1500 SW Arrowhead Road
Topeka, KS 66604-4027

Kansas
Corporation Commission

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

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

Sam Brownback, Governor

NOTICE OF PENALTY ASSESSMENT

April 4, 2017 17-TRAM-407-PEN

JR Babst, Managing Member
4 Seasons AG, LLC
2003 County Rd K
Colby, Kansas 67701

Certified Mail Receipt No. 7016 1970 0001 0574 1300

This is a notice of a penalty assessment against 4 Seasons AG, LLC for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on February 15, 2017, by Kansas Corporation Commission Special Investigator(s) Penny Fryback. For a full description of the penalty and terms and obligations, please refer to the Penalty Order that is attached to this notice.

IF YOU ACCEPT THE PENALTY:

4 Seasons AG has been assessed a $500 penalty. You have thirty (30) days from the date of service of this Penalty Order to pay the fine, unless you choose the reduced penalty option explained below. A check must be made payable to the Kansas Corporation Commission and mailed to the Transportation Division of the Kansas Corporation Commission at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and must include a reference to the docket number of this proceeding. Credit card payment may be made by faxing your credit card information to the Transportation Office at 785-271-3124, using the KCC's credit card payment form found at http://kcc.ks.gov/trans/creditcard.pdf.

4 SEASONS AG IS A NEW ENTRANT MOTOR CARRIER AND IS ELIGIBLE FOR A PENALTY REDUCTION OF FIFTY PERCENT (50%) UNDER THE FOLLOWING TERMS:

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

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

(2) within 30 days from the date of the attached Penalty Order, the carrier submits to Transportation Staff an approved Corrective Action Plan (CAP) documenting the violation(s) described in the attached Order, including specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future; and

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

If a carrier is approved for the fifty-percent (50%) reduced penalty, a Motion to Amend Penalty Order, along with the Reduced Penalty Agreement will be filed with the Commission. An Amended Penalty Order assessing the reduced penalty and setting out the terms and conditions as stated above, will be issued by the Commission shortly thereafter. Payment of the reduced penalty of $250, will be due within thirty (30) days from the date of service of the Amended Penalty Order.

IF YOU CONTEST THE PENALTY ORDER:

You have the right to request a hearing if you contest the terms of the Penalty Order. A request for hearing must be made in writing, setting forth the specific grounds upon which relief is sought. 4 Seasons AG, LLC must file within fifteen (15) days from the date of service of this Order, the request for hearing with the Commission's electronic filing system found at https://puc.kcc.ks.gov/e-filing/e-express/, and by mailing a copy of the request for hearing to Litigation Counsel at the above address. If you do not have access to the internet, you can mail an original and seven (7) copies of the request to the Commission's Secretary at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, within fifteen (15) days from the date of service of this Penalty Order and mail a copy of the request to Litigation Counsel. K.A.R. 82-1-215; K.S.A. 2016 Supp. 77-542.

IF YOU FAIL TO ACT:

Failure to adhere to the terms and obligations set out in the attached Penalty Order, including payment of the penalty of $500 within thirty (30) days from the date of service of this Penalty Order, or in the alternative, provide a written request for a hearing within fifteen (15) days from the date of service of this Penalty Order, will result in the Order becoming a final Penalty Order and the terms and conditions set out therein will be enforced. If 4 Seasons AG submits the attached Reduced Penalty Agreement as explained above, an Amended Penalty order will be issued assessing the reduced penalty of $250 and that payment will become due within thirty (30) days from the date of service of the Amended Penalty Order.

Respectfully,

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

1500 SW Arrowhead Road
Topeka, KS 66604-4027

Kansas
Corporation Commission

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Jay Scott Emler, Commissioner

Sam Brownback, Governor

REDUCED PENALTY AGREEMENT

4 Seasons AG, LLC hereby submits this Reduced Penalty Agreement to become eligible for a fifty percent (50%) reduction in the penalty assessed in the Penalty Order dated April 4, 2017. 4 Seasons AG has agreed to comply with the following terms and obligations:

1. 4 Seasons AG has submitted, within fifteen (15) days from the date of the Penalty Order issued on April 4, 2017, this Reduced Penalty Agreement to Litigation Counsel at the above address.

2. 4 Seasons AG will, within 30 days from the date of the Penalty Order dated April 4, 2017, submit to Transportation Staff an approved Corrective Action Plan (CAP) documenting the violation(s) describing specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.

3. 4 Seasons AG will, within thirty (30) days from the date of the Penalty Order dated April 4, 2017, send an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance will be submitted to the Transportation Division.

