

# STATE OF KANSAS



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

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

GOVERNOR JEFF COLYER, M.D.

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

## NOTICE OF PENALTY ASSESSMENT

October 25, 2018

19-TRAM-148-PEN

Michael Hammersmith, Vice President  
Trinity Oilfield Services, Inc., d/b/a Trinity Oilfield Services  
2 E 2nd Ste 200  
Hutchinson, KS 67501

This is a notice of a penalty assessment against Trinity Oilfield Services, Inc., d/b/a Trinity Oilfield Services (Trinity Oilfield Services) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on September 17, 2018, by Kansas Corporation Commission Special Investigator Wade Patterson. 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:** Trinity Oilfield Services has been assessed a \$500 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$500, 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 Trinity Oilfield Services 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](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. Trinity Oilfield Services 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. 2017 Supp. 77-542.

**IF YOU FAIL TO ACT:** Failure to pay the penalty of \$500 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,

A handwritten signature in blue ink, appearing to read "Ahsan A. Latif".

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

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

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

In the Matter of the Investigation of **Trinity**      )  
**Oilfield Services, Inc., d/b/a Trinity Oilfield**      )  
**Services, of Hutchinson, KS,** Regarding the      )  
Violation of the Motor Carrier Safety Statutes,      ) Docket No. 19-TRAM-148-PEN  
Rules and Regulations and the Commission's      )  
Authority to Impose Penalties, Sanctions and/or      )  
the Revocation of Motor Carrier Authority.      )

**PENALTY ORDER**

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

**I.      JURISDICTION**

1.      Pursuant to K.S.A. 2017 Supp. 66-1,108b, 66-1,111, 66-1,112, 66-1,114, 66-1,114b and 66-1,115, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in K.S.A. 2017 Supp. 66-1,108, doing business or procuring business in Kansas, and is empowered to do all things necessary and convenient for the exercise of such power, authority and jurisdiction.

2.      Pursuant to K.S.A. 2017 Supp. 66-1,129a, 66-1,130 and 66-1,142b, the Commission may suspend operations, revoke or amend certificates, and initiate sanctions or fines against every motor carrier and every person who violates any provision of Kansas law in regard

to the regulation of such motor carriers and persons, or who fails to obey any order, decision or regulation of the Commission.

3. The Commission has the authority, pursuant to K.A.R. 82-1-237, to investigate an entity under the Commission's jurisdiction and 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. Trinity Oilfield Services, Inc., d/b/a Trinity Oilfield Services (Trinity Oilfield Services), as of October 12, 2018, has common operating authority with the Commission and further operates USDOT number 18117711.

5. Michael Hammersmith attended a Commission-sponsored Motor Carrier Education and Safety Instructional Meeting on December 4, 2017, on behalf of Trinity Oilfield Services.

6. Trinity Oilfield Services is a common motor carrier which primarily hauls oil field equipment.

## **III. STATEMENT OF FACTS**

7. Pursuant to the jurisdiction and authority cited above, on September 17, 2018, Commission Staff (Staff) Special Investigator Wade Patterson conducted a compliance review of the operations of Trinity Oilfield Services. 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 one (1) violation(s) of the Motor Carrier Safety Regulations.

- a. On August 21, 2018, Trinity Oilfield Services required or permitted its driver, Jacob Philbern, to operate a CDL-required commercial motor vehicle, a 1978 Cooper, VIN ending in 0150, GVWR 64,000 lbs., in intrastate commerce from Hutchinson, Kansas to Stafford County, Kansas. This trip is evidenced by Payroll Time Sheet, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, Trinity Oilfield Services did not have Kansas Corporation Commission motor carrier authority to operate point-to-point in the state of Kansas. The carrier's commercial operations of motor vehicles prior to obtaining and maintaining proper Commission authority is a violation of K.S.A. 2017 Supp. 66-1,111 and 49 C.F.R. 392.2, adopted by K.A.R. 82-4-3h, and authorized by K.S.A. 2017 Supp. 66-1,129. Staff recommends a fine of \$500.

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

8. Based upon the available facts, Staff recommends the Commission finds Trinity Oilfield Services committed one (1) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

9. Additionally, Staff recommends a civil penalty of \$500 for one (1) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that a representative from Trinity Oilfield Services 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](http://kcc.ks.gov/trans/safety_meetings.htm).

11. Finally, Staff recommends that Trinity Oilfield Services 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 Trinity Oilfield Services because it is a motor carrier as defined in K.S.A. 2017 Supp. 66-1,108.

13. The Commission finds Trinity Oilfield Services committed one (1) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

### **THE COMMISSION THEREFORE ORDERS THAT:**

A. Trinity Oilfield Services, Inc., d/b/a Trinity Oilfield Services, of Hutchinson, KS is hereby assessed a \$500 civil penalty for one (1) violation(s) of Kansas law governing the regulation of motor carriers, the Kansas Administrative Regulations and provisions of the Federal Motor Carrier Safety Regulations, as adopted by the Kansas Administrative Regulations.

B. Trinity Oilfield Services 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. Trinity Oilfield Services 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. 2017 Supp. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issue(s) by submitting a written request setting forth the specific grounds upon which relief is sought. 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 Trinity Oilfield Services's right to a hearing, and this Penalty Order will become a Final Order assessing a \$500 civil penalty against Trinity Oilfield Services, and ordering a representative from Trinity Oilfield Services 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. 2017 Supp. 66-1,142b(e) and amendments thereto.

