

1500 SW Arrowhead Road
Topeka, KS 66604-4027



20210916110626
Kansas Corporation
Commission
Phone: 785-271-3100
Fax: 785-271-3354
<http://kcc.ks.gov/>

Andrew J. French, Chairperson
Dwight D. Keen, Commissioner
Susan K. Duffy, Commissioner

Laura Kelly, Governor

NOTICE OF PENALTY ASSESSMENT
22-TRAM-125-PEN

September 16, 2021

Melissa Huerta, Agent
Raul Castillo-Ochoa d/b/a Castillo Trucking
310 W M St
Leoti, KS 67861

This is a notice of a penalty assessment against Raul Castillo-Ochoa d/b/a Castillo Trucking (Castillo Trucking) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted from August 25 to September 8, 2021, by Kansas Corporation Commission Special Investigator Penny Fryback and Erica Pargas. Penalties are assessed in accordance with the FY 2022 Uniform Penalty Assessment Matrix, approved by the Commission on June 29, 2021. 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: Castillo Trucking has been assessed a \$1,250 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$1,250, through your personal account with the Kansas Corporation Commission's Kansas Trucking Regulatory Assistance Network (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 Castillo Trucking 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.

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. Castillo Trucking 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 Executive Director at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy to the undersigned Litigation Counsel.¹

IF YOU FAIL TO ACT: Failure to pay the penalty of \$1,250 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,
/s/ Ahsan A. Latif
Ahsan A. Latif
Litigation Counsel
(785) 271-3118
a.latif@kcc.ks.gov

¹ K.A.R. 82-1-215; K.S.A. 77-542.

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

Before Commissioners: Andrew J. French, Chairperson
 Dwight D. Keen
 Susan K. Duffy

In the Matter of the Investigation of **Raul**)
Castillo-Ochoa d/b/a Castillo Trucking, of)
Leoti, KS, Regarding the Violation(s) of the)
Motor Carrier Safety Statutes, Rules and) Docket No. 22-TRAM-125-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 66-1,108b, 66-1,111, 66-1,112, and 66-1,114b, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in 49 C.F.R. Part 390.5 as adopted by K.A.R. 82-4-3f, 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. 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. Raul Castillo-Ochoa d/b/a Castillo Trucking (Castillo Trucking or Carrier) has common operating authority with the Commission and further operates under USDOT number 3247272.

5. Raul Castillo-Ochoa attended the Procedures for Safety Compliance Seminar presented by the Kansas Corporation Commission, on November 23, 2020, on behalf of Castillo Trucking.

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

III. STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, from August 25 to September 8, 2021, Commission Staff (Staff) Special Investigator Penny Fryback and Erica Pargas conducted a safety compliance review of the operations of Castillo Trucking. A copy of the safety compliance review is included in this Penalty Order as Attachment "A" and is hereby incorporated by reference. As a result of this investigation, the special investigator identified two (2) violation(s) of the Motor Carrier Safety Regulations.

- a. On April 1, 2021, Castillo Trucking required or permitted its driver, Raul Castillo-Ochoa, to operate a CDL-required commercial motor vehicle, a 2005 Freightliner, VIN ending in 84443, GVWR 33,000 lbs., pulling a 1992 Wilson semi-trailer, in intrastate commerce in from Brewster, Kansas to Leoti, Kansas. This trip is evidenced by an Outbound Ticket, dated April 1, 2021, a copy of which is attached hereto as Attachment “B” and is hereby incorporated by reference. During this transportation, Castillo Trucking permitted its driver, Mr. Castillo-Ochoa, to operate a commercial motor vehicle that had not been inspected annually. The Special Investigators found two (2) violations of this type. The Carrier’s failure to conduct periodic (annual) inspections on commercial motor vehicles is a violation of 49 C.F.R. 396.17(c), adopted by K.A.R. 82-4-3j, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$750.
- b. On April 15, 2021, Castillo Trucking required or permitted its driver, Raul Castillo-Ochoa, to operate a CDL-required commercial motor vehicle, a 2005 Freightliner, VIN ending in 84443, GVWR 33,000 lbs., pulling a 1992 Wilson semi-trailer, in intrastate commerce in from Brewster, Kansas to Leoti, Kansas. This trip is evidenced by an Outbound Ticket, dated April 15, 2021, a copy of which is attached hereto as Attachment “C” and is hereby incorporated by reference. During this transportation, Castillo Trucking failed to retain fuel receipts for the month of April as supporting documents. The Special Investigators found two (2) violations of this type. The Carrier’s failure to retain supporting documents for their

transportations is a violation of K.A.R. 82-4-35a and 49 C.F.R. 392.2, adopted by K.A.R. 82-4-3h, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$500.

