

Decision No. R23-0706

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23F-0395TO

JACOB MAURO,

COMPLAINANT,

V.

WYATTS TOWING,

RESPONDENT.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
G. HARRIS ADAMS
DISMISSING COMPLAINT AND CLOSING PROCEEDING**

Mailed Date: October 18, 2023

I. STATEMENT, FINDINGS, AND CONCLUSIONS

1. On August 3, 2023, Complainant Jacob Mauro (Complainant) filed a Formal Complaint (Complaint) against Wyatts Towing (Respondent or Wyatts). The Complaint alleges that Respondent performed an unlawful tow of his vehicle on August 3, 2023, from an apartment complex parking lot in Westminster, Colorado.

2. On August 7, 2023, the Commission issued its Order Setting Hearing and Notice of Hearing (Notice), which set this matter for hearing on October 16, 2023, before an Administrative

Law Judge (ALJ). The Notice also stated that the ALJ would establish the place and manner in which the hearing would be held.

3. Also on August 7, 2023, the Commission issued its Order to Satisfy or Answer, which ordered Respondent to satisfy the matters in the complaint or to answer the complaint in writing within 20 days from the service of the order.

4. On August 9, 2023, the Commission issued its Updated Order to Satisfy Answer, and Updated Order Setting Hearing and Notice of Hearing.

5. On August 16, 2023, the matter was referred to an Administrative Law Judge by minute entry during the Commission's weekly meeting.

6. On August 25, 2023, Respondent filed its Answer to the Complaint.

7. The matter was called for hearing at the assigned time and place. Wyatts Towing appeared through counsel. No appearance was entered by or on behalf of Complainant. The hearing was recessed until 9:15 a.m. in order to provide a further opportunity to appear. When he failed to appear by that time, Wyatts Towing moved to dismiss the Complaint on that ground. The matter was taken under advisement.

8. Wyatts Towing's oral motion to dismiss states good grounds for dismissal of the Complaint and will be granted.

9. Pursuant to § 40-6-109, C.R.S., it is recommended that the Commission enter the following order.

II. ORDER**A. The Commission Orders That:**

1. The formal complaint filed by Complainant, Jacob Mauro, in the captioned proceeding is dismissed.
2. Proceeding No. 23F-0395TO is closed.
3. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if that is the case, and is entered as of the date above.
4. As provided by § 40-6-109, C.R.S., copies of this Recommended Decision shall be served upon the parties, who may file exceptions to it.
 - a. If no exceptions are filed within 20 days after service or within any extended period of time authorized, or unless the decision is stayed by the Commission upon its own motion, the recommended decision shall become the decision of the Commission and subject to the provisions of § 40-6-114, C.R.S.
 - b. If a party seeks to amend, modify, annul, or reverse basic findings of fact in its exceptions, that party must request and pay for a transcript to be filed, or the parties may stipulate to portions of the transcript according to the procedure stated in § 40-6-113, C.R.S. If no transcript or stipulation is filed, the Commission is bound by the facts set out by the administrative law judge and the parties cannot challenge these facts. This will limit what the Commission can review if exceptions are filed.

5. If exceptions to this Decision are filed, they shall not exceed 30 pages in length, unless the Commission for good cause shown permits this limit to be exceeded.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

G. HARRIS ADAMS

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Rebecca E. White".

Rebecca E. White,
Director