4 Seasons AG, LLC understands that Transportation Litigation Counsel will file a Motion for Amended Penalty Order with the agreement attached to the motion. The Amended Penalty Order will assess 4 Seasons AG a fifty-percent (50%) reduced penalty of $250, and set out the terms and conditions stated above. Once the Amended Penalty Order is issued by the Commission, 4 Seasons AG will have thirty (30) days from the date of service of the Amended Order to pay the reduced penalty assessed.

Dated this _____ day of _____, 2017.

4 Seasons AG, LLC

_____
JR Babst
Managing Member

2017.04.04 11:01:00
Kansas Corporation Commission

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

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

In the Matter of the Investigation of **4 Seasons AG, LLC, of Colby, Kansas**, Regarding the Violation of the Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority.	)	Docket No. 17-TRAM-407-PEN

PENALTY ORDER

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

I. JURISDICTION

1. Pursuant to K.S.A. 2016 Supp. 66-1,108b, 66-1,111, 66-1,112, 66-1,114, 66-1,114b and 66-1,115, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in K.S.A. 2016 Supp. 66-1,108, doing business or procuring business in Kansas, and is empowered to do all things necessary and convenient for the exercise of such power, authority and jurisdiction.

2. Pursuant to K.S.A. 2016 Supp. 66-1,129a, 66-1,130 and 66-1,142b, the Commission may suspend operations, revoke or amend certificates, and initiate sanctions or fines against every motor carrier and every person who violates any provision of Kansas law in regard to the regulation of such motor carriers and persons, or who fails to obey any order, decision or regulation of the Commission.

3. The Commission has the authority, pursuant to K.A.R. 82-1-237, to investigate an entity under the Commission's jurisdiction and order a hearing on the Commission's own motion when the Commission believes the entity is in violation of the law or any order of the Commission.

II. BACKGROUND

4. 4 Seasons AG, LLC (4 Seasons AG) obtained common and private operating authority from the Commission on April 15, 2016, and operates under KSMCID number 170764 and USDOT number 2565037.

5. Jody Crouch attended a Commission-sponsored Motor Carrier Education and Instructional Meeting on March 17, 2014, on behalf of 4 Seasons AG.

6. 4 Seasons AG is a common and private motor carrier which primarily hauls general freight, livestock, grain, feed and hay.

7. 4 Seasons AG is a New Entrant motor carrier and is eligible for a fifty-percent (50%) reduction of the original penalty(s) normally assessed motor carriers in accordance with the FY 2017 Uniform Penalty Assessment Matrix.

III. STATEMENT OF FACTS

8. Pursuant to the jurisdiction and authority cited above, on February 15, 2017, Commission Staff (Staff) Special Investigator(s) Penny Fryback conducted a compliance review of the operations of 4 Seasons AG. A copy of the safety compliance review is attached hereto as Attachment "A" and is hereby incorporated by reference. As a result of this investigation, Ms. Fryback identified two (2) violation(s) of the Motor Carrier Safety Regulations.

a. On January 9, 2017, 4 Seasons AG required or permitted its driver, JR Babst, to operate a CDL-required commercial motor vehicle, a 2005 Peterbilt, VIN ending

in 840175, GVWR 50,000 lbs., pulling a 1998 Merritt semi-trailer, VIN ending in 25X65, in intrastate commerce from Leoti, Kansas to Winona, Kansas, and from Winona, Kansas to Colby, Kansas, and from to Hoxie, Kansas. This trip is evidenced by Driver's Daily Log, dated January 9, 2017, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, driver JR Babst was on duty 11.5 hours since his last off duty or sleeper berth period of at least 30 minutes. The special investigator found six (6) violations of this type. 4 Seasons AG's failure to provide "rest breaks" to its drivers if more than eight (8) hours have passed since the end of the driver's last off-duty or sleeper-berth period of at least 30 minutes is a violation of 49 C.F.R. 395.3(a)(3)(ii), as adopted by K.A.R. 82-4-3, and as implemented by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of $250.

b. On January 4, 2017, 4 Seasons AG required or permitted its driver, JR Babst, to operate a CDL-required commercial motor vehicle, a 2005 Peterbilt, VIN ending in 840175, GVWR 50,000 lbs., pulling a 1998 Merritt semi-trailer, VIN ending in 25X65, in intrastate commerce from Colby, Kansas to Kanorado, Kansas and then to Hasting, Nebraska. On January 5, 2017, Mr. Babst unloaded at Leoti, Kansas and drove back to Kanorado, Kansas and then to Hastings, Nebraska. On January 6, 2017, Mr. Babst unloaded in Hastings, Nebraska and then drove to Fairmont, Nebraska. These trips are evidenced by Driver's Daily Logs, dated January 4, 5 and 6, 2017, copies of which are attached hereto as Attachment "C" and are hereby incorporated by reference. At the time of this transportation, driver JR Babst's last ten (10) hour break started on January 3, 2017, at 6:15 p.m.

and ended at 6:00 a.m. on January 4, 2017. Mr. Babst drove 23.25 hours following his last ten (10) hour break. 4 Seasons AG's failure to require its driver to cease driving at the 14th hour is in violation of 49 C.F.R. 395.3(a)(2) as adopted by K.A.R. 82-4-3 and authorized by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of $250.

