

1500 SW Arrowhead Road
Topeka, KS 66604-4027

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



20250729112704
Kansas Corporation
Commission
Phone: 785-271-3100
Fax: 785-271-3354
<http://kcc.ks.gov/>

Laura Kelly, Governor

NOTICE OF PENALTY ASSESSMENT
25-TRAM-456-PEN

July 29, 2025

Kim Ho, Owner
Top Rated Towing LLC
10711 E Countryside St.
Wichita, Kansas 67207

This is a notice of a penalty assessment against Top Rated Towing LLC (“Top Rated Towing”) for violations of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on June 5, 2025, by Kansas Corporation Commission Special Investigators. The Special Investigator identified ten (10) violations of the Motor Carrier Safety regulations. Penalties for the violations are assessed in accordance with the FY 2026 Uniform Penalty Assessment Matrix, approved by the Commission on July 1, 2025. Top Rated Towing has been assessed a \$2,550.00 penalty. For a full description of the penalties and terms and obligations please refer to the Order attached to this notice.

IF YOU ACCEPT THE PENALTY: You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$2,550.00 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 Order also requires a representative of Top Rated Towing:

- a. To attend a Commission-sponsored safety seminar within thirty (30) 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.
- b. To submit a written, comprehensive Corrective Action Plan (“CAP”) to Transportation Staff within thirty (30) days of the date of this order, documenting the violations described in this Penalty Order, including specific and detailed information explaining Carrier’s efforts and concrete steps taken to ensure the violations do not occur in the future.
- c. To submit to one follow-up safety compliance review within eighteen (18) months from the date of this Penalty Order. Transportation Staff will contact the motor carrier at a later date to determine an appropriate time for the review.

IF YOU CONTEST THE PENALTY ORDER: You have the right to request a hearing. A request for a hearing must be made in writing, and within fifteen (15) days from the date of service of this Order, setting forth the specific grounds upon which relief is sought. You may request a hearing through the Commission’s electronic filing system found at <https://puc.kcc.ks.gov/e-filing/e-express/>, and you must also 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.¹

IF YOU FAIL TO ACT: Failure to pay the penalty of \$2,550.00 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,
/s/ Ahsan A. Latif
Ahsan A. Latif
Litigation Counsel
(785) 271-3118
Ahsan.Latif@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 **Top Rated**)
Towing LLC of Wichita, Kansas, Regarding the)
Violation(s) of the Motor Carrier Safety Statutes,)
Rules and Regulations and the Commission's) Docket No. 25-TRAM-456-PEN
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. Pursuant to K.S.A. 66-1,108b, 66-1,111, 66-1,112 and 66-1,114b, 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. 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.

4. Top Rated Towing LLC ("Top Rated Towing" or "Carrier") is a motor carrier as defined in 49 C.F.R. 390.5 and operates under USDOT number 3909258.

5. The Commission finds it has jurisdiction over Top Rated Towing pursuant to K.S.A. 66-1,108b 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.

6. On June 5, 2025, a Commission Staff (Staff) Special Investigator (SI) completed a safety compliance investigation of Top Rated Towing. As a result of the compliance investigation, the SI identified ten (10) violations, set forth in six (6) counts of the Motor Carrier Safety Regulations ("MCSRs"), which carries a penalty set forth in the FY2026 Uniform Penalty Assessment Matrix.¹

7. On July 11, 2025, Transportation Staff submitted its Report and Recommendation ("R&R"), attached hereto as "Attachment A" and hereby incorporated by reference herein, recommending a penalty of \$2,550.00 to be issued to Top Rated Towing based on the frequency, timeline, and severity of the violations discovered.

8. Specifically, pursuant to Staff's R&R, the Commission finds that Top Rated Towing committed ten (10) violations of the following six (6) counts, discussed more fully in Staff's R&R:²

¹ Order Designating Guidance Document and Approving Staff's Use of the Transportation Division's Uniform Penalty Assessment Table, pp. 10 – 24 (Jul. 1, 2025) ("Penalty Matrix").

² See Staff's Report and Recommendation, Transportation Division (Jul. 11, 2025).

- a. Count 1: On April 23, 2025, Top Rated Towing required or permitted its driver, Phoukham Mounivong, to operate a commercial motor vehicle (a 2016 Dodge Ram 5500, VIN ending in 8075, GVWR 19,500 lbs.) in Kansas on a public road (within Wichita, Kansas). Less than three years earlier, on October 15, 2022, a Top Rated Towing driver was involved in an accident. Top Rated Towing failed to include this accident on its accident register, resulting in one (1) violation of 49 C.F.R. 390.15 as adopted by K.A.R. 82-4-3f. The Commission finds that Staff's recommendation of a penalty of \$200.00 is appropriate and in accordance with the FY2026 Penalty Matrix.
- b. Count 2: On April 23, 2025, Top Rated Towing required or permitted its driver, Phoukham Mounivong, to operate a commercial motor vehicle (a 2016 Dodge Ram 5500, VIN ending in 8075, GVWR 19,500 lbs.) in Kansas on a public road (within Wichita, Kansas) without maintaining driver qualification files on its four employed drivers, Phoukham Mounivong, David Smith, Wilbur Kirkhart, and Dakota Clem, resulting in four (4) violations of 49 C.F.R. 391.51(a), as adopted by K.A.R. 82-4-3g. The Commission finds that Staff's recommendation of a penalty of \$750.00 is appropriate and in accordance with the FY2026 Penalty Matrix.
- c. Count 3: On April 23, 2025, Top Rated Towing required or permitted its driver, Phoukham Mounivong, to operate a commercial motor vehicle (a 2016 Dodge Ram 5500, VIN ending in 8075, GVWR 19,500 lbs.) in Kansas on a public road (within Wichita, Kansas) without first obtaining a certificate of public service from the state corporation commission, resulting in one (1) violation of K.S.A. 66-1330 and 49 C.F.R. 392.2, as adopted by K.A.R. 82-4-3h. The Commission finds that Staff's

recommendation of a penalty of \$500.00 is appropriate and in accordance with the FY2026 Penalty Matrix.

- d. Count 4: On April 23, 2025, Top Rated Towing required or permitted its driver, Phoukham Mounivong, to operate a commercial motor vehicle (a 2016 Dodge Ram 5500, VIN ending in 8075, GVWR 19,500 lbs.) in Kansas on a public road (within Wichita, Kansas) without first obtaining a valid commercial registration for the commercial motor vehicles operated, resulting in two (2) violations of K.S.A. 8-142, K.S.A. 8-149, and 49 C.F.R. 392.2, as adopted by K.A.R. 82-4-3h. The Commission finds that Staff's recommendation of a penalty of \$500.00 is appropriate and in accordance with the FY2026 Penalty Matrix.
- e. Count 5: On April 23, 2025, Top Rated Towing required or permitted its driver, Phoukham Mounivong, to operate a commercial motor vehicle (a 2016 Dodge Ram 5500, VIN ending in 8075, GVWR 19,500 lbs.) in Kansas on a public road (within Wichita, Kansas) without first maintaining a vehicle maintenance file on the vehicle involved in this transport, resulting in one (1) violation of 49 C.F.R. 396.3, as adopted by K.A.R. 82-4-3j. The Commission finds that Staff's recommendation of a penalty of \$350.00 is appropriate and in accordance with the FY2026 Penalty Matrix.
- f. Count 6: On April 23, 2025, Top Rated Towing required or permitted its driver, Phoukham Mounivong, to operate a commercial motor vehicle (a 2016 Dodge Ram 5500, VIN ending in 8075, GVWR 19,500 lbs.) in Kansas on a public road (within Wichita, Kansas) without first obtaining a periodic (annual) inspection for the commercial motor vehicle involved, resulting in one (1) violation of 49 C.F.R.

396.17, as adopted by K.A.R. 82-4-3j. The Commission finds that Staff's recommendation of a penalty of \$250.00 is appropriate and in accordance with the FY2026 Penalty Matrix.

9. The Commission hereby adopts Staff's July 22, 2025, R&R as additional findings.

10. The Commission finds that Top Rated Towing is required to have a representative responsible for the Carrier's safety compliance attend a Commission-sponsored safety seminar within thirty (30) days from the date of this Order.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.

11. The Commission further finds that Top Rated Towing is required to submit a written, comprehensive Corrective Action Plan ("CAP") that is satisfactory to Transportation Staff within thirty (30) days of the date of this order, documenting the violation(s) described in this Penalty Order, including specific and detailed information explaining Carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.⁴

12. The Commission further finds that Top Rated Towing is required to submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order at a time agreeable to Staff.⁵

13. Failure to comply with the requirements of this Penalty Order shall result in the suspension of Top Rated Towing's motor carrier operating authority without further notice.⁶

³ See Id., p. 4.

⁴ See Id.

⁵ See Id.

⁶ K.S.A. 66-1,105.

14. The Commission concludes the penalty of \$2,550.00 for the ten (10) violations set forth above, and the additional three requirements set forth in paragraphs 10, 11, and 12 are just and reasonable.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. Top Rated Towing LLC is hereby assessed a \$2,550.00 civil penalty for ten (10) violations, set forth in six (6) 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. Top Rated Towing is hereby ordered to have a representative responsible for the Carrier's safety compliance attend a Commission-sponsored safety seminar within thirty (30) days of the date of this Order.

C. Top Rated Towing is hereby ordered to submit a written, comprehensive corrective action plan ("CAP") that is satisfactory to Transportation Staff within thirty (30) days of the date of this order, documenting the violations described in this Penalty 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. Top Rated Towing is ordered to submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order at a time agreeable to Staff.

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 Top Rated Towing's right to a hearing, and this Penalty 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. For civil penalties exceeding \$500.00, 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.⁷ For civil penalties of \$500.00 or less, a corporation may appear by a duly authorized representative of the corporation.⁸

G. If you do not request a hearing, the payment of the civil penalty of \$2,550.00 is due thirty (30) days from the date of service of this Order. Payment of \$2,550.00 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 of Top Rated Towing to perform, pay, or fully comply with the provisions of this Order, including but not limited to Ordering Clauses A through D, above, will result in suspension of Top Rated Towing's motor carrier operating authority without further notice.⁹ Additionally, the Commission may impose further sanctions to include, but not limited to, the

⁷ K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2); K.A.R. 82-1-202(a).

⁸ K.S.A. 66-1,142b(e) and amendments thereto.

⁹ K.S.A. 66-1,105.

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: 07/29/2025



Celeste Chaney-Tucker
Executive Director

AAL

ATTACHMENT “A”

REPORT AND RECOMMENDATION TRANSPORTATION DIVISION

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

FROM: Jared Smith, Deputy Director of Transportation

DATE: July 22, 2025

SUBJECT: Docket No. 25-TRAM-456-PEN
In the Matter of the Investigation of **Top Rated Towing LLC of Wichita, Kansas**,
Regarding the Violation of the Motor Carrier Rules and Regulations and the
Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of
Motor Carrier Authority

EXECUTIVE SUMMARY:

Top Rated Towing LLC (Top Rated Towing) is a motor carrier (MC) primarily hauling motor vehicles. Top Rated Towing LLC operates under USDOT 3909258. On June 5, 2025, a Commission Staff Special Investigator (SI) completed a safety compliance investigation of the operations of Top Rated Towing. A copy of the safety compliance report is attached hereto as **Exhibit 1** and is hereby incorporated by reference. As a result of this investigation, the SI identified ten (10) violations, set forth in six (6) specific counts, of the Motor Carrier Safety Regulations (MCSRs), which carry a penalty according to the FY2026 Uniform Penalty Assessment Matrix approved by the Commission. Based on the frequency, timeline and severity of the violations discovered by the SI, Staff recommends penalty of \$2,550 be issued to the MC.

DISCUSSION AND ANALYSIS:

On June 5, 2025, a Commission Staff SI conducted a safety compliance investigation of the operations of Top Rated Towing. The investigation covers a 365-day period and any previous compliance review. Each specific count is detailed below.

Count One (1 of 6)

Authority: K.S.A. 66-1,111 and 66-1,129.

Relevant Statutes: 49 C.F.R 390.15 states: “Motor carriers must maintain an accident register for 3 years after the date of each accident. Information placed in the accident register must contain at least the following:

(1) A list of accidents as defined at § 390.5 of this chapter containing for each accident:

(i) Date of accident.

(ii) City or town, or most near, where the accident occurred and the State where the accident occurred.

(iii) Driver Name.”

(iv) Number of injuries.

(v) Number of fatalities.

(vi) Whether hazardous materials, other than fuel spilled from the fuel tanks of motor vehicle involved in the accident, were released.

Material Facts and Supporting Documents: On April 23, 2025, Top Rated Towing required or permitted its driver, Phoukham Mounivong, to operate a commercial motor vehicle (CMV), a 2016 Dodge Ram 5500, VIN ending in 8075, GVWR 19,500 lbs., in intrastate commerce from within Wichita, Kansas. This transport is evidenced by a Top Rated Towing invoice, dated April 23, 2025, and Driver/Vehicle Examination Report No. KSHP0272133, also dated April 23, 2025, both attached hereto as **Exhibit 2**. The MC is required by 49 C.F.R. 390.15 to maintain an accident register that includes all accidents that occurred in the last three years. Top Rated Towing’s detailed crash report in the Safety Measurement System, attached hereto as **Exhibit 3**, states that one of its drivers was involved in an accident on October 15, 2022, which is within the three-year window of the April 23, 2025, transport. At the time of this transport, the MC did not have an accident register, resulting in one (1) violation.

Violation: Top Rated Towing failed to review to maintain an accident register that includes all accidents that took place within the last three years, which is a violation of 49 C.F.R. 390.15, 49 C.F.R 390.15, as adopted by K.A.R. 82-4-3f (**Exhibit 1, Pages 3 to 4**). One (1) violation discovered (**Exhibit 1, Page 11**).

Recommendation: Staff recommends a fine of \$200, in accordance with the FY2026 Penalty Matrix.

Count Two (2 of 6)

Authority: K.S.A. 66-1,111 and 66-1,129.

Relevant Statutes : 49 C.F.R 391.51 states: “(a) Each motor carrier shall maintain a driver qualification file for each driver it employs. A driver's qualification file may be combined with his/her personnel file.

(b) The qualification file for a driver must include:

(1) The driver's application for employment completed in accordance with § 391.21;

(2) A copy of the motor vehicle record received from each driver's licensing authority pursuant to § 391.23(a)(1);

- (3) The certificate of driver's road test issued to the driver pursuant to § 391.31(e), a copy of the license or certificate which the motor carrier accepted as equivalent to the driver's road test pursuant to § 391.33, or the original of the written statement providing that the motor carrier determined the driver is not required by § 391.44(d) to complete a road test pursuant to § 391.44(d)(3)(ii)(A) and the original, or a copy, of the driver's certification required by § 391.44(d)(3)(i);
- (4) The motor vehicle record received from each driver's licensing authority to the annual driver record inquiry required by § 391.25(a);
- (5) A note relating to the annual review of the driver's driving record as required by § 391.25(c)(2);
- (6)(i) The medical examiner's certificate as required by § 391.43(g) or a legible copy of the certificate.

Material Facts and Supporting Documents: This violation took place during the transport described in Count One, above. At the time of this transport, the MC did not keep driver qualification files on its four drivers employed (Phoukham Mounivong, David Smith, Wilbur Kirkhart, Dakota Clem), resulting in four (4) violations.

Violation: Top Rated Towing failed to maintain driver qualification files on each driver it employed, which is a violation of 49 C.F.R. 391.51(a), as adopted by K.A.R. 82-4-3g (**Exhibit 1, Page 3**). Four (4) violations discovered (**Exhibit 1, Page 11**).

Recommendation: Staff recommends a fine of \$750, in accordance with the FY2026 Penalty Matrix.

Count Three (3 of 6)

Authority: K.S.A. 66-1,111 and 66-1,129.

Relevant Statutes: K.S.A 66-1330 states: On and after January 1, 1995, it is unlawful for any person to provide wrecker or towing service within this state without first having obtained a certificate of public service from the state corporation commission.

Material Facts and Supporting Documents: This violation took place during the transport described in Count One, above. Top Rated Towing's operating authority was cancelled as of December 18, 2024, according to the authority information in KTRAN, which is attached hereto as **Exhibit 4** At the time of this transport, the MC did not have the proper Commission operating authority, resulting in one (1) violation.

Violation: Top Rated Towing failed to obtain a certificate of public service from the state corporation commission, which is a violation of K.S.A. 66-1330 and C.F.R. 392.2, adopted by K.A.R. 82-4-3h (**Exhibit 1, Page 4**). One (1) violation discovered (**Exhibit 1, Page 11**).

Recommendation: Staff recommends a fine of \$500, in accordance with the FY2026 Penalty Matrix.

Count Four (4 of 6)

Authority: K.S.A. 66-1,111 and 66-1,129.

Relevant Statutes: : K.S.A 8-142 states: “It shall be unlawful for any person to commit any of the following acts and except as otherwise provided, violation is subject to penalties provided in K.S.A. 8-149, and amendments thereto:

First: To operate, or for the owner thereof knowingly to permit the operation, upon a highway of any vehicle, as defined in K.S.A. 8-126, and amendments thereto, which is not registered, or for which a certificate of title has not been issued or which does not have attached thereto and displayed thereon the license plate or plates assigned thereto by the division for the current registration year, including any registration decal required to be affixed to any such license plate pursuant to K.S.A. 8-134, and amendments thereto, subject to the exemptions allowed in K.S.A. 8-135, 8-198 and 8-1751a, and amendments thereto. A violation of this subsection by a person unlawfully claiming that a motor vehicle is exempt from registration as a self-propelled crane under K.S.A. 8-128(b), and amendments thereto, shall constitute an unclassified misdemeanor punishable by a fine of not less than \$500. A person shall not be charged with a violation of this subsection for failing to display a registration decal on any vehicle except those included under K.S.A. 8-1,101 and K.S.A. 8-143m and 8-1,152, and amendments thereto, up to and including the 10th day following the expiration of the registration if the person is able to produce a printed payment receipt or electronic payment receipt from an online electronic payment processing system for the current 12-month registration period. Any charge for failing to display a registration decal up to and including the 10th day following the expiration of the registration shall be dismissed if the person produces in court a registration receipt for the current 12-month registration period which was valid at the time of arrest.”

Material Facts and Supporting Documents: This violation took place during the transport described in Count One, above. This violation is evidenced by Top Rated Towing’s vehicle registration document from the Kansas Department of Revenue, dated May 30, 2025, and attached hereto as **Exhibit 5**. Top Rated Towing did not obtain registrations for its two vehicles, including the vehicle involved in the April 23, 2025, transport, until May 30, 2025, resulting in two (2) violations.

Violation: Top Rated Towing failed to register their fleet vehicles in the state of Kansas, which is a violation of K.S.A 8-142, K.S.A 8-149, and 49 C.F.R. 392.2, as adopted by K.A.R. 82-4-3h (**Exhibit 1, Page 4**). Two (2) violations discovered (**Exhibit 1, Page 11**).

Recommendation: Staff recommends a fine of \$500, in accordance with the FY2026 Penalty Matrix.

Count Five (5 of 6)

Authority: K.S.A. 66-1,111 and 66-1,129.

Relevant Statutes : 49 C.F.R 396.3 (a) states: “Every motor carrier and intermodal equipment provider must systematically inspect, repair, and maintain, or cause to be systematically inspected, repaired, and maintained, all motor vehicles and intermodal equipment subject to its control.

(1) Parts and accessories shall be in safe and proper operating condition at all times. These include those specified in part 393 of this subchapter and any additional parts and accessories

which may affect safety of operation, including but not limited to, frame and frame assemblies, suspension systems, axles and attaching parts, wheels and rims, and steering systems.”

Material Facts and Supporting Documents: This violation took place during the transport described in Count One, above. At the time of this transport, the MC did not keep a vehicle maintenance file on the 2016 Dodge Ram 5500 involved in this transport, resulting in one (1) violation.

Violation: Top Rated Towing LLC failed to keep a vehicle maintenance file on all vehicles, which is a violation of 49 C.F.R. 396.3, as adopted by K.A.R. 82-4-3j (**Exhibit 1, Pages 4 to 5**). One (1) violation discovered (**Exhibit 1, Page 11**).

Recommendation: Staff recommend a fine of \$350, in accordance with the FY2026 Penalty Matrix.

Count Six (6 of 6)

Authority: K.S.A. 66-1,111 and 66-1,129.

Relevant Statutes : 49 C.F.R 396.17 states: “Every commercial motor vehicle must be inspected as required by this section. The inspection must include, at a minimum, the parts and accessories set forth in appendix A to this part. The term commercial motor vehicle includes each vehicle in a combination vehicle. For example, for a tractor semitrailer, full trailer combination, the tractor, semitrailer, and the full trailer (including the converter dolly if so equipped) must each be inspected.”

Material Facts and Supporting Documents: This violation took place during the transport described in Count One, above. This transport is evidenced by Driver/Vehicle Examination Report No. KSHP0272133, dated April 23, 2025, attached hereto as **Exhibit 2**, and Driver/Vehicle Examination Report No. KSHP0127214. In the April 23, 2025 inspection report, the Inspector Notes state: “THE DRIVER FOUND AN OLD ANNUAL INSPECTION AND SAID HE DID NOT HAVE A CURRENT ANNUAL INSPECTION.” At the time of this transport, the MC did not have an annual inspection for the 2016 Dodge Ram 5500, resulting in one (1) violation.

Violation: Top Rated Towing failed to have an annual inspection conducted on all vehicles, which is a violation of 49 C.F.R. 396.17, K.S.A. 66-1,111 adopted by K.A.R. 82-4-3j (**Exhibit 1, Page 5**). One (1) violation discovered (**Exhibit 1, Page 11**).

Recommendation: Staff recommends a fine of \$250, in accordance with the FY2025 Penalty Matrix.

RECOMMENDATION:

Transportation Staff recommends the Commission find Top Rated Towing LLC committed ten (10) violation(s), set forth as six (6) specific counts, of Kansas law that governs MCs, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the

Kansas Administrative Regulations (K.A.R.s), 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 \$2,550 for ten (10) violation(s) 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 Top Rated Towing LLC require a representative responsible for the company's safety to attend a Commission-sponsored safety seminar within thirty (30) days from the date of the 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 Top Rated Towing LLC submit a written, comprehensive Corrective Action Plan (CAP) to Transportation Staff within thirty (30) days of the date of this order, documenting the violation(s) described in the Penalty Order, including specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.

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

EXHIBIT 1

UNITED STATES DEPARTMENT OF TRANSPORTATION

	U.S. DOT#: 3909258 MC/MX#: 1442544	Legal: TOP RATED TOWING LLC Operating (DBA):	Investigation Date: 07/16/2025
Investigation Type: Onsite Comprehensive Investigation		Location of Investigation: Company principal place of business (PPOB) Extent of Operations: Entire Operation	
Physical Address 1659 S 111TH ST W WICHITA, KS 67209 United States		Mailing Address 10711 E Countryside St Wichita, KS 67207 United States	
Contact Information			
Contact Name: ALEC WISLEY Email: Phone: (316)202-8261 Cell: ()- Fax: ()-			
Business and Financial			
Business Type: Limited Liability Corporation Name of Gross Revenue Provider: Kim Ho Title of Gross Revenue Provider: Office Manager Gross Revenue: [REDACTED] For Year Ending: 12/31/2024 Federal Tax ID: [REDACTED]			
Operation Classification and Type		Cargo	
Type of Operation: Non-HM Interstate Carrier Operation Classification For-Hire Motor Carrier Property Other Non-Hazardous Freight Hazardous Materials		General Freight, Motor Vehicles, Driveaway/Towaway	
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	2				Intrastate	Interstate
Power units used in the U.S.: 2 Percentage of time used in the U.S.: 100%				< 100 Miles	5	
				> = 100 Miles		
				Average trip leased driver/month: 0 Drivers with CDL: 1 Total Drivers: 5		
Person(s) Interviewed						
Name: KIM HO				Title: Office Manager		
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: 391.51(a) Failing to maintain driver qualification file on each driver employed. C Critical At least 10% of the number checked had violations		Violations Discovered <table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td>4</td><td></td><td>4</td></tr></table> Checked <table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td>5</td><td></td><td>5</td></tr></table>			Fed	State	Total	4		4	Fed	State	Total	5		5	BASIC Impacted Driver Fitness		Rating Factor 2: Driver = Part 391
Fed	State	Total																	
4		4																	
Fed	State	Total																	
5		5																	
Example/Notes: Driver name, Phoukham Mounivong Trip date. 4/23/2025 Description of violation: Failing to maintain driver qualification file on each driver employed. Top Rated Towing LLC failed to provide a Driver Qualification file for Phoukham Mounivong, David Smith, Wilbur Kirkhart, and Dakota Clem.			Drivers/Vehicles in Violation <table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td>4</td><td></td><td>4</td></tr></table> Checked <table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td>5</td><td></td><td>5</td></tr></table>			Fed	State	Total	4		4	Fed	State	Total	5		5		
Fed	State	Total																	
4		4																	
Fed	State	Total																	
5		5																	
2. Primary: 49 C.F.R. 367 Failed to pay the Unified Carrier Registration (UCR) fee 2024, 2025.			Violations Discovered <table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td>1</td><td></td><td>1</td></tr></table> Checked <table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td>1</td><td></td><td>1</td></tr></table>			Fed	State	Total	1		1	Fed	State	Total	1		1		
Fed	State	Total																	
1		1																	
Fed	State	Total																	
1		1																	
Example/Notes: Vehicle: 2016 Dodge Ram, KS-232287 Trip:4/23/2025 Description: Top Rated Towing failed to pay the UCR fee for 2025 until 4/30/2025.			Drivers/Vehicles in Violation <table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td>1</td><td></td><td>1</td></tr></table> Checked <table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td>1</td><td></td><td>1</td></tr></table>			Fed	State	Total	1		1	Fed	State	Total	1		1		
Fed	State	Total																	
1		1																	
Fed	State	Total																	
1		1																	
3. Primary: 390.15(b) Failing to maintain, for a period of three years after an accident occurs, an accident register.			Violations Discovered <table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td>1</td><td></td><td>1</td></tr></table> Checked <table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td>1</td><td></td><td>1</td></tr></table>			Fed	State	Total	1		1	Fed	State	Total	1		1		
Fed	State	Total																	
1		1																	
Fed	State	Total																	
1		1																	
Example/Notes:			Drivers/Vehicles in Violation																

Driver name, Cody Ewing Accident/Trip date. 10/15/2022 Description of violation. Cody Ewing was driving a 2016 Dodge Ram when he collided with another vehicle in Wichita, KS. No fatalities or injuries occurred but the vehicles involved resulted in a tow being utilized due to vehicles being inoperable to drive. The crash took place on 10/15/2022 with this current investigation taking place on 6/5/2025. No accident file was on hand by the motor carrier.	Fed	State	Total
	1		1
	Checked		
	Fed	State	Total
4. Primary: 392.2 Secondary: K.S.A. 66-1,111 Operating without Kansas Corporation Commission For-Hire authority	1		1
	Violations Discovered		
	Fed	State	Total
		1	1
	Checked		
	Fed	State	Total
		1	1
Example/Notes: Vehicle: 2016 Dodge, plate: KS 232287 Driver: Phoukham Mounivong Trip Date: 4/23/2025 Description: On 4/23/2025, Phoukham Mounivong was operating for Top Rated Towing LLC. He made a trip that day that was strictly within the state of Kansas, originating in Wichita, KS with the destination in Wichita, KS. At that time and currently the motor carrier has not been granted operating authority in the state of Kansas.	Drivers/Vehicles in Violation		
	Fed	State	Total
		1	1
	Checked		
5. Primary: 392.2 Secondary: K.S.A. 8-142 Operating a Commercial Motor Vehicle without valid registration	Fed	State	Total
		2	2
	Checked		
	Fed	State	Total
		2	2
	Violations Discovered		
	Fed	State	Total
		2	2
Example/Notes: Vehicle: 2016 Dodge Ram KS-232287 Trip Date:4/23/2025 Driver: Phoukham Mounivong Description: On 4/23/2025, Phoukham Mounivong was operating for Top Rated Towing LLC. He made a trip that day that was strictly within the state of Kansas. The vehicle used did not have a valid registration, the motor carrier did have the proper registration for both owned vehicles on 5/30/2025.	Drivers/Vehicles in Violation		
	Fed	State	Total
		2	2
	Checked		
6. Primary: 396.3(b) Failing to keep minimum records of inspection and vehicle maintenance.	Fed	State	Total
	1		1
	Checked		

	<table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td>2</td><td></td><td>2</td></tr></table>	Fed	State	Total	2		2												
Fed	State	Total																	
2		2																	
Example/Notes: Company number OR Vehicle license number, KS-[REDACTED], VIN-[REDACTED]8075 Trip date. 4/23/2025 On 4/23/2025, Top Rated Towing LLC allowed or required driver, Phoukham Mounivong to operate a 2016 Dodge Ram with VIN # [REDACTED]8075. Top Rated Towing LLC failed to provide a maintenance record for this unit.	<table><tr><th colspan="3">Drivers/Vehicles in Violation</th></tr><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td>1</td><td></td><td>1</td></tr><tr><th colspan="3">Checked</th></tr><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td>2</td><td></td><td>2</td></tr></table>	Drivers/Vehicles in Violation			Fed	State	Total	1		1	Checked			Fed	State	Total	2		2
Drivers/Vehicles in Violation																			
Fed	State	Total																	
1		1																	
Checked																			
Fed	State	Total																	
2		2																	
7. Primary: 396.17(a) Using a commercial motor vehicle not periodically inspected.	<table><tr><th colspan="3">Violations Discovered</th></tr><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td>1</td><td></td><td>1</td></tr><tr><th colspan="3">Checked</th></tr><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td>2</td><td></td><td>2</td></tr></table>	Violations Discovered			Fed	State	Total	1		1	Checked			Fed	State	Total	2		2
Violations Discovered																			
Fed	State	Total																	
1		1																	
Checked																			
Fed	State	Total																	
2		2																	
Example/Notes: Vehicle 2016 Dodge Ram, KS-[REDACTED], VIN-[REDACTED]8075 Date of trip: 4/23/2025 On 4/23/2025, Top Rated Towing LLC, allowed driver, Phoukham Mounivong to operate a 2016 Dodge Ram, KS-[REDACTED]. On this trip, there was a vehicle inspection conducted on the truck and driver. The last vehicle inspection decal/paper was 08/2019-08/2020. The motor carrier failed to provide an updated periodic inspection for this vehicle during the investigation.	<table><tr><th colspan="3">Drivers/Vehicles in Violation</th></tr><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td>1</td><td></td><td>1</td></tr><tr><th colspan="3">Checked</th></tr><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td>2</td><td></td><td>2</td></tr></table>	Drivers/Vehicles in Violation			Fed	State	Total	1		1	Checked			Fed	State	Total	2		2
Drivers/Vehicles in Violation																			
Fed	State	Total																	
1		1																	
Checked																			
Fed	State	Total																	
2		2																	

Safety Fitness Rating

Your proposed safety rating is: **SATISFACTORY** 0 UNSATISFACTORY rating factors and 2 or fewer CONDITIONAL rating factors. Corrective actions must be taken for any violations (deficiencies) identified in this report. See below for more information.

RATING FACTORS	RATING	ACUTE	CRITICAL
Factor 1: General = Parts 387 and 390	Satisfactory	0	0
Factor 2: Driver = Parts 382, 383 and, 391	Conditional	0	1
Factor 3: Operational = Parts 392 and 395	Satisfactory	0	0
Factor 4: Vehicle = Parts 393 and 396 OOS Vehicles (CR): 0 Number of Vehicles Inspected (CR): 0 OOS Vehicles (MCMIS): 0 Number of Vehicles Inspected (MCMIS): 0 OOS Rate: 0%	Satisfactory		
Factor 5: Haz. Mat. = Parts 397, 171, 177 and, 180	Satisfactory	0	0
Factor 6: Accident Factor = Recordable Rate Total Miles Operated: 100,000 Recordable Accidents: 0 Recordable Accidents/Million Miles: 0.00	Satisfactory	N/A	N/A

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>.

Process Breakdown and Remedies

BASIC: Vehicle Maintenance

Process Breakdown: Monitoring and Tracking

Top Rated Towing LLC will ensure that vehicle maintenance files are kept and up-to-date for all vehicles that are utilized.

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.

BASIC: Driver Fitness

Process Breakdown: Monitoring and Tracking

Top Rated Towing LLC will ensure that all annual MVR checks and annual reviews are conducted on each driver, at least once a year without any gaps from the previous year.

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 driver fitness. If a driver seems to have numerous violations, 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: Driver Fitness

Process Breakdown: Training and Communication

Top Rated Towing LLC will ensure that DQ files are made on each driver and that investigations into those drivers are conducted before authorizing a driver to make a trip.

Specific Recommended Remedies

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

1. Ensure that managers and supervisors regularly communicate and demonstrate their commitment to using only fit and qualified drivers.

BASIC: Vehicle Maintenance

Process Breakdown: Monitoring and Tracking

Top Rated Towing LLC will ensure that periodic inspections are conducted on fleet vehicles and that records of maintenance and repairs are kept in a vehicle maintenance file.

Specific Recommended Remedies

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

1. Require mechanics to note whether parts came from inventory or were ordered, to ensure accuracy of maintenance records.
2. Implement a system for keeping accurate records of employee inspection, repair, and maintenance training needs, including updates on a carrier's fleet or equipment and completed training, via software, a checklist in the driver's file, and/or another appropriate method.

Recommendations

1. **Acute and Critical Violations**

Acute and/or Critical violations were recorded on this investigation report. These violations will impact your safety record.

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.

2. **Additional Information**

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

3. **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

4. **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 your safety data. You will need to use your PIN number that has been provided by FMCSA. Registration and access is free.

5. **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.

6. **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.

7. **File a MCS-90 financial responsibility endorsement**

Within 10 working days, file a properly executed MCS-90 financial responsibility endorsement with the Federal Motor Carrier Safety Administration, (... INSERT ADDRESS OF DIVISION OFFICE HERE...)

8. **Retain MCS-90 financial responsibility endorsement on file.**

Retain on file a properly completed & current copy of your form MCS-90 financial responsibility endorsement.

9. **PSP (Pre-employment screening program)**

Access your crash and inspection history via FMCSA's Pre-Employment Screening Program, <http://www.psp.fmcsa.dot.gov/>

10. **UCR (Unified Carrier Registration)**

The UCR Application form can be obtained from <https://www.ucr.in.gov>.

11. **Establish a maintenance records program for all vehicles.**

Establish a systematic maintenance records program for all vehicles. Maintain a complete file for each subject vehicle, recording all repair, maintenance and inspection operations performed.

12. **Require all drivers to prepare a written inspection report.**

Require all drivers to prepare a written inspection report for each day a vehicle is operated. Ensure that each report is signed by the driver, certified, and reviewed if defects are reported.

13. **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.

14. **Inspector's Qualifications**

Ensure that the individual conducting annual inspections on vehicles and/or trailers has the proper qualifications. Place all certificates of inspector's qualifications in the vehicle maintenance files along with all completed annual inspections.

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

16. **Serious Violations**

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

17. **Acute and Critical Violations**

Acute and/or Critical violations were recorded on this investigation report. These violations will impact your safety record.

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.

18. **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: jared.l.smith@ks.gov

FAX: 785-721-3124

or mail:

Kansas Corporation Commission

Attn: Jared Smith

1500 SW Arrowhead Rd

Topeka, KS 66604-4027

19. **Acknowledgment 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 Top Rated Towing LLC operating authority and/or the impoundment of Top Rated Towing LLC commercial motor vehicles.

Carrier Representative

Date

Table 1: Violations Discovered During Review/Inspection

Violation	Date	Identifying Information	Description
390.15(b) - Failing to maintain an accident register			
1	10/15/2022	Cody Ewing-Failing to maintain, for a period of three years after an accident occurs, an accident register.	
396.3(b) - Failing to keep minimum records of inspection and maintenance			
1	04/23/2025	Equipment: PHOUKAM, PHOUKHAM MOUNIVONG- Failing to keep minimum records of inspection and vehicle maintenance.	
392.2 - Operating without Kansas Corporation Commission For-Hire authority			
1	04/23/2025	PHOUKAM, MOUNIVONG- Operating without Kansas Corporation Commission For-Hire authority	
391.51(a) - Failing to maintain driver qual. file on each driver			
1	04/23/2025	Driver: PHOUKAM, MOUNIVONG-Failing to maintain driver qualification file on each driver employed.	
2	04/23/2025	Driver: David Smith-Failing to maintain driver qualification file on each driver employed.	
3	04/23/2025	Driver: Wilbur Kirkhart-Failing to maintain driver qualification file on each driver employed.	
4	04/23/2025	Driver: Dakota Clem-Failing to maintain driver qualification file on each driver employed.	
392.2 - Operating a Commercial Motor Vehicle without valid registration			
1	04/23/2025	PHOUKAM MOUNIVONG-2016 Dodge Ram, KS-██████████, VIN-██████████8075, Unit-348075. Operating a Commercial Motor Vehicle without valid registration	
2	04/29/2025	David Smith- 2019 KW, KS-██████████, VIN-██████████6318, Unit-246318. Operating a Commercial Motor Vehicle without valid registration	
396.17(a) - Using a CMV not periodically inspected			
1	04/23/2025	Equipment: PHOUKAM MOUNIVONG- 2016 Dodge Ram, KS-██████████, VIN-██████████8075, Unit-348075. Using a commercial motor vehicle not periodically inspected.	

EXHIBIT 2



Top Rated Towing

10711 E. Countryside

Wichita, KS 67207, USA

Phone: (316) 202-8261

BILL TO:

Swoop
400 Rivers Edge Drive
Medford, MA
Phone: (800) 541-2262
noprovideremail@agero.com

Invoice #88684605

04/23/2025

\$99.30

BALANCE DUE

PICKUP N Rock Rd, Wichita, KS	DROP OFF 8027 W Kellogg Dr, Wichita, KS 67209	SERVICE Tow	EQUIPMENT Wheel Lift	
VEHICLE 2007 MAZDA CX-7	VIN [REDACTED]	LICENSE PLATE N/A	ODOMETER N/A	CLASS TYPE Light Duty
CUSTOMER NAME [REDACTED]	CUSTOMER PHONE [REDACTED]			
HISTORY En Route On Site Towing Tow Destination Completed	 04/23 9:27 AM 04/23 9:36 AM 04/23 10:04 AM 04/23 11:18 AM 04/23 11:21 AM	JOB DETAILS Located at the exit of N Rock Rd and 96th at the red light Stalled out wont start		

ITEM	QUANTITY	TOTAL
Service Fee	1.0	\$65.00
En Route Per Mile	17.8	\$31.15
En Route Free Miles	10.0	\$-17.50
Towed Per Mile	16.8	\$29.40
Towed Free Miles	5.0	\$-8.75

Subtotal	\$99.30
Tax	\$0.00
Invoice Total	\$99.30
Balance Due	\$99.30

📝 Pickup Signature

Date

📝 Drop Off Signature

Date

DRIVER/VEHICLE EXAMINATION REPORT

Kansas Highway Patrol
Email: Khp.TruckInspection@KS.GOV
700 SW Jackson, Ste 704
Topeka, KS 66603
Phone: (785)296-7189 Fax: (785)296-2858

Report Number: KSHP01272133
Inspection Date: 04/23/2025
Start: 11:45 AM CT End: 12:30 PM CT
Inspection Level: I - Full
HM Inspection Type: None

Carrier: TOP RATED TOWING LLC

DBA:
1659 S 111TH ST W
WICHITA, KS, 67209
USDOT: 3909258 Phone#: (316)202-8261
MC/MX#: Fax#:
State#:
Location: SEDGWICK COUNTY - 173
Highway:
County:
Email:

Driver: MOUNIVONG, PHOUKHAM
License#: [REDACTED] State: KS
Date of Birth: [REDACTED]
CoDriver:
License#: State:
Date of Birth:
Milepost: Shipper: N/A
Origin: WICHITA,KS
Destination: WICHITA,KS
Bill of Lading: NONE
Cargo: AUTOMOBILE

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate	Equipment ID	VIN	GVWR	CVSA #	Issued #	OOS Sticker
1	TR	DODG	2016	KS	[REDACTED]	2	[REDACTED]	8075 19500			170113

BRAKE ADJUSTMENTS

Axle #	1	2
Right	N/A	N/A
Left	N/A	N/A
Chamber	HYDR	HYDR

VIOLATIONS

Vio Code	Section	Type	Unit	OOS	Citation #	VerifyCrash	Violations Discovered
392.9AA1	392.9a(a)(1)	F	1	Y		U N	Operating Authority - Motor carrier operating a motor vehicle without the required operating authority.: KCC OPERATING AUTHORITY CANCELLED ON 12/18/2024
392.2-SLLIRP	392.2	F	1	N		N N	State/Local Laws - IRP apportioned tag or registration violation: EXPIRED KS REGISTRATION (01/01/2025) / TAG IS NOT ASSIGNED TO THE CMV
393.95A1	393.95(a)(1)	F	1	N		N N	Emergency Equipment - Fire Extinguishers - no fire extinguisher present or not properly rated.: NONE
396.17C-PI	396.17(c)	F	1	N		N N	Operating a CMV without documentation of a periodic inspection: EXPIRED ANNUAL INSPECTION DECAL (08/2019 - 08/2020)
393.205C-WRAWFLMIB	393.205(c)	F	1	N		N N	Wheel/Rim - Any wheel fasteners loose/missing/ineffective/broken.: AXLE 2 - LEFT WHEEL RIM HAS A BROKEN STUD & NO WHEEL FASTENER
393.11A1-LCHL	393.11(a)(1)	F	1	N		N N	Lighting - Lamps improper color, height, location.: FRONT TURN SIGNALS ARE RED IN COLOR (MUST BE AMBER)
392.2-SLLUCR	392.2	F	1	N		N N	State/Local Laws - Failure to pay UCR fee: NO UCR FEES PAID FOR 2025
391.11B5-LNCDLNVL	391.11(b)(5)	F	D	Y		N N	License - Operate a CMV without a valid operators license, issued by one State or jurisdiction: EXPIRED KS CDL / DL (01/29/2025)

HazMat: No HM transported

Placard:

Cargo Tank:

Special Checks: X Traffic Enforcement

Notes: I CHECKED OUT WITH A MOTORIST THAT HAD BROKEN DOWN ON THE EB K-96 RAMP TO ROCK RD. THE CAR WAS BLOCKING THE RIGHT TURN LANE. THE DRIVER SAID SHE HAD CALLED HER INSURANCE AND THEY HAD DISPATCHED A FOR-HIRE WRECKER TO HER LOCATION. I STOOD BY FOR THE WRECKER TO ARRIVE. I RAN THE DOT # OF THE WRECKER THAT ARRIVED TO TOW THE CAR AND LEARNED THAT THEIR KCC OPERATING AUTHORITY HAD BEEN CANCELED. Authority Type: FOR-HIRE Service Type: PUBLIC SERVICE Status of Authority: CANCELED Status Date: 12/18/2024 Initial Date Granted: 06/08/2023 WHEN THE WRECKER DRIVER HAD LOADED THE CAR & WAS ABOUT TO PULL AWAY, I DIRECTED HIM TO A NEARBY PARKING LOT. I CONTACTED KCC INVESTIGATOR MATT ROSE AND CONFIRMED THE KCC OPERATING AUTHORITY HAD BEEN CANCELED. THE DRIVER STATED THAT HIS WORK VISA EXPIRED AND HE WAS UNABLE TO RENEW HIS KS CDL/DL. THE DRIVER WAS PLACED OOS FOR NO VALID DL (THE MEDICAL CARD PORTION ON HIS KS CDL EXPIRES 04/24/2025). THE



DRIVER/VEHICLE EXAMINATION REPORT

Kansas Highway Patrol
Email: Khp.TruckInspection@KS.GOV
700 SW Jackson, Ste 704
Topeka, KS 66603
Phone: (785)296-7189 Fax: (785)296-2858

Report Number: KSHP01272133
Inspection Date: 04/23/2025
Start: 11:45 AM CT End: 12:30 PM CT
Inspection Level: I - Full
HM Inspection Type: None

DRIVER TOLD ME THAT HE WAS THE OWNER BUT HIS WIFE TAKES CARE OF THE PAPERWORK. THE DRIVER FOUND AN OLD ANNUAL INSPECTION AND SAID HE DID NOT HAVE A CURRENT ANNUAL INSPECTION. THE REGISTRATION TAG DISPLAYED WAS EXPIRED (12/31/2024) AND WAS NOT ASSIGNED TO THE WRECKER THAT I HAD STOPPED. I RAN A VIN CHECK AND THERE WAS A KS REGISTRATION TAG ASSIGNED TO THIS WRECKER BUT IT EXPIRED IN 2023 (KS - 705138). THE DRIVER SAID THE WRECKER HAD BEEN PARKED FOR A LONG TIME AND THAT THIS BUSINESS SPLIT WITH A PREVIOUS PARTNER. THE DRIVER SAID HE DID NOT HAVE A FIRE EXTINGUISHER.

* Pursuant to the authority contained in Title 49, CFR; K.S.A. 66-1,129; K.C.C. Reg. 82-4-3, I hereby declare the above marked unit(s) as "OUT OF SERVICE". No person and/or carrier shall permit and/or require the removal of the "OUT OF SERVICE" stickers or the operation of this motor vehicle until ALL out of service defects have been corrected. This Out of Service condition may result in the assessment of a Civil Penalty being issued against the Carrier indicated on this report. Driver Initials _____

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

* NOTE TO MECHANIC: The undersigned certifies that all mechanical defects listed on this report HAVE BEEN CORRECTED at the time of signature.
Signature Of Repairer X: _____ Facility: _____ Date: _____

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

Report Prepared By: ID/Badge #:
A.D. Lieber 0127

Copy Received By:
PHOUKHAM MOUNIVONG

X

X



EXHIBIT 3

Safety Measurement System:

The data in the Safety Measurement System (SMS) is performance data used by the Agency and Enforcement Community. A ? symbol, based on that data, indicates that FMCSA may prioritize a motor carrier for further monitoring.

The ? symbol is not intended to imply any federal safety rating of the carrier pursuant to 49 USC 31144. Readers should not draw conclusions about a carrier's overall safety condition simply based on the data displayed in this system. Unless a motor carrier in the SMS has received an UNSATISFACTORY safety rating pursuant to 49 CFR Part 385, or has otherwise been ordered to discontinue operations by the FMCSA, it is authorized to operate on the nation's roadways.

Motor carrier safety ratings are available at <http://safer.fmcsa.dot.gov> and motor carrier licensing and insurance status are available at <http://li-public.fmcsa.dot.gov/>.

?

Detailed Crash Report as of 7/4/2025 ?

Carrier Information

- Carrier Name: Top Rated Towing
- U.S. DOT#: 3909258
- Carrier Address: 5640 S Seneca St
Wichita, KS 67217
- State Census#:

Crash Information

- # of Fatalities: 0
- # of Injuries: 0
- Towaway: Yes
- # of Vehicles in Crash: 2

Location

- Crash Date & Time: 10/25/2022 1045
- Location: Edgemoor
- City: WICHITA
- County: SEDGWICK
- Crash State: KS

Reporting Data

- Report State: KS
- Report #: KS2022E26046
- Reporting Agency: WICHITA POLICE DEPARTMENT
- Officer Badge #: C2155
- Federally Recordable: Yes
- State Recordable: Yes

Crash Environment

- Roadway Trafficway: Two-Way Trafficway, Not Divided
- Weather Condition: No Adverse Conditions
- Road Access Control: No Control
- Light Condition: Daylight
- Road Surface Condition: Dry

Driver Information

- Name*: Cody R Ewing
- License Number*: [REDACTED]
- Date of Birth: 01/07/1992
- Age: 33
- Citation Issued: Yes
- License State: KS
- Valid License: Yes

*Driver Name and Driver License Number are sensitive information, please handle in accordance with FMCSA guidelines.

Vehicle Information

Identification

- VIN: [REDACTED] 8075
- Plate Number: [REDACTED]
- Plate State: KS

Hazardous Materials

- HM Placards: No
- Release of Cargo: No

Vehicle Type

- Vehicle Configuration: Single-Unit Truck (2-Axle, 6 Tire)
- Cargo Body Type: Flatbed
- Gross Vehicle Weight Range: 10,001-26,000

[Submit Feedback](#)



[U.S. Department of Transportation](#)

[Federal Motor Carrier Safety Administration](#)

1200 New Jersey Avenue, SE
Washington, DC 20590

EXHIBIT 4

Carrier Operation: INTERSTATE

USDOT: 3909258

MCMIS Status: A

Tax Type/ID:

KTRAN PIN:

IRP Status: Active

IFTA Status: Active

▼ Company Information

Legal Name: TOP RATED TOWING LLC

DBA Name:

Phone: (316) 202-8261

Fax:

Email: Topratedtowingllc@gmail.com

Bus. Type: LIMITED LIABILITY COMPANY

Cell:

BEIN: 7655715

Edit

► Address

Insurance		Authority		Cargo		Safety Seminar	
Date Granted	Authority	Service	Status	Status Date	Reason	Action	Authority Card
06/08/2023	FOR-HIRE	PUBLIC SERVICE	CANCELLED	12/18/2024	INSURANCE	✓ Rescind	-

▼ Questionnaire

KCC has determined that submitting a Questionnaire is not required.

