

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

In the Matter of the Investigation of **Kelvin Shepard** )  
**d/b/a John XXL, of Wichita, Kansas**, Pursuant to the )  
Kansas Highway Patrol Issuance of a Notice of )  
Violation(s) and Invoice for the Violations of the ) Docket No. 24-GIMM-759-KHP  
Kansas Motor Carrier Safety Statutes, Rules and )  
Regulations. )

**NOTICE OF FILING OF REQUEST FOR HEARING**

The attached Request for Hearing and corresponding documents were received on May 20, 2024 from Kelvin Shepard d/b/a John XXL. The attached documents include:

1. Driver/Vehicle Examination Report KSHP05081559, dated January 30, 2024.
2. Notice of Violations/Invoice #H000603716, dated February 9, 2024.
3. Request for Hearing, dated May 20, 2024.

WHEREFORE, the attached Request for Hearing and corresponding documents are hereby filed for consideration by the Commission.

Respectfully submitted,

*/s/ Ahsan Latif*

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Ahsan A. Latif, S. Ct. #24709  
Litigation Counsel  
Kansas Corporation Commission  
1500 S.W. Arrowhead Road  
Topeka, Kansas 66604-4027  
Phone: 785-271-3118  
Fax: 785-271-3167  
Email: a.latif@kcc.ks.gov

Attorney for Commission Staff

# DRIVER/VEHICLE EXAMINATION REPORT

Query Central 3.4

**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: KSHP05081559**  
**Inspection Date: 01/30/2024**  
**Start: 12:05 PM CT End: 02:05 PM CT**  
**Inspection Level: II - Walk-Around**  
**HM Inspection Type: None**

**KELVIN SHEPARD**  
**9713 E ANNABELLE ST**  
**WICHITA, KS 67207**  
**USDOT#: 02506448**  
**MC/MX#: 00868983**  
**State#:**

**Phone#: (316)681-7400**  
**Fax#:**

**Driver: SHEPARD, KELVIN F**  
**License#: [REDACTED]** **State: KS**  
**Date of Birth: [REDACTED]**  
**CoDriver:**  
**License#: [REDACTED]** **State: [REDACTED]**  
**Date of Birth: [REDACTED]**

**Location: SHAWNEE COUNTY - 177**  
**Highway: I-470**  
**County:**

**MilePost: 178**  
**Origin: TOPEKA,KS**  
**Destination: TOPEKA,KS**

**Shipper:**  
**Bill of Lading:**  
**Cargo: EMPTY**

### VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate #	Equipment ID	VIN	GVWR	CVSA #	New CVSA #	OOS#
1	TT	VOLV	2013	KS	[REDACTED]	007	[REDACTED]1416	51,200			
2	ST	UTIL	2012	OK	[REDACTED]	545	[REDACTED]7465	65,000			

**BRAKE ADJUSTMENTS:** No Brake Measurements Required For Level 2

### VIOLATIONS

<u>Vio Code</u>	<u>Section</u>	<u>Unit</u>	<u>OOS</u>	<u>Citation #</u>	<u>Verify</u>	<u>Crash</u>	<u>Violations Discovered</u>
383.23A2	383.23A2	D	Y		N	N	<b>Operating a CMV without a CDL: Operating a CMV without a CDL on 1/30/2024. Driver has a downgraded CDL Class A due to not submitting his updated 12/15/23 medical card to the DMV.</b>
395.8A-NON-ELD	395.8A-NON-ELD	D	N		N	N	No record of duty status when one is required (ELD Not Required): No Log on 1/30/2024. Driver does not have a record of duty status.
392.2DL	392.2DL	D	N		N	N	Miscellaneous Drivers License Violation: Driver failed to submit his medical card to the KS DMV w/in 15 days. Med Card issued 12/15/2023.
392.7A	392.7A	D	N		N	N	Driver failing to conduct pre-trip inspection: Driver stated he did not conduct pre-trip inspection prior to driving this CMV today.
393.60C	393.60C	1	N		N	N	Damaged or discolored windshield: Large star crack on driver side eye level close to A pillar with several cracks going across the driver's eye sight that intersect each other a few times.
396.17C	396.17C	1	N		N	N	Operating a CMV without proof of a periodic inspection: Expired annual inspection. Most current proof was matching long form/label dating 1/13/2022.
393.55C1	393.55C1	1	N		N	N	Truck Tractor manufactured on or after March 1, 1997 not equipped with an antilock brake system.: Tractor's ABS dash light always on during the inspection.
393.9TS	393.9TS	1	N		N	N	Inoperative turn signal: Driver side front turn signal inoperable.
393.55D2	393.55D2	1	N		N	N	CMV manufactured on/after 3/1/2001 not equipped with ABS malfunction circuit / lamp from towed vehicle in cab.: Tractor's ABS dash

Report Prepared By:  
B.L. Wilson

Badge #:  
0508

Copy Received By:  
KELVIN SHEPARD

Page 1 of 2



02506448 KS KSHP05081559

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X \_\_\_\_\_

DRIVER/VEHICLE EXAMINATION REPORT

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KELVIN SHEPARD
9713 E ANNABELLE ST
WICHITA, KS 67207
USDOT#: 02506448
MC/MX#: 00868983
State#:

Phone#: (316)681-7400
Fax#:

Driver: SHEPARD, KELVIN F
License#: K03016680 State: KS
Date of Birth: 06/12/1984
CoDriver:
License#: State:
Date of Birth:

Table with 7 columns: Vio Code, Section, Unit, OOS, Citation #, Verify, Crash, Violations Discovered. Contains 4 rows of violation data.

HazMat: No HM Transported.

Placard: No Cargo Tank:

Special Checks: Traffic Enforcement;

\* 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 KELVIN SHEPARD "OUT OF SERVICE". No person and/or carrier shall permit and/or require this driver to operate any commercial vehicle until: DRIVER HAS PROPER LICENSE TO OPERATE TYP. 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: 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:
B.L. Wilson

Badge #:
0508

Copy Received By:
KELVIN SHEPARD



X \_\_\_\_\_

X \_\_\_\_\_



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

Laura Kelly, Governor

## NOTICE OF VIOLATION

February 9, 2024

KELVIN SHEPARD D/B/A JOHN XXL  
9713 E ANNABELLE ST  
WICHITA, KS 67207

Re: Roadside Driver/Vehicle Examination Report No. KSHP05081559

This is a Notice of Probable Violation(s) of Kansas Motor Carrier Safety Statutes, Rules and Regulations discovered during a roadside inspection conducted by the Kansas Highway Patrol.

Kansas Highway Patrol Officer B.L. WILSON inspected vehicle [REDACTED] 1416 on January 30, 2024 and violation(s) of Federal Motor Carrier Safety Regulations, as adopted by K.S.A. 66-1,129 and K.A.R. 82-4-3 et seq. were discovered. After a thorough review of your inspection, violation(s), along with associated penalties, have been assessed.

You have thirty (30) days, from the date of this letter, to pay the fine amount, as indicated in the enclosed invoice. Failure to address this matter may negatively impact your KCC operating authority or result in the issuance of an Out-of-Service order in the State of Kansas. You have the following options:

**1. Direct any disputed questions regarding violations and /or hearing requests to:**

**Kansas Highway Patrol  
Motor Carrier Safety Assistance  
700 SW Jackson, Suite 704  
Topeka, Kansas 66603  
(785) 368-8086**

2. Pay the fine amount as indicated in the enclosed invoice: **H000603716**
3. You have the right to an administrative hearing with the Kansas Corporation Commission by contacting the Kansas Highway Patrol.
4. Failure to pay the fine amount or request a hearing within thirty (30) days will result in carrier being in default. Carrier will not be able to make changes to KCC authority, including but not limited to adding vehicles, name changes or renewal of authority, until the fine has been paid or the matter is resolved.

