STATE OF KANSAS



Corporation Commission 1500 SW Arrowhead Road Topeka, KS 66604-4027 Prone: 785-271-3100 Fax: 785-271-3354 http://kee.ks.gov/

 $Governor\ Jeff\ Colyer,\ M.D.$ Shari Feist Albrecht, Chair | Jay Scott Emler, Commissioner | Dwight D. Keen, Commissioner

NOTICE OF PENALTY ASSESSMENT

August 7, 2018

19-TRAM-048-PEN

Troy N. Rosenstiel, Owner d/b/a Grasshopper Express 1206 E 530th Ave Pittsburg, KS 66762

This is a notice of a penalty assessment against Troy N. Rosenstiel, d/b/a Grasshopper Express (Grasshopper Express) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on June 19, 2018, by Kansas Corporation Commission Special Investigator Michael Heenan. Penalty amounts 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 and terms and obligations, please refer to the Penalty Order attached to this notice.

IF YOU ACCEPT THE PENALTY:

Grasshopper Express has been assessed a \$600 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 \$600 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.

GRASSHOPPER EXPRESS IS A NEW ENTRANT MOTOR CARRIER AND MAY BE ELIGIBLE FOR A PENALTY REDUCTION OF FIFTY PERCENT (50%) UNDER THE FOLLOWING TERMS:

New Entrant motor carriers are eligible for a one-time, fifty-percent (50%) reduction in the penalty assessed motor carriers. You have to agree to meet the terms and obligations set out in the attached Reduced Penalty Agreement to be eligible for the reduction. A fifty-percent (50%) reduction in the penalty assessed may be available if:

- (1) within fifteen (15) days from the date of this Penalty Order, the carrier signs and submits the attached Reduced Penalty Agreement to Litigation Counsel at the above address;
- (2) within thirty (30) days from the date of this Penalty Order, the carrier submits to Transportation Staff a Corrective Action Plan (CAP) documenting the violation(s) described in the attached Order, including specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future;
- (3) within thirty (30) days from the date of this Penalty Order, the carrier sends an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance must be submitted to the undersigned Litigation Counsel shortly thereafter; and
- (4) within eighteen (18) months from the date of this Penalty Order, the carrier must submit to a follow-up Safety Compliance Review. Transportation Staff will contact the carrier to schedule the review.

If a carrier is approved for a fifty-percent (50%) reduced penalty, an Order Amending Penalty Assessment assessing the reduced penalty and setting out the terms and conditions stated above may be issued by the Commission. Payment of the reduced penalty of \$300 would be due within 30 days from the date of service of the Order Amending Penalty Assessment.

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. Troy N. Rosenstiel, d/b/a Grasshopper Express 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 Secretary to the Commission 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. 2017 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 \$600 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. If Grasshopper Express submits the attached Reduced Penalty Agreement as explained above, an Order Amending Penalty Assessment may be issued assessing the reduced penalty of \$300 and that payment would become due within thirty (30) days from the date of service of the Order Amending Penalty Assessment.

Respectfully

Ahgan A Latif Litigation Counsel (785) 271-2118

a.latif@kcc.ks.gov

STATE OF KANSAS

CORPORATION COMMISSION 1500 SW ARROWHEAD ROAD TOPICKA, KS 66604-4027 Phone: 785-271-3100 Fax: 785-271-3354 http://kec.ks.gov/

 $Governor\ Jeff\ Colyer,\ M.D.$ Shari Feist Albrecht, Chair | Jay Scott Emler, Commissioner | Dwight D. Keen, Commissioner

REDUCED PENALTY AGREEMENT

19-TRAM-048-PEN

- Troy N. Rosenstiel, d/b/a Grasshopper Express (Grasshopper Express) hereby submits this Reduced Penalty Agreement for approval of a fifty percent (50%) reduction in the penalty assessed in the Penalty Order dated August 7, 2018. Grasshopper Express has agreed to comply with the following terms and obligations:
- 1. Grasshopper Express has submitted, within fifteen (15) days from the date of the Penalty Order this signed and dated Reduced Penalty Agreement to Litigation Counsel.
- 2. Grasshopper Express 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. Grasshopper Express 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. Grasshopper Express 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.

Troy N. Rosenstiel, d/b/a Grasshopper Express understands that if approved, an Order Amending Penalty Assessment will be issued by the Commission assessing a reduced penalty of \$300, and will set out the terms and conditions stated above. Once the Order Amending Penalty Assessment is issued by the Commission, Grasshopper Express will have thirty (30) days from the date of service of that Order to pay the reduced penalty assessed.

