



1500 SW Arrowhead Road
Topeka, KS 66604-4027

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

Susan K. Duffy, Chair
Shari Feist Albrecht, Commissioner
Dwight D. Keen, Commissioner

Laura Kelly, Governor

NOTICE OF PENALTY ASSESSMENT

February 13, 2020

20-TRAM-338-PEN

Randy Barker,
Rebecca Veith, d/b/a RNR Farms
HC61 Box 22
Lenapah, OK 74042

This is a notice of a penalty assessment against Rebecca Veith, d/b/a RNR Farms (RNR Farms) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on January 7, 2020, by Kansas Corporation Commission Special Investigator Doug Handy. Penalty amounts are assessed in accordance with the FY 2020 Uniform Penalty Assessment Matrix, approved by the Commission on July 16, 2019. For a full description of the penalty and terms and obligations, please refer to the Penalty Order attached to this notice.

IF YOU ACCEPT THE PENALTY:

RNR Farms has been assessed a \$2,400 penalty. You have thirty (30) days from the date of service of this Penalty Order to pay the fine, unless you choose the reduced penalty option explained below. Please remit payment of \$2,400 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.

RNR FARMS IS A NEW ENTRANT MOTOR CARRIER AND MAY BE ELIGIBLE FOR A PENALTY REDUCTION OF FIFTY PERCENT (50%) UNDER THE FOLLOWING TERMS SET OUT IN THE ATTACHED REDUCED PENALTY AGREEMENT.

To become eligible, you must agree to meet the terms and obligations set out in the attached Reduced Penalty Agreement to be eligible for the reduction. The Reduced Penalty Agreement must be submitted to the Litigation Division within 15 days.

IF YOU CONTEST THE PENALTY ORDER:

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

IF YOU FAIL TO ACT:

Failure to adhere to the terms and obligations set out in the attached Penalty Order, including payment of the penalty of \$2,400 within thirty (30) days from the date of service of the Penalty Order, or in the alternative, provide a written request for a hearing within 15 days from the date of service of the Penalty Order, will result in the Order becoming final and the terms and conditions set out therein will be enforced.

Respectfully,



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

1500 SW Arrowhead Road
Topeka, KS 66604-4027



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Dwight D. Keen, Commissioner

Laura Kelly, Governor

REDUCED PENALTY AGREEMENT

20-TRAM-338-PEN

Rebecca Veith, d/b/a RNR Farms (RNR Farms) hereby submits this Reduced Penalty Agreement for approval of a fifty percent (50%) reduction in the penalty assessed in the Penalty Order dated February 13, 2020. RNR Farms has agreed to comply with the following terms and obligations:

1. RNR Farms has submitted, within fifteen (15) days from the date of the Penalty Order this signed and dated Reduced Penalty Agreement to Litigation Counsel.

2. RNR Farms will, within thirty (30) days from the date of the Penalty Order, submit to Transportation Staff a Corrective Action Plan (CAP) documenting the violation(s) and describing specific and detailed information explaining its efforts and concrete steps taken to ensure the violation(s) do not occur in the future. I understand the CAP must be approved by Transportation Staff to become eligible for the 50% reduced penalty.

3. RNR Farms will, within thirty (30) days from the date of the Penalty Order, send an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance will be submitted to the Litigation Counsel.

4. RNR Farms will be available within eighteen (18) months from the date of the Penalty Order for a follow-up Safety Compliance Review. Transportation Staff will contact the carrier to schedule the review.

Rebecca Veith, d/b/a RNR Farms understands that if approved, an Order Amending Penalty Assessment will be issued by the Commission assessing a reduced penalty of \$1,200, and will set out the terms and conditions stated above. Once the Order Amending Penalty Assessment is issued by the Commission, RNR Farms will have thirty (30) days from the date of service of that Order to pay the reduced penalty assessed.

Dated this ____ day of _____, 2020.

