

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

In the Matter of the Investigation of EKAN )  
Crude, LLC of Colony, Kansas, )  
Regarding the Violation of the Motor )  
Carrier Safety Statutes, Rules and )  
Regulations and the Commission's ) Docket No. 15-TRAM-216-PEN  
Authority to Impose Penalties, Sanctions )  
and/or the Revocation of Motor Carrier )  
Authority.

**MOTION TO SUSPEND INTRASTATE MOTOR CARRIER OPERATIONS**

The Staff of the State Corporation Commission of the State of Kansas (Staff), by and through its counsel, files its motion requesting the Commission suspend EKAN Crude of Colony, Kansas (Respondent) from all intrastate commercial motor carrier operations. In support of its Motion, Staff states as follows:

1. Respondent is a motor carrier as defined in K.S.A. 2015 Supp. 66-1,108, that operates commercial motor vehicle(s) in intrastate commerce.
2. Respondent is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT number 2257253.
3. On December 2, 2014, the Commission issued Respondent a penalty assessment for violations of the Kansas Motor Carrier Safety Statutes, Rules and Regulations discovered during a compliance review conducted on October 27, 2014, by Kansas Corporation Commission Special Investigator Michael Heenan. The penalty order provides for a follow-up safety compliance review in the next 18 months. A copy of the Penalty Order is attached hereto as Attachment "A" and is hereby incorporated by reference.
4. Special Investigator Verna Jackson has made numerous attempts to contact Respondent to facilitate a follow-up off-site safety compliance review on its operations as a

motor carrier. The attempts included phone calls to Respondent, a letter mailed to Respondent on June 10, 2016, and an e-mail to Respondent on July 6, 2016.

5. Ahsan Latif, Litigation Counsel, wrote and mailed Respondent a letter on August 11, 2016, informing Respondent that should it continue to resist by failing to respond, the Commission may suspend its motor carrier operations, revoke or amend certificates, and/or initiate sanctions or fines against Respondent. The letter gave Respondent ten (10) days from the date of the letter to respond. A copy of the letter is attached hereto as Attachment "B" and is hereby incorporated by reference.

6. As of September 2, 2016, Special Investigator Verna Jackson and Litigation Counsel Ahsan Latif have not heard from Respondent to schedule a follow-up motor carrier safety compliance review.

7. Staff asks that the Commission find Respondent received sufficient notices of the need to schedule a follow-up safety compliance review.

8. Staff asks that the Commission find Respondent failed to act upon its attempts to notify Respondent.

9. Staff asks the Commission find that Respondent's resistance to respond to Special Investigator Verna Jackson's attempts to contact and Litigation Counsel Ahsan Latif's letter dated August 11, 2016, poses a potential immediate threat to the safety and welfare of the public of the state of Kansas.

10. Based on the presented facts, Staff requests the Commission issue an order suspending Respondent's intrastate motor carrier operations until such time as Respondent contacts Special Investigator Verna Jackson or Litigation Counsel Ahsan Latif to schedule a

follow-up safety compliance review, at which time Staff will recommend the Commission enter an order of reinstatement of intrastate motor carrier operations.

**WHEREFORE**, for the reasons stated above, Staff respectfully requests that the Commission issue an order suspending Respondent's intrastate motor carrier operations.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Ahsan A. Latif', is written over a horizontal line.

Ahsan A. Latif, #24709  
Litigation Counsel  
Kansas Corporation Commission  
1500 SW Arrowhead Road  
Topeka, Kansas 66604  
(785) 271-3181 (Telephone)  
(785) 271-3124 (Facsimile)  
[a.latif@kcc.ks.gov](mailto:a.latif@kcc.ks.gov) (E-mail)

For Commission Staff

## **ATTACHMENT “A”**

1500 SW Arrowhead Road  
Topeka, KS 66604-4027

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



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

Sam Brownback, Governor

## NOTICE OF PENALTY ASSESSMENT

December 2, 2014

15-TRAM-216-PEN

Richard D. Horn, Jr., President  
EKAN Crude LLC  
403 E Broad St  
Colony, Kansas 66015

This is a notice of a penalty assessment for violation of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on October 27, 2014, by Kansas Corporation Commission Special Investigator Michael Heenan. For a full description of the penalty and process please refer to the Order that is attached to this notice.

