

1500 SW Arrowhead Road  
Topeka, KS 66604-4027

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



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

Sam Brownback, Governor

## NOTICE OF PENALTY ASSESSMENT

November 3, 2016

17-TRAM-157-PEN

Mark Shepard, President  
Quality Septic & Sewer, Inc.  
11404 W 117 Terr  
Overland Park, Kansas 66210

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 October 20, 2016, by Kansas Corporation Commission Special Investigator Wade Patterson and Jared Smith. 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 \$3,250 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](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.

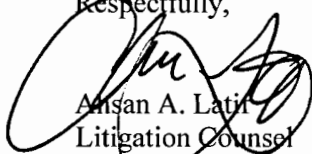
### IF YOU CONTEST THE PENALTY:

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. 2015 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,



Arsan A. Latif  
Litigation Counsel  
(785) 271-3118

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

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

In the Matter of the Investigation of **Quality**      )  
**Septic & Sewer, Inc., of Overland Park,**      )  
**Kansas,** Regarding the Violation of the Motor      )  
Carrier Safety Statutes, Rules and Regulations      ) Docket No. 17-TRAM-157-PEN  
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. 2015 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. 2015 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. 2015 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. Quality Septic & Sewer, Inc. (Quality Septic & Sewer) operates under USDOT number 991956.

5. Quality Septic & Sewer is an interstate carrier with the majority of their business within 50 miles from its principal place of business.

6. Quality Septic & Sewer is a private motor carrier which primarily hauls machinery, large objects and construction.

## **III. STATEMENT OF FACTS**

7. Pursuant to the jurisdiction and authority cited above, on October 20, 2016, Commission Staff (Staff) Special Investigators Wade Patterson and Jared Smith conducted a compliance review of the operations of Quality Septic & Sewer. 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 and Mr. Smith identified six (6) violations of the Motor Carrier Safety Regulations.

- a. On September 14, 2016, Quality Septic & Sewer required or permitted its driver, Dale (Jake) Ditch, to operate a CDL-required commercial motor vehicle, a 2015 Ford F-250, VIN ending in 45426, GVWR 10,000 lbs., pulling a 2016 Kaufman trailer, VIN ending in 000175, GVWR 36,530 lbs., in intrastate commerce from Overland Park, Kansas to Prairie

Village, Kansas. This trip is evidenced by KCC Written Statement, dated October 11, 2016, a copy of which is attached hereto as Attachment “B” and is hereby incorporated by reference. At the time of this transportation, Quality Septic & Sewer did not have this driver’s name on a random testing pool for alcohol and/or controlled substance, failing to ensure each driver subject to testing has an equal chance of being selected each time selections are made. Quality Septic & Sewer’s failure to ensure that each driver selected for random alcohol and controlled substance testing has an equal chance of being selected each time selections are made is in violation of 49 C.F.R. 382.305(i)(2), as adopted by K.A.R. 82-4-3c and authorized by K.S.A. 2015 Supp. 66-1,129. Staff recommends a fine of \$650.

- b. On September 27, 2016, Quality Septic & Sewer required or permitted its driver, Anthony (Dustin) Agcopra, to operate a CDL-required commercial motor vehicle, a 1992 Ford LTA 9000 Box, VIN ending in 25824, GVWR 52,000 lbs., pulling a 2016 Kaufman trailer, VIN ending in 000175, GVWR 36,530 lbs., in interstate commerce from Overland Park, Kansas to Harrisonville, Missouri. This trip is evidenced by KCC Written Statement, dated October 11, 2016, a copy of which is attached hereto as Attachment “C” and is hereby incorporated by reference. At the time of this transportation, Quality Septic & Sewer failed to provide its employees with a written policy on misuse of alcohol and controlled substances. The carrier’s failure to provide alcohol and controlled substance use

educational materials that complies with 49 C.F.R. 382.601(b) to each of its drivers subsequent to hiring or testing is a violation of 49 C.F.R. 382.601(a)(1) as adopted by K.A.R. 82-4-3c as authorized by K.S.A. 2015 Supp. 66-1,129. Staff recommends a fine of \$250.

- c. On September 18, 2016, Quality Septic & Sewer required or permitted its driver, Mark Shepard, to operate a CDL-required commercial motor vehicle, a 1992 Ford LTA 9000 BOX, VIN ending in 25824, GVWR 52,000 lbs., pulling a 2016 Kaufman trailer, VIN ending in 000175, GVWR 36,530 lbs., in interstate commerce from Overland Park, Kansas to Independence, Missouri. This trip is evidenced by KCC Written Statement, dated October 11, 2016, a copy of which is attached hereto as Attachment "D" and is hereby incorporated by reference. At the time of this transportation, Quality Septic & Sewer failed to ensure a person designated to determine that drivers undergo reasonable suspicion testing receive 60 minutes training for alcohol and/or 60 minutes training for controlled substances. The carrier's inability to produce documentation of this training and its failure to have a designated person to attend 60 minutes of training on alcohol misuse and an additional 60 minutes of training on controlled substances use is a violation of 49 C.F.R. 382.603 as adopted by K.A.R. 82-4-3c and as authorized by K.S.A. 2015 Supp. 66-1,129. Staff recommends a fine of \$100.
- d. During the transportation described in paragraph a., above, Quality Septic & Sewer required the driver to operate the CDL-required commercial

motor vehicle without a valid commercial driver's license. The carrier's failure to ensure its driver possess a valid commercial motor vehicle license that meets the standards to operate the CDL-required commercial motor vehicle is in violation of 49 C.F.R. 383.23(a)(1) and (2), as adopted by K.A.R. 82-4-3h, and as authorized by K.S.A. 2015 Supp. 66-1,129. Staff recommends a fine of \$500.

