

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

Received
on
JAN 31 2012
by
State Corporation Commission
of Kansas

In the Matter of the Investigation of **Carry Yours A**)
Division of CFSI, Inc. of Marietta, Georgia,)
Pursuant to the Kansas Highway Patrol Issuance of a) **Docket No. 12-GIMM-423-KHP**
Notice of Violation for Violations of the Kansas)
Motor Carrier Safety Statutes, Rules and Regulations.)

DIRECT TESTIMONY

OF

MOTOR CARRIER INVESTIGATOR OFFICER SHERRY THEDERAHN

ON BEHALF OF

THE STATE CORPORATION COMMISSION

OF THE STATE OF KANSAS

January 30, 2012

1 **Q. Please state your full name and business address.**

2 A. Sherry Montpetit-Thederahn

3 700 S.W. Jackson, Suite 704

4 Topeka, Kansas 66603

5 **Q. By whom and at what capacity are you employed?**

6 A. By the State of Kansas, as a State Motor Carrier Inspector for the Kansas Highway
7 Patrol.

8 **Q. Please summarize your educational and professional background. Please include**
9 **dates of training and certifications.**

10 A. I became a Motor Carrier Inspector on April 7, 1996, after 14 weeks of extensive law
11 enforcement training. This training included general law book, accident investigation
12 and all other aspects of law enforcement training. General duties included traffic
13 enforcement, vehicle safety, accident investigations and driving while intoxicated
14 enforcements.

15 I attended the American Standard Inspection (A-Week) training during this
16 academy class. This training included the general requirements for identifying a
17 commercial vehicle, required commercial vehicle documentation, driver's license
18 requirements, physical requirements of the drivers and extensive training on log books.
19 This certification required on-the-job inspection of at least 50 logbooks.

20 The North American Standard Inspection-B (B-Week) came next. This week-
21 long training included detailed operating systems knowledge and inspection of those
22 systems. The systems in this training included the required lights, windshield and wiper
23 systems, tires, wheels, brake systems, suspension systems, steering systems and required

1 seatbelts. At least eight hours was dedicated to proper securement of numerous types of
2 loads. This certification required on-the-job inspections of at least 50 commercial
3 vehicles.

4 **Q. Please explain your duties and responsibilities in your current position.**

5 A. To maintain public safety, and also to inspect commercial motor vehicles, and enforce
6 federal motor carrier laws and regulations.

7 **Q. Have you previously testified before this Commission?**

8 A. No.

9 **Q. Are you familiar with the challenge raised by Carry Yours A Division of CFSI, Inc.
10 in this matter?**

11 A. Yes. It is my understanding that the carrier is disputing the civil fines resulting from the
12 violations identified during an inspection of a commercial motor vehicle operated by
13 Carry Yours A Division of CFSI, Inc. on September 13, 2011, on the basis that they are
14 not subject to the CVSA (Commercial Vehicle Safety Alliance) or the HAZMAT rules
15 and regulations.

16 **Q. Ms. Thederahn, did you formally document your findings during the September 13,
17 2011, stop and inspection?**

18 A. Yes. This stop is documented in the Driver/Vehicle Examination Report Number
19 KS00SM001747. A true and correct copy of this report is attached hereto as "Thederahn
20 Attachment A".

21 **Q. Please explain circumstances leading to the September 13, 2011, stop and the
22 subsequent inspection of the commercial motor vehicle.**

1 A. I observed the vehicle traveling on K-10 in Douglas County. I got behind the vehicle and
2 initiated a traffic stop for inspection. My initial observations were a red-in-color truck
3 pulling a trailer with a tank mounted on it. The tank had Flammable Hazardous Placards
4 on it. Upon my approach I informed the driver of the reason I stopped him and asked him
5 for his driver's license and medical certificate. He stated he did not have a medical
6 certificate. I then asked him what company he drove for and he informed me that he
7 drove for Carry Yours/A Division of CFSI, Inc. I further questioned him as to the tank on
8 the trailer and he said he picked it up in Denver, CO and was transporting it to Kansas
9 City, KS. When asked what the tank was used for he explained that rental car agencies
10 use it to pump the fuel out of rental cars and resell it back to the customer. I asked why
11 the power unit did not have any identifying/USDOT markings and he replied that he was
12 not commercial due to his size. I informed him that under normal circumstances he
13 would be correct but since he was hauling a fuel tank with residue of a hazardous
14 substance, he was subject. I asked for a logbook to which he responded that he did not
15 have. When I asked him where he slept the night before, he stated that he had slept in the
16 back seat of his truck at a rest stop near Salina, KS. I informed him that was not allowed,
17 being commercial. He had no USDOT number for the company nor did he have a copy
18 of a Hazardous Materials Registration number. He had a regular driver's license while
19 the load he was hauling required a CDL with HAZMAT Endorsement.

