



1500 SW Arrowhead Road
Topeka, KS 66604-4027

20241119114815
Kansas Corporation
Commission
Phone: 785-271-3100
Fax: 785-271-3354
<http://kcc.ks.gov/>

Andrew J. French, Chairperson
Dwight D. Keen, Commissioner
Annie Kuether, Commissioner

Laura Kelly, Governor

NOTICE OF PENALTY ASSESSMENT
25-TRAM-197-PEN

November 19, 2024
Vicki Stinnett, Co-Owner
Stinnett Timbers LLC
20313 Southeast Highway 31
Kincaid, Kansas 66039

This is a notice of a penalty assessment against Stinnett Timbers LLC (“Stinnett Timbers”) for violations of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted October 21, 2024, by a Kansas Corporation Commission Special Investigator. Penalties are assessed in accordance with the FY2025 Uniform Penalty Assessment Matrix, as approved by the Commission on June 27, 2024. For a full description of the penalties and terms and obligations, please refer to the Order attached to this notice.

IF YOU ACCEPT THE PENALTY: Stinnett Timbers has been assessed a \$750 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$750 through your personal account with the Kansas Corporation Commission’s Kansas Trucking Regulatory Assistance Network (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 Stinnett Timbers to attend a Commission-sponsored safety seminar within thirty (30) days from the date of the Order and to provide the undersigned Litigation Counsel with written proof of attendance. A schedule of dates and locations for safety seminars can be found at the Commission’s website http://www.kcc.state.ks.us/trans/safety_meetings.htm.

The attached Order further requires Stinnett Timbers to submit a written, comprehensive Corrective Action Plan (“CAP”) to Transportation Staff within thirty (30) days of the date of this order, documenting the violation(s) described in the 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.

Finally, the attached Order requires that Stinnett Timbers submit to one follow-up safety compliance review within eighteen (18) months from the date of the Penalty Order. Transportation Staff will contact the motor carrier at a later date to determine an appropriate time for the review.

IF YOU CONTEST THE PENALTY ORDER: You have the right to request a hearing. A request for a hearing must be made in writing, setting forth the specific grounds upon which relief is sought. Stinnett Timbers 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.¹

IF YOU FAIL TO ACT: Failure to pay the penalty of \$750 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

¹ K.A.R. 82-1-215; K.S.A. 77-542.



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

Governor Jeff Colyer, M.D.

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,
/s/ Madisen K. Hane
Madisen K. Hane
Litigation Counsel
(785) 271-3288
Madisen.Hane@ks.gov

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

Before Commissioners: Andrew J. French, Chairperson
 Dwight D. Keen
 Annie Kuether

In the Matter of the Investigation of **Stinnett**)
Timbers LLC, of Kincaid, Kansas. Regarding)
the Violation(s) of the Motor Carrier Safety)
Statutes, Rules and Regulations and the) Docket No. 25-TRAM-197-PEN
Commission’s Authority to Impose Penalties,)
Sanctions and/or the Revocation of Motor Carrier)
Authority.)

PENALTY ORDER

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (“Commission”). Having examined its files and records, and being duly advised in the premises, the Commission finds and concludes as follows:

1. Pursuant to K.S.A 66-1,108b, 66-1,111, 66-1,112, 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 49 C.F.R. Part 390.5 as adopted by K.A.R. 82-4-3f, 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. 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.

4. On April 26, 2023, Commission Transportation Staff (“Transportation Staff” or “Staff”) conducted a safety compliance investigation of the operations of Stinnett Timbers, which resulted in the Commission issuing a Penalty Order in Docket No. 23-TRAM-808-PEN on June 1, 2023, that levied civil penalties totaling \$1,050.²

5. On October 21, 2024, a Transportation Staff Special Investigator (“SI”) completed a safety compliance investigation of the operations of Stinnett Timbers LLC (Stinnett Timbers or Carrier). Stinnett Timbers is a motor carrier as defined in 49 C.F.R. 390.5 and operates under USDOT number 1009274. As a result of the compliance investigation, the SI identified three (3) violation(s), set forth in three (3) count(s), of the Motor Carrier Safety Regulations (“MCSRs”), which carries a penalty according to the FY2025 Uniform Penalty Assessment Matrix.³

6. On October 23, 2024, Staff submitted its Report and Recommendation (“R&R”), attached hereto as Attachment “A” and is hereby incorporated by reference, recommending a penalty of \$750 to be issued to Stinnett Timbers based on the frequency, timeline and severity of the violations discovered.

