



**Motor Carrier Attachment – AGL Compliance Review June 27, 2022**

**Louisville, NY**

**HWY23FH005**

**(10 pages)**

# UNITED STATES DEPARTMENT OF TRANSPORTATION



**U.S. DOT#:** 2447319  
**MC/MX#:** 844580

**Legal:** AERO GLOBAL LOGISTICS  
**Operating (DBA):**

**Investigation Date:**  
06/27/2022

**Investigation Type:** Onsite Comprehensive Investigation

**Location of Investigation:** Company principal place of business (PPOB)

**Extent of Operations:** Entire Operation

**Physical Address**

2983 SOUTH PLEASANT VALLEY ROAD  
WINCHESTER, VA 22601  
United States

**Mailing Address**

80 MORRISTOWN ROAD UNIT 3B -PMB315  
BERNARDSVILLE, NJ 07924  
United States

**Contact Information**

**Contact Name:** SHAWN SHARIFF

**Email:**

**Phone:** [REDACTED] **Cell:** ( )- **Fax:** ( )-

**Business and Financial**

**Business Type:** Corporation

**Name of Gross Revenue Provider:** Shawn Shariff

**Title of Gross Revenue Provider:** President

**Gross Revenue:** \$22,754,630.00 **For Year Ending:** 12/31/2021

**Federal Tax ID:** [REDACTED] (EIN)

**Operation Classification and Type**

**Type of Operation:** Non-HM Interstate Carrier

**Operation Classification**

For-Hire Motor Carrier  
Property  
Other Non-Hazardous Freight

**Cargo**

General Freight, Other (auto parts)

**Equipment**

	Owned	Term Leased	Trip Leased
Straight Trucks	59		
Truck Tractors	43		
Trailers	79		

**Driver Information**

Drivers	Intrastate	Interstate
< 100 Miles	57	48
>= 100 Miles	2	22

**Power units used in the U.S.:** 102  
**Percentage of time used in the U.S.:** 100%

**Average trip leased driver/month:** 0  
**Drivers with CDL:** 69  
**Total Drivers:** 129

**Person(s) Interviewed**

**Name:** SHAWN SHARIFF

**Title:** PRESIDENT

**Name:** Chris Mitchell

**Title:** Director of Safety

**Questions**

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:	400 N 8TH ST STE 780 RICHMOND, VA 23219-4827 Phone: (804) 771-8585 Fax: (804) 771-8670
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**This report will be used to assess your safety compliance.**

# Violations

## 1. Primary: 392.2

Operating a vehicle in violation of local/state laws - Unsafe Driving.

### Violations Discovered

Fed	State	Total
1		1

### Checked

Fed	State	Total
1		1

### Example/Notes:

[6/22/2022] - The FMCSA and State partners have identified violations across multiple inspections at the roadside over the previous 24 months that are reflected in the Unsafe Driving BASIC of the Carrier Safety Measurement System, including: [Speeding, Failing to wear seat belts, failing to obey traffic control device].

Vehicle License or Company Number-P45222

Driver Name-Ruben Teixeira

Trip Date-4/4//2022

Description of Violation-On 4/4/2022, Ruben Teixeira operated a cmv from Portland, ME to Foxborough, MA. The driver was stopped for a roadside inspection and was cited for speeding 11-14 miles over the limit.

### Drivers/Vehicles in Violation

Fed	State	Total
1		1

### Checked

Fed	State	Total
1		1

## 2. Primary: 395.8(a)(1)

Failing to require a driver to prepare a record of duty status using the appropriate method.

### Violations Discovered

Fed	State	Total
5		5

### Checked

Fed	State	Total
330		330

### Example/Notes:

Date-12/2/2022

Driver name-Cody Lopez

On 12/2/2022, Cody Lopez operated a cmv from Winchester, VA to Sellingsgrove, PA. Google Maps shows that the PPOB is 163 miles from the dealership in Sellingsgrove, PA. The driver prepared a time card and should have prepared a log book for that day.

### Drivers/Vehicles in Violation

Fed	State	Total
1		1

### Checked

Fed	State	Total
11		11

# Safety Fitness Rating

Your proposed safety rating is: **SATISFACTORY** 0 UNSATISFACTORY rating factors and 2 or fewer CONDITIONAL rating factors. Corrective actions must be taken for any violations (deficiencies) identified in this report. See below for more information.

