

CORPORATION COMMISSION
1500 SW ARROWHEAD ROAD
TOPEKA, KS 66604-4027



PHONE: 785-271-3100
FAX: 785-271-3354
<http://kcc.ks.gov/>

GOVERNOR JEFF COLYER, M.D.
SHARI FEIST ALBRECHT, CHAIR | JAY SCOTT EMLER, COMMISSIONER | DWIGHT D. KEEN, COMMISSIONER

NOTICE OF PENALTY ASSESSMENT

July 31, 2018

19-TRAM-020-PEN

Matthew A. Schields, President
Shocker Corp, d/b/a Schields & Sons Farming
209 Sycamore St
Goodland, KS 67735

This is a notice of a penalty assessment against Shocker Corp, d/b/a Schields & Sons Farming (Schields & Sons Farming) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on May 31, 2018, by Kansas Corporation Commission Special Investigator Penny Fryback. Penalty amounts are assessed in accordance with the FY 2018 Uniform Penalty Assessment Matrix, approved by the Commission on June 27, 2017. For a full description of the penalty and terms and obligations, please refer to the Penalty Order attached to this notice.

IF YOU ACCEPT THE PENALTY:

Schields & Sons Farming has been assessed a \$250 penalty. You have thirty (30) days from the date of service of this Penalty Order to pay the fine, unless you choose the reduced penalty option explained below. Please remit payment of \$250 through your personal account with the Kansas Corporation Commission's KTRAN system located at <https://puc.kcc.ks.gov/ktran/>. If you have not received a letter from the Transportation Division assigning you a PIN, please contact that Division at 785-271-3145. You must have an account through KTRAN to pay the penalty owed.

SCHIELDS & SONS FARMING IS A NEW ENTRANT MOTOR CARRIER AND MAY BE ELIGIBLE FOR A PENALTY REDUCTION OF FIFTY PERCENT (50%) UNDER THE FOLLOWING TERMS:

New Entrant motor carriers are eligible for a one-time, fifty-percent (50%) reduction in the penalty assessed motor carriers. You have to agree to meet the terms and obligations set out in the attached Reduced Penalty Agreement to be eligible for the reduction. A fifty-percent (50%) reduction in the penalty assessed may be available if:

(1) within fifteen (15) days from the date of this Penalty Order, the carrier signs and submits the attached Reduced Penalty Agreement to Litigation Counsel at the above address;

(2) within thirty (30) days from the date of this Penalty Order, the carrier submits to Transportation Staff a Corrective Action Plan (CAP) documenting the violation(s) described in the attached 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;

(3) within thirty (30) days from the date of this Penalty Order, the carrier sends an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance must be submitted to the undersigned Litigation Counsel shortly thereafter; and

(4) within eighteen (18) months from the date of this Penalty Order, the carrier must submit to a follow-up Safety Compliance Review. Transportation Staff will contact the carrier to schedule the review.

If a carrier is approved for a fifty-percent (50%) reduced penalty, an Order Amending Penalty Assessment assessing the reduced penalty and setting out the terms and conditions stated above may be issued by the Commission. Payment of the reduced penalty of \$125 would be due within 30 days from the date of service of the Order Amending Penalty Assessment.

IF YOU CONTEST THE PENALTY ORDER:

You have the right to request a hearing if you contest the terms of the Penalty Order. A request for hearing must be made in writing, setting forth the specific grounds upon which relief is sought. Shocker Corp, d/b/a Schields & Sons Farming must file within fifteen (15) days from the date of service of this Order, the request for hearing with the Commission's electronic filing system found at <https://puc.kcc.ks.gov/e-filing/e-express/>, and mail a copy of the request for hearing to Litigation Counsel at the above address. If you do not have access to the internet, you can mail an original and seven (7) copies of the request to the Secretary to the Commission at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy of the request to Litigation Counsel. K.A.R. 82-1-215; K.S.A. 2017 Supp. 77-542.

