

1500 SW Arrowhead Road
Topeka, KS 66604-4027

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



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

Sam Brownback, Governor

NOTICE OF PENALTY ASSESSMENT

April 20, 2017

17-TRAM-457-PEN

Matt Stephens, Managing Member
Stephens Cattle LLC
9544 S Rd 90 W
Grinnell, Kansas 67738

Certified Mail Receipt No. 70161970000105741003

This is a notice of a penalty assessment against Stephens Cattle LLC for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on March 29, 2017, by Kansas Corporation Commission Special Investigator(s) Penny Fryback. For a full description of the penalty and terms and obligations, please refer to the Penalty Order that is attached to this notice.

IF YOU ACCEPT THE PENALTY:

Stephens Cattle has been assessed a \$3,000 penalty. You have thirty (30) days from the date of service of this Penalty Order to pay the fine, unless you choose the reduced penalty option explained below. A check must be made payable to the Kansas Corporation Commission and 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>.

STEPHENS CATTLE IS A NEW ENTRANT MOTOR CARRIER AND IS ELIGIBLE FOR A PENALTY REDUCTION OF FIFTY PERCENT (50%) UNDER THE FOLLOWING TERMS:

New Entrant motor carriers are eligible for a one-time, fifty-percent (50%) reduction in the penalty(s) normally assessed motor carriers in accordance with the FY 2017 Uniform Penalty Assessment Matrix. You have to meet the terms and obligations set out in the attached Reduced Penalty Agreement to be eligible for the fifty-percent (50%) reduction. A fifty-percent (50%) reduction in the penalty assessed in the attached Order is available if:

- (1) the carrier signs and submits within fifteen (15) days from the date of this Penalty Order, the attached Reduced Penalty Agreement to Litigation Counsel at the above address;
- (2) within 30 days from the date of the attached Penalty Order, the carrier submits to Transportation Staff an approved Corrective Action Plan (CAP) documenting the violation(s) described in the attached Order, including specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future; and
- (3) within thirty (30) days from the date of the attached Penalty Order, the carrier sends an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance must be submitted to the Transportation Division shortly thereafter.
- (4) within 18 months from the date of the attached Penalty Order, the carrier must be available for a follow-up Safety Compliance Review. Transportation Staff will contact the carrier to schedule the review.

If a carrier is approved for the fifty-percent (50%) reduced penalty, a Motion to Amend Penalty Order, along with the Reduced Penalty Agreement will be filed with the Commission. An Amended

Penalty Order assessing the reduced penalty and setting out the terms and conditions stated above will be issued by the Commission shortly thereafter. Payment of the reduced penalty of \$1,500 will be due within thirty (30) days from the date of service of the Amended Penalty Order.

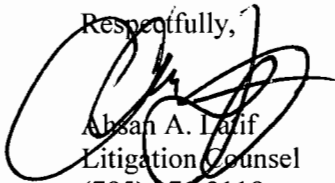
IF YOU CONTEST THE PENALTY ORDER:

You have the right to request a hearing if you contest the terms of the Penalty Order. A request for hearing must be made in writing, setting forth the specific grounds upon which relief is sought. Stephens Cattle LLC must file within fifteen (15) days from the date of service of this Order, the request for hearing with the Commission's electronic filing system found at <https://puc.kcc.ks.gov/e-filing/e-express/>, and by mailing a copy of the request for hearing to Litigation Counsel at the above address. If you do not have access to the internet, you can mail an original and seven (7) copies of the request to the Commission's Secretary at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, within fifteen (15) days from the date of service of this Penalty Order and mail a copy of the request to Litigation Counsel. K.A.R. 82-1-215; K.S.A. 2015 Supp. 77-542.

IF YOU FAIL TO ACT:

Failure to adhere to the terms and obligations set out in the attached Penalty Order, including payment of the penalty of \$3,000 within thirty (30) days from the date of service of this Penalty Order, or in the alternative, provide a written request for a hearing within fifteen (15) days from the date of service of this Penalty Order, will result in the Order becoming a final Penalty Order and the terms and conditions set out therein will be enforced. If Stephens Cattle submits the attached Reduced Penalty Agreement as explained above, an Amended Penalty order may be issued assessing the reduced penalty of \$1,500 and that payment will become due within thirty (30) days from the date of service of the Amended Penalty Order.

Respectfully,



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

1500 SW Arrowhead Road
Topeka, KS 66604-4027



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

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

Sam Brownback, Governor

REDUCED PENALTY AGREEMENT

17-TRAM-457-PEN

Stephens Cattle LLC hereby submits this Reduced Penalty Agreement to become eligible for a fifty percent (50%) reduction in the penalty assessed in the Penalty Order dated April 20, 2017. Stephens Cattle has agreed to comply with the following terms and obligations:

1. Stephens Cattle has submitted, within fifteen (15) days from the date of the Penalty Order issued on April 20, 2017, this Reduced Penalty Agreement to Litigation Counsel at the above address.
2. Stephens Cattle will, within 30 days from the date of the Penalty Order dated April 20, 2017, submit to Transportation Staff an approved Corrective Action Plan (CAP) documenting the violation(s) describing specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.
3. Stephens Cattle will, within thirty (30) days from the date of the Penalty Order dated April 20, 2017, send an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance will be submitted to the Transportation Division.
4. Stephens Cattle will be available within eighteen (18) months from the date of the Penalty Order for a Safety Compliance Review. Transportation Staff will contact it to schedule the review.

Stephens Cattle LLC understands that if approved, Transportation Litigation Counsel will file a Motion for Amended Penalty Order with the Agreement attached to the motion. The Amended Penalty Order will assess Stephens Cattle a fifty-percent (50%) reduced penalty of \$1,500, and set out the terms and conditions stated above. Once the Amended Penalty Order is issued by the Commission, Stephens Cattle will have thirty (30) days from the date of service of the Amended Order to pay the reduced penalty assessed.

Dated this ____ day of _____, 2017.

Stephens Cattle LLC

Matt Stephens
Managing Member

(This Agreement can be mailed via U.S. Mail to the address above to the attention of Ahsan Latif, Litigation Counsel, or sent via e-mail to v.jacobsen@kcc.ks.gov and alatif@kcc.ks.gov.)