- e. During the transportation described in paragraph "c" above, Quality Septic & Sewer failed to require its driver to make a record of duty status. The special investigators found 90 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. 2015 Supp. 66-1,129. Staff recommends a fine in the amount of \$1,000.
- f. During the transportation described in paragraph "c" above, Quality Septic & Sewer failed to keep minimum records of inspection and vehicle maintenance on the commercial motor vehicles. The special investigators found four violations of this type. The carrier's failure to maintain the required vehicle inspection records and vehicle maintenance records for 30 days is in violation of 49 C.F.R. 396.3(b), as adopted by K.A.R. 82-4-3j and as authorized by K.S.A. 2015 Supp. 66-1,129. Staff recommends a fine of \$750.

#### **IV. STAFF'S RECOMMENDATIONS**

8. Based upon the available facts, Staff recommends the Commission find Quality Septic & Sewer committed six (6) 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 \$3,250 for six (6) violations of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that Quality Septic & Sewer 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](http://kcc.ks.gov/trans/safety_meetings.htm).

11. Finally, Staff recommends that Quality Septic & Sewer 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 Quality Septic & Sewer because it is a motor carrier as defined in K.S.A. 2015 Supp. 66-1,108.

13. The Commission finds Quality Septic & Sewer committed six (6) 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. Quality Septic & Sewer, Inc., of Overland Park, Kansas is hereby assessed a \$3,250 civil penalty for six (6) 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. Quality Septic & Sewer 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, Quality Septic & Sewer is ordered to submit to one follow-up safety compliance review within the next eighteen (18) months.

C. Pursuant to K.S.A. 2015 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 Quality Septic & Sewer's right to a hearing, and this Penalty Order will become a Final Order assessing a \$3,250 civil penalty against Quality Septic & Sewer, and ordering Quality Septic & Sewer 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. 2015 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 \$3,250 civil penalty within thirty (30) days of the service of this Penalty Order, *see* K.S.A. 66-1,105, and/or failure to comply with the provisions of this Order, may result in suspension of Quality Septic & Sewer'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 orders, as necessary.

**BY THE COMMISSION IT IS SO ORDERED.**

Emler, Chairman; Albrecht, Commissioner; Apple, Commissioner

**NOV 03 2016**

Dated: \_\_\_\_\_


  
\_\_\_\_\_  
Amy L. Green  
Secretary to the Commission

AAL

**Order Mailed Date**

**NOV 04 2016**

## **ATTACHMENT “A”**

	<b>US DOT #</b> 991956	<b>Legal:</b> QUALITY SEPTIC & SEWER INC <b>Operating (DBA):</b>																
<b>MC/MX #:</b>		<b>Federal Tax ID:</b> [REDACTED] (EIN)																
<b>Review Type:</b> Compliance Review (CR)																		
<b>Scope:</b> Principal Office	<b>Location of Review/Audit:</b> Company facility in the U. S.																	
<b>Territory:</b>																		
<b>Operation Types</b>																		
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;"><b>Carrier:</b></td> <td style="width: 30%;">HM</td> <td style="width: 40%;">N/A</td> </tr> <tr> <td><b>Shipper:</b></td> <td>N/A</td> <td>N/A</td> </tr> <tr> <td><b>Cargo Tank:</b></td> <td colspan="2">N/A</td> </tr> </table>	<b>Carrier:</b>	HM	N/A	<b>Shipper:</b>	N/A	N/A	<b>Cargo Tank:</b>	N/A		<b>Business:</b> Corporation <b>Gross Revenue:</b> [REDACTED] for year ending: 12/31/2015								
<b>Carrier:</b>	HM	N/A																
<b>Shipper:</b>	N/A	N/A																
<b>Cargo Tank:</b>	N/A																	
<b>Company Physical Address:</b> [REDACTED]																		
<b>Contact Name:</b> Mark Shepard <b>Phone numbers: (1)</b> [REDACTED] <b>E-Mail Address:</b> [REDACTED]																		
<b>Company Mailing Address:</b> 11404 W 117 TERR OVERLAND PARK, KS 66210-4117																		
<b>Carrier Classification</b> Private Property																		
<b>Cargo Classification</b> Machinery, Large Objects      Construction																		
<b>Hazardous Materials</b> 9 Miscellaneous HM      Carried      Non-Bulk																		
<b>Equipment</b>																		
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th></th> <th>Owned</th> <th>Term Leased</th> <th>Trip Leased</th> <th></th> <th>Owned</th> <th>Term Leased</th> <th>Trip Leased</th> </tr> <tr> <td>Truck</td> <td>3</td> <td>0</td> <td>0</td> <td>Trailer</td> <td>2</td> <td>0</td> <td>0</td> </tr> </table>				Owned	Term Leased	Trip Leased		Owned	Term Leased	Trip Leased	Truck	3	0	0	Trailer	2	0	0
	Owned	Term Leased	Trip Leased		Owned	Term Leased	Trip Leased											
Truck	3	0	0	Trailer	2	0	0											
Power units used in the U.S.: 3 Percentage of time used in the U.S.: 100																		
Does carrier transport placardable quantities of HM? No Is an HM Permit required? N/A																		
<b>Driver Information</b>																		
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;"></td> <td style="width: 10%;"><b>Inter</b></td> <td style="width: 10%;"><b>Intra</b></td> <td style="width: 50%;"></td> </tr> <tr> <td>&lt; 100 Miles:</td> <td>3</td> <td></td> <td>Average trip leased drivers/month: 0</td> </tr> <tr> <td>&gt;= 100 Miles:</td> <td></td> <td></td> <td>Total Drivers: 3</td> </tr> <tr> <td></td> <td></td> <td></td> <td>CDL Drivers: 2</td> </tr> </table>				<b>Inter</b>	<b>Intra</b>		< 100 Miles:	3		Average trip leased drivers/month: 0	>= 100 Miles:			Total Drivers: 3				CDL Drivers: 2
	<b>Inter</b>	<b>Intra</b>																
< 100 Miles:	3		Average trip leased drivers/month: 0															
>= 100 Miles:			Total Drivers: 3															
			CDL Drivers: 2															





