



1500 SW Arrowhead Road  
Topeka, KS 66604-4027

20220811110842  
Kansas Corporation  
Commission

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

Dwight D. Keen, Chair  
Susan K. Duffy, Commissioner  
Andrew J. French, Commissioner

Laura Kelly, Governor

**NOTICE OF PENALTY ASSESSMENT**  
23-TRAM-107-PEN

August 11, 2022

Ronald A. Weber, Owner  
Ronald A. Weber d/b/a Weber Farms Trucking  
178 SW 10th Ave  
Saint John, KS 67576

This is a notice of a penalty assessment against Ronald A. Weber d/b/a Weber Farms Trucking 178 SW 10th Ave (Weber Farms) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on July 21, 2022, by Kansas Corporation Commission Special Investigator Doug Handy. Penalties are assessed in accordance with the FY 2023 Uniform Penalty Assessment Matrix, approved by the Commission on June 28, 2022. 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:** Weber Farms has been assessed a \$2,200 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$2,200, 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 Weber Farms 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).

**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. Weber Farms 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.<sup>1</sup>

**IF YOU FAIL TO ACT:** Failure to pay the penalty of \$2,200 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,  
*/s/ Ahsan A. Latif*  
Ahsan A. Latif  
Litigation Counsel  
(785) 271-3118  
[a.latif@kcc.ks.gov](mailto:a.latif@kcc.ks.gov)

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<sup>1</sup> K.A.R. 82-1-215; K.S.A. 77-542.

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

Before Commissioners:      Dwight D. Keen, Chair  
                                     Susan K. Duffy  
                                     Andrew J. French

In the Matter of the Investigation of **Ronald A.**      )  
**Weber d/b/a Weber Farms Trucking, of Saint**      )  
**John, KS,** Regarding the Violation(s) of the      )  
Motor Carrier Safety Statutes, Rules and      ) Docket No. 23-TRAM-107-PEN  
Regulations and the 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:

**I.      JURISDICTION**

1.      Pursuant to K.S.A 66-1,108b, 66-1,111, 66-1,112 and 66-1,114b, 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.

## **II. BACKGROUND**

4. Ronald A. Weber d/b/a Weber Farms Trucking (Weber Farms or Carrier) has common operating authority with the Commission and further operates under USDOT number 329128.

5. Ronald A. Weber attended the Procedures for Safety Compliance Seminar presented by the Kansas Corporation Commission, on June 2, 2022, on behalf of Weber Farms.

6. Weber Farms is a common motor carrier which primarily hauls general freight, machinery, large objects, grain, feed, hay, commodities dry bulk and farm supplies.

## **III. STATEMENT OF FACTS**

7. Pursuant to the jurisdiction and authority cited above, on July 21, 2022, Commission Staff (Staff) Special Investigator Doug Handy conducted a safety compliance review of the operations of Weber Farms. 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 six (6) violation(s) of the Motor Carrier Safety Regulations.

- a. On March 24, 2022, Weber Farms required or permitted its driver, Robert Burnett, to operate a CDL-required commercial motor vehicle, a 2007 Freightliner Truck, VIN ending in 83007, GVWR 52,000 lbs., pulling a 2018 Wilson Trailer, VIN ending in 69460, GVWR 62,000 lbs., in

intrastate commerce from Nickerson, Kansas to Great Bend, Kansas. This trip is evidenced by a time record for March 2022, a copy of which is attached hereto as Attachment “B” and is hereby incorporated by reference. At the time of this transportation, Weber Farms had not obtained a pre-employment alcohol/controlled substance test with a negative result on driver Robert Burnett. A negative result was not obtained until April 27, 2022. The Special Investigator discovered two (2) instances of this violation. Weber Farm’s failure to require its driver to submit to a pre-employment alcohol and/or controlled substances USDOT regulated test and to obtain a negative test result within 30 days of his employment and prior to requiring or permitting him to operate a commercial motor vehicle is a violation of 49 C.F.R. 382.301(a), adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$650.

- b. On March 3, 2022, Weber Farms required or permitted its driver, Laura R. Schmitt, to operate a commercial motor vehicle, a 2006 Freightliner Truck, VIN ending in 035005, GVWR 52,000 lbs., pulling a 2019 Wilson Trailer, VIN 19799, GVWR 65,000 lbs., in interstate commerce from Chester, Nebraska to Great Bend, Kansas. This trip is evidenced by a Driver/Vehicle Examination Report No. KSHP93531035, dated March 3 2022, a copy of which is attached hereto as Attachment “C” and is hereby incorporated by reference. At the time of this transportation, Weber Farms failed to annually register its commercial motor vehicles operating in

interstate commerce and pay the appropriate Unified Carrier Registration (UCR) fees. The Carrier's failure to annually register its commercial motor vehicles operating in interstate commerce and pay the appropriate Unified Carrier Registration (UCR) fees as set is a violation of 49 C.F.R. 367.60, adopted by K.A.R. 82-4-30a, and authorized by K.S.A. 66-1,139a and K.S.A. 66-1,129. Staff recommends a fine of \$300.

