

1500 SW Arrowhead Road
Topeka, KS 66604-4027



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

Shari Feist Albrecht, Chair
Jay Scott Emler, Commissioner
Pat Apple, Commissioner

Sam Brownback, Governor

NOTICE OF PENALTY ASSESSMENT

May 14, 2015

15-TRAM-513-PEN

Galen Critchfield, Owner
d/b/a Outdoor Supply & Service
29025 W 335th St
Osawatomie, Kansas 66064

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 18, 2015, by Kansas Corporation Commission Special Investigator Wade Patterson. 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 \$1,650 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 Transportation Division 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 faxing your credit card information to the Transportation Office at 785-271-3124, using the KCC's credit card payment form found at <http://kcc.ks.gov/trans/creditcard.pdf>.

You must attend a Commission-sponsored safety seminar within the next ninety (90) days and provide Staff with written proof of attendance. A schedule of dates and locations for the safety seminar can be found at the Commission's website http://www.kcc.state.ks.us/trans/safety_meetings.htm.

You must submit to one follow-up safety compliance review within the next 18 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 Secretary 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; K.S.A. 2014 Supp. 77-542.

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 operating authority.

Respectfully,

Michael J. Duenes
Litigation Counsel
(785) 271-3181

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

Before Commissioners: Shari Feist Albrecht, Chair
 Jay Scott Emler
 Pat Apple

In the Matter of the Investigation of **Galen**)
Critchfield, d/b/a Outdoor Supply & Service,)
of Osawatomie, Kansas, Regarding the)
Violation of the Motor Carrier Safety Statutes,) Docket No. 15-TRAM-513-PEN
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, having been briefed on the issue by the Director of the Commission's Transportation Division, finds and concludes as follows:

I. JURISDICTION

1. Pursuant to K.S.A. 2014 Supp. 66-1,108b, 66-1,111, 66-1,112, 66-1,114, 66-1,114b and 66-1,115, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in K.S.A. 2014 Supp. 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. 2014 Supp. 66-1,129a, 66-1,130 and 66-1,142b, 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. Galen Critchfield, d/b/a Outdoor Supply & Service (Outdoor Supply & Service) operates under USDOT number 1553486.

5. Outdoor Supply & Service is an interstate carrier that utilizes one (1) truck which has a GVWR greater than 10,001 pounds.

6. Outdoor Supply & Service is a private motor carrier which primarily hauls scrap metal and car parts.

III. STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, on March 18, 2015, Commission Staff (Staff) Special Investigator Wade Patterson conducted a compliance review of the operations of Outdoor Supply & Service. 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. Patterson identified four (4) violations of the Motor Carrier Safety Regulations.

- a. On March 2, 2015, Outdoor Supply & Service required or permitted its driver, Galen Critchfield, to operate a commercial motor vehicle, a 1997 Dodge truck, VIN ending 571728 in interstate commerce from Osawatomie, Kansas to Kansas City, Missouri. This trip is evidenced by an Outdoor Supply & Service order ticket, dated March 2, 2015, a copy of

which is attached hereto as Attachment “B” and is hereby incorporated by reference. At the time of this transportation, Outdoor Supply & Service failed to pay Uniform Commercial Registration fees for the year of 2015, allowing it to operate on the highways in the United States. Outdoor Supply & Service’s failure to annually register its commercial motor vehicle(s) operating in interstate commerce over the highways of this state and to pay the appropriate Unified Carrier Registration (UCR) fees as set out in 49 C.F.R. 367.30, is a violation of K.A.R. 82-4-30a, as authorized by K.S.A. 2014 Supp. 66-1,139a and K.S.A. 2014 Supp. 66-1,129. Staff recommends a fine of \$300.

- b. During the transportation described in paragraph a., above, Outdoor Supply & Service failed to make an inquiry every 12 months into the annual motor vehicle record (MVR) of its driver and maintain the response(s) of each state agency in the driver qualification file. Outdoor Supply & Service’s failure to inquire into its driver’s MVR at least once every 12 months and maintain a copy of the MVR in the driver qualification file is a violation of 49 C.F.R. Part 391.25(a) and (c), as adopted by K.A.R. 82-4-3g, as authorized by K.S.A. 2014 Supp. 66-1,112. Staff recommends a fine of \$100.
- c. During the transportation described in paragraph a., above, Outdoor Supply & Service failed to require its driver to make a record of duty status showing the date, start time, end time, and number of hours worked. The special investigator found 30 violations of this type. The carrier’s

failure to require its driver to keep records of duty status for each 24-hour period using the method described in 49 C.F.R. 395.8(a) and to submit the original record to the motor carrier within 13 days of creation is in violation of 49 C.F.R. 395.8(a), as adopted by K.A.R. 82-4-3a and authorized by K.S.A. 2014 Supp. 66-1,129. Staff recommends a fine in the amount of \$750.

