

1500 SW Arrowhead Road  
Topeka, KS 66604-4027



20221129101915  
Kansas Corporation  
Commission  
Phone: 785-271-3100  
Fax: 785-271-3354  
<http://kcc.ks.gov/>

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

Laura Kelly, Governor

**NOTICE OF PENALTY ASSESSMENT**  
23-TRAM-428-PEN

November 29, 2022

Alex Gnadt, Owner  
Flint Hills Stone Trucking Company LLC  
24176 Prairie View Rd  
Alma, KS 66401-8743

This is a notice of a penalty assessment against Flint Hills Stone Trucking Company LLC (Flint Hills Stone Trucking) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on September 28, 2022, by Kansas Corporation Commission Special Investigator B.T. Scott. Penalties are assessed in accordance with the FY 2023 Uniform Penalty Assessment Matrix, approved by the Commission on June 28, 2022. 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:** Flint Hills Stone Trucking has been assessed a \$500 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$500, 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 Flint Hills Stone 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](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. Flint Hills Stone 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.<sup>1</sup>

**IF YOU FAIL TO ACT:** Failure to pay the penalty of \$500 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](mailto:a.latif@kcc.ks.gov)

<sup>1</sup> K.A.R. 82-1-215; K.S.A. 77-542.

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

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

In the Matter of the Investigation of **Flint Hills**     )  
**Stone Trucking Company LLC, of Alma, KS,**     )  
Regarding the Violation(s) of the Motor Carrier     )  
Safety Statutes, Rules and Regulations and the     ) Docket No. 23-TRAM-428-PEN  
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, 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 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. Flint Hills Stone Trucking Company LLC (Flint Hills Stone Trucking or Carrier) has common and private operating authority with the Commission and further operates under USDOT number 2123827.

5. Flint Hills Stone Trucking is a common and private motor carrier which primarily hauls stone.

6. On November 3, 2020, Commission Staff (Staff) Special Investigator Verna Jackson conducted a safety compliance review of the operations of Flint Hills Stone Trucking. As a result of this investigation, Special Investigator Jackson identified one (1) violation of the Motor Carrier Safety Regulations, and recommended civil penalties be assessed against the Carrier. On December 15, 2020, the Commission issued a Penalty Order against the Carrier in Docket No. 21-TRAM-206-PEN. The violations cited included:

- a. Failure to inquire into its driver's motor vehicle record (MVR) at least once every 12 months and maintain a copy of the MVR in the driver qualification file.<sup>2</sup>

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<sup>2</sup> Penalty Order, ¶ 7 Docket No. 21-TRAM-206-PEN (Dec. 15, 2020)

#### **IV. STATEMENT OF FACTS**

7. Pursuant to the jurisdiction and authority cited above, on September 28, 2022, Commission Staff (Staff) Special Investigator B.T. Scott conducted a safety compliance review of the operations of Flint Hills Stone 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 one (1) violation of the Motor Carrier Safety Regulations.

- a. On March 17, 2022, Flint Hills Stone Trucking required or permitted its driver, Wayne A. Thowe, to operate a CDL-required commercial motor vehicle, a 2020 Kenworth Truck, VIN ending in 87237, GVWR 67,250 lbs., in intrastate commerce from Alma, Kansas to Kansas City, Kansas. This trip is evidenced by Driver/Vehicle Examination Report Number KSHP01361024, dated March 17, 2022, a copy of which is attached hereto as Attachment “B” and is hereby incorporated by reference. Flint Hills Stone Trucking failed to maintain the responses of each state agency in the annual driver record inquiry as required by 49 C.F.R. 391.25(a). The Special Investigator found three (3) violations of this type. The Carrier’s failure to maintain the responses received from each State agency to the annual driver record inquiry required by C.F.R. 391.25(a) is a violation of 49 CFR 391.51(b)(4), adopted by K.A.R. 82-4-3g, and authorized by KSA 66-1,129. A civil penalty was assessed for the same violation in a Penalty Order issued on December 15, 2020. Therefore, Staff recommends an enhanced fine of \$500.

#### **IV. STAFF'S RECOMMENDATIONS**

8. Staff submitted a Report and Recommendation (R&R), dated October 21, 2022, attached hereto as Attachment "B" 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 Flint Hills Stone Trucking committed one (1) violation 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 \$500 for one (1) violation of the Motor Carrier Safety Statutes, Rules and Regulations.

