

1500 SW Arrowhead Road
Topeka, KS 66604-4027

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



20171012140804
Kansas Corporation Commission

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

Sam Brownback, Governor

NOTICE OF PENALTY ASSESSMENT

October 12, 2017

18-TRAM-154-PEN

Brian H. Cook, Manager
C&K Livestock LLC
3498 Road K
Norcatur, Kansas 67653

Certified Mail Receipt No. 70161970000105743120

This is a notice of a penalty assessment against C&K Livestock LLC for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on September 6, 2017, by Kansas Corporation Commission Special Investigator Penny Fryback. Penalty amounts 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 and terms and obligations, please refer to the Penalty Order that is attached to this notice.

IF YOU ACCEPT THE PENALTY:

C&K Livestock has been assessed a \$1,250 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 \$1,250 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.

C&K LIVESTOCK 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) originally assessed motor carriers. 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;

(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; and

(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 for Order Amending Penalty Assessment, along with the Reduced Penalty Agreement will be filed with the Commission. An Order Amending Penalty Assessment 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 \$625 would be due within thirty (30) days from the date of service of the Order Amending Penalty Assessment.

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. C&K Livestock LLC 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 \$1,250 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 C&K Livestock submits the attached Reduced Penalty Agreement as explained above, an Order Amending Penalty Assessment may be issued assessing the reduced penalty of \$625 and that payment will become due within thirty (30) days from the date of service of that Order.

Respectfully,



Ansum A. Latif
Litigation Counsel
(785) 271-3118
a.latif@kcc.ks.gov

1500 SW Arrowhead Road
Topeka, KS 66604-4027



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

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

Sam Brownback, Governor

REDUCED PENALTY AGREEMENT

18-TRAM-154-PEN

C&K Livestock LLC (C&K Livestock) hereby submits this Reduced Penalty Agreement to become eligible for a fifty percent (50%) reduction in the penalty assessed in the Penalty Order dated October 12, 2017. C&K Livestock has agreed to comply with the following terms and obligations:

1. C&K Livestock has submitted, within fifteen (15) days from the date of the Penalty Order issued on October 12, 2017, this signed and dated Reduced Penalty Agreement to Litigation Counsel at the above address.

2. C&K Livestock will, within 30 days from the date of the Penalty Order dated October 12, 2017, submit to Transportation Staff a Corrective Action Plan (CAP) documenting the violation(s) and describing specific and detailed information explaining 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. C&K Livestock will, within thirty (30) days from the date of the Penalty Order dated October 12, 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. C&K Livestock 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.

C&K Livestock LLC understands that if approved, Transportation Litigation Counsel will file a Motion for Order Amending Penalty Assessment with this Agreement attached. The Order Amending Penalty Assessment will assess C&K Livestock a fifty-percent (50%) reduced penalty of \$625, and set out the terms and conditions stated above. Once the Order Amending Penalty Assessment is issued by the Commission, C&K Livestock will have thirty (30) days from the date of service of that Order to pay the reduced penalty assessed.

Dated this ____ day of _____, 2017.

C&K Livestock LLC

Brian H. Cook
Manager

(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 and 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 **C&K**)
Livestock LLC, of Norcatur, Kansas,)
Regarding the Violation of the Motor Carrier)
Safety Statutes, Rules and Regulations and the) Docket No. 18-TRAM-154-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. C&K Livestock LLC (C&K Livestock) has common operating authority with the Commission and further operates under USDOT number 2482006.

5. Brian Cook attended a Commission-sponsored Motor Carrier Education and Safety Instructional Meeting on February 24, 2014, on behalf of C&K Livestock.

6. C&K Livestock is a common motor carrier which primarily hauls general freight, livestock, grain, feed and hay.

7. C&K Livestock is a New Entrant motor carrier and is eligible for a fifty-percent (50%) reduction of the penalty(s) assessed below.

