

**UNITED STATES DEPARTMENT OF TRANSPORTATION
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION**

CLAUDIA ANGELIQUE ABREU)	Order No.: FL-2022-5000-IMH
)	
ARIEL MARTINEZ)	Service Date: January 14, 2022
)	
PROFESSIONAL MARINE)	
HAULER’S LLC)	
USDOT No. 3574084)	
MC Nos. 1204927, 1086441, 931629)	
)	

**IMMINENT HAZARD
OPERATIONS OUT-OF-SERVICE ORDER**

This is an Imminent Hazard Operations Out-of-Service Order (“ORDER”) issued by the Secretary of the United States Department of Transportation (the “Secretary”), pursuant to 49 U.S.C. §§ 521(b)(5)(A), 13905(f), 31132(3), 31133(a)(10), 31134, 31144(c)(1), and 49 CFR § 386.72(b)(1), and pursuant to a delegation of authority to the Field Administrator, Southern Service Center, Federal Motor Carrier Safety Administration (“FMCSA”), and the United States Department of Transportation (“USDOT”). This ORDER applies to CLAUDIA ANGELIQUE ABREU, individually, ARIEL MARTINEZ, individually, and to PROFESSIONAL MARINE HAULER’S LLC (USDOT 3574084), and any other business or name under which CLAUDIA ANGELIQUE ABREU and/or ARIEL MARTINEZ conduct motor carrier operations, including, but not limited to, A & M MARINA SERVICE CORP. (USDOT 3262298), A&W TOW & TRANSPORT INC (USDOT 3027851), LOS GUERREROS C TOWING (USDOT 2929458), and JAM TRANSPORTATION TOWING AND MOVING CORP (USDOT 2792165). Collectively, CLAUDIA ANGELIQUE ABREU, ARIEL MARTINEZ and PROFESSIONAL MARINE HAULER’S LLC are also referred to herein as “you,” “your,” or

“Professional Marine.”¹ Additionally, this ORDER applies to all your officers, agents, and to all commercial motor vehicles (CMV)² owned or operated on your behalf.

The Secretary and the FMCSA find Professional Marine’s continued operation of any CMV in interstate or intrastate commerce constitutes an **imminent hazard**. This finding means that based upon Professional Marine’s present state of unacceptable safety compliance, Professional Marine’s operation of any CMV substantially increases the likelihood of serious injury or death if not discontinued immediately.

**EFFECTIVE IMMEDIATELY PROFESSIONAL MARINE MUST
CEASE ALL COMMERCIAL MOTOR VEHICLE OPERATIONS
IN INTERSTATE AND INTRASTATE TRANSPORTATION.**

Your vehicles and drivers now in interstate or intrastate commerce may proceed to the next scheduled stop where the cargo on board can be safely secured. *See* 49 CFR § 386.72(b)(4) and (5).

**PROFESSIONAL MARINE MAY NOT LOAD OR TRANSPORT ANY ADDITIONAL
CARGO OR OPERATE ANY COMMERCIAL MOTOR VEHICLE IN INTERSTATE
OR INTRASTATE COMMERCE WHILE THIS ORDER IS IN EFFECT.**

¹ The actions and omissions, as well as admissions of and by owners/officers Claudia Angelique Abreu and Ariel Martinez demonstrate that they each in their individual capacities as owner and/or officer of one or more of the motor carriers identified in this ORDER violated, or caused to be violated, one or more sections of the Federal Motor Carrier Safety Regulations, and that those violation(s) substantially increase the likelihood of serious injury or death if not discontinued immediately.

² Under 49 CFR § 390.5T, a commercial motor vehicle includes “any self-propelled or towed motor vehicle used on a highway in interstate commerce to transport passengers or property when the vehicle—(1) [h]as a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 4,536 kg (10,001 pounds) or more, whichever is greater; or (2) [i]s designed or used to transport more than 8 passengers (including the driver) for compensation; or (3) [i]s designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation.”

