

# STATE OF KANSAS

20181018134105  
Kansas Corporation Commission

CORPORATION COMMISSION  
1500 SW ARROWHEAD ROAD  
TOPEKA, KS 66604-4027



PHONE: 785-271-3100  
FAX: 785-271-3354  
<http://kcc.ks.gov/>

GOVERNOR JEFF COLYER, M.D.

SHARI FEIST ALBRECHT, CHAIR | JAY SCOTT EMLER, COMMISSIONER | DWIGHT D. KEEN, COMMISSIONER

## NOTICE OF PENALTY ASSESSMENT 19-TRAM-137-PEN

October 18, 2018

William Beck, Managing Member  
ADI Designs, L.L.C.  
1134 W Cambridge Circle  
Kansas City, KS 66103

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

**IF YOU ACCEPT THE PENALTY:** ADI Designs has been assessed a \$1,150 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$1,150, 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 ADI Designs 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](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. ADI Designs 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. 2017 Supp. 77-542.

**IF YOU FAIL TO ACT:** Failure to pay the penalty of \$1,150 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:        Shari Feist Albrecht, Chair  
                                     Jay Scott Emler  
                                     Dwight D. Keen

In the Matter of the Investigation of **ADI**        )  
**Designs, L.L.C., of Kansas City, KS,**        )  
Regarding the Violation of the Motor Carrier        )  
Safety Statutes, Rules and Regulations and the        ) Docket No. 19-TRAM-137-PEN  
Commission's Authority to Impose Penalties,        )  
Sanctions and/or the Revocation of Motor        )  
Carrier Authority.        )

**PENALTY ORDER**

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

**I. JURISDICTION**

1. Pursuant to K.S.A. 2017 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. 2017 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. 2017 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. ADI Designs, L.L.C. (ADI Designs) has private operating authority with the Commission and further operates USDOT number 716817.

5. ADI Designs assembles and delivers stone mantles, pillars and other stone-based architectural products for primarily residential customers in the Kansas City metro area.

6. ADI Designs is a private motor carrier which primarily hauls building materials.

## **III. STATEMENT OF FACTS**

7. Pursuant to the jurisdiction and authority cited above, on August 29, 2018, Commission Staff (Staff) Special Investigator Wade Patterson conducted a compliance review of the operations of ADI Designs. 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 three (3) violation(s) of the Motor Carrier Safety Regulations.

- a. On August 21, 2018, ADI Designs required or permitted its driver, Ramsey Richards, to operate a commercial motor vehicle, a 1998 Isuzu flatbed truck, VIN ending in 002470, GVWR 11,050 lbs., in interstate commerce from Kansas City, Kansas to Kansas City, Missouri. This trip

is evidenced by an install record, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, ADI Designs had not paid its 2018 Uniform Carrier Registration (UCR) fees to operate over the highways of the United States. The carrier'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 (UCR) fees as set out in 49 C.F.R. 367.30, is a violation of K.A.R. 82-4-30a, authorized by K.S.A. 2017 Supp. 66-1,139a and K.S.A. 2017 Supp. 66-1,129. Staff recommends a fine of \$300.

- b. During the transportation described in paragraph a., above, ADI Designs failed to maintain a copy of the motor vehicle record (MVR) in the driver's qualification file. The carrier's failure to inquire into the driving record of each of its drivers at least once every 12 months and to maintain the MVR in the driver's qualification file is a violation of 49 C.F.R. Part 391.25(a) and (c), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 2017 Supp. 66-1,129. Staff recommends a fine of \$100.
- c. During the transportation described in paragraph a., above, ADI Designs failed to obtain and document a successful periodic (annual) inspection on the commercial motor vehicle during the preceding 12-month period. The special investigator discovered two (2) violations of this type. The carrier's failure to conduct periodic (annual) inspections on commercial motor vehicles is a violation of 49 C.F.R. 396.17(c), adopted by K.A.R.

82-4-3j, and authorized by K.S.A. 2017 Supp. 66-1,129. Staff recommends a fine of \$750.

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

8. Based upon the available facts, Staff recommends the Commission finds ADI Designs committed three (3) 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 \$1,150 for three (3) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that a representative from ADI Designs 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](http://kcc.ks.gov/trans/safety_meetings.htm).