IF YOU FAIL TO ACT:

Failure to adhere to the terms and obligations set out in the attached Penalty Order, including payment of the penalty of \$250 within thirty (30) days from the date of service of the Penalty Order, or in the alternative, provide a written request for a hearing within 15 days from the date of service of the Penalty Order, will result in the Order becoming final and the terms and conditions set out therein will be enforced. If Schields & Sons Farming submits the attached Reduced Penalty Agreement as explained above, an Order Amending Penalty Assessment may be issued assessing the reduced penalty of \$125 and that payment would become due within thirty (30) days from the date of service of the Order Amending Penalty Assessment.

Respectfully,



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

STATE OF KANSAS



CORPORATION COMMISSION
1500 SW ARROWHEAD ROAD
TOPEKA, KS 66604-4027

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GOVERNOR JEFF COLYER, M.D.

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REDUCED PENALTY AGREEMENT

19-TRAM-020-PEN

Shocker Corp, d/b/a Schields & Sons Farming (Schields & Sons Farming) hereby submits this Reduced Penalty Agreement for approval of a fifty percent (50%) reduction in the penalty assessed in the Penalty Order dated July 31, 2018. Schields & Sons Farming has agreed to comply with the following terms and obligations:

1. Schields & Sons Farming has submitted, within fifteen (15) days from the date of the Penalty Order this signed and dated Reduced Penalty Agreement to Litigation Counsel.
2. Schields & Sons Farming will, within thirty (30) days from the date of the Penalty Order, submit to Transportation Staff a Corrective Action Plan (CAP) documenting the violation(s) and describing specific and detailed information explaining its efforts and concrete steps taken to ensure the violation(s) do not occur in the future. I understand the CAP must be approved by Transportation Staff to become eligible for the 50% reduced penalty.
3. Schields & Sons Farming will, within thirty (30) days from the date of the Penalty Order, send an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance will be submitted to the Litigation Counsel.
4. Schields & Sons Farming will be available within eighteen (18) months from the date of the Penalty Order for a follow-up Safety Compliance Review. Transportation Staff will contact the carrier to schedule the review.

Shocker Corp, d/b/a Schields & Sons Farming understands that if approved, an Order Amending Penalty Assessment will be issued by the Commission assessing a reduced penalty of \$125, and will set out the terms and conditions stated above. Once the Order Amending Penalty Assessment is issued by the Commission, Schields & Sons Farming will have thirty (30) days from the date of service of that Order to pay the reduced penalty assessed.

Dated this ____ day of _____, 2018.

Shocker Corp, d/b/a Schields & Sons Farming

Matthew A. Schields
President

(This Agreement can be mailed via U.S. Mail to the address above to the attention of Ahsan Latif, Litigation Counsel, or sent via e-mail to v.jacobsen@kcc.ks.gov and alatif@kcc.ks.gov.)

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

Before Commissioners: Shari Feist Albrecht, Chair
 Jay Scott Emler
 Dwight D. Keen

In the Matter of the Investigation of **Shocker**)
Corp, d/b/a Schields & Sons Farming, of)
Goodland, KS, Regarding the Violation of the)
Motor Carrier Safety Statutes, Rules and) Docket No. 19-TRAM-020-PEN
Regulations and the Commission's Authority to)
Impose Penalties, Sanctions and/or the)
Revocation of Motor Carrier Authority.)

PENALTY ORDER

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission). Having examined its files and records, and being duly advised in the premises, the Commission finds and concludes as follows:

I. JURISDICTION

1. Pursuant to K.S.A. 2017 Supp. 66-1,108b, 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 K.S.A. 2017 Supp. 66-1,108, 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. 2017 Supp. 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 order a hearing on the Commission's own motion when the Commission believes the entity is in violation of the law or any order of the Commission.

II. BACKGROUND

4. Shocker Corp, d/b/a Schields & Sons Farming (Schields & Sons Farming) has common operating authority with the Commission and further operates under USDOT number 2844068.