### IF YOU ACCEPT THE PENALTY:

You have been assessed a \$600 penalty. You have thirty (30) days from service of this Penalty Order to pay the fine amount. Check or money order must be made payable to the Kansas Corporation Commission. Payment is to be mailed to the Transportation Division of the Kansas Corporation Commission at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and must include a reference to the docket number of this proceeding. Credit card payment may be made by faxing your credit card information to the Transportation Office at 785-271-3124, using the KCC's credit card payment form found at <http://kcc.ks.gov/trans/creditcard.pdf>.

You must attend a Commission-sponsored safety seminar within the next ninety (90) days and provide Staff with written proof of attendance. A schedule of dates and locations for the safety seminar can be found at the Commission's website [http://www.kcc.state.ks.us/trans/safety\\_meetings.htm](http://www.kcc.state.ks.us/trans/safety_meetings.htm).

You must submit to one follow-up safety compliance review within the next 18 months. Staff will contact you at a later date to determine an appropriate time for this review.

### IF YOU CONTEST THE PENALTY:

You have the right to request a hearing. A request for hearing must be made in writing, setting forth the specific grounds upon which relief is sought. Respondent must submit an original and seven (7) copies of the request to the Commission's Executive Director at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604 within fifteen (15) days from the date stamped on the last page of the Penalty Order. K.A.R. 82-1-215; K.S.A. 2013 Supp. 77-542.

### IF YOU FAIL TO ACT:

Failure to pay the fine amount within thirty (30) days of service of the Penalty Order, or in the alternative, provide a written request for a hearing within fifteen (15) days from service of the Penalty Order will result in the attached Order becoming a Final Order and may result in the additional sanction of suspension and/or revocation of your motor carrier operating authority.

Respectfully,

Michael J. Duenes  
Litigation Counsel  
(785) 271-3181

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

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

In the Matter of the Investigation of EKAN      )  
Crude LLC, of Colony, Kansas, Regarding the      )  
Violation of the Motor Carrier Safety Statutes,      ) Docket No. 15-TRAM-216-PEN  
Rules and Regulations and the Commission's      )  
Authority to Impose Penalties, Sanctions and/or      )  
the Revocation of Motor Carrier Authority.      )

**PENALTY ORDER**

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission). The Commission, having been briefed on the issue by the Director of the Commission's Transportation Division, finds and concludes as follows:

**I.      JURISDICTION**

1.      Pursuant to K.S.A. 2013 Supp. 66-1,108b, 66-1,111, 66-1,112, 66-1,114, 66-1,114b and 66-1,115, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in K.S.A. 2013 Supp. 66-1,108, doing business or procuring business in Kansas, and is empowered to do all things necessary and convenient for the exercise of such power, authority and jurisdiction.

2.      Pursuant to K.S.A. 2013 Supp. 66-1,129a, 66-1,130 and 66-1,142b, the Commission may suspend operations, revoke or amend certificates, and initiate sanctions or fines against every motor carrier and every person who violates any provision of Kansas law in regard to the regulation of such motor carriers and persons, or who fails to obey any order, decision or regulation of the Commission.

3. The Commission has the authority, pursuant to K.A.R. 82-1-237, to investigate an entity under the Commission's jurisdiction and order a hearing on the Commission's own motion when the Commission believes the entity is in violation of the law or any order of the Commission.

## **II. BACKGROUND**

4. EKAN Crude LLC (EKAN Crude) obtained common operating authority from the Commission on January 6, 2012, and operates under KSMCID number 168548 and USDOT number 2257253.

5. Richard Horn attended a Commission-sponsored Motor Carrier Education and Instructional Meeting on January 3, 2012, on behalf of EKAN Crude.

6. EKAN Crude is a common motor carrier which primarily hauls crude oil.

## **III. STATEMENT OF FACTS**

7. Pursuant to the jurisdiction and authority cited above, on October 27, 2014, Commission Staff (Staff) Special Investigator Michael Heenan conducted a compliance review of the operations of EKAN Crude. 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, Mr. Heenan identified two (2) violations of the Motor Carrier Safety Regulations.