11. Finally, Staff recommends that ADI Designs 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 ADI Designs because it is a motor carrier as defined in K.S.A. 2017 Supp. 66-1,108.

13. The Commission finds ADI Designs committed three (3) 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. ADI Designs, L.L.C., of Kansas City, KS is hereby assessed a \$1,150 civil penalty for three (3) 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. ADI Designs 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. ADI Designs 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. 2017 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 ADI Designs' right to a hearing, and this Penalty Order will become a Final Order assessing a \$1,150 civil penalty

against ADI Designs, and ordering a representative from ADI Designs 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. 2017 Supp. 66-1,142b(e) and amendments thereto.

F. If you do not request a hearing, the payment of the civil penalty of \$1,150 is due in thirty (30) days from the date of service of this Order. Payment of \$1,150 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 \$1,150 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 ADI Designs' 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.**

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 10/18/2018

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









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Lynn M. Retz  
Secretary to the Commission


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## **ATTACHMENT “A”**

	<b>US DOT #</b> 716817	<b>Legal:</b> ADI DESIGNS LLC <b>Operating (DBA):</b> ADI		
<b>MC/MX #:</b>		<b>Federal Tax ID:</b>  (EIN)		
<b>Review Type:</b> Compliance Review (CR)				
<b>Scope:</b> Principal Office		<b>Location of Review/Audit:</b> Company facility in the U. S.		<b>Territory:</b>
<b>Operation Types</b>		<b>Business:</b> Corporation		
<b>Carrier:</b> Non-HM    N/A <b>Shipper:</b> N/A        N/A <b>Cargo Tank:</b> N/A	<b>Interstate</b> <b>Intrastate</b>	<b>Gross Revenue:</b>  for year ending: 12/31/2017		
<b>Company Physical Address:</b>  KANSAS CITY, KS 66103-1312				
<b>Contact Name:</b> William Beck <b>Phone numbers: (1)</b>  <b>Fax</b>  <b>E-Mail Address:</b> 				
<b>Company Mailing Address:</b>  KANSAS CITY, KS 66103-1312				
<b>Carrier Classification</b> Private Property				
<b>Cargo Classification</b> Building Materials				
<b>Equipment</b>				
	Owned	Term Leased	Trip Leased	Owned Term Leased Trip Leased
Truck	2	0	0	
Power units used in the U.S. 2 Percentage of time used in the U.S. :100				
Does carrier transport placardable quantities of HM? No Is an HM Permit required? N/A				
<b>Driver Information</b>				
	Inter	Intra	Average trip leased drivers/month: 0	
< 100 Miles:	1		Total Drivers: 1	
>= 100 Miles:			CDL Drivers:	



	<b>ADI (ADI DESIGNS LLC dba)</b> U.S. DOT # 716817	<b>Review Date</b> 08/29/2018
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**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:** William Beck

**Title:** Manager

**Name:**

**Title:**



	<b>ADI (ADI DESIGNS LLC dba)</b>	<b>Review Date</b>
	U S. DOT #: 716817	08/29/2018

### Part B Violations

1 FEDERAL CRITICAL	Primary. 396.17(a)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 1	Checked 1
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#### Description

Using a commercial motor vehicle not periodically inspected.

#### Example

On 08/21/2018 ADI Designs LLC had driver Ramsey Richards (MO DL# [REDACTED]) operate a commercial motor vehicle (1998 Isuzu Flat Bed Truck VIN# [REDACTED] 002470) in interstate commerce. This vehicle has a gross vehicle weight rating of 11,050 lbs. Driver operated this commercial vehicle from Kansas City Kansas to Kansas City Missouri. This trip is evidenced by a driver record of duty status and job invoice. At the time of this trip and during the review, carrier is using a commercial motor vehicle not periodically inspected.

2 FEDERAL	Primary 367.30	Discovered 1	Checked 1	Drivers/Vehicles In Violation 0	Checked 0
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#### Description

Fail to pay current years UCR and operating in interstate commerce.

