

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT  
CIVIL ACTION NO.

\_\_\_\_\_  
COMMONWEALTH OF MASSACHUSETTS, )  
) )  
Plaintiff, )  
) )  
v. )  
) )  
PENSKE TRUCK LEASING CO., LP, )  
FRANK GREGORY, )  
JEFFREY ADAMS, )  
JUSTIN TRAVERS, )  
AARON MILOSEK, )  
ALLEN RUSSELL, and )  
ALEX MARTINEZ, )  
) )  
Defendants. )  
\_\_\_\_\_ )

**COMPLAINT**

**6/30/2021**

**EFILED ec**

**INTRODUCTION**

1. Penske Truck Leasing Company, LP (“Penske”), a transportation services company operating over 3,200 locations nationwide, rents and leases trucks for commercial use. The Penske facility located at 1242 Shawmut Avenue, New Bedford, Massachusetts (“Site”) is licensed by the Massachusetts Registry of Motor Vehicles (“Registry”) to perform mobile emissions and safety inspections on commercial vehicles.

2. The Massachusetts Motor Vehicle Emissions Inspection and Maintenance Program (“I&M Program”), a combined annual safety and emissions inspection program, regulated by both the Massachusetts Department of Environment Protection (“Department”) and the Registry, requires Penske’s commercial motor vehicles to undergo on-board diagnostic system (“OBD”) or smoke opacity emission inspections and safety inspections yearly.

3. From at least March 19, 2019 to August 13, 2019, Penske, along with six of its inspectors, Frank Gregory (“Gregory”), Jeffrey Adams (“Adams”), Justin Travers (“Travers”), Aaron Milosek (“Milosek”), Allen Russell (“Russell”), and Alex Martinez (“Martinez”) (collectively, “Defendants”) failed to comply with regulations under the I&M Program, while conducting safety and emissions inspections, on commercial vehicles, under Penske’s mobile commercial vehicle inspection license, by not inserting the probe of the opacity meter in the tailpipe to accurately measure the exhaust produced during operation, and failed to inspect, either partially or entirely, the physical components of commercial vehicles before certifying that they were safe to operate and making them available to customers for commercial purposes throughout the country.

4. Through these fraudulent safety and emission inspections, the Defendants violated the Massachusetts Clean Air Act, G. L. c. 111, §§ 142A through 142O (“Clean Air Act”), the Massachusetts Inspection and Maintenance Act, G. L. c. 90, §§ 7A, 7V, 7W, and 31 (“I&M Act”), and the Massachusetts Regulation of Business Practices and Consumer Protection Act, G. L. c. 93A (“Consumer Protection Act”).

5. The Commonwealth of Massachusetts (“Commonwealth”) brings this action under G. L. c. 12, § 11D, G. L. c. 90, §§ 7A, 7V, 7W, and 31, G. L. c. 111, §§ 142A-O, and G. L. c. 214, § 3, seeking civil penalties and injunctive relief enjoining the Defendants from further violating the law and from further conducting safety and emissions inspections and costs, including attorneys’ fees, incurred by the Commonwealth in investigating and prosecuting Defendants’ violations of G. L. c. 93A.

## **PARTIES**

6. The Plaintiff is the Commonwealth of Massachusetts, acting by and through the Attorney General, the Department, and the Registry.

7. The Attorney General is the chief law enforcement officer of the Commonwealth and maintains a primary office at One Ashburton Place, Boston, Massachusetts. The Attorney General has authority to bring this action and to seek the relief requested pursuant to G. L. c. 12, §§ 3 and 11D, G. L. c. 93A, § 4, G. L. c. 111, §§ 142A and 142M, and G. L. c. 214, § 3.

8. The Department is an agency of the Commonwealth charged with administering and enforcing the environmental laws of the Commonwealth, including, without limitation, those that address pollution of the atmosphere, G. L. c. 111, §§ 142A-142O.

9. The Department maintains its principal offices at One Winter Street, Boston, Massachusetts.

10. The Registry is an agency of the Commonwealth charged with administering and enforcing the motor vehicle laws of the Commonwealth, including, without limitation, those that address the safety and emissions of motor vehicles within the Commonwealth, G. L. c. 90, §§ 7A, 7V, 7W, and 31 and G. L. c. 111, § 142M.

11. The Registry maintains its principal offices at 25 Newport Avenue Ext., Quincy, Massachusetts.

12. The Department administers, jointly with the Registry, the I&M Program under G. L. c. 111, § 142M.

13. Penske, a subsidiary of Penske Corporation, is a foreign limited partnership with its principal place of business located at 2675 Morgantown Road, Reading, PA, and operates a Massachusetts facility located at 1242 Shawmut Avenue, New Bedford, MA. Penske holds Inspection Station License Number FL012246 to conduct fleet commercial vehicle inspections.

14. Gregory is an individual residing at 104 Middleboro Road, East Freetown, Massachusetts. He has held Massachusetts Commercial License Number S28191602 to conduct commercial vehicle inspections since 2018.

15. Adams is an individual residing at 15 Myricks Street, Berkley, Massachusetts. He was issued Massachusetts Commercial License Number S30569427 to conduct commercial vehicle inspections in 2001. Adams's inspector status is currently inactive.

16. Travers is an individual residing at 40B Staples Street, East Taunton, Massachusetts. He was issued Massachusetts Commercial License Number S32822710 to conduct commercial vehicle inspections in 2009. Travers's inspector status is currently inactive.

17. Milosek is an individual residing at 4440 Acushnet Avenue, New Bedford, Massachusetts. He has held Massachusetts Commercial License Number S14906106 to conduct commercial vehicle inspections since 2017.

18. Russell is an individual residing at 50 Huron Ave, East Freetown, Massachusetts. He was issued Massachusetts Commercial License Number S60472942 to conduct commercial vehicle inspections in 2006. Russell's inspector status is currently inactive.

19. Martinez is an individual residing at 1550 Dunhamtown Brimfield Road, Brimfield, Massachusetts. He has held Massachusetts Commercial License Number S53847811 to conduct commercial vehicle inspections since March 27, 2017.

## **JURISDICTION AND VENUE**

20. This Court has jurisdiction over these claims and the authority to grant the relief requested pursuant to G. L. c. 111, §§ 142A-B and 142M(f); G. L. c. 93A, § 4; and G. L. c. 214, §§ 1 and 3. Venue lies in Suffolk Superior Court pursuant to G. L. c. 223, § 5; G. L. c. 111, § 142M; and G. L. c. 93A, § 4.

## **STATUTORY AND REGULATORY FRAMEWORK**

### *Federal Clean Air Act—Motor Vehicle Emissions*

21. The Federal Clean Air Act (“CAA”) requires the Environment Protection Agency (“EPA”) to designate pollutants, the emissions of which may cause or contribute to air pollution, that “may reasonably be anticipated to endanger public health or welfare” and “the presence of which in the ambient air results from numerous or diverse mobile or stationary sources.” 42 U.S.C. § 7408(a)(1)(A)-(B). For each such pollutant, the CAA mandates that the EPA establish National Ambient Air Quality Standards (“NAAQS”) sufficient to protect public health and welfare. 42 U.S.C. § 7409.

22. Because of the significant effects ground level ozone has on public health and welfare, the EPA identified ozone as a “criteria pollutant” under the CAA and established NAAQS for ozone. See 42 U.S.C. §§ 7408-7409. See also, 40 C.F.R. §§ 50.9 and 50.10. The CAA requires Inspection and Maintenance programs (“State I&M programs”) in areas in the U.S. most impacted by ozone and carbon monoxide (“CO”) pollution, as well as in states that are part of the Ozone Transport Region (“OTR”). EPA sets the minimum standards for the State I&M programs.

23. The CAA requires each State to develop a plan, known as a State Implementation Plan or “SIP,” to attain, maintain, and enforce the federal standards. 42 U.S.C. § 7410. To improve the states’ ability to meet the federal NAAQS for ozone and CO, the 1990 amendments

to the CAA required states with poor air quality to revise their SIPs to establish or improve (where a program was already in operation) State I&M programs. 42 U.S.C. §§ 7511a(a)(2)(B) & (c)(3).

*Massachusetts Vehicle Check Program*

24. As a result of having areas designated nonattainment for the 1997 8-hour ozone NAAQS and by virtue of its inclusion in the OTR, Massachusetts implemented the statewide, enhanced Inspection & Maintenance Program (“I&M Program”). Pursuant to the federal requirements, G. L. c. 90, § 7A, and G. L. c. 111, § 142M, the Department and the Registry promulgated regulations 310 C.M.R. § 60.02 and 540 C.M.R. §§ 4.01 to 4.09, respectively, to regulate and enforce the I&M Program and to ensure compliance with motor vehicle emission standards.

25. Massachusetts since attained the 1997 ozone NAAQS (and was designated as unclassifiable/attainment for the current 2015 ozone NAAQS). To maintain the air quality improvements that were made, Massachusetts continues to enforce the I&M Program. The I&M Program reduces pollution from Massachusetts’ vehicles by identifying those vehicles with malfunctioning emissions controls and requiring that they be repaired.

26. In addition to the I&M Program, and pursuant to G. L. c. 90, § 7A, and the regulations promulgated at 540 C.M.R. §§ 4.01-4.09, the Registry established the rules and regulations for an annual maintenance inspection (“Safety Inspection”) of all motor vehicles in the Commonwealth of Massachusetts (collectively, “Massachusetts Vehicle Check Program”). See 540 C.M.R. § 4.00.

27. Under the Massachusetts Vehicle Check Program, every owner or person in control of a Massachusetts registered motor vehicle shall submit the vehicle for the required inspection annually, no later than the date of expiration on the previously issued Certificate of

Inspection or as notified in a manner prescribed by the Registrar. 540 C.M.R. § 4.03(1)(b) and 310 C.M.R. § 60.02(5).

28. A “Certificate of Inspection” is a serially-numbered, adhesive sticker or document, as prescribed by the Registrar, indicating a motor vehicle has met the inspection requirements established by the Registrar. 540 C.M.R. § 4.02. G. L. c. 90, § 1.

29. An “Inspection Certificate” is a written statement, prescribed by the Registrar, which indicates that the required inspection for a motor vehicle has been performed and the motor vehicle inspected has passed or failed the inspection. 310 C.M.R. § 60.02(2)

30. All inspections must be performed in accordance with the applicable provisions of 540 C.M.R. § 4.00 and 310 C.M.R. § 60.02 by licensed inspectors and must be performed at a licensed inspection station. 540 C.M.R. § 4.05(2) and 310 C.M.R. § 60.02(10)(a).

31. A “Licensed Inspector” is “[a]n individual licensed by the Registrar in accordance with 540 CMR 4.00 as properly trained to perform a Massachusetts Motor Vehicle Safety and/or Emissions Inspection.” 540 C.M.R. § 4.02.

32. An “Inspection Station” is “a facility that is licensed by the Registry to conduct motor vehicle safety and emissions inspections.” 310 C.M.R. § 60.02(1).

***i. Emissions Component***

33. Unless exempt pursuant to 310 C.M.R. § 60.02(3)(c), the following motor vehicles are subject to the OBD test in accordance with Department-approved inspection procedures: all light-duty non-diesel motor vehicles model year 1996 or newer; all light-duty diesel motor vehicles model year 1997 or newer; all medium-duty diesel motor vehicles model year 2007 or newer; all medium-duty non-diesel motor vehicles model year 2008 or newer; and all heavy-duty diesel and non-diesel motor vehicles equipped with OBD systems. 310 C.M.R. § 60.02(8)(a).

34. Unless exempt pursuant to 310 C.M.R. § 60.02(3)(c), diesel vehicles with a gross vehicle weight rating (“GVWR”) greater than 10,000 pounds and not otherwise subject to an OBD test are subject to the Society of Automotive Engineers (“SAE”) J1667 Opacity Test (“Opacity Test”). 310 C.M.R. § 60.02(8)(b).

35. The Opacity Test is “an emissions test of a diesel vehicle’s exhaust performed by measuring the density of the smoke that the vehicle emits” and is administered to diesel vehicles with a GVWR greater than 10,000 pounds and not otherwise subject to an OBD test. 310 C.M.R. §§ 60.02 and 60.02(8)(b).

36. The Opacity Test must be performed in accordance with the Snap-Acceleration Smoke Test Procedure for Heavy-Duty Diesel-Powered Vehicles, issued by the SAE, as modified by the Department. 310 C.M.R. §§ 60.02(2) and (8)(b).

37. A motor vehicle undergoing the Opacity Test shall fail the emissions inspection if it exceeds the established standards for smoke opacity levels (or “cutpoints”) for that vehicle’s class and model year. 310 C.M.R. § 60.02(12).

38. During the emissions inspection, tests are administered based on the make and model year of the motor vehicle. 310 C.M.R. § 60.02(8).

39. Newer vehicles must meet stricter cutpoints. 310 C.M.R. § 60.02(12)(a). The cutpoints for model year 1984 to 1990 diesel trucks with greater than 10,000 pounds GVWR is 40% opacity. 310 C.M.R. § 60.02(12)(a). The cutpoints for model year 1991 to 1996 diesel trucks with greater than 10,000 pounds GVWR is 30% opacity. 310 C.M.R. § 60.02(12)(a). The cutpoints for model year 1997 and newer diesel trucks with greater than 10,000 pounds GVWR is 20% opacity. 310 C.M.R. § 60.02(12)(a).



40. Inspection Stations are required to purchase or lease the complete set of inspection equipment approved by the Department and are also required to purchase Inspection Certificates and maintain them in a secure place. See G. L. c. 111, § 142M; 540 C.M.R. § 4.08(1)(e)-(f).

41. “The inspector shall perform emissions inspections in accordance with 310 CMR 60.02 and all Department-approved inspection procedures, including all workstation software prompts, at inspection stations licensed by the Registry.” 310 C.M.R. § 60.02(10)(a).

42. “Workstation” is “the complete set of inspection equipment approved by the Department and required by the Registrar for an inspection station.” 540 C.M.R. § 4.02. See also 310 C.M.R. § 60.02.

43. “The inspector shall perform emissions inspections using Department-approved equipment and shall perform all Department-required quality control and maintenance procedures on the equipment . . . .” 310 C.M.R. § 60.02(10)(b).

44. The inspector shall complete all inspections unless an unsafe condition or workstation/inspector error arises after the emissions inspection is initiated. 310 C.M.R. § 60.02(10)(d).

45. Upon completion of an emissions inspection, the inspector is required to affix an Inspection Certificate to the windshield of the vehicle inspected, indicating the proper results of the inspection. 310 C.M.R. § 60.02(10)(g).

46. “An inspector shall issue an [I]nspection [C]ertificate indicating compliance only for a motor vehicle that he or she has inspected and determined to comply with the applicable standards for motor vehicle emissions inspections pursuant to 310 C.M.R. 60.02.” 310 C.M.R. § 60.02(24)(e)2.

47. “No person shall issue an [I]nspection [C]ertificate indicating compliance with 310 CMR 60.02 for a motor vehicle that has not been inspected or re-inspected in accordance with, or is not in compliance with, the standards for the applicable motor vehicle emissions inspection pursuant to 310 CMR 60.02.” 310 C.M.R. § 60.02(24)(e).

48. No person shall affix an Inspection Certificate on a motor vehicle “other than the motor vehicle for which the [C]ertificate was issued.” 310 C.M.R. § 60.02(24)(e)5.

49. “Any person providing information required to be submitted to the Department pursuant to M.G.L. c. 111, §§ 142A through 142M, 150A, c. 21H, or 310 CMR 60.00 shall make the following certification: ‘I certify that I have personally examined the foregoing and am familiar with the information contained in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment.’” 310 C.M.R. § 60.01(2)(c).

50. “No person shall make any false, inaccurate, incomplete, or misleading statements in any application, record, report, plan, design, statement or document which that person submits to the Department pursuant to G.L. c. 111, §§ 142A through 142M, 150A, c. 21H, or 310 CMR 60.00.” 310 C.M.R. § 60.01(2).

51. “No person owning, leasing, or controlling the operation of any air contamination source shall willfully, negligently, or through failure to provide necessary equipment or to take necessary precautions, permit any emission from said air contamination source or sources of such quantities of air contaminants which will cause, by themselves or in conjunction with other air contaminants, a condition of air pollution.” 310 C.M.R. § 60.01(1).

52. No person or facility licensed to conduct an inspection shall violate any requirements or regulations adopted pursuant to G. L. c. 111, § 142M. G. L. c. 111, § 142M(f).

53. The Clean Air Act at G. L. c. 111, § 142M(f) and its regulations at 310 C.M.R. § 60.02(24)(f)(1) provide that an inspection station licensee is responsible to ensure that its inspectors follow the required inspection procedures and is liable for any violation of 310 C.M.R. § 60.02 at that inspection station, including improperly or fraudulently issuing a passing Inspection Certificate to vehicles which do not meet the required inspection standards.

54. Any inspector or Inspection Station that violates any regulation issued to implement the I&M Program “shall . . . be subject to a civil penalty of not more than \$25,000 for each violation,” with “each day or part thereof that such violation occurs or continues . . . [constituting] a separate violation.” G. L. c. 111, § 142M(f). See also G. L. c. 111, § 142A.

*ii. Commercial Safety Component*

55. All Massachusetts registered heavy-duty motor vehicles (over 10,000 pounds GVWR), single, full, or semi-trailers used in commerce, that have a GVWR over 3,000 pounds or commercial motor vehicle/trailer combinations with a gross combined vehicle weight rating (“GCVWR”) of over 10,000 pounds are subject to the Commercial Safety Inspection. 540 C.M.R. §§ 4.02, 4.03, and 4.05.

56. Commercial Safety Inspections must be performed by commercial vehicle inspectors who are licensed by the Registrar to perform such inspections. 540 C.M.R. § 4.08(1)(i).

57. A “Commercial Motor Vehicle” is “any motor vehicle which is not a private passenger motor vehicle, antique motor car, motorcycle, auto home, house trailer, taxicab, ambulance, hearse, livery vehicle, school pupil transport vehicle or off-road equipment.” 540 C.M.R. § 4.02.

58. A Commercial Motor Vehicle includes vehicles that have a GVWR or a GCVWR of 10,001 or more pounds and single, full or semi-trailers, used in commerce, with a manufacturer's GVWR over 3,000 pounds. 540 C.M.R. § 4.02.

59. During the Commercial Safety Inspection, over 70 components are subject to a thorough inspection to ensure safety compliance, including the splash guards, warning devices, bumpers, fenders, floor pan, and seat belts. Vehicles not complying with safety standards shall be rejected. 540 C.M.R. §§ 4.05(2) and (6)-(14).

60. Pursuant to Federal Regulations and adopted by the Registry at 540 C.M.R. § 4.05(15), for vehicles with a GVWR over 10,000 pounds, the following must be inspected during a commercial vehicle safety inspection: air brake system; service and parking brake system; coupling devices, including the fifth wheel; exhaust system; fuel system; lighting devices; steering; frame; wheels and rims; windshield wipers; and fuel tank cap. Vehicles not complying with safety standards shall be rejected. 540 C.M.R. § 4.05(15).

61. In the event of any conflict between 540 C.M.R. § 4.00 and any other regulations or law of the Commonwealth of Massachusetts, the stricter, more stringent standard shall apply. 540 C.M.R. § 4.05(15).

62. Inspections must be performed by the licensee or permanent employees of the licensee who are in possession of a valid motor vehicle operator license. 540 C.M.R. § 4.08(1)(g).

63. Prior to beginning inspection on a Commercial Vehicle, “[t]he Certificate of Registration or the online renewal confirmation receipt shall be inspected and the information contained thereon, including license plate, vehicle description, and vehicle identification number, shall be verified by observation of the subject vehicle. The information contained on the

Certificate of Registration shall also be matched with the vehicle information accessible to the workstation. The data appearing on the Registration Certificate, the data accessible to the Workstation, the data appearing on the vehicle license plate, and the vehicle identification number and description must match in order for the inspection to proceed.” 540 C.M.R. § 4.05(1)(a).

64. A “Fleet Inspection Station for Commercial Motor Vehicles” is a “business which owns, leases or maintains a fleet of at least 15 motor vehicles and/or trailers maintains a garage for the repair and maintenance of those vehicles, and is licensed by the Registrar to perform the Safety or Combined Safety and Emissions Inspection on its motor vehicles or motor vehicles owned by other fleets that are in the same vehicle class.” 540 C.M.R. § 4.02

65. A “Class F License” is the license issued to a corporation performing safety and emissions inspections on commercial vehicles, including all trailers, semi-trailers and converter dollies, owned or leased by a fleet, using mobile equipment for the performance of such vehicle inspections. 540 C.M.R. § 4.02.