<b>RATING FACTORS</b>	<b>RATING</b>	<b>ACUTE</b>	<b>CRITICAL</b>
Factor 1: General = Parts 387 and 390	Satisfactory	0	0
Factor 2: Driver = Parts 382, 383 and, 391	Satisfactory	0	0
Factor 3: Operational = Parts 392 and 395	Satisfactory	0	0
Factor 4: Vehicle = Parts 393 and 396 OOS Vehicles (CR): 0 Number of Vehicles Inspected (CR): 0 OOS Vehicles (MCMIS): 3 Number of Vehicles Inspected (MCMIS): 20 OOS Rate: 15%	Satisfactory		
Factor 5: Haz. Mat. = Parts 397, 171, 177 and, 180	N/A	N/A	N/A
Factor 6: Accident Factor = Recordable Rate Total Miles Operated: 11,869,700 Recordable Accidents: 5 Recordable Accidents/Million Miles: 0.42	Satisfactory	N/A	N/A

You must take corrective actions for any violations (deficiencies) identified in the Violations section of this report.

**DataQs:** If you dispute the violations recorded in the Violations section of this investigation report, and the violations were not used in the calculation of your safety rating, you may submit a Request for Data Review (RDR) through DataQs. The DataQs system is the method to remove violations that did not affect your safety rating. DataQs is an online system that allows a motor carrier or driver to request and track a review of Federal and State issued data that it believes to be incomplete or incorrect. To submit an RDR, go to <https://dataqs.fmcsa.dot.gov>.

# Process Breakdown and Remedies

## BASIC: Unsafe Driving

### Process Breakdown: Monitoring and Tracking

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The carrier had an alert in the Unsafe Driving Policy and a Seat Belt Policy. The carrier has been cited for violations such as speeding, not wearing seat belts and failing to obey traffic control devices. I advised the carrier to monitor the SMS data on a weekly basis. The Monitoring and Tracking Process Breakdown was selected.

### Specific Recommended Remedies

#### To implement Safety Improvement Practices, the following list are recommended practices related to Monitoring and Tracking:

1. Ensure that dispatchers and/or the safety manager monitor drivers' speed for violations with use of an electronic or manual movement record that is, that they track driver movements via driver reports, global positioning systems (GPS), and travel receipts.
2. Evaluate personnel who are monitoring drivers' safety performance by making sure that they are using inspections and other data; applying performance standards fairly, consistently, and equitably; and documenting evaluations.
3. Regularly evaluate the company's unsafe-driving-related inspection results via the Federal Motor Carrier Safety Administration's (FMCSA) website at <http://ai.fmcsa.dot.gov/SMS>. Assess violations for process breakdowns and how to remedy them. Use data to help implement an effective process beyond self-reporting to monitor, document, and evaluate compliance with unsafe-driving regulations and company policies.
4. Implement a system for keeping accurate records of employee driving-safety training needs and completed training, via software, a checklist in the driver's file, and/or another appropriate method.
5. When monitoring and tracking any unsafe-driving-related issues, always assess whether an issue is individual or represents a systemic breakdown in one of the Safety Management Processes (Policies and Procedures, Roles and Responsibilities, etc.).

# Recommendations

## 1. **Carrier Crashes**

The Division Administrator/State Director will continue to consider preventability when a motor carrier contests a proposed safety fitness rating. The motor carrier may deem that the recordable accident rate is not a fair means of evaluating its accident factor (Factor 6) on the CR report. If so, the motor carrier must submit the compelling evidence within seven calendar days if the proposed rating is Unsatisfactory and 10 calendar days if the proposed rating is Conditional to:

Division Administrator/State Director  
Federal Motor Carrier Safety Administration  
400 N 8TH ST STE 780  
RICHMOND, VA 23219-4827

Compelling evidence must be limited to official police accident reports and official insurance accident investigation reports.

## 2. **Additional Information**

Please visit the CSA outreach site for additional guidance: <https://csa.fmcsa.dot.gov>.

## 3. **Accident Countermeasures website has strategies and forms.**

Accident Countermeasures is a set of defensive strategies designed to reduce preventable accidents. The strategies and forms for implementing accident countermeasures can be found on the FMCSA website at:

<http://www.fmcsa.dot.gov/forms/print/accident.htm>

## 4. **Ensure that all drivers' logs are accurate.**

Ensure that all drivers' records of duty status (logs) are accurate. Check them against "supporting documents" to verify accuracy. Prohibit falsification of logs by any driver. Review the rules on supporting documents. Take appropriate action against drivers who falsify logs.