IV. STAFF'S RECOMMENDATIONS

8. Staff submitted a Report and Recommendation (R&R), dated September 9, 2021, attached hereto as Attachment "D" and is hereby incorporated by reference. In its R&R, Staff made recommendation regarding the above-mentioned violations.

9. Based upon the available facts, Staff recommends the Commission finds Castillo Trucking 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. Additionally, Staff recommends a civil penalty of \$1,250 for two (2) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

11. Staff further recommends that a representative from Castillo Trucking 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.

12. Staff further recommends Castillo Trucking submit a written, comprehensive corrective action plan (CAP) to Transportation Staff within thirty (30) days of the date of this order, documenting the violation(s) described in this Penalty Order, including specific and

detailed information explaining Carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.

13. Finally, Staff recommends that Castillo Trucking 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

14. The Commission finds it has jurisdiction over Castillo Trucking pursuant to K.S.A. 66-1,108b because it is a motor carrier as defined in 49 C.F.R. Part 390.5 as adopted by K.A.R. 82-4-3f.

15. The Commission finds Castillo Trucking 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.

THE COMMISSION THEREFORE ORDERS THAT:

A. Raul Castillo-Ochoa d/b/a Castillo Trucking, of Leoti, KS is hereby assessed a \$1,250 civil penalty 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.

B. Castillo Trucking 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. Carrier is hereby ordered to submit a written, comprehensive corrective action plan (CAP) to Transportation Staff within thirty (30) days of the date of this order, documenting

the violation(s) described in this Penalty Order, including specific and detailed information explaining Carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.

D. Castillo Trucking 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.

E. Pursuant to K.S.A. 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 Executive Director 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 Castillo Trucking's right to a hearing, and this Penalty Order will become a Final Order.

F. 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.²

G. If you do not request a hearing, the payment of the civil penalty of \$1,250 is due in thirty (30) days from the date of service of this Order. Payment of \$1,250 must be made

² . K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2); K.A.R. 82-1-202(a).

through your personal account with the Kansas Corporation Commission's Kansas Trucking Regulatory Assistance Network (KTRAN) system located at <https://puc.kcc.ks.gov/ktran/>. You must have an account through KTRAN to pay the penalty.

H. Failure to pay the \$1,250 civil penalty within thirty (30) days from the date of service of this Penalty Order and/or failure to comply with the provisions of this Order may result in suspension of Castillo Trucking's motor carrier operating authority without further notice.³ 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.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Duffy, Commissioner

Dated: 09/16/2021



Lynn M. Retz
Executive Director

AAL

³ K.S.A. 66-1,105.

ATTACHMENT “A”

UNITED STATES DEPARTMENT OF TRANSPORTATION



U.S. DOT#: 3247272
MC/MX#: 0

Legal: RAUL CASTILLO-OCHOA
Operating (DBA): CASTILLO TRUCKING

Investigation Date:
09/08/21

Investigation Type: Onsite Comprehensive Investigation

Location of Investigation: Other (TMT Truck Permitting, Inc.)
Extent of Operations: Entire Operation

Physical Address

310 W M ST
LEOTI, KS 67861-5032
United States

Mailing Address

310 W M ST
LEOTI, KS 67861-5032
United States

Contact Information

Contact Name: MELISSA HUERTA

Email: [REDACTED]

Phone: [REDACTED] **Cell:** ()- **Fax:** ()-

Business and Financial

Business Type: Sole Proprietorship

Gross Revenue: [REDACTED] **For Year Ending:** 12/31/20

Federal Tax ID: [REDACTED]

