

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

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

In the Matter of the Investigation of **Charles**)
Ethan Ball, d/b/a Cow Chow Express, of)
Garden City, KS, Regarding the Violation of the)
Motor Carrier Safety Statutes, Rules and) Docket No. 20-TRAM-173-PEN
Regulations and the Commission's Authority to)
Impose Penalties, Sanctions and/or the)
Revocation of Motor Carrier Authority.)

AMENDED 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 2018 Supp. 66-1,111, 66-1,112, 66-1,114, 66-1,114b and 66-1,115, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in 49 C.F.R. Part 390.5 as adopted by K.A.R. 82-4-3f, doing business or procuring business in Kansas, and is empowered to do all things necessary and convenient for the exercise of such power, authority and jurisdiction.

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

II. BACKGROUND

3. On October 17, 2019 the Commission issued a penalty order in this matter to Charles Ethan Ball, d/b/a Cow Chow Express (Cow Chow Express) alleging four (4) violations of the Motor Carrier Safety Regulations (Original Order). In support of the violations and penalty assessment, the Commission intended to attach to the Original Order several documents that corresponded to the four alleged violations. Unfortunately, the documents attached to the Original Order were related to a Penalty Order issued on the same date to The Irrigation Company LLC in Docket No. 20-TRAM-170-PEN¹.

4. On December 19, 2019, Cow Chow Express filed a notice for hearing, wherein it noted that the documents attached to the Original Order were not related to Cow Chow Express' operations.

5. As such, the Commission enters this Amended Penalty Order to correct the oversight and provides the documents to Cow Chow Express that correspond to the violations alleged to have been committed by Cow Chow Express. No other changes were made to the Commission's Original Order, but for ease of reference the contents of the Original Order are restated in the following paragraphs.

6. Cow Chow Express has common operating authority with the Commission and further operates under USDOT number 3105300.

7. Charles Ethan Ball attended a Commission-sponsored Motor Carrier Education and Safety Instructional Meeting on April 9, 2018, on behalf of Cow Chow Express.

8. Cow Chow Express is a common motor carrier which primarily hauls grain, feed, hay and salt.

¹ The Irrigation Company LLC paid the penalty assessed against them in 20-TRAM-170-PEN on December 14, 2019.

9. Cow Chow Express is a New Entrant motor carrier and may be eligible for a fifty-percent (50%) reduction of the penalty(s) assessed below.

III. STATEMENT OF FACTS

10. Pursuant to the jurisdiction and authority cited above, on October 1-2, 2019, Commission Staff (Staff) Special Investigator Penny Fryback conducted a compliance review of the operations of Cow Chow Express. A copy of the safety compliance review is attached hereto as Attachment "A" and is hereby incorporated by reference. As a result of this investigation, the special investigator identified four (4) violation(s) of the Motor Carrier Safety Regulations.

- a. On July 1, 2019, Cow Chow Express required or permitted its driver, Victor J. Ball, to operate a CDL-required commercial motor vehicle, a 1996 International, VIN ending in 062092, GVWR 33,000 lbs., pulling a 2014 Wilson semi-trailer, VIN ending in 7707269, in interstate commerce from Holcomb, Kansas to Bergman, Arkansas. This trip is evidenced by Bill No. 010101058, dated July 1, 2019, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, Cow Chow Express failed to require its driver to complete a record of duty status. The special investigator discovered eight (8) violations of this type. The carrier's failure to require its driver to keep records of duty status for each 24-hour period using the method described in 49 C.F.R. 395.8(a) and to submit the original record to the motor carrier within 13 days of creation is in violation of 49 C.F.R. 395.8(a), adopted by K.A.R. 82-4-3a, and authorized by K.S.A. 2018 Supp. 66-1,129. Staff recommends a fine of \$250.