66. Fleet Inspection Stations licensees are limited to the inspection of motor vehicles owned or maintained by the licensee or other fleets. 540 C.M.R. § 4.08(2)(g)(2).

67. Vehicles registered as “non-commercial” cannot be inspected by a Class F License. 540 C.M.R. § 4.02.

68. “Upon inspecting a Commercial Motor Vehicle, if any item is found to not comply with 540 C.M.R. 4.00, the inspector shall nevertheless complete the inspection of all other required items. The inspector shall provide a list of the items for which the vehicle is being rejected and advise the vehicle owner, custodian and/or operator of the violation(s) noted.” 540 C.M.R. § 4.07(4)(a)(2).

69. A Commercial Motor Vehicle which is determined not to meet all inspection requirements shall be issued a Certificate of Rejection. 540 C.M.R. §§ 4.05(2)(f) and 4.07(4)(a)(1).

70. A “Certificate of Rejection” shall mean a serially numbered, adhesive sticker, device, document or symbol, as may be prescribed by the Registrar, indicating a motor vehicle or motorcycle has failed to meet the Safety and Combined Safety and Emissions Inspection requirements. 540 C.M.R. § 4.02.

71. Inspectors must be able to demonstrate their proficiency in inspecting motor vehicles and in operating, calibrating, and maintaining items or equipment required for the inspection of motor vehicles. 540 C.M.R. § 4.08(1)(g).

72. The licensed commercial motor vehicle inspection stations must ensure that the individuals performing an annual inspection “[u]nderstands the inspection criteria set forth in 540 C.M.R. 4.00, 49 C.F.R Part 393, and Appendix G to Part 396 and can identify defective components.” 540 C.M.R. § 4.08(1)(i)(2).

73. The licensed commercial motor vehicle inspection stations must ensure that the individuals performing an annual inspection is “knowledgeable of and has mastered the methods, procedures, tools, and equipment used when performing an inspection.” 540 C.M.R. § 4.08(1)(i)(3).

74. The licensed commercial motor vehicle inspection stations must ensure that the individuals performing an annual inspection is “capable of performing an inspection by reason of experience, training, or both.” 540 C.M.R. § 4.08(1)(i)(4).

75. “Licensees will follow all applicable laws and all rules, regulations, policies and procedures of the Registrar.” 540 C.M.R. § 4.08(1)(i)(6).

76. No person or facility licensed to conduct an inspection shall violate any requirements or regulations adopted pursuant to G. L. c. 111, § 142M. G. L. c. 111, § 142M(f).

77. Any inspector or Inspection Station that violates any regulation issued to implement the I&M Program “shall . . . be subject to a civil penalty of not more than \$25,000 for each violation,” with “each day or part thereof that such violation occurs or continues . . . [constituting] a separate violation.” G. L. c. 111, § 142M(f).

## **FACTS**

### *Pollutants from Vehicles*

78. Motor vehicles are a major source of air pollutants, such as CO, oxides of nitrogen (“NO<sub>x</sub>”), and volatile organic compounds (“VOCs”). In addition to these pollutants, which are common to both gasoline and diesel-powered vehicles, diesel engines produce a significant amount of particulate matter.

79. CO is a colorless, odorless, and poisonous gas produced by incomplete burning of carbon in fuels. The addition of CO to the bloodstream reduces the body’s ability to carry oxygen to organs and tissue and can cause headaches, dizziness, fatigue and, in severe cases, loss of consciousness and death. Exposure to elevated CO levels can impair visual perception, manual dexterity, learning ability, and performance of complex tasks. The inhalation of increased concentrations of CO is most serious for people with cardiovascular disease, particularly those with angina or peripheral vascular disease. CO exposures specifically affect unborn babies, infants, and people with anemia or a history of heart or respiratory disease. Because of its harmful effects on public health, the EPA lists CO as a criteria pollutant under 42 U.S.C. §§ 7408 and 7409.

80. The term oxides of nitrogen, or “NO<sub>x</sub>,” is a generic name for a group of highly reactive gases, which cause a wide variety of health and environmental impacts. One common

form of NO<sub>x</sub> is nitrogen dioxide (“NO<sub>2</sub>”). NO<sub>2</sub> can bond with nitrate particles to form a reddish-brown layer in the atmosphere over urban areas. Inhalation of NO<sub>2</sub> irritates lungs and can lower the human body’s resistance to respiratory infection such as influenza.

81. NO<sub>x</sub> and VOCs interact in the presence of sunlight to produce ground level ozone, more commonly known as smog. The formation of ground level ozone causes significant air quality problems in the Commonwealth and is a proven public health hazard.

82. Inhalation of ozone affects the normal lung function in many healthy humans, causing inflammation and harmful changes in breathing passages, damage to cells lining the lungs, decreased ability to assimilate oxygen, coughing and chest pain, increased asthma attacks, aggravated chronic lung diseases such as emphysema and bronchitis, and permanent lung damage. Inhalation of ozone also increases susceptibility to respiratory infection. Exposure to ozone and particulate matter suspended in the air with an aerodynamic diameter that is equal or less than 10 microns during summer months is related to increased hospital admissions for chronic obstructive pulmonary disease and pneumonia. The young, the elderly, and those persons with respiratory ailments (such as asthmatics) are particularly susceptible to the adverse effects of ozone.

83. Ozone also causes significant damage to the environment. Ozone can destroy vegetation, reduce crop yield, and damage exposed materials, such as rubber and fabric, by causing cracking, fading, and weathering.

84. Diesel particulate matter is part of a complex mixture that makes up diesel exhaust. More than ninety percent (90%) of the particulates found in diesel exhaust are fine particles, measuring 2.5 microns or less. These solid particles and liquid droplets are so small that they can be inhaled deep into the lungs and cause health problems. Large concentrations of



fine particles may appear as haze, dust, and/or soot, reducing outdoor visibility by as much as seventy percent (70%) from natural conditions. Ozone and airborne particles and droplets can remain suspended in the air for extended periods of time and can travel long distances. When they eventually settle to the surface, they can damage property, plants, and animals. Recent studies show links between particulate matter and premature death from respiratory and cardiovascular disease and a greater likelihood of respiratory illnesses, particularly among children and the elderly. For adults with heart or lung conditions, exposure to fine particles can increase illness and, in some cases, cause premature death.

*Massachusetts Vehicle Check Program - Emissions Testing*

85. Over time, deterioration and poor maintenance of diesel engines can cause excessive levels of pollution that is seen as black smoke. The Opacity Test of the Massachusetts Vehicle Check Program measures the density of black smoke in the exhaust of the heavy-duty diesel vehicles. The percent opacity (proportion of black smoke in the vehicle's exhaust) is used to identify vehicles that need to be repaired to prevent excessive emissions of pollutants.

86. Prior to conducting each safety and emissions inspection, the inspector is required to login/authenticate with the Workstation. The Workstation prompts the inspector to scan the 2D barcode on his/her inspector ID and enter his/her unique Personal Identification Number ("PIN"). Each inspector is assigned a unique PIN. It is against Registry policy to distribute PINs to any other person.

87. When prompted by the Workstation, the inspector takes a photograph of himself, four specified positions of the vehicle to be inspected, and verifies the correct alignment of the mobile cameras on the expandable tripods.

88. The inspector then secures the vehicle (so it cannot move) and starts the engine. The inspector must then verify that the engine governor, which limits the speed of the engine, is working properly. During the Opacity Test, the inspector uses a DieselTune “opacity meter” or a “smoke meter” to measure the darkness of the smoke from the motor vehicle’s exhaust pipe. The darker the smoke measured by the smoke meter, the more the motor vehicle is polluting, and, consequently, the higher the opacity reading.

89. The inspector inserts the probe of the smoke meter into the exhaust tailpipe and lets the engine idle. When prompted by the Workstation, the inspector presses on the throttle several times to bring the engine up to its maximum governed revolutions per minute (“RPM”), first to remove loose soot from the exhaust pipe, then to measure the opacity of the vehicle’s emissions. The smoke meter has an acoustical component that will automatically trigger the smoke measurement during the test. The Workstation averages readings from the final three acceleration “snaps” and compares it to the opacity level cutpoint for the model year and type of vehicle. Clean air has opacity of 0% and totally black smoke has opacity of 100%.

90. Improper inspection procedures, such as changing vehicle data to avoid the opacity emissions test, allow vehicles with malfunctioning emissions control systems to pass inspection and emit excess emissions until their next inspection. The emissions testing program is done annually so if inspections are not conducted properly, these vehicles may emit excess emissions for up to a year before they receive another inspection and are properly identified as high emissions emitting vehicles requiring repair.

Massachusetts Vehicle Check Program - Safety Inspection

91. In addition to clean air, the Commonwealth recognizes that safe roads are as crucial to the welfare of its residents and visitors. The Commonwealth has inspected vehicles for safety defects for over sixty (60) years.

92. Massachusetts incorporated the Appendix G to Subchapter B of Chapter III of the Federal Motor Carrier Safety Regulations, along with safety items specific to a Massachusetts safety inspection, to create the inspection regulations that are followed for every Commercial Vehicle safety inspection in the Commonwealth.

93. Effective in 2008, the Federal Motor Carrier Safety Administration (“FMCSA”), added the Commonwealth of Massachusetts’ annual commercial motor vehicle safety inspection program to their list of Programs that are comparable to, or as effective as, the Federal Periodic Inspection requirements contained in the Federal Motor Carrier Safety Regulations (“FMCSRs”). When the commercial vehicle/trailer receives a Massachusetts safety inspection, the commercial vehicle is not required to obtain a separate FMCSA or Department of Transportation inspection.

94. At the conclusion of an inspection, the Inspection Station supplies the motorist with the Vehicle Inspection Report (“VIR”) that provides information regarding the results of the inspection. The VIR, issued by the Commonwealth of Massachusetts and signed by the licensed vehicle inspector, is proof of compliance with FMCSA inspection requirements, not the windshield sticker on the vehicle.

95. The Workstation screen displays the safety inspection portion once the emissions test has completed.

96. Results of every vehicle inspection in the Commonwealth are automatically entered into the Vehicle Inspection Database (VID) from each inspection station’s Workstation equipment and software. The VID is a centralized database that stores records from all vehicle

inspections performed throughout the Commonwealth and can be reviewed by the Department and the Registry.

97. The inspector signs the commercial VIR using the Workstation signature pad. By signing the report, the inspector certifies “the accuracy and completeness of this inspection as complying with all the requirements of the Federal Motor Carrier Safety Administration” as described in 49 C.F.R. 396.21.

98. Upon the completion of the inspection, the inspector removes the old Inspection Certificate from the windshield and affixes the new Inspection Certificate.

99. The passing Inspection Certificate includes the following information: the month of expiration (in the center of the sticker), the date of the initial inspection, the vehicle license plate number, the vehicle identification number, vehicle make, and a notation “ES” indicating that the vehicle passed the emissions test.

*Penske’s Operations under Penske’s Class F License*

100. The Site, located in a commercial area of New Bedford, Massachusetts, is surrounded by private and government businesses, as well as the New Bedford Regional Airport. The Site contains a large facility, that houses both the rental office and a four bay, drive-through garage where safety and emissions inspections and repairs are performed on fleet vehicles. A large fence surrounds the parking area that abuts the facility. This parking area houses Penske’s fleet vehicles and a fuel pump station.

101. Penske performs commercial safety and emissions inspections on heavy, medium, and light duty commercial trucks, both within and outside its own fleet, under Penske’s Class F license. Penske uses mobile inspection equipment, contracted and maintained by the program contractor, Applus+, and approved by both the Registry and the Department. This equipment consists of four cameras, three set up on expandable tripods and one hand-held; a Workstation,

which also utilizes a camera; and a DieselTune device. The DieselTune device is a SAE J1667-compliant, partial flow opacity meter that provides all-weather functionality and self-calibration. Two mobile cameras record photographs during the inspection while one camera records a video of the inspection. The purpose of these cameras is to detect and deter fraud within the Massachusetts Vehicle Check Program.

102. Penske performs emissions and safety inspections in the garage bays of the facility, in the parking areas of the Site, and at other Penske locations. Because Penske is a mobile inspection station, the Workstation and cameras are not mounted in the bay. Rather, the Workstation and cameras are transportable and must be set up each time safety and emissions inspections are performed in a different location or area of the Site.

103. At a fixed (non-mobile) inspection station, Applus+, must approve the locations for the three inspection bay cameras prior to their installation. This is done to ensure the cameras will capture acceptable images and video of the vehicle and inspection process from the front, rear, and side of the vehicle. The mobile station sets up the three cameras at each individual inspection location, but the placement of the cameras is not subject to Applus's approval process. Rather, mobile stations are required to locate the cameras in the best possible locations to capture the front, rear, and side of the vehicle and inspection process. Before every inspection, the inspector confirms, through the workstation, the correct camera angle and positioning.

104. At the Site, Penske rents or leases the vehicles within its own fleet for commercial use throughout the country.

105. Penske's Class F Commercial Vehicle Inspection Station License was issued by the Registry, pursuant to G. L. c. 111, § 142M(b), G. L. c. 90, § 7W and 540 C.M.R. § 4.08.

*Inspection of Motor Vehicles by the Defendants Under Penske's Class F License*

106. At various times between March 19, 2019 to August 13, 2019, Gregory, Adams, Travers, Milosek, Russell, and Martinez were employees of Penske and conducted mobile commercial vehicle safety and emissions inspections for Penske.

107. Gregory holds a current inspector license issued by the Registry. This license permits Gregory to perform commercial vehicle safety and emissions inspections. The Registry issued Gregory's inspector license on December 17, 2018. From at least March 19, 2019 to July 2, 2019, Gregory conducted mobile vehicle inspections for Penske under Penske's Class F license.

108. Adams held an inspector license issued by the Registry. This license permitted Adams to perform commercial vehicle safety and emissions inspections. The Registry first issued Adams' inspector license on May 24, 2001 and reissued it on February 22, 2019. The license is currently expired. From at least March 21, 2019 to August 8, 2019, Adams conducted motor vehicle inspections for Penske under Penske's Class F license.

109. Travers held an inspector license issued by the Registry. This license permitted Travers to perform commercial vehicle safety and emissions inspections. The Registry issued Travers' inspector license on July 2, 2009. Travers' license is currently expired. From at least April 3, 2019 to August 10, 2019, Travers conducted mobile vehicle inspections for Penske under Penske's Class F license.

110. Milosek holds a current inspector license issued by the Registry. This license permits Milosek to perform commercial vehicle safety and emissions inspections. The Registry issued Milosek's inspector license on January 18, 2017. From at least May 21, 2019 to August 10, 2019, Milosek conducted mobile vehicle inspections for Penske under Penske's Class F license.

111. Russell held an inspector license issued by the Registry to conduct vehicle inspections. This license permitted Russell to perform commercial motor vehicle safety and emissions inspections. The Registry issued Russell's inspector license on April 24, 2006. Russell's license is currently expired. From at least August 1, 2019 to August 13, 2019, Russell conducted mobile vehicle inspections for Penske under Penske's Class F license.

112. Martinez holds a current inspector license issued by the Registry. This license permits Martinez to perform commercial vehicle safety and emissions inspections. The Registry issued Martinez's inspector license on March 27, 2017. On at least August 7, 2019, Martinez conducted mobile vehicle inspections for Penske under Penske's Class F license.

113. Between March 19, 2019 and August 13, 2019, one-hundred and eighty-seven (187) vehicles were submitted to Gregory, Adams, Travers, Milosek, Russell, and Martinez for safety and emissions inspections under Penske's Class F license.

114. Prior to conducting the safety and/or emissions inspections, Gregory, Adams, Travers, Milosek, Russell, or Martinez logged into the mobile Workstation by using their unique PIN.

115. At the conclusion of the safety and/or emissions inspections, Gregory, Adams, Travers, Milosek, Russell, and Martinez certified the results of the inspection and electronically submitted the information to the Department and the Registry on the VID.

116. The safety and emissions inspections performed by the Defendants, are part of the Massachusetts Vehicle Check Program.

*Illegal Emissions Testing on Numerous Motor Vehicles by the Defendants  
Under Penske's Class F License*

117. From March 19, 2019 to August 13, 2019, Gregory, Adams, Milosek, Russell, Travers, and Penske failed to properly conduct one hundred and twenty-three (123) emission inspections, on vehicles submitted under Penske's Class F license, in accordance with 310 C.M.R. § 60.02 and Department-approved inspection procedures. (The violations are specifically enumerated in Attachment A to this Complaint, incorporated herein by reference hereto. All references to Attachment A shall be cited as "Attachment A" with relevant Table number).

118. Between March 19, 2019 and June 28, 2019, Gregory and Penske failed to properly conduct seventy-nine (79) emission inspections, on vehicles submitted under Penske's Class F license, in accordance with 310 C.M.R. § 60.02 and Department-approved inspection procedures. See Attachment A, Tables 1-6.

119. Between, March 21, 2019 and August 8, 2019, Adams and Penske failed to properly conduct fourteen (14) emission inspections, on vehicles submitted under Penske's Class F license, in accordance with 310 C.M.R. § 60.02 and Department-approved inspection procedures. See Attachment A, Tables 1-6.

120. Between May 22, 2019 and August 10, 2019, Milosek and Penske failed to properly conduct fourteen (14) emission inspections, on vehicles submitted under Penske's Class F license, in accordance with 310 C.M.R. § 60.02 and Department-approved inspection procedures. See Attachment A, Tables 1-6.

121. On August 13, 2019, Russell and Penske failed to properly conduct at least one (1) emission inspection, on a vehicle submitted under Penske's Class F license, in accordance with 310 C.M.R. § 60.02 and Department-approved inspection procedures. See Attachment A, Tables 1-6.



122. Between April 30, 2019 and August 10, 2019, Travers and Penske failed to properly conduct fifteen (15) emission inspections, on vehicles submitted under Penske's Class F license, in accordance with 310 C.M.R. § 60.02 and Department-approved inspection procedures. See Attachment A, Tables 1-6.

***i. Gregory, Adams, and Penske Failed to Place the Opacity Meter Probe in Tailpipe***

123. Gregory, Adams, and Penske failed to place the probe of the opacity meter in the tailpipe of a motor vehicle during ten (10) emissions inspections submitted under Penske's Class F license between March 19, 2019 and July 24, 2019. See Attachment A, Table 1.

124. Between March 19, 2019 and June 21, 2019, Gregory and Penske failed to place the probe of the opacity meter in the tailpipe of a motor vehicle during nine (9) emissions inspections submitted under Penske's Class F license, causing the probe to measure ambient air, rather than the exhaust exiting the tailpipe. This inaccurate reading resulted in a passing inspection sticker for each vehicle falsely inspected. See Attachment A, Table 1.

125. On July 24, 2019, Adams and Penske failed to place the probe of the opacity meter in the tailpipe of a motor vehicle during one (1) emissions inspection submitted under Penske's Class F license, causing the probe to measure ambient air, rather than just the exhaust exiting the tailpipe. This inaccurate reading resulted in a passing inspection sticker for the vehicle falsely inspected. See Attachment A, Table 1.

***ii. Gregory, Adams, and Penske Failed to Complete Emissions Inspections after Vehicles Failed Opacity Recordings***

126. Gregory, Adams, and Penske failed to complete emissions testing, in its entirety, on seven (7) motor vehicles submitted for emissions testing under Penske's Class F license between March 19, 2019 and July 24, 2019. See Attachment A, Table 2.

127. Between March 19, 2019 and May 11, 2019, Gregory and Penske failed to complete emissions testing in its entirety on four (4) motor vehicles submitted for emissions testing under Penske's Class F license. Instead, Gregory and Penske aborted the emissions inspections after test readings showed failing opacity recordings. They immediately retested the same vehicles without putting the probe in the tailpipe, creating an inaccurate reading by measuring the ambient air. See Attachment A, Table 2.