- c. During the transportation described in paragraph b., above, Weber Farms failed to be enrolled in the FMCSA Drug and Alcohol Clearinghouse. The Carrier's failure to be enrolled in the FMCSA Drug and Alcohol Clearinghouse is a violation of 49 C.F.R. 382.711, adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$250.
- d. During the transportation described in paragraph b., above, Weber Farms 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 three (3) 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. 66-1,112. Staff recommends a fine of \$250.
- e. During the transportation described in paragraph b., above, Weber Farms failed to require its driver, Ms. Schmitt, to be medically examined and

certified in the preceding twenty-four (24) months. The Carrier's failure to require its drivers to be medically examined and certified in the preceding twenty-four (24) months is a violation of 49 C.F.R. 391.45(b)(1), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$250.

- f. During the transportation described in paragraph a., above, Weber Farms was operating in intrastate commerce without first obtaining Commission authority to operate. The carrier's commercial operations of motor vehicles prior to obtaining and maintaining proper Commission authority is a violation of K.S.A. 66-1,111 and 49 C.F.R. 392.2, adopted by K.A.R. 82-4-3h, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$500.

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

8. Staff submitted a Report and Recommendation (R&R), dated August 3, 2022, attached hereto as Attachment "C" and is hereby incorporated by reference. In its R&R, Staff made recommendation regarding the above-mentioned violations.

9. Based upon the available facts, Staff recommends the Commission finds Weber Farms committed six (6) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

10. Additionally, Staff recommends a civil penalty of \$2,200 for six (6) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

11. Staff further recommends Weber Farms 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 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.

12. Finally, Staff recommends that Weber Farms 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**

13. The Commission finds it has jurisdiction over Weber Farms 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.

14. The Commission finds Weber Farms committed six (6) 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. Ronald A. Weber d/b/a Weber Farms Trucking, of Saint John, KS is hereby assessed a \$2,200 civil penalty for six (6) 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. 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, 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.

C. Weber Farms is ordered to submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order. Transportation Staff will contact the Carrier to set up the appointment.

D. Pursuant to K.S.A. 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 Weber Farms's right to a hearing, and this Penalty Order will become a Final Order.

E. 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.<sup>2</sup>

F. If you do not request a hearing, the payment of the civil penalty of \$2,200 is due in thirty (30) days from the date of service of this Order. Payment of \$2,200 must be made through your personal account with the Kansas Corporation Commission's Kansas Trucking

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<sup>2</sup> . K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2); K.A.R. 82-1-202(a).



Regulatory Assistance Network (KTRAN) system located at <https://puc.kcc.ks.gov/ktran/>. You must have an account through KTRAN to pay the penalty.

G. Failure to pay the \$2,200 civil penalty within thirty (30) days from the date of service of this Penalty Order and/or failure to comply with the provisions of this Order may result in suspension of Weber Farms's motor carrier operating authority without further notice.<sup>3</sup> 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.

**BY THE COMMISSION IT IS SO ORDERED.**

Keen, Chair; Duffy, Commissioner; French, Commissioner

Dated: 08/11/2022



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Lynn M. Retz  
Executive Director

AAL

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<sup>3</sup> K.S.A. 66-1,105.



## **ATTACHMENT “A”**



**U.S. DOT#:** 329128  
**MC/MX#:** 241710

**Legal:** RONALD A WEBER  
**Operating (DBA):** WEBER FARMS TRUCKING

**Investigation Date:**  
 07/21/2022

**Investigation Type:** Onsite Comprehensive Investigation

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

**Extent of Operations:** Entire Operation

**Physical Address**

**Mailing Address**

178 SW 10TH AVE  
 SAINT JOHN, KS 67576  
 United States

178 SW 10TH AVE  
 ST JOHN, KS 67576  
 United States

**Contact Information**

**Contact Name:** RONALD A WEBER  
**Email:** weberfarmstrucking@gmail.com  
**Phone:** (620)546-4796 **Cell:** ( )- **Fax:** (785)726-2463

**Business and Financial**

**Business Type:** Sole Proprietorship  
**Name of Gross Revenue Provider:** Ronald A Weber  
**Title of Gross Revenue Provider:** Owner  
**Gross Revenue:** [REDACTED] **For Year Ending:** 12/31/2021  
**Federal Tax ID:** [REDACTED]

**Operation Classification and Type**

**Cargo**

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

Machinery, Large Objects, General Freight, Grain, Feed, Hay, Commodities Dry Bulk, Farm Supplies

