



NOTICE OF PENALTY ASSESSMENT
24-TRAM-779-PEN

June 6, 2024
Ryan Levi Diederich
TCB Trucking LLC
17555 Tuttle Creek Blvd
Randolph, Kansas 66654

This is a notice of a penalty assessment against TCB Trucking LLC (TCB Trucking) for violations of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted May 29, 2024, by a Kansas Corporation Commission Special Investigator. Penalties are assessed in accordance with the FY 2024 Uniform Penalty Assessment Matrix, approved by the Commission on June 29, 2023. 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: TCB Trucking has been assessed a \$1,750 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$1,750, through your personal account with the Kansas Corporation Commission's Kansas Trucking Regulatory Assistance Network (KTRAN) system located at <https://puc.kcc.ks.gov/ktran/>. If you have not received a letter from the Transportation Division assigning you a PIN, please contact that Division at 785-271-3145. You must have an account through KTRAN to pay the penalty owed.

The attached Order requires a representative of TCB Trucking to attend a Commission-sponsored safety seminar within ninety (90) days from the date of the Order and to provide the undersigned Litigation Counsel with written proof of attendance. A schedule of dates and locations for safety seminars can be found at the Commission's website http://www.kcc.state.ks.us/trans/safety_meetings.htm.

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

IF YOU FAIL TO ACT: Failure to pay the penalty of \$1,750 within thirty (30) days from the date of service of the Penalty Order or failure to comply with the terms of the Order, or in the alternative, failure to provide a timely written request for a hearing, will result in the Order becoming final and may result in additional sanctions of suspension and/or revocation of your motor carrier operating authority.

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

¹ K.A.R. 82-1-215; K.S.A. 77-542.

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

Before Commissioners: Andrew J. French, Chairperson
 Dwight D. Keen
 Annie Kuether

In the Matter of the Investigation of **TCB**)
Trucking LLC, of Randolph, Kansas.)
Regarding the Violation(s) of the Motor Carrier)
Safety Statutes, Rules and Regulations and the) Docket No. 24-TRAM-779-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:

1. On May 29, 2024, a Commission Staff (“Staff”) Special Investigator (“SI”) completed a safety compliance investigation of the operations of TCB Trucking LLC (TCB Trucking or Carrier). TCB Trucking is a motor carrier as defined in 49 C.F.R. 390.5, and operates under USDOT number 3405378.

2. On May 29, 2024, Staff submitted its Report and Recommendation (“R&R”), attached hereto as Attachment “A” and is hereby incorporated by reference, recommending a penalty of \$1,750 to be issued to TCB Trucking based on the frequency, timeline and severity of the violations discovered. Staff’s R&R indicates that as a result of the safety compliance investigation, the SI identified eleven (11) violation(s), accounting for four (4) count(s), of the

Motor Carrier Safety Regulations (MCSRs), which carries a penalty according to the FY2024 Uniform Penalty Assessment Matrix.²

3. Additionally, Staff recommends that TCB Trucking be required to have a representative responsible for the Carrier's safety compliance 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.³ 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.

4. Staff further recommends TCB Trucking submit a written, comprehensive corrective action plan (CAP) to Transportation Staff within thirty (30) days of the date of this order, documenting the violation(s) described in this Penalty Order, including specific and detailed information explaining Carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.⁴

5. Finally, Staff recommends that TCB Trucking submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order.⁵ Transportation Staff will contact the motor carrier at a later date to determine an appropriate time for this review.

6. Pursuant to K.S.A 66-1,108b, 66-1,111, 66-1,112 and 66-1,114b, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in 49 C.F.R. Part 390.5 as adopted by K.A.R. 82-4-3f, doing business or procuring business in

² Order Designating Guidance Document and Approving Staff's Use of the Transportation Division's Uniform Penalty Assessment Table, pp. 11 – 26 (Jun. 29, 2023) ("Penalty Matrix").

³ See Staff's Report and Recommendation, p.3 (May 29, 2024).

⁴ *Id.*

⁵ *Id.*

Kansas, and is empowered to do all things necessary and convenient for the exercise of such power, authority and jurisdiction.

