

1500 SW Arrowhead Road  
Topeka, KS 66604-4027



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

Dwight D. Keen, Chair  
Shari Feist Albrecht, Commissioner  
Susan K. Duffy, Commissioner

Laura Kelly, Governor

**NOTICE OF PENALTY ASSESSMENT**  
**20-TRAM-243-PEN**

December 12, 2019

James R. Barnes, Managing Member  
Mastery Moving, LLC  
2001 SW Briarwood Drive  
Topeka, KS 66611

This is a notice of a penalty assessment against Mastery Moving, LLC (Mastery Moving) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on November 13, 2019, by Kansas Corporation Commission Special Investigator Jared Smith. Penalties are assessed in accordance with the FY 2020 Uniform Penalty Assessment Matrix, approved by the Commission on July 16, 2019. For a full description of the penalty(s) and terms and obligations please refer to the Order attached to this notice.

**IF YOU ACCEPT THE PENALTY:** Mastery Moving has been assessed a \$1,800 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$1,800, through your personal account with the Kansas Corporation Commission's KTRAN system located at <https://puc.kcc.ks.gov/ktran/>. If you have not received a letter from the Transportation Division assigning you a PIN, please contact that Division at 785-271-3145. You must have an account through KTRAN to pay the penalty owed.

The attached Order requires a representative of Mastery Moving to attend a Commission-sponsored safety seminar within ninety (90) days from the date of the Order and to provide the undersigned Litigation Counsel with written proof of attendance. A schedule of dates and locations for safety seminars can be found at the Commission's website [http://www.kcc.state.ks.us/trans/safety\\_meetings.htm](http://www.kcc.state.ks.us/trans/safety_meetings.htm). The Order also requires your company to submit to one follow-up safety compliance review within 18 months from the date of the Order. Transportation Staff will contact your company at a later date to determine an appropriate time for this review.

**IF YOU CONTEST THE PENALTY ORDER: You have the right to request a hearing.** A request for hearing must be made in writing, setting forth the specific grounds upon which relief is sought. Mastery Moving must file, within fifteen (15) days from the date of service of this Order, the request for hearing with the Commission's electronic filing system found at <https://puc.kcc.ks.gov/e-filing/e-express/>, and mail a copy of the request for hearing to the undersigned at the above address. If you do not have access to the internet, you can mail an original and seven copies of the request to the Executive Director at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy to the undersigned Litigation Counsel. K.A.R. 82-1-215; K.S.A. 2018 Supp. 77-542.

**IF YOU FAIL TO ACT:** Failure to pay the penalty of \$1,800 within thirty (30) days from the date of service of the Penalty Order or failure to comply with the terms of the Order, or in the alternative, failure to provide a timely written request for a hearing, will result in the Order becoming final and may result in additional sanctions of suspension and/or revocation of your motor carrier operating authority.

Respectfully,

Ahsan A. Latif  
Litigation Counsel  
(785) 271-3118

Before Commissioners: Dwight D. Keen, Chair  
Shari Feist Albrecht  
Susan K. Duffy

**PENALTY ORDER**

## I. JURISDICTION

2. Pursuant to K.S.A. 2018 Supp. 66-1,129a, 66-1,130 and 66-1,142b, the Commission may suspend operations, revoke or amend certificates, and initiate sanctions or fines against every motor carrier and every person who violates any provision of Kansas law in regard

to the regulation of such motor carriers and persons, or who fails to obey any order, decision or regulation of the Commission.

3. The Commission has the authority, pursuant to K.A.R. 82-1-237, to investigate an entity under the Commission's jurisdiction and issue an order on the Commission's own motion when the Commission believes the entity is in violation of the law or any order of the Commission.

## **II. BACKGROUND**

4. Mastery Moving, LLC (Mastery Moving) has common operating authority with the Commission and further operates under USDOT number 973954.

5. Mastery Moving is a common motor carrier which primarily hauls household goods.

## **III. STATEMENT OF FACTS**

6. Pursuant to the jurisdiction and authority cited above, on November 13, 2019, Commission Staff (Staff) Special Investigator Jared Smith conducted a safety compliance review of the operations of Mastery Moving. A copy of the safety compliance review is included in this Penalty Order as Attachment "A" and is hereby incorporated by reference. As a result of this investigation, the special investigator identified four (4) violation(s) of the Motor Carrier Safety Regulations.

