

1500 SW Arrowhead Road
Topeka, KS 66604-4027

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



20240618105546
Kansas Corporation
Commission
Phone: 785-271-3100
Fax: 785-271-3354
<http://kcc.ks.gov/>

Laura Kelly, Governor

NOTICE OF PENALTY ASSESSMENT
24-TRAM-848-PEN

June 18, 2024
Stanley Steiner, Sole Proprietor
Stanley D Steiner d/b/a Banana Trucking
1403 23rd Ave
Galva, Kansas 67443

This is a notice of a penalty assessment against Stanley D Steiner d/b/a Banana Trucking (Banana Trucking) for violations of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted June 4, 2024, by a Kansas Corporation Commission Special Investigator. Penalties are assessed in accordance with the FY 2024 Uniform Penalty Assessment Matrix, approved by the Commission on June 29, 2023. For a full description of the penalty(s) and terms and obligations please refer to the Order attached to this notice.

IF YOU ACCEPT THE PENALTY: Banana Trucking has been assessed a \$1,350 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$1,350, through your personal account with the Kansas Corporation Commission's Kansas Trucking Regulatory Assistance Network (KTRAN) system located at <https://puc.kcc.ks.gov/ktran/>. If you have not received a letter from the Transportation Division assigning you a PIN, please contact that Division at 785-271-3145. You must have an account through KTRAN to pay the penalty owed.

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

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

IF YOU FAIL TO ACT: Failure to pay the penalty of \$1,350 within thirty (30) days from the date of service of the Penalty Order or failure to comply with the terms of the Order, or in the alternative, failure to provide a timely written request for a hearing, will result in the Order becoming final and may result in additional sanctions of suspension and/or revocation of your motor carrier operating authority.

Respectfully,
/s/ Ahsan A. Latif
Ahsan A. Latif
Litigation Counsel
(785) 271-3118
a.latif@kcc.ks.gov

¹ K.A.R. 82-1-215; K.S.A. 77-542.

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

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

In the Matter of the Investigation of **Stanley D)**
Steiner d/b/a Banana Trucking, of Galva,)
Kansas. Regarding the Violation(s) of the Motor)
Carrier Safety Statutes, Rules and Regulations) Docket No. 24-TRAM-848-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"). Having examined its files and records, and being duly advised in the premises, the Commission finds and concludes as follows:

1. On June 4, 2024, a Commission Staff ("Staff") Special Investigator ("SI") completed a safety compliance investigation of the operations of Stanley D Steiner d/b/a Banana Trucking (Banana Trucking or Carrier). Banana Trucking is a motor carrier as defined in 49 C.F.R. 390.5, and operates under USDOT number 1651867.

2. On June 12, 2024, Staff submitted its Report and Recommendation ("R&R"), attached hereto as Attachment "A" and is hereby incorporated by reference, recommending a penalty of \$1,350 to be issued to Banana Trucking based on the frequency, timeline and severity of the violations discovered. Staff's R&R indicates that as a result of the safety compliance investigation, the SI identified four (4) violation(s), accounting for four (4) count(s), of the

Motor Carrier Safety Regulations (MCSRs), which carries a penalty according to the FY2024 Uniform Penalty Assessment Matrix.²

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

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

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

6. Pursuant to K.S.A 66-1,108b, 66-1,111, 66-1,112 and 66-1,114b, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in 49 C.F.R. Part 390.5 as adopted by K.A.R. 82-4-3f, doing business or procuring business in

² Order Designating Guidance Document and Approving Staff's Use of the Transportation Division's Uniform Penalty Assessment Table, pp. 11 – 26 (Jun. 29, 2023) ("Penalty Matrix").

³ See Staff's Report and Recommendation, p.3 (Jun. 12, 2024).

⁴ *Id.*

⁵ See Staff's Report and Recommendation, p. 4 (Jun. 12, 2024).

Kansas, and is empowered to do all things necessary and convenient for the exercise of such power, authority and jurisdiction.

7. Pursuant to K.S.A. 66-1,129a, 66-1,130 and 66-1,142b, the Commission may suspend operations, revoke or amend certificates, and initiate sanctions or fines against every motor carrier and every person who violates any provision of Kansas law in regard to the regulation of such motor carriers and persons, or who fails to obey any order, decision or regulation of the Commission.

