

1500 SW Arrowhead Road  
Topeka, KS 66604-4027



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

Dwight D. Keen, Chair  
Shari Feist Albrecht, Commissioner  
Susan K. Duffy, Commissioner

Laura Kelly, Governor

## NOTICE OF PENALTY ASSESSMENT

November 14, 2019

20-TRAM-206-PEN

Robert F. Coon, President  
A-1 Towing and Recovery Co  
1246 265th St  
Fort Scott, KS 66701

This is a notice of a penalty assessment against A-1 Towing and Recovery Co (A-1 Towing and Recovery) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on October 23, 2019, by Kansas Corporation Commission Special Investigator Michael Heenan. Penalty amounts are assessed in accordance with the FY 2020 Uniform Penalty Assessment Matrix, approved by the Commission on July 16, 2019. For a full description of the penalty and terms and obligations, please refer to the Penalty Order attached to this notice.

### IF YOU ACCEPT THE PENALTY:

A-1 Towing and Recovery has been assessed a \$1,400 penalty. You have thirty (30) days from the date of service of this Penalty Order to pay the fine, unless you choose the reduced penalty option explained below. Please remit payment of \$1,400 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.

### A-1 TOWING AND RECOVERY IS A NEW ENTRANT MOTOR CARRIER AND MAY BE ELIGIBLE FOR A PENALTY REDUCTION OF FIFTY PERCENT (50%) UNDER THE FOLLOWING TERMS SET OUT IN THE ATTACHED REDUCED PENALTY AGREEMENT.

To become eligible, you must agree to meet the terms and obligations set out in the attached Reduced Penalty Agreement to be eligible for the reduction. The Reduced Penalty Agreement must be submitted to the Litigation Division within 15 days.

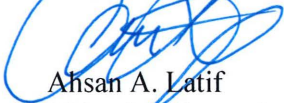
### IF YOU CONTEST THE PENALTY ORDER:

**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. A-1 Towing and Recovery Co 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 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 Executive Director at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy of the request to Litigation Counsel. K.A.R. 82-1-215; K.S.A. 2018 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 \$1,400 within thirty (30) days from the date of service of the Penalty Order, or in the alternative, provide a written request for a hearing within 15 days from the date of service of the Penalty Order, will result in the Order becoming final and the terms and conditions set out therein will be enforced.

Respectfully,



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

1500 SW Arrowhead Road  
Topeka, KS 66604-4027



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

Dwight D. Keen, Chair  
Shari Feist Albrecht, Commissioner  
Susan K. Duffy, Commissioner

Laura Kelly, Governor

## **REDUCED PENALTY AGREEMENT**

### **20-TRAM-206-PEN**

A-1 Towing and Recovery Co (A-1 Towing and Recovery) hereby submits this Reduced Penalty Agreement for approval of a fifty percent (50%) reduction in the penalty assessed in the Penalty Order dated November 14, 2019. A-1 Towing and Recovery has agreed to comply with the following terms and obligations:

1. A-1 Towing and Recovery has submitted, within fifteen (15) days from the date of the Penalty Order this signed and dated Reduced Penalty Agreement to Litigation Counsel.

2. A-1 Towing and Recovery will, within thirty (30) days from the date of the Penalty Order, submit to Transportation Staff a Corrective Action Plan (CAP) documenting the violation(s) and describing specific and detailed information explaining its efforts and concrete steps taken to ensure the violation(s) do not occur in the future. I understand the CAP must be approved by Transportation Staff to become eligible for the 50% reduced penalty.

3. A-1 Towing and Recovery will, within thirty (30) days from the date of the Penalty Order, send an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance will be submitted to the Litigation Counsel.

4. A-1 Towing and Recovery will be available within eighteen (18) months from the date of the Penalty Order for a follow-up Safety Compliance Review. Transportation Staff will contact the carrier to schedule the review.

A-1 Towing and Recovery Co understands that if approved, an Order Amending Penalty Assessment will be issued by the Commission assessing a reduced penalty of \$700, and will set out the terms and conditions stated above. Once the Order Amending Penalty Assessment is issued by the Commission, A-1 Towing and Recovery will have thirty (30) days from the date of service of that Order to pay the reduced penalty assessed.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

A-1 Towing and Recovery Co

\_\_\_\_\_  
Robert F. Coon  
President

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

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

Before Commissioners:      Dwight D. Keen, Chair  
                                     Shari Feist Albrecht  
                                     Susan K. Duffy

In the Matter of the Investigation of **A-1 Towing**      )  
**and Recovery Co, of Fort Scott, KS**, Regarding      )  
the Violation of the Motor Carrier Safety      )  
Statutes, Rules and Regulations and the      ) Docket No. 20-TRAM-206-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). 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 2018 Supp. 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 49 C.F.R. Part 390.5 as adopted by K.A.R. 82-4-3f, 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.      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**

3. A-1 Towing and Recovery Co (A-1 Towing and Recovery) has common operating authority with the Commission and further operates under USDOT number 3029355.

