

1500 SW Arrowhead Road
Topeka, KS 66604-4027

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



20170914152758
Kansas Corporation Commission

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

Sam Brownback, Governor

NOTICE OF PENALTY ASSESSMENT

18-TRAM-115-PEN

September 14, 2017

Danny Baker, Manager
Two Tigers and A Truck, LLC
1200 S Main St
McPherson, Kansas 67460

Certified Mail No. 70161970000105737211

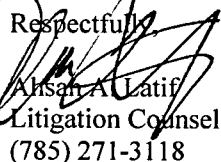
This is a notice of a penalty assessment against Two Tigers and A Truck, LLC for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on July 26, 2017, by Kansas Corporation Commission Special Investigator(s) Doug Handy. Penalty 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(s) and terms and obligations please refer to the Order that is attached to this notice.

IF YOU ACCEPT THE PENALTY: Two Tigers and A Truck has been assessed a \$100 penalty. You have thirty (30) days from the date of service of this Penalty Order to pay the fine amount. Please remit payment of \$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.

You must attend a Commission-sponsored safety seminar within ninety (90) days from the date of the attached Order and provide the undersigned Litigation Counsel with written proof of attendance. A schedule of dates and locations for the safety seminar can be found at the Commission's website http://www.kcc.state.ks.us/trans/safety_meetings.htm. You also must submit to one follow-up safety compliance review within 18 months from the date of the attached Order. Transportation Staff will contact you 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. Two Tigers and A Truck 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 must 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 (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 to the undersigned Litigation Counsel. K.A.R. 82-1-215; K.S.A. 2016 Supp. 77-542.

IF YOU FAIL TO ACT: Failure to pay the penalty of \$100 within thirty (30) days from the date of service of the Penalty Order or failure to comply with the terms of the attached Penalty Order, or in the alternative, failure to provide a written request for a hearing within fifteen (15) days from the date of service of this Penalty Order, will result in the attached Order becoming a Final Order 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: Pat Apple, Chairman
 Shari Feist Albrecht
 Jay Scott Emler

In the Matter of the Investigation of **Two Tigers**)
and A Truck, LLC, of McPherson, Kansas,)
Regarding the Violation of the Motor Carrier)
Safety Statutes, Rules and Regulations and the) Docket No. 18-TRAM-115-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. Two Tigers and A Truck, LLC (Two Tigers and A Truck) has private and common operating authority with the Commission and further operates USDOT number 2992949.

5. Danny Baker attended a Commission-sponsored Motor Carrier Education and Instructional Meeting on June 19, 2017, on behalf of Two Tigers and A Truck.

6. Two Tigers and A Truck is a private and common motor carrier which primarily hauls household goods, metal, sheets, coils, rolls, logs, poles, beams, lumber, building materials, grain, feed, hay, garbage, refuse and trash.

III. STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, on July 26, 2017, Commission Staff (Staff) Special Investigator(s) Doug Handy conducted a compliance review of the operations of Two Tigers and A Truck. 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(s) identified one (1) violation(s) of the Motor Carrier Safety Regulations.

- a. On June 5, 2017, Two Tigers and A Truck required or permitted its driver, Scott Reasoner, to operate a commercial motor vehicle, a 2005 Ford, VIN ending in 40436, GVWR 14,050 lbs., in intrastate commerce from McPherson, Kansas to Newton, Kansas. This trip is evidenced by Invoice No. 1242, date June 5, 2017, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, Two Tigers and A Truck failed to obtain its driver's motor vehicle record (MVR) within 30 days of employment. Driver Scott Reasoner was hired on March 15, 2017, and the carrier did not obtain the MVR until June 6, 2017. The carrier's failure to obtain MVRs on its drivers within 30 days of employment and maintain the MVRs in the driver qualification files pursuant to 49 C.F.R. 391.51 is a violation of 49 C.F.R. 391.23(a)(1) and (b), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$100

IV. STAFF'S RECOMMENDATIONS

8. Based upon the available facts, Staff recommends the Commission finds Two Tigers and A Truck 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 \$100 for one (1) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that Two Tigers and A Truck 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 the safety seminar can be found on the Commission's website at http://kcc.ks.gov/trans/safety_meetings.htm.