Rebecca Veith, d/b/a RNR Farms

Randy Barker

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

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

Before Commissioners: Susan K. Duffy, Chair
 Shari Feist Albrecht
 Dwight D. Keen

In the Matter of the Investigation of **Rebecca**)
Veith, d/b/a RNR Farms, of Lenapah, OK,)
Regarding the Violation(s) of the Motor Carrier)
Safety Statutes, Rules and Regulations and the) Docket No. 20-TRAM-338-PEN
Commission's Authority to Impose Penalties,)
Sanctions and/or the Revocation of Motor)
Carrier Authority.)

PENALTY ORDER

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

I. JURISDICTION

1. Pursuant to K.S.A 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 49 C.F.R. Part 390.5 as adopted by K.A.R. 82-4-3f, 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. 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

3. Rebecca Veith, d/b/a RNR Farms (RNR Farms) operates under USDOT number 2150536.

4. Erica Robertson attended a Commission-sponsored Motor Carrier Education and Safety Instructional Meeting on January 21, 2020, on behalf of RNR Farms.

5. RNR Farms is a private and common motor carrier which primarily hauls general freight, meta, sheets, coils, rolls, logs, poles, beams, lumber, building materials, machiner, large objects, livestock, grain, feed, hay, meat, commodities dry bulk, refrigerated foods, farm supplies, construction, rock, sand and gravel.

6. RNR Farms is a New Entrant motor carrier and may be eligible for a fifty-percent (50%) reduction of the penalty(s) assessed below.

III. STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, on January 7, 2020, Commission Staff (Staff) Special Investigator Doug Handy conducted a compliance review of the operations of RNR Farms. A copy of the safety compliance review is attached hereto as Attachment "A" and is hereby incorporated by reference. As a result of this investigation, the special investigator identified five (5) violation(s) of the Motor Carrier Safety Regulations.

- a. On November 5, 2019, RNR Farms required or permitted its driver, Randal W. Barker, to operate a CDL-required commercial motor vehicle, a 2012 Freightliner, VIN ending in 7711, GVWR 52,000 lbs., pulling a 2013 Bulk trailer, VIN ending in 007605, GVWR 65,000 lbs., in interstate commerce from Coffeyville, Oklahoma to Miller, Kansas. This trip is evidenced by Invoice Number 133384, dated November 5, 2019, a copy of

which is attached hereto as Attachment “B” and is hereby incorporated by reference. At the time of this transportation, RNR Farms had not implemented an alcohol and controlled substance test program for its CDL drivers. The carrier’s failure to establish an alcohol and controlled substances testing program for its CDL 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), adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$650.

- b. During the transportation described in paragraph a, above, RNR Farms failed to make an inquiry every 12 months into the annual motor vehicle record (MVR) of its driver and maintain the response(s) of each state agency in the driver qualification file. The special investigator discovered two (2) violations of this type. RNR Farms’ failure to inquire into its driver’s MVR at least once every 12 months and maintain a copy of the MVR in the driver qualification file is a violation of 49 C.F.R. Part 391.25(a) and (c)(1), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 66-1,112. Staff recommends a fine of \$250.
- c. On October 18, 2019, RNR Farms required or permitted its driver, Seth D. Veith, to operate a CDL-required commercial motor vehicle, a 1991 Freightliner, VIN ending in 394281, GVWR 52,000 lbs., pulling a 1995 STEL trailer, VIN ending in 0017103, GVWR 65,000 lbs., in intrastate commerce from Coffeyville, Kansas to Iola, Kansas. This trip is evidenced by a Driver’s Daily Log, dated October 18, 2019, a copy of

which is attached hereto as Attachment “C” and is hereby incorporated by reference. At the time of this transportation, driver Seth D. Veith drove for 10.50 hours without taking a 30 minute break as required after driving for eight (8) hours. The special investigator discovered four (4) violations of this type. RNR Farms’ failure to provide “rest breaks” to its drivers if more than eight (8) hours have passed since the end of the driver’s last off-duty or sleeper-berth period of at least 30 minutes is a violation of 49 C.F.R. 395.3(a)(3)(ii), adopted by K.A.R. 82-4-3, and implemented by K.S.A. 66-1,129. Staff recommends a fine of \$250.