#### Example

On 08/21/2018 ADI Designs LLC had driver Ramsey Richards (MO DL# [REDACTED]) operate a commercial motor vehicle (1998 Isuzu Flat Bed Truck VIN# [REDACTED] 002470) in interstate commerce. This vehicle has a gross vehicle weight rating of 11,050 lbs. Driver operated this commercial vehicle from Kansas City Kansas to Kansas City Missouri. This trip is evidenced by a driver record of duty status and job invoice. At the time of this trip and during the review, carrier failed to pay 2018 UCR fees.

3 FEDERAL	Primary 391.25(c)(1)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
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#### Description

Failing to maintain a copy of the motor vehicle record or response from each State agency in the driver qualification file.

#### Example

On 08/21/2018 ADI Designs LLC had driver Ramsey Richards (MO DL# [REDACTED]) operate a commercial motor vehicle (1998 Isuzu Flat Bed Truck VIN# [REDACTED] 002470) in interstate commerce. This vehicle has a gross vehicle weight rating of 11,050 lbs. Driver operated this commercial vehicle from Kansas City Kansas to Kansas City Missouri. This trip is evidenced by a driver record of duty status and job invoice. At the time of this trip and during the review, carrier failed to maintain a copy of the motor vehicle record or response from each State agency in the driver qualification file.

4 FEDERAL	Primary 391.51(b)(5)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
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#### Description

Failing to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2).

#### Example

On 08/21/2018 ADI Designs LLC had driver Ramsey Richards (MO DL# [REDACTED]) operate a commercial motor vehicle (1998 Isuzu Flat Bed Truck VIN# [REDACTED] 002470) in interstate commerce. This vehicle has a gross vehicle weight rating of 11,050 lbs. Driver operated this commercial vehicle from Kansas City Kansas to Kansas City Missouri. This trip is evidenced by a driver record of duty status and job invoice. At the time of this trip and during the review, carrier failed to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2).



	<b>ADI (ADI DESIGNS LLC dba)</b>	<b>Review Date</b>
	U.S. DOT # 716817	08/29/2018

### Part B Violations

<b>5</b> FEDERAL	Primary 391.51(b)(6)	<b>Discovered</b> 1	<b>Checked</b> 1	<b>Drivers/Vehicles</b> <b>In Violation</b> 1	<b>Checked</b> 1
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#### Description

Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27  
On 08/21/2018 ADI Designs LLC had driver Ramsey Richards (MO DL# [REDACTED]) operate a commercial motor vehicle (1998 Isuzu Flat Bed Truck VIN# [REDACTED] 002470) in interstate commerce. This vehicle has a gross vehicle weight rating of 11,050 lbs. Driver operated this commercial vehicle from Kansas City Kansas to Kansas City Missouri. This trip is evidenced by a driver record of duty status and job invoice. At the time of this trip and during the review, carrier failed to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27.

<b>6</b> FEDERAL	Primary 396.3(b)(2)	<b>Discovered</b> 1	<b>Checked</b> 1	<b>Drivers/Vehicles</b> <b>In Violation</b> 0	<b>Checked</b> 0
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#### 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 08/21/2018 ADI Designs LLC had driver Ramsey Richards (MO DL# [REDACTED]) operate a commercial motor vehicle (1998 Isuzu Flat Bed Truck VIN# [REDACTED] 002470) in interstate commerce. This vehicle has a gross vehicle weight rating of 11,050 lbs. Driver operated this commercial vehicle from Kansas City Kansas to Kansas City Missouri. This trip is evidenced by a driver record of duty status and job invoice. 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.

<b>7</b> FEDERAL	Primary 396.3(b)(3)	<b>Discovered</b> 1	<b>Checked</b> 1	<b>Drivers/Vehicles</b> <b>In Violation</b> 0	<b>Checked</b> 0
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#### Description

Failing to keep a record of inspection, repairs and maintenance indicating their date and nature.

#### Example

On 08/21/2018 ADI Designs LLC had driver Ramsey Richards (MO DL# [REDACTED]) operate a commercial motor vehicle (1998 Isuzu Flat Bed Truck VIN# [REDACTED] 002470) in interstate commerce. This vehicle has a gross vehicle weight rating of 11,050 lbs. Driver operated this commercial vehicle from Kansas City Kansas to Kansas City Missouri. This trip is evidenced by a driver record of duty status and job invoice. At the time of this trip and during the review, carrier failed to keep a record of inspection, repairs and maintenance indicating their date and nature.

