



20240514103915  
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-700-PEN

May 14, 2024  
Malack Nyamweya  
Skylar Mae Dumpster Rental LLC  
11056 230<sup>th</sup> Street  
Linwood, Kansas 66052

This is a notice of a penalty assessment against Skylar Mae Dumpster Rental LLC (Skylar Mae) for violations of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted April 30, 2024, by a Kansas Corporation Commission Special Investigator. 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:** Skylar Mae has been assessed a \$2,950 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$2,950, 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 Skylar Mae 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. Skylar Mae 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 \$2,950 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 **Skylar Mae**        )  
**Dumpster Rental LLC, of Linwood, Kansas.**        )  
Regarding the Violation(s) of the Motor Carrier        )  
Safety Statutes, Rules and Regulations and the        ) Docket No. 24-TRAM-700-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 April 30, 2024, a Commission Staff (“Staff”) Special Investigator (“SI”) completed a safety compliance investigation of the operations of Skylar Mae Dumpster Rental LLC (Skylar Mae or Carrier). Skylar Mae is a motor carrier as defined in 49 C.F.R. 390.5, and operates under USDOT number 3795199.

2.        On May 2, 2024, Staff submitted its Report and Recommendation (“R&R”), attached hereto as Attachment “A” and is hereby incorporated by reference, recommending a penalty of \$2,950 to be issued to Skylar Mae based on the frequency, timeline and severity of the violations discovered. Staff’s R&R indicates that as a result of the safety compliance investigation, the SI identified eight (8) violation(s), accounting for six (6) count(s), of the Motor

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

3. Additionally, Staff recommends that Skylar Mae 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 Skylar Mae 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 Skylar Mae 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.4 (May 2, 2024).

<sup>4</sup> *Id.*

<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. Skylar Mae is hereby assessed a \$2,950 civil penalty for eight (8) violation(s), accounting for six (6) count(s), of Kansas law governing the regulation of motor carriers, the Kansas Administrative Regulations and provisions of the Federal Motor Carrier Safety Regulations, as adopted by the Kansas Administrative Regulations.

B. Skylar Mae 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. Skylar Mae 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. Skylar Mae 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 Skylar Mae'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> For civil penalties of \$500 or less, a corporation may appear by a duly authorized representative of the corporation.<sup>7</sup>

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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).

<sup>7</sup> K.S.A. 66-1,142b(e) and amendments thereto.

G. If you do not request a hearing, the payment of the civil penalty of \$2,950 is due in thirty (30) days from the date of service of this Order. Payment of \$2,950 must be made 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 \$2,950 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 Skylar Mae's motor carrier operating authority without further notice.<sup>8</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: 05/14/2024



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Lynn M. Retz  
Executive Director

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<sup>8</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:** May 2, 2024

**SUBJECT: Docket No. 24-TRAM-700-PEN**

In the Matter of the Investigation of **Skylar Mae Dumpster Rental LLC of Linwood, 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:**

Skylar Mae Dumpster Rental LLC is a motor carrier (MC) possessing public for-hire operating authority from the Commission, primarily hauling dumpsters. Skylar Mae Dumpster Rental LLC operates under USDOT 3795199. On April 30, 2024, a Commission Staff ("Staff") Special Investigator (SI) completed a safety compliance investigation of the operations of Skylar Mae Dumpster Rental 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 eight (8) violations, accounting for six (6) specific counts, of the Motor Carrier Safety Regulations (MCSRs), which carries 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 \$2,950 be issued to the MC.

### **DISCUSSION AND ANALYSIS:**

On April 30, 2024, a Commission Staff SI conducted a safety compliance investigation of the operations of Skylar Mae Dumpster Rental LLC. The investigation covers a 365 day period. Each specific count is detailed below.



### Count One (1 of 6)

**Jurisdiction:** 49 C.F.R. 382.115(a), adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 66-1,129.

**Intent of Law:** Requires the MC to establish an alcohol and controlled substances testing program for its CDL drivers that complies with the procedures established in 49 C.F.R. 382.105.

