

07-818-CD
Jeffrey Martin vs Comm of Pennsylvania

2007-818-CD
Jeffrey Martin vs Comm of PA

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

JEFFREY A. MARTIN,
Petitioner

vs. : No. 2007-818-C0

COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF TRANSPORTATION,
Respondent

: PETITION FOR REVIEW AND
FOR SUPERSEDEAS

: Filed on behalf of:
JEFFREY A. MARTIN,
PETITIONER

: 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

OP/61/m
TP
C/A

FILED

MAY 25 2007

5/1/2007

William A. Shaw
Prothonotary/Clerk of Courts

3 cent to Army

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

JEFFREY A. MARTIN,
Petitioner

vs.

No. 2007-818-C0

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION,
Respondent

**PETITION FOR REVIEW AND
FOR SUPERSEDEAS**

Filed on behalf of:
JEFFREY A. MARTIN,
PETITIONER

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
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FILED

MAY 25 2007

01:20/um

William A. Shaw
Prothonotary/Clerk of Courts

3 cent to Amt

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

JEFFREY A. MARTIN,
Petitioner

vs. : No.

COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF TRANSPORTATION,
Respondent

PETITION FOR REVIEW AND FOR SUPERSEDEAS

AND NOW comes Petitioner, Jeffrey A. Martin, by and through Ronald L. Collins, Esquire, who Petitions your Honorable Court as follows:

1. That Petitioner is Jeffrey A. Martin of German Road, PO Box 108, Drifting, PA, 16834.
2. That Petitioner was born on September 16, 1963 and has a Drivers License No. 20246332.
3. That Respondent is the Commonwealth of Pennsylvania, Department of Transportation.
4. That by Official Notice dated May 1, 2007, a copy of which is hereinafter attached as Exhibit A, Respondent issued an One Hundred and Twenty Day (120) disqualification of Petitioner's commercial driving privileges as a result of Petitioner's conviction on October 10, 2006 of an offense for Improper Lane Changes occurring on August 2, 2006 in Delaware.
5. That the offense of Improper Lane Changes has been designated as a Serious Offense for commercial drivers.
6. That pursuant to Section 1611 (g) of the Motor Vehicle Code, 75 Pa. C.S.A. §1611 (g), the Department of Transportation is to disqualify a commercial driver for Sixty (60) days if he is convicted of two (2) serious traffic violations committed in a commercial vehicle arising from separate and distinct incident occurring within a three (3) year period, or for one hundred and twenty

(120) days if he is convicted of three (3) serious traffic offenses within that period.

7. That according to a ten (10) year driving record obtained from D.A.C. Services, a copy of which is hereinafter attached as Exhibit "B", Petitioner has only two Serious Traffic Offenses occurring within a three (3) year period, viz., the Improper Lane Change conviction occurring August 2, 2006 and an Exceeding Maximum Speed Limit by more than 15 MPH occurring on July 11, 2005.

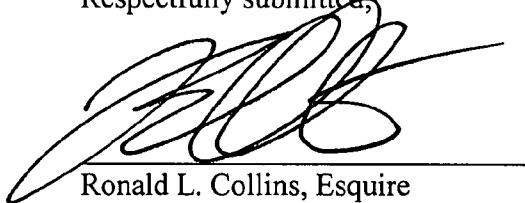
8. An official ten (10) year driving record from the Department has been requested by Petitioner but is not available as of the date of the filing of this Petition.

9. In that it appears that Petitioner has only two (2) convictions for Serious Traffic Offenses occurring within a three (3) year period, Petitioner should be subject to only a sixty (60) day disqualification, and the Respondent's action in disqualifying him from driving a commercial vehicle for one hundred and twenty (120) days is erroneous and improper.

10. That Petitioner would assert that there is a reasonable likelihood of the successful prosecution of this appeal and would therefore request that a supersedeas of the Respondent's disqualification of his commercial driving privileges be issued pursuant to Section 1550 (b) (2) of the Motor Vehicle Code, 75 Pa. C.S.A. §1550 (b) (2), pending this appeal.

WHEREFORE, Petitioner respectfully requests your Honorable Court to review the actions of Respondent in disqualifying him from driving a commercial vehicle for one hundred and twenty days (120) and issue a supersedeas of said disqualification pending this appeal.