4. Robert Coon attended a Commission-sponsored Motor Carrier Education and Safety Instructional Meeting on August 8, 2017, on behalf of A-1 Towing and Recovery.

5. A-1 Towing and Recovery is a common motor carrier which primarily hauls vehicles.

6. A-1 Towing and Recovery is a New Entrant motor carrier and may be eligible for a fifty-percent (50%) reduction of the penalty(s) assessed below.

## **III. STATEMENT OF FACTS**

7. Pursuant to the jurisdiction and authority cited above, on October 23, 2019, Commission Staff (Staff) Special Investigator Michael Heenan conducted a compliance review of the operations of A-1 Towing and Recovery. A copy of the safety compliance review is attached hereto as Attachment "A" and is hereby incorporated by reference. As a result of this investigation, the special investigator identified three (3) violation(s) of the Motor Carrier Safety Regulations.

- a. On October 3, 2019, A-1 Towing and Recovery required or permitted its driver, Robert F. Coon, to operate a commercial motor vehicle, a 2005 International 4300, VIN ending in 668288, GVWR 19,500 lbs., in intrastate commerce from Fort Scott, Kansas to Pittsburg, Kansas. This trip is evidenced by a Road Service Ticket, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, A-1 Towing and Recovery failed to make an

inquiry every 12 months into the annual motor vehicle record (MVR) of its driver and maintain the response(s) of each state agency in the driver qualification file. The carrier's failure to inquire into its driver's MVR at least once every 12 months and maintain a copy of the MVR in the driver qualification file is a violation of 49 C.F.R. Part 391.25(a) and (c)(1), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 2018 Supp. 66-1,112. Staff recommends a fine of \$100.

- b. On January 31, 2019, A-1 Towing and Recovery required or permitted its driver, Robert F. Coon, to operate a commercial motor vehicle, a 2005 International 4300, VIN ending in 668288, GVWR 19,500 lbs., in interstate commerce from Fort Scott, Kansas to Nevada, Missouri. This trip is evidenced by Invoice No. 001415, a copy of which is attached hereto as Attachment "C" and is hereby incorporated by reference. At the time of this transportation, A-1 Towing and Recovery failed to have interstate operating authority. The carrier's operation of a commercial motor vehicle without having the proper Federal Operating Authority to operate in interstate commerce is a violation of 49 C.F.R. Part 392.9a(a)(1), adopted by K.A.R. 82-4-3h, and authorized by K.S.A. 2018 Supp. 66-1,129. Staff recommends a fine of \$1,000.
- c. During the transportation described in paragraph b, above, A-1 Towing and Recovery had not paid its Unified Carrier Registration (UCR) fees for 2019. The carrier's failure to annually register its commercial motor vehicle(s) operating in interstate commerce and to pay the appropriate

Unified Carrier Registration (UCR) fees as set out in 49 C.F.R. 367.60, is a violation of K.A.R. 82-4-30a, authorized by K.S.A. 66-1,139a and K.S.A. 66-1,129. Staff recommends a fine of \$300.

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

8. Based upon the available facts, Staff recommends the Commission find A-1 Towing and Recovery committed three (3) 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. Staff recommends a civil penalty of \$1,400 for three (3) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff provides notice to the Commission that A-1 Towing and Recovery Co is a New Entrant motor carrier and may be eligible for a fifty-percent (50%) reduced civil penalty. The carrier must submit to Litigation Counsel within fifteen (15) days of the date of this Penalty Order the signed and dated Reduced Penalty Agreement and Transportation Staff must approve the carrier's Corrective Action Plan (CAP).

11. Staff recommends A-1 Towing and Recovery Co 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 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.

12. Staff further recommends that a representative from A-1 Towing and Recovery attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and provide proof of attendance to Litigation Counsel.

13. Finally, Staff recommends that A-1 Towing and Recovery 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**

14. The Commission finds it has jurisdiction over A-1 Towing and Recovery because it is a motor carrier as defined in 49 C.F.R. Part 390.5 as adopted by K.A.R. 82-4-3f.

