1500 SW Arrowhead Road Topeka, KS 66604-4027 Kansas Corporation Commission

20240104110515 Kansas Corporation Phone: 785-271-3100 Computer 785-271-3354 http://kcc.ks.gov/

Laura Kelly, Governor

Andrew J. French, Chairperson Dwight D. Keen, Commissioner Annie Kuether, Commissioner

> NOTICE OF PENALTY ASSESSMENT Docket Number 24-TRAM-412-PEN

January 4, 2024 Richard Stanley, Member Bullseye Transporting LLC P.O. Box 574 Belle Plaine, Kansas 67013

This is a notice of a penalty assessment against Bullseye Transporting LLC ("Bullseye") for a violation of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on December 11, 2023, by Kansas Corporation Commission Special Investigator Matt Rose. Penalties are assessed in accordance with the FY 2024 Uniform Penalty Assessment Matrix, approved by the Commission on June 29, 2023. For a full description of the penalty and terms and obligations please refer to the Penalty Order attached to this notice.

IF YOU ACCEPT THE PENALTY: Bullseye has been assessed a \$150 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$150, through your personal account with the Kansas Corporation Commission's Kansas Trucking Regulatory Assistance Network (KTRAN) system located at https://puc.kcc.ks.gov/ktran/. If you have not received a letter from the Transportation Division assigning you a PIN, please contact that Division at (785) 271-3145. You must have an account through KTRAN to pay the penalty owed.

The attached Penalty Order requires a representative of Bullseye to attend a Commission-sponsored safety seminar within ninety (90) days from the date of the Penalty Order and to provide the undersigned Litigation Counsel with written proof of attendance. A schedule of dates and locations for safety seminars can be found at the Commission's website <u>http://www.kcc.state.ks.us/trans/safety_meetings.htm</u>.

IF YOU CONTEST THE PENALTY ORDER: You have the right to request a hearing. A request for a hearing must be made in writing, setting forth the specific grounds upon which relief is sought. Bullseye must file, within fifteen (15) days from the date of service of the Penalty Order, the request for hearing with the Commission's electronic filing system found at https://puc.kcc.ks.gov/e-filing/e-express/, and mail a copy of the request for hearing to the undersigned at the above address. If you do not have access to the internet, you can mail an original and seven (7) copies of the request to the Executive Director at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy to the undersigned Litigation Counsel.¹

IF YOU FAIL TO ACT: Failure to pay the penalty of \$150 within thirty (30) days from the date of service of the Penalty Order or failure to comply with the terms of the Penalty Order, or in the alternative, failure to provide a timely written request for a hearing, will result in the Penalty Order becoming final and may result in additional sanctions of suspension and/or revocation of your motor carrier operating authority.

Respectfully,

/sl Kuler C. Wineinger Kyler C. Wineinger Litigation Counsel (785) 271-3109 k.wineinger@kcc.ks.gov

¹ K.A.R. 82-1-215; K.S.A. 77-542.

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

Before Commissioners:	Andrew J. French, Chairperson
	Dwight D. Keen
	Annie Kuether

In the Matter of the Investigation of Bullseye) Transporting LLC, of Belle Plaine, Kansas. Regarding the Violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations and the) Commission's Authority to Impose Penalties,) Sanctions and/or the Revocation of Motor Carrier Authority.

Docket No. 24-TRAM-412-PEN

PENALTY ORDER

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

1. On December 11, 2023, Commission Staff Special Investigator ("SI") Matt Rose, completed a safety compliance investigation of the operations of Bullseye Transporting LLC ("Bullseye" or "Carrier"). Bullseye is a motor carrier as defined in 49 C.F.R. 390.5, and operates under USDOT number 2724658.

2. On December 15, 2023, Staff submitted its Report and Recommendation ("R&R"), attached as Attachment "A" and incorporated by reference, recommending a penalty of \$150 to be assessed against Bullseye based on the timeline and severity of the violation discovered. Staff's R&R indicates that as a result of the safety compliance investigations, SI Matt Rose identified one (1) violation, accounting for one (1) count, of the Motor Carrier Safety

Regulations, which carries a penalty according to the FY2024 Uniform Penalty Assessment Matrix.²

3. Additionally, Staff recommends that Bullseye be required to have a representative responsible for the Carrier's safety compliance attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Penalty Order, and provide Litigation Counsel with written proof of attendance.³ A schedule of the dates and locations for safety seminars can be found on the Commission's website at http://kcc.ks.gov/trans/safety meetings.htm.

