

1500 SW Arrowhead Road
Topeka, KS 66604-4027



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

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

Laura Kelly, Governor

NOTICE OF PENALTY ASSESSMENT

May 21, 2020

20-TRAM-466-PEN

Chris Marshall, President
Chris Marshall Seeds, Inc.
3565 US Highway 40
Oakley, KS 67748

This is a notice of a penalty assessment against Chris Marshall Seeds, Inc. (Chris Marshall Seeds) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on May 4, 2020, by Kansas Corporation Commission Special Investigator Michael Heenan. Penalty amounts are assessed in accordance with the FY 2020 Uniform Penalty Assessment Matrix, approved by the Commission on July 16, 2019. For a full description of the penalty and terms and obligations, please refer to the Penalty Order attached to this notice.

IF YOU ACCEPT THE PENALTY:

Chris Marshall Seeds has been assessed a \$350 penalty. You have thirty (30) days from the date of service of this Penalty Order to pay the fine, unless you choose the reduced penalty option explained below. Please remit payment of \$350 through your personal account with the Kansas Corporation Commission's KTRAN system located at <https://puc.kcc.ks.gov/ktran/>. If you have not received a letter from the Transportation Division assigning you a PIN, please contact that Division at 785-271-3145. You must have an account through KTRAN to pay the penalty owed.

CHRIS MARSHALL SEEDS IS A NEW ENTRANT MOTOR CARRIER AND MAY BE ELIGIBLE FOR A PENALTY REDUCTION OF FIFTY PERCENT (50%) UNDER THE FOLLOWING TERMS SET OUT IN THE ATTACHED REDUCED PENALTY AGREEMENT.

To become eligible, you must agree to meet the terms and obligations set out in the attached Reduced Penalty Agreement to be eligible for the reduction. The Reduced Penalty Agreement must be submitted to the Litigation Division within 15 days.

IF YOU CONTEST THE PENALTY ORDER:

You have the right to request a hearing if you contest the terms of the Penalty Order. A request for hearing must be made in writing, setting forth the specific grounds upon which relief is sought. Chris Marshall Seeds, Inc. 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 Litigation Counsel at the above address. If you do not have access to the internet, you can mail an original and seven (7) copies of the request to the Executive Director at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy of the request to Litigation Counsel. K.A.R. 82-1-215; K.S.A. 77-542.

IF YOU FAIL TO ACT:

Failure to adhere to the terms and obligations set out in the attached Penalty Order, including payment of the penalty of \$350 within thirty (30) days from the date of service of the Penalty Order, or in the alternative, provide a written request for a hearing within 15 days from the date of service of the Penalty Order, will result in the Order becoming final and the terms and conditions set out therein will be enforced.

Respectfully,

/s/ Ahsan A. Latif
Ahsan A. Latif
Litigation Counsel
(785) 271-3118
a.latif@kcc.ks.gov

1500 SW Arrowhead Road
Topeka, KS 66604-4027



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Susan K. Duffy, Chair
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Dwight D. Keen, Commissioner

Laura Kelly, Governor

REDUCED PENALTY AGREEMENT

20-TRAM-466-PEN

Chris Marshall Seeds, Inc. (Chris Marshall Seeds) hereby submits this Reduced Penalty Agreement for approval of a fifty percent (50%) reduction in the penalty assessed in the Penalty Order dated May 21, 2020. Chris Marshall Seeds has agreed to comply with the following terms and obligations:

1. Chris Marshall Seeds has submitted, within fifteen (15) days from the date of the Penalty Order this signed and dated Reduced Penalty Agreement to Litigation Counsel.
2. Chris Marshall Seeds will, within thirty (30) days from the date of the Penalty Order, submit to Transportation Staff a Corrective Action Plan (CAP) documenting the violation(s) and describing specific and detailed information explaining its efforts and concrete steps taken to ensure the violation(s) do not occur in the future. I understand the CAP must be approved by Transportation Staff to become eligible for the 50% reduced penalty.
3. Chris Marshall Seeds will, within thirty (30) days from the date of the Penalty Order, send an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance will be submitted to the Litigation Counsel.
4. Chris Marshall Seeds will be available within eighteen (18) months from the date of the Penalty Order for a follow-up Safety Compliance Review. Transportation Staff will contact the carrier to schedule the review.

Chris Marshall Seeds, Inc. understands that if approved, an Order Amending Penalty Assessment will be issued by the Commission assessing a reduced penalty of \$175, and will set out the terms and conditions stated above. Once the Order Amending Penalty Assessment is issued by the Commission, Chris Marshall Seeds will have thirty (30) days from the date of service of that Order to pay the reduced penalty assessed.

