

1500 SW Arrowhead Road  
Topeka, KS 66604-4027

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



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

Sam Brownback, Governor

## NOTICE OF PENALTY ASSESSMENT

April 4, 2017

17-TRAM-423-PEN

Delphine Hill, Member                      **Certified Mail Receipt No. 7016 1970 0001 0574 1195**  
Aspen Leaf Container and Transportation, LLC  
PO Box 416  
Sharon Springs, Kansas 67758

This is a notice of a penalty assessment against Aspen Leaf Container and Transportation, LLC for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on March 8, 2017, by Kansas Corporation Commission Special Investigator(s) Penny Fryback. 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:

Aspen Leaf Container has been assessed a \$1,000 penalty. You have thirty (30) days from the date of service of this Penalty Order to pay the fine, unless you choose the reduced penalty option explained below. A check must be made payable to the Kansas Corporation Commission and mailed to the Transportation Division of the Kansas Corporation Commission at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and must include a reference to the docket number of this proceeding. Credit card payment may be made by faxing your credit card information to the Transportation Office at 785-271-3124, using the KCC's credit card payment form found at <http://kcc.ks.gov/trans/creditcard.pdf>.

### ASPEN LEAF CONTAINER 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) normally assessed motor carriers in accordance with the FY 2017 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 Transportation Division shortly thereafter.

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 as stated above, will be issued by the Commission shortly thereafter. Payment of the reduced penalty of \$500, will be due within thirty (30) days from the date of service of the Amended Penalty Order.

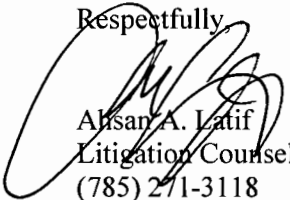
**IF YOU CONTEST THE PENALTY ORDER:**

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. Aspen Leaf Container and Transportation, 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 \$1,000 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 Aspen Leaf Container submits the attached Reduced Penalty Agreement as explained above, an Amended Penalty order will be issued assessing the reduced penalty of \$500 and that payment will become due within thirty (30) days from the date of service of the Amended Penalty Order.

Respectfully



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

1500 SW Arrowhead Road  
Topeka, KS 66604-4027



Phone: 785-271-3100  
Fax: 785-271-3354  
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### **REDUCED PENALTY AGREEMENT**

Aspen Leaf Container and Transportation, LLC hereby submits this Reduced Penalty Agreement to become eligible for a fifty percent (50%) reduction in the penalty assessed in the Penalty Order dated April 4, 2017. Aspen Leaf Container has agreed to comply with the following terms and obligations:

1. Aspen Leaf Container has submitted, within fifteen (15) days from the date of the Penalty Order issued on April 4, 2017, this Reduced Penalty Agreement to Litigation Counsel at the above address.
2. Aspen Leaf Container will, within 30 days from the date of the Penalty Order dated April 4, 2017, submit to Transportation Staff an approved Corrective Action Plan (CAP) documenting the violation(s) describing specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.
3. Aspen Leaf Container will, within thirty (30) days from the date of the Penalty Order dated April 4, 2017, send an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance will be submitted to the Transportation Division.

Aspen Leaf Container and Transportation, LLC understands that Transportation Litigation Counsel will file a Motion for Amended Penalty Order with the agreement attached to the motion. The Amended Penalty Order will assess Aspen Leaf Container a fifty-percent (50%) reduced penalty of \$500, and set out the terms and conditions stated above. Once the Amended Penalty Order is issued by the Commission, Aspen Leaf Container 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.

Aspen Leaf Container and Transportation, LLC

\_\_\_\_\_  
Delphine Hill  
Member

**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 **Aspen Leaf**      )  
**Container and Transportation, LLC, of**      )  
**Sharon Springs, Kansas,** Regarding the      )  
Violation of the Motor Carrier Safety Statutes,      ) Docket No. 17-TRAM-423-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). 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. Aspen Leaf Container and Transportation, LLC (Aspen Leaf Container) obtained private operating authority from the Commission on April 8, 2015, and operates under KSMCID number 170876 and USDOT number 2581303.

5. Delphine Hill attended a Commission-sponsored Motor Carrier Education and Instructional Meeting on February 23, 2015, on behalf of Aspen Leaf Container.

6. Aspen Leaf Container is a private motor carrier which primarily hauls intermodal containers.

7. Aspen Leaf Container is a New Entrant motor carrier and is eligible for a fifty-percent (50%) reduction of the original penalty(s) normally assessed motor carriers in accordance with the FY 2017 Uniform Penalty Assessment Matrix.

