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Topeka, KS 66604-4027

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<http://kcc.ks.gov/>

Dwight D. Keen, Chair  
Shari Feist Albrecht, Commissioner  
Susan K. Duffy, Commissioner

Laura Kelly, Governor

**NOTICE OF PENALTY ASSESSMENT**  
**20-TRAM-003-PEN**

July 9, 2019

Paul Ramirez, Owner  
d/b/a Ramirez Industries  
2633 S Oak St  
Wichita, KS 67217

This is a notice of a penalty assessment against Paul Ramirez, d/b/a Ramirez Industries (Ramirez Industries) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on June 12, 2019, by Kansas Corporation Commission Special Investigator Gary Goeller. 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:** Ramirez Industries has been assessed a \$1,500 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$1,500, 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 Ramirez Industries 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. Ramirez Industries 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. K.A.R. 82-1-215; K.S.A. 2018 Supp. 77-542.

**IF YOU FAIL TO ACT:** Failure to pay the penalty of \$1,500 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,

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

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

Before Commissioners:      Dwight D. Keen, Chair  
                                     Shari Feist Albrecht  
                                     Susan K. Duffy

In the Matter of the Investigation of **Paul )**  
**Ramirez, d/b/a Ramirez Industries, of )**  
**Wichita, KS,** Regarding the Violation of the      )  
Motor Carrier Safety Statutes, Rules and      ) Docket No. 20-TRAM-003-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.A.R. 82-4-1b, 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.A.R. 82-4-1, 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. 2018 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. Paul Ramirez, d/b/a Ramirez Industries (Ramirez Industries) has common operating authority with the Commission and further operates under USDOT number 2484312.

5. Paul Ramirez attended the Procedures for Safety Compliance Seminar presented by the Kansas Corporation Commission, on June 4, 2019, on behalf of Ramirez Industries.

6. Ramirez Industries is a common motor carrier which primarily hauls general freight, US mail and paper products.

## **III. STATEMENT OF FACTS**

7. Pursuant to the jurisdiction and authority cited above, on June 12, 2019, Commission Staff (Staff) Special Investigator Gary Goeller conducted a safety compliance review of the operations of Ramirez Industries. 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 five (5) violation(s) of the Motor Carrier Safety Regulations.

- a. On March 27, 2019, Ramirez Industries required or permitted its driver, Ross C. Armstrong, to operate a CDL-required commercial motor vehicle, a 2000 Volvo, VIN ending in 794733, GVWR 32,000 lbs., pulling a 2001

WANC trailer, VIN ending in 75677, GVWR 68,000 lbs., in intrastate commerce from Wichita, Kansas to Kansas City, Kansas. This trip is evidenced by Driver/Vehicle Examination Report Number KSHP00320244, dated March 27, 2019, a copy of which is attached hereto as Attachment “B” and is hereby incorporated by reference. At the time of this transportation, Ramirez Industries had not implemented an alcohol and controlled substance testing program for its CDL driver. The carrier’s failure to establish an alcohol and controlled substances testing program for its CDL drivers that complies with the procedures established in 49 C.F.R. 382.105 as adopted by K.A.R. 82-4-3c is a violation of 49 C.F.R. 382.115(a), adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 2018 Supp. 66-1,129. Staff recommends a fine of \$350.

- b. On May 8, 2019, Ramirez Industries required or permitted its driver, Ross C. Armstrong, to operate a CDL-required commercial motor vehicle, a 2000 Volvo, VIN ending in 794733, GVWR 32,000 lbs., pulling a 2001 WANC trailer, VIN ending in 75677, GVWR 68,000 lbs., in interstate commerce from Wichita, Kansas to Kansas City, Missouri. This trip is evidenced by Driver’s Daily Log, dated May 8, 2019, a copy of which is attached hereto as Attachment “C” and is hereby incorporated by reference. At the time of this transportation, Ramirez Industries had not paid its Uniform Carrier Registration (UCR) fees for 2019. The carrier’s failure to annually register its commercial motor vehicle(s) operating in interstate commerce over the highways of this state and to pay the

appropriate Unified Carrier Registration (UCR) fees as set out in 49 C.F.R. 367.30, is a violation of K.A.R. 82-4-30a, authorized by K.S.A. 2018 Supp. 66-1,139a and K.S.A. 2018 Supp. 66-1,129. Staff recommends a fine of \$300.

