



1500 SW Arrowhead Road
Topeka, KS 66604-4027

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

Susan K. Duffy, Chair
Shari Feist Albrecht, Commissioner
Dwight D. Keen, Commissioner

Laura Kelly, Governor

NOTICE OF PENALTY ASSESSMENT
20-TRAM-335-PEN

February 6, 2020

Blaine Weeks, President
Geiger Ready-Mix Co., Inc.
4318 Speaker Rd
Kansas City, KS 66106

This is a notice of a penalty assessment against Geiger Ready-Mix Co., Inc. (Geiger Ready-Mix) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on December 2, 2019, by Kansas Corporation Commission Special Investigator Wade Patterson. Penalties are assessed in accordance with the FY 2020 Uniform Penalty Assessment Matrix, approved by the Commission on July 16, 2019. 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: Geiger Ready-Mix has been assessed a \$500 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$500, 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 Geiger Ready-Mix 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. Geiger Ready-Mix must file, within fifteen (15) days from the date of service of this Order, the request for hearing with the Commission's electronic filing system found at <https://puc.kcc.ks.gov/e-filing/e-express/>, and mail a copy of the request for hearing to the undersigned at the above address. If you do not have access to the internet, you can mail an original and seven copies of the request to the Executive Director at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy to the undersigned Litigation Counsel. K.A.R. 82-1-215; K.S.A. 77-542.

IF YOU FAIL TO ACT: Failure to pay the penalty of \$500 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,

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

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

Before Commissioners: Susan K. Duffy, Chair
 Shari Feist Albrecht
 Dwight D. Keen

In the Matter of the Investigation of **Geiger**)
Ready-Mix Co., Inc., of Kansas City, KS,)
Regarding the Violation(s) of the Motor Carrier)
Safety Statutes, Rules and Regulations and the) Docket No. 20-TRAM-335-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 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 49 C.F.R. Part 390.5 as adopted by K.A.R. 82-4-3f., 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. 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. Geiger Ready-Mix Co., Inc. (Geiger Ready-Mix) operates under USDOT number 96080.

5. Geiger Ready-Mix is a private motor carrier which primarily hauls concrete.

III. STATEMENT OF FACTS

6. Pursuant to the jurisdiction and authority cited above, on December 2, 2019, Commission Staff (Staff) Special Investigator Wade Patterson conducted a safety compliance review of the operations of Geiger Ready-Mix. 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 one (1) violation(s) of the Motor Carrier Safety Regulations.

- a. On September 18, 2019, Geiger Ready-Mix required or permitted its driver, Benson Beer, to operate a CDL-required commercial motor vehicle, a 2008 Kenworth, VIN ending in 222901, GVWR 74,000 lbs., in interstate commerce from Kansas City, Kansas to Kansas City, Missouri. This trip is evidenced by a Time Record (short haul provision), a copy of which is attached hereto as Attachment "B" and is hereby incorporated by

reference. At the time of this transportation, Geiger Ready-Mix failed to make an inquiry every 12 months into the annual motor vehicle record (MVR) of its driver and maintain the response(s) of each state agency in the driver qualification file. The special investigator discovered 13 violations of this type. The carrier's failure to inquire into its driver's MVR at least once every 12 months and maintain a copy of the MVR in the driver qualification file is a violation of 49 C.F.R. Part 391.25(a) and (c)(1), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 66-1,112. Staff recommends a fine of \$500.

IV. STAFF'S RECOMMENDATIONS

7. Based upon the available facts, Staff recommends the Commission finds Geiger Ready-Mix committed one (1) 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.

8. Additionally, Staff recommends a civil penalty of \$500 for one (1) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

9. Staff further recommends that a representative from Geiger Ready-Mix 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.

10. Finally, Staff recommends that Geiger Ready-Mix 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

11. The Commission finds it has jurisdiction over Geiger Ready-Mix because it is a motor carrier as defined in 49 C.F.R. Part 390.5 as adopted by K.A.R. 82-4-3f.

12. The Commission finds Geiger Ready-Mix committed one (1) 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. Geiger Ready-Mix Co., Inc., of Kansas City, KS is hereby assessed a \$500 civil penalty for one (1) 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. Geiger Ready-Mix 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. Carrier is hereby ordered to submit a written, comprehensive corrective action plan (CAP) to Transportation Staff within thirty (30) days of the date of this order.

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

E. Pursuant to K.S.A. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issue(s) by submitting a written request setting forth the specific grounds upon which relief is sought. The request may be electronically filed with the Commission's electronic filing system at <https://puc.kcc.ks.gov/e-filing/e-express/>, within fifteen (15) days from the date of service of this Order, and a copy of the request mailed to the Litigation Division. If you do not have access to the internet, you can mail an original and seven copies of the request to the Executive Director at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy of the request to Litigation Counsel. A hearing will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of Geiger Ready-Mix's right to a hearing, and this Penalty Order will become a Final Order assessing a \$500 civil penalty against Geiger Ready-Mix, and ordering a representative from Geiger Ready-Mix 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. 66-1,142b(e) and amendments thereto.

