

1500 SW Arrowhead Road
Topeka, KS 66604-4027



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

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

Laura Kelly, Governor

NOTICE OF PENALTY ASSESSMENT
20-TRAM-048-PEN

August 8, 2019

Jeff Stewart, Owner
d/b/a Stewart Roofing Company
21189 225th Street
Tonganoxie, KS 66086

This is a notice of a penalty assessment against Jeff Stewart, d/b/a Stewart Roofing Company (Stewart Roofing Company) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on July 17, 2019, by Kansas Corporation Commission Special Investigator Jared Smith. Penalties are assessed in accordance with the FY 2020 Uniform Penalty Assessment Matrix, approved by the Commission on July 16, 2019. For a full description of the penalty(s) and terms and obligations please refer to the Order attached to this notice.

IF YOU ACCEPT THE PENALTY: Stewart Roofing Company has been assessed a \$4,250 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$4,250, through your personal account with the Kansas Corporation Commission's KTRAN system located at <https://puc.kcc.ks.gov/ktran/>. If you have not received a letter from the Transportation Division assigning you a PIN, please contact that Division at 785-271-3145. You must have an account through KTRAN to pay the penalty owed.

The attached Order requires a representative of Stewart Roofing Company to attend a Commission-sponsored safety seminar within ninety (90) days from the date of the Order and to provide the undersigned Litigation Counsel with written proof of attendance. A schedule of dates and locations for safety seminars can be found at the Commission's website http://www.kcc.state.ks.us/trans/safety_meetings.htm. The Order also requires your company to submit to one follow-up safety compliance review within 18 months from the date of the Order. Transportation Staff will contact your company at a later date to determine an appropriate time for this review.

IF YOU CONTEST THE PENALTY ORDER: You have the right to request a hearing. A request for hearing must be made in writing, setting forth the specific grounds upon which relief is sought. Stewart Roofing Company must file, within fifteen (15) days from the date of service of this Order, the request for hearing with the Commission's electronic filing system found at <https://puc.kcc.ks.gov/e-filing/e-express/>, and mail a copy of the request for hearing to the undersigned at the above address. If you do not have access to the internet, you can mail an original and seven copies of the request to the Executive Director at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy to the undersigned Litigation Counsel. K.A.R. 82-1-215; K.S.A. 2018 Supp. 77-542.

IF YOU FAIL TO ACT: Failure to pay the penalty of \$4,250 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,

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

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

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

In the Matter of the Investigation of **Jeff**)
Stewart, d/b/a Stewart Roofing Company, of)
Tonganoxie, KS, Regarding the Violation of the)
Motor Carrier Safety Statutes, Rules and) Docket No. 20-TRAM-048-PEN
Regulations and the Commission's Authority to)
Impose Penalties, Sanctions and/or the)
Revocation of Motor Carrier Authority.)

PENALTY ORDER

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission). Having examined its files and records, and being duly advised in the premises, the Commission finds and concludes as follows:

I. JURISDICTION

1. Pursuant to K.A.R. 82-4-1b, 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.A.R. 82-4-1, 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. 2018 Supp. 66-1,129a, 66-1,130 and 66-1,142b, the Commission may suspend operations, revoke or amend certificates, and initiate sanctions or fines against every motor carrier and every person who violates any provision of Kansas law in regard

to the regulation of such motor carriers and persons, or who fails to obey any order, decision or regulation of the Commission.

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

II. BACKGROUND

4. Jeff Stewart, d/b/a Stewart Roofing Company (Stewart Roofing Company) operates under USDOT number 1051953.

5. Stewart Roofing Company is a private motor carrier which primarily hauls building materials.

III. STATEMENT OF FACTS

6. Pursuant to the jurisdiction and authority cited above, on July 17, 2019, Commission Staff (Staff) Special Investigator Jared Smith conducted a safety compliance review of the operations of Stewart Roofing Company. 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 eight (8) violation(s) of the Motor Carrier Safety Regulations.

