

1500 SW Arrowhead Road  
Topeka, KS 66604-4027



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

April 6, 2017

17-TRAM-444-PEN

Mark Jack, Managing Member  
4 Jacks Trucking LLC  
13635 S Sycamore St  
Olathe, Kansas 66062

**Certified Mail Receipt No. 7016 1970 0001 0574 1072**

This is a notice of a penalty assessment against 4 Jacks Trucking LLC for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on March 28, 2017, by Kansas Corporation Commission Special Investigator(s) Wade Patterson and Jared Smith. 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:

4 Jacks Trucking has been assessed a \$600 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. A check must be made payable to the Kansas Corporation Commission and mailed to the Transportation Division of the Kansas Corporation Commission at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and must include a reference to the docket number of this proceeding. Credit card payment may be made by faxing your credit card information to the Transportation Office at 785-271-3124, using the KCC's credit card payment form found at <http://kcc.ks.gov/trans/creditcard.pdf>.

### **4 JACKS TRUCKING 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) normally assessed motor carriers in accordance with the FY 2017 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 Transportation Division shortly thereafter.

If a carrier is approved for the fifty-percent (50%) reduced penalty, a Motion to Amend Penalty Order, along with the Reduced Penalty Agreement will be filed with the Commission. An Amended Penalty Order 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 \$300 will be due within thirty (30) days from the date of service of the Amended Penalty Order.

**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. 4 Jacks Trucking 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 \$600 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 4 Jacks Trucking submits the attached Reduced Penalty Agreement as explained above, an Amended Penalty order may be issued assessing the reduced penalty of \$300 and that payment will become due within thirty (30) days from the date of service of the Amended Penalty Order.

Respectfully,



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

1500 SW Arrowhead Road  
Topeka, KS 66604-4027



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

### **REDUCED PENALTY AGREEMENT**

4 Jacks Trucking LLC hereby submits this Reduced Penalty Agreement to become eligible for a fifty percent (50%) reduction in the penalty assessed in the Penalty Order dated April 6, 2017. 4 Jacks Trucking has agreed to comply with the following terms and obligations:

1. 4 Jacks Trucking has submitted, within fifteen (15) days from the date of the Penalty Order issued on April 6, 2017, this Reduced Penalty Agreement to Litigation Counsel at the above address.

2. 4 Jacks Trucking will, within 30 days from the date of the Penalty Order dated April 6, 2017, submit to Transportation Staff an approved Corrective Action Plan (CAP) documenting the violation(s) describing specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.

3. 4 Jacks Trucking will, within thirty (30) days from the date of the Penalty Order dated April 6, 2017, send an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance will be submitted to the Transportation Division.

4. 4 Jacks Trucking will submit to a follow-up Safety Compliance Review within eighteen (18) months from the date of the Penalty order dated April 6, 2017. It understands that Transportation Staff will contact them to set up the review.

Jacks Trucking LLC understands that if approved, Transportation Litigation Counsel will file a Motion for Amended Penalty Order with the agreement attached to the motion. The Amended Penalty Order will assess 4 Jacks Trucking a fifty-percent (50%) reduced penalty of \$300, and set out the terms and conditions stated above. Once the Amended Penalty Order is issued by the Commission, 4 Jacks Trucking will have thirty (30) days from the date of service of the Amended Order to pay the reduced penalty assessed.

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

4 Jacks Trucking LLC

\_\_\_\_\_  
Mark Jack  
Managing Member

**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 **4 Jacks** )  
**Trucking LLC, of Olathe, Kansas,** Regarding )  
the Violation of the Motor Carrier Safety )  
Statutes, Rules and Regulations and the ) Docket No. 17-TRAM-444-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. 4 Jacks Trucking LLC (4 Jacks Trucking) obtained common operating authority from the Commission on June 11, 2015, and operates under KSMCID number 170917 and USDOT number 2566319.

5. Mark Jack attended a Commission-sponsored Motor Carrier Education and Instructional Meeting on April 14, 2015, on behalf of 4 Jacks Trucking.

