

1500 SW Arrowhead Road
Topeka, KS 66604-4027



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

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

Sam Brownback, Governor

NOTICE OF PENALTY ASSESSMENT

November 1, 2016

17-TRAM-134-PEN

Kathleen A. Twombly, Managing Member
Kathleen A. Twombly, LLC
PO Box 12
Highland, Kansas 66035

This is a notice of a penalty assessment for violation of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on October 17, 2016, by Kansas Corporation Commission Special Investigator Verna Jackson. For a full description of the penalty and process please refer to the Order that is attached to this notice.

IF YOU ACCEPT THE PENALTY:

You have been assessed a \$1,000 penalty. You have thirty (30) days from service of this Penalty Order to pay the fine amount. Check or money order must be made payable to the Kansas Corporation Commission. Payment is to be mailed to the Transportation Division of the Kansas Corporation Commission at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and must include a reference to the docket number of this proceeding. Credit card payment may be made by faxing your credit card information to the Transportation Office at 785-271-3124, using the KCC's credit card payment form found at <http://kcc.ks.gov/trans/creditcard.pdf>.

You must attend a Commission-sponsored safety seminar within the next ninety (90) days and provide Staff 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 must submit to one follow-up safety compliance review within the next 18 months. Staff will contact you at a later date to determine an appropriate time for this review.

IF YOU CONTEST THE PENALTY:

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. Respondent must submit 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 stamped on the last page of the Penalty Order. K.A.R. 82-1-215; K.S.A. 2015 Supp. 77-542.

IF YOU FAIL TO ACT:

Failure to pay the fine amount within thirty (30) days of service of the Penalty Order, or in the alternative, provide a written request for a hearing within fifteen (15) days from service of the Penalty Order will result in the attached Order becoming a Final Order and may result in the additional sanction 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: Jay Scott Emler, Chairman
 Shari Feist Albrecht
 Pat Apple

In the Matter of the Investigation of **Kathleen A. Twombly, LLC, of Highland, Kansas,**)
Regarding the Violation of the Motor Carrier)
Safety Statutes, Rules and Regulations and the) Docket No. 17-TRAM-134-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. 2015 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. 2015 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. 2015 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. Kathleen A. Twombly, LLC (Kathleen Twombly) obtained common operating authority from the Commission on February 8, 2016, and operates under KSMCID number 171239 and USDOT number 580953.

5. Kathleen Twombly attended a Commission-sponsored Motor Carrier Education and Instructional Meeting on February 8, 2016, on behalf of Kathleen Twombly.

6. Kathleen Twombly is a common motor carrier which primarily hauls grain, feed and hay.

III. STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, on October 17, 2016, Commission Staff (Staff) Special Investigator Verna Jackson conducted a compliance review of the operations of Kathleen Twombly. 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, Ms. Jackson identified one (1) violation of the Motor Carrier Safety Regulations.

- a. On August 1, 2016, Kathleen Twombly required or permitted its driver, Nick Meyer, to operate a CDL-required motor vehicle, a 2006 Peterbilt, VIN ending with 6310610, GVWR greater than 33,000 lbs., pulling a 2015 Cornhusker 800 trailer, VIN ending in 007729, in interstate commerce from Forrest City, Missouri to Atchison, Kansas. This trip is evidenced by

Driver's Daily Log, dated August 1, 2016, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, driver Nick Meyer made a false report of record of duty status. The record indicated he was in Denton, Kansas off-duty at 4:45 p.m. (16:45) and an invoice from Consumer Oil & Propane, Inc. indicates fuel was purchased at 19:36 at the cardlock in Atchison, Kansas. *See* Attachment "B" and invoice from Consumer Oil & Propane, Inc., attached here to as Attachment "C" and is hereby incorporated by reference. The special investigator found two (2) violations of this type. Kathleen Wombly's falsifying records of duty status is a violation of 49 C.F.R. 395.8(e), as adopted by K.A.R. 82-4-3a, and as authorized by K.S.A. 2015 Supp. 66-1,129. Staff recommends a fine of \$1,000.