<b>Safety Fitness Rating Information:</b>	<b>OOS Vehicle (CR): 0</b>
<b>Total Miles Operated</b> 6,350	<b>Number of Vehicle Inspected (CR): 0</b>
<b>Recordable Accidents</b> 0	<b>OOS Vehicle (MCMIS): 0</b>
<b>Recordable Accidents/Million Miles</b> 0.00	<b>Number of Vehicles Inspected (MCMIS): 0</b>

<b>Your proposed safety rating is :</b>      <b>SATISFACTORY</b>	<b>Rating Factors</b>	<b>Acute</b>	<b>Critical</b>
	Factor 1:	S	0
	Factor 2:	S	0
	Factor 3:	S	0
	Factor 4:	C	1
	Factor 5:	N	0
	Factor 6:	S	-

Corrective actions must be taken for any violations (deficiencies) identified on Part B of this report.





ADI (ADI DESIGNS LLC dba)  
U.S DOT # 716817

Review Date  
08/29/2018

## 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.





	<b>ADI (ADI DESIGNS LLC dba)</b> U.S. DOT # 716817	Review Date 08/29/2018
<b>Part B Requirements and/or Recommendations</b>		

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

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:

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

2. FMCSA recently announced planned improvements to the Carrier Safety Measurement System (SMS) which was implemented in December 2010 as part of the Agency's broader Compliance, Safety, Accountability (CSA) initiative. A preview of these improvements is currently available to motor carriers. The system changes are scheduled to be available to the public in July 2012. There will be additional opportunity for public comment on the changes after the preview period ends in July 2012.

The improvements to SMS are based on ongoing analysis and feedback from enforcement personnel, the motor carrier industry, and other stakeholders. The changes more effectively identify and prioritize high-risk and other unsafe motor carriers for enforcement interventions designed to reduce commercial motor vehicle crashes and hazardous materials incidents.

Motor carriers currently have the ability to preview how the improvements impact their individual safety data in SMS. These improvements include: (1) Changes to the SMS methodology that identify higher risk carriers while addressing industry biases; (2) better applications of SMS results for Agency interventions by more accurately identifying safety sensitive carriers (i.e., carriers transporting people and carriers hauling hazardous materials (HM)), so that such firms can be selected for CSA interventions at more stringent levels; and, (3) more specific fact-based displays of SMS results on the SMS Web site.

The data preview may be found at <http://csa.fmcsa.dot.gov/>. During the data preview period, the Agency requests comments on the impacts of the changes.

3. Carrier is required to pay Unified Carrier Registration (UCR) fee when operating in Interstate commerce. Visit [UCR.IN.GOV](http://UCR.IN.GOV) to pay your UCR fees. You must pay 2018 UCR fees in order to be in compliance with the regulations.





ADI (ADI DESIGNS LLC dba)  
U S. DOT # 716817

Review Date  
08/29/2018

## Part B Requirements and/or Recommendations

### 4. VEHICLE MAINTENANCE BASIC - INSPECTION-REPAIR-MAINTENANCE PROCESS BREAKDOWN Policies and Procedures

#### DESCRIPTION OF PROCESS BREAKDOWN

ADI Designs LLC failed to keep complete maintenance files on company vehicles. Carrier violations occurred due to a breakdown regarding the policies and procedures elements of compliance within this section. Carrier neglected to establish the appropriate complete maintenance file on his commercial motor vehicles. Carrier must create the policies and procedures necessary to effectively maintain his fleet. This includes establishing a preventative maintenance program and repair log. All pertinent information must be kept in this file. Additionally, ensure that each commercial motor vehicle has a current periodic annual inspection. These inspections should be stored in the individual vehicle files and maintained for a period of 14 months. Follow the directions given to you at the time of our review. All of the required maintenance documents were provided to you from the "Red Book". These duties and the documents verifying their completion require continued monitoring and tracking by carrier officials to ensure compliance. Utilize the documents and instructions provided to you during this review to assist you in correcting the deficiencies.

