



1500 SW Arrowhead Road
Topeka, KS 66604-4027

Phone: 785-271-3100
Fax: 785-271-3354
<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-330-PEN

February 26, 2019

David Brandyberry, Owner
d/b/a B Bar K Tree Service
9461 Rd W
Lenora, KS 67645

This is a notice of a penalty assessment against David Brandyberry, d/b/a B Bar K Tree Service (B Bar K Tree Service) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on January 11, 2019, by Kansas Corporation Commission Special Investigator Verna Jackson. 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: B Bar K Tree Service has been assessed a \$100 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$100, 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 B Bar K Tree Service 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. B Bar K Tree Service 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 \$100 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 **David**)
Brandyberry, d/b/a B Bar K Tree Service, of)
Lenora, KS, Regarding the Violation of the)
Motor Carrier Safety Statutes, Rules and) Docket No. 19-TRAM-330-PEN
Regulations and the Commission's Authority to)
Impose Penalties, Sanctions and/or the)
Revocation of Motor Carrier Authority.)

PENALTY ORDER

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission). Having examined its files and records, and being duly advised in the premises, the Commission finds and concludes as follows:

I. JURISDICTION

1. Pursuant to K.S.A. 2018 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. 2018 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. 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. David Brandyberry, d/b/a B Bar K Tree Service (B Bar K Tree Service) has private and common operating authority with the Commission and further operates under USDOT number 2476800.

5. Frank David Brandyberry attended a Commission-sponsored Motor Carrier Education and Safety Instructional Meeting on December 17, 2018, on behalf of B Bar K Tree Service.

6. B Bar K Tree Service is a private and common motor carrier which primarily hauls machinery, large objects, grain, feed, hay, and trees.

III. STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, on January 11, 2019, Commission Staff (Staff) Special Investigator Verna Jackson conducted a safety compliance review of the operations of B Bar K Tree Service. A copy of the safety compliance review is included in this Penalty Order as Attachment "A" and is hereby incorporated by reference. As a result of this investigation, the special investigator identified one (1) violation(s) of the Motor Carrier Safety Regulations.

- a. On May 25, 2018, B Bar K Tree Service required or permitted its driver, David Brandyberry, to operate a CDL-required commercial motor vehicle, a 1995 Freightliner, VIN ending in 694367, GVWR 52,000 lbs., pulling a 1996 Wildcat Dropdeck trailer, VIN ending in 227024, GVWR 20,000 lbs., in interstate commerce from Lenora, Kansas to McCook, Nebraska. This trip is evidenced by Carrier/Shipper Information, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, B Bar K Tree Service failed to maintain the motor vehicle record (MVR) of each State Agency in the driver's qualification file. The carrier's failure to maintain a copy of the motor vehicle record received from each State in the driver qualification file is a violation of 49 C.F.R. 391.51(b)(4), adopted by K.A.R. 82-4-3, and authorized by K.S.A. 2018 Supp. 66-1,129. Staff recommends a fine of \$100.

IV. STAFF'S RECOMMENDATIONS

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

9. Additionally, Staff recommends a civil penalty of \$100 for one (1) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that a representative from B Bar K Tree Service 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.

11. Finally, Staff recommends that B Bar K Tree Service submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order. Transportation Staff will contact the motor carrier at a later date to determine an appropriate time for this review.

V. CONCLUSIONS OF LAW

12. The Commission finds it has jurisdiction over B Bar K Tree Service because it is a motor carrier as defined in K.S.A. 2018 Supp. 66-1,108.

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

THE COMMISSION THEREFORE ORDERS THAT:

A. David Brandyberry, d/b/a B Bar K Tree Service, of Lenora, KS is hereby assessed a \$100 civil penalty for one (1) violation(s) of Kansas law governing the regulation of motor carriers, the Kansas Administrative Regulations and provisions of the Federal Motor Carrier Safety Regulations, as adopted by the Kansas Administrative Regulations.

