



1500 SW Arrowhead Road
Topeka, KS 66604-4027

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

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

Sam Brownback, Governor

NOTICE OF PENALTY ASSESSMENT

September 12, 2017

18-TRAM-097-PEN

Mitchell Cunningham, Manager
Seven Son's Trucking, LLC
18480 S Moonlight Rd
Gardner, Kansas 66030

Certified Mail Receipt No. 70161970000105737372

This is a notice of a penalty assessment against Seven Son's Trucking, LLC for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on August 3, 2017, by Kansas Corporation Commission Special Investigator(s) Jared Smith. For a full description of the penalty and terms and obligations, please refer to the Penalty Order that is attached to this notice.

IF YOU ACCEPT THE PENALTY:

Seven Son's Trucking has been assessed a \$2,350 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 \$2,350 through your personal account with the Kansas Corporation Commission's KTRAN application located at <https://puc.kcc.ks.gov/ktran/>. If you have not received a letter from the Transportation Division assigning you a PIN, please contact that Division at 785-271-3145. You must have an account through KTRAN to pay the penalty owed.

SEVEN SON'S TRUCKING IS A NEW ENTRANT MOTOR CARRIER AND IS ELIGIBLE FOR A PENALTY REDUCTION OF FIFTY PERCENT (50%) UNDER THE FOLLOWING TERMS:

New Entrant motor carriers are eligible for a one-time, fifty-percent (50%) reduction in the penalty(s) assessed motor carriers in accordance with the FY 2018 Uniform Penalty Assessment Matrix. You have to meet the terms and obligations set out in the attached Reduced Penalty Agreement to be eligible for the fifty-percent (50%) reduction. A fifty-percent (50%) reduction in the penalty assessed in the attached Order is available if:

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

(2) within 30 days from the date of the attached Penalty Order, the carrier submits to Transportation Staff an approved Corrective Action Plan (CAP) documenting the violation(s) described in the attached Order, including specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future; and

(3) within thirty (30) days from the date of the attached Penalty Order, the carrier sends an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance must be submitted to the undersigned Litigation Counsel shortly thereafter.

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

If a carrier is approved for the fifty-percent (50%) reduced penalty, a Motion to Amend Penalty Order, along with the Reduced Penalty Agreement will be filed with the Commission. An Amended

Penalty Order assessing the reduced penalty and setting out the terms and conditions stated above will be issued by the Commission shortly thereafter. Payment of the reduced penalty of \$1,175 would be due within thirty (30) days from the date of service of the Amended Penalty Order.


IF YOU CONTEST THE PENALTY ORDER:

You have the right to request a hearing if you contest the terms of the Penalty Order. A request for hearing must be made in writing, setting forth the specific grounds upon which relief is sought. Seven Son's Trucking, LLC must file within fifteen (15) days from the date of service of this Order, the request for hearing with the Commission's electronic filing system found at <https://puc.kcc.ks.gov/e-filing/e-express/>, and by mailing a copy of the request for hearing to Litigation Counsel at the above address. If you do not have access to the internet, you can mail an original and seven (7) copies of the request to the Commission's Secretary at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, within fifteen (15) days from the date of service of this Penalty Order and mail a copy of the request to Litigation Counsel. K.A.R. 82-1-215; K.S.A. 2016 Supp. 77-542.

IF YOU FAIL TO ACT:

Failure to adhere to the terms and obligations set out in the attached Penalty Order, including payment of the penalty of \$2,350 within thirty (30) days from the date of service of this Penalty Order, or in the alternative, provide a written request for a hearing within fifteen (15) days from the date of service of this Penalty Order, will result in the Order becoming a final Penalty Order and the terms and conditions set out therein will be enforced. If Seven Son's Trucking submits the attached Reduced Penalty Agreement as explained above, an Amended Penalty order may be issued assessing the reduced penalty of \$1,175 and that payment will become due within thirty (30) days from the date of service of the Amended Penalty Order.

Respectfully,



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

1500 SW Arrowhead Road
Topeka, KS 66604-4027

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



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Sam Brownback, Governor

REDUCED PENALTY AGREEMENT

18-TRAM-097-PEN

Seven Son's Trucking, LLC (Seven Son's Trucking) hereby submits this Reduced Penalty Agreement to become eligible for a fifty percent (50%) reduction in the penalty assessed in the Penalty Order dated August 31, 2017. Seven Son's Trucking has agreed to comply with the following terms and obligations:

1. Seven Son's Trucking has submitted, within fifteen (15) days from the date of the Penalty Order issued on August 31, 2017, this signed and dated Reduced Penalty Agreement to Litigation Counsel at the above address.
2. Seven Son's Trucking will, within 30 days from the date of the Penalty Order dated August 31, 2017, submit to Transportation Staff a Corrective Action Plan (CAP) documenting the violation(s) and describing specific and detailed information explaining the its efforts and concrete steps taken to ensure the violation(s) do not occur in the future. I understand the CAP must be approved by Transportation Staff before my company can be eligible for the 50% reduced penalty.
3. Seven Son's Trucking will, within thirty (30) days from the date of the Penalty Order dated August 31, 2017, send an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance will be submitted to the Litigation Counsel.
4. Seven Son's Trucking 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.

Seven Son's Trucking, LLC understands that if approved, Transportation Litigation Counsel will file a Motion for Amended Penalty Order with this Agreement attached to the motion. The Amended Penalty Order will assess Seven Son's Trucking a fifty-percent (50%) reduced penalty of \$1,175, and set out the terms and conditions stated above. Once the Amended Penalty Order is issued by the Commission, Seven Son's Trucking will have thirty (30) days from the date of service of the Amended Order to pay the reduced penalty assessed.

Dated this ____ day of _____, 2017.

Seven Son's Trucking, LLC

Mitchell Cunningham
Manager

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

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

Before Commissioners: Pat Apple, Chairman
 Shari Feist Albrecht
 Jay Scott Emler

In the Matter of the Investigation of **Seven Son's**)
Trucking, LLC, of Gardner, Kansas,)
Regarding the Violation of the Motor Carrier)
Safety Statutes, Rules and Regulations and the) Docket No. 18-TRAM-097-PEN
Commission's Authority to Impose Penalties,)
Sanctions and/or the Revocation of Motor)
Carrier Authority.)

PENALTY ORDER

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission). The Commission, having been briefed on the issue by the Director of the Commission's Transportation Division, finds and concludes as follows:

I. JURISDICTION

1. Pursuant to K.S.A. 2016 Supp. 66-1,108b, 66-1,111, 66-1,112, 66-1,114, 66-1,114b and 66-1,115, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in K.S.A. 2016 Supp. 66-1,108, doing business or procuring business in Kansas, and is empowered to do all things necessary and convenient for the exercise of such power, authority and jurisdiction.