#### BASIC SPECIFIC RECOMMENDED REMEDIES

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

- Develop a system of preventive maintenance for compliant, safe, and efficient fleet operations, including a schedule for periodic maintenance, inspection, and recordkeeping. This system should be attuned to manufacturer recommendations, the carrier's own experience, and regulatory requirements.
- Develop a procedure ensuring that vehicle defects that impact safety and/or safety compliance are reported, repaired, and certified before the vehicle is operated.
- Develop procedures to ensure that management is notified of vehicle defects through the use of Driver Vehicle Inspection Records (DVIRs) and other communication channels, such as driver call-in and e-mail from mechanics.
- Develop a policy ensuring that drivers are qualified to complete thorough and timely Driver Vehicle Inspection Records (DVIRs) by the end of the day of the trip and prior to a subsequent assignment.
- Establish a policy requiring drivers to submit copies of all roadside inspections to carrier management within 24 hours.
- Develop policies and procedures requiring drivers to immediately notify appropriate management of any roadside vehicle Out-of-Service (OOS) order.
- 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 vehicle maintenance violations.

#### Seek Out Resources

- You are encouraged to review your company's record at the following website: <http://a1.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

### 5. DRIVER FITNESS BASIC PROCESS BREAKDOWN Policies and Procedures

#### DESCRIPTION OF PROCESS BREAKDOWN

ADI Designs LLC's violations occurred due to a breakdown regarding the policies and procedures elements of compliance within this section. Carrier has established organized driver qualification files for each CMV driver. That said, you need to develop a better methodology for ensuring that all drivers have the requisite paperwork in their individual files. It is incumbent upon the carrier to execute all annual requirements for their commercial motor vehicle drivers. Ensure that each driver has a current MVR and listing/certification of driving violations. These duties and the







ADI (ADI DESIGNS LLC dba)  
U.S. DOT # 716817

Review Date:  
08/29/2018

## Part B Requirements and/or Recommendations

documents verifying their completion require continued monitoring and tracking by carrier officials to ensure compliance. Utilize the documents and instructions provided to you during this review to assist you in correcting the deficiencies.

### BASIC SPECIFIC RECOMMENDED REMEDIES

**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



## **ATTACHMENT “B”**

MONDAY 8/20/2018	TUESDAY 8/21/2018	WEDNESDAY 8/22/2018	THURSDAY 8/23/2018	FRIDAY 8/24/2018	TOTAL
INSTALL	INSTALL	INSTALL	INSTALL	INSTALL	
JAVIER 7.25-1.75 6.5 RAMSEY 7-1 6	JAVIER 7-3.5nl 8.5 RAMSEY 7-3.5nl 8.5	JAVIER RAMSEY	JAVIER RAMSEY	JAVIER RAMSEY	
JERRY HUGHES #7829 10" COLUMN PRAIRIE VILLAGE	RUHL #7817 3" CLADDING MANTEL K.C., MO  SONOMA PONTE mantels bldg	MOLLY JOHNSON COPING MISSION HILLS  SONOMA PONTE mantels bldg	MOLLY JOHNSON COPING MISSION HILLS  PELOQUIN TOUCH UPS  REED REPLACE COLUMNS  JACOBS REPLACE COLUMN	ERNST ENTRYWAY PRAIRIE VILLAGE  BRIAN ADAMS INDIANA -DOVE GREY  CAMILLE'DEER 0137963549316  ERNST ENTRYWAY	
CRÈME - PRALINE OYSTER/PEARL- PEARL LIMESTONE- PEARL MOCHA - ANTIQUE WHITE INDIANA -DOVE GREY INDIANA LIGHT -SILVERADO PARISIAN - PARCHMENT TAUPE - SANDSTONE BEIGE FINISHED HOUSE		SHOWROOM NEWPORT -S-128 FAIRFIELD			

## **CERTIFICATE OF SERVICE**

19-TRAM-137-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 10/19/2018.

WILLIAM BECK, MANAGING MEMBER  
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/S/ DeeAnn Shupe  
\_\_\_\_\_  
DeeAnn Shupe