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

IT IS THEREFORE, BY THE COMMISSION ORDERED THAT:

A. Banana Trucking is hereby assessed a \$1,350 civil penalty for four (4) violation(s), accounting for four (4) count(s), 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. Banana Trucking is hereby ordered to have a representative responsible for the Carrier's safety compliance attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and is to provide Litigation Counsel with written proof of attendance.

C. Banana Trucking is hereby ordered to submit a written, comprehensive corrective action plan (CAP) to Transportation Staff within thirty (30) days of the date of this order, documenting the violation(s) described in this Penalty Order, including specific and detailed

information explaining Carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.

D. Banana Trucking is ordered to submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order. Transportation Staff will contact the Carrier to set up the appointment.

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

F. If a request for hearing is filed, attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. 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.⁶ For civil penalties of \$500 or less, a corporation may appear by a duly authorized representative of the corporation.⁷

⁶ . K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2); K.A.R. 82-1-202(a).

⁷ K.S.A. 66-1,142b(e) and amendments thereto.

G. If you do not request a hearing, the payment of the civil penalty of \$1,350 is due in thirty (30) days from the date of service of this Order. Payment of \$1,350 must be made through your personal account with the Kansas Corporation Commission's Kansas Trucking Regulatory Assistance Network (KTRAN) system located at <https://puc.kcc.ks.gov/ktran/>. You must have an account through KTRAN to pay the penalty.

H. Failure to pay the \$1,350 civil penalty within thirty (30) days from the date of service of this Penalty Order and/or failure to comply with the provisions of this Order may result in suspension of Banana Trucking's motor carrier operating authority without further notice.⁸ Additionally, the Commission may impose further sanctions to include, but not limited to, the issuance and enforcement of revocation of authority and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 06/18/2024



Lynn M. Retz
Executive Director

AAL

⁸ K.S.A. 66-1,105.

ATTACHMENT “A”

REPORT AND RECOMMENDATION TRANSPORTATION DIVISION

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

FROM: Jared Smith, Deputy Director of Transportation

DATE: June 12, 2024

SUBJECT: Docket No. 24-TRAM-848-PEN

In the Matter of the Investigation of **Stanley D Steiner d/b/a Banana Trucking of Galva, Kansas** Regarding the Violation of the Motor Carrier Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority

EXECUTIVE SUMMARY:

Stanley D Steiner d/b/a Banana Trucking (Stanley D Steiner) is a motor carrier (MC) possessing public for hire operating authority from the Commission, primarily hauling grain, feed, and hay. Stanley D Steiner operates under USDOT 1651867. On June 4, 2024, a Commission Staff Special Investigator (SI) completed a safety compliance investigation of the operations of Stanley D Steiner. A copy of the safety compliance report is attached hereto as **Exhibit 1** and is hereby incorporated by reference. As a result of this investigation, the SI identified four (4) violations, accounting for four (4) specific counts, of the Motor Carrier Safety Regulations (MCSRs), which carries a penalty according to the FY2024 Uniform Penalty Assessment Matrix approved by the Commission. Based on the frequency, timeline and severity of the violations discovered by the SI, staff recommends a penalty of \$1,350 be issued to the MC.

DISCUSSION AND ANALYSIS:

On June 4, 2024, a Commission Staff SI conducted a safety compliance investigation of the operations of Stanley D Steiner. The investigation covers a 365 day period and any previous compliance review. Each specific count is detailed below.

Count One (1 of 4)

Jurisdiction: 49 C.F.R. 382.711, adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 66-1,129.

Intent of Law: The MC must be enrolled in the FMCSA Drug and Alcohol Clearinghouse.

Supporting Documentation: On March 18, 2024, Stanley D Steiner required or permitted its owner/driver, Stanley Steiner, to operate a commercial driver's license (CDL) required commercial motor vehicle (CMV), a 1992 Peterbilt truck, VIN ending in 4096, GVWR 52,000 lbs., pulling a 2002 Cornhusker trailer, VIN ending in 7917, GVWR 65,000 lbs., in intrastate commerce from Groveland, Kansas to Wichita, Kansas. This transport is evidenced by Producer Ag, LLC Scale Ticket No. 39366, attached hereto as **Exhibit 2**. Additionally, a DACH report is attached hereto as **Exhibit 3**. The SI searched for the carrier by USDOT No. and business name and neither returned a result in the DACH.