- d. On October 26, 2019, RNR Farms required or permitted its driver, Seth D. Veith, to operate a CDL-required commercial motor vehicle, a 1991 Freightliner, VIN ending in 394281, GVWR 52,000 lbs., pulling a 1995 STEL trailer, VIN ending in 0017103, GVWR 65,000 lbs., in interstate commerce from Caney, Kansas to Enid, Oklahoma. This trip is evidenced by a Cimarron Turnpike Receipt, a copy of which is attached hereto as Attachment “D” and is hereby incorporated by reference. At the time of this transportation, driver Seth D. Veith failed to make a record of duty status. It was clear from the records that this trip was recorded on October 25, 2019, instead of October 26, 2019. The supporting documents indicate the trip actually took place on October 26, 2019, wherein there is no record of duty status. *See*, Driver’s Daily Log, dated October 25, 2019, a copy of which is attached hereto as Attachment “E” and is hereby incorporated by reference. RNR Farms’ failure to require its driver 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), adopted by K.A.R. 82-4-3a, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$250.

- e. On October 25, 2019, driver Seth D. Veith made a false record of duty status. The trip was actually made on October 26, 2019, which is explained in paragraph d., above and Attachment “E”. RNR Farms’ falsifying records of duty status is a violation of 49 C.F.R. 395.8(e)(1), adopted by K.A.R. 82-4-3a, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$1,000.

IV. STAFF’S RECOMMENDATIONS

8. Based upon the available facts, Staff recommends the Commission find RNR Farms committed five (5) 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. Staff recommends a civil penalty of \$2,400 for five (5) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff provides notice to the Commission that Rebecca Veith, d/b/a RNR Farms is a New Entrant motor carrier and may be eligible for a fifty-percent (50%) reduced civil penalty. The carrier must submit to Litigation Counsel within fifteen (15) days of the date of this Penalty

Order the signed and dated Reduced Penalty Agreement and Transportation Staff must approve the carrier's Corrective Action Plan (CAP).

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

12. Staff further notes that Erica Robertson, on behalf of RNR farms, attended the Procedures for Safety Compliance Seminar presented by the Kansas Corporation Commission, on January 21, 2020.

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

V. CONCLUSIONS OF LAW

14. The Commission finds it has jurisdiction over RNR Farms because it is a motor carrier as defined in 49 C.F.R. Part 390.5 as adopted by K.A.R. 82-4-3f.

15. The Commission finds a penalty of \$2,400 should be assessed to RNR Farms for committing five (5) 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.

16. The Commission finds RNR Farms is a New Entrant motor carrier and may be eligible for a fifty-percent (50%) reduction in the penalty(s) assessed herein.

THE COMMISSION THEREFORE ORDERS THAT:

A. Rebecca Veith, d/b/a RNR Farms, of Lenapah, OK is hereby assessed a penalty of \$2,400 for five (5) violation(s) of Kansas law governing the regulation of motor carriers, the Kansas Administrative Regulations and provisions of the Federal Motor Carrier Safety Regulations, as adopted by the Kansas Administrative Regulations. Payment of \$2,400 must be made through your personal account with the Kansas Corporation Commission's KTRAN system located at <https://puc.kcc.ks.gov/ktran/>. You must have an account through KTRAN to pay the penalty owed.

B. RNR Farms is deemed to have complied with the requirement to attend a Commission-sponsored safety seminar as a representative of the carrier, Erica Robertson, attended the Procedures for Safety Compliance Seminar presented by the Kansas Corporation Commission, on January 21, 2020.

C. RNR Farms must submit a Corrective Action Plan (CAP) within thirty (30) days of the date of this Penalty Order, to Transportation Staff, documenting the violation(s) described above, including specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.

D. RNR Farms is ordered to submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order. Transportation Staff will contact the motor carrier at a later date to determine an appropriate time for this review.

