

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Investigation of  
GBU ENTERPRISES GRP. INC, D/B/A  
GOLDENVALLEY VAN LINES

DOCKETS TV-190395

DECLARATION OF  
JASON SHARP

I, JASON SHARP, under penalty of perjury under the laws of the state of Washington, declares as follows:

- 1 I am employed by the Washington Utilities and Transportation Commission (Commission) as a Supervisor in the Motor Carrier section. As a Supervisor, my responsibilities include assigning and reviewing the work of the Motor Carrier Safety Investigators and providing recommendations based on Commission rules and the Motor Carrier Safety Enforcement Policy as a result of safety investigation outcomes.
- 2 On April 22, 2019, I received an email from the Washington Division Administrator for the Federal Motor Carrier Safety Administration (FMCSA), Jeff James, containing a list of motor carriers that the FMCSA had recently placed out-of-service. Upon review of that list, it was discovered that one company that the Commission regulates, GBU Enterprises Grp. Inc. (GBU Enterprises), was listed as out-of-service as a result of an unsatisfactory safety rating following a federal compliance review.
- 3 On April 23, I requested a copy of the federal investigation from Traci Johnson, the FMCSA Washington Division Federal Program Manager. I received a copy of the report on April

24.<sup>1</sup> I located a letter in the FMCSA web portal that FMCSA sent to GBU informing the company of its proposed unsatisfactory rating.<sup>2</sup>

4 The report dated February 6, 2019 resulted in a proposed unsatisfactory rating based on the following violations:

- a. One acute violation of 49 CFR 382.305 for failure to implement a random controlled substance and alcohol testing program.
- b. Two critical violations of 49 CFR 382.301(a) for using a driver before the motor carrier has received a negative pre-employment controlled substance test result.
- c. Two critical violations of 49 CFR 391.51(b)(1) for failing to maintain inquiries into driver's driving record in driver's qualification file.
- d. 23 critical violations of 49 CFR 395.8(a)(1) for failing to require a driver to prepare a record of duty status using the appropriate method.
- e. Two critical violations of 49 CFR 396.17(a) for using a commercial motor vehicle not periodically inspected.

5 The proposed unsatisfactory safety rating became final on April 15, when the carrier failed to receive an upgrade to its safety rating. GBU Enterprises authority to operate in interstate and intrastate commerce was revoked at this time. Staff confirmed on May 2 that FMCSA had placed GBU out of service.

6 The safety violations discovered during the safety investigation by the FMCSA are of regulations that the Commission adopts in WAC 480-15-999. Staff finds the investigative

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<sup>1</sup> Attachment A.


<sup>2</sup> Attachment B.

report credible and recommends that GBU Enterprises provisional household goods permit be cancelled for safety rating and for an out-of-service USDOT number.

DATED this 4 day of June, 2019, at Olympia, Washington.

  
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JASON SHARP

**UNITED STATES DEPARTMENT OF TRANSPORTATION**

	<b>US DOT #</b> 2632419	<b>Legal:</b> GBU ENTERPRISES GRP INC <b>Operating (DBA):</b> GOLDEN VALLEY VAN LINES											
<b>MC/MX #:</b> 916283			<b>Federal Tax ID:</b> 47-3907885 (EIN)										
<b>Review Type:</b> Compliance Review (CR)			<b>Focused Investigation</b>										
<b>Scope:</b> Principal Office			<b>Location of Review/Audit:</b> Company facility in the U. S.				<b>Territory:</b>						
<b>Operation Types</b>													
<b>Interstate</b>													
<b>Intrastate</b>													
<b>Carrier:</b> Non-HM			<b>Business:</b> Corporation										
<b>Shipper:</b> N/A			<b>Gross Revenue:</b> \$2,000,000.00				<b>for year ending:</b> 12/31/2018						
<b>Cargo Tank:</b> N/A													
<b>Company Physical Address:</b>													
2710 104TH STREET COURT SOUTH UNIT B LAKEWOOD, WA 98499													
<b>Contact Name:</b> Stanislaw Skribnick													
<b>Phone numbers:</b> (1) 855-246-6687			(2)			<b>Fax</b>							
<b>E-Mail Address:</b> info@goldenvalleyvanlines.us													
<b>Company Mailing Address:</b>													
2710 104TH STREET COURT SOUTH LAKEWOOD, WA 98499													
<b>Carrier Classification</b>													
Authorized for Hire													
<b>Cargo Classification</b>													
Household Goods													
<b>Equipment</b>													
		<b>Owned</b>			<b>Term Leased</b>			<b>Trip Leased</b>					
Truck		3		0		0	Truck Tractor		0		0		3
Trailer		3		0		0							
Power units used in the U.S.: 6													
Percentage of time used in the U.S.: 100													
<b>Does carrier transport placardable quantities of HM?</b> No													
<b>Is an HM Permit required?</b> N/A													
<b>Driver Information</b>													
		<b>Inter</b>		<b>Intra</b>		<b>Average trip leased drivers/month:</b> 0							
<b>&lt; 100 Miles:</b>		0		0		<b>Total Drivers:</b> 5							
<b>&gt;= 100 Miles:</b>		5		0		<b>CDL Drivers:</b> 3							





**GOLDEN VALLEY VAN LINES (GBU ENTERPRISES GRP INC dba)**

U.S. DOT #: 2632419

Review Date:

02/06/2019

**Part A**

Questions about this report or the Federal Motor Carrier Safety or Hazardous Materials regulations may be addressed to the Federal Motor Carrier Safety Administration at:

724 Columbia Street NW, Suite 200  
Olympia, WA 98501  
Phone: (360)753-9875 Fax:(360)753-9024

**This report will be used to assess your safety compliance.**

**Person(s) Interviewed**

**Name:** Stanislaw Skribnik

**Title:** President

**Name:** Ilona Vargas

**Title:** Manager





**Part B Violations**

1 FEDERAL ACUTE	Primary: 382.305	Discovered 1	Checked 1	Drivers/Vehicles In Violation	Checked
<b>Description</b> Failing to implement a random controlled substance and/or an alcohol testing program. <b>Example</b> Myron Thomas Trip Date: 12/27/2018 Vehicle: Plate IN 2624188 Vin: 3HAMMAALXFL517835 No random drug testing program for 2018					
2 FEDERAL CRITICAL	Primary: 382.301(a)	Discovered 2	Checked 4	Drivers/Vehicles In Violation	Checked
<b>Description</b> Using a driver before the motor carrier has received a negative pre-employment controlled substance test result. <b>Example</b> Reginald Fortson Trip Date: 02/22/2018 Vehicle: Plate IN 2396877 Vin: 3HSDJAPR4EN777876 Pre-employment drug test date: 05/25/2018					
3 FEDERAL CRITICAL	Primary: 391.51(b)(2)	Discovered 2	Checked 5	Drivers/Vehicles In Violation	Checked
<b>Description</b> Failing to maintain inquiries into driver's driving record in driver's qualification file. <b>Example</b> Reginald Fortson Trip Date: 02/22/2018 Vehicle: Plate IN 2396877 Vin: 3HSDJAPR4EN777876  Driver abstract not obtained when driver was rehired in Dec 2017.					
4 FEDERAL CRITICAL	Primary: 395.8(a)(1)	Discovered 23	Checked 150	Drivers/Vehicles In Violation	Checked
<b>Description</b> Failing to require a driver to prepare a record of duty status using the appropriate method <b>Example</b> Myron Thomas Trip Date: 12/24/2018 Unit : 296238  Driving using paper logs when required to use an ELD.					