III. STAFF'S RECOMMENDATIONS

9. Based upon the available facts, Staff recommends the Commission find 4 Seasons AG committed two (2) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

10. Staff recommends a civil penalty of $500 for two (2) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

11. Staff provides notice to the Commission that 4 Seasons AG, LLC is a New Entrant motor carrier and is eligible for a fifty-percent (50%) reduced civil penalty if it submits the Reduced Penalty Agreement which is attached to the Notice of Penalty Assessment and it is approved.

12. Staff recommends 4 Seasons AG, LLC submit a Corrective Action Plan (CAP) within 30 days of the date of this Penalty Order, to Transportation Staff, documenting the violation(s) described in the this Penalty Order, including specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future. The CAP must be approved by Transportation Staff to qualify for the fifty-percent (50%) discount.

13. Staff further recommends that 4 Seasons AG attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and provide proof of attendance to the Transportation Division.

14. Finally, Staff recommends that 4 Seasons AG submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order. Staff will contact the motor carrier at a later date to determine an appropriate time for this review.

V. CONCLUSIONS OF LAW

15. The Commission finds it has jurisdiction over 4 Seasons AG because it is a motor carrier as defined in K.S.A. 2016 Supp. 66-1,108.

16. The Commission finds 4 Seasons AG committed two (2) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

17. The Commission finds 4 Seasons AG is a New Entrant motor carrier and is eligible for an a fifty-percent (50%) reduction in the penalty(s) normally assessed motor carriers in accordance with the FY 2017 Uniform Penalty Assessment Matrix. The carrier must submit to Litigation Counsel the Reduced Penalty Agreement attached, which states it will comply with the reduced penalty terms and obligations set out therein. If 4 Seasons AG does not submit the Agreement within fifteen (15) days from the date of this Penalty Order, it no longer is eligible for the reduced penalty option and must comply with the terms and conditions of this Order, including payment of the full penalty of $500 within thirty (30) days from the date of service of this Penalty Order.

THE COMMISSION THEREFORE ORDERS THAT:

A. 4 Seasons AG, LLC, of Colby, Kansas is hereby assessed penalty of $500 for two (2) 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. For credit card payments, include type of card (Visa, MasterCard, Discover, or American Express), account number and expiration date. Payments shall be mailed to the Transportation Division of the Kansas Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, Kansas 66604. ***The payment shall include a reference to the docket number of this proceeding (17-TRAM-407-PEN).***

B. 4 Seasons AG is ordered to attend a Commission-sponsored safety meeting within ninety (90) days from the date of this Order, and provide proof of attendance to Transportation Staff. A schedule of dates and locations for the safety seminar can be found at the Commission's website http://www.kcc.state.ks.us/trans/safety_meetings.htm.

C. 4 Seasons AG must submit a Corrective Action Plan (CAP) within thirty (30) days of the date of this Penalty Order, to Transportation Staff, documenting the violation(s) described in the attached Order, including specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.

D. 4 Seasons AG is ordered to submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order. Transportation Staff will contact the motor carrier at a later date to determine an appropriate time for this review.

E. If 4 Seasons AG does not submit the Reduced Penalty Agreement and fails to pay the full penalty(s) of $500 within thirty (30) days from the date of service of this Penalty Order, *see* K.S.A. 66-1,105, and/or fails to comply with the provisions of this Order, the Commission

will have the right to order further sanctions, including suspension of 4 Seasons AG's motor carrier operating authority without further notice. Additionally, the Commission may issue and enforce revocation of motor carrier authority and/or issue cease and desist order(s), and may order other remedies available to the Commission by law, without further notice.

F. **Pursuant to K.S.A. 2016 Supp. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issue(s) by submitting a written request setting forth the specific grounds upon which relief is sought, within fifteen (15) days from the date of service of this Penalty Order. The request may be electronically filed with the Commission's electronic filing system at https://puc.kcc.ks.gov/e-filing/e-express/, and a copy mailed to the Litigation Counsel within fifteen (15) days from the date of service of this Order. If you do not have access to the internet, you can mail an original seven (7) copies of the request to the Commission's Secretary, at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy to Litigation Counsel within fifteen (15) days from the date of service of this Order.** On April 4, 2017, this Order was mailed via Certified Mail, Return Receipt Requested, Receipt Number 7016 1970 0001 0574 1300. Service of this Order is deemed complete upon the date delivered shown on the Domestic Return Receipt. A hearing will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of 4 Seasons AG's right to a hearing.

