

1500 SW Arrowhead Road
Topeka, KS 66604-4027



20220628104113
Kansas Corporation
Commission
Phone: 785-271-3100
Fax: 785-271-3354
<http://kcc.ks.gov/>

Dwight D. Keen, Chair
Susan K. Duffy, Commissioner
Andrew J. French, Commissioner

Laura Kelly, Governor

NOTICE OF PENALTY ASSESSMENT
22-TRAM-510-PEN

June 28, 2022

Baltazar Guzman Ruiz, Owner
Baltazar G. Ruiz d/b/a Ruiz Trucking
3046 Jones Ave.
Garden City, KS 67846

This is a notice of a penalty assessment against Baltazar G. Ruiz d/b/a Ruiz Trucking (Ruiz Trucking) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on May 3, 2022 through May 26, 2022, by Kansas Corporation Commission Special Investigator Erica Pargas and Penny Fryback. Penalties are assessed in accordance with the FY 2022 Uniform Penalty Assessment Matrix, approved by the Commission on June 29, 2021. 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: Ruiz Trucking has been assessed a \$12,700 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$12,700, through your personal account with the Kansas Corporation Commission's Kansas Trucking Regulatory Assistance Network (KTRAN) system located at <https://puc.kcc.ks.gov/ktran/>. If you have not received a letter from the Transportation Division assigning you a PIN, please contact that Division at 785-271-3145. You must have an account through KTRAN to pay the penalty owed.

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

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

IF YOU FAIL TO ACT: Failure to pay the penalty of \$12,700 within thirty (30) days from the date of service of the Penalty Order or failure to comply with the terms of the Order, or in the alternative, failure to provide a timely written request for a hearing, will result in the Order becoming final and may result in additional sanctions of suspension and/or revocation of your motor carrier operating authority.

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

¹ K.A.R. 82-1-215; K.S.A. 77-542.

Before Commissioners: Dwight D. Keen, Chair
Susan K. Duffy
Andrew J. French

PENALTY ORDER

I. 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. Baltazar G. Ruiz d/b/a Ruiz Trucking (Ruiz Trucking or Carrier) has common operating authority with the Commission and further operates under USDOT number 1458316.

5. Baltazar Ruiz attended the Procedures for Safety Compliance Seminar presented by the Kansas Corporation Commission, on November 18, 2019, on behalf of Ruiz Trucking.

6. Ruiz Trucking is a common motor carrier which primarily hauls grain, feed and hay.

III. STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, on May 3, 2022 through May 26, 2022, Commission Staff (Staff) Special Investigator Erica Pargas and Penny Fryback conducted a safety compliance review of the operations of Ruiz Trucking. 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 sixteen (16) violation(s) of the Motor Carrier Safety Regulations.

- a. On December 2, 2021, Ruiz Trucking required or permitted its driver, Jose Ramirez, to operate a CDL-required commercial motor vehicle, a 2014 Freightliner, VIN ending in 9932, GVWR 50,000 lbs., in interstate

commerce in from Ordway, Colorado to Pratt, Kansas. This trip is evidenced by a Driver's Daily Log, dated December 2, 2021, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, Ruiz Trucking permitted its driver, Jose Ramirez, to operate a commercial motor vehicle with a manual transmission while possessing a commercial driver's license with an "E" restriction. An "E" restriction on a CDL indicates that driver is not authorized to drive a vehicle with a manual transmission. This same driver had previously been placed out-of-service weeks earlier, on November 15, 2021, for operating a commercial motor vehicle with a manual transmission while possessing a CDL with an "E" restriction. That trip is evidenced by Driver/Vehicle Examination Report No. NEXC00000622, dated November 15, 2021, a copy of which is attached hereto as Attachment "C" and is hereby incorporated by reference. The Carrier's repeated use this driver to operate a commercial motor vehicle with a manual transmission while he possessed a CDL with an "E" restriction is an intentional violation of 49 C.F.R. 392.2, adopted by K.A.R. 82-4-3h, and authorized by K.S.A. 8-2, 125. Staff recommends an enhanced fine of \$1,000.

- b. On December 27, 2021, Ruiz Trucking required or permitted its driver, Baltazar Ruiz, to operate a CDL-required commercial motor vehicle, a 2002 Freightliner, VIN ending in 41081, GVWR 54,000 lbs., in interstate commerce from Albion, Nebraska to Satanta, Kansas. This trip is

evidenced by a Trip Summary Sheet, dated December 27, 2021, a copy of which is attached hereto as Attachment “D” and is hereby incorporated by reference. At the time of this transportation, Baltazar Ruiz was not eligible for a Driver’s License or CDL due to previous Driving Under the Influence convictions and failures to submit to testing. The revocation of Mr. Ruiz’s driving privileges is evidenced by an email from the Kansas Department of Revenue (KDOR), dated May 4, 2022, a copy of which is attached hereto as Attachment “E” and is hereby incorporated by reference. Although Mr. Ruiz’s driving privileges are and remain revoked, he provided the Special Investigators with a fraudulent Mexican driver’s license he uses to drive. The fraudulent nature of the license provided is evidenced by an email from the Federal Motor Carrier Safety Administration (FMCSA) who checked its authenticity with representatives of the Mexican government. The email is dated May 10, 2022, a copy of which is attached hereto as Attachment “F” and is hereby incorporated by reference. The Carrier utilizing a driver with a fraudulent driver’s license in an attempt to circumvent the revocation of his driving privileges is a violation of 49 C.F.R. 390.35, adopted K.A.R. 82-4-3f, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$2,000.

- c. During the transportation described in paragraph a., above, Ruiz Trucking provided fraudulent periodic (annual) inspections for units operated by the Carrier. For the periodic (annual) inspection for the vehicle in this trip the inspector, Mr. Ruiz, checked as “OK” the “Bus Exhaust” despite the

vehicle not being a bus. Additionally, Mr. Ruiz failed to check the lighting devices and safe loading as well as required portions of the steering system, spring assembly, tires as well as wheels and rims. A copy of the fraudulent Annual Vehicle Inspection, dated January 1, 2021, is attached hereto as Attachment "G" and is hereby incorporated by reference. The Special Investigators found five (5) violations of this type. The Carrier permitting its drivers to operate a commercial motor vehicle using a fraudulent periodic (annually) inspection is a violation of 49 C.F.R. 390.35, adopted K.A.R. 82-4-3f, and 49 C.F.R. 396.17(a), adopted by K.A.R. 82-4-3j, both authorized by K.S.A. 66-1,129. Staff recommends an enhanced fine of \$2,000.

- d. During the transportation described in paragraph b., above, Ruiz Trucking permitted or required its driver, Baltazar Ruiz, to operate a CDL required commercial motor vehicle despite the fact his driving privileges had been revoked. The Carrier utilizing a disqualified driver whose driving privileges had been revoked to operate a commercial motor vehicle is an intentional violation of 49 C.F.R. 391.15(a), adopted K.A.R. 82-4-3g, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$500.
- e. During the transportation described in paragraph a., above, Ruiz Trucking failed retain supporting documents for each load hauled. The Special Investigators found forty-eight (48) violations of this type. The Carrier's failure to retain supporting documents for each load hauled is a violation

of K.A.R. 82-4-35a and 49 C.F.R. 392.2, adopted by K.A.R. 82-4-3h, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$1,000.

- f. On December 8, 2021, Ruiz Trucking required or permitted its driver, Jose Ramirez, to operate a CDL-required commercial motor vehicle, a 2014 Freightliner, VIN ending in 9932, GVWR 50,000 lbs., in interstate commerce in from Garden City, Kansas to Hastings, Nebraska. This trip is evidenced by a Driver's Daily Logs, dated December 1 - 8, 2021, a copy of which is attached hereto as Attachment "H" and is hereby incorporated by reference. At the time of this transportation, Ruiz Trucking permitted its driver, Jose Ramirez, to operated five hours and thirty minutes over the 70 hours allowed in an eight (8) day work period. Ruiz Trucking was found to have committed the same violation on a previous compliance review. The Carrier permitting its driver to drive in excess of 70 hours in a period of eight consecutive days in successive compliance reviews is an intentional violation of 49 C.F.R. 395.3(b)(2), adopted by K.A.R. 82-4-3a, and authorized by K.S.A. 66-1,129. Staff recommends an enhanced fine of \$500.
- g. On January 20, 2022, Ruiz Trucking required or permitted its driver, Juan Martinez, to operate a CDL-required commercial motor vehicle, a 2002 Freightliner truck, VIN ending in 41081, GVWR 54,000 lbs., in intrastate commerce from Scott City, Kansas to Satanta, Kansas. This trip is evidenced by Driver's Daily Log, dated January 20, 2022, a copy of which is attached hereto as Attachment "I" and is hereby incorporated by

reference. At the time of this transportation, Ruiz Trucking failed to ensure its drivers had an equal chance of being selected for a random controlled substance and alcohol test each time selections were made. The Carrier's 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. 66-1,129. Staff recommends a fine of \$0.00.

- h. During the transportation described in paragraph b., above, Ruiz Trucking could not produce the motor vehicle record for its driver, Mr. Ruiz. The Carrier's failure to maintain a copy of the motor vehicle record received from each state agency in the driver qualification file is a violation of 49 C.F.R. 391.25(a), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 66-1,129. Staff requests an enhanced fine as the Carrier has a violation of this type in a previous compliance review. Staff requests an enhanced fine of \$200.
- i. On April 4, 2022, Ruiz Trucking required or permitted its driver, Larry Snyder, to operate a CDL-required commercial motor vehicle, a 2016 Freightliner, VIN ending in 8046, GVWR 50,000 lbs., in interstate commerce in Ambion, Nebraska to Oakley, Kansas. This trip is evidenced by a Driver's Daily Log, dated April 4, 2022, a copy of which is attached hereto as Attachment "J" and is hereby incorporated by reference. At the time of this transportation, Ruiz Trucking failed to require its driver, Mr.

Snyder, to be medically certified prior to operating a commercial motor vehicle. The Carrier's failure to ensure its drivers operating a commercial motor vehicle had been medically examined and certified prior to requiring or permitting the operation of a commercial motor vehicle is in violation of 49 C.F.R. 391.45, adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$250.

- j. During the transportation described in paragraph i., above, Ruiz Trucking permitted or required its driver, Mr. Snyder, to operate in interstate commerce despite the fact Mr. Snyder only possessed an intrastate CDL. The Carrier's failure to ensure its drivers operated commercial motor vehicles with a valid CDL for the operations being conducted is a violation of 49 C.F.R. 392.2 as adopted by K.A.R. 82-4-3h and K.S.A. 8-2,125, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$500.
- k. During the transportation described in paragraph g., above, Ruiz Trucking permitted or required its driver, Mr. Martinez, to operate a commercial motor vehicle with a gross weight over 85,500 lbs. The Special Investigators found eight (8) violations of this type. The Carrier's failure to stay within the legal gross weight limit is a violation of K.A.R. 82-4-6a(c) and 49 C.F.R. 392.2, adopted by K.A.R. 82-4-3h, and authorized by K.S.A. 8-1901. Staff recommends a fine of \$1,500.
- l. During the transportation described in paragraph a., above, Ruiz Trucking permitted its driver, Mr. Ramirez, to drive past the allowed 14 hour on-

duty time limit. The Special Investigators found eight (8) violations of this type. Ruiz Trucking was found to have committed the same violation on a previous compliance review. The Carrier permitting or requiring its drivers to operate past the allowed fourteenth hour in successive compliance reviews is an intentional violation of 49 CFR 395.3(a)(2), adopted by K.A.R. 82-4-3a, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$250.

m. During the transportation described in paragraph a., above, Ruiz Trucking permitted its driver, Mr. Ramirez, to drive more than allowable eleven hours without qualifying for a rest break. The Special Investigator found nine (9) violations of this type. Ruiz Trucking was found to have committed the same violation on a previous compliance review. The Carrier permitting or requiring its drivers to operate beyond the eleventh hour in successive compliance reviews is an intentional violation of 49 C.F.R. 395.3(a)(3)(i), adopted by K.A.R. 82-4-3a, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$250.

n. During the transportation described in paragraph b., above, Ruiz Trucking failed to require its driver, Mr. Ruiz, to maintain a record of duty status. The Special Investigator found thirteen (13) violations of this type. The Carrier's failure to require its drivers to maintain a record of duty is a violation of 49 C.F.R. 395.8(a)(1), adopted by K.A.R. 82-4-3a, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$500.

