

STATE OF KANSAS



CORPORATION COMMISSION
1500 SW ARROWHEAD ROAD
TOPEKA, KS 66604-4027

PHONE: 785-271-3100
FAX: 785-271-3354
<http://kcc.ks.gov/>

GOVERNOR JEFF COLYER, M.D.

SHARI FEIST ALBRECHT, CHAIR | JAY SCOTT EMLER, COMMISSIONER | DWIGHT D. KEEN, COMMISSIONER

NOTICE OF PENALTY ASSESSMENT

October 16, 2018

19-TRAM-134-PEN

Alfonso G. Hernandez, Owner
d/b/a Amigo Transport
606 Pennsylvania Ave
Garden City, KS 67846

This is a notice of a penalty assessment against Alfonso G. Hernandez, d/b/a Amigo Transport (Amigo Transport) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on August 22, 2018, by Kansas Corporation Commission Special Investigator Penny Fryback. Penalty amounts are assessed in accordance with the FY 2019 Uniform Penalty Assessment Matrix, approved by the Commission on August 7, 2018. For a full description of the penalty and terms and obligations, please refer to the Penalty Order attached to this notice.

IF YOU ACCEPT THE PENALTY:

Amigo Transport has been assessed a \$1,750 penalty. You have thirty (30) days from the date of service of this Penalty Order to pay the fine, unless you choose the reduced penalty option explained below. Please remit payment of \$1,750 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.

AMIGO TRANSPORT IS A NEW ENTRANT MOTOR CARRIER AND MAY BE ELIGIBLE FOR A PENALTY REDUCTION OF FIFTY PERCENT (50%) UNDER THE FOLLOWING TERMS:

New Entrant motor carriers are eligible for a one-time, fifty-percent (50%) reduction in the penalty assessed motor carriers. You have to agree to meet the terms and obligations set out in the attached Reduced Penalty Agreement to be eligible for the reduction. A fifty-percent (50%) reduction in the penalty assessed may be available if:

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

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

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

(4) within eighteen (18) months from the date of this Penalty Order, the carrier must submit to a follow-up Safety Compliance Review. Transportation Staff will contact the carrier to schedule the review.

If a carrier is approved for a fifty-percent (50%) reduced penalty, an Order Amending Penalty Assessment assessing the reduced penalty and setting out the terms and conditions stated above may be issued by the Commission. Payment of the reduced penalty of \$875 would be due within 30 days from the date of service of the Order Amending Penalty Assessment.

IF YOU CONTEST THE PENALTY ORDER:

You have the right to request a hearing if you contest the terms of the Penalty Order. A request for hearing must be made in writing, setting forth the specific grounds upon which relief is sought. Alfonso G. Hernandez, d/b/a Amigo Transport 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 Litigation Counsel at the above address. If you do not have access to the internet, you can mail an original and seven (7) copies of the request to the Secretary to the Commission at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy of the request to Litigation Counsel. K.A.R. 82-1-215; K.S.A. 2017 Supp. 77-542.

IF YOU FAIL TO ACT:

Failure to adhere to the terms and obligations set out in the attached Penalty Order, including payment of the penalty of \$1,750 within thirty (30) days from the date of service of the Penalty Order, or in the alternative, provide a written request for a hearing within 15 days from the date of service of the Penalty Order, will result in the Order becoming final and the terms and conditions set out therein will be enforced. If Amigo Transport submits the attached Reduced Penalty Agreement as explained above, an Order Amending Penalty Assessment may be issued assessing the reduced penalty of \$875 and that payment would become due within thirty (30) days from the date of service of the Order Amending Penalty Assessment.

Respectfully,



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

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GOVERNOR JEFF COLYER, M.D.