- a. On September 10, 2019, Mastery Moving required or permitted its driver, James R. Barnes, to operate a CDL-required commercial motor vehicle, a 2018 International, VIN ending in 468059, GVWR 25,999 lbs., in interstate commerce from Topeka, Kansas to San Antonio, Texas. This trip is evidenced by a Penske Rental Agreement, a copy of which is

attached hereto as Attachment “B” and is hereby incorporated by reference. At the time of this transportation, Mastery Moving failed to pay its Uniform Carrier Registration (UCR) fees for 2019. The carrier’s failure to annually register its commercial motor vehicle(s) operating in interstate commerce and to pay the appropriate Unified Carrier Registration (UCR) fees as set out in 49 C.F.R. 367.60, is a violation of K.A.R. 82-4-30a, authorized by K.S.A. 66-1,139a and K.S.A. 66-1,129. Staff recommends a fine of \$300.

- b. During the transportation described in paragraph a, above, Mastery Moving 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 special investigator discovered two (2) violations of this type. 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. 2018 Supp. 66-1,112. Staff recommends a fine of \$250.
- c. During the transportation described in paragraph a, above, Mastery Moving was found to be operating without the required operating authority under 49 U.S.C. 14901(d)(3) (Household Goods). The carrier’s operation of a commercial motor vehicle without having the proper Federal Operating Authority is a violation of 49 C.F.R. Part 392.9a(a)(1),

adopted by K.A.R. 82-4-3h, and authorized by K.S.A. 2018 Supp. 66-1,129. Staff recommends a fine of \$1,000.

- d. During the transportation described in paragraph a, above, Mastery Moving failed to require its driver to make a record of duty status for the trip. The special investigator discovered five (5) 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. 2018 Supp. 66-1,129. Staff recommends a fine of \$250.

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

7. Based upon the available facts, Staff recommends the Commission finds Mastery Moving 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.

8. Additionally, Staff recommends a civil penalty of \$1,800 for four (4) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

9. Staff further recommends that a representative from Mastery Moving be required to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and provide Litigation Counsel with written proof of attendance. A schedule of the dates

and locations for safety seminars can be found on the Commission's website at [http://kcc.ks.gov/trans/safety\\_meetings.htm](http://kcc.ks.gov/trans/safety_meetings.htm).

10. Finally, Staff recommends that Mastery Moving 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**

11. The Commission finds it has jurisdiction over Mastery Moving because it is a motor carrier as defined in 49 C.F.R. Part 390.5 as adopted by K.A.R. 82-4-3f.

12. The Commission finds Mastery Moving 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.

### **THE COMMISSION THEREFORE ORDERS THAT:**

A. Mastery Moving, LLC, of Topeka, KS is hereby assessed a \$1,800 civil penalty 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.

B. Mastery Moving 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. Carrier is hereby ordered to submit a written, comprehensive corrective action plan (CAP) to Transportation Staff within thirty (30) days of the date of this order.

D. Mastery Moving 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.

E. Pursuant to K.S.A. 2018 Supp. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issue(s) by submitting a written request setting forth the specific grounds upon which relief is sought. The request may be electronically filed with the Commission's electronic filing system at <https://puc.kcc.ks.gov/e-filing/e-express/>, within fifteen (15) days from the date of service of this Order, and a copy of the request mailed to the Litigation Division. If you do not have access to the internet, you can mail an original and seven copies of the request to the Executive Director at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy of the request to Litigation Counsel. A hearing will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of Mastery Moving's right to a hearing, and this Penalty Order will become a Final Order assessing a \$1,800 civil penalty against Mastery Moving, and ordering a representative from Mastery Moving to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order and provide Litigation Counsel with written proof of attendance, and to submit to a safety compliance review within 18 months from the date of this Order.

