

**BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO**

IN THE MATTER OF ALI : CASE NO. 21-513-TR-CVF
MOHAMMED, NOTICE OF : OH3245012970D)
APPARENT VIOLATION AND :
INTENT TO ASSESS FORFEITURE. :

SETTLEMENT AGREEMENT

I. INTRODUCTION

Pursuant to Ohio Administrative Code (“Ohio Adm.Code”) 4901:2-7-11, Ali Y Mohammad (“Respondent”) and the Staff of the Transportation Department of the Public Utilities Commission of Ohio (“Staff”) enter into this Settlement Agreement and urge the Commission to adopt the same.

It is understood by the Respondent and the Staff that this Settlement Agreement is not binding upon the Public Utilities Commission of Ohio (“Commission”). This agreement however, is based on the Respondent’s and the Staff’s desire to arrive at a reasonable result considering the law, facts and circumstances. Accordingly, the Respondent and the Staff believe that the Commission should adopt this Settlement Agreement.

This Settlement Agreement is submitted on the condition that the Commission adopts the agreed-upon terms. The Parties agree that if the Commission rejects all or any part of this Settlement Agreement or otherwise materially modifies its terms, either Party

shall have the right, within thirty (30) business days of the Commission's order, either to file an application for rehearing or to terminate and withdraw from this agreement by filing a notice with the Commission. If an application for rehearing is filed, and if the Commission does not, on rehearing, accept the Settlement Agreement without material modification, either Party may terminate and withdraw from this Settlement Agreement by filing a notice with the Commission within ten (10) business days of the Commission's order or entry on rehearing. In such an event, a hearing shall go forward, and the Parties shall be afforded the opportunity to present evidence through witnesses, to cross-examine all witnesses, to present rebuttal testimony, and to file briefs on all issues.

II. PROCEDURAL HISTORY

A. On 01-21-2021, a vehicle operated by NESCO TRANSPORTATION INC and driven by, MOHAMMED, ALI Y was inspected in the State of Ohio.

The following violation was discovered:

- Driving a CMV while CDL is suspended for safety-related or unknown reason and outside the state of driver's license issuance, in violation of 49 C.F.R. § 383.51A-SOUT

B. On January 25, 2021, Staff sent a timely Notice of Apparent Violation and Intent to Assess Forfeiture ("Notice") in accordance with Ohio Adm.Code 4901:2-7-07 for Case No. OH3245012970D. The Notice assessed the Respondent \$500.00 for the violation.

- C. The Respondent paid the forfeiture amount and, thus, ended any future proceedings before the Commission to challenge the violation and forfeiture amount, in accordance with Ohio Adm.Code 4901:2-7-22.
- D. On April 29, 2021, Respondent filed a letter with the Commission essentially requesting that Ohio Adm.Code 4901:2-7-22 be waived and that the matter be reopened to allow the Respondent the ability to challenge the violation and forfeiture.
- E. The parties have negotiated this Settlement Agreement which the parties believe resolves all the issues raised in the Notice.

III. SETTLEMENT AGREEMENT

The parties hereto agree and recommend that the Commission find as follows:

- A. Respondent agrees that the violation of 49 C.F.R. § 383.51A-SOUT may be included in the 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 the Respondent's commercial driver's license, or for future violations.
- B. The recommended civil forfeiture for the violation of 49 C.F.R. § 383.51A-SOUT will not be returned to the Respondent.
- C. Staff agrees to submit a conviction modification request to the Ohio Bureau of Motor Vehicles to vacate/modify the BMV conviction.

- D.** This Settlement Agreement shall not become effective until adopted by an Opinion and Order of the Commission. The date of the entry of the Commission order adopting this Settlement Agreement shall be considered the effective date of the Settlement Agreement.
- E.** This Settlement Agreement is made in settlement of all factual or legal issues in this case. It is not intended to have any effect whatsoever in any other case or proceeding, except as described in Paragraph A.

IV. CONCLUSION

The Signatory Parties agree that this Settlement Agreement is in the best interest of all Parties, and urge the Commission to adopt the same. The undersigned respectfully request that the Commission issue an entry in accordance with the terms set forth in this Settlement Agreement.

The Parties have manifested their consent to the Settlement Agreement by affixing their signatures below.