- a. On June 28, 2014, EKAN Crude required or permitted its driver, Richard D. Horn, Jr., to operate a commercial motor vehicle, a 2007 Kenworth, VIN ending in 171008, pulling a 1998 Trailmaster tank transport trailer, VIN ending in 13258, in intrastate commerce in and around the areas of Anderson and Crawford Counties. This trip is evidenced by trip sheets, copies of which are attached hereto as Attachment "B" and are hereby

incorporated by reference. At the time of this transportation, EKAN Crude had not made inquiry into the driving motor vehicle record (MVR) of its driver in the preceding 12 months. The MVR in Mr. Horn's driver qualification file was obtained on March 18, 2013. *See*, MVR, a copy of which is attached hereto as Attachment "C" and is hereby incorporated by reference. EKAN Crude's failure to inquire into the driving record of each of its drivers at least once every 12 months and to maintain the MVR in the driver's qualification file is a violation of 49 C.F.R. Part 391.25(a) and (c), as adopted by K.A.R. 82-4-3g, as authorized by K.S.A. 2013 Supp. 66-1,129. Staff recommends a fine of \$100.

- b. During the transportation described in paragraph a., above, EKAN Crude had three drivers that were required to be in its drug testing program. However, the carrier's consortium had four drivers listed for possible random selection. The fourth driver, John Gillihan, had applied and was put through pre-employment drug testing that was negative, and was put into the carrier's consortium, but never actually came to work driving or otherwise because he had taken another job. The carrier failed to remove him from its random selection list. EKAN Crude's failure to ensure that each driver selected for random alcohol and controlled substance testing has an equal chance of being selected each time selections are made is in violation of 49 C.F.R. 382.305(i)(2), as adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 2013 Supp. 66-1,129. Staff recommends a fine of \$500.



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

8. Based upon the available facts, Staff recommends the Commission find EKAN Crude committed two (2) violations 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) violations of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that EKAN Crude be required to attend a Commission-sponsored safety seminar within the next ninety (90) days and provide Staff with written proof of attendance. A schedule of the dates and locations for the safety seminar can be found on the Commission's website at [http://kcc.ks.gov/trans/safety\\_meetings.htm](http://kcc.ks.gov/trans/safety_meetings.htm).

11. Finally, Staff recommends that EKAN Crude submit to one follow-up safety compliance review within the next eighteen (18) months. Staff will contact the motor carrier at a later date to determine an appropriate time for this review.

#### **V. CONCLUSIONS OF LAW**

12. The Commission finds it has jurisdiction over EKAN Crude because it is a motor carrier as defined in K.S.A. 2013 Supp. 66-1,108.

13. The Commission finds EKAN Crude committed two (2) violations 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. EKAN Crude LLC, of Colony, Kansas is hereby assessed a \$600 civil penalty for two (2) violations 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. EKAN Crude is hereby ordered to attend a Commission-sponsored safety seminar within the next ninety (90) days and is to provide Staff with written proof of attendance. Further, EKAN Crude is ordered to submit to one follow-up safety compliance review within the next eighteen (18) months.

C. Pursuant to K.S.A. 2013 Supp. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issues by submitting a written request, setting forth the specific grounds upon which relief is sought, to the Commission's Executive Director, at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604 within fifteen (15) days from the date of service of this Order. If service is by certified mail, service is complete upon the date delivered shown on the Domestic Return Receipt. Hearings will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of EKAN Crude's right to a hearing, and this Penalty Order will become a Final Order assessing a \$600 civil penalty against EKAN Crude, and ordering EKAN Crude to attend a Commission-sponsored safety seminar within the next ninety (90) days and provide Staff with written proof of attendance, and to submit to a safety compliance review within eighteen (18) months from the date of service of this Order.

D. Attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. A corporation shall not be permitted to enter an appearance, except by its attorney.

E. If you do not request a hearing, the payment of the civil penalty is due in thirty (30) days from date of service of this Order. Checks and Money Orders shall be payable to the Kansas Corporation Commission. For credit card payments, include type of card (Visa, MasterCard, Discover, or American Express), account number and expiration date. Payments shall be mailed to the Transportation Division of the Kansas Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, Kansas 66604. *The payment shall include a reference to the docket number of this proceeding.*

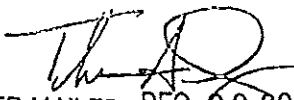
F. Failure to pay the \$600 civil penalty within thirty (30) days of the service of this Penalty Order, and/or failure to comply with the provisions of this Order, may result in revocation of EKAN Crude's motor carrier operating authority without further notice. Additionally, the Commission may impose further sanctions to include, but not limited to, the issuance and enforcement of out-of-service and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

G. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further order or orders as it may deem necessary.

