

1500 SW Arrowhead Road  
Topeka, KS 66604-4027

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



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

Sam Brownback, Governor

## NOTICE OF PENALTY ASSESSMENT

November 1, 2016

17-TRAM-131-PEN

Tiffany Voran, Chief Financial Officer  
CD Custom Enterprises, LLC  
1800 SE 9th St  
Newton, Kansas 67114

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 October 13, 2016, by Kansas Corporation Commission Special Investigator Verna Jackson. 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 \$200 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](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. 2015 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. Latif  
Litigation Counsel  
(785) 271-3118

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

Before Commissioners:      Jay Scott Emler, Chairman  
                                     Shari Feist Albrecht  
                                     Pat Apple

In the Matter of the Investigation of **CD Custom**      )  
**Enterprises, LLC, of Newton, Kansas,**      )  
Regarding the Violation of the Motor Carrier      )  
Safety Statutes, Rules and Regulations and the      ) Docket No. 17-TRAM-131-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. 2015 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. 2015 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. 2015 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. CD Custom Enterprises, LLC (CD Custom Enterprises) obtained private operating authority from the Commission on May 17, 2013, and operates under KSMCID number 169386 and USDOT number 2358477.

5. Renee Poschen attended a Commission-sponsored Motor Carrier Education and Instructional Meeting on February 4, 2013, on behalf of CD Custom Enterprises.

6. CD Custom Enterprises is a private motor carrier which primarily hauls fab metal parts.

## **III. STATEMENT OF FACTS**

7. Pursuant to the jurisdiction and authority cited above, on October 13, 2016, Commission Staff (Staff) Special Investigator Verna Jackson conducted a compliance review of the operations of CD Custom Enterprises. 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, Ms. Jackson identified one (1) violation of the Motor Carrier Safety Regulations.

- a. On September 1, 2016, CD Custom Enterprises required or permitted its driver, Benjamin Clay, to operate a CDL-required commercial motor vehicle, a 2011 Chevy Silverado 2500 HD LT, VIN ending in 187415, GVWR 13,400 lbs., pulling a 2013 Diamond Gooseneck trailer, VIN

ending in 015223, GVWR 24,000 lbs., in intrastate commerce from Newton, Kansas to Hutchinson, Kansas. This trip is evidenced by Benjamin Clay's Weekly Time Sheet Record, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, CD Custom Enterprises 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 was cited for this same violation in a compliance review conducted on April 13, 2015. CD Custom Enterprises' 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), as adopted by K.A.R. 82-4-3g, as authorized by K.S.A. 2015 Supp. 66-1,112. Staff recommends an enhanced fine of \$200.

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

8. Based upon the available facts, Staff recommends the Commission find CD Custom Enterprises committed one (1) violation 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 \$200 for one (1) violation of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that CD Custom Enterprises 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](http://kcc.ks.gov/trans/safety_meetings.htm).

11. Finally, Staff recommends that CD Custom Enterprises 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 CD Custom Enterprises because it is a motor carrier as defined in K.S.A. 2015 Supp. 66-1,108.

13. The Commission finds CD Custom Enterprises committed one (1) violation 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. CD Custom Enterprises, LLC, of Newton, Kansas is hereby assessed a \$200 civil penalty for one (1) violation 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. CD Custom Enterprises 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, CD Custom Enterprises is ordered to submit to one follow-up safety compliance review within the next eighteen (18) months.

