

1500 SW Arrowhead Road  
Topeka, KS 66604-4027

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



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

Sam Brownback, Governor

## NOTICE OF PENALTY ASSESSMENT

December 20, 2016

17-TRAM-246-PEN

Nick Breck, Owner  
d/b/a SD Transportation  
12119 W 93rd St  
Lenexa, Kansas 66215

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 December 8, 2016, by Kansas Corporation Commission Special Investigators Wade Patterson and Jared Smith. 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 \$1,000 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](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.

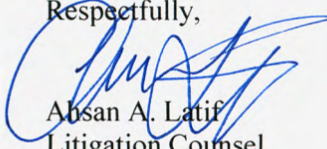
### IF YOU CONTEST THE PENALTY:

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 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. 2015 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,



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

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

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

In the Matter of the Investigation of **Nick Breck,** )  
**d/b/a SD Transportation, of Lenexa, Kansas,** )  
Regarding the Violation of the Motor Carrier )  
Safety Statutes, Rules and Regulations and the ) Docket No. 17-TRAM-246-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). 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. 2015 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. 2015 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. 2015 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. Nick Breck, d/b/a SD Transportation (SD Transportation) obtained common operating authority from the Commission on November 22, 2016, and operates under KSMCID number 170664 and USDOT number 2282523.

5. Nick Breck attended a Commission-sponsored Motor Carrier Education and Instructional Meeting on October 7, 2014, on behalf of SD Transportation.

6. SD Transportation is a common motor carrier which primarily hauls general freight and RTU Lennox.

## **III. STATEMENT OF FACTS**

7. Pursuant to the jurisdiction and authority cited above, on December 8, 2016, Commission Staff (Staff) Special Investigators Wade Patterson and Jared Smith conducted a compliance review of the operations of SD Transportation. 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. Patterson and Mr. Smith identified one (1) violation of the Motor Carrier Safety Regulations.

- a. On November 2, 2016, SD Transportation required or permitted its driver, Branden Johnson, to operate a commercial motor vehicle, a 2016 Ford E350, VIN ending in 58401, GVWR 14,000 lbs., pulling a 1984 homemade trailer, VIN ending in 42229MO, GVWR 12,000 lbs. in

interstate commerce from Shawnee, Kansas to Mountain Home, Arkansas. This trip is evidenced by Driver's Daily Log, dated November 2, 2016, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, SD Transportation failed to preserve driver's records of duty status supporting documents for six (6) months. The carrier failed to retain fuel receipts, toll receipts, and lodging receipts. The special investigators found 60 violations of this type. SD Transportation's failure to retain driver supporting documents for the record of duty status for a period of six (6) months is a violation of 49 C.F.R. Part 395.8(k)(1), as adopted by K.A.R. 82-4-3 and authorized by K.S.A. 2015 Supp. 66-1,129. Staff recommends a fine of \$1,000.

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

8. Based upon the available facts, Staff recommends the Commission find SD Transportation 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 \$1,000 for one (1) violation of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that SD Transportation 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](http://kcc.ks.gov/trans/safety_meetings.htm).

11. Finally, Staff recommends that SD Transportation 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 SD Transportation because it is a motor carrier as defined in K.S.A. 2015 Supp. 66-1,108.

13. The Commission finds SD Transportation 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. Nick Breck, d/b/a SD Transportation, of Lenexa, Kansas is hereby assessed a \$1,000 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. SD Transportation 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, SD Transportation is ordered to submit to one follow-up safety compliance review within the next eighteen (18) months.

C. **Pursuant to K.S.A. 2015 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 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 SD Transportation's right to a hearing, and this Penalty Order will become a Final Order assessing a \$1,000 civil penalty against SD Transportation, and ordering SD Transportation 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. 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 of \$500 or less, a corporation may appear by a duly authorized representative of the corporation. K.S.A. 2015 Supp. 66-1,142b(e) and amendments thereto.

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 \$1,000 civil penalty within thirty (30) days of the 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 SD Transportation'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 orders, as necessary.

**BY THE COMMISSION IT IS SO ORDERED.**

Emler, Chairman; Albrecht, Commissioner; Apple, Commissioner

Dated: DEC 20 2016

  
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Amy L. Green  
Secretary to the Commission



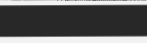


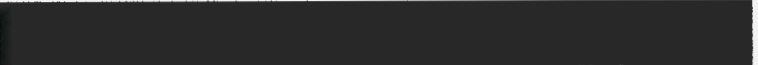

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**Order Mailed Date**

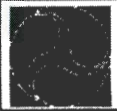
**DEC 21 2016**

## **ATTACHMENT “A”**



	US DOT # 2282523	Legal: NICK BRECK Operating (DBA):SD TRANSPORTATION	
MC/MX #: 779642		State #: 	Federal Tax ID:  (SSN)
Review Type: Compliance Review (CR)			
Scope: Principal Office		Location of Review/Audit: Company facility in the U. S.	
Territory:			
<b>Operation Types</b> Interstate Intrastate			
Carrier:	HM	N/A	Business: Corporation Gross Revenue:  for year ending: 12/31/2015
Shipper:	N/A	N/A	
Cargo Tank:	N/A		
<b>Company Physical Address:</b>			
			
Contact Name: Nick Breck			
Phone numbers: (1) 			
E-Mail Address: 			
<b>Company Mailing Address:</b>			
12119 W 93RD ST LENEXA, KS 66215-3331			
<b>Carrier Classification</b>			
Authorized for Hire			
<b>Cargo Classification</b>			
General Freight		Other: RTU Lennox	
<b>Hazardous Materials</b>			
9 Miscellaneous HM		Carried	Non-Bulk
<b>Equipment</b>			
	Owned	Term Leased	Trip Leased
Truck	2	0	0
Trailer	3	0	0
Power units used in the U.S.: 2			
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>			
	Inter	Intra	
< 100 Miles:			Average trip leased drivers/month: 0
>= 100 Miles:	2		Total Drivers: 2
			CDL Drivers:





**SD TRANSPORTATION (NICK BRECK dba)**

U.S. DOT #: 2282523

State #: 

Review Date:

12/08/2016

**Part A**

QUESTIONS regarding this report may be addressed to the Kansas Corporation Commission at:

1500 SW Arrowhead Road  
Topeka, Kansas 66604  
Telephone (785)640-9132

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

**Person(s) Interviewed**

**Name:** Nick Breck

**Title:** Owner/Operator

**Name:**

**Title:**



	<b>SD TRANSPORTATION (NICK BRECK dba)</b>	Review Date:
	U.S. DOT #: 2282523	State #: 


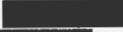
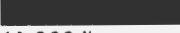

<b>Part B Violations</b>
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1 FEDERAL CRITICAL	Primary: 395.8(k)(1)	Discovered 51	Checked 51	Drivers/Vehicles In Violation	Checked
				2	2

**Description**

Failing to preserve driver's records of duty status supporting documents for 6 months.

**Example**

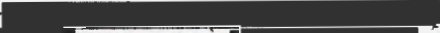


On September 27th, 2016 Nick Breck dba SD Transportation had driver  (KS DL# ) operate a commercial motor vehicle combination in commerce ( VIN#  68401 & VIN#  ). The gross vehicle weight ratings of these vehicles are 14,000 lbs. and 12,000 lbs. respectively. Carrier transported freight on a for-hire basis from Shawnee Kansas to Mountain Home Arkansas. This trip is evidenced by a driver hours of service record and a shipper bill of lading. At the time of this interstate trip and during the review, carrier failed to preserve driver's records of duty status supporting documents for 6 months. Carrier failed to retain fuel receipts, toll receipts, and lodging receipts.

2 STATE CRITICAL	Primary: 395.8(k)(1)	Discovered 9	Checked 9	Drivers/Vehicles In Violation	Checked
	CFR Equivalent: 395.8(k)(1)			2	2

**Description**

Failing to preserve driver's records of duty status supporting documents for 6 months.

**Example**

On November 2nd, 2016 Nick Breck dba SD Transportation had driver  operate a commercial motor vehicle combination in commerce ( VIN#  68401 & VIN#  ). The gross vehicle weight ratings of these vehicles are 14,000 lbs. and 12,000 lbs. respectively. Carrier transported freight on a for-hire basis from Shawnee Kansas to Wichita Kansas. This trip is evidenced by a driver hours of service record and a shipper bill of lading. At the time of this intrastate trip and during the review, carrier failed to preserve driver's records of duty status supporting documents for 6 months. Carrier failed to retain fuel receipts, toll receipts, and lodging receipts.

**Safety Fitness Rating Information:**

Total Miles Operated 160,000  
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 :

**CONDITIONAL**



Rating Factors		Acute	Critical
Factor 1:	S	0	0
Factor 2:	S	0	0
Factor 3:	U	0	2
Factor 4:	S	0	0
Factor 5:	S	0	0
Factor 6:	S	-	-

This rating will become the final rating 60 days from the date indicated on a forthcoming official notice from the Federal Motor Carrier Safety Administration headquarters in Washington, D.C.

However, if this rating improves a previous Unsatisfactory rating, it will become effective on the date of the official notice from the FMCSA headquarters.

Corrective actions must be taken for the violations (deficiencies) listed on Part B of this review. Title 49 CFR Sections 385.15 and 385.17 provide for administrative review and a change to a safety rating based on corrective actions, respectively. A request for a change to a safety rating under section 385.17 may be made at any time. A motor carrier may request, in writing, a change in the rating by providing evidence of corrective actions to the Field Administrator for the FMCSA Service Center in which the carrier maintains its principal place of business. (See 49 CFR 385.17 for additional details). A request for administrative review under section 385.15 must be made within 90 days of the date of the proposed safety rating issued under section 385.11(c) or a final safety rating issued under section 385.11(b), or within 90 days after denial of a request for a change in rating under section



	<b>SD TRANSPORTATION (NICK BRECK dba)</b> U.S. DOT #: 2282523	State #: 	Review Date: 12/08/2016
<b>Part B Violations</b>			

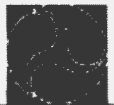

385.17.

If this was a focused investigation, which will be noted in the Review Type on the first page of this report (Part A), some factors shown above may be marked "SATISFACTORY" even if they were not reviewed. A focused investigation will not result in a SATISFACTORY safety rating because all standards and factors specified in 40 CFR 383.5 and 385.7 were not examined in full, even though it may appear that they were under the rating factors in Part B of this document. It may, however, result in a less than SATISFACTORY rating if sufficient violations are discovered in the parts and factors examined to result in a CONDITIONAL or UNSATISFACTORY rating, or a non-ratable review.

If you receive a conditional or unsatisfactory rating, you may request an administrative review under 49 CFR 385.15 or a safety rating upgrade based on corrective action under 49 CFR 385.17. However, a successful request may only result in a non-ratable status, upgrade to a conditional safety rating, or reinstatement of your most recent safety rating. You will not receive a new satisfactory safety rating as a result of your request(s) under 49 CFR 385.15 and/or 49 CFR 385.17.





	<b>SD TRANSPORTATION (NICK BRECK dba)</b> U.S. DOT #: 2282523	State #: 	Review Date: 12/08/2016
<b>Part B Requirements and/or Recommendations</b>			

**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>

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

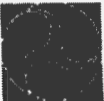

- **PLEASE NOTE:** The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Notice of Claim. In addition, your history of prior violations of the Federal Motor Carrier Safety Regulations, Federal Hazardous Material Regulations or the Federal Motor Carrier Commercial Regulations may also affect the civil penalty proposed in any subsequent Notice of Claim. Your signature for receipt of this report acknowledges your understanding that the violations discovered by the FMCSA during this review may be used to calculate any civil penalty proposed as a result of this review.

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

For all Investigations resulting in serious violations:

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



	<b>SD TRANSPORTATION (NICK BRECK dba)</b>	Review Date:
	U.S. DOT #: 2282523	State #: 
<b>Part B Requirements and/or Recommendations</b>		

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

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

**385.15**

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

Chief Safety Officer  
Federal Motor Carrier Safety Administration  
1200 New Jersey Avenue SE,  
Washington, DC 20590

**385.17**

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

US Department of Transportation  
Federal Motor Carrier Safety Administration  
Midwestern Service Center  
4749 Lincoln Mall Drive  
Suite 300-A  
Matteson, IL 60443



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

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

This letter should be submitted as soon as possible.

- All Other Motor Carriers: This review will result in a Proposed Safety Rating. The findings indicate you are currently operating at an unsatisfactory level of safety compliance. A written notice of proposed unsatisfactory rating will be sent to you by the FMCSA via U.S. Mail. If you fail to obtain an improved rating within 60 days of the date that notice is sent, the unsatisfactory rating will become final and you must cease interstate operations.

Information on your compliance status, roadside inspections, regulatory changes, accident countermeasures and

	<b>SD TRANSPORTATION (NICK BRECK dba)</b>	Review Date:
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<b>Part B Requirements and/or Recommendations</b>		

hazardous material incident prevention manual is available on the Internet at the Federal Motor Carrier Safety Administration's web site at <http://www.fmcsa.dot.gov/> and <http://www.safer.fmcsa.dot.gov/>.

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

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

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

## 2. HOS COMPLIANCE BASIC PROCESS BREAKDOWN: Roles and Responsibilities

### DESCRIPTION OF PROCESS BREAKDOWN

1. Failing to preserve driver's records of duty status supporting documents for 6 months.

### BASIC SPECIFIC RECOMMENDED REMEDIES

1. Ensure that all supporting documents are kept and maintained for a period of 6 months. These supporting documents are vital in corroborating the validity of your logs. These receipts and bills of lading are compared to the driver records of duty status to ensure honesty and accuracy. Any and all supporting documents (fuel receipts, toll receipts, lodging receipts, etc.) should be maintained at the principal place of business.

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



- Define and document roles and responsibilities of managers and supervisors for monitoring compliance with Hours-of-Service (HOS) policies.
- Ensure that managers are responsible for reviewing Records of Duty Status (RODS) for accuracy and for disciplining those who falsify their logs.
- Assign responsibility for making sure that all Records of Duty Status (RODS) are collected and stored for six months.
- Prior to accepting shipments, ensure that dispatchers are responsible for mapping out routes, asking drivers how many hours they have driven recently, and verifying that the route can be completed without breaking Hours-of-Service (HOS) regulations.
- Ensure that drivers are responsible for informing the carrier when they are sick, keeping accurate Records of Duty Status (RODS), and planning their route so that it can be completed efficiently within Hours-of-Service (HOS) rules.
- Define and document roles and responsibilities of drivers and dispatchers as they pertain to Hours-of-Service (HOS) policies and procedures.

Seek Out Resources:

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

3. 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 Nick Breck



	<b>SD TRANSPORTATION (NICK BRECK dba)</b> U.S. DOT #: 2282523	State #: 	Review Date: 12/08/2016
<b>Part B Requirements and/or Recommendations</b>			

dba SD Transportation's operating authority and/or the impoundment of Nick Breck dba SD Transportation's vehicles.

X \_\_\_\_\_  
Nick Breck



## **ATTACHMENT “B”**



# DRIVER'S DAILY LOG

USA Property 70 hour / 8 day

November 02, 2016

Driver Branden Johnson

Co-Drivers

Distance 445 mi

Vehicles

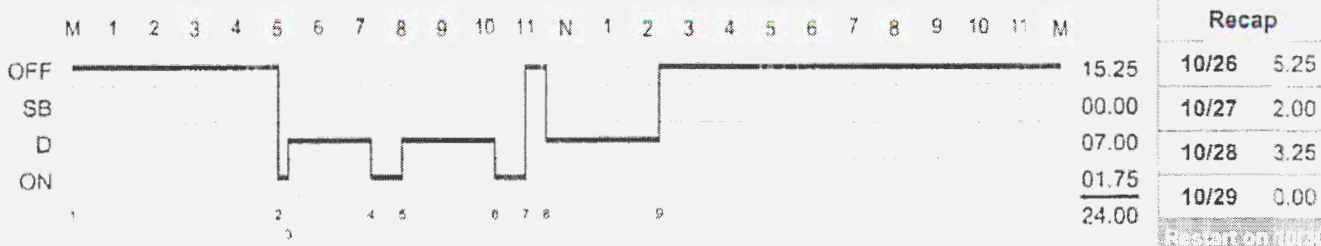
3

Trailers 3

Carrier

Main Office LENEXA, KS, 66215-3331

Shipping Docs Lennex rtu



No.	Status	Start (CDT)	Duration	Location	Notes	
1	Off Duty	12:00 AM	5 hr	Shawnee, KS		10/26 5.25
2	On Duty	5:00 AM	15 min	Shawnee, KS	Pre-Trip Inspection	10/27 2.00
3	Driving	5:15 AM	2 hr	Shawnee, KS		10/28 3.25
4	On Duty	7:15 AM	45 min	Manhattan, KS	Unload	10/29 0.00
5	Driving	8:00 AM	2 hr 15 min	Manhattan, KS		Restart on 10/30
6	On Duty	10:15 AM	45 min	Wichita, KS	Unload	10/30 0.00
7	Off Duty	11:00 AM	30 min	Wichita, KS	30 Min Break	10/31 9.75
8	Driving	11:30 AM	2 hr 45 min	Wichita, KS		11/01 3.25
9	Off Duty	2:15 PM	9 hr 45 min	Shawnee, KS		Total Hours Since Restart 13.00
						Hrs Available Today 57.00
						Hrs Worked Today 8.75

I certify that these entries are true and correct

  
Driver Signature



# DRIVER'S VEHICLE INSPECTION REPORT

November 02, 2016  
05:15 AM CDT

Driver Branden Johnson

Carrier SD TRANSPORTATION

Odometer

Location Shawnee, KS

Vehicle 3

Trailers 3

No Defects Found

No Defects Found

I declare that this vehicle has been inspected in accordance with the applicable requirements.

Vehicle Condition Satisfactory

  
Driver Signature

## CERTIFICATE OF SERVICE

17-TRAM-246-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 DEC 20 2016.

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

NICK BRECK, OWNER  
NICK BRECK  
D/B/A SD TRANSPORTATION  
12119 W 93RD ST  
LENEXA, KS 66215-3331  
Fax: 913-956-4919  
nickbreck@hotmail.com

/S/ DeeAnn Shupe  
DeeAnn Shupe

Order Mailed Date

DEC 21 2016