- o. On January 5-6, 2022, Ruiz Trucking required or permitted its driver, Juan Martinez, to operate a CDL-required commercial motor vehicle, a 2002 Freightliner, VIN ending in 41081, GVWR 54,000 lbs., in interstate commerce from Columbus, Nebraska to Scott City, Kansas. This trip is evidenced by a Bill of Lading, dated January 5, 2022 and a Driver's Daily Log, Dated January 5, 2022. A copy of both documents is attached hereto as Attachment "K" and is hereby incorporated by reference. Although the Bill of Lading evidences a load was transported on this date, Mr. Martinez recorded himself as off-duty on this January 6, 2022. The Special Investigators discovered that Mr. Martinez had actually delivered this load at 10:56 a.m. on January 6, 2022. At the time of this transportation, Ruiz Trucking permitted or required its driver to prepare a false report. The Special Investigators found two (2) violations of this type. The Carrier requiring or permitting its driver to prepare a false report is an intentional violation of 49 C.F.R. 395.8(e)(1), adopted by K.A.R. 82-4-3a, and authorized by K.S.A .66-1,129. Staff recommends a fine of \$2,000.
- p. During the transportation described in paragraph a., above, Ruiz Trucking failed to require its driver, Mr. Ramirez, to record his hours of service using an electronic logging device (ELD) provided within the commercial motor vehicle, as the driver was required to record his hours of service more than eight days in a 30 day period. The Carrier's failure to require its driver to record his hours of service on the ELD when required is a

violation of 49 C.F.R. 395.8(a)(2)(i), adopted by K.A.R. 82-4-3a, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$250.

IV. STAFF'S RECOMMENDATIONS

8. Staff submitted a Report and Recommendation (R&R), dated June 20, 2022, attached hereto as Attachment "L" and is hereby incorporated by reference. In its R&R, Staff made recommendation regarding the above-mentioned violations.

9. Based upon the available facts, Staff recommends the Commission finds Ruiz Trucking committed sixteen (16) 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. Additionally, Staff recommends a civil penalty of \$12,700 for sixteen (16) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

11. Staff further recommends that a representative from Ruiz Trucking 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.

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

13. Finally, Staff recommends that Ruiz Trucking 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

14. The Commission finds it has jurisdiction over Ruiz Trucking 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.

15. The Commission finds Ruiz Trucking committed sixteen (16) 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. Baltazar G. Ruiz d/b/a Ruiz Trucking, of Garden City, KS is hereby assessed a \$12,700 civil penalty for sixteen (16) 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. Ruiz Trucking 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, documenting the violation(s) described in this Penalty Order, including specific and detailed information explaining Carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.

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

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

F. If a request for hearing is filed, attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. For civil penalties exceeding \$500, a corporation shall appear before the Commission by its attorney, unless waived by the Commission for good cause shown and a determination that such waiver is in the public interest.²

G. If you do not request a hearing, the payment of the civil penalty of \$12,700 is due in thirty (30) days from the date of service of this Order. Payment of \$12,700 must be made through your personal account with the Kansas Corporation Commission's Kansas Trucking Regulatory Assistance Network (KTRAN) system located at <https://puc.kcc.ks.gov/ktran/>. You must have an account through KTRAN to pay the penalty.

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

H. Failure to pay the \$12,700 civil penalty within thirty (30) days from the date of service of this Penalty Order and/or failure to comply with the provisions of this Order may result in suspension of Ruiz Trucking's motor carrier operating authority without further notice.³ Additionally, the Commission may impose further sanctions to include, but not limited to, the issuance and enforcement of revocation of authority and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

BY THE COMMISSION IT IS SO ORDERED.

Keen, Chair; Duffy, Commissioner; French, Commissioner

Dated: 06/28/2022 _____



Lynn M. Retz
Executive Director

AAL

³ K.S.A. 66-1,105.

ATTACHMENT “A”



U.S. DOT#: 1458316
MC/MX#: 550956

Legal: BALTAZAR G RUIZ
Operating (DBA): RUIZ TRUCKING

Investigation Date:
 05/26/2022

Investigation Type: Onsite Comprehensive Investigation

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

Extent of Operations: Entire Operation

Physical Address

3046 JONES AVE
 GARDEN CITY, KS 67846
 United States

Mailing Address

3046 JONES AVE
 GARDEN CITY, KS 67846
 United States

Contact Information

Contact Name: BALTAZAR GUZMAN RUIZ

Email: [REDACTED]

Phone: (620)521-8161 **Cell:** ()- **Fax:** ()-

Business and Financial

Business Type: Sole Proprietorship

Name of Gross Revenue Provider: Baltazar G Ruiz

Title of Gross Revenue Provider: Owner

Gross Revenue: **For Year Ending:**

Federal Tax ID: [REDACTED]

Operation Classification and Type

Cargo

Type of Operation: Non-HM Interstate Carrier, Non-HM Intrastate Carrier Grain, Feed, Hay

Operation Classification

For-Hire Motor Carrier

Property

Other Non-Hazardous Freight

Equipment

Driver Information

	Owned	Term Leased	Trip Leased
Truck Tractors	3		
Trailers	5		

Drivers

	Intrastate	Interstate
< 100 Miles		
>= 100 Miles		5

Power units used in the U.S.: 3

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

Average trip leased driver/month: 0

Drivers with CDL: 4

Total Drivers: 5

Person(s) Interviewed

Name: BALTAZAR GUZMAN RUIZ

Title: OWNER

Name: MELISSA HUERTA

Title:

Questions

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

This report will be used to assess your safety compliance.

Violations

1. Primary: 383.37(a)
State Equivalent: K.S.A. 8-2,132(a)

Allowing, requiring, permitting, or authorizing a driver to operate a CMV during any period in which the driver does not have a current CLP or CDL or does not have a CLP or CDL with the proper class or endorsements. An employer may not use a driver to operate a CMV who violates any restriction on the driver's CLP or CDL.

A Acute

Example/Notes:

Driver name: Jose A Ramirez
Trip date: 12/2/2021
Vehicle description: Unit #32 VIN # [REDACTED] 993

On 12/2/2021, Baltazar G. Ruiz d/b/a Ruiz Trucking allowed or required driver, Jose A Ramirez to operate in interstate and intrastate commerce with a CDL that did not have the proper endorsements. At the time of operation, driver, Jose A. Ramirez's CDL had a manual transmission restriction. The unit being operated at the time of operation was a manual transmission.

2. Primary: 390.35
Secondary: 383.23(a)

Fraudulently acquiring or falsifying a commercial driver's license.

A Acute

Example/Notes:

Trip date: 12/20/2021
Driver's name: Baltazar G Ruiz
Vehicle description: Unit #81, or Unit #32, Or Unit #46

Baltazar G Ruiz d/b/a Ruiz Trucking provided Investigators with a Fraudulent Mexico Drivers License.

3. Primary: 390.35
Secondary: 396.17(a)

Making or causing to make fraudulent or intentionally false entry on an annual periodic inspection form.

Violations Discovered			BASIC Impacted Driver Fitness	Rating Factor 2: Driver = Part 383
Fed	State	Total		
1		1		
Checked				
Fed	State	Total		
5		5		

Drivers/Vehicles in Violation		
Fed	State	Total
1		1
Checked		
Fed	State	Total
5		5

Violations Discovered			BASIC Impacted Driver Fitness	Rating Factor 1: General = Part 390
Fed	State	Total		
1		1		
Checked				
Fed	State	Total		
1		1		

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

Violations Discovered			BASIC Impacted Vehicle Maintenance	Rating Factor 1: General = Part 390
Fed	State	Total		
5		5		

Fed	State	Total
5		5

Example/Notes:

Trip date: 12/2/2021
Driver's name: Jose Ramirez
Vehicle number. Unit #32/ Unit #T802

Baltazar G Ruiz d/b/a Ruiz Trucking provided annual inspections that were fraudulently filled out.

4. Primary: 391.15(a)

Using a disqualified driver.

Violations Discovered		
Fed	State	Total
1		1
Checked		
Fed	State	Total
5		5

Drivers/Vehicles in Violation

Fed	State	Total
4		4
Checked		
Fed	State	Total
4		4

BASIC Impacted Driver Fitness
Rating Factor 2: Driver = Part 391

Example/Notes:

Driver name: Baltazar G Ruiz
Trip date: 12/20/2021
Disqualifying reason: Suspended for failure to Submit to a Test, and previous DUI convictions

On 12/20/2021, Baltazar G Ruiz d/b/a Ruiz Trucking allowed or required driver, Baltazar G Ruiz to operate a CMV in interstate commerce. At the time of this operation, driver Baltazar G Ruiz was disqualified from operating a CMV due to license suspension.

5. Primary: 392.2
State Equivalent: K.S.A. 82-4-35a

Operating a commercial motor vehicle not in accordance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated - HOS Compliance

Violations Discovered		
Fed	State	Total
48		48
Checked		
Fed	State	Total
145		145

Drivers/Vehicles in Violation

Fed	State	Total
1		1
Checked		
Fed	State	Total
5		5

BASIC Impacted Hours-of-Service Compliance
Rating Factor 3: Operational = Part 392

Example/Notes:

Driver: Jose Ramirez
Trip: 12/2/2021

Drivers/Vehicles in Violation

Fed	State	Total
4		4
Checked		

Baltazar G. Ruiz d/b/a Ruiz Trucking failed to retain copies of supporting documents for loads hauled by the carriers drivers.

6. Primary: 395.3(b)(2)

Requiring or permitting a property-carrying commercial motor vehicle driver to drive after having been on duty 70 hours in 8 consecutive days.



Critical

At least 10% of the number checked had violations

Violations Discovered

Fed	State	Total
-----	-------	-------

2		2
---	--	---

Checked

Fed	State	Total
-----	-------	-------

19		19
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BASIC Impacted
Hours-of-Service
Compliance

Rating Factor 3:
Operational = Part
395

Example/Notes:

Dates of 8-day period, 12/1 to 12/8

Driver name: Jose Ramirez

Date/Time Violation Began: 12/8/2021 at 8: 00 a.m.

Total Hours Driven in Violation: 5 1/2

On 12/8/2021, Baltazar G. Ruiz allowed or required driver, Jose Ramirez to drive after having been on duty 70 hours in 8 consecutive days.

7. Primary: 382.305(i)(2)

Failing 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.

Example/Notes:

Driver name: Larry Snyder

Selection date: 1st Quarter of 2022

Trip date: 3/25/2022

Baltazar G. Ruiz d/b/a Ruiz Trucking failed to remove driver, Fernando Escarcega-Salas who was terminated on 7/24/21 from the carriers Random Pool for the 1st Quarter in 2022, which did not give the drivers an equal chance of being chosen.

8. Primary: 382.701 (b)(1)

Failing to conduct an annual query.

Drivers/Vehicles in Violation

Fed	State	Total
-----	-------	-------

1		1
---	--	---

Checked

Fed	State	Total
-----	-------	-------

5		5
---	--	---

Violations Discovered

Fed	State	Total
-----	-------	-------

1		1
---	--	---

Checked

Fed	State	Total
-----	-------	-------

5		5
---	--	---

Drivers/Vehicles in Violation

Fed	State	Total
-----	-------	-------

1		1
---	--	---

Checked

Fed	State	Total
-----	-------	-------

5		5
---	--	---

Violations Discovered

Fed	State	Total
-----	-------	-------

1		1
---	--	---

Checked

Fed	State	Total
-----	-------	-------

Example/Notes:

Baltazar G. Ruiz d/b/a Ruiz Trucking failed to conduct annual queries on driver, Baltazar G. Ruiz in 2020, 2021, and 2022.

9. Primary: 391.21(a)

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

Example/Notes:

Driver name: Baltazar G Ruiz

Trip date: 12/20/2021

Description of violation:

Baltazar G. Ruiz d/b/a Ruiz Trucking's driver, Baltazar G Ruiz provided an employment application that failed to provide 10 years of employment history.

10. Primary: 391.25(a)

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/Notes:

Driver name: Baltazar G Ruiz

Trip date: 12/20/2021

Baltazar G Ruiz d/b/a Ruiz Trucking failed to obtain or provide record of annual MVR's for 2022, 2021, and 2020 for driver, Baltazar G Ruiz.

11. Primary: 391.25(c)(2)

Drivers/Vehicles in Violation

Fed	State	Total
1		1

Checked

Fed	State	Total
3		3

Violations Discovered

Fed	State	Total
2		2

Checked

Fed	State	Total
5		5

Drivers/Vehicles in Violation

Fed	State	Total
2		2

Checked

Fed	State	Total
5		5

Violations Discovered

Fed	State	Total
1		1

Checked

Fed	State	Total
5		5

Drivers/Vehicles in Violation

Fed	State	Total
1		1

Checked

Fed	State	Total
5		5

Violations Discovered

Example/Notes:

Driver name: Baltazar G. Ruiz

Trip date: 12/20/2021

Baltazar G Ruiz d/b/a Ruiz Trucking failed to obtain or provide record of Annual Reviews for 2022, 2021, and 2020 for driver, Baltazar G Ruiz.

12. Primary: 391.45(b)(1)**Secondary: 391.11(a)**

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

Example/Notes:

Driver name: Larry Snyder

Trip date: 4/4/2021

Last examination date: None on file

On 4/4/2021, Baltazar G Ruiz d/b/a Ruiz Trucking allowed or required Larry Snyder to operate a CMV without being medically examined. The carrier had no copy of the drivers Medical Card in the Driver Qualification file and review of the drivers MVR revealed the driver has an intrastate only CDL with no Medical Card information on the MVR.