- b. On August 21, 2019, Cow Chow Express required or permitted its driver, Charles Ethan Ball, to operate a CDL-required commercial motor vehicle, a 2000 Kenworth, VIN ending in 835977, GVWR 33,000 lbs., pulling a 2014 Wilson semi-trailer, VIN ending in 64139, in interstate commerce from Dodge City, Kansas to Decatur, Arkansas. This trip is evidenced by Driver's Daily Log, dated August 21, 2019, a copy of which is attached hereto as Attachment "C" and is hereby incorporated by reference. At the time of this transportation, driver Charles Ethan Ball loaded meat and bone meal in Dodge City, Kansas and transported it to Decatur, Arkansas and delivered it on August 21, 2019 at 5:40 p.m. He then drove to Baxter Springs, Kansas and loaded sand at 7:50 p.m. going to Voda, Kansas. Mr. Ball made a false record of duty status by showing agricultural exempt on August 20, 2019 at 8:00 a.m. when he unloaded sand in Voda, Kansas until noon on August 21, 2019, wherein he showed he drove one hour and showed agricultural exempt until he loaded his next load of sand at Baxter Springs, Kansas at 7:54 p.m. on August 21, 2019. Driver Ball was required to record his hours of service when he reached the 150 air mile radius to Decatur, Arkansas and again from Decatur, Arkansas to Baxter Springs. Cow Chow Express' 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. 2018 Supp. 66-1,129. Staff recommends a fine of \$2,000.
- c. On July 27, 2019, Cow Chow Express required or permitted its driver, Victor J. Ball, to operate a CDL-required commercial motor vehicle, a 1996

International, VIN ending in 062092, GVWR over 33,000 lbs., pulling a 2014 Wilson semi-trailer, VIN ending in 7707269, in interstate commerce from Boulder, Colorado to McPherson, Kansas. This trip is evidenced by Driver's Daily Log, dated July 27, 2019, a copy of which is attached hereto as Attachment "D" and is hereby incorporated by reference. At the time of this transportation, Cow Chow Express' driver was on duty more than 14 hours following his last off duty period of at least 10 hours. Driver Ball drove five and three quarters hours after the 14th hour following his last 10 hour break. 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 in violation of 49 C.F.R. 395.3(a)(2), adopted by K.A.R. 82-4-3, and authorized by K.S.A. 2018 Supp. 66-1,129. Staff recommends a fine of \$250.

- d. On August 29, 2019, Cow Chow Express required or permitted its driver, Charles Ethan Ball, to operate a CDL-required commercial motor vehicle, a 2000 Kenworth, VIN ending in 835977, GVWR over 33,000 lbs., pulling a 2014 Wilson semi-trailer, VIN ending in 64139, in interstate commerce from Johnson City, Kansas to Denver, Colorado. This trip is evidenced by Invoice Number 537750, dated August 29, 2019, a copy of which is attached hereto as Attachment "E" and is hereby incorporated by reference. At the time of this transportation, Cow Chow Express had Charles Ethan Ball transport in interstate commerce (beyond the 150 air mile radius), which would have required the driver to complete his records of duty status on and

Electronic Logging Device. That device was not provided by the carrier.

Cow Chow Express' failure to require its driver to record his hours of service on an electronic logging device provided within the commercial motor vehicle is a violation of 49 C.F.R. 395.8(a)(1)(i), adopted by K.A.R. 82-4-3, and implemented by K.S.A. 66-1,129. Staff recommends a fine of \$250.

IV. STAFF'S RECOMMENDATIONS

11. Based upon the available facts, Staff recommends the Commission find Cow Chow Express 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.

12. Staff recommends a civil penalty of \$2,750 for four (4) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

13. Staff provides notice to the Commission that Charles Ethan Ball, d/b/a Cow Chow Express is a New Entrant motor carrier and may be eligible for a fifty-percent (50%) reduced civil penalty. The carrier must submit to Litigation Counsel within fifteen (15) days of the date of this Amended Penalty Order the signed and dated Reduced Penalty Agreement and Transportation Staff must approve the carrier's Corrective Action Plan (CAP).