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

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

In the Matter of the Investigation of **Stephens**)
Cattle LLC, of Grinnell, Kansas, Regarding)
the Violation of the Motor Carrier Safety)
Statutes, Rules and Regulations and the) Docket No. 17-TRAM-457-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. 2015 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. 2015 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. 2015 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. Stephens Cattle LLC (Stephens Cattle) obtained private and common operating authority from the Commission on March 4, 2015, and operates under KSMCID number 170796 and USDOT number 2571046.

5. Matt Stephens attended a Commission-sponsored Motor Carrier Education and Instructional Meeting on January 20, 2015, on behalf of Stephens Cattle.

6. Stephens Cattle is a private and common motor carrier which primarily hauls livestock, grain, feed and hay.

7. Stephens Cattle is a New Entrant motor carrier and is eligible for a fifty-percent (50%) reduction of the penalty(s) normally assessed motor carriers in accordance with the FY 2017 Uniform Penalty Assessment Matrix.

III. STATEMENT OF FACTS

8. Pursuant to the jurisdiction and authority cited above, on March 29, 2017, through April 5, 2017, Commission Staff (Staff) Special Investigator(s) Penny Fryback conducted a compliance review of the operations of Stephens Cattle. A copy of the safety compliance review is attached hereto as Attachment "A" and is hereby incorporated by reference. As a result of this investigation, Ms. Fryback identified eight (8) violation(s) of the Motor Carrier Safety Regulations.

- a. On January 21, 2017, Stephens Cattle required or permitted its driver, Bryan Loutzenhiser to operate a CDL-required commercial motor vehicle, a 2007 Peterbilt, VIN ending in 669864, GVWR 33,000 lbs., pulling a 2017 Wilson trailer, VIN ending in 5551984, in interstate commerce from Jordon Valley, Wyoming to Grinnell, Kansas. This trip is evidenced by Driver's Daily Log, dated January 21, 2017, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, driver Bryan Loutzenhiser failed to retain the bill of lading for the load. The special investigator found eight (8) violations of this type. Stephens Cattle's failure to require its drivers to retain supporting documents for the load and trip related to the record of duty status for a period of six (6) months is a violation of 49 C.F.R. Part 395.8(k)(1), adopted by K.A.R. 82-4-3, and authorized by K.S.A. 2015 Supp. 66-1,129. Staff recommends a fine of \$250.
- b. On December 2, 2015, Stephens Cattle required or permitted its driver, Austin Heier, to operate a CDL-required commercial motor vehicle, a 2000 Kenworth, VIN ending in 859046, GVWR 80,000 lbs., pulling a 2009 Wilson trailer, VIN ending in 536500, GVWR 12,000 lbs., in intrastate commerce from Grinnell, Kansas to Fort Scott, Kansas. This trip is evidenced by Driver/Vehicle Examination Report No. KSHP01280053, dated December 2, 2015, a copy of which is attached hereto as Attachment "C" and is hereby incorporated by reference. At the time of this transportation, Stephens Cattle failed to maintain a record of

inspection and maintenance or did not provide a record of inspection and maintenance on the commercial motor vehicle operated. The special investigator found three (3) violations of this type. Stephens Cattle's failure to maintain the required vehicle inspection records and vehicle maintenance records 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. 2015 Supp. 66-1,129. Staff recommends a fine of \$750.

- c. During the transportation described in paragraph b., above, Stephens Cattle had not obtained a pre-employment drug test with a negative result prior to permitting driver Austin Heier to operate a commercial motor vehicle. The carrier's failure to require its driver to submit to a pre-employment alcohol and/or controlled substances test and to obtain a negative test result prior to requiring or permitting the driver to operate a commercial motor vehicle is a violation of 49 C.F.R. 382.301(a), adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 2015 Supp. 66-1,129. Staff recommends a fine of \$650.
- d. During the transportation described in paragraph b., above, Stephens Cattle failed to obtain its driver's motor vehicle record (MVR) within 30 days of employment and maintain a copy in the driver's qualification file. The carrier's failure to obtain MVRs on its drivers within 30 days of employment and maintain the MVRs in the driver qualification files pursuant to 49 C.F.R. 391.51 is a violation of 49 C.F.R. 391.23(a)(1) and

(b), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 2015 Supp. 66-1,129. Staff recommends a fine of \$100.

- e. During the transportation described in paragraph b., above, Stephens Cattle failed to require its driver to obtain a medical examiner's certificate indicating the driver was physically capable of operating a commercial motor vehicle. The only certificate on file of driver Austin Heier was dated March 10, 2017. The carrier's failure to confirm that its driver is 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. 391.41(a)(1)(i), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 2015 Supp. 66-1,129. Staff recommends a fine of \$250.
- f. On February 1, 2017, Stephens Cattle required or permitted its driver, Isaac Wolf, to operate a CDL-required commercial motor vehicle, a 2006 Kenworth, VIN ending in 159313, GVWR greater than 33,000 lbs., pulling a 2017 Wilson trailer, VIN ending in 5551984, GVWR 12,000 lbs., in interstate commerce from Grants, New Mexico to Quinter, Kansas. This trip is evidenced by Driver's Daily Log, dated February 1, 2017, a copy of which is attached hereto as Attachment "D" and is hereby incorporated by reference. At the time of this transportation, driver Isaac Wolf drove and was on duty 11.5 hours after his last sleeper berth period without taking a 30 minutes break. The special investigator found six (6) violations of this type. Stephens Cattle's failure to provide "rest breaks"

to its drivers if more than eight (8) hours have passed since the end of the driver's last off-duty or sleeper-berth period of at least 30 minutes is a violation of 49 C.F.R. 395.3(a)(3)(ii), adopted by K.A.R. 82-4-3, and implemented by K.S.A. 2015 Supp. 66-1,129. Staff recommends a fine of \$250.

- g. During the transportation described in paragraph b., above, Stephens Cattle failed to retain the record of duty status for the trip or for driver Austin Heier's previous seven days. The special investigator found seven (7) violations of this type. The carrier's failure to retain driver supporting documents and the record of duty status for a period of six (6) months is a violation of 49 C.F.R. Part 395.8(k)(1), adopted by K.A.R. 82-4-3, and authorized by K.S.A. 2015 Supp. 66-1,129. Staff recommends a fine of \$500.
- h. During the transportation described in paragraph b., above, Stephens Cattle permitted this transportation without first obtaining and documenting a successful periodic (annual) inspection on the commercial motor vehicles during the preceding 12-month period. 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. 2015 Supp. 66-1,129. Staff recommends a fine of \$250.