Violation: Stanley D Steiner failed to register in the DACH (**Exhibit 1, Page 3**). One (1) violation was discovered.

Recommendation: Staff recommends a fine of \$500.

Count Two (2 of 4)

Jurisdiction: 49 C.F.R. 391.41, adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 66-1,129.

Intent of Law: The MC must confirm that its driver is medically examined and certified prior to operation of a commercial motor vehicle and maintain documentation of the medical certificate in the driver qualification file pursuant to 49 C.F.R. 391.51.

Supporting Documentation: On April 15, 2024, Stanley D Steiner required or permitted its owner/driver, Stanley Steiner to operate a CDL-required CMV, a 1992 Peterbilt truck, VIN ending in 4096, GVWR 52,000 lbs., pulling a 2002 Cornhusker trailer, VIN ending in 7917, GVWR 65,000 lbs., in intrastate commerce from Moundridge, Kansas to Wichita, Kansas. This transport is evidenced by a Producers Ag, LLC Pre-Check Settlement Sheet, attached hereto as **Exhibit 4**. Additionally, Mr. Steiner's Medical Examiner's Certificate is attached hereto as **Exhibit 5**. Mr. Steiner's medical certificate expired on April 3, 2024, twelve days before this transport.

Violation: Stanley D Steiner permitted or required its driver to operate a CMV without being medically examined and certified during the preceding 24 months (**Exhibit 1, Page 3**). One (1) violation was discovered.

Recommendation: Staff recommends a fine of \$250.

Count Three (3 of 4)

Jurisdiction: 49 C.F.R. 391.51(b)(2) and (4), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 66-1,129.

Intent of Law: The MC must maintain a copy of the motor vehicle record (MVR) received from each State in the driver qualification file.

Supporting Documentation: This violation took place during the transport described in Count One, above. Additionally, owner/driver Stanley Steiner's CDLIS report, dated April 29, 2024, is attached hereto as **Exhibit 6**. The MC had not obtained an MVR until after this transport, which took place on March 18, 2024.

Violation: Stanley D Steiner failed to maintain the responses of each State agency to the annual driver record inquiry required by 391.25(a) (**Exhibit 1, Page 4**). One (1) violation was discovered.

Recommendation: Staff recommends a fine of \$100.

Count Four (4 of 4)

Jurisdiction: K.S.A. 8-142 and 49 C.F.R. 392.2, adopted by K.A.R. 82-4-3h, and authorized by K.S.A. 66-1,129.

Intent of Law: The MC must obtain a proper commercial registration for its commercial motor vehicle.

Supporting Documentation: This violation took place during the transport described in Count Two, above. The Kansas Department of Revenue (KDOR) Commercial Motor Vehicle Registration for the 1992 Peterbilt truck, VIN ending in 4096, is attached hereto as **Exhibit 7**. The MC operated this CMV on April 15, 2024 despite the fact its registration had expired as of December 31, 2023 with an enforcement date of March 1, 2024.

Violation: Stanley D Steiner permitted or required its driver to utilize a CMV that did not have proper commercial registration (**Exhibit 1, Page 5**). One (1) violation was discovered.

Recommendation: Staff recommends a fine of \$500.

RECOMMENDATION:

Transportation Staff recommends the Commission find Banana Trucking committed four (4) violation(s) accounting for four (4) specific counts of Kansas law that governs MCs, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations (K.A.R.s), and is therefore subject to sanctions or fines imposed by the Commission.

Due to the frequency, timeline and severity of the violations, Staff recommends a civil penalty of \$1,350 for four (4) violation(s) of the MC Safety Statutes, Rules and Regulations, in accordance with the recommended penalties listed in the applicable Uniform Penalty Assessment Matrix.

