

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

June 13, 2017

17-TRAM-532-PEN

Donny Randolph, Operator/Manager
Arch Design Builders LLC
11100 W 91st St Ste 200
Overland Park, Kansas 66214

Certified Mail Receipt No. 70161970000105740570

This is a notice of a penalty assessment against Arch Design Builders LLC for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on May 31, 2017, by Kansas Corporation Commission Special Investigator(s) Wade Patterson. For a full description of the penalty and terms and obligations, please refer to the Penalty Order that is attached to this notice.

IF YOU ACCEPT THE PENALTY:

Arch Design Builders has been assessed a \$4,800 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 \$4,800, through your personal account with the Kansas Corporation Commission's KTRAN application 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.

ARCH DESIGN BUILDERS IS A NEW ENTRANT MOTOR CARRIER AND IS ELIGIBLE FOR A PENALTY REDUCTION OF FIFTY PERCENT (50%) UNDER THE FOLLOWING TERMS:

New Entrant motor carriers are eligible for a one-time, fifty-percent (50%) reduction in the penalty(s) assessed motor carriers in accordance with the FY 2017 Uniform Penalty Assessment Matrix. You have to meet the terms and obligations set out in the attached Reduced Penalty Agreement to be eligible for the fifty-percent (50%) reduction. A fifty-percent (50%) reduction in the penalty assessed in the attached Order is available if:

(1) the carrier signs and submits within fifteen (15) days from the date of this Penalty Order, the attached Reduced Penalty Agreement to Litigation Counsel at the above address;

(2) within 30 days from the date of the attached Penalty Order, the carrier submits to Transportation Staff an approved Corrective Action Plan (CAP) documenting the violation(s) described in the attached 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; and

(3) within thirty (30) days from the date of the attached Penalty Order, the carrier sends an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance must be submitted to the undersigned Litigation Counsel shortly thereafter.

(4) within 18 months from the date of the attached Penalty Order, the carrier must be available for a follow-up Safety Compliance Review. Transportation Staff will contact the carrier to schedule the review.

If a carrier is approved for the fifty-percent (50%) reduced penalty, a Motion to Amend Penalty Order, along with the Reduced Penalty Agreement will be filed with the Commission. An Amended Penalty Order assessing the reduced penalty and setting out the terms and conditions stated above will be issued by the Commission shortly thereafter. Payment of the reduced penalty of \$2,400 would be due within thirty (30) days from the date of service of the Amended Penalty Order.

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. Arch Design Builders LLC 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 by mailing 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 Commission's Secretary at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, within fifteen (15) days from the date of service of this Penalty Order and mail a copy of the request to Litigation Counsel. K.A.R. 82-1-215; K.S.A. 2016 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 \$4,800 within thirty (30) days from the date of service of this Penalty Order, or in the alternative, provide a written request for a hearing within fifteen (15) days from the date of service of this Penalty Order, will result in the Order becoming a final Penalty Order and the terms and conditions set out therein will be enforced. If Arch Design Builders submits the attached Reduced Penalty Agreement as explained above, an Amended Penalty order may be issued assessing the reduced penalty of \$2,400 and that payment will become due within thirty (30) days from the date of service of the Amended Penalty Order.

Respectfully,



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

1500 SW Arrowhead Road
Topeka, KS 66604-4027



Phone: 785-271-3100
Fax: 785-271-3354
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REDUCED PENALTY AGREEMENT

17-TRAM-532-PEN

Arch Design Builders LLC hereby submits this Reduced Penalty Agreement to become eligible for a fifty percent (50%) reduction in the penalty assessed in the Penalty Order dated June 8, 2017. Arch Design Builders has agreed to comply with the following terms and obligations:

1. Arch Design Builders has submitted, within fifteen (15) days from the date of the Penalty Order issued on June 8, 2017, this signed and dated Reduced Penalty Agreement to Litigation Counsel at the above address.

2. Arch Design Builders will, within 30 days from the date of the Penalty Order dated June 8, 2017, submit to Transportation Staff a Corrective Action Plan (CAP) documenting the violation(s) and describing specific and detailed information explaining the its efforts and concrete steps taken to ensure the violation(s) do not occur in the future. I understand that the CAP must be approved by Transportation Staff before my company can be eligible for the 50% reduced penalty.

3. Arch Design Builders will, within thirty (30) days from the date of the Penalty Order dated June 8, 2017, 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. Arch Design Builders will be available within eighteen (18) months from the date of the Penalty Order for a Safety Compliance Review. Transportation Staff will contact the carrier to schedule the review.