2. Pursuant to K.S.A. 2016 Supp. 66-1,129a, 66-1,130 and 66-1,142b, the Commission may suspend operations, revoke or amend certificates, and initiate sanctions or fines against every motor carrier and every person who violates any provision of Kansas law in regard to the regulation of such motor carriers and persons, or who fails to obey any order, decision or regulation of the Commission.

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

II. BACKGROUND

4. Seven Son's Trucking, LLC (Seven Son's Trucking) has common operating authority from the Commission and further operates under USDOT number 2535084.

5. Kyle Cunningham attended a Commission-sponsored Motor Carrier Education and Instructional Meeting on July 14, 2015, on behalf of Seven Son's Trucking.

6. Seven Son's Trucking is a common motor carrier which primarily hauls general freight.

7. Seven Son's Trucking is a New Entrant motor carrier and is eligible for a fifty-percent (50%) reduction of the penalty(s) assessed below.

III. STATEMENT OF FACTS

8. Pursuant to the jurisdiction and authority cited above, on August 3, 2017, Commission Staff (Staff) Special Investigator(s) Jared Smith conducted a compliance review of the operations of Seven Son's Trucking. A copy of the safety compliance review is attached hereto as Attachment "A" and is hereby incorporated by reference. As a result of this investigation, the special investigator(s) identified four (4) violation(s) of the Motor Carrier Safety Regulations.

- a. On May 11, 2017, Seven Son's Trucking required or permitted its driver, Michael Cunningham, to operate a CDL-required commercial motor vehicle, a 2015 Ford F350, VIN ending in 23809, GVWR 14,000 lbs.,

pulling a 2016 Maxey trailer, VIN ending in 037859, GVWR 25,500 lbs., in interstate commerce from Gardner, Kansas to Lakeland, Florida. This trip is evidenced by Driver/Vehicle Examination Report Number MO1519005174, dated May 11, 2017, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, Seven Son's Trucking failed to obtain a negative pre-employment controlled substance test result from driver Michael Cunningham prior to requiring him to operating a commercial motor vehicle. The carrier's failure to require its driver to submit to a pre-employment alcohol and/or controlled substances test and to obtain a negative test result within 30 days of his/her employment and prior to requiring or permitting him to operate a commercial motor vehicle is a violation of 49 C.F.R. 382.301(a), adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$1,000.

- b. During the transportation described in paragraph a., above, Seven Son's Trucking failed to ensure that each driver subject to random alcohol and controlled substances testing has an equal chance of being selected each time selections are made. The carrier had six (6) terminated drivers in the testing pool and six (6) active drivers not in the random testing pool. Seven Son's Trucking's failure to ensure that each driver selected for random alcohol and controlled substance testing has an equal chance of being selected each time selections are made is in violation of 49 C.F.R.

382.305(i)(2), adopted by K.A.R. 82-4-3c and authorized by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$1,000.

- c. During the transportation described in paragraph a., above, Seven Son's Trucking failed to investigate the driver's background within 30 days of employment. The carrier's failure to make investigations and inquiries with respect to each driver it employs within 30 days of employment is a violation of 49 C.F.R. 391.23, adopted by K.A.R. 82-4-3, and implement by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$100.
- d. During the transportation described in paragraph a., above, Seven Son's Trucking failed to require its driver to make a record of duty status for the day. The special investigator found eight (8) violations of this type. The carrier's failure to require its driver to keep records of duty status for each 24-hour period using the method described in 49 C.F.R. 395.8(a) and to submit the original record to the motor carrier within 13 days of creation is in violation of 49 C.F.R. 395.8(a), adopted by K.A.R. 82-4-3a, and authorized by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$250.

IV. STAFF'S RECOMMENDATIONS

9. Based upon the available facts, Staff recommends the Commission find Seven Son's Trucking committed four (4) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

10. Staff recommends a civil penalty of \$2,350 for four (4) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

11. Staff provides notice to the Commission that Seven Son's Trucking, LLC is a New Entrant motor carrier and is eligible for a fifty-percent (50%) reduced civil penalty if it submits to Litigation Counsel within fifteen (15) days of the date of this Penalty Order the Reduced Penalty Agreement, which is attached to the Notice of Penalty Assessment.

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

13. Staff further recommends that Seven Son's Trucking 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 Seven Son's Trucking 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 Seven Son's Trucking because it is a motor carrier as defined in K.S.A. 2016 Supp. 66-1,108.

16. The Commission finds a penalty of \$2,350 should be assessed to Seven Son's Trucking for committing four (4) violation(s) of Kansas law that governs motor carriers,

including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

17. The Commission finds Seven Son's Trucking is a New Entrant motor carrier and is eligible for a fifty-percent (50%) reduction in the penalty(s) assessed herein. The carrier must submit to Litigation Counsel, within fifteen (15) days from the date of this Penalty Order, the signed and dated Reduced Penalty Agreement, which states it will comply with the reduced penalty terms and obligations set out therein.

THE COMMISSION THEREFORE ORDERS THAT:

A. Seven Son's Trucking, LLC, of Gardner, Kansas is hereby assessed a penalty of \$2,350 for four (4) violation(s) of Kansas law governing the regulation of motor carriers, the Kansas Administrative Regulations and provisions of the Federal Motor Carrier Safety Regulations, as adopted by the Kansas Administrative Regulations. Payment of \$2,350 must be made through your personal account with the Kansas Corporation Commission's KTRAN application located at <https://puc.kcc.ks.gov/ktran/>. If you have not received a letter from the Transportation Division assigning you a PIN, please contact that Division at 785-271-3145. You must have an account through KTRAN to pay the penalty owed.

B. Seven Son's Trucking is ordered to attend a Commission-sponsored safety meeting within ninety (90) days from the date of this Order, and provide proof of attendance to Litigation Counsel. A schedule of dates and locations for the safety seminar can be found at the Commission's website http://www.kcc.state.ks.us/trans/safety_meetings.htm.

C. Seven Son's Trucking must submit a Corrective Action Plan (CAP) within thirty (30) days of the date of this Penalty Order, to Transportation Staff, documenting the violation(s)

described in the attached Order, including specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.

D. Seven Son's Trucking 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 Seven Son's Trucking does not submit the Reduced Penalty Agreement and fails to pay the full penalty(s) of \$2,350 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 Seven Son's Trucking's motor carrier operating authority without further notice. Additionally, the Commission may issue and enforce revocation of motor carrier authority and/or issue cease and desist order(s), and may order other remedies available to the Commission by law, without further notice.

