

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

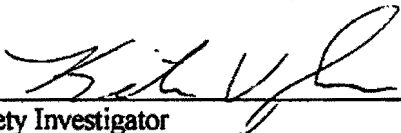
AGLEMOARGE SERVICES, INC.)
USDOT 1370411)
EYIAN ROBOTHAM,)
Individually)
Order No.: GA-2013-5000-IMH)

CERTIFICATE OF SERVICE

This is to certify that on the 21st day of December, 2012 the undersigned hand delivered one copy of the above-styled IMMEDIATE HAZARD OPERATIONS OUT-OF-SERVICE ORDER by serving in hand the individual listed below at the address shown below:

Eyian Robotham
Individual Served for Aglemoarge Services, Inc.

Address: 4223 Butternut Place
Atlanta, GA 30349


Safety Investigator
Federal Motor Carrier Safety Administration

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

**AGLEMOARGE SERVICES, INC.
USDOT 1370411**

EYIAN ROBOTHAM

) **Order No.: GA-2013-5000-IMH**
)
) **Service**
) **Date:** 12/21/2012
)
) **Service**
) **Date:** _____
)

IMMINENT HAZARD
OPERATIONS OUT-OF-SERVICE ORDER

This is an Imminent Hazard Operations Out-of-Service Order (“Order”) issued by the Secretary of Transportation pursuant to 49 U.S.C. § 521(b)(5)(A), 49 U.S.C. § 31144(c)(1) and (5), and 49 C.F.R. § 386.72(b)(1), and pursuant to a delegation of authority to the Field Administrator, Southern Service Center, Federal Motor Carrier Safety Administration (“FMCSA”), United States Department of Transportation (“USDOT”), Atlanta, Georgia. This Order applies to Aglemoarge Services, Inc. (USDOT# 1370411) and Eyian Robotham, individually (referred to collectively herein as “you,” “your,” “Aglemoarge Services, Inc.” and /or “Aglemoarge Services”) and to the commercial motor vehicles described herein.

The Secretary and FMCSA find your commercial motor vehicle operations and the continued operation of your commercial motor vehicles (VIN 1M8TRMPA7XP060837, VIN 2PCH33498W1012107 and VIN 2M93JMPA36W063316, herein “commercial motor vehicles,” “motor vehicles,” and/or “vehicles”) constitute an imminent hazard. This finding means that based upon your present state of unacceptable safety compliance, your operation of any commercial motor vehicle poses an imminent hazard to public safety.

EFFECTIVE IMMEDIATELY, YOU MUST CEASE ALL COMMERCIAL MOTOR VEHICLE OPERATIONS, INCLUDING ALL INTERSTATE AND INTRASTATE TRANSPORTATION OF PASSENGERS BY DRIVERS FROM ALL DISPATCHING LOCATIONS OR TERMINALS. FURTHER, THE COMMERCIAL MOTOR VEHICLES IDENTIFIED IN THIS ORDER ARE PROHIBITED FROM BEING OPERATED IN INTERSTATE OR INTRASTATE COMMERCE BY ANY OTHER MOTOR CARRIER OR ANY DRIVER.

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 cargo can be safely secured. (See 49 C.F.R. § 386.72(b)(4) and (5)).

NO ADDITIONAL PASSENGERS MAY BE LOADED OR TRANSPORTED, NOR MAY COMMERCIAL MOTOR VEHICLE BE OPERATED IN INTERSTATE OR INTRASTATE COMMERCE WHILE THIS ORDER IS IN EFFECT. A COMMERCIAL MOTOR VEHICLE MAY BE MOVED TO A LOCATION TO BE STORED OR REPAIRED ONLY UPON APPROVAL FROM THE FIELD ADMINISTRATOR, FMCSA SOUTHERN SERVICE CENTER.

I. JURISDICTION

Aglemoarge Services is a motor carrier engaged in interstate commerce and is therefore subject to the jurisdiction of the FMCSA and Federal motor carrier safety statutes and regulations, including 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 and 31136). Eyian Robotham is an individual who owns, manages, controls, directs or

otherwise oversees the operations of Aglemoarge Services. Aglemoarge Services is required to comply with, and to ensure that their drivers comply with, applicable Federal statutes and regulations including 49 C.F.R. Parts 40 and 350-399. (See 49 C.F.R. §§ 390.3 and 390.11).

