

1500 SW Arrowhead Road
Topeka, KS 66604-4027



Phone: 785-271-3100
Fax: 785-271-3354
<http://kcc.ks.gov/>

Mark Sievers, Chairman
Ward Loyd, Commissioner
Thomas E. Wright, Commissioner

Sam Brownback, Governor

NOTICE OF PENALTY ASSESSMENT

March 29, 2012

Brad R. Bolin, President
Bolin International Luxury Transportation Services, LLC
PO Box 662
Baxter Springs, Kansas 66713

12-TRAM-691-PEN

This is a notice of a penalty assessment for violation of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on March 13, 2012, by Kansas Corporation Commission Special Investigator Michael Heenan. For a full description of the penalty and process please refer to the Order that is attached to this notice.

IF YOU ACCEPT THE PENALTY:

You have been assessed a \$750 penalty. You have thirty (30) days from service of this Penalty Order to pay the fine amount. Check or money order must be made payable to the Kansas Corporation Commission. Payment is to be mailed to the Fiscal Section of the Kansas Corporation Commission at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and must include a reference to the docket number of this proceeding. Credit card payment may be made by calling the Fiscal Office at 785-271-3274.

You must submit to one follow-up safety compliance review within the next 12 months. Staff will contact you at a later date to determine an appropriate time for this review.

IF YOU CONTEST THE PENALTY:

You have the right to request a hearing. A Request for hearing must be made in writing, setting forth the specific grounds upon which relief is sought. Respondent must submit an original and seven (7) copies of the request to the Commission's Executive Director at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604 within fifteen (15) days from the date stamped on the last page of the Penalty Order. K.A.R. 82-1-215.

IF YOU FAIL TO ACT:

Failure to pay the fine amount within thirty (30) days of service of the Penalty Order, or in the alternative, provide a written request for a hearing within fifteen (15) days from service of the Penalty Order will result in the attached Order becoming a Final Order and may result in the additional sanction of suspension and/or revocation of your motor carrier operations.

Sincerely,

Amber Whitlock
Litigation Counsel
(785) 271-3301

**THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

Before Commissioners: Mark Sievers, Chairman
 Ward Loyd
 Thomas E. Wright

In the Matter of the Investigation of **Bolin**)
International Luxury Transportation)
Services, LLC, of Baxter Springs, Kansas,)
Regarding the Violation of the Motor Carrier) Docket No. 12-TRAM-691-PEN
Safety Statutes, Rules and Regulations and the)
Commission's Authority to Impose Penalties,)
Sanctions and/or the Revocation of Motor)
Carrier Authority.)

PENALTY ORDER

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission). The Commission, being duly advised in the premises, and after having examined its files and records, finds and concludes as follows:

I. JURISDICTION

1. Pursuant to K.S.A. 66-1,108b, 66-1,111, 66-1,112, 66-1,114, 66-1,114b and 66-1,115, and amendments thereto, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in K.S.A. 66-1,108, doing business or procuring business in Kansas, and is empowered to do all things necessary and convenient for the exercise of such power, authority and jurisdiction.

2. Pursuant to K.S.A. 66-1,129a, 66-1,130 and 66-1,142b, and amendments thereto, the Commission may suspend operations, revoke or amend certificates, and initiate sanctions or fines against every motor carrier and every person who violates any provision of Kansas law in

regard to the regulation of such motor carriers and persons, or who fails to obey any order, decision or regulation of the Commission.

3. The Commission has the authority, pursuant to K.A.R. 82-1-237, to investigate an entity under the Commission's jurisdiction and order a hearing on the Commission's own motion when the Commission believes the entity is in violation of the law or any order of the Commission.

II. BACKGROUND

4. Bolin International Luxury Transportation Services, LLC (Bolin International Luxury) obtained common operating authority from the Commission on March 5, 2012, and operates under KSMCID number 168876 and USDOT number 2088499.

5. Bradley Bolin attended a Commission-sponsored Motor Carrier Education and Instructional Meeting on February 14, 2012, on behalf of Bolin International Luxury.

6. Bolin International Luxury is a common motor carrier which primarily hauls passengers.

III. STAFF'S STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, on March 13, 2012, Commission Staff (Staff) Special Investigator Michael Heenan conducted a compliance review of the operations of Bolin International Luxury. A copy of the safety compliance review is included in this Penalty Order as Attachment "A" and is hereby incorporated by reference. As a result of this investigation, Mr. Heenan identified two (2) violations of the Motor Carrier Safety Regulations.

