

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

SERV-A-BUS, LLC)	
USDOT 1161287)	Order No.: UT-2014-5000-IMH
MC 593744)	
)	Service
GENE BRADY)	Date: _____
)	
)	Time: _____
)	

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), 49 U.S.C. § 13905(f), 49 U.S.C. § 31144(c)(1), (2), and (5), and 49 C.F.R. § 386.72(b)(1), and pursuant to a delegation of authority to the Field Administrator, Western Service Center, Federal Motor Carrier Safety Administration (FMCSA), United States Department of Transportation (USDOT), Lakewood, Colorado. This ORDER applies to SERV-A-BUS, LLC (USDOT No. 1161287) and to GENE BRADY (SERV-A-BUS, LLC and GENE BRADY are collectively also referred to herein as “you” and “your”).

The Secretary and the FMCSA find your motor carrier operations in interstate and intrastate commerce constitute an **imminent hazard**. This finding means that based upon your present state of unacceptable safety compliance, your motor carrier operations pose an **imminent hazard** to public safety.

EFFECTIVE IMMEDIATELY

**SERV-A-BUS, LLC AND GENE BRADY MUST CEASE ALL COMMERCIAL MOTOR
VEHICLE OPERATIONS IN THE UNITED STATES INCLUDING ALL INTERSTATE**

**AND INTRASTATE TRANSPORTATION OF PASSENGERS FROM ALL
DISPATCHING LOCATIONS OR TERMINALS.¹**

Effective immediately, SERV-A-BUS, LLC must cease all commercial motor vehicle operations, including operating any commercial motor vehicles, (herein “commercial motor vehicles,” “vehicles,” and/or “motor vehicles”) specifically including the commercial motor vehicles listed in Appendix A to this ORDER, in interstate and/or intrastate commerce. Also effective immediately, GENE BRADY must cease all commercial motor vehicle operations in interstate and/or intrastate commerce, and operation of the commercial motor vehicles listed in Appendix A to this Order. “Operate” or “Operating” or “Operation” includes without limitation all interstate and intrastate transportation by drivers from all dispatching locations or terminals. “All motor vehicle operations” includes without limitation operating, or causing to be operated, any and all commercial motor vehicles owned or leased by SERVA-A-BUS, LLC and/or GENE BRADY, purchasing and/or leasing commercial motor vehicles, employing and/or assigning, directly or indirectly, drivers to operate commercial motor vehicles, hiring, supervising and/or training drivers, scheduling transportation of passengers or property by commercial motor vehicle, dispatching, or causing to be dispatched, drivers and/or commercial motor vehicles to operate in interstate or intrastate commerce, and installing, inspecting and/or maintaining motor vehicle equipment and/or accessories.

Commercial motor vehicles and their drivers now in interstate or intrastate commerce may proceed to their next immediate destination, which is defined as the next scheduled stop for vehicles already in motion where the passengers can be safely accommodated. (*See* 49 C.F.R. § 386.72(b)(4) and (5)).

¹ This Order does not prohibit GENE BRADY from continuing to drive commercial motor vehicles as an employee, and under the control and direction, of the Canyons School District where the Canyons School District, not GENE BRADY is the motor carrier and employer for the transportation(s).

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

SERV-A-BUS, LLC's and/or GENE BRADY's commercial motor vehicles, specifically including the commercial motor vehicles listed in Appendix A to this ORDER, may not be operated in the interstate or intrastate commerce by SERV-A-BUS, LLC, GENE BRADY, or any other motor carrier or any driver; such commercial motor vehicles may not be operated even without passengers. SERV-A-BUS, LLC's and/or GENE BRADY's commercial motor vehicles may be moved only upon the written approval of the Field Administrator for FMCSA's Western Service Center; unless otherwise approved in writing by the Field Administrator, any movement of SERV-A-BUS, LLC's and/or GENE BRADY's commercial motor vehicles to any storage or repair or other location for the purposes of repair, sale, or final destination must be accomplished only by towing, such that the commercial motor vehicle itself is not driven or operated.