F. **Pursuant to K.S.A. 2016 Supp. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issue(s) by submitting a written request setting forth the specific grounds upon which relief is sought, within fifteen (15) days from the date of service of this Penalty Order.** The request may be electronically filed with the Commission's electronic filing system at <https://puc.kcc.ks.gov/e-filing/e-express/>, and a copy mailed to the Litigation Counsel within fifteen (15) days from the date of service of this Order. If you do not have access to the internet, you can mail an original and seven (7) copies of the request to the Commission's Secretary, at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy to Litigation Counsel within fifteen (15) days from the date of service of this Order. A

hearing will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of Seven Son's Trucking's right to a hearing.

G. On August 31, 2017, this Order was mailed via Certified Mail, Return Receipt Requested, Receipt Number 70161970000105737372. Service of this Order is deemed complete upon the date delivered shown on the Domestic Return Receipt.

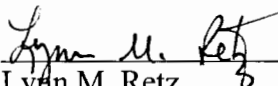
H. Attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. For civil penalties exceeding \$500, a corporation shall appear before the Commission by its attorney, unless waived by the Commission for good cause shown and a determination that such waiver is in the public interest. K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2); K.A.R. 82-1-202(a). For civil penalties of \$500 or less, a corporation may appear by a duly authorized representative of the corporation. K.S.A. 2016 Supp. 66-1,142b(e) and amendments thereto.

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.

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: SEP 12 2017




Lynn M. Retz
Secretary to the Commission

AAL

Order Mailed Date

SEP 13 2017

ATTACHMENT “A”

| | | | | |
|---|----------------------------|---|---|-------------------|
|  | US DOT # 2535084 | Legal: SEVEN SON'S TRUCKING LLC Operating (DBA): | | |
| MC/MX #: 881430 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: |
| Operation Types Interstate Intrastate | | | | |
| Carrier: HM N/A | | Business: Corporation | | |
| Shipper: N/A N/A | | Gross Revenue: [REDACTED] for year ending: 12/31/2016 | | |
| Cargo Tank: N/A | | | | |
| Company Physical Address: [REDACTED] | | | | |
| Contact Name: Mitchell Cunningham | | | | |
| Phone numbers: (1) [REDACTED] | | | | |
| E-Mail Address: [REDACTED] | | | | |
| Company Mailing Address: 18480 S MOONLIGHT RD GARDNER, KS 66030-9606 | | | | |
| Carrier Classification Authorized for Hire | | | | |
| Cargo Classification General Freight | | | | |
| Hazardous Materials 9 Miscellaneous HM Carried Non-Bulk | | | | |
| Equipment | | | | |
| | Owned | Term Leased | Trip Leased | |
| Truck | 0 | 9 | 0 | Truck Tractor |
| Trailer | 0 | 18 | 0 | |
| | Owned | Term Leased | Trip Leased | |
| | 0 | 8 | 0 | |
| Power units used in the U S : 17 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 | | |
| < 100 Miles: | | | Average trip leased drivers/month: 0 | |
| >= 100 Miles: | 20 | | Total Drivers: 20 | |
| | | | CDL Drivers: 20 | |



SEVEN SON'S TRUCKING LLC

U.S DOT #: 2535084

State #

Review Date

08/18/2017

Part A

QUESTIONS regarding this report or the Federal Motor Carrier Safety or
Hazardous Materials rules may be addressed to the Kansas Corporation Commission at

1500 SW Arrowhead Road

Topeka, KS 66604

Phone 913-755-1289

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Mitchell Cunningham

Title: Owner

Name:

Title: Owner





SEVEN SON'S TRUCKING LLC

U.S DOT #: 2535084

State #

Review Date

08/11/2017

Part B Violations

| | | | | | |
|---|-----------------------|------------------|----------------|---------------------------------------|---------------|
| 1 FEDERAL CRITICAL | Primary. 382.301(a) | Discovered 5 | Checked 5 | Drivers/Vehicles In Violation 5 | Checked 5 |
| Description Using a driver before the motor carrier has received a negative pre-employment controlled substance test result Example On 5/11/17 Seven Son's trucking LLC had driver [REDACTED] operate a 2015 Ford F350 (Unit #21 VIN# [REDACTED] 23809) in combination with a 2016 Maxey Trailer (Unit #40-VIN# [REDACTED] 037859) These vehicles have a gross vehicle weight rating of 14,000 lbs. and 25,500 lbs respectively. Driver [REDACTED] operated in commerce on an interstate trip from Kansas City, Missouri to Lakeland, Florida This trip is evidenced by a Missouri State Highway Patrol Level 1 inspection At the time of this trip carrier was found to be in violation of using a driver before the motor carrier has received a negative pre-employment controlled substance test result. | | | | | |
| 2 FEDERAL CRITICAL | Primary 395 8(e) | Discovered 20 | Checked 150 | Drivers/Vehicles In Violation 3 | Checked 5 |
| Description False reports of records of duty status Example On 6/15/17 Seven Son's Trucking LLC had driver [REDACTED] operate a 2012 Kenworth (Unit # 149- VIN # [REDACTED] 297696) in combination with a 2016 Benson trailer (Unit # 226- VIN # [REDACTED] 3924043) in interstate commerce. These vehicles have a gross vehicle weight rating of 52,000 lb and 20,000 lbs. respectively Driver [REDACTED] operated in commerce on an interstate trip from Toms Brook, Virginia to Bordentown, New Jersey This trip is evidenced by a driver record of duty status, shipping invoice and credit card receipt At the time of this trip carrier was found to be in violation of false reports of records of duty status Each CDL driver has an individual company credit card Therefore, each driver's purchases easily correlated with their hours of service records. Numerous tangible receipts were checked to ensure the accuracy of the credit report All of the false logs were off by more than one hour or 50 miles | | | | | |
| 3 FEDERAL | Primary 382 305(i)(2) | Discovered 6 | Checked 19 | Drivers/Vehicles In Violation 6 | Checked 19 |
| Description Failing to ensure that each driver subject to random alcohol and controlled substances testing has an equal chance of being selected each time selections are made. Example On 6/1/17 Seven Son's Trucking LLC had driver [REDACTED] operated a 2015 Ford F350 (Unit # 15-VIN # [REDACTED] 53311) in combination with a 2015 Maxey Trailer (Unit # 16- VIN# [REDACTED] 037234) These vehicles have a gross vehicle weight rating of 14,000lbs and 23,000 lbs. respectively Driver [REDACTED] operated in commerce on an interstate trip from Mandan, North Dakota to Great Falls, Montana This trip is evidenced by a driver record of duty status and credit card receipt At the time of this trip and time of this review the carrier was found to be in violation of failing to ensure that each driver subject to random alcohol and controlled substances testing has an equal chance of being selected each time selections are made Carrier had 6 terminated drivers in testing pool and 6 active drivers who were not in random pool. | | | | | |