Dated this ____ day of _____, 2020.

Chris Marshall Seeds, Inc.

Chris Marshall
President

(This Agreement can be mailed via U.S. Mail to the address above to the attention of Ahsan Latif, Litigation Counsel, or sent via e-mail to v.jacobsen@kcc.ks.gov and alatif@kcc.ks.gov.)

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

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

In the Matter of the Investigation of **Chris**)
Marshall Seeds, Inc., of Oakley, KS,)
Regarding the Violation(s) of the Motor Carrier)
Safety Statutes, Rules and Regulations and the) Docket No. 20-TRAM-466-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:

I. JURISDICTION

1. Pursuant to K.S.A 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 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. 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

3. Chris Marshall Seeds, Inc. (Chris Marshall Seeds) has private operating authority with the Commission and further operates under USDOT number 3078851.

4. Scott Mayfield attended a Commission-sponsored Motor Carrier Education and Safety Instructional Meeting on April 23, 2018, on behalf of Chris Marshall Seeds.

5. Chris Marshall Seeds is a private motor carrier which primarily hauls farm supplies and seed.

6. Chris Marshall Seeds is a New Entrant motor carrier and may be eligible for a fifty-percent (50%) reduction of the penalty(s) assessed below.

III. STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, on May 4, 2020, Commission Staff (Staff) Special Investigator Michael Heenan conducted a compliance review of the operations of Chris Marshall Seeds. A copy of the safety compliance review is attached hereto as Attachment "A" and is hereby incorporated by reference. As a result of this investigation, the special investigator identified two (2) violation(s) of the Motor Carrier Safety Regulations.

- a. On April 16, 2020, Chris Marshall Seeds required or permitted its driver, Chris Marshall, to operate a commercial motor vehicle, a 2013 Dodge, VIN ending in 597470, GVWR 12,000 lbs., pulling a 2019 Diat Utility trailer, VIN ending in 023854, GVWR 24,000 lbs., in intrastate commerce from Oakley, Kansas to Grainfield, Kansas. This trip is evidenced by Delivery Ticket 2020, dated April 16, 2020, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the

time of this transportation, Chris Marshall Seeds 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 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 \$100.

- b. During the transportation described in paragraph a, above, Chris Marshall Seeds failed to require its driver to be medically examined and certified as physically fit to operate a commercial motor vehicle. The carrier's failure to obtain a copy of its drivers medical examiner certificates in the driver's qualification file is a violation of 49 C.F.R. 391(b)(7), adopted by K.A.R. 82-4-3, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$250.

IV. STAFF'S RECOMMENDATIONS

8. Based upon the available facts, Staff recommends the Commission find Chris Marshall Seeds committed two (2) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

9. Staff recommends a civil penalty of \$350 for two (2) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff provides notice to the Commission that Chris Marshall Seeds, Inc. is a New Entrant motor carrier and may be eligible for a fifty-percent (50%) reduced civil penalty. The carrier must submit to Litigation Counsel within fifteen (15) days of the date of this Penalty Order the signed and dated Reduced Penalty Agreement and Transportation Staff must approve the carrier's Corrective Action Plan (CAP).

11. Staff recommends Chris Marshall Seeds, Inc. submit a Corrective Action Plan (CAP) within thirty (30) days of the date of this Penalty Order, to Transportation Staff, documenting the violation(s) described in this 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. The CAP must be approved by Transportation Staff to qualify for the fifty-percent (50%) discount.

12. Staff further recommends that a representative of the carrier to attend a Commission-sponsored safety seminar and to provide the undersigned Litigation Counsel with proof of attendance. Due to Governor mandated social distancing and prohibitions on gathering of 10 or more, the Commission issued its *Emergency Order Temporarily Suspending the Requirement to Attend Commission Sponsored Safety Seminars During State of Emergency* (Emergency Order) in Docket No. 20-TRAM-392-PEN on March 17, 2020. The carrier's requirement to attend a Commission-sponsored safety seminar must be completed within 90 days of the Commission's Emergency Order being lifted.

13. Finally, Staff recommends that Chris Marshall Seeds submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order. Staff will contact the motor carrier at a later date to determine an appropriate time for this review.

V. CONCLUSIONS OF LAW

14. The Commission finds it has jurisdiction over Chris Marshall Seeds 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.

15. The Commission finds a penalty of \$350 should be assessed to Chris Marshall Seeds for committing two (2) 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.