- c. During the transportation described in paragraph a, above, Ramirez Industries used a driver that was not medically examined and certified as physically fit to operate a commercial motor vehicle during the preceding 24 months. The carrier's failure to confirm that its CDL driver is 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. 2018 Supp. 66-1,129. Staff recommends a fine of \$250.
- d. On February 13, 2019, Ramirez Industries required or permitted its driver, Victoria Ramirez, to operation a commercial motor vehicle, a 2012 GMC, VIN ending in 1905851, GVWR 12,300 lbs., in interstate commerce from Blackwell, Oklahoma to Wichita, Kansas. This trip is evidenced by Driver/Vehicle Examination Report Number KSKC82040128, dated February 13, 2019, a copy of which is attached hereto as Attachment "D" and is hereby incorporated by reference. At the time of this transportation, Ramirez Industries failed to maintain a road test certificate in the driver's qualification file, or copy of the license or certificate the motor carrier accepted as equivalent. The carrier's failure to maintain a road test

certificate issued to the driver pursuant to 49 C.F.R. 391.3(e) in the driver's qualification file, or a copy of the license or certificate which the motor carrier accepted as equivalent to the driver's road test pursuant to 49 C.F.R. 391.33 is a violation of 49 C.F.R. 391.51(b)(3), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 2018 Supp. 66-1,129. Staff recommends a fine of \$100.

- e. During the transportation described in paragraph d, above, Ramirez Industries did not have state of Kansas for-hire motor carrier authority. The carrier's commercial operations of motor vehicles prior to obtaining and maintaining proper Commission authority is a violation of K.S.A. 2018 Supp. 66-1,111 and 49 C.F.R. 392.2, adopted by K.A.R. 82-4-3h, and authorized by K.S.A. 2018 Supp. 66-1,129. Staff recommends a fine of \$500.

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

8. Based upon the available facts, Staff recommends the Commission finds Ramirez Industries committed five (5) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

9. Additionally, Staff recommends a civil penalty of \$1,500 for five (5) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that a representative from Ramirez Industries 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 Ramirez Industries 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 Ramirez Industries because it is a motor carrier as defined in K.A.R. 82-4-1.

13. The Commission finds Ramirez Industries committed five (5) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

### **THE COMMISSION THEREFORE ORDERS THAT:**

A. Paul Ramirez, d/b/a Ramirez Industries, of Wichita, KS is hereby assessed a \$1,500 civil penalty for five (5) violation(s) of Kansas law governing the regulation of motor carriers, the Kansas Administrative Regulations and provisions of the Federal Motor Carrier Safety Regulations, as adopted by the Kansas Administrative Regulations.

B. Ramirez Industries 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. Ramirez Industries 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. 2018 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 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 Ramirez Industries' right to a hearing, and this Penalty Order will become a Final Order assessing a \$1,500 civil penalty against Ramirez Industries, and ordering a representative from Ramirez Industries 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. 2018 Supp. 66-1,142b(e) and amendments thereto.

