

1500 SW Arrowhead Road
Topeka, KS 66604-4027

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



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

Sam Brownback, Governor

NOTICE OF PENALTY ASSESSMENT

16-TRAM-460-PEN

April 26, 2016

Aaron Haden, Owner
d/b/a MAJAC
1319 Tallgrass Dr
Eudora, Kansas 66025

This is a notice of a penalty assessment for violation of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on April 7, 2016, by Kansas Corporation Commission Special Investigator Wade Patterson. For a full description of the penalty and process please refer to the Order that is attached to this notice.

IF YOU ACCEPT THE PENALTY:

You have been assessed a \$1,400 penalty. You have thirty (30) days from service of this Penalty Order to pay the fine amount. Check or money order must be made payable to the Kansas Corporation Commission. Payment is to be mailed to the Transportation Division of the Kansas Corporation Commission at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and must include a reference to the docket number of this proceeding. Credit card payment may be made by faxing your credit card information to the Transportation Office at 785-271-3124, using the KCC's credit card payment form found at <http://kcc.ks.gov/trans/creditcard.pdf>.

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

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

IF YOU CONTEST THE PENALTY:

You have the right to request a hearing. A request for hearing must be made in writing, setting forth the specific grounds upon which relief is sought. Respondent must submit an original and seven (7) copies of the request to the Commission's Secretary at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604 within fifteen (15) days from the date stamped on the last page of the Penalty Order. K.A.R. 82-1-215; K.S.A. 2015 Supp. 77-542.

IF YOU FAIL TO ACT:

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

Respectfully,



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

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

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

In the Matter of the Investigation of **Aaron**)
Haden, d/b/a MAJAC, of Eudora, Kansas,)
Regarding the Violation of the Motor Carrier)
Safety Statutes, Rules and Regulations and the) Docket No. 16-TRAM-460-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. Aaron Haden, d/b/a MAJAC (MAJAC) operates under USDOT number 2521810.

5. MAJAC utilizes one straight truck (GVWR 9,500 lbs) and one trailer (GVWR 8,000 lbs) in interstate commerce.

6. MAJAC is a private motor carrier which primarily hauls construction, doors and windows.

III. STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, on April 7, 2016, Commission Staff (Staff) Special Investigator Wade Patterson conducted a compliance review of the operations of MAJAC. A copy of the safety compliance review is included in this Penalty Order as Attachment "A" and is hereby incorporated by reference. As a result of this investigation, Mr. Patterson identified three (3) violations of the Motor Carrier Safety Regulations.

- a. On March 8, 2016, MAJAC required or permitted its driver, Aaron Haden, to operate a commercial motor vehicle, a 1999 F250, VIN ending in 77233 and a 2010, 16' flat trailer, self-manufactured, VIN ending in 129748, in interstate commerce from Eudora, Kansas to Kansas City, Missouri. This trip is evidenced by Driver's Daily Log, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time

of this transportation, MAJAC had not paid its Uniform Carrier Registration (UCR) for the years of 2014, 2015 and 2016. MAJAC's failure to annually register its commercial motor vehicle(s) operating in interstate commerce over the highways of this state and to pay the appropriate Unified Carrier Registration fees as set out in 49 C.F.R. 367.30, is a violation of K.A.R. 82-4-30a as authorized by K.S.A. 2015 Supp. 66-1,139a and K.S.A. 2015 Supp. 66-1,129. Staff recommends a fine of \$300.

- b. During the transportation described in paragraph a., above, MAJAC did not have a driver qualification file on its driver. The carrier's failure to maintain a driver qualification file is a violation of 49 C.F.R. 391.51(a), as adopted by K.A.R. 82-4-3g, and as authorized by K.S.A. 2015 Supp. 66-1,129. Staff recommends a fine of \$350.
- c. During the transportation described in paragraph a., above, MAJAC did not have its driver complete a record of duty status for each of the following seven days of operation. Mr. Haden was missing three of the following seven days of required logs. This situation unfolded several time through checking logs for the month of March 2016. The carrier made interstate trips and often did not create records of duty status for the days prior to or the days following the transportations. MAJAC's failure to require its drivers to keep records of duty status for each 24-hour period using the method described in 49 C.F.R. 395.8(a) and to submit the original record to the motor carrier within 13 days of creation is in

violation of 49 C.F.R. 395.8(a) as adopted by K.A.R. 82-4-3a and authorized by K.S.A. 2015 Supp. 66-1,129. Staff recommends a fine in the amount of \$750.

