

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
18-TRAM-465-PEN

May 1, 2018

Nicholas Matthew Smith, Owner
d/b/a Alltrade
PO Box 2264
Garden City, Kansas 67846

Certified Mail No. 70161970000105743519

This is a notice of a penalty assessment against Nicholas Matthew Smith, d/b/a Alltrade (Alltrade) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on April 6, 2018, by Kansas Corporation Commission Special Investigator Penny Fryback. Penalties are assessed in accordance with the FY 2018 Uniform Penalty Assessment Matrix, approved by the Commission on June 27, 2017. 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: Alltrade has been assessed a \$2,450 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$2,450, 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 Alltrade to attend a Commission-sponsored safety seminar within ninety (90) days from the date of the Order and to provide the undersigned Litigation Counsel with written proof of attendance. A schedule of dates and locations for safety seminars can be found at the Commission's website http://www.kcc.state.ks.us/trans/safety_meetings.htm. The Order also requires your company to submit to one follow-up safety compliance review within 18 months from the date of the Order. Transportation Staff will contact your company at a later date to determine an appropriate time for this review.

IF YOU CONTEST THE PENALTY ORDER: You have the right to request a hearing. A request for hearing must be made in writing, setting forth the specific grounds upon which relief is sought. Alltrade 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 \$2,450 within thirty (30) days from the date of service of the Penalty Order or failure to comply with the terms of the Order, or in the alternative, failure to provide a timely written request for a hearing, will result in the Order becoming final and may result in additional sanctions of suspension and/or revocation of your motor carrier operating authority.

Respectfully,


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

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

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

In the Matter of the Investigation of **Nicholas**)
Matthew Smith, d/b/a Alltrade, of Garden)
City, Kansas, Regarding the Violation of the)
Motor Carrier Safety Statutes, Rules and) Docket No. 18-TRAM-465-PEN
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. Nicholas Matthew Smith, d/b/a Alltrade (Alltrade) has common operating authority with the Commission and further operates USDOT number 2465753.

5. Nicholas Smith attended a Commission-sponsored Motor Carrier Education and Safety Instructional Meeting on August 31, 2015, on behalf of Alltrade.

6. Alltrade is a common motor carrier which primarily hauls general freight, metal, sheets, coils, rolls, building materials, and appliances.

III. STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, on April 6, 2018, Commission Staff (Staff) Special Investigator Penny Fryback conducted a compliance review of the operations of Alltrade. 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 five (5) violation(s) of the Motor Carrier Safety Regulations.

- a. On February 8, 2018, Alltrade required or permitted its driver, Nicholas Matthew Smith, to operate a CDL-required commercial motor vehicle, a 1999 Ford F-250, VIN ending in 99338, GVWR 8,800 lbs., pulling a tandem axle car trailer with no title and no registration, in intrastate commerce from Garden City, Kansas to Oakley, Kansas. This trip is evidenced by Driver's

Daily Log, dated February 8, 2018, a copy of which is attached hereto as Attachment “B” and is hereby incorporated by reference. At the time of this transportation, Alltrade failed to have the flatbed car trailer registered and did not have commercial registration on the Ford F-250 pickup. *See*, photographs attached hereto as Attachment “C” and are hereby incorporated by reference. Alltrade’s operation of a commercial motor vehicle without having a USDOT Registration is a violation of 49 C.F.R. Part 392.9b(a), 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.

- b. On February 22, 2018, Alltrade required or permitted its driver, Nicholas Matthew Smith, to operate a CDL-required commercial motor vehicle, a 2003 Freightliner, VIN ending in 12925, GVWR 33,000 lbs., pulling a 1999 45-foot Utility semi-trailer, VIN ending in 703410, in interstate commerce from Burlington, Colorado to Garden City, Kansas. This trip is evidenced by Driver’s Daily Log, dated February 22, 2018, a copy of which is attached hereto as Attachment “D” and is hereby incorporated by reference. At the time of this transportation, Alltrade allowed or required its driver to drive after the 14th hour after coming on duty following the driver’s last off duty period of at least 10 hours. *See*, Attachment “D”. The carrier’s failure to require its driver to cease driving at the 14th hour after coming on duty following ten (10) consecutive hours off duty is in violation of 49 C.F.R. 395.3(a)(2), adopted by K.A.R. 82-4-3, and authorized by K.S.A. 2017 Supp. 66-1,129. Staff recommends a fine of \$250.

