

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

4 LIFE TRANSPORT CORPORATION)	Order No.: TX-2022-5001-IMH
)	
USDOT NO. 3554135)	Service Date: February 11, 2022
MC NO. 1191329)	Service Time: 8:11 pm CT
)	

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 Regional Field Administrator, Western Service Center, Federal Motor Carrier Safety Administration (“FMCSA”), and the United States Department of Transportation (“USDOT”). This ORDER applies to 4 Life Transport Corporation (USDOT No. 3554135) (referred to as “you,” “your,” or “4 Life”). Additionally, this ORDER applies to all your officers, agents, and employees and to all commercial motor vehicles owned or operated on your behalf.

The Secretary and the FMCSA find your continued operation of any commercial motor vehicle (“CMV”)¹ in interstate or intrastate commerce constitutes an **imminent hazard**. This finding means that based upon your present state of unacceptable safety compliance, your

¹ 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.”

operation of any CMV substantially increases the likelihood of serious injury or death if not discontinued immediately.

EFFECTIVE IMMEDIATELY YOU 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. However, because driver [REDACTED] is separately prohibited from operating under 49 CFR § 383.37 based on his suspended license, he is ordered out-of-service and must cease driving immediately. See 49 CFR § 386.72(b)(4) and (5).

YOU 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.

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

Commercial motor vehicles may not be operated in interstate or intrastate commerce by you or on your behalf.

Within eight (8) hours of the service of this ORDER, you must submit to the Regional Field Administrator in writing by 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:

Regional Field Administrator
WSCENF@dot.gov (electronic mail)

Any sale, lease, or other transfer of equipment under your control and/or direct assignment of contracts or other agreements for service by you requires written approval by the Regional Field Administrator.

You cannot avoid this ORDER by continuing operations under the name of another person or company. See 49 CFR § 386.73.

I. JURISDICTION

You conduct motor vehicle operations in interstate commerce using a combination of motor vehicles with a gross vehicle weight rating (“GVWR”) of 26,001 pounds or more. You are therefore 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. You are required to comply, and to ensure your 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 you, and all owners, officers, members, directors, successors, assigns, and closely affiliated companies. This ORDER applies to all motor carrier operations and all vehicles owned, leased, rented or otherwise operated by you.

II. BACKGROUND AND BASIS FOR ORDER

The basis for determining that your motor vehicle operations pose an imminent hazard to the public is your continued widespread noncompliance with the FMCSRs, 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 (Qualifications of Drivers), 49 CFR Part 392 (Driving of CMVs), 49 CFR Part 393 (Parts and Accessories Necessary for Safe Operation), 49 CFR Part 395 (Hours of Service of Drivers), and 49 CFR Part 396 (Vehicle Inspection, Repair, and Maintenance).

FMCSA's investigation and inspections by FMCSA's state partners reveal that you lack any safety management controls to ensure that your drivers operate your CMVs safely and that your CMVs are in safe operating condition. The cumulative violations of the FMCSRs substantially increase the likelihood of death or serious injury to your drivers and the motoring public and establishes an imminent hazard.

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

A. Egregious Safety Violations

During an investigation conducted in January and February 2022 and roadside inspections beginning in mid-November 2021, extensive and repeated violations were discovered in 49 CFR Parts 382, 383, 391, 392, 393, 395, and 396 that demonstrate your lack of any safety management controls. The proposed safety rating based on the compliance investigation is Unsatisfactory.

1. Alcohol and Controlled Substances

You failed to implement an effective alcohol and controlled substances testing program. You have not implemented or enrolled in a random testing program in violation of 49 CFR § 382.305, have not taken reasonable suspicion training in violation of 49 CFR § 382.603, have not conducted required pre-employment queries in the Drug and Alcohol Clearinghouse in violation of 49 CFR § 382.701(a), and have no controlled substance and

alcohol testing policy.