C. Pursuant to K.S.A. 2015 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 CD Custom Enterprises's right to a hearing, and this Penalty Order will become a Final Order assessing a \$200 civil penalty against CD Custom Enterprises, and ordering CD Custom Enterprises 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. 2015 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 \$200 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 CD Custom Enterprises'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.**

Emler, Chairman; Albrecht, Commissioner; Apple, Commissioner

Dated: NOV 01 2016

  
\_\_\_\_\_  
Amy L. Green  
Secretary to the Commission


AAL

**Order Mailed Date**

**NOV 02 2016**

## **ATTACHMENT “A”**



	<b>US DOT #</b> 2358477	<b>Legal:</b> CD CUSTOM ENTERPRISES LLC <b>Operating (DBA):</b>
<b>MC/MX #:</b> <b>State #:</b> [REDACTED] <b>Federal Tax ID:</b> [REDACTED] (EIN)		
<b>Review Type:</b> Non-ratable Review - CSA		
<b>Scope:</b> Principal Office		<b>Location of Review/Audit:</b> CSA Off-site
<b>Territory:</b>		
<b>Operation Types</b> Interstate    Intrastate		
<b>Carrier:</b> N/A                      Non-HM <b>Shipper:</b> N/A                      N/A <b>Cargo Tank:</b> N/A	<b>Business:</b> Other <b>Gross Revenue:</b> [REDACTED]                      for year ending: 12/31/2015	
<b>Company Physical Address:</b> 1800 SE 9TH ST NEWTON, KS 67114-4134  <b>Contact Name:</b> Tiffany Voran <b>Phone numbers: (1)</b> [REDACTED] <b>E-Mail Address:</b> [REDACTED]		
<b>Company Mailing Address:</b> 1800 SE 9TH ST NEWTON, KS 67114-4134		
<b>Carrier Classification</b> Private Property		
<b>Cargo Classification</b> Other: Fab Metal Parts		
<b>Equipment</b>		
	<b>Owned    Term Leased    Trip Leased</b>	<b>Owned    Term Leased    Trip Leased</b>
Truck	1                      0                      0	Trailer                      1                      0                      0
Power units used in the U.S.: 1 Percentage of time used in the U.S.: 100		
<b>Does carrier transport placardable quantities of HM?</b> No		
<b>Is an HM Permit required?</b> N/A		
<b>Driver Information</b>		
<b>Inter    Intra</b> <b>&lt; 100 Miles:</b> 1 <b>&gt;= 100 Miles:</b>	<b>Average trip leased drivers/month:</b> 0 <b>Total Drivers:</b> 1 <b>CDL Drivers:</b> 1	





**CD CUSTOM ENTERPRISES LLC**

U.S. DOT #: 2358477

State #: [REDACTED]

Review Date:

10/13/2016

**Part A**

QUESTIONS regarding this report or the Federal Motor Carrier Safety or Hazardous Materials rules may be addressed to the Kansas Corporation Commission at:

1500 SW Arrowhead  
Topeka, Kansas 66604  
Telephone 785-271-3104

**This report will be used to assess your safety compliance.**

**Person(s) Interviewed**

Name: [REDACTED]

Name: Tiffany Voran

Title: CFO





CD CUSTOM ENTERPRISES LLC  
U.S. DOT #: 2358477

State #: [REDACTED]

Review Date:  
10/13/2016

### Part B Violations

1 STATE	Primary: 391.51(b)(4) CFR Equivalent: 391.51(b)(4)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
<b>Description</b> Failing to maintain the responses of each State agency to the annual driver record inquiry required by 391.25(a). <b>Example</b> [REDACTED] 9/1/2016 CD Custom failed to inquire into the driver's driving record once every 12 months as required by 391.25(a). MVRs were dated 4/13/2015 and 9/15/2016.					
2 STATE	Primary: 391.51(b)(5) CFR Equivalent: 391.51(b)(5)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
<b>Description</b> Failing to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2). <b>Example</b> [REDACTED] 9/1/2016 CD Custom failed to maintain a note relating to the annual review of the driver's MVR which is required once every 12 months. Driver's MVRs were dated 4/15/2015 and 9/15/2016.					
3 STATE	Primary: 391.51(b)(6) CFR Equivalent: 391.51(b)(6)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
<b>Description</b> Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27. <b>Example</b> [REDACTED] 9/1/2016 CD Custom failed to maintain a list or certificate relating to violations which is required once every 12 months. Driver's MVRs were dated 4/15/2015 and 9/15/2016.					
<b>Safety Fitness Rating Information:</b> Total Miles Operated 21,249 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.**





CD CUSTOM ENTERPRISES LLC

U.S. DOT #: 2358477

State #: [REDACTED]

Review Date:

10/13/2016

## Safety Management Process Breakdowns and Remedies

1. 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 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.

