

STATE OF KANSAS

20181016112805
Kansas Corporation Commission

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 FLIST ALBRECHT, CHAIR | JAY SCOTT EMLER, COMMISSIONER | DWIGHT D. KEEN, COMMISSIONER

NOTICE OF PENALTY ASSESSMENT

19-TRAM-133-PEN

October 16, 2018

Tyler L. Edwards, Managing Member
Ace Transports LLC
3245 A Highway 169
Cherryvale, KS 67335

This is a notice of a penalty assessment against Ace Transports LLC (Ace Transports) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on August 22, 2018, by Kansas Corporation Commission Special Investigator Michael Heenan. Penalties are assessed in accordance with the FY 2019 Uniform Penalty Assessment Matrix, approved by the Commission on August 7, 2018. For a full description of the penalty(s) and terms and obligations please refer to the Order attached to this notice.

IF YOU ACCEPT THE PENALTY: Ace Transports has been assessed an \$1,100 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$1,100, through your personal account with the Kansas Corporation Commission's KTRAN system located at <https://puc.kcc.ks.gov/ktran/>. If you have not received a letter from the Transportation Division assigning you a PIN, please contact that Division at 785-271-3145. You must have an account through KTRAN to pay the penalty owed.

The attached Order requires a representative of Ace Transports 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. The Order also requires your company to submit to one follow-up safety compliance review within 18 months from the date of the Order. Transportation Staff will contact your company at a later date to determine an appropriate time for this review.

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. Ace Transports 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 Secretary to the Commission at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy to the undersigned Litigation Counsel. K.A.R. 82-1-215; K S.A. 2017 Supp. 77-542.

IF YOU FAIL TO ACT: Failure to pay the penalty of \$1,100 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,


Ahsan A. Latif
Litigation Counsel
(785) 271-3118

**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 Ace)
Transports LLC, of Cherryvale, KS,)
Regarding the Violation of the Motor Carrier)
Safety Statutes, Rules and Regulations and the) Docket No. 19-TRAM-133-PEN
Commission's Authority to Impose Penalties,)
Sanctions and/or the Revocation of Motor)
Carrier Authority.)

PENALTY ORDER

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

I. JURISDICTION

1. Pursuant to K.S.A. 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 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. Ace Transports LLC (Ace Transports) has private operating authority with the Commission and further operates USDOT number 2365172.

5. Glenna Edwards attended a Commission-sponsored Motor Carrier Education and Safety Instructional Meeting on March 11, 2013, on behalf of Ace Transports.

6. Ace Transports is a private motor carrier which primarily hauls general freight, motor vehicles and construction.

III. STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, on August 22, 2018, Commission Staff (Staff) Special Investigator Michael Heenan conducted a compliance review of the operations of Ace Transports. A copy of the safety compliance review is included in this Penalty Order as Attachment "A" and is hereby incorporated by reference. As a result of this investigation, the special investigator identified three (3) violation(s) of the Motor Carrier Safety Regulations.

- a. On December 10, 2017, Ace Transports required or permitted its driver, Eric J. King, to operate a CDL-required commercial motor vehicle, a 2010 Kenworth, VIN ending in 221356, GVWR 50,000 lbs., pulling a 2003

Wabash dry van trailer, VIN ending in 847844, GVWR 68,000 lbs., in interstate commerce from Chanute, Kansas to Colorado Springs, Colorado. This trip is evidenced by Driver/Vehicle Examination Report Number KSHP04290100, dated December 10, 2017, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, Ace Transport was using a driver that had a suspended commercial driver's license. The carrier's failure to require its driver to cease operations of commercial motor vehicles due to a suspended CDL is a violation of 49 C.F.R. 392.2 (K.S.A. 8-2,125), adopted by K.A.R. 82-4-3a, and authorized by K.S.A. 2017 Supp. 66-1,129. Staff recommends a fine of \$500.

