

1500 SW Arrowhead Road
Topeka, KS 66604-4027



20190514115909
Kansas Corporation Commission

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

Dwight D. Keen, Chair
Shari Feist Albrecht, Commissioner
Susan K. Duffy, Commissioner

Laura Kelly, Governor

NOTICE OF PENALTY ASSESSMENT

May 14, 2019

19-TRAM-456-PEN

Terry Sowers, President
Dependable Pallet Inc
1634 S Mead
Wichita, KS 67211

This is a notice of a penalty assessment against Dependable Pallet Inc (Dependable Pallet) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on April 26, 2019, by Kansas Corporation Commission Special Investigator Verna Jackson. Penalties 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(s) and terms and obligations please refer to the Order attached to this notice.

IF YOU ACCEPT THE PENALTY: Dependable Pallet has been assessed a \$200 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$200, 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.

The attached Order requires a representative of Dependable Pallet 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. The Order also requires your company to submit to one follow-up safety compliance review within 18 months from the date of the Order. Transportation Staff will contact your company at a later date to determine an appropriate time for this review.

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. Dependable Pallet 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 Secretary to the Commission at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy to the undersigned Litigation Counsel. K.A.R. 82-1-215; K.S.A. 2018 Supp. 77-542.

IF YOU FAIL TO ACT: Failure to pay the penalty of \$200 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,

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

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

Before Commissioners: Dwight D. Keen, Chair
 Shari Feist Albrecht
 Susan K. Duffy

In the Matter of the Investigation of **Dependable**)
Pallet Inc, of Wichita, KS, Regarding the)
Violation of the Motor Carrier Safety Statutes,)
Rules and Regulations and the Commission's) Docket No. 19-TRAM-456-PEN
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.A.R. 82-4-1b, 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.A.R. 82-4-1, 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. 2018 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 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. Dependable Pallet Inc (Dependable Pallet) has private operating authority with the Commission and further operates under USDOT number 1549823.

5. Terry Sowers attended a Commission-sponsored Motor Carrier Education and Safety Instructional Meeting on May 26, 2015, on behalf of Dependable Pallet.

6. Dependable Pallet is a private motor carrier which primarily hauls pallets.

III. STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, on April 26, 2019, Commission Staff (Staff) Special Investigator Verna Jackson conducted a safety compliance review of the operations of Dependable Pallet. 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 two (2) violation(s) of the Motor Carrier Safety Regulations.

- a. On April 12, 2019, Dependable Pallet required or permitted its driver, Charles Cattlett, to operate a CDL-required commercial motor vehicle, a 2012 Volvo, VIN ending in 549342, GVWR greater than 33,000 lbs., in intrastate commerce in and around the area of Wichita, Kansas. This trip

is evidenced by e-mail communication dated April 25, 2019, a copy of which is attached hereto as Attachment “B” and is hereby incorporated by reference. At the time of this transportation, Dependable Pallet had not provided its driver with a written policy on the misuse of alcohol and controlled substances. The carrier’s failure to provide alcohol and controlled substance use educational materials that complies with 49 C.F.R. 382.601(b) to its CDL driver subsequent to hiring or testing and having the driver sign an acknowledgement page to retain in the driver’s qualification file is a violation of 49 C.F.R. 382.601(a)(1), adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 2018 Supp. 66-1,129. Staff recommends a fine of \$100.

- b. During the transportation described in paragraph a, above, Dependable Pallet to first designate a person to supervise staff for the purposes of making reasonable suspicion determinations regarding alcohol and drug usage. This designated person must then undergo reasonable suspicion training to include 60 minutes of alcohol training and 60 minutes of controlled substance training. The carrier’s inability to produce documentation of this training and its failure to have a designated person to attend 60 minutes of training on alcohol misuse and an additional 60 minutes of training on controlled substances use is a violation of 49 C.F.R. 382.603, adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 2018 Supp. 66-1,129. Staff recommends a fine of \$100.

IV. STAFF’S RECOMMENDATIONS

8. Based upon the available facts, Staff recommends the Commission finds Dependable Pallet committed two (2) 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.

