

NEWS RELEASE

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For Immediate Release

A CUBA, MISSOURI COMMERCIAL TRUCKING COMPANY, ITS OWNER AND AN EMPLOYEE ARE INDICTED ON DEPARTMENT OF TRANSPORTATION AND ENVIRONMENTAL VIOLATIONS

St. Louis, Missouri: A Cuba, Missouri commercial trucking company, its owner and an employee were indicted earlier this afternoon on Department of Transportation and environment violations, United States Attorney Ray Gruender announced today.

This case was investigated by the Environmental Protection Agency-Criminal Investigation Division, the Department of Transportation, Office of Inspector General and the Federal Motor Carrier Safety Administration. Special Assistant United States Attorney Anne E. Rauch is handling the case for the U.S. Attorney's Office.

DAVID VOSS, 56; MERRY ROBINSON, 43, both of Cuba, Missouri; and VOSS TRANSPORTATION, INC., located at Highway 19 and 44, Cuba, Missouri; were indicted by a federal grand jury on multiple felony counts which include conspiracy to make false statements to a federal governmental agency, conspiracy to make false statements and violation of the Clean Air Act, violation of the Clean Water Act and failure to notify a federal agency of a harmful discharge of oil.

If convicted, these defendants faces maximum penalties of five years in prison and/or a fine of \$250,000 on Counts I, II, and IV. Count III, Violation of the Clean Water Act, carries a maximum penalty of one year in prison and/or a fine of \$25,000.

According to the indictment, between April 2000 and June 2001, the above defendants directed

Voss drivers to drive in violation of federal safety regulations by exceeding the number of driving hours permitted by federal regulation. The indictment alleges that Voss, as the owner and Robinson, a dispatcher, conspired with others to conceal the fact that Voss Transportation drivers were driving over legally allowed hours. It was further part of the conspiracy that they caused drivers to conceal from regulators illegal trips dispatched by Voss and Robinson and another dispatcher by "dropping" (not recording) illegal trips from log books or record of duty status reports. The indictment alleges that a driver was dispatched over-hours on April 24, 2000 and was killed in a fatal accident. Following this fatal accident, David Voss admitted that drivers drove over-hours.

The indictment further alleges that between April and August 2000, drivers were paid for "dropped" illegal trips with standard paychecks, even though they were not recorded in the driver's log books presented to regulators. In August 2000, regulators discovered drivers "dropping" loads from their log books and issued a compliance order requiring that Voss be in compliance with and assure compliance with all regulations pertaining to motor carrier safety and hazardous material. Instead, Robinson and Voss developed and implemented an "X" load system whereby drivers submitted odometer readings and/or delivery tickets designated by an "X" for excess trips/loads that were in excess of the maximum allowable number or hours. Beginning in September 2000, after regulators discovered driver violations by reviewing pay sheets and bills of lading, drivers were paid for "X" loads on bonus pay sheets to conceal the discovery of illegal loads upon review of standard pay sheets. David Voss allegedly approved bonus pay checks showing payment for illegal loads before it was submitted to payroll.

The indictment also alleges that the defendants sold conventional gasoline at two service stations, Voss Express 103 in Pacific, Missouri and Voss Express 104 in Union, Missouri, when they were required to sell reformulated gasoline. Reformulated gasoline is required in certain areas in cities that are not in compliance with the Clean Air Act. Voss and dispatchers conspired to violate federal law by directing drivers not to leave bills of lading which would show transfer of conventional gasoline at service stations that required reformulated gasoline.

The indictment also alleges that on March 5, 2001, Defendant Voss and Voss Transportation negligently caused the discharge of diesel fuel into waters of the United States in violation of the Clean Water Act.

Finally, the indictment alleges that on March 4, 2001 and thereafter, Voss and Robinson failed to notify the National Response Center about an oil spill from diesel tanks at the Voss Truck Port into Pleasant Valley Creek, a tributary of the Meramec River.

The charges set forth in an indictment are merely accusations, and each defendant is presumed innocent until and unless proven guilty.