



1500 SW Arrowhead Road
Topeka, KS 66604-4027

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

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

Sam Brownback, Governor

NOTICE OF PENALTY ASSESSMENT 18-TRAM-211-PEN

December 14, 2017

Aaron Apley, Manager
AA Fishing Tool & Rental, LLC
2933 26th St
Great Bend, Kansas 67530

This is a notice of a penalty assessment against AA Fishing Tool & Rental, LLC (AA Fishing Tool & Rental) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on October 17, 2017, by Kansas Corporation Commission Special Investigator Gregory Askren. 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:

AA Fishing Tool & Rental has been assessed a \$1,500 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 \$1,500 through your personal account with the Kansas Corporation Commission's KTRAN system located at <https://puc.kcc.ks.gov/ktran/>. If you have not received a letter from the Transportation Division assigning you a PIN, please contact that Division at 785-271-3145. You must have an account through KTRAN to pay the penalty owed.

AA FISHING TOOL & RENTAL 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 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 may be available if:

(1) within fifteen (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 thirty (30) days from the date of this 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 thirty (30) days from the date of this 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 eighteen (18) months from the date of this 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 \$750 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. AA Fishing Tool & Rental, 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 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 \$1,500 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. If AA Fishing Tool & Rental submits the attached Reduced Penalty Agreement as explained above, an Order Amending Penalty Assessment may be issued assessing the reduced penalty of \$750 and that payment would become due within thirty (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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<http://kcc.ks.gov/>

Sam Brownback, Governor

REDUCED PENALTY AGREEMENT

18-TRAM-211-PEN

AA Fishing Tool & Rental, LLC (AA Fishing Tool & Rental) hereby submits this Reduced Penalty Agreement for approval of a fifty percent (50%) reduction in the penalty assessed in the Penalty Order dated November 30, 2017. AA Fishing Tool & Rental has agreed to comply with the following terms and obligations:

1. AA Fishing Tool & Rental has submitted, within fifteen (15) days from the date of the Penalty Order this signed and dated Reduced Penalty Agreement to Litigation Counsel.
2. AA Fishing Tool & Rental 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. AA Fishing Tool & Rental 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. AA Fishing Tool & Rental 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.

AA Fishing Tool & Rental, LLC understands that if approved, an Order Amending Penalty Assessment will be issued by the Commission assessing a reduced penalty of \$750, and will set out the terms and conditions stated above. Once the Order Amending Penalty Assessment is issued by the Commission, AA Fishing Tool & Rental will have thirty (30) days from the date of service of that Order to pay the reduced penalty assessed.

Dated this ____ day of _____, 2017.

AA Fishing Tool & Rental, LLC

Aaron Apley
Manager

(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 **AA Fishing**)
Tool & Rental, LLC, of Great Bend, Kansas,)
Regarding the Violation of the Motor Carrier)
Safety Statutes, Rules and Regulations and the) Docket No. 18-TRAM-211-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. AA Fishing Tool & Rental, LLC (AA Fishing Tool & Rental) has public operating authority with the Commission and further operates under USDOT number 2532215.

5. Aaron Apley attended a Commission-sponsored Motor Carrier Education and Safety Instructional Meeting on April 4, 2016, on behalf of AA Fishing Tool & Rental.

6. AA Fishing Tool & Rental is a public motor carrier which primarily hauls general freight, machinery, large objects, oil field equipment, livestock, grain, feed, hay, commodities dry bulk, and farm supplies.

7. AA Fishing Tool & Rental 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 October 17, 2017, Commission Staff (Staff) Special Investigator Gregory Askren conducted a compliance review of the operations of AA Fishing Tool & Rental. 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 five (5) violation(s) of the Motor Carrier Safety Regulations.

- a. On September 26, 2017, AA Fishing Tool & Rental required or permitted its driver, Robert L. Engle, to operate a CDL-required commercial motor vehicle, a 2005 Freight hauler, VIN ending in 88430, GVWR 51,200 lbs., pulling a 2010 Wilcox trailer, VIN ending in 255400, GVWR 75,000 lbs.,

in intrastate commerce from Otis, Kansas to Kansas City, Kansas. This trip is evidenced by Driver's Daily Log, dated September 26, 2017, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, AA Fishing Tool & Rental 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 found three (3) violations of this type. AA Fishing Tool & Rental'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. 2016 Supp. 66-1,112. Staff recommends a fine of \$250.