15. The Commission finds a penalty of \$1,400 should be assessed to A-1 Towing and Recovery for committing three (3) 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.

16. The Commission finds A-1 Towing and Recovery is a New Entrant motor carrier and may be eligible for a fifty-percent (50%) reduction in the penalty(s) assessed herein.

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

A. A-1 Towing and Recovery Co, of Fort Scott, KS is hereby assessed a penalty of \$1,400 for three (3) violation(s) of Kansas law governing the regulation of motor carriers, the Kansas Administrative Regulations and provisions of the Federal Motor Carrier Safety Regulations, as adopted by the Kansas Administrative Regulations. Payment of \$1,400 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 owed.

B. A representative from A-1 Towing and Recovery is ordered to attend a Commission-sponsored safety meeting within ninety (90) days from the date of this Order, and provide proof of attendance to Litigation Counsel. A schedule of dates and locations for safety seminars can be found at the Commission's website [http://www.kcc.state.ks.us/trans/safety\\_meetings.htm](http://www.kcc.state.ks.us/trans/safety_meetings.htm).

C. A-1 Towing and Recovery 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 above, 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. A-1 Towing and Recovery 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 A-1 Towing and Recovery does not submit the Reduced Penalty Agreement and fails to pay the penalty of \$1,400 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 A-1 Towing and Recovery'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. 2018 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. If you do not have access to the internet, you can mail an original and seven copies of the request to the Executive Director at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy to Litigation Counsel. A hearing will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of A-1 Towing and Recovery's right to a hearing.

G. 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. 2018 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.**

Keen, Chair; Albrecht, Commissioner; Duffy, Commissioner

Dated: 11/14/2019



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Lynn M. Retz  
Executive Director

AAL

## **ATTACHMENT “A”**

# UNITED STATES DEPARTMENT OF TRANSPORTATION



U.S. DOT#: 3029355

MC/MX#:

Legal: ROBERT F COON

Operating ~~(DBA)~~: A-1 TOWING <sup>and</sup> RECOVERY Co.

Investigation Date:

10/23/19

Investigation Type: Onsite Comprehensive Investigation

Location of Investigation: Company principal place of business (PPOB)

Extent of Operations: Entire Operation

## Physical Address

1246 265TH ST  
FORT SCOTT, KS 66701-1882  
United States

## Mailing Address

1246 265TH ST  
FORT SCOTT, KS 66701-1882  
United States

## Contact Information

Contact Name: ROBERT F COON

Email:

Phone:

Fax: ()-

## Business and Financial

Business Type: Sole Proprietorship *Company*

Gross Revenue: For Year Ending: 12/31/18

Federal Tax ID: (IN)

## Operation Classification and Type

## Cargo

Type of Operation: HM Intrastate Carrier

Motor Vehicles

## Operation Classification

For Hire Motor Carrier

Property

Hazardous Materials

## Hazardous Materials

Which of the following hazardous materials requiring a Safety Permit does the company transport?

None

Does the company have a satisfactory security program in place as required in 49 CFR Part 385, Subpart E?

N/A

Is an HM Permit required by any State?

No

Hazardous Materials

Class 9 Miscellaneous hazardous material = C, S, NB

Equipment	Driver Information		
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	Owned	Term Leased	Trip Leased	Drivers	Intrastate	Interstate
Straight Trucks	1					
				< 100 Miles	1	
Power units used in the U.S.: 1				>= 100 Miles		
Percentage of time used in the U.S.: 100 0%						
				Average trip leased driver/month: 0		
				Drivers with CDL: 0		
				Total Drivers: 1		

Person(s) Interviewed
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Name: ROBERT F COON	Title: OWNER
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Questions
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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:	1500 SW Arrowhead Rd Topeka, KS 66604-4027 Phone (785) 271-3151
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This report will be used to assess your safety compliance.

## Violations

### 1. Primary: 367

State Equivalent: 82-4-30(a)

NO UCR

#### Violations Discovered

Fed	State	Total
	1	1

#### Violations Checked

Fed	State	Total
	1	1

#### Example/Notes:

Driver: Robert F Coon

Trip date 01-31-19

Origination: Fort Scott, Ks

Destination: Nevada, Mo

At the time of this trip, the carrier was listed as an intrastate carrier and went on the above interstate trip. The carrier had no UCR at the time of this trip.

#### Drivers/Vehicles

In Violation	Checked
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### 2. Primary: 391.51(b)(4)

Failing to maintain the responses of each State agency to the annual driver record inquiry required by 391.25(a).