IV. STAFF'S RECOMMENDATIONS

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

10. Staff recommends a civil penalty of \$3,000 for eight (8) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

11. Staff provides notice to the Commission that Stephens Cattle LLC is a New Entrant motor carrier and is eligible for a fifty-percent (50%) reduced civil penalty if it submits the Reduced Penalty Agreement, which is attached to the Notice of Penalty Assessment, and the Agreement is approved.

12. Staff recommends Stephens Cattle LLC submit a Corrective Action Plan (CAP) within 30 days of the date of this Penalty Order, to Transportation Staff, documenting the violation(s) described in the this Penalty Order, including specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future. The CAP must be approved by Transportation Staff to qualify for the fifty-percent (50%) discount.

13. Staff further recommends that Stephens Cattle attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and provide proof of attendance to the Transportation Division.

14. Finally, Staff recommends that Stephens Cattle submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order. Staff will contact the motor carrier at a later date to determine an appropriate time for this review.

V. CONCLUSIONS OF LAW

15. The Commission finds it has jurisdiction over Stephens Cattle because it is a motor carrier as defined in K.S.A. 2015 Supp. 66-1,108.

16. The Commission finds a penalty of \$3,000 should be assessed Stephens Cattle for committing eight (8) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

17. The Commission finds Stephens Cattle is a New Entrant motor carrier and is eligible for a fifty-percent (50%) reduction in the penalty(s) normally assessed motor carriers in accordance with the FY 2017 Uniform Penalty Assessment Matrix. The carrier must submit to Litigation Counsel, within fifteen (15) days from the date of this Penalty Order, the signed and dated Reduced Penalty Agreement attached, which states it will comply with the reduced penalty terms and obligations set out therein.

THE COMMISSION THEREFORE ORDERS THAT:

A. Stephens Cattle LLC, of Grinnell, Kansas is hereby assessed a penalty of \$3,000 for eight (8) 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. 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 (17-TRAM-457-PEN).*

B. Stephens Cattle is ordered to attend a Commission-sponsored safety meeting within ninety (90) days from the date of this Order, and provide proof of attendance to Transportation Staff. 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.

C. Stephens Cattle must submit a Corrective Action Plan (CAP) within thirty (30) days of the date of this Penalty Order, to Transportation Staff, documenting the violation(s) described in the attached Order, including specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.

D. Stephens Cattle is ordered to submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order. Transportation Staff will contact the motor carrier at a later date to determine an appropriate time for this review.

E. If Stephens Cattle does not submit the Reduced Penalty Agreement and fails to pay the full penalty(s) of \$3,000 within thirty (30) days from the date of service of this Penalty Order, *see* K.S.A. 66-1,105, and/or fails to comply with the provisions of this Order, the Commission will have the right to order further sanctions, including suspension of Stephens Cattle's motor carrier operating authority without further notice. Additionally, the Commission may issue and enforce revocation of motor carrier authority and/or issue cease and desist order(s), and may order other remedies available to the Commission by law, without further notice.

F. **Pursuant to K.S.A. 2015 Supp. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issue(s) by submitting a written request setting forth the specific grounds upon which relief is sought, within fifteen (15) days from the date of service of this Penalty Order. The request may be electronically filed with the**

Commission's electronic filing system at <https://puc.kcc.ks.gov/e-filing/e-express/>, and a copy mailed to the Litigation Counsel within fifteen (15) days from the date of service of this Order. If you do not have access to the internet, you can mail an original seven (7) copies of the request to the Commission's Secretary, at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy to Litigation Counsel within fifteen (15) days from the date of service of this Order. On April 20, 2017, this Order was mailed via Certified Mail, Return Receipt Requested, Receipt Number 70161970000105741003. Service of this Order is deemed complete upon the date delivered shown on the Domestic Return Receipt. A hearing will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of Stephens Cattle's right to a hearing.

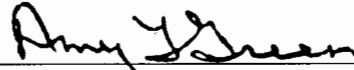
G. Attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. For civil penalties exceeding \$500, a corporation shall appear before the Commission by its attorney, unless waived by the Commission for good cause shown and a determination 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 of \$500 or less, a corporation may appear by a duly authorized representative of the corporation. K.S.A. 2015 Supp. 66-1,142b(e) and amendments thereto.

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

BY THE COMMISSION IT IS SO ORDERED.

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: APR 20 2017




Amy L. Green
Secretary to the Commission

AAL

Order Mailed Date

APR 21 2017

ATTACHMENT “A”

	US DOT # 2571046	Legal: STEPHENS CATTLE LLC Operating (DBA):			
MC/MX #: 898449		State #: [REDACTED]		Federal Tax ID: [REDACTED] (EIN)	
Review Type: Compliance Review (CR)					
Scope: Principal Office		Location of Review/Audit: Other			Territory:
Operation Types Interstate Intrastate					
Carrier: Non-HM Non-HM		Business: Corporation			
Shipper: N/A N/A		Gross Revenue: [REDACTED] for year ending: 12/31/2016			
Cargo Tank: N/A					
Company Physical Address:					
[REDACTED]					
Contact Name: Matt Stephens					
Phone numbers: (1 [REDACTED])					
E-Mail Address: [REDACTED]					
Company Mailing Address:					
9544 S RD 90 W GRINNELL, KS 67738-3819					
Carrier Classification					
Authorized for Hire		Exempt for Hire		Private Property	
Cargo Classification					
Livestock		Grain, Feed, Hay			
Equipment					
	Owned	Term Leased	Trip Leased		Owned Term Leased Trip Leased
Truck Tractor	1	2	0	Trailer	4 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: 0		
< 100 Miles:			Total Drivers: 3		
>= 100 Miles:	3		CDL Drivers: 3		



STEPHENS CATTLE LLC

U.S. DOT #: 2571046

State #: [REDACTED]

Review Date:

04/05/2017

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: [REDACTED]

Name:

Title:



STEPHENS CATTLE LLC
U.S. DOT #: 2571046

State #: [REDACTED]

