

1500 SW Arrowhead Road
Topeka, KS 66604-4027



20210909115219
Kansas Corporation
Commission
Phone: 785-271-3100
Fax: 785-271-3354
<http://kcc.ks.gov/>

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

Laura Kelly, Governor

NOTICE OF PENALTY ASSESSMENT

September 9, 2021

22-TRAM-119-PEN

Michael Craig Hoisington, President
J & C Oilfield Services Inc.
PO Box 101
Paradise, KS 67658

This is a notice of a penalty assessment against J & C Oilfield Services Inc. (J & C Oilfield) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on August 31, 2021, by Kansas Corporation Commission Special Investigator Gregory Askren. Penalties are assessed in accordance with the FY 2022 Uniform Penalty Assessment Matrix, approved by the Commission on June 29, 2021. 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: J & C Oilfield has been assessed a \$2,050 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$2,050, 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 J & C Oilfield 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. J & C Oilfield 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.¹

IF YOU FAIL TO ACT: Failure to pay the penalty of \$2,050 within thirty (30) days from the date of service of the Penalty Order or failure to comply with the terms of the Order, or in the alternative, failure to provide a timely written request for a hearing, will result in the Order becoming final and may result in additional sanctions of suspension and/or revocation of your motor carrier operating authority.

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

¹ K.A.R. 82-1-215; K.S.A. 77-542.

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

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

In the Matter of the Investigation of **J & C**)
Oilfield Services Inc., of Gorham, KS,)
Regarding the Violation(s) of the Motor Carrier)
Safety Statutes, Rules and Regulations and the) Docket No. 22-TRAM-119-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 66-1,108b, 66-1,111, 66-1,112g, 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. 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. J & C Oilfield Services Inc. (J & C Oilfield or Carrier) has private operating authority with the Commission and further operates under USDOT number 3342749.

5. Jack Brown attended the Procedures for Safety Compliance Seminar presented by the Kansas Corporation Commission, on May 13, 2019, on behalf of J & C Oilfield.

6. J & C Oilfield is a private motor carrier which primarily hauls oil field equipment.

III. STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, on August 13, 2021, Commission Staff (Staff) Special Investigator Gregory Askren conducted a safety compliance review of the operations of J & C Oilfield. 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 three (3) violation(s) of the Motor Carrier Safety Regulations.

- a. On May 17, 2021, J & C Oilfield required or permitted its driver, Michael Hoisington, to operate a CDL-required commercial motor vehicle, a 2013 Kenworth, VIN ending in 359568, GVWR 53,200 lbs., pulling a 2006 Precision trailer, VIN ending in 3251, GVWR 68,000 lbs., in intrastate

commerce in from Russell, Kansas to Riga, Kansas. This trip is evidenced by an Invoice, Number 1061, dated May 17, 2021, a copy of which is attached hereto as Attachment “B” and is hereby incorporated by reference. At the time of this transportation, J & C Oilfield failed to establish a controlled substance and alcohol testing program for their CDL drivers. The Carrier’s failure to establish an alcohol and controlled substances testing program for its CDL drivers that complies with the procedures established in 49 C.F.R. 382.105 as adopted by K.A.R. 82-4-3c is a violation of 49 C.F.R. 382.115(a), adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$650.

- b. On August 2, 2021, J & C Oilfield required or permitted its driver, Michael Hoisington, to operate a CDL-required commercial motor vehicle, a 2013 Kenworth, VIN ending in 359568, GVWR 53,200 lbs., pulling a 2006 Precision trailer, VIN ending in 3251, GVWR 68,000 lbs., in intrastate commerce in from Russell, Kansas to Wakeeney, Kansas. This trip is evidenced by an Invoice, with a service date of August 2, 2021, a copy of which is attached hereto as Attachment “C” and is hereby incorporated by reference. At the time of this transportation, J & C Oilfield failed to obtain and document a successful periodic inspection on their commercial motor vehicles. The Special Investigator found two (2) violations of this type. The Carrier’s failure to conduct periodic inspections on their commercial motor vehicles is a violation of 49 C.F.R.