SEVEN SON'S TRUCKING LLC

U.S DOT #: 2535084

State #: [REDACTED]


Review Date

08/11/2017

Part B Violations

| | | | | | |
|---|-----------------------|-----------------|--------------|---------------------------------------|--------------|
| 4 FEDERAL | Primary 391 21(a) | Discovered 3 | Checked 5 | Drivers/Vehicles In Violation 3 | Checked 5 |
| Description Using a driver who has not completed and furnished an employment application. On 5/11/17 Seven Son's trucking LLC had driver [REDACTED] operate a 2015 Ford F350 (Unit #21 VIN# [REDACTED] 23809) in combination with a 2016 Maxey Trailer (Unit #40-VIN# [REDACTED] 037859.) These vehicles have a gross vehicle weight rating of 14,000 lbs and 25,500 lbs respectively. Driver Michael Cunningham operated in commerce on an interstate trip from Kansas City, Missouri to Lakeland, Florida. This trip is evidenced by a Missouri State Highway Patrol Level 1 inspection. At the time of this trip carrier was found to be in violation of using a driver who has not completed and furnished an employment application. | | | | | |
| 5 FEDERAL | Primary 391 23(c) | Discovered 1 | Checked 5 | Drivers/Vehicles In Violation 1 | Checked 5 |
| Description Failing to investigate driver's background within 30 days of employment Example On 6/2/17 Seven Son's Trucking LLC had driver [REDACTED] operated a 2016 Dodge Ram (Unit # 139-VIN# [REDACTED] 139850) in combination with a 2017 Big Tex (Unit# 140-VIN# [REDACTED] 3014569.) These vehicles have a gross vehicle weight rating of 14,000 lbs and 23,900 lbs respectively. Driver [REDACTED] operated in commerce on an interstate trip from New Albany, Mississippi to Brookhaven, Mississippi. This trip is evidenced by a driver record of duty status, credit card receipt and Level II roadside inspection. At the time of this trip carrier was found to be in violation of failing to investigate driver's background within 30 days of employment. | | | | | |
| 6 FEDERAL | Primary: 391 51(b)(3) | Discovered 1 | Checked 5 | Drivers/Vehicles In Violation 1 | Checked 5 |
| Description Failing to maintain road test certificate in driver's qualification file, or copy of license or certificate the motor carrier accepted as equivalent. Example On 5/11/17 Seven Son's trucking LLC had driver [REDACTED] operate a 2015 Ford F350 (Unit #21 VIN# [REDACTED] 23809) in combination with a 2016 Maxey Trailer (Unit #40-VIN# [REDACTED] 037859.) These vehicles have a gross vehicle weight rating of 14,000 lbs. and 25,500 lbs respectively. Driver [REDACTED] operated in commerce on an interstate trip from Kansas City, Missouri to Lakeland, Florida. This trip is evidenced by a Missouri State Highway Patrol Level 1 inspection. At the time of this trip carrier was found to be in violation of failing to maintain road test certificate in driver's qualification file, or copy of license or certificate the motor carrier accepted as equivalent. | | | | | |
| 7 FEDERAL | Primary 391 51(b)(4) | Discovered 1 | Checked 5 | Drivers/Vehicles In Violation 1 | Checked 5 |
| Description Failing to maintain the responses of each State agency to the annual driver record inquiry required by 391 25(a). Example On 7/13/17 Seven Son's Trucking LLC had driver [REDACTED] operate a 1997 Freightliner (Unit # 115- VIN # [REDACTED] 795600) in combination with a 2017 Dorsey (Unit # 116, VIN # [REDACTED] 01752). These vehicles have a gross vehicle weight rating of 52,000 lbs and 80,000 lbs respectively. Driver [REDACTED] operated in commerce on an interstate trip from Grand Junction, Colorado to Ogden, Utah. This trip is evidenced by a driver record of duty status, credit card receipt and invoice. At the time of this trip carrier was found to be in violation of failing to maintain the responses of each State agency to the annual driver record inquiry required by 391 25 (a). | | | | | |



| | | | |
|---|---------------------------------|---|-------------|
|  | SEVEN SON'S TRUCKING LLC | State #. [REDACTED] | Review Date |
| | U.S DOT # 2535084 | | 08/11/2017 |

Part B Violations

| | | | | |
|--------------|-----------------------|-----------------|--------------|---|
| 8 FEDERAL | Primary: 391 51(b)(5) | Discovered 1 | Checked 5 | Drivers/Vehicles In Violation 1 Checked 5 |
|--------------|-----------------------|-----------------|--------------|---|

Description

Failing to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2).

Example

On 7/13/17 Seven Son's Trucking LLC had driver [REDACTED] operate a 1997 Freightliner (Unit # 115- VIN # [REDACTED] 795600) in combination with a 2017 Dorsey (Unit # 116, VIN # [REDACTED] 01752) These vehicles have a gross vehicle weight rating of 52,000 lbs and 80,000 lbs. respectively. Driver [REDACTED] operated in commerce on an interstate trip from Grand Junction, Colorado to Ogden, Utah This trip is evidenced by a driver record of duty status, credit card receipt and invoice. At the time of this trip carrier was found to be in violation of failing to maintain a note relating to the annual review of the driver's driving record as required by 391 25 (c) (2).

| | | | | |
|--------------|----------------------|-----------------|--------------|---|
| 9 FEDERAL | Primary 391 51(b)(6) | Discovered 1 | Checked 5 | Drivers/Vehicles In Violation 1 Checked 5 |
|--------------|----------------------|-----------------|--------------|---|

Description

Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391 27

Example

On 7/13/17 Seven Son's Trucking LLC had driver [REDACTED] operate a 1997 Freightliner (Unit # 115- VIN # [REDACTED] 795600) in combination with a 2017 Dorsey (Unit # 116, VIN # [REDACTED] 01752) These vehicles have a gross vehicle weight rating of 52,000 lbs and 80,000 lbs respectively Driver [REDACTED] operated in commerce on an interstate trip from Grand Junction, Colorado to Ogden, Utah This trip is evidenced by a driver record of duty status, credit card receipt and invoice. At the time of this trip carrier was found to be in violation of failing to maintain a list or certificate relating to violation of motor vehicle laws and ordinances required by 391 27

| | | | | |
|---------------|----------------------|-----------------|----------------|---|
| 10 FEDERAL | Primary: 395.3(a)(2) | Discovered 1 | Checked 150 | Drivers/Vehicles In Violation 1 Checked 5 |
|---------------|----------------------|-----------------|----------------|---|

Description

Requiring or permitting a property-carrying commercial motor vehicle driver to drive after the end of the 14th hour after coming on duty