IV. STAFF'S RECOMMENDATIONS

8. Based upon the available facts, Staff recommends the Commission find Kathleen Twombly committed one (1) violation 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 \$1,000 for one (1) violation of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that Kathleen Twombly be required to attend a Commission-sponsored safety seminar within the next ninety (90) days and provide Staff 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 Kathleen Twombly submit to one follow-up safety compliance review within the next eighteen (18) months. 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 Kathleen Twombly because it is a motor carrier as defined in K.S.A. 2015 Supp. 66-1,108.

13. The Commission finds Kathleen Twombly committed one (1) violation 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. Kathleen A. Twombly, LLC, of Highland, Kansas is hereby assessed a \$1,000 civil penalty for one (1) violation 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. Kathleen Twombly is hereby ordered to attend a Commission-sponsored safety seminar within the next ninety (90) days and is to provide Staff with written proof of attendance. Further, Kathleen Twombly is ordered to submit to one follow-up safety compliance review within the next eighteen (18) months.

C. **Pursuant to K.S.A. 2015 Supp. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issues by submitting a written request, setting forth the**

specific grounds upon which relief is sought, 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 Order. If service is by certified mail, service is complete upon the date delivered shown on the Domestic Return Receipt. Hearings will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of Kathleen Twombly's right to a hearing, and this Penalty Order will become a Final Order assessing a \$1,000 civil penalty against Kathleen Twombly, and ordering Kathleen Twombly to attend a Commission-sponsored safety seminar within the next ninety (90) days and provide Staff with written proof of attendance, and to submit to a safety compliance review within eighteen (18) months from the date of service of this Order.

D. 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. 2015 Supp. 66-1,142b(e) and amendments thereto.

E. If you do not request a hearing, the payment of the civil penalty is due in thirty (30) days from date of service of this Order. Checks and Money Orders shall be payable to the Kansas Corporation Commission. For credit card payments, include type of card (Visa, MasterCard, Discover, or American Express), account number and expiration date. Payments shall be mailed to the Transportation Division of the Kansas Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, Kansas 66604. *The payment shall include a reference to the docket number of this proceeding.*

F. Failure to pay the \$1,000 civil penalty within thirty (30) days of the 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 Kathleen Twombly'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 out-of-service and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

G. 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.

Emler, Chairman; Albrecht, Commissioner; Apple, Commissioner

Dated: NOV 01 2016




Amy L. Green
Secretary to the Commission

AAL

Order Mailed Date

NOV 02 2016

ATTACHMENT “A”

	US DOT # 580953	Legal: KATHLEEN A TWOMBLY LLC Operating (DBA):																		
MC/MX #: 846771		State #: [REDACTED]	Federal Tax ID: [REDACTED] (EIN)																	
Review Type: Non-ratable Review - CSA																				
Scope: Principal Office		Location of Review/Audit: CSA Off-site		Territory:																
Operation Types <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:15%;">Interstate</td> <td style="width:15%;">Intrastate</td> <td style="width:70%;"></td> </tr> <tr> <td>Carrier: Non-HM</td> <td>Non-HM</td> <td rowspan="3"> Business: Other Gross Revenue: [REDACTED] for year ending: 12/31/2015 </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	Business: Other Gross Revenue: [REDACTED] for year ending: 12/31/2015	Shipper: N/A	N/A	Cargo Tank: N/A							
Interstate	Intrastate																			
Carrier: Non-HM	Non-HM	Business: Other Gross Revenue: [REDACTED] for year ending: 12/31/2015																		
Shipper: N/A	N/A																			
Cargo Tank: N/A																				
Company Physical Address: [REDACTED]																				
Contact Name: Kathleen Twombly Phone numbers: (1) [REDACTED] Fax E-Mail Address: [REDACTED]																				
Company Mailing Address: PO BOX 12 HIGHLAND, KS 66035-0012																				
Carrier Classification Authorized for Hire Exempt for Hire																				
Cargo Classification Grain, Feed, Hay																				
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 Tractor</td> <td>0</td> <td>3</td> <td>0</td> <td>Trailer</td> <td>0</td> <td>3</td> <td>0</td> </tr> </table>						Owned	Term Leased	Trip Leased		Owned	Term Leased	Trip Leased	Truck Tractor	0	3	0	Trailer	0	3	0
	Owned	Term Leased	Trip Leased		Owned	Term Leased	Trip Leased													
Truck Tractor	0	3	0	Trailer	0	3	0													
Power units used in the U.S.: 3 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> <th></th> <th>Inter</th> <th>Intra</th> <th></th> </tr> <tr> <td>< 100 Miles:</td> <td></td> <td></td> <td>Average trip leased drivers/month: 0</td> </tr> <tr> <td>>= 100 Miles:</td> <td>4</td> <td></td> <td>Total Drivers: 4</td> </tr> <tr> <td></td> <td></td> <td></td> <td>CDL Drivers: 4</td> </tr> </table>						Inter	Intra		< 100 Miles:			Average trip leased drivers/month: 0	>= 100 Miles:	4		Total Drivers: 4				CDL Drivers: 4
	Inter	Intra																		
< 100 Miles:			Average trip leased drivers/month: 0																	
>= 100 Miles:	4		Total Drivers: 4																	
			CDL Drivers: 4																	





