

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

Before Commissioners: Jay Scott Emler, Chairman  
Shari Feist Albrecht  
Pat Apple

In the Matter of the Investigation of )  
**Nathan Hale, d/b/a Nathan's Tree** )  
**Service of Wichita, Kansas,** Regarding )  
the Violation of the Motor Carrier Safety )  
Statutes, Rules and Regulations and the ) Docket No. 16-TRAM-251-PEN  
Commission's Authority to Impose )  
Penalties, Sanctions and/or the )  
Revocation of Motor Carrier Authority. )

**ORDER SUSPENDING INTRASTATE MOTOR CARRIER OPERATIONS**

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

**I. JURISDICTION AND BACKGROUND**

1. Pursuant to K.S.A. 2015 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. 2015 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. 2015 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. Pursuant to K.S.A. 2015 Supp. 66-1,129(a)(7), the Commission has adopted motor carrier transportation regulations (K.A.R. 82-4-1 *et seq.*) consistent with the federal motor carrier safety assistance program and other federal requirements concerning transportation of hazardous waste.

## **II. FINDINGS OF FACTS**

4. Nathan Hale, d/b/a Nathan's Tree Service of Wichita, Kansas (Respondent) is a motor carrier as defined in K.S.A. 2015 Supp. 66-1,108, that operates commercial motor vehicle(s) in intrastate commerce.

5. Respondent operates under USDOT Number 2792997.

6. On December 1, 2015, Respondent was issued a penalty assessment for violations of the Kansas Motor Carrier Safety Statutes, Rules and Regulations discovered during a compliance review conducted on September 1, 2015, by Kansas Corporation Commission Special Investigators Gary Goeller and Doug Handy. The Commission's Penalty Order is incorporated herein by reference and made a part of this Order.

7. The Penalty Order was mailed to Respondent via certified mail, return receipt requested, on December 1, 2015. The Penalty Order was returned to the Legal Division of the Kansas Corporation Commission as "unclaimed" and was re-sent to the carrier via U.S. Mail on January 20, 2016.

8. As of July 15, 2016, Commission records indicate Respondent has not complied with requirements of the Penalty Order in that Respondent had thirty (30) days from service to pay the fine amount of \$5,000, and Transportation Division records

indicate the fine is unpaid. Further, Respondent was mailed a letter dated February 10, 2016, to the carrier's mailing address, notifying it of its unpaid fine and lack of compliance with the above-referenced Penalty Order.

### **III. CONCLUSIONS OF LAW**

9. The Commission finds it has jurisdiction over Respondent as the Respondent is a motor carrier as defined in K.S.A. 2015 Supp. 66-1,108.

10. The Commission finds Respondent received sufficient notice of the Commission's Penalty Order and the requirement to pay the fine within 30 days of the Order.

11. The Commission finds Respondent failed to act upon this notice.

12. The Commission finds Respondent's failure to comply with the requirements of the Penalty Order is intentional and therefore this Commission orders the Respondent to suspend all intrastate motor carrier operations other than such motor carrier operations excepted from the Commission's regulation under K.S.A. 2015 Supp. 66-1,129, until such time as the carrier takes the necessary steps to become compliant.

#### **THE COMMISSION THEREFORE ORDERS THAT:**

A. Nathan Hale, d/b/a Nathan's Tree Service of Wichita, Kansas is to be immediately suspended from all intrastate commercial motor carrier operations other than such motor carrier operations excepted from the Commission's regulation under K.S.A. 2015 Supp. 66-1,129, until such time as Respondent pays the penalty amount of \$5,000 and brings its motor carrier operation into compliance with motor carrier safety statutes, rules and regulations. This Suspension of Intrastate Motor Carrier Operations Order may also attach and apply to the operations of successor entities, including any motor carrier

entity or entities established or used to avoid the consequences of any Order to cease operations or suspending operating authority.

B. **Pursuant to K.S.A. 2015 Supp. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issues by submitting a written request, setting forth the specific grounds upon which relief is sought, to the Commission's Secretary, at 1500 S.W. Arrowhead Road Topeka, Kansas 66604 within fifteen (15) days from the date of service of this Order.** Service of this order will be by certified mail, return receipt requested, and service is complete when Respondent signs the Domestic Return Receipt. Pursuant to K.S.A. 66-1,129a, hearings will be held within ten (10) days upon written request. Failure to timely request a hearing will result in a waiver of Respondent's right to a hearing, and this Order will become a Final Order against Respondent, suspending Respondent's motor carrier operations, ordering Respondent to attend a Commission-sponsored safety seminar within the next ninety (90) days and provide Staff with written proof of attendance.

C. 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 of \$500 or less, a corporation may appear by a duly authorized representative of the corporation. K.S.A. 2015 Supp. 66-1,142b(e) and amendments thereto.


D. Failure to comply with the provisions of this Order may result in further sanctions to include, but not limited to, the assessment of civil penalties and/or the impoundment of commercial motor vehicles found operating in violation of this Order and any other remedies available to the Commission by law, without further notice.

E. 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.**

Emler, Chair; Albrecht, Commissioner; Apple, Commissioner

Dated: AUG 02 2016

  
\_\_\_\_\_  
Amy L. Green  
Secretary to the Commission

AAL

**Order Mailed Date**

**AUG 03 2016**

1500 SW Arrowhead Road  
Topeka, KS 66604-4027



Phone: 785-271-3100  
Fax: 785-271-3354  
<http://kcc.ks.gov/>

Shari Feist Albrecht, Chair  
Jay Scott Emler, Commissioner  
Pat Apple, Commissioner

Sam Brownback, Governor

**NOTICE OF PENALTY ASSESSMENT**  
**16-TRAM-251-PEN**

December 1, 2015

Nathan Hale, Owner  
d/b/a Nathan's Tree Service  
1200 N Valleyview  
Wichita, Kansas 67212

This is a notice of a penalty assessment for violation of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on September 1, 2015, by Kansas Corporation Commission Special Investigator Gary Goeller and Doug Handy. For a full description of the penalty and process please refer to the Order that is attached to this notice.

**IF YOU ACCEPT THE PENALTY:**

You have been assessed a \$5,000 penalty. You have thirty (30) days from service of this Penalty Order to pay the fine amount. Check or money order must be made payable to the Kansas Corporation Commission. Payment is to be mailed to the Transportation Division of the Kansas Corporation Commission at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and must include a reference to the docket number of this proceeding. Credit card payment may be made by faxing your credit card information to the Transportation Office at 785-271-3124, using the KCC's credit card payment form found at <http://kcc.ks.gov/trans/creditcard.pdf>.

You must attend a Commission-sponsored safety seminar within the next ninety (90) days and provide Staff with written proof of attendance. A schedule of dates and locations for the safety seminar can be found at the Commission's website [http://www.kcc.state.ks.us/trans/safety\\_meetings.htm](http://www.kcc.state.ks.us/trans/safety_meetings.htm).

You must submit to one follow-up safety compliance review within the next 18 months. Staff will contact you at a later date to determine an appropriate time for this review.

