

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of **Sheikh Z. Aziz**, Notice of : Case No. 12-507-TR-CVF
Apparent Violation and Intent to Assess : (OH3228009707D)
Forfeiture. :

SETTLEMENT AGREEMENT

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I. Introduction

Pursuant to Rule 4901:2-7-11 of the Ohio Administrative Code (O.A.C.), Mr. Sheikh Z. Aziz (Mr. Aziz or Respondent) and the Staff of the Transportation Department of the Public Utilities Commission of Ohio (Staff) enter into this agreement to resolve all issues in the above captioned case.

It is understood by Mr. Aziz and the Staff that this Settlement Agreement is not binding upon the Public Utilities Commission of Ohio (Commission). This agreement, however, is based on the parties' desire to arrive at a reasonable result considering the law, facts, and circumstances. Accordingly, Mr. Aziz and the Staff encourage and recommend that the Commission adopt this Settlement Agreement.

This Settlement Agreement is submitted on the condition that the Commission adopts the agreed upon terms. In the event the Commission rejects any part of the Settlement Agreement, or adds to, or otherwise materially modifies its terms, each party shall have the right, within thirty (30) days of the date of the Commission's entry or order, to file an application for rehearing that includes a request to terminate and

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withdraw from the Settlement Agreement. Upon the application for rehearing and request to terminate and withdraw from the Settlement Agreement being granted by the Commission, the Settlement Agreement shall immediately become null and void. In such event, the parties shall proceed to a hearing as if this Settlement Agreement had never been executed.

II. History

- A. On August 3, 2011, a vehicle operated by Mr. Aziz was inspected within the State of Ohio.
- B. As a result of the inspection, Mr. Aziz was timely served with a notice of preliminary determination in accordance with Rule 4901:2-7-12, O.A.C. The preliminary determination assessed Mr. Aziz \$350.00 for violations of 49 C.F.R. §395.8(K)(2) (Driver failed to maintain previous 7 days' records of duty status) and §383.23(A)(2) (Operating a CMV without a CDL-New York CDL- surrendered).
- C. Mr. Aziz requested an administrative hearing pursuant to 4901:2-7-13, O.A.C.
- D. The parties have negotiated this Settlement Agreement, which the parties believe resolves all of the issues raised in the notice of preliminary determination.

III. Settlement Agreement

The Staff and Mr. Aziz agree and recommend that the Commission find as follows:


- A. For purposes of settlement only, and not as an admission that the violations occurred as alleged, Mr. Aziz agrees that the violations of 49 C.F.R. § 395.8(K)(2), and § 383.23(A)(2) may be included in Mr. Aziz's Safety-Net Record and history of violations, insofar as it may be relevant for purposes of determining future penalty actions.
- B. Staff agrees to waive the civil forfeiture for the violation of § 383.23(A)(2) (\$250). Mr. Aziz has provided documentation to support his contention that the New York DMV erred in designating his CDL as having been surrendered. Further, Mr. Aziz has provided documentation that he currently holds a valid CDL issued by New York.
- C. Mr. Aziz will pay a civil forfeiture of \$100.00 for the violation of § 395.8(K)(2) within thirty (30) days of the Commission's order approving this Settlement Agreement. The payments shall be made by certified check or money order made payable to "Treasurer State of Ohio," and they shall be mailed to PUCO Fiscal, 180 E. Broad St., 4th floor, Columbus, OH 43215-3793. The case number (OH3228009707D) should appear on the face of each check.
- D. This Settlement Agreement shall not become effective until adopted by the Commission. The date of the entry or order of the Commission adopting

the Settlement Agreement shall be considered the effective date of the Settlement Agreement. This Settlement Agreement is intended to resolve only factual or legal issues raised in this case. It is not intended to have any effect whatsoever in any other case or proceeding.

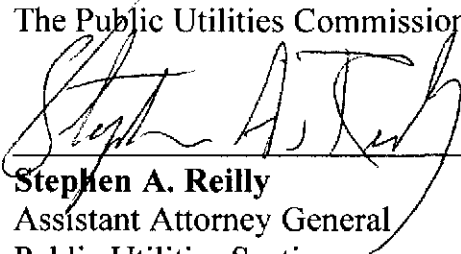
IV. Conclusion

The undersigned respectfully request that the Commission adopt the agreement in its entirety.

The parties have manifested their consent and authority to enter into the Settlement Agreement by affixing their signatures below on this 21 day of April, 2012.



Sheikh Z. Aziz
309 Barrows Court
Fredericksburg, VA 22406

On Behalf of the Staff of
The Public Utilities Commission of Ohio


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