



U.S. Department  
of Transportation

**Federal Motor Carrier  
Safety Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

In reply refer to:  
Tracking Number 11266

### **APPLICATION DISMISSAL**

Gerardo Antonio Smith Sarabia  
D/B/A L.A.S. Transport  
10005 Marconi Dr. 3  
San Diego, CA 92154

Pursuant to the Federal Motor Carrier Safety Administration's (FMCSA) April 13, 2011, Federal Register notice announcing the United States-Mexico Long-Haul Trucking Pilot Program, FMCSA submitted information from your company's application to the Department of Homeland Security (DHS) for security screening. Your company has failed DHS' security screening, and, therefore, is not eligible for participation in the Pilot Program.

Reasons a motor carrier or driver may not pass DHS' security screening may include:

- Providing false or incomplete information;
- Conviction of any criminal offense or pending criminal charges or outstanding warrants;
- Violation of any customs, immigration or agriculture regulations or laws; the carrier or driver is the subject of an ongoing investigation by any Federal, State or local law enforcement agency;
- The motor carrier or driver is inadmissible to the United States under immigration regulations, including applicants with approved waivers of inadmissibility or parole documentation;
- The DHS is not satisfied concerning the motor carrier's or driver's low-risk status;
- The DHS cannot determine an applicant's criminal, residence or employment history; or
- The motor carrier or driver is subject to National Security Entry Exit Registration System or other special registration programs.

As a result of failing the required security screening, this letter is to inform you that FMCSA is dismissing your application for provisional operating authority under the pilot program.

You have the right to appeal the dismissal of your application under 49 Code of Federal Regulations (CFR) Section 365.111, Appeals to rejections of the application. The appeal must be filed with FMCSA within 10 calendar days of the date of this letter. If the appeal is successful and the filing is found to be proper, the application shall be deemed to have been properly filed as of the decision date of the appeal. The appeal must include information that demonstrates that your company is in compliance with DHS' requirements.

An appeal request must be submitted to:

Mr. William A. Quade  
Associate Administrator for Enforcement and Program Delivery  
Federal Motor Carrier Safety Administration  
1200 New Jersey Avenue, SE  
Washington, DC 20590

The request may be faxed to 202-366-3375.

Absent a timely appeal of this dismissal notice under 49 CFR § 365.111, your application will be dismissed within 20 days of the date of this letter. If you have any questions, please contact the North American Borders Division at (202) 366-5125.

Sincerely,

A handwritten signature in black ink, appearing to read "Kelly Leone". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kelly Leone  
Associate Administrator  
for Research, Information, and Technology