F. If you do not request a hearing, the payment of the civil penalty of \$1,500 is due in thirty (30) days from the date of service of this Order. Payment of \$1,500 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 \$1,500 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 Ramirez Industries' 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.**

Keen, Chair; Albrecht, Commissioner; Duffy, Commissioner

Dated: 07/09/2019




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Lynn M. Retz  
Executive Director

AAL

## **ATTACHMENT “A”**

	US DOT # 2484312	Legal: PAUL RAMIREZ Operating (DBA):RAMIREZ INDUSTRIES			
MC/MX #: 63862		Federal Tax ID: [REDACTED] (EIN)			
Review Type: Compliance Review (CR)					
Scope: Principal Office		Location of Review/Audit: Company facility in the U. S.			Territory: F
<b>Operation Types</b>		<b>Interstate</b>	<b>Intrastate</b>		
Carrier:	Non-HM	Non-HM	Business: Individual		
Shipper:	N/A	N/A	Gross Revenue: [REDACTED] for year ending: 12/31/2018		
Cargo Tank:	N/A				
<b>Company Physical Address:</b>					
2633 S OAK ST WICHITA, KS 67217-2935					
Contact Name: Paul Ramirez					
Phone numbers: (1) [REDACTED]		Fax			
E-Mail Address: [REDACTED]					
<b>Company Mailing Address:</b>					
2633 S OAK ST WICHITA, KS 67217-2935					
<b>Carrier Classification</b>					
Authorized for Hire					
<b>Cargo Classification</b>					
General Freight		U.S. Mail		Paper Products	
Other: Pharma, Fed ex,					
<b>Equipment</b>					
	<b>Owned</b>	<b>Term Leased</b>	<b>Trip Leased</b>		<b>Owned Term Leased Trip Leased</b>
Truck	2	0	0	Truck Tractor	1 0 0
Trailer	1	0	0		
Power units used in the U.S.:3					
Percentage of time used in the U.S.:100					
Does carrier transport placardable quantities of HM? No					
Is an HM Permit required? N/A					
<b>Driver Information</b>					
	<b>Inter</b>	<b>Intra</b>	<b>Average trip leased drivers/month: 0</b>		
< 100 Miles:	3	2	<b>Total Drivers: 5</b>		
>= 100 Miles:			<b>CDL Drivers: 1</b>		





RAMIREZ INDUSTRIES (PAUL RAMIREZ dba)  
U.S. DOT #: 2484312

Review Date:  
05/30/2019

**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:

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

**Person(s) Interviewed**

Name: Paul Ramirez

Title: Owner

Name: Victoria Ramirez

Title: Owner





RAMIREZ INDUSTRIES (PAUL RAMIREZ dba)  
U.S. DOT #: 2484312

Review Date:  
05/30/2019

### Part B Violations

1 FEDERAL ACUTE	Primary: 382.115(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 0	Checked 0
<b>Description</b> Failing to implement an alcohol and/or controlled substances testing program on the date the employer begins commercial motor vehicle operations. <b>Example</b> Ross C Armstrong Trip Date 3.27.2019  Operated a 2000 Volvo KS Tag# 547897, KS Vin# [REDACTED] 794733, gvwr 32000 lbs., and a 2001 WANC trailer KS Tag# 555503, KS Vin# [REDACTED] 756677, gvwr 68000 lbs. on a trip from Wichita, KS (Bel Aire, KS) to Kansas City, KS					
2 FEDERAL	Primary: 367.30	Discovered 1	Checked 1	Drivers/Vehicles In Violation 0	Checked 0
<b>Description</b> Failed to pay Unified Carrier Registration Fees ( UCR) <b>Example</b> Ross Armstrong Trip date 5.08.2019  Carrier failed to pay 2019 UCR fees until 5.10.2019  Operated a 2000 Volvo KS Tag# 547897, KS Vin# [REDACTED] 794733, gvwr 32000 lbs., and a 2001 WANC trailer KS Tag# 555503, KS Vin# [REDACTED] 756677, gvwr 68000 lbs. on a trip from Bel Aire, KS to Kansas City, MO					
3 STATE	Primary: 391.45(b)(1) Secondary: 391.11(a) CFR Equivalent: 391.45(b)(1)	Discovered 1	Checked 5	Drivers/Vehicles In Violation 1	Checked 5
<b>Description</b> Using a driver not medically examined and certified during the preceding 24 months <b>Example</b> Ross C Armstrong Trip Date 03.27.2019  Medical card expired on 03.03.2019 and was renewed on 03.28.2019 after the roadside inspection KSHP00320244 dated 03.27.2019  Operated a 2000 Volvo Tractor KS tag# 547897, KS Vin# [REDACTED] 794733, gvwr 32000 lbs. and a 2001 WANC Trailer KS Tag# 555503, KS Vin# [REDACTED] 756677, gvwr 68000 lbs					





