

1500 SW Arrowhead Road  
Topeka, KS 66604-4027



20170921164926  
State Corporation Commission

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

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

Sam Brownback, Governor

## NOTICE OF PENALTY ASSESSMENT

September 21, 2017

18-TRAM-134-PEN

Pedro Guzman, Managing Member  
Guzman Logistics LLC  
20285 Mission Road  
Stilwell, Kansas 66085

**Certified Mail Receipt No. 70161970000105737099**

This is a notice of a penalty assessment against Guzman Logistics LLC for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on August 25, 2017, by Kansas Corporation Commission Special Investigator(s) Wade Patterson. For a full description of the penalty and terms and obligations, please refer to the Penalty Order that is attached to this notice.

### IF YOU ACCEPT THE PENALTY:

Guzman Logistics has been assessed a \$2,350 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 \$2,350 through your personal account with the Kansas Corporation Commission's KTRAN application 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.

### **GUZMAN LOGISTICS IS A NEW ENTRANT MOTOR CARRIER AND IS ELIGIBLE FOR A PENALTY REDUCTION OF FIFTY PERCENT (50%) UNDER THE FOLLOWING TERMS:**

New Entrant motor carriers are eligible for a one-time, fifty-percent (50%) reduction in the penalty(s) assessed motor carriers in accordance with the FY 2018 Uniform Penalty Assessment Matrix. You have to meet the terms and obligations set out in the attached Reduced Penalty Agreement to be eligible for the fifty-percent (50%) reduction. A fifty-percent (50%) reduction in the penalty assessed in the attached Order is available if:

(1) the carrier signs and submits within fifteen (15) days from the date of this Penalty Order, the attached Reduced Penalty Agreement to Litigation Counsel at the above address;

(2) within 30 days from the date of the attached Penalty Order, the carrier submits to Transportation Staff an approved Corrective Action Plan (CAP) documenting the violation(s) described in the attached 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; and

(3) within thirty (30) days from the date of the attached Penalty Order, the carrier sends an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance must be submitted to the undersigned Litigation Counsel shortly thereafter.

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

If a carrier is approved for the fifty-percent (50%) reduced penalty, a Motion for Order Amending Penalty Assessment, along with the Reduced Penalty Agreement will be filed with the Commission. An

Order Amending Penalty Assessment assessing the reduced penalty and setting out the terms and conditions stated above will be issued by the Commission shortly thereafter. Payment of the reduced penalty of \$1,175 would be due within thirty (30) days from the date of service of the Order Amending Penalty Assessment.

**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. Guzman Logistics LLC 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 by mailing 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 Commission's Secretary at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, within fifteen (15) days from the date of service of this Penalty Order and mail a copy of the request to Litigation Counsel. K.A.R. 82-1-215; K.S.A. 2016 Supp. 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 \$2,350 within thirty (30) days from the date of service of this Penalty Order, or in the alternative, provide a written request for a hearing within fifteen (15) days from the date of service of this Penalty Order, will result in the Order becoming a final Penalty Order and the terms and conditions set out therein will be enforced. If Guzman Logistics submits the attached Reduced Penalty Agreement as explained above, an Order Amending Penalty Assessment may be issued assessing the reduced penalty of \$1,175 and that payment will become due within thirty (30) days from the date of service of that Order.

Respectfully,

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

## **REDUCED PENALTY AGREEMENT**

### **18-TRAM-134-PEN**

Guzman Logistics LLC (Guzman Logistics) hereby submits this Reduced Penalty Agreement to become eligible for a fifty percent (50%) reduction in the penalty assessed in the Penalty Order dated September 21, 2017. Guzman Logistics has agreed to comply with the following terms and obligations:

1. Guzman Logistics has submitted, within fifteen (15) days from the date of the Penalty Order issued on September 21, 2017, this signed and dated Reduced Penalty Agreement to Litigation Counsel at the above address.

2. Guzman Logistics will, within 30 days from the date of the Penalty Order dated September 21, 2017, 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 before my company can be eligible for the 50% reduced penalty.

3. Guzman Logistics will, within thirty (30) days from the date of the Penalty Order dated September 21, 2017, 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. Guzman Logistics 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.

Guzman Logistics LLC understands that if approved, Transportation Litigation Counsel will file a Motion for Order Amending Penalty Assessment with this Agreement attached. The Order Amending Penalty Assessment will assess Guzman Logistics a fifty-percent (50%) reduced penalty of \$1,175, and set out the terms and conditions stated above. Once the Order Amending Penalty Assessment is issued by the Commission, Guzman Logistics will have thirty (30) days from the date of service of that Order to pay the reduced penalty assessed.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2017.

Guzman Logistics LLC

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Pedro Guzman  
Managing Member

(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](mailto:v.jacobsen@kcc.ks.gov) and [alatif@kcc.ks.gov](mailto:alatif@kcc.ks.gov).)

