



**NOTICE OF PENALTY ASSESSMENT**  
25-TRAM-095-PEN

July 25, 2024  
Brandon J. Schwartz  
Brandon J. Schwartz d/b/a Brandon Schwartz Trucking  
PO Box 396  
Great Bend, Kansas 67530

This is a notice of a penalty assessment against Brandon J. Schwartz d/b/a Brandon Schwartz Trucking (Brandon Schwartz Trucking) for violations of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted July 17, 2024, by a Kansas Corporation Commission Special Investigator. Penalties are assessed in accordance with the FY 2025 Uniform Penalty Assessment Matrix, approved by the Commission on June 27, 2024. 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:** Brandon Schwartz Trucking has been assessed a \$1,200 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$1,200, 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 Brandon Schwartz 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. Brandon Schwartz 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 \$1,200 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-XXX  
[ahsan.latif@ks.gov](mailto:ahsan.latif@ks.gov)

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



penalty of \$1,200 to be issued to Brandon Schwartz 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 investigation, the SI identified two (2) violation(s), accounting for two (2) count(s), of the Motor Carrier Safety Regulations (MCSRs), which carries a penalty according to the FY2025 Uniform Penalty Assessment Matrix.<sup>3</sup> Staff found the same violations were penalized in the Penalty Order issued to the Carrier in Docket No. 23-TRAM-466-PEN and therefore resulted in enhanced penalties.

4. Additionally, Staff recommends that Brandon Schwartz 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>4</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).

5. Staff further recommends Brandon Schwartz 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>5</sup>

6. Finally, Staff recommends that Brandon Schwartz Trucking submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order.<sup>6</sup>

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<sup>3</sup> Order Designating Guidance Document and Approving Staff's Use of the Transportation Division's Uniform Penalty Assessment Table, pp. 10–24 (June 27, 2024) ("Penalty Matrix").

<sup>4</sup> See Staff's Report and Recommendation, p.3 (Jul. 17, 2024).

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

<sup>6</sup> *Id.*

Transportation Staff will contact the motor carrier at a later date to determine an appropriate time for this review.

7. Pursuant to K.S.A 66-1,108b, 66-1,111, 66-1,112, and 66-1,114b, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in 49 C.F.R. Part 390.5 as adopted by K.A.R. 82-4-3f, doing business or procuring business in Kansas, and is empowered to do all things necessary and convenient for the exercise of such power, authority and jurisdiction.

8. 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.

9. 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. Brandon Schwartz Trucking is hereby assessed a \$1,200 civil penalty for two (2) 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. Brandon Schwartz 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. Brandon Schwartz Trucking 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. Brandon Schwartz 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 Brandon Schwartz 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>7</sup> For civil penalties of \$500 or less, a corporation may appear by a duly authorized representative of the corporation.<sup>8</sup>

G. If you do not request a hearing, the payment of the civil penalty of \$1,200 is due in thirty (30) days from the date of service of this Order. Payment of \$1,200 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 \$1,200 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 Brandon Schwartz Trucking's motor carrier operating authority without further notice.<sup>9</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: \_\_\_\_\_



\_\_\_\_\_  
Lynn M. Retz  
Executive Director

AAL

<sup>7</sup> . K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2); K.A.R. 82-1-202(a).

<sup>8</sup> K.S.A. 66-1,142b(e) and amendments thereto.

<sup>9</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:** Jared Smith, Deputy Director of Transportation

**DATE:** July 17, 2024

**SUBJECT: Docket No. 25-TRAM-095-PEN**  
In the Matter of the Investigation of **Brandon J Schwartz d/b/a Brandon Schwartz Trucking of Great Bend, 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:**

Brandon J Schwartz d/b/a Brandon Schwartz Trucking (Brandon Schwartz Trucking) is a motor carrier (MC) possessing public for-hire operating authority from the Commission, primarily hauling commodities/dry bulk, general freight, grain, feed, hay and farm supplies. Brandon Schwartz Trucking operates under USDOT 2562506.

On November 15, 2022, Commission Transportation Staff (Transportation Staff or Staff) completed a safety compliance investigation of the operations of Brandon Schwartz Trucking that resulted in the Commission issuing a Penalty Order in Docket No. 23-TRAM-466-PEN on January 10, 2023,<sup>1</sup> that levied civil penalties totaling \$300. In the current docket, Staff found violations that resulted from non-compliance with the 23-466 Penalty, which will be further outlined below.