## **III. STATEMENT OF FACTS**

8. Pursuant to the jurisdiction and authority cited above, on March 8, 2017, Commission Staff (Staff) Special Investigator(s) Penny Fryback conducted a compliance review of the operations of Aspen Leaf Container. 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, Ms. Fryback identified one (1) violation(s) of the Motor Carrier Safety Regulations.

- a. On December 22, 2016, Aspen Leaf Container required or permitted its driver, Guy E. Fitzwater, to operate a CDL-required commercial motor vehicle, a 1995 Kenworth, VIN ending in 655436, GVWR 33,000 lbs., in intrastate commerce from Sharon Springs, Kansas to Saint Francis, Kansas. This trip is evidenced by Ticket No. 15337, dated December 22, 2016 from The 27 40 Store, Inc., and a fuel receipt from the same place, dated December 22, 2016, copies of which are attached hereto as Attachment “B” and are hereby incorporated by reference. At the time of this transportation, driver Guy E. Fitzwater made a false record of duty status by showing him as “off duty” all day on December 22, 2016. *See*, Driver’s Daily Log, dated December 28, 2016, a copy of which is attached hereto as Attachment “C” and is hereby incorporated by reference. The special investigator found two (2) violations of this type. Aspen Leaf Container’s falsifying records of duty status is a violation of 49 C.F.R. 395.8(e)(1), adopted by K.A.R. 82-4-3a, and authorized by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$1,000.

### **III. STAFF’S RECOMMENDATIONS**

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

10. Staff recommends a civil penalty of \$1,000 for one (1) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

11. Staff provides notice to the Commission that Aspen Leaf Container and Transportation, LLC is a New Entrant motor carrier and is eligible for a fifty-percent (50%) reduced civil penalty if it submits the Reduced Penalty Agreement which is attached to the Notice of Penalty Assessment and it is approved.

12. Staff recommends Aspen Leaf Container and Transportation, 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 Aspen Leaf Container attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and provide proof of attendance to the Transportation Division.

14. Finally, Staff recommends that Aspen Leaf Container 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 Aspen Leaf Container because it is a motor carrier as defined in K.S.A. 2016 Supp. 66-1,108.

16. The Commission finds Aspen Leaf Container 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.

17. The Commission finds Aspen Leaf Container is a New Entrant motor carrier and is eligible for an a fifty-percent (50%) reduction in the penalty(s) normally assessed motor carriers in accordance with the FY 2017 Uniform Penalty Assessment Matrix. The carrier must submit to Litigation Counsel the Reduced Penalty Agreement attached, which states it will comply with the reduced penalty terms and obligations set out therein. If Aspen Leaf Container does not submit the Agreement within fifteen (15) days from the date of this Penalty Order, it no longer is eligible for the reduced penalty option and must comply with the terms and conditions of this Order, including payment of the full penalty of \$1,000 within thirty (30) days from the date of service of this Penalty Order.

**THE COMMISSION THEREFORE ORDERS THAT:**

A. Aspen Leaf Container and Transportation, LLC, of Sharon Springs, Kansas is hereby assessed penalty of \$1,000 for one (1) violation(s) of Kansas law governing the regulation of motor carriers, the Kansas Administrative Regulations and provisions of the Federal Motor Carrier Safety Regulations, as adopted by the Kansas Administrative Regulations. For credit card payments, include type of card (Visa, MasterCard, Discover, or American Express), account number and expiration date. Payments shall be mailed to the Transportation Division of the Kansas Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, Kansas 66604. *The payment shall include a reference to the docket number of this proceeding (17-TRAM-423-PEN).*

B. Aspen Leaf Container 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 Transportation Staff. 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](http://www.kcc.state.ks.us/trans/safety_meetings.htm).



C. Aspen Leaf Container 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. Aspen Leaf Container 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 Aspen Leaf Container does not submit the Reduced Penalty Agreement and fails to pay the full penalty(s) of \$1,000 within thirty (30) days from the date of service of this Penalty Order, *see* K.S.A. 66-1,105, and/or fails to comply with the provisions of this Order, the Commission will have the right to order further sanctions, including suspension of Aspen Leaf Container'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 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.** On April 4, 2017, this Order was mailed via Certified Mail, Return Receipt Requested, Receipt Number 7016 1970 0001 0574 1195. Service of this Order is deemed complete upon the date delivered shown on the Domestic Return Receipt. A hearing will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of Aspen Leaf Container's right to a hearing.