11. Finally, Staff recommends that Two Tigers and A Truck 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 Two Tigers and A Truck because it is a motor carrier as defined in K.S.A. 2016 Supp. 66-1,108.

13. The Commission finds Two Tigers and A Truck 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. Two Tigers and A Truck, LLC, of McPherson, Kansas is hereby assessed a \$100 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. Two Tigers and A Truck 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. Two Tigers and A Truck 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. 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. 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 (7) copies of the request to the Commission's Secretary, at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy of the request 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 Two Tigers and A Truck's right to a hearing, and this Penalty Order will become a Final Order assessing a \$100 civil penalty against Two Tigers and A Truck, and ordering Two Tigers and A Truck 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 eighteen (18) months from the date of this Order.

E. On September 14, 2017, this Penalty Order was mailed to Two Tigers and A Truck via Certified Mail, Return Receipt Requested, Number 70161970000105737211. Service of this Order is complete upon the date delivered shown on the Domestic Return Receipt.

F. 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.

G. If you do not request a hearing, the payment of the civil penalty of \$100 is due in thirty (30) days from the date of service of this Order. Payment of \$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.

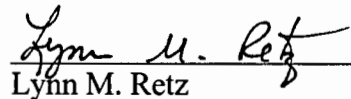
H. Failure to pay the \$100 civil penalty within thirty (30) days from the date of service of this Penalty Order, *see* K.S.A. 66-1,105, and/or failure to comply with the provisions of this Order, may result in suspension of Two Tigers and A Truck's motor carrier operating authority without further notice. Additionally, the Commission may impose further sanctions to include, but not limited to, the issuance and enforcement of revocation of authority and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

I. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further orders, as necessary.

BY THE COMMISSION IT IS SO ORDERED.

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: SEP 14 2017



Lynn M. Retz
Secretary to the Commission


AAL

Order Mailed Date

SEP 15 2017

ATTACHMENT "A"

Kansas Corporation Commission

	US DOT # 2992949	Legal: TWO TIGERS AND A TRUCK LLC Operating (DBA):																		
MC/MX #: 199959		Federal Tax ID: [REDACTED] (EIN)																		
Review Type: Compliance Review (CR)																				
Scope: Principal Office		Location of Review/Audit: Company facility in the U. S.		Territory: F																
Operation Types <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">Interstate</td> <td style="width: 33%;">Intrastate</td> </tr> <tr> <td>Carrier: Non-HM</td> <td>Non-HM</td> </tr> <tr> <td>Shipper: N/A</td> <td>N/A</td> </tr> <tr> <td>Cargo Tank: N/A</td> <td></td> </tr> </table>					Interstate	Intrastate	Carrier: Non-HM	Non-HM	Shipper: N/A	N/A	Cargo Tank: N/A									
Interstate	Intrastate																			
Carrier: Non-HM	Non-HM																			
Shipper: N/A	N/A																			
Cargo Tank: N/A																				
		Business: Corporation Gross Revenue: [REDACTED] for year ending: 6/30/2017																		
Company Physical Address: [REDACTED]																				
Contact Name: Danny Baker Phone numbers: (1) [REDACTED] E-Mail Address: [REDACTED]																				
Company Mailing Address: 1200 S MAIN ST MCPHERSON, KS 67460-5740																				
Carrier Classification <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Authorized for Hire</td> <td style="width: 50%;">Private Property</td> </tr> </table>					Authorized for Hire	Private Property														
Authorized for Hire	Private Property																			
Cargo Classification <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">Household Goods</td> <td style="width: 33%;">Metal: Sheets, Coils, Rolls</td> <td style="width: 33%;">Logs, Poles, Beams, Lumber</td> </tr> <tr> <td>Building Materials</td> <td>Grain, Feed, Hay</td> <td>Garbage, Refuse, Trash</td> </tr> </table>					Household Goods	Metal: Sheets, Coils, Rolls	Logs, Poles, Beams, Lumber	Building Materials	Grain, Feed, Hay	Garbage, Refuse, Trash										
Household Goods	Metal: Sheets, Coils, Rolls	Logs, Poles, Beams, Lumber																		
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Equipment <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th></th> <th>Owned</th> <th>Term Leased</th> <th>Trip Leased</th> <th></th> <th>Owned</th> <th>Term Leased</th> <th>Trip Leased</th> </tr> <tr> <td>Truck</td> <td style="text-align: center;">1</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> <td></td> <td></td> <td></td> <td></td> </tr> </table>						Owned	Term Leased	Trip Leased		Owned	Term Leased	Trip Leased	Truck	1	0	0				
	Owned	Term Leased	Trip Leased		Owned	Term Leased	Trip Leased													
Truck	1	0	0																	
Power units used in the U.S.: 1 Percentage of time used in the U.S.: 100																				
Does carrier transport placardable quantities of HM? No Is an HM Permit required? N/A																				
Driver Information <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;"></td> <td style="width: 10%; text-align: center;">Inter</td> <td style="width: 10%; text-align: center;">Intra</td> <td style="width: 50%;"></td> </tr> <tr> <td>< 100 Miles:</td> <td style="text-align: center;">1</td> <td></td> <td>Average trip leased drivers/month: 0</td> </tr> <tr> <td>>= 100 Miles:</td> <td></td> <td></td> <td>Total Drivers: 1</td> </tr> <tr> <td></td> <td></td> <td></td> <td>CDL Drivers:</td> </tr> </table>						Inter	Intra		< 100 Miles:	1		Average trip leased drivers/month: 0	>= 100 Miles:			Total Drivers: 1				CDL Drivers:
	Inter	Intra																		
< 100 Miles:	1		Average trip leased drivers/month: 0																	
>= 100 Miles:			Total Drivers: 1																	
			CDL Drivers:																	





