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



PHONE: 785-271-3100 FAX: 785-271-3354 http://kee.ks.gov/

GOVERNOR JEFF COLYER, M.D.
SHARI FEIST ALBRECHT, CHAIR | JAY SCOTT EMLER, COMMISSIONER | DWIGHT D. KEEN, COMMISSIONER

NOTICE OF PENALTY ASSESSMENT

December 13, 2018

19-TRAM-221-PEN

Dale Goetz, President Double D Family Mat Shop Inc. 6606 E Rd 100 S Park, KS 67751

This is a notice of a penalty assessment against Double D Family Mat Shop Inc. (Double D Family Mat Shop) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on November 8, 2018, by Kansas Corporation Commission Special Investigator Wade Patterson. Penalties are assessed in accordance with the FY 2019 Uniform Penalty Assessment Matrix, approved by the Commission on August 7, 2018. For a full description of the penalty(s) and terms and obligations please refer to the Order attached to this notice.

IF YOU ACCEPT THE PENALTY: Double D Family Mat Shop has been assessed a \$500 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$500, 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 Double D Family Mat Shop 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. Double D Family Mat Shop 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.

<u>IF YOU FAIL TO ACT:</u> Failure to pay the penalty of \$500 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 Double D)
Family Mat Shop Inc., of Park, KS, Regarding)
the Violation of the Motor Carrier Safety)
Statutes, Rules and Regulations and the) Docket No. 19-TRAM-221-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. Double D Family Mat Shop Inc. (Double D Family Mat Shop) has private operating authority with the Commission and further operates USDOT number 2493204.
- 5. Amber Hutchison attended a Commission-sponsored Motor Carrier Education and Safety Instructional Meeting on August 7, 2017, on behalf of Double D Family Mat Shop.
- 6. Double D Family Mat Shop is a private motor carrier which primarily hauls used tires.

III. STATEMENT OF FACTS

- 7. Pursuant to the jurisdiction and authority cited above, on November 8, 2018, Commission Staff (Staff) Special Investigator Wade Patterson conducted a safety compliance review of the operations of Double D Family Mat Shop. 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 August 13, 2018, Double D Family Mat Shop required or permitted its driver, Dale Goetz, to operate a CDL-required commercial motor vehicle, a 1999 Kenworth, VIN ending in 794734, GVWR 54,000 lbs., in intrastate

commerce from Park, Kansas to Dighton, Kansas. This trip is evidenced by Invoice Number 5564, dated August 13, 2018, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, Double D Family Mat Shop used a commercial motor vehicle that had not been periodically (annually) inspected. This carrier was cited for the same violation in a compliance review conducted on June 26, 2017. The carrier's failure to conduct periodic (annual) inspections on commercial motor vehicles is a violation of 49 C.F.R. 396.17(c), adopted by K.A.R. 82-4-3j, and authorized by K.S.A. 2017 Supp. 66-1,129. Staff recommends a fine of \$500.

IV. STAFF'S RECOMMENDATIONS

- 8. Based upon the available facts, Staff recommends the Commission finds Double D Family Mat Shop 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 \$500 for one (1) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.
- 10. Staff further recommends that a representative from Double D Family Mat Shop 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 Double D Family Mat Shop 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 Double D Family Mat Shop because it is a motor carrier as defined in K.S.A. 2017 Supp. 66-1,108.
- 13. The Commission finds Double D Family Mat Shop 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. Double D Family Mat Shop Inc., of Park, KS is hereby assessed a \$500 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. Double D Family Mat Shop 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. Double D Family Mat Shop is ordered to submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order. Transportation Staff will contact the carrier to set up the appointment.