Arch Design Builders LLC understands that if approved, Transportation Litigation Counsel will file a Motion for Amended Penalty Order with the Agreement attached to the motion. The Amended Penalty Order will assess Arch Design Builders a fifty-percent (50%) reduced penalty of \$2,400, and set out the terms and conditions stated above. Once the Amended Penalty Order is issued by the Commission, Arch Design Builders will have thirty (30) days from the date of service of the Amended Order to pay the reduced penalty assessed.

Dated this _____ day of _____, 2017.

Arch Design Builders LLC

Donny Randolph
Operator/Manager

(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: Pat Apple, Chairman
 Shari Feist Albrecht
 Jay Scott Emler

In the Matter of the Investigation of Arch)
Design Builders LLC, of Overland Park,)
Kansas, Regarding the Violation of the Motor)
Carrier Safety Statutes, Rules and Regulations) Docket No. 17-TRAM-532-PEN
and the Commission's Authority to Impose)
Penalties, Sanctions and/or the Revocation of)
Motor Carrier Authority.)

PENALTY ORDER

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission). The Commission, having been briefed on the issue by the Director of the Commission's Transportation Division, finds and concludes as follows:

I. JURISDICTION

1. Pursuant to K.S.A. 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 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. Arch Design Builders LLC (Arch Design Builders) obtained private operating authority from the Commission on February 29, 2016, and operates under KSMCID number 171179 and USDOT number 2209017.

5. Don Semple attended a Commission-sponsored Motor Carrier Education and Instructional Meeting on February 16, 2016, on behalf of Arch Design Builders.

6. Arch Design Builders is a private motor carrier which primarily hauls building materials and construction.

7. Arch Design Builders is a New Entrant motor carrier and is eligible for a fifty-percent (50%) reduction of the penalty(s) assessed motor carriers in accordance with the FY 2017 Uniform Penalty Assessment Matrix.

III. STATEMENT OF FACTS

8. Pursuant to the jurisdiction and authority cited above, on May 31, 2017, Commission Staff (Staff) Special Investigator(s) Wade Patterson conducted a compliance review of the operations of Arch Design Builders. 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, Mr. Patterson identified nine (9) violation(s) of the Motor Carrier Safety Regulations.

- a. On May 8, 2017, Arch Design Builders required or permitted its driver, Donny Randolph, to operate a CDL-required commercial motor vehicle, a 2002 International 7500, VIN ending in 049157, GVWR 55,000 lbs., in interstate commerce from Overland Park, Kansas to Grandview, Missouri. This trip is evidenced by a typed-written statement dated May 22, 2017, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation and at the time of the compliance review, Arch Design Builders had not paid its 2017 Unified Carrier Registration fees on its four (4) commercial vehicles owned. The carrier's failure to annually register its commercial motor vehicle(s) 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 \$300.
- b. During the transportation described in paragraph a., above, Arch Design Builders failed to obtain a pre-employment controlled substance test with a negative result on its driver. The carrier's 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 \$650.

- c. During the transportation described in paragraph a., above, Arch Design Builders did not have implemented a random controlled substance and/or alcohol testing program for its CDL drivers. The carrier's failure to establish an alcohol and controlled substances testing program for its CDL drivers that complies with the procedures established in 49 C.F.R. 382.105 as adopted by K.A.R. 82-4-3c is a violation of 49 C.F.R. 382.115(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 \$650.
- d. During the transportation described in paragraph a., above, Arch Design Builders failed to provide its CDL drivers with a written company policy on the misuse of alcohol and controlled substances. The carrier's failure to provide alcohol and controlled substance use educational materials that complies with 49 C.F.R. 382.601(b) to each of its 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. 2016 Supp. 66-1,129. Staff recommends a fine of \$200.
- e. During the transportation described in paragraph a., above, Arch Design Builders 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 found

two (2) violations of this type. Arch Design Builders' failure to inquire into its drivers' MVR at least once every 12 months and maintain a copy of the MVR in the driver qualification files 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. 2016 Supp. 66-1,112. Staff recommends a fine of \$250.

- f. On May 6, 2017, Arch Design Builders required or permitted its driver, William Meza, to operate a CDL-required commercial motor vehicle, a 2012 Dodge 3500, VIN ending in 259091, GVWR 10,000 lbs., pulling a Unit #T2 trailer, VIN ending in 319442, GVWR 10,000 lbs., in interstate commerce from Overland Park, Kansas to Kansas City, Missouri. This trip is evidenced by a typed-written statement dated May 22, 2017, a copy of which is attached hereto as Attachment "C" and is hereby incorporated by reference. At the time of this transportation, Arch Design Builders failed to require its driver William Meza to be medically examined and certified as physically fit to operate a commercial motor vehicle. The carrier's failure to confirm that each of its drivers are medically examined and certified prior to requiring or permitting the operation of a commercial motor vehicle and maintaining documentation of the medical certificate in the driver qualification file is a violation of 49 C.F.R. 391.41(a)(1)(i), 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.
- g. During the transportation described in paragraph f., above, Arch Design Builders failed to require its driver to make a record of duty status

indicating the time he started working, the time he ended working, and the total hours worked. The special investigator found 60 violations of this type. Arch Design Builders' failure to require its driver to keep records of duty status for each 24-hour period using the method described in 49 C.F.R. 395.8(a) and to submit the original record to the motor carrier within 13 days of creation is in violation of 49 C.F.R. 395.8(a), adopted by K.A.R. 82-4-3a, and authorized by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$1,000.

