

1500 SW Arrowhead Road  
Topeka, KS 66604-4027



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

Mark Sievers, Chairman  
Thomas E. Wright, Commissioner

Sam Brownback, Governor

## NOTICE OF PENALTY ASSESSMENT

July 30, 2012

Cuahthemoc S. Ortiz, Owner  
d/b/a Ortiz Trucking  
714 Susan St  
Garden City, Kansas 67846

13-TRAM-034-PEN

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 June 27, 2012, by Kansas Corporation Commission Special Investigator Penny Fryback. 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 \$3,000 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 Fiscal Section 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 calling the Fiscal Office at 785-271-3274.

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 12 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 Executive Director 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.

### 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 operations.

Sincerely,  
  
Amber Smith  
Litigation Counsel  
(785) 271-3301

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

Before Commissioners:      Mark Sievers, Chairman  
                                 Thomas E. Wright

In the Matter of the Investigation of )  
**Cuahthemoc S. Ortiz, d/b/a Ortiz Trucking,** )  
**of Garden City, Kansas,** Regarding the )  
Violation of the Motor Carrier Safety Statutes, ) Docket No. 13-TRAM-034-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. 2011 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. 2011 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. 2011 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. Cuahthemoc S. Ortiz, d/b/a Ortiz Trucking (Ortiz Trucking) obtained common operating authority from the Commission on April 27, 2012, and operates under KSMCID number 168740 and USDOT number 2112768.

5. Cuahthemoc S. Ortiz attended a Commission-sponsored Motor Carrier Education and Instructional Meeting on December 27, 2010, on behalf of Ortiz Trucking.

6. Ortiz Trucking is a common motor carrier which primarily hauls grain, feed and hay.

## **III. STAFF'S STATEMENT OF FACTS**

7. Pursuant to the jurisdiction and authority cited above, on June 27, 2012, Commission Staff (Staff) Special Investigator Penny Fryback conducted a compliance review of the operations of Ortiz Trucking. 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, Ms. Fryback identified two (2) violations of the Motor Carrier Safety Regulations.

- a. On June 13, 2012, Ortiz Trucking required or permitted its driver, Cuahthemoc S. Ortiz to operate a commercial motor vehicle, a 1995 Freightliner, VIN [REDACTED] in intrastate commerce from Scott City Cooperative Association elevator in Marienthal, Kansas to Wind River Grain, L.L.C. in Garden City, Kansas. This trip is evidenced

by Driver's Daily Log, dated June 13, 2012, a copy attached hereto as Attachment "B". At the time of this transportation, Ortiz Trucking operated the commercial motor vehicle at 89,220 lbs, which is 3,720 pounds over the maximum gross weight of 85,500 pounds allowed by K.S.A. 8-1909. This is evidenced by Ticket Nos. 0348758 and 0348886, copies attached hereto as Attachment "C". This violation was found on 22 trips. Ortiz Trucking's failure to operate its commercial motor vehicle under the maximum gross weight allowed by law is a violation of K.S.A. 8-1901 and 49 C.F.R. 392.2 as adopted by K.A.R. 82-4-3h. Staff recommends a fine of \$1,000.

- b. On June 15, 2012, Ortiz Trucking required or permitted its driver, Cuahthemoc S. Ortiz to operate a commercial motor vehicle, a 1995 Freightliner, VIN [REDACTED] in intrastate commerce from Scott City Cooperative Association elevator in Marienthal, Kansas to Wind River Grain, L.L.C. in Garden City, Kansas. This trip is evidenced by Driver's Daily Log, dated June 15, 2012, a copy attached hereto as Attachment "D". At the time of this transportation, driver, Cuahthemoc S. Ortiz, made a false report of duty activities on the time record. The driver's time record (Attachment "D") shows the driver on duty from 7:00 a.m. until 3:00 p.m. The scale ticket from Scott City Cooperative Association elevator in Marienthal shows the driver finished loading in Marienthal at 2:58 p.m. The inbound scale ticket number 0349229 shows the driver arrived at Wind River Grain, LLC in Garden City, Kansas to

unload at 4:06 p.m. and finished unloading at 4:30 p.m. Ticket No. 0349248 shows the driver arrived at Wind River Grain, LLC in Garden City, Kansas at 6:09 and finished unloading at 6:14. Although the ticket did not indicate a.m. or p.m. on the time, the driver was not reported as working at those times either in the morning or the evening. Copies of the scale tickets referenced above are attached hereto as Attachment "E". Ortiz Trucking's falsifying records of duty status is a violation of 49 C.F.R. 395.8(e), as adopted by K.A.R. 82-4-3, and as authorized by K.S.A. 2011 Supp. 66-1,129. Staff recommends a fine of \$2,000.

