

1500 SW Arrowhead Road
Topeka, KS 66604-4027



20220825102113
Kansas Corporation
Commission
Phone: 785-271-3100
Fax: 785-271-3354
<http://kcc.ks.gov/>

Dwight D. Keen, Chair
Susan K. Duffy, Commissioner
Andrew J. French, Commissioner

Laura Kelly, Governor

NOTICE OF PENALTY ASSESSMENT
23-TRAM-248-PEN

August 25, 2022

Jose Miguel T Ruiz, Owner
Jose Miguel T Ruiz d/b/a JMR Transport
510 Burnside Dr., Lot 27
Garden City, KS 67846-6741

This is a notice of a penalty assessment against Jose Miguel T Ruiz d/b/a JMR Transport (JMR Transport) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on August 8 to August 11, 2022, by Kansas Corporation Commission Special Investigator Penny Fryback & Erica Pargas. Penalties are assessed in accordance with the FY 2023 Uniform Penalty Assessment Matrix, approved by the Commission on June 28, 2022. For a full description of the penalty(s) and terms and obligations please refer to the Order attached to this notice.

IF YOU ACCEPT THE PENALTY: JMR Transport has been assessed a \$5,250 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$5,250, through your personal account with the Kansas Corporation Commission's Kansas Trucking Regulatory Assistance Network (KTRAN) system located at <https://puc.kcc.ks.gov/ktran/>. If you have not received a letter from the Transportation Division assigning you a PIN, please contact that Division at 785-271-3145. You must have an account through KTRAN to pay the penalty owed.

The attached Order requires a representative of JMR Transport to attend a Commission-sponsored safety seminar within ninety (90) days from the date of the Order and to provide the undersigned Litigation Counsel with written proof of attendance. A schedule of dates and locations for safety seminars can be found at the Commission's website http://www.kcc.state.ks.us/trans/safety_meetings.htm.

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

IF YOU FAIL TO ACT: Failure to pay the penalty of \$5,250 within thirty (30) days from the date of service of the Penalty Order or failure to comply with the terms of the Order, or in the alternative, failure to provide a timely written request for a hearing, will result in the Order becoming final and may result in additional sanctions of suspension and/or revocation of your motor carrier operating authority.

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

¹ K.A.R. 82-1-215; K.S.A. 77-542.

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

Before Commissioners: Dwight D. Keen, Chair
 Susan K. Duffy
 Andrew J. French

In the Matter of the Investigation of **Jose Miguel**)
T Ruiz d/b/a JMR Transport, of Garden City,)
KS, Regarding the Violation(s) of the Motor)
Carrier Safety Statutes, Rules and Regulations) Docket No. 23-TRAM-248-PEN
and the Commission's Authority to Impose)
Penalties, Sanctions and/or the Revocation of)
Motor Carrier Authority.)

PENALTY ORDER

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

I. JURISDICTION

1. Pursuant to K.S.A 66-1,108b, 66-1,111, 66-1,112 and 66-1,114b, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in 49 C.F.R. Part 390.5 as adopted by K.A.R. 82-4-3f, doing business or procuring business in Kansas, and is empowered to do all things necessary and convenient for the exercise of such power, authority and jurisdiction.

2. Pursuant to K.S.A. 66-1,129a, 66-1,130 and 66-1,142b, the Commission may suspend operations, revoke or amend certificates, and initiate sanctions or fines against every motor carrier and every person who violates any provision of Kansas law in regard to the regulation of such motor carriers and persons, or who fails to obey any order, decision or regulation of the Commission.

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

II. BACKGROUND

4. Jose Miguel T Ruiz d/b/a JMR Transport (JMR Transport or Carrier) has common operating authority with the Commission and further operates under USDOT number 2562410.

5. Andrea Ruiz attended the Procedures for Safety Compliance Seminar presented by the Kansas Corporation Commission, on August 15, 2022, on behalf of JMR Transport.