IV. STAFF'S RECOMMENDATIONS

8. Based upon the available facts, Staff recommends the Commission find MAJAC committed three (3) violations 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 \$1,400 for three (3) violations of the Motor Carrier Safety Statutes, Rules and Regulations.

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

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

V. CONCLUSIONS OF LAW

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

13. The Commission finds MAJAC committed three (3) violations 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. Aaron Haden, d/b/a MAJAC, of Eudora, Kansas is hereby assessed a \$1,400 civil penalty for three (3) violations 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. MAJAC is hereby ordered to attend a Commission-sponsored safety seminar within the next ninety (90) days and is to provide Staff with written proof of attendance. Further, MAJAC is ordered to submit to one follow-up safety compliance review within the next eighteen (18) months.

C. Pursuant to K.S.A. 2015 Supp. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issues by submitting a written request, setting forth the specific grounds upon which relief is sought, to the Commission's Secretary, at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604 within fifteen (15) days from the date of service of this Order. If service is by certified mail, service is complete upon the date delivered shown on the Domestic Return Receipt. Hearings will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of MAJAC's right to a hearing, and this Penalty Order will become a Final Order assessing a \$1,400 civil penalty against MAJAC, and ordering MAJAC to attend a Commission-sponsored safety seminar within the next ninety (90) days and provide Staff with written proof of attendance, and to submit to a safety compliance review within eighteen (18) months from the date of service of this Order.

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

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

F. Failure to pay the \$1,400 civil penalty within thirty (30) days of the 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 MAJAC's motor carrier operating authority without further notice. Additionally, the Commission may impose further sanctions to include, but not limited to, the issuance and enforcement of out-of-service and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

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

BY THE COMMISSION IT IS SO ORDERED.

Emler, Chairman; Albrecht, Commissioner; Apple, Commissioner

Dated: APR 26 2016




Amy L. Green
Secretary to the Commission

AAL

Order Mailed Date
APR 27 2016

ATTACHMENT "A"

	US DOT # 2521810	Legal: AARON HADEN Operating (DBA):MAJAC			
MC/MX #:		Federal Tax ID: [REDACTED] (EIN)			
Review Type: Compliance Review (CR)					
Scope: Principal Office		Location of Review/Audit: Company facility in the U. S.			Territory:
Operation Types		Interstate Intrastate			
Carrier: Non-HM N/A Shipper: N/A N/A Cargo Tank: N/A		Business: Corporation Gross Revenue: \$ [REDACTED] for year ending: 12/31/2015			
Company Physical Address: [REDACTED]					
Contact Name: Aaron Haden Phone numbers: (1) [REDACTED] Fax E-Mail Address: [REDACTED]					
Company Mailing Address: 1319 TALLGRASS DR EUDORA, KS 66025					
Carrier Classification Private Property					
Cargo Classification Construction Other: Doors/Windows					
Equipment					
	Owned		Term Leased		Trip Leased
Truck	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			
< 100 Miles:	1		Average trip leased drivers/month: 0		
>= 100 Miles:			Total Drivers: 1		
			CDL Drivers: 0		





MAJAC (AARON HADEN dba)
U.S. DOT #: 2521810

Review Date:
04/12/2016

Part A

QUESTIONS regarding this report may be addressed to the Kansas Corporation Commission at:

1500 SW Arrowhead Road
Topeka, Kansas 66604
Telephone (785)640-9132

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Aaron Haden

Title: Owner/Operator

Name:

Title:





MAJAC (AARON HADEN dba)
U.S. DOT #: 2521810

Review Date:
04/12/2016

Part B Violations

1 FEDERAL CRITICAL	Primary: 395.8(a)	Discovered 10	Checked 25	Drivers/Vehicles In Violation	Checked
Description Failing to require driver to make a record of duty status. Example On March 08th, 2016 MAJAC had driver Aaron Haden [REDACTED] operate a commercial motor vehicle (VIN# [REDACTED] 77233 & VIN# [REDACTED] 129748) in commerce from the principal place of business in Eudora Kansas to a job site in Kansas City Missouri. This trip is evidenced by a driver time record, fuel receipt, KTA receipt, and an invoice from a material supplier. At the time of this trip and during the review, carrier failed to have driver complete a record of duty status for each of the following seven days of operation. Mr. Haden was missing three of the following seven days of required logs. This situation unfolded several times throughout the month of March 2016. The carrier made interstate trips and often did not create records of duty status for the days prior to or the days following the movements.					
2 STATE CRITICAL	Primary: 395.8(a) CFR Equivalent: 395.8(a)	Discovered 6	Checked 6	Drivers/Vehicles In Violation	Checked 1
Description Failing to require driver to make a record of duty status. Example On March 08th, 2016 MAJAC had driver Aaron Haden [REDACTED] operate a commercial motor vehicle (VIN# [REDACTED] 77233 & VIN# [REDACTED] 129748) in commerce from the principal place of business in Eudora Kansas to a job site in Kansas City Missouri. This trip is evidenced by a driver time record, fuel receipt, KTA receipt, and an invoice from a material supplier. At the time of this trip and during the review, carrier failed to prepare the records of duty status. Driver failed to prepare records of duty status for six of the seven preceeding days required under 49 CFR Part 395.					
3 FEDERAL	Primary: 367.30	Discovered 3	Checked 3	Drivers/Vehicles In Violation	Checked 0
Description Fail to pay current years UCR and operating in interstate commerce. Example On March 08th, 2016 MAJAC had driver Aaron Haden [REDACTED] operate a commercial motor vehicle (VIN# [REDACTED] 77233 & VIN# [REDACTED] 129748) in commerce from the principal place of business in Eudora Kansas to a job site in Kansas City Missouri. This trip is evidenced by a driver time record, fuel receipt, KTA receipt, and an invoice from a material supplier. At the time of this trip and during the review, carrier failed to pay current and previous years UCR.					
4 FEDERAL	Primary: 390.19(b)(2)	Discovered 1	Checked 1	Drivers/Vehicles In Violation	Checked 0
Description Failing to file the appropriate form under 390.19(a) (MCS-150, 150B, or 150C) each 24 months according to the schedule. Example On March 08th, 2016 MAJAC had driver Aaron Haden [REDACTED] operate a commercial motor vehicle (VIN# [REDACTED] 77233 & VIN# [REDACTED] 129748) in commerce from the principal place of business in Eudora Kansas to a job site in Kansas City Missouri. This trip is evidenced by a driver time record, fuel receipt, KTA receipt, and an invoice from a material supplier. At the time of this trip and during the review, carrier failed to file the appropriate MCS-150 form each 24 months according to the schedule.					





MAJAC (AARON HADEN dba)
U.S. DOT #: 2521810

Review Date:
04/12/2016

Part B Violations

5 FEDERAL	Primary: 391.51(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
Description Failing to maintain driver qualification file on each driver employed. Example On March 08th, 2016 MAJAC had driver Aaron Haden [REDACTED] operate a commercial motor vehicle (VIN# [REDACTED] 77233 & VIN# [REDACTED] 129748) in commerce from the principal place of business in Eudora Kansas to a job site in Kansas City Missouri. This trip is evidenced by a driver time record, fuel receipt, KTA receipt, and an invoice from a material supplier. At the time of this trip and during the review, carrier failed to have a driver qualification file on each driver employed.					
6 FEDERAL	Primary: 395.8(f)	Discovered 15	Checked 25	Drivers/Vehicles In Violation 1	Checked 1
Description Failing to require driver to prepare record of duty status in form and manner prescribed. Example On March 08th, 2016 MAJAC had driver Aaron Haden [REDACTED] operate a commercial motor vehicle (VIN# [REDACTED] 77233 & VIN# [REDACTED] 129748) in commerce from the principal place of business in Eudora Kansas to a job site in Kansas City Missouri. This trip is evidenced by a driver time record, fuel receipt, KTA receipt, and an invoice from a material supplier. At the time of this trip and during the review, carrier failed to prepare the record of duty status in form and manner prescribed. Driver failed to list the origin/destination, cargo carried, fuel stops, and locations on the log. The failure to include this pertinent information on the records of duty status was observed on every log book page.					
7 FEDERAL	Primary: 396.3(b)(1)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
Description Failing to keep a maintenance record which identifies the vehicle, including make, serial number, year, and tire size. Example On March 08th, 2016 MAJAC had driver Aaron Haden [REDACTED] operate a commercial motor vehicle (VIN# [REDACTED] 77233 & VIN# [REDACTED] 129748) in commerce from the principal place of business in Eudora Kansas to a job site in Kansas City Missouri. This trip is evidenced by a driver time record, fuel receipt, KTA receipt, and an invoice from a material supplier. At the time of this trip and during the review, carrier failed to keep a maintenance record which identifies the vehicle, including make, serial number, year, and tire size.					
8 FEDERAL	Primary: 396.3(b)(2)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
Description Failing to have a means of indicating the nature and due date of the various inspection and maintenance operations to be performed. Example On March 08th, 2016 MAJAC had driver Aaron Haden [REDACTED] operate a commercial motor vehicle (VIN# [REDACTED] 77233 & VIN# [REDACTED] 129748) in commerce from the principal place of business in Eudora Kansas to a job site in Kansas City Missouri. This trip is evidenced by a driver time record, fuel receipt, KTA receipt, and an invoice from a material supplier. At the time of this trip and during the review, carrier failed to have a means of indicating the nature and due date of the various inspection and maintenance operations to be performed.					