On July 17, 2024, Commission a Staff Special Investigator (SI) completed a safety compliance investigation of the operations of Brandon Schwartz Trucking. 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 two (2) violations, accounting for two (2) specific counts, of the Motor Carrier Safety Regulations (MCSRs), which carries a penalty according to the FY2025 Uniform Penalty Assessment Matrix approved by the Commission. Based on the

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<sup>1</sup> Penalty Order, Docket No. 23-TRAM-466-PEN (Jan. 10, 2023) (hereinafter, 23-466 Penalty).

frequency, timeline and severity of the violations discovered by the SI, Staff recommends penalty of \$1,200 be issued to the MC.

### **DISCUSSION AND ANALYSIS:**

On July 17, 2024, a Commission Staff SI conducted a safety compliance investigation of the operations of Brandon Schwartz Trucking. The investigation covers a 365 day period and any previous compliance review. Each specific count is detailed below.

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

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

**Intent of Law:** The MC must register with the Federal Drug and Alcohol Clearinghouse.

**Supporting Documentation:** On May 31, 2024, Brandon Schwartz Trucking required or permitted its driver, Brandon Schwartz, to operate a commercial driver's license (CDL) required commercial motor vehicle (CMV), a 2010 Peterbilt truck, VIN ending in 3785, GVWR 17,500 lbs., pulling a Wilson trailer, VIN ending 5100, GVWR 85,500 lbs., in intrastate commerce from Great Bend, Kansas to Hanston, Kansas. This trip is evidenced by a load ticket, attached hereto as **Exhibit 2**, bill of lading, attached hereto as **Exhibit 3**, and a carrier report from the Drug and Alcohol Clearinghouse (DACH), attached hereto as **Exhibit 4**. At the time of this transport, the MC was not enrolled in the DACH. A search using the MC's USDOT number did not return a result.

**Violation:** Brandon Schwartz Trucking failed to register in the Drug and Alcohol Clearinghouse (**Exhibit 1, Page 3**). One (1) violation was discovered.

**Recommendation:** Staff recommends an enhanced violation of \$1,000, due to the same violation discovered during the November 15, 2022 compliance investigation. The MC was penalized for this same violation in the 23-466 Penalty.

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

**Jurisdiction:** 49 C.F.R. 391.25(c)(1), adopted by K.A.R. 82-4-3(g), and authorized by K.S.A. 66-1,129.

**Intent of Law:** The MC must make an inquiry every 12 months into the annual motor vehicle record (MVR) of its driver and maintain the response of each state agency in the driver qualification file.

**Supporting Documentation:** This violation took place during the transport described in Count One, above. At the time of this transport, the MC failed to maintain a copy of the MVR or response from each state agency in the MC's driver qualification file.

**Violation:** Brandon Schwartz Trucking failed to make an inquiry every 12 months into the annual motor vehicle record (MVR) of its driver and maintain the response of each state agency in the driver qualification file (**Exhibit 1, Page 3**). One (1) violation was discovered.

**Recommendation:** Staff recommends an enhanced violation of \$200, due to the same violation discovered during the November 15, 2022 compliance investigation. The MC was penalized for this same violation in the 23-466 Penalty.

## **RECOMMENDATION:**

Transportation Staff recommends the Commission find Brandon Schwartz Trucking committed two (2) violations, 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. Staff recommends enhanced fines as the above counts were deemed to be intentional violations as they were previously discovered and penalized by the Commission in the 23-466 Penalty and for the failure of B&B Wrecker Service to take corrective action to remedy the identified compliance issues. Staff requests the Commission take judicial notice of the findings in Docket No. 23-TRAM-466-PEN.

Due to the frequency, timeline and severity of the violations, Staff recommends a civil penalty of \$1,200 for two (2) 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 Brandon Schwartz Trucking 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 Brandon Schwartz Trucking 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 Brandon Schwartz Trucking 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#:** 2562506  
**MC/MX#:** 0

**Legal:** BRANDON J SCHWARTZ  
**Operating (DBA):** BRANDON SCHWARTZ TRUCKING

**Investigation Date:**  
07/17/2024

**Investigation Type:** Offsite Investigation

**Physical Address**

5950 ANCHORWAY  
GREAT BEND, KS 67530-3332  
United States

**Mailing Address**

PO BOX 396  
GREAT BEND, KS 67530  
United States

**Contact Information**

**Contact Name:** BRANDON J SCHWARTZ  
**Email:** margimarley@gmail.com  
**Phone:** (620)786-1414    **Cell:** (620)786-6701    **Fax:** ( )-

**Business and Financial**

**Business Type:** Corporation  
**Name of Gross Revenue Provider:** Brandon Schwartz  
**Title of Gross Revenue Provider:** Owner/Operator  
**Gross Revenue:** ██████████    **For Year Ending:** 12/31/2023  
**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**

