



1500 SW Arrowhead Road  
Topeka, KS 66604-4027

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

Laura Kelly, Governor

**NOTICE OF PENALTY ASSESSMENT**  
**22-TRAM-247-PEN**

December 21, 2021

Leroy Mast, President  
Mast Trucking Inc  
31800 2 Road  
Copeland, KS 67837

This is a notice of a penalty assessment against Mast Trucking Inc (Mast Trucking) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on from November 15 to December 8, 2021, by Kansas Corporation Commission Special Investigators, Penny Fryback and Erica Pargas. 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:** Mast Trucking has been assessed a \$6,500 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$6,500, 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 Mast Trucking to attend a Commission-sponsored safety seminar within ninety (90) days from the date of the Order and to provide the undersigned Litigation Counsel with written proof of attendance. A schedule of dates and locations for safety seminars can be found at the Commission's website [http://www.kcc.state.ks.us/trans/safety\\_meetings.htm](http://www.kcc.state.ks.us/trans/safety_meetings.htm).

**IF YOU CONTEST THE PENALTY ORDER:** You have the right to request a hearing. A request for hearing must be made in writing, setting forth the specific grounds upon which relief is sought. Mast Trucking must file, within fifteen (15) days from the date of service of this Order, the request for hearing with the Commission's electronic filing system found at <https://puc.kcc.ks.gov/e-filing/e-express/>, and mail a copy of the request for hearing to the undersigned at the above address. If you do not have access to the internet, you can mail an original and seven copies of the request to the Executive Director at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy to the undersigned Litigation Counsel.<sup>1</sup>

**IF YOU FAIL TO ACT:** Failure to pay the penalty of \$6,500 within thirty (30) days from the date of service of the Penalty Order or failure to comply with the terms of the Order, or in the alternative, failure to provide a timely written request for a hearing, will result in the Order becoming final and may result in additional sanctions of suspension and/or revocation of your motor carrier operating authority.

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

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

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

In the Matter of the Investigation of **Mast** )  
**Trucking Inc, of Copeland, KS**, Regarding the )  
Violation(s) of the Motor Carrier Safety Statutes, )  
Rules and Regulations and the Commission's ) **Docket No. 22-TRAM-247-PEN**  
Authority to Impose Penalties, Sanctions and/or )  
the Revocation of Motor Carrier Authority. )  
)

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:

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. Mast Trucking Inc (Mast Trucking or Carrier) has common operating authority with the Commission and further operates under USDOT number 1915879.

5. Mast Trucking is a common motor carrier which primarily hauls general freight, building materials, grain, feed, hay, blood, and plasma.

6. On February 11-26, 2020, Commission Staff (Staff) Special Investigators, Penny Fryback and Erica Pargas conducted a safety compliance review of the operations of Mast Trucking. As a result of this investigation, Special Investigators Fryback and Pargas identified seven (7) violations of the Motor Carrier Safety Regulations, and recommended civil penalties be assessed against the Carrier. On March 10, 2020, the Commission issued a Penalty Order assessing \$5,750 in fines against the Carrier in Docket No. 20-TRAM-379-PEN. The violations cited included:

- a. A \$1,000 fine for 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/her employment and prior to requiring or permitting him/her to operate a commercial motor vehicle;
- b. A \$1,000 fine for failure to conduct a controlled substance test on its randomly selected driver during the selection period;

- c. A \$250 fine for failure to require its driver to keep a proper record of duty status for each 24-hour period using a method described in 49 C.F.R. 395.8(a) and to submit the original record to the motor carrier within 13 days of its creation
- d. A \$2,500 fine for falsifying records of duty status. The special investigators discovered 20 violations of this type.<sup>2</sup>

7. On April 13, 2020, the Carrier sent a letter providing some additional information and requesting a reduction in penalty. At a settlement conference held on June 11, 2020, Staff and the Carrier informally discussed the possibility of settlement and reached mutually agreeable terms.

8. On June 23, 2020, the Commission approved a Unanimous Settlement Agreement. The \$1,000 fine for "failure to conduct a controlled substance test on its randomly selected driver during the selection period," was reduced to \$0.00. Additionally, the \$2,500 penalty for "falsifying records of duty status," was reduced to \$1,000. This resulted in the overall civil penalty dropping from \$5,570 to \$3,250.

9. Ray Orth attended the Procedures for Safety Compliance Seminar presented by the Kansas Corporation Commission, on November 19, 2020, on behalf of Mast Trucking.

### **III. STATEMENT OF FACTS**

10. Pursuant to the jurisdiction and authority cited above, from November 15 to December 8, 2021, Staff Special Investigators, Penny Fryback and Erica Pargas, conducted a safety compliance review of the operations of Mast Trucking. A copy of the safety compliance review is included in this Penalty Order as Attachment "A" and is hereby incorporated by

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<sup>2</sup> Penalty Order, ¶ 7 Docket No. 20-TRAM-379-PEN (Mar. 10, 2020)



reference. As a result of this investigation, the special investigators identified four (4) violation(s) of the Motor Carrier Safety Regulations.

- a. On November 1, 2021, Mast Trucking required or permitted its driver, Billy Stafford, to operate a CDL-required commercial motor vehicle, a 2021 Volvo, VIN ending in 600472, GVWR 52,000 lbs., in interstate commerce from Hudson, Kansas to Santa Fe, New Mexico. This trip is evidenced by a Daily Log for Billy Stafford, dated November 1, 2021, a copy of which is attached hereto as Attachment “B” and is hereby incorporated by reference. At the time of this transportation, Mast Trucking required or permitted its driver, Mr. Stafford, to operate a commercial motor vehicle prior to him completing follow-up testing required by the Substance Abuse Professional. The Carrier’s failure to require their drivers to complete follow-up testing required by the Substance Abuse Professional prior to operating a commercial motor vehicle is a violation of 49 C.F.R. 382.105 and 49 C.F.R. 40.309(a), adopted by K.A.R. 82-3-4c, and authorized by K.S.A. 66-1,129. The FY2022 Uniform Assessment Penalty Matrix (Penalty Matrix) does not include a fine for the above type of violation. Due to the severity of the violation, however, Staff recommends the Commission diverge from the Penalty Matrix and recommends a fine of \$1,000.
- b. On June 23, 2021, Mast Trucking required or permitted its driver, Randall Leiker, to operate a CDL-required commercial motor vehicle, a 2018 Volvo, VIN ending in 884805, GVWR 51,200 lbs., in interstate commerce from Council Bluffs, IA to Marienthal, Kansas. This trip is evidenced by a Daily

Log for Randall Leiker, dated June 23 to June 24, 2021, a copy of which is attached hereto as Attachment “C” and is hereby incorporated by reference. At the time of this transportation, Mast Trucking required or permitted its driver, Mr. Leiker, to drive over the 14<sup>th</sup> hour. The Special Investigators found two (2) violations of this type. The Carrier’s failure to require its driver to cease driving at the 14<sup>th</sup> hour after coming on duty following ten (10) consecutive hours off duty is a violation of 49 C.F.R. 395.3(a)(2), adopted by K.A.R. 82-4-3a, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$250.

- c. From September 20 to September 21, 2021, Mast Trucking required or permitted its driver, Alan Clark, to operate a CDL-required commercial motor vehicle, a 2015 Kenworth T660, VIN ending in 457825, GVWR 54,000 lbs., in interstate commerce from Bucklin, Kansas to Storm Lake, IA. This trip is evidenced by a Daily Logs for Alan Clark, dated September 20 to September 21, 2021, a copy of which is attached hereto as Attachment “D” and is hereby incorporated by reference. At the time of this transportation, Mast Trucking required or permitted its driver, Mr. Clark, to falsify his record of duty status. The Special Investigators found sixteen (16) violations of this type. The Carrier requiring or permitting its drivers to falsifying records of duty status is a violation of 49 C.F.R. 395.8(e)(1), adopted by K.A.R. 82-4-3a, and authorized by K.S.A. 66-1,129. This carrier was previously penalized for the same violation in a Penalty Order issued on March 10, 2020. Due to the fact the penalty has had the same violation

in successive compliance reviews, Staff recommends an enhanced fine of \$5,000.<sup>3</sup>

- d. On June 2, 2021, Mast Trucking required or permitted its driver, Gregory Wespe, to operate a CDL-required commercial motor vehicle, a 2022 Mack Anthem, VIN ending in 025199, GVWR 33,000 lbs., in interstate commerce from Osceola, IA to Belleville, KS. This trip is evidenced by a Daily Log for Gregory Wespe, dated June 2, 2021, a copy of which is attached hereto as Attachment “E” and is hereby incorporated by reference. At the time of this transportation, Mast Trucking was unable to produce the inspector qualifications for Inspector Jamie Herrman, who completed the annual inspection on the commercial motor vehicle in May of 2021. The Carrier’s failure to retain evidence of the inspector’s qualifications to inspect the commercial motor vehicle is a violation of 49 C.F.R. 396.19(b), adopted by K.A.R. 82-4-3j, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$250.