4. Staff further recommends Bullseye submit a written, comprehensive corrective action plan ("CAP") to Staff within thirty (30) days of the date of this Penalty Order, documenting the violation described in this Penalty Order, including specific and detailed information explaining Carrier's efforts and concrete steps taken to ensure the violation does not occur in the future.⁴

5. Finally, Staff recommends that Bullseye submit to a follow-up safety compliance review within eighteen (18) months from the date of this Penalty Order.⁵ Staff will contact the Carrier at a later date to determine an appropriate time for this review.

6. Pursuant to K.S.A 66-1,108b, 66-1,111, 66-1,112, and 66-1,114b, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in 49 C.F.R. Part 390.5 as adopted by K.A.R. 82-4-3f, 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 Order Designating Guidance Document and Approving Staff's Use of the Transportation Division's Uniform Penalty Assessment Table, pp. 11–26 (June 29, 2023) ("Penalty Matrix").

³ Staff's Report and Recommendation, p. 2 (Dec. 15, 2023).

⁴ *Id*. at pp. 2-3.

⁵ *Id*. at p. 3.

7. Pursuant to K.S.A. 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.

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

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. Bullseye Transporting LLC ("Bullseye") of Belle Plaine, Kansas is hereby assessed a \$150 civil penalty for one (1) violation, accounting for one (1) count, 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. Bullseye is hereby ordered to have a representative responsible for Bullseye's safety compliance attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Penalty Order, and is to provide Litigation Counsel with written proof of attendance.

C. Bullseye is hereby ordered to submit a written, comprehensive corrective action plan ("CAP") to Staff within thirty (30) days of the date of this Penalty Order, documenting the violation described in this Penalty Order, including specific and detailed information explaining Bullseye's efforts and concrete steps taken to ensure the violation does not occur in the future.

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D. Bullseye is ordered to submit to a follow-up safety compliance review within eighteen (18) months from the date of this Penalty Order. Staff will contact Bullseye to set up the appointment.

E. Pursuant to K.S.A. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issue(s) by submitting a written request setting forth the specific grounds upon which relief is sought. The request may be electronically filed with the Commission's electronic filing system at https://puc.kcc.ks.gov/e-filing/e-express/, within fifteen (15) days from the date of service of this Penalty Order, and a copy of the request mailed to the Litigation Division. If you do not have access to the internet, you can mail an original and seven (7) copies of the request to the Executive Director at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy of the request to Litigation Counsel. A hearing will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of Bullseye's right to a hearing, and this Penalty Order will become a Final Order.

F. If a request for hearing is filed, attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. Bullseye may appear by a duly authorized representative of the corporation.⁶

G. If you do not request a hearing, the payment of the civil penalty of \$150 is due in thirty (30) days from the date of service of this Penalty Order. Payment of \$150 must be made through your personal account with the Kansas Corporation Commission's Kansas Trucking Regulatory Assistance Network (KTRAN) system located at <u>https://puc.kcc.ks.gov/ktran/</u>. You must have an account through KTRAN to pay the penalty.

H. Failure to pay the \$150 civil penalty within thirty (30) days from the date of service of this Penalty Order and/or failure to comply with the provisions of this Penalty Order

⁶ K.S.A. 66-1,142b(e) and amendments thereto.

may result in suspension of Bullseye's motor carrier operating authority without further notice.⁷ Additionally, the Commission may impose further sanctions to include, but not limited to, the issuance and enforcement of revocation of authority and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 01/04/2024

Lynn M. Ref

Lynn M. Retz Executive Director

KCW

⁷ K.S.A. 66-1,105.

ATTACHMENT "A"

Andrew J. French, Chairperson Dwight D. Keen, Commissioner Annie Kuether, Commissioner



Phone: 785-271-3145 Fax: 785-271-3124 http://kcc.ks.gov/

Laura Kelly, Governor

REPORT AND RECOMMENDATION <u>TRANSPORTATION DIVISION</u>

- TO: Andrew J. French, Chairperson Dwight D. Keen, Commissioner Annie Kuether, Commissioner
- **FROM:** Gary Davenport, Deputy Director of Transportation Jared Smith, Public Service Executive
- DATE: December 15, 2023

SUBJECT: Docket No. 24-TRAM-412-PEN

In the Matter of the Investigation of Bullseye Transporting LLC of Belle Plaine, Kansas, Regarding the Violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority.