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

Staff further recommends Banana Trucking submit a written, comprehensive Corrective Action Plan (CAP) to Transportation Staff within thirty (30) days of the date of this order, documenting the violation(s) described in the Penalty Order, including specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.

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

Exhibit 1

UNITED STATES DEPARTMENT OF TRANSPORTATION

	U.S. DOT#: 1651867 MC/MX#: 0	Legal: STANLEY D STEINER Operating (DBA): BANANA TRUCKING	Investigation Date: 06/04/2024
Investigation Type: Onsite Comprehensive Investigation		Location of Investigation: Other (Vaughn Ingram CPA) Extent of Operations: Entire Operation	
Physical Address 1403 23RD AVE GALVA, KS 67443 United States		Mailing Address 1403 23RD AVE GALVA, KS 67443 United States	
Contact Information			
Contact Name: STANLEY STEINER			
Email:			
Phone: (620)334-0251		Cell: () -	Fax: (620)241-7220
Business and Financial			
Business Type: Sole Proprietorship			
Name of Gross Revenue Provider: Vaughn Ingram			
Title of Gross Revenue Provider: Certified Public Accountant			
Gross Revenue: ██████████		For Year Ending: 12/31/2023	
Federal Tax ID: ██████████			
Operation Classification and Type		Cargo	
Type of Operation: Non-HM Intrastate Carrier		Grain, Feed, Hay	
Operation Classification For-Hire Motor Carrier Property Other Non-Hazardous Freight			
Equipment		Driver Information	
Owned	Term Leased	Trip Leased	Drivers
Truck Tractors 1			Intrastate
Trailers 1			Interstate
		< 100 Miles 1	
		> = 100 Miles	
Power units used in the U.S.: 1 Percentage of time used in the U.S.: 100%		Average trip leased driver/month: 0 Drivers with CDL: 1 Total Drivers: 1	
Person(s) Interviewed			
Name: STANLEY STEINER		Title: SOLE PROPRIETOR	
Name: Vaughn Ingram		Title: Accountant	

Questions

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

Violations

1. Primary: 382.711(b)

Failing to register in the Clearinghouse.

Violations Discovered		
Fed	State	Total
1		1
Checked		
Fed	State	Total
1		1

Example/Notes:

Driver Name: Stanley D. Steiner
Trip Date: 03-18-2024
Carrier failed to register with the Drug And Alcohol Clearinghouse as required.

Drivers/Vehicles in Violation		
Fed	State	Total
1		1
Checked		
Fed	State	Total
1		1

2. Primary: 391.45(b)
Secondary: 391.11(a)

Using a driver not medically examined and certified during the preceding 24 months.

Violations Discovered		
Fed	State	Total
	1	1
Checked		
Fed	State	Total
	1	1

Example/Notes:

Driver name: Stanley Steiner
Trip date 04-15-2024
Hire Date: 01-2007
Prior Medical Examiner's Certificate Expiration Date: 04-03-2024
Current Medical Examiner's Certificate Issue Date: None
Carrier failed to present a current medical certification during this investigation.

Drivers/Vehicles in Violation		
Fed	State	Total
	1	1
Checked		
Fed	State	Total
	1	1

3. Primary: 391.51(b)(1)

Failing to maintain driver's employment application in driver's qualification file.

Violations Discovered		
Fed	State	Total
	1	1
Checked		
Fed	State	Total
	1	1

Example/Notes:

Driver name: Stanley Steiner

Trip date 03-18-2024

Hire Date: 01-2007

Carrier failed to maintain an application of employment in the driver qualification file as required.

Carrier began their operation 06-04-2007. The carrier lost economic authority and reapplied and was granted FOR-HIRE authority on 05-13-2022. Carrier never updated the required documents in the driver qualification file as required.

4. Primary: 391.51(b)(4)

Failing to maintain the responses of each State agency to the annual driver record inquiry required by 391.25(a).

Example/Notes:

Driver name: Stanley Steiner

Trip date 03-18-2024

Hire Date: 01-2007

Carrier failed to provide a motor vehicle record for the previous 12 months. There no MVR's in the driver qualification file as required.

5. Primary: 391.51(b)(5)

Failing to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2).

