

1500 SW Arrowhead Road
Topeka, KS 66604-4027



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

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

Sam Brownback, Governor

NOTICE OF PENALTY ASSESSMENT
17-TRAM-429-PEN

March 28, 2017

Dane Shockey,
Owner/Operator
PO Box 327
Kechi, Kansas 67067

Certified Mail No. 7016 1970 0001 0574 1171

This is a notice of a penalty assessment against Dane Shockey for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on March 10, 2017, by Kansas Corporation Commission Special Investigator(s) Gary Goeller. For a full description of the penalty and terms and obligations please refer to the Order that is attached to this notice.

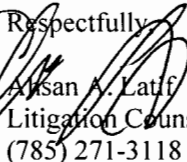
IF YOU ACCEPT THE PENALTY: Dane Shockey has been assessed a \$1,750 penalty. You have thirty (30) days from the date of service of this Penalty Order to pay the fine amount. A check must be made payable to the Kansas Corporation Commission. Payment is to be mailed to the Transportation Division of the 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 ninety (90) days from the date of the attached Order and provide Staff with written proof of attendance. A schedule of dates and locations for the safety seminar can be found at the Commission's website http://www.kcc.state.ks.us/trans/safety_meetings.htm.

You must submit to one follow-up safety compliance review within 18 months from the date of the attached Order. Transportation Staff will contact you 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. Dane Shockey 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 must 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 (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 of service of this Penalty Order and mail a copy to the undersigned Litigation Counsel. K.A.R. 82-1-215; K.S.A. 2016 Supp. 77-542.

IF YOU FAIL TO ACT: Failure to pay 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 fifteen (15) days from the date of service of this Penalty Order, will result in the attached Order becoming a Final Order 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

2. Pursuant to K.S.A. 2016 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. Dane Shockey (Dane Shockey) operates as a private motor carrier and exempt from Commission authority. Dane Shockey operates under USDOT number 1309157.

5. Dane Shockey is a sole proprietor and owns one CLD-required commercial motor vehicle.

6. Dane Shockey is a private motor carrier which primarily hauls building materials, construction and decorative rock/compost.

III. STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, on March 10, 2017, Commission Staff (Staff) Special Investigator(s) Gary Goeller conducted a compliance review of the operations of Dane Shockey. 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. Goeller identified five (5) violation(s) of the Motor Carrier Safety Regulations.

- a. On January 30, 2017, Dane Shockey required or permitted its driver, Dane Shockey, to operate a CDL-required commercial motor vehicle, a 1997 Ford truck, VIN ending in 21933, GVWR 56,000 lbs., in intrastate commerce in and around the area of Wichita, Kansas. This trip is evidenced by Driver/Vehicle Examination Report No. KSHP04231455,

dated January 30, 2017, a copy of which is attached hereto as Attachment “B” and is hereby incorporated by reference. At the time of this transportation, Dane Shockey was not enrolled in a controlled substance and/or alcohol random testing program as required for a CDL driver. The carrier’s failure to establish an alcohol and/or controlled substances program for its CDL driver that complies with the procedures established in 49 C.F.R. 382.105 as adopted by K.A.R. 82-4-3c is a violation of 49 C.F.R. 382.115(a), adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$350.

- b. During the transportation described in paragraph a., above, Dane Shockey 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. 2016 Supp. 66-1,112. Staff recommends a fine of \$100.
- c. On February 28, 2017, Dane Shockey required or permitted its driver, Dane Shockey, to operate a CDL-required commercial motor vehicle, a 1997 Ford truck, VIN ending in 21933, GVWR 56,000 lbs., in intrastate commerce in and around the area of Wichita, Kansas. This trip is evidenced by a delivery receipt, dated February 28, 2017, a copy of which is attached hereto as Attachment “C” and is hereby incorporated by

reference. At the time of this transportation, Dane Shockey failed to make a record of duty status showing the date worked, start time, end time and the total number of hours worked. The special investigator found 28 violations of this type. The carrier's failure to require its driver to keep records of duty status for each 24-hour period, 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. 2016 Supp. 66-1,129. Staff recommends a fine of \$750.