**Operation Classification**

For-Hire Motor Carrier  
 Property  
 Other Non-Hazardous Freight  
 Exempt Commodities

**Equipment**

**Driver Information**

|                | Owned | Term Leased | Trip Leased |
|----------------|-------|-------------|-------------|
| Truck Tractors | 5     |             |             |
| Trailers       | 5     |             |             |

| Drivers      | Intrastate | Interstate |
|--------------|------------|------------|
| < 100 Miles  | 4          |            |
| >= 100 Miles |            |            |

**Power units used in the U.S.:** 5  
**Percentage of time used in the U.S.:** 100%

**Average trip leased driver/month:** 0  
**Drivers with CDL:** 4  
**Total Drivers:** 4

**Person(s) Interviewed**

**Title:** OWNER

**Name:** RONALD A WEBER

**Questions**

Questions about this report or the Federal Motor Carrier 1303 SW FIRST AMERICAN PL STE 200  
Safety or Hazardous Materials regulations may be TOPEKA, KS 66604-4040  
addressed to the Federal Motor Carrier Safety Phone: (785) 271-1260  
Administration at: Fax: (877) 547-0378

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

Violations

1. Primary: 382.301(a)

Using a driver before the motor carrier has received a negative pre-employment controlled substance test result.



Critical

At least 10% of the number checked had violations

Violations Discovered

| Fed | State | Total |
|-----|-------|-------|
| 2   |       | 2     |

Checked

| Fed | State | Total |
|-----|-------|-------|
| 5   |       | 5     |

BASIC Impacted  
Controlled  
Substances/Alcohol

Rating Factor 2:  
Driver = Part 382

Example/Notes:

Driver name: Robert Burnett  
Trip date: 03-24-2022  
Hire date:02-25-2022  
Driver operated in Intrastate Commerce a CDL required CMV from Nickerson, Ks. to Great Bend, Ks. prior to receiving a negative controlled substance test result. Carrier provided a pre-employment negative test result that was received on 04/27/2022.

Wayne E. Reed hired on 05/10/2021 conducted the pre-employment controlled substance test on 09-30-2021 and received the negative result on 10-05-2021.

2. Primary: 367

Failed to pay Unified Carrier Registration (UCR) fee when classified as an Interstate Motor Carrier Operation.

Drivers/Vehicles in Violation

| Fed | State | Total |
|-----|-------|-------|
| 2   |       | 2     |

Checked

| Fed | State | Total |
|-----|-------|-------|
| 5   |       | 5     |

Violations Discovered

| Fed | State | Total |
|-----|-------|-------|
| 1   |       | 1     |

Checked

| Fed | State | Total |
|-----|-------|-------|
| 1   |       | 1     |

Example/Notes:

Driver name: Laura Schmitt  
Trip date: 03-03-2022  
Ks Roadside Inspection #KSHP93531035  
Carrier operated in Interstate commerce from Chester, Ne. to Great Bend, Ks. without paying UCR fees.

Drivers/Vehicles in Violation

| Fed | State | Total |
|-----|-------|-------|
|     |       |       |

Checked

| Fed | State | Total |
|-----|-------|-------|
|     |       |       |

3. Primary: 382.711(b)

Failing to register in the Clearinghouse.

Violations Discovered

| Fed | State | Total |
|-----|-------|-------|
| 1   |       | 1     |

Checked

| Fed | State | Total |
|-----|-------|-------|
| 1   |       | 1     |

Example/Notes:

Driver Name: Laura R. Schmitt  
Trip Date: 03/03/2022  
Hire Date: 01/13/2019  
Ks. Roadside Inspection #KSHP93531035  
Carrier was operating in an Interstate Commerce from Chester, Ne. to Great Bend, Ks.  
(Ticket #4177205). Driver was registered in the Clearinghouse on 04/27/2022.

4. Primary: 390.15(b)(1)

Failing to keep an accident register in the form and manner prescribed.

Example/Notes:

Driver name: James Klick  
Accident/trip date: 03/25/2022  
Post Accident Inspection: #KSHP02761448  
Register failed to have any of the required information completed to be in compliance.  
Carrier was involved in a 1 vehicle rollover accident that was determined as a DOT  
Recordable Accident.

5. Primary: 390.15(b)(2)

Failing to maintain copies of all accident reports required by State or other governmental  
entities or insurers.

Example/Notes:

Driver name: James Klick  
Accident/Trip date 03/25/2022  
Carrier had no copy of the accident report during this investigation.

