

1500 SW Arrowhead Road
Topeka, KS 66604-4027



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

Dwight D. Keen, Chair
Shari Feist Albrecht, Commissioner
Jay Scott Emler, Commissioner

Laura Kelly, Governor

NOTICE OF PENALTY ASSESSMENT
19-TRAM-394-PEN

April 11, 2019

Gary Unruh, Owner
d/b/a Unruh Distribution
1909 23rd St
Great Bend, KS 67530

This is a notice of a penalty assessment against Gary Unruh, d/b/a Unruh Distribution (Unruh Distribution) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on March 14, 2019, by Kansas Corporation Commission Special Investigator Gregory Askren. Penalties 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(s) and terms and obligations please refer to the Order attached to this notice.

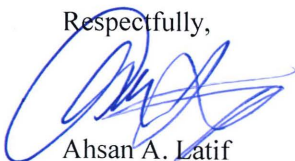
IF YOU ACCEPT THE PENALTY: Unruh Distribution has been assessed a \$1,350 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$1,350, through your personal account with the Kansas Corporation Commission's KTRAN system located at <https://puc.kcc.ks.gov/ktran/>. If you have not received a letter from the Transportation Division assigning you a PIN, please contact that Division at 785-271-3145. You must have an account through KTRAN to pay the penalty owed.

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

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

IF YOU FAIL TO ACT: Failure to pay the penalty of \$1,350 within thirty (30) days from the date of service of the Penalty Order or failure to comply with the terms of the Order, or in the alternative, failure to provide a timely written request for a hearing, will result in the Order becoming final and may result in additional sanctions of suspension and/or revocation of your motor carrier operating authority.

Respectfully,



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

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

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

In the Matter of the Investigation of **Gary**)
Unruh, d/b/a Unruh Distribution, of Great)
Bend, KS, Regarding the Violation of the Motor)
Carrier Safety Statutes, Rules and Regulations) Docket No. 19-TRAM-394-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). 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. 2018 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. 2018 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. 2018 Supp. 66-1,129a, 66-1,130 and 66-1,142b, the Commission may suspend operations, revoke or amend certificates, and initiate sanctions or fines against every motor carrier and every person who violates any provision of Kansas law in regard

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

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

II. BACKGROUND

4. Gary Unruh, d/b/a Unruh Distribution (Unruh Distribution) has private and common operating authority with the Commission and further operates under USDOT number 1731773.

5. Gary Unruh attended a Commission-sponsored Motor Carrier Education and Safety Instructional Meeting on March 25, 2019, on behalf of Unruh Distribution.

6. Unruh Distribution is a private and common motor carrier which primarily hauls refrigerated foods and dairy products.

III. STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, on March 14, 2019, Commission Staff (Staff) Special Investigator Gregory Askren conducted a safety compliance review of the operations of Unruh Distribution. A copy of the safety compliance review is included in this Penalty Order as Attachment "A" and is hereby incorporated by reference. As a result of this investigation, the special investigator identified three (3) violation(s) of the Motor Carrier Safety Regulations.

- a. On February 8, 2019, Unruh Distribution required or permitted its driver, Gary Unruh, to operate a CDL-required commercial motor vehicle, a 2000

Chevy truck, VIN ending in 518021, GVWR 30,000 lbs., in intrastate commerce from Great Bend, Kansas to Ellsworth, Kansas. This trip is evidenced by an activity sheet, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, Unruh Distribution 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 carrier'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)(1), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 2018 Supp. 66-1,112. Staff recommends a fine of \$100.

