



1500 SW Arrowhead Road
Topeka, KS 66604-4027

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

Laura Kelly, Governor

NOTICE OF PENALTY ASSESSMENT
22-TRAM-320-PEN

February 1, 2022

Christopher Darnell, Owner
Kings Home Delivery LLC
634 S Longfellow
Wichita, KS 67207

This is a notice of a penalty assessment against Kings Home Delivery LLC (Kings Home Delivery) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on January 10, 2022, by Kansas Corporation Commission Special Investigator Doug Handy. Penalties are assessed in accordance with the FY 2022 Uniform Penalty Assessment Matrix, approved by the Commission on June 29, 2021. 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: Kings Home Delivery has been assessed a \$1,300 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$1,300, 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 Kings Home Delivery 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 hearing must be made in writing, setting forth the specific grounds upon which relief is sought. Kings Home Delivery 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 \$1,300 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.

of such motor carriers and persons, or who fails to obey any order, decision or regulation of the Commission.

3. 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.

II. BACKGROUND

4. Kings Home Delivery LLC (Kings Home Delivery or Carrier) is a common motor carrier which primarily hauls general freight and further operates under USDOT number 3000627.

5. There is no attendance record for Kings Home Delivery for the Procedures for Safety Compliance Seminar presented by the Kansas Corporation Commission.

III. STATEMENT OF FACTS

6. Pursuant to the jurisdiction and authority cited above, on January 10, 2022, Commission Staff (Staff) Special Investigator Doug Handy conducted a safety compliance review of the operations of Kings Home Delivery. A copy of the safety compliance review is included in this Penalty Order as Attachment "A" and is hereby incorporated by reference. As a result of this investigation, the special investigator identified four (4) violation(s) of the Motor Carrier Safety Regulations.

- a. On July 2, 2021, Kings Home Delivery required or permitted its driver, Christopher Darnell, to operate a CDL-required commercial motor vehicle, a 2018 Hino, VIN ending in 68315, GVWR 25,950 lbs., in interstate commerce from Wichita, Kansas to Wakeeney, Kansas. This trip is evidenced by a Driver/Vehicle Examination Report, dated July 2, 2021, a copy of which is attached hereto as Attachment "B" and is hereby

incorporated by reference. Kings Home Delivery failed to require its driver, Mr. Darnell, to maintain a record of duty status. The Special Investigator found thirty (30) violations of this type. The Carrier's failure to require their drivers to maintain a record of duty is a violation of 49 C.F.R. 395.8(a)(1), adopted by K.A.R. 82-4-3a, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$900.

- b. During the transportation described in paragraph a., above, Kings Home Delivery failed to annually register its commercial motor vehicles operating in interstate commerce and pay the appropriate Unified Carrier Registration (UCR) fees. The Carrier's failure to annually register its commercial motor vehicles operating in interstate commerce and pay the appropriate Unified Carrier Registration (UCR) fees as set is a violation of 49 C.F.R. 367.60, adopted by K.A.R. 82-4-30a, and authorized by K.S.A. 66-1,139a and K.S.A. 66-1,129. Staff recommends a fine of \$300.
- c. During the transportation described in paragraph a., above, Kings Home Delivery failed to maintain the responses of each State agency in the annual driver record inquiry required by 49 CFR 391.25(a). The Carrier's failure to maintain the responses in the annual driver record inquiry required by 49 CFR 391.25(a) is in violation of 49 CFR 391.51(b)(4), adopted by K.A.R. 82-4-3g, and authorized by KSA 66-1,129. Staff recommends a fine of \$100.
- d. During the transportation described in paragraph a., above, Kings Home Delivery was unable to provide a road test certificate or equivalent for all of

their drivers. The Carrier's failure to maintain a road test certificate issued to the driver pursuant to 49 C.F.R. 391.3(e) in the driver's qualification file, or a copy of the license or certificate which the motor carrier accepted as equivalent to the driver's road test pursuant 49 C.F.R. 391.33 is a violation of 49 C.F.R. 391.51(b)(3), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$0.

IV. STAFF'S RECOMMENDATIONS

7. Staff submitted a Report and Recommendation (R&R), dated January 24, 2022, attached hereto as Attachment "C" and is hereby incorporated by reference. In its R&R, Staff made recommendation regarding the above-mentioned violations.