Dated this	day of	, 2018.	
			Troy N. Rosenstiel, d/b/a Grasshopper Express
			Troy N. Rosenstiel
			Owner

(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 <u>v.jacobsen@kcc.ks.gov</u> and <u>alatif@kcc.ks.gov</u>.)

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 Troy N.)	
Rosenstiel, d/b/a Grasshopper Express, of)	
Pittsburg, KS, Regarding the Violation of the)	
Motor Carrier Safety Statutes, Rules and)	Docket No. 19-TRAM-048-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 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. Troy N. Rosenstiel, d/b/a Grasshopper Express (Grasshopper Express) has common operating authority with the Commission and further operates under USDOT number 2563304.
- 5. Troy Rosenstiel attended a Commission-sponsored Motor Carrier Education and Safety Instructional Meeting on February 24, 2015, on behalf of Grasshopper Express.
- 6. Grasshopper Express is a common motor carrier which primarily hauls grain, feed, hay and commodities dry bulk.
- 7. Grasshopper Express 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

- 8. Pursuant to the jurisdiction and authority cited above, on June 19, 2018, Commission Staff (Staff) Special Investigator Michael Heenan conducted a compliance review of the operations of Grasshopper Express. 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 February 23, 2018, Grasshopper Express required or permitted its driver, Troy N. Rosenstiel, to operate a CDL-required commercial motor

vehicle, a 2001 International, VIN ending in 017085, GVWR 52,000 lbs., pulling a 1997 Cornhusker trailer, VIN ending in 0007785, GVWR 65,000 lbs., in interstate commerce from Pittsburg, Kansas to Harrisonburg, Virginia. This trip is evidenced by Driver's Daily Log, dated February 23, 2018, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation and at the time of the safety compliance review, driver Troy N. Rosenstiel was found to have a medical certificate that expired on February 20, 2018, and his renewed medical certificate was dated February 26, 2018. Grasshopper Express' 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. 391.41(a)(1)(i), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 2017 Supp. 66-1,129. Staff recommends a fine of \$250.

b. On February 6, 2018, Grasshopper Express required or permitted its driver, Troy N. Rosenstiel, to operate a CDL-required commercial motor vehicle, a 2001 International, VIN ending in 017085, GVWR 52,000 lbs., pulling a 1997 Cornhusker trailer, VIN ending in 0007785, GVWR 65,000 lbs., in interstate commerce from Pittsburg, Kansas to Pickens, Mississippi. This trip is evidenced by Driver/Vehicle Examination Report Number MOC5S5006006, dated February 6, 2018, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by

reference. At the time of this transportation, Grasshopper Express 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. 2017 Supp. 66-1,112. Staff recommends a fine of \$100.

c. During the transportation described in paragraph b., above, driver Troy N. Rosenstiel drove after more than eight (8) hours have passed since the end of the driver's last off duty or sleeper birth period of at least 30 minutes. *See*, Driver's Daily Log, dated February 6, 2018, a copy of which is attached hereto as Attachment "C" and is hereby incorporated by reference. Grasshopper Express' failure to provide "rest breaks" to its driver 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 a fine of \$250.

IV. STAFF'S RECOMMENDATIONS

9. Based upon the available facts, Staff recommends the Commission find Grasshopper Express 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.

- 10. Staff recommends a civil penalty of \$600 for three (3) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.
- 11. Staff provides notice to the Commission that Troy N. Rosenstiel, d/b/a Grasshopper Express 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).
- 12. Staff recommends Troy N. Rosenstiel, d/b/a Grasshopper Express 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.
- 13. Staff further recommends that a representative from Grasshopper Express attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and provide proof of attendance to Litigation Counsel.
- 14. Finally, Staff recommends that Grasshopper Express submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order. Staff will contact the motor carrier at a later date to determine an appropriate time for this review.

V. CONCLUSIONS OF LAW

- 15. The Commission finds it has jurisdiction over Grasshopper Express because it is a motor carrier as defined in K.S.A. 2017 Supp. 66-1,108.
- 16. The Commission finds a penalty of \$600 should be assessed to Grasshopper Express 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.
- 17. The Commission finds Grasshopper Express 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. Troy N. Rosenstiel, d/b/a Grasshopper Express, of Pittsburg, KS is hereby assessed a penalty of \$600 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 \$600 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 Grasshopper Express 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.