- b. During the transportation described in paragraph a, above, Unruh Distribution did not have proper KCC operating authority to run commerce point-to-point in the state of Kansas. The carrier's commercial operations of motor vehicles prior to obtaining and maintaining proper Commission authority is a violation of K.S.A. 2018 Supp. 66-1,111 and 49 C.F.R. 392.2, adopted by K.A.R. 82-4-3h, and authorized by K.S.A. 2018 Supp. 66-1,129. Staff recommends a fine of \$500.
- c. During the transportation described in paragraph a, above, Unruh Distribution did not require its driver to prepare a record of duty status. The special investigator discovered 28 violations of this type. The carrier's failure to require its driver to keep records of duty status for each

24-hour period, or in the alternative to maintain and retain time records described in 49 C.F.R. 395.1(e) under the short haul exemption, using the method described in 49 C.F.R. 395.8(a), and to submit the original record to the motor carrier within 13 days of creation is a violation of 49 C.F.R. 395.8(a), adopted by K.A.R. 82-4-3a, and authorized by K.S.A. 2018 Supp. 66-1,129. Staff recommends a fine of \$500.

IV. STAFF'S RECOMMENDATIONS

8. Based upon the available facts, Staff recommends the Commission finds Unruh Distribution committed three (3) 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.

9. Additionally, Staff recommends a civil penalty of \$1,350 for three (3) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

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

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

V. CONCLUSIONS OF LAW

12. The Commission finds it has jurisdiction over Unruh Distribution because it is a motor carrier as defined in K.S.A. 2018 Supp. 66-1,108.

13. The Commission finds Unruh Distribution committed three (3) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

THE COMMISSION THEREFORE ORDERS THAT:

A. Gary Unruh, d/b/a Unruh Distribution, of Great Bend, KS is hereby assessed a \$1,350 civil penalty for three (3) violation(s) of Kansas law governing the regulation of motor carriers, the Kansas Administrative Regulations and provisions of the Federal Motor Carrier Safety Regulations, as adopted by the Kansas Administrative Regulations.

B. Unruh Distribution is hereby ordered to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and is to provide Litigation Counsel with written proof of attendance.

C. Unruh Distribution is ordered to submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order. Transportation Staff will contact the carrier to set up the appointment.

D. Pursuant to K.S.A. 2018 Supp. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issue(s) by submitting a written request setting forth the specific grounds upon which relief is sought. The request may be electronically filed with the Commission's electronic filing system at <https://puc.kcc.ks.gov/e-filing/e-express/>, within fifteen (15) days from the date of service of this Order, and a copy of the request mailed to the Litigation Division.

If you do not have access to the internet, you can mail an original and seven copies of the request to the Secretary to the Commission, at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy of the request to Litigation Counsel. A hearing will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of Unruh Distribution's right to a hearing, and this Penalty Order will become a Final Order assessing a \$1,350 civil penalty against Unruh Distribution, and ordering a representative from Unruh Distribution to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order and provide Litigation Counsel with written proof of attendance, and to submit to a safety compliance review within 18 months from the date of this Order.

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

F. If you do not request a hearing, the payment of the civil penalty of \$1,350 is due in thirty (30) days from the date of service of this Order. Payment of \$1,350 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.

G. Failure to pay the \$1,350 civil penalty within thirty (30) days from the date of service of this Penalty Order, *see* K.S.A. 66-1,105, and/or failure to comply with the provisions

of this Order, may result in suspension of Unruh Distribution's motor carrier operating authority without further notice. Additionally, the Commission may impose further sanctions to include, but not limited to, the issuance and enforcement of revocation of authority and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

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.

Keen, Chair; Albrecht, Commissioner; Emler, Commissioner



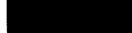
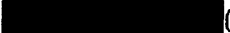

Dated: 04/11/2019




Lynn M. Retz
Secretary to the Commission

AAL

ATTACHMENT “A”