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

8. Based upon the available facts, Staff recommends the Commission find Ortiz Trucking committed two (2) violations of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSR), 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 \$3,000 for two (2) violations of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that Ortiz Trucking 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 Ortiz Trucking submit to one follow-up safety compliance review within the next twelve (12) 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 Ortiz Trucking because it is a motor carrier as defined in K.S.A. 2011 Supp. 66-1,108.

13. The Commission finds Ortiz Trucking committed two (2) violations of Kansas law that govern motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSR), 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. Cuahthemoc S. Ortiz, d/b/a Ortiz Trucking, of Garden City, Kansas is hereby assessed a \$3,000 civil penalty for two (2) 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. Ortiz Trucking 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, Ortiz Trucking is ordered to submit to one follow-up safety compliance review within the next twelve (12) months.

C. Pursuant to K.S.A. 2011 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 Executive Director, 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 Ortiz Trucking's right to a hearing, and this Penalty Order will become a Final Order assessing a \$3,000 civil penalty against Ortiz Trucking, and ordering Ortiz Trucking 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 twelve (12) 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. A corporation shall not be permitted to enter an appearance, except by its attorney.

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 Fiscal Section 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 \$3,000 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 Ortiz Trucking'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.**

Sievers, Chmn; Wright, Com.

Dated: JUL 30 2012

  
ORDER MAILED JUL 30 2012

Patrice Petersen-Klein  
Executive Director

AS



## **ATTACHMENT "A"**

## Kansas Corporation Commission

US DOT #  
2112768Legal: CUAHTEMOC S ORTIZ  
Operating (DBA): ORTIZ TRUCKING

MC/MX #: State #: 168740 Federal Tax ID: [REDACTED] (EIN)

Review Type: Compliance Review (CR) - Receipt

Scope: Principal Office

Location of Review/Audit: Company facility in the U. S.

Territory:

Operation Types Interstate Intrastate

Carrier: N/A Non-HM

Shipper: N/A N/A

Cargo Tank: N/A

Business: Individual

Gross Revenue: [REDACTED] for year ending: 12/31/2011

Company Physical Address:

[REDACTED]  
[REDACTED]

Contact Name:

Phone numbers: (1) [REDACTED] (2) [REDACTED] Fax

E-Mail Address:

Company Mailing Address:

714 SUSAN ST  
GARDEN CITY, KS 67846-8353

## Report Summary

Report	# of Pages
Part A - General	2
Part B - Violations	1
Part B - Recommendations	2
Review/Audit Receipt Page	1
<b>Total Pages</b>	<b>6</b>

Disclaimer: By signing below, I acknowledge that I have received a copy of this review/audit and agree with the total number of pages indicated (above) for each document. My signature does not imply agreement with the findings of the review/audit, however they have been discussed in detail with me.

QUESTIONS regarding this report or the Federal Motor Carrier Safety or Hazardous Materials rules may be addressed to the Office of Motor Carriers at:

1500 SW Arrowhead Road  
Topeka, KS 66604-4027

This report will be used to assess your safety compliance.