**Supporting Documents:** On April 8, 2024, Skylar Mae Dumpster Rental LLC owner and sole driver, Malack Nyamweya, operated a commercial driver's license (CDL) required commercial motor vehicle (CMV), a 2013 Chevrolet Silverado 3500, VIN ending in 9151, GVWR 13,250 lbs., pulling a 2022 Texas Pride trailer, VIN ending in 6183, GVWR 25,999 lbs., in interstate commerce from Linwood, Kansas to Kansas City, Missouri. This transport is evidenced by a Mark II transfer station receipt, attached hereto as **Exhibit 2**. The MC was unable to provide evidence that an alcohol and controlled substance testing program was in place at the time of this transport.

**Violation:** Skylar Mae Dumpster Rental LLC failed to establish an alcohol and controlled substance testing program (**Exhibit 1, Page 3**). One (1) violation discovered.

**Recommendation:** Staff recommends a fine of \$350.

### Count Two (2 of 6)

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

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

**Supporting Documents:** This violation took place during the transportation described in Count One, above. Additionally, this violation is evidenced by an expired Annual Vehicle Inspection Label for the 2013 Chevrolet Silverado 3500, attached hereto as **Exhibit 3**, and an expired Annual Vehicle Inspection Label for the 2022 Texas Pride trailer, attached hereto as **Exhibit 4**. A receipt for the annual inspection of the truck and trailer, obtained on April 11, 2024, is attached hereto as **Exhibit 5**. The periodic inspections for these units expired in March of 2024, prior to this transport (*see* Annual Vehicle Inspection Labels, attached as part of **Exhibit 3** and **Exhibit 4**). New periodic inspections were not completed until after the transport, on April 11, 2024.

**Violation:** Skylar Mae Dumpster Rental LLC operated commercial motor vehicles prior to obtaining a new periodic inspection (**Exhibit 1, Page 3**). Two (2) violations discovered.

**Recommendation:** Staff recommends a fine of \$750.

### Count Three (3 of 6)

**Jurisdiction:** 49 C.F.R. 382.711, adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 66-1,129.

**Intent of Law:** The MC must be enrolled in the FMCSA Drug and Alcohol Clearinghouse ("DACH").

**Supporting Documents:** This violation took place during the transportation described in Count One, above. Additionally, this violation is evidenced by screenshots of DACH searches showing the carrier was not registered in the DACH, attached hereto as **Exhibit 6** and **Exhibit 7**. The SI searched for the MC using the USDOT No. and carrier name which did not return a result.

**Violation:** Skylar Mae Dumpster Rental LLC failed to register in the FMCSA DACH (**Exhibit 1, Page 3 to 4**). One (1) violation discovered.

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

**Count Four (4 of 6)**

**Jurisdiction:** 49 C.F.R. 391.51(a), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 66-1,129.

**Intent of Law:** The MC must maintain a driver qualification file pursuant to 49 C.F.R. 391.51.

**Supporting Documents:** This violation took place during the transportation described in Count One, above. The MC could not produce a driver qualification file for the SI to review.

**Violation:** Skylar Mae Dumpster Rental LLC failed to maintain a driver qualification file (**Exhibit 1, Page 4**). One (1) violation discovered.

**Recommendation:** Staff recommends a fine of \$350.

**Count Five (5 of 6)**

**Jurisdiction:** 49 C.F.R. 396.3(b)(2), adopted by K.A.R. 82-4-3j, and authorized by K.S.A. 66-1,129.

**Intent of 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 transportation described in Count One, above. The MC could not provide the SI with required maintenance records on the Carrier's two commercial motor vehicles.

**Violation:** Skylar Mae Dumpster Rental LLC failed to maintain records indicating the nature and due date of inspections and maintenance operations (**Exhibit 1, Page 4 to 5**). Two (2) violations discovered.