6. JMR Transport is a common motor carrier which primarily hauls grain, feed and hay.

III. STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, on August 8 to August 11, 2022, Commission Staff (Staff) Special Investigator Penny Fryback & Erica Pargas conducted a safety compliance review of the operations of JMR Transport. A copy of the safety compliance review is included in this Penalty Order as Attachment "A" and is hereby incorporated by reference. As a result of this investigation, the special investigator identified four (4) violation(s) of the Motor Carrier Safety Regulations.

- a. On February 19, 2022, JMR Transport required or permitted its driver, Jose Miguel T. Ruiz, to operate a CDL-required commercial motor vehicle, a 2010 Freightliner, VIN ending in 3716, GVWR 52,000 lbs., pulling a 2009 Timpco semi-trailer, VIN ending in 19888, GVWR 65,000 lbs., in intrastate commerce in from Lydia, Kansas to Garden City,

Kansas. This trip is evidenced by a Driver/Vehicle Examination Report, Report Number: KSHP02700184, dated February 19, 2022, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, JMR Transport permitted or required its driver to operate a commercial motor vehicle that was not periodically inspected. The Special Investigators found two (2) violations of this type. The Carrier permitting its drivers to operate a commercial motor vehicle that had not been periodically (annually) inspected during the preceding 12-month period is a violation of 49 C.F.R. 396.17(a), adopted by K.A.R. 82-4-3j, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$750.

- b. During the transportation described in paragraph a., above, JMR Transport operated a commercial motor vehicle for-hire prior to obtaining KCC operating authority. The carrier's commercial operations of commercial motor vehicles prior to obtaining and maintaining proper Commission authority is a violation of K.S.A. 66-1,111 and 49 C.F.R. 392.2, adopted by K.A.R. 82-4-3h, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$500.
- c. On May 7, 2022, JMR Transport required or permitted its driver, Jose Miguel T. Ruiz, to operate a CDL-required commercial motor vehicle, a 2010 Freightliner, VIN ending in 3716, GVWR 52,000 lbs., pulling a 2017 Timpte semi-trailer, VIN ending in 19888, GVWR 65,000 lbs., in intrastate commerce in from Marienthal, Kansas to Garden City, Kansas.

This trip is evidenced by a Driver's Daily Log, dated May 7, 2022, a copy of which is attached hereto as Attachment "C" and is hereby incorporated by reference. At the time of this transportation, JMR Transport failed to retain inbound and outbound supporting documents for three of the four loads of grain hauled. The Special Investigators found sixty-one (61) violations of this type. The Carrier's failure to retain supporting documents for their transportations is a violation of K.A.R. 82-4-35a and 49 C.F.R. 392.2, adopted by K.A.R. 82-4-3h, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$1,000.

- d. During the transportation described in paragraph c., above, JMR Transport hauled a loads weighing 87,940 lbs., 90,340 lbs., 88,320 lbs. and 88,720 lbs., all of which were over the allowed gross weight of 85,500 lbs. The special investigators discovered twenty-three (23) violations of this type. The Carrier's failure to stay within the legal gross weight limit is a violation of K.S.A. 8-1901 and 49 C.F.R. 392.2, adopted by K.A.R. 82-4-3h, as authorized by K.S.A. 66-1,129. Staff recommends a fine of \$3,000.

IV. STAFF'S RECOMMENDATIONS

8. Staff submitted a Report and Recommendation (R&R), dated August 19, 2022, attached hereto as Attachment "D" and is hereby incorporated by reference. In its R&R, Staff made recommendation regarding the above-mentioned violations.

9. Based upon the available facts, Staff recommends the Commission finds JMR Transport committed four (4) 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. Additionally, Staff recommends a civil penalty of \$5,250 for four (4) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

11. Staff further recommends JMR Transport submit a written, comprehensive corrective action plan (CAP) to Transportation Staff within thirty (30) days of the date of this order, documenting the violation(s) described in this Penalty Order, including specific and detailed information explaining Carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.

