



1500 SW Arrowhead Road
Topeka, KS 66604-4027

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

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

Laura Kelly, Governor

NOTICE OF PENALTY ASSESSMENT
19-TRAM-419-PEN

April 18, 2019

Mark Shepard, President
Quality Septic & Sewer, Inc.
11404 W 117th Terr
Overland Park, KS 66210

This is a notice of a penalty assessment against Quality Septic & Sewer, Inc. (Quality Septic & Sewer) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on March 29, 2019, by Kansas Corporation Commission Special Investigator Wade Patterson. Penalties are assessed in accordance with the FY 2019 Uniform Penalty Assessment Matrix, approved by the Commission on August 7, 2018. For a full description of the penalty(s) and terms and obligations please refer to the Order attached to this notice.

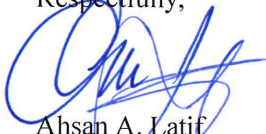
IF YOU ACCEPT THE PENALTY: Quality Septic & Sewer has been assessed a \$2,500 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$2,500, through your personal account with the Kansas Corporation Commission's KTRAN system located 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.

The attached Order requires a representative of Quality Septic & Sewer to attend a Commission-sponsored safety seminar within ninety (90) days from the date of the Order and to provide the undersigned Litigation Counsel with written proof of attendance. 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. 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. Quality Septic & Sewer 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 Secretary to the Commission 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. 2018 Supp. 77-542.

IF YOU FAIL TO ACT: Failure to pay the penalty of \$2,500 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

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

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

In the Matter of the Investigation of **Quality**)
Septic & Sewer, Inc., of Overland Park, KS,)
Regarding the Violation of the Motor Carrier)
Safety Statutes, Rules and Regulations and the) Docket No. 19-TRAM-419-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.A.R. 82-4-1b, 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.A.R. 82-4-1, doing business or procuring business in Kansas, and is empowered to do all things necessary and convenient for the exercise of such power, authority and jurisdiction.

2. Pursuant to K.S.A. 2018 Supp. 66-1,129a, 66-1,130 and 66-1,142b, the Commission may suspend operations, revoke or amend certificates, and initiate sanctions or fines against every motor carrier and every person who violates any provision of Kansas law in regard

to the regulation of such motor carriers and persons, or who fails to obey any order, decision or regulation of the Commission.

3. The Commission has the authority, pursuant to K.A.R. 82-1-237, to investigate an entity under the Commission's jurisdiction and 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. Quality Septic & Sewer, Inc. (Quality Septic & Sewer) operates under USDOT number 991956.

5. Quality Septic & Sewer is a private motor carrier which primarily hauls building materials.

III. STATEMENT OF FACTS

6. Pursuant to the jurisdiction and authority cited above, on March 29, 2019, Commission Staff (Staff) Special Investigator Wade Patterson conducted a safety compliance review of the operations of Quality Septic & Sewer. 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 investigator identified four (4) violation(s) of the Motor Carrier Safety Regulations.

- a. On January 21, 2019, Quality Septic & Sewer required or permitted its driver, Mark Shepard, to operate a CDL-required commercial motor vehicle, a 1992 Ford box truck, VIN ending in 25824, GVWR 52,000 lbs., in interstate commerce from Overland Park, Kansas to Belton, Missouri. This trip is evidenced by a statement, a copy of which is attached hereto as

Attachment “B” and is hereby incorporated by reference. At the time of this transportation, Quality Septic & Sewer failed to make an inquiry every 12 months into the annual motor vehicle record (MVR) of its driver and maintain the response(s) of each state agency in the driver qualification file. The special investigator discovered two (2) violations of this type and the carrier was cited for the same violation in a prior safety compliance review. Quality Septic & Sewer’s failure to inquire into its driver’s MVR at least once every 12 months and maintain a copy of the MVR in the driver qualification file is a violation of 49 C.F.R. Part 391.25(a) and (c)(1), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 2018 Supp. 66-1,112. Staff recommends an enhanced fine of \$250.