F. If a request for hearing is filed, attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. For civil penalties exceeding \$500, a corporation shall appear before the Commission by its attorney, unless waived by the Commission for good cause shown and a determination that such waiver is in the public interest. K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2); K.A.R. 82-1-202(a). For civil

penalties less than \$500, a corporation may appear by a duly authorized representative of the corporation. K.S.A. 2018 Supp. 66-1,142b(e) and amendments thereto.

G. If you do not request a hearing, the payment of the civil penalty of \$1,800 is due in thirty (30) days from the date of service of this Order. Payment of \$1,800 must be made through your personal account with the Kansas Corporation Commission's KTRAN system located at <https://puc.kcc.ks.gov/ktran/>. You must have an account through KTRAN to pay the penalty.

H. Failure to pay the \$1,800 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 Mastery Moving'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.**

Keen, Chair; Albrecht, Commissioner; Duffy, Commissioner

Dated: 12/12/2019



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Lynn M. Retz  
Executive Director

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## **ATTACHMENT “A”**

# UNITED STATES DEPARTMENT OF TRANSPORTATION



**U.S. DOT#:** 973954  
**MC/MX#:** 1069423

**Legal:** MASTERY MOVING INC  
**Operating (DBA):**

**Investigation Date:**  
12/03/19

**Investigation Type:** Onsite Comprehensive Investigation

**Location of Investigation:** Company principal place of business (PPOB)

**Extent of Operations:** Entire Operation

## Physical Address

2001 SW BRIARWOOD DR  
TOPEKA, KS 66611  
United States

## Mailing Address

2001 SW BRIARWOOD DR  
TOPEKA, KS 66611  
United States

## Contact Information

**Contact Name:** JAMES R BARNES, LATISHA BARNES

**Email:**

**Phone:** [REDACTED] **Cell:** ()- [REDACTED] **Fax:** ()- [REDACTED]

## Business and Financial

**Business Type:** Limited Liability Corporation

**Gross Revenue:** [REDACTED] **For Year Ending:** 12/31/18

**Federal Tax ID:** [REDACTED]

## Operation Classification and Type

**Type of Operation:** Non-HM Interstate Carrier, Non-HM Intrastate Carrier

## Operation Classification

For-Hire Motor Carrier  
Property  
Household Goods

## Cargo

Household Goods

## Equipment

## Driver Information

	Owned	Term Leased	Trip Leased
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**Power units used in the U.S.:** 2

**Percentage of time used in the U.S.:** %

## Drivers

	Intrastate	Interstate
< 100 Miles		2
>= 100 Miles		

**Average trip leased driver/month:** 0

**Drivers with CDL:** 0

**Total Drivers:** 2

**Person(s) Interviewed****Name:** JAMES R BARNES**Title:** OWNER**Name:** LATISHA BARNES**Title:** TREASURER**Questions**

Questions about this report or the Federal Motor  
Carrier Safety or Hazardous Materials regulations may  
be addressed to the Federal Motor Carrier Safety  
Administration at:

1303 SW FIRST AMERICAN PLACE, SUITE 200  
TOPEKA, KS 66604-4040  
Phone: (785) 271-1260  
Fax: (785) 228-9725

**This report will be used to assess your safety compliance.**

## Violations

### 1. Primary: 367

Failure to pay Unified Carrier Registration (UCR) fee when operating in Interstate Commerce

#### Violations Discovered

Fed	State	Total
1		1

#### Violations Checked

Fed	State	Total
1		1

#### Example/Notes:

On September 10, 2019 Mastery Moving Inc. had driver James Barnes (KS DL# [REDACTED]) operate a 2018 International (Unit # 926685, VIN# [REDACTED] 468059.) This vehicle has a gross vehicle weight rating of 25,999 lbs. Driver James Barnes operated in commerce on a for-hire basis on an interstate trip from Topeka, Kansas to San Antonio, Texas. This trip is evidenced by a Penske Lease agreement and an invoice. At the time of this trip carrier was found to be in violation of failure to pay Unified Carrier Registration (UCR) fee when operating in Interstate Commerce. Carrier failed to pay 2019 UCR

#### Drivers/Vehicles

In Violation	Checked

### 2. Primary: 391.11(b)(8)

#### Secondary: 391.11(a)

Using a driver who has not taken a road test or who has not been issued a certificate of driver's road test or presented an operators license, or certificate of road test which the motor carrier accepted as equivalent.

