

1500 SW Arrowhead Road
Topeka, KS 66604-4027



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

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

Sam Brownback, Governor

NOTICE OF PENALTY ASSESSMENT
18-TRAM-205-PEN

November 28, 2017

Mark Wint, Safety Director
Brickley Enterprises, LLC
PO Box 1118
El Dorado, Kansas 67042

Certified Mail No. 70161970000105742789

This is a notice of a penalty assessment against Brickley Enterprises, LLC (Brickley Enterprises) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on August 7, 8, 10, 2017 and September 21, 2017, by Kansas Corporation Commission Special Investigator Gary Goeller. Penalties are assessed in accordance with the FY 2018 Uniform Penalty Assessment Matrix, approved by the Commission on June 27, 2017. For a full description of the penalty(s) and terms and obligations please refer to the Order attached to this notice.

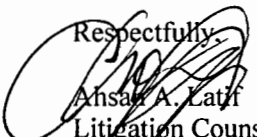
IF YOU ACCEPT THE PENALTY: Brickley Enterprises has been assessed a \$3,750 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$3,750, through your personal account with the Kansas Corporation Commission's KTRAN system located 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.

The attached Order requires a representative of Brickley Enterprises 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. The Order also requires your company to submit to one follow-up safety compliance review within 18 months from the date of the Order. Transportation Staff will contact your company at a later date to determine an appropriate time for this review.

IF YOU CONTEST THE PENALTY ORDER: 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. Brickley Enterprises 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 Commission's Secretary at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy to the undersigned Litigation Counsel. K.A.R. 82-1-215; K.S.A. 2016 Supp. 77-542.

IF YOU FAIL TO ACT: Failure to pay the penalty of \$3,750 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,


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

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

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

In the Matter of the Investigation of **Brickley**)
Enterprises, LLC, of El Dorado, Kansas,)
Regarding the Violation of the Motor Carrier)
Safety Statutes, Rules and Regulations and the) Docket No. 18-TRAM-205-PEN
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.S.A. 2016 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. 2016 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. 2016 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 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.

II. BACKGROUND

4. Brickley Enterprises, LLC (Brickley Enterprises) has private and common operating authority with the Commission and further operates USDOT number 1502813.

5. Mark Wint attended a Commission-sponsored Motor Carrier Education and Safety Instructional Meeting on May 22, 2017, on behalf of Brickley Enterprises.

6. Brickley Enterprises is a private and common motor carrier which primarily hauls general freight, machinery, large objects, and oil field equipment. It employs eleven (11) CDL drivers.

III. STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, on August 7, 8, 10, 2017 and September 21, 2017, Commission Staff (Staff) Special Investigator Gary Goeller conducted a compliance review of the operations of Brickley Enterprises. 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, the special investigator identified six (6) violation(s) of the Motor Carrier Safety Regulations.

- a. On June 19, 2017, Brickley Enterprises required or permitted its driver, Quentin Watts, to operate a CDL-required commercial motor vehicle, a

2005 Mack truck, VIN ending in 006587, GVWR greater than 33,000 lbs., in interstate commerce from El Dorado, Kansas to Tarkio, Missouri. This trip is evidenced by Mr. Watts' Driver's Daily Log, dated June 19, 2017, a copy of which is attached hereto as Attachment "B" and hereby incorporated by reference. At the time of this transportation, Brickley Enterprises failed to have driver Quentin Watts take a pre-employment alcohol/controlled substances test prior to him operating a CDL-required commercial motor vehicle. Mr. Watts was hired on March 1, 2017, and was not pre-employment tested until August 1, 2017, after the above-described transportation. Brickley Enterprises' failure to require its driver to submit to a pre-employment alcohol and/or controlled substances test and to obtain a negative test result within 30 days of him/her employment and prior to requiring or permitting him to operate a commercial motor vehicle is a violation of 49 C.F.R. 382.301(a), adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$1,000.