396.17(a), adopted by K.A.R. 82-4-3j, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$750.

- c. On September 28, 2020, J & C Oilfield required or permitted its driver, Michael Hoisington, to operate a CDL-required commercial motor vehicle, a 2013 Kenworth, VIN ending in 359568, GVWR 53,200 lbs., pulling a 2006 Precision trailer, VIN ending in 3251, GVWR 68,000 lbs., in intrastate commerce in from Russell, Kansas to Albert, Kansas. This trip is evidenced by an Invoice, Number 1049, dated September 28, 2020, a copy of which is attached hereto as Attachment “D” and is hereby incorporated by reference. At the time of this transportation, J & C Oilfield failed to implement a random alcohol and controlled substance testing program. The Special Investigator found two (2) violations of this type. The Carrier’s failure to ensure that each driver selected for random alcohol and controlled substance testing has an equal chance of being selected each time selections are made is in violation of 49 C.F.R. 382.305(i)(2), adopted by K.A.R. 82-4-3c and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$650.

IV. STAFF’S RECOMMENDATIONS

8. Staff submitted a Report and Recommendation (R&R), dated September 2, 2021, attached hereto as Attachment “E” 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 J & C Oilfield committed three (3) violation(s) of Kansas law that governs motor carriers, including

various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

10. Additionally, Staff recommends a civil penalty of \$2,050 for three (3) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

11. Staff further recommends that a representative from J & C Oilfield 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 J & C Oilfield 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 J & C Oilfield 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 J & C Oilfield pursuant to K.S.A. 66-1,108b 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 J & C Oilfield committed three (3) 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. J & C Oilfield Services Inc., of Paradise, KS is hereby assessed a \$2,050 civil penalty for three (3) 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. J & C Oilfield 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. J & C Oilfield 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 J & C Oilfield'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 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.²

G. If you do not request a hearing, the payment of the civil penalty of \$2,050 is due in thirty (30) days from the date of service of this Order. Payment of \$2,050 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 \$2,050 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 J & C Oilfield's motor carrier operating authority without further notice.³ Additionally, the Commission may impose further sanctions to include, but not limited to, the

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

³ K.S.A. 66-1,105.

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.

French, Chairperson; Keen, Commissioner; Duffy, Commissioner

Dated: 09/09/2021



Lynn M. Retz
Executive Director

AAL

ATTACHMENT “A”

UNITED STATES DEPARTMENT OF TRANSPORTATION



U.S. DOT#: 3342749
MC/MX#: 0

Legal: J & C OILFIELD SERVICES INC
Operating (DBA):

Investigation Date:
08/31/21

Investigation Type: Onsite Comprehensive Investigation

Location of Investigation: Other (GA Consultants, Hoisington, Ks.)

Extent of Operations: Entire Operation

Physical Address

87 CHICAGO ST
GORHAM, KS 67640-9005
United States

Mailing Address

PO Box 101
Paradise, KS 67658
United States

Contact Information

Contact Name: MICHAEL CRAIG HOISINGTON

Email: [REDACTED]

Phone: (785) [REDACTED] **Cell:** ()- [REDACTED] **Fax:** ()- [REDACTED]

Business and Financial

Business Type: Corporation

Gross Revenue: [REDACTED] **For Year Ending:** 12/31/20

Federal Tax ID: [REDACTED]

Operation Classification and Type

Type of Operation: HM Intrastate Carrier

Operation Classification

Private Motor Carrier
Property – Hazardous Materials

Cargo

Oil Field Equipment

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 required in 49 CFR Part 385, Subpart E?

Yes

Is an HM Permit required by any State?