14. Staff recommends Charles Ethan Ball, d/b/a Cow Chow Express submit a Corrective Action Plan (CAP) within thirty (30) days of the date of this Amended Penalty Order, to Transportation Staff, documenting the violation(s) described in this Amended Penalty Order, including specific and detailed information explaining the carrier's efforts and concrete steps taken

to ensure the violation(s) do not occur in the future. The CAP must be approved by Transportation Staff to qualify for the fifty-percent (50%) discount.

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

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

V. CONCLUSIONS OF LAW

17. The Commission finds it has jurisdiction over Cow Chow Express 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 a penalty of \$2,750 should be assessed to Cow Chow Express for committing four (4) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

19. The Commission finds Cow Chow Express is a New Entrant motor carrier and may be eligible for a fifty-percent (50%) reduction in the penalty(s) assessed herein.

THE COMMISSION THEREFORE ORDERS THAT:

A. Charles Ethan Ball, d/b/a Cow Chow Express, of Garden City, KS is hereby assessed a penalty of \$2,750 for four (4) violation(s) of Kansas law governing the regulation of motor carriers, the Kansas Administrative Regulations and provisions of the Federal Motor Carrier Safety Regulations, as adopted by the Kansas Administrative Regulations. Payment of \$2,750

must be made through your personal account with the Kansas Corporation Commission's KTRAN system located at <https://puc.kcc.ks.gov/ktran/>. You must have an account through KTRAN to pay the penalty owed.

B. A representative from Cow Chow Express is ordered to attend a Commission-sponsored safety meeting within ninety (90) days from the date of this Order, and provide proof of attendance to Litigation Counsel. A schedule of dates and locations for safety seminars can be found at the Commission's website http://www.kcc.state.ks.us/trans/safety_meetings.htm.

C. Cow Chow Express must submit a Corrective Action Plan (CAP) within thirty (30) days of the date of this Amended Penalty Order, to Transportation Staff, documenting the violation(s) described above, including specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.

D. Cow Chow Express is ordered to submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order. Transportation Staff will contact the motor carrier at a later date to determine an appropriate time for this review.

E. If Cow Chow Express does not submit the Reduced Penalty Agreement and fails to pay the penalty of \$2,750 within thirty (30) days from the date of service of this Amended Penalty Order, *see* K.S.A. 66-1,105, and/or fails to comply with the provisions of this Order, the Commission will have the right to order further sanctions, including suspension of Cow Chow Express' motor carrier operating authority without further notice. Additionally, the Commission may issue and enforce revocation of motor carrier authority and/or issue cease and desist order(s), and may order other remedies available to the Commission by law, without further notice.

F. **Pursuant to K.S.A. 2018 Supp. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issue(s) by submitting a written request setting forth the**

specific grounds upon which relief is sought, within fifteen (15) days from the date of service of this Amended Penalty Order. The request may be electronically filed with the Commission's electronic filing system at <https://puc.kcc.ks.gov/e-filing/e-express/>, and a copy mailed to the Litigation Counsel. If you do not have access to the internet, you can mail an original and seven copies of the request to the Executive Director at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy to Litigation Counsel. A hearing will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of Cow Chow Express' right to a hearing.

G. If a request for hearing is filed, attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. For civil penalties exceeding \$500, a corporation shall appear before the Commission by its attorney, unless waived by the Commission for good cause shown and a determination that such waiver is in the public interest. K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2); K.A.R. 82-1-202(a). For civil penalties less than \$500, a corporation may appear by a duly authorized representative of the corporation. K.S.A. 2018 Supp. 66-1,142b(e) and amendments thereto.

H. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further orders, as necessary.

BY THE COMMISSION IT IS SO ORDERED.

Keen, Chair; Albrecht, Commissioner; Duffy, Commissioner

Dated: 01/09/2020

A handwritten signature in cursive script, reading "Lynn M. Retz".

Lynn M. Retz
Executive Director

AAL

ATTACHMENT “A”

UNITED STATES DEPARTMENT OF TRANSPORTATION



U.S. DOT#: 3105300
MC/MX#: 6302

Legal: CHARLES ETHAN BALL
Operating (DBA): COW CHOW EXPRESS

Investigation Date:
10/02/19

Investigation Type: Onsite Comprehensive Investigation

Location of Investigation: Other (TMT Truck Permitting Inc.)

