



20231107100038  
Kansas Corporation  
Commission  
Phone: 785-271-3100  
Fax: 785-271-3354  
<http://kcc.ks.gov/>

1500 SW Arrowhead Road  
Topeka, KS 66604-4027

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

Laura Kelly, Governor

**NOTICE OF PENALTY ASSESSMENT**  
24-TRAM-332-PEN

November 7, 2023  
Christopher Novak, Member  
Novak Farms Trucking LLC  
2973 Mustang  
Tampa, KS 67483

This is a notice of a penalty assessment against Novak Farms Trucking LLC (Novak Farms Trucking) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on August 22, 2023, by Kansas Corporation Commission Special Investigator Matt Rose. 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:** Novak Farms Trucking has been assessed a \$750 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$750, through your personal account with the Kansas Corporation Commission's Kansas Trucking Regulatory Assistance Network (KTRAN) system located at <https://puc.kcc.ks.gov/ktran/>. If you have not received a letter from the Transportation Division assigning you a PIN, please contact that Division at 785-271-3145. You must have an account through KTRAN to pay the penalty owed.

The attached Order requires a representative of Novak Farms 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](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. Novak Farms 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.<sup>1</sup>

**IF YOU FAIL TO ACT:** Failure to pay the penalty of \$750 within thirty (30) days from the date of service of the Penalty Order or failure to comply with the terms of the Order, or in the alternative, failure to provide a timely written request for a hearing, will result in the Order becoming final and may result in additional sanctions of suspension and/or revocation of your motor carrier operating authority.

Respectfully,

*/s/ Ahsan A. Latif*  
Ahsan A. Latif  
Litigation Counsel  
(785) 271-3118  
[a.latif@kcc.ks.gov](mailto:a.latif@kcc.ks.gov)

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

**THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS**

Before Commissioners:        Andrew J. French, Chairperson  
   Dwight D. Keen  
   Annie Kuether

In the Matter of the Investigation of **Novak Farms Trucking LLC, of Tampa, KS,** )  
Regarding the Violation(s) of the Motor Carrier )  
Safety Statutes, Rules and Regulations and the ) Docket No. 24-TRAM-332-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:

1.        On August 22, 2023, Commission Staff Special Investigator (SI) Matt Rose, completed a safety compliance investigation of the operations of Novak Farms Trucking LLC (Novak Farms Trucking or Carrier). Novak Farms Trucking is a motor carrier as defined in 49 C.F.R. 390.5, and operates under USDOT number 3467833.

2.        On October 11, 2023, Staff submitted its Report and Recommendation (R&R), attached hereto as Attachment “A” and is hereby incorporated by reference, recommending a penalty of \$750 to be issued to Novak Farms 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, SI Matt Rose identified six (6) violation(s), accounting for two (2)

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

3. Additionally, Staff recommends that Novak Farms 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.<sup>3</sup> A schedule of the dates and locations for safety seminars can be found on the Commission's website at [http://kcc.ks.gov/trans/safety\\_meetings.htm](http://kcc.ks.gov/trans/safety_meetings.htm).

4. Staff further recommends Novak Farms 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.<sup>4</sup>

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

6. Pursuant to K.S.A 66-1,108b, 66-1,111, 66-1,112, 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 49 C.F.R. Part 390.5 as adopted by K.A.R. 82-4-3f, doing business or

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

<sup>3</sup> See Staff's Report and Recommendation, p. 2-3 (Oct. 11, 2023).

<sup>4</sup> See Staff's Report and Recommendation, p. 3 (Oct. 11, 2023).

<sup>5</sup> *Id.*

procuring business in 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. Novak Farms Trucking LLC, of Tampa, KS is hereby assessed a \$750 civil penalty for six (6) violation(s), accounting for two (2) count(s), of Kansas law governing the regulation of motor carriers, the Kansas Administrative Regulations and provisions of the Federal Motor Carrier Safety Regulations, as adopted by the Kansas Administrative Regulations.

