

STATE OF KANSAS



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

18-TRAM-513-PEN

June 7, 2018

Ronald L. Duerksen, President
Professional Cleaning Systems Inc.
PO Box 64
Hillsboro, Kansas 67073

Certified Mail No. 70161970000105745964

This is a notice of a penalty assessment against Professional Cleaning Systems Inc. (Professional Cleaning Systems) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on April 17, 2018, by Kansas Corporation Commission Special Investigator Doug Handy. Penalties are assessed in accordance with the FY 2018 Uniform Penalty Assessment Matrix, approved by the Commission on June 27, 2017. 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: Professional Cleaning Systems has been assessed a \$3,300 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$3,300, 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 Professional Cleaning Systems 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. Professional Cleaning Systems 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 \$3,300 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,


Ansan 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 **Professional**)
Cleaning Systems Inc., of Hillsboro, Kansas,)
Regarding the Violation of the Motor Carrier)
Safety Statutes, Rules and Regulations and the) Docket No. 18-TRAM-513-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. Professional Cleaning Systems Inc. (Professional Cleaning Systems) has private operating authority with the Commission and further operates USDOT number 962029.

5. Professional Cleaning Systems operates nine (9) trucks and five (5) trailers and employs nine (9) CDL drivers.

6. Professional Cleaning Systems is a private motor carrier which primarily hauls chemicals.

III. STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, on April 17, 2018, Commission Staff (Staff) Special Investigator Doug Handy conducted a compliance review of the operations of Professional Cleaning Systems. 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 six (6) violation(s) of the Motor Carrier Safety Regulations.

- a. On February 7, 2018, Professional Cleaning Systems required or permitted its driver, Jeremy P. Duerksen, to operate a commercial motor vehicle, a 2018 Chevrolet, VIN ending in 123662, GVWR 9,500 lbs., in intrastate commerce from LeHigh, Kansas to Dodge City, Kansas. This trip is

evidenced by Driver/Vehicle Examination Report Number KSHP04232020, dated February 7, 2018, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, Professional Cleaning Systems failed to require its driver to enter the basic description of a hazardous material in the proper sequence on the shipping paper. Mr. Duerksen was transporting a placardable amount of Class 3 flammable and Class 8 corrosive materials. The sequence of the hazardous material was not listed in the required order by the regulations. The carrier's failure to properly list on the shipping paper the hazardous material transported in the sequence as required by federal regulations is a violation of 49 C.F.R. 172.202(b), adopted by K.A.R. 82-4-20, and authorized by K.S.A. 2017 Supp. 66-1,129. Staff recommends a fine of \$200.

- b. During the transportation described in paragraph a., above, Professional Cleaning Systems failed to properly train its driver in the transportation of hazardous material. The carrier provided records of training on hazardous material that was attended by its drivers on April 9, 2018. The special investigator found nine (9) violations of this type. The carrier's failure to require its drivers to attend training on transportation of hazardous material prior to operations is a violation of 49 C.F.R. § 172.704(a), adopted by K.A.R. 82-4-20, and authorized by K.S.A. 2017 Supp. 66-1,129. Staff recommends a fine of \$750.

- c. During the transportation described in paragraph a., above, Professional Cleaning Systems did not have implemented an alcohol/controlled substance testing program for its CDL drivers. On March 28, 2018, the carrier joined the consortium National Screening Bureau located in Wichita, Kansas. There were no prior records of any enrollment with a consortium. Professional Cleaning Systems' failure to establish an alcohol and controlled substance testing program for its CDL drivers that complies with the procedures established in 49 C.F.R. 382.105 as adopted by K.A.R. 82-4-3c is a violation of 49 C.F.R. 382.115(a), adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 2017 Supp. 66-1,129. Staff recommends a fine of \$1,000.
- d. During the transportation described in paragraph a., above, Professional Cleaning Systems did not have a supervisor trained in reasonable suspicion of a possible driver under the influence of alcohol and/or a controlled substance. The carrier's inability to produce documentation of this training and its failure to have a designated person to attend 60 minutes of training on alcohol misuse and an additional 60 minutes of training on controlled substances use is a violation of 49 C.F.R. 382.603, adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 2017 Supp. 66-1,129. Staff recommends a fine of \$100.
- e. During the transportation described in paragraph a., above, Professional Cleaning Systems failed to make an inquiry every 12 months into the annual motor vehicle record (MVR) of its driver and maintain the response(s) of

