

**BEFORE THE
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION**

In the Matter of:

**ALEKS TRUCKING, INC.,
(U.S. DOT No. 1700256)**

Respondent

**Docket No. FMCSA-2010-0276¹
(Western Service Center)**

FINAL ORDER

On May 21, 2010, the California Division Administrator, Federal Motor Carrier Safety Administration (FMCSA), issued a Notice of Claim (NOC) against Aleks Trucking, Inc. (Respondent), proposing a civil penalty of \$9,020. The NOC, which was based on a compliance review completed on April 29, 2010, alleged 11 violations of 49 CFR 395.8(i), failing to require a driver to forward, within 13 days of completion, the original of the record of duty status, with a proposed civil penalty of \$820 per count.

By Interim Order served December 5, 2013, I found that Respondent committed all 11 alleged violations of 49 CFR 395.8(i). I did not, however, assess a civil penalty because I also found that the Uniform Fine Assessment (UFA) worksheet incorrectly applied the "Extent" factor in calculating the civil penalty.² Accordingly, I directed Claimant, the Field Administrator

¹ The prior case number was CA-2010-0513-US1099.

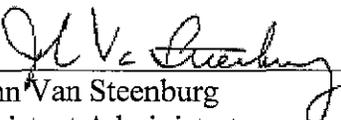
² Under 49 U.S.C. 521(b)(2)(D), in determining the amount of the civil penalty, FMCSA is required to "tak[e] into account the nature, circumstances, extent, and gravity of the violation committed and, with respect to the violator, the degree of culpability, history of prior offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice and public safety may require. In each case, the assessment shall be calculated to induce further compliance."

of FMCSA's Western Service Center, to submit a corrected UFA penalty worksheet using the UFA algorithm in effect at the time of the original penalty calculation.

On December 16, 2013, Claimant responded to the Order. In support of the civil penalty calculation for the violations, Claimant submitted the Declaration of Pedro Rodriguez, Enforcement Program Manager, California Division.³ Mr. Rodriguez prepared a revised UFA worksheet on December 10, 2013, using 11 violations out of 90 records of duty status checked instead of 30 violations out of 90 records of duty status checked. The revised UFA worksheet calculated a civil penalty of \$8,910 (\$810 per count).⁴

ACCORDINGLY, *It Is Hereby Ordered That* Respondent pay to the Western Service Center, within 30 days of the service date of this Final Order, a total civil penalty of \$8,910 for 11 violations of the Federal Motor Carrier Safety Regulations. Payment may be made electronically through the Federal Motor Carrier Safety Administration's registration site at <http://safersys.org> by selecting "Online Fine Payment" under the "FMCSA Services" category. In the alternative, payment by cashier's check, certified check, or money order should be remitted to the Western Service Center at the address shown in the Certificate of Service.⁵

It Is So Ordered.



John Van Steenburg
Assistant Administrator
Federal Motor Carrier Safety Administration

1/7/14
Date

³ See Attachment A to Claimant's Response.

⁴ See Exhibit 1 to Claimant's Response.

⁵ Pursuant to 49 CFR 386.64, a petition for reconsideration may be submitted within 20 days of the issuance of this Final Order.

CERTIFICATE OF SERVICE

This is to certify that on this 8 day of January, 2014, the undersigned mailed or delivered, as specified, the designated number of copies of the foregoing document to the persons listed below.

Aleksander Gorelyshev, President
Aleks Trucking, Inc.
19545 Sherman Way, #34
Reseda, CA 91335

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U.S. Mail

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