



1500 SW Arrowhead Road
Topeka, KS 66604-4027

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

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

Laura Kelly, Governor

NOTICE OF PENALTY ASSESSMENT
20-TRAM-343-PEN

February 13, 2020

Kenneth E. Molt, Owner
PO Box 184
Horton, KS 66439

This is a notice of a penalty assessment against Kenneth E. Molt (Kenneth Molt) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on January 15, 2020, by Kansas Corporation Commission Special Investigator B.T. Scott. Penalties are assessed in accordance with the FY 2020 Uniform Penalty Assessment Matrix, approved by the Commission on July 16, 2019. For a full description of the penalty(s) and terms and obligations please refer to the Order attached to this notice.

IF YOU ACCEPT THE PENALTY: Kenneth Molt has been assessed a \$600 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$600, 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.

The attached Order requires a representative of Kenneth Molt to attend a Commission-sponsored safety seminar within ninety (90) days from the date of the Order and to provide the undersigned Litigation Counsel with written proof of attendance. 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. The Order also requires your company to submit to one follow-up safety compliance review within 18 months from the date of the Order. Transportation Staff will contact your company at a later date to determine an appropriate time for this review.

IF YOU CONTEST THE PENALTY ORDER: **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. Kenneth Molt 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 the undersigned at the above address. If you do not have access to the internet, you can mail an original and seven copies of the request to the Executive Director at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy to the undersigned Litigation Counsel. K.A.R. 82-1-215; K.S.A. 77-542.

IF YOU FAIL TO ACT: Failure to pay the penalty of \$600 within thirty (30) days from the date of service of the Penalty Order or failure to comply with the terms of the Order, or in the alternative, failure to provide a timely written request for a hearing, will result in the Order becoming final and may result in additional sanctions of suspension and/or revocation of your motor carrier operating authority.

Respectfully,

Ahsan A. Latif
Litigation Counsel
(785) 271-3118

Before Commissioners: Susan K. Duffy, Chair
Shari Feist Albrecht
Dwight D. Keen

PENALTY ORDER

I. JURISDICTION

2. Pursuant to K.S.A. 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 issue an order 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. Kenneth E. Molt (Kenneth Molt) was granted common operating authority with the Commission on January 23, 2020, and further operates under USDOT number 1828455.

5. Kenneth E. Molt attended the Procedures for Safety Compliance Seminar presented by the Kansas Corporation Commission, on January 21, 2020, on behalf of Kenneth Molt.

6. Kenneth Molt is a common motor carrier which primarily hauls motor vehicles, sheds and small buildings.

III. STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, on January 15, 2020, Commission Staff (Staff) Special Investigator B.T. Scott conducted a safety compliance review of the operations of Kenneth Molt. 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, the special investigator identified two (2) violation(s) of the Motor Carrier Safety Regulations.

- a. On October 26, 2019, Kenneth Molt required or permitted its driver, Kenneth Molt, to operate a commercial motor vehicle, a 2004 Ford F550,

VIN ending in 111, GVWR 17,500 lbs., in intrastate commerce from Brown County, Kansas to Hiawatha, Kansas. This trip is evidenced by Wrecker's #19-149 Occurrence Report, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, Kenneth Molt did not have KCC public carrier (KAN-C) operating authority. The carrier's commercial operations of motor vehicles prior to obtaining and maintaining proper Commission authority is a violation of K.S.A. 66-1,111 and 49 C.F.R. 392.2, adopted by K.A.R. 82-4-3h, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$500.

- b. During the transportation described in paragraph a, above, Kenneth Molt 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's 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), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 66-1,112. Staff recommends a fine of \$100.

IV. STAFF'S RECOMMENDATIONS

8. Based upon the available facts, Staff recommends the Commission finds Kenneth Molt committed two (2) 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.

9. Additionally, Staff recommends a civil penalty of \$600 for two (2) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further notes that Kenneth E. Molt attended the Procedures for Safety Compliance Seminar presented by the Kansas Corporation Commission, on January 21, 2020.

11. Finally, Staff recommends that Kenneth Molt 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.

V. CONCLUSIONS OF LAW

12. The Commission finds it has jurisdiction over Kenneth Molt because it is a motor carrier as defined in 49 C.F.R. Part 390.5 as adopted by K.A.R. 82-4-3f.

