

STATE OF KANSAS



CORPORATION COMMISSION  
1500 SW ARROWHEAD ROAD  
TOPEKA, KS 66604-4027

PHONE: 785-271-3100  
FAX: 785-271-3354  
<http://kcc.ks.gov/>

GOVERNOR JEFF COLYER, M.D.

SHARI FEIST ALBRECHT, CHAIR | JAY SCOTT EMLER, COMMISSIONER | DWIGHT D. KEEN, COMMISSIONER

**NOTICE OF PENALTY ASSESSMENT**

18-TRAM-419-PEN

April 10, 2018

Jorge Ortiz-Leyva, Owner  
d/b/a J D Express  
106 N 9th St  
Garden City, Kansas 67846

This is a notice of a penalty assessment against Jorge Ortiz-Leyva, d/b/a J D Express (J D Express) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on February 21, 2018, by Kansas Corporation Commission Special Investigator Penny Fryback. Penalty amounts are assessed in accordance with the FY 2018 Uniform Penalty Assessment Matrix, approved by the Commission on June 27, 2017. For a full description of the penalty and terms and obligations, please refer to the Penalty Order attached to this notice.

**IF YOU ACCEPT THE PENALTY:**

J D Express has been assessed a \$1,000 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 \$1,000 through your personal account with the Kansas Corporation Commission's KTRAN system located at <https://puc.kcc.ks.gov/ktran/>. If you have not received a letter from the Transportation Division assigning you a PIN, please contact that Division at 785-271-3145. You must have an account through KTRAN to pay the penalty owed.

**J D EXPRESS IS A NEW ENTRANT MOTOR CARRIER AND MAY BE 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 assessed motor carriers. You have to agree to meet the terms and obligations set out in the attached Reduced Penalty Agreement to be eligible for the reduction. A fifty-percent (50%) reduction in the penalty assessed may be available if:

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

(2) within thirty (30) days from the date of this Penalty Order, the carrier submits to Transportation Staff a 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;

(3) within thirty (30) days from the date of this 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; and

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

If a carrier is approved for a fifty-percent (50%) reduced penalty, an Order Amending Penalty Assessment assessing the reduced penalty and setting out the terms and conditions stated above may be issued by the Commission. Payment of the reduced penalty of \$500 would be due within 30 days from the date of service of the Order Amending Penalty Assessment.

**IF YOU CONTEST THE PENALTY ORDER:**

**You have the right to request a hearing if you contest the terms of the Penalty Order.** A request for hearing must be made in writing, setting forth the specific grounds upon which relief is sought. Jorge Ortiz-Leyva, d/b/a J D Express must file within fifteen (15) days from the date of service of this Order, the request for hearing with the Commission's electronic filing system found at <https://puc.kcc.ks.gov/e-filing/e-express/>, and mail a copy of the request for hearing to Litigation Counsel at the above address. If you do not have access to the internet, you can mail an original and seven (7) copies of the request to the Secretary to the Commission at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy of the request to Litigation Counsel. K.A.R. 82-1-215; K.S.A. 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 \$1,000 within thirty (30) days from the date of service of the Penalty Order, or in the alternative, provide a written request for a hearing within 15 days from the date of service of the Penalty Order, will result in the Order becoming final and the terms and conditions set out therein will be enforced. If J D Express submits the attached Reduced Penalty Agreement as explained above, an Order Amending Penalty Assessment may be issued assessing the reduced penalty of \$500 and that payment would become due within thirty (30) days from the date of service of the Order Amending Penalty Assessment.