6. 4 Jacks Trucking is a common motor carrier which primarily hauls general freight and aggregates.

7. 4 Jacks Trucking is a New Entrant motor carrier and is eligible for a fifty-percent (50%) reduction of the penalty(s) normally assessed motor carriers in accordance with the FY 2017 Uniform Penalty Assessment Matrix.

## **III. STATEMENT OF FACTS**

8. Pursuant to the jurisdiction and authority cited above, on March 28, 2017, Commission Staff (Staff) Special Investigator(s) Wade Patterson and Jared Smith conducted a compliance review of the operations of 4 Jacks Trucking. 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, Mr. Patterson and Mr. Smith identified three (3) violation(s) of the Motor Carrier Safety Regulations.

- a. On February 15, 2017, 4 Jacks Trucking required or permitted its driver, Mark Jack, to operate a CDL-required commercial motor vehicle, a 2003 Kenworth tractor, VIN ending in 187686, GVWR 52,000 lbs., pulling a JB Hunt trailer, VIN ending in 835436, GVWR 68,000 lbs., in interstate commerce from Denton, Texas to Spring, Texas. This trip is evidenced by a Final Log of Record – Certified, dated February 15, 2017, a copy of which is attached hereto as Attachment “B” and is hereby incorporated by reference. At the time of this transportation, 4 Jacks Trucking failed to maintain a copy of the driver’s Motor Vehicle Record (MVR) or response from each State in the driver’s qualification file. 4 Jacks Trucking’s failure to maintain a copy of the motor vehicle record received from each State in the driver qualification file is a violation of 49 C.F.R. 391.51(b)(2), adopted by K.A.R. 82-4-3, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$100.
- b. During the transportation described in paragraph a., above, driver Mark Jack drove after the end of the 14<sup>th</sup> hour after coming on duty following ten (10) consecutive hours off duty. *See* Attachment “B”. The special investigators found two (2) violations of this type. 4 Jacks Trucking’s failure to require its driver to cease driving at the 14<sup>th</sup> hour after coming on duty following ten (10) consecutive hours off duty is a violation of 49 C.F.R. 395.3(a)(2), adopted by K.A.R. 82-4-3, and authorized by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$250.

- c. During the transportation described in paragraph a., above, driver Mark Jack drove more than eleven (11) hours during the 14-hour period after coming on duty following ten (10) consecutive hours off duty. The special investigators found two (2) violations of this type. 4 Jacks Trucking's failure to require its driver to cease driving after the 11<sup>th</sup> hour during the 14-hour consecutive hours of driving time after coming on duty following 10 consecutive hours off duty is in violation of 49 C.F.R. 395.3(a)(3)(i), adopted by K.A.R. 82-4-3, 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 4 Jacks Trucking committed three (3) 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 \$600 for three (3) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

11. Staff provides notice to the Commission that 4 Jacks Trucking LLC is a New Entrant motor carrier and is eligible for a fifty-percent (50%) reduced civil penalty if it submits the Reduced Penalty Agreement, which is attached to the Notice of Penalty Assessment, and the Agreement is approved.

12. Staff recommends 4 Jacks Trucking 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 4 Jacks Trucking attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and provide proof of attendance to the Transportation Division.

14. Finally, Staff recommends that 4 Jacks Trucking 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 4 Jacks Trucking because it is a motor carrier as defined in K.S.A. 2016 Supp. 66-1,108.

16. The Commission finds that a penalty of \$600 should be assessed to 4 Jacks Trucking for it committing three (3) 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 4 Jacks Trucking is a New Entrant motor carrier and is eligible for a fifty-percent (50%) reduction in the penalty(s) normally assessed motor carriers in accordance with the FY 2017 Uniform Penalty Assessment Matrix. The carrier must submit to Litigation Counsel the Reduced Penalty Agreement attached, which states it will comply with the reduced penalty terms and obligations set out therein. If 4 Jacks Trucking does not submit the

Agreement within fifteen (15) days from the date of this Penalty Order, it no longer is eligible for the reduced penalty option and must comply with the terms and conditions of this Order, including payment of the full penalty of \$600 within thirty (30) days from the date of service of this Penalty Order.