QUALITY SEPTIC & SEWER INC

U.S. DOT #: 991956

Review Date:

10/20/2016

**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.**

**Person(s) Interviewed**

**Name:** Mark Shepard

**Title:** Owner/Operator

**Name:** [REDACTED]





QUALITY SEPTIC &amp; SEWER INC

U.S. DOT #: 991956

Review Date:

10/20/2016

## Part B Violations

1 FEDERAL CRITICAL	Primary: 395.8(a)	Discovered 60	Checked 60	Drivers/Vehicles In Violation 2	Checked 3
<b>Description</b> Failing to require driver to make a record of duty status. <b>Example</b> On September 18th, 2016 Quality Septic & Sewer Inc. had driver [REDACTED] operate a CDL required combination of vehicles (VIN# [REDACTED] 25824 & VIN# [REDACTED] 000175) in commerce. The gross vehicle weight ratings on these vehicles are 52,000lbs. and 36,530 lbs. respectively. Mr. Shepard was transporting a piece of machinery and construction materials from Overland Park Kansas to the job site in Independence Missouri. This trip is evidenced by a job invoice, a signed carrier statement, and a fuel receipt. At the time of this trip and during the review, carrier failed to require driver to make a record of duty status.					
2 FEDERAL CRITICAL	Primary: 396.3(b)	Discovered 4	Checked 4	Drivers/Vehicles In Violation 4	Checked 4
<b>Description</b> Failing to keep minimum records of inspection and vehicle maintenance. <b>Example</b> On September 18th, 2016 Quality Septic & Sewer Inc. had driver [REDACTED] operate a CDL required combination of vehicles (VIN# [REDACTED] 25824 & VIN# [REDACTED] 000175) in commerce. The gross vehicle weight ratings on these vehicles are 52,000lbs. and 36,530 lbs. respectively. Mr. Shepard was transporting a piece of machinery and construction materials from Overland Park Kansas to the job site in Independence Missouri. This trip is evidenced by a job invoice, a signed carrier statement, and a fuel receipt. At the time of this trip and during the review, carrier failed to keep minimum records of inspection and vehicle maintenance.					
3 STATE CRITICAL	Primary: 395.8(a) CFR Equivalent: 395.8(a)	Discovered 30	Checked 30	Drivers/Vehicles In Violation 1	Checked 3
<b>Description</b> Failing to require driver to make a record of duty status. <b>Example</b> On September 14th, 2016 Quality Septic & Sewer Inc. had driver [REDACTED] operate a CDL required combination of vehicles (VIN# [REDACTED] 45426 & VIN# [REDACTED] 000175) in commerce. The gross vehicle weight ratings on these vehicles are 10,000lbs. and 36,530 lbs. respectively. [REDACTED] was transporting a piece of machinery and construction materials from Overland Park Kansas to the job site in Prairie Village Kansas. This trip is evidenced by a job invoice, signed carrier statement, and a fuel receipt. At the time of this trip and during the review, carrier failed to have driver [REDACTED] complete the driver record of duty status reports. This particular driver only operates in intrastate commerce per carrier officials.					
4 FEDERAL	Primary: 382.305(i)(2)	Discovered 1	Checked 3	Drivers/Vehicles In Violation 0	Checked 0
<b>Description</b> Failing to ensure that each driver subject to random alcohol and controlled substances testing has an equal chance of being selected each time selections are made. <b>Example</b> On September 14th, 2016 Quality Septic & Sewer Inc. had driver [REDACTED] operate a CDL required combination of vehicles (VIN# [REDACTED] 45426 & VIN# [REDACTED] 000175) in commerce. The gross vehicle weight ratings on these vehicles are 10,000lbs. and 36,530 lbs. respectively. [REDACTED] was transporting a piece of machinery and construction materials from Overland Park Kansas to the job site in Prairie Village Kansas. This trip is evidenced by a job invoice, a signed carrier statement, and a fuel receipt. At the time of this trip and during the review, carrier did not have this driver listed as a CDL driver in their random testing pool.					