Respectfully,

/s/

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

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## **REDUCED PENALTY AGREEMENT**

### **18-TRAM-419-PEN**

Jorge Ortiz-Leyva, d/b/a J D Express (J D Express) hereby submits this Reduced Penalty Agreement for approval of a fifty percent (50%) reduction in the penalty assessed in the Penalty Order dated April 10, 2018. J D Express has agreed to comply with the following terms and obligations:

1. J D Express has submitted, within fifteen (15) days from the date of the Penalty Order this signed and dated Reduced Penalty Agreement to Litigation Counsel.
2. J D Express will, within thirty (30) days from the date of the Penalty Order, submit to Transportation Staff a Corrective Action Plan (CAP) documenting the violation(s) and describing specific and detailed information explaining its efforts and concrete steps taken to ensure the violation(s) do not occur in the future. I understand the CAP must be approved by Transportation Staff to become eligible for the 50% reduced penalty.
3. J D Express will, within thirty (30) days from the date of the Penalty Order, send an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance will be submitted to the Litigation Counsel.
4. J D Express 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.

Jorge Ortiz-Leyva, d/b/a J D Express understands that if approved, an Order Amending Penalty Assessment will be issued by the Commission assessing a reduced penalty of \$500, and will set out the terms and conditions stated above. Once the Order Amending Penalty Assessment is issued by the Commission, J D Express will have thirty (30) days from the date of service of that Order to pay the reduced penalty assessed.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2018.

Jorge Ortiz-Leyva, d/b/a J D Express

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Jorge Ortiz-Leyva  
Owner

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

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

Before Commissioners:      Shari Feist Albrecht, Chair  
   Jay Scott Emler  
   Dwight D. Keen

In the Matter of the Investigation of **Jorge Ortiz- )  
Leyva, d/b/a J D Express, of Garden City, )  
Kansas**, Regarding the Violation of the Motor )  
Carrier Safety Statutes, Rules and Regulations ) Docket No. 18-TRAM-419-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. 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. Jorge Ortiz-Leyva, d/b/a J D Express (J D Express) has common operating authority with the Commission and further operates under USDOT number 2902478.

5. Jorge Ortiz-Leyva attended a Commission-sponsored Motor Carrier Education and Safety Instructional Meeting on July 5, 2016, on behalf of J D Express.

6. J D Express is a common motor carrier which primarily hauls general freight, grain, feed, hay, commodities dry bulk, rock, sand and gravel.

7. J D Express is a New Entrant motor carrier and may be eligible for a fifty-percent (50%) reduction of the penalty(s) assessed below.

## **III. STATEMENT OF FACTS**

8. Pursuant to the jurisdiction and authority cited above, on February 21, 2018, Commission Staff (Staff) Special Investigator Penny Fryback conducted a compliance review of the operations of J D Express. A copy of the safety compliance review is attached hereto as Attachment "A" and is hereby incorporated by reference. As a result of this investigation, the special investigator identified one (1) violation(s) of the Motor Carrier Safety Regulations.

- a. On February 9, 2018, J D Express required or permitted its driver, Jorge Ortiz-Leyva, to operate a CDL-required commercial motor vehicle, a 2006 Kenworth, VIN ending in 140502, GVWR 55,000 lbs., pulling a 2015 Timpfe trailer, VIN ending in 149539, GVWR 0,000 lbs., in intrastate commerce from Iola, Kansas to Colby, Kansas. This trip is evidenced by

the driver's Trip Sheet, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. Driver Jorge Ortiz-Leyva's had a false record of duty status, which showed he loaded on February 9, 2018, in Catoosa, Oklahoma and delivered in Colby, Kansas on February 12, 2018. *See*, Driver's Daily Logs, dated February 9, 2018, and February 12, 2018, copies of which are attached hereto as Attachment "C" and are hereby incorporated by reference. The driver's Trip Sheet shows that on February 9, 2018, he loaded in Iola, Kansas and delivered in Colby, Kansas. J D Express' falsifying records of duty status is a violation of 49 C.F.R. 395.8(e)(1), adopted by K.A.R. 82-4-3a, and authorized by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$1,000.