#### **IV. STAFF’S RECOMMENDATIONS**

11. Staff submitted a Report and Recommendation (R&R), dated December 10, 2021, attached hereto as Attachment “F” and is hereby incorporated by reference. In its R&R, Staff made recommendation regarding the above-mentioned violations.

12. Based upon the available facts, Staff recommends the Commission finds Mast Trucking 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

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<sup>3</sup> Penalty Order, ¶ 7 Docket No. 20-TRAM-379-PEN (Mar. 10, 2020)

Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

13. Additionally, Staff recommends a civil penalty of \$6,500 for four (4) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

14. Staff further recommends that a representative from Mast Trucking 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](http://kcc.ks.gov/trans/safety_meetings.htm).

15. Staff further recommends Mast Trucking 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.

16. Finally, Staff recommends that Mast Trucking 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**

17. The Commission finds it has jurisdiction over Mast Trucking 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.

18. The Commission finds Mast Trucking 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.

**THE COMMISSION THEREFORE ORDERS THAT:**

A. Mast Trucking Inc, of Copeland, KS is hereby assessed a \$6,500 civil penalty 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.

B. Mast Trucking 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. Mast Trucking 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 Mast Trucking'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.<sup>4</sup>

G. If you do not request a hearing, the payment of the civil penalty of \$6,500 is due in thirty (30) days from the date of service of this Order. Payment of \$6,500 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 \$6,500 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 Mast Trucking's motor carrier operating authority without further notice.<sup>5</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.

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<sup>4</sup> . K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2); K.A.R. 82-1-202(a).

<sup>5</sup> K.S.A. 66-1,105.

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

French, Chairperson; Keen, Commissioner; Duffy, Commissioner

Dated: 12/21/2021



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Lynn M. Retz  
Executive Director

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## **ATTACHMENT “A”**

# UNITED STATES DEPARTMENT OF TRANSPORTATION

		<b>U.S. DOT#:</b> 1915879 <b>MC/MX#:</b> 686328	<b>Legal:</b> MAST TRUCKING INC <b>Operating (DBA):</b>	<b>Investigation Date:</b> 12/08/21																					
<b>Investigation Type:</b> Onsite Comprehensive Investigation			<b>Location of Investigation:</b> Company principal place of business (PPOB) <b>Extent of Operations:</b> Entire Operation																						
<b>Physical Address</b> 31800 2 ROAD COPELAND, KS 67837 United States			<b>Mailing Address</b> 31800 2 ROAD COPELAND, KS 67837 United States																						
<b>Contact Information</b> <b>Contact Name:</b> LEROY MAST, RAY ORTH <b>Email:</b> [REDACTED] <b>Phone:</b> (620)668-5121 <b>Cell:</b> [REDACTED] <b>Fax:</b> [REDACTED]																									
<b>Business and Financial</b> <b>Business Type:</b> Corporation <b>Gross Revenue:</b> [REDACTED] <b>For Year Ending:</b> 12/31/20 <b>Federal Tax ID:</b> [REDACTED]																									
<b>Operation Classification and Type</b> <b>Type of Operation:</b> Non-HM Interstate Carrier, Non-HM Intrastate Carrier <b>Operation Classification</b> For-Hire Motor Carrier Property Other Non-Hazardous Freight			<b>Cargo</b> Building Materials, General Freight, Grain, Feed, Hay, Other (Blood Plasma) )																						
<b>Equipment</b> <table border="1"> <thead> <tr> <th></th> <th>Owned</th> <th>Term Leased</th> <th>Trip Leased</th> </tr> </thead> <tbody> <tr> <td>Truck Tractors</td> <td>23</td> <td>20</td> <td></td> </tr> <tr> <td>Trailers</td> <td>79</td> <td></td> <td></td> </tr> </tbody> </table>				Owned	Term Leased	Trip Leased	Truck Tractors	23	20		Trailers	79			<b>Driver Information</b> <table border="1"> <thead> <tr> <th></th> <th>Intrastate</th> <th>Interstate</th> </tr> </thead> <tbody> <tr> <td>&lt; 100 Miles</td> <td></td> <td></td> </tr> <tr> <td>&gt;= 100 Miles</td> <td></td> <td>46</td> </tr> </tbody> </table>			Intrastate	Interstate	< 100 Miles			>= 100 Miles		46
	Owned	Term Leased	Trip Leased																						
Truck Tractors	23	20																							
Trailers	79																								
	Intrastate	Interstate																							
< 100 Miles																									
>= 100 Miles		46																							
<b>Power units used in the U.S.:</b> 43 <b>Percentage of time used in the U.S.:</b> 100%			<b>Average trip leased driver/month:</b> 0 <b>Drivers with CDL:</b> 46 <b>Total Drivers:</b> 46																						

Person(s) Interviewed	
<b>Name:</b> LEROY MAST	<b>Title:</b> PRESIDENT
<b>Name:</b> RAY ORTH	<b>Title:</b> SAFETY
<b>Name:</b> BRIAN ISAAC	<b>Title:</b> DISPATCHER
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
<b>This report will be used to assess your safety compliance.</b>	

## Violations

### 1. Primary: 382.105

#### Secondary: 40.309(a)

Using a driver to perform safety sensitive functions without conducting follow-up testing as directed by the Substance Abuse Professional.

#### Violations Discovered

Fed	State	Total
1		1

#### Checked

Fed	State	Total
8		8

#### Example/Notes:

Employee name: Billy Gene Stafford

Trip date: 10/6/2021

Driver Billy Gene Stafford tested positive for marijuana on 6/2/2020 and Mast Trucking Inc received the follow-up testing requirements for Driver Billy Stafford on October 25, 2020. Mast Trucking Inc. was required to complete 6 alcohol and 6 controlled substance tests within the first 12 months. Mast Trucking Inc. only completed 4 controlled substance tests.

#### Drivers/Vehicles

In Violation	Checked
1	8

### 2. 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
4		4

#### Checked

Fed	State	Total
46		46

#### Example/Notes:

Driver name: Omar Moncayo

Selection date: 4rd Quarter

Hire Date: 4/6/2021

Trip date: 6/12/2021

Driver Omar Moncayo was hired on April 6, 2021 and had a roadside inspection on June 12, 2021 but was not enrolled in the random testing program during the 4th quarter.

#### Drivers/Vehicles

In Violation	Checked
4	46



**3. Primary: 382.305(i)(3)**

Failing to ensure that drivers are tested within the selection period.

**Violations Discovered**

Fed	State	Total
1		1

**Checked**

Fed	State	Total
8		8

**Example/Notes:**

Driver name: Amy Marsh

Trip date: 11/2/2021

Selection period: Amy Marsh was chosen during the first quarter of 2021's random selection and Mast Trucking Inc. failed to test her during that quarter. Safety Director Ray Orth stated that Amy Marsh had been chosen several times and so they decided to send a substitute.

**Drivers/Vehicles**

In Violation	Checked
1	6

**4. Primary: 382.703 (a)**

Failing to keep records of the electronic consent for 3 years after the date from the last query.

**Violations Discovered**

Fed	State	Total
4	1	5

**Checked**

Fed	State	Total
7	1	8

**Example/Notes:**

Driver Floyd Marsh

Trip Date: 10/15/2021

Mast Trucking L.L.C. obtained the annual query on 1/5/2021 and failed to provide written or electronic proof that consent was provided for Driver Floyd Marsh.

**Drivers/Vehicles**

In Violation	Checked
5	8

**5. Primary: 382.705(b)(4)**

Failing to report an actual knowledge violation.

