

1500 SW Arrowhead Road
Topeka, KS 66604-4027



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

Dwight D. Keen, Chair
Shari Feist Albrecht, Commissioner
Jay Scott Emler, Commissioner

Laura Kelly, Governor

NOTICE OF PENALTY ASSESSMENT

April 16, 2019

19-TRAM-407-PEN

Dustin O. Wyland, Owner
d/b/a Olin Wyland Trucking
118 S Hickory
Mulberry, KS 66756

This is a notice of a penalty assessment against Dustin O. Wyland, d/b/a Olin Wyland Trucking (Olin Wyland Trucking) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on March 21, 2019, by Kansas Corporation Commission Special Investigator Michael Heenan. Penalty amounts are assessed in accordance with the FY 2019 Uniform Penalty Assessment Matrix, approved by the Commission on August 7, 2018. For a full description of the penalty and terms and obligations, please refer to the Penalty Order attached to this notice.

IF YOU ACCEPT THE PENALTY:

Olin Wyland Trucking has been assessed a \$600 penalty. You have thirty (30) days from the date of service of this Penalty Order to pay the fine, unless you choose the reduced penalty option explained below. Please remit payment of \$600 through your personal account with the Kansas Corporation Commission's 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.

OLIN WYLAND TRUCKING IS A NEW ENTRANT MOTOR CARRIER AND MAY BE ELIGIBLE FOR A PENALTY REDUCTION OF FIFTY PERCENT (50%) UNDER THE FOLLOWING TERMS SET OUT IN THE ATTACHED REDUCED PENALTY AGREEMENT.

To become eligible, you must agree to meet the terms and obligations set out in the attached Reduced Penalty Agreement to be eligible for the reduction. The Reduced Penalty Agreement must be submitted to the Litigation Division within 15 days.

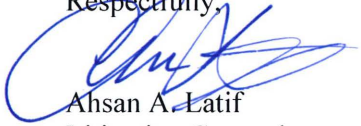
IF YOU CONTEST THE PENALTY ORDER:

You have the right to request a hearing if you contest the terms of the Penalty Order. A request for hearing must be made in writing, setting forth the specific grounds upon which relief is sought. Dustin O. Wyland, d/b/a Olin Wyland 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 Litigation Counsel at the above address. If you do not have access to the internet, you can mail an original and seven (7) copies of the request to the Secretary to the Commission at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy of the request to Litigation Counsel. K.A.R. 82-1-215; K.S.A. 2018 Supp. 77-542.

IF YOU FAIL TO ACT:

Failure to adhere to the terms and obligations set out in the attached Penalty Order, including payment of the penalty of \$600 within thirty (30) days from the date of service of the Penalty Order, or in the alternative, provide a written request for a hearing within 15 days from the date of service of the Penalty Order, will result in the Order becoming final and the terms and conditions set out therein will be enforced.

Respectfully,



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

1500 SW Arrowhead Road
Topeka, KS 66604-4027



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Fax: 785-271-3354
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Dwight D. Keen, Chair
Shari Feist Albrecht, Commissioner
Jay Scott Emler, Commissioner

Laura Kelly, Governor

REDUCED PENALTY AGREEMENT

19-TRAM-407-PEN

Dustin O. Wyland, d/b/a Olin Wyland Trucking (Olin Wyland Trucking) hereby submits this Reduced Penalty Agreement for approval of a fifty percent (50%) reduction in the penalty assessed in the Penalty Order dated April 16, 2019. Olin Wyland Trucking has agreed to comply with the following terms and obligations:

1. Olin Wyland Trucking has submitted, within fifteen (15) days from the date of the Penalty Order this signed and dated Reduced Penalty Agreement to Litigation Counsel.
2. Olin Wyland Trucking will, within thirty (30) days from the date of the Penalty Order, submit to Transportation Staff a Corrective Action Plan (CAP) documenting the violation(s) and describing specific and detailed information explaining its efforts and concrete steps taken to ensure the violation(s) do not occur in the future. I understand the CAP must be approved by Transportation Staff to become eligible for the 50% reduced penalty.
3. Olin Wyland Trucking will, within thirty (30) days from the date of the Penalty Order, send an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance will be submitted to the Litigation Counsel.
4. Olin Wyland Trucking will be available within eighteen (18) months from the date of the Penalty Order for a follow-up Safety Compliance Review. Transportation Staff will contact the carrier to schedule the review.

