

1500 SW Arrowhead Road
Topeka, KS 66604-4027

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



20231107093847
Kansas Corporation
Commission
Phone: 785-271-3100
Fax: 785-271-3354
<http://kcc.ks.gov/>

Laura Kelly, Governor

NOTICE OF PENALTY ASSESSMENT
24-TRAM-323-PEN

November 7, 2023

Javier G. Morales, Owner
Javier G Morales d/b/a J's Trucking
106 N 9th St
Garden City, KS 67846

This is a notice of a penalty assessment against Javier G Morales d/b/a J's Trucking (J's Trucking) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on August 17, 2023, by Kansas Corporation Commission Special Investigators Erica Pargas and Penny Fryback. 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: J's Trucking has been assessed a \$3,350 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$3,350, through your personal account with the Kansas Corporation Commission's Kansas Trucking Regulatory Assistance Network (KTRAN) system located at <https://puc.kcc.ks.gov/ktran/>. If you have not received a letter from the Transportation Division assigning you a PIN, please contact that Division at 785-271-3145. You must have an account through KTRAN to pay the penalty owed.

The attached Order requires a representative of J's Trucking 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. J's Trucking 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 \$3,350 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 **Javier G**)
Morales d/b/a J's Trucking, of Garden City,)
KS, Regarding the Violation(s) of the Motor)
Carrier Safety Statutes, Rules and Regulations) Docket No. 24-TRAM-323-PEN
and the Commission's Authority to Impose)
Penalties, Sanctions and/or the Revocation of)
Motor Carrier Authority.)

PENALTY ORDER

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

1. On August 17, 2023, Commission Staff Special Investigators (SIs) Erica Pargas and Penny Fryback, completed a safety compliance investigation of the operations of Javier G Morales d/b/a J's Trucking (J's Trucking or Carrier). J's Trucking is a motor carrier as defined in 49 C.F.R. 390.5, and operates under USDOT number 2560333.

2. On October 9, 2023, Staff submitted its Report and Recommendation (R&R), attached hereto as Attachment "A" and is hereby incorporated by reference, recommending a penalty of \$3,350 to be issued to J's Trucking 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 Erica Pargas and Penny Fryback identified fifty-nine (59) violation(s),

accounting for five (5) 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 J's Trucking 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 J's Trucking 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 J's Trucking 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. 3 (Oct. 9, 2023).

⁴ See Staff's Report and Recommendation, p. 3-4 (Oct. 9, 2023).

⁵ See Staff's Report and Recommendation, p. 4 (Oct. 9, 2023).

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. Javier G Morales d/b/a J's Trucking, of Garden City, KS is hereby assessed a \$3,350 civil penalty for fifty-nine (59) violation(s), accounting for five (5) 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. J's Trucking 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. J's Trucking 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 J's Trucking'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 \$3,350 is due in thirty (30) days from the date of service of this Order. Payment of \$3,350 must be made

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

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 \$3,350 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 J's Trucking'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: 11/07/2023



Lynn M. Retz
Executive Director

AAL

⁷ K.S.A. 66-1,105.

ATTACHMENT “A”

REPORT AND RECOMMENDATION TRANSPORTATION DIVISION

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

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

DATE: October 9, 2023

SUBJECT: Docket No. 24-TRAM-323-PEN
In the Matter of the Investigation of **Javier G Morales d/b/a J's Trucking of Garden 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:

Javier G Morales is a motor carrier (MC) possessing public for-hire operating authority from the Commission, primarily hauling grain, feed and hay. Javier G Morales operates under USDOT 2560333. On August 17, 2023, Commission Staff Special Investigators (SIs) Erica Pargas and Penny Fryback completed a safety compliance investigation of the operations of Javier G Morales. 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 fifty nine (59) violation(s), accounting for five (5) specific count(s), 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 \$3,350 be issued to the MC.

DISCUSSION AND ANALYSIS:

On August 17, 2023, Commission Staff SIs Erica Pargas and Penny Fryback conducted a safety compliance investigation of the operations of Javier G Morales. The investigation covers a 365 day period. Each specific count is detailed below.

Count One (1 of 5)

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

Intent of Law: The MC shall require its driver to keep records of duty status for each 24-hour period using the method described in 49 C.F.R. 395.8(a) and to submit the original record to the motor carrier within 13 days of creation.

Supporting Documentation: On May 18, 2023, Javier G. Morales required or permitted its driver, Francisco J. Morales, Jr., to operate a commercial driver's license (CDL) required commercial motor vehicle (CMV), a 1994 Peterbilt, VIN ending in 0306, GVWR 50,000 lbs., in interstate commerce from Minden, Nebraska to Satanta, Kansas. This transport is evidenced by a trip sheet, attached hereto as **Exhibit 2**. On this transport, the driver went beyond the 150 air mile radius and was therefore required to prepare a record of duty status for the portion of the trip beyond 150 air miles.

Violation: Javier G. Morales failed to require driver to prepare a record of duty status (**Exhibit 1, Page 3**). Twenty Four (24) violation(s) were discovered.

Recommendation: Staff recommends a fine of \$750.

Count Two (2 of 5)

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

Intent of the Law: The MC shall obtain from its drivers and retain supporting documents and the record of duty status for a period of six (6) months.

Supporting Documents: This violation took place during the transport described in Count One, above. The MC failed to retain copies of bills of lading, scale tickets and/or fuel receipts for the loads hauled by its driver.

Violation: Javier G. Morales failed to retain supporting documents (**Exhibit 1, Page 3**). Thirty (30) violation(s) were discovered.

Recommendation: Staff recommends a fine of \$900.

Count Three (3 of 5)

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 the 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 June 21, 2023, Javier G. Morales required or permitted its driver, Francisco J. Morales, Jr., to operate a CDL-required CMV, a 1994 Peterbilt, VIN ending in 0306, GVWR 50,000 lbs., in intrastate commerce from Garden City, Kansas to Belpre, Kansas. This transport is evidenced by a Driver Vehicle Examination Report No. KSHP04501877, attached hereto as **Exhibit 3**. At the time of this transport, the MC failed to have a current annual inspection on the CMV being operated.

Violation: Javier G. Morales was found to be in violation of using a CMV that had not been periodically inspected (**Exhibit 1, Page 3 to 4**). Two (2) violation(s) were discovered.

Recommendation: Staff recommends a fine of \$750.

Count Four (4 of 5)

Jurisdiction: 49 C.F.R. 396.3, adopted by K.A.R. 82-4-3j, and authorized by K.S.A. 66-1,129.

Intent of the Law: The MC shall have records indicating the nature and due date of the inspections and maintenance operations to be performed on the commercial motor vehicles.

Supporting Documents: This violation took place during the transport described in Count Three, above. Carrier failed to produce any maintenance records. The MC failed to provide the SIs with maintenance records for the CMVs operated.

Violation: Javier G. Morales failed to maintain records of inspection and maintenance (**Exhibit 1, Page 4**). Two (2) violation(s) were discovered.

Recommendation: Staff recommends a fine of \$750.

Count Five (5 of 5)

Jurisdiction: 49 C.F.R. 396.11, adopted by K.A.R. 82-4-3j, and authorized by K.S.A. 66-1,129.

Intent of the Law: The MC shall require its driver to prepare a Driver Vehicle Inspection Report (DVIR) in writing at the completion of each day's work on each vehicle operated if a defect is discovered and to submit copies of the reports to the motor carrier for action and record retention.

Supporting Documents: This violation took place during the transport described in Count Three, above. The MC failed to provide the SIs with DVIRs prepared by its driver.

Violation: Javier G. Morales failed to require its driver to prepare DVIRs as required (**Exhibit 1, Page 4 to 5**). One (1) violation was discovered.

Recommendation: Staff recommends a fine of \$200.

RECOMMENDATION:

Transportation Staff recommends the Commission find Javier G Morales committed fifty nine (59) violation(s) accounting for five (5) 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 \$3,350 for fifty nine (59) violation(s) of the MC Safety Statutes, Rules and Regulations, in accordance with the recommended penalties listed in the applicable Uniform Penalty Assessment Matrix.

Staff further recommends Javier G Morales 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 Javier G Morales 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 Javier G Morales 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#: 2560333 MC/MX#: 893256		Legal: JAVIER G MORALES Operating (DBA): J'S TRUCKING		Investigation Date: 08/17/2023	
Investigation Type: Onsite Comprehensive Investigation				Location of Investigation: Company principal place of business (PPOB) Extent of Operations: Entire Operation			
Physical Address 730 INDUSTRIAL DR #122 GARDEN CITY, KS 67846-8205 United States				Mailing Address 106 N 9TH ST GARDEN CITY, KS 67846-8353 United States			
Contact Information Contact Name: JAVIER G. MORALES Email: Phone: (620)937-0401 Cell: ()- Fax: ()-							
Business and Financial Business Type: Sole Proprietorship Name of Gross Revenue Provider: Ana Buruca Title of Gross Revenue Provider: Agent Gross Revenue: [REDACTED] For Year Ending: 12/31/2022 Federal Tax ID: [REDACTED]							
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			
Equipment				Driver Information			
	Owned	Term Leased	Trip Leased	Drivers			
Truck Tractors	1				Intrastate	Interstate	
Trailers	1			< 100 Miles			
				> = 100 Miles		1	
Power units used in the U.S.: 1 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: JAVIER G. MORALES				Title: OWNER			
Name: ANA BURUCA				Title: AGENT			

Questions

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

Violations

<div>1. Primary: 395.8(a)(1)</div> <div>Failing to require a driver to prepare a record of duty status using the appropriate method.</div> <div><div>C</div><div>Critical</div><div>At least 10% of the number checked had violations</div></div>		<div>Violations Discovered</div> <table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td>24</td><td></td><td>24</td></tr></table> <div>Checked</div> <table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td>30</td><td></td><td>30</td></tr></table>	Fed	State	Total	24		24	Fed	State	Total	30		30	<div>BASIC Impacted Hours-of-Service Compliance</div>	<div>Rating Factor 3: Operational = Part 395</div>
Fed	State	Total														
24		24														
Fed	State	Total														
30		30														
<div>Example/Notes:</div> <div>Number Checked - 30 days</div> <div>Trip Date: 5/18/2023</div> <div>On 5/18/23, Javier G Morales d/b/a J's Trucking allowed or required driver, Francisco J Morales to haul a load of corn from Minden, NE to Friona Cattle Feed Yard in Satanta, KS. Driver, Francisco J Morales would have been required to log 57 miles and then log his trip from Friona Cattle Feed Yard to Garden City (approximately 29 miles). Javier G Morales d/b/a J's Trucking failed to provide a Record Of Duty Status for driver, Francisco J. Morales.</div>			<div>Drivers/Vehicles in Violation</div> <table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td>1</td><td></td><td>1</td></tr></table> <div>Checked</div> <table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td>1</td><td></td><td>1</td></tr></table>	Fed	State	Total	1		1	Fed	State	Total	1		1	
Fed	State	Total														
1		1														
Fed	State	Total														
1		1														
<div>2. Primary: 395.8(k)(1)</div> <div>Failing to preserve driver's records of duty status supporting documents for 6 months.</div> <div><div>C</div><div>Critical</div><div>At least 10% of the number checked had violations</div></div>		<div>Violations Discovered</div> <table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td>30</td><td></td><td>30</td></tr></table> <div>Checked</div> <table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td>34</td><td></td><td>34</td></tr></table>	Fed	State	Total	30		30	Fed	State	Total	34		34	<div>BASIC Impacted Hours-of-Service Compliance</div>	<div>Rating Factor 3: Operational = Part 395</div>
Fed	State	Total														
30		30														
Fed	State	Total														
34		34														
<div>Example/Notes:</div> <div>Driver name: Francisco J Morales</div> <div>Trip date: 5/18/23</div> <div>Description of Records not Retained: Scale Tickets, Bills Of Lading</div> <div>On 5/18/23, Javier G Morales d/b/a J's Trucking allowed or required driver, Francisco J Morales to haul a load of corn from Minden, NE to Friona Cattle Feed Yard in Satanta, KS. Javier G Morales d/b/a J's Trucking failed to retain copies of bills of lading, scale tickets, and fuel receipts for loads hauled by this driver.</div>			<div>Drivers/Vehicles in Violation</div> <table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td>1</td><td></td><td>1</td></tr></table> <div>Checked</div> <table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td>1</td><td></td><td>1</td></tr></table>	Fed	State	Total	1		1	Fed	State	Total	1		1	
Fed	State	Total														
1		1														
Fed	State	Total														
1		1														
<div>3. Primary: 396.17(a)</div> <div>Using a commercial motor vehicle not periodically inspected.</div> <div><div>C</div><div>Critical</div><div>At least 10% of the number checked had violations</div></div>		<div>Violations Discovered</div> <table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td>2</td><td></td><td>2</td></tr></table> <div>Checked</div> <table><tr><th>Fed</th><th>State</th><th>Total</th></tr></table>	Fed	State	Total	2		2	Fed	State	Total	<div>BASIC Impacted Vehicle Maintenance</div>	<div>Rating Factor 4: Vehicle = Part 396</div>			
Fed	State	Total														
2		2														
Fed	State	Total														

	2		2		
Example/Notes:				Drivers/Vehicles in Violation	
Unit #20 1994 Peterbuilt VIN #				Fed	State
Date of trip: 6/21/23				2	Total
					2
				Checked	
				Fed	State
				2	Total
					2
On 6/21/2023, Javier G Morales d/b/a J's Trucking operated Unit #20 a 1994 Peterbuilt with VIN [REDACTED] 0306 from Garden City, KS to Belpre, KS. At the time of operation, Javier G Morales d/b/a J's Trucking failed to have a current annual inspection.					
4. Primary: 396.3(c)				Violations Discovered	
Failing to retain records of inspection and maintenance for 1 year, or for 6 months after a vehicle is no longer controlled.				Fed	State
				2	Total
					2
				Checked	
				Fed	State
				2	Total
					2
Example/Notes:				Drivers/Vehicles in Violation	
Unit #20 a 1994 Peterbuilt VIN [REDACTED] 0306				Fed	State
Trip date: 6/21/23				2	Total
					2
				Checked	
				Fed	State
				2	Total
					2
Javier G Morales d/b/a J's Trucking failed to provide a maintenance record for Unit #20 and Unit #T22.					
5. Primary: 396.9(d)(3)				Violations Discovered	
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.				Fed	State
				1	Total
					1
				Checked	
				Fed	State
				4	Total
					4
Example/Notes:				Drivers/Vehicles in Violation	
Date of inspection: 6/21/2023				Fed	State
Issuing agency: Kansas Highway Patrol Inspection #: KSHP04501877				1	Total
Driver name/Vehicle ID: Francisco J Morales					1
				Checked	
				Fed	State
				4	Total
					4
Javier G. Morales d/b/a J's Trucking failed to retain copies of roadside inspection forms from the last twelve (12) months at the carriers PPOB.					
6. Primary: 396.11(a)				Violations Discovered	

Failing to require driver to prepare driver vehicle inspection report.	Fed	State	Total
	1		1
	Checked		
	Fed	State	Total
	1		1
Example/Notes: Driver name: Francisco J Morales Vehicle Number: Unit #20 1994 Peterbuilt VIN [REDACTED] 0306 Trip Date: 6/21/2023 Description of Violation: Javier G Morales d/b/a J's Trucking failed to require drivers to prepare a DVIR.	Drivers/Vehicles in Violation		
	Fed	State	Total
	1		1
	Checked		
	Fed	State	Total
	1		1

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	Satisfactory	0	0
Factor 3: Operational = Parts 392 and 395	Unsatisfactory	0	2
Factor 4: Vehicle = Parts 393 and 396 OOS Vehicles (CR): 0 Number of Vehicles Inspected (CR): 0 OOS Vehicles (MCMIS): 3 Number of Vehicles Inspected (MCMIS): 3 OOS Rate: 100%	Unsatisfactory		1
Factor 5: Haz. Mat. = Parts 397, 171, 177 and, 180	N/A	N/A	N/A
Factor 6: Accident Factor = Recordable Rate Total Miles Operated: 119,507 Recordable Accidents: 0 Recordable Accidents/Million Miles: 0.00	Satisfactory	N/A	N/A

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: Roles and Responsibilities

Javier G Morales d/b/a J's Trucking shall retain all supporting documents for each load hauled by their drivers, and shall ensure that each driver prepares a record of duty status as required. All Records Of Duty Status shall be retained for six (6) months.

Specific Recommended Remedies

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

1. Define and document roles and responsibilities of managers and supervisors for monitoring compliance with Hours-of-Service (HOS) policies.
2. Ensure that managers are responsible for reviewing Records of Duty Status (RODS) for accuracy and for disciplining those who falsify their logs.
3. Assign responsibility for making sure that all Records of Duty Status (RODS) are collected and stored for six months.
4. Prior to accepting shipments, ensure that dispatchers are responsible for mapping out routes, asking drivers how many hours they have driven recently, and verifying that the route can be completed without breaking Hours-of-Service (HOS) regulations.
5. Ensure that drivers are responsible for informing the carrier when they are sick, keeping accurate Records of Duty Status (RODS), and planning their route so that it can be completed efficiently within Hours-of-Service (HOS) rules.

BASIC: Vehicle Maintenance

Process Breakdown: Monitoring and Tracking

Javier G Morales d/b/a J's Trucking will maintain Maintenance Records and annual inspections for all vehicles being operated. Javier G Morales d/b/a J's Trucking will ensure that drivers prepare a Driver Vehicle Inspection Report for violations noted at roadside.

Specific Recommended Remedies

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

1. 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.
2. Maintain Maintenance files for all vehicles to include leased vehicles that properly documents maintenance being conducted and inspections.
3. Maintain current annual inspections for all vehicles being operated.

Recommendations

1. **Acute and Critical Violations**

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

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

2. **Additional Information**

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

3. **Obtain copies of the regulations, forms, interpretations, manuals.**

Copies of the regulations, forms, interpretations, and manuals are available from a variety of sources. Check the FMCSA website for a current list of suppliers. www.fmcsa.dot.gov/safety-security/eta/index.htm

4. **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>).

5. **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#.

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. **Require drivers to prepare complete and accurate records.**

Require all drivers to prepare complete and accurate records of duty status for each day, and to submit them within 13 days. Maintain all duty status records on file, with all supporting documents, for at least 6 months.

8. **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.

9. **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.

10. **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.

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

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

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

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

13. **Keep all driver vehicle inspection reports for 90 days.**

Keep all driver vehicle inspection reports, signed, certified, and reviewed as required on file for at least 90 days.

14. **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.

15. Ensure that inspections are done at proper intervals.

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

16. 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 Javier G Morales d/b/a J's Trucking's operating

authority and/or the impoundment of Javier G Morales d/b/a J's Trucking'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

J's Trucking #20

COI Expires 12/10/2023

Gross Pay \$1,824.73

Dispatch Fee -\$100.00

Fuel -\$694.31

2 Loads Net Pay \$1,030.42

Customer - Origin	Load Date	Outbound Ticket	Out Weight	Destination	Inbound Ticket	Commodity	Rate	Net Weight	Gain/Loss	Busheis/Tons	Freight	Notes
Anderson - Ragan	5/17/2023	35889	51640	Heritage Beef, LLC	231315	Corn	1.04	51660	20	922.50	\$859.40	
Anderson - Minden	5/18/2023	2526	56700	Friona Cattle Feeders North 2	20063698	Corn	0.85	57010	310	1,018.04	\$865.33	

EXHIBIT 3

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: KSHP04501877
Inspection Date: 06/21/2023
Start: 9:23 AM CT End: 11:30 AM CT
Inspection Level: I - Full
HM Inspection Type: None

Carrier: JAVIER G MORALES

DBA: J'S TRUCKING

730 INDUSTRIAL DR #122

GARDEN CITY, KS, 67846

USDOT: 2560333

Phone#: (620)937-0401

MC/MX#: 00893256

Fax#:

State#:

Location: FORD COUNTY - 057

Highway: U50

County:

Email:

Driver: MORALES, JR, FRANCISCO J

License#:

State: KS

Date of Birth:

CoDriver:

License#:

State:

Date of Birth:

Milepost: 120 Shipper: N/A

Origin: GARDEN CITY,KS

Bill of Lading: N/A

Destination: BELPRE,KS

Cargo: EMPTY

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate	Equipment ID	VIN	GVWR	CVSA #	Issued #	OOS Sticker
1	TT	PTRB	1994	KS	167468	20		0306 50000			145967
2	ST	TIMP	1998	KS	635088	22		2797 65000			145968

BRAKE ADJUSTMENTS

Axle #	1	2	3	4	5
Right	1	2 1/4	1 1/4	INOP	INOP
Left	1	1 1/2	INOP	INOP	1/4
Chamber	C-20	C-30	C-30	C-30	C-30

VIOLATIONS

Section	Type	Unit	OOS	Citation #	Verify	Crash	Violations Discovered
390.21TB	F	1	N		N	N	Carrier name and/or USDOT Number not displayed as required: DRIVER SIDE USDOT NUMBERS IS MISSING PARTS OF NUMBERS (LAST TWO DIGITS "3")
393.45DLUV	F	1	Y		U	N	Brake Connections with Leaks Under Vehicle: PASSENGER SIDE AXLE 2 - HOLE IN PARKING BRAKE SIDE OF CHAMBER HOSE - AUDIBLE / FELT AT NOT A PROPER CONNECTION
393.45B2	F	1	Y		U	N	Brake hose or tubing chafing and/or kinking: JUST BEHIND BLUE SERVICE GLAD HAND - HOSE IS CUT, PLY IS VISIBLE AND CUT / FRAYED
393.45B2	F	1	Y		U	N	Brake hose or tubing chafing and/or kinking: DRIVER SIDE AXLE 1 - HOSE TO CHAMBER IS CUT WITH PLY VISIBLE AND CUT / FRAYED
393.209E	F	1	N		N	N	Power steering violations: PS FLUID LEAKING OUT BOTTOM OF RESERVOIR WHERE RED LINE IS
396.5B	F	1	N		N	N	Oil and/or grease leak: AXLE 2 GEAR OIL DRIPPING BY DRIVELINE, OIL DRIP WHERE ENGINE / TRANSMISSION MEET - LEAKS ONTO PAVEMENT
393.83G	F	1	N		N	N	Exhaust leak under driver and/or sleeper compartment: EXHAUST IS BROKE UNDER CAB / SLEEPER AT FLEX PIPE - COMPLETE BREAK - FELT, AUDIBLE, BLACK SOOT
393.75B	F	1	N		N	N	Tire-front tread depth less than 4/32 of inch on a major tread groove: PASSENGER SIDE AXLE 1 STEER TIRE MEASURED 2/32" IN MTG
393.75A1	F	1	N		N	N	Tire-ply or belt material exposed: PASSENGER SIDE AXLE 2, INSIDE DUAL IS BALD IN MTG AND METAL PLY IS SHOWING
393.75C	F	1	N		N	N	Tire-other tread depth less than 2/32 of inch measured in a major tread groove: DRIVER SIDE AXLE 2, OUTSIDE DUAL IN BALD IN MTG
393.75C	F	1	N		N	N	Tire-other tread depth less than 2/32 of inch measured in a major tread groove: DRIVER SIDE AXLE 2, INSIDE DUAL IN BALD IN MTG
396.3A1BL	F	1	Y		U	N	Brake system pressure loss: 90 PSI, ENGINE AT IDLE, BRAKE ARE RELEASED, AIR PRESSURE IS NOT MAINTAINED
393.207A	F	1	N		N	N	Axle positioning parts defective/missing: PASSENGER SIDE AXLE 3 - U-BOLT LOAD BEARING SURFACE ON TOP OF LEAF SPRINGS IN BROKEN THROUGH
392.2FT	F	1	N		N	N	State or International Fuel Tax (IFTA) Violation: IFTA DECALS STILL IN PERMIT BOOK - NOT ON BOTH SIDES OF UNIT 1 - MC# 893256
393.95A	F	1	N		N	N	No/discharged/unsecured fire extinguisher: FIRE EXT NOT SECURED - UNDER DRIVER SIDE SLEEPER COMPARTMENT BUT NOT LATCHED IN MOUNT
393.78	F	1	N		N	N	Windshield wipers inoperative/defective: PASSENGER SIDE WIPER IS INOP



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: KSHP04501877
Inspection Date: 06/21/2023
Start: 9:23 AM CT End: 11:30 AM CT
Inspection Level: I - Full
HM Inspection Type: None

393.9H	F	1	N	N	N	Inoperable head lamps: DRIVER SIDE HIGHBEAM INOP
393.11	F	1	N	N	N	No or defective lighting devices or reflective material as required: NO REVERSE LAMP - 1 REQUIRED
393.11	F	1	N	N	N	No or defective lighting devices or reflective material as required: NO REAR LEFT TURN SIGNAL PRESENT, NO LEFT TAIL, NO LEFT BRAKE - LIGHT ASSEMBLY GONE (DRIVER SIDE REAR)
393.9TS	F	1	N	N	N	Inoperative turn signal: RIGHT TURN SIGNAL INOP (PASSENGER SIDE REAR)
393.9T	F	1	N	N	N	Inoperable tail lamp: RIGHT REAR TAIL LAMP INOP (PASSENGER SIDE)
393.9BRKLAMP	F	1	N	N	N	Inoperative Brake Lamps: RIGHT REAR BRAKE LAMP INOP (PASSENGER SIDE)
393.51	F	1	Y	U	N	No or defective brake warning device: INOP LOW AIR PRESSURE WARNING DEVICE - DRAINED AIR TO 0 PSI - NO AUDIBLE OR VISUAL DEVICE WORKED
393.47E	F	1	N	N	N	Clamp or Roto type brake out-of-adjustment: PASSENGER SIDE AXLE 2 MEASURED 2 1/4" - MAX FOR CLAMP TYPE 30 IS 2"
393.53B	F	1	N	N	N	CMV manufactured after 10/19/94 has an automatic airbrake adjustment system that fails to compensate for wear
393.48A	F	1	N	N	N	Inoperative/defective brakes: DRIVER SIDE AXLE 3 - NO SHOE TO DRUM CONTACT UPON APPLICATION - PAPER TEST
393.70B1I-C	F	1	Y	U	N	Fifth wheel cracked or a gap caused by corrosion 1/8 inch (3.2 mm) or more in width.: CRACK IN MOUNTING ANGLE IRON > 20 PERCENT IN DIRECTION OF CRACK - PASSENGER SIDE
396.9D2	F	1	N	N	N	Failure to correct defects noted on previous inspection report: KSHP04150548 ON 11-16-21 - FTC 393.11 FOR NO REVERSE LAMP PRESENT
393.201A	F	2	Y	U	N	Frame cracked / loose / sagging / broken: AXLE 4 DRIVER SIDE FRAME IS CRACKED 4" IN LENGTH IN BOTTOM FLANGE - AXLE 5 DRIVER & PS CRACKED 6" IN LENGTH BOTTOM FLANGE
393.207F	F	2	Y	U	N	Air suspension pressure loss: AXLE 4 & AXLE 5 - BOTH DRIVER AND PASSENGER SIDE AIR BAGS ARE FLAT / DEFLATED
393.11RT	F	2	N	N	N	Retroreflective material not affixed as required for trailers manufactured after December 1993: NO UPPER RR SHEETING ON REAR OF UNIT 2
396.9D2	F	2	N	N	N	Failure to correct defects noted on previous inspection report: KSHP0282192 ON 4-27-22 & KSHP04150548 ON 11-16-21 FOR 393.11 VIOLATION, NO UPPER RR SHEETING ON REAR OF UNIT 2
393.75C	F	2	N	N	N	Tire-other tread depth less than 2/32 of inch measured in a major tread groove: DRIVER SIDE AXLE 5 OUTSIDE DUAL BALD IN MTG
393.48A	F	2	N	N	N	Inoperative/defective brakes: PASSENGER SIDE AXLE 4 - SLACK ADJUSTER ROD GONE - NO SHOE TO DRUM CONTACT - SHOE IS BROKE LOOSE
393.48A	F	2	N	N	N	Inoperative/defective brakes: DRIVER SIDE AXLE 4 - NO SHOE TO DRUM CONTACT - DRUM IS RUSTY ON FRICTION SURFACE
393.48A	F	2	N	N	N	Inoperative/defective brakes: PASSENGER SIDE AXLE 5 - NO SHOE TO DRUM CONTACT - DRUM IS RUSTY ON FRICTION SURFACE
396.3A1BOS	F	2	Y	U	N	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: 5 OUT OF 10 ARE INOP OR OUT OF ADJUSTMENT

HazMat: No HM transported

Placard:

Cargo Tank:

Special Checks: No data for special checks

Notes: PHOTOS TAKENOOS AT FLYING J IN DODGE CITY, KSSHOWED DRIVER PHOTOS OF MULTIPLE VIOLATIONSCRAK IN 5TH WHEEL LOWER ANGLE IRON - 4" INCH IN LENGTH ANGLE IRON, CRACK IS 2 1/4" IN LENGTH IN DIRECTION OF CRACK

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

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



DRIVER/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: KSHP04501877
Inspection Date: 06/21/2023
Start: 9:23 AM CT End: 11:30 AM 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 #:
A.S. Wagner 0450

Copy Received By:
FRANCISCO MORALES, JR

X

X



CERTIFICATE OF SERVICE

24-TRAM-323-PEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of
first class mail and electronic service on 11/07/2023.

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

Javier G Morales, OWNER
Javier G Morales
D/B/A J's Trucking
106 N 9th St
Garden City, KS 67846
morales.js04@yahoo.com

/S/ KCC Docket Room
KCC Docket Room