**BY THE COMMISSION IT IS SO ORDERED.**

Albrecht, Chair; Emler, Com.; Apple, Com.


Dated: DEC 02 2014

  
ORDER MAILED DEC 03 2014  
Thomas A. Day  
Acting Executive Director

MJD

## **ATTACHMENT "A"**

**Kansas Corporation Commission**

	<b>US DOT #</b> 2257253	<b>Legal: EKAN CRUDE LLC</b>		
	<b>Operating (DBA):</b>			
<b>MC/MX #:</b> 770289		<b>State #:</b>	<b>Federal Tax ID:</b>	<b>(EIN)</b>
<b>Review Type:</b> Compliance Review (CR)				
<b>Scope:</b> Principal Office		<b>Location of Review/Audit:</b> Company facility in the U. S.		<b>Territory:</b> C
<b>Operation Types</b>		<b>Interstate</b>	<b>Intrastate</b>	
Carrier: HM		HM		<b>Business:</b> Corporation <b>Gross Revenue:</b> for year ending: 12/27/2013
Shipper: HM		N/A		
Cargo Tank: N/A				
<b>Company Physical Address:</b>				
<b>Contact Name:</b> Richard D Horn Jr.				
<b>Phone numbers:</b> (1) (2) Fax				
<b>E-Mail Address:</b>				
<b>Company Mailing Address:</b>				
403 E BROAD STREET COLONY, KS 66015				
<b>Carrier Classification</b>				
Authorized for Hire				
<b>Cargo Classification</b>				
Other: Crude Oil				
<b>Hazardous Materials</b>				
3 Combustible liquid Carr./Ship. Bulk				
<b>Equipment</b>				
	<b>Owned</b>	<b>Term Leased</b>	<b>Trip Leased</b>	
Truck Tractor	1	0	0	HM Cargo Tank Trailer
	1	0	0	
Power units used in the U.S.: 1				
Percentage of time used in the U.S.: 100				
<b>Does carrier transport placardable quantities of HM?</b> Yes				
<b>Is an HM Permit required?</b> N/A				
<b>Driver Information</b>				
	<b>Inter</b>	<b>Intra</b>		
< 100 Miles:	3		Average trip leased drivers/month: 0	
>= 100 Miles:			Total Drivers: 3	
			CDL Drivers: 3	



	<b>EKAN CRUDE LLC</b> U.S. DOT #: 2257253	State #:	Review Date: 10/27/2014
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**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:

Kansas Corporation Commission  
1500 SW Arrowhead Rd  
Topeka, Ks 66604-4027 1-785-271-3145

This report will be used to assess your safety compliance.

**Person(s) Interviewed**

Name: Richard D Horn Jr

Title: President

Name:

Title:





EKAN CRUDE LLC  
U.S. DOT #: 2257253

State #:

Review Date:  
10/27/2014

### Part B Violations

1 STATE	Primary: 382.305(i)(2) CFR Equivalent: 382.305(i)(2)	Discovered 1	Checked 1	Drivers/Vehicles In Violation	Checked 0
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#### Description

Failing to ensure that each driver subject to random alcohol and controlled substances testing has an equal chance of being selected each time selections are made.

#### Example

Driver name: Richard D Horn

Selection date: 06-14-12

Trip date: 06-28-14

Carrier at the time of this review, had 3 drivers that were required to be in their drug testing program, however, the carrier consortium had 4 drivers listed for possible random selection. The fourth driver, John Gillihan, had applied and was put through pre employment drug test that was negative, was put into the carrier consortium, but never actually came to work driving or otherwise because he had already taken another job. The carrier failed to remove him from their random selection list. The carrier has 2 drivers employed and working at the time of this review, the 3rd driver is not actively working and is basically laid off, but is still on their drug testing consortium as he could be called back at any time.

2 STATE	Primary: 391.51(b)(4) CFR Equivalent: 391.51(b)(4)	Discovered 1	Checked 3	Drivers/Vehicles In Violation	Checked 3
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#### Description

Failing to maintain the responses of each State agency to the annual driver record inquiry required by 391.25(a).

#### Example

Driver name: Richard D Horn Jr

Trip date: 06-28-14

The carrier had 2 listed drivers. The carrier/driver above had recently hired the other driver and the other driver did in fact have a current MVR, however, the above driver had an MVR dated 03-18-13 valid through 03-18-14. At the time of the above trip, the carrier/driver had no valid MVR in his driver file.