Within eight (8) hours of your receipt of this ORDER, you must submit to the Field Administrator in writing by fax and/or electronic mail (email) the location of each commercial motor vehicle under your control including the commercial motor vehicles identified in Appendix A of this ORDER. Your submission must be sent to:

Field Administrator
(303) 407-2339 (fax)
WSCENF@dot.gov (electronic mail)

I. JURISDICTION

SERV-A-BUS, LLC is a passenger motor carrier engaged in interstate and intrastate commerce using commercial motor vehicles and employing drivers and is therefore subject to the

Federal Motor Carrier Safety Regulations (“FMCSRs”), 49 C.F.R. Parts 350-399, and the alcohol and controlled substances regulations at 49 C.F.R. Part 40, as well as the Orders of the USDOT and FMCSA. (See 49 U.S.C. §§ 506, 507, 13501, 31133, 31136, and 31144.) GENE BRADY is the managing member of SERV-A-BUS, LLC. GENE BRADY is also a passenger motor carrier and employer conducting motor carrier operations in interstate and intrastate commerce using commercial motor vehicles and employing drivers and is subject to the FMCSRs and the alcohol and controlled substances regulations at 49 C.F.R. Part 40, as well as the Orders of the USDOT and FMCSA. GENE BRADY also operates his and/or SERV-A-BUS, LLC’s commercial motor vehicles in interstate and intrastate commerce. SERV-A-BUS, LLC and GENE BRADY are required to comply, and to ensure their drivers comply, with applicable Federal motor carrier statutes, the FMCSRs and Orders of the USDOT and FMCSA.

This ORDER shall have the force and effect of any other Order issued by the FMCSA. This ORDER is binding upon SERV-A-BUS, LLC, as well as any and all of its officers, members, directors, successors, assigns and closely affiliated companies, and may attach and apply to any entity established and/or used to evade or avoid the consequences of this ORDER. This ORDER applies to all motor carrier operations and all vehicles owned, leased, rented, or otherwise operated by or under the USDOT number of SERV-A-BUS, LLC including, but not limited to, the commercial motor vehicles identified in Appendix A of this ORDER. This ORDER is also binding upon GENE BRADY, and may attach and apply to any entity established and/or used to evade or avoid the consequences of this ORDER. This ORDER applies to GENE BRADY’s motor carrier operations and to the operation of any and all commercial motor vehicles owned and/or leased by him.

II. BASIS FOR ORDER

The basis for determining that SERV-A-BUS, LLC's and GENE BRADY's commercial motor carrier operations and the continued operation of the vehicles identified in this ORDER pose an imminent hazard to the public is that SERV-A-BUS, LLC and GENE BRADY fail to ensure that drivers are properly qualified; fail to comply with driver controlled substances and alcohol use and testing requirements; fail to monitor and ensure that drivers comply with driver hours of service and records of duty status requirements; and fail to ensure that commercial motor vehicles are inspected, repaired and maintained and are thereby posing a continuing imminent hazard.

SERV-A-BUS, LLC has no adequate drug and alcohol testing program, and none of the five drivers subject to testing has passed a pre-employment controlled substances test, or been subject to random testing as required under Federal regulations. SERV-A-BUS, LLC has no program for monitoring its drivers' hours of service, and fails to ensure that its drivers comply with hours of service and records of duty status requirements. SERV-A-BUS, LLC has no established driver qualification system, does not take any required steps to qualify drivers, and uses drivers despite not having ensured the driver is qualified to operate a commercial motor vehicle, including drivers where SERV-A-BUS, LLC has not made required checks into the drivers' driving record. Further, SERV-A-BUS, LLC has no established maintenance program, and fails to ensure its commercial motor vehicles are properly and regularly inspected, repaired and maintained. SERV-A-BUS, LLC operates or causes to be operated commercial motor vehicles transporting passengers that have not passed required safety inspection. SERV-A-BUS, LLC fails to ensure that the commercial motor vehicles it operates meet minimum safety standards, and SERV-A-BUS, LLC operates commercial motor vehicles with significant safety

defects resulting in failed safety inspections by law enforcement officials. SERV-A-BUS, LLC fails to repair or cause to be repaired in a competent manner commercial motor vehicles under its control.

