

# THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF AHMED ABED ALI,  
NOTICE OF APPARENT VIOLATION AND  
INTENT TO ASSESS FORFEITURE.

CASE NO. 20-1153-TR-CVF  
(OH070000057D)

## FINDING AND ORDER

Entered in the Journal on October 20, 2021

### I. SUMMARY

{¶ 1} The Commission finds reasonable and approves the settlement agreement regarding a violation of the Commission's transportation rules.

### II. DISCUSSION

{¶ 2} R.C. 4923.04 provides that the Commission shall adopt rules applicable to the transportation of persons or property by motor carriers operating in interstate and intrastate commerce. Pursuant to Ohio Adm.Code 4901:2-5-03(A), the Commission adopted the Federal Motor Carrier Safety Regulations for the purpose of governing transportation by motor vehicle in the state of Ohio. Further, R.C. 4923.99 authorizes the Commission to assess a civil forfeiture of up to \$25,000 per day against any person who violates the safety rules adopted by the Commission.

{¶ 3} On February 11, 2020, a commercial motor vehicle (CMV) operated by Abraham AAA Trucking, Inc. (Respondent) and driven by Ahmed Abed Ali was inspected within the state of Ohio. The inspection resulted in violations of 49 C.F.R. 395.8(a) (no record of duty status – ELD required).

{¶ 4} Respondent was served with a Notice of Apparent Violation and Intent to Assess Forfeiture (NAV), pursuant to Ohio Adm.Code 4901:2-7-07, which assessed Respondent a civil forfeiture of \$100 for the violation of 49 C.F.R. 395.8(a) (no record of duty status – ELD required).

{¶ 5} On June 11, 2020, Respondent requested an administrative hearing, pursuant to Ohio Adm.Code 4901:2-7-13.

{¶ 6} A prehearing conference was conducted on August 11, 2020, but the matter was not resolved. A hearing was subsequently scheduled but later postponed for many months because of the Covid-19 pandemic.

{¶ 7} In an Entry issued August 19, 2021, a hearing was scheduled for September 28, 2021. However, on September 23, 2021, Staff and Respondent filed a settlement agreement which, in the parties' opinion, resolves the issues raised in the NAV. The following is a summary of the conditions agreed to by the parties and is not intended to replace or supersede the settlement agreement.

- (a) Respondent agrees that the violation of 49 C.F.R. 395.8(a) may be included in Respondent's history of violations, insofar as it may be relevant for purposes of determining penalty actions by the Ohio Bureau of Motor Vehicles, including but not limited to the disqualification of Respondent's commercial driver's license, for future violations.
- (b) Respondent and Staff agree that the total forfeiture should be reduced to \$50.00, with Respondent held in violation of 49 C.F.R. 395.8(a).
- (c) This settlement agreement shall not become effective until adopted by the Commission. The date of the Entry or order of the Commission adopting this settlement agreement shall be considered the effective date of the settlement agreement.
- (d) This settlement agreement is made in settlement of all factual and legal issues in this case. It is not intended to

have any effect in any other case or proceeding, except as described in paragraph (a).

{¶ 8} The Commission notes that, in accordance with Ohio Adm.Code 4901:2-7-14(D), if the respondent fails to comply with the provisions of the settlement agreement for a period exceeding 30 days, the respondent shall be in default and shall be deemed to have admitted the occurrence of the violations, and waived all further right to contest liability for the forfeiture originally assessed by Staff.

{¶ 9} The Commission finds that the settlement agreement submitted in this case is reasonable. Therefore, the settlement agreement shall be approved and adopted in its entirety.

### III. ORDER

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That the settlement agreement submitted in this case be approved and adopted in its entirety. It is, further,

{¶ 12} ORDERED, That Respondent pay a civil forfeiture of \$50 in accordance with the settlement agreement. Payment shall be made via the Commission website or by check or money order payable to "Treasurer, State of Ohio," and mailed to PUCO, Transportation Compliance Division, Attn: CF Processing, 180 East Broad Street, 4th Floor, Columbus, Ohio 43215-3793. In order to assure proper credit, Respondent is directed to write Case No. 20-1153-TR-CVF and inspection number OH070000057D on the face of the check or money order. It is, further,

{¶ 13} ORDERED, That a copy of this Finding and Order be served upon Respondent and all other interested parties of record.

**COMMISSIONERS:**

*Approving:*

Jenifer French, Chair  
M. Beth Trombold  
Lawrence K. Friedeman  
Daniel R. Conway  
Dennis P. Deters

JML/hac

**This foregoing document was electronically filed with the Public Utilities**

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**Case No(s). 20-1153-TR-CVF**

Summary: Finding & Order approving the settlement agreement regarding a violation of the Commission's transportation rules. electronically filed by Kelli C. King on behalf of The Public Utilities Commission of Ohio