B. Novak Farms 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. Novak Farms 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 Novak Farms 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.<sup>6</sup>

G. If you do not request a hearing, the payment of the civil penalty of \$750 is due in thirty (30) days from the date of service of this Order. Payment of \$750 must be made through your personal account with the Kansas Corporation Commission's Kansas Trucking Regulatory

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

Assistance Network (KTRAN) system located at <https://puc.kcc.ks.gov/ktran/>. You must have an account through KTRAN to pay the penalty.

H. Failure to pay the \$750 civil penalty within thirty (30) days from the date of service of this Penalty Order and/or failure to comply with the provisions of this Order may result in suspension of Novak Farms Trucking's motor carrier operating authority without further notice.<sup>7</sup> Additionally, the Commission may impose further sanctions to include, but not limited to, the issuance and enforcement of revocation of authority and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

**BY THE COMMISSION IT IS SO ORDERED.**

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 11/07/2023



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Lynn M. Retz  
Executive Director

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<sup>7</sup> K.S.A. 66-1,105.

# **ATTACHMENT “A”**

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 11, 2023

**SUBJECT: Docket No. 24-TRAM-332-PEN**  
In the Matter of the Investigation of **Novak Farms Trucking LLC of Tampa, 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:**

Novak Farms Trucking LLC is a motor carrier (MC) possessing public for-hire and private operating authority from the Commission, primarily hauling grain, feed and hay. Novak Farms Trucking LLC operates under USDOT 3467833. On August 22, 2023, Commission Staff Special Investigator (SI) Matt Rose completed a safety compliance investigation of the operations of Novak Farms Trucking 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 SI identified six (6) violation(s), accounting for two (2) 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 SI, staff recommends penalty of \$750 be issued to the MC.

**DISCUSSION AND ANALYSIS:**

On August 22, 2023, Commission Staff SI Matt Rose conducted a safety compliance investigation of the operations of Novak Farms Trucking LLC. The investigation covers a 365 day period. Each specific count is detailed below.



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

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

**Intent of Law:** The MC must conduct a pre-employment inquiry into its drivers with the FMCSA Drug and Alcohol Clearinghouse (DACH).

**Supporting Documentation:** On July 12, 2023, Novak Farms Trucking LLC required or permitted its driver, Orlando Hernandez, to operate a commercial driver's license (CDL) required commercial motor vehicle (CMV), a 2017 Volvo, VIN ending in 5358, GVWR 53,200lbs., in intrastate commerce from Salina, Kansas to Wichita, Kansas. This transport is evidenced by an invoice dated July 12, 2023, attached hereto as **Exhibit 2**. A copy of the MC's DACH report, attached hereto as **Exhibit 3**. The MC failed to conduct a pre-employment inquiry into Dominique Henriques, the driver for this transport.

**Violation:** Novak Farms Trucking LLC failed to conduct pre-employment query in DACH (**Exhibit 1, Page 3**). Three (3) violation(s) were discovered.

**Recommendation:** Staff recommends a fine of \$500.

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

**Jurisdiction:** 49 C.F.R. 391.23, adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 66-1,129.

**Intent of the Law:** The MC must obtain its driver's motor vehicle records (MVRs) within 30 days of employment and maintain the MVRs in the driver qualification files pursuant to 49 C.F.R. 391.51.

**Supporting Documents:** On July 28, 2023 Novak Farms Trucking LLC required or permitted its driver, Dominique Henriques, to operate a CDL-required CMV, a 2017 Volvo, VIN ending in 5358, GVWR 53,200lbs., in intrastate commerce from Salina, Kansas to Wichita, Kansas. This transport is evidenced by invoice # 545DPSQB, attached hereto as **Exhibit 4**.

**Violation:** Novak Farms Trucking LLC failed to obtain MVR within 30 days of hiring a driver (**Exhibit 1, Page 3 to 4**). Three (3) violation(s) were discovered.

