

1500 SW Arrowhead Road Topeka, KS 66604-4027

Dwight D. Keen, Chair Shari Feist Albrecht, Commissioner Jay Scott Emler, Commissioner Phone: 785-271-3100 Fax: 785-271-3354 http://kcc.ks.gov/

Laura Kelly, Governor

NOTICE OF PENALTY ASSESSMENT 19-TRAM-417-PEN

April 18, 2019

Scott Reasoner, Manager Two Tigers and a Truck, LLC 1200 S Main St McPherson, KS 67460

This is a notice of a penalty assessment against Two Tigers and a Truck, LLC (Two Tigers and a Truck) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on April 3, 2019, by Kansas Corporation Commission Special Investigator Jared Smith. Penalties are assessed in accordance with the FY 2019 Uniform Penalty Assessment Matrix, approved by the Commission on August 7, 2018. For a full description of the penalty(s) and terms and obligations please refer to the Order attached to this notice.

IF YOU ACCEPT THE PENALTY: Two Tigers and a Truck has been assessed a \$200 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$200, through your personal account with the Kansas Corporation Commission's KTRAN system located at https://puc.kcc.ks.gov/ktran/. If you have not received a letter from the Transportation Division assigning you a PIN, please contact that Division at 785-271-3145. You must have an account through KTRAN to pay the penalty owed.

The attached Order requires a representative of Two Tigers and a Truck to attend a Commission-sponsored safety seminar within ninety (90) days from the date of the Order and to provide the undersigned Litigation Counsel with written proof of attendance. A schedule of dates and locations for safety seminars can be found at the Commission's website http://www.kcc.state.ks.us/trans/safety_meetings.htm. The Order also requires your company to submit to one follow-up safety compliance review within 18 months from the date of the Order. Transportation Staff will contact your company at a later date to determine an appropriate time for this review.

IF YOU CONTEST THE PENALTY ORDER: You have the right to request a hearing. A request for hearing must be made in writing, setting forth the specific grounds upon which relief is sought. Two Tigers and a Truck must file, within fifteen (15) days from the date of service of this Order, the request for hearing with the Commission's electronic filing system found at https://puc.kcc.ks.gov/e-filing/e-express/, and mail a copy of the request for hearing to the undersigned at the above address. If you do not have access to the internet, you can mail an original and seven copies of the request to the Secretary to the Commission at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy to the undersigned Litigation Counsel. K.A.R. 82-1-215; K.S.A. 2018 Supp. 77-542.

IF YOU FAIL TO ACT: Failure to pay the penalty of \$200 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.

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

THE STATE CORPORATION COMMISSION OF THE STATE OF KANSAS

Before Commissioners:

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

In the Matter of the Investigation of Two Tigers)	
and a Truck, LLC, of McPherson, KS,)	
Regarding the Violation of the Motor Carrier)	
Safety Statutes, Rules and Regulations and the)	Docket No. 19-TRAM-417-PEN
Commission's Authority to Impose Penalties,)	
Sanctions and/or the Revocation of Motor)	
Carrier Authority.)	

PENALTY ORDER

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

I. JURISDICTION

- 1. Pursuant to K.A.R. 82-4-1b, 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.A.R. 82-4-1, 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. 2018 Supp. 66-1,129a, 66-1,130 and 66-1,142b, the Commission may suspend operations, revoke or amend certificates, and initiate sanctions or fines against every motor carrier and every person who violates any provision of Kansas law in regard

to the regulation of such motor carriers and persons, or who fails to obey any order, decision or regulation of the Commission.

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

II. BACKGROUND

- 4. Two Tigers and a Truck, LLC (Two Tigers and a Truck) has private and common operating authority with the Commission and further operates under USDOT number 2992949.
- 5. Scott Mayfield attended a Commission-sponsored Motor Carrier Education and Safety Instructional Meeting on November 6, 2017, on behalf of Two Tigers and a Truck.
- 6. Two Tigers and a Truck is a private and common motor carrier which primarily hauls household goods.