EXECUTIVE SUMMARY:

Bullseye Transporting LLC is an intrastate non-hazmat motor carrier ("MC") operating under USDOT Number 2724658 and possessing authorized for-hire and private property operating authority from the Commission, primarily hauling construction and mobile home transportation. On December 11, 2023, Commission Staff Special Investigator ("SI") Matt Rose completed a safety compliance investigation of the operations of Bulleye Transporting LLC. A copy of the safety compliance report is attached as **Exhibit 1** and incorporated by reference. As a result of this investigation, the SI identified one (1) violation, accounting for one (1) specific count, of the Motor Carrier Safety Regulations, which carries a penalty according to the FY2024 Uniform Penalty Assessment Matrix approved by the Commission. Based on the timeline and severity of the violation discovered by the SI, Staff recommends a civil penalty in the amount of \$150 be issued against Bullseye Transporting LLC.

DISCUSSION AND ANALYSIS:

On December 11, 2023, SI Matt Rose conducted a safety compliance investigation of the operations of Bullseye Transporting LLC. The investigation covers a 365-day period. The specific count is detailed as follows.

Count One (1 of 1)

Jurisdiction: 49 C.F.R. 382.701(b)(1) as adopted by K.A.R. 82-4-3c, authorized by and implementing K.S.A. 66-1,112, K.S.A. 66-1,112g, and K.S.A. 66-1,129.

Intent of the law: An employer must conduct a query of the Commercial Driver's License Drug and Alcohol Clearinghouse (the "DACH") at least once per year for information of all employees subject to controlled substance and alcohol testing under 49 C.F.R. 382, as adopted by K.A.R. 82-4-3c, to determine whether information exists in the DACH about those employees.

Supporting Documents: On October 9, 2023, Bullseye Transporting LLC required or permitted its driver, Rick Stanley, to operate a commercial driver's license ("CDL") –required commercial motor vehicle, a 1991 Freightliner truck tractor—VIN ending in 8532, with a gross vehicle weight rating of greater than 33,000 pounds—in intrastate commerce from Wellington, Kansas, to various locations in south central Kansas—specifically, Goddard and Maize. This transport is evidenced by Mr. Stanley's transportation schedule, attached as **Exhibit 2** and incorporated by reference. This transport is further supported by a copy of the *Combined Freight & Bill of Lading*—attached as **Exhibit 3** and incorporated by reference—and a QuikTrip fuel receipt—attached as **Exhibit 4** and incorporated by reference. In addition, attached as **Exhibit 5** and incorporated by reference is a copy of Bullseye Transporting LLC's DACH *Employer Compliance Report* as of December 14, 2023.

<u>Violation</u>: Bullseye Transporting LLC failed to conduct an annual query of the DACH for information of its driver, Rick Stanley. One (1) violation was discovered. **Recommendation**: Staff recommends a fine of \$150.

RECOMMENDATION:

Staff recommends the Commission find Bullseye Transporting LLC committed one (1) violation, accounting for one (1) specific count, of Kansas law that governs MCs, including provisions of the Federal Motor Carrier Safety Regulations, as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

Due to the timeline and severity of the violation, Staff recommends a civil penalty in the amount of \$150 be assessed against Bullseye Transporting LLC for one (1) violation of the MC Safety Statutes, Rules and Regulations, in accordance with the recommended penalties listed in the applicable Uniform Penalty Assessment Matrix.

Staff further recommends Bullseye Transporting LLC require a representative responsible for Bullseye Transporting LLC's safety to attend a Commission-sponsored safety seminar within ninety (90) days from the date of the Penalty Order, and provide Litigation Counsel with written proof of attendance. A schedule of the dates and locations for safety seminars can be found on the Commission's website at http://kcc.ks.gov/trans/safety meetings.htm.

Staff further recommends Bullseye Transporting LLC submit a written, comprehensive Corrective Action Plan ("CAP") to Staff within thirty (30) days of the date of the Penalty Order, documenting the violation described in the Penalty Order, including specific and detailed

information explaining Bullseye Transporting LLC's efforts and concrete steps taken to ensure the violation does not occur in the future.