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

V. CONCLUSIONS OF LAW

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

14. The Commission finds JMR Transport committed four (4) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

THE COMMISSION THEREFORE ORDERS THAT:

A. Jose Miguel T Ruiz d/b/a JMR Transport, of Garden City, KS is hereby assessed a \$5,250 civil penalty for four (4) violation(s) of Kansas law governing the regulation of motor

carriers, the Kansas Administrative Regulations and provisions of the Federal Motor Carrier Safety Regulations, as adopted by the Kansas Administrative Regulations.

B. Carrier is hereby ordered to submit a written, comprehensive corrective action plan (CAP) to Transportation Staff within thirty (30) days of the date of this order, documenting the violation(s) described in this Penalty Order, including specific and detailed information explaining Carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.

C. JMR Transport is ordered to submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order. Transportation Staff will contact the Carrier to set up the appointment.

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

E. If a request for hearing is filed, attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. For civil penalties exceeding \$500, a corporation shall appear before the Commission by its attorney,

unless waived by the Commission for good cause shown and a determination that such waiver is in the public interest.² For civil penalties less than \$500, a corporation may appear by a duly authorized representative of the corporation.³

F. If you do not request a hearing, the payment of the civil penalty of \$5,250 is due in thirty (30) days from the date of service of this Order. Payment of \$5,250 must be made through your personal account with the Kansas Corporation Commission's Kansas Trucking Regulatory Assistance Network (KTRAN) system located at <https://puc.kcc.ks.gov/ktran/>. You must have an account through KTRAN to pay the penalty.

G. Failure to pay the \$5,250 civil penalty within thirty (30) days from the date of service of this Penalty Order and/or failure to comply with the provisions of this Order may result in suspension of JMR Transport's motor carrier operating authority without further notice.⁴ Additionally, the Commission may impose further sanctions to include, but not limited to, the issuance and enforcement of revocation of authority and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

BY THE COMMISSION IT IS SO ORDERED.

Keen, Chair; Duffy, Commissioner; French, Commissioner

Dated: 08/25/2022 _____



Lynn M. Retz
Executive Director

AAL

² . K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2); K.A.R. 82-1-202(a).

³ K.S.A. 66-1,142b(e) and amendments thereto.

⁴ K.S.A. 66-1,105.

ATTACHMENT “A”



U.S. DOT#: 2562410
MC/MX#: 894218

Legal: JOSE MIGUEL T RUIZ
Operating (DBA): JMR TRANSPORT

Investigation Date:
 08/11/2022

Investigation Type: Onsite Comprehensive Investigation

Location of Investigation: Other (TMT Truck Permitting, Inc.)

Extent of Operations: Entire Operation

Physical Address

510 BURNSIDE DR LOT 27
 GARDEN CITY, KS 67846-6741
 United States

Mailing Address

510 BURNSIDE DR LOT 27
 GARDEN CITY, KS 67846-6741
 United States

Contact Information

Contact Name: JOSE MIGUEL T RUIZ

Email:

Phone: (620)937-2974 **Cell:** ()- **Fax:** ()-

Business and Financial

Business Type: Sole Proprietorship

Name of Gross Revenue Provider:

Title of Gross Revenue Provider:

Gross Revenue: \$ **For Year Ending:**

Federal Tax ID: [REDACTED]

Operation Classification and Type

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

Cargo

Grain, Feed, Hay

Operation Classification

For-Hire Motor Carrier

Property

Other Non-Hazardous Freight

Equipment

	Owned	Term Leased	Trip Leased
Truck Tractors	2		
Trailers	2		

Driver Information

Drivers

	Intrastate	Interstate
< 100 Miles		
>= 100 Miles		1

Power units used in the U.S.: 2

Percentage of time used in the U.S.: 100%

Average trip leased driver/month: 0

Drivers with CDL: 1

Total Drivers: 1

Person(s) Interviewed

Name: JOSE MIGUEL T RUIZ

Title: OWNER

Name: Melissa Huerta

Title: AGENT

Questions about this report or the Federal Motor Carrier 1303 SW FIRST AMERICAN PL STE 200
Safety or Hazardous Materials regulations may be TOPEKA, KS 66604-4040
addressed to the Federal Motor Carrier Safety Phone: (785) 271-1260
Administration at: Fax: (877) 547-0378

This report will be used to assess your safety compliance.

