

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

January 5, 2016

16-TRAM-280-PEN

Randy Vilela, Owner  
d/b/a Auto Body Repair & Painting  
PO Box 208  
Pittsburg, Kansas 66762

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 December 2, 2015, by Kansas Corporation Commission Special Investigator Michael Heenan. 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 \$1,900 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](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 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. 2015 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,



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

**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 **Randy** )  
**Vilela, d/b/a Randy Vilela Auto Body Repair** )  
**& Painting, of Pittsburg, Kansas,** Regarding )  
the Violation of the Motor Carrier Safety ) Docket No. 16-TRAM-280-PEN  
Statutes, Rules and 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). 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. 2015 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. 2015 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. 2015 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. Randy Vilela, d/b/a Randy Vilela Auto Body Repair & Painting (Vilela Auto Body Repair) and operates under USDOT number 1029956.

5. Vilela Auto Body Repair does demolition and dirt work for clearing buildings and preparing sites for building projects. It also scraps vehicles and has a salvage yard that buys cars to be sold as salvage.

6. Vilela Auto Body Repair is a private motor carrier which primarily hauls motor vehicles, machinery, large objects, construction and refuse.

## **III. STATEMENT OF FACTS**

7. Pursuant to the jurisdiction and authority cited above, on December 2, 2015, Commission Staff (Staff) Special Investigator Michael Heenan conducted a compliance review of the operations of Vilela Auto Body Repair. 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, Mr. Heenan identified five (5) violations of the Motor Carrier Safety Regulations.

- a. On August 14, 2015, Vilela Auto Body Repair required or permitted its driver, Wendall E. Martin, to operate a commercial motor vehicle, a 1995

Freightliner, VIN ending in 585011, in intrastate commerce from Columbus, Kansas to Pittsburg, Kansas. This trip is evidenced by Driver/Vehicle Examination Report No. KSHP00220032, dated August 14, 2015, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, Vilela Auto Body Repair had placed a non-CDL driver (Ralph Hayes) on the alcohol and controlled substances random testing selection pool. *See*, random selection pool list, a copy of which is attached hereto as Attachment "C" and is hereby incorporated by reference. This did not provide an equal chance for each driver to be randomly selected for testing. Vilela Auto Body Repair's failure to ensure that each driver selected for random alcohol and controlled substance testing has an equal chance of being selected each time selections are made is in violation of 49 C.F.R. 382.305(i)(2), as adopted by K.A.R. 82-4-3c and authorized by K.S.A. 2015 Supp. 66-1,129. Staff recommends a fine of \$750.

- b. During the transportation described in paragraph a., above, Vilela Auto Body Repair failed to provide educational materials to its driver explaining the requirements for a controlled substance and alcohol testing program pursuant to the motor carrier regulations. Vilela Auto Body Repair's failure to provide controlled substance use educational materials that complies with 49 C.F.R. 382.601(b) to each of its drivers subsequent to hiring or testing is a violation of 49 C.F.R. 382.601(a)(1) as adopted by

K.A.R. 82-4-3c as authorized by K.S.A. 2015 Supp. 66-1,129. Staff recommends a fine of \$300.

- c. During the transportation described in paragraph a., above, Vilela Auto Body Repair required or permitted this transportation prior to first designating a person to supervise staff for the purposes of making reasonable suspicion determinations regarding alcohol and drug usage. This designated person must then undergo reasonable suspicion training to include 60 minutes of alcohol training and 60 minutes of controlled substance training. Vilela Auto Body Repair's inability to produce documentation of this training and its failure to have a designated person to attend 60 minutes of training on alcohol misuse and an additional 60 minutes of training on controlled substances use is a violation of 49 C.F.R. 382.603 as adopted by K.A.R. 82-4-3c and as authorized by K.S.A. 2015 Supp. 66-1,129. Staff recommends a fine of \$100.
- d. During the transportation described in paragraph a., above, Vilela Auto Body Repair failed to make an inquiry every 12 months into the annual motor vehicle record (MVR) of its driver and maintain the response(s) of each state agency in the driver qualification file. The driver, Wendall E. Martin had a gap of MVR's between October 17, 2014 and November 17, 2015. The special investigator found three (3) violations of this type. Vilela Auto Body Repair's failure to inquire into its driver's MVR at least once every 12 months and maintain a copy of the MVR in the driver qualification file is a violation of 49 C.F.R. Part 391.25(a) and (c), as

adopted by K.A.R. 82-4-3g, as authorized by K.S.A. 2015 Supp. 66-1,112.