Moreover, SERV-A-BUS, LLC continues to transport passengers in and affecting interstate commerce despite being subject to an Unsatisfactory safety rating, an FMCSA Order to Cease Operations, and the revocation of its operating authority registration. SERV-A-BUS, LLC has conducted more than 11 trips transporting passengers in commercial motor vehicles in interstate and intrastate commerce after the effective date of the Unsatisfactory safety rating and FMCSA Order to Cease.

GENE BRADY does not comply with controlled substances and alcohol testing requirements, and drivers currently subject to testing have not passed a pre-employment controlled substances test as required under Federal regulations. GENE BRADY has no program for monitoring drivers' hours of service, fails to ensure that its drivers comply with hours of service and records of duty status requirements; GENE BRADY requires or permits drivers to operate passenger carrying commercial motor vehicles for periods of time exceeding hours of duty requirements, and assigns and dispatches drivers knowing that a trip cannot be completed within maximum driving times. GENE BRADY has no established driver qualification system, does not take any required steps to qualify drivers, and uses drivers despite not having ensured the driver is qualified to operate a commercial motor vehicle, including drivers where GENE BRADY has not made required checks into the drivers' driving record. Further, GENE BRADY has no established maintenance program, and fails to ensure commercial motor vehicles are properly and regularly inspected, repaired and maintained. GENE BRADY operates or causes to be operated commercial motor vehicles transporting passengers that have not passed required

safety inspections. GENE BRADY fails to ensure that the commercial motor vehicles operated meet minimum safety standards, and GENE BRADY operates commercial motor vehicles with significant safety defects resulting in failed safety inspections. GENE BRADY fails to repair or cause to be repaired in a competent manner commercial motor vehicles under his control.

Individually and cumulatively, SERV-A-BUS, LLC's and GENE BRADY's violations and conditions of motor carrier operation substantially increase the likelihood of serious injury or death to drivers, passengers and the motoring public.

III. BACKGROUND

On November 26, 2012, a safety investigator with the State of Utah's Department of Transportation Motor Carrier Division (UDOT) completed a compliance review on the motor carrier operations of GENE BRADY AND SERV-A-BUS, LLC; GENE BRADY was the motor carrier representative during the review and identified himself as the owner and manager of SERV-A-BUS, LLC. SERV-A-BUS, LLC and GENE BRADY provide passenger transportation in interstate and intrastate commerce. During the compliance review the investigator discovered serious violations of the FMCSRs, including violations of acute regulations and patterns of violations of critical regulations. Specifically, the compliance review disclosed that SERV-A-BUS, LLC has not implemented an alcohol and controlled substances testing program and had not conducted any alcohol or controlled substances testing of its drivers to ensure that the drivers are capable of safely operating commercial motor vehicles. SERV-A-BUS, LLC and GENE BRADY fail to ensure drivers are properly qualified to operate commercial motor vehicles, including failing to ensure that drivers are medically examined and certified, or checking to ensure that drivers do not have poor driving records. Additionally, SERV-A-BUS, LLC and GENE BRADY fail to ensure that drivers comply with

hours of service and records of duty status requirements. Further, SERV-A-BUS, LLC and GENE BRADY fail to ensure that commercial motor vehicles are inspected, maintained and repaired as required to ensure that the vehicles are safe to operate. SERV-A-BUS, LLC and GENE BRADY operate or cause to be operated commercial motor vehicles transporting passengers that have not passed required safety inspection, and fail to ensure that the commercial motor vehicles meet minimum safety standards. SERV-A-BUS, LLC and GENE BRADY operate commercial motor vehicles with significant safety defects. Also, SERV-A-BUS, LLC and GENE BRADY operate without having in effect required liability insurance and Federal operating authority registration; FMCSA revoked SERV-A-BUS, LLC's operating authority registration on September 8, 2009.

