

11-20-2019

To: Kansas Highway Patrol
Motor Carrier Safety Assistance Program (MCSAP)
700 SW Jackson, Suite 704
Topeka, KS 66603

From: PWD inc
1214 Cow Palace Rd
Newton, KS 67114

Russell G. Rucker CEO in reference to attached "Notice of Violations"

Please note that we would like to contest this because of the following reasons.

1. The Drivers physical was completed and signed 9-25-19 and was in effect at time of traffic stop.
2. The State does not confirm receiving information from Drivers or the Company keeping driver records up to date.
3. When trying to confirm that the State of Kansas had the physical certification on record, no one will answer the telephone or respond in a timely manner. I personally was on the phone for over an hour trying to speak with someone. I had to call again and wait a very long time for anyone to speak with me. I finally was able to confirm that the State of Kansas received the document and would confirm with a later phone call that they would make sure this time that the physical was registered in the data base. I still couldn't prove it as an employer because there is no written confirmation given by the State. Nothing can be put in a driver file to confirm we have proof that a drivers physical has been registered with the State of Kansas. It use to be that the document carried by the driver was proof but this is no longer the case.
4. Something needs to be done to make this process easier for everyone. The changes made in the last few years are very poorly thought out. Please note that a copy of this letter is being sent to state representatives to try and facilitate a better method to verify driver information between the State of Kansas and Company record keepers.

Thank you for your consideration in this matter.

Russell G. Rucker
CEO PWD inc



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

Governor Laura Kelly

NOTICE OF VIOLATION(S)

November 12, 2019

PWD INC
1214 COW PALACE ROAD
NEWTON, KS 67114

RECEIVED NOV 15 2019

Re: Roadside Driver/Vehicle Examination Report No. KSHP01020107

This is a Notice of Violation(s) of Kansas Motor Carrier Safety Statutes and/or Rules and Regulations discovered during a roadside inspection conducted by the Kansas Highway Patrol.

The Kansas Highway Patrol inspected vehicle [REDACTED] 91046, on November 6, 2019, and discovered violation(s) of the Federal Motor Carrier Safety Regulations, as adopted by K.S.A. 66-1,129 and K.A.R. 82-4-3 et seq. The civilly assessed violation(s) are set out in the attached invoice along with the fine(s) assessed.

You have thirty (30) days from the date of this letter to pay the fine amount as indicated in the enclosed invoice or thirty (30) days from the date of this letter to submit a challenge as described below. Failure to address this matter may negatively impact your KCC operating authority or result in the issuance of an Out-of-Service Order in the State of Kansas. You have the following options:

1. Pay the fine amount shown on the enclosed invoice: H000583378.
2. If you contest the violation(s) and/or fine(s) you may first submit a challenge to:

Kansas Highway Patrol
Motor Carrier Safety Assistance Program (MCSAP)
700 SW Jackson, Suite 704
Topeka, Kansas 66603
(785) 368-8086 fax (785) 296-2858

In your "challenge", please specifically describe your contested issues. The KHP will review your issues and either grant, modify or dismiss your challenge.

3. If you are not satisfied with the outcome of your challenge by the KHP, you have the right to an administrative hearing with the Kansas Corporation Commission. The hearing request must be in writing and received within 15 days of the close of the challenge, and forwarded to the Kansas Highway patrol at the above address.

Failure to pay will result in the carrier being in default. Default status prohibits changes to KCC authority, including but not limited to adding vehicles, name changes or renewal of authority, until the fine has been paid or the matter is resolved.

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KANSAS CORPORATION COMMISSION

Kansas Corporation Commission
Transportation Division
1500 SW Arrowhead Road
Topeka, Kansas 66604-4027
(785) 271-3145
FEIN: 48-1124839

INVOICE**RECEIVED NOV 15 2019**

PWD INC
1214 COW PALACE ROAD
NEWTON, KS 67114

Invoice Date: November 12, 2019

Invoice Number: H000583378

Due Date: December 12, 2019

Power Unit Identification at Time of Inspection:

Unit #	Unit Make	Unit License	VIN	License Number	Company ID
			91046	176823	P-280

Unit	Violation	Violation Description	Penalty
	383.23A2	Operating a CMV without a CDL	150.00
Total Due:			\$150.00

**Please return this invoice with your payment, payable to the
Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, KS 66604-4027
Fax: (785) 271-3124**

Failure to pay as provided in the Notice of Violation will result in the carrier being in default. Default status will prohibit carriers from making changes to KCC authority, including but not limited to adding vehicles, name changes or renewal of authority, until the fine has been paid or the matter is resolved.

Payment options: check, money order or credit card

Circle type of credit card: Visa, MasterCard, Discover or American Express

Card Holder Name _____

Credit card number: _____ Expires: Date ____/____/____

Please direct questions regarding the violation(s) and/or assessment to the
Kansas Highway Patrol, MCSAP at (785) 368-8086.

Public Burden Statement

A review of this form, its associated responses and a person's responses to this form will be used to determine if this form is a public burden. If you believe this form is a public burden, please contact the Department of Transportation, Office of Management and Enterprise Services, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, (202) 368-6644, or by email at ome@dot.gov. Your comments will be used to improve this form and to reduce the burden on the public.

☒ **U.S. Department of Transportation**
Federal Motor Carrier
Safety Administration

Medical Examiner's Report
(for Commercial Driver's License)

Locality that has examined last Name

Rogers First Name Richard

☒ The Federal Motor Carrier Safety Regulations (49 CFR 391.41-391.49) and with knowledge of the driver's medical history, the driver's physical condition, and the driver's ability to drive a commercial motor vehicle safely, the driver is qualified to drive a commercial motor vehicle.

☒ The Federal Motor Carrier Safety Regulations (49 CFR 391.41-391.49) with any applicable State law find this person is qualified, and if applicable, only when (checked off that apply):
☒ Wearing corrective lenses ☐ Accompanied by a _____ waiver/event
☐ Hearing hearing aid ☐ Accompanied by a Skill Performance Evaluation (SPE) Certificate

The information I have provided regarding this physical examination is true and complete. I complete a complete Medical Examination (MCSA 5876) with any attachments embodies my findings completely and correctly, and is on file in my office.

Medical Examiner's Signature

Mary B. Buehler M.D.

Medical Examiner's Name (Last, First, or Type)

Mary Buehler

Medical Examiner's State License, Certificate, or Registration Number

15 01324

Driver's Signature

[Signature]

Driver's Address

521 W 11th St City Meriden State CT Zip 06460

Street Address

This document contains sensitive information and is for official use only. Improper handling of this information could negatively affect the individual's privacy and secure this information appropriately to prevent inadvertent disclosure. By keeping the document under the control of authorized personnel, ensure disposal of this document when no longer required to be maintained by regulatory requirements.