



1500 SW Arrowhead Road  
Topeka, KS 66604-4027

20220623115422  
Kansas Corporation  
Commission  
Phone: 785-271-3100  
Fax: 785-271-3354  
<http://kcc.ks.gov/>

Dwight D. Keen, Chair  
Susan K. Duffy, Commissioner  
Andrew J. French, Commissioner

Laura Kelly, Governor

**NOTICE OF PENALTY ASSESSMENT**  
22-TRAM-550-PEN

June 16, 2022

Stanley Kauk, Owner  
Stanley Kauk Trust  
1705 County Road 15  
Colby, KS 67701

This is a notice of a penalty assessment against Stanley Kauk Trust (Stanley Kauk) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on May 24, 2022 through May 31, 2022, by Kansas Corporation Commission Special Investigator Erica Pargas. Penalties are assessed in accordance with the FY 2022 Uniform Penalty Assessment Matrix, approved by the Commission on June 29, 2021. 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:** Stanley Kauk has been assessed a \$1,750 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$1,750, 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 Stanley Kauk 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 hearing must be made in writing, setting forth the specific grounds upon which relief is sought. Stanley Kauk 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 \$1,750 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)

<sup>1</sup> K.A.R. 82-1-215; K.S.A. 77-542.

Before Commissioners: Dwight D. Keen, Chair  
Susan K. Duffy  
Andrew J. French

## PENALTY ORDER

## I. JURISDICTION

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

regulation of such motor carriers and persons, or who fails to obey any order, decision or regulation of the Commission.

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

## **II. BACKGROUND**

4. Stanley Kauk Trust (Stanley Kauk or Carrier) has common operating authority with the Commission and further operates under USDOT number 2387245.

5. Pamela Hickel attended the Procedures for Safety Compliance Seminar presented by the Kansas Corporation Commission, on January 8, 2021, on behalf of Stanley Kauk.

6. Stanley Kauk is a common motor carrier which primarily hauls machinery, large objects, grain, feed and hay.

## **III. STATEMENT OF FACTS**

7. Pursuant to the jurisdiction and authority cited above, on May 24, 2022 through May 31, 2022, Commission Staff (Staff) Special Investigator Erica Pargas conducted a safety compliance review of the operations of Stanley Kauk. A copy of the safety compliance review is included in this Penalty Order as Attachment "A" and is hereby incorporated by reference. As a result of this investigation, the special investigator identified two (2) violation(s) of the Motor Carrier Safety Regulations.

- a. On March 31, 2022, Stanley Kauk required or permitted its driver, Stanley Kauk, to operate a CDL-required commercial motor vehicle, a 2006 Volvo, VIN ending in 37627, GVWR 53,200 lbs., pulling a 2012 Ferris

Hooper Semi Trailer, VIN ending in 34121, GVWR in intrastate commerce from Gem, Kansas to Colby, Kansas. This trip is evidenced by a Trip Summary Sheet, a copy of which is attached hereto as Attachment “B” and is hereby incorporated by reference. At the time of this transportation, Stanley Kauk failed retain supporting documents for each load hauled. The Special Investigator found thirty-four (34) violations of this type. The Carrier’s failure to retain supporting documents for each load hauled is a violation of K.A.R. 82-4-35a and 49 C.F.R. 392.2, adopted by K.A.R. 82-4-3h, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$1,000.

- b. During the transportation described in paragraph a., above, permitted or required its driver, Mr. Kauk, to operate a commercial motor vehicle without proof of a periodic (annual) inspection. The Special Investigator found three (3) violations of this type. The Carrier permitting its driver to operate a commercial motor vehicle that had no record of being periodically (annually) inspected during the preceding 12-month period is a violation of 49 C.F.R. 396.17(a), adopted by K.A.R. 82-4-3j, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$750.

#### **IV. STAFF’S RECOMMENDATIONS**

- 8. Staff submitted a Report and Recommendation (R&R), dated June 13, 2022, attached hereto as Attachment “C” and is hereby incorporated by reference. In its R&R, Staff made recommendation regarding the above-mentioned violations.

9. Based upon the available facts, Staff recommends the Commission finds Stanley Kauk committed two (2) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

10. Additionally, Staff recommends a civil penalty of \$1,750 for two (2) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

11. Staff further recommends that a representative from Stanley Kauk be required to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and provide Litigation Counsel with written proof of attendance. 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).

12. Staff further recommends Stanley Kauk 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.

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

## **V. CONCLUSIONS OF LAW**

14. The Commission finds it has jurisdiction over Stanley Kauk 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.

15. The Commission finds Stanley Kauk committed two (2) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

**THE COMMISSION THEREFORE ORDERS THAT:**

A. Stanley Kauk Trust, of Colby, KS is hereby assessed a \$1,750 civil penalty for two (2) violation(s) of Kansas law governing the regulation of motor carriers, the Kansas Administrative Regulations and provisions of the Federal Motor Carrier Safety Regulations, as adopted by the Kansas Administrative Regulations.

B. Stanley Kauk is hereby ordered to 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. Stanley Kauk 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 Stanley Kauk'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, 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>2</sup>

G. If you do not request a hearing, the payment of the civil penalty of \$1,750 is due in thirty (30) days from the date of service of this Order. Payment of \$1,750 must be made through your personal account with the Kansas Corporation Commission's Kansas Trucking Regulatory Assistance Network (KTRAN) system located at <https://puc.kcc.ks.gov/ktran/>. You must have an account through KTRAN to pay the penalty.

H. Failure to pay the \$1,750 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 Stanley Kauk's motor carrier operating authority without further notice.<sup>3</sup> Additionally, the Commission may impose further sanctions to include, but not limited to, the

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

<sup>3</sup> 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.**

Keen, Chair; Duffy, Commissioner; French, Commissioner

Dated: 06/23/2022



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Lynn M. Retz  
Executive Director

AAL



## **ATTACHMENT “A”**



**U.S. DOT#:** 2387245  
**MC/MX#:** 0

**Legal:** STANLEY KAUK TRUST  
**Operating (DBA):**

**Investigation Date:**  
 05/31/2022

**Investigation Type:** Onsite Comprehensive Investigation

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

**Extent of Operations:** Entire Operation

**Physical Address**

1705 COUNTY ROAD 15  
 COLBY, KS 67701  
 United States

**Mailing Address**

1705 COUNTY ROAD 15  
 COLBY, KS 67701  
 United States

**Contact Information**

**Contact Name:** MARTHA GRACE KAUK TRUST

**Email:** [REDACTED]

**Phone:** (785)694-8475 **Cell:** ( )- **Fax:** ( )-

**Business and Financial**

**Business Type:** Trust

**Name of Gross Revenue Provider:** Pam Hickel

**Title of Gross Revenue Provider:** Consultant

**Gross Revenue:** [REDACTED] **For Year Ending:** 12/31/2021

**Federal Tax ID:** [REDACTED]

**Operation Classification and Type**

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

**Cargo**

Grain, Feed, Hay, Machinery, Large Objects

**Operation Classification**

For-Hire Motor Carrier

Property

Other Non-Hazardous Freight

**Equipment**

	Owned	Term Leased	Trip Leased
Truck Tractors	1	1	
Trailers		3	

**Driver Information**

Drivers	Intrastate	Interstate
< 100 Miles	1	
>= 100 Miles		

**Power units used in the U.S.:** 2

**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:** PAM HICKELL

**Title:**

**Questions**

Questions about this report or the Federal Motor Carrier 1303 SW FIRST AMERICAN PL STE 200  
Safety or Hazardous Materials regulations may be TOPEKA, KS 66604-4040  
addressed to the Federal Motor Carrier Safety Phone: (785) 271-1260  
Administration at: Fax: (877) 547-0378

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

# Violations

## 1. Primary: 392.2 State Equivalent: K.A.R. 82-4-35a

Operating a commercial motor vehicle not in accordance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated - HOS Compliance



### Critical

At least 10% of the number checked had violations

#### Example/Notes:

VIN #4V4NC9GH66N437627

Driver Name: Stanley Kauk

Trip Date: 3/29/2022

Stanley Kauk Trust failed to provide supporting documents for loads hauled by driver, Stanley Kauk.

## 2. Primary: 396.17(a)

Using a commercial motor vehicle not periodically inspected.



### Critical

At least 10% of the number checked had violations

#### Example/Notes:

Vehicle: 4V4NC9GH66N437627

Date of trip: 3/29/2022

Stanley Kauk Trust operated Unit #2 with VIN # [REDACTED] 37627 in intrastate commerce from Gem, KS to Colby, KS. At the time of this operation, Unit #2 did not have an Annual Inspection. The Annual Inspection for Unit #2 had expired on 1/2/2022.

### Violations Discovered

Fed	State	Total
	34	34

### Checked

Fed	State	Total
	34	34

**BASIC Impacted**  
Hours-of-Service  
Compliance

**Rating Factor 3:**  
**Operational** = Part  
392

### Drivers/Vehicles in Violation

Fed	State	Total
	1	1

### Checked

Fed	State	Total
	1	1

### Violations Discovered

Fed	State	Total
	3	3

### Checked

Fed	State	Total
	5	5

**BASIC Impacted**  
Vehicle Maintenance

**Rating Factor 4:**  
**Vehicle** = Part 396

### Drivers/Vehicles in Violation

Fed	State	Total
	3	3

### Checked

Fed	State	Total
	5	5

## **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: Hours-of-Service Compliance**

**Process Breakdown: Monitoring and Tracking**

Stanley Kauk Trust will retain all supporting document for loads hauled by their drivers.

**Specific Recommended Remedies**

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

- 1. Implement an effective process for monitoring, tracking, and evaluating all drivers’ compliance with Hours-of-Service (HOS) regulations and company policies.
- 2. Promptly review all Records of Duty Status (RODS) for Hours-of-Service (HOS) violations and falsification. Look for discrepancies by comparing driver logs with their "check-in" calls and other supporting documents.
- 3. Implement a system for keeping accurate records of employees’ Hours-of-Service (HOS) training needs and completed training, via software, a checklist in the driver’s file, and/or another appropriate method.

**BASIC: Vehicle Maintenance**

**Process Breakdown: Monitoring and Tracking**

Stanley Kauk Trust will ensure all Commercial Motor Vehicles being operated have a current annual inspection.

**Specific Recommended Remedies**

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

- 1. Maintain documentation of maintenance and annual inspections being conducted.
- 2. Regularly evaluate Maintenance files to ensure all Annual Inspections are current.
- 3. Maintain roadside inspection reports, observational reports, Driver Vehicle Inspection Reports (DVIRs) and customer complaints on condition of cargo to help evaluate the performance of all staff (drivers, dispatchers, managers, mechanics, technicians, and purchasing/parts inventory agents) involved in cargo handling, loading, and securement and the effectiveness of compliance with associated policies, procedures, and regulations.

# Recommendations

- 1. **Additional Information**  
Please visit the CSA outreach site for additional guidance: <https://csa.fmcsa.dot.gov>.
- 2. **Obtain copies of the regulations, forms, interpretations, manuals.**  
Copies of the regulations, forms, interpretations, and manuals are available from a variety of sources. Check the FMCSA website for a current list of suppliers. [www.fmcsa.dot.gov/safety-security/eta/index.htm](http://www.fmcsa.dot.gov/safety-security/eta/index.htm)
- 3. **A copy of your profile can be obtained by accessing the Portal.**  
A copy of your carrier profile can be obtained at no cost from the FMCSA Portal (<https://portal.fmcsa.dot.gov/login>).
- 4. **Ensure that all vehicles are properly marked.**  
Ensure that all vehicles are properly marked with your name or trade name and U.S. DOT number. If your vehicles are also periodically operating for other carriers, they must be marked with that carrier's name and U.S. DOT#.
- 5. **Conduct periodic internal reviews. (non-HM)**  
Conduct periodic internal reviews of your driver qualification, hours of service control, maintenance, accident analysis/reporting, training, and other safety systems to ensure continued compliance with the FMCSR.
- 6. **Duty status records must be kept on file for 6 months.**  
Ensure that all documents supporting records of duty status (such as toll, fuel repair and other on-the-road expense receipts, as well as invoices, bills of lading, dispatch records, etc.) are kept on file for at least 6 months.
- 7. **Retain supporting documents for 6 months.**  
Toll receipts and other on-the-road expense receipts, invoices, bills of lading, dispatch records, and other "supporting document" must be kept on file for six (6) months. This requirement also applies to records generated by the use of owner-operators. You may keep legible photocopies in lieu of originals.
- 8. **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.
- 9. **Review maintenance and inspection records for all lease vehicles.**  
Periodically review the maintenance and inspection records for all lease vehicles as required by Part 396 of the FMCSR. Keep a record to document these reviews and notify the vehicle owner of any violations detected.
- 10. **Violations Signature Page**  
Required recommendation

Understand Why Compliance Saves Time and Money: Compliance with FMCSRs will not only save lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business.

Document and Follow Through on Action Plans: Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance.

NOTICE: A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six year period.

NOTICE: 49 CFR Part 391.23 requires prospective employers to, at a minimum, investigate a driver s employment information, crash record, and alcohol and controlled substances history from all employers the driver worked for within the previous 3 years.

The Pre-Employment Screening Program (PSP) is a screening tool that assists motor carriers in investigating crash history and



roadside inspection data from the Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Management Information System (MCMIS). Records are available 24 hours a day via Web request. Motor carriers should visit the following website for more information: <http://www.psp.fmcsa.dot.gov/Pages/default.aspx>

All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities.

For all Investigations that could result in a Penalty Order:

PLEASE NOTE: The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Penalty Order. In addition, your history of prior violations of the Federal Motor Carrier Safety Regulations, Federal Hazardous Material Regulations or the Federal Motor Carrier Commercial Regulations may also affect the civil penalty proposed in any subsequent Penalty Order.

Your signature for receipt of this report acknowledges your understanding that the violations discovered by the KCC during this review may be used to calculate any civil penalty proposed as a result of this review. Your signature is not an admission of the violations identified. Information on your compliance status, roadside inspections, regulatory changes, accident countermeasures and hazardous material incident prevention manual is available on the Internet at the Federal Motor Carrier Safety Administration's web site at <http://www.fmcsa.dot.gov/> and <http://www.safer.fmcsa.dot.gov/>.

CAP Requirements:

The KCC requires that you prepare a corrective action 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.

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 to;

Kansas Corporation Commission

Attn: Gary Davenport

1500 SW Arrowhead Road

Topeka, KS 66604-4027

CAP Penalty:

Motor carriers are responsible for complying with all tasks ordered by the Commission. You are required to prepare a corrective action plan (CAP), addressing the measures taken to correct all violations identified within this report. Failure to fulfill this requirement may lead to the issuance of further penalties or other repercussions, including revocation of authority to operate intrastate in Kansas.

Acknowledgement Statement:

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 Stanley Kauk Trust's operating authority and/or the impoundment of Stanley Kauk Trust's Company vehicles.



Signature

X\_\_\_\_\_

Date

Monetary Penalties:

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

X Tim Hick  
Signature  
X 5-31-2022  
Date

Monetary Penalties:

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

**ATTACHMENT “B”**

3/29/2022	HI-PLAINS COOP ASSN.	HRW	TRUCK	797.33 BU	TERMINAL STAN KAUK	ELEVATOR	GEM
3/29/2022	HI-PLAINS COOP ASSN.	HRW	TRUCK	978.67 BU	TERMINAL STAN KAUK	ELEVATOR	GEM
3/30/2022	HI-PLAINS COOP ASSN.	HRW	TRUCK	1,020.67 BU	TERMINAL STAN KAUK	ELEVATOR	GEM
3/30/2022	HI-PLAINS COOP ASSN.	HRW	TRUCK	1,004.00 BU	TERMINAL STAN KAUK	ELEVATOR	GEM
3/30/2022	HI-PLAINS COOP ASSN.	HRW	TRUCK	977.00 BU	TERMINAL STAN KAUK	ELEVATOR	GEM
3/31/2022	HI-PLAINS COOP ASSN.	HRW	TRUCK	880.00 BU	TERMINAL STAN KAUK	ELEVATOR	GEM
3/31/2022	HI-PLAINS COOP ASSN.	HRW	TRUCK	997.33 BU	TERMINAL STAN KAUK	ELEVATOR	GEM
3/31/2022	HI-PLAINS COOP ASSN.	HRW	TRUCK	1,024.67 BU	TERMINAL STAN KAUK	ELEVATOR	GEM
3/31/2022	HI-PLAINS COOP ASSN.	HRW	TRUCK	885.33 BU	TERMINAL STAN KAUK	ELEVATOR	GEM
3/31/2022	HI-PLAINS COOP ASSN.	HRW	TRUCK	960.00 BU	TERMINAL STAN KAUK	ELEVATOR	GEM
4/1/2022	HI-PLAINS COOP ASSN.	HRW	TRUCK	1,006.67 BU	TERMINAL STAN KAUK	ELEVATOR	GEM
4/1/2022	HI-PLAINS COOP ASSN.	HRW	TRUCK	1,007.33 BU	TERMINAL STAN KAUK	ELEVATOR	GEM
4/1/2022	HI-PLAINS COOP ASSN.	HRW	TRUCK	1,016.67 BU	TERMINAL STAN KAUK	ELEVATOR	GEM
4/1/2022	HI-PLAINS COOP ASSN.	HRW	TRUCK	1,024.00 BU	TERMINAL STAN KAUK	ELEVATOR	GEM
4/1/2022	HI-PLAINS COOP ASSN.	HRW	TRUCK	964.00 BU	TERMINAL STAN KAUK	ELEVATOR	GEM
4/1/2022	HI-PLAINS COOP ASSN.	HRW	TRUCK	946.33 BU	TERMINAL STAN KAUK	ELEVATOR	GEM
4/4/2022	HI-PLAINS COOP ASSN.	HRW	TRUCK	937.67 BU	TERMINAL STAN KAUK	ELEVATOR	GEM
4/11/2022	HI-PLAINS COOP ASSN.	HRW	TRUCK	978.67 BU	TERMINAL STAN KAUK	ELEVATOR	GEM
4/14/2022	HI-PLAINS COOP ASSN.	HRW	TRUCK	997.33 BU	TERMINAL STAN KAUK	ELEVATOR	GEM
4/25/2022	HI-PLAINS COOP ASSN.	Milo	TRUCK	973.57 BU	TERMINAL STAN KAUK	ELEVATOR	GEM
4/25/2022	HI-PLAINS COOP ASSN.	Milo	TRUCK	1,016.79 BU	TERMINAL STAN KAUK	ELEVATOR	GEM
4/25/2022	HI-PLAINS COOP ASSN.	Milo	TRUCK	953.21 BU	TERMINAL STAN KAUK	ELEVATOR	GEM
4/26/2022	HI-PLAINS COOP ASSN.	Milo	TRUCK	1,012.14 BU	TERMINAL STAN KAUK	ELEVATOR	GEM
4/26/2022	HI-PLAINS COOP ASSN.	Milo	TRUCK	969.29 BU	TERMINAL STAN KAUK	ELEVATOR	GEM
4/26/2022	HI-PLAINS COOP ASSN.	Milo	TRUCK	1,048.93 BU	TERMINAL STAN KAUK	ELEVATOR	GEM
4/26/2022	HI-PLAINS COOP ASSN.	Milo	TRUCK	1,056.43 BU	TERMINAL STAN KAUK	ELEVATOR	GEM
4/26/2022	HI-PLAINS COOP ASSN.	Milo	TRUCK	974.29 BU	TERMINAL STAN KAUK	ELEVATOR	GEM
4/26/2022	HI-PLAINS COOP ASSN.	Milo	TRUCK	1,034.29 BU	TERMINAL STAN KAUK	ELEVATOR	GEM
4/27/2022	HI-PLAINS COOP ASSN.	Milo	TRUCK	1,016.79 BU	TERMINAL STAN KAUK	ELEVATOR	GEM
4/27/2022	HI-PLAINS COOP ASSN.	Milo	TRUCK	1,041.07 BU	TERMINAL STAN KAUK	ELEVATOR	GEM
4/27/2022	HI-PLAINS COOP ASSN.	Milo	TRUCK	1,029.64 BU	TERMINAL STAN KAUK	ELEVATOR	GEM
4/27/2022	HI-PLAINS COOP ASSN.	Milo	TRUCK	957.50 BU	TERMINAL STAN KAUK	ELEVATOR	GEM
4/27/2022	HI-PLAINS COOP ASSN.	Milo	TRUCK	1,047.86 BU	TERMINAL STAN KAUK	ELEVATOR	GEM
4/27/2022	HI-PLAINS COOP ASSN.	Milo	TRUCK	1,039.64 BU	TERMINAL STAN KAUK	ELEVATOR	GEM

4/28/2022 HI-PLAINS COOP ASSN.	Milo	TRUCK	1,135.71 BU	TERMINAL STAN KAUK	ELEVATOR	GEM
4/28/2022 HI-PLAINS COOP ASSN.	Milo	TRUCK	905.00 BU	TERMINAL STAN KAUK	ELEVATOR	GEM
4/28/2022 HI-PLAINS COOP ASSN.	Milo	TRUCK	1,055.00 BU	TERMINAL STAN KAUK	ELEVATOR	GEM
4/28/2022 HI-PLAINS COOP ASSN.	Milo	TRUCK	1,042.50 BU	TERMINAL STAN KAUK	ELEVATOR	GEM
4/28/2022 HI-PLAINS COOP ASSN.	Milo	TRUCK	1,048.93 BU	TERMINAL STAN KAUK	ELEVATOR	GEM
4/28/2022 HI-PLAINS COOP ASSN.	Milo	TRUCK	1,042.14 BU	TERMINAL STAN KAUK	ELEVATOR	GEM



## **ATTACHMENT “C”**

**REPORT AND RECOMMENDATION  
TRANSPORTATION DIVISION**

**TO:** Dwight D. Keen, Chair  
Susan K. Duffy, Commissioner  
Andrew J. French, Commissioner

**FROM:** Mike Hoeme, Director of Transportation  
Gary Davenport, Deputy Director of Transportation

**DATE:** June 13, 2022

**SUBJECT: Docket No. 22-TRAM-550-PEN**  
In the Matter of the Investigation of Stanley Kauk Trust of Colby, 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:**

Stanley Kauk Trust (Stanley Kauk or Carrier) is a motor carrier possessing common operating authority from the Commission, primarily hauling machinery, large objects, grain, feed and hay. Stanley Kauk operates under USDOT 2387245. On May 24, 2022 through May 31, 2022, Commission Staff Special Investigator Erica Pargas conducted a safety compliance review of the operations of Stanley Kauk. As a result of this investigation, the special investigator identified two (2) violation(s) of the Motor Carrier Safety Regulations, resulting in a recommended penalty of \$1,750.

**DISCUSSION AND ANALYSIS:**

On May 24, 2022 through May 31, 2022, Commission Staff Special Investigator Erica Pargas conducted a safety compliance review of the operations of Stanley Kauk. As a result of this investigation, the special investigator identified two (2) violation(s) of the Motor Carrier Safety Regulations.

**Violation One (1 of 2)**

On March 31, 2022, Stanley Kauk required or permitted its driver, Stanley Kauk, to operate a CDL-required commercial motor vehicle, a 2006 Volvo, VIN ending in 37627, GVWR 53,200 lbs., pulling a 2012 Ferris Hooper Semi Trailer, VIN ending in 34121, GVWR in intrastate commerce from Gem, Kansas to Colby, Kansas. This trip is evidenced by a Trip Summary Sheet. At the time of this transportation, Stanley Kauk failed retain supporting documents for each load

hauled. The Special Investigator found thirty-four (34) violations of this type. The Carrier's failure to retain supporting documents for each load hauled is a violation of K.A.R. 82-4-35a and 49 C.F.R. 392.2, adopted by K.A.R. 82-4-3h, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$1,000.

#### Violation Two (2 of 2)

During the transportation described in paragraph a., above, permitted or required its driver, Mr. Kauk, to operate a commercial motor vehicle without proof of a periodic (annual) inspection. The Special Investigator found three (3) violations of this type. The Carrier permitting its driver to operate a commercial motor vehicle that had no record of being periodically (annually) inspected during the preceding 12-month period is a violation of 49 C.F.R. 396.17(a), adopted by K.A.R. 82-4-3j, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$750.

#### **RECOMMENDATION:**

Transportation Staff recommends the Commission find Stanley Kauk committed two (2) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

Additionally, Staff recommends a civil penalty of \$1,750 for two (2) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations, in accordance with the recommended penalties listed in the applicable Uniform Penalty Assessment Matrix.

Staff further recommends that a representative from Stanley Kauk be required 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 Stanley Kauk 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 Stanley Kauk 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.



## **CERTIFICATE OF SERVICE**

22-TRAM-550-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 06/23/2022.

STANLEY KAUK  
STANLEY KAUK TRUST  
1705 COUNTY ROAD 15  
GARDEN CITY, KS 67846  
sgkauk@st-tel.net

AHSAN LATIF, LITIGATION COUNSEL  
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/S/ DeeAnn Shupe  
\_\_\_\_\_  
DeeAnn Shupe