Example/Notes:

Driver name: Stanley Steiner

Trip date 03-18-2024

Hire Date: 01-2007

Carrier failed to conduct an annual review on each driver annually as required by the regulations.

6. Primary: 391.51(d)

Drivers/Vehicles in Violation		
Fed	State	Total
	1	1
Checked		
Fed	State	Total
	1	1
Violations Discovered		
Fed	State	Total
	1	1
Checked		
Fed	State	Total
	1	1
Drivers/Vehicles in Violation		
Fed	State	Total
	1	1
Checked		
Fed	State	Total
	1	1
Violations Discovered		
Fed	State	Total
	1	1
Checked		
Fed	State	Total
	1	1
Drivers/Vehicles in Violation		
Fed	State	Total
	1	1
Checked		
Fed	State	Total
	1	1
Violations Discovered		

Failing to keep required records in driver's qualification file for 3 years after date of execution.	Fed	State	Total
		1	1
	Checked		
	Fed	State	Total
		1	1
Example/Notes: Driver name: Stanley Steiner Trip date 03-18-2024 Hire Date: 01-2007 Carrier failed to maintain Motor vehicle records, annual reviews, medical certifications in the driver qualification files. The only presented a medical certification that was obtained on 04-22-2021 with an expiration of 04-22-2022.	Drivers/Vehicles in Violation		
	Fed	State	Total
		1	1
	Checked		
	Fed	State	Total
7. Primary: 392.2 State Equivalent: 8-142 Operating a motor vehicle not in accordance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated.		1	1
	Violations Discovered		
	Fed	State	Total
		1	1
	Checked		
Example/Notes: Vehicle License or Company Number Driver Name: Stanley D. Steiner Trip Date: 04-15-2024 Unit #6, 1992 PTRB, VIN #4096, Ks. Registration XXXXXXXXXX Carrier operated the commercial motor vehicle in Intrastate commerce from Moundridge, Ks. to Wichita, Ks. without the CMV being registered. The registration had expired on 12/31/2023 with the enforcement date of 03-01-2024.	Fed	State	Total
		1	1
	Checked		
	Fed	State	Total
		1	1
8. Primary: 396.3(b)(1) Failing to keep a maintenance record which identifies the vehicle, including make, serial number, year, and tire size.	Drivers/Vehicles in Violation		
	Fed	State	Total
		2	2
	Checked		
	Fed	State	Total
Example/Notes: Driver name: Stanley Steiner		2	2
	Violations Discovered		
	Fed	State	Total
		2	2
	Checked		
	Fed	State	Total
		2	2
	Drivers/Vehicles in Violation		
	Fed	State	Total
		2	2

Trip date 03-18-2024

Unit #6 1992 Peterbilt VIN # [REDACTED] 4096

Unit #21 2002 Cornhusker, VIN # [REDACTED] 7917

Maintenance record provided had multiple repair invoices for both CMV's mixed together in the same file. There was no required description listed on the file that was presented that met the requirements of the regulations.

Checked

Fed	State	Total
	2	2

Safety Fitness Rating

This Investigation is Not Rated

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

Process Breakdown and Remedies

BASIC: Controlled Substances/Alcohol

Process Breakdown: Roles and Responsibilities

Carrier failed to register with the Drug & Alcohol Clearinghouse.

Specific Recommended Remedies

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

1. Carrier failed to register with the Drug and Alcohol Clearinhouse as required by Part 382.

BASIC: Driver Fitness

Process Breakdown: Monitoring and Tracking

1. Carrier failed to obtain the MVR of each driver's operators license at least once every 12 months.
2. Carrier failed to ensure driver is medically certified prior to operating a commercial motor vehicle.

Specific Recommended Remedies

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

1. Review and retain each driver’s Motor Vehicle Record (MVR) at least annually to ensure compliance with company policies, Federal regulations, and State and local laws and ordinances related to driver fitness. If a driver seems to have numerous violations, the MVR should be reviewed more often. Random MVR checks in addition to annual checks are also effective. File the MVR in each driver’s driver qualification file after review.
2. Implement an effective process for monitoring and documenting all drivers’ job functions, training, qualifications, renewal dates, disclosed medical conditions, and operational restrictions, including those of drivers on a waiver program or with impairments that may be satisfied by a Skill Performance Evaluation certificate, to ensure that assignments are covered by qualified drivers.