The November 2012 compliance review resulted in a proposed Unsatisfactory safety rating; FMCSA issued written notification of the proposed Unsatisfactory safety rating to SERV-A-BUS, LLC on December 7, 2012. SERV-A-BUS, LLC did not take necessary steps to correct the deficiencies in safety management controls and improve the safety rating, and the Unsatisfactory safety rating became final and effective on January 22, 2013. FMCSA issued an Order to Cease all Transportation in Interstate and Intrastate Commerce to SERV-A-BUS, LLC on January 8, 2013; the Order to Cease became effective January 22, 2013 and remains in effect.

Despite the Unsatisfactory safety rating, FMCSA Order to Cease and revocation of its Federal operating authority registration, SERV-A-BUS, LLC and GENE BRADY continue to operate as a motor carrier of passengers in violation of Federal statutes and regulations and have failed to take action to correct serious safety management deficiencies.

On January 22, 2014, FMCSA and UDOT completed a follow-up compliance review on

the motor carrier operation of SERV-A-BUS, LLC and GENE BRADY. During the compliance review the investigators discovered that SERV-A-BUS, LLC and GENE BRADY continue to violate the same or similar regulations discovered and cited during the November 2012 review, and have not taken action to correct the safety deficiencies. SERV-A-BUS, LLC and GENE BRADY have not implemented an adequate alcohol and controlled substances testing program, and do not conduct pre-employment controlled substances testing before allowing drivers to operate commercial motor vehicles. Additionally, SERV-A-BUS, LLC and GENE BRADY fail to ensure that drivers comply with hours of service and records of duty status requirements. Further, SERV-A-BUS, LLC and GENE BRADY fail to ensure that commercial motor vehicles are inspected, maintained and repaired as required to ensure that the vehicles are safe to operate, and operate commercial motor vehicles that have not passed safety inspection. Also, SERV-A-BUS, LLC and GENE BRADY operate without having in effect required liability insurance and Federal operating authority registration.

SERV-A-BUS, LLC and GENE BRADY have conducted at least 11 trips operating commercial motor transporting passengers -- mostly school children -- in vehicles in interstate and intrastate commerce after the effective date of the Unsatisfactory safety rating and FMCSA Order to Cease.

The January 2014 compliance review also resulted in a proposed Unsatisfactory safety rating; FMCSA issued written notification of the proposed Unsatisfactory safety rating on January 27, 2014.

In October 2013 GENE BRADY, using the name of SERV-A-BUS, LLC, bid for and obtained the contract to transport the Beaver High School speech and debate team from Utah to a tournament competition in Berkley, California, staying in Walnut Creek, California.

Arrangements for the transportation were made by the school district with GENE BRADY. On February 13, 2014, GENE BRADY, dispatched a 28-passenger commercial motor vehicle and assigned a driver for the transportation. GENE BRADY did not properly qualify the driver or pre-employment test the driver for controlled substances. Despite assuring the school district that a second driver would take over the transportation in Las Vegas, Nevada, GENE BRADY did not arrange for a second driver, and ignoring the concerns of the passengers and school representatives insisted that a single driver could complete the trip. The trip from Utah to California on February 13, 2014 took 14 ½ hours, even with short driving breaks, the driver drove far in excess of the maximum driving times for a driver operating a passenger commercial motor vehicle. The 1997 Freightliner charter bus dispatched and used in the transportation was in poor mechanical and operational condition. Various bus components, including the mirror above the driver, bumpers, and luggage compartment door, were observed to be held onto the bus with bungee cords. While being operated on the highway, the front sliding doors would not stay closed, and opened suddenly and unexpectedly while the bus was traveling at highway speeds, and after being opened, the doors were very difficult to close. The passengers observed a strong gasoline odor in the bus, and one of the adults was told to hold a pillow over the interior engine access hatch so that the air would not blow into the bus. The passengers also observed the driver engage in unsafe driving practices, such as removing his sweatshirt while driving and standing and removing his seat cushion while driving, causing the bus to swerve dramatically. Passengers also observed the driver make a series of unsafe passes and unsafe lane changes, including lane changes that nearly forced other cars off the road. The adult coaches and chaperones were so concerned about the poor and unsafe condition of the bus and the poor and unsafe driving by the driver, they determined further transportation of the