“Operate” or “operating” includes without limitation all interstate and intrastate transportation by Professional Marine’s drivers from all dispatching locations or terminals.

Within eight (8) hours of the service of this ORDER, you must submit to the Field Administrator in writing by facsimile and/or electronic mail the location of each CMV under your control. You must identify the vehicle by year, make, model and vehicle identification number (VIN). You must include a copy of the current registration. You must also identify the street address, city, and state of the location of each vehicle, and you must identify the driver last operating the vehicle. Your submission must be sent to:

Jon Dierberger
Field Administrator
Fax: (404) 327-7349
Electronic Mail: sscenf@dot.gov

Professional Marine cannot avoid this ORDER by continuing operations under the name of another person or company.

I. JURISDICTION

Professional Marine conducts motor vehicle operations in interstate commerce using CMVs and is subject to Federal motor carrier safety statutes and regulations, including the Federal Motor Carrier Safety Regulations (“FMCSRs”), 49 CFR Parts 350-399, and the alcohol and controlled substances regulations at 49 CFR Part 40, as well as Orders of the USDOT and FMCSA. *See* 49 U.S.C. §§ 506, 507, 13501, 31133, 31136, 31144 and 31306. Professional Marine is required to comply, and to ensure its drivers comply, with the FMCSRs, alcohol and controlled substances regulations and Orders of the USDOT and FMCSA. *See* 49 U.S.C. § 31135(a); 49 CFR § 390.11.

This ORDER has the force and effect of any other Order issued by FMCSA and is binding on Professional Marine, and all owners, officers, members, directors, successors,

assigns, and closely affiliated companies. FMCSA may attach and apply this ORDER to any entity established and/or used to evade or avoid the consequences of this ORDER. This ORDER applies to all motor carrier operations and all vehicles owned, leased, rented or otherwise operated by or on behalf of Professional Marine.

II. CONSOLIDATED CARRIERS

JAM TRANSPORTATION TOWING AND MOVING CORP. (Jam), USDOT No. 2792165, was registered as an interstate carrier with officer Claudia Angelique Abreu. Jam began operations in August 2015, failed a new entrant safety audit in March 2016 and was ordered out-of-service on May 11, 2016.

LOS GUERREROS C TOWING (Los Guerreros), USDOT No. 2929458, was registered as an intrastate-hazmat carrier with officer Ariel Martinez. Los Guerreros began operations in October 2016. Los Guerreros' first and only activity in FMCSA's Motor Carrier Management Information System (MCMIS) is a January 2017 inspection with driver Ariel Martinez operating a CMV with no commercial driver's license (CDL), outside the scope of Los Guerreros' authority, no records of duty status, no medical certificate and inoperative turn signals.

A&W TOW & TRANSPORT, INC. (A&W), USDOT No. 3027851, was registered as an intrastate non-hazmat carrier with officer Ariel Martinez and began operations in July 2017. A&W was repeatedly inspected at roadside between 2018 and 2019 during which CDL, records of duty status and CMV maintenance violations were identified. A&W's last activity shown in MCMIS was recorded in 2019.

A & M MARINA SERVICE CORP dba A & W TOW & TRANSPORT CORP (A & M Marina Service Corp), USDOT No. 3262298, was registered as an interstate carrier with officers Ariel Martinez, president, and Claudia Angelique Abreu, owner. A & M Marina

Service Corp began operations in 2020, was deactivated on October 1, 2021, and was inspected at roadside multiple times in 2020-2021 with CDL, records of duty status and maintenance violations.

On March 24, 2020, A & M Marina Service Corp was issued an out of service Driver/Vehicle Examination report. There was a total of 17 violations cited, 3 of which were out of service violations. The driver Rolando Medina was cited for no records of duty status and placed out of service. This report listed two out of service trailer violations for not having emergency brakes on the trailer and for missing wheel fasteners. The trailer operated by A & M Marina Service Corp on March 24, 2020 is the same trailer that was operated by Professional Marine on November 9, 2021 and involved in a fatal crash as a result of brake failure. According to the post-crash investigation on November 9, 2021, the trailer did not have operating emergency breakaway brakes and traveled 0.5 to 0.75 of a mile after becoming detached from the power unit.