3 STATE	Primary: 391.51(b)(5) CFR Equivalent: 391.51(b)(5)	Discovered 1	Checked 3	Drivers/Vehicles In Violation	Checked 3
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#### Description

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

#### Example

Driver name: Richard D Horn Jr

Trip date: 06-28-14

The carrier had 2 listed drivers. The carrier/driver above had recently hired the other driver and the other driver did in fact have the above documentation that was valid and current. However, the above carrier/driver had an annual review dated 03-19-13 to 03-19-14 which was no longer valid.

4 STATE	Primary: 391.51(b)(6) CFR Equivalent: 391.51(b)(6)	Discovered 1	Checked 3	Drivers/Vehicles In Violation	Checked 3
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#### Description

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

#### Example

Driver name: Richard D Horn Jr

Trip date: 06-28-14

The carrier had 2 listed drivers. The carrier/driver above had recently hired the other driver and the other driver did in fact have the above documentation that was valid and current. However, the above carrier/driver had a certificate of violations dated 03-19-13 to 03-19-14 which was no longer valid.





EKAN CRUDE LLC  
U.S. DOT #: 2257253

State #:

Review Date:  
10/27/2014

### Part B Violations

#### Safety Fitness Rating Information:

Total Miles Operated 40,000  
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

Your proposed safety rating is :

**SATISFACTORY**

Rating Factors		Acute	Critical
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Factor 1:	S	0	0
Factor 2:	S	0	0
Factor 3:	S	0	0
Factor 4:	S	0	0
Factor 5:	S	0	0
Factor 6:	S	-	-

Corrective actions must be taken for any violations (deficiencies) identified on Part B of this report.







EKAN CRUDE LLC  
U.S. DOT #: 2257253

State #:

Review Date:  
10/27/2014

### Part B Requirements and/or Recommendations

1. Each Driver Qualification File must contain a properly executed and signed Certification of Violations and a Annual Review of Driving Record completed yearly.
2. Make certain all registered drivers of CDL required vehicles are listed for the random selection process with the drug and alcohol testing consortium.
3. 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.
4. Make certain that all drivers of commercial motor vehicles have a record check of their driving record at least every 12 months and within 30 days of their initial employment.
5. FMCSA recently announced planned improvements to the Carrier Safety Measurement System (SMS) which was implemented in December 2010 as part of the Agency's broader Compliance, Safety, Accountability (CSA) initiative. A preview of these improvements is currently available to motor carriers. The system changes are scheduled to be available to the public in July 2012. There will be additional opportunity for public comment on the changes after the preview period ends in July 2012.

The improvements to SMS are based on ongoing analysis and feedback from enforcement personnel, the motor carrier industry, and other stakeholders. The changes more effectively identify and prioritize high-risk and other unsafe motor carriers for enforcement interventions designed to reduce commercial motor vehicle crashes and hazardous materials incidents.

Motor carrier's currently have the ability to preview how the improvements impact their individual safety data in SMS. These improvements include: (1) Changes to the SMS methodology that identify higher risk carriers while addressing industry biases; (2) better applications of SMS results for Agency interventions by more accurately identifying safety sensitive carriers (i.e., carriers transporting people and carriers hauling hazardous materials (HM)), so that such firms can be selected for CSA interventions at more stringent levels; and, (3) more specific fact-based displays of SMS





EKAN CRUDE LLC  
U.S. DOT #: 2257253

State #

Review Date  
10/27/2014

### Part B Requirements and/or Recommendations

results on the SMS Web site

The data preview may be found at <http://ksa.fmcsa.dot.gov/>. During the data preview period, the Agency requests comments on the impacts of the changes.

6. Basic: Driver Fitness  
391.51(b)(4)

Failing to maintain inquiries into drivers records in the driver qualification files at least every 12 months as per 391.25(a)

Please provide written documented proof of obtaining current Motor Vehicle Record Checks on the following drivers

Richard D Horn Jr.

Please provide current evidence or copies of Motor Vehicle Record Checks on the drivers listed above within 15 days and a letter explaining your actions to correct the violations listed in this report to the person and address listed below.