## Person(s) Interviewed

Name: Cuahthemoc S. Ortiz

Title: Owner

Name: Ana Buruca


Title: Safety Compliance

Reported By: *Penny Taylor*Title: *SA*

Code: KS8209 Date: 6/27/2012

Received By: *[Signature]*Title: *Owner*

**Kansas Corporation Commission**

	<b>US DOT #</b> 2112768	<b>Legal:</b> CUAHTHEMOC S ORTIZ <b>Operating (DBA):</b> ORTIZ TRUCKING																						
<b>MC/MX #:</b>		<b>State #:</b> 168740	<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> Other		<b>Territory:</b>																				
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Cargo Tank:	N/A																							
<b>Company Physical Address:</b> [REDACTED] [REDACTED]																								
<b>Contact Name:</b> <b>Phone numbers:</b> (1) [REDACTED] (2) [REDACTED] Fax <b>E-Mail Address:</b>																								
<b>Company Mailing Address:</b> 714 SUSAN ST GARDEN CITY, KS 67846-8353																								
<b>Carrier Classification</b> Authorized for Hire																								
<b>Cargo Classification</b> Grain, Feed, Hay      Other: Road Materials 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:15%;"></td> <td style="width:10%;"><b>Inter</b></td> <td style="width:10%;"><b>Intra</b></td> <td colspan="2"></td> </tr> <tr> <td>&lt; 100 Miles:</td> <td></td> <td></td> <td colspan="2">Average trip leased drivers/month: 0</td> </tr> <tr> <td>&gt;= 100 Miles:</td> <td></td> <td>1</td> <td colspan="2">Total Drivers: 1</td> </tr> <tr> <td></td> <td></td> <td></td> <td colspan="2">CDL Drivers: 1</td> </tr> </table>						<b>Inter</b>	<b>Intra</b>			< 100 Miles:			Average trip leased drivers/month: 0		>= 100 Miles:		1	Total Drivers: 1					CDL Drivers: 1	
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	Owned	Term Leased	Trip Leased		Owned	Term Leased	Trip Leased																	
Truck Tractor	1	0	0	Trailer	0	1	0																	
Power units used in the U.S.: 1 Percentage of time used in the U.S.: 100																								





ORTIZ TRUCKING (CUAHTHEMOC S ORTIZ dba)

U.S. DOT #: 2112768

State #: 168740

Review Date:

06/27/2012

### Part A

QUESTIONS regarding this report or the Federal Motor Carrier Safety or  
Hazardous Materials rules may be addressed to the Office of Motor Carriers at:

1500 SW Arrowhead Road  
Topeka, KS 66604-4027

This report will be used to assess your safety compliance.

**Person(s) Interviewed**

Name: Cuahthemoc S. Ortiz

Title: Owner

Name: Ana Buruca

Title: Safety Compliance





ORTIZ TRUCKING (CUAHTHEMOC S ORTIZ dba)  
U.S. DOT #: 2112768

State #: 168740

Review Date:  
06/27/2012

### Part B Violations

1 STATE	Primary: K.S.A. 8-1901 CFR Equivalent: 392.2	Discovered 22	Checked 83	Drivers/Vehicles In Violation	Checked 1
------------	---	------------------	---------------	----------------------------------	--------------

#### Description

Operating a motor vehicle not in accordance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated.

#### Example

Driver Cuahthemoc Ortiz  
Trip Date 6/13/2012

2 STATE	Primary: 395.8(e) CFR Equivalent: 395.8(e)	Discovered 2	Checked 30	Drivers/Vehicles In Violation	Checked 1
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#### Description

False reports of records of duty status.

#### Example

Driver Cuahthemoc Ortiz  
Trip Date 6/15/2012

Safety Fitness Rating Information:		OOS Vehicle (CR): 0	
Total Miles Operated	50,000	Number of Vehicle Inspected (CR): 0	
Recordable Accidents	0	OOS Vehicle (MCMIS): 0	
		Number of Vehicles Inspected (MCMIS): 0	

Your proposed safety rating is :

**This Review is not Rated.**





ORTIZ TRUCKING (CUAHTHEMOC S ORTIZ dba)  
U.S. DOT #: 2112768

State #: 168740

Review Date:  
06/27/2012

## Part B Requirements and/or Recommendations

1. Do not allow driver to haul over the legal weight limit. (20,000 lbs on a single axle , 34,000 on tandem axles, or 85,500 gross weight. )
2. Ensure that all drivers' records of duty status (logs) are accurate. Check them against "supporting documents" to verify accuracy. Prohibit falsification of logs by any driver. Review the rules on supporting documents. Take appropriate action against drivers who falsify logs.

### 3. FATIGUE DRIVING (HOS) BASIC PROCESS BREAKDOWN: Roles and Responsibilities

#### DESCRIPTION OF PROCESS BREAKDOWN

#### BASIC SPECIFIC RECOMMENDED REMEDIES

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.

### 4. 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





ORTIZ TRUCKING (CUAHTHEMOC S ORTIZ dba)  
U.S. DOT #: 2112768

State #: 168740

Review Date:  
06/27/2012

### Part B Requirements and/or Recommendations

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.