- b. During the transportation described in paragraph a, above, Quality Septic & Sewer failed to require its driver to make a record of duty status. The special investigator discovered 24 violations of this type. The carrier’s failure to require its driver to keep records of duty status for each 24-hour period, or in the alternative to maintain and retain time records described in 49 C.F.R. 395.1(e) under the short haul exemption, 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 a violation of 49 C.F.R. 395.8(a), adopted by K.A.R. 82-4-3a, and authorized by K.S.A. 2018 Supp. 66-1,129. Staff recommends a fine of \$750.

- c. During the transportation described in paragraph a, above, Quality Septic & Sewer failed to maintain minimum records of inspection and vehicle maintenance on the commercial motor vehicle operated. The special investigator discovered three (3) violations of this type. The carrier's failure to maintain the required records of vehicle inspection, maintenance, and repair on the commercial motor vehicles owned for 30 days is in violation of 49 C.F.R. 396.3(b), adopted by K.A.R. 82-4-3j, and authorized by K.S.A. 2018 Supp. 66-1,129. Staff recommends a fine of \$750.
- d. During the transportation described in paragraph a, above, Quality Septic & Sewer failed to obtain and document a successful periodic (annual) inspection on the commercial motor vehicle during the preceding 12-month period. The special investigator discovered three (3) violations of this type. 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. 2018 Supp. 66-1,129. Staff recommends a fine of \$750.

IV. STAFF'S RECOMMENDATIONS

7. Based upon the available facts, Staff recommends the Commission finds Quality Septic & Sewer committed four (4) 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.

8. Additionally, Staff recommends a civil penalty of \$2,500 for four (4) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

9. Staff further recommends that a representative from Quality Septic & Sewer be required to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and provide Litigation Counsel with written proof of attendance. A schedule of the dates and locations for safety seminars can be found on the Commission's website at http://kcc.ks.gov/trans/safety_meetings.htm.

10. Finally, Staff recommends that Quality Septic & Sewer 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

11. The Commission finds it has jurisdiction over Quality Septic & Sewer because it is a motor carrier as defined in K.A.R. 82-4-1.

12. The Commission finds Quality Septic & Sewer committed four (4) 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. Quality Septic & Sewer, Inc., of Overland Park, KS is hereby assessed a \$2,500 civil penalty for four (4) 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. Quality Septic & Sewer is hereby ordered to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and is to provide Litigation Counsel with written proof of attendance.

C. Quality Septic & Sewer 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.

D. Pursuant to K.S.A. 2018 Supp. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issue(s) by submitting a written request setting forth the specific grounds upon which relief is sought. 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 Secretary to the Commission, 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 Quality Septic & Sewer's right to a hearing, and this Penalty Order will become a Final Order assessing a \$2,500 civil penalty against Quality Septic & Sewer, and ordering a representative from Quality Septic & Sewer to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order and provide Litigation Counsel with written proof of attendance, and to submit to a safety compliance review within 18 months from the date of this Order.

E. If a request for hearing is filed, attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. For civil penalties exceeding \$500, a corporation shall appear before the Commission by its attorney,

unless waived by the Commission for good cause shown and a determination that such waiver is in the public interest. K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2); K.A.R. 82-1-202(a). For civil penalties less than \$500, a corporation may appear by a duly authorized representative of the corporation. K.S.A. 2018 Supp. 66-1,142b(e) and amendments thereto.

F. If you do not request a hearing, the payment of the civil penalty of \$2,500 is due in thirty (30) days from the date of service of this Order. Payment of \$2,500 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.

G. Failure to pay the \$2,500 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 Quality Septic & Sewer'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.

H. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further orders, as necessary.

BY THE COMMISSION IT IS SO ORDERED.