Dustin O. Wyland, d/b/a Olin Wyland Trucking understands that if approved, an Order Amending Penalty Assessment will be issued by the Commission assessing a reduced penalty of \$300, and will set out the terms and conditions stated above. Once the Order Amending Penalty Assessment is issued by the Commission, Olin Wyland Trucking will have thirty (30) days from the date of service of that Order to pay the reduced penalty assessed.

Dated this ____ day of _____, 2019.

Dustin O. Wyland, d/b/a Olin Wyland Trucking

Dustin O. Wyland
Owner

(This Agreement can be mailed via U.S. Mail to the address above to the attention of Ahsan Latif, Litigation Counsel, or sent via e-mail to v.jacobsen@kcc.ks.gov and alatif@kcc.ks.gov.)

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

Before Commissioners: Dwight D. Keen, Chair
 Shari Feist Albrecht
 Jay Scott Emler

In the Matter of the Investigation of **Dustin O.)
Wyland, d/b/a Olin Wyland Trucking, of)
Mulberry, KS**, Regarding the Violation of the)
Motor Carrier Safety Statutes, Rules and) Docket No. 19-TRAM-407-PEN
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). Having examined its files and records, and being duly advised in the premises, the Commission finds and concludes as follows:

I. JURISDICTION

1. Pursuant to K.A.R. 82-4-1b, 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.A.R. 82-4-1, 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. 2018 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. Dustin O. Wyland, d/b/a Olin Wyland Trucking (Olin Wyland Trucking) has common operating authority with the Commission and further operates under USDOT number 2970973.

5. Dustin Wyland attended a Commission-sponsored Motor Carrier Education and Safety Instructional Meeting on April 18, 2017, on behalf of Olin Wyland Trucking.

6. Olin Wyland Trucking is a common motor carrier which primarily hauls coal, coke, garbage, refuse, trash, gravel and asphalt.

7. Olin Wyland Trucking is a New Entrant motor carrier and may be eligible for a fifty-percent (50%) reduction of the penalty(s) assessed below.

III. STATEMENT OF FACTS

8. Pursuant to the jurisdiction and authority cited above, on March 21, 2019, Commission Staff (Staff) Special Investigator Michael Heenan conducted a compliance review of the operations of Olin Wyland Trucking. A copy of the safety compliance review is attached hereto as Attachment "A" and is hereby incorporated by reference. As a result of this investigation, the special investigator identified three (3) violation(s) of the Motor Carrier Safety Regulations.

- a. On January 10, 2019, Olin Wyland Trucking required or permitted its driver, Dustin O. Wyland, to operate a CDL-required commercial motor vehicle, a 1991 International, VIN ending in 047373, GVWR 60,000 lbs., in intrastate commerce from Mulberry, Kansas to Pittsburg, Kansas. This trip is evidenced by Driver's Time Sheet, dated January 10, 2019, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, Olin Wyland Trucking failed to make an inquiry every 12 months into the annual motor vehicle record (MVR) of its driver and maintain the response(s) of each state agency in the driver qualification file. The special investigator discovered two (2) violations of this type. Olin Wyland Trucking's failure to inquire into its driver's MVR at least once every 12 months and maintain a copy of the MVR in the driver qualification file is a violation of 49 C.F.R. Part 391.25(a) and (c)(1), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 2018 Supp. 66-1,112. Staff recommends a fine of \$250.
- b. On February 21, 2019, Olin Wyland Trucking required or permitted its driver, Brenden Crockett, to operate a CDL-required commercial motor vehicle, a 1995 International, VIN ending in 015400, GVWR 60,000 lbs., in intrastate commerce from Mulberry, Kansas to Girard, Kansas. This trip is evidenced by Driver's Time Sheet, dated February 21, 2019, a copy of which is attached hereto as Attachment "C" and is hereby incorporated by reference. At the time of this transportation, Olin Wyland Trucking failed to first designate a person to supervise staff for the purposes of

making reasonable suspicion determinations regarding alcohol and drug usage. This designated person must then undergo reasonable suspicion training to include 60 minutes of alcohol training and 60 minutes of controlled substance training. 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, adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 2018 Supp. 66-1,129. Staff recommends a fine of \$100.