Mr Gary Davenport  
Kansas Corporation Commission  
1500 SW Arrowhead Rd  
Topeka, Ks 66604-4027

7. 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 [EKAN Crude LLC] operating authority and/or the impoundment of [EKAN Crude LLC] vehicles.

Carrier Signature \_\_\_\_\_



## **ATTACHMENT “B”**

K. J. J.

County/State Alaska

☐ Lease Turndown/Reject      ☐ Split with ticket # 7100

Lease Name Adair, G. H.  
Tank # 1 Tank Size 500 Bbl. Bbls./Inch 1.60

First Gauge	7	7.4	Bottom BS&W	Gross Bbls	20.27
Second Gauge	1	3.4	Top BS&W	x	.777
Total				Net Bbls	30.15
Measured			Factor		
Obs. 20.27	Temperature	40.93		x	.9983
			Ave. BS&W	% Factor Bbls	30.10

### Driver Comments

Signature

### Delivery Station Information

Destination India

Meler

Reading \_\_\_\_\_

One-Way

Mileage                     

Est. Bbls. Delivered.....

	ft.	in.
Top Gauge		
Bottom Gauge		
Total Measured		

1954 1954 472

EKAN CRUDE, LLC

K 4102

Date 12/28/11

County/State TX/6

☒ First Purchase ☒ One Cargo Tank  
☒ Petroleum Crude Oil, 3 UN 1267 ☒ PG II  
☒ Gasoline, 3 UN 1203 ☒ PG II (Condensate)

☒ Lease Turndown/Reject ☒ Split with ticket # 5181

Operator S. J. Lowe

Lease # 1426

Lease Name M. J. Lowe

Tank # 2 Tank Size 100 Bbl. Bbls./Inch 1.25

	ft.	in.
First Gauge	<u>11</u>	<u>6 1/2</u>
Second Gauge	<u>1</u>	<u>3 1/4</u>
Total		
Measured		
Obs.		
Temperature		
Factor		

Bottom BS&W \_\_\_\_\_ Gross BS&W 41.21  
Top BS&W \_\_\_\_\_ Net Bbls 41.05  
Ave. BS&W 1.16 % Factor Bbls 40.98

Driver Comments

Signature

Delivery Station Information

Destination Port of

Off Gauge

	ft.	in.
Top Gauge		
Bottom Gauge		
Total		
Measured		

Meter

Reading

One-Way

Mileage

Est. Bbls. Delivered

EKAN CRUDE, LLC

K 3183

Date 6-28-14

County/State AL 16

☒ First Purchase ☒ One Cargo Tank  
☒ Petroleum Crude Oil, 3 UN 1267 ☒ PG II  
☒ Gasoline, 3 UN 1203 ☒ PG II (Condensate)

☐ Lease Turndown/Reject ☒ Split with ticket # 5181

Operator Kim T. W.

Lease # 1874

Lease Name Pashley

Tank # 1 Tank Size 700 Bbl. Bbls./Inch 1.67

	ft.	in.		
First Gauge	5	6	Bottom BS&W	Gross Bbls <u>83.5</u>
Second Gauge	1	11	Top BS&W	x <u>997</u>
Total				Net Bbls <u>83.25</u>
Measured			Factor	
Obs. <u>73</u>	Temperature <u>70</u>		<u>996.0</u>	x <u>997.0</u>
Ave. BS&W <u>70%</u>			Factor Bbls <u>83.92</u>	

Driver Comments

Signature R

Delivery Station Information

Off Gauge

Destination Baylor

	ft.	in.
Top Gauge		
Bottom Gauge		
Total		
Measured		

Meter Reading 1517497

One-Way Mileage

Est. Bbls. Delivered

42-1120

EKAN CRUDE, LLC

K 1234

Date 6-20-14

County/State OK

☐ First Purchase ☐ One Cargo Tank  
☒ Petroleum Crude Oil, 3 UN 1267 ☐ PG II.  
☐ Gasoline, 3 UN 1203 ☐ PG II (Condensate)

☐ Lease Turndown/Reject ☒ Split with ticket # 507

Operator Elmer

Lease # 1710

Lease Name Washburn

Tank # 1 Tank Size 150 Bbl. Bbls./Inch 116

	ft.	in.
First Gauge	7	9
Second Gauge	1	9
Total		

Bottom BS&W \_\_\_\_\_ Gross Bbls 87.52  
Top BS&W \_\_\_\_\_ x 338  
Net Bbls 33.35

