



1500 SW Arrowhead Road  
Topeka, KS 66604-4027

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

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

Sam Brownback, Governor

## NOTICE OF PENALTY ASSESSMENT

November 30, 2017

18-TRAM-215-PEN

Jared Myers, Managing Member  
Myers AG Solutions LLC  
435 Jackrabbit Road  
Weskan, Kansas 66762

This is a notice of a penalty assessment against Myers AG Solutions LLC (Myers AG Solutions) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on October 25, 2017, by Kansas Corporation Commission Special Investigator Penny Fryback. 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:

Myers AG Solutions has been assessed a \$1,500 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 \$1,500 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.

### MYERS AG SOLUTIONS 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 \$750 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. Myers AG Solutions LLC 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 Commission's Secretary 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. 2016 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 \$1,500 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 Myers AG Solutions submits the attached Reduced Penalty Agreement as explained above, an Order Amending Penalty Assessment may be issued assessing the reduced penalty of \$750 and that payment would become due within thirty (30) days from the date of service of the Order Amending Penalty Assessment.

Respectfully,

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

1500 SW Arrowhead Road  
Topeka, KS 66604-4027



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## **REDUCED PENALTY AGREEMENT**

### **18-TRAM-215-PEN**

Myers AG Solutions LLC (Myers AG Solutions) hereby submits this Reduced Penalty Agreement for approval of a fifty percent (50%) reduction in the penalty assessed in the Penalty Order dated November 30, 2017. Myers AG Solutions has agreed to comply with the following terms and obligations:

1. Myers AG Solutions has submitted, within fifteen (15) days from the date of the Penalty Order this signed and dated Reduced Penalty Agreement to Litigation Counsel.
2. Myers AG Solutions 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. Myers AG Solutions 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. Myers AG Solutions 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.

Myers AG Solutions LLC understands that if approved, an Order Amending Penalty Assessment will be issued by the Commission assessing a reduced penalty of \$750, and will set out the terms and conditions stated above. Once the Order Amending Penalty Assessment is issued by the Commission, Myers AG Solutions will have thirty (30) days from the date of service of that Order to pay the reduced penalty assessed.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2017.

Myers AG Solutions LLC

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Jared Myers  
Managing Member

(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).)



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. Myers AG Solutions LLC (Myers AG Solutions) has private and common operating authority with the Commission and further operates under USDOT number 2824986.

5. Jared Myers attended a Commission-sponsored Motor Carrier Education and Safety Instructional Meeting on March 14, 2016, on behalf of Myers AG Solutions.

6. Myers AG Solutions is a private and common motor carrier which primarily hauls grain, feed, hay and commodities dry bulk.

7. Myers AG Solutions 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 October 25, 2017, Commission Staff (Staff) Special Investigator Penny Fryback conducted a compliance review of the operations of Myers AG Solutions. 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 September 13, 2017, Myers AG Solutions required or permitted its driver, Jeffery Vincent, to operate a CDL-required commercial motor vehicle, a 1992 Peterbilt, VIN ending in 316544, GVWR 50,000 lbs., pulling a 2006 Timpco semi-trailer, VIN ending in 109264, GVWR 65,000 lbs., in interstate commerce from Keokuk, Iowa to Cimarron, Kansas. This

trip is evidenced by Driver's Daily Log, dated September 13, 2017, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, Myers AG Solutions failed to provide educational materials to its driver explaining the requirements for a controlled substance and alcohol testing program pursuant to the motor carrier regulations. The carrier's failure to provide alcohol and controlled substance use educational materials that complies with 49 C.F.R. 382.601(b) to each of its CDL drivers subsequent to hiring or testing and having the driver sign an acknowledgement page to retain in the driver's qualification file is a violation of 49 C.F.R. 382.601(a)(1), adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$250.

- b. On September 18, 2017, Myers AG Solutions required or permitted its driver, Jeffery Vincent, to operate a CDL-required commercial motor vehicle, a 1992 Peterbilt, VIN ending in 316544, GVWR 50,000 lbs., pulling a 2006 Timpte semi-trailer, VIN ending in 109264, GVWR 65,000 lbs., in intrastate commerce from Tribune, Kansas to Belle Plaine, Kansas. This trip is evidenced by Driver's Daily Log, dated September 18, 2017, a copy of which is attached hereto as Attachment "C" and is hereby incorporated by reference. At the time of this transportation, driver Jeffery Vincent falsified his record of duty status in comparison to the Scale Ticket #12165. *See* Scale Ticket #12165, a copy of which is attached hereto as Attachment "D" and is hereby incorporated by reference. The special

investigator found four (4) violations of this type. Myers AG Solutions' falsifying records of duty status is a violation of 49 C.F.R. 395.8(e)(1), adopted by K.A.R. 82-4-3a, and authorized by K.S.A. 2016 Supp. 66-1,129. Staff recommends a fine of \$1,000.

