


**UNITED STATES DEPARTMENT OF TRANSPORTATION**

	<b>US DOT #</b> 1035057	<b>Legal:</b> GEMINI TRANSPORT LLC <b>Operating (DBA):</b> GEMINI TRANSPORT									
<b>MC/MX #:</b> 432907		<b>Federal Tax ID:</b> 75-3072741 (EIN)									
<b>Review Type:</b> Compliance Review (CR)		<b>Focused Investigation</b>									
<b>Scope:</b> Principal Office		<b>Location of Review/Audit:</b> Company facility in the U. S.		<b>Territory:</b>							
<b>Operation Types</b>		<b>Business:</b> Corporation									
<b>Carrier:</b>	Non-HM	N/A									
<b>Shipper:</b>	N/A	N/A	<b>Gross Revenue:</b> \$10,642,942.00								
<b>Cargo Tank:</b>	N/A		<b>for year ending:</b> 12/31/2014								
<b>Company Physical Address:</b>											
9680 EAGLE ST DEARBORN, MI 48120											
<b>Contact Name:</b> Vanessa Green											
<b>Phone numbers:</b> (1) 313- 842-1980		(2)		<b>Fax</b> 313-842-0262							
<b>E-Mail Address:</b> vanessa@geminitrans.com											
<b>Company Mailing Address:</b>											
9680 EAGLE ST DEARBORN, MI 48120											
<b>Carrier Classification</b>											
Authorized for Hire											
<b>Cargo Classification</b>											
General Freight			Other: Auto Parts								
<b>Equipment</b>											
	<b>Owned</b>			<b>Term Leased</b>			<b>Trip Leased</b>				
Truck Tractor	41		26		0	Trailer	190		0		0
Power units used in the U.S.:67											
Percentage of time used in the U.S.:100											
<b>Does carrier transport placardable quantities of HM?</b> No											
<b>Is an HM Permit required?</b> N/A											
<b>Driver Information</b>											
	<b>Inter</b>	<b>Intra</b>	<b>Average trip leased drivers/month:</b> 0								
<b>&lt; 100 Miles:</b>			<b>Total Drivers:</b> 70								
<b>&gt;= 100 Miles:</b>	70		<b>CDL Drivers:</b> 70								





**GEMINI TRANSPORT (GEMINI TRANSPORT LLC dba)**  
U.S. DOT #: 1035057

Review Date:  
03/24/2015

**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:

USDOT FMCSA, 315 W. Allegan Room 219  
Lansing, MI 48933-1514  
Phone: (517)853-5990 Fax:(517)377-1868

**This report will be used to assess your safety compliance.**

**Person(s) Interviewed**

**Name:** Vanessa Green

**Title:** Safety Manager

**Name:** Goran Petkovich

**Title:** Owner





**Part B Violations**

1 FEDERAL CRITICAL	Primary: 395.8(e)	Discovered 93	Checked 305	Drivers/Vehicles In Violation 10	Checked 11
<b>Description</b> False reports of records of duty status. <b>Example</b> Driver name: b6, b7C Trip date: 2-4-2015					
2 FEDERAL CRITICAL	Primary: 396.11(a)	Discovered 2	Checked 3	Drivers/Vehicles In Violation 2	Checked 3
<b>Description</b> Failing to require driver to prepare driver vehicle inspection report. <b>Example</b> Driver name: b6, b7C Vehicle Number: 1013, 551473 Trip Date: 2/12/15  Roadside inspection on 2/12/15 shows violaitons for lights and brakes; deficiencies are not noted on the DVIR.					
3 FEDERAL	Primary: 395.8(i)	Discovered 3	Checked 308	Drivers/Vehicles In Violation 3	Checked 11
<b>Description</b> Failing to require driver to forward within 13 days of completion, the original of the record of duty status. <b>Example</b> Driver name: b6, b7C Trip Date: 2/28/15					
4 FEDERAL	Primary: 396.21(a)	Discovered 9	Checked 13	Drivers/Vehicles In Violation 9	Checked 13
<b>Description</b> Failing to require inspector to prepare periodic inspection report as prescribed. <b>Example</b> Inspectors Name: b6, b7C Inspection Date: 12-5-14 Vehicle: 531576 Trip date: 12-6-14  Annual Inspection is Signed "GMP" which is the owner of Gemini Transport's initials: Goran M. Petkovich					
<b>Safety Fitness Rating Information:</b> Total Miles Operated 4,842,200 Recordable Accidents 0 Recordable Accidents/Million Miles 0.00			OOS Vehicle (CR): 0 Number of Vehicle Inspected (CR): 0 OOS Vehicle (MCMIS): 4 Number of Vehicles Inspected (MCMIS): 13		