- h. During the transportation described in paragraph a., above, Arch Design Builders did not have a record indicating the nature and due date for inspections and maintenance operations on the commercial motor vehicles. The special investigator found four (4) violations of this type. The carrier's failure to have records indicating the nature and due date of the inspections and maintenance operations to be performed on the commercial motor vehicles is a violation of 49 C.F.R. 396.3(b)(2), adopted by K.A.R. 82-4-3a, and authorized by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$750
- i. During the transportation described in paragraph a., above, Arch Design Builders permitted this transportation without first obtaining and documenting a successful periodic (annual) inspection on the commercial motor vehicles operated during the preceding 12-month period. The special investigator found three (3) violations of this type. Arch Design Builders' failure to conduct periodic (annual) inspections on its

commercial motor vehicles is a violation of 49 C.F.R. 396.17(c), adopted by K.A.R. 82-4-3j, and authorized by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$750.

IV. STAFF'S RECOMMENDATIONS

9. Based upon the available facts, Staff recommends the Commission find Arch Design Builders committed nine (9) 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 \$4,800 for nine (9) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

11. Staff provides notice to the Commission that Arch Design Builders LLC is a New Entrant motor carrier and is eligible for a fifty-percent (50%) reduced civil penalty if it submits the Reduced Penalty Agreement, which is attached to the Notice of Penalty Assessment, and the Agreement is approved.

12. Staff recommends Arch Design Builders LLC submit a Corrective Action Plan (CAP) within 30 days of the date of this Penalty Order, to Transportation Staff, documenting the violation(s) described in the 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 Arch Design Builders attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and provide proof of attendance to the Litigation Counsel.

14. Finally, Staff recommends that Arch Design Builders 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 Arch Design Builders because it is a motor carrier as defined in K.S.A. 2016 Supp. 66-1,108.

16. The Commission finds a penalty of \$4,800 should be assessed Arch Design Builders for committing nine (9) 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 Arch Design Builders is a New Entrant motor carrier and is eligible for a fifty-percent (50%) reduction in the penalty(s) normally assessed motor carriers in accordance with the FY 2017 Uniform Penalty Assessment Matrix. The carrier must submit to Litigation Counsel, within fifteen (15) days from the date of this Penalty Order, the signed and dated Reduced Penalty Agreement attached, which states it will comply with the reduced penalty terms and obligations set out therein.

THE COMMISSION THEREFORE ORDERS THAT:

A. Arch Design Builders LLC, of Overland Park, Kansas is hereby assessed a penalty of \$4,800 for nine (9) 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 \$4,800 must be made through your personal account with the Kansas Corporation Commission's KTRAN application 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.

B. Arch Design Builders 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 the safety seminar can be found at the Commission's website http://www.kcc.state.ks.us/trans/safety_meetings.htm.

C. Arch Design Builders 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 in the attached 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.

D. Arch Design Builders 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 Arch Design Builders does not submit the Reduced Penalty Agreement and fails to pay the full penalty(s) of \$4,800 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 Arch Design Builders'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. 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, 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 within fifteen (15) days from the date of service of this Order. If you do not have access to the internet, you can mail an original seven (7) copies of the request to the Commission's Secretary, at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy to Litigation Counsel within fifteen (15) days from the date of service of this Order. On June 8, 2017, this Order was mailed via Certified Mail, Return Receipt Requested, Receipt Number 70161970000105740570. Service of this Order is deemed complete upon the date delivered shown on the Domestic Return Receipt. A hearing will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of Arch Design Builders's right to a hearing.


G. Attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. For civil penalties exceeding \$500, a corporation shall appear before the Commission by its attorney, unless waived by the Commission for good cause shown and a determination that such waiver is in the public interest. K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2); K.A.R. 82-1-202(a). For civil penalties of \$500 or less, a corporation may appear by a duly authorized representative of the corporation. K.S.A. 2016 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.

