

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF MAHAD ISSE, NOTICE
OF APPARENT VIOLATION AND INTENT
TO ASSESS FORFEITURE.

CASE NO. 22-528-TR-CVF
(OH0590000625D)

ENTRY

Entered in the Journal on November 1, 2023

I. SUMMARY

{¶ 1} The Commission grants Staff's motion for default judgment against Mahad Isse for failing to appear at a hearing concerning a violation of the Commission's transportation rules.

II. DISCUSSION

{¶ 2} R.C. 4923.04 provides that the Commission shall 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, as 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 March 21, 2022, a vehicle operated by BG Logistics Inc., and driven by Mahad Isse (Respondent), was inspected within the state of Ohio.

{¶ 4} On April 22, 2022, Staff served a notice of preliminary determination (NPD) upon Mr. Isse in accordance with Ohio Adm.Code 4901:2-7-12, alleging a violation of the Commission's transportation regulations. The NPD informed Mr. Isse, through his counsel, that Staff would assess a \$100 civil forfeiture for violating 49 C.F.R 392.3 (operating a

commercial motor vehicle while impaired by illness or other cause) and 49 C.F.R 395.8(E) (false report of drivers record of duty status).

{¶ 5} On May 16, 2022, counsel on behalf of Respondent requested an administrative hearing in accordance with Ohio Adm.Code 4901:2-7-13.

{¶ 6} By Entry issued August 2, 2022, the attorney examiner scheduled a prehearing teleconference for August 29, 2022. During the prehearing teleconference, Staff and Respondent were unable to reach a resolution of the matter.

{¶ 7} On May 16, 2023, an Entry was issued scheduling a July 18, 2023 hearing.

{¶ 8} The hearing convened, as scheduled, on July 18, 2023. Neither counsel for Mr. Isse nor Mr. Isse were present for the hearing. Accordingly, Staff moved for a default judgment against Mr. Isse. (Tr. at 5-7.)

{¶ 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 is in default. The rule further states that a respondent in default is 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} Given Mr. Isse's failure to appear and participate in the hearing, Mr. Isse is in default, in accordance with Ohio Adm.Code 4901:2-7-14. Accordingly, the Commission finds Staff's motion for default judgment should be granted.

{¶ 11} Pursuant to R.C. 4923.99 and Ohio Adm.Code 4901:2-7-14, Respondent is liable to the state of Ohio for payment of the assessed civil forfeiture of \$100. Ohio Adm.Code 4901:2-7-22 provides that payment of such forfeitures can be made via the Commission website or by certified check or money order made payable to the Treasurer, State of Ohio and mailed or delivered to: Public Utilities Commission of Ohio, Transportation Compliance Division, Attn: CF Processing, 180 E. Broad Street, 4th Floor,

Columbus, OH 43215-3793. To assure proper credit, Case No. 22-528-TR-CVF and inspection number OH0590000625D should appear on the face of the check or money order. Respondent shall have 30 days from the date of this Entry to pay the assessed forfeiture of \$100.00.

III. ORDER

{¶ 12} It is, therefore,

{¶ 13} ORDERED, That Staff's motion for default judgment be granted. It is, further,

{¶ 14} ORDERED, That Respondent pay the assessed forfeiture as described in Paragraph 11. It is, further,

{¶ 15} ORDERED, That a copy of this Entry be served upon each party of record.

COMMISSIONERS:

Approving:

Jenifer French, Chair
Daniel R. Conway
Lawrence K. Friedeman
Dennis P. Deters

Recusal:

John D. Williams

GNS/LJB/dr

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

11/1/2023 2:24:42 PM

in

Case No(s). 22-0528-TR-CVF

Summary: Entry granting Staff's motion for default judgment against Mahad Isse for failing to appear at a hearing concerning a violation of the Commission's transportation rules electronically filed by Debbie S. Ryan on behalf of Public Utilities Commission of Ohio.