

# STATE OF KANSAS

20181009141102  
Kansas Corporation Commission

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



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

GOVERNOR JEFF COLYER, M.D.

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

## NOTICE OF PENALTY ASSESSMENT

19-TRAM-129-PEN

October 9, 2018

Ronald Vincent, Owner  
d/b/a Carl Vincent Service  
420 S Main  
Hutchinson, KS 67501

This is a notice of a penalty assessment against Ronald Vincent, d/b/a Carl Vincent Service (Carl Vincent Service) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on August 2, 2018, by Kansas Corporation Commission Special Investigator Doug Handy. 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:** Carl Vincent Service 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 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 Carl Vincent Service 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](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. Carl Vincent Service 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. 2017 Supp. 77-542.

**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,

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

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

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

In the Matter of the Investigation of **Ronald**      )  
**Vincent, d/b/a Carl Vincent Service, of**      )  
**Hutchinson, KS,** Regarding the Violation of the      )  
Motor Carrier Safety Statutes, Rules and      ) Docket No. 19-TRAM-129-PEN  
Regulations and the Commission's Authority to      )  
Impose Penalties, Sanctions and/or the      )  
Revocation of Motor Carrier Authority.      )

**PENALTY ORDER**

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission). Having examined its files and records, and being duly advised in the premises, the Commission finds and concludes as follows:

**I.      JURISDICTION**

1.      Pursuant to K.S.A. 2017 Supp. 66-1,108b, 66-1,111, 66-1,112, 66-1,114, 66-1,114b and 66-1,115, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in K.S.A. 2017 Supp. 66-1,108, doing business or procuring business in Kansas, and is empowered to do all things necessary and convenient for the exercise of such power, authority and jurisdiction.

2.      Pursuant to K.S.A. 2017 Supp. 66-1,129a, 66-1,130 and 66-1,142b, the Commission may suspend operations, revoke or amend certificates, and initiate sanctions or fines against every motor carrier and every person who violates any provision of Kansas law in regard

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

3. The Commission has the authority, pursuant to K.A.R. 82-1-237, to investigate an entity under the Commission's jurisdiction and 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. Ronald Vincent, d/b/a Carl Vincent Service (Carl Vincent Service) operates USDOT number 1336102.

5. Carl Vincent Service operates three (3) septic tank trucks and one (1) roll off container truck that all require a CDL.

6. Carl Vincent Service is a private motor carrier which primarily hauls construction and trash.

## **III. STATEMENT OF FACTS**

7. Pursuant to the jurisdiction and authority cited above, on August 2, 2018, Commission Staff (Staff) Special Investigator Doug Handy conducted a compliance review of the operations of Carl Vincent Service. 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 four (4) violation(s) of the Motor Carrier Safety Regulations.

- a. On June 26, 2018, Carl Vincent Service required or permitted its driver, Adelbert A. Barlow, to operate a CDL-required commercial motor vehicle, a 2007 International, VIN ending in 398350, GVWR 54,000 lbs., in

intrastate commerce in and around the area Reno County, Kansas. This trip is evidenced by driver's Time Card, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, driver Barlow was selected for a random controlled substance test in the second quarter (April-June 2018), but did not perform the test until July 5, 2018. Carl Vincent Service's failure to have driver take a controlled substance test on its during the selection period is in violation of 49 C.F.R. 382.305(i)(3), adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 2017 Supp. 66-1,129. Staff recommends a fine of \$650.

- b. During the transportation described in paragraph a., above, Carl Vincent Service failed to first designate a person to supervise staff for the purposes of making reasonable suspicion determinations regarding alcohol and drug usage. This designated person must then undergo reasonable suspicion training to include 60 minutes of alcohol training and 60 minutes of controlled substance training. The carrier's inability to produce documentation of this training and its failure to have a designated person to attend 60 minutes of training on alcohol misuse and an additional 60 minutes of training on controlled substances use is a violation of 49 C.F.R. 382.603, adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 2017 Supp. 66-1,129. Staff recommends a fine of \$100.
- c. During the transportation described in paragraph a., above, Carl Vincent Service failed to obtain its driver's motor vehicle record (MVR) within 30

days of employment. The special investigator discovered two (2) violations of this type. The carrier's failure to obtain MVRs on its drivers within 30 days of employment and maintain the MVRs in the driver qualification files pursuant to 49 C.F.R. 391.51 is a violation of 49 C.F.R. 391.23(a)(1) and (b), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 2017 Supp. 66-1,129. Staff recommends a fine of \$250.