**Part B Violations**

5 FEDERAL CRITICAL	Primary: 396.17(a)	Discovered 2	Checked 5	Drivers/Vehicles In Violation 2	Checked 5
<p><b>Description</b> Using a commercial motor vehicle not periodically inspected. Nain Cuevas-Contreras Trip Date: 10/04/2018 Unit: W1 WA C39924L</p> <p>At the time of trip vehicle did not have a periodic inspection.</p>					
6 FEDERAL	Primary: 382.309	Discovered 1	Checked 2	Drivers/Vehicles In Violation 1	Checked 2
<p><b>Description</b> Using a driver who has not completed a return-to-duty test with a result indicating an alcohol concentration of less than 0.02 or a negative controlled substance test result.</p> <p><b>Example</b> Myron Thomas Trip Date: 12/27/2018 Vehicle: Plate IN 2624188 Vin: 3HAMMAALXFL517835</p> <p>Using driver who did not complete the return-to-duty process.</p>					
7 FEDERAL	Primary: 391.51(a)	Discovered 1	Checked 6	Drivers/Vehicles In Violation 1	Checked 6
<p><b>Description</b> Failing to maintain driver qualification file on each driver employed.</p> <p><b>Example</b> James Tokin Trip Date: 10/11/2018 Vehicle: Plate WA C04132L</p> <p>No Driver qualification file for driver</p>					
8 FEDERAL	Primary: 391.51(b)(3)	Discovered 2	Checked 5	Drivers/Vehicles In Violation 2	Checked 5
<p><b>Description</b> Failing to maintain road test certificate in driver's qualification file, or copy of license or certificate the motor carrier accepted as equivalent.</p> <p><b>Example</b> Nain Cuevas-Contreras Trip Date: 10/04/2018 Vehicle: Plate WA C39924L</p> <p>Road test not in driver qualification file.</p>					





**Part B Violations**

9 FEDERAL	Primary: 391.51(b)(4)	<b>Discovered</b> 2	<b>Checked</b> 2	<b>Drivers/Vehicles</b> <b>In Violation</b>	<b>Checked</b> 2
<p><b>Description</b> Failing to maintain the responses of each State agency to the annual driver record inquiry required by 391.25(a).</p> <p><b>Example</b> Nain Cuevas-Contreras Trip Date: 10/04/2018 Vehicle: Plate WA C39924L</p> <p>Annual driver abstract not in driver's qualification file.</p>					
10 FEDERAL	Primary: 391.51(b)(5)	<b>Discovered</b> 2	<b>Checked</b> 2	<b>Drivers/Vehicles</b> <b>In Violation</b>	<b>Checked</b> 2
<p><b>Description</b> Failing to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2).</p> <p><b>Example</b> Reginald Fortson Trip Date: 02/22/2018 Vehicle: Plate IN 2624188 Vin: 3AKJHHDR0JSJW4169</p> <p>Annual review not in driver's qualification file.</p>					
11 FEDERAL	Primary: 391.51(b)(6)	<b>Discovered</b> 2	<b>Checked</b> 2	<b>Drivers/Vehicles</b> <b>In Violation</b>	<b>Checked</b> 2
<p><b>Description</b> Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27.</p> <p><b>Example</b> Nain Cuevas-Contreras Trip Date: 10/04/2018 Vehicle: Plate WA C39924L</p> <p>List of violations not in driver's qualification file.</p>					
12 FEDERAL	Primary: 392.2	<b>Discovered</b> 1	<b>Checked</b> 1	<b>Drivers/Vehicles</b> <b>In Violation</b>	<b>Checked</b> 2
<p><b>Description</b> Operating a commercial motor vehicle not in accordance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated - Unsafe Driving.</p> <p><b>Example</b> 02/06/2019 - The FMCSA and State partners have identified violations across multiple inspections at the roadside over the previous 24 months that are reflected in the Unsafe Driving BASIC of the Carrier Safety Measurement System, including: speeding, lane restriction, and failing to use seat belt.</p>					







**Part B Violations**

13 FEDERAL	Primary: 392.9a(a)(1) Secondary: 14901(d)(3)	<b>Discovered</b> 1	<b>Checked</b> 15	<b>Drivers/Vehicles</b> <b>In Violation</b>	<b>Checked</b>
<b>Description</b> Operating without the required operating authority under 49 USC 14901(d)(3). (Household Goods). James Tokin Trip Date: 10/11/2018 Unit: A3  Household Goods authority was revoked from 10/09/2018-10/26/2018					
14 FEDERAL	Primary: 395.3(a)(2)	<b>Discovered</b> 2	<b>Checked</b> 150	<b>Drivers/Vehicles</b> <b>In Violation</b>	<b>Checked</b> 5
<b>Description</b> Requiring or permitting a property-carrying commercial motor vehicle driver to drive after the end of the 14th hour after coming on duty. <b>Example</b> Myron Thomas Trip Date: 12/24/2018 Unit : 296238  Drove in violation from 1545-1630.					
15 FEDERAL	Primary: 396.3(b)(1)	<b>Discovered</b> 5	<b>Checked</b> 5	<b>Drivers/Vehicles</b> <b>In Violation</b>	<b>Checked</b> 5
<b>Description</b> Failing to keep a maintenance record which identifies the vehicle, including make, serial number, year, and tire size. <b>Example</b> Nain Cuevas-Contreras Trip Date: 10/04/2018 Vehicle: Plate WA C39924L  Files don't identify all information required about vehicles. (Tire size)					
16 FEDERAL	Primary: 396.3(b)(2)	<b>Discovered</b> 5	<b>Checked</b> 5	<b>Drivers/Vehicles</b> <b>In Violation</b>	<b>Checked</b> 5
<b>Description</b> Failing to have a means of indicating the nature and due date of the various inspection and maintenance operations to be performed. <b>Example</b> Nain Cuevas-Contreras Trip Date: 10/04/2018 Vehicle: Plate WA C39924L  Does not have a means of indicating next maintenance or inspection to be performed.					
<b>Safety Fitness Rating Information:</b>					
<b>Total Miles Operated</b>	420,000	<b>OOS Vehicle (CR): 0</b>			
<b>Recordable Accidents</b>	0	<b>Number of Vehicle Inspected (CR): 0</b>			
<b>Recordable Accidents/Million Miles</b>	0.00	<b>OOS Vehicle (MCMIS): 2</b>			
		<b>Number of Vehicles Inspected (MCMIS): 5</b>			