- d. During the transportation described in paragraph a., above, Outdoor Supply & Service permitted this transportation without first obtaining and documenting a successful periodic (annual) inspection on the commercial motor vehicle during the preceding 12-month period. This violation is evidenced by the absence of a periodic (annual) inspection report in the maintenance file of the vehicle at the time of the compliance review. Outdoor Supply and Service's failure to conduct periodic (annual) inspections on commercial motor vehicles is a violation of 49 C.F.R. 396.17(a), as adopted by K.A.R. 82-4-3j, and as authorized by K.S.A. 2014 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 Outdoor Supply & Service committed four (4) violations of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), 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 \$1,650 for four (4) violations of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that Outdoor Supply & Service be required to attend a Commission-sponsored safety seminar within the next ninety (90) days and provide Staff with written proof of attendance. A schedule of the dates and locations for the safety seminar can be found on the Commission's website at http://kcc.ks.gov/trans/safety_meetings.htm.

11. Finally, Staff recommends that Outdoor Supply & Service submit to one follow-up safety compliance review within the next eighteen (18) months. Staff will contact the motor carrier at a later date to determine an appropriate time for this review.

V. CONCLUSIONS OF LAW

12. The Commission finds it has jurisdiction over Outdoor Supply & Service because it is a motor carrier as defined in K.S.A. 2014 Supp. 66-1,108.

13. The Commission finds Outdoor Supply & Service committed four (4) violations of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), 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. Galen Critchfield, d/b/a Outdoor Supply & Service, of Osawatomie, Kansas is hereby assessed a \$1,650 civil penalty for four (4) 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. Outdoor Supply & Service is hereby ordered to attend a Commission-sponsored safety seminar within the next ninety (90) days and is to provide Staff with written proof of

attendance. Further, Outdoor Supply & Service is ordered to submit to one follow-up safety compliance review within the next eighteen (18) months.

C. Pursuant to K.S.A. 2014 Supp. 77-537 and K.S.A. 77-542, 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 Secretary, 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 Outdoor Supply & Service's right to a hearing, and this Penalty Order will become a Final Order assessing a \$1,650 civil penalty against Outdoor Supply & Service, and ordering Outdoor Supply & Service to attend a Commission-sponsored safety seminar within the next ninety (90) days and provide Staff with written proof of attendance, and to submit to a safety compliance review within eighteen (18) 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. For civil penalties exceeding \$500, a corporation shall appear before the Commission by its attorney, unless waived by the Commission for good cause shown and a determination that such waiver is in the public interest. K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2); K.A.R. 82-1-202(a). For civil penalties of \$500 or less, a corporation may appear by a duly authorized representative of the corporation. K.S.A. 2014 Supp. 66-1,142b(e) and amendments thereto.

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 Transportation Division 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 \$1,650 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 Outdoor Supply & Service'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.

Albrecht, Chair; Emler, Commissioner; Apple, Commissioner

Dated: _____

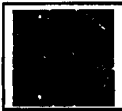
Amy L. Gilbert
Secretary

MJD

ATTACHMENT "A"

	US DOT # 1553486	Legal: GALEN CRITCHFIELD Operating (DBA): OUTDOOR SUPPLY & SERVICE			
MC/MX #:		Federal Tax ID:			
Review Type: Compliance Review (CR)					
Scope: Principal Office		Location of Review/Audit: Company facility in the U. S.			Territory:
Operation Types		Interstate	Intrastate		
Carrier: Non-HM		N/A			
Shipper: N/A		N/A			
Cargo Tank:		N/A			
		Business: Corporation			
		Gross Revenue: for year ending: 12/31/2014			
Company Physical Address:					
Contact Name: Galen Critchfield					
Phone numbers: (1)			Fax		
E-Mail Address:					
Company Mailing Address:					
29025 W 335TH ST OSAWATOMIE, KS 66064					
Carrier Classification					
Private Property					
Cargo Classification					
Other: scrap metal					
Equipment					
	Owned		Term Leased	Trip Leased	
Truck	1	0	0		
Owned Term Leased Trip Leased					
Power units used in the U.S.: 1					
Percentage of time used in the U.S.: 100					
Does carrier transport placardable quantities of HM? No					
Is an HM Permit required? N/A					
Driver Information					
	Inter	Intra			
< 100 Miles:	1		Average trip leased drivers/month: 0		
>= 100 Miles:			Total Drivers: 1		
			CDL Drivers: 0		



