

1500 SW Arrowhead Road
Topeka, KS 66604-4027



20190326141707
Kansas Corporation Commission

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

Dwight D. Keen, Chair
Shari Feist Albrecht, Commissioner
Jay Scott Emler, Commissioner

Laura Kelly, Governor

NOTICE OF PENALTY ASSESSMENT

March 26, 2019

19-TRAM-372-PEN

Darrin D. Goins, Managing Member
Goins Concrete and Construction LLC
4507 B CR 6400
Neodesha, KS 66757

This is a notice of a penalty assessment against Goins Concrete and Construction LLC (Goins Concrete) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on February 27, 2019, by Kansas Corporation Commission Special Investigator Michael Heenan. Penalty amounts 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 and terms and obligations, please refer to the Penalty Order attached to this notice.

IF YOU ACCEPT THE PENALTY:

Goins Concrete has been assessed a \$600 penalty. You have thirty (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 \$600 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.

GOINS CONCRETE IS A NEW ENTRANT MOTOR CARRIER AND MAY BE ELIGIBLE FOR A PENALTY REDUCTION OF FIFTY PERCENT (50%) UNDER THE FOLLOWING TERMS SET OUT IN THE ATTACHED REDUCED PENALTY AGREEMENT.

To become eligible, you must agree to meet the terms and obligations set out in the attached Reduced Penalty Agreement to be eligible for the reduction. The Reduced Penalty Agreement must be submitted to the Litigation Division within 15 days.

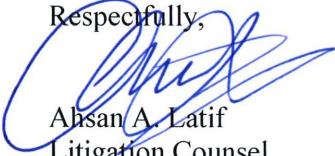
IF YOU CONTEST THE PENALTY ORDER:

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. Goins Concrete and Construction LLC 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 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 Secretary to the Commission 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. 2018 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 \$600 within thirty (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.

Respectfully,



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

1500 SW Arrowhead Road
Topeka, KS 66604-4027



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

Dwight D. Keen, Chair
Shari Feist Albrecht, Commissioner
Jay Scott Emler, Commissioner

Laura Kelly, Governor

REDUCED PENALTY AGREEMENT

19-TRAM-372-PEN

Goins Concrete and Construction LLC (Goins Concrete) hereby submits this Reduced Penalty Agreement for approval of a fifty percent (50%) reduction in the penalty assessed in the Penalty Order dated March 21, 2019. Goins Concrete has agreed to comply with the following terms and obligations:

1. Goins Concrete has submitted, within fifteen (15) days from the date of the Penalty Order this signed and dated Reduced Penalty Agreement to Litigation Counsel.

2. Goins Concrete will, within thirty (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. Goins Concrete will, within thirty (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. Goins Concrete will be available within eighteen (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.

Goins Concrete and Construction LLC understands that if approved, an Order Amending Penalty Assessment will be issued by the Commission assessing a reduced penalty of \$300, and will set out the terms and conditions stated above. Once the Order Amending Penalty Assessment is issued by the Commission, Goins Concrete will have thirty (30) days from the date of service of that Order to pay the reduced penalty assessed.

Dated this ____ day of _____, 2019.

Goins Concrete and Construction LLC

Darrin D. Goins
Managing Member

(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: Dwight D. Keen, Chair
 Shari Feist Albrecht
 Jay Scott Emler

In the Matter of the Investigation of **Goins**)
Concrete and Construction LLC, of)
Neodesha, KS, Regarding the Violation of the)
Motor Carrier Safety Statutes, Rules and) Docket No. 19-TRAM-372-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.S.A. 2018 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. 2018 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. 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 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. Goins Concrete and Construction LLC (Goins Concrete) has private operating authority with the Commission and further operates under USDOT number 2918639.

5. Darrin Goins attended a Commission-sponsored Motor Carrier Education and Safety Instructional Meeting on November 8, 2016, on behalf of Goins Concrete.