Finally, Staff recommends that Bullseye Transporting LLC submit to a follow-up safety compliance review within eighteen (18) months from the date of the Penalty Order. Staff will contact Bullseye Transporting LLC at a later date to determine an appropriate time for the review.

UNITED STATES DEPARTMENT OF TRANSPORTATION

0	U.S. DOT#: 272465 MC/MX#: 0	-	al: BULLSEYE TRA erating (DBA):	ANSPORTING LLC		nvestigati 12/11/2023		
Investigat	tion Type: Onsite Co	omprehensive Invest	tigation	Location of Investigation: Company principal place of business (PPOB) Extent of Operations: Entire Operation				
Physical A	Address			Mailing Address				
549 E 80th Wellingtor United Sta	n, KS 67152			PO BOX 574 BELLE PLAINE, KS 6 United States	7013-0574			
Contact I	nformation							
Email:	lame: RICHARD STAI	NLEY II : ()- Fax: ()-						
Business	and Financial							
Gross Rev Federal Ta Operation		For Year Ending	: 12/31/2022	Cargo Construction, Mobi	ile Homes, Othe	r (mobile h	ome transportation)	
Private Mo	Classification otor Carrier ty – Non-Hazardous	Materials						
Equipme	nt			Driver Informatio	n			
	Owned	Term Leased	Trip Leased	Drivers				
Truck Trac	tors 1				Intrastate		Interstate	
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	its used in the U.S.: Je of time used in th			>= 100 Miles				
Percentag				Average trip leased driver/month: 0 Drivers with CDL: 1 Total Drivers: 1				
Percentag				Drivers with CDL:				
	Interviewed			Drivers with CDL:				

Questions	
Questions about this report or the Federal Motor Carrier	1303 SW FIRST AMERICAN PL STE 200
Safety or Hazardous Materials regulations may be	ТОРЕКА, КЅ 66604-4040
addressed to the Federal Motor Carrier Safety	Phone: (785) 271-1260
Administration at:	Fax: (877) 547-0378
This report will b	e used to assess your safety compliance.

Violations

1. Primary: 382.701(b)(1)	Violatio	ns Discovere	d		
Failing to conduct an annual query.	Fed	State	Total		
	1		1		
	Checke	d			
	Fed	State	Total		
	1		1		
xample/Notes:	Drivers	/Vehicles in	Violation		
	Fed	State	Total		
Driver: Rick Stanley	1		1		
Trip Date: 10/9/2023	Checke	Checked			
/iolation: Failing to conduct an annual query.		State	Total		
Violation: Failing to conduct an annual query.	Fed	State	IOtai		

Safety Fitness Rating

This Investigation is Not Rated

DataQs: If you dispute the violations recorded in the Violations section of this investigation report, and the violations were not used in the calculation of your safety rating, you may submit a Request for Data Review (RDR) through DataQs. The DataQs system is the method to remove violations that did not affect your safety rating. DataQs is an online system that allows a motor carrier or driver to request and track a review of Federal and State issued data that it believes to be incomplete or incorrect. To submit an RDR, go to https://dataqs.fmcsa.dot.gov.

Process Breakdown and Remedies BASIC: Controlled Substances/Alcohol Process Breakdown: Monitoring and Tracking

Carrier failed to conduct a pre-employment and annual query in the Drug and Alcohol Clearinghouse.

Specific Recommended Remedies

To implement Safety Improvement Practices, the following list are recommended practices related to Monitoring and Tracking:

1. Ensure that all test records are monitored for adherence to retention dates and nondisclosure requirements.

Recommendations

1. Additional Information

Please visit the CSA outreach site for additional guidance: https://csa.fmcsa.dot.gov.

2. Obtain copies of the regulations, forms, interpretations, manuals.

Copies of the regulations, forms, interpretations, and manuals are available from a variety of sources. Check the FMCSA website for a current list of suppliers. www.fmcsa.dot.gov/safety-security/eta/index.htm

3. SMS website

You are encouraged to review your company's SMS results and take action to make the roads safer for everyone. Your public safety records are available at the following website: http://ai.fmcsa.dot.gov/sms. Also visit https://portal.fmcsa.dot.gov which provides real time data and the opportunity to review you safety data. You will need to use your PIN number that has been provided by FMCSA. Registration and access is free.

4. Clearinghouse Annual Query

Ensure annual queries are conducted in the Clearinghouse at least once per year. You may conduct a full or limited query to fulfill this requirement.

