

1500 SW Arrowhead Road
Topeka, KS 66604-4027

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



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

Sam Brownback, Governor

NOTICE OF PENALTY ASSESSMENT
15-TRAM-362-PEN

March 26, 2015

Randall D. Cook, Owner
d/b/a Cook Trucking
1750 CR 26
Grinnell, Kansas 67738

This is a notice of a penalty assessment for violation of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on January 21-22, 2015, by Kansas Corporation Commission Special Investigator Penny Fryback. For a full description of the penalty and process please refer to the Order that is attached to this notice.

IF YOU ACCEPT THE PENALTY:

You have been assessed a \$2,000 penalty. You have thirty (30) days from service of this Penalty Order to pay the fine amount. Check or money order must be made payable to the Kansas Corporation Commission. Payment is to be 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>.

You must attend a Commission-sponsored safety seminar within the next ninety (90) days and provide Staff with written proof of attendance. 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.

You must submit to one follow-up safety compliance review within the next 18 months. Staff will contact you at a later date to determine an appropriate time for this review.

IF YOU CONTEST THE PENALTY:

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. Respondent must submit an original and seven (7) copies of the request to the Commission's Acting Secretary at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604 within fifteen (15) days from the date stamped on the last page of the Penalty Order. K.A.R. 82-1-215; K.S.A. 2013 Supp. 77-542.

IF YOU FAIL TO ACT:

Failure to pay the fine amount within thirty (30) days of service of the Penalty Order, or in the alternative, provide a written request for a hearing within fifteen (15) days from service of the Penalty Order will result in the attached Order becoming a Final Order and may result in the additional sanction of suspension and/or revocation of your motor carrier operating authority.

Respectfully,

Michael J. Duenes
Litigation Counsel
(785) 271-3181

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

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

In the Matter of the Investigation of **Randall D.)
Cook, d/b/a Cook Trucking, of Grinnell,)
Kansas,** Regarding the Violation of the Motor)
Carrier Safety Statutes, Rules and Regulations) Docket No. 15-TRAM-362-PEN
and the Commission's Authority to Impose)
Penalties, Sanctions and/or the Revocation of)
Motor Carrier Authority.)

PENALTY ORDER

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

I. JURISDICTION

1. Pursuant to K.S.A. 2014 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. 2014 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. 2014 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. Randall D. Cook, d/b/a Cook Trucking (Cook Trucking) operates under USDOT number 1077920. Cook Trucking's motor carrier operating authority for the state of Kansas was suspended on February 19, 2015 for no proof of insurance on its commercial motor vehicles.

5. Randy Cook attended a Commission-sponsored Motor Carrier Education and Instructional Meeting on February 17, 2014, on behalf of Cook Trucking.

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

III. STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, on January 21-22, 2015, Commission Staff (Staff) Special Investigator Penny Fryback conducted a compliance review of the operations of Cook Trucking. A copy of the safety compliance review is included in this Penalty Order as Attachment "A" and is hereby incorporated by reference. As a result of this investigation, Ms. Fryback identified one (1) violation of the Motor Carrier Safety Regulations.

- a. On December 18, 2014, Cook Trucking required or permitted its driver, Raul Rodriguez, to operate a commercial motor vehicle, a 1998 Freightliner, pulling a 1994 Cornhusker semi-trailer, in interstate commerce from Goodland, Kansas to Guymon, Oklahoma. This trip is evidenced by Driver's Daily Log, dated December 18, 2014, a copy of

which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, driver Raul Rodriguez produced false records of duty status. The record of duty status for December 18, 2014, does not show Mr. Rodriguez loading in Booker, Texas, which is approximately 69 miles away from Guymon, Oklahoma, and the record of duty status shows the driver went off duty at 2:30 p.m. in Goodland. Then on December 19, 2014, the record of duty status shows the driver went on duty in Goodland at 4:00 a.m. and unloaded from 8:15 until 9:15 a.m. in Fort Collins, Colorado, and does not show the driver went to Carpenter, Wyoming, which is approximately 78 miles from Fort Collins, Colorado. The record of duty status on December 19, 2014, also shows the driver went off duty in Goodland at 1:30 p.m. The driver would have had only 9.25 hours off duty between December 18 and December 19, 2014. *See* records of duty status and receipts, copies of which are attached hereto as Attachment "C" and are hereby incorporated by reference. This is only one example of 10 days when this driver had false records of duty status. Cook Trucking's falsifying records of duty status is a violation of 49 C.F.R. 395.8(e), as adopted by K.A.R. 82-4-3a, and as authorized by K.S.A. 2014 Supp. 66-1,129. Staff recommends a fine of \$2,000.