6. Goins Concrete is a private motor carrier which primarily hauls cement finish equipment.

7. Goins Concrete 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 February 27, 2019, Commission Staff (Staff) Special Investigator Michael Heenan conducted a compliance review of the operations of Goins Concrete. 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 three (3) violation(s) of the Motor Carrier Safety Regulations.

- a. On January 10, 2019, Goins Concrete required or permitted its driver, Les D. Goins, Jr., to operate a CDL-required commercial motor vehicle, a

1985 Ford 10-wheel dump truck, VIN ending in 37947, GVWR greater than 33,000 lbs., in intrastate commerce in and around the area of Independence, Kansas. This trip is evidenced by a time record, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, Goins Concrete failed to make an inquiry every 12 months into the annual motor vehicle record (MVR) of its driver and maintain the response(s) of each state agency in the driver qualification file. The special investigator discovered two (2) violations of this type. The carrier's failure to inquire into its driver's MVR at least once every 12 months and maintain a copy of the MVR in the driver qualification file is a violation of 49 C.F.R. Part 391.25(a) and (c)(1), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 2018 Supp. 66-1,112. Staff recommends a fine of \$250.

- b. During the transportation described in paragraph a, above, Goins Concrete failed to first designate a person to supervise staff for the purposes of making reasonable suspicion determinations regarding alcohol and drug usage. This designated person must then undergo reasonable suspicion training to include 60 minutes of alcohol training and 60 minutes of controlled substance training. The carrier's inability to produce documentation of this training and its failure to have a designated person to attend 60 minutes of training on alcohol misuse and an additional 60 minutes of training on controlled substances use is a violation of 49 C.F.R.

382.603, adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 2018 Supp. 66-1,129. Staff recommends a fine of \$100.

- c. During the transportation described in paragraph a, above, Goins Concrete failed to obtain a certificate of receipt indicating the driver was provided the company's drug and alcohol policy. The carrier's failure to obtain a certificate of receipt is a violation of 49 C.F.R. 382.601(d), adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 2018 Supp. 66-1,129. Staff recommends a fine of \$250.

IV. STAFF'S RECOMMENDATIONS

9. Based upon the available facts, Staff recommends the Commission find Goins Concrete committed three (3) 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 \$600 for three (3) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

11. Staff provides notice to the Commission that Goins Concrete and Construction LLC 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 fifteen (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 Goins Concrete and Construction LLC submit a Corrective Action Plan (CAP) within thirty (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 Goins Concrete attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and provide proof of attendance to Litigation Counsel.

14. Finally, Staff recommends that Goins Concrete submit to one follow-up safety compliance review within eighteen (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 Goins Concrete because it is a motor carrier as defined in K.S.A. 2018 Supp. 66-1,108.

16. The Commission finds a penalty of \$600 should be assessed to Goins Concrete for committing three (3) 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 Goins Concrete is a New Entrant motor carrier and may be eligible for a fifty-percent (50%) reduction in the penalty(s) assessed herein.

THE COMMISSION THEREFORE ORDERS THAT:

A. Goins Concrete and Construction LLC, of Neodesha, KS is hereby assessed a penalty of \$600 for three (3) 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 \$600 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 Goins Concrete is ordered to attend a Commission-sponsored safety meeting within ninety (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. Goins Concrete must submit a Corrective Action Plan (CAP) within thirty (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. Goins Concrete 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 motor carrier at a later date to determine an appropriate time for this review.

E. If Goins Concrete does not submit the Reduced Penalty Agreement and fails to pay the penalty of \$600 within thirty (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 Goins Concrete's 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. **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, within fifteen (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 Secretary to the Commission, 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 Goins Concrete's right to a hearing.

G. 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.

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; Emler, Commissioner

Dated: 03/26/2019


A handwritten signature in cursive script, reading "Lynn M. Retz".


