

1500 SW Arrowhead Road
Topeka, KS 66604-4027

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



20170829142842
Kansas Corporation Commission

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

Sam Brownback, Governor

NOTICE OF PENALTY ASSESSMENT

August 29, 2017

18-TRAM-086-PEN

Christopher L. Helt, Managing Member
Helt Supply, LLC
PO Box 132
Cherryvale, Kansas 67335

Certified Mail Receipt No. 70161970000105737464

This is a notice of a penalty assessment against Helt Supply, LLC for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on August 9, 2017, by Kansas Corporation Commission Special Investigator(s) Michael Heenan. 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:

Helt Supply has been assessed a \$1,450 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 \$1,450 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.

HELT SUPPLY 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 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 \$725 would 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. Helt Supply, 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 \$1,450 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 Helt Supply submits the attached Reduced Penalty Agreement as explained above, an Amended Penalty order may be issued assessing the reduced penalty of \$725 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
a.latif@kcc.ks.gov

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

18-TRAM-086-PEN

Helt Supply, LLC (Helt Supply) hereby submits this Reduced Penalty Agreement to become eligible for a fifty percent (50%) reduction in the penalty assessed in the Penalty Order dated August 29, 2017. Helt Supply has agreed to comply with the following terms and obligations:

1. Helt Supply has submitted, within fifteen (15) days from the date of the Penalty Order issued on August 29, 2017, this signed and dated Reduced Penalty Agreement to Litigation Counsel at the above address.

2. Helt Supply will, within 30 days from the date of the Penalty Order dated August 29, 2017, submit to Transportation Staff a Corrective Action Plan (CAP) documenting the violation(s) and describing specific and detailed information explaining the 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. Helt Supply will, within thirty (30) days from the date of the Penalty Order dated August 29, 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. Helt Supply 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.

Helt Supply, LLC understands that if approved, Transportation Litigation Counsel will file a Motion for Amended Penalty Order with this Agreement attached to the motion. The Amended Penalty Order will assess Helt Supply a fifty-percent (50%) reduced penalty of \$725, and set out the terms and conditions stated above. Once the Amended Penalty Order is issued by the Commission, Helt Supply 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.

Helt Supply, LLC

Christopher L. Helt
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 and 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 **Helt**)
Supply, LLC, of Cherryvale, Kansas,)
Regarding the Violation of the Motor Carrier)
Safety Statutes, Rules and Regulations and the) Docket No. 18-TRAM-086-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. Helt Supply, LLC (Helt Supply) has common operating authority from the Commission and further operates under USDOT number 2369151.

5. Christopher Helt attended a Commission-sponsored Motor Carrier Education and Instructional Meeting on March 26, 2013, on behalf of Helt Supply.

6. Helt Supply is a common motor carrier which primarily hauls liquids/gases in cargo tanks.

7. Helt Supply 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 9, 2017, Commission Staff (Staff) Special Investigator(s) Michael Heenan conducted a compliance review of the operations of Helt Supply. 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 November 30, 2016, Helt Supply required or permitted its driver, James R. Tuttle, to operate a CDL-required commercial motor vehicle, a 2009 Peterbilt, VIN ending in 792883, GVWR 52,000 lbs., pulling a 1994

Heil tank trailer containing diesel, VIN ending in 57678, GVWR 66,000 lbs., in intrastate commerce from Coffeyville, Kansas to Parsons, Kansas. This trip is evidenced by Driver/Vehicle Examination Report Number KSHP03511251, dated November 30, 2016, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, Helt Supply had not obtained the driver's signature on a confirmation page that the driver read and signed the carrier's drug and alcohol policy. The carrier's failure to obtain a certificate of receipt from its driver indicating he read and signed the company's drug and alcohol policy is a violation of 49 C.F.R. 382.601(d), 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, Helt Supply failed to designate a person to supervise staff for the purposes of making reasonable suspicion determinations regarding alcohol and drug usage. This designated person must undergo reasonable suspicion training to include 60 minutes of alcohol training and 60 minutes of controlled substance training. Helt Supply's inability to produce documentation of this training and its failure to have a designated person to attend 60 minutes of training on alcohol misuse and an additional 60 minutes of training on controlled substances use is a violation of 49 C.F.R. 382.603, adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$100.