E. If RNR Farms does not submit the Reduced Penalty Agreement and fails to pay the penalty of \$2,400 within thirty (30) days from the date of service of this Penalty Order, *see*

K.S.A. 66-1,105, and/or fails to comply with the provisions of this Order, the Commission will have the right to order further sanctions, including suspension of RNR Farms' motor carrier operating authority without further notice. Additionally, the Commission may issue and enforce revocation of motor carrier authority and/or issue cease and desist order(s), and may order other remedies available to the Commission by law, without further notice.

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

G. 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. 66-1,142b(e) and amendments thereto.

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.

Duffy, Chair; Albrecht, Commissioner; Keen, Commissioner

Dated: 02/13/2020

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

Lynn M. Retz
Executive Director

AAL

ATTACHMENT “A”

UNITED STATES DEPARTMENT OF TRANSPORTATION



U.S. DOT#: 2150536
MC/MX#: 765740

Legal: REBECCA VEITH
Operating (DBA): RNR FARMS

Investigation Date:
01/07/20

Investigation Type: Onsite Comprehensive Investigation

Location of Investigation: Other (Coffeyville City Clerks Office)

Extent of Operations: Entire Operation

Physical Address

60268 NE 5TH STREET
PRATT, KS 67124
United States

Mailing Address

HC61 Box 22
Lenapah, OK 74042
United States

Contact Information

Contact Name: RANDY BARKER

Email:

Phone:

Business and Financial

Business Type: Sole Proprietorship

Gross Revenue [REDACTED] **For Year Ending:** 12/31/18

Federal Tax ID [REDACTED] (N)

Operation Classification and Type

Type of Operation: Non-HM Interstate Carrier, Non-HM Intrastate Carrier

Operation Classification

For-Hire Motor Carrier

Property

Exempt Commodities

Other Non-Hazardous Freight

Private Motor Carrier

Property – Non-Hazardous Materials

Cargo

General Freight, Metal; Sheets, Coils, Rolls, Logs, Poles, Beams, Lumber, Building Materials, Machinery, Large Objects, Livestock, Grain, Feed, Hay, Meat, Commodities Dry Bulk, Refrigerated Food, Farm Supplies, Construction, Other (rock/sand/gravel)

Equipment				Driver Information	
	Owned	Term Leased	Trip Leased	Drivers	
Truck Tractors	3			Intrastate	Interstate
Power units used in the U.S.: 3 Percentage of time used in the U.S.: 100.0%				< 100 Miles	
				>= 100 Miles	2
				Average trip leased driver/month: 0 Drivers with CDL: 2 Total Drivers: 2	

Person(s) Interviewed	
Name: RANDY BARKER	Title: MANAGER
Name: Rebecca Verth	Title: Owner
Name: Erica Robertson	Title: Administrative Assistant

Questions	
Questions about this report or the Federal Motor Carrier Safety or Hazardous Materials regulations may be addressed to the Federal Motor Carrier Safety Administration at:	Kansas Corporation Commission 1500 SW Arrowhead Rd Topeka, KS 66604-4027 Phone (785) 271-3145 Fax: (785) 271-3124

This report will be used to assess your safety compliance.

Violations

1. Primary: 382.115(a)

Failing to implement an alcohol and/or controlled substances testing program on the date the employer begins commercial motor vehicle operations.

A Acute

Violations Discovered

Fed	State	Total
1		1

Violations Checked

Fed	State	Total
1		1

BASIC Impacted
Controlled
Substances/Alcohol

Rating Factor 2:
Driver = Part 382

Example/Notes:

Driver name, Randal W. Barker

Trip date, 11/05/2019

Carrier failed to implement an alcohol/controlled substance testing program.

Drivers/Vehicles

In Violation	Checked
1	1

2. Primary: 391.25(a)

Failing to make an inquiry into the driving record of each driver to the appropriate State agencies in which the driver held a commercial motor vehicle operator's license at least once every 12 months.

Example/Notes:

Driver name, Randal W. Barker

Trip date, 11/05/2019

Carrier operated in Intrastate Commerce from Coffeyville, Ks. to Miller, Ks.