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

### **RECOMMENDATION:**

Transportation Staff recommends the Commission find Novak Farms Trucking LLC committed six (6) violation(s) accounting for two (2) specific counts of Kansas law that governs MCs, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations (K.A.R.s), and is therefore subject to sanctions or fines imposed by the Commission.

Due to the frequency, timeline and severity of the violations, Staff recommends a civil penalty of \$750 for six (6) 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 Novak Farms Trucking 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](http://kcc.ks.gov/trans/safety_meetings.htm).

Staff further recommends Novak Farms Trucking 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 Novak Farms Trucking 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#:** 3467833  
**MC/MX#:** 0

**Legal:** NOVAK FARMS TRUCKING LLC  
**Operating (DBA):**

**Investigation Date:**  
08/22/2023

**Investigation Type:** Onsite Comprehensive Investigation

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

**Extent of Operations:** Entire Operation

**Physical Address**

2973 MUSTANG  
TAMPA, KS 67483  
United States

**Mailing Address**

2973 MUSTANG  
TAMPA, KS 67483-6002  
United States

**Contact Information**

**Contact Name:** CHRISTOPHER M NOVAK

**Email:**

**Phone:** (785)512-0892    **Cell:** ( )-    **Fax:** ( )-

**Business and Financial**

**Business Type:** Limited Liability Corporation

**Name of Gross Revenue Provider:** Christopher Novak

**Title of Gross Revenue Provider:** Member

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

**Federal Tax ID:** ██████████

**Operation Classification and Type**

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

**Operation Classification**

For-Hire Motor Carrier  
Property  
Other Non-Hazardous Freight

**Cargo**

Grain, Feed, Hay

**Equipment**

	Owned	Term Leased	Trip Leased
Truck Tractors	6		
Trailers		2	

**Driver Information**

**Power units used in the U.S.:** 6  
**Percentage of time used in the U.S.:** 100%

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:** CHRISTOPHER M NOVAK

**Title:** MEMBER

**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

## 1. Primary: 382.701(a)

Failing to conduct a pre-employment query.

### Violations Discovered

Fed	State	Total
3		3

### Checked

Fed	State	Total
5		5

### Example/Notes:

Driver name, Orlando Hernandez

Trip date. 7/12/2023

Description of violation: Failing to conduct a pre-employment query.

Driver name, Dominique Henriques

Trip date. 7/28/2023

Description of violation: Failing to conduct a pre-employment query.

Driver name, Omar Rios Garcia

Trip Date, 8/11/2023

Description of violation: Failing to conduct a pre-employment query.

### Drivers/Vehicles in Violation

Fed	State	Total
3		3

### Checked

Fed	State	Total
5		5

## 2. Primary: 391.23(c)

Failing to investigate driver's background within 30 days of employment.

### Violations Discovered

Fed	State	Total
3		3

### Checked

Fed	State	Total
5		5

### Example/Notes:

Driver name, Orlando Hernandez

Trip date. 7/12/2023

Description of violation: Failing to investigate driver's background within 30 days of employment.

Driver name, Dominique Henriques

Trip date. 7/28/2023

Description of violation: Failing to investigate driver's background within 30 days of employment.

Driver name, Omar Rios Garcia

### Drivers/Vehicles in Violation

Fed	State	Total
3		3

### Checked

Fed	State	Total
5		5

Trip Date, 8/11/2023

Description of violation: Failing to investigate driver's background within 30 days of employment.

## Safety Fitness Rating

### This Investigation is Not Rated

DataQs: If you dispute the violations recorded in the Violations section of this investigation report, and the violations were not used in the calculation of your safety rating, you may submit a Request for Data Review (RDR) through DataQs. The DataQs system is the method to remove violations that did not affect your safety rating. DataQs is an online system that allows a motor carrier or driver to request and track a review of Federal and State issued data that it believes to be incomplete or incorrect. To submit an RDR, go to <https://dataqs.fmcsa.dot.gov>.



