

Enforcement Case Report

Case #: GA-2010-0304-GA0005
U.S. DOT #: 296954
EIN #: 22-2590334
Subject: Destiny Transportation, Inc
105 Commerce Dr.
Chatsworth,, GA 30705

Violations	Violation Description	Number Discovered	Number Documented
382.305(b)(2)	Failing to conduct random controlled substances testing at an annual rate of not less than the applicable annual rate of the average number of driver positions.	8	3

Investigation Assigned	05/25/2010	Reviewed by: <i>CLAY Greene</i>
Investigation Completed	06/25/2010	Title: <i>HM Program Specialist</i>
Date NOC Served		Date: <i>7/28/10</i>

Safety Investigator's Signature *Sgt. Harry Bingham*

Code #: GA0005

UNIFORM FINE ASSESSMENT

Subject Information

Name: DESTINY TRANSPORTATION INC
Case #: GA2010-0304-GA005
Review/Inspection Date: 6/25/2010
Gross Revenue: \$8,687,792
Case Type: CR or CR/SCR
Prior Cases: 1
History(FMCSR): Previously penalized for violations in the same Part (Closed Cases only)
USDOT #: 296954
Factor 6 Rating: Satisfactory
Number of Drivers: 62
Power Units: 53
Fleet Mileage: 3,440,437

Penalty Information

Statutory Criteria Adj. Score : 71%
Maximum Fine Possible: \$22,000
Maximum Fine Possible Cap: \$15,620
Adjusted Gross Revenue: \$143,350
Gross Revenue Cap: \$101,780
Absolute Cap: \$200,000
Recommended Penalty: \$15,620 (\$14,060 to \$17,180)
Assessed Penalty: \$13,950
Within Range? No

Notes: The documented fine is \$13,950, which is \$110 below the range for this carrier. To document another violation, it would place the fine at \$18,600, which is \$520 above the highest amount in the fine range.

Violations Documented

Primary #: 382.305(b)(2)	Category: Non-Recordkeeping Medium
Recommended Penalty: \$4,650	# of Records Checked: 23
Number Documented: 3	# of Violations Discovered: 8
Documented Fine Total: \$13,950	Normalized # of Violations: 8

History: Previously penalized for violations in the same Part (Closed Cases only)

Extent: 35%

Gravity: Violation which could reasonably cause or contribute to an accident

Activity: Should have known of the activity

Rule: Did know of the rule

Description: Failing to conduct random controlled substances testing at an annual rate of not less than the applicable annual rate of the average number of driver positions.

Continuation Sheet

DESCRIPTION OF SUBJECT:

Destiny Transportation Inc., is a New Jersey corporation and has its main office is located in Chatsworth, GA, after moving there from Albany, NY within the past year. Deborah Maggs-Quinn is the president of the corporation and also in charge of company operation.

The carrier transports mainly refrigerated foods, but also transports general freight, with terminals located in Elizabethtown, NJ, Chicago, IL and Chatsworth, GA

REASON FOR CONTACT:

The carrier was selected to be reviewed due to it having a conditional safety rating and was last reviewed in August, 2009. The carrier also has a high driver SEA score (87.37) listed on SafeStat.

ENFORCEMENT REASON:

This violation is serious in nature and could reasonably have caused or contributed to a serious accident occurring. It is for this reason that enforcement action is being taken against this carrier.

The carrier was also cited in a previous compliance review in this same part and enforcement action was taken also at that time.

KNOWLEDGE AND WILLFULNESS:

This carrier had the benefit of a compliance review being conducted on its operation. This compliance review was conducted in August, 2007 gave the carrier knowledge of the FMCSR's and that it was subject to the FMCSR's.

The carrier also has had the benefit of several MCSAP roadside inspections performed on its drivers and vehicles.

A copy of previous compliance review and a copy of the carrier's MCMIS safety profile are listed in Exhibit A of this document. These documents support the knowledge and willfulness of the carrier.

DEFENSES:

The carrier offered no defenses

ADDITIONAL INFORMATION:

Destiny Transportation is incorporated as a domestic profit corporation in the State of New Jersey and has been incorporated in that state since 1985. Deborah Maggs-Quinn is the corporate official on file with the state of New Jersey. A certificate of incorporation is attached to this case and listed in Exhibit A.

COMPLIANCE REVIEW SUMMARY

US DOT # : 296954	DESTINY TRANSPORTATION INC
ICC # : 177524	Mailing Address:
Phone : 877- 275-7887	105 COMMERCE DR
Tax ID # : 222590334 E	CHATSWORTH, GA 30705
OP Type :	Physical Address:
Revenue : \$8,687,792	105 COMMERCE DR
	CHATSWORTH, GA 30705

CR Received by : Deborah Maggs-Quinn

Total Miles 3,440,437	Total Drivers 62	Total Power 53
Prevable-Recordable Accidents :	Rate : 0	
Total recordable Accidents :		
Rating	Points	OOS Vehicles CR : 0
Factors	# of # of	# of Vehicles Inspected CR : 0
	Rating Accute Critical	OOS Vehicles {MCMIS} : 1
Factor 1 :	S 0 0	# of Vehicles Inspected {MCMIS} : 11
Factor 2 :	C 0 1	Previous Rating :
Factor 3 :	S 0 0	Proposed Rating : S
Factor 4 :	S 0 0	
Factor 5 :	N 0 0	
Factor 6 :	S	
Previous Reviews 08/09/2007		Prosecution 10/05/2007

1.) 382.305(b)(2) - FEDERAL
 Failing to conduct random controlled substances testing at an annual rate of not less than the applicable annual rate of the average number of driver positions.

DSCV	CHKD	VD/ DSCV	VD/ CHKD
8	23	8	23

2.) 395.3(a)(1) - FEDERAL
 Requiring or permitting a property-carrying commercial motor vehicle driver to drive more than 11 hours

DSCV	CHKD	VD/ DSCV	VD/ CHKD
2	333	1	11

COMPLIANCE REVIEW SUMMARY

3.) 395.3(a)(2) - FEDERAL

Requiring or permitting a property-carrying commercial motor vehicle driver to drive after the end of the 14th hour after coming on duty.

DSCV	CHKD	VD/ DSCV	VD/ CHKD
3	333	2	11

4.) 396.3(b)(2) - FEDERAL

Failing to have a means of indicating the nature and due date of the various inspection and maintenance operations to be performed.

DSCV	CHKD	VD/ DSCV	VD/ CHKD
13	13	13	13

5.) 395.8(e) - FEDERAL

False reports of records of duty status.

DSCV	CHKD	VD/ DSCV	VD/ CHKD
8	333	4	11

6.) 395.5(b)(2) - FEDERAL

Requiring or permitting a passenger-carrying commercial motor vehicle driver to drive after having been on duty more than 70 hours in 8 consecutive days.

DSCV	CHKD	VD/ DSCV	VD/ CHKD
15	256	3	11

Part C Comments :