- b. On July 17, 2017, Brickley Enterprises required or permitted its driver, Quentin Watts, to operate a CDL-required commercial motor vehicle, a 2005 Mack truck, VIN ending in 006587, GVWR greater than 33,000 lbs., in intrastate commerce from El Dorado, Kansas to rural Butler County, Kansas. This trip is evidenced by driver's Time Sheet, a copy of which is attached hereto as Attachment "C" and is hereby incorporated by reference. At the time of this transportation, Brickley Enterprises did not

require Mr. Watts to complete a Daily Vehicle Inspection Report (DVIR) at the end of the trip. The special investigator discovered fifty (50) violations of this type. The carrier's failure to require its driver to prepare a DVIR in writing, at the completion of each day's work, on each vehicle operated and to submit copies of the reports to the motor carrier for action and record retention is a violation of 49 C.F.R. 396.11(a)(1), adopted by K.A.R. 82-4-3j, and authorized by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$500.

- c. During the transportation described in paragraph a., above, Brickley Enterprises had not paid its Unified Carrier Registration fees for the year of 2017. The carrier has seven (7) vehicles it uses for interstate transportation. Brickley Enterprises' failure to annually register its commercial motor vehicles operating in interstate commerce over the highways of this state and to pay the appropriate Unified Carrier Registration (UCR) fees as set out in 49 C.F.R. 367.30, is a violation of K.A.R. 82-4-30a, authorized by K.S.A. 2016 Supp. 66-1,139a and K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$500.
- d. During the transportation described in paragraph a., above, Brickley Enterprises did not have all of its CDL drivers in a random drug and alcohol testing pool to ensure that each driver subject to random testing has an equal chance of being selected each time selections are made. The carrier had two drivers not in the random testing pool for the 2nd quarter testing draw. Brickley Enterprises' failure to ensure that each driver

selected for random alcohol and controlled substance testing has an equal chance of being selected each time selections are made is in violation of 49 C.F.R. 382.305(i)(2), adopted by K.A.R. 82-4-3c and authorized by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$1,000.

- e. On July 24, 2017, Brickley Enterprises required or permitted its driver, Dustin Hatfield, to operate a CDL-required commercial motor vehicle, a 2006 International Vacuum Tank Truck, VIN ending in 245051, GVWR greater than 33,000 lbs., in intrastate commerce from El Dorado, Kansas to Eureka, Kansas. This trip is evidenced by Mr. Hatfield's Time Sheet, a copy of which is attached hereto as Attachment "D" and is hereby incorporated by reference. At the time of this transportation, Brickley Enterprises failed to obtain its driver's motor vehicle record (MVR) within 30 days of employment and maintain a copy of it in its driver's qualification file. The special investigator found five (5) violations of this type. The carrier's failure to obtain MVRs on its drivers within 30 days of employment and maintain the MVRs in the driver qualification files pursuant to 49 C.F.R. 391.51 is a violation of 49 C.F.R. 391.23(a)(1) and (b), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$250.
- f. On May 24, 2017, Brickley Enterprises required or permitted its driver, Jesse Thiessen, to operate a CDL-required commercial motor vehicle, a 2009 International Vacuum Tank Truck, VIN ending in 094630, GVWR greater than 33,000 lbs., in intrastate commerce from El Dorado, Kansas to

Butler County, Kansas. This trip is evidenced by Mr. Thiessen's Time Sheet, a copy of which is attached hereto as Attachment "E" and is hereby incorporated by reference. At the time of this transportation, Brickley Enterprises did not have For Hire authority from the Kansas Corporation Commission. The carrier's commercial operations of motor vehicles prior to obtaining and maintaining proper Commission authority is a violation of K.S.A. 2016 Supp. 66-1,111 and 49 C.F.R. 392.2, adopted by K.A.R. 82-4-3h, and authorized by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$500.

IV. STAFF'S RECOMMENDATIONS

8. Based upon the available facts, Staff recommends the Commission finds Brickley Enterprises committed six (6) 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.

9. Additionally, Staff recommends a civil penalty of \$3,750 for six (6) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that a representative from Brickley Enterprises be required to 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. 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.

11. Finally, Staff recommends that Brickley Enterprises 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.

V. CONCLUSIONS OF LAW

12. The Commission finds it has jurisdiction over Brickley Enterprises because it is a motor carrier as defined in K.S.A. 2016 Supp. 66-1,108.

13. The Commission finds Brickley Enterprises committed six (6) 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.

THE COMMISSION THEREFORE ORDERS THAT:

A. Brickley Enterprises, LLC, of El Dorado, Kansas is hereby assessed a \$3,750 civil penalty for six (6) 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.