QUALITY SEPTIC & SEWER INC  
U.S. DOT #: 991956

Review Date:  
10/20/2016

### Part B Violations

5 FEDERAL	Primary: 382.601(b)	Discovered 2	Checked 3	Drivers/Vehicles In Violation 2	Checked 3
<b>Description</b> Failing to provide to employees a written policy on misuse of alcohol and controlled substances that meets the requirements of 382.601(b) 1-11.					
<b>Example</b> On September 27th, 2016 Quality Septic & Sewer Inc. had driver [REDACTED] operate a CDL required combination of vehicles (VIN# [REDACTED] 25824 & VIN# [REDACTED] 000175) in commerce. The gross vehicle weight ratings on these vehicles are 52,000lbs. and 36,530 lbs. respectively. Mr. [REDACTED] was transporting a piece of machinery and construction materials from Overland Park Kansas to the job site in Harrisonville Missouri. This trip is evidenced by a job invoice, a signed carrier statement, and a fuel receipt. At the time of this trip and during the review, carrier failed to provide to employees a written policy on misuse of alcohol and controlled substances that meets the requirements of 382.601(b) 1-11. Carrier had a policy and educational materials in owner/operator Mark Shepard's driver qualification file. No such information was listed in [REDACTED] file or [REDACTED] file.					
6 FEDERAL	Primary: 382.603	Discovered 1	Checked 1	Drivers/Vehicles In Violation 0	Checked 0
<b>Description</b> Failing to ensure person designated to determine that drivers undergo reasonable suspicion testing receive 60 minutes training for alcohol and/or 60 minutes of training for controlled substances.					
<b>Example</b> On September 18th, 2016 Quality Septic & Sewer Inc. had driver [REDACTED] operate a CDL required combination of vehicles (VIN# [REDACTED] 25824 & VIN# [REDACTED] 000175) in commerce. The gross vehicle weight ratings on these vehicles are 52,000lbs. and 36,530 lbs. respectively. Mr. [REDACTED] was transporting a piece of machinery and construction materials from Overland Park Kansas to the job site in Independence Missouri. This trip is evidenced by a job invoice, a signed carrier statement, and a fuel receipt. At the time of this trip and during the review, carrier failed to ensure person designated to determine that drivers undergo reasonable suspicion testing receive 60 minutes training for alcohol and/or 60 minutes of training for controlled substances.					
7 FEDERAL	Primary: 383.23(a)	Discovered 1	Checked 3	Drivers/Vehicles In Violation 1	Checked 3
<b>Description</b> Operating a commercial motor vehicle without a valid commercial driver's license.					
<b>Example</b> On September 14th, 2016 Quality Septic & Sewer Inc. had driver Dale [REDACTED] operate a CDL required combination of vehicles (VIN# [REDACTED] 45426 & VIN# [REDACTED] 000175) in commerce. The gross vehicle weight ratings on these vehicles are 10,000lbs. and 36,530 lbs. respectively. Mr. [REDACTED] was transporting a piece of machinery and construction materials from Overland Park Kansas to the job site in Prairie Village Kansas. This trip is evidenced by a job invoice, a signed carrier statement, and a fuel receipt. At the time of this trip and during the review, carrier allowed this driver to operate a commercial motor vehicle without a valid commercial driver's license. This particular driver only operates in intrastate commerce per carrier officials.					