**Violations Discovered**

Fed	State	Total
2		2

**Checked**

Fed	State	Total

	2	2
<b>Example/Notes:</b>		
Driver Billy Stafford		
Test Date Verified Positive 6/2/2020		
Violation Description: Mast Trucking Inc. failed to report a verified positive test to the Drug and Alcohol Clearinghouse as required.		
<b>Drivers/Vehicles</b>		
<b>In Violation</b>	<b>Checked</b>	
2	2	

<b>6. Primary: 391.21(a)</b>		
Using a driver who has not completed and furnished an employment application.		
<b>Violations Discovered</b>		
<b>Fed</b>	<b>State</b>	<b>Total</b>
2	1	3
<b>Checked</b>		
<b>Fed</b>	<b>State</b>	<b>Total</b>
7	1	8
<b>Example/Notes:</b>		
Driver name: Isaac Valladares		
Trip date: 7/2/2021		
Description of violation: Isaac Valladares application for employment was missing 10 years of employment history. Isaac Valladares was an intrastate only driver during the entire month of July		
<b>Drivers/Vehicles</b>		
<b>In Violation</b>	<b>Checked</b>	
3	8	

<b>7. Primary: 395.3(a)(2)</b>		
"Driving a commercial motor vehicle for any period after having been on duty for 14 hours (property-carrying vehicles)."		
<b>Violations Discovered</b>		
<b>Fed</b>	<b>State</b>	<b>Total</b>
2		2
<b>Checked</b>		
<b>Fed</b>	<b>State</b>	<b>Total</b>
180	30	210
<b>Example/Notes:</b>		
Driver Gregory Wespe		
Trip Date: 6/17/2021		
Violation Description: Driver starts his day in Lizton, IN at 4:34 a.m. Driver headed to load copy paper in Ripon, WI at 9:23 p.m. and then he drove at 10:12 p.m. until 10:24 p.m.		
<b>Drivers/Vehicles</b>		
<b>In Violation</b>	<b>Checked</b>	
2	7	

before going into the sleeper berth. Driver was on duty and driving 17 hours and 50 minutes.

#### 8. Primary: 395.8(e)(1)

Making, or permitting a driver to make, a false report regarding duty status

##### Violations Discovered

Fed	State	Total
16		16

##### Checked

Fed	State	Total
180	30	210

##### Example/Notes:

Driver name: Alan Clark

Trip Date: 9/21/2021

Description of violation: Driver Alan Clark drove from Bucklin, KS to Storm Lake, IA with no drive time. He left Bucklin, Ks on 9/20/2021 and drove until midnight with no drive time. Then drove from midnight on 9/21/2021 to Storm Lake, IA with no drive time on 9.21/2021.

##### Drivers/Vehicles

In Violation	Checked
4	7

#### 9. Primary: 395.8(e)(1)

False reports of records of duty status (inaccurate).

##### Violations Discovered

Fed	State	Total
7		7

##### Checked

Fed	State	Total
180	30	210

##### Example/Notes:

Driver Patrick Bascue

Trip Date:: 8/7/2021

Driver failed to log trip from Sublette, Ks to Garden City, Kansas after he delivered his load in Sublette, KS. Driver then loaded beef tips in Sublette, KS and drove back to Garden City, KS with no driving time.

##### Drivers/Vehicles

In Violation	Checked
3	7

#### 10. Primary: 395.8(f)

##### Violations Discovered



Failing to require driver to prepare record of duty status in form and manner prescribed.	<b>Fed</b>		
	<b>State</b>		
	<b>Total</b>		
	96		96
	<b>Checked</b>		
<b>Example/Notes:</b>  Driver name(s): Floyd Marsh Trip date: 10/23/21  On 10/23/21, Mast Trucking Inc. Driver, Floyd Marsh failed to note the trailer information on his ELD records as required.	<b>Fed</b>		
	<b>State</b>		
	<b>Total</b>		
	180	30	210
	<b>Checked</b>		
<b>Drivers/Vehicles</b>	<b>In Violation</b>		<b>Checked</b>
	6		7

<b>11. Primary: 396.11(a)(2)</b> Failing to ensure driver vehicle inspection report is complete and accurate.	<b>Violations Discovered</b>		
	<b>Fed</b>		
	<b>State</b>		
	<b>Total</b>		
	5		5
<b>Example/Notes:</b>  Driver name: Sarah Carson Vehicle identification: Unit #15 Date of report: 5/6/2021 Reason incomplete:  On 4/20/2021, Mast Trucking Inc. had a Roadside Inspection on Unit #15 in which driver, Sarah Carson was cited for inoperable rear running lamps and an inoperable right rear brake lamp. On 5/6/2021, Mast Trucking Inc. had a Roadside Inspection on Unit #15, and was again cited for the same violations cited on the roadside on 4/20/2021. Review of the drivers DVIR's dated 4/20/21 and 5/6/2021 provided by Mast Trucking Inc. for driver, Sarah Carson who operates Unit #15 does not note any of the violations cited at roadside.	<b>Checked</b>		
	<b>Fed</b>		
	<b>State</b>		
	<b>Total</b>		
	5		5
<b>Drivers/Vehicles</b>	<b>In Violation</b>		<b>Checked</b>
	4		4

<b>12. Primary: 396.17(a)</b> Using a commercial motor vehicle not periodically inspected.	<b>Violations Discovered</b>		
	<b>Fed</b>		
	<b>State</b>		
	<b>Total</b>		

	<table border="1"> <tr> <td>1</td><td></td><td>1</td></tr> </table> <p><b>Checked</b></p> <table border="1"> <tr> <td><b>Fed</b></td><td><b>State</b></td><td><b>Total</b></td></tr> <tr> <td>20</td><td></td><td>20</td></tr> </table>	1		1	<b>Fed</b>	<b>State</b>	<b>Total</b>	20		20
1		1								
<b>Fed</b>	<b>State</b>	<b>Total</b>								
20		20								
<p><b>Example/Notes:</b></p> <p>Vehicle: Unit #7825 Date of trip: 4/28/2021</p> <p>Driver was hauling a load of Gamnulin from APC in Boone, IA going to Visalia, Ca. AT the time of this investigation investigators were unable to determine that Unit 7825 had a current annual inspection as the only annual inspection provided was completed in June of 2021.</p>	<p><b>Drivers/Vehicles</b></p> <table border="1"> <tr> <td><b>In Violation</b></td><td><b>Checked</b></td></tr> <tr> <td>1</td><td>20</td></tr> </table>	<b>In Violation</b>	<b>Checked</b>	1	20					
<b>In Violation</b>	<b>Checked</b>									
1	20									

<p><b>13. Primary: 396.19(b)</b></p> <p>Failing to maintain evidence of inspector's qualifications.</p>	<p><b>Violations Discovered</b></p> <table border="1"> <tr> <td><b>Fed</b></td><td><b>State</b></td><td><b>Total</b></td></tr> <tr> <td>2</td><td></td><td>2</td></tr> </table> <p><b>Checked</b></p> <table border="1"> <tr> <td><b>Fed</b></td><td><b>State</b></td><td><b>Total</b></td></tr> <tr> <td>4</td><td></td><td>4</td></tr> </table>	<b>Fed</b>	<b>State</b>	<b>Total</b>	2		2	<b>Fed</b>	<b>State</b>	<b>Total</b>	4		4
<b>Fed</b>	<b>State</b>	<b>Total</b>											
2		2											
<b>Fed</b>	<b>State</b>	<b>Total</b>											
4		4											
<p><b>Example/Notes:</b></p> <p>Inspectors name: Jamie Herman Inspection date: 5/2021 Vehicle: Unit #5199 Trip date: 6/17/2021</p> <p>On May 2021, Mast Trucking Inc. used inspector Jamie Herman to conduct an Annual Inspection on Unit #5199. Mast Trucking Inc. failed to provide investigators with Inspector Qualifications for Inspector Jamie Herman.</p>	<p><b>Drivers/Vehicles</b></p> <table border="1"> <tr> <td><b>In Violation</b></td><td><b>Checked</b></td></tr> <tr> <td>2</td><td>4</td></tr> </table>	<b>In Violation</b>	<b>Checked</b>	2	4								
<b>In Violation</b>	<b>Checked</b>												
2	4												

## Safety Fitness Rating

Your proposed safety rating is: **SATISFACTORY** 0 UNSATISFACTORY rating factors and 2 or fewer CONDITIONAL rating factors. Corrective actions must be taken for any violations (deficiencies) identified in this report. See below for more information.

RATING FACTORS	RATING	ACUTE	CRITICAL
Factor 1: General = Parts 387 and 390	Satisfactory		
Factor 2: Driver = Parts 382, 383 and, 391	Satisfactory		
Factor 3: Operational = Parts 392 and 395	Satisfactory		
Factor 4: Vehicle = Parts 393 and 396 OOS Vehicles (CR): 0 Number of Vehicles Inspected (CR): 0 OOS Vehicles (MCMIS): 4 Number of Vehicles Inspected (MCMIS): 20 OOS Rate: 20%	Satisfactory		
Factor 5: Haz. Mat. = Parts 397, 171, 177 and, 180	Not Rated		
Factor 6: Accident Factor = Recordable Rate Total Miles Operated: 5,573,072 Recordable Accidents: 4 Recordable Accidents/Million Miles: 0.72	Satisfactory	N/A	N/A

You must take corrective actions for any violations (deficiencies) identified in the Violations section of this report.