**THE COMMISSION THEREFORE ORDERS THAT:**

A. 4 Jacks Trucking LLC, of Olathe, Kansas is hereby assessed a penalty of \$600 for three (3) 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. For credit card payments, include type of card (Visa, MasterCard, Discover, or American Express), account number and expiration date. Payments shall be mailed to the Transportation Division of the Kansas Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, Kansas 66604. *The payment shall include a reference to the docket number of this proceeding (17-TRAM-444-PEN).*

B. 4 Jacks Trucking 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 Transportation Staff. 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. 4 Jacks Trucking 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. 4 Jacks Trucking is ordered to submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order. Transportation Staff will contact the motor carrier at a later date to determine an appropriate time for this review.

E. If 4 Jacks Trucking does not submit the Reduced Penalty Agreement and fails to pay the full penalty(s) of \$600 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 4 Jacks Trucking'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 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.** On April 6, 2017, this Order was mailed via Certified Mail, Return Receipt Requested, Receipt Number 7016 1970 0001 0574 1072. Service of this Order is deemed complete upon the date delivered shown on the Domestic Return Receipt. A hearing

will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of 4 Jacks Trucking's right to a hearing.

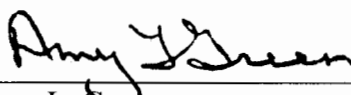
G. Attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. For civil penalties exceeding \$500, a corporation shall appear before the Commission by its attorney, unless waived by the Commission for good cause shown and a determination 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.

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.**

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: APR 06 2017






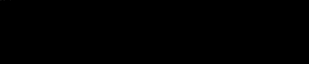

  
\_\_\_\_\_  
Amy L. Green  
Secretary to the Commission

AAL

Order Mailed Date

APR 07 2017

## **ATTACHMENT “A”**

	<b>US DOT #</b> 2566319	<b>Legal:</b> 4 JACKS TRUCKING LLC <b>Operating (DBA):</b>																		
<b>MC/MX #:</b> 901082		<b>State #:</b> 	<b>Federal Tax ID:</b>  (EIN)																	
<b>Review Type:</b> Compliance Review (CR)																				
<b>Scope:</b> Principal Office		<b>Location of Review/Audit:</b> Company facility in the U. S.		<b>Territory:</b>																
<b>Operation Types</b> <table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="width: 30%;"><b>Interstate</b></td> <td style="width: 30%;"><b>Intrastate</b></td> </tr> <tr> <td>Carrier: Non-HM</td> <td>N/A</td> </tr> <tr> <td>Shipper: N/A</td> <td>N/A</td> </tr> <tr> <td>Cargo Tank:</td> <td>N/A</td> </tr> </table>					<b>Interstate</b>	<b>Intrastate</b>	Carrier: Non-HM	N/A	Shipper: N/A	N/A	Cargo Tank:	N/A								
<b>Interstate</b>	<b>Intrastate</b>																			
Carrier: Non-HM	N/A																			
Shipper: N/A	N/A																			
Cargo Tank:	N/A																			
<b>Business:</b> Corporation			<b>Gross Revenue:</b>  <b>for year ending:</b> 12/31/2016																	
<b>Company Physical Address:</b> 																				
<b>Contact Name:</b> Mark Jack <b>Phone numbers: (1)</b>  <b>Fax</b> <b>E-Mail Address:</b> 																				
<b>Company Mailing Address:</b> 13635 S SYCAMORE ST OLATHE, KS 66062-5358																				
<b>Carrier Classification</b> Authorized for Hire																				
<b>Cargo Classification</b> General Freight      Other: Aggregates																				
<b>Equipment</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th>Owned</th> <th>Term Leased</th> <th>Trip Leased</th> <th></th> <th>Owned</th> <th>Term Leased</th> <th>Trip Leased</th> </tr> </thead> <tbody> <tr> <td>Truck</td> <td>1</td> <td>0</td> <td>0</td> <td>Trailer</td> <td>1</td> <td>1</td> <td>1</td> </tr> </tbody> </table>						Owned	Term Leased	Trip Leased		Owned	Term Leased	Trip Leased	Truck	1	0	0	Trailer	1	1	1
	Owned	Term Leased	Trip Leased		Owned	Term Leased	Trip Leased													
Truck	1	0	0	Trailer	1	1	1													
Power units used in the U.S.: 1 Percentage of time used in the U.S.: 100																				
<b>Does carrier transport placardable quantities of HM?</b> No																				
<b>Is an HM Permit required?</b> N/A																				
<b>Driver Information</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;"></td> <td style="width: 10%;"><b>Inter</b></td> <td style="width: 10%;"><b>Intra</b></td> <td style="width: 50%;"> <b>Average trip leased drivers/month:</b> 0         </td> </tr> <tr> <td><b>&lt; 100 Miles:</b></td> <td></td> <td></td> <td><b>Total Drivers:</b> 1</td> </tr> <tr> <td><b>&gt;= 100 Miles:</b></td> <td>1</td> <td></td> <td><b>CDL Drivers:</b> 1</td> </tr> </table>						<b>Inter</b>	<b>Intra</b>	<b>Average trip leased drivers/month:</b> 0	<b>&lt; 100 Miles:</b>			<b>Total Drivers:</b> 1	<b>&gt;= 100 Miles:</b>	1		<b>CDL Drivers:</b> 1				
	<b>Inter</b>	<b>Intra</b>	<b>Average trip leased drivers/month:</b> 0																	
<b>&lt; 100 Miles:</b>			<b>Total Drivers:</b> 1																	
<b>&gt;= 100 Miles:</b>	1		<b>CDL Drivers:</b> 1																	



