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

Laura Kelly, Governor

NOTICE OF PENALTY ASSESSMENT
24-TRAM-128-PEN

October 19, 2023
Ernesto Acevedo Flores, Owner
A & AC Trucking LLC
1004 Elizabeth Lane
Liberal, KS 67901-4419

This is a notice of a penalty assessment against A & AC Trucking LLC (A & AC Trucking) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted from June 15 through June 28, 2023, by Kansas Corporation Commission Special Investigators Penny Fryback and Erica Pargas. 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: A & AC Trucking has been assessed a \$12,400 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$12,400, 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 A & AC 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.

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. A & AC 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.¹

IF YOU FAIL TO ACT: Failure to pay the penalty of \$12,400 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

¹ K.A.R. 82-1-215; K.S.A. 77-542.

3. On July 28, 2023, Staff submitted its Report and Recommendation (R&R), attached hereto as Attachment “A” and is hereby incorporated by reference, recommending a

penalty of \$12,400 to be issued to A & AC 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, SIs Penny Fryback and Erica Pargas identified one hundred forty-six (146) violation(s), accounting for nineteen (19) specific count(s), of the Motor Carrier Safety Regulations (MCSRs), which carry a penalty according to the FY2024 Uniform Penalty Assessment Matrix.²

4. Additionally, Staff recommends that A & AC 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.³ 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.

5. Staff further recommends A & AC 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.⁴

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

² 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").

³ See Staff's Report and Recommendation, p. 8 (Jul. 31, 2023).

⁴ See Staff's Report and Recommendation, p. 8 (Jul. 31, 2023).

⁵ See Staff's Report and Recommendation, p. 8 (Jul. 31, 2023).

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. A & AC Trucking LLC, of Liberal, KS is hereby assessed a \$12,400 civil penalty for one hundred forty-six (146) violation(s), accounting for nineteen (19) specific 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. A & AC 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. A & AC 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 A & AC 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.⁶

G. If you do not request a hearing, the payment of the civil penalty of \$12,400 is due in thirty (30) days from the date of service of this Order. Payment of \$12,400 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 \$12,400 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 A & AC Trucking's motor carrier operating authority without further notice.⁷ 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: 10/19/2023



Lynn M. Retz
Executive Director

AAL

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

⁷ K.S.A. 66-1,105.

ATTACHMENT “A”

Susan K. Duffy, Chair
Dwight D. Keen, Commissioner
Andrew J. French, Commissioner

Laura Kelly, Governor

**REPORT AND RECOMMENDATION
TRANSPORTATION DIVISION**

TO: Susan K. Duffy, Chair
Dwight D. Keen, Commissioner
Andrew J. French, Commissioner

FROM: Gary Davenport, Deputy Director of Transportation
Jared Smith, Public Service Executive

DATE: July 28, 2023

SUBJECT: Docket No. 24-TRAM-128-PEN
In the Matter of the Investigation of A & AC Trucking LLC of Liberal, 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:

A & AC Trucking LLC is a motor carrier (MC) possessing public for-hire operating authority from the Commission, primarily hauling grain, feed, hay, aggregates and manure. A & AC Trucking LLC operates under USDOT 3569028. From June 15 through June 28, 2023, Commission Staff Special Investigators (SIs) Penny Fryback and Erica Pargas completed a safety compliance investigation of the operations of A & AC 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 one-hundred-forty-six (146) violation(s) accounting for nineteen (19) 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 SIs, Staff recommends penalty of \$12,400 be issued to the MC.

On August 21, 2023, the MC updated its MCS-150 Form to indicate the company is now inactive and out of business. On September 2, 2023, the Federal Motor Carrier Safety Administration (FMCSA) placed the MC "out-of-service" after its Unsatisfactory Rating became final. The unsatisfactory rating was based on the Transportation Division's investigation. The Commission issued an Emergency Suspension Order on September 14, 2023, suspending the MC from intrastate motor carrier operations as well based on the FMCSA's suspension.

DISCUSSION AND ANALYSIS:

On June 30, 2023, Commission Staff SIs Penny Fryback and Erica Pargas conducted a safety compliance investigation of the operations of A & AC Trucking LLC. The investigation covers a 365 day period. Each specific count is described in detail below:

Count One (1 of 19)

Jurisdiction: 49 C.F.R. 387.7(a) and (b), adopted by K.A.R. 82-4-3n, and authorized by K.S.A. 66-1,129.

Intent of Law: The MC must have in effect the minimum levels of financial responsibility, including policies of insurance prior to operating a motor vehicle.

Supporting Documentation: On May 1, 2023, A & AC Trucking LLC required or permitted its driver to operate a commercial driver's license (CDL) required commercial motor vehicle (CMV), a 2006 Kenworth truck, VIN ending 8497, gross vehicle weight rating (GVWR) 50,000 lbs., pulling a 2015 EXA trailer, VIN ending in 4352, in interstate commerce from Amarillo, Texas to Liberal, Kansas. This transport is evidenced by Bill of Lading number 6730094080, attached hereto as **Exhibit 2**. MC provided a Certificate of Insurance that did not have interstate insurance. The Certificate of Insurance is attached hereto as **Exhibit 3**. The SIs confirmed with MCs insurance agent that the MC did not possess interstate insurance. The email correspondence with the insurance agent is attached hereto as **Exhibit 4**.

Violation: A & AC Trucking did not have interstate insurance (**Exhibit 1, page 3**). One (1) violation was discovered.

Recommendations: Staff recommends a fine of \$500.

Count Two (2 of 19)

Jurisdiction: 49 C.F.R. 396.9, adopted by K.A.R. 82-4-3j, and authorized by K.S.A. 66-1,129.

Intent of Law: The MC shall not allow the operations of a CMV that has been declared and marked as "out-of-service," without it being repaired.

Supporting Documentation: On May 4, 2023, A & AC Trucking LLC required or permitted its driver to operate a CDL-required CMV, a 2006 Kenworth, VIN ending in 8497, GVWR over 50,000 lbs., in interstate commerce from Amarillo, Texas to Liberal, Kansas. This transport is evidenced by Bill of Lading number 6730094670, attached hereto as **Exhibit 5**. The 2006 Kenworth had been declared "out-of-service" by Texas Department of Public Safety Commercial Vehicle Enforcement (KHP) during a roadside inspection seven months earlier, on October 31, 2022. A copy of Driver/Vehicle Examination Report Number TX6FN90AIKIA is attached hereto as **Exhibit 6**.

Violation: A & AC Trucking LLC did not require its driver to have the 2006 Kenworth repaired after it had been "out-of-service" on October 31, 2022. At the time of this transport, A & AC Trucking LLC did not have any documentation or record that the trailer had been repaired and the "out-of-service" violations corrected before the MC had resumed using it in operations (**Exhibit 1, page 3**). One (1) violation was discovered.

Recommendation: Staff considers this to be an intentional violation and therefore recommends an enhanced fine of \$3,000.

Count Three (3 of 19)

Jurisdiction: 49 C.F.R. 382.301(a), adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 66-1,129.

Intent of Law: The MC must require its driver to submit to a pre-employment controlled substances USDOT regulated test and to obtain a negative test result prior to requiring or permitting the driver to operate a CMV.

Supporting Documentation: On May 4, 2023, A & AC Trucking LLC required or permitted its driver to operate a CDL-required CMV, a 2007 Kenworth, VIN ending in 3008, GVWR over 50,000 lbs., in interstate commerce from Amarillo, Texas to Liberal, Kansas. This transport is evidenced by Bill of Lading number 6730094660, attached hereto as **Exhibit 7**. The Carrier could not produce a record of having conducted a pre-employment test on the driver involved in this transport. A driver list compiled by the SIs is attached hereto as **Exhibit 8**, which shows the hire date of the driver.

Violation: The MC failed to obtain a pre-employment controlled substances USDOT regulated test and obtain a negative result for this driver prior to this transport (**Exhibit 1, page 3 to 4**). Two (2) violations were discovered.

Recommendation: Staff recommends a fine of \$650.

Count Four (4 of 19)

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 Documentation: This violation took place during the transport described in Count Three, above. The MC could not produce a driver qualification file for the driver involved in this transport. A driver list compiled by the SIs is attached hereto as **Exhibit 8**, which shows the hire date of the driver.

Violation: The MC failed to provide a driver qualification file for this driver (**Exhibit 1, page 4**). Two (2) violations were discovered.

Recommendation: Staff recommends a fine of \$750.

Count Five (5 of 19)

Jurisdiction: 49 C.F.R. 395.8, adopted by K.A.R. 82-4-3a, and authorized by K.S.A. 66-1,129.

Intent of Law: The MC shall require its driver to keep records of duty status for each 24-hour period using the method described in 49 C.F.R. 395.8(a) and to submit the original record to the motor carrier within 13 days of creation.

Supporting Documentation: This violation took place during the transport described in Count One, above. The MC could not produce a record of duty status prepared by the driver for this transport.

Violation: The MC failed to require driver to prepare a time card or record of duty status (**Exhibit 1, page 4 to 5**). Sixty (60) violations were discovered.

Recommendation: Staff recommends a fine of \$1,000.

Count Six (6 of 19)

Jurisdiction: 49 C.F.R. 395.8(k), adopted by K.A.R. 82-4-3a, and authorized by K.S.A. 66-1,129.

Intent of Law: The MC shall obtain and retain from its drivers supporting documents and the record of duty status for a period of six (6) months.

Supporting Documentation: This violation took place during the transport described in Count One, above. The MC could not produce bills of lading, invoices, and scale tickets for loads hauled by its drivers in the previous six (6) months.

Violation: The MC failed to retain supporting documents including bills of lading, invoices and scale tickets for loads hauled by the carrier for the last six months (**Exhibit 1, page 5**). Fifty-four (54) violations were discovered.

Recommendation: Staff recommends a fine of \$1,000.

Count Seven (7 of 19)

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 CMVs.

Supporting Documentation: This violation took place during the transport described in Count One, above. The MC could not produce a maintenance record for the trailer involved in this transport.

Violation: The MC failed to provide a maintenance record for trailer involved in this transport (**Exhibit 1, page 5**). Two (2) violations were discovered.

Recommendation: Staff recommends a fine of \$750.

Count Eight (8 of 19)

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 CMV during the preceding 12-month period. The inspection shall be retained by the MC pursuant to 49 C.F.R. 396.21(b).

Supporting Documentation: This violation took place during the transport described in Count One, above. The MC could not produce an annual inspection for the Kenworth truck used in this transport.

Violation: The MC failed to provide an annual inspection for the Kenworth truck used in this transport (**Exhibit 1, page 5 to 6**). Five (5) violations were discovered.

Recommendation: Staff recommends a fine of \$750.

Count Nine (9 of 19)

Jurisdiction: 49 C.F.R. 376, adopted by K.A.R. 82-4-30a, and authorized by K.S.A. 66-1,139a and K.S.A. 66-1,129.

Intent of Law: Requires the MC to pay the appropriate Unified MC Registration (UCR) fees as set out in 49 C.F.R. 367.

Supporting Documentation: This violation took place during the transport described in Count One, above. The MC did not pay its UCR fees for 2022 and 2023 until July 12, 2023, two weeks after the compliance review was completed. A copy of the MC's UCR payment receipts is attached hereto as **Exhibit 9**.

Violation: The MC had not paid UCR fees for 2022 and 2023 (**Exhibit 1, page 6**). One (1) violation was discovered.

Recommendation: Staff recommends a fine of \$300.

Count Ten (10 of 19)

Jurisdiction: 49 C.F.R. 382.305(i)(2), adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 66-1,129.