Commodities Dry Bulk, General Freight, Grain, Feed, Hay, Farm Supplies

**Equipment**

	Owned	Term Leased	Trip Leased
Truck Tractors	1		
Trailers	1		

**Driver Information**

Drivers	Intrastate	Interstate
< 100 Miles		
>= 100 Miles	1	

**Power units used in the U.S.:** 1  
**Percentage of time used in the U.S.:** 100%

**Average trip leased driver/month:** 0  
**Drivers with CDL:** 1  
**Total Drivers:** 1

**Person(s) Interviewed**

<b>Name:</b> BRANDON J SCHWARTZ	<b>Title:</b> OWNER/OPERATOR
<b>Name:</b> MARGI MARLEY	<b>Title:</b> OWNER'S MOTHER

**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: 382.711(b)

Failing to register in the Clearinghouse.

### Violations Discovered

Fed	State	Total
1		1

### Checked

Fed	State	Total
1		1

### Example/Notes:

On 05/31/2024 Brandon Schwartz operated a 2010 Peterbilt tractor (VIN# ending 3785) and Wilson trailer (VIN# ending 5100) in intrastate commerce. Mr. Schwartz operated this commercial motor vehicle from Great Bend Kansas to Hanston Kansas. Carrier transported this load of grain on a for-hire basis. This trip is evidenced by a carrier statement, a load ticket, and a bill of lading. At the time of this trip, carrier failed to register in the Drug and Alcohol Clearinghouse.

### Drivers/Vehicles in Violation

Fed	State	Total

### Checked

Fed	State	Total

## 2. Primary: 391.25(c)(1)

Failing to maintain a copy of the motor vehicle record or response from each State agency in the driver qualification file.

### Violations Discovered

Fed	State	Total
	1	1

### Checked

Fed	State	Total
	1	1

### Example/Notes:

On 05/31/2024 Brandon Schwartz operated a 2010 Peterbilt tractor (VIN# ending 3785) and Wilson trailer (VIN# ending 5100) in intrastate commerce. Mr. Schwartz operated this commercial motor vehicle from Great Bend Kansas to Hanston Kansas. Carrier transported this load of grain on a for-hire basis. This trip is evidenced by a carrier statement, a load ticket, and a bill of lading. At the time of this trip, carrier failed to maintain a copy of the motor vehicle record or response from each State agency in the driver qualification file.

### Drivers/Vehicles in Violation

Fed	State	Total
	1	1

### Checked

Fed	State	Total
	1	1

# 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: 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. 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.

## BASIC: Controlled Substances/Alcohol

### 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. Evaluate personnel who are monitoring drivers against performance standards related to controlled-substance and alcohol regulations and company policies to ensure that they are applying standards fairly, consistently, and equitably, and are documenting evaluations.

# Recommendations

## 1. **Additional Information**

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

## 2. **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.

## 3. **Clearinghouse Registration - Employer**

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

## 4. **Drug and Alcohol Clearinghouse**

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

## 5. **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.

## 6. **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 or the Federal Motor Carrier Commercial Regulations may also affect the civil penalty proposed in Midwest Express Corporation (U.S.DOT#264809) -

any subsequent Penalty Order. Your signature for receipt of this report acknowledges your understanding that the violations discovered by the KCC during this review may be used to calculate any civil penalty proposed as a result of this review. Your signature is not an admission of the violations identified.

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: [jared.l.smith@ks.gov](mailto:jared.l.smith@ks.gov)

FAX: 785-271-3124;

or mail to;

Kansas Corporation Commission

Attn: Jared Smith

1500 SW Arrowhead Road

Topeka, KS 66604-4027

I acknowledge that these requirements and/or recommendations have been discussed with me and my questions have been answered. I understand that failure to satisfactorily remedy the above-listed requirements, and/or failure to comply with Kansas Motor Carrier Safety Statutes and Regulations could result in the suspension of Midwest Express Corporation (U.S.DOT#264809)'s authority and/or the

impoundment of Midwest Express Corporation (U.S.DOT#264809)'s commercial Motor Vehicles.