13. Primary: 392.2**State Equivalent: K.S.A. 8-2,125**

Operating a motor vehicle not in accordance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated.

Example/Notes:

Unit #: 46

Driver Name: Larry Snyder

Fed	State	Total
1		1
Checked		
Fed	State	Total
5		5

Drivers/Vehicles in Violation

Fed	State	Total
1		1
Checked		
Fed	State	Total
5		5

Violations Discovered

Fed	State	Total
1		1
Checked		
Fed	State	Total
5		5

Drivers/Vehicles in Violation

Fed	State	Total
1		1
Checked		
Fed	State	Total
5		5

Violations Discovered

Fed	State	Total
	1	1
Checked		
Fed	State	Total
	5	5

Drivers/Vehicles in Violation

Fed	State	Total
	1	1

Baltazar G Ruiz d/b/a Ruiz Trucking allowed or required driver, Larry Snyder to operate in interstate commerce with an Intrastate only CDL.

Fed	State	Total
	5	5

14. Primary: 392.2

State Equivalent: K.S.A. 8-1901

Operating a vehicle in violation of local/state laws - Unsafe Driving.

Violations Discovered

Fed	State	Total
8		8

Checked

Fed	State	Total
97		97

Example/Notes:

Unit #81

Driver Name: Juan Martinez

Trip Date: 1/20/22

On 1/20/22, Baltazar G Ruiz d/b/a Ruiz Trucking allowed or required driver, Juan Martinez to haul a load of DDG from Scott City to Friona Cattle Feeders weighing 90,240 pounds. This load was over the allowable weight of 85,500 pounds in the State Of Kansas.

Drivers/Vehicles in Violation

Fed	State	Total
3		3

Checked

Fed	State	Total
5		5

15. Primary: 395.3(a)(2)

Requiring or permitting a property-carrying commercial motor vehicle driver to drive after the end of the 14th hour after coming on duty.

Violations Discovered

Fed	State	Total
8		8

Checked

Fed	State	Total
150		150

Example/Notes:

Trip date: 12/2/2021

Driver name: Jose Ramirez

On 12/1/2021 to 12/2/2021, Baltazar G Ruiz d/b/a Ruiz Trucking allowed or required driver, Jose Ramirez to operate 1 hour and 15 minutes past the 14th hour since coming on duty.

Drivers/Vehicles in Violation

Fed	State	Total
2		2

Checked

Fed	State	Total
5		5

16. Primary: 395.3(a)(3)(i)

Requiring or permitting a property-carrying commercial motor vehicle driver to drive more than 11 hours.

Violations Discovered

Fed	State	Total
9		9

Checked

Fed	State	Total
-----	-------	-------

Example/Notes:

Trip date: 12/2/2021
Driver name: Jose Ramirez

On 12/2/2021, Baltazar G Ruiz d/b/a Ruiz Trucking allowed or required driver, Jose Ramirez to operate over the allowable 11 hours of drive time.

17. Primary: 395.8(a)(1)

Failing to require a driver to prepare a record of duty status using the appropriate method.

Example/Notes:

Date: 12/20/2021
Driver name: Baltazar G. Ruiz

On 12/20/2021, Baltazar G. Ruiz d/b/a Ruiz Trucking failed to require driver, Baltazar G. Ruiz to prepare a record of duty status.

18. Primary: 395.8(e)(1)

Making, or permitting a driver to make, a false report regarding duty status

Example/Notes:

Driver name: Juan Martinez
Trip Date: 1/5/2022

On 1/5/2022, Baltazar G Ruiz d/b/a Ruiz Trucking allowed or required driver, Juan Martinez to falsify the drivers record of duty status. Driver Juan Martinez failed to log his drive time from Garden City, KS to Norton, KS (approximately 167 miles; 2 hrs & 42 min).

19. Primary: 395.8(f)

Drivers/Vehicles in Violation

Fed	State	Total
2		2

Checked

Fed	State	Total
5		5

Violations Discovered

Fed	State	Total
13		13

Checked

Fed	State	Total
150		150

Drivers/Vehicles in Violation

Fed	State	Total
2		2

Checked

Fed	State	Total
5		5

Violations Discovered

Fed	State	Total
2		2

Checked

Fed	State	Total
150		150

Drivers/Vehicles in Violation

Fed	State	Total
1		1

Checked

Fed	State	Total
5		5

Violations Discovered

Fed	State	Total
23		23
Checked		
Fed	State	Total
150		150

Example/Notes:

Driver name: Juan Martinez

Trip date: 1/5/2022

On 1/5/2022, Baltazar G Ruiz d/b/a Ruiz Trucking's driver, Juan Martinez failed to note the Trailer Number on his record of duty status.

Drivers/Vehicles in Violation

Fed	State	Total
3		3
Checked		
Fed	State	Total
5		5

20. Primary: 395.8(a)(2)(i)

Driver failed to record driver's record of duty status on an Electronic Logging Device.

Violations Discovered

Fed	State	Total
3		3
Checked		
Fed	State	Total
3		3

Example/Notes:

Driver: Jose Ramirez

Date: 11/15/2021

Origin and Destination: Fairmont, NE to Ulysses, KS

Baltazar G Ruiz d/b/a Ruiz Trucking failed to require his drivers to log their Hours Of Service on an ELD as required.

Drivers/Vehicles in Violation

Fed	State	Total
3		3
Checked		
Fed	State	Total
3		3

21. Primary: 396.3(b)(1)

Failing to keep a maintenance record which identifies the vehicle, including make, serial number, year, and tire size.

Violations Discovered

Fed	State	Total
5		5
Checked		
Fed	State	Total
5		5

Example/Notes:

Trip Date: 12/8/2021

Unit #46

Drivers/Vehicles in Violation

Fed	State	Total
5		5
Checked		

#46, Unit #81, Unit #32, Unit #T802, and Unit #7406 that were not properly identified. The carrier failed to note the make, serial number, year, and tire size on the maintenance files.

Fed	State	Total
5		5

22. Primary: 396.9(d)(3)

Failing to maintain completed inspection form for 12 months from the date of inspection at the carrier's principal place of business or where vehicle is housed.

Violations Discovered		
Fed	State	Total
12		12
Checked		
Fed	State	Total
12		12

Example/Notes:

Date of inspection: 4/26/22
Issuing agency : Kansas Highway Patrol
Driver name/Vehicle ID: Joshua Webb/ Unit #46 with VIN # [REDACTED] 8046

Drivers/Vehicles in Violation		
Fed	State	Total
12		12
Checked		
Fed	State	Total
12		12

Baltazar G Ruiz d/b/a Ruiz Trucking failed to retain or provide copies of all Roadside Inspections for 12 months.

Safety Fitness Rating

Your proposed safety rating is: **UNSATISFACTORY** 2 or more UNSATISFACTORY 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	Unsatisfactory	2	0
Factor 2: Driver = Parts 382, 383 and, 391	Unsatisfactory	2	0
Factor 3: Operational = Parts 392 and 395	Unsatisfactory	0	2
Factor 4: Vehicle = Parts 393 and 396	Conditional		
OOS Vehicles (CR): 0			
Number of Vehicles Inspected (CR): 0			
OOS Vehicles (MCMIS): 2			
Number of Vehicles Inspected (MCMIS): 5			
OOS Rate: 40%			
Factor 5: Haz. Mat. = Parts 397, 171, 177 and, 180	N/A	N/A	N/A
Factor 6: Accident Factor = Recordable Rate	Satisfactory	N/A	N/A
Total Miles Operated: 512,993			
Recordable Accidents: 0			
Recordable Accidents/Million Miles: 0.00			

Effective date: You will receive an official notice of proposed safety rating from the Federal Motor Carrier Safety Administration in Washington, D.C. The Unsatisfactory rating will take effect 60 days after the date of the official notice.

PROHIBITION: Under 49 USC 31144(c) and 49 CFR 385.13, a motor carrier that receives a final Unsatisfactory safety rating is prohibited from operating a commercial motor vehicle in interstate and intrastate commerce. If applicable, the motor carrier shall have its operating authority registration revoked under 49 USC 13905(f)(1)(B).

You may request a safety rating upgrade based on corrective action under 49 CFR 385.17 and/or an administrative review under 49 CFR 385.15.

Change to safety rating based on corrective action: You may request a change to a safety rating under 49 CFR 385.17 at any time by providing evidence that you have taken actions to correct the deficiencies that resulted in the safety rating. You must make this request in writing to the Field Administrator for the FMCSA Service Center in which you maintain your principal place of business. A pending request for a change in safety rating under 49 CFR 385.17 will not delay the effective date of the rating.

Administrative Review: You may appeal your proposed safety rating in a petition filed under 49 CFR 385.15 if you believe FMCSA made an error in assigning your safety rating. You must submit your appeal within 90 days of the date of the proposed safety rating or within 90 days after denial of a request for a change in rating under section 385.17(i).

You should submit your appeal within 15 days of the date of the official safety rating notice to allow FMCSA to issue a written decision before the prohibitions in 49 CFR 385.13 take effect. A petition under section 385.15 will not delay the effective date of the rating unless the Chief Safety Officer grants a stay.

You must submit your appeal in writing to: Chief Safety Officer, Federal Motor Carrier Safety Administration, 1200 New Jersey Ave., S.E., Washington, DC 20590-0001.

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

Process Breakdown and Remedies

BASIC: Hours-of-Service Compliance

Process Breakdown: Monitoring and Tracking

Baltazar G Ruiz d/b/a Ruiz Trucking will ensure to retain all supporting documents for any loads hauled by their drivers, and will review the drivers hours of service frequently to ensure drivers are staying within the allowable drive time.

Specific Recommended Remedies

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

1. Implement an effective process for monitoring, tracking, and evaluating all drivers' compliance with Hours-of-Service (HOS) regulations and company policies.
2. Promptly review all Records of Duty Status (RODS) for Hours-of-Service (HOS) violations and falsification. Look for discrepancies by comparing driver logs with their "check-in" calls and other supporting documents.
3. Maintain roadside inspection, Records of Duty Status (RODS), supporting documents, dispatch schedules, and communication records to help evaluate the performance of all staff (drivers, dispatchers, and managers) involved in Hours of Service (HOS) and the effectiveness of compliance with HOS policies, procedures, and regulations.
4. Implement a system for keeping accurate records of employees' Hours-of-Service (HOS) training needs and completed training, via software, a checklist in the driver's file, and/or another appropriate method.

BASIC: Vehicle Maintenance

Process Breakdown: Monitoring and Tracking

Baltazar G Ruiz d/b/a Ruiz Trucking will ensure to keep maintenance records for each vehicle operated that is properly identified along with copies of receipts for maintenance being conducted and copies of Roadside Inspections. Baltazar G Ruiz d/b/a Ruiz Trucking will ensure that annual inspections being conducted are done in accordance to Appendix G and conducted by a qualified inspector.

Specific Recommended Remedies

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

1. Check all inspections and relevant records, such as Driver Vehicle Inspection Records (DVIRs), pre-trip and annual inspections, and maintenance and repair records, to ensure that company inspection, repairing, and maintenance policies and procedures are adhered to and properly documented.
2. Ensure that Driver Vehicle Inspection Records (DVIRs) are effectively coordinated with maintenance and operations, result in timely corrective measures, and are verified during pre-trip inspections as applicable.
3. Monitor and track roadside inspection results to ensure that vehicle defects are repaired and documented promptly and to prevent Out-of-Service (OOS) vehicles from operating prior to being repaired.
4. Implement a system for keeping accurate records of employee inspection, repair, and maintenance training needs, including updates on a carrier's fleet or equipment and completed training, via software, a checklist in the driver's file, and/or another appropriate method.
5. Regularly evaluate the company's vehicle-maintenance-related inspection results via the Federal Motor Carrier Administration's (FMCSA) website at <http://ai.fmcsa.dot.gov/SMS>. Assess violations for process breakdowns and how to remedy them.

BASIC: Driver Fitness

Process Breakdown: Qualification and Hiring

Baltazar G Ruiz d/b/a Ruiz Trucking will not allowed disqualified drivers, drivers without a valid CDL, Not Medically Examined, or without the proper endorsements to operate a Commercial Motor Vehicle.

Specific Recommended Remedies

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

1. Ensure that Motor Vehicle Records (MVRs) from States issuing Commercial Driver's Licenses (CDLs) are reviewed for driver-fitness-related violations of all prospective drivers for the last three years.
2. Ensure that drivers are qualified by querying applicants, checking with previous employers and references, and obtaining necessary documents regarding driver fitness, such as those pertaining to previous violations, Commercial Driver's License (CDL), medical qualifications, operational qualifications from training, and relevant experience.
3. Ensure that the employment application captures all information required by the Federal Motor Carrier Safety Regulations (FMCSRs), such as whether the driver can handle the physical requirements of the job.
4. Check the Motor Vehicle Record (MVR) to ensure that drivers have the proper class of license and "P" or "S" endorsement, and to see if the applicable endorsement on the license has a specific restriction, such as an air-brake restriction.