On behalf of Ali Y Mohammad

On Behalf of the Staff of the Public
Utilities Commission of Ohio

/s/Ali Y. Mohammad (per email authorization)

/s/ Robert Eubanks

Ali Y Mohammad

Robert Eubanks

1230 JOSEPHINE CT APT 10B
MONROE, MI 48162-3460

Assistant Attorney General
Public Utilities Section
30 East Broad Street, 26th Floor
Columbus, Ohio 43215

Date: 08/13/2021

Date: 08/13/21

Kimberly Naeder

Subject: FW: Alli Y Mohammad: Settlement Agreement: Permission to Sign

From: Ali Alazzawi <nesco.trans@icloud.com>

Sent: Thursday, August 12, 2021 12:58 PM

To: Assi, Machhadie (AG-Contractor) <AssiM1@michigan.gov>

Cc: Robert Eubanks <Robert.Eubanks@OhioAGO.gov>

Subject: Re: Alli Y Mohammad: Settlement Agreement: Permission to Sign

I have read the attached stipulation order / settlement agreement prepared by Assistant attorney general Robert Eubanks for my case nb 21-513-TR-CVF and I agree to the terms and give mr. Eubanks permission to sign on my behalf .

Sincerely,

Ali Mohammad

Sent from my iPhone

On Aug 12, 2021, at 18:53, Assi, Machhadie (AG-Contractor) <AssiM1@michigan.gov> wrote:

I will inform him about it via phone and will have him email you permission. Thanks so much for facilitating the process. I appreciate you !

Micho

From: Robert Eubanks <Robert.Eubanks@OhioAGO.gov>

Sent: Thursday, August 12, 2021 11:51 AM

To: Assi, Machhadie (AG-Contractor) <AssiM1@michigan.gov>

Cc: nesco.trans@icloud.com

Subject: RE: Alli Y Mohammad: Settlement Agreement: Permission to Sign

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

I will correct the spelling of his name and, if he gives me permission via a response to this email to sign on his behalf, I will do so and attached the email permission to the stipulation.

Robert Eubanks
Senior Assistant Attorney General
Ohio Attorney General's Office
30 East Broad Street; 26th Floor
Columbus, Ohio 43215
614 517-6091 (Cell Phone)

** Please note that, in adherence to best practices brought about in response to COVID-19, the Ohio Attorney General's Office moved to a "remote work" status effective March 18, 2020. All members of the office remain available remotely during normal business hours. Thank you for your patience.*

From: Assi, Machhadie (AG-Contractor) <AssiM1@michigan.gov>
Sent: Thursday, August 12, 2021 11:46 AM
To: Robert Eubanks <Robert.Eubanks@OhioAGO.gov>
Cc: nesco.trans@icloud.com
Subject: RE: Alli Y Mohammad: Settlement Agreement

Good morning Mr. Eubank,

Since Mr. Ali is overseas with limited access to internet and printer, Can I or yourself sign on his behalf?
Also , Correction : His name is spelled "Ali " with one L not "Alli " as written on page 4.

Thanks
Micho

From: Robert Eubanks <Robert.Eubanks@OhioAGO.gov>
Sent: Thursday, August 12, 2021 10:48 AM
To: Assi, Machhadie (AG-Contractor) <AssiM1@michigan.gov>
Cc: nesco.trans@icloud.com
Subject: RE: Alli Y Mohammad: Settlement Agreement

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Mr. Mohammad,

Please find attached the settlement agreement for Case No. 21-513 before the Public Utilities Commission of Ohio. Please review the agreement, and if it is acceptable, sign it, scan it, and send it back to the me.

Thanks,

Robert Eubanks
Senior Assistant Attorney General
Ohio Attorney General's Office
30 East Broad Street; 26th Floor
Columbus, Ohio 43215
614 517-6091 (Cell Phone)

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From: Assi, Machhadie (AG-Contractor) <AssiM1@michigan.gov>
Sent: Sunday, August 8, 2021 2:11 PM
To: Robert Eubanks <Robert.Eubanks@OhioAGO.gov>
Cc: nesco.trans@icloud.com
Subject: RE: Alli Y Mohammad: Settlement Agreement

Mr. Eubank ,

Thanks for the updates. Please make sure when you have the settlement agreement ready for Mr. Ali Mohamad , to email it as well to Mr. Mohammed cc'd on this email thread.

Sincerely,
Micho

From: Robert Eubanks <Robert.Eubanks@OhioAGO.gov>
Sent: Friday, August 6, 2021 3:00 PM
To: Assi, Machhadie (AG-Contractor) <AssiM1@michigan.gov>
Subject: Alli Y Mohammad: Settlement Agreement

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Ms. Assi,

The person who needs to approve the settlement agreement for Staff is out until Tuesday. I will have to wait until then to send it to you.

Thanks,

Robert Eubanks
Senior Assistant Attorney General
Ohio Attorney General's Office
30 East Broad Street; 26th Floor
Columbus, Ohio 43215
614 517-6091 (Cell Phone)

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in

Case No(s). 21-0513-TR-CVF

Summary: Agreement Settlement Agreement electronically filed by Mrs. Kimberly M. Naeder on behalf of PUCO