- c. During the transportation described in paragraph b, above, Olin Wyland Trucking failed to provide to its driver, Brenden Crockett, a copy of the its written policy on the misuse of alcohol and controlled substance. There was no signed receipt page in the driver's qualification file. 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 CDL drivers subsequent to hiring or testing and having the driver sign an acknowledgement page to retain in the driver's qualification file is a violation of 49 C.F.R. 382.601(a)(1), adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 2018 Supp. 66-1,129. Staff recommends a fine of \$100.

IV. STAFF'S RECOMMENDATIONS

9. Based upon the available facts, Staff recommends the Commission find Olin Wyland Trucking committed three (3) violation(s) 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.

10. Staff recommends a civil penalty of \$600 for three (3) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

11. Staff provides notice to the Commission that Dustin O. Wyland, d/b/a Olin Wyland Trucking is a New Entrant motor carrier and may be eligible for a fifty-percent (50%) reduced civil penalty. The carrier must submit to Litigation Counsel within fifteen (15) days of the date of this Penalty Order the signed and dated Reduced Penalty Agreement and Transportation Staff must approve the carrier's Corrective Action Plan (CAP).

12. Staff recommends Dustin O. Wyland, d/b/a Olin Wyland Trucking submit a Corrective Action Plan (CAP) within thirty (30) days of the date of this Penalty Order, to Transportation Staff, documenting the violation(s) described in this 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. The CAP must be approved by Transportation Staff to qualify for the fifty-percent (50%) discount.

13. Staff further recommends that a representative from Olin Wyland Trucking attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and provide proof of attendance to Litigation Counsel.

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

V. CONCLUSIONS OF LAW

15. The Commission finds it has jurisdiction over Olin Wyland Trucking because it is a motor carrier as defined in K.A.R. 82-4-1.

16. The Commission finds a penalty of \$600 should be assessed to Olin Wyland Trucking for committing three (3) violation(s) 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.

17. The Commission finds Olin Wyland Trucking is a New Entrant motor carrier and may be eligible for a fifty-percent (50%) reduction in the penalty(s) assessed herein.

THE COMMISSION THEREFORE ORDERS THAT:

A. Dustin O. Wyland, d/b/a Olin Wyland Trucking, of Mulberry, KS is hereby assessed a penalty of \$600 for three (3) violation(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. Payment of \$600 must be made through your personal account with the Kansas Corporation Commission's KTRAN system located at <https://puc.kcc.ks.gov/ktran/>. You must have an account through KTRAN to pay the penalty owed.

B. A representative from Olin Wyland Trucking is ordered to attend a Commission-sponsored safety meeting within ninety (90) days from the date of this Order, and provide proof of attendance to Litigation Counsel. 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.

C. Olin Wyland Trucking must submit a Corrective Action Plan (CAP) within thirty (30) days of the date of this Penalty Order, to Transportation Staff, documenting the violation(s) described above, 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.

D. Olin Wyland 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 motor carrier at a later date to determine an appropriate time for this review.

E. If Olin Wyland Trucking does not submit the Reduced Penalty Agreement and fails to pay the penalty of \$600 within thirty (30) days from the date of service of this Penalty Order, *see* K.S.A. 66-1,105, and/or fails to comply with the provisions of this Order, the Commission will have the right to order further sanctions, including suspension of Olin Wyland Trucking's motor carrier operating authority without further notice. Additionally, the Commission may issue and enforce revocation of motor carrier authority and/or issue cease and desist order(s), and may order other remedies available to the Commission by law, without further notice.

F. **Pursuant to K.S.A. 2018 Supp. 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, within fifteen (15) days from the date of service of this Penalty Order.** The request may be electronically filed with the Commission's electronic filing system at <https://puc.kcc.ks.gov/e-filing/e-express/>, and a copy mailed to the Litigation Counsel. If you do not have access to the internet, you can mail an original and seven copies of the request to the Secretary to the Commission, at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy to Litigation Counsel. A hearing will be scheduled only

upon written request. Failure to timely request a hearing will result in a waiver of Olin Wyland Trucking's right to a hearing.

G. 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. K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2); K.A.R. 82-1-202(a). For civil penalties less than \$500, a corporation may appear by a duly authorized representative of the corporation. K.S.A. 2018 Supp. 66-1,142b(e) and amendments thereto.