- d. During the transportation described in paragraph a., above, Carl Vincent Service used a driver that was not medically examined and certified as physically fit to operate a CDL commercial motor vehicle. The driver's medical certificate expired on August 6, 2017. The carrier's failure to confirm that each of its drivers are medically examined and certified prior to requiring or permitting the operation of a commercial motor vehicle and maintaining documentation of the medical certificate in the driver qualification file is a violation of 49 C.F.R. 391.41(a)(1)(i), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 2017 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 Carl Vincent Service committed four (4) 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 \$1,250 for four (4) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that a representative from Carl Vincent Service 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](http://kcc.ks.gov/trans/safety_meetings.htm).

11. Finally, Staff recommends that Carl Vincent Service 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 Carl Vincent Service because it is a motor carrier as defined in K.S.A. 2017 Supp. 66-1,108.

13. The Commission finds Carl Vincent Service committed four (4) 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. Ronald Vincent, d/b/a Carl Vincent Service, of Hutchinson, KS is hereby assessed a \$1,250 civil penalty for four (4) 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. Carl Vincent Service 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. Carl Vincent Service 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. 2017 Supp. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issue(s) by submitting a written request setting forth the specific grounds upon which relief is sought. 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 Carl Vincent Service's right to a hearing, and this Penalty Order will become a Final Order assessing a \$1,250 civil penalty against Carl Vincent Service, and ordering a representative from Carl Vincent Service 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. 2017 Supp. 66-1,142b(e) and amendments thereto.

F. 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 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 \$1,250 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 Carl Vincent Service'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.**

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 10/09/2018


A handwritten signature in cursive script, reading "Lynn M. Retz".

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Lynn M. Retz  
Secretary to the Commission

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## **ATTACHMENT “A”**

	<b>US DOT #</b> 1336102	<b>Legal:</b> RONALD VINCENT <b>Operating (DBA):</b> CARL VINCENT SERVICE		
<b>MC/MX #:</b>		<b>Federal Tax ID:</b> [REDACTED] (EIN)		
<b>Review Type:</b> Compliance Review (CR)				
<b>Scope:</b> Principal Office		<b>Location of Review/Audit:</b> Company facility in the U. S.		<b>Territory:</b> F
<b>Operation Types</b> Interstate Intrastate				
<b>Carrier:</b> N/A      Non-HM		<b>Business:</b> Individual		
<b>Shipper:</b> N/A      N/A		<b>Gross Revenue:</b> [REDACTED]      for year ending: 12/31/2017		
<b>Cargo Tank:</b> N/A				
<b>Company Physical Address:</b> [REDACTED] HUTCHINSON, KS 67501  <b>Contact Name:</b> Ronald Vincent <b>Phone numbers:</b> (1) [REDACTED] <b>E-Mail Address:</b> [REDACTED]				
<b>Company Mailing Address:</b> 420 SOUTH MAIN HUTCHINSON, KS 67501				
<b>Carrier Classification</b> Exempt for Hire      Private Property				
<b>Cargo Classification</b> Construction      Other: trash				
<b>Equipment</b>				
	Owned	Term Leased	Trip Leased	Owned   Term Leased Trip Leased
Truck	4	0	0	
Power units used in the U.S.: 4 Percentage of time used in the U.S.: 100				
<b>Does carrier transport placardable quantities of HM?</b> No				
<b>Is an HM Permit required?</b> N/A				
<b>Driver Information</b>				
	Inter	Intra		
< 100 Miles:		3	<b>Average trip leased drivers/month:</b> 0	
>= 100 Miles:			<b>Total Drivers:</b> 3	
			<b>CDL Drivers:</b> 3	





**CARL VINCENT SERVICE (RONALD VINCENT dba)**  
U.S. DOT #: 1336102

Review Date:  
08/02/2018

**Part A**

QUESTIONS regarding this report or the Federal Motor Carrier Safety or  
Hazardous Materials rules may be addressed to the Office of Motor Carriers at: Kansas Corporation Commission  
1500 SW Arrowhead Road  
Topeka, Ks. 66604-4027