G. 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.

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.**

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner


Dated: APR 04 2017

  
\_\_\_\_\_  
Amy L. Green  
Secretary to the Commission

AAL

Order Mailed Date  
APR 04 2017

## **ATTACHMENT “A”**

	<b>US DOT #</b> 2581303		<b>Legal: ASPEN LEAF CONTAINER AND TRANSPORTATION LLC</b> <b>Operating (DBA):</b>			
	<b>MC/MX #:</b>		<b>State #:</b> [REDACTED]		<b>Federal Tax ID:</b> [REDACTED] (EIN)	
<b>Review Type:</b> Compliance Review (CR)						
<b>Scope:</b> Principal Office		<b>Location of Review/Audit:</b> Company facility in the U. S.				<b>Territory:</b>
<b>Operation Types</b> Interstate Intrastate						
Carrier: Non-HM Non-HM Shipper: N/A N/A Cargo Tank: N/A			<b>Business:</b> Corporation <b>Gross Revenue:</b> [REDACTED] for year ending: 12/31/2016			
<b>Company Physical Address:</b> [REDACTED]						
<b>Contact Name:</b> <b>Phone numbers: (1</b> [REDACTED] <b>E-Mail Address:</b> [REDACTED]						
<b>Company Mailing Address:</b> PO BOX 416 SHARON SPRINGS, KS 67758-0416						
<b>Carrier Classification</b> Private Property						
<b>Cargo Classification</b> Intermodal Containers						
<b>Equipment</b>						
		<b>Owned Term Leased Trip Leased</b>			<b>Owned Term Leased Trip Leased</b>	
Truck Tractor		3	0	0	Trailer 6 0 0	
Power units used in the U.S.:3						
Percentage of time used in the U.S.:100						
Does carrier transport placardable quantities of HM? No						
Is an HM Permit required? N/A						
<b>Driver Information</b>						
		<b>Inter Intra</b>		<b>Average trip leased drivers/month: 0</b>		
< 100 Miles:				<b>Total Drivers: 3</b>		
>= 100 Miles:		3		<b>CDL Drivers: 3</b>		



ASPEN LEAF CONTAINER AND TRANSPORTATION LLC  
U.S. DOT #: 2581303

State #: [REDACTED]

Review Date:  
03/08/2017

**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: Delphine Hill

Title: Member

Name: [REDACTED]





ASPEN LEAF CONTAINER AND TRANSPORTATION LLC  
U.S. DOT #: 2581303

State #: [REDACTED]

Review Date:  
03/08/2017

### Part B Violations

1 FEDERAL	Primary: 391.21(a)	Discovered 3	Checked 3	Drivers/Vehicles In Violation 3	Checked 3
<p><b>Description</b> Using a driver who has not completed and furnished an employment application.</p> <p><b>Example</b> Driver [REDACTED] Trip date: 12/06/2017</p> <p>Drivers application was missing 10 years of employment history, accident information, driving experience, traffic convictions. Driver [REDACTED] application was missing 10 years of employment history, accident information, driving experience, and traffic convictions. Driver [REDACTED] had no application on file.</p>					
2 FEDERAL	Primary: 391.23(c)	Discovered 2	Checked 3	Drivers/Vehicles In Violation 2	Checked 3
<p><b>Description</b> Failing to investigate driver's background within 30 days of employment.</p> <p><b>Example</b> Driver [REDACTED] Trip Date: 1/12/2017</p> <p>No previous employer inquiries on file for Driver [REDACTED] or Driver [REDACTED]</p>					
3 FEDERAL	Primary: 391.51(b)(5)	Discovered 1	Checked 3	Drivers/Vehicles In Violation 1	Checked 3
<p><b>Description</b> Failing to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2).</p> <p><b>Example</b> Driver [REDACTED] Trip Date: 1/12/2017</p> <p>No annual review on file for driver [REDACTED]. Driver [REDACTED] has not been employed for over a year.</p>					
4 FEDERAL	Primary: 391.51(b)(6)	Discovered 1	Checked 3	Drivers/Vehicles In Violation 1	Checked 3
<p><b>Description</b> Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27.</p> <p><b>Example</b> Driver [REDACTED] Trip Date 1/12/2017</p> <p>No certificate of violation on file for Driver [REDACTED] Driver [REDACTED] has not been employed for over a year.</p>					





ASPEN LEAF CONTAINER AND TRANSPORTATION LLC

U.S. DOT #: 2581303

State #: [REDACTED]