- a. On July 1, 2019, Stewart Roofing Company required or permitted its driver, Jeff Stewart, to operate a CDL-required commercial motor vehicle, a 2012 Dodge truck, VIN ending in 349160, GVWR 12,300 lbs., pulling a 2017 Diamond trailer, VIN ending in 119202, GVWR 14,900 lbs., in intrastate commerce from Tonganoxie, Kansas to Lawrence, Kansas. This

trip is evidenced by an Invoice, dated July 1, 2019, a copy of which is attached hereto as Attachment “B” and is hereby incorporated by reference. At the time of this transportation, Stewart Roofing Company had not implemented an alcohol and controlled substance testing program for its CDL driver. The carrier’s failure to establish an alcohol and controlled substances testing program for its CDL driver that complies with the procedures established in 49 C.F.R. 382.105 as adopted by K.A.R. 82-4-3c is a violation of 49 C.F.R. 382.115(a), adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 2018 Supp. 66-1,129. Staff recommends a fine of \$350.

- b. During the transportation described in paragraph a, above, Stewart Roofing Company failed to require its driver to prepare a record of duty status using the appropriate method. The special investigator discovered 30 violations of this type. The carrier’s failure to require its driver to keep records of duty status for each 24-hour period, or in the alternative to maintain and retain time records described in 49 C.F.R. 395.1(e) under the short haul exemption, using the method described in 49 C.F.R. 395.8(a), and to submit the original record to the motor carrier within 13 days of creation is a violation of 49 C.F.R. 395.8(a), adopted by K.A.R. 82-4-3a, and authorized by K.S.A. 2018 Supp. 66-1,129. Staff recommends a fine of \$750.
- c. During the transportation described in paragraph a, above, Stewart Roofing Company failed to keep minimum records of inspections and

vehicle maintenance on its commercial motor vehicles. The special investigator discovered two (2) violations of this type. The carrier's failure to maintain the required records of vehicle inspections, maintenance, and repair on the commercial motor vehicles owned for 30 days is in violation of 49 C.F.R. 396.3(b), adopted by K.A.R. 82-4-3j, and authorized by K.S.A. 2018 Supp. 66-1,129. Staff recommends a fine of \$750.

- d. During the transportation described in paragraph a, above, Stewart Roofing Company failed to obtain and document a successful periodic (annual) inspection on the commercial motor vehicles during the preceding 12-month period. The special investigator discovered two (2) violations of this type. The carrier's failure to conduct periodic (annual) inspections on commercial motor vehicles is a violation of 49 C.F.R. 396.17(c), adopted by K.A.R. 82-4-3j, and authorized by K.S.A. 2018 Supp. 66-1,129. Staff recommends a fine of \$750.
- e. During the transportation described in paragraph a, above, Stewart Roofing Company had not paid its Uniform Commercial Registration (UCR) fees for 2019 on the commercial motor vehicles operated. The carrier's failure to annually register its commercial motor vehicle(s) operating in interstate commerce and to pay the appropriate UCR fees as set out in 49 C.F.R. 367.60, is a violation of K.A.R. 82-4-30a, authorized by K.S.A. 66-1,139a and K.S.A. 66-1,129. Staff recommends a fine of \$300.

- f. During the transportation described in paragraph a, above, Stewart Roofing Company failed to maintain a driver qualification file on its driver with the required documentation. The carrier's failure to maintain a driver qualification file is a violation of 49 C.F.R. 391.51(a), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 2018 Supp. 66-1,129. Staff recommends a fine of \$350.
- g. During the transportation described in paragraph a, above, driver Jeff Stewart operated a commercial motor vehicle not in accordance with the laws, ordinances, and regulations of Kansas. Driver Jeff Stewart did not have a Class A Commercial Driver's License (CDL). The carrier's failure to require its driver to operate a commercial motor vehicle without the driver taking and passing the written and driving tests for a Class A CDL and obtaining a CDL license is a violation of 49 C.F.R. 383.23(a)(1), adopted by K.A.R. 82-4-3, and authorized by K.S.A. 2018 Supp. 66-1,129. Staff recommends a fine of \$500.
- h. During the transportation described in paragraph a, above, Stewart Roofing Company did not have the proper motor carrier (private PRI-D) from the Kansas Corporation Commission. The carrier's commercial operations of motor vehicles prior to obtaining and maintaining proper Commission authority is a violation of K.S.A. 2018 Supp. 66-1,111 and 49 C.F.R. 392.2, adopted by K.A.R. 82-4-3h, and authorized by K.S.A. 2018 Supp. 66-1,129. Staff recommends a fine of \$500.