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

9. Based upon the available facts, Staff recommends the Commission find J D Express committed one (1) 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 \$1,000 for one (1) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

11. Staff provides notice to the Commission that Jorge Ortiz-Leyva, d/b/a J D Express is a New Entrant motor carrier and may be eligible for a fifty-percent (50%) reduced civil penalty. The carrier must submit to Litigation Counsel within fifteen (15) days of the date of this Penalty

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

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

13. Staff further recommends that a representative from J D Express 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 J D Express 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 J D Express because it is a motor carrier as defined in K.S.A. 2016 Supp. 66-1,108.

16. The Commission finds a penalty of \$1,000 should be assessed to J D Express for committing one (1) 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 J D Express is a New Entrant motor carrier and may be eligible for a fifty-percent (50%) reduction in the penalty(s) assessed herein.

**THE COMMISSION THEREFORE ORDERS THAT:**

A. Jorge Ortiz-Leyva, d/b/a J D Express, of Garden City, Kansas is hereby assessed a penalty of \$1,000 for one (1) 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 \$1,000 must be made through your personal account with the Kansas Corporation Commission's KTRAN system located at <https://puc.kcc.ks.gov/ktran/>. You must have an account through KTRAN to pay the penalty owed.

B. A representative from J D Express 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 safety seminars 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. J D Express must submit a Corrective Action Plan (CAP) within thirty (30) days of the date of this Penalty Order, to Transportation Staff, documenting the violation(s) described above, including specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.

D. J D Express 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 J D Express does not submit the Reduced Penalty Agreement and fails to pay the penalty of \$1,000 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 J D Express'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. On April 10, 2018, this Order was mailed via Certified Mail, Return Receipt Requested, Receipt Number 70161970000105743816. Service of this Order is deemed complete upon the date delivered shown on the Domestic Return Receipt.

G. **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. If you do not have access to the internet, you can mail an original and seven copies of the request to the Secretary to the Commission, at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy to Litigation Counsel. A hearing will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of J D Express's right to a hearing.

H. If a request for hearing is filed, attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. For civil penalties exceeding \$500, a corporation shall appear before the Commission by its attorney, unless waived by the Commission for good cause shown and a determination that such waiver is in the public interest. K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2); K.A.R. 82-1-202(a). For civil penalties less

than \$500, a corporation may appear by a duly authorized representative of the corporation. K.S.A. 2016 Supp. 66-1,142b(e) and amendments thereto.

I. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further orders, as necessary.

**BY THE COMMISSION IT IS SO ORDERED.**

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 04/10/2018



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Lynn M. Retz  
Secretary to the Commission

AAL

**ATTACHMENT "A"**



US DOT #  
2902478

Legal: JORGE ORTIZ LEYVA  
Operating (DBA): J D EXPRESS

MC/MX #: 976622 State #: [REDACTED] Federal Tax ID: [REDACTED] (EIN)

Review Type: Compliance Review (CR)

Scope: Principal Office Location of Review/Audit: Other Territory:

Operation Types Interstate Intrastate

Carrier: Non-HM	Non-HM	Business: Individual
Shipper: N/A	N/A	Gross Revenue: [REDACTED] for year ending: 12/31/2017
Cargo Tank: N/A		

Company Physical Address:

[REDACTED]

Contact Name: Ana Buruca  
Phone numbers: (1) [REDACTED] Fax  
E-Mail Address: [REDACTED]

Company Mailing Address:

106 N 9TH ST  
GARDEN CITY, KS 67846-5350

Carrier Classification

Authorized for Hire | Exempt for Hire

Cargo Classification

General Freight Grain, Feed, Hay Commodities Dry Bulk  
Other: rock, sand, gravel

Equipment

	Owned	Term Leased	Trip Leased		Owned	Term Leased	Trip Leased
Truck Tractor	1	0	0	: Trailer	1	0	0

Power units used in the U.S.: 1

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

Does carrier transport placardable quantities of HM? No  
Is an HM Permit required? N/A

Driver Information

	Inter	Intra	Average trip leased drivers/month: 0
< 100 Miles:			Total Drivers: 1
>= 100 Miles:	1		CDL Drivers: 1