- d. During the transportation described in paragraph c., above, Dane Shockey failed to prepare a Daily Vehicle Inspection Report (DVIR) on the commercial motor vehicle operated at the completion of the day worked. The special investigator found 14 violations of this type. The carrier's failure to require its driver to prepare a Daily Vehicle Inspection Report (DVIR) in writing, at the completion of each day's work, on the commercial motor vehicle operated and to submit copies of the reports to the motor carrier for action and record retention is a violation of 49 C.F.R. 396.11(a)(1), adopted by K.A.R. 82-4-3j, and authorized by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$300.
- e. During the transportation described in paragraph a., above, Dane Shockey failed to obtain the commercial motor vehicle inspector's qualifications for inspections. The carrier's failure to retain evidence of the inspector's qualifications to inspect the commercial motor vehicle is a violation of 49

C.F.R. 396.19(b), adopted by K.A.R. 82-4-3, and authorized by K.S.A.

2016 Supp. 66-1,129. Staff recommends a fine of \$250.

IV. STAFF'S RECOMMENDATIONS

8. Based upon the available facts, Staff recommends the Commission finds Dane Shockey committed five (5) 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 \$1,750 for five (5) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

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

11. Finally, Staff recommends that Dane Shockey 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 Dane Shockey because it is a motor carrier as defined in K.S.A. 2016 Supp. 66-1,108.

13. The Commission finds Dane Shockey committed five (5) 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. Dane Shockey, of Kechi, Kansas is hereby assessed a \$1,750 civil penalty for five (5) 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. Dane Shockey is hereby ordered to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and is to provide Transportation Staff with written proof of attendance.

C. Dane Shockey 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. 2016 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 (7) copies of the request to the Commission's Secretary, at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy of the request to Litigation Counsel, within fifteen (15) days from the date of service of this Order. On March 28, 2017, this Penalty Order was mailed via Certified Mail, Return Receipt Requested, No. 7016 1970

0001 0574 1171. Service of this Order is complete upon the date delivered shown on the Domestic Return Receipt. A hearing will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of Dane Shockey's right to a hearing, and this Penalty Order will become a Final Order assessing a \$1,750 civil penalty against Dane Shockey, and ordering Dane Shockey to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order and provide Transportation Staff with written proof of attendance, and to submit to a safety compliance review within eighteen (18) months from the date of this Order.

E. 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. 2016 Supp. 66-1,142b(e) and amendments thereto.

F. If you do not request a hearing, the payment of the civil penalty of \$1,750 is due in thirty (30) days from the date of service of this Order. A check shall be made payable to the Kansas Corporation Commission and submitted for payment. For credit card payments, include type of card (Visa, MasterCard, Discover, or American Express), account number and expiration date. Payment 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.*

G. Failure to pay the \$1,750 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 Dane Shockey'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.

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: MAR 28 2017




Amy L. Green
Secretary to the Commission

AAL

Order Mailed Date

MAR 29 2017

ATTACHMENT “A”

	US DOT # 1309157		Legal: DANE SHOCKEY Operating (DBA):	
	MC/MX #:		Federal Tax ID [REDACTED] (SSN)	
Review Type: Compliance Review (CR)				
Scope: Principal Office		Location of Review/Audit: Company facility in the U. S.		Territory: F
Operation Types: Interstate Intrastate				
Carrier: N/A Non-HM Shipper: N/A N/A Cargo Tank: N/A		Business: Individual Gross Revenue: [REDACTED] for year ending: 12/31/2016		
Company Physical Address: [REDACTED]				
Contact Name: Phone numbers: (1) [REDACTED] (2) Fax E-Mail Address:				
Company Mailing Address: PO BOX 327 KECHI, KS 67067				
Carrier Classification Private Property				
Cargo Classification Building Materials Construction Other: dec rock/ compost				
Equipment				
	Owned	Term Leased	Trip Leased	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	Average trip leased drivers/month: 0	
< 100 Miles:		1	Total Drivers: 1	
>= 100 Miles:			CDL Drivers: 1	



DANE SHOCKEY
U.S. DOT #: 1309157

Review Date:
03/10/2017

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
Attn: Gary Davenport
1500 SW Arrowhead Rd., Topeka, KS 66604-4027

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Dane Shockey

Title: Owner

Name:

Title:






DANE SHOCKEY
U.S. DOT #: 1309157

Review Date:
03/10/2017

Part B Violations

1 FEDERAL	Primary: 382.115(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 0	Checked 0
Description Failing to implement an alcohol and/or controlled substances testing program on the date the employer begins commercial motor vehicle operations. Example Driver: Dane Shockey Trip Date 01-30-2017 Carrier driver operated a 1997 Ford KS tag [REDACTED] KS Vin# [REDACTED] 21933 on a trip in Wichita, KS local and did not have an alcohol and/or controlled substance testing program.					
2 STATE	Primary: 391.21(a) CFR Equivalent: 391.21(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
Description Using a driver who has not completed and furnished an employment application. Example Dane Shockey Trip Date 01.30.2017 No application in driver qualification file.					
3 STATE	Primary: 391.25(a) CFR Equivalent: 391.25(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
Description Failing to make an inquiry into the driving record of each driver to the appropriate State agencies in which the driver held a commercial motor vehicle operator's license at least once every 12 months. Example Dane Shockey Trip Date 01.30.2017 Carrier had no previous MVR's, MVR was ran on 3.10.2017 by CSC Inc.					
4 STATE	Primary: 391.51(b)(5) CFR Equivalent: 391.51(b)(5)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 0	Checked 0
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 Dane Shockey Trip Date 01.30.2017 No notation of the annual review for mvr on file for 03102017					



	DANE SHOCKEY U.S. DOT #: 1309157	Review Date: 03/10/2017
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Part B Violations

5		Discovered	Checked	Drivers/Vehicles	
STATE	Primary: 391.51(b)(6) CFR Equivalent: 391.51(b)(6)	1	1	In Violation	Checked
				1	1
Description Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27. Dane Shockey Trip Date 01.30.2017 No driver certificate of violations for mvr ran on 03.10.2017					
6		Discovered	Checked	Drivers/Vehicles	
STATE	Primary: 391.51(b)(9) CFR Equivalent: 391.51(b)(9)	1	1	In Violation	Checked
				0	0
Description Failing to place a note related to the verification of the medical examiner's listing on the National Registry of Certified Medical Examiners required by 391.23(m) in driver disqualification file(s). Example Dane Shockey Trip Date 02.28.2017 Driver had DOT physical completed on 02.01.2017 and did not have a note on file confirming Dr. [REDACTED] NR# [REDACTED] as current on the National Registry of Certified medical examiners as required by 391.23(m)					
7		Discovered	Checked	Drivers/Vehicles	
STATE	Primary: 391.63(a) Secondary: 391.31 CFR Equivalent: 391.63(a)	1	1	In Violation	Checked
				1	1
Description Failing to maintain road test certificate in driver's qualification file, or copy of the license or certificate the motor carrier accepted as equivalent. Example Dane Shockey Trip Date 01.30.2017 No written road test or photo equivalent on file.					
8		Discovered	Checked	Drivers/Vehicles	
STATE	Primary: 395.8(a) CFR Equivalent: 395.8(a)	28	28	In Violation	Checked
				1	1
Description Failing to require driver to make a record of duty status. Example Dane Shockey Trip date 02.28.2017 Carrier did not have any record of duty status or time records for operations in February 2017.					





DANE SHOCKEY
U.S. DOT #: 1309157

Review Date:
03/10/2017

Part B Violations

9 STATE	Primary: 396.3(b)(1) CFR Equivalent: 396.3(b)(1)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
Description Failing to keep a maintenance record which identifies the vehicle, including make, serial number, year, and tire size. Dane Shockey Trip Date 01.30.2017 1997 Ford KS Vin# [REDACTED] 21933 Carrier had maintenance records but no record that identified the cmv.					
10 STATE	Primary: 396.9(d)(2) CFR Equivalent: 396.9(d)(2)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
Description Failure to correct violations or defects listed on a motor vehicle roadside inspection report. Example 1997 Ford KS Vin# [REDACTED] 21933 Marking violation, carrier company name, City, State, USDOT not displayed on both sides of CMV Trip date 02.28.2017 Inspection Report # KSHP04231455					
11 STATE	Primary: 396.11(a) CFR Equivalent: 396.11(a)	Discovered 14	Checked 14	Drivers/Vehicles In Violation 1	Checked 1
Description Failing to require driver to prepare driver vehicle inspection report. Example Dane Shockey Vehicle 1997 Ford KS VIN# [REDACTED] 21933 Trip Date 02.28.2017 Carrier failed to complete a driver vehicle inspection report					
12 STATE	Primary: 396.19(b) CFR Equivalent: 396.19(b)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 0	Checked 0
Description Failing to maintain evidence of inspector's qualifications. Example Inspector [REDACTED] Inspection Date 05.06.2016 Vehicle 1997 Ford KS tag [REDACTED] Trip Date 01.30.2017					
Safety Fitness Rating Information: Total Miles Operated 7,500 Recordable Accidents 0		OOS Vehicle (CR): 0 Number of Vehicle Inspected (CR): 0 OOS Vehicle (MCMIS): 0 Number of Vehicles Inspected (MCMIS): 0			





