

20220818115347 Kansas Corporation Commission

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

Laura Kelly, Governor

1500 SW Arrowhead Road Topeka, KS 66604-4027

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

August 18, 2022

# NOTICE OF PENALTY ASSESSMENT

23-TRAM-073-PEN

Russell Koch, Member Flint Hills Custom Towing Division LLC 87 Q Road Severy, KS 67137-4004

This is a notice of a penalty assessment against Flint Hills Custom Towing Division LLC (Flint Hills) 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 Michael Heenan. 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:** Flint Hills has been assessed a \$100 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$100, 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 Flint Hills 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.

**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. Flint Hills 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>

<u>IF YOU FAIL TO ACT:</u> Failure to pay the penalty of \$100 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, Isl Ahsan A. Latif Ahsan A. Latif Litigation Counsel (785) 271-3118 a.latif@kcc.ks.gov

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<sup>&</sup>lt;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 Flint Hills )

Custom Towing Division LLC, of Severy, KS, )

Regarding the Violation(s) of the Motor Carrier )

Safety Statutes, Rules and Regulations and the ) Do Commission's Authority to Impose Penalties, )

Sanctions and/or the Revocation of Motor )

Carrier Authority.

) Docket No. 23-TRAM-073-PEN

# 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. Flint Hills Custom Towing Division LLC (Flint Hills or Carrier) has common operating authority with the Commission and further operates under USDOT number 3351139.
- 5. Brandon Koch attended the Procedures for Safety Compliance Seminar presented by the Kansas Corporation Commission, on November 12, 2019, on behalf of Flint Hills.
  - 6. Flint Hills is a common motor carrier which primarily hauls motor vehicles.

#### III. STATEMENT OF FACTS

- 7. Pursuant to the jurisdiction and authority cited above, on July 21, 2022, Commission Staff (Staff) Special Investigator Michael Heenan conducted a safety compliance review of the operations of Flint Hills. 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 One (1) violation(s) of the Motor Carrier Safety Regulations.
  - a. On July 4, 2022, Flint Hills required or permitted its driver, Jerrid S.
     Baumgartel, to operate a commercial motor vehicle, a 1995 Ford F350,
     VIN ending in 43520, GVWR 15,000 lbs., in intrastate commerce around
     Severy, Kansas. This trip is evidenced by Invoice No. 000132, a copy of

which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, Flint Hills 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.

## IV. STAFF'S RECOMMENDATIONS

- 8. Staff submitted a Report and Recommendation (R&R), dated July 25, 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 Flint Hills committed One (1) 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 \$100 for One (1) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.
- 11. Staff further recommends that a representative from Flint Hills be required to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and provide Litigation Counsel with written proof of attendance. A schedule of the dates

and locations for safety seminars can be found on the Commission's website at http://kcc.ks.gov/trans/safety meetings.htm.

- 12. Staff further recommends Flint Hills 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.
- 13. Finally, Staff recommends that Flint Hills 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

- 14. The Commission finds it has jurisdiction over Flint Hills 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 Flint Hills committed One (1) 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. Flint Hills Custom Towing Division LLC, of Severy, KS is hereby assessed a \$100 civil penalty for One (1) 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. Flint Hills is hereby ordered to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and is to provide Litigation Counsel with written proof of attendance.
- C. Carrier is hereby ordered to submit a written, comprehensive corrective action plan (CAP) to Transportation Staff within thirty (30) days of the date of this order, documenting the violation(s) described in this Penalty Order, including specific and detailed information explaining Carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.
- D. Flint Hills is ordered to submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order. Transportation Staff will contact the Carrier to set up the appointment.
- E. Pursuant to K.S.A. 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 Flint Hills's right to a hearing, and this Penalty Order will become a Final Order.
- F. If a request for hearing is filed, attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. For

civil penalties less than \$500, a corporation may appear by a duly authorized representative of

the corporation.<sup>2</sup>

G. If you do not request a hearing, the payment of the civil penalty of \$100 is due in

thirty (30) days from the date of service of this Order. Payment of \$100 must be made through

your personal account with the Kansas Corporation Commission's Kansas Trucking Regulatory

Assistance Network (KTRAN) system located at https://puc.kcc.ks.gov/ktran/. You must have an

account through KTRAN to pay the penalty.

H. Failure to pay the \$100 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 Flint Hills'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: 08/18/2022

**Executive Director** 

Lynn M. Reg

**AAL** 

<sup>2</sup> K.S.A. 66-1,142b(e) and amendments thereto.

