

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

<b>TEXAS INTERSTATE EXPRESS LLC</b>	)	
	)	
<b>USDOT NO. 3818527</b>	)	
<b>MC NO. 1380877</b>	)	
	)	<b>Order No.: TX-2023-5000-IMH</b>
<b>AND</b>	)	
	)	<b>Service Date: November __, 2022</b>
<b>PAC EXPRESS LLC</b>	)	<b>Service Time: _____</b>
	)	
<b>USDOT NO. 3918055</b>	)	
<b>MC NO. 1448357</b>	)	
	)	
	)	

**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 TEXAS INTERSTATE EXPRESS LLC and PAC EXPRESS LLC and any other business or name under which CARLOS GUSMAN<sup>1</sup>, PATRICIA MACIAS and/or FELIPE GUSMAN conducts motor carrier operations (collectively referred to as “you” or “your”). Additionally, this ORDER applies to all your officers, agents, and employees and to all commercial motor vehicles owned or operated on your behalf.

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<sup>1</sup> Witnesses indicate Carlos Gusman is the primary official for both motor carrier operations.  
TX-2023-5000-IMH

The Secretary and the FMCSA find your continued operation of any commercial motor vehicle (“CMV”)<sup>2</sup> in interstate or intrastate commerce constitutes an **imminent hazard**. This finding means that based upon your present state of unacceptable safety compliance, your 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 vehicle(s) and driver(s)<sup>3</sup> 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).

**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.

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<sup>2</sup> 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.”

<sup>3</sup> No drivers already placed OOS, prohibited drivers, or otherwise unqualified drivers, may continue to drive.

**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](mailto: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 U.S.C. § 31135(b); 49 CFR §§ 385.1005 and 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) and 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 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). Additionally, you use common ownership, common management, common control and/or common familial relationship to enable motor carriers, employers, and/or persons to avoid compliance, or mask or otherwise conceal non-compliance, or a history of non-compliance, with regulations prescribed under 49 U.S.C. Chapter 311, Subchapter III and an Order of the Secretary issued under 49 U.S.C. Chapter 311, Subchapter III. See 49 U.S.C. § 31135(b). Cumulatively, these violations substantially increase the likelihood of death or serious injury to your drivers and the motoring public and establishes an imminent hazard.

### **A. Egregious Safety Violations**

During a compliance investigation of PAC Express LLC (USDOT 3918055) (hereinafter "PAC Express") conducted in the fall of 2022, and roadside inspections on both Texas Interstate Express LLC (USDOT 3818527) (hereinafter "Texas Interstate") and PAC Express over the last six months, extensive and repeated violations were discovered in 49 CFR Parts 382, 383, 391, 393, 395, and 396 that demonstrate your lack of safety management controls.

## 1. Alcohol and Controlled Substances

From May 2022 – September 2022, Texas Interstate used at least two drivers that were prohibited from operating commercial motor vehicles under 49 CFR Part 382.

On November 19, 2020, driver Pascal Broussard became prohibited from driving based on a refusal to drug test in violation of 49 CFR § 382.211. The refusal was entered in FMCSA's Drug and Alcohol Clearinghouse on November 20, 2020. However, on May 16, June 1, and August 18, 2022, Texas Interstate used driver Broussard to transport property in interstate commerce in violation of 49 CFR § 382.503. On May 16 and June 1, 2022, driver Broussard was cited for operating a CMV in interstate commerce while prohibited in FMCSA's Drug and Alcohol Clearinghouse, in violation of 49 CFR § 390.3(e), and placed out-of-service. Additionally, in a follow-up test on September 2, 2022 for Texas Interstate, driver Broussard tested positive for controlled substances, specifically phencyclidine (PCP)<sup>4</sup>, and has not completed the requirements of Part 40, Subpart O. This positive test result was entered in FMCSA's Drug and Alcohol Clearinghouse on September 15, 2022. Nonetheless, FMCSA discovered during its compliance investigation that PAC Express continued to use this prohibited driver on October 22 and October 27, 2022, to transport property in interstate commerce in violation of 49 CFR 382.503.