5. Matthew Schields attended a Commission-sponsored Motor Carrier Education and Safety Instructional Meeting on June 13, 2016, on behalf of Schields & Sons Farming.

6. Schields & Sons Farming is a common motor carrier which primarily hauls liquid fertilizer.

7. Schields & Sons Farming is a New Entrant motor carrier and may be eligible for a fifty-percent (50%) reduction of the penalty(s) assessed below.

III. STATEMENT OF FACTS

8. Pursuant to the jurisdiction and authority cited above, on May 31, 2018, Commission Staff (Staff) Special Investigator Penny Fryback conducted a compliance review of the operations of Schields & Sons Farming. 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 one (1) violation(s) of the Motor Carrier Safety Regulations.

- a. On April 10, 2018, Schields & Sons Farming required or permitted its driver, Richard Miller, to operate a CDL-required commercial motor

vehicle, a 2003 Peterbilt, VIN ending in 589492, GVWR 33,000 lbs., pulling trailer 43a, in interstate commerce from Goodland, Kansas to Pleasant View, Colorado. This trip is evidenced by Driver's Daily Log, dated April 10, 2018, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, Schields & Sons Farming failed to make an inquiry every 12 months into the annual motor vehicle record (MVR) of its driver and maintain the response(s) of each state agency in the driver qualification file. The special investigator discovered two (2) violations of this type. The carrier's failure to inquire into its driver's MVR at least once every 12 months and maintain a copy of the MVR in the driver qualification file is a violation of 49 C.F.R. Part 391.25(a) and (c)(1), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 2017 Supp. 66-1,112. Staff recommends a fine of \$250.

IV. STAFF'S RECOMMENDATIONS

9. Based upon the available facts, Staff recommends the Commission find Schields & Sons Farming committed one (1) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

10. Staff recommends a civil penalty of \$250 for one (1) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

11. Staff provides notice to the Commission that Shocker Corp, d/b/a Schields & Sons Farming is a New Entrant motor carrier and may be eligible for a fifty-percent (50%) reduced civil penalty. The carrier must submit to Litigation Counsel within fifteen (15) days of the date of this Penalty Order the signed and dated Reduced Penalty Agreement and Transportation Staff must approve the carrier's Corrective Action Plan (CAP).

12. Staff recommends Shocker Corp, d/b/a Schields & Sons Farming submit a Corrective Action Plan (CAP) within thirty (30) days of the date of this Penalty Order, to Transportation Staff, documenting the violation(s) described in this Penalty Order, including specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future. The CAP must be approved by Transportation Staff to qualify for the fifty-percent (50%) discount.

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

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

V. CONCLUSIONS OF LAW

15. The Commission finds it has jurisdiction over Schields & Sons Farming because it is a motor carrier as defined in K.S.A. 2017 Supp. 66-1,108.

16. The Commission finds a penalty of \$250 should be assessed to Schields & Sons Farming for committing one (1) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the

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

17. The Commission finds Schields & Sons Farming 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. Shocker Corp, d/b/a Schields & Sons Farming, of Goodland, KS is hereby assessed a penalty of \$250 for one (1) violation(s) of Kansas law governing the regulation of motor carriers, the Kansas Administrative Regulations and provisions of the Federal Motor Carrier Safety Regulations, as adopted by the Kansas Administrative Regulations. Payment of \$250 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 Schields & Sons Farming 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. Schields & Sons Farming must submit a Corrective Action Plan (CAP) within thirty (30) days of the date of this Penalty Order, to Transportation Staff, documenting the violation(s) described above, including specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.

D. Schields & Sons Farming 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 Schields & Sons Farming does not submit the Reduced Penalty Agreement and fails to pay the penalty of \$250 within thirty (30) days from the date of service of this Penalty Order, *see* K.S.A. 66-1,105, and/or fails to comply with the provisions of this Order, the Commission will have the right to order further sanctions, including suspension of Schields & Sons Farming's motor carrier operating authority without further notice. Additionally, the Commission may issue and enforce revocation of motor carrier authority and/or issue cease and desist order(s), and may order other remedies available to the Commission by law, without further notice.