IV. STAFF'S RECOMMENDATIONS

7. Based upon the available facts, Staff recommends the Commission finds Stewart Roofing Company committed eight (8) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

8. Additionally, Staff recommends a civil penalty of \$4,250 for eight (8) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

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

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

V. CONCLUSIONS OF LAW

11. The Commission finds it has jurisdiction over Stewart Roofing Company because it is a motor carrier as defined in K.A.R. 82-4-1.

12. The Commission finds Stewart Roofing Company committed eight (8) 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. Jeff Stewart, d/b/a Stewart Roofing Company, of Tonganoxie, KS is hereby assessed a \$4,250 civil penalty for eight (8) 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. Stewart Roofing Company is hereby ordered to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and is to provide Litigation Counsel with written proof of attendance.

C. Carrier is hereby ordered to submit a written, comprehensive corrective action plan (CAP) to Transportation Staff within thirty (30) days of the date of this order.

D. Stewart Roofing Company 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. 2018 Supp. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issue(s) by submitting a written request setting forth the specific grounds upon which relief is sought. The request may be electronically filed with the Commission's electronic filing system at <https://puc.kcc.ks.gov/e-filing/e-express/>, within fifteen (15) days from the date of service of this Order, and a copy of the request mailed to the Litigation Division. If you do not have access to the internet, you can mail an original and seven copies of the request to the 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 Stewart Roofing Company's right to a hearing, and this Penalty Order will become a Final Order assessing a \$4,250 civil penalty against Stewart Roofing Company, and ordering a representative from Stewart Roofing Company to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order and provide Litigation Counsel with written proof of attendance, and to submit to a safety compliance review within 18 months from the date of this Order.

F. If a request for hearing is filed, attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. For civil penalties exceeding \$500, a corporation shall appear before the Commission by its attorney, unless waived by the Commission for good cause shown and a determination that such waiver is in the public interest. K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2); K.A.R. 82-1-202(a). For civil penalties less than \$500, a corporation may appear by a duly authorized representative of the corporation. K.S.A. 2018 Supp. 66-1,142b(e) and amendments thereto.

G. If you do not request a hearing, the payment of the civil penalty of \$4,250 is due in thirty (30) days from the date of service of this Order. Payment of \$4,250 must be made through your personal account with the Kansas Corporation Commission's KTRAN system located at <https://puc.kcc.ks.gov/ktran/>. You must have an account through KTRAN to pay the penalty.

H. Failure to pay the \$4,250 civil penalty within thirty (30) days from the date of service of this Penalty Order, *see* K.S.A. 66-1,105, and/or failure to comply with the provisions of this Order, may result in suspension of Stewart Roofing Company's motor carrier operating authority without further notice. Additionally, the Commission may impose further sanctions to include, but not limited to, the issuance and enforcement of revocation of authority and/or cease

and desist orders, and any other remedies available to the Commission by law, without further notice.

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

BY THE COMMISSION IT IS SO ORDERED.

Keen, Chair; Albrecht, Commissioner; Duffy, Commissioner




Dated: 08/08/2019




Lynn M. Retz
Executive Director

AAL


ATTACHMENT “A”