BASIC: Unsafe Driving

Process Breakdown: Monitoring and Tracking

Baltazar G Ruiz d/b/a Ruiz Trucking will ensure that drivers do not haul loads over the allowable weight of 85,500 in the State Of Kansas.

Specific Recommended Remedies

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

1. Ensure that drivers are safely operating a CMV within the allowable weight limits.
2. Ensure the Safety Director/Persons who oversee the Safety Management monitors the drivers highway performance by monitoring the drivers MVR's, ensure compliance with Federal Regulations, State and Local Laws.

BASIC: Hours-of-Service Compliance

Process Breakdown: Monitoring and Tracking

Baltazar G Ruiz d/b/a Ruiz Trucking will ensure that drivers use an ELD log to log the drivers hours, will ensure that drivers drive within the allowable drive time, and will review the drivers logs to ensure drivers are not falsifying their records of duty status.

Specific Recommended Remedies

To implement Safety Improvement Practices, the following list are recommended practices related to

1. Implement an effective process for monitoring, tracking, and evaluating all drivers' compliance with Hours-of-Service (HOS) regulations and company policies.
2. Promptly review all Records of Duty Status (RODS) for Hours-of-Service (HOS) violations and falsification. Look for discrepancies by comparing driver logs with their "check-in" calls and other supporting documents.
3. Document all findings of fatigue-related noncompliance with regulations and/or company policies.
4. Maintain roadside inspection, Records of Duty Status (RODS), supporting documents, dispatch schedules, and communication records to help evaluate the performance of all staff (drivers, dispatchers, and managers) involved in Hours of Service (HOS) and the effectiveness of compliance with HOS policies, procedures, and regulations.
5. Regularly evaluate the company's fatigue-related inspection results via the Federal Motor Carrier Safety Administration's (FMCSA) website at <http://ai.fmcsa.dot.gov/SMS>. Assess violations for process breakdowns and how to remedy them.
6. Implement a system for keeping accurate records of employees' Hours-of-Service (HOS) training needs and completed training, via software, a checklist in the driver's file, and/or another appropriate method.

Recommendations

1. **Acute and Critical Violations**

Acute and/or Critical violations were recorded on this investigation report. These violations will impact your safety record.

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.

2. **Additional Information**

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

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

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

4. **Ensure that all vehicles are properly marked.**

Ensure that all vehicles are properly marked with your name or trade name and U.S. DOT number. If your vehicles are also periodically operating for other carriers, they must be marked with that carrier's name and U.S. DOT#.

5. **Conduct periodic internal reviews. (non-HM)**

Conduct periodic internal reviews of your driver qualification, hours of service control, maintenance, accident analysis/reporting, training, and other safety systems to ensure continued compliance with the FMCSR.

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

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

7. **10-year driver employment history required.**

Ensure that drivers provide a 10-year employment history on their employment application.

8. **Drivers may not drive interstate unless they have had a physical.**

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

9. **Physically unqualified drivers cannot drive in interstate commerce**

Do not allow physically unqualified drivers to drive in interstate/intrastate commerce.

10. **Physically unqualified drivers cannot drive in interstate commerce**

Do not allow physically unqualified drivers to drive in interstate/intrastate commerce.

11. **Require drivers to prepare complete and accurate records.**

Require all drivers to prepare complete and accurate records of duty status for each day, and to submit them within 13 days. Maintain all duty status records on file, with all supporting documents, for at least 6 months.

12. **Duty status records must be kept on file for 6 months.**

Ensure that all documents supporting records of duty status (such as toll, fuel repair and other on-the-road expense receipts, as well as invoices, bills of lading, dispatch records, etc.) are kept on file for at least 6 months.

13. **150-mile exemption terms must be met.**

If you want some drivers to use the 150 air-mile radius exemption, make sure that the drivers meet all terms of the exemption, including being released from duty no more than 14 hours from when they report for duty. Logs must be prepared if a driver does not meet the 14 hour requirement.

14. **Establish a maintenance records program for all vehicles.**

Establish a systematic maintenance records program for all vehicles. Maintain a complete file for each subject vehicle, recording all repair, maintenance and inspection operations performed.

15. **Review maintenance and inspection records for all lease vehicles.**

Periodically review the maintenance and inspection records for all lease vehicles as required by Part 396 of the FMCSR. Keep a record to document these reviews and notify the vehicle owner of any violations detected.

16. **Drug and Alcohol Clearinghouse**

17. Clearinghouse Annual Query

Ensure annual queries are conducted in the Clearinghouse at least once per year. You may conduct a full or limited query to fulfill this requirement.

18. Unsat & Conditional CR's

I 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.

Apply Adequate Resources: Apply adequate resources to properly implement safety management practices. Consider reallocating responsibilities, additional staffing, contracting, or investing in technology to aid in this responsibility.

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 C.F.R. Part 391.23 requires prospective employers to , at a minimum, investigate a driver's employment information, crash record, and alcohol and controlled substance history from all employers the driver worked for within the previous three 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 is a screening tool that assists 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. Motor carriers should visit the following website for more information:

FMCSA Carrier Safety Measurement System (SMS) is based on ongoing analysis and feedback from enforcement personnel, the motor carrier industry, and other stakeholders. SMS effectively identifies and prioritize high risk and other unsafe motor carriers for enforcement interventions and is designed to reduce commercial motor vehicle crashes and hazardous materials incidents. Motor carrier's currently have the ability to preview their companies SMS information.. The data preview may be found at <http://csa.fmcsa.dot.gov/>.

For all Investigations resulting in a Penalty Order:

PLEASE NOTE: The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Penalty Order. 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 Penalty Order. Your signature for receipt of this report acknowledges your understanding that the violations discovered by the KCC during this review may be used to calculate any civil penalty proposed as a result of this review. Your signature is not an admission of the violations identified.

For all Investigations where the carrier has been involved in 2 or more recordable 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:

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

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

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
Michael Christopher - 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. Information on your compliance status, roadside inspections, regulatory changes, accident counter measures and hazardous material counter measures is available on the Internet at the Federal Motor Carrier Safety Administration's web site at <http://www.fmcsa.dot.gov/> and <http://www.safer.fmcsa.dot.gov/>.

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

The KCC requires that you prepare a corrective action plan (CAP), addressing the measures taken to correct all violations identified within this report. Submit this letter within 30 days outlining the carrier's updated changes to their policies and procedures regarding all listed violations. Explain in detail how, as a carrier representative, you will rectify these deficiencies and prevent their reoccurrence going forward. Include any supporting documentation and evidence as indicated in the recommendations above,

(example: vehicle inspections performed, proof of drug and alcohol testing in place, etc.) necessary to prove that corrective action has been taken. Submit the letter along with copies of your supporting evidence to:

e-mail: g.davenport@kcc.ks.gov

FAX: 785-271-3124;

or mail to:

Kansas Corporation Commission

Attn: Gary Davenport

1500 SW Arrowhead Road

Topeka, KS 66604-4027

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 Baltazar G Ruiz d/b/a Ruiz Trucking's operating authority and/or the impoundment of Baltazar G Ruiz d/b/a Ruiz Trucking's commercial motor vehicles.

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

X  _____

Signature

X 5-26-22 _____

ATTACHMENT “B”



12 / 12 / 21
(Month) (Day) (Year)

UNION BUG (24 HOURS)

Duplicate Driver retains in his/her possession for eight days

Complete at end of workday.

648

Total Miles Driving Today Total Mileage Today

Ruiz Trucking
Name of Carrier or Carriers

Garden City
Main Office Address
Home Terminal Address

I certify these entries are true and correct:

[Signature]

Driver's Full Signature

Co-Driver's Name

32 / #81

Truck/Tractor and Trailer Numbers or License Plate(s) / State (show each unit)

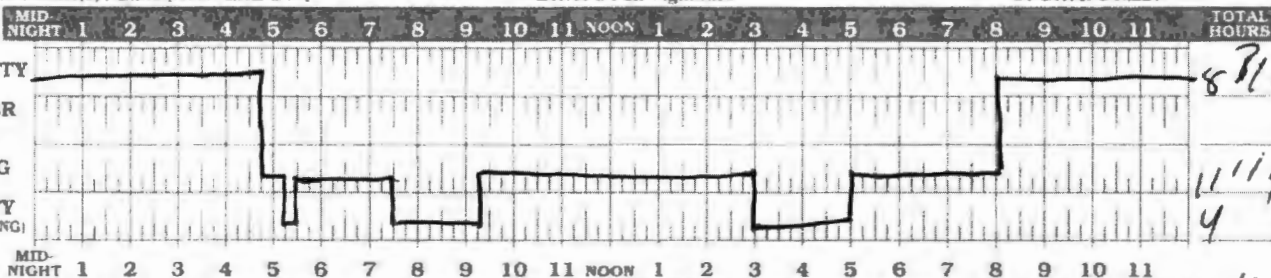
1. OFF DUTY

2. SLEEPER BERTH

3. DRIVING

4. ON DUTY (NOT DRIVING)

REMARKS



SHIPPING DOCUMENTS:

HD135769

B/L or Manifest No.

Chiefs DDG
Shipper & Commodity

Enter name of place you reported and where released from work and when and where each change of duty occurred.

From:

To:

USE TIME STANDARD AT HOME TERMINAL

613-MP (Rev. 9/20) 8524

A. Total hours on duty last 7 days, including today.

B. Total hours available tomorrow, 70 hr minus A.

C. Total hours on duty last 8 days, including today.

60 Hr./7 Day Drivers

A. Total hours on duty last 6 days, including today.

B. Total hours available tomorrow, 60 hr minus A.

C. Total hours on duty last 7 days, including today.

*If you took 34 consecutive hours off duty you have 60 hours available

ATTACHMENT “C”

DRIVER/VEHICLE EXAMINATION REPORT

Nebraska State Patrol
4600 Innovation Drive
Lincoln, NE 68521
Email: NSP.Inspections@Nebraska.gov
Phone: (402)471-0105 Fax: (402)471-3295

Report Number: NEXC00000622
Inspection Date: 11/15/2021
Start: 10:08 AM CT End: 11:32 AM CT
Inspection Level: II - Walk-Around
HM Inspection Type: None

Carrier: RUIZ TRUCKING

DBA:

3046 JONES AVE
GARDEN CITY, KS, 67846

USDOT: 1458316

Phone#: (620)521-8161

MC/MX#: 00550956

Fax#:

State#:

Location: HEBRON 81 SCALE

Highway: F81

County:

Email:

Driver: RAMIREZ, JOSE A

License#:

State: KS

Date of Birth:

CoDriver:

License#:

State:

Date of Birth:

Milepost: 6 Shipper: N/A

Origin: FAIRMONT, NE

Destination: ULYSSES, KS

Bill of Lading: N/A

Cargo: GRAIN, FEED, HAY

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate	Equipment ID	VIN	GVWR	CVSA #	Issued #	OOS Sticker
1	TT	FRHT	2014	KS	196614	32		9932	52000		
2	ST	TIMP	1999	KS	691012			96802	65000		

BRAKE ADJUSTMENTS:No brake measurements required for level II or level III

VIOLATIONS

Section	Type	Unit	OOS	CP	Citation #	Verify	Crash	Violations Discovered
392.2-SLLEWA1	F	D	N	N		N	N	State/Local Laws - Excessive weight - 1-2500 lbs over on an axle/axle groups.: trailer 35420 on tandem, 34000 on drive tandem
392.2MI	F	D	N	N	EC6701352	N	N	Miscellaneous Traffic Law Violation: bypass open scale
391.11B4-DEN	F	D	Y	N	EC6701352	N	N	Driver operating a CMV without proper endorsements or in violation of restrictions.: driving a manual transmission with a e restrictions (no manual transmission)
392.9A2	F	2	Y	N		U	N	Failing to secure vehicle equipment: spare tire not chained
393.9TS	F	1	N	N		N	N	Inoperative turn signal: rear right turn signal inoperable on power unit

HazMat: No HM transported

Placard:

Cargo Tank:

Special Checks: No data for special checks

Pursuant to the authority contained in Nebraska Statutes 75-363 through 75-369, I hereby declare the above vehicle(s) as "OUT OF SERVICE." No person shall remove the "Out of Service" stickers applied to those vehicles, or operate such vehicles, until the out of service defects have been repaired and the vehicles restored to safe operating condition. ANY PERSON CONVICTED OF VIOLATING AN OUT-OF-SERVICE ORDER SHALL BE SUBJECT TO CDL (COMMERCIAL DRIVERS LICENSE) DISQUALIFICATION.

