

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

- - -

In the Matter of Abdiqani Mohamed, :Case No.
Notice of Apparent Violation and :19-134-TR-CVF
Intent to Assess Forfeiture. :

- - -

PROCEEDINGS

Before Lauren L. Augostini and Nick Walstra,
Attorney Examiners, at the Public Utilities
Commission of Ohio, 180 East Broad Street,
Hearing Room 11-D, Columbus, Ohio, on Tuesday,
April 16, 2019, at 11:00 A.M.

- - -

Armstrong & Okey, Inc.
222 East Town Street, 2nd Floor
Columbus, Ohio 43215
(614) 224-9481 - (800) 223-9481

- - -



Public Utilities Commission

Asim Z. Haque, Chairman

STAFF Ex-1

Commissioners

M. Beth Trombold
Thomas W. Johnson
Lawrence K. Friedeman
Daniel R. Conway

12/30/2018

OH3235005741D
Abdiqani Mohamed
4685 EASTBURY WOODS DR UNIT 21
GAHANNA, OH 43230

RE: **NOTICE OF PRELIMINARY
DETERMINATION**
Case No. OH3235005741D

Dear Sir or Madam:

On 08/22/2018, a vehicle operated by PROFICIENT TRANSPORT INC, and driven by ABDIQANI J MOHAMED, was inspected within the State of Ohio. As the result of discovery of the following violations of the Commission's rules, Staff of the Commission timely notified ABDIQANI J MOHAMED (Respondent) pursuant to rule 4901:2-7-07, Ohio Administrative Code (O.A.C.), that it intended to assess a civil forfeiture against the Respondent in the following amount:

CODE	GROUP	VIOLATION	FORFEITURE
383.71H	0	Failing to submit medical certification documentation as required	
383.23A2	4	Operating a CMV without a CDL	250.00
391.41A-F	4	Operating a property-carrying vehicle without possessing a valid medical certificate.	100.00
		Total of Group 0	0.00
		Total of Group 4	350.00

TOTAL AMOUNT DUE: \$350.00

A conference was conducted pursuant to rule 4901:2-7-10, O.A.C., at which the Respondent had a full opportunity to present any reasons why the violation did not occur as alleged, mitigating circumstances regarding the amount of any forfeiture, and any other information relevant to the action proposed to be taken by Staff.

As a result of the conference, Staff has made a Preliminary Determination that the Commission should assess a civil forfeiture against ABDIQANI J MOHAMED in the following amount:

CODE GROUP VIOLATION
180 East Broad Street
Columbus, Ohio 43215-3793

FORFEITURE
(614) 466-3016
www.PUCO.ohio.gov





Public Utilities Commission

Asim Z. Haque, Chairman

Commissioners

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Thomas W. Johnson
Lawrence K. Friedman
Daniel R. Conway

383.71H	0	Failing to submit medical certification documentation as required	
383.23A2	4	Operating a CMV without a CDL	250.00
		Total of Group 0	
		Total of Group 4	250.00

TOTAL AMOUNT DUE: \$250.00

Within 30 days of this notice, you must either: (1) pay the assessed civil forfeiture or (2) file a written request for an administrative hearing pursuant to rule 4901:2-7-13, O.A.C. Failure to file a written request for an administrative hearing within 30 days shall constitute a waiver of your right to further contest the violations and will conclusively establish the occurrence of the violations. Such failure shall also constitute a waiver of your right to further contest liability to the state of Ohio for the civil forfeiture described in the notice and will result in the forfeiture amount being referred to the Ohio Attorney General's office for collection.

Please consult the enclosed instruction sheet for additional information regarding this Notice of Preliminary Determination.

Sincerely,

Rod Moser, Chief of Compliance
Transportation Department

Compliance Officer: Thomas Persinger



Staff Ex-2

DRIVER/VEHICLE EXAMINATION REPORT



Public Utilities Commission of Ohio
180 East Broad Street
Transportation Department
Columbus, OH 43215
Phone #: (614)466-0429 Fax #: (614)752-9274

Report Number: OH3235005741
Inspection Date: 8/22/2018 Certification Date:
Time Started: 07:06 Time Ended: 08:36
Inspection Level: I - Full Inspection
HM Inspection Type: No HM Inspection

PROFICIENT TRANSPORT INCORPORATED

2380 S HALSTED STREET
CHICAGO, IL 60608

USDOT #: 01223688

Phone #: (773)927-0100

MC/MX #: 00484365

Fax #:

State #:

Driver: MOHAMED, ABDIQANI J
License #: TL960939 State: OH
Date of Birth: 5/5/1986

Intermodal Equipment Provider Information

☒ Did the IEP provide the driver space to perform a pre-trip inspection?

☒ Did the driver perform a pre-trip inspection?