F. If you do not request a hearing, the payment of the civil penalty of \$500 is due in thirty (30) days from the date of service of this Order. Payment of \$500 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 \$500 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 Trinity Oilfield Services'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.**

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 10/25/2018











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

AAL




## **ATTACHMENT “A”**



	<b>US DOT #</b> 1811771	<b>Legal:</b> TRINITY OILFIELD SERVICES INC <b>Operating (DBA):</b> TRINITY OILFIELD SERVICES	
<b>MC/MX #:</b>		<b>Federal Tax ID:</b>  (EIN)	
<b>Review Type:</b> Non-ratable Review - CSA		<b>Focused Investigation</b>	
<b>Scope:</b>	Principal Office	<b>Location of Review/Audit:</b> Company facility in the U. S	<b>Territory:</b>
<b>Operation Types</b>		<b>Interstate</b> <b>Intrastate</b>	
<b>Carrier:</b>	N/A	<b>Non-HM</b>	<b>Business:</b> Corporation
<b>Shipper:</b>	N/A	N/A	<b>Gross Revenue:</b>  <b>for year ending:</b> 12/31/2017
<b>Cargo Tank:</b>	N/A		
<b>Company Physical Address:</b>			
 HUTCHINSON, KS 67501			
<b>Contact Name:</b> Mike Hammersmith			
<b>Phone numbers:</b> (1)  (2) 		<b>Fax</b>	
<b>E-Mail Address:</b> 			
<b>Company Mailing Address:</b>			
 HUTCHINSON, KS 67501			
<b>Carrier Classification</b>			
Private Property			
<b>Cargo Classification</b>			
Oil Field Equipment			
<b>Equipment</b>			
	<b>Owned</b>	<b>Term Leased</b>	<b>Trip Leased</b>
Truck	5	0	0
Trailer	4	0	0
Power units used in the U.S.: 5			
Percentage of time used in the U.S.: 100			
<b>Does carrier transport placardable quantities of HM?</b> No			
<b>Is an HM Permit required?</b> N/A			
<b>Driver Information</b>			
	<b>Inter</b>	<b>Intra</b>	<b>Average trip leased drivers/month:</b> 0
< 100 Miles:		2	<b>Total Drivers:</b> 2
>= 100 Miles:			<b>CDL Drivers:</b> 2



	TRINITY OILFIELD SERVICES (TRINITY OILFIELD SERVIC dba) U.S. DOT # 1811771	Review Date 09/17/2018
---	---	---------------------------

**Part A**

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

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

**Person(s) Interviewed**


**Name:** Mike Hammersmith

**Title:** Vice-President

**Name:**

**Title:**



	TRINITY OILFIELD SERVICES (TRINITY OILFIELD SERVIC dba)	Review Date
	U.S. DOT #. 1811771	09/17/2018

### Part B Violations

1 STATE	Primary 392.2 CFR Equivalent 392 9a(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation	Checked
				0	0

#### Description

Operating a motor vehicle requiring operating authority without the required operating authority.

#### Example

On 08/21/2018 Trinity Oilfield Services had driver Jacob Philbern (KS DL# [REDACTED]) operate a commercial motor vehicle in intrastate commerce. Jacob Philbern operated a commercial motor vehicle (1978 Cooper Truck VIN# [REDACTED] 0150 GVWR 64,000 lbs ) from the principal place of business in Hutchinson Kansas to McCune Well #3 in Stafford County Kansas. This trip is 64 miles from the carrier's principal place of business. This trip is evidenced by a driver record of duty status, and a job invoice. At the time of this trip and during the review, carrier failed to have State operating authority.

#### Safety Fitness Rating Information:

Total Miles Operated 63,000  
Recordable Accidents 0

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


Your proposed safety rating is :

**This Review is not Rated.**

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 does not include review of all regulatory parts and factors as set forth in 49 C.F.R. Part 385, Appendix B's safety rating methodology and cannot therefore result in a SATISFACTORY safety rating. 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.



	<b>TRINITY OILFIELD SERVICES (TRINITY OILFIELD SERVIC dba)</b> U.S. DOT # 1811771	Review Date 09/17/2018
<b>Safety Management Process Breakdowns and Remedies</b>		

**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.fmcsc.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.fmcsc.dot.gov/documents/Hijacking-Brochure.pdf>


For all Investigations that could result in a Notice of Claim:

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

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.



	<b>TRINITY OILFIELD SERVICES (TRINITY OILFIELD SERVICE dba)</b> U.S. DOT #: 1811771	Review Date: 09/17/2018
<b>Safety Management Process Breakdowns and Remedies</b>		

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. Obtain "Private Carrier Authority" from the Kansas Corporation Commission if you plan to exceed the 25 mile radius.





## **ATTACHMENT “B”**



# TRINITY OILFIELD SERVICES

## PAYROLL TIME SHEET

EMPLOYEE NAME

Jacob

[illegible]

**CERTIFICATE OF SERVICE**

19-TRAM-148-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 10/26/2018.

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

MICHAEL HAMMERSMITH, VICE-PRESIDENT  
TRINITY OILFIELD SERVICES, INC.  
D/B/A Trinity Oilfield Services  
2 E 2ND STE 200  
HUTCHINSON, KS 67501  
Fax: 620-564-3004  
mikeh@hbpetro.com

/S/ DeeAnn Shupe  
\_\_\_\_\_  
DeeAnn Shupe