Carrier failed to provide and MVR for 2018-2019. Last MVR in the Driver Qualification file was obtained 12/12/2012.

Violations Discovered

Fed	State	Total
2		2

Violations Checked

Fed	State	Total
2		2

Drivers/Vehicles

In Violation	Checked
2	2

3. Primary: 391.51(b)(5)

Failing to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2).

Violations Discovered

Fed	State	Total
2		2

Example/Notes:

Driver name, Randal W. Barker

Trip date, 11/05/2019

Carrier operated in Intrastate Commerce from Coffeyville, Ks. to Miller, Ks.

Carrier failed to provide documentation indicating an annual review had ever been conducted.

Violations Checked

Fed	State	Total
2		2

Drivers/Vehicles

In Violation	Checked
2	2

4. Primary: 391.51(b)(6)

Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27.

Violations Discovered

Fed	State	Total
2		2

Violations Checked

Fed	State	Total
2		2

Example/Notes:

Driver name, Randal Barker

Trip date, 11/05/2019

Carrier operated in Intrastate Commerce from Coffeyville, Ks. to Miller, Ks.

Carrier failed to provide documentation that a certification of violations were ever conducted.

Drivers/Vehicles

In Violation	Checked
2	2

5. Primary: 391.51(b)(9)

Failing to place a note related to the verification of the medical examiner's listing on the National Registry of Certified Medical Examiners required by 391.23(m) in driver qualification file(s).

Violations Discovered

Fed	State	Total
2		2

Violations Checked

Fed	State	Total
2		2

Example/Notes:

Driver name, Randal W. Barker

Trip date, 11/05/2019

Drivers/Vehicles

In Violation	Checked
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ME: Gretchen Snider APN.

Nat Registry: #9942813228

Carrier operated in Intrastate Commerce from Coffeyville, Ks. to Miller, Ks.

Carrier failed to verify and document the verification the registration of the Medical examiner is listed in the National Registry.

2

2

6. Primary: 395.3(a)(3)(ii)

Requiring or permitting a property-carrying commercial motor vehicle driver to drive after more than 8 hours have passed since the end of the driver's last off duty or sleeper berth period of at least 30 minutes.

Violations Discovered

Fed	State	Total
2	2	4

Violations Checked

Fed	State	Total
58	2	60

Example/Notes:

Driver Name: Seth Veith

Trip Date 10/18/2019

Driver was on -duty 10.50 hrs. without recording a break on the record of duty status.

Drivers/Vehicles

In Violation	Checked
1	2

10/01/2019 - Requiring or permitting CMV driver to drive without 30 minute break.

10/02/2019 - Requiring or permitting CMV driver to drive without 30 minute break.

10/07/2019 - Requiring or permitting CMV driver to drive without 30 minute break.

10/18/2019 - Requiring or permitting CMV driver to drive without 30 minute break.

7. Primary: 395.8(a)(1)

Failing to require a driver to prepare a record of duty status using the appropriate method

Violations Discovered

Fed	State	Total
1		1

Violations Checked

Fed	State	Total
58	2	60

Example/Notes:

Driver Name: Seth Veith

Trip Date: 10/26/2019

Drivers/Vehicles

In Violation	Checked
1	2

Driver failed to complete a record of duty status for 10/26/2019. The supporting documents indicated he completed an Interstate trip from Enid, Ok. to Van Buren, Ar. (BOL #01620000025363).

Supporting documents were Cimarron Turnpike receipts, Muskogee Turnpike Receipts, and Bill of Lading.

8. Primary: 395.8(e)(1)

Making, or permitting a driver to make, a false report regarding duty status

Violations Discovered

Fed	State	Total
1		1

Violations Checked

Fed	State	Total
58	2	60

Example/Notes:

Driver Name: Seth Veith

Trip Date 10-26-2019

Driver made in Interstate trip from Caney, Ks. to Enid, Ok. where he loaded and delivered to Van Buren, Ar. The record of duty status indicated the trip was completed on 10/25/2019. The supporting documents which were Cimarron Turnpike Receipts, Muskogee Turnpike Receipts, and Koch Bill of Lading #01620000025363 indicated the trip was completed on 10/26/2019.