THE PROHIBITION ON OPERATIONS IN THIS ORDER APPLIES TO AGLEMOARGE SERVICES, AS WELL AS ANY AND ALL OF ITS RESPECTIVE OWNER(S), OFFICER(S), DIRECTOR(S), PARTNER(S), MANAGER(S), SUCCESSOR(S), ASSIGN(S) AND CLOSELY AFFILIATED COMPANY(IES), INCLUDING EYIAN ROBOTHAM. THIS ORDER APPLIES TO ALL MOTOR CARRIER OPERATIONS AND ALL VEHICLES OWNED, LEASED, RENTED OR OTHERWISE OPERATED BY AGLEMOARGE SERVICES, INCLUDING BUT NOT LIMITED TO THE COMMERCIAL MOTOR VEHICLES IDENTIFIED IN THIS ORDER.

II. BASIS FOR ORDER

The basis for determining that Aglemoarge Services' motor carrier operations pose an imminent hazard to the public is that Aglemoarge Services currently fails to monitor and ensure that its drivers comply with drivers' hours of service (HOS) requirements, drivers' records of duty status requirements, drivers' qualification requirements, and drivers' controlled substances and alcohol use and testing requirements, thereby posing an ongoing and continuing imminent hazard. In addition, Aglemoarge Services fails to ensure its commercial motor vehicles are properly and regularly inspected, repaired and maintained, thereby posing a continuing imminent hazard to the public. Individually and cumulatively, these violations and conditions of operation substantially increase the likelihood of serious injury or death to Aglemoarge Services drivers, passengers and the motoring public.

III. BACKGROUND

Aglemoarge Services is an interstate charter carrier that intermittently operates as a curbside carrier,¹ transporting passengers between Atlanta, Georgia and Chinatown in New York City. On December 17, 2012, FMCSA initiated a compliance review of Aglemoarge Services because the carrier had two alert BASICs -- Unsafe Driving (95.1%) and Hours of Service Compliance (65.7%) -- and had been placed out-of-service for numerous driver and vehicle violations during a two-day FMCSA roadside strike force. The Compliance Review uncovered serious violations of the FMCSRs by Aglemoarge Services, demonstrating a continuing and flagrant disregard for regulatory compliance and an organization and safety management structure and philosophy indifferent to motor carrier safety. The Compliance Review proposed a safety rating of "Unsatisfactory."

Aglemoarge Services' carrier operations are reckless, with almost nonexistent management oversight of its drivers and operations. The carrier's operations are conducted out of a small, cluttered home office and its documents are in total disarray. Carrier documents are scattered over the office floor and papers are randomly tossed in a file drawer. In fact, two days prior to the compliance review, the company owner hired an office assistant to search through the files and locate documents requested by the FMCSA safety investigator in anticipation of the compliance review. With its disorganized paperwork, Aglemoarge Services

¹ Aglemoarge Services also transports local school and church groups in intrastate commerce in Georgia. On December 13, 2012, the Georgia Department of Public Safety issued a Cease and Desist Letter Order to Aglemoarge Services, ordering the carrier to cease all for-hire intrastate passenger carrier operations in Georgia. The Order states:

[T]his ORDER is a result of a comprehensive review of your commercial vehicle safety record over the past several months, including two most recent safety inspections this month, which placed either the driver or vehicle out of service for serious safety infractions; such unsafe actions endanger both the passengers and the motoring public.

cannot dispatch or monitor its drivers' hours of service to ensure that its drivers are operating its motor coaches safely. Indeed, Aglemoarge Services has a 50% driver out-of-service rate for the past 30 days of roadside inspections.²

Aglemoarge Services also fails to ensure that its drivers are qualified to operate its motor coaches. Aglemoarge Services' curbside trips from Atlanta to New York City are usually arranged two to three hours before the trip, and Aglemoarge Services must often borrow drivers from other motor carriers. As a result, Aglemoarge Services does not have adequate time to ensure that the driver is qualified to drive and has passed a pre-employment controlled substance testing. Aglemoarge Services' irresponsible actions in allowing unqualified drivers to operate its motor coaches subsequently increases the likelihood of serious injury or death to Aglemoarge Services' drivers, passengers, and the motoring public.³

Further, Aglemoarge Services' inspection, repair and maintenance program is grossly ineffective and does not prevent the operation of unsafe motor coaches. During the past 30 days, Aglemoarge Services has had a 55% vehicle out-of-service rate, being cited for 50 mechanical violations and 8 out-of-service mechanical violations. A December 19, 2012 vehicle inspection conducted by officers from the Georgia Department of Public Safety resulted in two of company's three motor coaches being placed out-of-service for numerous safety violations. Aglemoarge Services' continued and blatant disregard for the FMCSRs establishes an imminently hazardous and potentially deadly risk for its own drivers and for the motoring public.