	US DOT # 1731773	Legal: GARY UNRUH Operating (DBA): UNRUH DISTRIBUTING	
MC/MX #:		Federal Tax ID:  (EIN)	
Review Type: Compliance Review (CR)			
Scope: Principal Office		Location of Review/Audit: Company facility in the U. S. Territory: E	
Operation Types		Interstate Intrastate	
Carrier: N/A	Non-HM	Business: Corporation	
Shipper: N/A	N/A	Gross Revenue:  for year ending: 12/31/2018	
Cargo Tank: N/A			
Company Physical Address:			
1909 23RD ST GREAT BEND, KS 67530-2504			
Contact Name: Gary Unruh			
Phone numbers: (1) 		(2) Fax	
E-Mail Address: 			
Company Mailing Address:			
4590 Prairie Rose Circle GREAT BEND, KS 67530-2504			
Carrier Classification			
Authorized for Hire		Private Property	
Cargo Classification			
Refrigerated Foods		Other: Dairy Products	
Equipment			
	Owned	Term Leased	Trip Leased
Truck	1	0	0
Power units used in the U.S.: 1			
Percentage of time used in the U.S.: 100			
Does carrier transport placardable quantities of HM? No			
Is an HM Permit required? N/A			
Driver Information			
	Inter	Intra	
< 100 Miles:		1	
>= 100 Miles:			
Average trip leased drivers/month: 0			
Total Drivers: 1			
CDL Drivers: 1			



	UNRUH DISTRIBUTING (GARY UNRUH dba) U.S. DOT #: 1731773	Review Date: 03/14/2019
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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: Gary Unruh

Title: Owner

Name:

Title:



	UNRUH DISTRIBUTING (GARY UNRUH dba)	Review Date:
	U.S. DOT #: 1731773	03/14/2019

Part B Violations

1 STATE	Primary: 391.51(b)(1)	Discovered 1	Checked 1	Drivers/Vehicles	
	CFR Equivalent: 391.51(b)(1)			In Violation 0	Checked 0

Description

Failing to maintain driver's employment application in driver's qualification file.


Example

Driver - Gary Unruh

DOB - 

Ks OL 

Trip date - 2-8-2019

On an intrastate trip from Great Bend Ks to Ellsworth Ks. driving a 2000 Chev., Vin -  518021, Ks. Reg. 501947 GVWR 30000 failed to maintain a driver's employment application in the driver's qualification file.

2 STATE	Primary: 391.51(b)(4)	Discovered 1	Checked 1	Drivers/Vehicles	
	CFR Equivalent: 391.51(b)(4)			In Violation 1	Checked 1

Description

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


Example

Driver - Gary Unruh

DOB - 

Ks OL 

Trip date - 2-8-2019

On an intrastate trip from Great Bend Ks to Ellsworth Ks. driving a 2000 Chev., Vin -  518021, Ks. Reg. 501947 GVWR 30000 failed to check the annual MVR. Failing to maintain the responses of each State agency to the annual driver record inquiry required by 391.25(a).

3 STATE	Primary: 391.51(b)(5)	Discovered 1	Checked 1	Drivers/Vehicles	
	CFR Equivalent: 391.51(b)(5)			In Violation 1	Checked 1

Description

Failing to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2).


Example

Driver - Gary Unruh

DOB - 

Ks OL 

Trip date - 2-8-2019

On an intrastate trip from Great Bend Ks to Ellsworth Ks. driving a 2000 Chev., Vin -  518021, Ks. Reg. 501947 GVWR 30000 failing to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2).

4 STATE	Primary: 391.51(b)(6)	Discovered 1	Checked 1	Drivers/Vehicles	
	CFR Equivalent: 391.51(b)(6)			In Violation 1	Checked 1

Description

Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27.


Example

Driver - Gary Unruh


DOB - 

Ks OL 

Trip date - 2-8-2019

On an intrastate trip from Great Bend Ks to Ellsworth Ks. driving a 2000 Chev., Vin -  518021, Ks. Reg. 501947 GVWR 30000 Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27.



	UNRUH DISTRIBUTING (GARY UNRUH dba)	Review Date:
	U.S. DOT #: 1731773	03/14/2019

Part B Violations

5 STATE	Primary: 392.2 Secondary: KSA 66-1,111	Discovered 1	Checked 1	Drivers/Vehicles In Violation 0	Checked 0
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Description

Operating a commercial motor vehicle without KCC public carrier (KAN-C) operating Authority.