16. The Commission finds Chris Marshall Seeds is a New Entrant motor carrier and may be eligible for a fifty-percent (50%) reduction in the penalty(s) assessed herein.

THE COMMISSION THEREFORE ORDERS THAT:

A. Chris Marshall Seeds, Inc., of Oakley, KS is hereby assessed a penalty of \$350 for two (2) 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. Payment of \$350 must be made through your personal account with the Kansas Corporation Commission's KTRAN system located at <https://puc.kcc.ks.gov/ktran/>. You must have an account through KTRAN to pay the penalty owed.

B. A representative from Chris Marshall Seeds is ordered to attend a Commission-sponsored safety meeting as set out in paragraph 12, above. 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.

C. Chris Marshall Seeds must submit a Corrective Action Plan (CAP) within thirty (30) days of the date of this Penalty Order, to Transportation Staff, documenting the violation(s) described above, 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.

D. Chris Marshall Seeds 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 motor carrier at a later date to determine an appropriate time for this review.

E. If Chris Marshall Seeds does not submit the Reduced Penalty Agreement and fails to pay the penalty of \$350 within thirty (30) days from the date of service of this Penalty Order, *see* K.S.A. 66-1,105, and/or fails to comply with the provisions of this Order, the Commission will have the right to order further sanctions, including suspension of Chris Marshall Seeds' motor carrier operating authority without further notice. Additionally, the Commission may issue and enforce revocation of motor carrier authority and/or issue cease and desist order(s), and may order other remedies available to the Commission by law, without further notice.

F. **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, within fifteen (15) days from the date of service of this Penalty Order.** The request may be electronically filed with the Commission's electronic filing system at <https://puc.kcc.ks.gov/e-filing/e-express/>, and a copy mailed to the Litigation Counsel. 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 Litigation Counsel. A hearing will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of Chris Marshall Seeds' right to a hearing.

G. If a request for hearing is filed, attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. For civil penalties exceeding \$500, a corporation shall appear before the Commission by its attorney, unless waived by the Commission for good cause shown and a determination that such waiver is in the public interest. K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2); K.A.R. 82-1-202(a). For civil penalties less than \$500, a corporation may appear by a duly authorized representative of the corporation. K.S.A. 66-1,142b(e) and amendments thereto.

H. 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.

Duffy, Chair; Albrecht, Commissioner; Keen, Commissioner

Dated: 05/21/2020



Lynn M. Retz
Executive Director

AAL

ATTACHMENT “A”

UNITED STATES DEPARTMENT OF TRANSPORTATION



U.S. DOT#: 3078851
MC/MX#:

Legal: CHRIS MARSHALL SEEDS INC
Operating (DBA):

Investigation Date:
05/04/20

Investigation Type: Offsite Investigation

Physical Address	Mailing Address
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3565 US HIGHWAY 40
OAKLEY, KS 67748
United States

411 CORNELL AVENUE
OAKLEY, KS 67748
United States

Contact Information

Contact Name: CHRIS MARSHALL
Email: [REDACTED]
Phone: [REDACTED]

Business and Financial

Business Type: Corporation
Gross Revenue [REDACTED] For Year Ending: 12/31/19
Federal Tax ID [REDACTED] (N)

Operation Classification and Type	Cargo
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Type of Operation: Non-HM Intrastate Carrier

Farm Supplies Other (seed for planting)

Operation Classification

Private Motor Carrier

Property - Non-Hazardous Materials

Equipment	Driver Information
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Owned	Term Leased	Trip Leased
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Drivers

Straight Trucks 1

Intrastate

Interstate

Trailers 1

< 100 Miles

1

>= 100 Miles

1

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: 2

Person(s) Interviewed

Name: CHRIS MARSHALL

Title: PRESIDENT

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) 271-3151

This report will be used to assess your safety compliance.

Violations

1. 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: Chris Marshall

Trip date: 04-16-20

At the time of this trip, the carrier could not provide an MVR for the above driver for the date of this trip. The carrier could not provide an MVR at least annually. The carrier was notified of this review on 04-16-20 and the only MVR provided was dated 04-20-20.

Origination: Oakley Ks

Destination: Grainfield Ks

374 bags or units delivered to Harvey Heier 785-673-4638

Drivers/Vehicles

In Violation	Checked
1	1

2. Primary: 391.51(b)(7)

Failing to maintain medical examiner's certificate in driver's qualification file.