Location: ROADSIDE

MilePost: 71

Highway: INTERSTATE 70 WEST

Origin: LOCKBOURNE, OH

Bill of Lading:

County: MADISON

Destination: LEWISBURG, OH

Cargo: INTERMODAL

Shipper: RAIL

VEHICLE IDENTIFICATION:

Unit	Type	Make	Year	State	License#	Equipment ID	Unit VIN	GVWR	CVSA #	CVSA Issued #	OOS Stkr.#
1	TT	FRHT	2000	OH	PKG7088	0011	1FUYSS6YLB78696	52,000			3235005741
2	IC	CIMR	2005	CA	4GC5969	OOLZ 056229	LJRC4126651009062	67,200			

BRAKE ADJUSTMENTS:

Axle #	1	2	3	4	5
Right	1 3/8	2 5/8	2 3/8	1 1/4	1 1/2
Left	1 7/8	1 1/2	2 3/8	1 1/4	1 1/2
Chamber	L-20*	L-30	L-30	C-30	C-30

VIOLATIONS :

Vio Code	Section	Unit	OOS	State Citation Number	Verify*	Crash	Violation Description
393.9	393.9(a)	2	N		N	N	Inoperable Required Lamp: Left rear marker lamp on trailer inoperative
393.9	393.9(a)	2	N		N	N	Inoperable Required Lamp: Right front marker lamp on trailer inoperative
393.55E	393.55(e)	2	N		N	N	No or Defective ABS Malfunction Indicator Lamp for trailer manufactured after 03/01/1998: ABS lamp on trailer inoperative
393.78	393.78	1	N		N	N	Windshield wipers inoperative/defective: Right side wiper broken and inoperative
396.3A1	396.3(a)(1)	1	Y		U	N	Inspection, repair and maintenance of parts & accessories: Drive shaft slip joint shaft coming apart on shaft yoke
393.209D	393.209(d)	1	Y		U	N	Steering system components worn, welded, or missing: Pitman arm loose on the steering gear output shaft
393.47E	393.47(e)	1	N		N	N	Clamp or Roto type brake out-of-adjustment: Axle #2 right
393.53B	393.53(b)	1	N		N	N	CMV manufactured after 10/19/94 has an automatic airbrake adjustment system that fails to compensate for wear
393.47E	393.47(e)	1	N		N	N	Clamp or Roto type brake out-of-adjustment: Axle #3 right
396.3A1BOS	396.3(a)(1)	1	Y		U	N	BRAKES OUT OF SERVICE: The number of defective brakes is equal to or greater than 20 percent of the service brakes on the vehicle or combination
383.71H	383.71(h)	D	N		N	N	Failing to submit medical certification documentation as required.: Drivers medical certificate not certified No medical has been turned into BMV
383.23A2	383.23(a)(2)	D	Y		N	N	Operating a CMV without a CDL: Operating a CMV without a CDL on 08/22/2018

* N - Non-OOS or Driver OOS Violation; U - Unknown

HazMat:

No HM Transported.

Placard: NA Cargo Tank:

Report Prepared By:

S Morgan

Badge #:

3235

Copy Received By:

MOHAMED, ABDIQANI J

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OH3235005741

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2380 S HALSTED STREET
CHICAGO, IL 60608

USDOT #: 01223688

MC/MX #: 00484365

Phone #: (773)927-0100

Fax #:

State #:

Special Checks:

- ☐ Alcohol/Controlled Substance Check
☐ Conducted by Local Jurisdiction
☐ Size and Weight Enforcement
☐ EScreening

- ☐ Traffic Enforcement
☐ PASA Conducted Inspection
☐ Drug Interdiction Search

- ☐ Post Crash Inspection
☐ PBBT Inspection
Arrests:

Driver: MOHAMED, ABDIQANI J

License #: TL960939

State: OH

Date of Birth: 5/5/1986

Inspection Notes: Changed violation 391.41(a) to 383.71(h) on 12/27/2018 by dfe per jrf.

Special Study Fields:

Special Study1:

Special Study6:

Special Study2:

Special Study7:

Special Study3:

Special Study8:

Special Study4:

Special Study9:

Special Study5:

Special Study10:

Locally Defined Fields:

For-Hire Carrier: Y;Fatalities (Y/N): N;Driver Address: 4885 EASTBURY WOODS DR UNIT 21;Driver City: GAHANNA;Driver State: OH;Driver Zip: 43230;Photos Taken (Y/N): Y;Supplemental Report #: N;Reason Code: OBVI;FMCSA Credentials Verified-Y/N: Y;CDL Verified (Y/N): N;FMCSA OOS Order Issued(Y/N): N;Crash Report #: N;ISS Score: 74

I hereby declare ABDIQANI J. MOHAMED "Out of Service". This driver MAY NOT DRIVE any commercial motor vehicle nor may any carrier permit or require this driver to drive any commercial motor vehicle until:Driver has Proper CDL Endorsement

* Pursuant to authority contained in Title 49, Code of Federal Regulations, Section 396.9, I hereby declare vehicles with defects followed by an "Y" in the "Out of Service" column in the violations discovered section of this report OUT OF SERVICE. No person shall remove the out of service stickers applied to these vehicles, or operate such vehicles until the out of service defects have been repaired and the vehicles have been restored to safe operating condition.