Lynn M. Retz
Secretary to the Commission

AAL

ATTACHMENT “A”

Kansas Corporation Commission

	US DOT # 2918639	Legal: GOINS CONCRETE AND CONSTRUCTION LLC Operating (DBA):																		
MC/MX #:		Federal Tax ID: [REDACTED] (EIN)																		
Review Type: Compliance Review (CR)																				
Scope: Principal Office		Location of Review/Audit: Company facility in the U. S.		Territory: C																
Operation Types Interstate Intrastate																				
Carrier: HM HM Shipper: N/A N/A Cargo Tank: N/A		Business: Corporation Gross Revenue: [REDACTED] for year ending: 12/31/2018																		
Company Physical Address: 4507 B CR 6400 NEODESHA, KS 66757 Contact Name: Darrin D Goins Phone numbers: (1) [REDACTED] Fax E-Mail Address: [REDACTED]																				
Company Mailing Address: 4507 B CR 6400 NEODESHA, KS 66757																				
Carrier Classification Private Property																				
Cargo Classification Other: Cement finish equip.																				
Hazardous Materials 9 Miscellaneous HM Carried Non-Bulk																				
Equipment <table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th>Owned</th> <th>Term Leased</th> <th>Trip Leased</th> <th></th> <th>Owned</th> <th>Term Leased</th> <th>Trip Leased</th> </tr> </thead> <tbody> <tr> <td>Truck</td> <td align="center">3</td> <td align="center">0</td> <td align="center">0</td> <td>Trailer</td> <td align="center">5</td> <td align="center">0</td> <td align="center">0</td> </tr> </tbody> </table>						Owned	Term Leased	Trip Leased		Owned	Term Leased	Trip Leased	Truck	3	0	0	Trailer	5	0	0
	Owned	Term Leased	Trip Leased		Owned	Term Leased	Trip Leased													
Truck	3	0	0	Trailer	5	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																				
Driver Information <table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th>Inter</th> <th>Intra</th> <th></th> </tr> </thead> <tbody> <tr> <td>< 100 Miles:</td> <td align="center">2</td> <td></td> <td>Average trip leased drivers/month: 0</td> </tr> <tr> <td>>= 100 Miles:</td> <td></td> <td></td> <td>Total Drivers: 2</td> </tr> <tr> <td></td> <td></td> <td></td> <td>CDL Drivers: 2</td> </tr> </tbody> </table>						Inter	Intra		< 100 Miles:	2		Average trip leased drivers/month: 0	>= 100 Miles:			Total Drivers: 2				CDL Drivers: 2
	Inter	Intra																		
< 100 Miles:	2		Average trip leased drivers/month: 0																	
>= 100 Miles:			Total Drivers: 2																	
			CDL Drivers: 2																	

	GOINS CONCRETE AND CONSTRUCTION LLC	Review Date:
	U.S. DOT #: 2918639	02/27/2019

Part B Violations

1 STATE	Primary: 382.601(b) CFR Equivalent: 382.601(b)	Discovered 1	Checked 2	Drivers/Vehicles In Violation 1 Checked 2
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Description

Failing to provide to employees a written policy on misuse of alcohol and controlled substances that meets the requirements of 382.601(b) 1-11.

Example

Driver name: Les D Goins Jr.

Trip date: 1/10/19

Origination: Independence, Ks

Destination: Independence, Ks

At the time of this trip, and the time of this review, the carrier had a written drug policy in place that was signed and dated by himself and his wife Maria Goins. However his father Les D Goins Jr. had no signature page and the page in his file was found to be blank and unsigned.

1985 Ford 9000 10 wheel dump truck with drag axle.

GVWR by CMV ID listed at >33000 lbs

2 STATE	Primary: 382.603 CFR Equivalent: 382.603	Discovered 2	Checked 2	Drivers/Vehicles In Violation 0 Checked 0
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Description

Failing to ensure person designated to determine that drivers undergo reasonable suspicion testing receive 60 minutes training for alcohol and/or 60 minutes of training for controlled substances.

Example

Driver name: Les D Goins Jr.