² On the roadside inspections, Aglemoarge Services' drivers were cited for falsifying records of duty status, failing to maintain current records of duty status, and failing to retain previous seven days records of duty status.

³ Aglemoarge Services' irresponsible attitude toward safety is further evidenced by its owner, Eyian Robotham, operating a motor coach from South Hill, Virginia to New York, New York on February 25, 2012 without a commercial driver's license.

IV. REMEDIAL ACTION

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

AGLEMOARGE SERVICES MUST COMPLY WITH ALL PROVISIONS OF THIS ORDER

- 1. The commercial motor vehicles identified in this Order (VIN 1M8TRMPA7XP060837, VIN 2PCH33498W1012107 and VIN 2M93JMPA36W063316) may not be operated in interstate and/or intrastate commerce by any entity or by any individual until Aglemoarge Services has fully complied with the Remedial Actions set forth in this section.**
- 2. Aglemoarge Services must ensure and demonstrate that its vehicles are in a safe operating condition and are in full compliance with 49 C.F.R. Part 393 (Parts and Accessories Necessary for Safe Operations) and Part 396 (Vehicle Maintenance). Aglemoarge Services must also ensure that it has an adequate maintenance program in place to ensure compliance with the FMCSRs.**
- 3. Aglemoarge Services must require its drivers to prepare Driver Vehicle Inspection Reports at the end of each day, implement a procedure so that its drivers can report safety defects and/or deficiencies and establish procedures to ensure that reported safety defects and/or deficiencies are repaired immediately before the commercial motor vehicle is operated again. Aglemoarge Services must train its drivers and ensure all drivers understand the meaning of a roadside out-of-service order and comply with roadside out-of-service orders.**
- 4. Aglemoarge Services must ensure that it maintains driver qualification files, as required by 49 C.F.R. Part 391. Aglemoarge Services must ensure that every driver it uses**

has completed and furnished an employment application. Aglemoarge Services must investigate each driver's background within 30 days of employment, and must maintain a copy of the response from each State agency in the driver's qualification file. Aglemoarge Services must ensure that an annual list of traffic violations is obtained from each driver, an annual Motor Vehicle Record is obtained, and that an annual review is performed on each driver's driving record. Aglemoarge Services must ensure that a three-year previous employment check is performed on its drivers prior to their operating a commercial motor vehicle, in accordance with 49 C.F.R. § 391.23. Aglemoarge Services must ensure each driver possesses a DOT medical examiner's certificate as well as ensure that a copy of each driver's medical examiner's certificate is maintained in the driver's qualification file.

5. Aglemoarge Services must establish a DOT controlled substance and alcohol testing program in compliance with 49 C.F.R. Parts 40 (Procedures for Transportation Workplace Drug and Alcohol Testing Programs) and 382 (Controlled Substances and Alcohol Use and Testing) and provide evidence of this program to the Southern Service Center Field Administrator. Aglemoarge Services must use only those laboratories certified by the U.S. Department of Health and Human Services' Substance Abuse and Mental Health Services Administration for the analysis of urine specimens. Aglemoarge Services must implement a policy on the misuse of alcohol and controlled substances that conforms to 49 C.F.R. § 382.601(b). Aglemoarge Services must ensure that driver supervisors undergo at least 60 minutes of training on alcohol misuse as well as an additional 60 minutes of training on controlled substance use that conforms to 49 C.F.R. § 382.603.

6. Aglemoarge Services must ensure that each driver selected for random controlled substances or alcohol testing has an equal chance of being selected each time selections are

made. Aglemoarge Services must ensure that it has received a negative pre-employment controlled substances test for each driver before using that driver to perform safety-sensitive functions.

7. Aglemoarge Services must implement a dispatch system that ensures that no driver will be dispatched on any trip unless the driver has the necessary available hours of service to complete the trip in accordance with 49 C.F.R. Part 395.

8. Aglemoarge Services must ensure that all drivers are adequately trained in the requirements of the FMCSRs and that they are able to conduct motor carrier operations consistent with those regulations.

9. Aglemoarge Services must ensure that each of its drivers records his or her duty status for each 24-day period in accordance with 49 C.F.R. § 395.8. Aglemoarge Services must ensure that each of its drivers complies with the hours of service rules in 49 C.F.R. § 395.8. Aglemoarge Services must maintain each record of duty status for a minimum of six months in accordance with 49 C.F.R. § 395.8.

10. Aglemoarge Services must submit paperwork and obtain approval for operating authority and must provide proof of requisite BIPD insurance coverage.

11. Aglemoarge Services must mark, in accordance with 49 CFR § 390.21, any commercial motor vehicles owned or operated by Aglemoarge Services with the appropriate carrier name and US DOT number.