Recommendations

1. **Additional Information**

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

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

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

3. **Clearinghouse Registration - Employer**

Ensure you are registered in the Clearinghouse by visiting <https://clearinghouse.fmcsa.dot.gov>.

4. **Drug and Alcohol Clearinghouse**

Find out your responsibilities and requirements for FMCSA's Drug and Alcohol Clearinghouse by visiting <https://clearinghouse.fmcsa.dot.gov>.

5. **All Reviews**

"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>

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. **Clearinghouse Registration - Owner/Operator**

As a registered Owner/Operator you must designate a C/TPA in the Clearinghouse to comply with the employer requirements related to your own drug and alcohol program compliance. You may continue to perform the employer functions for any other drivers that you employ who are subject to the requirements of 49 CFR Part 382.

7. **Obtain a copy of each driver's driving record and review it.**

Obtain a copy of each driver's driving record and review it annually.

8. **Serious Violations**

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

9. **CAP Penalty**

Motor carriers are responsible for complying with all tasks ordered by the Commission. You are required to prepare a corrective action plan (CAP), addressing the measures taken to correct all the violations identified within this report. Failure to fulfill this requirement may lead to the issuance of further penalties or other repercussions, including revocation of authority to operate intrastate in Kansas.

10. **Additional Information**

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

11. **Drivers may not drive interstate/intrastate unless they have had a physical.**

Do not allow drivers to drive interstate/intrastate unless they have been physically re-examined each 24 months.

12. **General**

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

Email: j.smith@kcc.ks.gov

FAX: 785-271-3124

or mail:

Kansas Corporation Commission

Attn: Jared Smith

1500 SW Arrowhead Rd

Topeka, KS 66604-4027

13. **Acknowledgement Statement**

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 Stanley D Steiner/DBA Banana Trucking operating authority and/or the impoundment of Stanley D. Steiner/DBA Banana Trucking commercial motor vehicles.


Carrier Representative

6-4-24

Date

Table 1: Violations Discovered During Review/Inspection

Violation	Date	Identifying Information	Description
382.711(b) - Failing to register in the Clearinghouse.			
1	03/18/2024	Driver: Stanley Steiner	Carrier failed to register in the DACH
391.51(b)(4) - Inquiries into driving record not kept in qualification file			
1	03/18/2024	Driver: Stanley Steiner	No MVR in the driver qualification file
392.2 - Operating vehicle in violation of local/State laws			
1	04/15/2024	Unit #6	CMV failed to have a current registration.
391.45(b) - Using a driver not medically examined during preceding 24 months			
1	04/15/2024	Driver: Stanley Steiner	Carrier was not medically examined or certified within the previous 24 months.

Exhibit 2

PRODUCER AG, LLC
GROVELAND

OUTBOUND
061666

SOYBEANS
39366
PRODUCER AG - LINCOLN
201 N 8TH ST, STE 405
LINCOLN NE 68508

03/18/2024 12:26	GROSS	...	88,840
03/18/2024 11:56	TARE	...	29,320
DRIVER: ON	NET	...	59,520
PRICE :	DUCKAGE	..	0
	APPLIED	..	59,520
	APPLIED BUSHEL:		992.00

TW
56.00

BANANA
784052

PRODUCER AG - LINCOLN 100.00% 59,520 992.00 PAID 393637

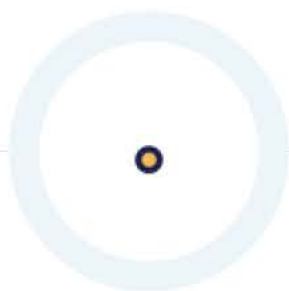
HAULER :BANANA TRUCKING
CARRIER :
DRIVER'S NAME :
DRIVER'S LICENSE:
TAG NUMBER :

WEIGHER
SIGNATURE: _____

PAGE 1 OF 1

APPROVED BY KANSAS DEPARTMENT OF AGRICULTURE

Exhibit 3



Search for a Driver

Country of Issuance (optional)