QUALITY SEPTIC & SEWER INC  
U.S. DOT #: 991956

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10/20/2016

### Part B Violations

8 FEDERAL	Primary: 391.23(c)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
<b>Description</b> Failing to investigate driver's background within 30 days of employment. On September 27th, 2016 Quality Septic & Sewer Inc. had driver [REDACTED] operate a CDL required combination of vehicles (VIN# [REDACTED] 25824 & VIN# [REDACTED] 000175) in commerce. The gross vehicle weight ratings on these vehicles are 52,000lbs. and 36,530 lbs. respectively. Mr. [REDACTED] was transporting a piece of machinery and construction materials from Overland Park Kansas to the job site in Harrisonville Missouri. This trip is evidenced by a job invoice, a signed carrier statement, and a fuel receipt. Carrier failed to investigate driver's background within 30 days of employment. Carrier hired this particular driver on 05/09/2016. Carrier did not investigate driver within the given timeframe. Carrier ran first driver MVR on July 11th, 2016. Only one of the three drivers examined was hired within the last year.					
9 STATE	Primary: 391.51(b)(5)	Discovered 1	Checked 2	Drivers/Vehicles In Violation 1	Checked 2
<b>Description</b> Failing to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2) <b>Example</b> On September 14th, 2016 Quality Septic & Sewer Inc. had driver [REDACTED] operate a CDL required combination of vehicles (VIN# [REDACTED] 45426 & VIN# [REDACTED] 000175) in commerce. The gross vehicle weight ratings on these vehicles are 10,000lbs. and 36,530 lbs. respectively. Mr. [REDACTED] was transporting a piece of machinery and construction materials from Overland Park Kansas to the job site in Prairie Village Kansas. This trip is evidenced by a job invoice, a signed carrier statement, and a fuel receipt. At the time of this trip and during the review, carrier failed to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2). This particular driver only operates in intrastate commerce per carrier officials.					
10 STATE	Primary: 391.51(b)(6)	Discovered 1	Checked 2	Drivers/Vehicles In Violation 1	Checked 2
<b>Description</b> Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27. <b>Example</b> On September 14th, 2016 Quality Septic & Sewer Inc. had driver [REDACTED] operate a CDL required combination of vehicles (VIN# [REDACTED] 45426 & VIN# [REDACTED] 000175) in commerce. The gross vehicle weight ratings on these vehicles are 10,000lbs. and 36,530 lbs. respectively. Mr. Ditch was transporting a piece of machinery and construction materials from Overland Park Kansas to the job site in Prairie Village Kansas. This trip is evidenced by a job invoice, a signed carrier statement, and a fuel receipt. At the time of this trip and during the review, carrier failed to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27. This particular driver only operates in intrastate commerce per carrier officials.					
<b>Safety Fitness Rating Information:</b> Total Miles Operated 60,000 Recordable Accidents 0 Recordable Accidents/Million Miles 0.00		OOS Vehicle (CR): 0 Number of Vehicle Inspected (CR): 0 OOS Vehicle (MCMIS): 0 Number of Vehicles Inspected (MCMIS): 0			







QUALITY SEPTIC & SEWER INC  
U.S. DOT #: 991956

Review Date:  
10/20/2016

### Part B Violations

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:	C	0	1
Factor 5:	S	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.

If this was a focused investigation, which will be noted in the Review Type on the first page of this report (Part A), some factors shown above may be marked "SATISFACTORY" even if they were not reviewed. A focused investigation will not result in a SATISFACTORY safety rating because all standards and factors specified in 40 CFR 383.5 and 385.7 were not examined in full, even though it may appear that they were under the rating factors in Part B of this document. It may, however, result in a less than SATISFACTORY rating if sufficient violations are discovered in the parts and factors examined to result in a CONDITIONAL or UNSATISFACTORY rating, or a non-ratable review.

If you receive a conditional or unsatisfactory rating, you may request an administrative review under 49 CFR 385.15 or a safety rating upgrade based on corrective action under 49 CFR 385.17. However, a successful request may only result in a non-ratable status, upgrade to a conditional safety rating, or reinstatement of your most recent safety rating. You will not receive a new satisfactory safety rating as a result of your request(s) under 49 CFR 385.15 and/or 49 CFR 385.17.





## Part B Requirements and/or Recommendations

### 1. 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.
- **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. Discuss with your employees/drivers the "Security Measures for Truck Drivers and Companies" which were provided and reviewed with motor carrier official. Motor carriers should visit the following website for more information:  
<http://www.fmcsa.dot.gov/documents/Hijacking-Brochure.pdf>

For all Investigations that could result in a Notice of Claim:

- **PLEASE NOTE:** The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Notice of Claim. 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 Notice of Claim. 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.

Attached to this report is Table 1, which identifies all the documented violations which were discovered during the course of this review.

For all Investigations resulting in serious violations

Serious violations were recorded on this investigation report. These violations will impact your safety record. Furthermore, these violations may result in a follow-up investigation at a later date unless adequate evidence of corrective action is forwarded to our office:





QUALITY SEPTIC & SEWER INC

U.S. DOT #: 991956

Review Date:

10/20/2016

## Part B Requirements and/or Recommendations

US Department of Transportation  
Federal Motor Carrier Safety Administration  
Kansas Division  
Mr. Max Strathman  
1303 First American Place  
Suite 200  
Topeka, KS 66604-4040

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:

US Department of Transportation  
Federal Motor Carrier Safety Administration  
Midwestern Service Center  
4749 Lincoln Mall Drive  
Suite 300-A  
Matteson, IL 60443

Ensure that a CC copy of the letter is mailed to:

US Department of Transportation  
Federal Motor Carrier Safety Administration  
Kansas Division  
Mr. Max Strathman  
1303 First American Place  
Suite 200  
Topeka, KS 66604-4040

This letter should be submitted as soon as possible.