MAJAC (AARON HADEN dba)
U.S. DOT #: 2521810

Review Date:
04/12/2016

Part B Violations

Safety Fitness Rating Information:

Total Miles Operated 41,000
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): 0

Your proposed safety rating is :

CONDITIONAL

Rating Factors

Acute Critical

Factor 1:	S	0	0
Factor 2:	S	0	0
Factor 3:	U	0	2
Factor 4:	S	0	0
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.

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.





MAJAC (AARON HADEN dba)
U.S. DOT #: 2521810

Review Date:
04/12/2016

Part B Requirements and/or Recommendations

1. For all Investigations:

- Understand Why Compliance Saves Time and Money: Compliance with FMCSRs will not only save lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business.
- Document and Follow Through on Action Plans: Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance.
- NOTICE: A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six year period.
- NOTICE: 49 CFR Part 391.23 requires prospective employers to, at a minimum, investigate a driver's employment information, crash record, and alcohol and controlled substances history from all employers the driver worked for within the previous 3 years.

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

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

For all Investigations that could result in a Notice of Claim:

- PLEASE NOTE: The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Notice of Claim. In addition, your history of prior violations of the Federal Motor Carrier Safety Regulations, Federal Hazardous Material Regulations or the Federal Motor Carrier Commercial Regulations may also affect the civil penalty proposed in any subsequent Notice of Claim. Your signature for receipt of this report acknowledges your understanding that the violations discovered by the FMCSA during this review may be used to calculate any civil penalty proposed as a result of this review.

Attached to this report is Table 1, which identifies all the documented violations which were discovered during the course of this review.

For all Investigations resulting in serious violations:

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





MAJAC (AARON HADEN dba)
U.S. DOT #: 2521810

Review Date:
04/12/2016

Part B Requirements and/or Recommendations

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

For all Investigations where the carrier has been involved in 2 or more recordable crashes:

The Division Administrator/State Director will continue to consider preventability when a motor carrier contests a proposed safety fitness rating. The motor carrier may deem that the recordable accident rate is not a fair means of evaluating its accident factor (Factor 6) on the CR report. If so, the motor carrier must submit the compelling evidence within seven calendar days if the proposed rating is Unsatisfactory and 10 calendar days if the proposed rating is Conditional to:

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

Compelling evidence must be limited to official police accident reports and official insurance accident investigation reports.

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

385.15

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

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

385.17

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

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





MAJAC (AARON HADEN dba)
U.S. DOT #: 2521810

Review Date:
04/12/2016

Part B Requirements and/or Recommendations

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

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

This letter should be submitted as soon as possible.

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

You may prepare a corrective action letter, addressing the measures taken to correct the violations identified within this report. Submit this letter, and any additional evidence necessary to prove the corrective action has been taken to:

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

2. HOS COMPLIANCE BASIC PROCESS BREAKDOWN: Roles and Responsibilities

DESCRIPTION OF PROCESS BREAKDOWN

Carrier failed to require driver to make a record of duty status. Additionally, of the records of duty status submitted during the review all contained form and manner violations.