III. STATEMENT OF FACTS

- 7. Pursuant to the jurisdiction and authority cited above, on April 3, 2019, Commission Staff (Staff) Special Investigator Jared Smith conducted a safety compliance review of the operations of Two Tigers and a Truck. A copy of the safety compliance review is included in this Penalty Order as Attachment "A" and is hereby incorporated by reference. As a result of this investigation, the special investigator identified one (1) violation(s) of the Motor Carrier Safety Regulations.
 - a. On March 7, 2019, Two Tigers and a Truck required or permitted its driver, Daniel Schreimann, to operate a commercial motor vehicle, a 2006
 Ford, VIN ending in 40436, GVWR 14,050 lbs., in intrastate commerce

from McPherson, Kansas to Wichita, Kansas. This trip is evidenced by Driver's Daily Log, dated March 7, 2019, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the tim. e of this transportation, Two Tigers and a Truck had not investigated the driver's background before requiring him to operate a commercial motor vehicle. The same violation was cited to this carrier in a safety compliance review conducted on July 26, 2017. The carrier's failure to make investigations and inquiries with respect to each driver it employs within 30 days of employment is a violation of 49 C.F.R. 391.23, adopted by K.A.R. 82-4-3, and implement by K.S.A. 2018 Supp. 66-1,129. Staff recommends an enhanced fine of \$200

IV. STAFF'S RECOMMENDATIONS

- 8. Based upon the available facts, Staff recommends the Commission finds Two Tigers and a Truck committed one (1) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.
- 9. Additionally, Staff recommends a civil penalty of \$200 for one (1) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.
- 10. Staff further recommends that a representative from Two Tigers and a Truck be required to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and provide Litigation Counsel with written proof of attendance. A schedule of the

dates and locations for safety seminars can be found on the Commission's website at http://kcc.ks.gov/trans/safety meetings.htm.

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

V. CONCLUSIONS OF LAW

- 12. The Commission finds it has jurisdiction over Two Tigers and a Truck because it is a motor carrier as defined in K.A.R. 82-4-1.
- 13. The Commission finds Two Tigers and a Truck committed one (1) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

THE COMMISSION THEREFORE ORDERS THAT:

- A. Two Tigers and a Truck, LLC, of McPherson, KS is hereby assessed a \$200 civil penalty for one (1) violation(s) of Kansas law governing the regulation of motor carriers, the Kansas Administrative Regulations and provisions of the Federal Motor Carrier Safety Regulations, as adopted by the Kansas Administrative Regulations.
- B. Two Tigers and a Truck is hereby ordered to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and is to provide Litigation Counsel with written proof of attendance.

- C. Two Tigers and a Truck is ordered to submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order. Transportation Staff will contact the carrier to set up the appointment.
- D. Pursuant to K.S.A. 2018 Supp. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issue(s) by submitting a written request setting forth the specific grounds upon which relief is sought. The request may be electronically filed with the Commission's electronic filing system at https://puc.kcc.ks.gov/e-filing/e-express/, within fifteen (15) days from the date of service of this Order, and a copy of the request mailed to the Litigation Division. If you do not have access to the internet, you can mail an original and seven copies of the request to the Secretary to the Commission, at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy of the request to Litigation Counsel. A hearing will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of Two Tigers and a Truck's right to a hearing, and this Penalty Order will become a Final Order assessing a \$200 civil penalty against Two Tigers and a Truck, and ordering a representative from Two Tigers and a Truck to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order and provide Litigation Counsel with written proof of attendance, and to submit to a safety compliance review within 18 months from the date of this Order.
- E. If a request for hearing is filed, attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. For civil penalties exceeding \$500, a corporation shall appear before the Commission by its attorney, unless waived by the Commission for good cause shown and a determination that such waiver is in the public interest. K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2); K.A.R. 82-1-202(a). For civil

penalties less than \$500, a corporation may appear by a duly authorized representative of the

corporation. K.S.A. 2018 Supp. 66-1,142b(e) and amendments thereto.

F. If you do not request a hearing, the payment of the civil penalty of \$200 is due in

thirty (30) days from the date of service of this Order. Payment of \$200 must be made through

your personal account with the Kansas Corporation Commission's KTRAN system located at

https://puc.kcc.ks.gov/ktran/. You must have an account through KTRAN to pay the penalty.

