

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

August 4, 2016

17-TRAM-018-PEN

Melisa L. Coleman, General Manager
Venture Transportation, LLC
11604 SW 30th St
Baxter Springs, Kansas 66713

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 July 6, 2016, by Kansas Corporation Commission Special Investigator Michael Heenan. 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 \$1,250 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.

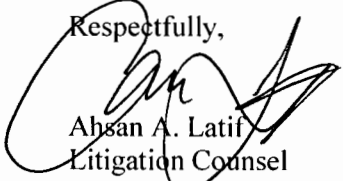
IF YOU CONTEST THE PENALTY:

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 **Venture**)
Transportation, LLC, of Baxter Springs,)
Kansas, Regarding the Violation of the Motor)
Carrier Safety Statutes, Rules and Regulations) Docket No. 17-TRAM-018-PEN
and the Commission's Authority to Impose)
Penalties, Sanctions and/or the Revocation of)
Motor Carrier Authority.)

PENALTY ORDER

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission). 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. Venture Transportation, LLC (Venture Transportation) operates under USDOT number 2169952.

5. Venture Transportation owns three truck tractors and one trailer and employs two CDL drivers.

6. Venture Transportation is a common motor carrier which primarily hauls scrap metal.

III. STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, on July 6, 2016, Commission Staff (Staff) Special Investigator Michael Heenan conducted a compliance review of the operations of Venture Transportation. 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. Heenan identified two (2) violations of the Motor Carrier Safety Regulations.

- a. On June 8, 2016, Venture Transportation required or permitted its driver, Darrell W. Fouts, to operate a CDL-required commercial motor vehicle, a 2007 Freightliner, VIN ending in 093884, GVWR > 33,000 lbs., in interstate commerce from Joplin, Missouri to Little Rock and Russellville, Arkansas. This trip is evidenced by Employee's Log Report, dated June 8,

2016, a copy of which is attached hereto as Attachment “B” and is hereby incorporated by reference. At the time of this transportation, driver Darrell W. Fouts was listed as only having a Class D driver’s license. His driver’s license was downgraded on January 13, 2016, from a Class A CDL to a Class D due to him failing to self-certify his current medical certificate. Mr. Fouts had been driving, on an invalid driver’s license, CDL-required vehicles from January 13, 2016 to the date of this review, July 6, 2016. Venture Transportation’s failure to ensure its driver possess a valid commercial motor vehicle license that meets the standards to operate the CDL-required commercial motor vehicle is in violation of 49 C.F.R. 383.23(a)(1) and (2), as adopted by K.A.R. 82-4-3h, and as authorized by K.S.A. 2015 Supp. 66-1,129. Staff recommends a fine of \$500.

- b. During the transportation described in paragraph a., above and at the time of the compliance review, it was discovered that Venture Transportation had only very recently joined and became a member of the Via Christi Occupational Health drug and alcohol testing consortium. The carrier joined the consortium on June 17, 2016 and the compliance review was confirmed on June 2, 2016. Venture Transportation’s failure to establish an alcohol and controlled substances 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), as adopted by

K.A.R. 82-4-3c, and as authorized by K.S.A. 2015 Supp. 66-1,129. Staff recommends a fine of \$750.

IV. STAFF'S RECOMMENDATIONS

8. Based upon the available facts, Staff recommends the Commission find Venture Transportation committed two (2) 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 \$1,250 for two (2) violations of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that Venture Transportation 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 Venture Transportation 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 Venture Transportation because it is a motor carrier as defined in K.S.A. 2015 Supp. 66-1,108.

13. The Commission finds Venture Transportation committed two (2) 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. Venture Transportation, LLC, of Baxter Springs, Kansas is hereby assessed a \$1,250 civil penalty for two (2) 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. Venture Transportation 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, Venture Transportation 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 Venture Transportation's right to a hearing, and this Penalty Order will become a Final Order assessing a \$1,250 civil penalty against Venture Transportation, and ordering Venture Transportation 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 \$1,250 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 Venture Transportation'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: AUG 04 2016



Amy L. Green
Secretary to the Commission


AAL

Order Mailed Date

AUG 05 2016

ATTACHMENT “A”