SHARI FEIST ALBRECHT, CHAIR | JAY SCOTT EMLER, COMMISSIONER | DWIGHT D. KEEN, COMMISSIONER

REDUCED PENALTY AGREEMENT

19-TRAM-134-PEN

Alfonso G. Hernandez, d/b/a Amigo Transport (Amigo Transport) hereby submits this Reduced Penalty Agreement for approval of a fifty percent (50%) reduction in the penalty assessed in the Penalty Order dated October 16, 2018. Amigo Transport has agreed to comply with the following terms and obligations:

1. Amigo Transport has submitted, within fifteen (15) days from the date of the Penalty Order this signed and dated Reduced Penalty Agreement to Litigation Counsel.
2. Amigo Transport will, within thirty (30) days from the date of the Penalty Order, submit to Transportation Staff a Corrective Action Plan (CAP) documenting the violation(s) and describing specific and detailed information explaining its efforts and concrete steps taken to ensure the violation(s) do not occur in the future. I understand the CAP must be approved by Transportation Staff to become eligible for the 50% reduced penalty.
3. Amigo Transport will, within thirty (30) days from the date of the Penalty Order, send an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance will be submitted to the Litigation Counsel.
4. Amigo Transport will be available within eighteen (18) months from the date of the Penalty Order for a follow-up Safety Compliance Review. Transportation Staff will contact the carrier to schedule the review.

Alfonso G. Hernandez, d/b/a Amigo Transport understands that if approved, an Order Amending Penalty Assessment will be issued by the Commission assessing a reduced penalty of \$875, and will set out the terms and conditions stated above. Once the Order Amending Penalty Assessment is issued by the Commission, Amigo Transport will have thirty (30) days from the date of service of that Order to pay the reduced penalty assessed.

Dated this ____ day of _____, 2018.

Alfonso G. Hernandez, d/b/a Amigo Transport

Alfonso G. Hernandez
Owner

(This Agreement can be mailed via U.S. Mail to the address above to the attention of Ahsan Latif, Litigation Counsel, or sent via e-mail to v.jacobsen@kcc.ks.gov and alatif@kcc.ks.gov.)

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

Before Commissioners: Shari Feist Albrecht, Chair
 Jay Scott Emler
 Dwight D. Keen

In the Matter of the Investigation of **Alfonso G.)
Hernandez, d/b/a Amigo Transport, of)
Garden City, KS,** Regarding the Violation of)
the Motor Carrier Safety Statutes, Rules and) Docket No. 19-TRAM-134-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.S.A. 2017 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. 2017 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. 2017 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. Alfonso G. Hernandez, d/b/a Amigo Transport (Amigo Transport) has common operating authority with the Commission and further operates under USDOT number 1445858.

5. Alfonso Hernandez attended a Commission-sponsored Motor Carrier Education and Safety Instructional Meeting on February 15, 2016, on behalf of Amigo Transport.

6. Amigo Transport is a common motor carrier which primarily hauls grain, feed, hay, commodities dry bulk, and road materials.

7. Amigo Transport is a New Entrant motor carrier and may be eligible for a fifty-percent (50%) reduction of the penalty(s) assessed below.

III. STATEMENT OF FACTS

8. Pursuant to the jurisdiction and authority cited above, on August 22, 2018, Commission Staff (Staff) Special Investigator Penny Fryback conducted a compliance review of the operations of Amigo Transport. A copy of the safety compliance review is attached hereto as Attachment "A" and is hereby incorporated by reference. As a result of this investigation, the special investigator identified two (2) violation(s) of the Motor Carrier Safety Regulations.

- a. On June 19, 2018, Amigo Transport required or permitted its driver, Alfonso G. Hernandez, to operate a CDL-required commercial motor vehicle, a 1998 Freightliner, VIN ending in 908069, GVWR 52,000 lbs., pulling a 1996 Timppe trailer, VIN ending in 088369, GVWR 65,000 lbs.,

in intrastate commerce from Garden City, Kansas to Oakley, Kansas. This trip is evidenced by Driver's Daily Log, dated June 19, 2018, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, Amigo Transport failed to require its driver to retain the bills of lading, scale tickets or any other document for the various loads. The special investigator discovered 64 violations of this type. The carrier's failure to retain documentation and records of its commercial motor vehicle operations is a violation of 49 C.F.R. 390.31, adopted by K.A.R. 82-4-3, and authorized by K.S.A. 2017 Supp. 66-1,129. Staff recommends a violation of \$750.