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

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

In the Matter of the Investigation of **Guzman**      )  
**Logistics LLC, of Stilwell, Kansas**, Regarding      )  
the Violation of the Motor Carrier Safety      )  
Statutes, Rules and Regulations and the      ) Docket No. 18-TRAM-134-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). 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. 2016 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. 2016 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. 2016 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. Guzman Logistics LLC (Guzman Logistics) has private and common operating authority from the Commission and further operates under USDOT number 2405347.

5. Pedro Guzman attended a Commission-sponsored Motor Carrier Education and Safety Instructional Meeting on August 24, 2015, on behalf of Guzman Logistics.

6. Guzman Logistics is a private and common motor carrier which primarily hauls livestock and horses.

7. Guzman Logistics is a New Entrant motor carrier and is eligible for a fifty-percent (50%) reduction of the penalty(s) assessed below.

## **III. STATEMENT OF FACTS**

8. Pursuant to the jurisdiction and authority cited above, on August 25, 2017, Commission Staff (Staff) Special Investigator(s) Wade Patterson conducted a compliance review of the operations of Guzman Logistics. 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(s) identified five (5) violation(s) of the Motor Carrier Safety Regulations.

- a. On April 23, 2017, Guzman Logistics required or permitted its driver, Pedro Guzman, to operate a CDL-required commercial motor vehicle, a 2005 Ford 350, VIN ending in 37928, GVWR 13,000 lbs., pulling a 2004

Four Star trailer, VIN ending in 23232, GVWR 22,600 lbs., in interstate commerce from Stilwell, Kansas to Tulsa, Oklahoma. This trip is evidenced by Driver's Daily Log, dated April 23, 2017, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, Guzman Logistics did not have in place a random controlled substances and alcohol testing program for its CDL driver. 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. 2016 Supp. 66-1,129. Staff recommends a fine of \$250.

- b. During the transportation described in paragraph a., above, Guzman Logistics 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 carrier'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)(1), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 2016 Supp. 66-1,112. Staff recommends a fine of \$100.
- c. On April 22, 2017, Guzman Logistics required or permitted its driver, Pedro Guzman, to operate a CDL-required commercial motor vehicle, a 2005 Ford F350, VIN ending in 37928, GVWR 13,000 lbs., pulling a 2004

Four Star trailer, VIN ending in 23232, GVWR 22,600 lbs., in interstate commerce from Stilwell, Kansas to Tulsa, Oklahoma. This trip is evidenced by Driver's Daily Log, dated April 22, 2017, a copy of which is attached hereto as Attachment "C" and is hereby incorporated by reference. At the time of this transportation, Guzman Logistics failed to require driver Pedro Guzman to create the previous seven (7) days of records of duty status. The special investigator identified 25 violations of this type. The carrier's 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. 2016 Supp. 66-1,129. Staff recommends a fine of \$750.

- d. During the transportation described in paragraph a., above, driver Pedro Guzman created a false record of duty status by over an hour. Mr. Guzman purchased fuel twice on this day and both instances of refueling took place when the driver logged his status as Off Duty. Guzman Logistics' 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. 2016 Supp. 66-1,129. Staff recommends a fine of \$1,000.
- e. During the transportation described in paragraph a., above, the commercial motor vehicle operated had not had a successful periodic (annual) inspection during the preceding 12-month period. Guzman Logistics'

failure to conduct periodic (annual) inspections on its commercial motor vehicles is a violation of 49 C.F.R. 396.17(c), adopted by K.A.R. 82-4-3j, and authorized by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$250.

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

9. Based upon the available facts, Staff recommends the Commission find Guzman Logistics 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.

10. Staff recommends a civil penalty of \$2,350 for five (5) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

11. Staff provides notice to the Commission that Guzman Logistics LLC is a New Entrant motor carrier and is eligible for a fifty-percent (50%) reduced civil penalty if it submits to Litigation Counsel within fifteen (15) days of the date of this Penalty Order the Reduced Penalty Agreement, which is attached to the Notice of Penalty Assessment.

12. Staff recommends Guzman Logistics LLC submit a Corrective Action Plan (CAP) within 30 days of the date of this Penalty Order, to Transportation Staff, documenting the violation(s) described in the 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.



13. Staff further recommends that Guzman Logistics attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and provide proof of attendance to Litigation Counsel.

14. Finally, Staff recommends that Guzman Logistics 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**

15. The Commission finds it has jurisdiction over Guzman Logistics because it is a motor carrier as defined in K.S.A. 2016 Supp. 66-1,108.

16. The Commission finds a penalty of \$2,350 should be assessed to Guzman Logistics 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.