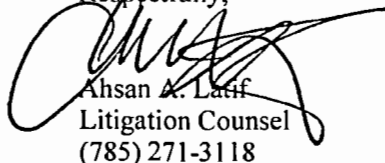
**IF YOU CONTEST THE PENALTY:**

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. Respondent must submit an original and seven (7) copies of the request to the Commission's Secretary at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604 within fifteen (15) days from the date stamped on the last page of the Penalty Order. K.A.R. 82-1-215; K.S.A. 2015 Supp. 77-542.

**IF YOU FAIL TO ACT:**

Failure to pay the fine amount within thirty (30) days of service of the Penalty Order, or in the alternative, provide a written request for a hearing within fifteen (15) days from service of the Penalty Order will result in the attached Order becoming a Final Order and may result in the additional sanction 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  
                                 Pat Apple

In the Matter of the Investigation of **Nathan )**  
**Hale, d/b/a Nathan's Tree Service, of Wichita, )**  
**Kansas, Regarding the Violation of the Motor )**  
Carrier Safety Statutes, Rules and Regulations ) Docket No. 16-TRAM-251-PEN  
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). The Commission, having been briefed on the issue by the Director of the Commission's Transportation Division, finds and concludes as follows:

**I. JURISDICTION**

1. Pursuant to K.S.A. 2015 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. 2015 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. 2015 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. Nathan Hale, d/b/a Nathan's Tree Service (Nathan's Tree Service) operates under USDOT number 2792997.

5. Nathan's Tree Service is a private motor carrier which primarily hauls logs, poles, beams, lumber, machinery, large objects and tree service equipment.

## **III. STATEMENT OF FACTS**

6. Pursuant to the jurisdiction and authority cited above, on September 1, 2015, Commission Staff (Staff) Special Investigators Gary Goeller and Doug Handy conducted a compliance review of the operations of Nathan's Tree Service. 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, Mr. Goeller and Mr. Handy identified eight (8) violations of the Motor Carrier Safety Regulations.

- a. On May 5, 2015, Nathan's Tree Service required or permitted its driver, Brandon M. Bradfield, to operate a commercial motor vehicle, a 1995 Chevrolet, VIN ending in 114998, pulling a Road Trail trailer, VIN ending in 1056237, in intrastate commerce in and around the area of Wichita, Kansas. This trip is evidenced by Driver/Vehicle Examination Report No. KSHP00930256, dated May 5, 2015, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of

this transportation, Nathan's Tree Service did not have implemented an alcohol/controlled substances testing program for its CDL drivers. Nathan's Tree Service's failure to establish an alcohol and/or controlled substances program for its drivers that complies with the procedures established in 49 C.F.R. 382.105, as adopted by K.A.R. 82-4-3c is a violation of 49 C.F.R. 382.115(a), as adopted by K.A.R. 82-4-3c, and as authorized by K.S.A. 2015 Supp. 66-1,129. Staff recommends a fine of \$500.

- b. On August 11, 2015, Nathan's Tree Service required or permitted its driver, William Coy, to operate a commercial motor vehicle, a 2000 GMC, VIN ending in 523878, pulling a Vern chipper, VIN ending in 000978, in intrastate commerce in and around the area of Wichita, Kansas. This trip is evidenced by Driver/Vehicle Examination Report No. KSHP04230463, dated August 11, 2015, a copy of which is attached hereto as Attachment "C" and is hereby incorporated by reference. At the time of this transportation, Nathan's Tree Service 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 investigators found three (3) violations of this type. Nathan's Tree Service'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), as

adopted by K.A.R. 82-4-3g, as authorized by K.S.A. 2015 Supp. 66-1,112.

Staff recommends a fine of \$250.

- c. On August 20, 2015, Nathan's Tree Service required or permitted its driver, William Coy, to operate a commercial motor vehicle, a 2000 GMC, VIN ending in 523878, pulling a Vern chipper, VIN ending in 000978, in intrastate commerce in and around the area of Wichita, Kansas. This trip is evidenced by Driver/Vehicle Examination Report No. KS00RM004127, dated August 20, 2015, a copy of which is attached hereto as Attachment "D" and is hereby incorporated by reference. At the time of this transportation, driver William Coy was not medically examined and certified as physically fit to operate a commercial motor vehicle. The special investigators found three (3) violations of this type. Nathan's Tree Service's failure to confirm that each of its drivers are medically examined and certified prior to requiring or permitting the operation of a commercial motor vehicle and maintaining documentation of the medical certificate in the driver qualification file is a violation of 49 C.F.R. 391.45(b)(1) and 49 C.F.R. 391.51(b)(7)(i), as adopted by K.A.R. 82-4-3g, and as authorized by K.S.A. 2015 Supp. 66-1,129. Staff recommends a fine in the amount of \$500.

- d. On May 20, 2015, Nathan's Tree Service required or permitted its driver, William Coy, to operate a commercial motor vehicle, a 2000 GMC, VIN ending in 523878, pulling a Vern chipper, VIN ending in 000978, in intrastate commerce in and around the area of Wichita, Kansas. This trip

is evidenced by a Statement of Nathan Hale, dated August 25, 2015, a copy of which is attached hereto as Attachment "E" and is hereby incorporated by reference. At the time of this transportation, Nathan's Tree Service had not registered or obtained a certificate of title for the commercial vehicle operated. The special investigators found two (2) violations of this type. Nathan's Tree Service's failure to register and obtain a certificate of title for its commercial motor vehicles is a violation of 49 C.F.R. 392.2, as adopted by K.A.R. 82-4-3h, and authorized by K.S.A. 2015 Supp. 66-1,129. Staff recommends a fine of \$500.

- e. During the transportation described in paragraph b., above, driver William Coy did not make a record of duty status. The special investigators found 90 violations of this type. Nathan's Tree Service's failure to require its drivers to keep records of duty status for each 24-hour period using the method described in 49 C.F.R. 395.8(a) and to submit the original record to the motor carrier within 13 days of creation is in violation of 49 C.F.R. 395.8(a) as adopted by K.A.R. 82-4-3a and authorized by K.S.A. 2015 Supp. 66-1,129. Staff recommends a fine in the amount of \$1,000.
- f. During the transportation described in paragraph b., above, Nathan's Tree Service failed to keep minimum records of inspection and vehicle maintenance on the commercial motor vehicles. The special investigators found four (4) violations of this type. Nathan's Tree Service's failure to maintain the required vehicle inspection records and vehicle maintenance records for 30 days is in violation of 49 C.F.R. 396.3(b), as adopted by

K.A.R. 82-4-3j and as authorized by K.S.A. 2015 Supp. 66-1,129. Staff recommends a fine of \$750.

g. During the transportation described in paragraph b., above, Nathan's Tree Service failed to require its driver to prepare a driver's Daily Vehicle Inspection Report on the commercial motor vehicles operated. The special investigators found two (2) violations of this type. Nathan's Tree Service's failure to require each of its drivers to prepare a DVIR in writing, at the completion of each day's work, on each vehicle operated and to submit copies of the reports to the motor carrier for action and record retention is a violation of 49 C.F.R. 396.11(a), as adopted by K.A.R. 82-4-3j, and as authorized by K.S.A. 2015 Supp. 66-1,129. Staff recommends a fine of \$750.

h. During the transportation described in paragraph d., above, Nathan's Tree Service permitted this transportation without first obtaining and documenting a successful periodic (annual) inspection on the commercial motor vehicles during the preceding 12-month period. This violation is evidenced by the absence of a periodic (annual) inspection report in the maintenance file of the vehicle at the time of the compliance review. The special investigators found four (4) violations of this type. Nathan's Tree Service's failure to conduct periodic (annual) inspections on commercial motor vehicles is a violation of 49 C.F.R. 396.17(a), as adopted by K.A.R. 82-4-3j, and as authorized by K.S.A. 2015 Supp. 66-1,129. Staff recommends a fine of \$750.