DANE SHOCKEY
U.S. DOT #: 1309157

Review Date:
03/10/2017

Part B Violations

Your proposed safety rating is :

This Review is not Rated.





DANE SHOCKEY
U.S. DOT #: 1309157

Review Date:
03/10/2017

Part B Requirements and/or Recommendations

1. 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
2. A copy of your carrier profile can be obtained at no cost from the FMCSA Portal (<https://portal.fmcsa.dot.gov/login>).
3. Ensure that all vehicles are properly marked with your name or trade name and U.S. DOT number. If your vehicles are also periodically operating for other carriers, they must be marked with that carrier's name and U.S. DOT#.
4. 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.
5. Obtain a copy of each driver's driving record and review it annually.
6. Review the circumstances under which a CDL is required. CDL and drug testing rules apply to both interstate and intrastate commerce.
7. Ensure that all drivers are fully and properly qualified before operating in interstate commerce. Maintain a complete file as required for each driver, documenting the qualification process.
8. 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.
9. 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.
10. 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.
11. 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.
12. Require all drivers to prepare a written inspection report for each day a vehicle is operated. Ensure that each report is signed by the driver, certified, and reviewed if defects are reported.
13. Review with your drivers periodically the procedures for doing pre-trip and post-trip inspections. Ensure that safety defects reported by drivers on their Vehicle Inspection Reports (VIR) are repaired before the vehicle is re-dispatched. Require drivers to prepare Vehicle Inspection Reports on a daily basis. Keep them on file for 90 days.
14. This report contains citations of regulations that are deemed serious in nature and could result in penalties against your company and/or your drivers.
15. 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.





DANE SHOCKEY
U.S. DOT #: 1309157

Review Date:
03/10/2017

Part B Requirements and/or Recommendations

- 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.

For all Investigations that could result in a Penalty Order:

- PLEASE NOTE: The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Penalty Order. In addition, your history of prior violations of the Federal Motor Carrier Safety Regulations, Federal Hazardous Material Regulations or the Federal Motor Carrier Commercial Regulations may also affect the civil penalty proposed in any subsequent Penalty Order. 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. 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

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 Dane





DANE SHOCKEY
U.S. DOT #: 1309157

Review Date:
03/10/2017

Part B Requirements and/or Recommendations

Shockey's vehicles operating authority and/or the impoundment of Dane Shockey's vehicles.

Signed *[Signature]*

Date 3-10-17



ATTACHMENT “B”

SW

DRIVER/VEHICLE EXAMINATION REPORT

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: KSHP04231455
 Inspection Date: 01/30/2017
 Start: 2:14 PM CT End: 3:25 PM CT
 Inspection Level: I - Full
 HM Inspection Type: None

DANE SHOCKEY

Driver: SHOCKEY, DANE E

WICHITA, KS, 67203

License#: [REDACTED]

State: KS

USDOT: 1309157

Phone#: [REDACTED]

Date of Birth: [REDACTED]

MC/MX#:

Fax#: [REDACTED]

CoDriver:

License#:

State:

State#:

Date of Birth:

Location: SEDGWICK COUNTY - 173

Milepost: Shipper: N/A

Highway: 5300 N RIDGE RD

Origin: WICHITA, KS

Bill of Lading: N/A

County: SEDGWICK

Destination: WICHITA, KS

Cargo: DIRT

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate	Equipment ID	VIN	GVWR	CVSA #	Issued #	OOS Sticker
1	TR	FORD	1997	KS	[REDACTED]	[REDACTED]	21933	56000			139645