#### Violations Discovered

Fed	State	Total
	1	1

#### Violations Checked

Fed	State	Total
	1	1

#### Example/Notes:

Driver name, Robert F Coon

Trip date, 10-03-19

Destination: Pittsburg, Ks

Origination: Fort Scott, Ks

At the time of this trip, the carrier did not have a current MVR for the above driver. Carrier/driver had MVR dated 8/27/18 valid until 8/27/19 and the next MVR was dated 10/11/19 valid to 10/11/20. The carrier went from 8/27/19 to 10/11/19 without an active valid MVR. The trip above was dated 10-03-19.

#### Drivers/Vehicles

In Violation	Checked
1	1

**3. Primary: 391.51(b)(5)**

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

**Violations Discovered**

Fed	State	Total
	1	1

**Violations Checked**

Fed	State	Total
	1	1

**Example/Notes:**

Driver name, Robert F Coon

Trip date, 10-03-19

Destination: Pittsburg, Ks

Origination: Fort Scott,Ks

At the time of this trip, the carrier did not have a current MVR for the above driver. Carrier/driver had MVR dated 8/27/18 valid until 8/27/19 and the next MVR was dated 10/11/19 valid to 10/11/20. The carrier went from 8/27/19 to 10/11/19 without an active valid MVR. The trip above was dated 10-03-19.

**Drivers/Vehicles**

In Violation	Checked
1	1

**4. Primary: 391.51(b)(6)**

Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27.

**Violations Discovered**

Fed	State	Total
	1	1

**Violations Checked**

Fed	State	Total
	1	1

**Example/Notes:**

Driver name, Robert F Coon

Trip date, 10-03-19

Destination: Pittsburg, Ks

Origination: Fort Scott,Ks

At the time of this trip, the carrier did not have a current MVR for the above driver. Carrier/driver had MVR dated 8/27/18 valid until 8/27/19 and the next MVR was dated 10/11/19 valid to 10/11/20. The carrier went from 8/27/19 to 10/11/19 without an active valid MVR. The trip above was dated 10-03-19.

**Drivers/Vehicles**

In Violation	Checked
1	1

**5. Primary: 392.9a(a)(1)**

Operating without the required operating authority (Property, Non-HHG).

**Violations Discovered**

Fed	State	Total
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1		1
<b>Violations Checked</b>		
<b>Fed</b>	<b>State</b>	<b>Total</b>
1		1

**Example/Notes:**

Trip date. 01-31-19

Driver: Robert F Coon (owner)

Commodity. Motor Vehicle

Origin and destination. Fort Scott, Ks to Nevada, Mo

At the time of this trip, and the time of this review, the only listed driver of this company, Robert F Coon went to Burger King in Nevada, Mo. to pick up a Red Jeep Cherokee that was functionable, but had a ruptured radiator hose. The person listed as Jeff Southwall or Southwell was the owner of the vehicle and it was his child driving the vehicle and he needed the vehicle towed as it had a leaking hose.

**Drivers/Vehicles**

<b>In Violation</b>	<b>Checked</b>
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## Safety Fitness Rating

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### **This Investigation is Not Rated**

You must take corrective actions for any violations (deficiencies) identified in the Violations section of this report.

**DataQs.** If you dispute the violations recorded in the Violations section of this investigation report, and the violations were not used in the calculation of your safety rating, you may submit a Request for Data Review (RDR) through DataQs. The DataQs system is the method to remove violations that did not affect your safety rating. DataQs is an online system that allows a motor carrier or driver to request and track a review of Federal and State issued data that it believes to be incomplete or incorrect. To submit an RDR, go to <https://dataqs.fmcsa.dot.gov>

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## **Process Breakdown and Remedies**

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### **BASIC: Driver Fitness**

#### **Process Breakdown: Roles and Responsibilities**

Carrier had driver fitness issues that were not maintained on a regular basis. This falls under Roles and Responsibilities of the carrier and will be rectified.

#### **Specific Recommended Remedies**

**To implement Safety Improvement Practices, the following list are recommended practices related to Roles and Responsibilities:**

1. Define and document the role of managers and supervisors for implementing driver fitness policies and for monitoring compliance with them. This should include regular evaluation of the carrier's driver wellness program.
2. Define and document roles and responsibilities of managers and supervisors in providing training and maintaining qualifications for all employees according to driver fitness regulations and company policies and procedures.