students using the bus and driver was dangerous and contacted the school district to arrange alternative transportation for the remainder of the trip and the return trip to Utah. GENE BRADY was notified on February 14, 2014 that the school was cancelling the remainder of the trip. On February 15, 2014, during the return trip to Utah, at approximately 6:55 a.m. while driving on I-80 in Placer County, California GENE BRADY's driver began experiencing engine problems with the bus and observed smoke coming from the engine compartment and coming into the driver's area, and pulled to the side of the highway. After exiting the bus the driver observed sparks under the front of the bus, and 2-3 minutes later, flames appeared and engulfed the bus. The driver heard two explosions and observed parts flying in every direction and the fire fully engulfing the bus.

On February 21, 2014, UDOT and FMCSA initiated an investigation of the Utah to California transportation. During the investigation GENE BRADY claimed that he had leased his and/or SERV-A-BUS, LLC's commercial motor vehicles to Shamrock Transportation, Inc. in January 2014 – a motor carrier entity established by one of his former drivers. GENE BRADY also stated that he was the operations manager for Shamrock Transportation, Inc., and was responsible for motor carrier operations. Shamrock Transportation, Inc. has never had Federal interstate operating authority, and prior to GENE BRADY had never conducted any motor carrier operations. During the investigation, the Investigators discovered continuing serious safety violations, including failing to conduct pre-employment controlled substances testing before allowing drivers to operate commercial motor vehicles; failing to ensure drivers are properly qualified to operate commercial motor vehicles; failing to ensure drivers comply with hours of service and records of duty status requirements; requiring or allowing driver to exceed maximum driving times, failing to ensure that commercial motor vehicles are inspected,

maintained and repaired as required to ensure that the vehicles are safe to operate; and using commercial motor vehicles that have not passed required safety inspections,

The compliance reviews and investigations disclose continuing violations of the FMCSRs so widespread as to demonstrate a continuing and flagrant general disregard for compliance with the FMCSRs and a philosophy indifferent to motor carrier safety. The actions of SERV-A-BUS, LLC and GENE BRADY establish an imminently hazardous and potentially deadly situation for passengers, drivers, and the motoring public.

IV. REMEDIAL ACTION

To eliminate this imminent hazard, and before SERV-A-BUS, LLC and/or GENE BRADY will be permitted to resume commercial motor vehicle operations, and before the commercial motor vehicles listed in Appendix A may be operated in interstate or intrastate commerce, SERV-A-BUS, LLC and GENE BRADY must take specific steps to ensure and demonstrate compliance with applicable motor carrier safety statutes and the FMCSRs.

A. You must ensure and demonstrate compliance with FMCSA's Order to Cease all Interstate and Intrastate Transportation effective January 22, 2013.

B. You must ensure GENE BRADY is adequately trained in the requirements of the Federal motor carrier safety statutes and the FMCSRs and is able to conduct motor carrier operations in interstate or intrastate commerce consistent with those requirements.

C. You must ensure and demonstrate that each and every commercial motor vehicle you operate and/or intend to operate in interstate or intrastate commerce, whether owned, rented or leased, is in a safe operating condition and in full compliance with 49 C.F.R. Part 393 (Parts and Accessories Necessary for Safe Operation) and Part 396 (Inspection, Repair, and Maintenance), and that all defects and deficiencies have been corrected and repaired. You must also

specifically ensure and demonstrate that emergency egress equipment and mechanisms on all commercial motor vehicles are in operating condition and full compliance.