each state agency in the driver qualification file. The special investigator discovered four (4) violations of this type. The carrier's failure to inquire into its driver's MVR at least once every 12 months and maintain a copy of the MVR in the driver qualification file is a violation of 49 C.F.R. Part 391.25(a) and (c)(1), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 2017 Supp. 66-1,112. Staff recommends a fine of \$250.

- f. During the transportation described in paragraph a., above, Professional Cleaning Systems failed to require its driver to make a record of duty status showing date, start time, end time and number of hours worked for the day. The special investigator discovered 125 violations of this type. The carrier's failure to require its drivers to keep records of duty status for each 24-hour period, or in the alternative to maintain and retain time records described in 49 C.F.R. 395.1(e) under the short haul exemption, using the method described in 49 C.F.R. 395.8(a), and to submit the original record to the motor carrier within 13 days of creation is a violation of 49 C.F.R. 395.8(a), adopted by K.A.R. 82-4-3a, and authorized by K.S.A. 2017 Supp. 66-1,129. Staff recommends a fine of \$1,000.

IV. STAFF'S RECOMMENDATIONS

8. Based upon the available facts, Staff recommends the Commission finds Professional Cleaning Systems committed six (6) 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 \$3,300 for six (6) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that a representative from Professional Cleaning Systems 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 Professional Cleaning Systems 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 Professional Cleaning Systems because it is a motor carrier as defined in K.S.A. 2017 Supp. 66-1,108.

13. The Commission finds Professional Cleaning Systems committed six (6) 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. Professional Cleaning Systems Inc., of Hillsboro, Kansas is hereby assessed a \$3,300 civil penalty for six (6) 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. Professional Cleaning Systems 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. Professional Cleaning Systems 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. On June 7, 2018, this Penalty Order was mailed to Professional Cleaning Systems via Certified Mail, Return Receipt Requested, Receipt Number 70161970000105745964. Service of this Order is complete upon the date delivered shown on the Domestic Return Receipt.

E. 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 Professional Cleaning Systems' right to a hearing, and this Penalty Order will become a Final Order assessing a \$3,300 civil penalty against Professional Cleaning Systems, and ordering a representative from Professional Cleaning Systems 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.

F. 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.

G. If you do not request a hearing, the payment of the civil penalty of \$3,300 is due in thirty (30) days from the date of service of this Order. Payment of \$3,300 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.

H. Failure to pay the \$3,300 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 Professional Cleaning Systems' 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.

I. 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: 06/07/2018 _____

A handwritten signature in dark ink, appearing to read "Lynn M. Retz". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Lynn M. Retz
Secretary to the Commission

AAL

ATTACHMENT “A”



US DOT #
962029

Legal: PROFESSIONAL CLEANING SYSTEMS INC.,
Operating (DBA):

MC/MX #: State #: Federal Tax ID: (EIN)

Review Type: Compliance Review (CR)

Scope: Principal Office Location of Review/Audit: Company facility in the U. S. Territory: F

Operation Types Interstate IntraState

Carrier: N/A HM
Shipper: N/A HM
Cargo Tank: N/A

Business: Corporation
Gross Revenue: for year ending: 12/31/2017

Company Physical Address:



Contact Name: Ron L. Duerksen

Phone numbers: (1)

Fax

E-Mail Address:

Company Mailing Address:

P O BOX 63
HILLSBORO, KS 67073-0063

Carrier Classification

Private Property

Cargo Classification

Chemicals

Hazardous Materials

3 Flammable liquid	Carr./Ship.	Bulk/Non-Bulk	3 Combustible liquid	Carr./Ship.	Bulk/Non-Bulk
5.1 Oxidizer	Carr./Ship.	Non-Bulk	8 Corrosive material	Carr./Ship.	Non-Bulk
9 Miscellaneous HM	Carr./Ship.	Non-Bulk			