**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>.

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## Process Breakdown and Remedies

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### **BASIC: Hours-of-Service Compliance**

#### **Process Breakdown: Roles and Responsibilities**

Mast Trucking Inc. needs to ensure that someone is assigned to review all of the drivers ELD records and check the Bills of lading to ensure the accuracy of the ELD records and that drivers are using the personal conveyance correctly.

#### **Specific Recommended Remedies**

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

1. Define and document roles and responsibilities of managers and supervisors for monitoring compliance with Hours-of-Service (HOS) policies.
2. Ensure that managers are responsible for reviewing Records of Duty Status (RODS) for accuracy and for disciplining those who falsify their logs.



## Recommendations

### 1. **Carrier Crashes**

The Division Administrator/State Director will continue to consider preventability when a motor carrier contests a proposed safety fitness rating. The motor carrier may deem that the recordable accident rate is not a fair means of evaluating its accident factor (Factor 6) on the CR report. If so, the motor carrier must submit the compelling evidence within seven calendar days if the proposed rating is Unsatisfactory and 10 calendar days if the proposed rating is Conditional to:

Division Administrator/State Director  
Federal Motor Carrier Safety Administration  
Mailing Address  
1303 SW FIRST AMERICAN PL STE 200  
TOPEKA, KS 66604-4040

Compelling evidence must be limited to official police accident reports and official insurance accident investigation reports.

### 2. **Additional Information**

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

### 3. **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.

### 4. **Employers are responsible for the compliance of 49 CFR Part 40.**

Employers are responsible for their officers', employees', agents', consortia, and/or contractors' compliance with the requirements of 49 CFR Parts 40 and 382.

### 5. **10-year driver employment history required.**

Ensure that drivers provide a 10-year employment history on their employment application.

### 6. **Maintain a complete file documenting the qualification process.**

Ensure that all drivers are fully and properly qualified before operating in interstate commerce. Maintain a complete file as required for each driver, documenting the qualification process.

### 7. **150-mile exemption terms must be met.**

If you want some drivers to use the 150 air-mile radius exemption, make sure that the drivers meet all terms of the exemption, including being released from duty no more than 14 hours from when they report for duty. Logs must be prepared if a driver does not meet the 14 hour requirement.

### 8. **Ensure that all drivers' logs are accurate.**

Ensure that all drivers' records of duty status (logs) are accurate. Check them against "supporting documents" to verify accuracy. Prohibit falsification of logs by any driver. Review the rules on supporting documents. Take appropriate action against drivers who falsify logs.

### 9. **Require all drivers to prepare a written inspection report.**

Require all drivers to prepare a written inspection report for each day a vehicle is operated. Ensure that each report is signed by the driver, certified, and reviewed if defects are reported.

### 10. **Review with drivers procedure for pre and post trip inspections.**

Review with your drivers periodically the procedures for doing pre-trip and post-trip inspections. Ensure that safety defects reported by drivers on their Vehicle Inspection Reports (VIR) are repaired before the vehicle is re-dispatched. Require drivers to prepare Vehicle Inspection Reports on a daily basis. Keep them on file for 90 days.

### 11. **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.

### 12. **Part 40 Violations**

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

### 13. **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.

**14. Positive Drivers**

Implement an effective process for monitoring and tracking drivers' removal from safety-sensitive functions and their return to duty according to controlled-substance and alcohol regulations and related company policies and procedures.

**15. Clearinghouse Driver Consent**

Ensure driver consent has been obtained and is on file before conducting a limited query.

**16. Clearinghouse Annual Query**

Ensure annual queries are conducted in the Clearinghouse at least once per year. You may conduct a full or limited query to fulfill this requirement.

**17. Reporting violations into the Clearinghouse**

Ensure violations are entered into the Clearinghouse within the required time frame. The type of violation and time frame may be found in 49 CFR 382.705(b) of the Federal Motor Carrier Safety Regulations.

**18. Reporting Return to Duty information into the Clearinghouse**

Ensure that the negative return to duty test result is reported in the Clearinghouse by the end of the third business day after receiving the information.

**19. Reporting Follow Up information into the Clearinghouse**

Ensure that completion of the follow up testing plan is reported in the Clearinghouse by the end of the third business day after receiving the information.

20.

**21. Violations/Signature Page**

Required recommendation:

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.

For all Investigations that could result in a Penalty Order:

PLEASE NOTE: The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Penalty Order. In addition, your history of prior violations of the Federal Motor Carrier Safety Regulations, Federal Hazardous Material Regulations or the Federal Motor Carrier Commercial Regulations may also affect the civil penalty proposed in any subsequent Penalty Order.

Your signature for receipt of this report acknowledges your understanding that the violations discovered by the KCC during this review may be used to calculate any civil penalty proposed as a result of this review. Your signature is not an admission of the violations identified. Information on your compliance status, roadside inspections, regulatory changes, accident countermeasures and hazardous material incident prevention manual is available on the Internet at the Federal Motor Carrier Safety Administration's web site at <http://www.fmcsa.dot.gov/> and <http://www.safer.fmcsa.dot.gov/>.

#### CAP Requirements:

The KCC requires that you prepare a corrective action 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 recurrence 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:

e-mail: [g.davenport@kcc.ks.gov](mailto:g.davenport@kcc.ks.gov)

FAX: 785-271-3124;

or mail to;

Kansas Corporation Commission

Attn: Gary Davenport

1500 SW Arrowhead Road

Topeka, KS 66604-4027

#### CAP Penalty:

Motor carriers are responsible for complying with all tasks ordered by the Commission. You are required to prepare a corrective action plan (CAP), addressing the measures taken to correct all violations identified within this report. Failure to fulfill this requirement may lead to the issuance of further penalties or other repercussions, including revocation of authority to operate intrastate in Kansas.

#### Acknowledgement Statement:

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 Mast Trucking Inc. operating authority and/or the impoundment of Mast Trucking Inc. vehicles.

X \_\_\_\_\_  
Signature

X \_\_\_\_\_  
Date

#### Monetary Penalties:

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](http://kcc.ks.gov/trans/penalty_assessment_table.htm)

## **ATTACHMENT “B”**

## Electronic Record of Duty Status

**MAST TRUCKING INC (U.S. DOT# 1915879)** **Driver: Billy Stafford**

**Output file comment: INV-2024305**

24 Period Start Time: Midnight

Driver's License Kansas

File Generation:12/02/2021 14:14:53, CST (UTC-6)

Time-Zone: CST (UTC-6)

Exempt Driver Status:

Location: 2mi W AZ Williams

ELD Registration Id: 0007

Manufacturer:

Shipping Document Number:

ELD Identifier: KTIELD

Trailer Numbers:

## Daily Log Filter Date between 11/1/2021 And 11/1/2021

### Daily Log: 11/01/2021

Unidentified Driving Time: 00:00:00

Certified by Driver: Yes

Malfunctions: None

Date

Certificate

11/1/2021

First certification

Data Diagnostics: Power

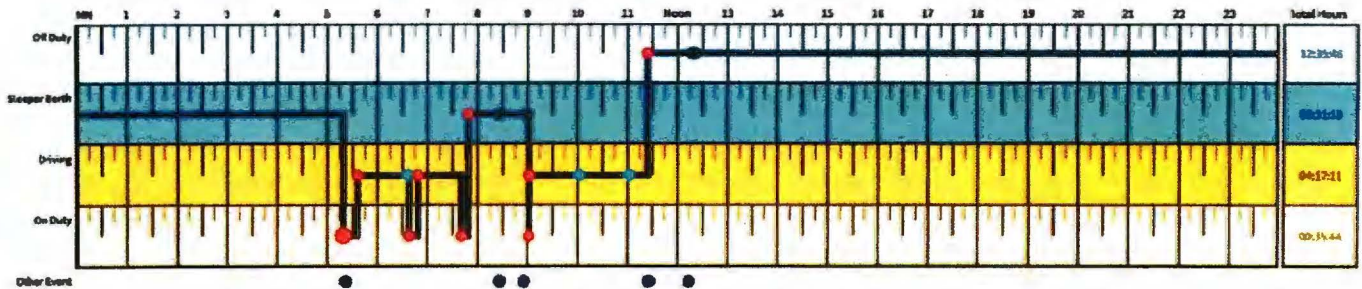
11/1/2021

Second certification

### CMVs

Power Unit #	VIN	Shipping Document Number	Start/End Engine Hours	Start/End Odometer	Miles Driven	Unidentified Miles in Driver Miles	Miles in Driving Status	Miles in PC/YM
472		72 17676	0.2 - 4990.3	0 - 113027	113027	0	252	0