- C. Grasshopper Express 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. Grasshopper Express 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 Grasshopper Express does not submit the Reduced Penalty Agreement and fails to pay the penalty of \$600 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 Grasshopper Express'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. On August 7, 2018, this Order was mailed via Certified Mail, Return Receipt Requested, Receipt Number 70161970000105745650. Service of this Order is deemed complete upon the date delivered shown on the Domestic Return Receipt.
- G. 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, 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 Secretary to the Commission, 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 Grasshopper

Express's right to a hearing.

H. 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.

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: 08/07/2018

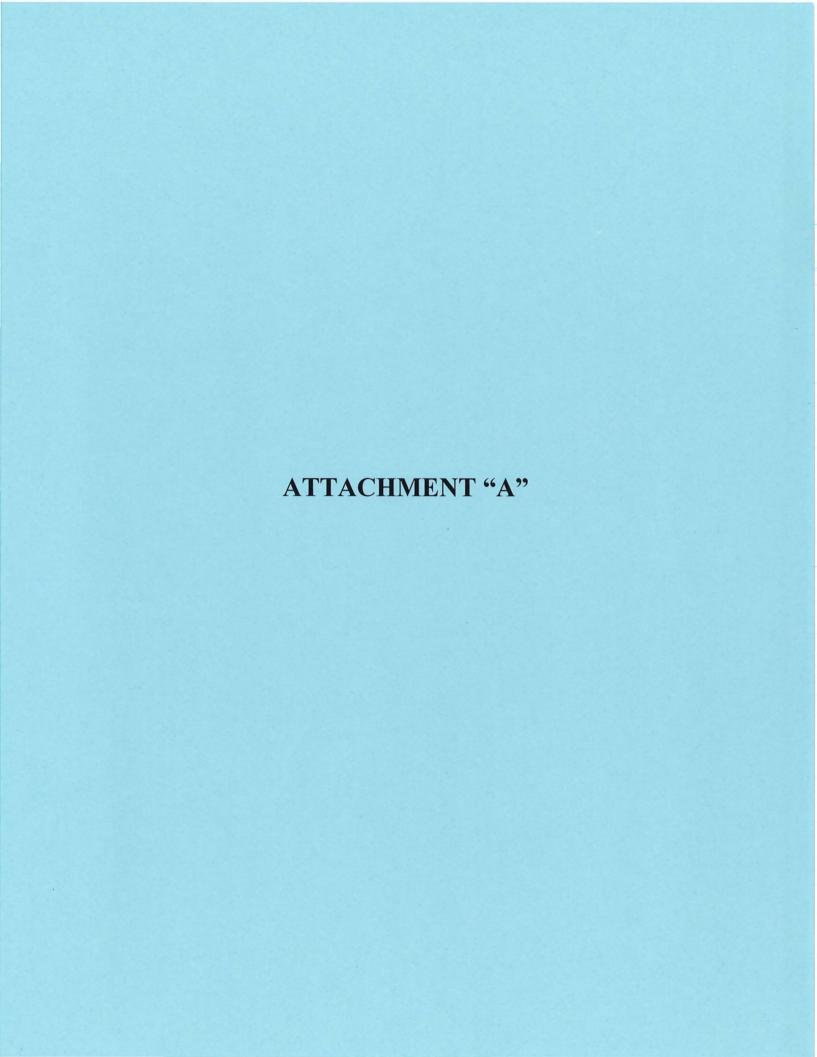
Lynn M. Retz

Secretary to the Commission

Lynn M. Ref

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		· · · · · · · · · · · ·			OPPER EXPR				
MC/MX #:				i	Federal Tax II	D:	(EIN)		
1 -	ype: Cor	npliance Re	eview (CR)						
Scope:		cipal Office		Location of	Review/Audi	it: Company	facility in the U.S.	Terr	itory: C
Operation		Interstate		-1					
1	Carrier:	Non-HM	Non-HM	Business: I					
	nipper:	N/A	N/A	Gross Reve	nue:		for year ending	: 12/31/2017	,
Cargo	Tank:	N/A							
Company	Physics	l Address:							
DITTORU	nc ve	26760 0700	,						
-		56762-8728	•						
Contact N		•	Rosenstie						
Phone nu		(1)				Fax			
E-Mail Ad	idress:								
Company	Mailing	Address:							•
PITTSBUI	RG, KS	38762-8728	}						
Carrier Cla									
Autho	rized for	Hire							
Cargo Clas									
Grain,	Feed, H	ay	Con	modities Dry	Bulk				
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		Ov	vned Ten	n Leased Tri	p Leased	*** - 18	Owned '	Term Lease	Trip Leased
	Tractor	M-110.4	1	U	O	Trailer	1	•	, ,
Power units Percentage			U.S.: 100						
Does car	rior tran	sport plac	ardable qu	antities of HI	M? No				
is an HM	Permit	required?			N/A				
Driver info	ormatio	n							
		Inter	Intra	Average t	rip leased dri	vers/month	ı: 0		1
< 1	00 Miles	:	1		-	otal Drivers			
>= 1	00 Miles	: 1				DL Drivers			





