

**UNITED STATES DEPARTMENT OF TRANSPORTATION**



**US DOT #**  
677516X

**Legal:** MOISES ALVAREZ PEREZ  
**Operating (DBA):** DISTRIBUIDORA MARINA EL PESCADOR

**MC/MX #:** 313931      **RFC #:** AAPM5508271H4      **Federal Tax ID:**

**Review Type:** Compliance Review (CR)

**Scope:** Principal Office      **Location of Review/Audit:** Company facility in another country      **Territory:** E

**Operation Types**    Interstate    Intrastate

**Carrier:** Non-HM    N/A  
**Shipper:** N/A      N/A  
**Cargo Tank:**      N/A

**Business:** Individual  
**Gross Revenue:** \$65,000.00      **for year ending:** 12/31/2012

**Company Physical Address:**

CALLE 6TA #2224  
TIJUANA, BN 22000 MEXICO

**Contact Name:** Moises Alvarez Perez  
**Phone numbers:** (1) 664- 973-2187      (2) 6195710145      **Fax** 6642154119  
**E-Mail Address:** COMERPESCA@HOTMAIL.COM

**Company Mailing Address:**

1311 EAST VAQUERO CT  
CHULA VISTA, CA 91910

**Carrier Classification**

Authorized for Hire      Private Property

**Cargo Classification**

Refrigerated Foods      Other: Seafood

**Does carrier transport placardable quantities of HM?** No  
**Is an HM Permit required?** N/A

**Driver Information**

|               |       |       |  |
|---------------|-------|-------|--|
|               | Inter | Intra | Average trip leased drivers/month: 0<br>Total Drivers: 1<br>CDL Drivers: 1 |
| < 100 Miles:  |       |       |  |
| >= 100 Miles: | 1     |       |  |

**Equipment**

|  |       |             |             |       |             |             |
|--|-------|-------------|-------------|-------|-------------|-------------|
|  | Owned | Term Leased | Trip Leased | Owned | Term Leased | Trip Leased |
|--|-------|-------------|-------------|-------|-------------|-------------|

|       |   |   |   |  |  |  |
|-------|---|---|---|--|--|--|
| Truck | 1 | 0 | 0 |  |  |  |
|-------|---|---|---|--|--|--|

Power units used in the U.S.: 1  
Percentage of time used in the U.S.: 30





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Review Date:

02/05/2013

**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:

2297 Niels Bohr Court, Suite 204  
San Diego (Otay Mesa), CA 92154  
Phone: (619)710-8400 Fax:(619)710-2804

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

**Person(s) Interviewed**

**Name:** Moises Alvarez Perez

**Title:** Owner

**Name:**

**Title:**





## Part B Violations

| 1<br>FEDERAL   | Primary: 382.401(b)(3) | Discovered<br>1 | Checked<br>1 | Drivers/Vehicles<br>In Violation<br>0 | Checked<br>0 |
|--|------------------------|-----------------|--------------|---------------------------------------|--------------|
| <b>Description</b><br>Failing to maintain records for one year.  |                        |                 |              |                                       |              |
| <b>Example</b><br>DRIVER:<br>TRIP: 12/28/2012.<br>TEST RESULTS FOR A RANDOM TEST DATED 07/03/2012.   |                        |                 |              |                                       |              |
| 2<br>FEDERAL   | Primary: 382.601(b)    | Discovered<br>1 | Checked<br>1 | Drivers/Vehicles<br>In Violation<br>0 | Checked<br>0 |
| <b>Description</b><br>Failing to provide to employees a written policy on misuse of alcohol and controlled substances.   |                        |                 |              |                                       |              |
| <b>Example</b><br>DRIVER:<br>TRIP DATE: 12/28/2012.<br>POLICY NEED TO BE UPDATED TO REFLECT CARRIER SPECIFIC INFORMATION (COMPANY NAME, DER'S NAME).   |                        |                 |              |                                       |              |
| 3<br>FEDERAL   | Primary: 382.603       | Discovered<br>1 | Checked<br>1 | Drivers/Vehicles<br>In Violation<br>0 | Checked<br>0 |
| <b>Description</b><br>Failing to ensure persons designated to determine that drivers undergo reasonable suspicion testing receive 60 minutes training for alcohol and/or 60 minutes of training for controlled substances. |                        |                 |              |                                       |              |
| <b>Example</b><br>Driver<br>Trip date, 12/28/12,<br>Supervisor/Company official not trained, Moises Alvarez Perez.   |                        |                 |              |                                       |              |
| 4<br>FEDERAL   | Primary: 391.21(a)     | Discovered<br>1 | Checked<br>1 | Drivers/Vehicles<br>In Violation<br>1 | Checked<br>1 |
| <b>Description</b><br>Using a driver who has not completed and furnished an employment application.  |                        |                 |              |                                       |              |
| <b>Example</b><br>Driver<br>Trip date.12/28/2012,  |                        |                 |              |                                       |              |
| 5<br>FEDERAL   | Primary: 396.3(b)(1)   | Discovered<br>1 | Checked<br>1 | Drivers/Vehicles<br>In Violation<br>1 | Checked<br>1 |
| <b>Description</b><br>Failing to keep a maintenance record which identifies the vehicle, including make, serial number, year, and tire size.   |                        |                 |              |                                       |              |
| <b>Example</b><br>Company number 7W43249 maintenance file is missing the tire size.  |                        |                 |              |                                       |              |