RAMIREZ INDUSTRIES (PAUL RAMIREZ dba)  
U.S. DOT #: 2484312

Review Date:  
05/30/2019

### Part B Violations

4 FEDERAL	Primary: 391.51(b)(1)	Discovered 5	Checked 5	Drivers/Vehicles In Violation 5	Checked 5
<b>Description</b> Failing to maintain driver's employment application in driver's qualification file. Victoria M. Ramirez Trip date 02-13-2019  Carrier did not have a completed driver employment application in DQ file.  Operated a 2012 GMC KS tag# 623JTS, KS Vin# [REDACTED] 905851, gvwr 12300 lbs. on a trip from Blackwell, OK to Wichita, KS.					
5 FEDERAL	Primary: 391.51(b)(3)	Discovered 4	Checked 5	Drivers/Vehicles In Violation 4	Checked 5
<b>Description</b> Failing to maintain road test certificate in driver's qualification file, or copy of license or certificate the motor carrier accepted as equivalent. <b>Example</b> Victoria M. Ramirez Trip date 02-13-2019  Operated a 2012 GMC KS tag# 623JTS, KS Vin# [REDACTED] 1905851, gvwr 12300 lbs. on a trip from Blackwell, OK to Wichita, KS.					
6 FEDERAL	Primary: 391.51(b)(5)	Discovered 5	Checked 5	Drivers/Vehicles In Violation 5	Checked 5
<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> Victoria M. Ramirez Trip date 02-13-2019  Operated a 2012 GMC KS tag# 623JTS, KS Vin# [REDACTED] 1905851, gvwr 12300 lbs. on a trip from Blackwell, OK to Wichita, KS.					
7 FEDERAL	Primary: 391.51(b)(6)	Discovered 5	Checked 5	Drivers/Vehicles In Violation 5	Checked 5
<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> Victoria M. Ramirez Trip date 02-13-2019  Operated a 2012 GMC KS tag# 623JTS, KS Vin# [REDACTED] 1905851, gvwr 12300 lbs. on a trip from Blackwell, OK to Wichita, KS.					





RAMIREZ INDUSTRIES (PAUL RAMIREZ dba)  
U.S. DOT #: 2484312

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05/30/2019

### Part B Violations

8 FEDERAL	Primary: 391.51(b)(9)	Discovered 5	Checked 5	Drivers/Vehicles In Violation 5	Checked 5
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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

Victoria M. Ramirez  
Trip date 02-13-2019

Operated a 2012 GMC KS tag# 623JTS, KS Vin# [REDACTED] 1905851, gvw 12300 lbs. on a trip from Blackwell, OK to Wichita, KS.

9 STATE	Primary: 66-1,111 CFR Equivalent: 392.2	Discovered 1	Checked 1	Drivers/Vehicles In Violation 0	Checked 0
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#### Description

Kansas Corporation Commission Common Carrier Authority

#### Example

Victoria Ramirez  
Trip date 02.13.2019

Operated a 2012 GMC Box Van KS Tag# 623JTS, KS Vin# [REDACTED] 1905851, gvw 12300 lbs. on a trip from Wichita, KS to Arkansas City, KS transporting pharmaceuticals without having Kansas Common Carrier authority.

#### Safety Fitness Rating Information:

Total Miles Operated 197,000  
Recordable Accidents 0  
Recordable Accidents/Million Miles 0.00

OOS Vehicle (CR): 0  
Number of Vehicle Inspected (CR): 0  
OOS Vehicle (MCMIS): 2  
Number of Vehicles Inspected (MCMIS): 5

Your proposed safety rating is :

**SATISFACTORY**

Rating Factors		Acute	Critical
Factor 1:	S	0	0
Factor 2:	C	1	0
Factor 3:	S	0	0
Factor 4:	C	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.