Violations

1. Primary: 396.17(a)

Using a commercial motor vehicle not periodically inspected.



Critical

At least 10% of the number checked had violations

Violations Discovered

Fed	State	Total
2		2

Checked

Fed	State	Total
4		4

BASIC Impacted
Vehicle Maintenance

Rating Factor 4:
Vehicle = Part 396

Example/Notes:

Vehicle: Unit #76 VIN [REDACTED] 3716

Date of trip: 2/19/22

On 2/19/22, Jose Miguel T Ruiz d/b/a JMR Transport hauled a load of grain from Garden City, KS to Lydia, KS operating Unit #76 with Trailer Unit #T2010. At the time of transportation, Jose Miguel T Ruiz d/b/a JMR Transport did not have a current Annual Inspection for Unit #76 and Unit #T2010.

2. Primary: 392.2

State Equivalent: K.S.A. 66-1,111

Operating without Kansas Corporation Commission Authority

Drivers/Vehicles in Violation

Fed	State	Total
2		2

Checked

Fed	State	Total
4		4

Violations Discovered

Fed	State	Total
	1	1

Checked

Fed	State	Total
	1	1

Drivers/Vehicles in Violation

Fed	State	Total
	1	1

Checked

Fed	State	Total
	1	1

Violations Discovered

Fed	State	Total
	61	61

Checked

Fed	State	Total
	125	125

Drivers/Vehicles in Violation

Example/Notes:

On 2/19/22, Jose Miguel T Ruiz d/b/a JMR Transport hauled a load of grain from Garden City, KS to Lydia, KS. At the time of transportation, Jose Miguel T Ruiz d/b/a JMR Transport did not have Kansas Corporation Commission For-Hire Authority.

3. Primary: 392.2

Secondary: K.A.R. 82-4-35(a)

Failure to retain supporting documents

Example/Notes:

On 5/7/2022, Jose Miguel T Ruiz d/b/a JMR Transport hauled a load of milo weighing 90,340 pounds from Marienthal, KS to Windriver Grain in Garden City, KS. At the time of operation, Jose Miguel T Ruiz d/b/a JMR Transport failed to provide supporting documents for loads hauled.

4. Primary: 392.2
Secondary: K.S.A. 8-1901

Operating over the maximum gross weight allowed in Kansas.

Example/Notes:

On 5/7/2022, Jose Miguel T Ruiz d/b/a JMR Transport hauled a load of Milo weighing 90,340 pounds from Marienthal, KS to Windriver Grain in Garden City, KS. At the time of operation, Jose Miguel T Ruiz d/b/a JMR Transport operated over the allowable gross weight of 85,500.

5. Primary: 396.3(b)(1)

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

Example/Notes:

On 2/19/22, Jose Miguel T Ruiz d/b/a JMR Transport hauled a load of grain from Garden City, KS to Lydia, KS operating Unit #76 with Trailer Unit #T2010. Jose Miguel T Ruiz d/b/a JMR Transport failed to provide maintenance files that were properly identified and were missing the tire size.

Fed	State	Total
	1	1
Checked		
Fed	State	Total
	1	1

Violations Discovered		
Fed	State	Total
	23	23
Checked		
Fed	State	Total
	54	54

Drivers/Vehicles in Violation		
Fed	State	Total
	1	1
Checked		
Fed	State	Total
	1	1

Violations Discovered		
Fed	State	Total
4		4
Checked		
Fed	State	Total
4		4

Drivers/Vehicles in Violation		
Fed	State	Total
4		4
Checked		
Fed	State	Total
4		4