All violations of the FHMR and FMCSR or Title 49 of the Ohio Revised Code will be reviewed by the PUCO's Transportation Department to determine whether civil forfeitures should be assessed against any responsible parties in accordance with the penalty provisions of Title 49 of the Ohio Revised Code. If civil forfeitures are assessed, you will receive a separate notice by mail. These penalties may be assessed to motor carriers, shippers, and/or drivers.

ATTENTION DRIVER: This report must be sent to the motor carrier whose name appears at the top of this inspection report within 24 hours. If the inspection report cannot be delivered within 24 hours the driver must mail or fax the inspection report to the motor carrier.

ATTENTION MOTOR CARRIER: The motor carrier must examine this report and repair all the vehicle defects/violations noted above -AND- The motor carrier must sign the Certification of Repairs below and return the signed form to: Public Utilities Commission of Ohio, TAD - 4th floor, 180 E Broad St, Columbus, OH 43215-3793 -OR- Fax (614) 752-9274 within 15 days of the inspection. If "No Violations Were Discovered" then you do not need to return this report. Failure to return this report with the required certification can result in penalties up to \$1,000 per day for each day the violation continues, up to a total of \$10,000. If you have any questions, please contact (614) 466-0429.

MOTOR CARRIER CERTIFICATION OF COMPLETED REPAIRS: The undersigned certifies that all violations noted on this report have been corrected and action taken to assure compliance with the Federal Motor Carrier Safety & Hazardous Materials Regulations insofar as they are applicable to motor carriers and drivers. A false certification of repairs is required to be prosecuted with penalties up to \$10,000.

Signature of Carrier Official: X

Date:

Note to carrier this section applies to self adjusting brake.

Advisory: This vehicle has been identified to have brake adjustment violations. 49CFR Section 393.53 requires that a self-adjusting brake system be equipped on this vehicle. A qualified service technician needs to determine why the defective brake has excessive stroke and make the appropriate repairs. Simply re-adjusting a self-adjusting brake adjuster, or replacing it, does not guarantee that the problem is corrected. The problem may exist in the foundation brake system. By certifying this inspection report you have indicated that this vehicle now has a properly functioning self-adjusting brake adjustment system.

Report Prepared By:

S Morgan

Badge #:

3235

Copy Received By:

MOHAMED, ABDIQANI J

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OH3235005741

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License #: TL960939 State: OH
Date of Birth: 5/5/1986

Failure to return this report with the required certification can result in penalties up to \$1,000 per day for each day the violation continues, up to a total of \$10,000.

Signature of Repairer: X Facility: _____ Date: _____

Report Prepared By:
S Morgan

Badge #:
3235

Copy Received By:
MOHAMED, ABDIQANI J

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OH3235005741

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OHIO DEPARTMENT OF PUBLIC SAFETY
BUREAU OF MOTOR VEHICLES
CDL PRIVILEGES CANCELLATION NOTICE

Staff Ex-3

1/10/2018

2176/020607902/011018/XXXXXXXXXX/00202
ABDIQANI JAMA MOHAMED
4685 EASTBURY WOODS DR UNIT 21
GAHANNA OH 43230

Medical Card Expiration: November 02, 2017

A Notice of Opportunity for Hearing (NOH) was mailed to you at the above address to notify you that, pursuant to Section 4506.13 of the Ohio Revised Code, the Bureau of Motor Vehicles (BMV) intended to cancel your Commercial Driver License (CDL) if you did not submit a valid Medical Examiner's Certificate (medical card) or change of self-certification form (BMV 2159). The NOH also advised you that, pursuant to Section 119.07 of the Ohio Revised Code, you were entitled to a hearing if one was requested within thirty (30) days.

The BMV has not received the required documentation or a request for hearing and more than thirty (30) days have passed since the mailing of the NOH.

Therefore, in accordance with Section 4506.13 of the Ohio Revised Code, **your CDL driving privileges have been cancelled.**

Your CDL privileges will remain cancelled until you submit a valid medical card or change of self-certification form or downgrade to an operator (Class D) license.

If you are a Category 1 (Non-Excepted Interstate) driver, you must submit a medical card completed by a medical examiner listed on the National Registry of Certified Medical Examiners. For a list of registered examiners, visit: <http://nationalregistry.fmcsa.dot.gov>.

You may submit the required documentation:

By Mail: Ohio BMV P.O. Box 16784 Columbus, OH 43216-6784	By Fax: 614-308-5181 By E-mail: cdl@dps.ohio.gov	In Person: BMV Deputy Registrar Office - A service fee will apply, OR BMV Regional Reinstatement Office (listed at www.bmv.ohio.gov)
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The documentation must be legible or a delay in processing may occur. Please include your name, address, and contact number with all correspondence.

If you have any questions or require additional information, please see General Information / New Federal Regulations for CDL Holders effective 1/30/12, at www.bmv.ohio.gov or direct your inquiries by mail to the address above, or contact the Ohio BMV at 614-752-7600.

Registrar
Ohio Bureau of Motor Vehicles