

CORPORATION COMMISSION
1500 SW ARROWHEAD ROAD
TOPEKA, KS 66604-4027PHONE: 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-450-PEN

April 26, 2018

Tim Coder, Vice President
Griffitts & Coder Custom Chopping LLC
4223 Haskell Road
Effingham, Kansas 66023**Certified Mail No. 70161970000105743632**

This is a notice of a penalty assessment against Griffitts & Coder Custom Chopping LLC (Griffitts & Coder) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on April 4, 2018, by Kansas Corporation Commission Special Investigator Verna Jackson. 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: Griffitts & Coder has been assessed a \$1,300 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$1,300, 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 Griffitts & Coder 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. Griffitts & Coder 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 \$1,300 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,


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 **Griffitts &**)
Coder Custom Chopping LLC, of Effingham,)
Kansas, Regarding the Violation of the Motor)
Carrier Safety Statutes, Rules and Regulations) Docket No. 18-TRAM-450-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). 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. Griffiths & Coder Custom Chopping LLC (Griffitts & Coder) operates USDOT number 2491761.

5. Griffiths & Coder owns 11 truck tractors, 11 trailers and employs two (2) CDL drivers.

6. Griffiths & Coder is a private motor carrier which primarily hauls machinery, large objects, grain, feed and hay.

III. STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, on April 4, 2018, Commission Staff (Staff) Special Investigator Verna Jackson conducted a compliance review of the operations of Griffiths & Coder. A copy of the safety compliance review is included in this Penalty Order as Attachment "A" and is hereby incorporated by reference. As a result of this investigation, the special investigator identified one (1) violation(s) of the Motor Carrier Safety Regulations.

- a. On December 15, 2017, Griffiths & Coder required or permitted its driver, Tim Coder, to operate a CDL-required commercial motor vehicle, a 2003 Kenworth, VIN ending in 387243, GVWR 52,000 lbs., in interstate commerce from Muleshoe, Texas to Effingham, Kansas. This trip is

evidenced by e-mail communication, dated April 4, 2018, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, Griffiths & Coder did not have implemented an alcohol and controlled substance testing program for its CDL drivers. This carrier was cited with the same violation in a safety compliance review conducted on June 8, 2016. Griffiths & Coder's failure to establish an alcohol and controlled substances 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 an enhanced fine of \$1,300.

IV. STAFF'S RECOMMENDATIONS

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

9. Additionally, Staff recommends a civil penalty of \$1,300 for one (1) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

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

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

THE COMMISSION THEREFORE ORDERS THAT:

A. Griffiths & Coder Custom Chopping LLC, of Effingham, Kansas is hereby assessed a \$1,300 civil penalty for one (1) violation(s) of Kansas law governing the regulation of motor carriers, the Kansas Administrative Regulations and provisions of the Federal Motor Carrier Safety Regulations, as adopted by the Kansas Administrative Regulations.

B. Griffiths & Coder 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. Griffiths & Coder 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 April 26, 2018, this Penalty Order was mailed to Griffiths & Coder via Certified Mail, Return Receipt Requested, Receipt Number 70161970000105743632. 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 Griffiths & Coder's right to a hearing, and this Penalty Order will become a Final Order assessing a \$1,300 civil penalty against Griffiths & Coder, and ordering a representative from Griffiths & Coder 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 \$1,300 is due in thirty (30) days from the date of service of this Order. Payment of \$1,300 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 \$1,300 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 Griffiths & Coder's motor carrier operating authority without further notice. Additionally, the Commission may impose further sanctions to include, but not limited to, the issuance and enforcement of revocation of authority and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

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: 04/26/2018



Lynn M. Retz
Secretary to the Commission

AAL

ATTACHMENT “A”