KATHLEEN A TWOMBLY LLC

U.S. DOT #: 580953

State #: [REDACTED]

Review Date:

10/17/2016

Part A

QUESTIONS regarding this report or the Federal Motor Carrier Safety or
Hazardous Materials rules may be addressed to the Kansas Corporation Commission at:

1500 SW Arrowhead
Topeka, Kansas 66604
Telephone 785-271-3104

This report will be used to assess your safety compliance.


Person(s) Interviewed

Name: Kathleen Twombly

Title: Owner

Name: [REDACTED]



	KATHLEEN A TWOMBLY LLC	State #: [REDACTED]	Review Date:
	U.S. DOT #: 580953		10/17/2016

Part B Violations

1 FEDERAL	Primary: 395.8(e)	Discovered 1	Checked 58	Drivers/Vehicles In Violation 1	Checked 3
Description False reports of records of duty status. Example [REDACTED] 8/1/2016 RODS indicated driver was in Denton, KS off-duty at 4:45 PM (16:45). Invoice from Consumer Oil indicated fuel purchased at 19:36 at the cardlock in Atchison, KS.					
2 STATE	Primary: 395.8(e) CFR Equivalent: 395.8(e)	Discovered 0	Checked 2	Drivers/Vehicles In Violation 0	Checked 3
Description False reports of records of duty status (inaccurate) Example No violations found for State					
3 FEDERAL	Primary: 395.8(e)	Discovered 1	Checked 58	Drivers/Vehicles In Violation 1	Checked 3
Description False reports of records of duty status (inaccurate) Example [REDACTED] 8/3/2016 RODS indicated he began driving at 3:30 in Atchison, KS (15:30). Fueled at 16:25 at the Consumer Oil cardlock in Atchison, KS.					
4 STATE	Primary: 395.8(f) CFR Equivalent: 395.8(f)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 1	Checked 1
Description Failing to require driver to prepare record of duty status in form and manner prescribed. Example [REDACTED] 8/16/2016 RODS were missing the total daily miles, status change of city/state, and bill of lading or commodity.					
5 FEDERAL	Primary: 395.8(f)	Discovered 9	Checked 14	Drivers/Vehicles In Violation 2	Checked 3
Description Failing to require driver to prepare record of duty status in form and manner prescribed. Example [REDACTED] (1 of 14) 8/15/2016 RODS were missing the total daily miles and bill of lading or commodity. [REDACTED] (8 of 14) 8/2/2016 RODS were missing the bill of lading or commodity.					





KATHLEEN A TWOMBLY LLC
U.S. DOT #: 580953

State #: [REDACTED]

Review Date:
10/17/2016

Part B Violations

Safety Fitness Rating Information:

Total Miles Operated 168,300
Recordable Accidents 0

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

Your proposed safety rating is :

This Review is not Rated.





KATHLEEN A TWOMBLY LLC

U.S. DOT #: 580953

State #: [REDACTED]

Review Date:

10/17/2016

Safety Management Process Breakdowns and Remedies

1. 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.

2. HOS COMPLIANCE BASIC PROCESS BREAKDOWN: Training and Communication

DESCRIPTION OF PROCESS BREAKDOWN: Kathleen A Twombly LLC allowed driver to falsify record of duty status. Falsifying records can be a critical violation and can be negative to the carrier's safety rating. Record of duty status should be reviewed by a supervisor or manager to verify compliance. When the driver is found to be in non-compliance, this would give the carrier an opportunity to educate and/or reprimand the driver early on. Early education of the driver results in a safer operation.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Communication and Training.