20 **Q. Who was the driver operating the vehicle at the time of the stop?**

21 A. Richard Carruthers.

22 **Q. Please describe the vehicle involved in this stop.**

1 A. Mr. Carruthers was driving a red 2007 Chevrolet truck with license tag GA-ACK6596
2 and Vehicle Identification Number (VIN) [REDACTED], pulling a 2006 trailer
3 with VIN [REDACTED] that had a 350 gallon gas tank mounted on it and did
4 not have a tag.

5 **Q. Ms. Thederahn, did you take any photographs of the truck?**

6 A. Yes, I took several photographs of the truck and trailer. Photographs of the combination
7 vehicle are attached hereto and labeled as "Thederahn Attachment B".

8 **Q. At the time of the stop, how did you determine that the vehicle and its driver were**
9 **subject to the Federal Motor Carrier Safety Administration's (FMCSA) rules and**
10 **regulations?**

11 A. The combination vehicle, used in commerce, did not exceed the threshold requirement of
12 a gross vehicle weight rating of 10,001 or more pounds (9,990 lbs) but did exceed the
13 threshold of over 110 gallons of HAZMAT, which made them subject to FMCSA rules
14 and regulations.

15 **Q. What were the vehicle's origin and destination?**

16 A. The trip originated in Denver, Colorado, and the destination was Kansas City, Kansas.

17 **Q. Where did the inspection take place?**

18 A. In Douglas County on K-10 highway at mile post 2, specifically in Lawrence, Kansas.

19 **Q. Ms. Thederahn, please summarize the violations identified during the September 13,**
20 **2011, stop and inspection.**

21 A. During the inspection, I identified three Out-of-Service (OOS) violations, and nine other
22 violations.

1 **Q. Let's discuss the non-OOS violations, first. Can you please give an overview of what**
2 **those were?**

3 **A. The nine non-OOS violations were:**

- 4 1. No medical certificate in driver's possession;
- 5 2. Failing to register with FMCSA to obtain a USDOT number;
- 6 3. Carrier name/USDOT number not displayed as required;
- 7 4. Operating a CMV without periodic inspection (this violation applies to the truck);
- 8 5. No warning devices.
- 9 6. State insurance violation: No proof of current insurance;
- 10 7. Operating a CMV without periodic inspection (this violation applies to the
- 11 trailer);
- 12 8. No copy of US DOT Hazardous Materials Registration number; and
- 13 9. Insurance policy does not meet the minimum limits of liability for HAZMAT.

14 **Q. Now, you have included all of the violations that you documented on the**
15 **Driver/Vehicle Examination Report which you identified during the inspection.**
16 **Were any of these violations dismissed prior to today?**

17 **A. Yes, after a review of the file, the following violations were dismissed by the Kansas**
18 **Highway Patrol:**

- 19 1. Failing to register with FMCSA to obtain a USDOT number;
- 20 2. State insurance violation: No proof of current insurance; and
- 21 3. Insurance policy does not meet the minimum limits of liability for HAZMAT.

22 **Q. With regard to the medical certificate violation, can you please explain how you**
23 **determined that?**

1 A. I asked the driver for his medical certificate and he replied that he did not have one and
2 that he did not know he needed one because he did not think he was commercial.

3 **Q. What rule applies to the medical certificate violation?**

4 A. 49 C.F.R. 391.41(a) as adopted by K.A.R. 82-4-3g and authorized by K.S.A. 2010 Supp.
5 66-1,112, K.S.A. 66-1,112g and K.S.A. 2010 Supp. 66-1,129 requires all persons driving
6 a commercial motor vehicle to be medically certified as physically qualified to do so, and
7 to carry a copy of a current medical examiner's certificate that he or she is physically
8 qualified to drive a commercial motor vehicle.