128. Between March 21, 2019 and July 24, 2019, Adams and Penske failed to complete emissions testing in its entirety on three (3) motor vehicles submitted for emissions testing under Penske's Class F license. Instead, Adams and Penske aborted emissions inspections after test readings showed failing opacity recordings. They immediately retested the same vehicles without putting the probe in the tailpipe, creating an inaccurate reading by measuring the ambient air. See Attachment A, Table 2.

***iii. Adams and Penske Failed to Reject Motor Vehicles that Failed Emissions Standards***

129. Adams and Penske failed to reject two (2) motor vehicles with emissions opacity greater than the permissible cutpoint during emissions inspections under Penske's Class F license on July 5, 2019 and July 24, 2019. See Attachment A, Table 3. Instead, Adams and Penske aborted the emissions inspections after test readings showed failing opacity recordings. Adams and Penske immediately retested the same commercial vehicle without putting the probe in the tailpipe, creating an inaccurate, passing cutpoint reading by measuring the ambient air.

***iv. Adams and Penske Failed to Affix Inspection Certificate with Proper Results of Emissions Inspection***

130. Adams and Penske failed to affix an Inspection Certificate to the windshield of the vehicle inspected indicating the proper results of the inspection on at least one (1) motor

vehicle submitted for emissions testing under Penske's Class F license on July 24, 2019. See Attachment A, Table 4.

***v. Gregory, Adams, Milosek, Russell, Travers, and Penske Failed to Follow Workstation Prompts by Failing to Properly Photograph and Record Inspections***

131. Gregory, Adams, Milosek, Russell, Travers, and Penske failed to follow workstation prompts during one-hundred and seventeen (117) motor vehicle inspections under Penske's Class F license between March 13, 2019 and August 13, 2019. See Attachment A, Tables 5 and 6.

132. On March 29, 2019, Gregory and Penske failed to video record one (1) vehicle being inspected under Penske's Class F license and instead used video of a previously inspected motor vehicle. See Attachment A, Table 5.

133. Between March 28, 2019 and April 3, 2019, Adams and Penske failed to video record four (4) motor vehicles being inspected under Penske's Class F license and instead used video of a previously inspected motor vehicle. See Attachment A, Table 5.

134. Between March 13, 2019 and June 28, 2019, Gregory and Penske failed to follow workstation prompts during seventy-three (73) vehicle inspections submitted under Penske's Class F license. See Attachment A, Table 6.

135. Between March 21, 2019 and August 8, 2019, Adams and Penske failed to follow workstation prompts during ten (10) vehicle inspections submitted under Penske's Class F license. See Attachment A, Table 6.

136. Between May 22, 2019 and August 13, 2019, Milosek and Penske failed to follow workstation prompts during fourteen (14) vehicle inspections submitted under Penske's Class F license. See Attachment A, Table 6.

137. Between August 2, 2019 and August 10, 2019, Russell and Penske failed to follow workstation prompts during at least one (1) vehicle inspection submitted under Penske's Class F license. See Attachment A, Table 6.

138. Between April 30, 2019 and August 10, 2019, Travers and Penske failed to follow workstation prompts during fifteen (15) vehicle inspections submitted under Penske's Class F license. See Attachment A, Table 6.

***vi. Gregory, Adams, Milosek, Russell, Travers, and Penske Issued Inspection Certificates for Motor Vehicles That Were Not Inspected in Accordance with Department Regulations***

139. Gregory, Adams, Milosek, Russell, Travers, and Penske issued passing Inspection Certificates during one hundred and twenty-three (123) emissions inspections, on motor vehicles submitted under Penske's Class F license, that were not, in fact, properly inspected in accordance with Department Regulations between March 19, 2019 and August 13, 2019. See Attachment A, Tables 1-6.

140. Between March 19, 2019 and June 28, 2019, Gregory and Penske issued passing Inspection Certificates during seventy-nine (79) emissions inspections, on motor vehicles submitted under Penske's Class F license, that were not, in fact, properly inspected in accordance with Department Regulations. See Attachment A, Tables 1-6.

141. Between March 21, 2019 and August 8, 2019, Adams and Penske issued passing Inspection Certificates during fourteen (14) emissions inspections, on motor vehicles submitted under Penske's Class F license, that were not, in fact, properly inspected in accordance with Department Regulations. See Attachment A, Tables 1-6.

142. Between May 22, 2019 and August 13, 2019, Milosek and Penske issued passing Inspection Certificates during fourteen (14) emissions inspections, on motor vehicles submitted

under Penske's Class F license, that were not, in fact, properly inspected in accordance with Department Regulations. See Attachment A, Tables 1-6.

143. Between August 2, 2019 and August 10, 2019, Russell and Penske issued passing Inspection Certificates during at least one (1) emissions inspection, on a motor vehicle submitted under Penske's Class F license, that were not, in fact, properly inspected in accordance with Department Regulations. See Attachment A, Tables 1-6.

144. Between April 30, 2019 and August 10, 2019, Travers and Penske issued passing Inspection Certificates during fifteen (15) emissions inspections, on motor vehicles submitted under Penske's Class F license, that were not, in fact, properly inspected in accordance with Department Regulations. See Attachment A, Tables 1-6.

*Illegal Safety Inspections Conducted by the Defendants on Numerous Vehicles  
Under Penske's Class F License*

145. The Defendants collectively failed to properly conduct one hundred and twenty-nine (129) safety inspections, as required under 540 C.M.R. § 4, on motor vehicles submitted under Penske's Class F license from at least March 19, 2019 to August 13, 2019. See Attachment A, Tables 7-40.

***i. Gregory, Adams, Travers, and Penske Failed to Inspect the Floor Pan during Safety Inspections***

146. Gregory, Adams, Travers, and Penske failed to inspect the floor pan of motor vehicles during seventeen (17) safety inspections, on motor vehicles submitted under Penske's Class F license, between March 19, 2019 and May 27, 2019. See Attachment A, Table 7.

147. Between March 19, 2019 and April 18, 2019, Gregory and Penske failed to inspect the floor pan of motor vehicles during eleven (11) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 7.

148. On at least March 21, 2019, Adams and Penske failed to inspect the floor pan of motor vehicles during four (4) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 7.

149. On at least May 27, 2019, Travers and Penske failed to inspect the floor pan of motor vehicles during two (2) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 7.

***ii. Gregory, Travers, and Penske Failed to Inspect Seatbelts during Safety Inspections***

150. Gregory, Travers, and Penske failed to inspect the seatbelts of motor vehicles during nine (9) safety inspections on motor vehicles submitted under Penske's Class F license between May 14, 2019 and June 21, 2019. See Attachment A, Table 8.

151. Between May 14, 2019 and June 21, 2019, Gregory and Penske failed to inspect the seatbelts of motor vehicles during eight (8) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 8.

152. On May 28, 2019, Travers and Penske failed to inspect the seatbelts of motor vehicles during at least one (1) safety inspection on a motor vehicle submitted under Penske's Class F license. See Attachment A, Table 8.

***iii. Gregory, Adams, Milosek, Martinez, Russell, Travers, and Penske failed to Inspect the Brake System during Safety Inspections***

153. Gregory, Adams, Milosek, Martinez, Russell, Travers, and Penske failed to inspect the brake system of motor vehicles during one hundred and one (101) safety inspections, on motor vehicles submitted under Penske's Class F license, between March 19, 2019 and August 13, 2019. See Attachment A, Tables 9-28.

a. Air Brake System

154. Between March 19, 2019 and June 5, 2019, Gregory and Penske failed to inspect the condition of the air brake components of motor vehicles during eighteen (18) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 9.

155. Between March 21, 2019 and July 24, 2019, Adams and Penske failed to inspect the condition of the air brake components of motor vehicles during six (6) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 9.

156. On August 5, 2019, Russell and Penske failed to inspect the condition of the air brake components of a motor vehicle during at least one (1) safety inspection on a motor vehicle submitted under Penske's Class F license. See Attachment A, Table 9.

157. Between May 22, 2019 and June 19, 2019, Travers and Penske failed to inspect the condition of the air brake components of motor vehicles during twelve (12) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 9.

158. On May 22, 2019, Milosek and Penske failed to inspect the condition of the air brake components of motor vehicles during five (5) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 9.

b. Service Brake System

159. Between April 9, 2019 and June 5, 2019, Gregory and Penske failed to inspect the service brakes in accordance with the manufacturer(s)' recommended procedures for the absence of braking action of any axle required to have brakes during eighteen (18) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 10.

160. Between July 16, 2019 and August 8, 2019, Adams and Penske failed to inspect the service brakes in accordance with the manufacturer(s)' recommended procedures for the absence of braking action of any axle required to have brakes during seven (7) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 10.

161. Between July 13, 2019 and August 10, 2019, Milosek and Penske failed to inspect the service brakes in accordance with the manufacturer(s)' recommended procedures for the absence of braking action of any axle required to have brakes during eight (8) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 10.

162. Between April 9, 2019 and August 10, 2019, Russell and Penske failed to inspect the service brakes in accordance with the manufacturer(s)' recommended procedures for the absence of braking action of any axle required to have brakes during seven (7) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 10.

163. Between April 30, 2019 and June 18, 2019, Travers and Penske failed to inspect the service brakes in accordance with the manufacturer(s)' recommended procedures for the absence of braking action of any axle required to have brakes during fourteen (14) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 10.

164. On August 7, 2019, Martinez and Penske failed to inspect the service brakes in accordance with the manufacturer(s)' recommended procedures for the absence of braking action of any axle required to have brakes during five (5) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 10.



165. Between March 19, 2019 and June 5, 2019, Gregory and Penske failed to inspect motor vehicles for missing or broken mechanical components during seven (7) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 11.

166. Between July 17, 2019 and July 24, 2019, Adams and Penske failed to inspect motor vehicles for missing or broken mechanical components during three (3) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 11.

167. On August 5, 2019, Russell and Penske failed to inspect motor vehicles for missing or broken mechanical components during at least one (1) safety inspection on a motor vehicle submitted under Penske's Class F license. See Attachment A, Table 11.

168. Between March 19, 2019 and June 5, 2019, Gregory and Penske failed to inspect motor vehicles for loose brake components during seven (7) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 12.

169. Between July 17, 2019 and July 24, 2019, Adams and Penske failed to inspect motor vehicles for loose brake components during three (3) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 12.

170. On August 5, 2019, Russell and Penske failed to inspect motor vehicles for loose brake components during at least one (1) safety inspection on a motor vehicle submitted under Penske's Class F license. See Attachment A, Table 12.

171. Between March 19, 2019 and June 27, 2019, Gregory and Penske failed to inspect motor vehicles for audible air leaks at the service brake chamber during sixteen (16) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 13.

172. Between July 16, 2019 and August 8, 2019, Adams and Penske failed to inspect motor vehicles for audible air leaks at the service brake chamber during seven (7) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 13.

173. Between August 1, 2019 and August 10, 2019, Russell and Penske failed to inspect motor vehicles for audible air leaks at the service brake chamber during seven (7) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 13.

174. Between April 30, 2019 and June 18, 2019, Travers and Penske failed to inspect motor vehicles for audible air leaks at the service brake chamber during fourteen (14) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 13.

175. Between July 13, 2019 and August 10, 2019, Milosek and Penske failed to inspect motor vehicles for audible air leaks at the service brake chamber during eight (8) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 13.

176. On August 7, 2019, Martinez and Penske failed to inspect motor vehicles for audible air leaks at the service brake chamber during five (5) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 13.

177. Between March 19, 2019 and June 27, 2019, Gregory and Penske failed to inspect the re-adjustment limits of service brakes in accordance with procedure set forth in 540 C.M.R. § 4.00 during eighteen (18) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 14.

178. Between March 30, 2019 and August 8, 2019, Adams and Penske failed to inspect the re-adjustment limits of service brakes in accordance with procedure set forth in 540 C.M.R. § 4.00 during eight (8) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 14.

179. Between August 1, 2019 and August 10, 2019, Russell and Penske failed to inspect the re-adjustment limits of service brakes in accordance with procedure set forth in 540 C.M.R. § 4.00 during seven (7) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 14.

180. Between April 30, 2019 and June 18, 2019, Travers and Penske failed to inspect the re-adjustment limits of service brakes in accordance with procedure set forth in 540 C.M.R. § 4.00 during fifteen (15) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 14.

181. Between July 13, 2019 and August 10, 2019, Milosek and Penske failed to inspect the re-adjustment limits of service brakes in accordance with procedure set forth in 540 C.M.R. § 4.00 during eight (8) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 14.

182. On August 7, 2019, Martinez and Penske failed to inspect the re-adjustment limits of service brakes in accordance with procedure set forth in 540 C.M.R. § 4.00 during five (5) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 14.

183. Between March 19, 2019 and June 5, 2019, Gregory and Penske failed to inspect brake linings or pads on motor vehicles during seven (7) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 15.

184. Between July 17, 2019 and July 24, 2019, Adams and Penske failed to inspect brake linings or pads on motor vehicles during three (3) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 15.

185. On August 5, 2019, Russell and Penske failed to inspect brake linings or pads on motor vehicles during at least one (1) safety inspection on a motor vehicle submitted under Penske's Class F license. See Attachment A, Table 15.

186. Between March 19, 2019 and June 5, 2019, Gregory and Penske failed to inspect motor vehicles for a missing brake on any axle required to have brakes during seven (7) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 16.

187. Between July 17, 2019 and July 24, 2019, Adams and Penske failed to inspect motor vehicles for a missing brake on any axle required to have brakes during three (3) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 16.

188. On August 5, 2019, Russell and Penske failed to inspect motor vehicles for a missing brake on any axle required to have brakes during at least one (1) safety inspection on a motor vehicle submitted under Penske's Class F license. See Attachment A, Table 16.

189. Between March 19, 2019 and June 5, 2019, Gregory and Penske failed to inspect motor vehicles for mismatch across any power unit steering axle during seven (7) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 17.

190. Between July 17, 2019 and July 24, 2019, Adams and Penske failed to inspect motor vehicles for mismatch across any power unit steering axle during three (3) safety

inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 17.

191. On August 5, 2019, Russell and Penske failed to inspect motor vehicles for mismatch across any power unit steering axle during at least one (1) safety inspection on a motor vehicle submitted under Penske's Class F license. See Attachment A, Table 17.

c. Brake Hose

192. Between March 19, 2019 and June 5, 2019, Gregory and Penske failed to inspect the brake hose during seven (7) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 18.

193. Between March 30, 2019 and July 24, 2019, Adams and Penske failed to inspect the brake hose during four (4) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 18.

194. On August 5, 2019, Russell and Penske failed to inspect the brake hose during at least one (1) safety inspection on a motor vehicle submitted under Penske's Class F license. See Attachment A, Table 18.

195. Between June 18, 2019 and June 19, 2019, Travers and Penske failed to inspect the brake hose during nine (9) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 18.

196. Between March 19, 2019 and June 27, 2019, Gregory and Penske failed to inspect the brake hose for bulges or swelling when air pressure is applied during fifteen (15) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 19.

197. Between June 16, 2019 and August 8, 2019, Adams and Penske failed to inspect the brake hose for bulges or swelling when air pressure is applied during seven (7) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 19.

198. Between August 1, 2019 and August 13, 2019, Russell and Penske failed to inspect the brake hose for bulges or swelling when air pressure is applied during seven (7) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 19.

199. Between June 1, 2019 and June 18, 2019, Travers and Penske failed to inspect the brake hose for bulges or swelling when air pressure is applied during twenty-one (21) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 19.

200. Between June 13, 2019 and August 10, 2019, Milosek and Penske failed to inspect the brake hose for bulges or swelling when air pressure is applied during eight (8) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 19.

201. On August 7, 2019, Martinez and Penske failed to inspect the brake hose for bulges or swelling when air pressure is applied during five (5) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 19.

202. Between March 19, 2019 and June 27, 2019, Gregory and Penske failed to inspect the brake hose of the motor vehicle for any audible leaks during sixteen (16) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 20.

203. Between June 16, 2019 and August 8, 2019, Adams and Penske failed to inspect the brake hose of the motor vehicle for any audible leaks during seven (7) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 20.

204. Between August 1, 2019 and August 10, 2019, Russell and Penske failed to inspect the brake hose of the motor vehicle for any audible leaks during seven (7) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 20.

205. Between June 1, 2019 and August 10, 2019, Travers and Penske failed to inspect the brake hose of the motor vehicle for any audible leaks during twenty-one (21) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 20.

206. Between June 13, 2019 and August 10, 2019, Milosek and Penske failed to inspect the brake hose of the motor vehicle for any audible leaks during eight (8) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 20.

207. On August 7, 2019, Martinez and Penske failed to inspect the brake hose of the motor vehicle for any audible leaks during five (5) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 20.

208. Between March 19, 2019 and June 5, 2019, Gregory and Penske failed to inspect the brake hose joining during seven (7) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 21.

209. Between March 30, 2019 and July 24, 2019, Adams and Penske failed to inspect the brake hose joining during four (4) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 21.

210. On August 5, 2019, Russell and Penske failed to inspect the brake hose joining during at least one (1) safety inspection on a motor vehicle submitted under Penske's Class F license. See Attachment A, Table 21.

211. Between June 18, 2019 and June 19, 2019, Travers and Penske failed to inspect the brake hose joining during nine (9) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 21.

212. Between March 19, 2019 and June 5, 2019, Gregory and Penske failed to inspect the brake hose to see if cracked, broken, or crimped during seven (7) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 22.

213. Between March 30, 2019 and July 24, 2019, Adams and Penske failed to inspect the brake hose to see if cracked, broken, or crimped during four (4) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 22.

214. On August 5, 2019, Russell and Penske failed to inspect the brake hose to see if cracked, broken, or crimped during at least one (1) safety inspection on a motor vehicle submitted under Penske's Class F license. See Attachment A, Table 22.

215. Between June 18, 2019 and June 19, 2019, Travers and Penske failed to inspect the brake hose to see if cracked, broken, or crimped during nine (9) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 22.



d. Brake Tubing

216. Between March 19, 2019 and June 27, 2019, Gregory and Penske failed to inspect the brake tubing for audible leaks during sixteen (16) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 23.

217. Between June 16, 2019 and August 8, 2019, Adams and Penske failed to inspect the brake tubing for audible leaks during seven (7) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 23.

218. Between August 1, 2019 and August 13, 2019, Russell and Penske failed to inspect the brake tubing for audible leaks during seven (7) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 23.

219. Between June 1, 2019 and June 18, 2019, Travers and Penske failed to inspect the brake tubing for audible leaks during twenty-one (21) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 23.

220. Between June 13, 2019 and August 10, 2019, Milosek and Penske failed to inspect the brake tubing for audible leaks during eight (8) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 23.

221. On August 7, 2019, Martinez and Penske failed to inspect the brake tubing for audible leaks during five (5) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 23.

222. Between March 19, 2019 and June 27, 2019, Gregory and Penske failed to inspect motor vehicles for cracked, damaged by heat, broken or crimped brake tubing during seven (7) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 24.

223. Between June 16, 2019 and August 8, 2019, Adams and Penske failed to inspect motor vehicles for cracked, damaged by heat, broken, or crimped brake tubing during four (4) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 24.

224. Between August 1, 2019 and August 13, 2019, Russell and Penske failed to inspect motor vehicles for cracked, damaged by heat, broken, or crimped brake tubing during at least one (1) safety inspection on a motor vehicle submitted under Penske's Class F license. See Attachment A, Table 24.

225. Between June 1, 2019 and June 18, 2019, Travers and Penske failed to inspect motor vehicles for cracked, damaged by heat, broken, or crimped brake tubing during nine (9) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 24.

e. Hydraulic Brakes

226. On April 2, 2019 and April 11, 2019, Gregory and Penske failed to inspect the hydraulic brakes for seeping or swelling brake hose(s), leaking hydraulic fluid in the brake system, abraded hoses, or leaking, restricted, crimped, cracked or broken fluid lines or connections during two (2) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Tables 25-28.

***iv. Gregory, Milosek, Travers, and Penske Failed to Inspect the Fifth Wheel During Safety Inspections***

227. Gregory, Milosek, Travers, and Penske failed to inspect the fifth wheel of motor vehicles during six (6) safety inspections on motor vehicles submitted under Penske's Class F license between May 21, 2019 and June 14, 2019. See Attachment A, Table 29.

228. Between May 21, 2019 and June 14, 2019, Gregory and Penske failed to inspect the fifth wheel of motor vehicles during two (2) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 29.

229. On May 21, 2019, Milosek and Penske failed to inspect the fifth wheel of motor vehicles during two (2) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 29.