Operation Classification and Type

Type of Operation: Non-HM Intrastate Carrier

Operation Classification

For-Hire Motor Carrier

Property

Other Non-Hazardous Freight

Cargo

Grain, Feed, Hay

Equipment

	Owned	Term Leased	Trip Leased
Truck Tractors	2		
Trailers	3		

Power units used in the U.S.: 2

Percentage of time used in the U.S.: 100%

Driver Information

Drivers

	Intrastate	Interstate
< 100 Miles	1	
>= 100 Miles		

Average trip leased driver/month: 0

Drivers with CDL: 1

Total Drivers: 1

Person(s) Interviewed**Name:** MELISSA HUERTA**Title:** AGENT**Questions**

Questions about this report or the Federal Motor Carrier Safety or Hazardous Materials regulations may be addressed to the Federal Motor Carrier Safety Administration at:

1303 SW FIRST AMERICAN PL STE 200
TOPEKA, KS 66604-4040
Phone: (785) 271-1260
Fax: (877) 547-0378

This report will be used to assess your safety compliance.

Violations

1. Primary: 396.17(a)

Using a commercial motor vehicle not periodically inspected.



Critical

At least 10% of the number checked had violations

Violations Discovered

Fed	State	Total
	2	2

Checked

Fed	State	Total
	2	2

BASIC Impacted
Vehicle Maintenance

Rating Factor 4:
Vehicle = Part 396

Example/Notes:

Vehicle: Unit 46 & Unit T1
Date of trip: April 1, 2021

On April 1, 2021 Driver Raul Castillo-Ochoa operated Unit 46 and Unit T1 with no annual inspection. The only annual inspection provided was dated 8/21/2021

Drivers/Vehicles

In Violation	Checked
2	2

2. Primary: 392.2

State Equivalent: K.A.R. 82-4-35a

Operating a commercial motor vehicle not in accordance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated.

Violations Discovered

Fed	State	Total
	2	2

Checked

Fed	State	Total
	44	44

Example/Notes:

Driver Rual Castillo-Ochoa
Trip Date April 15, 2021

Driver Rual Castillo-Ochoa hauled two loads of corn from Monument, Kansas to Leoti, Kansas and failed to retain the fuel receipt. Driver Rual Castillo-Ochoa failed to retain fuel receipts for the entire month of April. On April 15, 2020 Driver Raul Castillo-Ochoa had operated approximately 2,220 miles and not retained a fuel receipt.

Drivers/Vehicles

In Violation	Checked
1	1

Safety Fitness Rating

This Investigation is Not Rated

DataQs: If you dispute the violations recorded in the Violations section of this investigation report, and the violations were not used in the calculation of your safety rating, you may submit a Request for Data Review (RDR) through DataQs. The DataQs system is the method to remove violations that did not affect your safety rating. DataQs is an online system that allows a motor carrier or driver to request and track a review of Federal and State issued data that it believes to be incomplete or incorrect. To submit an RDR, go to <https://dataqs.fmcsa.dot.gov>.

Process Breakdown and Remedies

BASIC: Vehicle Maintenance

Process Breakdown: Policies and Procedures

Raul Castillo-Ochoa d/b/a Castillo Trucking must have a process in place to ensure that periodic inspections are completed in a timely manner and that the annual inspection report is maintained for 14 months.

Specific Recommended Remedies

To implement Safety Improvement Practices, the following list are recommended practices related to Policies and Procedures:

1. Develop a system of preventive maintenance for compliant, safe, and efficient fleet operations, including a schedule for periodic maintenance, inspection, and recordkeeping. This system should be attuned to manufacturer recommendations, the carrier's own experience, and regulatory requirements.
2. Develop a procedure ensuring that vehicle defects that impact safety and/or safety compliance are reported, repaired, and certified before the vehicle is operated.

Recommendations

1. **Additional Information**

Please visit the CSA outreach site for additional guidance: <https://csa.fmcsa.dot.gov>.

2. **Retain supporting documents for 6 months.**

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. **Ensure that inspections are done at proper intervals.**

Ensure that the persons or entities that perform preventative maintenance inspections on your equipment are abiding by agreed time or mileage intervals. Ensure that records are kept of such periodic preventative maintenance inspections. Take corrective action, if schedules are not being adhered to.

4. **Ensure that all annual inspections are conducted every 12 months.**

Ensure that all annual inspections are conducted every 12 months and retain the inspections for 14 months.

5. **Violations/Signature Page**

Required recommendation

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.