Pursuant to the authority contained in Nebraska Statutes 75-363 through 75-369, or Motor Vehicle Operators License Act. I hereby declare JOSE RAMIREZ "Out of Service." No motor carrier shall permit or require this driver to operate any motor vehicle upon the highways until: driver gets automatic transmission. ANY PERSON CONVICTED OF VIOLATING AN OUT OF SERVICE ORDER SHALL BE SUBJECT TO CDL (COMMERCIAL DRIVERS LICENSE) DISQUALIFICATION.

DRIVER: This report MUST be furnished to the motor carrier whose name appears at the top of this report.

Signature Of Repairer X: _____ Facility: _____ Date: _____

MOTOR CARRIER CERTIFICATION: The undersigned certifies that all violations on this report have been corrected and action has been taken to assure compliance with the Federal and State Motor Carrier Safety and Hazardous Material Regulations insofar as they are applicable to motor carriers and drivers. This certification must be signed by the MOTOR CARRIER and returned to the NEBRASKA STATE PATROL within 15 days. (RETURN ONLY IF VIOLATIONS WERE NOTED ON THIS REPORT)

Signature Of Motor Carrier X: _____ Title: _____ Date: _____

Report Prepared By: ID/Badge #:
Z. ROSE F335

Copy Received By:
JOSE RAMIREZ

X

X



ATTACHMENT “D”

ATTACHMENT “E”

From: [Lacey Hane \[KDOR\]](#)
To: [Erica Pargas](#)
Subject: RE: KDOR DL Contact
Date: Wednesday, May 4, 2022 10:19:41 AM
Attachments: [image002.png](#)
[image003.png](#)

This is an EXTERNAL EMAIL. Think before clicking a link or opening attachments.

Erica,

This driver's commercial driving privileges have been permanently revoked since 8/21/2018 due to the accumulation of major violations. This information displays on Withdrawal 5 on the CDLIS information you sent.

Please let me know if you have other questions.

Thanks,

Lacey Hane
Phone: (785) 368-8786
Fax: (855) 590-3557

From: Erica Pargas <e.pargas@kcc.ks.gov>
Sent: Wednesday, May 4, 2022 10:09 AM
To: Lacey Hane [KDOR] <Lacey.Hane@KS.GOV>
Subject: RE: KDOR DL Contact

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Good Morning Lacey,

Thank you so much for reaching out. We are in great need of some assistance with a CDL that we are looking for a driver we are conducting an investigation on. I've attached the drivers MVR for your review. We are just trying to figure out if the driver is ineligible and suspended at the time?

Erica Pargas, Special Investigator
Transportation Division
Kansas Corporation Commission
1500 SW Arrowhead Road | Topeka, KS | 66604-4027
Phone (620) 255-3868 | Fax (785) 271-3124

From: Lacey Hane [KDOR] <Lacey.Hane@KS.GOV>
Sent: Wednesday, May 4, 2022 10:05 AM

ATTACHMENT “F”

ATTACHMENT “G”

REPORT NUMBER	FLEET UNIT NUMBER
3	32
DATE	1-1-21

OK				NEEDS REPAIR				REPAIRED DATE				ITEM			
/															a. Service Brakes b. Parking Brake System c. Brake Drums or Rotors d. Brake Hose e. Brake Tubing f. Low Pressure Warning Device g. Tractor Protection Valve h. Air Compressor i. Electric Brakes j. Hydraulic Brakes k. Vacuum Systems l. Antilock Brake System m. Automatic Brake Adjusters
/															a. Part(s) of vehicle or condition of loading such that the spare tire or any part of the load or dunnage can fall onto the roadway. b. Protection against shifting cargo. c. Container securement devices on intermodal equipment.
/															a. Tires on any steering axle of a power unit. b. All other tires. c. Installation of speed-restricted tires unless specifically designated by motor carrier.
/															a. Lock or Side Ring b. Wheels and Rims c. Fasteners d. Welds
/															a. Fifth Wheels b. Pintle Hooks c. Drawbar/Towbar Eye d. Drawbar/Towbar Tongue e. Safety Devices f. Saddle-Mounts
/															a. Steering Wheel Free Play b. Steering Column c. Front Axle Beam and All Steering Components Other Than Steering Column d. Steering Gear Box e. Pitman Arm f. Power Steering g. Ball and Socket Joints h. Tie Rods and Drag Links i. Nuts j. Steering System
/															Requirements and exceptions as stated pertaining to any crack, discoloration or vision reducing matter (reference 393.60 for exceptions).
/															Any power unit that has an inoperative wiper, or missing or damaged parts that render it ineffective.
/															Any exhaust system leaking forward of or directly below the driver/sleeper compartment. b. Bus exhaust system leaking or discharging in violation of standard. c. Exhaust system likely to burn, char, or damage the electrical wiring, fuel supply, or any combustible part of the motor vehicle.
/															Any passenger seat that is not securely fastened to the vehicle structure.
/															a. Any U-bolt(s), spring hanger(s), or other axle positioning part(s) cracked, broken, loose or missing resulting in shifting of an axle from its normal position. b. Spring Assembly c. Torque, Radius or Tracking Components
/															List any other condition(s) which may prevent safe operation of this vehicle.
/															a. Visible leak. b. Fuel tank filler cap missing. c. Fuel tank securely attached.
/															a. Frame Members b. Tire and Wheel Clearance c. Adjustable Axle Assemblies (Sliding Subframes)
/															All lighting devices and reflectors required by Part 393 shall be operable.

2240
(Rev. 8/16)

ATTACHMENT “H”



12 / 1 / 2021
(Month) (Day) (Year)

DRIVER'S UNIT LOG
(24 HOURS)

Duplicate - Driver retains in his/her possession for eight days

Complete at
end of workday.

288

817174

Total Miles Driving Today

Total Mileage Today

Ritz Trucking
Name of Carrier or Carriers

Main Office Address

Garden City, KS

Home Terminal Address

I certify these entries are true and correct:

[Signature]

Driver's Full Signature

Co-Driver's Name

On-duty hours
today (Total
lines 3 & 4)

70 Hr./8 Day
Drivers

A.
Total hours on
duty last 7 days,
including today.

B.
Total hours
available
tomorrow
minus A *

C.
Total hours on
duty last 8 days,
including today.

60 Hr./7 Day
Drivers

A.
Total hours on
duty last 7 days,
including today.

B.
Total hours
available
tomorrow
minus A *

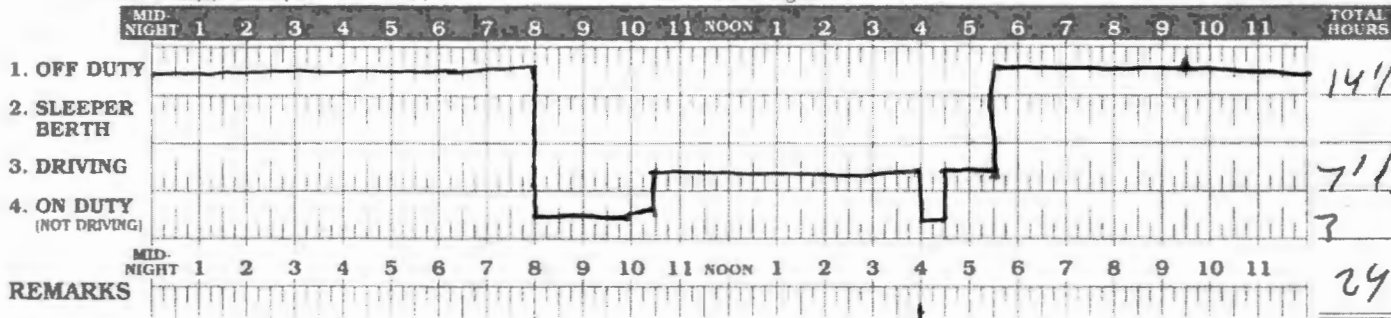
C.
Total hours on
duty last 8 days,
including today.

D.
Total hours on
duty last 8 days,
including today.



32 / 81

Truck/Tractor and Trailer Numbers or
License Plate(s) / State (show each unit)



14 1/2

7 1/2

3

29

Hastings
loading

Scott City
GC

SHIPPING
DOCUMENTS:

40135769

B/L or Manifest No.

Chief ODG

Shipper & Commodity

Enter name of place you reported and where released from work and when and where each change of duty occurred.

From:

To:

USE TIME STANDARD AT HOME TERMINAL

DOT 577-6008 • Printed in the USA 613-MP (Rev. 9/20) 8524



12 / 2 / 21
(Month) (Day) (Year)

DRIVER'S HOURS LOG

Duplicate Driver retains in his/her possession for eight days

Complete at
end of veridday.

648

Total Miles Driving Today

Total Mileage Today

Ruiz Trucking
Name of Carrier or Carriers

Garden City
Main Office Address

Home Terminal Address

I certify these entries are true and correct:

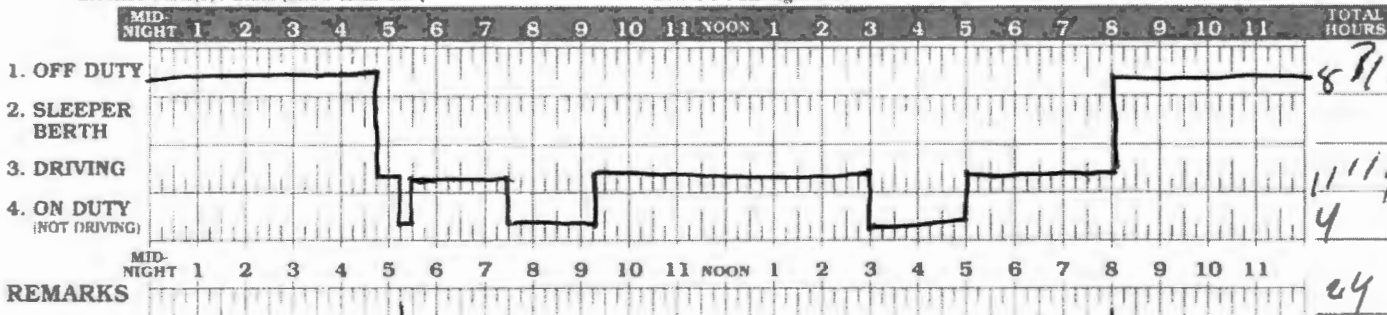
[Signature]

Driver's Full Signature

Co-Driver's Name

32 / #81

Truck/Tractor and Trailer Numbers or
License Plate(s) / State (show each unit)



SHIPPING
DOCUMENTS:

HD135769

B/L or Manifest No.

Chiefs DDG
Shipper & Commodity

Enter name of place you reported and where released from work and when and where each change of duty occurred.

From:

To:

USE TIME STANDARD AT HOME TERMINAL

613-MP (Rev. 9/20) 8524

A.
Total hours on
duty last 7 days,
including today.

B.
Total hours
available
tomorrow
70 hr minus A.*

C.
Total hours on
duty last 8 days,
including today.

60 Hr./7 Day
Drivers

A.
Total hours on
duty last 8 days,
including today.

B.
Total hours
available
60 hr minus A.*

C.
Total hours on
duty last 7 days,
including today.

*If you took
consecutive
hours off duty
you have



12 / 3 / 21
(Month) (Day) (Year)

DRIVER'S HOURS LOG

Duplicate - Driver retains in his/her possession for eight days

Complete at end of workday.

499

Total Miles Driving Today

Total Mileage Today

Rulz, Trucking

Name of Carrier or Carriers

Garden City

Main Office Address

Home Terminal Address

I certify these entries are true and correct:

Driver's Full Signature

Co-Driver's Name

TOTAL HOURS

1. OFF DUTY

2. SLEEPER BERTH

3. DRIVING

4. ON DUTY (NOT DRIVING)

MID-NIGHT 1 2 3 4 5 6 7 8 9 10 11 NOON 1 2 3 4 5 6 7 8 9 10 11

REMARKS

Pretrip
GC

Unloading
Santana
Fueled
GC

Loaded
Pratt
Phillipsburg

Garden
City

SHIPPING DOCUMENTS:

25643

B/L or Manifest No.

PrattEnergy DDG

Shipper & Commodity

Enter name of place you reported and where released from work and when and where each change of duty occurred

From:

To:

USE TIME STANDARD AT HOME TERMINAL

613-MP (Rev. 9/20) 8524

On-duty hours today (Total lines 3 & 4):

70 Hr./8 Day Drivers

Total hours on duty last 7 days, including today:

Total hours available tomorrow, including today:

Total hours on duty last 8 days, including today:

80 Hr./7 Day Drivers

Total hours on duty last 7 days, including today:

Total hours available tomorrow, including today:

Total hours on duty last 7 days, including today:

Total hours on duty last 7 days, including today:



12 / 4 / 21
(Month) (Day) (Year)

DRIVER'S DAILY LOG

Duplicate - Driver retains in his/her possession for eight days

Complete at end of workday.