Example

On 6/13/17 Seven Son's Trucking LLC had driver [REDACTED] operate a 2012 Kenworth (Unit # 149- VIN # [REDACTED] 297696) in combination with a 2016 Benson trailer (Unit # 226- VIN # [REDACTED] 3924043) in interstate commerce. These vehicles have a gross vehicle weight rating of 52,000 lb. and 20,000 lbs respectively Driver [REDACTED] operated in commerce on an interstate trip from Beaumont, Texas to McDonald, Tennessee. This trip is evidenced by a driver record of duty status, driver vehicle inspection report and credit card receipt. At the time of this trip carrier was found to be in violation of requiring or permitting a property-carrying commercial motor vehicle driver to drive after the end of the 14th hour after coming on duty.

| | | | | |
|---------------|-------------------------|-----------------|----------------|---|
| 11 FEDERAL | Primary. 395 3(a)(3)(i) | Discovered 1 | Checked 120 | Drivers/Vehicles In Violation 1 Checked 5 |
|---------------|-------------------------|-----------------|----------------|---|

Description

Requiring or permitting a property-carrying commercial motor vehicle driver to drive more than 11 hours.

Example

On 6/13/17 Seven Son's Trucking LLC had driver [REDACTED] operate a 2012 Kenworth (Unit # 149- VIN # [REDACTED] 297696) in combination with a 2016 Benson trailer (Unit # 226- VIN # [REDACTED] 3924043) in interstate commerce These vehicles have a gross vehicle weight rating of 52,000 lb. and 20,000 lbs respectively Driver [REDACTED] operated in commerce on an interstate trip from Beaumont, Texas to McDonald, Tennessee This trip is evidenced by a driver record of duty status, driver vehicle inspection report and credit card receipt At the time of this trip driver was found to be in violation of driving more than 11 hours following 10 consecutive hours off duty (property-carrying vehicles)





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| | | | | | |
|---------------|-------------------------|-----------------|----------------|---------------------------------------|--------------|
| 12 FEDERAL | Primary 395 3(a)(3)(ii) | Discovered 6 | Checked 150 | Drivers/Vehicles In Violation 2 | Checked 5 |
|---------------|-------------------------|-----------------|----------------|---------------------------------------|--------------|

Description

Requiring or permitting a property-carrying commercial motor vehicle driver to drive after more than 8 hours have passed since the end of the driver's last off duty or sleeper berth period of at least 30 minutes

Example

On 6/16/17 Seven Son's Trucking LLC had driver [REDACTED] operate a 2015 Ford F350 (unit #21-VIN# [REDACTED] 23809) in combination with a 2016 Maxey trailer (Unit # 40-VIN# [REDACTED] 037859) These vehicles have a gross vehicle weight rating of 14,000 lbs and 25,500 lbs respectively Driver [REDACTED] operated in commerce on an interstate trip from South Vienna, Ohio to Manville, New Jersey. This trip is evidenced by a driver record of duty status and a credit card receipt At the time of this trip carner was found to be in violation of requiring or permitting a property-carrying commercial motor vehicle driver to drive after more than 8 hours have passed since the end of the driver's last off duty or sleeper berth period of at least 30 minutes

| | | | | | |
|---------------|-------------------|-----------------|----------------|---------------------------------------|--------------|
| 13 FEDERAL | Primary. 395 8(a) | Discovered 8 | Checked 150 | Drivers/Vehicles In Violation 1 | Checked 5 |
|---------------|-------------------|-----------------|----------------|---------------------------------------|--------------|

Description

Failing to require driver to make a record of duty status

Example

On 5/11/17 Seven Son's trucking LLC had driver [REDACTED] operate a 2015 Ford F350 (Unit #21 VIN# [REDACTED] 23809) in combination with a 2016 Maxey Trailer (Unit #40-VIN# [REDACTED] 037859) These vehicles have a gross vehicle weight rating of 14,000 lbs and 25,500 lbs respectively Driver [REDACTED] operated in commerce on an interstate trip from Kansas City, Missouri to Lakeland, Florida. This trip is evidenced by a Missouri State Highway Patrol Level 1 inspection. At the time of this trip carner was found to be in violation of failing to require driver to make a record of duty status

Safety Fitness Rating Information:

Total Miles Operated 1,645,122
Recordable Accidents 0
Recordable Accidents/Million Miles 0 00

OOS Vehicle (CR): 0
Number of Vehicle Inspected (CR): 0
OOS Vehicle (MCMIS): 1
Number of Vehicles Inspected (MCMIS): 5

Your proposed safety rating is :

CONDITIONAL

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

This rating will become the final rating 60 days from the date indicated on a forthcoming official notice from the Federal Motor Carrier Safety Administration headquarters in Washington, D C

However, if this rating improves a previous Unsatisfactory rating, it will become effective on the date of the official notice from the FMCSA headquarters

Corrective actions must be taken for the violations (deficiencies) listed on Part B of this review. Title 49 CFR Sections 385 15 and 385.17 provide for administrative review and a change to a safety rating based on corrective actions, respectively A request for a change to a safety rating under section 385.17 may be made at any time A motor carrier may request, in writing, a change in the rating by providing evidence of corrective actions to the Field Administrator for the FMCSA Service Center in which the carrier maintains its principal place of business (See 49 CFR 385 17 for additional details) A request for administrative review under





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section 385.15 must be made within 90 days of the date of the proposed safety rating issued under section 385.11(c) or a final safety rating issued under section 385.11(b), or within 90 days after denial of a request for a change in rating under section 385.17.

If this was a focused investigation, which will be noted in the Review Type on the first page of this report (Part A), some factors shown above may be marked "SATISFACTORY" even if they were not reviewed. A focused investigation will not result in a SATISFACTORY safety rating because all standards and factors specified in 40 CFR 383.5 and 385.7 were not examined in full, even though it may appear that they were under the rating factors in Part B of this document. It may, however, result in a less than SATISFACTORY rating if sufficient violations are discovered in the parts and factors examined to result in a CONDITIONAL or UNSATISFACTORY rating, or a non-ratable review.

If you receive a conditional or unsatisfactory rating, you may request an administrative review under 49 CFR 385.15 or a safety rating upgrade based on corrective action under 49 CFR 385.17. However, a successful request may only result in a non-ratable status, upgrade to a conditional safety rating, or reinstatement of your most recent safety rating. You will not receive a new satisfactory safety rating as a result of your request(s) under 49 CFR 385.15 and/or 49 CFR 385.17.





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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](http://www.fmcsa.dot.gov/documents/Hijacking-Brochure.pdf)

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





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

Attached to this report is Table 1, which identifies all the documented violations which were discovered during the course of this review.