**Recommendation:** Staff recommends a fine of \$750.

**Count Six (6 of 6)**

**Jurisdiction:** 49 C.F.R. 396.19(a), adopted by K.A.R. 82-4-3j, and authorized by K.S.A. 66-1,129.

**Intent of Law:** The MC shall use an inspector of a commercial motor vehicle(s) that has the qualifications and evidence of the qualifications as outlined in 49 C.F.R. 396.19.

**Supporting Documents:** This violation took place during the transportation described in Count One, above. The MC was unable to provide evidence of the qualifications of the inspector who conducted its periodic inspections.

**Violation:** Skylar Mae Dumpster Rental LLC failed to maintain evidence of inspector's qualifications (**Exhibit 1, Page 5**). One (1) violation discovered.

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

**RECOMMENDATION:**

Staff recommends the Commission find Skylar Mae Dumpster Rental LLC committed eight (8) violations, accounting for six (6) specific counts, of Kansas law that governs MCs, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as

adopted by the Kansas Administrative Regulations (K.A.R.s), and is therefore subject to sanctions or fines imposed by the Commission.

Due to the frequency, timeline and severity of the violations, Staff recommends a civil penalty of \$2,950 for eight (8) violations of the MC Safety Statutes, Rules and Regulations, in accordance with the recommended penalties listed in the applicable Uniform Penalty Assessment Matrix.

Staff further recommends Skylar Mae Dumpster Rental 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 Skylar Mae Dumpster Rental LLC submit a written, comprehensive Corrective Action Plan (CAP) to Transportation Staff within thirty (30) days of the date of this order, documenting the violations described in the Penalty Order, including specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violations do not occur in the future.

Finally, Staff recommends that Skylar Mae Dumpster Rental 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

	<b>U.S. DOT#:</b> 3795199 <b>MC/MX#:</b> 0	<b>Legal:</b> SKYLAR MAE DUMPSTER RENTAL LLC <b>Operating (DBA):</b>	<b>Investigation Date:</b> 04/30/2024																	
<b>Investigation Type:</b> Onsite Comprehensive Investigation		<b>Location of Investigation:</b> Company principal place of business (PPOB) <b>Extent of Operations:</b> Entire Operation																		
<b>Physical Address</b> 11056 230TH LINWOOD LINWOOD, KS 66052 United States		<b>Mailing Address</b> 11056 230TH STREET LINWOOD, KS 66052 United States																		
<b>Contact Information</b> <b>Contact Name:</b> MALACK NYAMWEYA <b>Email:</b> malachinyamweya@gmail.com <b>Phone:</b> (316)252-9808 <b>Cell:</b> (316)252-9808 <b>Fax:</b> ( )-																				
<b>Business and Financial</b> <b>Business Type:</b> Limited Liability Corporation <b>Name of Gross Revenue Provider:</b> Malack Nyamweya <b>Title of Gross Revenue Provider:</b> CEO <b>Gross Revenue:</b> ██████████ <b>For Year Ending:</b> 12/31/2023 <b>Federal Tax ID:</b> ██████████																				
<b>Operation Classification and Type</b> <b>Type of Operation:</b> Non-HM Interstate Carrier, Non-HM Intrastate Carrier <b>Operation Classification</b> Private Motor Carrier Property – Non-Hazardous Materials		<b>Cargo</b> Other (Dumpsters )																		
<b>Equipment</b> <table border="1" data-bbox="29 1354 808 1522"> <thead> <tr> <th></th> <th>Owned</th> <th>Term Leased</th> <th>Trip Leased</th> </tr> </thead> <tbody> <tr> <td>Straight Trucks</td> <td>1</td> <td></td> <td></td> </tr> <tr> <td>Trailers</td> <td>1</td> <td></td> <td></td> </tr> </tbody> </table> <b>Power units used in the U.S.:</b> 1 <b>Percentage of time used in the U.S.:</b> 100%			Owned	Term Leased	Trip Leased	Straight Trucks	1			Trailers	1			<b>Driver Information</b> <table border="1" data-bbox="808 1354 1594 1564"> <thead> <tr> <th rowspan="2">Drivers</th> <th>Intrastate</th> <th>Interstate</th> </tr> </thead> <tbody> <tr> <td></td> <td>1</td> </tr> </tbody> </table> <b>Average trip leased driver/month:</b> 0 <b>Drivers with CDL:</b> 1 <b>Total Drivers:</b> 1		Drivers	Intrastate	Interstate		1
	Owned	Term Leased	Trip Leased																	
Straight Trucks	1																			
Trailers	1																			
Drivers	Intrastate	Interstate																		
		1																		
<b>Person(s) Interviewed</b>																				
<b>Name:</b> MALACK NYAMWEYA		<b>Title:</b> C.E.O																		