Safety Fitness Rating

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

RATING FACTORS	RATING	ACUTE	CRITICAL
Factor 1: General = Parts 387 and 390	Satisfactory	0	0
Factor 2: Driver = Parts 382, 383 and, 391	Satisfactory	0	0
Factor 3: Operational = Parts 392 and 395	Satisfactory	0	0
Factor 4: Vehicle = Parts 393 and 396	Conditional		1
OOS Vehicles (CR): 0			
Number of Vehicles Inspected (CR): 0			
OOS Vehicles (MCMIS): 0			
Number of Vehicles Inspected (MCMIS): 0			
OOS Rate: 0%			
Factor 5: Haz. Mat. = Parts 397, 171, 177 and, 180	N/A	N/A	N/A
Factor 6: Accident Factor = Recordable Rate	Satisfactory	N/A	N/A
Total Miles Operated: 117,430			
Recordable Accidents: 0			
Recordable Accidents/Million Miles: 0.00			

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

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

Process Breakdown and Remedies

BASIC: Hours-of-Service Compliance

Process Breakdown: Monitoring and Tracking

Jose Miguel T Ruiz d/b/a JMR Transport will retain all supporting documents for any loads hauled by the carrier.

Specific Recommended Remedies

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

1. Implement an effective process for monitoring, tracking, and evaluating all drivers' compliance with Hours-of-Service (HOS) regulations and company policies.
2. Promptly review all Records of Duty Status (RODS) for Hours-of-Service (HOS) violations and falsification. Look for discrepancies by comparing driver logs with their "check-in" calls and other supporting documents.
3. Maintain roadside inspection, Records of Duty Status (RODS), supporting documents, dispatch schedules, and communication records to help evaluate the performance of all staff (drivers, dispatchers, and managers) involved in Hours of Service (HOS) and the effectiveness of compliance with HOS policies, procedures, and regulations.

BASIC: Vehicle Maintenance

Process Breakdown: Monitoring and Tracking

Jose Miguel T Ruiz d/b/a JMR Transport will ensure all vehicles being operated have a current annual inspection.

Specific Recommended Remedies

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

1. Maintain roadside inspection reports, observational reports, Driver Vehicle Inspection Reports (DVIRs) and customer complaints on condition of cargo to help evaluate the performance of all staff (drivers, dispatchers, managers, mechanics, technicians, and purchasing/parts inventory agents) involved in cargo handling, loading, and securement and the effectiveness of compliance with associated policies, procedures, and regulations.
2. Ensure that all Commercial Motor Vehicles being operated are inspected annually by a qualified inspector as required.
3. Ensure that all maintenance files are properly identified.

Recommendations

1. **Acute and Critical Violations**

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

NOTICE: A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six-year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six-year period.

2. **Additional Information**

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

3. **Accident Countermeasures website has strategies and forms.**

Accident Countermeasures is a set of defensive strategies designed to reduce preventable accidents. The strategies and forms for implementing accident countermeasures can be found on the FMCSA website at:

<http://www.fmcsa.dot.gov/forms/print/accident.htm>

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

Copies of the regulations, forms, interpretations, and manuals are available from a variety of sources. Check the FMCSA website for a current list of suppliers. www.fmcsa.dot.gov/safety-security/eta/index.htm

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

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

6. **Conduct periodic internal reviews. (non-HM)**

Conduct periodic internal reviews of your driver qualification, hours of service control, maintenance, accident analysis/reporting, training, and other safety systems to ensure continued compliance with the FMCSR.

7. **Duty status records must be kept on file for 6 months.**

Ensure that all documents supporting records of duty status (such as toll, fuel repair and other on-the-road expense receipts, as well as invoices, bills of lading, dispatch records, etc.) are kept on file for at least 6 months.

8. **Retain supporting documents for 6 months.**

Toll receipts and other on-the-road expense receipts, invoices, bills of lading, dispatch records, and other "supporting document" must be kept on file for six (6) months. This requirement also applies to records generated by the use of owner-operators. You may keep legible photocopies in lieu of originals.

9. **Establish a maintenance records program for all vehicles.**

Establish a systematic maintenance records program for all vehicles. Maintain a complete file for each subject vehicle, recording all repair, maintenance and inspection operations performed.

10. **Ensure that inspections are done at proper intervals.**

Ensure that the persons or entities that perform preventative maintenance inspections on your equipment are abiding by agreed time or mileage intervals. Ensure that records are kept of such periodic preventative maintenance inspections. Take corrective action, if schedules are not being adhered to.