382

818703

Total Miles Driving Today Total Mileage Today

Ruiz Trucking
Name of Carrier or Carriers

Garden City
Main Office Address
Home Terminal Address

#32 / #81

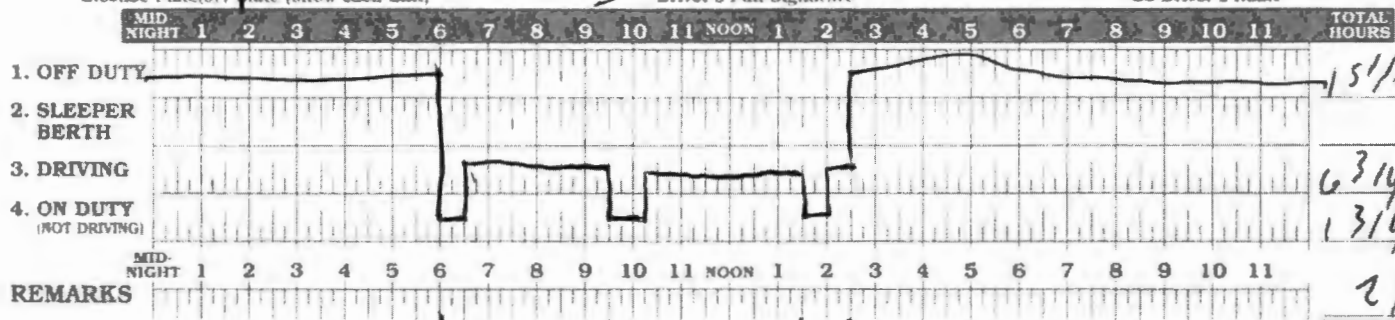
Truck/Tractor and Trailer Numbers or License Plate(s) / State (show each unit)

I certify these entries are true and correct:

[Signature]

Driver's Full Signature

Co-Driver's Name



SHIPPING DOCUMENTS:

534364-9

B/L or Manifest No.

SSI DDG

Shipper & Commodity

From: [blank] To: [blank]

USE TIME STANDARD AT HOME TERMINAL

613-MP (Rev. 9/20) 8524

A. Total hours on duty last 7 days including today.

B. Total hours available minus 7 hr minus A.

C. Total hours on duty last 7 days including today.

60 Hr./7 Day Drivers

A. Total hours on duty last 7 days including today.

B. Total hours available minus 7 hr minus A.

C. Total hours on duty last 7 days including today.

60 Hr./7 Day Drivers



12 / 5 / 2021
(Month) (Day) (Year)

DRIVER'S DAILY LOG (24 HOURS)

Duplicate - Driver retains in his/her possession for eight days

Complete at end of workday.

380

819087

Total Miles Driving Today

Total Mileage Today

Ruiz Trucking
Name of Carrier or Carriers

Garden City, Ks
Main Office Address
Home Terminal Address

I certify these entries are true and correct:

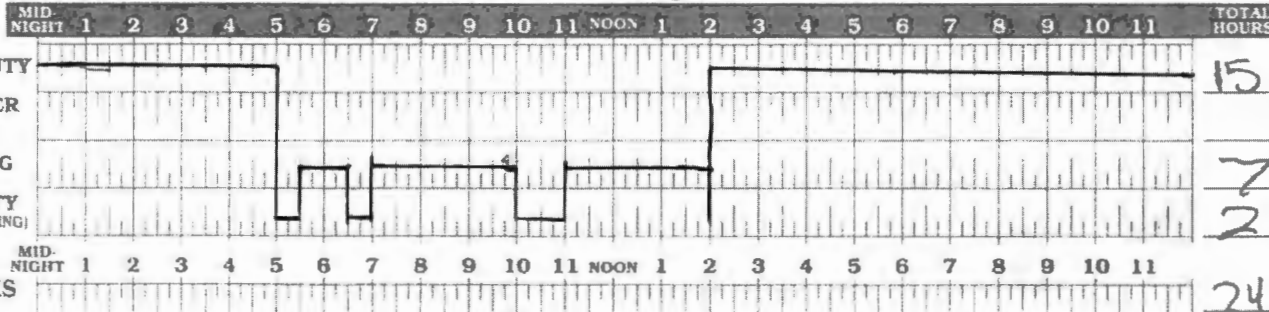
32/81

Truck/Tractor and Trailer Numbers or License Plate(s) / State (show each unit)

Driver's Full Signature

Co-Driver's Name

1. OFF DUTY
2. SLEEPER BERTH
3. DRIVING
4. ON DUTY (NOT DRIVING)



Per Trip
GC

Fuel
GC

Phillipsburg
loading

Garden City

SHIPPING DOCUMENTS:

533255-11

B/L or Manifest No.

or
SSI DDG
Shipper & Commodity

Enter name in place you reported and where released from work and when and where change of duty occurred.

From:

To:

USE TIME STANDARD AT HOME TERMINAL

613-MP (Rev. 9/20) 8524

On-duty hours today (Total lines 3 & 4)

70 Hr./8 Day Drivers

A. Total hours on duty last 7 days, including today

B. Total hours available tomorrow, 70 hr. minus A.

C. Total hours on duty last 8 days, including today

60 Hr./7 Day Drivers

A. Total hours on duty last 6 days, including today

B. Total hours available tomorrow, 70 hr. minus A.

C. Total hours on duty last 7 days, including today

60 Hr./7 Day Drivers



12 / 6 / 2021
(Month) (Day) (Year)

DRIVER'S DAILY LOG
(24 HOURS)

Duplicate - Driver retains in his/her possession for eight days

Complete at end of workday.

406 819493
Total Miles Driving Today Total Mileage Today

Roz Trucking
Name of Carrier or Carriers

Main Office Address

Garden City, KS
Home Terminal Address

I certify these entries are true and correct:

On-duty hours today (Total lines 3 & 4):
70 Hr./8 Day Drivers

A. Total hours on duty last 7 days, including today

B. Total hours available tomorrow
70 hr minus A *

C. Total hours on duty last 7 days, including today

60 Hr./7 Day Drivers

A. Total hours on duty last 6 days, including today

B. Total hours available tomorrow
60 hr minus A *

C. Total hours on duty last 7 days, including today
*If you took 34 consecutive hours off duty, you have 60/70 hours available again

Truck/Tractor and Trailer Numbers or License Plate(s) / State (show each unit)

Driver's Full Signature

Co-Driver's Name

TOTAL HOURS

1. OFF DUTY
2. SLEEPER BERTH
3. DRIVING
4. ON DUTY (NOT DRIVING)

REMARKS

SHIPPING DOCUMENTS:

53325541

B/L or Manifest No.

05SE DDG

Shipper & Commodity

Enter name of place you reported and where released from work and when and where each change of duty occurred.

From:

USE TIME STANDARD AT HOME TERMINAL

To:

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12 / 7 / 2021
(Month) (Day) (Year)

DRIVER'S HOURS LOG
(24 HOURS)

Duplicate - Driver retains in driver possession for eight days

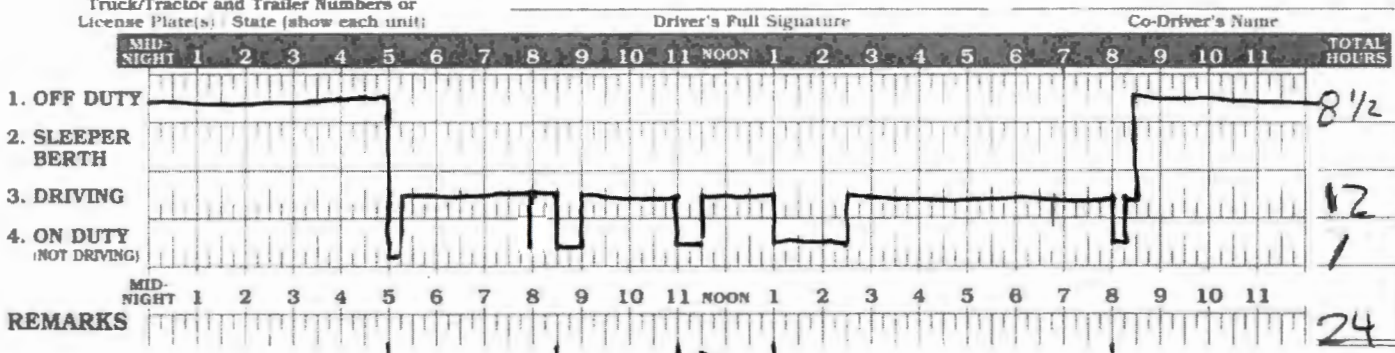
Complete at end of workday.

476 820171
Total Miles Driving Today Total Mileage Today

Ruiz Trucking
Name of Carrier or Carriers

Garden City
Main Office Address
Home Terminal Address

32/81
Truck/Tractor and Trailer Numbers or License Plate(s) State (show each unit)



A. Total hours on duty last 7 days, including today

B. Total hours available tomorrow 70 hr minus A.

C. Total hours on duty last 6 days, including today

60 Hr./7 Day Drivers

A. Total hours on duty last 6 days, including today

B. Total hours available tomorrow 70 hr minus A.

C. Total hours on duty last 7 days, including today

*If you took 34 consecutive hours off duty, you have 60/70 hours available again.

SHIPPING DOCUMENTS:

0026987
B/L or Manifest No.
CHS Soy Beans
Shipper & Commodity

Enter name of place you reported and where released from work and when and where each change of duty occurred

From: USE TIME STANDARD AT HOME TERMINAL To: 19361 (545-MP)

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12 / 8 / 2001
(Month) (Day) (Year)

DRIVER'S HOURS LOG (24 HOURS)

License - Driver retains in master possession for eight days

385 820652
Total Miles Driving Today Total Mileage Today

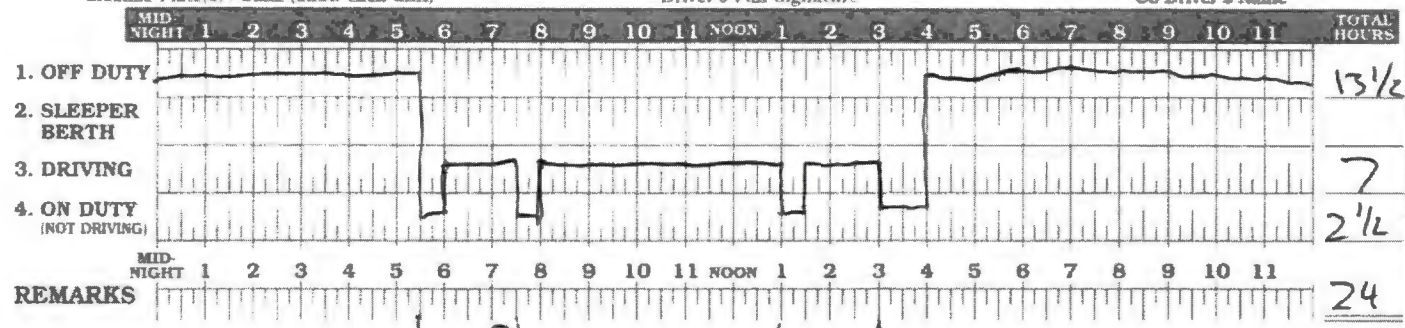
RUIZ Trucking
Name of Carrier or Carriers

Garden City, KS
Main Office Address
Home Terminal Address

32/81

Truck/Tractor and Trailer Numbers or License Plate(s) / State (show each unit)

I certify these entries are true and correct



REMARKS

Refire
JC
Walsh, CO
Alma, NE
Hasting

SHIPPING DOCUMENTS:

DOT 7026
B/L or Manifest No.
RHS Soybeans
Shipper & Commodity

Enter name of place you reported and where released from work and when and where each change of duty occurred.

From: _____ To: _____
USE TIME STANDARD AT HOME TERMINAL

Complete at end of workday.

On-duty hours today (Total lines 3 & 4)

70 Hr./8 Day Drivers

A. Total hours on duty last 7 days, including today.

B. Total hours available tomorrow 70 hr. minus A.

C. Total hours on duty last 8 days, including today.

60 Hr./7 Day Drivers

A. Total hours on duty last 6 days, including today.

B. Total hours available tomorrow 60 hr. minus A.

C. Total hours on duty last 7 days, including today.

*If you took 34 consecutive hours off duty, you have 60/70 hours available again.



ATTACHMENT “I”



ATTACHMENT “J”



4 / 4 / 22
(Month) (Day) (Year)

DRIVER'S DAILY LOG (24 HOURS)

Driver retains original log for eight days.

Complete at end of workday.