	<b>4 JACKS TRUCKING LLC</b> U.S. DOT #: 2566319	State #: 	Review Date: 03/28/2017
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**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:** Mark Jack

**Title:** Manager



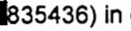


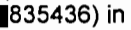


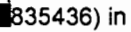


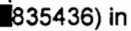
**Name:**

**Title:**



	<b>4 JACKS TRUCKING LLC</b>	State #: 	Review Date:
	U.S. DOT #: 2566319		03/28/2017

### Part B Violations

1 FEDERAL	Primary: 391.25(c)(1)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	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 2/15/17 4 Jacks Trucking LLC driver Mark Jack (KS CDL #  ) operated a 2003 Kenworth tractor (Unit # KSA1 - VIN#  ) and trailer (Unit # 660662 - VIN#  ) in commerce on an interstate trip from Denton Texas to Spring Texas. The gross vehicle weight ratings of these vehicles are 52,000 lbs. and 68,000 lbs. respectively. This trip is evidenced by a driver record of duty status, fuel data, toll data, and bills 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.					
2 FEDERAL	Primary: 391.51(b)(5)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	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 2/15/17 4 Jacks Trucking LLC driver Mark Jack (KS CDL #  ) operated a 2003 Kenworth tractor (Unit # KSA1 - VIN#  ) and trailer (Unit # 660662 - VIN#  ) in commerce on an interstate trip from Denton Texas to Spring Texas. The gross vehicle weight ratings of these vehicles are 52,000 lbs. and 68,000 lbs. respectively. This trip is evidenced by a driver record of duty status, fuel data, toll data, and bills 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).					
3 FEDERAL	Primary: 391.51(b)(6)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	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 2/15/17 4 Jacks Trucking LLC driver Mark Jack (KS CDL #  ) operated a 2003 Kenworth tractor (Unit # KSA1 - VIN#  ) and trailer (Unit # 660662 - VIN#  ) in commerce on an interstate trip from Denton Texas to Spring Texas. The gross vehicle weight ratings of these vehicles are 52,000 lbs. and 68,000 lbs. respectively. This trip is evidenced by a driver record of duty status, fuel data, toll data, and bills 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.					
4 FEDERAL	Primary: 395.3(a)(2)	Discovered 2	Checked 30	Drivers/Vehicles In Violation 1	Checked 1
<b>Description</b> Requiring or permitting a property-carrying commercial motor vehicle driver to drive after the end of the 14th hour after coming on duty.					
<b>Example</b> On 2/15/17 4 Jacks Trucking LLC driver Mark Jack (KS CDL #  ) operated a 2003 Kenworth tractor (Unit # KSA1 - VIN#  ) and trailer (Unit # 660662 - VIN#  ) in commerce on an interstate trip from Denton Texas to Spring Texas. The gross vehicle weight ratings of these vehicles are 52,000 lbs. and 68,000 lbs. respectively. This trip is evidenced by a driver record of duty status, fuel data, toll data, and bills of lading. At the time of this trip, carrier required or permitted a property-carrying commercial motor vehicle driver to drive after the end of the 14th hour after coming on duty.					



