



1500 SW Arrowhead Road
Topeka, KS 66604-4027

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

Dwight D. Keen, Chair
Shari Feist Albrecht, Commissioner
Jay Scott Emler, Commissioner

Laura Kelly, Governor

NOTICE OF PENALTY ASSESSMENT

April 16, 2019

19-TRAM-413-PEN

Dave Fesenmeyer, President
Sign Here, Inc.
558 W Main St
Gardner, KS 66030

This is a notice of a penalty assessment against Sign Here, Inc. (Sign Here) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on March 28, 2019, by Kansas Corporation Commission Special Investigator Michael Heenan. Penalty amounts are assessed in accordance with the FY 2019 Uniform Penalty Assessment Matrix, approved by the Commission on August 7, 2018. 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:

Sign Here has been assessed a \$1,100 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 \$1,100 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.

SIGN HERE 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.

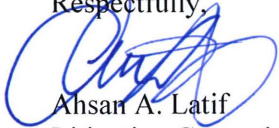
IF YOU CONTEST THE PENALTY ORDER:

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. Sign Here, 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 Secretary to the Commission 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. 2018 Supp. 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 \$1,100 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,



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

REDUCED PENALTY AGREEMENT

19-TRAM-413-PEN

Sign Here, Inc. (Sign Here) hereby submits this Reduced Penalty Agreement for approval of a fifty percent (50%) reduction in the penalty assessed in the Penalty Order dated April 16, 2019. Sign Here has agreed to comply with the following terms and obligations:

1. Sign Here has submitted, within fifteen (15) days from the date of the Penalty Order this signed and dated Reduced Penalty Agreement to Litigation Counsel.

2. Sign Here 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. Sign Here 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. Sign Here 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.

Sign Here, Inc. understands that if approved, an Order Amending Penalty Assessment will be issued by the Commission assessing a reduced penalty of \$550, and will set out the terms and conditions stated above. Once the Order Amending Penalty Assessment is issued by the Commission, Sign Here will have thirty (30) days from the date of service of that Order to pay the reduced penalty assessed.

Dated this ____ day of _____, 2019.

Sign Here, Inc.

Dave Fesenmeyer
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.)

to the regulation of such motor carriers and persons, or who fails to obey any order, decision or regulation of the Commission.

3. The Commission has the authority, pursuant to K.A.R. 82-1-237, to investigate an entity under the Commission's jurisdiction and order a hearing on the Commission's own motion when the Commission believes the entity is in violation of the law or any order of the Commission.

II. BACKGROUND

4. Sign Here, Inc. (Sign Here) has private operating authority with the Commission and further operates under USDOT number 1738167.

5. Brandon Smith attended a Commission-sponsored Motor Carrier Education and Safety Instructional Meeting on December 18, 2015, on behalf of Sign Here.

6. Sign Here is a private motor carrier which primarily hauls signs and supplies.

7. Sign Here 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

8. Pursuant to the jurisdiction and authority cited above, on March 28, 2019, Commission Staff (Staff) Special Investigator Michael Heenan conducted a compliance review of the operations of Sign Here. 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 four (4) violation(s) of the Motor Carrier Safety Regulations.

- a. On September 18, 2018, Sign Here required or permitted its driver, David M. Fesenmeyer, to operate a CDL-required commercial motor vehicle, a 2000 Sterling boom bucket truck, VIN ending in 32870, GVWR 33,000

lbs., in intrastate commerce from Olathe, Kansas to Gardner, Kansas. This trip is evidenced by Driver/Vehicle Examination Report Number KSPD83961340, dated September 18, 2018, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, Sign Here 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. 2018 Supp. 66-1,112. Staff recommends a fine of \$100.