BASIC SPECIFIC RECOMMENDED REMEDIES

Ensure that you utilize the forms and examples relating to HOS provided to you in the "Red Book". There is an excellent example illustrating how a completed log book page should look. Ensure that all fields are correctly filled out and that the log accurately shows when and where driver is operating. Finally, make sure that you accurately keep records of duty status for each and every day. Given your close proximity to Missouri, logs should be kept daily to ensure that you are always eligible to travel in interstate commerce.

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





MAJAC (AARON HADEN dba)

U.S. DOT #: 2521810

Review Date:

04/12/2016

Part B Requirements and/or Recommendations

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. Carrier is required to pay Unified Carrier Registration (UCR) fee when operating in Interstate commerce. Ensure that you pay for 2014, 2015, and 2016 UCR. Utilize the instructions and various forms I provided to you during the review to assist in this task. Going forward, ensure that each year of UCR is paid when due.
4. To file an updated MCS-150, you can sign on to the Federal website at www.fmcsa.dot.gov. Hover over the words Registration & Licensing. When the drop down menu appears, click on On Line Registration. In the first box on the right side "Register Now without Help", click on the link available for Online Registration without Help at the bottom of the box. This will open a new window for the FMCSA Registration process. Scroll down and answer the questions accordingly. Once again, filing on line is the faster process. However, the form can be printed, filled out and mailed. The completed form can be mailed to Kansas Corporation Commission, Attn Transportation Division, 1500 SW Arrowhead Rd, Topeka, KS 66604-4027. If you do not have access to the internet, you may call 785-271-3145 and request a form be mailed to you.

5. DRIVER FITNESS BASIC PROCESS BREAKDOWN: Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN

Failing to maintain driver qualification file on each driver employed.

BASIC SPECIFIC RECOMMENDED REMEDIES

All drivers of commercial motor vehicles must have complete driver qualification files at the principal place of business. Follow the checklist on page 4 of the "Red Book" provided during the review. This comprehensive list also references the various forms required to be in the DQ file. Those forms referred to on the checklist are all contained within the provided "Red Book".

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

- Develop a policy for the periodic review (at least twice per year) of driver qualification files. The motor carrier should not rely on third-party sources, such as insurance agencies. The procedure should include controls to ensure that documents requiring renewals are in place, to remind drivers of expiration dates on medical certificates, so they can schedule another physical examination in advance, and to prevent falsification of documents related to driver qualification.
- Establish a policy requiring drivers to submit copies of all vehicle and roadside inspections and moving violations to carrier management within 24 hours, and to notify management of suspended or revoked Commercial Driver's Licenses (CDLs) immediately following notification of suspension/revocation.
- Establish a policy requiring all new (since 2003) Commercial Driver's License (CDL) drivers to submit documentation of entry-level driver training in - for example, driver qualification requirements, Hours of Service (HOS), driver wellness, and whistleblower protection - or to take entry-level training provided by the carrier.
- Develop a policy for document retention and recordkeeping, including documents that are to be in the possession of the driver as proof of credentials.
- Develop a process to ensure that operations will always have the proper amount of fit drivers. This process would address how to deal with issues such as sick leave, vacation, training, suspension, and termination.
- Develop a written and progressive disciplinary policy focused on taking corrective action to ensure drivers comply with regulations and policies. A progressive disciplinary policy could include, among other things, written warnings, suspensions, or work restrictions, monetary penalties, and termination. This policy should also specify consequences for any carrier official who knowingly and willfully allows Driver Fitness Violations.

Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry

6.





MAJAC (AARON HADEN dba)
U.S. DOT #: 2521810

Review Date:
04/12/2016

Part B Requirements and/or Recommendations

VEHICLE MAINTENANCE BASIC - INSPECTION-REPAIR-MAINTENANCE PROCESS BREAKDOWN: Roles and Responsibilities

DESCRIPTION OF PROCESS BREAKDOWN

Failing to keep a complete maintenance record on your commercial motor vehicle. Failing to have a means of indicating the nature and due date of the various inspection and maintenance operations to be performed.