7. Pursuant to K.S.A. 66-1,129a, 66-1,130 and 66-1,142b, the Commission may suspend operations, revoke or amend certificates, and initiate sanctions or fines against every motor carrier and every person who violates any provision of Kansas law in regard to the regulation of such motor carriers and persons, or who fails to obey any order, decision or regulation of the Commission.

8. 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.

IT IS THEREFORE, BY THE COMMISSION ORDERED THAT:

A. TCB Trucking is hereby assessed a \$1,750 civil penalty for eleven (11) violation(s), accounting for four (4) count(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. TCB Trucking is hereby ordered to have a representative responsible for the Carrier's safety compliance 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. TCB Trucking is hereby ordered to submit a written, comprehensive corrective action plan (CAP) to Transportation Staff within thirty (30) days of the date of this order, documenting the violation(s) described in this Penalty Order, including specific and detailed

information explaining Carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.

D. TCB Trucking is ordered to submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order. Transportation Staff will contact the Carrier to set up the appointment.

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

F. If a request for hearing is filed, attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. For civil penalties exceeding \$500, a corporation shall appear before the Commission by its attorney, unless waived by the Commission for good cause shown and a determination that such waiver is in the public interest.⁶ For civil penalties of \$500 or less, a corporation may appear by a duly authorized representative of the corporation.⁷

⁶ . K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2); K.A.R. 82-1-202(a).

⁷ K.S.A. 66-1,142b(e) and amendments thereto.

G. If you do not request a hearing, the payment of the civil penalty of \$1,750 is due in thirty (30) days from the date of service of this Order. Payment of \$1,750 must be made through your personal account with the Kansas Corporation Commission's Kansas Trucking Regulatory Assistance Network (KTRAN) system located at <https://puc.kcc.ks.gov/ktran/>. You must have an account through KTRAN to pay the penalty.

H. Failure to pay the \$1,750 civil penalty within thirty (30) days from the date of service of this Penalty Order and/or failure to comply with the provisions of this Order may result in suspension of TCB Trucking's motor carrier operating authority without further notice.⁸ 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.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 06/06/2024



Lynn M. Retz
Executive Director

AAL

⁸ K.S.A. 66-1,105.

ATTACHMENT “A”

**REPORT AND RECOMMENDATION
TRANSPORTATION DIVISION**

TO: Andrew J. French, Chairperson
Dwight D. Keen, Commissioner
Annie Kuether, Commissioner

FROM: Gary Davenport, Deputy Director of Transportation
Jared Smith, Public Service Executive

DATE: May 29, 2024

SUBJECT: Docket No. 24-TRAM-779-PEN

In the Matter of the Investigation of **TCB Trucking LLC of Randolph, Kansas**
Regarding the Violation of the Motor Carrier Rules and Regulations and the
Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of
Motor Carrier Authority

EXECUTIVE SUMMARY:

TCB Trucking LLC is a motor carrier (MC) possessing public for-hire operating authority from the Commission, primarily hauling grain, feed, and hay. TCB Trucking LLC operates under USDOT 3405378. On May 29, 2024, a Commission Staff Special Investigator (SI) completed a safety compliance investigation of the operations of TCB Trucking LLC. A copy of the safety compliance report is attached hereto as **Exhibit 1** and is hereby incorporated by reference. As a result of this investigation, the SI identified eleven (11) violations, accounting for four (4) specific counts, of the Motor Carrier Safety Regulations (MCSRs), which carries a penalty according to the FY2024 Uniform Penalty Assessment Matrix approved by the Commission. Based on the frequency, timeline and severity of the violations discovered by the SI, staff recommends penalty of \$1,750 be issued to the MC.

DISCUSSION AND ANALYSIS:

On May 29, 2024, a Commission Staff SI conducted a safety compliance investigation of the operations of TCB Trucking LLC. The investigation covers a 365 day period. Each specific count is detailed below.

Count One: (1 of 4)

Jurisdiction: 49 C.F.R. 382.701(b)(1), adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 66-1,129.

Intent of Law: The MC must conduct an annual inquiry into its drivers with the FMCSA Drug and Alcohol Clearinghouse.