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

**Person(s) Interviewed**

**Name:** Ronald Vincent

**Title:** Owner

**Name:** [REDACTED]

**Title:** Secretary







**CARL VINCENT SERVICE (RONALD VINCENT dba)**  
U.S. DOT #: 1336102

Review Date:  
08/02/2018

### Part B Violations

1 FEDERAL	Primary: 382.305(l)(3)	Discovered 1	Checked 3	Drivers/Vehicles In Violation 1	Checked 3
<b>Description</b> Failing to ensure that drivers are tested within the selection period. <b>Example</b> Driver Name Adelbert A. Barlow Trip Date: 06/26/2018 Hire Date [REDACTED] Driver was selected for the 2nd Quarter random controlled substance testing selection. Consortium confirmed the 2nd quarter was from April-June 2018 selection period. Driver performed the random controlled substance test on 07/05/2018 Speciman #2045830345 with a confirmed negative test result on 07/06/2018.					
2 FEDERAL	Primary: 382.603	Discovered 1	Checked 1	Drivers/Vehicles In Violation	Checked
<b>Description</b> Failing to ensure person designated to determine that drivers undergo reasonable suspicion testing receive 60 minutes training for alcohol and/or 60 minutes of training for controlled substances. <b>Example</b> Driver Name Adelbert A. Barlow Trip Date: 06/26/2018 Hire Date [REDACTED] Carrier Supervisor: Ronald Vincent Ronald Vincent is listed as the contact person the carrier's consortium. There was no record of Supervisor Training on reasonable suspicion for alcohol/controlled substance testing in the carrier's records during this investigation.					
3 STATE	Primary: 391.23(a)(1)(b)	Discovered 2	Checked 3	Drivers/Vehicles In Violation 2	Checked 3
<b>Description</b> Failing to obtain response to the inquiry of each state driving record within 30 days of employment. <b>Example</b> Driver Name Adelbert A. Barlow Trip Date 03/22/2018 Hire Date [REDACTED] Driver qualification file was missing MVR's. Carrier failed to obtain an MVR as required by the regulations.					
4 STATE	Primary: 391.25(a) CFR Equivalent: 391.25(a)	Discovered 1	Checked 3	Drivers/Vehicles In Violation 1	Checked 3
<b>Description</b> 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. <b>Example</b> Driver Name: Ronald Vincent Trip Date 06/18/18 Hire Date [REDACTED] Invoice #42917 Driver operated a 2004 FRHT VIN # [REDACTED] 46782 in Intrastate commerce from Hutchinson, Ks. to a location in Reno County, Ks. Driver qualification file was failed to have a MVR in the file.					







**CARL VINCENT SERVICE (RONALD VINCENT dba)**  
U.S. DOT #: 1336102

Review Date:  
08/02/2018

### Part B Violations

5 FEDERAL	Primary: 391.45(b)(1) Secondary: 391.11(a)	Discovered 1	Checked 3	Drivers/Vehicles In Violation 1	Checked 3
<b>Description</b> Using a driver not medically examined and certified during the preceding 24 months. <b>Example</b> Driver Name Adelbert A. Barlow Trip Date: 06/28/2018 Hire Date: [REDACTED] Driver qualification file provided the most recent medical certificate was obtained on 07-13-18. The previous medical certificate in the file had expired on 06-06-2018.					
6 STATE	Primary: 391.51(b)(1) CFR Equivalent: 391.51(b)(1)	Discovered 2	Checked 3	Drivers/Vehicles In Violation 2	Checked 3
<b>Description</b> Failing to maintain driver's employment application in driver's qualification file. <b>Example</b> Driver Name Peter Burrows Trip Date 06/28/2018 Hire Date [REDACTED] Invoice Number #43037 Driver operated 2003 International VIN # [REDACTED] 072787 in Intrastate Commerce from Hutchinson, Ks. to various locations in Reno, Co. Ks. Driver qualification files presented by the carrier failed to have completed applications of employment in the file.					
7 STATE	Primary: 391.51(b)(5) CFR Equivalent: 391.51(b)(5)	Discovered 1	Checked 3	Drivers/Vehicles In Violation 1	Checked 3
<b>Description</b> Failing to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2). <b>Example</b> Driver Name: Ronald Vincent Trip Date 06/18/18 Hire Date [REDACTED] Invoice #42917 Driver operated a 2004 FRHT VIN # [REDACTED] 46782 in Intrastate commerce from Hutchinson, Ks. to a location in Reno County, Ks. Carrier failed to complete the annual review annually as required by the regulations.					
8 STATE	Primary: 391.51(b)(6) CFR Equivalent: 391.51(b)(6)	Discovered 1	Checked 3	Drivers/Vehicles In Violation 1	Checked 3
<b>Description</b> Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27. <b>Example</b> Driver Name: Ronald Vincent Trip Date 06/18/18 Hire Date [REDACTED] Invoice #42917 Driver operated a 2004 FRHT VIN # [REDACTED] 46782 in Intrastate commerce from Hutchinson, Ks. to a location in Reno County, Ks. Carrier failed to have completed the certification of violations annually as required.					