No

Hazardous Materials

Class 3 Flammable and Combustible Liquid = C, NB

Equipment				Driver Information		
	Owned	Term Leased	Trip Leased	Drivers		
Truck Tractors	1				Intrastate	Interstate
Trailers	1			< 100 Miles		
				>= 100 Miles	2	
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: 2 Total Drivers: 2		
Person(s) Interviewed						
Name: MICHAEL CRAIG HOISINGTON				Title: PRESIDENT		
Name: Jack Brown				Title: General Partner		
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:				1303 SW FIRST AMERICAN PL STE 200 TOPEKA, KS 66604-4040 Phone: (785) 271-1260 Fax: (877) 547-0378		
This report will be used to assess your safety compliance.						

Violations

1. Primary: 382.115(a)

Failing to implement an alcohol and/or controlled substances testing program on the date the employer begins commercial motor vehicle operations.

A

Acute

Violations Discovered

Fed	State	Total
1		1

Checked

Fed	State	Total
1		1

BASIC Impacted
Controlled
Substances/Alcohol

Rating Factor 2:
Driver = Part 382

Example/Notes:

Driver name, - Michael Hoisington
Trip date, - 5-17-2021

Drivers/Vehicles

In Violation	Checked

2. Primary: 396.17(a)

Using a commercial motor vehicle not periodically inspected.

C

Critical

At least 10% of the number checked had violations

Violations Discovered

Fed	State	Total
	2	2

Checked

Fed	State	Total
	2	2

BASIC Impacted
Vehicle Maintenance

Rating Factor 4:
Vehicle = Part 396

Example/Notes:

Vehicle - 2013 KW, Vin # [REDACTED] Reg. 663814, GVWR 53,200 pulling a 2006 FOAM, VIN # [REDACTED], Ks. Reg. 649405, GVWR 68000.
Date of trip - 8-2-2021 from Russel Ks to Wakeeney Ks.

Drivers/Vehicles

In Violation	Checked
2	2

3. Primary: 382.305(i)(2)

Failing to ensure that each driver subject to random alcohol and controlled substances testing has an equal chance of being selected each time selections are made.

Violations Discovered

Fed	State	Total
2		2

Checked

	<table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td>2</td><td></td><td>2</td></tr></table>	Fed	State	Total	2		2
Fed	State	Total					
2		2					
Example/Notes: Driver name - Michael Hoisington Selection - September 2020 Trip date - 9-28-2020	Drivers/Vehicles <table><tr><th>In Violation</th><th>Checked</th></tr><tr><td>2</td><td>2</td></tr></table>	In Violation	Checked	2	2		
In Violation	Checked						
2	2						

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: Vehicle Maintenance

Process Breakdown: Policies and Procedures

The company failed to do annual inspections on both units.

Specific Recommended Remedies

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

1. Develop a system of preventive maintenance for compliant, safe, and efficient fleet operations, including a schedule for periodic maintenance, inspection, and recordkeeping. This system should be attuned to manufacturer recommendations, the carrier's own experience, and regulatory requirements.

BASIC: Controlled Substances/Alcohol

Process Breakdown: Policies and Procedures

The company failed to have the drivers in the testing pool for the year 2020 and failed to be in a consortium after November 2020.

Specific Recommended Remedies

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

1. Develop a written company policy incorporating by reference all regulations regarding controlled substances and alcohol use, testing, training, and records retention for all employees.
2. Establish written policies and procedures that promote, verify, and enforce adherence to all controlled-substance and alcohol rules and regulations. Procedures should be tailored to company operations and should provide specific checks and guidelines for interacting with a consortium, if applicable.
3. Develop a policy to ensure that all alcohol testing is conducted immediately before or after the period that employees are performing a safety-sensitive function. Drivers can be tested on their day off only for controlled substances. Once notified of their selection, drivers must proceed immediately to the testing facility. If a driver refuses to go, this should be considered as equivalent to a positive result.
4. Develop a written and progressive disciplinary policy focused on taking corrective action to ensure drivers comply with regulations and policies. A progressive disciplinary policy could include, among other things, written warnings, suspensions, or work restrictions, monetary penalties, and termination. This policy should also specify consequences for any carrier official who knowingly and willfully allows controlled-substance and alcohol violations.