- c. During the transportation described in paragraph a., above, Helt Supply had three (3) of the four (4) examined drivers that exclusively hauled transports with fuel. The driver, James R. Tuttle, has a CDL, but no HM or tank endorsements and only occasionally pulls the carrier's drop deck trailer, but under 391.51(b)(3) the other three (3) drivers are not allowed to use copies of their CDLs as equivalents for the hauling of tank vehicles. Helt Supply's failure to maintain a road test certificate issued to the driver pursuant to 49 C.F.R. 391.3(e) in the driver's qualification file, or a copy of the license or certificate which the motor carrier accepted as equivalent to the driver's road test pursuant to 49 C.F.R. 391.33 is a violation of 49 C.F.R. 391.51(b)(3), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$100.
- d. During the transportation described in paragraph a., above, Helt Supply was transporting a HM material (diesel fuel, Class 3 combustible) without a security plan. The carrier's transportation of HM material without a security plan is in violation of 49 C.F.R. §172.800(b), adopted by K.A.R. 82-4-3, and authorized by K.S.A. 66-1,111 and 66-1,129. Staff recommends a fine of \$500.
- e. During the transportation described in paragraph a., above, Helt Supply had not trained its HM driver within ninety (90) days of his employment. The special investigator found three (3) violations of this type. The carrier's failure to train its HM drivers within ninety (90) days of employment is a violation of 49 C.F.R. § 177.800(c), adopted by K.A.R.

82-4-3, and authorized by K.S.A. 66-1,111 and 66-1,129. Staff recommends a fine of \$500.

IV. STAFF'S RECOMMENDATIONS

9. Based upon the available facts, Staff recommends the Commission find Helt Supply 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 \$1,450 for five (5) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

11. Staff provides notice to the Commission that Helt Supply, 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 Helt Supply, 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 Helt Supply 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 Helt Supply 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 Helt Supply because it is a motor carrier as defined in K.S.A. 2016 Supp. 66-1,108.

16. The Commission finds a penalty of \$1,450 should be assessed to Helt Supply 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 Helt Supply 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. Helt Supply, LLC, of Cherryvale, Kansas is hereby assessed a penalty of \$1,450 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 \$1,450 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. Helt Supply 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.

C. Helt Supply 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. Helt Supply 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 Helt Supply does not submit the Reduced Penalty Agreement and fails to pay the full penalty(s) of \$1,450 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 Helt Supply'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. On August 29, 2017, this Order was mailed via Certified Mail, Return Receipt Requested, Receipt Number 70161970000105737464. 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 Helt Supply'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: **AUG 29 2017**



Lynn M. Retz
Secretary to the Commission


AAL

Order Mailed Date

AUG 30 2017

ATTACHMENT “A”

Kansas Corporation Commission

	US DOT # 2369151	Legal: HELT SUPPLY LLC Operating (DBA):		
	MC/MX #: 823439	State #: [REDACTED]	Federal Tax ID: [REDACTED] (EIN)	
Review Type: Compliance Review (CR)				
Scope: Principal Office		Location of Review/Audit: Company facility in the U. S.		Territory: C
Operation Types				
	Interstate	Intrastate		
Carrier:	HM	HM	Business: Corporation	
Shipper:	N/A	N/A	Gross Revenue: [REDACTED] for year ending: 12/31/2016	
Cargo Tank:	CT			
Company Physical Address: [REDACTED]				
Contact Name: Stephanie L Goins				
Phone numbers: (1) [REDACTED]			Fax	
E-Mail Address: [REDACTED]				
Company Mailing Address: PO BOX 132 CHERRYVALE, KS 67335-0132				
Carrier Classification Authorized for Hire				
Cargo Classification Liquids / Gases in Cargo Tanks				
Hazardous Materials				
3 Flammable liquid	Carried	Bulk	3 Combustible liquid	Carried Bulk
Equipment				
	Owned	Term Leased	Trip Leased	Owned Term Leased Trip Leased
Truck Tractor	2	0	0	Trailer 1 0 0
HM Cargo Tank Trailer	2	0	0	
Power units used in the U.S.: 2				
Percentage of time used in the U.S.: 100				
Does carrier transport placardable quantities of HM?			Yes	
Is an HM Permit required?			N/A	
Driver Information				
	Inter	Intra	Average trip leased drivers/month: 0	
< 100 Miles:	1	3	Total Drivers: 4	
>= 100 Miles:			CDL Drivers: 4	