**Part B Violations**

Your proposed safety rating is :

**CONDITIONAL**

Rating Factors		Acute	Critical
Factor 1:	S	0	0
Factor 2:	S	0	0
Factor 3:	U	0	2
Factor 4:	C	0	1
Factor 5:	N	0	0
Factor 6:	S	-	-

This rating will become the final rating 60 days from the date indicated on a forthcoming official notice from the Federal Motor Carrier Safety Administration headquarters in Washington, D.C.

However, if this rating improves a previous Unsatisfactory rating, it will become effective on the date of the official notice from the FMCSA headquarters.

Corrective actions must be taken for the violations (deficiencies) listed on Part B of this review. Title 49 CFR Sections 385.15 and 385.17 provide for administrative review and a change to a safety rating based on corrective actions, respectively. A request for a change to a safety rating under section 385.17 may be made at any time. A motor carrier may request, in writing, a change in the rating by providing evidence of corrective actions to the Field Administrator for the FMCSA Service Center in which the carrier maintains its principal place of business. (See 49 CFR 385.17 for additional details). A request for administrative review under section 385.15 must be made within 90 days of the date of the proposed safety rating issued under section 385.11(c) or a final safety rating issued under section 385.11(b), or within 90 days after denial of a request for a change in rating under section 385.17

If this was a focused investigation, which will be noted in the Review Type on the first page of this report (Part A), some factors shown above may be marked "SATISFACTORY" even if they were not reviewed. A focused investigation does not include review of all regulatory parts and factors as set forth in 49 C.F.R. Part 385, Appendix B's safety rating methodology and cannot therefore result in a SATISFACTORY safety rating. It may, however, result in a less than SATISFACTORY rating if sufficient violations are discovered in the parts and factors examined to result in a CONDITIONAL or UNSATISFACTORY rating.





## Part B Requirements and/or Recommendations

### 1. HOS COMPLIANCE BASIC PROCESS BREAKDOWN: Monitoring and Tracking

#### DESCRIPTION OF PROCESS BREAKDOWN

Gemini Transport LLC does not monitor drivers records of duty status for accuracy, and does not track violations of the hour of service limitations.

#### BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Monitoring and Tracking Processes.

- Implement an effective process for monitoring, tracking, and evaluating all drivers' compliance with Hours-of-Service (HOS) regulations and company policies.
- Promptly review all Records of Duty Status (RODS) for Hours-of-Service (HOS) violations and falsification. Look for discrepancies by comparing driver logs with their "check-in" calls and other supporting documents.
- Document all findings of fatigue-related noncompliance with regulations and/or company policies.
- Systematically check to see if drivers and dispatchers are regularly communicating about Hours-of-Service (HOS) availability and driver-fatigue level.
- Maintain roadside inspection, Records of Duty Status (RODS), supporting documents, dispatch schedules, and communication records to help evaluate the performance of all staff (drivers, dispatchers, and managers) involved in Hours of Service (HOS) and the effectiveness of compliance with HOS policies, procedures, and regulations.
- Regularly evaluate the company's fatigue-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.
- Implement a system for keeping accurate records of employees' Hours-of-Service (HOS) training needs and completed training, via software, a checklist in the driver's file, and/or another appropriate method.
- Evaluate personnel (log clerks, payroll, dispatchers, and third-party safety consultants) who are monitoring drivers' Records of Duty Status (RODS) for accuracy; for whether they are applying performance standards fairly, consistently, and equitably; and for whether they are documenting evaluations.
- Consider using Electronic On-board Recorders (EOBRs) to monitor and track Hours-of-Service (HOS) violations.
- When monitoring and tracking any fatigue-related issues, always assess whether an issue is individual or represents a systemic breakdown in the Safety Management Processes (Policies and Procedures, Roles and Responsibilities, etc.).

#### Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

### 2. VEHICLE MAINTENANCE BASIC - INSPECTION-REPAIR-MAINTENANCE PROCESS BREAKDOWN: Monitoring and Tracking

#### DESCRIPTION OF PROCESS BREAKDOWN

Gemini Transport LLC does not monitor or track vehicles for preventative maintenance.

#### BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Monitoring and Tracking Processes.

- Check all inspections and relevant records, such as Driver Vehicle Inspection Records (DVIRs), pre-trip and annual inspections, and maintenance and repair records, to ensure that company inspection, repairing, and maintenance policies and procedures are adhered to and properly documented.
- Ensure that Driver Vehicle Inspection Records (DVIRs) are effectively coordinated with maintenance and operations, result in timely corrective measures, and are verified during pre-trip inspections as applicable.
- Require mechanics to note whether parts came from inventory or were ordered, to ensure accuracy of maintenance records.
- Monitor and track roadside inspection results to ensure that vehicle defects are repaired and documented promptly and to prevent Out-of-Service (OOS) vehicles from operating prior to being repaired.





## Part B Requirements and/or Recommendations

- Monitor manufacturer recalls through <http://www.nhtsa.dot.gov> and consult with manufacturer service representatives to keep current with service bulletins for proactive maintenance.
  - Implement a system for keeping accurate records of employee inspection, repair, and maintenance training needs, including updates on a carrier's fleet or equipment and completed training, via software, a checklist in the driver's file, and/or another appropriate method.
  - Regularly evaluate the company's vehicle-maintenance-related inspection results via the Federal Motor Carrier Administration's (FMCSA) website at <http://ai.fmcsa.dot.gov/SMS>. Assess violations for process breakdowns and how to remedy them.
  - Maintain inspection, repair, maintenance, vehicle identification, and communication records to help evaluate the performance of all staff (drivers, dispatchers, mechanics, and managers) involved in fleet maintenance and the effectiveness of compliance with vehicle maintenance policies, procedures, and regulations.
  - Evaluate personnel who are monitoring vehicle maintenance performance by making sure they are using Driver Vehicle Inspection Records (DVIRS), roadside inspections, and other data; applying performance standards fairly, consistently, and equitably; and documenting evaluations.
  - When monitoring and tracking vehicle maintenance 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.).
- Seek Out Resources:
- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
  - Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

### 3. For all Investigations:

- Understand why Compliance Saves Time and Money Compliance with MCSRs 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 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 means 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 391.21 requires prospective employers to at a minimum, investigate a driver 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





## Part B Requirements and/or Recommendations

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:

Patrick B. Muinch, Division Administrator  
Federal Motor Carrier Safety Administration  
315 W. Allegan, RM 219  
Lansing, MI 48933

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:

Patrick B. Muinch, Division Administrator  
Federal Motor Carrier Safety Administration  
315 W. Allegan, RM 219  
Lansing, MI 48933

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





## Part B Requirements and/or Recommendations

change. Address your written request to:

Federal Motor Carrier Safety Administration  
Midwestern Service Center  
Daren G. Jones, Field Administrator  
4749 Lincoln Mall Drive Suite 300A  
Matteson, IL 60443

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

Patrick B. Muinch, Division Administrator  
Federal Motor Carrier Safety Administration  
315 W. Allegan, RM 219  
Lansing, MI 48933

This letter should be submitted as soon as possible.  
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/>.

4. The Pre-Employment Screening Program is the result of federal legislation that requires FMCSA to provide prospective employers of commercial drivers with electronic access to driver history data in FMCSA's Motor Carrier Management Information System. A driver's record includes three years of available roadside inspection history and five years of available crash history. The PSP website also provides links to the PSP online services, details about the program, and answers to frequently asked questions.