- c. During the transportation described in paragraph b., above, Myers AG Solutions failed to obtain the annual commercial motor vehicle inspector's qualification certifications. The carrier's failure to retain evidence of the inspector's qualifications to inspect the commercial motor vehicles is a violation of 49 C.F.R. 396.19(b), adopted by K.A.R. 82-4-3, and authorized by K.S.A. 2016 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 Myers AG Solutions 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 \$1,500 for three (3) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

11. Staff provides notice to the Commission that Myers AG Solutions LLC 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 Myers AG Solutions LLC 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 Myers AG Solutions 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 Myers AG Solutions 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 Myers AG Solutions because it is a motor carrier as defined in K.S.A. 2016 Supp. 66-1,108.

16. The Commission finds a penalty of \$1,500 should be assessed to Myers AG Solutions 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 Myers AG Solutions 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. Myers AG Solutions LLC, of Weskan, Kansas is hereby assessed a penalty of \$1,500 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 \$1,500 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 Myers AG Solutions 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. Myers AG Solutions 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. Myers AG Solutions 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 Myers AG Solutions does not submit the Reduced Penalty Agreement and fails to pay the penalty of \$1,500 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 Myers AG Solutions'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 November 30, 2017, this Order was mailed via Certified Mail, Return Receipt Requested, Receipt Number 70161970000105742727. Service of this Order is deemed complete upon the date delivered shown on the Domestic Return Receipt.

G. **Pursuant to K.S.A. 2016 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 Commission's Secretary, 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 Myers AG Solutions's right to a hearing.

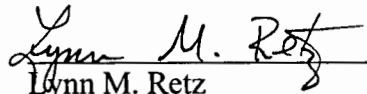
H. If a request for hearing is filed, attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. For civil penalties exceeding \$500, a corporation shall appear before the Commission by its attorney, unless waived by the Commission 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. 2016 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.**

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: NOV 30 2017

  
\_\_\_\_\_  
Lynn M. Retz  
Secretary to the Commission

AAL

Order Mailed Date

DEC 01 2017

**ATTACHMENT "A"**



US DOT #  
2824986

Legal: MYERS AG SOLUTIONS LLC  
Operating (DBA):

MC/MX #: 946053 State #: [REDACTED] Federal Tax ID: [REDACTED] (EIN)

Review Type: Compliance Review (CR)

Scope: Principal Office Location of Review/Audit: Company facility in the U. S. Territory:

Operation Types Interstate IntraState

Carrier: Non-HM Non-HM  
Shipper: N/A N/A  
Cargo Tank: N/A

Business: Corporation  
Gross Revenue: [REDACTED] for year ending: 12/31/2016

Company Physical Address:

[REDACTED]

Contact Name: Jared Myers  
Phone numbers: (1) [REDACTED] Fax  
E-Mail Address: [REDACTED]

Company Mailing Address:

435 JACKRABBIT ROAD  
WESKAN, KS 66782-4015

Carrier Classification

Authorized for Hire Exempt for Hire Private Property

Cargo Classification

Grain, Feed, Hay Commodities Dry Bulk

Equipment

	Owned	Term Leased	Trip Leased		Owned	Term Leased	Trip Leased
Truck Tractor	3	0	0	Trailer	3	0	0

Power units used in the U.S.: 3

Percentage of time used in the U.S.: 100

Does carrier transport placardable quantities of HM? No

Is an HM Permit required? N/A

Driver Information

	Inter	Intra	Average trip leased drivers/month:
< 100 Miles:	3		0
>= 100 Miles:			Total Drivers: 3
			CDL Drivers: 3





**MYERS AG SOLUTIONS LLC**  
U.S. DOT #: 2824988

State #: [REDACTED]

Review Date:  
10/25/2017

**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:

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

**Person(s) Interviewed**

**Name: Jared Myers**

**Title: Owner**

**Name: Abby Myers**

**Title: Owner**





MYERS AG SOLUTIONS LLC  
U.S. DOT #: 2824986

State #: [REDACTED]

