3. State Identification Number <b>OTN</b>																	
4. Final Issuing Authority to be completed by Final Issuing Authority <b>PATRICK N. FORD</b>			DISTRICT NO. <b>46 3 01</b>			5. Transferred from Initial Issuing Authority <b>TR-0000008-07</b>																	
6. Name and Address (Last Name First)  <b>SENIOR, WENDY ANN 37 JOHNSON ST. BYRNEDALE, PA 15827</b>			7. Date of Transfer			8. Docket No. of Initial Issuing Authority <b>TR-0000008-07</b>																	
			9. Affiant Who Signed Complaint (Name and Address) <b>ERIC C. MCKEE PA STATE POLICE 101 PRESTON WAY FALLS CREEK, PA 15840</b>			10. Date of Birth MM DD YY <b>04 27 79</b>			11. Sex <b>F</b>														
12. Race <b>24865936</b>			13. Operator/License Number <b>PA</b>			14. State <b>PAPSP1700</b>			15. ORI <b>SP417762</b>														
16. Date of Arrest MM DD YY <b>02 27 07</b>			17. Date Complaint Filed or Citation Issued or Filed MM DD YY <b>01 02 07</b>			18. Summons Date Issued MM DD YY MM <b>01 04 07</b>			19. Warrant DD YY <b>01 10 07</b>			20. Summons Returned MM DD YY <b>01 10 07</b>			21. Preliminary Arraignment Date MM DD YY <b>01 10 07</b>			22. Date Waived to Court MM DD YY <b>01 10 07</b>					
23. Date Set for Preliminary Hearing MM DD YY <b>02 27 07</b>			24. Time <b>10:00 AM</b>			25. Date Set for Preliminary Hearing MM DD YY <b>02 27 07</b>			26. Address of Preliminary Hearing/Summary Trial <b>309 MAPLE AVENUE, DUBOIS, PA 15801</b>			27. Address of Preliminary Hearing/Summary Trial <b>309 MAPLE AVENUE, DUBOIS, PA 15801</b>			28. Description of Charges <b>A MEETING/OVERTAKING SCHOOL BUS</b>			29. Offense Date MM DD YY <b>12 12 06</b>			30. Section and Subsection <b>GT</b>		
31. Disposition <b>GT</b>			32. Date Set for Preliminary Hearing MM DD YY <b>02 27 07</b>			33. Date Set for Preliminary Hearing MM DD YY <b>02 27 07</b>																	
34. Advised of His Right to Apply for Assignment of Counsel? Yes <input type="checkbox"/> No <input type="checkbox"/>			35. Public Defender Requested by the Defendant? Yes <input type="checkbox"/> No <input type="checkbox"/>			36. Application Provided for Appointment of Public Defender? Yes <input type="checkbox"/> No <input type="checkbox"/>			37. In cases where so required, I the within named Issuing Authority, did make a reasonable effort to settle the difference between the Defendant and the Complainant on:			MM DD YY <b>02 27 07</b>											
38. Codefendant(s) Name <b>a</b>			39. OTN <b>a</b>			38. Codefendant(s) Name <b>b</b>			39. OTN <b>b</b>			39. OTN <b>c</b>			39. OTN <b>d</b>								
40. Enter 'C' for witness for Complainant- Enter 'D' for Witness for Defendant <b>C</b>			41. Witnesses Names and Addresses and Names and Addresses of persons (not more than 2). Defendant wishes to be Notified for trial <b>290 WINTERBURN RD, PENFIELD, PA 15849 1002 RT 410, PUNXSUTAWNEY, PA 15767</b>			42. Sworn <b>C</b>			43. Testified <b>C</b>			44. Defense Persons to be notified <b>C</b>											
45. Commonwealth <b>C</b>			46. Complainant <b>C</b>			47. Defendant <b>C</b>			48. I.D. No.														
49. Date of Decision MM DD YY <b>02 27 07</b>			50. Fines Amount \$ <b>250.00</b>			51. Costs \$ <b>115.50</b>			52. Judgment of Sentence <b>BAL: \$ .00</b>														
53. Type <b>C</b>			54. Amount \$ <b>0</b>			55. Date Set MM DD YY <b>0</b>			56. Date Bail Posted MM DD YY <b>0</b>														
57. Type <b>C</b>			58. Amount \$ <b>0</b>			59. Date Set MM DD YY <b>0</b>			60. Date Bail Posted MM DD YY <b>0</b>														
61. If Committed Date <b>C</b>			62. Code <b>C</b>			63. Place of Commitment <b>C</b>																	

COPY: TRIAL COURT ADMIN



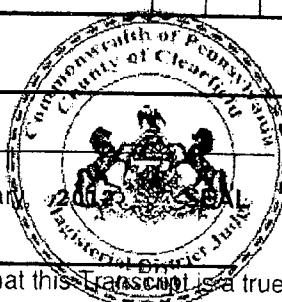
64. Date Transcript Sent to Court MM DD YY <b>03 14 07</b>		
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Certified this \_\_\_\_\_ day of \_\_\_\_\_

My commission expires first Monday of January

*Patrick N. Ford*

I, the above named Issuing Authority certify that this Transcript is a true and correct Transcript of the Docket.



A

MEYER & WAGNER  
ATTORNEYS AT LAW  
115 LAFAYETTE STREET  
ST. MARXS, PA. 15857

THE PLUMCENHORN CO., WILLIAMSPORT, PA.