B. Brickley Enterprises is hereby ordered to 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. Brickley Enterprises 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.

D. On November 28, 2017, this Penalty Order was mailed to Brickley Enterprises via Certified Mail, Return Receipt Requested, Receipt Number 70161970000105742789. Service of this Order is complete upon the date delivered shown on the Domestic Return Receipt.

E. Pursuant to K.S.A. 2016 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. 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 Commission's Secretary, 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 Brickley Enterprises's right to a hearing, and this Penalty Order will become a Final Order assessing a \$3,750 civil penalty against Brickley Enterprises, and ordering a representative from Brickley Enterprises to 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, and to submit to a safety compliance review within 18 months from the date of this 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. 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. 2016 Supp. 66-1,142b(e) and amendments thereto.

G. If you do not request a hearing, the payment of the civil penalty of \$3,750 is due in thirty (30) days from the date of service of this Order. Payment of \$3,750 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.

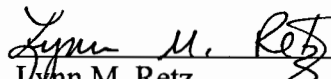
H. Failure to pay the \$3,750 civil penalty within thirty (30) days from the date of service of this Penalty Order, *see* K.S.A. 66-1,105, and/or failure to comply with the provisions of this Order, may result in suspension of Brickley Enterprises' motor carrier operating authority without further notice. Additionally, the Commission may impose further sanctions to include, but not limited to, the issuance and enforcement of revocation of authority and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

I. 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.

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: NOV 28 2017



Lynn M. Retz
Secretary to the Commission

AAL

Order Mailed Date

NOV 29 2017

ATTACHMENT “A”

	US DOT # 1502813	Legal: BRICKLEY ENTERPRISES, LLC Operating (DBA): AJ'S SERVICES & SUNFLOWER SERVICES		
MC/MX #: 000000		State #: [REDACTED]	Federal Tax ID [REDACTED] (EIN)	
Review Type: Compliance Review (CR)				
Scope: Principal Office		Location of Review/Audit: Company facility in the U. S.		Territory: F
Operation Types Interstate Intrastate				
Carrier: Non-HM HM Shipper: N/A N/A Cargo Tank: N/A		Business: Corporation Gross Revenue: [REDACTED] for year ending: 12/31/2016		
Company Physical Address: [REDACTED]				
Contact Name: Mark Wint Phone numbers: (1) [REDACTED] Fax E-Mail Address: [REDACTED]				
Company Mailing Address: PO BOX 1118 EL DORADO, KS 67042-1118				
Carrier Classification Authorized for Hire Private Property				
Cargo Classification General Freight Machinery, Large Objects Oil Field Equipment				
Hazardous Materials 9 Miscellaneous HM Carried Non-Bulk				
Equipment				
	Owned	Term Leased	Trip Leased	
Truck	7	0	0	Trailer
				Owned Term Leased Trip Leased
				3 0 0
Power units used in the U.S.: 7 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:	0	10	Average trip leased drivers/month: 0	
>= 100 Miles:	1	0	Total Drivers: 11	
			CDL Drivers: 11	



AJ'S SERVICES & SUNFLOWER SERVICES (BRICKLEY ENTER dba)
U.S. DOT #: 1502813

State #: [REDACTED]

Review Date:
11/07/2017

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:

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Mark Wint

Title: Safety Director

Name: [REDACTED]





AJ'S SERVICES & SUNFLOWER SERVICES (BRICKLEY ENTER dba)

U.S. DOT #: 1502813

State # [REDACTED]

Review Date:

11/07/2017

Part B Violations

1 FEDERAL CRITICAL	Primary: 382.301(a)	Discovered 4	Checked 5	Drivers/Vehicles In Violation 4	Checked 5
Description Using a driver before the motor carrier has received a negative pre-employment controlled substance test result. Example [REDACTED] Hire date 03.01.2017 Trip date 06.19.2017 Test date 08.01.2017 Carrier operated a 2005 Mack Truck with pulling unit KCC KS TAG [REDACTED] / Unit VIN# [REDACTED] 006587 gvw greater than 33,000 LBS. On a trip from El Dorado, KS to Tarkio, MO and pulled several wells in the Tarkio area from June 19-22, 2017 [REDACTED] also were used prior to pre employment tests completed.					
2 STATE CRITICAL	Primary: 396.11(a) CFR Equivalent: 396.11(a)	Discovered 50	Checked 54	Drivers/Vehicles In Violation 5	Checked 5
Description Failing to require driver to prepare driver vehicle inspection report. Example [REDACTED] Trip date 07.17.2017 Carrier failed to have drivers complete written post trip driver vehicle inspection reports. Driver operated a 2005 Mack Truck with pulling unit KCC KS TAG [REDACTED] / Unit VIN# [REDACTED] 006587 gvw greater than 33,000 LBS. On a trip from El Dorado, KS to rural Butler County to service wells.					
3 FEDERAL	Primary: 367.30	Discovered 1	Checked 1	Drivers/Vehicles In Violation 0	Checked 0
Description Failed to pay Unified Carrier Registration Fees (UCR) Example [REDACTED] Trip date 06.19.2017 Carrier operated a 2005 Mack Truck with pulling unit KCC KS TAG [REDACTED] / Unit VIN# [REDACTED] 006587 gvw greater than 33,000 LBS. On a trip from El Dorado, KS to Tarkio, MO and pulled several wells in the Tarkio area from June 19-22, 2017					





AJ'S SERVICES & SUNFLOWER SERVICES (BRICKLEY ENTER dba)
U.S. DOT #: 1502813

State #: [REDACTED]

Review Date:
11/07/2017

Part B Violations

4 FEDERAL	Primary: 382.305(i)(2)	Discovered 4	Checked 11	Drivers/Vehicles In Violation 4	Checked 11
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Description

Falling to ensure that each driver subject to random alcohol and controlled substances testing has an equal chance of being selected each time selections are made.

Hire date 03.01.2017

Trip date 06.19.2017

Test date 08.01.2017

Carrier operated a 2005 Mack Truck with pulling unit KCC KS TAG [REDACTED] / Unit VIN# [REDACTED] 006587 gvwr greater than 33,000 LBS. On a trip from El Dorado, KS to Tarkio, MO and pulled several wells in the Tarkio area from June 19-22, 2017

5 FEDERAL	Primary: 382.603	Discovered 1	Checked 1	Drivers/Vehicles In Violation 0	Checked 0
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Description

Falling 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

Hire date 03.01.2017

Trip date 06.19.2017

Test date 08.01.2017

no document of reasonable susupicion training

Carrier operated a 2005 Mack Truck with pulling unit KCC KS TAG [REDACTED] / Unit VIN# [REDACTED] 006587 gvwr greater than 33,000 LBS. On a trip from El Dorado, KS to Tarkio, MO and pulled several wells in the Tarkio area from June 19-22, 2017

6 STATE	Primary: 391.21(a) CFR Equivalent: 391.21(a)	Discovered 5	Checked 5	Drivers/Vehicles In Violation 5	Checked 5
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Description

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

Example

Hire date 03.01.2017

Trip date 06.19.2017

Application on file does not meet driver application requirements.

Carrier operated a 2005 Mack Truck with pulling unit KCC KS TAG [REDACTED] / Unit VIN# [REDACTED] 006587 gvwr greater than 33,000 LBS. On a trip from El Dorado, KS to Tarkio, MO and pulled several wells in the Tarkio area from June 19-22-2017





AJ'S SERVICES & SUNFLOWER SERVICES (BRICKLEY ENTER dba)

U.S. DOT #: 1502813


State #: [REDACTED]

Review Date:

11/07/2017

Part B Violations

7 STATE	Primary: 391.23(b)	Discovered 2	Checked 5	Drivers/Vehicles In Violation 2	Checked 5
Description (b) A copy of the motor vehicle record(s) obtained in response to the inquiry or inquiries to each State required by paragraph (a)(1) of this section must be placed in the driver qualification file within 30 days of the date the driver's employment begins and be retained in compliance with § 391.51 Example [REDACTED] Hire date 10.17.2016 trip date 07.24.2017 no MVR on file Operated a 2006 International vacuum truck KS tag [REDACTED], KS VIN# [REDACTED] 245051, gvwr >33,000 lbs. on a trip from El Dorado, KS to Eureka, KS.					
8 FEDERAL	Primary: 391.23(b)	Discovered 3	Checked 5	Drivers/Vehicles In Violation 3	Checked 5
Description (b) A copy of the motor vehicle record(s) obtained in response to the inquiry or inquiries to each State required by paragraph (a)(1) of this section must be placed in the driver qualification file within 30 days of the date the driver's employment begins and be retained in compliance with § 391.51 Example [REDACTED] Hire date 03.01.2017 Trip date 06.19.2017 Carrier operated a 2005 Mack Truck with pulling unit KCC KS TAG [REDACTED] / Unit VIN# [REDACTED] 006587 gvwr greater than 33,000 LBS. On a trip from El Dorado, KS to Tarkio, MO and pulled several wells in the Tarkio area from June 19-22, 2017. No MVR on file					
9 STATE	Primary: 391.25(a) CFR Equivalent: 391.25(a)	Discovered 2	Checked 5	Drivers/Vehicles In Violation 2	Checked 5
Description Failing to make an inquiry into the driving record of each driver to the appropriate State agencies in which the driver held a commercial motor vehicle operator's license at least once every 12 months. Example [REDACTED] Hire date 09-02-2014 Trip date 05.24.2017 Carrier failed to complete annual MVR's on each driver every 12 months. Operated a 2009 International Vacuum Tank Truck KS tag [REDACTED], KS Vin# [REDACTED] 094630 on a trip from El Dorado, KS to the Rogers lease located north of Potwin, KS close to the intersection of 60th & Rivervalley Rd. in rural Butler County Kansas.					

	AJ'S SERVICES & SUNFLOWER SERVICES (BRICKLEY ENTER dba)		Review Date:
	U.S. DOT #: 1502813		State #: [REDACTED] 11/07/2017

Part B Violations

10 STATE	Primary: 391.51(b)(9) CFR Equivalent: 391.51(b)(9)	Discovered 5	Checked 5	Drivers/Vehicles In Violation 5 Checked 5
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Description

Failing to place a note related to the verification of the medical examiner's listing on the National Registry of Certified Medical Examiners required by 391.23(m) in driver disqualification file(s).

Example

Hire date 09-02-2014
Trip date 05.24.2017

Carrier failed to complete annual MVR's on each driver every 12 months.

Operated a 2009 International Vacuum Tank Truck KS tag [REDACTED], KS Vin# [REDACTED] 094630 on a trip from El Dorado, KS to the Rogers lease located north of Potwin, KS close to the intersection of 60th & Rivervalley Rd. in rural Butler County Kansas.

11 STATE	Primary: 66-1,111 CFR Equivalent: 392.2	Discovered 1	Checked 1	Drivers/Vehicles In Violation 0 Checked 0
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Description

Kansas Corporation Commission Common Carrier Authority

Example

Hire date 09-02-2014
Trip date 05.24.2017

Carrier failed to have for-hire operating authority with the Kansas Corporation Commission from January 01, 2017 until June 5, 2017

Operated a 2009 International Vacuum Tank Truck KS tag [REDACTED], KS Vin# [REDACTED] 094630 on a trip from El Dorado, KS to the Rogers lease located north of Potwin, KS close to the intersection of 60th & Rivervalley Rd. in rural Butler County Kansas transporting salt water.

12 FEDERAL	Primary: 395.8(f)(11)	Discovered 1	Checked 150	Drivers/Vehicles In Violation 1 Checked 1
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Description

Fail to total hours on Record of duty status

Example

Trip date 06.22.2017

Carrier operated a 2005 Mack Truck with pulling unit KCC KS TAG [REDACTED] Unit VIN# [REDACTED] 006587 gvw greater than 33,000 LBS. On a trip from Tarkio, MO to El Dorado, KS from servicing several wells in the Tarkio area from June 19-22, 2017

Safety Fitness Rating Information:

Total Miles Operated 125,000
Recordable Accidents 0
Recordable Accidents/Million Miles 0.00

OOS Vehicle (CR): 0
Number of Vehicle Inspected (CR): 0
OOS Vehicle (MCMIS): 0
Number of Vehicles Inspected (MCMIS): 0