	<b>4 JACKS TRUCKING LLC</b>	Review Date:
	U.S. DOT #: 2566319	03/28/2017

State #: 




### Part B Violations

5 FEDERAL	Primary: 395.3(a)(3)(i)	Discovered 2	Checked 30	Drivers/Vehicles In Violation 1	Checked 1
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#### Description

Requiring or permitting a property-carrying commercial motor vehicle driver to drive more than 11 hours.

#### Example

On 2/15/17 4 Jacks Trucking LLC driver Mark Jack (KS CDL # ) operated a 2003 Kenworth tractor (Unit # KSA1 - VIN# ) and trailer (Unit # 660662 - VIN# ) in commerce on an interstate trip from Denton Texas to Spring Texas. The gross vehicle weight ratings of these vehicles are 52,000 lbs. and 68,000 lbs. respectively. This trip is evidenced by a driver record of duty status, fuel data, toll data, and bills of lading. At the time of this trip, carrier required or permitted a property-carrying commercial motor vehicle driver to drive more than 11 hours.

#### Safety Fitness Rating Information:

Total Miles Operated 84,810  
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 :

**SATISFACTORY**

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

Corrective actions must be taken for any violations (deficiencies) identified on Part B of this report.



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**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.

KCC requires that you prepare a corrective action letter, addressing the measures taken to correct the violations identified within this report. Submit this letter within 15 days and any additional evidence necessary to prove that the corrective action has been taken 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 carrier's currently have the ability to preview how the improvements impact their individual safety data in SMS. These improvements include: (1) Changes to the SMS methodology that identify higher risk carriers while addressing industry biases; (2) better applications of SMS results for Agency interventions by more accurately identifying safety sensitive carriers (i.e., carriers transporting people and carriers hauling hazardous materials (HM)),



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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. DRIVER FITNESS BASIC PROCESS BREAKDOWN: Monitoring and Tracking

#### DESCRIPTION OF PROCESS BREAKDOWN:

Carrier violations occurred due to a breakdown regarding the monitoring and tracking elements of compliance within this section. Carrier has established organized driver qualification files for each CMV driver. That said, you need to develop a better methodology for ensuring that all drivers have the requisite paperwork in their individual 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:

Ensure that you run a copy of your MVR once each year. This document should be kept in your DQ file and three years worth of these documents should be retained. Additionally, keep copies of the listing of driver violations and the certification thereof. Utilize the documents provided to you during this review. If you have questions or needs, please don't hesitate to contact me.


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

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

#### Seek Out Resources:

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



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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. HOS COMPLIANCE BASIC PROCESS BREAKDOWN: Monitoring and Tracking

##### DESCRIPTION OF PROCESS BREAKDOWN:

Carrier violations occurred due to a breakdown regarding the monitoring and tracking elements of compliance within this section. Carrier has established the correct methods of recording hours of service records for each CMV driver. That said, you need to develop a better methodology for ensuring that all drivers record complete and accurate records of duty status. 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. Utilize the documents and instructions provided to you during this review to assist you in correcting the deficiencies.