Extent of Operations: Entire Operation

Physical Address

3980 W PARALLEL RD
GARDEN CITY, KS 67846-8953
United States

Mailing Address

3980 W PARALLEL RD
GARDEN CITY, KS 67846-8953
United States

Contact Information

Contact Name: MELISSA HUERTA

Email:

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

Business and Financial

Business Type: Sole Proprietorship

Gross Revenue: [REDACTED] **For Year Ending:** 12/31/18

Federal Tax ID: [REDACTED] (N)

Operation Classification and Type

Type of Operation: Non-HM Interstate Carrier

Operation Classification

For-Hire Motor Carrier

Property

Other Non-Hazardous Freight

Cargo

Grain, Feed, Hay, Other (salt)

Equipment

	Owned	Term Leased	Trip Leased
Truck Tractors	2		
Trailers	1	1	

Driver Information

Drivers

	Intrastate	Interstate
< 100 Miles		
>= 100 Miles		2

Power units used in the U.S.: 2

Percentage of time used in the U.S.: 100.0%

Average trip leased driver/month: 0

Drivers with CDL: 2

Total Drivers: 2

Person(s) Interviewed

Name: CHARLES BALL

Title: OWNER

Name: MELISSA HUERTA

Title: AGENT

Questions

Questions about this report or the Federal Motor
Carrier Safety or Hazardous Materials regulations may
be addressed to the Federal Motor Carrier Safety
Administration at:

1500 SW Arrowhead Road
Topeka, KS 66604-4027
Phone (785) 443-1523
Fax (785) 271-3124

This report will be used to assess your safety compliance.

Violations

1. Primary: 395.8(a)(1)

Failing to require a driver to prepare a record of duty status using the appropriate method



Critical

At least 10% of the number checked had violations

Violations Discovered

Fed	State	Total
5	3	8

Violations Checked

Fed	State	Total
27	33	60

BASIC Impacted
Hours-of-Service
Compliance

Rating Factor 3:
Operational = Part
395

Example/Notes:

7/2/19

Driver Victor Ball did not have any record of duty status which indicated his miles driven, hours, unit's, and change of duty status.

Drivers/Vehicles

In Violation	Checked
1	2

2. Primary: 395.8(e)(1)

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



Critical

At least 10% of the number checked had violations

Violations Discovered

Fed	State	Total
12	2	14

Violations Checked

Fed	State	Total
27	33	60

BASIC Impacted
Hours-of-Service
Compliance

Rating Factor 3:
Operational = Part
395

Example/Notes:

Charles Ethan Ball

8/16/19 to 8/19/19

Driver, Charles Ethan Ball loaded at Dakota City, NE on 8/16/19 and unloaded it on 8/19/19. Drivers record of duty status never shows the delivery in Westville, Oklahoma.

Drivers/Vehicles

In Violation	Checked
2	2

3. Primary: 391.51(b)

Secondary: 391.51(a)

Failing to maintain driver qualification file in accordance with 391.51(b)

Violations Discovered

Fed	State	Total

	2	2
	Violations Checked	
	Fed	State
	2	2

Example/Notes:	Drivers/Vehicles
Charles Ethan Ball	In Violation
8/23/19	Checked
Driver Charles Ethan Ball is missing a page in his employment application which reflects his driving experience, CDL info, and accident history. He also had not dates on previous employers.	2

4. Primary: 395.3(a)(2)	Violations Discovered		
	Fed	State	Total
	1		1
	Violations Checked		
Requiring or permitting a property-carrying commercial motor vehicle driver to drive after the end of the 14th hour after coming on duty.	Fed	State	Total
	27	33	60
	Drivers/Vehicles		
	In Violation	Checked	
Example/Notes:	1	2	
7/27/19			
Victor Ball			
Driver Victor Ball loaded road materials in Boulder Colorado at 08:00 p.m. and drove to Burlington, Colorado and went off duty for 1 hour and then drove two hours to Oakley, Kansas where he went to the sleeper berth for six hours and then went to Medicine Lodge, Kansas where he unloaded and then drove back to Garden City, Kansas and went off duty at 06:00 p.m. on July 27, 2019. Driver Victor Ball was on duty for 22 hours following his last ten hour break.			