**J D EXPRESS (JORGE ORTIZ LEYVA dba)**  
U.S. DOT #: 2902478

State #: [REDACTED]

Review Date:  
03/21/2018

**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 Road  
Topeka, Ks 66604 Phone : 785-271-3145

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

**Person(s) Interviewed**

**Name:** Ana Buruca

**Title:** Agent

**Name:**

**Title:**





**J D EXPRESS (JORGE ORTIZ LEYVA dba)**  
 U.S. DOT #: 2902478

State #: [REDACTED]

Review Date:  
 03/21/2018

**Part B Violations**

1 FEDERAL	Primary: 395.8(a)(1)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
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**Description**

Every motor carrier operating commercial motor vehicles must install and require each of its drivers to use an ELD to record the driver's duty status in accordance with subpart B of this part no later than December 18, 2017.

**Example**

Driver Jorge Ortiz-Leyva  
 Trip Date: 2/23/2018

On February 23, 2018 Driver Jorge Ortiz-Leyva hauled potash from Carlsbad, New Mexico to Aurora, Nebraska. The majority of J D Express loads fall under the agricultural exemption but are transported outside of a 150 air mile radius from the source of the commodity.

2 FEDERAL	Primary: 395.8(e)	Discovered 1	Checked 30	Drivers/Vehicles In Violation 1	Checked 1
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**Description**

False reports of records of duty status.

**Example**

Driver Jorge Ortiz-Leyva  
 Trip Date: 2/9/2018

Drivers trip sheet shows that Driver Jorge Ortiz-Leyva loaded fertilizer in Inola, Kansas going to Colby, Kansas. Driver Jorge Ortiz-Leyva record of duty status never shows him going to Inola, Kansas on February 9, 2018 but his record of duty status shows that the load of fertilizer was delivered in Colby, Kansas on February 12, 2018 at 07:00 a.m.

3 FEDERAL	Primary: 395.11	Discovered 22	Checked 39	Drivers/Vehicles In Violation 1	Checked 1
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**Description**

Failure to retain supporting documents with the required information

**Example**

Driver Jorge Ortiz-Leyva  
 Trip Date: 2/9/2018

Driver Jorge Ortiz-Leyva failed to retain the bills of lading for each load hauled. The only document provided was the drivers trip envelope with the date, commodity, origin and destination. Driver Jorge Ortiz-Leyva also provided the fuel receipts that had no time stamp. The date on the trip envelope did not always match the record of duty status.

**Safety Fitness Rating Information:**

**Total Miles Operated** 161,395  
**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





J D EXPRESS (JORGE ORTIZ LEYVA dba)  
 U.S. DOT #: 2902478

State #: [REDACTED]

Review Date:  
 03/21/2018

**Part B Violations**

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.





J D EXPRESS (JORGE ORTIZ LEYVA dba)  
U.S. DOT #: 2902478

State #: [REDACTED]

Review Date:  
03/21/2018

## Part B Requirements and/or Recommendations

### 1. For all Investigations:

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

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

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

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

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







**J D EXPRESS (JORGE ORTIZ LEYVA dba)**  
U.S. DOT #: 2902478

State #: [REDACTED]

Review Date:  
03/21/2018

### Part B Requirements and/or Recommendations

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.