Equipment

	Owned	Term Leased	Trip Leased		Owned	Term Leased	Trip Leased
Truck	9	0	0	Trailer	5	0	0

Power units used in the U.S.: 9

Percentage of time used in the U.S.: 100

Does carrier transport placardable quantities of HM? Yes

Is an HM Permit required? N/A

Driver Information

	Inter	Intra	Average trip leased drivers/month: 0
< 100 Miles:	6		Total Drivers: 9
>= 100 Miles:	3		CDL Drivers: 9



PROFESSIONAL CLEANING SYSTEMS INC
U.S. DOT #: 962029

State #: [REDACTED]

Review Date:
04/18/2018

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: Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, Ks. 66604-4027

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Ron L. Duerksen

Title: President

Name: [REDACTED]





PROFESSIONAL CLEANING SYSTEMS INC
U.S. DOT #: 962029

State #: [REDACTED]

Review Date:
04/18/2018

Part B Violations

1 STATE	Primary: 172.202(b) CFR Equivalent: 172.202(b)	Discovered 1	Checked 3	Drivers/Vehicles In Violation 1	Checked 3
Description Failing to enter the basic description of a hazardous material in proper sequence on the shipping paper. Example Driver Name: [REDACTED] Trip Date 02/07/18 Ks. Roadside Inspection #KSHP04232020 Carrier failed to list the proper sequence, listed as Hazard Class -ID Number-Packing Group- Proper shipping Name					
2 FEDERAL	Primary: 172.704(a)	Discovered 9	Checked 9	Drivers/Vehicles In Violation 9	Checked 9
Description Failing to train hazardous materials employees as required. Example Driver Name: [REDACTED] Trip Date 02/07/18 Hired Date: 03/1996 Ks. Roadside Inspection #KSHP04232020 Driver operated in Intrastate Commerce transporting a placardable amount of Class 3 flammable and Class 8 Corrosive from Lehigh, Ks. to Dodge City, Ks. without having general awareness training. Shipper/Carrier was trained on 04/09/2018 by Railsback Hazmat Safety Professionals, LLC on all required training. No other training documentation was provided prior to 04/09/18.					
3 FEDERAL	Primary: 177.817(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
Description Transporting a shipment of hazardous materials not accompanied by a properly prepared shipping paper. Example Driver Name: [REDACTED] Trip Date 02/07/18 Ks. Roadside Inspection #KSHP04232020 Carrier failed to list the proper sequence: listed as Hazard Class -ID Number-Packing Group- Proper shipping Name					
4 FEDERAL	Primary: 177.817(f)	Discovered 2	Checked 3	Drivers/Vehicles In Violation 2	Checked 3
Description Failing to maintain a copy of the hazardous material shipping paper as prescribed for 365 days after the date accepted by the motor carrier. (Three years for a Hazardous Waste) Example Driver Name: [REDACTED] Trip Date 02/07/18 Hired Date: 03/1996 Ks. Roadside Inspection #KSHP04232020 Carrier failed to retain and provide the shipping paper as required. Driver operated in Intrastate Commerce transporting a placardable amount of Class 3 flammable and Class 8 Corrosive from Lehigh, Ks. to Dodge City, Ks.					





PROFESSIONAL CLEANING SYSTEMS INC
U.S. DOT #: 962029

State #: [REDACTED]