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

less, a corporation may appear by a duly authorized representative of the corporation. K.S.A. 2016 Supp. 66-1,142b(e) and amendments thereto.

H. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further orders, as necessary.

BY THE COMMISSION IT IS SO ORDERED.

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: APR 04 2017

Amy L. Green
Secretary to the Commission

AAL

ATTACHMENT "A"

US DOT # 2565037	Legal: 4 SEASONS AG LLC Operating (DBA):

MC/MX #: 895574 **State #:** [redacted] **Federal Tax ID:** [redacted] (EIN)

Review Type: Compliance Review (CR)

Scope: Principal Office **Location of Review/Audit:** Company facility in the U. S. **Territory:**

Operation Types	Interstate	Intrastate
Carrier:	Non-HM	Non-HM
Shipper:	N/A	N/A
Cargo Tank:	N/A	

Business: Corporation
Gross Revenue: [redacted] **for year ending:** 12/31/2016

Company Physical Address:

[redacted]

Contact Name:
Phone numbers: (1) [redacted]
E-Mail Address:

Company Mailing Address:

2003 CO RD K
COLBY, KS 67701

Carrier Classification

Authorized for Hire Private Property

Cargo Classification

General Freight Livestock Grain, Feed, Hay

Equipment

	Owned	Term Leased	Trip Leased		Owned	Term Leased	Trip Leased
Truck Tractor	2	0	0	Trailer	2	0	0

Power units used in the U.S.:2
Percentage of time used in the U.S.:100

Does carrier transport placardable quantities of HM? No
Is an HM Permit required? N/A

Driver Information

	Inter	Intra
< 100 Miles:		
>= 100 Miles:	2	

Average trip leased drivers/month: 0
Total Drivers: 2
CDL Drivers: 2

4 SEASONS AG LLC **U.S. DOT #: 2565037**	**State #:** [redacted]	**Review Date:** **02/15/2017**

Part A

QUESTIONS regarding this report or the Federal Motor Carrier Safety or Hazardous Materials rules may be addressed to the Office of Motor Carriers at:

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: JR Babst **Title:** Owner

Name: [redacted]

4 SEASONS AG LLC U.S. DOT #: 2565037	State #: [redacted]	Review Date: 02/15/2017

Part B Violations

1 FEDERAL CRITICAL	Primary: 395.3(a)(2)	Discovered 5	Checked 20	Drivers/Vehicles In Violation 1	Checked 1

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

Example
Driver JR Babst
Trip Date: 1/17/2017

Driver JR Babst was on duty and driving from 04:15 a.m. until 09:15 p.m.

2 FEDERAL CRITICAL	Primary: 395.3(a)(3)(i)	Discovered 3	Checked 20	Drivers/Vehicles In Violation 1	Checked 1

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

Example
Driver JR Babst
Trip Date: 1/05/2015

Driver JR Babst only took a 9 hour break between January 4, 2017 and January 5, 2017 then was on duty for 13 1/2 hours. Driver JR Babst drove 7 3/4 hours over the eleven hours.

3 FEDERAL CRITICAL	Primary: 395.3(a)(3)(ii)	Discovered 6	Checked 20	Drivers/Vehicles In Violation 1	Checked 1

Description
Requiring or permitting a property-carrying commercial motor vehicle driver to drive after more than 8 hours have passed since the end of the driver's last off duty or sleeper berth period of at least 30 minutes.

Example
Driver JR Babst
Trip Date: 1/5/2015

Driver JR Babst was on duty and driving from 06:00 a.m. until 08:00 a.m. then he took a 2 hour break and was on duty and driving until 07:30 p.m.

4 STATE CRITICAL	Primary: 395.3(a)(2) CFR Equivalent: 395.3(a)(2)	Discovered 1	Checked 10	Drivers/Vehicles In Violation 1	Checked 1

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

Example
Driver JR Babst
Trip Date: 1/20/2017

On January 20, 2017 Driver JR Babst was on duty and driving from 05:15 a.m. until 10:45 p.m.

4 SEASONS AG LLC U.S. DOT #: 2565037	State #: [redacted]	Review Date: 02/15/2017

Part B Violations

5 STATE CRITICAL	Primary: 395.3(a)(3)(ii) CFR Equivalent: 395.3(a)(3)(ii)	Discovered 0	Checked 10	Drivers/Vehicles In Violation 1	Drivers/Vehicles Checked 1

Description
Requiring or permitting a property-carrying commercial motor vehicle driver to drive after more than 8 hours have passed since the end of the driver' s last off duty or sleeper berth period of at least 30 minutes.