IV. STAFF'S RECOMMENDATIONS

8. Based upon the available facts, Staff recommends the Commission find Cook Trucking committed one (1) violation 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.

9. Additionally, Staff recommends a civil penalty of \$2,000 for one (1) violation of the Motor Carrier Safety Statutes, Rules and Regulations.

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

11. Finally, Staff recommends that Cook Trucking submit to one follow-up safety compliance review within the next eighteen (18) months. Staff will contact the motor carrier at a later date to determine an appropriate time for this review.

V. CONCLUSIONS OF LAW

12. The Commission finds it has jurisdiction over Cook Trucking because it is a motor carrier as defined in K.S.A. 2014 Supp. 66-1,108.

13. The Commission finds Cook Trucking committed one (1) violation 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. Randall D. Cook, d/b/a Cook Trucking, of Grinnell, Kansas is hereby assessed a \$2,000 civil penalty for one (1) violation 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. Cook Trucking is hereby ordered to attend a Commission-sponsored safety seminar within the next ninety (90) days and is to provide Staff with written proof of attendance. Further, Cook Trucking is ordered to submit to one follow-up safety compliance review within the next eighteen (18) months.

C. Pursuant to K.S.A. 2014 Supp. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issues by submitting a written request, setting forth the specific grounds upon which relief is sought, to the Commission's Acting Secretary, at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604 within fifteen (15) days from the date of service of this Order. If service is by certified mail, service is complete upon the date delivered shown on the Domestic Return Receipt. Hearings will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of Cook Trucking's right to a hearing, and this Penalty Order will become a Final Order assessing a \$2,000 civil penalty against Cook Trucking, and ordering Cook Trucking to attend a Commission-sponsored safety seminar within the next ninety (90) days and provide Staff with written proof of attendance, and to submit to a safety compliance review within eighteen (18) months from the date of service of this Order.

D. Attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. 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).

E. If you do not request a hearing, the payment of the civil penalty is due in thirty (30) days from date of service of this Order. Checks and Money Orders shall be payable to the Kansas Corporation Commission. 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.*

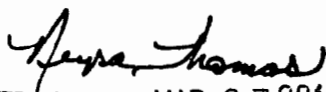
F. Failure to pay the \$2,000 civil penalty within thirty (30) days of the service of this Penalty Order, and/or failure to comply with the provisions of this Order, may result in revocation of Cook Trucking's motor carrier operating authority without further notice. Additionally, the Commission may impose further sanctions to include, but not limited to, the issuance and enforcement of out-of-service and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

G. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further order or orders as it may deem necessary.

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Apple, Commissioner

Dated: MAR 26 2015


ORDER MAILED MAR 27 2015

Neysa Thomas
Acting Secretary

MJD

ATTACHMENT "A"



US DOT #
1077920

Legal: RANDALL D COOK
Operating (DBA): COOK TRUCKING

MC/MX #: 445828 State #: [REDACTED] Federal Tax ID: [REDACTED] (EIN)

Review Type: Compliance Review (CR)

Scope: Principal Office

Location of Review/Audit: Other

Territory:

Operation Types Interstate Intrastate

Carrier: Non-HM Non-HM
Shipper: N/A N/A
Cargo Tank: N/A

Business: Individual

Gross Revenue: [REDACTED] for year ending: 12/31/2014

Company Physical Address:

[REDACTED]

Contact Name:

Phone numbers: (1) [REDACTED] (2) [REDACTED] Fax [REDACTED]

E-Mail Address:

Company Mailing Address:

1750 CR 26
GRINNELL, KS 67738-6008

Carrier Classification

Authorized for Hire

Cargo Classification

Fresh Produce Grain, Feed, Hay

Equipment

	Owned	Term Leased	Trip Leased		Owned	Term Leased	Trip Leased
Truck Tractor	1	2	0	Trailer	1	2	0

Power units used in the U.S.: 3

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:	3	

Average trip leased drivers/month: 0
Total Drivers: 3
CDL Drivers: 3





COOK TRUCKING (RANDALL D COOK dba)
U.S. DOT #: 1077920

State #: [REDACTED]