Review Date:

03/08/2017

## Part B Violations

5 STATE	Primary: 395.8(e)	Discovered 2	Checked 90	Drivers/Vehicles In Violation 1	Checked 3
<b>Description</b> False reports of records of duty status. Driver [REDACTED] Trip Date: 12/06/2017  Drivers record of duty status shows Driver [REDACTED] was off duty all day 12/06/2017 but the Driver had completed the individual mileage record for Unit 2 on 12/06/2017 showing he drove from Sharon Springs, KS to Colby, KS and back to Sharon Springs.					
6 FEDERAL	Primary: 395.8(f)	Discovered 14	Checked 90	Drivers/Vehicles In Violation 2	Checked 3
<b>Description</b> Failing to require driver to prepare record of duty status in form and manner prescribed. <b>Example</b> Driver [REDACTED] Trip Date 1/12/2017  Driver [REDACTED] failed to log a fuel stop in Bennet, Colorado and failed to sign the record of duty status at the completion of the day on 1/12/2017					
7 FEDERAL	Primary: 396.3(b)(1)	Discovered 5	Checked 5	Drivers/Vehicles In Violation 5	Checked 5
<b>Description</b> Failing to keep a maintenance record which identifies the vehicle, including make, serial number, year, and tire size. <b>Example</b> Unit 10  Record missing VIN number and tire size.					
8 FEDERAL	Primary: 396.3(b)(2)	Discovered 5	Checked 5	Drivers/Vehicles In Violation 5	Checked 5
<b>Description</b> Failing to have a means of indicating the nature and due date of the various inspection and maintenance operations to be performed. <b>Example</b> Unit 10  Has no written maintenance scheduled.					
<b>Safety Fitness Rating Information:</b> Total Miles Operated 9,802,300 Recordable Accidents 1 Recordable Accidents/Million Miles 0.10		OOS Vehicle (CR): 0 Number of Vehicle Inspected (CR): 0 OOS Vehicle (MCMIS): 0 Number of Vehicles Inspected (MCMIS): 0			





ASPEN LEAF CONTAINER AND TRANSPORTATION LLC  
U.S. DOT #: 2581303

State #: [REDACTED]

Review Date:  
03/08/2017

### Part B Violations

Your proposed safety rating is :

**SATISFACTORY**

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

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







ASPEN LEAF CONTAINER AND TRANSPORTATION LLC

U.S. DOT #: 2581303

State #: [REDACTED]

Review Date:

03/08/2017

### Part B Requirements and/or Recommendations

1. Ensure that drivers provide a 10-year employment history on their employment application.
2. Ensure that all drivers are fully and properly qualified before operating in interstate/ intrastate commerce. Maintain a complete driver qualification file for each driver, documenting the qualification process. Included in the driver qualification file is application for employment, previous employer inquiries, copy of the medical examination certificate, road test and certification, certificate of violations, and annual review.
3. Each motor carrier must obtain and maintain records relating to the investigation into the safety performance history of a new or prospective driver within 30 days of employing the driver from every employer who employed the driver within the previous three years of employment..
4. Every motor carrier shall maintain a note relating to the annual review of the drivers driving record to determine that the driver meets the minimum requirements for safe driving
5. Each motor carrier shall obtain a list or certificate relating to violations of the motor vehicle laws and ordinances for each driver it employs.
6. Ensure that all drivers' records of duty status (logs) are accurate. Check them against "supporting documents" to verify accuracy. Prohibit falsification of logs by any driver. Review the rules on supporting documents. Take appropriate action against drivers who falsify logs.
7. The following information must be included on the form in addition to the grid:  
(1) Date; (2) Total miles driving today; (3) Truck or tractor and trailer number; (4) Name of carrier; (5) Driver's signature/certification; (6) 24 hour period starting time (e.g., midnight, 9:00 a.m., noon, 3:00 p.m.); (7) Main office address; (8) Remarks; (9) Name of co driver; (10) Total hours (far right edge of grid); change of duty status locations, and (11) Shipping document number(s), or name of shipper and commodity.
8. Establish a systematic maintenance records program for all vehicles. Maintain a complete file for each subject vehicle, recording all repair, maintenance and inspection operations performed. Maintenance files must identify the vehicle by make, serial number, year and tire size.,
9. The carrier must have a means of indicating the nature and due date of the various inspections and maintenance operations to be performed.
10. 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.