U.S. DOT #: 2563304

State #:



Review Date: 06/19/2018

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 66604-4027 785-271-3145

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Troy N Rosenstiel

Title: Owner

Name:

Title:



U.S. DOT #: 2563304

State #:

Review Date: 06/19/2018

Part B Violations

1	Primary: 391.45(b)(1)			Drivers/V	ehicles
FEDERAL	Secondary: 391.11(a)	Discovered	Checked	In Violation	Checked
	• • • • • • • • • • • • • • • • • • • •	1	1	1	1

Description

Using a driver not medically examined and certified during the preceding 24 months.

Example

Driver name: Troy N Rosenstiel

Trip Date: 2/23/18

The carrier had a medical in his file for the following dates:

4/15/13 valid until 4/15/15 3/23/15 valid until 3/23/17 2/20/17 valid until 2/20/18 2/26/18 valid until 2/26/19

The above carrier driver went from 2/20/18 to 2/26/18 without a valid medical certificate or he did not renew his medical at least

every 24 months. The above trip was made in this time frame.

2	Primary: 391.51(b)(4)			Drivers/V	ehicles
FEDERAL	• • • • • • • • • • • • • • • • • • • •	Discovered	Checked	In Violation	Checked
}		1	1	1	1 1

Description

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

Example

Driver name: Troy N Rosenstiel

Trip Date: 2/06/18

The carrier had an annual MVR dated 1/12/15 to 1/12/16 and another dated 1/8/16 to 1/8/17 and had no MVR in the driver file since 1/8/17. The above listed trip was over 1 year since the above carrier driver had a valid MVR in his driver file. Carrier MVR was ran at the time of this review and was found to be valid.

3	Primary: 391.51(b)(5)			Drivers/V	ehicles .
FEDERAL		Discovered	Checked	In Violation	Checked
		1	1	1	1

Description

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

Example

Driver name: Troy N Rosenstiel

Trip Date: 2/06/18

The carrier had an annual review dated 1/12/15 to 1/12/16. This was expired at the time of the above listed trip.

١	4	Primary: 391.51(b)(6)			Drivers/V	ehicles
ł	FEDERAL		Discovered	Checked	In Violation	Checked
l			1	1	1	1

Description

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

Example

Driver name: Troy N Rosenstiel

Trip Date: 2/08/18

The carrier had a certificate of violations dated 1/12/15 to 1/12/16. This was expired at the time of the above listed trip.



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Part B Violations

5	Primary: 395.3(a)(3)(li)			Drivers/V	ehicles
FEDERAL	, , , , , ,	Discovered	Checked	in Violation	Checked
<u> </u>		1	28	1	1

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

Trip date: 2/8/18

Driver name: Troy N Rosenstiel

The carrier/driver on 2/26/18 went and was driving 1 3/4 hours after the eight hour had passed.

Safety Fitness Rating Information:		OOS Vehicle (CR): 0
Total Miles Operated	125,000	Number of Vehicle Inspected (CR): 0
Recordable Accidents	0	OOS Vehicle (MCMIS): 0
Recordable Accidents/Million Miles	0.00	Number of Vehicles Inspected (MCMIS): 0

our proposed safety rating is :	Rating Factors		Acute	Critical
• • •	Factor 1:	S	0	0
	Factor 2:	S	0	0
SATISFACTORY	Factor 3:	S	0	0
	Factor 4:	S	0	0
	Factor 5:	N	0	0
	Factor 6:	S		-

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





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Review Date: 06/19/2018

Part B Requirements and/or Recommendations

1. Each Driver Qualification File must contain a properly executed and signed Certification of Violations and a Annual Review of Driving Record completed yearly.

2. 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 Compiliance, 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 carrier's 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 Notice of Claim:

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

Attached to this report is Table 1, which identifies all the documented violations which were discovered during the

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Part B Requirements and/or Recommendations

course of this review.