- D. Pursuant to K.S.A. 2017 Supp. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issue(s) by submitting a written request setting forth the specific grounds upon which relief is sought. The request may be electronically filed with the Commission's electronic filing system at https://puc.kcc.ks.gov/e-filing/e-express/, within fifteen (15) days from the date of service of this Order, and a copy of the request mailed to the Litigation Division. If you do not have access to the internet, you can mail an original and seven copies of the request to the Secretary to the Commission, at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy of the request to Litigation Counsel. A hearing will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of Double D Family Mat Shop's right to a hearing, and this Penalty Order will become a Final Order assessing a \$500 civil penalty against Double D Family Mat Shop, and ordering a representative from Double D Family Mat Shop to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order and provide Litigation Counsel with written proof of attendance, and to submit to a safety compliance review within 18 months from the date of this Order.
- E. If a request for hearing is filed, attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. For civil penalties exceeding \$500, a corporation shall appear before the Commission by its attorney, unless waived by the Commission for good cause shown and a determination that such waiver is in the public interest. K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2); K.A.R. 82-1-202(a). For civil penalties less than \$500, a corporation may appear by a duly authorized representative of the corporation. K.S.A. 2017 Supp. 66-1,142b(e) and amendments thereto.
- F. If you do not request a hearing, the payment of the civil penalty of \$500 is due in thirty (30) days from the date of service of this Order. Payment of \$500 must be made through

your personal account with the Kansas Corporation Commission's KTRAN system located at

https://puc.kcc.ks.gov/ktran/. You must have an account through KTRAN to pay the penalty.

G. Failure to pay the \$500 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 Double D Family Mat Shop'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.

H. The Commission retains jurisdiction over the subject matter and the parties for the

purpose of entering such further orders, as necessary.