III. STATEMENT OF FACTS

8. Pursuant to the jurisdiction and authority cited above, on September 6, 2017, Commission Staff (Staff) Special Investigator Penny Fryback conducted a compliance review of the operations of C&K Livestock. 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, the special investigator identified two (2) violation(s) of the Motor Carrier Safety Regulations.

- a. On June 14, 2017, C&K Livestock required or permitted its driver, Matthew Kuhlman, to operate a CDL-required commercial motor vehicle, a 2000 Peterbilt, VIN ending in 494442, GVWR over 33,000 lbs., in interstate commerce from Terrell, Texas to Liberal, Kansas. This trip is

evidenced by Invoice No. 0489, dated June 14, 2017, a copy of which is attached hereto as Attachment “B” and is hereby incorporated by reference. At the time of this transportation, C&K Livestock failed to require its driver to make a record of duty status. The special investigator found six (6) violations of this type. The carrier’s failure to require its driver to keep records of duty status for each 24-hour period using the method described in 49 C.F.R. 395.8(a) and to submit the original record to the motor carrier within 13 days of creation is in violation of 49 C.F.R. 395.8(a), adopted by K.A.R. 82-4-3a, and authorized by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$250.

- b. On June 21, 2017, C&K Livestock required or permitted its driver, Matthew Kuhlman, to operate a CDL-required commercial motor vehicle, a 2000 Peterbilt, VIN ending in 494442, GVWR over 33,000 lbs., in interstate commerce from Springfield, Missouri to Centralia, Kansas. This trip is evidenced by Weekly Run Sheet Detail, a copy of which is attached hereto as Attachment “C” and is hereby incorporated by reference. At the time of this transportation, Driver Kuhlman submitted to C&K Livestock his Driver’s Daily Logs, dated June 20 and June 21, 2017, copies of which are attached hereto as Attachment “D” and are hereby incorporated by reference. The Driver’s Daily Log, dated June 20, 2017, shows the driver coming on duty at Cameron, Missouri at 9:30 p.m., driving three hours and fifteen minutes and going off duty on June 21, 2017, at Belleville, Kansas. Driver Kuhlman never showed his trip to Springfield, Missouri

from Cameron, Missouri to load and driving from Springfield, Missouri to Centralia, Kansas. Driver Kuhlman submitted false records of duty status. The special investigator found four (4) violations of this type. C&K Livestock's falsifying records of duty status is a violation of 49 C.F.R. 395.8(e)(1), adopted by K.A.R. 82-4-3a, and authorized by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$1,000.

IV. STAFF'S RECOMMENDATIONS

9. Based upon the available facts, Staff recommends the Commission find C&K Livestock committed two (2) 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.

10. Staff recommends a civil penalty of \$1,250 for two (2) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

11. Staff provides notice to the Commission that C&K Livestock LLC 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.

12. Staff recommends C&K Livestock LLC 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.

13. Staff further recommends that C&K Livestock attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and provide proof of attendance to Litigation Counsel.

14. Finally, Staff recommends that C&K Livestock 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

15. The Commission finds it has jurisdiction over C&K Livestock because it is a motor carrier as defined in K.S.A. 2016 Supp. 66-1,108.

16. The Commission finds a penalty of \$1,250 should be assessed to C&K Livestock for committing two (2) 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.

17. The Commission finds C&K Livestock is a New Entrant motor carrier and is eligible for a fifty-percent (50%) reduction in the penalty(s) assessed herein. 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. C&K Livestock LLC, of Norcatur, Kansas is hereby assessed a penalty of \$1,250 for two (2) 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 \$1,250 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. C&K Livestock 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.

C. C&K Livestock 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. C&K Livestock 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 C&K Livestock does not submit the Reduced Penalty Agreement and fails to pay the full penalty(s) of \$1,250 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 C&K Livestock'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. A hearing will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of C&K Livestock's right to a hearing.

G. On October 12, 2017, this Order was mailed via Certified Mail, Return Receipt Requested, Receipt Number 70161970000105743120. Service of this Order is deemed complete upon the date delivered shown on the Domestic Return Receipt.