13. The Commission finds Kenneth Molt committed two (2) 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.

THE COMMISSION THEREFORE ORDERS THAT:

A. Kenneth E. Molt, of Horton, KS is hereby assessed a \$600 civil penalty for two (2) 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.

B. Kenneth E. Molt is deemed to have complied with the requirement to attend a Commission-sponsored safety seminar as a representative of the carrier, Kenneth E. Molt,

attended the Procedures for Safety Compliance Seminar presented by the Kansas Corporation Commission, on January 21, 2020.

C. Carrier is hereby ordered to submit a written, comprehensive corrective action plan (CAP) to Transportation Staff within thirty (30) days of the date of this order.

D. Kenneth Molt 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 carrier to set up the appointment.

E. Pursuant to K.S.A. 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. The request may be electronically filed with the Commission's electronic filing system at <https://puc.kcc.ks.gov/e-filing/e-express/>, within fifteen (15) days from the date of service of this Order, and a copy of the request mailed to the Litigation Division. If you do not have access to the internet, you can mail an original and seven copies of the request to the Executive Director at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy of the request to Litigation Counsel. A hearing will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of Kenneth Molt's right to a hearing, and this Penalty Order will become a Final Order assessing a \$600 civil penalty against Kenneth Molt, and ordering a representative from Kenneth Molt to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order and provide Litigation Counsel with written proof of attendance, and to submit to a safety compliance review within 18 months from the date of this Order.

F. 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. 66-1,142b(e) and amendments thereto.

G. If you do not request a hearing, the payment of the civil penalty of \$600 is due in thirty (30) days from the date of service of this Order. Payment of \$600 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.

H. Failure to pay the \$600 civil penalty within thirty (30) days from the date of 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 Kenneth Molt'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 revocation of authority and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

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.

Duffy, Chair; Albrecht, Commissioner; Keen, Commissioner

Dated: 02/13/2020



Lynn M. Retz
Executive Director

AAL

ATTACHMENT “A”

UNITED STATES DEPARTMENT OF TRANSPORTATION



U.S. DOT#: 1828455
MC/MX#:

Legal: KENNETH E MOLT
Operating (DBA): TOM'S TOWING & WRECKER
SERVICE

Investigation Date:
01/15/20

Investigation Type: Onsite Comprehensive Investigation

Location of Investigation: Company principal place of business
(PPOB)

Extent of Operations: Entire Operation

Physical Address

1264 KESTREL RD
HORTON, KS 66439-9533
United States

Mailing Address

PO BOX 184
Horton, KS 66439-0184
United States

Contact Information

Contact Name: KENNETH MOLT

Email:

Phone: ()-

Business and Financial

Business Type: Sole Proprietorship

Gross Revenue for Year Ending: 12/31/19

Federal Tax ID (SN)

Operation Classification and Type

Type of Operation: Non-HM Intrastate Carrier, HM Intrastate
Carrier

Cargo

Motor Vehicles, Other (Sheds, small buildings)

Operation Classification

For-Hire Motor Carrier

Property

Hazardous Materials

Hazardous Materials

Which of the following hazardous materials requiring a Safety
Permit does the company transport?

None

Does the company have a satisfactory security program in place as
required in 49 CFR Part 385, Subpart E?

N/A

Is an HM Permit required by any State?

No

Hazardous Materials

Class 9 Miscellaneous hazardous material = C, NB

Equipment				Driver Information		
	Owned	Term Leased	Trip Leased	Drivers		
Straight Trucks	2				Intrastate	Interstate
Power units used in the U.S.: 2				< 100 Miles		
Percentage of time used in the U.S.: 100.0%				>= 100 Miles		
				1		
				Average trip leased driver/month: 0		
				Drivers with CDL: 1		
				Total Drivers: 1		

Person(s) Interviewed

Name: KENNETH MOLT	Title: OWNER
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Questions

Questions about this report or the Federal Motor Carrier Safety or Hazardous Materials regulations may be addressed to the Federal Motor Carrier Safety Administration at:	1303 SW FIRST AMERICAN PLACE, SUITE 200 TOPEKA, KS 66604-4040 Phone: (785) 271-1260 Fax: (785) 228-9725
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This report will be used to assess your safety compliance.

