

1500 SW Arrowhead Road
Topeka, KS 66604-4027

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



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

Sam Brownback, Governor

NOTICE OF PENALTY ASSESSMENT

March 26, 2015

15-TRAM-377-PEN

Dudley Quick, Owner
1672 Hwy 54
Ft. Scott, Kansas 66701

This is a notice of a penalty assessment for violation of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on January 26, 2015, by Kansas Corporation Commission Special Investigator Michael Heenan. For a full description of the penalty and process please refer to the Order that is attached to this notice.

IF YOU ACCEPT THE PENALTY:

You have been assessed a \$100 penalty. You have thirty (30) days from service of this Penalty Order to pay the fine amount. Check or money order must be made payable to the Kansas Corporation Commission. Payment is to be mailed to the Transportation Division of the Kansas Corporation Commission at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and must include a reference to the docket number of this proceeding. Credit card payment may be made by faxing your credit card information to the Transportation Office at 785-271-3124, using the KCC's credit card payment form found at <http://kcc.ks.gov/trans/creditcard.pdf>.

You must attend a Commission-sponsored safety seminar within the next ninety (90) days and provide Staff with written proof of attendance. A schedule of dates and locations for the safety seminar can be found at the Commission's website http://www.kcc.state.ks.us/trans/safety_meetings.htm.

You must submit to one follow-up safety compliance review within the next 18 months. Staff will contact you at a later date to determine an appropriate time for this review.

IF YOU CONTEST THE PENALTY:

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. Respondent must submit an original and seven (7) copies of the request to the Commission's Acting Secretary at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604 within fifteen (15) days from the date stamped on the last page of the Penalty Order. K.A.R. 82-1-215; K.S.A. 2013 Supp. 77-542.

IF YOU FAIL TO ACT:

Failure to pay the fine amount within thirty (30) days of service of the Penalty Order, or in the alternative, provide a written request for a hearing within fifteen (15) days from service of the Penalty Order will result in the attached Order becoming a Final Order and may result in the additional sanction of suspension and/or revocation of your motor carrier operating authority.

Respectfully,

Michael J. Duenes
Litigation Counsel
(785) 271-3181

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

Before Commissioners: Shari Feist Albrecht, Chair
 Jay Scott Emler
 Pat Apple

In the Matter of the Investigation of **Dudley**)
Quick, of Ft. Scott, Kansas, Regarding the)
Violation of the Motor Carrier Safety Statutes,) Docket No. 15-TRAM-377-PEN
Rules and 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). The Commission, having been briefed on the issue by the Director of the Commission's Transportation Division, finds and concludes as follows:

I. JURISDICTION

1. Pursuant to K.S.A. 2014 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. 2014 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. 2014 Supp. 66-1,129a, 66-1,130 and 66-1,142b, the Commission may suspend operations, revoke or amend certificates, and initiate sanctions or fines against every motor carrier and every person who violates any provision of Kansas law in regard to the regulation of such motor carriers and persons, or who fails to obey any order, decision or regulation of the Commission.

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

II. BACKGROUND

4. Dudley Quick (Dudley Quick) obtained common operating authority from the Commission on June 27, 2002, and private operating authority from the Commission on March 28, 1979. The carrier operates under KSMCID number 102499 and USDOT number 185540.

5. Dudley Quick is an interstate carrier and operates a commercial motor vehicle over 26,000 gross vehicle weight rating (GVWR).

6. Dudley Quick is a private and common motor carrier which primarily hauls grain, feed, hay and commodities dry bulk.

III. STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, on January 26, 2015, Commission Staff (Staff) Special Investigator Michael Heenan conducted a compliance review of the operations of Dudley Quick. A copy of the safety compliance review is included in this Penalty Order as Attachment "A" and is hereby incorporated by reference. As a result of this investigation, Mr. Heenan identified one (1) violation of the Motor Carrier Safety Regulations.