5. FMCSA recently announced planned improvements to the Carrier Safety Measurement System (SMS) which was implemented in December 2010 as part of the Agency's broader Compliance, Safety, Accountability (CSA) initiative. A preview of these improvements is currently available to motor carriers. The system changes are scheduled to be available to the public in July 2012. There will be additional opportunity for public comment on the changes after the preview period ends in July 2012.  
The improvements to SMS are based on ongoing analysis and feedback from enforcement personnel, the motor carrier industry, and other stakeholders. The changes more effectively identify and prioritize high-risk and other unsafe motor carriers for enforcement interventions designed to reduce commercial motor vehicle crashes and hazardous materials incidents.  
Motor carriers currently have the ability to preview how the improvements impact their individual safety data in SMS. These improvements include: (1) Changes to the SMS methodology that identify higher risk carriers while addressing industry biases; (2) better applications of SMS results for Agency interventions by more accurately identifying safety sensitive carriers (i.e., carriers transporting people and carriers hauling hazardous materials (HM)), so that such firms can be selected for CSA interventions at more stringent levels; and, (3) more specific fact-based displays of SMS results on the SMS Web site.  
The data preview may be found at <http://csa.fmcsa.dot.gov/>. During the data preview period, the Agency requests comments on the impacts of the changes.
6. This report contains citations of regulations that are deemed serious in nature and could result in penalties against your company and/or your drivers.
7. Within 15 days, send a letter to the Kansas Corporation Commission describing what actions you have taken in response to this review to ensure that you are complying with the Federal Motor Carrier Safety Regulations.
8. If you have any questions concerning this report, please contact the Kansas Corporation Commission, 1500 SW Arrowhead Rd. Topeka, Ks. 66604-4027  
785-271-3151



## **ATTACHMENT “B”**





# DRIVER'S DAILY LOG

(24 HOURS)

6 / 13 / 12  
(Month) (Day) (Year)

Original - File at home terminal.  
Duplicate - Driver retains in his/her possession for eight days.

RECAP  
Complete at  
end of workday.

Total Miles Driving Today

Total Mileage Today

Ortiz Trucking

Name of Carrier or Carriers

USO JENNIE Barker Rd

Home Office Address

Garden City KS

Home Terminal Address

I certify these entries are true and correct.

Driver's Full Signature

Co-Driver's Name

Truck/Tractor and Trailer Numbers or  
License Plate(s) / State (show each unit)

1. OFF DUTY

2. SLEEPER  
BERTH

3. DRIVING

4. ON DUTY  
(NOT DRIVING)

REMARKS

MID-NIGHT

SHIPPING  
DOCUMENTS:

When?

B/L or Manifest No.

or Windover

Shipper & Commodity

From:

Marionville KS

To:

Garden City KS

USE TIME STANDARD AT HOME TERMINAL

Copyright 2005 & Published by J. J. KELLER & ASSOCIATES, INC.

601-L

On duty hours  
today (Total  
Hours 3-6-9)

70 Hour/  
8 Day  
Drivers

A.  
Total hours on  
duty last 7 days,  
including today.

B.  
Total hours  
available  
today (see A.)

Total hours on  
duty last 7 days,  
including today.

60 Hour/  
7 Day  
Drivers

A.  
Total hours on  
duty last 7 days,  
including today.

B.  
Total hours  
available  
today (see A.)

C.  
Total hours on  
duty last 7 days,  
including today.

\*If you work  
24 consecutive  
hours off duty,  
you have 60/70  
hours available  
again.

## **ATTACHMENT "C"**

WindRiver Grain, L.L.C.  
2810 E. Hwy. 50  
Garden City, KS 67846  
620-275-2101

COPY NOT - NEGOTIABLE  
UNITED STATES WAREHOUSE ACT

(Inspection not valid for purposes of the United States Grain Standards Act.)

REPRINT  
TICKET # 0348750  
THROUGH  
R-REGULAR

Warehouseman: WindRiver Grain, L.L.C.  
Licensed Warehouse: WindRiver Garden City Elevator  
Location: Garden City, KS

SCOTT COOPERATIVE ASSN  
410 E FIRST STREET  
SCOTT CITY KS 67871-0350

SHIPPER: ORTIZTRK  
ORTIZ TRUCKING DBA  
TEND  
GARDEN CITY KS 67846

COMMODITY: HARD RED WINTER

VEHICLE ID: 1  
DRIVER GND: Y

ORG # 2509/05

Test Weight 61.8  
Moisture 12.3  
Dockage 0.4  
Protein 11.7

06/13/2012 08:07  
06/13/2012 08:34

69,220 Lbs GROSS  
29,860 Lbs TARE  
39,360 Lbs NET

Foreign Material

Contasting Clarsons

Defects (total)