G. Failure to pay the \$200 civil penalty within thirty (30) days from the date of

service of this Penalty Order, see K.S.A. 66-1,105, and/or failure to comply with the provisions

of this Order, may result in suspension of Two Tigers and a Truck'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 revocation of authority and/or cease

and desist orders, and any other remedies available to the Commission by law, without further

notice.

H. The Commission retains jurisdiction over the subject matter and the parties for the

purpose of entering such further orders, as necessary.

BY THE COMMISSION IT IS SO ORDERED.

Keen, Chair; Albrecht, Commissioner; Emler, Commissioner

Dated: 04/18/2019

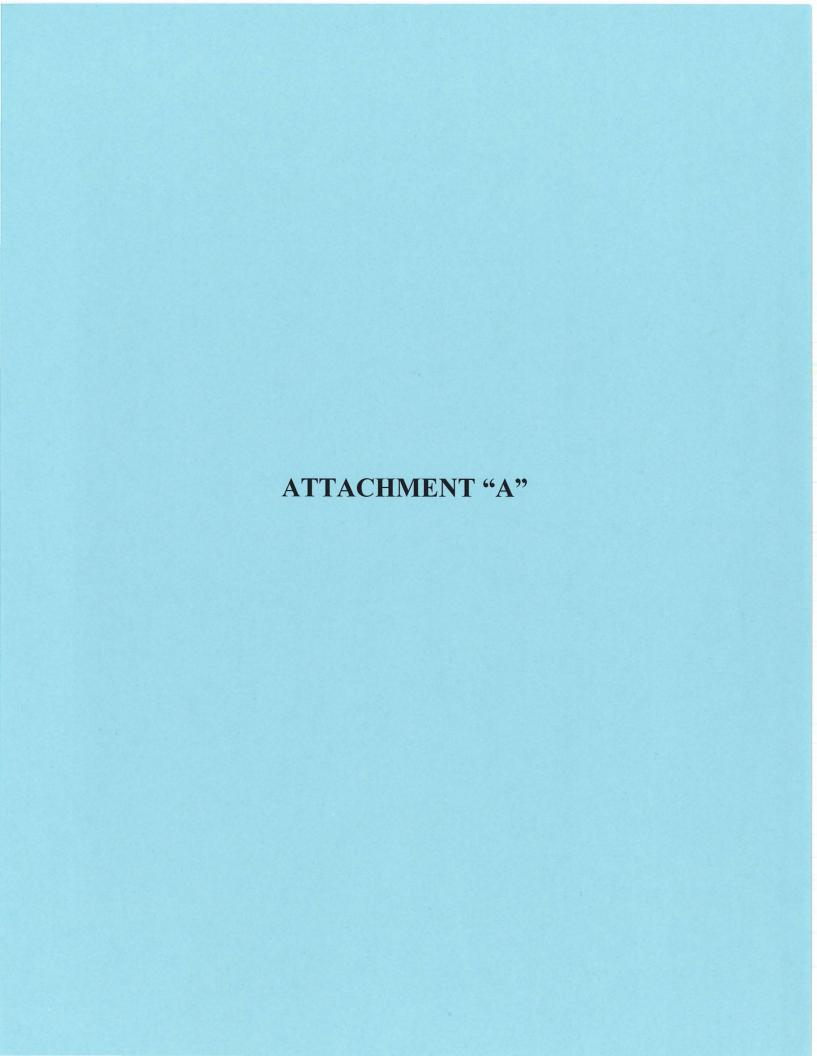
Lynn M. Retz

Secretary to the Commission

Lynn M. Ret

AAL

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	US DOT # 2992949	-		VO TIGERS AND A TRUCK LLC			
7, ,	Operating (SEA).						
MC/MX #: Federal Tax ID: (EIN)							
Review Ty	ype: Non-ra	table Re	view - CSA				
Scope:	Principa	al Office		Location of Review	/Audit: CSA Off-site		Territory:
Operation Types Interstate Intrastate							
	- 4	/A	Non-HM	Business: Corporat	ion		
SI	hipper: N	/A	N/A	Gross Revenue:		for year ending: 6/30	0/2018
Cargo	o Tank:	N/A					:
Company	Physical A	ddress:					
1200 S M	IAIN ST						
MCPHER	SON, KS 67	7460					
Contact I	Name:	Scott R	easoner				
Phone nu	umbers: (1)						
E-Mail Ad	ddress:						
Company	Mailing Ad	dress:					
1200 S M	IAIN ST						
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Cargo Classification							
Household Goods							
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Truck			1	0 0			
Power units used in the U.S1							
Percentage of time used in the U.S. 100							
Does carrier transport placardable quantities of HM? No							
Is an HM Permit required? N/A							
Driver Information							
		Inter	Intra	Average trip lease	ed drivers/month: 0		
< 1	00 Miles:		2	- •	Total Drivers: 2		
>= 1	00 Miles:				CDI Drivero		





U.S. DOT # 2992949

Review Date: 04/03/2019

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

Topeka, KS 66604

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Scott Reasoner

Title: Manager

Name:

Title:





U.S. DOT # 2992949

Review Date 04/03/2019

Part B Violations

1 STATE	Primary ⁻ 391.23(a)			Discovered	Checked	Drivers/V In Violation	
				1	1	1	1
Example On March 7, 20 (Unit # 1, VIN # Schreimann op	stigate driver's background 019 Two Tigers and a Truc 4 40436). Derated in commerce on ar	k LLC had driver Daniel This vehicle has a gros n intrastate trip from McI	ss vehic Phersor	le weight ratıng n, Kansas to Wi	of 14,050 lbs. chita, Kansas.	. This trip is evi	idenced by
Safety Fitness Rating Information: Total Miles Operated 3,600 Recordable Accidents 0			OOS Vehicle (CR): 0 Number of Vehicle Inspected (CR): 0 OOS Vehicle (MCMIS): 0 Number of Vehicles Inspected (MCMIS): 0				
Your proposed s	safety rating is : This F	Review is not	Rate	·d.			





