



**NOTICE OF PENALTY ASSESSMENT**  
24-TRAM-361-PEN

November 7, 2023  
Devin Phillips, Office Manager  
Will E Wilson d/b/a BKW Enterprises  
5740 SE 44th Street  
Tecumseh, KS 66542

This is a notice of a penalty assessment against Will E Wilson d/b/a BKW Enterprises (BKW Enterprises) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on October 19, 2023, by Kansas Corporation Commission Special Investigator Michael Heenan. 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:** BKW Enterprises has been assessed a \$1,250 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$1,250, 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 requires a representative of BKW Enterprises to attend a Commission-sponsored safety seminar within ninety (90) days from the date of the Order and to provide the undersigned Litigation Counsel with written proof of attendance. A schedule of dates and locations for safety seminars can be found at the Commission's website [http://www.kcc.state.ks.us/trans/safety\\_meetings.htm](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. BKW Enterprises must file, within fifteen (15) days from the date of service of this Order, the request for hearing with the Commission's electronic filing system found at <https://puc.kcc.ks.gov/e-filing/e-express/>, and mail a copy of the request for hearing to the undersigned at the above address. If you do not have access to the internet, you can mail an original and seven copies of the request to the Executive Director at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy to the undersigned Litigation Counsel.<sup>1</sup>

**IF YOU FAIL TO ACT:** Failure to pay the penalty of \$1,250 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  
[a.latif@kcc.ks.gov](mailto:a.latif@kcc.ks.gov)

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<sup>1</sup> 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 **Will E**        )  
**Wilson d/b/a BKW Enterprises, of Tecumseh,**        )  
**Kansas**, Regarding the Violation(s) of the Motor        )  
Carrier Safety Statutes, Rules and Regulations        ) Docket No. 24-TRAM-361-PEN  
and the Commission’s Authority to Impose        )  
Penalties, Sanctions and/or the Revocation of        )  
Motor Carrier Authority.                                )

**PENALTY ORDER**

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission). Having examined its files and records, and being duly advised in the premises, the Commission finds and concludes as follows:

1.        On October 19, 2023, Commission Staff Special Investigator (SI) Michael Heenan, completed a safety compliance investigation of the operations of Will E Wilson d/b/a BKW Enterprises (BKW Enterprises or Carrier). BKW Enterprises is a motor carrier as defined in 49 C.F.R. 390.5, and operates under USDOT number 1871816.

2.        On October 26, 2023, Staff submitted its Report and Recommendation (R&R), attached hereto as Attachment “A” and is hereby incorporated by reference, recommending a penalty of \$1,250 to be issued to BKW Enterprises based on the frequency, timeline and severity of the violations discovered. Staff’s R&R indicates that as a result of the safety compliance investigation, SI Michael Heenan identified two (2) violation(s), accounting for two (2) count(s),

of the Motor Carrier Safety Regulations (MCSRs), which carry a penalty according to the FY2024 Uniform Penalty Assessment Matrix.<sup>2</sup>

3. Additionally, Staff recommends that BKW Enterprises 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.<sup>3</sup> 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](http://kcc.ks.gov/trans/safety_meetings.htm).

4. Staff further recommends BKW Enterprises 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 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.<sup>4</sup>

5. Finally, Staff recommends that BKW Enterprises submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order.<sup>5</sup> Transportation Staff will contact the motor carrier at a later date to determine an appropriate time for this review.

6. 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.

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<sup>2</sup> 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").

<sup>3</sup> See Staff's Report and Recommendation, p. 3 (Oct. 26, 2023).

<sup>4</sup> *Id.*

<sup>5</sup> *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. Will E Wilson d/b/a BKW Enterprises, of Tecumseh, Kansas, is hereby assessed a \$1,250 civil penalty for two (2) violation(s), accounting for two (2) count(s), of Kansas law governing the regulation of motor carriers, the Kansas Administrative Regulations and provisions of the Federal Motor Carrier Safety Regulations, as adopted by the Kansas Administrative Regulations.

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

D. BKW Enterprises is ordered to submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order. Transportation Staff will contact the Carrier to set up the appointment.

E. Pursuant to K.S.A. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issue(s) by submitting a written request setting forth the specific grounds upon which relief is sought. The request may be electronically filed with the Commission's electronic filing system at <https://puc.kcc.ks.gov/e-filing/e-express/>, within fifteen (15) days from the date of service of this Order, and a copy of the request mailed to the Litigation Division. If you do not have access to the internet, you can mail an original and seven copies of the request to the Executive Director at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy of the request to Litigation Counsel. A hearing will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of BKW Enterprises' 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, 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.<sup>6</sup>

G. If you do not request a hearing, the payment of the civil penalty of \$1,250 is due in thirty (30) days from the date of service of this Order. Payment of \$1,250 must be made through your personal account with the Kansas Corporation Commission's Kansas Trucking Regulatory

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<sup>6</sup> . K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2); K.A.R. 82-1-202(a).

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 \$1,250 civil penalty within thirty (30) days from the date of service of this Penalty Order and/or failure to comply with the provisions of this Order may result in suspension of BKW Enterprises' motor carrier operating authority without further notice.<sup>7</sup> 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: 11/07/2023



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Lynn M. Retz  
Executive Director

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<sup>7</sup> 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:** October 26, 2023

**SUBJECT: Docket No. 24-TRAM-361-PEN**  
In the Matter of the Investigation of **Will E Wilson d/b/a BKW Enterprises of Tecumseh, 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:**

Will E Wilson is operating as a public for-hire motor carrier (MC), primarily hauling garbage, refuse, and trash. Will E Wilson operates under USDOT 1871816. On October 19, 2023, Commission Staff Special Investigator (SI) Mike Heenan completed a safety compliance investigation of the operations of Will E Wilson. 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 two (2) violations, accounting for two (2) specific counts, of the Motor Carrier Safety Regulations (MCSRs), 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 penalty of \$1,250 be issued to the MC.

**DISCUSSION AND ANALYSIS:**

On October 19, 2023, Commission Staff SI Mike Heenan conducted a safety compliance investigation of the operations of Will E Wilson. The investigation covers a 365-day period in addition to any previous compliance investigations. Each specific count is detailed below.



### **Count One (1 of 2)**

**Jurisdiction:** K.S.A. 66-1,142b, and 49 C.F.R. 392.2, adopted by K.A.R. 82-4-3h, and authorized by K.S.A. 66-1,129.

**Intent of Law:** The MC must comply with the requirements of a Commission Order, including submission of a corrective action plan (CAP) as ordered in a Penalty Order.

**Supporting Documents:** The MC was ordered to submit a CAP in the Penalty Order issued on November 4, 2021 in Docket No. 22-TRAM-192-PEN.

**Violation:** Will E Wilson d/b/a BKW Enterprises failed to submit a CAP as required by Commission Penalty Order dated November 4, 2021 (**Exhibit 1, Page 3**). One (1) violation was found.

**Recommendation:** Staff recommends a fine of \$250.

### **Count Two (2 of 2)**

**Jurisdiction:** 49 C.F.R. 382.711(b), adopted by K.A.R. 82-4-3j, and authorized by K.S.A. 66-1,129.

**Intent of Law:** The MC shall enroll in the Drug Alcohol Clearing House pursuant to 49 C.F.R. 382.711(b).

**Supporting Documents:** On September 02, 2023, Will E. Wilson required or permitted its driver, John A. Davidson, to operate a commercial driver's license (CDL) required commercial motor vehicle (CMV), a 1989 International, VIN ending in 9593, GVWR 54,000 lbs., in intrastate commerce within Topeka, Kansas. This transport is evidenced by Driver/Vehicle Examination Report No. KSHP02240243, attached hereto as **Exhibit 2**. A copy of the MC's DACH search is attached hereto as **Exhibit 3**. A search for the MC's USDOT Number does not show any employer account, which evidences the Carrier is not enrolled in the DACH.

**Violation:** Will E Wilson d/b/a BKW Enterprises failed to enroll in the Drug Alcohol Clearing House (**Exhibit 1, Page 3**). One (1) violation was discovered.

**Recommendation:** This same violation was discovered in a compliance investigation which took place on October 28, 2021. The MC was penalized for this same violation in the Penalty Order issued on November 4, 2021 in Docket No. 22-TRAM-192-PEN. Staff therefore deems this violation to be intentional and therefore recommends an enhanced fine of \$1,000.

### **RECOMMENDATION:**

Transportation Staff recommends the Commission find Will E Wilson committed two (2) violation(s) accounting for two (2) 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 \$1,250 for two (2) 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 Will E Wilson 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 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](http://kcc.ks.gov/trans/safety_meetings.htm).

Staff further recommends Will E Wilson 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 Will E Wilson 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#:** 1871816  
**MC/MX#:**

**Legal:** WILL E WILSON  
**Operating (DBA):** BKW ENTERPRISES

**Investigation Date:**  
10/19/2023

**Investigation Type:** Offsite Investigation

**Physical Address**

5740 SE 44TH STREET  
TECUMSEH, KS 66542-9745  
United States

**Mailing Address**

5740 SE 44TH STREET  
TECUMSEH, KS 66542-9745  
United States

**Contact Information**

**Contact Name:** Devin Phillips  
**Email:** booksbydevin@yahoo.com  
**Phone:** (785)249-1793    **Cell:** (785)249-1793    **Fax:** ()-

**Business and Financial**

**Business Type:** Sole Proprietorship  
**Name of Gross Revenue Provider:** Devin Phillips  
**Title of Gross Revenue Provider:** Office Manager  
**Gross Revenue:** [REDACTED]    **For Year Ending:** [REDACTED]  
**Federal Tax ID:** [REDACTED] (EIN)

**Operation Classification and Type**

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

**Operation Classification**

For-Hire Motor Carrier  
Property  
Exempt Commodities

**Cargo**

Garbage, Refuse, Trash

**Equipment**

	Owned	Term Leased	Trip Leased
Straight Trucks	3		
Trailers	1		

**Driver Information**

Drivers	Intrastate	Interstate
< 100 Miles	1	
>= 100 Miles		

**Power units used in the U.S.:** 3  
**Percentage of time used in the U.S.:** 100%

**Average trip leased driver/month:** 0  
**Drivers with CDL:** 1  
**Total Drivers:** 1

**Person(s) Interviewed**

**Name:** Devin Phillips    **Title:** 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:

1500 SW Arrowhead Rd  
Topeka, KS 66604-4027  
Phone: (785) 271-3151

**This report will be used to assess your safety compliance.**

# Violations

## 1. Primary: 382.711(b)

Failing to register in the Clearinghouse.

### Violations Discovered

Fed	State	Total
1		1

### Checked

Fed	State	Total
1		1

### Example/Notes:

Trip Date: 9/02/2023

Driver name: John A Davidson

Origination: Topeka, Ks.

Destination: Topeka, Ks.

At the time of this trip, and the time of this review, the carrier was not enrolled in the Drug and Alcohol Clearing House. This was listed as a violation in a compliance review conducted by SI Jared Smith on 10-28-2021. This is a second offense for this carrier.

### Drivers/Vehicles in Violation

Fed	State	Total

### Checked

Fed	State	Total

## 2. Primary: 392.2

### State Equivalent: 66-1,142b

Carrier failed to provide Corrective Action Plan for previous review.

### Violations Discovered

Fed	State	Total
	1	1

### Checked

Fed	State	Total
	1	1

### Example/Notes:

This carrier had failed to submit a KCC Corrective Action Plan. This carrier's review was conducted 10-28-2021. The carrier review was closed out and was told to pay particular attention to the recommendations listed. The carrier was under Kansas Corporation Commission order to submit a Corrective Action Plan (CAP) to the KCC. The KCC Docket number is 22-TRAM-192-PEN. The docket was dated 11/04/2021.

Carrier is still operational at the time of this review dated 10-10-23. This requirement of that review that was not completed or corrected.

### Drivers/Vehicles in Violation

Fed	State	Total

### Checked

Fed	State	Total

## 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: Controlled Substances/Alcohol

### Process Breakdown: Roles and Responsibilities

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#### Specific Recommended Remedies

**To implement Safety Improvement Practices, the following list are recommended practices related to Roles and Responsibilities:**

1. Ensure that managers are responsible for ascertaining that employees receive training concerning controlled substances and alcohol in accordance with State or Federal regulations and company policy.
2. If the carrier elects to join a consortium, ensure that the respective roles and responsibilities of the carrier and the consortium for controlled-substance and alcohol testing and reporting are defined and documented.



# Recommendations

## 1. **Additional Information**

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

## 2. **Drug and Alcohol Clearinghouse**

Find out your responsibilities and requirements for FMCSA's Drug and Alcohol Clearinghouse by visiting <https://clearinghouse.fmcsa.dot.gov>.

## 3. **Clearinghouse Registration - Owner/Operator**

As a registered Owner/Operator you must designate a C/TPA in the Clearinghouse to comply with the employer requirements related to your own drug and alcohol program compliance. You may continue to perform the employer functions for any other drivers that you employ who are subject to the requirements of 49 CFR Part 382.

## 4. **Clearinghouse Registration - Employer**

Ensure you are registered in the Clearinghouse by visiting <https://clearinghouse.fmcsa.dot.gov>.

## 5. **Clearinghouse Pre-employment Query**

Ensure pre-employment (full) queries are conducted in the Clearinghouse before hiring a driver to perform a safety sensitive function.

## 6. **Clearinghouse Annual Query**

Ensure annual queries are conducted in the Clearinghouse at least once per year. You may conduct a full or limited query to fulfill this requirement.

## 7. **Clearinghouse Driver Consent**

Ensure driver consent has been obtained and is on file before conducting a limited query.

## 8. **Reporting violations into the Clearinghouse**

Ensure violations are entered into the Clearinghouse within the required time frame. The type of violation and time frame may be found in 49 CFR 382.705(b) of the Federal Motor Carrier Safety Regulations.

## 9. **Driver's prohibited status in Clearinghouse**

1.

Do not allow a driver who is prohibited in the Clearinghouse to perform safety sensitive functions.

## 10. **Reporting Return to Duty information into the Clearinghouse**

Ensure that the negative return to duty test result is reported in the Clearinghouse by the end of the third business day after receiving the information.

## 11. **Reporting Follow Up information into the Clearinghouse**

Ensure that completion of the follow up testing plan is reported in the Clearinghouse by the end of the third business day after receiving the information.

## 12. **Investigations not requiring Federal Corrective Action Plan.**

For all Investigations that did not result in a Cooperative Safety Plan:

The KCC requires that you prepare a corrective action letter plan (CAP), addressing the measures taken to correct all 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. Mail Submit the letter along with copies of your supporting evidence to:

e-mail: [g.davenport@kcc.ks.gov](mailto: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

CAP: The State of Kansas Correction Plan above is required action and if not completed within the required time frame of 30 days there are penalties that will be involved and issued to the carrier.

13. **Stay in Contact.**

Stay in Contact with your reviewing investigator:

Mike Heenan  
Special Investigator  
Kansas Corporation Commission  
620-338-0093  
m.heenan@kcc.ks.gov

14. **Any questions about this review.**

If you have any questions concerning this report,, please contact the Kansas Corporation Commission 1500 SW Arrowhead Dr. Topeka, Ks 66604. 785-271-3151

15. **DACH Enrollment**

Enroll your carrier in DACH

16. **No State Corrective Action Plan and/or KCC Safety School.**

Carrier did not perform required Safety School or Corrective Action Plan as required by order of the Commission following a Penalty Order or review with violations.

## **EXHIBIT 2**

DRIVER/VEHICLE EXAMINATION REPORT

Query Central 3.4

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: KSHP02240243
Inspection Date: 09/02/2023
Start: 4:39 PM CT End: 05:01 PM CT
Inspection Level: II - Walk-Around
HM Inspection Type: None

WILL E WILSON
5740 SE 44TH STREET
TECUMSEH, KS 66542-9745
USDOT#: 01871816 Phone#: (785)379-5496
MC/MX#: 00000000 Fax#: (785)379-5496
State#:

Driver: DAVIDSON, JOHN A
License#:
Date of Birth:
CoDriver:
License#:
Date of Birth:
State:
State:

Location: SHAWNEE COUNTY - 177
Highway: U-75 NB
County:

MilePost: 169
Origin: TOPEKA,KS
Destination: TOPEKA,KS

Shipper: BKW ENTERPRISES
Bill of Lading:
Cargo: SAND/GRAVEL

VEHICLE IDENTIFICATION

Table with columns: Unit, Type, Make, Year, State, Plate #, Equipment ID, VIN, GVWR, CVSA #, New CVSA #, OOS#. Row 1: 1, TT, INTL, 1989, KS, 643803, 8, [redacted], 9593, 54,000

BRAKE ADJUSTMENTS: No Brake Measurements Required For Level 2

VIOLATIONS

Table with columns: Vio Code, Section, Unit, OOS, Citation #, Verify, Crash, Violations Discovered. Row 1: 393.95A, 393.95A, 1, N, Citation #, N, N, No/discharged/unsecured fire extinguisher: Unsecured Fire Extinguisher, Driver admitted it was not secured. Row 2: 393.75C, 393.75C, 1, N, Citation #, N, N, Tire-other tread depth less than 2/32 of inch measured in a major tread groove: Flat spotted no tread depth right inside tire of truck tractor on third axle

HazMat: No HM Transported.

Placard: No Cargo Tank:

Special Checks:

\* 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: J Humphrey

Badge #: 0224

Copy Received By: JOHN DAVIDSON



X

X

## **EXHIBIT 3**

# Search for an Employer

USDOT#

1871816

or

Company Name

Country (optional)

country

State (optional)

state

There is no employer account associated with the DOT Number you entered. Please confirm the DOT Number is correct.

You can also try searching by motor carrier name (partial or full) and State/country, in case the carrier does not have a DOT Number associated with their Clearinghouse account.

Search

## Run Reports

The Driver Status Change report includes all drivers that have had a Clearinghouse status change within the specific time frame. The Prohibited Drivers Report includes all drivers that are currently listed as "prohibited" in the Clearinghouse.

### Driver Status Change Report

Date Range

From

To

State of Issuance

Search

### Prohibited Driver Report

State of Issuance

Search

**CERTIFICATE OF SERVICE**

24-TRAM-361-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 11/07/2023.

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

Devin Phillips, OFFICE MANAGER  
Will E Wilson  
D/B/A BKW Enterprises  
5740 SE 44th Street  
Tecumseh, KS 66542  
booksbydevin@yahoo.com

/S/ KCC Docket Room  
KCC Docket Room

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