For all Investigations resulting in serious violations:

Serious violations were recorded on this investigation report. These violations will impact your safety record. Furthermore, these violations may result in a follow-up investigation at a later date unless adequate evidence of corrective action is forwarded to our office.

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

For all Investigations 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





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This letter should be submitted as soon as possible.

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

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

Kansas Corporation Commission
Attn: Gary Davenport
1500 SW Arrowhead Rd
Topeka, KS 66604-4027

2. 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.

3. DRIVER FITNESS BASIC PROCESS BREAKDOWN. Monitoring and Tracking

DESCRIPTION OF PROCESS BREAKDOWN Seven Son's Trucking LLC's violations occurred to a breakdown regarding the monitoring and tracking elements of compliance within this section. Carrier has established organized driver qualification files for each CMV driver. However, you need build upon this and develop a better methodology for ensuring that all drivers have the requisite paperwork in their individual files. It is incumbent upon the carrier to execute all annual requirements for their commercial motor vehicle drivers. These duties and the documents verifying their completion require continued monitoring and tracking by carrier officials to ensure compliance. Utilize the documents and instructions provided to you during this review to assist you in correcting the deficiencies.

BASIC SPECIFIC RECOMMENDED REMEDIES Ensure that all your drivers complete an application. Additionally, make sure that you have drivers complete a listing of driver violations when you run the MVRs. Then sign the certificate qualifying them for another year if they meet the standards. Utilize the documents provided to you at the time of this review to complete these requirements.

Implement Safety Improvement Practices The following are recommended practices related to Monitoring and Tracking Processes





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- Implement an effective process for monitoring and documenting all drivers' job functions, training, qualifications, renewal dates, disclosed medical conditions, and operational restrictions, including those of drivers on a waiver program or with impairments that may be satisfied by a Skill Performance Evaluation certificate, to ensure that assignments are covered by qualified drivers
- Review and retain each driver's Motor Vehicle Record (MVR) at least annually to ensure compliance with company policies, Federal regulations, and State and local laws and ordinances related to driver fitness. If a driver seems to have numerous violations, the MVR should be reviewed more often. Random MVR checks in addition to annual checks are also effective. File the MVR in each driver's driver qualification file after review.
- Maintain each driver's investigation history file in a secure location with limited and controlled access for as long as the driver is employed and for three years thereafter.
- Maintain roadside inspection reports, moving violation records, training records, the Commercial Driver's License (CDL), the dispatch schedule, bills of lading, and the medical report to help evaluate the performance of all staff involved in qualifying drivers (dispatchers and managers) and the effectiveness of the policies and procedures
- Implement a system for keeping accurate records of employee driver fitness training needs, such as entry-level and HAZMAT training, and completed training, via software, a checklist in the driver's file, and/or another appropriate method
- Evaluate personnel who are monitoring driver fitness performance by making sure they are reviewing driver-assignment and qualification files; applying the performance standards fairly, consistently, and equitably, and documenting the evaluations
- Regularly evaluate the company's driver fitness-related inspection results via the Federal Motor Carrier Safety Administration's (FMCSA) website at <http://ai.fmcsa.dot.gov/SMS>. Assess violations for process breakdowns and how to remedy them. Use data to help implement an effective process beyond self-reporting to monitor, document, and evaluate compliance with driver-fitness regulations and company policies.
- When monitoring and tracking any driver-fitness-related issue, always assess whether it is individual or represents a systemic breakdown in one of the Safety Management Processes (Policies and Procedures, Roles and Responsibilities, etc.)

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 the industry.

4. HOS COMPLIANCE BASIC PROCESS BREAKDOWN Monitoring and Tracking

DESCRIPTION OF PROCESS BREAKDOWN Seven Son's Trucking LLC's violations occurred due to a breakdown regarding the monitoring and tracking elements of compliance within this section. You need to develop a better methodology for ensuring that all drivers record complete and accurate records of duty status. It is incumbent upon the carrier to review all driver records of duty status reports and verify that they are correct and accurate. Monitor the time records continually in order to track the driver movements. Finally, verify the accuracy of their reports with supporting documents. These duties and the documents verifying their completion require continued monitoring and tracking by carrier officials to ensure compliance. It is your responsibility to ensure that drivers don't operate beyond the 11 and 14 hour rules. This can only be accomplished by reviewing the logs regularly and comparing that information with the supporting documents. Utilize the information and instructions provided to you during this review to assist you in correcting the deficiencies.

BASIC SPECIFIC RECOMMENDED REMEDIES. Follow the above listed guidelines to remedy your hours of service issues. Drivers cannot continue to create false logs, violate the 30 minute break rule, operate beyond the 11 and 14 hour rules, and fail to complete or create the required hours of service records. These violations pose a safety risk to the motoring public. The violations discovered during this review must cease. Utilize all training programs and internal company policies at your disposal to re-train your drivers. Additionally, feel free to have them attend the State of Kansas's Procedures for Safety Compliance Presentation free of charge. This presentation will illuminate the correct way to create a log. As always, if you have questions or needs please contact me.

Implement Safety Improvement Practices The following are recommended practices related to Monitoring and Tracking Processes





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- Implement an effective process for monitoring, tracking, and evaluating all drivers' compliance with Hours-of-Service (HOS) regulations and company policies
- Promptly review all Records of Duty Status (RODS) for Hours-of-Service (HOS) violations and falsification. Look for discrepancies by comparing driver logs with their "check-in" calls and other supporting documents.
- Document all findings of fatigue-related noncompliance with regulations and/or company policies
- Systematically check to see if drivers and dispatchers are regularly communicating about Hours-of-Service (HOS) availability and driver-fatigue level
- Maintain roadside inspection, Records of Duty Status (RODS), supporting documents, dispatch schedules, and communication records to help evaluate the performance of all staff (drivers, dispatchers, and managers) involved in Hours of Service (HOS) and the effectiveness of compliance with HOS policies, procedures, and regulations
- Regularly evaluate the company's fatigue-related inspection results via the Federal Motor Carrier Safety Administration's (FMCSA) website at <http://ai.fmcsa.dot.gov/SMS>. Assess violations for process breakdowns and how to remedy them.
- Implement a system for keeping accurate records of employees' Hours-of-Service (HOS) training needs and completed training, via software, a checklist in the driver's file, and/or another appropriate method
- Evaluate personnel (log clerks, payroll, dispatchers, and third-party safety consultants) who are monitoring drivers' Records of Duty Status (RODS) for accuracy, for whether they are applying performance standards fairly, consistently, and equitably, and for whether they are documenting evaluations.
- Consider using Electronic On-board Recorders (EOBRs) to monitor and track Hours-of-Service (HOS) violations
- When monitoring and tracking any fatigue-related issues, always assess whether an issue is individual or represents a systemic breakdown in the Safety Management Processes (Policies and Procedures, Roles and Responsibilities, etc.).