8. Based upon the available facts, Staff recommends the Commission finds Kings Home Delivery committed four (4) violation(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.

9. Additionally, Staff recommends a civil penalty of \$1,300 for four (4) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that a representative from Kings Home Delivery be required to 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. 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.

11. Staff further recommends Kings Home Delivery 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.

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

V. CONCLUSIONS OF LAW

13. The Commission finds it has jurisdiction over Kings Home Delivery pursuant to K.S.A. 66-1,108b because it is a motor carrier as defined in 49 C.F.R. Part 390.5 as adopted by K.A.R. 82-4-3f.

14. The Commission finds Kings Home Delivery committed four (4) violation(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.

THE COMMISSION THEREFORE ORDERS THAT:

A. Kings Home Delivery LLC, of Wichita, KS is hereby assessed a \$1,300 civil penalty for four (4) violation(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. Kings Home Delivery is hereby ordered to 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. Kings Home Delivery 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 Kings Home Delivery'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.²

G. If you do not request a hearing, the payment of the civil penalty of \$1,300 is due in thirty (30) days from the date of service of this Order. Payment of \$1,300 must be made through your personal account with the Kansas Corporation Commission's Kansas Trucking Regulatory Assistance Network (KTRAN) system located at <https://puc.kcc.ks.gov/ktran/>. You must have an account through KTRAN to pay the penalty.

H. Failure to pay the \$1,300 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 Kings Home Delivery's motor carrier operating authority without further notice.³ 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.

Keen, Chair; Duffy, Commissioner; French, Commissioner

Dated: 02/01/2022



Lynn M. Retz
Executive Director

AAL

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

³ K.S.A. 66-1,105.

ATTACHMENT “A”

UNITED STATES DEPARTMENT OF TRANSPORTATION



U.S. DOT#: 3000627
MC/MX#: 23879

Legal: KINGS HOME DELIVERY LLC
Operating (DBA):

Investigation Date:
01/10/2022

Investigation Type: Onsite Comprehensive Investigation

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

Extent of Operations: Entire Operation

Physical Address

634 S LONGFELLOW
WICHITA, KS 67207
United States

Mailing Address

634 S LONGFELLOW
WICHITA, KS 67207
United States

Contact Information

Contact Name: CHRISTOPHER DARNELL

Email: [REDACTED]

Phone: (316)312-8972 **Cell:** ()- **Fax:** ()-

Business and Financial

Business Type: Limited Liability Corporation

Name of Gross Revenue Provider: Christopher Darnell

Title of Gross Revenue Provider: Managing Member

Gross Revenue: [REDACTED]

Operation Classification and Type

Cargo

Type of Operation: Non-HM Interstate Carrier, Non-HM Intrastate Carrier

General Freight

Operation Classification

For-Hire Motor Carrier
Property
Other Non-Hazardous Freight

Equipment

Driver Information

| | Owned | Term Leased | Trip Leased |
|-----------------|-------|-------------|-------------|
| Straight Trucks | | 1 | |

| Drivers | Intrastate | Interstate |
|--------------|-------------|------------|
| | < 100 Miles | |
| >= 100 Miles | | |

Power units used in the U.S.: 1

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

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

Person(s) Interviewed

Name: CHRISTOPHER DARNELL

Title: OWNER

Questions

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

This report will be used to assess your safety compliance.

Violations

1. Primary: 395.8(a)(1)

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



Critical

At least 10% of the number checked had violations

Violations Discovered

| Fed | State | Total |
|-----|-------|-------|
| 30 | | 30 |

Checked

| Fed | State | Total |
|-----|-------|-------|
| 30 | | 30 |

BASIC Impacted Hours-of-Service Compliance

Rating Factor 3: Operational = Part 395

Example/Notes:

Driver Name: Christopher Darnell

Trip Date: 07-02-2021

Driver failed to completed a record of duty status for the month of July 2021. Carrier had no records of duty status for the until November 2021.