**CARL VINCENT SERVICE (RONALD VINCENT dba)**  
U.S. DOT #: 1338102

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08/02/2018

### Part B Violations

9 FEDERAL	Primary: 391.51(b)(9)	Discovered 3	Checked 3	Drivers/Vehicles In Violation 3	Checked 3
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#### 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 qualification file(s).

#### Example

Driver Name Adelbert A. Barlow

Trip Date: 06/26/2018

Hire Date: [REDACTED]

Medical Examiner: Dr. Joshua L. Gill, Chiropractor, with Nat. #2456163893 conducted the medical certifications for each of the carrier's drivers. The carrier had no record verifying the medical examiner was in the National Registry in the driver qualification files.

#### Safety Fitness Rating Information:

Total Miles Operated 50,000  
Recordable Accidents 0

OOS Vehicle (CR): 0  
Number of Vehicle Inspected (CR): 0  
OOS Vehicle (MCMIS): 0  
Number of Vehicles Inspected (MCMIS): 0

Your proposed safety rating is :

**This Review is not Rated.**







CARL VINCENT SERVICE (RONALD VINCENT dba)  
U.S. DOT #: 1336102

Review Date:  
08/02/2018

## 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](http://www.fmcsa.dot.gov/safety-security/eta/index.htm)
2. Obtain a copy of each driver's driving record and review it annually.
3. Do not allow physically unqualified drivers to drive in interstate/intrastate commerce.
4. CONTROLLED SUBSTANCES AND ALCOHOL BASIC PROCESS BREAKDOWN: Roles and Responsibilities

DESCRIPTION OF PROCESS BREAKDOWN-Ronald Vincent/DBA Carl Vincent Service failed to have driver selected for 2nd quarter random control substance testing completed within the time frame of the 2nd quarter. Driver conducted test after 2nd quarter testing was completed.

### BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Roles and Responsibilities.

- Ensure that managers are responsible for ascertaining that employees receive training concerning controlled substances and alcohol in accordance with State or Federal regulations and company policy.
- Ensure that managers are responsible for telling employees of a failed test and its implications.
- Regardless of carrier membership in a consortium, ensure that the carrier defines and documents the role and responsibilities of the designated employer representative (DER) in monitoring test procedures and checking results.
- If the carrier elects to join a consortium, ensure that the respective roles and responsibilities of the carrier and the consortium for controlled-substance and alcohol testing and reporting are defined and documented.

#### Passenger Carrier Only:

- Designate a manager to collect and evaluate all controlled-substance and alcohol-related customer complaints and their safety implications.

#### 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.

5. CONTROLLED SUBSTANCES AND ALCOHOL BASIC PROCESS BREAKDOWN: Training and Communication

DESCRIPTION OF PROCESS BREAKDOWN- Ronald Vincent/DBA Carl Vincent Service failed to have a supervisor trained in reasonable suspicion alcohol/controlled substance testing as required.

### BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Communication and Training.

- Convey expectations to all applicable staff for adhering to controlled substance and alcohol regulations and to company policies and procedures, and for executing responsibilities by providing new-hire and refresher training. Establish communication channels such as newsletters and/or meetings focused on resolving conflicts: for example, for drivers, between testing requirements and lifestyle decisions with regard to controlled substance and alcohol abuse or misuse.
- Encourage disclosure of personal problems with controlled substances and alcohol within a safe environment by having an open-door policy with management or using an Employee Assistance Program (EAP). An EAP enables drivers to alert management of concerns about other personnel and to seek help for their own substance abuse and/or alcohol problems.
- After selection of drivers for random testing, the program coordinator should send confidential correspondence to







CARL VINCENT SERVICE (RONALD VINCENT dba)  
U.S. DOT #: 1336102

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## Part B Requirements and/or Recommendations

whoever is informing the selected drivers, noting the selection date, selected names, proper notification procedure, testing location, and when test results need to be completed. Drivers should be reminded that refusal to take the test will be equivalent to a positive result.