12. Aglemoarge Services must comply with all Orders issued by FMCSA.

V. RESCISSION OF ORDER

Before resuming motor carrier operations, Aglemoarge Services must comply with the provisions of this Order, eliminate the problems constituting the imminent hazard that its

operations pose, and adequately demonstrate to the Field Administrator, Southern Service Center, Federal Motor Carrier Safety Administration, United States Department of Transportation, the actions taken to eliminate the safety problems. Aglemoarge Services cannot avoid this Order by continuing operations under the name of another person or company. Any sale, lease, or other transfer of equipment and/or direct assignment of contracts or other agreements for service by Aglemoarge Services requires the written approval of the Southern Service Center Field Administrator. Any such action taken in anticipation of this Order must cease immediately. Aglemoarge Services must have the Order rescinded by the Southern Service Center Field Administrator before either may continue interstate or intrastate operations.

Prior to rescission of the Order, Aglemoarge Services will be required to:

- 1. IDENTIFY THE CAUSE FOR THEIR NONCOMPLIANCE.**
- 2. DEVELOP A DETAILED PLAN OF ACTION THAT ADDRESSES EACH AREA OF NON-COMPLIANCE, THE STEPS AGLEMOARGE SERVICES INTENDS TO TAKE TO OVERCOME ITS NON-COMPLIANCE AND A TIME TABLE FOR THESE STEPS (THE SAFETY MANAGEMENT PLAN).**
- 3. DEVELOP AND CERTIFY THE COMMITMENT OF AGLEMOARGE SERVICES TO COMPLY WITH THE FMCSRs.**
- 4. EXECUTE THE SAFETY MANAGEMENT PLAN AND PROVIDE CERTIFICATION BY ALL OWNERS AND COMPANY OFFICIALS. FOR PURPOSES OF THIS PARAGRAPH, "OWNERS AND COMPANY OFFICIALS" MEANS ANY PERSON OWNING MORE THAN A 10 PERCENT SHARE IN AGLEMOARGE SERVICES, ALL REGISTERED CORPORATE OFFICERS AND ANY INDIVIDUAL RESPONSIBLE FOR OR PERFORMING HIRING, QUALIFYING, OR SCHEDULING**

OF DRIVERS, OR SCHEDULING OR DIRECTING VEHICLE INSPECTION, REPAIR AND/OR MAINTENANCE.

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

Field Administrator, Southern Service Center
Federal Motor Carrier Safety Administration
1800 Century Blvd., NE, Suite 1700
Atlanta, Georgia 30345

Division Administrator, Georgia Division
Federal Motor Carrier Safety Administration
1745 Phoenix Boulevard, Suite 380
Atlanta, Georgia 30349

VI. FAILURE TO COMPLY

Failure to comply with the provisions of this Order may subject Aglemoarge Services to an action by the United States Attorney in the United States District Court for equitable relief and punitive damages. Aglemoarge Services may be assessed civil penalties of up to \$16,000 per day for each day either continues the proscribed interstate or intrastate operations after the effective date and time of this Order. (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 or imprisonment for a term not to exceed one year, or both. (49 U.S.C. § 521 (b)(6)(A)).

VII. ADDITIONAL PENALTIES FOR OTHER VIOLATIONS

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, previously discovered, discovered after the service of this Order, and/or discovered during subsequent investigations.

VIII. RIGHT TO REVIEW

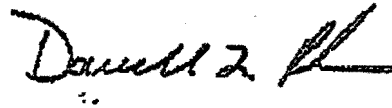
You have the right to an administrative review in accordance with 5 U.S.C. § 554 pursuant to 49 C.F.R. § 386.72(b)(4). If requested, administrative review shall occur within 10 working days of the issuance of this Order. (49 U.S.C. § 521(b)(5) and 49 C.F.R. § 386.72(b)(4)). A request for review must 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, S.E.
Washington, D.C. 20590

Field Administrator, Southern Service Center
Federal Motor Carrier Safety Administration
1800 Century Blvd., NE, Suite 1700
Atlanta, Georgia 30345

The request must state the material facts at issue which you believe dispute or contradict the finding that Aglemoarge Services' operation 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. YOUR RESPONSE TO THIS ORDER WILL NOT ALTER THE PROPOSED "UNSATISFACTORY" SAFETY FITNESS RATING THAT RESULTED FROM THE COMPLIANCE REVIEW ISSUED ON OR ABOUT DECEMBER 21, 2012.



Date: December 21, 2012

Darrell Ruban, Field Administrator
United States Department of Transportation
Federal Motor Carrier Safety Administration