6. Primary: 391.25(a)

Failing to make an inquiry into the driving record of each driver to the appropriate State

Drivers/Vehicles in Violation

| Fed | State | Total |
|-----|-------|-------|
|-----|-------|-------|

Checked

| Fed | State | Total |
|-----|-------|-------|
|-----|-------|-------|

Violations Discovered

| Fed | State | Total |
|-----|-------|-------|
|-----|-------|-------|

|   |  |   |
|---|--|---|
| 1 |  | 1 |
|---|--|---|

Checked

| Fed | State | Total |
|-----|-------|-------|
|-----|-------|-------|

|   |  |   |
|---|--|---|
| 1 |  | 1 |
|---|--|---|

Drivers/Vehicles in Violation

| Fed | State | Total |
|-----|-------|-------|
|-----|-------|-------|

|   |  |   |
|---|--|---|
| 1 |  | 1 |
|---|--|---|

Checked

| Fed | State | Total |
|-----|-------|-------|
|-----|-------|-------|

|   |  |   |
|---|--|---|
| 1 |  | 1 |
|---|--|---|

Violations Discovered

| Fed | State | Total |
|-----|-------|-------|
|-----|-------|-------|

|   |  |   |
|---|--|---|
| 1 |  | 1 |
|---|--|---|

Checked

| Fed | State | Total |
|-----|-------|-------|
|-----|-------|-------|

|   |  |   |
|---|--|---|
| 1 |  | 1 |
|---|--|---|

Drivers/Vehicles in Violation

| Fed | State | Total |
|-----|-------|-------|
|-----|-------|-------|

|   |  |   |
|---|--|---|
| 1 |  | 1 |
|---|--|---|

Checked

| Fed | State | Total |
|-----|-------|-------|
|-----|-------|-------|

|   |  |   |
|---|--|---|
| 1 |  | 1 |
|---|--|---|

Violations Discovered

| Fed | State | Total |
|-----|-------|-------|
|-----|-------|-------|

once every 12 months.

Example/Notes:

Driver name: Laura Schmitt

Trip date: 03-03-2022

Hire Date:01-03-2019

Ks. Roadside Inspection #KSHP93531035

Driver was operating in an Interstate Commerce from Chester, Ne. to Great Bend, Ks. (Ticket #4177205). The driver qualification files reviewed had no MVR in the file as required to be obtained annually.

7. Primary: 391.45(b)(1)  
Secondary: 391.11(a)

Using a driver not medically examined and certified during the preceding 24 months.

Example/Notes:

Driver name: Laura Schmitt

Trip date: 03-03-2022

Last examination date 05-09-2022

Driver operated in Interstate Commerce from Chester, Ne. to Great Bend, Ks. without being medically certified. Driver had medical certification that had expired on 02/14/2022. She was not medically recertified until 05-09-2022.

8. 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).

Example/Notes:

Driver name: Laura Schmitt

Trip date: 03-03-2022

Hire Date: 01-3-2019

Driver qualification file was missing annual reviews. The annual review was applicable to 3

Checked

| Fed | State | Total |
|-----|-------|-------|
|     | 4     | 4     |

Drivers/Vehicles in Violation

| Fed | State | Total |
|-----|-------|-------|
|     | 3     | 3     |

Checked

| Fed | State | Total |
|-----|-------|-------|
|     | 4     | 4     |

Violations Discovered

| Fed | State | Total |
|-----|-------|-------|
|     | 1     | 1     |

Checked

| Fed | State | Total |
|-----|-------|-------|
|     | 5     | 5     |

Drivers/Vehicles in Violation

| Fed | State | Total |
|-----|-------|-------|
|     | 1     | 1     |

Checked

| Fed | State | Total |
|-----|-------|-------|
|     | 5     | 5     |

Violations Discovered

| Fed | State | Total |
|-----|-------|-------|
|     | 3     | 3     |

Checked

| Fed | State | Total |
|-----|-------|-------|
|     | 3     | 3     |

Drivers/Vehicles in Violation

| Fed | State | Total |
|-----|-------|-------|
|     | 3     | 3     |

Checked

| Fed | State | Total |
|-----|-------|-------|
|-----|-------|-------|



9. Primary: 392.2

State Equivalent: 66-1,111

NO PUBLIC MOTOR CARRIER KCC AUTHORITY

Example/Notes:

Driver name: Robert Burnett

Trip date: 03-24-2022

Hire date:02-25-2022

Driver operated in Intrastate Commerce a CDL required CMV from Hutchinson, Ks. to Great Bend, Ks. prior to being registered with the Commission as a FOR-HIRE carrier. The carrier was granted FOR-HIRE authority on 01/19/2019 originally. The carrier's authority was suspended by way of the consent agenda on 12/15/2020 for insurance not being on file.