7. The Commission finds it has jurisdiction over Stinnett Timbers pursuant to K.S.A. 66-1,108b 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.

² Penalty Order, Docket No. 23-TRAM-808-PEN (June 1, 2023) (hereinafter, “the 23-808 Penalty Order”).

³ Order Designating Guidance Document and Approving Staff’s Use of the Transportation Division’s Uniform Penalty Assessment Table, pp. 10 – 24 (June 27, 2024) (“Penalty Matrix”).

8. Specifically, the Commission finds that Stinnett Timbers committed three (3) violation(s) of the following three (3) count(s), discussed more fully in Staff's R&R:

a. Count 1: Stinnett Timbers operated commercial motor vehicles without first submitting a Corrective Action Plan ("CAP") prior to July 1, 2023, as required by Commission Penalty Order dated June 1, 2023⁴, which resulted in one (1) violation of the requirements of that Penalty Order. Pursuant to K.S.A. 66-1,142b, the Commission is authorized to assess a penalty against Stinnett Timbers for its failure to timely comply with the requirements of a Commission-approved Penalty Order. The Commission finds that Staff's recommendation of a penalty of \$250 is appropriate and in accordance with the current Penalty Matrix.

b. Count 2: On May 20, 2024, Stinnett Timbers was operating commercial motor vehicles without first conducting an annual inquiry into its drivers with the Federal Motor Carrier Safety Administration ("FMCSA") Drug and Alcohol Clearinghouse, which resulted in one (1) violation(s) of 49 C.F.R. 382.701(b), adopted by K.A.R. 82-4-3c. The Commission finds that Staff's recommendation of an enhanced penalty of \$300 is appropriate and in accordance with the current Penalty Matrix.

c. Count 3: On May 20, 2024, Stinnett Timbers was operating commercial motor vehicles without first maintaining a copy of the motor vehicle record ("MVR") received from each State in the driver qualification file, which resulted in one (1) violation(s) of 49 C.F.R. 391.51(b)(2) and (4), adopted by K.A.R. 82-4-3g. The Commission finds that Staff's recommendation of an enhanced penalty of \$200 is appropriate and in accordance with the current Penalty Matrix.

⁴ Penalty Order, Docket No. 23-TRAM-808-PEN (June 1, 2023).

9. The Commission adopts Staff’s findings as contained in its R&R and concludes that Stinnett Timbers has committed three (3) violation(s), set forth in three (3) count(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 fines totaling \$750.

10. Accordingly, the Commission finds that Stinnett Timbers is required to have a representative responsible for the Carrier’s safety compliance attend a Commission-sponsored safety seminar within thirty (30) days from the date of this Order, and provide Litigation Counsel with written proof of attendance within five days.⁵ 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. The Commission further finds that Stinnett Timbers shall submit a written, comprehensive corrective action plan (CAP) that is satisfactory to Transportation Staff within thirty (30) days of the date of this order, documenting the violation(s) described in this Penalty Order, including specific and detailed information explaining Carrier’s efforts and concrete steps taken to ensure the violation(s) do not occur in the future.⁶ Finally, the Commission finds that Stinnett Timbers shall submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order at a time agreeable to Staff.⁷

11. Failure to comply with the requirements of this Penalty Order shall result in suspension of Stinnett Timbers’s motor carrier operating authority without further notice.⁸

⁵ See Staff’s Report and Recommendation, p. 3 (Oct. 23, 2024).

