


UNITED STATES DEPARTMENT OF TRANSPORTATION

	US DOT # 677516X	Legal: MOISES ALVAREZ PEREZ Operating (DBA): DISTRIBUIDORA MARINA EL PESCADOR
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MC/MX #: 313931 **RFC #:** AAPM5508271H4 **Federal Tax ID:**
Review Type: Compliance Review (CR)
Scope: Principal Office **Location of Review/Audit:** FMCSA Border Office **Territory:** E

Operation Types	Interstate	Intrastate	Business: Individual Gross Revenue: \$39,264.00 for year ending: 12/31/2008
Carrier:	Non-HM	N/A	
Shipper:	N/A	N/A	
Cargo Tank:	N/A		

Company Physical Address:

CALLE 6TA #8724
TIJUANA, BN 22000 MEXICO CENTRO

Contact Name:
Phone numbers: (1) 664- 973-2187 (2) 6195710145 **Fax** 6642154119
E-Mail Address: COMERPESCA@HOTMAIL.COM

Company Mailing Address:

1311 EAST VAQUERO CT
CHULA VISTA, CA 91910

Carrier Classification

Authorized for Hire	Private Property
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Cargo Classification

Refrigerated Foods	Other: SEAFOOD
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Does carrier transport placardable quantities of HM? No
Is an HM Permit required? N/A

Driver Information

	Inter	Intra	Average trip leased drivers/month: 0
< 100 Miles:			Total Drivers: 1
>= 100 Miles:	1		CDL Drivers: 1

Equipment

	Owned	Term Leased	Trip Leased	Owned	Term Leased	Trip Leased
Truck	1	0				

Power units used in the U.S.: 1

Percentage of time used in the U.S.: 10





DISTRIBUIDORA MARINA EL PESCADOR (MOISES ALVAREZ P dba)

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02/23/2009

Part A

Questions about this report or the Federal Motor Carrier Safety or Hazardous Materials regulations may be addressed to the Federal Motor Carrier Safety Administration at:

2297 Niels Bohr Court, Suite 204
San Diego (Otay Mesa), CA 92154
Phone: (619)710-8400 Fax:(619)710-2804

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: MOISES ALVAREZ PEREZ

Title: OWNER

Name:

Title:





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Part B Violations

1 FEDERAL	Primary: 382.401(c)(6)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 0	Checked 0
Description Failing to maintain semi-annual laboratory statistical summaries of urinalysis required by 40.29(g)(6). Example Driver name, , Trip date, 10/15/2008.					
2 FEDERAL	Primary: 382.603	Discovered 1	Checked 1	Drivers/Vehicles In Violation 0	Checked 0
Description Failing to ensure persons designated to determine that drivers undergo reasonable suspicion testing receive 60 minutes training for alcohol and/or 60 minutes of training for controlled substances. Example Driver name, Trip date, 10/15/2008, Supervisor/Company official not trained. Moises Alvarez Perez.					
3 FEDERAL	Primary: 391.11(b)(6) Secondary: 391.11(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
Description Failing to require driver to furnish list of motor vehicle traffic violations each 12 months. Example Driver b6, b7c , Trip date 09/02/2008.					
4 FEDERAL	Primary: 395.8(f)(12)	Discovered 5	Checked 30	Drivers/Vehicles In Violation 1	Checked 1
Description Failing to require driver to prepare record of duty status in form and manner prescribed. Example Driver name, b6, b7c , Trip date, 10/15/2008, Missing commodity shipper or manifest #.					
5 FEDERAL	Primary: 396.3(b)(1)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
Description Failing to keep a maintenance record which identifies the vehicle, including make, serial number, year, and tire size. Example Company number CA 7W43249 is missing record which identifies the vehicle, including make, serial number, year, and tire size.					