Violations Discovered

| Fed | State | Total |
|-----|-------|-------|
|     | 1     | 1     |

Checked

| Fed | State | Total |
|-----|-------|-------|
|     | 1     | 1     |

Drivers/Vehicles in Violation

| Fed | State | Total |
|-----|-------|-------|
|-----|-------|-------|

Checked

| Fed | State | Total |
|-----|-------|-------|
|-----|-------|-------|

## Safety Fitness Rating

### This Investigation is Not Rated

**Crash Rate:**

Total Miles Operated: 300,000

Recordable Accidents: 1

Recordable Accidents/Million Miles: 3.33

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: Monitoring and Tracking**

Carrier used a driver to perform a safety sensitive function prior to having a negative pre-employment controlled substance test result.

#### **Specific Recommended Remedies**

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

1. Maintain the following documents to help evaluate the performance of all staff (drivers and managers) involved in controlled-substance and alcohol testing and the effectiveness of the policies and procedures: Motor Vehicle Record (MVR); records related to testing, the designated employer representative (DER), return to duty, and dispatch; lists of drivers removed due to a history of controlled-substance and/or alcohol misuse and those disqualified for personal driving under the influence (DUI); substance-abuse professional (SAP) letters; and for each test type, include selection criteria, the eligibility-pool list, and the statistical laboratory summary.
2. Evaluate personnel who are monitoring drivers against performance standards related to controlled-substance and alcohol regulations and company policies to ensure that they are applying standards fairly, consistently, and equitably, and are documenting evaluations.

### **BASIC: Driver Fitness**

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

Carrier used a driver not medically examined and certified at least once every 24 months.

#### **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 and documenting all drivers' job functions, training, qualifications, renewal dates, disclosed medical conditions, and operational restrictions, including those of drivers on a waiver program or with impairments that may be satisfied by a Skill Performance Evaluation certificate, to ensure that assignments are covered by qualified drivers.

# Recommendations

1. **Additional Information**  
Please visit the CSA outreach site for additional guidance: <https://csa.fmcsa.dot.gov>.
2. **Obtain copies of the regulations, forms, interpretations, manuals.**  
Copies of the regulations, forms, interpretations, and manuals are available from a variety of sources. Check the FMCSA website for a current list of suppliers. [www.fmcsa.dot.gov/safety-security/eta/index.htm](http://www.fmcsa.dot.gov/safety-security/eta/index.htm)
3. **SMS website**  
You are encouraged to review your company's SMS results and take action to make the roads safer for everyone. Your public safety records are available at the following website: <http://ai.fmcsa.dot.gov/sms>. Also visit <https://portal.fmcsa.dot.gov> which provides real time data and the opportunity to review your safety data. You will need to use your PIN number that has been provided by FMCSA. Registration and access is free.
4. **New Hires**  
Ensure that applicants for safety-sensitive positions do not have a current controlled-substance and/or alcohol problem by querying them and checking with their previous employers regarding controlled-substance and alcohol violations, related background, conditions and behaviors indicative of controlled-substance and/or alcohol abuse or misuse, and by conducting pre-employment testing as required by regulation and company policy. Create a detailed written record of each inquiry.  
  
Review and evaluate driver applicants gaps in employment, frequent job changes, and incomplete applications. Require applicants to explain reasons for any gaps in their employment record in order to allay suspicion of controlled-substance and/or alcohol abuse or misuse.
5. **Driver drug tests required.**  
Ensure that all drivers subject to pre-employment, random, reasonable cause, post accident, return to duty, and/or follow-up controlled substance testing are tested as required by 49 CFR Parts 40 and 382 of the FMCSR.
6. **Obtain a copy of each driver's driving record and review it.**  
Obtain a copy of each driver's driving record and review it annually.
7. **Clearinghouse Registration - Employer**  
Ensure you are registered in the Clearinghouse by visiting <https://clearinghouse.fmcsa.dot.gov>.
8. **Serious Violations**  
This review contains violations that are serious in nature and may result in a penalty assessment against the company and/or drivers.
9. **KCC 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.
10. **CAP to Commission**  
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

11. **Acknowledgement Signature**

"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 Ronald A Weber/Weber Farms Trucking operating authority and/or the impoundment of Ronald A Weber/ DBA Weber Farms Trucking commercial motor vehicles.

Ronald Weber

7-22-22

Carrier Representative

Date

## **ATTACHMENT “B”**

# Robert Burnett

## INTERMITTENT DRIVERS

DRIVERS MAY PREPARE THIS REPORT INSTEAD OF 'DRIVERS DAILY LOG' IF THE FOLLOWING APPLIES:

- \*For Drivers NOT required to have a CDL.
- \*Operates within 150 air-mile radius of the normal work reporting location.
- \*Returns to normal work reporting location and is released from work within 14 consecutive hours.
- \*At least 10 consecutive hours off duty separates each 14 hours on duty.