U.S. DOT #: 2992949

Review Date 04/03/2019

Safety Management Process Breakdowns and Remedies

1. FMCSA recently announced planned improvements to the Carrier Safety Measurement System (SMS) which was implemented in December 2010 as part of the Agency's broader Compliance, Safety, Accountability (CSA) initiative. A preview of these improvements is currently available to motor carriers. The system changes are scheduled to be available to the public in July 2012.

There will be additional opportunity for public comment on the changes after the preview period ends in July 2012. The improvements to SMS are based on ongoing analysis and feedback from enforcement personnel, the motor carrier industry, and other stakeholders. The changes more effectively identify and prioritize high-risk and other unsafe motor carriers for enforcement interventions designed to reduce commercial motor vehicle crashes and hazardous materials incidents.

Motor carrier's currently have the ability to preview how the improvements impact their individual safety data in SMS. These improvements include: (1) Changes to the SMS methodology that identify higher risk carriers while addressing industry biases, (2) better applications of SMS results for Agency interventions by more accurately identifying safety sensitive carriers (i.e., carriers transporting people and carriers hauling hazardous materials (HM)), so that such firms can be selected for CSA interventions at more stringent levels, and, (3) more specific fact-based displays of SMS results on the SMS Web site.

The data preview may be found at http://csa.fmcsa.dot.gov/. During the data preview period, the Agency requests comments on the impacts of the changes.

2. For all Investigations

- Understand Why Compliance Saves Time and Money Compliance with FMCSRs will not only save lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business. Document and Follow Through on Action Plans Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance.
- NOTICE. A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six year period
- NOTICE 49 CFR Part 391.23 requires prospective employers to, at a minimum, investigate a driver's employment information, crash record, and alcohol and controlled substances history from all employers the driver worked for within the previous 3 years. The Pre-Employment Screening Program (PSP) is a screening tool that assists motor carriers in investigating crash history and roadside safety performance of prospective drivers. The PSP allows motor carriers to purchase 5 years of crash data and 3 years of roadside inspection data from the Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Management Information System (MCMIS) Records are available 24 hours a day via Web request. Motor carriers should visit the following website for more information http://www.psp.fmcsa.dot.gov/Pages/default.aspx
- All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities.