Kansas Corporation Commission

	US DOT # 2169952	Legal: VENTURE TRANSPORTATION LLC Operating (DBA):		
MC/MX #: 753792		Federal Tax ID: [REDACTED] (EIN)		
Review Type: Compliance Review (CR)				
Scope: Principal Office		Location of Review/Audit: Company facility in the U. S.		Territory: C
Operation Types Interstate Intrastate				
Carrier: Non-HM Non-HM Shipper: N/A N/A Cargo Tank: N/A		Business: Corporation Gross Revenue: [REDACTED] for year ending: 7/15/2016		
Company Physical Address: [REDACTED]				
Contact Name: Melisa L Coleman Phone numbers: (1) [REDACTED] Fax E-Mail Address: [REDACTED]				
Company Mailing Address: 11604 SW 30TH ST BAXTER SPRINGS, KS 66713				
Carrier Classification Authorized for Hire				
Cargo Classification Other: Scrap Metal				
Equipment				
	Owned	Term Leased	Trip Leased	
Truck Tractor	3	0	0	Trailer
				Owned Term Leased Trip Leased
				1 0 0
Power units used in the U.S.: 3 Percentage of time used in the U.S.: 100				
Does carrier transport placardable quantities of HM? No				
Is an HM Permit required? N/A				
Driver Information				
	Inter	Intra		
< 100 Miles:	2		Average trip leased drivers/month: 0	
>= 100 Miles:			Total Drivers: 2 CDL Drivers: 2	





VENTURE TRANSPORTATION LLC
U.S. DOT #: 2169952

Review Date:
07/06/2016

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 Rd
Topeka, Ks 66604-4027 1-785-271-3145

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Melisa L Coleman
Name:

Title: General Manager
Title:



	VENTURE TRANSPORTATION LLC U.S. DOT #: 2169952	Review Date: 07/06/2016
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Part B Violations

1 FEDERAL ACUTE	Primary: 382.305	Discovered 1	Checked 1	Drivers/Vehicles In Violation 0	Checked 0
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Description

Failing to implement a random controlled substance and/or an alcohol testing program.

Example

Driver name: [REDACTED]

Trip date: 06/08/2016 and 05-27-16

At the time of this trip, and the time of this review, it was discovered that this carrier had no drug or alcohol testing random selection process in place. The carrier had sent drivers to Freeman Occumed of Joplin Missouri for Pre-employment testing but had no random program in place. It was documented during this review that this carrier joined Via Christi Occupational Health Drug Testing on 06-17-16. It should be noted that the owner of this carrier also owns Davis Construction of Columbus Ks USDOT 695404. Davis was issued a violation for no drug testing program in Davis Construction on 03-30-16 and did not obtain drug testing program for Venture Transport until 06-17-16.

Calendar year- 2016

2 FEDERAL	Primary: 383.23(a) Secondary: 392.2 KSA 8-2,125	Discovered 1	Checked 2	Drivers/Vehicles In Violation 1	Checked 2
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Description

Operating a commercial motor vehicle without a valid commercial driver's license.

Example

[REDACTED]
6/08/16 05-27-16

At the time of this trip, and the time of this review, the above driver had his CDL downgraded to a regular Class D Oklahoma drivers license due to failing to certify his medical certificate on his CDL on a timely basis. This CDL was downgraded on 01-13-16 as per the Division of Motor Vehicles in the State of Oklahoma. Carrier ran the above driver MVR and the MVR was documented and taken as evidence. The date was 06-02-16. The MVR showed driver with Class D and eligible for a CDL. Carrier did not notice this on the MVR.

3 FEDERAL	Primary: 390.15(b)(2)	Discovered 1	Checked 2	Drivers/Vehicles In Violation 0	Checked 0
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Description

Failing to maintain copies of all accident reports required by State or other governmental entities or insurers.

Example

[REDACTED]
8/12/13

The carrier had this accident listed on the accident register, but no copy of the accident report was provided during the review.

Safety Fitness Rating Information:

Total Miles Operated 85,921
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





VENTURE TRANSPORTATION LLC
U.S. DOT #: 2169952

Review Date:
07/06/2016

Part B Violations

Your proposed safety rating is :

SATISFACTORY

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

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





VENTURE TRANSPORTATION LLC
U.S. DOT #: 2169952

Review Date
07/06/2016

Part B Requirements and/or Recommendations

1. "I understand that monetary penalties will be assessed as a result of violations found in this compliance review. The penalty schedule can be found at this website:
http://kcc.ks.gov/trans/penalty_assessment_table.htm"

Carrier Signature

Investigator Signature

5213

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 [Venture Transportation LLC] operating authority and/or the impoundment of [Venture Transportation LLC] vehicles.

Carrier Signature

5217

3. You are encouraged to review your company's safety record at the following website:

<https://ai.fmcsa.dot.gov/login/default.asp>

You will need to enter your US DOT # Personnel Identification Number (PIN) that has been provided to you by FMCSA in the log in form at the bottom of the page. If you have forgotten your PIN you only need to click on a link on the webpage to make a request for your PIN to be forwarded to you by U.S. mail.

