

1500 SW Arrowhead Road  
Topeka, KS 66604-4027

Pat Apple, Chairman  
Shari Feist Albrecht, Commissioner  
Jay Scott Emler, Commissioner



20170711160940  
Kansas Corporation Commission

Phone: 785-271-3100  
Fax: 785-271-3354  
<http://kcc.ks.gov/>

Sam Brownback, Governor

## NOTICE OF PENALTY ASSESSMENT

July 11, 2017

17-TRAM-569-PEN

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

**Certified Mail Receipt No. 70161970000105740440**

This is a notice of a penalty assessment against Double D Family Mat Shop Inc. for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on June 28, 2017, by Kansas Corporation Commission Special Investigator(s) Penny Fryback. For a full description of the penalty and terms and obligations, please refer to the Penalty Order that is attached to this notice.

### IF YOU ACCEPT THE PENALTY:

Double D Family Mat Shop has been assessed a \$1,100 penalty. You have thirty (30) days from the date of service of this Penalty Order to pay the fine, unless you choose the reduced penalty option explained below. Please remit payment of \$1,100, through your personal account with the Kansas Corporation Commission's KTRAN application 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.

### **DOUBLE D FAMILY MAT SHOP IS A NEW ENTRANT MOTOR CARRIER AND IS ELIGIBLE FOR A PENALTY REDUCTION OF FIFTY PERCENT (50%) UNDER THE FOLLOWING TERMS:**

New Entrant motor carriers are eligible for a one-time, fifty-percent (50%) reduction in the penalty(s) assessed motor carriers in accordance with the FY 2017 Uniform Penalty Assessment Matrix. You have to meet the terms and obligations set out in the attached Reduced Penalty Agreement to be eligible for the fifty-percent (50%) reduction. A fifty-percent (50%) reduction in the penalty assessed in the attached Order is available if:

(1) the carrier signs and submits within fifteen (15) days from the date of this Penalty Order, the attached Reduced Penalty Agreement to Litigation Counsel at the above address;

(2) within 30 days from the date of the attached Penalty Order, the carrier submits to Transportation Staff an approved Corrective Action Plan (CAP) documenting the violation(s) described in the attached Order, including specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future; and

(3) within thirty (30) days from the date of the attached Penalty Order, the carrier sends an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance must be submitted to the undersigned Litigation Counsel shortly thereafter.

(4) within 18 months from the date of the attached Penalty Order, the carrier must be available for a follow-up Safety Compliance Review. Transportation Staff will contact the carrier to schedule the review.

If a carrier is approved for the fifty-percent (50%) reduced penalty, a Motion to Amend Penalty Order, along with the Reduced Penalty Agreement will be filed with the Commission. An Amended

Penalty Order assessing the reduced penalty and setting out the terms and conditions stated above will be issued by the Commission shortly thereafter. Payment of the reduced penalty of \$550 would be due within thirty (30) days from the date of service of the Amended Penalty Order.

**IF YOU CONTEST THE PENALTY ORDER:**

You have the right to request a hearing if you contest the terms of the Penalty Order. A request for hearing must be made in writing, setting forth the specific grounds upon which relief is sought. Double D Family Mat Shop Inc. 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 by mailing a copy of the request for hearing to Litigation Counsel at the above address. If you do not have access to the internet, you can mail 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 of service of this Penalty Order and mail a copy of the request to Litigation Counsel. K.A.R. 82-1-215; K.S.A. 2016 Supp. 77-542.

**IF YOU FAIL TO ACT:**

Failure to adhere to the terms and obligations set out in the attached Penalty Order, including payment of the penalty of \$1,100 within thirty (30) days from the date of service of this Penalty Order, or in the alternative, provide a written request for a hearing within fifteen (15) days from the date of service of this Penalty Order, will result in the Order becoming a final Penalty Order and the terms and conditions set out therein will be enforced. If Double D Family Mat Shop submits the attached Reduced Penalty Agreement as explained above, an Amended Penalty order may be issued assessing the reduced penalty of \$550 and that payment will become due within thirty (30) days from the date of service of the Amended Penalty Order.