9 **Q. With regard to the violation for failing to display the carrier's name and USDOT,**
10 **can you please explain how you determined that?**

11 A. I observed that there were no markings on either side of the power unit. This is indicated
12 in the attached photographs of the vehicle, previously designated as "Thederahn
13 Attachment B".

14 **Q. What rule applies to the violation for failing to display the carrier's name and**
15 **USDOT?**

16 A. 49 C.F.R. 390.21 as adopted by K.A.R. 82-4-3f and authorized by K.S.A. 2010 Supp. 66-
17 1,112, K.S.A. 66-1,112g and K.S.A. 2010 Supp. 66-1,129 requires every self-propelled
18 commercial motor vehicle required to be marked pursuant to K.A.R. 82-4-8h to be
19 marked with the carrier's legal name and USDOT number on both sides of the self-
20 propelled CMV, in letters that contrast sharply with the color of the vehicle and readily
21 legible.

22 **Q. With regard to the violation for operating a CMV without periodic inspection, can**
23 **you please explain how you determined that?**

1 A. I asked the driver for a copy of the last vehicle inspection and the driver replied that he
2 did not have one.

3 **Q. What rule applies to the violation for operating a CMV without periodic inspection?**

4 A. Every commercial motor vehicle must pass a comprehensive inspection of components
5 such as the brake system, coupling devices, exhaust system, fuel system, lighting devices,
6 safe loading, steering mechanism, suspension, frame, tires, wheels and rims, windshield
7 and windshield wipers at least once within the past 12 months pursuant to 49 C.F.R.
8 396.17 as adopted by K.A.R. 82-4-3j and authorized by K.S.A. 2010 Supp. 66-1,112,
9 K.S.A. 66-1,112g and K.S.A. 2010 Supp. 66-1,129.

10 **Q. With regard to the violation for no warning devices, can you please explain how you**
11 **determined that?**

12 A. When I asked the driver about any warning devices, he replied that he did not have any.

13 **Q. What rule applies to the violation for no warning devices?**

14 A. 49 C.F.R. 393.95 as adopted by K.A.R. 82-4-3i and authorized by K.S.A. 2010 Supp. 66-
15 1,112, K.S.A. 66-1,112g and K.S.A. 2010 Supp. 66-1,129 requires either three
16 bidirectional emergency reflective triangles or at least six fuses or three liquid-burning
17 flames to serve as warning devices for stopped vehicles.

18 **Q. With regard to the violation for no copy of USDOT Hazardous Materials**
19 **Registration number, can you please explain how you determined that?**

20 A. I asked the driver for all of his paperwork and company certifications and it was not in
21 any of the paperwork.

22 **Q. For clarification, you did document this violation. Do you believe the Kansas**
23 **Corporation Commission has the jurisdiction to enforce this?**

1 A. No, not at this time. However, the carrier should be aware that the US Department of
2 Transportation does enforce this rule, and it may be enforced on the state level in the
3 future.

4 **Q. Ms. Thederahn, let's discuss the violations that put the driver Out of Service. What**
5 **were those OOS violations?**

6 A. The Out-of-Service violations I documented were:

- 7 1. Operating a commercial motor vehicle without a commercial driver's license;
- 8 2. No log book for September 1, 2011, to September 13, 2011; and
- 9 3. Driving two hours over the 14 hour limit on September 12, 2011, through
10 September 13, 2011.

11 **Q. With regard to the violation for operating a commercial motor vehicle without a**
12 **commercial driver's license, can you please explain how you determined that?**

13 A. When checking his driver's license, I observed that Mr. Carruthers did not have a
14 commercial driver's license with the proper HAZMAT endorsement.

15 **Q. What rule applies to the violation for operating a commercial motor vehicle without**
16 **a commercial driver's license?**

17 A. Pursuant to Federal Motor Carrier Safety Regulations, any driver hauling a shipment
18 classified as HAZMAT shall have a commercial driver's license with the proper
19 endorsements. Specifically, pursuant to 49 C.F.R. 383.23(a)(2), as implemented by
20 K.S.A. 8-235 and required by 49 C.F.R. 392.2 as adopted by K.A.R. 82-4-3h and as
21 authorized by K.S.A. 2010 Supp. 66-1,129, a driver must possess a valid commercial
22 motor vehicle license that meets the standards to operate the commercial motor vehicle
23 being operated. In this instance, Mr. Carruthers was transporting a placardable amount of

1 hazardous material, and as such was required to have a CDL in accordance with K.S.A.
2 8-234b.

