

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**  
19-TRAM-104-PEN

September 25, 2018

Douglas D. Strong, Member  
Strong Masonry Constructors, LLC  
301 Caroline Drive  
Frontenac, KS 66763

This is a notice of a penalty assessment against Strong Masonry Constructors, LLC (Strong Masonry Constructors) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on July 11, 2018, by Kansas Corporation Commission Special Investigator Michael Heenan. Penalty amounts are assessed in accordance with the FY 2019 Uniform Penalty Assessment Matrix, approved by the Commission on August 7, 2018. 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:**

Strong Masonry Constructors 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.

**STRONG MASONRY CONSTRUCTORS 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. Strong Masonry Constructors, 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 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. 2017 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 Strong Masonry Constructors 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,



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

# STATE OF KANSAS



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## **REDUCED PENALTY AGREEMENT**

### **19-TRAM-104-PEN**

Strong Masonry Constructors, LLC (Strong Masonry Constructors) hereby submits this Reduced Penalty Agreement for approval of a fifty percent (50%) reduction in the penalty assessed in the Penalty Order dated September 25, 2018. Strong Masonry Constructors has agreed to comply with the following terms and obligations:

1. Strong Masonry Constructors has submitted, within fifteen (15) days from the date of the Penalty Order this signed and dated Reduced Penalty Agreement to Litigation Counsel.
2. Strong Masonry Constructors 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. Strong Masonry Constructors 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. Strong Masonry Constructors 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.

Strong Masonry Constructors, LLC 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, Strong Masonry Constructors will have thirty (30) days from the date of service of that Order to pay the reduced penalty assessed.

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

Strong Masonry Constructors, LLC

\_\_\_\_\_  
Douglas D. Strong  
Member

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

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

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

In the Matter of the Investigation of **Strong** )  
**Masonry Constructors, LLC, of Frontenac,** )  
**KS,** Regarding the Violation of the Motor )  
Carrier Safety Statutes, Rules and Regulations ) Docket No. 19-TRAM-104-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. 2017 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. 2017 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. 2017 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. Strong Masonry Constructors, LLC (Strong Masonry Constructors) has private and common operating authority with the Commission and further operates under USDOT number 2489301.

5. Daryl Strong attended a Commission-sponsored Motor Carrier Education and Safety Instructional Meeting on September 7, 2016, on behalf of Strong Masonry Constructors.

6. Strong Masonry Constructors is a private and common motor carrier which primarily hauls motor vehicles, logs, poles, beams, lumber, mason, and concrete tools.

7. Strong Masonry Constructors 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 July 11, 2018, Commission Staff (Staff) Special Investigator Michael Heenan conducted a compliance review of the operations of Strong Masonry Constructors. 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 27, 2018, Strong Masonry Constructors required or permitted its driver, Daryl Z. Strong, to operate a CDL-required commercial motor

vehicle, a 2005 Kenworth truck tractor, VIN ending in 092213, GVWR 46,000 lbs., pulling a 1991 Reitnauer trailer, VIN ending in 000634, GVWR 80,000 lbs., in interstate commerce from Kansas City, Missouri to Dewey, Oklahoma. This trip is evidenced by Driver/Vehicle Examination Report Number KSHP03530397, dated February 27, 2018, a copy of which is attached hereto as Attachment “B” and is hereby incorporated by reference. At the time of this transportation, driver Daryl Z. Strong recorded he was in Neosha, Missouri at the time of the KHP inspection, thereby making a false record of duty status. *See*, Driver’s Daily Log, dated February 27, 2018, a copy of which is attached hereto as Attachment “C” and is hereby incorporated by reference. Strong Masonry Constructors’ 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. 2017 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 Strong Masonry Constructors 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 Strong Masonry Constructors, LLC 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 Strong Masonry Constructors, LLC 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 Strong Masonry Constructors 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 Strong Masonry Constructors 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 Strong Masonry Constructors because it is a motor carrier as defined in K.S.A. 2017 Supp. 66-1,108.