Owner Abreu stated that A & M Marina Service Corp ceased operations on or about May 2020 due to negative roadside history. On October 6, 2021, A & M Marina Service Corp was issued a Deactivation of USDOT Number notice for failing to update its Motor Carrier Identification Report (MCS-150) motor carrier registration every two years.

PROFESSIONAL MARINE HAULER'S LLC (Professional Marine Hauler's), USDOT No. 3574084, with officer Claudia Angelique Abreu, is registered as an interstate carrier. Professional Marine Hauler's began operations in February 2021.

On January 5, 2022 owners CLAUDIA ANGELIQUE ABREU and ARIEL MARTINEZ executed a Consent Order to Consolidate and Merge Motor Carrier Records of PROFESSIONAL MARINE HAULER'S LLC (USDOT No. 3574084) and affiliates A & M MARINA SERVICE CORP (USDOT No. 3262298), A&W TOW & TRANSPORT, INC.

(USDOT No. 3027851), LOS GUERREROS C TOWING (USDOT No. 2929458) and JAM TRANSPORTATION TOWING AND MOVING CORP (USDOT No. 2792165). The five carriers listed above were consolidated and merged, and for purposes of compliance with Federal statutes and regulations, including the Federal Motor Carrier Safety Regulations, the carriers are considered one entity operating under the name of PROFESSIONAL MARINE HAULER'S LLC. The consolidated and merged carriers are under a Federal out-of-service order that was originally issued to Jam on May 11, 2016.

III. BACKGROUND AND BASIS FOR ORDER

On November 9, 2021, Professional Marine Hauler's was in a CMV crash resulting in 2 deaths and 9 injuries. FMCSA's investigation of Professional Marine Hauler's revealed egregious levels of non-compliance and a complete failure of the carrier and its owners to implement any aspect of a Safety Management Plan. This failure resulted in the fatality crash, which was caused by complete trailer brake system failure. As a result of the crash, FMCSA conducted a compliance investigation on Professional Marine Hauler's. The compliance investigation found Professional Marine Hauler's and its owners, Claudia Angelique Abreu and Ariel Martinez, operating CMVs with a total disregard for safety. Claudia Angelique Abreu's and Ariel Martinez's disregard for safety resulted in unsafe vehicles operated in interstate commerce after the unsafe vehicles were placed out-of-service. Claudia Angelique Abreu and Ariel Martinez showed a total disregard for vehicle maintenance, driver qualifications, controlled substances & alcohol testing, hours of service and oversize/overweight limits for CMVs.

The basis for determining that Professional Marine's motor vehicle operations pose an imminent hazard to the public is Professional Marine's continued noncompliance with Federal safety regulations, including regulations in 49 CFR Part 382 (Controlled Substances and

Alcohol Use and Testing), 49 CFR Part 383 (Commercial Driver's License Standards), 49 CFR Part 391 (Qualification of Drivers), 49 CFR Part 392 (Driving of CMVs), 49 CFR Part 395 (Hours of Service of Drivers) and 49 CFR Part 396 (Vehicle Inspection, Repair and Maintenance).

At the scene of the November 9, 2021 crash, Nevada State Police Trooper J. Phillips discovered and recorded on body camera video significant evidence demonstrating egregious safety violations. The owner of Professional Marine, Claudia Angelique Abreu, initially denied to Trooper Phillips that the driver was driving for Professional Marine, but eventually admitted to him that the trip had been dispatched by Professional Marine. Ms. Abreu admitted the driver did not have a CDL and asserted Professional Marine was started after her prior company A&M Marina Service Corp went out-of-service.

