

Friday, May 15, 2015



24564 Lackman Rd.  
Paola, KS 66071

Toll Free  
800-514-5107  
Direct  
913-879-2200  
Fax  
913-879-2213  
E-mail  
Rnorland@construction-solutions.com

20150519134206  
Filed Date: 05/19/2015  
State Corporation Commission  
of Kansas

Received  
on

**MAY 18 2015**

by  
State Corporation Commission  
of Kansas

Kansas Corporation Commission  
Attn: Commission Secretary  
1500 SW Arrowhead Road  
Topeka, KS 66604-4027

RE: Request for a hearing

I am requesting a hearing regarding the Notice of Penalty Assessment 15-TRAM-484-PEN that we received late last week on the grounds that we were correctly following the DOT regulations and stipulations as per an initial meeting held at our offices April 17 2014 with a Kansas State Trooper.

At this meeting we were instructed that we did not need to complete DOT paperwork (driver's logs, etc.) unless we were on trips that went beyond a 150nm radius from our office. The Trooper performed a vehicle inspection of our two Ford Super Duty pickup trucks and issued CSVA stickers for placement on the windshield and informed us that each driver would have to have a DOT physical and card. We discussed the driver's records that we kept on file and stated that we were compliant with our daily driving mileage log. The following two days each driver got the required DOT physical. We reviewed with the Trooper that we were unaware that we were required to have a DOT number and follow DOT procedures driving Ford pickup units for the sole purpose of transporting the driver and our Ground Penetrating Radar (GPR) survey instruments to and from job sites until I was stopped in northwest Missouri by a Missouri State Trooper for a DOT inspection. The Missouri Trooper could find nothing to site me for but did explain that when outside a 150nm radius we were required to follow DOT regulations and have a DOT number. At the time I was stopped I had not gone outside the 150nm radius.

Upon return to our offices I registered for a DOT number which started the ball rolling towards where we are today.

The later part of the week of March 9<sup>th</sup> I received a call from Mr. Wade Patterson of the Kansas Corporation requesting a DOT review audit for failure to comply with Kansas Corporation regulations. I queried Wade about the action as we had not received notification from the state that we were deficient, he provided an overview explanation, and we set up a meeting for March 16<sup>th</sup> at our offices for the audit.

In the March 16<sup>th</sup> meeting we explained our business and that we did not deliver or transport any goods or persons other than ourselves and our computer based GPR instruments for onsite data collection and or insitu locates. We explained how we came to get a DOT number and the audit / instructional meeting we had with the State Trooper. We showed Wade our records, our daily mileage logs, our DOT driver's logs for trips outside the 150nm radius, our inspection stickers, and our DOT medical cards, etc. that we were keeping as per instructions from our meeting with the State Trooper. Wade then stated that he was convinced that we had followed what we were instructed to do but that our instructions were not entirely correct and or through enough. Wade then spent several hours going over what is required, what we were deficient in, and helped us reorganize our DOT files. Per Wade's instructions we gathered all of the information, documents, and inspections that were identified as being deficient within a few days and supplied copies to Wade and the State. In September 2014 we purchased an additional vehicle a 2011 F450 pickup. This vehicle was not put into service until early November 2014 after our F350 experienced mechanical issues and had to be taken out of service. We were unaware that this vehicle needed to have a DOT inspection. We did outfit the vehicle with road hazard signs and a fire extinguisher. We had Wade inspect all three

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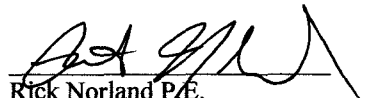
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of our pickups to verify that we had complied with all known DOT requirements with the exception of the DOT inspection as stated previously.

At the culmination of our meeting with Wade he reviewed the areas that we were deficient in and what was needed to correct those deficiencies. We stated that we would correct the deficiencies as soon as possible. Wade had called and or emailed his supervisor regarding our case, our deficiencies, and what we were going to do to correct them and stated to us that in his opinion we had attempted to comply with DOT regulations and that with the receipt of documents that were deficient in we would be in total compliance with DOT regulations and that we should not be facing any penalties.

I was quite taken aback when we received the Notice of Penalty Assessment dated May 5 2015 listing full penalties for the areas we were found to be deficient in due to our lack of following DOT regulations even though we were following as instructed by Kansas State Trooper what we thought were proper DOT regulations / compliance.

Respectfully Submitted

  
Rick Norland P.E.  
President  
Construction Solutions