Drivers/Vehicles in Violation

| Fed | State | Total |
|-----|-------|-------|
| 1 | | 1 |

Checked

| Fed | State | Total |
|-----|-------|-------|
| 1 | | 1 |

2. Primary: 367

State Equivalent: 66-1,139(a)

Failed to pay Unified Carrier Registration (UCR) fee when classified as an Interstate Motor Carrier Operation.

Violations Discovered

| Fed | State | Total |
|-----|-------|-------|
| 1 | | 1 |

Checked

| Fed | State | Total |
|-----|-------|-------|
| 1 | | 1 |

Example/Notes:

Driver Name: Christopher Darnell

Trip Date: 07-02-2021

Carrier failed to pay UCR fees for 2021. Carrier paid 2021 fees on 11/12/2021.

Drivers/Vehicles in Violation

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

Checked

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

3. Primary: 392.2

Secondary: 392.2

State Equivalent: 82-4-48

Each Common Motor Carrier transporting property shall issue a bill of lading for property tendered for commerce.

Violations Discovered

| Fed | State | Total |
|-----|-------|-------|
| 23 | | 23 |

Checked

| Fed | State | Total |
|-----|-------|-------|
| 23 | | 23 |

Example/Notes:

Drivers/Vehicles in Violation

Driver Name: Christopher Darnell

Trip Date: 07-02-2021

Commodity: appliances

Carrier loaded load at Forward Air final mile warehouse in Wichita, Ks. and delivered a 10 stop load. The deliveries started in Wakeeney, Ks., with deliveries in Stockton, Ks and finalizing with 8 stops in the Hays, Ks. area.

| Fed | State | Total |
|-----|-------|-------|
| 23 | | 23 |

Checked

| Fed | State | Total |
|-----|-------|-------|
| 23 | | 23 |

4. Primary: 391.25(a)

Failing to make an inquiry into the driving record of each driver to the appropriate State agencies in which the driver held a commercial motor vehicle operator's license at least once every 12 months.

Violations Discovered

| Fed | State | Total |
|-----|-------|-------|
| | 1 | 1 |

Checked

| Fed | State | Total |
|-----|-------|-------|
| | 1 | 1 |

Example/Notes:

Driver name: Christopher Darnell

Trip date: 07/02/2021

Hire Date: 08/01/2017

Carrier failed to have a MVR in the driver qualification file that was reviewed. The carrier had never obtained a MVR since the driver was hired on 08/01/2017.

Drivers/Vehicles in Violation

| Fed | State | Total |
|-----|-------|-------|
| | 1 | 1 |

Checked

| Fed | State | Total |
|-----|-------|-------|
| | 1 | 1 |

5. Primary: 391.51(b)(1)

Failing to maintain driver's employment application in driver's qualification file.

Violations Discovered

| Fed | State | Total |
|-----|-------|-------|
| 1 | | 1 |

Checked

| Fed | State | Total |
|-----|-------|-------|
| 1 | | 1 |

Example/Notes:

Driver Name: Christopher Darnell

Trip Date: 07-02-2021

Hire Date: 8-1-2017

At the time of this investigation carrier failed to have employment application in Driver Qualification file as required.

Drivers/Vehicles in Violation

| Fed | State | Total |
|-----|-------|-------|
| 1 | | 1 |

Checked

| Fed | State | Total |
|-----|-------|-------|
| 1 | | 1 |

6. Primary: 391.51(b)(3)

Failing to maintain road test certificate in driver's qualification file, or copy of license or certificate the motor carrier accepted as equivalent.

Violations Discovered

| Fed | State | Total |
|-----|-------|-------|
| 1 | | 1 |

Checked

| Fed | State | Total |
|-----|-------|-------|
| 1 | | 1 |

Example/Notes:

Driver Name: Christopher Darnell

Trip Date: 07-02-2021

Hired Date: 08-01-2017

Carrier failed to have a certificate of road test in the driver qualification file for a non CDL driver at the time of this investigation.

Drivers/Vehicles in Violation

| Fed | State | Total |
|-----|-------|-------|
| 1 | | 1 |

Checked

| Fed | State | Total |
|-----|-------|-------|
| 1 | | 1 |

7. Primary: 391.51(b)(5)

Failing to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2).