##### BASIC SPECIFIC RECOMMENDED REMEDIES:

Ensure that you do not exceed the 14 hour work day and the 11 hour drive time. Furthermore, know that you cannot use "personal conveyance" to travel hours home after a delivery has been completed. Reference the documentation printed at the time of our review. You can also reference the interpretation letter provided to you that further clarifies the "personal conveyance" clause.

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 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.

5. 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 4 Jacks Trucking LLC operating authority and/or the impoundment of 4 Jacks Trucking LLC vehicles.

X \_\_\_\_\_  
 Mark Jack



## **ATTACHMENT “B”**

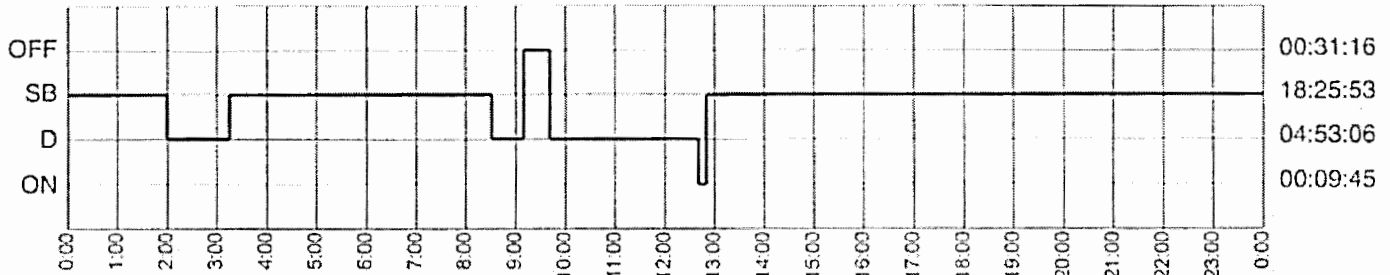
# FINAL LOG OF RECORD - CERTIFIED

Date: 2/15/2017  
 HOS Cycle: US 8 Day  
 Carrier: 4 Jacks Trucking LLC DOT#2566319  
 N/A  
 Terminal: 4 Jacks Trucking LLC  
 66062

Driver: Mark Jack, MJACK  
 Co-Drivers:  
 BOL: 1035979  
 Vehicles: KSA1  
 Trailers: 660662  
 Total Miles: 282.3

Driver Signature: \_\_\_\_\_

Created on FleetWatcher - 3/1/2017 8:12:21 AM



## Status Detail

Time	Status	Duration	Location	Lat, Lon
0:00:00	Sleeper Berth	1:59:47	3.3 W of Denton, TX	33.191, -97.1912
1:59:47	Driving (Manual)	1:15:08	Denton, TX	33.1903, -97.1919
Remarks:				
3:14:55	Sleeper Berth	5:16:06	3.2 NE of DeSoto, TX	32.6416, -96.8421
8:31:01	Driving	0:38:18	3.2 NE of DeSoto, TX	32.6426, -96.8452
9:09:19	Off Duty	0:31:16	2.5 SE of Ennis, TX	32.3104, -96.5998
9:40:35	Driving	2:59:40	2.5 SE of Ennis, TX	32.3108, -96.5996
12:40:15	On Duty	0:09:45	5.1 SW of Spring, TX	29.9987, -95.4281
12:50:00	Sleeper Berth	11:10:00	5.1 SW of Spring, TX	30.0002, -95.4292

## Vehicles

Vehicle Name: KSA1	Work Odo. Start: 0	Work Odo. End: 0	Work Miles: 282.3
VIN:	Personal Odo. Start: 0	Personal Odo. End: 0	Personal Miles: 0

## Carrier Detail

Time	Name	DOT Number
2/15/2017 12:00:00 AM	4 Jacks Trucking LLC	2566319
2/15/2017 7:15:05 AM	4 Jacks Trucking LLC	2566319

**CERTIFICATE OF SERVICE**

17-TRAM-444-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 APR 06 2017.

MARK JACK, MANAGING MEMBER  
4 JACKS TRUCKING LLC  
13635 S SYCAMORE ST  
OLATHE, KS 66062-5358  
mark@4jackstrucking.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

APR 07 2017