5. Primary: 395.8(a)(2)(i)	Violations Discovered		
	Fed	State	Total
	1		1
	Violations Checked		
Driver failed to record driver's record of duty status on an Electronic Logging Device.	Fed	State	Total
	2		2

Example/Notes:	Drivers/Vehicles	
Charles Ethan Ball	In Violation	Checked
8/10/19	1	2
Driver, Charles Ethan Ball was required to log a portion of his trip from Holcomb, KS to Kansas City using ELD. His truck is registered as a 2000 Kenworth and the engine label shows a manufacturing date of March 2019.		

6. Primary: 395.8(f)	Violations Discovered		
Failing to require driver to prepare record of duty status in form and manner prescribed.	Fed	State	Total
	3	4	7
	Violations Checked		
	Fed	State	Total
	27	33	60

Example/Notes:	Drivers/Vehicles	
Victor Ball	In Violation	Checked
7/2/19	1	2
Driver Victor Ball did not indicate his miles driven, hours of service, unit number, change of duty status, and bill of lading number/shipper and commodity.		

Safety Fitness Rating

Your proposed safety rating is: **CONDITIONAL** 1 UNSATISFACTORY rating factor 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	Unsatisfactory		2
Factor 4: Vehicle = Parts 393 and 396 OOS Vehicles (CR): Number of Vehicles Inspected (CR): OOS Vehicles (MCMIS): Number of Vehicles Inspected (MCMIS): OOS Rate: NaN	Satisfactory		
Factor 5. Haz. Mat. = Parts 397, 171, 177 and, 180	Not Rated		
Factor 6: Accident Factor = Recordable Rate Total Miles Operated: 175,419 Recordable Accidents: 0 Recordable Accidents/Million Miles: 0.00	Satisfactory	N/A	N/A

Effective date: You will receive an official notice of proposed safety rating from the Federal Motor Carrier Safety Administration in Washington, D.C. The Conditional rating will take effect 60 days after the date of the official notice.

However, if this rating improves a previous Unsatisfactory rating, it will become effective on the date of the official notice from the FMCSA headquarters.

You may request a safety rating upgrade based on corrective action under 49 CFR 385.17 and/or an administrative review under 49 CFR 385.15.

Change to safety rating based on corrective action: You may request a change to a safety rating under 49 CFR 385.17 at any time by providing evidence that you have taken actions to correct the deficiencies that resulted in the safety rating. You must make this request in writing to the Field Administrator for the FMCSA Service Center in which you maintain your principal place of business. A pending request for a change in safety rating under 49 CFR 385.17 will not delay the effective date of the rating.

Administrative Review: You may appeal your proposed safety rating in a petition filed under 49 CFR 385.15 if you believe FMCSA made an error in assigning your safety rating. You must submit your appeal within 90 days of the date of the proposed safety rating or within 90 days after denial of a request for a change in rating under section 385.17(i). If the safety rating improves a previous Unsatisfactory rating, it becomes effective immediately and you must submit your appeal within 90 days of the final safety rating. A petition under section 385.15 will not delay the effective date of the rating unless the Chief Safety Officer grants a stay.

You must submit your appeal in writing to: Chief Safety Officer, Federal Motor Carrier Safety Administration, 1200 New Jersey Ave., S.E., Washington, DC 20590-0001.

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>.

ATTACHMENT “B”

is an acknowledgment that a Bill of Lading has been
original Bill of Lading, nor a copy or duplicate, covering
in, and is intended solely for filing or record.