Respectfully,



Ahsan A. Latif  
Litigation Counsel  
(785) 271-3118  
[a.latif@kcc.ks.gov](mailto:a.latif@kcc.ks.gov)

1500 SW Arrowhead Road  
Topeka, KS 66604-4027



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Fax: 785-271-3354  
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Pat Apple, Chairman  
Shari Feist Albrecht, Commissioner  
Jay Scott Emler, Commissioner

Sam Brownback, Governor

## **REDUCED PENALTY AGREEMENT**

### **17-TRAM-569-PEN**

Double D Family Mat Shop Inc. hereby submits this Reduced Penalty Agreement to become eligible for a fifty percent (50%) reduction in the penalty assessed in the Penalty Order dated July 11, 2017. Double D Family Mat Shop has agreed to comply with the following terms and obligations:

1. Double D Family Mat Shop has submitted, within fifteen (15) days from the date of the Penalty Order issued on July 11, 2017, this signed and dated Reduced Penalty Agreement to Litigation Counsel at the above address.

2. Double D Family Mat Shop will, within 30 days from the date of the Penalty Order dated July 11, 2017, submit to Transportation Staff a Corrective Action Plan (CAP) documenting the violation(s) and describing specific and detailed information explaining the its efforts and concrete steps taken to ensure the violation(s) do not occur in the future. I understand the CAP must be approved by Transportation Staff before my company can be eligible for the 50% reduced penalty.

3. Double D Family Mat Shop will, within thirty (30) days from the date of the Penalty Order dated July 11, 2017, send an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance will be submitted to the Litigation Counsel.

4. Double D Family Mat Shop will be available within eighteen (18) months from the date of the Penalty Order for a follow-up Safety Compliance Review. Transportation Staff will contact the carrier to schedule the review.

Double D Family Mat Shop Inc. understands that if approved, Transportation Litigation Counsel will file a Motion for Amended Penalty Order with this Agreement attached to the motion. The Amended Penalty Order will assess Double D Family Mat Shop a fifty-percent (50%) reduced penalty of \$550, and set out the terms and conditions stated above. Once the Amended Penalty Order is issued by the Commission, Double D Family Mat Shop will have thirty (30) days from the date of service of the Amended Order to pay the reduced penalty assessed.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Double D Family Mat Shop Inc.

\_\_\_\_\_  
Dale Goetz  
President

(This Agreement can be mailed via U.S. Mail to the address above to the attention of Ahsan Latif, Litigation Counsel, or sent via e-mail to [v.jacobsen@kcc.ks.gov](mailto:v.jacobsen@kcc.ks.gov) and [alatif@kcc.ks.gov](mailto:alatif@kcc.ks.gov).)

**THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS**

Before Commissioners:      Pat Apple, Chairman  
                                     Shari Feist Albrecht  
                                     Jay Scott Emler

In the Matter of the Investigation of **Double D**      )  
**Family Mat Shop Inc., of Park, Kansas,**      )  
Regarding the Violation of the Motor Carrier      )  
Safety Statutes, Rules and Regulations and the      ) Docket No. 17-TRAM-569-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). 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. 2016 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. 2016 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. 2016 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. Double D Family Mat Shop Inc. (Double D Family Mat Shop) has private operating authority from the Commission and further operates under USDOT number 2493204.

5. Double D Family Mat Shop is a private motor carrier which primarily hauls used tires.

6. Double D Family Mat Shop is a New Entrant motor carrier and is eligible for a fifty-percent (50%) reduction of the penalty(s) assessed below in accordance with the FY 2017 Uniform Penalty Assessment Matrix.

## **III. STATEMENT OF FACTS**

7. Pursuant to the jurisdiction and authority cited above, on June 28, 2017, Commission Staff (Staff) Special Investigator(s) Penny Fryback conducted a compliance review of the operations of Double D Family Mat Shop. A copy of the safety compliance review is attached hereto as Attachment "A" and is hereby incorporated by reference. As a result of this investigation, Ms. Fryback identified four (4) violation(s) of the Motor Carrier Safety Regulations.