- Ensure that managers and supervisors regularly communicate and demonstrate their ongoing commitment to abiding by regulations and company policies regarding controlled-substance and alcohol use.
- Communicate the carrier's Controlled Substances and Alcohol BASIC percentile to all staff, and explain to them individually what they can do to help improve compliance.
- Provide new-hire and refresher training, to all drivers, managers, other designated personnel, and the designated employer representative (DER), on controlled-substance and alcohol regulations and related company policies and procedures, including those pertaining to prohibited behavior; testing protocols and monitoring, for example, on grounds of "reasonable suspicion"; the consequences of a positive test result; referral to a Substance Abuse Professional (SAP); and confidentiality requirements in relation to recordkeeping.
- Ensure that personnel in safety-sensitive positions receive required training on the importance of responsible lifestyle behaviors and personal choices regarding controlled-substance and alcohol use.
- Train all staff who are required to monitor and track controlled-substance and alcohol compliance on the appropriate company policies, including those related to discipline and incentives.
- Ensure that drivers are trained on driver Out-of-Service (OOS) rules, their responsibility in adhering to them, and the carrier's procedures for reporting OOS violations and communicating appropriately with other personnel.
- Reinforce training about controlled-substance and alcohol policies, procedures, and responsibilities to drivers, controlled-substance and alcohol-testing personnel, and other employees, using job aids, post-training testing, and/or refresher training. Encourage informal feedback among all involved with the testing so that they can help each other to improve.
- Provide hiring officials with guidance on how best to attract, screen, and qualify applicants who are most likely to adhere to controlled-substance and alcohol-use regulations and related company policies and procedures.

### 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.

## 6. DRIVER FITNESS BASIC PROCESS BREAKDOWN: Monitoring and Tracking

DESCRIPTION OF PROCESS BREAKDOWN- Ronald Vincent/DBA Carl Vincent Service failed to have driver medical examined every 24 months. The driver qualification files were missing several of the required documents to be in compliance.

### BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Monitoring and Tracking Processes.

- Implement an effective process for monitoring and documenting all drivers' job functions, training, qualifications, renewal dates, disclosed medical conditions, and operational restrictions, including those of drivers on a waiver program or with impairments that may be satisfied by a Skill Performance Evaluation certificate, to ensure that assignments are covered by qualified drivers.
- Review and retain each driver's Motor Vehicle Record (MVR) at least annually to ensure compliance with company policies, Federal regulations, and State and local laws and ordinances related to driver fitness. If a driver seems to have numerous violations, the MVR should be reviewed more often. Random MVR checks in addition to annual checks are also effective. File the MVR in each driver's driver qualification file after review.
- Maintain each driver's investigation history file in a secure location with limited and controlled access for as long as the driver is employed and for three years thereafter.
- Maintain roadside inspection reports, moving violation records, training records, the Commercial Driver's License (CDL), the dispatch schedule, bills of lading, and the medical report to help evaluate the performance of all staff involved in qualifying drivers (dispatchers and managers) and the effectiveness of the policies and procedures.
- Implement a system for keeping accurate records of employee driver fitness training needs, such as entry-level and HAZMAT training, and completed training, via software, a checklist in the driver's file, and/or another appropriate method.







**CARL VINCENT SERVICE (RONALD VINCENT dba)**  
U.S. DOT #: 1336102

Review Date:  
08/02/2018

## Part B Requirements and/or Recommendations

- Evaluate personnel who are monitoring driver fitness performance by making sure they are reviewing driver-assignment and qualification files; applying the performance standards fairly, consistently, and equitably; and documenting the evaluations.
- Regularly evaluate the company's driver fitness-related inspection results via the Federal Motor Carrier Safety Administration's (FMCSA) website at <http://ai.fmcsa.dot.gov/SMS>. Assess violations for process breakdowns and how to remedy them. Use data to help implement an effective process beyond self-reporting to monitor, document, and evaluate compliance with driver-fitness regulations and company policies.
- When monitoring and tracking any driver-fitness-related issue, always assess whether it is individual or represents a systemic breakdown in one of the Safety Management Processes (Policies and Procedures, Roles and Responsibilities, etc.).

### HAZMAT Carriers Only:

- Ensure that HAZMAT assignments are allocated according to qualification requirements

### Passenger Carrier Only:

- Monitor all drivers who are used on an intermittent basis to ensure that they are medically qualified and have the proper license class and endorsement ("P" or "S").
- Monitor and track driver-fitness-related passenger complaints and assess safety implications.