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner


Dated: JUN 13 2017


Lynn M. Retz
Secretary to the Commission

AAL

Order Mailed Date
JUN 14 2017

ATTACHMENT "A"

	US DOT # 2209017	Legal: ARCH DESIGN BUILDERS LLC Operating (DBA):			
MC/MX #:		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:
Operation Types		Interstate	Intrastate		
Carrier:	HM		HM	Business: Corporation	
Shipper:	N/A		N/A	Gross Revenue: [REDACTED]	for year ending: 12/31/2016
Cargo Tank:	N/A				
Company Physical Address:					
[REDACTED]					
Contact Name: Donny Randolph					
Phone numbers: (1) [REDACTED]					
E-Mail Address: [REDACTED]					
Company Mailing Address:					
11100 W 91ST ST STE 20C OVERLAND PARK, KS 66214-1709					
Carrier Classification					
Private Property					
Cargo Classification					
Building Materials			Construction		
Hazardous Materials					
9 Miscellaneous HM		Carried	Non-Bulk		
Equipment					
	Owned	Term Leased	Trip Leased		Owned Term Leased Trip Leased
Truck	4	0	0	Trailer	3 0 0
Power units used in the U.S.: 4					
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	Average trip leased drivers/month: 0		
< 100 Miles:			Total Drivers: 2		
>= 100 Miles:	2		CDL Drivers: 2		





ARCH DESIGN BUILDERS LLC
U.S. DOT #: 2209017

State #: [REDACTED]

Review Date:
05/31/2017

Part A

QUESTIONS regarding this report may be addressed to the Kansas Corporation Commission at:

1500 SW Arrowhead Road
Topeka, Kansas 66604
Telephone (785)640-9132

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Donny Randolph
Name:

Title: Operator / Manager
Title:





ARCH DESIGN BUILDERS LLC
U.S. DOT #: 2209017

State #: [REDACTED]

Review Date:
05/31/2017

Part B Violations

1 FEDERAL ACUTE	Primary: 382.305	Discovered 1	Checked 1	Drivers/Vehicles In Violation 0	Checked 0
Description Failing to implement a random controlled substance and/or an alcohol testing program. Example On May 8th, 2017 Arch Design Builders LLC had driver [REDACTED] operate a CDL required commercial motor vehicle (Unit #28 - VIN # [REDACTED] 049157) in interstate commerce. Driver [REDACTED] operated this vehicle in commerce from Overland Park Kansas to Grandview Missouri. This vehicle has a gross vehicle weight rating of 55,000 lbs. This trip is evidenced by a job invoice, an incomplete driver hours of service record, and a driver trip statement. At the time of this trip and during the review, carrier failed to implement a random controlled substance and/or an alcohol testing program.					
2 FEDERAL CRITICAL	Primary: 395.8(a)	Discovered 60	Checked 60	Drivers/Vehicles In Violation 2	Checked 2
Description Failing to require driver to make a record of duty status. Example On May 6th, 2017 Arch Design Builders LLC had driver [REDACTED] operate a combination of commercial motor vehicles (Unit #0001 - VIN # [REDACTED] 259091 & Unit #T2 - VIN# [REDACTED] 319442) in interstate commerce. Driver [REDACTED] operated this vehicle in commerce from Overland Park Kansas to Kansas City Missouri. These vehicles both have a gross vehicle weight rating of 10,000 lbs. This trip is evidenced by a job invoice and a driver trip statement. At the time of this trip and during the review, carrier failed to require driver to make a record of duty status.					
3 FEDERAL CRITICAL	Primary: 396.17(a)	Discovered 3	Checked 4	Drivers/Vehicles In Violation 3	Checked 4
Description Using a commercial motor vehicle not periodically inspected. Example On May 8th, 2017 Arch Design Builders LLC had driver [REDACTED] operate a CDL required commercial motor vehicle (Unit #28 - VIN # [REDACTED] 049157) in interstate commerce. Driver [REDACTED] operated this vehicle in commerce from Overland Park Kansas to Grandview Missouri. This vehicle has a gross vehicle weight rating of 55,000 lbs. This trip is evidenced by a job invoice, an incomplete driver hours of service record, and a driver trip statement. At the time of this trip and during the review, carrier used a commercial motor vehicle not periodically inspected.					
4 FEDERAL	Primary: 367.30	Discovered 1	Checked 2	Drivers/Vehicles In Violation 0	Checked 0
Description Fail to pay current years UCR and operating in interstate commerce. Example On May 8th, 2017 Arch Design Builders LLC had driver [REDACTED] operate a CDL required commercial motor vehicle (Unit #28 - VIN # [REDACTED] 049157) in interstate commerce. Driver [REDACTED] operated this vehicle in commerce from Overland Park Kansas to Grandview Missouri. This vehicle has a gross vehicle weight rating of 55,000 lbs. This trip is evidenced by a job invoice, an incomplete driver hours of service record, and a driver trip statement. At the time of this trip and during the review, carrier failed to pay 2017 UCR fees.					





