

## THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF ISMAIL FARAH, NOTICE  
OF APPARENT VIOLATION AND INTENT TO  
ASSESS FORFEITURE.

CASE NO. 21-118-TR-CVF  
(OH32640165720D)

### ENTRY

Entered in the Journal on October 15, 2021

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

{¶ 2} On February 9, 2021, Respondent requested an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13. In the request for a hearing, Respondent appeared to indicate that he would not be available until mid-May 2021; the language chosen by Respondent was not fully clear.

{¶ 3} Accordingly, Staff attempted to contact Respondent for a settlement conference on February 23, 2021, June 16, 2021, and July 15, 2021, but was unable to reach him.

{¶ 4} The attorney examiner contacted Respondent by telephone in early October 2021 and was informed by Respondent that he was available for a hearing in November 2021. Therefore, the hearing will be held remotely on November 12, 2021, at 11:00 a.m. and will be conducted using virtual hearing technology. Instructions for participation in the evidentiary hearing will be emailed to the parties. Additionally, all exhibits intended to be used on direct and cross-examination shall be marked and exchanged by the parties and provided to the attorney examiner via electronic means prior to the hearing. Individuals interested in attending the evidentiary hearing as a non-party can access the hearing using the link <http://bit.ly/21-118-EVH> and entering the password PUCO, or by calling 1-408-418-9388 and entering access code/event number 2335 807 4027.

{¶ 5} Ohio Adm.Code 4901:2-7-14(E) provides that a respondent who has requested an administrative hearing and fails to participate in the hearing proceeding shall be in default. The rule further states that a respondent in default shall be deemed to have admitted the occurrence of the violation and waived all further right to contest liability to the state for the forfeiture described in the notice.

{¶ 6} At the hearing, Staff must prove, by a preponderance of the evidence, that Respondent committed the alleged violation, pursuant to Ohio Adm.Code 4901:2-7-20(A).

{¶ 7} Following Staff's presentation of evidence at the hearing, it shall be the responsibility of Respondent to present evidence supporting his contentions regarding the alleged violation in this matter.

{¶ 8} It is, therefore,

{¶ 9} ORDERED, That the evidentiary hearing take place as scheduled remotely on November 12, 2021, in accordance with Paragraph 4. It is, further,

{¶ 10} ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/James M. Lynn

By: James M. Lynn  
Attorney Examiner

MJA/hac

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

**Commission of Ohio Docketing Information System on**

**10/15/2021 11:07:16 AM**

**in**

**Case No(s). 21-0118-TR-CVF**

Summary: Attorney Examiner Entry ordering that the evidentiary hearing take place as scheduled remotely on November 12, 2021, in accordance with Paragraph 4 electronically filed by Heather A. Chilcote on behalf of James M. Lynn, Attorney Examiner, Public Utilities Commission