Violations Discovered

| Fed | State | Total |
|-----|-------|-------|
| 1 | | 1 |

Checked

| Fed | State | Total |
|-----|-------|-------|
| 1 | | 1 |

Example/Notes:

Driver Name: Christopher Darnell

Trip Date: 07-02-2021

Hired Date: 08-01-2017

Carrier failed to conduct an annual review as required by regulations. There was no annual review in the drivers qualification file.

Drivers/Vehicles in Violation

| Fed | State | Total |
|-----|-------|-------|
| 1 | | 1 |

Checked

| Fed | State | Total |
|-----|-------|-------|
| 1 | | 1 |

8. Primary: 391.51(b)(6)

Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27.

Violations Discovered

| Fed | State | Total |
|-----|-------|-------|
| 1 | | 1 |

Checked

| Fed | State | Total |
|-----|-------|-------|
| 1 | | 1 |

Example/Notes:

Driver Name: Christopher Darnell

Trip Date: 07-02-2021

Hired Date: 08-01-2017

Carrier failed to conduct certification of violations. There was no certificate of violations in the file for any time frame.

Drivers/Vehicles in Violation

| Fed | State | Total |
|-----|-------|-------|
| 1 | | 1 |

Checked

| Fed | State | Total |
|-----|-------|-------|
| 1 | | 1 |

9. Primary: 391.51(b)(9)

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).

Violations Discovered

| Fed | State | Total |
|-----|-------|-------|
| 1 | | 1 |

Checked

| Fed | State | Total |
|-----|-------|-------|
| 1 | | 1 |

Example/Notes:

Driver name: Christopher Darnell

Trip date: 07-02-2021

MEC issued: 04-19-2021

MEC Exp: 04-19-2022

ME: Andrew Lutz, Chiropractor, Nat. #8168334513

Carrier failed to verify in the National Registry the Medical Examiner was registered.

Drivers/Vehicles in Violation

| Fed | State | Total |
|-----|-------|-------|
| 1 | | 1 |

Checked

| Fed | State | Total |
|-----|-------|-------|
| 1 | | 1 |

Safety Fitness Rating

Your proposed safety rating is: **CONDITIONAL** 1 UNSATISFACTORY rating factor and 2 or fewer CONDITIONAL rating factors. Corrective actions must be taken for any violations (deficiencies) identified in this report. See below for more information.

| RATING FACTORS | RATING | ACUTE | CRITICAL |
|---|----------------|-------|----------|
| Factor 1: General = Parts 387 and 390 | Satisfactory | 0 | 0 |
| Factor 2: Driver = Parts 382, 383 and, 391 | Satisfactory | 0 | 0 |
| Factor 3: Operational = Parts 392 and 395 | Unsatisfactory | 0 | 1 |
| Factor 4: Vehicle = Parts 393 and 396 OOS Vehicles (CR): 0 Number of Vehicles Inspected (CR): 0 OOS Vehicles (MCMIS): 0 Number of Vehicles Inspected (MCMIS): 0 OOS Rate: 0% | Satisfactory | | |
| Factor 5: Haz. Mat. = Parts 397, 171, 177 and, 180 | N/A | N/A | N/A |
| Factor 6: Accident Factor = Recordable Rate Total Miles Operated: 10,000 Recordable Accidents: 0 Recordable Accidents/Million Miles: 0.00 | Satisfactory | N/A | N/A |

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

However, if this rating improves a previous Unsatisfactory rating, it will become effective on the date of the official notice from the FMCSA headquarters.

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). If the safety rating improves a previous Unsatisfactory rating, it becomes effective immediately and you must submit your appeal within 90 days of the final safety rating. 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

Carrier failed to have records of duty status during this investigation.

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. 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

Driver qualification file was missing several required documents to be in compliance.

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 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.

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. **SMS website**

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

6. **Expedited Action**

Your company will remain in the New Entrant program for 18 months from the date you entered into the program. FMCSA will continue to evaluate your safety management practices and monitor your on-road performance while you are in the program and prior to granting you permanent registration. FMCSA has identified 7 "triggering incidents" that pose the greatest threat to public safety. If a "triggering incident" is revealed during a roadside inspection of a New Entrant, expedited action will be initiated. Should you commit one, or more, of the expedited action violations described in 49 CFR Section 385.308 before your "New Entrant" registration becomes permanent, you may be required to undergo an expedited compliance review or, in the alternative, submit a written response demonstrating corrective action. Failure to respond to the Agency's demand for a written response within 30 days will result in revocation of your registration. You must maintain adequate safety standards and comply with the Federal Motor Carrier Safety Regulations (FMCSRs) and applicable Hazardous Materials Regulations (HMRs) in order to continue operating in interstate commerce during and after this 18-month period. Failure to comply with these requirements may result in the revocation of your New Entrant or permanent registration.