9. Additionally, Staff recommends a civil penalty of \$200 for two (2) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that a representative from Dependable Pallet be required to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and provide Litigation Counsel with written proof of attendance. A schedule of the dates and locations for safety seminars can be found on the Commission's website at http://kcc.ks.gov/trans/safety_meetings.htm.

11. Finally, Staff recommends that Dependable Pallet 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

12. The Commission finds it has jurisdiction over Dependable Pallet because it is a motor carrier as defined in K.A.R. 82-4-1.

13. The Commission finds Dependable Pallet committed two (2) 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. Dependable Pallet Inc, of Wichita, KS is hereby assessed a \$200 civil penalty for two (2) 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. Dependable Pallet is hereby ordered to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and is to provide Litigation Counsel with written proof of attendance.

C. Dependable Pallet 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. 2018 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. 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 Secretary to the Commission, 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 Dependable Pallet's right to a hearing, and this Penalty Order will become a Final Order assessing a \$200 civil penalty against Dependable Pallet, and ordering a representative from Dependable Pallet to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order and

provide Litigation Counsel with written proof of attendance, and to submit to a safety compliance review within 18 months from the date of this 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. 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. 2018 Supp. 66-1,142b(e) and amendments thereto.

F. If you do not request a hearing, the payment of the civil penalty of \$200 is due in thirty (30) days from the date of service of this Order. Payment of \$200 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.

G. Failure to pay the \$200 civil penalty within thirty (30) days from the date of service of this Penalty Order, *see* K.S.A. 66-1,105, and/or failure to comply with the provisions of this Order, may result in suspension of Dependable Pallet's motor carrier operating authority without further notice. 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.

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.

Keen, Chair; Albrecht, Commissioner; Duffy, Commissioner


Dated: 05/14/2019

A handwritten signature in cursive script, reading "Lynn M. Retz".

Lynn M. Retz
Secretary to the Commission

AAL

ATTACHMENT “A”

	US DOT # 1549823	Legal: DEPENDABLE PALLET INC Operating (DBA):			
MC/MX #:		Federal Tax ID:		(EIN)	
Review Type: Non-ratable Review - CSA					
Scope: Principal Office		Location of Review/Audit: CSA Off-site		Territory:	
Operation Types		Interstate		Intrastate	
Carrier: N/A		Non-HM		Business: Corporation	
Shipper: N/A		N/A		Gross Revenue:	
Cargo Tank: N/A		for year ending: 12/31/2018			
Company Physical Address:					
1634 S MEAD WICHITA, KS 67211					
Contact Name: Terry Sowers					
Phone numbers: (1)				Fax	
E-Mail Address:					
Company Mailing Address:					
1634 S MEAD WICHITA, KS 67211					
Carrier Classification					
Private Property					
Cargo Classification					
Other: Pallets					
Equipment					
	Owned	Term Leased	Trip Leased		Owned Term Leased Trip Leased
Truck	2	0	0	Truck Tractor	2 0 0
Trailer	2	0	0		
Power units used in the U.S.: 4					
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:		1	Total Drivers: 1		
>= 100 Miles:			CDL Drivers: 1		





DEPENDABLE PALLET INC

U S DOT #: 1549823

Review Date.

04/29/2019

Part A

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

Kansas Corporation Commission
1500 SW Arrowhead Rd, Topeka, KS 66604
785-271-3104

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Terry Sowers

Title: President

Name:

Title:





DEPENDABLE PALLET INC
U.S. DOT #: 1549823

Review Date:
04/26/2019

Part B Violations

1 FEDERAL	Primary. 382.601(b)	Discovered 1	Checked 1	Drivers/Vehicles In Violation Checked
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Description

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

Example

Charles Cattlett

April 12, 2019

Dependable Pallet Inc failed to provide CDL driver with a written controlled substance and alcohol policy meeting the criteria of the regulations.

2 FEDERAL	Primary. 382.603	Discovered 1	Checked 1	Drivers/Vehicles In Violation Checked
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Description

Failing to ensure person designated to determine that drivers undergo reasonable suspicion testing receive 60 minutes training for alcohol and/or 60 minutes of training for controlled substances.

Example

Charles Cattlett

April 12, 2019

Dependable Pallet Inc failed to provide the Reasonable Suspicious Certificate for the respective carrier representative who participated with the training.

