

**BEFORE THE
UNITED STATES DEPARTMENT OF TRANSPORTATION
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION**

IN THE MATTER OF:
 Wilbur-Ellis (Respondent)

**PHMSA CASE NUMBER
12-0153-SNT-CE**

FINAL ORDER

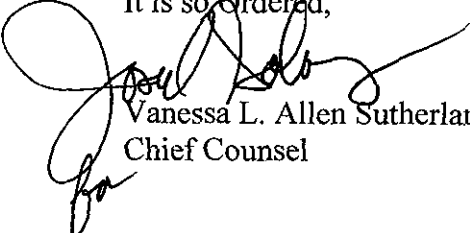
By this Order, I find that Wilbur-Ellis (Respondent) committed four (4) violations of the Hazardous Materials Regulations (HMR), 49 CFR Parts 171-180, and I assess Respondent a \$6,000 civil penalty.

On March 11, 2013, the Office of Chief Counsel issued a Notice of Probable Violation (Notice) to Respondent proposing a \$6,000 civil penalty for four (4) violations of the HMR. On March 25, 2013, Respondent submitted a payment in the amount of \$6,000. By paying the full amount of the civil penalty proposed in the Notice, Respondent admitted the violations as alleged in the Notice (49 CFR § 107.315). Therefore, I find that Respondent committed the violations as set forth in the Notice.

These violations shall constitute a prior violation under 49 U.S.C. § 5123 in the event Respondent commits any future violation of the Federal hazardous materials transportation law, 49 U.S.C. § 5101 *et seq.*, or the HMR.

By paying the proposed civil penalty, Respondent waived all rights to further respond to the Notice and to appeal this Order. Accordingly, PHMSA accepts Respondent's March 25, 2013 payment in full satisfaction of the civil penalty proposed in the Notice and PHMSA shall close this case with prejudice.

Dated: 4/9/2013

It is so Ordered,

Vanessa L. Allen Sutherland
Chief Counsel

CERTIFICATE OF SERVICES

This is to certify that on the 12th day of April 2013 the undersigned served in the following manner the designated copies of this Order to each party listed below:

Mr. Randy Cain
Branch Manager
Wilbur-Ellis
48 US Highway 60
Farwell, Texas 79325

Original Order
Certified Mail Return Receipt

Mr. John P. Thacher
Wilbur-Ellis
President/CEO
345 California St, Floor 27
An Francisco, CA 94104

One Copy
Certified Mail Return Receipt

Enforcement Officer
Office of Hazardous Materials Enforcement
1200 New Jersey Avenue, SE
Washington, DC 20590

One Copy
Electronic

Mr. Robert Clatterbuck, Acting Director
Hazardous Materials Enforcement Office
Central Region, PHH-43
2300 East Devon Avenue Suite 478
Des Plaines, IL 60018

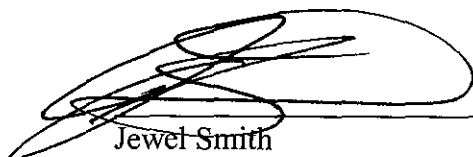
One Copy
Electronic

Shawn C. Wolsey, Attorney
Pipeline and Hazardous Materials
Safety Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

One Copy to File

U.S. DOT Dockets
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

One Copy
Personal Delivery


Jewel Smith