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

| Date | Start Time             | End Time | Total Hours | Truck Number | Trip Information TO - FROM               |
|------|------------------------|----------|-------------|--------------|--|
| 1    | 7:30 AM                | 5:45 PM  |             | 04           | Hatch - Hatch                            |
| 2    | <del>7:30</del> OFF    | OFF      |             | 04           |  |
| 3    | 7:50 AM                | 5:45 PM  |             | 04           | Hatch - Hatch                            |
| 4    | 7:45 AM                | 5:55 PM  |             | 04           | Hatch - Hatch - <del>Hatch - Hatch</del> |
| 5    | 8:00 AM                | 6:22 PM  |             | 04           |  |
| 6    | 7:50 AM                | 5:45 PM  |             | 04           | Hatch - Hatch                            |
| 7    | <del>8:00 AM</del> OFF | 8:00 OFF | X           | 04           | <del>Hatch - Hatch</del>                 |
| 8    | 7:00 AM                | 5:00     | 10          | 04           | Hatch - Hatch                            |
| 9    | 7:30                   | 5:30     | 10          | 04           | Hatch - Hatch                            |
| 10   | 7:30                   | 5:30     | 10          | 04           | Hatch - Hatch                            |
| 11   | 7:30                   | 6:00     | 11 1/2 hrs  | 04           | Hatch - Hatch                            |
| 12   | OFF                    | OFF      | X           | 04           | <del>Hatch - Hatch</del>                 |
| 13   | OFF                    | OFF      | X           | 04           | <del>Hatch - Hatch</del>                 |
| 14   | 7:00 AM                | 5:00 PM  | 10          | 04           | Hatch - Hatch                            |
| 15   | 7:30 AM                | 6:40 PM  | 11          | 04           | Hatch - Hatch                            |
| 16   | 7:30 AM                | 6:00 PM  | 10 1/2      | 04           | Hatch - Hatch                            |
| 17   | 7:30 AM                | 5:00 PM  | 10 1/2      | 04           | Hatch - Hatch                            |
| 18   | 7:30 AM                | 6:00 PM  | 10 1/2      | 04           | Hatch - Hatch                            |
| 19   | 7:30 AM                | 4:30 PM  | 8           | 04           | Hatch - Hatch                            |
| 20   | OFF                    | OFF      | 0           | 04           | <del>Hatch - Hatch</del>                 |
| 21   | 7:30 AM                | 4:30 PM  | 9           | 04           | Hatch - Hatch                            |
| 22   | 7:30 AM                | 5:00 PM  | 9 1/2       | 04           | Hatch - Newton                           |
| 23   | 7:00 AM                | 6:00 PM  | 11          | 04           | Hatch - Wichita                          |
| 24   | 7:20 AM                | 5:00     | 10 1/2      | 04           | Hatch - Great Bend                       |
| 25   | 7:00 AM                | 5:00     | 9           | 04           | Hatch - Great Bend                       |
| 26   | 7:00 AM                | 6:00     | 9           | 04           | St John                                  |
| 27   | OFF                    | OFF      | 0           | 04           | <del>Hatch - Hatch</del>                 |
| 28   | 7:00 AM                | 4:00 PM  | 9           | 04           | Hatch - Newton                           |
| 29   | 7:30 AM                | 4:30 PM  | 9           | 04           | Hatch - Newton                           |
| 30   | 7:30 AM                | 5:00 PM  | 9 1/2       | 04           | Hatch - Newton                           |
| 31   | 7:30 AM                | 4:00 PM  | 8 1/2       | 04           | Hatch - Great Bend                       |

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.

# **ATTACHMENT C**



# DRIVER/VEHICLE EXAMINATION REPORT

Query Central 3.4

**Kansas Highway Patrol**  
**Email: Khp.TruckInspection@KS.GOV**  
**700 SW Jackson, Ste 704**  
**Topeka, KS 66603**  
**Phone: (785)296-7189 Fax: (785)296-2858**

**Report Number: KSHP93531035**  
**Inspection Date: 03/03/2022**  
**Start: 2:05 PM CT End: 03:13 PM CT**  
**Inspection Level: II - Walk-Around**  
**HM Inspection Type: None**