⁶ *Id.*

⁷ *Id.*

⁸ K.S.A. 66-1,105.

IT IS THEREFORE, BY THE COMMISSION ORDERED THAT:

A. Stinnett Timbers is hereby assessed a \$750 civil penalty for three (3) violation(s), set forth in three (3) count(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. Stinnett Timbers is hereby ordered to have a representative responsible for the Carrier's safety compliance attend a Commission-sponsored safety seminar within thirty (30) days from the date of this Order and is to timely provide Litigation Counsel with written proof of attendance within five (5) business days of completing the safety seminar.

C. Stinnett Timbers is hereby ordered to submit a written, comprehensive corrective action plan ("CAP") that is satisfactory to Transportation Staff within thirty (30) days of the date of this order, documenting the violation(s) described in this Penalty Order, including specific and detailed information explaining Carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.

D. Stinnett Timbers is ordered to submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order at a time agreeable to Staff.

E. Pursuant to K.S.A. 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 Stinnett Timbers's right to a hearing, and this Penalty Order will become a Final 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.⁹ For civil penalties of \$500 or less, a corporation may appear by a duly authorized representative of the corporation.¹⁰

G. If you do not request a hearing, the payment of the civil penalty of \$750 is due in thirty (30) days from the date of service of this Order. Payment of \$750 must be made through your personal account with the Kansas Corporation Commission's Kansas Trucking Regulatory Assistance Network ("KTRAN") system located at <https://puc.kcc.ks.gov/ktran/>. You must have an account through KTRAN to pay the penalty.

H. Failure of Stinnett Timbers to perform, pay or to fully comply with the provisions of this Order, including but not limited to Ordering Clauses A through D, above, will result in suspension of Stinnett Timbers's motor carrier operating authority without further notice.¹¹ 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.

⁹ . K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2); K.A.R. 82-1-202(a).

¹⁰ K.S.A. 66-1,142b(e) and amendments thereto.

¹¹ K.S.A. 66-1,105.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 11/19/2024



Lynn M. Retz
Executive Director

MKH

ATTACHMENT “A”

Andrew J. French, Chairperson
Dwight D. Keen, Commissioner
Annie Kuether, Commissioner

Laura Kelly, Governor

**REPORT AND RECOMMENDATION
TRANSPORTATION DIVISION**

TO: Andrew J. French, Chairperson
Dwight D. Keen, Commissioner
Annie Kuether, Commissioner

FROM: Jared Smith, Deputy Director of Transportation

DATE: October 23, 2024

SUBJECT: Docket No. 25-TRAM-197-PEN
In the Matter of the Investigation of **Stinnett Timbers LLC of Kincaid, Kansas**
Regarding the Violation of the Motor Carrier Rules and Regulations and the
Commission’s Authority to Impose Penalties, Sanctions and/or the Revocation of
Motor Carrier Authority

EXECUTIVE SUMMARY:

Stinnett Timbers LLC (“Stinnett Timbers”) is a motor carrier (“MC”) possessing public for-hire and private operating authority from the Commission, primarily hauling logs, poles, beams, lumber, motor vehicles, machinery, and large objects. Stinnett Timbers operates under USDOT 1009274.

On April 26, 2023, Commission Transportation Staff (“Transportation Staff” or “Staff”) conducted a safety compliance investigation of the operations of Stinnett Timbers, which resulted in the Commission issuing a Penalty Order in Docket No. 23-TRAM-808-PEN on June 1, 2023, that levied civil penalties totaling \$1,050.¹ In the current docket, Transportation Staff found violations that resulted from non-compliance with the 23-808 Penalty Order, which will be further outlined below.

On October 21, 2024, a Commission Staff Special Investigator (“SI”) completed a safety compliance investigation of the operations of Stinnett Timbers. A copy of the safety compliance report is attached hereto as **Exhibit 1** and is hereby incorporated by reference.