16. The Commission finds a penalty of \$1,000 should be assessed to Strong Masonry Constructors 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 Strong Masonry Constructors 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. Strong Masonry Constructors, LLC, of Frontenac, KS 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 Strong Masonry Constructors 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. Strong Masonry Constructors 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. Strong Masonry Constructors 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 Strong Masonry Constructors 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 Strong Masonry Constructors'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. 2017 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 Strong Masonry Constructors's right to a hearing.

G. 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. 2017 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.**

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 09/25/2018



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

AAL

**ATTACHMENT "A"**



US DOT #  
2489301

Legal: STRONG MASONRY CONSTRUCTORS LLC  
Operating (DBA):

MC/MX #: 899221 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  
Shipper: N/A N/A  
Cargo Tank: N/A

Business: Corporation  
Gross Revenue: [REDACTED] for year ending: 12/20/2017

Company Physical Address:

[REDACTED]  
FRONTENAC, KS 66763-2256

Contact Name: Douglas D Strong

Phone numbers: (1) [REDACTED] Fax

E-Mail Address: [REDACTED]

Company Mailing Address:

[REDACTED]  
FRONTENAC, KS 66763-2256

Carrier Classification

Authorized for Hire Private Property

Cargo Classification

Motor Vehicles Logs, Poles, Beams, Lumber Other: mason, concrete tools

Hazardous Materials

3 Combustible liquid Carried Non-Bulk 9 Miscellaneous HM Carried Non-Bulk

Equipment

	Owned	Term Leased	Trip Leased		Owned	Term Leased	Trip Leased
Truck	1	0	0	Truck Tractor	0	1	0
Trailer	6	1	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? No

Is an HM Permit required? N/A

Driver Information

	Inter	Intra	Average trip leased drivers/month:
< 100 Miles:	1		Total Drivers: 2
>= 100 Miles:	1		CDL Drivers: 2





**STRONG MASONRY CONSTRUCTORS LLC**  
U.S. DOT #: 2489301

State #: [REDACTED]

Review Date:  
07/11/2018

**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 66604-4027 785-271-3145

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

**Person(s) Interviewed**

Name: Douglas D Strong

Title: CEO

Name: [REDACTED]

Title: Vice President





**STRONG MASONRY CONSTRUCTORS LLC**  
U.S. DOT #: 2489301

State #: [REDACTED]

Review Date:  
07/11/2018

**Part B Violations**

1 FEDERAL	Primary: 395.8(e)	Discovered 1	Checked 28	Drivers/Vehicles In Violation	Checked 2
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**Description**

False reports of records of duty status.

**Example**

Driver name: Daryl Z Strong

Trip date 2-27-18

The above driver was stopped on 169 Hiway near milepost 23 in SE Kansas at 2 pm until 2:30pm. The inspector D Littlepage works in the SE Kansas area. The inspection showed he was loaded with steel with invoice 5036. The driver log shows he is loading in Neosho Mo at the time of this RSI. The log sheet showed he went from Frontenac Ks to KC Missouri to pick up the steel to be delivered in Dewey Ok. The scale ticket in Dewey showed 2/27/18 from 3:08 pm to 3:34 pm as the steel being signed and delivered. The driver log showed it was being delivered at 11:30 am to 12:00 pm. Dewey is reasonably short distance from SE Kansas. The driver failed to show the inspection in Kansas and during the time showed he was loading in Neosho Mo.

**Safety Fitness Rating Information:**

**Total Miles Operated** 55,000  
**Recordable Accidents** 0  
**Recordable Accidents/Million Miles** 0.00

**OOS Vehicle (CR):** 0  
**Number of Vehicle Inspected (CR):** 0  
**OOS Vehicle (MCMIS):** 0  
**Number of Vehicles Inspected (MCMIS):** 0

Your proposed safety rating is :

**SATISFACTORY**

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

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





**STRONG MASONRY CONSTRUCTORS LLC**  
U.S. DOT #: 2489301

State #: XXXXXXXXXX

Review Date:  
07/11/2018

### Part B Requirements and/or Recommendations

1. 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.
  