F. On July 31, 2018, this Order was mailed via Certified Mail, Return Receipt Requested, Receipt Number 70161970000105745704. Service of this Order is deemed complete upon the date delivered shown on the Domestic Return Receipt.

G. **Pursuant to K.S.A. 2017 Supp. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issue(s) by submitting a written request setting forth the specific grounds upon which relief is sought, within fifteen (15) days from the date of service of this Penalty Order.** The request may be electronically filed with the Commission's electronic filing system at <https://puc.kcc.ks.gov/e-filing/e-express/>, and a copy mailed to the Litigation Counsel. If you do not have access to the internet, you can mail an original and seven copies of the request to the Secretary to the Commission, at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy to Litigation Counsel. A hearing will be scheduled only

upon written request. Failure to timely request a hearing will result in a waiver of Schields & Sons Farming's right to a hearing.

H. 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. 2017 Supp. 66-1,142b(e) and amendments thereto.

I. 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.

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 07/31/2018



Lynn M. Retz
Secretary to the Commission

AAL

ATTACHMENT “A”



US DOT #
2844068

Legal: SHOCKER CORP
Operating (DBA): SCHIELDS & SONS FARMING

MC/MX #: 954548 State #: [REDACTED] Federal Tax ID: [REDACTED] (EIN)

Review Type: Compliance Review (CR)

Scope: Principal Office Location of Review/Audit: Company facility in the U. S. Territory:

Operation Types Interstate Intrastate

Carrier: Non-HM Non-HM
Shipper: N/A N/A
Cargo Tank: N/A

Business: Corporation

Gross Revenue: [REDACTED] for year ending: 12/31/2017

Company Physical Address:

[REDACTED]
GOODLAND, KS 67735-1515

Contact Name: Matt Schields

Phone numbers: (1) [REDACTED] Fax

E-Mail Address: [REDACTED]

Company Mailing Address:

209 SYCAMORE ST
GOODLAND, KS 67735-1515

Carrier Classification

Authorized for Hire Exempt for Hire

Cargo Classification

Other: Liquid Fertilizer

Equipment

	Owned	Term Leased	Trip Leased		Owned	Term Leased	Trip Leased
Truck Tractor	1	1	0	Trailer	0	0	2

Power units used in the U.S.: 2

Percentage of time used in the U.S.: 100

Does carrier transport placardable quantities of HM? No

Is an HM Permit required? N/A

Driver Information

	Inter	Intra
< 100 Miles:		
>= 100 Miles:	2	

Average trip leased drivers/month: 0

Total Drivers: 2

CDL Drivers: 2





SCHIELDS & SONS FARMING (SHOCKER CORP dba)
U.S. DOT #: 2844068

State #: [REDACTED]

Review Date:
05/31/2018

Part A

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

Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, Ks 66604

Phone : 785-271-3145

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Matt Schields

Title: President

Name: [REDACTED]





SCHIELDS & SONS FARMING (SHOCKER CORP dba)
U.S. DOT #: 2844068

State #: [REDACTED]

Review Date:
05/31/2018

Part B Violations

1 FEDERAL	Primary: 391.21(a)	Discovered 1	Checked 2	Drivers/Vehicles In Violation 1	Checked 2
Description Using a driver who has not completed and furnished an employment application. Example Driver Mark Koenig Trip Date: 3/12/2018 Application was incomplete because it was missing ten years of employment history.					
2 FEDERAL	Primary: 391.23(c)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
Description Failing to investigate driver's background within 30 days of employment. Example Driver Mark Koenig Trip Date: 3/12/2018 No previous employer inquiry was conducted on Mark Koenig. He was a driver for MCB's Motor Company and Helena Chemical Company in the previous three years.					
3 FEDERAL	Primary: 391.25(a)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
Description Failing to make an inquiry into the driving record of each driver to the appropriate State agencies in which the driver held a commercial motor vehicle operator's license at least once every 12 months. Example Driver Richard Miller Trip Date: 4/10/2018 Carrier had an MVR for Driver Mark Koenig dated 12/18/2016 and no other MVR on file. No MVR was provided for Driver Richard Miller.					
4 FEDERAL	Primary: 391.51(b)(5)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
Description Failing to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2). Example Driver Mark Koenig Trip Date: 3/12/2018 No annual review was completed for Driver Mark Koenig or Driver Richard Miller.					