- b. On January 3, 2018, Ace Transport required or permitted its driver, Billy G. Sutton, to operate a CDL-required commercial motor vehicle, a 2010 Kenworth, VIN ending in 221356, GVWR 50,000 lbs., pulling a 2003 Wabash dry van trailer, VIN ending in 822138, in interstate commerce from Salina, Kansas to Denver, Colorado. This trip is evidenced by Driver's Daily Log, dated January 3, 2018, a copy of which is attached hereto as Attachment "C" and is hereby incorporated by reference. At the time of this transportation, Ace Transport failed to obtain its driver's motor vehicle record (MVR) within 30 days of employment. The carrier's failure to obtain MVRs on its drivers within 30 days of employment and maintain the MVRs in the driver qualification files pursuant to 49 C.F.R. 391.51 is a violation of 49 C.F.R. 391.23(a)(1) and (b), adopted by K.A.R.

82-4-3g, and authorized by K.S.A. 2017 Supp. 66-1,129. Staff recommends a fine of \$100.

- c. On August 4, 2018, Ace Transport required or permitted its driver, Tommy Dufoe, to operate a CDL-required commercial motor vehicle, a 2007 International, VIN ending in 485852, GVWR 52,000 lbs., in intrastate commerce from Pittsburg, Kansas to Newton, Kansas. This trip is evidenced by Driver's Log, dated August 4, 2018, a copy of which is attached hereto as Attachment "D" and is hereby incorporated by reference. At the time of this transportation, Ace Transport did not have proper "for-hire" Commission authority to operate from point-to-point in the state of Kansas. Its "for-hire" authority cancelled on April 17, 2013, and Transportation Staff requested the carrier to re-apply, but the carrier never responded. Ace Transports' commercial operations of motor vehicles prior to obtaining and maintaining proper Commission authority is a violation of K.S.A. 2017 Supp. 66-1,111 and 49 C.F.R. 392.2, adopted by K.A.R. 82-4-3h, and authorized by K.S.A. 2017 Supp. 66-1,129. Staff recommends a fine of \$500.

IV. STAFF'S RECOMMENDATIONS

8. Based upon the available facts, Staff recommends the Commission finds Ace Transports committed three (3) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

9. Additionally, Staff recommends a civil penalty of \$1,100 for three (3) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that a representative from Ace Transports 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.

11. Finally, Staff recommends that Ace Transports 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

12. The Commission finds it has jurisdiction over Ace Transports because it is a motor carrier as defined in K.S.A. 2017 Supp. 66-1,108.

13. The Commission finds Ace Transports committed three (3) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

THE COMMISSION THEREFORE ORDERS THAT:

A. Ace Transports LLC, of Cherryvale, KS is hereby assessed an \$1,100 civil penalty for three (3) violation(s) of Kansas law governing the regulation of motor carriers, the Kansas Administrative Regulations and provisions of the Federal Motor Carrier Safety Regulations, as adopted by the Kansas Administrative Regulations.

B. Ace Transports 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. Ace Transports 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.

D. 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. 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 Secretary to the Commission, 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 Ace Transports' right to a hearing, and this Penalty Order will become a Final Order assessing a \$1,100 civil penalty against Ace Transports, and ordering a representative from Ace Transports 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, and to submit to a safety compliance review within 18 months from the date of this Order.

E. 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.

F. If you do not request a hearing, the payment of the civil penalty of \$1,100 is due in thirty (30) days from the date of service of this Order. Payment of \$1,100 must be made through your personal account with the Kansas Corporation Commission's KTRAN system located at <https://puc.kcc.ks.gov/ktran/>. You must have an account through KTRAN to pay the penalty.

G. Failure to pay the \$1,100 civil penalty within thirty (30) days from the date of service of this Penalty Order, *see* K.S.A. 66-1,105, and/or failure to comply with the provisions of this Order, may result in suspension of Ace Transports' motor carrier operating authority without further notice. 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.

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.

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner


Dated: 10/16/2018

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

Lynn M. Retz
Secretary to the Commission

AAL

ATTACHMENT “A”