## Recommendations

### 1. Additional Information

Please visit the CSA outreach site for additional guidance: <https://csa.fmcsa.dot.gov>.

### 2. Obtain a copy of each driver's driving record and review it.

Obtain a copy of each driver's driving record and review it annually

### 3. Registration required.

Cease all interstate or foreign transportation until properly registered with the Federal Motor Carrier Safety Administration.

### 4. State of Kansas Corrective Action Plan

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

The KCC requires that you prepare a corrective action letter plan (CAP), addressing the measures taken to correct all 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 Submit the letter along with copies of your supporting evidence to:

e-mail: [g.davenport@kcc.ks.gov](mailto:g.davenport@kcc.ks.gov),

FAX: 785.271.3124;

or mail:

Kansas Corporation Commission

Attn: Gary Davenport

1500 SW Arrowhead Rd

Topeka, KS 66604-4027

CAP: The State of Kansas Correction Plan above is required action and if not completed within the required time frame of 30 days there are penalties that will be involved and issued to the carrier

### 5. For All Investigation

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 did not result in a Cooperative Safety Plan:

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

Kansas Corporation Commission

Attn: Gary Davenport

1500 SW Arrowhead Rd

Topeka, KS 66604-4027

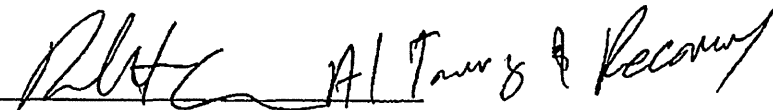

**6. Annual Rev/Annual Certification of Violations**

Per 49 CFR 391.51(b)(5) and (b)(6), the motor carrier is required to process an annual review and certification of the driver's driving record - 391.51(b)(5) A note relating to the annual review of the driver's driving record as required by 391.25(c)(2); 391.51(b)(6) A list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27.

**7. Acknowledgement of Review and Penalties**

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 A-1 Towing and Recovery Inc operating authority and/or the impoundment of A-1 Towing and Recovery Inc vehicles.

I understand that monetary penalties will be assessed as a result of violations found in this compliance review. The penalty schedule can be found at this web site: [http://kcc.ks.gov/trans/penalty\\_assessment\\_table.htm](http://kcc.ks.gov/trans/penalty_assessment_table.htm)

X   
Printed  
X   
Signed

X *[Signature]* *AI T...*  
Investigator Printed  
*MW Heenan 820*

X *[Signature]* *8213*  
Investigator(s) Signed

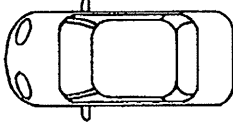


## **ATTACHMENT “B”**

# ROAD SERVICE

## A-1 TOWING & RECOVERY, INC.

1246 265th Street  
Fort Scott, KS 66701  
620-719-7710

DATE <u>Oct 3rd 2014</u> TIME <u>12 -</u>		<input type="checkbox"/> A.M. REQUESTED BY <u>Enterprise</u>	
LOCATION OF VEHICLE <u>Acure Sky Ft Scott KS</u>			
NAME		PHONE	
ADDRESS		ZIP	
MILEAGE		SERVICE TIME	
FINISH		FINISH	
START <u>26 miles to Pottawatomie</u>		START	
TOTAL <u>24</u>		TOTAL	
YEAR	MAKE/MODEL/COLOR <u>Nissan Ryan Hixon</u>	DRIVER	
STATE	LIC. NO.	VEHICLE I.D. NO.	
PROBLEM REPORTED	SERVICE RENDERED	SPECIAL EQUIPMENT	INDICATE DAMAGED AREAS ON VEHICLE
<input type="checkbox"/> LOCK OUT <input type="checkbox"/> FLAT TIRE <input type="checkbox"/> OUT OF GAS <input type="checkbox"/> WRECK <input checked="" type="checkbox"/> RECOVERY <input type="checkbox"/>	<input type="checkbox"/> SLING/HOIST TOW <input type="checkbox"/> WHEEL LIFT <input checked="" type="checkbox"/> FLAT BED/RAMP <input type="checkbox"/> START <input type="checkbox"/>	<input checked="" type="checkbox"/> SINGLE LINE WINCHING <input type="checkbox"/> DUAL LINE WINCHING <input type="checkbox"/> SNATCH BLOCKS <input type="checkbox"/> SCOTCH BLOCKS <input type="checkbox"/> DOLLY <input type="checkbox"/>	 KEYS LEFT Y N RADIO Y N
VEHICLE TOWED TO <u>P. Hixson's Rs Enterprise</u>			
REMARKS		<u>25 mile x 4 \$100</u> MILEAGE CHARGE <u>Repo \$85</u> TOWING CHARGE <u>\$100</u> LABOR CHARGE <u>\$285</u> STORAGE CHARGE <u>\$275</u> TOTAL <u>\$560</u>	
OPERATOR'S SIGNATURE <u>Invoice #0001275 &amp; 0001322</u> AUTHORIZED SIGNATURE <u>A-1 TOWING</u> 0001268		This company assumes no responsibility for loss or damage by theft, fire or any other cause beyond our control.	