### Record of Duty Status



### Event Detail

Date	Time	Geo Location	Location Coordinates	Odometer	Engine Hours	Event Type/Status	Origin
11/01/2021	05:19:00	2mi W KS El Dorado	37.82, -96.89	Missing power-up event	Missing power-up event	On-duty, not driving	Driver
	Pre-Trip Inspection						
11/01/2021	05:26:01	3mi WSW KS El Dorado	37.8, -96.9	Power up missing total miles	Power up missing Eng hours	Power-up (Unidentified)	ELD
11/01/2021	05:31:28	2mi W KS El Dorado	37.82, -96.89	Missing Accumulated Vehicle Miles	0.1	On-duty, not driving (Inactive - Changed)	Driver
11/01/2021	05:35:56	2mi W KS El Dorado	37.82, -96.89	Missing Accumulated Vehicle Miles	0.2	Driving	ELD
11/01/2021	06:35:55	3mi ESE KS South	38, -97.9	67	1.2	Intermediate log	ELD

11/01/2021	06:38:09	Hutchinson 1mi S KS South Hutchinson	38.01, -97.94 68	1.2	On-duty, not driving	Driver
11/01/2021	Fuel 06:48:21	1mi S KS South Hutchinson	38.01, -97.94 68	1.4	Driving	ELD
11/01/2021	07:40:38	KS Hudson	38.1, -98.66 113	2.3	On-duty, not driving	Driver
11/01/2021	Arrive shipper 07:49:00	KS Hudson	38.1, -98.66 113	2.6	Sleeper Berth	Driver
11/01/2021	Break 08:02:39	KS Hudson	38.1, -98.66 113	2.6	Sleeper Berth (Inactive - Changed)	Driver
11/01/2021	08:26:29	2mi W KS Hudson	38.1, -98.7 112,888	4,987.8	Shut-down	ELD
11/01/2021	08:59:02	2mi W KS Hudson	38.1, -98.7 112,888	4,987.8	Power-up	ELD
11/01/2021	09:01:19	KS Hudson	38.1, -98.66 112,888	4,987.9	On-duty, not driving	Driver
11/01/2021	Depart shipper 09:01:33	KS Hudson	38.1, -98.66 112,888	4,987.9	Driving	ELD
11/01/2021	10:01:33	1mi N KS Rozel	38.2, -99.4 112,943	4,988.9	Intermediate log	ELD
11/01/2021	11:01:33	16mi ENE KS Garden City	38.1, -100.6 113,007	4,989.9	Intermediate log	ELD
11/01/2021	11:24:14	2mi NW KS	37.99, 113,027	4,990.3	Off-duty	Driver

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		Garden City	-100.88				
	Shop move						
11/01/2021	12:17:33	3mi NW KS Garden City	38, -100.9	113,027	4,990.3	Power-up	ELD
11/01/2021	12:20:30	3mi NW KS Garden City	38, -100.9	113,028	4,990.4	Shut-down	ELD

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## **ATTACHMENT “C”**



## Electronic Record of Duty Status

**MAST TRUCKING INC (U.S. DOT# 1915879)** Driver: **Randall Leiker**

**Output file comment: INV-2024305**

24 Period Start Time: Midnight

Driver's License Kansas [REDACTED]

File Generation: 11/17/2021 10:46:08, CST (UTC-6)

Time-Zone: CST (UTC-6)

Exempt Driver Status:

Location: 2mi E KS Hays

ELD Registration Id: 0007

Manufacturer:

Shipping Document Number:

ELD Identifier: KTIELD

Trailer Numbers:

## Daily Log Filter Date between 6/23/2021 And 6/24/2021

### Daily Log: 06/23/2021

Unidentified Driving Time: 00:00:00

Certified by Driver: Yes

Malfunctions: None

Date

Certificate

6/23/2021

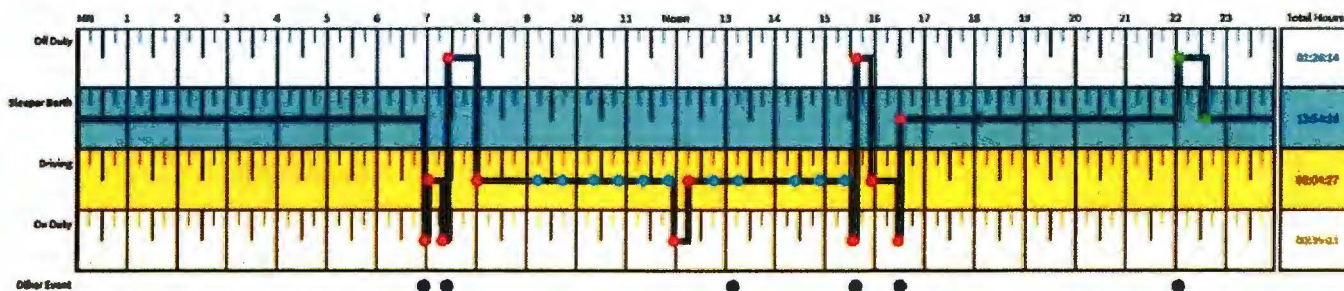
First certification

Data Diagnostics: Unidentified Driving

### CMVs

Power Unit #	VIN	Shipping Document Number	Start/End Engine Hours	Start/End Odometer	Miles Driven	Unidentified Miles Driver	Miles in Miles Driving Status	Miles in PC/YM
805	[REDACTED]	34805	[REDACTED]	041539 18082 - 18097.5	451319 - 451843	524	0	504 20

### Record of Duty Status



### Event Detail

Date	Time	Geo Location	Location Coordinates	Odometer	Engine Hours	Event Type/Status	Origin
06/23/2021	06:57:27	Council Bluffs; IA (Manual)	0, 0	Missing Accumulated Vehicle Miles	Missing Elapsed Engine Hours	On-duty, not driving	Driver
Pre-Trip Inspection							
06/23/2021	07:02:03	1mi W IA Council Bluffs	41.23, -95.86	451,319	18,082	Driving	ELD
06/23/2021	07:19:14	6mi ENE NE Offutt AFB	41.15, -95.82	451,326	18,082.3	On-duty, not driving	Driver
Arrive shipper 451327							
06/23/2021	07:25:07	Not Available	0, 0	Missing Accumulated Vehicle Miles	Missing Elapsed Engine Hours	Off-duty	Driver
06/23/2021	08:00:24	6mi ENE NE Offutt AFB	41.15, -95.82	451,326	18,083	Driving	ELD
06/23/2021	08:34:48	3mi S IA Percival	40.7, -95.8	451,359	18,083.5	Intermediate log	ELD

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						(Unidentified)	
06/23/2021	09:12:52	5mi NNW NE Stella	40.3, -95.8	451,390	18,084.2	Intermediate log	ELD
06/23/2021	09:42:53	2mi SSE KS Fairview	39.8, -95.7	451,424	18,084.7	Intermediate log	ELD
06/23/2021	10:20:33	2mi SSE KS Mayetta	39.3, -95.7	451,464	18,085.3	Intermediate log	ELD
06/23/2021	10:50:33	4mi NW KS Paxico	39.1, -96.2	451,501	18,085.8	Intermediate log	ELD
06/23/2021	11:20:33	2mi SSW KS Grandview Plaza	39, -96.8	451,537	18,086.3	Intermediate log	ELD
06/23/2021	11:50:33	2mi N KS New Cambria	38.9, -97.5	451,574	18,086.8	Intermediate log	ELD
06/23/2021	11:57:48	5mi W KS New Cambria	38.88, -97.59	451,581	18,086.9	On-duty, not driving	Driver
		Safety Check / Fueling 451582					
06/23/2021	12:15:02	5mi W KS New Cambria	38.88, -97.59	451,581	18,087.2	Driving	ELD
06/23/2021	12:45:01	5mi NNE KS Ellsworth	38.8, -98.2	451,616	18,087.7	Intermediate log	ELD
06/23/2021	13:15:01	4mi WSW KS Claflin	38.5, -98.6	451,649	18,088.2	Intermediate log	ELD
06/23/2021	14:23:23	1mi SSE KS Hanston	38.1, -99.7	451,717	18,089.3	Intermediate log	ELD
06/23/2021	14:53:23	21mi N KS Cimarron	38.1, -100.3	451,750	18,089.8	Intermediate log	ELD
06/23/2021	15:23:23	3mi NE KS Garden City	38, -100.8	451,783	18,090.3	Intermediate log	ELD