Review Date:
02/03/2015

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: Randy Cook

Title: Owner

Name: Melissa Huerta

Title: Agent





COOK TRUCKING (RANDALL D COOK dba)

U.S. DOT #: 1077920

State #: [REDACTED]

Review Date:

02/03/2015

Part B Violations

1 FEDERAL CRITICAL	Primary: 395.8(e)	Discovered 10	Checked 90	Drivers/Vehicles In Violation 1	Checked 3
Description False reports of records of duty status. Example Driver [REDACTED] Trip Date: 12/18/2014 Driver [REDACTED] delivery receipt shows driver unloaded at Guymon, Ok from 10:16 am central time until 11:43 am then went to Booker, Texas and loaded sunflowers then returned to Goodland and unloaded at 05:58 until 06:13 p.m. Then the Bill of lading shows the driver loaded sunflower meal going to Fort Collins, CO at 06:31 until 06:50 p.m. The driver record of duty status shows the driver unloaded at Guymon, OK from 09:15 a.m. until 10:00 a.m. mountain time then returned to Goodland and went off duty at 02:15					
2 FEDERAL	Primary: 391.23(e)(1)	Discovered 1	Checked 3	Drivers/Vehicles In Violation 1	Checked 3
Description Failing to investigate the driver's alcohol and controlled substances history for the previous 3 years. Example [REDACTED] Trip Date 12/19/2014 Was a driver for McB's out of Goodland in the prior three years. No previous employer inquiry was conducted					
3 FEDERAL	Primary: 391.42	Discovered 1	Checked 3	Drivers/Vehicles In Violation 1	Checked 3
Description Obtaining a medical examiners certificate on or after May 21, 2014, from a medical examiner who is not listed on the National Registry of Certified Medical Examiners. Example [REDACTED] Trip Date: 12/19/2014 Had a medical card issued on 7/29/2014 by a medical examiner not on the medical registry					
4 FEDERAL	Primary: 395.3(a)(3)(ii)	Discovered 1	Checked 90	Drivers/Vehicles In Violation 1	Checked 3
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 [REDACTED] Trip Date: 10/29/2014 Driver was on duty 10 hours without taking a 30 minute break					





COOK TRUCKING (RANDALL D COOK dba)
U.S. DOT #: 1077920

State #: [REDACTED]

Review Date:
02/03/2015

Part B Violations

5 FEDERAL	Primary: 395.8(e)	Discovered 2	Checked 90	Drivers/Vehicles In Violation 1	Checked 3
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Description

False reports of records of duty status (inaccurate)

Example

Driver [REDACTED]
Trip Date :12/21/2014

Driver's bill of lading shows the driver loaded sunflower meal in Goodland at 09:18 a.m. until 09:40 a.m. going to Cheyenne, OK Log shows driver getting fuel at Goodland at 08:00 until 8:15a.m. then driving from 08:15 a.m. until 12:15 p.m.

Safety Fitness Rating Information:

Total Miles Operated 63,168
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	2
Factor 4:	S	0	0
Factor 5:	N	0	0
Factor 6:	S	-	-

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.





COOK TRUCKING (RANDALL D COOK dba)
U.S. DOT #: 1077920

State #: [REDACTED]

Review Date:
02/03/2015

Part B Requirements and/or Recommendations

1. Ensure that all drivers' records of duty status (logs) are accurate. Check them against "supporting documents" to verify accuracy. Prohibit falsification of logs by any driver. Review the rules on supporting documents. Take appropriate action against drivers who falsify logs.

2. You are required to have five roadside inspections that have no hours of service violation.

3. HOS COMPLIANCE BASIC PROCESS BREAKDOWN: Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN: Carrier has no policy in place to ensure that records of duty status are completed properly and accurately

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.