**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: 382.115(a)

Failing to implement an alcohol and/or controlled substances testing program on the date the employer begins commercial motor vehicle operations.



**Acute**

### Violations Discovered

Fed	State	Total
1		1

### Checked

Fed	State	Total
1		1

### BASIC Impacted

Controlled Substances/Alcohol

**Rating Factor 2:**  
Driver = Part 382

### Example/Notes:

Driver: Malack Nyamweya  
Trip date: 4/8/2024-Linwood, KS to Kansas City, MO  
Failing to implement a random program

### Drivers/Vehicles in Violation

Fed	State	Total

### Checked

Fed	State	Total

## 2. Primary: 396.17(a)

Using a commercial motor vehicle not periodically inspected.



**Critical**

At least 10% of the number checked had violations

### Violations Discovered

Fed	State	Total
2		2

### Checked

Fed	State	Total
2		2

### BASIC Impacted

Vehicle Maintenance

**Rating Factor 4:**  
Vehicle = Part 396

### Example/Notes:

Driver: Malack Nyamweya  
Trip date: Linwood, KS to Kansas City, MO  
Carrier operated their power unit and trailer without current periodic inspections

### Drivers/Vehicles in Violation

Fed	State	Total
2		2

### Checked

Fed	State	Total
2		2

## 3. Primary: 382.711(b)

Failing to register in the Clearinghouse.

### Violations Discovered

Fed	State	Total
1		1

### Checked

Fed	State	Total
1		1

### Example/Notes:

### Drivers/Vehicles in Violation

Driver: Malack Nyamweya  
 Trip date: 4/8/2024-Linwood, KS to Kansas City, MO  
 Failing to register as a carrier in the Drug and Alcohol Clearinghouse

Fed	State	Total
<b>Checked</b>		
Fed	State	Total

**4. Primary: 390.19T(a)(1)**

Failing to file a Motor Carrier Identification Report, Form MCS-150 (Motor Carrier)

<b>Violations Discovered</b>		
Fed	State	Total
1		1
<b>Checked</b>		
Fed	State	Total
1		1

**Example/Notes:**

Driver: Malack Nyamweya  
 Trip date: 4/8/2024-Linwood, KS to Kansas City, MO  
 Carrier failed to accurately file an MCS-150

<b>Drivers/Vehicles in Violation</b>		
Fed	State	Total
<b>Checked</b>		
Fed	State	Total

**5. Primary: 391.51(b)  
 Secondary: 391.51(a)**

Failing to maintain driver qualification file in accordance with 391.51(b).

<b>Violations Discovered</b>		
Fed	State	Total
1		1
<b>Checked</b>		
Fed	State	Total
1		1

**Example/Notes:**

Driver: Malack Nyamweya  
 Trip date: 4/8/2024-Linwood, KS to Kansas City, MO  
 Failed to maintain a driver qualification file on the carrier's sole employee/driver

<b>Drivers/Vehicles in Violation</b>		
Fed	State	Total
1		1
<b>Checked</b>		
Fed	State	Total
1		1

**6. Primary: 396.3(b)(1)**

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

<b>Violations Discovered</b>		
Fed	State	Total
2		2
<b>Checked</b>		



Fed	State	Total
2		2

**Example/Notes:**

Driver: Malack Nyamweya

Trip date: 4/8/2024-Linwood, KS to Kansas City, MO

Carrier failed to maintain a maintenance record which identifies the vehicle, including make, serial number, year, and tire size for both their power unit and trailer

**Drivers/Vehicles in Violation**

Fed	State	Total
2		2

**Checked**

Fed	State	Total
2		2

**7. Primary: 396.19(b)**

Failing to maintain evidence of inspector's qualifications.