2. The MCS-150 (Motor Carrier Identification Report) is required to be updated bi-annually. As required under 49 CFR 390.19(a) and 390.19(b), the carrier must file Form MCS-150 before it begins operations and every 24 months according to the schedule noted in 390.19(b)(2). Depending on the next to the last digit of the USDOT#, the carrier will be responsible for updating the USDOT# in either the even or odd number year. Example: The next to the last number in the USDOT# is 2, the carrier would need to update the MCS150 in an even numbered year. On the same hand, the last number of the USDOT# is the qualifier for the month in which the update must occur. If the last number of the USDOT# is 4, the USDOT# must be updated by the end of April. The required form must be filed with FMCSA Office of Information Management. The USDOT number needs to be filed electronically according to the instructions at the Agency's ([www.fmcsa.dot.gov](http://www.fmcsa.dot.gov)) Web site.

### 3. DRIVER FITNESS BASIC PROCESS BREAKDOWN: Monitoring and Tracking

**DESCRIPTION OF PROCESS BREAKDOWN:** CD Custom Enterprises LLC failed to maintain the driver's driving record inquiry to include the annual review and certification of the driver's driving record at least once every 12 months. Without the inquiry, the carrier cannot verify the driver is a valid driver maintaining a license required for the type of vehicle being used.

#### BASIC SPECIFIC RECOMMENDED REMEDIES

**Implement Safety Improvement Practices:** The following are recommended practices related to Monitoring and Tracking Processes.

- Implement an effective process for monitoring and documenting all drivers' job functions, training, qualifications, renewal dates, disclosed medical conditions, and operational restrictions, including those of drivers on a waiver program or with impairments that may be satisfied by a Skill Performance Evaluation certificate, to ensure that assignments are covered by qualified drivers.
- Review and retain each driver's Motor Vehicle Record (MVR) at least annually to ensure compliance with company policies, Federal regulations, and State and local laws and ordinances related to driver fitness. If a driver seems to have numerous violations, the MVR should be reviewed more often. Random MVR checks in addition to annual checks are also effective. File the MVR in each driver's driver qualification file after review.
- Maintain each driver's investigation history file in a secure location with limited and controlled access for as long as the driver is employed and for three years thereafter.
- Maintain roadside inspection reports, moving violation records, training records, the Commercial Driver's License (CDL), the dispatch schedule, bills of lading, and the medical report to help evaluate the performance of all staff involved in qualifying drivers (dispatchers and managers) and the effectiveness of the policies and procedures.
- Implement a system for keeping accurate records of employee driver fitness training needs, such as entry-level





CD CUSTOM ENTERPRISES LLC

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## Safety Management Process Breakdowns and Remedies

and HAZMAT training, and completed training, via software, a checklist in the driver's file, and/or another appropriate method.

- Evaluate personnel who are monitoring driver fitness performance by making sure they are reviewing driver-assignment and qualification files; applying the performance standards fairly, consistently, and equitably; and documenting the evaluations.
- Regularly evaluate the company's driver fitness-related inspection results via the Federal Motor Carrier Safety Administration's (FMCSA) website at <http://ai.fmcsa.dot.gov/SMS>. Assess violations for process breakdowns and how to remedy them. Use data to help implement an effective process beyond self-reporting to monitor, document, and evaluate compliance with driver-fitness regulations and company policies.
- When monitoring and tracking any driver-fitness-related issue, always assess whether it is individual or represents a systemic breakdown in one of the Safety Management Processes (Policies and Procedures, Roles and Responsibilities, etc.).

### Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

4. As required by 391.25(a), motor carriers shall, at least once every 12 months, make an inquiry to obtain the motor vehicle record of each driver it employs, covering at least the preceding 12 months, to the appropriate agency of every State in which the driver held a commercial motor vehicle operator's license or permit during the time period.
5. Per 49 CFR 391.51(b)(5) and (b)(6), the motor carrier is required to process and 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.
6. 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:





CD CUSTOM ENTERPRISES LLC

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Review Date:

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## Safety Management Process Breakdowns and Remedies

<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.

For all Investigations that could result in a Penalty Order:

- PLEASE NOTE: The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Penalty Order. In addition, your history of prior violations of the Federal Motor Carrier Safety Regulations, Federal Hazardous Material Regulations or the Federal Motor Carrier Commercial Regulations may also affect the civil penalty proposed in any subsequent Penalty Order. Your signature for receipt of this report acknowledges your understanding that the violations discovered by the KCC during this review may be used to calculate any civil penalty proposed as a result of this review. Your signature is not an admission of the violations identified.

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

7. I acknowledge that the requirements and/or recommendations resulting from this off-site, focused review have been discussed with me and my questions have been answered. I further acknowledge that KCC recommendations only cover the scope of this focused review, and that areas not reviewed by the KCC have not necessarily been endorsed as compliant. I understand that failure to satisfactorily remedy the above-listed requirements, and/or failure to comply with Kansas Motor Carrier Safety Statutes and Regulations could result in the suspension of CD Custom Enterprises LLC's operating authority and/or the impoundment of CD Custom Enterprises LLC's commercial motor vehicles.

Carrier Representative \_\_\_\_\_

Date \_\_\_\_\_

Printed name and Title \_\_\_\_\_

After reviewing these Requirements and/or Recommendations, please sign and date where indicated, and return to the Kansas Corporation Commission, ATTN Verna Jackson, Transportation Division, 1500 SW Arrowhead Rd, Topeka, Kansas 66604-4027, or fax 785-271-3124



## **ATTACHMENT “B”**

# Weekly Time Sheet With Breaks

## CD Custom Enterprises

1800 SE 9th

Newton, KS 67114

[City, ST ZIP Code]

Employee name: Ben Clay

Manager name:

Week starting: 8/28/2016

Week ending: 9/3/2016

	Sunday		Monday		Tuesday		Wednesday		Thursday		Friday		Saturday	
	8/28/2016		8/29/2016		8/30/2016		8/31/2016		9/1/2016		9/2/2016		9/3/2016	
Time In		Total	7:00 AM	Total	7:00 AM	Total	7:00 AM	Total	7:00 AM	Total	7:00 AM	Total		Total
Time Out		0.00	12:00 PM	5.00	12:00 PM	5.00	12:00 PM	5.00	12:00 PM	5.00	12:00 PM	5.00		0.00
Meal Break														
Time In		Total	12:30 PM	Total	12:30 PM	Total	12:30 PM	Total	12:30 PM	Total	12:30 PM	Total		Total
Time Out		0.00	3:49 PM	3.32	3:30 PM	3.00	3:30 PM	3.00	3:45 PM	3.25	3:30 PM	3.00		0.00
Total	0.00		8.32		8.00		8.00		8.25		8.00		0.00	
														Total Hours Scheduled
														40.57

9-1 Delivery to Collins & ENC (Hutchinson)  
Salina  
Total Round Trip miles: 232



**CERTIFICATE OF SERVICE**

17-TRAM-131-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 **NOV 01 2016**.

TIFFANY VORAN, CHIEF FINANCIAL OFFICER  
CD CUSTOM ENTERPRISES, LLC  
1800 SE 9TH ST  
NEWTON, KS 67114-4134  
Fax: 316-804-4523  
tiffany@cd-custom.com

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

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

**Order Mailed Date**

**NOV 02 2016**