You allowed at least 15 out of 16 drivers to perform safety-sensitive functions prior to receiving a negative pre-employed controlled substances test result in violation of 49 CFR § 382.301(a). Of these 15 drivers, you failed to even send 12 of them for pre-employment tests. The other three you did send for pre-employment tests, but you used them prior to receiving the negative test results.

Based on your failure to conduct the required pre-employment query in the Drug and Alcohol Clearinghouse, you were unaware that one of your drivers previously tested positive for a controlled substance. You were also unaware that he required follow-up testing under 49 CFR § 382.311.

2. Driver Qualification

You fail to ensure that only qualified drivers with proper licenses and medical examiner's certificates operate your CMVs. You have no driver qualification file for at least 14 out of 16 drivers, in violation of 49 CFR § 391.51(a). For the two drivers you admitted to using, you were able to provide a motor vehicle record ("MVR") and medical examiner's certificate but nothing else. Therefore, even for these two drivers you failed to have complete driver qualification files in violation of 49 CFR § 391.51(b). Further, the MVRs are dated January 27, 2022, the day *after* FMCSA met with you and began its investigation.

You also used a driver [REDACTED] with a suspended license on at least 14 occasions in violation of 49 CFR § 383.37(a). Driver [REDACTED] license has been suspended since March 8, 2021, yet you hired him and allowed him to operate CMVs after that date. [REDACTED] was cited for driving a CMV with suspended license during a roadside inspection on January 31, 2022.

3. Unsafe Driving

You fail to ensure that your drivers operate CMVs safely and in accordance with the laws, ordinances and regulations of the jurisdiction in which the CMVs are operated, as required by 49 CFR Part 392. On December 23, 2021, the Colorado State Patrol cited your driver for speeding 15 mph or more over the speed limit, 84 mph in a 65 mph zone.

Additionally, speed is believed to be a contributing factor in a fatal crash involving your vehicle and driver on February 7, 2022. Your driver was driving a CMV hauling oilfield pipe when he lost control resulting in the CMV departing the highway and rolling over. Your driver was not wearing a seatbelt, in violation of 49 CFR § 392.16, and he was ejected and killed.

4. Hours of Service

You fail to have a system in place to monitor your drivers' hours of service compliance as required by 49 CFR Part 395. You do not require your drivers to complete records of duty status ("RODS") as required by 49 CFR § 395.8(a)(1). If a driver does complete a RODS, you fail to ensure they are completed using electronic logging devices when required, in violation of 49 CFR § 395.8(a)(1). During FMCSA's investigation, you indicated that you only use two drivers, provided December RODS for those two drivers, and stated that you provided all documents in your possession. However, FMCSA was able to obtain documents via a third party subpoena indicating that since mid-November 2021 you have used at least 16 drivers. These drivers have taken at least 85 trips for which no RODS were maintained, in violation of 49 CFR § 395.8(k)(1).

Additionally, two of your drivers were stopped for roadside inspections in December 2021. Both drivers were placed out-of-service based on violations of 49 CFR § 395.8(a)(1), no record of duty status. Also, on February 7, 2022, your driver was involved in a fatal crash. There was no electronic logging device in the vehicle and no paper RODS dated within the last

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seven days were located. Without RODS, neither you nor enforcement officials have any way of monitoring whether your drivers are driving beyond the hours of service limits.

You also fail to review your drivers' RODS for completeness or accuracy. For the two drivers you admitted to using, you were able to produce 59 RODS. Based on the information obtained via a third party subpoena, at least 10 of the RODS were false in violation of 49 CFR § 395.8(e)(1), a rate more than double the "critical" level of 10 percent at which FMCSA brings civil penalty enforcement cases.

Further, on at least one occasion, you also allowed your driver to violate an out-of-service notice based on having no RODS.

5. Vehicle Maintenance and Inspection

You do not maintain inspection, repair, and maintenance records for your CMVs as required by 49 CFR § 396.3(b). On December 14, 2021, the Mississippi Department of Public Safety, Motor Carrier Safety Division inspected your CMV and discovered an out-of-service vehicle violation of 49 CFR § 393.75(a)(1), tire with tire-ply or belt material exposed. The roadside officer noted that all tires on the number four axle needed to be replaced.

