

4. The FMCSA administers and enforces the federal trucking laws and the regulations issued under these laws. These laws and regulations are written to ensure, among other things, that truck drivers fully comply with the responsibilities imposed on them to operate their vehicles in a safe and unimpaired manner, and that the physical condition of the drivers is adequate to enable them to operate their vehicles safely.

5. Among the federal regulations for CMV truck drivers relating to the safe operation of their vehicles are the following:

- a. Limiting the maximum daily allowable driving hours which truck drivers may drive. These regulations include two general rules for the maximum allowable number of daily driving hours. The "11 Hour Rule" which provides that once a CMV truck driver accumulates 11 hours of driving time, that driver may not drive again until he or she has at least 10 consecutive hours off duty. Further the "14 Hour Rule" which provides that once a CMV truck driver has been "on-duty" for 14 hours, whether driving or not, that driver may not drive again until he or she has had 10 consecutive hours off-duty. Finally, these regulations limit the maximum allowable driving hours which CMV truck drivers may drive over an 8 day period. The "70 Hour Rule" provides that a CMV truck driver may not operate a CMV after accumulating 70 hours of duty time, whether driving or not, over the last 8 days.
- b. Requiring truck drivers to maintain truthful and accurate driver daily logs which reflect the driver's duty status, locations, and the daily number of hours spent driving, on-duty but not driving, in the sleeper berth, and off-duty.
- c. Requiring a truck driver to comply with all laws, ordinances and regulations in the jurisdiction in which the truck is being operated.

6. To ensure that motor carriers and truck drivers comply with the maximum hours-of-service limitations, truck drivers are required by federal regulations to record all daily

activities, including driving time, on a form called "Record of Duty Status." This form is commonly referred to as a "Driver's Daily Log."

7. Federal regulations mandate that truck drivers certify the truthfulness and accuracy of the driver's daily logs by signing their names to each log.

8. Federal regulations further require that commercial motor carriers maintain their employee's driver's daily logs and supporting documents for those logs for at least six months.

9. The primary means by which FMCSA inspectors enforce the federal highway safety regulations relating to the limits on truck drivers' hours-of-service is to inspect the drivers' daily logs to determine the number of driving hours, on-duty hours, and off-duty hours and compare those logs with supporting documents maintained by the motor carrier.

DEFENDANT'S SCHEME TO MAKE FALSE STATEMENTS

10. The defendant, VALERIJS NICKOLAEVICH BELOVS, prepared and maintained false and fraudulent drivers' daily logs, and concealed from the US DOT and the FMCSA that he was routinely exceeding the maximum number of driving hours and "on-duty" hours without the required hours off-duty, and was otherwise driving in violation of federal law.

11. The defendant knowingly disregarded federal highway safety regulations by:

- a) Operating commercial trucks in violation of federal highway safety regulations;
- b) Exceeding the limitations on the maximum allowable number of hours driving and/or on-duty;
- c) Preparing and maintaining false and fraudulent driver's daily logbooks to conceal violations of regulations governing the maximum allowable

number of daily driving hours.

12. Defendant VALERIJS NICKOLAEVICH BELOVS knowingly and willfully drove interstate commercial truck routes which defendant knew required excessive hours of driving time and excessive hours of "on-duty" time, without allowing for the required hours of rest or "off-duty" time.

13. Defendant VALERIJS NICKOLAEVICH BELOVS, knowingly concealed violations of federal motor carrier safety regulations from federal and state officials and agents who reviewed and inspected the drivers' daily logbooks.

14. Defendant VALERIJS NICKOLAEVICH BELOVS made false statements to the DOT by preparing and maintaining false and fraudulent driver's daily logs which stated that he was driving in compliance with federal highway safety regulations, including limits on the maximum number of driving hours and "on duty" hours, when in fact, as he well knew, he was exceeding the maximum number of driving hours and "on duty" hours without the required 10 consecutive hours off duty, and was otherwise driving in violation of federal law.

15. In January 2009, the defendant VALERIJS NICKOLAEVICH BELOVS was driving a multi-ton 1997 Kenworth Truck Tractor with a 2001 Utility Trailer.

16. On or about the dates listed below, in the Eastern District of Pennsylvania, and elsewhere, the defendant

VALERIJS NICKOLAEVICH BELOVS,

in a matter within the jurisdiction of the executive branch of the United States government, the Federal Motor Carrier Safety Administration (FMCSA), and the Department of Transportation, an agency of the United States, knowingly and willfully falsified, concealed, and covered up by trick, scheme and device, certain material facts, that is, the defendant **VALERIJS**

NICKOLAEVICH BELOVS prepared and maintained for inspection by the FMCSA, false and fictitious driver's daily logs which the defendant knew to be false and fictitious, in that, on each of the following dates between December 19, 2008 and January 23, 2009, he made the following false entries in his driver daily logbook:

<u>COUNT</u>	<u>DATE</u>	<u>DESCRIPTION OF FALSE STATEMENT</u>
1.	12/20/08 - 1/14/09	Defendant falsely stated in driver daily logbook #3, that he was off-duty during the entire period of 12/20/08 through 1/14/09, when in fact, he was actually driving in New Jersey, Pennsylvania, Illinois, Ohio, and Indiana on various dates between January 6, 2009 through January 10, 2009 and January 12, 2009 through January 14, 2009.
2.	12/23/08- 1/12/09	Defendant falsely stated in driver daily logbook #4, that he was off-duty during the entire period of 12/23/08 through 1/12/09, when in fact, he was actually driving in New Jersey, Pennsylvania, Illinois, Ohio, and Indiana on various dates between January 6, 2009 through January 10, 2009 and January 12, 2009.