230. On May 28, 2019, Travers and Penske failed to inspect the fifth wheel of motor vehicles during two (2) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 29.

***v. Gregory, Adams, Travers, and Penske Failed to Inspect the Fuel System during Safety Inspections***

231. Gregory, Adams, Travers, and Penske failed to inspect the fuel system of motor vehicles during twenty-one (21) safety inspections on motor vehicles submitted under Penske's Class F license between March 19, 2019 and May 27, 2019. See Attachment A, Table 30.

232. Between March 19, 2019 and April 20, 2019, Gregory and Penske failed to inspect for any fluid leaks on the engine or driveline that would affect the safe operation of the vehicle, or constitute a fire hazard during fifteen (15) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 30.

233. Between March 22, 2019 and March 30, 2019, Adams and Penske failed to inspect for any fluid leaks on the engine or driveline that would affect the safe operation of the vehicle, or constitute a fire hazard during two (2) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 30.

234. On May 27, 2019, Travers and Penske failed to inspect for any fluid leaks on the engine or driveline that would affect the safe operation of the vehicle, or constitute a fire hazard

during four (4) safety inspections on motor vehicles submitted under Penske's Class F license.  
See Attachment A, Table 30.

***vi. Gregory, Adams, Milosek, Travers, and Penske Failed to Inspect Lighting Devices During Safety Inspections***

235. Gregory, Adams, Milosek, Travers, and Penske failed to use a mechanical aimer or screen check to inspect the aim of headlamps during thirty (30) safety inspections on motor vehicles submitted under Penske's Class F license between March 22, 2019 and July 9, 2019.  
See Attachment A, Table 31.

236. Between March 22, 2019 and June 28, 2019, Gregory and Penske failed to use a mechanical aimer or screen check to inspect the aim of headlamps during twenty (20) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 31.

237. On July 9, 2019, Adams and Penske failed to use a mechanical aimer or screen check to inspect the aim of headlamps during at least one (1) safety inspection on a motor vehicle submitted under Penske's Class F license. See Attachment A, Table 31.

238. On May 21, 2019, Milosek and Penske failed to use a mechanical aimer or screen check to inspect the aim of headlamps during two (2) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 31.

239. Between May 27, 2019 and June 28, 2019, Travers and Penske failed to use a mechanical aimer or screen check to inspect the aim of headlamps during seven (7) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 31.

***vii. Gregory, Adams, Russell, Travers, Milosek, Martinez, and Penske Failed to Inspect Steering Mechanisms***

240. Gregory, Adams, Russell, Travers, Milosek, Martinez, and Penske failed to inspect steering mechanisms on motor vehicles during forty-five (45) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 32.

241. Between March 19, 2019 and April 18, 2019, Gregory failed to inspect the front axle beam and all steering components other than steering column of the motor vehicle during eighteen (18) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 32.

242. Between March 19, 2019 and July 24, 2019, Adams and Penske failed to inspect the front axle beam and all steering components other than steering column of the motor vehicle during five (5) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 32.

243. On August 13, 2019, Russell and Penske failed to inspect the front axle beam and all steering components other than steering column of the motor vehicle during at least one (1) safety inspection on a motor vehicle submitted under Penske's Class F license. See Attachment A, Table 32.

244. On August 10, 2019, Travers and Penske failed to inspect the front axle beam and all steering components other than steering column of the motor vehicle during at least one (1) safety inspection on a motor vehicle submitted under Penske's Class F license. See Attachment A, Table 32.

245. Between July 9, 2019 and August 10, 2019, Milosek failed to inspect the front axle beam and all steering components other than steering column of the motor vehicle during

sixteen (16) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 32.

246. On August 7, 2019, Martinez and Penske failed to inspect the front axle beam and all steering components other than steering column of the motor vehicle during four (4) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 32.

***viii. Gregory, Adams, Russell, Travers, Milosek, Martinez, and Penske Failed to Inspect the Pitman Arm During Safety Inspections***

247. Gregory, Adams, Russell, Travers, Milosek, Martinez, and Penske failed to inspect the pitman arm during forty-four (44) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 33.

248. Between March 19, 2019 and April 18, 2019, Gregory failed to inspect the pitman arm during eighteen (18) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 33.

249. Between March 19, 2019 and July 24, 2019, Adams and Penske failed to inspect the pitman arm during five (5) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 33.

250. Between August 1, 2019 and August 8, 2019, Russell and Penske failed to inspect the pitman arm during at least one (1) safety inspection on a motor vehicle submitted under Penske's Class F license. See Attachment A, Table 33.

251. On August 10, 2019, Travers and Penske failed to inspect the pitman arm during at least one (1) safety inspection on a motor vehicle submitted under Penske's Class F license. See Attachment A, Table 33.

252. Between July 9, 2019 and August 10, 2019, Milosek failed to inspect the pitman arm during fifteen (15) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 33.

253. On August 7, 2019, Martinez failed to inspect the pitman arm during four (4) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 33.

***ix. Gregory, Adams, Russell, Travers, Milosek, Martinez and Penske Failed to Inspect the Ball and Socket Joints During Safety Inspections***

254. Gregory, Adams, Russell, Travers, Milosek, Martinez and Penske failed to inspect the ball and socket joints during forty-five (45) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 34.

255. Between March 19, 2019 and April 18, 2019, Gregory failed to inspect the ball and socket joints during eighteen (18) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 34.

256. Between July 9, 2019 and August 8, 2019, Adams and Penske failed to inspect the ball and socket joints during five (5) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 34.

257. On August 13, 2019, Russell and Penske failed to inspect the ball and socket joints during at least one (1) safety inspection on a motor vehicle submitted under Penske's Class F license. See Attachment A, Table 34.

258. On August 10, 2019, Travers and Penske failed to inspect the ball and socket joints during at least one (1) safety inspection on a motor vehicle submitted under Penske's Class F license. See Attachment A, Table 34.

259. Between May 21, 2019 and August 10, 2019, Milosek failed to inspect the ball and socket joints during sixteen (16) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 34.

260. On August 7, 2019, Martinez failed to inspect the ball and socket joints during four (4) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 34.

***x. Gregory, Adams, Russell, Travers, Milosek, Martinez, and Penske Failed to Inspect the Tie Rods and Drag Links During Safety Inspections***

261. Gregory, Adams, Russell, Travers, Milosek, Martinez, and Penske failed to inspect the tie rods and drag links of motor vehicles during forty-four (44) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 35.

262. Between March 19, 2019 and April 18, 2019, Gregory failed to inspect the tie rods and drag links of motor vehicles during eighteen (18) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 35.

263. Between March 19, 2019 and July 24, 2019, Adams and Penske failed to inspect the tie rods and drag links of motor vehicles during five (5) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 35.

264. Between August 1, 2019 and August 8, 2019, Russell and Penske failed to inspect the tie rods and drag links of motor vehicles during at least one (1) safety inspection on a motor vehicle submitted under Penske's Class F license. See Attachment A, Table 35.

265. On August 10, 2019, Travers and Penske failed to inspect the tie rods and drag links of motor vehicles during at least one (1) safety inspection on a motor vehicle submitted under Penske's Class F license. See Attachment A, Table 35.



266. Between July 9, 2019 and August 10, 2019, Milosek failed to inspect the tie rods and drag links of motor vehicles during fifteen (15) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 35.

267. On August 7, 2019, Martinez and Penske failed to inspect the tie rods and drag links of motor vehicles during four (4) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 35.

***xi. Gregory, Adams, Russell, Travers, Milosek, Martinez, and Penske Failed to Inspect the Kingpin During Safety Inspections***

268. Gregory, Adams, Russell, Travers, Milosek, Martinez, and Penske failed to inspect the Kingpin of motor vehicles during twenty-four (24) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 36.

269. Between March 19, 2019 and April 18, 2019, Gregory failed to inspect the Kingpin of a motor vehicle during at least one (1) safety inspection on a motor vehicle submitted under Penske's Class F license. See Attachment A, Table 36.

270. Between March 19, 2019 and July 24, 2019, Adams and Penske failed to inspect the Kingpin of motor vehicles during four (4) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 36.

271. Between August 1, 2019 and August 8, 2019, Russell and Penske failed to inspect the Kingpin of a motor vehicle during at least one (1) safety inspection on a motor vehicle submitted under Penske's Class F license. See Attachment A, Table 36.

272. On August 10, 2019, Travers and Penske failed to inspect the Kingpin of a motor vehicle during at least one (1) safety inspection on a motor vehicle submitted under Penske's Class F license. See Attachment A, Table 36.

273. Between July 9, 2019 and August 10, 2019, Milosek failed to inspect the Kingpin of motor vehicles during thirteen (13) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 36.

274. On August 7, 2019, Martinez and Penske failed to inspect the Kingpin of motor vehicles during four (4) safety inspection on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 36.

***xiii. Gregory, Adams, Travers, and Penske Failed to Inspect the Frame Member During Safety Inspections***

275. Gregory, Adams, Travers, and Penske failed to inspect the frame member of motor vehicles during thirty-four (34) safety inspections on motor vehicles submitted under Penske's Class F license between March 19, 2019 and July 24, 2019. See Attachment A, Table 37.

276. Between March 19, 2019 and June 5, 2019, Gregory and Penske failed to inspect the frame member of motor vehicles during fifteen (15) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 37.

277. Between March 22, 2019 and July 24, 2019, Adams and Penske failed to inspect the frame member of motor vehicles during six (6) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 37.

278. Between May 27, 2019 and June 19, 2019, Travers and Penske failed to inspect the frame member of motor vehicles during thirteen (13) safety inspections on motor vehicles submitted under Penske's Class F license. See Attachment A, Table 37.

***xiii. Gregory, Adams, Russell, Milosek, and Penske Failed to Inspect the Wheels and Rims During Safety Inspections***

279. Gregory, Adams, Russell, Milosek, and Penske, failed to inspect the wheels and rims of motor vehicles during sixteen (16) safety inspections they conducted under Penske's Class F license between March 22, 2019 and July 31, 2019. See Attachment A, Table 38.

280. Between March 30, 2019 and April 18, 2019, Gregory and Penske failed to inspect the wheels and rims of motor vehicles during six (6) safety inspections they conducted under Penske's Class F license. See Attachment A, Table 38.

281. Between March 22, 2019 and July 31, 2019, Adams and Penske failed to inspect the wheels and rims of motor vehicles three (3) safety inspections they conducted under Penske's Class F license. See Attachment A, Table 38.

282. On August 1, 2019, Russell and Penske failed to inspect the wheels and rims of a motor vehicle during at least one (1) safety inspection they conducted under Penske's Class F license. See Attachment A, Table 38.

283. Between May 22, 2019 and August 10, 2019, Milosek and Penske failed to inspect the wheels and rims of motor vehicles during six (6) safety inspections they conducted under Penske's Class F license. See Attachment A, Table 38.

***xiv. Gregory, Milosek, Travers, and Penske Failed to Inspect the Windshield Wipers During Safety Inspection***

284. Gregory, Milosek, Travers, and Penske failed to inspect the windshield wipers of motor vehicles during seven (7) safety inspections they conducted under Penske's Class F license between April 27, 2019 and June 12, 2019. See Attachment A, Table 39.

285. Between April 27, 2019 and June 12, 2019, Gregory and Penske failed to inspect the windshield wipers of motor vehicles during three (3) safety inspections they conducted under Penske's Class F license. See Attachment A, Table 39.

286. Between May 21, 2019 and May 22, 2019, Milosek and Penske failed to inspect the windshield wipers of motor vehicles during two (2) safety inspections they conducted under Penske's Class F license. See Attachment A, Table 39.

287. On May 28, 2019, Travers and Penske failed to inspect the windshield wipers of motor vehicles during two (2) safety inspections they conducted under Penske's Class F license. See Attachment A, Table 39.

***xv. Gregory, Travers, and Penske Illegally Inspected Vehicles Outside Penske's Class***

288. Gregory, Travers, and Penske performed a safety inspection on three (3) passenger motor vehicles not covered within Penske's Class F Mobile Inspection License between April 3, 2019 and July 2, 2019. See Attachment A, Table 40.

289. Between April 3, 2019 and July 2, 2019, Gregory and Penske performed a safety inspection on two (2) passenger motor vehicles not covered within Penske's Class F Mobile Inspection License. See Attachment A, Table 40.

290. On May 27, 2019, Travers and Penske performed a safety inspection on at least one (1) passenger motor vehicle not covered within Penske's Class F Mobile Inspection License. See Attachment A, Table 40.

***xvi. Defendants Failed to Complete Safety Inspection***

291. The Defendants failed to complete safety inspections, in its entirety, on motor vehicles during one hundred and twenty-nine (129) safety inspections submitted under Penske's Class F license between March 19, 2019 and August 13, 2019. See Attachment A, Tables 7-40.

292. Between March 19, 2019 and June 28, 2019, Gregory and Penske failed to complete forty-nine (49) safety inspections, in its entirety, on motor vehicles submitted under Penske's Class F license. See Attachment A, Tables 7-40.

293. Between March 19, 2019 and August 8, 2019, Adams and Penske failed to complete eleven (11) safety inspections, in its entirety, on motor vehicles submitted under Penske's Class F license. See Attachment A, Tables 7-40.

294. Between May 21, 2019 and August 10, 2019, Milosek and Penske failed to complete nineteen (19) safety inspections, in its entirety, on motor submitted under Penske's Class F license. See Attachment A, Tables 7-40.

295. On August 7, 2019, Martinez and Penske failed to complete five (5) safety inspections, in its entirety, on motor vehicles submitted under Penske's Class F license. See Attachment A, Tables 7-40.

296. Between April 9, 2019 and August 13, 2019, Russell and Penske failed to complete seven (7) safety inspections, in its entirety, on motor vehicles submitted under Penske's Class F license. See Attachment A, Tables 7-40.

297. Between April 30, 2019 and August 10, 2019, Travers and Penske failed to complete thirty-eight (38) safety inspections, in its entirety, on motor vehicles submitted under Penske's Class F license. See Attachment A, Tables 7-40.

### **CAUSES OF ACTION**

298. The Commonwealth realleges and incorporates by reference the allegations of Paragraph 1-297, as if they were restated in full.

299. Penske is a "Fleet Inspection Station for Commercial Motor Vehicles" within the meaning of 540 C.M.R. § 4.02

300. Penske is an "Owner" or "Person" within the meaning of G. L. c. 90, § 1.

301. Penske is a "Licensee" within the meaning of 540 C.M.R. § 4.02.

302. The Defendants are "persons" within the meaning of 310 C.M.R. § 60.02(2).

303. Gregory, Adams, Travers, Milosek, Russell, and Martinez are “Licensed Inspectors” within the meaning of 540 C.M.R. § 4.02.

304. Gregory, Adams, Travers, Milosek, Russell, and Martinez are “Permanent Employees” within the meaning of 540 C.M.R. § 4.08(1)(g).

305. The vehicles inspected by the Defendants were “Motor Vehicles” within the meaning of G. L. c. 90, § 1.

306. The trailers inspected by the Defendants were “Trailers” within the meaning of 540 C.M.R. § 4.02.

307. The semi-trailers inspected by the Defendants were “Semi-trailers” within the meaning of 540 C.M.R. § 4.02.

308. Apart from vehicles that were outside Penske’s Class F license, the vehicles inspected by the Defendants were “Commercial Motor Vehicles” within the meaning of 540 C.M.R. § 4.02.

**Count I: The Defendants’ Violations of 310 C.M.R. § 60.02**

309. The Commonwealth realleges and incorporates by reference the allegations of Paragraph 1-309, as if they were restated in full.

310. By failing to perform one hundred and twenty-three (123) emissions inspections in accordance with 310 C.M.R. § 60.02 and all Department-approved inspection procedures, including all workstation software prompts, Gregory, Adams, Milosek, Russell, Travers, and Penske violated 310 C.M.R. § 60.02(10)(a), (24)(e), and the Clean Air Act.

311. By failing to place the probe of the opacity meter in the tailpipe of the motor vehicle during ten (10) emissions inspections, as required by SAE Procedure, Gregory, Adams, and Penske violated 310 C.M.R. § 60.02(8)(b), (10)(a)-(b), (24)(e), and the Clean Air Act.

312. By failing to complete seven (7) emissions inspections in its entirety, by aborting emissions tests after recording failing opacity cutpoints, Gregory, Adams, and Penske violated 310 C.M.R. § 60.02 (8)(b), (10)(a) and (d), (24)(e), and the Clean Air Act.

313. By failing to issue two (2) Inspection Certificates indicating failure of emissions inspection to vehicles that did not comply with applicable standards for motor vehicle emissions inspections, pursuant to 310 C.M.R. § 60.02, Adams and Penske violated 310 C.M.R. § 60.02(12) and (24)(e), and the Clean Air Act.

314. By failing to affix an Inspection Certificate to the windshield of the vehicle inspected indicating the proper results of the inspection to one (1) motor vehicle submitted for inspection under Penske's Class F license, Adams and Penske violated 310 C.M.R. § 60.02(10)(g), (24)(e), and the Clean Air Act.

315. By failing to follow workstation prompts during one hundred and fifteen (115) motor vehicle inspections under Penske's Class F license, Gregory, Adams, Milosek, Russell, Travers, and Penske violated 310 C.M.R. § 60.02(2), (10)(a), (24)(e), and the Clean Air Act.

316. By issuing a passing Inspection Certificate to vehicles that were not, in fact, inspected in compliance with the applicable standards during one hundred and twenty-three (123) emissions inspections, to motor vehicles submitted for inspection under Penske's Class F license, Gregory, Adams, Milosek, Russell, Travers, and Penske violated 310 C.M.R. § 60.02(24)(e)(1)-(2) and the Clean Air Act.

317. By providing false information to the Registry, Gregory, Adams, Milosek, Russell, Travers, and Penske violated 310 C.M.R. § 60.02(24)(d) and the Clean Air Act.

318. By providing false, inaccurate, incomplete, or misleading statements in a report or document submitted to the Department pursuant to G. L. c. 111, §§ 142A through 142M, 150A,

G. L. c. 21H, or 310 C.M.R. § 60.00, Gregory, Adams, Milosek, Russell, Travers, and Penske violated 310 C.M.R. § 60.01(2), and the Clean Air Act.

319. By willfully, negligently, or through failure to take necessary precautions, permitting any emission from air contamination source or sources of such quantities of air contaminants which will cause, by themselves or in conjunction with other air contaminants, a condition of air pollution, Penske violated 310 C.M.R. § 60.01(1) and the Clean Air Act.

320. Any inspector or Inspection Station who violates any regulation issued to implement the I&M Program “shall . . . be subject to a civil penalty of not more than \$25,000 for each violation,” with “each day or part thereof that such violation occurs or continues . . . [constituting] a separate violation.” G. L. c. 111, § 142M(f). See also G. L. c. 111, § 142A.

321. Pursuant to G. L. c. 111, § 142M(f), Gregory, Adams, Milosek, Russell, Travers, and Penske are each liable to the Commonwealth for up to \$25,000 for each violation of 310 C.M.R. § 60.00.

## **Count II: The Defendants’ Violations of 540 C.M.R. § 4.00**

322. The Commonwealth realleges and incorporates by reference the allegations of Paragraph 1-321, as if they were restated in full.

323. By failing to comply with Registry regulations regarding safety inspections, to assure the safety components of vehicles submitted under Penske’s Class F license met regulatory standards, during one hundred and twenty-nine (129) safety inspections, the Defendants violated 540 C.M.R. § 4.05(2).

324. By failing to inspect the floor pan of vehicles during seventeen (17) safety inspections submitted under Penske’s Class F license, Gregory, Adams, Travers, and Penske violated 540 C.M.R. § 4.05(2) and (12).



325. By failing to inspect the seat belts of vehicles during nine (9) safety inspections submitted under Penske's Class F license, Gregory, Travers, and Penske violated 540 C.M.R. § 4.05(2) and (13).

326. By failing to inspect the condition of air brake components of vehicles during forty-two (42) safety inspections submitted under Penske's Class F license, Gregory, Adams, Russell, Travers, Milosek, and Penske violated 540 C.M.R. § 4.05(2) and (15)(a)(3).

327. By failing to inspect the service brakes, in accordance with the manufacturer(s)' recommended procedures, of vehicles during fifty-nine (59) safety inspections submitted under Penske's Class F license, Gregory, Adams, Milosek, Russell, Travers, Martinez, and Penske violated 540 C.M.R. § 4.05(2) and (15)(b)(1)(a).