#### Violations Discovered

Fed	State	Total
2		2

#### Violations Checked

Fed	State	Total
2		2

#### Example/Notes:

On September 10, 2019 Mastery Moving Inc. had driver James Barnes (KS DL# [REDACTED]) operate a 2018 International (Unit # 926685, VIN# [REDACTED] 468059.) This vehicle has a gross vehicle weight rating of 25,999 lbs. Driver James Barnes operated in commerce on a for-hire basis on an interstate trip from Topeka, Kansas to San Antonio, Texas. This trip is evidenced by a Penske Lease agreement and an invoice. At the time of this trip carrier was found to be in violation of using a driver who has not taken a road test or who has not been issued a certificate of driver's road test or presented an operators license, or certificate of road test which the motor carrier accepted as equivalent.

#### Drivers/Vehicles

In Violation	Checked
2	2

**3. Primary: 391.21(a)**

Using a driver who has not completed and furnished an employment application.

**Violations Discovered**

Fed	State	Total
2		2

**Violations Checked**

Fed	State	Total
2		2

**Example/Notes:**

On September 10, 2019 Mastery Moving Inc. had driver James Barnes (KS DL# [REDACTED]) operate a 2018 International (Unit # 926685, VIN# [REDACTED] 468059.) This vehicle has a gross vehicle weight rating of 25,999 lbs. Driver James Barnes operated in commerce on a for-hire basis on an interstate trip from Topeka, Kansas to San Antonio, Texas. This trip is evidenced by a Penske Lease agreement and an invoice. At the time of this trip carrier was found to be in violation of using a driver who has not completed and furnished an employment application.

**Drivers/Vehicles**

In Violation	Checked

**4. Primary: 391.51(b)(4)**

Failing to maintain the responses of each State agency to the annual driver record inquiry required by 391.25(a).

**Violations Discovered**

Fed	State	Total
2		2

**Violations Checked**

Fed	State	Total
3		3

**Example/Notes:**

On September 10, 2019 Mastery Moving Inc. had driver James Barnes (KS DL# [REDACTED]) operate a 2018 International (Unit # 926685, VIN# [REDACTED] 468059.) This vehicle has a gross vehicle weight rating of 25,999 lbs. Driver James Barnes operated in commerce on a for-hire basis on an interstate trip from Topeka, Kansas to San Antonio, Texas. This trip is evidenced by a Penske Lease agreement and an invoice. At the time of this trip carrier was found to be in violation of failing to maintain the responses of each State agency to the annual driver record inquiry required by 391.25(a).

**Drivers/Vehicles**

In Violation	Checked

**5. Primary: 391.51(b)(5)**

Failing to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2).

**Violations Discovered**

Fed	State	Total
2		2

**Violations Checked**

Fed	State	Total

	2		2
<b>Example/Notes:</b>	<b>Drivers/Vehicles</b>		
<p>On September 10, 2019 Mastery Moving Inc. had driver James Barnes (KS DL# [REDACTED] operate a 2018 International (Unit # 926685, VIN# [REDACTED] 468059.) This vehicle has a gross vehicle weight rating of 25,999 lbs. Driver James Barnes operated in commerce on a for-hire basis on an interstate trip from Topeka, Kansas to San Antonio, Texas. This trip is evidenced by a Penske Lease agreement and an invoice. At the time of this trip carrier was found to be in violation of failing to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2)</p>	<b>In Violation</b>		<b>Checked</b>
	2		2

<p><b>6. Primary: 391.51(b)(6)</b></p> <p>Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27.</p>	<b>Violations Discovered</b>		
	<b>Fed</b>	<b>State</b>	<b>Total</b>
	2		2
	<b>Violations Checked</b>		
<p><b>Example/Notes:</b></p> <p>On September 10, 2019 Mastery Moving Inc. had driver James Barnes (KS DL# [REDACTED] operate a 2018 International (Unit # 926685, VIN# [REDACTED] 468059.) This vehicle has a gross vehicle weight rating of 25,999 lbs. Driver James Barnes operated in commerce on a for-hire basis on an interstate trip from Topeka, Kansas to San Antonio, Texas. This trip is evidenced by a Penske Lease agreement and an invoice. At the time of this trip carrier was found to be in violation of failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27.</p>	<b>In Violation</b>		<b>Checked</b>