RAMIREZ INDUSTRIES (PAUL RAMIREZ dba)  
U.S. DOT #: 2484312

Review Date:  
05/30/2019

## Part B Requirements and/or Recommendations

### 1. 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. 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.

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 letter plan (CAP), addressing the measures taken to correct all violations identified within this report. Submit this letter within 30 days outlining the carrier's updated changes to their policies and procedures regarding all listed violations. Explain in detail how, as a carrier representative, you will rectify these deficiencies and prevent their reoccurrence going forward. Include any supporting documentation and evidence as indicated in the recommendations above, (example: vehicle inspections performed, proof of drug







RAMIREZ INDUSTRIES (PAUL RAMIREZ dba)  
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### Part B Requirements and/or Recommendations

and alcohol testing in place, etc.) necessary to prove that corrective action has been taken. Mail Submit the letter along with copies of your supporting evidence to:

e-mail: [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

2. 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)
3. A copy of your carrier profile can be obtained at no cost from the FMCSA Portal (<https://portal.fmcsa.dot.gov/login>).
4. Conduct periodic internal reviews of your driver qualification, hours of service control, maintenance, accident analysis/reporting, training, and other safety systems to ensure continued compliance with the FMCSR.
5. Review the circumstances under which a CDL is required. CDL and drug testing rules apply to both interstate and intrastate commerce.
6. Ensure that all drivers are fully and properly qualified before operating in interstate commerce. Maintain a complete file as required for each driver, documenting the qualification process.
7. I understand that monetary penalties will be assessed as a result of violations found in this compliance review.

Carrier representative: Paul Ramirez Date 6/12/19

8. I acknowledge that these requirements/violations 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 Paul Ramirez's vehicles operating authority and/or the impoundment of Paul Ramirez's vehicles.

Signed Paul Ramirez

Date 6/12/19

9. Stay in contact with your KCC Investigator for any questions or issues with continued safety compliance. You may contact me: KCC Special Investigator Gary Goeller at 785-623-0541 or email at [g.goeller@kcc.ks.gov](mailto:g.goeller@kcc.ks.gov)



## **ATTACHMENT “B”**

# **DRIVER/VEHICLE EXAMINATION REPORT**

**Kansas Highway Patrol**  
**MOTOR CARRIER SAFETY ASSISTANCE**  
 700 SW Jackson, Ste 704  
 Topeka, KS 66603  
 Phone: (785)296-7189 Fax: (785)296-2858

**Report Number:** KSHP00320244  
**Inspection Date:** 03/27/2019  
**Start:** 9:15 PM CT **End:** 10:09 PM CT  
**Inspection Level:** II - Walk-Around  
**HM Inspection Type:** None

**PAUL RAMIREZ**  
 2633 S OAK ST  
 WICHITA, KS, 67217  
**USDOT:** 2484312  
**MC/MX#:**  
**State#:**  
**Location:** TOPEKA  
**Highway:** I470  
**County:**

**Phone#:** [REDACTED]  
**Fax#:**

**Driver:** ARMSTRONG, ROSS C  
**License#:** [REDACTED] **State:** KS  
**Date of Bi** [REDACTED]  
**CoDriver:**  
**License#:** **State:**  
**Date of Birth:**  
**Milepost:** 177 **Shipper:** HENRY INDUSTRIES  
**Origin:** WICHITA,KS **Bill of Lading:** NONE  
**Destination:** KANSAS CITY,KS **Cargo:** GENERAL FREIGHT

## **VEHICLE IDENTIFICATION**

Unit	Type	Make	Year	State	Plate	Equipment ID	VIN	GVWR	CVSA #	Issued #	OOS Sticker
1	TT	VOLV	2000	KS	547897	01	<span style="background-color: black; color: black;">[REDACTED]</span> 794733	32000			
2	ST	WANC	2001	KS	555503	02	<span style="background-color: black; color: black;">[REDACTED]</span> 756677	68000			