Example

Driver - Gary Unruh

DOB - 

Ks OLI 

Trip date - 2-8-2019

On an intrastate trip from Great Bend Ks to Ellsworth Ks. driving a 2000 Chev., Vin -  518021, Ks. Reg. 501947 GVWR 30000. Operating a commercial motor vehicle without KCC public carrier (KAN-C) operating Authority. Authority was revoked for failure to renew on 1/18/2019.

6 STATE	Primary: 395.8(a) CFR Equivalent: 395.8(a)(1)	Discovered 28	Checked 28	Drivers/Vehicles In Violation 28	Checked 28
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Description

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


Example

Driver - Gary Unruh

DOB - 

Ks OLI 

Trip date - 2-8-2019


On an intrastate trip from Great Bend Ks to Ellsworth Ks. driving a 2000 Chev., Vin -  518021, Ks. Reg. 501947 GVWR 30000 failed to require driver to prepare record of duty status in form and manner prescribed. Driver failed to have any time sheets completed.

Safety Fitness Rating Information:		OOS Vehicle (CR): 0
Total Miles Operated	50,000	Number of Vehicle Inspected (CR): 0
Recordable Accidents	0	OOS Vehicle (MCMIS): 0
		Number of Vehicles Inspected (MCMIS): 0

Your proposed safety rating is :

This Review is not Rated.



	UNRUH DISTRIBUTING (GARY UNRUH dba) U.S. DOT #: 1731773	Review Date: 03/14/2019
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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.
- **Apply Adequate Resources:** Apply adequate resources to properly implement safety management practices. Consider reallocating responsibilities, additional staffing, contracting, or investing in technology to aid in this responsibility.
- **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.
- 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.

For all Investigations resulting 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. Your signature for 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. Your signature is not an admission of the violations identified.

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. Copies of the regulations, forms, interpretations, and manuals are available from a variety of sources. Check the FMCSA website for a current list of suppliers. www.fmcsa.dot.gov/safety-security/eta/index.htm

Part B Requirements and/or Recommendations

3. A copy of your carrier profile can be obtained at no cost from the FMCSA Portal (<https://portal.fmcsa.dot.gov/login>).
4. Intrastate operation beyond exempt radius in Kansas requires carrier to obtain KAN-C operating authority from Kansas Corporation Commission prior to operating in commerce. Records indicate the carrier failed to renew and the authority was cancelled.
5. Each motor carrier shall maintain a driver qualification (DQ) file for each driver it employs. A driver's qualification file may be combined with his/her personnel file. The DQ file must include: driver's application for employment completed in accordance with 391.21; a copy of the motor vehicle record received from each State within 30 days of the hire date pursuant to 391.23(a)(1); certificate of the driver's road test issued to the driver [391.31(e)] or a copy of the CDL license [391.33]; copy of the annual motor vehicle record received from each State agency [391.25(a)]; note relating to the annual review of the driver's driving record [391.25(c)(2)]; list or certificate relating to violations of motor vehicle laws and ordinances of the annual review of the driver's driving record [391.27]; copy of the medical examiner's certificate [391.43(g)]; a note relating to the verification of medical examiner listing on the National Registry of Certified Medical Examiners [391.23(m)]; and a Skill Performance Evaluation Certificate if applicable [391.49].
6. As required by 391.25(a), motor carriers shall, at least once every 12 months, make an inquiry to obtain the motor vehicle record of each driver it employs, covering at least the preceding 12 months, to the appropriate agency of every State in which the driver held a commercial motor vehicle operator's license or permit during the time period.
7. If you want some drivers to use the 100 air-mile radius exemption, make sure that the drivers meet all terms of the exemption, including being released from duty no more than 12 hours from when they report for duty. Logs must be prepared if a driver does not meet the 12 hour requirement.
8. Conduct periodic internal reviews of your driver qualification, hours of service control, maintenance, accident analysis/reporting, training, and other safety systems to ensure continued compliance with the FMCSR.
9. Obtain a copy of each driver's driving record and review it annually.
10. Require all drivers to prepare complete and accurate records of duty status for each day, and to submit them within 13 days. Maintain all duty status records on file, with all supporting documents, for at least 6 months.
11. Ensure that all documents supporting records of duty status (such as toll, fuel repair and other on-the-road expense receipts, as well as invoices, bills of lading, dispatch records, etc.) are kept on file for at least 6 months.
12. 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.