- a. On November 11, 2011, Bolin International Luxury required or permitted its driver, Brad R. Bolin, to operate a commercial motor vehicle, a 2001

Lincoln Town Car Limousine (11 passengers including the driver), VIN [REDACTED], from Baxter Springs, Kansas to Joplin, Missouri, to Rogers, Arkansas. This trip is evidenced by a Service Sheet, dated November 11, 2011, a copy attached hereto as Attachment "B". At the time of this transportation. Bolin International Luxury failed to require Brad R. Bolin to be medically examined and certified as physically fit to operate a commercial motor vehicle. Bolin International Luxury's failure to confirm that each of its drivers are medically examined and certified prior to requiring or permitting the operation of a commercial motor vehicle and maintaining documentation of the medical certificate in the driver qualification file is a violation of Title 49 C.F.R. 391.45(b)(1) and Title 49 C.F.R. 391.51(b)(7)(i), as adopted by K.A.R. 82-4-3g, and as authorized by K.S.A. 2010 Supp. 66-1,129. Staff recommends a fine in the amount of \$250.

- b. On October 1, 2011, Bolin International Luxury required or permitted its driver, Brad R. Bolin, to operate a commercial motor vehicle, a 2001 Lincoln Town Car Limousine (11 passengers including the driver), VIN [REDACTED], from Baxter Springs, Kansas to Pittsburg, Kansas. This trip is evidenced by a Service Sheet, dated October 1, 2011, a copy attached hereto as Attachment "C". At the time of this transportation, Bolin International Luxury did not possess Kansas Corporation Commission for-hire authority. Bolin International Luxury's commercial operation of motor vehicles prior to obtaining and maintaining

proper Commission authority is a violation of 49 C.F.R. 392.2, and K.S.A. 2010 Supp. 66-1,111, as adopted by K.A.R. 82-4-3h and authorized by K.S.A. 2010 Supp. 66-1,129. Staff recommends a fine of \$500.

IV. STAFF'S RECOMMENDATIONS

8. Based upon the available facts, Staff recommends the Commission find Bolin International Luxury committed two (2) violations of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSR), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

9. Additionally, Staff recommends a civil penalty of \$750 for two (2) violations of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Finally, Staff recommends that Bolin International Luxury submit to one follow-up safety compliance review within the next twelve (12) months. Staff will contact the motor carrier at a later date to determine an appropriate time for this review.

V. CONCLUSIONS OF LAW

11. The Commission finds it has jurisdiction over Bolin International Luxury because it is a motor carrier as defined in K.S.A. 66-1,108.

12. The Commission finds Bolin International Luxury committed two (2) violations of Kansas law that govern motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSR), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

THE COMMISSION THEREFORE ORDERS THAT:

A. Bolin International Luxury Transportation Services, LLC, of Baxter Springs, Kansas is hereby assessed a \$750 civil penalty for two (2) violations of Kansas law governing the regulation of motor carriers, the Kansas Administrative Regulations and provisions of the Federal Motor Carrier Safety Regulations, as adopted by the Kansas Administrative Regulations.

B. Bolin International Luxury is hereby ordered to submit to one follow-up safety compliance review within the next twelve (12) months.

C. **Pursuant to K.S.A. 77-537 and K.S.A. 77-542, and amendments thereto, any party may request a hearing on the above issues by submitting a written request, setting forth the specific grounds upon which relief is sought, to the Commission's Executive Director, at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604 within fifteen (15) days from the date of service of this Order.** If service is by certified mail, service is complete upon the date delivered shown on the Domestic Return Receipt. Hearings will be scheduled only upon written request. **Failure to timely request a hearing will result in a waiver of Bolin International Luxury's right to a hearing, and this Penalty Order will become a Final Order assessing a \$750 civil penalty against Bolin International Luxury, and ordering Bolin International Luxury to submit to a safety compliance review within twelve (12) months from the date of service of this Order.**

D. Attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. A corporation shall not be permitted to enter an appearance, except by its attorney.