Drivers/Vehicles

In Violation	Checked
1	2

9. Primary: 395.8(f)

Failing to require driver to prepare record of duty status in form and manner prescribed.

Violations Discovered

Fed	State	Total
19	2	21

Violations Checked

Fed	State	Total
58	2	60

Example/Notes:

10/01/2019 - Seth Veith Failed to total hours on grid

10/02/2019 - Seth Veith Failed to total hours on grid

10/03/2019 - Seth Veith Failed to total hours on grid

10/04/2019 - Seth Veith Failed to total hours on grid

10/07/2019 - Seth Veith Failed to total hours on grid

Drivers/Vehicles

In Violation	Checked
2	3

10/11/2019 - Seth Veith Failed to total hours on grid
 10/14/2019 - Seth Veith Failed to total hours on grid
 10/15/2019 - Seth Veith Failed to total hours on grid
 10/16/2019 - Seth Veith Failed to total hours on grid
 10/17/2019 - Seth Veith Failed to total hours on grid
 10/18/2019 - Seth Verth Failed to total hours on grid
 10/19/2019 - Seth Veith Failed to total hours on grid
 10/21/2019 - Seth Veith Failed to total hours on grid
 10/22/2019 - Seth Veith Failed to total hours on grid
 10/24/2019 - Seth Veith Failed to total hours on grid
 10/25/2019 - Seth Verth Failed to total hours on grid
 10/27/2019 - Seth Veith Failed to total hours on grid
 10/28/2019 - Seth Verth Failed to total hours on grid
 10/29/2019 - Seth Veith Failed to total hours on grid
 10/30/2019 - Seth Veith Failed to total hours on grid

10. Primary: 396.3(b)(1)

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

Example/Notes:

Driver name, Randal W. Barker

Trip date. 11/05/2019

Unit #7 2012 Freightliner VIN # [REDACTED] 7711, GVWR 52,000

Carrier operated in Intrastate Commerce from Coffeyville, Ks. to Miller, Ks.

Carrier failed to provide a maintenance file on each CMV as required by the regulations.

Violations Discovered

Fed	State	Total
3		3

Violations Checked

Fed	State	Total
3		3

Drivers/Vehicles

In Violation	Checked
3	3

Safety Fitness Rating

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

RATING FACTORS	RATING	ACUTE	CRITICAL
Factor 1: General = Parts 387 and 390	Satisfactory		
Factor 2: Driver = Parts 382, 383 and, 391	Conditional	1	
Factor 3: Operational = Parts 392 and 395	Satisfactory		
Factor 4: Vehicle = Parts 393 and 396	Satisfactory		
OOS Vehicles (CR): 0			
Number of Vehicles Inspected (CR): 0			
OOS Vehicles (MCMIS): 0			
Number of Vehicles Inspected (MCMIS): 0			
OOS Rate: 0%			
Factor 5: Haz. Mat. = Parts 397, 171, 177 and, 180	Not Rated		
Factor 6: Accident Factor = Recordable Rate	Satisfactory	N/A	N/A
Total Miles Operated: 375,171			
Recordable Accidents: 0			
Recordable Accidents/Million Miles: 0.00			

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

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

Process Breakdown and Remedies

BASIC: Hours-of-Service Compliance

Process Breakdown: Monitoring and Tracking

Rebecca Veith/DBA RNR Farms failed to have a policy and procedure to determine if the hours of service were in compliance with the drivers' records of duty status.

Specific Recommended Remedies

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

1. Implement an effective process for monitoring, tracking, and evaluating all drivers' compliance with Hours-of-Service (HOS) regulations and company policies.
2. Promptly review all Records of Duty Status (RODS) for Hours-of-Service (HOS) violations and falsification. Look for discrepancies by comparing driver logs with their "check-in" calls and other supporting documents.