Violations Discovered

Fed	State	Total
	1	1

Checked

Fed	State	Total
	1	1

Example/Notes:

Driver name: Chris Marshall

Trip date: 04-16-20

At the time of this trip, the carrier could not provide a Medical Certificate that was valid during the date of the above trip. The carrier was notified of this review on 04-16-20 and the only Medical provided was dated 04-22-20.

Origination: Oakley Ks

Destination: Grainfield Ks

374 bags or units delivered to Harvey Heier 785-673-4638

Drivers/Vehicles

In Violation	Checked
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: Driver Fitness

Process Breakdown: Roles and Responsibilities

Specific Recommended Remedies

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

1. Define and document roles and responsibilities of drivers, dispatchers, and other personnel according to driver fitness regulations and company policies and procedures
2. Define and document roles and responsibilities of managers and supervisors in providing training and maintaining qualifications for all employees according to driver-fitness regulations and company policies and procedures
3. Carrier needs to observe and understand how serious the issues of driver qualification and drug testing for drivers. Consultant stated that they were instructed of these issues and failed to obtain them

Recommendations

1. **Additional Information**

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

2. **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

3. **CDL and drug testing rules apply.**

Review the circumstances under which a CDL is required. CDL and drug testing rules apply to both interstate and intrastate commerce

4. **Maintain all required controlled substance testing records.**

Maintain all required alcohol and controlled substance testing records including yearly summaries, quarterly summaries, test information, test results, records of training etc. as required by 49 CFR Parts 40 and 382 of the FMCSR

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

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

6. **Who do I call?**

For questions about DOT numbers or biennial updates: 800-832-5660 or 703-280-4001

For questions about licensing, authority or MC numbers: 202-366-9805

For questions about insurance: 202-385-2423

For household goods complaints: 888-DOT-SAFT (888-368-7238)

7. **Part 40 Violations**

Ensure that your drug and alcohol testing program conforms with all applicable parts of Part 40

8. **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

9. **Drug and Alcohol Clearinghouse**

Find out your responsibilities and requirements for FMCSA's Drug and Alcohol Clearinghouse by visiting <https://clearinghouse.fmcsa.dot.gov>. Implementation begins January 6, 2020

10. **State of Kansas Corrective Action Plan**

For all investigations that did not result in a Cooperative Safety Plan

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

e-mail: g.davenport@kcc.ks.gov

FAX: 785-271-3124,

or mail

Kansas Corporation Commission

Attn: Gary Davenport

1500 SW Arrowhead Rd
Topeka, KS 66604-4027

CAP: The State of Kansas Correction Plan above is required action and if not completed within the required time frame of 30 days there are penalties that will be involved and issued to the carrier.

11. For All Investigation

For all Investigations:

- Understand Why Compliance Saves Time and Money: Compliance with FMCSRs will not only save lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business
- Document and Follow Through on Action Plans: Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance.
- NOTICE: A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six year period.
- NOTICE: 49 CFR Part 391.23 requires prospective employers to, at a minimum, investigate a driver's employment information, crash record, and alcohol and controlled substances history from all employers the driver worked for within the previous 3 years. The Pre-Employment Screening Program (PSP) is a screening tool that assists motor carriers in investigating crash history and roadside safety performance of prospective drivers. The PSP allows motor carriers to purchase 5 years of crash data and 3 years of roadside inspection data from the Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Management Information System (MCMIS). Records are available 24 hours a day via Web request. Motor carriers should visit the following website for more information. <http://www.psp.fmcsa.dot.gov/Pages/default.aspx>
- All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities. Discuss with your employees/drivers the "Security Measures for Truck Drivers and Companies" which were provided and reviewed with motor carrier official. Motor carriers should visit the following website for more information:

<http://www.fmcsa.dot.gov/documents/Hijacking-Brochure.pdf>

FMCSA recently announced planned improvements to the Carrier Safety Measurement System (SMS) which was implemented in December 2010 as part of the Agency's broader Compliance, Safety, Accountability (CSA) initiative. A preview of these improvements is currently available to motor carriers. The system changes are scheduled to be available to the public in July 2012. There will be additional opportunity for public comment on the changes after the preview period ends in July 2012. The improvements to SMS are based on ongoing analysis and feedback from enforcement personnel, the motor carrier industry, and other stakeholders. The changes more effectively identify and prioritize high-risk and other unsafe motor carriers for enforcement interventions designed to reduce commercial motor vehicle crashes and hazardous materials incidents. Motor carrier's currently have the ability to preview how the improvements impact their individual safety data in SMS. These improvements include: (1) Changes to the SMS methodology that identify higher risk carriers while addressing industry biases, (2) better applications of SMS results for Agency interventions by more accurately identifying safety sensitive carriers (i.e., carriers transporting people and carriers hauling hazardous materials (HM)), so that such firms can be selected for CSA interventions at more stringent levels; and, (3) more specific fact-based displays of SMS results on the SMS Web site. The data preview may be found at <http://csa.fmcsa.dot.gov/>. During the data preview period, the Agency requests comments on the impacts of the changes.