## 5. **Keep all driver vehicle inspection reports for 90 days.**

Keep all driver vehicle inspection reports, signed, certified, and reviewed as required on file for at least 90 days.

## 6. **Ensure that inspections are done at proper intervals.**

Ensure that the persons or entities that perform preventative maintenance inspections on your equipment are abiding by agreed time or mileage intervals. Ensure that records are kept of such periodic preventative maintenance inspections. Take corrective action, if schedules are not being adhered to.

## 7. **Review with drivers procedure for pre and post trip inspections.**

Review with your drivers periodically the procedures for doing pre-trip and post-trip inspections. Ensure that safety defects reported by drivers on their Vehicle Inspection Reports (VIR) are repaired before the vehicle is re-dispatched. Require drivers to prepare Vehicle Inspection Reports on a daily basis. Keep them on file for 90 days.

## 8. **Require drivers to prepare complete and accurate records.**

Require all drivers to prepare complete and accurate records of duty status for each day, and to submit them within 13 days. Maintain all duty status records on file, with all supporting documents, for at least 6 months.

## 9. **Duty status records must be kept on file for 6 months.**

Ensure that all documents supporting records of duty status (such as toll, fuel repair and other on-the-road expense receipts, as well as invoices, bills of lading, dispatch records, etc.) are kept on file for at least 6 months.

## 10. **Retain supporting documents for 6 months.**

Toll receipts and other on-the-road expense receipts, invoices, bills of lading, dispatch records, and other "supporting document" must be kept on file for six (6) months. This requirement also applies to records generated by the use of owner-operators. You may keep legible photocopies in lieu of originals.

## 11. **150-mile exemption terms must be met.**

If you want some drivers to use the 150 air-mile radius exemption, make sure that the drivers meet all terms of the exemption, including being released from duty no more than 14 hours from when they report for duty. Logs must be prepared if a driver does not meet the 14 hour requirement.

## 12. **Required Recommendation**

1. Required recommendation for all CI's

For all Investigations:

Understand Why Compliance Saves Time and Money: Compliance with FMCSRs will not only save lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the

many benefits of compliance to your business and why safety is good business.

Document and Follow Through on Action Plans: Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance.

NOTICE: A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations mean violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six-year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six-year period.

NOTICE: 49 CFR Part 391.23 requires prospective employers to, at a minimum, investigate a driver's employment information, crash record, and alcohol and controlled substances history from all employers the driver worked for within the previous 3 years. The Pre-Employment Screening Program (PSP) is a screening tool that assists motor carriers in investigating crash history and roadside safety performance of prospective drivers. The PSP allows motor carriers to purchase 5 years of crash data and 3 years of roadside inspection data from the Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Management Information System (MCMIS). Records are available 24 hours a day via Web request. Motor carriers should visit the following website for more information: <http://www.psp.fmcsa.dot.gov/Pages/default.aspx>

All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities. Discuss with your employees/drivers the "Security Measures for Truck Drivers and Companies" which were provided and reviewed with motor carrier official. Motor carriers should visit the following website for more information:

<http://www.fmcsa.dot.gov/documents/Hijacking-Brochure.pdf>

For all Investigations that could result in a Notice of Claim:

PLEASE NOTE: The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Notice of Claim. In addition, your history of prior violations of the Federal Motor Carrier Safety Regulations, Federal Hazardous Material Regulations or the Federal Motor Carrier Commercial Regulations may also affect the civil penalty proposed in any subsequent Notice of Claim. Receipt of this report acknowledges your understanding that the violations discovered by the FMCSA during this review may be used to calculate any civil penalty proposed as a result of this review.

Attached to this report is Table 1, which identifies all the documented violations which were discovered during the course of this review.

