

Maryland Trucking Company Shut Down

It may take a while, but sometimes justice does prevail. It just seems to take an exceedingly long time as in the case below. Problems with the owner of this carrier went all the way back to 1995. This is exactly the type of operators that CSA will hopefully be effective in identifying and taking immediate corrective action.

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Maryland Trucking Company Declared Imminent Hazard to the Public, Shut Down -- Again

By Truckinginfo Staff

The Federal Motor Carrier Safety Administration has ordered Maryland-based Gunthers Transport, LLC shut down after a lengthy investigation found it to be an imminent hazard to public safety. Company owner, Mark David Gunther, was convicted on similar charges in 1995.

The company was ordered shut down November 8 after FMCSA investigators found patterns of hours-of-service and vehicle maintenance violations that substantially increased the likelihood of serious injury or death to the motoring public.

The company had long history of safety violations -- including a fatal crash in August. The action stems from a two-year assessment of Gunthers Transport's safety performance. FMCSA found that Gunthers was "seriously deficient" in four of the seven BASIC categories: unsafe driving (66.9%), fatigued driving (99.3%), driver fitness (77.3%) and vehicle maintenance (100%).

Over the last two years, Gunthers' 18 vehicles were inspected 192 times and were placed OOS 58% of the time. That's about three times the national average according to FMCSA.

Gunthers' drivers were inspected 245 times in the past 24 months, and placed OOS 16 percent of the time. The national average OOS rate for drivers is 5.5%.

According to the agency, Gunthers has had seven serious crashes, involving four injuries and a fatality, in the past 12 months. A post-crash investigation of the truck involved in the fatality found multiple mechanical defects in the truck, including nine serious enough to have put the vehicle out of service, FMCSA noted on the OOS order.

The agency also said it found evidence Gunthers either allowed or required drivers to falsify driver's log records.

Owner Had Prior HOS Convictions

In December 1995, Gunther Leasing Transport Inc. (as it was then known) became the first carrier to be charged criminally for altering log books. A federal jury convicted the company and its president, Mark David Gunther, on one count of conspiracy to defraud and four counts of making false statements to investigators. Gunther also was convicted of perjury.

Reports from 1995 said defense lawyers argued that company drivers decided on their own to drive excessive hours and falsify their driving logs and that neither the president nor the company should be held responsible.

However, former employees said that supervisors instructed them how to falsify their books and that president, Mark Gunther condoned the practice. Two former employees said it was Gunther himself who ordered the destruction of several months' worth of potentially incriminating driver logs before trial began.

In 1996, Gunther was sentenced to 2.5 years in jail, and fined \$170,000 for forcing his drivers to falsify logs.

"FMCSA has zero tolerance for unsafe trucking companies that place the traveling public at risk. If they do not play by the safety rules of the road, we will take away their ability to operate," said FMCSA Administrator

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