The 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 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. Mail the letter along with copies of your supporting evidence to:

Kansas Corporation Commission





## Part B Requirements and/or Recommendations

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

### 2. HOS COMPLIANCE BASIC PROCESS BREAKDOWN: Roles and Responsibilities

#### DESCRIPTION OF PROCESS BREAKDOWN

Carrier failed to require drivers to make a record of duty status.

#### BASIC SPECIFIC RECOMMENDED REMEDIES

Ensure that all commercial motor vehicle operators complete accurate records of duty status. Based on the scope and nature of your business, you have the ability to utilize the Short Haul Provision. This log book exemption requires you to follow several guidelines in order to qualify. Record driver time in, time out, and the total hours worked for that day. Do not allow your drivers to exceed 100 air miles from their work reporting location. They must return to the same work reporting location they left from earlier that day within 12 hours. Lastly, they must have 10 hours off duty separating each work day. Utilize the time sheets I've provided to you. If you have questions or needs, please don't hesitate to contact me.

Implement Safety Improvement Practices: The following are recommended practices related to Roles and Responsibilities.

- Define and document roles and responsibilities of managers and supervisors for monitoring compliance with Hours-of-Service (HOS) policies.
- Ensure that managers are responsible for reviewing Records of Duty Status (RODS) for accuracy and for disciplining those who falsify their logs.
- Assign responsibility for making sure that all Records of Duty Status (RODS) are collected and stored for six months.
- Prior to accepting shipments, ensure that dispatchers are responsible for mapping out routes, asking drivers how many hours they have driven recently, and verifying that the route can be completed without breaking Hours-of-Service (HOS) regulations.
- Ensure that drivers are responsible for informing the carrier when they are sick, keeping accurate Records of Duty Status (RODS), and planning their route so that it can be completed efficiently within Hours-of-Service (HOS) rules.
- Define and document roles and responsibilities of drivers and dispatchers as they pertain to Hours-of-Service (HOS) policies and procedures.

#### Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

### 3. UNSAFE DRIVING BASIC PROCESS BREAKDOWN: Qualification and Hiring

#### DESCRIPTION OF PROCESS BREAKDOWN

Operating a commercial motor vehicle without a valid commercial driver's license.

#### BASIC SPECIFIC RECOMMENDED REMEDIES

Ensure that if you allow Dale (Jake) Ditch to continue to operate a CDL required vehicle, that he is properly qualified to do so. He must have the appropriate license to operate any power unit when combined with the 2016 Kaufman trailer. If you have questions or needs, please contact me.

Implement Safety Improvement Practices: The following are recommended practices related to Qualification and Hiring.

- Ensure that Motor Vehicle Records (MVRs) from States issuing Commercial Driver's Licenses (CDLs) are reviewed for unsafe-driving violations of all prospective drivers for the last three years.
  - Ensure that prospective drivers will drive safely by querying applicants, checking with previous employers and references, and obtaining necessary documents regarding drivers' safety performance going back three years.
- Create a detailed written record of each inquiry.
- Ensure that enough drivers are hired so that the carrier can meet deadlines within Hours-of-Service (HOS)





## Part B Requirements and/or Recommendations

restrictions without speeding.

- Ensure that the employment application captures all information required by the Federal Motor Carrier Safety Regulations (FMCSRs), such as that pertaining to moving violations, prior convictions, and denied employment based on unsafe driving.
- Enhance the recruitment process to identify and attract qualified applicants for the position of safety director and driver, using outside resources such as industry affiliations, recruiters, and consultants for employee searches and referrals.

Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

### 4. VEHICLE MAINTENANCE BASIC - INSPECTION-REPAIR-MAINTENANCE PROCESS BREAKDOWN: Roles and Responsibilities

#### DESCRIPTION OF PROCESS BREAKDOWN

Failing to keep minimum records of inspection and vehicle maintenance.

#### BASIC SPECIFIC RECOMMENDED REMEDIES

Use the documents I provided to you during the review to establish maintenance folders for each commercial motor vehicle. Create a maintenance policy, preventative maintenance schedule, and register for recording maintenance conducted on vehicles. Ensure that all evidence of repairs and maintenance work conducted is included in the appropriate file. All commercial motor vehicles ( trailers included ) must have current periodic annual inspections. Keep these records organized and contact me with any questions.

Implement Safety Improvement Practices: The following are recommended practices related to Roles and Responsibilities

- Define and document responsibilities of managers, supervisors, drivers, dispatchers, mechanics, and technicians as related to vehicle inspection, repair, and maintenance policies, including the monitoring and documentation of defects and repairs.
- Define and document roles and responsibilities of mechanics and technicians for differentiating between safety-related defects and other defects and for taking unsafe vehicles Out-of-Service (OOS).
- Empower the person who is in charge of fixing trucks with the authority to complete tasks, such as the purchasing of new parts when needed.
- Define and document roles and responsibilities for checking daily completion of Driver Vehicle Inspection Records (DVIRs) and certifying repair before the next assignment.
- Define and document dispatcher responsibilities for planning, scheduling, monitoring, and adjusting fleet operations in accordance with repair and maintenance requirements.
- Define driver responsibilities for informing managers, supervisors, and mechanics/technicians of safety-related defects and repair requirements prior to vehicle operation, including those resulting from vehicle Out-of-Service (OOS) orders.

Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

### 5. CONTROLLED SUBSTANCES AND ALCOHOL BASIC PROCESS BREAKDOWN: Roles and Responsibilities

#### DESCRIPTION OF PROCESS BREAKDOWN

Failing to ensure that each driver subject to random alcohol and controlled substances testing has an equal chance of being selected each time selections are made. Failing to provide to employees a written policy on misuse of alcohol and controlled substances that meets the requirements of 382.601(b) 1-11. Failing to ensure person designated to determine that drivers undergo reasonable suspicion testing receive 60 minutes training for alcohol





## Part B Requirements and/or Recommendations

and/or 60 minutes of training for controlled substances. Lastly, ensure that Mark Shepard takes the required reasonable suspicion training. He is a driver supervisor and therefore must have this training. The training can be had free of charge via the Drug Free Workplace Alliance webpage. Print the certificate of completion and maintain it in your records.

### BASIC SPECIFIC RECOMMENDED REMEDIES

Your random testing program has to have an updated driver list in order to be effective. All CDL drivers must be in a separate DOT compliant random pool. You can test any employee to your liking in the non-CDL pool. Only drivers that operate CDL required vehicles must be tested according to the Federal Motor Carrier Safety Administration's regulations. That carrier list of drivers must be current ( reflecting CDL drivers currently operating ) at all times. If you have questions regarding this section of the regulations, please contact me. Regarding the lack of signed drug and alcohol policies, you must simply ensure that they are done by each CDL driver. Driver Mark Shepard has the required policy and educational materials in his driver qualification file. This must be done for each driver that operates a CDL required vehicle.

Implement Safety Improvement Practices: The following are recommended practices related to Roles and Responsibilities.

- Ensure that managers are responsible for ascertaining that employees receive training concerning controlled substances and alcohol in accordance with State or Federal regulations and company policy.
- Ensure that managers are responsible for telling employees of a failed test and its implications.
- Regardless of carrier membership in a consortium, ensure that the carrier defines and documents the role and responsibilities of the designated employer representative (DER) in monitoring test procedures and checking results.
- If the carrier elects to join a consortium, ensure that the respective roles and responsibilities of the carrier and the consortium for controlled-substance and alcohol testing and reporting are defined and documented.

Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

## 6. DRIVER FITNESS BASIC PROCESS BREAKDOWN: Roles and Responsibilities

### DESCRIPTION OF PROCESS BREAKDOWN

Failing to investigate driver's background within 30 days of employment. Failing to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2). Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27.

### BASIC SPECIFIC RECOMMENDED REMEDIES

When you hire a new driver, you must investigate the driver's background within 30 day of hiring them. This includes showing contacting previous employers and running the initial MVR. Your first MVR on Dustin Agcopra wasn't run until July 11th of 2016. You hired him on May 9th of 2016. These steps must be executed for every new driver you hire. Any driver employed for over a year must have the annual review of violations and certification of the list in their file. This should be done with the MVR each year. You have copies of the document (page 18 of the "Red Book") in your files already. This requirement has to be executed annually for each driver. If you have questions relating to this material, please contact me.

Implement Safety Improvement Practices: The following are recommended practices related to Roles and Responsibilities.

- Define and document the role of managers and supervisors for implementing driver-fitness policies and for monitoring compliance with them. This should include regular evaluation of the carrier's driver-wellness program.
- Define and document roles and responsibilities of managers and supervisors in providing training and maintaining qualifications for all employees according to driver-fitness regulations and company policies and procedures.
- Ensure that operations managers and dispatchers are responsible for having the proper amount of fit drivers by considering short-term changes, for example, with regard to vacations, variations in sales, and additional driver duties, and long-term changes, for example, with regard to permanent reassignment and termination of employees.
- Ensure that dispatchers and operation managers are responsible for ascertaining that drivers are qualified before authorizing runs.
- Define and document roles and responsibilities of drivers, dispatchers, and other personnel according to driver





QUALITY SEPTIC & SEWER INC  
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### Part B Requirements and/or Recommendations

fitness regulations and company policies and procedures.

Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

7. 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 Quality Septic & Sewer Inc.'s operating authority and/or the impoundment of Quality Septic & Sewer Inc.'s vehicles.

X \_\_\_\_\_  
Mark Shepard



## **ATTACHMENT “B”**



# KCC WRITTEN STATEMENT

Signed Statement of Mark Shepard

Representative of Motor Carrier Quality Septic & Sewer, Inc.

USDOT# 991956

I, Mark Shepard, voluntarily give the following statement to Wade Patterson, who has identified himself as a Special Investigator for the State Of Kansas, Kansas Corporation Commission. No threats or promises have been made to me in exchange for this statement.