As a result of this investigation, the SI identified three (3) violation(s) accounting for three (3) specific count(s) of the Motor Carrier Safety Regulations (“MCSRs”), which carry a

¹ Penalty Order, Docket No. 23-TRAM-808-PEN (June 1, 2023) (hereinafter, “the 23-808 Penalty Order”).

penalty according to the FY2025 Uniform Penalty Assessment Matrix approved by the Commission. Based on the frequency, timeline, and severity of the violations discovered by the SI, Transportation Staff recommends that a penalty of \$750 be issued to the MC.

DISCUSSION AND ANALYSIS:

On October 21, 2024, a Commission Staff SI conducted a safety compliance investigation of the operations of Stinnett Timbers LLC. The investigation covers a 365-day period and any previous compliance review. Each specific count is detailed below.

Count One (1 of 3)

Authority: K.S.A. 66-1,111.

Intent of Law: K.S.A. 66-1,142b authorizes the Commission to assess penalties against an MC that failed to comply with the requirements of a Commission Order, including the failure of an MC to timely submit a Corrective Action Plan (“CAP”) as ordered in a Commission-approved Penalty Order.

Material Facts and Supporting Documents: On June 1, 2023, the Commission approved a Penalty Order ordering Stinnett Timbers to submit a written, comprehensive CAP to Transportation Staff within thirty (30) days of the date of the order documenting the violation(s) described in the 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.² Therefore, Stinnett Timbers was required to submit a CAP to the Commission on or before July 1, 2023.

Violation: As of July 1, 2023, Stinnett Timbers failed to submit a CAP as required by Commission Penalty Order 23-808 dated June 1, 2023, resulting in one (1) violation of the requirements of the 23-808 Penalty Order. (**Exhibit 1, Page 3**) Pursuant to K.S.A. 66-1,142b, the Commission is authorized to assess a penalty against Stinnett Timbers for its failure to comply with the requirements of the Commission Penalty Order 23-808.³ (**Exhibit 1, Page 8**)

Recommendation: Staff recommends a fine of \$250, as determined by the FY2025 Uniform Penalty Assessment Matrix approved by the Commission.

Count Two (2 of 3)

Authority: K.S.A. 66-1,111 and 66-1,129.

Intent of Law: Pursuant to 49 C.F.R. 382.701(b)(2), the MC must conduct a query of the Federal Motor Carrier Safety Administration’s (“FMCSA”) Drug and Alcohol Clearinghouse at least once per year for information about whether the driver has a verified positive, adulterated, or substituted controlled substances test result for all employees who perform a safety-sensitive function.⁴

² *Id.*

³ See K.S.A. 66-1,142b (“Any person violating any statute, commission orders, or rules and regulations adopted by the state corporation commission pursuant to the motor carrier act and other laws relevant to motor carriers shall be subject to a civil penalty of not less than \$100 and not more than \$1,000 for negligent violations, and not more than \$5,000 for intentional violations”).

⁴ See 49 C.F.R. 382.107 which defines a ‘safety-sensitive function’ as including “all time spent at the driving controls of a commercial motor vehicle in operation.”

Material Facts and Supporting Documents: On May 20, 2024, Stinnett Timbers required or permitted its driver, Randall S. Stinnett, to operate a CDL required commercial motor vehicle, a 2005 Peterbilt VIN ending in 2485, GVWR 52,000 lbs., in combination with a 1979 Superior Log trailer, VIN ending 3131. Randall S. Stinnett operated in intrastate commerce from Buffalo, Kansas to Oswego, Kansas. This trip is evidenced by a driver time sheet and load sheet attached hereto as **Exhibit 2**. Additionally, the Drug and Alcohol Clearinghouse Compliance Report is attached as **Exhibit 3**.