11. Staff further recommends that a representative from Flint Hills Stone 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](http://kcc.ks.gov/trans/safety_meetings.htm).

12. Staff further recommends Flint Hills Stone 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 described in this Penalty Order, including specific and detailed information explaining Carrier's efforts and concrete steps taken to ensure the violation does not occur in the future.

13. Finally, Staff recommends that Flint Hills Stone 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 Flint Hills Stone Trucking 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 Flint Hills Stone Trucking committed one (1) violation 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. Flint Hills Stone Trucking Company LLC, of Alma, KS is hereby assessed a \$500 civil penalty for one (1) violation 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. Flint Hills Stone 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 described in this Penalty Order, including specific and detailed information explaining Carrier's efforts and concrete steps taken to ensure the violation do not occur in the future.

D. Flint Hills Stone 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 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 Flint Hills Stone 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.<sup>3</sup>

G. If you do not request a hearing, the payment of the civil penalty of \$500 is due in thirty (30) days from the date of service of this Order. Payment of \$500 must be made 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.

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<sup>3</sup> K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2); K.A.R. 82-1-202(a).

H. Failure to pay the \$500 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 Flint Hills Stone Trucking's motor carrier operating authority without further notice.<sup>4</sup> 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.**

Keen, Chair; Duffy, Commissioner; French, Commissioner

Dated: 11/29/2022



\_\_\_\_\_  
Lynn M. Retz  
Executive Director

AAL

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<sup>4</sup> K.S.A. 66-1,105.



## **ATTACHMENT “A”**

# UNITED STATES DEPARTMENT OF TRANSPORTATION



**U.S. DOT#:** 2123827  
**MC/MX#:** 15956

**Legal:** FLINT HILLS STONE TRUCKING LLC  
**Operating (DBA):**

**Investigation Date:**  
09/28/2022

**Investigation Type:** Offsite Investigation

## Physical Address

24176 PRAIRIE VIEW RD  
ALMA, KS 66401-8743  
United States

## Mailing Address

24176 PRAIRIE VIEW RD  
ALMA, KS 66401-8743  
United States

## Contact Information

**Contact Name:** ALEX GNADT

**Email:**

**Phone:** (785)313-4845 **Cell:** ()- **Fax:** ()-

## Business and Financial

**Business Type:** Limited Liability Corporation

**Name of Gross Revenue Provider:** Alex GnadT

**Title of Gross Revenue Provider:** Owner

**Gross Revenue:** XXXXXXXXXX **For Year Ending:** 12/31/2021

**Federal Tax ID:** XXXXXXXXXX

## Operation Classification and Type

## Cargo

**Type of Operation:** Non-HM Interstate Carrier, Non-HM Intrastate Carrier

Other (Stone)

## Operation Classification

For-Hire Motor Carrier

Property

Other Non-Hazardous Freight

Private Motor Carrier

Property – Non-Hazardous Materials

## Equipment

## Driver Information

	Owned	Term Leased	Trip Leased	Drivers		
Straight Trucks	2				Intrastate	Interstate
Truck Tractors	4			< 100 Miles		
				>= 100 Miles		3
<b>Power units used in the U.S.:</b> 6				<b>Average trip leased driver/month:</b> 0		
<b>Percentage of time used in the U.S.:</b> 100%				<b>Drivers with CDL:</b> 3		
				<b>Total Drivers:</b> 3		

## Person(s) Interviewed

**Name:** ALEX GNADT

**Title:** OWNER

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

# Violations

## 1. Primary: 391.51(b)(4)

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

### Violations Discovered

Fed	State	Total
	3	3

### Checked

Fed	State	Total
	3	3

### Example/Notes:

Wayne A Thowe

03/17/2022

Failing to maintain the responses of each State agency to the annual driver record inquiry required by 391.25(a), no MVR in DQ file.