Approximately two months later, on February 7, 2022, your driver was operating the same trailer when he caused a single vehicle crash. Nine out-of-service vehicle violations were discovered on your CMV after the crash. Investigators determined that at least one of these violations was not caused by the crash: Axle number four's right side inner tire was flat in violation of 49 CFR § 393.75(a). This is the same axle that was cited for tire problems on December 14, 2021.

You also operated a vehicle in interstate commerce without a current annual inspection, in violation of 49 CFR § 396.17(a).

B. Evasion of FMCSA

4 Life is owned by Shalonda Cross. Ms. Cross [REDACTED]

[REDACTED] Shaquan Jelks. Mr. Jelks is the President of Adversity Transport, Inc., USDOT No. 3424480 (“Adversity”).

FMCSA contacted Adversity numerous time in late October and early November 2021 to conduct an investigation of its motor carrier operations. Adversity failed to respond and was placed out-of-service for failure to comply with a Demand to Inspect and/or Copy Records on December 8, 2021. At approximately the same time, mid-November 2021 and early December 2021, at least 6 Adversity drivers began operating for 4 Life.

On January 25, 2022, Adversity was served with an Imminent Hazard Operations Out-of-Service Order (“Adversity IH Order”) based, in large part, on Adversity’s non-compliance with 49 CFR Part 395 (Hours of Service) and 49 CFR Parts 393/396 (Vehicle Maintenance). The Adversity IH Order required Adversity to immediately cease all CMV operations in interstate and intrastate transportation and required Adversity to notify FMCSA of any lease, sale, or transfer of any vehicle under its control. Adversity did not notify FMCSA of any such lease, sale, or transfer. Nonetheless, both the truck and trailer involved in 4 Life’s February 7, 2022 fatal crash were operated by Adversity in December 2021.

Concurrently, FMCSA is serving 4 Life and Adversity, as well as two other companies owned by Shaquan Jelks, with an Operations Out-of-Service Order and Records Consolidation Order (“RCO”) under 49 CFR § 383.73. In the RCO, FMCSA alleges that 4 Life is a reincarnate or affiliate of Adversity operated to avoid FMCSA Orders, statutory and regulatory requirements, enforcement actions, and/or negative compliance history.

Ms. Cross, 4 Life’s Owner, also failed to disclose the extent of her CMV operations during FMCSA’s investigation. Ms. Cross provided FMCSA’s safety investigator with a driver

list identifying only two drivers. She provided pre-employment controlled substance tests, medical examiner's certificates, MVRs, and RODS for these two drivers and then indicated she had no additional documents. However, through information obtained via a third party subpoena, FMCSA has identified at least 16 drivers who have operated CMVs for 4 Life since mid-November 2021.

Additionally, Ms. Cross appears to lack any knowledge of the FMCSRs. For example, when interviewed, Ms. Cross did not know what a driver qualification file, motor vehicle record, record of duty status, or daily vehicle inspection report were.

C. Effect of Violations

Your complete and utter disregard for the FMCSRs substantially increases the likelihood of serious injury or death for your drivers and the motoring public if your operations are not discontinued immediately. Your entire operations constitute an imminent hazard to safety which may only be abated by the complete cessation of your operations.

III. REMEDIAL ACTION

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

1. You must implement a controlled substance and alcohol testing program in accordance with 49 CFR Parts 40 (Procedures for Transportation Workplace Drug and Alcohol Testing Programs) and 382 (Controlled Substances and Alcohol Use and Testing).
2. You must establish safety management controls and procedures to ensure that drivers that operate commercial motor vehicles, as defined in 49 CFR § 382.107, in interstate and intrastate commerce comply with the prohibitions and limitations on the use of alcohol and controlled substances in accordance with 49 CFR Part 382.