H. 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.

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.

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: OCT 12 2017


Lynn M. Retz
Secretary to the Commission

AAL

Order Mailed Date

OCT 13 2017

ATTACHMENT “A”



US DOT #
2482006

Legal: C & K LIVESTOCK LLC
Operating (DBA):

MC/MX #: 912122 State #: Federal Tax ID: (EIN)

Review Type: Compliance Review (CR)

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

Operation Types Interstate Intrastate

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

Business: Corporation

Gross Revenue: for year ending: 12/31/2016

Company Physical Address:



Contact Name:

Phone numbers: (1)

E-Mail Address:



Company Mailing Address:

3498 ROAD K
NORCATUR, KS 67653

Carrier Classification

Authorized for Hire

Exempt for Hire

Cargo Classification

General Freight

Livestock

Grain, Feed, Hay

Equipment

Owned Term Leased Trip Leased

Owned Term Leased Trip Leased

Truck Tractor 1 1 0

Power units used in the U.S.: 2

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

Does carrier transport placardable quantities of HM? No

Is an HM Permit required? N/A

Driver Information

Inter Intra
< 100 Miles:
>= 100 Miles: 2

Average trip leased drivers/month: 0
Total Drivers: 2
CDL Drivers: 2





C & K LIVESTOCK LLC

U.S. DOT #: 2482006

State #: [REDACTED]

Review Date:

09/06/2017

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: Brian H. Cook

Title: Owner

Name: [REDACTED]





C & K LIVESTOCK LLC
U.S. DOT #: 2482006

State #: [REDACTED]

Review Date:
09/08/2017

Part B Violations

1 FEDERAL CRITICAL	Primary: 395.8(a)	Discovered 6	Checked 30	Drivers/Vehicles In Violation 1 Checked 1
Description Failing to require driver to make a record of duty status. Example Driver [REDACTED] Trip Date: June 14, 2017 Bill of lading showed driver hauled a load from Terrell, Texas to Liberal, Kansas. Carrier produced no record of duty status for that day.				
2 FEDERAL CRITICAL	Primary: 395.8(e)	Discovered 4	Checked 30	Drivers/Vehicles In Violation 1 Checked 1
Description False reports of records of duty status. Example Driver [REDACTED] Trip Date: 8/21/2017 Drivers bills of lading showed he loaded at Springfield, Missouri and unloaded at Centralia, Kansas. The drivers record of duty status showed that the driver came on duty at Cameron, missouri and drove to Belleville, KS in 3 hours and 15minutes and never shows loading cattle in Springfield, Missouri or delivering them in Centralia, Kansas.				
3 FEDERAL	Primary: 395.8(i)	Discovered 30	Checked 30	Drivers/Vehicles In Violation 1 Checked 1
Description Driver failed to submit or forward by mail the original drivers record of duty status to the regular employing motor carrier within 13 days following the completion of the form. Example Driver [REDACTED] Trip Date 7/ 12/2017				
4 FEDERAL	Primary: 396.3(b)(1)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2 Checked 2
Description Failing to keep a maintenance record which identifies the vehicle, including make, serial number, year, and tire size. Example Unit 42 Trip Date: 8/21/2017 File does not identify the vehicle by make, year, VIN number, tire size and unit #				
Safety Fitness Rating Information: Total Miles Operated 298,000 Recordable Accidents 0 Recordable Accidents/Million Miles 0.00		OOS Vehicle (CR): 0 Number of Vehicle Inspected (CR): 0 OOS Vehicle (MCMIS): 0 Number of Vehicles Inspected (MCMIS): 0		





C & K LIVESTOCK LLC
U.S. DOT #: 2482006

State #: [REDACTED]

Review Date:
09/06/2017

Part B Violations

Your proposed safety rating is :

CONDITIONAL

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

This rating will become the final rating 60 days from the date indicated on a forthcoming official notice from the Federal Motor Carrier Safety Administration headquarters in Washington, D.C.