ARCH DESIGN BUILDERS LLC
U.S. DOT #: 2209017

State #: [REDACTED]

Review Date:
05/31/2017

Part B Violations

5 FEDERAL	Primary: 382.301(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 0	Checked 0
Description Using a driver before the motor carrier has received a negative pre-employment controlled substance test result. Example On May 8th, 2017 Arch Design Builders LLC had driver [REDACTED] operate a CDL required commercial motor vehicle (Unit #28 - VIN # [REDACTED] 049157) in interstate commerce. Driver [REDACTED] operated this vehicle in commerce from Overland Park Kansas to Grandview Missouri. This vehicle has a gross vehicle weight rating of 55,000 lbs. This trip is evidenced by a job invoice, an incomplete driver hours of service record, and a driver trip statement. At the time of this trip and during the review, carrier used a driver before the motor carrier has received a negative pre-employment controlled substance test result.					
6 FEDERAL	Primary: 382.601(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 0	Checked 0
Description Failing to provide educational materials explaining requirements of part 382 and employer's drug and alcohol program policies. Example On May 8th, 2017 Arch Design Builders LLC had driver [REDACTED] operate a CDL required commercial motor vehicle (Unit #28 - VIN # [REDACTED] 049157) in interstate commerce. Driver [REDACTED] operated this vehicle in commerce from Overland Park Kansas to Grandview Missouri. This vehicle has a gross vehicle weight rating of 55,000 lbs. This trip is evidenced by a job invoice, an incomplete driver hours of service record, and a driver trip statement. At the time of this trip and during the review, carrier failed to provide educational materials explaining requirements of part 382 and employer's drug and alcohol program policies.					
7 FEDERAL	Primary: 382.601(b)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 0	Checked 0
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 On May 8th, 2017 Arch Design Builders LLC had driver [REDACTED] operate a CDL required commercial motor vehicle (Unit #28 - VIN # [REDACTED] 049157) in interstate commerce. Driver [REDACTED] operated this vehicle in commerce from Overland Park Kansas to Grandview Missouri. This vehicle has a gross vehicle weight rating of 55,000 lbs. This trip is evidenced by a job invoice, an incomplete driver hours of service record, and a driver trip statement. At the time of this trip and during the review, carrier failed to provide to employees a written policy on misuse of alcohol and controlled substances that meets the requirements of 382.601(b) 1-11.					
8 FEDERAL	Primary: 382.603	Discovered 1	Checked 1	Drivers/Vehicles In Violation 0	Checked 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 On May 8th, 2017 Arch Design Builders LLC had driver [REDACTED] operate a CDL required commercial motor vehicle (Unit #28 - VIN # [REDACTED] 049157) in interstate commerce. Driver [REDACTED] operated this vehicle in commerce from Overland Park Kansas to Grandview Missouri. This vehicle has a gross vehicle weight rating of 55,000 lbs. This trip is evidenced by a job invoice, an incomplete driver hours of service record, and a driver trip statement. At the time of this trip and during the review, carrier failed to ensure person designated to determine that drivers undergo reasonable suspicion testing receive 60 minutes training for alcohol and/or 60 minutes of training for controlled substances.					





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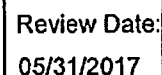
State #: [REDACTED]