Review Date:  
10/25/2017

**Part B Violations**

1 FEDERAL	Primary: 382.601(b)	Discovered 1	Checked 2	Drivers/Vehicles In Violation 1	Checked 2
<p><b>Description</b> Failing to provide to employees a written policy on misuse of alcohol and controlled substances that meets the requirements of 382.601(b) 1-11.</p> <p><b>Example</b> Driver [REDACTED] Trip Date: 9/18/2017</p> <p>Carrier had a signed receipt showing that a copy of the educational materials and written policy was given to Driver Andrew Peters but did not have a signed receipt showing that Driver Jeffrey Vincent had been provided the educational materials or the companies written Drug and Alcohol Testing Policy.</p>					
2 FEDERAL	Primary: 391.51(b)(6)	Discovered 1	Checked 2	Drivers/Vehicles In Violation 1	Checked 2
<p><b>Description</b> Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27.</p> <p><b>Example</b> Driver [REDACTED] Trip Date: 9/22/2017</p> <p>Last certificate of violations completed was on December 1, 2015</p>					
3 STATE	Primary: 395.8(e) CFR Equivalent: 395.8(e)	Discovered 0	Checked 20	Drivers/Vehicles In Violation 0	Checked 2
<p><b>Description</b> False reports of records of duty status.</p> <p><b>Example</b> Driver [REDACTED] Trip Date: 9/24/2017</p> <p>No false logs were discovered in intrastate commerce.</p>					
4 FEDERAL	Primary: 395.8(e)	Discovered 4	Checked 40	Drivers/Vehicles In Violation 1	Checked 2
<p><b>Description</b> False reports of records of duty status.</p> <p><b>Example</b> Driver [REDACTED] Trip Date: 9/18/2017</p> <p>Driver Vincent had a lod ticket from Scouler in Tribune, Kansas showing he loaded from 07:24 a.m. until 09:22 a.m. and a fuel receipt showing that he purchased fuel at Eagle Travel Shop 7 in Tribune at 09:28 a.m. but the drivers record of duty status showed he loaded in Tribune at 06:15 a.m. until 07:30 a.m. and then was driving to Belle Plaine, Kansas from 07:30 a.m. until 12:00 p.m. noon.</p>					





**MYERS AG SOLUTIONS LLC**  
U.S. DOT #: 2824986

State #: [REDACTED]

Review Date:  
10/25/2017

**Part B Violations**

5 STATE	Primary: 395.8(f)	Discovered 0	Checked 20	Drivers/Vehicles	
	CFR Equivalent: 395.8(f)			In Violation	Checked
				2	2

**Description**

Failing to require driver to prepare record of duty status in form and manner prescribed.

**Example**

Driver [REDACTED]  
Trip Date: 9/24/2017

No violations were discovered for intrastate trips.

6 FEDERAL	Primary: 395.8(f)	Discovered 20	Checked 40	Drivers/Vehicles	
				In Violation	Checked
				2	2

**Description**

Failing to require driver to prepare record of duty status in form and manner prescribed.

**Example**

Driver [REDACTED]  
Trip Date 9/18/2017

Drivers were entering the commodity but not the name of the shipper for each load hauled.

7 FEDERAL	Primary: 396.3(b)(1)	Discovered 4	Checked 5	Drivers/Vehicles	
				In Violation	Checked
				4	5

**Description**

Failing to keep a maintenance record which identifies the vehicle, including make, serial number, year, and tire size.

**Example**

Unit 97  
Trip Date: 9/22/2017  
Driver Andrew Peters

Carrier has maintenance records but only had one maintenance record that identified the vehicle by the make, year, VIN number, tire size and Unit #. The maintenance record for Unit 2 was properly identified.

8 FEDERAL	Primary: 396.19(b)	Discovered 4	Checked 4	Drivers/Vehicles	
				In Violation	Checked
				4	4

**Description**

Failing to maintain evidence of inspector's qualifications.

**Example**

Inspector [REDACTED]  
Inspection Date: 3/24/2017  
Unit # 2  
Trip Date: 9/18/2017

**Safety Fitness Rating Information:**

Total Miles Operated 100,000  
Recordable Accidents 0  
Recordable Accidents/Million Miles 0.00

OOS Vehicle (CR): 0  
Number of Vehicle Inspected (CR): 0  
OOS Vehicle (MCMIS): 0  
Number of Vehicles inspected (MCMIS): 0







MYERS AG SOLUTIONS LLC  
U.S. DOT #: 2824986

State #: [REDACTED]

Review Date:  
10/25/2017

### Part B Violations

Your proposed safety rating is :

**SATISFACTORY**

Rating Factors		Acute	Critical
Factor 1:	S	0	0
Factor 2:	S	0	0
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.