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

## **VIOLATIONS**

Section	Type	Unit	OOS	Citation #	VerifyCrash	Violations Discovered
393 9	F	1	N		N N	Inoperable Required Lamp
393 9	F	2	N		N N	Inoperable Required Lamp
391 45B	F	D	N		N N	Expired medical examiner's certificate
383.23A2	F	D	Y		N N	Operating a CMV without a CDL
396 17C	F	1	N		N N	Operating a CMV without proof of a periodic inspection

**HazMat:** No HM transported

**Placard:**

**Cargo Tank:**

Special Checks:	Alcohol/Controlled Substance Check	X	Traffic Enforcement	Post Crash Inspection
Conducted by Local Jurisdiction			PASA Conducted Inspection	PBBT Inspection
Size and Weight Enforcement			Drug Interdiction Search	
eScreen Inspection				

\* Pursuant to the authority contained in Title 49, CFR, K S A. 66-1,129, K C C. Reg. 82-4-3, I hereby declare ROSS ARMSTRONG "OUT OF SERVICE" No person and/or carrier shall permit and/or require this driver to operate any commercial vehicle until Obtains Valid CDL. This Out of Service condition may result in the assessment of a Civil Penalty being issued against the Carrier indicated on this report Driver Initials \_\_\_\_\_

\* 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:** **Badge #:**  
 R. Kufahl 0032

**Copy Received By:**  
 ROSS ARMSTRONG

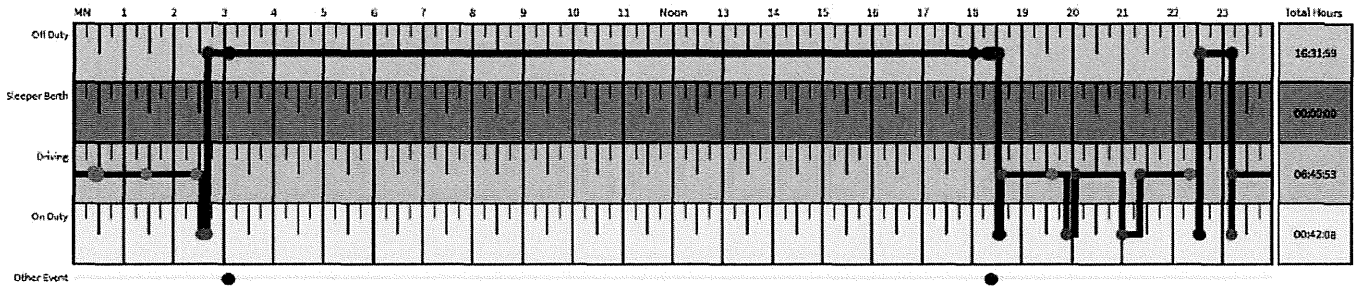
X

X





## **ATTACHMENT “C”**



#### Event Detail

Date	Time	Geo Location	Location Coordinates	Odometer	Engine Hours	Event Type/Status	Origin
05/08/2019	00:26:08	6mi SE KS Pomona	38.54, -95.37	735,589	21,049	Intermediate log	ELD
05/08/2019	01:26:08	11mi SE KS Cottonwood Falls	38.26, -96.39	735,654	21,050	Intermediate log	ELD
05/08/2019	02:26:08	1mi SSE KS Bel Aire	37.75, -97.23	735,719	21,051	Intermediate log	ELD
05/08/2019	02:33:10	1mi SSE KS Bel Aire	37.75, -97.23	735,720	21,051	On-duty, not driving	ELD
05/08/2019	02:39:16	1mi SSE KS Bel Aire	37.75, -97.23	735,720	21,051	On-duty, not driving (Inactive - Changed)	Driver
05/08/2019	02:39:16	1mi SSE KS Bel Aire	37.75, -97.23	735,720	21,048	On-duty, not driving	Driver
Dvir: Post-trip							
05/08/2019	02:39:44	1mi SSE KS Bel Aire	37.75, -97.23	735,720	21,051	Off-duty (Inactive - Changed)	Driver