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Part B Violations

9 FEDERAL	Primary: 391.21(a)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
Description Using a driver who has not completed and furnished an employment application. Example On May 8th, 2017 Arch Design Builders LLC had driver [REDACTED] operate a CDL required commercial motor vehicle (Unit #28 - VIN # [REDACTED] 049157) in interstate commerce. Driver [REDACTED] operated this vehicle in commerce from Overland Park Kansas to Grandview Missouri. This vehicle has a gross vehicle weight rating of 55,000 lbs. This trip is evidenced by a job invoice, an incomplete driver hours of service record, and a driver trip statement. At the time of this trip and during the review, carrier used a driver who has not completed and furnished an employment application.					
10 FEDERAL	Primary: 391.25(c)(1)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
Description Failing to maintain a copy of the motor vehicle record or response from each State agency in the driver qualification file. Example On May 8th, 2017 Arch Design Builders LLC had driver [REDACTED] operate a CDL required commercial motor vehicle (Unit #28 - VIN # [REDACTED] 049157) in interstate commerce. Driver [REDACTED] operated this vehicle in commerce from Overland Park Kansas to Grandview Missouri. This vehicle has a gross vehicle weight rating of 55,000 lbs. This trip is evidenced by a job invoice, an incomplete driver hours of service record, and a driver trip statement. At the time of this trip and during the review, carrier failed to maintain a copy of the motor vehicle record or response from each State agency in the driver qualification file.					
11 FEDERAL	Primary: 391.45(b)(1) Secondary: 391.11(a)	Discovered 1	Checked 2	Drivers/Vehicles In Violation 1	Checked 2
Description Using a driver not medically examined and certified during the preceding 24 months. Example On May 6th, 2017 Arch Design Builders LLC had driver [REDACTED] operate a combination of commercial motor vehicles (Unit #0001 - VIN # [REDACTED] 259091 & Unit #T2 - VIN# [REDACTED] 319442) in interstate commerce. Driver [REDACTED] operated this vehicle in commerce from Overland Park Kansas to Kansas City Missouri. These vehicles both have a gross vehicle weight rating of 10,000 lbs. This trip is evidenced by a job invoice and a driver trip statement. At the time of this trip and during the review, driver did not have a current medical examiner's certificate.					
12 FEDERAL	Primary: 391.51(b)(5)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
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 On May 8th, 2017 Arch Design Builders LLC had driver [REDACTED] operate a CDL required commercial motor vehicle (Unit #28 - VIN # [REDACTED] 049157) in interstate commerce. Driver [REDACTED] operated this vehicle in commerce from Overland Park Kansas to Grandview Missouri. This vehicle has a gross vehicle weight rating of 55,000 lbs. This trip is evidenced by a job invoice, an incomplete driver hours of service record, and a driver trip statement. At the time of this trip and during the review, carrier failed to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2).					





13 FEDERAL	Primary: 391.51(b)(6)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
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Drivers/Vehicles In Violation	Checked
0	0

On May 8th, 2017 Arch Design Builders LLC had driver [REDACTED] operate a CDL required commercial motor vehicle (Unit #28 - VIN # [REDACTED] 049157) in interstate commerce. Driver [REDACTED] operated this vehicle in commerce from Overland Park Kansas to Grandview Missouri. This vehicle has a gross vehicle weight rating of 55,000 lbs. This trip is evidenced by a job invoice, an incomplete driver hours of service record, and a driver trip statement. At the time of this trip and during the review, carrier failed to have a means of indicating the nature and due date of the various inspection and maintenance operations to be performed.

OOS Vehicle (CR): 1
Number of Vehicle Inspected (CR): 1
OOS Vehicle (MCMIS): 2
Number of Vehicles Inspected (MCMIS): 2

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

Unless the motor carrier receives an improved rating within 60 days from the date of the forthcoming official notice from

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Part B Violations		

Washington, D.C, the motor carrier will be subject to the prohibition in 49 CFR 385.13.

Corrective actions must be taken for the violations (deficiencies) listed on Part B of this review. Title 49 CFR Sections 385.15 and 385.17 provide for administrative review and a change to a safety rating based on corrective actions, respectively. A request for a change to a safety rating under section 385.17 may be made at any time. A motor carrier may request, in writing, a change in the rating by providing evidence of corrective actions to the Field Administrator for the FMCSA Service Center in which the carrier maintains its principal place of business. (See 49 CFR 385.17 for additional details). A request for administrative review under section 385.15 must be made within 90 days of the date of the proposed safety rating issued under section 385.11(c) or a final safety rating issued under section 385.11(b), or within 90 days after denial of a request for a change in rating under section 385.17.

Administrative Review: A motor carrier may appeal its proposed safety rating in a petition filed pursuant to 49 CFR section 385.15 if it believes that the rating is in error and there are factual and procedural issues in dispute. Such appeals must be made within 90 days of the date of the proposed safety rating, but should be made within 15 days of the date of the safety rating notice to allow the FMCSA to issue a written decision before the prohibitions in 49 CFR 385.13 take effect. Appeals filed pursuant to section 385.15 should be addressed to: Chief Safety Officer, Federal Motor Carrier Safety Administration, 1200 New Jersey Ave., S.E., Washington, DC 20590. The motor carrier will receive a written decision on the petition within 45 days from receipt of the petition by the Chief Safety Officer. (See 49 CFR 385.15 for additional details.)

(Note: Neither a petition to contest the rating nor a request for a change in the rating will delay the effective date of the rating, if unchanged.)

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

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



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Part B Requirements and/or Recommendations

1. For all Investigations:

- **Understand Why Compliance Saves Time and Money:** Compliance with FMCSRs will not only save lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business.

- **Document and Follow Through on Action Plans:** Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance.

- **NOTICE:** A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six year period.

- **NOTICE:** 49 CFR Part 391.23 requires prospective employers to, at a minimum, investigate a driver's employment information, crash record, and alcohol and controlled substances history from all employers the driver worked for within the previous 3 years.