7. **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.

8. **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.

9. **UCR (Unified Carrier Registration)**

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

10. **Serious Violations**

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

11. **Acknowledgement Signature**

"I acknowledge that these requirements and/or recommendations have been discussed with me and my questions have been answered. I understand that failure to satisfactorily remedy the above-listed requirements, and/or failure to comply with Kansas Motor Carrier Safety Statutes and Regulations could result in the suspension of Kings Home Delivery, LLC operating authority

and/or the impoundment of Kings Home Delivery, LLC commercial motor vehicles.

Carrier Representative

Date

"

12. **CAP to Commission**

The KCC requires that you prepare a corrective action plan, addressing the measures taken to correct all the violations identified within this report. Submit this letter within 30 days outlining the carrier's updated changes to their policies and procedures regarding all listed violations. Explain in detail how, as a carrier representative, you will rectify these deficiencies and prevent their reoccurrence going forward. Include any supporting documentation and evidence as indicated in the recommendations above, (example: vehicle inspections performed, proof of drug and alcohol testing in place, etc.) necessary to prove that corrective action has been taken. Submit the letter along with copies of your supporting evidence to:

Email: g.davenport@kcc.ks.gov

FAX: 785-271-3124

or mail:

Kansas Corporation Commission

Attn: Gary Davenport

1500 SW Arrowhead Rd

Topeka, KS 66604-4027

ATTACHMENT “B”

DRIVER/VEHICLE EXAMINATION REPORT

Kansas Highway Patrol
MOTOR CARRIER SAFETY ASSISTANCE
700 SW Jackson, Ste 704
Topeka, KS 66603
Phone: (785)296-7189 Fax: (785)296-2858

Report Number: KSHP04360268
Inspection Date: 07/02/2021
Start: 8:25 AM CT End: 8:45 AM CT
Inspection Level: II - Walk-Around
HM Inspection Type: None

Carrier: KINGS HOME DELIVERY LLC

DBA:
634 S LONGFELLOW
WICHITA, KS, 67207

USDOT: 3000627

MC/MX#: 00023879

State#:

Location: MCPHERSON COUNTY - 113

Highway: I135

County:

Phone#: (316)312-8972

Fax#:

Driver: DARNELL, CHRISTOPHER L

License#:

Date of Birth:

CoDriver:

License#:

Date of Birth:

State: KS

State:

Milepost: 56 Shipper: HOMEDEPOT

Origin: WICHITA,KS

Destination: WA KEENEY,KS

Bill of Lading: 00001

Cargo: HOUSEHOLD
GOODS

VEHICLE IDENTIFICATION

Table with columns: Unit, Type, Make, Year, State, Plate, Equipment ID, VIN, GVWR, CVSA #, Issued #, OOS Sticker. Row 1: 1, TR, HINO, 2018, KS, [redacted], 18315, [redacted], 8315, 25950

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

VIOLATIONS: No violations were discovered

HazMat: No HM transported

Placard:

Cargo Tank:

Special Checks: No data for special checks

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

**** DRIVER: THIS FORM IS REQUIRED TO BE RETURNED TO THE CARRIER BY REGULATION. **** *CARRIER CERTIFICATION: All defects on
this sheet must be corrected or acknowledged PRIOR TO RE-DISPATCH and then certified by a responsible carrier official who must sign below. RETURN
THIS FORM WITHIN 15 DAYS to the Motor Carrier Division of the KANSAS HIGHWAY PATROL at the address listed at the top of this form.
Signature Of Motor Carrier X: _____ Title: _____ Date: _____

Report Prepared By: J. Fraser
ID/Badge #: 0436

Copy Received By: CHRISTOPHER DARNELL

X

X



03000627 KS KSHP04360268

ATTACHMENT “C”