HELT SUPPLY LLC
U.S. DOT #: 2369151

State #: [REDACTED]

Review Date:
08/09/2017

Part A

QUESTIONS regarding this report or the Federal Motor Carrier Safety or
Hazardous Materials rules may be addressed to the Office of Motor Carriers at:

Kansas Corporation Commission
1500 SW Arrowhead Rd
Topeka, Ks 66604-4027 1-785-271-3145

This report will be used to assess your safety compliance.


Person(s) Interviewed

Name: Christopher L Helt

Title: Managing Member

Name: [REDACTED]



	HELT SUPPLY LLC	State #: XXXXXXXXXX	Review Date:
	U.S. DOT #: 2369151		08/09/2017

Part B Violations

1 FEDERAL ACUTE	Primary: 172.800(b)	Discovered	Checked	Drivers/Vehicles	
		1	1	In Violation	Checked
				0	0

Description

Offering for transportation or transporting a hazardous material listed without a security plan.

Example

Employee name: XXXXXXXXXX
 HM Function: Delivery driver
 Date became HM employee: 2/28/16
 Shipping document number: 530878 11/30/16; Manners Oil; diesel fuel. Class 3 combustible
 At the time of this trip, and the time of this review, the above carrier had no Security Plan in effect or at their principle place of business.

2 FEDERAL	Primary: 177.800(c) Secondary: 172.704(c)(1)(ii)	Discovered	Checked	Drivers/Vehicles	
		3	4	In Violation	Checked
				3	4

Description

Failing to provide initial HM employee training within 90 days after employment or a change in job function.

Example

Employee name: XXXXXXXXXX
 HM Function: Delivery driver
 Date became HM employee: 2/28/16
 Shipping document number: 530878 11/30/16; Manners Oil; diesel fuel.
 At the time of this trip, and the time of this review, the above driver and 2 others that haul HM fuel have not received any HM driver training within 90 days of their employment. The carrier could not provide any documentation that their drivers had any driver HM training. The carrier stated that right directly after they began in business, sometime in May 2016 the carrier insurance, Federated of Minnesota, came to do driver training and stated to the carrier that they were required to take all testing paperwork back with him. The fourth listed driver has a Class A CDL but no HM or tank endorsement and only drives the company drop deck trailer on a very rare occasion.

3 FEDERAL	Primary: 382.601(b)	Discovered	Checked	Drivers/Vehicles	
		3	4	In Violation	Checked
				3	4

Description

Failing to provide to employees a written policy on misuse of alcohol and controlled substances that meets the requirements of 382.601(b) 1-11.

Example

Driver name: XXXXXXXXXX
 Trip date: 11/30/16
 At the time of this trip, and the time of this review, the carrier had a drug and alcohol policy that was for their construction company. The carrier had only 1 signature page acknowledging that their policy had been read by their drivers. The owner Chris Helt, was the only driver that had a policy signature page in his file, the other 3 had no signature page that could document they have read and understood the policy.
 Origination: Coffeyville Ks
 Destination: Parsons, Ks
 Cargo: Diesel





HELT SUPPLY LLC
U.S. DOT #: 2369151

State #: [REDACTED]

Review Date:
08/09/2017

Part B Violations

4 FEDERAL	Primary: 382.603	Discovered 2	Checked 2	Drivers/Vehicles In Violation	Checked 0
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Description

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.

Driver name: [REDACTED]

Trip date: 11/30/16

At the time of this trip, and the time of this review, the carrier and his office manager could not provide any documentation that they had performed or completed any reasonable suspicion training. The following supervisors both supervise drivers and should have been able to provided proof of the training.

[REDACTED] Office Manager
Christopher L Helt; Managing Member
Origination: Coffeyville Ks
Destination: Parsons Ks
Cargo: Fuel

5 STATE	Primary: 391.51(b)(3) CFR Equivalent: 391.51(b)(3)	Discovered 3	Checked 4	Drivers/Vehicles In Violation	Checked 4
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Description

Failing to maintain road test certificate in driver's qualification file, or copy of license or certificate the motor carrier accepted as equivalent.