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. Information on your compliance status, roadside inspections, regulatory changes, accident countermeasures and hazardous material incident prevention manual is available on the Internet at the Federal Motor Carrier Safety Administration's web site at

<http://www.fmcsa.dot.gov/> and <http://www.safer.fmcsa.dot.gov/>.

CAP Requirements:

The KCC requires that you prepare a corrective action plan (CAP), addressing the measures taken to correct all 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 there 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.

Submit the letter along with copies of your supporting evidence to:

e-mail: g.davenport@kcc.ks.gov

FAX: 785-271-3124;

or mail to;

Kansas Corporation Commission

Attn: Gary Davenport

1500 SW Arrowhead Road

Topeka, KS 66604-4027

CAP Penalty:

Motor carriers are responsible for complying with all tasks ordered by the Commission. You are required to prepare a corrective action plan (CAP), addressing the measures taken to correct all violations identified within this report. Failure to fulfill this requirement may lead to the issuance of further penalties or other repercussions, including revocation of authority to operate intrastate in Kansas.

Acknowledgement Statement:

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 Raul Castillo-Ochoa d/b/a Castillo Trucking operating authority and/or the impoundment of Raul Castillo-Ochoa d/b/a Castillo Trucking's company vehicles.

X _____

Signature

X _____

Date

Monetary Penalties:

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

Material Regulations or the Federal Motor Carrier Commercial Regulations may also affect the civil penalty proposed in any subsequent Penalty Order.

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CAP Requirements:

The KCC requires that you prepare a corrective action plan (CAP), addressing the measures taken to correct all 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.

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Kansas Corporation Commission

Attn: Gary Davenport

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Topeka, KS 66604-4027

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Acknowledgement Statement:

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X  _____

Signature

X 9-8-21 _____

Date

Monetary Penalties:

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

ATTACHMENT “B”

**ADM GRAIN COMPANY**

410 RAILROAD ST. P.O. BOX 218

BREWSTER, KS 67732

785/694-2286

UNITED STATES WAREHOUSE ACT**GRAIN INSPECTION AND WEIGHT CERTIFICATE**

INSPECTION NOT VALID FOR PURPOSES OF THE U.S. GRAIN STANDARDS ACT. THIS CERTIFICATE IS ISSUED BY AN INSPECTOR AND/OR WEIGHER LICENSED UNDER THE UNITED STATES WAREHOUSE ACT AND THE REGULATIONS THEREUNDER.

LICENSED INSPECTOR/WEIGHER

J. L. S. M.

ADM GRAIN Western Region Elevators

COPY - Not Negotiable**Customer:** S00001-V35 **V28 SALE - SEABOARD FOODS LP****124 OUTBOUND Ticket # 0546642**

100 % 932.50

Z00V28-000 COLLINGWOOD RESALE

Hold-Not Applied

Gross Weight:	79,660	4/1/2021	8:43 AM	Scale #1
Tare Weight:	27,440	4/1/2021	8:18 AM	Scale #1
Net Weight:	52,220			
Gross:	932.50	BUSHEL	Driver On: Y	

Weigher JDM
GraderTicket Type: REGULAR TRUCK Shipment Date: 4/1/2021
ELEV/FARM#

I certify that my trailer was clean upon arrival. I also certify that this trailer is compliant with FDA 21 CFR 589.2000 (BSE/Ruminant feed rules) and 21 CFR 1.900 Subpart O if any restricted use protein or other hazardous, prohibited, poisonous, or deleterious material were hauled previously that could render the load unsafe for human or animal food. By signing this ticket, I am certifying that the previous cargo in this bulk vehicle was Grain or Oilseeds. If the previous cargo is listed in the ADM conditionally acceptable prior load category, I also certify that the bulk vehicle was cleaned using the method prescribed by ADM. I also verify that the truck-tractor unit receiving the load can lawfully be loaded to 79660 pounds gross weight authority of permit issued by the State Department of Transportation and effective this date.