Intent of Law: The MC must ensure each driver selected for random alcohol and controlled substance testing has an equal chance of being selected each time selections are made

Supporting Documentation: On July 27, 2023, A & AC Trucking LLC required or permitted its driver, Armando Acevedo Flores, to operate a CDL-required CMV, a 2006 Kenworth, VIN ending in 8497, GVWR over 50,000 lbs., pulling a 2014 Taller Fehr trailer, VIN ending in 3084, GVWR 65,000 lbs., in intrastate commerce from Cimarron, Kansas to Dodge City, Kansas. This transport is evidenced by Driver/Vehicle Examination Report Number KSH04501271, which is attached hereto as **Exhibit 10**. The eligible donor list for the third quarter of 2022 is attached hereto as **Exhibit 11**.

Violation: A & AC Trucking LLC was conducting motor carrier operations even though it had failed to enroll the driver involved in this transport, Armando Acevedo Flores, as well as driver Rodrigo Castillo, in the pool of drivers to be randomly selected for alcohol and controlled substance testing. Due to the MC's failure to update the pool of drivers, the MC failed to ensure all of their drivers had an equal chance of being selected each time selections were made (**Exhibit 1, Page 6 to 7**). Two (2) occurrences of this violation were discovered.

Recommendation: Staff recommends a fine of \$250.

Count Eleven (11 of 19)

Jurisdiction: 49 C.F.R. 382.601, adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 66-1,129.

Intent of Law: The MC must provide its alcohol and controlled substance written policy that complies with 49 C.F.R. 382.601(b) to each of its CDL drivers prior to testing and having the driver sign an acknowledgement page to retain in the driver's qualification file.

Supporting Documentation: This violation took place during the transport described in Count One, above. The MC could not produce a signed acknowledgment page from the driver involved in this transport that he had received a copy of the policy.

Violation: The MC failed to provide drivers with a copy of the MC's alcohol and controlled substance policy (**Exhibit 1, page 7**). Three (3) violations were discovered.

Recommendation: Staff recommends a fine of \$250.

Count Twelve (12 of 19)

Jurisdiction: 49 C.F.R. 382.603, adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 66-1,129.

Intent of Law: The MC must designate an individual to supervise staff for the purposes of making reasonable suspicion determinations regarding alcohol and drug usage. The designated individual must undergo reasonable suspicion training that includes 60 minutes of alcohol training and 60 minutes of controlled substance training. The MC must retain documentation of such training pursuant to 49 C.F.R. 382.401(b) and failure to produce such documentation constitutes a failure to conduct the required training.

Supporting Documentation: This violation took place during the transport described in Count One, above. The MC could not produce documentation evidencing the completion of the required training.

Violation: The MC's owner, Ernesto Acevedo Flores, failed to complete supervisor reasonable suspicion training. (**Exhibit 1, page 7 to 8**). One (1) violations were discovered.

Recommendation: Staff recommends a fine of \$100.

Count Thirteen (13 of 19)

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

Intent of Law: The MC must conduct an annual inquiry into its drivers with the FMCSA Drug and Alcohol Clearinghouse.

Supporting Documentation: This violation took place during the transport described in Count One, above. A copy of the DACH report showing no annual queries were done is attached hereto as **Exhibit 12**.

Violation: The MC failed to provide a record of completing an annual query into the Drug and Alcohol Clearinghouse on the driver involved in this transport for 2022 and 2023 (**Exhibit 1, page 8**). One (1) violation was discovered.

Recommendation: Staff recommends a fine of \$250.

Count Fourteen (14 of 19)

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.

Supporting Documentation: This violation took place during the transportation described in Count Three, above. A copy of the DACH report showing no pre-employment query was done for the driver involved in this transport is attached hereto as **Exhibit 14**.

Violation: The MC failed to provide a record of completing a pre-employment query into the Drug and Alcohol Clearinghouse on the driver involved in this transport prior to allowing the driver to operate a CMV (**Exhibit 1, page 8**). Two (2) violations were discovered.

Recommendation: Staff recommends a fine of \$500.

Count Fifteen (15 of 19)

Jurisdiction: 49 C.F.R. 391.25, adopted by K.A.R. 82-4-3g, 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(s) of each state agency in the driver qualification file.

Supporting Documentation: This violation took place during the transport described in Count One, above. This transport took place on May 1, 2023. The MC provided an MVR that was obtained on June 6, 2023, a copy of which is attached hereto as **Exhibit 14**. There were no previous MVRs provided for this driver from 2023 or 2022.

Violation: The MC failed to provide obtain or provide SIs with MVRs for the driver involved in this transport for 2022 and 2023 (**Exhibit 1, page 9**). One (1) violations were discovered.

Recommendation: Staff recommends a fine of \$100.

Count Sixteen (16 of 19)

Jurisdiction: 49 C.F.R. 392.9a, adopted by K.A.R. 82-4-3h, and authorized by K.S.A. 66-1,129.

Intent of Law: The MC must obtain proper Federal Operating Authority before conducting interstate commercial operations and refrain from operating beyond the scope of such operating authority.

Supporting Documentation: This violation took place during the transport described in Count One, above. The MC's MCS150 Form, attached hereto as **Exhibit 15**. The form has no entry under MC Number. Failure to obtain an MC Number is evidence the carrier did not have interstate operating authority.

Violation: The MC did not possess Federal Operating Authority. (**Exhibit 1, page 10**). One (1) violations were discovered.

Recommendation: Staff recommends a fine of \$1,000.

Count Seventeen (17 of 19)

Jurisdiction: K.S.A. 79-34,109 and 49 C.F.R. 392.2, adopted by K.A.R. 82-4-3h, and authorized by K.S.A. 66-1,129.

Intent of Law: The MC must obtain an IFTA permit or a fuel tax permit for Kansas.

Supporting Documentation: This violation took place during the transport described in Count One, above. The MC was unable to produce any documentation evidencing an IFTA for fuel permit had been purchased.

Violation: The MC failed to obtain an IFTA permit or purchase a fuel permit prior to re-entering the state of Kansas (**Exhibit 1, page 10**). One (1) violations were discovered.

Recommendation: Staff recommends a fine of \$500.

Count Eighteen (18 of 19)

Jurisdiction: K.S.A. 8-2,125, *et. seq.*, and 49 C.F.R. 392.2, adopted by K.A.R. 82-4-3h, and authorized by K.S.A. 66-1,129.

Intent of Law: The MC must require its driver to obtain a valid, Class A commercial driver's license (CDL).

Supporting Documentation: This violation took place during the transport described in Count One, above. This driver's medical certification expired on March 1, 2023, at which point his CDL's commercial status was downgraded to "eligible." Both the expiration of the medical certification and the "eligible" commercial status are highlighted on the MVR attached hereto as

Exhibit 14. This driver was placed “out-of-service” during a roadside inspection over a month later, on June 13, 2023 for operating a CMV without a CDL. See Driver/Vehicle Inspection Report Number KSHP01893014, attached hereto as **Exhibit 16**.

Violation: The MC failed to require the driver involved in this transport to have a valid CDL (**Exhibit 1, page 11**). Three (3) violations were discovered.

Recommendation: Staff recommends a fine of \$500.

Count Nineteen (19 of 19)

Jurisdiction: 49 C.F.R. 395.8(a)(1)(iv) and 49 C.F.R. 395 Subpart B, adopted by K.A.R. 82-4-3a, and authorized by K.S.A. 66-1,129.

Intent of Law: The MC shall require its driver to keep records of duty status using an electronic logging device (ELD).

Supporting Documentation: This violation took place during the transport described in Count One, above. The MC could not produce ELD records for this transport.

Violation: The MC failed require its driver to record their record of duty status using an ELD (**Exhibit 1, page 11**). Three (3) violations were discovered.

Recommendation: Staff recommends a fine of \$250.

RECOMMENDATION:

Transportation Staff recommends the Commission find A & AC Trucking LLC identified one-hundred-forty-six (146) violation(s), accounting for nineteen (19) specific count(s), of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

Due to the frequency, timeline and severity of the violations, Staff recommends a civil penalty of \$12,400 for one-hundred-forty-six (146) violation(s), accounting for nineteen (19) specific count(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 A & AC 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.

Staff further recommends A & AC 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 A & AC 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.



1500 SW Arrowhead Road
Topeka, KS 66604-4027

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

Susan K. Duffy, Chair
Dwight D. Keen, Commissioner
Andrew J. French, Commissioner

Laura Kelly, Governor

Exhibit 1

UNITED STATES DEPARTMENT OF TRANSPORTATION



U.S. DOT#: 3569028
MC/MX#: 0

Legal: A & AC TRUCKING LLC
Operating (DBA):

Investigation Date:
06/28/2023

Investigation Type: Onsite Comprehensive Investigation

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

Extent of Operations: Entire Operation

Physical Address

1004 ELIZABETH LN
LIBERAL, KS 67901-4419
United States

Mailing Address

1004 ELIZABETH LN
LIBERAL, KS 67901-4419
United States

Contact Information

Contact Name: ERNESTO ACEVEDO FLORES

Email: junioracevedo45@gmail.com

Phone: (620)655-8456 **Cell:** ()- **Fax:** ()-

Business and Financial

Business Type: Limited Liability Corporation

Name of Gross Revenue Provider: MARTHA HINOJOSA

Title of Gross Revenue Provider: AGENT

Gross Revenue: XXXXXXXXXX **For Year Ending:** 12/31/2021

Federal Tax ID: XXXXXXXXXX

Operation Classification and Type

Cargo

Type of Operation: Non-HM Interstate Carrier, Non-HM Intrastate Carrier Grain, Feed, Hay, Other (Aggregates & Manure)

Operation Classification

For-Hire Motor Carrier

Property

Other Non-Hazardous Freight

Equipment

	Owned	Term Leased	Trip Leased
Truck Tractors	3	1	
Trailers	1	4	

Driver Information

Drivers	Intrastate	Interstate
< 100 Miles		
>= 100 Miles		3

Power units used in the U.S.: 4

Percentage of time used in the U.S.: 100%

Average trip leased driver/month: 0

Drivers with CDL: 1

Total Drivers: 3

Person(s) Interviewed

Name: ERNESTO ACEVEDO FLORES

Title: OWNER

Questions

Questions about this report or the Federal Motor Carrier 1303 SW FIRST AMERICAN PL STE 200
Safety or Hazardous Materials regulations may be TOPEKA, KS 66604-4040
addressed to the Federal Motor Carrier Safety Phone: (785) 271-1260
Administration at: Fax: (877) 547-0378

This report will be used to assess your safety compliance.

Violations

1. Primary: 387.7(a)

Operating a motor vehicle without having in effect the required minimum levels of financial responsibility coverage.



Acute

Violations Discovered

Fed	State	Total
-----	-------	-------

1		1
---	--	---

Checked

Fed	State	Total
-----	-------	-------

1		1
---	--	---

BASIC Impacted

Rating Factor 1:
General = Part 387

Example/Notes:

Unit #6

Trip Date: May 1, 2023

Description of Violation:

On May 1, 2023, A & AC Trucking LLC allowed or required driver, Armando Acevedo to haul a load of cement from Amarillo, TX to Liberal, KS. At the time of operation, A & AC Trucking LLC did not have interstate insurance.

Drivers/Vehicles in Violation

Fed	State	Total
-----	-------	-------

1		1
---	--	---

Checked

Fed	State	Total
-----	-------	-------

1		1
---	--	---

2. Primary: 396.9(c)(2)

Requiring or permitting the operation of a motor vehicle declared "out-of-service" before repairs were made.



Acute

Violations Discovered

Fed	State	Total
-----	-------	-------

1		1
---	--	---

Checked

Fed	State	Total
-----	-------	-------

1		1
---	--	---

BASIC Impacted
Vehicle Maintenance

Rating Factor 4:
Vehicle = Part 396

Example/Notes:

Driver Name: Armando Acevedo Najera

Vehicle Number: Unit #6

Trip Date: 5/4/23

Violation Description:

On 10/31/22, A & AC Trucking LLC had a roadside inspection and Unit #6 a 2006 Kenworth with VIN # [REDACTED] 8497 was placed Out Of Service for Defective/Improper Low Air warning device, secondary air gage not working. A & AC Trucking LLC had no recording or proof of fixing the Out Of Service Violation and continued to operate Unit #6 while Out Of Service.