#### **IV. STAFF'S RECOMMENDATIONS**

7. Based upon the available facts, Staff recommends the Commission find Nathan's Tree Service committed eight (8) violations 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.

8. Additionally, Staff recommends a civil penalty of \$5,000 for eight (8) violations of the Motor Carrier Safety Statutes, Rules and Regulations.

9. Staff further recommends that Nathan's Tree Service be required to attend a Commission-sponsored safety seminar within the next ninety (90) days and provide Staff with written proof of attendance. A schedule of the dates and locations for the safety seminar can be found on the Commission's website at [http://kcc.ks.gov/trans/safety\\_meetings.htm](http://kcc.ks.gov/trans/safety_meetings.htm).

10. Finally, Staff recommends that Nathan's Tree Service submit to one follow-up safety compliance review within the next eighteen (18) months. Staff will contact the motor carrier at a later date to determine an appropriate time for this review.

#### **V. CONCLUSIONS OF LAW**

11. The Commission finds it has jurisdiction over Nathan's Tree Service because it is a motor carrier as defined in K.S.A. 2015 Supp. 66-1,108.

12. The Commission finds Nathan's Tree Service committed eight (8) violations 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. Nathan Hale, d/b/a Nathan's Tree Service, of Wichita, Kansas is hereby assessed a \$5,000 civil penalty for eight (8) violations 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. Nathan's Tree Service is hereby ordered to attend a Commission-sponsored safety seminar within the next ninety (90) days and is to provide Staff with written proof of attendance. Further, Nathan's Tree Service is ordered to submit to one follow-up safety compliance review within the next eighteen (18) months.

C. Pursuant to K.S.A. 2015 Supp. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issues by submitting a written request, setting forth the specific grounds upon which relief is sought, to the Commission's Secretary, at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604 within fifteen (15) days from the date of service of this Order. If service is by certified mail, service is complete upon the date delivered shown on the Domestic Return Receipt. Hearings will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of Nathan's Tree Service's right to a hearing, and this Penalty Order will become a Final Order assessing a \$5,000 civil penalty against Nathan's Tree Service, and ordering Nathan's Tree Service to attend a Commission-sponsored safety seminar within the next ninety (90) days and provide Staff with written proof of attendance, and to submit to a safety compliance review within eighteen (18) months from the date of service of this Order.

D. 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 of \$500 or less, a corporation may appear by a duly authorized representative of the corporation. K.S.A. 2015 Supp. 66-1,142b(e) and amendments thereto.

E. If you do not request a hearing, the payment of the civil penalty is due in thirty (30) days from date of service of this Order. Checks and Money Orders shall be payable to the Kansas Corporation Commission. For credit card payments, include type of card (Visa, MasterCard, Discover, or American Express), account number and expiration date. Payments shall be mailed to the Transportation Division of the Kansas Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, Kansas 66604. *The payment shall include a reference to the docket number of this proceeding.*

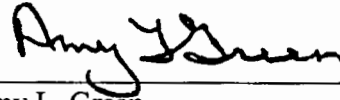
F. Failure to pay the \$5,000 civil penalty within thirty (30) days of the service of this Penalty Order, *see* K.S.A. 66-1,105, and/or failure to comply with the provisions of this Order, may result in suspension of Nathan's Tree Service's motor carrier operating authority without further notice. Additionally, the Commission may impose further sanctions to include, but not limited to, the issuance and enforcement of out-of-service and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

G. 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; Apple, Commissioner

Dated: DEC 01 2015




Amy L. Green  
Secretary to the Commission

AAL

ORDER MAILED DEC 02 2015

## **ATTACHMENT “A”**

	US DOT # 2792997	Legal: NATHAN HALE Operating (DBA):NATHAN'S TREE SERVICE	
MC/MX #:		Federal Tax ID: [REDACTED] (EIN)	
Review Type: Compliance Review (CR)			
Scope: Principal Office		Location of Review/Audit: Company facility in the U. S. Territory: F	
Operation Types: Interstate Intrastate			
Carrier: N/A	HM	Business: Individual	
Shipper: N/A	N/A	Gross Revenue: [REDACTED] for year ending: 12/31/2014	
Cargo Tank: N/A			
Company Physical Address:			
[REDACTED]			
Contact Name: Nathan Hale			
Phone numbers: (1) [REDACTED]		Fax	
E-Mail Address: [REDACTED]			
Company Mailing Address:			
1200 N Valleyview Wichita, KS 67212			
Carrier Classification			
Private Property			
Cargo Classification			
Logs, Poles, Beams, Lumber		Machinery, Large Objects Other: Tree Service	
Hazardous Materials			
9 Miscellaneous HM		Carried Non-Bulk	
Equipment			
	Owned	Term Leased	Trip Leased
Truck	2	0	0
Trailer	2	0	0
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:		2	Average trip leased drivers/month: 0
>= 100 Miles:			Total Drivers: 2
			CDL Drivers:





NATHAN'S TREE SERVICE (NATHAN HALE dba)  
U.S. DOT #: 2792997

Review Date:  
09/01/2015

### 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  
Attn: Gary Davenport  
1500 SW Arrowhead Rd., Topeka, KS 66604-4027

This report will be used to assess your safety compliance.

#### Person(s) Interviewed

Name: Nathan Hale

Title: Owner

Name:

Title:





NATHAN'S TREE SERVICE (NATHAN HALE dba)  
U.S. DOT #: 2792997

Review Date:  
08/24/2015

### Part B Violations

1 FEDERAL	Primary: 382.115(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation Checked
<b>Description</b> Failing to implement an alcohol and/or controlled substances testing program on the date the employer begins commercial motor vehicle operations. <b>Example</b> [REDACTED] Trip date 05 05 2015  Operated a 1995 Chevrolet KS tag [REDACTED] gvw 16,300 and a 2014 Trailer vin# [REDACTED] 056237 gvw 12,000, a class A CDL combination unit, on a trip in Wichita, KS without having implemented a alcohol and/or controlled substances testing program.				
2 STATE	Primary: 391.25(a) CFR Equivalent: 391.25(a)	Discovered 3	Checked 3	Drivers/Vehicles In Violation Checked 3 3
<b>Description</b> 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. <b>Example</b> [REDACTED] Trip date 08.11.2015  No MVR's on file				
3 STATE	Primary: 391.45(b)(1) Secondary: 391.11(a) CFR Equivalent: 391.45(b)(1)	Discovered 3	Checked 3	Drivers/Vehicles In Violation Checked 3 3
<b>Description</b> Using a driver not medically examined and certified during the preceding 24 months. <b>Example</b> [REDACTED] Trip date 05.20.2015 Operated a 2000 GMC KS tag [REDACTED] gvw 23200 & 2003 Vern chipper KS tag(none) vin [REDACTED] 000978 gvw 7500 / failed to correct annual inspection violation listed on inspection KS00RM004127-8.20.2012/ Registration on trailer driver recertified his medical card that had expired 05.07.2014 on 8.21.2015				
4 STATE	Primary: 391.51(a) CFR Equivalent: 391.51(a)	Discovered 1	Checked 3	Drivers/Vehicles In Violation Checked 1 3
<b>Description</b> Failing to maintain driver qualification file on each driver employed. <b>Example</b> [REDACTED] Trip date 05 05 2015  Operated a 1995 Chevrolet KS tag [REDACTED] gvw 16,300 and a 2014 Trailer vin# [REDACTED] 056237 gvw 12,000, a class A CDL combination unit, on a trip in Wichita, KS				






NATHAN'S TREE SERVICE (NATHAN HALE dba)  
U.S. DOT #: 2792997

Review Date:  
08/24/2015

### Part B Violations

5 STATE	Primary: 391.51(b)(5) CFR Equivalent: 391.51(b)(5)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
<b>Description</b> Failing to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2). <b>Example</b> [REDACTED] Trip date 08.11.2015 no annual reviews on file					
6 STATE	Primary: 391.51(b)(6) CFR Equivalent: 391.51(b)(6)	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
<b>Description</b> Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27. <b>Example</b> [REDACTED] Trip date 08.11.2015 no driver certification of violations on file					
7 STATE	Primary: 392.2 Secondary: 8-142	Discovered 2	Checked 4	Drivers/Vehicles In Violation 2	Checked 4
<b>Description</b> To operate, or for the owner thereof knowingly to permit the operation, upon a highway of any vehicle, as defined in K.S.A. 8-126, and amendments thereto, which is not registered, or for which a certificate of title has not been issued or which does not have attached thereto and displayed thereon the license plate or plates assigned thereto by the division for the current registration year, <b>Example</b> [REDACTED] Trip date 05.20.2015 Operated a 2000 GMC KS tag [REDACTED] gvwr 23200 & 2003 Vern chipper KS tag(none) vin [REDACTED] 000978 gvwr 7500 and a gross weight of 6,580 without fuel/oil/coolant/ Trailers not registered with Kansas Dept of Revenue					
8 STATE	Primary: 392.2 Secondary: 8-143m	Discovered 2	Checked 2	Drivers/Vehicles In Violation 2	Checked 2
<b>Description</b> 8-143m. Annual commercial vehicle fee; issuance of commercial license plates; distribution of amounts collected. (a) On and after January 1, 2014, any truck or truck tractor registered for a gross weight of more than 10,000 pounds which is operating as a commercial vehicle shall, in addition to the annual fee prescribed under K.S.A. 8-143, and amendments thereto, pay an annual commercial vehicle fee <b>Example</b> [REDACTED] Trip date 05.20.2015 Operated a 2000 GMC KS tag [REDACTED] gvwr 23200 & 2003 Vern chipper KS tag(none) vin [REDACTED] 000978 gvwr 7500 and a gross weight of 6,580 without fuel/oil/coolant No commercial tags on power units					



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**Part B Violations**

<b>9</b> <b>STATE</b>	<b>Primary: 395.8(a)</b> <b>CFR Equivalent: 395.8(a)</b>	<b>Discovered</b> <b>90</b>	<b>Checked</b> <b>90</b>	<b>Drivers/Vehicles</b> <b>In Violation</b> <b>Checked</b> <b>3</b> <b>3</b>
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**Description**

Failing to require driver to make a record of duty status.

**Example**

Trip date 08.11.2015/ KHP inspection # KSHP04230463  
 Operated a 2000 GMC KS tag [REDACTED] gvwr 23200 & 2003 Vern chipper KS tag(none) vin [REDACTED] 000978 gvwr 7500  
 and a gross weight of 6,580 without fuel/oil/coolant

<b>10</b> <b>STATE</b>	<b>Primary: 396.3(b)</b> <b>CFR Equivalent: 396.3(b)</b>	<b>Discovered</b> <b>4</b>	<b>Checked</b> <b>4</b>	<b>Drivers/Vehicles</b> <b>In Violation</b> <b>Checked</b> <b>4</b> <b>4</b>
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**Description**

Failing to keep minimum records of inspection and vehicle maintenance.

**Example**

Trip date 08.11.2015/ KHP inspection # KSHP04230463  
 Operated a 2000 GMC KS tag [REDACTED] gvwr 23200 & 2003 Vern chipper KS tag(none) vin [REDACTED] 000978 gvwr 7500

<b>11</b> <b>STATE</b>	<b>Primary: 396.9(d)(2)</b> <b>CFR Equivalent: 396.9(d)(2)</b>	<b>Discovered</b> <b>1</b>	<b>Checked</b> <b>1</b>	<b>Drivers/Vehicles</b> <b>In Violation</b> <b>Checked</b> <b></b> <b></b>
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**Description**

Failure to correct violations or defects listed on a motor vehicle roadside inspection report.

**Example**

Trip date 08.11.2015/ KHP inspection # KSHP04230463  
 Operated a 2000 GMC KS tag [REDACTED] gvwr 23200 & 2003 Vern chipper KS tag(none) vin [REDACTED] 000978 gvwr 7500 /  
 failed to correct annual inspection violation listed on inspection KS00RM004127-8.20.2012/ Registration on trailer  
 [REDACTED]  
 Trip date 05.05.2015  
 Operated a 1995 Chevrolet KS tag [REDACTED] gvwr 16,300 and a 2014 Trailer vin# [REDACTED] 056237 gvwr 12,000, a class  
 A CDL combination unit, failed to correct annual violation/ trailer registration on inspection KSHP00930256

<b>12</b> <b>STATE</b>	<b>Primary: 396.11(a)</b> <b>CFR Equivalent: 396.11(a)</b>	<b>Discovered</b> <b>2</b>	<b>Checked</b> <b>2</b>	<b>Drivers/Vehicles</b> <b>In Violation</b> <b>Checked</b> <b>2</b> <b>2</b>
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**Description**

Failing to require driver to prepare driver vehicle inspection report.

**Example**

Trip date 08.11.2015

no dvir's on file for days when required





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### Part B Violations

13 STATE	Primary: 396.17(a) CFR Equivalent: 396.17(a)	Discovered 4	Checked 4	Drivers/Vehicles In Violation 4	Checked 4
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#### Description

Using a commercial motor vehicle not periodically inspected.