	US DOT # 2365172	Legal: ACE TRANSPORTS LLC				
		Operating (DBA):				
MC/MX #: 817333		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: C	
Operation Types Interstate Intrastate						
Carrier: HM HM		Business: Corporation				
Shipper: N/A N/A		Gross Revenue: [REDACTED]		for year ending: 12/31/2017		
Cargo Tank: N/A						
Company Physical Address:						
[REDACTED]						
CHERRYVALE, KS 67335						
Contact Name: [REDACTED]						
Phone numbers: (1 [REDACTED])		Fax				
E-Mail Address: [REDACTED]						
Company Mailing Address:						
[REDACTED]						
CHERRYVALE, KS 67335						
Carrier Classification						
Authorized for Hire						
Cargo Classification						
General Freight		Motor Vehicles		Construction		
Hazardous Materials						
9 Miscellaneous HM		Carried		Non-Bulk		
Equipment						
	Owned Term Leased Trip Leased			Owned Term Leased Trip Leased		
Truck Tractor	4	0	0	Trailer	6	0 0
Power units used in the U.S.:4						
Percentage of time used in the U.S.:100						
Does carrier transport placardable quantities of HM? No						
Is an HM Permit required? N/A						
Driver Information						
	Inter	Intra	Average trip leased drivers/month: 0			
< 100 Miles:	1		Total Drivers: 3			
>= 100 Miles:	2		CDL Drivers: 3			



ACE TRANSPORTS LLC
U.S. DOT #: 2365172

State #: [REDACTED]

Review Date:
08/22/2018

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 66604-4027 785-271-3145

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Tina F Edwards

Title: Office Manager/Treasurer

Name:

Title:





ACE TRANSPORTS LLC
U.S. DOT #: 2365172

State #: [REDACTED]

Review Date:
08/22/2018

Part B Violations

1 FEDERAL	Primary: 383.23(a) Secondary: 392.2 KSA 2,125	Discovered 1	Checked 3	Drivers/Vehicles In Violation	Checked 3
Description Operating a commercial motor vehicle without a valid commercial driver's license. Example Driver name: Eric J King Trip date: 12-10-17 Origin: Chanute Ks Destination: Colorado Springs Co At the time of this trip, the above listed driver was found to be suspended from his CDL from 1/26/16 to 3/15/18. This driver was found in a RSI in Kansas on 12/10/17 and failed to provide the officer with a copy of his drivers license. Advised his license had been stolen. At the time of this stop, his license showed suspended with the extent of COMMERCIAL listed.					
2 FEDERAL	Primary: 391.23(c)	Discovered 1	Checked 3	Drivers/Vehicles In Violation	Checked 3
Description Failing to investigate driver's background within 30 days of employment. Example Driver name: Billy G Sutton Trip date: 01-03-18 Date of Hire: 7/31/17 MVR to be ran by 8/31/17 At the time of this trip, and the time of this review, it was found that the above driver had no MVR in his driver file within 30 days of his employment. The driver was hired on 7/31/17 and the first and only MVR found in the driver file was dated 3/16/18. This was nearly 8 months after the driver had been hired.					
3 FEDERAL	Primary: 391.51(b)(5)	Discovered 3	Checked 3	Drivers/Vehicles In Violation	Checked 3
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 name: Eric J King Trip date: 12-10-17 Origin: Chanute Ks Destination: Colorado Springs Co At the time of this trip, and the time of this review, the carrier had either no or expired records of annual review in their drivers files.					
4 FEDERAL	Primary: 391.51(b)(6)	Discovered 3	Checked 3	Drivers/Vehicles In Violation	Checked 3
Description Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27. Example Driver name: Eric J King Trip date: 12-10-17 Origin: Chanute Ks Destination: Colorado Springs Co At the time of this trip, and the time of this review, the carrier had either no, or expired records of certificates of violations in their drivers files.					





ACE TRANSPORTS LLC
U.S. DOT #: 2365172

State #: [REDACTED]

Review Date:
08/22/2018

Part B Violations

5 STATE	Primary: 66-1,112 CFR Equivalent: 392.2	Discovered 1	Checked 1	Drivers/Vehicles In Violation 0	Checked 0
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Description

No Common Carrier Authority- Intrastate Point to Point

Example

Driver name: Tommy Dufoe

Trip date: 08-04-18

Origination: Pittsburg Ks

Destination: Newton Ks

At the time of this trip, and the time of this review it could not be documented that this carrier had KCC For Hire authority. It was determined that the carrier had Private Carrier authority and was requested by the Commission several months back to provided a Form E for their For Hire approval but never submitted the document.