Example

Driver name: [REDACTED]

Trip date: 11/30/16

At the time of this trip, and the time of this review, the carrier had copies of driver CDLs in the driver files with all drivers having tank and HM endorsements. However, under this part, drivers of Twins, Triples, and Tanks are required the actual road test and road test certificate.

Origination: Coffeyville, Ks
Destination: Parsons, Ks
Cargo: Diesel

Safety Fitness Rating Information:

Total Miles Operated 49,510
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): 2

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:	C	1	0
Factor 6:	S	-	-

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





HELT SUPPLY LLC
U.S. DOT #: 2369151

State #: [REDACTED]

Review Date:
08/09/2017

Part B Requirements and/or Recommendations

1. Provide proof that the company supervisor listed below has been trained and certified with training on alcohol and drug abuse and provide this agency a copy of such certification.

[REDACTED]
Christopher L Helt

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





HELT SUPPLY LLC
U.S. DOT #: 2369151

State #: [REDACTED]

Review Date:
08/09/2017

Part B Requirements and/or Recommendations

• **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.

Attached to this report is Table 1, which identifies all the documented violations which were discovered during the course 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
Jeff Ellett - Division Administrator
1303 First American Place, Suite 200
Topeka, KS 66604-4040

For all Investigations where the carrier has been involved in 2 or more recordable crashes:

The Division Administrator/State Director will continue to consider preventability when a motor carrier contests a proposed safety fitness rating. The motor carrier may deem that the recordable accident rate is not a fair means of evaluating its accident factor (Factor 6) on the CR report. If so, the motor carrier must submit the compelling evidence within seven calendar days if the proposed rating is Unsatisfactory and 10 calendar days if the proposed rating is Conditional to:

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

Compelling evidence must be limited to official police accident reports and official insurance accident investigation reports.

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:

US Department of Transportation
Jack Van Steenburg - 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
Max Strathman - Midwestern Field Administrator
Federal Motor Carrier Safety Administration
4749 Lincoln Mall Drive, Suite 300-A
Matteson, IL 60443





HELT SUPPLY LLC
U.S. DOT #: 2369151

State #: [REDACTED]

Review Date:
08/09/2017

Part B Requirements and/or Recommendations

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

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

This letter should be submitted as soon as possible.

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

The KCC requires that you prepare a corrective action letter, addressing the measures taken to correct the violations identified within this report. Submit this letter within 30 days outlining the carrier's updated changes to their policies and procedures regarding all listed violations. Explain in detail how, as a carrier representative, you will rectify these deficiencies and prevent their reoccurrence going forward. Include any supporting documentation and 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

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

The KCC requires that you prepare a corrective action letter, addressing the measures taken to correct the violations identified within this report. Submit this letter within 30 days outlining the carrier's updated changes to their policies and procedures regarding all listed violations. Explain in detail how, as a carrier representative, you will rectify these deficiencies and prevent their reoccurrence going forward. Include any supporting documentation and 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

5. "I understand that monetary penalties will be assessed as a result of violations found in this compliance review. The penalty schedule can be found at this website:
http://kcc.ks.gov/trans/penalty_assessment_table.htm"

Carrier Signature _____





HELT SUPPLY LLC
U.S. DOT #: 2369151

State #: [REDACTED]

Review Date:

08/09/2017

Part B Requirements and/or Recommendations

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

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

This letter should be submitted as soon as possible.

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http://kcc.ks.gov/trans/penalty_assessment_table.htm"

Carrier Signature _____





HELT SUPPLY LLC
U.S. DOT #: 2369151

State #: [REDACTED]

Review Date:
08/09/2017

Part B Requirements and/or Recommendations

Investigator Signature *Michael H. [Signature]* 8/23

6. Make certain that a full and complete Hazardous Materials Security Plan is completed and in effect. The plan must be provided to employees on a "need to know basis" and the actual document is not to leave the premises of the principle place of business. The document is not to be displayed where it is in view of the public.

7. You are encouraged to review your company's safety record at the following website:

<https://ai.fmcsa.dot.gov/login/default.asp>

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

Safety Improvement Resources (SIRs) is a compilation of articles, reports, and other tools designed to assist motor carriers with improving their current safety management practices. SIRs are searchable by resource number, BASIC or safety management practice (SMP). Please refer to any Safety Improvement Resource numbers included within the recommendations.