17. The Commission finds Guzman Logistics is a New Entrant motor carrier and is eligible for a fifty-percent (50%) reduction in the penalty(s) assessed herein. The carrier must submit to Litigation Counsel, within fifteen (15) days from the date of this Penalty Order, the signed and dated Reduced Penalty Agreement, which states it will comply with the reduced penalty terms and obligations set out therein.

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

A. Guzman Logistics LLC, of Stilwell, Kansas is hereby assessed a penalty of \$2,350 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 \$2,350 must be made through your personal account with the Kansas Corporation Commission's KTRAN application 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.

B. Guzman Logistics is ordered to attend a Commission-sponsored safety meeting within ninety (90) days from the date of this Order, and provide proof of attendance to Litigation Counsel. 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).

C. Guzman Logistics 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 in the attached 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.

D. Guzman Logistics 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 Guzman Logistics does not submit the Reduced Penalty Agreement and fails to pay the full penalty(s) of \$2,350 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 Guzman Logistics's 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. 2016 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, 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 within fifteen (15) days from the date of service of this Order. If you do not have access to the internet, you can mail an original and seven (7) copies of the request to the Commission's Secretary, at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy to Litigation Counsel within fifteen (15) days from the date of service of this Order. A hearing will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of Guzman Logistics's right to a hearing.

G. On September 21, 2017, this Order was mailed via Certified Mail, Return Receipt Requested, Receipt Number 70161970000105737099. Service of this Order is deemed complete upon the date delivered shown on the Domestic Return Receipt.

H. 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. 2016 Supp. 66-1,142b(e) and amendments thereto.

I. 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.**

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: SEP 21 2017


  
\_\_\_\_\_  
Lynn M. Retz  
Secretary to the Commission

AAL

**Order Mailed Date**

**SEP 22 2017**

## **ATTACHMENT “A”**

	US DOT # 2405347	Legal: GUZMAN LOGISTICS LLC Operating (DBA):	
MC/MX #: 838825		State #: [REDACTED]	Federal Tax ID: [REDACTED] (SSN)
Review Type: Compliance Review (CR)			
Scope: Principal Office		Location of Review/Audit: Company facility in the U S Territory:	
Operation Types		Interstate	Intrastate
Carrier:	Non-HM	N/A	
Shipper:	N/A	N/A	
Cargo Tank:	N/A		
Business: Corporation		Gross Revenue: [REDACTED] for year ending: 12/31/2015	
Company Physical Address:			
[REDACTED]			
Contact Name: Pedro Guzman			
Phone numbers: (1) [REDACTED]			
E-Mail Address: [REDACTED]			
Company Mailing Address:			
20285 MISSION ROAD STILWELL, KS 66085-9046			
Carrier Classification			
Authorized for Hire		Private Property	
Cargo Classification			
Livestock		Other Horses	
Equipment			
	Owned	Term Leased	Trip Leased
Truck	1	0	0
Trailer	3	0	0
Power units used in the U S: 1			
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:			Average trip leased drivers/month: 0
>= 100 Miles:	1		Total Drivers: 1
			CDL Drivers: 1





GUZMAN LOGISTICS LLC

U S DOT # 2405347

State #

Review Date:

08/25/2017

**Part A**

QUESTIONS regarding this report may be addressed to the Kansas Corporation Commission at:

1500 SW Arrowhead Road  
Topeka, Kansas 66604  
Telephone (785)640-9132

**This report will be used to assess your safety compliance.**

**Person(s) Interviewed**

**Name:** Pedro Guzman

**Title:** Owner / Operator

**Name:** [REDACTED]





GUZMAN LOGISTICS LLC

U.S. DOT #: 2405347

State #

Review Date

08/25/2017

## Part B Violations

1 FEDERAL ACUTE	Primary: 382.305	Discovered 1	Checked 1	Drivers/Vehicles In Violation 0	Checked 0
<b>Description</b> Failing to implement a random controlled substance and/or an alcohol testing program <b>Example</b> On April 23rd, 2017 Guzman Logistics, LLC had driver Pedro Guzman (KS CDL# ) operate a combination of commercial motor vehicles (2005 Ford F350 VIN# 37928 & 2004 Four Star Trailer VIN# 23232 ) in interstate commerce. The gross vehicle weight ratings of these vehicles are 13,000 lbs and 22,600 lbs respectively. Carrier transported horses in interstate commerce from Stilwell Kansas to Tulsa Oklahoma. This trip is evidenced by an hours of service record, fuel receipts, and a bill of lading. At the time of this trip carrier failed to implement a random controlled substance and/or an alcohol testing program.					
2 FEDERAL CRITICAL	Primary 395.8(a)	Discovered 25	Checked 29	Drivers/Vehicles In Violation 1	Checked 1
<b>Description</b> Failing to require driver to make a record of duty status <b>Example</b> On April 22nd, 2017 Guzman Logistics, LLC had driver Pedro Guzman (KS CDL# ) operate a combination of commercial motor vehicles (2005 Ford F350 VIN# 37928 & 2004 Four Star Trailer VIN# 23232 ) in interstate commerce. The gross vehicle weight ratings of these vehicles are 13,000 lbs and 22,600 lbs respectively. Carrier transported horses in interstate commerce from Stilwell Kansas to Tulsa Oklahoma. This trip is evidenced by an hours of service record and a bill of lading. At the time of this trip driver failed to create the previous seven days of records of duty status.					
3 STATE CRITICAL	Primary: 395 8(a) CFR Equivalent: 395 8(a)	Discovered 0	Checked 1	Drivers/Vehicles In Violation 0	Checked 1
<b>Description</b> Failing to require driver to make a record of duty status. <b>Example</b> No violations of this type were discovered in intrastate commerce.					
4 FEDERAL	Primary: 382.603	Discovered 1	Checked 1	Drivers/Vehicles In Violation 0	Checked 0
<b>Description</b> Failing to ensure person designated to determine that drivers undergo reasonable suspicion testing receive 60 minutes training for alcohol and/or 60 minutes of training for controlled substances. <b>Example</b> On April 23rd, 2017 Guzman Logistics, LLC had driver Pedro Guzman (KS CDL# ) operate a combination of commercial motor vehicles (2005 Ford F350 VIN# 37928 & 2004 Four Star Trailer VIN# 23232 ) in interstate commerce. The gross vehicle weight ratings of these vehicles are 13,000 lbs and 22,600 lbs respectively. Carrier transported horses in interstate commerce from Stilwell Kansas to Tulsa Oklahoma. This trip is evidenced by an hours of service record, fuel receipts, and a bill of lading. At the time of this trip carrier failed to ensure person designated to determine that drivers undergo reasonable suspicion testing receive 60 minutes training for alcohol and/or 60 minutes of training for controlled substances. is required to have this reasonable suspicion training.					







**GUZMAN LOGISTICS LLC**  
U.S. DOT #: 2405347

State # [REDACTED]

Review Date  
08/25/2017

### Part B Violations

5 FEDERAL	Primary: 391 21(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation	Checked 1
<b>Description</b> Using a driver who has not completed and furnished an employment application <b>Example</b> On April 23rd, 2017 Guzman Logistics, LLC had driver Pedro Guzman (KS CDL# [REDACTED]) operate a combination of commercial motor vehicles (2005 Ford F350 VIN# [REDACTED] 37928 & 2004 Four Star Trailer VIN# [REDACTED] 23232 ) in interstate commerce. The gross vehicle weight ratings of these vehicles are 13,000 lbs. and 22,600 lbs. respectively. Carrier transported horses in interstate commerce from Stilwell Kansas to Tulsa Oklahoma. This trip is evidenced by an hours of service record, fuel receipts, and a bill of lading. At the time of this trip carrier used a driver who has not completed and furnished an employment application.					
6 FEDERAL	Primary: 391.25(c)(1)	Discovered 1	Checked 1	Drivers/Vehicles In Violation	Checked 1
<b>Description</b> Failing to maintain a copy of the motor vehicle record or response from each State agency in the driver qualification file <b>Example</b> On April 23rd, 2017 Guzman Logistics, LLC had driver Pedro Guzman (KS CDL# [REDACTED]) operate a combination of commercial motor vehicles (2005 Ford F350 VIN# [REDACTED] 37928 & 2004 Four Star Trailer VIN# [REDACTED] 23232 ) in interstate commerce. The gross vehicle weight ratings of these vehicles are 13,000 lbs. and 22,600 lbs. respectively. Carrier transported horses in interstate commerce from Stilwell Kansas to Tulsa Oklahoma. This trip is evidenced by an hours of service record, fuel receipts, and a bill of lading. At the time of this trip carrier failed to maintain a copy of the motor vehicle record or response from each State agency in the driver qualification file.					
7 FEDERAL	Primary: 391 51(b)(5)	Discovered 1	Checked 1	Drivers/Vehicles In Violation	Checked 1
<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> On April 23rd, 2017 Guzman Logistics, LLC had driver Pedro Guzman (KS CDL# [REDACTED]) operate a combination of commercial motor vehicles (2005 Ford F350 VIN# [REDACTED] 37928 & 2004 Four Star Trailer VIN# [REDACTED] 23232 ) in interstate commerce. The gross vehicle weight ratings of these vehicles are 13,000 lbs. and 22,600 lbs. respectively. Carrier transported horses in interstate commerce from Stilwell Kansas to Tulsa Oklahoma. This trip is evidenced by an hours of service record, fuel receipts, and a bill of lading. At the time of this trip carrier failed to maintain a note relating to the annual review of the driver's driving record as required by 391 25(c)(2).					
8 FEDERAL	Primary: 391 51(b)(6)	Discovered 1	Checked 1	Drivers/Vehicles In Violation	Checked 1
<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> On April 23rd, 2017 Guzman Logistics, LLC had driver Pedro Guzman (KS CDL# [REDACTED]) operate a combination of commercial motor vehicles (2005 Ford F350 VIN# [REDACTED] 37928 & 2004 Four Star Trailer VIN# [REDACTED] 23232 ) in interstate commerce. The gross vehicle weight ratings of these vehicles are 13,000 lbs. and 22,600 lbs. respectively. Carrier transported horses in interstate commerce from Stilwell Kansas to Tulsa Oklahoma. This trip is evidenced by an hours of service record, fuel receipts, and a bill of lading. At the time of this trip carrier failed to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391 27.					



