

1500 SW Arrowhead Road
Topeka, KS 66604-4027



20170301084241
Kansas Corporation Commission

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

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

Sam Brownback, Governor

NOTICE OF PENALTY ASSESSMENT

February 28, 2017

17-TRAM-382-PEN

John Dreiling, Managing Member
Dreiling Field Service LLC
1715 E 10th Street
Hays, Kansas 67601

Certified Mail No. 7016 1970 0001 0574 1720

This is a notice of a penalty assessment for violation of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on January 18, 2017, by Kansas Corporation Commission Special Investigator Gregory Askren. For a full description of the penalty and process please refer to the Order that is attached to this notice.

IF YOU ACCEPT THE PENALTY:

You have been assessed a \$250 penalty. You have thirty (30) days from service of this Penalty Order to pay the fine amount. Check or money order must be made payable to the Kansas Corporation Commission. Payment is to be 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>.

You must attend a Commission-sponsored safety seminar within the next ninety (90) days and provide Staff with written proof of attendance. 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.

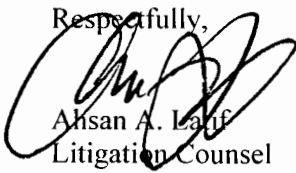
You must submit to one follow-up safety compliance review within the next 18 months. Staff will contact you at a later date to determine an appropriate time for this review.

IF YOU CONTEST THE PENALTY: 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. Respondent must submit 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 stamped on the last page of the Penalty Order. K.A.R. 82-1-215; K.S.A. 2016 Supp. 77-542.

IF YOU FAIL TO ACT:

Failure to pay the fine amount within thirty (30) days of service of the Penalty Order, or in the alternative, provide a written request for a hearing within fifteen (15) days from service of the Penalty Order will result in the attached Order becoming a Final Order and may result in the additional sanction of suspension and/or revocation of your motor carrier operating authority.

Respectfully,



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

**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 **Dreiling**)
Field Service LLC, of Hays, Kansas,)
Regarding the Violation of the Motor Carrier)
Safety Statutes, Rules and Regulations and the) Docket No. 17-TRAM-382-PEN
Commission's Authority to Impose Penalties,)
Sanctions and/or the Revocation of Motor)
Carrier Authority.)

PENALTY ORDER

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

I. JURISDICTION

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

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

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

II. BACKGROUND

4. Dreiling Field Service LLC (Dreiling Field Service) obtained common operating authority from the Commission on April 17, 2014, and operates under KSMCID number 168768 and USDOT number 2148823.

5. John Dreiling attended a Commission-sponsored Motor Carrier Education and Instructional Meeting on May 16, 2011, on behalf of Dreiling Field Service.

6. Dreiling Field Service is a common motor carrier which primarily hauls motor vehicles.

III. STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, on January 18, 2017, Commission Staff (Staff) Special Investigator Gregory Askren conducted a compliance review of the operations of Dreiling Field Service. 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, Mr. Askren identified one (1) violation(s) of the Motor Carrier Safety Regulations.

- a. On December 7, 2016, Dreiling Field Service required or permitted its driver, John Dreiling, to operate a commercial motor vehicle, a 2007 Ford, VIN ending in 514406, GVWR 26,000 lbs., in intrastate commerce in and around the area of Hays, Kansas. This trip is evidenced by Invoice No.

9716, dated December 7, 2016, a copy of which is attached hereto as Attachment “B” and is hereby incorporated by reference. At the time of this transportation, Dreiling Field Service failed to require that its driver John Dreiling be medically certified as physically fit to operate a commercial motor vehicle. Mr. Dreiling’s medical certificate expired on March 17, 2016, and he did not obtain a new certificate until January 13, 2017. Dreiling Field Service’s failure to confirm that each of its drivers are medically examined and certified prior to requiring or permitting the operation of a commercial motor vehicle and maintaining documentation of the medical certificate in the driver qualification file is a violation of 49 C.F.R. 391.45(b)(1) and 49 C.F.R. 391.51(b)(7)(i), as adopted by K.A.R. 82-4-3g, and as authorized by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine in the amount of \$250.