For all Investigations that 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

12. Keep in Contact

Stay in contact with your KCC Investigator for any questions or issues with continued safety compliance. You may contact me: KCC Special Investigator Mike Heenan at 620-338-0093 or email at m.heenan@kcc.ks.gov


13. Acknowledgement of Review and Penalties

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 Chris Marshall Seeds Inc. operating authority and/or the impoundment of Chris Marshall Seeds Inc.

I understand that monetary penalties will be assessed as a result of violations found in this compliance review. The penalty schedule can be found at this web site: http://kcc.ks.gov/trans/penalty_assessment_table.htm

X _____
Printed

X _____
Signed

X  8213
Investigator Printed

X  8213
Investigator(s) Signed

ATTACHMENT “B”

**PIONEER.**

Pioneer Hi-Bred International, Inc.

DELIVERY TICKET 2020

April 16, 2020

Operation: Heier; Harvey D

Harvey D Heier
PO BOX 215
Grainfield, KS 677 37-0215

(785) 673-4638

Current Delivery

Product	Segment	Sub-Product Description	Invoice Type	Batch/Lot Number	Account Description	Units this Delivery/Return
P0157AMXT	AMXT/LL/RR2/AQ	NI67 MF 50 MID RAX	Regular	4232279P	Heier; Harvey D	50.0
P0157AMXT	AMXT/LL/RR2/AQ	NS62 PDF 50 M IST R	Regular	3753216P	Heier; Harvey D	50.0
P0622Q	Q/LL/RR2/AQ	NI62 PDF 50 MID RAX	Regular	4173875P	Heier; Harvey D	80.0
P0622Q	Q/LL/RR2/AQ	NI62 PDF 50 MID RAX	Sample	4173875P	Heier; Harvey D	20.0
P0805AM	AM/LL/RR2	NJ01 PDR 80K MD IST LR	Regular	4278652	Heier; Harvey D	22.0
P0805AM	AM/LL/RR2	NJ07 MF 80K MD IST LR	Regular	3696073	Heier; Harvey D	28.0
P0950Q	Q/LL/RR2	NI04 MR 80MK MID RAX	Regular	4071157	Heier; Harvey D	24.0
P1244AM	AM/LL/RR2/AQ	NI62 PDF 50 MID RAX	Regular	4162839P	Heier; Harvey D	50.0
P1244AM	AM/LL/RR2/AQ	NI62 PDF 50 MID RAX	Regular	4249843P	Heier; Harvey D	50.0
Corn Total						374.0
Product Total						374.0

Thank you for using Pioneer® brand products. All disclaimers and warranties will be provided in full, some of which are printed on the product packaging. The above products invoiced are subject to availability at delivery.

Average Price Per Unit includes the value of the regular (excludes replant and sample) invoiced seed and any associated seed treatments listed on this invoice, while assuming the use of all applicable discounts based on meeting qualifications for each period, or the customer's locked discount rate, and no other price changes.

You may pay electronically via the Pioneer.com website or make checks payable to PIONEER HI-BRED INTERNATIONAL, INC. To qualify for the Early Pay Savings shown above, full payment must be in Pioneer's possession via a cash payment or an electronic payment scheduled for payment by the date shown, or a Deferred Payment receipt must be created. If you are a Deferred Payment (DP) Loan customer, your 2019 DP Loan must be paid in full by December 1, 2019, and you must be approved with adequate credit available for a 2020 DP Loan with PHI Financial Services, Inc., by January 6, 2020, to retain the Early Pay Savings discount above.

When you provide a check as payment, you authorize us either to use information from your check to make an electronic funds transfer from your account or to process the payment as a check transaction. By authorizing an electronic funds transfer you also agree to be bound by the NACHA Operating Rules.

CERTIFICATE OF SERVICE

20-TRAM-466-PEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of
first class mail/hand delivered on 05/22/2020.

CHRIS MARSHALL, PRESIDENT
CHRIS MARSHALL SEEDS, INC.
411 CORNELL AVENUE
OAKLEY, KS 67748
chris.marshall@plantpioneer.com

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

/S/ DeeAnn Shupe

DeeAnn Shupe