11. **There is a Spanish version of the FMCSA website.**

The Federal Motor Carrier Safety Administration has a Spanish language version of its website at: www.fmcsa.dot.gov/spanish/.

12. **Ensure that all annual inspections are conducted every 12 months.**

Ensure that all annual inspections are conducted every 12 months and retain the inspections for 14 months.

13. **Violations/Signature Page**

Required recommendation:

Understand Why Compliance Saves Time and Money: Compliance with FMCSRs will not only save lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business.

Document and Follow Through on Action Plans: Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance.

NOTICE: A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six year period.

NOTICE: 49 CFR Part 391.23 requires prospective employers to, at a minimum, investigate a driver's employment information, crash record, and alcohol and controlled substances history from all employers the driver worked for within the previous 3 years.

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

All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities.

For all Investigations that could result in a Penalty Order:

PLEASE NOTE: The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Penalty Order. 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 Penalty Order.

Your signature for receipt of this report acknowledges your understanding that the violations discovered by the KCC during this review may be used to calculate any civil penalty proposed as a result of this review. Your signature is not an admission of the violations identified. 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/>.

CAP Requirements:

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

Submit the letter along with copies of your supporting evidence to:

e-mail: g.davenport@kcc.ks.gov

FAX: 785-271-3124;

or mail to;

Kansas Corporation Commission

Attn: Gary Davenport

1500 SW Arrowhead Road

CAP Penalty:

Motor carriers are responsible for complying with all tasks ordered by the Commission. You are required to prepare a corrective action plan (CAP), addressing the measures taken to correct all violations identified within this report. Failure to fulfill this requirement may lead to the issuance of further penalties or other repercussions, including revocation of authority to operate intrastate in Kansas.

Acknowledgement Statement:

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 Jose Miguel T Ruiz d/b/a JMR Transport's operating authority and/or the impoundment of Jose Miguel T Ruiz d/b/a JMR Transport's vehicles.

X _____
Signature

X _____
Date

Monetary Penalties:

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 web site: http://kcc.ks.gov/trans/penalty_assessment_table.htm

CAP Penalty:

Motor carriers are responsible for complying with all tasks ordered by the Commission. You are required to prepare a corrective action plan (CAP), addressing the measures taken to correct all violations identified within this report. Failure to fulfill this requirement may lead to the issuance of further penalties or other repercussions, including revocation of authority to operate intrastate in Kansas.

Acknowledgement Statement:

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 Jose Miguel T Ruiz d/b/a JMR Transport's operating authority and/or the impoundment of Jose Miguel T Ruiz d/b/a JMR Transport's vehicles.

X 
Signature

X 8-11-22
Date

Monetary Penalties:

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 web site: http://kcc.ks.gov/trans/penalty_assessment_table.htm

ATTACHMENT “B”

DRIVER/VEHICLE EXAMINATION REPORT

Query Central 3.4

Kansas Highway Patrol
Email: Khp.TruckInspection@KS.GOV
700 SW Jackson, Ste 704
Topeka, KS 66603
Phone: (785)296-7189 Fax: (785)296-2858

Report Number: KSHPO2700184
Inspection Date: 02/19/2022
Start: 1:55 PM CT End: 02:10 PM CT
Inspection Level: III - DriverOnly
HM Inspection Type: None

JOSE MIGUEL T RUIZ
510 BURNSIDE DR LOT 27
GARDEN CITY, KS 67846
USDOT#: 02562410 Phone#: (620)937-2974
MC/MX#: 00894218 Fax#:
State#:

Driver: RUIZ TORRES, JOSE M
License#: [REDACTED] State: KS
Date of Birth: [REDACTED]
CoDriver:
License#: State:
Date of Birth:

Location: HOLCOMB
Highway: 050
County:
MilePost: 60
Origin: LYDIA,KS
Destination: GARDEN CITY,KS
Shipper:
Bill of Lading:
Cargo: GRAIN, FEED, HAY

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate #	Equipment ID	VIN	GVWR	CVSA #	New CVSA #	OOS#
1	TT	FRHT	2010	KS	171726	76	[REDACTED] 3716	52,000			
2	ST	TIMP	2009	KS	640126		[REDACTED] 19888	65,000			

BRAKE ADJUSTMENTS: No Brake Measurements Required For Level 3

VIOLATIONS

HazMat: No HM Transported.