IV. STAFF’S RECOMMENDATIONS

8. Based upon the available facts, Staff recommends the Commission find Dreiling Field Service 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 \$250 for one (1) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that Dreiling Field Service be required to attend a Commission-sponsored safety seminar within the next ninety (90) days and provide Staff with

written proof of attendance. A schedule of the dates and locations for the safety seminar can be found on the Commission's website at http://kcc.ks.gov/trans/safety_meetings.htm.

11. Finally, Staff recommends that Dreiling Field Service submit to one follow-up safety compliance review within the next eighteen (18) months. 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 Dreiling Field Service because it is a motor carrier as defined in K.S.A. 2016 Supp. 66-1,108.

13. The Commission finds Dreiling Field Service 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. Dreiling Field Service LLC, of Hays, Kansas is hereby assessed a \$250 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. Dreiling Field Service is hereby ordered to attend a Commission-sponsored safety seminar within the next ninety (90) days and is to provide Staff with written proof of attendance. Further, Dreiling Field Service is ordered to submit to one follow-up safety compliance review within the next eighteen (18) months.

C. **Pursuant to K.S.A. 2016 Supp. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issues by submitting a written request, setting forth the**

specific grounds upon which relief is sought, 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 Order. If service is by certified mail, service is complete upon the date delivered shown on the Domestic Return Receipt. Hearings will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of Dreiling Field Service's right to a hearing, and this Penalty Order will become a Final Order assessing a \$250 civil penalty against Dreiling Field Service, and ordering Dreiling Field Service to attend a Commission-sponsored safety seminar within the next ninety (90) days and provide Staff with written proof of attendance, and to submit to a safety compliance review within eighteen (18) months from the date of service of this Order.

D. 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.

E. If you do not request a hearing, the payment of the civil penalty is due in thirty (30) days from date of service of this Order. Checks and Money Orders shall be payable to the Kansas Corporation Commission. 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.*


F. Failure to pay the \$250 civil penalty within thirty (30) days of the 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 Dreiling Field Service'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 out-of-service and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

G. 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: **FEB 28 2017**



Amy L. Green
Secretary to the Commission


AAL

Order Mailed Date

MAR 01 2017

ATTACHMENT “A”

UNITED STATES DEPARTMENT OF TRANSPORTATION

	US DOT # 2148823	Legal: DREILING FIELD SERVICE LLC Operating (DBA):	
	MC/MX #: Federal Tax ID: (EIN) Review Type: Compliance Review (CR) Scope: Principal Office Location of Review/Audit: Company facility in the U. S. Territory: E		
Operation Types Interstate Intrastate Carrier: N/A HM Shipper: N/A N/A Cargo Tank: N/A		Business: Corporation Gross Revenue: for year ending: 12/31/2016	
Company Physical Address:			
Contact Name: John Dreiling Phone numbers: (1) (2) Fax E-Mail Address:			
Company Mailing Address:			
1715 E 10TH STREET HAYS, KS 67601-4516			
Carrier Classification			
Authorized for Hire			
Cargo Classification			
Motor Vehicles			
Hazardous Materials			
9 Miscellaneous HM Carried Non-Bulk			
Equipment			
	Owned	Term Leased	Trip Leased
Truck	5	0	0
Power units used in the U.S.:5			
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:		3	Total Drivers: 3
>= 100 Miles:			CDL Drivers: 0





DREILING FIELD SERVICE LLC

U.S. DOT #: 2148823

Review Date:

01/18/2017

Part A

Questions about this report or the Federal Motor Carrier Safety or Hazardous Materials regulations may be addressed to the Federal Motor Carrier Safety Administration at:

Address not available

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: John Dreiling

Title: Owner

Name:





DREILING FIELD SERVICE LLC
U.S. DOT #: 2148823

Review Date:
01/18/2017

Part B Violations

1 STATE	Primary: 391.45(a) Secondary: 391.11(a) CFR Equivalent: 391.45(a)	Discovered 1	Checked 3	Drivers/Vehicles In Violation 1	Checked 3
Description Using a driver not medically examined and certified. Example Driver On 12/7/2016 Operated a 2007 Ford Truck Vin # : 514406 Ks. 644808 GVWR 26000 without being medically certified.					
Safety Fitness Rating Information: Total Miles Operated 20,000 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.