Violation: MC did not conduct an annual inquiry into its driver, Randall S. Stinnett, within the past year with the Clearinghouse. (**Exhibit 1, Page 3**) As a driver of a commercial motor vehicle performing a safety-sensitive function, Randall S. Stinnett is subject to random drug and alcohol testing each year. Stinnett Timbers's failure to conduct an annual inquiry into its driver using the FMCSA Drug and Alcohol Clearinghouse is a violation of 49 C.F.R. 382.701(b)(1), adopted by K.A.R. 82-4-3c. One (1) violation was discovered. (**Exhibit 1, Page 8**)

Recommendation: Staff deems this to be an intentional violation and therefore recommends an enhanced penalty of \$300, due to the same violation discovered in the previous compliance investigation conducted on April 26, 2023, Docket 23-TRAM-808-PEN, as determined by the FY2025 Uniform Penalty Assessment Matrix approved by the Commission.

Count Three (3 of 3)

Authority: K.S.A. 66-1,111 and 66-1,129.

Intent of Law: Pursuant to 49 C.F.R. 391.51(b)(2) and (4), the MC is required to maintain a copy of the motor vehicle record ("MVR") received from each State agency in the driver qualification file. Specifically, "... each motor carrier shall make the following investigations and inquiries with respect to each driver it employs, other than a person who has been a regularly employed driver of the motor carrier for a continuous period which began before January 1, 1971; (1) An inquiry, within 30 days of the date the driver's employment begins, to each State where the driver held or holds a motor vehicle operator's license or permit during the preceding 3 years, to obtain that driver's motor vehicle record covering that driver's prior 3-year driving history. (2) An investigation of the driver's safety performance history with Department of Transportation regulated employers during the preceding three years." 49 C.F.R. 391.23(a). Additionally, the MC must "...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 each driver's licensing authority where the driver held a commercial motor vehicle operator's license or permit during the time period." 49 C.F.R. 391.25(a).

Material Facts and Supporting Documents: The MC's driver's file for Randall Stinnett did not contain the required MVR information when reviewed by the SI on October 21, 2024, for the time period at issue. (**Exhibit 1, Page 4**) This violation took place during the transport described in Count Two above. This is evidenced by an MVR dated October 11, 2024, attached hereto as **Exhibit 4**.

Violation: This is a violation of 49 C.F.R. 391.51(b)(2) and (4), adopted by K.A.R. 82-4-3g. One (1) violation was discovered. (**Exhibit 1, Page 8**)

Recommendation: Staff deems this to be an intentional violation and therefore recommends an enhanced penalty of \$200, due to the same violation discovered in the previous compliance investigation conducted on April 26, 2023, Docket number 23-TRAM-808-PEN, as determined by the FY2025 Uniform Penalty Assessment Matrix approved by the Commission.

RECOMMENDATION:

Transportation Staff recommends the Commission find that Stinnett Timbers committed three (3) violation(s) accounting for three (3) specific counts of Kansas law that governs MCs, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations (K.A.R.s), and is therefore subject to sanctions or fines imposed by the Commission.

Due to the frequency, timeline, and severity of the violations, Staff recommends a civil penalty of \$750 for three (3) violation(s) of the MC Safety Statutes, Rules and Regulations, in accordance with the recommended penalties listed in the applicable FY2024 Uniform Penalty Assessment Matrix.

Staff further recommends Stinnett Timbers LLC require a representative responsible for the company's safety to attend a Commission-sponsored safety seminar within thirty (30) days from the date of the 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.

Staff further recommends Stinnett Timbers LLC submit a written, comprehensive Corrective Action Plan ("CAP") to Transportation Staff within thirty (30) days of the date of this order, documenting the violation(s) described in the 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.

Finally, Staff recommends that Stinnett Timbers LLC submit to one follow-up safety compliance review within eighteen (18) months from the date of the Penalty Order. Transportation Staff will contact the motor carrier at a later date to determine an appropriate time for the review.