	US DOT # 1051953	Legal: STEWART ROOFING COMPANY Operating (DBA):					
MC/MX #:		Federal Tax ID:  (SSN)					
Review Type: Non-ratable Review - CSA							
Scope: Principal Office		Location of Review/Audit: Company facility in the U. S.			Territory:		
Operation Types		Interstate	Intrastate				
Carrier:	N/A		Non-HM	Business: Corporation			
Shipper:	N/A		N/A	Gross Revenue: for year ending:			
Cargo Tank:	N/A						
Company Physical Address:							
21189 225TH ST TONGANOXIE, KS 66086							
Contact Name: Jeff Stewart							
Phone numbers: (1) 		Fax					
E-Mail Address:							
Company Mailing Address:							
21189 225TH ST TONGANOXIE, KS 66086							
Carrier Classification							
Private Property							
Cargo Classification							
Building Materials							
Equipment							
	Owned	Term Leased	Trip Leased		Owned	Term Leased	Trip Leased
Truck	1	0	0	Trailer	1	0	0
Power units used in the U.S. 1							
Percentage of time used in the U.S.. 100							
Does carrier transport placardable quantities of HM? No							
Is an HM Permit required? N/A							
Driver Information							
	Inter	Intra	Average trip leased drivers/month: 0				
< 100 Miles:		1	Total Drivers: 1				
>= 100 Miles:			CDL Drivers: 1				



	STEWART ROOFING COMPANY U S. DOT # 1051953	Review Date 07/29/2019				
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.						
<u>Person(s) Interviewed</u> <table border="0" data-bbox="107 621 1500 705"><tr><td data-bbox="107 621 876 663">Name: Jeff Stewart</td><td data-bbox="876 621 1500 663">Title: Owner</td></tr><tr><td data-bbox="107 663 876 705">Name:</td><td data-bbox="876 663 1500 705">Title:</td></tr></table>			Name: Jeff Stewart	Title: Owner	Name:	Title:
Name: Jeff Stewart	Title: Owner					
Name:	Title:					



	STEWART ROOFING COMPANY	Review Date
	U.S. DOT #. 1051953	07/29/2019

Part B Violations

1 FEDERAL	Primary: 367.3	Discovered 1	Checked 1	Drivers/Vehicles In Violation	Checked
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Description

Failed to pay Unified Carrier Registration (UCR) fee when operating in Interstate Commerce.

Example

Failure to pay 2019 UCR

2 STATE	Primary: 382 115(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation	Checked 1
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Description

Failing to implement an alcohol and/or controlled substances testing program on the date the employer begins commercial motor vehicle operations.

Example

On July 1, 2019 Stewart Roofing Company had driver Jeff Stewart (KS DL# [REDACTED]) operate a 2012 Dodge (VIN# [REDACTED] 349160) in combination with a 2017 Diamond Trailer (VIN# [REDACTED] 1192020) These vehicles have a gross vehicle weight rating of 12,300 lbs. and 14,900 lbs. respectively. Driver Jeff Stewart operated in commerce on an intrastate trip from Tonganoxie, Kansas to Leavenworth, Kansas. This trip is evidenced by an invoice. At the time of this trip carrier was found to be in violation of failing to implement an alcohol and/or controlled substances testing program on the date the employer begins commercial motor vehicle operations.

3 STATE	Primary 391.51(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation	Checked 1
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Description

Failing to maintain driver qualification file on each driver employed.

Example

On July 1, 2019 Stewart Roofing Company had driver Jeff Stewart (KS DL# [REDACTED]) operate a 2012 Dodge (VIN# [REDACTED]) in combination with a 2017 Diamond Trailer (VIN# [REDACTED] 1192020.) These vehicles have a gross vehicle weight rating of 12,300 lbs. and 14,900 lbs. respectively. Driver Jeff Stewart operated in commerce on an intrastate trip from Tonganoxie, Kansas to Leavenworth, Kansas. This trip is evidenced by an invoice. At the time of this trip carrier was found to be in violation of failing to maintain driver qualification file on each driver employed.

4 STATE	Primary 392.2 Secondary: K.S.A 8-2,125	Discovered 1	Checked 1	Drivers/Vehicles In Violation	Checked 1
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Description

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

Example

On July 1, 2019 Stewart Roofing Company had driver Jeff Stewart (KS DL# [REDACTED]) operate a 2012 Dodge (VIN# [REDACTED] 349160) in combination with a 2017 Diamond Trailer (VIN# [REDACTED] 1192020.) These vehicles have a gross vehicle weight rating of 12,300 lbs. and 14,900 lbs. respectively. Driver Jeff Stewart operated in commerce on an intrastate trip from Tonganoxie, Kansas to Leavenworth, Kansas. This trip is evidenced by an invoice. At the time of this trip carrier was found to be in violation of Operating a motor vehicle not in accordance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated. Driver Jeff Stewart failed to have a class A Commercial Driver's License.