## NARRATIVE:

On September 14<sup>th</sup>, 2016 Quality Septic & Sewer Inc. had driver Dale "Jake" Ditch (KS DL# 101100008) operate a CDL required combination of vehicles (VIN# 1FT7Y2AT16645426 & VIN# 1CHAD35010000175) in commerce. The gross vehicle weight ratings on these vehicles are 10,000lbs. and 36,530 lbs. respectively. Mr. Ditch was transporting a piece of machinery and construction materials from Overland Park Kansas to the job site in Prairie Village Kansas. This trip is evidenced by a job invoice, and a fuel receipt.

I have read the foregoing statement consisting of 1 page(s). It is true, accurate and complete to the best of my knowledge. I reviewed any changes and they bear my initials.

I sign this statement under the penalty of perjury in the presence of Donna Steiner.

Witness/Interviewee's signature

Mark Shepard Date 10/11/16

I certify that I prepared and took the above statement and that it is a complete and accurate summary of my interview with the witness.

Safety Investigator's Signature

Date

## **ATTACHMENT “C”**

# KCC WRITTEN STATEMENT

Signed Statement of \_\_\_\_\_ Mark Shepard \_\_\_\_\_,

Representative of Motor Carrier \_\_\_\_\_ Quality Septic & Sewer, Inc. \_\_\_\_\_

USDOT# \_\_\_\_\_ 991956 \_\_\_\_\_

I, \_\_\_\_\_ Mark Shepard \_\_\_\_\_, voluntarily give the following statement to \_\_\_\_\_ Wade Patterson \_\_\_\_\_, who has identified himself as a Special Investigator for the State Of Kansas, Kansas Corporation Commission. No threats or promises have been made to me in exchange for this statement.

## NARRATIVE:

On September 27<sup>th</sup>, 2016 Quality Septic & Sewer Inc. had driver Anthony "Dustin" Agcpra (MO CDL# \_\_\_\_\_ 123456789) operate a CDL required combination of vehicles (VIN# \_\_\_\_\_ 25824 & VIN# \_\_\_\_\_ 00175) in commerce. The gross vehicle weight ratings on these vehicles are 52,000lbs. and 36,530 lbs. respectively. Mr. Agcpra was transporting a piece of machinery and construction materials from Overland Park Kansas to the job site in Harrisonville Missouri. This trip is evidenced by a job invoice, and a fuel receipt.

I have read the foregoing statement consisting of 1 page(s). It is true, accurate and complete to the best of my knowledge. I reviewed any changes and they bear my initials.

I sign this statement under the penalty of perjury in the presence of Donna Steiner.

Witness' / Interviewee's signature

Date

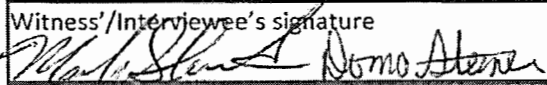
I certify that I prepared and took the above statement and that it is a complete and accurate summary of my interview with the witness.

Safety Investigator's Signature

Date

## **ATTACHMENT “D”**

## KCC WRITTEN STATEMENT

Signed Statement of _____ Mark Shepard _____,	
Representative of Motor Carrier _____ Quality Septic & Sewer, Inc. _____	
USDOT# _____ 991956 _____	
I, _____ Mark Shepard _____, voluntarily give the following statement to _____ Wade Patterson _____, who has identified himself as a Special Investigator for the State Of Kansas, Kansas Corporation Commission. No threats or promises have been made to me in exchange for this statement.	
NARRATIVE:	
<p>On September 18<sup>th</sup>, 2016 Quality Septic &amp; Sewer Inc. had driver Mark Shepard (KS CDL# _____) operate a CDL required combination of vehicles (VIN# _____ 25824 &amp; VIN# _____ 000175) in commerce. The gross vehicle weight ratings on these vehicles are 52,000lbs. and 36,530 lbs. respectively. Mr. Shepard was transporting a piece of machinery and construction materials from Overland Park Kansas to the job site in Independence Missouri. This trip is evidenced by a job invoice, and a fuel receipt.</p>	
I have read the foregoing statement consisting of _____ 1 _____ page(s). It is true, accurate and complete to the best of my knowledge. I reviewed any changes and they bear my initials.	
I sign this statement under the penalty of perjury in the presence of <u>Donna Steiner</u>	
Witness'/Interviewee's signature	Date
	<u>10/11/16</u>
I certify that I prepared and took the above statement and that it is a complete and accurate summary of my interview with the witness.	
Safety Investigator's Signature	Date

**CERTIFICATE OF SERVICE**

17-TRAM-157-PEN

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail/hand delivered on NOV 03 2016.

AHSAN LATIF, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604-4027  
Fax: 785-271-3354  
a.latif@kcc.ks.gov

MARK SHEPARD, PRESIDENT  
QUALITY SEPTIC & SEWER, INC.  
11404 W 117 TERR  
OVERLAND PARK, KS 66210-4117  
Fax: 913-469-4038  
mark@qualitysepticks.com

/S/ DeeAnn Shupe  
DeeAnn Shupe

**Order Mailed Date**

**NOV 04 2016**