However, if this rating improves a previous Unsatisfactory rating, it will become effective on the date of the official notice from the FMCSA headquarters.

Corrective actions must be taken for the violations (deficiencies) listed on Part B of this review. Title 49 CFR Sections 385.15 and 385.17 provide for administrative review and a change to a safety rating based on corrective actions, respectively. A request for a change to a safety rating under section 385.17 may be made at any time. A motor carrier may request, in writing, a change in the rating by providing evidence of corrective actions to the Field Administrator for the FMCSA Service Center in which the carrier maintains its principal place of business. (See 49 CFR 385.17 for additional details). A request for administrative review under section 385.15 must be made within 90 days of the date of the proposed safety rating issued under section 385.11(c) or a final safety rating issued under section 385.11(b), or within 90 days after denial of a request for a change in rating under section 385.17.

If this was a focused investigation, which will be noted in the Review Type on the first page of this report (Part A), some factors shown above may be marked "SATISFACTORY" even if they were not reviewed. A focused investigation will not result in a SATISFACTORY safety rating because all standards and factors specified in 40 CFR 383.5 and 385.7 were not examined in full, even though it may appear that they were under the rating factors in Part B of this document. It may, however, result in a less than SATISFACTORY rating if sufficient violations are discovered in the parts and factors examined to result in a CONDITIONAL or UNSATISFACTORY rating, or a non-ratable review.

If you receive a conditional or unsatisfactory rating, you may request an administrative review under 49 CFR 385.15 or a safety rating upgrade based on corrective action under 49 CFR 385.17. However, a successful request may only result in a non-ratable status, upgrade to a conditional safety rating, or reinstatement of your most recent safety rating. You will not receive a new satisfactory safety rating as a result of your request(s) under 49 CFR 385.15 and/or 49 CFR 385.17.





C & K LIVESTOCK LLC
U.S. DOT #: 2482006

State #: [REDACTED]

Review Date:
09/06/2017

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 carriers currently have the ability to preview how the improvements impact their individual safety data in SMS. These improvements include: (1) Changes to the SMS methodology that identify higher risk carriers while addressing industry biases; (2) better applications of SMS results for Agency interventions by more accurately identifying safety sensitive carriers (i.e., carriers transporting people and carriers hauling hazardous materials (HM)), so that such firms can be selected for CSA interventions at more stringent levels; and, (3) more specific fact-based displays of SMS results on the SMS Web site. The data preview may be found at <http://csa.fmcsa.dot.gov/>. During the data preview period, the Agency requests comments on the impacts of the changes.

For all Investigations that 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 Regulations, Federal Hazardous Material Regulations or the Federal Motor Carrier Commercial Regulations may also





C & K LIVESTOCK LLC

U.S. DOT #: 2482006

State #: XXXXXXXXXX

Review Date:

09/06/2017

Part B Requirements and/or Recommendations

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.

For all Investigations resulting in serious violations:

Serious violations were recorded on this investigation report. These violations will impact your safety record. Furthermore, these violations may result in a follow-up investigation at a later date unless adequate evidence of corrective action is forwarded to our office:

US Department of Transportation
Federal Motor Carrier Safety Administration
Kansas Division
Jeff Ellett - Division Administrator
1303 First American Place, Suite 200
Topeka, KS 66604-4040

For all Investigations resulting in a proposed conditional or unsatisfactory rating:

385.15

If you believe the proposed rating is in error and there are factual and procedural issues in dispute, Part 385.15 (copy provided) outlines procedures for petitioning the Federal Motor Carrier Safety Administration for an administrative review of these findings. Your petition should be addressed to:

US Department of Transportation
Jack Van Steenburg - Chief Safety Officer
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue SE,
Washington, DC 20590

385.17

In addition, a request for a revised rating based on corrective actions may be made at any time. Part 385.17 (copy provided) outlines the procedures for such a request. The request must be made in writing, must describe the corrective action taken and must include other documentation that may be relied upon as a basis for the requested change. Address your written request to:

US Department of Transportation
Max Strathman - Midwestern Field Administrator
Federal Motor Carrier Safety Administration
4749 Lincoln Mall Drive, Suite 300-A
Matteson, IL 60443

Ensure that a CC copy of the letter is mailed to:

US Department of Transportation
Kansas Division
Jeff Ellett - Division Administrator
Federal Motor Carrier Safety Administration
1303 First American Place, Suite 200
Topeka, KS 66604-4040

This letter should be submitted as soon as possible.

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





C & K LIVESTOCK LLC
U.S DOT #. 2482006

State #. [REDACTED]

Review Date:
09/06/2017

Part B Requirements and/or Recommendations

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' records of duty status (logs) are accurate. Check them against "supporting documents" to verify accuracy. Prohibit falsification of logs by any driver. Review the rules on supporting documents. Take appropriate action against drivers who falsify logs.
3. Require all drivers to prepare complete and accurate records of duty status for each day, and to submit them within 13 days. Maintain all duty status records on file, with all supporting documents, for at least 6 months.
4. 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, unit number and tire size and Unit number.
5. This review will result in a Safety Rating.
6. This report contains citations of regulations that are deemed serious in nature and could result in penalties against your company and/or your drivers.
7. I, *Tina J. [Signature]* 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 C & K Livestock L L C operating authority and/or the impoundment of C & K Livestock L L C vehicles.



ATTACHMENT “B”

C & K Livestock L.L.C.

0489

Brian Cook

Norcatat, KS 67653

Norcatat, KS 67653

Brian

Matt:

Consignee: Nichols Address: Snyder OK
Shipped From: Terrell TX To: Supremacy Liberals

DATE: <u>6/14/17</u>	TRK: <u>42</u>	TRL: <u>7</u>	RATE:	MILEAGE: <u>528</u>
QUANTITY	COMMODITY	WEIGHT	AMOUNT DUE	
<u>65</u>	<u>HFB</u>	<u>45860</u>		

Driver:

Received By:

ATTACHMENT “C”



Good Co. Dispatch LLC

WEEKLY RUN SHEET DETAIL

June 19-25, 2017

DATE	MEMO/DESCRIPTION	QTY	RATE	BALANCE	AMOUNT
007 Matt Kuhlman					
06/19/2017	Oklahoma City/Stewartsville 430x3.60-17%	430.00	2.988	1,284.84	1,284.84
06/20/2017	Money Code 443.29+2.00 EFS Fee	(1.00)	445.29	839.55	(445.29)
06/21/2017	EFS 300.00+2.00 EFS Fee	(1.00)	302.00	537.55	(302.00)
06/21/2017	Springfield/Spring/Centralia 345x3.60-17%	345.00	2.988	1,568.41	1,030.86
06/21/2017	Cash Advance	(1.00)	40.00	1,528.41	(40.00)
06/22/2017	Cash Advance	(1.00)	40.00	1,488.41	(40.00)
06/22/2017	Norfolk/Arkansas City 400x3.10-17%	400.00	2.573	2,517.61	1,029.20
06/22/2017	EFS 394.69+2.00 EFS Fee	(1.00)	396.69	2,120.92	(396.69)
06/23/2017	EFS 424.31+2.00 EFS Fee	(1.00)	426.31	1,694.61	(426.31)
06/23/2017	Ashland/Imperial 350x3.50-17%	350.00	2.905	2,711.36	1,016.75
Total for 007 Matt Kuhlman					\$2,711.36
TOTAL					\$2,711.36

ATTACHMENT “D”

RECAP
Complete at
end of week.