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

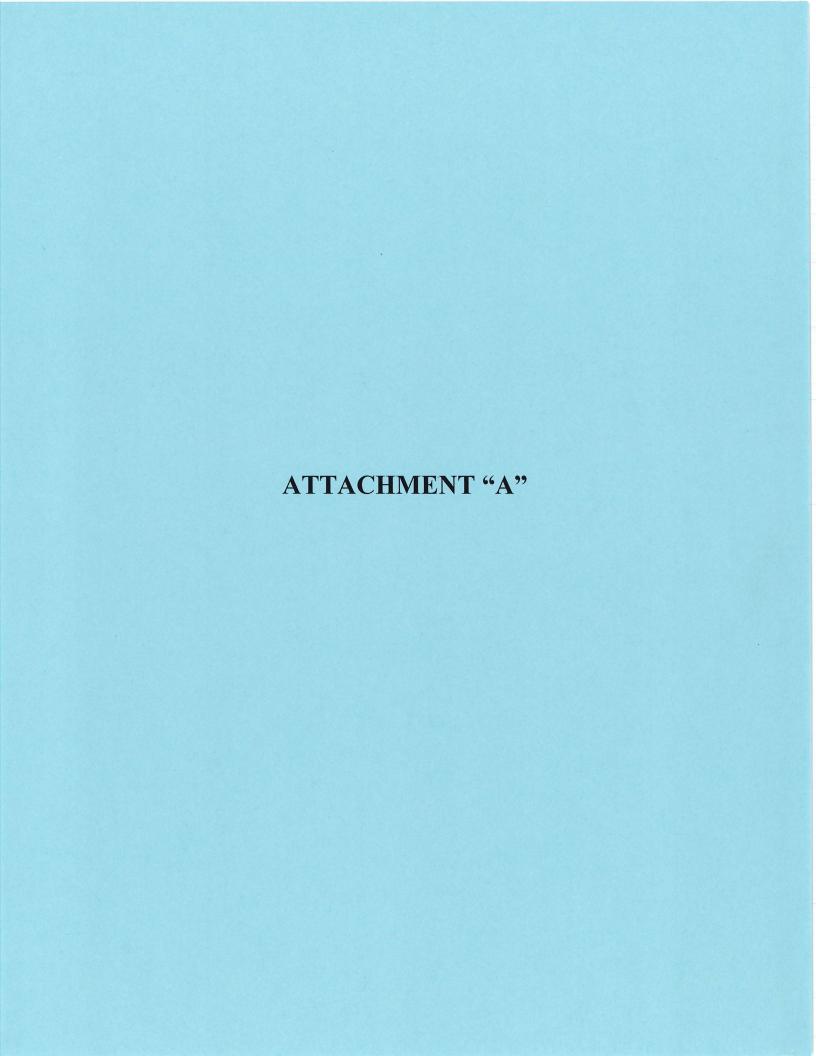
Dated: 12/13/2018

Lynn M. Retz

Secretary to the Commission

Lynn M. Reg

AAL



	US DO	Γ# Leg	jal: DOUBL	E D FAMILY MAT SHOP INC		
	249320	4 Op	erating (DB	A):		
MC/MX #:				Federal Tax ID:	(EIN)	
Review T	ype: Nor	-ratable R	eview - CSA			
Scope:	Prın	cipal Offic	Э	Location of Review/Audit:	Company facility in the U S.	Territory:
Operation	Types	Interstate	Intrastate			
(Carrier:	N/A	Non-HM	Business: Corporation	·	
i .	hipper:	N/A	N/A	Gross Revenue:	for year ending: 12	2/31/2017
Cargo	o Tank:	N//	A			
Company	Physica	I Address	:			
PARK, K	S 67751-	5505				
Contact			r Hutchison			
Phone no		(1)			Fax	
E-Mail A	ddress:					
Company	Mailing	Address:				
PARK, K	S 67751-	5505				
Carrier CI	assificat	ion				****
Priva	te Prope	rty				
Cargo Cla						
Other	Used Ti	res				
Equipmen	nt					
		0		n Leased Trip Leased	Owned Ter	m Leased Trip Leased
Truck			1	0 0 ;		
Power unit						
Percentage						
I .		•	-	antities of HM? No		
		required?		N/A		
Driver Inf	formatio	n				
		Inter	Intra	Average trip leased drive	ers/month: 0	
< 1	00 Miles	s:	1		al Drivers: 1	
>= 1	00 Miles	:		CD	L Drivers: 1	





U.S. DOT # 2493204

Review Date 11/08/2018

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

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Amber Hutchison

Title: Manager

Name:

Title:



U.S. DOT # 2493204

Review Date 11/08/2018

Part B Violations

1 FEDERAL	Primary 396.17(a)			Discovered	Checked 1	Drivers/V In Violation 1	
Description							
Using a comm	ercial motor vehicle not per	iodically inspected					
Example							
vehicle (1999 rating of 54,000 Park Kansas to	, Double D Family Mat Sho Kenworth T80 VIN# D lbs Driver Dale Goetz op o the Flatlands Garage in D time of this trip, carrier used	794734) in erated this commercia ighton Kansas This tr	intrastat al motor v ip is evic	e commerce T vehicle from the denced by a driv	his vehicle has e carrier's princ ver hours of se	cipal place of b	le weight usiness in
Safety Fitness I	Rating Information:				OOS Vehic	le (CR): 0	
Total Mile	es Operated	30,000		Number of Vel	hicle Inspecte	ed (CR): 0	
Recordat	ole Accidents	0		0	OS Vehicle (M	ICMIS): 0	
			Numl	ber of Vehicles	Inspected (N	ICMIS): 0	
our proposed	safety rating is :	VI.					

This Review is not Rated.





US DOT # 2493204

Review Date 11/08/2018

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

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

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

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

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





U.S. DOT #: 2493204

Review Date: 11/08/2018

Safety Management Process Breakdowns and Remedies

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

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

Motor carrier's currently have the ability to preview how the imrovements impact their individual safety data in SMS. These improvements include (1) Changes to the SMS metodology 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 inteventions at more stringent levels; and, (3) more specific fact-based displays of SMS results on the SMS Web site.

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

3. VEHICLE MAINTENANCE BASIC - INSPECTION-REPAIR-MAINTENANCE PROCESS BREAKDOWN Roles and Responsibilities

DESCRIPTION OF PROCESS BREAKDOWN

Double D Family Mat Shop failed to have their commercial motor vehicle periodically annually inspected. Carrier violations occurred due to a breakdown regarding the roles and responsibilities elements of compliance within this section. Carrier neglected to ensure that their CMV was annually inspected. Make sure that your annual inspections do not lapse. Follow the directions given to you at the time of our review. All of the required maintenance documents were provided to you from the "Red Book". These duties and the documents verifying their completion require continued monitoring and tracking by carrier officials to ensure compliance. Utilize the documents and instructions provided to you during this review to assist you in correcting the deficiencies.