Sample # 5

Commodity: YELLOW CORN

Shipper: 861761-001 J&B MENDOZA TRUCKING

Vehicle ID: 44203

Driver

Truck ID 46

ORG LOC: ADM GRAIN - Brewster KS

DST LOC: KANSAS

CAL ID

BIN #

Dispatch# 44203

Trailer Type

oneWeigh card # 44203

ID Number

ONE-TICKET FORMS-UF-00012 - 3.73

Comments

1

RECEIVING TICKET**SEABOARD FOODS**
132 N. CR 14
Leoti, KS 67861**Product** 002 CORN

4/1/2021 10:10:47 AM

4/1/2021 10:14:28 AM

Moisture	12.7
Bu. Wt.	59.1
BCFM	1.64
Damage	.22
P.O.#	56591
Legal Desc.	
Location	101

Vendor
Bill of Lading
Origin
Purchase Order
Freight Vendor850 ADM/Collingwood Grain
0546642
BREWSTER, KS
CASTILLO**Shippers Quantity** 52220Weight In Manual False
Weight Out Manual False
Lot Code

Gross Weight	79520
Tare Weight	27300
Net Weight	52220

ATTACHMENT “C”

**ADM GRAIN COMPANY**

406 5th St
Monument, Ks 67747
785/671-3681

ADM GRAIN Western Region Elevators

UNITED STATES WAREHOUSE ACT**GRAIN INSPECTION AND WEIGHT CERTIFICATE**

INSPECTION NOT VALID FOR PURPOSES OF THE U.S. GRAIN STANDARDS ACT. THIS CERTIFICATE IS ISSUED BY AN INSPECTOR AND/OR WEIGHER LICENSED UNDER THE UNITED STATES WAREHOUSE ACT AND THE REGULATIONS THEREUNDER.

LICENSED INSPECTOR/WEIGHER

COPY - Not Negotiable**Customer:** S00001-V35 **V28 SALE - SEABOARD FOODS LP****605 OUTBOUND Ticket # 0410094**

100 % 935.71

S00001-V35 V28 SALE - SEABOARD FOODS LP

Hold-Not Applied

Gross Weight: **79,600** 4/15/2021 10:42 AM Scale #1
Tare Weight: **27,200** 4/15/2021 10:28 AM Scale #1
Net Weight: **52,400**

1) STANDARD OR INTERSTATE TRAVEL 80,000 LBS

Gross: 935.71 BUSHELS

Driver On: Y

Weigher RAB

Grader RAB

Ticket Type: REGULAR TRUCK

Shipment Date: 4/15/2021

ELEV/FARM#

I certify that my trailer was clean upon arrival. I also certify that this trailer is compliant with FDA 21 CFR 589.2000 (BSE/Ruminant feed rules) and 21 CFR 1.900 Subpart O if any restricted use protein or other hazardous, prohibited, poisonous, or deleterious material were hauled previously that could render the load unsafe for human or animal food. By signing this ticket, I am certifying that the previous cargo in this bulk vehicle was Grain or Oilseeds. If the previous cargo is listed in the ADM conditionally acceptable prior load category, I also certify that the bulk vehicle was cleaned using the method prescribed by ADM. I also verify that the truck-tractor unit receiving the load can lawfully be loaded to 79600 pounds gross weight authority of permit issued by the State Department of Transportation and effective this date.

Sample # 5

Commodity: YELLOW CORN

Shipper: 861761-001 J&B MENDOZA TRUCKING

Vehicle ID: 88010

Driver Name

Customer Rem#0

ORG LOC: ADM GRAIN - Monument KS

DST LOC: OKLAHOMA

CAL ID CORN 180417

Customer Rem#0

Dispatch# 88010

Trailer type

1) STANDARD OR INTERSTATE TRAVE

oneWeigh card # 88010

ID Number

ONE-TICKET FORMS-UF-00012 - 3.73

Comments

24 CASTILLO 46

RECEIVING TICKET**SEABOARD FOODS**

132 N. CR 14
Leoti, KS 67861

Product 002 CORN

4/15/2021 12:09:23 PM

4/15/2021 12:14:54 PM

Moisture 12.4
Bu. Wt. 57.4
BCFM 1.34
Damage .11
P.O.# 56591
Legal Desc.
Location 102

Vendor
Bill of Lading
Origin
Purchase Order
Freight Vendor

850 ADM/Collingwood Grain
0410094
MONUMENT, KS
CASTILLO

Shippers Quantity

52400

Weight In Manual False**Weight Out Manual** False**Lot Code**

Gross Weight
Tare Weight
Net Weight

79460
27100
52360

ATTACHMENT “D”

REPORT AND RECOMMENDATION TRANSPORTATION DIVISION

TO: Andrew J. French, Chairperson
Dwight D. Keen, Commissioner
Susan K. Duffy, Commissioner

FROM: Mike Hoeme, Director of Transportation
Gary Davenport, Deputy Director of Transportation

DATE: September 9, 2021

SUBJECT: Docket No. 22-TRAM-125-PEN
In the Matter of the Investigation of Raul Castillo-Ochoa d/b/a Castillo Trucking of Leoti, Kansas Regarding the Violation of the Motor Carrier Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority.