- b. During the transportation described in paragraph a., above, driver Robert L. Engle drove more than eight (8) hours have passed since the end of the driver's last off duty or sleeper berth period without taking a 30 minute break. *See*, copy of Driver's Daily Log attached hereto as Attachment "B". The special investigator found eight (8) violations of this type. AA Fishing Tool & Rental's failure to provide "rest breaks" to its drivers if more than eight (8) hours have passed since the end of the driver's last off-duty or sleeper-berth period of at least 30 minutes is a violation of 49 C.F.R. 395.3(a)(3)(ii), adopted by K.A.R. 82-4-3, and implemented by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$250.

- c. On September 23, 2017, AA Fishing Tool & Rental required or permitted its driver, Robert L. Engle, to operate a CDL-required commercial motor vehicle, a 2005 Freight hauler, VIN ending in 88430, GVWR 51,200 lbs., pulling a 2010 Wilcox trailer, VIN ending in 255400, GVWR 75,000 lbs., in interstate commerce from Great Bend to Oklahoma City, Oklahoma. This trip is evidenced by Driver's Time Record (150 air-mile radius), a copy of which is attached hereto as Attachment "C" and is hereby incorporated by reference. At the time of this transportation, AA Fishing Tool & Rental failed to require its driver to make a valid record of duty status using a logbook to enter his date of trip, start time, end time, and total hours worked. The special investigator found 10 violations of this type. AA Fishing Tool & Rental's failure to require its driver to keep records of duty status for each 24-hour period using the method described in 49 C.F.R. 395.8(a) and to submit the original record to the motor carrier within 13 days of creation is in violation of 49 C.F.R. 395.8(a), adopted by K.A.R. 82-4-3a, and authorized by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$250.
- d. During the transportation described in paragraph a., above, driver Robert L. Engle failed to prepare a Daily Vehicle Inspection Report (DVIR) on the commercial motor vehicles operated. The special investigator found 40 violations of this type. AA Fishing Tools & Rental 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.

- e. During the transportation described in paragraph a., above, AA Fishing Tools & Rental used a commercial motor vehicle not periodically (annually) inspected in accordance with the minimum standards. The carrier's 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 \$250.

IV. STAFF'S RECOMMENDATIONS

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

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

11. Staff provides notice to the Commission that AA Fishing Tool & Rental, 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 AA Fishing Tool & Rental, 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 AA Fishing Tool & Rental 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 AA Fishing Tool & Rental 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 AA Fishing Tool & Rental because it is a motor carrier as defined in K.S.A. 2016 Supp. 66-1,108.

16. The Commission finds a penalty of \$1,500 should be assessed to AA Fishing Tool & Rental for committing five (5) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

17. The Commission finds AA Fishing Tool & Rental 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. AA Fishing Tool & Rental, LLC, of Great Bend, Kansas is hereby assessed a penalty of \$1,500 for five (5) violation(s) of Kansas law governing the regulation of motor carriers, the Kansas Administrative Regulations and provisions of the Federal Motor Carrier Safety Regulations, as adopted by the Kansas Administrative Regulations. Payment of \$1,500 must be made through your personal account with the Kansas Corporation Commission's KTRAN system located at <https://puc.kcc.ks.gov/ktran/>. You must have an account through KTRAN to pay the penalty owed.

B. A representative from AA Fishing Tool & Rental 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. AA Fishing Tool & Rental 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. AA Fishing Tool & Rental 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 AA Fishing Tool & Rental does not submit the Reduced Penalty Agreement and fails to pay the penalty of \$1,500 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 AA Fishing Tool & Rental'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. On November 30, 2017, this Order was mailed via Certified Mail, Return Receipt Requested, Receipt Number 70161970000105742758. 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 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 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 AA Fishing Tool & Rental's right to a hearing.

H. 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

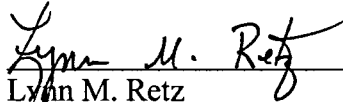
than \$500, a corporation may appear by a duly authorized representative of the corporation. K.S.A. 2016 Supp. 66-1,142b(e) and amendments thereto.

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: DEC 14 2017





Lynn M. Retz
Secretary to the Commission

AAL

Order Mailed Date
DEC 15 2017

ATTACHMENT "A"

	US DOT # 2532215	Legal: AA FISHING TOOL & RENTAL, LLC Operating (DBA):			
MC/MX #:		State #:		Federal Tax ID: (EIN)	
Review Type: Compliance Review (CR)					
Scope: Principal Office		Location of Review/Audit: Company facility in the U. S.			Territory: E
Operation Types		Interstate	Intrastate		
Carrier: N/A		Non-HM		Business: Corporation	
Shipper: N/A		N/A		Gross Revenue: for year ending: 12/31/2016	
Cargo Tank: N/A					
Company Physical Address:					
Contact Name: Aaron Apley					
Phone numbers: (1)					
E-Mail Address:					
Company Mailing Address:					
2933 26TH ST GREAT BEND, KS 67530					
Carrier Classification					
Authorized for Hire					
Cargo Classification					
General Freight		Machinery, Large Objects		Oil Field Equipment	
Livestock		Grain, Feed, Hay		Commodities Dry Bulk	
Farm Supply					
Equipment					
	Owned	Term Leased	Trip Leased		Owned
Truck Tractor	3	0	0	Trailer	3
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					
	Inter	Intra			
< 100 Miles:		3	Average trip leased drivers/month: 0		
>= 100 Miles:			Total Drivers: 3		
			CDL Drivers: 3		

	AA FISHING TOOL & RENTAL LLC U.S. DOT #: 2532215	Review Date: 10/18/2017						
Part A								
<p>QUESTIONS regarding this report or the Federal Motor Carrier Safety or Hazardous Materials rules may be addressed to the Office of Motor Carriers at:</p>								
This report will be used to assess your safety compliance.								
<table border="0"><tr><td colspan="2"><u>Person(s) Interviewed</u></td></tr><tr><td>Name: Aaron Apley</td><td>Title: Owner</td></tr><tr><td>Name:</td><td>Title:</td></tr></table>			<u>Person(s) Interviewed</u>		Name: Aaron Apley	Title: Owner	Name:	Title:
<u>Person(s) Interviewed</u>								
Name: Aaron Apley	Title: Owner							
Name:	Title:							



AA FISHING TOOL & RENTAL LLC
U.S. DOT #: 2532215

State #: [REDACTED]

Review Date:
10/18/2017

Part B Violations

1 STATE	Primary: 391.23(a) CFR Equivalent: 391.23(a)	Discovered 3	Checked 3	Drivers/Vehicles In Violation 3	Checked 3
Description Failing to investigate driver's background. Example Driver: [REDACTED] DOB: [REDACTED] Ks. OLN [REDACTED] Trip Date: 9/26/2017 on an intrastate trip from Great Bend to KC, Ks. Driving a 2010 PTRB Vin # [REDACTED] 793543 Ks. Ref. [REDACTED] GVWR 51200 pulling a 2015 Timp Vin. # [REDACTED] 147321 Ks. Ref. [REDACTED] GVWR 65000. AA Fishing Tool & Rental LLC. failed to investigate the drivers background. They had applications filled out but no employers were contacted.					
2 STATE	Primary: 391.25(a) CFR Equivalent: 391.25(a)	Discovered 3	Checked 3	Drivers/Vehicles In Violation 3	Checked 3
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: [REDACTED] DOB: [REDACTED] Ks. [REDACTED] Trip Date: 9/26/17 on an intrastate trip from Otis Ks. to Ks City Ks. and from Ottawa Ks. to Great Bend Ks. Driving a 2005 FRHT Vin # [REDACTED] 88430 Ks. Reg. [REDACTED] GVWR 51200 lbs. pulling a 2010 Wilx Vin # [REDACTED] 255400 Ks. [REDACTED] GVWR 75000. AA Fishing Tool & Rental LLC. failed to make an inquire into the driving record of each driver to the appropriate state agencies in which the driver held a commercial motor vehicle operators license at least once every 12 months.					
3 STATE	Primary: 391.51(b)(5) CFR Equivalent: 391.51(b)(5)	Discovered 3	Checked 3	Drivers/Vehicles In Violation 3	Checked 3
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: [REDACTED] DOB: [REDACTED] Ks. OLN [REDACTED] Trip Date: 9/26/17 on an intrastate trip from Otis Ks. to Ks City Ks. and from Ottawa Ks. to Great Bend Ks. Driving a 2005 FRHT Vin # [REDACTED] 88430 Ks. Reg. [REDACTED] GVWR 51200 lbs. pulling a 2010 Wilx Vin # [REDACTED] 255400 Ks. [REDACTED] GVWR 75000. AA Fishing Tool & Rental LLC failed to maintain a note relating to the annual review of the drivers driving record as required by 391.25(c)(2).					





AA FISHING TOOL & RENTAL LLC
U.S. DOT #: 2532215

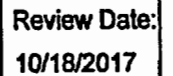
State #: [REDACTED]

Review Date:
10/18/2017

Part B Violations

4 STATE	Primary: 391.51(b)(6) CFR Equivalent: 391.51(b)(6)	Discovered 3	Checked 3	Drivers/Vehicles In Violation 3	Checked 3
Description Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27. Driver: [REDACTED] DOB [REDACTED] Ks. OLN [REDACTED] Trip Date: 9/26/17 on an intraste trip from Otis Ks. to Ks City Ks. and from Ottawa Ks. to Great Bend Ks. Driving a 2005 FRHT Vin # [REDACTED] 88430 Ks. Reg. [REDACTED] GVWR 51200 lbs. pulling a 2010 Wilx Vin # [REDACTED] 255400 Ks. [REDACTED] GVWR 75000. AA Fishing Tool & Rental LLC. failed to maintain a list of certificate relating to violations of motor vehicle laws and ordinances required by 391.27.					
5 STATE	Primary: 395.3(a)(3)(ii) CFR Equivalent: 395.3(a)(3)(ii)	Discovered 8	Checked 90	Drivers/Vehicles In Violation 3	Checked 3
Description Requiring or permitting a property-carrying commercial motor vehicle driver to drive after more than 8 hours have passed since the end of the driver's last off duty or sleeper berth period of at least 30 minutes. Example Driver: [REDACTED] DOB [REDACTED] Ks. OLN [REDACTED] Trip Date: 9/26/17 on an intraste trip from Otis Ks. to Ks City Ks. and from Ottawa Ks. to Great Bend Ks. Driving a 2005 FRHT Vin # [REDACTED] 88430 Ks. Reg. [REDACTED] GVWR 51200 lbs. pulling a 2010 Wilx Vin # [REDACTED] 255400 Ks. [REDACTED] GVWR 75000. AA Fishing Tool & Rental LLC required or permitted a property carrying commercial motor vehicle driver to drive after more than 8 hours have passed since the end of the driver's last off duty or sleeper berth period of at least 30 minutes.					
6 STATE	Primary: 395.8(a) CFR Equivalent: 395.8(a)	Discovered 10	Checked 90	Drivers/Vehicles In Violation 3	Checked 3
Description Failing to require driver to make a record of duty status. Example Driver: [REDACTED] DOB [REDACTED] Ks. OLN [REDACTED] Trip Date: 9/26/17 on an intraste trip from Otis Ks. to Ks City Ks. and from Ottawa Ks. to Great Bend Ks. Driving a 2005 FRHT Vin # [REDACTED] 88430 Ks. Reg. [REDACTED] GVWR 51200 lbs. pulling a 2010 Wilx Vin # [REDACTED] 255400 Ks. [REDACTED] GVWR 75000. AA Fishing Tool & Rental LLC failed to require their drivers to make a record of duty status.					
7 STATE	Primary: 396.11(a) CFR Equivalent: 396.11(a)	Discovered 40	Checked 90	Drivers/Vehicles In Violation 3	Checked 3
Description Failing to require driver to prepare driver vehicle inspection report. Example Driver: [REDACTED] DOB [REDACTED] Ks. OLN [REDACTED] Trip Date: 9/26/17 on an intraste trip from Otis Ks. to Ks City Ks. and from Ottawa Ks. to Great Bend Ks. Driving a 2005 FRHT Vin # [REDACTED] 88430 Ks. Reg. [REDACTED] GVWR 51200 lbs. pulling a 2010 Wilx Vin # [REDACTED] 255400 Ks. [REDACTED] GVWR 75000. AA Fishing Tool & Rental LLC failed to require drivers to prepare driver vehicle inspection reports.					






8 STATE	Primary: 396.17(c)	Discovered	Checked	Drivers/Vehicles	
	CFR Equivalent: 396.17(c)	1	5	In Violation	Checked
				1	5

Number of Vehicles Inspected (MCMIS): 0

Capri 6.8.10.2

	AA FISHING TOOL & RENTAL LLC U.S. DOT #. 2532215	Review Date 10/18/2017
Part B Requirements and/or Recommendations		

1. For all Investigations:

- **Understand Why Compliance Saves Time and Money:** Compliance with FMCSRs will not only save lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business.

- **Document and Follow Through on Action Plans:** Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance.

- **NOTICE:** A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six year period.

- **NOTICE:** 49 CFR Part 391.23 requires prospective employers to, at a minimum, investigate a driver's employment information, crash record, and alcohol and controlled substances history from all employers the driver worked for within the previous 3 years.

The Pre-Employment Screening Program (PSP) is a screening tool that assists motor carriers in investigating crash history and roadside safety performance of prospective drivers. The PSP allows motor carriers to purchase 5 years of crash data and 3 years of roadside inspection data from the Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Management Information System (MCMIS). Records are available 24 hours a day via Web request. Motor carriers should visit the following website for more information:
<http://www.psp.fmcsa.dot.gov/Pages/default.aspx>

- All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities. Discuss with your employees/drivers the "Security Measures for Truck Drivers and Companies" which were provided and reviewed with motor carrier official. Motor carriers should visit the following website for more information:
<http://www.fmcsa.dot.gov/documents/Hijacking-Brochure.pdf>

FMCSA recently announced planned improvements to the Carrier Safety Measurement System (SMS) which was implemented in December 2010 as part of the Agency's broader Compliance, Safety, Accountability (CSA) initiative. A preview of these improvements is currently available to motor carriers. The system changes are scheduled to be available to the public in July 2012. There will be additional opportunity for public comment on the changes after the preview period ends in July 2012. The improvements to SMS are based on ongoing analysis and feedback from enforcement personnel, the motor carrier industry, and other stakeholders. The changes more effectively identify and prioritize high-risk and other unsafe motor carriers for enforcement interventions designed to reduce commercial motor vehicle crashes and hazardous materials incidents. Motor carriers currently have the ability to preview how the improvements impact their individual safety data in SMS. These improvements include: (1) Changes to the SMS methodology that identify higher risk carriers while addressing industry biases; (2) better applications of SMS results for Agency interventions by more accurately identifying safety sensitive carriers (i.e., carriers transporting people and carriers hauling hazardous materials (HM)), so that such firms can be selected for CSA interventions at more stringent levels; and, (3) more specific fact-based displays of SMS results on the SMS Web site. The data preview may be found at <http://csa.fmcsa.dot.gov/>. During the data preview period, the Agency requests comments on the impacts of the changes.

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 that did not result in a Cooperative Safety Plan:



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Part B Requirements and/or Recommendations

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. 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
3. A copy of your carrier profile can be obtained at no cost from the FMCSA Portal (<https://portal.fmcsa.dot.gov/login>)
4. Obtain a copy of each driver's driving record and review it annually.
5. Ensure that all drivers are fully and properly qualified before operating in interstate commerce. Maintain a complete file as required for each driver, documenting the qualification process.
6. Require all drivers to prepare complete and accurate records of duty status for each day, and to submit them within 13 days. Maintain all duty status records on file, with all supporting documents, for at least 6 months.
7. Toll receipts and other on-the-road expense receipts, invoices, bills of lading, dispatch records, and other "supporting document" must be kept on file for six (6) months. This requirement also applies to records generated by the use of owner-operators. You may keep legible photocopies in lieu of originals.
8. If you want some drivers to use the 100 air-mile radius exemption, make sure that the drivers meet all terms of the exemption, including being released from duty no more than 12 hours from when they report for duty. Logs must be prepared if a driver does not meet the 12 hour requirement.
9. Require all drivers to prepare a written inspection report for each day a vehicle is operated. Ensure that each report is signed by the driver, certified, and reviewed if defects are reported.
10. Keep all driver vehicle inspection reports, signed, certified, and reviewed as required on file for at least 90 days.
11. Review with your drivers periodically the procedures for doing pre-trip and post-trip inspections. Ensure that safety defects reported by drivers on their Vehicle Inspection Reports (VIR) are repaired before the vehicle is re-dispatched. Require drivers to prepare Vehicle Inspection Reports on a daily basis. Keep them on file for 90 days.
12. HOS COMPLIANCE BASIC PROCESS BREAKDOWN: Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN: AA Fishing Tool & Rental LLC needs policy to ensure that all drivers are familiar with the MAP 21 regulations and what is exempt and not exempt.

BASIC SPECIFIC RECOMMENDED REMEDIES

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



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Procedures.

- Develop a policy and procedure describing how management will monitor and track logs for falsification.
- Establish a policy that prohibits dispatchers from assigning a load to drivers without hours available to complete the load on time.
- Develop a policy stating that drivers should not violate their Hours-of-Service (HOS) Out-of-Service (OOS) order under any circumstances, and immediately contact the carrier when a driver is placed OOS.
- Develop a policy requiring drivers to report their available hours to dispatch during "check-in" calls.
- Develop policies and procedures for ensuring proper retention of Record of Duty Status (RODS) according to regulations.
- Establish a policy requiring drivers to submit copies of all roadside inspections to carrier management within 24 hours.
- Develop a policy stating that drivers are required to submit all Records of Duty Status (RODS) and supporting documentation, such as expense receipts, within 13 days of the end of the trip.
- Establish a policy stating that drivers are required to check with their supervisor, manager, or dispatcher to review their "fit-for-duty" status before starting a job, and that drivers who are ill to the extent that their ability and/or alertness is impaired are prohibited from working on safety-sensitive assignments.
- 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 Hours-of-Service (HOS) 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.

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

DESCRIPTION OF PROCESS BREAKDOWN: AA Fishing Tool & Rental LLC failed to have DVIR's made out for each trip.

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.

Seek Out Resources:



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10/18/2017

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- 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.

14. DRIVER FITNESS BASIC PROCESS BREAKDOWN: Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN: AA Fishing Tool & Rental LLC needs to periodically review DQ files for completeness.

BASIC SPECIFIC RECOMMENDED REMEDIES

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

HAZMAT Carrier Only:

- Establish policies and procedures for managers and dispatchers for companies that haul HAZMAT and regular cargo to ensure that only drivers with an "H" endorsement are assigned placardable HAZMAT; only those with an "N" endorsement, tank loads; only those with an "X" endorsement, combination tank HAZMAT.

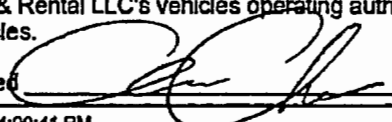
Seek Out Resources:


- 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

15. Stay in contact with your KCC Investigator for any questions or issues with continued safety compliance. You may contact me: KCC Special Investigator Greg Askren at 785-483-0212 or email at g.askren@kcc.ks.gov

16. 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 AA Fishing Tool & Rental LLC's vehicles operating authority and/or the impoundment of AA Fishing Tool & Rental LLC's vehicles.

Signed



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Part B Requirements and/or Recommendations		

Date 10-18-17



ATTACHMENT “B”

9 26 2017
(MONTH) (DAY) (YEAR)



DRIVER'S DAILY LOG

(ONE CALENDAR DAY - 24 HOURS)

2008/2011

VEHICLE NUMBER(S) - (SHOW EACH UNIT)

370
(TOTAL MILES DRIVING TODAY)

I certify these entries are true and correct

R.R. Egle
(DRIVER'S SIGNATURE IN FULL)

A A FISHING TOOLS & RENTALS

n/a

(NAME OF CO-DRIVER)

GREAT BEND, KS

GREAT BEND, KS

(MAIN OFFICE ADDRESS)

(HOME TERMINAL ADDRESS)

	MID-NIGHT	1	2	3	4	5	6	7	8	9	10	11	NOON	1	2	3	4	5	6	7	8	9	10	11	TOTAL HOURS
1: OFF DUTY																									15 3/4
2: SLEEPER BERTH																									0
3: DRIVING																									6 3/4
4: ON DUTY (NOT DRIVING)																									1 1/2
5: OFF DUTY (WAITING TIME AT WELL SITE)																									0
6: OFF DUTY (WAITING TIME AT WELL SITE)																									0
REMARKS																									24

SHIPPING DOCUMENTS:

B/L or Manifest No. or Shipper & Commodity

PTI-GAKS
LV GOKS

AR GART KC KS
LV GART KC KS

AR GART KC KS
LV GART KC KS

AR GAKS-PTI
PTI-GAKS

Enter name of place you reported and where released from work and when and where each change of duty occurred.
USE TIME STANDARD AT HOME TERMINAL

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15060

RECAP

DAY

DRIVING TIME

TOTAL HOURS

DRIVING TIME

TOTAL HOURS

ON DUTY TIME

TOTAL HOURS

70 HRS DAY DRIVERS

TOTAL HOURS

ON DUTY TIME

TOTAL HOURS

ON DUTY TIME

TOTAL HOURS

ON DUTY TIME

TOTAL HOURS

ON DUTY TIME

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TOTAL HOURS

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TOTAL HOURS

ON DUTY TIME

TOTAL HOURS

ATTACHMENT "C"

DRIVER'S TIME RECORD (150 air-mile radius)

Driver's Name (print) R.L. ENGLE

Employee No. _____ Month 9 Year 2017

DRIVERS MAY PREPARE THIS REPORT INSTEAD OF "DRIVERS DAILY LOG" IF THE FOLLOWING APPLIES:

- *For Drivers NOT required to have a CDL.
- *Operates within 150 air-mile radius of the normal work reporting location.
- *Returns to normal work reporting location and is released from work within 14 consecutive hours.
- *At least 10 consecutive hours off duty separates each 14 hours on duty.

INTERMITTENT DRIVERS

Shall complete this form for 7 days preceding any day driving is performed. This includes the preceding month.

Date	Start Time	End Time	Total Hours	Truck Number	Trip Information TO - FROM
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15	OFF				
16	OFF				
17	OFF				
18	OFF				
19	OFF				
20	OFF				
21	0600	1630	10 1/2	10002	AA to TOLSON (2) OTIS (1)
22	OFF				
23	0430	1700	12 1/2	AA PU	AA to SASCO OKC to AA
24	0430	1100	6 1/2	10009	AA to BACAGW to PINKSTN to AA
25	0530	1730	12	10003	AA to BART KC to MM to AA
26	0530	1730	12	10003	AA to BART KC to MM to AA
27	OFF				
28	0800	1130	3 1/2	SHOP	REPAIR 1011, BRACKETS, HORRERS
29	OFF				
30	OFF				
31					

To be prepared monthly by each DOT certified driver unless time record is exclusively kept on Driver's Daily Log. Indicate "days off." Check box if no driving is performed during this month and the first 7 days of the following month. Mail this report to your Division Manager of Administration.

RLE
09/30/17

CERTIFICATE OF SERVICE

18-TRAM-211-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 14 2017.

AARON APLEY, MANAGER
AA FISHING TOOL & RENTAL, LLC
2933 26TH ST
GREAT BEND, KS 67530
apley_aaron@yahoo.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
DEC 15 2017