- a. On June 21, 2017, Double D Family Mat Shop required or permitted its driver, Dale Goetz, to operate a CDL-required commercial motor vehicle, a 1999 Kenworth straight truck, VIN ending in 794734, GVWR over 26,000 lbs., in intrastate commerce in and around the area of Park, Kansas.

This trip is evidenced by a copy of the calendar page for June 21, 2017, 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 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 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. 2016 Supp. 66-1,112. Staff recommends a fine of \$100.

- b. During the transportation described in paragraph a., above, Double D Family Mat Shop had not required its driver to obtain a medical examiner's certificate to indicate he was physically able to operate a CDL-required commercial motor vehicle. The carrier's failure to confirm that its driver is medically examined and certified prior to requiring or permitting the operation of a commercial motor vehicle and maintaining documentation of the medical certificate in the driver qualification file is a violation of 49 C.F.R. 391.41(a)(1)(i), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$250.
- c. During the transportation described in paragraph a., above, Double D Family Mat Shop did not have any private operating authority from the

Kansas Corporation Commission. The carrier's commercial operations of motor vehicles prior to obtaining and maintaining proper Commission authority is a violation of K.S.A. 2016 Supp. 66-1,111 and 49 C.F.R. 392.2, adopted by K.A.R. 82-4-3h, and authorized by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$500.

- d. During the transportation described in paragraph a., above, Double D Family Mat Shop permitted this transportation without first obtaining and documenting a successful periodic (annual) inspection on the commercial motor vehicle during the preceding 12-month period. 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. 2016 Supp. 66-1,129. Staff recommends a fine of \$250.

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

8. Based upon the available facts, Staff recommends the Commission find Double D Family Mat Shop committed four (4) 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. Staff recommends a civil penalty of \$1,100 for four (4) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff provides notice to the Commission that Double D Family Mat Shop Inc. is a New Entrant motor carrier and is eligible for a fifty-percent (50%) reduced civil penalty if it

submits to Litigation Counsel within fifteen (15) days of the date of this Penalty Order the Reduced Penalty Agreement, which is attached to the Notice of Penalty Assessment.

11. Staff recommends Double D Family Mat Shop Inc. submit a Corrective Action Plan (CAP) within 30 days of the date of this Penalty Order, to Transportation Staff, documenting the violation(s) described in the this Penalty Order, including specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future. The CAP must be approved by Transportation Staff to qualify for the fifty-percent (50%) discount.

12. Staff further recommends that Double D Family Mat Shop attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and provide proof of attendance to Litigation Counsel.

13. 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. Staff will contact the motor carrier at a later date to determine an appropriate time for this review.

## **V. CONCLUSIONS OF LAW**

14. The Commission finds it has jurisdiction over Double D Family Mat Shop because it is a motor carrier as defined in K.S.A. 2016 Supp. 66-1,108.

15. The Commission finds a penalty of \$1,100 should be assessed to Double D Family Mat Shop for committing four (4) 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.

16. The Commission finds Double D Family Mat Shop is a New Entrant motor carrier and is eligible for a fifty-percent (50%) reduction in the penalty(s) assessed motor carriers in accordance with the FY 2017 Uniform Penalty Assessment Matrix. The carrier must submit to Litigation Counsel, within fifteen (15) days from the date of this Penalty Order, the signed and dated Reduced Penalty Agreement, which states it will comply with the reduced penalty terms and obligations set out therein.

**THE COMMISSION THEREFORE ORDERS THAT:**

A. Double D Family Mat Shop Inc., of Park, Kansas is hereby assessed a penalty of \$1,100 for four (4) 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. Payment of \$1,100 must be made through your personal account with the Kansas Corporation Commission's KTRAN application 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.

B. Double D Family Mat Shop is ordered to attend a Commission-sponsored safety meeting within ninety (90) days from the date of this Order, and provide proof of attendance to Litigation Counsel. 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](http://www.kcc.state.ks.us/trans/safety_meetings.htm).