### Drivers/Vehicles in Violation

Fed	State	Total
	3	3

### Checked

Fed	State	Total
	3	3

On March 17th, 2022 carrier driver Wayne A Thowe operated a commercial motor vehicle, a 2020 Kenworth, VIN# [REDACTED] 87237, GVWR 67520 lbs, in commerce on an intrastate trip from Alma, KS to Kansas City, KS while failing to maintain the responses of each State agency to the annual driver record inquiry required by 391.25(a). This is in violation of 49 C.F.R. 391.51(b)(4) as adopted by K.S.A. 66-1,129 K.A.R. 82-4-3g.

# Safety Fitness Rating

## This Investigation is Not Rated

You must take corrective actions for any violations (deficiencies) identified in the Violations section of this report.

This was an offsite investigation. An offsite investigation allows FMCSA to evaluate your safety compliance with minimal disruption to your business. An offsite investigation will not result in a safety rating.

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: Driver Fitness**

#### **Process Breakdown: Monitoring and Tracking**

1. Carrier did not have in place a reminder system to run MVR's annually.

#### **Specific Recommended Remedies**

**To implement Safety Improvement Practices, the following list are recommended practices related to Monitoring and Tracking:**

1. 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. File the MVR in each driver's driver qualification file after review.

# Recommendations

## 1. Additional Information

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

## 2. First

"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 (MCMS). Records are available 24 hours a day via Web request. Motor carriers should visit the following website for more information: <http://www.psp.fmcsa.dot.gov/Pages/default.aspx>

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

<http://www.fmcsa.dot.gov/documents/Hijacking-Brochure.pdf>

FMCSA recently announced planned improvements to the Carrier Safety Measurement System (SMS) which was implemented in December 2010 as part of the Agency's broader Compliance, Safety, Accountability (CSA) initiative. A preview of these improvements is currently available to motor carriers. The system changes are scheduled to be available to the public in July 2012. There will be additional opportunity for public comment on the changes after the preview period ends in July 2012. The improvements to SMS are based on ongoing analysis and feedback from enforcement personnel, the motor carrier industry, and other stakeholders. The changes more effectively identify and prioritize high-risk and other unsafe motor carriers for enforcement interventions designed to reduce commercial motor vehicle crashes and hazardous materials incidents. Motor carriers currently have the ability to preview how the improvements impact their individual safety data in SMS. These improvements include: (1) Changes to the SMS methodology that identify higher risk carriers while addressing industry biases; (2) better applications of SMS results for Agency interventions by more accurately identifying safety sensitive carriers (i.e., carriers transporting people and carriers hauling hazardous materials (HM)), so that such firms can be selected for CSA interventions at more stringent levels; and, (3) more specific fact-based displays of SMS results on the SMS Web site. The data preview may be found at <http://csa.fmcsa.dot.gov/>. During the data preview period, the Agency requests comments on the impacts of the changes.

For all Investigations that could result in a Notice of Claim:

PLEASE NOTE: The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Notice of Claim. 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 Notice of Claim. Your signature for receipt of this report acknowledges your understanding that the violations discovered by the FMCSA during this review may be used to calculate any civil penalty proposed as a result of this review.

Attached to this report is Table 1, which identifies all the documented violations which were discovered during the course of this review.

For all Investigations resulting in serious violations:

Serious violations were recorded on this investigation report. These violations will impact your safety record. Furthermore, these violations may result in a follow-up investigation at a later date unless adequate evidence of corrective action is forwarded to our office:

US Department of Transportation  
Federal Motor Carrier Safety Administration  
Kansas Division  
Jeff Ellett - Division Administrator  
1303 First American Place, Suite 200  
Topeka, KS 66604-4040

For all Investigations where the carrier has been involved in 2 or more recordable crashes:

The Division Administrator/State Director will continue to consider preventability when a motor carrier contests a proposed safety fitness rating. The motor carrier may deem that the recordable accident rate is not a fair means of evaluating its accident factor (Factor 6) on the CR report. If so, the motor carrier must submit the compelling evidence within seven calendar days if the proposed rating is Unsatisfactory and 10 calendar days if the proposed rating is Conditional to:

US Department of Transportation  
Kansas Division  
Jeff Ellett - Division Administrator  
Federal Motor Carrier Safety Administration  
1303 First American Place, Suite 200  
Topeka, KS 66604-4040

Compelling evidence must be limited to official police accident reports and official insurance accident investigation reports.