Safety Fitness Rating Information:

Total Miles Operated 575,087
Recordable Accidents 1
Recordable Accidents/Million Miles 1.74

OOS Vehicle (CR): 0
Number of Vehicle Inspected (CR): 0
OOS Vehicle (MCMIS): 2
Number of Vehicles Inspected (MCMIS): 22

Your proposed safety rating is :

SATISFACTORY

Rating Factors		Acute	Critical
Factor 1:	S	0	0
Factor 2:	S	0	0
Factor 3:	S	0	0
Factor 4:	S	0	0
Factor 5:	S	0	0
Factor 6:	S	-	-

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





ACE TRANSPORTS LLC
U.S. DOT #: 2365172

State #: [REDACTED]

Review Date:
08/22/2018

Part B Requirements and/or Recommendations

1. Each Driver Qualification File must contain a properly executed and signed Certification of Violations and a Annual Review of Driving Record completed yearly.

2. 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 Notice of Claim:

- **PLEASE NOTE:** The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Notice of Claim. 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 Notice of Claim. Your signature for receipt of this report acknowledges your understanding that the violations discovered by the FMCSA during this review may be used to calculate any civil penalty proposed as a result of this review.





ACE TRANSPORTS LLC
U.S. DOT #: 2365172

State #: [REDACTED]

Review Date:
08/22/2018

Part B Requirements and/or Recommendations

Attached to this report is Table 1, which identifies all the documented violations which were discovered during the course of this review.

For all investigations resulting in serious violations:

Serious violations were recorded on this investigation report. These violations will impact your safety record. Furthermore, these violations may result in a follow-up investigation at a later date unless adequate evidence of corrective action is forwarded to our office:

US Department of Transportation
Federal Motor Carrier Safety Administration
Kansas Division
Jeff Ellett - Division Administrator
1303 First American Place, Suite 200
Topeka, KS 66604-4040

For all investigations where the carrier has been involved in 2 or more recordable 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:

US Department of Transportation
Kansas Division
Jeff Ellett - Division Administrator
Federal Motor Carrier Safety Administration
1303 First American Place, Suite 200
Topeka, KS 66604-4040

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

For all investigations resulting in a proposed conditional or unsatisfactory rating:

385.15

If you believe the proposed rating is in error and there are factual and procedural issues in dispute, Part 385.15 (copy provided) outlines procedures for petitioning the Federal Motor Carrier Safety Administration for an administrative review of these findings. Your petition should be addressed to:

US Department of Transportation
Jack Van Steenburg - Chief Safety Officer
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue SE,
Washington, DC 20590

385.17

In addition, a request for a revised rating based on corrective actions may be made at any time. Part 385.17 (copy provided) outlines the procedures for such a request. The request must be made in writing, must describe the corrective action taken and must include other documentation that may be relied upon as a basis for the requested change. Address your written request to:

US Department of Transportation
Max Strathman - Midwestern Field Administrator
Federal Motor Carrier Safety Administration
4749 Lincoln Mall Drive, Suite 300-A
Matteson, IL 60443

Ensure that a CC copy of the letter is mailed to:

US Department of Transportation
Kansas Division
Jeff Ellett - Division Administrator





ACE TRANSPORTS LLC

U.S. DOT #: 2365172

State #: [REDACTED]

Review Date:

08/22/2018

Part B Requirements and/or Recommendations

Federal Motor Carrier Safety Administration
1303 First American Place, Suite 200
Topeka, KS 66604-4040

This letter should be submitted as soon as possible.

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

3. 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

4. * 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 website:
http://kcc.ks.gov/trans/penalty_assessment_table.htm

Carrier Signature

Jim Edwards

Investigator Signature

M.W. Neeley 8213

5. Make certain that you have Kansas Common Carrier Authority if the situation exists that your carrier operations





ACE TRANSPORTS LLC
U.S. DOT #: 2365172

State #: [REDACTED]

Review Date:
08/22/2018

Part B Requirements and/or Recommendations

require the authority under Kansas State law.

6. Make certain that all drivers of commercial motor vehicles have a record check of their driving record at least every 12 months and within 30 days of their initial employment

7. 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 carrier's 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

8. 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 [Ace Transports LLC] operating authority and/or the impoundment of [Ace Transports LLC] vehicles.