4. On-duty time means all time from the time a driver begins to work or is required to be in readiness to work until the time the driver is relieved from work and all responsibility for performing work. On-duty time shall include: All time at a plant, terminal, facility, or other property of a motor carrier or shipper, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the motor carrier and all time inspecting, servicing, or conditioning any commercial motor vehicle at any time;

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





COOK TRUCKING (RANDALL D COOK dba)
U.S. DOT #: 1077920

State #: [REDACTED]

Review Date:
02/03/2015

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/Max Strathman
Federal Motor Carrier Safety Administration
1303 SW First American Place, Suite 200
Topeka, KS 66604

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

385.15

If you believe the proposed rating is in error and there are factual and procedural issues in dispute, Part 385.15 (copy provided) outlines procedures for petitioning the Federal Motor Carrier Safety Administration for an administrative





COOK TRUCKING (RANDALL D COOK dba)

U.S. DOT #: 1077920

State #: [REDACTED]

Review Date:

02/03/2015

Part B Requirements and/or Recommendations

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:

Division Administrator Max Strathman
Federal Motor Carrier Safety Administration
1303 SW First American Place, Suite 200
Topeka, KS 66604

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

Kansas Corporation Commission
Deputy Director Gary Davenport
1500 SW Arrowhead Road
Topeka, KS 66604

This letter should be submitted as soon as possible.

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. Each motor carrier must obtain and maintain records relating to the investigation into the safety performance history of a new or prospective driver within 30 days of employing the driver from every employer who employed the driver within the previous three years of employment.
7. On and after May 21, 2014, each medical examination required under this subpart must be conducted by a medical examiner who is listed on the National Registry of Certified Medical Examiners.
8. 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.
9. This review will result in a Safety Rating.
10. This report contains citations of regulations that are deemed serious in nature and could result in penalties against your company and/or your drivers.
11. Within 15 days you must prepare a corrective action letter, addressing the measures taken to correct the violations identified within this report. Submit this letter, and any additional evidence necessary to prove the corrective action has been taken to:

Kansas Corporation Commission
Att: Gary Davenport
1500 SW Arrowhead Road
Topeka, KS 66604-4027





COOK TRUCKING (RANDALL D COOK dba)
U.S. DOT #: 1077920

State #: [REDACTED]

Review Date:
02/03/2015

Part B Requirements and/or Recommendations

12. 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 Randall D Cook d/b/a Cook Trucking operating authority and/or the impoundment of Randall D Cook d/b/a Cook Trucking vehicles.





COOK TRUCKING (RANDALL D COOK dba)
U.S. DOT #: 1077920

State #: [REDACTED]

Review Date:
01/21/2015

Part B Requirements and/or Recommendations

6. On and after May 21, 2014, each medical examination required under this subpart must be conducted by a medical examiner who is listed on the National Registry of Certified Medical Examiners.
7. 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.
8. This review will result in a Safety Rating.
9. This report contains citations of regulations that are deemed serious in nature and could result in penalties against your company and/or your drivers.
10. Within 15 days you must prepare a corrective action letter, addressing the measures taken to correct the violations identified within this report. Submit this letter, and any additional evidence necessary to prove the corrective action has been taken to:

Kansas Corporation Commission
Att: Gary Davenport
1500 SW Arrowhead Road
Topeka, KS 66604-4027

11. I, Randy Cook 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 Randall D Cook d/b/a Cook Trucking operating authority and/or the impoundment of Randall D Cook d/b/a Cook Trucking vehicles.



ATTACHMENT “B”



DRIVER'S DAILY LOG

(24 HOURS)

Total Miles Driving Today **400** Total Mileage Today **400**

12 18 14
Month Day Year

Randy Cook Trucking

Driver's License No. (State) (Number) (Date of Issue) (Date of Expiration)

RECAP
Signature at
end of working

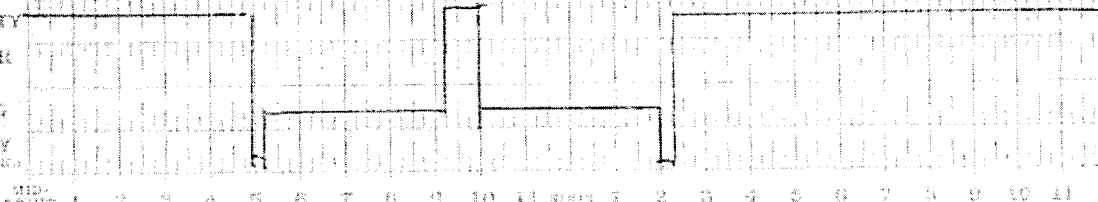
70 Hours
8 Day
Drivers

#4 #4
Truck, Trailer and Trailer Numbers
License Plate(s) (State) (Number) (Date of Issue)