- c. On February 12, 2018, Alltrade required or permitted its driver, Nicholas Matthew Smith, to operate a CDL-required commercial motor vehicle, a 2003 Freightliner, VIN ending in 12925, GVWR 33,000 lbs., pulling a 2007 Chaparral forklift semi-trailer, VIN ending in 949135, GVWR 60,000 lbs., in interstate commerce from Garden City, Kansas to Pueblo, Colorado. This trip is evidenced by Driver's Daily Log, dated February 12, 2018, a copy of which is attached hereto as Attachment "E" and is hereby incorporated by reference. At the time of this transportation, driver Nicholas Matthew Smith failed to take a 30 minute rest period after driving for eight (8) hours. This carrier was cited for the same violation in a safety compliance review conducted on January 10, 2018. Alltrade's failure to provide "rest breaks" to its drivers if more than eight (8) hours have passed since the end of the driver's last off-duty or sleeper-berth period of at least 30 minutes is a violation of 49 C.F.R. 395.3(a)(3)(ii), adopted by K.A.R. 82-4-3, and implemented by K.S.A. 2017 Supp. 66-1,129. Staff recommends an enhanced fine of \$500.
- d. During the transportation described in paragraph a., above, Alltrade failed to retain and produce records of maintenance and inspection for the flatbed tandem axle car trailer. The carrier was cited for this same violation in a safety compliance review conducted on January 10, 2018. Alltrade's failure to maintain the required records of vehicle inspection, maintenance, and repair on the commercial motor vehicles owned for 30 days is in violation

of 49 C.F.R. 396.3(b), adopted by K.A.R. 82-4-3j, and authorized by K.S.A.

2017 Supp. 66-1,129. Staff recommends an enhanced fine of \$700.

- e. During the transportation described in paragraph a., above, Alltrade could not produce a current annual inspection report for the flatbed tandem car axle car trailer. The carrier was cited for the same violation in a safety compliance review conducted on January 10, 2018. Alltrade's failure to conduct periodic (annual) inspections on commercial motor vehicles is a violation of 49 C.F.R. 396.17(c), adopted by K.A.R. 82-4-3j, and authorized by K.S.A. 2017 Supp. 66-1,129. Staff recommends an enhanced fine of \$500.

IV. STAFF'S RECOMMENDATIONS

8. Based upon the available facts, Staff recommends the Commission finds Alltrade committed five (5) 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 \$2,450 for five (5) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

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

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

13. The Commission finds Alltrade committed five (5) 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. Nicholas Matthew Smith, d/b/a Alltrade, of Garden City, Kansas is hereby assessed a \$2,450 civil penalty for five (5) 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. Alltrade 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. Alltrade 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. On May 1, 2018, this Penalty Order was mailed to Alltrade via Certified Mail, Return Receipt Requested, Receipt Number 70161970000105743519. Service of this Order is complete upon the date delivered shown on the Domestic Return Receipt.

E. 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 Alltrade's right to a hearing, and this Penalty Order will become a Final Order assessing a \$2,450 civil penalty against Alltrade, and ordering a representative from Alltrade 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.

F. 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.

G. If you do not request a hearing, the payment of the civil penalty of \$2,450 is due in thirty (30) days from the date of service of this Order. Payment of \$2,450 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.

H. Failure to pay the \$2,450 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 Alltrade'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.

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.