BASIC SPECIFIC RECOMMENDED REMEDIES

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

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





U.S. DOT # 2493204

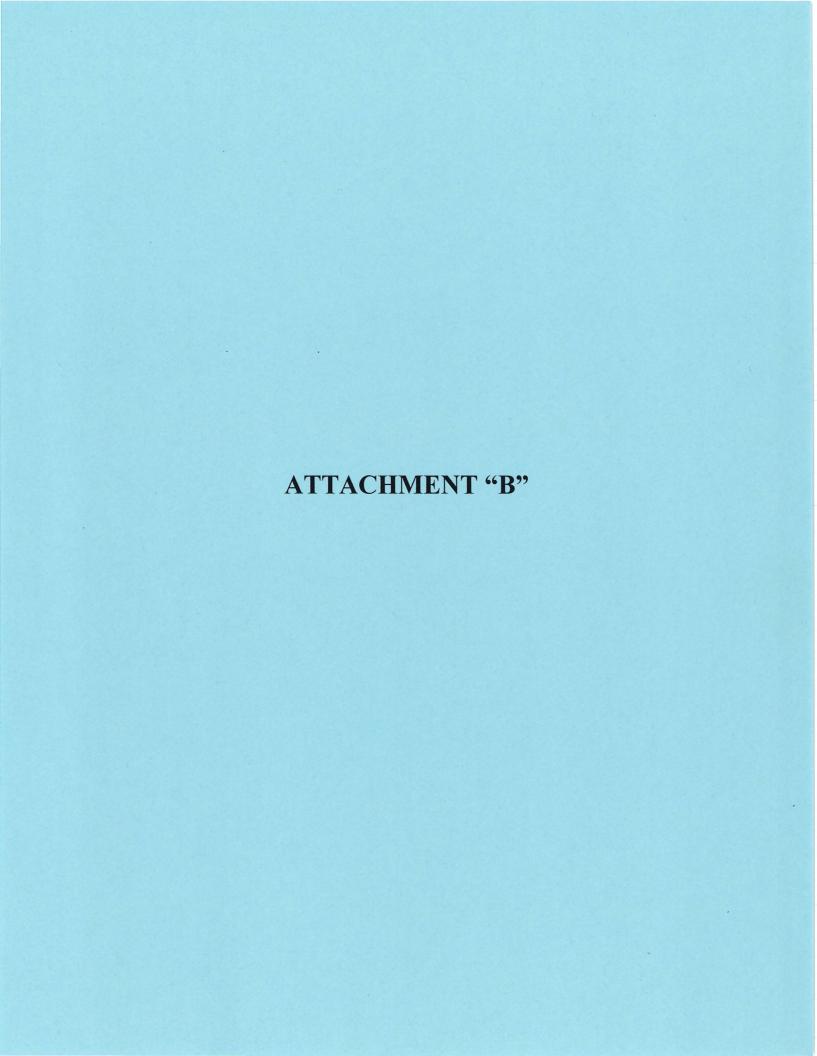
Review Date: 11/08/2018

Safety Management Process Breakdowns and Remedies

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.







Permit #	
2064	

Invoice

Invoice #:	
5564	

	A Ro	.d 1005
Park,	Kansas	s 67751

www.doubledmats.com

info@doubledmats.com

Bill To:		
Flatlands Garage		
Dighton, KS 67839		

Due Date:

8/13/2018

Date	Item	Description	Quanity	Amount
8/13/2018	Tires Truck Tires Irrigation Tire	Truck Tires KS-TAX EXEMPT	175 30 3	350.00 210.00 36.00 0.00

Thank you for your business. It's been a pleasure working with you! Dale and Dena Goetz

Follow us on Facebook and Twitter @ddfamilymats for industry news and Double D Mat deals!

Total	\$596.00
Payments/Credits	-\$596.00
Balance Due	\$0.00

CERTIFICATE OF SERVICE

19-TRAM-221-PEN

I, the undersigned, certify that the t	rue copy of the attached	Order has been	served to the following	parties by means of
first class mail/hand delivered on _	12/14/2018	·		

DALE GOETZ, PRESIDENT
DOUBLE D FAMILY MAT SHOP INC.
6606 E RD 100 S
PARK, KS 67751-5505
amber.hutchison@doubledmats.com

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

/S/ DeeAnn Shupe

DeeAnn Shupe