TWO TIGERS AND A TRUCK LLC
U.S. DOT # 2992949

Review Date
07/26/2017

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.

1500 SW Arrowhead Rd
Topeka, Ks 66604-4027

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Danny Baker

Title: Manager

Name: [REDACTED]





TWO TIGERS AND A TRUCK LLC
U S DOT # 2992949

Review Date
07/26/2017

Part B Violations

1 STATE	Primary 391 23(a)1(b)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
Description Failing to obtain response to the inquiry of each state driving record within 30 days of employment Example Driver Name [REDACTED] Trip Date 06/05/2017 Invoice #1242 Hire Date 03/15/2017 Carrier obtained an initial MVR on 06/06/2017 Carrier operated Intrastate from McPherson, Ks. to Newton, Ks.					
2 STATE	Primary 392 2 Secondary. 8-143(m) CFR Equivalent 392.2	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
Description Failure to obtain commercial registration for Kansas based commercial motor vehicle Example Driver name [REDACTED] Trip Date 07-05-17 Ks. Roadside Inspection #KSKC82110062 Carrier failed to have Ks based commercial motor vehicle registered as required by K.S.A. 8-127(a) GVWR of CMV 14,050.					
3 STATE	Primary. 66-1,114 CFR Equivalent: 392 9a(a)(1)	Discovered 1	Checked 1	Drivers/Vehicles In Violation	Checked
Description (a) Except as hereinafter provided, it shall be unlawful for any public motor carrier to operate as a carrier of household goods or passengers in intrastate commerce within this state without first having obtained from the commission a certificate of convenience and necessity to transport household goods or passengers. Example Driver Name [REDACTED] Trip Date: 06/15/2017 Invoice #1243 Carrier operated a commercial motor vehicle for hire as a household mover without having the proper authority from McPherson, Ks. to Emporia, Ks.					
Safety Fitness Rating Information: Total Miles Operated 9,000 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			





TWO TIGERS AND A TRUCK LLC
U S DOT # 2992949

Review Date
07/26/2017

Part B Violations

Your proposed safety rating is :

SATISFACTORY

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

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





TWO TIGERS AND A TRUCK LLC
U.S. DOT #: 2992949

Review Date:
07/26/2017

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 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.