Review Date:
04/18/2018

Part B Violations

5 FEDERAL	Primary: 382.115(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation Checked
<p>Description Failing to implement an alcohol and/or controlled substances testing program on the date the employer begins commercial motor vehicle operations.</p> <p>Example Driver Name [REDACTED] Trip Date 02/07/2018 Hire Date 03/1996 Ks. Roadside Inspection #KSHP04232020</p> <p>Carrier began using National Screening Bureau as their alcohol/controlled substance testing consortium on 03/28/18. Carrier had no documentation provided during this investigation indicating there was ever a alcohol/controlled substance testing program implemented prior to 03/28/18.</p>				
6 FEDERAL	Primary: 382.603	Discovered 1	Checked 1	Drivers/Vehicles In Violation Checked
<p>Description Failing to ensure person designated to determine that drivers undergo reasonable suspicion testing receive 60 minutes training for alcohol and/or 60 minutes of training for controlled substances.</p> <p>Example Driver Name [REDACTED] Trip Date 02/07/2018 Hire Date 03/1996 Ks. Roadside Inspection #KSHP04232020</p> <p>Carrier official: Ron Duerksen, President, had no record of completion of the supervisory training during this investigation.</p> <p>Carrier began using National Screening Bureau as their alcohol/controlled substance testing consortium on 03/28/18. Carrier had no documentation provided during this investigation indicating there was ever a alcohol/controlled substance testing program implemented prior to 03/28/18.</p>				
7 FEDERAL	Primary: 391.21(a)	Discovered 5	Checked 5	Drivers/Vehicles In Violation Checked 5 5
<p>Description Using a driver who has not completed and furnished an employment application.</p> <p>Example Driver Name: [REDACTED] Trip Date: 02/07/2018 Hire Date: 03/1996 Ks. Roadside Inspection #KSHP04232020</p> <p>Carrier provided driver qualification files that were completed on 03/23/18. Carrier had no documentation provided prior to 03/23/18.</p>				





PROFESSIONAL CLEANING SYSTEMS INC
U.S. DOT #: 962029

State #: [REDACTED]

Review Date:
04/18/2018

Part B Violations

8 STATE	Primary: 391.23(a)(1) CFR Equivalent: 391.23(a)	Discovered 1	Checked 5	Drivers/Vehicles In Violation 1	Checked 5
Description Carrier failed to make an inquiry to each State where the driver held or holds a motor vehicle license or permit during the preceding 3 years to obtain that driver's motor vehicle record. Driver Name: [REDACTED] Trip Date: 03/23/18 Hire Date: 08/17 Driver operated in Intrastate Commerce from Lehigh, Ks. to Hutchinson, Ks. transporting a placarded amount of hazardous material. Carrier had no record of an inquiry made from each State in the driver qualification file prior to the MVR obtained on 03/23/18.					
9 STATE	Primary: 391.25(a) CFR Equivalent: 391.25(a)	Discovered 4	Checked 5	Drivers/Vehicles In Violation 4	Checked 5
Description Failing to make an inquiry into the driving record of each driver to the appropriate State agencies in which the driver held a commercial motor vehicle operator's license at least once every 12 months. Example Driver Name: [REDACTED] Trip Date: 02/07/18 Hire Date: 3/1996 Ks. Roadside Inspection #KSHP04232020 Carrier's driver qualification file records indicated the only MVR in the file was obtained on 03/23/18.					
10 STATE	Primary: 391.51(b)(5) CFR Equivalent: 391.51(b)(5)	Discovered 4	Checked 5	Drivers/Vehicles In Violation 4	Checked 5
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 Driver Name: [REDACTED] Trip Date: 02/07/18 Hire Date: 3/1996 Ks. Roadside Inspection #KSHP04232020 Carrier's driver qualification file records indicated the annual review was completed on 03-23-18. There was no other documentation provided indicating the annual review was ever completed prior to 03-23-18.					
11 STATE	Primary: 391.51(b)(6) CFR Equivalent: 391.51(b)(6)	Discovered 4	Checked 5	Drivers/Vehicles In Violation 4	Checked 5
Description Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27. Example Driver Name: [REDACTED] Trip Date: 02/07/18 Hire Date: 3/1996 Ks. Roadside Inspection #KSHP04232020 Carrier's driver qualification file records indicated the certification of violations was completed on 03-23-18. There was no other documentation provided indicating the certification of violations was ever completed prior to 03-23-18.					