3. You must register for FMCSA's Drug and Alcohol Clearinghouse and establish safety management controls and procedures to ensure that you perform all required employer functions, including conducting pre-employment queries as required by 49 CFR § 382.701.
4. In accordance with 49 CFR Part 383, you must establish safety management controls and procedures to ensure that each and every driver that operates a commercial motor vehicle, as defined in 49 CFR § 383.5, in interstate or intrastate commerce has the necessary driver's license, including any required endorsements, for the motor vehicles the driver operates.
5. In accordance with 49 CFR § 391.51, you must create and maintain complete driver qualification files.
6. You must establish safety management controls and procedures to ensure that your drivers comply with the hours of service requirements as set forth in 49 CFR Part 395 including ensuring that your 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. Your safety management controls must also ensure that you maintain drivers' records of duty status and supporting documents for 6 months in accordance with 49 CFR § 395.8(k)(1).
7. You must establish safety management controls and procedures that ensure that each and every CMV you operate or intend to operate, whether owned, rented, leased or otherwise used, is safe and is 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. Your safety management controls must ensure that your drivers complete Driver Vehicle Inspection Reports when required in accordance with 49 CFR § 396.11.
8. You must ensure that each CMV you operate or intend to operate, whether owned, rented, leased or otherwise used, has been and is periodically inspected as required by 49 CFR § 396.17 and Appendix G to Subchapter B of Chapter III.
9. You must establish safety management controls and procedures to ensure that defects and deficiencies discovered during inspections of your 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).

10. You must contact FMCSA's Texas Division and arrange for inspection of each of your CMVs by an FMCSA inspector or an inspector designated by FMCSA.
11. In accordance with 49 CFR § 392.2, you must demonstrate that your drivers will operate CMVs in accordance with the laws, ordinances, and regulations of the jurisdiction(s) in which you are operating, especially compliance with the posted speed limits.
12. You must establish safety management controls and procedures to ensure that your drivers do not operate CMVs unless they are properly restrained by the seat belt in accordance with 49 CFR § 392.16.
13. In accordance with 49 CFR § 390.3T(e), you must ensure that all drivers are adequately trained in the requirements of the FMCSRs.
14. You must comply with all Orders issued by FMCSA.

IV. RESCISSION OF ORDER

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

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

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

Regional Field Administrator, Western Service Center
Federal Motor Carrier Safety Administration
12600 West Colfax Avenue, Suite B-300
Lakewood, CO 80215
wscenf@dot.gov

Division Administrator, Texas Division
Federal Motor Carrier Safety Administration
903 San Jacinto Blvd., Suite 1100
Austin, TX 78701
Joanne.cisneros@dot.gov

In order for you to resume motor carrier operations in interstate or intrastate commerce, you will be required to apply for any required operating authority registration and demonstrate that you are 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, you must not be subject to any other order prohibiting you from operating in interstate commerce.

V. 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 you to civil penalties and may also result in an action in the United States District Court for equitable relief and punitive

damages. You 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)). You 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).

VI. 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.

VII. RIGHT TO REVIEW

You have 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 Regional Field Administrator, Western 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

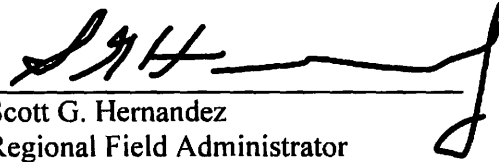
Regional Field Administrator, Western Service Center
Federal Motor Carrier Safety Administration
12600 W. Colfax Ave., Suite B-300
Lakewood, CO 80215
wscenf@dot.gov

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

A REQUEST FOR ADMINISTRATIVE REVIEW DOES NOT SUSPEND OR DELAY YOUR 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.

Date: February 11, 2022

A handwritten signature in black ink, appearing to read 'S G H', written over a horizontal line.

Scott G. Hernandez
Regional Field Administrator
United States Department of Transportation
Federal Motor Carrier Safety Administration