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**Part B Violations**

| 6<br>FEDERAL  | Primary: 396.3(b)(2) | Discovered<br>1   | Checked<br>1  | Drivers/Vehicles<br>In Violation<br>1 | Checked<br>1 |                |  |       |          |           |   |   |   |           |   |   |   |           |   |   |   |           |   |   |   |           |   |   |   |           |   |   |   |
|---|----------------------|---|---|---------------------------------------|--------------|----------------|--|-------|----------|-----------|---|---|---|-----------|---|---|---|-----------|---|---|---|-----------|---|---|---|-----------|---|---|---|-----------|---|---|---|
| <b>Description</b><br>Failing to have a means of indicating the nature and due date of the various inspection and maintenance operations to be performed.<br><b>Example</b><br>Company number 7W43249 does not have a means of indicating the nature and due date of the various inspection and maintenance operations to be performed. |                      |   |   |                                       |              |                |  |       |          |           |   |   |   |           |   |   |   |           |   |   |   |           |   |   |   |           |   |   |   |           |   |   |   |
| <b>Safety Fitness Rating Information:</b><br>Total Miles Operated 5,200<br>Recordable Accidents 0<br>Recordable Accidents/Million Miles 0.00  |                      |   | OOS Vehicle (CR): 0<br>Number of Vehicle Inspected (CR): 1<br>OOS Vehicle (MCMIS): 0<br>Number of Vehicles Inspected (MCMIS): 2 |                                       |              |                |  |       |          |           |   |   |   |           |   |   |   |           |   |   |   |           |   |   |   |           |   |   |   |           |   |   |   |
| Your proposed safety rating is :  |                      | <table border="1"> <thead> <tr> <th>Rating Factors</th> <th></th> <th>Acute</th> <th>Critical</th> </tr> </thead> <tbody> <tr> <td>Factor 1:</td> <td>S</td> <td>0</td> <td>0</td> </tr> <tr> <td>Factor 2:</td> <td>S</td> <td>0</td> <td>0</td> </tr> <tr> <td>Factor 3:</td> <td>S</td> <td>0</td> <td>0</td> </tr> <tr> <td>Factor 4:</td> <td>S</td> <td>0</td> <td>0</td> </tr> <tr> <td>Factor 5:</td> <td>N</td> <td>0</td> <td>0</td> </tr> <tr> <td>Factor 6:</td> <td>S</td> <td>-</td> <td>-</td> </tr> </tbody> </table> |   |                                       |              | Rating Factors |  | Acute | Critical | Factor 1: | S | 0 | 0 | Factor 2: | S | 0 | 0 | Factor 3: | S | 0 | 0 | Factor 4: | S | 0 | 0 | Factor 5: | N | 0 | 0 | Factor 6: | S | - | - |
| Rating Factors  |                      | Acute   | Critical  |                                       |              |                |  |       |          |           |   |   |   |           |   |   |   |           |   |   |   |           |   |   |   |           |   |   |   |           |   |   |   |
| Factor 1:   | S                    | 0   | 0   |                                       |              |                |  |       |          |           |   |   |   |           |   |   |   |           |   |   |   |           |   |   |   |           |   |   |   |           |   |   |   |
| Factor 2:   | S                    | 0   | 0   |                                       |              |                |  |       |          |           |   |   |   |           |   |   |   |           |   |   |   |           |   |   |   |           |   |   |   |           |   |   |   |
| Factor 3:   | S                    | 0   | 0   |                                       |              |                |  |       |          |           |   |   |   |           |   |   |   |           |   |   |   |           |   |   |   |           |   |   |   |           |   |   |   |
| Factor 4:   | S                    | 0   | 0   |                                       |              |                |  |       |          |           |   |   |   |           |   |   |   |           |   |   |   |           |   |   |   |           |   |   |   |           |   |   |   |
| Factor 5:   | N                    | 0   | 0   |                                       |              |                |  |       |          |           |   |   |   |           |   |   |   |           |   |   |   |           |   |   |   |           |   |   |   |           |   |   |   |
| Factor 6:   | S                    | -   | -   |                                       |              |                |  |       |          |           |   |   |   |           |   |   |   |           |   |   |   |           |   |   |   |           |   |   |   |           |   |   |   |
| <b>SATISFACTORY</b>   |                      |   |   |                                       |              |                |  |       |          |           |   |   |   |           |   |   |   |           |   |   |   |           |   |   |   |           |   |   |   |           |   |   |   |