- b. During the transportation described in paragraph a, above, Sign Here had not obtained a pre-employment alcohol/controlled substance test of a negative result on driver David M. Fesenmeyer. The carrier'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 him 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. 2018 Supp. 66-1,129. Staff recommends a fine of \$250.
- c. During the transportation described in paragraph a, above, Sign Here used a driver that had a valid regular driver's license to drive a commercial

motor vehicle that requires a Class B CDL. The carrier's failure to require its driver to operate a commercial motor vehicle without the driver taking and passing the written and driving tests for a CDL and obtaining a CDL license is a violation of 49 C.F.R. 383.23(a)(1), adopted by K.A.R. 82-4-3, and authorized by K.S.A. 2018 Supp. 66-1,129. Staff recommends a fine of \$500.

- d. During the transportation described in paragraph a, above, Sign Here failed to require its driver to complete a record of duty service or any time record for the above-listed trip. The carrier's failure to require its drivers to keep records of duty status for each 24-hour period, or in the alternative to maintain and retain time records described in 49 C.F.R. 395.1(e) under the short haul exemption, using the method described in 49 C.F.R. 395.8(a), and to submit the original record to the motor carrier within 13 days of creation is a violation of 49 C.F.R. 395.8(a), adopted by K.A.R. 82-4-3a, and authorized by K.S.A. 2018 Supp. 66-1,129. Staff recommends a fine of \$500.

IV. STAFF'S RECOMMENDATIONS

9. Based upon the available facts, Staff recommends the Commission find Sign Here committed four (4) 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. Staff recommends a civil penalty of \$1,100 for four (4) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

11. Staff provides notice to the Commission that Sign Here, 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).

12. Staff recommends Sign Here, 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.

13. Staff further recommends that a representative from Sign Here attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and provide proof of attendance to Litigation Counsel.

14. Finally, Staff recommends that Sign Here 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

15. The Commission finds it has jurisdiction over Sign Here because it is a motor carrier as defined in K.A.R. 82-4-1.

16. The Commission finds a penalty of \$1,100 should be assessed to Sign Here for committing four (4) 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.

17. The Commission finds Sign Here 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. Sign Here, Inc., of Gardner, KS is hereby assessed a penalty of \$1,100 for four (4) 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 \$1,100 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 Sign Here is ordered to attend a Commission-sponsored safety meeting within ninety (90) days from the date of this Order, and provide proof of attendance to Litigation Counsel. 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. Sign Here 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. Sign Here 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 Sign Here does not submit the Reduced Penalty Agreement and fails to pay the penalty of \$1,100 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 Sign Here's 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. 2018 Supp. 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 Secretary to the Commission, 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 Sign Here's 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. 2018 Supp. 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.

Keen, Chair; Albrecht, Commissioner; Emler, Commissioner

Dated: 04/16/2019



Lynn M. Retz
Secretary to the Commission

AAL

ATTACHMENT "A"

Kansas Corporation Commission

	US DOT # 1738167	Legal: SIGN HERE INC Operating (DBA):		
MC/MX #:		Federal Tax ID: [REDACTED] (EIN)		
Review Type: Compliance Review (CR)				
Scope:	Principal Office	Location of Review/Audit: Company facility in the U. S.		Territory: C
Operation Types		Interstate	Intrastate	
Carrier:	HM	HM	Business: Corporation	
Shipper:	N/A	N/A	Gross Revenue: [REDACTED]	for year ending: 12/31/2018
Cargo Tank:	N/A			
Company Physical Address:				
558 W MAIN STREET GARDNER, KS 66030-1619				
Contact Name:	Dave M Fesenmeyer			
Phone numbers: (1)	[REDACTED]	Fax		
E-Mail Address:	[REDACTED]			
Company Mailing Address:				
558 W MAIN STREET GARDNER, KS 66030-1619				
Carrier Classification				
Private Property				
Cargo Classification				
Other: sign and supplies				
Hazardous Materials				
9 Miscellaneous HM	Carried	Non-Bulk		
Equipment				
	Owned	Term Leased	Trip Leased	Owned
Truck	2	0	0	Term Leased Trip Leased
Power units used in the U.S.:2				
Percentage of time used in the U.S.:100				
Does carrier transport placardable quantities of HM? No				
Is an HM Permit required? N/A				
Driver Information				
	Inter	Intra	Average trip leased drivers/month: 0	
< 100 Miles:	1		Total Drivers: 1	
>= 100 Miles:			CDL Drivers: 0	