B. B Bar K Tree Service 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. B Bar K Tree Service 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 B Bar K Tree Service's right to a hearing, and this Penalty Order will become a Final Order assessing a \$100 civil penalty against B Bar K Tree Service, and ordering a representative from B Bar K Tree Service 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 \$100 is due in thirty (30) days from the date of service of this Order. Payment of \$100 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 \$100 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 B Bar K Tree Service's motor carrier operating authority without further notice. Additionally, the Commission may impose further sanctions to include, but not limited to, the issuance and enforcement of 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: 02/26/2019



Lynn M. Retz
Secretary to the Commission

AAL

ATTACHMENT “A”

	US DOT # 2476800	Legal: DAVID BRANDYBERRY Operating (DBA): B BAR K TREE SERVICE			
MC/MX #:		Federal Tax ID: [REDACTED] (EIN)			
Review Type: Non-ratable Review - CSA					
Scope: Principal Office		Location of Review/Audit: Other		Territory:	
Operation Types		Interstate	Intrastate		
Carrier:	HM	HM	Business: Individual		
Shipper:	N/A	N/A	Gross Revenue: [REDACTED] for year ending: 12/31/2017		
Cargo Tank:	N/A				
Company Physical Address:					
[REDACTED] LENORA, KS 67645-9671					
Contact Name: David Brandyberry					
Phone numbers: (1)		[REDACTED]		Fax	
E-Mail Address: [REDACTED]					
Company Mailing Address:					
[REDACTED] LENORA, KS 67645-9671					
Carrier Classification					
Private Property					
Cargo Classification					
Machinery, Large Objects		Grain, Feed, Hay		Other: Trees	
Hazardous Materials					
9 Miscellaneous HM		Carried	Non-Bulk		
Equipment					
	Owned	Term Leased	Trip Leased		Owned Term Leased Trip Leased
Truck Tractor	1	0	0	Trailer	1 0 0
Power units used in the U.S.: 1					
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: 1		
>= 100 Miles:	1		CDL Drivers: 1		





B BAR K TREE SERVICE (DAVID BRANDYBERRY dba)
U S DOT # 2476800

Review Date
01/11/2019

Part A

QUESTIONS regarding this report or the Federal Motor Carrier Safety or
Hazardous Materials rules may be addressed to the Kansas Corporation Commission at

1500 SW Arrowhead Road
Topeka, KS 66604-4027
Phone 785-271-3104

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Frank David Brandyberry

Title: Owner

Name:

Title:





B BAR K TREE SERVICE (DAVID BRANDYBERRY dba)
U S DOT # 2476800

Review Date.
01/11/2019

Part B Violations

1 FEDERAL	Primary: 382.601(d)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
Description Failed to maintain the original certificate of receipt signed by the driver verifying the driver received the substance abuse and alcohol policy and educational materials. Example David Brandyberry 5/25/2018 McCook, NE to Lenora, KS David Brandyberry dba B Bar K Tree Service failed to maintain the driver's signed receipt verifying the driver received the substance abuse and alcohol written policy and educational materials.					
2 FEDERAL	Primary: 391.51(b)(1)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
Description Failing to maintain driver's employment application in driver's qualification file. Example David Brandyberry 5/25/2018 McCook, NE to Lenora, KS David Brandyberry dba B Bar K Tree Service failed to maintain and provide a driver's employment application in the driver's qualification file.					
3 FEDERAL	Primary: 391.51(b)(4)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
Description Failing to maintain the responses of each State agency to the annual driver record inquiry required by 391.25(a) Example David Brandyberry 5/25/2018 McCook, NE to Lenora, KS David Brandyberry dba B Bar K Tree Service failed to maintain the driver's driving record obtained at least once every 12 months in the driver qualification file.					
4 FEDERAL	Primary: 391.51(b)(5)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
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 David Brandyberry 5/25/2018 McCook, NE to Lenora, KS David Brandyberry dba B Bar K Tree Service failed to maintain a note relating to the annual review of the driver's driving record					