Safety Fitness Rating Information:		OOS Vehicle (CR): 0
Total Miles Operated	160,000	Number of Vehicle Inspected (CR): 0
Recordable Accidents	0	OOS Vehicle (MCMIS): 0
		Number of Vehicles Inspected (MCMIS): 0

Your proposed safety rating is :

This Review is not Rated.





DEPENDABLE PALLET INC

U S. DOT #. 1549823

Review Date

04/29/2019

Safety Management Process Breakdowns and Remedies

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.

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





DEPENDABLE PALLET INC
U S. DOT # 1549823

Review Date
04/29/2019

Safety Management Process Breakdowns and Remedies

2. CONTROLLED SUBSTANCES AND ALCOHOL BASIC PROCESS BREAKDOWN Training and Communication

DESCRIPTION OF PROCESS BREAKDOWN: Dependable Pallet Inc failed to provide to their CDL driver(s) a written policy meeting the criteria of 382.601(b)(1-11). Dependable Pallet Inc also failed to require the carrier representative to obtain a certificate validating the representative participating in 60 minutes of training alcohol and controlled substance reasonable suspicion. If the driver does not obtain a copy of the carrier's written policy, the driver does not know the requirements of the controlled substance and alcohol program. Furthermore, the driver is not aware of when testing will take place, who to go to as the carrier representative if questions or concerns arise, and what is required at the time of an accident. At the same time, if the carrier representative is not trained in reasonable suspicious training, the carrier cannot legally send a driver for the testing if the driver was to appear at work or during work under the influence of controlled substance and/or alcohol.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Communication and Training.

- Convey expectations to all applicable staff for adhering to controlled substance and alcohol regulations and to company policies and procedures, and for executing responsibilities by providing new-hire and refresher training. Establish communication channels such as newsletters and/or meetings focused on resolving conflicts, for example, for drivers, between testing requirements and lifestyle decisions with regard to controlled substance and alcohol abuse or misuse.
- Encourage disclosure of personal problems with controlled substances and alcohol within a safe environment by having an open-door policy with management or using an Employee Assistance Program (EAP). An EAP enables drivers to alert management of concerns about other personnel and to seek help for their own substance abuse and/or alcohol problems.
- After selection of drivers for random testing, the program coordinator should send confidential correspondence to whoever is informing the selected drivers, noting the selection date, selected names, proper notification procedure, testing location, and when test results need to be completed. Drivers should be reminded that refusal to take the test will be equivalent to a positive result.
- Ensure that managers and supervisors regularly communicate and demonstrate their ongoing commitment to abiding by regulations and company policies regarding controlled-substance and alcohol use.
- Communicate the carrier's Controlled Substances and Alcohol BASIC percentile to all staff, and explain to them individually what they can do to help improve compliance.
- Provide new-hire and refresher training, to all drivers, managers, other designated personnel, and the designated employer representative (DER), on controlled-substance and alcohol regulations and related company policies and procedures, including those pertaining to prohibited behavior, testing protocols and monitoring, for example, on grounds of "reasonable suspicion"; the consequences of a positive test result, referral to a Substance Abuse Professional (SAP), and confidentiality requirements in relation to recordkeeping.
- Ensure that personnel in safety-sensitive positions receive required training on the importance of responsible lifestyle behaviors and personal choices regarding controlled-substance and alcohol use.
- Train all staff who are required to monitor and track controlled-substance and alcohol compliance on the appropriate company policies, including those related to discipline and incentives.
- Ensure that drivers are trained on driver Out-of-Service (OOS) rules, their responsibility in adhering to them, and the carrier's procedures for reporting OOS violations and communicating appropriately with other personnel.
- Reinforce training about controlled-substance and alcohol policies, procedures, and responsibilities to drivers, controlled-substance and alcohol-testing personnel, and other employees, using job aids, post-training testing, and/or refresher training. Encourage informal feedback among all involved with the testing so that they can help each other to improve.
- Provide hiring officials with guidance on how best to attract, screen, and qualify applicants who are most likely to adhere to controlled-substance and alcohol-use regulations and related company policies and procedures.