PROFESSIONAL CLEANING SYSTEMS INC
U.S. DOT #: 962029

State #: [REDACTED]

Review Date:
04/18/2018

Part B Violations

12 STATE	Primary: 395.8(a) CFR Equivalent: 395.8(a)	Discovered 125	Checked 150	Drivers/Vehicles In Violation	Checked
				5	5

Description

Falling to require driver to make a record of duty status.

Example

Driver Name: [REDACTED]

Trip Date 02/07/18

Hired Date: 03/1996

Ks. Roadside Inspection #KSHP04232020

Driver operated in Intrastate Commerce transporting a placardable amount of Class 3 flammable and Class 8 Corrosive from Lehigh, Ks. to Dodge City, Ks. without having completed a record of duty status.

Carrier failed to provide hours of service records as requested.

Safety Fitness Rating Information:

Total Miles Operated 300,850
Recordable Accidents 0

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

Your proposed safety rating is :

This Review is not Rated.





PROFESSIONAL CLEANING SYSTEMS INC
U.S. DOT #: 962029

State #: XXXXXXXXXX

Review Date:
04/18/2018

Part B Requirements and/or Recommendations

1. Copies of the regulations, forms, interpretations, and manuals are available from a variety of sources. Check the FMCSA website for a current list of suppliers. www.fmcsa.dot.gov/safety-security/eta/index.htm
2. Conduct periodic internal reviews of your maintenance, hazardous materials handling, driver qualification, hours of service control, accident reporting, training, and other safety systems to ensure continued compliance.
3. 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.

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





PROFESSIONAL CLEANING SYSTEMS INC
U.S. DOT #: 962029

State #: [REDACTED]

Review Date:
04/18/2018

Part B Requirements and/or Recommendations

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

4. CONTROLLED SUBSTANCES AND ALCOHOL BASIC PROCESS BREAKDOWN: Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN- Professional Cleaning Systems, Inc. had no alcohol/controlled substance testing program.

BASIC SPECIFIC RECOMMENDED REMEDIES

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

- Develop a written company policy incorporating by reference all regulations regarding controlled substances and alcohol use, testing, training, and records retention for all employees.
- Develop a policy requiring drivers to submit copies of all citations for moving violations to carrier management within 24 hours.
- Establish a process to ensure that drivers who are randomly tested can be immediately removed if they are found to be positive and that they do not return to safety-sensitive duties until they have complied with the "return-to-duty" process.
- Establish written policies and procedures that promote, verify, and enforce adherence to all controlled-substance and alcohol rules and regulations. Procedures should be tailored to company operations and should provide specific checks and guidelines for interacting with a consortium, if applicable.
- Establish a process to ensure that test results are properly safeguarded from unauthorized disclosure to prospective employers without specific written consent and from disclosure under any circumstances to insurance companies and other nonqualified parties, in accordance with regulations.
- Develop a policy to ensure that all alcohol testing is conducted immediately before or after the period that employees are performing a safety-sensitive function. Drivers can be tested on their day off only for controlled substances. Once notified of their selection, drivers must proceed immediately to the testing facility. If a driver refuses to go, this should be considered as equivalent to a positive result.
- Consider developing a driver selection protocol that uses valid random-number-generator software on a monthly basis to select, by driver identification number, 5 to 8 percent of drivers for controlled-substance testing and 2 to 5 percent for alcohol testing. This will ensure selection of 50 percent of drivers for controlled-substances testing and 10 percent for alcohol testing per year, given fluctuations in the driver workforce over the course of the year.
- 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 controlled-substance and alcohol 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.

5. HOS COMPLIANCE BASIC PROCESS BREAKDOWN: Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN- Professional Cleaning Systems, Inc. failed to require drivers' to complete a record of duty status or time records.