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

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**ATTACHMENT "A"** 

#### UNITED STATES DEFARTIVIENT OF TRANSFORTATION

0

**U.S. DOT#:** 3351139 **MC/MX#:** 0

Legal: FLINT HILLS CUSTOMS TOWING DIVISION LLC

Operating (DBA):

**Investigation Date:** 

07/21/2022

Investigation Type: Onsite Comprehensive Investigation

Location of Investigation: Company facility other than the PPOB

(US)

**Extent of Operations:** Entire Operation

Physical Address

87 Q RD

SEVERY, KS 67137-4005

SEVERY, KS 67137-4004

**Mailing Address** 

**United States** 

198 Q RD

**United States** 

**Contact Information** 

Contact Name: BRANDON RUSSELL KOCH

Email:

**Phone:** (913)609-5698 **Cell:** ( )-

Fax: ( )-

**Business and Financial** 

**Business Type:** Limited Liability Corporation

Name of Gross Revenue Provider: Brandon Koch

Title of Gross Revenue Provider: Managing Member

**Gross Revenue:** 

For Year Ending: 12/31/2021

Federal Tax ID:

Cargo

Type of Operation: HM Intrastate Carrier

**Operation Classification and Type** 

Motor Vehicles

**Operation Classification** 

For-Hire Motor Carrier

Property

Hazardous Materials

**Hazardous Materials** 

Which of the following hazardous materials requiring a Safety

Permit does the company transport?

None

Does the company have a satisfactory security program in place as N/A

required in 49 CFR Part 385, Subpart E?

Is an HM Permit required by any State?

No

Hazardous Materials

Class 9 Miscellaneous Hazardous Materials = C, NB

	Owned	Term Leased	Trip Leased	Drivers		
Straight Trucks	1				Intrastate	Interstate
				< 100 Miles	1	
Power units used in the U.S.: 1 Percentage of time used in the U.S.: 100%			>= 100 Miles			
					ed driver/month: 0	
				Drivers with CDL: Total Drivers: 1	. 0	

Dilver milormation

Person(s) Interviewed

Name: BRANDON RUSSELL KOCH Title: MEMBER

Questions

rdaibment

Questions about this report or the Federal Motor Carrier 1500 SW Arrowhead Rd Safety or Hazardous Materials regulations may be Topeka, KS 66604-4027 addressed to the Federal Motor Carrier Safety Phone: (785) 271-3151

Administration at:

This report will be used to assess your safety compliance.

#### **Violations**

# 1. Primary: 391.51(b)(2)

Failing to maintain inquiries into driver's driving record in driver's qualification file.

#### **Violations Discovered**

Fed	State	Total
	1	1
Checked		
Fed	State	Total
	1	1

### **Example/Notes:**

Driver name, Jerrid Baumgartel

Trip date. 07/04/22

Description of violation, At the time of this trip, and the time of this review, the carrier showed the driver as being hired on 01-2-22.

The carrier provided an MVR on the above driver on 6/24/22. The carrier was notified of this review on 6/22/22. This was the only MVR provided by the carrier. This was nearly 6 months after the driver was employed. The driver MVR should have been obtained by 02-02-22 or within 30 days of the date of hire.

# 2. 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).

# **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

# **Example/Notes:**

Driver name, Jerrid Baumgartel

Trip date. 07/04/22

Description of violation, At the time of this trip, and the time of this review, the carrier showed the driver as being hired on 01-2-22.

The carrier provided an MVR on the above driver on 6/24/22. The carrier did not complete any annual review of driving record.

# **Drivers/Vehicles in Violation**

Fed	State	Total
	1	1
Checked		
Fed	State	Total

1

1

# Safety Fitness Kating

# 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	
None	

#### **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. MCS-150 biennial updates

Is Your Registration Information Current?

FMCSA requires carriers to update their registration data via a MCS-150 form every 24 months. Please review, verify and update your contact information, Vehicle Miles Travelled (VMT) and Power Unit (PU) data to ensure that it is current and accurate, since it is used in the new Carrier Safety Measurement System. You should access the system, review all the information and press the submit button. Once you've done this, the system will record that you've reviewed the information and you will be in compliance with the biennial update requirement.

https://li-public.fmcsa.dot.gov/LIVIEW/PKG\_REGISTRATION.prc\_option

## 4. Investigations not requiring Federal 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.

#### 5. Stay in Contact.

Stay in Contact with your reviewing investigator:

Mike Heenan Special Investigator Kansas Corporation Commission 620-338-0093 m.heenan@kcc.ks.gov

### 6. Any questions about this review.

If you have any questions concerning this report,, please contact the Kansas Corporation Commission 1500 SW Arrowhead Dr. Topeka, Ks 66604. 785-271-3151

#### 7. Motor Vehicle Record Check

Be sure to obtain your drivers MVR within 30 days of hire date 391.51(b)(2) and annually after that. 391.51(b)(4)

# 8. Acknowledgement of requirements and violations.

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

Hills Customs Towing Division LLC. operating authority and/or the impoundment of Flint Hills Customs Towing Division LLC. dba Flint Hills Customs Towing Division LLC.