	STEWART ROOFING COMPANY	Review Date
	U.S. DOT #. 1051953	07/29/2019

Part B Violations

5 STATE	Primary: 392.2 Secondary: KSA 66-1.112 a	Discovered 1	Checked 1	Drivers/Vehicles In Violation Checked
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Description

Operating a commercial motor vehicle without KCC private carrier (PRI-D) operating Authority.

On July 1, 2019 Stewart Roofing Company had driver Jeff Stewart (KS DL# [REDACTED]) operate a 2012 Dodge (VIN# [REDACTED] 349160) in combination with a 2017 Diamond Trailer (VIN# [REDACTED] 1192020) These vehicles have a gross vehicle weight rating of 12,300 lbs. and 14,900 lbs. respectively Driver Jeff Stewart operated in commerce on an intrastate trip from Tonganoxie, Kansas to Leavenworth, Kansas This trip is evidenced by an invoice. At the time of this trip carrier was found to be in violation of operating a commercial motor vehicle without KCC private carrier (PRI-D) operating Authority.

6 STATE	Primary 395.8(a)(1)	Discovered 30	Checked 30	Drivers/Vehicles In Violation Checked
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Description

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

Example

On July 1, 2019 Stewart Roofing Company had driver Jeff Stewart (KS DL# [REDACTED]) operate a 2012 Dodge (VIN# [REDACTED] 349160) in combination with a 2017 Diamond Trailer (VIN# [REDACTED] 1192020.) These vehicles have a gross vehicle weight rating of 12,300 lbs. and 14,900 lbs. respectively Driver Jeff Stewart operated in commerce on an intrastate trip from Tonganoxie, Kansas to Leavenworth, Kansas. This trip is evidenced by an invoice. At the time of this trip carrier was found to be in violation of failing to require a driver to prepare a record of duty status using the appropriate method.

7 STATE	Primary 396.3(b)	Discovered 2	Checked 2	Drivers/Vehicles In Violation Checked
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Description

Failing to keep minimum records of inspection and vehicle maintenance.

Example

On July 1, 2019 Stewart Roofing Company had driver Jeff Stewart (KS DL# [REDACTED]) operate a 2012 Dodge (VIN# [REDACTED] 349160) in combination with a 2017 Diamond Trailer (VIN# [REDACTED] 1192020.) These vehicles have a gross vehicle weight rating of 12,300 lbs. and 14,900 lbs. respectively Driver Jeff Stewart operated in commerce on an intrastate trip from Tonganoxie, Kansas to Leavenworth, Kansas. This trip is evidenced by an invoice. At the time of this trip carrier was found to be in violation of failing to keep minimum records of inspection and vehicle maintenance.

8 STATE	Primary: 396.17(a)	Discovered 2	Checked 2	Drivers/Vehicles In Violation Checked
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Description

Using a commercial motor vehicle not periodically inspected.

Example

On July 1, 2019 Stewart Roofing Company had driver Jeff Stewart (KS DL# [REDACTED]) operate a 2012 Dodge (VIN# [REDACTED] 349160) in combination with a 2017 Diamond Trailer (VIN# [REDACTED] 1192020.) These vehicles have a gross vehicle weight rating of 12,300 lbs. and 14,900 lbs. respectively. Driver Jeff Stewart operated in commerce on an intrastate trip from Tonganoxie, Kansas to Leavenworth, Kansas. This trip is evidenced by an invoice. At the time of this trip carrier was found to be in violation of using a commercial motor vehicle not periodically inspected

Safety Fitness Rating Information:		OOS Vehicle (CR): 0	
Total Miles Operated	30,000	Number of Vehicle Inspected (CR): 0	
Recordable Accidents	0	OOS Vehicle (MCMIS): 0	
		Number of Vehicles Inspected (MCMIS): 0	





STEWART ROOFING COMPANY
U.S. DOT # 1051953


Review Date
07/29/2019

Part B Violations

Your proposed safety rating is :

This Review is not Rated.