For all Investigations resulting in serious violations:

Serious violations were recorded on this investigation report. These violations will impact your safety record. Furthermore, these violations may result in a follow-up investigation at a later date unless adequate evidence of corrective action is forwarded to our office:

US Department of Transportation

Federal Motor Carrier Safety Administration

Kansas Division

Jeff Ellett - Division Administrator

1303 First American Place, Suite 200

Topeka, KS 66604-4040

For all Investigations where the carrier has been involved in 2 or more recordable crashes:

The Division Administrator/State Director will continue to consider preventability when a motor carrier contests a proposed safety fitness rating. The motor carrier may deem that the recordable accident rate is not a fair means of evaluating its accident factor (Factor 6) on the CR report. If so, the motor carrier must submit the compelling evidence within seven calendar days if the proposed rating is Unsatisfactory and 10 calendar days if the proposed rating is Conditional to:

US Department of Transportation

Kansas Division

Jeff Ellett - Division Administrator

Federal Motor Carrier Safety Administration

1303 First American Place, Suite 200

Topeka, KS 66604-4040

Compelling evidence must be limited to official police accident reports and official insurance accident investigation

For all Investigations resulting in a proposed conditional or unsatisfactory rating:

385.15

If you believe the proposed rating is in error and there are factual and procedural issues in dispute, Part 385.15 (copy provided) outlines procedures for petitioning the Federal Motor Carrier Safety Administration for an administrative review of these findings. Your petition should be addressed to:

US Department of Transportation

Jack Van Steenburg - Chief Safety Officer

Federal Motor Carrier Safety Administration

1200 New Jersey Avenue SE,

Washington, DC 20590

385.17

In addition, a request for a revised rating based on corrective actions may be made at any time. Part 385.17 (copy provided) outlines the procedures for such a request. The request must be made in writing, must describe the corrective action taken and must include other documentation that may be relied upon as a basis for the requested change. Address your written request to: US Department of Transportation

Max Strathman - Midwestern Field Administrator

Federal Motor Carrier Safety Administration 4749 Lincoln Mail Drive, Suite 300-A

Matteson, IL 60443

Ensure that a CC copy of the letter is mailed to:

US Department of Transportation Kansas Division Jeff Ellett - Division Administrator Federal Motor Carrier Safety Administration 1303 First American Place, Suite 200





U.S. DOT #: 2563304

State #:

Review Date: 06/19/2018

Part B Requirements and/or Recommendations

Topeka, KS 66604-4040

This letter should be submitted as soon as possible.

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 68604-4027

3. 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

4. "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 website: http://kcc.ks.gov/trans/penalty_assessment_table.htm"

Carrier Signature

Investigator Signature

5. Drivers may not drive a CMV interstate or intrastate unless they have been physically examined and certified with a Medical Certificate every 24 months

6. You are encouraged to review your company's safety record at the following website:



U.S. DOT #: 2563304

State #:

Review Date: 06/19/2018

Part B Requirements and/or Recommendations

https://ai.fmcsa.dot.gov/login/default.asp

You will need to enter your US DOT # Personnel Identification Number (PIN) that has been provided to you by FMCSA in the log in form at the bottom of the page. If you have forgotten your PIN you only need to click on a link on the webpage to make a request for your PIN to be forwarded to you by U.S. mail.

Safety Improvement Resources (SIRs) is a compilation of articles, reports, and other tools designed to assist motor carriers with improving their current safety management practices. SIRs are searchable by resource number, BASIC or safety management practice (SMP). Please refer to any Safety Improvement Resource numbers included within the recommendations.

You are encouraged to view all of the SiRs at the following website: http://ai.fmcsa.dot.gov/sms/Data/carrier_sir.aspx

- 7. Make certain that all drivers of commercial motor vehicles have a record check of their driving record at least every 12 months and within 30 days of their initial employement.
- 5. 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

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 carrier's 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 blases; (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.

9. 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 [Troy Rosenstiel dba Grasshopper Express) operating authority and/or the impoundment of (Troy Rosenstiel dba Grasshopper Express) vehicles.