You are encouraged to view all of the SIRs at the following website: http://ai.fmcsa.dot.gov/sms/Data/carrier_sir.aspx

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

The improvements to SMS are based on ongoing analysis and feedback from enforcement personnel, the motor carrier industry, and other stakeholders. The changes more effectively identify and prioritize high-risk and other unsafe motor carriers for enforcement interventions designed to reduce commercial motor vehicle crashes and hazardous materials incidents.

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

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

9. Provide employees and owner operators with a drug and alcohol policy. The policy will provide a signature page to verify the employee or owner operator has been given a copy of the policy to read and does in fact understand its contents.

10. 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 [Helt Supply LLC] operating authority and/or the impoundment of [Helt Supply LLC] vehicles.

Carrier Signature *[Signature]*





HELT SUPPLY LLC
U.S. DOT #: 2369151


State #: [REDACTED]

Review Date:
08/09/2017

Part B Requirements and/or Recommendations

Investigator Signature *Mark D. [Signature]* 8213



	HELT SUPPLY LLC U.S. DOT #: 2369151	State #: [REDACTED]	Review Date: 08/09/2017
Part B Requirements and/or Recommendations			

Investigator Signature *Mike Alan* 8213

11. Ensure the facility security plan is site specific and addresses all the threats and vulnerabilities (written risk assessment) the company has identified. Also ensure the security plan and in-depth security training includes all the required elements. Review the facility security plan on a yearly basis and update if needed.

ATTACHMENT “B”

DRIVER/VEHICLE EXAMINATION REPORT

Query Central 3 4

Kansas Highway Patrol
MOTOR CARRIER SAFETY ASSISTANCE
700 SW Jackson, Ste 704
Topeka, KS 66603
Phone: (785)296-7189 Fax: (785)296-2858

Report Number: KSHP03511251
Inspection Date: 11/30/2016
Start: 1 30 PM CT End: 02.00 PM CT
Inspection Level: II - Walk-Around
HM Inspection Type: Bulk

HELT SUPPLY LLC

CHERRYVALE, KS 67335

USDOT#: 02369151

MC/MX#: 823439

State#:

Phone#:

Fax#:

Driver: TUTTLE, JAMES R

License#:

Date of Birth: 05/22/1951

CoDriver:

License#:

Date of Birth:

State: KS

State:

Location: LABETTE COUNTY - 099

Highway: U-400

County: LABETTE, KS

MilePost: 394

Origin: COFFEYVILLE, KS

Destination: PARSONS, KS

Shipper: MANNERS OIL

Bill of Lading: 530878

Cargo: DIESEL

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate #	Equipment ID	VIN	GVWR	CVSA #	New CVSA #	OOS#
1	TT	PTRB	2009	KS		09	792883	52,000			
2	ST	HEIL	1994	OK		1602	57678	66,000			

BRAKE ADJUSTMENTS No Brake Measurements Required For Level 2

VIOLATIONS

HazMat: 3 Combustible Liquid

Placard: Yes Cargo Tank: 306

Special Checks:

DRIVER: This form is to be sent to the carrier identified on this report within 24 hours of receipt.
MOTOR CARRIER CERTIFICATION: All defects identified on this report must be corrected or acknowledged PRIOR TO RE-DISPATCH and then certified by a responsible carrier official who must sign below. RETURN THIS FORM WITHIN 15 DAYS to the Motor Carrier Division of the Kansas Highway Patrol at the address listed at the top of this form. If no violations were discovered, you are not required to sign and return a copy.

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

Signature Of Motor Carrier X _____ Title _____ Date _____

Report Prepared By
J E Irwin

Badge #
0351

Copy Received By
JAMES TUTTLE

Page 1 of 1



02369151 KS KSHP03511251

X _____

X _____

CERTIFICATE OF SERVICE

18-TRAM-086-PEN

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of
first class mail/hand delivered on **AUG 29 2017**.

CHRISTOPHER HELT, MANAGING MEMBER
HELT SUPPLY, LLC
PO BOX 132
CHERRYVALE, KS 67335-0132
sg.helt@outlook.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

AUG 30 2017