Respectfully submitted,



Ronald L. Collins, Esquire

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
Bureau of Driver Licensing
Harrisburg, PA 17123
MAY 01, 2007

JEFFREY A MARTIN
GERMAN RD
PO BOX 108
DRIFTING PA 16834

WID # 071149253886070 001
PROCESSING DATE 04/24/2007
DRIVER LICENSE # 20246332
DATE OF BIRTH 09/16/1963

Dear Motorist:

This is an Official Notice of Disqualification of your commercial driving privilege as authorized by Section 1611G of the Pennsylvania Vehicle Code as a result of your pre-adjudication, conviction, administrative adjudication, or refusal in DELAWARE. Section 1611H of the Pennsylvania Vehicle Code mandates that PennDOT process specific out-of-state pre-adjudications, convictions, administrative adjudications, or refusals as though they occurred in Pennsylvania.

Your driving record reflects one of the above adjudications on 10/02/2006 of M42 of the AAMVA Code Dictionary, IMPROP LANE CHANGES on 08/02/2006. The AAMVA Code Dictionary was developed to support the Commercial Motor Vehicle Act of 1986 and allows states to share conviction information.

Your commercial driving privilege is disqualified for a period of 120 DAY(S) effective 06/05/2007 at 12:01 A.M.

In order to comply with this sanction you are required to return any current driver's license, learner's permit and/or temporary driver's license (camera card) in your possession no later than the effective date listed. If you cannot comply with the requirements stated above, you are required to submit a DL16LC Form or a sworn affidavit stating that you are aware of the sanction against your driving privilege. Failure to comply with this notice shall result in this Bureau referring this matter to the Pennsylvania State Police for prosecution under SECTION 1571(a)(4) of the Vehicle Code.

Although the law mandates that your driving privilege is under disqualification even if you do not surrender your license, Credit will not begin until all current driver's license product(s), the DL16LC Form, or a letter acknowledging your sanction is received in this Bureau.

EXHIBIT

tables:

11 A

071149253886070

WHEN THE DEPARTMENT RECEIVES YOUR LICENSE OR ACKNOWLEDGEMENT, WE WILL SEND YOU A RECEIPT. IF YOU DO NOT RECEIVE THIS RECEIPT WITHIN 15 DAYS CONTACT THE DEPARTMENT IMMEDIATELY. OTHERWISE, YOU WILL NOT BE GIVEN CREDIT TOWARD SERVING THIS SANCTION.

Please see the enclosed application for restoration fee information.

While your commercial driving privilege is disqualified, the Vehicle Code permits a driver to obtain a noncommercial Class C or M license, if the driver possesses the motorcycle qualification, to drive noncommercial motor vehicles. If you wish to obtain this license, please complete the enclosed application as instructed and return it to the Department.

Please be aware that if you elect to obtain this noncommercial Class C or M license, you are still prohibited from operating a commercial motor vehicle. If you do so, you are subject to additional penalties, including possible lifetime disqualification of your commercial driving privilege.

You have the right to appeal the Department's action to the Court of Common Pleas (Civil Division) within 30 days of the mail date (MAY 01, 2007) of this notice. You must still send in your license before the effective date of disqualification unless you appear in person before a Judge and receive an order permitting you to continue to drive. PLEASE NOTE that this Civil Appeal is in addition to any appeal you have to file from the criminal conviction.

AFTER THE APPEAL HAS BEEN FILED IN THE COUNTY COURT, A TIME-STAMPED CERTIFIED COPY OF THE APPEAL MUST BE SENT BY CERTIFIED MAIL TO:

PENNSYLVANIA DEPARTMENT OF TRANSPORTATION
OFFICE OF CHIEF COUNSEL
THIRD FLOOR, RIVERFRONT OFFICE CENTER
HARRISBURG, PA. 17104

D. A. C. SERVICES
REF:
ID: 196523583

MVR EXPRESS REPORT
GROUP:

SUB:

D. A. C. SERVICES MVR REPORT

DRIVER INFORMATION

PENNSYLVANIA LIC#20246332 QBK:
MARTIN, JEFFREY A
GERMAN RD
PO BOX 108
DRIFTING, PA 16834

DOB:09/16/63 SOC/SEC: SEX:M HGT: WT: EYES: HAIR:
REQUESTED AS ALSO KNOWN AS:20246332, MARTIN

DRIVER LICENSE INFORMATION

| CLASS | ISSUED | EXPIRES | STATUS | RESTRICTIONS |
|--------|----------|----------|--------------|--------------|
| CDL-A* | 09/26/03 | 09/17/07 | PENDING DISQ | |