C. Double D Family Mat Shop must submit a Corrective Action Plan (CAP) within thirty (30) days of the date of this Penalty Order, to Transportation Staff, documenting the violation(s) described in the attached Order, including specific and detailed information

explaining the carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.

D. 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 motor carrier at a later date to determine an appropriate time for this review.

E. If Double D Family Mat Shop does not submit the Reduced Penalty Agreement and fails to pay the full penalty(s) of \$1,100 within thirty (30) days from the date of service of this Penalty Order, *see* K.S.A. 66-1,105, and/or fails to comply with the provisions of this Order, the Commission will have the right to order further sanctions, including suspension of Double D Family Mat Shop's motor carrier operating authority without further notice. Additionally, the Commission may issue and enforce revocation of motor carrier authority and/or issue cease and desist order(s), and may order other remedies available to the Commission by law, without further notice.

F. Pursuant to K.S.A. 2016 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, within fifteen (15) days from the date of service of this Penalty Order. The request may be electronically filed with the Commission's electronic filing system at <https://puc.kcc.ks.gov/e-filing/e-express/>, and a copy mailed to the Litigation Counsel within fifteen (15) days from the date of service of this Order. If you do not have access to the internet, you can mail an original and seven (7) copies of the request to the Commission's Secretary, at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy to Litigation Counsel within fifteen (15) days from the date of service of this Order. On July 11, 2017, this Order was mailed via Certified Mail,

Return Receipt Requested, Receipt Number 70161970000105740440. Service of this Order is deemed complete upon the date delivered shown on the Domestic Return Receipt. 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.

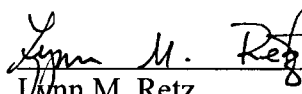
G. Attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. For civil penalties exceeding \$500, a corporation shall appear before the Commission by its attorney, unless waived by the Commission for good cause shown and a determination 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. 2016 Supp. 66-1,142b(e) and amendments thereto.

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.**

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner


Dated: JUL 11 2017

  
Lynn M. Retz  
Secretary to the Commission

AAL

Order Mailed Date  
JUL 12 2017

## **ATTACHMENT "A"**

	<b>US DOT #</b> 2493204	<b>Legal:</b> DOUBLE D FAMILY MAT SHOP INC <b>Operating (DBA):</b>		
<b>MC/MX #:</b>		<b>State #:</b>		<b>Federal Tax ID:</b> (EIN)
<b>Review Type:</b> Compliance Review (CR)				
<b>Scope:</b> Principal Office		<b>Location of Review/Audit:</b> Company facility in the U. S.		<b>Territory:</b>
<b>Operation Types</b>		<b>Interstate</b> <b>Intrastate</b>		
<b>Carrier:</b> N/A <b>Non-HM</b> <b>Shipper:</b> N/A      N/A <b>Cargo Tank:</b> N/A		<b>Business:</b> Corporation <b>Gross Revenue:</b> for year ending: 12/31/2016		
<b>Company Physical Address:</b>				
<b>Contact Name:</b>				
<b>Phone numbers: (1)</b>			<b>Fax</b>	
<b>E-Mail Address:</b>				
<b>Company Mailing Address:</b>				
6606 E RD 100 S PARK, KS 67751-5505				
<b>Carrier Classification</b>				
Private Property				
<b>Cargo Classification</b>				
Other: Used tires				
<b>Equipment</b>				
	<b>Owned</b>	<b>Term Leased</b>	<b>Trip Leased</b>	
Truck	1	0	0	
Power units used in the U.S.: 1 Percentage of time used in the U.S.: 100				
<b>Does carrier transport placardable quantities of HM?</b> No				
<b>Is an HM Permit required?</b> N/A				
<b>Driver Information</b>				
	<b>Inter</b>	<b>Intra</b>		
< 100 Miles:			<b>Average trip leased drivers/month:</b> 0	
>= 100 Miles:		1	<b>Total Drivers:</b> 1	
			<b>CDL Drivers:</b> 1	