EXHIBIT 1

UNITED STATES DEPARTMENT OF TRANSPORTATION



U.S. DOT#: 1009274
MC/MX#: 0

Legal: STINNETT TIMBERS LLC
Operating (DBA):

Investigation Date:
10/18/2024

Investigation Type: Offsite Investigation

Physical Address

30213 SE HWY 31
KINCAID, KS 66039
United States

Mailing Address

30213 SE 31 HWY
KINCAID, KS 66039
United States

Contact Information

Contact Name: VICKI STINNETT
Email: stinnetttimbers@yahoo.com
Phone: (620)363-4757 **Cell:** ()- **Fax:** ()-

Business and Financial

Business Type: Limited Liability Corporation
Name of Gross Revenue Provider: Vicki Stinnett
Title of Gross Revenue Provider: Co Owner
Gross Revenue: ██████████ **For Year Ending:** 04/02/2024
Federal Tax ID: ██████████

Operation Classification and Type

Type of Operation: Non-HM Intrastate Carrier

Operation Classification

Private Motor Carrier
Property – Non-Hazardous Materials

Cargo

Logs, Poles, Beams, Lumber

Equipment

	Owned	Term Leased	Trip Leased
Truck Tractors	1		
Trailers	3		

Driver Information

Drivers	Intrastate	Interstate
< 100 Miles	1	
>= 100 Miles		

Power units used in the U.S.: 1
Percentage of time used in the U.S.: 100%

Average trip leased driver/month: 0
Drivers with CDL: 1
Total Drivers: 1

Person(s) Interviewed

Name: VICKI STINNETT **Title:** CO OWNER

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:

1500 SW Arrowhead Rd
Topeka, KS 66604-4027
Phone: (785) 271-3284

This report will be used to assess your safety compliance.

Violations

1. Primary: 392.2

State Equivalent: 66-1,142(b)

No Corrective Action Plan as required by Kansas Corporation Commission.

Violations Discovered

Fed	State	Total
	1	1

Checked

Fed	State	Total
	1	1

Example/Notes:

At the time of this review, the carrier failed to have completed a Corrective Action Plan as ordered by the commission Docket # 23-TRAM-808-PEN. This docket was the result of a review dated 4-26-2023.

Drivers/Vehicles in Violation

Fed	State	Total

Checked

Fed	State	Total

2. Primary: 382.701 (b)(1)

Failing to conduct an annual query.

Violations Discovered

Fed	State	Total
	1	1

Checked

Fed	State	Total
	1	1

Example/Notes:

Driver name: Randall S. Stinnett

Trip date: 5/20/24

Origination: Buffalo, Ks

Destination: Oswego, Ks

At the time of this trip, and the time of this review, the carrier failed to have a annual query in the DACH for their only driver listed above. The carrier/driver above made only one trip for logs in the last season as he spent the nearly the entire spring and summer building a small home for his elderly mother. The logs were hauled to the Labette Hardwood 11012 Rook Rd in Oswego Ks.. the logs were inventoried, labeled and numbered. This carrier had joined the DACH 9-13-2020 and had no query in the DACH since that date. This is a recurring violation from review dated 4-26-2023. This Carrier had no annual query in DACH during review on 4/26/23. KCC 23-TRAM-808-PEN

Drivers/Vehicles in Violation

Fed	State	Total
	1	1

Checked

Fed	State	Total
	1	1

3. 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
	1	1

Checked

Fed	State	Total

1

1

Example/Notes:

Driver name: Randall S. Stinnett

Trip date: 5/20/24

Origination: Buffalo, Ks

Destination: Oswego, Ks.

At the time of this trip, and the time of this review, the carrier failed to have a annual MVR in their only driver file. The carrier/driver above made only one trip for logs in the last season as he spent the nearly the entire spring and summer building a small home for his elderly mother. The cottonwood logs were hauled to the Labette Hardwood 11012 Rooks Rd. Oswego, Ks. The carrier had an annual MVR on Randall Stinnett with one dated 4/24/23 and the other was dated 10/11/24. Carrier advised of follow up on 10-01-24. The latest MVR was dated nearly 18 months after the last. This is a recurring violation from review dated 4-26-2023. KCC #23-TRAM-808-PEN

Drivers/Vehicles in Violation

Fed	State	Total
	1	1

Checked

Fed	State	Total
	1	1

Safety Fitness Rating

This Investigation is Not Rated

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>.

