

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

**David R. Williams, Driver**

)  
) **Order No.: WY-2022-5000-IMH**  
)  
) **Service Date:** March 16, 2022  
)  
) **Service Time:** 1430  
)

**IMMINENT HAZARD DISQUALIFICATION ORDER**

This is an Imminent Hazard Disqualification Order (“ORDER”) issued by the Secretary of the United States Department of Transportation (the “Secretary”) pursuant to 49 U.S.C. §§ 31310(f) and 521(b)(5)(B) and 49 CFR § 383.52 and pursuant to a delegation of authority to the Regional Field Administrator, Western Service Center, Federal Motor Carrier Safety Administration (“FMCSA”). This ORDER applies to David R. Williams, a commercial motor vehicle driver (also referred to as “you,” “your,” and/or “Williams”).

The Secretary and the FMCSA find that your continued operation of any commercial motor vehicle (CMV), as defined in 49 CFR § 383.5, constitutes an **imminent hazard**. This finding means that based upon your present state of unacceptable safety compliance, your operation of any commercial motor vehicle substantially increases the likelihood of serious injury or death if not discontinued immediately.

Pursuant to 49 CFR § 383.52, the determination that your operation of CMVs constitutes an imminent hazard results in you being disqualified from operating any CMV for which a commercial driver’s license is required. The initial period of disqualification is for 30 days from the service date of this ORDER and is effective immediately. Additionally, the Regional Field Administrator proposes a disqualification of one year, from the service date of this ORDER,

which will take effect in 30 days unless you submit a request for administrative review or the Regional Field Administrator rescinds this ORDER pursuant to Section IV below. This disqualification is separate from any other disqualification to which you may have been, or will be, subject. This disqualification will be transmitted to the jurisdiction where you are licensed and will become a part of your driving record maintained by that jurisdiction.

**EFFECTIVE IMMEDIATELY YOU MUST CEASE OPERATING  
ANY COMMERCIAL MOTOR VEHICLE IN INTRASTATE OR INTERSTATE  
COMMERCE.**

**YOU ARE PROHIBITED FROM OPERATING ANY COMMERCIAL MOTOR  
VEHICLE IN INTRASTATE OR INTERSTATE COMMERCE AT ANY TIME DURING  
WHICH THIS ORDER IS IN EFFECT.**

If you are served this ORDER while operating a CMV in intrastate or interstate commerce, you must immediately park such vehicle and arrange for a fully qualified driver to take over operation of the vehicle. You may not continue to operate the CMV.

**I. JURISDICTION**

You are a driver of CMVs in interstate commerce. You are subject to the Federal Motor Carrier Safety Regulations (“FMCSRs”) in 49 CFR Parts 382 and 383 as well as the Orders of the USDOT and FMCSA. *See* 49 U.S.C. §§ 506, 507, 13501, 31133, 31136, 31301 and 31306. You are required to comply with federal statutes and regulations including those pertaining to controlled substance and alcohol use. *See* 49 CFR Parts 40 and 382.

**II. BASIS FOR ORDER**

The basis for determining that your operation of a CMV poses an imminent hazard to the public is that you have failed to exercise an appropriate duty of care to the motoring public when operating a CMV. You drove with a breath alcohol concentration (“BrAC”) of approximately 0.15% in violation of 49 CFR § 382.201. Additionally, you drove while consuming alcohol in

violation of 49 CFR § 382.205. Your blatant violations of the FMCSRs and disregard for the safety of your school-age passengers and other highway users demonstrated by these actions substantially increases the likelihood of serious injury or death to you and the motoring public.

The specific deficiencies which substantially increase the likelihood of serious injury or death, are as follows:

1. On or about February 16, 2022, you operated a school bus designed to transport 16 or more passengers, including the driver, on behalf of Laramie County School District. You were transporting 16 high school students and 2 adult sponsors, from Cheyenne, Wyoming to Spearfish, South Dakota.

2. At approximately 5:00 p.m. on February 16, 2022, you were pulled over for a roadside inspection based on failing to maintain your lane and following too close.

3. Officers conducted field sobriety tests that you failed.

4. Additionally, video evidence shows you consuming alcohol while operating the CMV and transporting students in violation of 49 CFR § 382.205.

5. At approximately 7:00 p.m., an intoximeter EC/IR II test was performed at the Goshen County Sheriff's Office in Torrington, Wyoming. This chemical test of your breath showed an alcohol concentration of 0.15%. Accordingly, you were performing a safety-sensitive function, driving, while having an alcohol concentration greater than .04% in violation of 49 CFR § 382.201.