Review Date:
04/05/2017

Part B Violations

1 STATE CRITICAL	Primary: 395.8(k)(1) CFR Equivalent: 395.8(k)(1)	Discovered 7	Checked 67	Drivers/Vehicles In Violation 1	Checked 3
Description Failing to preserve driver's record of duty status for 6 months. Example Driver [REDACTED] Trip Date: 12/02/2016 Driver [REDACTED] was stopped for a roadside inspection in Ellis County, Kansas and cited for record of duty status not current. No record of duty status was provided for this date or the seven prior days at the time of this review.					
2 FEDERAL CRITICAL	Primary: 395.8(k)(1)	Discovered 8	Checked 43	Drivers/Vehicles In Violation 2	Checked 3
Description Failing to preserve driver's records of duty status supporting documents for 6 months. Example Driver [REDACTED] Trip Date: 1/21/2017 There were no bills of lading for Driver [REDACTED] and two missing fuel receipts.					
3 FEDERAL CRITICAL	Primary: 396.3(b)	Discovered 3	Checked 5	Drivers/Vehicles In Violation 3	Checked 5
Description Failing to keep minimum records of inspection and vehicle maintenance. Example Unit 6 Trip Date 12/02/2016 No maintenance records for Unit 6, Unit 69 and Unit 144					
4 FEDERAL	Primary: 382.301(a)	Discovered 1	Checked 3	Drivers/Vehicles In Violation 1	Checked 3
Description Using a driver before the motor carrier has received a negative pre-employment controlled substance test result. Example Driver [REDACTED] Trip Date 12/02/2016 Driver [REDACTED] had a roadside inspection on 12/02/2016 in Ellis County, Kansas. Driver [REDACTED] pre-employment drug test was collected on 3/7/2017 with the negative results received on 3/8/2017					





STEPHENS CATTLE LLC
U.S. DOT #: 2571046

State #: [REDACTED]

Review Date:
04/05/2017

Part B Violations

5 FEDERAL	Primary: 391.23(b)	Discovered 1	Checked 3	Drivers/Vehicles In Violation 1	Checked 3
<p>Description Failing to make an inquiry into the driving record to the appropriate State agencies in which the driver held a commercial motor vehicle operator's license. The driving record must be placed in the driver qualification file within 30 days of the date the driver's employment begins and be retained in compliance with §391.51.</p> <p>Example Driver [REDACTED] Trip Date 12/02/2016</p> <p>Driver [REDACTED] had a roadside inspection conducted in Ellis County, Kansas on 12/02/2016. The drivers only MVR on file shows it was obtained on 3/8/2017</p>					
6 FEDERAL	Primary: 391.45(a) Secondary: 391.11(a)	Discovered 1	Checked 3	Drivers/Vehicles In Violation 1	Checked 3
<p>Description Using a driver not medically examined and certified.</p> <p>Example Driver [REDACTED] Trip Date: 12/02/2016</p> <p>Driver was stopped for a roadside inspection on 12/02/2016 in Ellis County, Kansas. Only medical examiners certificate in the driver qualification file shows the examination date of 3/20/2017 and no medical card information listed on the driver current MVR.</p>					
7 FEDERAL	Primary: 395.3(a)(3)(ii)	Discovered 6	Checked 67	Drivers/Vehicles In Violation 2	Checked 3
<p>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.</p> <p>Example Driver [REDACTED] Trip Date 2/1/2017</p> <p>Driver [REDACTED] loaded helpers in Oxnard, CA on 1/31/2017 and unloaded them at Hereford, Texas. I have no other bills of lading showing that Driver [REDACTED] loaded livestock after he unloaded in Hereford, Texas. Driver [REDACTED] was on duty for 11 1/2 hours on 2/1/2017 and never took a thirty minute break. Driver [REDACTED] came on duty at 05:30 a.m. then unloaded the heifers at Hereford, Texas at 10:30 a.m. then drove 10:30 a.m. until 05:00 p.m. without taking a 30 minute break.</p>					
8 FEDERAL	Primary: 395.8(f)	Discovered 16	Checked 67	Drivers/Vehicles In Violation 2	Checked 3
<p>Description Failing to require driver to prepare record of duty status in form and manner prescribed.</p> <p>Example Driver [REDACTED] Trip Date: 1/20/2017</p> <p>Drivers record of duty status missing drivers signature, miles traveled, Unit numbers, total hours, and shipper and commodity information.</p>					





STEPHENS CATTLE LLC
U.S. DOT #: 2571046

State # [REDACTED]

Review Date:
04/05/2017

Part B Violations

9 FEDERAL	Primary: 396.3(b)(1)	Discovered 1	Checked 5	Drivers/Vehicles In Violation 1	Checked 5
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Description

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

Example

Unit 5

Trip Date: 1/26/2017

Maintenance record does not identify the vehicle. Missing make, year, VIN number and tire size

10 FEDERAL	Primary: 396.9(d)(3)	Discovered 3	Checked 5	Drivers/Vehicles In Violation 3	Checked 5
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Description

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.

Example

Date of inspection: 12/02/2016

Issuing Agency: Kansas

Driver [REDACTED]

Unit # 6

Missing inspections on 12/02/2016, 8/03/2016 and 7/28/2016

11 FEDERAL	Primary: 396.17(a)	Discovered 1	Checked 5	Drivers/Vehicles In Violation 1	Checked 5
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Description

Using a commercial motor vehicle not periodically inspected.

Example

Unit 6

2000 Kenworth

Trip Date: 12/02/2016

Driver [REDACTED]

Safety Fitness Rating Information:

Total Miles Operated 291,282
Recordable Accidents 0
Recordable Accidents/Million Miles 0.00

OOS Vehicle (CR): 0
Number of Vehicle Inspected (CR): 0
OOS Vehicle (MCMIS): 0
Number of Vehicles Inspected (MCMIS): 3

Your proposed safety rating is :

CONDITIONAL

Rating Factors		Acute	Critical
Factor 1:	S	0	0
Factor 2:	S	0	0
Factor 3:	U	0	4
Factor 4:	C	0	1
Factor 5:	N	0	0
Factor 6:	S	-	-

This rating will become the final rating 60 days from the date indicated on a forthcoming official notice from the Federal Motor Carrier Safety Administration headquarters in Washington, D.C.





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Part B Violations

However, if this rating improves a previous Unsatisfactory rating, it will become effective on the date of the official notice from the FMCSA headquarters.

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.

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. HOS COMPLIANCE BASIC PROCESS BREAKDOWN: Roles and Responsibilities

DESCRIPTION OF PROCESS BREAKDOWN: Stephens Cattle L.L.C. must provide training and assign responsibilities to the drivers and managers on what is required to be on a record of duty status and what supporting documents are and how they are to be retained for six months.

