

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.)

FINDING AND ORDER

The Commission finds:

- (1) On August 3, 2011, a vehicle driven by Sheikh Z. Aziz (Mr. Aziz) was inspected within the State of Ohio. The inspection resulted in the discovery of the following violations of the Code of Federal Regulations (C.F.R.):

49 C.F.R. §395.8(k)(2) Driver failed to maintain previous seven days' records of duty status.

49 C.F.R. §383.23(a)(2) Operating a commercial motor vehicle (CMV) without a commercial drivers' license (CDL) -New York- surrendered.
- (2) As a result of the inspection, Mr. Aziz was timely served with a notice of preliminary determination (NPD) in accordance with Rule 4901:2-7-12, Ohio Administrative Code (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 seven days' records of duty status) and §383.23(a)(2) (Operating a CMV without a CDL-New York CDL-surrendered).
- (3) On February 1, 2012, Mr. Aziz made a timely formal request for an administrative hearing, pursuant to Rule 4901:2-7-13, O.A.C. Thereafter, a prehearing conference was held and a hearing was scheduled in the matter on April 26, 2012.
- (4) On April 26, 2012, the parties filed a settlement agreement which, in the parties' opinion, resolves all issues raised in the NPD.

- (5) In the settlement agreement, the parties agree and recommend that the Commission find:
- (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 they 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 Department of Motor Vehicles 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 30 days of the Commission's order approving this settlement agreement. The payment shall be made by certified check or money order made payable to "Treasurer State of Ohio," and it shall be mailed to PUCO Fiscal, 180 E. Broad St, 4th floor, Columbus, Ohio 43215-3793. The case number (OH3228009707D) should appear on the face of the check or money order.
 - (f) 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.

- (6) The Commission finds that the settlement agreement submitted in this case is reasonable. Therefore, the settlement agreement is hereby approved and adopted in its entirety.

It is, therefore,

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

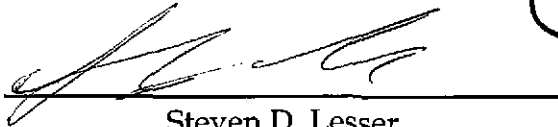
ORDERED, That Mr. Aziz pay his civil forfeiture under the terms set forth in this Finding and Order. It is, further,

ORDERED, That a copy of this Finding and Order be served on each party of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



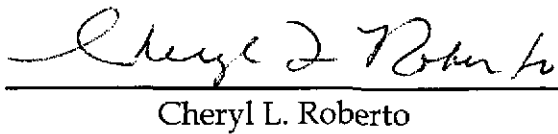
Todd A. Snitchler, Chairman



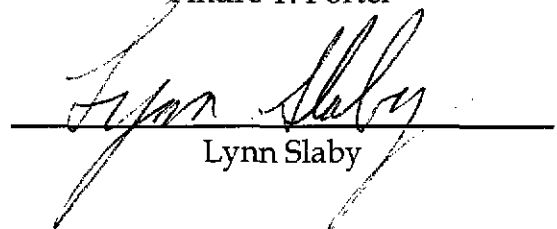
Steven D. Lesser



Andre T. Porter



Cheryl L. Roberto

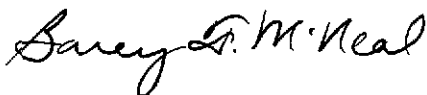


Lynn Slaby

KKS/vrm

Entered in the Journal

MAY 09 2012



Barcy F. McNeal
Secretary