## Process Breakdown and Remedies

### BASIC: Controlled Substances/Alcohol

#### Process Breakdown: Monitoring and Tracking

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Failing to conduct a pre-employment query on drivers Orlando Hernandez, Dominique Henriques, and Omar Rios Garcia.

#### Specific Recommended Remedies

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

1. Ensure that all test records are monitored for adherence to retention dates and nondisclosure requirements.

### BASIC: Driver Fitness

#### Process Breakdown: Monitoring and Tracking

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Failed to obtain a pre-employment MVR on drivers Orlando Hernandez, Dominique Henriques, and Omar Rios Garcia.

#### Specific Recommended Remedies

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

1. 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.

# Recommendations

1. **Additional Information**

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

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

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

3. **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.

4. **SMS website**

You are encouraged to review your company's SMS results and take action to make the roads safer for everyone. Your public safety records are available at the following website: <http://ai.fmcsa.dot.gov/sms>. Also visit <https://portal.fmcsa.dot.gov> which provides real time data and the opportunity to review you safety data. You will need to use your PIN number that has been provided by FMCSA. Registration and access is free.

5. **Clearinghouse Pre-employment Query**

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

6. **Serious Violations**

This review contains violations that are serious in nature and may result in a penalty assessment against the company and/or drivers.

7. **CAP to Commission**

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

Email: [g.davenport@kcc.ks.gov](mailto:g.davenport@kcc.ks.gov)

FAX: 785-721-3124

or mail:

Kansas Corporation Commission

Attn: Gary Davenport

1500 SW Arrowhead Rd

Topeka, KS 66604-4027

8. **Acknowledgment Signature**

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 Novak Farms Trucking LLC operating authority and/or the impoundment of Novak Farms Trucking LLC commercial motor vehicles.

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Carrier Representative

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Date

## **EXHIBIT 2**

**Novak Farms Trucking LLC**  
**Invoice #:** N/A  
**Ref #:** 1

**Origin:** Cargill AG Horizons, North Halstead  
Road, Salina, KS, USA  
**Destination:** North Mosley Street, Wichita, KS,  
USA

**Date:** 07/12/23  
Origin Ticket

**Customer:**

REPRINT - NOT NEGOTIABLE CERT. # 30010687

OUTBOUND TRUCK GRAIN INSPECTION AND WEIGHT CERTIFICATE  
UNITED STATES WAREHOUSE ACT

Warehouseman: Cargill, Incorporated	LOAD DATE: 7/12/2023 1 18 26PM
Licensed Warehouse: Cargill West Elevators, Olathe, KS	Scale No Platform : Gross : 2 Tare : 2
Location: Salina, KS,	01:18 pm Gross Weight 84480LB
Customer:	01:01 pm Tare Weight 31120LB
Wichita, GOS	Net Weight 53360LB
PO Box 2696	Gross 889 33BU
Wichita, KS 67214	Shrink: 0 00BU
Farm/Spilt:	Dock: 0 00BU
For the Account of:	Net: 889 33BU
Shipper Ref:	
Commodity: Yellow Soybeans	Unapplied
Carrier: Novak Farms Trucking LLC	Truck ID: 69
Driver (on) ORLANDO	Trk/Trl Lic. No:

REMARKS:

Grade: U.S. No. 1	Yellow Soybeans	Graded: 07/12/2023 01:18PM
TW 54.2 LB/BU	M 10.70 % FM 0.8 % SPL 16.2 %	DKT 1.1 %

Grade Remarks:

This certificate is issued by an inspector and/or weigher licensed under the U.S. Warehouse Act and the regulations thereunder, or the inspection is performed by a third party service provider.