	STEWART ROOFING COMPANY U.S. DOT # 1051953	Review Date 07/29/2019
Safety Management Process Breakdowns and Remedies		

1. FMCSA recently announced planned improvements to the Carrier Safety Measurement System (SMS) which was implemented in December 2010 as part of the Agency's broader Compliance, Safety, Accountability (CSA) initiative. A preview of these improvements is currently available to motor carriers. The system changes are scheduled to be available to the public in July 2012.

There will be additional opportunity for public comment on the changes after the preview period ends in July 2012. The improvements to SMS are based on ongoing analysis and feedback from enforcement personnel, the motor carrier industry, and other stakeholders. The changes more effectively identify and prioritize high-risk and other unsafe motor carriers for enforcement interventions designed to reduce commercial motor vehicle crashes and hazardous materials incidents.

Motor carrier's currently have the ability to preview how the improvements impact their individual safety data in SMS. These improvements include: (1) Changes to the SMS methodology that identify higher risk carriers while addressing industry biases; (2) better applications of SMS results for Agency interventions by more accurately identifying safety sensitive carriers (i.e., carriers transporting people and carriers hauling hazardous materials (HM)), so that such firms can be selected for CSA interventions at more stringent levels, and, (3) more specific fact-based displays of SMS results on the SMS Web site.

The data preview may be found at <http://csa.fmcsa.dot.gov/> During the data preview period, the Agency requests comments on the impacts of the changes

2. For all Investigations

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

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


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

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

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

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



	STEWART ROOFING COMPANY U.S. DOT # 1051953	Review Date 07/29/2019
Safety Management Process Breakdowns and Remedies		

[http //www.fmcsa.dot.gov/documents/Hijacking-Brochure.pdf](http://www.fmcsa.dot.gov/documents/Hijacking-Brochure.pdf)

FMCSA recently announced planned improvements to the Carrier Safety Measurement System (SMS) which was implemented in December 2010 as part of the Agency's broader Compliance, Safety, Accountability (CSA) initiative. A preview of these improvements is currently available to motor carriers. The system changes are scheduled to be available to the public in July 2012. There will be additional opportunity for public comment on the changes after the preview period ends in July 2012. The improvements to SMS are based on ongoing analysis and feedback from enforcement personnel, the motor carrier industry, and other stakeholders. The changes more effectively identify and prioritize high-risk and other unsafe motor carriers for enforcement interventions designed to reduce commercial motor vehicle crashes and hazardous materials incidents. Motor carrier's currently have the ability to preview how the improvements impact their individual safety data in SMS. These improvements include (1) Changes to the SMS methodology that identify higher risk carriers while addressing industry biases, (2) better applications of SMS results for Agency interventions by more accurately identifying safety sensitive carriers (i.e., carriers transporting people and carriers hauling hazardous materials (HM)), so that such firms can be selected for CSA interventions at more stringent levels, and, (3) more specific fact-based displays of SMS results on the SMS Web site. The data preview may be found at [http //csa.fmcsa.dot.gov/](http://csa.fmcsa.dot.gov/). During the data preview period, the Agency requests comments on the impacts of the changes.

For all Investigations that did not result in a Cooperative Safety Plan
 The KCC requires that you prepare a corrective action plan, addressing the measures taken to correct the violations identified within this report. Submit this letter within 30 days outlining the carrier's updated changes to their policies and procedures regarding all listed violations. Explain in detail how, as a carrier representative, you will rectify these deficiencies and prevent their reoccurrence going forward. Include any supporting documentation and evidence as indicated in the recommendations above, (example vehicle inspections performed, proof of drug and alcohol testing in place, etc.) necessary to prove that corrective action has been taken. Submit the letter along with copies of your supporting evidence to:

Email g.davenport@kcc.ks.gov
 Fax: 785.271.3124

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

3. Carrier is required to pay Unified Carrier Registration (UCR) fee when operating in Interstate commerce. Payment of UCR is available on your KTRAN account.
4. Cease all intrastate operating until State Authority can be established. Log onto your KTRAN account to check the status of your operating authority.
5. DRIVER FITNESS BASIC PROCESS BREAKDOWN Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN Stewart Roofing Company's violations occurred due to a breakdown in the policies and procedures elements within this section. Carrier failed to have a driver qualification file. It is the carrier's responsibility to ensure that all drivers have the requisite paperwork in their files. These duties and the documents verifying their compliance require continued monitoring to compliance. Utilize the documents provided to you at the time of this review to start a driver qualification file.