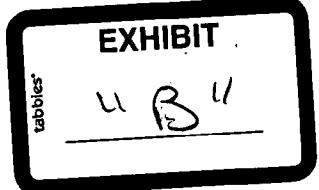
MISCELLANEOUS / STATE SPECIFIC INFORMATION

CLASS: CDL-A=COMB VEH>26,000 GVWR, TOWED UNIT>10,001 GVWR
LICTYP: REG LICENSE
ENDOR: X, T
ENDOR: X=TANK/HAZMAT, T=DOUBLES/TRIPLES
MISC: TEN YEAR DRIVING RECORD
MISC: ORIGINAL ISSUE=11/07/1979
MISC: NO MEDICALS OR DEPARTMENTAL ACTIONS DURING THIS REPORTING PERIOD
MISC: NO ACCIDENTS DURING THIS REPORTING PERIOD

DRIVING RECORD INFORMATION

| TYPE V/S-DATE C/R-DATE | DESCRIPTION | V/C-CODE | PTS |
|------------------------|--|----------|-----|
| VIOL 10/26/97 11/19/97 | STOP SIGN VIOLATION | 3323B | |
| ACTN | ASSIGNED POINTS | | |
| VIOL 10/20/00 12/08/00 | EXCEEDING MAXIMUM SPEED 065 MPH IN A 055 MPH ZONE | 3362 | |
| ACTN | ASSIGNED POINTS | | |
| VIOL 10/09/01 10/23/01 | SPEEDING NATIVE: 3362 EXCEEDING MAXIMUM SPEED 000 MPH IN A 000 MPH ZONE VIOL. REPORT FROM OH (CDLIS CONV) | S93 | |
| ACTN | DEFERRED PENDING RECEIPT OF CERTIFIED COPY | | |
| VIOL 04/08/02 04/23/02 | SPEEDING LIM/ACT REQ NATIVE: CDLMISC MISC CDLIS CONVICTION VIOL. REPORT FROM NJ (CDLIS CONV) | S92 | |
| ACTN | CDLIS OOS CONVICTION | | |
| VIOL 04/08/02 04/23/02 | IMPROP LANE CHANGES NATIVE: 3309 DRIV ON ROAD LANE FOR TRF | M42 | |

[CONTINUED ON NEXT PAGE]



D. A. C. SERVICES
REF:
ID: 196523583

MVR EXPRESS REPORT

[CONTINUED]
SUB:

GROUP:

VIOL. REPORT FROM NJ (CDLIS CONV)
CERTIFIED APR 30 2002

ACTN 1ST SERIOUS TRAFF OFF
NO ACTION

VIOL 04/10/02 04/28/02 SPEEDING S93
NATIVE: CDLMISC MISC CDLIS CONVICTION

VIOL. REPORT FROM NY (CDLIS CONV)
ACTN CDLIS OOS CONVICTION

VIOL 04/26/02 05/19/02 SPEEDING LIM/ACT REQ S92
NATIVE: CDLMISC MISC CDLIS CONVICTION

VIOL. REPORT FROM NY (CDLIS CONV)
ACTN CDLIS OOS CONVICTION

VIOL 07/11/05 08/08/05 15+ > SPEED LIM DO S15
NATIVE: 3362 EXCEEDING MAXIMUM SPEED
000 MPH IN A 000 MPH ZONE

VIOL. REPORT FROM OH (CDLIS CONV)
CERTIFIED SEP 09 2005

ACTN 1ST SERIOUS TRAFF OFF
NO ACTION

VIOL 03/15/06 04/05/06 SPEEDING S93
NATIVE: 3362 EXCEEDING MAXIMUM SPEED
074 MPH IN A 065 MPH ZONE

VIOL. REPORT FROM OH (DLC CONV)
COMM VEHICLE: NO HAZMAT: NO CDL HOLDER:
YES

ACTN NON-SANCTIONED

VIOL 02/09/06 04/25/06 FTO SIGN/TRAFF CTL DEV M14
NATIVE: 3111 TRAFFIC-CNTROL VIOL

VIOL. REPORT FROM VA (DLC CONV)
COMM VEHICLE: YES HAZMAT: NO CDL HOLDER:
YES

ACTN NON-SANCTIONED

VIOL 09/07/06 09/20/06 SPEEDING S93
NATIVE: 3362 EXCEEDING MAXIMUM SPEED
000 MPH IN A 000 MPH ZONE

VIOL. REPORT FROM OH (CDLIS CONV)
CERTIFIED OCT 03 2006

COMM VEHICLE: YES HAZMAT: NO CDL HOLDER:
NO

ACTN NON-SANCTIONED

VIOL 12/27/06 01/10/07 FTO SIGN/TRAFF CTL DEV M14
NATIVE: 3111 TRAFFIC-CNTROL VIOL

VIOL. REPORT FROM MD (CDLIS CONV)
CERTIFIED JAN 19 2007

COMM VEHICLE: YES HAZMAT: NO CDL HOLDER:
NO

ACTN NON-SANCTIONED

VIOL 08/02/06 10/02/06 IMPROP LANE CHANGES M42
VIOL. REPORT FROM DE (CDLIS CONV)

CERTIFIED APR 24 2007

COMM VEHICLE: YES HAZMAT: NO CDL HOLDER:

D. A. C. SERVICES

MVR EXPRESS REPORT

[CONTINUED]

REF:

ID: 196523583

SUB:

GROUP:

NO

DISQ 06/05/07

DISQUALIFICATION FOR 120 DAY(S)

OFFICIAL NOTICE MAILED MAY 01 2007

VIOL 03/29/07 04/26/07 SPEEDING

S93

NATIVE: 3362 EXCEEDING MAXIMUM SPEED

000 MPH IN A 000 MPH ZONE

VIOL. REPORT FROM OH (CDLIS CONV)

CERTIFIED MAY 02 2007

COMM VEHICLE: YES HAZMAT: NO CDL HOLDER:

NO

ACTN

NON-SANCTIONED

DAC RPT#:127- 1 DAC ACCT#: 7160- DAC REF#: 71600705071051

DMV DATE:05/07/07 DMV ACCT#:

FILED
MAY 25 2007

William A. Shaw
Prothonotary/Clerk of Courts

NO.

JEFFREY A. MARTIN
Petitioner

vs.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION,
Respondent

PETITION FOR REVIEW AND
FOR SUPERSEDEAS

Sobel & Collins
ATTORNEYS & COUNSELORS AT LAW
218 SOUTH SECOND STREET
CLEARFIELD, PENNSYLVANIA 16830
(814) 765-5552
sobelcollins@atlanticbb.net

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

JEFFREY A. MARTIN,
Petitioner

vs.

: No. 07-818-CD

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION,
Respondent

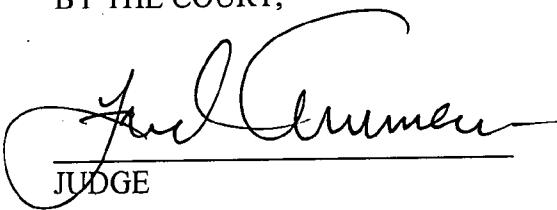
ORDER AND SUPERSEDEAS

AND NOW this 30th day of May, 2007, Petitioner having timely filed a Petition for Review of the actions of the Department of Transportation in disqualifying Petitioner from driving a commercial vehicle as set forth in the Department's Official Notice to him dated May 1, 2007.

AND, Petitioner having personally appeared before the Court and having demonstrated a reasonable likelihood of the successful prosecution of said appeal,

It is the ORDER of this Court6 that a SUPERSEDEAS of the Department's disqualification of Petitioner's commercial driving privileges be and is hereby GRANTED pending the final disposition of the filed appeal.