Staff recommends a fine of \$250.

- e. During the transportation described in paragraph a., above, Vilela Auto Body Repair's vehicle license tags on all of its trucks and trailers were expired as of December 31, 2014. The tags were Kansas Commercial tags and should have been renewed by March 31, 2015. Vilela Auto Body Repair's operations of commercial motor vehicles with expired tags is a violation of 49 C.F.R. 392.2 and 8-142, as adopted by K.A.R. 82-4-3 and as authorized by K.S.A. 2015 Supp. 66-1,112 and K.S.A. 2015 Supp. 66-1,129.

#### **IV. STAFF'S RECOMMENDATIONS**

8. Based upon the available facts, Staff recommends the Commission find Vilela Auto Body Repair committed five (5) violations 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 \$1,900 for five (5) violations of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that Vilela Auto Body Repair 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](http://kcc.ks.gov/trans/safety_meetings.htm).

11. Finally, Staff recommends that Vilela Auto Body Repair 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 Vilela Auto Body Repair because it is a motor carrier as defined in K.S.A. 2015 Supp. 66-1,108.

13. The Commission finds Vilela Auto Body Repair committed five (5) violations 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. Randy Vilela, d/b/a Randy Vilela Auto Body Repair & Painting, of Pittsburg, Kansas is hereby assessed a \$1,900 civil penalty for five (5) violations 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. Vilela Auto Body Repair 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, Vilela Auto Body Repair is ordered to submit to one follow-up safety compliance review within the next eighteen (18) months.

C. Pursuant to K.S.A. 2015 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 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 Vilela Auto Body Repair's right to a hearing, and this Penalty Order will become a Final Order assessing a \$1,900 civil penalty against Vilela Auto Body Repair, and ordering Vilela Auto Body Repair 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. 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. 2015 Supp. 66-1,142b(e) and amendments thereto.

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 \$1,900 civil penalty within thirty (30) days of the service of this Penalty Order, *see* K.S.A. 66-1,105, and/or failure to comply with the provisions of this Order,



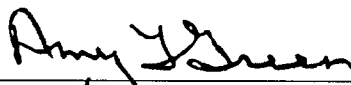
may result in suspension of Vilela Auto Body Repair's motor carrier operating authority without further notice. Additionally, the Commission may impose further sanctions to include, but not limited to, the issuance and enforcement of out-of-service and/or cease and desist orders, and any other remedies 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 orders, as necessary.

**BY THE COMMISSION IT IS SO ORDERED.**

Albrecht, Chair; Emler, Commissioner; Apple, Commissioner

Dated: **JAN 05 2016**


  
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Amy L. Green  
Secretary to the Commission

AAL

**Order Mailed Date**

**JAN 06 2016**

## **ATTACHMENT “A”**

	<b>US DOT #</b> 1029956		<b>Legal:</b> RANDY VILELA <b>Operating (DBA):</b> RANDY VILELA AUTO BODY REPAIR & PAINTING	
			<b>Federal Tax ID:</b> [REDACTED] (EIN)	
<b>MC/MX #:</b>				
<b>Review Type:</b> Compliance Review (CR)				
<b>Scope:</b> Principal Office		<b>Location of Review/Audit:</b> Company facility in the U. S.		<b>Territory:</b> C
<b>Operation Types</b> Interstate Intrastate				
<b>Carrier:</b> HM HM		<b>Business:</b> Corporation		
<b>Shipper:</b> N/A N/A		<b>Gross Revenue:</b> [REDACTED] for year ending: 12/31/2014		
<b>Cargo Tank:</b> N/A				
<b>Company Physical Address:</b> [REDACTED]				
<b>Contact Name:</b> Randy Vilela				
<b>Phone numbers: (1)</b> [REDACTED]		<b>Fax</b>		
<b>E-Mail Address:</b> [REDACTED]				
<b>Company Mailing Address:</b>				
PO BOX 208 PITTSBURG, KS 66762-0208				
<b>Carrier Classification</b>				
Private Property				
<b>Cargo Classification</b>				
Motor Vehicles		Machinery, Large Objects		Construction
Other: refuse				
<b>Hazardous Materials</b>				
9 Miscellaneous HM		Carried		Non-Bulk
<b>Equipment</b>				
	<b>Owned</b>	<b>Term Leased</b>	<b>Trip Leased</b>	<b>Owned Term Leased Trip Leased</b>
Truck	4	0	0	Truck Tractor 1 0 0
Trailer	2	0	0	
Power units used in the U.S.: 5				
Percentage of time used in the U.S.: 100				
<b>Does carrier transport placardable quantities of HM?</b> No				
<b>Is an HM Permit required?</b> N/A				
<b>Driver Information</b>				
	<b>Inter</b>	<b>Intra</b>	<b>Average trip leased drivers/month:</b> 0	
< 100 Miles:	3		<b>Total Drivers:</b> 3	
>= 100 Miles:			<b>CDL Drivers:</b> 3	