The second prohibited driver, Driver Yeura Hall, tested positive for marijuana on August 25, 2021, and has not completed the requirements of Part 40, Subpart O. However, on July 12, 2022, Texas Interstate used driver Yeura Hall to transport property in interstate commerce in violation of 49 CFR § 382.503 per a roadside inspection in Arkansas. On the same date, driver Hall also was found in possession of marijuana in violation of 49 CFR §

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<sup>4</sup> PCP is a Schedule II substance under the Controlled Substances Act.

392.4, and placed out-of-service.

FMCSA attempted to conduct a compliance investigation on Texas Interstate in September 2022. In response to FMCSA's initial request for documents to conduct the investigation, Texas Interstate's owner Felipe Gusman claimed he had closed the company and disposed of all of its records as of two weeks prior to September 9, 2022. FMCSA served a Demand to Inspect and/or Copy Records ("Demand") under 49 U.S.C. §§ 504(c), 5121(c), and/or 14122(b) on or about October 14, 2022, with no response from Texas Interstate. As a result, FMCSA was unable to conduct a compliance investigation of Texas Interstate's motor carrier operations, and FMCSA served Texas Interstate with an Out-of-Service Order and Order to Cease All Interstate Transportation ("Out-of-Service Order") effective October 22, 2022. However, two of Texas Interstate's drivers provided signed statements confirming they were not pre-employment drug tested. These drivers transported property in interstate commerce for Texas Interstate on at least four occasions, May 17, May 20, August 16, and September 7, 2022, in violation of 49 CFR § 382.301. Texas Interstate also failed to register for FMCSA's Drug and Alcohol Clearinghouse and failed to conduct pre-employment queries in violation of 49 CFR § 382.701(a).

In October 2022, FMCSA began a compliance investigation of PAC Express. FMCSA discovered that PAC Express has also allowed at least four drivers to operate CMVs prior to receipt of a negative pre-employment test in violation of 49 CFR § 382.301(a). Additionally, PAC Express did not have a random controlled substance and alcohol testing program in place as required by 49 CFR § 382.305 prior to October 28, 2022. Finally, PAC Express failed to register for FMCSA's Drug and Alcohol Clearinghouse and failed to conduct pre-employment queries in violation of 49 CFR § 382.701(a).

## 2. Commercial Driver's License Standards and Driver Qualifications

Your safety management practices do not ensure that only qualified drivers with proper licenses operate your CMVs. On at least three instances between May and August 2022, Texas Interstate used driver Pressley Dale to transport property in interstate commerce when he did not have a valid CDL, in violation of 49 CFR § 383.37(a). Additionally, on April 25, 2022, Texas Interstate used driver Melvin Thomas to transport property in interstate commerce, in violation of 49 CFR § 383.37(a), when driver Thomas' CDL was suspended due to an alcohol driving offense (DWI).

On September 28, 2022, PAC Express used driver Carlos Gusman to transport property in interstate commerce when he did not have a CDL, in violation of 49 CFR § 383.37. He was placed out-of-service in Utah for this violation during a roadside inspection.

Further, two of Texas Interstate's drivers stated that they were hired by Texas Interstate through Carlos Gusman and did not complete any employment paperwork. Therefore, Texas Interstate failed to maintain a complete driver qualification file for these drivers in violation of 49 CFR § 391.51.

In October 2022, PAC Express claimed to only have two drivers. However, during the investigation, FMCSA discovered three additional PAC Express drivers. PAC Express only provided one complete driver qualification file. For a second driver, they provided an incomplete driver qualification file, in violation of 49 CFR § 391.21(a). The motor vehicle records (MVR) contained in both of these files were dated October 28, 2022, the same day as FMCSA's initial document request to PAC Express. Further, PAC Express failed to provide driver qualification files on any of the three additional drivers discovered during the investigation, in violation of 49 CFR § 391.51(a).

### 3. Hours of Service

You fail to have a system in place to monitor your drivers' hours of service (HOS) compliance as required by 49 CFR Part 395. Two of Texas Interstate's drivers provided signed statements to FMCSA stating that Carlos Gusman and Texas Interstate did not require any records of duty status (RODS) and did not require or issue electronic logging devices (ELDs), in violation of 49 CFR § 395.8(a)(1). Additionally, during the October 2022 compliance investigation, FMCSA discovered that PAC Express failed to maintain RODS for three out of four drivers in violation of 49 CFR § 395.8(k)(1).