For all Investigations resulting in a proposed conditional or unsatisfactory rating:

385.15

If you believe the proposed rating is in error and there are factual and procedural issues in dispute, Part 385.15 (copy provided) outlines procedures for petitioning the Federal Motor Carrier Safety Administration for an administrative review of these findings. Your petition should be addressed to:

US Department of Transportation  
Jack Van Steenburg - Chief Safety Officer  
Federal Motor Carrier Safety Administration  
1200 New Jersey Avenue SE,  
Washington, DC 20590

385.17

In addition, a request for a revised rating based on corrective actions may be made at any time. Part 385.17 (copy provided) outlines the procedures for such a request. The request must be made in writing, must describe the corrective action taken and must include other documentation that may be relied upon as a basis for the requested change. Address your written request to:

US Department of Transportation  
Max Strathman - Midwestern Field Administrator  
Federal Motor Carrier Safety Administration  
4749 Lincoln Mall Drive, Suite 300-A  
Matteson, IL 60443

Ensure that a CC copy of the letter is mailed to:



US Department of Transportation  
Kansas Division  
Jeff Ellett Division Administrator  
Federal Motor Carrier Safety Administration  
1303 First American Place, Suite 200  
Topeka, KS 66604-4040

This letter should be submitted as soon as possible.

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

The KCC requires that you prepare a corrective action plan, addressing the measures taken to correct all 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. Submit the letter along with copies of your supporting evidence to:

Email: [g.davenport@kcc.ks.gov](mailto:g.davenport@kcc.ks.gov)  
FAX: 785-271-3124

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

3. **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 the 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.

4. **Penalties**

"I understand that monetary penalties will be assessed as a result of violations found in this compliance investigation. The penalty schedule can be found at this web site: [http://kcc.ks.gov/trans.penalty\\_assessment\\_table.htm](http://kcc.ks.gov/trans.penalty_assessment_table.htm)

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Carrier Name	Carrier Official"
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5. **Acknowledgement**

"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 Flint Hills Stone Trucking LLC's operating authority and/or the impoundment of Flint Hills Stone Trucking LLC's commercial motor vehicles.

## **ATTACHMENT “B”**

**DRIVER/VEHICLE EXAMINATION REPORT**

**Kansas Highway Patrol**  
**Email: Khp.TruckInspection@KS.GOV**  
**700 SW Jackson, Ste 704**  
**Topeka, KS 66603**  
**Phone: (785)296-7189 Fax: (785)296-2858**

**Report Number: KSHP01361024**  
**Inspection Date: 03/17/2022**  
**Start: 9:55 AM CT End: 10:20 AM CT**  
**Inspection Level: III - Driver/Credential**  
**HM Inspection Type: None**

**Carrier: FLINT HILLS STONE TRUCKING LLC**

**DBA:**

**24176 PRAIRIE VIEW RD**

**ALMA, KS, 66401**

**USDOT: 2123827**

**Phone#: (785)313-4845**

**MC/MX#: 00015956**

**Fax#:**

**State#:**

**Location: DOUGLAS COUNTY - 045**

**Highway: E/B K-10**

**County:**

**Email:**

**Driver: THOWE, WAYNE A**

**License#:**

**State: KS**

**Date of Birth:**

**CoDriver:**

**License#:**

**State:**

**Date of Birth:**

**Milepost: 15**

**Shipper: CARRIER**

**Origin: ALMA,KS**

**Bill of Lading: NONE**

**Destination: KANSAS CITY,KS**

**Cargo: ROCK/STONE**

**VEHICLE IDENTIFICATION**

Unit	Type	Make	Year	State	Plate	Equipment ID	VIN	GVWR	CVSA #	Issued #	OOS Sticker
1	TT	KW	2020	KS	195642	37		7237	67520		
2	ST	JET	2020	KS	541192	SD		0461	70000		

**BRAKE ADJUSTMENTS:**No brake measurements required for level II or level III

**VIOLATIONS:**No violations were discovered

**HazMat:** No HM transported

**Placard:**

**Cargo Tank:**

**Special Checks:** No data for special checks

**Notes:** --CVIEW--MCS150/IFTA/UCR all confirmed. Driver finally found his ifta paperwork toward the end of the inspection. There were door decals present. MCS150 is close to expiration (due in September 2022)--CDLIS--Checked. Driver is valid through the state of Kansas. He is negative alcohol/drug clearinghouse--ELD--Not Required. Driver is within the radius exemption. --TT/ST--Newer equipment. Annual inspections verified. TT was 3/2021 and the side dump trailer had a blank laminated inspection on the driver's side of the trailer. Driver couldn't find the annual at first, but found it toward the end of the inspection. --SYNOPSIS--Random Level 3 inspection. Driver was hauling rock/heavy stones from their Alma quarry to a job site in Kansas City, Kansas. Driver was very polite.