Keen, Chair; Albrecht, Commissioner; Emler, Commissioner






Dated: _____

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

Lynn M. Retz
Secretary to the Commission

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ATTACHMENT “A”

	US DOT # 991956	Legal: QUALITY SEPTIC & SEWER INC Operating (DBA):	
MC/MX #:		Federal Tax ID:  (EIN)	
Review Type: Compliance Review (CR)			
Scope:	Principal Office	Location of Review/Audit: Company facility in the U. S	Territory:
Operation Types		Interstate	Intrastate
Carrier:	Non-HM	N/A	
Shipper:	N/A	N/A	
Cargo Tank:	N/A		
Business: Corporation		Gross Revenue:  for year ending: 12/31/2018	
Company Physical Address:			
11404 W 117TH TERR OVERLAND PARK, KS 66210			
Contact Name: Kate Contreas			
Phone numbers: (1) 			
E-Mail Address: 			
Company Mailing Address:			
11404 W 117TH TERR OVERLAND PARK, KS 66210			
Carrier Classification			
Private Property			
Cargo Classification			
Building Materials			
Equipment			
	Owned	Term Leased	Trip Leased
Truck	3	0	0
Trailer	2	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	
< 100 Miles:	1		
>= 100 Miles:			
Average trip leased drivers/month: 0			
Total Drivers: 1			
CDL Drivers: 1			





QUALITY SEPTIC & SEWER INC
U.S. DOT #. 991956

Review Date
03/29/2019

Part A

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

This report will be used to assess your safety compliance.

Person(s) Interviewed


Name: Kate Contreas

Title: Office Manager

Name: Donna Steiner

Title: Assistant




	QUALITY SEPTIC & SEWER INC U.S. DOT # 991956	Review Date: 03/29/2019
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Part B Violations

1 FEDERAL CRITICAL	Primary: 395.8(a)(1)	Discovered 3	Checked 3	Drivers/Vehicles In Violation 2 Checked 2
Description Failing to require a driver to prepare a record of duty status using the appropriate method Example On January 21st, 2019 Quality Septic & Sewer Inc. had driver Mark Shepard (KS CDL [REDACTED]) operate a CDL required vehicle in interstate commerce. Mr. Shepard operated the box truck (1992 Ford LTA 9000 VIN# [REDACTED] 25824) from the principal place of business in Overland Park Kansas to a repair facility in Belton Missouri. This vehicle has a gross vehicle weight rating of 52,000 lbs. This trip is evidenced by a carrier statement and a repair invoice. At the time of this trip, carrier failed to require driver to prepare a record of duty status using the appropriate method.				
2 FEDERAL CRITICAL	Primary 396.3(b)	Discovered 3	Checked 3	Drivers/Vehicles In Violation 0 Checked 0
Description Failing to keep minimum records of inspection and vehicle maintenance. Example On January 21st, 2019 Quality Septic & Sewer Inc. had driver Mark Shepard (KS CDL [REDACTED]) operate a CDL required vehicle in interstate commerce. Mr. Shepard operated the box truck (1992 Ford LTA 9000 VIN# [REDACTED] 25824) from the principal place of business in Overland Park Kansas to a repair facility in Belton Missouri. This vehicle has a gross vehicle weight rating of 52,000 lbs. This trip is evidenced by a carrier statement and a repair invoice. At the time of this trip, carrier failed to keep minimum records of inspection and vehicle maintenance.				
3 FEDERAL CRITICAL	Primary 396.17(a)	Discovered 3	Checked 3	Drivers/Vehicles In Violation 3 Checked 3
Description Using a commercial motor vehicle not periodically inspected. Example On January 21st, 2019 Quality Septic & Sewer Inc. had driver Mark Shepard (KS CDL [REDACTED]) operate a CDL required vehicle in interstate commerce. Mr. Shepard operated the box truck (1992 Ford LTA 9000 VIN# [REDACTED] 25824) from the principal place of business in Overland Park Kansas to a repair facility in Belton Missouri. This vehicle has a gross vehicle weight rating of 52,000 lbs. This trip is evidenced by a carrier statement and a repair invoice. At the time of this trip, carrier was using a commercial motor vehicle not periodically inspected.				
4 STATE CRITICAL	Primary 395.8(a)(1) CFR Equivalent 395.8(a)(1)	Discovered 18	Checked 28	Drivers/Vehicles In Violation 1 Checked 1
Description Failing to require driver to make a record of duty status using the appropriate method. Example On January 14th, 2019 Quality Septic & Sewer Inc. had driver Mark Shepard (KS CDL [REDACTED]) operate a CDL required commercial vehicle in intrastate commerce. Mr. Shepard operated the box truck (1992 Ford LTA 9000 VIN# [REDACTED] 25824) from the principal place of business in Overland Park Kansas to a residential job site in Shawnee Kansas. This vehicles has a gross vehicle weight rating of 52,000 lbs. This trip is evidenced by a carrier statement and a job invoice. At the time of this trip, carrier failed to require driver to make a record of duty status.				