The property described below, in apparent good order, except as noted (contents and condition of contents of packages unknown),
marked, consigned and destined as indicated below, which said carrier (the word carrier being understood throughout this contract as
meaning any person or corporation in possession of the property under the contract) agrees to carry to its usual place of delivery at said
destination, if on its route, otherwise to deliver to another carrier on the route to said destination. It is mutually agreed, as to each carrier
of all or any of said property over all or any portion of said route to destination, and as to each party at any time interested in all or any of
said property, that every service to be performed hereunder shall be subject to all the terms and conditions of the Uniform Domestic
Straight Bill of Lading, set forth (1) in Official, Southern, Western and Whole Freight Classification in effect on the date hereof, if this is a
rail or rail-carrier shipment, or (2) in the applicable motor carrier classification or tariff if this is a motor carrier shipment.
Shipper hereby certifies that he is familiar with all the terms and conditions of the said bill of lading, set forth in the classification or tariff
which governs the transportation of this shipment, and the said terms and conditions are hereby agreed to by the shipper and accepted
for himself and his assigns.

B/L NO.: 010101058
SHIPMENT ID: X10890053
STOP NUMBER: 01 OF 01 PAGE: 01
B/L DATE: 2019-07-01 20.10.51
PRINTED DATE: 2019-07-01 20.11.56
ARRIVAL DATE: 2019-07-02 07.00.00
SALES ORDER(s): X1089
P.O.(s): TFI19TP0329

"Maintain Temperature at +28 F Degrees"

FROM: TYSON FRESH MEATS, INC. - FINNEY COUNTY CARCASS
HOLCOMB, KS 67851

CONSIGNEE
TO: T813512
TYSON FOODS
HWY 7 NORTH

BERGMAN, AR 72615

IF DELAYED, CALL CONSIGNEE AT:
(000) 000-0000

Vehicle No.: T2 Carrier: RELT RELIANT TRANSPORTATION Freight Charges: PREPAID
ROUTE: RELT - DELIVERY CARRIER

Check Box if
Freight is Collect ☐

CONTINUOUS SEAL RECORD

Incoming Seal(s):
399208
399208

Consignee Signature

Outgoing Seal(s):

Consignee Signature

Mail Freight Bill To: Tyson Fresh Meats Transportation Freight Payment CP675, PO BOX 7251, Springdale, AR 72766-7251

The description and weight indicated on this WAYBILL are correct
Subject to verification by the Western Weighing and Insp. Bureau according to agreement.

Tyson Product Code	Quantity Shipped	Product Description	Item Code	Net Weight	
R7043HKD	24 TNS	50% MEAT & BONE MEAL		49,480.0 LB	
NET TOTAL WEIGHT ALL	24			49,480.0 LB 49,480.0 LB	22,443.75 KG 22,443.75 KG
PLEASE VISIT OUR WEBSITE FOR ALL LETTERS OF GUARANTEE, INTERVENTION DETAILS AND BEEF INTENDED USE "INTACT OR NON-INTACT". HTTP://WWW.TYSONFOODS.COM/SAFE-FOOD.ASPX					
***** DO NOT FEED TO CATTLE OR OTHER RUMINANTS *****					
G-76180 T-26700 H-49480 N.F. 50% BULK NET WEIGHT SHOWN ON INVOICE 50% MEAT & BONE MEAL - GUARANTEED ANALYSIS CRUDE PROTEIN - NOT LESS THAN 60.0% MINIMUM PHOSPHORUS - 4.8% CRUDE FAT - NOT LESS THAN 6.0% MIN/MAX CAL. 10.6% - 11.6% X FOUND PHOS. CRUDE FIBER - NOT TO EXCEED 4.0% TYSON FRESH MEATS, INC. (ALSO DOING BUSINESS IBP, INC) GENERAL OFFICES - P.O. BOX 515 - DAKOTA CITY, NEBRASKA 68731 "THE BOVINE 50% MEAT AND BONE MEAL MEETS ALL REQUIREMENTS FOR EXPORT TO INDONESIA. THE MEAL WAS PRODUCED AT TYSON FRESH MEATS IN HOLCOMB, KANSAS WITH APHIS REFERENCE NUMBER KS-RAO-0009"					

Detention/damage charges according to destination
on subject shipment are for the account of the billed
consignee or consignor to the order of notify party in
case of order bill of lading.