MYERS AG SOLUTIONS LLC  
U.S. DOT #: 2824986

State #: [REDACTED]

Review Date:  
10/25/2017

## Part B Requirements and/or Recommendations

### 1. 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 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





MYERS AG SOLUTIONS LLC  
U.S. DOT #: 2824986

State #: [REDACTED]

Review Date:  
10/25/2017

### Part B Requirements and/or Recommendations

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.

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.

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

2. Each employer shall provide educational materials and or a copy of their written controlled substance and alcohol policy that explain the requirements of this part 382 and obtain a written receipt showing the driver received the materials.
3. Each motor carrier shall obtain a list or certificate relating to violations of the motor vehicle laws and ordinances every year for each driver it employs and retain them for three years.
4. Ensure that all drivers' records of duty status (logs) are accurate. Check them against "supporting documents" to verify accuracy. Prohibit falsification of logs by any driver. Review the rules on supporting documents. Take appropriate action against drivers who falsify logs.
5. The following information must be included on the form in addition to the grid:  
(1) Date; (2) Total miles driving today; (3) Truck or tractor and trailer number; (4) Name of carrier; (5) Driver's signature/certification; (6) 24 hour period starting time (e.g., midnight, 9:00 a.m., noon, 3:00 p.m.); (7) Main office address; (8) Remarks; (9) Name of co driver; (10) Total hours (far right edge of grid); change of duty status locations, and (11) Shipping document number(s), or name of shipper and commodity.
6. Establish a systematic maintenance records program for all vehicles. Maintain a complete file for each subject vehicle, recording all repair, maintenance and inspection operations performed. Maintenance files must identify the vehicle by make, serial number, year, unit number and tire size, and Unit number
7. Evidence of the individual's qualifications to perform annual inspections shall be retained by the motor carrier for the period during which that individual is performing annual motor vehicle inspections for the motor carrier, and for one year thereafter.
8. This review will result in a Safety Rating.
9. This report contains citations of regulations that are deemed serious in nature and could result in penalties against





MYERS AG SOLUTIONS LLC

U.S. DOT #: 2824986

State #: [REDACTED]

Review Date:

10/25/2017

**Part B Requirements and/or Recommendations**

your company and/or your drivers.

10. I, Stacy Myers 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 Myers Ag Solutions, L.L.C. operating authority and/or the impoundment of Myers Ag Solutions, L.L.C. vehicles.



**ATTACHMENT "B"**

**RECAP**  
Complete at end of shift.

Unlabeled body lines: **12**

79 Hr./8 Day Drivers

A. **Y. Elsworth**  
45523407  
20110200A

B. **Elsworth**  
45523407  
20110200A

C. **Elsworth**  
45523407  
20110200A

80 Hr./7 Day Drivers

A. **Elsworth**  
45523407  
20110200A

B. **Elsworth**  
45523407  
20110200A

C. **Elsworth**  
45523407  
20110200A

**DRIVER'S DAILY LOG**  
Original - file at home terminal.  
In packs - driver returns in driver possession for 60 days

Myers Ag Solutions  
Name of Carrier or Carriers

Yeskan, KS  
Main Office Address

Yeskan, KS  
Home Terminal Address

Yeskan, KS  
Driver's Full Signature

Yeskan, KS  
Driver's Name

9, 13, 17  
(Month) (Day) (Year)

642  
Total Miles Driving Today Total Mileage Today

2-1  
Truck/Trailer Unit Trailer Numbers or License Plates/State (show each unit)

TIME	1	2	3	4	5	6	7	8	9	10	11	NOON	1	2	3	4	5	6	7	8	9	10	11	TOTAL HOURS
1. OFF DUTY																								.5
2. SLEEPER BERTH																								11.5
3. DRIVING																								10.25
4. ON DUTY (NOT DRIVING)																								1.75
REMARKS																								27

SHIPPING DOCUMENTS:  
 Chickpeas  
 B/L or Manifest No.  
 Corn Galena  
 Shipper & Commodity: **Riverside, IA**  
 Enter name of carrier reported and where reported (and where released from work, on job, and where change of driver occurred):  
**Riverside, IA**  
**Monmouth, IL**  
**Keokuk, IA**  
**Elsworth, KS**  
**IA, IL, MO, KS**

FROM: **Riverside, IA**  
 TO: **Elsworth, KS**  
 USE TIME STANDARD AT HOME TERMINAL  
 4018066

**ATTACHMENT "C"**

Form 100



9, 18, 17  
Month Day Year  
684  
Total Miles Driven

# DRIVER'S DAILY LOG

Myers Ag Solutions  
Name of Driver and Address

1215  
Company No.

2-1  
Total Miles Driven  
Weskan, Ks.  
Home Office Address  
Home Principal Address  
NIA  
Company Name  
Driver's Full Signature  
Company No.