ASPEN LEAF CONTAINER AND TRANSPORTATION LLC

U.S. DOT #: 2581303

State #: [REDACTED]

Review Date:

03/08/2017

### Part B Requirements and/or Recommendations

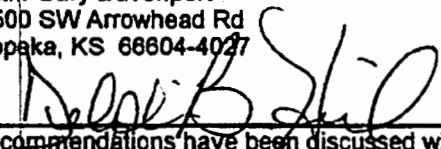
• **NOTICE:** 49 CFR Part 391.23 requires prospective employers to, at a minimum, investigate a driver's employment information, crash record, and alcohol and controlled substances history from all employers the driver worked for within the previous 3 years.

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.

11. This review will result in a Safety Rating.
12. This report contains citations of regulations that are deemed serious in nature and could result in penalties against your company and/or your drivers.
13. 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

14. 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 Aspen Leaf Container and Transportation L.L.C. operating authority and/or the impoundment of Aspen Leaf Container and Transportation L.L.C. vehicles.



## **ATTACHMENT “B”**

#7

**THE 27 40 STORE, INC.**

Junction 27 &amp; 40

Box 264

Sharon Springs, KS 67758

785-852-4333

Name

Aspen Leaf

Date

12/22/16

Address

Truck No.

Purchased By

CASH

CHARGE

X

ON ACCOUNT

QUAN.	DESCRIPTION	PRICE	AMOUNT	
37 768	Diesel	250 <sup>00</sup>	94	76
	E-10			
	Unlead			
	Premium Unlead			
	TAX			
	TOTAL		94	76

**No. 15337**

Sold By

SLA

Welcome to Shell  
WELCOME TO  
THE 27/40 STORE  
SHARON SPRINGS KS 67758  
10007009029  
2740  
HWY 27 & 40  
SHARON SPRING KS 67758

Description	Qty	Amount
DIESEL CA #06	37.768G	94.76
SELF @ 2.509/ G		
Subtotal		94.76
Tax		0.00
<b>TOTAL</b>		<b>94.76</b>
MAN CRED \$		94.76

Please come again

THANKS, COME AGAIN  
ST# 1 TILL XXXX DR# 1 TRAN# 1010363  
CSH: 5 12/22/16 09:27:44

## **ATTACHMENT “C”**

[illegible]

416

Accepted for publication 11 November 2014  
 Accepted for publication 11 November 2014

2000年12月10日

10



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...the ... of ...

www.fishbase.org

Figure 1. The effect of the concentration of the inhibitor on the polymerization of  $\alpha$ -methylstyrene initiated by  $\text{BuLi}$  in THF at  $-78^\circ\text{C}$ . The concentration of  $\text{BuLi}$  was  $0.01\text{ mol/L}$ , and the concentration of  $\alpha$ -methylstyrene was  $0.1\text{ mol/L}$ . The concentration of the inhibitor was  $0.001\text{ mol/L}$  (a),  $0.002\text{ mol/L}$  (b),  $0.004\text{ mol/L}$  (c),  $0.006\text{ mol/L}$  (d),  $0.008\text{ mol/L}$  (e),  $0.01\text{ mol/L}$  (f),  $0.02\text{ mol/L}$  (g),  $0.04\text{ mol/L}$  (h),  $0.06\text{ mol/L}$  (i),  $0.08\text{ mol/L}$  (j),  $0.1\text{ mol/L}$  (k), and  $0.2\text{ mol/L}$  (l).

# LOFT DUTY

## 2. SET-UP

### 3. DIVING

4.0% DUTY  
4.0% DUTY

4115

SHIRAZ

Oct 24

9/12.21 9/1-22-21

2010

40' Shipping Container



# Shopper's Commodity

1. *Introduction*  
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 3. *Results*  
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Factor in the place you're visiting and where you're coming from. Keep in mind that a lot of states have a change of duty in winter.

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# THESE JOURNALS

[illegible]

4257

## RECAP

$\frac{d}{dt} \left( \frac{1}{2} m v^2 \right) = \frac{1}{2} m \frac{dv^2}{dt}$

**NOTABLE  
RECORDS**

[illegible][illegible][illegible]

2000  
 2001  
 2002

[illegible][illegible][illegible]

**CERTIFICATE OF SERVICE**

17-TRAM-423-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 APR 04 2017.

DELPHINE HILL, MEMBER  
ASPEN LEAF CONTAINER AND TRANSPORTATION, LLC  
PO BOX 416  
SHARON SPRINGS, KS 67758-0416  
Fax: 785-821-0204  
plainsmountainss@gmail.com

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

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

**Order Mailed Date**

**APR 04 2017**