**DOUBLE D FAMILY MAT SHOP INC**  
U.S. DOT #: 2493204

State #: 2493204

Review Date:  
06/28/2017

**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: Dale Goetz

Title: Owner

Name:

Title:





DOUBLE D FAMILY MAT SHOP INC  
U.S. DOT #: 2493204

State #: 2493204

Review Date:  
06/28/2017

### Part B Violations

1 STATE	Primary: 391.21(a) CFR Equivalent: 391.21(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
<b>Description</b> Using a driver who has not completed and furnished an employment application. <b>Example</b> Driver Dale Goetz Trip Date: 6/12/2017  Driver needs to complete an application for employment. Had no applicataion on file.					
2 STATE	Primary: 391.25(a) CFR Equivalent: 391.25(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
<b>Description</b> 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. <b>Example</b> Driver Dale Goetz Trip Date: 6/12/2017  Carrier had no MVR's on file for Driver Dale Goetz. Carrier needs to obtain an MVR every 12 months.					
3 STATE	Primary: 391.45(a) Secondary: 391.11(a) CFR Equivalent: 391.45(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
<b>Description</b> Using a driver not medically examined and certified. <b>Example</b> Driver Dale Goetz Trip Date: 6/12/2017  Driver Dale Goetz had no medical examiners certificate on file.					
4 STATE	Primary: 391.51(b)(5) CFR Equivalent: 391.51(b)(5)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
<b>Description</b> Failing to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2). <b>Example</b> Driver Dale Goetz Trip Date: 6/12/2017  Carrier had not completed annual reviews for Driver Dale Goetz					





DOUBLE D FAMILY MAT SHOP INC  
U.S. DOT #: 2493204

State #: 2493204

Review Date:  
06/28/2017

### Part B Violations

5 STATE	Primary: 391.51(b)(6) CFR Equivalent: 391.51(b)(6)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
<b>Description</b> Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27. Driver Dale Goetz Trip Date: 6/12/2017  Driver had not completed any certificate of violations.					
6 STATE	Primary: 391.51(d) CFR Equivalent: 391.51(d)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
<b>Description</b> Failing to keep required records in driver's qualification file for 3 years after date of execution. <b>Example</b> Driver Dale Goetz Trip Date: 6/12/2017  Carrier is required to retain 3 years worth of MVR's, medical examiners certificates, annual reviews, and certificate of violations.					
7 STATE	Primary: 66-1,112g CFR Equivalent: 392.2	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
<b>Description</b> Operating without proper authority <b>Example</b> Driver Dale Goetz Trip Date: 6/12/2017					
8 STATE	Primary: 395.1(e)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 8	Checked 30
<b>Description</b> To be a valid time card it must show the drivers start time, end time, total hours, drivers name and the date. <b>Example</b> Driver Dale Goetz Trip Date: 6/12/2017					
9 STATE	Primary: 396.3(b)(1) CFR Equivalent: 396.3(b)(1)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
<b>Description</b> Failing to keep a maintenance record which identifies the vehicle, including make, serial number, year, and tire size. <b>Example</b> Unit 1 1999 Kenworth Trip Date: 6/12/2017					





DOUBLE D FAMILY MAT SHOP INC  
U.S. DOT #: 2493204

State #: 2493204

Review Date:  
06/28/2017

### Part B Violations

10 STATE	Primary: 396.17(a) CFR Equivalent: 396.17(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
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**Description**

Using a commercial motor vehicle not periodically inspected.

**Example**

Unit 1

Driver Dale Goetz

Trip Date 6/12/2017

**Safety Fitness Rating Information:**

Total Miles Operated 18,250  
Recordable Accidents 0

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

Your proposed safety rating is :

**This Review is not Rated.**





**DOUBLE D FAMILY MAT SHOP INC**  
U.S. DOT #: 2493204

State #: 2493204

Review Date:  
08/28/2017

## Part B Requirements and/or Recommendations

### 1. For all Investigations:

- **Understand Why Compliance Saves Time and Money:** Compliance with FMCSRs will not only save lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business.