▼ Kansas Trucking Application Status

My Applications

New

FOR-HIRE

GRANTED

✓Paid

Submitted on: 05/11/2023 10:36:31

Y	N/A	N	FEIN/SSN Provided	06/02/2023
Y	N/A	N	List of Commodities	06/02/2023
Y	N/A	N	UCR Registration	06/02/2023

EXHIBIT 5



Kansas Department of Revenue
COMMERCIAL MOTOR VEHICLE OFFICE

PO BOX 12003
Topeka, KS 66601
Phone: (785) 296-6541
www.truckingks.org

SHIPPING DOCUMENT

Legal Name : TOP RATED TOWING LLC

Date : 05/30/2025

DBA Name :

Address : 10711 E COUNTRYSIDE ST
WICHITA, KS 67207

Account No. : 975786

Fleet No. : 002

Fleet Expiration Year : 2025

Supplement No. : 0

Total Plates : 2

Total Decals : 0

Weight Decals :

Plate Class	*****	Plate Number	*****	Weight Decal
CPL				NONE
CPL				NONE

TOP RATED TOWING LLC
10711 E COUNTRYSIDE ST
WICHITA KS 67207

Commercial Vehicle Office

SEDGWICK COUNTY MAIN OFFICE
2525 W DOUGLAS
WICHITA KS 67213
Phone : 316 - 660 - 9000

Review invoice for a list of all documents required to complete this application. Complete this application at the above address or call the phone number listed for further instructions or questions.

Refer to www.TruckingKS.org for a complete list of Commercial Vehicle Offices.

Under penalty of perjury, the undersigned certifies they have the authority to register the vehicles listed in this supplemental application for the business entity named below; and certifies that all vehicles listed will be used in the furtherance of commerce for the listed entity. This includes all company owned, leased, or vehicles under lease purchase agreements.

Signature

Name (Printed)

Date

Mail In Payment Voucher :

Invoice Date : 05/30/2025

Invoice : 653091

Account : 975786

Fleet : 002

Supplement : 0

Reg. Year : 2025

TOP RATED TOWING LLC
10711 E COUNTRYSIDE ST
WICHITA KS 67207

Amount Due : \$474.50



Kansas Department of Revenue
COMMERCIAL MOTOR VEHICLE OFFICE

Page 1 of 1

PO BOX 12003
Topeka KS 66601
Phone: (785) 296-6541
www.truckingks.org

Summary Page

Invoice Number : 653091
Invoice Date : 05/30/2025

Account : 975786
Fleet : 002
Supplement Number : 0
Registration Year : 2025
Number of Reg. Months : 12
Number Power Units : 2
Number Trailer Units : 0
Effective Date : 01/01/2025
Expiration Date : 12/31/2025
Processor : CMVOREG
Quarterly Payment : NO
Quarterly Amount : \$0.00
Exchange Rate : 0.719800

TOP RATED TOWING LLC
10711 E COUNTRYSIDE ST
WICHITA KS 67207

Supplement Type : NEW INTRASTATE FLEET

Fees Due :		
Cab Card :	\$0.00	
Power Unit Plates :	\$7.00	
Trailer Unit Plates :	\$0.00	
Sales Tax Due :	\$0.00	
Admin. Fee :	\$0.00	
VR SGF Surcharge Fee :	\$2.50	
KHP Fee :	\$4.00	
Total Administrative Fees Due :		\$13.50
Registration Fee Due :	\$111.00	
Commercial Vehicle Fee :	\$350.00	
Other Jurisdiction Fees Due :	\$0.00	
Manual Adjustment :	\$0.00	
Total Registration Fees Due :		\$461.00
Credit Amount Applied :	\$0.00	\$0.00
Total Fees Due :		\$474.50

The following may be required to complete this application:

- ☐ Annual Inspection (AI)
- ☐ Proof of Vehicle Ownership (POW)
- ☐ Lease Agreement (LSA)
- ☐ Prior Registration (PR)
- ☐ Lease Purchase Agreement (LPA)
- ☐ Signed Title Application (STA)
- ☐ HVUT Form - 2290 (HVUT)
- ☐ Lien Release (LR)
- ☐ Bill of Sale (BOS)
- ☐ Registration (REG)
- ☐ Sales Tax Documentation (STD)
- ☐ VIN Inspection (VI)
- ☐ Electronic Title Sales Agreement MCS39a Form (ETSAM)
- ☐ Proof of Error Correction Form (POE)

Comments:



Kansas Department of Revenue
COMMERCIAL MOTOR VEHICLE OFFICE

Page 1 of 1

PO BOX 12003
Topeka KS 66601
Phone: (785) 296-6541
www.truckingks.org

Fees By Jurisdiction

Invoice Number : 653091
Invoice Date : 05/30/2025

TOP RATED TOWING LLC
10711 E COUNTRYSIDE ST
WICHITA KS 67207

Account : 975786
Fleet : 002
Supplement Number : 0
Registration Year : 2025
Number of Reg. Months : 12
Number Power Units : 2
Number Trailer Units : 0
Effective Date : 01/01/2025
Expiration Date : 12/31/2025
Processor : CMVOREG

Supplement Type : NEW INTRASTATE FLEET

Quarterly Payment : NO
Quarterly Amount : \$0.00
Exchange Rate : 0.719800

Jurisdiction	Distance Type	Distance	Percentage	Fee	Credit	Fee Due
KS	A	0	100.00000%	\$80.00	\$0.00	\$80.00
Commercial Vehicle Fee						\$350.00
CMVA Fee						\$8.00
DMV Fee						\$8.00
Transaction Fee						\$15.00
VR SGF Surcharge Fee						\$2.50
KHP Fee						\$4.00
ADMIN FEE						\$7.00
TOTAL		0	100.00000%	\$80.00	\$0.00	\$474.50



Kansas Department of Revenue
COMMERCIAL MOTOR VEHICLE OFFICE

Page 1 of 1

PO BOX 12003
Topeka KS 66601
Phone: (785) 296-6541
www.truckingks.org

Fees By Unit

Invoice Number : 653091
Invoice Date : 05/30/2025

Account : 975786
Fleet : 002

TOP RATED TOWING LLC
10711 E COUNTRYSIDE ST
WICHITA KS 67207

Supplement Number : 0
Registration Year : 2025
Number of Reg. Months : 12
Number Power Units : 2
Number Trailer Units : 0
Effective Date : 01/01/2025
Expiration Date : 12/31/2025
Processor : CMVOREG

Supplement Type : NEW INTRASTATE FLEET

Quarterly Payment : NO
Quarterly Amount : \$0.00
Exchange Rate : 0.719800

Unit Number	VIN	GVW	Special Registration Type	Fee	Quarterly Payment
246318	[REDACTED] 6318	12000	NONE	\$262.25	\$0.00
348075	[REDACTED] 8075	12000	NONE	\$212.25	\$0.00

CERTIFICATE OF SERVICE

25-TRAM-456-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 07/29/2025.

AHSAN LATIF, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
ahsan.latif@ks.gov

Alec Wisley, OWNER
Top Rated Towing LLC
10711 E Countryside St
Wichita, KS 67207
topratedtowingllc@gmail.com

/S/ KCC Docket Room
KCC Docket Room