	US DOT # 2491761	Legal: GRIFFITTS AND CODER CUSTOM CHOPPING LLC Operating (DBA):																			
MC/MX #:		Federal Tax ID: [REDACTED] (EIN)																			
Review Type: Non-ratable Review - CSA																					
Scope: Principal Office		Location of Review/Audit: CSA Off-site		Territory:																	
Operation Types <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">Carrier: HM</td> <td style="width: 30%;">N/A</td> <td rowspan="3" style="width: 40%; vertical-align: top;"> Business: Other Gross Revenue: [REDACTED] for year ending: 12/31/2017 </td> </tr> <tr> <td>Shipper: N/A</td> <td>N/A</td> </tr> <tr> <td>Cargo Tank: N/A</td> <td></td> </tr> </table>						Carrier: HM	N/A	Business: Other Gross Revenue: [REDACTED] for year ending: 12/31/2017	Shipper: N/A	N/A	Cargo Tank: N/A										
Carrier: HM	N/A	Business: Other Gross Revenue: [REDACTED] for year ending: 12/31/2017																			
Shipper: N/A	N/A																				
Cargo Tank: N/A																					
Company Physical Address: [REDACTED]																					
Contact Name: Tim Coder Phone numbers: (1) [REDACTED] (2) [REDACTED] Fax: [REDACTED] E-Mail Address: [REDACTED]																					
Company Mailing Address: 4223 HASKELL RD EFFINGHAM, KS 66023-5059																					
Carrier Classification Private Property																					
Cargo Classification Machinery, Large Objects Grain, Feed, Hay																					
Hazardous Materials 9 Miscellaneous HM <input type="checkbox"/> Carried <input type="checkbox"/> Non-Bulk																					
Equipment <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th></th> <th>Owned</th> <th>Term Leased</th> <th>Trip Leased</th> <th></th> <th>Owned</th> <th>Term Leased</th> <th>Trip Leased</th> </tr> <tr> <td>Truck Tractor</td> <td>11</td> <td>0</td> <td>0</td> <td>Trailer</td> <td>11</td> <td>0</td> <td>0</td> </tr> </table>							Owned	Term Leased	Trip Leased		Owned	Term Leased	Trip Leased	Truck Tractor	11	0	0	Trailer	11	0	0
	Owned	Term Leased	Trip Leased		Owned	Term Leased	Trip Leased														
Truck Tractor	11	0	0	Trailer	11	0	0														
Power units used in the U.S. 11 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 <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;"></td> <td style="width: 10%;">Inter</td> <td style="width: 10%;">Intra</td> <td rowspan="3" style="width: 50%; vertical-align: top;"> Average trip leased drivers/month: 0 Total Drivers: 2 CDL Drivers: 2 </td> </tr> <tr> <td>< 100 Miles:</td> <td></td> <td></td> </tr> <tr> <td>>= 100 Miles:</td> <td></td> <td>2</td> </tr> </table>							Inter	Intra	Average trip leased drivers/month: 0 Total Drivers: 2 CDL Drivers: 2	< 100 Miles:			>= 100 Miles:		2						
	Inter	Intra	Average trip leased drivers/month: 0 Total Drivers: 2 CDL Drivers: 2																		
< 100 Miles:																					
>= 100 Miles:		2																			





GRIFFITTS AND CODER CUSTOM CHOPPING LLC
U S. DOT #. 2491761

Review Date
04/04/2018

Part A

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

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

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Tim Coder

Title: Vice President

Name:

Title:





GRIFFITTS AND CODER CUSTOM CHOPPING LLC
U S. DOT # 2491761

Review Date:
04/04/2018

Part B Violations

1 FEDERAL	Primary: 382.115(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation Checked
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Description

Failing to implement an alcohol and/or controlled substances testing program on the date the employer begins commercial motor vehicle operations.

Example

Tim Coder

12/15/2017

Coder drove Unit GC 10, a 2003 Kenworth, from Muleshoe, TX to Effingham, KS to have a motor replaced.

Safety Fitness Rating Information:

Total Miles Operated 10,000
Recordable Accidents 0

OOS Vehicle (CR): 0
Number of Vehicle Inspected (CR): 0
OOS Vehicle (MCMIS): 3
Number of Vehicles Inspected (MCMIS): 4

Your proposed safety rating is :

This Review is not Rated.