AJ'S SERVICES & SUNFLOWER SERVICES (BRICKLEY ENTER dba)
U.S. DOT #: 1502813

State #: [REDACTED]

Review Date:
11/07/2017

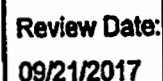
Part B Violations

Your proposed safety rating is :

SATISFACTORY

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

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





AJ'S SERVICES & SUNFLOWER SERVICES (BRICKLEY ENTER dba)
U.S. DOT #: 1502813

State #: [REDACTED]

Review Date:
09/21/2017

Part B Requirements and/or Recommendations

1500 SW Arrowhead Rd
Topeka, KS 66604-4027

2. 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. A copy of your carrier profile can be obtained at no cost from the FMCSA Portal (<https://portal.fmcsa.dot.gov/login>).
4. Conduct periodic internal reviews of your maintenance, hazardous materials handling, driver qualification, hours of service control, accident reporting, training, and other safety systems to ensure continued compliance.
5. Obtain a copy of each driver's driving record and review it annually.
6. Review the circumstances under which a CDL is required. CDL and drug testing rules apply to both interstate and intrastate commerce.
7. Ensure that all drivers are fully and properly qualified before operating in intra and interstate commerce. Maintain a complete file as required for each driver, documenting the qualification process.
8. Require all drivers to prepare a written inspection report for each day a vehicle is operated. Ensure that each report is signed by the driver, certified, and reviewed if defects are reported.
9. **CONTROLLED SUBSTANCES AND ALCOHOL BASIC PROCESS BREAKDOWN: Policies and Procedures.**
DESCRIPTION OF PROCESS BREAKDOWN: Brickley Enterprises LLC failed to have adequate policy and procedures to ensure compliance with the controlled substance and alcohol testing program, or to have a valid controlled substance and alcohol testing policy on file or reasonable suspicion training for supervisors.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Policies and Procedures.

- Develop a written company policy incorporating by reference all regulations regarding controlled substances and alcohol use, testing, training, and records retention for all employees.
- Develop a policy requiring drivers to submit copies of all citations for moving violations to carrier management within 24 hours.
- Establish a process to ensure that drivers who are randomly tested can be immediately removed if they are found to be positive and that they do not return to safety-sensitive duties until they have complied with the "return-to-duty" process.
- Establish written policies and procedures that promote, verify, and enforce adherence to all controlled-substance and alcohol rules and regulations. Procedures should be tailored to company operations and should provide specific checks and guidelines for interacting with a consortium, if applicable.
- Establish a process to ensure that test results are properly safeguarded from unauthorized disclosure to prospective employers without specific written consent and from disclosure under any circumstances to insurance companies and other nonqualified parties, in accordance with regulations.
- Develop a policy to ensure that all alcohol testing is conducted immediately before or after the period that employees are performing a safety-sensitive function. Drivers can be tested on their day off only for controlled substances. Once notified of their selection, drivers must proceed immediately to the testing facility. If a driver refuses to go, this should be considered as equivalent to a positive result.
- Consider developing a driver selection protocol that uses valid random-number-generator software on a monthly basis to select, by driver identification number, 5 to 8 percent of drivers for controlled-substance testing and 2 to 5 percent for alcohol testing. This will ensure selection of 25 percent of drivers for controlled-substances testing and 10 percent for alcohol testing per year, given fluctuations in the driver workforce over the course of the year.
- Develop a written and progressive disciplinary policy focused on taking corrective action to ensure drivers comply with regulations and policies. A progressive disciplinary policy could include, among other things, written



A.J.S. SERVICES & SUNFLOWER SERVICES (BRICKLEY ENTER dba)
U.S. DOT #: 1502813

State #: [REDACTED]

Review Date:
09/21/2017

Part B Requirements and/or Recommendations

warnings, suspensions, or work restrictions, monetary penalties, and termination. This policy should also specify consequences for any carrier official who knowingly and willfully allows controlled-substance and alcohol violations.

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.

10. VEHICLE MAINTENANCE BASIC - INSPECTION-REPAIR-MAINTENANCE PROCESS BREAKDOWN: Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN: Brickley Enterprises LLC failed to have a driver policy or enforce a driver policy to complete post trip inspection (DVIR) driver vehicle inspection report for all intra state trips and when required on inter state trips.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Policies and Procedures.

