



1500 SW Arrowhead Road  
Topeka, KS 66604-4027

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

Susan K. Duffy, Chair  
Shari Feist Albrecht, Commissioner  
Dwight D. Keen, Commissioner

Laura Kelly, Governor

**NOTICE OF PENALTY ASSESSMENT**  
**20-TRAM-457-PEN**

May 14, 2020

John Hunter, Managing Member  
Hunter Trucking, LLC  
987 N Road  
Larned, KS 67550

This is a notice of a penalty assessment against Hunter Trucking, LLC (Hunter Trucking) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on April 13, 2020, by Kansas Corporation Commission Special Investigators Doug Handy and Erica Pargas. Penalties are assessed in accordance with the FY 2020 Uniform Penalty Assessment Matrix, approved by the Commission on July 16, 2019. For a full description of the penalty(s) and terms and obligations please refer to the Order attached to this notice.

**IF YOU ACCEPT THE PENALTY:** Hunter Trucking has been assessed a \$1000 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$1000, 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.

The attached Order requires a representative of the carrier to attend a Commission-sponsored safety seminar and to provide the undersigned Litigation Counsel with proof of attendance. Safety seminars are not currently being offered due to the COVID-19 pandemic. The carrier is required to attend a safety seminar within 90 days of the seminars being offered again. The Order also requires your company to submit to one follow-up safety compliance review within 18 months from the date of the Order. Transportation Staff will contact your company at a later date to determine an appropriate time for this review.

**IF YOU CONTEST THE PENALTY ORDER: 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. Hunter Trucking 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 the undersigned at the above address. If you do not have access to the internet, you can mail an original and seven copies of the request to the Executive Director at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy to the undersigned Litigation Counsel. K.A.R. 82-1-215; K.S.A. 77-542.

**IF YOU FAIL TO ACT:** Failure to pay the penalty of \$1000 within thirty (30) days from the date of service of the Penalty Order or failure to comply with the terms of the Order, or in the alternative, failure to provide a timely written request for a hearing, will result in the Order becoming final and may result in additional sanctions of suspension and/or revocation of your motor carrier operating authority.

Respectfully,

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

Before Commissioners: Susan K. Duffy, Chair  
Shari Feist Albrecht  
Dwight D. Keen

**PENALTY ORDER**

## I. JURISDICTION

2. Pursuant to K.S.A. 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 issue an order 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. Hunter Trucking, LLC (Hunter Trucking) has common operating authority with the Commission and further operates under USDOT number 2449879.

5. John Hunter attended the Procedures for Safety Compliance Seminar presented by the Kansas Corporation Commission, on November 4, 2013, on behalf of Hunter Trucking.

6. Hunter Trucking is a common motor carrier which primarily hauls grain, feed, hay, farm supplies, and livestock.

## **III. STATEMENT OF FACTS**

7. Pursuant to the jurisdiction and authority cited above, on April 13, 2020, Commission Staff (Staff) Special Investigators Doug Handy and Erica Pargas conducted a safety compliance review of the operations of Hunter Trucking. 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, the special investigators identified one (1) violation(s) of the Motor Carrier Safety Regulations.

- a. On November 22, 2019, Hunter Trucking required or permitted its driver, John Hunter, to operate a CDL-required commercial motor vehicle, a 2006 Peterbilt, VIN ending in 632969, GVWR 52,000 lbs., pulling a 2015

Wilson trailer, VIN ending in 7008, in interstate commerce from Wakeeney, Kansas to Greeley, Colorado. This trip is evidenced by a Driver's Daily Log, dated November 22, 2019, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, Driver John Hunter reported 153 miles as no drive time, making a false record of duty status. The special investigators discovered two (2) violations of this type. The carrier's falsifying records of duty status is a violation of 49 C.F.R. 395.8(e)(1), adopted by K.A.R. 82-4-3a, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$1,000.

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

8. Based upon the available facts, Staff recommends the Commission finds Hunter Trucking committed one (1) 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.