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 the industry

5. CONTROLLED SUBSTANCES AND ALCOHOL BASIC PROCESS BREAKDOWN: Monitoring and Tracking

DESCRIPTION OF PROCESS BREAKDOWN. Seven Son's Trucking LLC's violation's occurred due to a breakdown regarding the monitoring and tracking elements of compliance within this section. Carrier failed to ensure that all CDL required commercial motor vehicle operators have submitted a negative pre-employment controlled substance test prior to operating a commercial motor vehicle. Carrier has negative drug test's on file, however these were not labeled DOT, pre-employment nor where they a 5 panel test. Carrier also failed to keep random pool up to date with current drivers. Carrier had terminated drivers in active pool and also failed to have newer active drivers in the testing pool.

BASIC SPECIFIC RECOMMENDED REMEDIES:

Contact your drug testing facility and make sure that all drug test are 5 panel DOT test and all pre-employment testing is correctly labeled "pre-employment". In addition make sure that you are adding new drivers to the random testing pool prior to them operating a commercial motor vehicle. Also make sure you remove terminated drivers immediately after there employment ceases

Implement Safety Improvement Practices. The following are recommended practices related to Monitoring and Tracking Processes

- Evaluate personnel who are monitoring drivers against performance standards related to controlled-substance and alcohol regulations and company policies to ensure that they are applying standards fairly, consistently, and equitably, and are documenting evaluations.
- Review and retain each driver's Motor Vehicle Record (MVR) at least annually to ensure compliance with company policies, Federal regulations, and State and local laws and ordinances related to controlled substances and alcohol. If a driver seems to have numerous violations, the MVR should be reviewed more often. Random MVR checks in addition to annual checks are also effective. File the MVR in each driver's driver qualification file after review





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- Monitor and adjust the testing program to ensure proper annual driver sampling
- Ensure that all test records are monitored for adherence to retention dates and nondisclosure requirements.
- Implement a system for keeping accurate records of controlled-substance and alcohol completed training needs and completed training, via software, checklist in the driver's file, and/or another appropriate method.
- Implement an effective process for monitoring and tracking drivers' removal from safety-sensitive functions and their return to duty according to controlled-substance and alcohol regulations and related company policies and procedures
- Provide adequate oversight of all personnel hiring and training processes, including qualification of service agents, to ensure adherence to controlled-substance and alcohol regulations and company policies and procedures
- Maintain the following documents to help evaluate the performance of all staff (drivers and managers) involved in controlled-substance and alcohol testing and the effectiveness of the policies and procedures: Motor Vehicle Record (MVR); records related to testing, the designated employer representative (DER), return to duty, and dispatch, lists of drivers removed due to a history of controlled-substance and/or alcohol misuse and those disqualified for personal driving under the influence (DUI), substance-abuse professional (SAP) letters, and for each test type, include selection criteria, the eligibility-pool list, and the statistical laboratory summary
- Regularly evaluate the company's controlled-substance and alcohol-related inspection results via the Federal Motor Carrier Safety Administration's (FMCSA) website at <http://ai.fmcsa.dot.gov/SMS>. Assess violations for process breakdowns and how to remedy them. Use data to help implement an effective process beyond self-reporting to monitor, document, and evaluate compliance with controlled-substance and alcohol regulations and company policies
- When monitoring and tracking issues regarding controlled substances and alcohol use, always assess whether they are individual or represent a systemic breakdown in one of the Safety Management Processes (Policies and Procedures, Roles and Responsibilities, etc.)

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 the industry.

6. VEHICLE MAINTENANCE BASIC - INSPECTION-REPAIR-MAINTENANCE PROCESS BREAKDOWN: Monitoring and Tracking

DESCRIPTION OF PROCESS BREAKDOWN: Seven Son's Trucking LLC's violation occurred due to a breakdown regarding the monitoring and tracking elements of compliance within this section. Carrier had complete maintenance files on 3 of the 5 vehicles reviewed. However on 2 of the vehicles reviewed the files failed to identify the vehicles make, vin number and tire size. Utilize the information. All of the required maintenance documents were provided to you from the "Red Book". These duties and the documents verifying their completion require continued monitoring and tracking by carrier officials to ensure compliance. Utilize the documents and instructions provided to you during this review to assist you in correcting the deficiencies.

BASIC SPECIFIC RECOMMENDED REMEDIES: Utilize the provided forms to assist you in these responsibilities. If you have any questions or needs, please don't hesitate to contact me.

Implement Safety Improvement Practices: The following are recommended practices related to Monitoring and Tracking Processes

- Check all inspections and relevant records, such as Driver Vehicle Inspection Records (DVIRs), pre-trip and annual inspections, and maintenance and repair records, to ensure that company inspection, repairing, and maintenance policies and procedures are adhered to and properly documented
- Ensure that Driver Vehicle Inspection Records (DVIRs) are effectively coordinated with maintenance and operations, result in timely corrective measures, and are verified during pre-trip inspections as applicable
- Require mechanics to note whether parts came from inventory or were ordered, to ensure accuracy of maintenance records
- Monitor and track roadside inspection results to ensure that vehicle defects are repaired and documented promptly and to prevent Out-of-Service (OOS) vehicles from operating prior to being repaired
- Monitor manufacturer recalls through <http://www.nhtsa.dot.gov> and consult with manufacturer service





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representatives to keep current with service bulletins for proactive maintenance

- Implement a system for keeping accurate records of employee inspection, repair, and maintenance training needs, including updates on a carrier's fleet or equipment and completed training, via software, a checklist in the driver's file, and/or another appropriate method
- Regularly evaluate the company's vehicle-maintenance-related inspection results via the Federal Motor Carrier Administration's (FMCSA) website at <http://ai.fmcsa.dot.gov/SMS>. Assess violations for process breakdowns and how to remedy them.
- Maintain inspection, repair, maintenance, vehicle identification, and communication records to help evaluate the performance of all staff (drivers, dispatchers, mechanics, and managers) involved in fleet maintenance and the effectiveness of compliance with vehicle maintenance policies, procedures, and regulations.
- Evaluate personnel who are monitoring vehicle maintenance performance by making sure they are using Driver Vehicle Inspection Records (DVIRS), roadside inspections, and other data, applying performance standards fairly, consistently, and equitably, and documenting evaluations
- When monitoring and tracking vehicle maintenance issues, always assess whether an issue is individual or represents a systemic breakdown in one of the Safety Management Processes (Policies and Procedures, Roles and Responsibilities, etc.)