B BAR K TREE SERVICE (DAVID BRANDYBERRY dba)
U S. DOT # 2476800

Review Date
01/11/2019

Part B Violations

5 FEDERAL	Primary: 391.51(b)(6)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
Description Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27. David Brandyberry 5/25/2018 McCook, NE to Lenora, KS David Brandyberry dba B Bar K Tree Service failed to maintain a list or certificate relating to the violations of motor vehicles laws on the driver's driving record					
Safety Fitness Rating Information:		OOS Vehicle (CR): 0			
Total Miles Operated		Number of Vehicle Inspected (CR): 0			
Recordable Accidents		OOS Vehicle (MCMIS): 0			
		Number of Vehicles Inspected (MCMIS): 0			

Your proposed safety rating is :

This Review is not Rated.





B BAR K TREE SERVICE (DAVID BRANDYBERRY dba)
U.S. DOT #: 2476800

Review Date
01/11/2019

Safety Management Process Breakdowns and Remedies

1. For all Investigations:

- **Understand Why Compliance Saves Time and Money:** Compliance with FMCSRs will not only save lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business.
- **Document and Follow Through on Action Plans:** Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance.
- **NOTICE:** A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six year period.

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

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

<http://www.psp.fmcsa.dot.gov/Pages/default.aspx>

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

<http://www.fmcsa.dot.gov/documents/Hijacking-Brochure.pdf>

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

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





B BAR K TREE SERVICE (DAVID BRANDYBERRY dba)
U.S DOT # 2476800

Review Date:
01/11/2019

Safety Management Process Breakdowns and Remedies

2. DRIVER FITNESS BASIC PROCESS BREAKDOWN: Monitoring and Tracking

DESCRIPTION OF PROCESS BREAKDOWN. David Brandyberry dba B Bar K Tree Service failed to obtain a driver's application from the driver. Motor Carrier failed to maintain the driver's driving record obtained at least once every 12 months in the drivers driver qualification file. Even though the Owner is the only driver, the items required for a driver are also required of the Owner as a driver.

BASIC SPECIFIC RECOMMENDED REMEDIES

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

- Implement an effective process for monitoring and documenting all drivers' job functions, training, qualifications, renewal dates, disclosed medical conditions, and operational restrictions, including those of drivers on a waiver program or with impairments that may be satisfied by a Skill Performance Evaluation certificate, to ensure that assignments are covered by qualified drivers.
- Review and retain each driver's Motor Vehicle Record (MVR) at least annually to ensure compliance with company policies, Federal regulations, and State and local laws and ordinances related to driver fitness. If a driver seems to have numerous violations, the MVR should be reviewed more often. Random MVR checks in addition to annual checks are also effective. File the MVR in each driver's driver qualification file after review.
- Maintain each driver's investigation history file in a secure location with limited and controlled access for as long as the driver is employed and for three years thereafter.
- Maintain roadside inspection reports, moving violation records, training records, the Commercial Driver's License (CDL), the dispatch schedule, bills of lading, and the medical report to help evaluate the performance of all staff involved in qualifying drivers (dispatchers and managers) and the effectiveness of the policies and procedures.
- Evaluate personnel who are monitoring driver fitness performance by making sure they are reviewing driver-assignment and qualification files; applying the performance standards fairly, consistently, and equitably; and documenting the evaluations.
- Regularly evaluate the company's driver fitness-related inspection results via the Federal Motor Carrier Safety Administration's (FMCSA) website at <http://ai.fmcsa.dot.gov/SMS>. Assess violations for process breakdowns and how to remedy them. Use data to help implement an effective process beyond self-reporting to monitor, document, and evaluate compliance with driver-fitness regulations and company policies.
- When monitoring and tracking any driver-fitness-related issue, always assess whether it 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

3. Per 49 CFR 391.21 - A person shall not drive a commercial motor vehicle unless he/she has completed and furnished the motor carrier that employs him/her with an application for employment that meets the requirements of paragraph (b) of this section.
4. As required by 391.25(a), motor carriers shall, at least once every 12 months, make an inquiry to obtain the motor vehicle record of each driver it employs, covering at least the preceding 12 months, to the appropriate agency of every State in which the driver held a commercial motor vehicle operator's license or permit during the time period.
5. Per 49 CFR 391.51(b)(5) and (b)(6), the motor carrier is required to process an annual review and certification of the driver's driving record - 391.51(b)(5) A note relating to the annual review of the driver's driving record as required by 391.25(c)(2), 391.51(b)(6) A list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27.