- b. On June 2, 2018, Amigo Transport required or permitted its driver, Alfonso G. Hernandez, to operate a 1998 Freightliner, VIN ending in 908069, GVWR 52,000 lbs., pulling a 1996 Timpfe trailer, VIN ending in 088369, GVWR 65,000 lbs., in intrastate commerce from Garden City, Kansas to Oakley, Kansas. This trip is evidenced by a document, a copy of which is attached hereto as Attachment "C" and is hereby incorporated by reference. Mr. Hernandez' Driver's Daily Log dated June 2, 2018, reports his as "off duty." *See*, Driver's Daily Log, dated June 2, 2018, a copy of which is attached hereto as Attachment "D" and is hereby incorporated by reference. Driver Hernandez reported a false record of duty status. Amigo Transport's falsifying records of duty status is a violation of 49 C.F.R. 395.8(e)(1), adopted by K.A.R. 82-4-3a, and

authorized by K.S.A. 2017 Supp. 66-1,129. Staff recommends a fine of \$1,000.

IV. STAFF'S RECOMMENDATIONS

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

10. Staff recommends a civil penalty of \$1,750 for two (2) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

11. Staff provides notice to the Commission that Alfonso G. Hernandez, d/b/a Amigo Transport is a New Entrant motor carrier and may be eligible for a fifty-percent (50%) reduced civil penalty. The carrier must submit to Litigation Counsel within fifteen (15) days of the date of this Penalty Order the signed and dated Reduced Penalty Agreement and Transportation Staff must approve the carrier's Corrective Action Plan (CAP).

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

13. Staff further recommends that a representative from Amigo Transport attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and provide proof of attendance to Litigation Counsel.

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

V. CONCLUSIONS OF LAW

15. The Commission finds it has jurisdiction over Amigo Transport because it is a motor carrier as defined in K.S.A. 2017 Supp. 66-1,108.

16. The Commission finds a penalty of \$1,750 should be assessed to Amigo Transport for committing two (2) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

17. The Commission finds Amigo Transport is a New Entrant motor carrier and may be eligible for a fifty-percent (50%) reduction in the penalty(s) assessed herein.

THE COMMISSION THEREFORE ORDERS THAT:

A. Alfonso G. Hernandez, d/b/a Amigo Transport, of Garden City, KS is hereby assessed a penalty of \$1,750 for two (2) violation(s) of Kansas law governing the regulation of motor carriers, the Kansas Administrative Regulations and provisions of the Federal Motor Carrier Safety Regulations, as adopted by the Kansas Administrative Regulations. Payment of \$1,750 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 owed.

B. A representative from Amigo Transport is ordered to attend a Commission-sponsored safety meeting within ninety (90) days from the date of this Order, and provide proof of attendance to Litigation Counsel. 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.

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

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

E. If Amigo Transport does not submit the Reduced Penalty Agreement and fails to pay the penalty of \$1,750 within thirty (30) days from the date of service of this Penalty Order, *see* K.S.A. 66-1,105, and/or fails to comply with the provisions of this Order, the Commission will have the right to order further sanctions, including suspension of Amigo Transport's motor carrier operating authority without further notice. Additionally, the Commission may issue and enforce revocation of motor carrier authority and/or issue cease and desist order(s), and may order other remedies available to the Commission by law, without further notice.

F. **Pursuant to K.S.A. 2017 Supp. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issue(s) by submitting a written request setting forth the specific grounds upon which relief is sought, within fifteen (15) days from the date of**

service of this Penalty Order. The request may be electronically filed with the Commission's electronic filing system at <https://puc.kcc.ks.gov/e-filing/e-express/>, and a copy mailed to the Litigation Counsel. If you do not have access to the internet, you can mail an original and seven copies of the request to the Secretary to the Commission, at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy to Litigation Counsel. A hearing will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of Amigo Transport's right to a hearing.