328. By failing to inspect for missing or broken mechanical components on vehicles during eleven (11) safety inspections submitted under Penske's Class F license, Gregory, Adams, Russell, and Penske violated 540 C.M.R. § 4.05(2) and (15)(b)(1)(b).

329. By failing to inspect for loose brake components on vehicles during eleven (11) safety inspections submitted under Penske's Class F license, Gregory, Adams, Russell, and Penske violated 540 C.M.R. § 4.05(2) and (15)(b)(1)(c).

330. By failing to inspect for audible air leaks at the service brake chamber on vehicles during fifty-seven (57) safety inspections submitted under Penske's Class F license, Gregory, Adams, Russell, Travers, Milosek, Martinez, and Penske violated 540 C.M.R. § 4.05(2) and (15)(b)(1)(d).

331. By failing to inspect the re-adjustment limits of service brakes on vehicles during sixty-one (61) safety inspections submitted under Penske's Class F license, Gregory, Adams, Russell, Travers, Milosek, Martinez, and Penske violated 540 C.M.R. § 4.05(15)(b)(1)(e).

332. By failing to inspect the brake linings or pads on vehicles during eleven (11) safety inspections submitted under Penske's Class F license, Gregory, Adams, Russell, and Penske violated 540 C.M.R. § 4.05(2) and (15)(b)(1)(f).

333. By failing to inspect for missing brake on any axle required to have brakes on vehicles during eleven (11) safety inspections submitted under Penske's Class F license, Gregory, Adams, Russell, and Penske violated 540 C.M.R. § 4.05(2) and (15)(b)(1)(g).

334. By failing to inspect for mismatch across any power unit steering axle on vehicles during eleven (11) safety inspections submitted under Penske's Class F license, Gregory, Adams, Russell, and Penske violated 540 C.M.R. § 4.05(2) and (15)(b)(1)(h).

335. By failing to inspect the brake hose on vehicles during twenty-one (21) safety inspections submitted under Penske's Class F license, Gregory, Adams, Russell, Travers, and Penske violated 540 C.M.R. § 4.05(2) and (15)(b)(4)(a).

336. By failing to inspect the brake hose for bulges or swelling when air pressure is applied on vehicles during sixty-three (63) safety inspections submitted under Penske's Class F license, Gregory, Adams, Russell, Travers, Milosek, Martinez, and Penske violated 540 C.M.R. § 4.05(2) and (15)(b)(4)(b).

337. By failing to inspect the brake hose of vehicles for any audible leaks during sixty-four (64) safety inspections submitted under Penske's Class F license, Gregory, Adams, Russell, Travers, Milosek, Martinez, and Penske violated 540 C.M.R. § 4.05(2) and (15)(b)(4)(c).

338. By failing to inspect the brake hose joining on vehicles during twenty-one (21) safety inspections submitted under Penske's Class F license, Gregory, Adams, Russell, Travers, and Penske violated 540 C.M.R. § 4.05(2) and (15)(b)(4)(d).

339. By failing to inspect vehicles for cracked, broken, or crimped brake hoses during twenty-one (21) safety inspections submitted under Penske's Class F license, Gregory, Adams, Russell, Travers, and Penske violated 540 C.M.R. § 4.05(2) and (15)(b)(4)(e).

340. By failing to inspect the brake tubing of vehicles for audible leaks during sixty-four (64) safety inspections submitted under Penske's Class F license, Gregory, Adams, Russell, Travers, Milosek, Martinez, and Penske violated 540 C.M.R. § 4.05(2) and (15)(b)(5)(a).

341. By failing to inspect vehicles for cracked, heat damaged, broken, or crimped brake tubing during twenty-one (21) safety inspections submitted under Penske's Class F license, Gregory, Adams, Russell, Travers, and Penske violated 540 C.M.R. § 4.05(2) and (15)(b)(5)(b).

342. By failing to inspect the hydraulic brakes for seeping or swelling brake hose(s) on vehicles during two (2) safety inspections submitted under Penske's Class F license, Gregory and Penske violated 540 C.M.R. § 4.05(2) and (15)(b)(10)(d).

343. By failing to inspect the hydraulic brakes for leaking hydraulic fluid in the brake system on vehicles during two (2) safety inspections submitted under Penske's Class F license, Gregory and Penske violated 540 C.M.R. § 4.05(2) and (15)(b)(10)(f).

344. By failing to inspect the hydraulic brakes for abraded hoses on vehicles during two (2) safety inspections submitted under Penske's Class F license, Gregory and Penske violated 540 C.M.R. § 4.05(2) and (15)(b)(10)(g).

345. By failing to inspect the hydraulic brakes for leaking, restricted, crimped, cracked, or broken fluid lines or connections on vehicles during two (2) safety inspections submitted under Penske's Class F license, Gregory and Penske violated 540 C.M.R. § 4.05(2) and (15)(b)(10)(h).

346. By failing to inspect the fifth wheel of vehicles during six (6) safety inspections submitted under Penske's Class F license, Gregory, Milosek, Travers, and Penske violated 540 C.M.R. § 4.05(2) and (15)(c)(1).

347. By failing to inspect fluid leaks on the engine or driveline that would affect the safe operation of the vehicle, or constitute a fire hazard during twenty-one (21) safety inspections submitted under Penske's Class F license, Gregory, Adams, Travers, and Penske violated 540 C.M.R. § 4.05(2) and (15)(e)(4).

348. By failing to use a mechanical aimer or screen check to inspect the aim of headlamps, Gregory, Adams, Milosek, Travers, and Penske failed to inspect all lighting devices of motor vehicles during thirty (30) safety inspections submitted under Penske's Class F license and violated 540 C.M.R. § 4.05(2) and (15)(f).

349. By failing to inspect the front axle beam and all steering components other than steering column of the vehicle during forty-five (45) safety inspections submitted under Penske's Class F license, Gregory, Adams, Russell, Travers, Milosek, Martinez, and Penske violated 540 C.M.R. § 4.05(2) and (15)(h)(3).

350. By failing to inspect the pitman arm on the steering gear output shaft for any looseness on vehicles during forty-four (44) safety inspections submitted under Penske's Class F license, Gregory, Adams, Russell, Travers, Milosek, Martinez, and Penske violated 540 C.M.R. § 4.05(2) and (15)(h)(5).

351. By failing to inspect the ball and socket joint on vehicles during forty-five (45) safety inspections submitted under Penske's Class F license, Gregory, Adams, Russell, Travers, Milosek, Martinez, and Penske violated 540 C.M.R. § 4.05(2) and (15)(h)(7).

352. By failing to inspect the tie rods and drag links of vehicles during forty-four (44) safety inspections submitted under Penske's Class F license, Gregory, Adams, Russell, Travers, Milosek, Martinez, and Penske violated 540 C.M.R. § 4.05(2) and (15)(h)(8).

353. By failing to inspect the Kingpin of vehicles during twenty-four (24) safety inspections submitted under Penske's Class F license, Gregory, Adams, Russell, Travers, Milosek, Martinez, and Penske violated 540 C.M.R. § 4.05(2) and (15)(h)(11).

354. By failing to inspect the frame member of vehicles during thirty-four (34) safety inspections submitted under Penske's Class F license, Gregory, Adams, Travers, and Penske violated 540 C.M.R. § 4.05(2) and (15)(j)(1).

355. By failing to inspect the wheels and rims of vehicles during sixteen (16) safety inspections submitted under Penske's Class F license, Gregory, Adams, Russell, Milosek, and Penske and Penske violated 540 C.M.R. § 4.05(2) and (15)(l)(2) and (3).

356. By failing to inspect the windshield wipers of vehicles during seven (7) safety inspections submitted under Penske's Class F license, Gregory, Milosek, Travers, and Penske violated 540 C.M.R. § 4.05(2) and (15)(n).

357. By performing a safety inspection under Penske's Class F license on a passenger motor vehicle registered as "non-commercial" and not covered within Penske's Class F Mobile Inspection License Vehicles, Gregory, Travers, and Penske violated 540 C.M.R. §§ 4.02, 4.05, and 4.08(2)(g)(2).

358. By failing to complete safety inspections in their entirety during one hundred and twenty-nine (129) inspections under Penske's Class F license, the Defendants violated 540 C.M.R. § 4.05(2) and 4.07(4)(a)(2).

359. By failing to demonstrate proficiency in inspecting motor vehicles and in operating equipment required for the inspection of motor vehicles, the Defendants violated 540 C.M.R. § 4.08(1)(g).

360. By failing to ensure that its inspectors performing annual inspections understood the inspection criteria set forth in 540 C.M.R. § 4.00, 49 C.F.R. Part 393, and Appendix G to Part 396 and could identify defective components, Penske violated 540 C.M.R. § 4.08(1)(i)(2).

361. By failing to ensure that its inspectors performing annual inspections were knowledgeable of and had mastered the methods, procedures, tools, and equipment used while performing an inspection, Penske violated 540 C.M.R. § 4.08(1)(i)(3).

362. By failing to ensure that its inspectors were capable of performing an inspection by reason of experience, training, or both, Penske violated 540 C.M.R. § 4.08(1)(i)(4).

363. By failing to follow all applicable laws and all rules, regulations, policies and procedures of the Registrar, the Defendants violated 540 C.M.R. § 4.08(1)(i)(6).

364. Any inspector or Inspection Station who violates any regulation issued to implement the I&M Program “shall . . . be subject to a civil penalty of not more than \$25,000 for each violation,” with “each day or part thereof that such violation occurs or continues . . . [constituting] a separate violation.” G. L. c. 111, § 142M(f).

365. Pursuant to G. L. c. 111, § 142M(f), Gregory, Adams, Milosek, Martinez, Russell, Travers, and Penske are each liable to the Commonwealth for up to \$25,000 for each violation of 540 C.M.R. § 4.00.

**COUNT III: The Defendants' Violations of the Consumer Protection Act, G.L. c. 93A**

366. The Commonwealth realleges and incorporates by reference the averments of paragraphs 1-365.

367. The Consumer Protection Act prohibits “[u]nfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce.” G. L. c. 93A, § 2(a).

368. The Consumer Protection Act permits the Attorney General to bring an action to restrain the use of methods, acts or practices found to be unlawful under G. L. c. 93A, § 2(a).

369. Pursuant to the regulations promulgated by the Attorney General, an act or practice is a violation of G. L. c. 93A, § 2, if: “[i]t fails to comply with existing statutes, rules, regulations or laws, meant for the protection of the public’s health, safety, or welfare promulgated by the Commonwealth . . . intended to provide the consumers of this Commonwealth protection.” 940 C.M.R. § 3.16(3).

370. The Massachusetts Vehicle Check Program, G. L. c. 111, § 142M, and its regulations at 310 C.M.R. § 60.02 and 540 C.M.R. §§ 4.01 to 4.09 are existing statutes and regulations meant for the protection of public health, safety, and welfare.

371. By providing motor vehicle safety and emissions inspections to public fleet vehicles and Penske’s fleet of vehicles that are rented and leased to the public, the Defendants are engaged in a “trade or commerce” within the meaning of Chapter 93A, §§ 1 and 2.

372. By conducting the activities described in Paragraphs 298 through 358 above, the Defendants have each violated G. L. c. 93A, § 2(a) and 940 C.M.R. § 3.16(3).

373. By issuing passing Inspection Certificates to motor vehicles that were not inspected or not properly inspected, the Defendants falsely represented to the public, including potential renters and drivers of the motor vehicles at issue, that the vehicles were properly

inspected and passed both the safety and emissions inspections, and therefore would not need any replacement emission control equipment or safety repairs to operate legally within the Commonwealth. By each of those actions, the Defendants conducted an unfair and deceptive act or practice within the meaning of G. L. c. 93A, § 2(a).

374. By issuing passing Inspection Certificates to motor vehicles that were not properly inspected and which might not have otherwise passed the safety and emissions inspections, the Defendants created an unfair competitive advantage over other Inspection Stations and inspectors that comply with the Massachusetts Vehicle Check Program and its regulations when they conduct motor vehicle safety and emissions inspections.

375. The Defendants knew, or should have known, that their conduct, as alleged in this Complaint, was unfair or deceptive in violation of G. L. c. 93A, § 2.

376. Pursuant to G. L. c. 93A, § 4, the Office of the Attorney General has provided the Defendants with notice at least five days before commencing this action and has provided the Defendants an opportunity to confer regarding the claims alleged in this action.

377. Section 4 of Chapter 93A, G. L. c. 93A, § 4, provides for civil penalties of not more than \$5,000 for each violation of which a defendant knew or should have known, and for the payment of the reasonable costs of investigation and litigation of such violation, including reasonable attorney's fees.

378. Pursuant to G. L. c. 93A, § 4, Gregory, Adams, Travers, Milosek, Russell, Martinez, and Penske are each liable to the Commonwealth for up to \$5,000 for each violation of G. L. c. 93A and are liable to the Commonwealth for all reasonable costs of investigation and litigation, including attorney's fees.



**RELIEF REQUESTED**

WHEREFORE, the Commonwealth respectfully requests that this Court:

- A. ISSUE a preliminary injunction enjoining the Defendants from conducting fraudulent inspections under the Motor Vehicle Check Program;
- B. ISSUE a permanent injunction enjoining the Defendants from conducting any inspections under the Motor Vehicle Check Program;
- C. ORDER the Defendants to pay to the Commonwealth a civil penalty of up to twenty-five thousand dollars (\$25,000) per day for each violation of the Motor Vehicle Check Program and the Air and Safety regulations;
- D. ORDER the Defendants to pay to the Commonwealth a civil penalty of up to twenty-five thousand dollars (\$25,000) per day for each violation of the Clean Air Act;
- E. ORDER the Defendants to pay a civil penalty of up to five thousand dollars (\$5,000) for each illegal emissions inspection for each violation of Chapter 93A;
- F. ORDER the Defendants to pay a civil penalty of up to five thousand dollars (\$5,000) for each illegal safety inspection for each violation of Chapter 93A;
- G. GRANT the Commonwealth its costs of bringing this action; and
- H. GRANT such other and further relief as it sees just and appropriate.

Respectfully Submitted,

COMMONWEALTH OF  
MASSACHUSETTS,

By its attorney,

MAURA HEALEY  
ATTORNEY GENERAL

/s/ Laila Atta            
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Dated: June 30, 2021

# *Attachment A*

**Emissions Testing<sup>1</sup>**

**Table 1**

Failing to place the probe of the opacity meter in the tailpipe of the motor vehicle during emissions testing as required by SAE Procedure

CMR	Date	Inspector	Plate #
310 C.M.R. § 60.02(8)(b) and (10)(a)-(b)	3/19/2019	Frank Gregory	92981
	3/19/2019	Frank Gregory	T88696
	3/21/2019	Frank Gregory	T52512
	3/22/2019	Frank Gregory	S77390
	3/26/2019	Frank Gregory	T66037
	4/2/2019	Frank Gregory	4571A
	4/17/2019	Frank Gregory	T15982
	4/27/2019	Frank Gregory	P85620
	6/21/2019	Frank Gregory	T26898
	7/24/2019	Jeffrey Adams	5996A

  

Inspector	Violations
Gregory	9
Adams	1
<b>Total</b>	<b>10</b>

**Table 2**

Failing to complete an emissions inspection

CMR	Date	Inspector	Plate #
310 C.M.R. § 60.02(8)(b) and (10)(a), (10)(d)	3/19/2019	Frank Gregory	92981
	3/21/2019	Jeffrey Adams	T52046
	4/24/2019	Frank Gregory	P85620
	5/4/2019	Frank Gregory	4754A
	5/11/2019	Frank Gregory	56122
	7/5/2019	Jeffrey Adams	4838A
	7/24/2019	Jeffrey Adams	5996A

  

Inspector	Violations
Gregory	4
Adams	3
<b>Total</b>	<b>7</b>

<sup>1</sup> By failing to comply with MassDEP regulations, regarding emissions inspections, and issuing an inspection certificate indicating compliance for a motor vehicle not inspected in accordance with 310 C.M.R. § 60.02, all inspections listed in Tables 1-6 violated 310 C.M.R. § 60.02(24)(e) and the Clean Air Act.

**Table 3**

Failing to reject a motor vehicle for an emissions opacity level greater than the cutpoint indicated in 310 C.M.R. § 60.02

<b>CMR</b>	<b>Date</b>	<b>Inspector</b>	<b>Plate #</b>
310 C.M.R. § 60.02(12)	7/5/2019	Jeffrey Adams	4838A
	7/24/2019	Jeffrey Adams	5996A

**Table 4**

Failing to affix an Inspection Certificate to the windshield of the vehicle inspected indicating the proper results of the inspection.

<b>CMR</b>	<b>Date</b>	<b>Inspector</b>	<b>Plate #</b>
310 C.M.R. § 60.02(10)(g)	7/24/2019	Jeffrey Adams	5996A

**Table 5**

Failing to video record the vehicle being inspected—used a video of a previously inspected vehicle

<b>CMR</b>	<b>Date</b>	<b>Inspector</b>	<b>Plate #</b>
310 C.M.R. § 60.02(10)(a)-(c)	3/28/2019	Jeffrey Adams	R96374
	3/28/2019	Jeffrey Adams	T18356
	3/28/2019	Jeffrey Adams	S64429
	3/29/2019	Frank Gregory	4913A
	4/3/2019	Jeffrey Adams	S91845

<b>Inspector</b>	<b>Violations</b>
Gregory	1
Adams	4
<b>Total</b>	<b>5</b>

**Table 6**

Failing to follow workstation prompts by: Failing to properly set up cameras before beginning the motor vehicle inspection/ Failing to photograph the required four positions of the motor vehicle being inspected/ Failing to photograph the inspector prior to starting the vehicle inspection/ Failing to perform snaps

<b>CMR</b>	<b>Date</b>	<b>Inspector</b>	<b>Plate #</b>
310 C.M.R. § 60.02(10)(a)-(c)	3/19/2019	Frank Gregory	92981
	3/19/2019	Frank Gregory	T88696

**Table 6 (cont'd)**

310 C.M.R. § 60.02(10)(a)-(c)

3/21/2019	Frank Gregory	T52512
3/21/2019	Frank Gregory	T18398
3/21/2019	Jeffrey Adams	T52046
3/22/2019	Frank Gregory	T52032
3/22/2019	Frank Gregory	S77390
3/22/2019	Jeffrey Adams	R37015
3/22/2019	Frank Gregory	T52523
3/27/2019	Jeffrey Adams	43747
3/28/2019	Jeffrey Adams	5998A
4/3/2019	Frank Gregory	2SE543
4/3/2019	Jeffrey Adams	S91845
4/9/2019	Frank Gregory	S84498
4/10/2019	Frank Gregory	T19331
4/11/2019	Frank Gregory	T28144
4/17/2019	Frank Gregory	T18400
4/23/2019	Frank Gregory	V22705
4/24/2019	Frank Gregory	87920
4/24/2019	Frank Gregory	P85620
4/30/2019	Frank Gregory	S59048
4/30/2019	Justin Travers	3768A
4/30/2019	Justin Travers	94701
4/30/2019	Frank Gregory	R24322
5/1/2019	Frank Gregory	T16863
5/2/2019	Frank Gregory	T52444
5/2/2019	Frank Gregory	T66156
5/2/2019	Frank Gregory	S77398
5/3/2019	Frank Gregory	T73233
5/4/2019	Frank Gregory	4757A
5/7/2019	Frank Gregory	T66040
5/7/2019	Frank Gregory	V22710
5/7/2019	Frank Gregory	R50981
5/8/2019	Frank Gregory	S58106