Trip date 05.20.2015

Operated a 2000 GMC KS tag [REDACTED] gvw 23200 & 2003 Vern chipper KS tag(none) vin [REDACTED] 000978 gvw 7500 and a gross weight of 6,580 without fuel/oil/coolant

No annual inspections on file for any cmv's

#### Safety Fitness Rating Information:

Total Miles Operated 25,000  
Recordable Accidents 0

OOS Vehicle (CR): 1  
Number of Vehicle Inspected (CR): 1  
OOS Vehicle (MCMIS): 2  
Number of Vehicles Inspected (MCMIS): 2

Your proposed safety rating is :

**This Review is not Rated.**





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### Part B Requirements and/or Recommendations

1. Copies of the regulations, forms, interpretations, and manuals are available from a variety of sources. Check the FMCSA website for a current list of suppliers. [www.fmcsa.dot.gov/safety-security/eta/index.htm](http://www.fmcsa.dot.gov/safety-security/eta/index.htm)
2. A copy of your carrier profile can be obtained for \$20 from the SAFER website (<http://safer.fmcsa.dot.gov>) or by calling 800-832-5660 or 703 280-4001. You can also write: Computing Technologies Inc. P.O. Box 3248, Merrifield, VA 22116-3248. Profile cost if ordered by mail or phone is \$27.50.
3. Conduct periodic internal reviews of your driver qualification, hours of service control, maintenance, accident analysis/reporting, training, and other safety systems to ensure continued compliance with the FMCSR.
4. Obtain a copy of each driver's driving record and review it annually.
5. Review the circumstances under which a CDL is required. CDL and drug testing rules apply to both interstate and intrastate commerce.
6. Ensure that all drivers are fully and properly qualified before operating in intrastate commerce. Maintain a complete file as required for each driver, documenting the qualification process.
7. Do not allow drivers to drive intrastate unless they have been physically re-examined each 24 months.
8. Ensure that all documents supporting records of duty status (such as toll, fuel repair and other on-the-road expense receipts, as well as invoices, bills of lading, dispatch records, etc.) are kept on file for at least 6 months.
9. Toll receipts and other on-the-road expense receipts, invoices, bills of lading, dispatch records, and other "supporting document" must be kept on file for six (6) months. This requirement also applies to records generated by the use of owner-operators. You may keep legible photocopies in lieu of originals.
10. New & intermittently used drivers must provide a signed statement showing their total time on-duty for the seven days preceding any trip. These records must be kept on file for 6-months.
11. Require all drivers to prepare a written inspection report for each day a vehicle is operated if required when defects are found. Ensure that each report is signed by the driver, certified, and reviewed if defects are reported.
12. Review with your drivers periodically the procedures for doing pre-trip and post-trip inspections. Ensure that safety defects reported by drivers on their Vehicle Inspection Reports (VIR) are repaired before the vehicle is re-dispatched. Require drivers to prepare Vehicle Inspection Reports on a daily basis as required when defects are found. Keep them on file for 90 days.

#### 13. CONTROLLED SUBSTANCES AND ALCOHOL BASIC PROCESS BREAKDOWN: Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN: Review the gvw & gwv requirements of when a CDL license is required. If required, make sure that your drivers have a CDL license for the class of vehicle they are operating and that they are in a controlled substance and alcohol testing program.

#### BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Policies and Procedures.

- Develop a written company policy incorporating by reference all regulations regarding controlled substances and alcohol use, testing, training, and records retention for all employees.





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- Develop a policy requiring drivers to submit copies of all citations for moving violations to carrier management within 24 hours.
- Establish a process to ensure that drivers who are randomly tested can be immediately removed if they are found to be positive and that they do not return to safety-sensitive duties until they have complied with the "return-to-duty" process.
- Establish written policies and procedures that promote, verify, and enforce adherence to all controlled-substance and alcohol rules and regulations. Procedures should be tailored to company operations and should provide specific checks and guidelines for interacting with a consortium, if applicable.
- Establish a process to ensure that test results are properly safeguarded from unauthorized disclosure to prospective employers without specific written consent and from disclosure under any circumstances to insurance companies and other non qualified parties, in accordance with regulations.
- Develop a policy to ensure that all alcohol testing is conducted immediately before or after the period that employees are performing a safety-sensitive function. Drivers can be tested on their day off only for controlled substances. Once notified of their selection, drivers must proceed immediately to the testing facility. If a driver refuses to go, this should be considered as equivalent to a positive result.
- Consider developing a driver selection protocol that uses valid random-number-generator software on a monthly basis to select, by driver identification number, 5 to 8 percent of drivers for controlled-substance testing and 2 to 5 percent for alcohol testing. This will ensure selection of 50 percent of drivers for controlled-substances testing and 10 percent for alcohol testing per year, given fluctuations in the driver workforce over the course of the year.
- Develop a written and progressive disciplinary policy focused on taking corrective action to ensure drivers comply with regulations and policies. A progressive disciplinary policy could include, among other things, written warnings, suspensions, or work restrictions, monetary penalties, and termination. This policy should also specify consequences for any carrier official who knowingly and willfully allows controlled-substance and alcohol violations.

#### Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

#### 14. DRIVER FITNESS BASIC PROCESS BREAKDOWN: Qualification and Hiring

**DESCRIPTION OF PROCESS BREAKDOWN:** Make sure to use the driver qualification file check list to make sure all documents are on file and that each driver has current mvr's and medical cards on file.

#### BASIC SPECIFIC RECOMMENDED REMEDIES

**Implement Safety Improvement Practices:** The following are recommended practices related to Qualification and Hiring.

- Ensure that Motor Vehicle Records (MVRs) from States issuing Commercial Driver's Licenses (CDLs) are reviewed for driver-fitness-related violations of all prospective drivers for the last three years.
- Ensure that drivers are qualified by querying applicants, checking with previous employers and references, and obtaining necessary documents regarding driver fitness, such as those pertaining to previous violations, Commercial Driver's License (CDL), medical qualifications, operational qualifications from training, and relevant experience.
- Review and evaluate gaps in employment, frequent job changes, incomplete applications, within-company applications and reassignments, operational limitations such as those pertaining to long-combination vehicles (LCVs) and HAZMAT, physical impairments, and controlled-substance and alcohol involvement.
- Require that drivers fill out the long form for the medical card and be examined by the carrier's preferred doctor to ensure that their medical qualifications are accurate.
- Ensure that the employment application captures all information required by the Federal Motor Carrier Safety Regulations (FMCSRs), such as whether the driver can handle the physical requirements of the job.
- Enhance the recruitment process to identify and attract qualified applicants for the positions of safety director,





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dispatcher, and driver by using outside resources such as industry affiliations, recruiters, and consultants for employee searches and referrals.

### Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

### 15. VEHICLE MAINTENANCE BASIC - INSPECTION-REPAIR-MAINTENANCE PROCESS BREAKDOWN: Policies and Procedures

**DESCRIPTION OF PROCESS BREAKDOWN:** Maintain a calendar or maintenance schedule to ensure that annual inspections and other required maintenance is performed on the commercial motor vehicles including trailers as required. Make sure to document your maintenance perform and retain on file maintenance records for all commercial motor vehicles including trailers in operation.