### 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.

### 7. For all Investigations:

- Understand Why Compliance Saves Time and Money: Compliance with FMCSRs will not only save lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business.
- Document and Follow Through on Action Plans: Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance.
- NOTICE: A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six year period.

• NOTICE: 49 CFR Part 391.23 requires prospective employers to, at a minimum, investigate a driver's employment information, crash record, and alcohol and controlled substances history from all employers the driver worked for within the previous 3 years.

The Pre-Employment Screening Program (PSP) is a screening tool that assists motor carriers in investigating crash history and roadside safety performance of prospective drivers. The PSP allows motor carriers to purchase 5 years of crash data and 3 years of roadside inspection data from the Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Management Information System (MCMIS). Records are available 24 hours a day via Web request. Motor carriers should visit the following website for more information:  
<http://www.psp.fmcsa.dot.gov/Pages/default.aspx>

• All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities. Discuss with your employees/drivers the "Security Measures for Truck Drivers and Companies" which were provided and reviewed with motor carrier official. Motor carriers should visit the following website for more information:  
<http://www.fmcsa.dot.gov/documents/Hijacking-Brochure.pdf>

FMCSA recently announced planned improvements to the Carrier Safety Measurement System (SMS) which was implemented in December 2010 as part of the Agency's broader Compliance, Safety, Accountability (CSA) initiative.







CARL VINCENT SERVICE (RONALD VINCENT dba)  
U.S. DOT #: 1336102

Review Date:  
08/02/2018

## Part B Requirements and/or Recommendations

A preview of these improvements is currently available to motor carriers. The system changes are scheduled to be available to the public in July 2012. There will be additional opportunity for public comment on the changes after the preview period ends in July 2012. The improvements to SMS are based on ongoing analysis and feedback from enforcement personnel, the motor carrier industry, and other stakeholders. The changes more effectively identify and prioritize high-risk and other unsafe motor carriers for enforcement interventions designed to reduce commercial motor vehicle crashes and hazardous materials incidents. Motor carriers currently have the ability to preview how the improvements impact their individual safety data in SMS. These improvements include: (1) Changes to the SMS methodology that identify higher risk carriers while addressing industry biases; (2) better applications of SMS results for Agency interventions by more accurately identifying safety sensitive carriers (i.e., carriers transporting people and carriers hauling hazardous materials (HM)), so that such firms can be selected for CSA interventions at more stringent levels; and, (3) more specific fact-based displays of SMS results on the SMS Web site. The data preview may be found at <http://csa.fmcsa.dot.gov/>. During the data preview period, the Agency requests comments on the impacts of the changes.

For all Investigations that 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

8. For all investigations that could result in a Penalty Order:

PLEASE NOTE: The violations discovered during this compliance investigation 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 the receipt of this report acknowledges your understanding that the violations discovered by the KCC during this investigation may be used to calculate any civil penalty proposed as a result of this investigation. Your signature is not an admission to the violations identified.

9. This report contains citations of regulations that are deemed serious in nature and could result in penalties against your company and/or your drivers.

10. 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 the Kansas Motor Carrier Safety Statutes and Regulations could result in suspension of Ronald Vincent/DBA Carl Vincent Service operating authority and/or the Ronald Vincent/DBA Carl Vincent Service impoundment of vehicles.

  
2-2-18

Ronald Vincent, Owner  
Date



## **ATTACHMENT “B”**

NO.

Adelbert A Barlow

NAME

June

WEEK ENDING

25	IN	MONDAY	9	8:00
	OUT			5:00
	IN			
	OUT			
26	IN	TUESDAY	10 1/2	8:00
	OUT			6:30
	IN			
	OUT			
27	IN	WEDNESDAY	8.45	8:00
	OUT			4:45
	IN			
	OUT			
28	IN	THURSDAY	8.45	8:00
	OUT			4:45
	IN			
	OUT			
29	IN	FRIDAY	8	8:00
	OUT			3:00
	IN			
	OUT			
	IN	SATURDAY		
	OUT			
	IN			
	OUT			
	IN	SUNDAY		
	OUT			
	IN			
	OUT			

## **CERTIFICATE OF SERVICE**

19-TRAM-129-PEN

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail/hand delivered on 10/10/2018.

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

RONALD VINCENT, OWNER  
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D/B/A CARL VINCENT SERVICE  
429 S MAIN  
HUTCHINSON, KS 67501  
carlvincentstv@yahoo.com

/S/ DeeAnn Shupe  
DeeAnn Shupe