Damaged Kernels (total)

Heat Damaged Kernels

Insect-Damaged Kernels

GROSS BUSHELS 990.33  
NET AFTER DIS 59,420  
NET BUSHELS 990.33

ORIGIN NA  
DESTINATION CAL

NONRENTAL

I hereby certify that I hold a license under the United States Warehouse Act, and the regulations for grain warehouses thereunder, to inspect, grade, and/or weigh the kind of grain covered by this certificate; that on the above date and at the above place I inspected, graded, and/or weighed the following lot or parcel of grain stored, or to be stored, in the above-named elevator, a warehouse licensed under said Act and Regulations; and that the grade of said grain according to the official grain standards of the United States, and the net weight thereof, including dockage, if any, was as stated above.

LICENSED WEIGHER RONNY A HUBER  
AND/OR INSPECTOR X

ATTN: DRIVERS DRIVER X VERIFY YOUR WEIGHTS

WindRiver Grain, L.L.C.  
2810 E. Hwy. 50  
Garden City, KS 67846  
620-275-2101

COPY NOT - NEGOTIABLE  
UNITED STATES WAREHOUSE ACT

(Inspection not valid for purposes of the United States Grain Standards Act.)

REPRINT  
TICKET # 0348889  
INROUND  
R: REGULAR

Warehouseman: WindRiver Grain, L.L.C.  
Licensed Warehouse: WindRiver Garden City Elevator  
Location: Garden City, KS: COOP

SCOTT COOPERATIVE ASSN  
410 E FIRST STREET  
SCOTT CITY KS 678710350

SHIPPER: ORTIZTRK  
ORTIZ TRUCKING DBA  
TERO  
GARDEN CITY KS 67846

COMMODITY: HARD RED WINTER

VEHICLE ID: 1  
DRIVER CNO: Y

ORD # 2739/DS

Test Weight 68.9  
Moisture 10.6  
Dockage 0.0  
Protein 12.2  
Foreign Material  
Contracting Classes  
Defects (total)  
Damaged Kernels (total)  
Heat Damaged Kernels  
Insect-Damaged Kernels

06/13/2012 04:20  
06/13/2012 04:53

57,100 Lbs GROSS  
29,540 Lbs TARE  
57,600 Lbs NET

GROSS BUSHELS 960.00  
NET AFTER DIS 57,600  
NET BUSHELS 960.00

HORIZONTAL

ORIGIN MO  
DESTINATION CAJ

I hereby certify that I hold a license under the United States Warehouse Act, and the regulations for grain warehouses thereunder, to inspect, grade, and/or weigh the kind of grain covered by this certificate; that on the above date and at the above place I inspected, graded, and/or weighed the following lot or parcel of grain stored, or to be stored, in the above-named elevator, a warehouse licensed under said Act and Regulations; and that the grade of said grain according to the official grain standards of the United States, and the net weight thereof, including dockage, if any, was as stated above.

LICENSED WEAIGHT  
AND/OR INSPECTOR BECKY L. KERNING

WITH DRIVERS

DRIVER X VERIFY YOUR WEIGHTS

## **ATTACHMENT "D"**



# DRIVER'S DAILY LOG

(24 HOURS)

Total Miles Driving Today

Total Mileage Today

190

6 / 15 / 12

CRK-2 TRUCKING

950 Jennie Barker Rd

Garden City KS

#1

#1

Truck/Tractor and Trailer Numbers or License Plate(s) / State (show each unit)

I certify these entries are true and correct:

Driver's Full Signature

Co-Driver's Name

RECAP  
Complete at  
end of workday.

On-duty hours  
today, (Total  
lines 3 & 4)

70 Hour/  
8 Day  
Drivers

A.  
Total hours on  
duty last 7 days,  
including today

B.  
Total hours  
available  
tomorrow,  
70 hr. minus A \*

C.  
Total hours on  
duty last 8 days,  
including today

68 Hour/  
7 Day  
Drivers

A.  
Total hours on  
duty last 6 days,  
including today

B.  
Total hours  
available  
tomorrow,  
68 hr. minus A \*

C.  
Total hours on  
duty last 7 days,  
including today

If you took  
24 consecutive  
hours off duty,  
you have 68-70  
hours available  
again.

1. OFF DUTY

2. SLEEPER  
BERTH

3. DRIVING

4. ON DUTY  
(NOT DRIVING)

REMARKS

SHIPPING  
DOCUMENTS:

Wheat

B/L or Manifest No.