	SCHIELDS & SONS FARMING (SHOCKER CORP dba)	Review Date:
	U.S. DOT #: 2844068	05/31/2018

State #: [REDACTED]

Part B Violations

5 FEDERAL	Primary: 391.51(b)(6)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
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Description

Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27.
Driver Richard Miller
Trip Date: 4/10/2018

Drivers had not completed a certificate of violations documenting any traffic convictions in the previous 12 months in his personal vehicle or his commercial vehicle

6 FEDERAL	Primary: 396.3(b)(1)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
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Description

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

Example

Unit 1
Trip Date: 3/12/2018

Safety Fitness Rating Information:	OOS Vehicle (CR): 0
Total Miles Operated 71,000	Number of Vehicle Inspected (CR): 0
Recordable Accidents 0	OOS Vehicle (MCMIS): 0
Recordable Accidents/Million Miles 0.00	Number of Vehicles Inspected (MCMIS): 0

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

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





SCHIELDS & SONS FARMING (SHOCKER CORP dba)
U.S. DOT #: 2844068

State #: XXXXXXXXXX

Review Date:
05/31/2018

Part B Requirements and/or Recommendations

1. For all Investigations:

- **Understand Why Compliance Saves Time and Money:** Compliance with FMCSRs will not only save lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business.
- **Document and Follow Through on Action Plans:** Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance
- **NOTICE:** A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six year period.
- **NOTICE:** 49 CFR Part 391.23 requires prospective employers to, at a minimum, investigate a driver's employment information, crash record, and alcohol and controlled substances history from all employers the driver worked for within the previous 3 years.

The Pre-Employment Screening Program (PSP) is a screening tool that assists motor carriers in investigating crash history and roadside safety performance of prospective drivers. The PSP allows motor carriers to purchase 5 years of crash data and 3 years of roadside inspection data from the Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Management Information System (MCMIS). Records are available 24 hours a day via Web request. Motor carriers should visit the following website for more information:
<http://www.psp.fmcsa.dot.gov/Pages/default.aspx>

- All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities. Discuss with your employees/drivers the "Security Measures for Truck Drivers and Companies" which were provided and reviewed with motor carrier official. Motor carriers should visit the following website for more information:
<http://www.fmcsa.dot.gov/documents/Hijacking-Brochure.pdf>

FMCSA recently announced planned improvements to the Carrier Safety Measurement System (SMS) which was implemented in December 2010 as part of the Agency's broader Compliance, Safety, Accountability (CSA) initiative. A preview of these improvements is currently available to motor carriers. The system changes are scheduled to be available to the public in July 2012. There will be additional opportunity for public comment on the changes after the preview period ends in July 2012. The improvements to SMS are based on ongoing analysis and feedback from enforcement personnel, the motor carrier industry, and other stakeholders. The changes more effectively identify and prioritize high-risk and other unsafe motor carriers for enforcement interventions designed to reduce commercial motor vehicle crashes and hazardous materials incidents. Motor carriers currently have the ability to preview how the improvements impact their individual safety data in SMS. These improvements include: (1) Changes to the SMS methodology that identify higher risk carriers while addressing industry biases; (2) better applications of SMS results for Agency interventions by more accurately identifying safety sensitive carriers (i.e., carriers transporting people and carriers hauling hazardous materials (HM)), so that such firms can be selected for CSA interventions at more stringent levels; and, (3) more specific fact-based displays of SMS results on the SMS Web site. The data preview may be found at <http://csa.fmcsa.dot.gov/>. During the data preview period, the Agency requests comments on the impacts of the changes.