3 **Q. With regard to the violation for no log book, can you please explain how you**
4 **determined that?**

5 A. When I asked Mr. Carruthers for his log book, he stated that he did not have one.

6 **Q. What rule applies to the violation for no log book?**

7 A. Pursuant to Federal Motor Carrier Safety Regulations, any driver who is dispatched to
8 transport a shipment more than 100 air miles from their home base of operation shall
9 maintain a logbook. Specifically, in accordance with 49 C.F.R. 395.8 as adopted by
10 K.A.R. 82-4-3a and authorized by K.S.A. 2010 Supp. 66-1,112, K.S.A. 66-1,112g and
11 K.S.A. 2010 Supp. 66-1,129, every applicable driver shall record his/her duty status for
12 each 24 hour period.

13 **Q. With regard to the violation of the 14-hour rule, can you please explain how you**
14 **determined that?**

15 A. Mr. Carruthers stated that he had left Denver, CO on his way to Kansas City, KS. He
16 stated that he had dropped a load in Denver, picked this one up and drove a little ways.
17 He found a rest area near Salina and pulled over to sleep in the backseat of the truck,
18 which was normal for him. Due to the previous time driving, sleep time and current
19 driving time, he was over his allotted 14 hours of work time.

20 **Q. What rule applies to the violation of the 14-hour rule?**

21 A. 49 C.F.R. 395.3(a)(2) as adopted by K.A.R. 82-4-3a and authorized by K.S.A. 2010
22 Supp. 66-1,112, K.S.A. 66-1,112g and K.S.A. 2010 Supp. 66-1,129, prohibits drivers

1 from driving for any period after the fourteenth hour after coming on duty following ten
2 consecutive hours off duty.

3 **Q. Please explain the significance of an out-of-service finding.**

4 A. An out-of-service condition is defined in the Commercial Vehicle Safety Alliance Out-
5 Of-Service Criteria as any motor vehicle which by reason of its mechanical condition or
6 loading would be likely to cause an accident or breakdown.

7 **Q. Did you determine that the condition of this commercial vehicle would be likely to**
8 **cause an accident or breakdown?**

9 A. Yes. While the mechanical condition of the vehicle would not likely cause a breakdown,
10 the safety regulations relevant to the transportation of hazardous material are in place to
11 protect motor carriers and the motoring public alike. Specifically, the requirement of a
12 HAZMAT endorsement and CDL in order to transport hazardous material is in place to
13 protect the public generally, and a violation of this rule puts the public at risk.
14 Additionally, a violation of the 14-hour rule lends to driver fatigue which also puts the
15 motor carrier and the motoring public at risk.

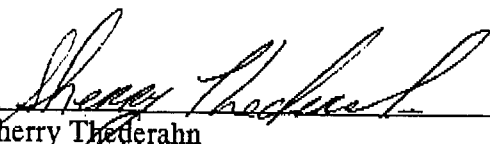
16 **Q. Thank you, Ms. Thederahn. Does this conclude your testimony?**

17 A. Yes.

STATE OF KANSAS)
) ss.
COUNTY OF SHAWNEE)

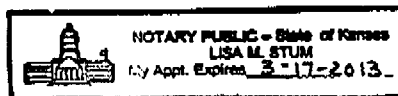
VERIFICATION

Sherry Thederahn, being duly sworn upon her oath deposes and says that she is Motor Carrier Inspector for the Kansas Highway Patrol, of the State of Kansas, that she has read and is familiar with the foregoing *Direct Testimony*, and that the statements contained therein are true and correct to the best of her knowledge, information and belief.



Sherry Thederahn
Motor Carrier Inspector
Kansas Highway Patrol
The State of Kansas

Subscribed and sworn to before me this 24th day of January, 2012.