The driver of the CMV, Roney R Gonzalez Otazo, had no documentation or records of duty status for the transportation and did not have the required CDL to operate the CMV. The CMV and trailer were found to have many of the same maintenance violations discovered when the CMV and trailer were inspected on December 15, 2020 while being operated under A & M MARINA TRANSPORTATION LLC's authority (USDOT 3430942) by Alexis Acosta Gimenez, a former employee of A & M MARINA SERVICE CORP. Furthermore, the trailer was inspected on March 24, 2020 while being operated under A & M MARINA SERVICE CORP's authority by driver Rolando Medina, an employee of both A & M MARINA TRANSPORTATION and A & M MARINA SERVICE CORP. The trailer is owned and registered to owner Claudia Angelique Abreu's mother, Maria Ela Cruz. Owner Claudia Angelique Abreu admitted that she did not know when the CMV combination had last been inspected. None of the trailer's five axles had working brakes. The total weight of the boat and the trailer was approximately 37,060 pounds, which was operated with no working

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brakes on the trailer. The cause of the crash was determined to be a loss of control due to brake failure.

FMCSA's investigation revealed Professional Marine lacks any safety management controls to ensure its drivers operate CMVs safely. The cumulative violations of the FMCSRs significantly increase the likelihood of death or serious injury to Professional Marine's drivers and the motoring public and establishes an imminent hazard if not discontinued immediately.

The specific deficiencies that substantially increase the likelihood of serious injury or death if not discontinued immediately are as follows:

A. Egregious Safety Violations Discovered During Investigation

During a January 2022 compliance investigation, FMCSA discovered extensive violations in 49 CFR Parts 382, 383, 387, 390, 391, 392, 395 and 396. Critical and/or acute violations were discovered in Parts 382, 390, 391, 395 and 396. The violations demonstrate Professional Marine's lack of any safety management controls. The proposed safety rating based on the compliance investigation is Unsatisfactory.

B. Vehicle Maintenance and Inspection

Professional Marine does not have a systematic vehicle inspection, repair and maintenance program in place to prevent the operation of unsafe CMVs in violation of 49 CFR § 396.3(b). Professional Marine, Claudia Angelique Abreu, and Ariel Martinez failed to maintain any vehicle maintenance records on any of the carrier's CMVs.

In addition, after out-of-service vehicle violations were discovered and cited by roadside officers, Professional Marine allowed its drivers to continue operating the same vehicles prior to repairs being made in violation of 49 CFR § 396.11. Professional Marine, Claudia Angelique Abreu, and Ariel Martinez have continually shown a disregard for vehicle maintenance since Professional Marine Hauler's inception. Claudia Angelique Abreu and Ariel

Martinez began operating as Professional Marine Hauler's and used the same trailer, without repairing the brakes on the trailer that had been placed out-of-service on March 24, 2020, which directly resulted in the fatality crash on November 9, 2021.

Owners Claudia Angelique Abreu and Ariel Martinez made significant admissions. While Claudia Angelique Abreu and Ariel Martinez claimed Professional Marine Hauler's conducts its own maintenance on its CMVs, Professional Marine failed to keep minimum records of inspection and vehicle maintenance in violation of 49 CFR § 396.3(b), and does not employ or use anyone certified or qualified for brake maintenance in violation of 49 CFR § 396.25. FMCSA found no evidence of a current maintenance program. Professional Marine and its affiliates show a pattern of critical maintenance (brake) violations while transporting large boats that are often overweight, and also often transported by unqualified drivers lacking CDLs and/or records of duty status. At least five Professional Marine Hauler's inspections conducted since the November 9, 2021 crash show a pattern of significant maintenance, ELD and records of duty status violations cited at roadside.

Professional Marine was unable to provide any vehicle maintenance files for any of its CMVs in violation of 49 CFR § 396.3(b). As a result of its deficient vehicle maintenance program, on November 9, 2021, Professional Marine dispatched a CMV combination that was subsequently involved in the November 9, 2021 fatality crash. The carrier admitted it did not know when the last time any maintenance had been completed on the CMV or on the trailer, and Claudia Angelique Abreu admitted she knew the driver did not have a CDL. The trailer had already been placed out-of-service for not having brakes during a roadside inspection March 24, 2020 while operated by A & M MARINA SERVICE CORP and again on December 15, 2020 while operated by Alexis Acosta Gimenez under the authority of carrier A & M MARINA TRANSPORTATION LLC (USDOT 3430942). Alexis Acosta Gimenez is a former

employee of A & M MARINA SERVICE CORP. Professional Marine was unable to provide any evidence demonstrating that the brake issues discovered in the March 2020 and December 2020 inspections had been repaired before the November 2021 crash. The post-crash investigation found the trailer with no working brakes, the hydraulic line for brakes was tied to the trailer's axle and the trailer wheels did not have brake drums, disk brakes or calipers.