**RANDY VILELA AUTO BODY REPAIR & PAINTING (RANDY VI dba)**  
U.S. DOT #: 1029956

Review Date:  
12/02/2015

**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:

Kansas Corporation Commission  
1500 SW Arrowhead Rd  
Topeka, Ks 66604-4027 1-785-271-3145

**This report will be used to assess your safety compliance.**

**Person(s) Interviewed**

**Name:** Randy Vilela

**Title:** Owner

**Name:**

**Title:**





RANDY VILELA AUTO BODY REPAIR & PAINTING (RANDY VI dba)  
U.S. DOT #: 1029956

Review Date:  
12/02/2015

### Part B Violations

1 FEDERAL	Primary: 382.305(i)(2)	Discovered 1	Checked 2	Drivers/Vehicles In Violation 1	Checked 2
<b>Description</b> Failing to ensure that each driver subject to random alcohol and controlled substances testing has an equal chance of being selected each time selections are made. <b>Example</b> Driver name: [REDACTED] Trip date: 08-14-15 Origination: Columbus Ks Destination: Pittsburg Ks At the time of this trip, and the time of this review, it was found that the carrier had placed a driver [REDACTED] in his driver selection pool with other drivers. Ralph Hayes with Ks DL # [REDACTED] was found through CDLIS to have a regular Class AM drivers license, not a CDL. Carrier stated that [REDACTED] has in the past driven a Roll Back vehicle in the salvage part of the carriers business that was well under the GVWR of a CDL required vehicle. It was also noted that this same roll back vehicle has been broken down and out of service for nearly 2 years. [REDACTED] was found in the driver selection pool and a random negative drug test was found on 02-14-14. This did not give the CDL drivers equal chance of being selected for testing as described by this part.					
2 FEDERAL	Primary: 382.601(b)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
<b>Description</b> Failing to provide to employees a written policy on misuse of alcohol and controlled substances that meets the requirements of 382.601(b) 1-11. <b>Example</b> Driver name: [REDACTED] Trip date: 08-14-15 Origination: Columbus Ks Destination: Pittsburg Ks At the time of this trip, and the time of this review, it was found that the carrier person in charge of DOT issues, [REDACTED] stated that the carrier had hired Hire Rite drug and alcohol testing consortium over 10 years ago at her advice. To the best of her knowledge, the consortium had never given the carrier, Randy Vilela, any drug or alcohol policy or receipt of such for his employees. She stated if they did provide it, she was not aware of it. Carrier CDL drivers had no proof of knowledge of any company drug and alcohol policy.					
3 FEDERAL	Primary: 382.603	Discovered 1	Checked 1	Drivers/Vehicles In Violation 0	Checked 0
<b>Description</b> Failing to ensure person designated to determine that drivers undergo reasonable suspicion testing receive 60 minutes training for alcohol and/or 60 minutes of training for controlled substances. <b>Example</b> Driver name: [REDACTED] Trip date: 08-14-15 Origination: Columbus Ks Destination: Pittsburg Ks At the time of this trip, and the time of this review, it was found that the carrier person in charge of DOT issues, [REDACTED] stated that the carrier had hired Hire Rite drug and alcohol testing consortium over 10 years ago at her advice. To the best of her knowledge, the consortium had never given any information regarding reasonable suspicion supervisor training. Mr. Randy Vilela stated that he is the supervisor and directly works with the drivers everyday. He stated he sees them every morning to give assignments. There was no documented proof of any supervisor training. [REDACTED] was instructed how to get the training through our website and was told how to obtain the other policy for drug and alcohol					





**RANDY VILELA AUTO BODY REPAIR & PAINTING (RANDY VI dba)**  
U.S. DOT #: 1029956

Review Date:  
12/02/2015

### Part B Violations

4 STATE	Primary: 391.51(b)(4) CFR Equivalent: 391.51(b)(4)	Discovered 3	Checked 3	Drivers/Vehicles In Violation	Checked 3
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#### Description

Failing to maintain the responses of each State agency to the annual driver record inquiry required by 391.25(a).

