

1500 SW Arrowhead Road
Topeka, KS 66604-4027



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

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

Sam Brownback, Governor

NOTICE OF PENALTY ASSESSMENT
18-TRAM-192-PEN

November 16, 2017

Annabe L. Stewart, President
Inman Irrigation Specialists, Inc.
892 Arapaho Road
Inman, Kansas 67546

This is a notice of a penalty assessment against Inman Irrigation Specialists, Inc. (Inman Irrigation Specialists) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on September 13, 2017, by Kansas Corporation Commission Special Investigator Doug Handy. Penalty amounts are assessed in accordance with the FY 2018 Uniform Penalty Assessment Matrix, approved by the Commission on June 27, 2017. For a full description of the penalty and terms and obligations, please refer to the Penalty Order attached to this notice.

IF YOU ACCEPT THE PENALTY:

Inman Irrigation Specialists has been assessed a \$2,150 penalty. You have 30 days from the date of service of this Penalty Order to pay the fine, unless you choose the reduced penalty option explained below. Please remit payment of \$2,150 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.

INMAN IRRIGATION SPECIALISTS IS A NEW ENTRANT MOTOR CARRIER AND MAY BE ELIGIBLE FOR A PENALTY REDUCTION OF FIFTY PERCENT (50%) UNDER THE FOLLOWING TERMS:

New Entrant motor carriers are eligible for a one-time, fifty-percent (50%) reduction in the penalty(s) assessed motor carriers. You have to agree to meet the terms and obligations set out in the attached Reduced Penalty Agreement to be eligible for the reduction. A fifty-percent (50%) reduction in the penalty assessed in the attached Order may be available if:

(1) within 15 days from the date of this Penalty Order, the carrier signs and submits the attached Reduced Penalty Agreement to Litigation Counsel at the above address;

(2) within 30 days from the date of the Penalty Order, the carrier submits to Transportation Staff a Corrective Action Plan (CAP) documenting the violation(s) described in the attached Order, including specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future;

(3) within 30 days from the date of the Penalty Order, the carrier sends an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance must be submitted to the undersigned Litigation Counsel shortly thereafter; and

(4) within 18 months from the date of the Penalty Order, the carrier must submit to a follow-up Safety Compliance Review. Transportation Staff will contact the carrier to schedule the review.

If a carrier is approved for a fifty-percent (50%) reduced penalty, an Order Amending Penalty Assessment assessing the reduced penalty and setting out the terms and conditions stated above may be issued by the Commission. Payment of the reduced penalty of \$1,075 would be due within 30 days from the date of service of the Order Amending Penalty Assessment.

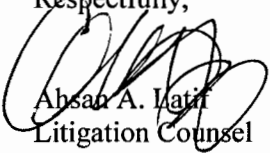
IF YOU CONTEST THE PENALTY ORDER:

You have the right to request a hearing if you contest the terms of the Penalty Order. A request for hearing must be made in writing, setting forth the specific grounds upon which relief is sought. Inman Irrigation Specialists, Inc. must file within 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 Litigation Counsel at the above address. If you do not have access to the internet, you can mail an original and seven (7) copies of the request to the Commission's Secretary at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy of the request to Litigation Counsel. K.A.R. 82-1-215; K.S.A. 2016 Supp. 77-542.

IF YOU FAIL TO ACT:

Failure to adhere to the terms and obligations set out in the attached Penalty Order, including payment of the penalty of \$2,150 within 30 days from the date of service of the Penalty Order, or in the alternative, provide a written request for a hearing within 15 days from the date of service of the Penalty Order, will result in the Order becoming final and the terms and conditions set out therein will be enforced. If Inman Irrigation Specialists submits the attached Reduced Penalty Agreement as explained above, an Order Amending Penalty Assessment may be issued assessing the reduced penalty of \$1,075 and that payment would become due within 30 days from the date of service of the Order Amending Penalty Assessment.