**Part B Violations**

Your proposed safety rating is :

**UNSATISFACTORY**

Rating Factors		Acute	Critical
<b>Factor 1:</b>	S	0	0
<b>Factor 2:</b>	U	1	2
<b>Factor 3:</b>	U	0	2
<b>Factor 4:</b>	U	0	1
<b>Factor 5:</b>	N	0	0
<b>Factor 6:</b>	S	-	-

Effective date: The unsatisfactory rating will take effect 60 days after the date of a forthcoming official notice from the Federal Motor Carrier Safety Administration headquarters office in Washington, D.C.

**PROHIBITION:** Under 49 USC sections 13905(f)(1)(B) and 31144, and 49 CFR section 385.13 a motor carrier that receives a final safety rating of unsatisfactory is prohibited from operating a commercial motor vehicle in interstate and intrastate commerce and, if applicable, shall have its registration revoked unless and until such time the FMCSA determines the motor carrier is fit and the motor carrier has reinstated its registration.

49 U.S.C. 31144 provides that the prohibition takes effect unless the motor carrier, within 60 days of the date of the forthcoming official notice, takes the necessary steps to improve the rating to conditional or satisfactory.

Unless the motor carrier receives an improved rating within 60 days from the date of the forthcoming official notice from Washington, D.C, the motor carrier will be subject to the prohibition in 49 CFR 385.13.

Corrective actions must be taken for the violations (deficiencies) listed on Part B of this review. Title 49 CFR Sections 385.15 and 385.17 provide for administrative review and a change to a safety rating based on corrective actions, respectively. A request for a change to a safety rating under section 385.17 may be made at any time. A motor carrier may request, in writing, a change in the rating by providing evidence of corrective actions to the Field Administrator for the FMCSA Service Center in which the carrier maintains its principal place of business. (See 49 CFR 385.17 for additional details). A request for administrative review under section 385.15 must be made within 90 days of the date of the proposed safety rating issued under section 385.11(c) or a final safety rating issued under section 385.11(b), or within 90 days after denial of a request for a change in rating under section 385.17.

**Administrative Review:** A motor carrier may appeal its proposed safety rating in a petition filed pursuant to 49 CFR section 385.15 if it believes that the rating is in error and there are factual and procedural issues in dispute. Such appeals must be made within 90 days of the date of the proposed safety rating, but should be made within 15 days of the date of the safety rating notice to allow the FMCSA to issue a written decision before the prohibitions in 49 CFR 385.13 take effect. Appeals filed pursuant to section 385.15 should be addressed to: Chief Safety Officer, Federal Motor Carrier Safety Administration, 1200 New Jersey Ave., S.E., Washington, DC 20590. The motor carrier will receive a written decision on the petition within 45 days from receipt of the petition by the Chief Safety Officer. (See 49 CFR 385.15 for additional details.)

(Note: Neither a petition to contest the rating nor a request for a change in the rating will delay the effective date of the rating, if unchanged.)

If this was a focused investigation, which will be noted in the Review Type on the first page of this report (Part A), some factors shown above may be marked "SATISFACTORY" even if they were not reviewed. A focused investigation will not result in a SATISFACTORY safety rating because all standards and factors specified in 40 CFR 383.5 and 385.7 were not examined in full, even though it may appear that they were under the rating factors in Part B of this document. It may, however, result in a less than SATISFACTORY rating if sufficient violations are discovered in the parts and factors examined to result in a CONDITIONAL or UNSATISFACTORY rating, or a non-ratable review.

If you receive a conditional or unsatisfactory rating, you may request an administrative review under 49 CFR 385.15 or a safety rating upgrade based on corrective action under 49 CFR 385.17. However, a successful request may only result in a non-ratable status, upgrade to a conditional safety rating, or reinstatement of your most recent safety rating. You will not receive a new satisfactory safety rating as a result of your request(s) under 49 CFR 385.15 and/or 49 CFR 385.17.





**GOLDEN VALLEY VAN LINES (GBU ENTERPRISES GRP INC dba)**

U.S. DOT #: 2632419

Review Date:

02/06/2019

### Part B Violations

If this was a focused investigation, which will be noted in the Review Type on the first page of this report (Part A), some factors shown above may be marked "SATISFACTORY" even if they were not reviewed.

A focused investigation does not include review of all regulatory parts and factors as set forth in 49 C.F.R. Part 385, Appendix B's safety rating methodology and cannot therefore result in a SATISFACTORY safety rating. It may, however, result in a less than SATISFACTORY rating if sufficient violations are discovered in the parts and factors examined to result in a CONDITIONAL or UNSATISFACTORY rating.





**Part B Requirements and/or Recommendations**

1.

- **Understand Why Compliance Saves Time and Money:** Compliance with FMCSRs will not only save lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business.
- **Document and Follow Through on Action Plans:** Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance.
- **NOTICE:** A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six year period.
- **NOTICE:** 49 CFR Part 391.23 requires prospective employers to, at a minimum, investigate a driver's employment information, crash record, and alcohol and controlled substances history from all employers the driver worked for within the previous 3 years.

The Pre-Employment Screening Program (PSP) is a screening tool that assists motor carriers in investigating crash history and roadside safety performance of prospective drivers. The PSP allows motor carriers to purchase 5 years of crash data and 3 years of roadside inspection data from the Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Management Information System (MCMIS). Records are available 24 hours a day via Web request. Motor carriers should visit the following website for more information:  
<http://www.psp.fmcsa.dot.gov/Pages/default.aspx>

- All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities. Discuss with your employees/drivers the "Security Measures for Truck Drivers and Companies" which were provided and reviewed with motor carrier official. Motor carriers should visit the following website for more information:  
<http://www.fmcsa.dot.gov/documents/Hijacking-Brochure.pdf>

For all Investigations that could result in a Notice of Claim:

- **PLEASE NOTE:** The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Notice of Claim. In addition, your history of prior violations of the Federal Motor Carrier Safety Regulations, Federal Hazardous Material Regulations or the Federal Motor Carrier Commercial Regulations may also affect the civil penalty proposed in any subsequent Notice of Claim. Receipt of this report acknowledges your understanding that the violations discovered by the FMCSA during this review may be used to calculate any civil penalty proposed as a result of this review.