**REPORT AND RECOMMENDATION
TRANSPORTATION DIVISION**

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

FROM: Mike Hoeme, Director of Transportation
Gary Davenport, Deputy Director of Transportation

DATE: January 24, 2022

SUBJECT: Docket No. 22-TRAM-320-PEN
In the Matter of the Investigation of Kings Home Delivery LLC of Wichita, 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:

Kings Home Delivery LLC (Kings Home Delivery or Carrier) is a common motor carrier primarily hauling general freight. Kings Home Delivery operates under USDOT 3000627. On January 10, 2022, Commission Staff Special Investigator Doug Handy conducted a safety compliance review of the operations of Kings Home Delivery. As a result of this investigation, the special investigator identified four (4) violation(s) of the Motor Carrier Safety Regulations, resulting in a recommended penalty of \$1,300.

DISCUSSION AND ANALYSIS:

On January 10, 2022, Commission Staff Special Investigator Doug Handy conducted a safety compliance review of the operations of Kings Home Delivery. As a result of this investigation, the special investigator identified four (4) violation(s) of the Motor Carrier Safety Regulations.

Violation One (1 of 4)

On July 2, 2021, Kings Home Delivery required or permitted its driver, Christopher Darnell, to operate a CDL-required commercial motor vehicle, a 2018 Hino, VIN ending in 68315, GVWR 25,950 lbs., in interstate commerce from Wichita, Kansas to Wakeeney, Kansas. This trip is evidenced by a Driver/Vehicle Examination Report, dated July 2, 2021. Kings Home Delivery failed to require its driver, Mr. Darnell, to maintain a record of duty status. The Special Investigator found thirty (30) violations of this type. The Carrier's failure to require their drivers to maintain a

record of duty is a violation of 49 C.F.R. 395.8(a)(1), adopted by K.A.R. 82-4-3a, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$900.

Violation Two (2 of 4)

During the transportation described in Violation One, above, Kings Home Delivery failed to annually register its commercial motor vehicles operating in interstate commerce and pay the appropriate Unified Carrier Registration (UCR) fees. The Carrier's failure to annually register its commercial motor vehicles operating in interstate commerce and pay the appropriate Unified Carrier Registration (UCR) fees as set is a violation of 49 C.F.R. 367.60, adopted by K.A.R. 82-4-30a, and authorized by K.S.A. 66-1,139a and K.S.A. 66-1,129. Staff recommends a fine of \$300.

Violation Three (3 of 4)

During the transportation described in Violation One, above, Kings Home Delivery failed to maintain the responses of each State agency in the annual driver record inquiry required by 49 CFR 391.25(a). The Carrier's failure to maintain the responses in the annual driver record inquiry required by 49 CFR 391.25(a) is in violation of 49 CFR 391.51(b)(4), adopted by K.A.R. 82-4-3g, and authorized by KSA 66-1,129. Staff recommends a fine of \$100.

Violation Four (4 of 4)

During the transportation described in Violation One, above, Kings Home Delivery was unable to provide a road test certificate or equivalent for all of their drivers. The Carrier's failure to maintain a road test certificate issued to the driver pursuant to 49 C.F.R. 391.3(e) in the driver's qualification file, or a copy of the license or certificate which the motor carrier accepted as equivalent to the driver's road test pursuant 49 C.F.R. 391.33 is a violation of 49 C.F.R. 391.51(b)(3), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$0.

RECOMMENDATION:

Transportation Staff recommends the Commission find Kings Home Delivery committed four (4) violation(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.

Additionally, Staff recommends a civil penalty of \$1,300 for four (4) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations, in accordance with the recommended penalties listed in the applicable Uniform Penalty Assessment Matrix.

Staff further recommends that a representative from Kings Home Delivery be required 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 Kings Home Delivery 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 Kings Home Delivery 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.

CERTIFICATE OF SERVICE

22-TRAM-320-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 02/01/2022.

Christopher Darnell, OWNER
Kings Home Delivery LLC
634 S Longfellow
Wichita, KS 67207
christopherdarnell100@yahoo.com

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

/S/ DeeAnn Shupe
DeeAnn Shupe