For all Investigations that did not result in a Cooperative Safety Plan
The KCC requires that you prepare a corrective action letter, addressing the measures taken to correct the
violations identified within this report. Submit this letter within 30 days outlining the carrier's updated changes to their
policies and procedures regarding all listed violations. Explain in detail how, as a carrier representative, you will
rectify these deficiencies and prevent their reoccurrence going forward. Include any supporting documentation and





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Safety Management Process Breakdowns and Remedies

evidence as indicated in the recommendations above, (example vehicle inspections performed, proof of drug and alcohol testing in place, etc.) necessary to prove that corrective action has been taken. Mail the letter along with copies of your supporting evidence to:

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

3. DRIVER FITNESS BASIC PROCESS BREAKDOWN Monitoring and Tracking

DESCRIPTION OF PROCESS BREAKDOWN Two Tigers and a Truck LLC's violations occurred due to a breakdown regarding the monitoring and tracking elements within this section. It is the carrier's responsibility to execute all requirements and to verify that all drivers are qualified to operate commercial motor vehicles

BASIC SPECIFIC RECOMMENDED REMEDIES: Motor Vehicle Reports (MVR) need to be obtained within 30 days of hiring a new driver. Additionally this is an annual requirement. New Motor Vehicle Report (MVRs) need to be obtained within 365 days from the date of the previous MVR. Additionally, make sure that you have drivers complete a listing of driver violations when you run the MVR's. Then sign the certificate qualifying them for another year if they meet the standards. Utilize the documents provided to you at the time of this investigation.

Implement Safety Improvement Practices: The following are recommended practices related to Monitoring and Tracking Processes

- Implement an effective process for monitoring and documenting all drivers' job functions, training, qualifications, renewal dates, disclosed medical conditions, and operational restrictions, including those of drivers on a waiver program or with impairments that may be satisfied by a Skill Performance Evaluation certificate, to ensure that assignments are covered by qualified drivers.
- 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.
- Maintain each driver's investigation history file in a secure location with limited and controlled access for as long as the driver is employed and for three years thereafter.
- Maintain roadside inspection reports, moving violation records, training records, the Commercial Driver's License (CDL), the dispatch schedule, bills of lading, and the medical report to help evaluate the performance of all staff involved in qualifying drivers (dispatchers and managers) and the effectiveness of the policies and procedures.
- Implement a system for keeping accurate records of employee driver fitness training needs, such as entry-level and HAZMAT training, and completed training, via software, a checklist in the driver's file, and/or another appropriate method.
- Evaluate personnel who are monitoring driver fitness performance by making sure they are reviewing driver-assignment and qualification files; applying the performance standards fairly, consistently, and equitably, and documenting the evaluations.
- Regularly evaluate the company's driver fitness-related inspection results via the Federal Motor Carrier Safety Administration's (FMCSA) website at http://ai.fmcsa.dot.gov/SMS. Assess violations for process breakdowns and how to remedy them. Use data to help implement an effective process beyond self-reporting to monitor, document, and evaluate compliance with driver-fitness regulations and company policies.
- When monitoring and tracking any driver-fitness-related issue, always assess whether it is individual or represents a systemic breakdown in one of the Safety Management Processes (Policies and Procedures, Roles and Responsibilities, etc.).

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.