Attached to this report is Table 1, which identifies all the documented violations which were discovered during the course of this review.

For all Investigations resulting in serious violations:

Serious violations were recorded on this investigation report. These violations will impact your safety record. Furthermore, these violations may result in a follow-up investigation at a later date unless adequate evidence of corrective action is forwarded to our office:

Jeffrey James, Division Administrator  
 Washington Division  
 Federal Motor Carrier Safety Administration





## Part B Requirements and/or Recommendations

Olympia, WA 98501

For all Investigations resulting in a proposed conditional or unsatisfactory rating:

### 385.15

If you believe the proposed rating is in error and there are factual and procedural issues in dispute, Part 385.15 (copy provided) outlines procedures for petitioning the Federal Motor Carrier Safety Administration for an administrative review of these findings. Your petition should be addressed to:

Chief Safety Officer  
Federal Motor Carrier Safety Administration  
1200 New Jersey Avenue SE,  
Washington, DC 20590

### 385.17

In addition, a request for a revised rating based on corrective actions may be made at any time. Part 385.17 (copy provided) outlines the procedures for such a request. The request must be made in writing, must describe the corrective action taken and must include other documentation that may be relied upon as a basis for the requested change. Address your written request to:

Scott G. Hernandez, Regional Field Administrator  
Western Service Center  
Federal Motor Carrier Safety Administration  
12600 W. Colfax Ave, Suite B-300  
Lakewood, CO 80215

Ensure that a CC copy of the letter is mailed to:

Jeffrey James, Division Administrator  
Washington Division  
Federal Motor Carrier Safety Administration  
724 Columbia Street NW, Suite 200  
Olympia, WA 98501

This letter should be submitted as soon as possible.

For all investigations with violations recorded in Part B.

If you believe the violations recorded in Part B of this investigation were an error, you may submit a Request for Data Review (RDR) through DataQs. The DataQs system is the most effective way to remove violations on the investigation report that did not affect your safety rating data. DataQs is an online system that allows a motor carrier or driver to request and track a review of Federal and State issued data that it believes to be incomplete or incorrect. To submit an RDR, go to <https://dataqs.fmcsa.dot.gov>.

For all Investigations resulting in a proposed unsatisfactory rating:

- All Other Motor Carriers: This review will result in a Proposed Safety Rating. The findings indicate you are currently operating at an unsatisfactory level of safety compliance. A written notice of proposed unsatisfactory rating will be sent to you by the FMCSA via U.S. Mail. If you fail to obtain an improved rating within 60 days of the date that notice is sent, the unsatisfactory rating will become final and you must cease interstate operations.

Information on your compliance status, roadside inspections, regulatory changes, accident countermeasures and hazardous material incident prevention manual is available on the Internet at the Federal Motor Carrier Safety Administration's web site at <http://www.fmcsa.dot.gov/> and <http://www.safer.fmcsa.dot.gov/>.

## 2. CONTROLLED SUBSTANCES AND ALCOHOL BASIC PROCESS BREAKDOWN: Policies and Procedures





**Part B Requirements and/or Recommendations**

Golden Valley Van Lines did not have policy and procedures in place for Random drug and alcohol testing for calendar year 2018. This was due to not knowing the requirement to test. Golden Valley Van Lines has since enrolled in a random drug testing pool for calendar year 2019. They need to be sure to continue to be part of this and become knowledgeable in the USDOT drug testing requirements.

**BASIC SPECIFIC RECOMMENDED REMEDIES**

Implement Safety Improvement Practices: The following are recommended practices related to Policies and Procedures.

- Develop a written company policy incorporating by reference all regulations regarding controlled substances and alcohol use, testing, training, and records retention for all employees.
- Develop a policy requiring drivers to submit copies of all citations for moving violations to carrier management within 24 hours.
- Establish a process to ensure that drivers who are randomly tested can be immediately removed if they are found to be positive and that they do not return to safety-sensitive duties until they have complied with the "return-to-duty" process.
- Establish written policies and procedures that promote, verify, and enforce adherence to all controlled-substance and alcohol rules and regulations. Procedures should be tailored to company operations and should provide specific checks and guidelines for interacting with a consortium, if applicable.
- Establish a process to ensure that test results are properly safeguarded from unauthorized disclosure to prospective employers without specific written consent and from disclosure under any circumstances to insurance companies and other nonqualified parties, in accordance with regulations.
- Develop a policy to ensure that all alcohol testing is conducted immediately before or after the period that employees are performing a safety-sensitive function. Drivers can be tested on their day off only for controlled substances. Once notified of their selection, drivers must proceed immediately to the testing facility. If a driver refuses to go, this should be considered as equivalent to a positive result.
- Consider developing a driver selection protocol that uses valid random-number-generator software on a monthly basis to select, by driver identification number, 5 to 8 percent of drivers for controlled-substance testing and 2 to 5 percent for alcohol testing. This will ensure selection of 50 percent of drivers for controlled-substances testing and 10 percent for alcohol testing per year, given fluctuations in the driver workforce over the course of the year.
- Develop a written and progressive disciplinary policy focused on taking corrective action to ensure drivers comply with regulations and policies. A progressive disciplinary policy could include, among other things, written warnings, suspensions, or work restrictions, monetary penalties, and termination. This policy should also specify consequences for any carrier official who knowingly and willfully allows controlled-substance and alcohol violations.

Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

**3. HOS COMPLIANCE BASIC PROCESS BREAKDOWN: Monitoring and Tracking**

**DESCRIPTION OF PROCESS BREAKDOWN**

Golden Valley Van Lines needs to monitor their drivers who are required to use ELDs to make sure they are being used. The drivers for Golden Valley Van Lines did not use ELDs when required and the carrier was unaware that that was happening.

**BASIC SPECIFIC RECOMMENDED REMEDIES**

Implement Safety Improvement Practices: The following are recommended practices related to Monitoring and Tracking Processes.

- Implement an effective process for monitoring, tracking, and evaluating all drivers' compliance with Hours-of-Service (HOS) regulations and company policies.
- Promptly review all Records of Duty Status (RODS) for Hours-of-Service (HOS) violations and falsification. Look for discrepancies by comparing driver logs with their "check-in" calls and other supporting documents.