5. Serious Violations

This review contains violations that are serious in nature and may result ina penalty assessment against the company and/or drivers.

6. CAP to Commission

The KCC requires that you prepare a corrective action plan, addressing the measures taken to correct all the violations identified within this report. Submit this letter within 30 days outlining the carrier's updated changes to their policies and procedures regarding all listed violations. Explain in detail how, as a carrier representative, you will rectify these deficiencies and prevent their reoccurrence going forward. Include any supporting documentation and evidence as indicated in the recommendations above, (example: vehicle, inspections performed, proof of drug and alcohol testing in place, etc.) necessary to prove that corrective action has been taken. Submit the letter along with copies of your supporting evidence to:

Email: g.davenport@kcc.ks.gov FAX: 785-721-3124

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

7. Acknowledgment Signature

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 Bullseye Transporting LLC operating authority and/or the impoundment of Bullseye Transporting LLC commercial motor vehicles.

Carrier Representative

Date



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Bullseye Transporting, IlC

P.O. Box 574 Belle Plaine, KS 67013

(316) 518-2517 Combined Freight & Bill of Landing

BILL TO:	/ m /	1.12	<u>e Srr</u> vica
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DATE:) 0-9-

INVOICE #: 215

PICK UP LC	PICK UP LOCATION AND TYPE OF HOME:						
DELIVERY	LOCATION:						
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\$41	Maize			• <u> </u>			
			***************************************	<u>, , , , , , , , , , , , , , , , , , , </u>			
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TOTAL COST OF TRANSPORT: \$_\200 😤

I AUTHORIZE THIS SHIPMENT AND AGREE TO CONTRACT TERMS AND CONDITIONS:

Transporter is not responsible in any way for structural or mechanical failure of mobile home, such as frame, axles, wheels, tongue, wells, windows, roof or doors. In the event of such failure, shipper is entirely responsible for any third party's expenses, such as welders, tow truck, etc., and materials needed to complete move. Futher, transporter <u>MUST</u> have access to park mobile home. In the event transporter cannot park mobile home, which is sole discretion of transporter, shipper assumes <u>ALL</u> responsibility and expense to any other source needed to complete move. Transporter will park mobile home as close to desired site as possible with safety to the general public.

SIGNATURE AT PICKUP:	DATE:	
PRINTED NAME:		
Received the above described property in good condition.		
SIGNATURE AT DELIVERY:	DATE:	
PRINTED NAME:		

Welcome to QuikTrip

QuikTrip #00378 5611 S. Broadway Wichita,KS (316)522-9101

8:39:35 AM

10-09-2023

Register #0002

Gas Sale: Pump: 1

Sub-Total: Tax: Total \$140.00

\$140.00 \$.00 **\$140.00**

Ve Thank You Lease Come Agnin



Bullseye Transporting LLC

Address: PO Box 574 !08 N Merchant; Belle Plaine, KS 67013; US

Email: rickstanley.776@gmail.com

Owner Operator: Yes

As of: 12/14/2023 16:29

🖈 Download Compliance Report

Download Query History

Users C/TPAs Annual Queries Pre-Employment Queries Violations

REGISTERED USERS

Email	Name	Role	Created	Last Login
rickstanley.776@gmail.com	Richard Stanley	Admin	1/4/2021	12/11/2023

C/TPAS DESIGNATED

С/ТРА	Status i	Report Violations	Report RTD Information i	Conduct Queries
Foley Carrier Services, LLC	Pending	Yes	Yes	Yes

DRIVER CHECK (ANNUAL QUERIES CONDUCTED)

Name Country CDL Most Recent Query Submitted on Consent Received
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PRE-EMPLOYMENT QUERIES CONDUCTED

|--|

VIOLATIONS REPORTED

Test Date	Driver Name	CDL/CLP	Test Reason	Violation Type	Reported By	Reported On	Updated By	Updated On

CERTIFICATE OF SERVICE

24-TRAM-412-PEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of

first class mail and electronic service on _____01/04/2024

Richard Stanley II., OWNER Bullseye Transporting LLC PO Box 574 Belle Plaine, KS 67013 rickstanley.776@gmail.com KYLER C. WINEINGER, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604 k.wineinger@kcc.ks.gov

/S/ KCC Docket Room KCC Docket Room

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