DREILING FIELD SERVICE LLC
U.S. DOT #: 2148823

Review Date:
01/18/2017

Part B Requirements and/or Recommendations

1. Ensure that all drivers are fully and properly qualified before operating in Inter/Intra state commerce. Maintain a complete file as required for each driver, documenting the qualification process.
2. Copies of the regulations, forms, interpretations, and manuals are available from a variety of sources. Check the FMCSA website for a current list of suppliers. www.fmcsa.dot.gov/safety-security/eta/index.htm
3. 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>
 - 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

4.





DREILING FIELD SERVICE LLC
U.S. DOT #: 2148823

Review Date:
01/18/2017

Part B Requirements and/or Recommendations

You are encouraged to review your company's SMS results and take action to make the roads safer for everyone. Your public safety records are available at the following website: <http://ai.fmcsa.dot.gov/sms>. Also visit <https://portal.fmcsa.dot.gov> which provides real time data and the opportunity to review you safety data. You will need to use your PIN number that has been provided by FMCSA. Registration and access is free.

5. 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 the Kansas Motor Carrier Safety Statutes and Regulations could result in suspension of Dreiling Field Service LLC operating authority and/or the impoundment of Dreiling Field Service LLC vehicles.

John Dault ^{Owner}
1-18-17

NAME OF CARRIER OFFICIAL, TITLE
Date



ATTACHMENT “B”

Dreiling Field Service, LLC

Hays, KS 67601

Invoice

Bill To

Hays, KS 67601

Service Date: 12/07/2016

Date: 12/23/2016

Invoice # 9716

P.O. # 873 Bobcat

Description	Qty	Rate	Amount
873 Bobcat VIN - Hours - 2678			
Raised cab and washed belly out; checked for leaks; replaced both heater hoses and heater valve; reseated boom and bucket control valve; replaced right hand top drive hose; replaced bushings for the variable stick; tried to get machine tracking adjusted but there was internal leakage in the swash plate controls on the hydro controls; serviced engine oil and fuel filters; new tires were installed; delivered machine back to job site. Pick up and delivery charge from college to shop Rollback # 8	26	90.00	2,250.00T
Brake Clean	2	50.00	100.00T
Hydraulic Oil - Gallon	3	3.89	11.67T
15W40 Oil - Gallon	2	7.14	14.28T
Engine Heater Kit	5	13.78	68.90T
Freight	1	91.94	91.94T
DAY 148026A Adapters	1	61.27	61.27T
DA-100866 Coupling, Perm.	1	28.12	28.12T
DA-101192 Coupling, Perm.	1	30.60	30.60T
KT-4SH-16 Hose, 1" 5500 PSI 6 Braid (4SH-16)	1	75.42	75.42T
99-Cleanhose Ultra - Clean Hose Cleaning System	2	17.94	35.88T
Bushing, Press Fit	1	3.30	3.30T
Seal, Spool	4	12.29	49.16T
Spring, Detent	4	4.61	18.44T
Freight	1	4.68	4.68T
FOR 74848 Heater Valve	1	11.73	11.73T
BAL B228 Full-Flow Lube Spin-on	1	60.00	60.00T
BAL BF1257 Fuel/Water Separator	1	7.49	7.49T
3192 Fuel Filter (Gold)	1	15.92	15.92T
85966 Hydraulic Hose	1	16.42	16.42T
	14	3.14	43.96T

Note:

Account is due and payable by the 10th of the month following the date of the Invoice. A charge of 1 1/2% per month (18% per year) may be charged on all past due balances together with reasonable attorney fees in case of suit. All warranties on the products sold hereby are those made by the manufacturer. All warranty work performed by any entity will not be circumvented for payment reimbursement by Dreiling Field Service, LLC. Tire torque lug nuts must be retorqued suggested by manufacturer in 500 miles.

Subtotal**Sales Tax (7.0%)****Total****Balance Due****Thank You For
Your Business!**

CERTIFICATE OF SERVICE

17-TRAM-385-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 **FEB 28 2017**.

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

KULVER CHANCE ELLIS, OWNER/OPERATOR
KULVER CHANCE ELLIS
D/B/A KE TRUCKING
10250 N INDIAN RD
SCOTT CITY, KS 67871-6024
kespreading@hotmail.com

/s/ DeeAnn Shupe

DeeAnn Shupe

Per Mailed Date

MAR 01 2017