G. 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. 2017 Supp. 66-1,142b(e) and amendments thereto.

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

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner


Dated: 10/16/2018



Lynn M. Retz
Secretary to the Commission

AAL

ATTACHMENT “A”

	US DOT # 1445858		Legal: ALFONSO G HERNANDEZ Operating (DBA): AMIGO TRANSPORT	
	MC/MX #: 546498		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		Business: Individual		
Shipper: N/A N/A		Gross Revenue: [REDACTED] for year ending: 12/31/2017		
Cargo Tank: N/A				
Company Physical Address:				
[REDACTED] GARDEN CITY, KS 67846				
Contact Name: [REDACTED]				
Phone numbers: (1) [REDACTED]		Fax [REDACTED]		
E-Mail Address: [REDACTED]				
Company Mailing Address:				
[REDACTED] GARDEN CITY, KS 67846				
Carrier Classification				
Authorized for Hire		Exempt for Hire		
Cargo Classification				
Grain, Feed, Hay		Commodities Dry Bulk		Other: Road Materials
Equipment				
	Owned	Term Leased	Trip Leased	
Truck Tractor	1	1	0	Trailer
	Owned	Term Leased	Trip Leased	
	1	1	0	
Power units used in the U.S.: 2				
Percentage of time used in the U.S.: 100				
Does carrier transport placardable quantities of HM? No				
Is an HM Permit required? N/A				
Driver Information				
	Inter	Intra	Average trip leased drivers/month: 0	
< 100 Miles:			Total Drivers: 2	
>= 100 Miles:	2		CDL Drivers: 2	



AMIGO TRANSPORT (ALFONSO G HERNANDEZ dba)
U.S. DOT #: 1445858

State #: [REDACTED]

Review Date:
08/22/2018

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 Road
Topeka, Ks 66604 Phone : 785-271-3145

This report will be used to assess your safety compliance.

Person(s) interviewed

Name: Alfonzo G. Hernandez

Title: Owner

Name: [REDACTED]



AMIGO TRANSPORT (ALFONSO G HERNANDEZ dba)
U.S. DOT #: 1445858

State #: [REDACTED]

Review Date:
08/22/2018

Part B Violations

1 STATE CRITICAL	Primary: K.A.R. 82-4-35(a) CFR Equivalent: 392.2	Discovered 64	Checked 90	Drivers/Vehicles In Violation 2	Checked 2
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Description

Failure to preserve or provide supporting documents

Example

Driver Alfonso G. Hernandez
Trip Date: 8/19/2018

On June 19, 2018 Driver Alfonso G. Hernandez hauled a load of 1 inch rock from Garden City, Kansas to Oakley, Kansas where he unloaded. He then drove to Seguin, Kansas and loaded corn and hauled it to Reeves Cattle Co. in Garden City, Kansas and unloaded. Then he loaded 1 inch rock or sand and unloaded that at Oakley, Kansas. Then Mr. Hernandez loaded corn in Seguin, Kansas and hauled it to Garden City, Kansas then loaded another load of sand in Garden City, Kansas. Alfonso G. Hernandez d/b/a Amigo Transport did not retain any scale tickets or bills of lading for these loads.

2 STATE	Primary: 395.8(e) CFR Equivalent: 395.8(e)	Discovered 1	Checked 53	Drivers/Vehicles In Violation 1	Checked 2
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Description

False reports of records of duty status.

Example

Driver Alfonso G Hernandez
Trip Date: 6/2/2018

3 STATE	Primary: 395.8(f) CFR Equivalent: 395.8(f)	Discovered 33	Checked 53	Drivers/Vehicles In Violation 1	Checked 2
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Description

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

Example

Driver Alfonso Hernandez
Trip Date: 6/14/2018

Driver Alfonso failed to enter to the total hours at the end of the graph.