G. If you do not request a hearing, the payment of the civil penalty of \$500 is due in thirty (30) days from the date of service of this Order. Payment of \$500 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 \$500 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 Geiger Ready-Mix's motor carrier operating authority without further notice. Additionally, the Commission may impose further sanctions to include, but not limited to, the issuance and enforcement of 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.

Duffy, Chair; Albrecht, Commissioner; Keen, Commissioner

Dated: 02/06/2020



Lynn M. Retz
Executive Director

AAL

ATTACHMENT “A”

UNITED STATES DEPARTMENT OF TRANSPORTATION



U.S. DOT#: 96080
MC/MX#:

Legal: GEIGER READY-MIX CO INC
Operating (DBA): GEIGER READY MIX

Investigation Date:
01/30/20

Investigation Type: Onsite Comprehensive Investigation

Location of Investigation: Company principal place of business (PPOB)

Extent of Operations: Entire Operation

Physical Address

1333 S 2ND ST
LEAVENWORTH, KS 66048-3508
United States

Mailing Address

4318 Speaker Road
Kansas City, KS 66106
United States

Contact Information

Contact Name: BLAINE WEEKS

Email:

Phone:

Business and Financial

Business Type: Corporation

Gross Revenue: For Year Ending: 12/31/18

Federal Tax ID:

Operation Classification and Type

Type of Operation: Non-HM Interstate Carrier

Operation Classification

Private Motor Carrier

Property – Non-Hazardous Materials

Cargo

Other (Concrete Ready-Mix)

Equipment

	Owned	Term Leased	Trip Leased
Straight Trucks	160		

Power units used in the U.S.: 160

Percentage of time used in the U.S.: 100%

Driver Information

Drivers

	Intrastate	Interstate
< 100 Miles		150
>= 100 Miles		

Average trip leased driver/month: 0

Drivers with CDL: 150

Total Drivers: 150

Person(s) Interviewed**Name:** BLAINE WEEKS**Title:** TREASURER**Questions**

Questions about this report or the Federal Motor
Carrier Safety or Hazardous Materials regulations may
be addressed to the Federal Motor Carrier Safety
Administration at:

1303 SW FIRST AMERICAN PLACE, SUITE 200
TOPEKA, KS 66604-4040
Phone: (785) 271-1260
Fax: (785) 228-9725

This report will be used to assess your safety compliance.

Violations

1. Primary: 391.25(c)(1)

Failing to maintain a copy of the motor vehicle record or response from each State agency in the driver qualification file.

Violations Discovered

Fed	State	Total
13		13

Checked

Fed	State	Total
20		20

Example/Notes:

Benson Beer

09-18-2019

Driver operated a commercial motor vehicle (truck number 337) in interstate commerce from Kansas City Kansas to Kansas City Missouri. Driver operated a 2008 Kenworth W900 VIN# [REDACTED] 222901 with a GVWR of 74,000 pounds. At the time of this trip and during the review, carrier failed to have a current driver MVR on file. This trip is evidenced by a detailed time record (short haul provision) and a job ticket.

Drivers/Vehicles

In Violation	Checked
13	20

Safety Fitness Rating

Your proposed safety rating is: **SATISFACTORY** 0 UNSATISFACTORY rating factors and 2 or fewer CONDITIONAL rating factors. Corrective actions must be taken for any violations (deficiencies) identified in this report. See below for more information.

RATING FACTORS	RATING	ACUTE	CRITICAL
Factor 1: General = Parts 387 and 390	Satisfactory		
Factor 2: Driver = Parts 382, 383 and, 391	Satisfactory		
Factor 3: Operational = Parts 392 and 395	Satisfactory		
Factor 4: Vehicle = Parts 393 and 396 OOS Vehicles (CR): 0 Number of Vehicles Inspected (CR): 0 OOS Vehicles (MCMIS): 0 Number of Vehicles Inspected (MCMIS): 0 OOS Rate: 0%	Satisfactory		
Factor 5: Haz. Mat. = Parts 397, 171, 177 and, 180	Not Rated		
Factor 6: Accident Factor = Recordable Rate Total Miles Operated: 3,108,180 Recordable Accidents: 5 Recordable Accidents/Million Miles: 1.61	Satisfactory	N/A	N/A

You must take corrective actions for any violations (deficiencies) identified in the Violations section of this report.