**Part B Requirements and/or Recommendations**

- Document all findings of fatigue-related noncompliance with regulations and/or company policies.
- Systematically check to see if drivers and dispatchers are regularly communicating about Hours-of-Service (HOS) availability and driver-fatigue level.
- Maintain roadside inspection, Records of Duty Status (RODS), supporting documents, dispatch schedules, and communication records to help evaluate the performance of all staff (drivers, dispatchers, and managers) involved in Hours of Service (HOS) and the effectiveness of compliance with HOS policies, procedures, and regulations.
- Regularly evaluate the company's fatigue-related inspection results via the Federal Motor Carrier Safety Administration's (FMCSA) website at <http://ai.fmcsa.dot.gov/SMS>. Assess violations for process breakdowns and how to remedy them.
- Implement a system for keeping accurate records of employees' Hours-of-Service (HOS) training needs and completed training, via software, a checklist in the driver's file, and/or another appropriate method.
- Evaluate personnel (log clerks, payroll, dispatchers, and third-party safety consultants) who are monitoring drivers' Records of Duty Status (RODS) for accuracy; for whether they are applying performance standards fairly, consistently, and equitably; and for whether they are documenting evaluations.
- Consider using Electronic On-board Recorders (EOBRs) to monitor and track Hours-of-Service (HOS) violations.
- When monitoring and tracking any fatigue-related issues, always assess whether an issue is individual or represents a systemic breakdown in the Safety Management Processes (Policies and Procedures, Roles and Responsibilities, etc.).

Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

**4. VEHICLE MAINTENANCE BASIC - INSPECTION-REPAIR-MAINTENANCE PROCESS BREAKDOWN: Monitoring and Tracking**

DESCRIPTION OF PROCESS BREAKDOWN

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Monitoring and Tracking Processes.

- Check all inspections and relevant records, such as Driver Vehicle Inspection Records (DVIRs), pre-trip and annual inspections, and maintenance and repair records, to ensure that company inspection, repairing, and maintenance policies and procedures are adhered to and properly documented.
- Ensure that Driver Vehicle Inspection Records (DVIRs) are effectively coordinated with maintenance and operations, result in timely corrective measures, and are verified during pre-trip inspections as applicable.
- Require mechanics to note whether parts came from inventory or were ordered, to ensure accuracy of maintenance records.
- Monitor and track roadside inspection results to ensure that vehicle defects are repaired and documented promptly and to prevent Out-of-Service (OOS) vehicles from operating prior to being repaired.
- Monitor manufacturer recalls through <http://www.nhtsa.dot.gov> and consult with manufacturer service representatives to keep current with service bulletins for proactive maintenance.
- Implement a system for keeping accurate records of employee inspection, repair, and maintenance training needs, including updates on a carrier's fleet or equipment and completed training, via software, a checklist in the driver's file, and/or another appropriate method.
- Regularly evaluate the company's vehicle-maintenance-related inspection results via the Federal Motor Carrier Administration's (FMCSA) website at <http://ai.fmcsa.dot.gov/SMS>. Assess violations for process breakdowns and how to remedy them.
- Maintain inspection, repair, maintenance, vehicle identification, and communication records to help evaluate the performance of all staff (drivers, dispatchers, mechanics, and managers) involved in fleet maintenance and the effectiveness of compliance with vehicle maintenance policies, procedures, and regulations.
- Evaluate personnel who are monitoring vehicle maintenance performance by making sure they are using Driver Vehicle Inspection Records (DVIRs), roadside inspections, and other data; applying performance standards fairly, consistently, and equitably; and documenting evaluations.





## Part B Requirements and/or Recommendations

- When monitoring and tracking vehicle maintenance issues, always assess whether an issue is individual or represents a systemic breakdown in one of the Safety Management Processes (Policies and Procedures, Roles and Responsibilities, etc.).

### Passenger Carrier Only:

- Monitor manufacturer recalls through <http://www.nhtsa.dot.gov>; consult with manufacturer service representatives to keep current with service bulletins for proactive maintenance, especially with regard to preowned buses.
- Monitor and track vehicle-maintenance-related passenger complaints and assess safety implications.

### Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

5. After selection of drivers for random testing, the program coordinator should send confidential correspondence to whoever is informing the selected drivers, noting the selection date, selected names, proper notification procedure, testing location, and when test results need to be completed. Drivers should be reminded that refusal to take the test will be equivalent to a positive result.
6. If it appears an individual shipper has tendered additional household goods or requires additional services not identified in the binding estimate, you are not required to honor the estimate. If an agreement cannot be reached as to the price or service requirements for the additional goods or services, you are not required to service the shipment. However, if you do service the shipment, before loading the shipment you must do one of the following three things:
  - (i) Reaffirm your binding estimate.
  - (ii) Negotiate a revised written binding estimate accurately listing, in detail, the additional household goods or services.
  - (iii) Agree with the individual shipper, in writing, that both of you will consider the original binding estimate as a non-binding estimate subject to §375.405.
7. The ELD rule applies to most motor carriers and drivers who are currently required to maintain records of duty status (RODS) per Part 395, 49 CFR 395.8(a). The rule applies to commercial buses as well as trucks, and to Canada- and Mexico-domiciled drivers.

The ELD rule allows limited exceptions to the ELD mandate, including:

Drivers who operate under the short-haul exceptions may continue using timecards; they are not required to keep RODS and will not be required to use ELDs.  
Drivers who use paper RODS for not more than 8 days out of every 30-day period.  
Drivers who conduct drive-away-tow-away operations, in which the vehicle being driven is the commodity being delivered.  
Drivers of vehicles manufactured before 2000.

8. Periodically review the maintenance and inspection records for all lease vehicles as required by Part 396 of the FMCSR. Keep a record to document these reviews and notify the vehicle owner of any violations detected.
9. Ensure that the persons or entities that perform preventative maintenance inspections on your equipment are abiding by agreed time or mileage intervals. Ensure that records are kept of such periodic preventative maintenance inspections. Take corrective action, if schedules are not being adhered to.
10. One option to check the accuracy of your driver's logbooks for commercial vehicles driven in the state of Washington







### Part B Requirements and/or Recommendations

is to obtain license plate reader information (time and date of vehicles driving into or by Washington State scales) from the Washington Department of Transportation.

These records can be requested by going to <http://www.wsdot.wa.gov/Contact/PublicDisclosure> and submitting a Public Disclosure Form (found on the website), and send it to the below listed office by e-mail, fax, or mail.