9. Additionally, Staff recommends a civil penalty of \$1000 for one (1) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that a representative of the carrier to attend a Commission-sponsored safety seminar and to provide the undersigned Litigation Counsel with proof of attendance. Due to Governor mandated social distancing and prohibitions on gathering of 10 or more, the Commission issued its *Emergency Order Temporarily Suspending the Requirement to Attend Commission Sponsored Safety Seminars During State of Emergency*

(Emergency Order) in Docket No. 20-TRAM-392-PEN on March 17, 2020. The carrier's requirement to attend a Commission-sponsored safety seminar must be completed within 90 days of the Commission's Emergency Order being lifted.

11. Finally, Staff recommends that Hunter Trucking 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.

## **V. CONCLUSIONS OF LAW**

12. The Commission finds it has jurisdiction over Hunter Trucking because it is a motor carrier as defined in 49 C.F.R. Part 390.5 as adopted by K.A.R. 82-4-3f.

13. The Commission finds Hunter Trucking committed one (1) 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.

### **THE COMMISSION THEREFORE ORDERS THAT:**

A. Hunter Trucking, LLC, of Larned, KS is hereby assessed a \$1000 civil penalty for one (1) 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.

B. Hunter Trucking is hereby ordered to attend a Commission-sponsored safety seminar as set out in paragraph 10, above.

C. Carrier is hereby ordered to submit a written, comprehensive corrective action plan (CAP) to Transportation Staff within thirty (30) days of the date of this order.

D. Hunter Trucking 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 carrier to set up the appointment.

E. Pursuant to K.S.A. 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. The request may be electronically filed with the Commission's electronic filing system at <https://puc.kcc.ks.gov/e-filing/e-express/>, within fifteen (15) days from the date of service of this Order, and a copy of the request mailed to the Litigation Division. If you do not have access to the internet, you can mail an original and seven copies of the request to the Executive Director at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy of the request to Litigation Counsel. A hearing will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of Hunter Trucking's right to a hearing, and this Penalty Order will become a Final Order.

F. 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. 66-1,142b(e) and amendments thereto.

G. If you do not request a hearing, the payment of the civil penalty of \$1000 is due in thirty (30) days from the date of service of this Order. Payment of \$1000 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.

H. Failure to pay the \$1000 civil penalty within thirty (30) days from the date of service of this Penalty Order, *see* K.S.A. 66-1,105, and/or failure to comply with the provisions of this Order, may result in suspension of Hunter Trucking'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 revocation of authority and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

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.**

Duffy, Chair; Albrecht, Commissioner; Keen, Commissioner

Dated: 05/14/2020



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Lynn M. Retz  
Executive Director

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## **ATTACHMENT “A”**



# UNITED STATES DEPARTMENT OF TRANSPORTATION



**U.S. DOT#:** 2449879  
**MC/MX#:** 845622

**Legal:** HUNTER TRUCKING LLC  
**Operating (DBA):**

**Investigation Date:**  
04/13/20

**Investigation Type:** Offsite Investigation

Physical Address	Mailing Address
987 N ROAD LARNED, KS 67550-5103 United States	987 N ROAD LARNED, KS 67550-5103 United States

## Contact Information

**Contact Name:** JOHN HUNTER, LISHA WOLF  
**Email:** [REDACTED]  
**Phone:** [REDACTED] **Fax:** ()-

## Business and Financial

**Business Type:** Limited Liability Corporation  
**Gross Revenue:** [REDACTED] **For Year Ending:** 12/31/18  
**Federal Tax ID:** [REDACTED] (EIN)

Operation Classification and Type	Cargo
<b>Type of Operation:</b> Non-HM Interstate Carrier, Non-HM Intrastate Carrier	Grain, Feed, Hay, Farm Supplies, Livestock

**Operation Classification**  
For-Hire Motor Carrier  
Property  
Other Non-Hazardous Freight

Equipment			Driver Information		
	Owned	Term Leased	Trip Leased	Drivers	
Truck Tractors	2			Intrastate	Interstate
Trailers		2		< 100 Miles	
				>= 100 Miles	2
Power units used in the U.S.: 2					
Percentage of time used in the U.S.: 100%				Average trip leased driver/month: 0	
				Drivers with CDL: 2	
				Total Drivers: 2	