Recommendations

1. **Additional Information**

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

2. **For all Investigations not Unsat.**

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 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 or email the letter along with copies of your supporting evidence to:
Kansas Corporation Commission
Attn: Gary Davenport
1500 SW Arrowhead Rd
Topeka, KS 66604-4027
g.davenport@kcc.ks.gov

3. **Obtain copies of the regulations, forms, interpretations, manuals.**

Copies of the regulations, forms, interpretations, and manuals are available from a variety of sources. Check the FMCSA website for a current list of suppliers. www.fmcsa.dot.gov/safety-security/eta/index.htm

4. **A copy of your profile can be obtained by accessing the Portal.**

A copy of your carrier profile can be obtained at no cost from the FMCSA Portal (<https://portal.fmcsa.dot.gov/login>).

5. **Conduct periodic internal reviews. (non-HM)**

Conduct periodic internal reviews of your driver qualification, hours of service control, maintenance, accident analysis/reporting, training, and other safety systems to ensure continued compliance with the FMCSR.

6. **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 .

7. **Establish a maintenance records program for all vehicles.**

Establish a systematic maintenance records program for all vehicles. Maintain a complete file for each subject vehicle, recording all repair, maintenance and inspection operations performed.

8. **Ensure that inspections are done at proper intervals.**

Ensure that the persons or entities that perform preventative maintenance inspections on your equipment are abiding by agreed time or mileage intervals. Ensure that records are kept of such periodic preventative maintenance inspections. Take corrective action, if schedules are not being adhered to.

9. **Driver drug tests required.**

Ensure that all drivers subject to pre-employment, random, reasonable cause, post accident, return to duty, and/or follow-up controlled substance testing are tested as required by 49 CFR Parts 40 and 382 of the FMCSR.

10. **Drug and Alcohol Testing Company Policy (Educational Materials)**

Provide employees with a written controlled substance and alcohol testing policy that complies with all the requirements noted in Part 382.601(b). Also, ensure you maintain a certificate signed by the employee certifying they have received your company drug and alcohol testing policy.

11. **Part 40 Violations**

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

12. **Alcohol Testing**

Ensure that all alcohol testing is conducted immediately before or after the period that employees are performing a safety-sensitive function. Drivers can be tested on their day off only for controlled substances. Once notified of their selection, drivers must proceed immediately to the testing facility. If a driver refuses to go, this should be considered as equivalent to a positive result.

13. **SMS website**

You are encouraged to review your company's SMS results and take action to make the roads safer for everyone. Your public safety records are available at the following website: <http://ai.fmcsa.dot.gov/sms>. Also visit <https://portal.fmcsa.dot.gov> which provides real time data and the opportunity to review your safety data. You will need to use your PIN number that has been provided by FMCSA. Registration and access is free.

14. **Drug-Testing Equal Opportunity**

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. 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.

15. The KCC requires that you prepare a corrective action plan, addressing the measures taken to correct all the violations identified within this report. Submit this letter within 30 days outlining the carrier's updated changes to their policies and procedures regarding all listed violations. Explain in detail how, as a carrier representative, you will rectify these deficiencies and prevent their

reoccurrence going forward. Include any supporting documentation and evidence as indicated in the recommendations above, (example: vehicle inspections performed, proof of drug and alcohol testing in place, etc.) necessary to prove that corrective action has been taken. Submit the letter along with copies of your supporting evidence to:

Email: g.davenport@kcc.ks.gov FAX: 785-271-3124 or mail: Kansas Corporation Commission Attn: Gary Davenport 1500 SW Arrowhead Rd Topeka, KS 66604-4027

Failure to submit the plan & attend a KCC safety presentation within 30 days of the closing of the compliance review can result in further penalties in a follow up review. Carrier J & C Oilfield Services Date 8-31-21

I acknowledge that these requirements/violations 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 J & C Oilfield Services Inc. vehicles operating authority and/or the impoundment of J & C Oilfield Services Inc. vehicles.