Example
Driver JR Babst
Trip Date: 1/20/2017

6 STATE	Primary: 395.3(a)(1) CFR Equivalent: 395.3(a)(1)	Discovered 0	Checked 10	Drivers/Vehicles In Violation 1	Drivers/Vehicles Checked 1

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

Example
Driver JR Babst
Trip Date: 01/20/2017

7 STATE	Primary: 395.8(f) CFR Equivalent: 395.8(f)	Discovered 0	Checked 10	Drivers/Vehicles In Violation 1	Drivers/Vehicles Checked 1

Description
Failing to require driver to prepare record of duty status in form and manner prescribed.

Example
Driver JR Babst
Trip Date: 1/20/2017

8 FEDERAL	Primary: 395.8(f)	Discovered 2	Checked 20	Drivers/Vehicles In Violation 1	Drivers/Vehicles Checked 1

Description
Failing to require driver to prepare record of duty status in form and manner prescribed.

Example
Driver JR Babst
Trip Date: 1/13/2017

Safety Fitness Rating Information:

Total Miles Operated	78,848
Recordable Accidents	0
Recordable Accidents/Million Miles	0.00

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

Your proposed safety rating is :

CONDITIONAL

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

4 SEASONS AG LLC U.S. DOT #: 2565037	State #: [redacted]	Review Date: 02/15/2017

Part B Violations

This rating will become the final rating 60 days from the date indicated on a forthcoming official notice from the Federal Motor Carrier Safety Administration headquarters in Washington, D.C.

However, if this rating improves a previous Unsatisfactory rating, it will become effective on the date of the official notice from the FMCSA headquarters.

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

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

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

Part B Requirements and/or Recommendations

1. Establish a system to control property -carrying drivers' hours of service. Do not dispatch drivers who lack adequate hours to complete assigned trips legally. Do not allow drivers to exceed the 11, 14, 60/70-hour limits.

2. After June 30, 2013, driving is not permitted if more than 8 hours have passed since the end of the driver's last off-duty or sleeper-berth period of at least 30 minutes.

3. The following information must be included on the form in addition to the grid:
(1) Date; (2) Total miles driving today; (3) Truck or tractor and trailer number;(4) Name of carrier;(5) Driver's signature/certification;(6) 24 hour period starting time (e.g., midnight, 9:00 a.m., noon, 3:00 p.m.);(7) Main office address;(8) Remarks;(9) Name of co driver;(10) Total hours (far right edge of grid); change of duty status locations, and(11) Shipping document number(s), or name of shipper and commodity.

4. HOS COMPLIANCE BASIC PROCESS BREAKDOWN: Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN: Carrier needs a policy in place to control the hours of service.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Policies and Procedures.
- Develop a policy and procedure describing how management will monitor and track logs for falsification.
- Establish a policy that prohibits dispatchers from assigning a load to drivers without hours available to complete the load on time.
- Develop a policy stating that drivers should not violate their Hours-of-Service (HOS) Out-of-Service (OOS) order under any circumstances, and immediately contact the carrier when a driver is placed OOS.
- Develop a policy requiring drivers to report their available hours to dispatch during "check-in" calls.
- Develop policies and procedures for ensuring proper retention of Record of Duty Status (RODS) according to regulations.
- Establish a policy requiring drivers to submit copies of all roadside inspections to carrier management within 24 hours.
- Develop a policy stating that drivers are required to submit all Records of Duty Status (RODS) and supporting documentation, such as expense receipts, within 13 days of the end of the trip.
- Establish a policy stating that drivers are required to check with their supervisor, manager, or dispatcher to review their "fit-for-duty" status before starting a job, and that drivers who are ill to the extent that their ability and/or alertness is impaired are prohibited from working on safety-sensitive assignments.
- Develop a written and progressive disciplinary policy focused on taking corrective action to ensure drivers comply with regulations and policies. A progressive disciplinary policy could include, among other things, written warnings, suspensions, or work restrictions, monetary penalties, and termination. This policy should also specify consequences for any carrier official who knowingly and willfully allows Hours-of-Service (HOS) violations.

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

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

- Document and Follow Through on Action Plans: Document and follow through on action plans to ensure

Part B Requirements and/or Recommendations

the actions you are taking are creating improvement in safety management and compliance.

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

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

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

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

For all investigations that could result 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. Receipt of this report acknowledges your understanding that the violations discovered by the FMCSA during this review may be used to calculate any civil penalty proposed as a result of this review.

For all investigations resulting in serious violations:

Serious violations were recorded on this investigation report. These violations will impact your safety record. Furthermore, these violations may result in a follow-up investigation at a later date unless adequate evidence of corrective action is forwarded to our office:

Division Administrator
Federal Motor Carrier Safety Administration
Safety Management Plan
1303 SW First American Place, Suite 200
Topeka, KS 66617

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

Part B Requirements and/or Recommendations

(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:

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:

Field Administrator
Federal Motor Carrier Safety Administration
Midwestern Service Center
4749 Lincoln Mall Drive, Suite 300A
Matteson, IL 60443

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

Division Administrator
FMCSA, Kansas Division
1303 SW First American Place, Suite 200
Topeka, KS 66617

This letter should be submitted as soon as possible.