BASIC SPECIFIC RECOMMENDED REMEDIES

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

- Define and document roles and responsibilities of managers and supervisors for monitoring compliance with Hours-of-Service (HOS) policies.
- Ensure that managers are responsible for reviewing Records of Duty Status (RODS) for accuracy and for disciplining those who falsify their logs.
- Assign responsibility for making sure that all Records of Duty Status (RODS) are collected and stored for six months.
- Prior to accepting shipments, ensure that dispatchers are responsible for mapping out routes, asking drivers how many hours they have driven recently, and verifying that the route can be completed without breaking Hours-of-Service (HOS) regulations.
- Ensure that drivers are responsible for informing the carrier when they are sick, keeping accurate Records of Duty Status (RODS), and planning their route so that it can be completed efficiently within Hours-of-Service (HOS) rules.
- Define and document roles and responsibilities of drivers and dispatchers as they pertain to Hours-of-Service (HOS) policies and procedures.

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.

2. Toll receipts and other on-the-road expense receipts, invoices, bills of lading, dispatch records, and other "supporting document" must be kept on file for six (6) months. This requirement also applies to records generated by the use of owner-operators. You may keep legible photocopies in lieu of originals.

3. The following information must be included on the form in addition to the grid:
(1) Date; (2) Total miles driving today; (3) Truck or tractor and trailer number; (4) Name of carrier; (5) Driver's signature/certification; (6) 24 hour period starting time (e.g., midnight, 9:00 a.m., noon, 3:00 p.m.); (7) Main office address; (8) Remarks; (9) Name of co driver; (10) Total hours (far right edge of grid); change of duty status locations, and (11) Shipping document number(s), or name of shipper and commodity.

4. New & intermittently used drivers must provide a signed statement showing their total time on-duty for the seven days preceding any trip. These records must be kept on file for 6-months.

5. The driver shall submit or forward by mail the original driver's record of duty status to the regular employing motor carrier within 13 days following the completion of the form.

6. VEHICLE MAINTENANCE BASIC - INSPECTION-REPAIR-MAINTENANCE PROCESS BREAKDOWN: Monitoring and Tracking

DESCRIPTION OF PROCESS BREAKDOWN: Stephens Cattle L.L.C. needs to assign someone within the corporation to monitor and track the maintenance to ensure that annual inspection are being conducted every 12 months, that copies of roadside inspections are retained and that the maintenance records are completed.





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Part B Requirements and/or Recommendations

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Monitoring and Tracking Processes.

- Check all inspections and relevant records, such as Driver Vehicle Inspection Records (DVIRs), pre-trip and annual inspections, and maintenance and repair records, to ensure that company inspection, repairing, and maintenance policies and procedures are adhered to and properly documented.
- Ensure that Driver Vehicle Inspection Records (DVIRs) are effectively coordinated with maintenance and operations, result in timely corrective measures, and are verified during pre-trip inspections as applicable.
- Require mechanics to note whether parts came from inventory or were ordered, to ensure accuracy of maintenance records.
- Monitor and track roadside inspection results to ensure that vehicle defects are repaired and documented promptly and to prevent Out-of-Service (OOS) vehicles from operating prior to being repaired.
- Monitor manufacturer recalls through <http://www.nhtsa.dot.gov> and consult with manufacturer service representatives to keep current with service bulletins for proactive maintenance.
- Implement a system for keeping accurate records of employee inspection, repair, and maintenance training needs, including updates on a carrier's fleet or equipment and completed training, via software, a checklist in the driver's file, and/or another appropriate method.
- Regularly evaluate the company's vehicle-maintenance-related inspection results via the Federal Motor Carrier Administration's (FMCSA) website at <http://ai.fmcsa.dot.gov/SMS>. Assess violations for process breakdowns and how to remedy them.
- Maintain inspection, repair, maintenance, vehicle identification, and communication records to help evaluate the performance of all staff (drivers, dispatchers, mechanics, and managers) involved in fleet maintenance and the effectiveness of compliance with vehicle maintenance policies, procedures, and regulations.
- Evaluate personnel who are monitoring vehicle maintenance performance by making sure they are using Driver Vehicle Inspection Records (DVIRs), roadside inspections, and other data; applying performance standards fairly, consistently, and equitably; and documenting evaluations.
- When monitoring and tracking vehicle maintenance issues, always assess whether an issue is individual or represents a systemic breakdown in one of the Safety Management Processes (Policies and Procedures, Roles and Responsibilities, etc.).

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.

7. Establish a systematic maintenance records program for all vehicles. Maintain a complete file for each subject vehicle, recording all repair, maintenance and inspection operations performed. Maintenance files must identify the vehicle by make, serial number, year and tire size.,
8. Maintain annual inspections in accordance with 396.17 on each vehicle. A motor carrier shall not use a commercial motor vehicle unless each component has passed an inspection at least once during the preceding 12 months. The inspection must identify the vehicle, the date of inspection, and the name and address of the motor carrier or entity where the report is maintained
9. No employer shall allow a driver, who the employer intends to hire or use, to perform safety-sensitive functions unless the employer has received a controlled substances test result from the MRO or C/TPA indicating a verified negative test result for that driver.
10. Ensure that all drivers subject to pre-employment, random, reasonable cause, post accident, return to duty, and/or follow-up controlled substance testing are tested as required by 49 CFR Parts 40 and 382 of the FMCSR.





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11. A copy of the driver's driving record(s) obtained in response to the inquiry or inquiries to each State driver record agency must be placed in the driver qualification file within 30 days of the date the driver's employment begins and be retained in compliance with §391.51.
12. Every motor carrier shall at least once every 12 months review the motor vehicle record of each of the drivers it employs. MVR's can be obtained by going to <http://www.kcc.ks.gov> then clicking on Motor Carrier on the right side of the page. There you will find a link to obtain MVR's.
13. Do not allow drivers to drive Interstate/ intrastate unless they have been physically re-examined and certified each 24 months.
14. 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.

15. HOW TO REQUEST AN UPGRADE TO YOUR

SAFETY RATING BASED ON CORRECTIVE ACTION

The Federal Motor Carrier Safety Administration (FMCSA) allows a motor carrier to request an upgrade of its safety rating based on corrective action as defined in 49 CFR section 385.17. The motor carrier's request for an upgrade must include a detailed written description of corrective actions taken, documentation of these corrective actions, and an explanation of how its operations meet the safety standards and factors specified in 49 CFR sections 385.5 and 385.7.