D. You must ensure and demonstrate that all parts and accessories of each and every commercial motor vehicle you operate and/or intend to operate in interstate or intrastate commerce, whether owned, rented or leased, meets and is maintained at the minimum standards set forth in Appendix G of the FMCSRs.

E. You must establish safety management controls and procedures that ensure that each and every commercial motor vehicle you operate and/or intend to operate, whether owned rented or leased, is systematically and properly inspected, maintained and repaired as required by 49 C.F.R. Part 396, and that documentation of inspections, maintenance and repair is obtained and maintained as required.

F. You must ensure that your employees, contractors and/or agents used to inspect and maintain each and every commercial motor vehicle you operate and/or intend to operate in interstate or intrastate commerce are trained and qualified to conduct such inspections, maintenance and repairs, and documentation of training and qualifications is maintained in accordance with 49 C.F.R. Part 396.

G. You must require drivers to conduct pre- and post-trip commercial motor vehicle inspections, and must require drivers to prepare Driver Vehicle Inspection Reports at the end of each day and establish procedures to ensure that reported safety defects and/or deficiencies are corrected before the vehicle is again operated as required by 49 C.F.R. Part 396. You must establish safety management controls and procedures to ensure that you do not operate any commercial motor vehicle in interstate or intrastate commerce before any defects and/or deficiencies discovered during any inspection have been repaired and corrected.

H. You must ensure that each and every commercial motor vehicle you operate or intend to operate in interstate or intrastate commerce, whether owned, rented or leased, has been and is periodically inspected as required by, and in accordance with, 49 C.F.R. Part 396 and Appendix G to Subchapter B of Chapter III, and Utah State safety inspection requirements and that such periodic inspections are conducted by qualified inspectors.

I. You must establish safety management controls and procedures to ensure that defects and deficiencies discovered during inspections of commercial motor vehicles are repaired prior to the vehicle being re-dispatched. You must ensure that no commercial motor vehicle that fails, or has failed, a safety inspection is used for the transportation of passengers prior to necessary repairs being made.

J. You must contact FMCSA's Utah Division Administrator and arrange for inspection of each of your commercial motor vehicles by an FMCSA inspector or an inspector designated by FMCSA.

K. You must establish safety management controls and procedures to ensure that drivers comply with the prohibitions and limitations on the use of alcohol and controlled substances as set forth in 49 C.F.R. Part 382, and are tested for alcohol and controlled substances use as required by 49 C.F.R. Parts 40 and 382.

L. You must establish safety management controls and procedures to ensure that drivers comply with hours of service requirements and records of duty status requirements as set forth in 49 C.F.R. Part 395.

M. You must establish safety management controls and procedures to ensure that each and every driver you use is qualified to operate a commercial motor vehicle and that you have obtained and maintain all required documentation showing the qualification of each driver

as required by 49 C.F.R. Part 391. You must check the driving record of each and every driver you use to operate a commercial motor vehicle in interstate or intrastate commerce, and obtain copies of the driving records for each driver.

N. You must establish safety management controls and procedures to ensure that each and every driver that operates a commercial motor vehicle in interstate or intrastate commerce has the necessary drivers' license, including any required endorsements, for the motor vehicle(s) the driver operates, and that the driver's license is current and valid.

O. You must ensure that all of your employees, including all drivers, are adequately trained in the requirements of the FMCSRs and that they are able to conduct motor carrier operations in interstate or intrastate commerce consistent with those regulations.

V. RESCISSION OF ORDER

You are subject to this ORDER unless and until the ORDER is rescinded in writing by FMCSA. This ORDER will not be rescinded until the Field Administrator for FMCSA's Western Service Center has determined that the Remedial Action requirements specified in Paragraph IV of this ORDER have been fully satisfied and acceptable documentation submitted.