For all Investigations that 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





SCHIELDS & SONS FARMING (SHOCKER CORP dba)
U.S. DOT #: 2844068

State #: [REDACTED]

Review Date:
05/31/2018

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- **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.

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<http://www.psp.fmcsa.dot.gov/Pages/default.aspx>

- All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities. Discuss with your employees/drivers the "Security Measures for Truck Drivers and Companies" which were provided and reviewed with motor carrier official. Motor carriers should visit the following website for more information:
<http://www.fmcsa.dot.gov/documents/Hijacking-Brochure.pdf>

FMCSA recently announced planned improvements to the Carrier Safety Measurement System (SMS) which was implemented in December 2010 as part of the Agency's broader Compliance, Safety, Accountability (CSA) initiative. A preview of these improvements is currently available to motor carriers. The system changes are scheduled to be available to the public in July 2012. There will be additional opportunity for public comment on the changes after the preview period ends in July 2012. The improvements to SMS are based on ongoing analysis and feedback from enforcement personnel, the motor carrier industry, and other stakeholders. The changes more effectively identify and prioritize high-risk and other unsafe motor carriers for enforcement interventions designed to reduce commercial motor vehicle crashes and hazardous materials incidents. Motor carriers currently have the ability to preview how the improvements impact their individual safety data in SMS. These improvements include: (1) Changes to the SMS methodology that identify higher risk carriers while addressing industry biases; (2) better applications of SMS results for Agency interventions by more accurately identifying safety sensitive carriers (i.e., carriers transporting people and carriers hauling hazardous materials (HM)), so that such firms can be selected for CSA interventions at more stringent levels; and, (3) more specific fact-based displays of SMS results on the SMS Web site. The data preview may be found at <http://csa.fmcsa.dot.gov/>. During the data preview period, the Agency requests comments on the impacts of the changes.

For all Investigations that 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





SCHIELDS & SONS FARMING (SHOCKER CORP dba)
U.S. DOT #: 2844068

State #: [REDACTED]

Review Date:
05/31/2018

Part B Requirements and/or Recommendations

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.

For all investigations that did not result in a Cooperative Safety Plan:

The KCC requires that you prepare a corrective action letter, addressing the measures taken to correct the violations identified within this report. Submit this letter within 30 days outlining the carrier's updated changes to their policies and procedures regarding all listed violations. Explain in detail how, as a carrier representative, you will rectify these deficiencies and prevent their reoccurrence going forward. Include any supporting documentation and evidence as indicated in the recommendations above, (example: vehicle inspections performed, proof of drug and alcohol testing in place, etc.) necessary to prove that corrective action has been taken. Mail the letter along with copies of your supporting evidence to:

Kansas Corporation Commission
Attn: Gary Davenport
1500 SW Arrowhead Rd
Topeka, KS 66604-4027

2. Ensure that drivers provide a 10-year employment history on their employment application.
3. Each motor carrier must obtain and maintain records relating to the investigation into the safety performance history of a new or prospective driver within 30 days of employing the driver from every employer who employed the driver within the previous three years of employment.
4. Every motor carrier shall at least once every 12 months review the motor vehicle record of each of the drivers it employs. MVR's can be obtained by going to <http://www.kcc.ks.gov> then clicking on Transportation on the right side of the page. There you will find a link to obtain MVR's for all Kansas licensed drivers.
5. Each motor carrier shall obtain a list or certificate relating to violations of the motor vehicle laws and ordinances for each driver it employs. The driver is required to show you any traffic conviction in the previous 12 months in their commercial motor vehicle or their personal vehicle. Retain the certificate of violations on file for three years. *Top PS 18*
6. Every motor carrier shall maintain a note relating to the annual review of the drivers driving record to determine that the driver meets the minimum requirements for safe driving. Document that the driver was counseled on any bad driving habits. Retain the annual review on file for three years *Burton & P PS 18*
7. Establish a systematic maintenance records program for all vehicles. Maintain a complete file for each subject vehicle, recording all repair, maintenance and inspection operations performed. Maintenance files must identify the vehicle by make, serial number, year, unit number and tire size. This includes the trailers.
8. This review will result in a Safety Rating.
9. This report contains citations of regulations that are deemed serious in nature and could result in penalties against your company and/or your drivers.
10. I, *Carrie Shields* 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 Shocker Corp d/b/a Shields & Sons Farming operating authority and/or the impoundment of Shocker Corp d/b/a Shields & Sons Farming vehicles.





