

1500 SW Arrowhead Road
Topeka, KS 66604-4027

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



20250617103515
Kansas Corporation
Commission
Phone: 785-271-3100
Fax: 785-271-3354
<http://kcc.ks.gov/>

Laura Kelly, Governor

NOTICE OF PENALTY ASSESSMENT
25-TRAM-448-PEN

June 17, 2025

Eric Earl Smith, Owner
Eric Smith d/b/a Pearls Limo Service
1012 N. 2nd St.
Garden City, Kansas, 67846-4751

This is a notice of a penalty assessment against Eric Smith d/b/a Pearls Limo Service (“Pearls Limo Service”) for violations of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted from April 23 through April 30, 2025, by Kansas Corporation Commission Special Investigators. The Special Investigator identified thirteen (13) violations of the Motor Carrier Safety regulations. Penalties for the violations are assessed in accordance with the FY 2025 Uniform Penalty Assessment Matrix, approved by the Commission on June 27, 2024. Pearls Limo Service has been assessed a \$6,800.00 penalty. For a full description of the penalties and terms and obligations please refer to the Order attached to this notice.

IF YOU ACCEPT THE PENALTY: You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$6,800.00 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 also requires a representative of Pearls Limo Service:

- a. To attend a Commission-sponsored safety seminar within thirty (30) 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.
- b. To submit a written, comprehensive Corrective Action Plan (“CAP”) to Transportation Staff within thirty (30) days of the date of this order, documenting the violations described in this Penalty Order, including specific and detailed information explaining Carrier’s efforts and concrete steps taken to ensure the violations do not occur in the future.
- c. To submit to one follow-up safety compliance review within eighteen (18) months from the date of this Penalty Order. Transportation Staff will contact the motor carrier at a later date to determine an appropriate time for the review.

IF YOU CONTEST THE PENALTY ORDER: You have the right to request a hearing. A request for a hearing must be made in writing, and within fifteen (15) days from the date of service of this Order, setting forth the specific grounds upon which relief is sought. You may request a hearing through the Commission’s electronic filing system found at <https://puc.kcc.ks.gov/e-filing/e-express/>, and you must also 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 \$6,800.00 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
Ahsan.Latif@ks.gov

¹ K.A.R. 82-1-215; K.S.A. 77-542.

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

Before Commissioners: Andrew J. French, Chairperson
 Dwight D. Keen
 Annie Kuether

In the Matter of the Investigation of **Eric Smith**)
d/b/a Pearls Limo Service of Garden City,)
Kansas, Regarding the Violation(s) of the Motor)
Carrier Safety Statutes, Rules and Regulations) Docket No. 25-TRAM-448-PEN
and the Commission's Authority to Impose)
Penalties, Sanctions and/or the Revocation of)
Motor Carrier Authority.

PENALTY ORDER

The above-captioned matter comes before the State Corporation Commission of the State of Kansas ("Commission"). Having examined its files and records, and being duly advised in the premises, the Commission finds and concludes as follows:

1. 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.

2. 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.

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.

4. Eric Smith d/b/a Pearls Limo Service ("Pearls Limo Service" or "Carrier") is a motor carrier as defined in 49 C.F.R. 390.5 and operates under USDOT number 3500005.

5. The Commission finds it has jurisdiction over Pearls Limo Service 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.

6. On December 2, 2022, a Commission Staff (Staff) Special Investigator (SI) completed a safety compliance investigation Pearls Limo Service, that resulted in the Commission issuing a Penalty Order on December 8, 2022, in Docket No. 23-TRAM-486-PEN¹, in which it levied a civil penalty totaling \$300 for failure to pay its 2022 Unified Carrier Registration (UCR) fees.

7. On August 24, 2023, the Commission issued an Order Suspending Intrastate Motor Carrier Operations to Pearls Limo Service as a result of the MC's failure to pay the \$300 civil penalty or pay the required UCR fees for 2022.

8. On April 21, 2025, the MC paid the outstanding \$300.00 civil penalty after this compliance review was scheduled.

9. From April 23 through 30, 2025, a Commission Transportation Staff SI completed a safety compliance investigation of Pearls Limo Service. As a result of the compliance investigation, the SIs identified thirteen (13) violations, set forth in eleven (11) counts of the Motor

¹ Penalty Order, Docket No. 23-TRAM-486-PEN (Dec. 8, 2022) (hereinafter, 23-486 Penalty).