**Violations Discovered**

Fed	State	Total
1		1

**Checked**

Fed	State	Total
1		1

**Example/Notes:**

Driver: Malack Nyamweya

Trip date: 4/8/2024-Linwood, KS to Kansas City, MO

Carrier obtained most recent periodic inspections from 'Boss Truck Shops', carrier failed to identify inspector and maintain evidence of inspectors qualifications

**Drivers/Vehicles in Violation**

Fed	State	Total

**Checked**

Fed	State	Total

# Safety Fitness Rating

Your proposed safety rating is: **SATISFACTORY** 0 UNSATISFACTORY rating factors and 2 or fewer CONDITIONAL rating factors. Corrective actions must be taken for any violations (deficiencies) identified in this report. See below for more information.

<b>RATING FACTORS</b>	<b>RATING</b>	<b>ACUTE</b>	<b>CRITICAL</b>
Factor 1: General = Parts 387 and 390	Satisfactory	0	0
Factor 2: Driver = Parts 382, 383 and, 391	Conditional	1	0
Factor 3: Operational = Parts 392 and 395	Satisfactory	0	0
Factor 4: Vehicle = Parts 393 and 396 OOS Vehicles (CR): 0 Number of Vehicles Inspected (CR): 0 OOS Vehicles (MCMIS): 0 Number of Vehicles Inspected (MCMIS): 0 OOS Rate: 0%	Conditional		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: 60,000 Recordable Accidents: 0 Recordable Accidents/Million Miles: 0.00	Satisfactory	N/A	N/A

You must take corrective actions for any violations (deficiencies) identified in the Violations section of this report.

**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: Policies and Procedures

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##### Specific Recommended Remedies

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

1. Develop a written company policy incorporating by reference all regulations regarding controlled substances and alcohol use, testing, training, and records retention for all employees.
2. Establish a process to ensure that drivers who are randomly tested can be immediately removed if they are found to be positive and that they do not return to safety-sensitive duties until they have complied with the "return-to-duty" process.

### BASIC: Controlled Substances/Alcohol

#### Process Breakdown: Qualification and Hiring

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##### Specific Recommended Remedies

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

1. Ensure that the controlled-substance and alcohol-testing program manager is qualified to query applicants and previous employers about their knowledge and experience regarding rules, interpretations, and compliance practices of other companies.
2. Ensure that applicants for safety-sensitive positions do not have a current controlled-substance and/or alcohol problem by querying them and checking with their previous employers regarding controlled-substance and alcohol violations, related background, conditions and behaviors indicative of controlled-substance and/or alcohol abuse or misuse, and by conducting pre-employment testing as required by regulation and company policy. Create a detailed written record of each inquiry.
3. Ensure that the employment application captures all information required by the Federal Motor Carrier Safety Regulations for example, whether applicants have ever tested positive or have refused to take a controlled substance and alcohol test, and if so, whether they have complied with the return-to-duty process as required by regulations.

### BASIC: Driver Fitness

#### Process Breakdown: Monitoring and Tracking

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##### Specific Recommended Remedies

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

1. 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.
2. 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.



# 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. **Clearinghouse Annual Query**

Ensure annual queries are conducted in the Clearinghouse at least once per year. You may conduct a full or limited query to fulfill this requirement.

## 4. **Clearinghouse Registration - Owner/Operator**

As a registered Owner/Operator you must designate a C/TPA in the Clearinghouse to comply with the employer requirements related to your own drug and alcohol program compliance. You may continue to perform the employer functions for any other drivers that you employ who are subject to the requirements of 49 CFR Part 382.

