

# THE PUBLIC UTILITIES COMMISSION OF OHIO

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

CASE NO. 21-513-TR-CVF  
(OH3245012970D)

## FINDING AND ORDER

Entered in the Journal on September 8, 2021

### I. SUMMARY

{¶ 1} The Commission finds reasonable and approves the settlement agreement filed between Staff and Ali Mohammed regarding violations of the Commission's transportation rules.

### II. DISCUSSION

{¶ 2} R.C. 4923.04(A)(1) mandates that the Commission 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 (FMCSR), published in the Code of Federal Regulations (C.F.R.), 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, per violation, against any person who violates the safety rules adopted by the Commission.

{¶ 3} On January 21, 2021, a commercial motor vehicle operated by Nesco Transportation Inc. and driven by Ali Mohammed (Respondent) was inspected within the state of Ohio. As a result of the inspection, one violation of the FMCSR was discovered, resulting in the assessment of a forfeiture in the amount of \$500. Specifically, the Respondent was cited with violating 49 C.F.R. § 383.51A-SOUT for driving a commercial motor vehicle while Respondent's commercial driver license (CDL) was suspended.

{¶ 4} Staff served a notice of preliminary determination upon Respondent in accordance with Ohio Adm.Code 4901:2-7-12, alleging a violation of the Commission's transportation regulations.

{¶ 5} Respondent paid the \$500 forfeiture.

{¶ 6} On April 29, 2021, Respondent requested an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13.

{¶ 7} On May 6, 2021, Staff filed a letter stating that it recommends denying the request to reopen this case because it is an improper attempt to argue a matter that is already closed. Staff states that Respondent already paid the forfeiture and was informed that paying the forfeiture would be considered an admission of the violations.

{¶ 8} On May 24, 2021, Respondent filed additional information that was responsive to Staff's May 6, 2021 filing. Respondent stated that he has limited English proficiency and did not understand that paying the fine was an admission of guilt. Respondent stated that he hired a translator to understand the documents and discovered that making the payment also resulted in the suspension of his CDL for one year.

{¶ 9} By Entry dated July 7, 2021, the attorney examiner reopened the case and scheduled a prehearing conference in this matter for August 3, 2021.

{¶ 10} The prehearing conference was held on August 3, 2021, as scheduled.

{¶ 11} On August 13, 2021, Staff and Respondent filed a settlement agreement that, in the parties' opinions, resolves the issue raised in the notice of preliminary determination. 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. § 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 CDL, 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.

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

### III. ORDER

{¶ 13} It is, therefore,

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

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

COMMISSIONERS:

*Approving:*

Jenifer French, Chair

M. Beth Trombold

Lawrence K. Friedeman

Dennis P. Deters

JWS/mef

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

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

Summary: Finding & Order approving the settlement agreement filed between Staff and Ali Mohammed regarding violations of the Commission's transportation rules. electronically filed by Kelli C. King on behalf of The Public Utilities Commission of Ohio