Drivers/Vehicles in Violation

Fed	State	Total
-----	-------	-------

1		1
---	--	---

Checked

Fed	State	Total
-----	-------	-------

1		1
---	--	---

3. Primary: 382.301(a)

Using a driver before the motor carrier has received a negative pre-employment controlled substance test result.

Violations Discovered

Fed	State	Total
-----	-------	-------

2		2
---	--	---

Checked

BASIC Impacted
Controlled
Substances/Alcohol

Rating Factor 2:
Driver = Part 382



Critical

At least 10% of the number checked had violations

Fed	State	Total
3		3

Example/Notes:

Driver name: Mario Alberto Vega Nevarez

Trip date: 5/4/2023

Hire date: 4/1/2023

On 5/4/23, A & AC Trucking LLC allowed or required driver Mario Alberto Vega Nevarez to haul a load of cement from Amarillo, TX to Liberal, KS prior to obtaining a negative pre-employment test.

Drivers/Vehicles in Violation

Fed	State	Total
2		2

Checked

Fed	State	Total
3		3

4. Primary: 391.51(a)

Failing to maintain driver qualification file on each driver employed.

Violations Discovered

Fed	State	Total
2		2

Checked

Fed	State	Total
3		3

BASIC Impacted
Driver Fitness

Rating Factor 2:
Driver = Part 391



Critical

At least 10% of the number checked had violations

Example/Notes:

Driver name: Mario Alberto Vega Nevarez

Trip date: 5/4/23

Description of violation:

On 5/4/23, A & AC Trucking LLC allowed or required driver Mario Alberto Vega Nevarez to haul a load of cement from Amarillo, TX to Liberal, KS. At the time of operation, A & AC Trucking LLC did not have a Driver Qualification for driver, Mario Alberto Vega Nevarez.

Drivers/Vehicles in Violation

Fed	State	Total
2		2

Checked

Fed	State	Total
3		3

5. Primary: 395.8(a)(1)

Failing to require a driver to prepare a record of duty status using the appropriate method.

Violations Discovered

Fed	State	Total
60		60

Checked

Fed	State	Total
90		90

BASIC Impacted
Hours-of-Service
Compliance

Rating Factor 3:
Operational = Part 395



Critical

At least 10% of the number checked had violations

Example/Notes:

Trip Date: 5/1/2023

Driver: Armando Acevedo Najera

Drivers/Vehicles in Violation

Fed	State	Total
3		3

Checked


Fed	State	Total
-----	-------	-------

On May 1, 2023, A & AC Trucking LLC allowed or required driver, Armando Acevedo Najera to haul a load of cement from Amarillo, TX to Liberal, KS. Driver, Armando Acevedo Najera would have been required to prepare a record of duty status noting his drive time from Liberal, KS to Amarillo, TX and from Amarillo, TX to Liberal, KS. Driver, Armando Acevedo Najera failed to prepare a record of duty status.

3	3
Violations Discovered	BASIC Impacted
Fed State Total	Hours-of-Service Compliance
54 54	
Checked	Rating Factor 3:
Fed State Total	Operational = Part
54 54	395

6. Primary: 395.8(k)(1)

Failing to preserve driver's records of duty status supporting documents for 6 months.

**Critical**
At least 10% of the number checked had violations

Example/Notes:

Driver name: Armando Acevedo Najera
Trip date: 5/1/23
Description of Records not Retained:


A & AC Trucking LLC failed to retain bills of lading, invoices, and scale tickets for loads of cement hauled by the carriers drivers in the last six (6) months.

Drivers/Vehicles in Violation

Fed	State	Total
3		3
Checked		
Fed	State	Total
3		3

7. Primary: 396.3(b)

Failing to keep minimum records of inspection and vehicle maintenance.

**Critical**
At least 10% of the number checked had violations

Violations Discovered	BASIC Impacted	Rating Factor 4:
Fed State Total	Vehicle Maintenance	Vehicle = Part
2 2		396
Checked		
Fed State Total		
5 5		

Example/Notes:

2015 EXA Trailer VIN # [redacted] 4352
Trip date: 5/1/2023

On 5/1/23, A & AC Trucking LLC hauled a load of cement from Amarillo, TX to Liberal, KS operating a 2015 EXA Trailer with VIN # [redacted] 4352. A & AC Trucking LLC failed to provide a maintenance record for the 2015 EXA Trailer.

Drivers/Vehicles in Violation

Fed	State	Total
2		2
Checked		
Fed	State	Total
5		5

8. Primary: 396.17(a)

Using a commercial motor vehicle not periodically inspected.

**Critical**
At least 10% of the number checked had violations

Violations Discovered	BASIC Impacted	Rating Factor 4:
Fed State Total	Vehicle Maintenance	Vehicle = Part
5 5		396
Checked		
Fed State Total		

Example/Notes:

Vehicle: Unit #1 a 2006 Kenworth

Date of trip: 5/1/2023

On 5/1/2023, A & AC Trucking LLC allowed or required driver Armando Acevedo Najera to operate Unit #1 from Amarillo, TX to Liberal, KS hauling a load of cement. At the time of operation, Unit #1 did not have a current annual inspection.

9. Primary: 367.60

Failure to pay UCR fees in 2022 and/or 2023

Drivers/Vehicles in Violation

Fed	State	Total
5		5

Checked

Fed	State	Total
5		5

Violations Discovered

Fed	State	Total
1		1

Checked

Fed	State	Total
1		1

Example/Notes:

On May 1, 2023, A & AC Trucking LLC allowed or required driver, Armando Acevedo Najera to haul a load of cement from Amarillo, TX to Liberal, KS. At the time of operation, A & AC Trucking LLC failed to pay UCR fees.

Drivers/Vehicles in Violation

Fed	State	Total
1		1

Checked

Fed	State	Total
1		1

10. Primary: 376.11(a)

Failure to use a written lease agreement to lease equipment.

Violations Discovered

Fed	State	Total
1		1

Checked

Fed	State	Total
5		5

Example/Notes:

On 5/1/2023, A & AC Trucking LLC operated Unit #1 in interstate commerce hauling a load of cement from Amarillo, TX to Liberal, KS. At the time of operation, A & AC Trucking LLC failed to obtain or provide a written lease agreement from Acevedo Trucking LLC for Unit #1.

Drivers/Vehicles in Violation

Fed	State	Total
1		1

Checked

Fed	State	Total
5		5

11. Primary: 382.305(i)(2)**Violations Discovered**

Failing to ensure that each driver subject to random alcohol and controlled substances testing has an equal chance of being selected each time selections are made.

Example/Notes:

Driver name: Armando Acevedo Flores

Selection date: 3rd Quarter of 2022

Trip date: 7/27/22

A & AC Trucking LLC failed to ensure drivers: Armando Acevedo Flores and Rodrigo Castillo were enrolled in the 3rd Quarter of the Random Pool in 2022 which failed to give other drivers an equal chance of being selected.

12. Primary: 382.601(b)

Failing to provide to employees a written policy on misuse of alcohol and controlled substances that meets the requirements of 382.601(b) 1-12.

Example/Notes:

Driver name: Armando Acevedo Najera

Trip date: 5/1/2023

A & AC Trucking LLC failed to provide driver, Armando Acevedo Najera with a copy of the written Drug & Alcohol Policy.

13. Primary: 382.603

Failing to ensure person designated to determine that drivers undergo reasonable suspicion testing receive 60 minutes training for alcohol and/or 60 minutes of training for controlled substances.

Example/Notes:

Driver name: Armando Acevedo Najera

Trip date: 5/1/2023

Fed	State	Total
2		2

Checked

Fed	State	Total
4		4

Drivers/Vehicles in Violation

Fed	State	Total
2		2

Checked

Fed	State	Total
4		4

Violations Discovered

Fed	State	Total
3		3

Checked

Fed	State	Total
3		3

Drivers/Vehicles in Violation

Fed	State	Total
3		3

Checked

Fed	State	Total
3		3

Violations Discovered

Fed	State	Total
1		1

Checked

Fed	State	Total
1		1

Drivers/Vehicles in Violation

Fed	State	Total
1		1

Checked

Supervisor/Company official not trained: Ernesto Acevedo Flores

A & AC Trucking LLC, owner Ernesto Acevedo Flores failed to complete Reasonable Suspicion Training.

14. Primary: 382.701 (b)(1)

Failing to conduct an annual query.

Example/Notes:

Trip Date: 5/1/2023

Driver: Armando Acevedo Najera

A & AC Trucking LLC failed to conduct an annual query on driver, Armando Acevedo Najera in 2022 and 2023.

15. Primary: 382.701(a)

Failing to conduct a pre-employment query.

Example/Notes:

Trip Date: 5/4/2023

Driver: Mario Alberto Vega Nevarez

A & AC Trucking LLC failed to conduct a pre-employment query on driver, Mario Alberto Vega Nevarez prior to allowing the driver to operate a CMV.

16. Primary: 391.21(a)

Using a driver who has not completed and furnished an employment application.

Fed	State	Total
1		1

Violations Discovered

Fed	State	Total
1		1

Checked

Fed	State	Total
1		1

Drivers/Vehicles in Violation

Fed	State	Total
1		1

Checked

Fed	State	Total
1		1

Violations Discovered

Fed	State	Total
2		2

Checked

Fed	State	Total
2		2

Drivers/Vehicles in Violation

Fed	State	Total
2		2

Checked

Fed	State	Total
2		2

Violations Discovered

Fed	State	Total
1		1

Checked

Fed	State	Total
3		3

Example/Notes:

Driver name: Armando Acevedo

Trip date: 5/1/2023

Description of violation:

A & AC Trucking LLC provided an incomplete employment application for driver, Armando Acevedo that failed to note 10 years of employment history.

17. 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.

Drivers/Vehicles in Violation

Fed	State	Total
1		1

Checked

Fed	State	Total
3		3

Violations Discovered

Fed	State	Total
1		1

Checked

Fed	State	Total
3		3

Example/Notes:

Driver name: Armando Acevedo Najera

Trip date: 5/1/23

Description of violation:

A & AC Trucking LLC failed to obtain or provide records of MVR's for driver Armando Acevedo Najera in 2022 and 2023.

18. Primary: 391.25(c)(2)

Failing to maintain record of annual review in driver's qualification file.

Drivers/Vehicles in Violation

Fed	State	Total
1		1

Checked

Fed	State	Total
3		3

Violations Discovered

Fed	State	Total
1		1

Checked

Fed	State	Total
3		3

Example/Notes:

Driver name: Armando Acevedo Najera

Trip date: 5/1/23

Description of violation:

A & AC Trucking LLC failed to provide or maintain record of driver, Armando Acevedo Najera's annual review for 2022 and 2023.

19. Primary: 391.51(b)(8)

Failing to place a note related to the verification of the medical examiner's listing on the National Registry of Certified Medical Examiners required by 391.23(m) in driver qualification file(s).

Drivers/Vehicles in Violation

Fed	State	Total
1		1

Checked

Fed	State	Total
3		3

Violations Discovered

Fed	State	Total
1		1

Checked

Example/Notes:

Driver name: Armando Acevedo Najera

Trip date: 5/4/23

Description of violation

A & AC Trucking LLC failed to provide proof or documentation which verified the medical examiner used by driver, Armando Acevedo Najera was on the national registry.

20. Primary: 392.9a(a)(2)

Operating beyond the scope of the operating authority granted (Property, Non-HHG)

Example/Notes:

Trip date: 5/1/23

Commodity: Cement

Origin and destination: Amarillo, TX to Liberal, KS

Description of violation:

On May 1, 2023, A & AC Trucking LLC allowed or required driver, Armando Acevedo to haul a load of cement from Amarillo, TX to Liberal, KS. At the time of operation, A & AC Trucking LLC did not have interstate operating authority or an active MC Number.