Placard: No **Cargo Tank:**

Special Checks:

* NOTE TO MECHANIC: The undersigned certifies that all mechanical defects listed on this report HAVE BEEN CORRECTED at the time of signature.

Signature Of Repairer X: _____ Facility: _____ Date: _____

**** DRIVER: THIS FORM IS REQUIRED TO BE RETURNED TO THE CARRIER BY REGULATION. **//** *CARRIER CERTIFICATION: All defects on this sheet 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.

Signature Of Motor Carrier X: _____ Title: _____ Date: _____

Report Prepared By:
J. Landgraf

Badge #:
0270

Copy Received By:
JOSE RUIZ TORRES

Page 1 of 1



02562410 KS KSHPO2700184

X _____

X _____

ATTACHMENT “C”



DRIVER'S DAILY LOG

(24 HOURS)

5 1 7 1 2 2
(Month) (Day) (Year)

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

RECAP
Complete at
end of workday.

420
Total Miles Driving Today Total Mileage Today

Air Transport
Name of Carrier or Carriers
Main Office Address

On-duty hours
today (Total
lines 3 & 4)

70 Hour/
8 Day
Drivers

Home Terminal Address
I certify these entries are true and correct:
Tore
Driver's Full Signature Co-Driver's Name

A.
Total hours on
duty last 7 days
including today

B.
Total hours
available
today
70 hr. minus A.*

C.
Total hours on
duty last 8 days
including today

60 Hour/
7 Day
Drivers

A.
Total hours on
duty last 7 days
including today

B.
Total hours
available
today
60 hr. minus A.*

C.
Total hours on
duty last 7 days
including today

*If you drive for
14-hour rest
periods
in 1400, 1500
days, available
rest.

	MID-NIGHT	1	2	3	4	5	6	7	8	9	10	11	NOON	1	2	3	4	5	6	7	8	9	10	11	TOTAL HOURS
OFF DUTY																									13:25
SLEEPER BERTH																									
DRIVING																									7
ON DUTY NOT DRIVING																									3:25
EMARKS																									24

SHIPPING DOCUMENTS:
B/L or Manifest No.
or
Shipper & Commodity

Enter name of place you reported and where released from work and where and when change of duty is turned

FROM: Golden City, Mo. TO: Marietta, Ga.

USE TIME STANDARD AT HOME TERMINAL

8527



ATTACHMENT “D”

**REPORT AND RECOMMENDATION
TRANSPORTATION DIVISION**

TO: Dwight D. Keen, Chair
Susan K. Duffy, Commissioner
Andrew J. French, Commissioner

FROM: Mike Hoeme, Director of Transportation
Gary Davenport, Deputy Director of Transportation

DATE: August 19, 2022

SUBJECT: Docket No. 23-TRAM-248-PEN
In the Matter of the Investigation of Jose Miguel T Ruiz d/b/a JMR Transport of Garden City, Kansas Regarding the Violation of the Motor Carrier Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority.

EXECUTIVE SUMMARY:

Jose Miguel T Ruiz d/b/a JMR Transport (JMR Transport or Carrier) is a motor carrier possessing common operating authority from the Commission, primarily hauling grain, feed and hay. JMR Transport operates under USDOT 2562410. On August 8 to August 11, 2022, Commission Staff Special Investigator Penny Fryback & Erica Pargas conducted a safety compliance review of the operations of JMR Transport. As a result of this investigation, the special investigator identified four (4) violation(s) of the Motor Carrier Safety Regulations, resulting in a recommended penalty of \$5,250.