Supporting Documentation: On April 26, 2024, TCB Trucking LLC permitted or required its driver, Eric Rossillon, to operate a commercial driver's license (CDL) required commercial motor vehicle (CMV), a 2006 Western Star Truck, VIN ending 1054, GVWR 52,000 lbs., in intrastate commerce from Belleville Kansas to Russell Kansas. This trip is evidenced by the bill of lading (BOL) attached hereto as **Exhibit 2** and the DACH Query Report is attached hereto as **Exhibit 3**. Driver Eric Rossillon appears on the DACH Query Report, but the query was still pending as of May 23, 2024, indicating the query had not been completed prior to this transportation.

Violation: TCB Trucking LLC failed to conduct the annual query in the Drug and Alcohol Clearinghouse (**Exhibit 1, Page 3**). Three (3) violations were discovered.

Recommendation: Staff recommends a fine of \$250.

Count Two: (2 of 4)

Jurisdiction: 49 C.F.R. 382.701(a), adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 66-1,129.

Intent of Law: The MC must conduct a pre-employment inquiry into its drivers with the FMCSA Drug and Alcohol Clearinghouse (DACH).

Supporting Documentation: On May 5, 2024, TCB Trucking LLC permitted or required its driver, Storm Louw, to operate a CDL-required CMV, a 2006 Volvo Truck, VIN ending 9912, GVWR 562,000 lbs., in intrastate commerce from Beloit, Kansas to Concordia, Kansas. This trip is evidenced by a BOL, attached hereto as **Exhibit 4**, as well as the Clearinghouse Query Report, attached hereto as **Exhibit 3**. Driver Storm Louw appears on the DACH Query Report, but the query was still pending as of May 23, 2024, indicating the query had not been completed prior to this transportation.

Violation: TCB Trucking LLC failed to conduct pre-employment queries in the Drug and Alcohol Clearinghouse (**Exhibit 1, Page 3**). Two (2) violations were discovered.

Recommendation: Staff recommends a fine of \$500.

Count Three: (3 of 4)

Jurisdiction: 49 C.F.R. 391.25(c)(1), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 66-1,129.

Intent of Law: The MC must 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.

Supporting Documentation: This violation took place during the transport described in Count Two, above. The MC was unable to provide a copy of the driver's MVR.

Violation: TCB Trucking LLC failed to make inquiries every year into the annual motor vehicle record (MVR) of its driver and maintain the responses in the driver qualification files (**Exhibit 1, Page 3**). Five (5) violations were discovered.

Recommendation: Staff recommends a fine of \$250.

Count Four: (4 of 4)

Jurisdiction: 49 C.F.R. 396.3(b)(2), adopted by K.A.R. 82-4-3j, and authorized by K.S.A. 66-1,129.

Intent of Law: The MC must have a preventative maintenance program for their commercial motor vehicle fleet.

Supporting Documentation: This violation took place during the transport described in Count Two, above. The MC was unable to provide the SI with a preventative maintenance policy or plan to ensure vehicles were inspected and maintained in a safe manner.

Violation: TCB Trucking LLC failed to have a means of indicating the nature and due date of the various inspection and maintenance operations to be performed (**Exhibit 1, Page 3**). One (1) violation was discovered.

Recommendation: Staff recommends a fine of \$750.

RECOMMENDATION:

Transportation Staff recommends the Commission find TCB Trucking LLC committed eleven (11) violations, accounting for four (4) specific counts, of Kansas law that governs MCs, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations (K.A.R.s), and is therefore subject to sanctions or fines imposed by the Commission.

Due to the frequency, timeline and severity of the violations, Staff recommends a civil penalty of \$1,750 for eleven (11) violations of the MC Safety Statutes, Rules and Regulations, in accordance with the recommended penalties listed in the applicable Uniform Penalty Assessment Matrix.

Staff further recommends TCB Trucking LLC require a representative responsible for the company's safety to attend a Commission-sponsored safety seminar within ninety (90) days from the date of the Order, and provide Litigation Counsel with written proof of attendance. A schedule of the dates and locations for safety seminars can be found on the Commission's website at http://kcc.ks.gov/trans/safety_meetings.htm.

Staff further recommends TCB Trucking LLC submit a written, comprehensive Corrective Action Plan (CAP) to Transportation Staff within thirty (30) days of the date of this order, documenting the violation(s) described in the Penalty Order, including specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violations do not occur in the future.

Finally, Staff recommends that TCB Trucking LLC submit to one follow-up safety compliance review within eighteen (18) months from the date of the Penalty Order. Transportation Staff will contact the motor carrier at a later date to determine an appropriate time for the review.