For all investigations with violations recorded in Part B.

If you believe the violations recorded in Part B of this investigation were an error, you may submit a Request for Data Review (RDR) through DataQs. The DataQs system is the most effective way to remove violations on the investigation report that did not affect your safety rating data. 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.

Information on your compliance status, roadside inspections, regulatory changes, accident countermeasures and hazardous material incident prevention manual 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/.

Information on your compliance status, roadside inspections, regulatory changes, accident countermeasures and hazardous material incident prevention manual 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/.

6. This review will result in a Safety Rating.

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

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

Part B Requirements and/or Recommendations

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

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

9. I, Jamie Babst 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 4 Seasons Ag L.L.C. operating authority and/or the impoundment of 4 Seasons Ag L.L.C. vehicles.

ATTACHMENT "B"

DRIVER'S DAILY LOG

(24 HOURS)

1 / 9 / 17
(Month) (Day) (Year)

Original - File at home terminal
Duplicate - Driver retains in his/her possession for eight days

181 Neb 252 KS — Total Miles Driving Today

433 — Total Mileage Today

4 Seasons Ag LLC
[redacted] Name of Carrier or Carriers

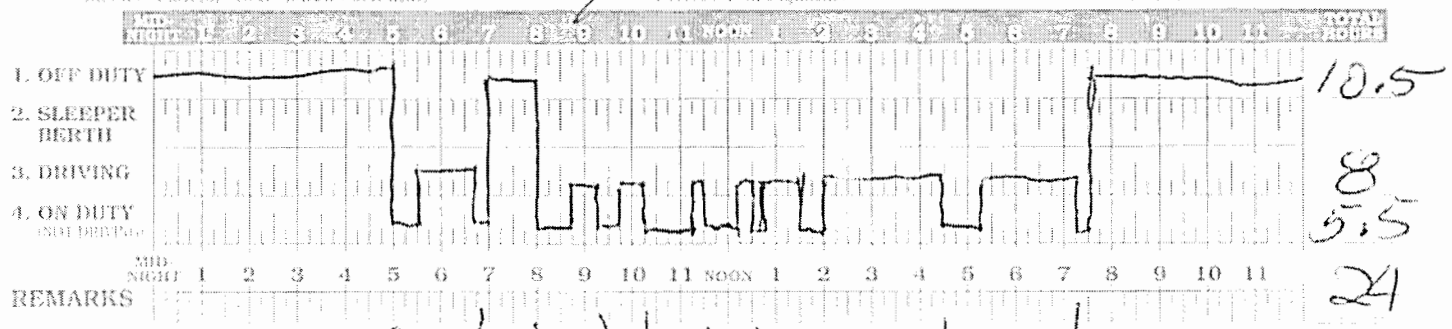
Colby Ks 67701
Main Office Address

175 1
Truck/Tractor and Trailer Numbers or License Plate(s) / State (show each unit)

I certify these entries are true and correct
Driver's Full Signature

Home Terminal Address

Co-Driver's Name



10.5
8
5.5
24

SHIPPING DOCUMENTS: Pretrip warmup Colby; @ CCF Leoti; unload CCF Leoti; @ Connection unload wheat; @ Monument load wheat; Pickup wife @ school; @ 11 Y/pose; Kearney Fatdiner; cool down Lincoln

B/L or Manifest No. or CCF DD

Shipper & Commodity

Enter name of place you reported and where released from work and time and date for each change of duty status

From: To:

USE TIME STANDARD AT HOME TERMINAL

DRIVER'S VEHICLE INSPECTION REPORT

AS REQUIRED BY THE DEPT. OF TRANSPORTATION HIGHWAY SAFETY REGULATIONS, PART 392 FEDERAL MOTOR CARRIER

DATE: 1-9-17 TRACTOR/TRUCK NO.: 175 TRAILER(S) NO.(S): 1

✓ I DETECT NO DEFECT OR DEFICIENCY IN THIS MOTOR VEHICLE AS WOULD BE LIKELY TO AFFECT THE SAFETY OF ITS OPERATION OR RESULT IN ITS MECHANICAL BREAKDOWN

I DETECT THE FOLLOWING DEFECTS OR DEFICIENCIES IN THIS MOTOR VEHICLE AS WOULD BE LIKELY TO AFFECT THE SAFETY OF ITS OPERATION OR RESULT IN ITS MECHANICAL BREAKDOWN

INDICATE WHETHER DEFECTS ARE ON TRACTOR/TRUCK OR TRAILER - DESCRIBE DEFECT IN DETAIL. USE BACK SIDE IF NECESSARY.