I hereby declare that the above is true and correct.
Randy Cook

Co-Driver's Name

1. OFF DUTY
2. SLEEPING
HEALTH
3. DRIVING
4. ON DUTY
OFF DUTY



15.5
0
8
1.5
24

REMARKS

SHIPPING
DOCUMENTS

Son meal

Bill of Material No.

or

Shipper's Consignee

From

Goodland KS

Goodland KS

613-AD (Rev. 8/55) 1024

ATTACHMENT "C"



DRIVER'S DAILY LOG

(24 HOURS)

Total Miles Driving Today **400** Total Mileage Today **400**

12 / 18 / 14
(Month) (Day) (Year)

Randy Cook Trucking

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

Name of Carrier or Carriers

[Redacted]

Home Terminal Address

#4 #4
Tractor and Trailer Numbers or
License Plate(s) / State (show each unit)

Use by these rules are true and correct:
Randy Cook
Driver's Full Signature

Co-Driver's Name

1 2 3 4 5 6 7 8 9 10 11 noon 1 2 3 4 5 6 7 8 9 10 11 TOTAL HOURS

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



15.5
0
8
1.5
24

REMARKS

Goodland KS
PTA Fuel
Cayman OK
Goodland KS
PTA
Goodland KS

SHIPPING DOCUMENTS:

ADM

SUN MEAL
B/L or Manifest No.
or

Shipper & Commodity

From:

Goodland KS

To:

Goodland KS

USE TIME STANDARD AT HOME TERMINAL

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RECAP
Complete at
end of week

On duty hours
Total
Hours on duty

70 Hour/
8 Day
Drivers

Total hours on
duty last 7 days
including today

Total hours on
duty last 7 days
including today

Total hours on
duty last 7 days
including today

70 Hour/
8 Day
Drivers

Total hours on
duty last 7 days
including today

Total hours on
duty last 7 days
including today

Total hours on
duty last 7 days
including today

Total hours on
duty last 7 days
including today

DRIVER'S DAILY LOG

(24 HOURS)

480 480

Total Miles Driven Today Total Mileage Today

12/19/14

Month (Day) Year

Original - file in truck terminal
Duplicate - driver retains in his/her possession for 90 days

RECAP
Complete at
end of week

Use only today's
today's date
today's date

10 Hour/
8 Day
Driver's

1. OFF DUTY

2. SLEEPER
BIRTH

3. DRIVING

4. ON DUTY
with passenger

5. OFF DUTY

6. SLEEPER
BIRTH

7. DRIVING

8. ON DUTY
with passenger

9. OFF DUTY

10. SLEEPER
BIRTH

11. DRIVING

12. ON DUTY
with passenger

13. OFF DUTY

14. SLEEPER
BIRTH

15. DRIVING

16. ON DUTY
with passenger

17. OFF DUTY

18. SLEEPER
BIRTH

19. DRIVING

20. ON DUTY
with passenger

21. OFF DUTY

22. SLEEPER
BIRTH

23. DRIVING

24. ON DUTY
with passenger

25. OFF DUTY

26. SLEEPER
BIRTH

27. DRIVING

28. ON DUTY
with passenger

29. OFF DUTY

30. SLEEPER
BIRTH

31. DRIVING

32. ON DUTY
with passenger

33. OFF DUTY

34. SLEEPER
BIRTH

REMARKS

Goodland KS

Goodland KS

Goodland KS

Goodland KS

Goodland KS

Goodland KS

Goodland KS

Goodland KS

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Goodland KS

SHIPPING
DOCUMENTS

SHIPMENT

BY OF MAILING NO.

SHIPPER'S COMPANY

SHIPPER'S ADDRESS

SHIPPER'S PHONE NO.

SHIPPER'S FAX NO.

SHIPPER'S E-MAIL ADDRESS

SHIPPER'S WEBSITE

SHIPPER'S CARRIER

SHIPPER'S CARRIER NO.

SHIPPER'S CARRIER ADDRESS

SHIPPER'S CARRIER PHONE NO.

SHIPPER'S CARRIER FAX NO.

SHIPPER'S CARRIER E-MAIL ADDRESS

USE TIME STANDARD AT HOME TERMINAL

TO: Goodland KS

FROM: Goodland KS

SHIPPER'S ASSOCIATE

SHIPPER'S ASSOCIATE NO.

SHIPPER'S ASSOCIATE ADDRESS

SHIPPER'S ASSOCIATE PHONE NO.