Total Miles Driving Today
Total Mileage Today 289

Name of Carrier or Carriers
Main Office Address
Home Terminal Address

I certify these entries are true and correct:

Driver's Full Signature

Co-Driver's Name

Truck/Tractor and Trailer Numbers or License Plate(s) / State (show each unit)

	MID-NIGHT	1	2	3	4	5	6	7	8	9	10	11	NOON	1	2	3	4	5	6	7	8	9	10	11	TOTAL HOURS
1. OFF DUTY																									19 1/2
2. SLEEPER BERTH																									
3. DRIVING																									4 1/2
4. ON DUTY (NOT DRIVING)																									2 1/2
REMARKS																									

SHIPPING DOCUMENTS:

B/L or Manifest No. or

Shipper & Commodity

Enter name of place you reported and where released from work and when and where each change of duty occurred.

From: USE TIME STANDARD AT HOME TERMINAL

To: Alma Red

A. Total hours on duty last 6 days, including today.

B. Total hours available tomorrow 60 hr. minus A.

C. Total hours on duty last 7 days including today. *If you took 54 consecutive hours off duty, you have 60/70 hours available again.



USE TIME STANDARD AT HOME TERMINAL

Printed in the USA 43-MP (Rev. 9/20) 8524

ATTACHMENT “K”

STRAIGHT BILL OF LADING (TRANSIT) SHORT FORM
THIS SHIPPING ORDER must be legibly filled in, in Ink, in Indelible Pencil or in carbon
and retained by the agent

RECEIVED, subject to the classifications and lawfully filed tariffs in effect on the date of the issue of this Shipping Order.

If this shipment is to be delivered to the consignee without recourse
For the consignor, the consignor shall sign the following statement:
The carrier shall not make delivery of the shipment without payment of freight and all other lawful charges.

DUE AT DEST:

REQUESTED SHIPPING DATE 12/31/2021		ORDER NUMBER 305917	
FRT COL	B/L STR	CUSTOMER ORDER NO.	CAR INITIAL & NO TRUK406
		DATE SHIPPED 01/05/2022	

the property described below, in apparent good order, except as noted (contents and condition of contents of packages unknowns), marked, consigned, and destined as indicated below, which said carrier (the word carrier being understood throughout this contract as meaning any person or corporation in possession of the property under the contract) agrees to carry to its usual place of delivery at said destination, if on its route, otherwise to deliver to another carrier on the route to said destination. It is mutually agreed, as to each carrier of all or any of said property over all or any portion of said route to destination, and as to each party at any time interested in all or any of said property, that every service to be performed hereunder shall be subject to all the terms and conditions of the Uniform Domestic Straight Bill of Lading set forth (1) in Uniform Freight Classification in effect on the date hereof, if this is a rail or a rail-water shipment, or (2) in the applicable motor carrier classification or tariff if this is a motor carrier shipment.

Shipper hereby certifies that he is familiar with all the terms and conditions of the said bill of lading, including those on the back thereof, set forth in the classification or tariff which governs the transportation of this shipment, and the said terms and conditions are hereby agreed to by the shipper and accepted for himself and his assigns.

CONSIGNED TO

994794
WEST PLAINS LLC
PO BOX 489
JOHNSTOWN CO 80534-0489

DEL. CARRIER	SHIP VIA CPU	If charges are to be prepaid, write or stamp here. "To be Prepaid."	
SHIP FROM VCP - Columbus, NE - 16F	TRAFFIC CODE HO	Received \$ to apply in prepayment of the charges on the property described hereon.	
PRODUCT 014635 DISTILLER DRY GRAIN W	DESCRIPTION 01452	QUANTITY 30	WEIGHT 85,480
***** WEIGHT CERTIFICATE *****			
WEIGHED OUT ON 01/05/2022 @ 2:56 PM GROSS WT 85,480			
WEIGHED IN ON 01/05/2022 @ 2:48 PM TARE WT 27,220			
WEIGHED BY: MP SCALE: 1 NET WT 58,260			
I certify this equipment was weighed by a duly sworn weighmaster according to the following:			

014635-DISTILLERS DRIED GRAINS			
WITH SOLUBLES			
*****GUARANTEED ANALYSIS*****			
* MINIMUM CRUDE PROTEIN: 25.0%*			
* MINIMUM CRUDE FAT: 5.0%*			
* MAXIMUM CRUDE FIBER: 10.0%*			
* MAXIMUM ASH: 8.0%*			

FOR FURTHER MANUFACTURE OF FEED			
NET WEIGHT: BULK AS INVOICED			

WARNING: MAY FORM COMBUSTIBLE DUST CONCENTRATIONS IN AIR.			

GUARANTEED BY VANTAGE CORN PROCESSORS			
LLC BOX 1470 DECATUR, IL 62525			
PH: 217-424-5200			

THE GOODS SUPPLIED HAVE THE GMP+ STATUS AS REFERRED TO IN THE GMP+ FSA MODULE.			
CARRIER NAME			
CARRIER ADDRESS			
CARRIER PHONE			

Agent or Cashier

Per

(The signature here acknowledges only the amount prepaid.)

Charges

advanced \$

"The fibre boxes or sacks used for this shipment conform to requirements of Rule 5-40 and 41 of Consolidated Freight Classification."

The description and weight indicated on this bill of lading are correct subject to verification by the EASTERN, SOUTHERN, or WESTERN WEIGHING & INSPECTION BUREAU according to agreement. "If the shipment moves between two ports by a carrier by water, the law requires that the bill of lading shall state whether it is "carrier's or shipper's weight." Note-Where the rate is dependent on value, shippers are required to state specifically in writing the agreed or declared value of the property. The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding \$

Per

Agent

Per

DATE

3



1 / 0 / 21
(Month) (Day) (Year)

DRIVER'S UNIT LOG
(24 HOURS)

Duplicate - Driver retains in his/her possession for eight days

Complete at
end of workday.

Rate Trucking LLC
Name of Carrier or Carriers

Main Office Address

Gordon City, MO
Home Terminal Address

I certify these entries are true and correct:

Truck/Tractor and Trailer Numbers or
License Plate(s) / State (show each unit)

Driver's Full Signature

Co-Driver's Name

On-duty hours
today. (Total
lines 3 & 4)

70 Hr./8 Day
Drivers

A.
Total hours on
duty last 7 days,
including today

B.
Total hours
available
tomorrow
60 hr. minus A.*

C.
Total hours on
duty last 8 days,
including today

60 Hr./7 Day
Drivers

A.
Total hours on
duty last 6 days,
including today

B.
Total hours
available
tomorrow
60 hr. minus A.*

C.
Total hours on
duty last 7 days,
including today.

*If you took
34 consecutive
hours off duty,
you have 80/70
hours available
again.

1. OFF DUTY
2. SLEEPER
BERTH
3. DRIVING
4. ON DUTY
(NOT DRIVING)

REMARKS

OFF

SHIPPING
DOCUMENTS:

B/L or Manifest No.
or

Shipper & Commodity

Enter name of place you reported and where released from work and when and where each change of duty occurred.

From:

To:

USE TIME STANDARD AT HOME TERMINAL

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ATTACHMENT “K”

STRAIGHT BILL OF LADING (TRANSIT) SHORT FORM

THIS SHIPPING ORDER

must be legibly filled in, in ink, in indelible pencil or in carbon and retained by the agent

RECEIVED, subject to the classifications and lawfully filed tariffs in effect on the date of the issue of this Shipping Order.

If this shipment is to be delivered to the consignee without recourse
For the consignor, the consignor shall sign the following statement:
The carrier shall not make delivery of the shipment without payment of freight and all other lawful charges.

DUE AT DEST:

REQUESTED SHIPPING DATE
12/31/2021

ORDER NUMBER
305917

FRT B/L
COL STR

CUSTOMER ORDER NO.

CAR INITIAL & NO

TRUK406

DATE SHIPPED

01/05/2022

the property described below, in apparent good order, except as noted (contents and condition of contents of packages unknowns), marked, consigned, and destined as indicated below, which said carrier (the word carrier being understood throughout this contract as meaning any person or corporation in possession of the property under the contract) agrees to carry to its usual place of delivery at said destination, if on its route, otherwise to deliver to another carrier on the route to said destination. It is mutually agreed, as to each carrier of all or any of said property over all or any portion of said route to destination, and as to each party at any time interested in all or any of said property, that every service to be performed hereunder shall be subject to all the terms and conditions of the Uniform Domestic Straight Bill of Lading set forth (1) in Uniform Freight Classification in effect on the date hereof, if this is a rail or a rail-water shipment, or (2) in the applicable motor carrier classification or tariff if this is a motor carrier shipment.

Shipper hereby certifies that he is familiar with all the terms and conditions of the said bill of lading, including those on the back thereof, set forth in the classification or tariff which governs the transportation of this shipment, and the said terms and conditions are hereby agreed to by the shipper and accepted for himself and his assigns.

CONSIGNED TO

994794
WEST PLAINS LLC
PO BOX 489
JOHNSTOWN CO 80534-0489

DEL. CARRIER

SHIP VIA

CPU

SHIP FROM

VCP - Columbus, NE - 16F

TRAFFIC CODE

HO

PRODUCT

DESCRIPTION

CONTRACT

CONTAINER
PACK/SIZE

QUANTITY

WEIGHT

014635 DISTILLER DRY GRAIN W 01452 30

***** WEIGHT CERTIFICATE *****

WEIGHED OUT ON 01/05/2022 @ 2:56 PM GROSS WT 85,480

WEIGHED IN ON 01/05/2022 @ 2:48 PM TARE WT 27,220

WEIGHED BY: MP SCALE: 1 NET WT 58,260

I certify this equipment was weighed by a duly sworn weighmaster according to the following:

014635-DISTILLERS DRIED GRAINS

WITH SOLUBLES

***** GUARANTEED ANALYSIS *****

* MINIMUM CRUDE PROTEIN: 25.0%*

* MINIMUM CRUDE FAT: 5.0%*

* MAXIMUM CRUDE FIBER: 10.0%*

* MAXIMUM ASH: 8.0%*

FOR FURTHER MANUFACTURE OF FEED

NET WEIGHT: BULK AS INVOICED

WARNING: MAY FORM COMBUSTIBLE DUST

CONCENTRATIONS IN AIR.

GUARANTEED BY VANTAGE CORN PROCESSORS

LLC BOX 1470 DECATUR, IL 62525

PH: 217-424-5200

THE GOODS SUPPLIED HAVE THE GMP+ STATUS

AS REFERRED TO IN THE GMP+ FSA MODULE.

CARRIER NAME

CARRIER ADDRESS

CARRIER PHONE

If charges are to be prepaid, write or stamp here. "To be Prepaid."

Received \$
to apply in prepayment of the charges on the property described hereon.

Agent or Cashier

Per

(The signature here acknowledges only the amount prepaid.)

Charges advanced \$

"The fibre boxes or sacks used for this shipment conform to requirements of Rule 5-40 and 41 of Consolidated Freight Classification."

The description and weight indicated on this bill of lading are correct subject to verification by the EASTERN, SOUTHERN, or WESTERN WEIGHING & INSPECTION BUREAU according to agreement.

"If the shipment moves between two ports by a carrier by water, the law requires that the bill of lading shall state whether it is 'carrier's or shipper's weight.' Note-Where the rate is dependent on value, shippers are required to state specifically in writing the agreed or declared value of the property. The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding \$

\$

Per

Agent

Per

DATE

3



1 / 1 / 21
(Month) (Day) (Year)

DRIVER'S HOME LOG
(24 HOURS)

Duplicate - Driver retains in his/her possession for eight days

Complete at
end of workday.

Russ Tardany LLC
Name of Carrier or Carriers

Main Office Address

Gardens City, KS
Home Terminal Address

I certify these entries are true and correct:

Driver's Full Signature

Co-Driver's Name

Truck/Tractor and Trailer Numbers or
License Plate(s) / State (show each unit)

MID-NIGHT 1 2 3 4 5 6 7 8 9 10 11 NOON 1 2 3 4 5 6 7 8 9 10 11 TOTAL HOURS

1. OFF DUTY

2. SLEEPER
BERTH

3. DRIVING

4. ON DUTY
(NOT DRIVING)

REMARKS

SHIPPING
DOCUMENTS:

B/L or Manifest No.
or

Shipper & Commodity

Enter name of place you reported and where released from work and when and where each change of duty occurred.

From:

To:

USE TIME STANDARD AT HOME TERMINAL

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19361 (545-MP)



On-duty hours
today. (Total
lines 3 & 4)

70 Hr./8 Day
Drivers

A.
Total hours on
duty last 7 days,
including today

B.
Total hours
available
tomorrow
70 hr. minus A *

C.
Total hours on
duty last 8 days,
including today

60 Hr./7 Day
Drivers

A.
Total hours on
duty last 6 days,
including today

B.
Total hours
available
tomorrow
60 hr. minus A *

C.
Total hours on
duty last 7 days,
including today
*If you took
34 consecutive
hours off duty,
you have 60/70
hours available
again.