- Convey expectations to all applicable staff for adhering to Hours-of-Service (HOS) regulations and company policies and procedures, and for executing responsibilities by providing new-hire and refresher training, and establish communication channels such as newsletters and/or meetings focused on conflicts between scheduling and HOS rules.
- Inform drivers that management will be monitoring and tracking Records of Duty Status (RODS).
- Ensure that managers and dispatchers encourage fatigued drivers to pull over and take a nap.
- Communicate the carrier's HOS Compliance percentile to all staff, and explain to them individually what they can do to help the carrier improve the percentile.
- Ensure that managers and supervisors communicate their ongoing commitment to abiding by Hours-of-Service (HOS) regulations and to not driving when fatigued for any reason, including illness.
- Ensure that all staff (drivers, dispatchers, sales) involved in the Hours-of-Service (HOS) process receives training as required by regulations and/or company policies.
- Train managers, supervisors, and dispatchers on how to track and communicate drivers' Hours of Service (HOS), including checking the prior seven-day duty statement for intermittent drivers.
- Train the safety director and dispatchers on how to schedule routes that can be completed within Hours-of-Service (HOS) regulations.
- Train dispatchers and drivers to understand that drivers cannot be assigned a run if illness impairs their ability and/or alertness.
- Train all staff who are required to monitor and track Hours of Service (HOS) on appropriate company policies, including those related to discipline and incentives.
- Provide training/testing program to current drivers on proper log completion, how to achieve proper rest on trips by instructing them on the difference between on-duty not driving, for example a driver waits while trailer is loaded, and off-duty, and the importance of proper rest between shifts.





KATHLEEN A TWOMBLY LLC

U.S. DOT #: 580953

State #: [REDACTED]

Review Date:

10/17/2016

Safety Management Process Breakdowns and Remedies

- Train drivers on the proper use of sleeper berths, including the correct procedure for entering time spent in a berth as a co-driver on the driver's Record of Duty Status (RODS).
- Ensure that drivers are trained in driver Out-of-Service (OOS) rules, their responsibilities in adhering to those rules, and the carrier's procedures for reporting OOS violations and communicating appropriately with other personnel.
- Provide hiring officials with guidance on how best to attract, screen, and qualify applicants who are most likely to adhere to Hours-of-Service (HOS) regulations and company policies and procedures.
- Reinforce training about Hours-of-Service (HOS) policies, procedures, and responsibilities to drivers, dispatchers, and other employees, using job aids, post-training testing, and/or refresher training. Encourage informal feedback among them so that they can help each other to improve.

Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://ai.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. Per 395.8(d) The following information must be included on the form in addition to the grid: (1) Date; (2) Total miles driving today; (3) Truck or tractor and trailer number; (4) Name of carrier; (5) Driver's signature/certification; (6) 24-hour period starting time (e.g. midnight, 9:00 a.m., noon, 3:00 p.m.); (7) Main office address; (8) Remarks; (9) Name of co-driver; (10) Total hours (far right edge of grid); (11) Shipping document number(s), or name of shipper and commodity; AS A SUGGESTION: Provide labels to drivers to attach to log books sheets as needed or have log books preprinted with the required address and motor carrier name.
4. This review contains violations that are serious in nature and may result in a penalty assessment against the company and/or drivers.
5. 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>





KATHLEEN A TWOMBLY LLC

U.S. DOT #: 580953

State #: [REDACTED]

Review Date:

10/17/2016

Safety Management Process Breakdowns and Remedies

- 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.

For all Investigations that could result in a Penalty Order:

- PLEASE NOTE: The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Penalty Order. In addition, your history of prior violations of the Federal Motor Carrier Safety Regulations, Federal Hazardous Material Regulations or the Federal Motor Carrier Commercial Regulations may also affect the civil penalty proposed in any subsequent Penalty Order. Your signature for receipt of this report acknowledges your understanding that the violations discovered by the KCC during this review may be used to calculate any civil penalty proposed as a result of this review. Your signature is not an admission of the violations identified.

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 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

6. I acknowledge that the requirements and/or recommendations resulting from this off-site, focused review have been discussed with me and my questions have been answered. I further acknowledge that KCC recommendations only cover the scope of this focused review, and that areas not reviewed by the KCC have not necessarily been endorsed as compliant. 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 Kathleen A Twombly LLC's operating authority and/or the impoundment of Kathleen A Twombly LLC's vehicles.