- **Document and Follow Through on Action Plans:** Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance

- **NOTICE:** A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six year period.

- **NOTICE:** 49 CFR Part 391.23 requires prospective employers to, at a minimum, investigate a driver's employment information, crash record, and alcohol and controlled substances history from all employers the driver worked for within the previous 3 years.

The Pre-Employment Screening Program (PSP) is a screening tool that assists motor carriers in investigating crash history and roadside safety performance of prospective drivers. The PSP allows motor carriers to purchase 5 years of crash data and 3 years of roadside inspection data from the Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Management Information System (MCMIS). Records are available 24 hours a day via Web request. Motor carriers should visit the following website for more information:  
<http://www.psp.fmcsa.dot.gov/Pages/default.aspx>

- All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities. Discuss with your employees/drivers the "Security Measures for Truck Drivers and Companies" which were provided and reviewed with motor carrier official. Motor carriers should visit the following website for more information:  
<http://www.fmcsa.dot.gov/documents/Hijacking-Brochure.pdf>

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.

For all Investigations that could result in a Penalty Order:

- **PLEASE NOTE:** The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Penalty Order. In addition, your history of prior violations of the Federal Motor Carrier Safety





DOUBLE D FAMILY MAT SHOP INC

U.S. DOT #: 2493204

State #: 2493204

Review Date:

06/28/2017

### Part B Requirements and/or Recommendations

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 receipt of this report acknowledges your understanding that the violations discovered by the KCC during this review may be used to calculate any civil penalty proposed as a result of this review.

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

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

2. Ensure that all drivers are fully and properly qualified before operating in interstate/ intrastate commerce. Maintain a complete driver qualification file for each driver, documenting the qualification process. Included in the driver qualification file is application for employment, previous employer inquiries, copy of the medical examination certificate, road test and certification, certificate of violations, and annual review.
3. Every motor carrier shall at least once every 12 months review the motor vehicle record of each of the drivers it employs.  
MVR's can be obtained by going to <http://www.kcc.ks.gov> then clicking on Motor Carrier on the right side of the page. There you will find a link to obtain MVR's.
4. Do not allow drivers to drive intrastate unless they have been physically examined and certified each 24 months. Maintain a copy of the drivers medical examiners certificate on file for three years.
5. Every motor carrier shall maintain a note relating to the annual review of the drivers driving record to determine that the driver meets the minimum requirements for safe driving
6. Each motor carrier shall obtain a list or certificate relating to violations of the motor vehicle laws and ordinances for each driver it employs.
7. The following must be retained in the driver qualification file for three years from the date of execution: the state agency response to the annual driving record, drivers physical qualifications, certificate relation to motor vehicle law violations and the annual review of driver driving record.
8. No public motor carrier of property or passengers or private motor carrier of property or local cartage carrier shall operate any motor vehicle for the transportation of either persons or property on any public highway in this state except in accordance with the provisions of the regulations, and other applicable state laws.
9. A CDL driver is not required to create a standard log if the following criteria are met:  
The driver operates within a 100 air-mile radius of the normal work reporting location. The driver returns to the work reporting location and is released from work within 12 consecutive hours. The driver has at least 10 consecutive hours off duty separating each 12 hours on duty. The driver does not exceed 11 hours maximum driving time following 10 consecutive hours off duty. And the motor carrier must maintains time records for 6 months showing:  
" The time the driver reports for duty each day,  
" The time the driver is released from duty each day,  
" Total number of hours on duty each day, and





**DOUBLE D FAMILY MAT SHOP INC**

U.S. DOT #: 2493204

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### Part B Requirements and/or Recommendations

Total time on duty for the preceding 7 days for drivers used for the first time or intermittently.

10. Establish a systematic maintenance records program for all vehicles. Maintain a complete file for each subject vehicle, recording all repair, maintenance and inspection operations performed. Maintenance files must identify the vehicle by make, serial number, year and tire size.,
11. Maintain annual inspections in accordance with 386.17 on each vehicle. A motor carrier shall not use a commercial motor vehicle unless each component has passed an inspection at least once during the preceding 12 months. The inspection must identify the vehicle, the date of inspection, and the name and address of the motor carrier or entity where the report is maintained
12. This report contains citations of regulations that are deemed serious in nature and could result in penalties against your company and/or your drivers.
13. 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 Double D Family Mat Shop Inc. operating authority and/or the impoundment of Double D Family Mat Shop Inc. vehicles.