ATTACHMENT “L”

REPORT AND RECOMMENDATION TRANSPORTATION DIVISION

TO: Dwight D. Keen, Chair
Susan K. Duffy, Commissioner
Andrew J. French, Commissioner

FROM: Mike Hoeme, Director of Transportation
Gary Davenport, Deputy Director of Transportation

DATE: June 20, 2022

SUBJECT: Docket No. 22-TRAM-510-PEN
In the Matter of the Investigation of Baltazar G. Ruiz d/b/a Ruiz Trucking of Garden City, Kansas Regarding the Violation of the Motor Carrier Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority.

EXECUTIVE SUMMARY:

Baltazar G. Ruiz d/b/a Ruiz Trucking (Ruiz Trucking or Carrier) is a motor carrier possessing common operating authority from the Commission, primarily hauling grain, feed and hay. Ruiz Trucking operates under USDOT 1458316. On May 3, 2022 through May 26, 2022, Commission Staff Special Investigator Erica Pargas and Penny Fryback conducted a safety compliance review of the operations of Ruiz Trucking. As a result of this investigation, the special investigator identified sixteen (16) violation(s) of the Motor Carrier Safety Regulations, resulting in a recommended penalty of \$12,700.

DISCUSSION AND ANALYSIS:

On May 3, 2022 through May 26, 2022, Commission Staff Special Investigator Erica Pargas and Penny Fryback conducted a safety compliance review of the operations of Ruiz Trucking. As a result of this investigation, the special investigator identified sixteen (16) violation(s) of the Motor Carrier Safety Regulations.

Violation One (1 of 16)

On December 2, 2021, Ruiz Trucking required or permitted its driver, Jose Ramirez, to operate a CDL-required commercial motor vehicle, a 2014 Freightliner, VIN ending in 9932, GVWR 50,000 lbs., in interstate commerce in from Ordway, Colorado to Pratt, Kansas. This trip is evidenced by a Driver's Daily Log, dated December 2, 2021. At the time of this transportation, Ruiz Trucking permitted its driver, Jose Ramirez, to operate a commercial motor vehicle with a

manual transmission while possessing a commercial driver's license with an "E" restriction. An "E" restriction on a CDL indicates that driver is not authorized to drive a vehicle with a manual transmission. This same driver had previously been placed out-of-service weeks earlier, on November 15, 2021, for operating a commercial motor vehicle with a manual transmission while possessing a CDL with an "E" restriction. That trip is evidenced by Driver/Vehicle Examination Report No. NEXC00000622, dated November 15, 2021. The Carrier's repeated use this driver to operate a commercial motor vehicle with a manual transmission while he possessed a CDL with an "E" restriction is an intentional violation of 49 C.F.R. 392.2, adopted by K.A.R. 82-4-3h, and authorized by K.S.A. 8-2, 125. Staff recommends an enhanced fine of \$1,000.

Violation Two (2 of 16)

On December 27, 2021, Ruiz Trucking required or permitted its driver, Baltazar Ruiz, to operate a CDL-required commercial motor vehicle, a 2002 Freightliner, VIN ending in 41081, GVWR 54,000 lbs., in interstate commerce from Albion, Nebraska to Satanta, Kansas. This trip is evidenced by a Trip Summary Sheet, dated December 27, 2021. At the time of this transportation, Baltazar Ruiz was not eligible for a Driver's License or CDL due to previous Driving Under the Influence convictions and failures to submit to testing. The revocation of Mr. Ruiz's driving privileges is evidenced by an email from the Kansas Department of Revenue (KDOR), dated May 4, 2022. Although Mr. Ruiz's driving privileges are and remain revoked, he provided the Special Investigators with a fraudulent Mexican driver's license he uses to drive. The fraudulent nature of the license provided is evidenced by an email from the Federal Motor Carrier Safety Administration (FMCSA) who checked its authenticity with representatives of the Mexican government. The email is dated May 10, 2022. The Carrier utilizing a driver with a fraudulent driver's license in an attempt to circumvent the revocation of his driving privileges is a violation of 49 C.F.R. 390.35, adopted K.A.R. 82-4-3f, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$2,000.

Violation Three (3 of 16)

During the transportation described in Violation One, above, Ruiz Trucking provided fraudulent periodic (annual) inspections for units operated by the Carrier. For the periodic (annual) inspection for the vehicle in this trip the inspector, Mr. Ruiz, checked as "OK" the "Bus Exhaust" despite the vehicle not being a bus. Additionally, Mr. Ruiz failed to check the lighting devices and safe loading as well as required portions of the steering system, spring assembly, tires as well as wheels and rims. The Special Investigators found five (5) violations of this type. The Carrier permitting its drivers to operate a commercial motor vehicle using a fraudulent periodic (annually) inspection is a violation of 49 C.F.R. 390.35, adopted K.A.R. 82-4-3f, and 49 C.F.R. 396.17(a), adopted by K.A.R. 82-4-3j, both authorized by K.S.A. 66-1,129. Staff recommends an enhanced fine of \$2,000.

Violation Four (4 of 16)

During the transportation described in Violation Two, above, Ruiz Trucking permitted or required its driver, Baltazar Ruiz, to operate a CDL required commercial motor vehicle despite the fact his driving privileges had been revoked. The Carrier utilizing a disqualified driver whose driving

privileges had been revoked to operate a commercial motor vehicle is an intentional violation of 49 C.F.R. 391.15(a), adopted K.A.R. 82-4-3g, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$500.

Violation Five (5 of 16)

During the transportation described in Violation One, above, Ruiz Trucking failed retain supporting documents for each load hauled. The Special Investigators found forty-eight (48) violations of this type. The Carrier's failure to retain supporting documents for each load hauled is a violation of K.A.R. 82-4-35a and 49 C.F.R. 392.2, adopted by K.A.R. 82-4-3h, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$1,000.

Violation Six (6 of 16)

On December 8, 2021, Ruiz Trucking required or permitted its driver, Jose Ramirez, to operate a CDL-required commercial motor vehicle, a 2014 Freightliner, VIN ending in 9932, GVWR 50,000 lbs., in interstate commerce in from Garden City, Kansas to Hastings, Nebraska. This trip is evidenced by a Driver's Daily Logs, dated December 1 - 8, 2021. At the time of this transportation, Ruiz Trucking permitted its driver, Jose Ramirez, to operated five hours and thirty minutes over the 70 hours allowed in an eight (8) day work period. Ruiz Trucking was found to have committed the same violation on a previous compliance review. The Carrier permitting its driver to drive in excess of 70 hours in a period of eight consecutive days in successive compliance reviews is an intentional violation of 49 C.F.R. 395.3(b)(2), adopted by K.A.R. 82-4-3a, and authorized by K.S.A. 66-1,129. Staff recommends an enhanced fine of \$500.

Violation Seven (7 of 16)

On January 20, 2022, Ruiz Trucking required or permitted its driver, Juan Martinez, to operate a CDL-required commercial motor vehicle, a 2002 Freightliner truck, VIN ending in 41081, GVWR 54,000 lbs., in intrastate commerce from Scott City, Kansas to Satanta, Kansas. This trip is evidenced by Driver's Daily Log, dated January 20, 2022. At the time of this transportation, Ruiz Trucking failed to ensure its drivers had an equal chance of being selected for a random controlled substance and alcohol test each time selections were made. The Carrier's 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. 66-1,129. Staff recommends a fine of \$0.00.

Violation Eight (8 of 16)

During the transportation described in Violation Two, above, Ruiz Trucking could not produce the motor vehicle record for its driver, Mr. Ruiz. The Carrier's failure to maintain a copy of the motor vehicle record received from each state agency in the driver qualification file is a violation of 49 C.F.R. 391.25(a), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 66-1,129. Staff requests an enhanced fine as the Carrier has a violation of this type in a previous compliance review. Staff requests an enhanced fine of \$200.

Violation Nine (9 of 16)

On April 4, 2022, Ruiz Trucking required or permitted its driver, Larry Snyder, to operate a CDL-required commercial motor vehicle, a 2016 Freightliner, VIN ending in 8046, GVWR 50,000 lbs., in interstate commerce in Ambion, Nebraska to Oakley, Kansas. This trip is evidenced by a Driver's Daily Log, dated April 4, 2022. At the time of this transportation, Ruiz Trucking failed to require its driver, Mr. Snyder, to be medically certified prior to operating a commercial motor vehicle. The Carrier's failure to ensure its drivers operating a commercial motor vehicle had been medically examined and certified prior to requiring or permitting the operation of a commercial motor vehicle is in violation of 49 C.F.R. 391.45, adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$250.

Violation Ten (10 of 16)

During the transportation described in Violation Nine, above, Ruiz Trucking permitted or required its driver, Mr. Snyder, to operate in interstate commerce despite the fact Mr. Snyder only possessed an intrastate CDL. The Carrier's failure to ensure its drivers operated commercial motor vehicles with a valid CDL for the operations being conducted is a violation of 49 C.F.R. 392.2 as adopted by K.A.R. 82-4-3h and K.S.A. 8-2,125, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$500.

Violation Eleven (11 of 16)

During the transportation described in Violation Seven, above, Ruiz Trucking permitted or required its driver, Mr. Martinez, to operate a commercial motor vehicle with a gross weight over 85,500 lbs. The Special Investigators found eight (8) violations of this type. The Carrier's failure to stay within the legal gross weight limit is a violation of K.A.R. 82-4-6a(c) and 49 C.F.R. 392.2, adopted by K.A.R. 82-4-3h, and authorized by K.S.A. 8-1901. Staff recommends a fine of \$1,500.

Violation Twelve (12 of 16)

During the transportation described in Violation One, above, Ruiz Trucking permitted its driver, Mr. Ramirez, to drive past the allowed 14 hour on-duty time limit. The Special Investigators found eight (8) violations of this type. Ruiz Trucking was found to have committed the same violation on a previous compliance review. The Carrier permitting or requiring its drivers to operate past the allowed fourteenth hour in successive compliance reviews is an intentional violation of 49 CFR 395.3(a)(2), adopted by K.A.R. 82-4-3a, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$250.

Violation Thirteen (13 of 16)

During the transportation described in Violation One, above, Ruiz Trucking permitted its driver, Mr. Ramirez, to drive more than allowable eleven hours without qualifying for a rest break. The Special Investigator found nine (9) violations of this type. Ruiz Trucking was found to have committed the same violation on a previous compliance review. The Carrier permitting or requiring its drivers to operate beyond the eleventh hour in successive compliance reviews is an

intentional violation of 49 C.F.R. 395.3(a)(3)(i), adopted by K.A.R. 82-4-3a, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$250.

Violation Fourteen (14 of 16)

During the transportation described in Violation Two, above, Ruiz Trucking failed to require its driver, Mr. Ruiz, to maintain a record of duty status. The Special Investigator found thirteen (13) violations of this type. The Carrier's failure to require its drivers to maintain a record of duty is a violation of 49 C.F.R. 395.8(a)(1), adopted by K.A.R. 82-4-3a, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$500.

Violation Fifteen (15 of 16)

On January 5-6, 2022, Ruiz Trucking required or permitted its driver, Juan Martinez, to operate a CDL-required commercial motor vehicle, a 2002 Freightliner, VIN ending in 41081, GVWR 54,000 lbs., in interstate commerce from Columbus, Nebraska to Scott City, Kansas. This trip is evidenced by a Bill of Lading, dated January 5, 2022 and a Driver's Daily Log, Dated January 5, 2022. Although the Bill of Lading evidences a load was transported on this date, Mr. Martinez recorded himself as off-duty on this January 6, 2022. The Special Investigators discovered that Mr. Martinez had actually delivered this load at 10:56 a.m. on January 6, 2022. At the time of this transportation, Ruiz Trucking permitted or required its driver to prepare a false report. The Special Investigators found two (2) violations of this type. The Carrier requiring or permitting its driver to prepare a false report is an intentional violation of 49 C.F.R. 395.8(e)(1), adopted by K.A.R. 82-4-3a, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$2,000.

Violation Sixteen (16 of 16)

During the transportation described in Violation One, above, Ruiz Trucking failed to require its driver, Mr. Ramirez, to record his hours of service using an electronic logging device (ELD) provided within the commercial motor vehicle, as the driver was required to record his hours of service more than eight days in a 30 day period. The Carrier's failure to require its driver to record his hours of service on the ELD when required is a violation of 49 C.F.R. 395.8(a)(2)(i), adopted by K.A.R. 82-4-3a, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$250.

RECOMMENDATION:

Transportation Staff recommends the Commission find Ruiz Trucking committed sixteen (16) 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.

Additionally, Staff recommends a civil penalty of \$12,700 for sixteen (16) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations, in accordance with the recommended penalties listed in the applicable Uniform Penalty Assessment Matrix.

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

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

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

CERTIFICATE OF SERVICE

22-TRAM-510-PEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 06/28/2022.

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

BALTAZAR GUZMAN RUIZ
RUIZ TRUCKING
3046 JONES AVE
GARDEN CITY, KS 67846
balta-ruiz67@hotmail.com

/S/ DeeAnn Shupe

DeeAnn Shupe