2. 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 Notice of Claim:
    - **PLEASE NOTE:** The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Notice of Claim. In addition, your history of prior violations of the Federal Motor Carrier Safety Regulations, Federal Hazardous Material Regulations or the Federal Motor Carrier Commercial Regulations may also affect the civil penalty proposed in any subsequent Notice of Claim. Your signature for receipt of this report acknowledges your understanding that the violations discovered by the FMCSA during this review may be used to calculate any civil penalty proposed as a result of this review.





**STRONG MASONRY CONSTRUCTORS LLC**  
U.S. DOT #: 2489301

State #: [REDACTED]

Review Date:  
07/11/2018

### Part B Requirements and/or Recommendations

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

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:







**STRONG MASONRY CONSTRUCTORS LLC**  
U.S. DOT #: 2489301

State #: XXXXXXXXXX

Review Date:  
07/11/2018

### Part B Requirements and/or Recommendations

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. 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

3. " 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](http://kcc.ks.gov/trans/penalty_assessment_table.htm)"

Carrier Signature \_\_\_\_\_

Investigator Signature \_\_\_\_\_

4. 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





**STRONG MASONRY CONSTRUCTORS LLC**  
U.S. DOT #: 2489301

State #: XXXXXXXXXX

Review Date:  
07/11/2018

### Part B Requirements and/or Recommendations

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://al.fmcsa.dot.gov/sms/Data/carrier\\_sir.aspx](http://al.fmcsa.dot.gov/sms/Data/carrier_sir.aspx)

5. 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.
6. 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 (Strong Masonry Constructors LLC) operating authority and/or the impoundment of (Strong Masonry Constructors LLC) vehicles.

Carrier Signature \_\_\_\_\_

Investigator Signature \_\_\_\_\_

M.W. Keenan 8217



**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: KSHP03530397
Inspection Date: 02/27/2018
Start: 2:00 PM CT End:02:30 PM CT
Inspection Level: III - DriverOnly
HM Inspection Type: None

STRONG MASONRY CONSTRUCTORS LLC
FRONTENAC, KS 66763-2256
USDOT#: 02489301 Phone#:
MC/MX#: 889221 Fax#:
State#:

Driver: STRONG, DARYL Z
License#:
Date of Birth:
CoDriver:
License#:
Date of Birth:
State: KS
State:

Location: HWY
Highway: U-169
County:

MilePost: 23
Origin: KANSAS CITY,MO
Destination: DEWEY,OK

Shipper: EXLTUBE
Bill of Lading: 5036
Cargo: STEEL

VEHICLE IDENTIFICATION

Table with columns: Unit, Type, Make, Year, State, Plate #, Equipment ID, VIN, GVWR, CVSA #, New CVSA #, OOS#. Contains two rows of vehicle data.

BRAKE ADJUSTMENTS: No Brake Measurements Required For Level 3

VIOLATIONS

Table with columns: Vio Code, Section, Unit, OOS, Citation #, Verify, Crash, Violations Discovered. Lists three violations with descriptions.

HazMat: No HM Transported.

Placard: No Cargo Tank:

Special Checks: Traffic Enforcement;

\* 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:
D. Littlepage

Badge #:
0353

Copy Received By:
DARYL STRONG

Page 1 of 2



02489301 KS KSHP03530397

X

X

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: KSHP03530397  
Inspection Date: 02/27/2018  
Start: 2:00 PM CT End: 02:30 PM CT  
Inspection Level: III - DriverOnly  
HM Inspection Type: None

STRONG MASONRY CONSTRUCTORS LLC  
FRONTENAC, KS 66783-2256  
USDOT#: 02489301 Phone#:  
MC/MX#: 899221 Fax#:  
State#:

Driver: STRONG, DARYL Z  
License# State: KS  
Date of B  
CoDriver:  
License# State:  
Date of Birth:

Inspection Notes

Record of Duty Status, Form and Manner Violations on 2/27/2018 395.8(f)(7) - Driver failed to record driver signature/certification for each 24 hour period.