Motor carriers must enroll for the PSP program to access driver records for prospective employees. Once enrolled, motor carriers are provided PSP system credentials and pay an annual subscription fee and \$10 per PSP record purchased. A motor carrier is required to obtain a driver's written consent prior to accessing the driver's PSP record.

Individual drivers can access their personal PSP record at any time on the website. A driver pays \$10 to purchase his or her record, but no annual subscription fee will apply and no enrollment is necessary.

Drivers, motor carriers, and industry representatives are encouraged to visit <http://www.psp.fmcsa.dot.gov> for additional information and news on the PSP program. For specific questions about enrolling in the PSP program, please e-mail [PSPenrollment@nicusa.com](mailto:PSPenrollment@nicusa.com).

5. To Register for a Compass Portal Account, use the web address below to register.







## Part B Requirements and/or Recommendations

<https://portal.fmcsa.dot.gov>

6. Motor carriers who believe that an accident and/or roadside inspection on their carrier profile do not belong to the carrier should contact DataQ's in order to resolve the issue. The DataQ's web site is located at:  
<http://dataqs.fmcsa.dot.gov>
7. 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.  
<http://www.fmcsa.dot.gov/safety-security/eta/index.htm>
8. The Michigan State Police Traffic Safety Division has developed a listserv (an email group list) for press releases specific to commercial vehicle issues. The intent of the group list is to create a communication link between the trucking industry and enforcement. These press releases are issued on an irregular basis as the circumstances dictate, and include such topics as final rulemaking from USDOT, happenings within the Traffic Safety Division, etc. The Traffic Safety Division respects an individual's right to privacy and will not release any email addresses to any other group for any other purpose. The listserv is set up so that it will not accept responses to everyone on the list, and your email address will not be visible to other people on the list. If you would like your association or group to be included on the list, please send a fax on your association's letterhead to Sgt. Tim Burns at 517-333-4414, with the e-mail address to add to the listserv.
9. In 1988 the Michigan Legislature and the state's trucking industry created the Michigan Truck Safety commission in response to concerns over truck safety. This Commission is funded with money from registration fees on heavy vehicles, which, in turn, it gives to grantees to carry out safety and education programs. The Michigan Center for Truck Safety (MCTS) is one of these grantees that provide a variety of safety training programs for Michigan's trucking industry. For more information about any of the MCTS programs and their available services, call their toll-free Truck Safety Hot Line: in the Lower Peninsula, call (800) 682-4682, in the Upper Peninsula, call (800) 469-7364 or visit their website at: <http://truckingsafety.org>.
10. The Driver Record subscription Service offered by the Michigan Secretary of State provides a motor carrier with the driving record of their employees on an annual basis; or whenever there are any violations, restrictions, suspensions, or revocations posted to the record. The fee for each record is \$7.00. For more information on this program go to <http://www.michigan.gov/sos> and click on "Services to Businesses".
11. If you have any questions concerning this report, please contact FMCSA at 315 W. Allegan, Room 219, Lansing, MI 48933, (517) 853-5990.

For more information on these regulations, please access the FMCSA web site at [www.fmcsa.dot.gov](http://www.fmcsa.dot.gov).





**Part C**

**Reason for Review:** Focused CR

**Planned Action:** Prosecution MI-2015-0189-US1244

**Parts Reviewed Certification:**

325	382	383	387	390	391	392	393	395	396	397	398	399	171	172	173	177	178	180
		✓	✓	✓			✓	✓	✓									

**Prior Reviews**

7/29/2011  
 6/3/2011  
 7/6/2006

**Prior Prosecutions**

8/17/2011  
 7/14/2005

**Unsat/Unfit Information**

**Is the motor carrier of passengers subject to the safety fitness procedures contained in 49 CFR part 385 subpart A, AND does it transport passengers in a commercial motor vehicle?**

**Does carrier transport placardable quantities of hazardous materials?**

**Unsat/Unfit rule:**

60-Day - no Interstate Passengers or Placardable HM

**Corporate Contact:** Vanessa Green

**Corporate Contact Title:** Safety Manager

**Special Study Information:**

**Remarks:**

**REASON FOR INVESTIGATION:**

This investigation was initiated because the carrier was identified as a mandatory carrier based on their SMS scores. The carrier is over the threshold BASIC in hours of service and maintenance.