Signed Michael C. Harris Date 8-31-21

I understand that monetary penalties will be assessed as a result of violations found in this compliance review. Carrier representative: Michael C. Harris Date: 8-31-21

ATTACHMENT “B”

J & C Oilfield Services, Inc.
PO Box 101
Paradise, KS 67658
785-637-5230
jandcoil@outlook.com



BILL TO
Trans Pacific Oil Corporation
100 S Main St Ste 200
Wichita, KS 67202
United States

INVOICE 1061

DATE 05/25/2021 TERMS Net 30

DUE DATE 06/24/2021

REQUESTED BY
Monte

SERVICE DATE
05/17/2021

LEASE
Ridgeway #3 SWD

QTY	ITEM	DESCRIPTION	RATE	AMOUNT
6	FOAM UNIT	PER HOUR	250.00	1,500.00T
25	Chemical	GALLONS - FOAMER W/CORROSION INHIBITOR	16.47	411.75T
120	DIESEL - NON MV	GALLONS	3.00	360.00

Thank you for your business!

SUBTOTAL	2,271.75
TAX	143.38
TOTAL	2,415.13
PAYMENT	2,415.13
TOTAL DUE	\$0.00

A Finance Charge will be incurred on all past due balances at a rate of 2% monthly or an annual rate of 24%.
In the event of non-payment, customer will pay all costs of collection, including reasonable attorney fees.

ATTACHMENT “C”

J & C Services

Invoice Date: 08-08-2021

384 W 13th St
Russell, KS 67665
785-324-1516 Jack
785-324-0401 Jamie

Service
Date: 8/2/2021

Invoice #: 106
For: Lease- Albers #2 SWD

Bill To: Trans Pacific Oil Corp
100 S Main St Ste 200
Wichita, KS 67202
Phone: 316-262-3596

DESCRIPTION	AMOUNT
Foaming Unit 10 hours @ \$250.00/hr	\$2,500.00
Chemical 25gal @ \$16.47/gal	\$411.75
	SUBTOTAL \$2,911.75
	TAX RATE 7.50%
	SALES TAX \$218.38
	Diesel-not tax \$432.00
	TOTAL \$3,562.13

Make all checks payable to J & C Oilfield Services. A finance charge will be incurred on all past due balances at a rate of 2% monthly or an annual rate of 24%. In the event of non-payment, customer will pay all costs of collection, including reasonable attorney fees.

THANK YOU FOR YOUR BUSINESS!

mailed

ATTACHMENT “D”

J & C Oilfield Services, Inc.
PO Box 101
Paradise, KS 67658
785-637-5230
jandcoil@outlook.com



BILL TO
North Star Investment
13735 E. Pinnacle Dr
Wichita, KS 67230

INVOICE 1049

DATE 10/05/2020 TERMS Net 30

DUE DATE 11/04/2020

SERVICE DATE
09/28/2020

LEASE
Schauf B #10 SWD

QTY	ITEM	DESCRIPTION	RATE	AMOUNT
6	FOAM UNIT	PER HOUR	250.00	1,500.00T
25	Chemical	GALLONS - FOAMER W/CORROSION INHIBITOR	16.47	411.75T
105	DIESEL - NON MV	GALLONS	2.60	273.00

Thank you for your business!

SUBTOTAL	2,184.75
TAX	143.38
TOTAL	2,328.13
PAYMENT	2,328.13
TOTAL DUE	\$0.00

A Finance Charge will be incurred on all past due balances at a rate of 2% monthly or an annual rate of 24%.
In the event of non-payment, customer will pay all costs of collection, including reasonable attorney fees.

