

RECEIVED-DOCKETING DIV

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

2014 JAN 15 PM 4:43

PUCO

In the Matter of Ali A. Albidery, :
 Notice of Apparent Violation and :
 Intent to Assess Forfeiture. :

Case No. 13-2095-TR-CVF
 (OH3258005366D)
 (OH3258005367D)

Respondent. :

SETTLEMENT AGREEMENT

I. Introduction

Pursuant to Rule 4901:2-7-11 of the Ohio Administrative Code (O.A.C.), Ali A. Albidery, (Respondent) and the Staff of the Transportation Department of the Public Utilities Commission of Ohio (Staff) enter into this Settlement Agreement to resolve all issues in the above captioned case.

The Respondent and the Staff understand that this Settlement Agreement is not binding upon the Commission. This agreement, however, is based on the parties' desire to arrive at a reasonable result considering the law, facts, and circumstances.

Accordingly, the parties recommend that the Commission adopt this Settlement Agreement.

This Settlement Agreement is submitted on the condition that the Commission adopts the Agreement's terms. If the Commission rejects any part of the Settlement Agreement, adds to the Agreement, or otherwise materially modifies the Agreement's

terms, each party will have the right, within thirty days of the Commission's order, to file an application for rehearing that includes a request to terminate and withdraw from the Settlement Agreement. Upon the Commission granting the application for rehearing and request to terminate and withdraw from the Settlement Agreement, the Settlement Agreement shall immediately become null and void. In such event, the parties shall proceed to a hearing as if the parties had never executed the Settlement Agreement.

II. Procedural History

- A. On June 21, 2013, a commercial motor vehicle operated by Respondent was inspected on two different occasions within the State of Ohio.
- B. As a result of the inspections, Respondent was timely served with a Notice of Preliminary Determination for each inspection in accordance with Rule 4901:2-7-12, O.A.C. The notice of preliminary determination in regards to inspection OH3258005366 notified Respondent that Staff intended to assess a civil forfeiture in the amount of \$100 for a violation of 49 C.F.R. 395.8A (no record of duty status). The notice of preliminary determination in regards to inspection OH3258005367D notified Respondent that Staff intended to assess a civil forfeiture in the amount of \$100 for another violation of 49 CFR 395.8A and \$1,000 for a violation of 49 C.F.R. 395.13D (driving after being declared out of service). Therefore, the total amount of the civil forfeitures assessed in this matter was \$1,200.
- C. Respondent made a request for an administrative hearing pursuant to Rule 4901:2-7-13, O.A.C.

- D. The parties have negotiated this Settlement Agreement, which the parties believe resolves all the issues in the case.

III. Settlement Agreement

The parties agree and recommend that the Commission find as follows:

- A. Respondent admits to the violations of 49 C.F.R. 395.8A and 49 C.F.R. 395.13D and agrees that the violations may be included in his history of violations as they may be relevant for purposes of determining future penalty actions.
- B. Staff agrees, for purposes of settlement only, to a reduced civil forfeiture amount of \$850.00. This reduction is premised on the Respondent being assessed twice for violations of 49 C.F.R. 395.8A and on the Respondent's ability to pay.
- C. The Respondent shall pay the \$850.00 civil forfeiture in 10 consecutive monthly installments of \$85.00 per installment commencing 30 days after the Commission's entry or order approving this Settlement Agreement. The payments shall be made by check or money order payable to: "Treasurer State of Ohio," and mailed to PUCO Fiscal, 180 E. Broad St., 4th Floor, Columbus, Ohio 43215-3793. The Respondent should write the case number (OH3258005367D) on the face of the payment.
- D. This Settlement Agreement shall not become effective until the Commission adopts the Agreement. The date of the entry or order of the


Commission adopting the Settlement Agreement shall be considered the effective date of the Settlement Agreement.

- E. This Settlement Agreement is intended to resolve only factual and legal issues in this case. It is not intended to have any affect in any other case or proceeding.

IV. Conclusion

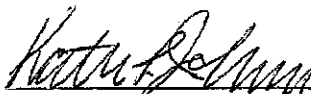
This Settlement Agreement, which is subject to the Rules of the Commission, constitutes the entire agreement of the parties. The undersigned respectfully request that the Commission adopt the agreement in its entirety. The parties have manifested their consent and authority to enter into the Settlement Agreement by affixing their signatures below.

On behalf of the Respondent:


Ali A. Albidery
5948 Steadman St.
Dearborn, MI 48126-2062

Date: 1-6-14

On behalf of the Staff of the Public
Utilities Commission of Ohio:


Katie L. Johnson
Assistant Attorney General
Public Utilities Section
Ohio Attorney General Mike DeWine
180 East Broad Street, 6th Floor
Columbus, Ohio 43215-3793
(614) 644-8588

Date: 12/18/2013