GRIFFITTS AND CODER CUSTOM CHOPPING LLC
U.S. DOT #: 2491761

Review Date:
04/04/2018

Safety Management Process Breakdowns and Remedies

1. For all Investigations:

- Understand Why Compliance Saves Time and Money Compliance with FMCSRs will not only save lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business
- Document and Follow Through on Action Plans Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance.
- NOTICE: A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six year period.
- NOTICE: 49 CFR Part 391.23 requires prospective employers to, at a minimum, investigate a driver's employment information, crash record, and alcohol and controlled substances history from all employers the driver worked for within the previous 3 years.
The Pre-Employment Screening Program (PSP) is a screening tool that assists motor carriers in investigating crash history and roadside safety performance of prospective drivers The PSP allows motor carriers to purchase 5 years of crash data and 3 years of roadside inspection data from the Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Management Information System (MCMIS). Records are available 24 hours a day via Web request Motor carriers should visit the following website for more information:
<http://www.psp.fmcsa.dot.gov/Pages/default.aspx>
- All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities. Discuss with your employees/drivers the "Security Measures for Truck Drivers and Companies" which were provided and reviewed with motor carrier official. Motor carriers should visit the following website for more information
<http://www.fmcsa.dot.gov/documents/Hijacking-Brochure.pdf>
FMCSA recently announced planned improvements to the Carrier Safety Measurement System (SMS) which was implemented in December 2010 as part of the Agency's broader Compliance, Safety, Accountability (CSA) initiative A preview of these improvements is currently available to motor carriers. The system changes are scheduled to be available to the public in July 2012. There will be additional opportunity for public comment on the changes after the preview period ends in July 2012 The improvements to SMS are based on ongoing analysis and feedback from enforcement personnel, the motor carrier industry, and other stakeholders. The changes more effectively identify and prioritize high-risk and other unsafe motor carriers for enforcement interventions designed to reduce commercial motor vehicle crashes and hazardous materials incidents. Motor 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/](http://csa.fmcsa.dot.gov/). During the data preview period, the Agency requests comments on the impacts of the changes.

The KCC requires that you prepare a corrective action letter, addressing the measures taken to correct the violations identified within this report. Submit this letter within 30 days outlining the carrier's updated changes to their policies and procedures regarding all listed violations. Explain in detail how, as a carrier representative, you will rectify these deficiencies and prevent their reoccurrence going forward. Include any supporting documentation and evidence as indicated in the recommendations above, (example vehicle inspections performed, proof of drug and alcohol testing in place, etc) necessary to prove that corrective action has been taken. Mail the letter along with copies of your supporting evidence to

Kansas Corporation Commission
Attn. Gary Davenport
1500 SW Arrowhead Rd





GRIFFITTS AND CODER CUSTOM CHOPPING LLC
U S. DOT #: 2491761

Review Date:
04/04/2018

Safety Management Process Breakdowns and Remedies

Topeka, KS 66604-4027

2. CONTROLLED SUBSTANCES AND ALCOHOL BASIC PROCESS BREAKDOWN Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN Griffiths and Coder Custom Chopping LLC was found to be in violation of failing to implement a controlled substance and alcohol testing program. Without the program in place, the motor carrier cannot determine if the drivers employed by the motor carrier are qualified to be operating their vehicles.

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.

3. The starting date for alcohol and/or controlled substance testing programs must be implemented no later than the date the employer begins commercial motor vehicle operations per 49 CFR 382.115(a).
4. CDL Drivers operating vehicles which meet the definition of a CDL commercial motor vehicle (CMV) SHALL have an equal chance of being tested each time selections are made. These drivers shall be in a pool of CDL drivers.
5. Ensure that all persons designated to supervise CDL drivers receive at least 60 minutes of training on alcohol misuse and receive at least an additional 60 minutes of training on controlled substance use.
6. Written drug and alcohol policy shall include detailed discussion of the identity of the person designated by the





