

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF MAHMOUD M.
ELKATTAN, NOTICE OF APPARENT
VIOLATION AND INTENT TO ASSESS
FORFEITURE.

CASE NO. 19-1806-TR-CVF
(OH0163000392D)

ENTRY

Entered in the Journal on December 5, 2019

{¶ 1} Staff served a notice of preliminary determination upon Mahmoud M. Elkattan (Respondent) in accordance with Ohio Adm.Code 4901:2-7-07, alleging a violation of the Commission's transportation regulations.

{¶ 2} On September 20, 2019, Respondent's counsel, Howard A. Elliott, requested an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13.

{¶ 3} By Entry dated October 15, 2019, the attorney examiner scheduled a prehearing settlement conference in this matter for November 13, 2019. During the conference, the parties were unable to settle the matter.

{¶ 4} By Entry dated November 20, 2019, the attorney examiner scheduled a hearing in this matter for December 20, 2019.

{¶ 5} However, due to a scheduling conflict, the attorney examiner now reschedules the hearing in this matter for January 28, 2020 at 10:00 a.m. at the Commission offices, Hearing Room 11-C, 11th floor, 180 East Broad Street, Columbus, Ohio 43215-3793. Visitors should register at the lobby desk and then proceed to the 11th floor in order to participate in the hearing.

{¶ 6} Ohio Adm.Code 4901:2-7-14(E) provides that a respondent who has requested an administrative hearing and fails to participate in the hearing proceeding shall be in default. The rule further states that a respondent in default shall be deemed to have admitted the occurrence of the violation and waived all further right to contest liability to the state for the forfeiture described in the notice.

{¶ 7} At the hearing, Staff must prove, by a preponderance of the evidence, that Respondent committed the alleged violation, pursuant to Ohio Adm.Code 4901:2-7-20(A).

{¶ 8} Following Staff's presentation of evidence at the hearing, it shall be the responsibility of Respondent to present evidence supporting his contentions regarding the alleged violation in this matter.

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That the hearing in this matter be rescheduled for January 28, 2020, in accordance to Paragraph 5. It is, further,

{¶ 11} ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Anna Sanyal

By: Anna Sanyal
Attorney Examiner

JRJ/mef

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

12/5/2019 11:39:43 AM

in

Case No(s). 19-1806-TR-CVF

Summary: Attorney Examiner Entry rescheduling hearing for 1/28/20 at 10:00 am, at the Commission Offices electronically filed by Ms. Mary E Fischer on behalf of Anna Sanyal, Attorney Examiner, Public Utilities Commission