DRIVER'S SIGNATURE

[ ] ABOVE DEFECTS CORRECTED

[ ] ABOVE DEFECTS NEED NOT BE CORRECTED FOR SAFE OPERATION OF VEHICLE

MECHANIC'S SIGNATURE DRIVER'S SIGNATURE DATE

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615-MP 12215

ATTACHMENT "C"

DRIVER'S DAILY LOG

(24 HOURS)

1 / 4 / 17
(Month) (Day) (Year)

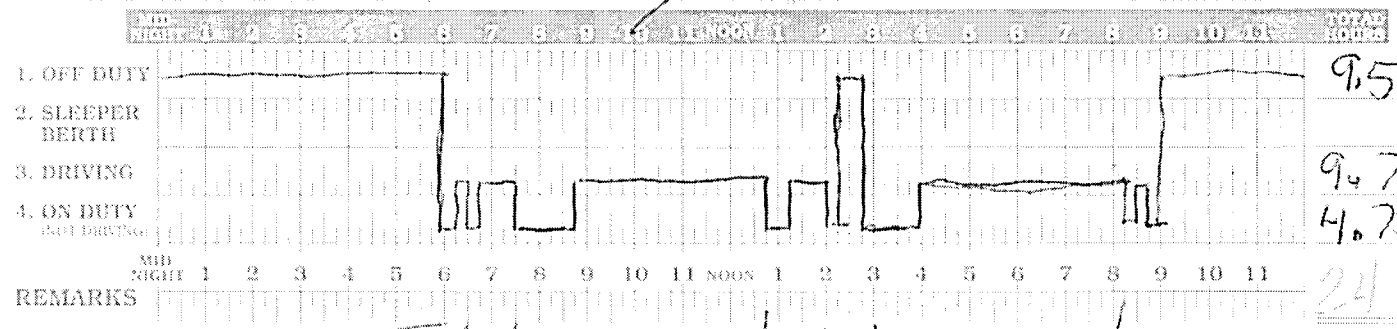
Original - File at home terminal
Duplicate - Driver retains in his/her possession for eight days

260 Neb 328 KS	588
Total Miles Driving Today	Total Mileage Today

4 Seasons Ag LLC
[redacted] K Colby KS 67701
Name of Carrier or Carriers
Main Office Address
11
Home Terminal Address

175 1
Truck/Tractor and Trailer Numbers or License Plate(s)/State (show each unit)

I certify these entries are true and correct
Driver's Full Signature
Co-Driver's Name



REMARKS

Pre-trip warm up
Fuel and Colby Generals
Unload Hastings
At Flint Hills Resources
Loading Flint Hills Resources
Fuel Colby

SHIPPING DOCUMENTS:

B/L or Manifest No.

AGP Beans
Shipper & Commodity

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

From: To:

USE TIME STANDARD AT HOME TERMINAL

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DRIVER'S VEHICLE INSPECTION REPORT

(A separate DVIR for each vehicle is required. Attach DVIR for trailers to tractor DVIR for trucks)

DATE: 1-4-17 TRACTOR/TRUCK NO.: 175 TRAILER(S) NO.(S): 1

[✓] I DETECT NO DEFECT OR DEFICIENCY IN THIS MOTOR VEHICLE AS WOULD BE LIKELY TO AFFECT THE SAFETY OF ITS OPERATION OR RESULT IN ITS MECHANICAL BREAKDOWN

[ ] I DETECT THE FOLLOWING DEFECTS OR DEFICIENCIES IN THIS MOTOR VEHICLE AS WOULD BE LIKELY TO AFFECT THE SAFETY OF ITS OPERATION OR RESULT IN ITS MECHANICAL BREAKDOWN

INDICATE WHETHER DEFECTS ARE ON TRACTOR/TRUCK OR TRAILER - DESCRIBE DEFECT IN DETAIL, USE BACK SIDE IF NECESSARY.

DRIVER'S SIGNATURE

[ ] ABOVE DEFECTS CORRECTED

[ ] ABOVE DEFECTS NEED NOT BE CORRECTED FOR SAFE OPERATION OF VEHICLE

MECHANIC'S SIGNATURE DRIVER'S SIGNATURE DATE

DRIVER'S DAILY LOG

(24 HOURS)

1 / 5 / 17
(Month) (Day) (Year)

Original - File at home terminal
Duplicate - Driver retains in his/her possession for 8 days

NEB 85mi | KS 328mi
Total Miles Driving Today

413
Total Mileage Today

4 Seasons Ag LLC
Name of Carrier or Carriers

[redacted] Colby KS 67701
Main Office Address

175 | 1
Truck/Tractor and Trailer Numbers or License Plate(s) / State (show each unit)