**RONALD A WEBER**  
**178 SW 10TH AVE**  
**SAINT JOHN, KS 67576**

**USDOT#: 00329128**

**MC/MX#: 00241710**

**State#:**

**Phone#: (620)546-4796**

**Fax#: (785)726-2463**

**Driver: SCHMITT, LAURA R**

**License#: K00318387**

**Date of Birth: 03/15/1966**

**CoDriver:**

**License#:**

**Date of Birth:**

**State: KS**

**State:**

**Location: BELLEVILLE SCALE**

**Highway: U-81**

**County:**

**MilePost: 219**

**Origin: CHESTER, NE**

**Destination: GREAT BEND, KS**

**Shipper: AGP GRAIN MARKETING**

**Bill of Lading: 4177205**

**Cargo: CORN**

## VEHICLE IDENTIFICATION

| Unit | Type | Make | Year | State | Plate # | Equipment ID | VIN               | GVWR   | CVSA # | New CVSA # | OOS#   |
|------|------|------|------|-------|---------|--------------|-------------------|--------|--------|------------|--------|
| 1    | TT   | INTL | 2006 | KS    | 685688  | 66           | 2HSCNAPR86C235005 | 52,000 |        |            |        |
| 2    | ST   | WILX | 2019 | KS    | 660884  | C20          | 1W14412A2L7719799 | 65,000 |        |            | 161861 |

**BRAKE ADJUSTMENTS:** No Brake Measurements Required For Level 2

## VIOLATIONS

| <u>Vio Code</u> | <u>Section</u> | <u>Unit</u> | <u>OOS</u> | <u>Citation #</u> | <u>Verify</u> | <u>Crash</u> | <u>Violations Discovered</u>   |
|-----------------|----------------|-------------|------------|-------------------|---------------|--------------|--|
| 393.9H          | 393.9H         | 1           | N          |                   | N             | N            | Inoperable head lamps: HIGH BEAM LIGHTS NOT WORKING ON EITHER SIDE   |
| 393.81          | 393.81         | 1           | N          |                   | N             | N            | Horn inoperative: NO SOUND AT ALL  |
| 393.9T          | 393.9T         | 1           | N          |                   | N             | N            | Inoperable tail lamp: BOTH LEFT AND RIGHT NOT WORKING  |
| 393.11TL        | 393.11TL       | 1           | N          |                   | N             | N            | Truck-Tractor lower rear mud flaps retroreflective sheeting / reflex reflective material requirements for vehicles manufactured after July 1997: NO REFLECTIVE MATERIAL ON EITHER SIDE |
| 396.17C         | 396.17C        | 1           | N          |                   | N             | N            | Operating a CMV without proof of a periodic inspection: LAST INSPECTION IN 2020  |
| 393.9BRKLAMP    | 393.9BRKLAMP   | 2           | Y          |                   | A             | N            | Inoperative Brake Lamps: BOTH LEFT AND RIGHT BRAKE LAMPS NOT WORKING   |

**HazMat:** No HM Transported.

**Placard:** No

**Cargo Tank:**

## Special Checks:

\* Pursuant to the authority contained in Title 49, CFR; K.S.A. 66-1,129; K.C.C. Reg. 82-4-3, I hereby declare the above marked unit(s) as "OUT OF SERVICE". No person and/or carrier shall permit and/or require the removal of the "OUT OF SERVICE" stickers or the operation of this motor vehicle until ALL out of service defects have been corrected. This Out of Service condition may result in the assessment of a Civil Penalty being issued against the Carrier indicated on this report. Driver Initials \_\_\_\_\_

\* NOTE TO MECHANIC: The undersigned certifies that all mechanical defects listed on this report HAVE BEEN CORRECTED at the time of signature.

Signature Of Repairer X: \_\_\_\_\_ Facility: \_\_\_\_\_ Date: \_\_\_\_\_

\*\*\\\*\* DRIVER: THIS FORM IS REQUIRED TO BE RETURNED TO THE CARRIER BY REGULATION. \*\*//\*\* \*CARRIER CERTIFICATION: All defects on this sheet must be corrected or acknowledged PRIOR TO RE-DISPATCH and then certified by a responsible carrier official who must sign below. RETURN THIS FORM WITHIN 15 DAYS to the Motor Carrier Division of the KANSAS HIGHWAY PATROL at the address listed at the top of this form.

Signature Of Motor Carrier X: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

**Report Prepared By:**  
**J.E. Cates**

**Badge #:**  
**9353**

**Copy Received By:**  
**LAURA SCHMITT**

Page 1 of 1



00329128 KS KSHP93531035

X \_\_\_\_\_

X \_\_\_\_\_

## **ATTACHMENT “D”**

## **REPORT AND RECOMMENDATION TRANSPORTATION DIVISION**

**TO:** Dwight D. Keen, Chair  
Susan K. Duffy, Commissioner  
Andrew J. French, Commissioner

**FROM:** Mike Hoeme, Director of Transportation  
Gary Davenport, Deputy Director of Transportation

**DATE:** August 3, 2022

**SUBJECT: Docket No. 23-TRAM-107-PEN**  
In the Matter of the Investigation of Ronald A. Weber d/b/a Weber Farms  
Trucking 178 SW 10th Ave of Saint John, 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:**

Ronald A. Weber d/b/a Weber Farms Trucking 178 SW 10th Ave (Weber Farms or Carrier) is a motor carrier possessing common operating authority from the Commission, primarily hauling general freight, machinery, large objects, grain, feed, hay, commodities dry bulk and farm supplies. Weber Farms operates under USDOT 329128. On July 21, 2022, Commission Staff Special Investigator Doug Handy conducted a safety compliance review of the operations of Weber Farms. As a result of this investigation, the special investigator identified six (6) violation(s) of the Motor Carrier Safety Regulations, resulting in a recommended penalty of \$2,200.