06/23/2021	15:32:41	4mi ENE KS Holcomb	38, -100.92	451,789	18,090.5	On-duty, not driving	Driver
		Arrive cosigner/ unload / 451789					
06/23/2021	15:37:19	Not Available	0, 0	Missing Accumulated Vehicle Miles	Missing Elapsed Engine Hours	Off-duty	Driver
06/23/2021	15:55:59	4mi ENE KS Holcomb	38, -100.92	451,789	18,090.9	Driving	ELD
06/23/2021	16:28:12	1mi S KS Scott City	38.46, -100.9	451,823	18,091.4	On-duty, not driving	Driver
		Post-Trip Inspection 451824					
06/23/2021	16:30:54	Not Available	0, 0	Missing Accumulated Vehicle Miles	Missing Elapsed Engine Hours	Sleeper Berth	Driver
06/23/2021	18:03:42	2mi N KS Scott City	38.5, -100.9	451,823	18,093	Shut-down	ELD
06/23/2021	18:04:02	2mi N KS Scott City	38.5, -100.9	451,823	18,093	Power-up	ELD
06/23/2021	22:03:52	34.1 mi N of Garden City; KS (Manual)	0, 0	Missing Accumulated Vehicle Miles	Missing Elapsed Engine Hours	Off-duty	Driver
		Trip home to Bazine for personal issue. Empty					
06/23/2021	22:04:20	1mi S KS Scott City	38.46, -100.9	451,823	18,097	Off-duty	ELD
		Trip home to Bazine for personal issue. Empty					
06/23/2021	22:04:20	2mi N KS Scott City	38.5, -100.9	451,823	18,097	PC	Driver
		Trip home to Bazine for personal issue. Empty					
06/23/2021	22:36:09	1mi E KS Marienthal	38.48, -101.21	451,843	18,097.5	Sleeper Berth	Driver

06/23/2021	22:36:09	2mi NE KS Marienthal	38.5, -101.2	451,843	18,097.5	PC/YM Cleared	Driver
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## **ATTACHMENT “D”**



## Electronic Record of Duty Status

**MAST TRUCKING INC (U.S. DOT# 1915879)** Driver: Alan Clark

**Output file comment: INV-2024305**

24 Period Start Time: Midnight

Driver's License Kansas [REDACTED]

File Generation: 11/16/2021 12:07:40, CST (UTC-6)

Time-Zone: CST (UTC-6)

Exempt Driver Status:

Location: 3mi NE KS Satanta

ELD Registration Id: 0007

Manufacturer:

Shipping Document Number:

ELD Identifier: KTIELD

Trailer Numbers:

## Daily Log Filter Date between 9/20/2021 And 9/21/2021

### Daily Log: 09/20/2021

Unidentified Driving Time: 02:35:56

Certified by Driver: Yes

Malfunctions: None

Date

Certificate

9/20/2021

First certification

Data Diagnostics: Unidentified Driving

9/20/2021

Second certification

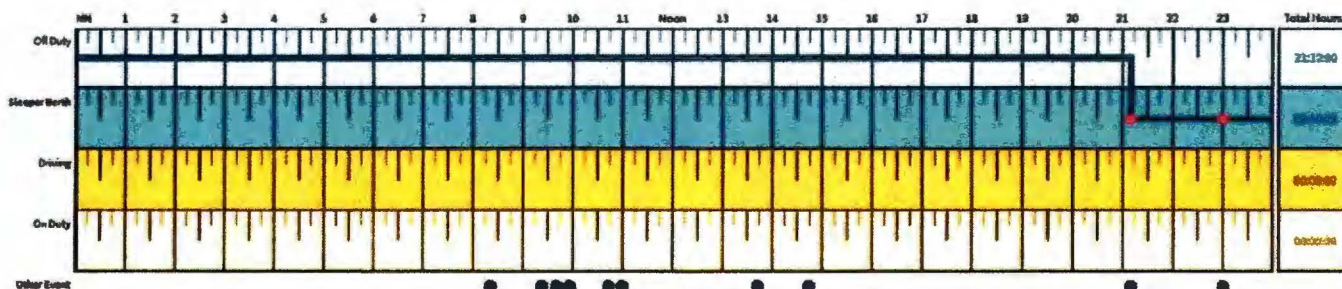
9/20/2021

Third certification

### CMVs

Power Unit #	VIN	Shipping Document Number	Start/End Engine Hours	Start/End Odometer	Miles Driven	Unidentified Miles in Driver Miles	Miles in Driving Status	Miles in PC/YM
7825	[REDACTED]	457825	0 - 0	0 - 0	0	146	0	0

### Record of Duty Status



#### Event Detail

Date	Time	Geo Location	Location Coordinates	Odometer	Engine Hours	Event Type/Status	Origin
09/20/2021	08:16:32	3mi SSE KS Bucklin	37.5, -99.6	Power up missing total miles	Power up missing Eng hours	Power-up (Unidentified)	ELD
09/20/2021	08:21:14	KS Bucklin	37.54, -99.63	476,773	13,659.5	Driving (Unidentified)	ELD
09/20/2021	09:21:14	3mi SSE KS Copeland	37.5, -100.6	476,831	13,660.5	Intermediate log (Unidentified)	ELD
09/20/2021	09:23:02	1mi NW KS Copeland	37.55, -100.63	476,832	13,660.5	Off-duty (Unidentified)	ELD
09/20/2021	09:40:29	1mi NW KS Copeland	37.55, -100.63	476,832	13,660.8	Driving (Unidentified)	ELD
09/20/2021	09:56:28	7mi NNW KS Sublette	37.58, -100.87	476,846	13,661.1	Off-duty (Unidentified)	ELD
09/20/2021	10:43:29	7mi NNW KS Sublette	37.58, -100.87	476,847	13,661.9	Driving (Unidentified)	ELD

09/20/2021	10:59:39	1mi NW KS Copeland	37.55, -100.63	476,861	13,662.1	Off-duty (Unidentified)	ELD
09/20/2021	10:59:57	4mi NNE KS Copeland	37.6, -100.6			Shut-down (Unidentified)	ELD
09/20/2021	12:19:30	4mi NNE KS Copeland	37.6, -100.6	Power up missing total miles	Power up missing Eng hours	Power-up (Unidentified)	ELD
09/20/2021	13:33:28	4mi NNE KS Copeland	37.6, -100.6			Shut-down (Unidentified)	ELD
09/20/2021	13:39:07	4mi NNE KS Copeland	37.6, -100.6	Power up missing total miles	Power up missing Eng hours	Power-up (Unidentified)	ELD
09/20/2021	13:42:44	1mi NW KS Copeland	37.55, -100.63	476,773	13,659.5	Driving (Unidentified)	ELD
09/20/2021	14:42:44	3mi SSE KS Bucklin	37.5, -99.6	476,832	13,660.5	Intermediate log (Unidentified)	ELD
09/20/2021	14:44:43	KS Bucklin	37.54, -99.63	476,832	13,660.5	Off-duty (Unidentified)	ELD
09/20/2021	14:45:15	3mi SSE KS Bucklin	37.5, -99.6			Shut-down (Unidentified)	ELD
09/20/2021	21:06:59	3mi SSE KS Bucklin	37.5, -99.6	Power up missing total miles	Power up missing Eng hours	Power-up (Unidentified)	ELD
09/20/2021	21:10:00	Bucklin Ks (Manual)	0, 0	Missing Accumulated Vehicle Miles	Missing Elapsed Engine Hours	Sleeper Berth	Driver
		Sleeper					
09/20/2021	23:00:00	25.4 mi SE of Dodge City;	0, 0	Missing Accumulated	Missing Elapsed	Sleeper Berth	Driver

Home

KS (Manual)

Vehicle Miles   Engine Hours



## Electronic Record of Duty Status

**MAST TRUCKING INC (U.S. DOT# 1915879) Driver: Alan Clark**

**Output file comment: INV-2024305**

24 Period Start Time: Midnight

Driver's License Kansas

File Generation:11/16/2021 12:07:40, CST  
(UTC-6)

Time-Zone: CST (UTC-6)

Exempt Driver Status:

Location: 3mi NE KS Satanta

ELD Registration Id: 0007

Manufacturer:

Shipping Document Number:

ELD Identifier: KTIELD

Trailer Numbers:

## Daily Log Filter Date between 9/20/2021 And 9/21/2021

### Daily Log: 09/21/2021

Unidentified Driving Time: 00:00:00

Certified by Driver: Yes

Malfunctions: None

Date

Certificate

9/21/2021

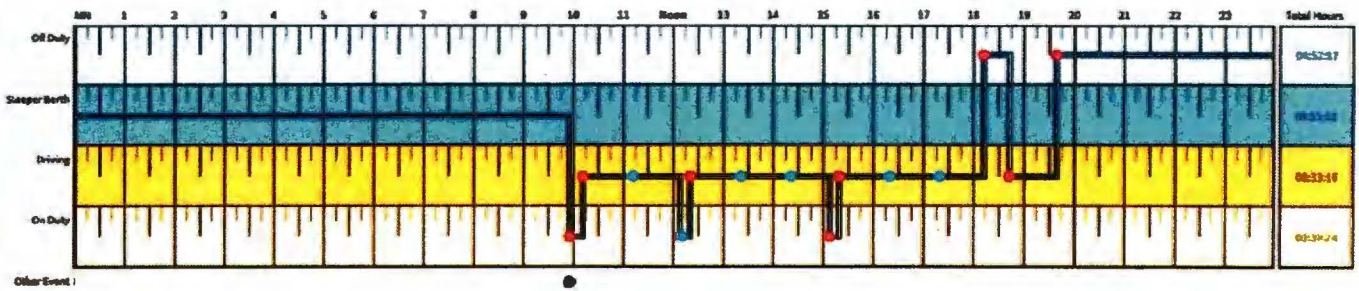
First certification

Data Diagnostics: None

CMVs

Power Unit #	VIN	Shipping Document Number	Start/End Engine Hours	Start/End Odometer	Miles Driven	Unidentified Miles in Driver Miles	Miles in Driving Status	Miles in PC/YM
7825		57825	13672.5 - 13681.9	477419 - 477947	528	0	528	0

**Record of Duty Status**



### Event Detail

Date	Time	Geo Location	Location Coordinates	Odometer	Engine Hours	Event Type/Status	Origin
09/21/2021	09:55:03	1mi E IA Storm Lake	42.64, -95.17	Missing Accumulated Vehicle Miles	Missing Elapsed Engine Hours	On-duty, not driving	Driver
09/21/2021	10:10:54	1mi E IA Storm Lake	42.64, -95.17	477,419	13,672.5	Driving	ELD
09/21/2021	11:10:54	3mi WSW IA Denison	42, -95.4	477,472	13,673.5	Intermediate log	ELD
09/21/2021	12:07:58	1mi W IA Missouri Valley	41.55, -95.91	477,517	13,674.4	On-duty, not driving	ELD
09/21/2021	12:10:54	3mi N IA Missouri Valley	41.6, -95.9	477,517	13,674.5	Intermediate log	ELD
09/21/2021	12:20:38	1mi W IA Missouri Valley	41.55, -95.91	477,517	13,674.6	Driving	ELD



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09/21/2021	13:20:38	4mi W NE Waverly	40.9, -96.6	477,586	13,675.6	Intermediate log	ELD
09/21/2021	14:20:38	2mi SSW NE Fairmont	40.6, -97.6	477,656	13,676.6	Intermediate log	ELD
09/21/2021	15:07:44	1mi NNW KS Belleville	39.84, -97.64	477,709	13,677.4	On-duty, not driving	ELD
09/21/2021	15:18:37	1mi NNW KS Belleville	39.84, -97.64	477,709	13,677.6	Driving	ELD
09/21/2021	16:18:36	6mi WNW KS New Cambria	38.9, -97.6	477,772	13,678.6	Intermediate log	ELD
09/21/2021	17:18:36	3mi ESE KS South Hutchinson	38, -97.9	477,841	13,679.6	Intermediate log	ELD
09/21/2021	18:12:00	4mi SE KS Pratt	37.65, -98.72	477,895	13,680.5	Off-duty	Driver
09/21/2021	18:42:34	4mi SE KS Pratt	37.65, -98.72	477,895	13,681	Driving	ELD
09/21/2021	19:38:17	KS Bucklin	37.54, -99.63	477,947	13,681.9	Off-duty	Driver
09/21/2021	19:40:47	3mi SSE KS Bucklin	37.5, -99.6			Shut-down (Unidentified)	ELD
09/21/2021	19:42:34	3mi SSE KS Bucklin	37.5, -99.6	Missing power-up event	Missing power-up event	Intermediate log (Unidentified)	ELD

## **ATTACHMENT “E”**

## Electronic Record of Duty Status

**MAST TRUCKING INC (U.S. DOT# 1915879)** Driver: Gregory Wespe

**Output file comment: INV-2024305**

24 Period Start Time: Midnight

Driver's License Oklahoma

File Generation: 11/16/2021 12:15:38, CST (UTC-6)

Time-Zone: CST (UTC-6)

Exempt Driver Status:

Location: 3mi E AL Hobson City

ELD Registration Id: 0007

Manufacturer:

Shipping Document Number:

ELD Identifier: KTIELD

Trailer Numbers:

## Daily Log Filter Date between 6/2/2021 And 6/2/2021

### Daily Log: 06/02/2021

Unidentified Driving Time: 00:00:00

Certified by Driver: Yes

Malfunctions: None

Date

Certificate

6/2/2021

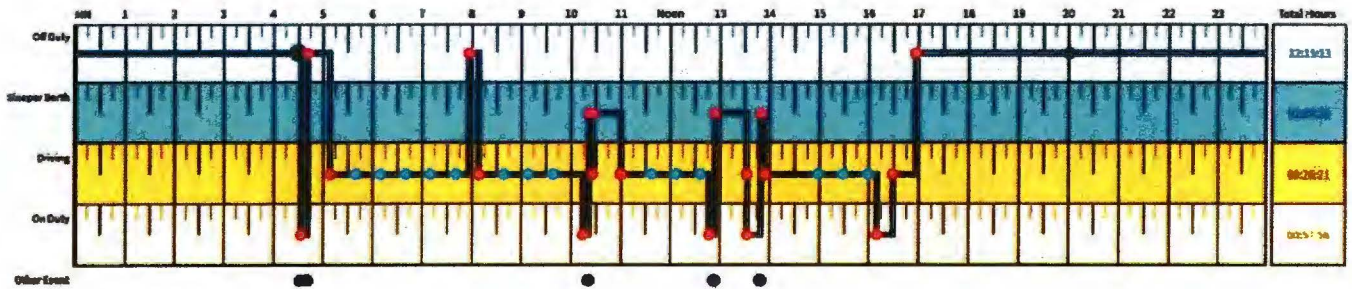
First certification

Data Diagnostics: None

### CMVs

Power Unit #	VIN	Shipping Document Number	Start/End Engine Hours	Start/End Odometer	Miles Driven	Unidentified Miles	Miles in Driver Miles Driving Status	Miles in PC/YM
5199		25199 2623610	59.8 - 71.6	1589 - 2163	574	0	574	0

Record of Duty Status



#### Event Detail

Date	Time	Geo Location	Location Coordinates	Odometer	Engine Hours	Event Type/Status	Origin
06/02/2021	04:28:57	2mi SW IA Osceola	41, -93.8	1,589	59.1	Power-up	ELD
06/02/2021	04:32:54	Not Available	0, 0	Missing Accumulated Vehicle Miles	Missing Elapsed Engine Hours	On-duty, not driving	Driver
06/02/2021	04:41:06	Not Available	0, 0	Missing Accumulated Vehicle Miles	Missing Elapsed Engine Hours	Off-duty	Driver
06/02/2021	05:08:04	1mi NNW IA Osceola	41.04, -93.79	1,589	59.8	Driving	ELD
06/02/2021	05:38:41	2mi SE IA Lamoni	40.6, -93.9	1,622	60.3	Intermediate log	ELD
06/02/2021	06:08:41	3mi N MO Pattonsburg	40.1, -94.1	1,657	60.8	Intermediate log	ELD
06/02/2021	06:38:41	7mi ESE MO Turney	39.6, -94.2	1,692	61.3	Intermediate log	ELD