21. Primary: 392.2**Secondary: K.S.A. 79-34,109**

Failure to obtain a Fuel Permit prior to re-entering the State Of Kansas or to obtain IFTA

Example/Notes:

On May 1, 2023, A & AC Trucking LLC allowed or required driver, Armando Acevedo to haul a load of cement from Amarillo, TX to Liberal, KS. At the time of operation, A & AC Trucking LLC failed to pay IFTA or obtain a fuel permit prior to re-entering the State Of Kansas.

Fed	State	Total
3		3

Drivers/Vehicles in Violation

Fed	State	Total
1		1

Checked

Fed	State	Total
3		3

Violations Discovered

Fed	State	Total
1		1

Checked

Fed	State	Total
1		1

Drivers/Vehicles in Violation

Fed	State	Total
1		1

Checked

Fed	State	Total
1		1

Violations Discovered

Fed	State	Total
	1	1

Checked

Fed	State	Total
	1	1

Drivers/Vehicles in Violation

Fed	State	Total
	1	1

Checked

Fed	State	Total
	1	1

22. Primary: 392.2
Secondary: K.S.A. 8-2,125

Operating a CMV without a valid CDL

Example/Notes:

On May 1, 2023, A & AC Trucking LLC allowed or required driver, Armando Acevedo to haul a load of cement from Amarillo, TX to Liberal, KS. At the time of operation, Armando Acevedo Najera did not have a valid CDL and has a CDL status of "Eligible".

23. Primary: 395.8(a)(2)(i)

Driver failed to record driver's record of duty status on an Electronic Logging Device.

Example/Notes:

Driver: Armando Acevedo Najera

Date: 5/4/2023

Origin and Destination: Amarillo, TX to Liberal, KS

A & AC Trucking LLC operated more than 8 days in interstate commerce in a 30 day period and failed to require the drivers to record their records of duty status using an ELD.

24. Primary: 396.9(d)(3)

Failing to maintain completed inspection form for 12 months from the date of inspection at the carrier's principal place of business or where vehicle is housed.

Example/Notes:

Date of inspection: 10/31/22

Violations Discovered

Fed	State	Total
	3	3

Checked

Fed	State	Total
	3	3

Drivers/Vehicles in Violation

Fed	State	Total
	3	3

Checked

Fed	State	Total
	3	3

Violations Discovered

Fed	State	Total
3		3

Checked

Fed	State	Total
3		3

Drivers/Vehicles in Violation

Fed	State	Total
3		3

Checked

Fed	State	Total
3		3

Violations Discovered

Fed	State	Total
1		1

Checked

Fed	State	Total
2		2

Drivers/Vehicles in Violation

Fed	State	Total
1		1

Issuing agency: Texas Department Of Public Safety
Driver name/Vehicle ID: Armando Acevedo Najera/ Unit #6

Checked		
Fed	State	Total
2		2

A & AC Trucking LLC failed to retain or provide a record of Inspection #TX6FN90AIKIA dated 10/31/22.

Safety Fitness Rating

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

RATING FACTORS	RATING	ACUTE	CRITICAL
Factor 1: General = Parts 387 and 390	Conditional	1	0
Factor 2: Driver = Parts 382, 383 and, 391	Unsatisfactory	0	2
Factor 3: Operational = Parts 392 and 395	Unsatisfactory	0	2
Factor 4: Vehicle = Parts 393 and 396	Unsatisfactory	1	2
OOS Vehicles (CR): 4			
Number of Vehicles Inspected (CR): 4			
OOS Vehicles (MCMIS): 1			
Number of Vehicles Inspected (MCMIS): 1			
OOS Rate: 100%			
Factor 5: Haz. Mat. = Parts 397, 171, 177 and, 180	N/A	N/A	N/A
Factor 6: Accident Factor = Recordable Rate	Satisfactory	N/A	N/A
Total Miles Operated: 140,000			
Recordable Accidents: 0			
Recordable Accidents/Million Miles: 0.00			

Effective date: You will receive an official notice of proposed safety rating from the Federal Motor Carrier Safety Administration in Washington, D.C. The Unsatisfactory rating will take effect 60 days after the date of the official notice.

PROHIBITION: Under 49 USC 31144(c) and 49 CFR 385.13, a motor carrier that receives a final Unsatisfactory safety rating is prohibited from operating a commercial motor vehicle in interstate and intrastate commerce. If applicable, the motor carrier shall have its operating authority registration revoked under 49 USC 13905(f)(1)(B).

You may request a safety rating upgrade based on corrective action under 49 CFR 385.17 and/or an administrative review under 49 CFR 385.15.

Change to safety rating based on corrective action: You may request a change to a safety rating under 49 CFR 385.17 at any time by providing evidence that you have taken actions to correct the deficiencies that resulted in the safety rating. You must make this request in writing to the Field Administrator for the FMCSA Service Center in which you maintain your principal place of business. A pending request for a change in safety rating under 49 CFR 385.17 will not delay the effective date of the rating.

Administrative Review: You may appeal your proposed safety rating in a petition filed under 49 CFR 385.15 if you believe FMCSA made an error in assigning your safety rating. You must submit your appeal within 90 days of the date of the proposed safety rating or within 90 days after denial of a request for a change in rating under section 385.17(i).

You should submit your appeal within 15 days of the date of the official safety rating notice to allow FMCSA to issue a written decision before the prohibitions in 49 CFR 385.13 take effect. A petition under section 385.15 will not delay the effective date of the rating unless the Chief Safety Officer grants a stay.

You must submit your appeal in writing to: Chief Safety Officer, Federal Motor Carrier Safety Administration, 1200 New Jersey Ave., S.E., Washington, DC 20590-0001.

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: Hours-of-Service Compliance

Process Breakdown: Monitoring and Tracking

A & AC Trucking LLC will ensure that drivers properly log their hours of service using an ELD and will retain all supporting documents for loads hauled by each driver.

Specific Recommended Remedies

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

1. Implement an effective process for monitoring, tracking, and evaluating all drivers' compliance with Hours-of-Service (HOS) regulations and company policies.
2. Promptly review all Records of Duty Status (RODS) for Hours-of-Service (HOS) violations and falsification. Look for discrepancies by comparing driver logs with their "check-in" calls and other supporting documents.
3. Maintain roadside inspection, Records of Duty Status (RODS), supporting documents, dispatch schedules, and communication records to help evaluate the performance of all staff (drivers, dispatchers, and managers) involved in Hours of Service (HOS) and the effectiveness of compliance with HOS policies, procedures, and regulations.

BASIC: Driver Fitness

Process Breakdown: Qualification and Hiring

A & AC Trucking LLC will ensure to obtain MVR's within 30 days to ensure drivers are in fact qualified to operate a CMV, will conduct annual reviews, and will ensure that all drivers have a valid CDL.

Specific Recommended Remedies

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

1. Ensure that Motor Vehicle Records (MVRs) from States issuing Commercial Driver's Licenses (CDLs) are reviewed for driver-fitness-related violations of all prospective drivers for the last three years.
2. Ensure that drivers are qualified by querying applicants, checking with previous employers and references, and obtaining necessary documents regarding driver fitness, such as those pertaining to previous violations, Commercial Driver's License (CDL), medical qualifications, operational qualifications from training, and relevant experience.
3. Review and evaluate gaps in employment, frequent job changes, incomplete applications, within-company applications and reassignments, operational limitations such as those pertaining to long-combination vehicles (LCVs) and HAZMAT, physical impairments, and controlled-substance and alcohol involvement.
4. Ensure that the employment application captures all information required by the Federal Motor Carrier Safety Regulations (FMCSRs), such as whether the driver can handle the physical requirements of the job.

BASIC: Vehicle Maintenance

Process Breakdown: Monitoring and Tracking

A & AC Trucking LLC will maintain records of inspection and maintenance for all vehicles being operated. Will ensure that all OOS violations are corrected prior to vehicles being operated, and will ensure that all vehicles have annual inspections.

Specific Recommended Remedies

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

1. Check all inspections and relevant records, such as Driver Vehicle Inspection Records (DVIRs), pre-trip and annual inspections, and maintenance and repair records, to ensure that company inspection, repairing, and maintenance policies and procedures are adhered to and properly documented.
2. Ensure that Driver Vehicle Inspection Records (DVIRs) are effectively coordinated with maintenance and operations, result in timely corrective measures, and are verified during pre-trip inspections as applicable.
3. Monitor and track roadside inspection results to ensure that vehicle defects are repaired and documented promptly and to prevent Out-of-Service (OOS) vehicles from operating prior to being repaired.
4. Implement a system for keeping accurate records of employee inspection, repair, and maintenance training needs, including updates on a carrier's fleet or equipment and completed training, via software, a checklist in the driver's file, and/or another appropriate method.
5. Maintain inspection, repair, maintenance, vehicle identification, and communication records to help evaluate the performance of all staff (drivers, dispatchers, mechanics, and managers) involved in fleet maintenance and the effectiveness of compliance with vehicle maintenance policies, procedures, and regulations.

BASIC: Controlled Substances/Alcohol

Process Breakdown: Qualification and Hiring

A & AC Trucking LLC will conduct a pre-employment test on drivers prior to allowing them to operate a CMV, will conduct pre-employment queries, and will ensure that annual queries are conducted as required.

Specific Recommended Remedies

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

1. 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.
2. Review and evaluate driver applicants' gaps in employment, frequent job changes, and incomplete applications. Require applicants to explain reasons for any gaps in their employment record in order to allay suspicion of controlled-substance and/or alcohol abuse or misuse.
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.
4. When hiring part-time or intermittent drivers with concurrent employment, refer to the pre-employment exception under 382.301(d) or check with the concurrent employer to ensure that drivers are participating in the company's program and no testing violations have occurred.

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. **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

4. **A copy of your profile can be obtained by accessing the Portal.**

A copy of your carrier profile can be obtained at no cost from the FMCSA Portal (<https://portal.fmcsa.dot.gov/login>).

5. **Ensure that all vehicles are properly marked.**

Ensure that all vehicles are properly marked with your name or trade name and U.S. DOT number. If your vehicles are also periodically operating for other carriers, they must be marked with that carrier's name and U.S. DOT#.

6. **Conduct periodic internal reviews. (non-HM)**

Conduct periodic internal reviews of your driver qualification, hours of service control, maintenance, accident analysis/reporting, training, and other safety systems to ensure continued compliance with the FMCSR.

7. **Liability Insurance required.**

Cease all for-hire interstate/intrastate transportation of regulated commodities until evidence of public liability is filed with the Federal Motor Carrier Safety Administration.

8. **Cargo insurance required.**

Cease all for-hire interstate transportation of regulated commodities until evidence of cargo insurance is filed with the Federal Motor Carrier Safety Administration.

9. **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.

10. **CDL and drug testing rules apply.**

Review the circumstances under which a CDL is required. CDL and drug testing rules apply to both interstate and intrastate commerce.

11. **10-year driver employment history required.**

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

12. **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.

13. **Require drivers to prepare complete and accurate records.**

Require all drivers to prepare complete and accurate records of duty status for each day, and to submit them within 13 days. Maintain all duty status records on file, with all supporting documents, for at least 6 months.

14. **Duty status records must be kept on file for 6 months.**

Ensure that all documents supporting records of duty status (such as toll, fuel repair and other on-the-road expense receipts, as well as invoices, bills of lading, dispatch records, etc.) are kept on file for at least 6 months.

15. **Retain supporting documents for 6 months.**

Toll receipts and other on-the-road expense receipts, invoices, bills of lading, dispatch records, and other "supporting document" must be kept on file for six (6) months. This requirement also applies to records generated by the use of owner-operators. You

may keep legible photocopies in lieu of originals.