BASIC SPECIFIC RECOMMENDED REMEDIES





PROFESSIONAL CLEANING SYSTEMS INC
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State #: [REDACTED]

Review Date:
04/18/2018

Part B Requirements and/or Recommendations

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

- Develop a policy and procedure describing how management will monitor and track logs for falsification.
- Establish a policy that prohibits dispatchers from assigning a load to drivers without hours available to complete the load on time.
- Develop a policy stating that drivers should not violate their Hours-of-Service (HOS) Out-of-Service (OOS) order under any circumstances, and immediately contact the carrier when a driver is placed OOS.
- Develop a policy requiring drivers to report their available hours to dispatch during "check-in" calls.
- Develop policies and procedures for ensuring proper retention of Record of Duty Status (RODS) according to regulations.
- Establish a policy requiring drivers to submit copies of all roadside inspections to carrier management within 24 hours.
- Develop a policy stating that drivers are required to submit all Records of Duty Status (RODS) and supporting documentation, such as expense receipts, within 13 days of the end of the trip.
- Establish a policy stating that drivers are required to check with their supervisor, manager, or dispatcher to review their "fit-for-duty" status before starting a job, and that drivers who are ill to the extent that their ability and/or alertness is impaired are prohibited from working on safety-sensitive assignments.
- Develop a written and progressive disciplinary policy focused on taking corrective action to ensure drivers comply with regulations and policies. A progressive disciplinary policy could include, among other things, written warnings, suspensions, or work restrictions, monetary penalties, and termination. This policy should also specify consequences for any carrier official who knowingly and willfully allows Hours-of-Service (HOS) violations.

HAZMAT Carrier Only:

- Develop a clearly written policy and procedures for all personnel involved in accepting loads, assigning drivers, and establishing delivery schedules, taking into account the full operational process and enabling dispatchers to safely manage all types of HAZMAT loads for which the carrier is qualified within Hours of Service (HOS).

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. DRIVER FITNESS BASIC PROCESS BREAKDOWN: Monitoring and Tracking

DESCRIPTION OF PROCESS BREAKDOWN- Professional Cleaning Systems, Inc. failed to have completed driver qualification files with the required annual documentation in the file to be in compliance.

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.
- Implement a system for keeping accurate records of employee driver fitness training needs, such as entry-level





PROFESSIONAL CLEANING SYSTEMS INC
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Part B Requirements and/or Recommendations

and HAZMAT training, and completed training, via software, a checklist in the driver's file, and/or another appropriate method.

- 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.).

HAZMAT Carriers Only:

- Ensure that HAZMAT assignments are allocated according to qualification requirements

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. HM COMPLIANCE BASIC PROCESS BREAKDOWN: Roles and Responsibilities

DESCRIPTION OF PROCESS BREAKDOWN- Professional Cleaning Systems, Inc. failed to have hazardous material employees trained.

BASIC SPECIFIC RECOMMENDED REMEDIES

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

- Define and document roles and responsibilities of drivers, dispatchers, registered inspectors, managers, and other designated personnel in relation to regulations and company policies and procedures involving HAZMAT-handling functions for packaging inspections, testing of cargo tanks, and monitoring of test results.
- Define and document roles and responsibilities of drivers, dispatchers, managers, and other designated personnel in relation to regulations and company policies and procedures involving HAZMAT-handling functions for securement, marking, labeling, placarding, and HAZMAT-incident reporting.
- Define and document roles and responsibilities of drivers, dispatchers, managers, and other designated personnel in relation to regulations and company policies and procedures involving HAZMAT-handling functions for transportation registration, documentation, recordkeeping, security, emergency response, and training.
- Define and document roles and responsibilities of managers and dispatchers for companies that haul HAZMAT and regular cargo to ensure that only drivers with an "H" endorsement are assigned placardable HAZMAT; only those with an "N" endorsement, tank loads; only those with an "X" endorsement, combination Tank-HAZMAT.

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.

8. Ensure all employees involved in handling hazardous materials shipments are properly trained and familiar with the regulations applicable to their jobs in the hazardous materials transportation system. Also ensure all employees undergo recurrent HM training every three years as required. If within 30 days HM training can not take place for all employees identified as having training deficiencies cease using these employees until such time as their HM training can take place





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Review Date:

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Part B Requirements and/or Recommendations

9. This report contains citations of regulations that are deemed serious in nature and could result in penalties against your company and/or your drivers.