#### BASIC SPECIFIC RECOMMENDED REMEDIES

**Implement Safety Improvement Practices:** The following are recommended practices related to Policies and Procedures.

- Develop a system of preventive maintenance for compliant, safe, and efficient fleet operations, including a schedule for periodic maintenance, inspection, and record keeping. This system should be attuned to manufacturer recommendations, the carrier's own experience, and regulatory requirements.
- Develop a procedure ensuring that vehicle defects that impact safety and/or safety compliance are reported, repaired, and certified before the vehicle is operated.
- Develop procedures to ensure that management is notified of vehicle defects through the use of Driver Vehicle Inspection Records (DVIRs) and other communication channels, such as driver call-in and e-mail from mechanics.
- Develop a policy ensuring that drivers are qualified to complete thorough and timely Driver Vehicle Inspection Records (DVIRs) by the end of the day of the trip and prior to a subsequent assignment.
- Establish a policy requiring drivers to submit copies of all roadside inspections to carrier management within 24 hours.
- Develop policies and procedures requiring drivers to immediately notify appropriate management of any roadside vehicle Out-of-Service (OOS) order.
- Develop a written and progressive disciplinary policy focused on taking corrective action to ensure drivers comply with regulations and policies. A progressive disciplinary policy could include, among other things, written warnings, suspensions, or work restrictions, monetary penalties, and termination. This policy should also specify consequences for any carrier official who knowingly and willfully allows vehicle maintenance violations.

### Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

### 16. HOS COMPLIANCE BASIC PROCESS BREAKDOWN: Policies and Procedures

**DESCRIPTION OF PROCESS BREAKDOWN:** Make sure to either require your drivers or managers to complete records of duty status as required or if they fall under the 150 air mile provision for non-CDL required cmv's or the 100 air mile exception for CDL required CMV's to complete time records and retain time records or records of duty status(logs) for 6 months after their completion.

#### BASIC SPECIFIC RECOMMENDED REMEDIES

**Implement Safety Improvement Practices:** The following are recommended practices related to Policies and





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### Procedures.

- Develop a policy and procedure describing how management will monitor and track logs for falsification.
- Establish a policy that prohibits dispatchers from assigning a load to drivers without hours available to complete the load on time.
- Develop a policy stating that drivers should not violate their Hours-of-Service (HOS) Out-of-Service (OOS) order under any circumstances, and immediately contact the carrier when a driver is placed OOS.
- Develop a policy requiring drivers to report their available hours to dispatch during "check-in" calls.
- Develop policies and procedures for ensuring proper retention of Record of Duty Status (RODS) according to regulations.
- Establish a policy requiring drivers to submit copies of all roadside inspections to carrier management within 24 hours.
- Develop a policy stating that drivers are required to submit all Records of Duty Status (RODS) and supporting documentation, such as expense receipts, within 13 days of the end of the trip.
- Establish a policy stating that drivers are required to check with their supervisor, manager, or dispatcher to review their "fit-for-duty" status before starting a job, and that drivers who are ill to the extent that their ability and/or alertness is impaired are prohibited from working on safety-sensitive assignments.
- Develop a written and progressive disciplinary policy focused on taking corrective action to ensure drivers comply with regulations and policies. A progressive disciplinary policy could include, among other things, written warnings, suspensions, or work restrictions, monetary penalties, and termination. This policy should also specify consequences for any carrier official who knowingly and willfully allows Hours-of-Service (HOS) violations.

### Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

### 17. 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





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request. Motor carriers should visit the following website for more information:  
<http://www.psp.fmcsa.dot.gov/Pages/default.aspx>

- All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities.

For all Investigations that could result in a Penalty Order:

- PLEASE NOTE: The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Penalty Order. In addition, your history of prior violations of the Federal Motor Carrier Safety Regulations, Federal Hazardous Material Regulations or the Federal Motor Carrier Commercial Regulations may also affect the civil penalty proposed in any subsequent Penalty Order. Your signature for receipt of this report acknowledges your understanding that the violations discovered by the KCC during this review may be used to calculate any civil penalty proposed as a result of this review. Your signature is not an admission of the violations identified.

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

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 15 days and any additional evidence necessary to prove the corrective action has been taken to:

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

18. 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.

19. You are encouraged to review your company's safety record at the following website:  
<https://ai.fmcsa.dot.gov/login/default.asp>

You will need to enter your US DOT # Personnel Identification Number (PIN) that has been provided to you by FMCSA in the log in form at the bottom of the page. If you have forgotten your PIN you only need to click on a link on the web page to make a request for your PIN to be forwarded to you by U.S. mail or email.

Safety Improvement Resources (SIRs) is a compilation of articles, reports, and other tools designed to assist motor carriers with improving their current safety management practices. SIRs are searchable by resource number,





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BASIC or safety management practice (SMP). Please refer to any Safety Improvement Resource numbers included within the recommendations.

You are encouraged to view all of the SIRs at the following website:  
[http://al.fmcsa.dot.gov/sms/Data/carrier\\_sir.aspx](http://al.fmcsa.dot.gov/sms/Data/carrier_sir.aspx)

**20. For all Investigations that could result in a Penalty Order:**

• PLEASE NOTE: The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Penalty Order. In addition, your history of prior violations of the Federal Motor Carrier Safety Regulations, Federal Hazardous Material Regulations or the Federal Motor Carrier Commercial Regulations may also affect the civil penalty proposed in any subsequent Penalty Order. Your signature for receipt of this report acknowledges your understanding that the violations discovered by the KCC during this review may be used to calculate any civil penalty proposed as a result of this review. Your signature is not an admission of the violations identified.

**21. This report contains citations of regulations that are deemed serious in nature and could result in penalties against your company and/or your drivers.**

**22. 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 Nathan Hale dba Nathans Tree Service's operating authority and/or the impoundment of Nathan Hale dba Nathans Tree Service's vehicles**

Signed  date 09.01.2015

**23. Stay in contact with your KCC Investigator for any questions or issues with continued safety compliance**



## **ATTACHMENT “B”**

## DRIVER/VEHICLE EXAMINATION REPORT

Kenneth Hightower, Father  
MOTOR CARPENTER SHEET METAL STAINER  
1015W Jackson St. #10  
Tulsa, OK 74103  
Phone #: (918) 436-4100 Fax #: (918) 436-4101  
k.hightower@tulsakg.gov

Report Number:	45820013001
Inspection Date:	2/20/19
Time Started:	10:00
Inspection Level:	Full Inspection
HMI Inspection Type:	Pre-HMI Inspection

STATISTICS UNIT 10 PAGE 02

Driver: BRADFIELD, BOB A. W. V.  
License #: [REDACTED] State: AL  
Date of Birth: [REDACTED]

530434 45 5123

USDOJ #: \_\_\_\_\_

4571X 8;

State #: SECRET

Phone #:

Page 4:

Location: SEDGWICK COUNTY #72

**FilePort:**Highway: YES\* ☐ ESTIMATE

Origin: *Wichita Falls, Texas*

County: SUBARNA

Destination: ALGERIA 48

Shipper: CARRIER

Bill of Lading

Cargo. 7000000000

VEHICLE IDENTIFICATION:

Unit Type	Make	Year	State	License#	Equipment ID	Unit #	OWP	CPSP#	CPSP License#	CPSP S/N
1	TR	2005	KS			1179	15,200			
2	ST	2010	KS			1604	12,000			14064

**BRAKE ADJUSTMENTS:**

Age (yr)	1	2	3	4
Height	1.14	1.14	1.14	1.14
Weight	5.14	1.14	1.14	1.14
Cholesterol	~100	100	100	100

**VIOLATIONS :**

[illegible]

1. The following information was obtained from the records of the Department of the Interior, Bureau of Land Management, regarding the land owned by the United States in the State of California:

**Weight:** 600 lbs transported

Flavor: 100 C-1000 T-1000

[illegible]

Figure 1 is a schematic representation of the experimental design. It shows a sequence of events: a subject is presented with a stimulus (a dot), then a response is recorded (a dot), and finally a reward is given (a dot). The sequence is labeled 'Stimulus', 'Response', and 'Reward'.