	OUTDOOR SUPPLY & SERVICE (GALEN CRITCHFIELD dba) U.S. DOT #: 1553486	Review Date: 04/13/2015						
Part A								
QUESTIONS regarding this report may be addressed to the Kansas Corporation Commission at: 1500 SW Arrowhead Road Topeka, Kansas 66604 Telephone (785)640-9132								
This report will be used to assess your safety compliance.								
<table border="0"><tr><td colspan="2" data-bbox="99 525 893 556"><u>Person(s) Interviewed</u></td></tr><tr><td data-bbox="99 556 893 588">Name: Galen Critchfield</td><td data-bbox="893 556 1537 588">Title: Owner/Operator</td></tr><tr><td data-bbox="99 588 893 642">Name:</td><td data-bbox="893 588 1537 642">Title:</td></tr></table>			<u>Person(s) Interviewed</u>		Name: Galen Critchfield	Title: Owner/Operator	Name:	Title:
<u>Person(s) Interviewed</u>								
Name: Galen Critchfield	Title: Owner/Operator							
Name:	Title:							

Draft



OUTDOOR SUPPLY & SERVICE (GALEN CRITCHFIELD dba) U.S. DOT #: 1553486				Review Date: 04/13/2015	
Part B Violations					
1 FEDERAL CRITICAL	Primary: 395.8(a)	Discovered 30	Checked 30	Drivers/Vehicles In Violation	Checked 1
Description Failing to require driver to make a record of duty status. Example On 03/02/2015 drove a CMV a 1997 Dodge VIN# 571728 in commerce from Osawatomie Kansas to Kansas City Missouri. At the time of this trip and at the review, this carrier was in violation.					
2 FEDERAL	Primary: 367.30	Discovered 1	Checked 1	Drivers/Vehicles In Violation	Checked 1
Description Fail to pay current years UCR and operating in interstate commerce. Example On 03/02/2015 drove a CMV a 1997 Dodge VIN# 571728 in commerce from Osawatomie Kansas to Kansas City Missouri. At the time of this trip and at the review, this carrier was in violation.					
3 FEDERAL	Primary: 391.21(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation	Checked 1
Description Using a driver who has not completed and furnished an employment application. Example On 03/02/2015 drove a CMV a 1997 Dodge VIN# 571728 in commerce from Osawatomie Kansas to Kansas City Missouri. At the time of this trip and at the review, this carrier was in violation.					
4 FEDERAL	Primary: 391.25(c)(1)	Discovered 1	Checked 1	Drivers/Vehicles In Violation	Checked 1
Description Failing to maintain a copy of the motor vehicle record or response from each State agency in the driver qualification file. Example On 03/02/2015 drove a CMV a 1997 Dodge VIN# 571728 in commerce from Osawatomie Kansas to Kansas City Missouri. At the time of this trip and at the review, this carrier was in violation.					
5 FEDERAL	Primary: 391.51(b)(5)	Discovered 1	Checked 1	Drivers/Vehicles In Violation	Checked 1
Description Failing to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2). Example On 03/02/2015 drove a CMV a 1997 Dodge VIN# 571728 in commerce from Osawatomie Kansas to Kansas City Missouri. At the time of this trip and at the review, this carrier was in violation.					
6 FEDERAL	Primary: 391.51(b)(6)	Discovered 1	Checked 1	Drivers/Vehicles In Violation	Checked 1
Description Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27. Example On 03/02/2015 drove a CMV a 1997 Dodge VIN# 571728 in commerce from Osawatomie Kansas to Kansas City Missouri. At the time of this trip and at the review, this carrier was in violation.					



	OUTDOOR SUPPLY & SERVICE (GALEN CRITCHFIELD dba)	Review Date:
	U.S. DOT #: 1553486	04/13/2015

Part B Violations

7 FEDERAL	Primary: 396.3(b)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1 Checked 1
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Description
Failing to keep minimum records of inspection and vehicle maintenance.
Example
On 03/02/2015 drove a CMV a 1997 Dodge VIN# 571728 in commerce from Osawatomie
Kansas to Kansas City Missouri. At the time of this trip and at the review, this carrier was in violation.

8 FEDERAL	Primary: 396.17(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1 Checked 1
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Description
Using a commercial motor vehicle not periodically inspected.
Example
On 03/02/2015 drove a CMV a 1997 Dodge VIN# 571728 in commerce from Osawatomie
Kansas to Kansas City Missouri. At the time of this trip and at the review, this carrier was in violation.