Violations

1. Primary: 392.2

State Equivalent: KSA 66-1,111

Operating a commercial motor vehicle without KCC public carrier (KAN-C) operating authority

Example/Notes:

10/26/2019

Kenneth Molt

K-20 and Coyote Rd, Brown Co to Hiawatha, KS

Violations Discovered

Fed	State	Total
	1	1

Violations Checked

Fed	State	Total
	1	1

Drivers/Vehicles

In Violation	Checked

2. Primary: 391.25(c)(1)

Failing to maintain a copy of the motor vehicle record or response from each State agency in the driver qualification file

Example/Notes:

Kenneth Molt

10/26/2019

Failing to maintain a copy of the motor vehicle record or response from each State agency in the driver qualification file.

Violations Discovered

Fed	State	Total
	1	1

Violations Checked

Fed	State	Total
	1	1

Drivers/Vehicles

In Violation	Checked
1	1

3. Primary: 391.51(b)(1)

Failing to maintain driver's employment application in driver's qualification file

Violations Discovered

Fed	State	Total
	1	1

Violations Checked

Fed	State	Total

Example/Notes:

Kenneth Molt

10/26/2019

Failing to maintain driver's employment application in driver's qualification file

Drivers/Vehicles

In Violation	Checked
1	1

4. Primary: 391.51(b)(5)

Failing to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2).

Violations Discovered

Fed	State	Total
	1	1

Violations Checked

Fed	State	Total
	1	1

Example/Notes:

Kenneth Molt

10/26/2019

Failing to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2).

Drivers/Vehicles

In Violation	Checked
1	1

5. Primary: 391.51(b)(6)

Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27.

Violations Discovered

Fed	State	Total
	1	1

Violations Checked

Fed	State	Total
	1	1

Example/Notes:

Kenneth Molt

10/26/2019

Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27.

Drivers/Vehicles

In Violation	Checked
1	1

Safety Fitness Rating

This Investigation is Not Rated

You must take corrective actions for any violations (deficiencies) identified in the Violations section of this report.

DataQs: If you dispute the violations recorded in the Violations section of this investigation report, and the violations were not used in the calculation of your safety rating, you may submit a Request for Data Review (RDR) through DataQs. The DataQs system is the method to remove violations that did not affect your safety rating. DataQs is an online system that allows a motor carrier or driver to request and track a review of Federal and State issued data that it believes to be incomplete or incorrect. To submit an RDR, go to [https://dataqs.fmcsa dot.gov](https://dataqs.fmcsa.dot.gov).

Process Breakdown and Remedies

BASIC: Driver Fitness

Process Breakdown: Training and Communication

Specific Recommended Remedies

To implement Safety Improvement Practices, the following list are recommended practices related to Training and Communication:

1. Ensure that all driver-qualification data, including Motor Vehicle Record (MVR) results, inspections, changes in credentials, and driver-reported violations, are properly communicated to managers, supervisors, and dispatchers to enable them to make appropriate assessments about each driver's fitness
2. Train all staff who are required to monitor and track driver fitness compliance on the appropriate company policies, including those related to discipline and incentives.

Recommendations

1. **Additional Information**

Please visit the CSA outreach site for additional guidance: <https://csa.fmcsa dot.gov>.

2. **Obtain copies of the regulations, forms, interpretations, manuals.**

Copies of the regulations, forms, interpretations, and manuals are available from a variety of sources. Check the FMCSA website for a current list of suppliers. www.fmcsa.dot.gov/safety-security/eta/index.htm

3. **Maintain a complete file documenting the qualification process.**

Ensure that all drivers are fully and properly qualified before operating in interstate commerce. Maintain a complete file as required for each driver, documenting the qualification process.

4. **KCC Authority**

Login to KTRAN annually to pay the \$10/power unit Regulatory Fee. Failure to do this will cause your KCC For-Hire Authority to be canceled.

5. **Signature Page**

I 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 Kenneth E Molt's operating authority and/or the impoundment of Kenneth E Molt's vehicles.

