STATE OF KANSAS



CORPORATION COMMISSION 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604-4027 Phone: 785-271-3100 Fax: 785-271-3354 http://kec.ks.gov/

GOVERNOR JEFF COLYER, M.D.
SHARI FEIST ALBRECHT, CHAIR | JAY SCOTT EMLER, COMMISSIONER | DWIGHT D. KEEN, COMMISSIONER

NOTICE OF PENALTY ASSESSMENT

November 15, 2018

19-TRAM-188-PEN

Peter Karanu, Managing Member Prostar Transport LLC 10209 W 85th St Overland Park, KS 66212

This is a notice of a penalty assessment against Prostar Transport LLC (Prostar Transport) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on October 23, 2018, by Kansas Corporation Commission Special Investigator Wade Patterson. Penalties are assessed in accordance with the FY 2019 Uniform Penalty Assessment Matrix, approved by the Commission on August 7, 2018. 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: Prostar Transport has been assessed a \$100 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$100, through your personal account with the Kansas Corporation Commission's 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 Prostar Transport 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. The Order also requires your company to submit to one follow-up safety compliance review within 18 months from the date of the Order. Transportation Staff will contact your company at a later date to determine an appropriate time for this review.

IF YOU CONTEST THE PENALTY ORDER: You have the right to request a hearing. A request for hearing must be made in writing, setting forth the specific grounds upon which relief is sought. Prostar Transport 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 Secretary to the Commission at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy to the undersigned Litigation Counsel. K.A.R. 82-1-215; K.S.A. 2017 Supp. 77-542.

IF YOU FAIL TO ACT: Failure to pay the penalty of \$100 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,

Ansan A Latyr Litigation Coursel (785) 271-3118

THE STATE CORPORATION COMMISSION OF THE STATE OF KANSAS

Before Commissioners:

Shari Feist Albrecht, Chair

Jay Scott Emler Dwight D. Keen

In the Matter of the Investigation of Prostar)	
Transport LLC, of Overland Park, KS,)	
Regarding the Violation of the Motor Carrier)	
Safety Statutes, Rules and Regulations and the)	Docket No. 19-TRAM-188-PEN
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:

I. JURISDICTION

- 1. Pursuant to K.S.A. 2017 Supp. 66-1,108b, 66-1,111, 66-1,112, 66-1,114, 66-1,114b and 66-1,115, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in K.S.A. 2017 Supp. 66-1,108, doing business or procuring business in Kansas, and is empowered to do all things necessary and convenient for the exercise of such power, authority and jurisdiction.
- 2. Pursuant to K.S.A. 2017 Supp. 66-1,129a, 66-1,130 and 66-1,142b, the Commission may suspend operations, revoke or amend certificates, and initiate sanctions or fines against every motor carrier and every person who violates any provision of Kansas law in regard

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

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

II. BACKGROUND

- 4. Prostar Transport LLC (Prostar Transport) operates under USDOT number 2899494.
- 5. Prostar Transport is a common motor carrier which primarily hauls general freight, fresh produce, and refrigerated foods.

III. STATEMENT OF FACTS

- 6. Pursuant to the jurisdiction and authority cited above, on October 23, 2018, Commission Staff (Staff) Special Investigator Wade Patterson conducted a safety compliance review of the operations of Prostar Transport. A copy of the safety compliance review is included in this Penalty Order as Attachment "A" and is hereby incorporated by reference. As a result of this investigation, the special investigator identified one (1) violation(s) of the Motor Carrier Safety Regulations.
 - a. On August 10, 2018, Prostar Transport required or permitted its driver, Peter Karanu, to operate a CDL-required commercial motor vehicle, a 2010 International, VIN ending in 240595, GVWR 52,350 lbs., pulling a 2007 Utility semi-trailer, VIN ending in 314633, GVWR 65,000 lbs., in interstate commerce from Topeka, Kansas to Lebanon, Tennessee. This

trip is evidenced by Driver's Daily Log, dated August 10, 2018, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, Prostar Transport failed to make an inquiry every 12 months into the annual motor vehicle record (MVR) of its driver and maintain the response(s) of each state agency in the driver qualification file. The carrier's failure to inquire into its driver's MVR at least once every 12 months and maintain a copy of the MVR in the driver qualification file is a violation of 49 C.F.R. Part 391.25(a) and (c)(1), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 2017 Supp. 66-1,112. Staff recommends a fine of \$100.