Submit your request to:

WSDOT  
Records & Information Services  
PO Box 47410  
Olympia, WA 98504-7410

Phone: (360) 705-7734  
Fax: (360) 705-6808  
E-mail: [publicdisclosurerequests@wsdot.wa.gov](mailto:publicdisclosurerequests@wsdot.wa.gov)

Please ensure you submit a detailed description of the records you are requesting (time, date and vehicle ID of crossings). The following information should be provided as a minimum:

USDOT number  
Vehicle plate numbers  
Name of Carrier  
Time frame requested (eg. May-July 20xx)

11. If you have any questions concerning this report, please contact: Safety Investigator Chad Lagerwey at 360-753-9035.
12. This compliance review will result in a safety rating.





**Part C**

**Reason for Review:** Focused CR  
**Planned Action:** Prosecution WA-2019-0025-US1366

**Parts Reviewed Certification:**

325	382	383	387	390	391	392	393	395	396	397	398	399	171	172	173	177	178	180
ü	ü	ü	ü	ü	ü	ü	ü	ü	ü									

<b><u>Prior Reviews</u></b>	<b><u>Prior Prosecutions</u></b>
8/15/2017	5/18/2017
11/15/2016	

**Unsat/Unfit Information**

**Is the motor carrier of passengers subject to the safety fitness procedures contained in 49 CFR part 385 subpart A, AND does it transport passengers in a commercial motor vehicle?**

**Does carrier transport placardable quantities of hazardous materials?**

**Unsat/Unfit rule:** 60-Day - no Interstate Passengers or Placardable HM

**Corporate Contact:** Stanislaw Skribnik  
**Corporate Contact Title:** President

**Special Study Information:**

**Remarks:**

INVESTIGATIVE REPORT RECEIVED BY:

Name: Stanislaw "Stas" Skribnik  
 Title: President  
 Carrier/Shipper Name: GBU Enterprises GRP Inc dba Golden Valley Van Lines  
 Date: 02/05/2019

**REASON FOR INVESTIGATION:**

Golden Valley Van Lines was identified for investigation because the carrier is a moderate risk 1 alert in unsafe driving (82%), hours of service (97%), and vehicle maintenance (90%) BASICS. In addition, there were several household good complaints filed against this carrier.

**SCOPE OF INVESTIGATION:**

A focused investigation was conducted on this carrier reviewing unsafe driving, hours of service, and vehicle maintenance BASICS.

**CARRIER OPERATION DESCRIPTION:**

**Corporate Officials:**

Stanislaw Skribnik - President (as shown on California corporation website)  
 Jessica Schmolder - President (as shown on MCS-150 filing 03/09/2018 she is the wife of Stanislaw Skribnik)

Stansilaw stated that he uses the name Stan Levi and as an Operations Manager on a lot of documentation in emails correspondence and on his MCS-150 filings because he had a lady who posted negative things about his company on the internet and used his name.

**Other Key people:**

Ilona Vargas - Manager  
 Nian Contreras - Driver  
 Winslow Jones - Driver  
 Myron Thomas - Driver  
 Reginald Fortson - Driver  
 Andres Godinez - Driver





**Part C**

Rachel - Admin  
Aaron - Sales Rep  
Denise - Sales Rep

Golden Valley Van Lines is a for-hire Washington state domiciled household goods carrier. The carrier currently operates a total of six power units and three trailers. Of the five power units three leased from Penske at any given time. Three power units are box trucks. The carrier currently has five drivers of which all are interstate drivers.

The carrier operates in the lower 48 states with most of their loads originating or going to the pacific northwest.

The carrier's principal place of business (PPOB) is currently located at 2710 104th Street Court South Unit B Lakewood, WA 98499. This is a warehouse location. They store their box trucks at this location when parked. They are currently in the process of trying to find a place to relocate due to their lease expiring and the cost to stay in their current location. They said they are attempting to secure something south of Lakewood in the Dupont or greater Olympia area. They also advertise that they operate in Denver, CO. They don't have any physical locations but Stanislaw's mother in-law used to operate the company from there. He stated they rent trucks and use public storage locations when working in the Denver area. They also have a location in Southern California however it appears to just be an office address and not a location where operations actually occur at. The carrier used to show their PPOB in California until 2018 then show it as the Lakewood location. Stanislaw currently lives in Southern California. He alleges he will be moving to Washington State sometime in May of 2019.

**COMPANY HISTORY:**

Golden Valley Van Lines has been operating in interstate commerce since 2016. They have had three prior investigations with FMCSA or state partners. The carrier had a safety audit in 2017 which they passed. In addition, they had compliance investigations in 2016 which was non-rated, and 2017 which was satisfactory.

**PRE-INVESTIGATION:**

A phone call was made to Ilona Vargas setting up an appointment for 0107/2019 and a letter was sent confirming the date. The letter also requested the following supporting documents: bills of lading, trip tickets, shipping documents, trip envelopes, fuel receipts, toll receipts, fuel bills, Oregon monthly road mileage reports, payroll records, dispatch records and any road expense receipts generated by drivers.

**CDLIS (DRIVER LICENSE) STATUS:**

CDLIS was used to check 3 CDL driver's licenses and two non-CDL licenses. (non-CDL licenses are showing returns currently) No violations were discovered.

**Driver's sampled:**

Nian Contreras - CUEVAN\*302QO WA  
Winslow Jones - 981210556 CO  
Myron Thomas - 051170415 GA  
Reginald Fortson - 055772758 CO  
Andres Godinez - GODINAR121MN

**AUTHORITY:**

Golden Valley Van Lines currently has active household goods authority. In the past 365 days, the carrier had their authority revoked from 10/09/2018-10/26/2018. There was at least one trip requiring authority conducted during this time which was cited.

**INSURANCE:**

Golden Valley Van Lines has insurance with National Continental Insurance CO for \$1,000,000 policy number CP4783245-8. Golden Valley Van Lines has renewed their policy a few times in the past 365 days however no lapse in insurance has occurred.

**RED FLAG DRIVERS:**

No red flagged drivers were discovered during this investigation.

**ACCIDENTS:**

The carrier was not involved in any recordable accidents in the previous 365 days.





### Part C

#### DRUG AND ALOCHOL SUPPLEMENT REVIEW:

A full drug and alcohol investigation was conducted see part 382 for information.

#### HAZARDOUS MATERIALS SUPPLEMENTAL REVIEW:

A HM Supplemental Review was not conducted as the carrier does not transport placardable amounts of hazardous materials.

#### INVESTIGATION:

The investigation was conducted at the carrier's principal place of business (PPOB) in Lakewood, WA starting on 01/07/2018.