From April to September 2022, Texas Interstate was inspected 19 times at roadside. In nine of those inspections, Texas Interstate drivers were placed out-of-service for violations of the HOS regulations including having no records of duty status (RODS) and no ELDs in violation of 49 CFR § 395.8(a)(1). The specific HOS out-of-service violations Texas Interstate was cited for were:

- On May 16, 2022, driver Pascal Broussard was placed out-of-service in Colorado for no ELDs in violation of 49 CFR § 395.8(a);
- On May 17, 2022, driver Byron Carter was placed out-of-service in Utah for no ELDs in violation of 49 CFR § 395.8(a);
- On May 18, 2022, driver Pressley Dale was placed out-of-service in Mississippi for no ELDs in violation of 49 CFR § 395.8(a);
- On June 1, 2022, driver Pascal Broussard was placed out-of-service in Alabama for no RODS in violation of 49 CFR § 395.8(a)(1);
- On July 19, 2022, driver Carolyn Schmidt was placed out-of-service in Washington for no RODS in violation of 49 CFR § 395.8(a)(1);
- On August 3, 2022, driver Pressley Dale was placed out-of-service in Alabama for



- no ELDs in violation of 49 CFR § 395.8(a);
- On August 18, 2022, driver Pascal Broussard was placed out-of-service in Kentucky for no ELDs in violation of 49 CFR § 395.8(a);
  - On August 24, 2022, driver Pressley Dale was placed out-of-service in Utah for false RODS in violation of 49 CFR § 395.8(e); and
  - On September 7, 2022, driver Shawn Brantley was placed out-of-service in Arkansas for false RODS in violation of 49 CFR § 395.8(e)(1).

As of November 10, 2022, based on the 19 inspections, Texas Interstate's driver out-of-service rate is 57.9% (significantly higher than the national average of 6.04%).

Additionally, in September and October 2022, PAC Express was placed out-of-service for HOS violations in two of three roadside inspections. On September 23, 2022, driver David Coleman was placed out-of-service in Florida for no ELDs in violation of 49 CFR § 395.8(a), and on October 26, 2022, driver Carlos Gusman was placed out-of-service in Tennessee for no ELDs in violation of 49 CFR § 395.8(a).

In signed statements, two of Texas Interstate's drivers stated to FMCSA that Carlos Gusman instructed them to disregard being placed out-of-service for HOS violations and continue on with trips when roadside inspectors were not present in violation of 49 CFR § 395.13. The same two drivers also stated that Carlos Gusman instructed them to avoid inspections and bypass scales. They also both indicated that they would be dispatched on trips that could not be made within HOS rules and without speeding in violation of 49 CFR § 395.3. On May 18, 2022, and May 29, 2022, Texas Interstate's drivers were cited for failing to stop at a port of entry and a scale house in violation of local laws and 49 CFR § 392.2.

In one instance, on August 24, 2022, Texas Interstate driver Pressley Dale was placed out-of-service in Utah for, among other things, HOS violations. The inspection report notes

that driver Dale left the port of entry in violation of the out-of-service conditions. Shortly after leaving, he was found at a nearby fuel station and directed to return to the port of entry. A few hours after returning to the port of entry, the inspection report indicates a camera spotted driver Dale leaving again in violation of the out-of-service conditions.

#### 4. Vehicle Maintenance and Inspection

You appear to have no preventative maintenance plan and have been consistently cited for vehicle maintenance violations. During roadside inspections from April to September 2022, Texas Interstate was cited for over 70 vehicle maintenance violations, including 16 out-of-service violations. Overall, six of thirteen (46%) roadside inspections in which Texas Interstate CMVs were inspected resulted in finding out-of-service conditions (national average is 21.41%).