#### Example

Driver name: [REDACTED]

Trip date: 08-14-15

At the time of this trip, and the time of this review, it was found that the carrier had gaps in their driver MVRs..

The above driver had an MVR dated 10-14-09 valid through 10-14-10; 10-17-13 valid through 10-17-14; and 11-12-15 valid through 11-12-16. This driver went from 10-17-14 to 11-12-15 without any current MVR in their driver file. This was a period of almost 13 months. The above trip on 08-14-15 fell nearly 3 months before the carrier obtained new MVRs on their drivers.

The carrier other 2 drivers were found with similar lapses, but none this lengthy. The MVRs were not obtained at least every 12 months as required by this part.

5 STATE	Primary: 392.2 Secondary: 8-142	Discovered 7	Checked 7	Drivers/Vehicles In Violation	Checked 7
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#### Description

Expired State Registration

#### Example

Driver name: [REDACTED]

Trip date: 08-14-15

At the time of the above trip, and the time of this review, the carrier vehicles license tags on all trucks and trailers were found to be expired. The tags were checked by [REDACTED] at the Crawford County Tag office in Girard Ks. All tags that were registered to the carrier was found to have expired on 12-31-14. Tags were Kansas Commercial tags and should have been renewed by March 31 2015 and as of the the time of this review on 12-02-15 were not renewed.

#### Safety Fitness Rating Information:

Total Miles Operated 62,754  
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 :

**SATISFACTORY**

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

Corrective actions must be taken for any violations (deficiencies) identified on Part B of this report.





**RANDY VILELA AUTO BODY REPAIR & PAINTING (RANDY VI dba)**  
U.S. DOT #: 1029956

Review Date:  
12/02/2015

### Part B Requirements and/or Recommendations

1. Ensure reasonable suspicion training has been completed
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.

3. Make certain that all drivers of commercial motor vehicles have a record check of their driving record at least every 12 months and within 30 days of their initial employment.
4. 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.





RANDY VILELA AUTO BODY REPAIR & PAINTING (RANDY VI dba)  
U.S. DOT #: 1029956

Review Date:  
12/02/2015

### Part B Requirements and/or Recommendations

5. Provide employees and owner operators with a drug and alcohol policy. The policy will provide a signature page to verify the employee or owner operator has been given a copy of the policy to read and does in fact understand its contents.

6. Basic: Driver Fitness  
391.51(b)(4)

Failing to maintain inquiries into drivers records in the driver qualification files at least every 12 months as per 391.25(a)  
Carrier did provide current MVRs on all drivers, but failed to obtain every 12 months.

Also provide the proof of Reasonable Suspicion Training for all supervisors.  
Driver drug and alcohol policy signature pages that acknowledge they have read and understood the policy that is to be obtained from the consortium.

Please provide current evidence or copies of Motor Vehicle Record Checks on the drivers listed above within 15 days and a letter explaining your actions to correct the violations listed in this report to the person and address listed below.

Mr Gary Davenport  
Kansas Corporation Commission  
1500 SW Arrowhead Rd  
Topeka, Ks 66604-4027

7. Provide proof that the company supervisor listed below has been trained and certified with training on alcohol and drug abuse and provide this agency a copy of such certification.

Randy E Vilela

8. Within 15 days send a letter to our office explaining your actions taken to remedy a non-compliance status. Mail to Kansas Corporation Commission, 1500 SW Arrowhead RD. , Topeka, KS 66604-4027  
Attention: Gary Davenport

9. 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 [Randy Vilela] operating authority and/or the impoundment of [Randy Vilela] vehicles.