B BAR K TREE SERVICE (DAVID BRANDYBERRY dba)
U.S DOT # 2476800

Review Date.
01/11/2019

Safety Management Process Breakdowns and Remedies

6. I acknowledge that the requirements and/or recommendations resulting from this off-site, focused review have been discussed with me and my questions have been answered. I further acknowledge that KCC recommendations only cover the scope of this focused review, and that areas not reviewed by the KCC have not necessarily been endorsed as compliant. 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 David Brandyberry dba B Bar K Tree Service's operating authority and/or the impoundment of David Brandyberry dba B Bar K Tree Service's commercial motor vehicles

Carrier Representative

Date

After reviewing these Requirements and/or Recommendations, please sign and date where indicated, and return to the Kansas Corporation Commission, ATTN Verna Jackson, Transportation Division, 1500 SW Arrowhead Rd, Topeka, Kansas 66604-4027, or fax 785-271-3124.

7. I understand that monetary penalties will be assessed as a result of violations found in this compliance investigation. The penalty schedule can be found at kcc.ks.gov. Select Transportation, then Safety Information, and then the link available under Uniform Penalty Assessment Table.

Carrier Name

Carrier Official



ATTACHMENT “B”

CARRIER / SHIPPER INFORMATION

Date: 12-6-18 USDOT# 2476800 MC# _____

Full & Legal (Corporate Name): David Brandyberry

State & Date of Incorporation: _____

dba name (if other than above): B Bar K Tree Service

Principal Office Address: _____
 Street City State Zip County

Mailing Address: _____
 Street City State Zip County

Terminal or Plant Locations (Other): _____

Principal Office Tel Number _____ er ()

Email address: _____ Federal ID# _____

Gross Revenue: \$ _____ Fiscal Accounting Close Date: 12/31

Officers of Corporation: (Name, Title, indicate if active in daily operations)

Frank David Brandyberry, owner, active in daily operation

Operation Classification (Circle all that apply):

- | | | |
|--|-------------------------------------|---------------------|
| A. Authorized for Hire | E. Private Passenger (Non-Business) | I. State Government |
| B. Exempt For-Hire | F. Migrant | J. Local Government |
| <input checked="" type="radio"/> C. Private (Property) | G. U.S. Mail | K. Indian Tribe |
| D. Private Passenger (Business) | H. Federal Government | L. Other: _____ |

Total Mileage for previous 365 days: 10,000

USDOT Recordable Accidents: Fatality: 0 Injury: 0 Tow: 0

Public Liability Insurance - Primary amount \$ 1,000,000 Excess Amount \$ _____

Insurance Carrier: Unsure of underwriter - MCS90 to be sent soon

Attach a copy of MCS-90 Endorsement (for Interstate For-Hire and Hazardous Materials Carriers only)

Total Number of Drivers:

Number of Company Drivers

100 Mile Radius Drivers

Beyond 100 Mile Radius Drivers

Number of Leased Drivers

INTRA	INTER
	1
	1

CDL Required Drivers

Avg # of Trip Leased Drivers p/
month

If applicable, Last INTERstate trip: Date: 5/25/18 Driver: David Brandyberry

TO: McCook, NE FROM: Lenora KS Trk/Trl# #51/#7

(OVER)

CERTIFICATE OF SERVICE

19-TRAM-330-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 02/27/2019.

DAVID BRANDYBERRY, OWNER
DAVID BRANDYBERRY
D/B/A B BAR K TREE SERVICE
9461 RD W
LENORA, KS 67645-9671
bbark@ruraltel.net

AHSAN LATIF, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3354
a.latif@kcc.ks.gov

/S/ DeeAnn Shupe

DeeAnn Shupe