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06/02/2021	07:08:41	1mi WSW MO Pleasant Valley	39.2, -94.5	1,725	61.8	Intermediate log	ELD
06/02/2021	07:39:33	2mi NNE KS Edwardsville	39.1, -94.8	1,747	62.3	Intermediate log	ELD
06/02/2021	07:56:05	6mi WNW KS Linwood	39.02, -95.14	1,765	62.6	Off-duty	Driver
06/02/2021	08:07:46	6mi WNW KS Linwood	39.02, -95.14	1,765	62.7	Driving	ELD
06/02/2021	08:37:45	2mi SSW KS Topeka	39, -95.7	1,800	63.2	Intermediate log	ELD
06/02/2021	09:07:45	8mi W KS Reading	38.5, -96.1	1,836	63.7	Intermediate log	ELD
06/02/2021	09:37:45	5mi SE KS Matfield Green	38.1, -96.5	1,872	64.2	Intermediate log	ELD
06/02/2021	10:14:11	1mi WNW KS El Dorado	37.83, -96.88	1,904	64.9	On-duty, not driving	Driver
06/02/2021	10:21:22	Not Available	0, 0	Missing Accumulated Vehicle Miles	Missing Elapsed Engine Hours	Sleeper Berth	Driver
06/02/2021	10:25:19	1mi WNW KS El Dorado	37.83, -96.88	1,904	65	Driving	ELD
06/02/2021	10:26:11	1mi WNW KS El Dorado	37.83, -96.88	1,904	65.1	Sleeper Berth	Driver
06/02/2021	10:59:33	1mi WNW KS El Dorado	37.83, -96.88	1,904	65.6	Driving	ELD
06/02/2021	11:36:10	3mi SE KS Newton	38, -97.3	1,936	66.2	Intermediate log	ELD
06/02/2021	12:06:10	5mi SSW KS	38.3, -97.7	1,971	66.7	Intermediate	ELD

		McPherson				log	
06/02/2021	12:36:11	4mi N KS Lyons	38.4, -98.2	2,001	67.2	Intermediate log	ELD
06/02/2021	12:47:02	1mi SE KS Lyons	38.33, -98.19	2,004	67.4	On-duty, not driving	Driver
06/02/2021	12:53:43	Not Available	0, 0	Missing Accumulated Vehicle Miles	Missing Elapsed Engine Hours	Sleeper Berth	Driver
06/02/2021	13:32:27	1mi SE KS Lyons	38.33, -98.19	2,004	68.2	Driving	ELD
06/02/2021	13:33:09	1mi SE KS Lyons	38.33, -98.19	2,004	68.2	On-duty, not driving	ELD
06/02/2021	13:49:19	Not Available	0, 0	Missing Accumulated Vehicle Miles	Missing Elapsed Engine Hours	Sleeper Berth	Driver
06/02/2021	13:53:46	1mi SE KS Lyons	38.33, -98.19	2,004	68.5	Driving	ELD
06/02/2021	14:58:05	5mi SSW KS Culver	38.9, -97.8	2,063	69.6	Intermediate log	ELD
06/02/2021	15:28:06	4mi ENE KS Delphos	39.3, -97.7	2,099	70.1	Intermediate log	ELD
06/02/2021	15:58:05	8mi SE KS Scandia	39.7, -97.7	2,130	70.6	Intermediate log	ELD
06/02/2021	16:09:21	1mi NNW KS Belleville	39.84, -97.64	2,137	70.8	On-duty, not driving	Driver
		Safety Check / Fueling					
06/02/2021	16:29:03	1mi NW KS Belleville	39.83, -97.64	2,137	71.1	Driving	ELD
06/02/2021	16:56:20	1mi NNE NE Hebron	40.18, -97.57	2,163	71.6	Off-duty	Driver

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06/02/2021	20:00:44	3mi NNW NE Hebron	40.2, -97.6	2,164	74.6	Shut-down	ELD
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## **ATTACHMENT “F”**

**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:** December 10, 2021

**SUBJECT: Docket No. 22-TRAM-247-PEN**  
In the Matter of the Investigation of Mast Trucking Inc of Copeland, 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:**

Mast Trucking Inc (Mast Trucking or Carrier) is a motor carrier possessing common operating authority from the Commission, primarily hauling general freight, building materials, grain, feed, hay, blood, and plasma. Mast Trucking operates under USDOT 1915879. From November 15 to December 8, 2021, Commission Staff Special Investigators, Penny Fryback and Erica Pargas, conducted a safety compliance review of the operations of Mast Trucking. As a result of this investigation, the special investigator identified four (4) violation(s) of the Motor Carrier Safety Regulations, resulting in a recommended penalty of \$6,500.

**DISCUSSION AND ANALYSIS:**

From November 15 to December 8, 2021, Commission Staff Special Investigators, Penny Fryback and Erica Pargas, conducted a safety compliance review of the operations of Mast Trucking. As a result of this investigation, the special investigator identified four (4) violation(s) of the Motor Carrier Safety Regulations.

**Violation One (1 of 4)**

On November 1, 2021, Mast Trucking required or permitted its driver, Billy Stafford, to operate a CDL-required commercial motor vehicle, a 2021 Volvo, VIN ending in 600472, GVWR 52,000 lbs., in interstate commerce from Hudson, Kansas to Santa Fe, New Mexico. This trip is evidenced by a Daily Log for Billy Stafford, dated November 1, 2021. At the time of this transportation, Mast Trucking required or permitted its driver, Mr. Stafford, to operate a

commercial motor vehicle prior to him completing follow-up testing required by the Substance Abuse Professional. The Carrier's failure to require their drivers to complete follow-up testing required by the Substance Abuse Professional prior to operating a commercial motor vehicle is a violation of 49 C.F.R. 382.105 and 49 C.F.R. 40.309(a), adopted by K.A.R. 82-3-4c, and authorized by K.S.A. 66-1,129. The FY2022 Uniform Assessment Penalty Matrix (Penalty Matrix) does not include a fine for the above violation. Due to the severity of the violation, however, Staff recommends the Commission diverge from the Penalty Matrix and recommends a fine of \$1,000.

#### Violation Two (2 of 4)

On June 23, 2021, Mast Trucking required or permitted its driver, Randall Leiker, to operate a CDL-required commercial motor vehicle, a 2018 Volvo, VIN ending in 884805, GVWR 51,200 lbs., in interstate commerce from Council Bluffs, IA to Marienthal, Kansas. This trip is evidenced by a Daily Log for Randall Leiker, dated June 23 to June 24, 2021. At the time of this transportation, Mast Trucking required or permitted its driver, Mr. Leiker, to drive over the 14th hour. The Special Investigators found two (2) violations of this type. The Carrier's failure to require its driver to cease driving at the 14th hour after coming on duty following ten (10) consecutive hours off duty is a violation of 49 C.F.R. 395.3(a)(2), adopted by K.A.R. 82-4-3a, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$250.

#### Violation Three (3 of 4)

From September 20 to September 21, 2021, Mast Trucking required or permitted its driver, Alan Clark, to operate a CDL-required commercial motor vehicle, a 2015 Kenworth T660, VIN ending in 457825, GVWR 54,000 lbs., in interstate commerce from Bucklin, Kansas to Storm Lake, IA. This trip is evidenced by a Daily Logs for Alan Clark, dated September 20 to September 21, 2021. At the time of this transportation, Mast Trucking required or permitted its driver, Mr. Clark, to falsify his record of duty status. The Special Investigators found sixteen (16) violations of this type. The Carrier requiring or permitting its drivers to falsifying records of duty status is a violation of 49 C.F.R. 395.8(e)(1), adopted by K.A.R. 82-4-3a, and authorized by K.S.A. 66-1,129. This carrier was previously penalized for the same violation in a Penalty Order issued on March 10, 2020. Due to the fact the penalty has had the same violation in successive compliance reviews, Staff recommends an enhanced fine of \$5,000.

#### Violation Four (4 of 4)

On June 2, 2021, Mast Trucking required or permitted its driver, Gregory Wespe, to operate a CDL-required commercial motor vehicle, a 2022 Mack Anthem, VIN ending in 025199, GVWR 33,000 lbs., in interstate commerce from Osceola, IA to Belleville, KS. This trip is evidenced by a Daily Log for Gregory Wespe, dated June 2, 2021. At the time of this transportation, Mast Trucking was unable to produce the inspector qualifications for Inspector Jamie Herrman, who completed the annual inspection on the commercial motor vehicle in May of 2021. The Carrier's failure to retain evidence of the inspector's qualifications to inspect the commercial motor vehicle is a violation of 49 C.F.R. 396.19(b), adopted by K.A.R. 82-4-3j, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$250.

#### **RECOMMENDATION:**

Transportation Staff recommends the Commission find Mast Trucking 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.

Additionally, Staff recommends a civil penalty of \$6,500 for four (4) 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 Mast Trucking 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](http://kcc.ks.gov/trans/safety_meetings.htm).

Staff further recommends Mast Trucking 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 Mast Trucking 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-247-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 12/21/2021.

AHSAN LATIF, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
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a.latif@kcc.ks.gov

LEROY H. MAST, PRESIDENT  
MAST TRUCKING, INC.  
31800 2 ROAD  
COPELAND, KS 67837  
mast\_379@hotmail.com

/S/ DeeAnn Shupe  
DeeAnn Shupe