

1500 SW Arrowhead Road
Topeka, KS 66604-4027



20231116104720
Kansas Corporation
Commission

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

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

Laura Kelly, Governor

NOTICE OF PENALTY ASSESSMENT
24-TRAM-360-PEN

November 16, 2023
Cruz Perez-Hernandez, Owner
American Diesel LLC
1907 Country Club Drive
Dodge City, KS 67801

This is a notice of a penalty assessment against American Diesel LLC (American Diesel) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on October 18, 2023, by Kansas Corporation Commission Special Investigators Penny Fryback and Erica Pargas. 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: American Diesel has been assessed a \$6,900 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$6,900, 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 American Diesel 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.

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. American Diesel 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.¹

IF YOU FAIL TO ACT: Failure to pay the penalty of \$6,900 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

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 **American**)
Diesel LLC, of Dodge City, KS, Regarding the)
Violation(s) of the Motor Carrier Safety Statutes,)
Rules and Regulations and the Commission's) Docket No. 24-TRAM-360-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. On October 18, 2023, Commission Staff Special Investigators (SIs) Penny Fryback and Erica Pargas, completed a safety compliance investigation of the operations of American Diesel LLC (American Diesel or Carrier). American Diesel is a motor carrier as defined in 49 C.F.R. 390.5, and operates under USDOT number 3097576.

2. On October 25, 2023, Staff submitted its Report and Recommendation (R&R), attached hereto as Attachment "A" and is hereby incorporated by reference, recommending a penalty of \$6,900 to be issued to American Diesel based on the frequency, timeline and severity of the violations discovered. Staff's R&R indicates that as a result of the safety compliance investigations, SIs Penny Fryback and Erica Pargas identified forty-one (41) violation(s),

accounting for six (6) count(s), of the Motor Carrier Safety Regulations (MCSRs), which carry a penalty according to the FY2024 Uniform Penalty Assessment Matrix.²

3. Additionally, Staff recommends that American Diesel be required to have a representative responsible for the Carrier's safety compliance attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and provide Litigation Counsel with written proof of attendance.³ A schedule of the dates and locations for safety seminars can be found on the Commission's website at http://kcc.ks.gov/trans/safety_meetings.htm.

4. Staff further recommends American Diesel 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.⁴

5. Finally, Staff recommends that American Diesel submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order.⁵ 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

² Order Designating Guidance Document and Approving Staff's Use of the Transportation Division's Uniform Penalty Assessment Table, pp. 11 – 26 (Jun. 29, 2023) ("Penalty Matrix").

³ See Staff's Report and Recommendation, p. 4 (Oct. 25, 2023).

⁴ *Id.*

⁵ *Id.*

Kansas, and is empowered to do all things necessary and convenient for the exercise of such power, authority and jurisdiction.

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. American Diesel LLC, of Dodge City, KS is hereby assessed a \$6,900 civil penalty for forty-one (41) violation(s), accounting for six (6) 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. American Diesel 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. American Diesel 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 American Diesel'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.⁶

G. If you do not request a hearing, the payment of the civil penalty of \$6,900 is due in thirty (30) days from the date of service of this Order. Payment of \$6,900 must be made through your personal account with the Kansas Corporation Commission's Kansas Trucking

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

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 \$6,900 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 American Diesel's motor carrier operating authority without further notice.⁷ Additionally, the Commission may impose further sanctions to include, but not limited to, the issuance and enforcement of revocation of authority and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 11/16/2023



Lynn M. Retz
Executive Director

AAL

⁷ K.S.A. 66-1,105.

ATTACHMENT “A”

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

Laura Kelly, Governor

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 25, 2023

SUBJECT: Docket No. 24-TRAM-360-PEN
In the Matter of the Investigation of **American Diesel LLC of Dodge City, 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:

American Diesel LLC is a motor carrier (MC) possessing public for-hire operating authority from the Commission, primarily hauling grain, feed, hay and meat. American Diesel LLC operates under USDOT 3097576. On October 18, 2023, Commission Staff Special Investigators (SIs) Erica Pargas and Penny Fryback completed a safety compliance investigation of the operations of American Diesel LLC. 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 SIs identified forty one (41) violations, accounting for six (6) 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 SIs, staff recommends penalty of \$6,900 be issued to the MC.

DISCUSSION AND ANALYSIS:

On October 18, 2023, Commission Staff SIs Erica Pargas and Penny Fryback conducted a safety compliance investigation of the operations of American Diesel LLC. The investigation covers a 365 day period. Each specific count is detailed below.

Count One (1 of 6)

Jurisdiction: 49 C.F.R. 395.8(e), adopted by K.A.R. 82-4-3a, and authorized by K.S.A. 66-1,129.

Intent of Law: No MC or driver may make a false report in connection with a duty status.

Supporting Documents: On April 5, 2023, American Diesel LLC required or permitted its driver, Adan Antonio Mendez Ramirez, to operate a commercial driver's license (CDL) required commercial motor vehicle (CMV), a 2004 Kenworth, VIN ending in 7212, GVWR 52,000 lbs., in interstate commerce from Yellville, Arkansas to Dodge City, Kansas. This transport is evidenced by driver, Adan Antonio Mendez's ELD log and Trip Sheet, attached hereto as **Exhibit 2**. During this transport, Mr. Ramirez hauled a load of bone meal. After eight hours of driving Mr. Ramirez was required to take a thirty minute break. Mr. Ramirez continued to drive while "off-duty" or on "break" traveling from McCune, Kansas to Cherryvale, Kansas. The relevant ELD entries are highlighted in **Exhibit 2**.

Violation: American Diesel LLC was found to be in violation of allowing driver Adan Antonio Mendez to falsify the drivers hours of service (**Exhibit 1, Page 4 to 5**). Thirty-two (32) violations were discovered.

Recommendation: Staff deems violations alleging fraud to be intentional and therefore recommends an enhanced fine of \$5,000.

Count Two (2 of 6)

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

Intent of Law: The MC shall obtain and document a successful periodic (annual) inspection on the commercial motor vehicle during the preceding 12-month period. The inspection shall be retained by the MC pursuant to 49 C.F.R. 396.21(b).

Supporting Documents: On August 8, 2023, American Diesel LLC required or permitted its driver, Pedro Guilloty Rodriguez, to operate a CDL-required CMV, a 2014 Peterbilt truck, VIN ending in 5063, GVWR 51,200 lbs., pulling a 2016 Wilson straight trailer, VIN ending in 1479, GVWR 65,000 lbs., in interstate commerce from Miami, Oklahoma to Cimarron, Kansas. This transport is evidenced by Driver Vehicle Examination Report (DVER) No. KSHP03132102, attached hereto as **Exhibit 3**. The MC could not produce an annual inspections that were not correctly filled out for the CMVs operated in this transport. A copy of the annual inspections are attached hereto as **Exhibit 4**. For the Annual Inspection on the 2014 Peterbilt truck, the inspector checked off as "OK" the "Motorcoach Seats." This unit is truck tractor and not a bus. The annual inspection on the Wilson trailer completed by the inspector also had several errors. The inspector checked off as "OK" the "Low Pressure Air Warning Device" and "Vacuum Systems" despite that

fact this vehicle is a trailer. Additionally the inspector listed as “N/A” the “Torque, Radius or Tracking Component” which should have been inspected.

Violation: American Diesel LLC operated a CMV without an annual inspection (**Exhibit 1, Page 5**). Five (5) violations were discovered.

Recommendation: Staff recommends a fine of \$750.

Count Three (3 of 6)

Jurisdiction: 49 C.F.R. 382.301(a), adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 66-1,129.

Intent of Law: The MC must require its driver to submit to a pre-employment controlled substances USDOT regulated test and to obtain a negative test result prior to requiring or permitting the driver to operate a commercial motor vehicle.

Supporting Documents: On August 1, 2023, American Diesel LLC required or permitted its driver, Pedro Guilloty Rodriguez, to operate a CDL-required CMV, a 2014 Peterbilt, VIN ending in 5063, GVWR 51,200 lbs., in interstate commerce from Miami, Oklahoma to Cimarron, Kansas. This transport is evidenced by driver Pedro Guilloty Rodriguez’s ELD log, attached hereto as **Exhibit 5**. The MC did not obtain a negative pre-employment test for this driver until August 3, 2023, two days after this transport.

Violation: American Diesel LLC allowed a driver to operate a CMV prior to obtaining a negative pre-employment test (**Exhibit 1, Page 5 to 6**). One (1) violation was discovered.

Recommendation: Staff recommends a fine of \$250.

Count Four (4 of 6)

Jurisdiction: 49 C.F.R. 382.601(d), adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 66-1,129.

Intent of Law: The MC must obtain a certificate of receipt indicating the driver received the MC’s written controlled substance and alcohol policy and educational material distributed pursuant to 49 C.F.R. 382.601(b).

Supporting Documents: This violation took place during the transport described in Count Three, above. The policy provided to the SIs by the MC did not meet the statutory requirements.

Violation: American Diesel LLC failed to provide a Drug & Alcohol Policy that meets all the requirements of 382.601(b) 1-12 (**Exhibit 1, Page 6**). One (1) violation was discovered.

Recommendation: Staff recommends a fine of \$250.

Count Five (5 of 6)

Jurisdiction: 49 C.F.R. 382.701(b), adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 66-1,129.

Intent of Law: The MC must conduct an annual inquiry into its drivers with the FMCSA Drug and Alcohol Clearinghouse.

Supporting Documents: On November 30, 2022, American Diesel LLC required or permitted its driver, Cruz Perez Hernandez, to operate a CDL-required CMV, a 2004 Freightliner, VIN ending in 0895, GVWR 52,000 lbs., pulling a 2018 Wilson straight trailer, VIN ending in 4899, GVWR 65,000 lbs., in interstate commerce from Catoosa, Oklahoma to Montezuma, Kansas. This

transport is evidenced by DVER No. OKW600170598 attached hereto as **Exhibit 6**. A copy of the MC's DACH search history is attached hereto as **Exhibit 7**. The MC did not conduct an annual query of Mr. Hernandez until September 19, 2023.

Violation: American Diesel LLC failed to conduct an annual query in the DACH on driver, Cruz Perez Hernandez (**Exhibit 1, Page 6**). One (1) violation was discovered.

Recommendation: Staff recommends a fine of \$150.

Count Six (6 of 6)

Jurisdiction: K.S.A. 8-2,134(c), K.S.A 8-2,125, *et. seq.*, 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 not allow its driver to operate a commercial motor vehicle if the driver has been a resident of Kansas for over thirty days and has not obtained a valid, Class A commercial driver's license (CDL) issued by the state of Kansas.

Supporting Documents: This violation took place during the transport described in Count One, above. Adan Antonio Mendez Ramirez's employment Application, attached hereto **Exhibit 8**, wherein Mr. Ramirez states he had lived in Dodge City for four years and seven months. Although, Mr. Ramirez had resided in Kansas for over four years, but had failed to obtain a Kansas issued CDL. Mr. Ramirez was operating using a CDL issued by the state of New Mexico, a copy of which his attached hereto as **Exhibit 9**.

Violation: American Diesel LLC's driver, Adan Antonio Mendez failed to obtain a Kansas CDL within 30 days of residing in the State of Kansas (**Exhibit 1, Page 7**). One (1) violation was discovered.

Recommendation: Staff recommends a fine of \$500.

RECOMMENDATION:

Transportation Staff recommends the Commission find American Diesel LLC committed forty one (41) violations accounting for 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 \$6,900 for forty one (41) violations of the MC Safety Statutes, Rules and Regulations, in accordance with the recommended penalties listed in the applicable Uniform Penalty Assessment Matrix.

Staff further recommends American Diesel LLC require a representative responsible for the company's safety to attend a Commission-sponsored safety seminar within ninety (90) days from the date of the 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 American Diesel 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 American Diesel 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#: 3097576
MC/MX#: 75613

Legal: AMERICAN DIESEL LLC
Operating (DBA):

Investigation Date:
10/18/2023

Investigation Type: Onsite Comprehensive Investigation

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

Extent of Operations: Entire Operation

Physical Address

1907 COUNTRY CLUB DR
DODGE CITY, KS 67801
United States

Mailing Address

1907 COUNTRY CLUB DR
DODGE CITY, KS 67801
United States

Contact Information

Contact Name: CRUZ PEREZ-HERNANDEZ

Email: priscilla@americandiesel.org

Phone: (620)682-3492 **Cell:** ()- **Fax:** ()-

Business and Financial

Business Type: Limited Liability Corporation

Name of Gross Revenue Provider: Priscilla Hernandez

Title of Gross Revenue Provider: Co-Owner

Gross Revenue: XXXXXXXXXX **For Year Ending:** 12/31/2022

Federal Tax ID: XXXXXXXXXX

Operation Classification and Type

Type of Operation: Non-HM Interstate Carrier, Non-HM Intrastate Carrier

Operation Classification

For-Hire Motor Carrier

Property

Other Non-Hazardous Freight

Cargo

Grain, Feed, Hay, Meat

Equipment

	Owned	Term Leased	Trip Leased
Truck Tractors	4	3	
Trailers	3	3	

Power units used in the U.S.: 7

Percentage of time used in the U.S.: 100%

Driver Information

Drivers	Intrastate	Interstate
< 100 Miles		
>= 100 Miles		5

Average trip leased driver/month: 0

Drivers with CDL: 5

Total Drivers: 5

Person(s) Interviewed

Name: PRISCILLA PEREZ

Title: CO-OWNER

Name: MELISSA HUERTA

Title: AGENT

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: 383.37(a)

State Equivalent: K.S.A. 8-2,132(a)

Allowing, requiring, permitting, or authorizing a driver to operate a CMV during any period in which the driver does not have a current CLP or CDL or does not have a CLP or CDL with the proper class or endorsements. An employer may not use a driver to operate a CMV who violates any restriction on the driver's CLP or CDL.

Violations Discovered		
Fed	State	Total
1		1
Checked		
Fed	State	Total
1		1

BASIC Impacted
Driver Fitness

Rating Factor 2:
Driver = Part 383



Acute

Example/Notes:

Driver name: Ramon Lambert Hernandez

Trip date: 11/4/22

Vehicle description: 2004 Freightliner with VIN [REDACTED]

Description of violation:

On 11/4/22, American Diesel LLC allowed or required driver, Ramon Lambert Hernandez to operate a CMV with a Manual Transmission in interstate commerce. At the time of transportation, Ramon Lambert Hernandez violated his CDL restrictions of no Manual Transmission.

Drivers/Vehicles in Violation

Fed	State	Total
1		1
Checked		
Fed	State	Total
1		1

2. Primary: 395.3(a)(2)

Requiring or permitting a property-carrying commercial motor vehicle driver to drive after the end of the 14th hour after coming on duty.

Violations Discovered		
Fed	State	Total
20		20
Checked		
Fed	State	Total
150		150

BASIC Impacted
Hours-of-Service Compliance

Rating Factor 3:
Operational = Part 395



Critical

At least 10% of the number checked had violations

Example/Notes:

Driver name: Adan Antonio Mendez Ramirez

Trip Date: 4/5/23

Description of violation:

On 4/5/23, American Diesel LLC driver, Adan Antonio Mendez Ramirez hauled a load of Bone Meal (Not to be fed to Cattle) from National Beef in Dodge City, KS to deliver at AGCOM in Yellville, Arkansas. Driver, Adan Antonio Mendez Ramirez failed to take a 10 hour break between 4/4/23 and 4/5/23 resulting in a 14 hour violation for all drive time on 4/5/23.

Drivers/Vehicles in Violation

Fed	State	Total
5		5
Checked		
Fed	State	Total
5		5

3. Primary: 395.3(a)(3)(i)

Violations Discovered

BASIC Impacted
Hours-of-Service

Rating Factor 3:
Operational = Part

Requiring or permitting a property-carrying commercial motor vehicle driver to drive more than 11 hours.



Critical

At least 10% of the number checked had violations

Example/Notes:

Driver name: Adan Antonio Mendez Ramirez

Trip Date: 4/5/23

Description of violation:

On 4/5/23, American Diesel LLC driver, Adan Antonio Mendez Ramirez hauled a load of Bone Meal (Not to be fed to Cattle) from National Beef in Dodge City, KS to deliver at AGCOM in Yellville, Arkansas. Driver, Adan Antonio Mendez Ramirez failed to take a 10 hour break between 4/4/23 and 4/5/23 resulting in an 11 hour violation on 4/5/23 starting at 6:10 a.m. to 6:56 a.m. and from 7:19 a.m. to 11:42 a.m.

4. Primary: 395.3(a)(3)(ii)

Requiring or permitting a property-carrying commercial motor vehicle driver to drive after more than 8 hours driving have passed since the end of the driver's last on duty, off duty, or sleeper berth period of at least 30 minutes.



Critical

At least 10% of the number checked had violations

Example/Notes:

Driver: Adan Antonio Mendez Ramirez

Trip date: 4/5/23

On 4/5/23, American Diesel LLC driver, Adan Antonio Mendez Ramirez hauled a load of Bone Meal (Not to be fed to Cattle) from National Beef in Dodge City, KS to deliver at AGCOM in Yellville, Arkansas. Driver, Adan Antonio Mendez Ramirez failed to take a complete 30 minute break after having been on duty 8 hours. Driver, Adan, Antonio Mendez Ramirez noted his 30 minute break as "Off Duty" , yet the driver continued to drive while on "off duty".

5. Primary: 395.8(e)(1)

Making, or permitting a driver to make, a false report regarding duty status



Critical

At least 10% of the number checked had violations

Fed	State	Total
19		19

Checked

Fed	State	Total
150		150

Compliance 395

Drivers/Vehicles in Violation

Fed	State	Total
5		5

Checked

Fed	State	Total
5		5

Violations Discovered

Fed	State	Total
15		15

Checked

Fed	State	Total
150		150

BASIC Impacted
Hours-of-Service
Compliance

Rating Factor 3:
Operational = Part
395

Drivers/Vehicles in Violation

Fed	State	Total
4		4

Checked

Fed	State	Total
5		5

Violations Discovered

Fed	State	Total
32		32

Checked

Fed	State	Total
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BASIC Impacted
Hours-of-Service
Compliance

Rating Factor 3:
Operational = Part
395

Example/Notes:

Driver name: Pedro Guilloty Hernandez

Trip Date: 8/18/23

Description of violation:

On 8/18/23, American Diesel LLC driver, Pedro Guilloty Hernandez hauled a load of Low Pro Crax (Not to be fed to Cattle) from Tyson in Amarillo, TX to deliver at Mid South Milling in Memphis, TN. Driver Pedro Guilloty Hernandez failed to log his drive time from Amarillo, TX to Erick, OK (1 hr & 33 min).

6. Primary: 396.17(a)

Using a commercial motor vehicle not periodically inspected.

**Critical**

At least 10% of the number checked had violations

Violations Discovered

Fed	State	Total
5		5

Checked

Fed	State	Total
5		5

Drivers/Vehicles in Violation

Fed	State	Total
5		5

Checked

Fed	State	Total
5		5

BASIC Impacted
Vehicle MaintenanceRating Factor 4:
Vehicle = Part 396**Example/Notes:**

Vehicle: Unit #T007

Date of trip: 8/8/23

American Diesel LLC failed to provide annual inspections that were not properly filled out for the CMV's being operated.

7. Primary: 382.301(a)

Using a driver before the motor carrier has received a negative pre-employment controlled substance test result.

Drivers/Vehicles in Violation

Fed	State	Total
5		5

Checked

Fed	State	Total
5		5

Violations Discovered

Fed	State	Total
1		1

Checked

Fed	State	Total
2		2

Example/Notes:

Driver name: Pedro Guilloty Rodriguez

Trip date: 8/1/23

Hire date: 7/31/23

American Diesel LLC allowed or required driver, Pedro Guilloty Rodriguez to operate a

Drivers/Vehicles in Violation

Fed	State	Total
1		1

Checked

Fed	State	Total
2		2

CMV prior to obtaining a negative pre-employment test result. American Diesel LLC did not obtain a negative pre-employment test result for driver, Pedro Guilloty Rodriguez until 8/3/23.

8. Primary: 382.601(b)

Failing to provide to employees a written policy on misuse of alcohol and controlled substances that meets the requirements of 382.601(b) 1-12.

Example/Notes:

Driver name: Pedro Guilloty Rodriguez
Trip date: 8/1/23

American Diesel LLC provided a policy that fails to meet the requirements of 382.601(b)1-12. Review of the carriers policy fails to provide the following: Information not included in policy: DER, driver conduct that is prohibited, circumstances under which a driver will be tested for alcohol and/or controlled substances, procedures that will be used to test for the presence of alcohol and controlled substances, an explanation of what constitutes a refusal to submit to an alcohol or controlled substances test, the consequences for drivers found to have violated, consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04, Information concerning the effects of alcohol and controlled substances, and the requirement of the personal information collected and maintained which outlines what shall be reported to the Clearinghouse.

9. Primary: 382.701 (b)(1)

Failing to conduct an annual query.

Example/Notes:

Driver: Cruz Perez Hernandez
Trip Date: 11/30/2022

American Diesel LLC, failed to obtain an annual query on driver Cruz Perez Hernandez in 2022, and 2021.

10. Primary: 391.21(a)

Using a driver who has not completed and furnished an employment application.

Violations Discovered

Fed	State	Total
1		1

Checked

Fed	State	Total
1		1

Drivers/Vehicles in Violation

Fed	State	Total
1		1

Checked

Fed	State	Total
1		1

Violations Discovered

Fed	State	Total
1		1

Checked

Fed	State	Total
3		3

Drivers/Vehicles in Violation

Fed	State	Total
1		1

Checked

Fed	State	Total
3		3

Violations Discovered

Fed	State	Total
4		4

Example/Notes:

Driver name: Pedro Guilloty Rodriguez.

Trip date: 8/8/23

Description of violation:

American Diesel LLC provided an incomplete employment application for driver Pedro Guilloty Rodriguez that failed to provide 10 years of employer history.

11. Primary: 392.2

Secondary: K.S.A. 8-2, 134(c)

Failure to obtain a Kansas CDL within 30 days of residing in the State of Kansas.

Example/Notes:

Driver: Adan Mendez Ramirez

Trip Date: 4/5/23

American Diesel LLC's driver, Adan Mendez has residing in the State Of Kansas for 4 years and 7 months and has failed to obtain a Kansas CDL within 30 days of residing in the State of Kansas. Adan Mendez currently has a CDL through the State of New Mexico.

12. Primary: 395.8(f)

Failing to require driver to prepare record of duty status in form and manner prescribed.

Example/Notes:

Driver: Pedro Guilloty Hernandez

Trip Date: 8/4/23

American Diesel LLC driver, Pedro Guilloty Hernandez failed to note the drivers Bill Of Lading/Commodity information on the driver EROD.

Checked

Fed	State	Total
5		5

Drivers/Vehicles in Violation

Fed	State	Total
4		4

Checked

Fed	State	Total
5		5

Violations Discovered

Fed	State	Total
1		1

Checked

Fed	State	Total
1		1

Drivers/Vehicles in Violation

Fed	State	Total
1		1

Checked

Fed	State	Total
1		1

Violations Discovered

Fed	State	Total
67		67

Checked

Fed	State	Total
91		91

Drivers/Vehicles in Violation

Fed	State	Total
4		4

Checked

Fed	State	Total
5		5

13. Primary: 396.3(b)(1)

Failing to keep a maintenance record which identifies the vehicle, including make, serial number, year, and tire size.

Example/Notes:

Driver: Pedro Guilloty Rodriguez
Trip Date: 8/8/23
Vehicle: Unit #217 VIN [REDACTED]

American Diesel LLC failed to provide a maintenance file that properly identified the vehicle. The maintenance file provided for Unit #217 was missing the tire size.

14. Primary: 396.9(d)(3)

Failing to maintain completed inspection form for 12 months from the date of inspection at the carrier's principal place of business or where vehicle is housed.

Example/Notes:

Date of inspection: 12/28/22
Issuing agency: Kansas Highway Patrol/ Inspection #KSHP03932727
Driver name/Vehicle ID: Cristian Gomez Sanchez

American Diesel LLC failed to retain copies of roadside inspections at the carriers Principal Place Of Business for the last 12 months.

Violations Discovered

Fed	State	Total
5		5
Checked		

Fed	State	Total
5		5

Drivers/Vehicles in Violation

Fed	State	Total
5		5
Checked		

Fed	State	Total
5		5

Violations Discovered

Fed	State	Total
6		6
Checked		

Fed	State	Total
23		23

Drivers/Vehicles in Violation

Fed	State	Total
6		6
Checked		

Fed	State	Total
23		23

Safety Fitness Rating

Your proposed safety rating is: **UNSATISFACTORY** 2 or more UNSATISFACTORY 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	1	0
Factor 3: Operational = Parts 392 and 395	Unsatisfactory	0	4
Factor 4: Vehicle = Parts 393 and 396	Unsatisfactory		1
OOS Vehicles (CR): 0			
Number of Vehicles Inspected (CR): 0			
OOS Vehicles (MCMIS): 3			
Number of Vehicles Inspected (MCMIS): 5			
OOS Rate: 60%			
Factor 5: Haz. Mat. = Parts 397, 171, 177 and, 180	N/A	N/A	N/A
Factor 6: Accident Factor = Recordable Rate	Satisfactory	N/A	N/A
Total Miles Operated: 392,268			
Recordable Accidents: 0			
Recordable Accidents/Million Miles: 0.00			

Effective date: You will receive an official notice of proposed safety rating from the Federal Motor Carrier Safety Administration in Washington, D.C. The Unsatisfactory rating will take effect 60 days after the date of the official notice.

PROHIBITION: Under 49 USC 31144(c) and 49 CFR 385.13, a motor carrier that receives a final Unsatisfactory safety rating is prohibited from operating a commercial motor vehicle in interstate and intrastate commerce. If applicable, the motor carrier shall have its operating authority registration revoked under 49 USC 13905(f)(1)(B).

You may request a safety rating upgrade based on corrective action under 49 CFR 385.17 and/or an administrative review under 49 CFR 385.15.

Change to safety rating based on corrective action: You may request a change to a safety rating under 49 CFR 385.17 at any time by providing evidence that you have taken actions to correct the deficiencies that resulted in the safety rating. You must make this request in writing to the Field Administrator for the FMCSA Service Center in which you maintain your principal place of business. A pending request for a change in safety rating under 49 CFR 385.17 will not delay the effective date of the rating.

Administrative Review: You may appeal your proposed safety rating in a petition filed under 49 CFR 385.15 if you believe FMCSA made an error in assigning your safety rating. You must submit your appeal within 90 days of the date of the proposed safety rating or within 90 days after denial of a request for a change in rating under section 385.17(i).

You should submit your appeal within 15 days of the date of the official safety rating notice to allow FMCSA to issue a written decision before the prohibitions in 49 CFR 385.13 take effect. A petition under section 385.15 will not delay the effective date of the rating unless the Chief Safety Officer grants a stay.

You must submit your appeal in writing to: Chief Safety Officer, Federal Motor Carrier Safety Administration, 1200 New Jersey Ave., S.E., Washington, DC 20590-0001.

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

American Diesel LLC will monitor and review the drivers Hours Of Service to ensure compliance of all Hours Of Service regulations.

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. Systematically check to see if drivers and dispatchers are regularly communicating about Hours-of-Service (HOS) availability and driver-fatigue level.
4. Maintain roadside inspection, Records of Duty Status (RODS), supporting documents, dispatch schedules, and communication records to help evaluate the performance of all staff (drivers, dispatchers, and managers) involved in Hours of Service (HOS) and the effectiveness of compliance with HOS policies, procedures, and regulations.
5. Regularly evaluate the company's fatigue-related inspection results via the Federal Motor Carrier Safety Administration's (FMCSA) website at <http://ai.fmcsa.dot.gov/SMS>. Assess violations for process breakdowns and how to remedy them.

BASIC: Vehicle Maintenance

Process Breakdown: Monitoring and Tracking

American Diesel LLC will have annual inspections completed by a qualified inspector that will accurately complete the inspections pursuant to guidance on Appendix A for all vehicles.

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.
2. Ensure that Driver Vehicle Inspection Records (DVIRs) are effectively coordinated with maintenance and operations, result in timely corrective measures, and are verified during pre-trip inspections as applicable.
3. Require mechanics to note whether parts came from inventory or were ordered, to ensure accuracy of maintenance records.
4. Monitor and track roadside inspection results to ensure that vehicle defects are repaired and documented promptly and to prevent Out-of-Service (OOS) vehicles from operating prior to being repaired.
5. 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.

BASIC: Driver Fitness

Process Breakdown: Qualification and Hiring

American Diesel LLC will ensure that drivers hired are qualified to operate CMV with the proper CDL's which do not violate CDL restrictions.

Specific Recommended Remedies

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

1. Ensure that Motor Vehicle Records (MVRs) from States issuing Commercial Driver's Licenses (CDLs) are reviewed for driver-fitness-related violations of all prospective drivers for the last three years.
2. Ensure that drivers are qualified by querying applicants, checking with previous employers and references, and obtaining necessary documents regarding driver fitness, such as those pertaining to previous violations, Commercial Driver's License (CDL), medical qualifications, operational qualifications from training, and relevant experience.
3. Review and evaluate gaps in employment, frequent job changes, incomplete applications, within-company applications and reassignments, operational limitations such as those pertaining to long-combination vehicles (LCVs) and HAZMAT, physical impairments, and controlled-substance and alcohol involvement.
4. Check the Motor Vehicle Record (MVR) to ensure that drivers have the proper class of license and "P" or "S" endorsement, and to see if the applicable endorsement on the license has a specific restriction, such as an air-brake restriction.

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. **Accident Countermeasures website has strategies and forms.**

Accident Countermeasures is a set of defensive strategies designed to reduce preventable accidents. The strategies and forms for implementing accident countermeasures can be found on the FMCSA website at:

<http://www.fmcsa.dot.gov/forms/print/accident.htm>

4. **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

5. **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>).

6. **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.

7. **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.

8. **10-year driver employment history required.**

Ensure that drivers provide a 10-year employment history on their employment application.

9. **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.

10. **Drivers may not drive interstate unless they have had a physical.**

Do not allow drivers to drive interstate/intrastate unless they have been physically re-examined each 24 months.

11. **Maintain all required controlled substance testing records.**

Maintain all required alcohol and controlled substance testing records including yearly summaries, quarterly summaries, test information, test results, records of training etc., as required by 49 CFR Parts 40 and 382 of the FMCSR.

12. **150-mile exemption terms must be met.**

If you want some drivers to use the 150 air-mile radius exemption, make sure that the drivers meet all terms of the exemption, including being released from duty no more than 14 hours from when they report for duty. Logs must be prepared if a driver does not meet the 14 hour requirement.

13. **Ensure that all drivers' logs are accurate.**

Ensure that all drivers' records of duty status (logs) are accurate. Check them against "supporting documents" to verify accuracy. Prohibit falsification of logs by any driver. Review the rules on supporting documents. Take appropriate action against drivers who falsify logs.

14. **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.

15. **Hours-of-service regulations: 2003**

Drivers may drive 11 hours after 10 consecutive hours off-duty, but may not drive beyond the 14th hour after coming on-duty. Drivers may not drive after being on-duty for 60 hours in a seven-consecutive-day period or 70 hours in an eight-consecutive-day period. This on-duty cycle may be restarted whenever a driver takes at least 34 consecutive hours off-duty. Short-haul truck drivers, who routinely return to their place of dispatch after each duty tour and then are released from duty, may have an increased on-duty period of 16 hours once during any seven consecutive day period.

For more information on these regulations, please access the FMCSA website at www.fmcsa.dot.gov.

16. Driver drug tests required.

Ensure that all drivers subject to pre-employment, random, reasonable cause, post accident, return to duty, and/or follow-up controlled substance testing are tested as required by 49 CFR Parts 40 and 382 of the FMCSR.

17. Drug and Alcohol Testing Company Policy (Educational Materials)

Provide employees with a written controlled substance and alcohol testing policy that complies with all the requirements noted in Part 382.601(b). Also, ensure you maintain a certificate signed by the employee certifying they have received your company drug and alcohol testing policy.

18. New Hires

Ensure that applicants for safety-sensitive positions do not have a current controlled-substance and/or alcohol problem by querying them and checking with their previous employers regarding controlled-substance and alcohol violations, related background, conditions and behaviors indicative of controlled-substance and/or alcohol abuse or misuse, and by conducting pre-employment testing as required by regulation and company policy. Create a detailed written record of each inquiry.

Review and evaluate driver applicants' gaps in employment, frequent job changes, and incomplete applications. Require applicants to explain reasons for any gaps in their employment record in order to allay suspicion of controlled-substance and/or alcohol abuse or misuse.

19. Clearinghouse Pre-employment Query

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

20. Unsat & Conditional CR's

I 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.

Apply Adequate Resources: Apply adequate resources to properly implement safety management practices. Consider reallocating responsibilities, additional staffing, contracting, or investing in technology to aid in this responsibility.

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 C.F.R. Part 391.23 requires prospective employers to, at a minimum, investigate a driver's employment information, crash record, and alcohol and controlled substance history from all employers the driver worked for within the previous three years.

The Pre-Employment Screening program (PSP) is a screening tool that assists motor carriers in investigating crash history and roadside safety performance of prospective drivers. The PSP is a screening tool that assists motor carriers to purchase 5 years of crash data and 3 years of roadside inspection data from the Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Management Information System (MCMIS). Records are available 24 hours a day via Web request. Motor carriers should visit the following website for more information: <http://www.psp.fmcsa.dot.gov/Pages/default.aspx>

All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities. Motor carriers should visit the following website for more information:

FMCSA Carrier Safety Measurement System (SMS) is based on ongoing analysis and feedback from enforcement personnel, the motor carrier industry, and other stakeholders. SMS effectively identifies and prioritize high risk and other unsafe motor carriers for enforcement interventions and is designed to reduce commercial motor vehicle crashes and hazardous materials incidents. Motor carrier's currently have the ability to preview their companies SMS information.. The data preview may be found at <http://csa.fmcsa.dot.gov/>.

For all Investigations resulting 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.

For all Investigations resulting in a proposed conditional or unsatisfactory rating:

385.15

If you believe the proposed rating is in error and there are factual and procedural issues in dispute, Part 385.15 (copy provided) outlines procedures for petitioning the Federal Motor Carrier Safety Administration for an administrative review of these findings.

Your petition should be addressed to:

US Department of Transportation
Jack Van Steenburg -Chief Safety Officer
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue SE,
Washington, DC 20590

385.17

In addition, a request for a revised rating based on corrective actions may be made at any time. Part 385.17 (copy provided) outlines the procedures for such a request. The request must be made in writing, must describe the corrective action taken and must include other documentation that may be relied upon as a basis for the requested change. Address your written request to:

US Department of Transportation
Max Strathman - Midwestern Field Administrator Federal Motor Carrier Safety Administration
4749 Lincoln Mall Drive, Suite 300-A
Matteson, IL 60443

Ensure that a CC copy of the letter is mailed to:

US Department of Transportation
Kansas Division
Michael Christopher - Division Administrator
Federal Motor Carrier Safety Administration
1303 First American Place, Suite 200
Topeka, KS 66604-4040

This letter should be submitted as soon as possible. Information on your compliance status, roadside inspections, regulatory changes, accident counter measures and hazardous material counter measures 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/>.

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

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

FAX: 785-271-3124;

or mail to:

Kansas Corporation Commission

Attn: Gary Davenport

1500 SW Arrowhead Road

Topeka, KS 66604-4027

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 American Diesel LLC's operating authority and/or the impoundment of American Diesel LLC's commercial motor vehicles.

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

X _____

Signature

X _____

Exhibit 2

Electronic Record of Duty Status

**AMERICAN DIESEL LLC (U.S.
DOT# 3097576)**

24 Period Start Time: Midnight

Time-Zone: CDT (UTC-5)

ELD Registration Id: 0007

Driver: AdanAntonio Mendez

Driver's License Kansas [REDACTED]

Exempt Driver Status:

Manufacturer:

ELD Identifier: MOTIVE

Output file comment: INV-248521

File Generation:09/20/2023 11:16:14, CDT
(UTC-5)

Location: 4mi SE KS Pratt

Shipping Document Number:Ninguno

Trailer Numbers:

Daily Log

Daily Log: 04/04/2023

Unidentified Driving Time: 00:00:00

Malfunctions Triggered: None

Data Diagnostic Triggered: Engine Sync

Certified by Driver: Yes

Date Certified

4/4/2023

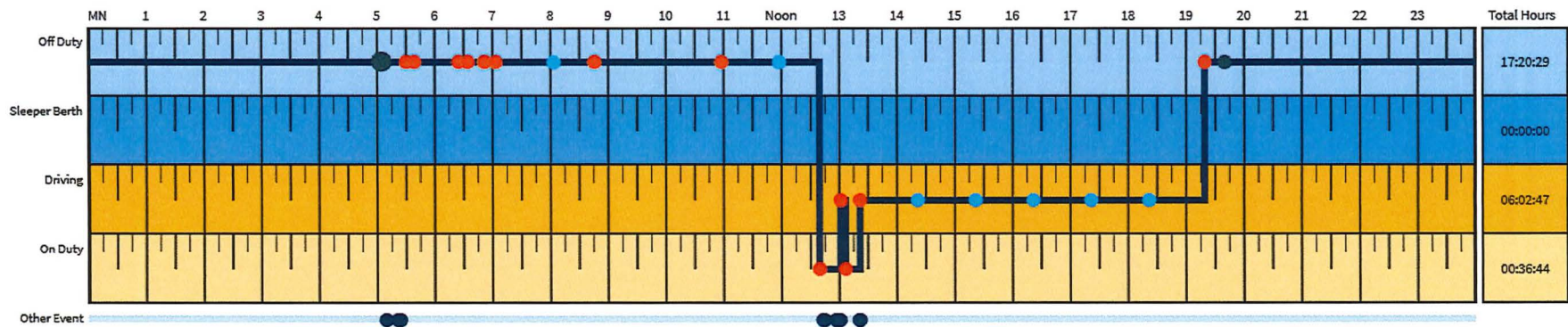
Certificate

First certification

CMVs

Power Unit #	VIN	Shipping Document Number	Start/End Engine Hours	Start/End Odometer	Miles Driven	Unidentified Driver Miles	Miles in Driving Status	Miles in PC/YM
TRUCK20	[REDACTED] (Manual)	7212 Ninguno	35137.2 - 35151.8	1147305 - 1147839	534	0	345	188

Record of Duty Status



Event Detail

Date	Time	Geo Location	Location Coordinates	Odometer	Engine Hours	Event Type/Status	Origin	Sequence #
04/04/2023	05:04:25	4mi S KS Dodge City	37.7, -100	1,147,305	35,137.2	Power-up	ELD	1277
04/04/2023	05:30:14	4mi S KS Dodge City	37.7, -100	1,147,305	35,137.6	PC	Driver	1278
04/04/2023	05:30:14	2mi SE KS Dodge City	37.74, -99.99	1,147,305	35,137.6	Off-duty	ELD	1279
	Postrip							
04/04/2023	05:38:37	3mi N KS Dodge City	37.8, -100	1,147,306	35,137.8	PC/YM Cleared	Driver	127A
04/04/2023	05:38:37	1mi ESE KS Dodge City	37.75, -99.99	1,147,306	35,137.8	Off-duty	ELD	127B
04/04/2023	06:24:32	3mi N KS Dodge City	37.8, -100	1,147,306	35,138.6	PC	Driver	127C
04/04/2023	06:24:32	1mi ESE KS Dodge City	37.75, -99.99	1,147,306	35,138.6	Off-duty	ELD	127D
	Postrip							

04/04/2023	06:34:02	4mi S KS Dodge City	37.7, -100	1,147,307	35,138.7	PC/YM Cleared	Driver	127E
04/04/2023	06:34:02	2mi SE KS Dodge City	37.74, -99.99	1,147,307	35,138.7	Off-duty	ELD	127F
04/04/2023	06:51:08	4mi S KS Dodge City	37.7, -100	1,147,307	35,139	PC	Driver	1280
04/04/2023	06:51:08	2mi SE KS Dodge City	37.74, -99.99	1,147,307	35,139	Off-duty	ELD	1281
	Postrip							
04/04/2023	06:51:58	4mi S KS Dodge City	37.7, -100	1,147,307	35,139	PC/YM Cleared	Driver	1282
04/04/2023	06:51:58	2mi SE KS Dodge City	37.74, -99.99	1,147,307	35,139	Off-duty	ELD	1283
04/04/2023	07:03:10	4mi S KS Dodge City	37.7, -100	1,147,308	35,139.2	PC	Driver	1284
04/04/2023	07:03:10	2mi SE KS Dodge City	37.74, -99.99	1,147,308	35,139.2	Off-duty	ELD	1285
	Postrip							
04/04/2023	08:03:12	9mi NNW KS Sublette	37.6, -100.9	1,147,365	35,140.2	Intermediate log	ELD	1286
04/04/2023	08:45:48	10mi WSW KS Ulysses	37.5, -101.5	1,147,401	35,140.9	PC/YM Cleared	Driver	1287
04/04/2023	08:45:48	9mi SW KS Ulysses	37.49, -101.48	1,147,401	35,140.9	Off-duty	ELD	1288
04/04/2023	10:57:37	10mi WSW KS Ulysses	37.5, -101.5	1,147,401	35,143.1	PC	Driver	1289
04/04/2023	10:57:37	9mi SW KS Ulysses	37.49, -101.48	1,147,401	35,143.1	Off-duty	ELD	128A
	Postrip							

04/04/2023	11:57:37	4mi NNE KS Copeland	37.6, -100.6	1,147,456	35,144.1	Intermediate ELD log	128B
04/04/2023	12:39:37	3mi N KS Dodge City	37.8, -100	1,147,494	35,144.8	PC/YM Cleared	128C
04/04/2023	12:39:37	2mi ESE KS Dodge City	37.75, -99.98	1,147,494	35,144.8	On-duty, not driving	128D
Pretrip fueling 158547							
04/04/2023	13:01:24	2mi ESE KS Dodge City	37.75, -99.98	1,147,494	35,145.2	Driving ELD	128F
04/04/2023	13:06:31	2mi SE KS Dodge City	37.74, -99.99	1,147,495	35,145.3	On-duty, not driving	1290
04/04/2023	13:21:28	2mi SE KS Dodge City	37.74, -99.99	1,147,495	35,145.5	Driving ELD	1291
04/04/2023	14:21:31	2mi ENE KS Haviland	37.62, -99.06	1,147,552	35,146.5	Intermediate ELD log	1292
04/04/2023	15:21:31	6mi ENE KS Kingman	37.67, -98.01	1,147,610	35,147.5	Intermediate ELD log	1293
04/04/2023	16:21:31	1mi S KS Augusta	37.68, -96.97	1,147,668	35,148.5	Intermediate ELD log	1294
04/04/2023	17:21:29	4mi NE KS New Albany	37.6, -95.88	1,147,730	35,149.5	Intermediate ELD log	1295
04/04/2023	18:21:29	1mi SE KS McCune	37.34, -95	1,147,791	35,150.5	Intermediate ELD log	1296
04/04/2023	19:19:08	3mi NNE MO Carthage	37.19, -94.29	1,147,839	35,151.5	Off-duty Driver	1297
Postrip 158890							
04/04/2023	19:39:49	4mi NNE MO Carthage	37.2, -94.3	1,147,839	35,151.8	Shut-down ELD	1298

Electronic Record of Duty Status

**AMERICAN DIESEL LLC (U.S.
DOT# 3097576)**

24 Period Start Time: Midnight

Time-Zone: CDT (UTC-5)

ELD Registration Id: 0007

Driver: AdanAntonio Mendez

Driver's License Kansas [REDACTED]

Exempt Driver Status:

Manufacturer:

ELD Identifier: MOTIVE

Output file comment: INV-248521

File Generation:09/20/2023 11:16:14, CDT
(UTC-5)

Location: 4mi SE KS Pratt

Shipping Document Number:Ninguno

Trailer Numbers:

Daily Log

Daily Log: 04/05/2023

Unidentified Driving Time: 00:00:00

Malfunctions Triggered: Engine Sync

Data Diagnostic Triggered: Engine Sync

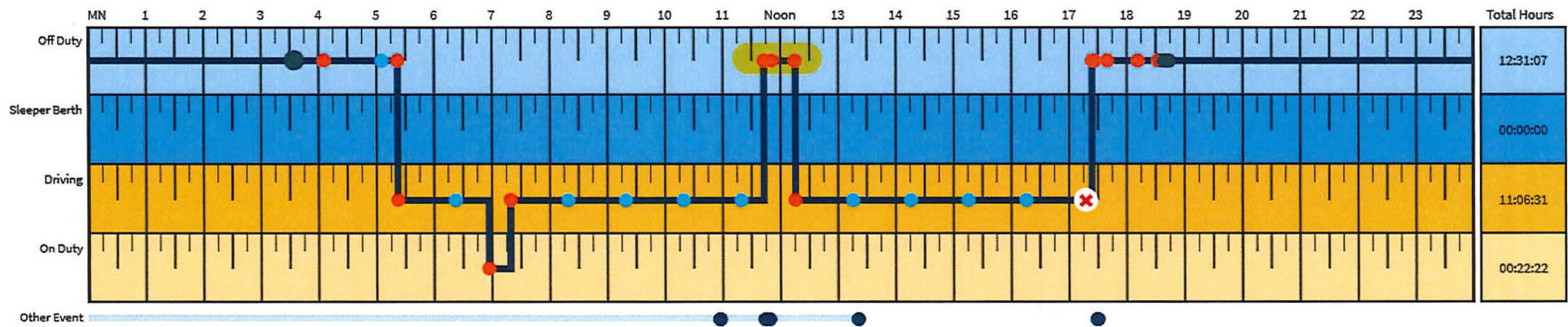
Certified by Driver: Yes

Date Certified	Certificate
4/5/2023	First certification

CMVs

Power Unit #	VIN	Shipping Document Number	Start/End Engine Hours	Start/End Odometer	Miles Driven	Unidentified Miles in Driver Miles	Miles in Driving Status	Miles in PC/YM	
TRUCK20	<div></div> (Manual)	57212	Ninguno	35151.8 - 35167	1147839 - 1148564	725	0	599	126

Record of Duty Status



Event Detail

Date	Time	Geo Location	Location Coordinates	Odometer	Engine Hours	Event Type/Status	Origin	Sequence #
04/05/2023	03:34:20	4mi NNE MO Carthage	37.2, -94.3	1,147,839	35,151.8	Power-up	ELD	1299
04/05/2023	04:05:19	4mi NNE MO Carthage	37.2, -94.3	1,147,839	35,152.3	PC	Driver	129A
04/05/2023	04:05:19	3mi NNE MO Carthage	37.19, -94.29	1,147,839	35,152.3	Off-duty	ELD	129B
Postrip158890								
04/05/2023	05:05:22	4mi NE MO Fremont Hills	37.1, -93.2	1,147,900	35,153.3	Intermediate log	ELD	129C
04/05/2023	05:21:36	5mi ESE MO Highlandville	36.9, -93.2	1,147,917	35,153.6	PC/YM Cleared	Driver	129D
04/05/2023	05:21:36	4mi SE MO Highlandville	36.89, -93.24	1,147,917	35,153.6	Off-duty	Driver	129E
Pretrip								
04/05/2023	05:22:11	4mi SE MO	36.89,	1,147,917	35,153.6	Driving	ELD	129F

		Highlandville	-93.24					
04/05/2023	06:22:12	1mi NW AR Harrison	36.25, -93.12	1,147,966	35,154.6	Intermediate log	ELD	12A0
04/05/2023	06:56:41	3mi W AR Summit	36.25, -92.74	1,147,992	35,155.2	On-duty, not driving	Driver	12A1
	Unloading							
04/05/2023	07:19:03	3mi W AR Summit	36.25, -92.73	1,147,992	35,155.5	Driving	ELD	12A3
04/05/2023	08:19:03	3mi WNW AR Omaha	36.48, -93.22	1,148,037	35,156.6	Intermediate log	ELD	12A4
04/05/2023	09:19:06	6mi NNE MO Republic	37.19, -93.47	1,148,099	35,157.6	Intermediate log	ELD	12A5
04/05/2023	10:19:06	2mi NW MO Loma Linda	37, -94.62	1,148,167	35,158.6	Intermediate log	ELD	12A6
04/05/2023	11:19:06	1mi E KS Columbus	37.17, -94.83	1,148,201	35,159.6	Intermediate log	ELD	12A7
04/05/2023	11:42:45	1mi S KS McCune	37.34, -95.01	1,148,223	35,160	Off-duty	Driver	12A8
	Brake							
04/05/2023	11:51:00	4mi S KS McCune	37.3, -95	1,148,223	35,160.1	PC	Driver	12A9
04/05/2023	11:51:00	1mi S KS McCune	37.34, -95.01	1,148,223	35,160.1	Off-duty	ELD	12AA
	Brake							
04/05/2023	12:14:59	7mi N KS Mound Valley	37.3, -95.4	1,148,247	35,160.5	PC/YM Cleared	Driver	12AB
04/05/2023	12:14:59	8mi NE KS Cherryvale	37.34, -95.44	1,148,247	35,160.5	Off-duty	Driver	12AC

Brake

04/05/2023	12:15:33	8mi NE KS Cherryvale	37.34, -95.44	1,148,247	35,160.5	Driving	ELD	12AD
04/05/2023	13:15:34	3mi ENE KS Severy	37.64, -96.17	1,148,300	35,161.5	Intermediate log	ELD	12AE
04/05/2023	14:15:34	1mi E KS Eastborough	37.68, -97.24	1,148,360	35,162.5	Intermediate log	ELD	12AF
04/05/2023	15:15:33	4mi SSE KS Penalosa	37.65, -98.29	1,148,419	35,163.5	Intermediate log	ELD	12B0
04/05/2023	16:15:33	2mi WNW KS Greensburg	37.61, -99.31	1,148,476	35,164.5	Intermediate log	ELD	12B1
04/05/2023	17:15:33	9mi W KS Dodge City	37.78, -100.17	1,148,533	35,165.5	Intermediate log	ELD	12B2
04/05/2023	17:23:52	2mi E KS Cimarron	37.8, -100.3	1,148,540	35,165.6	Off-duty	Driver	12B3

Postrip

04/05/2023	17:25:24	2mi E KS Cimarron	37.8, -100.3	1,148,540	35,165.7	PC	Driver	12B4
04/05/2023	17:25:24	2mi E KS Cimarron	37.8, -100.3	1,148,540	35,165.7	Off-duty	ELD	12B5

Postrip

04/05/2023	17:26:10	2mi E KS Cimarron	37.8, -100.3	1,148,540	35,165.7	PC/YM Cleared	Driver	12B6
04/05/2023	17:26:10	2mi E KS Cimarron	37.8, -100.3	1,148,540	35,165.7	Off-duty	ELD	12B7
04/05/2023	17:39:35	2mi E KS Cimarron	37.8, -100.3	1,148,540	35,165.9	PC	Driver	12B8
04/05/2023	17:39:35	2mi E KS Cimarron	37.8, -100.3	1,148,540	35,165.9	Off-duty	ELD	12B9

Postrip

04/05/2023	18:11:18	4mi S KS Dodge City	37.7, -100	1,148,564	35,166.4	PC/YM Cleared	Driver	12BA
04/05/2023	18:11:18	2mi SE KS Dodge City	37.74, -99.99	1,148,564	35,166.4	Off-duty	ELD	12BB
04/05/2023	18:32:14	4mi S KS Dodge City	37.7, -100	1,148,564	35,166.8	PC	Driver	12BC
04/05/2023	18:32:14	2mi SE KS Dodge City	37.74, -99.99	1,148,564	35,166.8	Off-duty	ELD	12BD

Postrip

04/05/2023	18:32:52	4mi S KS Dodge City	37.7, -100	1,148,564	35,166.8	PC/YM Cleared	Driver	12BF
04/05/2023	18:32:52	2mi SE KS Dodge City	37.74, -99.99	1,148,564	35,166.8	Off-duty	ELD	12C0
04/05/2023	18:38:15	4mi S KS Dodge City	37.7, -100	1,148,564	35,166.9	Shut-down	ELD	12BE
04/05/2023	18:41:35	4mi S KS Dodge City	37.7, -100	1,148,564	35,166.9	Power-up	ELD	12C1
04/05/2023	18:43:39	4mi S KS Dodge City	37.7, -100	1,148,564	35,167	Shut-down	ELD	12C2

Electronic Record of Duty Status

**AMERICAN DIESEL LLC (U.S.
DOT# 3097576)**

24 Period Start Time: Midnight

Time-Zone: CDT (UTC-5)

ELD Registration Id: 0007

Driver: AdanAntonio Mendez

Driver's License Kansas [REDACTED]

Exempt Driver Status:

Manufacturer:

ELD Identifier: MOTIVE

Output file comment: INV-248521

File Generation:09/20/2023 11:16:14, CDT
(UTC-5)

Location: 4mi SE KS Pratt

Shipping Document Number:Ninguno

Trailer Numbers:

Daily Log

Daily Log: 04/06/2023

Unidentified Driving Time: 00:00:00

Malfunctions Triggered: None

Data Diagnostic Triggered: Power,Engine Sync

Certified by Driver: Yes

Date Certified
4/6/2023

Certificate
First certification

CMVs

Power Unit #	VIN	Shipping Document Number	Start/End Engine Hours	Start/End Odometer	Miles Driven	UnidentifiedMiles in Driver MilesDriving Status	Miles in PC/YM
TRUCK20	[REDACTED] (Manual)	Ninguno	35167 - 35180.4	1148564 - 1149084	520	0 460	58

Record of Duty Status

Exhibit 3

ACCIDENT

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: KSHP03132102
Inspection Date: 08/08/2023
Start: 11:35 AM CT End: 1:35 PM CT
Inspection Level: I - Full
HM Inspection Type: None

Carrier: AMERICAN DIESEL LLC

DBA:

1907 COUNTRY CLUB DR

DODGE CITY, KS, 67801

USDOT: 3097576

Phone#: (620)682-3492

MC/MX#: 00075613

Fax#:

State#:

Location: PRATT COUNTY - 151

Highway: U54

County:

Email:

Driver: GUILLOTY RODRIGUEZ, PEDRO

License#:

State: FL

Date of Birth:

CoDriver:

License#:

State:

Date of Birth:

Milepost: 136

Shipper: H&S LOGISTICS/KOSS CONST

Origin: MIAMI,OK

Bill of Lading: 179259

Destination: CIMARRON,KS

Cargo: ROCK

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate	Equipment ID	VIN	GVWR	CVSA #	Issued #	OOS Sticker
1	TT	PTRB	2014	KS	234401	217		5063 51200			
2	ST	WILX	2016	KS	707552	T007		1479 65000			162881

BRAKE ADJUSTMENTS

Axle #	1	2	3	4	5
Right	1 1/2	1 3/4	1 1/2	INOP	INOP
Left	1 1/4	1 3/4	1 1/2	INOP	INOP
Chamber	C-24	C-30	C-30	C-30	C-30

VIOLATIONS

Section	Type	Unit	OOS	Citation #	VerifyCrash	Violations Discovered
393.75A	F	2	Y		U Y	Flat tire or fabric exposed: AXLE 5-PASSENGER SIDE/INSIDE TIRE FLAT. LARGE GOUGE IN SIDEWALL DUE TO CRASH IMPACT.
393.207F	F	2	Y		U Y	Air suspension pressure loss: AXLE 5-AIR BAG SUSPENSION LEAKING DUE TO DAMAGE FROM CRASH IMPACT.
393.207A	F	2	Y		U Y	Axle positioning parts defective/missing: AXLE 5-DAMAGED AND SHIFTED DUE TO CRASH IMPACT.
393.48A	F	2	Y		U Y	Inoperative/defective brakes: AXLE 4-DRIVERS SIDE BRAKE INOPERABLE DUE TO CRASH DAMAGE.
393.48A	F	2	Y		U Y	Inoperative/defective brakes: AXLE 4 PASSENGER SIDE BRAKE INOPERABLE DUE TO CRASH DAMAGE.
393.48A	F	2	Y		U Y	Inoperative/defective brakes: AXLE 5 DRIVERS SIDE BRAKE INOPERABLE DUE TO CRASH DAMAGE.
393.48A	F	2	Y		U Y	Inoperative/defective brakes: AXLE 5-PASSENGER SIDE BRAKE INOPERABLE DUE TO CRASH DAMAGE.
396.3A1BOS	F	2	Y		U Y	BRAKES OUT OF SERVICE: The number of defective brakes is equal to or greater than 20 percent of the service brakes on the vehicle or combination: 4 OUT OF 10 BRAKES INOPERABLE DUE TO CRASH DAMAGE.

HazMat: No HM transported

Placard:

Cargo Tank:

Special Checks:

Alcohol/Controlled Substance Check
Conducted by Local Jurisdiction
Size and Weight Enforcement
eScreen Inspection

Traffic Enforcement
PASA Conducted Inspection
Drug Interdiction Search

X Post Crash Inspection
PBBT Inspection

Notes: This inspection was conducted as part of a motor vehicle fatality investigation. The damage was primarily confined to the rear of the trailer undercarriage. The air system for the suspension and brakes for axle 4 & 5 was damaged due to the collision.

* 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: _____



ACCIDENT

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: KSHP03132102
Inspection Date: 08/08/2023
Start: 11:35 AM CT End: 1:35 PM CT
Inspection Level: I - Full
HM Inspection Type: None

*** 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 #:
J.W. Reames 0313

Copy Received By:
PEDRO GUILLOTY RODRIGUEZ

X

X



Exhibit 4

Low Air Warning	✓	Reflectors	✓	Tank(s)	✓
Trailer Air Supply	✓	Other		Lines	✓
Compressor	✓				
Parking Brakes	✓	CAB/BODY		SUSPENSION	
Other		Access	✓	Springs	✓
		Eqpt./Load Secure		Attachments	
COUPLERS		Tie-Downs		Sliders	
Fifth-Wheel & Mount	✓	Headerboard			
Pin/Upper Plate	✓	Motorcoach Seats	✓	MIRRORS	
Pintle-Hook/Eye		Other			
Safety Chain(s)					

REMARKS

Certification: This vehicle has passed all the inspection items for the annual vehicle inspection.

QUALIFIED INSPECTOR'S SIGNATURE _____

+

APPLY LABEL TO A CLEAN, DRY SURFACE.
USE WITH AN OVERLAMINATE (2402) TO
IMPROVE DURABILITY UNDER NORMAL
WEATHER CONDITIONS.

AN INDELIBLE INK MARKER IS RECOMMENDED
FOR USE WHEN FILLING OUT THE LABEL.
INDELIBLE INK IS PERMANENT AND WILL NOT
WASH OFF, BUT MAY FADE DUE TO EXPOSURE
TO ULTRAVIOLET LIGHT OVER TIME. CAREFUL
APPLICATION IS ADVISED REGARDING
APPLICATION OF LABEL TO AN AREA NOT
EXPOSED TO EXCESSIVE ULTRAVIOLET LIGHT
AND/OR ELEMENTS AND IT IS RECOMMENDED
THAT THE READABILITY OF THE LABEL BE
CHECKED PERIODICALLY.

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Printed in the USA

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ANNUAL VEHICLE INSPECTION REPORT

VEHICLE HISTORY RECORD

REPORT NUMBER 751	FLEET UNIT NUMBER T007
DATE 1/1/2020	

MOTOR CARRIER OPERATOR American Diesel LLC	INSPECTOR'S NAME (PRINT OR TYPE) [Signature]
ADDRESS 1107 [illegible]	THIS INSPECTOR MEETS THE QUALIFICATION REQUIREMENTS IN SECTION 396.19. <input type="checkbox"/> YES
CITY, STATE, ZIP CODE [illegible]	VEHICLE IDENTIFICATION (IF AND COMPLETE) [illegible] LIC. PLATE NO. <input type="checkbox"/> VIN <input type="checkbox"/> OTHER 1477
VEHICLE TYPE <input type="checkbox"/> TRACTOR <input checked="" type="checkbox"/> TRAILER <input type="checkbox"/> TRUCK <input type="checkbox"/> BUS <input type="checkbox"/> (OTHER)	INSPECTION AGENCY LOCATION (IF APPLICABLE)

VEHICLE COMPONENTS INSPECTED

OK	NEEDS REPAIR	REPAIRED DATE	ITEM	OK	NEEDS REPAIR	REPAIRED DATE	ITEM	OK	NEEDS REPAIR	REPAIRED DATE	ITEM
			1. BRAKE SYSTEM				6. SAFE LOADING				12. WINDSHIELD GLAZING
✓			a. Service Brakes	✓			a. Vehicle parts, load, dunnage, spare tire, etc., secured.	✓			No cracks, discoloration, obstacles, etc. (see 393.60 for exceptions).
✓			b. Parking Brake System	NA			b. Front End Structure	✓			13. WINDSHIELD WIPERS
✓			c. Brake Drums or Rotors	NA			c. Intermodal Container Securement Devices	✓			No missing, damaged, or inoperable wipers.
✓			d. Brake Hose				7. STEERING MECHANISM				14. MOTORCOACH SEATS
✓			e. Brake Tubing				a. Steering Wheel Free Play	✓			Seats securely fastened to the vehicle structure.
✓			f. Low Pressure Warning Device				b. Steering Column	✓			15. REAR IMPACT GUARD
✓			g. Tractor Protection Valve				c. Front Axle Beam/All Other Steering Components	✓			In place, securely attached, proper size, proper placement (see 393.86).
✓			h. Air Compressor				d. Steering Gear Box				16. OTHER
✓			i. Electric Brakes				e. Pitman Arm				List any other condition(s) which may prevent safe operation of this vehicle.
✓			j. Hydraulic Brakes				f. Power Steering				
✓			k. Vacuum Systems				g. Ball and Socket Joints				
✓			l. Antilock Brake System				h. Tie Rods and Drag Links				
✓			m. Automatic Brake Adjusters				i. Nuts				
			2. COUPLING DEVICES				j. Steering System				
✓			a. Fifth Wheels				8. SUSPENSION				
✓			b. Pintle Hooks				a. Axle Positioning Parts				
✓			c. Drawbar/Towbar Eye				b. Spring Assembly				
✓			d. Drawbar/Towbar Tongue				c. Torque, Radius or Tracking Components				
✓			e. Safety Devices				9. FRAME				
✓			f. Saddle-Mounts				a. Frame Members				
			3. EXHAUST SYSTEM				b. Tire and Wheel Clearance				
✓			a. No leaks forward of/ directly below the driver/ sleeper compartment.				c. Adjustable Axle Assemblies (Sliding Subframes)				
✓			b. Bus: No leaking/ discharging in violation of standard.				10. TIRES				
✓			c. Unlikely to burn, char, or damage the electrical wiring, fuel supply, or any combustible part of vehicle.				a. Steer-Axle Tires				
			4. FUEL SYSTEM				b. All Other Tires				
✓			a. No visible leak.				c. Speed-Restricted Tires				
✓			b. Fuel Tank Filler Cap				11. WHEELS AND RIMS				
✓			c. Fuel tank securely attached.				a. Lock or Side Ring				
			5. LIGHTING DEVICES				b. Wheels and Rims				
✓			All required lights/reflectors operable.				c. Fasteners				
							d. Welds				

INSTRUCTIONS: MARK COLUMN ENTRIES TO VERIFY INSPECTION. ✓ OK, X NEEDS REPAIR, NA IF ITEMS DO NOT APPLY. REPAIRED DATE

CERTIFICATION: THIS VEHICLE HAS PASSED ALL THE INSPECTION ITEMS FOR THE ANNUAL VEHICLE INSPECTION IN ACCORDANCE WITH 49 CFR PART 396.

Exhibit 5

Electronic Record of Duty Status

**AMERICAN DIESEL LLC (U.S.
DOT# 3097576)**

24 Period Start Time: Midnight

Time-Zone: CDT (UTC-5)

ELD Registration Id: 0007

Driver: Pedro GuillotyRodriguez

Driver's License Florida [REDACTED]

Exempt Driver Status:

Manufacturer:

ELD Identifier: MOTIVE

Output file comment: INV-248521

File Generation:09/20/2023 11:15:23, CDT
(UTC-5)

Location: WI East Troy

Shipping Document Number:023J30047

Trailer Numbers:52

Daily Log

Daily Log: 08/01/2023

Unidentified Driving Time: 00:00:00

Malfunctions Triggered: None

Data Diagnostic Triggered: Engine Sync

Certified by Driver: Yes

Date Certified

8/1/2023

8/1/2023

Certificate

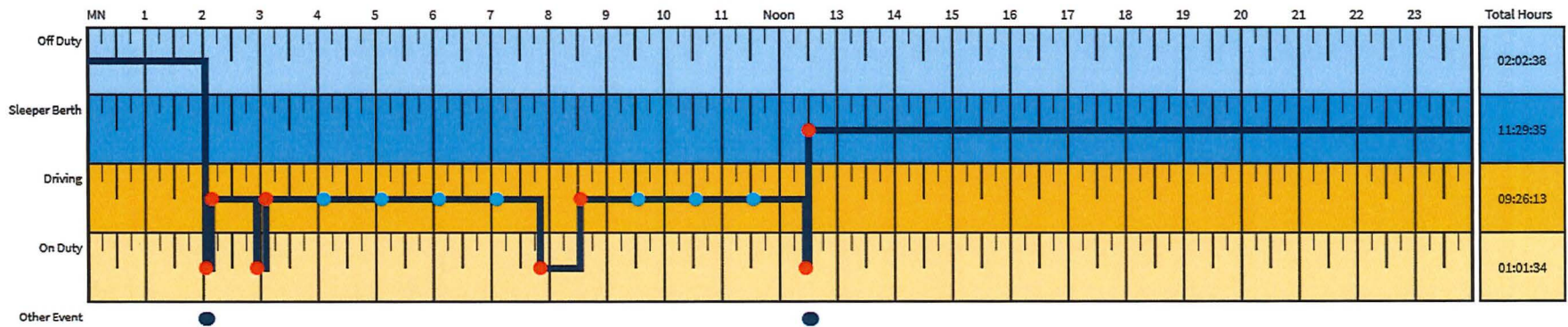
First certification

Second certification

CMVs

Power Unit #	VIN	Shipping Document Number	Start/End Engine Hours	Start/End Odometer	Miles Driven	Unidentified Driver Miles	Miles in Driving Status	Miles in PC/YM
217	[REDACTED] (Manual)		0 - 0	0 - 0	0	0	0	0

Record of Duty Status



Event Detail

Date	Time	Geo Location	Location Coordinates	Odometer	Engine Hours	Event Type/Status	Origin	Sequence #
08/01/2023	02:02:38	22.0 mi SE of El Dorado; KS (Manual)	0, 0	Missing power-up event	Missing power-up event	On-duty, not driving	Driver	001F
Pre-Trip Inspection								
08/01/2023	02:08:53	11mi NE KS Latham	37.66, -96.51	Missing power-up event	Missing power-up event	Driving	ELD	0020
08/01/2023	02:55:38	1mi E KS Fredonia	37.53, -95.8	Missing power-up event	Missing power-up event	On-duty, not driving	ELD	0021
08/01/2023	03:05:24	1mi E KS Fredonia	37.53, -95.8	Missing power-up event	Missing power-up event	Driving	ELD	0022
08/01/2023	04:05:27	3mi W KS	37.34,	Missing	Missing	Intermediate	ELD	0023

EXHIBIT 6

DRIVER/VEHICLE EXAMINATION REPORT

OKLAHOMA HIGHWAY PATROL (TROOP S)
COMMERCIAL VEHICLE ENFORCEMENT
200 NE 21ST ST
OKLAHOMA CITY, OK 73105
Phone: (405)521-6060 Email: ohpcmve@dps.ok.gov

Report Number: OKW600170598
Inspection Date: 11/30/2022
Start: 9:00 AM CT End: 9:26 AM CT
Inspection Level: III - Driver/Credential
HM Inspection Type: None

Carrier: AMERICAN DIESEL LLC
DBA:
1907 COUNTRY CLUB DR
DODGE CITY, KS, 67801
USDOT: 3097576 Phone#:
MC/MX#: 00075613 Fax#:
State#:
Location: CIMARRON TURNPIKE
Highway: US 412
County:
Email:

Driver: PEREZ HERNANDEZ, CRUZ
License#: [REDACTED] State: KS
Date of [REDACTED]
CoDriver:
License#: State:
Date of Birth:
Milepost: MM 48 Shipper: MACROSOURCE
Origin: CATOOSA,OK Bill of Lading: 55184
Destination: MONTEZUMA,KS Cargo: FERTILIZER (UREA)

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate	Equipment ID	VIN	GVWR	CVSA #	Issued #	OOS Sticker
1	TT	FRHT	2004	KS	200722	23	[REDACTED]	0895 52000			
2	ST	WILX	2018	KS	694924	T55	[REDACTED]	4899 65000			

BRAKE ADJUSTMENTS:No brake measurements required for level II or level III

VIOLATIONS

Section	Type	Unit	OOS	Citation #	Verify	Crash	Violations Discovered
392.2-SLLS2	F	D	N		N	N	State/Local Laws - Speeding 6-10 miles per hour over the speed limit.: 64 MPH IN 55 MPH ZONE

HazMat: No HM transported

Placard:

Cargo Tank:

Special Checks:	Alcohol/Controlled Substance Check	X	Traffic Enforcement	Post Crash Inspection
Conducted by Local Jurisdiction			PASA Conducted Inspection	PBBT Inspection
Size and Weight Enforcement			Drug Interdiction Search	
eScreen Inspection				

Notes: ELD IDENTIFIER- MOTIVE. AG EXEMPT

NOTE TO DRIVER: This report must be furnished to the motor carrier whose name appears at the top of this report. NOTE TO CARRIER: If violations are noted, please ensure corrections are completed and sign the below certification. Please return the signed copy of this report within fifteen (15) days to the Oklahoma Highway Patrol, Troop S. Failure to comply may result in forfeiture of OCC License.

Signature Of Repairer X: _____ Facility: _____ Date: _____

****CARRIER CERTIFICATION:** THE UNDERSIGNED CERTIFIES THAT ALL VIOLATIONS NOTED ON THIS REPORT HAVE BEEN CORRECTED AND ACTION HAS BEEN TAKEN TO ASSURE COMPLIANCE WITH THE OKLAHOMA MOTOR CARRIER SAFETY STATUTES AS THEY ARE APPLICABLE TO MOTOR CARRIERS AND DRIVERS.

Signature Of Motor Carrier X: _____ Title: _____ Date: _____

Report Prepared By: ID/Badge #:
C. Parker 594

Copy Received By:
CRUZ PEREZ HERNANDEZ

X

X



EXHIBIT 7

Report Compliance - DRIVER CHECK (ANNUAL QUERIES CONDUCTED) AMERICAN DIESEL LLC (USDOT# 3097576)

Address:1907 COUNTRY CLUB DR; DODGE CITY, KS 67801; US

As of:11/7/2023 16:07

Report Generated on : 11/07/2023 04:07

Name	Country	CDL	Most Recent Query
RAMON LAMBERT HERNANDEZ	United States	KS [REDACTED]	Limited
ADOLFO MORALES-RIOS	United States	KS [REDACTED]	Limited
ADAN MENDEZ RAMIREZ	United States	NM [REDACTED]	Limited
CRUZ PEREZ HERNANDEZ	United States	KS [REDACTED]	Limited

Disclaimer:**This document contains sensitive information and is for official use only. Improper handling of this information could negatively affect individuals. Handle and secure this information according to Federal Motor Carrier Safety Administration privacy and security guidelines. Properly dispose of this document according to agency policy when this document is no longer needed.**

.TED)

Submitted On	Consent Received	Result
6/8/2023	General Consent Obtained outside Clearinghouse	Driver Not Prohibited
7/4/2023	General Consent Obtained outside Clearinghouse	Driver Not Prohibited
7/4/2023	General Consent Obtained outside Clearinghouse	Driver Not Prohibited
9/19/2023	General Consent Obtained outside Clearinghouse	Driver Not Prohibited

of

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EXHIBIT 8

DRIVER'S APPLICATION FOR EMPLOYMENT

Applicant Name (print) Adon Antonio mendez Date of Application 7-23-21
Company American diesel
Address 1907 County Club DR
City Dodge City State KS Zip 67801

In compliance with Federal and State equal employment opportunity laws, qualified applicants are considered for all positions without regard to race, color, religion, sex, national origin, age, marital status, veteran status, non-job related disability, or any other protected group status.

TO BE READ AND SIGNED BY APPLICANT

I authorize you to make such investigations and inquiries of my personal, employment, financial or medical history and other related matters as may be necessary in arriving at an employment decision. (Generally, inquiries regarding medical history will be made only if and after a conditional offer of employment has been extended.) I hereby release employers, schools, health care providers and other persons from all liability in responding to inquiries and releasing information in connection with my application.

In the event of employment, I understand that false or misleading information given in my application or interview(s) may result in discharge. I understand, also, that I am required to abide by all rules and regulations of the Company.

I understand that information I provide regarding current and/or previous employers may be used, and those employer(s) will be contacted, for the purpose of investigating my safety performance history as required by 49 CFR 391.23(d) and (e). I understand that I have the right to:

- Review information provided by previous employers;
- Have errors in the information corrected by previous employers and for those previous employers to re-send the corrected information to the prospective employer; and
- Have a rebuttal statement attached to the alleged erroneous information, if the previous employer(s) and I cannot agree on the accuracy of the information.

Signature Antonio A mendez Date 7-23-21

FOR COMPANY USE

PROCESS RECORD

APPLICANT HIRED _____ REJECTED _____
DATE EMPLOYED _____ POINT EMPLOYED _____
DEPARTMENT _____ CLASSIFICATION _____
(IF REJECTED, SUMMARY REPORT OF REASONS SHOULD BE PLACED IN FILE)
SIGNATURE OF INTERVIEWING OFFICER _____

TERMINATION OF EMPLOYMENT

DATE TERMINATED _____ DEPARTMENT RELEASED FROM _____
DISMISSED _____ VOLUNTARILY QUIT _____ OTHER _____
TERMINATION REPORT PLACED IN FILE _____ SUPERVISOR _____

This form is made available with the understanding that J. J. Keller & Associates, Inc. is not engaged in rendering legal, accounting, or other professional services. J. J. Keller & Associates, Inc. assumes no responsibility for the use of this form, or any decision made by an employer which may violate local, state, or federal law.

APPLICANT TO COMPLETE

(answer all questions - please print)

Position(s) Applied for Driver

Name Mendez Adan Antonio Social Security No. 628-16-5708
Last First Middle

List your addresses of residency for the past 2 years

Current Address [Redacted] dodge city
City

Previous Addresses
KS 67801 Phone 620-759-1303 How Long? 4-7
State Zip Code yr./mo.

Street City State & Zip Code How Long?
yr./mo.

Street City State & Zip Code How Long?
yr./mo.

Street City State & Zip Code How Long?
yr./mo.

Do you have the legal right to work in the United States? YES

Date of Birth [Redacted] Can you provide proof of age? _____
(Required for Commercial Driver's License)

Have you worked for this company before? _____ Where? _____

Dates: From _____ To _____ Rate of Pay _____ Position _____

Reason for leaving _____

Are you now employed? _____ If not, how long since leaving last employment? _____

Who referred you? _____ Rate of pay expected _____

Have you ever been bonded? _____ Name of bonding company _____
(Answer only if a job requirement)

Have you ever been convicted of a felony? _____

If yes, please explain fully on a separate sheet of paper. Conviction of a crime is not an automatic bar to employment-all circumstances will be considered.

Is there any reason you might be unable to perform the functions of the job for which you have applied [as described in the attached job description]?

If yes, explain if you wish.

10 years of employment **EMPLOYMENT HISTORY**
(10 años de empleo)

All driver applicants to drive in interstate commerce must provide the following information on all employers during the preceding 3 years. List complete mailing address, street number, city, state and zip code.

Applicants to drive a commercial motor vehicle* in intrastate or interstate commerce shall also provide an additional 7 years' information on those employers for whom the applicant operated such vehicle.

(NOTE: List employers in reverse order starting with the most recent. Add another sheet as necessary.)

EMPLOYER				DATE			
NAME	<u>Triple 8 Trucking</u>			FROM	TO	TC	YC
ADDRESS	<u>P.O. Box 1158</u>			MO	YR	MO	YR
CITY	<u>Cimarron</u>	STATE	<u>KS</u>	POSITION HELD			
CONTACT PERSON	<u>brandy</u>	ZIP	<u>67835</u>	<u>driver</u>			
PHONE NUMBER			<u>620 855</u>	SALARY WAGE			
WERE YOU SUBJECT TO THE FMCSRs* WHILE EMPLOYED?			<u>YES</u>	<u>25%</u>			
WAS YOUR JOB DESIGNATED AS A SAFETY-SENSITIVE FUNCTION IN ANY DOT-REGULATED MODE SUBJECT TO THE DRUG AND ALCOHOL TESTING REQUIREMENTS OF 49 CFR PART 40?			<u>YES</u>	REASON FOR LEAVING			
				<u>find better job</u>			

*emilio 7-26-01
 rec'd 7-26-01
 njm629*

EXHIBIT 9



NEW MEXICO

COMMERCIAL DRIVER'S LICENSE



License # [REDACTED]
Date of Birth [REDACTED]

MENDEZ RAMIREZ
ADAN ANTONIO

ISSUED 10/29/2020
EXPIRES 10/28/2028

WEIGHT 190 SEX M CLASS A
HEIGHT 5'11" EYES BRO ENDORSEMENTS N
DONOR RESTRICTIONS NONE



CERTIFICATE OF SERVICE

24-TRAM-360-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 11/16/2023.

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

Cruz Perez-Hernandez, OWNER
American Diesel LLC
1907 Country Club Drive
Dodge City, KS 67801
priscilla@americandiesel.org

/S/ KCC Docket Room

KCC Docket Room