H. 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.

Keen, Chair; Albrecht, Commissioner; Emler, Commissioner

Dated: 04/16/2019




Lynn M. Retz
Secretary to the Commission

AAL

ATTACHMENT “A”

Kansas Corporation Commission

| | | | | |
|---|--|--|--|------------------------|
|  | US DOT # 2970973 | Legal: DUSTIN WYLAND | | |
| | Operating (DBA): OLIN WYLAND TRUCKING | | | |
| MC/MX #: 323070 | | Federal Tax ID: [REDACTED] (EIN) | | |
| Review Type: Compliance Review (CR) | | | | |
| Scope: Principal Office | | Location of Review/Audit: Company facility in the U. S. | | Territory: C |
| Operation Types | | | | |
| | Interstate | Intrastate | | |
| Carrier: | Non-HM | Non-HM | Business: Individual | |
| Shipper: | N/A | N/A | Gross Revenue: [REDACTED] for year ending: 12/31/2018 | |
| Cargo Tank: | N/A | | | |
| Company Physical Address: | | | | |
| 118 S HICKORY MULBERRY, KS 66756 | | | | |
| Contact Name: Dustin O Wyland | | | | |
| Phone numbers: (1) [REDACTED] | | Fax | | |
| E-Mail Address: [REDACTED] | | | | |
| Company Mailing Address: | | | | |
| 118 S HICKORY MULBERRY, KS 66756 | | | | |
| Carrier Classification | | | | |
| Authorized for Hire | | Exempt for Hire | | Private Property |
| Cargo Classification | | | | |
| Coal / Coke | | Garbage, Refuse, Trash | | Other: gravel- asphalt |
| Equipment | | | | |
| | Owned | Term Leased | Trip Leased | |
| Truck | 4 | 0 | 0 | Truck Tractor |
| Trailer | 1 | 0 | 0 | |
| Owned Term Leased Trip Leased | | | | |
| | 1 | 0 | 0 | |
| Power units used in the U.S.:5 | | | | |
| Percentage of time used in the U.S.:100 | | | | |
| Does carrier transport placardable quantities of HM? No | | | | |
| Is an HM Permit required? N/A | | | | |
| Driver Information | | | | |
| | Inter | Intra | | |
| < 100 Miles: | 3 | | Average trip leased drivers/month: 0 | |
| >= 100 Miles: | | | Total Drivers: 3 | |
| | | | CDL Drivers: 3 | |





OLIN WYLAND TRUCKING (DUSTIN WYLAND dba)
U.S. DOT #: 2970973

Review Date:
03/21/2019

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 Rd
Topeka, Ks 66604-4027
Attn: Gary Davenport 620-785-3145

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Dustin O Wyland
Name:

Title: Owner/Operator
Title:





OLIN WYLAND TRUCKING (DUSTIN WYLAND dba)
U.S. DOT #: 2970973

Review Date:
03/21/2019

Part B Violations

| 1 STATE | Primary: 382.601(b) CFR Equivalent: 382.601(b) | Discovered 1 | Checked 3 | Drivers/Vehicles In Violation Checked 1 3 |
|------------|---|---------------------|------------------|---|
|------------|---|---------------------|------------------|---|

Description

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.

Example

Brenden Crockett

2-21-19

Origination Mulberry, Ks

Destination: Girard, Ks

At the time of this trip, and the time of this review, the carrier had a drug and alcohol policy in place and had 2 employees that had signed the receipt page, however, they could not provide a signature page for the above driver. Carrier had driver sign the page during this review at the local rock quarry.

| 2 STATE | Primary: 382.603 CFR Equivalent: 382.603 | Discovered 1 | Checked 1 | Drivers/Vehicles In Violation Checked 0 0 |
|------------|---|---------------------|------------------|---|
|------------|---|---------------------|------------------|---|

Description

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.

Example

Brenden Crockett

2-21-19

At the time of this trip, and the time of this review, the carrier provided nearly all required drug and alcohol testing information from KDT in Topeka Ks.. However, they could not provide any documentation that would prove that they had been through the training. No certificate was made available when requested. Carrier believed it had been done online, but could not document it.

| 3 STATE | Primary: 391.21(a) CFR Equivalent: 391.21(a) | Discovered 1 | Checked 3 | Drivers/Vehicles In Violation Checked 1 3 |
|------------|---|---------------------|------------------|---|
|------------|---|---------------------|------------------|---|

Description

Using a driver who has not completed and furnished an employment application.