I understand that monetary penalties will be assessed as a result of violations found in this compliance review. The penalty schedule can be found at this web site: [http://kcc.ks.gov/trans/penalty\\_assessment\\_table.htm](http://kcc.ks.gov/trans/penalty_assessment_table.htm)

## Table 1: Violations Discovered During Review/Inspection

Violation	Date	Identifying Information	Description
<b>382.711(b) - Failing to register in the Clearinghouse.</b>			
1	05/31/2024	Driver: BRANDON SCHWARTZ	
<b>391.25(c)(1) - Failing to maintain a copy of the MVR in the DQ file</b>			
1	05/31/2024	Driver: BRANDON SCHWARTZ	

# **EXHIBIT 2**

BRANDON SCHWARTZ TRUCKING  
PO BOX 396  
GREAT BEND, KS 67530

On 5/31/2024, I Brandon Schwartz drove my 2010, Peterbilt Semi and my 2009 Wilson Trailer From  
Great Bend, KS to Pawnee Valley Feed yard, Hanston, KS. The load ticket and a gas receipt enclosed



Brandon Schwartz

7-5-2024  
Date



# **EXHIBIT 3**

PANHANDLE VALLEY FEED YARD

Number 90093

COMMERCIAL USE ONLY  
 FEDERAL TAXATION PURPOSES  
 (FORM 4130-0101)

SHIPPER'S ADDRESS

WEIGHT

Shipper Scoular  
 Community Corn  
 Receiver \_\_\_\_\_  
 B.O.L. # \_\_\_\_\_  
 Truck Line Schwartz 14

80-1010.00

THE SCOULAR COMPANY - BILL OF LADING

2001 Update Book  
 Issued by: NATA  
 Copyright 1999, NATA  
 800-887-4439

SHIPPER INSTRUCTIONS

ORIGIN COMPANY SC  
 SHIPPER/FOR ACCT OF SCOULAR  
 ORIGIN CITY WINTON STATE KS  
 SHIP DATE 5-31-24 ORIGIN CONTRACT # 11724/46024  
 TYPE  MHW  SOB  OTHER \_\_\_\_\_  
 BILLING SCALE TICKET NO. 5300172  
 CARRIER PASSED PRELOAD INSPECTION  YES  NO  
 CHECKED BY (PRINT NAME) \_\_\_\_\_  
 PRELOAD TICKET REVIEWED IF PRIOR LOADS REQUIRE  YES  NO (INITIAL) \_\_\_\_\_

CARRIER INSTRUCTIONS

DESTINATION COMPANY Panhandle Valley Feed Yard  
 DESTINATION CITY Harston STATE KS  
 CONSIGNEE/FOR ACCT OF \_\_\_\_\_  
 UNLOAD DATE 5-31-2024 UNLOAD # \_\_\_\_\_  
 UNLOADING SCALE TICKET NO. 90093  
 CARRIER/COMPANY Brandon Schwartz Trucking  
 FROM CITY Great Bend FROM STATE KS  
 DRIVER'S NAME (PRINT NAME) Brandon  
 DRIVER'S LICENSE NO. \_\_\_\_\_

WEIGHTS UNLOADED	
GROSS	85,200
TARE	28,640
NET	56,560
BULT	1010.00

LICENSE NUMBER	TRACTOR <u>H</u>	MAKE
PREVIOUS LICENSES	TRAILER <u>#11</u>	MAKE
	COMMUNITY	DATE
	COMMUNITY	DATE

SPECIAL NOTES

DRIVER'S SIGNATURE [Signature]

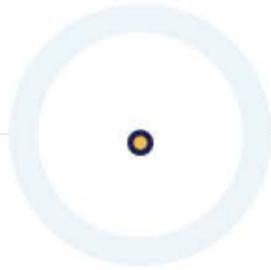
DRIVER'S SIGNATURE [Signature]

# **EXHIBIT 4**

On Wednesday, July 10, 2024, from 6 pm to 8 pm Eastern Time, the Commercial Driver's License Information System (CDLIS) Gateway will be unavailable due to scheduled system maintenance. Clearinghouse users will not be able to verify driver information during this maintenance time.

# DRUG & ALCOHOL CLEARINGHOUSE

WELCOME WADE



## Search for a Driver

Country of Issuance (optional)

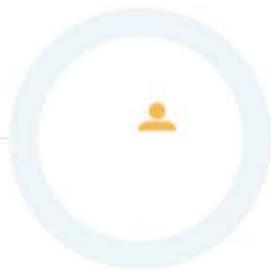
United States

State of Issuance (optional)

Kansas

Driver Name or CDL

Search



## Search for an Employer

USDOT#

2562506

or

Company Name

Country (optional)

United States

State (optional)

Kansas

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

## Run Reports

The Driver Status Change report includes all drivers that have had a Clearinghouse status change within the specific time frame. The Prohibited Drivers Report includes all drivers that are currently listed as "prohibited" in the Clearinghouse.

### Driver Status Change Report

#### Date Range

From

To

#### State of Issuance

Search

### Prohibited Driver Report

#### State of Issuance

Search

U.S. DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

1200 NEW JERSEY AVENUE, SE

WASHINGTON, DC 20590

202-366-4000

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Safety

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**CERTIFICATE OF SERVICE**

25-TRAM-095-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 07/25/2024.

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