Process Breakdown and Remedies

BASIC: Controlled Substances/Alcohol

Process Breakdown: Roles and Responsibilities

Carrier did not perform the annual query in the DACH.

Specific Recommended Remedies

To implement Safety Improvement Practices, the following list are recommended practices related to Roles and Responsibilities:

1. Carrier needs accountability for the process of annual query in DACH.

Recommendations

1. **Additional Information**

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

2. **Annual review of drivers record.**

Carriers are to complete the certification of drivers records annually. This signifies that a carrier representative has verified the status of their drivers licenses.

3. **Dach Annual Queries**

All drivers are to have a pre-employment full query in the DACH. The drivers are to have an annual partial query at least annually after that.

4. **Attendance in KCC Safety Class required by order of the Kansas Corporation Commission**

Attend online ZOOM Safety Class available for enrollment at no cost.

www.kcc.ks.gov

Click on Transportation Square.

Go to Safety information

Then on right side click on safety presentation. Enroll on a day that is convenient to you. Free of charge.

5. **For violations that will result in a Penalty Order.**

MANDATORY FOLLOW UP REQUIRMENTS (ALL INVESTIGATIONS THAT RESULT IN PENALTY)

1) 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: jared.L.Smith@ks.gov

FAX: 785-271-3124

or mail:

Kansas Corporation Commission

Attn: Jared Smith

1500 SW Arrowhead Rd

Topeka, KS 66604-4027

2) The KCC requires a representative from Stinnett Timbers LLC to attend a Commission-sponsored safety seminar within thirty (30) days from the date of the penalty order. Schedule of the dates for safety seminars can be found on the Commission s website at <https://www.kcc.ks.gov/transportation/calendar-of-events>.

FAILURE TO SUBMIT THE CORRECTIVE ACTION PLAN (CAP) AND ATTEND A SAFETY SEMINAR WITHIN 30 DAYS WILL RESULT IN THE SUSPENSION OF Stinnett Timbers LLC OPERATING AUTHORITY AND/OR THE IMPOUNDEMENT OF Stinnett Timbers LLC. VEHILCES.

I understand that these requirements/violations and/or recommendations have been discussed with me and my questions have been answered. I understand that monetary penalties will be assessed as a result of violations found in this compliance review.

Signed _____ Date _____

Table 1: Violations Discovered During Review/Inspection

Violation	Date	Identifying Information	Description
392.2 - No Corrective Action Plan as required by Kansas Corporation Commission.			
1	05/20/2024	Randall Stinnett	
382.701 (b)(1) - Failing to conduct an annual query.			
1	05/20/2024	Driver: Randall Stinnett	
391.51(b)(4) - Inquiries into driving record not kept in qualification file			
1	05/20/2024	Driver: Randall Stinnett	

EXHIBIT 2

BOUGHT FROM: LB Co. Sawmill
DATE: 5-20-24 MEMO: Cottonwood

	Log No.	G	S	L	D	Log No.	G	S	L	D	Log No.	G	S	L	D	Log No.	G	S	L	D	
1	40			8	13	75			10	15											
2	50			8	14	127			12	19											
3	60			8	15	60			8	15											
4	217			12	27	420			8	33											
5	147			12	18	200			8	24											
6	50			8	14	288			8	28											
7	50			8	14	60			8	15											
8	60			8	15	588			12	32											
9	40			8	13	50			8	14											
10	32			8	12	302			10	26											
11	24			8	11	244			8	27											
12	90			10	16																
13	62			10	14																
14	220			8	25																
15	324			16	22																
16																					
17																					
18																					
19																					
20																					
21																					
22																					
23																					
24																					
25																					

S = Specie G = Grade L = Length D = Diameter

All in one trip.
From Stannett Timber to LB Co Sawmill

3942

DRIVER'S TIME RECORD (100 air-mile radius)

Driver's Name (print) Randall Stinnett Employee No. _____ Month 5 Year 24

DRIVERS MAY PREPARE THIS REPORT INSTEAD OF "DRIVERS DAILY LOG" IF THE FOLLOWING APPLIES:
 *Operates within 100 air-mile radius of the normal work reporting location.
 *Returns to normal work reporting location and is released from work within 12 consecutive hours.
 *At least 10 consecutive hours off duty separate each 12 hours on duty.