4 FEDERAL	Primary: 396.3(b)(3)	Discovered 4	Checked 4	Drivers/Vehicles In Violation 4	Checked 4
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Description

Failing to keep a record of inspection, repairs and maintenance indicating their date and nature.

Example

Unit 11
Trip Date: 6/14/2018

The carrier had a maintenance and inspection record for the trucks and the trailers on the trip envelopes but all they show is oil changes and lubrications. The carriers Agent had a maintenance file which identified the vehicles correctly but had no documents of any other repairs or maintenance that had been performed on any of the vehicles.

Safety Fitness Rating Information:

Total Miles Operated 201,901
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): 3





AMIGO TRANSPORT (ALFONSO G HERNANDEZ dba)
U.S. DOT #: 1445858

State #: [REDACTED]

Review Date:
08/22/2018

Part B Violations

Your proposed safety rating is :

SATISFACTORY

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

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



	AMIGO TRANSPORT (ALFONSO G HERNANDEZ dba) U.S. DOT #: 1445858	Review Date: 08/22/2018
Part B Requirements and/or Recommendations		

1. 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:
<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 carriers 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.

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





AMIGO TRANSPORT (ALFONSO G HERNANDEZ dba)
U.S. DOT #: 1445858

State #: [REDACTED]

Review Date:
08/22/2018

Part B Requirements and/or Recommendations

Regulations, Federal Hazardous Material Regulations or the Federal Motor Carrier Commercial Regulations may also affect the civil penalty proposed in any subsequent Penalty Order. Your signature for receipt of this report acknowledges your understanding that the violations discovered by the KCC during this review may be used to calculate any civil penalty proposed as a result of this review.

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

The KCC requires that you prepare a corrective action letter, addressing the measures taken to correct the violations identified within this report. Submit this letter within 30 days outlining the carrier's updated changes to their policies and procedures regarding all listed violations. Explain in detail how, as a carrier representative, you will rectify these deficiencies and prevent their reoccurrence going forward. Include any supporting documentation and evidence as indicated in the recommendations above, (example: vehicle inspections performed, proof of drug and alcohol testing in place, etc.) necessary to prove that corrective action has been taken. Mail the letter along with copies of your supporting evidence to:

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

2. Toll receipts and other on-the-road expense receipts, invoices, bills of lading, dispatch records, and other "supporting document" must be kept on file for six (6) months. This requirement also applies to records generated by the use of owner-operators. You may keep legible photocopies in lieu of originals.
3. Supporting documents shall be made available upon request for inspection by any duly authorized representative of the Kansas Corporation Commission. Supporting documents are registration receipts, drivers records of duty status, bills of lading, shipping receipts, waybills, freight bills, run tickets or equivalent documents, fuel receipts, toll road receipts and any other document that would indicate compliance with the hours of service requirements.
4. Motor carriers must retain each supporting document generated or received in the normal course of business in the following categories for each of its drivers for every 24-hour period to verify on-duty not driving time in accordance with § 395.8(k):
 - (i) Each bill of lading, itinerary, schedule, or equivalent document that indicates the origin and destination of each trip;
 - (ii) Each dispatch record, trip record, or equivalent document;
 - (iii) Each expense receipt related to any on-duty not driving time;
 - (iv) Each electronic mobile communication record, reflecting communications transmitted through a fleet management system; and
 - (v) Each payroll record, settlement sheet, or equivalent document that indicates payment to a driver.A supporting document must include each of the following data elements:
On the document or on another document that enables the carrier to link the document to the driver, the driver's name or personal identification number (PIN) or a unit (vehicle) number if the unit number can be associated with the driver operating the unit and the date, which must be the date at the location where the date is recorded. The location, which must include the name of the nearest city, town, or village to enable Federal, State, or local enforcement personnel to quickly determine a vehicle's location on a standard map or road atlas; and the time, which must be convertible to the local time at the location where it is recorded.
If a driver has fewer than eight supporting documents containing the four data elements a document containing the data elements is considered a supporting document.
5. The following information must be included on the form in addition to the grid:
 - (1) Date;
 - (2) Total miles driving today;
 - (3) Truck or tractor and trailer number;
 - (4) Name of carrier;
 - (5) Driver's signature/certification;
 - (6) 24 hour period starting time (e.g., midnight, 9:00 a.m., noon, 3:00 p.m.);
 - (7) Main office address;
 - (8) Remarks;
 - (9) Name of co driver;
 - (10) Total hours (far right edge of grid); change of duty status locations, and
 - (11) Shipping document number(s), or name of shipper and commodity.