\* NOTE TO MECHANIC: The undersigned certifies that all mechanical defects listed on this report HAVE BEEN CORRECTED at the time of signature.

Signature Of Repairer X: \_\_\_\_\_ Facility: \_\_\_\_\_ Date: \_\_\_\_\_

\*\*\* DRIVER: THIS FORM IS REQUIRED TO BE RETURNED TO THE CARRIER BY REGULATION. \*\*\* CARRIER CERTIFICATION: All defects on this sheet 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.

Signature Of Motor Carrier X: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

Report Prepared By: ID/Badge #:  
R.C. Voigts 0136

Copy Received By:  
WAYNE THOWE

X

X



02123827 KS KSHP01361024

## **ATTACHMENT “C”**

**REPORT AND RECOMMENDATION  
TRANSPORTATION DIVISION**

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

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

**DATE:** October 21, 2022

**SUBJECT: Docket No. 23-TRAM-428-PEN**  
In the Matter of the Investigation of Flint Hills Stone Trucking Company LLC of Alma, 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:**

Flint Hills Stone Trucking Company LLC (Flint Hills Stone Trucking or Carrier) is a motor carrier possessing private operating authority from the Commission, primarily hauling stone. Flint Hills Stone Trucking operates under USDOT 2123827. On September 28, 2022, Commission Staff Special Investigator B.T. Scott conducted a safety compliance review of the operations of Flint Hills Stone Trucking. As a result of this investigation, the special investigator identified one (1) violation of the Motor Carrier Safety Regulations, resulting in a recommended penalty of \$500.

**DISCUSSION AND ANALYSIS:**

On September 28, 2022, Commission Staff Special Investigator B.T. Scott conducted a safety compliance review of the operations of Flint Hills Stone Trucking. As a result of this investigation, the special investigator identified one (1) violation of the Motor Carrier Safety Regulations.

**Violation One (1 of 1)**

On March 17, 2022, Flint Hills Stone Trucking required or permitted its driver, Wayne A. Thowe, to operate a CDL-required commercial motor vehicle, a 2020 Kenworth Truck, VIN ending in 87237, GVWR 67,250 lbs., in intrastate commerce from Alma, Kansas to Kansas City, Kansas. This trip is evidenced by Driver/Vehicle Examination Report Number KSHP01361024, dated March 17, 2022. Flint Hills Stone Trucking failed to maintain the responses of each state agency in the annual driver record inquiry as

required by 49 C.F.R. 391.25(a). The Special Investigator found three (3) violations of this type. The Carrier's failure to require three of its drivers to maintain the responses required received from each State agency to the annual driver record inquiry required by C.F.R. 391.25(a) is a violation of 49 CFR 391.51(b)(4), adopted by K.A.R. 82-4-3g, and authorized by KSA 66-1,129. A civil penalty was assessed for the same violation in a Penalty Order issued on December 15, 2020. Therefore, Staff recommends an enhanced fine of \$500.

### **RECOMMENDATION:**

Transportation Staff recommends the Commission find Flint Hills Stone Trucking committed one (1) violation 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 \$500 for one (1) violation 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 Flint Hills Stone 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](http://kcc.ks.gov/trans/safety_meetings.htm).

Staff further recommends Flint Hills Stone 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 described in the Penalty Order, including specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violation does not occur in the future.

Finally, Staff recommends that Flint Hills Stone 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**

23-TRAM-428-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 11/29/2022.

ALEX GNADT, MANAGER  
FLINT HILLS STONE TRUCKING, LLC  
24176 PRAIRIE VIEW RD  
ALMA, KS 66401-8743  
flinthillsstone@gmail.com

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

/S/ KCC Docket Room

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