BRAKE ADJUSTMENTS

Axle #	1	2	3
Right	2	2 1/2	1 1/4
Left	2 1/2	1 1/2	1 1/2
Chamber	C-20	C-30	C-30

VIOLATIONS

Section	Type	Unit	OOS	Citation #	Verify Crash	Violations Discovered
391.41A-FPC	F	D	Y		N	Operating a property-carrying vehicle without possessing a valid medical certificate. Previously Cited on [DATE]
392.2RG	F	1	N		N	State vehicle registration or License Plate violation
390.21B	F	1	N		N	Carrier name and/or USDOT Number not displayed as required
393.9H	F	1	N		N	Inoperable head lamps
396.5B	F	1	N		N	Oil and/or grease leak
393.9	F	1	N		N	Inoperable Required Lamp
393.47E	F	1	N		N	Clamp or Roto type brake out-of-adjustment
393.53B	F	1	N		N	CMV manufactured after 10/19/94 has an automatic airbrake adjustment system that fails to compensate for wear
393.47E	F	1	N		N	Clamp or Roto type brake out-of-adjustment
393.47E	F	1	N		N	Clamp or Roto type brake out-of-adjustment
396.3A1BOS	F	1	Y		U	BRAKES OUT OF SERVICE: The number of defective brakes is equal to or greater than 20 percent of the service brakes on the vehicle or combination
396.9D2	F	1	N		N	Failure to correct defects noted on previous inspection report

HazMat: No HM transported

Placard:

Cargo Tank:

Special Checks:

Alcohol/Controlled Substance Check
 Conducted by Local Jurisdiction
 X Size and Weight Enforcement
 eScreen Inspection

Traffic Enforcement
 PASA Conducted Inspection
 Drug Interdiction Search

Post Crash Inspection
 PBBS Inspection

Pursuant to the authority contained in Title 49, CFR; K.S.A. 66-1, 129; K.C.C. Reg. 82-4-3, 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 the 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: _____
 Signature Of Repairer X: _____ Facility: _____ Date: _____

Pursuant to the authority contained in Title 49, CFR; K.S.A. 66-1, 129; K.C.C. Reg. 82-4-3, I hereby declare the driver identified on this report "OUT OF SERVICE." No person and/or carrier shall permit and/or require this driver to operate any commercial vehicle until his/her eligibility to drive has been reestablished. 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: _____



S/W

DRIVER/VEHICLE EXAMINATION REPORT

**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: KSHP04231455
Inspection Date: 01/30/2017
Start: 2:14 PM CT End: 3:25 PM CT
Inspection Level: I - Full
HM Inspection Type: None**

* NOTE TO MECHANIC: The undersigned certifies that all mechanical defects listed on this report HAVE BEEN CORRECTED at the time of signature.
Signature Of Motor Carrier X: _____ Title: _____ Date: _____

DRIVER: This form is to be sent to the carrier identified on this report within 24 hours of receipt.

MOTOR CARRIER CERTIFICATION: All defects identified on this report 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. If no violations were discovered, you are not required to sign and return a copy.

NOTE: Challenges to violations may be submitted through the Federal Motor Carrier Safety Administration (FMCSA)'s Data Q Challenge process, at <https://dataqs.fmcsa.dot.gov>

Signature Of Motor Carrier X: _____ Title: _____ Date: _____

Report Prepared By: M. Mullen
Badge #: 0423

Copy Received By: DANE SHOCKEY

X

X



ATTACHMENT “C”

~~CONFIDENTIAL~~

Name _____
Address 6227 Peach Tree
City/State/Zip _____
Phone _____
Job# _____ Date 2-28-17

[illegible]

Sub Total

Tax

TOTAL

241.88

CERTIFICATE OF SERVICE

17-TRAM-429-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 **MAR 28 2017**.

DANE SHOCKEY, OWNER/OPERATOR
DANE SHOCKEY
PO BOX 327
KECHI, KS 67067

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

/S/ DeeAnn Shupe

DeeAnn Shupe

Order Mailed Date
MAR 29 2017