Carrier Signature

Investigator Signature

10. Rest breaks. Except for drivers who qualify for either of the short-haul exceptions in § 395.1(e)(1) or (2), 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

PAJ4LOKS85XAA



U.S. DOT #: 2563304

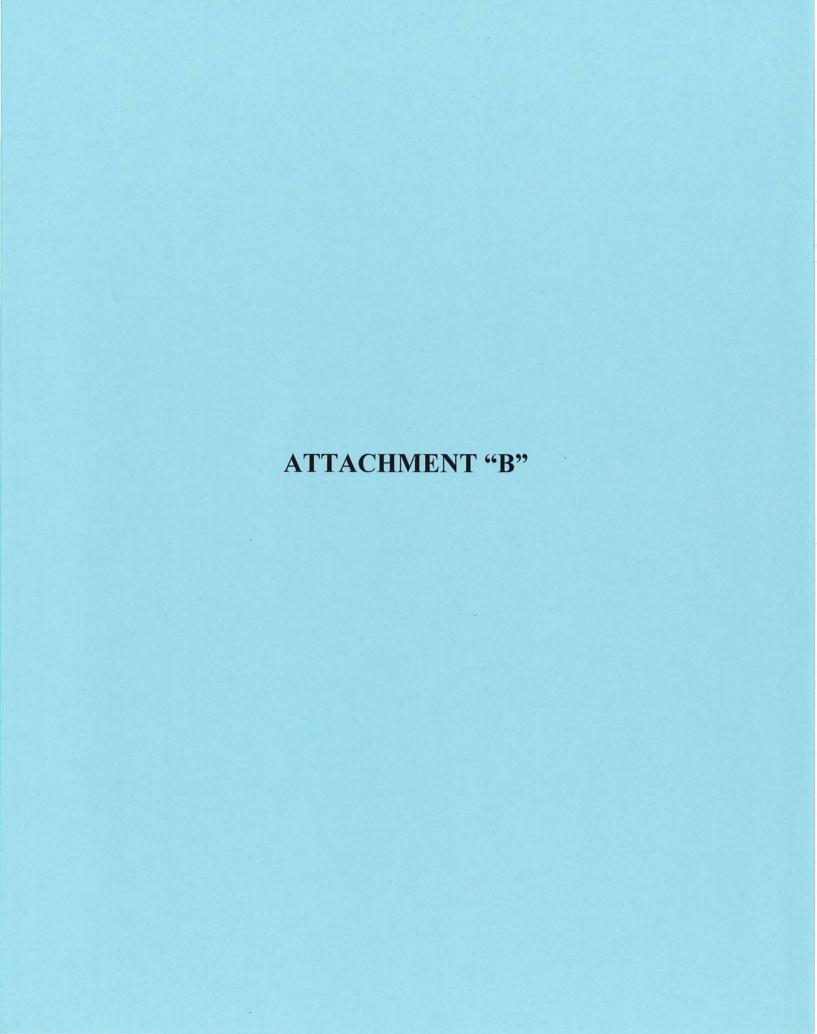
State #:

Review Date: 08/19/2018

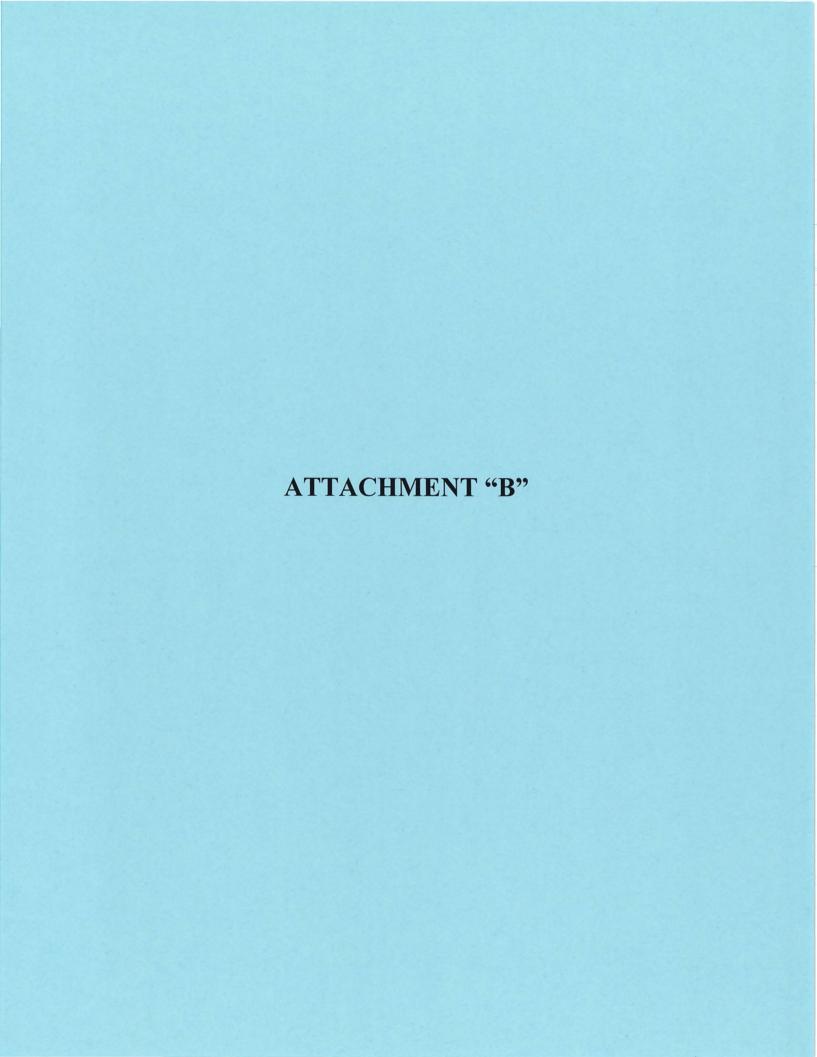
Part B Requirements and/or Recommendations