**Table 6 (cont'd)**

310 C.M.R. § 60.02(10)(a)-(c)

5/8/2019	Jeffrey Adams	S91948
5/14/2019	Frank Gregory	T65598
5/14/2019	Frank Gregory	T88682
5/15/2019	Frank Gregory	4754A
5/16/2019	Frank Gregory	T34510
5/17/2019	Frank Gregory	S45808
5/22/2019	Justin Travers	3767A
5/22/2019	Justin Travers	1547A
5/22/2019	Aaron Milosek	3769A
5/22/2019	Aaron Milosek	93666
5/22/2019	Aaron Milosek	6998A
5/22/2019	Aaron Milosek	3765A
5/22/2019	Aaron Milosek	93662
5/22/2019	Aaron Milosek	SM69841
5/23/2019	Frank Gregory	T65597
5/23/2019	Frank Gregory	V22184
5/24/2019	Frank Gregory	V17947
5/27/2019	Justin Travers	238RW4
5/27/2019	Justin Travers	V22176
5/27/2019	Justin Travers	S58316
5/27/2019	Justin Travers	R96363
5/28/2019	Justin Travers	1548A
5/28/2019	Justin Travers	3770A
5/28/2019	Justin Travers	3764A
5/28/2019	Justin Travers	93928
5/28/2019	Justin Travers	94712
5/28/2019	Justin Travers	93668
5/29/2019	Frank Gregory	S98134
5/29/2019	Frank Gregory	T73536
5/31/2019	Frank Gregory	T73535
6/1/2019	Frank Gregory	94757
6/2/2019	Frank Gregory	87177

6/4/2019	Frank Gregory	93227
6/4/2019	Frank Gregory	P59834
6/4/2019	Frank Gregory	T19339
6/4/2019	Frank Gregory	R24315
6/5/2019	Frank Gregory	S64436
6/5/2019	Frank Gregory	5986A
6/5/2019	Frank Gregory	SM94986
6/6/2019	Frank Gregory	T52041
6/6/2019	Frank Gregory	T16857
6/7/2019	Frank Gregory	S91831
6/11/2019	Frank Gregory	T16866
6/12/2019	Frank Gregory	92281
6/12/2019	Frank Gregory	P88726
6/12/2019	Frank Gregory	66399
6/12/2019	Frank Gregory	66399
6/14/2019	Frank Gregory	4755A
6/14/2019	Frank Gregory	V22713
6/14/2019	Frank Gregory	T73530
6/18/2019	Frank Gregory	T16855
6/18/2019	Frank Gregory	P71997
6/20/2019	Frank Gregory	90859
6/21/2019	Frank Gregory	T26898
6/21/2019	Frank Gregory	T18388
6/22/2019	Frank Gregory	R54020
6/25/2019	Frank Gregory	S59037
6/25/2019	Frank Gregory	S59037
6/26/2019	Frank Gregory	T66031
6/27/2019	Frank Gregory	R96403
6/27/2019	Frank Gregory	R96403
6/27/2019	Frank Gregory	T56106
6/28/2019	Frank Gregory	S64909
6/28/2019	Frank Gregory	T65582



**Table 6 (cont'd)**

310 C.M.R. § 60.02(10)(a)-(c)

6/28/2019	Frank Gregory	S24115
7/9/2019	Jeffrey Adams	90771
7/16/2019	Jeffrey Adams	94398
7/24/2019	Jeffrey Adams	5996A
8/8/2019	Jeffrey Adams	P99503
8/10/2019	Aaron Milosek	91901
8/10/2019	Justin Travers	2411A
8/10/2019	Aaron Milosek	91900
8/10/2019	Aaron Milosek	2412A
8/10/2019	Aaron Milosek	91907
8/10/2019	Aaron Milosek	91906
8/10/2019	Aaron Milosek	91902
8/10/2019	Aaron Milosek	91839
8/10/2019	Aaron Milosek	91838
8/13/2019	Allen Russell	T18356

<b>Inspector</b>	<b>Violations</b>
Gregory	73
Adams	10
Milosek	14
Russell	1
Travers	15
<b>Total</b>	<b>113</b>

**Total Illegal Emissions Inspections (Tables 1-6)**

<b>Inspector</b>	<b>Violations</b>
Gregory	79
Adams	14
Milosek	14
Russell	1
Travers	15
<b>Total</b>	<b>123</b>

**Safety Inspections<sup>2</sup>**

**Table 7**  
Failing to inspect the Floor pan

<b>CMR</b>	<b>Date</b>	<b>Inspector</b>	<b>Plate #</b>
540 C.M.R. § 4.05(12)	3/19/2019	Frank Gregory	92981
	3/19/2019	Frank Gregory	T88696
	3/21/2019	Frank Gregory	T52512
	3/21/2019	Frank Gregory	T18398
	3/21/2019	Jeffrey Adams	T52046
	3/22/2019	Frank Gregory	S77390
	3/26/2019	Frank Gregory	T66037
	3/27/2019	Frank Gregory	T52523
	4/17/2019	Frank Gregory	V17925
	4/17/2019	Frank Gregory	T15982
	4/18/2019	Frank Gregory	T88690
	4/18/2019	Frank Gregory	S59048
	5/27/2019	Justin Travers	R96363
	5/27/2019	Justin Travers	S58316
	7/17/2019	Jeffrey Adams	R90039
	7/18/2019	Jeffrey Adams	P71997
	7/24/2019	Jeffrey Adams	5996A

  

<b>Inspector</b>	<b>Violations</b>
Gregory	11
Adams	4
Travers	2
<b>Total</b>	<b>17</b>

<sup>2</sup> By failing to comply with Registry regulations, regarding safety inspections, to assure all vehicles submitted to Penske complied with regulatory standards, all inspections listed in Tables 7-40 violated 540 C.M.R. § 4.05(2).

**Table 8**

Failing to inspect Seatbelts

<b>CMR</b>	<b>Date</b>	<b>Inspector</b>	<b>Plate #</b>
540 C.M.R. § 4.05(13)	5/1/2019	Frank Gregory	T16863
	5/4/2019	Frank Gregory	4757A
	5/14/2019	Frank Gregory	T88682
	5/14/2019	Frank Gregory	T88682
	5/15/2019	Frank Gregory	4754A
	5/21/2019	Frank Gregory	92072
	5/28/2019	Justin Travers	3771A
	6/6/2019	Frank Gregory	T18363
	6/12/2019	Frank Gregory	T18382

  

<b>Inspector</b>	<b>Violations</b>
Gregory	8
Travers	1
<b>Total</b>	<b>9</b>

**Table 9**

Failing to inspect Air Brake Components

<b>CMR</b>	<b>Date</b>	<b>Inspector</b>	<b>Plate #</b>
540 C.M.R. § 4.05(15)(a)(3)	3/19/2019	Frank Gregory	92981
	3/19/2019	Frank Gregory	T88696
	3/21/2019	Frank Gregory	T18398
	3/21/2019	Frank Gregory	T52512
	3/21/2019	Jeffrey Adams	T52046
	3/22/2019	Frank Gregory	S77390
	3/22/2019	Jeffrey Adams	R37015
	3/26/2019	Frank Gregory	T66037
	3/27/2019	Frank Gregory	T52523
	3/30/2019	Jeffrey Adams	T52450
	3/30/2019	Frank Gregory	4756A
	4/2/2019	Frank Gregory	4571A
	4/3/2019	Frank Gregory	P99502
	4/17/2019	Frank Gregory	V17925
	4/17/2019	Frank Gregory	T15982

**Table 9 (cont'd)**

540 C.M.R. § 4.05(15)(a)(3)

4/20/2019	Frank Gregory	86372
4/27/2019	Frank Gregory	S64427
5/3/2019	Frank Gregory	T73233
5/21/2019	Frank Gregory	92072
5/22/2019	Justin Travers	3767A
5/22/2019	Justin Travers	1547A
5/22/2019	Aaron Milosek	3769A
5/22/2019	Aaron Milosek	93666
5/22/2019	Aaron Milosek	6998A
5/22/2019	Aaron Milosek	3765A
5/22/2019	Aaron Milosek	93662
5/27/2019	Justin Travers	V22176
6/5/2019	Frank Gregory	S64436
6/5/2019	Frank Gregory	5986A
6/18/2019	Justin Travers	SM90311
6/19/2019	Justin Travers	SM74219
6/19/2019	Justin Travers	SM8657
6/19/2019	Justin Travers	SM89868
6/19/2019	Justin Travers	SM1778A
6/19/2019	Justin Travers	SM91914
6/19/2019	Justin Travers	SM1209A
6/19/2019	Justin Travers	SM92940
6/19/2019	Justin Travers	SM91916
7/17/2019	Jeffrey Adams	R90039
7/18/2019	Jeffrey Adams	P71997
7/24/2019	Jeffrey Adams	5996A
8/5/2019	Allen Russell	T34512

<b>Inspector</b>	<b>Violations</b>
Gregory	18
Adams	6
Russell	1
Travers	12
Milosek	5
<b>Total</b>	<b>42</b>

**Table 10**

Failing to inspect Service Brakes-Manufacturer's Recommended Procedures

<b>CMR</b>	<b>Date</b>	<b>Inspector</b>	<b>Plate #</b>
540 C.M.R. § 4.05(15)(b)(1)(a)	3/19/2019	Frank Gregory	T88696
	3/30/2019	Frank Gregory	4756A
	4/2/2019	Frank Gregory	4571A
	4/3/2019	Frank Gregory	P99502
	4/9/2019	Frank Gregory	S84498
	4/10/2019	Frank Gregory	T19331
	4/20/2019	Frank Gregory	86372
	4/30/2019	Justin Travers	94701
	5/4/2019	Frank Gregory	4758A
	5/4/2019	Frank Gregory	4759A
	6/1/2019	Justin Travers	94711
	6/1/2019	Justin Travers	SM94478
	6/1/2019	Justin Travers	SM93838
	6/1/2019	Justin Travers	SM88805
	6/1/2019	Justin Travers	SM91413
	6/1/2019	Justin Travers	SM88820
	6/1/2019	Justin Travers	SM88819
	6/1/2019	Justin Travers	SM93501
	6/1/2019	Justin Travers	SM91929
	6/4/2019	Frank Gregory	T19339
	6/4/2019	Frank Gregory	R24315
	6/5/2019	Frank Gregory	S64436
	6/5/2019	Frank Gregory	5986A
	6/7/2019	Justin Travers	SM86368
	6/12/2019	Frank Gregory	P88726
	6/12/2019	Frank Gregory	66399
	6/14/2019	Frank Gregory	4755A
	6/18/2019	Justin Travers	91915
	6/18/2019	Justin Travers	6982A

**Table 10 (cont'd)**

540 C.M.R. § 4.05(15)(b)(1)(a)

6/27/2019	Frank Gregory	R96403
6/27/2019	Frank Gregory	T56106
7/13/2019	Aaron Milosek	93663
7/13/2019	Aaron Milosek	6983A
7/13/2019	Aaron Milosek	91899
7/16/2019	Jeffrey Adams	94398
7/17/2019	Jeffrey Adams	V21703
7/17/2019	Jeffrey Adams	R90039
7/18/2019	Jeffrey Adams	P71997
7/24/2019	Jeffrey Adams	5996A
7/31/2019	Jeffrey Adams	T34511
8/1/2019	Allen Russell	94719
8/1/2019	Allen Russell	1723A
8/2/2019	Allen Russell	99652
8/5/2019	Allen Russell	99654
8/5/2019	Allen Russell	T34512
8/6/2019	Allen Russell	S45854
8/7/2019	Alex Martinez	65417
8/7/2019	Alex Martinez	95235
8/7/2019	Alex Martinez	95241
8/7/2019	Alex Martinez	95233
8/7/2019	Alex Martinez	95242
8/8/2019	Jeffrey Adams	P99503
8/9/2019	Aaron Milosek	91901
8/10/2019	Justin Travers	2411A
8/10/2019	Aaron Milosek	91900
8/10/2019	Aaron Milosek	2412A
8/10/2019	Aaron Milosek	91907
8/10/2019	Aaron Milosek	91906
8/13/2019	Allen Russell	T18356

<b>Inspector</b>	<b>Violations</b>
Gregory	18
Adams	7
Milosek	8
Russell	7
Travers	14
Martinez	5
<b>Total</b>	<b>59</b>

**Table 11**

Failing to inspect missing or broken mechanical components

<b>CMR</b>	<b>Date</b>	<b>Inspector</b>	<b>Plate #</b>
540 C.M.R. § 4.05(15)(b)(1)(b)	3/19/2019	Frank Gregory	T8896
	3/30/2019	Frank Gregory	4756A
	4/2/2019	Frank Gregory	4571A
	4/3/2019	Frank Gregory	P99502
	4/20/2019	Frank Gregory	86372
	6/5/2019	Frank Gregory	S64436
	6/5/2019	Frank Gregory	5986A
	7/17/2019	Jeffrey Adams	R90039
	7/18/2019	Jeffrey Adams	P71997
	7/24/2019	Jeffrey Adams	5996A
	8/5/2019	Allen Russell	T34512

  

<b>Inspector</b>	<b>Violations</b>
Gregory	7
Adams	3
Russell	1
<b>Total</b>	11

**Table 12**

Failing to inspect loose brake components

<b>CMR</b>	<b>Date</b>	<b>Inspector</b>	<b>Plate #</b>
540 C.M.R. § 4.05(15)(b)(1)(c)	3/19/2019	Frank Gregory	T8896
	3/30/2019	Frank Gregory	4756A
	4/2/2019	Frank Gregory	4571A
	4/3/2019	Frank Gregory	P99502
	4/20/2019	Frank Gregory	86372
	6/5/2019	Frank Gregory	S64436
	6/5/2019	Frank Gregory	5986A
	7/17/2019	Jeffrey Adams	R90039
	7/18/2019	Jeffrey Adams	P71997
	7/24/2019	Jeffrey Adams	5996A
	8/5/2019	Allen Russell	T34512

  

<b>Inspector</b>	<b>Violations</b>
Gregory	7
Adams	3
Russell	1
<b>Total</b>	11

**Table 13**

Failing to inspect for audible leaks of the brake chamber service brakes

<b>CMR</b>	<b>Date</b>	<b>Inspector</b>	<b>Plate #</b>
540 C.M.R. § 4.05(15)(b)(1)(d)	3/19/2019	Frank Gregory	T88696
	3/30/2019	Frank Gregory	4756A
	4/2/2019	Frank Gregory	4571A
	4/3/2019	Frank Gregory	P99502
	4/20/2019	Frank Gregory	86372
	4/30/2019	Justin Travers	94701
	5/4/2019	Frank Gregory	4758A
	5/4/2019	Frank Gregory	4759A
	6/1/2019	Justin Travers	94711
	6/1/2019	Justin Travers	SM94478
	6/1/2019	Justin Travers	SM93838
	6/1/2019	Justin Travers	SM88805
	6/1/2019	Justin Travers	SM91413
	6/1/2019	Justin Travers	SM88820
	6/1/2019	Justin Travers	SM88819
	6/1/2019	Justin Travers	SM93501
	6/1/2019	Justin Travers	SM91929
	6/4/2019	Frank Gregory	T19339
	6/4/2019	Frank Gregory	R24315
	6/5/2019	Frank Gregory	S64436
	6/5/2019	Frank Gregory	5986A
	6/7/2019	Justin Travers	SM86368
	6/12/2019	Frank Gregory	P88726
	6/12/2019	Frank Gregory	66399
	6/14/2019	Frank Gregory	4755A
	6/18/2019	Justin Travers	91915
	6/18/2019	Justin Travers	6982A
	6/27/2019	Frank Gregory	R96403
	6/27/2019	Frank Gregory	T56106



**Table 13 (cont'd)**

540 C.M.R. § 4.05(15)(b)(1)(d)

7/13/2019	Aaron Milosek	93663
7/13/2019	Aaron Milosek	6983A
7/13/2019	Aaron Milosek	91899
7/16/2019	Jeffrey Adams	94398
7/17/2019	Jeffrey Adams	V21703
7/17/2019	Jeffrey Adams	R90039
7/18/2019	Jeffrey Adams	P71997
7/24/2019	Jeffrey Adams	5996A
7/31/2019	Jeffrey Adams	T34511
8/1/2019	Allen Russell	94719
8/1/2019	Allen Russell	1723A
8/2/2019	Allen Russell	99652
8/5/2019	Allen Russell	T34512
8/5/2019	Allen Russell	99654
8/6/2019	Allen Russell	S45854
8/7/2019	Alex Martinez	65417
8/7/2019	Alex Martinez	95235
8/7/2019	Alex Martinez	95241
8/7/2019	Alex Martinez	95233
8/7/2019	Alex Martinez	95242
8/8/2019	Jeffrey Adams	P99503
8/9/2019	Aaron Milosek	91901
8/10/2019	Justin Travers	2411A
8/10/2019	Aaron Milosek	91900
8/10/2019	Aaron Milosek	2412A
8/10/2019	Aaron Milosek	91907
8/10/2019	Aaron Milosek	91906
8/13/2019	Allen Russell	T18356

<b>Inspector</b>	<b>Violations</b>
Gregory	16
Adams	7
Russell	7
Travers	14
Milosek	8
Martinez	5
<b>Total</b>	<b>57</b>

**Table 14**

Failing to inspect the readjustment limits of service brakes

<b>CMR</b>	<b>Date</b>	<b>Inspector</b>	<b>Plate #</b>
540 C.M.R. § 4.05(15)(b)(1)(e)	3/19/2019	Frank Gregory	T88696
	3/30/2019	Frank Gregory	4756A
	3/30/2019	Jeffrey Adams	T52450
	4/2/2019	Frank Gregory	4571A
	4/3/2019	Frank Gregory	P99502
	4/18/2019	Frank Gregory	S59048
	4/20/2019	Frank Gregory	86372
	4/30/2019	Justin Travers	94701
	5/4/2019	Frank Gregory	4758A
	5/4/2019	Frank Gregory	4759A
	5/4/2019	Frank Gregory	84423
	5/28/2019	Justin Travers	1548A
	6/1/2019	Justin Travers	94711
	6/1/2019	Justin Travers	SM94478
	6/1/2019	Justin Travers	SM93838
	6/1/2019	Justin Travers	SM88805
	6/1/2019	Justin Travers	SM91413
	6/1/2019	Justin Travers	SM88820
	6/1/2019	Justin Travers	SM88819
	6/1/2019	Justin Travers	SM93501
	6/1/2019	Justin Travers	SM91929
	6/4/2019	Frank Gregory	T19339
	6/4/2019	Frank Gregory	R24315
	6/5/2019	Frank Gregory	S64436
	6/5/2019	Frank Gregory	5986A
	6/7/2019	Justin Travers	SM86368
	6/12/2019	Frank Gregory	P88726
	6/12/2019	Frank Gregory	66399
	6/14/2019	Frank Gregory	4755A

**Table 14 (cont'd)**

540 C.M.R. § 4.05(15)(b)(1)(e)

6/18/2019	Justin Travers	91915
6/18/2019	Justin Travers	6982A
6/27/2019	Frank Gregory	R96403
6/27/2019	Frank Gregory	T56106
7/13/2019	Aaron Milosek	93663
7/13/2019	Aaron Milosek	6983A
7/13/2019	Aaron Milosek	91899
7/16/2019	Jeffrey Adams	94398
7/17/2019	Jeffrey Adams	V21703
7/17/2019	Jeffrey Adams	R90039
7/18/2019	Jeffrey Adams	P71997
7/24/2019	Jeffrey Adams	5996A
7/31/2019	Jeffrey Adams	T34511
8/1/2019	Allen Russell	94719
8/1/2019	Allen Russell	1723A
8/2/2019	Allen Russell	99652
8/5/2019	Allen Russell	T34512
8/5/2019	Allen Russell	99654
8/6/2019	Allen Russell	S45854
8/7/2019	Alex Martinez	65417
8/7/2019	Alex Martinez	95235
8/7/2019	Alex Martinez	95241
8/7/2019	Alex Martinez	95233
8/7/2019	Alex Martinez	95242
8/8/2019	Jeffrey Adams	P99503
8/9/2019	Aaron Milosek	91901
8/10/2019	Justin Travers	2411A
8/10/2019	Aaron Milosek	91900
8/10/2019	Aaron Milosek	2412A
8/10/2019	Aaron Milosek	91907
8/10/2019	Aaron Milosek	91906
8/13/2019	Allen Russell	T18356

<b>Inspector</b>	<b>Violations</b>
Gregory	18
Adams	8
Russell	7
Travers	15
Milosek	8
Martinez	5
<b>Total</b>	<b>61</b>

**Table 15**

Failing to inspect brake linings or pads

<b>CMR</b>	<b>Date</b>	<b>Inspector</b>	<b>Plate #</b>
540 C.M.R. § 4.05(15)(b)(1)(f)	3/19/2019	Frank Gregory	T8896
	3/30/2019	Frank Gregory	4756A
	4/2/2019	Frank Gregory	4571A
	4/3/2019	Frank Gregory	P99502
	4/20/2019	Frank Gregory	86372
	6/5/2019	Frank Gregory	S64436
	6/5/2019	Frank Gregory	5986A
	7/17/2019	Jeffrey Adams	R90039
	7/18/2019	Jeffrey Adams	P71997
	7/24/2019	Jeffrey Adams	5996A
	8/5/2019	Allen Russell	T34512