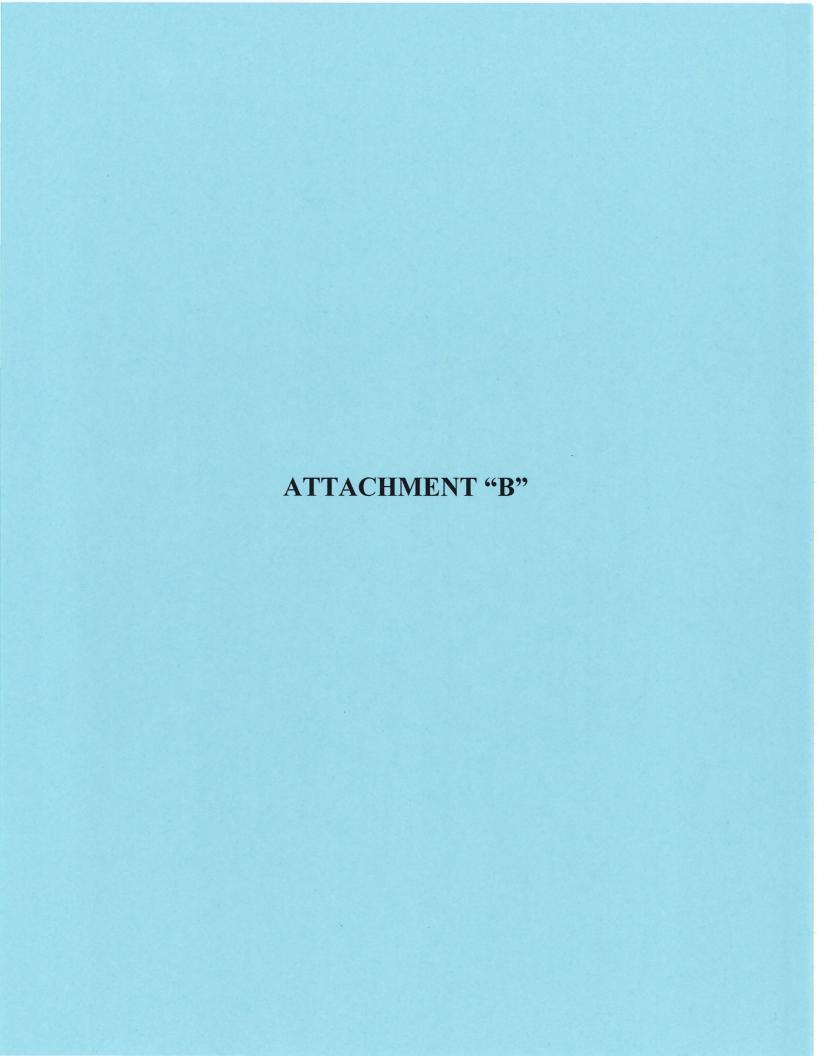


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Review Date 04/03/2019

Safety Management Process Breakdowns and Remedies

4.	I acknowledge that the requirements and/or recommendations resulting from this off-site, focused review have been discussed with me and my questions have been answered. I further acknowledge that KCC recommendations only cover the scope of this focused review, and that areas not reviewed by the KCC have not necessarily been endorsed as compliant. 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 Two Tigers and a Truck LLC's operating authority and/or the impoundment of Two Tigers and a Truck LLC commercial motor vehicle.
	Carrier Representative Date
	After reviewing these Requirements and/or Recommendations, please sign and date where indicated, and return to the Kansas Corporation Commission, ATTN Verna Jackson, Transportation Division, 1500 SW Arrowhead Rd, Topeka, Kansas 66604-4027, or fax 785-271-3124.



DRIVER'S DAILY LOG [24 HOURS] [24 HOURS] [250,468] [200] [3] [4] [50,468] [200] [4] [50] [50] [60] [7	RECAP 4.5
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SHIPPING BOCUMENTS: B/L or Manifest No.	asadahle tudotrek til br. minus A.* C. Total hours en
8527 Supper & Commodity From: McPherson To: Mapherson USE TIME STANDARD AT HOME TERMINAL Copyright 2013-J. J. Keller & Associates, Inc. ** All rights reserved.	duty hast 7 days in trading foday. "I you need the 14-binst restored requirements. In 1895, you have 6070 been available again.

CERTIFICATE OF SERVICE

19-TRAM-417-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 on04/19/2019	
AHSAN LATIF, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604 Fax: 785-271-3354 a.latif@kcc.ks.gov	SCOTT REASONER, MANAGER TWO TIGERS AND A TRUCK, LLC 1200 S MAIN ST MCPHERSON, KS 67460-5740 twotigersandatruck2017@gmail.com
	/S/ DeeAnn Shupe

DeeAnn Shupe