

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF ABDOUL AZIZ
GOULAN, NOTICE OF APPARENT
VIOLATION AND INTENT TO ASSESS
FORFEITURE.

CASE NO. 21-759-TR-CVF
(OH0782003046D)

ENTRY

Entered in the Journal on May 9, 2023

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

{¶ 2} On June 28, 2021, Respondent filed correspondence seeking to "reopen" his case. In this filing, Respondent describes that he missed his June 1, 2021 conference appointment date with Staff due to a misunderstanding caused by a language barrier.

{¶ 3} On July 2, 2021, Staff filed a response to Respondent's case reopening request, arguing that a denial of the request was warranted.

{¶ 4} By Entry issued April 7, 2022, the attorney examiner advised that the Respondent should file a response to Staff's correspondence in opposition to reopening the case by April 27, 2022.

{¶ 5} On April 26, 2022, Respondent filed correspondence reiterating his initial request, noting that he missed his June 1, 2021 conference appointment date with Staff due to a misunderstanding caused by a language barrier but would like the opportunity to contest the violation.

{¶ 6} By Entry issued April 27, 2022, the attorney examiner granted Respondent's request to reopen his case, recognized Respondent's request as a request for an administrative hearing under Ohio Adm.Code 4901:2-7-13, and directed the parties to participate in a prehearing teleconference on May 10, 2022.

{¶ 7} On May 9, 2022, the attorney examiner issued an Entry rescheduling the May 10, 2022 prehearing teleconference to May 19, 2022. The prehearing teleconference was held, as scheduled, but the parties were unable to resolve the matter.

{¶ 8} Accordingly, the hearing shall take place on June 20, 2023, at 10:00 a.m. at the Commission offices, Hearing Room 11-D, 11th Floor, 180 East Broad Street, Columbus, Ohio 43215-3793. Visitors should register at the lobby desk and then proceed to the 11th floor in order to participate in the hearing.

{¶ 9} 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.

{¶ 10} 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).

{¶ 11} 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.

{¶ 12} It is, therefore,

{¶ 13} ORDERED, That the hearing be scheduled for June 20, 2023, as discussed in Paragraph 8. It is, further,

{¶ 14} 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

PAS/dmh

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

Case No(s). 21-0759-TR-CVF

Summary: Attorney Examiner Entry scheduling the hearing to take place on June 20, 2023, at 10:00 a.m. at the Commission offices, Hearing Room 11-D, 11th Floor, 180 East Broad Street, Columbus, Ohio 43215-3793 electronically filed by Ms. Donielle M. Hunter on behalf of Matthew J. Sandor, Attorney Examiner, Public Utilities Commission of Ohio.