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner


Dated: 05/01/2018



Lynn M. Retz
Secretary to the Commission

AAL

ATTACHMENT “A”

	US DOT # 2485753	Legal: NICHOLAS MATTHEW SMITH Operating (DBA): ALLTRADE		
	MC/MX #: 916698	State #: [REDACTED]	Federal Tax ID: [REDACTED] (EIN)	
Review Type: Non-ratable Review - CSA				
Scope: Principal Office		Location of Review/Audit: CSA Off-site		Territory:
Operation Types Interstate Intrastate				
Carrier: Non-HM Non-HM		Business: Individual		
Shipper: N/A N/A		Gross Revenue: [REDACTED] for year ending: 12/31/2016		
Cargo Tank: N/A				
Company Physical Address: [REDACTED]				
Contact Name:				
Phone numbers: (1) [REDACTED]		Fax		
E-Mail Address: [REDACTED]				
Company Mailing Address: PO BOX 2284 GARDEN CITY, KS 67846				
Carrier Classification				
Authorized for Hire		Private Property		
Cargo Classification				
General Freight		Metal: Sheets, Coils, Rolls		Building Materials
Other: Appliances				
Equipment				
	Owned	Term Leased	Trip Leased	
Truck	2	0	0	Truck Tractor
Trailer	1	2	0	
Owned Term Leased Trip Leased				
	1	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				
Driver Information				
	Inter	Intra	Average trip leased drivers/month: 0	
< 100 Miles:			Total Drivers: 1	
>= 100 Miles:	1		CDL Drivers: 1	



ALLTRADE (NICHOLAS MATTHEW SMITH dba)
U.S. DOT #: 2465753

State #: [REDACTED]

Review Date:
04/06/2018

Part A

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

Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, Ks 66604

Phone : 785-271-3145

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Nicholas Matthew Smith

Title: Owner

Name: [REDACTED]





ALLTRADE (NICHOLAS MATTHEW SMITH dba)
U.S. DOT #: 2465753

State #: [REDACTED]

Review Date:
04/08/2018

Part B Violations

1 STATE	Primary: 390.21(a) CFR Equivalent: 390.21(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation	Checked 1
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Description

Failing to ensure self-propelled CMV, as defined in section 390.5, is marked as specified in paragraphs (b), (c), and (d) of 390.21.

Example

Driver Nicholas Matthew Smith

Trip Date: February 8, 2018

Vehicle: Unit 3 - 1999 Red Ford F250

On February 8, 2018 the vehicle was not marked with the legal name or trade name, U.S. DOT number, city, state or gross vehicle weight. Unit 3 a 1999 Red Ford F250 pickup has since been properly marked.

2 STATE	Primary: K.S.A. 8-142 CFR Equivalent: 392.2	Discovered 2	Checked 2	Drivers/Vehicles In Violation	Checked 2
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Description

Failure to register vehicle in this state.

Example

Unit 3 - 1999 Ford F250 and flatbed car trailer

Trip Date: February 8, 2018

On February 8, 2018 Nicholas Matthew Smith operated Unit 3 a 1999 Ford F250 and a flatbed trailer hauling merchandise from Menards in Garden City to Oakley, Kansas. At the time of this transportation Unit 3 did not have a commercial registration and the car trailer did not have any registration. Unit 3 was commercially registered on February 19, 2018. Owner Nicholas Matthew Smith did not provide any documentation that shows that the flatbed car trailer is currently registered.

3 FEDERAL	Primary: 395.3(a)(2)	Discovered 1	Checked 30	Drivers/Vehicles In Violation	Checked 1
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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

Driver Nicholas Matthew Smith

Trip Date: February 22, 2018

On February 22, 2018 Driver Nicholas Matthew was on duty and driving for 14 1/4 hours following his last ten hour break.

4 FEDERAL	Primary: 395.3(a)(3)(ii)	Discovered 1	Checked 30	Drivers/Vehicles In Violation	Checked 1
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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

Driver Nicholas Matthew Smith

Trip Date: 2/12/2018

On February 12, 2018 Driver Nicholas Matthew Smith came on duty at 09:00 a.m. and was on duty and driving until 05:15 p.m. without taking a 30 minute rest period following his last off duty period of at least 30 minutes.





ALLTRADE (NICHOLAS MATTHEW SMITH dba)
U.S. DOT #: 2465753

State #: [REDACTED]

Review Date:
04/06/2018

Part B Violations

5 FEDERAL	Primary: 395.8(f)	Discovered 1	Checked 30	Drivers/Vehicles In Violation 1	Checked 1
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Description

Failing to require driver to prepare record of duty status in form and manner prescribed.