Seek Out Resources

- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in





DEPENDABLE PALLET INC

U S DOT #: 1549823

Review Date

04/29/2019

Safety Management Process Breakdowns and Remedies

the industry.

3. Ensure that all persons designated to supervise CDL drivers receive at least 60 minutes of training on alcohol misuse and receive at least an additional 60 minutes of training on controlled substance use. Be sure to maintain the certificate provided once training has been completed for verification of receiving such training.
4. Written drug and alcohol policy shall include detailed discussion of the identity of the person designated by the employer to answer driver questions about the materials, the categories of drivers who are subject to the testing, information about the safety-sensitive functions performed by those drivers to make clear what period of the work day the driver is required to be in compliance, information concerning driver conduct that is prohibited, and the circumstances under which a driver will be tested for alcohol and/or controlled substances including post-accident testing. The policy must also indicate the procedures that will be used to test for the presence of alcohol and controlled substances, protection of the driver and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver, including post-accident information, procedures and instructions required by 382 303(d). Explain the requirement that a driver submit to alcohol and controlled substances test, explain what constitutes a refusal to submit to an alcohol or controlled substances test and the consequences if a driver refuses to take the test. Indicate the consequences for drivers found to be in violation including the requirement that the driver be removed immediately from safety-sensitive functions, and the procedures that will be taken. Also include the consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04 and information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life, signs and symptoms of an alcohol or controlled substances problem (the driver's or a co-worker's); and available methods of intervening when an alcohol or a controlled substance problem is suspected, including confrontation, referral to any employee assistance program and/or referral to management.
5. 382.601(d) - Each employer shall ensure that each driver is required to sign a statement certifying that he or she has received a copy of these materials described in this section. Each employer shall maintain the original of the signed certificate and may provide a copy of the certificate to the driver.
6. I acknowledge that the requirements and/or recommendations resulting from this off-site, focused review have been discussed with me and my questions have been answered. I further acknowledge that KCC recommendations only cover the scope of this focused review, and that areas not reviewed by the KCC have not necessarily been endorsed as compliant. 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 Dependable Pallet Inc's operating authority and/or the impoundment of Dependable Pallet Inc's commercial motor vehicles.

Carrier Representative

Date

After reviewing these Requirements and/or Recommendations, please sign and date where indicated, and return to the Kansas Corporation Commission, ATTN Verna Jackson, Transportation Division, 1500 SW Arrowhead Rd, Topeka, Kansas 66604-4027, or fax 785-271-3124.

7. I understand that monetary penalties will be assessed as a result of violations found in this compliance investigation. The penalty schedule can be found at kcc.ks.gov. Select Transportation, then Safety Information, and then the link available under Uniform Penalty Assessment Table.

Carrier Name

Carrier Official



ATTACHMENT “B”

Verna Jackson

From: terry@dependable.kscoxmail.com
Sent: Thursday, April 25, 2019 5:08 PM
To: Verna Jackson
Subject: RE: Additional information is needed

This is an EXTERNAL EMAIL. Think before clicking a link or opening attachments.

Trip was made Friday April 12th, 2019.

From: Verna Jackson <v.jackson@kcc.ks.gov>
Sent: Thursday, April 25, 2019 4:31 PM
To: Terry@dependable.kscoxmail.com
Cc: Verna Jackson <v.jackson@kcc.ks.gov>
Subject: Additional information is needed
Importance: High

I am in the process of finalizing the off-site focused compliance investigation. What was the date of the trip noted for Charles Cattlett from 1634 S Mead to 8909 E 35th St N, Wichita KS?

Please provide this date by Friday, April 26, 2019.

Verna Jackson, PSA, Special Investigator
Transportation Division
Kansas Corporation Commission
1500 SW Arrowhead Road | Topeka, KS | 66604-4027
Phone (785) 271-3104 | Fax (785) 271-3124

CERTIFICATE OF SERVICE

19-TRAM-456-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/hand delivered on 05/14/2019.

TERRY SOWERS, PRESIDENT
DEPENDABLE PALLET INC
1634 S MEAD
WICHITA, KS 67211
terry@dependable.kscoxmail.com

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

/S/ DeeAnn Shupe

DeeAnn Shupe