## Person(s) Interviewed

**Name:** JOHN HUNTER

**Title:** OWNER

**Name:** LISHA WOLF

**Title:** CONSULTANT

## Questions

Questions about this report or the Federal Motor Carrier Safety or Hazardous Materials regulations may be addressed to the Federal Motor Carrier Safety Administration at 1500 SW Arrowhead Rd Topeka, KS 66604

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

## Violations

### 1. Primary: 391.51(d)

Failing to keep required records in driver's qualification file for 3 years after date of execution.

#### Example/Notes:

Driver name, John Hunter

Trip Date, 11/21/19

Description of violation This carrier did not maintain copies of MVR's, Certificate of violations, and annual reviews for 2018 and 2019.

#### Violations Discovered

Fed	State	Total
2		2

#### Checked

Fed	State	Total
2		2

#### Drivers/Vehicles

In Violation	Checked
2	2

### 2. Primary: 395.8(e)(1)

Making, or permitting a driver to make, a false report regarding duty status

#### Example/Notes:

Driver name John Hunter

Trip Date 11/21/2019

Description of violation Driver, John Hunter drove from El Dorado, KS to Booker, TX with no drive time. Driver noted his trip as "Off Duty".

#### Violations Discovered

Fed	State	Total
2		2

#### Checked

Fed	State	Total
19	41	60

#### Drivers/Vehicles

In Violation	Checked
1	2

### 3. Primary: 396.3(b)(1)

Failing to keep a maintenance record which identifies the vehicle, including make, serial number, year, and tire size.

#### Violations Discovered

Fed	State	Total
3		3

#### Checked

Fed	State	Total
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3

3

**Example/Notes:**

Unit's 73, T63, and T67 maintenance files did not note a tire size and serial number.

Trip Date: On 11/21/19

Driver: John Hunter

Unit: 73

VIN# 1XP5DB9X06D632969

**Drivers/Vehicles**

In Violation	Checked
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3

3

**4. Primary: 396.9(d)(3)**

Failing to maintain completed inspection form for 12 months from the date of inspection at the carrier's principal place of business or where vehicle is housed.

**Violations Discovered**

Fed	State	Total
-----	-------	-------

2

2

**Checked**

Fed	State	Total
-----	-------	-------

2

2

**Example/Notes:**

Date of inspection, 6/21/19

Issuing agency, Missouri Highway Patrol

Driver name/Vehicle ID. John Hunter/Unit 73 & T63

Carrier failed to maintain copies of roadside inspections for the previous 12 months.

**Drivers/Vehicles**

In Violation	Checked
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2

2

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## Safety Fitness Rating

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### **This Investigation is Not Rated**

You must take corrective actions for any violations (deficiencies) identified in the Violations section of this report.

This was an offsite investigation. An offsite investigation allows FMCSA to evaluate your safety compliance with minimal disruption to your business. An offsite investigation will not result in a safety rating.

DataQs. If you dispute the violations recorded in the Violations section of this investigation report, and the violations were not used in the calculation of your safety rating, you may submit a Request for Data Review (RDR) through DataQs. The DataQs system is the method to remove violations that did not affect your safety rating. DataQs is an online system that allows a motor carrier or driver to request and track a review of Federal and State issued data that it believes to be incomplete or incorrect. To submit an RDR, go to <https://dataqs.fmcsa.dot.gov>.

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## Process Breakdown and Remedies

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### **BASIC: Hours-of-Service Compliance**

#### **Process Breakdown: Monitoring and Tracking**

Hunter Trucking LLC should monitor each drivers records of duty status weekly to ensure drivers are logging hours as correctly with no violations/falsifications.