Example

Driver Nicholas Matthew Smith
Trip Date: 2/26/2018

On February 26, 2018 Driver Nicholas Matthew Smith failed to enter the total hours at the end of the graph.

6 FEDERAL	Primary: 396.3(b)	Discovered 1	Checked 2	Drivers/Vehicles In Violation 1	Checked 2
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Description

Failing to keep minimum records of inspection and vehicle maintenance.

Example

Flatbed Car trailer
Trip Date: February 8, 2018

Carrier provided no maintenance record for the flatbed car trailer.

7 STATE	Primary: 396.17(a) CFR Equivalent: 396.17(a)	Discovered 1	Checked 2	Drivers/Vehicles In Violation 1	Checked 2
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Description

Using a commercial motor vehicle not periodically inspected.

Example

Flatbed car trailer
Date of Trip: February 8, 2018

At the time of this transportation flatbed car trailer did not have a current annual inspection. Owner Nicholas Matthew Smith did not provide me with the registration or the annual inspection on the flatbed car trailer.

Safety Fitness Rating Information:

Total Miles Operated 41,492
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.





ALLTRADE (NICHOLAS MATTHEW SMITH dba)
U.S. DOT #: 2465753

State #: [REDACTED]

Review Date:
04/06/2018

Safety Management Process Breakdowns and Remedies

1. For all Investigations:

- **Understand Why Compliance Saves Time and Money:** Compliance with FMCSRs will not only save lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business.
- **Document and Follow Through on Action Plans:** Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance
- **NOTICE:** A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six year period.
- **NOTICE:** 49 CFR Part 391.23 requires prospective employers to, at a minimum, investigate a driver's employment information, crash record, and alcohol and controlled substances history from all employers the driver worked for within the previous 3 years.

The Pre-Employment Screening Program (PSP) is a screening tool that assists motor carriers in investigating crash history and roadside safety performance of prospective drivers. The PSP allows motor carriers to purchase 5 years of crash data and 3 years of roadside inspection data from the Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Management Information System (MCMIS). Records are available 24 hours a day via Web request. Motor carriers should visit the following website for more information:
<http://www.psp.fmcsa.dot.gov/Pages/default.aspx>

- All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities. Discuss with your employees/drivers the "Security Measures for Truck Drivers and Companies" which were provided and reviewed with motor carrier official. Motor carriers should visit the following website for more information:
<http://www.fmcsa.dot.gov/documents/Hijacking-Brochure.pdf>

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

For all Investigations that could result in a Penalty Order:

- **PLEASE NOTE:** The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Penalty Order. In addition, your history of prior violations of the Federal Motor Carrier Safety





ALLTRADE (NICHOLAS MATTHEW SMITH dba)

U.S. DOT #: 2465753

State #: [REDACTED]

Review Date:

04/06/2018

Safety Management Process Breakdowns and Remedies

Regulations, Federal Hazardous Material Regulations or the Federal Motor Carrier Commercial Regulations may also affect the civil penalty proposed in any subsequent Penalty Order. Your signature for receipt of this report acknowledges your understanding that the violations discovered by the KCC 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 recurrence 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. Every commercial motor vehicle must be marked in accordance with 390.21 (b). It must have the legal name or trade name as it appears on the MCS-150 and U.S. Dot number on both sides of the vehicle.
3. It shall be unlawful for any person to operate, or for the owner thereof knowingly to permit the operation, upon a highway of any vehicle, as defined in K.S.A. 8-126 and amendments thereto, which is not registered, or for which a certificate of title has not been issued or which does not have attached thereto and displayed thereon the license plate or plates assigned thereto by the division for the current registration year, including any registration decal required to be affixed to any such license plate pursuant to K.S.A. 8-134
4. Establish a system to control property -carrying drivers' hours of service. Do not dispatch drivers who lack adequate hours to complete assigned trips legally. Do not allow drivers to exceed the 11, 14, 60/70-hour limits.
5. After June 30, 2013, driving is not permitted if 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.
6. 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.
7. Maintain annual inspections in accordance with 396.17 on each vehicle. A motor carrier shall not use a commercial motor vehicle unless each component has passed an inspection at least once during the preceding 12 months. The inspection must identify the vehicle, the date of inspection, and the name and address of the motor carrier or entity where the report is maintained
8. This report contains citations of regulations that are deemed serious in nature and could result in penalties against your company and/or your drivers.
9. I acknowledge that the requirements and/or recommendations resulting from this off-site, focused review have been discussed with me and my questions have been answered. I further acknowledge that KCC recommendations only cover the scope of this focused review, and that areas not reviewed by the KCC have not necessarily been endorsed as compliant. I understand that failure to satisfactorily remedy the above-listed requirements, and/or failure to comply with Kansas Motor Carrier Safety Statutes and Regulations could result in the suspension of Nicholas Matthew Smith d/b/a Alltrade operating authority and/or the impoundment of Nicholas Matthew Smith d/b/a Alltrade vehicles.