Marantha

Shipper & Commodity

Enter name of place you reported and where released from work and when and where each change of duty occurred.

From:

To:

USE TIME STANDARD AT HOME TERMINAL

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601-L

## **ATTACHMENT “E”**



United States Warehouse Act  
Grain Inspection and Weight Certificate  
(Inspections not valid for purposes of the United States Grain Standards Act)

COPY - NOT NEGOTIABLE

# Scott Cooperative Association, Inc.

PO Box 350 • Scott City, KS 67871

Grigston  
620-872-2994

Marienthal  
620-379-4468

Manning  
620-872-3082

Modoc  
620-872-2845

Scott City  
620-872-5823

Shallow Water  
620-872-5383

LOCATION: OPERATOR: DJ

MARIENTHAL GRAIN

OUTBOUND  
018895

WHEAT

NO. 68082  
WINDRIVER GRAIN, LLC

06/15/2012 14:59 GROSS :  
06/15/2012 14:52 TARE :  
NET :  
DOWNS :  
APPLIED :  
DISCOUNT :  
DISHELS :

85,400 lbs  
29,340 lbs  
56,060 lbs  
0  
50,060  
1.00  
934.33

3410 E US HIGHWAY 50  
GARDEN CITY KS 67844

TEST WEIGHT : GRADES :  
50.00 : MOISTURE :  
13.50 : DUCKAGE-LBS :  
0.00

REF1 : REF2 :  
DRIVER: OFF TRUCK: ORTIZ J

WINDRIVER GRAIN, LLC  
100.00% 56,060 TERN WINDRIV

(Driver's Signature)

I hereby certify that I held a license under the  
United States Warehouse Act, and the regulations  
for grain warehouses thereunder

(Licensed Inspector & Weigher)



WindRiver Grain, L.L.C.  
2810 E. Hwy. 50  
Garden City, KS 67846  
620-275-2101

COPY NOT - NEGOTIABLE  
UNITED STATES WAREHOUSE ACT

(Inspection not valid for purposes of the United States Grain Standards Act.)

\*\* REPRINT \*\*  
TICKET # 0349229  
INBOUND  
R-REGULAR

Warehouseman: WindRiver Grain, L.L.C.  
Licensed Warehouse: WindRiver Garden City Elevator  
Location: Garden City, KS

SCOTT COOPERATIVE ASSN  
410 E FIRST STREET  
SCOTT CITY KS 678710350

SHIPPER: ORTIZTRK  
ORTIZ TRUCKING DBA  
TEND  
GARDEN CITY KS 67846

COMMODITY: HARD RED WINTER

VEHICLE ID: 1  
DRIVER ORG: Y

ORG # 18895706

Test Weight 61.1  
Moisture 10.9  
Dockage 0.1  
Protein 11.4  
Foreign Material  
Contasting Classes  
Defects (total)  
Damaged Kernels (total)  
Heat Damaged Kernels  
Insect-Damaged Kernels

06/15/2010 04:06 85,100Lbs GROSS  
06/15/2012 04:30 29,500Lbs TARE  
55,520Lbs NET

GROSS BUSHELS 925.33  
NET AFTER DIS 55,520  
NET BUSHELS 925.33

ORIGIN  
DESTINATION

CA1

I hereby certify that I hold a license under the United States Warehouse Act, and the regulations for grain warehouses thereunder, to inspect, grade, and/or weigh the kind of grain covered by this certificate; that on the above date and at the above place I inspected, graded, and/or weighed the following lot or parcel of grain stored, or to be stored, in the above-named elevator, a warehouse licensed under said Act and Regulations; and that the grade of said grain according to the official grain standards of the United States, and the net weight thereof, including dockage, if any, was as stated above.

RECKY L. BERNING

LICENSED WEIGHER  
AND/OR INSPECTOR X

ATTN: DRIVERS PLEASE X VERIFY YOUR WEIGHTS  
DRIVER X

ATTN: DR. G. PLEASE VERIFY YOUR WEIGHTS

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

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
------------------	------------------------	------------------------

Cuahthemoc S. Ortiz, OWNER  
D/B/A Ortiz Trucking  
714 Susan St  
Garden City, KS 67846-8353

AMBER SMITH, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD ROAD  
TOPEKA, KS 66604-4027  
\*\*\*Hand Delivered\*\*\*

ORDER MAILED **JUL 30 2012**

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.