Measured Obs. 30.5 Temperature 72 Factor 1.10  
Ave. BS&W 4.10 % Factor Bbls 32.60

Other Comments

Signature 12

Delivery Station Information

Destination Bayou

Richards

Meter

Reading

One-Way

Mileage

Est. Bbls. Delivered

Oil Gauge

	ft.	in.
Top Gauge		
Bottom Gauge		
Total		

Measured

EKAN CRUDE, LLC

K 3000

Date 6-28-14

County/State OK

☐ First Purchase ☐ One Cargo Tank  
☐ Petroleum Crude Oil, 3 UN 1267 ☐ PG II  
☐ Gasoline, 3 UN 1203 ☐ PG-II (Condensate)

☐ Lease Turndown/Reject ☒ Split with ticket # 5187

Operator Rhodes

Lease # 1912

Lease Name Main

Tank # 1 Tank Size 11 Bbl.

Bbls./Inch 1.09

	ft.	in.
First Gauge	<u>2</u>	<u>10</u>
Second Gauge	<u>1</u>	<u>1</u>
Total Measured		

Bottom BS&W

Gross Bbls

Top BS&W

Net Bbls

Obs.

Temperature

Factor

27

70

Ave. BS&W

% Factor Bbls

21.78

Driver Comments

Signature

Delivery Station Information

Destination

Off Gauge

	ft.	in.
Top Gauge		
Bottom Gauge		
Total Measured		

Meter

Reading

One-Way

Mileage

Est. Bbls. Delivered



EKAN CRUDE, LLC

K 275

Date 10/10/11

County/State OK/OK

☒ First Purchase ☒ One Cargo Tank  
☒ Petroleum Crude Oil, 3 UN 1267 ☐ PG II  
☐ Gasoline, 3 UN 1203 ☐ PG II (Condensate)

☐ Lease Turndown/Reject ☒ Split with ticket # 5181

Operator R. Hodges

Lease # 1011

Lease Name Large

Tank # 1 Tank Size 600 Bbl.

Bbls./Inch 6.9

First Gauge	5	1 1/2
Second Gauge	1	9
Total		

Bottom BS&W

Gross Bbls

Top BS&W

x 1.96

Net Bbls

Measured

Obs. 75.7  
77

Temperature 77  
80

Factor

Ave. BS&W 4.0% Factor Bbls 73.94

Driver Commentary

Signature

Delivery Station Information

Destination Boyer

Meter Reading 1511541.2

One-Way Mileage

Est. Bbls. Delivered

Off Gauge

	ft.	in.
Top Gauge		
Bottom Gauge		
Total		

Measured  
m111-4470

## **ATTACHMENT “C”**

Mar 18, 2013 2:41:39 PM

Printed By: IOLPDRLF from: IOLPD001A

Received Time: Mar 18, 2013 14:39:05 Source ORI: KSLIC0000  
Summary: ZQ70: OLN=K00409036  
View Message Details

ZQ70

HORN JR RICHARD D

ROR IND/

SEX/M EYE/BLU HGT/509 WGT/210 IMG/P CCL STTS/ CCL EXP/00000000

STATUS: REG/VALID KANSAS CDL/VALID KANSAS SOC/

OLN/K00409036 TYPE/COMMERCIAL CLASS/ H CDLCLASS/A PREV OLN/C7J9N5

ENDOR/PTX ISS/ EXP/ RENEWAL/

19760 SW 300TH ROAD

COLONY KS 66015

NO HISTORY FOR THIS OPERATOR

NO ALIAS FOR THIS OPERATOR

\*\*\* CRIMINAL JUSTICE USE ONLY - DO NOT DISSEMINATE \*\*\*

HRI 8229379 IN: LKDR 12262 AT 14:39 18MAR13

OUT: IOLPD001A 159 AT 14:39 18MAR13

---

Received Time: Mar 18, 2013 14:39:05 Source ORI: K80010200  
Summary: ZQ70: OLN=K00409036  
View Message Details

MESSAGE ACCEPTED - IOLPD001A 00009 AT 14:39 03/18/2013

LKDR

HRI-8229376

IN RE: DOCKET NO. 15-TRAM-216-PEN

DATE DEC 02 2014

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET  
TO THE FOLLOWING:

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
------------------	------------------------	------------------------

RICHARD D. HORN JR, OWNER  
EKAN CRUDE LLC  
403 E BROAD ST  
COLONY, KS 66015

MICHAEL DUENES, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604-4027  
\*\*\*Hand Delivered\*\*\*

ORDER MAILED DEC 03 2014

The Docket Room hereby certified that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.