I understand that monetary penalties will be assessed as a result of violations found in this compliance review. The penalty schedule can be found at this web site: http://kcc.ks.gov/trans/penalty_assessment_table.htm

X _____
Printed

X _____
Signed

ATTACHMENT “B”

Wreckers

10-17-19

Occurrence History

10/26/2019 12:06:00 PM

Occurrence History

Dist Div		Patrol Area/Zone	
Reported On	10/26/2019 12:06 PM	ES Date/Time	
Complaint Type	1047 - Non-Injury Accident	Original	Notebook
Address	County	Detail	K 20 Hwy and Coyote Rd
Last Name	Robbie Parker - 706		
Additional Comments			

Reporting Person

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History

26-Oct-19 12:06:00	Dispatched	ppowell (Paige Powell)
Brown, SO Patrol Car 706 706 (Deputy)		
Robbie Parker - 706		
26-Oct-19 12:06:00	On Scene	ppowell (Paige Powell)
On scene when dispatched		
26-Oct-19 12:06:00	Entered	ppowell (Paige Powell)
Foll - Follow Up (Priority 4)		
Source: Officer		
Location: K 20 Hwy and Coyote Rd - County		
3/4 mjes. may have to back down the road. wont be able to turn around		
26-Oct-19 12:08:58	Initiated	ppowell (Paige Powell)
[Entry Time: 26-Oct-19 12:06:00]		
26-Oct-19 12:09:15	Backup	ppowell (Paige Powell)
Wreckers Wrecker Toms 1		
26-Oct-19 12:09:15	Dispatched	ppowell (Paige Powell)
Wreckers Wrecker Toms 1		
26-Oct-19 12:09:18	Enroute	ppowell (Paige Powell)
Wreckers Wrecker Toms 1		

K-20 Hwy and Coyote Rd. County

26-Oct-19 12:39:29 Memo ppowell (Paige Powell)
Brown SO Patrol Car 706 706 (Deputy)
Robbie Parker - 706

ARKANSAS MOTOR VEHICLE REGISTRATION RESPONSE

DATE: 20191026 TIME: 123850

SEARCHED FOR: PLATE/USAKIDF

***** SPMP-SPECIAL MILITARY FOR EA - DCL ARMY END FDM *****

VEHICLE INFORMATION

LIC: USAKIDF EXP DATE: MAY2020 LIT: PC
VIN: [REDACTED] 10846 COLOR: GRV YEAR: 2012
MAKE: TOYOTA MODEL: ACP STYLE: PK
CYLINDERS: 4 FUEL: G ISSUE DATE: 2019-05-30 TITLE: 68031202503
WEIGHT: 3666

OWNER INFORMATION

NAME: [REDACTED]
ADDR: [REDACTED] CITY: SIDNEY
STATE: [REDACTED] RESIDENCE COUNTY: SHARP

INSURANCE INFORMATION

EFFECTIVE DATE: 2019-04-03 POLICY: [REDACTED]
END DATE: 2019-10-03 NAIC: USAKI
INSURANCE COMPANY: GEICO SECURE INS CO

THE INSURANCE INFORMATION IS PROVIDED BY THE DEPARTMENT OF FINANCE AND
ADMINISTRATION. VALID INSURANCE POLICIES MAY EXIST THAT ARE NOT INCLUDED IN
THE DATABASE AT THIS TIME.

END OF RECORD

END

26-Oct-19 12:42:47 Memo ppowell (Paige Powell)
Brown SO Patrol Car 706 706 (Deputy)
Robbie Parker - 706

Called best western to talk to Jason Bailey

Did not reach him but left a message with the front desk that the truck was being towed by Tom's

26-Oct-19 12:54:15 Memo ppowell (Paige Powell)
Brown SO Patrol Car 706 706 (Deputy)
Robbie Parker - 706

Sister and her fiancé are coming up, sisters info

Ida McComan [REDACTED] probably be in late tonight and stay at the best western

26-Oct-19 13:01:32 Modified ppowell (Paige Powell)
1047 - Non-Injury Accident (Priority 3)

26-Oct-19 13:01:49 Cleared Notebook ppowell (Paige Powell)
Clear Incident 19-11795 (1047) 1047 - Non-Injury Accident

Wreckers Wrecker Toms 1

01/09/2020

#19-149 Occurrence Report

3

26-Oct-19 13:04:21 Cleared RTE ppowell (Paige Powell)
Clear Incident 19-1795 (19-7301) 1047 Non-Injury Accident
Brown SD Patrol Car 706/706 (Deputy)
Robbie Parker 706

CERTIFICATE OF SERVICE

20-TRAM-343-PEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of
first class mail/hand delivered on 02/14/2020.

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

KENNETH E. MOLT, OWNER
KENNETH E. MOLT
PO BOX 184
HORTON, KS 66439-0184
tomstowing09@gmail.com

/S/ DeeAnn Shupe

DeeAnn Shupe