Corrective actions must be taken for any violations (deficiencies) identified on Part B of this report.





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### Safety Fitness Rating Explanation

This report lists the facts which were used to determine the Safety Fitness Rating for the above motor carrier. Federal and State violations are combined for rating purposes. However, only the federal or federal equivalent section number is shown below. A check mark identifies the range within which the data fell when determining the Safety Fitness Rating. All information within a FACTOR block relates only to that FACTOR.

|                                       |                                     |                           |
|---------------------------------------|-------------------------------------|---------------------------|
| <b>FACTOR 1</b>                       | <b>General (CFR Parts 387, 390)</b> | √ 0 Point = Satisfactory  |
| <b>VIOLATIONS AFFECTING RATING</b>    | <b>POINTS</b>                       | 1 Point = Conditional     |
| NONE                                  | -----                               | >1 Point = Unsatisfactory |
| <b>TOTAL POINTS: 0 = SATISFACTORY</b> |                                     |                           |

|                                       |   |                           |
|---------------------------------------|---|---------------------------|
| <b>FACTOR 2</b>                       | <b>Driver Qualification (CFR Parts 382, 383, 391)</b> | √ 0 Point = Satisfactory  |
| <b>VIOLATIONS AFFECTING RATING</b>    | <b>POINTS</b>   | 1 Point = Conditional     |
| NONE                                  | -----   | >1 Point = Unsatisfactory |
| <b>TOTAL POINTS: 0 = SATISFACTORY</b> |   |                           |

|                                       |   |                           |
|---------------------------------------|---|---------------------------|
| <b>FACTOR 3</b>                       | <b>Operational/Driving (CFR Parts 392, 395)</b> | √ 0 Point = Satisfactory  |
| <b>VIOLATIONS AFFECTING RATING</b>    | <b>POINTS</b>                                   | 1 Point = Conditional     |
| NONE                                  | -----   | >1 Point = Unsatisfactory |
| <b>TOTAL POINTS: 0 = SATISFACTORY</b> |   |                           |

|  |  |                                      |
|--|--|--------------------------------------|
| <b>FACTOR 4</b>  | <b>Vehicle/Maintenance (CFR Parts 393, 396, Performance Data (OOS%))</b> |                                      |
| <b>VIOLATIONS AFFECTING RATING</b>                               | <b>POINTS</b>  | Out-of-Service (OOS) Percentage: 0.0 |
| NONE   | -----  |                                      |
| <b>TOTAL POINTS: 0 &amp; 0.0% OOS = SATISFACTORY (see chart)</b> |  |                                      |

| Fewer than 3 Inspections   | 3 or more Inspections  |  |
|--|--|--|
| Rate same as other Regulatory Factors 1, 2, and 3                            | OOS Less than 34%  | OOS 34% or Higher  |
|  | √ Satisfactory   | Conditional  |
|  | Conditional  | Unsatisfactory   |
| 0 Point = Satisfactory<br>1 Point = Conditional<br>>1 Point = Unsatisfactory | If a pattern of Non-Compliance with a Critical or an Acute Violation | If a pattern of Non-Compliance with a Critical or an Acute Violation |

|   |  |
|---|--|
| <b>FACTOR 5</b>   | <b>Hazardous Material (CFR Parts 397, 171, 172, 173, 177, 180)</b> |
| <b>Not Applicable - Not a carrier of Hazardous Material</b> |  |
| NONE  |  |