BASIC: Driver Fitness

Process Breakdown: Monitoring and Tracking

Rebecca Veith/DBA RNR Farms failed to have completed driver qualification files. The driver qualification files were missing certification of violations, annual reviews, and MVR's on each driver annually. The records failed to have the MEC verification of the medical examiners that conducted the Medical recertification on the drivers.

Specific Recommended Remedies

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

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

BASIC: Controlled Substances/Alcohol

Process Breakdown: Policies and Procedures

Rebecca Veith/DBA RNR Farms failed to have an alcohol/controlled substance testing program

Specific Recommended Remedies

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

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

BASIC: Vehicle Maintenance

Process Breakdown: Monitoring and Tracking

Rebecca Veith/DBA RNR Farms failed to have maintenance records that identified the commercial motor vehicle by make, year, model, and tire size.

Specific Recommended Remedies

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

1. Check all inspections and relevant records, such as Driver Vehicle Inspection Records (DVIRs), pre-trip and annual inspections, and maintenance and repair records, to ensure that company inspection, repairing, and maintenance policies and procedures are adhered to and properly documented.

Recommendations

1. **Acute and Critical Violations**

Acute and/or Critical violations were recorded on this investigation report. These violations will impact your safety record.

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.

2. **Additional Information**

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

3. **Obtain copies of the regulations, forms, interpretations, manuals.**

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

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

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

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

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

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

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

7. **Require drivers to prepare complete and accurate records.**

Require all drivers to prepare complete and accurate records of duty status for each day, and to submit them within 13 days. Maintain all duty status records on file, with all supporting documents, for at least 6 months.

8. **Ensure that all drivers' logs are accurate.**

Ensure that all drivers' records of duty status (logs) are accurate. Check them against "supporting documents" to verify accuracy. Prohibit falsification of logs by any driver. Review the rules on supporting documents. Take appropriate action against drivers who falsify logs.

9. **DQ Medical**

As per 391.51(b)(9), The qualification file must include a note relating to verification of medical examiner listing on the National Registry of Certified Medical Examiners required by 391.23(m).

10. **All Recommendations**

"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 (MCMS). Records are available 24 hours a day via Web request. Motor carriers should visit the following website for more information: <http://www.psp.fmcsa.dot.gov/Pages/default.aspx>

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

<http://www.fmcsa.dot.gov/documents/Hijacking-Brochure.pdf>

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

11. CAP Letter

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

Email: g.davenport@kcc.ks.gov

FAX: 785-271-3124

or mail:

Kansas Corporation Commission

Attn: Gary Davenport

1500 SW Arrowhead Rd

Topeka, KS 66604-4027"

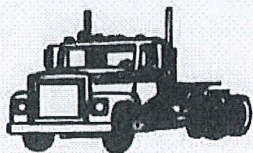
12. *Acknowledgement of Statement

*Acknowledgement Statement Applies only to CR "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 Rebecca Veith/DBA RNR Farms operating authority and/or the impoundment of Rebecca Veith/DBA RNR Farms commercial motor vehicles.


Carrier Representative

1-7-20
Date

ATTACHMENT “B”



Invoice 133384

(405) 375-4740 • FAX (405) 375-6499

Shipped From: Coffeyville, OK Delivered To: Miller, KS
City/State: Coffeyville, OK City/State: Miller, KS
Commodity: Wheat Load No. 701430057 BOL# _____
Date Loaded: 11-5-19 Origin Weight: 52000 Ld Tkt# _____
Date Unloaded: _____ Destination Weight: 52000 Unld Tkt # _____
Rate Per (Ton, Bushel, 100, Mile) _____ Driver DD
Comments: _____
Received By: _____

ATTACHMENT “C”



10 / 18 / 19
(Month) (Day) (Year)

DRIVER'S DAILY LOG (24 HOURS)

Original - File at home terminal
Duplicate - Driver retains in his/her possession for eight days

RECAP
Complete at end of workday.