Carrier Signature

10. "I understand that monetary penalties will be assessed as a result of violations found in this compliance review. The penalty schedule can be found at this website:  
[http://kcc.ks.gov/trans/penalty\\_assessment\\_table.htm](http://kcc.ks.gov/trans/penalty_assessment_table.htm)"

Carrier Signature







RANDY VILELA AUTO BODY REPAIR & PAINTING (RANDY VI dba)  
U.S. DOT #: 1029956

Review Date:  
12/02/2015

**Part B Requirements and/or Recommendations**

Investigator Signature M. W. Rhee

## **ATTACHMENT “B”**

# DRIVER/VEHICLE EXAMINATION REPORT

Query Central 3.4

Kansas Highway Patrol  
MOTOR CARRIER SAFETY ASSISTANCE  
700 SW Jackson, Ste 704  
Topeka, KS 66603  
Phone: (785)296-7189 Fax: (785)296-2858

Report Number: KSHP00220032  
Inspection Date: 08/14/2015  
Start: 9:37 AM CT End: 10:12 AM CT  
Inspection Level: II - Walk-Around  
HM Inspection Type: None

RANDY VILELA

PITTSBURG, KS 66762-5221

USDOT#: 01029956

MC/MX#:

State#:

Phone#:

Fax#:

Driver: MARTIN, WENDELL E

License#:

State: KS

Date of Birth:

CoDriver:

License#:

State:

Date of Birth:

Location: CHEROKEE COUNTY - 021

Highway: K-7

County:

MilePost: 24

Origin: COLUMBUS, KS

Destination: PITTSBURG, KS

Shipper: EMPTY

Bill of Lading: NONE

Cargo: VILELA

## VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate #	Equipment ID	VIN	GVWR	CVSA #	New CVSA #	OOS#
1	TR	FRHT	1995	KS		V-6	585011	60,000			120111

**BRAKE ADJUSTMENTS:** No Brake Measurements Required For Level 2

## VIOLATIONS

Vio Code	Section	Unit	OOS	Citation #	Verify	Crash	Violations Discovered
396.17C	396.17C	1	N		N	N	Operating a CMV without proof of a periodic inspection
393.45DLUV	393.45DLUV	1	N		N	N	Brake Connections with Leaks Under Vehicle
396.3A1BL	396.3A1BL	1	Y		U	N	Brake system pressure loss - fail to maintain pressure upon brake application

**HazMat:** No HM Transported.

**Placard:** No

**Cargo Tank:**

## Special Checks:

\* Pursuant to the authority contained in Title 49, CFR; K.S.A. 88-1,129; K.C.C. Reg. 62-4-3, I hereby declare the above marked unit(s) as "OUT OF SERVICE". No person and/or carrier shall permit and/or require the removal of the "OUT OF SERVICE" stickers or the operation of this motor vehicle until ALL out of service defects have been corrected. This Out of Service condition may result in the assessment of a Civil Penalty being issued against the Carrier indicated on this report. Driver Initials \_\_\_\_\_

\* NOTE TO MECHANIC: The undersigned certifies that all mechanical defects listed on this report HAVE BEEN CORRECTED at the time of signature.

Signature Of Repairer X: \_\_\_\_\_

Facility: \_\_\_\_\_

Date: \_\_\_\_\_

\*\*DRIVER: THIS FORM IS REQUIRED TO BE RETURNED TO THE CARRIER BY REGULATION. \*\*/

\*CARRIER CERTIFICATION: All defects on this sheet must be corrected or acknowledged PRIOR TO RE-DISPATCH and then certified by a responsible carrier official who must sign below. RETURN THIS FORM WITHIN 15 DAYS to the Motor Carrier Division of the KANSAS HIGHWAY PATROL at the address listed at the top of this form.

Signature Of Motor Carrier X: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Report Prepared By:  
R.D. Wilson

Badge #:  
0022

Copy Received By: \_\_\_\_\_

Page 1 of 1



01029956 KS KSHP00220032

X \_\_\_\_\_

X \_\_\_\_\_

## **ATTACHMENT “C”**

First Name	Last Name	Middle Name	SSN	Location Identifier	Employee Category
RONALD	MCDANIEL		***-**-9781	Randy Vilela Auto Body Repair	
RALPH	HAYES		***-**-4107	Randy Vilela Auto Body Repair	
Mitchell	Harrison		***-**-4809	Randy Vilela Auto Body Repair	

**CERTIFICATE OF SERVICE**

16-TRAM-280-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 **JAN 05 2016**.

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

RANDY VILELA, OWNER  
RANDY VILELA  
D/B/A RANDY VILELA AUTO BODY REPAIR AND PAINTING  
PO BOX 208  
PITTSBURG, KS 66762-0208  
rvilelaservices@yahoo.com

/S/ DeeAnn Shupe  
DeeAnn Shupe

Order Mailed Date

**JAN 06 2016**