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Thank You



## **ATTACHMENT “C”**

1246 265th Street  
Fort Scott, KS 66701  
620-719-7710

DATE	TIME	A.M.	REQUESTED BY
7-31-19	1-	P.M.	Jill
LOCATION OF VEHICLE			
Burger King, Nevada			
NAME	PHONE		
Jill Guthrie			
ADDRESS	ZIP		
MILEAGE		SERVICE TIME	
FINISH		FINISH	
START		START	
TOTAL		TOTAL	
EXTRA PERSON		EXTRA PERSON	
FINISH		FINISH	
START		START	
TOTAL		TOTAL	
YEAR	MAKE/MODEL/COLOR	DRIVER	
2018	Toyota Rev 4		
STATE	LIC. NO.	VEHICLE I.D. NO.	
PROBLEM REPORTED		SERVICE RENDERED	
SPECIAL EQUIPMENT		INDICATE DAMAGED AREAS ON VEHICLE	
LOCK OUT		SLING/HOIST TOW	
FLAT TIRE		WHEEL LIFT	
OUT OF GAS		FLAT BED/RAMP	
WRECK		START	
RECOVERY			
SINGLE LINE WINCHING		DUAL LINE WINCHING	
SNATCH BLOCKS		SCOTCH BLOCKS	
DOLLY			
KEYS LEFT		RADIO	
Y N		Y N	
VEHICLE TOWED TO			
Remarks			
Customer struck deer and cont. to drive, Extensive damage pick-up, Extensive winching required, 2 Bug oil chx			
OPERATOR'S SIGNATURE		AUTHORIZED SIGNATURE	
		A-1 TOWING	
0001273		This company assumes no responsibility for loss or damage by theft, fire or any other cause beyond our control.	
TOTAL		TOTAL	
125-			

12-2  
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Thank You

DATE	TIME	A.M.	REQUESTED BY
10-15-19		P.M.	
LOCATION OF VEHICLE			
mm 81 Lamar mo			
NAME	PHONE		
ADDRESS			
MILEAGE		SERVICE TIME	
FINISH		FINISH	
START		START	
TOTAL		TOTAL	
EXTRA PERSON		EXTRA PERSON	
FINISH		FINISH	
START		START	
TOTAL		TOTAL	
YEAR	MAKE/MODEL/COLOR	DRIVER	
2018	Toyota Rev 4		
STATE	LIC. NO.	VEHICLE I.D. NO.	
PROBLEM REPORTED		SERVICE RENDERED	
SPECIAL EQUIPMENT		INDICATE DAMAGED AREAS ON VEHICLE	
LOCK OUT		SLING/HOIST TOW	
FLAT TIRE		WHEEL LIFT	
OUT OF GAS		FLAT BED/RAMP	
WRECK		START	
RECOVERY			
SINGLE LINE WINCHING		DUAL LINE WINCHING	
SNATCH BLOCKS		SCOTCH BLOCKS	
DOLLY			
KEYS LEFT		RADIO	
Y N		Y N	
VEHICLE TOWED TO			
REMARKS			
Customer struck deer and cont. to drive, Extensive damage pick-up, Extensive winching required, 2 Bug oil chx			
OPERATOR'S SIGNATURE		AUTHORIZED SIGNATURE	
		A-1 TOWING	
0001273		This company assumes no responsibility for loss or damage by theft, fire or any other cause beyond our control.	
TOTAL		TOTAL	
125-			

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Thank You  
Vol 1 Denke - Frontier adjuster  
here to inspect car

## **CERTIFICATE OF SERVICE**

20-TRAM-206-PEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of  
11/15/2019  
first class mail/hand delivered on \_\_\_\_\_.

ROBERT F. COON, PRESIDENT  
A-1 TOWING AND RECOVERY CO  
1246 265TH ST  
FORT SCOTT, KS 66701-1882  
randkmotorsports@gmail.com

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

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