Home Terminal Address

I certify these entries are true and correct

Driver's Full Signature

Co-Driver's Name

Hour	Total Hours
1. OFF DUTY	12.5
2. SLEEPER BERTH	
3. DRIVING	7.75
4. ON DUTY (not DRIVING)	3.75
REMARKS	24

SHIPPING DOCUMENTS:

B/L or Manifest No.

or DPG Cargill

Shipper & Commodity

Prestrip warm up

Unload waiting to unload

unload paperwork

Load Expander

Tarp Bungee Colby

Break clean windows & mirrors

Fuel Colby

Supper

Hastings for night

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

From: To:

USE TIME STANDARD AT HOME TERMINAL

DRIVER'S VEHICLE INSPECTION REPORT

DATE: 1-5-17 TRACTOR/TRUCK NO.: 175 TRAILER(S) NO.(S): 1

☑ DEFECT NO DEFECT OR DEFICIENCY IN THIS MOTOR VEHICLE AS WOULD BE LIKELY TO AFFECT THE SAFETY OF ITS OPERATION OR RESULT IN ITS MECHANICAL BREAKDOWN

☐ I DETECT THE FOLLOWING DEFECTS OR DEFICIENCIES IN THIS MOTOR VEHICLE AS WOULD BE LIKELY TO AFFECT THE SAFETY OF ITS OPERATION OR RESULT IN ITS MECHANICAL BREAKDOWN

INDICATE WHETHER DEFECTS ARE ON TRACTOR/TRUCK OR TRAILER. DESCRIBE DEFECT IN DETAIL. USE BACK SIDE IF NECESSARY

Put a new bungee cord on front of tarp

Bought new convex mirrors for truck

DRIVER'S SIGNATURE

☐ ABOVE DEFECTS CORRECTED

☐ ABOVE DEFECTS NEED NOT BE CORRECTED FOR SAFE OPERATION OF VEHICLE

MECHANIC'S SIGNATURE DRIVER'S SIGNATURE DATE

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DRIVER'S DAILY LOG

(24 HOURS)

Original - File at home terminal
Duplicate - Driver retains in his/her possession for 15 days

1 / 6 / 17
(Month) (Day) (Year)

170 Neb | 114 Ks — Total Miles Driving Today

789 — Total Mileage Today

4 Seasons Ag LLC
[redacted] Colby Ks 67701
Name of Carrier or Carriers
Main Office Address
Hastings Nebraska
Home Terminal Address

175 | 2
Truck/Tractor and Trailer Numbers or License Plate(s) / State (show each unit)

I certify these entries are true and correct
Driver's Full Signature

Co-Driver's Name

	Hour Period 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																								13.25
2. SLEEPER BERTH																								5
3. DRIVING																								5.75
4. ON DUTY NOT DRIVING																								~~5.00~~
	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	24

REMARKS

SHIPPING DOCUMENTS: Pretrip Paperwork Hastings

Breakfast In line ASP

~~[illegible]~~ Fairmont

Colby for work on truck

B/L or Manifest No.

of AGP Beans
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

DRIVER'S VEHICLE INSPECTION REPORT

As required by 49 CFR Part 396.11(a) and 396.13(a) - Section 392.7 Equipment, Inspection and Use

DATE: 1-6-17 TRACTOR/TRUCK NO.: 175 TRAILER(S) NO.(S): 2

☐ I DETECT NO DEFECT OR DEFICIENCY IN THIS MOTOR VEHICLE AS WOULD BE LIKELY TO AFFECT THE SAFETY OF ITS OPERATION OR RESULT IN ITS MECHANICAL BREAKDOWN

☑ I DETECT THE FOLLOWING DEFECTS OR DEFICIENCIES IN THIS MOTOR VEHICLE AS WOULD BE LIKELY TO AFFECT THE SAFETY OF ITS OPERATION OR RESULT IN ITS MECHANICAL BREAKDOWN

INDICATE WHETHER DEFECTS ARE ON TRACTOR/TRUCK OR TRAILER - DESCRIBE DEFECT IN DETAIL, USE BACK SIDE IF NECESSARY.

Truck needs wheel bearings checked

DRIVER'S SIGNATURE

☐ ABOVE DEFECTS CORRECTED

☐ ABOVE DEFECTS NEED NOT BE CORRECTED FOR SAFE OPERATION OF VEHICLE

MECHANIC'S SIGNATURE

DRIVER'S SIGNATURE

DATE 1-7-14

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CERTIFICATE OF SERVICE

17-TRAM-407-PEN

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail/hand delivered on APR 04 2017.

JR BABST, MANAGING MEMBER
4 SEASONS AG, LLC
2003 CO RD K
COLBY, KS 67701
Fax: 785-462-2291
jamiesbabst@yahoo.com

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

/S/ DeeAnn Shupe
DeeAnn Shupe

Order Mailed Date
APR 04 2017