GRIFFITTS AND CODER CUSTOM CHOPPING LLC
U S. DOT #: 2491761

Review Date:
04/04/2018

Safety Management Process Breakdowns and Remedies

employer to answer driver questions about the materials, the categories of drivers who are subject to the testing, information about the safety-sensitive functions performed by those drivers to make clear what period of the work day the driver is required to be in compliance, information concerning driver conduct that is prohibited, and the circumstances under which a driver will be tested for alcohol and/or controlled substances including post-accident testing. The policy must also indicate the procedures that will be used to test for the presence of alcohol and controlled substances, protection of the driver and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver, including post-accident information, procedures and instructions required by 382.303(d). Explain the requirement that a driver submit to alcohol and controlled substances test, explain what constitutes a refusal to submit to an alcohol or controlled substances test and the consequences if a driver refuses to take the test. Indicate the consequences for drivers found to be in violation including the requirement that the driver be removed immediately from safety-sensitive functions, and the procedures that will be taken. Also include the consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04 and information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life, signs and symptoms of an alcohol or controlled substances problem (the driver's or a co-worker's), and available methods of intervening when an alcohol or a controlled substance problem is suspected, including confrontation, referral to any employee assistance program and/or referral to management.

7. Each employer shall provide educational materials that explain the requirements of Part 382
8. 382.601(d) - Each employer shall ensure that each driver is required to sign a statement certifying that he or she has received a copy of these materials described in this section. Each employer shall maintain the original of the signed certificate and may provide a copy of the certificate to the driver
9. I acknowledge that the requirements and/or recommendations resulting from this off-site, focused review have been discussed with me and my questions have been answered. I further acknowledge that KCC recommendations only cover the scope of this focused review, and that areas not reviewed by the KCC have not necessarily been endorsed as compliant. I understand that failure to satisfactorily remedy the above-listed requirements, and/or failure to comply with Kansas Motor Carrier Safety Statutes and Regulations could result in the suspension of Griffitts and Coder Custom Chopping LLC's operating authority and/or the impoundment of Griffitts and Coder Custom Chopping LLC's commercial motor vehicles.

Carrier Representative

Date

Printed name and Title

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



ATTACHMENT “B”

Verna Jackson

From: Tim Coder <codertim@yahoo.com>
Sent: Wednesday, April 4, 2018 11:17 AM
To: Verna Jackson
Subject: Re: Additional documents requested

This is an EXTERNAL EMAIL. Think before clicking a link or opening attachments.

No. The last interstate trip was on 12-15-2017 as stated on the paper work. The trip was by me from muleshoe Texas to effingham kansas to bring one of my trucks to my house to have a motor put in it.

Sent from my iPhone

On Apr 4, 2018, at 8:13 AM, Verna Jackson <v.jackson@kcc.ks.gov> wrote:

Did you make an INTERstate trip in January or early March 2018?

From: Tim Coder <codertim@yahoo.com>
Sent: Tuesday, April 3, 2018 8:49 PM
To: Verna Jackson <v.jackson@kcc.ks.gov>
Subject: Re: Additional documents requested

This is an EXTERNAL EMAIL. Think before clicking a link or opening attachments.

I never made an interstate trip in February of 2018.

Sent from my iPhone

On Apr 3, 2018, at 4:08 PM, Verna Jackson <v.jackson@kcc.ks.gov> wrote:

I am in the process of finalizing the compliance investigation. Please forward time documents to include supporting documents for an INTERstate trip conducted in February 2018.

Please forward the requested documents to me by Friday, April 6, 2018.

Verna Jackson
PSA, Special Investigator

<image001.jpg>

Transportation Division
Kansas Corporation Commission
1500 SW Arrowhead Road | Topeka, KS | 66604-4027
Phone (785) 271-3104 | Fax (785) 271-3124 | <http://kcc.ks.gov/>

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CERTIFICATE OF SERVICE

18-TRAM-450-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 04/27/2018.

TIM CODER, VICE PRESIDENT
GRIFFITTS & CODER CUSTOM CHOPPING LLC
4223 HASKELL RD
EFFINGHAM, KS 66023-5059
codertim@yahoo.com

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

/S/ DeeAnn Shupe

DeeAnn Shupe