Example

Brenden Crockett

3-21-19

At the time of this trip, and the time of this review, the carrier provided an application for employment on the above driver that was not signed or dated.

| 4 STATE | Primary: 391.51(b)(4) CFR Equivalent: 391.51(b)(4) | Discovered 2 | Checked 3 | Drivers/Vehicles In Violation Checked 2 3 |
|------------|---|---------------------|------------------|---|
|------------|---|---------------------|------------------|---|

Description

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

Example

Dustin O Wyland

1-10-19

Origination: Mulberry Ks

Destination: Pittsburg Ks

At the time of this trip, and the time of this review the above carrier/driver had no MVR in his driver file fro 10-31-18 to 2-17-19. Driver Hubert Beard Jr. also did not have any MVR during this time. Beard is a retired temp driver that only fills in when needed.





OLIN WYLAND TRUCKING (DUSTIN WYLAND dba)
U.S. DOT #: 2970973

Review Date:
03/21/2019

Part B Violations

| | | | | | |
|------------|---|-----------------|--------------|---------------------------------------|--------------|
| 5 STATE | Primary: 391.51(b)(5) CFR Equivalent: 391.51(b)(5) | Discovered 3 | Checked 3 | Drivers/Vehicles In Violation 3 | Checked 3 |
|------------|---|-----------------|--------------|---------------------------------------|--------------|

Description

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

Example

Brenden Crockett
3-21-19

At the time of this trip, and the time of this review, the carrier provided a certificated of violations that was signed and dated, however the annual review on the 3 examined drivers were all in the files blank.

Safety Fitness Rating Information:

Total Miles Operated 63,809
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

Your proposed safety rating is :

SATISFACTORY

| Rating Factors | | Acute | Critical |
|----------------|---|-------|----------|
| Factor 1: | S | 0 | 0 |
| Factor 2: | S | 0 | 0 |
| Factor 3: | S | 0 | 0 |
| Factor 4: | S | 0 | 0 |
| Factor 5: | N | 0 | 0 |
| Factor 6: | S | - | - |

Corrective actions must be taken for any violations (deficiencies) identified on Part B of this report.





OLIN WYLAND TRUCKING (DUSTIN WYLAND dba)
U.S. DOT #: 2970973

Review Date:
03/21/2019

Part B Requirements and/or Recommendations

1. Obtain a copy of each driver's driving record and review it annually.
2. Ensure that all persons designated to supervise CDL drivers receive at least 60 minutes of training on alcohol misuse and receive at least an additional 60 minutes of training on controlled substance use.
3. Ensure that you give drivers a written drug policy and educational materials.
4. 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 Dustin Wyland dba Olin Wyland Trucking operating authority and/or the impoundment of Dustin Wyland dba Olin Wyland Trucking vehicles.

I understand that monetary penalties will be assessed as a result of violations found in this compliance review. The penalty schedule can be found at this web site: http://kcc.ks.gov/trans/penalty_assessment_table.htm

X DUSTIN WYLAND
Printed Michael W. Heenan

X [Signature]
Signed Michael W. Heenan

5. 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:





OLIN WYLAND TRUCKING (DUSTIN WYLAND dba)
U.S. DOT #: 2970973

Review Date:
03/21/2019

Part B Requirements and/or Recommendations

<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 carrier's 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. Pursuant to 391.23 (a) (1) An inquiry to each state where the driver held or holds a motor vehicle operator's license or permit during the preceding 3 years to obtain that driver's motor vehicle record.
7. 382.601(d) - Each employer shall ensure that each driver is required to sign a statement certifying that he or she has received a copy of these materials described in this section. Each employer shall maintain the original of the signed certificate and may provide a copy of the certificate to the driver.
8. 391.21 - A person shall not drive a commercial motor vehicle unless he/she has completed and furnished the motor carrier that employs him/her with an application for employment that meets the requirements of paragraph (b) of this section.
9. Per 49 CFR 391.51(b)(5) and (b)(6), the motor carrier is required to process an annual review and certification of the driver's driving record - 391.51(b)(5) A note relating to the annual review of the driver's driving record as required by 391.25(c)(2); 391.51(b)(6) A list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27.
10. I understand that monetary penalties will be assessed as a result of violations found in this compliance investigation. The penalty schedule can be found at this web site:
http://kcc.ks.gov/trans.penalty_assessment_table.htm

Dustin Wyland

Olin Wyland Trucking
Carrier Name

[Signature]
Carrier Official

11. If carrier is not subject to federal corrective action plan the KCC requires you reply in writing with corrections made to violations in this review. Please advise how you will correct deficiencies and how you intend to rectify them from happening in the future. Please include all copies of documents to be included in this correction action letter and send to the following individual at the following address within 30 days of this review.