Notary Public

My Appointment Expires: 3-17-2013

**THE DERAHN
ATTACHMENT "A"**

DRIVER/VEHICLE EXAMINATION REPORT

Kansas Highway Patrol
MOTOR CARRIER SAFETY ASSISTANCE
700 SW Jackson, Ste 704
Topeka, KS 66603
Phone #: (785)296-7189 Fax #: (785)296-2858
truckinspection@khp.ks.gov

Report Number: KS00SM001747
Inspection Date: 9/13/2011 Certification Date:
Time Started: 09:12 Time Ended: 11:00
Inspection Level: I - Full Inspection
HM Inspection Type: Bulk Inspection

CFSI INC
3595 CANTON ROAD SUITE A9-252
MARIETTA, GA 30066
Phone #: (678)403-1108 Fax #: (678)403-1109
USDOT #: 2192175 MC/MX #:
State #:

Driver: CARRUTHERS, RICHARD
License #: State: GA
Date of Birth:

Location: DOUGLAS COUNTY - 045 MilePost: 2
Highway: K-10 Origin: DENVER, CO Bill of Lading:
County: DOUGLAS Destination: KANSAS CITY, KS Cargo: FUEL
Shipper: CARRIER

VEHICLE IDENTIFICATION:

Unit	Type	Make	Year	State	License#	Equipment ID	Unit VIN	GVWR	Issued Decal#	Existing Decal#	OOS Stkr.#
1	TR	CHEV	2007	GA	ACK8596			7,000			
2	ST	TRLR	2006	GA				2,990			

BRAKE ADJUSTMENTS:

Axle #	1	2	3
Right	N/A	N/A	N/A
Left	N/A	N/A	N/A
Chamber	HYDR	HYDR	NONE

VIOLATIONS :

Section Code	St	Unit	OOS	Lvl 6	Citation #	Verify	Crash	Violation Description
391.41(a)		D	N	N		N	N	No medical certificate in driver's possession
383.23(a)(2)		D	Y	N		N	N	Operating a Commercial Motor Vehicle without a CDL
395.8(a)		D	Y	N		N	N	No log book for 09/01/2011 to 09/13/2011
395.3(a)(2)		D	Y	N		N	N	Drove 2 hours over 14 hours on 09/12/2011 through 09/13/2011
385.301(a)		1	N	N		N	N	Failing to register with FMCSA to obtain a USDOT number
390.21(b)		1	N	N		N	N	Carrier name and/or USDOT Number not displayed as required
396.17(c)		1	N	N		N	N	Operating a CMV without periodic inspection
393.95(f)		1	N	N		N	N	No warning devices
392.2		1	N	N		N	N	State Insurance Violation, No proof of current insurance. Current insurance papers shows expired 8-28-2011
396.17(c)		2	N	N		N	N	Operating a CMV without periodic inspection
107.620(b)		1	N	N		N	N	No copy of US DOT Hazardous Materials Registration Number
387.301(a)		1	N	N		N	N	Insurance policy does not meet the minimum limits of liability for HAZMAT.

* N - Non-OOS or Driver OOS Violation

HazMat: 3 Flammable,

Placard: Yes Cargo Tank:

Special Checks:

<input type="checkbox"/> Alcohol/Controlled Substance Check	<input type="checkbox"/> Traffic Enforcement	<input type="checkbox"/> Post Crash Inspection
<input type="checkbox"/> Conducted by Local Jurisdiction	<input type="checkbox"/> PASA Conducted Inspection	<input type="checkbox"/> PBBT Inspection
<input type="checkbox"/> Size and Weight Enforcement	<input type="checkbox"/> Drug Interdiction Search	Arrests:

Inspection Notes: photos taken of vehicle and load.

Driver/owner stated they normally haul small loads that would keep them under 26000 making them non-commercial. I explained to him the lower limit (poundage) that qualifies commercial. I also informed him that HAZMAT was in a class of its own.

He further stated that they normally haul boats, seadoos, and motor bikes. He sleeps in the truck on the rear bench seat as a general rule to save money. On this run he picked up the 350 gal capacity tank mounted to a trailer that is used in the recovery of gasoline from rental cars.

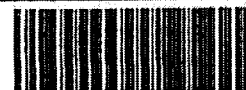
Hearing request received. See image Now. - cb

Report Prepared By:
S.J.M. THEDERAHN

Badge #:
9207

Copy Received By:
CARRUTHERS, RICHARD

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KS00SM001747

X

X

DRIVER/VEHICLE EXAMINATION REPORT

Kansas Highway Patrol
MOTOR CARRIER SAFETY ASSISTANCE
700 SW Jackson, Ste 704
Topeka, KS 66603
Phone #: (785)296-7189 Fax #: (785)296-2858
truckinspection@khp.ks.gov

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CFSI INC
3595 CANTON ROAD SUITE A9-252
MARIETTA, GA 30066
Phone #: (678)403-1108 Fax #: (678)403-1109
USDOT #: 2192175 MC/MX #:
State #:

Driver: CARRUTHERS, RICHARD
License #: State: GA
Date of Birth:

Special Study Fields:

Special Study1:
Special Study2:
Special Study3:
Special Study4:
Special Study5:

Special Study6:
Special Study7:
Special Study8:
Special Study9:
Special Study10:

* Pursuant to the authority contained in Title 49, CFR; K.S.A. 66-1,129; K.C.C. Reg. 82-4-3, I hereby declare RICHARD CARRUTHERS "OUT OF SERVICE". No person and/or carrier shall permit and/or require this driver to operate any commercial vehicle until: Has Valid Commercial Driver's License. This Out of Service condition may result in the assessment of a Civil Penalty being issued against the Carrier indicated on this report. Driver Initials _____

// DRIVER: THIS FORM IS REQUIRED TO BE RETURNED TO THE CARRIER BY REGULATION. **//** *CARRIER CERTIFICATION: All defects on this sheet must be corrected or acknowledged PRIOR TO RE-DISPATCH and then certified by a responsible carrier official who must sign below. RETURN THIS FORM WITHIN 15 DAYS to the Motor Carrier Division of the KANSAS HIGHWAY PATROL at the address listed at the top of this form.

Signature of Carrier Official: X

Date: _____

* NOTE TO MECHANIC: The undersigned certifies that all mechanical defects listed on this report HAVE BEEN CORRECTED at the time of signature.

Signature of Repairer: X

Facility: _____

Date: _____

Report Prepared By:
S.J.M. THEDERAHN

Badge #:
9207

Copy Received By:
CARRUTHERS, RICHARD

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KS00SM001747

X

X

DRIVER/VEHICLE EXAMINATION REPORT

Aspen 2.13.1.2



Kansas Highway Patrol
MOTOR CARRIER SAFETY ASSISTANCE
700 SW Jackson, Ste 704
Topeka, KS 66603
Phone: (785)296-7189 Fax: (785)296-2858

Report Number: KS00SM001747
Inspection Date: 09/13/2011
Start: 9:12:53 AM CT End: 11:00:00 AM CT
Inspection Level: I - Full
HM Inspection Type: Bulk

CARRY YOURS A DIVISION OF CFSI, INC
3595 CANTON RD, BLDG A9, RM 252

Driver: CARRUTHERS, RICHARD

License#: [REDACTED]

CoDriver:

License#:

Date of Birth:

State:

USDOT#:

Phone#:

MC/MX#:

Fax#:

State#:

Location: DOUGLAS COUNTY - 045

MailPost: 2

Shipper: CARRIER

Highway: K-10

Origin: DENVER, CO

Bill of Lading:

County: DOUGLAS, KS

Destination: KANSAS CITY, KS

Cargo: FUEL

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate #	Equipment ID	VIN	GVWR	CVSA #	CVSA Issued #	OOS Sticker
TR	CHEV	2007	GA	ACK6596				7,000			
2	ST	TRLR	2006	GA				2,990			

BRAKE ADJUSTMENTS

Axle #	1	2	3
Right	N/A	N/A	N/A
Left	N/A	N/A	N/A
Chamber	HYDR	HYDR	NONE

VIOLATIONS

Section	Type	Unit	OOS	Citation #	Verify	Crash	Violations Discovered
391.41(a)	F	D	N		N	N	No medical certificate in driver's possession
383.23(a)(2)	F	D	Y		N	N	Operating a Commercial Motor Vehicle without a CDL
395.8(a)	F	D	Y		N	N	No log book for 09/01/2011 to 09/13/2011
395.3(a)(2)	F	D	Y		N	N	Drove 2 hours over 14 hours on 09/12/2011 through 09/13/2011
385.301(a)	F	1	N		N	N	Falling to register with FMCSA to obtain a USDOT number
390.21(b)	F	1	N		N	N	Carrier name and/or USDOT Number not displayed as required
3.17(c)	F	1	N		N	N	Operating a CMV without periodic inspection
393.95(f)	F	1	N		N	N	No warning devices
392.2	F	1	N		N	N	State Insurance Violation, No proof of current insurance. Current insurance papers shows expired 8-28-2011
396.17(c)	F	2	N		N	N	Operating a CMV without periodic inspection
107.620(b)	F	1	N		N	N	No copy of US DOT Hazardous Materials Registration Number
387.301(a)	F	1	N		N	N	Insurance policy does not meet the minimum limits of liability for HAZMAT.

