

Tips to Combat Scams

1. Use known carriers with verifiable website addresses, an email address hosted by the same URL, a landline phone number, and a fax number (be careful—incoming fax numbers of authorized carriers can be scammed).
2. In general, use only carriers which have been in business for at least two years.
3. Request references from previous and current clients, if not using a known carrier.
4. Never specify the commodity or its value when posting high value loads on the Internet.
5. Never allow the double brokerage of loads, unless to a previously known carrier, and never for a high value shipment.
6. Search online to confirm that a company exists (print out all information and check documents for authenticity).
7. Require consignor to obtain driver's I.D. information up front from a carrier (include copies, photographs and documentation at pickup—two sets of identification preferred).
8. Get close-up photo or video of driver (make sure driver knows he is being photographed).
9. Issue and email a release number to carrier's corporate office for driver to present at time of pickup.
10. Run credit or background report on carrier.
11. Obtain truck information and confirm unit number and VIN number with insurance agent (verify insurance agency is legitimate). Check particulars of coverage with alleged insurance agent.
12. Require driver to sign BOL and also print name and check against CDL.
13. Check documentation for correctness in spelling and confirm tax I.D. number.
14. Observe driver behavior, especially if there is significant pushback against security protocols such as signature, photograph, etc.
15. If theft occurs, be certain to retain all documents as untouched as possible for potential DNA and fingerprinting, and be prepared to provide truck and driver information to law enforcement immediately.
16. Develop police rapport up front (both local and along route, especially for high value shipments).

Continued on the next page.

PROTECTING CARGO

PART TWO

Continued

The laundry list on the previous page, is not foolproof, nor can it be implemented without the shipper's active support and cooperation. Ensure that the shipper knows the name of the trucking company, as well as the driver name and unit number, scheduled by a broker to make pickup, and that the shipper will not surrender the load to anyone else without approval. When brokering loads, contact an authorized carrier's home office to verify anyone claiming to be an agent and send all load confirmations to the official email or fax number identified on the FMCSA website at time of booking.

Be savvy about unknown carriers calling for posted loads from certain high risk area codes and those offering only references from unknown customers in the same geographical region.

Some added precautions, particularly for high value and loads which can be easily fenced are as follows:

1. Use covert tracking in the load and live monitor the tracker
2. Geofence the routes so if the driver goes off route the tracker will provide in-time notice.
3. Check use of gas or cash cards during transport to confirm that driver is on route and on schedule.
4. Monitor non-overt tracking in cab and if it stops sending, activate response protocols.

It is sad but true, but law enforcement and government help in recovering stolen loads is spotty, at best. Theft of goods in interstate commerce is a federal crime, but it is way down the list of things the FBI views as its mandate. Local

police are reluctant to accept responsibility for processing larceny by fraud claims because (1) strong arm tactics are not involved; (2) they claim the location of the actual crime is difficult to pinpoint; and (3) no local jurisdiction wants the additional high crime theft on its record.

Getting plugged in with the few government sponsored special crime units dealing with the issue and third party private and cooperative efforts is particularly important. Remember, most of the crooks follow the same M.O. or "Modus Operandi." The best defense for those involved in high value shipments is to know when, where and how the most recent identity thefts have occurred. This is the reason it is imperative you be able to prove, through documented proof, your negotiations, signed contracts and load confirmation sheets were executed by someone with apparent authority at the home office of the carrier or broker.

Do not assume you have recourse to the carrier you think booked or accepted the load in identity theft situations, unless you can prove that the carrier was actually in possession of the goods under the bill of lading contract, or was so complicit in the criminal activity as to be legally responsible. **TT**



Henry E. Seaton, Esq.
Seaton & Husk, LP
2240 Gallows Road
Vienna, VA 22182
Tel: 703-573-0700
Fax: 703-573-9786
heseaton@aol.com
www.transportationlaw.net