SIGN HERE INC
U.S. DOT #: 1738167

Review Date:
03/28/2019

Part A

QUESTIONS regarding this report or the Federal Motor Carrier Safety or Hazardous Materials rules may be addressed to the Office of Motor Carriers at:

1500 SW Arrowhead Rd
Topeka, Ks 66604-4027
Attn: Gary Davenport 620-785-3145

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Dave M Fesenmeyer

Title: President

Name: Kim L Fesenmeyer

Title: Vice-President





SIGN HERE INC
U.S. DOT #: 1738167

Review Date:
03/28/2019

Part B Violations

1 STATE	Primary: 382.301(a) CFR Equivalent: 382.301(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
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Description

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

Example

Dave M Fesenmeyer
09-18-18

At the time of this trip, and the time of this review, it was found that this driver listed above had no CDL when stopped by a Olathe PD CVSA officer on the above date. This driver should have been Pre-employment drug testing prior to operating a CDL required vehicle.

The vehicle as per roadside inspection was listed as being 33000 lbs GVWR

Origination: Olathe, Ks

Destination: Gardner, Ks

2 STATE	Primary: 391.45(a) Secondary: 391.11(a) CFR Equivalent: 391.45(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
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Description

Using a driver not medically examined and certified.

Example

Dave M Fesenmeyer
09-18-18

At the time of this trip, it was found that this driver listed above had no medical certificate at the time of this stop. The vehicle as per roadside inspection was listed as being 33000 lbs GVWR.

Origination: Olathe, Ks

Destination: Gardner, Ks

As of the time of this review, the carrier/driver has obtained his medical card.

3 STATE	Primary: 391.51(b)(1) CFR Equivalent: 391.51(b)(1)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
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Description

Failing to maintain driver's employment application in driver's qualification file.

Example

Dave M Fesenmeyer
09-18-18

At the time of this trip, and the time of this review, it was found that this driver listed above had no application for employment with his driver information. The vehicle as per roadside inspection was listed as being 33000 lbs GVWR.

Origination: Olathe, Ks

Destination: Gardner, Ks





SIGN HERE INC
U.S. DOT #: 1738167

Review Date:
03/28/2019

Part B Violations

4 STATE	Primary: 391.51(b)(3)	Discovered 1	Checked 1	Drivers/Vehicles	
	CFR Equivalent: 391.51(b)(3)			In Violation	Checked

Description

Failing to maintain road test certificate in driver's qualification file, or copy of license or certificate the motor carrier accepted as equivalent.

Dave M Fesenmeyer
09-18-18

At the time of this trip, and the time of this review, it was found that this driver listed above had no road test, certificate or CDL equivalent in his driver information. The vehicle as per roadside inspection was listed as being 33000 lbs GVWR.
Origination: Olathe,Ks
Destination: Gardner, Ks

5 STATE	Primary: 391.51(b)(4)	Discovered 1	Checked 1	Drivers/Vehicles	
	CFR Equivalent: 391.51(b)(4)			In Violation	Checked

Description

Failing to maintain the responses of each State agency to the annual driver record inquiry required by 391.25(a).

Example

Dave M Fesenmeyer
09-18-18

At the time of this trip, and the time of this review, it was found that this driver listed above had no Motor Vehicle Record check of his driving record with his driver information. The vehicle as per roadside inspection was listed as being 33000 lbs GVWR.
Origination: Olathe,Ks
Destination: Gardner, Ks

6 STATE	Primary: 391.51(b)(5)	Discovered 1	Checked 1	Drivers/Vehicles	
	CFR Equivalent: 391.51(b)(5)			In Violation	Checked

Description

Failing to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2).