Trip date: 1/10/19

Origination: Independence, Ks

Destination: Independence, Ks

At the time of this trip, and the time of this review, the carrier could not provide any proof or documentation that they had any reasonable suspicion or supervisor training.

Darrin D Goins

Maria L Goins

1985 Ford 9000 10 wheel dump truck with drag axle.

GVWR by CMV ID listed at >33000 lbs

3 STATE	Primary: 391.51(b)(4) CFR Equivalent: 391.51(b)(4)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2 Checked 2
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Description

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

Example

Driver name: Les D Goins Jr.

Trip date: 1/10/19

Origination: Independence, Ks

Destination: Independence, Ks

At the time of this trip, and the time of this review, the carrier had MVRs in the driver file that was dated 2/19/19 valid to 2/19/20. The previous MVR for both drivers were dated 12/07/16 to 12/07/17. During the trip listed above the carrier had no MVR in place for either driver. Carrier was notified of this review on 02-01-19.

1985 Ford 9000 10 wheel dump truck with drag axle.

GVWR by CMV ID listed at >33000 lbs





GOINS CONCRETE AND CONSTRUCTION LLC
U.S. DOT #: 2918639

Review Date:
02/27/2019

Part B Violations

4 STATE	Primary: 391.51(b)(5) CFR Equivalent: 391.51(b)(5)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
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: Les D Goins Jr. Trip date: 1/10/19 Origination: Independence, Ks Destination: Independence, Ks At the time of this trip, and the time of this review, the carrier had annual reviews in both driver files dated 11-12-16 which were expired.					
5 STATE	Primary: 391.51(b)(6) CFR Equivalent: 391.51(b)(6)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
Description Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27. Example Driver name: Les D Goins Jr. Trip date: 1/10/19 Origination: Independence, Ks Destination: Independence, Ks At the time of this trip, and the time of this review, the carrier had certificates of violations dated 11-12-16 which were expired.					
6 STATE	Primary: 396.3(b)(1) CFR Equivalent: 396.3(b)(1)	Discovered 5	Checked 5	Drivers/Vehicles In Violation 5	Checked 5
Description Failing to keep a maintenance record which identifies the vehicle, including make, serial number, year, and tire size. Example Carrier had 3 trucks and 2 trailers that they had maintenance files and repair information on each truck and trailer. However, they did not have any identification criteria on any file that is required by this part. Files had model year and Make only on each file.					
Safety Fitness Rating Information: Total Miles Operated 55,750 Recordable Accidents 0 Recordable Accidents/Million Miles 0.00		OOS Vehicle (CR): 0 Number of Vehicle Inspected (CR): 0 OOS Vehicle (MCMIS): 0 Number of Vehicles Inspected (MCMIS): 0			
Your proposed safety rating is : SATISFACTORY		Rating Factors			
		Acute Critical			
		Factor 1:	S	0	0
		Factor 2:	S	0	0
		Factor 3:	S	0	0
		Factor 4:	S	0	0
		Factor 5:	S	0	0
		Factor 6:	S	-	-

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





GOINS CONCRETE AND CONSTRUCTION LLC
U.S. DOT #: 2918639

Review Date:
02/27/2019

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:

1500 SW Arrowhead Rd
Topeka, Ks 66604-4027
Attn: Gary Davenport 620-785-3145

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Darrin D Goins

Title: Managing Member

Name:

Title:





GOINS CONCRETE AND CONSTRUCTION LLC
U.S. DOT #: 2918639

Review Date:
02/27/2019

Part B Requirements and/or Recommendations

1. I understand that monetary penalties will be assessed as a result of violations found in this compliance investigation. The penalty schedule can be found at this web site:
http://kcc.ks.gov/trans.penalty_assessment_table.htm
GOINS CONCRETE & CONSTRUCTION
Carrier Name Carrier Official
M.W. Neenan 8213
2. Ensure that all persons designated to supervise CDL drivers receive at least 60 minutes of training on alcohol misuse and receive at least an additional 60 minutes of training on controlled substance use.
3. Establish a systematic maintenance records program for all vehicles. Maintain a complete file for each subject vehicle, recording all repair, maintenance and inspection operations performed. maintenance files must identify the vehicle by make, serial number, year, tire size, and carrier unit number.
4. Ensure that you give drivers a written drug policy and educational materials.
5. Carrier is required to pay Unified Carrier Registration (UCR) fee when the carrier has a interstate USDOT. Place a reminder in Outlook, jot a note on your calendar or assign a designated employee to handle UCR.
6. Each employer shall ensure that each driver is required to sign a statement certifying that he or she has received a copy of these materials described in this section. Each employer shall maintain the original of the signed certificate and may provide a copy of the certificate to the driver.
7. 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 Goins Concrete Construction LLC's operating authority and/or the impoundment of Goins Concrete Construction LLC's vehicles.

I understand that monetary penalties will be assessed as a result of violations found in this compliance review. The penalty schedule can be found at this web site: http://kcc.ks.gov/trans/penalty_assessment_table.htm

X Darwin D Goins
Printed

X [Signature]
Signed M.W. Neenan 8213

8. 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





Part B Requirements and/or Recommendations

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.

9. Pursuant to 391.23 (a) (1) An inquiry to each state where the driver held or holds a motor vehicle operator's license or permit during the preceding 3 years to obtain that driver's motor vehicle record.
10. As required by 391.25(a), motor carriers shall, at least once every 12 months, make an inquiry to obtain the motor vehicle record of each driver it employs, covering at least the preceding 12 months, to the appropriate agency of every State in which the driver held a commercial motor vehicle operator's license or permit during the time period.
11. 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





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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>

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

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

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

For all Investigations resulting in serious violations:

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

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

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





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

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

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

For all Investigations resulting in a proposed conditional or unsatisfactory rating:
385.15

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

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

385.17

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

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

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

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

This letter should be submitted as soon as possible.

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

The KCC requires that you prepare a corrective action 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





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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

12. A record identifying the vehicle to include company number, if so marked, make, serial number, year, and tire size. In addition, if the motor vehicle is not owned by the motor carrier, the record shall identify the name of the person furnishing the vehicle
13. Per 49 CFR 391.51(b)(5) and (b)(6), the motor carrier is required to process an annual review and certification of the driver's driving record - 391.51(b)(5) A note relating to the annual review of the driver's driving record as required by 391.25(c)(2); 391.51(b)(6) A list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27.
14. Stay in contact with your KCC Investigator for any questions or issues with continued safety compliance. You may contact me: KCC Special Investigator Mike Heenan at 620-338-0093 or email at m.heenan@kcc.ks.gov
15. If carrier is not subject to federal corrective action plan the KCC requires you reply in writing with corrections made to violations in this review. Please advise how you will correct deficiencies and how you intend to rectify them from happening in the future. Please include all copies of documents to be included in this correction action letter and send to the following individual at the following address within 30 days of this review.

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



ATTACHMENT “B”



NAME OF JOB (S) (611)
GLASS

NUMBER OF HOURS
PERIOD OF WORK

2019

DATE

1.25 hours

Day		Time In	Lunch	Time Out	Total	Description
Monday	1/7	8:00	3/4	6:00		DEARING FIRE
Tuesday						
Wednesday	1/9	9:00	1/2	3:00		HARLING ROLK
Thursday	1/10	9:00	1/2	3:00		HARLING / CHURCH / INDI
Friday						
Saturday						
Monday						
Tuesday						
Wednesday	1/16	9:00	1	4:00		DEARING FIRE
Thursday						
Friday						
Saturday						
Total hours						

CERTIFICATE OF SERVICE

19-TRAM-372-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 03/27/2019.

DARRIN D. GOINS, MANAGING MEMBER
GOINS CONCRETE AND CONSTRUCTION LLC
4507 B CR 6400
NEODESHA, KS 66757
goinscc@yahoo.com

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

/S/ DeeAnn Shupe
DeeAnn Shupe