Special Studies No Special Study Data Recorded

Report Prepared By:  
D. Littlepage

Badge #:  
0353

Copy Received By:  
DARYL STRONG

Page 2 of 2



02489301 KS KSHP03530397

X \_\_\_\_\_

X \_\_\_\_\_

**ATTACHMENT "C"**



2, 27, 18  
(Month) (Day) (Year)

# DRIVER'S DAILY LOG

(24 HOURS)

Duplicate - Driver retains in his/her possession for eight days

Complete at end of workday.

620 620  
Total Miles Driving Today Total Mileage Today

S.M.C.  
Name of Carrier or Carriers  
Frontenac R's 66763  
Main Office Address

On-duty hours today (Total lines 3 & 4)  
70 Hr./8 Day Drivers

340-42  
Truck/Tractor and Trailer Numbers or License Plate(s) / State (show each unit)

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

Total hours on duty last 7 days, including today.

	MID-NIGHT												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																								5 1/2
2. SLEEPER BERTH																								6
3. DRIVING																								9
4. ON DUTY (NOT DRIVING)																								3 1/2
REMARKS																								24

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

Total hours on duty last 6 days, including today.  
60 Hr./7 Day Drivers

Total hours on duty last 7 days, including today.

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

Total hours on duty last 7 days, including today.  
\*If you meet the 34-hour rest/limit requirements in 435.3, you have 60/70 hours available again.

### SHIPPING DOCUMENTS:

15946  
B/L or Manifest No.  
or Hardship  
Shipper & Commodity

Enter name of place you reported and where released from work and when and where each change of duty occurred.  
From: Frontenac R's To: Excelsior Springs MO  
Remarks: Frontenac R's Pretrip, Kansas City MO, Unload/Reload, Doves OK, Unload/Break, Meal/Load, Peculiar MO, Fuelled/Posttrip

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2, 28, 18  
(Month) (Day) (Year)

# DRIVER'S DAILY LOG

(24 HOURS)

Duplicate - Driver retains in his/her possession for eight days

Complete at end of workday.

510 510  
Total Miles Driving Today Total Mileage Today

S.M.C.  
Name of Carrier or Carriers  
Frontenac R's 66763  
Main Office Address

On-duty hours today (Total lines 3 & 4)  
70 Hr./8 Day Drivers

340/42  
Truck/Tractor and Trailer Numbers or License Plate(s) / State (show each unit)

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

Total hours on duty last 7 days, including today.

	MID-NIGHT												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																								4 1/2
2. SLEEPER BERTH																								9 1/4
3. DRIVING																								8
4. ON DUTY (NOT DRIVING)																								2 1/2
REMARKS																								24

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

Total hours on duty last 8 days, including today.  
60 Hr./7 Day Drivers

Total hours on duty last 7 days, including today.

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

Total hours on duty last 7 days, including today.  
\*If you meet the 34-hour rest/limit requirements in 435.3, you have 60/70 hours available again.

### SHIPPING DOCUMENTS:

557642  
B/L or Manifest No.  
or HJB  
Shipper & Commodity

Enter name of place you reported and where released from work and when and where each change of duty occurred.  
From: Peculiar MO To: Omaha NE  
Remarks: Peculiar MO, Fuelled/Posttrip, Omaha NE, Unload, Reuse NE, Load/Break, Belton MO, Posttrip

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**CERTIFICATE OF SERVICE**

19-TRAM-104-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 09/26/2018.

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

DOUGLAS D. STRONG, MEMBER  
STRONG MASONRY CONSTRUCTORS, LLC  
301 CAROLINE DRIVE  
FRONTENAC, KS 66763  
strongmasonry@outlook.com

/S/ DeeAnn Shupe  
DeeAnn Shupe