<p><b>7. Primary: 392.9a(a)(1)</b></p> <p><b>Secondary: 14901(d)(3)</b></p> <p>Operating without the required operating authority under 49 USC 14901(d)(3). (Household Goods).</p>	<b>Violations Discovered</b>		
	<b>Fed</b>	<b>State</b>	<b>Total</b>
	1		1
	<b>Violations Checked</b>		
<p><b>Example/Notes:</b></p> <p>On September 10, 2019 Mastery Moving Inc. had driver James Barnes (KS DL# [REDACTED] operate a 2018 International (Unit # 926685, VIN# [REDACTED] 468059.)</p>	<b>In Violation</b>		<b>Checked</b>

This vehicle has a gross vehicle weight rating of 25,999 lbs. Driver James Barnes operated in commerce on a for-hire basis on an interstate trip from Topeka, Kansas to San Antonio, Texas. This trip is evidenced by a Penske Lease agreement and an invoice. At the time of this trip carrier was found to be in violation of operating without the required operating authority under 49 USC 14901(d) (3). (Household Goods). Carrier failed to have for-hire interstate operating authority at the time of this trip.


**8. Primary: 395.8(a)(1)**

Failing to require a driver to prepare a record of duty status using the appropriate method

**Violations Discovered**

Fed	State	Total
5		5

**Violations Checked**

Fed	State	Total
5	55	60

**Example/Notes:**

On September 10, 2019 Mastery Moving Inc. had driver James Barnes (KS DL# [REDACTED] operate a 2018 International (Unit # 926685, VIN# [REDACTED] 468059.) This vehicle has a gross vehicle weight rating of 25,999 lbs. Driver James Barnes operated in commerce on a for-hire basis on an interstate trip from Topeka, Kansas to San Antonio, Texas. This trip is evidenced by a Penske Lease agreement and an invoice. At the time of this trip carrier was found to be in violation of failing to require a driver to prepare a record of duty status using the appropriate method.

**Drivers/Vehicles**

In Violation	Checked
4	4

## Safety Fitness Rating

Your proposed safety rating is: **SATISFACTORY** 0 UNSATISFACTORY rating factors and 2 or fewer CONDITIONAL rating factors. Corrective actions must be taken for any violations (deficiencies) identified in this report. See below for more information.

RATING FACTORS	RATING	ACUTE	CRITICAL
Factor 1: General = Parts 387 and 390	Satisfactory		
Factor 2: Driver = Parts 382, 383 and, 391	Satisfactory		
Factor 3: Operational = Parts 392 and 395	Satisfactory		
Factor 4: Vehicle = Parts 393 and 396 OOS Vehicles (CR): 0 Number of Vehicles Inspected (CR): 0 OOS Vehicles (MCMIS): 0 Number of Vehicles Inspected (MCMIS): 0 OOS Rate: 0%	Satisfactory		
Factor 5: Haz. Mat. = Parts 397, 171, 177 and, 180	Not Rated		
Factor 6: Accident Factor = Recordable Rate Total Miles Operated: Recordable Accidents: 0 Recordable Accidents/Million Miles: NaN	Satisfactory	N/A	N/A

You must take corrective actions for any violations (deficiencies) identified in the Violations section of this report.

**DataQs:** If you dispute the violations recorded in the Violations section of this investigation report, and the violations were not used in the calculation of your safety rating, you may submit a Request for Data Review (RDR) through DataQs. The DataQs system is the method to remove violations that did not affect your safety rating. DataQs is an online system that allows a motor carrier or driver to request and track a review of Federal and State issued data that it believes to be incomplete or incorrect. To submit an RDR, go to <https://dataqs.fmcsa.dot.gov>.