|  |  |
|--|--|
| <b>FACTOR 6</b>  | <b>Accident (Recordable Accident Rate)</b> |
| (( Recordable Accidents ) X ( 1 million ) ) ÷ ( Total Miles ) = Rate |  |
| ( 0 X 1,000,000 ) ÷ 5,200 = 0 = SATISFACTORY                         |  |

|                      |                      |
|----------------------|----------------------|
| <b>ACCIDENT RATE</b> | <b>FACTOR RATING</b> |
| √ 0.000 - 1.500 =    | Satisfactory         |
| >1.500 =             | Unsatisfactory       |

|   |             |                |
|---|-------------|----------------|
| <b>OVERALL SAFETY FITNESS RATING</b>                          |             |                |
| Number of Factors (1-6) shown above as less than satisfactory |             |                |
| Unsatisfactory  | Conditional |                |
| 0   | 0           | = SATISFACTORY |





### Safety Fitness Rating Explanation

#### FORMULA TO CALCULATE THE OVERALL SAFETY FITNESS RATING

Number of Factors

|   | Unsatisfactory | Conditional | OVERALL RATING |
|---|----------------|-------------|----------------|
| √ | 0              | 2 or fewer  | Satisfactory   |
|   | 0              | 3 or more   | Conditional    |
|   | 1              | 2 or fewer  | Conditional    |
|   | 1              | 3 or more   | Unsatisfactory |
|   | 2              | 0 or more   | Unsatisfactory |



**Part B Requirements and/or Recommendations**

1. Copies of the regulations, forms, interpretations, and manuals are available from a variety of sources. Check the FMCSA website for a current list of suppliers. [www.fmcsa.dot.gov/safety-security/eta/index.htm](http://www.fmcsa.dot.gov/safety-security/eta/index.htm)
2. A copy of your carrier profile can be obtained for \$20 from the SAFER website (<http://safer.fmcsa.dot.gov>) or by calling 800-832-5660 or 703 280-4001. You can also write: Computing Technologies Inc. P.O. Box 3248, Merrifield, VA 22116-3248. Profile cost if ordered by mail or phone is \$27.50.
3. A complete Educational and Technical Assistance package entitled "A MOTOR CARRIER'S GUIDE TO IMPROVING HIGHWAY SAFETY" is available free on the FMCSA website to assist you in complying with the safety regulations. It contains many forms and documents useful for improving the safety of your operations. Check: [www.fmcsa.dot.gov/factsfigs/eta/index.html](http://www.fmcsa.dot.gov/factsfigs/eta/index.html).
4. For questions about DOT numbers or biennial updates: 800-832-5660 or 703-280-4001  
For questions about licensing, authority or MC numbers: 202-366-9805  
For questions about insurance: 202-385-2423  
For household goods complaints: 888-DOT-SAFT (888-368-7238)
5. For all Investigations:
  - 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.
  - This review will result in a Safety Rating.
  - 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. Recurring violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) that result in three enforcement actions within a six year period will cause the maximum penalties allowed by law to be assessed for the third enforcement action.
  - 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:



**Part B Requirements and/or Recommendations**

<http://www.fmcsa.dot.gov/documents/Hijacking-Brochure.pdf>

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

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/>.

• On October 1, 2005, the FMCSA published a final rule revising the hours of service regulations for commercial motor vehicle drivers. Under the new rule, driver may drive 11 hours after 10 consecutive hours off-duty, but may not drive beyond the 14th hour after coming on-duty. Similar to existing rules, drivers may not drive after being on-duty for 60 hours in a seven-consecutive-day period or 70 hours in an eight-consecutive-day-period. This on-duty cycle may be restarted whenever a driver takes at least 34 consecutive hours off-duty. A short haul provision was also added allowing drivers of property carrying CMV's which do not require a Commercial Driver's License for operation and who operate within a 150 air mile radius of their normal work reporting location are not required to keep records of duty status (RODS).

Carriers and commercial motor vehicle drivers are required to comply with the current hours-of-service rules through September 30, 2005. Compliance with the "new" regulations is mandatory for carriers, except passenger-carrying operations, beginning on October 1, 2005. Passenger-carrying motor carriers and drivers are not subject to the new maximum driving limits. For more information on these regulations, please access the FMCSA website at <http://www.fmcsa.dot.gov/>.