EXHIBIT 1

UNITED STATES DEPARTMENT OF TRANSPORTATION



U.S. DOT#: 3405378
MC/MX#: 0

Legal: TCB TRUCKING LLC
Operating (DBA):

Investigation Date:
05/29/2024

Investigation Type: Onsite Comprehensive Investigation

Location of Investigation: Company principal place of business (PPOB)

Extent of Operations: Entire Operation

Physical Address

17555 TUTTLE CREEK BLVD
RANDOLPH, KS 66554
United States

Mailing Address

17555 TUTTLE CREEK BLVD
RANDOLPH, KS 66554
United States

Contact Information

Contact Name: RYAN LEVI DIEDERICH
Email: tcbtrucking@gmail.com
Phone: (785)475-7216 **Cell:** (785)410-7865 **Fax:** () -

Business and Financial

Business Type: Limited Liability Corporation
Name of Gross Revenue Provider: Ryan Diederich
Title of Gross Revenue Provider: Owner/Managing Member
Gross Revenue: ██████████ **For Year Ending:** 12/31/2022
Federal Tax ID: ██████████

Operation Classification and Type

Type of Operation: Non-HM Interstate Carrier **Cargo** Grain, Feed, Hay

Operation Classification

For-Hire Motor Carrier
Property
Other Non-Hazardous Freight

Equipment

			Driver Information		
	Owned	Term Leased	Trip Leased	Drivers	
Truck Tractors	4				Intrastate
Trailers	4			< 100 Miles	Interstate
				> = 100 Miles	

Power units used in the U.S.: 4
Percentage of time used in the U.S.: 100%

Average trip leased driver/month: 0
Drivers with CDL: 5
Total Drivers: 5

Person(s) Interviewed

Name: RYAN LEVI DIEDERICH **Title:** MANAGING MEMBER

Questions

Questions about this report or the Federal Motor Carrier Safety or Hazardous Materials regulations may be addressed to the Federal Motor Carrier Safety Administration at:	1303 SW FIRST AMERICAN PL STE 200 TOPEKA, KS 66604-4040 Phone: (785) 271-1260 Fax: (877) 547-0378
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This report will be used to assess your safety compliance.

Violations

1. Primary: 382.701 (b)(1)

Failing to conduct an annual query.

Violations Discovered

Fed	State	Total
3		3

Checked

Fed	State	Total
3		3

Example/Notes:

On 05/05/2024 TCB Trucking LLC had driver Eric Rossilan operate a commercial motor vehicle (1996 Volvo VIN# ending 9912 and trailer) in intrastate commerce. Mr. Rossilan transported a load of grain sorghum from Beloit Kansas to Concordia Kansas. This trip is evidenced by a bill of lading. At the time of this trip, carrier failed to conduct an annual query in the DACH for this CDL driver.

Drivers/Vehicles in Violation

Fed	State	Total
3		3

Checked

Fed	State	Total
3		3

2. Primary: 382.701(a)

Failing to conduct a pre-employment query.

Violations Discovered

Fed	State	Total
2		2

Checked

Fed	State	Total
2		2

Example/Notes:

On 04/26/2024 TCB Trucking LLC had driver Storm Louw operate a commercial motor vehicle (2006 Western Star VIN# ending 1054 and trailer) in intrastate commerce. Mr. Louw transported a load of corn from Belleville Kansas to Russell Kansas. This trip is evidenced by a bill of lading. At the time of this trip, carrier failed to conduct a full pre-employment query in the DACH for this CDL driver.

Drivers/Vehicles in Violation

Fed	State	Total
2		2

Checked

Fed	State	Total
2		2

3. Primary: 391.25(c)(1)

Failing to maintain a copy of the motor vehicle record or response from each State agency in the driver qualification file.

Violations Discovered

Fed	State	Total
	5	5

Checked

Fed	State	Total
	5	5

Example/Notes:

On 04/26/2024 TCB Trucking LLC had driver Storm Louw operate a commercial motor

Drivers/Vehicles in Violation

Fed	State	Total
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vehicle (2006 Western Star VIN# ending 1054 and trailer) in intrastate commerce. Mr. Louw transported a load of corn from Belleville Kansas to Russell Kansas. This trip is evidenced by a bill of lading. At the time of this trip, carrier failed to maintain a copy of the MVR in the DQ file.