ALLTRADE (NICHOLAS MATTHEW SMITH dba)
U.S. DOT #: 2465753

State #: [REDACTED]

Review Date:
04/06/2018

Safety Management Process Breakdowns and Remedies

Nicholas Smith
Carrier Representative

4/10/18
Date

After reviewing these Requirements and/or Recommendations, please sign and date where indicated, and return to the Kansas Corporation Commission, Transportation Division, Attn: Penny Fryback, Special Investigator, 1500 SW Arrowhead, Topeka, KS 66604. You may fax the form to the attention of Special Investigator Penny Fryback to 786-271-3124, or scan and email to Special Investigator Penny Fryback at p.fryback@kcc.ks.gov.



ATTACHMENT “B”



DRIVER'S DAILY LOG

(24 HOURS)

2/8/18

AllHade

2115 E Schulman

1110 Gersony

3/4

3 Red Pickup

Truck/Tractor and Trailer Number(s) on License Plate(s) State (show each unit)

TIME	1	2	3	4	5	6	7	8	9	10	11	NOON	1	2	3	4	5	6	7	8	9	10	11	TOTAL HOURS
1. OFF DUTY																								16 1/2
2. SLEEPER BERTH																								0
3. DRIVING																								0
4. ON DUTY (NOT DRIVING)																								7 1/2
REMARKS																								24

SHIPPING DOCUMENTS

9228014+9226295

B/L or Manifest No.

Merwoods cabinets/doors

Shipper & Commodity

Enter name of place to be shipped (not shown) and show weight and show unit (show unit) (show unit) (show unit)

From

To

USE TIME STANDARD AT HOME TERMINAL

DRIVER'S VEHICLE INSPECTION REPORT

DATE: 2/8/18

TRACTOR/TRUCK NO.:

3

TRAILER(S) NO.(S)

trailer

X I DETECT NO DEFECT OR DEFICIENCY IN THIS MOTOR VEHICLE AS WOULD BE LIKELY TO AFFECT THE SAFETY OF ITS OPERATION OR RESULT IN ITS MECHANICAL BREAKDOWN

I DETECT THE FOLLOWING DEFECTS OR DEFICIENCIES IN THIS MOTOR VEHICLE AS WOULD BE LIKELY TO AFFECT THE SAFETY OF ITS OPERATION OR RESULT IN ITS MECHANICAL BREAKDOWN

INDICATE WHETHER DEFECTS ARE ON TRACTOR/TRUCK OR TRAILER. DESCRIBE DEFECT IN DETAIL (USE BACK SIDE IF NECESSARY)

IF ABOVE DEFECTS CORRECTED

IF ABOVE DEFECTS WERE NOT BE CORRECTED FOR SAFE OPERATION OF VEHICLE

MS CHANDLER MARK DUB

MS CHANDLER MARK DUB

615-MP 12215

ATTACHMENT “C”





ATTACHMENT “D”



DRIVER'S DAILY LOG

182
340 604522

2/8142

2/22/18
Alltrade
2115 E Schuman
1110 Loran

1110 Loran

TIME	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	TOTAL HOURS
1. OFF DUTY																								11
2. SLEEPER BERTH																								0
3. DRIVING																								5 3/4
4. ON DUTY																								7 1/4
REMARKS																								24