The out-of-service vehicle maintenance violations cited included defective brakes and defective steering as well as cracked frames. Specifically, the following violations were cited during inspections:

- On May 4, 2022, driver Gerald Wysinger was placed out-of-service in Texas for steering system components worn, welded, or missing (49 CFR § 393.209(d)); mismatched brake chambers on same axle (49 CFR § 393.47(b)); excessive steering wheel lash (49 CFR § 393.209(b)); tire ply/belt material exposed (49 CFR § 393.75(a)(1)); and tire in contact with another part of the vehicle (49 CFR § 396.3(a)(1)).
- On May 18, 2022, driver Pressley Dale was placed out-of-service in Mississippi for brakes out of service (the number of defective brakes is equal to or greater than 20 percent of the service brakes on the vehicle or combination) (49 CFR § 396.3(a)(1)); a defective brake air reservoir (air reservoir not properly mounted more than 1 inch

- of movement in either direction) (49 CFR § 396.3(a)(1)); vehicle frame cracked, loose, sagging, or broken (a cracked weld on crossmembers at upper fifth wheel and greater than 50% of crossmembers rusted in half) (49 CFR § 393.201(a)); and axle positioning parts defective or missing (mount on top of strut broken held together with bungie cord #5 axle left side) (49 CFR § 393.207(a));
- On June 1, 2022, driver Pascal Broussard was placed out-of-service in Alabama for tire in contact with another part of the vehicle (inner fender touching right front tire) (49 CFR § 396.3(a)(1));
  - On July 12, 2022, driver Yeura Hall was placed out-of-service in Arkansas for axle positioning parts defective or missing (spring hanger bracket cracked at axle #4, right side, and spring hanger bracket cracked at axle #5, right side) (49 CFR § 393.207(a)); and vehicle frame cracked, loose, sagging, or broken (separation of sliding subframe from main trailer frame due to cracks in attachment points prior to axle #4) (49 CFR § 393.201(a)).
  - On August 18, 2022, driver Pascal Broussard was placed out-of-service in Kentucky for defective coupling devices for semi-trailer (2 of 2 pins not engaged causing total separation of flatbed to the support rail with trailer coming to final rest in the middle of the interstate) (49 CFR § 396.3(a)(1));
  - On August 24, 2022, driver Pressley Dale was placed out-of-service in Utah for inadequate brake tubing and/or hoses (red thermoplastic tubing above axle 3 left – hole in hose/continuous audible - felt air leak/vehicle can maintain air pressure) (49 CFR § 393.45); and inoperative brake lamps (trailer rear – no brakes lights at time of inspection) (49 CFR § 393.9).

As noted above, on May 18, 2022, a roadside inspector discovered a strut mount held together by a bungee cord in violation of 49 CFR § 393.207(a). Additionally, as indicated above, on May 4 and June 1, 2022, the same vehicle maintenance out-of-service violation, 49 CFR § 396.3(a)(1), was discovered on the same CMV for a tire in contact with a fender. Finally, as noted above, on August 18, 2022, an inspection was conducted after your trailer completely detached from your power unit in Kentucky. The inspection noted that two of two pins were not engaged causing complete separation in violation of 49 CFR § 396.3(a)(1). The trailer came to rest in the middle of the interstate.

During a compliance review in October 2022, PAC Express produced eleven incomplete vehicle maintenance files in violation of 49 CFR § 396.3(b), and it was missing five annual inspections in violation of 49 CFR § 396.17(a).

#### 5. Other Dangerous Motor Vehicle Operations

Both Texas Interstate and PAC Express transport oversize loads. However, during three roadside inspections in July and August 2022, Texas Interstate drivers were cited for load securement violations in violation of 49 CFR §§ 392.9(a)(2), 393.104(b) and 393.110(b). Additionally, five roadside inspection reports from May to August 2022, cite improper conditions involving oversize loads in violation of 49 CFR § 392.2. On September 7, 2022, the Arkansas Highway Police cited Texas Interstate driver Shawn Brantley for driving his oversize load in a construction zone instead of on the permitted route, in violation of 49 CFR § 392.2.

#### B. Avoidance of Compliance with the FMCSRs

PAC Express used common ownership, common management, common control and/or common familial relationship to avoid compliance, or mask or otherwise conceal non-compliance, with regulations prescribed under 49 U.S.C. Chapter 311, Subchapter III. As noted above, on September 9, 2022, FMCSA officials contacted Texas Interstate in order to

conduct an investigation of its motor carrier operations. Such an investigation would have resulted in a safety rating for Texas Interstate and possibly enforcement for any violations of the FMCSRs. Texas Interstate avoided the investigation by claiming through its representative Felipe Gusman, Carlos Gusman's father, that it went out of business two weeks prior.