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 the industry

7. 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 Seven Son's Trucking LLC's operating authority and/or the impoundment of Seven Son's Trucking LLC's vehicles

Carrier Representative

Date





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5. CONTROLLED SUBSTANCES AND ALCOHOL BASIC PROCESS BREAKDOWN: Monitoring and Tracking

DESCRIPTION OF PROCESS BREAKDOWN

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Monitoring and Tracking Processes.

- Evaluate personnel who are monitoring drivers against performance standards related to controlled-substance and alcohol regulations and company policies to ensure that they are applying standards fairly, consistently, and equitably, and are documenting evaluations
- Review and retain each driver's Motor Vehicle Record (MVR) at least annually to ensure compliance with company policies, Federal regulations, and State and local laws and ordinances related to controlled substances and alcohol. If a driver seems to have numerous violations, the MVR should be reviewed more often. Random MVR checks in addition to annual checks are also effective. File the MVR in each driver's driver qualification file after review.
- Monitor and adjust the testing program to ensure proper annual driver sampling.
- Ensure that all test records are monitored for adherence to retention dates and nondisclosure requirements
- Implement a system for keeping accurate records of controlled-substance and alcohol completed training needs and completed training, via software, checklist in the driver's file, and/or another appropriate method.
- Implement an effective process for monitoring and tracking drivers' removal from safety-sensitive functions and their return to duty according to controlled-substance and alcohol regulations and related company policies and procedures.
- Provide adequate oversight of all personnel hiring and training processes, including qualification of service agents, to ensure adherence to controlled-substance and alcohol regulations and company policies and procedures.
- Maintain the following documents to help evaluate the performance of all staff (drivers and managers) involved in controlled-substance and alcohol testing and the effectiveness of the policies and procedures. Motor Vehicle Record (MVR), records related to testing, the designated employer representative (DER), return to duty, and dispatch, lists of drivers removed due to a history of controlled-substance and/or alcohol misuse and those disqualified for personal driving under the influence (DUI); substance-abuse professional (SAP) letters; and for each test type, include selection criteria, the eligibility-pool list, and the statistical laboratory summary.
- Regularly evaluate the company's controlled-substance and alcohol-related inspection results via the Federal Motor Carrier Safety Administration's (FMCSA) website at <http://ai.fmcsa.dot.gov/SMS>. Assess violations for process breakdowns and how to remedy them. Use data to help implement an effective process beyond self-reporting to monitor, document, and evaluate compliance with controlled-substance and alcohol regulations and company policies.
- When monitoring and tracking issues regarding controlled substances and alcohol use, always assess whether they are individual or represent a systemic breakdown in one of the Safety Management Processes (Policies and Procedures, Roles and Responsibilities, etc.).

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 the industry

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 Seven Son's Trucking LLC's operating authority and/or the impoundment of Seven Son's Trucking LLC's vehicles

Carrier Representative

Date

8-3-17



ATTACHMENT “B”

DRIVER/VEHICLE EXAMINATION REPORT

Missouri State Highway Patrol
Commercial Vehicle Enforcement Division
Post Office Box 568
Jefferson City, MO 65102-0568
Phone: (573)526-6128 Fax: (573)526-4637

Report Number: MO1519005174
Inspection Date: 05/11/2017
Start: 9.45 AM CT End: 10 17 AM CT
Inspection Level: I - Full
HM Inspection Type: None

SEVEN SON'S TRUCKING LLC

Driver: CUNNINGHAM, MICHAEL R

GARDNER, KS, 66030-9606

License#:

State: KS

USDOT: 2535084

Phone#:

Date of Bi

MC/MX#: 881430

Fax#:

CoDriver:

License#:

State:

State#:

Date of Birth:

Location: 7 HWY & 13 HWY

Milepost:

Shipper: RO-MAC TRANSPORTATION
PARKVILLE MO

Highway: 7

Origin: KANSAS CITY, MO

Bill of Lading: 33465

County:

Destination: LAKELAND, FL

Cargo: FLUID PUMP

VEHICLE IDENTIFICATION

| Unit | Type | Make | Year | State | Plate | Equipment ID | VIN | GVWR | CVSA # | Issued # | OOS Sticker |
|------|------|------|------|-------|-------|--------------|-----|-------------|--------|----------|-------------|
| 1 | TR | FORD | 2015 | KS | | | | 23809 14000 | | | |
| 2 | OT | UNK | 2016 | KS | | | | 37859 25500 | | | |

BRAKE ADJUSTMENTS

| Axle # | 1 | 2 | 3 | 4 |
|---------|------|------|------|------|
| Right | N/A | N/A | N/A | N/A |
| Left | N/A | N/A | N/A | N/A |
| Chamber | HYDR | HYDR | ELEC | ELEC |

VIOLATIONS

| Section | Type | Unit | OOS | Citation # | Verify Crash | Violations Discovered |
|-----------|------|------|-----|------------|--------------|--|
| 383.23A2 | F | D | Y | | N | N Operating a CMV without a CDL |
| 391.41A-F | F | D | N | | N | N Operating a property-carrying vehicle without possessing a valid medical certificate |

HazMat: No HM transported

Placard:

Cargo Tank:

Special Checks: No data for special checks

* I hereby declare MICHAEL CUNNINGHAM "OUT OF SERVICE" No motor carrier shall permit or require this driver to operate any motor vehicle upon the highways until HAS CLASS A CDL

I certify that the above violation(s) was/were corrected

Signature Of Motor Carrier X _____ Title _____ Date _____

NOTICE TO DRIVER/MOTOR CARRIER The motor carrier name that appears on this report must sign the certification and fax, mail to the Missouri State Highway Patrol, Commercial Vehicle Enforcement Division, P O Box 568, Jefferson City, MO 65102-0568 or Email to cvemail@mshp.dps.mo.gov within 15 days. If no violations were discovered, you are NOT required to sign and return a copy of the report. ****Warning**** If this box is checked (), A separate traffic citation was issued to the violator. Please refer to the issued traffic citation for additional information. DO NOT send fine payment with the return of this report.

Signature Of Motor Carrier X _____ Title _____ Date _____

Report Prepared By: J RECTOR
Badge #: W219

Copy Received By: MICHAEL CUNNINGHAM

X

X



CERTIFICATE OF SERVICE

18-TRAM-097-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 **SEP 12 2017**.

AHSAN LATIF, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604-4027
Fax: 785-271-3354
a.latif@kcc.ks.gov

MITCHELL CUNNINGHAM, MANAGING MEMBER
SEVEN SON'S TRUCKING, LLC
18480 S MOONLIGHT RD
GARDNER, KS 66030-9606
Fax: 913-884-8405
mitch@sevensontrucking.com

/S/ DeeAnn Shupe

DeeAnn Shupe

Order Mailed Date
SEP 13 2017