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## **Process Breakdown and Remedies**

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### **BASIC: Hours-of-Service Compliance**

#### **Process Breakdown: Monitoring and Tracking**

Mastery Moving Inc. failed to have drivers use a log when operating outside the 150 air-mile radius. Have drivers utilize a log when operating outside the short haul provision. Drivers can use paper logs up to 8 times in a 30 day time period. If drivers go more than 8 times in a 30 day time period a ELD will be required.

#### **Specific Recommended Remedies**

**To implement Safety Improvement Practices, the following list are recommended practices related to Monitoring and Tracking:**

1. Implement an effective process for monitoring, tracking, and evaluating all drivers' compliance with Hours-of-Service (HOS) regulations and company policies.
2. Promptly review all Records of Duty Status (RODS) for Hours-of-Service (HOS) violations and falsification. Look for discrepancies by comparing driver logs with their "check-in" calls and other supporting documents.
3. Maintain roadside inspection, Records of Duty Status (RODS), supporting documents, dispatch schedules, and communication records to help evaluate the performance of all staff (drivers, dispatchers, and managers) involved in Hours of Service (HOS) and the effectiveness of compliance with HOS policies, procedures, and regulations.
4. Implement a system for keeping accurate records of employees' Hours-of-Service (HOS) training needs and completed training, via software, a checklist in the driver's file, and/or another appropriate method.

### **BASIC: Driver Fitness**

#### **Process Breakdown: Monitoring and Tracking**

Mastery Moving Inc's violations occurred due to a breakdown regarding the monitoring and tracking elements of compliance within this section. Carrier needs to develop an organized qualification file and develop a better methodology for ensuring drivers have all the requisite paperwork in the qualification files. It is incumbent upon the carrier to execute all annual requirements for their commercial motor vehicle drivers. These duties and the documents verifying their completion require continued monitoring and tracking by carrier officials to ensure compliance. Utilize the documents and instructions provided to you during this review to assist you in correcting the deficiencies.

#### **Specific Recommended Remedies**

**To implement Safety Improvement Practices, the following list are recommended practices related to Monitoring and Tracking:**

1. Maintain each driver's investigation history file in a secure location with limited and controlled access for as long as the driver is employed and for three years thereafter.
2. Maintain roadside inspection reports, moving violation records, training records, the Commercial Driver's License (CDL), the dispatch schedule, bills of lading, and the medical report to help evaluate the performance of all staff involved in qualifying drivers (dispatchers and managers) and the effectiveness of the policies and procedures.

3. Implement a system for keeping accurate records of employee driver fitness training needs, such as entry-level and HAZMAT training, and completed training, via software, a checklist in the driver's file, and/or another appropriate method.

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## Recommendations

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### 1. Additional Information

Please visit the CSA outreach site for additional guidance: <https://csa.fmcsa.dot.gov>.

### 2. All Investigations

"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.

Attached to this report is Table 1, which identifies all the documented violations which were discovered during the course of this review.

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

The KCC requires that you prepare a corrective action plan, addressing the measures taken to correct all 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. Submit the letter along with copies of your supporting evidence to:

Email: [g.davenport@kcc.ks.gov](mailto:g.davenport@kcc.ks.gov)

FAX: 785-271-3124

or mail:

Kansas Corporation Commission

Attn: Gary Davenport

1500 SW Arrowhead Rd

Topeka, KS 66604-4027"

3. **MVR**

As required by 391.25(a), motor carriers shall, at least once every 12 months, make an inquiry to obtain the motor vehicle record of each driver it employs, covering at least the preceding 12 months, to the appropriate agency of every State in which the driver held a commercial motor vehicle operator's license or permit during the time period.

4. **UCR**

Log onto your KTRAN account at <https://puc.kcc.ks.gov/ktran/> to pay 2019 UCR

5. **10-year driver employment history required.**

Ensure that drivers provide a 10-year employment history on their employment application.

6. **Safety Seminar**

Motor carriers are responsible for complying with all tasks ordered by the Commission in its Penalty Order. In addition to paying any civil fines issued, you are also required to attend a Commission sponsored safety seminar. Failure to fulfill this requirement may lead to the issuance of further penalties or other repercussions, including revocation of authority to operate intrastate in Kansas.