INTERMITTENT DRIVERS

Shall complete this form for 7 days preceding any day driving is performed. This includes the preceding month.

Date	Start Time	End Time	Total Hours	Truck Number	Trip Information TO - FROM	
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						
16						
17						
18						
19						
20	9:00	3:00	6	1	Oswego	Buffalo
21						
22						
23						
24						
25						
26						
27						
28						
29						
30						
31						

To be prepared monthly by each DOT certified driver unless time record is exclusively kept on Driver's Daily Log. Indicate "days off." Check box if no driving is performed during this month and the first 7 days of the following month. Mail this report to your Division Manager of Administration.

EXHIBIT 3

Queries History

All Queries

Report Generated on : 10/14/2024 10:56

Key	First Name	Last Name	Country	State	Number
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EXHIBIT 4

DMV Print

Driver Services
PO Box 12021
Topeka KS 66601-2021
Mark A. Burghart, Secretary



Phone: 785-296-3671
Fax: 785-296-6851
www.ksrevenue.gov
Laura Kelly, Governor

Motor Vehicle Record

Customer's Name	STINNETT, RANDALL SEAN	Report Timestamp	10/11/2024 15:47
Address	30216 SE HIGHWAY 31, KINCAID, Kansas, 66039-4006	Credential Number	[REDACTED]
Height	6 ft 0 Inches	Date Of Birth	[REDACTED]
Eye Color	Blue	Weight	240
Gender	Male	First Issuance Date	11/22/1991 12:00:00 AM
DL Status	VAL	CDL Status	VAL

Credential Information

Credential Number	Credential Type	CDL Class	DL Class	Issue	Expiration	Restrictions	Endorsements
[REDACTED]	Commercial Driver's License	A		11/08/2023	11/22/2028	J23	

CDL Medical Certification Information

category	1 - Interstate Subject to and Meet 49 CFR Part 391	Issue	04/16/2024
Expiration	10/16/2024	Examiner	COOK APRIL
Status	Active	Examiner License	[REDACTED]
Federal Registry	[REDACTED]	State	Kansas
Phone	6202238428	Examination Date	04/16/2024
Specialty Code	AN - Advanced Practice Nurse	Code	NI
Issue	04/16/2024	Expiration	10/16/2024
Restrictions	Corrective lenses		

Accident Information

Accident Date	Case Number	Accident Jurisdiction	County	Severity Type
08/09/2023	0112799	Kansas	LN	5

Conviction & Administrative Action Information

Type	Occurrence Date	Conviction Date	Event Code	State Jurisdiction	Local Jurisdiction	Court Type	CMV	HAZMAT	Speed LMT/ACT
No records exist									

<https://kanlicense.kdor.ks.gov/Applicant/DMVPrint?applicantId=905700&type=Full>

10/11/2024

Sanction Information

Sanction Type	Restriction Type	Sanction Reason	Extent Severity	State Jurisdiction	Local Jurisdiction	Court Type	Eff Date	Elig Date	Rein Date
No records exist									

Totals

ACCIDENTS	1
CONVICTIONS	0
WITHDRAWALS	0
MISCELLANEOUS	0
ADMIN	0

CERTIFICATE OF SERVICE

25-TRAM-197-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 and electronic service on 11/19/2024.

MADISEN HANE, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
madisen.hane@ks.gov

AHSAN LATIF, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
ahsan.latif@ks.gov

Vicki Stinnett, CO OWNER
Stinnett Timbers LLC
30213 SE 31 Hwy
Kincaid, KS 66039
stinnetttimbers@yahoo.com

/S/ KCC Docket Room
KCC Docket Room