- Develop a system of preventive maintenance for compliant, safe, and efficient fleet operations, including a schedule for periodic maintenance, inspection, and recordkeeping. This system should be attuned to manufacturer recommendations, the carrier's own experience, and regulatory requirements.
- Develop a procedure ensuring that vehicle defects that impact safety and/or safety compliance are reported, repaired, and certified before the vehicle is operated.
- Develop procedures to ensure that management is notified of vehicle defects through the use of Driver Vehicle Inspection Records (DVIRs) and other communication channels, such as driver call-in and e-mail from mechanics.
- Develop a policy ensuring that drivers are qualified to complete thorough and timely Driver Vehicle Inspection Records (DVIRs) by the end of the day of the trip and prior to a subsequent assignment.
- Establish a policy requiring drivers to submit copies of all roadside inspections to carrier management within 24 hours.
- Develop policies and procedures requiring drivers to immediately notify appropriate management of any roadside vehicle Out-of-Service (OOS) order.
- Develop a written and progressive disciplinary policy focused on taking corrective action to ensure drivers comply with regulations and policies. A progressive disciplinary policy could include, among other things, written warnings, suspensions, or work restrictions, monetary penalties, and termination. This policy should also specify consequences for any carrier official who knowingly and willfully allows vehicle maintenance violations.

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.

11. This report contains citations of regulations that are deemed serious in nature and could result in penalties against your company and/or your drivers.

12. 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 Brickley Enterprises LLC's vehicles operating authority and/or the impoundment of Brickley Enterprises LLC's vehicles.

Signed

Date

[Signature]
9-21-17



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U.S. DOT #: 1502813

State #: [REDACTED]

Review Date:
09/21/2017

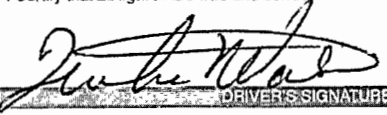
Part B Requirements and/or Recommendations

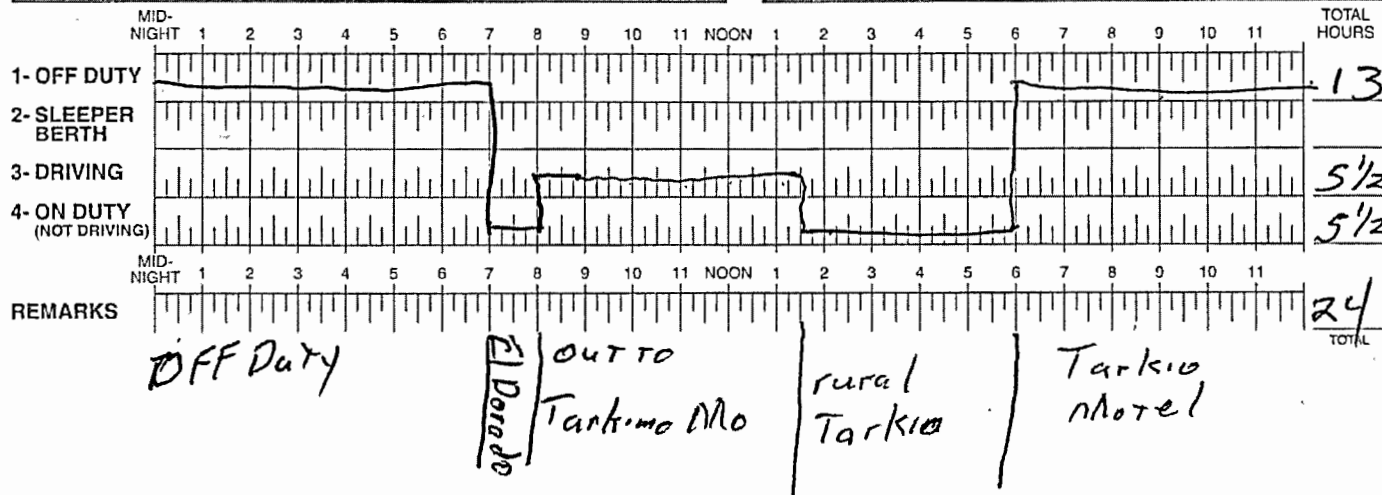
13. This review will result in a Safety Rating.
14. Stay in contact with your KCC Investigator for any questions or issues with continued safety compliance. You may contact me: KCC Special Investigator Gary Goeller at 785-623-0541 or email at g.goeller@kcc.ks.gov