EXECUTIVE SUMMARY:

Raul Castillo-Ochoa d/b/a Castillo Trucking (Castillo Trucking or Carrier) is a motor carrier possessing common operating authority from the Commission, primarily hauling grain, feed, and hay. Castillo Trucking operates under USDOT 3247272. From August 25 to September 8, 2021, Commission Staff Special Investigators, Penny Fryback and Erica Pargas, conducted a safety compliance review of the operations of Castillo Trucking. As a result of this investigation, the special investigator identified two (2) violation(s) of the Motor Carrier Safety Regulations, resulting in a recommended penalty of \$1,250.

DISCUSSION AND ANALYSIS:

From August 25 to September 8, 2021, Commission Staff Special Investigators, Penny Fryback and Erica Pargas, conducted a safety compliance review of the operations of Castillo Trucking. As a result of this investigation, the special investigator identified two (2) violation(s) of the Motor Carrier Safety Regulations.

Violation One (1 of 2)

On April 1, 2021, Castillo Trucking required or permitted its driver, Raul Castillo-Ochoa, to operate a CDL-required commercial motor vehicle, a 2005 Freightliner, VIN ending in 84443, GVWR 33,000 lbs., pulling a 1992 Wilson semi-trailer, in intrastate commerce in from Brewster, Kansas to Leoti, Kansas. This trip is evidenced by an Outbound Ticket, dated April 1, 2021. During this transportation, Castillo Trucking permitted its driver, Mr. Castillo-Ochoa, to operate a

commercial motor vehicle that had not been inspected annually. The Special Investigators found two (2) violations of this type. The Carrier's failure to conduct periodic (annual) inspections on commercial motor vehicles is a violation of 49 C.F.R. 396.17(c), adopted by K.A.R. 82-4-3j, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$750.

Violation Two (2 of 2)

On April 15, 2021, Castillo Trucking required or permitted its driver, Raul Castillo-Ochoa, to operate a CDL-required commercial motor vehicle, a 2005 Freightliner, VIN ending in 84443, GVWR 33,000 lbs., pulling a 1992 Wilson semi-trailer, in intrastate commerce in from Brewster, Kansas to Leoti, Kansas. This trip is evidenced by an Outbound Ticket, dated April 15, 2021. During this transportation, Castillo Trucking failed to retain fuel receipts for the month of April as supporting documents. The Special Investigators found two (2) violations of this type. The Carrier's failure to retain supporting documents for their transportations is a violation of 49 C.F.R. 392.2, adopted by K.A.R. 82-4-35a, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$500.

RECOMMENDATION:

Transportation Staff recommends the Commission find Castillo Trucking 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.

Additionally, Staff recommends a civil penalty of \$1,250 for two (2) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations, in accordance with the recommended penalties listed in the applicable Uniform Penalty Assessment Matrix.

Staff further recommends that a representative from Castillo Trucking be required to attend a Commission-sponsored safety seminar within ninety (90) days from the date of the 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.

Staff further recommends Castillo Trucking submit a written, comprehensive Corrective Action Plan (CAP) to Transportation Staff within thirty (30) days of the date of this order, documenting the violation(s) described in the 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.

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

CERTIFICATE OF SERVICE

22-TRAM-125-PEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of first class mail and electronic service on 09/16/2021.

Melissa Huerta, AGENT
Raul Castillo-Ochoa
D/B/A Castillo Trucking
310 W M St
Leoti, KS 67861
castillotrucking45@gmail.com

AHSAN LATIF, LITIGATION COUNSEL
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1500 SW ARROWHEAD RD
TOPEKA, KS 66604
a.latif@kcc.ks.gov

/S/ DeeAnn Shupe

DeeAnn Shupe