Carrier Signature

Steve Edwards

Investigator Signature

M. W. [Signature] 8213



ATTACHMENT “B”

DRIVER/VEHICLE EXAMINATION REPORT

Query Central 3.4

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

Report Number: KSHPO4290100
 Inspection Date: 12/10/2017
 Start: 6 55 PM CT End: 07:30 PM CT
 Inspection Level: II - Walk-Around
 HM Inspection Type: None

ACE TRANSPORTS LLC

CHERRYVALE, KS 67335

USDOT#: 02365172

MC/MX#: 817333

State#:

Phone#:

Fax#:

Driver: KING, ERIC J

License#:

Date of Birth:

CoDriver:

License#:

Date of Birth:

State: KS

State:

Location: MCPHERSON

Highway: 1135

County:

MilePost: 65

Origin: CHANUTE, KS

Destination: COLORADO SPRING

Shipper: MASONITE ENTRY SYSTEMS

Bill of Lading: 301511800198411

Cargo: DOOR

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate #	Equipment ID	VIN	GWR	CVSA #	New CVSA #	OOS#
1	TT	KW	2010	KS		3	221356	50,000			
2	ST	WANC	2003	KS		1199	347844	68,000			

BRAKE ADJUSTMENTS: No Brake Measurements Required For Level 2

VIOLATIONS

Vio Code	Section	Unit	OOS	Citation #	Verify	Crash	Violations Discovered
392.2	8-244	D	N		N	N	Fail to have Driver's License in possession or fail to display Driver's License upon demand. DRIVER DID NOT HAVE HIS LICENSE IN HIS POSSESSION. ADVISED HIS WALLET HAD BEEN STOLEN

HazMat: No HM Transported.

Placard: No Cargo Tank:

Special Checks: Traffic Enforcement:

*NOTE TO MECHANIC The undersigned certifies that all mechanical defects listed on this report HAVE BEEN CORRECTED at the time of signature

Signature Of Repairer X _____ Facility _____ Date _____

DRIVER THIS FORM IS REQUIRED TO BE RETURNED TO THE CARRIER BY REGULATION **/ CARRIER CERTIFICATION All defects on this sheet must be corrected or acknowledged PRIOR TO RE-DISPATCH and then certified by a responsible carrier official who must sign below RETURN THIS FORM WITHIN 15 DAYS to the Motor Carrier Division of the KANSAS HIGHWAY PATROL at the address listed at the top of this form

Signature Of Motor Carrier X _____ Title _____ Date _____

Report Prepared By
 M. Swart

Badge #
 0429

Copy Received By
 ERIC KING

Page 1 of 1



02365172 KS KSHPO4290100

X _____

X _____

ATTACHMENT “C”

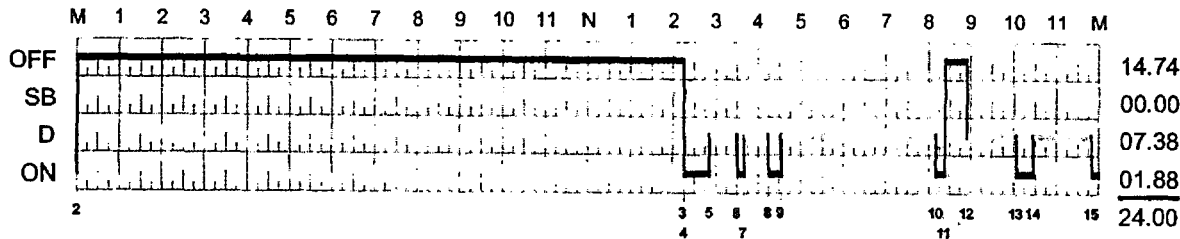


DRIVER'S DAILY LOG

USA Property 70 hour / 8 day

January 03, 2018

Driver	Bill Sutton	ID	11	Co-Drivers	Eric King - ID 3
Distance	473 mi	Vehicles	Unit 3	Trailers	1499
Carrier	Ace transport llc	Main Office	[REDACTED] cherryvale, KS, 67335		
Home Terminal	[REDACTED] Cherryvale, KS, 67335			Shipping Docs	None



Recap	
12/27	0.00
12/28	0.00
12/29	0.00
12/30	0.00
12/31	0.00
1/01	0.00
1/02	8.28
Total Hours Last 7 Days	8.28
Hrs Available Today	61.72
Hrs Worked Today	9.26