13. DRIVER FITNESS BASIC PROCESS BREAKDOWN: Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN - Failed to check the annual MVR as required.

BASIC SPECIFIC RECOMMENDED REMEDIES

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

- Develop a policy for the periodic review (at least twice per year) of driver qualification files. The motor carrier should not rely on third-party sources, such as insurance agencies. The procedure should include controls to ensure

Part B Requirements and/or Recommendations

that documents requiring renewals are in place, to remind drivers of expiration dates on medical certificates, so they can schedule another physical examination in advance, and to prevent falsification of documents related to driver qualification.

- Establish a policy requiring drivers to submit copies of all vehicle and roadside inspections and moving violations to carrier management within 24 hours, and to notify management of suspended or revoked Commercial Driver's Licenses (CDLs) immediately following notification of suspension/revocation.
- Establish a policy requiring all new (since 2003) Commercial Driver's License (CDL) drivers to submit documentation of entry-level driver training in - for example, driver qualification requirements, Hours of Service (HOS), driver wellness, and whistleblower protection - or to take entry-level training provided by the carrier.
- Develop a policy for document retention and recordkeeping, including documents that are to be in the possession of the driver as proof of credentials.
- Develop a process to ensure that operations will always have the proper amount of fit drivers. This process would address how to deal with issues such as sick leave, vacation, training, suspension, and termination.
- Develop a written and progressive disciplinary policy focused on taking corrective action to ensure drivers comply with regulations and policies. A progressive disciplinary policy could include, among other things, written warnings, suspensions, or work restrictions, monetary penalties, and termination. This policy should also specify consequences for any carrier official who knowingly and willfully allows Driver Fitness Violations.

Seek Out Resources:

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

14. HOS COMPLIANCE BASIC PROCESS BREAKDOWN: Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN - Failed to required driver to prepare time sheets for record of duty status.

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.



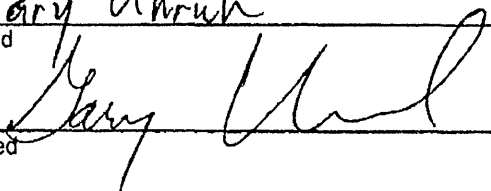
	UNRUH DISTRIBUTING (GARY UNRUH dba) U.S. DOT #: 1731773	Review Date: 03/14/2019
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Part B Requirements and/or Recommendations

- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.
15. Stay in contact with your KCC Investigator for any questions or issues with continued safety compliance. You may contact me: KCC Special Investigator Greg Askren at 785-483-0212 or email at g.askren@kcc.ks.gov
16. 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 Gary Unruh DBA Unruh Distributing operating authority and/or the impoundment of Gary Unruh DBA Unruh Distributing vehicles.

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 web site: http://kcc.ks.gov/trans/penalty_assessment_table.htm

X Gary Unruh
Printed

X 
Signed

ATTACHMENT “B”

HILAND DAIRY - WICHITA DIV. ***** P832J1 062 PAGE 2
 PO BOX 843148 * CUSTOMER COPY * DATE RAN: 2/12/19
 KANSAS CITY MO 64184 ***** ENDING DATE: 2/09/19

* DETAIL ASSIGNMENTS *

TERMS:

76361	SCH ST JOHN	2/06/19	4002800	1,050-	332.74-
76400	SCH MACKSVILLE	2/06/19	4002804	1,000-	317.77-
78091	SCH GREAT BEND RILEY	2/07/19	4002808	350-	112.14-
78081	SCH GREAT BEND PARK	2/07/19	4002809	350-	110.92-
78121	SCH GREAT BEND SENIOR HIGH	2/07/19	4002810	450-	142.08-
78041	SCH GREAT BEND HARRISON JR HI	2/07/19	4002811	250-	78.53-
78031	SCH GREAT BEND EISENHOWER	2/07/19	4002812	350-	110.92-
78061	SCH GREAT BEND LINCOLN	2/07/19	4002813	350-	112.14-
78051	SCH GREAT BEND JEFFERSON	2/07/19	4002814	300-	95.95-
10846	SCH ELLINWOOD JR&SR HIGH	2/07/19	4002815	350-	110.21-
10845	SCH ELLINWOOD GRADE	2/07/19	4002816	450-	145.39-
76430	SCH CHASE SCHOOL	2/07/19	4002817	200-	63.56-
76451	SCH LYONS JUNIOR HIGH	2/07/19	4002819	200-	63.56-
76461	SCH LYONS PARK	2/07/19	4002820	200-	63.56-
76441	SCH LYONS SENIOR HIGH	2/07/19	4002821	300-	94.72-
10545	SCH STERLING HIGH	2/07/19	4002822	200-	63.56-
76420	SCH STERLING GRADE	2/07/19	4002823	200-	63.56-
76530	SCH LITTLE RIVER	2/07/19	4002826	350-	111.43-
76540	SCH LITTLE RIVER WINDOM	2/07/19	4002827	500-	160.36-
78091	SCH GREAT BEND RILEY	2/08/19	4002832	300-	95.95-
78081	SCH GREAT BEND PARK	2/08/19	4002833	300-	94.72-
78121	SCH GREAT BEND SENIOR HIGH	2/08/19	4002834	450-	142.08-
78041	SCH GREAT BEND HARRISON JR HI	2/08/19	4002835	150-	47.36-
78031	SCH GREAT BEND EISENHOWER	2/08/19	4002836	250-	79.75-
78061	SCH GREAT BEND LINCOLN	2/08/19	4002838	300-	95.95-
78051	SCH GREAT BEND JEFFERSON	2/08/19	4002839	250-	79.75-
16983	SCH OPAA ELLSWORTH ELEM	2/08/19	4002840	100-	28.65-
16985	SCH OPAA ELLSWORTH HIGH	2/08/19	4002841	676-	255.69-
66999	SCH CENTRAL PLAINS WILSON	2/08/19	4002845	850-	269.19-

CUSTOMER TOTALS 27,227- 8,637.04-

97162 DIST UNRUH DISTRIBUTING PURCH 30

31200	DAIRY QUEEN 11518	2/04/19	5003441	12-	257.22-
12239	CASEY'S 1890 LYONS	2/04/19	5003449	49-	85.64-
14056	DG 3443 MILK	2/04/19	5003451	115-	320.00-
10508	ARAMARK ELLSWORTH CORRECT	2/05/19	5002785	4,700-	1,078.53-
14439	CASEY'S 2562 ELLSWORTH	2/05/19	5002786	63-	67.65-
76350	SCH STAFFORD	2/06/19	5002802	1,150-	278.60-
31200	DAIRY QUEEN 11518	2/07/19	5002818	15-	321.71-
12239	CASEY'S 1890 LYONS	2/07/19	5002824	120-	149.46-
12239	CASEY'S 1890 LYONS	2/07/19	5002825	8	9.19
14056	DG 3443 MILK	2/07/19	5002828	110-	312.44-
14056	DG 3443 MILK	2/07/19	5002829	12	19.79
14439	CASEY'S 2562 ELLSWORTH	2/08/19	5002843	125-	113.92-
14439	CASEY'S 2562 ELLSWORTH	2/08/19	5002844	7	10.50

CUSTOMER TOTALS 6,432- 2,945.69-

DIVISION TOTALS 2,419 1,709.60-

CERTIFICATE OF SERVICE

19-TRAM-394-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 04/12/2019.

GARY UNRUH, OWNER
GARY UNRUH
D/B/A UNRUH DISTRIBUTING
1909 23RD STREET
GREAT BEND, KS 67530-2504
gary.unruh@cox.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