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The FMCSA requires a description of the corrective action taken and will accept a Safety Management Plan (SMP) that outlines how you will prevent future violations as evidence of the safety management controls that have been put into place to satisfy the regulations of 49 CFR sections 385.5 and 385.7. You may at any time request, in writing, a change to your safety rating based on corrective actions. However, if your review resulted in a proposed unsatisfactory safety rating you should do so as soon as possible so that FMCSA has the opportunity to review your request before the effective date of the final safety rating. Your submission should be as detailed as possible and clearly indicate that it is a request for a safety rating upgrade under 49 CFR § section 385.17. For example:

"Pursuant to 49 CFR § Part 385.17 of the Federal Motor Carrier Safety Regulations, Sstephens Cattle L.L.C., USDOT # 2571046 requests that the Safety Fitness Rating issued to us be upgraded based on corrective action taken and submitted in this Safety Management Plan (SMP)."

The regulations require that motor carriers submit their requests to the Field Administrator and Division Administrator for the Federal Motor Carrier Safety Administration office, in which the motor carrier maintains its principal place of business.

Two copies of the SMP shall be prepared and one submitted to each of the following addresses:

Field Administrator Division Administrator
Federal Motor Carrier Safety Administration
Safety Management Plan
Midwestern Service Center
4749 Lincoln Mall Drive, Suite 300A
Matteson, IL 60443

Federal Motor Carrier Safety Administration
Safety Management Plan
Kansas Division
1303 SW First American Place, Suite 200
Topeka, KS 66617

The safety management plan should include, but not be limited to, the following:

1. The request must discuss the actions taken to correct the deficiency or deficiencies that allowed the violations to occur. Documentation of corrective action must be submitted with your safety rating upgrade request. For example, documentation may include new policies and procedures, training programs and sign-in lists, or copies of missing drug and alcohol tests (see the attached Required Documentation of Corrective Action).

2. Outline actions taken to ensure the violations do not reoccur and long term goals of continuing efforts to stay in compliance in the future.

3. If Factor 4 (Vehicle Factor) a systematic maintenance schedule program should be included with the request. The program should include, but not be limited to, ensuring the safety defects reported by the drivers on their vehicle inspection reports are repaired before the vehicle is re-dispatched and a complete file for each subject vehicle, recording all repairs, maintenance and inspection operations performed (see the attached Required Documentation of Corrective Action).

4. If the request includes actions that will be conducted in the near future, such as training, reorganization of operations, purchasing of computer programs, satellite tracking, etc., a detailed description of the activity or training, including the specific curriculum, with a schedule of when the activity will commence and be completed, should be included.

5. Include a written statement that the motor carrier will operate in compliance with the Federal Motor Carrier Safety Regulations and that the motor carrier's operation currently meets the safety standard and factors specified in 49 CFR sections 385.5 and 385.7. The statement must be signed by a corporate official or owner of the company.

NOTE: Failing to adequately respond to each area listed above may result in a denial of your request for an upgrade to your safety rating.





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Your roadside data may also be evaluated to assist in determining if a rating upgrade is warranted

If you have questions regarding the safety management plan process you can call your local Division Office at (785) 271-1260.

REQUIRED DOCUMENTATION OF CORRECTIVE ACTION:

This section provides a list of basic documentation that you must submit in your SMP. In some cases it will be necessary for you to send documents that are not listed or you may be required to send evidence for more drivers or vehicles than listed below.

CONTROLLED SUBSTANCE & ALCOHOL TESTING PROGRAM – PART 382/40

1. **CRITICAL Violation 49 CFR §382.301(a)** – Using a driver before the motor carrier has received a negative pre-employment controlled substance test result

Your SMP must include the following:

- Identify the position responsible for ensuring compliance with pre-employment drug testing procedures.
- Examples of documentation must include but are not limited to:
 - o Identify the Designated Employer Representative (DER) - (§§ 40.3 and 40.35)
 - o Pre-employment drug test results for driver(s) for drivers in violation on the compliance review and drivers hired in the past 365 days - (§ 382.301)
 - o List of all drivers hired within the past 365 days including date of first trip (or copy of first record of duty status/timecard), and termination date if applicable
 - o If a cited driver is no longer employed, submit a written statement providing the date the driver ceased employment.

DRIVER QUALIFICATIONS – PART 391

Your SMP must include the following:

- Driving record pursuant to 49 CFR § 391.23(a)(1) for drivers in violation on the compliance review and any drivers hired since the last compliance review.

1. **CRITICAL Violation 49 CFR § 391.45(b)(1)** – Using a driver not medically examined and certified during the preceding 24 months

Your SMP must include the following:

- Copy of driver's current and valid Medical Examiner's Certificate
- If applicable, proof of waiver, exemption and/or Skills Performance Evaluation (SPE) certificate issued by FMCSA

2. **CRITICAL Violation 49 CFR § 391.51(b)(2)** – Failing to maintain inquiries into driver's driving record in driver's qualification file

Your SMP must include the following:

- A current state motor vehicle record (MVR)
- If the driver has been terminated, or is not going to operate a CMV provide a written statement providing date of termination along with payroll documentation or a written statement that the driver will not operate a CMV in your employment.

Your SMP must include the following:

- Provide a copy of the driver qualification files for drivers in violation on the compliance review
- Describe your policy(s) and procedure(s) taken to ensure that employee's driver qualification files are current and maintained, including the person or position responsible and how the carrier intends to monitor and track this process





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Part B Requirements and/or Recommendations

HOURS OF SERVICE – PART 395:

1. **CRITICAL** Violation 49 CFR §395.3(a)(3)(ii) – Requiring or permitting a property-carrying commercial motor vehicle driver to drive if 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
2. **CRITICAL** Violation 49 CFR § 395.8(a) – Failing to require driver to make a record of duty status
3. **CRITICAL** Violation 49 CFR § 395.8(k)(1) – Failing to preserve driver's records of duty status supporting documents for 6 months

Your SMP must include the following:

PROCESS DESCRIPTION:

- A detailed description of your system for monitoring and controlling Hours of Service (HOS) and verifying the accuracy of driver's Records of Duty Status (logs or log books) to ensure HOS compliance in the future, including at a minimum the following:
 - o The titles of personnel responsible for verifying the accuracy of logs and checking for HOS violations
 - o Training and/or experience of person checking the logs
 - o The responsibilities of personnel in monitoring drivers' HOS
 - o A description of how you check for hours of service violations and falsification of logs including but not limited to:
 - ? The frequency of log checks and audits
 - ? If applicable, a description of how compliance with exemptions is checked (i.e. time cards)
 - o Provide a description of your disciplinary program specific to HOS compliance and log falsification
 - o If appropriate, provide any additional information that may demonstrate your level of compliance. For example, driver safety meetings, driver training, implementation of safety technology, etc.

