

EFFECTIVE IMMEDIATELY YOU MUST CEASE ALL COMMERCIAL MOTOR VEHICLE OPERATIONS, INCLUDING ALL INTERSTATE OR INTRASTATE TRANSPORTATION OF COMMERCIAL MOTOR VEHICLES AND/OR GOODS.

If you are served this ORDER while operating a commercial motor vehicle in interstate or intrastate 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 commercial motor vehicle.

NO ADDITIONAL CARGO MAY BE LOADED OR TRANSPORTED, NOR MAY ANY COMMERCIAL MOTOR VEHICLE BE OPERATED IN INTERSTATE OR INTRASTATE COMMERCE WHILE THIS ORDER IS IN EFFECT.

I.
JURISDICTION

JOHNNY B. FELTON is a driver of commercial motor vehicles in interstate or intrastate commerce subject to the commercial driver's license requirements of 49 C.F.R. Part 383. JOHNNY B. FELTON is therefore subject to, and required to comply with, the requirements of the Federal Motor Carrier Safety Regulations ("FMCSRs"), 49 C.F.R. Parts 350-399, as well as the Orders of the USDOT and FMCSA. (See 49 U.S.C. §§ 506, 507, 13501, 31133, 31144, and 31306). FELTON is required to comply with Federal statutes and regulations regarding driver physical qualification and medical examinations, including 49 C.F.R. Part 391. (See 49 C.F. R. 391.41)

II.
BASIS FOR ORDER

The basis for determining that your operation of a commercial motor vehicle poses an imminent hazard to the public is that FELTON has failed to exercise an appropriate duty of care to the motoring public regarding his medical conditions, [REDACTED] Felton is a driver for DOT Transportation, which located at 1 DOT Way, Mt. Sterling, Illinois,

62353. On FELTON's current medical certificate, FELTON informed his physician that he did not have a history of [REDACTED] but FELTON admitted that on November 26, 2012 at approximately 9:30 a.m., he lost consciousness while driving a commercial motor vehicle near Litchfield, Illinois. FELTON struck an on-duty Illinois State Police Officer, who was on the shoulder of the highway, causing his death. FELTON admitted after the crash that he suffers from [REDACTED]. The Illinois State Police found prescription medication for the treatment of [REDACTED] bearing FELTON's name and a [REDACTED] in FELTON'S vehicle. FELTON'S current medical condition renders him unqualified to drive a commercial motor vehicle. (See 49 C.F.R. §§391.41(b) [REDACTED] and 392.3). FELTON's failure to comply with the medical regulations and conditions of operation substantially increases the likelihood of serious injury or death to FELTON and to the motoring public.

III. REMEDIAL ACTION

To abate this imminent hazard, and before you will be permitted to resume operations placed out of service by this Order, you must take specific steps to ensure and demonstrate compliance with the FMCSRs.

YOU MUST COMPLY WITH ALL PROVISIONS OF THIS ORDER

- 1. FELTON may not operate a commercial motor vehicle in interstate and/or intrastate commerce until you have fully complied with the Remedial Actions set forth in this section.**
- 2. FELTON must demonstrate to the Field Administrator, Midwestern Service Center, that you are physically qualified to drive a commercial motor vehicle pursuant to 49 C.F.R. 391.41 and all applicable regulations.**
- 3. FELTON must be referred to and evaluated by a qualified medical examiner who is familiar with DOT regulations and who issues FELTON a valid medical certification.**
- 4. FELTON must provide documentation to the Field Administrator, Midwestern Service Center, that he has been seen by a medical examiner after the date of the incident – November 26, 2012.**

- 5. FELTON must provide documentation to the Field Administrator, Midwestern Service Center, that he has a valid commercial driver's license and a valid medical examiner's certificate issued after the date of the incident – November 26, 2012.**

**IV.
RECISSION OF ORDER**

You are subject to this ORDER unless and until the ORDER is rescinded by FMCSA. Unless and until this ORDER is rescinded you are prohibited from operating any commercial motor vehicle, as defined by 49 C.F.R. § 390.5, in interstate or intrastate commerce. Before you are permitted to operate any commercial motor vehicle this ORDER must be rescinded. This ORDER will not be rescinded until the Field Administrator for the Midwestern Service Center has determined that the Remedial Action requirements specified in Paragraph IV of this ORDER have been fully satisfied and acceptable documentation submitted. **YOU CANNOT AVOID THIS OPERATIONS OUT-OF-SERVICE ORDER BY CONTINUING TO OPERATE UNDER ANOTHER NAME OR BY DRIVING FOR ANOTHER MOTOR CARRIER.**

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

Field Administrator, Midwestern Service Center
Federal Motor Carrier Safety Administration
4749 Lincoln Mall Drive, Suite 300A
Matteson, Illinois 60443

Division Administrator, Illinois Division
Federal Motor Carrier Safety Administration
3250 Executive Park Drive
Springfield, IL 62703-4514

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 not less than \$2,500 and be disqualified from operating commercial motor vehicles for not less than 180 days if you operate a commercial motor vehicle in violation of this ORDER. You may be assessed civil penalties of not less than \$5,000 and be disqualified from operating commercial motor vehicles for not less than two years and not more than five years for a second violation of this ORDER. (See 49 U.S.C. §§ 521(b)(2)(A) and 31310(i), and 49 C.F.R. § 386.82(a)(4)). Knowing and/or willful violation of the provisions of this ORDER may also subject you to criminal penalties. (See 49 U.S.C. § 521(b)(6)).

VI.
ADDITIONAL PENALTIES FOR OTHER VIOLATIONS

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

VII.
RIGHT TO REVIEW

You have the right to an administrative review in accordance with 5 U.S.C. § 554 pursuant to 49 C.F.R. § 386.72(b)(4). If requested, administrative review shall occur within 10 working days of the issuance of this ORDER. (49 U.S.C. § 521(b)(5) and 49 C.F.R. § 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 the Field Administrator, Southern Service Center, at the following addresses:

Assistant Administrator
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue SE
Washington, D.C. 20590

Field Administrator, Midwestern Service Center
Federal Motor Carrier Safety Administration
4749 Lincoln Mall Drive, Suite 300A
Matteson, Illinois 60443

The request must state the material facts at issue which you believe dispute or contradict the finding that your operation of a commercial motor vehicle constitutes an "imminent hazard" to the public.

A REQUEST FOR REVIEW DOES NOT IN ANY WAY DELAY YOUR DUTY TO COMPLY WITH THIS ORDER IMMEDIATELY.

Date: November 30, 2012



DARIN G. JONES, Field Administrator
United States Department of Transportation
Federal Motor Carrier Safety Administration
4749 Lincoln Mall Drive, Suite 300A
Matteson, Illinois 60443