- a. On September 5, 2014, Dudley Quick required or permitted its driver, Dudley Quick, to operate a commercial motor vehicle, a 1987 Freightliner, VIN ending in 314498, pulling a 2011 Timpco Grain trailer, VIN ending in 129989, in interstate commerce from Salina, Kansas to Centerville, Missouri. This trip is evidenced by Driver's Vehicle Inspection Report,

dated September 5, 2014, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, Dudley Quick had not made inquiry into his motor vehicle record (MVR) within the preceding 12 months. The last MVR in Mr. Quick's driver qualification file was dated January 11, 2005. Dudley Quick's failure to inquire into its driver's MVR at least once every 12 months and maintain a copy of the MVR in the driver qualification file is a violation of 49 C.F.R. Part 391.25(a) and (c), as adopted by K.A.R. 82-4-3g, as authorized by K.S.A. 2014 Supp. 66-1,112. Staff recommends a fine of \$100.

IV. STAFF'S RECOMMENDATIONS

8. Based upon the available facts, Staff recommends the Commission find Dudley Quick 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.

9. Additionally, Staff recommends a civil penalty of \$100 for one (1) violation of the Motor Carrier Safety Statutes, Rules and Regulations.

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

11. Finally, Staff recommends that Dudley Quick submit to one follow-up safety compliance review within the next eighteen (18) months. 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 Dudley Quick because it is a motor carrier as defined in K.S.A. 2013 Supp. 66-1,108.

13. The Commission finds Dudley Quick 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. Dudley Quick, of Ft. Scott, Kansas is hereby assessed a \$100 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. Dudley Quick is hereby ordered to attend a Commission-sponsored safety seminar within the next ninety (90) days and is to provide Staff with written proof of attendance. Further, Dudley Quick is ordered to submit to one follow-up safety compliance review within the next eighteen (18) months.

C. Pursuant to K.S.A. 2014 Supp. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issues by submitting a written request, setting forth the specific grounds upon which relief is sought, to the Commission's Acting Secretary, at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604 within fifteen (15) days from the date of

service of this Order. If service is by certified mail, service is complete upon the date delivered shown on the Domestic Return Receipt. Hearings will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of Dudley Quick's right to a hearing, and this Penalty Order will become a Final Order assessing a \$100 civil penalty against Dudley Quick, and ordering Dudley Quick to attend a Commission-sponsored safety seminar within the next ninety (90) days and provide Staff with written proof of attendance, and to submit to a safety compliance review within eighteen (18) months from the date of service of this Order.

D. Attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. 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).

E. If you do not request a hearing, the payment of the civil penalty is due in thirty (30) days from date of service of this Order. Checks and Money Orders shall be payable to the Kansas Corporation Commission. For credit card payments, include type of card (Visa, MasterCard, Discover, or American Express), account number and expiration date. Payments shall be mailed to the Transportation Division of the Kansas Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, Kansas 66604. *The payment shall include a reference to the docket number of this proceeding.*

F. Failure to pay the \$100 civil penalty within thirty (30) days of the service of this Penalty Order, and/or failure to comply with the provisions of this Order, may result in revocation of Dudley Quick'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 out-of-service and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

G. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further order or orders as it may deem necessary.

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Apple, Commissioner

Dated: MAR 26 2015




ORDER MAILED MAR 27 2015

Neysa Thomas
Acting Secretary

MJD

ATTACHMENT “A”

Kansas Corporation Commission

| | | | | |
|--|---------------------------|--|--|---------------------|
|  | US DOT # 185540 | Legal: DUDLEY QUICK | | |
| | Operating (DBA): | | | |
| MC/MX #: 196931 | | State #: [REDACTED] | Federal Tax ID: [REDACTED] (EIN) | |
| Review Type: Compliance Review (CR) | | | | |
| Scope: Principal Office | | Location of Review/Audit: Company facility in the U. S. | | Territory: C |
| Operation Types | | | | |
| | Interstate | Intrastate | | |
| Carrier: | Non-HM | Non-HM | Business: Individual | |
| Shipper: | N/A | N/A | Gross Revenue: [REDACTED] for year ending: 12/31/2013 | |
| Cargo Tank: | N/A | | | |
| Company Physical Address: | | | | |
| [REDACTED] | | | | |
| Contact Name: Dudley E Quick | | | | |
| Phone numbers: (1) [REDACTED] (2) [REDACTED] Fax | | | | |
| E-Mail Address: | | | | |
| Company Mailing Address: | | | | |
| 1672 HIGHWAY 54 FT SCOTT, KS 66701-8337 | | | | |
| Carrier Classification | | | | |
| Authorized for Hire | | Exempt for Hire | | |
| Cargo Classification | | | | |
| Grain, Feed, Hay | | Commodities Dry Bulk | | |
| Equipment | | | | |
| | Owned | Term Leased | Trip Leased | |
| Truck Tractor | 1 | 0 | 0 | Trailer |
| | Owned | Term Leased | Trip Leased | |
| | 1 | 0 | 0 | |
| Power units used in the U.S.: 1 | | | | |
| Percentage of time used in the U.S.: 100 | | | | |
| Does carrier transport placardable quantities of HM? No | | | | |
| Is an HM Permit required? N/A | | | | |
| Driver Information | | | | |
| | Inter | Intra | | |
| < 100 Miles: | | | Average trip leased drivers/month: 0 | |
| >= 100 Miles: | 1 | | Total Drivers: 1 | |
| | | | CDL Drivers: 1 | |