### **DISCUSSION AND ANALYSIS:**

On July 21, 2022, Commission Staff Special Investigator Doug Handy conducted a safety compliance review of the operations of Weber Farms. As a result of this investigation, the special investigator identified six (6) violation(s) of the Motor Carrier Safety Regulations.

#### **Violation One (1 of 6)**

On March 24, 2022, Weber Farms required or permitted its driver, Robert Burnett, to operate a CDL-required commercial motor vehicle, a 2007 Freightliner Truck, VIN ending in 83007, GVWR 52,000 lbs., pulling a 2018 Wilson Trailer, VIN ending in 69460, GVWR 62,000 lbs., in intrastate commerce from Nickerson, Kansas to Great Bend, Kansas. This trip is evidenced by a time record for March 2022. At the time of this transportation, Weber Farms had not obtained a pre-employment alcohol/controlled substance test with a negative result on driver Robert

Burnett. A negative result was not obtained until April 27, 2022. The Special Investigator discovered two (2) instances of this violation. Weber Farm's failure to require its driver to submit to a pre-employment alcohol and/or controlled substances USDOT regulated test and to obtain a negative test result within 30 days of his employment and prior to requiring or permitting him to operate a commercial motor vehicle is a violation of 49 C.F.R. 382.301(a), adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$650.

#### Violation Two (2 of 6)

On March 3, 2022, Weber Farms required or permitted its driver, Laura R. Schmitt, to operate a commercial motor vehicle, a 2006 Freightliner Truck, VIN ending in 035005, GVWR 52,000 lbs., pulling a 2019 Wilson Trailer, VIN 19799, GVWR 65,000 lbs., in interstate commerce from Chester, Nebraska to Great Bend, Kansas. This trip is evidenced by a Driver/Vehicle Examination Report No. KSHP93531035, dated March 3 2022. At the time of this transportation, Weber Farms failed to annually register its commercial motor vehicles operating in interstate commerce and pay the appropriate Unified Carrier Registration (UCR) fees. The Carrier's failure to annually register its commercial motor vehicles operating in interstate commerce and pay the appropriate Unified Carrier Registration (UCR) fees as set is a violation of 49 C.F.R. 367.60, adopted by K.A.R. 82-4-30a, and authorized by K.S.A. 66-1,139a and K.S.A. 66-1,129. Staff recommends a fine of \$300.

#### Violation Three (3 of 6)

During the transportation described in Violation Two, above, Weber Farms failed to be enrolled in the FMCSA Drug and Alcohol Clearinghouse. The Carrier's failure to be enrolled in the FMCSA Drug and Alcohol Clearinghouse is a violation of 49 C.F.R. 382.711, adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$250.

#### Violation Four (4 of 6)

During the transportation described in Violation Two, above, Weber Farms 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 three (3) 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. 66-1,112. Staff recommends a fine of \$250.

#### Violation Five (5 of 6)

During the transportation described in Violation Two, above, Weber Farms failed to require its driver, Ms. Schmitt, to be medically examined and certified in the preceding twenty-four (24) months. The Carrier's failure to require its drivers to be medically examined and certified in the preceding twenty-four (24) months is a violation of 49 C.F.R. 391.45(b)(1), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$250.

#### Violation Six (6 of 6)

During the transportation described in Violation One, above, Weber Farms was operating in intrastate commerce without first obtaining Commission authority to operate. The carrier's commercial operations of motor vehicles prior to obtaining and maintaining proper Commission

authority is a violation of K.S.A. 66-1,111 and 49 C.F.R. 392.2, adopted by K.A.R. 82-4-3h, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$500.

**RECOMMENDATION:**

Transportation Staff recommends the Commission find Weber Farms committed six (6) 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.

Additionally, Staff recommends a civil penalty of \$2,200 for six (6) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations, in accordance with the recommended penalties listed in the applicable Uniform Penalty Assessment Matrix.

Staff further recommends Weber Farms 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 Weber Farms 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.



## **CERTIFICATE OF SERVICE**

23-TRAM-107-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 08/11/2022.

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

RONALD A WEBER  
D/B/A WEBER FARMS TRUCKING  
178 SW TENTH AVE  
SAINT JOHN, KS 67576

/S/ DeeAnn Shupe  
DeeAnn Shupe