C. Controlled Substances Use and Testing Regulations

Professional Marine disregarded requirements in 49 CFR Part 382, the controlled substances use and testing regulations. The January 2022 compliance investigation discovered Professional Marine failed to implement an alcohol and/or controlled substances testing program and failed to conduct pre-employment drug and alcohol testing or enroll its drivers in a random controlled substance and alcohol testing program in violation of 49 CFR § 382.115(a).

D. Commercial Driver's License Standards and Driver Qualification

Professional Marine fails to ensure that its drivers are physically qualified to operate CMVs in violation of 49 CFR Part 391 and operate in accordance with licensing restrictions. The January 2022 compliance investigation discovered Professional Marine maintained no driver qualification files, in violation of 49 CFR § 391.51(a), and utilized drivers Professional Marine and its owner knew did not have a valid CDL, in violation of 49 CFR § 383.3. At the scene of the accident on November 9, 2021, owner Claudia Angelique Abreu admitted, while on the phone with the Trooper, that she knew the driver did not have a CDL. Professional Marine had no current medical examiner's certificate or evidence its drivers had been medically examined and certified as physically qualified to operate CMVs in violation of 49 CFR §§ 391.41, 391.43.

E. Driving of CMVs

In violation of 49 CFR § 392.2, Professional Marine operated its CMV combination in violation of the laws, ordinances and regulations of the jurisdiction in which the CMV was operated. On November 9, 2021, the Nevada State Police cited Professional Marine for several violations, at the scene of the fatal CMV accident, including reckless driving, unsafe operations, running a red light and operating an unsafe vehicle. On December 18, 2021 Professional Marine, with driver/owner Ariel Martinez, was inspected in Arizona and cited at roadside for a violation of 49 CFR § 392.2(c) for failing to obey traffic control device (failing to stop at the port of entry).

F. Hours of Service

Professional Marine failed to have a system in place to monitor its drivers' hours of service compliance as required by 49 CFR Part 395. Professional Marine does not require its drivers to complete records of duty status as required by 49 CFR § 395.8 and fails to preserve records of duty status.

G. Effect of Violations

Professional Marine's and its owners/officers' complete disregard for the FMCSRs substantially increases the likelihood of serious injury or death for its drivers and the motoring public if its operations are not discontinued immediately. Professional Marine's complete and utter disregard for the FMCSRs constitutes an imminent hazard to safety which may only be abated by the cessation of its entire operations.

IV. REMEDIAL ACTION

To eliminate this imminent hazard and before Professional Marine will be permitted to resume its motor carrier operations placed out of service by this Order, Professional Marine must take specific steps to ensure and demonstrate compliance with the FMCSRs including the following:

1. Professional Marine must implement a controlled substance and alcohol testing program in accordance with 49 CFR Parts 40 (Procedure for Transportation Workplace Drug and Alcohol Testing Programs) and 382 (Controlled Substances and Alcohol Use and Testing).
2. Professional Marine must establish safety management controls and take steps to ensure that it does not use any driver who is prohibited in FMCSA's drug and alcohol Clearinghouse to operate a CMV, unless and until they comply with the return to duty process set forth in 49 CFR Part 40, Subpart O.
3. In accordance with 49 CFR Part 383, Professional Marine must establish safety management controls and procedures to ensure that its drivers who operate commercial motor vehicles, as defined in 49 CFR § 383.5, in interstate or intrastate commerce, have the necessary driver's license, including any required endorsements, for the motor vehicles the driver operates.
4. Professional Marine must establish and demonstrate safety management controls and procedure to ensure that its drivers are qualified to operate a CMV, as specified in 49 CFR § 391.11.
5. In accordance with 49 CFR § 391.51, Professional Marine must create and maintain driver qualification files.
6. Professional Marine must establish safety management controls and procedures to ensure that its drivers will operate, and are capable of operating, CMVs in accordance with the laws, ordinances, and regulations of the jurisdiction(s) in which the CMV is operated.
7. Professional Marine must establish safety management controls and procedures to ensure that its drivers comply with the hours of service requirements as set forth in 49 CFR Part 395 including ensuring its drivers (1) prepare and submit records of duty status using the appropriate method, (2) retain and submit supporting documents, (3) do not exceed maximum driving times and (4) do not falsify records of duty status. Safety management controls must ensure that drivers' records of duty status and supporting documents are retained for 6 months in accordance with 49 CFR § 395.8(k).
8. Professional Marine must establish safety management controls and procedures that ensure that each and every CMV the carrier operates, or intends to operate, is safe and systematically and properly inspected, maintained and repaired, as required by 49 CFR Part 396, and that documentation of inspections, maintenance and repair are

obtained and maintained as required. Safety management controls must ensure that drivers complete Driver Vehicle Inspection Reports in accordance with 49 CFR § 396.11.

9. Professional Marine must ensure that each CMV operated or intended to be operated is periodically inspected as required by 49 CFR § 396.17 and Appendix G to Subchapter B of Chapter III. The carrier must ensure, in accordance with 49 CFR § 396.19, that only qualified inspectors conduct period inspections and that documentation of training and qualifications is maintained.
10. Professional Marine must establish safety management controls and procedure to ensure that defects and efficiencies discovered during inspection of its CMVs are repaired and that vehicle out-of-service defects discovered are repaired before the vehicle is operated in accordance with 49 CFR § 396.9(c)(2).
11. Professional Marine must comply with all Orders issued by FMCSA.

V. RESCISSION OF ORDER

Professional Marine is subject to this ORDER unless and until this ORDER is rescinded in writing by FMCSA. Until this ORDER is rescinded and Professional Marine has a valid and active USDOT number and, as applicable, operating authority registration, Professional Marine is prohibited from operating any commercial motor vehicle, as defined by 49 CFR § 390.5, in interstate and/or intrastate commerce. This ORDER will not be rescinded until the Field Administrator for FMCSA's Southern Service Center has determined that the Remedial Action requirements, specified in Paragraph IV of this ORDER, have been fully satisfied and acceptable documentation submitted.

Before this ORDER may be rescinded, Professional Marine must comply with the provisions of this ORDER, eliminate the deficiencies constituting the imminent hazard that its CMV operations pose, and provide evidence to the Field Administrator for FMCSA's Southern Service Center of the actions taken to eliminate safety problems.

Any request to rescind this ORDER and documentation demonstrating satisfaction of the Remedial Action requirements must be directed to the Field Administrator, Southern Service Center, with a copy to the Division Administrator, Florida Division, at the following addresses:

Field Administrator, Southern Service Center
Federal Motor Carrier Safety Administration
61 Forsyth St. SW, Ste. 3M40
Atlanta, GA 30303
Email: sscenf@dot.gov

Division Administrator, Florida Division
Federal Motor Carrier Safety Administration
3500 Financial Plaza, Suite 200
Tallahassee, FL 32312
Email: Jeff.Sanderson@dot.gov

In order for Professional Marine to resume motor carrier operations in interstate or intrastate commerce, Professional Marine will be required to apply for any required operating authority registration and demonstrate that it is fit and willing and able to comply with: 1) the statutory and regulatory registration requirements; 2) applicable safety regulations including the FMCSRs; 3) the commercial motor vehicle safety requirements of employers and employees set forth in 49 U.S.C. § 31135; 4) the safety fitness requirements set forth in 49 U.S.C. § 31144; and 5) minimum financial responsibility requirements established under 49 U.S.C. §§ 13906 and 31139.