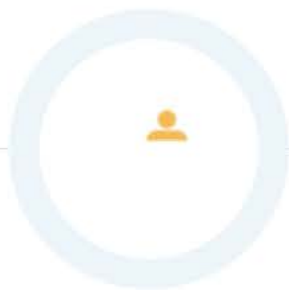
United States

State of Issuance (optional)

Kansas

Driver Name or CDL

Search



Search for an Employer

USDOT#

1651867

or

Company Name

Stanley D Steiner/DBA Banana Trucking

Country (optional)

United States

State (optional)

Kansas

There is no employer account associated with the DOT Number you entered. Please confirm the DOT Number is correct.

You can also try searching by motor carrier name (partial or full) and State/country, in case the carrier does not have a DOT Number associated with their Clearinghouse account.

Search

Exhibit 4

REPORT: CA25SHEETPRT

PRE-CHECK SETTLEMENT SHEET

Page: 1

TIME .: 11:46 04/23/2024

PRODUCER AG, LLC

REFERENCE(S) .: 1206372 INV W0041524

HAULER .: 4397

BANANA TRUCKING

STANLEY D STEINER

1403 23RD AVE

GALVA KS 67443-8845

COMM BRANCH	TICKET	DATE	REFERENCE(S)	LBS	UNITS UOM	RATE / UOM	FREIGHT	CHECK
DESTINATION			CUSTOMER			/LOAD		
FL YSBE MOUNDRIDGE	67068	04/15/24	833139 IB 2122528	60900	1015.00 BU60	.2200		
CARGILL/ARDENT - WICH			39366 PRODUCER AG - LINCOLN			.00	223.30	
FL YSBE MOUNDRIDGE	67069	04/15/24	833141 IB 2122582	60140	1002.33 BU60	.2200		
CARGILL/ARDENT - WICH			39366 PRODUCER AG - LINCOLN			.00	220.51	
FL YSBE MOUNDRIDGE	67070	04/16/24	833142 IB 2122660	57740	962.33 BU60	.2200		
CARGILL/ARDENT - WICH			39366 PRODUCER AG - LINCOLN			.00	211.71	
FL YSBE MOUNDRIDGE	67071	04/16/24	833143 IB 2122715	59800	996.67 BU60	.2200		
CARGILL/ARDENT - WICH			39366 PRODUCER AG - LINCOLN			.00	219.27	
FL YSBE MOUNDRIDGE	67072	04/16/24	833144 IB 2122770	57960	966.00 BU60	.2200		
CARGILL/ARDENT - WICH			39366 PRODUCER AG - LINCOLN			.00	212.52	
	SOYBEANS		LOADS: 5	296540			1087.31	
			TOTAL LOADS: 5	296540			1087.31	

Exhibit 5

[illegible]

U.S. Department of Transportation
Federal Motor Carrier
Safety Administration

Medical Examiner's Certificate

I certify that I have examined: Last Name: Steiner First Name: Stanley In accordance with release check only card:

- ☐ The Federal Motor Carrier Safety Regulations (49 CFR 391.41-391.69), and, with knowledge of the driving duties, I find this person is qualified, and, if applicable, only when I check all that apply: OR
- ☐ The Federal Motor Carrier Safety Regulations (49 CFR 391.41-391.69) with any applicable State variations (which will only be valid for intrastate operations), and, with knowledge of the driving duties I find this person is qualified, and, if applicable, only when I check all that apply:

☐ Wearing corrective lenses ☐ Accompanied by a _____ ☐ Driving within an exempt intensity zone (49 CFR 381.6-2) (Federal)

☐ Wearing hearing aid ☐ Accompanied by a Skill Performance Evaluation (SPE) Certificate ☐ Qualified by operation of 49 CFR 381.64 (Federal)

The information I have provided regarding this physical examination is true and complete. A complete Medical Examination Report Form, MCSA-5875, with any attachments, embodies my findings completely and correctly, and is on file in my office.