Example

Dave M Fesenmeyer
09-18-18

At the time of this trip, and the time of this review, it was found that this driver listed above had no annual review of drivers record with his driver information. The vehicle as per roadside inspection was listed as being 33000 lbs GVWR.
Origination: Olathe,Ks
Destination: Gardner, Ks

7 STATE	Primary: 391.51(b)(6)	Discovered 1	Checked 1	Drivers/Vehicles	
	CFR Equivalent: 391.51(b)(6)			In Violation	Checked

Description

Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27.

Example

Dave M Fesenmeyer
09-18-18

At the time of this trip, and the time of this review, it was found that this driver listed above had no certificate of violations with his driver information. The vehicle as per roadside inspection was listed as being 33000 lbs GVWR.
Origination: Olathe,Ks
Destination: Gardner, Ks





SIGN HERE INC
U.S. DOT #: 1738167

Review Date:
03/28/2019

Part B Violations

8 STATE	Primary: 392.2 Secondary: 8-2,125	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
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Description

Operating a CDL required vehicle without a properly classed and valid CDL

Example

Dave M Fesenmeyer
09-18-18

At the time of this trip, and the time of this review, it was found that this driver listed above had no Class B CDL. The truck was listed on the RSI as being 33000 lbs GVWR. The carrier/driver listed has no CDL.

Origination: Olathe, Ks
Destination: Gardner, Ks

9 STATE	Primary: 395.8(a) CFR Equivalent: 395.8(a)	Discovered 1	Checked 30	Drivers/Vehicles In Violation 1	Checked 1
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Description

Failing to require driver to make a record of duty status.

Example

Dave M Fesenmeyer
09-18-18

At the time of this trip, and the time of this review, the carrier/driver did not complete any hours of service for the above trip. This carrier is a time sheet carrier that always operates well within the 100 air mile radius. September of 2018 was the examined month of Hours of Service. The vehicle as per roadside inspection was listed as being 33000 lbs GVWR.

Origination: Olathe, Ks
Destination: Gardner, Ks

10 STATE	Primary: 396.3(b)(1) CFR Equivalent: 396.3(b)(1)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
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Description

Failing to keep a maintenance record which identifies the vehicle, including make, serial number, year, and tire size.

Example

Fleet # 02
Ks#513645

Carrier had one vehicle that was required a maintenance file. The file had make and model with no other items listed on the file that is required of this part.

Safety Fitness Rating Information:

Total Miles Operated	20,000
Recordable Accidents	0
Recordable Accidents/Million Miles	0.00

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

Your proposed safety rating is : SATISFACTORY	Rating Factors	Acute	Critical	
	Factor 1:	S	0	0
	Factor 2:	S	0	0
	Factor 3:	S	0	0
	Factor 4:	S	0	0
	Factor 5:	S	0	0
	Factor 6:	S	-	-





SIGN HERE INC
U.S. DOT #: 1738167

Review Date:
03/28/2019

Part B Violations

Corrective actions must be taken for any violations (deficiencies) identified on Part B of this report.





SIGN HERE INC
U.S. DOT #: 1738167

Review Date:
03/28/2019

Part B Requirements and/or Recommendations

1. Operating a CDL required vehicle without a proper and valid CDL.
2. Do not allow drivers to operate a commercial motor vehicle without proper endorsements.
3. Every self-propelled CMV subject to the regulations must be marked in accordance to 390.21 (b), (c), and (d) of this section and Kansas ruling under KSA 8-143e. 390.21(b)(1) - Legal name or a single trade name as listed on Form MCSA-1 or the motor carrier identification report; (b)(2) - The identification number issued by FMCSA to the motor carrier, preceded by the letters USDOT. KSA 8-143e requires the carrier to also include the City and State where based and GRW (gross registered weight) of the tag if not apportioned. Continuing with 390.21, the marking must (c)(1) appear on both sides of the self-propelled CMV; (c)(2) - have letters in contrasting colors; (c)(3) - be visible during daylight hours from a distance of 50 feet while stationary (2" tall is required by State Statutes); and (c)(4) - be kept and maintained in a manner that retains the legibility required by (c)(3).
4. Ensure that you give drivers a written drug policy and educational materials.
5. Per 391.51(a) - requirements for maintaining the medical certification information in the Driver Qualification file is as follows:
 - (7)(i) The medical examiner's certificate as required by § 391.43(g) or a legible copy of the certificate.

