



DAVE YOST

OHIO ATTORNEY GENERAL

Public Utilities Section
Office 614-466-4395
Fax 614-644-8764

May 24, 2021

The Honorable Nicholas Walstra
Public Utilities Commission of Ohio
180 East Broad Street, 12th Floor
Columbus, OH 43215-3793

Re: Staff's Response to Applicant's Request
to Reopen the Proceeding,
Case No: 21-570-TR-CVF

Dear Examiner Walstra:

In response to the request to reopen the proceeding filed by Atheer Al Dhahi (Applicant) in this matter, Staff of the PUCO Transportation Division (Staff) makes the following statements:

1. On March 23, 2021, a vehicle operated by LJM International LLC and driven by the Applicant was inspected within the state of Ohio.
2. On March 26, 2021, as a result of the inspection, the Applicant was served with a Notice of Intent to Assess a Forfeiture (NIF) for a violation of the Commission's rules. The NIF provided thirty (30) days for the Applicant to respond to the NIF by either requesting an administrative hearing or paying the forfeiture due. The NIF advised the Applicant that failure to respond to the NIF would result in admission of the violation as fact and potential suspension of the Applicant's commercial driver's license. The NIF also stated that payment of the forfeiture would act as an admission of the violation.
3. On April 8, 2021, Staff received payment from the Applicant for the full forfeiture amount of \$500, and the invoice was closed.
4. On May 5, 2021, the Compliance Officer attempted to return a call to the Applicant, but had to leave a message.

5. On May 6, 2021, the Applicant sent the Commission a letter requesting that his case be reopened. The Commission's Docketing Division opened a case and docketed this request on May 11, 2021, as is custom.

Staff recommends denial of the Applicant's request to reopen this case because it is an improper attempt to argue a matter that is already closed. The Applicant was provided multiple opportunities to request an administrative hearing of his case. The Applicant was also advised from the outset of this proceeding that payment of the forfeiture would constitute an admission of guilt and acceptance of all penalties against the Applicant.

The Applicant's April 8, 2021 payment of \$500 to the Commission operates as an admission of the violation listed in the NIF. Therefore, it is Staff's position that the Applicant's request is without merit and should be denied. In the alternative, if the Commission desires more information from the Applicant before ruling on his request, Staff recommends that the Commission issue a show cause order requiring a response from the Applicant within 20 days demonstrating and showing good cause why the case should be reopened.

Respectfully submitted,

/s/ Thomas M. Shepherd

Thomas M. Shepherd

Assistant Attorney General

Public Utilities Section

30 E. Broad St., 26th Floor

Columbus, OH 43215

614-644-8539

thomas.shepherd@OhioAGO.gov

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

cc: Parties of Record

Atheer Al Dhahi

26 Copeland Lane

Apartment C

Newport News, VA 23601

atheer.aldhahi@yahoo.com

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

5/24/2021 4:25:32 PM

in

Case No(s). 21-0570-TR-CVF

Summary: Correspondence Regarding Staff's Response to Applicant's Request to Reopen the Proceeding electronically filed by Mrs. Kimberly M Naeder on behalf of PUCO