1. OFF DUTY
2. SLEEPER
3. DRIVING
4. ON DUTY

10 HOURS Day
Drivers

A. Total hours on
duty (including
breaks and sleepers)

B. Total hours on
duty (including
breaks and sleepers)

C. Total hours on
duty (including
breaks and sleepers)

D. Total hours on
duty (including
breaks and sleepers)

E. Total hours on
duty (including
breaks and sleepers)

F. Total hours on
duty (including
breaks and sleepers)

G. Total hours on
duty (including
breaks and sleepers)

H. Total hours on
duty (including
breaks and sleepers)

DRIVER'S DAILY LOG

6/20/17
Month Day Year

Catkins & Stockill
Name of Carrier or Contractors

609
Main Office Address

Total Miles Driven Today

4217
Hour Terminal Address

Truck/Tractor and Trailer Numbers or
License Plates (State below each item)

Driver's Full Signature

to Driver's Name

TOTAL
HOURS

1. OFF DUTY

2. SLEEPER
BERTH

3. DRIVING

4. ON DUTY
(Not Driving)

REMARKS

OFFLINE
SHIPPING
DOCUMENTS

B/L or Manifest No.

SHIPPER & COMMODITY

FROM

USE TIME STANDARD AT HOME TERMINAL

TO

613-MP (REV. 7/13) 8524

C & K Livestock L.L.C.
3498 Rd K
Norcatur, KS 67653

0496

Brian Cook
3498 Rd. K
Norcatur, KS 67653

Brian: 785-567-7794
Matt: 785-693-1022

Consignee: S. R. L. Henry Address: OK Oklahoma City OK
Shipped From: OK Stockyards OK OK To: S. L. Runyan JR Stewartville Mo

DATE: 6/20/17	TRK: 42	TRL: 7	RATE:	MILEAGE: 430
QUANTITY	COMMODITY	WEIGHT	AMOUNT DUE	
91	Stc.			

Driver:  Received By: _____

Brian Cook
3498 Rd. K
Norcatur, KS 67653

C & K Livestock L.L.C.
3498 Rd K
Norcatur, KS 67653

0541

Brian: 785-567-7794
Matt: 785-693-1022

Consignee: Witte Address: _____

Shipped From: Springfield Livestock MO To: Central KS

DATE: 6/21/17	TRK: 42	TRL: 7	RATE:	MILEAGE: 345
QUANTITY	COMMODITY	WEIGHT		AMOUNT DUE
116	3X	Don Hatt		

Driver: (MK) Received By: _____

HOODS SERVICE CENTER /1651 SOUTH STATE HWY K /BOIS D ARC, MO 65612/(417) 732-681
8

Number: 0201-4212 06/21/2017 Station: 2


Response: 01161RC1501434101.02111CUST:GOOD CO DISPATCH LLC ELGIN OK
17239411INVN:01024210IAUTH:315830IAMNT:340.00

Pump	Products	Reefer	Quantity	Unit Cost	Total
# 2	Diesel 2	N	132.800	2.259	300.00
	CASH ADVANCE		1.000	40.00	40.00 <i>mk</i>

subtotal = 340.00

sales tax = 0.00

TOTAL = 340.00

Signature: 

PLEASE SIGN ABOVE

Salesperson ID: TIMOTHY

Truck Number: 42

Company State: OK

TCH Card Number: xxxxxxxxxxxxxxx9628 -SWIPED-

Invoice #: 01024212

Company City: ELGIN

Billing Company: TCH / TCH CARD

Company Name : GOOD CO DISPATCH LLC / ELGIN, OK

THANK YOU FOR YOUR BUSINESS! --- ULTRA LOW SULFUR DIESEL LEGAL FOR HIGHWAY
USE / INTEREST OF 1.5% PER MONTH WILL BE ADDED TO INVOICES OVER 30 DAYS OLD.

CERTIFICATE OF SERVICE

18-TRAM-154-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 OCT 12 2017.

BRIAN H. COOK, MANAGER
C&K LIVESTOCK LLC
3498 ROAD K
NORCATUR, KS 67653
Fax: 785-693-4276
tamicook69@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

Order Mailed Date
OCT 13 2017