	<b>GUZMAN LOGISTICS LLC</b>	State #: <span style="background-color: black; color: black;">[REDACTED]</span>	Review Date
	U S DOT #: 2405347		08/25/2017

### Part B Violations

9 STATE	Primary 395 8(e)  CFR Equivalent 395 8(e)	Discovered 0	Checked 1	Drivers/Vehicles In Violation 0 Checked 1
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**Description**

False reports of records of duty status

**Example**

No violations of this type were discovered in intrastate commerce.

10 FEDERAL	Primary 395 8(e)	Discovered 1	Checked 4	Drivers/Vehicles In Violation 1 Checked 1
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**Description**

False reports of records of duty status

**Example**

On April 23rd, 2017 Guzman Logistics, LLC had driver Pedro Guzman (KS CDL# [REDACTED]) operate a combination of commercial motor vehicles (2005 Ford F350 VIN# [REDACTED] 37928 & 2004 Four Star Trailer VIN# [REDACTED] 23232 ) in interstate commerce. The gross vehicle weight ratings of these vehicles are 13,000 lbs. and 22,600 lbs. respectively. Carrier transported horses in interstate commerce from Stilwell Kansas to Tulsa Oklahoma. This trip is evidenced by an hours of service record, fuel receipts, and a bill of lading. At the time of this trip driver created false records of duty status. This record of duty status was false by over an hour. Driver purchased fuel twice on this day and both instances of refueling took place when the driver logged his status as Off Duty.

11 FEDERAL	Primary 396 17(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1 Checked 1
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**Description**

Using a commercial motor vehicle not periodically inspected.

**Example**

On April 23rd, 2017 Guzman Logistics, LLC had driver Pedro Guzman (KS CDL# [REDACTED]) operate a combination of commercial motor vehicles (2005 Ford F350 VIN# [REDACTED] 37928 & 2004 Four Star Trailer VIN# [REDACTED] 23232 ) in interstate commerce. The gross vehicle weight ratings of these vehicles are 13,000 lbs. and 22,600 lbs. respectively. Carrier transported horses in interstate commerce from Stilwell Kansas to Tulsa Oklahoma. This trip is evidenced by an hours of service record, fuel receipts, and a bill of lading. At the time of this trip carrier used a commercial motor vehicle not periodically inspected.

**Safety Fitness Rating Information:**

Total Miles Operated 17,152  
Recordable Accidents 0  
Recordable Accidents/Million Miles 0.00

OOS Vehicle (CR): 0

Number of Vehicle Inspected (CR): 0

OOS Vehicle (MCMIS): 0

Number of Vehicles Inspected (MCMIS): 0

Your proposed safety rating is :

**CONDITIONAL**

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

This rating will become the final rating 60 days from the date indicated on a forthcoming official notice from the Federal Motor Carrier Safety Administration headquarters in Washington, D C

However, if this rating improves a previous Unsatisfactory rating, it will become effective on the date of the official notice from the





GUZMAN LOGISTICS LLC  
U.S DOT # 2405347

State # [REDACTED]

Review Date  
08/25/2017

### Part B Violations

FMCSA headquarters.

Corrective actions must be taken for the violations (deficiencies) listed on Part B of this review. Title 49 CFR Sections 385.15 and 385.17 provide for administrative review and a change to a safety rating based on corrective actions, respectively. A request for a change to a safety rating under section 385.17 may be made at any time. A motor carrier may request, in writing, a change in the rating by providing evidence of corrective actions to the Field Administrator for the FMCSA Service Center in which the carrier maintains its principal place of business. (See 49 CFR 385.17 for additional details). A request for administrative review under section 385.15 must be made within 90 days of the date of the proposed safety rating issued under section 385.11(c) or a final safety rating issued under section 385.11(b), or within 90 days after denial of a request for a change in rating under section 385.17.