HazMat: 3 Flammable

Placard: Yes Cargo Tank:

Special Checks: No Data for Special Checks.

* Pursuant to the authority contained in Title 49, CFR; K.S.A. 68-1,129; K.C.C. Reg. 82-4-3, I hereby declare RICHARD CARRUTHERS "OUT OF SERVICE". No person and/or carrier shall permit and/or require this driver to operate any commercial vehicle until, Has Valid Commercial Driver's License. This Out of Service condition may result in the assessment of a Civil Penalty being issued against the Carrier indicated on this report. Driver Initials _____

* NOTE TO MECHANIC: The undersigned certifies that all mechanical defects listed on this report HAVE BEEN CORRECTED at the time of signature

Signature Of Repairer X: _____

Facility: _____

Date: _____

"I, THE DRIVER: THIS FORM IS REQUIRED TO BE RETURNED TO THE CARRIER BY REGULATION. "I" "CARRIER CERTIFICATION" and defects on this sheet "be corrected or acknowledged PRIOR TO RE-DISPATCH and then certified by a responsible carrier official who must sign below. RETURN THIS FORM WITHIN 15 DAYS to the Motor Carrier Division of the KANSAS HIGHWAY PATROL at the address listed at the top of this form.

Signature Of Motor Carrier X: _____

Title: _____

Date: _____

Report Prepared By:
S.J.M. THEODERAHN

Badge #:
9207

Copy Received By:
RICHARD CARRUTHERS

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KS KS00SM001747

X

X

**THE DERAHN
ATTACHMENT "B"**

THESEMAN
ATTACHMENT B



11/17/02 (0/0)

IBC TYPE		GROUP		COUNTRY		MANUFACTURER	
31A		Y		U.S.A.		M5406	
MIN. THK mm		MAX. FILL		TARE MASS kg			
2.34		0.5		230			
TEST DATE MO - YR		DATE RECEIVED MO - YR		DATE OF CONSTR.			
6-05		05-05		4-SS			
MODEL NO.		CAPACITY		MAX. GROSS LB		TARE	
515124		350 GAL		507			
USA		05		DATE RECEIVED MO - YR			
15		15					

Custom Metalcraft
Calibration Chart For TRANSTORE IBCs

METALCRAFT INC.
2332 E. Division, Springfield, Missouri 65803
(417) 862-0707

TRANSTORE STORAGE SYSTEMS

UN	IBC TYPE	GROUP	MFG. MO. - YR.	MANUFACTURER
	31A	Y	6-05	M5406

STACKING TEST LOAD kg	MAX. GROSS kg	TARE MASS kg
7674	2722	1325 230

TEST DATE MO. - YR.	INSP. DATE MO. - YR.
6-05	6-05

MIN. THK. mm	MAX. FILL / DIS. PRES. kPa
2.34	0

MODEL NO.	CAPACITY
515124	350 GAL

USA / M5406
05-10

Custom Metalcraft Calibration Chart For TRANSTORE IBCs

Fill Height (Inches)	Base Size 42" x 48" (gallons)	Base Size 42" x 42" (gallons)	Fill Height (Inches)	Base Size 42" x 48" (gallons)	Base Size 42" x 42" (gallons)
31 (Bottom)	34	40			

MIN. THK. mm

MAX. FILL / DIS. PRES. kPa

234

0

4642

MODEL NO.

CAPACITY

MAX. TRANS. A

ARE MA

515124

350 GAL

6000

507

DATE RECEIVED MO. YR.

T-5-10

USA / M54 06
05-10

Custom Metalcraft

Calibration Chart For TRANSFORMER










CERTIFICATE OF SERVICE

12-GIMM-423-KHP

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing Direct Testimony of Officer sherry Thederahn was placed in the United States mail, postage prepaid, or hand-delivered this 31st day of January, 2012, to the following:

Richard Carruthers, PRESIDENT
Carry Yours A Division Of CFSI, Inc.
3595 Canton Rd Bldg A9 Rm 252
Marietta, GA 30066

AMBER WHITLOCK, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD ROAD
TOPEKA, KS 66604-4027
Fax: 785-271-3354
a.whitlock@kcc.ks.gov
Hand Delivered



Vicki Jacobsen