On duty hours today (Total Lines 3 & 4)

70 Hr./8 Day Drivers

A. Total hours on duty last 7 days, including today.

B. Total hours available tomorrow.
70 hr. minus A.

C. Total hours on duty last 8 days, including today.

60 Hr./7 Day Drivers

A. Total hours on duty last 6 days, including today.

B. Total hours available tomorrow.
60 hr. minus A.

C. Total hours on duty last 7 days, including today.

*If you meet the 34 hour restart requirements in 49CFR, you have 68 1/2 hours available again.

RnR

Name of Carrier or Carriers

Prairie, KS

Main Office Address

Lenapech, OK

Home Terminal Address

I certify these entries are true and correct:

Signature

Driver's Full Signature

Co-Driver's Name

Total Miles Driving Today Total Mileage Today

9-259

Truck/Tractor and Trailer Numbers or License Plate(s) / State (show each unit)

	MID-NIGHT	1	2	3	4	5	6	7	8	9	10	11	NOON	1	2	3	4	5	6	7	8	9	10	11	TOTAL HOURS
1. OFF DUTY																									
2. SLEEPER BERTH																									
3. DRIVING																									
4. ON DUTY (NOT DRIVING)																									

	MID-NIGHT	1	2	3	4	5	6	7	8	9	10	11	NOON	1	2	3	4	5	6	7	8	9	10	11
REMARKS																								

SHIPPING DOCUMENTS:

5670 5675

B/L or Manifest No.
or DEF

Shipper & Commodity

Enter name of place you reported and where released from work and when and where each change of duty occurred.

From: Coffeyville

To: Newton, KS, Topeka, KS

USE TIME STANDARD AT HOME TERMINAL

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613-MP (Rev. 7/13) 8524

ATTACHMENT “D”

Cimarron Turnpike
SH 177
Lane 1

T O L L R E C E I P T

Date : 10/26/2019
Time : 08:09:54 AM
Shift : 1

Lane : 1
Attendant: 5103
Class : 5
Toll : \$8.25

www.pikepass.com
THANK YOU!!

ATTACHMENT “E”



10 / 25 / 19
(Month) (Day) (Year)

DRIVER'S DAILY LOG

(24 HOURS)

Original - File at home terminal
Duplicate - Driver retains in his/her possession for eight days

RECAP
Complete at
end of workday.

Total Miles Driving Today Total Mileage Today

RnR

Name of Carrier or Carriers

Pratt, KS

Main Office Address

Lenape, OK

Home Terminal Address

9-259

Truck/Tractor and Trailer Numbers or
License Plate(s) / State (show each unit)

I certify these entries are true and correct:

Driver's Full Signature

Co-Driver's Name

	MID-NIGHT	1	2	3	4	5	6	7	8	9	10	11	NOON	1	2	3	4	5	6	7	8	9	10	11	TOTAL HOURS
1. OFF DUTY																									
2. SLEEPER BERTH																									
3. DRIVING																									
4. ON DUTY (NOT DRIVING)																									

REMARKS

SHIPPING
DOCUMENTS:
32126241

B/L or Manifest No.
or

Shipper & Commodity

Enter name of place you reported and where released from work and when and where each change of duty occurred.

From: Woodward

To: Joplin MO

USE TIME STANDARD AT HOME TERMINAL

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613-MP (Rev. 7/13) 8524

On-duty hours today (Total lines 1 & 4)

70 Hr / 8 Day Drivers

A. Total hours on duty last 7 days, including today.

B. Total hours available tomorrow, 70 hr minus A.

C. Total hours on duty last 8 days, including today.

60 Hr / 7 Day Drivers

A. Total hours on duty last 7 days, including today.

B. Total hours available tomorrow, 60 hr minus A.

C. Total hours on duty last 8 days, including today.

If you meet the 81-hour restart requirements in 49 CFR, you have 10079 hours available again.

CERTIFICATE OF SERVICE

20-TRAM-338-PEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of
first class mail/hand delivered on 02/14/2020.

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

RANDY BARKER, CO-OWNER
REBECCA VEITH
D/B/A RNR FARMS
HC61 BOX 22
LENAPAH, OK 74042

/S/ DeeAnn Shupe

DeeAnn Shupe