Carrier Representative

Date

Printed name and Title

After reviewing these Requirements and/or Recommendations, please sign and date where indicated, and return to the Kansas Corporation Commission, ATTN Verna Jackson, Transportation Division, 1500 SW Arrowhead Rd, Topeka, Kansas 66604-4027, or fax 785-271-3124.



ATTACHMENT “B”



DRIVER'S DAILY LOG

(24 HOURS)

372

Total Miles Driving Today

Total Mileage Today

8 / 1 / 16
(Month) (Day) (Year)

Original - File at home terminal
Duplicate - Driver retains in his/her possession for eight days

Kathleen Twombly
Name of Carrier or Carriers

Highland, W
Main Office Address

Same
Home Terminal Address

I certify these entries are true and correct.

Driver's Full Signature

Co-Driver's Name

RECAP
Complete at
end of workday.

On-duty hours
today (Total
Lines 3 & 4)

70 Hour/
8 Day
Drivers

A. Total hours on
duty last 7 days,
including today.

B. Total hours
available
tomorrow
70 hr. minus A.

C. Total hours on
duty last 8 days,
including today.

60 Hour/
7 Day
Drivers

Total hours on
duty last 6 days,
including today.

Total hours
available
tomorrow
60 hr. minus A.

Total hours on
duty last 7 days,
including today.

If you meet the
34-hour restart
requirements
as 400.3, you
have 60/70
hours available
again.

1. OFF DUTY

2. SLEEPER
BERTH

3. DRIVING

4. ON DUTY
(NOT DRIVING)

REMARKS

SHIPPING
DOCUMENTS:

262 / 13-61005
B/L or Manifest No.
or

Shipper & Commodity

From: Denton, KS

Enter name of place you reported and where released from work and when and where each change of duty occurred.

USE TIME STANDARD AT HOME TERMINAL

To: Denton, KS

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PTZ
DENTON, KS

ADDISON
LOAD

SL. JOE MO
UNLOAD

FOREST CITY MO
LOAD

ALCHAM, KS
UNLOAD

DENTON, KS

FUEL
ATCHISON, KS

4015605



ATTACHMENT “C”

KEYLOCK AUGUST 10 2016

PAGE: 1

CONSUMER OIL & PROPANE IN
[REDACTED]
BENDENA, KS 66008

BILLING PERIOD
ENDING
! 08/10/16 !

THOMBY KATHY
[REDACTED]
HIGHLAND, KS 66235

INVOICE NUMBER: 97133
INVOICE DATE: 08/10/16
PAYMENT DUE: 08/10/16
ACCOUNT NUMBER: 5022

DATE	TIME	VEHICLE	CARD NUMBER	MISC	OCCUPANT	TRAVELED	FTC DESCRIPTION	GALLONS SOLD	SELL PRICE	AMOUNT
080116	19:36	11111	65500 00799	000000	1	5	42 ULS 15 FPM DIESEL	60.000	2.1690	147.49
080316	16:25	11111	65500 00799	000000	1	5	42 ULS 15 FPM DIESEL	58.000	2.1690	212.56
CARD TOTAL:						0	NFG:	0.000	166.000	360.05

truck # 01

PROD: D#2ULS GALS: 166.000 AMT: 360.05

SALES TAX: 0.00

INVOICE TOTAL \$\$\$ 360.05

DUE UPON RECEIPT
PAST DUE AMOUNTS ARE
CHARGED 1.5% PER MONTH

FUEL TAXES PAID
ST GAS TAX: 0.020 0.00
ST DSL TAX: 166.000 43.16
FED GAS TAX: 0.000 0.00
FED DSL TAX: 166.000 42.90

CERTIFICATE OF SERVICE

17-TRAM-134-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 NOV 01 2016.

AHSAN LATIF, LITIGATION COUNSEL
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KATHLEEN A. TWOMBLY, OWNER
KATHLEEN A. TWOMBLY, LLC
PO BOX 12
HIGHLAND, KS 66035-0012

/S/ DeeAnn Shupe

DeeAnn Shupe

Order Mailed Date

NOV 02 2016