TYSON FRESH MEATS, INC.

SUBJECT TO SEC. 7 OF CONDITIONS, IF THIS
SHIPMENT IS TO BE DELIVERED TO THE
CONSIGNEE WITHOUT RECOURSE ON THE
CONSIGNOR, THE CONSIGNOR SHALL SIGN THE
FOLLOWING STATEMENT: THE CARRIER SHALL
NOT MAKE DELIVERY OF THIS SHIPMENT
WITHOUT PAYMENT OF FREIGHT AND OTHER
LAWFUL CHARGES.

DRIVER - YOU MUST SCALE OUT IMMEDIATELY
AT THE NEAREST AVAILABLE SCALE. IF
LEGAL ON AXLE AND GROSS WEIGHTS,
PROCEED ON TO DESTINATION. IF NOT LEGAL,
NOTIFY DISPATCH OR SECURITY AND RETURN
TO PLANT FOR WEIGHT ADJUSTMENTS. I HAVE
READ AND DO UNDERSTAND WHAT MUST BE
DONE, AND I WILL COMPLY.
DRIVER

Victor J. Ball

I hereby certify that any edible meat or meat food
product described above, which are offered for shipment
to interstate or foreign commerce, have been U.S.
Inspected and passed by Dept. of Agr. are so marked,
and as this date are not adulterated or misbranded.
TYSON FRESH MEATS, INC.
SHIPPER PER

J.G., Nicole Gonzalez

Permanent post-office address of shipper,
500 Service Post Drive
Dakota Dunes, SD 57049

Carrier RELIANT TRANSPORTATION
T2

Per *Victor J. Ball*
Victor Ball

SHIPPER LOAD & COUNT
UNLESS OTHERWISE NOTED.

IMPORTANT - RECEIVER / DRIVER
IF AT TIME OF ARRIVAL ANY DISCREPANCY
EXISTS CALL THE NUMBER PROVIDED BELOW
PRIOR TO RELEASING PRODUCT & TRUCK

CALL (800) 347-2493

Carrier Copy - 2

Form FMBOL3016-03

ATTACHMENT "C"



8, 21, 2019
(Month) (Day) (Year)

315

Total Miles Driving Today Total Mileage Today

DRIVER'S DAILY LOG

Original - File at home terminal
Duplicate - Driver retains in his/her possession for eight days

Cow Chow Express

3800 West Packer Rd

Name of Carrier or Carriers

Main Office Address

RECAP

Complete at end of workday.

On-duty hours today (Total lines A & B)

70 hr./7 Day Drivers

A. Total hours on duty last 7 days, including today.

B. Total hours available today.

C. Total hours on duty last 7 days, including today.

60 hr./7 Day Drivers

A. Total hours on duty last 7 days, including today.

B. Total hours available tomorrow.

C. Total hours on duty last 7 days, including today.

*If you were the 24 hour restart requirement, in 2003, you have 60 hr. hours available again.

BT

Truck/Tractor and Trailer Numbers or License Plate(s) / State (show each unit)

I certify these entries are true and correct.

Home Terminal Address

Driver's Full Signature

Co-Driver's Name

TOTAL HOURS

1. OFF DUTY
2. SLEEPER BERTH
3. DRIVING
4. ON DUTY (NOT DRIVING)

MID-NIGHT	1	2	3	4	5	6	7	8	9	10	11	NOON	1	2	3	4	5	6	7	8	9	10	11	TOTAL HOURS
																								18 45
																								0
																								5 hr 15 min
																								0

REMARKS

SHIPPING DOCUMENTS:

1980 591024

or

Shipper & Commodity

Enter name of place you reported and where released from work and when and where each change of duty occurred.

From:

Baker Springs, AZ

To:

USE TIME STANDARD AT HOME TERMINAL

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613-MP (Rev. 7/13) 8524

ATTACHMENT “D”



7/27/2019
(Month) (Day) (Year)

DRIVER'S DAILY LOG

Original - File at home terminal
Duplicate - Carry on duty as backup possession for audit day

RECAP
Complete at
end of workday.