SHIPPING DOCUMENTS: 9243341 + 9120641
 N/I or Manifest No.
 Shipper's Comments: Merab, Fridge / Picking insulation Lumber
 From: Garden City KS to Loran KS 3 Red Pickup
 To: Garden City KS
 To: Buchanan CO
 To: Goodland KS
 To: Garden City KS
 To: Fuel Supply KS

DRIVER'S VEHICLE INSPECTION REPORT

DATE: 2/22/18 TRACTOR/TRUCK NO. 2 TRAILER(S) NO(S) 8142

X I DETECT NO DEFECT OR DEFICIENCY IN THIS MOTOR VEHICLE AS WOULD BE LIKELY TO AFFECT THE SAFETY OF ITS OPERATION OR RESULT IN ITS MECHANICAL BREAKDOWN

I DETECT THE FOLLOWING DEFECTS OR DEFICIENCIES IN THIS MOTOR VEHICLE AS WOULD BE LIKELY TO AFFECT THE SAFETY OF ITS OPERATION OR RESULT IN ITS MECHANICAL BREAKDOWN

INDICATE WHETHER DEFECTS ARE ON TRACTOR/TRUCK OR TRAILER. DESCRIBE DEFECT IN DETAIL. CHECK BACK SIDE IF NECESSARY

DEFECTS CORRECTED

DEFECTS USED NOT BE CORRECTED FOR SAFE OPERATION OF VEHICLE

MECHANIC'S SIGNATURE

DRIVER'S SIGNATURE

ATTACHMENT “E”



DRIVER'S DAILY LOG

(24 HOURS)

488

602
603090

Total Miles Driving Today

Total Mileage Today

2/9407

Print Tractor and Trailer Numbers on License Plate(s) State (show each unit)

2/11/18
Month Day Year

21142

2115 E So Le Juan

1116 Lavea

Name of Carrier or Consignee

Main Office Address

Home Telephone Address

Print the driver's name and signature

Driver's Full Signature

Cosigner's Name

MID-NIGHT		1	2	3	4	5	6	7	8	9	10	11	NOON		1	2	3	4	5	6	7	8	9	10	11	TOTAL HOURS
1	OFF DUTY																								12 1/2	
2	SLEEPING																								0	
3	DRIVING																								9	
4	ON DUTY																								2 1/2	
REMARKS																									24	

SLEEPING DOCUMENTS:

9225613

B/L or Manifest No.

Manuel Lysa + windows + Pro Lab

Shipper & Consignee

Print name of place where reported (where it occurred) and its location (road, street, etc.)

From:

To:

ONE TIME STANDARD AT HOME TERMINAL

DRIVER'S VEHICLE INSPECTION REPORT

AS REQUIRED BY THE DOT, THE DRIVER MUST EXAMINE HIS OR HER VEHICLE AND TRAILER BEFORE EACH TRIP.

DATE: 2/12/18

TRACTOR/TRUCK NO:

2

TRAILER(S) NO (S)

9407

I DETECT NO DEFECT OR DEFICIENCY IN THIS MOTOR VEHICLE AS WELL AS THE TRAILER(S) OF THE COMBINATION OR RESULT IN ITS MECHANICAL BREAKDOWN

I DETECT THE FOLLOWING DEFECTS OR DEFICIENCIES IN THIS MOTOR VEHICLE AS WELL AS THE TRAILER(S) OF THE COMBINATION OR RESULT IN ITS MECHANICAL BREAKDOWN

INDICATE WHETHER DEFECTS ARE ON TRACTOR/TRUCK OR TRAILER (S) (CIRCLE ONE) (USE BACK SIDE IF NECESSARY)

IF ABOVE DEFECTS CORRECTED

ABOVE DEFECTS NEED NOT BE CORRECTED FOR THIS INSPECTION

IF NONE

Signature of Driver

Signature of Inspector

615-MP 10215

CERTIFICATE OF SERVICE

18-TRAM-465-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 05/02/2018.

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

NICHOLAS MATTHEW SMITH, OWNER
NICHOLAS MATTHEW SMITH
D/B/A ALLTRADE
PO BOX 2265
GARDEN CITY, KS 67846
nickeliminator@hotmail.com

/S/ DeeAnn Shupe

DeeAnn Shupe