	QUALITY SEPTIC & SEWER INC	Review Date
	U.S. DOT #: 991956	03/29/2019

Part B Violations

5 FEDERAL	Primary: 391.25(c)(1)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
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Description

Failing to maintain a copy of the motor vehicle record or response from each State agency in the driver qualification file.
On January 21st, 2019 Quality Septic & Sewer Inc. had driver Mark Shepard (KS CDL [REDACTED]) operate a CDL required vehicle in interstate commerce. Mr. Shepard operated the box truck (1992 Ford LTA 9000 VIN# [REDACTED] 25824) from the principal place of business in Overland Park Kansas to a repair facility in Belton Missouri. This vehicle has a gross vehicle weight rating of 52,000 lbs. This trip is evidenced by a carrier statement and a repair invoice. At the time of this trip, carrier failed to maintain a copy of the motor vehicle record or response from each State agency in the driver qualification file.

6 FEDERAL	Primary: 391.51(b)(5)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
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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

On January 21st, 2019 Quality Septic & Sewer Inc. had driver Mark Shepard (KS CDL [REDACTED]) operate a CDL required vehicle in interstate commerce. Mr. Shepard operated the box truck (1992 Ford LTA 9000 VIN# [REDACTED] 25824) from the principal place of business in Overland Park Kansas to a repair facility in Belton Missouri. This vehicle has a gross vehicle weight rating of 52,000 lbs. This trip is evidenced by a carrier statement and a repair invoice. At the time of this trip, carrier failed to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2).

7 FEDERAL	Primary: 391.51(b)(6)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
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Description

Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27.

Example

On January 21st, 2019 Quality Septic & Sewer Inc. had driver Mark Shepard (KS CDL [REDACTED]) operate a CDL required vehicle in interstate commerce. Mr. Shepard operated the box truck (1992 Ford LTA 9000 VIN# [REDACTED] 25824) from the principal place of business in Overland Park Kansas to a repair facility in Belton Missouri. This vehicle has a gross vehicle weight rating of 52,000 lbs. This trip is evidenced by a carrier statement and a repair invoice. At the time of this trip, carrier failed to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27.

Safety Fitness Rating Information:		OOS Vehicle (CR): 0	
Total Miles Operated	4,029	Number of Vehicle Inspected (CR): 0	
Recordable Accidents	0	OOS Vehicle (MCMIS): 0	
Recordable Accidents/Million Miles	0.00	Number of Vehicles Inspected (MCMIS): 0	

Your proposed safety rating is : UNSATISFACTORY	Rating Factors		Acute	Critical
	Factor 1:	S	0	0
	Factor 2:	S	0	0
	Factor 3:	U	0	2
	Factor 4:	U	0	2
	Factor 5:	N	0	0
	Factor 6:	S	-	-

Effective date The unsatisfactory rating will take effect 60 days after the date of a forthcoming official notice from the Federal Motor Carrier Safety Administration headquarters office in Washington, D.C.

PROHIBITION Under 49 USC sections 13905(f)(1)(B) and 31144, and 49 CFR section 385.13 a motor carrier that receives a



	QUALITY SEPTIC & SEWER INC U.S. DOT # 991956	Review Date 03/29/2019
Part B Violations		

final safety rating of unsatisfactory is prohibited from operating a commercial motor vehicle in interstate and intrastate commerce and, if applicable, shall have its registration revoked unless and until such time the FMCSA determines the motor carrier is fit and the motor carrier has reinstated its registration.