For all Investigations resulting in serious violations:

Serious violations were recorded on this investigation report. These violations will impact your safety record. Furthermore, these violations may result in a follow-up investigation at a later date unless adequate evidence of corrective action is forwarded to our office:

Division Administrator/State Director  
Federal Motor Carrier Safety Administration  
400 North 8th Street  
Suite 780  
Richmond, Virginia 23219-4827

For all Investigations where the carrier has been involved in 2 or more recordable crashes:

The Division Administrator/State Director will continue to consider preventability when a motor carrier contests a proposed safety fitness rating. The motor carrier may deem that the recordable accident rate is not a fair means of evaluating its accident factor (Factor 6) on the CR report. If so, the motor carrier must submit the compelling evidence within seven calendar days if the proposed rating is Unsatisfactory and 10 calendar days if the proposed rating is Conditional to:

Division Administrator/State Director  
Federal Motor Carrier Safety Administration  
400 North 8th Street  
Suite 780  
Richmond, Virginia 23219-4827

Compelling evidence must be limited to official police accident reports and official insurance accident investigation reports.

For all Investigations resulting in a proposed conditional or unsatisfactory rating:

385.15

If you believe the proposed rating is in error and there are factual and procedural issues in dispute, Part 385.15 (copy provided)



outlines procedures for petitioning the Federal Motor Carrier Safety Administration for an administrative review of these findings.

Your petition should be addressed to:

Chief Safety Officer

Federal Motor Carrier Safety Administration

1200 New Jersey Avenue SE,

Washington, DC 20590

385.17

In addition, a request for a revised rating based on corrective actions may be made at any time. Part 385.17 (copy provided) outlines the procedures for such a request. The request must be made in writing, must describe the corrective action taken and must include other documentation that may be relied upon as a basis for the requested change. Address your written request to:

Field Administrator

Federal Motor Carrier Safety Administration

Linda Gilliam

Eastern Service Center

31 Hopkins Plaza, Suite 800

Baltimore, Maryland 21201

Ensure that a CC copy of the letter is mailed to:

Division Administrator/State Director

FMCSA, Virginia Division

400 North 8th Street Suite 780

Richmond, Virginia 23219-4827

This letter should be submitted as soon as possible.

For all investigations with violations recorded in Part B.

If you believe the violations recorded in Part B of this investigation were an error, you may submit a Request for Data Review (RDR) through DataQs. The DataQs system is the most effective way to remove violations on the investigation report that did not affect your safety rating data. DataQs is an online system that allows a motor carrier or driver to request and track a review of Federal and State issued data that it believes to be incomplete or incorrect. To submit an RDR, go to <https://dataqs.fmcsa.dot.gov>.

For all Investigations resulting in a proposed unsatisfactory rating:

Passenger & Placardable HM Carriers: This review will result in a Proposed Safety Rating. The findings indicate you are currently operating at an unsatisfactory level of safety compliance. A written notice of proposed unsatisfactory rating will be sent to you by the FMCSA via U.S. Mail. If you fail to obtain an improved rating within 45 days of the date that notice is sent, the unsatisfactory rating will become final and you must cease interstate operations.

Information on your compliance status, roadside inspections, regulatory changes, accident countermeasures and hazardous material incident prevention manual is available on the Internet at the Federal Motor Carrier Safety Administration's web site at <http://www.fmcsa.dot.gov/> and <http://www.safer.fmcsa.dot.gov/>.

All Other Motor Carriers: This review will result in a Proposed Safety Rating. The findings indicate you are currently operating at an unsatisfactory level of safety compliance. A written notice of proposed unsatisfactory rating will be sent to you by the FMCSA via U.S. Mail. If you fail to obtain an improved rating within 60 days of the date that notice is sent, the unsatisfactory rating will become final and you must cease interstate operations.

Information on your compliance status, roadside inspections, regulatory changes, accident countermeasures and hazardous material incident prevention manual is available on the Internet at the Federal Motor Carrier Safety Administration's web site at <http://www.fmcsa.dot.gov/> and <http://www.safer.fmcsa.dot.gov/>.

### 3. Required Virginia DMV recommendation

Pursuant to Virginia Code 46.2-609, DMV may suspend or revoke the vehicle registration of vehicles associated with a Federal Motor Carrier Safety Administration out-of-service order. Generally, DMV will revoke the registration and repossess the license plates of vehicles operated by a carrier subject to a safety-related FMCSA out-of-service order. Should your vehicle registration be revoked, the vehicle's license plates cannot be reactivated and registration fees will not be refunded by DMV.

## Table 1: Violations Discovered During Review/Inspection

Violation	Date	Identifying Information	Description
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