Safety Fitness Rating Information:	OOS Vehicle (CR): 0
Total Miles Operated 20,000	Number of Vehicle Inspected (CR): 0
Recordable Accidents 0	OOS Vehicle (MCMIS): 0
Recordable Accidents/Million Miles 0.00	Number of Vehicles Inspected (MCMIS): 0

Your proposed safety rating is : CONDITIONAL	Rating Factors	Acute	Critical
	Factor 1: S	0	0
	Factor 2: S	0	0
	Factor 3: U	0	2
	Factor 4: S	0	0
	Factor 5: N	0	0
	Factor 6: S	-	-

This rating will become the final rating 60 days from the date indicated on a forthcoming official notice from the Federal Motor Carrier Safety Administration headquarters in Washington, D.C.

However, if this rating improves a previous Unsatisfactory rating, it will become effective on the date of the official notice from the FMCSA headquarters.

Corrective actions must be taken for the violations (deficiencies) listed on Part B of this review. Title 49 CFR Sections 385.15 and 385.17 provide for administrative review and a change to a safety rating based on corrective actions, respectively. A request for a change to a safety rating under section 385.17 may be made at any time. A motor carrier may request, in writing, a change in the rating by providing evidence of corrective actions to the Field Administrator for the FMCSA Service Center in which the carrier maintains its principal place of business. (See 49 CFR 385.17 for additional details). A request for administrative review under section 385.15 must be made within 90 days of the date of the proposed safety rating issued under section 385.11(c) or a final safety rating issued under section 385.11(b), or within 90 days after denial of a request for a change in rating under section 385.17.

Part B Requirements and/or Recommendations

1. • **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.

For all Investigations that could result in a Penalty Order:

- **PLEASE NOTE:** The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Penalty Order. In addition, your history of prior violations of the Federal Motor Carrier Safety Regulations, Federal Hazardous Material Regulations or the Federal Motor Carrier Commercial Regulations may also affect the civil penalty proposed in any subsequent Penalty Order. Your signature for receipt of this report acknowledges your understanding that the violations discovered by the KCC during this review may be used to calculate any civil penalty proposed as a result of this review. Your signature is not an admission of the violations identified.

For all Investigations that did not result in a Cooperative Safety Plan:

KCC requires that you prepare a corrective action letter, addressing the measures taken to correct the violations identified within this report. Submit this letter within 15 days and any additional evidence necessary to prove the corrective action has been taken to:

Kansas Corporation Commission
Attn: Gary Davenport
1500 SW Arrowhead Rd
Topeka, KS 66604-4027

2. Ensure that all drivers are fully and properly qualified before operating in interstate commerce. Maintain a complete file as required for each driver, documenting the qualification process. This file must contain an application for



Part B Requirements and/or Recommendations

employment, MVRs, the annual driving record inquiry, annual driving record of violations, road test, a copy of medical examiners certificate.

3. HOS COMPLIANCE BASIC PROCESS BREAKDOWN: Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN

Carrier failed to require driver to make record of duty status.

BASIC SPECIFIC RECOMMENDED REMEDIES

Carrier needs to ensure that all commercial motor vehicle drivers submit true and accurate hours of service. Time sheets that conform to the short haul exemption allowed under the Federal Motor Carrier Safety Administrations regulations would be advantageous to this carrier based on the nature of their daily operations.

Implement Safety Improvement Practices: The following are recommended practices related to Policies and Procedures.

- Develop a policy and procedure describing how management will monitor and track logs for falsification.
 - Establish a policy that prohibits dispatchers from assigning a load to drivers without hours available to complete the load on time.
 - Develop a policy stating that drivers should not violate their Hours-of-Service (HOS) Out-of-Service (OOS) order under any circumstances, and immediately contact the carrier when a driver is placed OOS.
 - Develop a policy requiring drivers to report their available hours to dispatch during "check-in" calls.
 - Develop policies and procedures for ensuring proper retention of Record of Duty Status (RODS) according to regulations.
 - Establish a policy requiring drivers to submit copies of all roadside inspections to carrier management within 24 hours.
 - Develop a policy stating that drivers are required to submit all Records of Duty Status (RODS) and supporting documentation, such as expense receipts, within 13 days of the end of the trip.
 - Establish a policy stating that drivers are required to check with their supervisor, manager, or dispatcher to review their "fit-for-duty" status before starting a job, and that drivers who are ill to the extent that their ability and/or alertness is impaired are prohibited from working on safety-sensitive assignments.
 - Develop a written and progressive disciplinary policy focused on taking corrective action to ensure drivers comply with regulations and policies. A progressive disciplinary policy could include, among other things, written warnings, suspensions, or work restrictions, monetary penalties, and termination. This policy should also specify consequences for any carrier official who knowingly and willfully allows Hours-of-Service (HOS) violations.
4. Require all drivers to prepare complete and accurate records of duty status for each day, and to submit them within 13 days. Maintain all duty status records on file, with all supporting documents, for at least 6 months.
5. Establish a systematic maintenance records program for all vehicles. Maintain a complete file for each subject vehicle, recording all repair, maintenance and inspection operations performed. Additionally ensure that each commercial motor vehicle has been periodically inspected. Maintain evidence of this inspection at the principal place of business accompanied by the inspector's qualification information.
6. Carrier is required to pay Unified Carrier Registration (UCR) fee when operating in Interstate commerce.
7. "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.
 - Apply Adequate Resources: Apply adequate resources to properly implement safety management practices. Consider reallocating responsibilities, additional staffing, contracting, or investing in technology to aid in this responsibility.