## **ATTACHMENT “B”**

1500 SW Arrowhead Road  
Topeka, KS 66604-4027



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

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

Sam Brownback, Governor

August 11, 2016

Richard D. Horn, Jr., President  
EKAN Crude, LLC  
403 Broad Street  
Colony, KS 66015-7218

Re: Scheduling a Follow-Up Review

Dear Mr. Horn:

The Kansas Corporation Commission is given full power, authority and jurisdiction to supervise and control motor carriers - as defined in the Kansas statutes - doing business or procuring business in Kansas, and may do all things necessary and convenient for the exercise of such power, authority and jurisdiction.

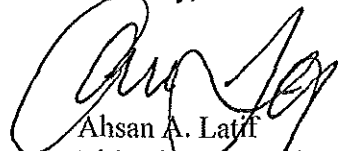
From time to time, the commission is required to carefully examine and inspect the condition of each motor carrier, its equipment, the manner of its conduct and its management with reference to the public safety and convenience. Further, the Commission has the authority to investigate an entity under the Commission's jurisdiction and order a hearing when the Commission believes the entity is in violation of the law or any order of the Commission.

Deliberate avoidance of a Commission-sponsored safety compliance review is a violation of the above-stated law and authority. EKAN Crude, LLC is a motor carrier that is subject to the Commission's jurisdiction, and therefore, is required by law to submit to Commission compliance reviews.

Commission Special Investigator (SI) Verna Jackson, has made numerous attempts to facilitate an off-site compliance review with you, to no avail. The follow-up review sought is stipulated in the penalty assessment (15-TRAM-216-PEN) dated December 2, 2014. SI Jackson has attempted to contact you several times, including by a letter mailed June 10, 2016, by email on July 6, 2016 and by phone on July 19, 2016, among other correspondence. In that time several extensions have been granted to you, most recently to August 3, 2016, but to date the requested documents have not been received. This letter therefore serves to notify you that should you continue to resist by failing to submit the requested documentation **within ten days of the date of this letter** the Commission may suspend your motor carrier operations, revoke or amend certificates, and/ or initiate sanctions or fines against you.

Thank you for your cooperation. If you have any further questions, you may contact SI Verna Jackson with the Transportation Division of the Kansas Corporation Commission at 785-271-3104.

Sincerely,




Ahsan A. Latif  
Litigation Counsel

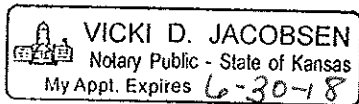
**VERIFICATION**

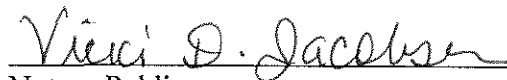
STATE OF KANSAS                    )  
  ) ss.  
COUNTY OF SHAWNEE            )

Ahsan A. Latif, of lawful age, being duly sworn upon his oath deposes and states that he is Litigation Counsel for the State Corporation Commission of the State of Kansas; that he has read and is familiar with the foregoing *Motion to Suspend Intrastate Motor Carrier Operations*, and attests that the statements therein are true and correct to the best of his knowledge, information and belief.

  
\_\_\_\_\_  
Ahsan A. Latif, S. Ct. #24709  
Litigation Counsel  
The State Corporation Commission  
of the State of Kansas

SUBSCRIBED AND SWORN to before me this 2<sup>nd</sup> day of September, 2016.



  
\_\_\_\_\_  
Notary Public

My Appointment Expires: June 30, 2018




## CERTIFICATE OF SERVICE

15-TRAM-216-PEN

I, the undersigned, certify that a true and correct copy of the above and foregoing Motion to Suspend Intrastate Motor Carrier Operations was served via electronic service this 2nd day of September, 2016, to the following:

RICHARD D. HORN JR, OWNER  
EKAN CRUDE LLC  
403 E BROAD ST  
COLONY, KS 66015  
rhorn@ckt.net

MICHAEL DUENES, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604-4027  
Fax: 785-271-3354  
m.duenes@kcc.ks.gov

  
\_\_\_\_\_  
Vicki Jacobsen