DOUBLE D FAMILY MAT SHOP INC

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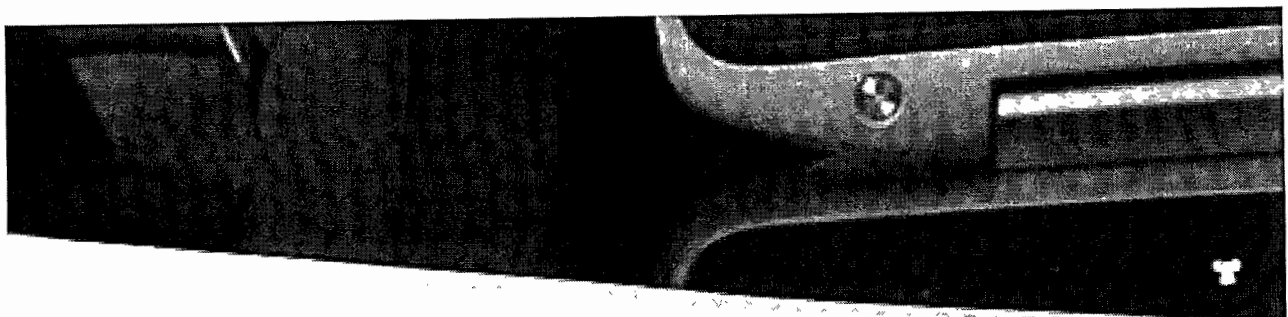
### Part B Requirements and/or Recommendations

Total time on duty for the preceding 7 days for drivers used for the first time or intermittently

10. Establish a systematic maintenance records program for all vehicles. Maintain a complete file for each subject vehicle, recording all repair, maintenance and inspection operations performed. Maintenance files must identify the vehicle by make, serial number, year and tire size...
11. Require all drivers to prepare a written inspection report for each day a vehicle is operated. Ensure that each report is signed by the driver, certified, and reviewed if defects are reported. *Sign it*
12. Keep all driver vehicle inspection reports, signed, certified, and reviewed as required on file for at least 90 days.
13. Maintain annual inspections in accordance with 396.17 on each vehicle. A motor carrier shall not use a commercial motor vehicle unless each component has passed an inspection at least once during the preceding 12 months. The inspection must identify the vehicle, the date of inspection, and the name and address of the motor carrier or entity where the report is maintained
14. This report contains citations of regulations that are deemed serious in nature and could result in penalties against your company and/or your drivers
15. I, *Dale D. Smith* 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 Double D Family Mat Shop Inc. operating authority and/or the impoundment of Double D Family Mat Shop Inc. vehicles



## **ATTACHMENT "B"**



JUNE 2017

SCHEDULE	
	A.M. P.M.
MONDAY  12	8 IN 7:25 AM 1
	9 OUT 10:30 AM 2
	10 3
	11 4
	12 5
TUESDAY  13	8 1
	9 2
	10 3
	11 4
	12 5
WEDNESDAY	8 HOLIDAY 1
	9 2

MONDAY

19

A.M.

8

in 7:15 AM

9

out 11:30

10

in 12:00

11

out 2:00

12

TUESDAY

20

8

9

10

11

12

WEDNESDAY

21

8

in 11:00 AM

9

out 1:00

10

in 1:30

11

out 4:00

12

THURSDAY

8

**CERTIFICATE OF SERVICE**

17-TRAM-569-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 **JUL 11 2017**.

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 66604-4027  
Fax: 785-271-3354  
a.latif@kcc.ks.gov

/S/ DeeAnn Shupe  
\_\_\_\_\_  
DeeAnn Shupe

**Order Mailed Date**

**JUL 12 2017**