

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF IZZLDIN SALEH,
NOTICE OF APPARENT VIOLATION AND
INTENT TO ASSESS FORFEITURE.

CASE NO. 21-757-TR-CVF
(OH0782003154D)

ENTRY

Entered in the Journal on November 3, 2021

I. SUMMARY

{¶ 1} The Commission dismisses Respondent Izzldin Saleh's request for an administrative hearing because payment of the civil forfeiture terminates further proceedings in the matter.

II. DISCUSSION

{¶ 2} On May 17, 2021, a vehicle driven by Izzldin Saleh (Respondent) was inspected within the state of Ohio. Following this inspection, on May 18, 2021, Staff served a notice of apparent violation and intent to assess forfeiture (NIF) upon Respondent, alleging a violation of the Commission's transportation regulations.

{¶ 3} On June 28, 2021, the Commission received correspondence from Respondent requesting that Respondent's case be reopened and that a conference occur between the parties. The Commission recognized Respondent's correspondence as a request for an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13. In this correspondence, Respondent acknowledges that he promptly paid the forfeiture amount listed in the NIF. Respondent insists, however, that he made all efforts to secure his commercial driver's license (CDL) and that he believed that he provided all documents necessary to do so.

{¶ 4} On July 7, 2021, Staff filed a response to Respondent's correspondence. Staff states that the report provided to Respondent at the time of the vehicle inspection advised that a conviction of the cited offense could result in disqualification of the driver's CDL privileges. Staff further explains that the NIF served on Respondent provided 30 days for Respondent to either request a settlement conference or to pay the assessed forfeiture.

Additionally, Staff asserts that the NIF advised Respondent that payment of the forfeiture would act as an admission of the violation and could result in potential suspension of the Respondent's CDL. Staff states that on May 25, 2021, Respondent paid the \$500 civil forfeiture. Staff, therefore, recommends denial of Respondent's request to reopen the case, as it would be an improper attempt to argue a matter that is already closed.

{¶ 5} Respondent filed a response on July 19, 2021, in which Respondent claims that he did not have a full understanding of the consequences of his payment of the civil forfeiture and that he paid it before retaining counsel. Respondent also attached documentation which he believes supports his claims that he submitted forms that should have kept his CDL in good standing. Thereafter, on October 22, 2021, Respondent filed further correspondence in which he restates that he was unaware of outstanding issues with his CDL at the time of May 15, 2021 vehicle inspection. Respondent admits, however, that the Illinois Secretary of State later advised him that it never received the necessary documentation prior to the vehicle inspection. Respondent again acknowledges that he paid the assessed civil forfeiture but asks that the case be reopened for mitigating circumstances to be presented.

{¶ 6} Ohio Adm.Code 4901:2-7-22 provides, in pertinent part, that payment of a civil forfeiture assessed pursuant to a violation of the Commission's transportation regulations constitutes an admission of the occurrence of the violation and serves to terminate all further Commission proceedings.

{¶ 7} The Commission finds that Respondent's payment of the assessed civil forfeiture concludes jurisdiction over this matter as provided in Ohio Adm.Code 4901:2-7-22. We note that, in the request for hearing and in subsequent correspondence, Respondent admits to paying the civil forfeiture. The Commission is not persuaded that sufficient information was provided to justify reopening these proceedings. Accordingly, the Commission finds that this case will be considered closed of record.

III. ORDER

{¶ 8} It is, therefore,

{¶ 9} ORDERED, That this case be closed as described in Paragraph 7. It is, further,

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

COMMISSIONERS:

Approving:

Jenifer French, Chair

Lawrence K. Friedeman

Daniel R. Conway

Dennis P. Deters

DMH/kck

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Case No(s). 21-0757-TR-CVF

Summary: Entry dismissing Respondent Izzldin Saleh's request for an administrative hearing because payment of the civil forfeiture terminates further proceedings in the matter. electronically filed by Ms. Mary E. Fischer on behalf of Public Utilities Commission of Ohio