To be eligible for registration, Professional Marine must not be subject to any other order prohibiting it from operating in interstate commerce.

VI. ENFORCEMENT OF ORDER

This ORDER, issued pursuant to 49 U.S.C. §§ 521(b)(5)(A), 13905(f), 31144(c)(1) and (5), 31132(3), 31133, and 31134 and 49 CFR § 386.72(b)(1), is an Order of, and enforceable by, the Secretary. Violations of this ORDER may subject Professional Marine to civil penalties

and may also result in an action in the United States District Court for equitable relief and punitive damages. Professional Marine may be assessed civil penalties of up to \$28,142 for each violation of this ORDER. *See* 49 U.S.C. §§ 507, 521(b)(2)(F) and 521(b)(4) and 49 CFR Part 386 App. A. § IV(g)). Professional Marine may also be assessed civil penalties of not less than \$11,256 for providing transportation requiring registration, including operating a CMV in interstate commerce, without operating authority registration and up to \$15,876 for operating a CMV in interstate commerce without USDOT number registration. *See* 49 U.S.C. §§ 14901, 14702-03, 507, 521(b)(2)(F) and 31134. If violations are determined to be willful, criminal penalties may be imposed, including a fine of up to \$25,000 and imprisonment for a term not to exceed one year. 49 U.S.C. § 521(b)(6)(A).

VII. PENALTIES FOR VIOLATIONS OF FEDERAL REQUIREMENTS

Any person, including any CMV operator, employer, and/or motor carrier that violates Federal requirements, including the FMCSRs, and/or permits its employee(s) to violate Federal requirements is subject to civil and/or criminal penalty provisions. Penalty provisions for violations of Federal statute and regulations are separate and distinct from this ORDER.

Penalties may be assessed for the violations of Federal requirements, including the FMCSRs and Orders of the FMCSA, previously discovered, discovered after the service of this ORDER, and/or discovered during subsequent investigations.

VIII. RIGHT TO REVIEW

Professional Marine has the right to administrative review under 5 U.S.C. § 554 and 49 CFR § 386.72(b)(4). If requested, administrative review must commence within ten days after the petition for review is filed and must be concluded as expeditiously as practicable but may run longer than ten days from the date of issuance of such Order or the filing of the petition for review. *See* 49 U.S.C. § 521(b)(5) and 49 CFR § 386.72(b)(4). A request for review must be

addressed to the Assistant Administrator, United States Department of Transportation, Federal Motor Carrier Safety Administration, with a copy sent to Adjudications Counsel and the Field Administrator, Southern Service Center, via electronic mail or at the following addresses:

Assistant Administrator
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue, S.E.
Washington, DC 20590

Adjudications Counsel (MC-CCA)
Federal Motor Carrier Safety Administration
Office of the Chief Counsel
1200 New Jersey Avenue, S.E.
Washington, DC 20590
FMCSA.Adjudication@dot.gov

Field Administrator, Southern Service Center
Federal Motor Carrier Safety Administration
61 Forsyth St. SW, Ste. 3M40
Atlanta, GA 30303
Email: sscenf@dot.gov

The request must state the material facts at issue which Professional Marine believes dispute or contradict the finding that its CMV operations in interstate or intrastate commerce constitute an imminent hazard to the public.

A REQUEST FOR ADMINISTRATIVE REVIEW DOES NOT SUSPEND OR DELAY PROFESSIONAL MARINE'S DUTY TO COMPLY WITH THIS ORDER IMMEDIATELY. *See* 49 CFR § 386.72(b)(4). This ORDER is separate and independent from all other orders or actions that may be issued by FMCSA or other jurisdiction, and does not amend or modify any other orders or actions. Any request for administrative review of this ORDER does not attach to or apply to any other order or action.

Issued: January 14, 2022



Jon Dierberger

Field Administrator, Southern Service Center
United States Department of Transportation
Federal Motor Carrier Safety Administration