6. You informed the arresting officer that you [REDACTED] [REDACTED]

[REDACTED]

7. The State of Wyoming charged you with (1) driving under the influence of alcohol in violation of Wyo. Stat. Ann. § 31-5-233(b)(i); (2) possession of an open container in

violation of Wyo. Stat. Ann. § 31-5-235(b). You were also issued warnings for following too closely and failing to maintain your lane.

### **III. REMEDIAL ACTION**

To abate the imminent hazard, and before you may operate a commercial motor vehicle in intrastate or interstate commerce, you must undertake positive steps that ensure and demonstrate compliance with the FMCSRs. **You may not operate a commercial motor vehicle in intrastate or interstate commerce until you have fully complied with the Remedial Actions outlined in this section.**

1. You must complete the return-to-duty requirements in 49 CFR part 40, subpart O.
2. In accordance with 49 CFR §§ 382.201 and 207, you must demonstrate that you will not report for duty or remain on duty requiring the performance of safety-sensitive functions with an alcohol concentration of .04 or greater or within four hours of consuming alcohol.
3. You must comply with all Orders issued by FMCSA.

### **IV. RESCISSION OF ORDER**

You are subject to this ORDER until the ORDER is rescinded in writing by FMCSA. **Until the ORDER is rescinded, you are prohibited from operating any CMV, as defined by 49 CFR § 383.5, in interstate or intrastate commerce.** This ORDER will not be rescinded until the Regional Field Administrator for FMCSA's Western Service Center determines the remedial action requirements, specified in Section III of this ORDER, are fully satisfied and acceptable documentation is submitted.

Any request to rescind this ORDER and documentation demonstrating satisfactory completion of the remedial action requirements must be sent to the Regional Field Administrator,

Western Service Center, with a copy to the Division Administrator, Wyoming Division, via electronic mail or to the following addresses:

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

Division Administrator, Wyoming Division  
Federal Motor Carrier Safety Administration  
2617 E. Lincolnway, Suite F  
Cheyenne, WY 82001  
WyomingFMCSAdivision@dot.gov

## **V. FAILURE TO COMPLY**

Failure to comply with the provisions of this ORDER will subject you to an action in the United States District Court for equitable and/or declaratory relief and civil penalties. You may be assessed civil penalties of up to \$5,902 for violations of this ORDER. Each day you operate in violation of this ORDER will constitute a separate violation and subject you to a separate penalty. *See* 49 USC §§ 521(b)(2)(C). Knowing and/or willful violation of the provisions of this ORDER may also subject you to criminal penalties. *See* 49 USC § 521(b)(6).

## **VI. ADDITIONAL PENALTIES FOR VIOLATIONS**

Any driver who violates Federal requirements, including the FMCSRs, is subject to civil and/or criminal penalty provisions. Penalty provisions are separate and distinct from this ORDER. Penalties may be assessed for violations of Federal requirements, including the FMCSRs and Orders of the FMCSA, previously discovered, discovered after service of this ORDER, and discovered during subsequent investigations.

## VII. RIGHT TO REVIEW

You have the right to administrative review pursuant to 5 U.S.C. § 554 and 49 CFR § 383.52(c). 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

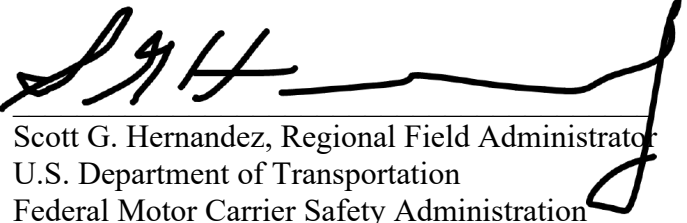
The request for review should state the material facts which you believe dispute or contradict the finding that your continued operation of a commercial motor vehicle constitutes an **imminent hazard** to the public.

**A REQUEST FOR ADMINISTRATIVE REVIEW DOES NOT SUSPEND OR DELAY YOUR DUTY TO COMPLY WITH THIS ORDER IMMEDIATELY.** *See* 49 CFR § 383.52. This ORDER is separate and independent from all other Orders or actions that may be issued by the 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.

Note that a copy of this Order will be posted on the FMCSA website.

Date: March 16, 2022



Scott G. Hernandez, Regional Field Administrator  
U.S. Department of Transportation  
Federal Motor Carrier Safety Administration  
Western Service Center