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Part B Violations

6 FEDERAL	Primary: 396.9(d)(3)	Discovered 4	Checked 17	Drivers/Vehicles In Violation 0 Checked 0																												
<p>Description Failing to maintain completed inspection form for 12 months from the date of inspection at the carrier's principal place of business.</p> <p>Example Date of inspection, 09/11/2008, Issuing agency, USDOT/FMCSA, Driver name, , Vehicle ID, CA 7W43249.</p>																																
<p>Safety Fitness Rating Information:</p> <p>Total Miles Operated 3,915 Recordable Accidents 0 Recordable Accidents/Million Miles 0.00</p>		<p>OOS Vehicle (CR): 0 Number of Vehicle Inspected (CR): 0 OOS Vehicle (MCMIS): 0 Number of Vehicles Inspected (MCMIS): 3</p>																														
<p>Your proposed safety rating is :</p> <p style="text-align: center;">SATISFACTORY</p>		<table border="1"> <thead> <tr> <th>Rating Factors</th> <th></th> <th>Acute</th> <th>Critical</th> </tr> </thead> <tbody> <tr> <td>Factor 1:</td> <td>S</td> <td>0</td> <td>0</td> </tr> <tr> <td>Factor 2:</td> <td>S</td> <td>0</td> <td>0</td> </tr> <tr> <td>Factor 3:</td> <td>S</td> <td>0</td> <td>0</td> </tr> <tr> <td>Factor 4:</td> <td>S</td> <td>0</td> <td>0</td> </tr> <tr> <td>Factor 5:</td> <td>N</td> <td>0</td> <td>0</td> </tr> <tr> <td>Factor 6:</td> <td>S</td> <td>-</td> <td>-</td> </tr> </tbody> </table>			Rating Factors		Acute	Critical	Factor 1:	S	0	0	Factor 2:	S	0	0	Factor 3:	S	0	0	Factor 4:	S	0	0	Factor 5:	N	0	0	Factor 6:	S	-	-
Rating Factors		Acute	Critical																													
Factor 1:	S	0	0																													
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Factor 3:	S	0	0																													
Factor 4:	S	0	0																													
Factor 5:	N	0	0																													
Factor 6:	S	-	-																													

Corrective actions must be taken for any violations (deficiencies) identified on Part B of this report.





Part B Requirements and/or Recommendations

1. Copies of the regulations, forms, interpretations, and manuals are available from a variety of sources. Check the FMCSA website for a current list of suppliers. www.fmcsa.dot.gov/safety-security/eta/index.htm
2. A copy of your carrier profile can be obtained for \$20 from the SAFER website (<http://safer.fmcsa.dot.gov>) or by calling 800-832-5660 or 703 280-4001. You can also write: Computing Technologies Inc. P.O. Box 3248, Merrifield, VA 22116-3248. Profile cost if ordered by mail or phone is \$27.50.
3. The Federal Motor Carrier Safety Administration has a Spanish language version of its website at: www.fmcsa.dot.gov/spanish/.
4. A complete Educational and Technical Assistance package entitled " A MOTOR CARRIER'S GUIDE TO IMPROVING HIGHWAY SAFETY" is available free on the FMCSA website to assist you in complying with the safety regulations. It contains many forms and documents useful for improving the safety of your operations. Check: www.fmcsa.dot.gov/factsfiqs/eta/index.html.
5. For questions about DOT numbers or biennial updates: 800-832-5660 or 703-280-4001
For questions about licensing, authority or MC numbers: 202-366-9805
For questions about insurance: 202-385-2423
For household goods complaints: 888-DOT-SAFT (888-368-7238)
6. Recurring violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) that result in three enforcement actions within a six year period will cause the maximum penalties allowed by law to be assessed for the third enforcement action.
7. This review will result in a Safety Rating.
8. Each employer shall ensure that all persons designated to supervise drivers receive at least 60 minutes of training on alcohol misuse and receive at least an additional 60 minutes of training on controlled substances use. The training will be used by the supervisors to determine whether reasonable suspicion exists to require a driver to undergo testing under §382.307. The training shall include the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances. Recurrent training for supervisory personnel is not required.
9. Laboratory must transmit aggregate statistical summary on semi-annual basis
10. Consider the driver's accident record and any evidence that the driver has violated laws governing the operation of motor vehicles, and must give great weight to violations, such as speeding, reckless driving, and operating while under the influence of alcohol or drugs, that indicate that the driver has exhibited a disregard for the safety of the public.
11. Ensure drivers to prepare record of duty status in form and manner prescribed. The driver's activities shall be recorded in accordance with the following provisions: Entries to be current. Drivers shall keep their record of duty status current to the time shown for the last change of duty status. Entries made by driver only. All entries relating to driver's duty status must be legible and in the driver's own handwriting. Date. The month, day and year for the beginning of each 24-hour period shall be shown on the form containing the driver's duty status record. Total miles driving today. Total mileage driven during the 24-hour period shall be recorded on the form containing the driver's duty status record. Commercial motor vehicle identification. The driver shall show the number assigned by the motor carrier or the license number and licensing state of each commercial motor vehicle operated during each 24-hour period on his/her record of duty status. The driver of an articulated (combination) commercial motor vehicle shall show the number assigned by the motor carrier or the license number and licensing state of each motor vehicle used in each commercial motor vehicle combination operated during that 24-hour period on his/her record of duty status. Name of motor carrier. The name(s) of the motor carrier(s) for which work is performed shall be shown on the form