BY THE COURT,



JUDGE

FILED 4cc
05/30/2007 Atty Collins
MAY 30 2007 (will serve
Comm.)
William A. Shaw
Prothonotary/Clerk of Courts
(GN)

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

JEFFREY A. MARTIN,
Petitioner

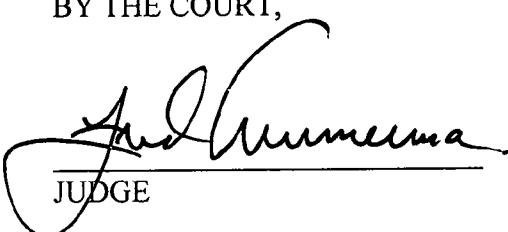
VS. : NO. 2007-818-CD

COMMONWEALTH OF PENNSYLVANIA, :
DEPARTMENT OF TRANSPORTATION,
Respondent

RULE RETURNABLE

AND NOW, this 29 day of May, 2007, upon
consideration of the Petitioner's Petition for Review and Superseadeas filed to the above captioned
matter, a hearing is hereby scheduled for the 30th day of May, 2007 at 9:30 a.m. in Courtroom No.
1 of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT,



JUDGE

FILED 3cc
MAY 30 2007 Atty
Collins
William A. Shaw
Prothonotary/Clerk of Courts
(GK)

FILED

MAY 30 2007

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

**Jeffrey A. Martin,
Petitioner
vs.
Commonwealth of Pennsylvania,
Department of Transportation,
Respondent**

DATE: 5/30/07

X 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 Other
 Special Instructions:

RULE RETURNABLE

Sophile & Collins
ATTORNEYS & COUNSELORS AT LAW
218 SOUTH SECOND STREET
CLEARFIELD, PENNSYLVANIA 16830
(814) 765-5552
sophiecollins@alanticbb.net

No. 2007-818-CD

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

COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF TRANSPORTATION :

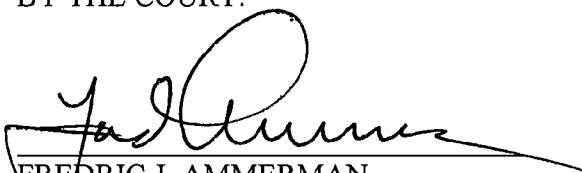
vs. : No. 07-818-CD

JEFFREY A. MARTIN :

ORDER

AND NOW, this 30 day of May, 2007, it is the ORDER of the Court that hearing on Defendant's License Suspension Appeal in the above matter has been scheduled for Tuesday, June 12, 2007 at 11:00 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 *2cc AHA*
0/11/2007
MAY 30 2007
Collins
Kuhar

65
William A. Shaw
Prothonotary/Clerk of Courts

DATE: 5-30-2007

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

MAY 30 2007

William A. Shaw
Prothonotary/Clerk of Courts

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

JEFFREY A. MARTIN,
Petitioner

vs. : No. 07-818-CD

COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF TRANSPORTATION,
Respondent

: CERTIFICATE OF SERVICE

: Filed on behalf of:
Jeffrey A. Martin

: 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 *ice*
M 110467 JUN 12 2007 Atty. Collins
JUN 12 2007
WAS
William A. Shaw
Prothonotary/Clerk of Courts

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

JEFFREY A. MARTIN,
Petitioner

vs. : No. 07-818-CD

COMMONWEALTH OF PENNSYLVANIA :
DEPARTMENT OF TRANSPORTATION,
Respondent

CERTIFICATE OF SERVICE

I, Ronald L. Collins, Esquire do hereby state that on the 31st day of May, 2007, I did forward a certified copy of the Petition for Review and Supersedeas, and on the 4th day of June, 2007, I did forward a certified copy of the Order and Supersedeas, filed to the above caption, and the same was served upon Commonwealth of Pennsylvania, Department of Transportation, by Certified Mail, senders receipts attached hereto.



Ronald L. Collins, Esquire

| | | | |
|--|--|--|--|
| SENDER: COMPLETE THIS SECTION | | COMPLETE THIS SECTION ON DELIVERY | |
| <ul style="list-style-type: none"> ■ 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. | | <p>A. Signature <input checked="" type="checkbox"/> <i>Ma. L. Lewis</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) MAY 31 2007</p> <p>C. Date of Delivery MAY 31 2007</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>E. If YES, enter delivery address below: <i>PA Dept of Transportation Office of Chief Counsel Third Floor, Riverfront Office Center Harrisburg, PA 17104-2516</i></p> <p>F. 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.</p> <p>G. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p> | |
| <p>1. Article Addressed to:</p> <p><i>PA Dept of Transportation Office of Chief Counsel Third Floor, Riverfront Office Center Harrisburg, PA 17104-2516</i></p> <p>2. Article Number <i>7006 0100 0003 4232 1209</i> <small>(Transfer from service label)</small></p> | | | |
| <p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p> | | | |