<u>COUNT</u>	<u>DATE</u>	<u>DESCRIPTION OF FALSE STATEMENT</u>
3.	12/28/08 - 1/18/09	Defendant falsely stated in driver daily logbook #1, that he was off-duty during the entire period of 12/28/08 through 1/18/09, when in fact, he was actually driving in New Jersey, Pennsylvania,

Illinois, Ohio, Missouri, Oklahoma, New Mexico, Arizona and Indiana on various dates between January 6, 2009 through January 10, 2009 and January 12, 2009 through January 18, 2009.

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| 4. | 1/7/09 | Defendant falsely stated in driver daily logbook #2 for 1/7/09 that he was in the sleeper berth in Hubbard, OH from 1:45 am to 3:15 pm, when in fact, he was not in the sleeper berth in Ohio, but was actually driving on the Pennsylvania Turnpike at 7:45 am and 9:26 am. |
| 5. | 1/13/09 | Defendant falsely stated in driver daily logbook #4 for 1/13/09 that he was driving to Lamar, PA from 1:30 pm to 5:00 pm, and was off-duty in Lamar, PA from 5:00 pm to 6:00 pm, when in fact, he was not driving or off-duty in Lamar, PA, but actually was driving in Malaga, NJ at 4:43 pm and on the Benjamin Franklin Bridge at 5:17 pm. |
| 6. | 1/14/09 | Defendant falsely stated in driver daily logbook #4 for 1/14/09 that he was in the sleeper berth in Lamar, PA from midnight to 4:30 am, and on-duty in Akron, OH from 8:15 am to 9:15 am, when in fact, he was not in the sleeper berth in Lamar, PA, but actually was driving on the Pennsylvania Turnpike (Delaware Valley interchange) at 12:02 am and was not in Akron, OH, but was driving on the Pennsylvania Turnpike (Pocono interchange) at 8:21 am. |

In addition, defendant falsely stated that he was in the sleeper berth in Chicago, IL from 5:15 pm to midnight, when in fact, he was actually driving in Ohio, Indiana and Illinois during that time.

- | <u>COUNT</u> | <u>DATE</u> | <u>DESCRIPTION OF FALSE STATEMENT</u> |
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| 7. | 1/15/09 | Defendant falsely stated in driver daily logbook #3 for 1/15/09 that he was driving from Chicago, IL to Sullivan, MO from 10:45 am to 6:15 pm, and |

that he was off-duty in Sullivan, MO from 6:15 pm to midnight, when in fact, he was not driving or off-duty in Sullivan, MO, but actually was driving in Chicago, IL during these times.

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| 8. | 1/15/09 | Defendant falsely stated in driver daily logbook #4 for 1/15/09 that he was off-duty in Chicago, IL from 5:45 am to midnight, when in fact, he was not off-duty but actually was driving in Chicago, IL during these times. |
| 9. | 1/16/09 | Defendant falsely stated in driver daily logbook #3 for 1/16/09 that he was off-duty in Sullivan, MO all day, when in fact, he was not off-duty but actually was driving in Illinois during that day. |
| 10. | 1/17/09 | Defendant falsely stated in driver daily logbook #3 for 1/17/09 that he was off-duty in Amarillo, TX from 1:00 pm to 2:00 pm, and was in the sleeper berth from 2:00 pm to midnight, when in fact, he was not off-duty or in the sleeper berth in Amarillo, TX at these times, but actually was driving in Missouri and Oklahoma during these times. |
| 11. | 1/18/09 | Defendant falsely stated in driver daily logbook #3 for 1/18/09 that he was in the sleeper berth in Kingman, AZ from 1:00 pm to 11:00 pm, when in fact, he was actually was driving in New Mexico and Arizona during these times. |
| 12. | 1/19/09 | Defendant falsely stated in driver daily logbook #1 for 1/19/09 that he was off-duty in Anaheim, CA from midnight to 1:30 pm, when in fact, he was actually was driving in Anaheim, CA at 10:58 am and again at 1:25 pm. |

<u>COUNT</u>	<u>DATE</u>	<u>DESCRIPTION OF FALSE STATEMENT</u>
13.	1/20/09	Defendant falsely stated in driver daily logbook #1 for 1/20/09 that he was in the sleeper berth in Kingman, AZ from 4:15 am to 2:15 pm, when in

fact, he was actually was driving in California at approximately 1:56 pm.

In addition, defendant falsely stated that he was driving from Kingman, AZ to Rio Puerco, NM from 2:30 pm to 9:00 pm, when in fact, he was actually driving in California during these times.

14. 1/21/09

Defendant falsely stated in driver daily logbook #1 for 1/21/09 that he was in the sleeper berth in Amarillo, TX from 2:15 am to 12:15 pm, when in fact, he was actually was driving in New Mexico during these times.

15. 1/22/09

Defendant falsely stated in driver daily logbook #1 for 1/22/09, that between the hours of 9 pm and midnight, he was in the sleeper berth in Wyethville, VA, when in fact, he was actually driving from approximately 9:00 pm until 1:30 am from Wyethville, VA to Carlisle, Pennsylvania, then rested at the Carlisle rest area between 1:30 am and approximately 7:00 am. The defendant started driving again at approximately 7:00 am in Carlisle, Pennsylvania until approximately 9:25 am when he stopped driving on the Schuylkill Expressway in Philadelphia, Pennsylvania.

All in violation of Title 18, United States Code, Section 1001.

A TRUE BILL:

GRAND JURY FOREPERSON

ZANE DAVID MEMEGER
United States Attorney