Stanislav Skribnik and Ilona Vargas were present at the investigation although not always both at the same time.

All records are kept at the PPOB in various cabinets in the office. At the time of this investigation the carrier did not use any third-party company to assist with safety.

Gross Revenue: \$2,000,000 reported by Ilona Vargas which was obtained from Stanislav Skribnik.

Mileage was provided by Ilona Vargas and was the total mileage for the past 365 days of operations using IFTA quarterly filing reports and dispatch records.

#### PART 382- DRUG AND ALCOHOL TESTING

Golden Valley Van Lines has done some drug testing in the past 365 days. When the carrier began operating in 2016 until end of 2017 they only operated non-CDL vehicles. When they started operating CDL vehicles they started doing pre-employment drug tests but never did establish a random drug and alcohol testing program.

The carrier was cited for not having a random drug testing program calendar year 2018. They have enrolled in a pool since the start of this investigation for calendar year 2019. They signed up with Express Labs Drug and Alcohol Consortium located in Apex, NC. The carrier did provide a certificate showing they are now enrolled with them.

For the past 365 days four pre-employment drug tests were sampled to check for compliance. It was discovered Doug Worthington and Reginald Fortson drove CDL vehicles prior to the carrier receiving a negative pre-employment drug test. The carrier was cited for this violation.

One driver Myron Thomas was found to have taken a pre-employment drug test for the carrier and tested positive in August of 2018. There is another pre-employment test conducted in September of 2018 that the driver tested negative. There were no trip dates discovered between those two tests. The carrier was cited for using a driver who had not completed the return to duty process.

In addition, Doug Worthington was found to have tested positive on his pre-employment test however he was terminated after the results and there was no evidence discovered that he drove after that.

#### Drivers sampled:

Winslow Jones  
Myron Thomas  
Reginald Fortson  
Doug Worthington

In the past 365 days, the carrier was not involved in accidents requiring post-accident testing.

#### PART 391- QUALIFICATION OF DRIVERS

Golden Valley Van Lines had a driver qualification for all current drivers sampled. The carrier puts their own driver qualification files together. Of the current drivers, all had some form of a driver file. Items missing in the files were driver abstracts both time of hire and annual, road tests certificates for their non-CDL drivers, annual review, annual list of violations.

During the investigation one driver was discovered who was not listed by the carrier as a driver. The driver did not have a





### Part C

driver qualification file. The sample was expanded to include this driver who was not disclosed by the carrier.

#### Drivers sampled:

Nian Contreras  
Winslow Jones  
Myron Thomas  
Reginald Fortson  
Andres Godinez  
James Tokin

#### PART 392- DRIVING OF COMMERCIAL VEHICLES

Golden Valley Van Lines was alert in Unsafe driving BASIC. The carrier had violations of speeding, failure to obey traffic control device, and failure to use a seatbelt. These violations were explained to Stanislav and how they are affecting his scores. Also, it was explained how unsafe driving violations are violations that can be associated with many accidents. He indicated that his company has a three strikes policy up to termination. There was no evidence of this however being done or any type of corrective or discipline action being done.

#### PART 395- HOURS OF SERVICE

Golden Valley Van Lines has at least three drivers who are required to fill out logbooks and two driver who appear to qualify for the non-CDL short-haul exemption. The carrier stated at the beginning of the investigation that they use Samsara as their ELD. However, the carrier never during this investigation provided any files or pdfs of logbooks completed on a Samsara. The carrier also stated that when the rent Penske trucks that those vehicles had ELDs in them that drivers would use and they could access that information. When the carrier accessed the Penske website it was found none of the three driver who driver Penske trucks had any record of duty status in there.

The carrier has stated that they have had non-stop issues with their device and the two short-haul driver Andres Godinez and Nain Contreras fill out time cards. The other CDL drivers filled out paper logs and one used the logging app Keep Trucking that was being used in a standalone mode. All three of the CDL drivers drove more than 8 days in a 30-period sampled.

Hours were checked on the paper logs and there were a couple 14 hour violations discovered. There were minimal non-time stamped documents such as BOLs, fueling records used to check for accuracy. No false logs were discovered.

The carrier said they had signed a contract with GloStone in Oregon and will begin using GeoTab as their ELDs. As of this report these had not been received and installed yet.

#### Drivers sampled:

Nian Contreras - Dec 2018  
Winslow Jones - Dec 2018 (failing to use appropriate method)  
Myron Thomas - Dec 2018 (failing to use appropriate method and 14 hr vios)  
Reginald Fortson - Nov 2018 (Failing to use appropriate method)  
Andres Godinez - Dec 2018

#### PART- 396 INSPECTION REPAIR AND MAINTENANCE

Golden Valley Van Lines typically hires out Anthony Truck Repair to inspections and repairs on their vehicles. Penske handles the maintenance for the trucks that they lease from Penske.

The carrier maintained vehicle files for all the vehicles sampled. Two vehicles unit W1 and plate C39924L was found to have operated without an annual inspection. Also, the vehicle maintenance files did not identify the tire size, and did not have nature and due dates for next maintenance due.

In the 90 days sampled for each vehicle there was no evidence DVIRs needed to be completed by the carrier.

The carrier's out of service rate was 60%. Three of five inspections in the past 365 days were out of service of vehicle related issues.

#### Vehicles sampled:





**Part C**

#W1  
 #A3  
 #C2  
 #T5  
 WA Plate 16957AA

**CLOSE OUT:**  
 The close out was conducted with Stanislav Skribnik at the PPOB on 02/06/2019.

The carrier's proposed rating is unsatisfactory.

**FOLLOW-ON ACTION:**  
 Prosecution for Part 395 is being sought. See enforcement case WA-2019-0025-US1366.

**DOCUMENTS PROVIDED TO CARRIER:**  
 The carrier was given a copy of the investigation report.

**OTHER INFORMATION PROVIDED TO CARRIER:**  
 The carrier was given information on how to access the FMCSA website and where forms and other useful information can be found. They were given information about the CSA website and how to use the site. All questions asked by the carrier were answered and the carrier was advised to contact FMCSA if they have any further questions after this review.

The carrier was informed and given written instructions on how to request Washington State scale crossing information through a public disclosure request.

DataQs was also discussed with the carrier and they were informed how to file a DataQ if needed.

The carrier received a copy of "How to Request an Upgrade" letter and was informed of their options during the close out.

They were also given an optional upgrade request checklist.

A copy of the table of violations showing all documented violations.