IV. STAFF'S RECOMMENDATIONS

- 7. Based upon the available facts, Staff recommends the Commission finds Prostar Transport committed one (1) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.
- 8. Additionally, Staff recommends a civil penalty of \$100 for one (1) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.
- 9. Staff further recommends that a representative from Prostar Transport be required to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and provide Litigation Counsel with written proof of attendance. A schedule of the dates and locations for safety seminars can be found on the Commission's website at http://kcc.ks.gov/trans/safety_meetings.htm.

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

V. CONCLUSIONS OF LAW

- 11. The Commission finds it has jurisdiction over Prostar Transport because it is a motor carrier as defined in K.S.A. 2017 Supp. 66-1,108.
- 12. The Commission finds Prostar Transport committed one (1) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

THE COMMISSION THEREFORE ORDERS THAT:

- A. Prostar Transport LLC, of Overland Park, KS is hereby assessed a \$100 civil penalty for one (1) violation(s) of Kansas law governing the regulation of motor carriers, the Kansas Administrative Regulations and provisions of the Federal Motor Carrier Safety Regulations, as adopted by the Kansas Administrative Regulations.
- B. Prostar Transport is hereby ordered to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and is to provide Litigation Counsel with written proof of attendance.
- C. Prostar Transport 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.
- D. Pursuant to K.S.A. 2017 Supp. 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 Secretary to the Commission, 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 Prostar Transport's right to a hearing, and this Penalty Order will become a Final Order assessing a \$100 civil penalty against Prostar Transport, and ordering a representative from Prostar Transport to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order and provide Litigation Counsel with written proof of attendance, and to submit to a safety compliance review within 18 months from the date of this Order.

- E. 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. K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2); K.A.R. 82-1-202(a). For civil penalties less than \$500, a corporation may appear by a duly authorized representative of the corporation. K.S.A. 2017 Supp. 66-1,142b(e) and amendments thereto.
- F. If you do not request a hearing, the payment of the civil penalty of \$100 is due in thirty (30) days from the date of service of this Order. Payment of \$100 must be made through your personal account with the Kansas Corporation Commission's KTRAN system located at https://puc.kcc.ks.gov/ktran/. You must have an account through KTRAN to pay the penalty.

G. Failure to pay the \$100 civil penalty within thirty (30) days from the date of service of this Penalty Order, *see* K.S.A. 66-1,105, and/or failure to comply with the provisions of this Order, may result in suspension of Prostar Transport's motor carrier operating authority without further notice. 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

H. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further orders, as necessary.

desist orders, and any other remedies available to the Commission by law, without further notice.