SHIPPER'S ASSOCIATE FAX NO.

SHIPPER'S ASSOCIATE E-MAIL ADDRESS

SHIPPER'S ASSOCIATE WEBSITE

SHIPPER'S ASSOCIATE CARRIER

SHIPPER'S ASSOCIATE CARRIER NO.

SHIPPER'S ASSOCIATE CARRIER ADDRESS

SHIPPER'S ASSOCIATE CARRIER PHONE NO.

613 MP (REV. 8/05) 8524

26338

75540 1016 12/13/14

6 12385

1140 12/13/14

75540 GROSS

25960 TARE

49580 NET

Receiving Ticket Matching Information

Arrival Number : 320388

Reprint # : 1

Arrival Date : 12/18/14

Ship to Location : GUYTON, OK

Supplier Name : TRUCK ONLY

CAK Nbr : 10866 Container Number :

Carrier Name :

Load Nbr : Car/Truck Number :

Feed/Ingrd	Description	Scheduled Quantity	Unit	Extended Quantity
------------	-------------	--------------------	------	-------------------

100	SPM 30%	25	TON	50,000
-----	---------	----	-----	--------

SHIPPING DOCUMENTS DO NOT BEAR THE STATEMENT "DO NOT FEED TO CATTLE OR OTHER RUMINANTS"

PRODUCT SHIPPED FROM AN APPROVED SUPPLIER

TRUCK/RAIL INSPECTED FROM THE TOP FOR EVIDENCE OF CONTAMINATION

SAMPLE TAKEN AND COMPARED TO SAMPLE BOARD FOR EVIDENCE OF CONTAMINATION PREVIOUS PRODUCT HAULED Same flow

I CERTIFY THAT THIS TRUCK HAS BEEN CLEANED AND THEREFORE FREE OF RESTRICTED USE PROTEIN PRODUCTS, OR ANY PRODUCT THAT CONTAINS RESTRICTED USE PROTEIN PRODUCTS. SIGNED [Signature]

Receiving Information

Received Date : Invoice Number: 512919

Location Weight : Outside Weight: 79,660

Time In : am pm Trailer Lic# : [Redacted]

Time Out : am pm Lot No. : [Redacted]

Driver's Signature : [Signature] ON OFF

Unloader's Signature : [Signature]

I have read and understand the Driver's Safety Rules used in this plant and understand all requirements and I understand that I am specifically to follow them. [Signature]

Quality Control Information

Moisture Content : [Redacted] Bin Number: 14

Density : [Redacted]

NORTHERN SUN

A Division of Archer Daniels Midland Company
6425 Road 14
Goodland, KS 66735
(785) 899-6500

NUSUN SEEDS

Unload
Bill of Lading

Name: [REDACTED]

Address: Boaker Tr

Phone: [REDACTED]

Northern Sun Contract #: 100298-1

Carrier: Randy Cook Trucking

Driver: Bauer

Tractor License # [REDACTED]

State: KS

Trailer License # _____

State _____

MOISTURE

6.18

TEMPERATURE

57°

OLEIC STANDARD

1.4706

OLEIC SAMPLE

1.4731

SCALE TICKET #

18.8°

TRUCKER

NO SMOKING



SCALE TICKET #: 119721

12/18/2014

38 -- NU SUNFLOWER

INBOUND

COLOC: 10K81

Driver: OFF

VEHICLE ID: 145134 KS

VENDOR:



178985-000



100.0000

HAULER:

GROSS WT: 72,040 lb 05:58:50 PM TS
TARE WT: 25,520 lb 06:13:20 PM TS
NET WT: 46,520 lb

SCALE ID: 1
COMMENTS: NU SUN SEED
ORIG CITY: BOOKER
ORIG STATE: TX
BIN: SILO 2
ELEV TKT:

WEIGHER:

John Doe

DRIVER:

Ram

STRAIGHT BILL OF LADING (TRANSIT) SHORT FORM BUREAU COPY
THIS SHIPPING ORDER must be legibly filled in, in ink, in indelible pencil or in carbon
and retained by the agent

Page 1 of 1

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

Subject to Section 7 of Conditions of applicable bill of lading. If this shipment is to be delivered to the consignee without recourse on the carrier, the consignor shall sign the following statement:
The carrier shall not make delivery of the shipment without payment of freight and all other lawful charges.