<b>Upload Authorized:</b>	<b>Yes</b>	<b>No</b>	
<b>Authorized by:</b>			<b>Date:</b>
<b>Uploaded:</b>	<b>Yes</b>	<b>No</b>	<b>Failure Code:</b>
<b>Verified by:</b>			<b>Date:</b>





U.S. Department of  
Transportation  
1200 New Jersey Ave. S.E.  
Washington, D.C. 20590

**Federal Motor Carrier  
Safety Administration**

**GBU ENTERPRISES GRP INC  
2710 104TH STREET COURT SOUTH  
LAKEWOOD, WA 98499**

60 Day Property Carrier

February 13, 2019

In reply refer to:  
USDOT Number: **2632419**  
Review No.: 1542562/CR

Dear STANISLAW SKRIBNIK:

The proposed motor carrier safety rating for your company is:

### UNSATISFACTORY

This proposed UNSATISFACTORY rating is the result of an onsite compliance review and evaluation of your safety fitness completed on February 11, 2019. An UNSATISFACTORY rating indicates that your company does not have adequate safety management controls in place to ensure compliance with the safety fitness standard which has resulted in occurrences of violations listed in 49 CFR 385.5(a-k), and indicates that your company is operating at an unacceptable level of compliance.

Under 49 CFR 385.13, a motor carrier that receives a final safety rating of UNSATISFACTORY is prohibited from operating a commercial motor vehicle in interstate and intrastate commerce. Additionally, 49 USC 31144 and 49 CFR 385.13(a)(1) provide that this prohibition takes effect unless, within 60 days of the date of this notice, you take the necessary steps to improve the rating to conditional or satisfactory.

Pursuant to 49 USC 13905(f)(1)(B), the registration of a motor carrier that has been prohibited from operating in interstate and intrastate commerce for failure to comply with the safety fitness requirement shall be revoked.

**UNLESS YOU IMPROVE YOUR PROPOSED UNSATISFACTORY RATING, IT WILL BECOME FINAL AND YOU WILL BE PROHIBITED FROM OPERATING COMMERCIAL MOTOR VEHICLES IN INTERSTATE AND INTRASTATE COMMERCE BEGINNING ON APRIL 15, 2019, AND YOUR REGISTRATION SHALL BE REVOKED, IF APPLICABLE.**

If you have been subject to any Order(s), prohibition(s), registration suspension(s) and/or registration revocation(s) in any other case(s) or proceeding(s), the prohibitions and registration revocation in this case will be in addition to, and will not supersede, amend, or modify any Orders, notices, and/or requirements in any other case(s) or proceeding(s). Further, the orders, prohibitions and/or registration revocation may also attach and apply to the operations of successor entities, including any motor carrier entity or entities established or used to avoid the consequences of a "final" unsatisfactory safety rating.

Immediate action must be taken to correct any deficiencies or violations discovered during the compliance review. Your operation was found to be deficient with respect to the applicable safety regulations in the following areas:

- Part 391 QUALIFICATIONS OF DRIVERS
  - Part 395 HOURS OF SERVICE OF DRIVERS
  - Part 392 DRIVING OF MOTOR VEHICLES
  - Part 396 INSPECTION, REPAIR AND MAINTENANCE
  - Part 382 CONTROLLED SUBSTANCE AND ALCOHOL USE AND TESTING
- INSPECTION OUT OF SERVICE RATE

Please refer to the copy of the compliance review left at your office for more specific guidance regarding areas in need of corrective action.

**APPEAL RIGHTS:** Owners or operators of commercial motor vehicles may appeal the proposed safety rating in the following manners:

<A> **REQUESTS FOR A CHANGE TO SAFETY RATING BASED UPON CORRECTIVE ACTIONS (49 CFR 385.17):** A request for a change to a safety rating for a corrective action may be made at any time. This request must be made in writing to the FMCSA Service Center for the geographic area where the carrier maintains its principal place of business (See 49 CFR 390.27). The request must be based upon evidence that the carrier has taken corrective actions and that its operations currently meet the safety fitness standards and factors specified in 49 CFR 385.5 and 385.7. The FMCSA will make a final determination based upon the documentation submitted and any other additional relevant information. A written decision will be issued by the FMCSA. Any motor carrier whose request for change is denied may, within 90 days after the denial, request administrative review under 49 CFR 385.15.

<B> **ADMINISTRATIVE REVIEW (49 CFR 385.15):** A request may be made to the FMCSA to conduct an administrative review if you believe that an error was committed in assigning the proposed safety rating or when your request under 49 CFR 385.17 was denied. This request must be made within 90 days of the date of the proposed safety rating issued under 49 CFR 385.11(c) or within 90 days of an Order denying your request for a rating change under 49 CFR 385.17.

Owners or operators may seek administrative review (49 CFR 385.15) by filing a Petition for Review at the following address: U.S. DOT Dockets, United States Department of Transportation, 1200 New Jersey Ave., S.E., Washington, DC 20590. A copy of the Petition **MUST** also be sent to: The Chief Safety Officer, Federal Motor Carrier Safety Administration (Attention: Adjudications Counsel), 1200 New Jersey Ave., S.E., Washington, DC 20590. The appeal should include a copy of this compliance review and the forthcoming official notice from the FMCSA headquarters office. All subsequent filings must also be served in the same manner.

The FMCSA will conduct a review of the request and issue a decision within 30 days of receipt of that request (49 CFR 385.15(e)(1) and 385.17(e)(1)). The FMCSA highly recommends that hazardous material and passenger owners and operators file requests for administrative review (49 CFR 385.15) within 15 days from the date on the notice of the "proposed" rating (49 CFR 385(c)(1)). This will allow sufficient time to review the request and issue a written decision before the prohibitions on operating in interstate and intrastate commerce take effect. Administrative review requests must be made within 90 days of the date on the notice of the "proposed" rating (49 CFR 385.15(c)(2)). However, failure to petition within 15 days from the date on the notice of the "proposed" rating may prevent the FMCSA from issuing a final decision before the prohibitions on interstate and intrastate transportation and, if applicable, the registration revocation take effect (49 CFR 385.15(c)(1)).

A petition to contest the rating or a request for a change in the rating will not automatically postpone the effective date of your final rating.

You may obtain further information from the local Federal Motor Carrier Safety Information office listed below:

U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION  
724 COLUMBIA ST NW, SUITE 200  
OLYMPIA, WA 98501  
Telephone No.: 360-753-9875

Sincerely,



Joseph P. DeLorenzo  
Director, Office of Enforcement and Compliance

\*\* The rating for Part 396 was comprised of the vehicles placed out-of-service during roadside inspections in the twelve months prior to the compliance review and/or inspected at the time of the review, and non-compliance with the Part 396 inspection, repair and maintenance systems requirements.