least 30 minutes.





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DRIVER/VEHICLE EXAMINATION REPORT

Query Central 3.4

Missouri State Highway Patrol

Commercial Vehicle Enforcement Division P. O. Box 568, Jefferson City, MO 65102-0568 Phone: (573)526-6128 Fax: (573)526-4637

Email: cvemail@mshp.dps.mo.gov

Report Number: MOC5S5008008

Inspection Date: 02/08/2018

Inspection Level: 1 - Full **HM Inspection Type:** None

TROY N ROSENSTIEL

PITTSBURG, KS 66762-8728

USDOT#: 02583304 MC/NIX#: 894722

Phone#:

Fax#:

State#:

2

Driver: ROSENSTIEL, TROY N

License#: Date of Bir

CoDriver:

License#:

Date of Birth:

State:

State: KS

Location: BLOOMSDALE

Highway: 55

County: SAINTE GENEVIEVE, MO

MilePost: 160

Shipper: MILLSTADT RENDERING CO

Bill of Lading: 55339-2

Origin: BELLEVILLE, IL **Destination: PICKENS, MS**

Cargo: DRY RENDERED TANKAGE

VEHICLE IDENTIFICATION

Unit Type Make Year State TT INTL 2001 KS

ST TRLR 1997 KS

MM

Plate#

42

2

C-30

Equipment ID 112 21

VIN 017085 0007785

GVWR 52,000 85.000

CVSA# New CVSA# OOS#

W19160061 W19160062

BRAKE ADJUSTMENTS

2 2 # elxA 1 1 1/4 Right 1 1/4 1 1/2 Left Chamber L-20

1 1/2 2 1/8 C-30

2 1/4 2 1/8 C-30

VIOLATIONS						
Vio Code 392.2-SLLEWA1	<u>Section</u> 392.2	Unit OC D	OS Citation #	<u>Verify</u> N	<u>Crash</u> N	Violations Discovered State/Local Laws - Excessive weight - 1-2500 lbs over on an axie/axie groups.: on drive tandems by 860 lbs. (11480 + 34680 + 34140 = 80280)
395.22A	395.22(a)	D N	l	N	N	Operating with a device that is not registered with FMCSA: No ELD installed in vehicle as required. Driver using paper log pages.
3\$8.3A1BOS	396.3(a)(1)	1 \	,	U	N	BRAKES OUT OF SERVICE: The number of defective brakes is equal to or greater than 20 percent of the service brakes on the vehicle or combination
393.53B	393.53(b)	1 1	l	N	N	CMV manufactured after 10/19/94 has an automatic airbrake adjustment system that falls to compensate for wear
393.47E	393.47(e)	1 1	ı	N	N	Clamp or Roto type brake out-of-adjustment: #3 axle left side
393.47E	393.47(e)	. 2	1	N	N	Clamp or Roto type brake out-of-adjustment: #5 axle right side

HazMat: No HM Transported.