Respectfully,



Ahsan A. Latif
Litigation Counsel
(785) 271-3118
a.latif@kcc.ks.gov

1500 SW Arrowhead Road
Topeka, KS 66604-4027

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



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Sam Brownback, Governor

REDUCED PENALTY AGREEMENT

18-TRAM-192-PEN

Inman Irrigation Specialists, Inc. (Inman Irrigation Specialists) hereby submits this Reduced Penalty Agreement for approval of a fifty percent (50%) reduction in the penalty assessed in the Penalty Order dated November 16, 2017. Inman Irrigation Specialists has agreed to comply with the following terms and obligations:

1. Inman Irrigation Specialists has submitted, within 15 days from the date of the Penalty Order this signed and dated Reduced Penalty Agreement to Litigation Counsel.
2. Inman Irrigation Specialists will, within 30 days from the date of the Penalty Order, submit to Transportation Staff a Corrective Action Plan (CAP) documenting the violation(s) and describing specific and detailed information explaining its efforts and concrete steps taken to ensure the violation(s) do not occur in the future. I understand the CAP must be approved by Transportation Staff to become eligible for the 50% reduced penalty.
3. Inman Irrigation Specialists will, within 30 days from the date of the Penalty Order, send an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance will be submitted to the Litigation Counsel.
4. Inman Irrigation Specialists will be available within 18 months from the date of the Penalty Order for a follow-up Safety Compliance Review. Transportation Staff will contact the carrier to schedule the review.

Inman Irrigation Specialists, Inc. understands that if approved, an Order Amending Penalty Assessment will be issued by the Commission assessing a reduced penalty of \$1,075, and set out the terms and conditions stated above. Once the Order Amending Penalty Assessment is issued by the Commission, Inman Irrigation Specialists will have 30 days from the date of service of that Order to pay the reduced penalty assessed.

Dated this ____ day of _____, 2017.

Inman Irrigation Specialists, Inc.

Annabe L. Stewart
President

(This Agreement can be mailed via U.S. Mail to the address above to the attention of Ahsan Latif, Litigation Counsel, or sent via e-mail to v.jacobsen@kcc.ks.gov and alatif@kcc.ks.gov.)

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

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

In the Matter of the Investigation of **Inman**)
Irrigation Specialists, Inc., of Inman, Kansas,)
Regarding the Violation of the Motor Carrier)
Safety Statutes, Rules and Regulations and the) Docket No. 18-TRAM-192-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. 2016 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. 2016 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. 2016 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. Inman Irrigation Specialists, Inc. (Inman Irrigation Specialists) has private operating authority with the Commission and further operates under USDOT number 953578.

5. Merle Mahoney attended a Commission-sponsored Motor Carrier Education and Safety Instructional Meeting on March 28, 2016, on behalf of Inman Irrigation Specialists.

6. Inman Irrigation Specialists is a private motor carrier which primarily hauls farm supplies and irrigation parts.

7. Inman Irrigation Specialists is a New Entrant motor carrier and may be eligible for a fifty-percent (50%) reduction of the penalty(s) assessed below.

III. STATEMENT OF FACTS

8. Pursuant to the jurisdiction and authority cited above, on September 13, 2017, Commission Staff (Staff) Special Investigator Doug Handy conducted a compliance review of the operations of Inman Irrigation Specialists. A copy of the safety compliance review is attached hereto as Attachment "A" and is hereby incorporated by reference. As a result of this investigation, the special investigator identified four (4) violation(s) of the Motor Carrier Safety Regulations.

- a. On June 16, 2017, Inman Irrigation Specialists required or permitted its driver, Gary Regehr, to operate a CDL-required commercial motor vehicle, a 2012 Dodge, VIN ending in 129852, GVWR 14,000 lbs.,

pulling a 2012 PJ trailer, VIN ending in 1165553, GVWR 25,000 lbs., in intrastate commerce from Inman, Kansas to Assaria, Kansas. This trip is evidenced by Mr. Regehr's Time Card and Job Ticket, dated June 16, 2016, copies of which are attached hereto as Attachment "B" and are hereby incorporated by reference. At the time of this transportation, Inman Irrigation Specialists did not have an alcohol/controlled substance testing program for its CDL drivers. 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. 2016 Supp. 66-1,129. Staff recommends a fine of \$650.

- b. During the transportation described in paragraph a., above, Inman Irrigation Specialists failed to require its driver to complete a Daily Vehicle Inspection Report (DVIR) on the commercial motor vehicle operated. The special investigator found 28 violations of this type. The carrier's failure to require its driver to prepare a DVIR in writing, at the completion of each day's work, on each vehicle operated and to submit copies of the reports to the motor carrier for action and record retention is a violation of 49 C.F.R. 396.11(a)(1), adopted by K.A.R. 82-4-3j, and authorized by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$500.

- c. During the transportation described in paragraph a., above, the commercial motor vehicles operated were involved in a Level 1 roadside inspection (KSHP02191485) on January 23, 2017, and was cited for “Operating a CMV without proof of a periodic inspection.” *See*, Driver/Vehicle Examination Report, dated January 23, 2017, a copy of which is attached hereto as Attachment “C” and is hereby incorporated by reference. The special investigator reviewed the vehicle maintenance records and discovered the commercial motor vehicles were not periodically inspected until August 10, 2017. The special investigator found three violations of this type. Inman Irrigation Specialists’ failure to conduct periodic (annual) inspections on commercial motor vehicles is a violation of 49 C.F.R. 396.17(c), adopted by K.A.R. 82-4-3j, and authorized by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$750.
- d. During the transportation described in paragraph a., above, Inman Irrigation Specialists had not made an inquiry into the driver’s motor vehicle record (MVR) within the last 12 months. The special investigator found two violations of this type. Inman Irrigation Specialists’ 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)(1), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 2016 Supp. 66-1,112. Staff recommends a fine of \$250.

IV. STAFF'S RECOMMENDATIONS

9. Based upon the available facts, Staff recommends the Commission find Inman Irrigation Specialists committed four (4) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

10. Staff recommends a civil penalty of \$2,150 for four (4) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

11. Staff provides notice to the Commission that Inman Irrigation Specialists, Inc. is a New Entrant motor carrier and may be eligible for a fifty-percent (50%) reduced civil penalty. The carrier must submit to Litigation Counsel within 15 days of the date of this Penalty Order the signed and dated Reduced Penalty Agreement and Transportation Staff must approve the carrier's Corrective Action Plan (CAP).

12. Staff recommends Inman Irrigation Specialists, Inc. submit a Corrective Action Plan (CAP) within 30 days of the date of this Penalty Order, to Transportation Staff, documenting the violation(s) described in this Penalty Order, including specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future. The CAP must be approved by Transportation Staff to qualify for the fifty-percent (50%) discount.

13. Staff further recommends that a representative from Inman Irrigation Specialists attend a Commission-sponsored safety seminar within 90 days from the date of this Order, and provide proof of attendance to Litigation Counsel.

14. Finally, Staff recommends that Inman Irrigation Specialists submit to one follow-up safety compliance review within 18 months from the date of this Order. Staff will contact the motor carrier at a later date to determine an appropriate time for this review.

V. CONCLUSIONS OF LAW

15. The Commission finds it has jurisdiction over Inman Irrigation Specialists because it is a motor carrier as defined in K.S.A. 2016 Supp. 66-1,108.

16. The Commission finds a penalty of \$2,150 should be assessed to Inman Irrigation Specialists for committing four (4) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

17. The Commission finds Inman Irrigation Specialists is a New Entrant motor carrier and may be eligible for a fifty-percent (50%) reduction in the penalty assessed herein.

THE COMMISSION THEREFORE ORDERS THAT:

A. Inman Irrigation Specialists, Inc., of Inman, Kansas is hereby assessed a penalty of \$2,150 for four (4) violation(s) of Kansas law governing the regulation of motor carriers, the Kansas Administrative Regulations and provisions of the Federal Motor Carrier Safety Regulations, as adopted by the Kansas Administrative Regulations. Payment of \$2,150 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 owed.

B. A representative from Inman Irrigation Specialists is ordered to attend a Commission-sponsored safety meeting within 90 days from the date of this Order, and provide

proof of attendance to Litigation Counsel. 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.

C. Inman Irrigation Specialists must submit a Corrective Action Plan (CAP) within 30 days of the date of this Penalty Order, to Transportation Staff, documenting the violation(s) described above, including specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.

D. Inman Irrigation Specialists is ordered to submit to one follow-up safety compliance review within 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.

E. If Inman Irrigation Specialists does not submit the Reduced Penalty Agreement and fails to pay the penalty of \$2,150 within 30 days from the date of service of this Penalty Order, *see* K.S.A. 66-1,105, and/or fails to comply with the provisions of this Order, the Commission will have the right to order further sanctions, including suspension of Inman Irrigation Specialists' motor carrier operating authority without further notice. Additionally, the Commission may issue and enforce revocation of motor carrier authority and/or issue cease and desist order(s), and may order other remedies available to the Commission by law, without further notice.

F. On November 16, 2017, this Order was mailed via Certified Mail, Return Receipt Requested, Receipt Number 70161970000105742871. Service of this Order is deemed complete upon the date delivered shown on the Domestic Return Receipt.

G. **Pursuant to K.S.A. 2016 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, within 15 days from the date of service of this**

Penalty Order. The request may be electronically filed with the Commission's electronic filing system at <https://puc.kcc.ks.gov/e-filing/e-express/>, and a copy mailed to the Litigation Counsel. If you do not have access to the internet, you can mail an original and seven copies of the request to the Commission's Secretary, at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy to Litigation Counsel. A hearing will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of Inman Irrigation Specialists' right to a hearing.

H. If a request for hearing is filed, attorneys for all parties shall enter their appearances 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. 2016 Supp. 66-1,142b(e) and amendments thereto.

I. 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.

. Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: NOV 16 2017


Lynn M. Retz
Secretary to the Commission


AAL

Order Mailed Date

NOV 17 2017

ATTACHMENT "A"

Kansas Corporation Commission

	US DOT # 953578	Legal: INMAN IRRIGATION SPECIALISTS, INC.					
		Operating (DBA):					
MC/MX #:		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: F			
Operation Types Interstate Intrastate							
Carrier: N/A Non-HM Shipper: N/A N/A Cargo Tank: N/A		Business: Corporation Gross Revenue: [REDACTED] for year ending: 12/31/2016					
Company Physical Address:							
[REDACTED ADDRESS]							
Contact Name: Annabe L. Stewart							
Phone numbers: (1) [REDACTED]							
E-Mail Address: [REDACTED]							
Company Mailing Address:							
892 ARAPAHO ROAD INMAN, KS 67546-8002							
Carrier Classification							
Private Property							
Cargo Classification							
Farm Supply Other: Irrigation parts							
Equipment							
	Owned Term Leased Trip Leased			Owned Term Leased Trip Leased			
Truck	6	0	0	Trailer	6	0	0
Power units used in the U.S.: 6							
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:		2	Average trip leased drivers/month: 0				
>= 100 Miles:			Total Drivers: 2				
			CDL Drivers: 2				



INMAN IRRIGATION SPECIALISTS INC
U S. DOT #: 953578

State #: [REDACTED]

Review Date.
09/13/2017

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:

1500 SW. Arrowhead Rd.
Topeka, Ks. 66604-4027

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Annabel L. Stewart

Title: President

Name:

Title:



INMAN IRRIGATION SPECIALISTS INC
U.S. DOT #: 953578

State #: [REDACTED]

Review Date:
09/13/2017

Part B Violations

1 FEDERAL ACUTE	Primary: 382.115(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation Checked
Description Failing to implement an alcohol and/or controlled substances testing program on the date the employer begins commercial motor vehicle operations. Example Driver Name [REDACTED] Trip Date 06/16/2017 Hire Date: 01/01/1994 Carrier records indicated the carrier has never implemented an alcohol/controlled substance testing program. Carrier's current owner purchased the company in 12/2015. They purchased the complete operation and there is no records available indicating the carrier had implemented a program as required by the regulations with the prior owners.				
2 STATE CRITICAL	Primary: 396.11(a) CFR Equivalent: 396.11(a)	Discovered 28	Checked 28	Drivers/Vehicles In Violation Checked 5 5
Description Failing to require driver to prepare driver vehicle inspection report. Example Driver Name [REDACTED] Trip Date 06/16/2017 Unit #12 a 2012 Dodge, Ks. [REDACTED] GVWR 14,000/2012 PJ (PARM), Ks. [REDACTED] had a GCWR of 38,000. The carrier operated in Intrastate Commerce from Inman, Ks. to Assaria, Ks. During this investigation it was determined that this combination operated 22 days in June of 2017. While reviewing the files it was determined that the remaining 3 CMV's operated 6 additional days with no records of DVIR's being completed.				
3 STATE CRITICAL	Primary: 396.17(a) CFR Equivalent: 396.17(a)	Discovered 3	Checked 5	Drivers/Vehicles In Violation Checked 3 5
Description Using a commercial motor vehicle not periodically inspected. Example Driver Name [REDACTED] Trip Date 06/16/2017 Carrier was in violation for no periodic inspection while operating a CMV in Intrastate commerce from Inman, Ks to Assaria, Ks. The CMV which was Unit #12 a 2012 Dodge, Ks. [REDACTED] GVWR 14,000/2012 PJ (PARM), Ks. [REDACTED] had a GCWR of 38,000. The records indicated that Unit #12 was no periodically inspected until 08/10/2017 in Inman, Ks. by Diesel Pickup Specialist, Inc.				
4 STATE	Primary: 391.25(a) CFR Equivalent: 391.25(a)	Discovered 2	Checked 2	Drivers/Vehicles In Violation Checked 2 2
Description Failing to make an inquiry into the driving record of each driver to the appropriate State agencies in which the driver held a commercial motor vehicle operator's license at least once every 12 months. Example Driver Name [REDACTED] Trip Date 06/16/2017 Hire Date: 01/01/1994 Carrier began operating under new ownership in 12/2015. Carrier failed to obtain an MVR for 2016 & 2017. There were no MVR's available during this investigation.				





INMAN IRRIGATION SPECIALISTS INC
U.S. DOT #: 953578

State #: [REDACTED]

Review Date:
09/13/2017

Part B Violations

5 STATE	Primary: 391.51(b)(5) CFR Equivalent: 391.51(b)(5)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
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Description

Failing to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2).

Example

Driver Name [REDACTED]

Trip Date 06/16/2017

Hire Date: 01/01/1994

Carrier began operating under new ownership in 12/2015. Carrier failed to conduct the annual review for 2016 & 2017. There were no annual reviews available during this investigation.

6 STATE	Primary: 391.51(b)(6) CFR Equivalent: 391.51(b)(6)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
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Description

Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27.

Example

Driver Name [REDACTED]

Trip Date 06/16/2017

Hire Date: 01/01/1994

Carrier began operating under new ownership in 12/2015. Carrier failed to obtain a certification of violations for 2016 & 2017. There were no certification of violations available during this investigation.

7 FEDERAL	Primary: 396.9(d)(2)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
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Description

Failure to correct violations or defects listed on a motor vehicle roadside inspection report.

Example

Driver Name [REDACTED]

Trip Date 06/16/2017

Ks. Roadside Inspection KSHP02191485 on 01/23/2017.

Carrier was in violation for no periodic inspection while operating a CMV in intrastate commerce from Herington, Ks. to Inman, Ks. The CMV which was Unit #12 a 2012 Dodge, Ks. [REDACTED] GVWR 14,000/2012 PJ (PARM), Ks. [REDACTED] had a GCWR of 38,000. Unit #12 had no periodic inspection at the time of inspection. While reviewing the maintenance records during this investigation it was discovered the carrier signed the KHP Letter dated March 23, 2017 that all violations were corrected. The document was signed by Annabel Stewart, President, on 03/27/17. The records indicated that Unit #12 was no periodically inspected until 08/10/2017 in Inman, Ks. by Diesel Pickup Specialist, Inc.

Safety Fitness Rating Information:

Total Miles Operated 66,852
Recordable Accidents 0

OOS Vehicle (CR): 0
Number of Vehicle Inspected (CR): 2
OOS Vehicle (MCMIS): 1
Number of Vehicles Inspected (MCMIS): 1





INMAN IRRIGATION SPECIALISTS INC
U.S. DOT #: 953578

State #: [REDACTED]

Review Date:
09/13/2017

Part B Violations

Your proposed safety rating is :

This Review is not Rated.





INMAN IRRIGATION SPECIALISTS INC
U.S. DOT #: 953578

State #: [REDACTED]

Review Date:
09/13/2017

Part B Requirements and/or Recommendations

1. Copies of the regulations, forms, interpretations, and manuals are available from a variety of sources. Check the FMCSA website for a current list of suppliers. www.fmcsa.dot.gov/safety-security/eta/index.htm
2. A copy of your carrier profile can be obtained at no cost from the FMCSA Portal (<https://portal.fmcsa.dot.gov/login>).
3. 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.

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





INMAN IRRIGATION SPECIALISTS INC
U.S. DOT #: 953578

State #: [REDACTED]

Review Date:
09/13/2017

Part B Requirements and/or Recommendations

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

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

4. CONTROLLED SUBSTANCES AND ALCOHOL BASIC PROCESS BREAKDOWN. Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN- Inman Irrigation Specialist, Inc. failed to implement an alcohol/controlled substance testing program

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Policies and Procedures.

- Develop a written company policy incorporating by reference all regulations regarding controlled substances and alcohol use, testing, training, and records retention for all employees
- Develop a policy requiring drivers to submit copies of all citations for moving violations to carrier management within 24 hours.
- Establish a process to ensure that drivers who are randomly tested can be immediately removed if they are found to be positive and that they do not return to safety-sensitive duties until they have complied with the "return-to-duty" process.
- Establish written policies and procedures that promote, verify, and enforce adherence to all controlled-substance and alcohol rules and regulations. Procedures should be tailored to company operations and should provide specific checks and guidelines for interacting with a consortium, if applicable.
- Establish a process to ensure that test results are properly safeguarded from unauthorized disclosure to prospective employers without specific written consent and from disclosure under any circumstances to insurance companies and other nonqualified parties, in accordance with regulations.
- Develop a policy to ensure that all alcohol testing is conducted immediately before or after the period that employees are performing a safety-sensitive function. Drivers can be tested on their day off only for controlled substances. Once notified of their selection, drivers must proceed immediately to the testing facility. If a driver refuses to go, this should be considered as equivalent to a positive result.
- Consider developing a driver selection protocol that uses valid random-number-generator software on a monthly basis to select, by driver identification number, 5 to 8 percent of drivers for controlled-substance testing and 2 to 5 percent for alcohol testing. This will ensure selection of 50 percent of drivers for controlled-substances testing and 10 percent for alcohol testing per year, given fluctuations in the driver workforce over the course of the year.
- Develop a written and progressive disciplinary policy focused on taking corrective action to ensure drivers comply with regulations and policies. A progressive disciplinary policy could include, among other things, written warnings, suspensions, or work restrictions, monetary penalties, and termination. This policy should also specify consequences for any carrier official who knowingly and willfully allows controlled-substance and alcohol violations.

Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

5. DRIVER FITNESS BASIC PROCESS BREAKDOWN: Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN-Inman Irrigation Specialist, Inc. failed to have completed and required documentation in the driver qualification files.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Policies and





Part B Requirements and/or Recommendations

Procedures.

- Develop a policy for the periodic review (at least twice per year) of driver qualification files. The motor carrier should not rely on third-party sources, such as insurance agencies. The procedure should include controls to ensure that documents requiring renewals are in place, to remind drivers of expiration dates on medical certificates, so they can schedule another physical examination in advance, and to prevent falsification of documents related to driver qualification.
- Establish a policy requiring drivers to submit copies of all vehicle and roadside inspections and moving violations to carrier management within 24 hours, and to notify management of suspended or revoked Commercial Driver's Licenses (CDLs) immediately following notification of suspension/revocation.
- Establish a policy requiring all new (since 2003) Commercial Driver's License (CDL) drivers to submit documentation of entry-level driver training in - for example, driver qualification requirements, Hours of Service (HOS), driver wellness, and whistleblower protection - or to take entry-level training provided by the carrier.
- Develop a policy for document retention and recordkeeping, including documents that are to be in the possession of the driver as proof of credentials.
- Develop a process to ensure that operations will always have the proper amount of fit drivers. This process would address how to deal with issues such as sick leave, vacation, training, suspension, and termination.
- Develop a written and progressive disciplinary policy focused on taking corrective action to ensure drivers comply with regulations and policies. A progressive disciplinary policy could include, among other things, written warnings, suspensions, or work restrictions, monetary penalties, and termination. This policy should also specify consequences for any carrier official who knowingly and willfully allows Driver Fitness Violations.

Seek Out Resources

- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry

6. Failing to maintain inquiries into driver's driving record in the driver's qualification file.

7. VEHICLE MAINTENANCE BASIC - INSPECTION-REPAIR-MAINTENANCE PROCESS BREAKDOWN: Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN- Inman Irrigation Specialist, Inc. failed to have the commercial motor vehicles periodically inspected annually as required. They failed to have the drivers complete the DVIR's as required for Intrastate Carriers.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Policies and Procedures.

- Develop a system of preventive maintenance for compliant, safe, and efficient fleet operations, including a schedule for periodic maintenance, inspection, and recordkeeping. This system should be attuned to manufacturer recommendations, the carrier's own experience, and regulatory requirements.
- Develop a procedure ensuring that vehicle defects that impact safety and/or safety compliance are reported, repaired, and certified before the vehicle is operated.
- Develop procedures to ensure that management is notified of vehicle defects through the use of Driver Vehicle Inspection Records (DVIRs) and other communication channels, such as driver call-in and e-mail from mechanics.
- Develop a policy ensuring that drivers are qualified to complete thorough and timely Driver Vehicle Inspection Records (DVIRs) by the end of the day of the trip and prior to a subsequent assignment.
- Establish a policy requiring drivers to submit copies of all roadside inspections to carrier management within 24 hours.
- Develop policies and procedures requiring drivers to immediately notify appropriate management of any roadside vehicle Out-of-Service (OOS) order.
- Develop a written and progressive disciplinary policy focused on taking corrective action to ensure drivers comply with regulations and policies. A progressive disciplinary policy could include, among other things, written warnings, suspensions, or work restrictions, monetary penalties, and termination. This policy should also specify consequences for any carrier official who knowingly and willfully allows vehicle maintenance violations.





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Seek Out Resources:

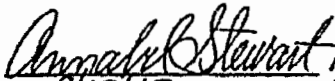
- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

8. For all Investigations that could result in a Penalty Order

PLEASE NOTE: The violations discovered during this compliance investigation may affect the civil penalty proposed in any subsequent Penalty Order. In addition, your history of prior violations of the Federal Motor Carrier Safety Regulations, Federal Hazardous Material Regulations or the Federal Motor Carrier Commercial Regulations may also affect the civil penalty proposed in any subsequent Penalty Order. Your signature for the receipt of this report acknowledges your understanding that the violations discovered by the KCC during this investigation may be used to calculate any civil penalty proposed as a result of this investigation. Your signature is not an admission to the violations identified.

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

10. I acknowledge that these requirements and/or recommendations have been discussed with me and my questions have been answered. I understand that failure to satisfactorily remedy the above-listed requirements and/or failure to comply with the Kansas Motor Carrier Safety Statutes and Regulations could result in suspension of Inman Irrigation Specialist, Inc. operating authority and/or the impoundment of Inman Irrigation Specialist, Inc. vehicles


9/13/17

Annabel Stewart, President
Date



ATTACHMENT “B”

INMAN IRRIGATION

TIME CARD

NAME:

GARY

	DATE	START	LUNCH	STOP	Total Hrs Worked
Mon	6-5-2017	7:30	1	6:00	9.5
Tue	6	I	1	5:30	9.
Wed	7	I	1	6:00	9.5
Thur	8	I	1	5:30	9.
Fri	9	I	1	12:30	4.5
Sat					
Sun					

40 R
1.5 OT

41.5

Mon	12	7:30	1	6:00	9.5
Tue	13	I	1	6:00	9.5
Wed	14	I	1	5:30	9.
Thur	15	I	1	5:00	8.5
Fri	16	I	1	12:30	4.5
Sat					
Sun					

40 R
1 OT

41

80 Reg
2.5 OT

82.5



Inman Irrigation Inc.

The Leader In Precision Irrigation

Date: June 16, 2017

To:

Assaria, KS 67416

Salesperson

Job

Description		
Storm Damaged Irrigation System		
Equipment in the Field:		
1980 Hydromatic 3-Tower Electric Center Pivot 654' In Length		
Wind Storm 6-5-17 damaged the last tower, which is 200' in length		
Replacement Span		14,169.00
Freight		1,000.00
Labor to Build and Remove Old Span		2,650.00
Total		17,819.00
I-Used Valley 4-Tower Electric Irrigation System 654' In Length		
Standard Panel		
Stop-In-Slot & End Gun Shut-Off		
VanMar Drops & Rotators with 6ft Ground Clearance		
P85 End Gun		
11R x 24.5 Recap Tires		
1-Year 100% Warranty		
New Pivot Pad and Re-work Water Connections		\$ 20,000.00

The numbers represented above are to be used as an estimate for the projects discussed. The above Cost summary does in no way constitute a warranty of final price. Estimates are subject to change if project specifications are changed or costs change before being locked in by a binding contract.

Thank you for your business!

892 Arapaho Rd., Inman, KS 67546 (800) 896-2380

ATTACHMENT "C"

DRIVER/VEHICLE EXAMINATION REPORT

inSPECT 1.0.91



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: KSHP02191485
Inspection Date: 01/23/2017
Start: 12:58 PM CT End: 1:58 PM CT
Inspection Level: I - Full Inspection
HM Inspection Type: None

INMAN IRRIGATION SPECIALISTS INC

INMAN, KS, 67546

USDOT: 953578

MC/MX#:

State#:

Location: MCPHERSON COUNTY - 113

Highway: K61

County: MCPHERSON

Phone:

Fax#:

Driver: REGEHR, GARY L

License#:

Date of Bi

CoDriver:

License#:

Date of Birth:

State: KS

State:

Milepost: 81 Shipper: CARRIER

Origin: HERINGTON,KS

Destination: INMAN,KS

Bill of Lading: N/A

Cargo: TOOLS/EQUIP/FLAT
IRON

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate	Equipment ID	VIN	GVWR	CVSA#	Issued #	OOS Sticker
1	TR	DODG	2012	KS		12	129852	13000			
2	ST	PARM	2012	KS		27	165553	25000			139371

BRAKE ADJUSTMENTS

Axle #	1	2	3	4
Right	N/A	N/A	N/A	N/A
Left	N/A	N/A	N/A	N/A
Chamber	HYDR	HYDR	ELEC	ELEC

VIOLATIONS

Section	Type	Unit	OOS	Citation #	Verify/Crash	Violations Discovered
396.17C	F	1	N		N	Operating a CMV without proof of a periodic inspection. DRIVER COULD NOT FIND ONE IN CMV OR ONE DISPLAYED
392.9A2	F	1	Y		A	Falling to secure vehicle equipment: VEHICLE DUNNAGE (FLAT IRON, MISC. PIECES OF CARGO, WOOD BLOCKS)
393.43D	F	2	Y		U	No or defective automatic trailer brake: BREAKAWAY NOT INDEPENDENTLY ATTACHED TO UNIT#1 (ATTACHED TO SAFETY CHAIN) AND DID NOT WORK WHEN SHUNT PULLED DURING ROADSIDE CHECK

HazMat: No HM transported

Placard:

Cargo Tank:

Special Checks: No data for special checks

State Information:

CDL Verified: Y, No Connectivity N, Officer recommend Civil Assess: Y

Pursuant to the authority contained in Title 49, C.F.R. K.S.A. 66-1, 129, K.C.C. Reg. 82-4-3, I hereby declare the above marked unit(s) as "OUT OF SERVICE." No person and/or carrier shall permit and/or require the removal of the "OUT OF SERVICE" stickers or the operation of the motor vehicle until ALL out of service defects have been corrected. 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: GER

* 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 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:
D PatrickBadge #:
0219Copy Received By:
GARY REGEHR

00953578 KS SHP02191485

X

CERTIFICATE OF SERVICE

18-TRAM-192-PEN

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail/hand delivered on NOV 16 2017.

ANNABE L. STEWART, PRESIDENT
INMAN IRRIGATION SPECIALISTS, INC.
892 ARAPAHO ROAD
INMAN, KS 67546-8002
Fax: 620-585-6667
a.stewart@inmanirrigationinc.com

AHSAN LATIF, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604-4027
Fax: 785-271-3354
a.latif@kcc.ks.gov

/S/ DeeAnn Shupe

DeeAnn Shupe

Order Mailed Date

NOV 17 2017