## 5. **Clearinghouse Registration - Employer**

Ensure you are registered in the Clearinghouse by visiting <https://clearinghouse.fmcsa.dot.gov>.

## 6. **Clearinghouse Driver Consent**

Ensure driver consent has been obtained and is on file before conducting a limited query.

## 7. **Drug and Alcohol Clearinghouse**

Find out your responsibilities and requirements for FMCSA's Drug and Alcohol Clearinghouse by visiting <https://clearinghouse.fmcsa.dot.gov>.

## 8. **Clearinghouse Pre-employment Query**

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

## 9. **Maintain a complete file documenting the qualification process.**

Ensure that all drivers are fully and properly qualified before operating in interstate commerce. Maintain a complete file as required for each driver, documenting the qualification process.

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

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

## 11. **KCC For All Investigations**

For all Investigations that could result 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 and/or the Federal Motor Carrier Commercial Regulations may also affect the civil penalty proposed for \*SKYLAR MAE DUMPSTER RENTAL LLC, USDOT #3795199\*. 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. Information on your compliance status, roadside inspections, regulatory changes, accident countermeasures and hazardous material incident prevention manual 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, failure to attend a KCC safety seminar within 30 days of the closing of this compliance review, and/or failure to comply with Kansas Motor Carrier Safety Statutes and Regulations could result in the suspension of \*SKYLAR MAE DUMPSTER RENTAL LLC'S\* authority and/or the impoundment of \*SKYLAR MAE DUMPSTER RENTAL LLC'S\* commercial motor vehicles.

# EXHIBIT

2

COMPLETED TICKET

Mark II Transfer Station  
Mark II Transfer Station  
6709 East US - 40 Hwy  
Kansas City, MO 64129

Ticket 380360  
Date 04/08/2024  
Time In 16:51:21  
Time Out 16:51:30

Truck SKYLAEMAETR1  
Customer Skylar Mae Dumpster Rental LLC  
Dumpster

Material CND Construction & Demolition

PO/Add 0

Gross 20260 lb  
Tare 17460 lb

-----  
Net 2800 lb 1.40 TONS

Unit Price : \$ 49.75

Net Price : \$ 69.65

State Fees : \$ 2.95

Local Fees : \$ 8.00

=====

Total Price: \$ 80.60



# EXHIBIT

3



1-888-595-BOSS  
(2677)  
www.bosstruckshops.com

# ANNUAL VEHICLE INSPECTION LABEL

TO WRITE ON THIS LABEL USE AN INDELIBLE, PERMANENT INK MARKER,  
PEN OR PENCIL THAT WILL NOT FADE IN DIRECT SUNLIGHT

COMPLETED: MONTH 3 YEAR 2023 NO. 62002933

A RECORD OF THIS VEHICLE'S ANNUAL VEHICLE INSPECTION REPORT IS  
MAINTAINED AT:  MOTOR CARRIER  OTHER ENTITY

Styler Mac Dumpsters Rental

COMPANY / NAME

11056 230th St

STREET

Lawrence, KS 66052

CITY, STATE, ZIP CODE

316.252.9808

TELEPHONE

[REDACTED] 6183

MOTOR CARRIER IDENTIFICATION NUMBER

**CERTIFICATION:** THIS VEHICLE HAS PASSED AN INSPECTION IN ACCORDANCE  
WITH 49CFR 396.17 THROUGH 396.23.

**VEHICLE IDENTIFICATION:** IF THE VEHICLE IS NOT READILY, CLEARLY, AND  
PERMANENTLY MARKED, CHECK ONE AND COMPLETE.

FLEET UNIT NUMBER

LICENSE / REGISTRATION NUMBER

VEHICLE IDENTIFICATION NUMBER

OTHER \_\_\_\_\_

# EXHIBIT

4

MEX  
PLUS  
AS-1  
499

(2017)  
truckshops.com

# ANNUAL VEHICLE INSPECTION LABEL

USE AN INDELIBLE, PERMANENT PENCIL THAT WILL NOT FADE IN DIRECT SUNLIGHT

MONTH 8 YEAR 2023 NO.       