DUE AT DEST:

REQUESTED SHIPPING DATE 12/18/2014		ADM ORDER NUMBER 410156	
FRT PPD	B/L STR	CUSTOMER ORDER NO	CAR INITIAL & NO. [REDACTED]
		DATE SHIPPED 12/18/2014	

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

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

CONSIGNEE TO

073895

FORT COLLINS CO 80522-2026

DEL CARRIER TRK	SHIP VIA TANK:
SHIP FROM ADM - Goodland, KS. - K81	TRAFFIC CODE 44
PREPAID	

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

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

Agent or Cashier

Per _____
(The signature here acknowledges only the amount prepaid)

Charges advanced \$ _____

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

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

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

Per _____

PRODUCT	DESCRIPTION	CONTRACT	CONTAINER PACK/SIZE	QUANTITY	WEIGHT
061300	SUNFL MEAL 30 PCT	10860		25	24.98

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

WEIGHED OUT ON 12/18/2014 @ 6:50 PM GROSS WT 75,440

WEIGHED IN ON 12/18/2014 @ 6:31 PM TARE WT 25,480

WEIGHED BY: SW SCALE: 3 NET WT 49,960

I certify this equipment was weighed by a duly sworn weighmaster acc

061300 - 30 PCT SUNFLOWER MEAL,
SOLVENT EXTRACTED

*** MINIMUM CRUDE PROTEIN: 30.0% ***

*** MINIMUM CRUDE FAT: 0.5% ***

*** MAXIMUM CRUDE FIBER: 28.0% ***

*** MAXIMUM CRUDE ASH: 8.0% ***

FOR FURTHER MANUFACTURE OF FEED

NET WEIGHT: BULK AS INVOICED

GUARANTEED BY [REDACTED]

DECATUR, IL [REDACTED]

PAYMENT TERMS ARE NET CASH

UPON RECEIPT OF INVOICE

UNLESS OTHERWISE NEGOTIATED BY BUYER

ARCHER DANIELS MIDLAND COMPANY - Shipper

[Signature]

Permanent post office address of shipper, Decatur, IL, 62525
Form No. 9503

Agent

Per _____

[Signature]

DATE

3

[REDACTED]
Fort Collins, CO 80524
Have a nice day!

Transaction No.
56718

	Date	Time	Scale
In:	12/19/2014	08:09	1
Out:	12/19/2014	09:56	1

Vehicle ID: [REDACTED]

Account ID: [REDACTED]

Gross: 76060 lb (M)
Tare: 26060 lb
Net: 50000 lb

Material ID: SUNFL MEAL

Comments:
Operator: 2

Charge by Weight

Signature: [Signature]

NORTHERN SUN

A Division of Archer Daniels Midland Company

6425 Road 14
Goodland, KS 66735
(785) 899-6500

NUSUN SEEDS

Unload
Bill of Lading

Name: [REDACTED]

Address: [REDACTED]

Phone: [REDACTED]

Northern Sun Contract #:

Carrier:

Driver:

Tractor License #

State

Trailer License #

State

MOISTURE

7.53

TEMPERATURE

57.8

OLEIC STANDARD

146.94

OLEIC SAMPLE

147.0

SCALE TICKET #

20.7°

TRUCKER

NO SMOKING



ADM

GOODLAND, KS 67735

SCALE TICKET #: 119728

12/19/2014

-- NU SUNFLOWER

INBOUND

COLOC: 10K81

Driver: OFF

VEHICLE ID: 145134 KS

ENDOR: [REDACTED]

593799-000 [REDACTED] 100.0000

AULER: [REDACTED]

COOK TRUCKING, RANDY

GROSS WT: 74,700 1p 05:11:17 PM DA
RE WT: 25,400 1b 05:24:36 PM DA
TWT: 49,280 1b

SCALE ID: 1
COMMENT: NU SUN
ORIG CITY: CARPENTER
ORIG STATE: WY
BIN: SILO 2
ELEV THT:

TAKER: David AritaDRIVER: Raul

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET
TO THE FOLLOWING:

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
MICHAEL DUENES, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604-4027 ***Hand Delivered***		
RANDALL D. COOK, OWNER D/B/A COOK TRUCKING 1750 CR 26 GRINNELL, KS 67738-6008		

ORDER MAILED MAR 27 2015

The Docket Room hereby certified that on this ____ day of _____, 20____, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.