BASIC SPECIFIC RECOMMENDED REMEDIES

Establish a maintenance folder for your commercial motor vehicle. This folder should identify the vehicle, including make, serial number, year, and tire size. Furthermore, all information regarding that vehicle should be contained within the folder. The "Red Book" provides the list and all required forms necessary to achieve compliance. Use the preventative maintenance form in the "Red Book" to create this program.

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

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

Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

7. I acknowledge that these requirements and/or recommendations have been discussed with me and my questions have been answered. I understand that failure to satisfactorily remedy the above-listed requirements, and/or failure to comply with Kansas Motor Carrier Safety Statutes and Regulations could result in the suspension of Aaron Haden dba MAJAC's operating authority and/or the impoundment of Aaron Haden dba MAJAC's vehicles.

X

Aaron Haden





MAJAC (AARON HADEN dba)
U.S. DOT #: 2521810

Review Date:
04/05/2016

Part B Requirements and/or Recommendations

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

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

This letter should be submitted as soon as possible.

For all Investigations resulting in a proposed unsatisfactory rating:

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

• All Other Motor Carriers: This review will result in a Proposed Safety Rating. The findings indicate you are currently operating at an unsatisfactory level of safety compliance. A written notice of proposed unsatisfactory rating will be sent to you by the FMCSA via U.S. Mail. If you fail to obtain an improved rating within 60 days of the date that notice is sent, the unsatisfactory rating will become final and you must cease interstate operations.

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

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

You may prepare a corrective action letter, addressing the measures taken to correct the violations identified within this report. Submit this letter, and any additional evidence necessary to prove the corrective action has been taken to:

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

2. I acknowledge that these requirements and/or recommendations have been discussed with me and my questions have been answered. I understand that failure to satisfactorily remedy the above-listed requirements, and/or failure to comply with Kansas Motor Carrier Safety Statutes and Regulations could result in the suspension of Aaron Haden dba MAJAC's operating authority and/or the impoundment of Aaron Haden dba MAJAC's vehicles.

X 

Aaron Haden



ATTACHMENT “B”

Drivers Daily Log

(One Calendar day = 24 hours)

3/7/16

(Month - Day - Year)

182

(Total miles driven today)

Vehicle numbers - (Show Each Unit)

I certify that these entries are true and correct:

Majac

(Name of the Carrier)

Alan Hook

(Driver's Signature)

Endora, KS 66025

(Main office address)

(Name of the Co-driver)

	Mid Night	1	2	3	4	5	6	7	8	9	10	11	Noon	1	2	3	4	5	6	7	8	9	10	11	12	Total Hours
1	Off Duty																									12.5
2	Sleeper Borth																									
3	Driving																									3
4	On Duty																									8.5
	Mid Night	1	2	3	4	5	6	7	8	9	10	11	Noon	1	2	3	4	5	6	7	8	9	10	11	12	
	Remarks																									

PRO or Shipping Number

Drivers Daily Log

(One Calendar day = 24 hours)

3/8/16

(Month - Day - Year)

39

(Total miles driven today)

Vehicle numbers - (Show Each Unit)

I certify that these entries are true and correct:

Majac

(Name of the Carrier)

Alan Hook

(Driver's Signature)

Endora, KS 66025

(Main office address)

(Name of the Co-driver)

	Mid Night	1	2	3	4	5	6	7	8	9	10	11	Noon	1	2	3	4	5	6	7	8	9	10	11	12	Total Hours
1	Off Duty																									14
2	Sleeper Borth																									
3	Driving																									1
4	On Duty																									9
	Mid Night	1	2	3	4	5	6	7	8	9	10	11	Noon	1	2	3	4	5	6	7	8	9	10	11	12	
	Remarks																									

KC, MO

Trailer Hooked

PRO or Shipping Number

Alan Hook 4-5-16.

CERTIFICATE OF SERVICE

16-TRAM-460-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 26 2016**.

AARON HADEN, OWNER
AARON HADEN
D/B/A MAJAC
1319 TALLGRASS DR
EUDORA, KS 66025
ahaden1971@live.com

AHSAN LATIF, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604-4027
Fax: 785-271-3354
a.latif@kcc.ks.gov

/S/ DeeAnn Shupe
DeeAnn Shupe

Order Mailed Date

APR 27 2016