Thereafter, PAC Express, a company recently registered by Carlos Gusman's girlfriend, Patricia Macias, began operations. PAC Express was first inspected at roadside on September 23, 2022. As indicated below, Texas Interstate continued to operate as PAC Express.

Further, in September 2022, Carlos Gusman informed one of Texas Interstate's drivers that he was changing the name of the company from Texas Interstate to PAC Express and on September 18, 2022, this driver was paid by a PAC Express. Carlos Gusman told the driver the reason for the name change was that he was losing loads because of a driver cited for possession of marijuana and the issue with Pascal Broussard and his trailer in August. The information provided by the driver was consistent with the roadside inspection that cited Texas Interstate's driver, Yeura Hall, with possession of marijuana on July 12, 2022. Ms. Macias obtained PAC Express's DOT number on July 15, 2022. The information provided by the driver was also consistent with the August 18, 2022 roadside inspection in which Texas Interstate's driver Pascal Broussard was cited for two of two pins not being engaged resulting in complete separation of the trailer from the power unit.

C. Use of Common Ownership, Common Management, Common Control and/or Common Familial Relationship

Additional evidence that Texas Interstate used common ownership, common management, common control and/or a common familial relationship to avoid compliance, or mask or otherwise conceal non-compliance, or a history of non-compliance, with regulations prescribed under 49 U.S.C. Chapter 311, Subchapter III and an Order of the Secretary issued under 49

U.S.C. Chapter 311, Subchapter III includes the following.

- PAC Express conducts the same operations as Texas Interstate hauling oversized property in interstate commerce.
- PAC Express and Texas Interstate have commonality of ownership and management with Carlos Gusman, Felipe Gusman and Patricia Macias.
- PAC Express and Texas Interstate both operate out of 15106 Carsen Bend Drive, Houston, Texas 77049.
- PAC Express and Texas Interstate both used the same credit card to obtain their operating authority from FMCSA.
- PAC Express and Texas Interstate both have used the same vehicles and drivers. Three of four drivers used by PAC Express were also used by Texas Interstate. All three CMVs identified in roadside inspections as operated by PAC Express were previously operated by Texas Interstate.
- The temporary registrations for at least six vehicles were transferred in late September and early October from Texas Interstate to PAC Express.
- PAC Express and Texas Interstate have both used a dispatcher named Lydia Salazar.
- Finally, some vehicles being operated by PAC Express had markings of Texas Interstate.

#### D. Effect of Violations

Your avoidance of compliance with the FMCSRs and the Out-of-Service Order 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 warrants 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 specific actions:

1. You must implement and maintain 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 access FMCSA's Drug and Alcohol Clearinghouse as required 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. You must immediately cease using any drivers currently prohibited in the Drug and Alcohol Clearinghouse.
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 part 391, you must qualify each driver that operates on your behalf and maintain complete driver qualification files. In accordance with 49 CFR § 391.51(b)(2), you must obtain and maintain motor vehicle records for all drivers.
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 contact FMCSA's Texas Division and arrange for inspection of each of your CMVs by an FMCSA inspector or an inspector designated by FMCSA.
  9. In accordance with 49 CFR § 390.3T(e), you must be knowledgeable of and comply with the federal motor carrier statutes and regulations. You must ensure that your compliance and safety management controls apply to both company drivers and owner-operators driving on your behalf.
  10. 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  
mctxoff@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 \$29,893 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 \$11,956 for providing transportation requiring registration, including operating a CMV in interstate commerce, without operating authority registration, and up to \$16,864 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

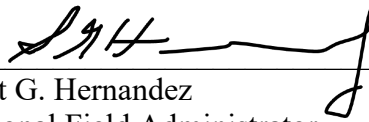
Regional Field Administrator, Western Service Center  
Federal Motor Carrier Safety Administration  
12600 W. Colfax Ave., Suite B-300  
Lakewood, CO 80215  
wscenf@dot.gov

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 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: November 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