If this was a focused investigation, which will be noted in the Review Type on the first page of this report (Part A), some factors shown above may be marked "SATISFACTORY" even if they were not reviewed. A focused investigation will not result in a SATISFACTORY safety rating because all standards and factors specified in 40 CFR 383.5 and 385.7 were not examined in full, even though it may appear that they were under the rating factors in Part B of this document. It may, however, result in a less than SATISFACTORY rating if sufficient violations are discovered in the parts and factors examined to result in a CONDITIONAL or UNSATISFACTORY rating, or a non-ratable review.

If you receive a conditional or unsatisfactory rating, you may request an administrative review under 49 CFR 385.15 or a safety rating upgrade based on corrective action under 49 CFR 385.17. However, a successful request may only result in a non-ratable status, upgrade to a conditional safety rating, or reinstatement of your most recent safety rating. You will not receive a new satisfactory safety rating as a result of your request(s) under 49 CFR 385.15 and/or 49 CFR 385.17.





GUZMAN LOGISTICS LLC

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08/25/2017

## Part B Requirements and/or Recommendations

### 1. For all Investigations:

- **Understand Why Compliance Saves Time and Money:** Compliance with FMCSRs will not only save lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business.
- **Document and Follow Through on Action Plans:** Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance.
- **NOTICE.** A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six year period.
- **NOTICE** 49 CFR Part 391.23 requires prospective employers to, at a minimum, investigate a driver's employment information, crash record, and alcohol and controlled substances history from all employers the driver worked for within the previous 3 years.

The Pre-Employment Screening Program (PSP) is a screening tool that assists motor carriers in investigating crash history and roadside safety performance of prospective drivers. The PSP allows motor carriers to purchase 5 years of crash data and 3 years of roadside inspection data from the Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Management Information System (MCMIS). Records are available 24 hours a day via Web request. Motor carriers should visit the following website for more information: <http://www.psp.fmcsa.dot.gov/Pages/default.aspx>

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

### For all Investigations that could result in a Notice of Claim

- **PLEASE NOTE** The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Notice of Claim. In addition, your history of prior violations of the Federal Motor Carrier Safety Regulations, Federal Hazardous Material Regulations or the Federal Motor Carrier Commercial Regulations may also affect the civil penalty proposed in any subsequent Notice of Claim. Your signature for receipt of this report acknowledges your understanding that the violations discovered by the FMCSA during this review may be used to calculate any civil penalty proposed as a result of this review.

### For all Investigations resulting in serious violations

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

US Department of Transportation  
Federal Motor Carrier Safety Administration  
Kansas Division  
Division Administrator





GUZMAN LOGISTICS LLC

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## Part B Requirements and/or Recommendations

1303 First American Place  
Suite 200  
Topeka, KS 66604-4040

For all Investigations resulting in a proposed conditional or unsatisfactory rating.

### 385 15

If you believe the proposed rating is in error and there are factual and procedural issues in dispute, Part 385 15 (copy provided) outlines procedures for petitioning the Federal Motor Carrier Safety Administration for an administrative review of these findings. Your petition should be addressed to:

Chief Safety Officer  
Federal Motor Carrier Safety Administration  
1200 New Jersey Avenue SE,  
Washington, DC 20590

### 385 17

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

US Department of Transportation  
Federal Motor Carrier Safety Administration  
Midwestern Service Center  
4749 Lincoln Mall Drive  
Suite 300-A  
Matteson, IL 60443

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

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

This letter should be submitted as soon as possible

• All Other Motor Carriers: This review will result in a Proposed Safety Rating. The findings indicate you are currently operating at an unsatisfactory level of safety compliance. A written notice of proposed unsatisfactory rating will be sent to you by the FMCSA via U.S. Mail. If you fail to obtain an improved rating within 60 days of the date that notice is sent, the unsatisfactory rating will become final and you must cease interstate operations.

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

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

The KCC requires that you prepare a corrective action letter, addressing the measures taken to correct the





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### Part B Requirements and/or Recommendations

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

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

2. 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.

3. HOS COMPLIANCE BASIC PROCESS BREAKDOWN: Roles and Responsibilities

#### DESCRIPTION OF PROCESS BREAKDOWN:

Guzman Logistics LLC's violations occurred due to a breakdown regarding the roles and responsibilities elements of compliance within this section. Carrier has established the correct methods of recording hours of service records for trips beyond 100 air miles from the business. Mr. Guzman must however record each day of operation even when driving locally. Utilize the short haul provision to record your local trips. Additionally, you need to develop a better methodology for ensuring that all drivers record complete and accurate records of duty status. Creating false records of duty status is a serious violation. It is incumbent upon the carrier to review all driver records of duty status reports and verify that they are correct and accurate. Monitor the time records continually in order to track the driver movements. Finally, verify the accuracy of their reports with supporting documents. These duties and the documents verifying their completion require continued monitoring and tracking by carrier officials to ensure compliance. It is the carrier's responsibility to ensure that records are complete and accurate. Utilize the documents and instructions provided to you during this review to assist you in correcting the deficiencies.

#### BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices. The following are recommended practices related to Roles and Responsibilities:

- Define and document roles and responsibilities of managers and supervisors for monitoring compliance with Hours-of-Service (HOS) policies.
- Ensure that managers are responsible for reviewing Records of Duty Status (RODS) for accuracy and for disciplining those who falsify their logs.
- Assign responsibility for making sure that all Records of Duty Status (RODS) are collected and stored for six





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## Part B Requirements and/or Recommendations

months

- Prior to accepting shipments, ensure that dispatchers are responsible for mapping out routes, asking drivers how many hours they have driven recently, and verifying that the route can be completed without breaking Hours-of-Service (HOS) regulations
- Ensure that drivers are responsible for informing the carrier when they are sick, keeping accurate Records of Duty Status (RODS), and planning their route so that it can be completed efficiently within Hours-of-Service (HOS) rules
- Define and document roles and responsibilities of drivers and dispatchers as they pertain to Hours-of-Service (HOS) policies and procedures

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

#### 4. VEHICLE MAINTENANCE BASIC - INSPECTION-REPAIR-MAINTENANCE PROCESS BREAKDOWN Monitoring and Tracking

##### DESCRIPTION OF PROCESS BREAKDOWN.

Guzman Logistics LLC failed to have a current annual inspection on primary power unit. Carrier violations occurred due to a breakdown regarding the monitoring and tracking elements of compliance within this section. Carrier has established the appropriate maintenance files on his commercial motor vehicles. Carrier must however improve the monitoring and tracking of annual requirements to be conducted on commercial motor vehicles. Periodic annual inspections must be done at least once a year. Carrier renewed this inspection only after I contacted them for review. Utilize the documents and instructions provided to you during this review to assist you in correcting the deficiencies.

##### BASIC SPECIFIC RECOMMENDED REMEDIES

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

- 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
- Ensure that Driver Vehicle Inspection Records (DVIRs) are effectively coordinated with maintenance and operations, result in timely corrective measures, and are verified during pre-trip inspections as applicable.
- Require mechanics to note whether parts came from inventory or were ordered, to ensure accuracy of maintenance records
- Monitor and track roadside inspection results to ensure that vehicle defects are repaired and documented promptly and to prevent Out-of-Service (OOS) vehicles from operating prior to being repaired.
- Monitor manufacturer recalls through <http://www.nhtsa.dot.gov> and consult with manufacturer service representatives to keep current with service bulletins for proactive maintenance
- Implement a system for keeping accurate records of employee inspection, repair, and maintenance training needs, including updates on a carrier's fleet or equipment and completed training, via software, a checklist in the driver's file, and/or another appropriate method
- Regularly evaluate the company's vehicle-maintenance-related inspection results via the Federal Motor Carrier Administration's (FMCSA) website at <http://ai.fmcsa.dot.gov/SMS>. Assess violations for process breakdowns and how to remedy them
- Maintain inspection, repair, maintenance, vehicle identification, and communication records to help evaluate the performance of all staff (drivers, dispatchers, mechanics, and managers) involved in fleet maintenance and the effectiveness of compliance with vehicle maintenance policies, procedures, and regulations.
- Evaluate personnel who are monitoring vehicle maintenance performance by making sure they are using Driver Vehicle Inspection Records (DVIRs), roadside inspections, and other data, applying performance standards fairly, consistently, and equitably, and documenting evaluations
- When monitoring and tracking vehicle maintenance issues, always assess whether an issue is individual or







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## Part B Requirements and/or Recommendations

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.

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

### DESCRIPTION OF PROCESS BREAKDOWN:

Guzman Logistics LLC's violations occurred due to a breakdown regarding the policies and procedures elements of compliance within this section. Carrier failed to implement a random controlled substances/ alcohol testing program. Carrier's previous random testing program lapsed and was discontinued last year. Furthermore, carrier failed to have supervisor reasonable suspicion training. Establish the random testing program and adhere to the procedures laid forth in the FMCSA's (Federal Motor Carrier Safety Administration) regulations. Partner with a consortium of your choosing and follow the steps outlined during the review to guide you in this process.

### BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices. The following are recommended practices related to Roles and Responsibilities.

- Ensure that managers are responsible for ascertaining that employees receive training concerning controlled substances and alcohol in accordance with State or Federal regulations and company policy
- Ensure that managers are responsible for telling employees of a failed test and its implications
- Regardless of carrier membership in a consortium, ensure that the carrier defines and documents the role and responsibilities of the designated employer representative (DER) in monitoring test procedures and checking results.
- If the carrier elects to join a consortium, ensure that the respective roles and responsibilities of the carrier and the consortium for controlled-substance and alcohol testing and reporting are defined and documented.