AMIGO TRANSPORT (ALFONSO G HERNANDEZ dba)
U.S. DOT #: 1445858

State #: [REDACTED]

Review Date:
08/22/2018

Part B Requirements and/or Recommendations

6. Establish a systematic maintenance records program for all vehicles. Maintain a complete file for each subject vehicle, recording all repair, maintenance and inspection operations performed.
7. This review will result in a Safety Rating.
8. This report contains citations of regulations that are deemed serious in nature and could result in penalties against your company and/or your drivers.
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 Alfonso G Hernandez d/b/a Amigo Transport operating authority and/or the impoundment of Alfonso G Hernandez d/b/a Amigo Transport vehicles.



AMIGO TRANSPORT (ALFONSO G HERNANDEZ dba)
U.S. DOT #: 1445858

State #: [REDACTED]

Review Date:
08/22/2018

Part B Requirements and/or Recommendations

your company and/or your drivers.

9. I, Ara Buruca 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 Alfonso G Hernandez d/b/a Amigo Transport operating authority and/or the impoundment of Alfonso G Hernandez d/b/a Amigo Transport vehicles.



ATTACHMENT “B”

*If you meet the 34-hour rest/recovery requirements in §390.3, you have 60/70 hours available again.

ATTACHMENT “C”

For DOT compliance, you must provide copies of all bill of lading. Debe entregar copias de los papeles de carga y descarga. Also provide copies of fuel receipts, toll receipts, DOT inspection reports, repair receipts and any other document generated on this road.

ATTACHMENT “D”



6 02 18
(Month) (Day) (Year)

0 431630
Total Miles Driving Today Total Mileage Today

DRIVER'S DAILY LOG

(24 HOURS)

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

AMISO Transport
Carrier or Carriers

[Redacted]

Garden City KS 67846
Main Office Address
Home Terminal Address

I certify these entries are true and correct:

11 59
Truck/Tractor and Trailer Numbers or License Plate(s) / State (show each unit)

Driver's Full Signature

Co-Driver's Name

	MID-NIGHT	1	2	3	4	5	6	7	8	9	10	11	NOON	1	2	3	4	5	6	7	8	9	10	11	TOTAL HOURS
1. OFF DUTY																									48
2. SLEEPER BERTH																									0
3. DRIVING																									0
4. ON DUTY (NOT DRIVING)																									6
REMARKS	MID-NIGHT	1	2	3	4	5	6	7	8	9	10	11	NOON	1	2	3	4	5	6	7	8	9	10	11	48

SHIPPING DOCUMENTS:

Frontier
B/L or Manifest No.
or
CORR

Shipper & Commodity

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

From: Garden

To: Sevin

USE TIME STANDARD AT HOME TERMINAL

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613-MP (Rev. 7/13) 8524

RECAP
Complete at end of workday.

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

70 Hr./8 Day Drivers

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

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

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

60 Hr./7 Day Drivers

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

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

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

*If you meet the 34-hour restart requirements in §395.3, you have 69.70 hours available again.



CERTIFICATE OF SERVICE

19-TRAM-134-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 10/17/2018.

ALFONSO G. HERNANDEZ, OWNER
ALFONSO G. HERNANDEZ
D/B/A AMIGO TRANSPORT
606 PENNSYLVANIA AVE
GARDEN CITY, KS 67846
buruca@sbcglobal.net

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