BASIC SPECIFIC RECOMMENDED REMEDIES. Utilize the forms provided to you during our meeting. These documents need to be completed and placed into checklist provided to you to make sure that all necessary paperwork is in the file. Once the file has been completed, ensure that it is maintained. Additionally you must receive a valid medical card prior to operating your commercial motor vehicle in commerce. Maintain a copy of this medical





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Safety Management Process Breakdowns and Remedies

card in your driver qualification file

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

- Develop a policy for the periodic review (at least twice per year) of driver qualification files. The motor carrier should not rely on third-party sources, such as insurance agencies. The procedure should include controls to ensure that documents requiring renewals are in place, to remind drivers of expiration dates on medical certificates, so they can schedule another physical examination in advance, and to prevent falsification of documents related to driver qualification.
- Establish a policy requiring drivers to submit copies of all vehicle and roadside inspections and moving violations to carrier management within 24 hours, and to notify management of suspended or revoked Commercial Driver's Licenses (CDLs) immediately following notification of suspension/revocation
- Establish a policy requiring all new (since 2003) Commercial Driver's License (CDL) drivers to submit documentation of entry-level driver training in - for example, driver qualification requirements, Hours of Service (HOS), driver wellness, and whistleblower protection - or to take entry-level training provided by the carrier
- Develop a policy for document retention and recordkeeping, including documents that are to be in the possession of the driver as proof of credentials.
- Develop a process to ensure that operations will always have the proper amount of fit drivers. This process would address how to deal with issues such as sick leave, vacation, training, suspension, and termination.
- 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 Driver Fitness 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

6. HOS COMPLIANCE BASIC PROCESS BREAKDOWN. Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN Stewart Roofing Company failed to have any means of tracking hours of service. Carrier violations occurred due to a breakdown in the policies and procedures elements of compliance within this section. It is the carrier's responsibility to make sure that drivers are documenting their hours of service and to verify the accuracy of the documents. Ensure that these steps are being followed daily to ensure compliance with the regulations. Utilize the documents and instruction provided to you during this review assist you in correcting this

BASIC SPECIFIC RECOMMENDED REMEDIES: Utilize the time sheet provided during the course of our review. This sheet will prompt you to complete the required sections in order to remain compliant with the regulations. Remember to utilize a log book when operating outside the 100 air mile radius. Remember to review the time documents drivers turn in to verify their accuracy. Feel free to contact me with any questions or concerns.

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





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- 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

7. CONTROLLED SUBSTANCES AND ALCOHOL BASIC PROCESS BREAKDOWN Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN Stewart Roofing Company's violations occurred due to a breakdown regarding the policies and procedures elements within this section of the regulations. Carrier failed to have a drug and alcohol-testing program in place at the time of this review.


BASIC SPECIFIC RECOMMENDED REMEDIES. All drivers must have a negative substance abuse test on file prior to operating a commercial motor vehicle. Utilize the materials provide to you at the time of this review to enroll in a program with a drug and alcohol -testing consortium or formulate your own testing program. Make sure that all drivers receive a copy of your alcohol and substance abuse policy and retain a signed receipt indicating that all drivers received a copy.

Implement Safety Improvement Practices

The following are recommended practices related to Policies and Procedures.