Medical Examiner's Certificate Expiration Date: _____

Medical Examiner's Signature

Medical Examiner's Name (please print or type)
James Ratelaff

Medical Examiner's State License, Certificate, or Registration Number

04-25976

Medical Examiner's Telephone Number _____

Data Certificate Signed

6205856416

4/3/23

☒ DO ☐ Physician Assistant ☐ Advanced Practice Nurse
☐ DO ☐ Chiropractor ☐ Other Practitioner (specify)

Insular State

National Register Number:

Issuing State
KS

National Registry Number
8000116017

Driver Signature

Stanley W. Steiner

Driver's Address

Street Address: 1403 23rd AV City: Galva

Driver's License Number

Issuing State/Province

Kansas

CLP/CDL Applicant/Holder

Street Address: 1403 23rd Ave City: Galva State/Province: IL Zip Code: 61434 Yes ☐ No ☐

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Rev 3/29/2

Exhibit 6

History Search Results for STANLEY STEINER

MED SELF CERT CODE REQUIRED

/KS/

20240429130305443394F46WS

Driver General Information

First Name	Middle Name	Last Name	Suffix		
STANLEY	DUANE	STEINER			
SSN	Birth Date	Height	Weight	Eye Color	Sex
XXXXXXXXXX		500	245	BLUE	M

Residence

Street	City	County	State	Zip	Country
1403 23RD AVE	GALVA		KS	674438845	

Mailing Address

Street	City	County	State	Zip	Country
1403 23RD AVE	GALVA		KS	674438845	

Alias 1

First Name	Middle Name	Last Name	Suffix		
STANLEY	DUANE	STEINER			
SSN	Birth Date	State	Driver License		
XXXXXXXXXX		KS			

Alias 2

First Name	Middle Name	Last Name	Suffix		
STANLEY	DUANE	STEINER			
SSN	Birth Date	State	Driver License		
		KS			

History Search Results for STANLEY STEINER

/KS/

20240429130305443394F46WS

Alias 3

First Name	Middle Name	Last Name	Suffix
STANLEY	DUANE	STEINER	
SSN	Birth Date	State	Driver License
		KS	

Driver License Details

Jurisdiction	Driver License	Issue Date	Exp. Date	Commercial Class
KS		2024-03-20	2028-01-15	A
Non Commercial Class	Commercial Status	Non Commercial Status	Withdrawal Action Pending	
AM	Licensed	Licensed	No	

Endorsements

Value
Doubles/Triples
Tank

License Restrictions

Restriction		Expiration Date		
Corrective Lenses must be worn		Corrective Lenses		
CDL Intrastate Only		CDL Intrastate		
Convictions #	Accidents #	Withdrawals #	Permits #	License Restrictions #
0	0	0	0	02

Exhibit 7



Kansas Department of Revenue
COMMERCIAL MOTOR VEHICLE OFFICE

PO BOX 12003
Topeka, KS 66601
Phone: (785) 296-6541
www.truckingks.org

KANSAS CMV REGISTRATION CAB CARD

REGISTRATION INFORMATION

Account : 1502 Expiration Date : 12/31/2023 Enforcement : 03/01/2024 Supplement # : 0 KS Gross Weight : 85500
Effective : 01/01/2023

REGISTRANT INFORMATION

Carrier Type : Commercial Vehicle

STANLEY D STEINER
BANANA TRUCKING
1403 23RD AVE
GALVA KS 674438845

Plate No: [REDACTED]
Fleet : 002
Unit : 6

Vehicle Information

VIN : [REDACTED] 4096
Fuel : Diesel Fuel
Empty Weight : 19000

Year : 1992
Type : TT
Seats : 0

Make : PETE
Color : RD
Axles : 3

MOTOR CARRIER RESPONSIBLE FOR

SAFETY USDOT Number 001651867

STANLEY D STEINER
1403 23RD AVE
GALVA KS 67443



CERTIFICATE OF SERVICE

24-TRAM-848-PEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of first class mail and electronic service on 06/18/2024.

AHSAN LATIF, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
a.latif@kcc.ks.gov

STANLEY D. STEINER, SOLE PROPRIETOR
STANLEY D. STEINER
D/B/A BANANA TRUCKING
1403 23RD AVE
GALVA, KS 67442
vaughningramcpa@gmail.com

/S/ KCC Docket Room
KCC Docket Room