6. Except as provided in Subpart G of this part, a person shall not drive a commercial motor vehicle unless he/she has completed and furnished the motor carrier that employs him/her with an application for employment that meets the requirements of paragraph 391.21.(b)
7. Each employer shall ensure that all persons designated to supervise drivers receive at least 60 minutes of training on alcohol misuse and receive at least an additional 60 minutes of training on controlled substances use. The training will be used by the supervisors to determine whether reasonable suspicion exists to require a driver to undergo testing under §382.307. The training shall include the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances. Recurrent training for supervisory personnel is not required.
8. For vehicles controlled for 30 consecutive days or more, the motor carriers shall maintain, or cause to be maintained, the following record for each vehicle a means to indicate the nature and due date of the various inspection and maintenance operations to be performed.
9. For vehicles controlled for 30 consecutive days or more, the motor carriers shall maintain, or cause to be maintained, the following record for each vehicle.

An identification of the vehicle including company number, if so marked, make, serial number, year, and tire size. In addition, if the motor vehicle is not owned by the motor carrier, the record shall identify the name of the person furnishing the vehicle;

10. Each employer shall maintain records of its alcohol misuse and controlled substances use prevention programs as provided in this section. The records shall be maintained in a secure location with controlled access.  
Code of Federal Regulations 182  
Period of retention. Each employer shall maintain the records in accordance with the following schedule:  
Five years. The following records shall be maintained for a minimum of five years:  
Records of driver alcohol test results indicating an alcohol concentration of 0.02 or greater,  
Records of driver verified positive controlled substances test results,  
Documentation of refusals to take required alcohol and/or controlled substances tests,  
Driver evaluation and referrals,  
Calibration documentation,  
Records related to the administration of the alcohol and controlled substances testing programs, and





**Part B Requirements and/or Recommendations**

A copy of each annual calendar year summary required by § 382.403.

Two years. Records related to the alcohol and controlled substances collection process (except calibration of evidential breath testing devices).

One year. Records of negative and canceled controlled substances test results (as defined in part 40 of this title) and alcohol test results with a concentration of less than 0.02 shall be maintained for a minimum of one year.

Indefinite period. Records related to the education and training of breath alcohol technicians, screening test technicians, supervisors, and drivers shall be maintained by the employer while the individual performs the functions which require the training and for two years after ceasing to perform those functions.

- 11. General requirements.** Each employer shall provide educational materials that explain the requirements of this part and the employer's policies and procedures with respect to meeting these requirements.
- The employer shall ensure that a copy of these materials is distributed to each driver prior to the start of alcohol and controlled substances testing under this part and to each driver subsequently hired or transferred into a position requiring driving a commercial motor vehicle.
- Each employer shall provide written notice to representatives of employee organizations of the availability of this information.
- Required content. The materials to be made available to drivers shall include detailed discussion of at least the following:
- The identity of the person designated by the employer to answer driver questions about the materials;
  - The categories of drivers who are subject to the provisions of this part;
  - Sufficient information about the safety-sensitive functions performed by those drivers to make clear that period of the work day the driver is required to be in compliance with this part;
  - Specific information concerning driver conduct that is prohibited by this part;
  - The circumstances under which a driver will be tested for alcohol and/or controlled substances under this part, including post-accident testing under §382.303(d);
  - The procedures that will be used to test for the presence of alcohol and controlled substances, protect the driver and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver, including post-accident information, procedures and instructions required by §382.303(d);
  - The requirement that a driver submit to alcohol and controlled substances tests administered in accordance with this part;
  - An explanation of what constitutes a refusal to submit to an alcohol or controlled substances test and the attendant consequences;
  - The consequences for drivers found to have violated subpart B of this part, including the requirement that the driver be removed immediately from safety-sensitive functions, and the procedures under part 40, subpart O, of this title;
  - The consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04;
  - Information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol or a controlled substances problem (the driver's or a co-worker's); and available methods of intervening when an alcohol or a controlled substances problem is suspected, including confrontation, referral to any employee assistance program and or referral to management.
- Optional provision. The materials supplied to drivers may also include information on additional employer policies with respect to the use of alcohol or controlled substances, including any consequences for a driver found to have a specified alcohol or controlled substances level, that are based on the employer's authority independent of this part. Any such additional policies or consequences must be clearly and obviously described as being based on independent authority.
- Certificate of receipt. Each employer shall ensure that each driver is required to sign a statement certifying that he or she has received a copy of these materials described in this section. Each employer shall maintain the original of the signed certificate and may provide a copy of the certificate to the driver.