- Develop a written company policy incorporating by reference all regulations regarding controlled substances and alcohol use, testing, training, and records retention for all employees.
- Develop a policy requiring drivers to submit copies of all citations for moving violations to carrier management within 24 hours.
- Establish a process to ensure that drivers who are randomly tested can be immediately removed if they are found to be positive and that they do not return to safety-sensitive duties until they have complied with the "return-to-duty" process.
- Establish written policies and procedures that promote, verify, and enforce adherence to all controlled-substance and alcohol rules and regulations. Procedures should be tailored to company operations and should provide specific checks and guidelines for interacting with a consortium, if applicable.
- Establish a process to ensure that test results are properly safeguarded from unauthorized disclosure to prospective employers without specific written consent and from disclosure under any circumstances to insurance companies and other nonqualified parties, in accordance with regulations.
- Develop a policy to ensure that all alcohol testing is conducted immediately before or after the period that employees are performing a safety-sensitive function. Drivers can be tested on their day off only for controlled substances. Once notified of their selection, drivers must proceed immediately to the testing facility. If a driver refuses to go, this should be considered as equivalent to a positive result.
- Consider developing a driver selection protocol that uses valid random-number-generator software on a monthly basis to select, by driver identification number, 5 to 8 percent of drivers for controlled-substance testing and 2 to 5 percent for alcohol testing. This will ensure selection of 50 percent of drivers for controlled-substances testing and 10 percent for alcohol testing per year, given fluctuations in the driver workforce over the course of the year
- Develop a written and progressive disciplinary policy focused on taking corrective action to ensure drivers comply with regulations and policies. A progressive disciplinary policy could include, among other things, written warnings, suspensions, or work restrictions, monetary penalties, and termination. This policy should also specify consequences for any carrier official who knowingly and willfully allows controlled-substance and alcohol violations.



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Seek Out Resources.

- You are encouraged to review your company's record at the following website <http://a1.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

8. I acknowledge that these requirements and/or recommendations have been discussed with me and my questions have been answered I understand that failure to satisfactorily remedy the above-listed requirements, and/or failure to comply with Kansas Motor Carrier Safety Statutes and Regulations could result in the suspension of Stewart Roofing Company's Roofing Company's operating authority and/or the impoundment of Stewart Roofing Company's commercial motor vehicles.

Carrier Representative

Date



ATTACHMENT “B”

STEWART ROOFING COMPANY

Jeff Stewart (Owner)

INVOICE

DATE: July 1, 2019

21189 225th Street
Tonganoxie, KS 66086
Phone (913) 369-2760

Send To:

~~Marion H. Huns~~

~~Marion H. Huns~~

Leavenworth, KS

Job Address:



Comments or special instructions:

Description	Amount
<p>Main House: Removed all roofing. Installed new decking with 7/16" OSB plywood. Installed new metal on all exterior edges.. Installed ice and water shield in valleys and drip edges. Installed new synthetic underlayment and new 30 year Laminated shingles on complete roof. Installed new flashing on all vent pipes. Replaced vents. All roofing trash and debris hauled away.</p> <p>Front Porch and Rear Addition: Removed all roofing. Replaced bad lumber as needed at an additional cost of \$2.00 per square foot for 7/16" OSB plywood and \$3.50 per linear foot for dimensional lumber. Installed ice and water shield on drip edges and in valleys. Installed new metal on all exterior edges. Installed new synthetic underlayment and new 30-year laminated shingles on complete roof. Installed new flashing on all vent pipes. Replaced vents. All roofing trash and debris hauled away.</p> <p>There is a five (5) year guarantee against leaks under normal conditions. Normal conditions will exclude, but not be limited to damage caused by tornados, hail, high winds, heavy foot traffic, etc.</p> <p>There is a thirty-(30) year warranty on shingles.</p>	
	\$5,800.00

If you have any questions concerning this quotation, contact

Jeff Stewart at (913) 369-2760 or (913) 207-3520

THANK YOU FOR YOUR BUSINESS!

CERTIFICATE OF SERVICE

20-TRAM-048-PEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of
first class mail/hand delivered on 08/09/2019.

JEFF STEWART, OWNER
JEFF STEWART
D/B/A STEWART ROOFING COMPANY
21189 225TH STREET
TONGANOXIE, KS 66086
stewartroofingcompany@gmail.com

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

/S/ DeeAnn Shupe

DeeAnn Shupe