05/08/2019	02:39:44	1mi SSE KS Bel Aire	37.75, -97.23	735,720	21,048	Off-duty	Driver
05/08/2019	02:39:53					Second certification	ELD
05/08/2019	02:39:53					First certification	ELD
05/08/2019	02:39:54					Third certification	ELD
05/08/2019	02:39:54					Forth certification	ELD
05/08/2019	02:39:55			735,721	21,051	Logout	ELD
05/08/2019	02:39:55			735,721		Logout	ELD
05/08/2019	03:04:50	1mi SSE KS Bel Aire	37.75, -97.23	735,720	21,051	Driving (Unidentified)	ELD
05/08/2019	03:05:57	1mi SSE KS Bel Aire	37.75, -97.23	735,720	21,051	On-duty, not driving (Unidentified)	ELD
05/08/2019	03:06:14	1mi SSE KS Bel Aire	37.75, -97.23	735,721	21,051	Shut-down	ELD
05/08/2019	18:01:34	1mi SSE KS Bel Aire	37.75, -97.23	735,721	21,052	Power-up	ELD
05/08/2019	18:19:03	1mi SSE KS Bel Aire	37.75, -97.23	735,721	21,052	Shut-down	ELD
05/08/2019	18:23:25	1mi SSE KS Bel Aire	37.75, -97.23	735,721	21,052	Power-up	ELD
05/08/2019	18:23:41	1mi SSE KS Bel Aire	37.75, -97.23	735,721	21,052	Driving (Unidentified)	ELD
05/08/2019	18:25:09	1mi SSE KS Bel Aire	37.75, -97.23	735,721	21,052	On-duty, not driving (Unidentified)	ELD
05/08/2019	18:25:20	1mi SSE KS	37.75, -97.23	735,721	21,052	Shut-down	ELD

		Bel Aire					
05/08/2019	18:32:41			735,721	21,052	Login	ELD
05/08/2019	18:32:41			735,721		Login	ELD
05/08/2019	18:32:55	1mi SSE KS Bel Aire	37.75, -97.23			On-duty, not driving (Inactive - Changed)	Driver
05/08/2019	18:32:55	1mi SSE KS Bel Aire	37.75, -97.23			On-duty, not driving	Driver
	Dvir: Pre-trip						
05/08/2019	18:35:06	1mi SSE KS Bel Aire	37.75, -97.23	735,721	21,052	Power-up	ELD
05/08/2019	18:35:58	1mi SSE KS Bel Aire	37.75, -97.23	735,721	21,052	Driving	ELD
05/08/2019	19:35:58	11mi SE KS Cottonwood Falls	38.25, -96.39	735,785	21,053	Intermediate log	ELD
05/08/2019	19:53:24	2mi WNW KS Emporia	38.41, -96.23	735,801	21,053	On-duty, not driving	ELD
05/08/2019	20:03:49	2mi WNW KS Emporia	38.41, -96.23	735,801	21,053	Driving	ELD
05/08/2019	21:00:22	4mi N KS Wakarusa	38.95, -95.69	735,858	21,054	On-duty, not driving	ELD
05/08/2019	21:21:29	4mi N KS Wakarusa	38.95, -95.69	735,858	21,054	Driving	ELD
05/08/2019	22:21:29	3mi ESE KS Kansas City	39.11, -94.69	735,921	21,055	Intermediate log	ELD
05/08/2019	22:32:51	1mi NW MO North Kansas City	39.14, -94.57	735,931	21,055	On-duty, not driving	ELD
05/08/2019	22:33:00	1mi NW MO North Kansas	39.14, -94.57	735,931	21,055	Shut-down	ELD