1. OFF DUTY	Miles Driven												TOTAL MILES
	1	2	3	4	5	6	7	8	9	10	11	12	
2. SLEEPER BERTH													3.75
3. DRIVING													5.75
4. ON DUTY (NOT DRIVING)													10
													2.5
REMARKS	AND NIGHT 1 2 3 4 5 6 7 8 9 10 11 Bille Plating, Ks. Hethersson, Ks. Weskan, Ks. VT Tribune, Ks. Weskan, Ks. York, Ne. York, Ne.												24

SHIPPING DOCUMENTS  
 B/L or Manifest No.  
 Shipper & Commodity  
 From: Weskan, Ks.  
 To: York, Ne.

USE TIME STANDARD AT HOME TERMINAL

RECAP Complete at end of week  
 1215  
 20 Hr / 2 Day Drivers  
 20 Hr / 2 Day Drivers  
 20 Hr / 2 Day Drivers  
 19361 (545-RP)



**ATTACHMENT "D"**

**WEIGHED ON A FAIRBANKS SCALE**  
 Load                      Date 1-18-17  
 From                       
 Gross 11 200 lbs. To                       
 Tare 12010 lbs. Price                       
 Net 127 lbs. Amt.                       
 On                      Off                      Weigher                       
 Fairbanks Cal. 083453 (SI-3511A) Printed in U.S.A.

**WEIGHED ON A FAIRBANKS SCALE**  
 Load                      Date 1-18-17  
 From                       
 Gross 000 lbs. To                       
 Tare 113 510 lbs. Price 7 23  
 Net 759 lbs. Amt.                       
 On                      Off                      Weigher                       
 Fairbanks Cal. 083453 (SI-3511A) Printed in U.S.A.



**ORIGINAL - NOT NEGOTIABLE**  
**APPROVED BY THE KANSAS DEPARTMENT OF AGRICULTURE**  
**GRAIN INSPECTION AND WEIGHT CERTIFICATE**  
 (Inspection Not Valid for Purposes of the United States Grain Standards Act)

09/18/2017  
 Ticket # : 12165  
 Tribune

Salina, KS 67401 Downs, KS 67437 I HERE BY CERTIFY THAT I HOLD A LICENSE UNDER THE UNITED STATES WAREHOUSE ACT AND THE REGULATIONS FOR GRAIN WAREHOUSES THEREUNDER.  
 Wellington, KS 67152 Coolidge, KS 67838 Tribune, KS 67879

Time In : 7:24:44 am  
 Gross lbs : 79,340  
 Tare lbs : 28,600  
 Net lbs : 50,740  
 Dockage : 0  
 Dock Net lbs : 50,740  
 Net Bu. : 1,014.80  
 Time Out : 9:22:27 am  
 Driver : JEFF -- OFF  
 IN/OUT : OUTBOUND  
 Comments : BELLE PLAINE

Commodity : Millet  
**SUBJECT TO OFFICIAL INSPECTION**  
 Grade U.S. : 1

TW 50.00  
 MST 8.10

ID: RAUSBE  
 RAUSCH SEED INC  
 BELLE PLAINE, KS 67013

                     JEFF                      12165                      MYERS AG 2  
 Licensed Inspector and/or weigher Driver Bill of Lading Hauler



**ORIGINAL - NOT NEGOTIABLE**  
**APPROVED BY THE KANSAS DEPARTMENT OF AGRICULTURE**  
**GRAIN INSPECTION AND WEIGHT CERTIFICATE**  
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**SUBJECT TO OFFICIAL INSPECTION**  
 Grade U.S. : 1

TW 50.00  
 MST 8.10

ID: RAUSBE  
 RAUSCH SEED INC  
 BELLE PLAINE, KS 67013

**CERTIFICATE OF SERVICE**

18-TRAM-215-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 30 2017.

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

JARED MYERS, MANAGING MEMBER  
MYERS AG SOLUTIONS LLC  
435 JACKRABBIT ROAD  
WESKAN, KS 66762-4015  
myersagsolutions@gmail.com

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

Order Mailed Date

DEC 01 2017