7. **Maintain a complete file documenting the qualification process.**

Ensure that all drivers are fully and properly qualified before operating in interstate commerce. Maintain a complete file as required for each driver, documenting the qualification process.

8. **Require drivers to prepare complete and accurate records.**

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.

9. **Duty status records must be kept on file for 6 months.**

Ensure that all documents supporting records of duty status (such as toll, fuel repair and other on-the-road expense receipts, as well as invoices, bills of lading, dispatch records, etc.) are kept on file for at least 6 months.

10. **Ensure that all drivers' logs are accurate.**

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.

11. **CAP**

Attn: Gary Davenport  
1500 SW Arrowhead Rd  
Topeka, KS 66604-4027"

6. **Sign Sheet -Onsite**

"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 Mastery Moving LLC operating authority and/or the impoundment of Mastery Moving LLC's commercial motor vehicles.

  
Carrier Representative

NOV 13 2019

Date

## **ATTACHMENT “B”**

CUSTOMER COPY



24/7 Roadside Assistance:  
1-800-526-0798

## Rental Agreement Cover Sheet

Rental Agreement #: 71672146

COMMERCIAL LOCAL

Created by	R BLUM	Pick Up Date:	09/09/19 04:03 PM
Completed by	R BLUM	Expected Drop-Off:	09/12/19 04:03 PM
Entered At	0386-90	Actual Drop-Off:	09/12/19 04:00 PM
Status:	COMPLETED	End Bill Date	09/12/19 04:00 PM
Customer Name:	MASTERY MOVING	Batch	229 on 09/13/19
Created On:	09/09/19 08 48 PM	Changed On:	09/13/19 01:30 PM

### BILLING INFORMATION

Invoice #: PO #: Billing Cycle: Weekly  
 Bill Start Date: 09/10/19 08:00 AM  
 Remit To: PENSKE TRUCK LEASING CO., L.P. - P.O. BOX 802577 CHICAGO, IL 60680-2577

### CHARGES

Type	Quantity	Unit of Meas	Rate	Charge
Unit #: 9265865	3	Day	\$110.00	\$330.00
Mileage Out: 84,210 In: 85,808	1,598	Miles	\$0.1500	\$239.70
environmental fee	2 Days @		\$3.00	\$6.00
Vehicle Licensing Recovery Fee	2 Days @		\$3.50	\$7.00
<b>SUBTOTAL:</b>				<b>\$582.70</b>

### TAXES

KS SALES TAX	\$53.33
<b>TOTAL DUE:</b>	<b>\$636.03</b>

### PAYMENTS AND REFUNDS

Pay Type	Trans	Date	Card #	Approval Code	
VI	PYMT	09/13/2019	xxxxxxxxxxxx6356	880232 on 09/09/2019	(\$619.99)
VI	PYMT	09/13/2019	xxxxxxxxxxxx6356	881466 on 09/13/2019	(\$16.04)
<b>PAYMENT:</b>					<b>(\$636.03)</b>
<b>NET DUE:</b>					<b>\$0.00</b>

Customer acknowledges that Customer has read, or been given an opportunity to read, the Rental Agreement, including this Cover Sheet, the General Terms and Conditions, as well as any attachments hereto and agrees to be fully bound by its terms. Before deciding whether to purchase the optional limited damage waiver, you may wish to determine whether your own automobile insurance already affords you coverage for damage to the rental vehicle. To the extent the Customer had purchased Limited Damage Waiver coverage, Customer acknowledges reading, understanding, and agreeing with the disclosures, exclusions, and terms and conditions applicable to Limited Damage Waiver as set forth in Attachment D to the Rental Agreement.

By: \_\_\_\_\_

Customer Authorized Signatory

**CERTIFICATE OF SERVICE**

20-TRAM-243-PEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of  
first class mail/hand delivered on 12/13/2019.

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

JAMES R. BARNES, MANAGING MEMBER  
MASTERY MOVING, INC.  
2001 SW BRIARWOOD DR  
TOPEKA, KS 66611

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