ATTACHMENT “E”

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

Laura Kelly, Governor

REPORT AND RECOMMENDATION TRANSPORTATION DIVISION

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

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

DATE: September 2, 2021

SUBJECT: Docket No. 22-TRAM-119-PEN
In the Matter of the Investigation of J & C Oilfield Services Inc. of Gorham,
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:

J & C Oilfield Services Inc. (J & C Oilfield or Carrier) is a motor carrier possessing private operating authority from the Commission, primarily hauling oil field equipment. J & C Oilfield operates under USDOT 3342749. On August 31, 2021, Commission Staff Special Investigator Gregory Askren conducted a safety compliance review of the operations of J & C Oilfield. As a result of this investigation, the special investigator identified three (3) violation(s) of the Motor Carrier Safety Regulations, resulting in a recommended penalty of \$2,050.

DISCUSSION AND ANALYSIS:

On August 31, 2021, Commission Staff Special Investigator Gregory Askren conducted a safety compliance review of the operations of J & C Oilfield. As a result of this investigation, the special investigator identified three (3) violation(s) of the Motor Carrier Safety Regulations.

Violation One (1 of 3)

On May 17, 2021, J & C Oilfield required or permitted its driver, Michael Hoisington, to operate a CDL-required commercial motor vehicle, a 2013 Kenworth, VIN ending in 359568, GVWR 53,200 lbs., pulling a 2006 Precision trailer, VIN ending in 3251, GVWR 68,000 lbs., in intrastate commerce in from Russell, Kansas to Riga, Kansas. This trip is evidenced by an Invoice, Number 1061, dated May 17, 2021. At the time of this transportation, J & C Oilfield failed to establish a controlled substance and alcohol testing program for their CDL drivers. The Carrier's failure to establish an alcohol and controlled substances testing program for its CDL drivers that

complies with the procedures established in 49 C.F.R. 382.105 as adopted by K.A.R. 82-4-3c is a violation of 49 C.F.R. 382.115(a), adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$650.

Violation Two (2 of 3)

On August 2, 2021, J & C Oilfield required or permitted its driver, Michael Hoisington, to operate a CDL-required commercial motor vehicle, a 2013 Kenworth, VIN ending in 359568, GVWR 53,200 lbs., pulling a 2006 Precision trailer, VIN ending in 3251, GVWR 68,000 lbs., in intrastate commerce in from Russell, Kansas to Wakeeney, Kansas. This trip is evidenced by an Invoice, with a service date of August 2, 2021. At the time of this transportation, J & C Oilfield failed to obtain and document a successful periodic inspection on their commercial motor vehicles. The Special Investigator found two (2) violations of this type. The Carrier's failure to conduct periodic inspections on their commercial motor vehicles is a violation of 49 C.F.R. 396.17(a), adopted by K.A.R. 82-4-3j, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$750.

Violation Three (3 of 3)

On September 28, 2020, J & C Oilfield required or permitted its driver, Michael Hoisington, to operate a CDL-required commercial motor vehicle, a 2013 Kenworth, VIN ending in 359568, GVWR 53,200 lbs., pulling a 2006 Precision trailer, VIN ending in 3251, GVWR 68,000 lbs., in intrastate commerce in from Russell, Kansas to Albert, Kansas. This trip is evidenced by an Invoice, Number 1049, dated September 28, 2020. At the time of this transportation, J & C Oilfield failed to implement a random alcohol and controlled substance testing program. The Special Investigator found two (2) violations of this type. The Carrier's failure to ensure that each driver selected for random alcohol and controlled substance testing has an equal chance of being selected each time selections are made is in violation of 49 C.F.R. 382.305(i)(2), adopted by K.A.R. 82-4-3c and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$650.

RECOMMENDATION:

Transportation Staff recommends the Commission find J & C Oilfield committed three (3) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

Additionally, Staff recommends a civil penalty of \$2,050 for three (3) 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 J & C Oilfield 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 http://kcc.ks.gov/trans/safety_meetings.htm.

Staff further recommends J & C Oilfield 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 J & C Oilfield 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

22-TRAM-119-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 09/09/2021.

Michael Craig Hoisington, PRESIDENT
J & C Oilfield Services Inc.
PO Box 101
Paradise, KS 676658
jandcoil@outlook.com

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

/S/ DeeAnn Shupe

DeeAnn Shupe