Before this ORDER may be rescinded SERV-A-BUS, LLC and GENE BRADY must comply with the provisions of this ORDER, eliminate the deficiencies constituting the imminent hazard that their motor carrier operations and vehicles pose, and adequately demonstrate to the Field Administrator for FMCSA's Western Service Center the actions taken to eliminate the safety deficiencies. SERV-A-BUS, LLC and/or GENE BRADY cannot avoid this ORDER by continuing motor carrier operations under the name of another person or company. Any sale, lease, return of leased/contracted vehicle(s), and/or other transfer of any commercial motor vehicle by SERV-A-BUS, LLC and/or GENE BRADY requires the written approval of the

Western Service Center Field Administrator. Any such action taken in anticipation of this ORDER must cease immediately.

Prior to rescission of this ORDER, SERV-A-BUS, LLC and GENE BRADY will be required to:

1. Identify the breakdowns in safety management controls that resulted in the non-compliance.
2. Develop detailed Safety Management Plans of action that addresses each area of non-compliance, the steps to be taken to overcome their non-compliance and a time table for these steps.
3. Execute the Safety Management Plans and provide certification by all owners, and members of SERV-A-BUS, LLC and by GENE BRADY.

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

Terry D. Wolf, Field Administrator
Western Service Center
Federal Motor Carrier Safety Administration
12600 West Colfax Avenue, Suite B-300
Lakewood, Colorado 80215

Robert Kelleher, Division Administrator
Utah Division
Federal Motor Carrier Safety Administration
310 East 4500 South
Suite 102
Salt Lake City, Utah 84107-3993

Rescission of this ORDER does not constitute a reinstatement of SERV-A-BUS, LLC's USDOT Number or its United States Federal operating authority registration, and does not constitute a grant of USDOT number or Federal operating authority registration to GENE BRADY. In order for you to resume motor carrier operations transporting passengers in interstate or intrastate commerce, you will be required to apply to reactivate SERV-A-BUS, LLC's USDOT number registration, reapply for 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 31138.

VI. FAILURE TO COMPLY

Failure to comply with the provisions of this ORDER may subject SERV-A-BUS, LLC and/or GENE BRADY to an action in the United States District Court for equitable relief and punitive damages. SERV-A-BUS, LLC and/or GENE BRADY may be assessed civil penalties of up to \$25,000 for a violation of this ORDER. (49 U.S.C. § 521(b)(2)(F) and 49 C.F.R. Part 386 App. A. § IV(g)). 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)).

VII. PENALTIES FOR VIOLATIONS

Any person, including any 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 statutes 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.

VIII. RIGHT TO REVIEW

You have the right to 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 days. (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 copies sent to both Adjudications Counsel and the Field Administrator, Western Service Center at the following addresses:

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

Adjudications Counsel (MC-CCA)
Federal Motor Carrier Safety Administration
Office of Chief Counsel
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590

Field Administrator, Western Service Center
Federal Motor Carrier Safety Administration
12600 West Colfax Avenue, Suite B-300
Lakewood, Colorado 80215

The request must state the material facts at issue which you believe dispute or contradict the finding that SERV-A-BUS, LLC's and GENE BRADY's motor carrier operations in interstate or intrastate commerce constitutes an imminent hazard to the public and/or the material facts at issue which you believe dispute or contradict the finding that the operation of the

commercial motor vehicles identified in Attachment A in interstate or intrastate commerce constitutes an imminent hazard to the public.

**A REQUEST FOR ADMINISTRATIVE REVIEW DOES NOT IN ANY WAY
SUSPEND OR DELAY YOUR DUTY TO COMPLY WITH THIS ORDER**

IMMEDIATELY. This ORDER is separate and independent from all other orders or actions that may be issued by FMCSA, and does not amend or modify any other such orders or actions, and any request for administrative review of this ORDER does not attach to or apply to any other order or action.

Date: 3/7/2014


Terry D. Wolf, Field Administrator
United States Department of Transportation
Federal Motor Carrier Safety Administration

APPENDIX A

Year	Make	VIN#
2001	Eldorado	1N9LLAC661C084318
1997	Freightliner	4UZABFAD3VC667696
1999	Thomas	1T88R3B14X1167836
1997	Mitsubishi	JW6AAE1HXVL000273