(ii) Exception. For CDL holders, beginning January 30, 2012, if the CDLIS motor vehicle record contains medical certification status information, the motor carrier employer must meet this requirement by obtaining the CDLIS motor vehicle record defined at § 384.105 of this chapter. That record must be obtained from the current licensing State and placed in the driver qualification file. After January 30, 2015, a non-excepted, interstate CDL or CLP holder without medical certification status information on the CDLIS motor vehicle record is designated "not-certified" to operate a CMV in interstate commerce. After January 30, 2015, a motor carrier may use a copy of the driver's current medical examiner's certificate that was submitted to the State for up to 15 days from the date it was issued as proof of medical certification.

(iii) If that driver obtained the medical certification based on having obtained a medical variance from FMCSA, the motor carrier must also include a copy of the medical variance documentation in the driver qualification file in accordance with § 391.51(b)(8);
6. The MCS-150 (Motor Carrier Identification Report) is required to be updated bi-annually. As required under 49 CFR 390.19(a) and 390.19(b), the carrier must file Form MCS-150 before it begins operations and every 24 months according to the schedule noted in 390.19(b)(2). Depending on the next to the last digit of the USDOT#, the carrier will be responsible for updating the USDOT# in either the even or odd number year. Example: The next to the last number in the USDOT# is 2, the carrier would need to update the MCS150 in an even numbered year. On the same hand, the last number of the USDOT# is the qualifier for the month in which the update must occur. If the last number of the USDOT# is 4, the USDOT# must be updated by the end of April. The required form must be filed with FMCSA Office of Information Management. The USDOT number needs to be filed electronically according to the instructions at the Agency's (www.fmcsa.dot.gov) Web site.
7. 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 Sign Here Inc operating authority and/or the impoundment of Sign Here Inc vehicles.

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 





SIGN HERE INC
U.S. DOT #: 1738167

Review Date:
03/28/2019

Part B Requirements and/or Recommendations

Printed *DAVID M. FEENEY EYER*
M.W. Heenan KS 8213

x *[Signature]*
Signed *M.W. Heenan*

8. Per 391.51(b)(7)(i): The qualification file for a driver must include the medical examiner's certificate as required by 391.43(g) or a legible copy of the certificate.
9. The carrier is required to maintain a complete road test or a copy of a valid commercial drivers license (CDL) in the driver qualification file.
10. Pursuant to 391.23 (a) (1) An inquiry to each state where the driver held or holds a motor vehicle operator's license or permit during the preceding 3 years to obtain that driver's motor vehicle record.
11. As required by 391.25(a), motor carriers shall, at least once every 12 months, make an inquiry to obtain the motor vehicle record of each driver it employs, covering at least the preceding 12 months, to the appropriate agency of every State in which the driver held a commercial motor vehicle operator's license or permit during the time period.
12. A record identifying the vehicle to include company number, if so marked, make, serial number, year, and tire size. In addition, if the motor vehicle is not owned by the motor carrier, the record shall identify the name of the person furnishing the vehicle
13. Per 49 CFR 391.51(b)(5) and (b)(6), the motor carrier is required to process an annual review and certification of the driver's driving record - 391.51(b)(5) A note relating to the annual review of the driver's driving record as required by 391.25(c)(2); 391.51(b)(6) A list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27.
14. 391.21 - A person shall not drive a commercial motor vehicle unless he/she has completed and furnished the motor carrier that employs him/her with an application for employment that meets the requirements of paragraph (b) of this section.
15. 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





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Part B Requirements and/or Recommendations

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 carriers 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

16. 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
17. If carrier is not subject to federal corrective action plan the KCC requires you reply in writing with corrections made to violations in this review. Please advise how you will correct deficiencies and how you intend to rectify them from happening in the future. Please include all copies of documents to be included in this correction action letter and send to the following individual at the following address within 30 days of this review.