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

2. Motor carriers subject to the requirements of Part 395 must require each driver used by the motor carrier to record the driver's duty status for each 24-hour period using the method prescribed. Motor carriers operating commercial motor vehicles must install and require each of its drivers to use an ELD to record the driver's duty status in accordance with subpart B of this part no later than December 18, 2017.
3. Ensure that all drivers' records of duty status (logs) are accurate. Check them against "supporting documents" to verify accuracy. Prohibit falsification of logs by any driver. Review the rules on supporting documents. Take appropriate action against drivers who falsify logs.
4. Motor carriers must retain each supporting document generated or received in the normal course of business in the following categories for each of its drivers for every 24-hour period to verify on-duty not driving time in accordance with § 395.8(k):
  - (i) Each bill of lading, itinerary, schedule, or equivalent document that indicates the origin and destination of each trip;
  - (ii) Each dispatch record, trip record, or equivalent document;
  - (iii) Each expense receipt related to any on-duty not driving time;
  - (iv) Each electronic mobile communication record, reflecting communications transmitted through a fleet management system; and
  - (v) Each payroll record, settlement sheet, or equivalent document that indicates payment to a driver.A supporting document must include each of the following data elements:  
On the document or on another document that enables the carrier to link the document to the driver, the driver's name or personal identification number (PIN) or a unit (vehicle) number if the unit number can be associated with the driver operating the unit and the date, which must be the date at the location where the date is recorded. The location, which must include the name of the nearest city, town, or village to enable Federal, State, or local enforcement personnel to quickly determine a vehicle's location on a standard map or road atlas; and the time, which must be convertible to the local time at the location where it is recorded.  
If a driver has fewer than eight supporting documents containing the four data elements a document containing the data elements is considered a supporting document.
5. This review will result in a Safety Rating.
6. This report contains citations of regulations that are deemed serious in nature and could result in penalties against your company and/or your drivers.





J D EXPRESS (JORGE ORTIZ LEYVA dba)  
U.S. DOT #: 2902478

State #: [REDACTED]

Review Date:  
03/21/2018

**Part B Requirements and/or Recommendations**

7. I, Ana Buruca 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 Jorge Ortiz-Leyva d/b/a J D Express operating authority and/or the impoundment of Jorge Ortiz-Leyva d/b/a J D Express vehicles.



**ATTACHMENT "B"**



Company: J D Express  
 Contact: Jorge Ortiz  
 Address: 2812 N Belmont Pl Garden City KS

Phone: 620-640-43-76  
 Alt. Ph. \_\_\_\_\_

INVOICE:  
 DATE: 2-9-18 - 2-16-18

Date:	Commodity/ Carga	Driver	Original Location/City	Origin Ticket	Loading Weight	Destination Location/City	Destination Ticket	Unload Weight	Freight Rate	Amount
1 2-9-18	Fertilizer	Jorge	Inola. KS	1332967	54.160	Colby. KS	15122	54.240	32.7	866.56
2 2-13-18	SunFl Meal	-	Goodland. KS	860944	51.860	Marlow. OK	40892	51.940	42.7	1,089.06
3 2-14-18	DDG	-	Columbus. Ne	869091	52.360	Cimarron. KS	54.320	54.320	38.7	994.84
4 2-15-18	Fertilizer	-	Goodland. KS	922811	50.360	Enid. OK	20283	50.180	35.7	881.30
5 2-13-18	Sand	-	mill creek OK	0843707	50.787	Enid OK	0843707	52.210	23.7	584.05
6 2-14-18	Gypsum	"	wayno ka ok	022349	50.300	waffena ka	022349	50.300	30.7	754.50
7 2-16-18	Gypsum	"	wayno ka ok	0223611	52.180	Garden City KS	0223611	52.180	23.7	600.07
8										
9										
10										
11										
12										
13										
14										
15										
16										
17										
18										
19										
20										

Total: 5770.38

**ATTACHMENT "C"**





# DRIVER'S DAILY LOG

(24 HOURS)

2 19 18  
(Month) (Day) (Year)

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

RECAP  
Complete at  
end of workday.