**SCOPE OF INVESTIGATION:**

A focused investigation was scheduled to be conducted at the carrier's office in Dearborn, Michigan, beginning March 16, 2015 for hours of service (82%) and maintenance (83%).

**CARRIER OPERATION DESCRIPTION:**

Carrier's legal name is Gemini Transport LLC, DBA: Gemini Transport, and is owned by Goran Petkovich, who is also the President. The primary contact during this review was Goran Petkovich, and the Safety Manager Vanessa Green. Throughout this review, both served as the principle source of all requested documents and information.

This review was conducted at the carrier's office in Dearborn, MI March 16-24, 2015. The closing interview was initially scheduled with Goran Petkovich for June 3, 2011.

Carrier currently operates with 70 interstate drivers, utilizing 67 tractors (combination of company owned, fleet owners, and owner operators) and 190 trailers. Carrier is authorized to hire carrier primarily transporting auto parts and racks for Ford Motor Company. Gemini has a contract with Ford Motor Company for dedicated lanes to Louisville, KY and to Texas. Other primary customers include Piston Automotive and Pacer, both operating to Texas and other parts of the Midwest.

Gemini Transport has about 3-5 dispatchers that work shifts throughout a 24 hour period. They use Prophecy software for dispatching and tracking loads. Dragan Duric, VP of Operations, and Alan Squire, Operations Manager, share the responsibility of building the drivers loads, and ensuring that all the dedicated lanes are covered. There are two women that work in the accounting/payroll department; however they do not have much authority over the accounting department. They only do what Goran tells them to do; Goran is the only person with access to bank accounts, fuel reports, payroll, bills of lading, and maintenance files. When documents for these areas were requested for the review from the Safety Manager Vanessa, she informed the investigator that I would have to get them from Goran. According to Goran, a small portion of their fleet has Skybitz GPS on them. This data is interfaced with EDI into Prophecy so the dispatchers are able to see





### Part C

where the load is at for the customers. Goran was able to produce position history reports for the vehicles equipped with it in the sample for hours of service. Dragan is the only person with access to produce this position history reports.

Gemini Transport has a maintenance shop, Gemini Alignment LLC, located at 5000 Wyoming Street, Dearborn, MI, and it is owned by Goran Petkovich. It is not at the same location as Gemini Transport. There are six people that work in the shop. Two are state certified mechanics. The shop manager is JonVuk, and Petar (Pete) Mitrovic does the annual inspections. Most of the work is done on company vehicles owned by Gemini; some owner operators will have work done here as well.

#### PREINVESTIGATION:

Goran Petkovich, President/Owner, was contacted on March 9, 2015 via email to schedule the review. An email confirmation was sent from Goran on the 10th confirming the date of the review. The email also outlined documentation needed for the investigation.

The review took place at Gemini Transport's PPOB, as listed on their MCS-150. The facility is a professional office building with a yard.

Prior to the investigation, a current carrier profile dated 3/15/15 was obtained and evaluated. Another profile was obtained prior to close out on 3/23/15. Gemini Transport has the following BASICS: Unsafe Driving (25%), HOS Compliance (82-Alert), Driver Fitness (0), Controlled Substances and Alcohol (0), Vehicle Maintenance (83-Alert), HM Compliance (0), Crash Indicator (52), Insurance/Other (0). Profile history shows that the carrier has a history of five compliance reviews since 2003. In 2005, Gemini was penalized for false records of duty status and missing logs, and received a conditional rating. In 2011, Gemini was penalized for false logs and drug testing, and received an unsatisfactory rating. Gemini Transport has remained alert in the HOS Compliance BASIC every month since August 2011; after the previous compliance review.

Vanessa Green, Safety Manager, emailed a list of current drivers. This list is one that she just sent to the insurance company since Gemini was up for renewal. Upon arrival on the day of the investigation, Goran Petkovich presented a current driver list that was different than the one Vanessa provided the investigator. Goran's list left about 20 drivers off; particularly ones that had been selected by the investigator for hours of service. When Goran was asked about the missing driver names, he said he must have printed off the wrong list. Both driver lists were uploaded in EDMS.