Kansas Corporation Commission
1500 SW Arrowhead Rd
Topeka, Ks 66604-4027
Attn; Gary Davenport

18. CDL Drivers operating vehicles which meet the definition of a CDL commercial motor vehicle (CMV) SHALL have an equal chance of being tested each time selections are made. These drivers shall be in a pool of CDL drivers.





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Part B Requirements and/or Recommendations

Non-CDL drivers cannot be allowed in the same pool as the CDL drivers as the non-CDL drivers will take the opportunity for a random selection away from the CDL driver resulting in the CDL driver not having an equal chance of being tested each time selections are made.

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

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Carrier Name

PRESIDENT

Carrier Official

Kansas Corporation Commission M.W. Newman



ATTACHMENT "B"

DRIVER/VEHICLE EXAMINATION REPORT

Query Central 3.4

Kansas Highway Patrol
MOTOR CARRIER SAFETY ASSISTANCE
700 SW Jackson, Ste 704
Topeka, KS 66603
Phone: (785)296-7189 Fax: (785)296-2858

Report Number: KSPD83961340
Inspection Date: 09/18/2018
Start: 3:23 PM CT End:03:35 PM CT
Inspection Level: III - DriverOnly
HM Inspection Type: None

SIGN HERE INC
558 W MAIN STREET
GARDNER, KS 66030-1619
USDOT#: 01738167
MC/MX#:
State#:

Phone#:
Fax#:

Driver: FESENMEYER, DAVID M
License#:
Date of Bi
CoDriver:
License#:
Date of Birth:
State: KS
State:

Location: JOHNSON COUNTY - 091
Highway: OLD 56 HWY / 151ST ST
County:

MilePost:
Origin: OLATHE,KS
Destination: GARDNER ,KS

Shipper: SAME AS CARRIER
Bill of Lading: NONE
Cargo: SIGN

VEHICLE IDENTIFICATION

Table with columns: Unit, Type, Make, Year, State, Plate #, Equipment ID, VIN, GVWR, CVSA #, New CVSA #, OOS#

BRAKE ADJUSTMENTS. No Brake Measurements Required For Level 3

VIOLATIONS

Table with columns: Vio Code, Section, Unit, OOS, Citation #, Verify, Crash, Violations Discovered

HazMat: No HM Transported.

Placard: No Cargo Tank:

Special Checks: Traffic Enforcement;

* 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:

W 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. Livengood

Badge #:
8396

Copy Received By:
DAVID FESENMEYER



X

X

DRIVER/VEHICLE EXAMINATION REPORT

Query Central 3.4

Kansas Highway Patrol
MOTOR CARRIER SAFETY ASSISTANCE
700 SW Jackson, Ste 704
Topeka, KS 66603
Phone: (785)296-7189 Fax: (785)296-2858

Report Number: KSPD83961340
Inspection Date: 09/18/2018
Start: 3:23 PM CT End: 03.35 PM CT
Inspection Level: III - DriverOnly
HM Inspection Type: None

SIGN HERE INC
558 W MAIN STREET
GARDNER, KS 66030-1619
USDOT#: 01738167
MC/MX#: _____
State#: _____

Phone#: [REDACTED]
Fax#: [REDACTED]

Driver: FESENMEYER, DAVID M
License#: [REDACTED] State: KS
Date of Birth: [REDACTED]
CoDriver: _____
License#: _____ State: _____
Date of Birth: _____

Inspection Notes

[REDACTED]

Special Studies No Special Study Data Recorded

Report Prepared By:
J. Livengood

Badge #:
8396

Copy Received By:
DAVID FESENMEYER

Page 2 of 2



01738167 KS KSPD83961340

X _____

X _____

CERTIFICATE OF SERVICE

19-TRAM-413-PEN

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail/hand delivered on 04/17/2019.

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

DAVE M. FESENMEYER, PRESIDENT
SIGN HERE, INC.
558 W MAIN ST
GARDNER, KS 66030-1619
dave@signhereinc.com

/S/ DeeAnn Shupe

DeeAnn Shupe