SCHIELDS & SONS FARMING (SHOCKER CORP dba)
U.S. DOT #: 2844068

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Part B Requirements and/or Recommendations

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8. This review will result in a Safety Rating.
9. This report contains citations of regulations that are deemed serious in nature and could result in penalties against your company and/or your drivers.
10. I, *David A. Shields* 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 Shocker Corp d/b/a Shields & Sons Farming operating authority and/or the impoundment of Shocker Corp d/b/a Shields & Sons Farming vehicles.





SCHIELDS & SONS FARMING (SHOCKER CORP dba)
U.S. DOT #: 2844068

State #: [REDACTED]

Review Date:
05/31/2018

Part B Requirements and/or Recommendations



ATTACHMENT “B”



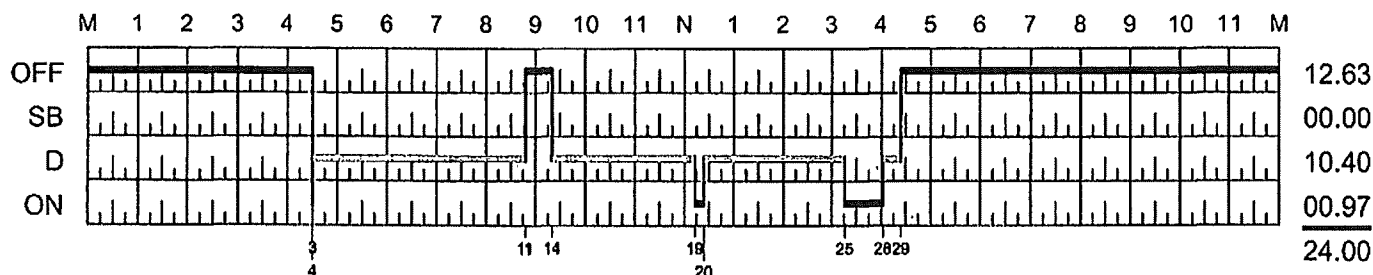
DRIVER'S DAILY LOG

USA Property 70 hour / 8 day

Log Date: April 10, 2018

Print Date: May 31, 2018

Driver	Richard Miller	Co-Drivers	
Driver License	[REDACTED]	Exempt Driver	No
Distance	585 mi	Engine Hours	42274.8 - 42285.9
Odometers	1,642,243 - 1,642,830	Shipping Docs	34014498
Current Location		24-Period Starting	Midnight
Data Diag. Indicators	No	ELD Malfn. Indicators	No
ELD ID	KTIELD		
Vehicles and VINs	White pete (1xp5db9x63d589492)		
Trailers	43a		
Carrier and DOT#	Shocker corp		
Main Office	[REDACTED], GOODLAND, KS, 67735		