#### **Specific Recommended Remedies**

**To implement Safety Improvement Practices, the following list are recommended practices related to Monitoring and Tracking:**

1. Implement an effective process for monitoring, tracking, and evaluating all drivers' compliance with Hours-of-Service (HOS) regulations and company policies
2. Promptly review all Records of Duty Status (RODS) for Hours-of-Service (HOS) violations and falsification. Look for discrepancies by comparing driver logs with their "check-in" calls and other supporting documents.
3. Maintain roadside inspection, Records of Duty Status (RODS), supporting documents, dispatch schedules, and communication records to help evaluate the performance of all staff (drivers, dispatchers, and managers) involved in Hours of Service (HOS) and the effectiveness of compliance with HOS policies, procedures, and regulations

## Recommendations

### 1 Additional Information

Please visit the CSA outreach site for additional guidance: <https://csa.fmcsa.dot.gov>

### 2 Drug Testing Policy

Ensure that you give drivers a copy of the written drug and alcohol policy and educational materials and obtain a signed receipt from the driver documenting that these materials were provided

### 3. Maintenance Records Program

Establish a systematic maintenance records program for all vehicles. Maintain a complete file for each subject vehicle, recording all repairs, maintenance, and inspection operations performed. Maintenance files must identify the vehicle by the make, vin number, tire size and unit number

### 4. Maintain a complete file documenting the qualification process.

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.

### 5 Ensure that all drivers' logs are accurate.

Ensure that all drivers' records of duty status (logs) are accurate. Check them against "supporting documents" to verify accuracy. Prohibit falsification of logs by any driver. Review the rules on supporting documents. Take appropriate action against drivers who falsify logs

### 6 Violations Signature Page

I 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.

For all Investigations that could result in a Penalty Order:

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

Information on your compliance status, roadside inspections, regulatory changes, accident countermeasures and hazardous material incident prevention manual is available on the Internet at the Federal Motor Carrier Safety Administration's web site at <http://www.fmcsa.dot.gov/> and <http://www.safer.fmcsa.dot.gov/>


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

The KCC requires that you prepare a corrective action plan (CAP), addressing the measures taken to correct all 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. Submit the letter along with copies of your supporting evidence to

e-mail, [g.davenport@kcc.ks.gov](mailto:g.davenport@kcc.ks.gov)  
FAX, 785-271-3124,  
or mail to;  
Kansas Corporation Commission  
Attn. Gary Davenport  
1500 SW Arrowhead Road  
Topeka, KS 66604-4027

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 Hunter Trucking LLC operating authority and/or the impoundment of Hunter Trucking LLC.

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](http://kcc.ks.gov/trans/penalty_assessment_table.htm)

X   
Signature

X 4-14-2020  
Date



## **ATTACHMENT “B”**

**DRIVER'S DAILY LOG**  
(ONE CALENDAR DAY - 24 HOURS)

ORIGINAL - File each day at home terminal  
DUPLICATE - Driver retains in his possession for eight days

11-22-19  
(MONTH) (DAY) (YEAR)

947  
(TOTAL MILEAGE TODAY)

I certify these entries are true and correct:

73-63  
VEHICLE NUMBERS - (SHOW EACH UNIT)

(TOTAL MILES DRIVING TODAY)

HUNTER TRUCKING, LLC

(NAME OF CARRIER OR CARRIERS)

987 N Rd., Larned, Kansas 67550

(MAIN OFFICE ADDRESS)

John Hunter  
(DRIVER'S SIGNATURE IN FULL)

(NAME OF CO-DRIVER)

Larned, KS

(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																									20
2: SLEEPER BERTH																									0
3: DRIVING																									4
4: ON DUTY (NOT DRIVING)																									0
	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	24

**REMARKS**

Ag exempt 395.1 Larned  
Mainstank to Goodway  
Co  
Fuel-Abilene, KS  
☒ CATTLE  
☐ EMPTY  
☒ HUNTER TRUCKING, LLC

Sharon Springs

Goodway Co  
unload

Rowles

**CERTIFICATE OF SERVICE**

20-TRAM-457-PEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of  
first class mail/hand delivered on 05/15/2020.

JOHN HUNTER, MANAGING MEMBER  
HUNTER TRUCKING, LLC  
987 N ROAD  
LARNED, KS 67550-5103  
gterri@hotmail.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  
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DeeAnn Shupe