FILED

MAR 22 2007

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF THE FORTY-SIXTH JUDICIAL  
DISTRICT OF PENNSYLVANIA

WENDY ANN SENIOR, : CLEARFIELD COUNTY  
Petitioner :  
Vs. : CIVIL ACTION - LAW  
COMMONWEALTH OF : NO. 2007- 447-CD  
PENNSYLVANIA, DEPARTMENT :  
OF TRANSPORTATION, :  
Respondent :  
:

PRAECL<sup>PS</sup>E FOR ENTRY OF APPEARANCE

To the Prothonotary:

Kindly enter my appearance of behalf of Wendy Ann Senior, the above-named  
Petitioner. Papers may be served at the address set forth below.

Date: 3/20/07



Nathaniel J. Schmidt, Esq.  
I.D. No. 201508  
Meyer & Wagner  
115 Lafayette St.  
St. Marys, PA 15857  
(814) 781-3445

FILED No CC.  
m/12:00pm  
MAR 22 2007  


William A. Shaw  
Prothonotary/Clerk of Courts

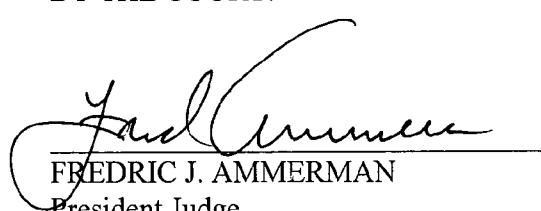
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
CIVIL DIVISION

COMMONWEALTH OF PENNSYLVANIA :  
DEPARTMENT OF TRANSPORTATION :  
vs. : No. 07-447-CD  
WENDY ANN SENIOR :  
:

ORDER

AND NOW, this 1 day of May, 2007, it is the ORDER of the Court that hearing on Defendant's License Suspension Appeal of Suspension in the above matter has been scheduled for Tuesday, June 12, 2007 at 9:30 A.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  
05/03/2007 3cc to  
MAY 01 2007 Atty Kuhar  
to Serve per  
CJA

William A. Shaw  
Prothonotary/Clerk of Courts

1 CC to Atty Schmidt  
5/21/07 per CJA  
GR

**FILED**

**MAY 01 2007**

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

DATE: 5/1/07

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:

THE COURT OF COMMON PLEAS OF THE FORTY-SIXTH JUDICIAL DISTRICT OF  
PENNSYLVANIA

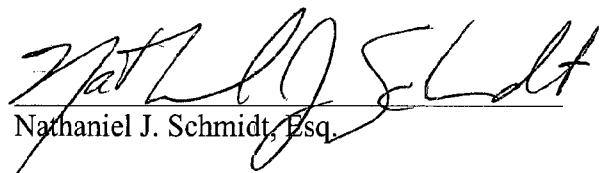
WENDY ANN SENIOR, : ACTION AT LAW-CIVIL  
Petitioner :  
- v - : NO. 2007-447-CD  
COMMONWEALTH OF PENNSYLVANIA, :  
DEPARTMENT OF TRANSPORTATION, :  
Respondent :  
:

**CERTIFICATE OF SERVICE**

I, Nathaniel J. Schmidt, Esq., hereby certify that on the 27<sup>th</sup> day of April, 2007, I sent a certified copy of a Petition for Review of Order of Department of Transportation Suspending Operating Privilege to the following address, certified mail, return receipt requested:

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

Date: 5/11/07

  
Nathaniel J. Schmidt, Esq.

FILED <sup>NO cc</sup>  
MAY 15 2007  
WAS: 5354  
MAY 15 2007  
  
William A. Shaw  
Prothonotary/Clerk of Courts

U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$ 0.63
Certified Fee	\$ 2.40
Return Receipt Fee (Endorsement Required)	\$ 1.85
Restricted Delivery Fee (Endorsement Required)	\$ 0.00
Total Postage & Fees	\$ 4.88

0857 0007  
  
04/27/2007

**Sent To**  
Penn DOT  
Street, Apt. No.,  
or PO Box No. River Front Office Center  
City, State Zip 17104-2516  
Harrisburg, PA 17104-2516

PS Form 3800 (June 2002) See reverse for instructions

**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:**

PennDOT  
Office of Chief Counsel  
Third Floor  
River Front Office Center  
Harrisburg, PA 17104

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature   
 JAMIE HOLLAND  Agent  
 Addressee

B. Received by (Printed Name)  C. Date of Delivery  
MAY 03 2007

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

**3. Service Type**

Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

**2. Article Number**

(Transfer from service label)

7006 0810 0001 4438 0589

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

COMMONWEALTH OF PENNSYLVANIA :

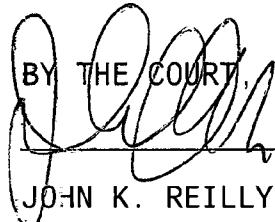
DEPARTMENT OF TRANSPORTATION :

VS : NO. 07-447-CD

WENDY A. SENIOR :

O R D E R

NOW, this 12th day of June, 2007, 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 Appellant granted a five-month delay in the imposition of suspension to allow resolution of the underlying summary conviction.

  
BY THE COURT,

JOHN K. REILLY, JR., SENIOR JUDGE  
SPECIALLY PRESIDING

FILED *accAtys*  
01/20/2007 JUN 12 2007 Schmidt  
Kuhar  
William A. Shaw  
Prothonotary/Clerk of Courts  
GK

**FILED**

**JUN 12 2007**

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 6/12/07

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: