



20231121141715
Kansas Corporation
Commission
Phone: 785-271-3100
Fax: 785-271-3354
<http://kcc.ks.gov/>

1500 SW Arrowhead Road
Topeka, KS 66604-4027

Andrew J. French, Chairperson
Dwight D. Keen, Commissioner
Annie Kuether, Commissioner

Laura Kelly, Governor

NOTICE OF PENALTY ASSESSMENT
Docket No. 24-TRAM-383-PEN

November 21, 2023
Johnny Mullen, Managing Member
Mullen Towing LLC
10417 Esthner Circle
Wichita, Kansas 67209

This is a notice of a penalty assessment against Mullen Towing LLC (“Mullen Towing”) for violations of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on November 2, 2023, by Kansas Corporation Commission Special Investigator Doug Handy. Penalties are assessed in accordance with the FY 2024 Uniform Penalty Assessment Matrix, approved by the Commission on June 29, 2023. 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: Mullen Towing has been assessed a \$350 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$350, through your personal account with the Kansas Corporation Commission’s Kansas Trucking Regulatory Assistance Network (“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 Penalty Order requires a representative of Mullen Towing to attend a Commission-sponsored safety seminar within ninety (90) days from the date of the Penalty 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.

IF YOU CONTEST THE PENALTY ORDER: You have the right to request a hearing. A request for a hearing must be made in writing, setting forth the specific grounds upon which relief is sought. Mullen Towing must file, within fifteen (15) days from the date of service of the Penalty 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 (7) 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.¹

IF YOU FAIL TO ACT: Failure to pay the penalty of \$350 within thirty (30) days from the date of service of the Penalty Order or failure to comply with the terms of the Penalty Order, or in the alternative, failure to provide a timely written request for a hearing, will result in the Penalty Order becoming final and may result in additional sanctions of suspension and/or revocation of your motor carrier operating authority.

Respectfully,

/s/ Kyler C. Wineinger
Kyler C. Wineinger
Litigation Counsel
(785) 271-3901
k.wineinger@kcc.ks.gov

¹ K.A.R. 82-1-215; K.S.A. 77-542.

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

Before Commissioners: Andrew J. French, Chairperson
 Dwight D. Keen
 Annie Kuether

In the Matter of the Investigation of **Mullen**)
Towing LLC of Wichita, Kansas, Regarding)
the Violation(s) of the Motor Carrier Safety)
Statutes, Rules and Regulations and the) Docket No. 24-TRAM-383-PEN
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”). Having examined its files and records, and being duly advised in the premises, the Commission finds and concludes as follows:

1. On November 2, 2023, Commission Staff Special Investigator (“SI”) Doug Handy, completed a safety compliance investigation of the operations of Mullen Towing LLC (“Mullen Towing” or “Carrier”). Mullen Towing is a motor carrier as defined in 49 C.F.R. 390.5, and operates under USDOT number 1657861.

2. On November 7, 2023, Staff submitted its Report and Recommendation (“R&R”), attached as Attachment “A” and incorporated by reference, recommending a penalty of \$350 be assessed against Mullen Towing based on the frequency, timeline and severity of the violations discovered. Staff’s R&R indicates that as a result of the safety compliance investigations, SI Doug Handy identified two (2) violations, accounting for two (2) counts, of the Motor Carrier

Safety Statutes, Rules and Regulations, which carry a penalty according to the FY2024 Uniform Penalty Assessment Matrix.²

3. Additionally, Staff recommends that Mullen Towing be required to have a representative responsible for the Carrier's safety compliance 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.³ A schedule of the dates and locations for safety seminars can be found on the Commission's website at http://kcc.ks.gov/trans/safety_meetings.htm.

4. Staff further recommends Mullen Towing submit a written, comprehensive corrective action plan ("CAP") to Staff within thirty (30) days of the date of this Order, documenting the violations described in this Order, including specific and detailed information explaining Carrier's efforts and concrete steps taken to ensure the violations do not occur in the future.⁴

5. Finally, Staff recommends that Mullen Towing submit to a follow-up safety compliance review within eighteen (18) months from the date of this Order.⁵ Staff will contact the Carrier at a later date to determine an appropriate date and time for this review.

6. Pursuant to K.S.A 66-1,108b, 66-1,111, 66-1,112, 66-1,114, 66-1,114b, and 66-1,129, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in 49 C.F.R. Part 390.5, as adopted by K.A.R. 82-4-3f, 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 Order Designating Guidance Document and Approving Staff's Use of the Transportation Division's Uniform Penalty Assessment Table, pp. 11 – 26 (Jun. 29, 2023) ("Penalty Matrix").

³ Staff's Report and Recommendation, p. 3 (Nov. 7, 2023).

⁴ *Id.*

⁵ *Id.*

7. 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.

8. 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.

IT IS THEREFORE, BY THE COMMISSION ORDERED THAT:

A. Mullen Towing LLC of Wichita, Kansas is hereby assessed a \$350 civil penalty for two (2) violations, accounting for two (2) counts, 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. Mullen Towing is hereby ordered to have a representative responsible for the Carrier's safety compliance attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and is to provide Litigation Counsel with written proof of attendance.

C. Mullen Towing is hereby ordered to submit a written, comprehensive corrective action plan ("CAP") to Staff within thirty (30) days of the date of this Order, documenting the violation(s) described in this Order, including specific and detailed information explaining Carrier's efforts and concrete steps taken to ensure the violations do not occur in the future.

D. Mullen Towing is ordered to submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order. 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 (7) 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 Mullen Towing's right to a hearing, and this Order will become a Final 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. Mullen Towing may appear by a duly authorized representative of the Carrier.⁶

G. If you do not request a hearing, the payment of the civil penalty of \$350 is due in thirty (30) days from the date of service of this Order. Payment of \$350 must be made through your personal account with the Kansas Corporation Commission's Kansas Trucking Regulatory Assistance Network ("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 \$350 civil penalty within thirty (30) days from the date of service of this Order and/or failure to comply with the provisions of this Order may result in

⁶ K.S.A. 66-1,142b(e) and amendments thereto.

suspension of Mullen Towing's motor carrier operating authority without further notice.⁷ 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.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 11/21/2023



Lynn M. Retz
Executive Director

KCW

⁷ K.S.A. 66-1,105.

ATTACHMENT “A”

REPORT AND RECOMMENDATION
TRANSPORTATION DIVISION

TO: Andrew J. French, Chairperson
Dwight D. Keen, Commissioner
Annie Kuether, Commissioner

FROM: Gary Davenport, Deputy Director of Transportation
Jared Smith, Public Service Executive

DATE: November 7, 2023

SUBJECT: Docket No. 24-TRAM-383-PEN
In the Matter of the Investigation of **Mullen Towing LLC of Wichita, Kansas**,
Regarding the Violation(s) of the Motor Carrier Safety Statutes, Rules and
Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or
the Revocation of Motor Carrier Authority.

EXECUTIVE SUMMARY:

Mullen Towing LLC is an intrastate hazmat motor carrier ("MC") possessing authorized for-hire operating authority from the Kansas Corporation Commission (the "Commission"), primarily hauling driveway/towaway and motor vehicles. Mullen Towing LLC operates under USDOT 1657861. On November 2, 2023, Commission Staff Special Investigator ("SI") Doug Handy completed a safety compliance investigation of the operations of Mullen Towing LLC. A copy of the safety compliance report is attached as **Exhibit 1** and incorporated by reference. As a result of this investigation, the SI identified two (2) violations, accounting for two (2) specific counts, of the Motor Carrier Safety Regulations, which carry a penalty according to the FY2024 Uniform Penalty Assessment Matrix approved by the Commission. Based on the frequency, timeline and severity of the violations discovered by the SI, Staff recommends a penalty of \$350 be issued against Mullen Towing LLC.

DISCUSSION AND ANALYSIS:

On November 2, 2023, SI Doug Handy conducted a safety compliance investigation of the operations of Mullen Towing LLC. The investigation covers a 365-day period. Each specific count is detailed as follows.

Count One (1 of 2)

Jurisdiction: 49 C.F.R. 391.25(a), as adopted by K.A.R. 82-4-3g, and authorized by and implementing K.S.A. 66-1,112 and 66-1,129.

Intent of Law: An MC shall, at least once every twelve (12) months, make an inquiry to obtain the motor vehicle record (“MVR”) of each driver the MC employs, covering at least the preceding twelve (12) months, to each driver’s licensing authority where the driver held a commercial motor vehicle (“CMV”) operator’s license or permit during the time period.

Supporting Documentation: On September 6, 2023 Mullen Towing LLC required or permitted its driver, Johnny Mullen, to operate a non-commercial driver’s license (“CDL”)-required CMV—a 2020 Freightliner straight truck, VIN ending in 3711, with a gross vehicle weight rating (“GVWR”) of 26,000 lbs. (“Unit #1”)—in intrastate commerce from Wichita, Kansas, to Wellington, Kansas. (**Exh. 2; Exh. 1, pp. 3-4.**) This transport is evidenced by a Mullen Towing LLC receipt attached as **Exhibit 2** and incorporated by reference. On October 12, 2023, while conducting his investigation, SI Doug Handy requested from Mullen Towing LLC all MVRs Mullen Towing LLC possessed of Mr. Mullen. (**Exh. 1, pp. 3-4.**) Although Mullen Towing LLC did provide an MVR of Mr. Mullen dated October 31, 2023—attached as **Exhibit 3** and incorporated by reference—Mullen Towing LLC failed to provide any additional MVRs of Mr. Mullen. (**Exh. 1, pp. 3-4.**)

Violation: Mullen Towing, LLC, failed make an inquiry to obtain the motor vehicle record MVR of its driver, Johnny Mullen, covering at least the preceding twelve (12) months, to Mr. Mullen’s licensing authority where Mr. Mullen held a CMV operator’s license or permit during the time period. One (1) violation was discovered.

Recommendation: Staff recommends a penalty of \$100.

Count Two (2 of 2)

Jurisdiction: 49 C.F.R. 396.17, as adopted by K.A.R. 82-4-3j, and authorized by and implementing K.S.A. 66-1,112 and 66-1,129.

Intent of Law: An MC must inspect or cause to be inspected all CMVs subject to the MC’s control at least once during the preceding twelve (12) months and documentation of the passing inspection is on the CMV. The documentation may be the inspection report prepared in accordance with 49 C.F.R. 396.21(a), or other forms of documentation based on the inspection report which contains the information enumerated at 49 C.F.R. 396.17(c)(2).

Supporting Documentation: This violation took place during the transport described in Count One. Mullen Towing LLC did provide SI Doug Handy an *Annual Vehicle Inspection Report* of Unit #1 dated July 19, 2022—attached as **Exhibit 4** and incorporated by reference—however, Mullen Towing LLC failed to provide any additional inspection reports of Unit #1.

Violation: Mullen Towing, LLC, failed to inspect or cause to be inspected all CMVs subject to the control of Mullen Towing LLC at least once during the preceding twelve (12) months. Further, Mullen Towing LLC failed to retain documentation of a passing inspection on the CM. One (1) violation was discovered.

Recommendation: Staff recommends a fine of \$250.

RECOMMENDATION:

Staff recommends the Commission find Mullen Towing LLC committed two (2) violations accounting for two (2) specific counts of Kansas law that governs MCs, including various provisions of the Federal MC Safety Statutes, Rules and Regulations, as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

Due to the frequency, timeline and severity of the violations, Staff recommends a civil penalty of \$350 for two (2) violations of the MC Safety Statutes, Rules and Regulations, in accordance with the recommended penalties listed in the applicable Uniform Penalty Assessment Matrix.


Staff further recommends Mullen Towing LLC require a representative responsible for the company's safety to attend a Commission-sponsored safety seminar within ninety (90) days from the date of the Penalty Order, and provide Litigation Counsel with written proof of attendance. A schedule of the dates and locations for safety seminars can be found on the Commission's website at http://kcc.ks.gov/trans/safety_meetings.htm.

Staff further recommends Mullen Towing LLC submit a written, comprehensive Corrective Action Plan ("CAP") to Transportation Staff within thirty (30) days of the date of the Penalty Order, documenting the violations described in the Penalty Order, including specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violations do not occur in the future.

Finally, Staff recommends that Mullen Towing LLC submit to a follow-up safety compliance review within eighteen (18) months from the date of the Penalty Order. Staff will contact Mullen Towing LLC at a later date to determine an appropriate date and time for such review.

Exhibit 1

UNITED STATES DEPARTMENT OF TRANSPORTATION

	U.S. DOT#: 1657861 MC/MX#: 0	Legal: MULLEN TOWING LLC Operating (DBA):	Investigation Date: 11/02/2023
Investigation Type: Onsite Comprehensive Investigation		Location of Investigation: Company principal place of business (PPOB) Extent of Operations: Entire Operation	
Physical Address 10417 ESTHNER CIRCLE WICHITA, KS 67209 United States		Mailing Address 10417 ESTHNER CIRCLE WICHITA, KS 67209 United States	
Contact Information			
Contact Name: JOHNNY MULLEN Email: [REDACTED] Phone: (316)259-6677 Cell: (316)259-6677 Fax: ()-			
Business and Financial			
Business Type: Limited Liability Corporation Name of Gross Revenue Provider: Johnny L Mullen Title of Gross Revenue Provider: Managing Member Gross Revenue: \$77,592.00 For Year Ending: 12/31/2022 Federal Tax ID: [REDACTED] (EIN)			
Operation Classification and Type		Cargo	
Type of Operation: HM Intrastate Carrier Operation Classification For-Hire Motor Carrier Property Hazardous Materials		Driveaway/Towaway, Motor Vehicles	
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 Materials = C, NB	

Equipment				Driver Information		
	Owned	Term Leased	Trip Leased	Drivers		
Straight Trucks	1				Intrastate	Interstate
Power units used in the U.S.: 1 Percentage of time used in the U.S.: 100%				< 100 Miles	1	
				>= 100 Miles		
				Average trip leased driver/month: 0 Drivers with CDL: 0 Total Drivers: 1		
Person(s) Interviewed						
Name: JOHNNY MULLEN				Title: MEMBER		
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 PL STE 200 TOPEKA, KS 66604-4040 Phone: (785) 271-1260 Fax: (877) 547-0378		
This report will be used to assess your safety compliance.						

Violations

1. Primary: 390.19T(b)(2)

Failing to file the appropriate form under 390.19(a) (MCS-150, 150B, or 150C) each 24 months according to the schedule.

Violations Discovered

Fed	State	Total
1		1

Checked

Fed	State	Total
1		1

Example/Notes:

Driver Name: Johnny Mullen

Trip Date: 09-06-2023

Carrier failed to update their MCS-150 Report. The regulation requires the MCS-150 to be updated on January of 2022. The carrier last updated their MCS -150 Report on 10/19/2021.

Drivers/Vehicles in Violation

Fed	State	Total

Checked

Fed	State	Total

2. Primary: 391.25(a)

Failing to make an inquiry into the driving record of each driver to the appropriate State agencies in which the driver held a commercial motor vehicle operator's license at least once every 12 months.

Violations Discovered

Fed	State	Total
	1	1

Checked

Fed	State	Total
	1	1

Example/Notes:

Driver name: Johnny Mullen

Trip date: 09/06/2023

Driver qualification file had MVR that was obtained on 10-31-2023. The MVR was obtained after the carrier was initially contacted on 10-12-2023. There were no other MVR's in the driver qualification file discovered during the investigation.

Drivers/Vehicles in Violation

Fed	State	Total
	1	1

Checked

Fed	State	Total
	1	1

3. 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

Checked

Fed	State	Total
	1	1

Example/Notes:

Driver name: Johnny Mullen

Trip date: 09/06/2023

Driver qualification file had MVR that was obtained on 10-31-2023. The carrier failed to conduct an annual review for 2023 after obtaining the MVR on 10-31-2023.

Drivers/Vehicles in Violation

Fed	State	Total
	1	1

Checked

Fed	State	Total
	1	1

4. Primary: 391.51(b)(8)

Failing to place a note related to the verification of the medical examiner's listing on the National Registry of Certified Medical Examiners required by 391.23(m) in driver qualification file(s).

Violations Discovered

Fed	State	Total
	1	1

Checked

Fed	State	Total
	1	1

Example/Notes:

Driver name: Johnny Mullen

Trip date: 09/06/2023

Carrier failed to retain the MVR's, and annual reviews for 3 yrs after the date of execution. The driver qualification file had an MVR that was obtained on 10-31-2023 and there were no other MVR's in the driver qualification file. The file failed to have a annual reviews as required.

Drivers/Vehicles in Violation

Fed	State	Total
	1	1

Checked

Fed	State	Total
	1	1

5. Primary: 396.17(a)

Using a commercial motor vehicle not periodically inspected.

Violations Discovered

Fed	State	Total
	1	1

Checked

Fed	State	Total
	1	1

Example/Notes:

Driver name: Johnny Mullen

Trip date: 09/06/2023

2020 FRHT, Unit #1, VIN # [REDACTED] 3711, Ks. 693911, GVWR 26,000

Drivers/Vehicles in Violation

Fed	State	Total
	1	1

Checked

Fed	State	Total
	1	1

Safety Fitness Rating

This Investigation is Not Rated

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>.

Process Breakdown and Remedies

BASIC: Unsafe Driving

Process Breakdown: Monitoring and Tracking

Carrier failed to have MVR that was obtained for 2023 until 10-31-2023. Carrier was initially contacted 10-12-2023. There were no MVR's for 2021-2022 in the driver qualification file.

Specific Recommended Remedies

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

1. Review and retain each driver's Motor Vehicle Record (MVR) at least annually to ensure compliance with company policies, Federal regulations, and State and local laws and ordinances related to safe driving. If a driver seems to have license-related problems, the MVR should be reviewed more often. Random MVR checks in addition to annual checks are also effective. File the MVR in each driver's driver qualification file after review.

BASIC: Vehicle Maintenance

Process Breakdown: Monitoring and Tracking

Carrier failed to have a current periodic inspection. Last periodic inspection was conducted on 07-19-2022.

Specific Recommended Remedies

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

1. Check all inspections and relevant records, such as Driver Vehicle Inspection Records (DVIRs), pre-trip and annual inspections, and maintenance and repair records, to ensure that company inspection, repairing, and maintenance policies and procedures are adhered to and properly documented.

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. **A copy of your profile can be obtained by accessing the Portal.**

A copy of your carrier profile can be obtained at no cost from the FMCSA Portal (<https://portal.fmcsa.dot.gov/login>).

4. **Obtain a copy of each driver's driving record and review it.**

Obtain a copy of each driver's driving record and review it annually.

5. **SMS website**

You are encouraged to review your company's SMS results and take action to make the roads safer for everyone. Your public safety records are available at the following website: <http://ai.fmcsa.dot.gov/sms>. Also visit <https://portal.fmcsa.dot.gov> which provides real time data and the opportunity to review you safety data. You will need to use your PIN number that has been provided by FMCSA. Registration and access is free.

6. **Serious Violations**

This review contains violations that are serious in nature and may result in a penalty assessment against the company and/or drivers.

7. **Annual Inspections**

Ensure that all commercial motor vehicles, which would include trailers as well as power units, have a current Annual Inspection as required by 396.17.

8. **MVR**

As required by 391.25(a), motor carriers shall, at least once every 12 months, make an inquiry to obtain the motor vehicle record of each driver it employs, covering at least the preceding 12 months, to the appropriate agency of every State in which the driver held a commercial motor vehicle operator's license or permit during the time period.

9. **CAP to Commission**

The KCC requires that you prepare a corrective action plan, addressing the measures taken to correct all the violations identified within this report. Submit this letter within 30 days outlining the carrier s updated changes to their policies and procedures regarding all listed violations. Explain in detail how, as a carrier representative, you will rectify these deficiencies and prevent their reoccurrence going forward. Include any supporting documentation and evidence as indicated in the recommendations above, (example: vehicle inspections performed, proof of drug and alcohol testing in place, etc.) necessary to prove that corrective action has been taken. Submit the letter along with copies of your supporting evidence to:

Email: g.davenport@kcc.ks.gov

FAX: 785-271-3124

or mail:

Kansas Corporation Commission

Attn: Gary Davenport

1500 SW Arrowhead Rd

Topeka, KS 66604-4027

10. **Ensure that inspections are done at proper intervals.**

Ensure that the persons or entities that perform preventative maintenance inspections on your equipment are abiding by agreed time or mileage intervals. Ensure that records are kept of such periodic preventative maintenance inspections. Take corrective action, if schedules are not being adhered to.

11. **Acknowledgement Signature**

"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 Mullen Towing, LLC operating authority and/or the impoundment of Mullen Towing, LLC commercial motor vehicles.


Carrier Representative

11-2-2023

Date

Exhibit 2

Exhibit 3

Driver Services
 PO Box 12021
 Topeka KS 66601-2021
 Mark A. Burghart, Secretary



Phone: 785-296-3671
 Fax: 785-296-6851
 www.ksrevenue.gov
 Laura Kelly, Governor

Motor Vehicle Record

Customer's Name	MULLEN, JOHNNY LYNN	Report Timestamp	10/31/2023 10:01
Address	10417 W ESTHNER CIR, WICHITA, Kansas, 67209	Credential Number	[REDACTED]
Height	6 ft 0 Inches	Date Of Birth	[REDACTED]
Eye Color	Blue	Weight	265
Gender	Male	First Issuance Date	4/6/1991 12:00:00 AM
DL Status	VAL	CDL Status	

Credential Information

Credential Number	Credential Type	CDL Class	DL Class	Issue	Expiration	Restrictions	Endorsements
[REDACTED]	Driver's License		C	03/16/2023	[REDACTED]	B	

CDL Medical Certification Information

No records exist

Accident Information

Accident Date	Case Number	Accident Jurisdiction	County	Severity Type
No records exist				

Conviction & Administrative Action Information

Type	Occurrence Date	Conviction Date	Event Code	State Jurisdiction	Local Jurisdiction	Court Type	CMV	HAZMAT	Speed LMT/ACT
No records exist									

Sanction Information

Sanction Type	Restriction Type	Sanction Reason	Extent Severity	State Jurisdiction	Local Jurisdiction	Court Type	Eff Date	Elig Date	Rein Date
No records exist									

Totals

ACCIDENTS 0
 CONVICTIONS 0
 WITHDRAWALS 0
 MISCELLANEOUS 0
 ADMIN 0

Exhibit 4

CERTIFICATE OF SERVICE

24-TRAM-383-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 and electronic service on 11/21/2023.

Johnny Mullen, MEMBER
Mullen Towing LLC
10417 Esthner Circle
Wichita, KS 67209
jmullenks@hotmail.com

KYLER C. WINEINGER, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
k.wineinger@kcc.ks.gov

/S/ KCC Docket Room
KCC Docket Room