DUDLEY QUICK
U.S. DOT #: 185540

State #: [REDACTED]

Review Date:
01/26/2015

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 Rd
Topeka, Ks 66604-4027 1-785-271-3145

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Dudley E Quick

Title: Owner/Operator

Name:

Title:





DUDLEY QUICK
U.S. DOT #: 185540

State #: [REDACTED]

Review Date:
01/26/2015

Part B Violations

| | | | | | |
|--------------|-----------------------|-----------------|--------------|---------------------------------------|--------------|
| 1 FEDERAL | Primary: 391.51(b)(4) | Discovered 1 | Checked 1 | Drivers/Vehicles In Violation 1 | Checked 1 |
|--------------|-----------------------|-----------------|--------------|---------------------------------------|--------------|

Description

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

Example

Driver name: [REDACTED]

Trip date: 09-05-14

Destination: Salina Ks to Centerview Mo.

At the time of this trip, and the time of this review, the carrier/driver failed to have a current MVR in their driver file. Last driver MVR was dated 01-11-2005. This was not performed at least every 12 months as required.

Safety Fitness Rating Information:

Total Miles Operated 70,260
Recordable Accidents 0
Recordable Accidents/Million Miles 0.00

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 :

SATISFACTORY

Rating Factors

Acute Critical

| | | | |
|-----------|---|---|---|
| Factor 1: | S | 0 | 0 |
| Factor 2: | S | 0 | 0 |
| Factor 3: | S | 0 | 0 |
| Factor 4: | S | 0 | 0 |
| Factor 5: | N | 0 | 0 |
| Factor 6: | S | - | - |

Corrective actions must be taken for any violations (deficiencies) identified on Part B of this report.





DUDLEY QUICK
U.S. DOT #: 185540

State #: 102499

Review Date:
01/26/2015

Part B Requirements and/or Recommendations

1. Within 15 days send a letter to our office explaining your actions taken to remedy a non-compliance status. Mail to Kansas Corporation Commission, 1500 SW Arrowhead RD., Topeka, KS 66604-4027
Attention: Gary Davenport
2. Each Driver Qualification File must contain a properly executed and signed Certification of Violations and a Annual Review of Driving Record completed yearly.
3. Make certain that your USDOT number is updated at least every year as required by the last digit of your USDOT number.
4. 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.

5. Basic: Driver Fitness
391.51(b)(4)

Failing to maintain inquiries into drivers records in the driver qualification files at least every 12 months as per 391.25(a)

Please provide written documented proof of obtaining current Motor Vehicle Record Checks on the following drivers

Dudley E Quick



Please provide current evidence or copies of Motor Vehicle Record Checks on the drivers listed above within 15 days





DUDLEY QUICK
U.S. DOT #: 185540

State #: [REDACTED]

Review Date:
01/26/2015

Part B Requirements and/or Recommendations

and a letter explaining your actions to correct the violations listed in this report to the person and address listed below.

Mr Gary Davenport
Kansas Corporation Commission
1500 SW Arrowhead Rd
Topeka, Ks 66604-4027

6. 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 [Dudley Quick] operating authority and/or the impoundment of [Dudley Quick] vehicles.

Carrier Signature

Dudley Quick
M. W. Neenan



ATTACHMENT “B”

DRIVER'S VEHICLE INSPECTION REPORT

AS REQUIRED BY THE D.O.T. FEDERAL MOTOR CARRIER SAFETY REGULATIONS

DATE: 9/5/14 TIME: 6:00 AM P.M.