The Pre-Employment Screening Program (PSP) is a screening tool that assists motor carriers in investigating crash history and roadside safety performance of prospective drivers. The PSP allows motor carriers to purchase 5 years of crash data and 3 years of roadside inspection data from the Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Management Information System (MCMIS). Records are available 24 hours a day via Web request. Motor carriers should visit the following website for more information:

<http://www.psp.fmcsa.dot.gov/Pages/default.aspx>

- All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities. Discuss with your employees/drivers the "Security Measures for Truck Drivers and Companies" which were provided and reviewed with motor carrier official. Motor carriers should visit the following website for more information:

<http://www.fmcsa.dot.gov/documents/Hijacking-Brochure.pdf>

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.

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

- **PLEASE NOTE:** The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Notice of Claim. In addition, your history of prior violations of the Federal Motor Carrier Safety Regulations, Federal Hazardous Material Regulations or the Federal Motor Carrier Commercial Regulations may also affect the civil penalty proposed in any subsequent Notice of Claim. Your signature for receipt of this report acknowledges your understanding that the violations discovered by the FMCSA during this review may be used to calculate any civil penalty proposed as a result of this review.

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

For all Investigations resulting in serious violations:

Serious violations were recorded on this investigation report. These violations will impact your safety record.





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Furthermore, these violations may result in a follow-up investigation at a later date unless adequate evidence of corrective action is forwarded to our office:

US Department of Transportation
Federal Motor Carrier Safety Administration
Kansas Division
Jeff Ellett - Division Administrator
1303 First American Place, Suite 200
Topeka, KS 66604-4040

For all Investigations resulting in a proposed conditional or unsatisfactory rating:

385.15

If you believe the proposed rating is in error and there are factual and procedural issues in dispute, Part 385.15 (copy provided) outlines procedures for petitioning the Federal Motor Carrier Safety Administration for an administrative review of these findings. Your petition should be addressed to:

US Department of Transportation
Jack Van Steenburg - Chief Safety Officer
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue SE,
Washington, DC 20590

385.17

In addition, a request for a revised rating based on corrective actions may be made at any time. Part 385.17 (copy provided) outlines the procedures for such a request. The request must be made in writing, must describe the corrective action taken and must include other documentation that may be relied upon as a basis for the requested change. Address your written request to:

US Department of Transportation
Max Strathman - Midwestern Field Administrator
Federal Motor Carrier Safety Administration
4749 Lincoln Mall Drive, Suite 300-A
Matteson, IL 60443

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

US Department of Transportation
Kansas Division
Jeff Ellett - Division Administrator
Federal Motor Carrier Safety Administration
1303 First American Place, Suite 200
Topeka, KS 66604-4040

This letter should be submitted as soon as possible.

For all Investigations that did not result in a Cooperative Safety Plan:

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

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

2. 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.





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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.

3. Carrier is required to pay Unified Carrier Registration (UCR) fee when operating in Interstate commerce. You have not yet paid 2017 UCR fees. Please do this as soon as possible. Visit UCR.IN.GOV to pay online. If you have questions or needs, please don't hesitate to contact me.

4. HOS COMPLIANCE BASIC PROCESS BREAKDOWN: Roles and Responsibilities

DESCRIPTION OF PROCESS BREAKDOWN:

Arch Design Builders LLC's violations occurred due to a breakdown regarding the roles and responsibilities elements of compliance within this section. Carrier has not established the correct methods of recording hours of service records for each CMV driver. You need to develop a methodology for ensuring that all drivers record complete and accurate records of duty status. It is incumbent upon the carrier to review all driver records of duty status reports and verify that they are correct and accurate. If you are going to utilize the Short Haul Provision for commercial motor vehicle operators, it must be executed correctly and completely for all drivers. Drivers must record time in, time out, and total hours worked for each day. This time should reflect all compensated time on duty. This recordkeeping requirement is not simply for when an operator is driving a commercial motor vehicle. Regardless of how a driver is paid, keeping accurate hours of service records is mandatory. If you cannot meet all requirements of the Short Haul Provision, log book pages must be created. Utilize the instruction and documents provided to you during this review to assist you in compliance with this section of the regulations. If you have any questions or needs, please don't hesitate to contact me.

BASIC SPECIFIC RECOMMENDED REMEDIES

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

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





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Seek Out Resources:

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

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

DESCRIPTION OF PROCESS BREAKDOWN:

Arch Design Builders LLC's violations occurred due to a breakdown regarding the roles and responsibilities elements of compliance within this section. Carrier failed to ensure that all commercial motor vehicles have current annual periodic inspections. These inspections help to ensure that your fleet meets safety standards. Additionally, fortify your maintenance files to reflect the preventative maintenance schedule. You should have a clear plan for continued maintenance on all of your commercial motor vehicles. Finally, include all invoices and documents that support ongoing maintenance within the commercial fleet. If you have questions relating to maintaining your fleet, please feel free to contact me.