### 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.

## 6. DRIVER FITNESS BASIC PROCESS BREAKDOWN Policies and Procedures

### DESCRIPTION OF PROCESS BREAKDOWN:

Guzman Logistics LLC's violations occurred due to a breakdown regarding the policies and procedures elements of compliance within this section. Carrier has not established organized driver qualification files for each CMV driver. You need to develop a better methodology for ensuring that all drivers have the requisite paperwork in their individual files. Establish procedures to ensure that your drivers have complete driver qualification files. It is incumbent upon the carrier to execute all annual requirements for their commercial motor vehicle drivers. These duties and the documents verifying their completion require continued monitoring and tracking by carrier officials to ensure compliance. Utilize the documents and instructions provided to you during this review to assist you in correcting the deficiencies.

### BASIC SPECIFIC RECOMMENDED REMEDIES

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







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### Part B Requirements and/or Recommendations

- Develop a policy for the periodic review (at least twice per year) of driver qualification files. The motor carrier should not rely on third-party sources, such as insurance agencies. The procedure should include controls to ensure that documents requiring renewals are in place, to remind drivers of expiration dates on medical certificates, so they can schedule another physical examination in advance, and to prevent falsification of documents related to driver qualification.
- Establish a policy requiring drivers to submit copies of all vehicle and roadside inspections and moving violations to carrier management within 24 hours, and to notify management of suspended or revoked Commercial Driver's Licenses (CDLs) immediately following notification of suspension/revocation.
- Establish a policy requiring all new (since 2003) Commercial Driver's License (CDL) drivers to submit documentation of entry-level driver training in - for example, driver qualification requirements, Hours of Service (HOS), driver wellness, and whistleblower protection - or to take entry-level training provided by the carrier.
- Develop a policy for document retention and recordkeeping, including documents that are to be in the possession of the driver as proof of credentials.
- Develop a process to ensure that operations will always have the proper amount of fit drivers. This process would address how to deal with issues such as sick leave, vacation, training, suspension, and termination.
- 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 Driver Fitness Violations.

#### Seek Out Resources

- You are encouraged to review your company's record at the following website: [http://ai.fmcsa dot.gov/SMS](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.



## **ATTACHMENT “B”**



# DRIVER'S DAILY LOG

(24 HOURS)

RECAP  
Complete at  
end of week/day

Original - file at home terminal  
Duplicate - driver retains in his/her possession for eight days

4, 123, 17  
(Month) (Day) (Year)

238 238  
Total Miles Driven Today Total Mileage Today

Name of Carrier or Carriers

Main Office Address

Home Terminal Address

1 certify these entries are true and correct:

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

Driver's Full Signature

Co-Driver's Name

TOTAL  
HOURS

1. OFF DUTY

2. SLEEPER  
BERTH

3. DRIVING

4. ON DUTY  
(NOT DRIVING)

REMARKS

SHIPPING  
DOCUMENTS:

B/L or Manifest No.  
or

Shipper & Commodity

From: tol 5A

To: tol 5A

USE TIME STANDARD AT HOME TERMINAL

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19361 (545-MP)



On-duty hours  
today (Total  
Hours 1 & 2)

70 Hrs./7 Day  
Driver

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

B. Total hours  
available  
last 7 days,  
including today

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

80 Hrs./7 Day  
Driver

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

B. Total hours  
available  
last 7 days,  
including today

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

If you were the  
driver for the  
equipment in  
entry 3, you have  
exceeded the  
available hours

## **ATTACHMENT “C”**



4, 24, 17  
(Month) (Day) (Year)

# DRIVER'S DAILY LOG

Original - File at Driver's terminal  
Duplicate - Driver's office for possession for eight days

224  
Total Miles Driving Today

224  
Total Mileage Today

101622  
Truck/Tractor and Trailer Number or License Plate(s) / State (include each unit)

101622  
Name of Carrier or Owner

101622  
Main Office Address

101622  
Home Terminal Address

101622  
Driver's Signature

101622  
Co-Driver's Name

UNIT NO.		DATE		TIME		LOCATION		REMARKS	
1	2	3	4	5	6	7	8	9	10
1. OFF DUTY									
2. SLEEPER BERTH									
3. DRIVING									
4. ON DUTY (NOT DRIVING)									

**CERTIFICATE OF SERVICE**

18-TRAM-134-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 **SEP 21 2017** \_\_\_\_\_.

PEDRO GUZMAN, MANAGING MEMBER  
GUZMAN LOGISTICS LLC  
20285 MISSION ROAD  
STILWELL, KS 66085-9046  
Fax: 913-897-2996  
pbrguzman@msn.com

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

/S/ DeeAnn Shupe  
\_\_\_\_\_  
DeeAnn Shupe

Order Mailed Date  
SEP 22 2017