Carrier Safety Regulations (“MCSRs”), which carry a penalty set forth in the FY2025 Uniform Penalty Assessment Matrix.²

10. On May 29, 2025, Transportation Staff submitted its Report and Recommendation (“R&R”), attached hereto as “Attachment A” and hereby incorporated by reference herein, recommending a penalty of \$6,800.00 to be issued to Pearls Limo Service based on the frequency, timeline, and severity of the violations discovered.

11. Specifically, pursuant to Staff’s R&R, the Commission finds that Pearls Limo Service committed thirteen (13) violations of the following eleven (11) counts, discussed more fully in Staff’s R&R:³

- a. Count 1: On April 5, 2025, Pearls Limo Service required or permitted its driver, Bryon Scott, to operate a commercial motor vehicle (a 2014 Ford E-450 26-passenger bus, VIN ending in 0685, GVWR 14,500 lbs.) in Kansas on a public road (Garden City, Kansas to Ulysses, Kansas) without first implementing an alcohol and controlled substance testing program, resulting in one (1) violation of 49 C.F.R. 382.115(a), as adopted by K.A.R. 82-4-3c. The Commission finds that Staff’s recommendation of a penalty of \$650.00 is appropriate and in accordance with the FY2025 Penalty Matrix.
- b. Count 2: On April 5, 2025, Pearls Limo Service required or permitted its driver, Bryon Scott, to operate a commercial motor vehicle (a 2014 Ford E-450 26-passenger bus, VIN ending in 0685, GVWR 14,500 lbs.) in Kansas on a public road (Garden City, Kansas to Ulysses, Kansas). At the time of this transportation, the

² Order Designating Guidance Document and Approving Staff’s Use of the Transportation Division’s Uniform Penalty Assessment Table, pp. 10 – 24 (Jun. 27, 2024) (“Penalty Matrix”).

³ See Staff’s Report and Recommendation, Transportation Division (May 29, 2025).

Carrier had not obtained current and valid commercial registration on the commercial motor vehicles it operated, resulting in two (2) violations of K.S.A. 8-142 and 49 C.F.R. 392.2, as adopted by K.A.R. 82-4-3h. The Commission finds that Staff's recommendation of a penalty of \$500.00 is appropriate and in accordance with the FY2025 Penalty Matrix.

- c. Count 3: On April 5, 2025, Pearls Limo Service required or permitted its driver, Bryon Scott, to operate a commercial motor vehicle (a 2014 Ford E-450 26-passenger bus, VIN ending in 0685, GVWR 14,500 lbs.) in Kansas on a public road (Garden City, Kansas to Ulysses, Kansas). At the time of this transportation, the Carrier was suspended by the Commission from operating in intrastate commerce due to a failure to comply with the Commission's December 8, 2022, Penalty Order. Pearls Limo Service operated commercial motor vehicles in intrastate commerce on April 5, 2025, in defiance of a Commission Suspension Order, resulting in one (1) violation of the Commission's August 24, 2023, Order, for which a civil penalty is authorized by K.S.A. 66-1,142b and 49 C.F.R. 392.2, as adopted by K.A.R. 82-4-3h. The Commission finds that Staff's recommendation of a penalty of \$2,000.00 is appropriate and in accordance with the FY2025 Penalty Matrix.
- d. Count 4: On April 5, 2025, Pearls Limo Service required or permitted its driver, Raymon Dinkel, to operate a commercial motor vehicle (a 2008 Cadillac ESV 22-passenger limousine, VIN ending in 7960, GVWR 7,200 lbs.) in Kansas on a public road (Garden City, Kansas to Scott City, Kansas). At the time of this transportation, the Carrier had not obtained current and valid and current annual inspection on the commercial motor vehicles it operated, resulting in two (2) violations of 49 C.F.R.

396.17, as adopted by K.A.R. 82-4-3j. The Commission finds that Staff's recommendation of a penalty of \$750.00 is appropriate and in accordance with the FY2025 Penalty Matrix.

- e. Count 5: On April 5, 2025, Pearls Limo Service required or permitted its driver, Bryon Scott, to operate a commercial motor vehicle (a 2014 Ford E-450 26-passenger bus, VIN ending in 0685, GVWR 14,500 lbs.) in Kansas on a public road (Garden City, Kansas to Ulysses, Kansas) without first paying its UCR fees for 2025, resulting in one (1) violation of 49 C.F.R. 367, as adopted by K.A.R. 82-4-30a. The Commission finds that Staff's recommendation of a penalty of \$300.00 is appropriate and in accordance with the FY2025 Penalty Matrix.
- f. Count 6: On April 5, 2025, Pearls Limo Service required or permitted its driver, Bryon Scott, to operate a commercial motor vehicle (a 2014 Ford E-450 26-passenger bus, VIN ending in 0685, GVWR 14,500 lbs.) in Kansas on a public road (Garden City, Kansas to Ulysses, Kansas) without being enrolled in the Federal Motor Carrier Safety Administration (FMCSA) Drug and Alcohol Clearinghouse (DACH), resulting in one (1) violation of 49 C.F.R. 382.711, as adopted by K.A.R. 82-4-3c. The Commission finds that Staff's recommendation of a penalty of \$750.00 is appropriate and in accordance with the FY2025 Penalty Matrix.
- g. Count 7: On April 5, 2025, Pearls Limo Service required or permitted its driver, Raymon Dinkel, to operate a commercial motor vehicle (a 2008 Cadillac ESV 22-passenger limousine, VIN ending in 7960, GVWR 7,200 lbs.) in Kansas on a public road (Garden City, Kansas to Scott City, Kansas). At the time of this transportation, the Carrier had not obtained a motor vehicle record for Raymon Dinkel within 30

days of employment, resulting in one (1) violation of 49 C.F.R. 391.23(a)(1), as adopted by K.A.R. 82-4-3g. The Commission finds that Staff's recommendation of a penalty of \$100.00 is appropriate and in accordance with the FY2025 Penalty Matrix.

- h. Count 8: On April 5, 2025, Pearls Limo Service required or permitted its driver, Raymon Dinkel, to operate a commercial motor vehicle (a 2008 Cadillac ESV 22-passenger limousine, VIN ending in 7960, GVWR 7,200 lbs.) in Kansas on a public road (Garden City, Kansas to Scott City, Kansas). At the time of this transportation, Raymon Dinkel did not have a valid medical examiner's certificate, resulting in one (1) violation of 49 C.F.R. 391.45, as adopted by K.A.R. 82-4-3g. The Commission finds that Staff's recommendation of a penalty of \$250.00 is appropriate and in accordance with the FY2025 Penalty Matrix.
- i. Count 9: On April 5, 2025, Pearls Limo Service required or permitted its driver, Bryon Scott, to operate a commercial motor vehicle (a 2014 Ford E-450 26-passenger bus, VIN ending in 0685, GVWR 14,500 lbs.) in Kansas on a public road (Garden City, Kansas to Ulysses, Kansas) without first obtaining Commission for-hire, intrastate operating authority, resulting in one (1) violation of K.S.A. 66-1,111 and 49 C.F.R. 392.2, as adopted by K.A.R. 82-4-3h. The Commission finds that Staff's recommendation of a penalty of \$500.00 is appropriate and in accordance with the FY2025 Penalty Matrix.
- j. Count 10: On April 5, 2025, Pearls Limo Service required or permitted its driver, Bryon Scott, to operate a commercial motor vehicle (a 2014 Ford E-450 26-passenger bus, VIN ending in 0685, GVWR 14,500 lbs.) in Kansas on a public road

(Garden City, Kansas to Ulysses, Kansas) without first obtaining the minimum liability insurance, resulting in one (1) violation of K.S.A. 66-1,128 and 49 C.F.R. 392.2, as adopted by K.A.R. 82-4-3h. The Commission finds that Staff's recommendation of a penalty of \$500.00 is appropriate and in accordance with the FY2025 Penalty Matrix.

- k. Count 11: On April 5, 2025, Pearls Limo Service required or permitted its driver, Raymon Dinkel, to operate a commercial motor vehicle (a 2008 Cadillac ESV 22-passenger limousine, VIN ending in 7960, GVWR 7,200 lbs.) in Kansas on a public road (Garden City, Kansas to Scott City, Kansas). At the time of this transportation, Raymon Dinkel did not have a valid commercial driver's license and was operating a commercial driver's license required commercial motor vehicle, resulting in one (1) violation of K.S.A. 8-2,132 and 49 C.F.R. 392.2, as adopted by K.A.R. 82-4-3h. The Commission finds that Staff's recommendation of a penalty of \$500.00 is appropriate and in accordance with the FY2025 Penalty Matrix.
- 12. The Commission hereby adopts Staff's May 29, 2025, R&R as additional findings.
- 13. The Commission finds that Pearls Limo Service is required to have a representative responsible for the Carrier's safety compliance attend a Commission-sponsored safety seminar within thirty (30) days from the date of this Order.⁴ 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.
- 14. The Commission further finds that Pearls Limo Service is required to submit a written, comprehensive Corrective Action Plan ("CAP") that is satisfactory to Transportation Staff

⁴ See Id., p. 4.

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.⁵

15. The Commission further finds that Pearls Limo Service is required to submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order at a time agreeable to Staff.⁶

16. Failure to comply with the requirements of this Penalty Order shall result in the suspension of Pearls Limo Service's motor carrier operating authority without further notice.⁷

17. The Commission concludes the penalty of \$6,800.00 for the thirteen (13) violations set forth above, and the additional three requirements set forth in paragraphs 13, 14, and 15 are just and reasonable.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. Pearls Limo Service is hereby assessed a \$6,800.00 civil penalty for thirteen (13) violations, set forth in eleven (11) counts, 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. Pearls Limo Service is hereby ordered to have a representative responsible for the Carrier's safety compliance attend a Commission-sponsored safety seminar within thirty (30) days of the date of this Order.

C. Pearls Limo Service is hereby ordered to submit a written, comprehensive corrective action plan ("CAP") that is satisfactory to Transportation Staff within thirty (30) days

⁵ See Id.

⁶ See Id.

⁷ K.S.A. 66-1,105.

of the date of this order, documenting the violations described in this Penalty Order, including specific and detailed information explaining Carrier's efforts and concrete steps taken to ensure the violations do not occur in the future.

D. Pearls Limo Service is ordered to submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order at a time agreeable to Staff.

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 Pearls Limo Service'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 \$500.00, 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.⁸ For civil penalties of \$500.00 or less, a corporation may appear by a duly authorized representative of the corporation.⁹

⁸ K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2); K.A.R. 82-1-202(a).

⁹ K.S.A. 66-1,142b(e) and amendments thereto.

G. If you do not request a hearing, the payment of the civil penalty of \$6,800.00 is due thirty (30) days from the date of service of this Order. Payment of \$6,800.00 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 of Pearls Limo Service to perform, pay, or fully comply with the provisions of this Order, including but not limited to Ordering Clauses A through D, above, will result in suspension of Pearls Limo Service's motor carrier operating authority without further notice.¹⁰ 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: 06/17/2025



Celeste Chaney-Tucker
Executive Director

AAL

¹⁰ K.S.A. 66-1,105.

ATTACHMENT “A”

REPORT AND RECOMMENDATION TRANSPORTATION DIVISION

TO: Andrew J. French, Chairperson
Dwight D. Keen, Commissioner
Annie Kuether, Commissioner

FROM: Jared Smith, Deputy Director of Transportation

DATE: May 29, 2025

SUBJECT: Docket No. 25-TRAM-448-PEN
In the Matter of the Investigation of **Eric Smith d/b/a Pearls Limo Service of Garden City, 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:

Eric Smith d/b/a Pearls Limo Service (Pearls Limo Service) is a motor carrier (MC) primarily hauling passengers. Pearls Limo Service operates under USDOT 3500005.

On December 2, 2022, Commission Transportation Staff (Transportation Staff or Staff) completed a safety compliance investigation of the operations of Pearls Limo Service, which resulted in the Commission issuing a Penalty Order in Docket No. 23-TRAM-486-PEN on December 8, 2022,¹ that levied civil penalties totaling \$300.00 as a result of the MC's failure to pay its Unified Carrier Registration (UCR) fees for 2022. In the current docket, Staff found violations that resulted from non-compliance with the 23-486 Penalty Order, which will be further outlined below.

On August 24, 2023, the Commission issued an Order Suspending Intrastate Motor Carrier Operations to Pearls Limo Service as a result of the MC's failure to pay the \$300 civil penalty or pay the required UCR fees for 2022.

On April 21, 2025, the MC paid the outstanding \$300.00 civil penalty after this compliance review was scheduled.