LOG AUDIT SUMMARY AND DOCUMENTS:

- Provide a detailed log audit summary for all drivers in violation on the compliance review.
- If drivers are no longer employed provide a statement showing their termination date along with payroll documentation and select an alternate driver. If applicable, the alternate driver selected must consist of driver who has HOS/falsification logs violation noted on completed vehicle/driver inspection(s).
- Your summary must include a sufficient time period to clearly demonstrate any corrective measures implemented and to ensure that the plan is effective in reducing ALL 49 CFR § Part 395 HOS violations.
- The log audit summary must include at a minimum the following:
 - o The number of logs checked for compliance with the 11 hour, 14 hour, 70 hour, and 30 minute break regulations for each driver checked
 - o The number of violations discovered pursuant the 11 hour, 14 hour, 70 hour, and 30 minute break regulations for each driver checked
 - o The number of logs checked for accuracy (falsification) for each driver checked
 - o The number of logs determined to be false for each driver checked
 - o A description of the false logs and the supporting document used determine falsification
 - o Evidence of disciplinary action taken against each driver found to violation the hours of service regulations
 - o Your log audit summary report must clearly define for each driver and the cumulative totals of all drivers, the number of logs checked for each HOS regulation listed above and the number of violations discovered for each regulation listed above (see example summary reports)
 - o Include copies of the logs and supporting documents used in your log audit

MAINTENANCE, INSPECTION & REPAIR – PART 396

1. **CRITICAL** Violation 49 CFR § 396.3(b) – Failing to keep minimum records of inspection and vehicle maintenance



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Part B Requirements and/or Recommendations

Your SMP must include the following:

- A detailed description of your systematic maintenance schedule program for maintaining your commercial motor vehicles to ensure all are parts and accessories remain compliant with the requirements in Appendix G of 49 CFR Part 396.
- Provide evidence the carrier promptly repairs parts and accessories not meeting the minimum periodic inspection standards including evidence that any out-of-service defects identified on the driver vehicle inspection report and defects identified on roadside inspections are corrected prior to dispatch;
- Provide copies of the complete maintenance records for vehicles in violation on the compliance review. If vehicles are not in service, provide records for a vehicle with violations on roadside inspections
- Provide copies of the annual inspections performed on vehicles in violation during the compliance review.

2. CRITICAL Violation 49 CFR § 396.3(b) – Failing to keep minimum records of inspection and vehicle maintenance

Your SMP must include the following:

- Describe your maintenance program and procedures for addressing out of service violations. Include procedures to prevent the violation from reoccurring and a copy of your systematic maintenance schedule program.
- Provide evidence the carrier promptly repairs parts and accessories not meeting the minimum periodic inspection standards including evidence that any out-of-service defects identified on the driver vehicle inspection report and defects identified on roadside inspections are corrected prior to dispatch;

3. CRITICAL Violation 49 CFR § 396.17(a) – Using a commercial motor vehicle not periodically inspected

Your SMP must include the following:

- Copies of periodic inspections (annual inspections) for 10% of vehicles in fleet including the vehicles cited on the compliance review. Vehicles include truck tractors, trailers, etc.
- Describe your method of monitoring and tracking inspection dates
- Evidence the violation was corrected
- Copy of inspector qualifications

Safety Management Plan (SMP) Submission Coversheet

This coversheet, or similar type of coversheet, should be submitted when submitting the carrier's Safety Management Plan (SMP). It will assist with the processing of your SMP.

Pursuant to 49 CFR § Part 385.17 of the Federal Motor Carrier Safety Regulations, we request that the Safety Fitness Rating issued to us be upgraded based on corrective action taken and submitted in this Safety Management Plan (SMP)."

Carrier's USDOT: 2571046

Carrier's Legal Name: Stephens Cattle L.L.C.

Date of Review: 04/05/2017





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State #: [REDACTED]

Review Date:
04/05/2017

Part B Requirements and/or Recommendations

Carrier's Key SMP Contact Name(s), Position(s), and Telephone Numbers(s):

Safety Management Plan (SMP) – Violation Specific Worksheet

Carrier's USDOT# & Name: _____ Date: _____
Name the Critical and/or Acute Violations, Accident Rate, and/or vehicle out of service rate, which caused the Adverse Safety Rating, being addressed:

Describe why this violation was allowed to occur:

Describe the actions taken to correct this violation; supporting documentation must be included per the enclosed Examples of Corrective Action Documentation.

Describe the action taken to ensure this violation will not reoccur:

Safety Management Plan (SMP)

- General SMP Worksheet



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Part B Requirements and/or Recommendations

Carrier's USDOT# & Name: _____

Compliance Statement Signed by a Corporate Official or Owner:

We certify that we will operate in compliance with the Federal Motor Carrier Safety Regulations and the Hazardous Material Regulations, and that the motor carrier's operation currently meets the safety standard and factors specified in 49 CFR sections 385.5 and 385.7.

Signature of Corporate Official or Owner: _____

Title: _____

Date: _____

16. This review will result in a Safety Rating.
17. This report contains citations of regulations that are deemed serious in nature and could result in penalties against your company and/or your drivers.
18. The KCC requires that you prepare a corrective action letter, addressing the measures taken to correct the violations identified within this report. Submit this letter within 30 days outlining the carrier's updated changes to their policies and procedures regarding all listed violations. Explain in detail how, as a carrier representative, you will rectify these deficiencies and prevent their reoccurrence going forward. Include any supporting documentation and evidence as indicated in the recommendations above, (example: vehicle inspections performed, proof of drug and alcohol testing in place, etc.) necessary to prove that corrective action has been taken. Mail the letter along with copies of your supporting evidence to:

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

19. I, M. McCarty 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 Stephens Cattle L.L.C. operating authority and/or the impoundment of Stephens Cattle L.L.C. vehicles.