E. If you do not request a hearing, the payment of the civil penalty is due in thirty (30) days from date of service of this Order. Checks and Money Orders shall be payable to the

Kansas Corporation Commission. For credit card payments, include type of card (Visa, MasterCard, Discover, or American Express), account number and expiration date. Payments shall be mailed to the Fiscal Section of the Kansas Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, Kansas 66604. *The payment shall include a reference to the docket number of this proceeding.*

F. Failure to pay the \$750 civil penalty within thirty (30) days of the service of this Penalty Order, and/or failure to comply with the provisions of this Order, may result in revocation of Bolin International Luxury's motor carrier operating authority without further notice. Additionally, the Commission may impose further sanctions to include, but not limited to, the issuance and enforcement of out-of-service and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

G. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further order or orders as it may deem necessary.

BY THE COMMISSION IT IS SO ORDERED.

Sievers, Chmn; Loyd, Com.; Wright, Com.

Dated: MAR 29 2012



ORDER MAILED MAR 29 2012

Patrice Petersen-Klein
Executive Director

AW

ATTACHMENT "A"



US DOT #
2088499

Legal: BOLIN INTERNATIONAL LUXURY TRANSPORTATION SERVICES LLC
Operating (DBA):

MC/MX #: 728776 State #: 168876 Federal Tax ID: [REDACTED] (EIN)

Review Type: Compliance Review (CR) - Receipt

Scope: Principal Office Location of Review/Audit: Company facility in the U. S. Territory: C

Operation Types Interstate Intrastate

Carrier: Non-HM Non-HM
Shipper: N/A N/A
Cargo Tank: N/A

Business: Corporation
Gross Revenue: \$20,000.00 for year ending: 12/31/2011

Company Physical Address:

1153 SE STAR ROAD
BAXTER, KS 66713

Contact Name: Brad R Bolin

Phone numbers: (1) [REDACTED] [REDACTED]
[REDACTED] [REDACTED]

Company Mailing Address:

P O BOX 662
BAXTER SPRINGS, KS 66713

Report Summary

Report	# of Pages
Part A - General	2
Part B - Violations	2
Part B - Recommendations	2
Review/Audit Receipt Page	1
Total Pages	7

Disclaimer: By signing below, I acknowledge that I have received a copy of this review/audit and agree with the total number of pages indicated (above) for each document. My signature does not imply agreement with the findings of the review/audit, however they have been discussed in detail with me.

QUESTIONS regarding this report or the Federal Motor Carrier Safety or Hazardous Materials rules may be addressed to the Office of Motor Carriers at:

Kansas Corporation Commission
Attn: Gary Davenport
1500 SW Arrowhead Rd Topeka, Ks 66604 (785) 271-3151

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Brad R Bolin

Title: President

Name:

Title:

Reported By: *M. W. [Signature]*

Title: *Special Investigator*

Code: KS8213

Date: 3/13/2012

Received By: *[Signature]*

Title: *President*





US DOT #
2088499

Legal: BOLIN INTERNATIONAL LUXURY TRANSPORTATION SERVICES LLC
Operating (DBA):

MC/MX #: 728776 State #: 168876 Federal Tax ID: [REDACTED] (EIN)

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Carrier: Non-HM Non-HM
Shipper: N/A N/A
Cargo Tank: N/A

Business: Corporation
Gross Revenue: \$20,000.00 for year ending: 12/31/2011

Company Physical Address:

1153 SE STAR ROAD
BAXTER, KS 66713

Contact Name: Brad R Bolin

Phone numbers: [REDACTED] [REDACTED]
[REDACTED] [REDACTED]

Company Mailing Address:

P O BOX 662
BAXTER SPRINGS, KS 66713

Carrier Classification

Authorized for Hire

Cargo Classification

Passengers

Does carrier transport placardable quantities of HM? No
Is an HM Permit required? N/A

Driver Information

	Inter	Intra	Average trip leased drivers/month: 0
< 100 Miles:			Total Drivers: 1
>= 100 Miles:	1		CDL Drivers:

Equipment

	Owned	Term Leased	Trip Leased	Owned	Term Leased	Trip Leased
Limousine, 9-15	2	0	0			

Power units used in the U.S.:2

Percentage of time used in the U.S.:100





BOLIN INTERNATIONAL LUXURY TRANSPORTATION SERVICES LLC

U.S. DOT #: 2088499

State #: 168876

Review Date:

03/13/2012

Part A

QUESTIONS regarding this report or the Federal Motor Carrier Safety or Hazardous Materials rules may be addressed to the Office of Motor Carriers at:

Kansas Corporation Commission
Attn: Gary Davenport
1500 SW Arrowhead Rd Topeka, Ks 66604 (785) 271-3151

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Brad R Bolin

Title: President

Name:

Title:





Part B Violations

1 STATE	Primary: 390.19(i)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 0	Checked 0
<p>Description Failure to update MCS-150 at least every 12 months as per 82-4-3f(a)(7)(G).</p> <p>Example Carrier was due to update MCS-150 on 09-2011 and did not update until 03-05-12</p>					
2 FEDERAL	Primary: 391.51(b)(3)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
<p>Description Failing to maintain road test certificate in driver's qualification file, or copy of license or certificate the motor carrier accepted as equivalent.</p> <p>Example Driver name: Bradley R Bolin Trip date: 11-11-11 At the time of this trip and the time of this review, the carrier did not have a road test, certificate, or equivalent in his driver.</p>					
3 FEDERAL	Primary: 391.51(b)(5)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
<p>Description Failing to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2).</p> <p>Example Driver name: Bradley R Bolin Trip date: 11-11-11 At the time of this trip and the time of this review, the carrier did not have annual review of driving record in the driver file.</p>					
4 FEDERAL	Primary: 391.51(b)(6)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
<p>Description Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27.</p> <p>Example Driver name: Bradley R Bolin Trip date: 11-11-11 At the time of this trip and the time of this review, the carrier did not have any certificate of violations in the only drivers file.</p>					
5 FEDERAL	Primary: 391.51(b)(7)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
<p>Description Failing to maintain medical examiner's certificate in driver's qualification file.</p> <p>Example Driver name: Bradley R Bolin Trip date: 11-11-11 At the time of this trip and the time of this review, the carrier did not have medical certificate in his driver file that would cover this trip. Carrier did not have any medical certificate in his driver file at all, expired or otherwise.</p>					





Part B Violations

6 STATE	Primary: 66-1,112 CFR Equivalent: 392.2	Discovered 1	Checked 1	Drivers/Vehicles In Violation 0	Checked 0
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Description

No Common Carrier Authority- Intrastate Point to Point

Example

Driver name: Bradley R Bolin

Trip date: 10-1-11

Baxter Springs Kansas to Pittsburg, Ks

1004 Abbey Lane in Pittsburg, Ks to Timmons Chapel at Pittsburg State University, Pittsburg, Ks

At the time of this trip, the carrier did not possess any Kansas Corporation Commission For Hire authority. I notified the carrier by phone call 03-11-11 about a delinquent UCR issue and the fact they had no for hire authority in the State of Kansas and they were required to apply. The carrier applied on 02-14-12 and received their Kan C on 03-05-12.

The carrier now has a valid federal operating authority, and local state authority, as well as paid in full UCR.

7 FEDERAL	Primary: 396.3(b)(1)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
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Description

Failing to keep a maintenance record which identifies the vehicle, including make, serial number, year, and tire size.

Example

Company has 2 2001 Lincoln Town car limos that the carrier actually had maintenance information for, but the files did not identify the vehicles as required in this part.

8 FEDERAL	Primary: 396.19(b)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
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Description

Failing to maintain evidence of inspector's qualifications.

Example

Inspectors name: Taylor Spruce and Stan Martin

Dates: 07-1-11 and 02-22-11 respectively

Trip date: 11-11-11

Joplin, Mo to Rogers, Ar

Carrier had 2 limos inspected by 2 different inspectors. A letter of qualification was with one of the annual inspections and was not completed or signed. The other inspection had no letter blank or otherwise.

Safety Fitness Rating Information:	
Total Miles Operated	30,000
Recordable Accidents	0
Recordable Accidents/Million Miles	0.00

OOS Vehicle (CR):	0
Number of Vehicle Inspected (CR):	0
OOS Vehicle (MCMIS):	0
Number of Vehicles Inspected (MCMIS):	0

Your proposed safety rating is :

SATISFACTORY

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

Corrective actions must be taken for any violations (deficiencies) identified on Part B of this report.





