

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF ATHEER AL-DHAHI,
NOTICE OF APPARENT VIOLATION AND
INTENT TO ASSESS FORFEITURE.

CASE NO. 21-570-TR-CVF
(OH3223004221D)

ENTRY

Entered in the Journal on November 29, 2021

{¶ 1} Staff served a notice of apparent violation and intent to assess forfeiture upon Atheer Al-Dhahi (Respondent), alleging a violation of the Commission's transportation regulations.

{¶ 2} On May 11, 2021, Respondent filed correspondence seeking to "reopen" his case. In this filing, Respondent describes that he did not know that his license was suspended and that, due to a language barrier, he misunderstood the consequence of paying the forfeiture.

{¶ 3} On May 24, 2021, Staff filed a response to Respondent's case reopening request. Staff describes that Respondent was served a notice of intent to assess a forfeiture (NIF) for violation of the Commission's transportation regulations as a result of a vehicle inspection that occurred on March 23, 2021. According to Staff, the NIF was served on March 26, 2021, and stated that the Respondent could either request an administrative hearing or pay the assessed forfeiture. Also, it advised the Respondent that failing to respond to the NIF would result in the admission of the violation and a potential suspension of Respondent's commercial vehicle driver's license. Further, it stated that payment of the forfeiture would act as an admission of the violation. On April 8, 2021, Staff asserts that it received payment of the full forfeiture of \$500, and the invoice was closed. On May 8, 2021, Staff states that the Compliance Officer attempted to return a call to the Respondent but had to leave a message.

{¶ 4} Staff maintains that the Respondent was provided multiple opportunities to request an administrative hearing for his case and that the Respondent was advised that payment of the forfeiture would constitute an admission of guilt; therefore, the matter

should not be further considered by the Commission. Accordingly, Staff requests that the Commission either (1) deny Respondent's request to reopen the case, or (2) issue a show cause order requiring Respondent to demonstrate why the case should proceed.

{¶ 5} On October 6, 2021, the attorney examiner issued an Entry advising that Respondent had until October 26, 2021, to file a response to Staff's correspondence in opposition to reopening the case.

{¶ 6} On October 22, 2021, counsel for the Respondent filed a response on behalf of Respondent, noting that the Respondent was cited in Ohio for driving a commercial motor vehicle while his commercial driver's license was suspended, that the underlying citation assessed in Virginia that led to this suspension was cancelled by the Virginia Department of Motor Vehicles, that the Respondent did not comprehend the consequences of paying the assessed forfeiture, and that the Respondent is the only means of support for his family.

{¶ 7} At this time, the attorney examiner recognizes Respondent's request as a request for an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13 and reopens this case. In accordance with Ohio Adm.Code 4901:2-7-16(B), unless otherwise ordered by the Commission or agreed by the parties, a prehearing conference in a civil forfeiture case shall be scheduled upon the filing of a request for administrative hearing.

{¶ 8} The attorney examiner schedules this matter for a prehearing conference on December 10, 2021, at 10:00 a.m. At that time, the attorney examiner will attempt to contact counsel for Respondent by telephone.

{¶ 9} It is, therefore,

{¶ 10} ORDERED, That the prehearing conference be scheduled for December 10, 2021, as set forth in Paragraph 8. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Matthew Sandor

By: Matthew Sandor
Attorney Examiner

SJP/kck

**This foregoing document was electronically filed with the Public Utilities
Commission of Ohio Docketing Information System on**

11/29/2021 11:48:15 AM

in

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

Summary: Attorney Examiner Entry ordering that the prehearing conference be scheduled for December 10, 2021, as set forth in Paragraph 8. electronically filed by Kelli C. King on behalf of Matthew Sandor, Attorney Examiner, Public Utilities Commission of Ohio