ATTACHMENT "B"

125146 125465
DRIVER'S DAILY LOG — 24 HOURS "One Calendar Day"

6.19.2017	Rig #1	379 275
<small>MONTH DAY YEAR</small>	<small>VEHICLE NUMBER(S)</small>	<small>TOTAL MILEAGE (TODAY)</small>
AJ's Service		
<small>NAME OF CARRIER(S)</small>		
PO Box 1118 El Dorado KS		
<small>MAIN OFFICE ADDRESS</small>		

<small>I Certify that all figures are true and correct:</small>	
	
<small>DRIVER'S SIGNATURE</small>	
SAME	
<small>NAME OF CO-DRIVER</small>	
SAME	
<small>HOME OFFICE ADDRESS</small>	



Shipping document, manifest number, or name of a shipper and commodity.

Check the time and enter name of place you reported and where released from work and when and where each change of duty occurred. Explain excess hours.

<small>Starting Location</small>	<small>Destination</small>

ORIGINAL — File Each Day at Home Terminal

USE TIME STANDARD OF HOME TERMINAL

DUPLICATE — Driver Keeps in His Possession for 8 Days

RECAP
Driving Hours Today (Line 3)
Total Hours On Duty (Line 3 + 4)
70 Hours / 8 Days
1. Last 7 Days Total Hours On Duty (Incl. Today)
2. * Hours Available Tomorrow 70 - Line 1
3. Hours On Duty Last 8 Days (Incl. Today)
60 Hours / 7 Days
1. Last 6 Days Total Hours On Duty (Incl. Today)
2. * Hours Available Tomorrow 60 - Line 1
3. Hours On Duty Last 7 Days (Incl. Today)

ATTACHMENT “C”

Brickley Enterprises, LLC Time Sheet

NAME: *Quentin Watts* **Dates:** **FRI.** 7-14-17 **THURS.** 7-18

[illegible]

PT__ VT__ PU__ RO__ SEPT__ RNTLS__ MEET__

TTL HRS: 27 1/2

0.00

Week One

ATTACHMENT "D"

Brickley Enterprises, LLC Time Sheet

NAME: Dusty Hatfield

Dates: WED. 7-19 TUES. 7-25

DATE	ACTIVITIES	TIME START	TIME FINISH	HOURS
Wed 7-19	Sunflower → Septic Truck (* Sold 1 Bio Active)	0700	1630	9.5
Thurs 7-20	Sunflower → Carwash Truck	0700	11230	9.5
Fri 7-21	Sunflower → Septic Truck	0700	1730	10.5
Mon 7-24	Sunflower → Septic Truck	0700	1400	7
	RO → Help Andy work on Sterling Trailer	1400	1515	1.25
	Sunflower → Snake out line @ Eureka Install	1515	1700	1.75
Tues 7-25	Sunflower → Septic Truck (* Sold 2 Bio Active)	0700	1415	7.25
Reg	64			
OP	8			
	TTL HRS: 72			
	ENTERED			
	\$20- 4 BioActive Commissions			

PT _____ VT _____ PU _____ RO 1.25 SUN 45.5 MTG _____

TTL (HRS): 46.75

Sold Bio Active

0

ATTACHMENT "E"

Brickley Enterprises, LLC Time Sheet

NAME: Jesse Thiessen Dates: FRI. _____ THURS. _____

[illegible]

Week One

VT 44.25 PU _____ RO _____ SEPT _____ RNTLS _____

TTL HRS: 44.25 4141.25

CERTIFICATE OF SERVICE

18-TRAM-205-PEN

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of
first class mail/hand delivered on NOV 28 2017.

MARK WINT, SAFETY DIRECTOR
BRICKLEY ENTERPRISES, LLC
PO BOX 1118
EL DORADO, KS 67042-1118
mark@ajsservices.net

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

/S/ DeeAnn Shupe
DeeAnn Shupe

Order Mailed Date
NOV 29 2017