49 U.S.C 31144 provides that the prohibition takes effect unless the motor carrier, within 60 days of the date of the forthcoming official notice, takes the necessary steps to improve the rating to conditional or satisfactory.

Unless the motor carrier receives an improved rating within 60 days from the date of the forthcoming official notice from Washington, D.C, the motor carrier will be subject to the prohibition in 49 CFR 385.13.

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


Administrative Review A motor carrier may appeal its proposed safety rating in a petition filed pursuant to 49 CFR section 385.15 if it believes that the rating is in error and there are factual and procedural issues in dispute. Such appeals must be made within 90 days of the date of the proposed safety rating, but should be made within 15 days of the date of the safety rating notice to allow the FMCSA to issue a written decision before the prohibitions in 49 CFR 385.13 take effect. Appeals filed pursuant to section 385.15 should be addressed to Chief Safety Officer, Federal Motor Carrier Safety Administration, 1200 New Jersey Ave., S.E., Washington, DC 20590. The motor carrier will receive a written decision on the petition within 45 days from receipt of the petition by the Chief Safety Officer. (See 49 CFR 385.15 for additional details.)

(Note: Neither a petition to contest the rating nor a request for a change in the rating will delay the effective date of the rating, if unchanged)

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

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



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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>

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.

For all Investigations resulting in serious violations.

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

US Department of Transportation
 Federal Motor Carrier Safety Administration
 Kansas Division
 Division Administrator





QUALITY SEPTIC & SEWER INC
U.S. DOT # 991956

Review Date
03/29/2019

Part B Requirements and/or Recommendations

1303 First American Place
Suite 200
Topeka, KS 66604-4040

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

385.15

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

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

385.17

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

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

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

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

This letter should be submitted as soon as possible.

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 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



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copies of your supporting evidence to

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

2. 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.

3. HOS COMPLIANCE BASIC PROCESS BREAKDOWN Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN

Quality Septic & Sewer Inc.'s violations occurred due to a breakdown in the policies and procedures elements of compliance within this section. Carrier is using Telematics to track driver hours of service records. While this is providing data required under the Short Haul Provision, elements of this tracking are lacking. Drivers frequently "clock in" and "clock out" at different locations. Central to the Short Haul Provision is the requirement that drivers leave and return to the normal work reporting location each day. Quality Septic & Sewer Inc. is failing to require drivers to report and return to the normal work reporting location each day. Furthermore, driver Mark Shepard is periodically operating commercial motor vehicles without recording any hours of service records. Going forward, ensure that you adhere to the regulations pertaining to the Short Haul Provision. Utilizes the forms provided in the KCC's Red Book. If you have any questions or needs, please don't hesitate to contact me.

BASIC SPECIFIC RECOMMENDED REMEDIES

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





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- 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.

4. VEHICLE MAINTENANCE BASIC - INSPECTION-REPAIR-MAINTENANCE PROCESS BREAKDOWN Roles and Responsibilities

DESCRIPTION OF PROCESS BREAKDOWN

Quality Septic & Sewer Inc.'s violations occurred due to a breakdown in the roles and responsibilities elements of compliance within this section. Carrier provided insufficient evidence of ongoing routine maintenance on commercial vehicles. While several invoices were provided, carrier had scant evidence of maintenance records for 2018. Furthermore, there was no observable preventative maintenance schedule. Finally, carrier was unable to provide annual inspections for the commercial motor vehicles examined during the course of this review. Going forward, all vehicles must have an annual inspection once at year at minimum. Ongoing maintenance should be conducted on each vehicle (trailers included). Repair invoices should be maintained in individual vehicle files. Finally, establish a preventative maintenance program according to manufacturer recommendations. Utilize the forms provided in the KCC's Red Book to assist you with compliance. If you have any questions or needs, please don't hesitate to contact me.