#### INVESTIGATION:

Documents requested for the investigation were outlined in the email sent on March 9, 2015. Goran and Vanessa were able to provide all requested documentation without delay. Gemini Transport has Skybitz GPS on some of their units; Goran would not say how many units have GPS on them. Goran was not forth coming with much information. He did produce the GPS position history reports without delay for the drivers in the sample that were equipped with GPS. The website for Skybitz is <<http://www.skybitz.com>>. Goran claim it isn't accurate. The investigator asked why he had it. Goran said it was to track the loads for customers. When asked if he paid for the service said yes, about \$600 a month. When asked why he continued to pay for it if it wasn't accurate, Goran said that it was a requirement for his Ford contract. The investigator contacted Skybitz who provided information on the GPS tracking devices. Nico, with Skybitz (877-868-6357), said that the times on the reports are based on what time zone the company is located in. So if the company is located in Michigan, the times would be reported in Eastern Time. Nico also said that the reports that shows pings every 15 minutes have tethered units on the trucks, and that the Geotracking location comes from 3 or more satellites. This is information that Goran at Gemini could not provide (would not provide) when asked during the investigation.

#### CDLIS (DRIVER LICENSE) CHECK:

CDLIS checks were performed on 20 current drivers and no violations discovered.

#### 382 SUPPLEMENTAL:

This part was not required for this focused investigation.

#### AUTHORITY/INSURANCE:

A review of FMCSA's Licensing and Insurance website found that the carrier has current authority and insurance. A proper





### Part C

MCS-90 was presented for review and reports \$1 million CSL on file. No violations discovered.

#### DRIVERS WITH RED FLAG VIOLATIONS:

Gemini Transport did not have any drivers with Red Flag violations.

#### CRASH

This part was not required for review.

#### HAZARDOUS MATERIALS

Gemini Transport does not transport HM.

#### HOURS OF SERVICE (HOS) COMPLIANCE BASIC

For evaluating records of duty status, the carrier was asked to produce logbooks for 11 current drivers. The 11 drivers that were selected for review of part 395 use paper logs, and 4 of the 11 had GPS; the 11 sampled were chosen from SMS 395 inspections.

The month of February was reviewed for all drivers; a critical violation was discovered for false RODs. February was chosen because of the holidays in November and December, and the automotive shut down of plants for 2 weeks at the end of December and into January.

Vanessa Green was asked during the opening interview what supporting documents the company had for logbooks, and what their safety management practices were for log auditing. Vanessa told the investigator that they use a program in Prophecy to audit driver's logs for hours of service violations. Vanessa said that Slavko Ristich, a dispatcher and Goran's God Son, does this. Slavko was interviewed about how he does this. Slavko enters the hours from the logs by hand into Prophecy, and Prophecy recreates a digital copy of the log. When Vanessa and Slavko were asked about disciplinary policies and write up sheets for violations, they said they will write the driver up but could not produce any. Vanessa was asked how the carrier checks the logs for accuracy. She said they don't; Goran only has access to the T-Chek fuel summaries with times (which is what they would use), and Dragan has the GPS data. Slavko said he does not check for accuracy either. Vanessa said no one is checking the driver's logs for violations.

Alan Squire, Operations Manager, was interviewed about the driver's trips. Alan plans the drivers loads (trips) most of them are the lanes to Louisville, KY. He and Dragan share the Texas runs. Once Alan creates the trip, it is sent to the dispatchers through Prophecy, and then the drivers are dispatched. Goran was interviewed about all of the lanes covered in the contract with Ford. They bid for "X" amount of lanes from Ford, and when the contract is awarded it is for life. Goran said that Gemini has to cover all of the lanes; and if they can't they need to find another company to cover the lanes. Interviews with some of the employees stated that Goran offers under the table incentives to drivers to cover the lanes, even if they don't have the hours. When Goran was asked about this he said it was not true. The only evidence that supports this is the log falsifications that were discovered. Many of the employees are intimidated by Goran because he yells at them when things are not done correctly; the employees wish to stay anonymous.