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

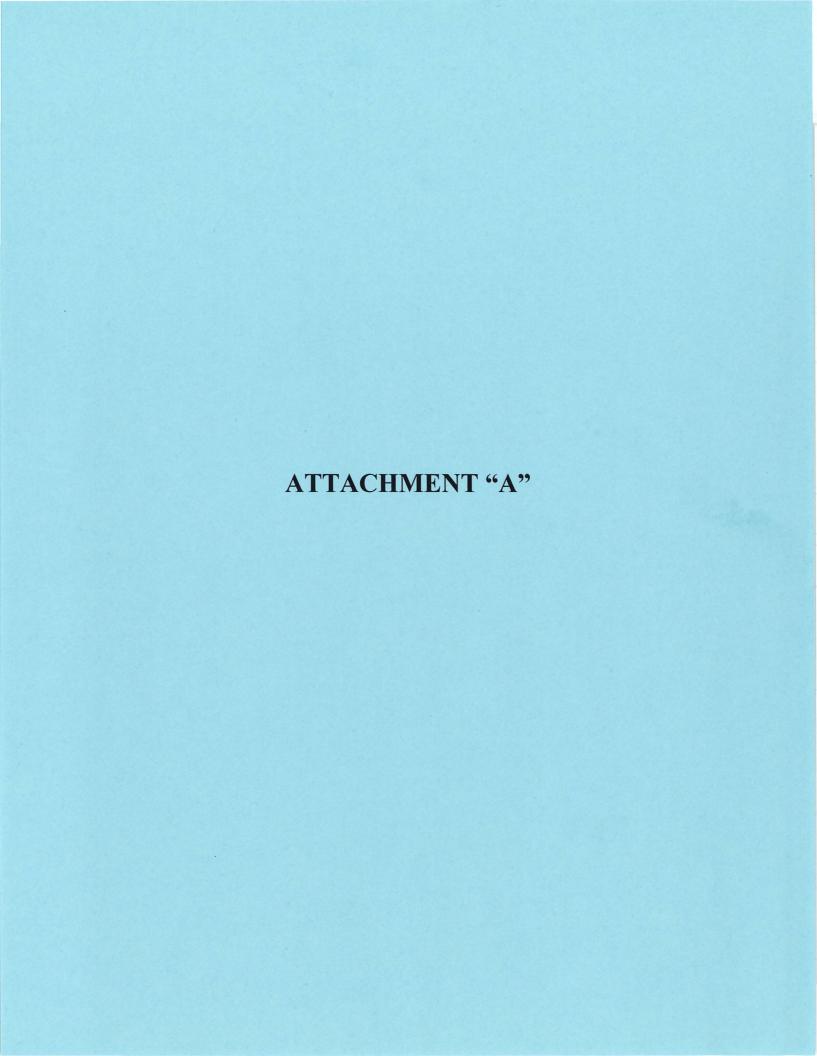
Dated:	11/15/2018	
Dated:		

Lynn M. Retz

Secretary to the Commission

Lynn M. Reg

AAL



***	US DOT#	# Legal: PROSTAR TRANSPORT LLC								
	2899494	Operating (DBA):								
MC/MX #:	MC/MX #: 975080 Federal Tax ID: (EIN)									
Review T	ype: Compli	ance Review	v (CR)							
Scope:	Scope: Principal Office Location of Review/Audit: Company facility in the U. S. Territory:									
Operation	Operation Types Interstate Intrastate									
Carrier: Non-HM N/A Business: Corporation				:						
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Cargo	o Tank:	N/A								
Company	Physical A	ddress:								
OVERLA	ND PARK, K	S 66212								
Contact	Name:	Peter Karai	nu							
Phone no	umbers: (1)					Fax				
E-Mail Ad	ddress:									
Company	Mailing Ad	dress:								
OVERLAND PARK, KS 66212										
Carrier CI	assification									
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Cargo Classification										
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Is an HM Permit required?										
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>= 1	00 Miles:	1				CDL Drivers:				





US. DOT# 2899494

Review Date 10/23/2018

Part A

QUESTIONS regarding this report or the Federal Motor Carrier Safety or Hazardous Materials rules may be addressed to the Office of Motor Carriers at:

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Peter Karanu

Title: Owner / Operator

Name:

Title:



U.S. DOT # 2899494

Review Date 10/23/2018

Part B Violations

1 FEDERAL	Primary 391.21(a)	Discovered 1	ed Checked		Vehicles Checked 1
Example On August 10th commercial mo	who has not completed and furnished an empty, 2018 Prostar Transport LLC had driver Petetor vehicle (2010 International Truck Tractor B14633) in interstate commerce. The Gross pectively. This interstate trip was from Topekasw, carrier failed to have driver complete an empty and in the state of the state	er Karanu (KS CDL# VIN# Vehicle Weight Ratings a Kansas to Lebanon Te	240595 & 2007 U of these vehicles innessee. At the t	s are 52,350 lk ime of this trip	er VIN# os. and and
2 FEDERAL	Primary 391.51(b)(2)	Discovere	ed Checked		Vehicles Checked
commercial mo 65,000 lbs. res failed to mainta	n, 2018 Prostar Transport LLC had driver Pet tor vehicle (2010 International Truck Tractor B14633) in interstate commerce. The Gross pectively. This interstate trip was from Topeka in inquiries into the driver's driving record (M status and a bill of lading.	VIN# Vehicle Weight Ratings Kansas to Lebanon Te	240595 & 2007 U of these vehicles innessee. At the t	s are 52,350 lb ime of this trip	er VIN# os and , carrier
Safety Fitness F Total Mile Recordat	Rating Information: es Operated 935,000 ele Accidents 1 ele Accidents/Million Miles 1.07	Number of Vehi	Vehicle Inspect OOS Vehicle (I	MCMIS): 0	
Your proposed safety rating is :		Rating Factors		Acute Critic	al
<u>.</u> .	· · · · · ·	Factor 1: Factor 2:	S S	_))
SATISFACTORY		Factor 3: Factor 4: Factor 5:	S S N	0)))
Factor 6: S Corrective actions must be taken for any violations (deficiencies) identified on Part B of this report.					





U.S. DOT # 2899494

Review Date: 10/23/2018

Part B Requirements and/or Recommendations

1. For all Investigations:

- Understand Why Compliance Saves Time and Money: Compliance with FMCSRs will not only save lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business
- Document and Follow Through on Action Plans Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance.
- NOTICE A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six year period.
- NOTICE 49 CFR Part 391.23 requires prospective employers to, at a minimum, investigate a driver's employment information, crash record, and alcohol and controlled substances history from all employers the driver worked for within the previous 3 years.

The Pre-Employment Screening Program (PSP) is a screening tool that assists motor carriers in investigating crash history and roadside safety performance of prospective drivers. The PSP allows 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. Discuss with your employees/drivers the "Security Measures for Truck Drivers and Companies" which were provided and reviewed with motor carrier official Motor carriers should visit the following website for more information. http://www.fmcsa.dot.gov/documents/Hijacking-Brochure.pdf

For all Investigations that could result in a Notice of Claim.

• PLEASE NOTE. The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Notice of Claim. 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 Notice of Claim. Your signature for receipt of this report acknowledges your understanding that the violations discovered by the FMCSA during this review may be used to calculate any civil penalty proposed as a result of this review.

For all Investigations resulting in serious violations

Serious violations were recorded on this investigation report. These violations will impact your safety record. Furthermore, these violations may result in a follow-up investigation at a later date unless adequate evidence of corrective action is forwarded to our office.

US Department of Transportation Federal Motor Carrier Safety Administration Kansas Division





US. DOT#: 2899494

Review Date 10/23/2018

Part B Requirements and/or Recommendations

Division Administrator 1303 First American Place Suite 200 Topeka, KS 66604-4040

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

The KCC requires that you prepare a corrective action letter, addressing the measures taken to correct the violations identified within this report. Submit this letter within 30 days outlining the carrier's updated changes to their policies and procedures regarding all listed violations. Explain in detail how, as a carrier representative, you will rectify these deficiencies and prevent their reoccurrence going forward. Include any supporting documentation and evidence as indicated in the recommendations above, (example—vehicle inspections performed, proof of drug and alcohol testing in place, etc.) necessary to prove that corrective action has been taken. Mail the letter along with copies of your supporting evidence to.

Kansas Corporation Commission Attn Gary Davenport 1500 SW Arrowhead Rd Topeka, KS 66604-4027

2. FMCSA recently announced planned improvements to the Carrier Safety Measurement System (SMS) which was implemented in December 2010 as part of the Agency's broader Compliance, Safety, Accountability (CSA) initiative. A preview of these improvements is currently available to motor carriers. The system changes are scheduled to be available to the public in July 2012. There will be additioanly opportunity for public comment on the chinages after the preview period ends in July 2012.

The improvements to SMS are based on ongoing analysis and feedback from enforcement personnel, the motor carrier industry, and other stakeholders. The changes more effectively identify and prioritize high-risk and other unsafe motor carriers for enforcement interventions designed to reduce commercial motor vehicle crashes and hazardous materials inclidents.

Motor carrier's currently have the ability to preview how the imrovements impact their individual safety data in SMS. These improvements include: (1) Changes to the SMS metodology that identify higher risk carriers while addressing industry biases: (2) better applications of SMS results for Agency interventions by more accurately identifying safety sensitive carriers (i.e., carriers transporting people and carriers hauling hazardous materials (HM)), so that such firms can be selected for CSA inteventions at more stringent levels; and, (3) more specific fact-based displays of SMS results on the SMS Web site.

The data preview my be found at http /csa.fmcsa.dot.gov/ During the data preview period, the Agency requests comments on the impacts of the changes.

3. DRIVER FITNESS BASIC PROCESS BREAKDOWN Monitoring and Tracking

DESCRIPTION OF PROCESS BREAKDOWN

Prostar Transport LLC's violations occurred due to a breakdown regarding the monitoring and tracking elements of compliance within this section. Carrier has established organized driver qualification files for each CMV driver. That said, you need to develop a better methodology for ensuring that all drivers have the requisite paperwork in their individual files. It is incumbent upon the carrier to execute all annual requirements for their commercial motor vehicle drivers. These duties and the documents verifying their completion require continued monitoring and tracking by carrier officials to ensure compliance. Utilize the documents and instructions provided to you during this review to assist you in correcting the deficiencies.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices. The following are recommended practices related to Monitoring and Tracking Processes.





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Review Date 10/23/2018

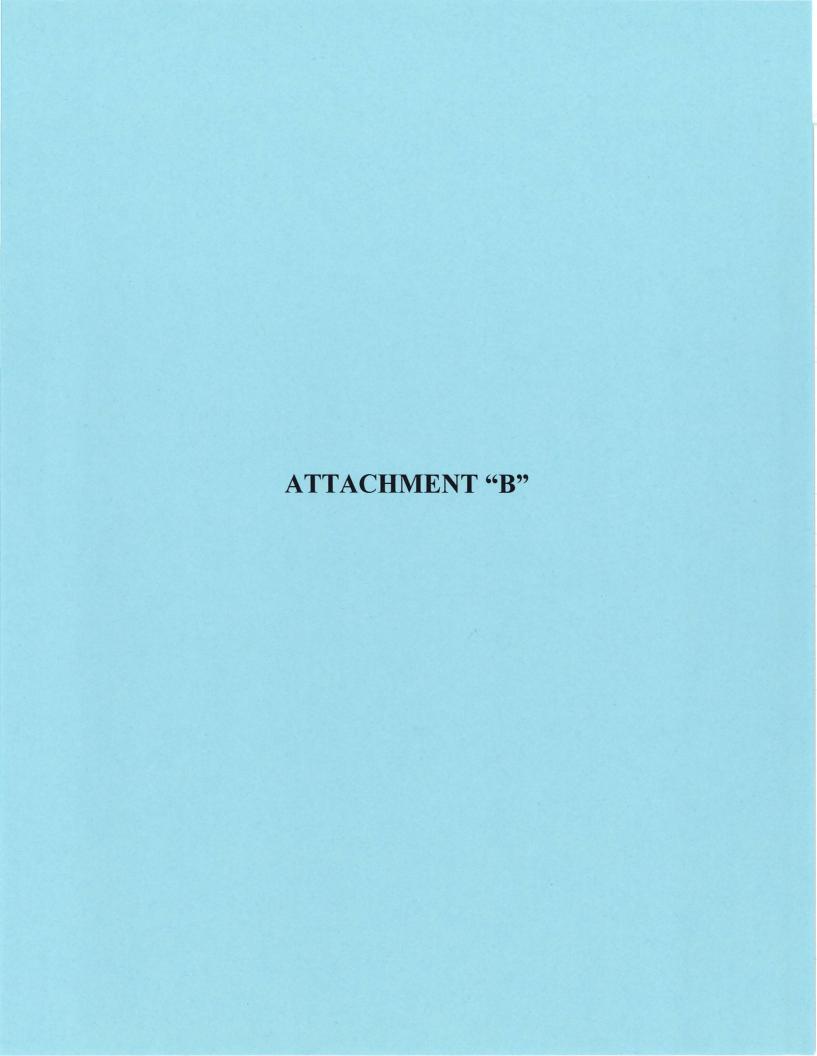
Part B Requirements and/or Recommendations

- Implement an effective process for monitoring and documenting all drivers' job functions, training, qualifications, renewal dates, disclosed medical conditions, and operational restrictions, including those of drivers on a waiver program or with impairments that may be satisfied by a Skill Performance Evaluation certificate, to ensure that assignments are covered by qualified drivers.
- Review and retain each driver's Motor Vehicle Record (MVR) at least annually to ensure compliance with company policies. Federal regulations, and State and local laws and ordinances related to driver fitness. If a driver seems to have numerous violations, the MVR should be reviewed more often. Random MVR checks in addition to annual checks are also effective. File the MVR in each driver's driver qualification file after review.
- Maintain each driver's investigation history file in a secure location with limited and controlled access for as long as the driver is employed and for three years thereafter
- Maintain roadside inspection reports, moving violation records, training records, the Commercial Driver's License (CDL), the dispatch schedule, bills of lading, and the medical report to help evaluate the performance of all staff involved in qualifying drivers (dispatchers and managers) and the effectiveness of the policies and procedures.
- Implement a system for keeping accurate records of employee driver fitness training needs, such as entry-level and HAZMAT training, and completed training, via software, a checklist in the driver's file, and/or another appropriate method.
- Evaluate personnel who are monitoring driver fitness performance by making sure they are reviewing driver-assignment and qualification files, applying the performance standards fairly, consistently, and equitably, and documenting the evaluations.
- Regularly evaluate the company's driver fitness-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. Use data to help implement an effective process beyond self-reporting to monitor, document, and evaluate compliance with driver-fitness regulations and company policies.
- When monitoring and tracking any driver-fitness-related issue, always assess whether it is individual or represents a systemic breakdown in one of the Safety Management Processes (Policies and Procedures, Roles and Responsibilities, etc.).

Seek Out Resources:

- You are encouraged to review your company's record at the following website. http://ai.fmcsa.dot.gov/SMS You will need to use your PIN Number that has been provided by the FMCSA
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry



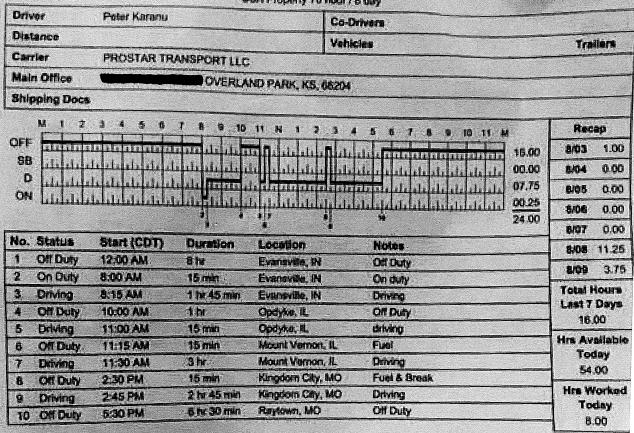


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DRIVER'S DAILY LOG

USA Property 70 hour / 8 day

August 10, 2018



I certify that these entries are true and correct

Oriver Signature

CERTIFICATE OF SERVICE

19-TRAM-188-PEN

I, the undersigned, certify that the true copy of the attache	ed Order has been served to the following parties by means of
first class mail/hand delivered on11/16/2018	·
AHSAN LATIF, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604 Fax: 785-271-3354 a.latif@kcc.ks.gov	PETER KARANU, MANAGING MEMBER PROSTAR TRANSPORT LLC 10209 W 85TH ST OVERLAND PARK, KS 66212 prostartransportks@gmail.com
	/S/ DeeAnn Shupe
	DeeAnn Shune