BASIC SPECIFIC RECOMMENDED REMEDIES

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

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

Seek Out Resources:

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

6. CONTROLLED SUBSTANCES AND ALCOHOL BASIC PROCESS BREAKDOWN: Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN:

Arch Design Builders LLC's violations occurred due to a breakdown regarding the policies and procedures elements of compliance within this section. The only evidence of any controlled substances and alcohol testing done by the carrier is one random test done on driver Donny Randolph (carrier initiated). You must establish the proper policies and procedures in order to be compliant in this section of the regulations. All CDL required commercial motor vehicle operators must have signed a company controlled substance and alcohol policy. They must be provided with educational materials. They must then be entered into a random testing program. Contact a consortium and





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establish this program immediately. Once the driver is entered, monitor the consortium to ensure accuracy and compliance. Finally, the driver supervisor must complete the reasonable suspicion training. Utilize the documents, forms, and instructions provided to you during this review to assist you in accomplishing these tasks. If you have any questions or needs, please don't hesitate to contact me.

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 50 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 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.

7. DRIVER FITNESS BASIC PROCESS BREAKDOWN: Roles and Responsibilities

DESCRIPTION OF PROCESS BREAKDOWN:

Arch Design Builders LLC's violations occurred due to a breakdown regarding the roles and responsibilities elements of compliance within this section. Carrier has established organized driver qualification files for each CMV driver. That said, you need to develop a better methodology for ensuring that all drivers have the requisite paperwork in their individual files. It is incumbent upon the carrier to execute all annual requirements for their commercial motor vehicle drivers. These duties and the documents verifying their completion require continued monitoring and tracking by carrier officials to ensure compliance. You must however appoint the company officials necessary to carry out these tasks. Find a replacement for your safety manager to assist you in staying on top of these duties. Utilize the documents and instructions provided to you during this review to assist you in correcting the deficiencies.

BASIC SPECIFIC RECOMMENDED REMEDIES





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

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

Seek Out Resources:

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

8. 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 Arch Design Builders LLC's operating authority and/or the impoundment of Arch Design Builders LLC's vehicles.

X _____
[REDACTED]





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maintaining qualifications for all employees according to driver-fitness regulations and company policies and procedures.

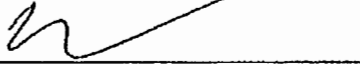
- Ensure that operations managers and dispatchers are responsible for having the proper amount of fit drivers by considering short-term changes, for example, with regard to vacations, variations in sales, and additional driver duties, and long-term changes, for example, with regard to permanent reassignment and termination of employees.
- Ensure that dispatchers and operation managers are responsible for ascertaining that drivers are qualified before authorizing runs.
- Define and document roles and responsibilities of drivers, dispatchers, and other personnel according to driver fitness regulations and company policies and procedures.

Seek Out Resources:

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

8. 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 Arch Design Builders LLC's operating authority and/or the impoundment of Arch Design Builders LLC's vehicles.

X


Donny Randolph



ATTACHMENT "B"



Commercial – Multi-Family – Industrial

5-22-17

On May 8, 2017, I Donny Randolph drove the terex boom crane #28 to 6303 main st. Grandview mo. for the tutera group job.

A handwritten signature in black ink, appearing to read 'Donny Randolph', with a long, sweeping horizontal stroke extending to the right.

Donny Randolph

Arch Design Builders LLC
DBA Arch Roofing

11300 West 91st Street, Suite 200
Overland Park, Kansas 66214

Phone: (913) 599-5565
Fax: (913) 599-5568

Arch Companies - a trusted name since 1977
Arch Design Builders LLC DBA Arch Roofing
www.archcompanies.com


ATTACHMENT "C"



Commercial – Multi-Family – Industrial

5-22-17

On May 6, 2017, I William Meza pulled trailer number T1-vin 9442 to 1004 W 125th Terr Kansas City, Mo 64145 using the 2012 Dodge 3500 unit number 0001. This trailer was dropped at the job site to collect debris generated during the course of the project.



William Meza

Arch Design Builders LLC

11100 West 91st Street, Suite 200
Overland Park, Kansas 66214

Phone: (913) 599-5565
Fax: (913) 599-5568

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CERTIFICATE OF SERVICE

17-TRAM-532-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 **JUN 13 2017**.

DONNY RANDOLPH, OPERATOR/MANAGER
ARCH DESIGN BUILDERS LLC
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