Of the 305 records checked (3 missing logs) for 11 drivers, 93 critical false logs were discovered, a 30% falsification rate. The required sample size of 330 records checked per the eFOTM was not because February only has 28 days not 30 days.

Gemini Transport has a policy in place for drivers who violate HOS rules,. Although no paper evidence was provided, Vanessa stated they are verbally warned and receive phone calls from her about the violations. This was witnessed during the review.

Enforcement action is warranted against the carrier for the false RODS because the carrier has not been effectively checking for false logs. Gemini Transport is also high in the SMS BASIC for HOS (82), and has been alert in the HOS BASIC since August 2012. Gemini Transport was penalized in 2011 for false records of duty status. Gemini Transport may also be charged for falsifying to conceal hours for some of the falsifications since the carrier has not demonstrated much for Safety Management Practices since the review in 2011 for hours of service. There is nothing in effect to control or monitor the driver hours except the drivers word. Gemini Transport has GPS in place for some of their drivers, but chooses not to use it for that purpose.

#### MAINTENANCE (396):





**Part C**

Gemini Transport is alert in the maintenance BASIC (83). Goran was interviewed about the maintenance program. Goran said that all of the company vehicles are maintained at Gemini Alignment LLC located down the street. All preventative maintenance and annual inspections are completed there by the 6 employees that work there. The owner operators can bring their trucks there for maintenance; they just have to pay for it. Some of the owner operators do utilize the shop, others use outside vendors. Goran said that if the driver gets to many maintenance violations, then they have to have their vehicles inspected at Gemini Alignment. A review of the maintenance files found some evidence of repairs. Many of the annual inspections were signed by "GMP". When the investigator asked about this, Goran said he signs the annual inspections. He does not do the annual inspections; Petar (Pete) Mitrovic at Gemini Alignment does the annual inspections. The investigator interviewed Pete at the shop and he confirmed this. Pete said he does not fill out the paper annual inspection form. He said they don't even keep them at the shop. This violation was noted in Part B of the report; the inspector must sign the annual inspection, and Goran was informed of that. A review of DVIR's found that 2 of 3 roadside inspections noted mechanical defects that had not been fixed and not identified on the DVIR. Documentation was asked for these defects and not could be provided. This is a critical violation, and enforcement is warranted since Gemini is alert in this BASIC.

Gemini Transport's OOS rate was calculated based on 13 level 1 inspections found on the company profile. Of the 13 inspections, 4 (30.77%) were placed out of service for maintenance related defects.

**FOLLOW-ON ACTION:**

This review resulted in a proposed conditional rating. Enforcement action is being pursued as stated previously in this document for false logs. Goran and Vanessa were made aware of the violations found during this review and offered suggestions for improving future compliance.

Investigative review received by:  
 Goran Petkovich-President  
 Vanessa Green-Safety Manager  
 Carrier: Gemini Transport LLC  
 Close out date: 3/24/2015

**DOCUMENTS PROVIDED TO CARRIER**

The carrier was provided with a complete copy of the review, Table 1 violations, and the SMS Safety Management Cycle document. Since the carrier's proposed rating is conditional, Gemini Transport was given copies of 49 CFR Section 385.15 and 385.17 at the close of this review. Gemini Transport was informed that these outline the procedures for requesting an administrative review or a change in the carrier's safety rating based on corrective action. For guidance to the motor carrier on how to perform a Safety Management Plan, they were also given the "Midwestern Service Center Motor Carrier's Request for Rating Change Based on Corrective Action" document. In addition, they received a complete copy of the compliance review report. Carrier was also given tailored recommendations which specifically address the Safety Management Cycle and its impact on improving the carrier's BASICs and safety rating.

**DRIVERS & VEHICLES LISTS:** Driver/Vehicle lists uploaded into EDMS.

<b>Upload Authorized:</b>	<b>Yes</b>	<b>No</b>	
<b>Authorized by:</b>			<b>Date:</b>
<b>Uploaded:</b>	<b>Yes</b>	<b>No</b>	<b>Failure Code:</b>
<b>Verified by:</b>			<b>Date:</b>