Part B Requirements and/or Recommendations

- 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.

- 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.

For all Investigations resulting in a Penalty Order:

- PLEASE NOTE: The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Penalty Order. In addition, your history of prior violations of the Federal Motor Carrier Safety Regulations, Federal Hazardous Material Regulations or the Federal Motor Carrier Commercial Regulations may also affect the civil penalty proposed in any subsequent Penalty Order. Your signature for receipt of this report acknowledges your understanding that the violations discovered by the FMCSA during this review may be used to calculate any civil penalty proposed as a result of this review. Your signature is not an admission of the violations identified.

For all Investigations resulting in a proposed conditional or unsatisfactory rating:

385.15

If you believe the proposed rating is in error and there are factual and procedural issues in dispute, Part 385.15 (copy provided) outlines procedures for petitioning the Federal Motor Carrier Safety Administration for an administrative review of these findings. Your petition should be addressed to:

Chief Safety Officer
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue SE,
Washington, DC 20590

385.17

In addition, a request for a revised rating based on corrective actions may be made at any time. Part 385.17 (copy provided) outlines the procedures for such a request. The request must be made in writing, must describe the corrective action taken and must include other documentation that may be relied upon as a basis for the requested change. Address your written request to:

Ensure that a CC copy of the letter is mailed to:
Division Administrator/Max Stratham
Federal Motor Carrier Safety Administration
1303 First American Place, Suite 200
Topeka, KS 66604

Information on your compliance status, roadside inspections, regulatory changes, accident counter measures and hazardous material counter measures is available on the Internet at the Federal Motor Carrier Safety Administration's web site at <http://www.fmcsa.dot.gov/> and <http://www.safer.fmcsa.dot.gov/>.

For all Investigations that did not result in a Cooperative Safety Plan:

Part B Requirements and/or Recommendations

The Kansas Corporation Commission requires you to prepare a corrective action letter, addressing the measures taken to correct the violations identified within this report. Submit this letter within 15 days, and any additional evidence necessary to prove the corrective action has been taken to:

Kansas Corporation Commission
Attn: Gary Davenport
1500 SW Arrowhead Road
Topeka, KS 66604
"

8. I acknowledge that these requirements and/or recommendations have been discussed with me and my questions have been answered. I understand that failure to satisfactorily remedy the above-listed requirements, and/or failure to comply with Kansas Motor Carrier Safety Statutes and Regulations could result in the suspension of Outdoor Supply & Service's operating authority and/or the impoundment of Outdoor Supply & Service's vehicles.

X _____
Galen Critchfield

Draft

ATTACHMENT "B"

**OUTDOOR SUPPLY
& SERVICE**
29025 W. 335th St.
Osawatomie, KS 66064
(913) 755-4935 (913) 731-0078

CUSTOMER ORDER NO.		PHONE		DATE	
				3/2/15	
NAME [REDACTED]					
ADDRESS [REDACTED]					
CITY KC MO					
SOLD BY	CASH	C.O.D.	CHARGE	ON ACCT	PAID OUT
	X				X
QTY.	DESCRIPTION			PRICE	AMOUNT
	629-93 = 534				
	734-84 = 650				
1121	750			75	652.30
734					
387	750			45	174.15
					826.45
pad cash					820.00
TAX					
TOTAL					520.00

© 1994 Outdoor Supply & Service, Inc. All claims and returned goods must be accompanied by this bill.

4546

Thank You

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

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
GALEN CRITCHFIELD, OWNER D/B/A OUTDOOR SUPPLY & SERVICE 29025 W 335TH ST OSAWATOMIE, KS 66064		
MICHAEL DUENES, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604-4027 ***Hand Delivered***		

Draft

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.