No.	Status	Start (CST)	Duration	Location	Notes
1	On Duty	12:00:00 AM	1 min 57 sec	14.4 mi W of Salina, KS	
2	Off Duty	12:01:57 AM	14 hr 13 min 11 sec	14.4 mi W of Salina, KS	
3	Driving ⊕	2:15:08 PM	53 sec	Windsor, CO	
4	On Duty	2:16:01 PM	36 min 56 sec	Windsor, CO	
5	Driving ⊕	2:52:57 PM	38 min 12 sec	Windsor, CO	
6	On Duty	3:31:09 PM	9 min 44 sec	4.0 mi NW of Firestone, CO	
7	Driving ⊕	3:40:53 PM	34 min 13 sec	4.0 mi NW of Firestone, CO	
8	On Duty	4:15:06 PM	17 min 59 sec	Denver, CO	
9	Driving ⊕	4:33:05 PM	3 hr 38 min 35 sec	Denver, CO	
10	On Duty	8:11:40 PM	12 min 26 sec	17.5 mi SE of Colby, KS	
11	Off Duty	8:24:06 PM	31 min 11 sec	17.5 mi SE of Colby, KS	30 Min Break
12	Driving ⊕	8:55:17 PM	1 hr 9 min 29 sec	17.5 mi SE of Colby, KS	
13	On Duty	10:04:46 PM	24 min 1 sec	13.4 mi W of Hays, KS	
14	Driving ⊕	10:28:47 PM	1 hr 21 min 43 sec	13.4 mi W of Hays, KS	
15	On Duty	11:50:30 PM	9 min 30 sec	14.3 mi W of Salina, KS	

Odometers			
Vehicle	Start	End	Distance
Unit 3	915,309	915,309	0 mi
Unit 3	915,309	915,340	31 mi
Unit 3	915,340	915,372	32 mi
Unit 3	915,372	915,612	240 mi
Unit 3	915,612	915,688	76 mi
Unit 3	915,688	915,782	94 mi
Unit 3	916,583		

ATTACHMENT “D”

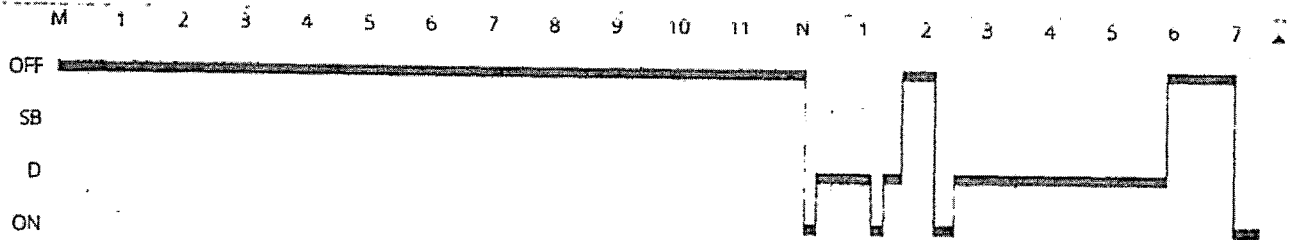
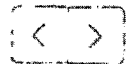


Log - Aug 04

Edit Log

Download

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STATUS	START (CDT)	DURATION	LOCATION
OFF DUTY	12:00:00 AM	12 hrs 4 mins 8 secs	
ON DUTY	12:04:08 PM	11 mins 16 secs	6.9 mi E of Independence, KS
DRIVING	12:15:24 PM	53 mins 40 secs	6.8 mi E of Independence, KS
ON DUTY	01:09:04 PM	12 mins 15 secs	5.1 mi S of Pittsburg, KS
DRIVING	01:21:19 PM	17 mins 31 secs	5.1 mi S of Pittsburg, KS
OFF DUTY	01:38:50 PM	31 mins 30 secs	Pittsburg, KS
ON DUTY	02:10:20 PM	18 mins 56 secs	Pittsburg, KS
DRIVING	02:29:16 PM	3 hrs 26 mins 8 secs	Pittsburg, KS
OFF DUTY	05:55:24 PM	1 hr 5 mins 1 sec	2.1 mi N of Newton, KS

?

CERTIFICATE OF SERVICE

19-TRAM-133-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 10/17/2018

TYLER L EDWARDS, OWNER/OPERATOR
ACE TRANSPORTS LLC
3245 A HIGHWAY 169
CHERRYVALE, KS 67335
acetransportsllc@gmail com

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