	5	5
Checked		
Fed	State	Total
	5	5

4. Primary: 396.3(b)(2)

Failing to have a means of indicating the nature and due date of the various inspection and maintenance operations to be performed.

Violations Discovered		
Fed	State	Total
	5	5
Checked		
Fed	State	Total
	5	5

Example/Notes:

On 04/26/2024 TCB Trucking LLC had driver Storm Louw operate a commercial motor vehicle (2006 Western Star VIN# ending 1054 and trailer) in intrastate commerce. Mr. Louw transported a load of corn from Belleville Kansas to Russell Kansas. This trip is evidenced by a bill of lading. At the time of this trip, carrier failed to have a means of indicating the nature and due date of the various inspection and maintenance operations to be performed.

Drivers/Vehicles in Violation		
Fed	State	Total
Checked		
Fed	State	Total

Safety Fitness Rating

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

RATING FACTORS	RATING	ACUTE	CRITICAL
Factor 1: General = Parts 387 and 390	Satisfactory	0	0
Factor 2: Driver = Parts 382, 383 and, 391	Satisfactory	0	0
Factor 3: Operational = Parts 392 and 395	Satisfactory	0	0
Factor 4: Vehicle = Parts 393 and 396 OOS Vehicles (CR): 0 Number of Vehicles Inspected (CR): 0 OOS Vehicles (MCMIS): 1 Number of Vehicles Inspected (MCMIS): 3 OOS Rate: 33.3%	Satisfactory		
Factor 5: Haz. Mat. = Parts 397, 171, 177 and, 180	N/A	N/A	N/A
Factor 6: Accident Factor = Recordable Rate Total Miles Operated: 350,000 Recordable Accidents: 1 Recordable Accidents/Million Miles: 2.86	Satisfactory	N/A	N/A

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

DataQs: If you dispute the violations recorded in the Violations section of this investigation report, and the violations were not used in the calculation of your safety rating, you may submit a Request for Data Review (RDR) through DataQs. The DataQs system is the method to remove violations that did not affect your safety rating. DataQs is an online system that allows a motor carrier or driver to request and track a review of Federal and State issued data that it believes to be incomplete or incorrect. To submit an RDR, go to <https://dataqs.fmcsa.dot.gov>.

Process Breakdown and Remedies

BASIC: Controlled Substances/Alcohol

Process Breakdown: Monitoring and Tracking

Specific Recommended Remedies

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

1. Review and retain each driver's Motor Vehicle Record (MVR) at least annually to ensure compliance with company policies, Federal regulations, and State and local laws and ordinances related to controlled substances and alcohol. If a driver seems to have numerous violations, the MVR should be reviewed more often. Random MVR checks in addition to annual checks are also effective. File the MVR in each driver's driver qualification file after review.

BASIC: Driver Fitness

Process Breakdown: Monitoring and Tracking

Specific Recommended Remedies

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

1. Review and retain each driver's Motor Vehicle Record (MVR) at least annually to ensure compliance with company policies, Federal regulations, and State and local laws and ordinances related to driver fitness. If a driver seems to have numerous violations, the MVR should be reviewed more often. Random MVR checks in addition to annual checks are also effective. File the MVR in each driver's driver qualification file after review.

BASIC: Vehicle Maintenance

Process Breakdown: Policies and Procedures

Specific Recommended Remedies

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

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

BASIC: Vehicle Maintenance

Process Breakdown: Qualification and Hiring

Specific Recommended Remedies

To implement Safety Improvement Practices, the following list are recommended practices related to

Qualification and Hiring:

1. Ensure that prospective employees are qualified to inspect, repair and maintain the carrier's vehicles by querying applicants, checking with previous employers and references, and obtaining necessary documents regarding inspection, repair, and maintenance responsibilities and (for mechanics and technicians) the quality of previous work, including whether maintenance services were systematic and well documented. Create a detailed written record of each inquiry.

Recommendations

1. **Additional Information**

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

2. **Clearinghouse Annual Query**

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

3. **SMS website**

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

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

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

5. **Obtain a copy of each driver's driving record and review it.**

Obtain a copy of each driver's driving record and review it annually.