Emily Martinez	Emily Martinez	
_____ LICENSED WEIGHER	_____ LICENSED INSPECTOR	_____ DRIVER

## **EXHIBIT 3**



 [Log Out Matthew](#)

## DRUG & ALCOHOL CLEARINGHOUSE

 [BACK TO DASHBOARD](#)

[My Dashboard](#)



### NOVAK FARMS TRUCKING LLC

Address: 2973 MUSTANG; TAMPA, KS 67483; US

Email:

Owner Operator: Yes

As of: 8/23/2023 14:25

-  [Download Compliance Report](#)
-  [Download Query History](#)

[Users](#)

[C/TPAs](#)

[Annual Queries](#)

[Pre-Employment Queries](#)

[Violations](#)

## REGISTERED USERS

[REDACTED]
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## PRE-EMPLOYMENT QUERIES CONDUCTED

Name	Country	CDL	Most Recent Query	Submitted on	Consent Received	Result
WILSON DAVIS	United States	[REDACTED]	Pre-employment	8/19/2021	8/19/2021	Driver Not Prohibited
JOHNNY ENGLISH	United States	[REDACTED]	Pre-employment	10/8/2021	11/23/2021	Driver Not Prohibited
MARIO OUELLET	United States	[REDACTED]	Pre-employment	4/5/2022	4/5/2022	Driver Not Prohibited
MICHAEL LIND	United States	[REDACTED]	Pre-employment	4/18/2022	5/25/2022	Driver Not Prohibited

## VIOLATIONS REPORTED

Test Date	Driver Name	CDL/CLP	Test Reason	Violation Type	Reported By	Reported On	Updated By	Updated On
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U.S. DEPARTMENT OF TRANSPORTATION  
**Federal Motor Carrier Safety Administration**

1200 NEW JERSEY AVENUE, SE  
 WASHINGTON, DC 20590  
 202-366-4000

[Subscribe To Email Update](#)

## **EXHIBIT 4**



**Novak Farms Trucking LLC**  
**Invoice #:** 545DPSQB  
**Ref #:** 35

**Origin:** Cargill AG Horizons, North Halstead  
Road, Salina, KS, USA  
**Destination:** Cargill Inc, North Mosley Street,  
Wichita, KS, USA

**Date:** 07/28/23  
Origin Ticket

**Customer:** Cargill

REPRINT - NOT NEGOTIABLE CERT. # 30010848

OUTBOUND TRUCK GRAIN INSPECTION AND WEIGHT CERTIFICATE  
UNITED STATES WAREHOUSE ACT

Warehouseman: Cargill, Incorporated Licensed Warehouse: Cargill West Elevators, Olathe, KS Location: Salina, KS,  Customer: Wichita, GOS PO Box 2696  Wichita, KS 67214 Farm/Split: For the Account of: Shipper Ref: Commodity: Yellow Soybeans Carrier: Novak Farms Trucking LLC Driver: (on) DOMINIQUE	LOAD DATE: 7/28/2023 1:44:44PM  Scale No. Platform : Gross : 2 Tare : 2 01:44 pm Gross Weight 88240 LB 01:28 pm Tare Weight 31260 LB <hr/> Net Weight 56980 LB Gross: 949.67 BU Shrink: 0.00 BU Dock: 0.00 BU Net: 949.67 BU
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Unapplied Truck ID: 27 Trk/Ttl Lic. No.:	
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REMARKS:

Grade: U.S. No. 1	Yellow Soybeans	Graded: 07/28/2023 01:44PM
TW 55.9 LB/BU	M 10.60 % FM 0.7 % SPL 13.1 %	DKT 0.8 %

Grade Remarks:

This certificate is issued by an inspector and/or weigher licensed under the U.S. Warehouse Act and the regulations thereunder, or the inspection is performed by a third party service provider.

Emily Martinez _____ LICENSED WEIGHER	Emily Martinez _____ LICENSED INSPECTOR	_____ DRIVER
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**CERTIFICATE OF SERVICE**

24-TRAM-332-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  
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/S/ KCC Docket Room  
KCC Docket Room