531 318371  
Total Miles Driving Today Total Mileage Today

SD EXPRESS  
Name of Carrier or Carriers  
Main Office Address  
Garden City, KS 67846  
Home Terminal Address

70 57  
Truck/Tractor and Trailer Numbers or License Plate(s) / State (show each unit)

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

70 Hour / 8 Day Drivers

	A.M.											P.M.											TOTAL HOURS	
	1	2	3	4	5	6	7	8	9	10	11	NOON	1	2	3	4	5	6	7	8	9	10		11
1. OFF DUTY																								9.25
2. SLEEPER BERTH																								5.00
3. DRIVING																								8.75
4. ON DUTY (NOT DRIVING)																								1.00
REMARKS																								24.00

925 OK  
106 KS  
PT 17047  
Oklahoma City OK  
Fuel  
Wagon OK  
Wheat load  
Fertilizer  
Woodward OK  
OFF DUTY  
Garden City KS  
PT 17047

SHIPPING DOCUMENTS  
Facilities  
B/L or Manifest No.  
or  
Wheat/Fertilizer  
Shipper & Commodity

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

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

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

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

60 Hour / 7 Day Drivers

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

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

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

\*If you meet the 34-hour restart requirements in 49CFR 392.403, you have 6070 hours available again.

From: Oklahoma City OK To: Garden City KS

USE TIME STANDARD AT HOME TERMINAL

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8527





# DRIVER'S DAILY LOG

(24 HOURS)

2 11 18  
[Month] [Day] [Year]

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

610 Total Miles Driving Today  
318981 Total Mileage Today

JTD Express

Name of Carrier or Carriers

██████████ - 113 Belmont Garden City, KS

Main Office Address

Garden City, KS 67846

Home Terminal Address

Truck/Tractor and Trailer Numbers or License Plate(s) / State (show each unit)  
70 97

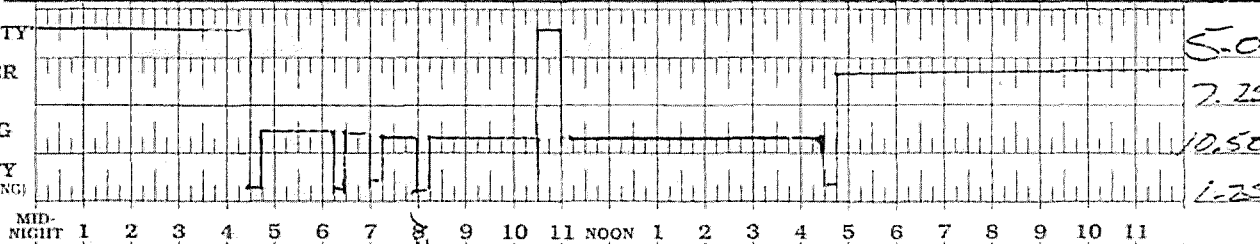
I certify these entries are true and correct.

Josee Clark  
Driver's Full Signature

Co-Driver's Name

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

- 1. OFF DUTY
- 2. SLEEPER BERTH
- 3. DRIVING
- 4. ON DUTY (NOT DRIVING)



5.00  
7.25  
10.50  
1.25

## REMARKS

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

399 KS  
211 OK

~~Garden City KS 7170 47~~  
~~Oakley KS Fuel~~  
~~Colby KS un load Festival~~  
~~Good sun fl meal~~  
~~Good sun fl~~  
~~Good City~~  
~~Good Duty~~  
~~6~~

Chickasha OK 70917

8527

Shipping Documents: ADM  
B/L or Manifest No. or  
Shipper & Commodity: Sunfl meal  
From: Garden City KS To: Chickasha OK

24.00

8527

### RECAP

Complete at end of workday.

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

70 Hour / 8 Day Drivers

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

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

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

60 Hour / 7 Day Drivers

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

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

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

\*If you meet the 34-hour restart requirements in 49 CFR, you have 68.75 hours available again.

USE TIME STANDARD AT HOME TERMINAL.

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**CERTIFICATE OF SERVICE**

18-TRAM-419-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 04/11/2018.

JORGE ORTIZ-LEYVA, OWNER  
JORGE ORTIZ-LEYVA  
D/B/A J D EXPRESS  
106 N 9TH ST  
GARDEN CITY, KS 67846-5350  
buruca@sbcglobal.net

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