  

<b>Inspector</b>	<b>Violations</b>
Gregory	7
Adams	3
Russell	1
<b>Total</b>	<b>11</b>

**Table 16**

Failing to inspect missing brake on any axle required to have brakes

<b>CMR</b>	<b>Date</b>	<b>Inspector</b>	<b>Plate #</b>
540 C.M.R. § 4.05(15)(b)(1)(g)	3/19/2019	Frank Gregory	T8896
	3/30/2019	Frank Gregory	4756A
	4/2/2019	Frank Gregory	4571A
	4/3/2019	Frank Gregory	P99502
	4/20/2019	Frank Gregory	86372
	6/5/2019	Frank Gregory	S64436
	6/5/2019	Frank Gregory	5986A
	7/17/2019	Jeffrey Adams	R90039
	7/18/2019	Jeffrey Adams	P71997
	7/24/2019	Jeffrey Adams	5996A
	8/5/2019	Allen Russell	T34512

  

<b>Inspector</b>	<b>Violations</b>
Gregory	7
Adams	3
Russell	1
<b>Total</b>	<b>11</b>

**Table 17**

Failing to inspect mismatch across any power unit steering axle

<b>CMR</b>	<b>Date</b>	<b>Inspector</b>	<b>Plate #</b>
540 C.M.R. § 4.05(15)(b)(1)(h)	3/19/2019	Frank Gregory	T8896
	3/30/2019	Frank Gregory	4756A
	4/2/2019	Frank Gregory	4571A
	4/3/2019	Frank Gregory	P99502
	4/20/2019	Frank Gregory	86372
	6/5/2019	Frank Gregory	S64436
	6/5/2019	Frank Gregory	5986A
	7/17/2019	Jeffrey Adams	R90039
	7/18/2019	Jeffrey Adams	P71997
	7/24/2019	Jeffrey Adams	5996A
	8/5/2019	Allen Russell	T34512

  

<b>Inspector</b>	<b>Violations</b>
Gregory	7
Adams	3
Russell	1
<b>Total</b>	<b>11</b>

**Table 18**

Failing to inspect brake hose

<b>CMR</b>	<b>Date</b>	<b>Inspector</b>	<b>Plate #</b>
540 C.M.R. § 4.05(15)(b)(4)(a)	3/19/2019	Frank Gregory	T88696
	3/30/2019	Jeffrey Adams	T52450
	3/30/2019	Frank Gregory	4756A
	4/2/2019	Frank Gregory	4571A
	4/3/2019	Frank Gregory	P99502
	4/20/2019	Frank Gregory	86372
	6/5/2019	Frank Gregory	S64436
	6/5/2019	Frank Gregory	5986A
	6/18/2019	Justin Travers	SM90311
	6/19/2019	Justin Travers	SM74219
	6/19/2019	Justin Travers	SM8657
	6/19/2019	Justin Travers	SM89868

**Table 18 (cont'd)**

540 C.M.R. § 4.05(15)(b)(4)(a)

Inspector	Violations
Gregory	7
Adams	4
Russell	1
Travers	9
<b>Total</b>	<b>21</b>

6/19/2019	Justin Travers	SM1778A
6/19/2019	Justin Travers	SM91914
6/19/2019	Justin Travers	SM1209A
6/19/2019	Justin Travers	SM92940
6/19/2019	Justin Travers	SM91916
7/17/2019	Jeffrey Adams	R90039
7/18/2019	Jeffrey Adams	P71997
7/24/2019	Jeffrey Adams	5996A
8/5/2019	Allen Russell	T34512

**Table 19**

Failing to inspect Brake hose – bulge or swelling

**CMR**

540 C.M.R. § 4.05(15)(b)(4)(b)

Date	Inspector	Plate #
3/19/2019	Frank Gregory	T88696
3/30/2019	Jeffrey Adams	T52450
3/30/2019	Frank Gregory	4756A
4/2/2019	Frank Gregory	4571A
4/3/2019	Frank Gregory	P99502
4/20/2019	Frank Gregory	86372
4/30/2019	Justin Travers	94701
5/4/2019	Frank Gregory	4758A
5/4/2019	Frank Gregory	4759A
5/28/2019	Justin Travers	1548A
5/28/2019	Justin Travers	6999A
5/28/2019	Justin Travers	93668
5/28/2019	Justin Travers	3770A
5/28/2019	Justin Travers	3764A
5/28/2019	Justin Travers	93928
5/28/2019	Justin Travers	94712
6/1/2019	Justin Travers	94711

**Table 19 (cont'd)**

540 C.M.R. § 4.05(15)(b)(4)(b)

6/4/2019	Frank Gregory	R24315
6/5/2019	Frank Gregory	S64436
6/5/2019	Frank Gregory	5986A
6/12/2019	Frank Gregory	P88726
6/12/2019	Frank Gregory	66399
6/14/2019	Frank Gregory	4755A
6/18/2019	Justin Travers	91915
6/18/2019	Justin Travers	6982A
6/18/2019	Justin Travers	SM90311
6/19/2019	Justin Travers	SM74219
6/19/2019	Justin Travers	SM8657
6/19/2019	Justin Travers	SM89868
6/19/2019	Justin Travers	SM1778A
6/19/2019	Justin Travers	SM91914
6/19/2019	Justin Travers	SM1209A
6/19/2019	Justin Travers	SM92940
6/19/2019	Justin Travers	SM91916
6/27/2019	Frank Gregory	R96403
6/27/2019	Frank Gregory	T56106
7/13/2019	Aaron Milosek	93663
7/13/2019	Aaron Milosek	6983A
7/13/2019	Aaron Milosek	91899
7/16/2019	Jeffrey Adams	94398
7/17/2019	Jeffrey Adams	V21703
7/17/2019	Jeffrey Adams	R90039
7/18/2019	Jeffrey Adams	P71997
7/24/2019	Jeffrey Adams	5996A
8/1/2019	Allen Russell	94719
8/1/2019	Allen Russell	1723A
8/2/2019	Allen Russell	99652
8/5/2019	Allen Russell	99654
8/5/2019	Allen Russell	T34512

**Table 19 (cont'd)**

540 C.M.R. § 4.05(15)(b)(4)(b)

Inspector	Violations
Gregory	15
Adams	7
Russell	7
Travers	21
Milosek	8
Martinez	5
<b>Total</b>	<b>63</b>

8/6/2019	Allen Russell	S45854
8/7/2019	Alex Martinez	65417
8/7/2019	Alex Martinez	95235
8/7/2019	Alex Martinez	95241
8/7/2019	Alex Martinez	95233
8/7/2019	Alex Martinez	95242
8/8/2019	Jeffrey Adams	P99503
8/9/2019	Aaron Milosek	91901
8/10/2019	Justin Travers	2411A
8/10/2019	Aaron Milosek	91900
8/10/2019	Aaron Milosek	2412A
8/10/2019	Aaron Milosek	91907
8/10/2019	Aaron Milosek	91906
8/13/2019	Allen Russell	T18356

**Table 20**

Failing to inspect Brake hose – audible leaks

**CMR**

540 C.M.R. § 4.05(15)(b)(4)(c)

Date	Inspector	Plate #
3/19/2019	Frank Gregory	T88696
3/30/2019	Jeffrey Adams	T52450
3/30/2019	Frank Gregory	4756A
4/2/2019	Frank Gregory	4571A
4/3/2019	Frank Gregory	P99502
4/20/2019	Frank Gregory	86372
4/30/2019	Justin Travers	94701
5/4/2019	Frank Gregory	4758A
5/4/2019	Frank Gregory	4759A
5/4/2019	Frank Gregory	84423
5/28/2019	Justin Travers	1548A
5/28/2019	Justin Travers	6999A
5/28/2019	Justin Travers	93668



**Table 20 (cont'd)**

540 C.M.R. § 4.05(15)(b)(4)(c)

5/28/2019	Justin Travers	3770A
5/28/2019	Justin Travers	3764A
5/28/2019	Justin Travers	93928
5/28/2019	Justin Travers	94712
6/1/2019	Justin Travers	94711
6/4/2019	Frank Gregory	R24315
6/5/2019	Frank Gregory	S64436
6/5/2019	Frank Gregory	5986A
6/12/2019	Frank Gregory	P88726
6/12/2019	Frank Gregory	66399
6/14/2019	Frank Gregory	4755A
6/18/2019	Justin Travers	91915
6/18/2019	Justin Travers	6982A
6/18/2019	Justin Travers	SM90311
6/19/2019	Justin Travers	SM74219
6/19/2019	Justin Travers	SM8657
6/19/2019	Justin Travers	SM89868
6/19/2019	Justin Travers	SM1778A
6/19/2019	Justin Travers	SM91914
6/19/2019	Justin Travers	SM1209A
6/19/2019	Justin Travers	SM92940
6/19/2019	Justin Travers	SM91916
6/27/2019	Frank Gregory	R96403
6/27/2019	Frank Gregory	T56106
7/13/2019	Aaron Milosek	93663
7/13/2019	Aaron Milosek	6983A
7/13/2019	Aaron Milosek	91899
7/16/2019	Jeffrey Adams	94398
7/17/2019	Jeffrey Adams	V21703
7/17/2019	Jeffrey Adams	R90039
7/18/2019	Jeffrey Adams	P71997
7/24/2019	Jeffrey Adams	5996A

**Table 20 (cont'd)**

540 C.M.R. § 4.05(15)(b)(4)(c)

8/1/2019	Allen Russell	94719
8/1/2019	Allen Russell	1723A
8/2/2019	Allen Russell	99652
8/5/2019	Allen Russell	99654
8/5/2019	Allen Russell	T34512
8/6/2019	Allen Russell	S45854
8/7/2019	Alex Martinez	65417
8/7/2019	Alex Martinez	95235
8/7/2019	Alex Martinez	95241
8/7/2019	Alex Martinez	95233
8/7/2019	Alex Martinez	95242
8/8/2019	Jeffrey Adams	P99503
8/9/2019	Aaron Milosek	91901
8/10/2019	Justin Travers	2411A
8/10/2019	Aaron Milosek	91900
8/10/2019	Aaron Milosek	2412A
8/10/2019	Aaron Milosek	91907
8/10/2019	Aaron Milosek	91906
8/13/2019	Allen Russell	T18356

Inspector	Violations
Gregory	16
Adams	7
Russell	7
Travers	21
Milosek	8
Martinez	5
<b>Total</b>	<b>64</b>

**Table 21**

Failing to inspect Brake hose – joining

**CMR**

540 C.M.R. § 4.05(15)(b)(4)(d)

Date	Inspector	Plate #
3/19/2019	Frank Gregory	T88696
3/30/2019	Jeffrey Adams	T52450
3/30/2019	Frank Gregory	4756A
4/2/2019	Frank Gregory	4571A
4/3/2019	Frank Gregory	P99502
4/20/2019	Frank Gregory	86372
6/5/2019	Frank Gregory	S64436
6/5/2019	Frank Gregory	5986A

**Table 21 (cont'd)**

540 C.M.R. § 4.05(15)(b)(4)(d)

Inspector	Violations
Gregory	7
Adams	4
Russell	1
Travers	9
<b>Total</b>	<b>21</b>

6/18/2019	Justin Travers	SM90311
6/19/2019	Justin Travers	SM74219
6/19/2019	Justin Travers	SM8657
6/19/2019	Justin Travers	SM89868
6/19/2019	Justin Travers	SM1778A
6/19/2019	Justin Travers	SM91914
6/19/2019	Justin Travers	SM1209A
6/19/2019	Justin Travers	SM92940
6/19/2019	Justin Travers	SM91916
7/17/2019	Jeffrey Adams	R90039
7/18/2019	Jeffrey Adams	P71997
7/24/2019	Jeffrey Adams	5996A
8/5/2019	Allen Russell	T34512

**Table 22**

Failing to inspect Brake hose – cracked, broken or crimped

**CMR**

540 C.M.R. § 4.05(15)(b)(4)(e)

Date	Inspector	Plate #
3/19/2019	Frank Gregory	T88696
3/30/2019	Jeffrey Adams	T52450
3/30/2019	Frank Gregory	4756A
4/2/2019	Frank Gregory	4571A
4/3/2019	Frank Gregory	P99502
4/20/2019	Frank Gregory	86372
6/5/2019	Frank Gregory	S64436
6/5/2019	Frank Gregory	5986A
6/18/2019	Justin Travers	SM90311
6/19/2019	Justin Travers	SM74219
6/19/2019	Justin Travers	SM8657
6/19/2019	Justin Travers	SM89868
6/19/2019	Justin Travers	SM1778A

**Table 22 (cont'd)**

540 C.M.R. § 4.05(15)(b)(4)(e)

Inspector	Violations
Gregory	7
Adams	4
Russell	1
Travers	9
<b>Total</b>	<b>21</b>

6/19/2019	Justin Travers	SM91914
6/19/2019	Justin Travers	SM1209A
6/19/2019	Justin Travers	SM92940
6/19/2019	Justin Travers	SM91916
7/17/2019	Jeffrey Adams	R90039
7/18/2019	Jeffrey Adams	P71997
7/24/2019	Jeffrey Adams	5996A
8/5/2019	Allen Russell	T34512

**Table 23**

Failing to inspect Brake tubing – audible leaks

**CMR**

540 C.M.R. § 4.05(15)(b)(5)(a)

Date	Inspector	Plate #
3/19/2019	Frank Gregory	T88696
3/30/2019	Jeffrey Adams	T52450
3/30/2019	Frank Gregory	4756A
4/2/2019	Frank Gregory	4571A
4/3/2019	Frank Gregory	P99502
4/20/2019	Frank Gregory	86372
4/30/2019	Justin Travers	94701
5/4/2019	Frank Gregory	4758A
5/4/2019	Frank Gregory	4759A
5/4/2019	Frank Gregory	84423
5/28/2019	Justin Travers	1548A
5/28/2019	Justin Travers	6999A
5/28/2019	Justin Travers	93668
5/28/2019	Justin Travers	3770A
5/28/2019	Justin Travers	3764A
5/28/2019	Justin Travers	93928
5/28/2019	Justin Travers	94712
6/1/2019	Justin Travers	94711

**Table 23 (cont'd)**

540 C.M.R. § 4.05(15)(b)(5)(a)

6/4/2019	Frank Gregory	R24315
6/5/2019	Frank Gregory	S64436
6/5/2019	Frank Gregory	5986A
6/12/2019	Frank Gregory	P88726
6/12/2019	Frank Gregory	66399
6/14/2019	Frank Gregory	4755A
6/18/2019	Justin Travers	91915
6/18/2019	Justin Travers	6982A
6/18/2019	Justin Travers	SM90311
6/19/2019	Justin Travers	SM74219
6/19/2019	Justin Travers	SM8657
6/19/2019	Justin Travers	SM89868
6/19/2019	Justin Travers	SM1778A
6/19/2019	Justin Travers	SM91914
6/19/2019	Justin Travers	SM1209A
6/19/2019	Justin Travers	SM92940
6/19/2019	Justin Travers	SM91916
6/27/2019	Frank Gregory	R96403
6/27/2019	Frank Gregory	T56106
7/13/2019	Aaron Milosek	93663
7/13/2019	Aaron Milosek	6983A
7/13/2019	Aaron Milosek	91899
7/16/2019	Jeffrey Adams	94398
7/17/2019	Jeffrey Adams	V21703
7/17/2019	Jeffrey Adams	R90039
7/18/2019	Jeffrey Adams	P71997
7/24/2019	Jeffrey Adams	5996A
8/1/2019	Allen Russell	94719
8/1/2019	Allen Russell	1723A
8/2/2019	Allen Russell	99652
8/5/2019	Allen Russell	99654
8/5/2019	Allen Russell	T34512

**Table 23 (cont'd)**

540 C.M.R. § 4.05(15)(b)(5)(a)

<b>Inspector</b>	<b>Violations</b>
Gregory	16
Adams	7
Russell	7
Travers	21
Milosek	8
Martinez	5
<b>Total</b>	<b>64</b>

8/6/2019	Allen Russell	S45854
8/7/2019	Alex Martinez	65417
8/7/2019	Alex Martinez	95235
8/7/2019	Alex Martinez	95241
8/7/2019	Alex Martinez	95233
8/7/2019	Alex Martinez	95242
8/8/2019	Jeffrey Adams	P99503
8/9/2019	Aaron Milosek	91901
8/10/2019	Justin Travers	2411A
8/10/2019	Aaron Milosek	91900
8/10/2019	Aaron Milosek	2412A
8/10/2019	Aaron Milosek	91907
8/10/2019	Aaron Milosek	91906
8/13/2019	Allen Russell	T18356

**Table 24**

Failing to inspect Brake tubing – cracked, damaged by heat, broken or crimped

**CMR**

540 C.M.R. § 4.05(15)(b)(5)(b)

<b>Date</b>	<b>Inspector</b>	<b>Plate #</b>
3/19/2019	Frank Gregory	T88696
3/30/2019	Jeffrey Adams	T52450
3/30/2019	Frank Gregory	4756A
4/2/2019	Frank Gregory	4571A
4/3/2019	Frank Gregory	P99502
4/20/2019	Frank Gregory	86372
6/5/2019	Frank Gregory	S64436
6/5/2019	Frank Gregory	5986A
6/18/2019	Justin Travers	SM90311
6/19/2019	Justin Travers	SM74219
6/19/2019	Justin Travers	SM8657
6/19/2019	Justin Travers	SM89868

**Table 24 (cont'd)**

540 C.M.R. § 4.05(15)(b)(5)(b)

Inspector	Violations
Gregory	7
Adams	4
Russell	1
Travers	9
<b>Total</b>	<b>21</b>

6/19/2019	Justin Travers	SM1778A
6/19/2019	Justin Travers	SM91914
6/19/2019	Justin Travers	SM1209A
6/19/2019	Justin Travers	SM92940
6/19/2019	Justin Travers	SM91916
7/17/2019	Jeffrey Adams	R90039
7/18/2019	Jeffrey Adams	P71997
7/24/2019	Jeffrey Adams	5996A
8/5/2019	Allen Russell	T34512

**Table 25**

Failing to inspect hydraulic brakes for seeping or swelling brake hose(s) under application of pressure

CMR	Date	Inspector	Plate #
540 C.M.R. § 4.05(15)(b)(10)(d)	4/2/2019	Frank Gregory	L76324
	4/11/2019	Frank Gregory	T28144

**Table 26**

Failing to inspect hydraulic brakes for leaking hydraulic fluid in the brake system

CMR	Date	Inspector	Plate #
540 C.M.R. § 4.05(15)(b)(10)(f)	4/2/2019	Frank Gregory	L76324
	4/11/2019	Frank Gregory	T28144

**Table 27**

Failing to inspect hydraulic brakes for hydraulic hose(s) abraded (chafed) through outer cover to fabric layer

CMR	Date	Inspector	Plate #
540 C.M.R. § 4.05(15)(b)(10)(g)	4/2/2019	Frank Gregory	L76324
	4/11/2019	Frank Gregory	T28144

**Table 28**

Failing to inspect hydraulic brakes for fluid lines or connections leaking, restricted, crimped, cracked or broken

<b>CMR</b>	<b>Date</b>	<b>Inspector</b>	<b>Plate #</b>
540 C.M.R. § 4.05(15)(b)(10)(h)	4/2/2019	Frank Gregory	L76324
	4/11/2019	Frank Gregory	T28144

**Total number of illegal brake inspections (Tables 9-28)**

<b>Inspector</b>	<b>Violations</b>
Gregory	33
Adams	10
Milosek	13
Martinez	5
Russell	7
Travers	33
<b>Total</b>	<b>101</b>

**Table 29**

Failing to inspect the Fifth Wheel of the motor vehicle during the safety inspection

<b>CMR</b>	<b>Date</b>	<b>Inspector</b>	<b>Plate #</b>
540 C.M.R. § 4.05(15)(c)(1)	5/21/2019	Frank Gregory	92072
	5/21/2019	Aaron Milosek	3766A
	5/21/2019	Aaron Milosek	6997A
	5/28/2019	Justin Travers	6999A
	5/28/2019	Justin Travers	1548A
	6/14/2019	Frank Gregory	4755A