Special Checks: Size & Weight:

393.47(e)

393.53(b)

fails to compensate for wear Placard: No

#5 axie left side

Cargo Tank:

State Information:

393.47E

393.53B

Report Prepared By: WRULE

W191

2

N

Copy Received By: TROY ROSENSTIEL Page 1 of 3

N

N

N

MOC5S5006008 MO

Clamp or Roto type brake out-of-adjustment:

CMV manufactured after 10/19/94 has an

automatic airbrake adjustment system that

DRIVER/VEHICLE EXAMINATION REPORT

Query Central 3.4

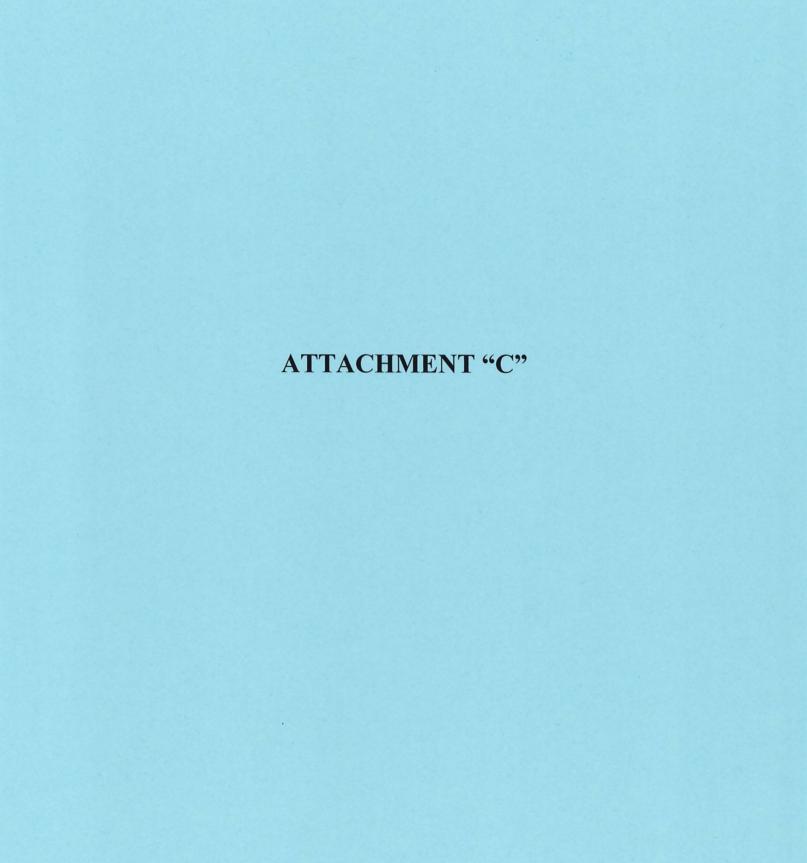
Report Number: MOC5S5008008

Commercial Vehicle Enforcement Division P. O. Box 568, Jefferson City, MO 65102-0568 Phone: (573)526-6128 Fax: (573)526-4637 Email: cvemal@mshp.dps.mo.gov	Start: 11:30 AM CT Inspection Level: 1-	Inspection Date: 02/06/2018 Start: 11:30 AM CT		
TROY N ROSENSTIEL PITTSBURG, KS 66762-8728 USDOT#: 02563304	Driver: ROSENSTIEL, TROY N License#: Date of Bi CoDriver: License#:	State: KS State:		
State#: AGENCY: MSHP;	Date of Birth:			
 I horsby declare the above vehicle(s)/drivers as "OUT OF SERVI such vehicle(s) until the OUT-OF-SERVICE defect(s) hasheve been a 	ICE". No person shall remove the "OUT OF SERVICE" sticker(e) applied to this/the repaired and vehicle(e) restored to a safe operating condition.	ice vehicle(s) or operato		
I certify that the above violation(s) weekvers corrected.				
Signature Of Repairer X:		Date:		
	at appears on this report must sign the certification and fax, mail to the Missouri Sta City, MO 65102-0568 or Email to overnoil@mehp.dps.mo.gov within 15 days. If no			
****Warning**** If this box is checked(_), A separate traffic citation we	se issued to the violator. Please roler to the issued traffic citation for additional infor	motion.		
DO NOT send fine payment with the return of this report.				
Signature Of Motor Carrier X:	Title:	Dala:		

Missouri State Highway Patrol

Copy Received By: TROY ROSENSTIEL Page 2 of 3





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CERTIFICATE OF SERVICE

19-TRAM-048-PEN

I, the undersigned, certify that the true copy of the attack	ched Order has been served to the following parties by means of
first class mail/hand delivered on08/08/2018	·
AHSAN LATIF, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604 Fax: 785-271-3354 a.latif@kcc.ks.gov	TROY N. ROSENSTIEL, OWNER TROY N. ROSENSTIEL D/B/A GRASSHOPPER EXPRESS 1206 E 530TH AVE PITTSBURG, KS 66762-8728 troy.rosenstiel@hotmail.com
	/S/ DeeAnn Shupe
	DeeAnn Shupe