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



ATTACHMENT “B”

No.

Dustin
1-10 NAME
 WEEK ENDING

| | | | | |
|----|-----|-----------|----|-----|
| 7 | In | Monday | 10 | 700 |
| | Out | | | 500 |
| 8 | In | Tuesday | 10 | 740 |
| | Out | | | 500 |
| 9 | In | Wednesday | | |
| | Out | | | |
| 10 | In | Thursday | 10 | 700 |
| | Out | | | 500 |
| 4 | In | Friday | 10 | 700 |
| | Out | | | 500 |
| | In | Saturday | | |
| | Out | | | |
| | In | Sunday | | |
| | Out | | | |

239664A

MULBERRY LIMESTONE QUARRY CO.

325 N. 260th Street
 Mulberry, KS 66756

Crusher Phone:
 (620) 764-3337
 Matt Blessant

Crusher: 4 Miles East
 N. 69 & 47 Hwys
 2 1/4 Miles North

Sold To W. J. L. LumberDestination Eva's Concrete South Road☐ Cash☒ Charge

| | | | | |
|---------------|-------|-------|-------|-----|
| AB-3 | Tons@ | 17.35 | Gross | 300 |
| Roadstone | Tons@ | | Tare | 400 |
| Lateral | Tons@ | | Net | 340 |
| Concrete 3/4" | Tons@ | | | |
| Concrete 1" | Tons@ | | | |
| Chips 1/4" | Tons@ | | | |
| Chips 1/2" | Tons@ | | | |
| 1 1/2" x 1/4" | Tons@ | | | |
| 2 1/2" x 0" | Tons@ | | | |
| Lime | Tons@ | | | |
| Misc. | Tons@ | | | |

Driver's Name & Truck # \$ Date 1-10-11 Sales Tax

350765

Total Rec'd by W. J. L. Lumber

ATTACHMENT “C”

MULBERRY LIMESTONE QUARRY CO.325 N. 260th Street
Mulberry, KS 66756Crusher Phone:
(620) 764-3337
Matt BlessantCrusher: 4 Miles East
N. 69 & 47 Hwys.
2 1/4 Miles NorthSold To WorlandDestination Gerry Peterson☐ Cash☐ Charge

| | | | | | |
|---------------|----------|-------|--------------|-------|--------------|
| AB-3 | <u>X</u> | Tons@ | <u>16.31</u> | Gross | <u>55620</u> |
| Roadstone | | Tons@ | | Tare | <u>23000</u> |
| Lateral | | Tons@ | | Net | <u>32620</u> |
| Concrete 3/4" | | Tons@ | | | |
| Concrete 1" | | Tons@ | | | |
| Chips 1/4" | | Tons@ | | | |
| Chips 1/2" | | Tons@ | | | |
| 1 1/4" x 1/4" | | Tons@ | | | |
| 2 1/2" x 0" | | Tons@ | | | |
| Lime | | Tons@ | | | |
| Misc. | | Tons@ | | | |

Driver's Name & Truck # 128-0000 \$Date 2-21-19 Sales Tax

349343

Total

Rec'd by Worland

No.

Brewer
2-21-19
WEEK ENDING

| | | | | |
|------|-----|-----------|----|------|
| 2-18 | In | Monday | | |
| | Out | | | |
| | In | | | |
| | Out | | | |
| 2-19 | In | Tuesday | | |
| | Out | | | |
| | In | | | |
| | Out | | | |
| 2-20 | In | Wednesday | | |
| | Out | | | |
| | In | | | |
| | Out | | | |
| 2-21 | In | Thursday | 10 | 7:00 |
| | Out | | | 5:00 |
| | In | | | |
| | Out | | | |
| 2-15 | In | Friday | | |
| | Out | | | |
| | In | | | |
| | Out | | | |
| | In | Saturday | | |
| | Out | | | |
| | In | | | |
| | Out | | | |
| | In | Sunday | | |
| | Out | | | |

2-9864A

CERTIFICATE OF SERVICE

19-TRAM-407-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 04/17/2019.

DUSTIN O. WYLAND, OWNER
DUSTIN O. WYLAND
D/B/A OLIN WYLAND TRUCKING
118 S HICKORY
MULBERRY, KS 66756
dustinwyland@yahoo.com

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

/S/ DeeAnn Shupe

DeeAnn Shupe