16. Ensure that all drivers' logs are accurate.

Ensure that all drivers' records of duty status (logs) are accurate. Check them against "supporting documents" to verify accuracy. Prohibit falsification of logs by any driver. Review the rules on supporting documents. Take appropriate action against drivers who falsify logs.

17. Establish a maintenance records program for all vehicles.

Establish a systematic maintenance records program for all vehicles. Maintain a complete file for each subject vehicle, recording all repair, maintenance and inspection operations performed.

18. Driver drug tests required.

Ensure that all drivers subject to pre-employment, random, reasonable cause, post accident, return to duty, and/or follow-up controlled substance testing are tested as required by 49 CFR Parts 40 and 382 of the FMCSR.

19. Drug and Alcohol Testing Company Policy (Educational Materials)

Provide employees with a written controlled substance and alcohol testing policy that complies with all the requirements noted in Part 382.601(b). Also, ensure you maintain a certificate signed by the employee certifying they have received your company drug and alcohol testing policy.

20. Reasonable Suspicion Training

Provide new-hire and refresher training, to all managers, other designated personnel, and the designated employer representative (DER), on controlled-substance and alcohol regulations and related company policies and procedures, including those pertaining to prohibited behavior; testing protocols and monitoring, for example, on grounds of "reasonable suspicion"; the consequences of a positive test result; referral to a substance-abuse professional (SAP); and confidentiality requirements in relation to recordkeeping.

21. New Hires

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.

Review and evaluate driver applicants' gaps in employment, frequent job changes, and incomplete applications. Require applicants to explain reasons for any gaps in their employment record in order to allay suspicion of controlled-substance and/or alcohol abuse or misuse.

22. UCR (Unified Carrier Registration)

The UCR Application form can be obtained from <https://www.ucr.in.gov>.

23. Drug and Alcohol Clearinghouse

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

24. Clearinghouse Pre-employment Query

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

25. 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.

26. Unsat & Conditional CR's

I Understand Why Compliance Saves Time and Money: Compliance with FMCSRs will not only save lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business.

Apply Adequate Resources: Apply adequate resources to properly implement safety management practices. Consider reallocating responsibilities, additional staffing, contracting, or investing in technology to aid in this responsibility.

Document and Follow Through on Action Plans: Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance.

NOTICE: A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or

critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six year period 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.

Notice: 49 C.F.R. Part 391.23 requires prospective employers to , at a minimum, investigate a driver's employment information, crash record, and alcohol and controlled substance history from all employers the driver worked for within the previous three years.

The Pre-Employment Screening program (PSP) is a screening tool that assists motor carriers in investigating crash history and roadside safety performance of prospective drivers. The PSP is a screening tool that assists motor carriers to purchase 5 years of crash data and 3 years of roadside inspection data from the Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Management Information System (MCMIS). Records are available 24 hours a day via Web request. Motor carriers should visit the following website for more information: <http://www.psp.fmcsa.dot.gov/Pages/default.aspx>

All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities. Motor carriers should visit the following website for more information:

FMCSA Carrier Safety Measurement System (SMS) is based on ongoing analysis and feedback from enforcement personnel, the motor carrier industry, and other stakeholders. SMS effectively identifies and prioritize high risk and other unsafe motor carriers for enforcement interventions and is designed to reduce commercial motor vehicle crashes and hazardous materials incidents. Motor carrier's currently have the ability to preview their companies SMS information.. The data preview may be found at <http://csa.fmcsa.dot.gov/>.

For all Investigations resulting 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 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.

For all Investigations resulting in a proposed conditional or unsatisfactory rating:

385.15

If you believe the proposed rating is in error and there are factual and procedural issues in dispute, Part 385.15 (copy provided) outlines procedures for petitioning the Federal Motor Carrier Safety Administration for an administrative review of these findings.

Your petition should be addressed to:

US Department of Transportation
Jack Van Steenburg -Chief Safety Officer
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue SE,
Washington, DC 20590

385.17

In addition, a request for a revised rating based on corrective actions may be made at any time. Part 385.17 (copy provided) outlines the procedures for such a request. The request must be made in writing, must describe the corrective action taken and must include other documentation that may be relied upon as a basis for the requested change. Address your written request to:

US Department of Transportation
Max Strathman - Midwestern Field Administrator Federal Motor Carrier Safety Administration

4749 Lincoln Mall Drive, Suite 300-A
Matteson, IL 60443

Ensure that a CC copy of the letter is mailed to:

US Department of Transportation
Kansas Division
Michael Christopher - Division Administrator
Federal Motor Carrier Safety Administration
1303 First American Place, Suite 200
Topeka, KS 66604-4040

This letter should be submitted as soon as possible. Information on your compliance status, roadside inspections, regulatory changes, accident counter measures and hazardous material counter measures 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, and/or failure to comply with Kansas Motor Carrier Safety Statutes and Regulations could result in the suspension of A & AC Trucking LLC's operating authority and/or the impoundment of A & AC Trucking LLC'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

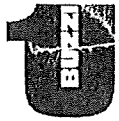
X _____

Signature

X _____

Exhibit 2

Buzzi Unicem USA



Amarillo Terminal
627 North Fairfield Street
Amarillo, TX, 79107
Telephone: (806) 383-8091



ORIGINAL



BILL OF LADING NUMBER

6730094080

SHIP TO:

Koss - Liberal - Paving 2023
East Of Liberal
LIBERAL, KS 67901
US

Carrier:	Customer Pickup-TRUCK
Scheduled Pickup Date:	May 01, 2023 / 01:30 PM
Loaded on:	May 01, 2023 / 01:29 PM

Del. Arrival Date/Time		Del. Depart. Date/Time		Reason For Delay	
Order 9499		Customer Purchase Order 210648-101 		Customer Account 2761	
				CIN / JOB	

QUANTITY	DESCRIPTION	WEIGHT
	Type II.(10) Cement Bulk	23.65 STO



GROSS:	79480 L.B
TARE:	32180 L.B
NET:	47300 L.B

Cement originated from Maryneal, TX

Temp:

ALK:

ID Code: 755

Shipping Instructions		Product Certification Notes		Verification of Unloading Instructions Dear Customer To serve you better, the Driver has been instructed to ask you to make sure that the delivery of the commodity will be safe, proper, and in accordance with your unloading instructions. Please verify the following items: 1. The commodity on the shipment is the amount and type you expect 2. The driver is hooked up to the proper storage 3. There is enough room for the amount of commodity on this shipment 4. The connections are made correctly 5. Plant valves are properly positioned to accept this commodity 6. All required inspections have been completed I have verified the above items; the driver is setup correctly and is authorized to unload. Signed:	
Truck Number:	1	Alley:	Silo 1 Alley	Load Start Time:	01:22 PM
Trailer Number:	2	Silo Name:	AMA Silo 01 	Load End Time:	01:29 PM

Driver Signature: *[Signature]*

Weighmaster: *[Signature]*

Driver Name:

All products in this shipment are sold pursuant to the Terms and Conditions set forth in any applicable Credit Application or Invoices including but not limited to Disclaimer of Warranties and Limitation of Remedies. At the time of delivery, the products will conform to the ASTM or AASHTO specifications applicable to the products included in this shipment.

WARNING: DRY OR WET PRODUCT CAN CAUSE IRRITATION AND SEVERE BURNS TO EYES AND SKIN. THIS PRODUCT CONTAINS SMALL AMOUNTS OF CRYSTALLINE SILICA, WHICH HAS BEEN LISTED AS A HUMAN CARCINOGEN. ALSO, REPEATED INHALATION OF CRYSTALLINE SILICA CAN CAUSE SILICOSIS, A DISABLING AND POTENTIALLY FATAL LUNG DISEASE.

Precautions: Avoid contact with eyes and skin. Wear eye protection, rubber boots and gloves. Cover arms and legs adequately. Use only with adequate ventilation. In dusty conditions use a NIOSH-approved respirator.

First Aid: In case of contact with skin or eyes, flush thoroughly with water. Seek prompt medical attention in case of contact with eyes or if skin irritation persists. For more information, see Material Safety Data Sheet (MSDS).

THIS IS THE PROPERTY OF THE SHIPPER AND NO RECONSIGNMENT OR DIVERSION IS TO BE MADE UNLESS AUTHORIZED BY THE CONSIGNOR.

RECEIVED THE ABOVE IN GOOD ORDER EXCEPT AS NOTED.

PER

[Signature] *[Signature]*

Exhibit 3

YANCEY INSURANCE
PO BOX 1008
LIBERAL, KS 67905
1-620-624-8883

PROGRESSIVE
COMMERCIAL

Policy number: 04165804

Underwritten by:
United Financial Casualty Company
NAIC Number: 11770
June 5, 2023
Page 1 of 2

Certificate of Insurance

Certificate Holder

Documents Unlimited LLC
602 N East St
Guymon, OK, OK 73942

Insured

A & AC TRUCKING LLC
1004 ELIZABETH LN
LIBERAL, KS 67901

Agent

YANCEY INSURANCE
PO BOX 1008
LIBERAL, KS 67905

This document certifies that insurance policies identified below have been issued by the designated insurer to the insured named above for the period(s) indicated. This Certificate is issued for information purposes only. It confers no rights upon the certificate holder and does not change, alter, modify, or extend the coverages afforded by the policies listed below. The coverages afforded by the policies listed below are subject to all the terms, exclusions, limitations, endorsements, and conditions of these policies. Liability coverage may not apply to all scheduled vehicles.

Policy Effective Date: Oct 8, 2022

Policy Expiration Date: Oct 8, 2023

Insurance coverage(s)

Limits

Bodily Injury/Property Damage

\$750,000 Combined Single Limit

Uninsured/Underinsured Motorist

\$750,000 Combined Single Limit

Personal Injury Protection

Medical Expense of \$25,000

Description of Location/Vehicles/Special Items

Scheduled autos only

2006 KW T60 1XKADU9X46J123629

Stated Amount \$14,400

Medical Payments

\$5,000

Comprehensive

\$500 Ded

Collision

\$500 Ded

2007 KW T60 1XKADB8X87J093008

Stated Amount \$14,400

Medical Payments

\$5,000

Comprehensive

\$500 Ded

Collision

\$500 Ded

2006 KW T60 1XKADB9X96J108497

Stated Amount \$15,000

Medical Payments

\$5,000

Comprehensive

\$500 Ded


Continued

Collision	\$500 Ded		
2006 KENWORTH CONSTRUCTION 1XKWDB9X16J108757			
		Stated Amount	\$25,000
Comprehensive	\$500 Ded		
Collision	\$500 Ded		
2014 Fehr Trailer 3K9TAM283EC003058			
		Stated Amount	\$15,000
Comprehensive	\$500 Ded		
Collision	\$500 Ded		

Please be advised that the certificate holder will not be notified in the event of a mid-term cancellation.



Exhibit 4

From: Denese Yancey
To: Erica Pargas
Subject: Re: A & AC Trucking LLC
Date: Thursday, June 29, 2023 11:39:02 AM

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

Good morning.

I have not heard from him as of yet. I will try to give him a call.

Thanks,

Kris

On Thu, Jun 29, 2023 at 11:27 AM Erica Pargas <e.pargas@kcc.ks.gov> wrote:

Good Morning,

I just wanted to verify if Ernesto Acevedo Flores with A & AC Trucking LLC had been in to switch his intrastate insurance to interstate insurance yet. This would be for Policy #04165804?

Erica Pargas, Special Investigator

Transportation Division

Kansas Corporation Commission

1500 SW Arrowhead Road | Topeka, KS | 66604-4027

Phone (620) 255-3868 | Fax (785) 271-3124

--

Denese Yancey
Yancey Insurance Agency
P O Box 1008
Liberal, KS 67905-1008
620-624-8883 Phone
620-624-8885 Fax

Exhibit 5

Buzzi Unicem USA



ORIGINAL



Amarillo Terminal
627 North Fairfield Street
Amarillo, TX, 79107
Telephone: (806) 383-8091

BILL OF LADING NUMBER

6730094670

SHIP TO:

Koss - Liberal - Paving 2023
East Of Liberal
LIBERAL, KS 67901
US

Carrier:	Customer Pickup-TRUCK
Scheduled Pickup Date:	May 04, 2023 / 02:15 PM
Loaded on:	May 04, 2023 / 02:14 PM

Del. Arrival Date/Time		Del. Depart. Date/Time		Reason For Delay	
Order 9559		Customer Purchase Order 210648-101 		Customer Account 2761	
				CIN / JOB	

QUANTITY	DESCRIPTION	WEIGHT
	Type II.(10) Cement Bulk	23.06 STO



GROSS:	79480 LB
TARE:	33360 LB
NET:	46120 LB

Cement originated from Maryneal, TX

Temp:

ALK:

ID Code: 755

Shipping Instructions		Product Certification Notes		Verification of Unloading Instructions Dear Customer To serve you better, the Driver has been instructed to ask you to make sure that the delivery of the commodity will be safe, proper, and in accordance with your unloading instructions. Please verify the following items: 1. The commodity on the shipment is the amount and type you expect 2. The driver is hooked up to the proper storage 3. There is enough room for the amount of commodity on this shipment 4. The connections are made correctly 5. Plant valves are properly positioned to accept this commodity 6. All required inspections have been completed I have verified the above items, the driver is setup correctly and is authorized to unload. Signed:	
Truck Number: 06		Alley: Silo 1 Alley		Load Start Time: 02:06 PM	
Trailer Number: 2		Silo Name: AMA Silo 01 		Load End Time: 02:14 PM	

Driver Signature:

Weighmaster:

Driver Name:

All products in this shipment are sold pursuant to the Terms and Conditions set forth in any applicable Credit Application or Invoices including but not limited to Disclaimer of Warranties and Limitation of Remedies. At the time of delivery, the products will conform to the ASTM or AASHTO specifications applicable to the products included in this shipment.

WARNING: DRY OR WET PRODUCT CAN CAUSE IRRITATION AND SEVERE BURNS TO EYES AND SKIN. THIS PRODUCT CONTAINS SMALL AMOUNTS OF CRYSTALLINE SILICA, WHICH HAS BEEN LISTED AS A HUMAN CARCINOGEN. ALSO, REPEATED INHALATION OF CRYSTALLINE SILICA CAN CAUSE SILICOSIS, A DISABLING AND POTENTIALLY FATAL LUNG DISEASE.

Precautions: Avoid contact with eyes and skin. Wear eye protection, rubber boots and gloves. Cover arms and legs adequately. Use only with adequate ventilation. In dusty conditions use a NIOSH-approved respirator.

First Aid: In case of contact with skin or eyes, flush thoroughly with water. Seek prompt medical attention in case of contact with eyes or if skin irritation persists. For more information, see Material Safety Data Sheet (MSDS).

THIS IS THE PROPERTY OF THE SHIPPER AND NO RECONSIGNMENT OR DIVERSION IS TO BE MADE UNLESS AUTHORIZED BY THE CONSIGNOR.

RECEIVED THE ABOVE IN GOOD ORDER EXCEPT AS NOTED.

PER _____

Exhibit 6

DRIVER/VEHICLE EXAMINATION REPORT

TXDPS COMMERCIAL VEHICLE ENFORCEMENT

Report Number: TX6FN90AIKIA
Inspection Date: 10/31/2022
Start: 9:01 AM CT **End:** 9:46 AM CT
Inspection Level: II - Walk-Around
HM Inspection Type: None

Carrier: A & AC TRUCKING LLC

DBA:

1004 ELIZABETH LN
 LIBERAL, KS, 67901-4419

USDOT: 3569028

Phone#: (620)621-1892

MC/MX#:

Fax#:

State#: 1041366

Location: US-0287 IN SHERMAN CO. (20-50)

Highway: US-0287

County:

Email:

Driver: ACEVEDO, NAJERA A

License#:

State: KS

Date of Birth:

CoDriver:

License#:

State:

Date of Birth:

Milepost: 34

Shipper: N/A

Origin: STRATFORD TX

Destination: ETTER TX

Bill of Lading: N/A

Cargo: SILAGE

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate	Equipment ID	VIN	GVWR	CVSA #	Issued #	OOS Sticker
1	TT	KW	2006	KS	691761	06		8497	50000		
2	ST	OTHR		OK	2170KN	P103		3084	65000		

BRAKE ADJUSTMENTS: No brake measurements required for level II or level III

VIOLATIONS

Section	Type	Unit	OOS	Citation #	Verify	Crash	Violations Discovered
392.2RG	F	1	N		N	N	OPERATE UNREGISTERED MOTOR VEHICLE: SEE NOTES
393.60C	F	1	N		N	N	DAMAGED/DISCOLORED WINDSHIELD (FMCSR 393.60(C))
393.60D	F	1	N		N	N	OBJECT OR MATERIAL ATTACHED TO WINDSHIELD/SIDE/REAR WINDOW OBSTRUCTS OR REDUCES CLEAR VIEW (FMCSR 393.60(D)): X2 TINT 28%
393.51	F	1	Y		B	N	DEFECTIVE/IMPROPER LOW AIR WARNING DEVICE (FMCSR 393.51): SECONDARY AIR GAGE NOT WORKING
396.17C	F	2	N		N	N	OPERATING A CMV WITHOUT PROOF OF PERIODIC INSPECTION (INSPECTION CERTIFICATE RECEIPT) (FMCSR 396.17(c)): NO PROOF
393.86A3	F	2	N		N	N	REAR IMPACT GUARD HAVING IMPROPER HEIGHT - TRAILER MANUFACTURED ON OR AFTER JANUARY 26, 1998 (FMCSR 393.86(a)(3)): 28IN/22IN
393.55E	F	2	N		N	N	NO/DEFECTIVE ABS MALFUNCTION INDICATOR LAMP FOR TRAILER MANUFACTURED AFTER 03/01/1998 (FMCSR 393.55(e)): NONE
393.9	F	2	N		N	N	INOPERABLE/OBSCURED LICENSE PLATE LAMP (FMCSR 393.9): INOP
392.2RG	F	1	N		N	N	FAIL TO DISPLAY TXDMV CAB CARD: SEE NOTES
393.45	F	2	Y		B	N	BRAKE - HOSE / TUBE DAMAGED AND/OR LEAKING (FMCSR 393.45): AXLE 4 LEFT

HazMat: No HM transported

Placard:

Cargo Tank:

Special Checks: No data for special checks

Notes: TRUCK TRACTOR IS NOT APPORTION REGISTRATION, ONLY COMMERCIAL REGISTRATION THROUGH KANSAS
 AXLE FOUR LEFT BRAKE CHAMBER HAS ONE OF THE BRAKE HOSES CUT/DISCONNECTED FROM THE BRAKE CHAMBER AND IS LEAKING AIR

Vehicle OOS Text

Failure to return this report with the required certification can result in penalties up to \$1,000 per day for each day the violation continues, up to a total of \$10,000.

Signature Of Repairer X: _____ Facility: _____ Date: _____

Carrier Verify Text

Signature Of Motor Carrier X: _____ Title: _____ Date: _____



DRIVER/VEHICLE EXAMINATION REPORT

TXDPS COMMERCIAL VEHICLE ENFORCEMENT

Report Number: TX6FN90AIKIA
Inspection Date: 10/31/2022
Start: 9:01 AM CT End: 9:46 AM CT
Inspection Level: II - Walk-Around
HM Inspection Type: None

Report Prepared By: ID/Badge #:
B. Daves 12285

Copy Received By:
NAJERA ACEVEDO

X

X



Exhibit 7

Buzzi Unicem USA



Amarillo Terminal
627 North Fairfield Street
Amarillo, TX, 79107
Telephone: (806) 383-8091



ORIGINAL

BILL OF LADING NUMBER

6730094660

SHIP TO:

Koss - Liberal - Paving 2023
East Of Liberal
LIBERAL, KS 67901
US

Carrier:	Customer Pickup-TRUCK
Scheduled Pickup Date:	May 04, 2023 / 02:02 PM
Loaded on:	May 04, 2023 / 02:02 PM

Del. Arrival Date/Time		Del. Depart. Date/Time		Reason For Delay	
Order 9558		Customer Purchase Order 210648-101 		Customer Account 2761	
				CIN / JOB	

QUANTITY	DESCRIPTION	WEIGHT
	Type II.(10) Cement Bulk	23.90 STO



GROSS:	79700 LB
TARE:	31900 LB
NET:	47800 LB

Cement originated from Maryneal, TX

Temp:

ALK:

ID Code: 755

Shipping Instructions		Product Certification Notes		Verification of Unloading Instructions Dear Customer: To serve you better, the Driver has been instructed to ask you to make sure that the delivery of the commodity will be safe, proper, and in accordance with your unloading instructions. Please verify the following items: 1. The commodity on the shipment is the amount and type you expect 2. The driver is hooked up to the proper storage 3. There is enough room for the amount of commodity on this shipment 4. The connections are made correctly 5. Plant valves are properly positioned to accept this commodity 6. All required inspections have been completed I have verified the above items, the driver is setup correctly and is authorized to unload Signed:	
Truck Number: 02		Alley: Silo 1 Alley		Load Start Time: 01:53 PM	
Trailer Number: anac		Silo Name: AMA Silo 01 		Load End Time: 02:02 PM	

Driver Signature:

Mario Vega

Weighmaster:

Mike Latta

Driver Name:

All products in this shipment are sold pursuant to the Terms and Conditions set forth in any applicable Credit Application or Invoices including but not limited to Disclaimer of Warranties and Limitation of Remedies. At the time of delivery, the products will conform to the ASTM or AASHTO specifications applicable to the products included in this shipment.

WARNING: DRY OR WET PRODUCT CAN CAUSE IRRITATION AND SEVERE BURNS TO EYES AND SKIN. THIS PRODUCT CONTAINS SMALL AMOUNTS OF CRYSTALLINE SILICA, WHICH HAS BEEN LISTED AS A HUMAN CARCINOGEN. ALSO, REPEATED INHALATION OF CRYSTALLINE SILICA CAN CAUSE SILICOSIS, A DISABLING AND POTENTIALLY FATAL LUNG DISEASE.

Precautions: Avoid contact with eyes and skin. Wear eye protection, rubber boots and gloves. Cover arms and legs adequately. Use only with adequate ventilation. In dusty conditions use a NIOSH-approved respirator.

First Aid: In case of contact with skin or eyes, flush thoroughly with water. Seek prompt medical attention in case of contact with eyes or if skin irritation persists. For more information, see Material Safety Data Sheet (MSDS).

THIS IS THE PROPERTY OF THE SHIPPER AND NO RECONSIGNMENT OR DIVERSION IS TO BE MADE UNLESS AUTHORIZED BY THE CONSIGNOR.

RECEIVED THE ABOVE IN GOOD ORDER EXCEPT AS NOTED.

PER _____

Exhibit 8

CDLIS (Driver's License Check)

Was a CDLIS check conducted? Yes

List of drivers for which a CDLIS check was performed:

Name	Date of Birth	License Information	Phone	Employment Dates	License Status
Ernesto Acevedo Flores	9/6/1979	State: KS Number: K04-13-4963 Has CDL: Yes	620-655-8426	4/4/2022-Present	Licensed
Armando Acevedo Najera	9/17/2000	State: KS Number: K03-78-8603 Has CDL: No	620-621-6839	11/16/2021-Present	Eligible
ARMANDO ACEVEDOFLORES	3/24/1974	State: NM Number: 503399377 Has CDL: No		-Present	Eligible
MARIO ALBERTO VEGA NEVAREZ	11/12/1981	State: MX Number: LFD01001965		5/4/2023-Present	

Exhibit 9



2022 UCR Registration is VALID!



Confirmation # 000-0404-3324

Registered on: 07/12/2023 10:18 EST

Generated: 10/03/2023 09:30 EST

Year: 2022

Paid:	Date	Bracket	UCR Fee	Conv. Fee	Total
	07/12/2023	Bracket 2 [4 veh.]	\$176.00	\$5.23	\$181.23

Bracket: 3 to 5 vehicles [4 vehicle(s)]

USDOT #: 3569028

Classifications: Motor Carrier

Legal Name: A & AC TRUCKING LLC

Base State: Kansas

Principal: 1004 ELIZABETH LN
LIBERAL, KS 67901
US

Payor: A & AC TRUCKING LLC

*** Expires: 12/31/2022 ***



2023 UCR Registration is VALID!



Confirmation # 000-0404-3326

Registered on: 07/12/2023 10:20 EST

Generated: 10/03/2023 09:29 EST

Year: 2023

	Date	Bracket	UCR Fee	Conv. Fee	Total
Paid:	07/12/2023	Bracket 2 [4 veh.]	\$121.00	\$3.59	\$124.59

Bracket: 3 to 5 vehicles [4 vehicle(s)]

USDOT #: 3569028

Classifications: Motor Carrier

Legal Name: A & AC TRUCKING LLC

Base State: Kansas

Principal: 1004 ELIZABETH LN
LIBERAL, KS 67901
US

Payor: A & AC TRUCKING LLC

*** Expires: 12/31/2023 ***

Exhibit 10

DRIVER/VEHICLE EXAMINATION REPORT

Inspect 1.118.8010



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: KSHPO4501271
Inspection Date: 07/27/2022
Start: 11:08 AM CT End: 12:40 PM CT
Inspection Level: I - Full
HM Inspection Type: None

Carrier: A & AC TRUCKING LLC

DBA:

1004 ELIZABETH LN
LIBERAL, KS. 67901-4419

USDOT: 3569028

Phone#: (620)621-1892

MC/MX#:

Fax#:

State#:

Location: GRAY COUNTY - 069

Highway: K-23 / U-50 JUNCTION

County: GRAY

Driver: ACEVEDO-FLORES, ARMANDO

License#:

State: NM

Date of Birth:

CoDriver:

License#:

State:

Date of Birth:

Milepost: Shipper: STOPPEL DIRT INC

Origin: CIMARRON KS

Bill of Lading: 1

Destination: DODGE CITY, KS

Cargo: ROCK / DIRT

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate	Equipment ID	VIN	GVWR	CVSA #	Issued #	OCS Sticker
1	TT	KW	2006	KS	670335	06		5497	50000		
2	ST	TALLE	2014	OK	2170KN	103		6084	65000		

BRAKE ADJUSTMENTS

Axle #	1	2	3	4	5
Right	1 1/2	1 1/4	1	2	1 1/4
Left	1 1/4	1 1/4	1	1	1 1/4
Chamber	C-20	C-30	C-30	C-30	C-30

VIOLATIONS

Section	Def	Out	OOS	FF	Station #	Verify	Crash	Violations Discovered
393.11TL	F	1	N	N		N	N	Truck- Tractor lower rear mud flaps retroreflective sheeting / reflex reflective material requirements for vehicles manufactured after July 1997: NONE ON RIGHT SIDE
393.48A	F	1	N	N		N	N	Inoperative/defective brakes: AXLE 3 DRIVER SIDE INOP - NO MOVEMENT OF ANY BRAKE COMPONENTS
393.60D	F	1	N	N		N	N	Glazing permits < 70% of light: FRONT DRIVER / PASSENGER TINTED BELOW 70
393.48A	F	2	N	N		N	N	Inoperative/defective brakes: AXLE 5 DRIVER SIDE IS MISSING SLACK ADJUSTER PIN AND ROD
396.3A1BOS	F	2	Y	N		U	N	BRAKES OUT OF SERVICE: The number of defective brakes is equal to or greater than 20 percent of the service brakes on the vehicle or combination: 2 OUT OF 10 BRAKES ARE INOP
396.17C	F	2	N	N		N	N	Operating a CMV without proof of a periodic inspection: NONE FOUND IN PERMIT BOOK OR ON TRAILER
393.100B	F	2	Y	N	E002713163	U	N	Leaking/spilling/blowing/falling cargo: ROCK AND DIRT FALLING FROM TRAILER - HIT A GRAY COUNTY PATROL VEHICLE GOING DOWN ROADWAY
383.23A2	F	D	Y	N	E002713160	N	N	Operating a CMV without a CDL: Operating a CMV without a CDL on 7/27/2022. DRIVER DOES NOT HAVE A CDL - DRIVER HAS A VALID CLASS D NEW MEXICO AND A MEXICAN STATE DRIVER'S LICENSE
391.41A1-FPC	F	D	Y	N	E002713161	N	N	Operating a property-carrying vehicle without possessing a valid medical certificate. Previously Cited on [DATE]: CITED 11-8-16 AND 3-17-15....INSPECTION # OK00M5077973 & TX4AA70VCNAB
391.11B2	F	D	N	N	E002713162	N	N	Driver cannot read or speak the English language sufficiently to respond to official inquiries SAME VIOLATION RECORDED ON 11-8-2016 ON INSPECTION # OK00M5077973
392.2DL	F	D	N	N		N	N	Miscellaneous Drivers License Violation: REF KSA 8-2.132(C) VIOLATING OOS ORDER FROM INSPECTION # OK00M5077973 - OPERATING A CMV WITHOUT A CDL

HazMat: No HM transported

Placard:

Cargo Tank:

Special Checks: No data for special checks

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 the above marked unit(s) as "OUT OF SERVICE." No person and/or carrier shall permit and/or require the removal of the "OUT OF SERVICE" stickers or the operation of the motor vehicle until ALL out of service defects have been corrected. 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: X A A



DRIVER/VEHICLE EXAMINATION REPORT

Inspect 1 118 8010



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: KSHP04501271
Inspection Date: 07/27/2022
Start: 11:08 AM CT End: 12:40 PM CT
Inspection Level: I - Full
HM Inspection Type: None

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 the driver identified on this report "OUT OF SERVICE". No person and/or carrier shall permit and/or require this driver to operate any commercial vehicle until his/her eligibility to drive has been reestablished. 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: Y.A.A.

* NOTE TO MECHANIC: The undersigned certifies that all mechanical defects listed on this report HAVE BEEN CORRECTED at the time of signature.
Signature Of Mechanic: _____ Facility: _____ Date: _____

DRIVER: This form is to be sent to the carrier identified on this report within 24 hours of receipt.
MOTOR CARRIER CERTIFICATION: All defects identified on this report 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. If no violations were discovered, you are not required to sign and return a copy.

NOTE: Challenges to violations may be submitted through the Federal Motor Carrier Safety Administration (FMCSA)'s Data Q Challenge process at: <https://data.qs.fhwa.dot.gov/>
Signature Of Motor Carrier: _____ Title: _____ Date: _____

Report Prepared By: A.S. Wagner ID/Badge #: 70420

Copy Received By: ARMANDO ACEVEDO-FLORES

X

X



Exhibit 11

TMT Truck Permitting

1516 Taylor Plaza
Garden City, KS 67846
620-272-9486



A & AC Trucking LLC
1004 Elizabeth Lane
Liberal, KS 67901
(620) 621-1892

REGULATED BY

DOT

Selection Date

Person	ID	Occupation	Test For
--------	----	------------	----------

COMPANY: A & AC TRUCKING LLC

Location: 1004 Elizabeth Lane Liberal, KS 67901 (Ernesto Acevedo Flores (620) 621-1892)

ARMANDO ACEVEDO	KSK03788603	Driver
ERNESTO ACEVEDO	KSK04134963	Driver

Exhibit 12

Report Compliance - DRIVER CHECK (ANNUAL QUERIES CONDUCTED)
A & AC Trucking LLC

Address:1004 N Elizabeth Ln; Liberal, KS 67901; US

As of:6/23/2023 15:44

Report Generated on : 06/23/2023 03:44

Name	Country	CDL	Most Recent Query
------	---------	-----	-------------------

Disclaimer:**This document contains sensitive information and is for official use only. Improper handling of this information could negatively affect individuals. Handle and secure this information according to Federal Motor Carrier Safety Administration privacy and security guidelines. Properly dispose of this document according to agency policy when this document is no longer needed.**

Exhibit 13

Report Compliance - PRE-EMPLOYMENT QUERIES CONDUCTED

A & AC Trucking LLC

Address:1004 N Elizabeth Ln; Liberal, KS 67901; US

As of:6/23/2023 15:44

Report Generated on : 06/23/2023 03:44

Name	Country	CDL	Most Recent Query
RODRIGO CASTILLO ALMAN	United States	KS-K03681139	Pre-employment
ARMANDO ACEVEDO NAJER	United States	KS-K03788603	Pre-employment
ERNESTO ACEVEDO FLORES	United States	KS-K04134963	Pre-employment

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Exhibit 14

History Search Results for ARMANDO ACEVEDO NAJERA

/KS/K03788603

202306051034575869510CAWS

Driver General Information

First Name		Middle Name		Last Name		Suffix	
ARMANDO				ACEVEDO NAJERA			
SSN	Birth Date			Height	Weight	Eye Color	Sex
XXXXXXXXXX				600	180	HAZAL	M

Residence

Street	City	County	State	Zip	Country
1300 SYCAMORE ST	LIBERAL		KS	67901443 3	

Mailing Address

Street	City	County	State	Zip	Country
1300 SYCAMORE ST	LIBERAL		KS	67901443 3	

Alias 1

First Name	Middle Name	Last Name	Suffix
ARMANDO		ACEVEDO NAJERA	
SSN	Birth Date	State	Driver License
XXXXXXXXXX		KS	

Alias 2

First Name	Middle Name	Last Name	Suffix
ARMANDO		ACEVEDO NAJERA	
SSN	Birth Date	State	Driver License
		TX	

Alias 3

First Name	Middle Name	Last Name	Suffix
ARMANDO		ACEVEDO NAJERA	
SSN	Birth Date	State	Driver License
		KS	

Driver License Details

Jurisdiction	Driver License	Issue Date	Exp. Date	Commercial Class
KS		2022-10-10	2024-09-25	A
Non Commercial Class	Commercial Status	Non Commercial Status	Withdrawal Action Pending	
A	Eligible	Licensed	No	

Disclaimer:**This document contains sensitive information and is for official use only. Improper handling of this information could negatively affect individuals. Handle and secure this information according to Federal Motor Carrier Safety Administration privacy and security guidelines. Properly dispose of this document according to agency policy when this document is no longer needed.**

History Search Results for ARMANDO ACEVEDO NAJERA

/KS/K03788603

202306051034575869510CAWS

Endorsements

Value

Tank

Medical Certification

Issue Date	Expiration Date	SPE Issue	SPE Expiration	Med WE Issue	Med WE Expire Date
2021-03-01	2023-03-01				

Status Code

Not Certified

Self Certification

Non-excepted Interstate

Medical Examiner Detail

First Name	Middle Name	Last Name	Registry Number
MARIA		VELA	4912305482
Medical #	Specialty	State	Phone
CNP 01711	Advanced Practice Nurse	NM	5755845005

License Restrictions

Restriction	Expiration Date
Other Temporary resident	
Other Corr Lenses in CMV	

Permit Class A

Issue Date	Expiration Date	Status
2021-04-02	2021-09-17	Eligible

Permit Class A Restriction

Value

Corrective Lenses must be worn Corrective Lenses

No passengers in CMV bus No Pass in CMV Bus

No cargo in CMV tank vehicle No cargo CMV Tank vehicle

Other Temporary resident

Permit Class A Endorsements

Value

Tank

Disclaimer:**This document contains sensitive information and is for official use only. Improper handling of this information could negatively affect individuals. Handle and secure this information according to Federal Motor Carrier Safety Administration privacy and security guidelines. Properly dispose of this document according to agency policy when this document is no longer needed.**