Part B Requirements and/or Recommendations

1. For all Investigations:

• **Understand Why Compliance Saves Time and Money:** Compliance with FMCSRs will not only save lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business.

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

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

• **NOTICE:** 49 CFR Part 391.23 requires prospective employers to, at a minimum, investigate a driver's employment information, crash record, and alcohol and controlled substances history from all employers the driver worked for within the previous 3 years.

The Pre-Employment Screening Program (PSP) is a screening tool that assists motor carriers in investigating crash history and roadside safety performance of prospective drivers. The PSP allows motor carriers to purchase 5 years of crash data and 3 years of roadside inspection data from the Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Management Information System (MCMIS). Records are available 24 hours a day via Web request. Motor carriers should visit the following website for more information:
<http://www.psp.fmcsa.dot.gov/Pages/default.aspx>

• All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities.

**2. Within 15 days send a letter to our office explaining your actions taken to remedy a non-compliance status. Mail to Kansas Corporation Commission, 1500 SW Arrowhead RD. , Topeka, KS 66604-4027
Attention: Gary Davenport**

3. Driver shall not drive Intrastate/Interstate until they have physically examined and re-examined each 24 months.

4. All Driver Files are to include a properly signed and executed Road Test and Road Test Certificate for Commercial Motor Vehicles. A current CDL may be used in place of Road Test or Certificate. Tank vehicles , twin and triple trailers are exempt from allowing the CDL in place of the road test.

5. Each Driver Qualification File must contain a properly executed and signed Certification of Violations and a Annual Review of Driving Record completed yearly.

6. Maintain letters or certificates of qualifications for all persons performing annual periodic inspections on commercial motor vehicles.

7. Make certain that all vehicles that qualify as Commercial Motor Vehicles have a maintenance file that describes the vehicle by the make, model, year, VIN, tire size, unit number, and if the vehicle is leased or owned. Carrier needs to be certain that all repairs and parts are properly entered in the maintenance file as well as the receipts for such parts or repairs.





Part B Requirements and/or Recommendations

8. Make certain that your USDOT number is updated at least every year as required by the last digit of your USDOT number.
9. Make certain that all drivers utilizing the 100 or 150 air mile radius exemption are utilizing proper time sheets or time records that document compensated time as well as show the time the driver reports for work, time when they complete work each day as well as the total hours worked for each day.
10. If you want some drivers to use the 100 air-mile radius exemption, make sure that the drivers meet all terms of the exemption, including being released from duty no more than 12 hours from when they report for duty. Logs must be prepared if a driver does not meet the 12 hour requirement.



ATTACHMENT "B"

EXECUTIVE LIMOUSINE SERVICE

PO Box 662
Baxter Springs, Kansas 66713

Service Sheet

Date of Service: 11-11-11

Client Name: Jawa Lee

10/91
White 10
Passenger

Client Phone: 417-529-4423

Pick-Up Time: 4:00 PM. 4-10 PM. (6 HRS)

Pick up Location: 6118 W. Highland Drive, Joplin.

Drop Off Location: Going to Pinnacle Hills Resort, AR

Hours of Service: 6 HRS.

Credit Card: PD Exp: 6:45 PM

Cash: _____ Amount: \$330⁰⁰

Reservation Fish Bone. 705.
6:11-7:15

ATTACHMENT "C"

EXECUTIVE LIMOUSINE SERVICE

PO Box 662

Baxter Springs, Kansas 66713

Service Sheet

SATURDAY

Date of Service: 10-1-11 Wedding

Client Name: Jeff Sanchez

Client Phone: 620 404 9665

Pick-Up Time: 1245 - 5:45 5 HRS.

Pick up Location: 1004 Abbey Lane, Pittsburg

Drop Off Location: Going To Truman Chappelle @ BSU, J

Hours of Service: Memorial Airl.

Credit Card: 5 HRS. Exp: _____

Cash: _____ Amount: 265⁰⁰.

White Line

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET TO THE FOLLOWING:

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
Brad R. Bolin, PRESIDENT Bolin International Luxury transportation Services, LLC PO Box 662 Baxter Springs, KS 66713		
AMBER WHITLOCK, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604-4027 ***Hand Delivered***		

ORDER MAILED **MAR 29 2012**

The Docket Room hereby certified that on this _____ day of _____, 20____, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.