Safety Improvement Resources (SIRs) is a compilation of articles, reports, and other tools designed to assist motor carriers with improving their current safety management practices. SIRs are searchable by resource number, BASIC or safety management practice (SMP). Please refer to any Safety Improvement Resource numbers included within the recommendations.

You are encouraged to view all of the SIRs at the following website: http://ai.fmcsa.dot.gov/sms/Data/carrier_sir.aspx

4. Make certain that you have Kansas Common Carrier Authority if the situation exists that your carrier operations require the authority under Kansas State law.
5. 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





VENTURE TRANSPORTATION LLC
U.S. DOT #: 2169952

Review Date:
07/06/2016

Part B Requirements and/or Recommendations

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.

6. 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 carrier's 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.

7. Establish a random drug and alcohol testing program for all CDL drivers in your company. Please provide proof to the Kansas Corporation Commission that such a program has been started. Send this proof with letter that states what you are doing to rectify your non compliance violations to the person and address listed above in these recommendations.
8. Within 15 days send a letter to our office explaining your actions taken to remedy a non-compliance status. Mail to Kansas Corporation Commission, 1500 SW Arrowhead RD. , Topeka, KS 66604-4027
Attention: Gary Davenport
9. Make certain all drivers of CDL requiried vehicles have proper and valid CDLs before operating the vehicles.



ATTACHMENT “B”

Employee's Log Report

SORTED BY: Employee Name
Entire Company
Range of Dates: 5/17/2016 - 6/20/2016

Employee Code: 001 Fouts, Darrell

Log Date: 6/8/2016

Miles Driven: 560

Reporting Level: Venture Transportation LLC

Job Class: Driver

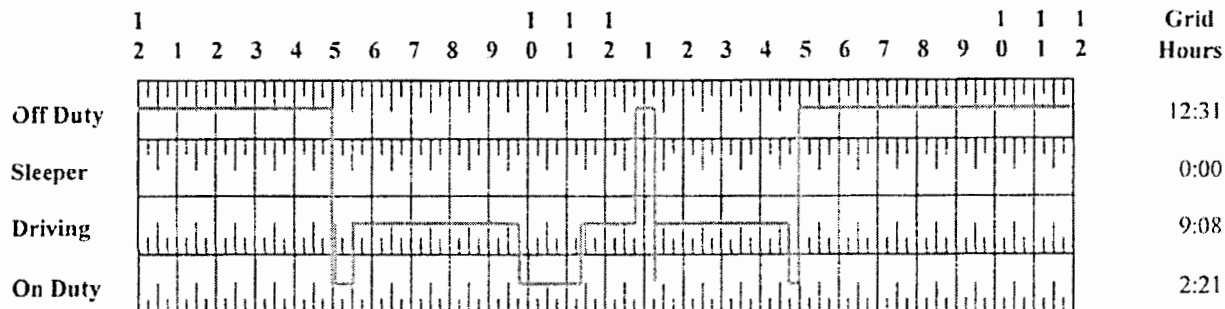
Tractor Number: 07

Trailer Number: 2056350005

Shipment Info: 197970

Driver Type: Property Carrying

☒ Driver Returned To and Released From Normal Work Reporting Location



Start Time	Status	Duration	Rule Set	Location
12:00 AM	Off Duty	4:59	US 60 Hour	
4:59 AM	On Duty	0:03	US 60 Hour	Joplin, MO
5:02 AM	Driving	0:03	US 60 Hour	Joplin, MO
5:05 AM	On Duty	0:26	US 60 Hour	Joplin, MO
5:31 AM	Driving	4:14	US 60 Hour	Joplin, MO
9:45 AM	On Duty	1:36	US 60 Hour	Little Rock, AR
11:21 AM	Driving	1:25	US 60 Hour	Little Rock, AR
12:46 PM	Off Duty	0:30	US 60 Hour	Russellville, AR
1:16 PM	On Duty	0:01	US 60 Hour	Russellville, AR
1:17 PM	Driving	3:26	US 60 Hour	Russellville, AR
4:43 PM	On Duty	0:15	US 60 Hour	Joplin, MO
4:58 PM	Off Duty	7:02	US 60 Hour	Joplin, MO

DOT Violations

Company Violations

DOT Calculated Violations

CERTIFICATE OF SERVICE

17-TRAM-018-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 AUG 04 2016.

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

MELISA L. COLEMAN, GENERAL MANAGER
VENTURE TRANSPORTATION, LLC
11604 SW 30TH ST
BAXTER SPRINGS, KS 66713
ventranllc@yahoo.com

/S/ DeeAnn Shupe
DeeAnn Shupe

Order Mailed Date

AUG 05 2016