ATTACHMENT “B”

DRIVER'S RECORD OF DUTY STATUS (One Calendar Day, 24 Hours)

Month 8 Day 21 Year 17 (Total miles during duty) _____
 Vehicle number (Show each way) _____
 (Print or Stamp Name) _____
 (Driver's signature to certify these entries are true and correct) _____
 (Name of carrier or company) _____
 (Main Office Address Home Terminal Address) _____
Stephens Cattle LLC
 (Name of Carrier or Company)
Grinnell, KS 67738
 (Main Office Address Home Terminal Address)

																								TOTAL HOURS										
MIDNIGHT												1	2	3	4	5	6	7	8	9	10	11	NOON											
1. OFF DUTY																																		
2. SLEEPER BERTH																																		
3. DRIVING																																		
4. ON DUTY (Not Driving)																																		
MIDNIGHT												1	2	3	4	5	6	7	8	9	10	11	NOON											

REMARKS:

On load 10/10/17

Load 10/10/17

USE TIME STANDARD AT HOME TERMINAL

DRIVERS DAILY VEHICLE INSPECTION REPORT

Transporter's Name: 15 Transporter's (a) 09
☐ I detect no defect or deficiency in this motor vehicle as would be likely to affect the safety of its operation or result in its mechanical breakdown.
☐ I detect and it is a defect or deficiency in this motor vehicle as would be likely to affect the safety of its operation or result in its mechanical breakdown.
 Driver's Signature: _____
 Date: _____

ATTACHMENT “C”

DRIVER/VEHICLE EXAMINATION REPORT

Query Central 3.4

Kansas Highway Patrol
MOTOR CARRIER SAFETY ASSISTANCE
700 SW Jackson, Ste 704
Topeka, KS 66603
Phone: (785)296-7189 Fax: (785)296-2858

Report Number: KSHPO1280053
Inspection Date: 12/02/2016
Start: 12:05 PM CT End: 01:05 PM CT
Inspection Level: II - Walk-Around
HM Inspection Type: None

STEPHENS CATTLE LLC

GRINNELL, KS 67738
USDOT#: 02571046
MC/MX#: 898449
State#:

Phone#:
Fax#:

Driver: HEIER, AUSTIN J

License#: State: KS
Date of Birth:
CoDriver:
License#: State:
Date of Birth:

Location: HAYS
Highway: 170
County: ELLIS, KS

MilePost: 158 Shipper:
Origin: GRAINFIELD, KS Bill of Lading:
Destination: FORT SCOTT, KS Cargo: EMPTY

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate #	Equipment ID	VIN	GWR	CVSA #	New CVSA #	OOS#
1	TT	KW	2000	KS		6	359048	80,000			
2	ST	WLX	2009	KS		T	538500	12,000			

BRAKE ADJUSTMENTS: No Brake Measurements Required For Level 2

VIOLATIONS

Vio Code	Section	Unit	OOS	Citation #	Verify	Crash	Violations Discovered
393.95A	393.95(a)	1	N		N	N	No/discharged/unsecured fire extinguisher: present but not secure or charged
395.8F01	395.8(f)(1)	D	N		N	N	Drivers record of duty status not current: No log/log not current on 12/2/2016 12:05 PM. Driver works for feedlot and does not normally drive. Had a log book but had not started it. Subject started log

HazMat: No HM Transported.

Placard: No Cargo Tank:

Special Checks:

DRIVER: This form is to be sent to the carrier identified on this report within 24 hours of receipt.
MOTOR CARRIER CERTIFICATION: All defects identified on this report must be corrected or acknowledged PRIOR TO RE-DISPATCH, and then certified by a responsible carrier official who must sign below. RETURN THIS FORM WITHIN 15 DAYS to the Motor Carrier Division of the Kansas Highway Patrol at the address listed at the top of this form. If no violations were discovered, you are not required to sign and return a copy.

NOTE: Challenges to violations may be submitted through the Federal Motor Carrier Safety Administration (FMCSA)'s Data Q Challenge process, at <https://dataqa.fmcsa.dot.gov>

Signature Of Motor Carrier X: Title: Date:

Signature Of Motor Carrier X: Title: Date:

Report Prepared By:
W.A. Poland

Badge #:
0128

Copy Received By:
AUSTIN HEIER

Page 1 of 1



02571046 KS KSHPO1280053

X

X

ATTACHMENT “D”

DRIVERS RECORD OF DUTY STATUS (One Calendar Day Entry)

Date: 2 / 1 / 17 Year: 2022
 Name: Stephens Cattle LLC
 (Name of Carrier or Client)
Grinnell, KS 67738
 (Main Office Address - Please Print Address)
 Vehicle Number: 24-12
 (Please Print Vehicle Number)
 Driver's Signature: [Signature]
 (Date and Signature of Driver) THESE ENTRIES ARE TRUE AND CORRECT

	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																								7
2: SLEEPER BERTH																								5 1/2
3: DRIVING																								11
4: ON DUTY (Not Driving)																								1 1/2
MIDNIGHT	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:

[Handwritten notes in margins: "Rest", "Hwy 17", "Hwy 17", "Hwy 17"]

USE TIME STANDARD AT HOME TERMINAL
 DRIVER'S DAILY VEHICLE INSPECTION REPORT
 Driver's Signature: [Signature]
 Date: 24 / 1 / 17
 Driver's Name: [Name]
 Vehicle Number: 24-12
 Driver's License Number: [Number]
 Driver's Address: [Address]
 Driver's Phone Number: [Phone Number]
 Driver's Email Address: [Email Address]
 Driver's Social Security Number: [SSN]
 Driver's Date of Birth: [DOB]
 Driver's Sex: [Sex]
 Driver's Race: [Race]
 Driver's Ethnicity: [Ethnicity]
 Driver's Marital Status: [Marital Status]
 Driver's Religion: [Religion]
 Driver's Political Affiliation: [Political Affiliation]
 Driver's Other Information: [Other Information]

CERTIFICATE OF SERVICE

17-TRAM-457-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 **APR 20 2017**.

AHSAN LATIF, LITIGATION COUNSEL
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Fax: 785-824-3470
mattstephens86@yahoo.com

/S/ DeeAnn Shupe

DeeAnn Shupe

Order Mailed Date

APR 21 2017