CHECK ANY DEFECTIVE ITEM AND GIVE DETAILS UNDER REMARKS

TRACTOR/
TRUCK NO. 52 ODOMETER READING _____

- | | | |
|---|---------------------------------------|--|
| <input type="checkbox"/> Air Compressor | <input type="checkbox"/> Front Axle | <input type="checkbox"/> Safety Equipment |
| <input type="checkbox"/> Air Lines | <input type="checkbox"/> Fuel Tanks | Fire Extinguisher |
| <input type="checkbox"/> Battery | <input type="checkbox"/> Horn | Flags/Flares/Fusees |
| <input type="checkbox"/> Belts and Hoses | <input type="checkbox"/> Lights | Reflective Triangles |
| <input type="checkbox"/> Body | Head/Stop | Spare Bulbs and Fuses |
| <input type="checkbox"/> Brake Accessories | Tail/Dash | Spare Seal Beam |
| <input type="checkbox"/> Brakes, Parking | Turn Indicators | |
| <input type="checkbox"/> Brakes, Service | Clearance/Marker | <input type="checkbox"/> Starter |
| <input type="checkbox"/> Clutch | <input type="checkbox"/> Mirrors | <input type="checkbox"/> Steering |
| <input type="checkbox"/> Coupling Devices | <input type="checkbox"/> Muffler | <input type="checkbox"/> Suspension System |
| <input type="checkbox"/> Defroster/Heater | <input type="checkbox"/> Oil Pressure | <input type="checkbox"/> Tire Chains |
| <input type="checkbox"/> Drive Line | <input type="checkbox"/> Radiator | <input type="checkbox"/> Tires |
| <input type="checkbox"/> Engine | <input type="checkbox"/> Rear End | <input type="checkbox"/> Transmission |
| <input type="checkbox"/> Exhaust | <input type="checkbox"/> Reflectors | <input type="checkbox"/> Trip Recorder |
| <input type="checkbox"/> Fifth Wheel | | <input type="checkbox"/> Wheels and Rims |
| <input type="checkbox"/> Fluid Levels | | <input type="checkbox"/> Windows |
| <input type="checkbox"/> Frame and Assembly | | <input type="checkbox"/> Windshield Wipers |
| | | <input type="checkbox"/> Other |

TRAILER(S) NO.(S) 6

- | | | |
|--|---|--|
| <input type="checkbox"/> Brake Connections | <input type="checkbox"/> Hitch | <input type="checkbox"/> Suspension System |
| <input type="checkbox"/> Brakes | <input type="checkbox"/> Landing Gear | <input type="checkbox"/> Tarpaulin |
| <input type="checkbox"/> Coupling Devices | <input type="checkbox"/> Lights - All | <input type="checkbox"/> Tires |
| <input type="checkbox"/> Coupling (King) Pin | <input type="checkbox"/> Reflectors/Reflective Tape | <input type="checkbox"/> Wheels and Rims |
| <input type="checkbox"/> Doors | <input type="checkbox"/> Roof | <input type="checkbox"/> Other |

Remarks: _____

☒ CONDITION OF THE ABOVE VEHICLE IS SATISFACTORY

DRIVER'S SIGNATURE: _____

☐ ABOVE DEFECTS CORRECTED

☐ ABOVE DEFECTS NEED NOT BE CORRECTED FOR SAFE OPERATION OF VEHICLE

MECHANIC'S SIGNATURE: _____ DATE: _____

DRIVER'S SIGNATURE: _____ DATE: _____

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IN RE: DOCKET NO. 15-TRAM-377-PEN

DATE MAR 26 2015

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET
TO THE FOLLOWING:

| NAME AND ADDRESS | NO. CERT. COPIES | NO. PLAIN COPIES |
|--|------------------------|------------------------|
| DUDLEY QUICK, OWNER 1672 HWY 54 FT SCOTT, KS 66701-8337 | | |
| MICHAEL DUENES, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604-4027 ***Hand Delivered*** | | |

ORDER MAILED MAR 27 2015

The Docket Room hereby certified that on this _____ day of _____, 20_____, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.