  

<b>Inspector</b>	<b>Violations</b>
Gregory	2
Milosek	2
Travers	2
<b>Total</b>	<b>6</b>

**Table 30**

Failing to inspect the fuel system and look for fluid leaks of the motor vehicle during the safety inspection

<b>CMR</b>	<b>Date</b>	<b>Inspector</b>	<b>Plate #</b>
540 C.M.R. § 4.05(15)(e)(4)	3/19/2019	Frank Gregory	92981



**Table 30 (cont'd)**

540 C.M.R. § 4.05(15)(3)(4)

3/19/2019	Frank Gregory	T88696
3/21/2019	Frank Gregory	T52512
3/21/2019	Frank Gregory	T18398
3/21/2019	Jeffrey Adams	T52046
3/22/2019	Frank Gregory	S77390
3/22/2019	Jeffrey Adams	R37015
3/26/2019	Frank Gregory	T66037
3/27/2019	Frank Gregory	T52523
3/30/2019	Jeffrey Adams	T52450
4/2/2019	Frank Gregory	4571A
4/3/2019	Frank Gregory	P99502
4/17/2019	Frank Gregory	V17925
4/17/2019	Frank Gregory	T15982
4/18/2019	Frank Gregory	T88690
4/18/2019	Frank Gregory	S59048
4/20/2019	Frank Gregory	86372
5/27/2019	Justin Travers	V22176
5/27/2019	Justin Travers	S91829
5/27/2019	Justin Travers	S58316
5/27/2019	Justin Travers	R96363

Inspector	Violations
Gregory	15
Adams	2
Travers	4
<b>Total</b>	<b>21</b>

**Table 31**

Failing to inspect the lighting devices of the motor vehicle during the safety inspection

**CMR**

540 C.M.R. § 4.05(15)(f)

Date	Inspector	Plate #
3/22/2019	Frank Gregory	S77390
3/26/2019	Frank Gregory	T66037
3/27/2019	Frank Gregory	T52523
3/29/2019	Frank Gregory	4913A
4/3/2019	Frank Gregory	P99502
4/9/2019	Frank Gregory	S84498
4/10/2019	Frank Gregory	T19331

**Table 31 (cont'd)**

540 C.M.R. § 4.05(15)(f)

4/27/2019	Frank Gregory	S64427
5/2/2019	Frank Gregory	T52444
5/4/2019	Frank Gregory	84423
5/4/2019	Frank Gregory	4757A
5/4/2019	Frank Gregory	4758A
5/4/2019	Frank Gregory	4759A
5/14/2019	Frank Gregory	T65598
5/14/2019	Frank Gregory	T88682
5/15/2019	Frank Gregory	4754A
5/17/2019	Frank Gregory	S45808
5/21/2019	Frank Gregory	92072
5/21/2019	Aaron Milosek	6997A
5/21/2019	Aaron Milosek	6996A
5/23/2019	Frank Gregory	T65597
5/27/2019	Justin Travers	V22176
5/27/2019	Justin Travers	S91829
5/27/2019	Justin Travers	S58316
5/27/2019	Justin Travers	R96363
5/28/2019	Justin Travers	1548A
5/28/2019	Justin Travers	93668
5/28/2019	Justin Travers	3771A
6/28/2019	Frank Gregory	T65582
7/9/2019	Jeffrey Adams	90771

Inspector	Violations
Gregory	20
Adams	1
Milosek	2
Travers	7
<b>Total</b>	<b>30</b>

**Table 32**

Failing to inspect the Front Axle Beam and All Steering Components Other than Steering Column of the motor vehicle during the safety inspection

**CMR**

540 C.M.R. § 4.05(15)(h)(3)

Date	Inspector	Plate #
3/19/2019	Frank Gregory	92981
3/19/2019	Frank Gregory	T88696
3/21/2019	Frank Gregory	T18398

3/22/2019	Frank Gregory	S77390
3/26/2019	Frank Gregory	T66037
3/27/2019	Frank Gregory	T52523
4/2/2019	Frank Gregory	L76324
4/2/2019	Frank Gregory	4571A
4/3/2019	Frank Gregory	P99502
4/9/2019	Frank Gregory	S84498
4/10/2019	Frank Gregory	T19331
4/11/2019	Frank Gregory	T28144
4/17/2019	Frank Gregory	V17925
4/17/2019	Frank Gregory	T15982
4/17/2019	Frank Gregory	T71365
4/18/2019	Frank Gregory	T88690
4/18/2019	Frank Gregory	S59048
4/18/2019	Frank Gregory	5992A
5/21/2019	Aaron Milosek	3766A
5/21/2019	Aaron Milosek	6997A
5/21/2019	Aaron Milosek	6996A
5/22/2019	Aaron Milosek	6998A
5/22/2019	Aaron Milosek	3765A
5/22/2019	Aaron Milosek	93662
5/22/2019	Aaron Milosek	93666
7/9/2019	Jeffrey Adams	N78840
7/13/2019	Aaron Milosek	93663
7/16/2019	Jeffrey Adams	94398
7/18/2019	Jeffrey Adams	P71997
7/24/2019	Jeffrey Adams	5996A
8/7/2019	Alex Martinez	95235
8/7/2019	Alex Martinez	95241
8/7/2019	Alex Martinez	95233
8/7/2019	Alex Martinez	95242
8/8/2019	Jeffrey Adams	P99503

**Table 32 (cont'd)**

540 C.M.R. § 4.05(15)(h)(3)

Inspector	Violations
Gregory	18
Adams	5
Russell	1
Travers	1
Milosek	16
Martinez	4
<b>Total</b>	<b>45</b>

8/9/2019	Aaron Milosek	91901
8/10/2019	Justin Travers	2411A
8/10/2019	Aaron Milosek	91900
8/10/2019	Aaron Milosek	2412A
8/10/2019	Aaron Milosek	91907
8/10/2019	Aaron Milosek	91906
8/10/2019	Aaron Milosek	91902
8/10/2019	Aaron Milosek	91839
8/10/2019	Aaron Milosek	91838
8/13/2019	Allen Russell	T18356

**Table 33**

Failing to inspect the Pitman Arm on the steering gear output shaft for any looseness

**CMR**

540 C.M.R. § 4.05(15)(h)(5)

Date	Inspector	Plate #
3/19/2019	Frank Gregory	92981
3/19/2019	Frank Gregory	T88696
3/21/2019	Frank Gregory	T18398
3/22/2019	Frank Gregory	S77390
3/26/2019	Frank Gregory	T66037
3/27/2019	Frank Gregory	T52523
4/2/2019	Frank Gregory	L76324
4/2/2019	Frank Gregory	4571A
4/3/2019	Frank Gregory	P99502
4/9/2019	Frank Gregory	S84498
4/10/2019	Frank Gregory	T19331
4/11/2019	Frank Gregory	T28144
4/17/2019	Frank Gregory	V17925
4/17/2019	Frank Gregory	T15982
4/17/2019	Frank Gregory	T71365
4/18/2019	Frank Gregory	T88690
4/18/2019	Frank Gregory	S59048
4/18/2019	Frank Gregory	5992A

**Table 33 (cont'd)**

540 C.M.R. § 4.05(15)(h)(5)

5/21/2019	Aaron Milosek	3766A
5/21/2019	Aaron Milosek	6997A
5/21/2019	Aaron Milosek	6996A
5/22/2019	Aaron Milosek	6998A
5/22/2019	Aaron Milosek	3765A
5/22/2019	Aaron Milosek	93662
7/9/2019	Jeffrey Adams	N78840
7/13/2019	Aaron Milosek	93663
7/16/2019	Jeffrey Adams	94398
7/18/2019	Jeffrey Adams	P71997
7/24/2019	Jeffrey Adams	5996A
8/7/2019	Alex Martinez	95235
8/7/2019	Alex Martinez	95241
8/7/2019	Alex Martinez	95233
8/7/2019	Alex Martinez	95242
8/8/2019	Jeffrey Adams	P99503
8/9/2019	Aaron Milosek	91901
8/10/2019	Justin Travers	2411A
8/10/2019	Aaron Milosek	91900
8/10/2019	Aaron Milosek	2412A
8/10/2019	Aaron Milosek	91907
8/10/2019	Aaron Milosek	91906
8/10/2019	Aaron Milosek	91902
8/10/2019	Aaron Milosek	91839
8/10/2019	Aaron Milosek	91838
8/13/2019	Allen Russell	T18356

<b>Inspector</b>	<b>Violations</b>
Gregory	18
Adams	5
Russell	1
Travers	1
Milosek	15
Martinez	4
<b>Total</b>	<b>44</b>

**Table 34**

Failing to inspect the Ball and Socket Joints of the motor vehicle during the safety inspection

**CMR**

540 C.M.R. § 4.05(15)(h)(7)

<b>Date</b>	<b>Inspector</b>	<b>Plate #</b>
3/19/2019	Frank Gregory	92981

**Table 34 (cont'd)**

540 C.M.R. § 4.05(15)(h)(7)

3/19/2019	Frank Gregory	T88696
3/21/2019	Frank Gregory	T18398
3/22/2019	Frank Gregory	S77390
3/26/2019	Frank Gregory	T66037
3/27/2019	Frank Gregory	T52523
4/2/2019	Frank Gregory	L76324
4/2/2019	Frank Gregory	4571A
4/3/2019	Frank Gregory	P99502
4/9/2019	Frank Gregory	S84498
4/10/2019	Frank Gregory	T19331
4/11/2019	Frank Gregory	T28144
4/17/2019	Frank Gregory	V17925
4/17/2019	Frank Gregory	T15982
4/17/2019	Frank Gregory	T71365
4/18/2019	Frank Gregory	T88690
4/18/2019	Frank Gregory	S59048
4/18/2019	Frank Gregory	5992A
5/21/2019	Aaron Milosek	3766A
5/21/2019	Aaron Milosek	6997A
5/21/2019	Aaron Milosek	6996A
5/22/2019	Aaron Milosek	6998A
5/22/2019	Aaron Milosek	3765A
5/22/2019	Aaron Milosek	93662
5/22/2019	Aaron Milosek	93666
7/9/2019	Jeffrey Adams	N78840
7/13/2019	Aaron Milosek	93663
7/16/2019	Jeffrey Adams	94398
7/18/2019	Jeffrey Adams	P71997
7/24/2019	Jeffrey Adams	5996A
8/7/2019	Alex Martinez	95235
8/7/2019	Alex Martinez	95241
8/7/2019	Alex Martinez	95233

**Table 34 (cont'd)**

540 C.M.R. § 4.05(15)(h)(7)

<b>Inspector</b>	<b>Violations</b>
Gregory	18
Adams	5
Russell	1
Travers	1
Milosek	16
Martinez	4
<b>Total</b>	<b>45</b>

8/7/2019	Alex Martinez	95242
8/8/2019	Jeffrey Adams	P99503
8/9/2019	Aaron Milosek	91901
8/10/2019	Justin Travers	2411A
8/10/2019	Aaron Milosek	91900
8/10/2019	Aaron Milosek	2412A
8/10/2019	Aaron Milosek	91907
8/10/2019	Aaron Milosek	91906
8/10/2019	Aaron Milosek	91902
8/10/2019	Aaron Milosek	91839
8/10/2019	Aaron Milosek	91838
8/13/2019	Allen Russell	T18356

**Table 35**

Failing to inspect the Tie Rods and Drag Links of the motor vehicle during safety inspection

**CMR**

540 C.M.R. § 4.05(15)(h)(8)

<b>Date</b>	<b>Inspector</b>	<b>Plate #</b>
3/19/2019	Frank Gregory	92981
3/19/2019	Frank Gregory	T88696
3/21/2019	Frank Gregory	T18398
3/22/2019	Frank Gregory	S77390
3/26/2019	Frank Gregory	T66037
3/27/2019	Frank Gregory	T52523
4/2/2019	Frank Gregory	L76324
4/2/2019	Frank Gregory	4571A
4/3/2019	Frank Gregory	P99502
4/9/2019	Frank Gregory	S84498
4/10/2019	Frank Gregory	T19331
4/11/2019	Frank Gregory	T28144
4/17/2019	Frank Gregory	V17925
4/17/2019	Frank Gregory	T15982
4/17/2019	Frank Gregory	T71365

**Table 35 (cont'd)**  
 540 C.M.R. § 4.05(15)(h)(8)

4/18/2019	Frank Gregory	T88690
4/18/2019	Frank Gregory	S59048
4/18/2019	Frank Gregory	5992A
5/21/2019	Aaron Milosek	3766A
5/21/2019	Aaron Milosek	6997A
5/21/2019	Aaron Milosek	6996A
5/22/2019	Aaron Milosek	6998A
5/22/2019	Aaron Milosek	3765A
5/22/2019	Aaron Milosek	93662
7/9/2019	Jeffrey Adams	N78840
7/13/2019	Aaron Milosek	93663
7/16/2019	Jeffrey Adams	94398
7/18/2019	Jeffrey Adams	P71997
7/24/2019	Jeffrey Adams	5996A
8/7/2019	Alex Martinez	95235
8/7/2019	Alex Martinez	95241
8/7/2019	Alex Martinez	95233
8/7/2019	Alex Martinez	95242
8/8/2019	Jeffrey Adams	P99503
8/9/2019	Aaron Milosek	91901
8/10/2019	Justin Travers	2411A
8/10/2019	Aaron Milosek	91900
8/10/2019	Aaron Milosek	2412A
8/10/2019	Aaron Milosek	91907
8/10/2019	Aaron Milosek	91906
8/10/2019	Aaron Milosek	91902
8/10/2019	Aaron Milosek	91839
8/10/2019	Aaron Milosek	91838
8/13/2019	Allen Russell	T18356

<b>Inspector</b>	<b>Violations</b>
Gregory	18
Adams	5
Russell	1
Travers	1
Milosek	15
Martinez	4
<b>Total</b>	<b>44</b>



**Table 36**

Failing to inspect the Kingpin of the motor vehicle during the safety inspection

<b>CMR</b>	<b>Date</b>	<b>Inspector</b>	<b>Plate #</b>
540 C.M.R. § 4.05(15)(h)(11)	4/17/2019	Frank Gregory	T15982
	5/22/2019	Aaron Milosek	93666
	5/22/2019	Aaron Milosek	6998A
	5/22/2019	Aaron Milosek	3765A
	5/22/2019	Aaron Milosek	93662
	7/13/2019	Aaron Milosek	93663
	7/16/2019	Jeffrey Adams	94398
	7/18/2019	Jeffrey Adams	P71997
	7/24/2019	Jeffrey Adams	5996A
	8/7/2019	Alex Martinez	95235
	8/7/2019	Alex Martinez	95241
	8/7/2019	Alex Martinez	95233
	8/7/2019	Alex Martinez	95242
	8/8/2019	Jeffrey Adams	P99503
	8/9/2019	Aaron Milosek	91901
	8/10/2019	Justin Travers	2411A
	8/10/2019	Aaron Milosek	91900
	8/10/2019	Aaron Milosek	2412A
	8/10/2019	Aaron Milosek	91907
	8/10/2019	Aaron Milosek	91906
	8/10/2019	Aaron Milosek	91902
	8/10/2019	Aaron Milosek	91839
	8/10/2019	Aaron Milosek	91838
	8/13/2019	Allen Russell	T18356

  

<b>Inspector</b>	<b>Violations</b>
Gregory	1
Adams	4
Russell	1
Travers	1
Milosek	13
Martinez	4
<b>Total</b>	<b>24</b>

**Table 37**

Failing to inspect the frame member of the motor vehicle during the safety inspection

<b>CMR</b>	<b>Date</b>	<b>Inspector</b>	<b>Plate #</b>
540 C.M.R. § 4.05(15)(j)(1)	3/19/2019	Frank Gregory	92981
	3/19/2019	Frank Gregory	T88696
	3/21/2019	Frank Gregory	T52512
	3/21/2019	Frank Gregory	T18398
	3/21/2019	Jeffrey Adams	T52046
	3/22/2019	Frank Gregory	S77390
	3/22/2019	Jeffrey Adams	R37015
	3/26/2019	Frank Gregory	T66037
	3/27/2019	Frank Gregory	T52523
	3/30/2019	Jeffrey Adams	T52450
	4/2/2019	Frank Gregory	4571A
	4/3/2019	Frank Gregory	P99502
	4/17/2019	Frank Gregory	V17925
	4/17/2019	Frank Gregory	T15982
	4/18/2019	Frank Gregory	T88690
	4/18/2019	Frank Gregory	S59048
	4/20/2019	Frank Gregory	86372
	5/27/2019	Justin Travers	V22176
	5/27/2019	Justin Travers	S91829
	5/27/2019	Justin Travers	S58316
	5/27/2019	Justin Travers	R96363
	6/5/2019	Frank Gregory	S64436
	6/18/2019	Justin Travers	SM90311
	6/19/2019	Justin Travers	SM74219
	6/19/2019	Justin Travers	SM8657
	6/19/2019	Justin Travers	SM89868
	6/19/2019	Justin Travers	SM1778A
	6/19/2019	Justin Travers	SM91914
	6/19/2019	Justin Travers	SM1209A

**Table 37 (cont'd)**

540 C.M.R. § 4.05(15)(j)(1)

Inspector	Violations
Gregory	15
Adams	6
Travers	13
<b>Total</b>	<b>34</b>

6/19/2019	Justin Travers	SM92940
6/19/2019	Justin Travers	SM91916
7/17/2019	Jeffrey Adams	R90039
7/18/2019	Jeffrey Adams	P71997
7/24/2019	Jeffrey Adams	5996A

**Table 38**

Failing to inspect the wheels and rims of the motor vehicle during the safety inspection

**CMR**

540 C.M.R. § 4.05(15)(l)(2) and (3)

Inspector	Violations
Gregory	6
Adams	3
Russell	1
Milosek	6
<b>Total</b>	<b>16</b>

Date	Inspector	Plate #
3/22/2019	Jeffrey Adams	R37015
3/30/2019	Jeffrey Adams	T52450
3/30/2019	Frank Gregory	4756A
4/2/2019	Frank Gregory	L76324
4/17/2019	Frank Gregory	V17925
4/18/2019	Frank Gregory	T88690
4/18/2019	Frank Gregory	S59048
4/18/2019	Frank Gregory	5992A
5/22/2019	Aaron Milosek	93666
5/22/2019	Aaron Milosek	6998A
5/22/2019	Aaron Milosek	3765A
5/22/2019	Aaron Milosek	93662
7/13/2019	Aaron Milosek	91899
7/31/2019	Jeffrey Adams	T34511
8/1/2019	Allen Russell	1723A
8/10/2019	Aaron Milosek	91906

**Table 39**

Failing to inspect the windshield wipers of the motor vehicle during the safety inspection

**CMR**

540 C.M.R. § 4.05(15)(n)(1)-(3)

Date	Inspector	Plate #
4/27/2019	Frank Gregory	S64427

<b>Inspector</b>	<b>Violations</b>
Gregory	3
Milosek	2
Travers	2
<b>Total</b>	<b>7</b>

5/14/2019	Frank Gregory	T88682
5/21/2019	Aaron Milosek	6997A
5/22/2019	Aaron Milosek	93666
5/28/2019	Justin Travers	94712
5/28/2019	Justin Travers	1548A
6/12/2019	Frank Gregory	T18382

**Table 40**

Performing a safety inspection on a passenger motor vehicle not covered within Penske's Class F Mobile Inspection License

**CMR**

540 C.M.R. §§ 4.02, 4.05, and 4.08(2)(g)(2)

<b>Date</b>	<b>Inspector</b>	<b>Plate #</b>
4/3/2019	Frank Gregory	2SE543
5/27/2019	Justin Travers	238RW4
7/2/2019	Frank Gregory	2SE653

**Total number of illegal safety inspections (Tables 7-40)**

<b>Inspector</b>	<b>Violations</b>
Gregory	49
Adams	11
Milosek	19
Martinez	5
Russell	7
Travers	38
<b>Total</b>	<b>129</b>

**Total number of illegal inspections performed (Tables 1-40)**

<b>Inspector</b>	<b>Violations</b>
Gregory	96
Adams	20
Milosek	22
Martinez	5
Russell	7
Travers	39
<b>Total</b>	<b>189</b>