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

Process Breakdown and Remedies

None

Recommendations

1. **Carrier Crashes**

The Division Administrator/State Director will continue to consider preventability when a motor carrier contests a proposed safety fitness rating. The motor carrier may deem that the recordable accident rate is not a fair means of evaluating its accident factor (Factor 6) on the CR report. If so, the motor carrier must submit the compelling evidence within seven calendar days if the proposed rating is Unsatisfactory and 10 calendar days if the proposed rating is Conditional to:

Division Administrator/State Director

Federal Motor Carrier Safety Administration

Mailing Address

1303 SW FIRST AMERICAN PLACE, SUITE 200

TOPEKA, KS 66604-4040

Compelling evidence must be limited to official police accident reports and official insurance accident investigation reports.

2. **Additional Information**

Please visit the CSA outreach site for additional guidance: [https://csa.fmcsa dot.gov](https://csa.fmcsa.dot.gov).

3. **A copy of your profile can be obtained by accessing the Portal.**

A copy of your carrier profile can be obtained at no cost from the FMCSA Portal (<https://portal.fmcsa.dot.gov/login>).

4. **SMS website**

You are encouraged to review your company's SMS results and take action to make the roads safer for everyone. Your public safety records are available at the following website: <http://ai.fmcsa.dot.gov/sms>. Also visit <https://portal.fmcsa.dot.gov> which provides real time data and the opportunity to review you safety data. You will need to use your PIN number that has been provided by FMCSA. Registration and access is free.

5. **Maintain a complete file documenting the qualification process.**

Ensure that all drivers are fully and properly qualified before operating in interstate commerce. Maintain a complete file as required for each driver, documenting the qualification process.

Table 1: Violations Discovered During Review/Inspection

Violation	Date	Identifying Information	Description
391.25(c)(1) - Failing to maintain a copy of the MVR in the DQ file			
1	09/18/19	Driver: BRENSON BEER	
2	10/15/19	Driver: RICHARD MCCOY	
3	09/17/19	Driver: CHARLES PAINE	
4	10/16/19	Driver: JERRY FITZMAURICE	
5	09/17/19	Driver: STEWART JONES	
6	10/11/19	Driver: MARK COMPTON	
7	09/18/19	Driver: JOHN REGA	
8	09/26/19	Driver: JAMES COLVIN	
9	09/20/19	Driver: DANIEL WHEELER	
10	11/13/19	Driver: JACE ESSEX	
11	08/19/19	Driver: LUCAS LUDWIG	
12	08/21/19	Driver: FELIPE SALGADO	
13	08/15/19	Driver: ERIC SEUFERLING	

ATTACHMENT “B”

Ticket Report from our system:

Driver Name: Brenson Beer

Ticket Code	Loaded Time	Date Id	Ship State
889416	8:50	Sep 17, 2019	MO
889439	10:29	Sep 17, 2019	MO
889487	13:51	Sep 17, 2019	MO
889511	15:29	Sep 17, 2019	MO
889521	16:28	Sep 17, 2019	MO
889540	7:17	Sep 18, 2019	MO
889571	9:29	Sep 18, 2019	MO
889594	10:52	Sep 18, 2019	MO
889613	12:21	Sep 18, 2019	MO
889645	15:02	Sep 18, 2019	KS

Timecard with clock in at 7:05 AM and clock out at 5:57 PM.

Employee:	Beer, Brenson			ID:	803		Time Zone:	Central				
Status:	Active			Status Date:	12/10/2018		Pay Rule:	Hourly				
Primary Account				Start	End							
01/80/040/DR				12/10/2018	Forever							
Date/Time	Apply To	In Punch	In Exc	Out Punch	Out Exc		Override Amount	Adj/Ent Amount	Money Amount	Day Amount	Totaled Amount	Cum. Tot. Amount
Xfr/Move: Account		Comment			Xfr: Work Rule							
9/16/2019		7:05:00 AM		4:57:00 PM							9.87	9.87
9/17/2019		6:40:00 AM		6:30:00 PM							11.83	21.70
9/18/2019		7:05:00 AM		5:57:00 PM							10.87	32.57
9/19/2019		7:20:00 AM		6:01:00 PM							10.68	43.25
9/20/2019		6:15:00 AM		8:21:00 AM							2.10	45.35
9/20/2019		8:21:00 AM		5:11:00 PM							8.83	54.18
/70/040/DR												
9/21/2019		8:25:00 AM		11:13:00 AM							2.80	56.98

CERTIFICATE OF SERVICE

20-TRAM-335-PEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of
first class mail/hand delivered on 02/07/2020.

BLAINE WEEKS, PRESIDENT
GEIGER READY-MIX CO., INC.
4318 SPEAKER RD
KANSAS CITY, KS 66106
blaineweeks@geigerreadymix.com

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

/S/ DeeAnn Shupe

DeeAnn Shupe