4891

Total Miles Driving Today Total Mileage Today

Cow Chow Express

3950 W. Parallel Rd

Garden City, KS

I certify these entries are true and correct.

Victor L. Ball

Co-Driver's Name

On duty hours today (Total lines 3 & 4)
70 Hr./7 Day Drivers

A. Total hours on duty last 7 days, including today.

B. Total hours available tomorrow 70 hr. minus A.

C. Total hours on duty last 7 days, including today.

60 Hr./7 Day Drivers

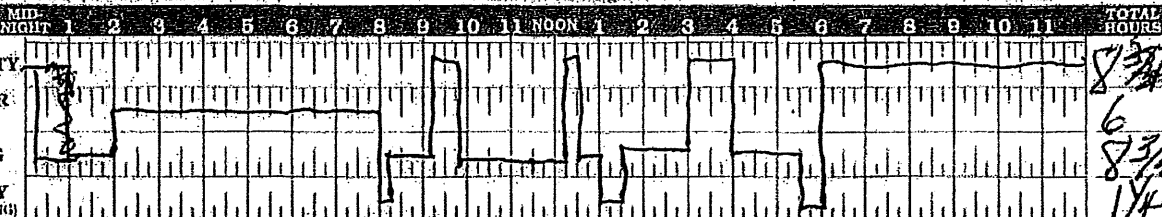
A. Total hours on duty last 7 days, including today.

B. Total hours available tomorrow 60 hr. minus A.

C. Total hours on duty last 7 days, including today.

*If you meet the 48 hour restart requirements in 429.2, you have 60/70 hours available again.

- 1. OFF DUTY
- 2. SLEEPER BERTH
- 3. DRIVING
- 4. ON DUTY (NOT DRIVING)



REMARKS

SHIPPING DOCUMENTS:

05-2100

D/L or Manifest No. Arcosa 38 Chip Seal

Shipper & Commodity

Enter name of place you reported and where released from work and when and where each change of duty occurred.

From: Burlington, CO

To: Garden City, KS

USE TIME STANDARD AT HOME TERMINAL

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613-MP (Rev. 7/13) 8524

ATTACHMENT “E”



Skyland Grain LLC
PO Box 280
Johnson, KS 67855
(620) 492-6210

No. 537750

SHIPPED FROM		SHIPPED TO	
ORIGIN	Johnson	CONSIGNEE:	HA Ardent milling
DATE LOADED:	8-29, 2019	SHIPPER CONT. NO.:	1333
COMMODITY:	NW	DESTINATION:	Denver
LOADING GRADE:		DATE UNLOADED:	_____, 20____
LOADING SCALE TICKET NO.:	7227	BUYER'S CONT. NO.:	
WEIGHTS		CARRIER	
	LOADING	UNLOADING	FIRM NAME:
GROSS	78520		Charles R. R. R.
TARE	28200		DRIVER'S NAME
NET	50320		Charles R. R. R.
LOSS IN TRANSIT:		ADDRESS:	
		DRIVER'S LICENSE NO.:	
		STATE:	
		DRIVER'S SOC. SEC. NO.:	
SHIPPER'S SIGNATURE:		LICENSE NO.	TRACTOR: B1 MAKE: K&W
VS			TRAILER: T1 MAKE: H/SON
		DRIVER'S SIGNATURE	
		Charles R. R. R.	

PLEASE FILL IN ALL APPLICABLE INFORMATION ABOVE! GIVE THIS COPY AND SECOND COPY TO THE TRUCK DRIVER.

WHITE AND CANARY - CONSIGNEE COPY PINK - BILLING COPY GOLDENROD - SHIPPER'S FILE COPY

CERTIFICATE OF SERVICE

20-TRAM-173-PEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of first class mail/hand delivered on 01/09/2020.

CHARLES ETHAN BALL, OWNER
CHARLES ETHAN BALL
D/B/A COW CHOW EXPRESS
3980 W PARALLEL RD
GARDEN CITY, KS 67846-8953

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

/S/ DeeAnn Shupe

DeeAnn Shupe