History Search Results for ARMANDO ACEVEDO NAJERA

/KS/K03788603

202306051034575869510CAWS

Permit Class C

Issue Date	Expiration Date	Status
2017-01-10	2018-01-10	Eligible

Permit Class C Restriction

Value

Other Temporary resident

Corrective Lenses must be worn Corrective Lenses


Convictions #	Accidents #	Withdrawals #	Permits #	License Restrictions #
0	0	0	2	00

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Exhibit 15

MOTOR CARRIER IDENTIFICATION REPORT

(Application for U.S. DOT NUMBER)

 U.S. Department of Transportation
Federal Motor Carrier
Safety Administration

REASON FOR FILING

(Check Only One)

☐ NEW APPLICATION ☒ BIENNIAL UPDATE OR CHANGES ☐ OUT OF BUSINESS NOTIFICATION ☐ REAPPLICATION (AFTER REVOCATION OF NEW ENTRANT)

1. NAME OF MOTOR CARRIER A & AC TRUCKING LLC		2. TRADE OR D.B.A. (DOING BUSINESS AS) NAME			
3. PRINCIPAL ADDRESS 1004 ELIZABETH LN	4. CITY LIBERAL	5. STATE/PROVINCE KANSAS	6. ZIP CODE + 4 67901-4419	7. COLONIA (MEXICO ONLY)	
8. MAILING ADDRESS 1004 ELIZABETH LN	9. CITY LIBERAL	10. STATE/PROVINCE KANSAS	11. ZIP CODE+4 67901-4419	12. COLONIA (MEXICO ONLY)	
13. PRINCIPAL BUSINESS PHONE NUMBER (620) 621-1892		14. PRINCIPAL CONTACT CELL PHONE NUMBER (580) 338-0286		15. PRINCIPAL BUSINESS FAX NUMBER	
16. USDOT NO. 3569028	17. MC OR MX NO.	18. DUN & BRADSTREET NO.	19. IRS/TAX ID NO. EIN# 862044453 SSN#		
20. INTERNET E-MAIL ADDRESS junioracevedo45@gmail.com			21. CARRIER MILEAGE (to nearest 10,000 miles for Last Calendar Year) YEAR 140000 2022		

22. COMPANY OPERATION (Mark all that apply)
 A. Interstate Carrier B. Intrastate Hazmat Carrier ☒ C. Intrastate Non-Hazmat Carrier D. Interstate Hazmat Shipper E. Intrastate Hazmat Shipper F. Vehicle Registrant Only

23. OPERATION CLASSIFICATION (Circle All that Apply)
☒ A. Authorized For-Hire D. Private Passengers (Business) G. U. S. Mail J. Local Government
 B. Exempt For-Hire E. Private Passengers (Non-Business) H. Federal Government K. Indian Tribe
 C. Private Property F. Migrant I. State Government L. Other

24. CARGO CLASSIFICATIONS (Circle All that Apply)
 A. GENERAL FREIGHT F. LOGS, POLES, BEAMS, LUMBER J. FRESH PRODUCE ☒ P. GRAIN, FEED, HAY V. COMMODITIES DRY BULK BB. CONSTRUCTION
 B. HOUSEHOLD GOODS G. BUILDING MATERIALS K. LIQUIDS/GASES Q. COAL/COKE W. REFRIGERATED FOOD CC. WATER WELL
 C. METAL; SHEETS; COILS; ROLLS H. MOBILE HOMES L. INTERMODAL CONT. R. MEAT X. BEVERAGES ☒ DD. OTHER SILAGE
 D. MOTOR VEHICLES I. MACHINERY, LARGE OBJECTS M. PASSENGERS S. GARBAGE, REFUSE, TRASH Y. PAPER PRODUCTS
 E. DRIVE AWAY/TOWAWAY O. LIVESTOCK T. U.S. MAIL Z. UTILITY
 U. CHEMICALS AA. FARM SUPPLIES

25. HAZARDOUS MATERIALS CARRIED OR SHIPPED (Circle All that Apply) C-CARRIED S-SHIPPED B(BULK) - IN CARGO TANKS NB(NON-BULK) - IN PACKAGE

C S A. DIV 1.1	B NB	C S K. DIV 2.2A (Ammonia)	B NB	C S U. DIV 4.2	B NB	C S EE. HRCQ	B NB
C S B. DIV 1.2	B NB	C S L. DIV 2.3A	B NB	C S V. DIV 4.3	B NB	C S FF. CLASS 8	B NB
C S C. DIV 1.3	B NB	C S M. DIV 2.3B	B NB	C S W. DIV 5.1	B NB	C S GG. CLASS 8A	B NB
C S D. DIV 1.4	B NB	C S N. DIV 2.3C	B NB	C S X. DIV 5.2	B NB	C S HH. CLASS 8B	B NB
C S E. DIV 1.5	B NB	C S O. DIV 2.3D	B NB	C S Y. DIV 6.2	B NB	C S II. CLASS 9	B NB
C S F. DIV 1.6	B NB	C S P. Class 3	B NB	C S Z. DIV 6.1A	B NB	C S JJ. ELEVATED TEMP MAT.	B NB
C S G. DIV 2.1	B NB	C S Q. Class 3A	B NB	C S AA. DIV 6.1B	B NB	C S KK. INFECTIOUS WASTE	B NB
C S H. DIV 2.1 LPG	B NB	C S R. Class 3B	B NB	C S BB. DIV 6.1 Poison	B NB	C S LL. MARINE POLLUTANTS	B NB
C S I. DIV 2.1 (Methane)	B NB	C S S. COM LIQ	B NB	C S CC. DIV 6.1 SOLID	B NB	C S MM. HAZARDOUS SUB(RQ)	B NB
C S J. DIV 2.2	B NB	C S T. DIV 4.1	B NB	C S DD. CLASS 7	B NB	C S NN. HAZARDOUS WASTE	B NB
				C S		C S OO. ORM	B NB

26. NUMBER OF VEHICLES THAT CAN BE OPERATED IN THE U.S.

	Straight Trucks	Truck Tractors	Trailers	Hazmat Cargo Tank Trucks	Hazmat Cargo Tank Trailers	Motor Coach	School Bus					Mini-bus		Van		Limousine		
							Number of vehicles carrying number of passengers (including the driver) below											
	1-8	9-15	16+	16+	1-8	9-15	16+	16+	1-8	9-15	1-8	9-15	1-8	9-15	16+			
OWNED	0	4	0															
TERM LEASED	0	0	2															
TRIP LEASED	0	0	0															

27. DRIVER INFORMATION

	INTERSTATE	INTRASTATE	TOTAL DRIVERS	TOTAL CDL DRIVERS
Within 100-Mile Radius	0	2	2	2
Beyond 100-Mile Radius	0	0		

28. IS YOUR U.S. DOT NUMBER REGISTRATION CURRENTLY REVOKED BY THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION? Yes _____ No ☒ X
 If Yes, enter your U.S. DOT Number. _____

29. PLEASE ENTER NAME(S) OF SOLE PROPRIETOR(S), OFFICERS OR PARTNERS AND TITLES (e.g. PRESIDENT, TREASURER, GENERAL PARTNER, LIMITED PARTNER)

1. **ERNESTO ACEVEDO FLORES, OWNER** (Please print Name)
 2. _____ (Please print Name)

30. CERTIFICATION STATEMENT (to be completed by an authorized official)

I, **ERNESTO ACEVEDO FLORES** (Please print Name), certify that I am familiar with the Federal Motor Carrier Safety Regulations and/or Federal Hazardous Materials Regulations. Under penalties of perjury, I declare that the information entered on this report is, to the best of my knowledge and belief, true, correct, and complete.

Signature **ERNESTO ACEVEDO FLORES** Date **06/03/2023** Title **SOLE MEMBER** (Please print)

Exhibit 16

DRIVER/VEHICLE EXAMINATION REPORT

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: KSHP01893014
Inspection Date: 06/13/2023
Start: 9:00 AM CT End: 9:59 AM CT
Inspection Level: I - Full
HM Inspection Type: None

Carrier: A & AC TRUCKING LLC

DBA:

1004 ELIZABETH LN
LIBERAL, KS, 67901

USDOT: 3569028

MC/MX#:

State#:

Location: SEWARD COUNTY - 175

Highway: 196 W PANCAKE

County:

Email:

Phone#: (620)621-1892

Fax#:

Driver: ACEVEDO, NAJERA A

License#:

Date of Birth:

CoDriver:

License#:

Date of Birth:

State: KS

State:

Milepost: Shipper: N/A

Origin: LIBERAL,KS

Destination: LIBERAL,KS

Bill of Lading: N/A

Cargo: EMPTY

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate	Equipment ID	VIN	GVWR	CVSA #	Issued #	OOS Sticker
1	TT	KW	2006	KS	691761	01		3629 48000			
2	ST	FEHR	2014	OK	136B943	111		3058 30000			

BRAKE ADJUSTMENTS

Axle #	1	2	3	4	5
Right	1	1/2	1/4	1/2	3/4
Left	1/2	1/2	1/4	3/4	1/2
Chamber	C-20	C-30	C-30	C-30	C-30

VIOLATIONS

Section	Type	Unit	OOS	Citation #	Verify	Crash	Violations Discovered
392.2UCR	F	1	N		N	N	Failure to pay UCR Fee: No fees paid for 2022. Interstate trip shown in 2022 in C-View.
393.60D	F	1	N		N	N	Glazing permits < 70% of light: Side windows measured with tint meter at 40%. Required 70% or above.
392.2MI	F	1	N		N	N	Miscellaneous Traffic Law Violation: Front visor mounted to outside of cab over windshield inside sweep of wiper.
392.2MI	F	1	N		N	N	Miscellaneous Traffic Law Violation: Side windows external visors. KSA 08-1749.
393.45B2PC	F	1	N		N	N	Brake Hose or Tubing Chafing and/or Kinking - Connection to Power Unit: Emergency supply line outer ply cracked.
393.83G	F	1	N		N	N	Exhaust leak under driver and/or sleeper compartment: Exhaust leak behind cab.
393.53B	F	2	N		N	N	CMV manufactured after 10/19/94 has an automatic airbrake adjustment system that fails to compensate for wear: Axle 5, DS, slack adjuster bushings are completely worn out, wont operate as required for wear.
383.23A2	F	D	Y		N	N	Operating a CMV without a CDL: Operating a CMV without a CDL on 6/13/2023. CDL medical downgraded on 03/01/2023. No valid CDL.
391.41A1-FPC	F	D	Y		N	N	Operating a property-carrying vehicle without possessing a valid medical certificate. Previously Cited on [DATE]: Medical card expired on 03/01/2023, previously cited on #KSHP01893013. OOS.

HazMat: No HM transported

Placard:

Cargo Tank:

Special Checks: No data for special checks

Notes: Do not civil assess UCR fees or OOS violations. Inspection completed as part of a review by KCC.

* 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 NAJERA ACEVEDO "OUT OF SERVICE". No person and/or carrier shall permit and/or require this driver to operate any commercial vehicle until: License is Valid. 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/VEHICLE EXAMINATION REPORT

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: KSHP01893014
Inspection Date: 06/13/2023
Start: 9:00 AM CT End: 9:59 AM CT
Inspection Level: I - Full
HM Inspection Type: None

***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: ID/Badge #:
C.J. Hardaway 0189

Copy Received By:
NAJERA ACEVEDO

X

X



CERTIFICATE OF SERVICE

24-TRAM-128-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 10/19/2023.

Ernesto Acevedo Flores, OWNER
A & AC Trucking LLC
1004 Elizabeth Ln
Liberal, KS 67901
junioracevedo45@gmail.com

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

/S/ KCC Docket Room
KCC Docket Room