05/08/2019	22:33:18	City 1mi NW MO North Kansas City	39.14, -94.57			Off-duty (Inactive - Changed)	Driver
05/08/2019	22:33:18	1mi NW MO North Kansas City	39.14, -94.57			Off-duty	Driver
05/08/2019	23:11:45	1mi NW MO North Kansas City	39.14, -94.57	735,931	21,056	Power-up	ELD
05/08/2019	23:12:06	1mi NW MO North Kansas City	39.14, -94.57	735,931	21,056	On-duty, not driving (Inactive - Changed)	Driver
05/08/2019	23:12:06	1mi NW MO North Kansas City	39.14, -94.57	735,931	21,056	On-duty, not driving	Driver
05/08/2019	23:12:38	1mi NW MO North Kansas City	39.14, -94.57	735,931	21,056	Driving	ELD

**Daily Log: 05/09/2019**

Unidentified Driving Time: 00:02:03

Certified by Driver: Yes

Malfunctions: None

Data Diagnostics: None

CMV Power Unit: 2484312 Om

CMV VIN: 4V4M22GP4VN794733 (Manual) Shipping Document Number:

Start/End Engine Hours: 21056.9 - 21064

Start/End Odometer: 735992 - 736341

Miles Driven: 349

**Record of Duty Status**



## **ATTACHMENT “D”**

## DRIVER/VEHICLE EXAMINATION REPORT

INSPECT 1.103.1



Kansas Highway Patrol  
MOTOR CARRIER SAFETY ASSISTANCE  
700 SW Jackson, Ste 704  
Topeka, KS 66603  
Phone: (785)296-7189 Fax: (785)296-2858

Report Number: KSKC82040128  
Inspection Date: 02/13/2019  
Start: 12:52 PM CT End: 1:24 PM CT  
Inspection Level: I - Full  
HM Inspection Type: None

PAUL RAMIREZ  
2633 S OAK ST  
WICHITA, KS. 67217-2935  
USDOT: 2484312 Phone#: [REDACTED]  
MC/MX#: [REDACTED] Fax#: [REDACTED]  
State#: [REDACTED]  
Location: SOUTH HAVEN M.C.I.S. #26A  
Highway: 35  
County: SUMNER

Driver: RAMIREZ, VICTORIA M  
License#: [REDACTED] State: KS  
Date of Bi [REDACTED]  
CoDriver:  
License#: [REDACTED] State:  
Date of Birth:  
Milepost: Shipper: AMERISCOURCE BERGAN  
Origin: BLACKWELL,OK Bill of Lading: W14-106  
Destination: WICHITA,KS Cargo: PHARMA

## VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate	Equipment ID	VIN	GVWR	CVSA #	Issued #	QOS Sticker
1	TR	GMC	2012	KS	623JTS	1	[REDACTED] 1905851	12300		26764021	

## BRAKE ADJUSTMENTS

Axle #	1	2
Right	N/A	N/A
Left	N/A	N/A
Chamber	DISC	DISC

VIOLATIONS: No violations were discovered

HazMat: No HM transported

Placard:

Cargo Tank:

Special Checks: No data for special checks

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

MOTOR CARRIER CERTIFICATION: All defects identified on this report must be corrected or acknowledged PRIOR TO RE-DISPATCH and then certified by a responsible carrier official who must sign below. RETURN THIS FORM WITHIN 15 DAYS to the Motor Carrier Division of the Kansas Highway Patrol at the address listed at the top of this form. If no violations were discovered you are not required to sign and return a copy.

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

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

Report Prepared By: Badge #:  
G. Goeller 8204

Copy Received By:  
VICTORIA RAMIREZ

X

X



**CERTIFICATE OF SERVICE**

20-TRAM-003-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/hand delivered on 07/10/2019.

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

PAUL RAMIREZ, OWNER  
PAUL RAMIREZ  
D/B/A RAMIREZ INDUSTRIES  
2633 S OAK ST  
WICHITA, KS 67217-2935  
paul.ramirez78@gmail.com

/S/ DeeAnn Shupe  
\_\_\_\_\_  
DeeAnn Shupe