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

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

7. **Drug and Alcohol Clearinghouse**

Find out your responsibilities and requirements for FMCSA's Drug and Alcohol Clearinghouse by visiting <https://clearinghouse.fmcsa.dot.gov>.

8. **Clearinghouse Pre-employment Query**

Ensure pre-employment (full) queries are conducted in the Clearinghouse before hiring a driver to perform a safety sensitive function.

9. **For All Investigations**

For all Investigations that could result in a Penalty Order:

PLEASE NOTE: The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Penalty Order. In addition, your history of prior violations of the Federal Motor Carrier Safety Regulations, Federal Hazardous Material Regulations or the Federal Motor Carrier Commercial Regulations may also affect the civil penalty proposed in TCB Trucking LLC (U.S.DOT#3405378) -

any subsequent Penalty Order. Your signature for receipt of this report acknowledges your understanding that the violations discovered by the KCC during this review may be used to calculate any civil penalty proposed as a result of this review. Your signature is not an admission of the violations identified.

Information on your compliance status, roadside inspections, regulatory changes, accident countermeasures and hazardous material incident prevention manual is available on the Internet at the Federal Motor Carrier Safety Administration's web site at <http://www.fmcsa.dot.gov/> and <http://www.safer.fmcsa.dot.gov/>.

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

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

e-mail: j.smith@kcc.ks.gov

FAX: 785-271-3124;

or mail to;

Kansas Corporation Commission

Attn: Jared Smith

1500 SW Arrowhead Road

Topeka, KS 66604-4027

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 TCB Trucking LLC (U.S.DOT#3405378)'s authority and/or the impoundment of TCB Trucking LLC (U.S.DOT#3405378)'s commercial Motor Vehicles. I understand that monetary penalties will be assessed as a result of violations found in this compliance review. The penalty schedule can be found at this web site: http://kcc.ks.gov/trans/penalty_assessment_table.htm

Table 1: Violations Discovered During Review/Inspection

Violation	Date	Identifying Information	Description
382.701 (b)(1) - Failing to conduct an annual query.			
1	05/05/2024	Driver: Eric Rossilan	
2	03/13/2024	Driver: BRENT KINER	
3	12/04/2023	Driver: Ryan Diederich	
382.701(a) - Failing to conduct a pre-employment query.			
1	04/26/2024	Driver: STORM LOUW	
2	05/03/2024	Driver: TARON WILSON	
391.25(c)(1) - Failing to maintain a copy of the MVR in the DQ file			
1	04/26/2024	Driver: STORM LOUW	
2	05/03/2024	Driver: TARON WILSON	
3	12/04/2023	Driver: Ryan Diederich	
4	05/02/2024	Driver: Eric Rossilan	
5	03/13/2024	Driver: BRENT KINER	
396.3(b)(2) - Failing to have a means of indicating maintenance due dates			
1	04/26/2024	Equipment: STORM LOUW	

EXHIBIT 2



**CENTRAL
VALLEY AG**



PO Box 444; 118 W. Main
Beloit, KS 67420
888-848-9979

Shipper:

Shipment Date: 04/26/2024
In/Outbound: OUTBOUND
Ticket/BOL #: 270-0009510
Commodity: CORN
Vehicle ID: STORM TCB
Driver On: Y
Dispatch #: 27041892
Load #: 5079268
Unload #: UNload on #850
BOL #:

BELLEVILLE EAST ELEVATOR
BELLEVILLE, KS 66935
785/527-2291

Sale To:

PUREFIE
PURE FIELD INGREDIENTS

1030 E 15TH STREET
RUSSELL KS 67665

Carrier:

TCBTRUC
TCB TRUCKING LLC
RYAN DIEDERICH
17555 TUTLE CREEK BLVD
RANDOLPH KS 66554

Delivery Point/Destination PureField Ingredients. 1030 E 15th St. Russell. KS

Prior Load CORN

Comment

Origin Contract B007263

Buyer's Contract UNload on #850

TEST WEIGHT 58.70

MOISTURE 11.40

TOTAL DAMAGE 1.20

BCFM 2.00

04/26/2024 12:20 PM Gross (Lbs) **81,160.00**

04/26/2024 12:09 PM Tare (Lbs) **27,580.00**

Net Weight (Lbs) **53,580.00**

Shrink(Lbs) **0.00**

Net (Lbs) **53,580.24**

Gross (BU) 956.79

Total Shrink(BU) 0.00

Net (BU) **956.79**

Weighmaster SEQUOIA

Sample Number 12

Grader Comment

Grader/Inspector

Trucking Company TCB TRUCKING

MC/DOT # 3405378

Driver Name(print) STORM

Driver Signature _____

Combustible Dust WARNING

May form combustible dust concentrations in air, SDS has been sent to buyer

EXHIBIT 3

Report Compliance - DRIVER CHECK (ANNUAL QUERIES CONDUCTED)

TCB TRUCKING LLC (USDOT# 3405378)

Address:17555 TUTTLE CREEK BLVD; RANDOLPH, KS 66554; US

As of:5/23/2024 15:23

Report Generated on : 05/23/2024 03:23

Name	Country	CDL	Most Recent Query
GARRETT RIPPE	United States	[REDACTED]	Limited
WESLEY SMITH	United States	[REDACTED]	Limited
BRENT KINER	United States	[REDACTED]	Limited
ROMY ROHOVIT	United States	[REDACTED]	Limited
ERIC ROSSILLON	United States	[REDACTED]	Full
STORM LOUW	United States	[REDACTED]	Full
RYAN DIEDERICH	United States	[REDACTED]	Full
TARON WILSON	United States	[REDACTED]	Full

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TED)

Submitted On	Consent Received	Result
12/14/2022	General Consent Obtained outside Clearinghouse	Driver Not Prohibited
12/16/2022	General Consent Obtained outside Clearinghouse	Not Complete: Specific cons
5/3/2024	General Consent Obtained outside Clearinghouse	Driver Not Prohibited
5/3/2024	General Consent Obtained outside Clearinghouse	Driver Not Prohibited
5/13/2024	Pending	Not Complete: Pending drive
5/13/2024	Pending	Not Complete: Pending drive
5/13/2024	5/13/2024	Driver Not Prohibited
5/13/2024	5/13/2024	Driver Not Prohibited

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EXHIBIT 4



CENTRAL VALLEY AG AG MARK

Shipper:
PO Box 444; 118 W. Main
Beloit, KS 67420
888-848-9979

Shipment Date: 05/02/2024
In/Outbound: OUTBOUND
Ticket/BOL #: 100-V011324
Commodity: GRAIN SORGHUM
Vehicle ID:
Driver On: Y
Dispatch #: 90075271
Load #: 5144120
Unload #: 1060952
BOL #:

BELOIT

Sale To:
AGMATERM
AGMARK TERMINAL
1111 W 4TH ST
PO BOX 507
CONCORDIA KS 66901-0507

Carrier:
TCBTRUC
TCB TRUCKING LLC
RYAN DIEDERICH
17555 TUTLE CREEK BLVD
RANDOLPH KS 66554

Delivery Point/Destination Concordia Terminal LLC. Concordia. KS

Prior Load corn

Comment

Origin Contract ZZ05541

Buyer's Contract

TEST WEIGHT 60.60

MOISTURE 10.90

FOREIGN MATERIAL 0.06

BNFM 0.48

05/02/2024 11:12 AM	Gross (Lbs)	78,460.00
05/02/2024 11:02 AM	Tare (Lbs)	25,160.00
	Net Weight (Lbs)	53,300.00
	Shrink(Lbs)	0.00
	Net (Lbs)	53,300.24
	Gross (BU)	951.79
	Total Shrink(BU)	0.00
	Net (BU)	951.79

Weighmaster mr
Sample Number 7
Grader Comment
Grader/Inspector

Trucking Company tcb trucking llc

MC/DOT # 3405378

Driver Name(print) earic

Driver Signature EAPIC

Combustible Dust WARNING

May form combustible dust concentrations in air, SDS has been sent to buyer

CERTIFICATE OF SERVICE

24-TRAM-779-PEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of first class mail and electronic service on 06/06/2024.

Ryan Diederich, MANAGING MEMBER
TCB Trucking LLC
17555 Tuttle Creek Blvd
Randolph, KS 66554
tcbtrucking@gmail.com

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

/S/ KCC Docket Room
KCC Docket Room