TYPE OF THIS VEHICLE'S ANNUAL VEHICLE INSPECTION PERFORMED AT:  MOTOR CARRIER  OTHER ENTITY

COMPANY / NAME

STREET

CITY, STATE, ZIP CODE

TELEPHONE

VEHICLE IDENTIFICATION NUMBER

CERTIFICATION: THIS VEHICLE HAS PASSED AN INSPECTION IN ACCORDANCE WITH 49CFR 396.17 THROUGH 396.23.

VEHICLE IDENTIFICATION: IF THE VEHICLE IS NOT READILY, CLEARLY, AND PERMANENTLY MARKED, CHECK ONE OF THE FOLLOWING:

- LICENSE / REGISTRATION NUMBER
- OTHER

Greenah, WI • USA

CUSTOM BOSS SHOP AG-EN

# EXHIBIT

5



No. 275690

CAR CARE EXPRESS #0001  
1513 S. MAIN ST  
OTTAWA, KS 66067  
785.242.1862  
04/11/2024 11:43 AM

COPY COPY COPY

Customer	Vehicle
MR. MALACK NYAMWEYA (NEW)  660 785--	2013 CHEVROLET SILVERADO 3500 HD ACCT # GCD109151 VIN: 1GC4K1C88DF109151 Present Mileage: 155,861

Description	Quantity	Lubricant	Part #	Taxable	Price
TIRE PATCH AND REPAIR	1.00	of Part #	TIRE PATCH	\$28.00	\$28.00
MISC. SALES		TRAILER DOT		\$80.00	\$80.00
MISC. SALES		TRUCK DOT		\$80.00	\$80.00
Non-Taxable					
SubTotal				\$0.00	\$188.00
Tax (9.600%)					\$18.05
TOTAL (VISA)					\$206.05

Payment Authorization	
04/11/2024	12:43:54
Desc: Approval	Method: Chip Read
Approved	Amount: 206.05
VISA DEBIT	XXXXXXXXXXXX5326
Card Holder: NYAMWEYA/MALACK O	Ref: 602256045834
OrdId: 47be343d-1bc1-4899-	Batch: 444
Auth#: 000391	AID: A0000000031010
MID: XXXXX5888	
I agree to pay the above amount according to card issuer agreement.	
Techs: CALEB(Upper) CALEB(Lower)	

Customer Signature

Please retain this receipt. It will provide a record of the date and mileage for warranty purposes.  
Any claims for faulty workmanship must first be presented to the store manager before any refunds and/or damage reimbursement will be honored. Do not have any work performed on your vehicle without calling the store manager first if you expect reimbursement.

# EXHIBIT

6



## Search for a Driver

Country of Issuance (optional)

State of Issuance (optional)

Driver Name or CDL

Search



## Search for an Employer

USDOT#

or

Company Name

Country (optional)

State (optional)

There is no employer account associated with the DOT Number you entered. Please confirm the DOT Number is correct.

You can also try searching by motor carrier name (partial or full) and State/country, in case the carrier does not have a DOT Number associated with their Clearinghouse account.

Search



# EXHIBIT

7



## Search for a Driver

Country of Issuance (optional)

United States



State of Issuance (optional)

Kansas



Driver Name or CDL

Search



## Search for an Employer

USDOT#

or

Company Name

Skylar

Country (optional)

United States



State (optional)

Kansas



Your carrier search did not return any results.

Search

**CERTIFICATE OF SERVICE**

24-TRAM-700-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 05/14/2024.

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

Malack Nyamweya, CEO  
Skylar Mae Dumpster Rental LLC  
11056 230th Street  
Linwood, KS 66052  
malachinyamweya@gmail.com

/S/ KCC Docket Room  
KCC Docket Room