| | | | |
|--|--|---|--|
| SENDER: COMPLETE THIS SECTION | | COMPLETE THIS SECTION ON DELIVERY | |
| <ul style="list-style-type: none"> ■ 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. | | <p>A. Signature <input checked="" type="checkbox"/> <i>Commonwealth of Pennsylvania</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) JUN 04 2007</p> <p>C. Date of Delivery JUN 04 2007</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>E. If YES, enter delivery address below: <i>Office of Chief Counsel PA Dept of Transportation Third Floor, Riverfront Office Center Harrisburg PA 17104-2516</i></p> <p>F. 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.</p> <p>G. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p> | |
| <p>1. Article Addressed to:</p> <p><i>PA Dept of Transportation Office of Chief Counsel Third Floor, Riverfront Office Center Harrisburg PA 17104-2516</i></p> <p>2. Article Number <i>7006 0100 0003 4232 1278</i> <small>(Transfer from service label)</small></p> | | | |
| <p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p> | | | |

No. 07-818-CD

Jeffrey A. Martin,
Petitioner

vs.

Commonwealth of Pennsylvania
Department of Transportation
Respondent

FILED

JUN 12 2007

William A. Shaw
Prothonotary/Clerk of Courts

Certificate of Service

Sobol & Collins
ATTORNEYS & COUNSELORS AT LAW
218 SOUTH SECOND STREET
CLEARFIELD, PENNSYLVANIA 16830
(814) 765-5552
sobolcollins@atlanticbbs.net

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

COMMONWEALTH OF PENNSYLVANIA :

DEPARTMENT OF TRANSPORTATION :

VS : NO. 07-818-CD

JEFFREY A. MARTIN :

O R D E R

NOW, this 12th day of June, 2007, this being the day and date set for hearing in the above-captioned appeal from license suspension, upon agreement of the parties, it is the Order of this Court that said hearing shall be and is hereby CONTINUED until the next regularly scheduled date set for hearings of license suspension appeals.

BY THE COURT

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

FILED 2007-06-12
JUN 12 2007 R. Collins
Kuhar
William A. Shaw
Prothonotary/Clerk of Courts (CR)

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:

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

JEFFREY A. MARTIN,
Petitioner

v.

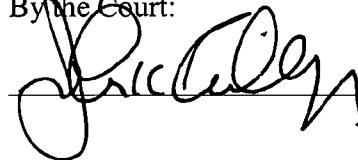
No. 2007-818-CD

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF TRANSPORTATION,
Respondent

ORDER OF COURT

AND NOW, to wit: this 21 day of April, 2008, this appeal by the petitioner, Jeffrey A. Martin, from a May 1, 2007 order of Pennsylvania Department of Transportation's Bureau of Driver Licensing for the disqualification of his driving privilege for a period of 120 days pursuant to 75 Pa.C.S. §1611(h) is, with the consent of the Bureau, remanded to the Bureau to rescind the appeal 120 day disqualification and to impose in its place a sixty (60) day disqualification of the petitioner's privilege to drive commercial motor vehicles pursuant to 75 Pa. C.S. § 1611 (g). The petitioner has, for the purpose of 75 Pa. C.S. § 1611 (g), been convicted of only two "serious traffic offenses" in a period of three years; namely, an August 8, 2005 conviction in the state of Ohio for a speeding offense that occurred on July 11, 2005 and involved the petitioner operating a commercial motor vehicle at a rate speed that exceeded the speed limit by 15 or more miles-per-hour and an October 2, 2006 conviction in the state of Delaware for an "improper lane change" violation that occurred on August 2, 2006. Therefore, under 75 Pa. C.S. § 1611 (g), only a 60 day disqualification of his privilege to drive commercial motor vehicle is warranted.

By the Court:



J.

Consented to:



William A. Kuhar, Jr., Esquire
Attorney for the Bureau of Driver Licensing


Ronald L. Collins, Esquire
Attorney for the Petitioner

FILED 5cc
01/04/08 Atty Collins
APR 21 2008

William A. Shaw
Prothonotary/Clerk of Courts

FILED

APR 21 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 4/21/08

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 Other

Special Instructions: