

1500 SW Arrowhead Road
Topeka, KS 66604-4027



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

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

Sam Brownback, Governor

NOTICE OF PENALTY ASSESSMENT

March 26, 2015

15-TRAM-414-PEN

Chad A. Reinert, Managing Member
Reinert Oilfield Service, LLC
218 E Cedar
Ness City, Kansas 67560

This is a notice of a penalty assessment for violation of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on February 2, 2015, by Kansas Corporation Commission Special Investigator M.P. McAvoy. For a full description of the penalty and process please refer to the Order that is attached to this notice.

IF YOU ACCEPT THE PENALTY:

You have been assessed a \$250 penalty. You have thirty (30) days from service of this Penalty Order to pay the fine amount. Check or money order must be made payable to the Kansas Corporation Commission. Payment is to be mailed to the Transportation Division of the Kansas Corporation Commission at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and must include a reference to the docket number of this proceeding. Credit card payment may be made by faxing your credit card information to the Transportation Office at 785-271-3124, using the KCC's credit card payment form found at <http://kcc.ks.gov/trans/creditcard.pdf>.

You must attend a Commission-sponsored safety seminar within the next ninety (90) days and provide Staff with written proof of attendance. A schedule of dates and locations for the safety seminar can be found at the Commission's website http://www.kcc.state.ks.us/trans/safety_meetings.htm.

You must submit to one follow-up safety compliance review within the next 18 months. Staff will contact you at a later date to determine an appropriate time for this review.

IF YOU CONTEST THE PENALTY:

You have the right to request a hearing. A request for hearing must be made in writing, setting forth the specific grounds upon which relief is sought. Respondent must submit an original and seven (7) copies of the request to the Commission's Acting Secretary at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604 within fifteen (15) days from the date stamped on the last page of the Penalty Order. K.A.R. 82-1-215; K.S.A. 2014 Supp. 77-542.

IF YOU FAIL TO ACT:

Failure to pay the fine amount within thirty (30) days of service of the Penalty Order, or in the alternative, provide a written request for a hearing within fifteen (15) days from service of the Penalty Order will result in the attached Order becoming a Final Order and may result in the additional sanction of suspension and/or revocation of your motor carrier operating authority.

Respectfully,

Michael J. Duenes
Litigation Counsel
(785) 271-3181

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

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

In the Matter of the Investigation of **Reinert**)
Oilfield Service, LLC, of Ness City, Kansas,)
Regarding the Violation of the Motor Carrier)
Safety Statutes, Rules and Regulations and the) Docket No. 15-TRAM-414-PEN
Commission's Authority to Impose Penalties,)
Sanctions and/or the Revocation of Motor)
Carrier Authority.)

PENALTY ORDER

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission). The Commission, having been briefed on the issue by the Director of the Commission's Transportation Division, finds and concludes as follows:

I. JURISDICTION

1. Pursuant to K.S.A. 2014 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. 2014 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. 2014 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. Reinert Oilfield Service, LLC (Reinert Oilfield Service) obtained private and common operating authority from the Commission on July 5, 2012, and operates under KSMCID number 169138 and USDOT number 2290454.

5. Tammy Seib attended a Commission-sponsored Motor Carrier Education and Instructional Meeting on July 2, 2012, on behalf of Reinert Oilfield Service.

6. Reinert Oilfield Service is a private and common motor carrier which primarily hauls oilfield equipment.

III. STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, on February 2, 2015, Commission Staff (Staff) Special Investigator M.P. McAvoy conducted a compliance review of the operations of Reinert Oilfield Service. A copy of the safety compliance review is included in this Penalty Order as Attachment "A" and is hereby incorporated by reference. As a result of this investigation, Mr. McAvoy identified one (1) violation of the Motor Carrier Safety Regulations.

- a. On November 28, 2014, Reinert Oilfield Service required or permitted its driver, Chad Reinert, to operate a commercial motor vehicle, a 2000 Mack, in intrastate commerce from Ness City, Kansas to Atwood, Kansas. This trip is evidenced by Driver's Daily Log, dated November 28, 2014, a

copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, Reinert Oilfield Service used a driver that was not medically examined and certified within the previous 12 months. Reinert Oilfield Service's failure to confirm that each of its drivers are medically examined and certified prior to requiring or permitting the operation of a commercial motor vehicle and maintaining documentation of the medical certificate in the driver qualification file is a violation of 49 C.F.R. 391.45(b)(1) and 49 C.F.R. 391.51(b)(7)(i), as adopted by K.A.R. 82-4-3g, and as authorized by K.S.A. 2014 Supp. 66-1,129. Staff recommends a fine in the amount of \$250.

IV. STAFF'S RECOMMENDATIONS

8. Based upon the available facts, Staff recommends the Commission find Reinert Oilfield Service committed one (1) violation of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

9. Additionally, Staff recommends a civil penalty of \$250 for one (1) violation of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that Reinert Oilfield Service be required to attend a Commission-sponsored safety seminar within the next ninety (90) days and provide Staff with written proof of attendance. A schedule of the dates and locations for the safety seminar can be found on the Commission's website at http://kcc.ks.gov/trans/safety_meetings.htm.

11. Finally, Staff recommends that Reinert Oilfield Service submit to one follow-up safety compliance review within the next eighteen (18) months. Staff will contact the motor carrier at a later date to determine an appropriate time for this review.

V. CONCLUSIONS OF LAW

12. The Commission finds it has jurisdiction over Reinert Oilfield Service because it is a motor carrier as defined in K.S.A. 2014 Supp. 66-1,108.

13. The Commission finds Reinert Oilfield Service committed one (1) violation of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

THE COMMISSION THEREFORE ORDERS THAT:

A. Reinert Oilfield Service, LLC, of Ness City, Kansas is hereby assessed a \$250 civil penalty for one (1) violation of Kansas law governing the regulation of motor carriers, the Kansas Administrative Regulations and provisions of the Federal Motor Carrier Safety Regulations, as adopted by the Kansas Administrative Regulations.

B. Reinert Oilfield Service is hereby ordered to attend a Commission-sponsored safety seminar within the next ninety (90) days and is to provide Staff with written proof of attendance. Further, Reinert Oilfield Service is ordered to submit to one follow-up safety compliance review within the next eighteen (18) months.

C. **Pursuant to K.S.A. 2014 Supp. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issues by submitting a written request, setting forth the specific grounds upon which relief is sought, to the Commission's Acting Secretary, at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604 within fifteen (15) days from the date of**

service of this Order. If service is by certified mail, service is complete upon the date delivered shown on the Domestic Return Receipt. Hearings will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of Reinert Oilfield Service's right to a hearing, and this Penalty Order will become a Final Order assessing a \$250 civil penalty against Reinert Oilfield Service, and ordering Reinert Oilfield Service to attend a Commission-sponsored safety seminar within the next ninety (90) days and provide Staff with written proof of attendance, and to submit to a safety compliance review within eighteen (18) months from the date of service of this Order.

D. Attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. 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).

E. If you do not request a hearing, the payment of the civil penalty is due in thirty (30) days from date of service of this Order. Checks and Money Orders shall be payable to the Kansas Corporation Commission. For credit card payments, include type of card (Visa, MasterCard, Discover, or American Express), account number and expiration date. Payments shall be mailed to the Transportation Division of the Kansas Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, Kansas 66604. *The payment shall include a reference to the docket number of this proceeding.*

F. Failure to pay the \$250 civil penalty within thirty (30) days of the service of this Penalty Order, and/or failure to comply with the provisions of this Order, may result in revocation of Reinert Oilfield Service's motor carrier operating authority without further notice. Additionally, the Commission may impose further sanctions to include, but not limited to, the

issuance and enforcement of out-of-service and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

G. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further order or orders as it may deem necessary.

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Apple, Commissioner

Dated: MAR 26 2015



ORDER MAILED MAR 27 2015

Neysa Thomas
Acting Secretary

MJD

ATTACHMENT "A"



US DOT #
2290454

Legal: REINERT OILFIELD SERVICE LLC
Operating (DBA):

MC/MX #: 000000 State #: Federal Tax ID: (EIN)

Review Type: Compliance Review (CR)

Scope: Principal Office Location of Review/Audit: Company facility in the U. S. Territory: F

Operation Types Interstate Intrastate

Carrier: N/A Non-HM
Shipper: N/A N/A
Cargo Tank: N/A

Business: Other
Gross Revenue:

for year ending: 12/31/2014

Company Physical Address:

Contact Name: Chad Reinert

Phone numbers: (1) (2) Fax

E-Mail Address:

Company Mailing Address:

218 E Cedar
Ness City, KS 67560

Carrier Classification

Authorized for Hire

Cargo Classification

Oil Field Equipment

Equipment

	Owned	Term Leased	Trip Leased		Owned	Term Leased	Trip Leased
Truck Tractor	3	0	0	Trailer	3	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

	Inter	Intra	Average trip leased drivers/month:
< 100 Miles:			0
>= 100 Miles:		2	Total Drivers: 2
			CDL Drivers: 2





REINERT OILFIELD SERVICE LLC
U.S. DOT #: 2290454

State #:

Review Date:
02/02/2015

Part A

QUESTIONS regarding this report or the Federal Motor Carrier Safety or Hazardous Materials rules may be addressed to the Office of Motor Carriers at:

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Chad Reinert

Title: Owner

Name: Tamara Seit

Title: Office Manager





REINERT OILFIELD SERVICE LLC
U.S. DOT #: 2290454

State #:

Review Date:
02/02/2015

Part B Violations

STATE	Primary: 390.19(i)	Discovered	Checked	Drivers/Vehicles In Violation	Checked
1		1	1	0	0
Description Kansas is a PRISM state and Kansas based carriers are required to update MCS-150 every 12 months as adopted by K.A.R 82-4-3f(a)(7)(g) Example MCS-150 last updated 8/19/13. Kansas a PRISM state requires annual updates. (carrier updated during review)					
STATE	Primary: 391.45(b)(1) Secondary: 391.11(a) CFR Equivalent: 391.45(b)(1)	Discovered	Checked	Drivers/Vehicles In Violation	Checked
2		1	2	1	2
Description Using a driver not medically examined and certified during the preceding 24 months. Example Driver Trip date 11/28/2014 Last examination date 7/9/2012 expired 7/9/2014 (driver renewed medical certification while review was being conducted)					
STATE	Primary: 395.3(a)(3)(ii) CFR Equivalent: 395.3(a)(3)(ii)	Discovered	Checked	Drivers/Vehicles In Violation	Checked
3		3	60	2	2
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 Trip date 11/28/2014 Driver Driver fail to take 30 minute break for each 8 hours worked.					
STATE	Primary: 395.8(f) CFR Equivalent: 395.8(f)	Discovered	Checked	Drivers/Vehicles In Violation	Checked
4		3	60	2	2
Description Failing to require driver to prepare record of duty status in form and manner prescribed. Example Driver Trip date 11/28/2014 driver fail to identify load by shipper and commodity or bill of lading number, driver fail to document total mileage for date, driver fail to document total hours.					
STATE	Primary: 396.19(b) CFR Equivalent: 396.19(b)	Discovered	Checked	Drivers/Vehicles In Violation	Checked
5		2	6	0	0
Description Failing to maintain evidence of inspector's qualifications. Example Inspector Inspection date 11/14 Vehicle 1974 Leland Trip date 11/28/2014					





REINERT OILFIELD SERVICE LLC
U.S. DOT #: 2290454

State #:

Review Date:
02/02/2015

Part B Violations

Safety Fitness Rating Information:

Total Miles Operated 57,000
Recordable Accidents 0

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 :

This Review is not Rated.





REINERT OILFIELD SERVICE LLC
U.S. DOT #: 2290454

State #:

Review Date:
02/02/2015

Part B Requirements and/or Recommendations

1. Within 15 days send a letter to our office explaining your actions taken to remedy a non-compliance status.

Mail to: Kansas Corporation Commission, 1500 SW Arrowhead Rd., Topeka, Ks. 66604-4027

2. Do not allow drivers to drive inter/intrastate unless they have been physically re-examined each 24 months
3. 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.

4.

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.





REINERT OILFIELD SERVICE LLC
U.S. DOT #: 2290454

State #:

Review Date:
02/02/2015

Part B Requirements and/or Recommendations

5. 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 Reinert Oilfield Services, LLC, Chad Reinert, Owner Chad Reinert operating authority and or the impoundment of Reinert Oilfield Services, LLC, Chad Reinert, Owner Chad Reinert vehicles.



ATTACHMENT "B"

DRIVER'S DAILY LOG

(24 HOURS)

11 / 28 / 14
 (Month) (Day) (Year)
 ROS

RECAP
 Complete at
 end of each day.

70 Hour / 8 Day Drivers

Name of Carrier or Cartage: _____
 Main Office Address: _____

Home Terminal Address: _____

Driver's Full Signature: _____
 Co-Driver's Name: _____

Total Miles Driving Today: _____ Total Mileage Today: _____

4
 Truck/Tractor and Trailer Number or License Plate(s) / State (show each unit): _____

Hour	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	
1. OFF DUTY																								
2. SLEEPER BERTH																								
3. DRIVING																								
4. ON DUTY (NOT DRIVING)																								
REMARKS																								

Ness pre-Trip
 Atwood KS vicinity
 Ness City
 post-Trip

SHIPPING DOCUMENTS:
 B/L or Manifest No. _____ of _____
 Shipper & Commodity: _____
 FROM: _____ TO: _____

USE TIME STANDARD AT HOME TERMINAL
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PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET TO THE FOLLOWING:

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
MICHAEL DUENES, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604-4027 ***Hand Delivered***		
CHAD A. REINERT, MANAGING MEMBER REINERT OILFIELD SERVICE LLC 218 E CEDAR NESS CITY, KS 67560		

ORDER MAILED **MAR 27 2015**

The Docket Room hereby certified that on this _____ day of _____, 20_____, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.