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 identified within this report. Submit this letter within 30 days outlining the carrier's updated changes to their policies





TWO TIGERS AND A TRUCK LLC
U S DOT #: 2992949

Review Date
07/26/2017

Part B Requirements and/or Recommendations

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. DRIVER FITNESS BASIC PROCESS BREAKDOWN. Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN- Two Tigers and a Truck, LLC failed to obtain an inquiry from each State Agency for each driver where the driver held or holds a commercial motor vehicle operators' license within 30 days of employment as required.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices. The following are recommended practices related to Policies and Procedures:

- Develop a policy for the periodic review (at least twice per year) of driver qualification files. The motor carrier should not rely on third-party sources, such as insurance agencies. The procedure should include controls to ensure that documents requiring renewals are in place, to remind drivers of expiration dates on medical certificates, so they can schedule another physical examination in advance, and to prevent falsification of documents related to driver qualification.
- Establish a policy requiring drivers to submit copies of all vehicle and roadside inspections and moving violations to carrier management within 24 hours, and to notify management of suspended or revoked Commercial Driver's Licenses (CDLs) immediately following notification of suspension/revocation.
- Establish a policy requiring all new (since 2003) Commercial Driver's License (CDL) drivers to submit documentation of entry-level driver training in - for example, driver qualification requirements, Hours of Service (HOS), driver wellness, and whistleblower protection - or to take entry-level training provided by the carrier.
- Develop a policy for document retention and recordkeeping, including documents that are to be in the possession of the driver as proof of credentials.
- Develop a process to ensure that operations will always have the proper amount of fit drivers. This process would address how to deal with issues such as sick leave, vacation, training, suspension, and termination.
- Develop a written and progressive disciplinary policy focused on taking corrective action to ensure drivers comply with regulations and policies. A progressive disciplinary policy could include, among other things, written warnings, suspensions, or work restrictions, monetary penalties, and termination. This policy should also specify consequences for any carrier official who knowingly and willfully allows Driver Fitness Violations.

Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://a1.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

3. For all investigations that could result in a Penalty Order.

PLEASE NOTE: The violations discovered during this compliance investigation 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 affect the civil penalty proposed in any subsequent Penalty Order. Your signature for the receipt of this report acknowledges your understanding that the violations discovered by the KCC during this investigation may be used to calculate any civil penalty proposed as a result of this investigation. Your signature is not an admission to the violations identified.



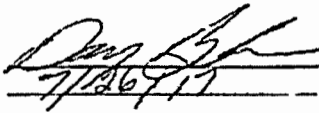


TWO TIGERS AND A TRUCK LLC
U.S. DOT # 2992949

Review Date
07/26/2017

Part B Requirements and/or Recommendations

4. This report contains citations of regulations that are deemed serious in nature and could result in penalties against your company and/or your drivers
5. This review will result in a Safety Rating.
6. 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 the Kansas Motor Carrier Safety Statutes and Regulations could result in suspension of Two Tigers And A Truck, LLC operating authority and/or the impoundment of Two Tigers And A Truck, LLC vehicles


7/26/17

Danny Baker, Manager
Date



ATTACHMENT "B"

Two Tigers and a Truck

Your Need is our Service

1200 South Main Street
McPherson, Kansas
620-245-4019
twotigersandatruck.weebly.com

INVOICE

DATE: 6/5/17

INVOICE #

Customer ID

1292

Name: [REDACTED]

Address: [REDACTED]

McPherson, KS 67460

Phone: [REDACTED]

DESCRIPTION	AMOUNT
Move From McPherson to Newton	\$1250.00
Paid Check	

Comments

SUBTOTAL \$1250.00
TAX RATE
TAX
OTHER
TOTAL \$1250.00

Make all checks payable to
Two Tigers and a Truck

If you have any questions about this invoice, please contact
us at 620-245-4019 or 1200 S Main St

CERTIFICATE OF SERVICE

18-TRAM-115-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 SEP 14 2017.

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/S/ DeeAnn Shupe
DeeAnn Shupe

Order Mailed Date

SEP 15 2017