[illegible]

1992



2

3.

25HT02539236

8

8

EUBS 0390336

## **ATTACHMENT “C”**

## DRIVER/VEHICLE EXAMINATION REPORT

INSPECT 1.0.72.3



Kansas Highway Patrol  
MOTOR CARRIER SAFETY ASSISTANCE  
700 SW Jackson, Ste 704  
Topeka, KS 66603  
Phone: (785)296-7189 Fax: (785)296-2653

Report Number: KSH-P04230463  
Inspection Date: 08/11/2015  
Start: 10:35 AM CT End: 11:50 AM CT  
Inspection Level: I - Full Inspection  
HM Inspection Type: None

NATHAN HALE DBA NATHAN'S TREE SERVICE

Driver: COY, WILLIAM L

WICHITA, KS, 67212

License#:

State: KS

USDOT:

Phone#:

Date of Birth:

MC/MX#:

Fax#:

CoDriver:

State:

State#: KS

License#:

Location: SEDGWICK COUNTY - 173

Milepost: Shipper: N/A

Highway: 300 S WEST ST

Origin: WICHITA, KS

Bill of Lading: N/A

County: SEDGWICK

Destination: WICHITA, KS

Cargo: TOOLS / SHREDDED TREES

## VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate	Equipment ID	VIN	QAVR	QVSA #	Issued #	QOS Sticker
1	TR	GMC	2000	KS			233678	23200			122216
2	ST	VERN	2003	KS			300972	7500			122217

## BRAKE ADJUSTMENTS

Axle # 1 2 3  
Right N/A N/A N/A  
Left N/A N/A N/A  
Chamber HYDR HYDR ELEC

## VIOLATIONS

Section	Type	Unit	QOS	Violation #	Violation Description	Violations Discovered
391.41A	F	D	N	EC00978642	N	No medical certificate in drivers possession. EXPIRED MEDICAL CERTIFICATE 07/2014
393.100A	F	1	Y		U	No or improper load securement. TOOLS AND OTHER OBJECTS ON TRUCK NOT SECURED.
395.17C	F	1	N		N	Operating a CMV without proof of a periodic inspection. NONE
395.301A	F	1	N		N	Failing to register with FMCSA to obtain a USDOT number. NONE
393.93A	F	1	N		N	No discharged undischarged fire extinguisher. NONE
393.9	F	1	N		N	Inoperable required lamp. IDENTIFICATION LIGHT. OUT. LEFT AND MIDDLE INOPERABLE
392.2RG	F	1	N	EC00978639	N	State vehicle registration or license plate violation. EXPIRED REGISTRATION 08/2013 PREVIOUSLY CITED DRIVER ON 4/15/2015 AT 1246 HOURS
395.9D2	F	1	N		N	Failure to correct defects noted on previous inspection report. See INSPECTIONS KSOBJG002377, KSOBLA000219, KSOBJM001903, AND KSOBJM004127.
395.17C	F	2	N		N	Operating a CMV without proof of a periodic inspection. NONE
392.2RG	F	2	N		N	State vehicle registration or license plate violation. TRAILER OVER 2000 POUNDS NOT REGISTERED
393.9	F	2	N		N	Inoperable required lamp. NO IDENTIFICATION LIGHTS (REMOVED)
393.41	F	2	Y		U	No or improper breakaway or emergency braking. TESTED INOPERATIVE

HazMat: No HM transported

Placard:

Cargo Tank:

Special Checks: No data for special checks

## State Information:

CDL Verified: Y: No Connectivity: N: Officer recommend Civil Assess: Y

Pursuant to the authority contained in Title 48, CFR K.S.A. 68-1, 129, K.G.C. Reg. 62-4-3, I hereby declare this above named unit(s) as "OUT OF SERVICE." No person and/or carrier shall permit and/or require the removal of the "OUT OF SERVICE" status or the operation of the motor vehicle until ALL out of service defects have been corrected. This Out of Service condition may result in the assessment of a civil penalty being assessed against the carrier indicated on this report. Driver Initials: \_\_\_\_\_

\*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: \_\_\_\_\_

Report Prepared By:  
M. Mullen

Badge #:  
0423

Cops Received By:  
WILLIAM COY



00000000 KS KSH-P04230463

X \_\_\_\_\_ X \_\_\_\_\_

# DRIVER/VEHICLE EXAMINATION REPORT

INSPECT 1.0.72.6



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: KSHP04230463  
Inspection Date: 06/11/2015  
Start: 10:35 AM CT End: 11:50 AM CT  
Inspection Level: I - Full Inspection  
HM Inspection Type: None

DRIVER: This form is to be sent to the carrier identified on this report within 24 hours of receipt.

MOTOR CARRIER CERTIFICATION: All defects identified on this report 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. If no violations were discovered, you are not required to sign and return a copy.

NOTE: Challenges to violations may be submitted through the Federal Motor Carrier Safety Administration (FMCSA)'s Data Q Challenge process, at <https://dataqs.fmcsa.dot.gov/>

Signature Of Motor Carrier X: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

Report Prepared By:  
M. Mullen

Revision #  
0423

Copy Received By:  
WILLIAM COY



00000000 KS KSHP04230463

X \_\_\_\_\_ X \_\_\_\_\_

## **ATTACHMENT “D”**

# DRIVER/VEHICLE EXAMINATION REPORT

Kansas Highway Patrol  
 MOTOR CARRIER SAFETY ASSISTANCE  
 700 SW Jackson, Ste 704  
 Topeka, KS 66603  
 Phone #: (785)296-7189 Fax #: (785)296-2858  
 truckinspection@khp.ks.gov

Report Number: KS00RM004127  
 Inspection Date: 8/20/2012 Certification Date:  
 Time Started: 12:28 Time Ended: 13:14  
 Inspection Level: I - Full Inspection  
 HM Inspection Type: No HM Inspection

NATHANS TREE SERVICE

Driver: COY, WILLIAM L  
 License #: [REDACTED] State: KS  
 Date of Birth: [REDACTED]

WICHITA, KS 67212

USDOT #:

Phone #:

MC/MX #:

Fax #:

State #: S00000013122

Location: SEDGWICK COUNTY - 173

MilePost:

Highway: RIDGE RD @ K-96

Origin: WICHITA, KS

Bill of Lading:

County: SEDGWICK

Destination: WICHITA, KS

Cargo: TREE TRIMMINGS

Shipper: CARRIER

## VEHICLE IDENTIFICATION:

Unit	Type	Make	Year	State	License#	Equipment ID	Unit VIN	GVWR	CVSA #	CVSA Issued #	OOS Str.#
1	TR	GMC	2000	KS	[REDACTED]	[REDACTED]	523878	23,200			124413

## BRAKE ADJUSTMENTS:

Axle #	1	2
Right	N/A	N/A
Left	N/A	N/A
Chamber	HYDR	HYDR

## VIOLATIONS :

Vio Code	Section	Unit	OOS	State Citation Number	Verify*	Crash	Violation Description
392.9A	392.9(a)	1	Y		U	N	Falling to secure load-TREE TRIMMINGS STACKED ABOVE ENDGATE AND LAYING ON ENDGATE, PHOTO ON FILE.
395.301A	395.301(a)	1	N		N	N	Failing to register with FMCSA to obtain a USDOT number
399.17C	399.17(c)	1	N		N	N	Operating a CMV without periodic inspection-NONE
393.25F	393.25(f)	1	Y		U	N	Stop lamp violations-LEFT AND RIGHT
360.21B	390.21(b)	1	N		N	N	Carrier name and/or USDOT Number not displayed as required-USDOT # NOT DISPLAYED

\* U - Unknown; N - Non-OOS or Driver OOS Violation

HazMat:

No HM Transported.

Placard: NA

Cargo Tank:

Special Checks:

☐ Alcohol/Controlled Substance Check  
☐ Conducted by Local Jurisdiction  
☐ Size and Weight Enforcement  
☐ EScreening

☒ Traffic Enforcement  
☐ PASA Conducted Inspection  
☐ Drug Interdiction Search

☐ Post Crash Inspection  
☐ PDBT Inspection  
 Arrests:

Inspection Notes: SAME COMPANY I INSPECTED IN MAY AND K-423 INSPECTED IN MARCH THAT GAVE HIM SUCH A HARD TIME AND CHALLENGED VIOLATIONS, SAYING HE WAS TRIMMING HIS OWN PROPERTY - report #KS00LK000219.

INSPECTION KS00RM003903 FROM MAY 2012 ON THIS COMPANY ALSO HAD VIOLATION FOR NO DOT. OWNER SHOWED UP ON MY STOP TODAY. WAS POLITE AND SHOOK MY HAND WHEN DONE. SAID HE'S TOO STUPID TO FIGURE OUT HOW TO DO THE DOT PAPERWORK TO GET A USDOT #.

CIVILASSESSMENT. PHOTO ON FILE OF LOAD SECUREMENT. (photo in Image Now)

Report Prepared By:  
 B.J. Lles

Badge #:  
 0093

Copy Received By:  
 COY, WILLIAM L

Page 1 of 2



KS00RM004127

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# DRIVER/VEHICLE EXAMINATION REPORT

Kansas Highway Patrol  
 MOTOR CARRIER SAFETY ASSISTANCE  
 700 SW Jackson, Ste 704  
 Topeka, KS 66603  
 Phone #: (785)256-7189 Fax #: (785)256-2853  
 truckinspection@khp.ks.gov

Report Number: KS000RM004127  
 Inspection Date: 8/20/2012 Certification Date:  
 Time Started: 12:28 Time Ended: 13:14  
 Inspection Level: I - Full Inspection  
 HM Inspection Type: No HM Inspection

NATHANS TREE SERVICE

Driver: COY, WILLIAM L  
 License #: [REDACTED] State: KS  
 Date of Birth: [REDACTED]

WICHITA, KS 67212

USDOT #: Phone #:  
 MC/MX #: Fax #:

State #: 800003016122

## Special Study Fields:

Special Study1:	Special Study6:
Special Study2:	Special Study7:
Special Study3:	Special Study8:
Special Study4:	Special Study9:
Special Study5:	Special Study10:

\*Pursuant to the authority contained in Title 49, C.F.R.; K.S.A. 85-1,129; K.D.C. Reg. 82-4-3, I hereby declare the above marked unit(s) as "OUT OF SERVICE". No person and/or carrier shall permit and/or require the removal of the "OUT OF SERVICE" stickers or the operation of this motor vehicle until ALL out of service defects have been corrected. This Out of Service condition may result in the assessment of a Civil Penalty being issued against the Carrier indicated on this report. Driver Initials \_\_\_\_\_

\*\*\* 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 Carrier Official: X Date: \_\_\_\_\_

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

Signature of Repaire: X Facility: \_\_\_\_\_ Date: \_\_\_\_\_

Report Prepared By:  
 B.J. Lee

Badge #:  
 6083

Copy Received By:  
 COY, WILLIAM L

Page 2 of 2



X

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KS000RM004127

## **ATTACHMENT "E"**

Transportation Division  
1500 SW Arrowhead Road  
Topeka, KS 66604-4027



Phone: 785-271-3145  
Fax: 785-271-3124  
<http://kcc.ks.gov/>

Shari Feist Albrecht, Chair  
Jay Scott Emler, Commissioner  
Pat Apple, Commissioner

Sam Brownback, Governor

5  
STATEMENT  
OF  
Nathan Hale  
Dba  
Nathans Tree Service  
08252015

On 05.20.2015 as listed on contractors invoice on 05.20.2015 for [REDACTED]  
[REDACTED], Wichita, KS was operated by William Coy on trip date 05.20.2015  
Operated a 2000 GMC KS tag [REDACTED] gvwr 23200 & 2003 Vern chipper KS tag(none)  
vin [REDACTED] 000978 gvwr 7500.

Signed  
08.25.2015

Nathan Hale

Witness

Witness

*Nathan Hale*  
*William Coy*  
*Pat Apple*

**CERTIFICATE OF SERVICE**

16-TRAM-251-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 **DEC 01 2015**.

AHSAN LATIF, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604-4027  
Fax: 785-271-3354  
a.latif@kcc.ks.gov

NATHAN HALE, OWNER  
NATHAN HALE  
D/B/A NATHAN'S TREE SERVICE  
1200 N VALLEYVIEW  
WICHITA, KS 67212  
nathanh67@aol.com

/S/ DeeAnn Shupe  
DeeAnn Shupe

**ORDER MAILED DEC 02 2015**

**CERTIFICATE OF SERVICE**

16-TRAM-251-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 AUG 02 2016.

AHSAN LATIF, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604-4027  
Fax: 785-271-3354  
a.latif@kcc.ks.gov

NATHAN HALE, OWNER  
NATHAN HALE  
D/B/A NATHAN'S TREE SERVICE  
1200 N VALLEYVIEW  
WICHITA, KS 67212  
nathanh67@aol.com

/S/ DeeAnn Shupe  
DeeAnn Shupe

**Order Mailed Date**

**AUG 03 2016**