10. For all investigations that could result in a Penalty Order:

PLEASE NOTE: The violations discovered during this compliance investigation may affect the civil penalty proposed in any subsequent Penalty Order. 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 Penalty Order. Your signature for the receipt of this report acknowledges your understanding that the violations discovered by the KCC during this investigation may be used to calculate any civil penalty proposed as a result of this investigation. Your signature is not an admission to the violations identified.

11. 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 the Kansas Motor Carrier Safety Statutes and Regulations could result in suspension of Professional Cleaning Systems, Inc operating authority and/or the impoundment of Professional Cleaning Systems, Inc. vehicles.


4-18-18

Ron Duerksen, President
Date



ATTACHMENT “B”

DRIVER/VEHICLE EXAMINATION REPORT

Query Central 3.4

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

Report Number: KSHP04232020
Inspection Date: 02/07/2018
Start: 9:20 AM CT End: 09:50 AM CT
Inspection Level: 1 - Full
HM Inspection Type: Non-Bulk

PROFESSIONAL CLEANING SYSTEMS INC

LEHIGH, KS 67073
USDOT#: 00982029
MC/MX#:
State#:

Phone#:
Fax#:

Driver: DUERKSEN, JEREMY P

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

Location: RENO COUNTY - 155
Highway: US-50
County:

MilePost: 228
Origin: LEHIGH,KS
Destination: DODGE CITY,KS
Shipper: PROFESSIONAL CLEANING
Bill of Lading:
Cargo: CHEMICALS

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate #	Equipment ID	VIN	GVWR	CVSA #	New CVSA #	OOS#
1	TR	CHEV	2018	KS			123682	9,500			

BRAKE ADJUSTMENTS

Axle #	1	2
Right	N/A	N/A
Left	N/A	N/A
Chamber	HYDR	HYDR

VIOLATIONS

Vio Code	Section	Unit	OOS	Citation #	Verify	Crash	Violations Discovered
172.202A5	172.202A5	1	N		N	N	No or improper Total Quantity listed: TOTAL QUANTITY NOT LISTED FOR HAZARDOUS MATERIALS ENTRIES
172.202B	172.202B	1	N		N	N	Basic description not in proper sequence: UN 1830 ENTRY ON SHIPPING PAPER NOT IN PROPER SEQUENCE LISTED AS; HAZARD CLASS-ID NUMBER-PACKING GROUP-PROPER SHIPPING NAME
177.817A	177.817A	1	N		N	N	No or improper shipping papers (carrier): PER 172.202 (a) (7); NUMBER AND TYPE OF PACKAGE REQUIRED. SHIPPING PAPER LISTS QTY AND WEIGHT, BUT NO TYPE OF PACKAGE

HazMat: ;

Placard: Yes Cargo Tank:

Special Checks:

* NOTE TO MECHANIC: The undersigned certifies that all mechanical defects listed on this report HAVE BEEN CORRECTED at the time of signature.

Signature Of Repairer X: _____ Facility: _____ Date: _____

*** DRIVER: THIS FORM IS REQUIRED TO BE RETURNED TO THE CARRIER BY REGULATION. **/** *CARRIER CERTIFICATION: All defects on this sheet must be corrected or acknowledged PRIOR TO RE-DISPATCH and then certified by a responsible carrier official who must sign below. RETURN THIS FORM WITHIN 15 DAYS to the Motor Carrier Division of the KANSAS HIGHWAY PATROL at the address listed at the top of this form.

Signature Of Motor Carrier X: _____ Title: _____ Date: _____

Report Prepared By:
M. Mullen

Badge #:
0423

Copy Received By:
JEREMY DUERKSEN

Page 1 of 1



00962029 KS KSHP04232020

X _____

X _____

CERTIFICATE OF SERVICE

18-TRAM-513-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 06/08/2018.

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

RONALD L. DUERKSEN, PRESIDENT
PROFESSIONAL CLEANING SYSTEMS INC.
PO BOX 63
HILLSBORO, KS 67073-0063
Fax: 316-483-3926
proclean@centurylink.net

/S/ DeeAnn Shupe

DeeAnn Shupe