DISCUSSION AND ANALYSIS:

On August 8 to August 11, 2022, Commission Staff Special Investigator Penny Fryback & Erica Pargas conducted a safety compliance review of the operations of JMR Transport. As a result of this investigation, the special investigator identified four (4) violation(s) of the Motor Carrier Safety Regulations.

Violation One (1 of 4)

On February 19, 2022, JMR Transport required or permitted its driver, Jose Miguel T. Ruiz, to operate a CDL-required commercial motor vehicle, a 2010 Freightliner, VIN ending in 3716, GVWR 52,000 lbs., pulling a 2009 Timpco semi-trailer, VIN ending in 19888, GVWR 65,000 lbs., in intrastate commerce in from Lydia, Kansas to Garden City, Kansas. This trip is evidenced by a Driver/Vehicle Examination Report, Report Number: KSHP02700184, dated

February 19, 2022. At the time of this transportation, JMR Transport permitted or required its driver to operate a commercial motor vehicle that was not periodically inspected. The Special Investigators found two (2) violations of this type. The Carrier permitting its drivers to operate a commercial motor vehicle that had not been periodically (annually) inspected during the preceding 12-month period is a violation of 49 C.F.R. 396.17(a), adopted by K.A.R. 82-4-3j, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$750.

Violation Two (2 of 4)

During the transportation described in Violation One, above, JMR Transport operated a commercial motor vehicle for-hire prior to obtaining KCC operating authority. The carrier's commercial operations of commercial motor vehicles prior to obtaining and maintaining proper Commission authority is a violation of K.S.A. 66-1,111 and 49 C.F.R. 392.2, adopted by K.A.R. 82-4-3h, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$500.

Violation Three (3 of 4)

On May 7, 2022, JMR Transport required or permitted its driver, Jose Miguel T. Ruiz, to operate a CDL-required commercial motor vehicle, a 2010 Freightliner, VIN ending in 3716, GVWR 52,000 lbs., pulling a 2017 Timppte semi-trailer, VIN ending in 19888, GVWR 65,000 lbs., in intrastate commerce in from Marienthal, Kansas to Garden City, Kansas. This trip is evidenced by a Driver's Daily Log, dated May 7, 2022. At the time of this transportation, JMR Transport failed to retain inbound and outbound supporting documents for three of the four loads of grain hauled. The Special Investigators found sixty-one (61) violations of this type. The Carrier's failure to retain supporting documents for their transportations is a violation of K.A.R. 82-4-35a and 49 C.F.R. 392.2, adopted by K.A.R. 82-4-3h, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$1,000.

Violation Four (4 of 4)

During the transportation described in Violation Three, above, JMR Transport hauled a loads weighing 87,940 lbs., 90,340 lbs., 88,320 lbs. and 88,720 lbs., all of which were over the allowed gross weight of 85,500 lbs. The special investigators discovered twenty-three (23) violations of this type. The Carrier's failure to stay within the legal gross weight limit is a violation of K.S.A. 8-1901 and 49 C.F.R. 392.2, adopted by K.A.R. 82-4-3h, as authorized by K.S.A. 66-1,129. Staff recommends a fine of \$3,000.

RECOMMENDATION:

Transportation Staff recommends the Commission find JMR Transport committed four (4) 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.

Additionally, Staff recommends a civil penalty of \$5,250 for four (4) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations, in accordance with the recommended penalties listed in the applicable Uniform Penalty Assessment Matrix.

Staff further recommends JMR Transport submit a written, comprehensive Corrective Action Plan (CAP) to Transportation Staff within thirty (30) days of the date of this order, documenting the violation(s) described in the 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.

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

CERTIFICATE OF SERVICE

23-TRAM-248-PEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of
first class mail and electronic service on 08/25/2022.

AHSAN LATIF, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
a.latif@kcc.ks.gov

JOSE MIGUEL T. RUIZ, OWNER
JOSE MIGUEL T. RUIZ
D/B/A JMR TRANSPORT
510 BURNSIDE DR LOT 27
GARDEN CITY, KS 67846-6741

/S/ KCC Docket Room
KCC Docket Room