Part B Requirements and/or Recommendations

containing the driver's record of duty status. When work is performed for more than one motor carrier during the same 24-hour period, the beginning and finishing time, showing a.m. or p.m., worked for each motor carrier shall be shown after each motor carrier's name. Drivers of leased commercial motor vehicles shall show the name of the motor carrier performing the transportation. Signature/certification. The driver shall certify to the correctness of all entries by signing the form containing the driver's duty status record with his/her legal name or name of record. The driver's signature certifies that all entries required by this section made by the driver are true and correct. Time base to be used. The driver's duty status record shall be prepared, maintained, and submitted using the time standard in effect at the driver's home terminal, for a 24-hour period beginning with the time specified by the motor carrier for that driver's home terminal. The term 7 or 8 consecutive days means the 7 or 8 consecutive 24-hour periods as designated by the carrier for the driver's home terminal. The 24-hour period starting time must be identified on the driver's duty status record. One-hour increments must appear on the graph, be identified, and preprinted. The words Midnight and Noon must appear above or beside the appropriate one-hour increment. Main office address. The motor carrier's main office address shall be shown on the form containing the driver's duty status record. Recording days off duty. Two or more consecutive 24-hour periods off duty may be recorded on one duty status record. Total hours. The total hours in each duty status: off duty other than in a sleeper berth; off duty in a sleeper berth; driving, and on duty not driving, shall be entered to the right of the grid, the total of such entries shall equal 24 hours. Shipping document number(s), or name of shipper and commodity shall be shown on the driver's record of duty status.

- 12. Maintain completed inspection form for 12 months from the date of inspection at the carrier's principal place of business.

The driver of any motor vehicle receiving an inspection report shall deliver it to the motor carrier operating the vehicle upon his/her arrival at the next terminal or facility. If the driver is not scheduled to arrive at a terminal or facility of the motor carrier operating the vehicle within 24 hours, the driver shall immediately mail the report to the motor carrier.

Motor carriers shall examine the report. Violations or defects noted thereon shall be corrected.

- 13. For vehicles controlled for 30 consecutive days or more, , the motor carriers shall maintain, or cause to be maintained, the following record for each vehicle.

An identification of the vehicle including company number, if so marked, make, serial number, year, and tire size. In addition, if the motor vehicle is not owned by the motor carrier, the record shall identify the name of the person furnishing the vehicle;





Part C

Part 40/ Part 382 - Carrier showed evidence of controlled substance and alcohol testing program, enrolled with RMC Testing Solutions. Verified enrollment with Cindy Cunningham, (619) 661-0572. She explained consortium met the 50% testing rate for controlled substances and met the 10% testing rate for alcohol, for 2008 calendar year. There were 1,998 drivers in a large pool, of which 1,005 were tested for controlled substance and 258 tested for alcohol for calendar year 2008. Current driver in this company tested negative.

Violations discovered and noted: carrier failed to have statistical summaries for 2008 random testing, and failed to conduct supervisor training. Carrier was made aware of the severity of having this program improved. He claimed it will be improved once the review is complete.

Part 383 - After reviewing the profile, CDLIS check was conducted on driver shown on the profile. Current driver is he has been driving for this company for the . Carrier used the same driver within the last 365 days. No problems noted.

Part 387 - Carrier showed an MCS-90 and was verified with Commercial Alliance Insurance Company policy # CEC025483, also verified with L&I website. No problems noted.

Part 390 - Motor carrier had zero recordable accident in the past 365 days.

Part 391- After reviewing the profile, the driver shown on the profile was selected for review. Reviewed one driver file per eFOTM sample size.

Violations discovered and noted: carrier failed to furnish a list of traffic violations each 12 months. Carrier was informed the significance in having a driver qualification file in order to gain compliance in this part.

Part 393- Vehicle was not inspected during this review, due to the unavailability during the CR. The OOS rate was calculated using the carrier profile, 0 vehicle OOS of 3 inspections at 0%.

Part 395 - After reviewing the profile, driver shown on the profile was selected for review. Carrier operates beyond the 100 air-mile-radius and is required to complete RODS. Reviewed 30 RODS since only one driver was subject to this part.

Violations were discovered and noted: failed to make RODS in the form and manner prescribed, driver did not add commodity or shipper number, mileage, and company address. Carrier was advised of the significance in having RODS reviewed and completed in the correct manner.

Part 396- After reviewing the profile, vehicle shown on the profile was selected for review. Verified unit placed OOS on the carrier profile was not operated until defects and deficiencies were corrected. After interviewing the carrier, it was discovered company uses an outside independent vendor to conduct periodic maintenance on company vehicles. Inspections have been mainly conducted by state or federal officials at inspection facilities. Since carrier only operates one CMV, he is using 396.11 exemption for DVIRS.

Violations as noted: carrier failed to maintain roadside inspections on file, and failed to identify vehicle's tire-size. Carrier was informed to make necessary changes and updates to maintenance and inspection files.

For the conclusion of the investigation owner, Moises Alvarez Perez was given a detailed explanation in the violations in part B and the importance of practicing Safety Management on all the parts of the FMCSRS.

This Compliance Review was performed by Safety Investigator Aaron Celiceo at the FMCSA Otay Mesa Border office in San Diego, California. A business card was attached to the copy of CR provided to the carrier.