BASIC SPECIFIC RECOMMENDED REMEDIES

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

- Define and document responsibilities of managers, supervisors, drivers, dispatchers, mechanics, and technicians as related to vehicle inspection, repair, and maintenance policies, including the monitoring and documentation of defects and repairs.
- Define and document roles and responsibilities of mechanics and technicians for differentiating between safety-related defects and other defects and for taking unsafe vehicles Out-of-Service (OOS).
- Empower the person who is in charge of fixing trucks with the authority to complete tasks, such as the purchasing of new parts when needed.
- Define and document roles and responsibilities for checking daily completion of Driver Vehicle Inspection Records (DVIRs) and certifying repair before the next assignment.
- Define and document dispatcher responsibilities for planning, scheduling, monitoring, and adjusting fleet operations in accordance with repair and maintenance requirements.
- Define driver responsibilities for informing managers, supervisors, and mechanics/technicians of safety-related defects and repair requirements prior to vehicle operation, including those resulting from vehicle Out-of-Service (OOS) orders.

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.





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5. DRIVER FITNESS BASIC PROCESS BREAKDOWN: Roles and Responsibilities

DESCRIPTION OF PROCESS BREAKDOWN

Quality Septic & Sewer Inc.'s violations occurred due to a breakdown in the roles and responsibilities elements of compliance within this section of the regulations. Carrier failed to maintain driver MVRs on file. Furthermore, carrier failed to have drivers list annual driving violations both commercial and personal. Once the drivers have listed the violations, then the carrier must certify that driver for the year. These checks were not being conducted by Quality Septic & Sewer Inc. Utilize the documents provided in the KCC's Red Book to assist you regarding compliance within this section of the regulations. If you have any questions or needs, please don't hesitate to contact me.

BASIC SPECIFIC RECOMMENDED REMEDIES

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

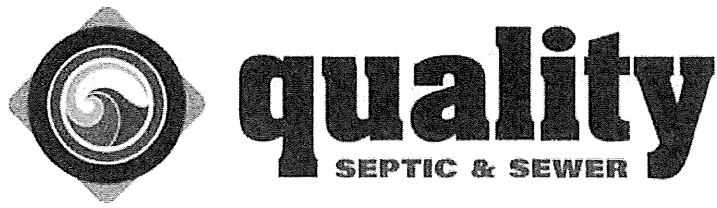
- Define and document the role of managers and supervisors for implementing driver-fitness policies and for monitoring compliance with them. This should include regular evaluation of the carrier's driver-wellness program.
- Define and document roles and responsibilities of managers and supervisors in providing training and maintaining qualifications for all employees according to driver-fitness regulations and company policies and procedures.
- Ensure that operations managers and dispatchers are responsible for having the proper amount of fit drivers by considering short-term changes, for example, with regard to vacations, variations in sales, and additional driver duties, and long-term changes, for example, with regard to permanent reassignment and termination of employees
- Ensure that dispatchers and operation managers are responsible for ascertaining that drivers are qualified before authorizing runs.
- Define and document roles and responsibilities of drivers, dispatchers, and other personnel according to driver fitness regulations and company policies and procedures.

Seek Out Resources.

- You are encouraged to review your company's record at the following website <http://a1.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.



ATTACHMENT “B”



To Whom It May Concern:

On January 21, 2019 Mark Shepard took the 1992 box truck for repair in Belton, MO.

Thank you,

A handwritten signature in black ink, appearing to read "Kate Contreras". The signature is fluid and cursive, with a large, sweeping "K" and a long, horizontal stroke at the end.

Kate Contreras

Office Manager

Quality Septic & Sewer, Inc.

CERTIFICATE OF SERVICE

19-TRAM-419-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 _____.

AHSAN LATIF, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
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TOPEKA, KS 66604
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a.latif@kcc.ks.gov

MARK SHEPARD, PRESIDENT
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OVERLAND PARK, KS 66210-4117
Fax: 913-469-4038
mark@qualitysepticks.com

/S/ DeeAnn Shupe

DeeAnn Shupe