No.	Status	Start (MDT)	Duration	Location	Engine	Odo	Notes
1	Off Duty Driver	12:00:00 AM	4 hr 30 min 19 sec	35.0 mi W of Colby, KS			
2	Engine Power Up	4:22:13 AM	-	35.1 mi W of Colby, KS	42274.8		
3	On Duty Driver	4:30:19 AM	34 sec	35.1 mi W of Colby, KS			
4	Driving ELD	4:30:53 AM	4 hr 17 min 37 sec	35.1 mi W of Colby, KS	42275	1,642,244	
5	Int Location	5:15:12 AM	-	84.9 mi N of Lamar, CO	42275.7		
6	Int Location	5:45:13 AM	-	74.9 mi SE of Brush, CO	42276.2		
7	Int Location	6:15:12 AM	-	67.7 mi S of Fort Morgan, CO	42276.7		
8	Int Location	6:45:12 AM	-	59.3 mi N of La Junta, CO	42277.2		
9	Int Location	7:15:12 AM	-	27.0 mi NW of La Junta, CO	42277.7		
10	Int Location	8:16:54 AM	-	35.3 mi SE of Pueblo, CO	42278.7		
11	Off Duty Driver	8:48:30 AM	32 min 21 sec	37.1 mi NW of Trinidad, CO	42279.3	1,642,516	
12	Engine Shutdown	8:50:37 AM	-	37.1 mi NW of Trinidad, CO	42279.3		
13	Engine Power Up	9:16:39 AM	-	37.1 mi NW of Trinidad, CO	42279.3		
14	Driving ELD	9:20:51 AM	2 hr 52 min 25 sec	37.1 mi NW of Trinidad, CO	42279.4	1,642,516	

15	Int Location	9:50:52 AM	-	39.3 mi E of Alamosa, CO	42279.9	
16	Int Location	11:04:14 AM	-	16.7 mi W of Alamosa, CO	42281.1	
17	Int Location	11:35:41 AM	-	44.0 mi W of Alamosa, CO	42281.6	
18	Int Location	12:05:42 PM	-	53.8 mi W of Alamosa, CO	42282.1	
19	On Duty Driver	12:13:16 PM	11 min 6 sec	55.9 mi E of Durango, CO	42282.3	1,642,665
20	Driving ELD	12:24:22 PM	2 hr 51 min 52 sec	55.9 mi E of Durango, CO	42282.4	1,642,665
21	Int Location	12:54:23 PM	-	41.5 mi E of Durango, CO	42283	
22	Int Location	1:24:24 PM	-	17.7 mi E of Durango, CO	42283.5	
23	Int Location	2:25:17 PM	-	16.3 mi E of Cortez, CO	42284.5	
24	Int Location	2:55:19 PM	-	11.3 mi NW of Cortez, CO	42285	
25	On Duty Driver	3:16:14 PM	46 min 22 sec	20.9 mi NW of Cortez, CO	42285.3	1,642,813
26	Engine Shutdown	3:17:10 PM	-	20.9 mi NW of Cortez, CO	42285.3	
27	Engine Power Up	4:01:27 PM	-	20.9 mi NW of Cortez, CO	42285.3	
28	Driving ELD	4:02:36 PM	22 min 22 sec	20.8 mi NW of Cortez, CO	42285.4	1,642,813
29	Off Duty Driver	4:24:58 PM	7 hr 35 min 2 sec	10.2 mi NW of Cortez, CO	42285.7	1,642,830
30	Engine Shutdown	4:33:21 PM	-	10.2 mi NW of Cortez, CO	42285.9	
31	Cert	Apr 11 2:34:46 AM	-			

Recap						
4/03 8.03	4/04 11.00	4/05 12.31	4/06 7.02	4/07 0.00	4/08 0.00 Restart	4/09 7.03
Total Hours Since Restart		7.03				
Hours Available Today		62.97				
Hours Worked Today		11.37				

Odometers			
Vehicle	Start	End	Distance
White pete	1,642,243	1,642,516	273 mi
White pete	1,642,516	1,642,665	149 mi
White pete	1,642,665	1,642,812	147 mi
White pete	1,642,813	1,642,829	16 mi

CERTIFICATE OF SERVICE

19-TRAM-020-PEN

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail/hand delivered on 08/01/2018.

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

MATTHEW A. SCHIELDS, PRESIDENT
SHOCKER CORP
D/B/A SCHIELDS & SONS FARMING
209 SYCAMORE ST
GOODLAND, KS 67735-1515
mattschiels@gmail.com

/S/ DeeAnn Shupe

DeeAnn Shupe