###

**INVOICE**



KELVIN SHEPARD D/B/A JOHN XXL  
 9713 E ANNABELLE ST  
 WICHITA, KS 67207

Invoice Date: February 9, 2024  
 Invoice Number: H000603716  
 Due Date: March 10, 2024

Power Unit Identification at Time of Inspection:

Unit #	Unit Make	Unit License	VIN	License Number	Company ID
			1416		007

Unit	Violation	Violation Description	Penalty
	383.23A2	Operating a CMV without a CDL	150.00
<b>Total Due:</b>			<b>\$150.00</b>

***Please return the enclosed invoice with your payment,  
 payable to the Kansas Corporation Commission.***

Failure to pay the fine amount or request a hearing within thirty (30) days will result in carrier being in default. Carrier will not be able to make changes to authority, including but not limited to adding vehicles, name changes or renewal of authority, until the fine has been paid or the matter is resolved.

Carriers registered under the Unified Carrier Registration Act (UCRA) program that maintains intrastate authority will be reviewed annually for compliance.

Payment options: check, money order or credit card.

Circle the type of credit card (Visa, MasterCard, Discover, or American Express)

Credit card number \_\_\_\_\_ and Expiration Date \_\_\_\_ / \_\_\_\_

Please direct any questions regarding the violations and/or fine amounts to the Kansas Highway Patrol, Motor Carrier Safety Assistance at **(785) 368-8086**.

**From:** [kelvin shepard](#)  
**To:** [Ahsan Latif \[KCC\]](#)  
**Subject:** Re: Invoice # H000603716  
**Date:** Monday, May 20, 2024 10:15:07 AM  
**Attachments:** [image001.png](#)

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**This is an EXTERNAL EMAIL. Think before clicking a link or opening attachments.**

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Good morning!

Kindly refer the invoice # H000603716, concerning the fine of \$150 I got for the medical card being not attached to my CDL,

December last year after renewed my medical card , I took it to DMV for them to attach it with my CDL, unfortunately they forgot to attach it,

When I went through inspection on Feb, the Highway Patrol gave me a fine for the mistake done by DMV to not attach my medical card on time,

Therefore I went back to DMV to get it straight, so now my medical card been attached,

I will appreciate if you can remove \$150 fine , thank you

KELVIN SHEPARD

On Fri, May 17, 2024 at 7:19 AM Jared Smith [KCC] <[j.smith@kcc.ks.gov](mailto:j.smith@kcc.ks.gov)> wrote:

Mr. Shepard,

Following up from our conversation on Monday about Invoice # Invoice # H000603716 and removing the fine. I attempted to call you at 316-681-7400 and was unable to leave a voicemail.

In order to remove the fine we need you to email KCC Attorney Ahsan Latif at: [a.latif@kcc.ks.gov](mailto:a.latif@kcc.ks.gov)

Just a short email asking to remove the fine. He is aware of the situation and expecting your email

If you have any questions feel free to contact me at 913-755-1289

Jared Smith

Assistant Deputy Director



Transportation Division

Kansas Corporation Commission

[1500 SW Arrowhead Road](#) | [Topeka, KS](#) | [66604-4027](#)

Phone (913) 755- 1289 | Fax (785) 271-3124 | <http://kcc.ks.gov/>

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**CERTIFICATE OF SERVICE**

24-GIMM-759-KHP

I, the undersigned, certify that a true copy of the attached Filing has been served to the following by means of electronic service on May 22, 2024.

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

Kelvin Shepard, PRESIDENT  
Kelvin Shepard  
D/B/A John XXL  
9713 E Annabelle St  
Wichita, KS 67207  
shepardkelvin01@gmail.com

/S/ Kiley McManaman  
Kiley McManaman

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