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

Χ	
_	Printed
Χ	
	Signed
Х	
	Investigator Printed
X	
	Investigator(s) Signed

**ATTACHMENT "B"** 

From:

Brandon Koch <br/>
<br/>
brkoch97@gmail.com>

Sent:

Wednesday, July 20, 2022 4:23 PM

To:

Michael Heenan

Subject:

FLINT HILLS CUSTOMS TOWING DIVISION LLC

4:22

**◄** Search





# **Invoice for Kidds Towing (000132)**



Flint Hills Customs Towing Division LLC Brkoch97@gmail.com | 913-609-5698 Invoice #000132

Issue date Jul 20, 2022

# Vehicle fire, mile marker 321 to Severy, KS, July 4th

We appreciate your business.

Bill To

Kidds Towing Kidds Towing Kiddstowing@gmail.com **Invoice Details** 

PDF created July 20, 2022 \$2,887.50 Payment

Due July 20, 2022 \$2,887.50

Item	Quantity	Price	Amount
Show up charge \$175.00/unit	1	\$175.00	\$175.00
Rollback(after hours), includes operator	2	\$375.00	\$750.00
Rates are for normal business hours, services provided			

Rates are for normal business hours, services provided afterhours and/or holidays will be charged at 150% of normal rate.

+ 2 Hour minimum are in place to cover cost of equipment and

maintenance to the equipment that is dispatched to the scene. If a piece of equipment is on scene that has an hourly minimum in place, all other equipment on scene will be billed with the hourly minimum.

Storage	17	\$100.00	\$1,700.00
Administrative fee	1	\$262.50	\$262.50

Administrative fee includes but not limited to preparing detailed narrative of the recovery performed, preparing information gathered for proper preparation of an invoice, interacting with operator of the vehicle involved or owner at impound yard, escorting person or persons to view vehicle and retrieve belongings, interacting with insurance appraiser and escort same into storage yard (3 entrances to the secured storage areas limited to 30 minutes each. Additional entrances will be charged a \$25 gate fee), interacting via telephone with insurance company representatives, faxing/emailing recovery invoices and pictures to adjusters and customers, and/or assisting in removing vehicle on pick up date. Administrative fee 10% of the recovery invoice, minimum of \$75.00.

Subtotal \$2,887.50



#### View online

To view your invoice go to https://gosq.me/u/rrc2iKCs
Or open your camera on your mobile device, and place the code on the left within the camera's view.



Flint Hills Customs Towing Division LLC Brkoch97@gmail.com | 913-609-5698 Invoice #000132

Issue date Jul 20, 2022

Page 1 of 2

**Total Paid** 

\$2,887.50

**Payments** 

Jul 20, 2022 (Check)

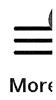
\$2,887.50











This is an EXTERNAL EMAIL. Think before clicking a link or opening attachments.

**ATTACHMENT "C"** 



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

Laura Kelly, Governor

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

# 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:

July 26, 2022

**SUBJECT:** 

Docket No. 23-TRAM-073-PEN

In the Matter of the Investigation of Flint Hills Custom Towing Division LLC of

Severy, 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:**

Flint Hills Custom Towing Division LLC (Flint Hills or Carrier) is a motor carrier possessing common operating authority from the Commission, primarily hauling motor vehicles. Flint Hills operates under USDOT 3351139. On July 21, 2022, Commission Staff Special Investigator Michael Heenan conducted a safety compliance review of the operations of Flint Hills. As a result of this investigation, the special investigator identified One (1) violation(s) of the Motor Carrier Safety Regulations, resulting in a recommended penalty of \$100.

# **DISCUSSION AND ANALYSIS:**

On July 21, 2022, Commission Staff Special Investigator Michael Heenan conducted a safety compliance review of the operations of Flint Hills. As a result of this investigation, the special investigator identified One (1) violation(s) of the Motor Carrier Safety Regulations.

# Violation One (1 of 1)

On July 4, 2022, Flint Hills required or permitted its driver, Jerrid S. Baumgartel, to operate a commercial motor vehicle, a 1995 Ford F350, VIN ending in 43520, GVWR 15,000 lbs., in intrastate commerce around Severy, Kansas. This trip is evidenced by Invoice No. 000132. At the time of this transportation, Flint Hills 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.

# **RECOMMENDATION:**

Transportation Staff recommends the Commission find Flint Hills committed One (1) 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 \$100 for One (1) 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 that a representative from Flint Hills be required to attend a Commission-sponsored safety seminar within ninety (90) days from the date of the Order, and provide Litigation Counsel with written proof of attendance. A schedule of the dates and locations for safety seminars can be found on the Commission's website at <a href="http://kcc.ks.gov/trans/safety">http://kcc.ks.gov/trans/safety</a> meetings.htm.

Staff further recommends Flint Hills 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 Flint Hills 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-073-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 <u>08/18/2022</u> .

BRANDON RUSSELL KOCH FLINT HILLS CUSTOM TOWING DIVISION LLC 87 Q RD SEVERY, KS 67137-4004

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

/S/ KCC Docket Room

KCC Docket Room