¹ Penalty Order, Docket No. 23-TRAM-486-PEN (Dec. 8, 2022) (hereinafter, 23-486 Penalty).

From April 23, 2025 through April 30, 2025, Commission Staff Special Investigators or (SIs) completed a safety compliance investigation of the operations of Pearls Limo Service. 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 SIs identified thirteen (13) violations, set forth as eleven (11) specific counts, of the Motor Carrier Safety Regulations (MCSRs), which carry a penalty according to the FY2025 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 \$6,800.00 be issued to the MC.

DISCUSSION AND ANALYSIS:

From April 23, 2025 through April 30, 2025, Commission Staff Sis conducted a safety compliance investigation of the operations of Pearls Limo Service. The investigation covers a 365-day period and any previous compliance review. Each specific count is detailed below.

Count One (1 of 11)

Authority: K.S.A. 66-1,111 and 66-1,129.

Relevant Statutes: 49 C.F.R 382.115 states: “(a) All domestic-domiciled employers must implement the requirements of this part on the date the employer begins commercial motor vehicle operations.

(b) All foreign-domiciled employers must implement the requirements of this part on the date the employer begins commercial motor vehicle operations in the United States.”

Material Facts and Supporting Documents: On April 5, 2025, Pearls Limo Service required or permitted its driver, Bryon Scott, to operate a commercial driver’s license (CDL) required commercial motor vehicle (CMV), a 2014 Ford E-450 26-passenger bus, VIN ending in 0685, GVWR 14,500 lbs., in intrastate commerce from Garden City, Kansas to Ulysses, Kansas. This transport is evidenced by Pearls Limo Service invoice for customer Tanya Espino, attached hereto as **Exhibit 2** and a signed statement hereto attached as **Exhibit 3**. At the time of this transport Pearls Limo Service had not implemented an alcohol and controlled substance testing program on the date the employer began commercial motor vehicle operations. At the time of this transport, the MC failed to implement an alcohol and controlled substances testing program as required.

Violation: Pearls Limo Service failed to implement an alcohol and controlled substances testing program, which is a violation of 49 C.F.R. 382.115(a), adopted by K.A.R. 82-4-3c (**Exhibit 1, Page 3**). One (1) violation discovered (**Exhibit 1, Pages 15**). **Recommendation:** Staff recommends a fine of \$650, in accordance with the FY2025 Penalty Matrix.

Count Two (2 of 11)

Authority: K.S.A. 66-1,111 and 66-1,129.

Relevant Statutes: K.S.A 8-142 states: “It shall be unlawful for any person to commit any of the following acts and except as otherwise provided, violation is subject to penalties provided in K.S.A. 8-149, and amendments thereto: First: To operate, or for the owner thereof knowingly to permit the operation, upon a highway of any vehicle, as defined in K.S.A. 8-126, and amendments thereto, which is not registered, or for which a certificate of title has not been issued or which does not have attached thereto and displayed thereon the license plate or plates assigned thereto by the division for the current registration year, including any registration decal required

to be affixed to any such license plate pursuant to K.S.A. 8-134, and amendments thereto, subject to the exemptions allowed in K.S.A. 8-135, 8-198 and 8-1751a, and amendments thereto. A violation of this subsection by a person unlawfully claiming that a motor vehicle is exempt from registration as a self-propelled crane under K.S.A. 8-128(b), and amendments thereto, shall constitute an unclassified misdemeanor punishable by a fine of not less than \$500. A person shall not be charged with a violation of this subsection for failing to display a registration decal on any vehicle except those included under K.S.A. 8-1,101 and K.S.A. 8-143m and 8-1,152, and amendments thereto, up to and including the 10th day following the expiration of the registration if the person is able to produce a printed payment receipt or electronic payment receipt from an online electronic payment processing system for the current 12-month registration period. Any charge for failing to display a registration decal up to and including the 10th day following the expiration of the registration shall be dismissed if the person produces in court a registration receipt for the current 12-month registration period which was valid at the time of arrest.”

Material Facts and Supporting Documents: This violation took place during the transport described in Count One, above This transport is evidenced by trip documented in Count One, attached hereto as **Exhibit 2**. An email from Don Lee, the Kansas Department of Revenue’s Program Consultant & Compliance authority attached is hereto as **Exhibit 4**. At the time of this transport, Bryon Scott operated a CMV without a current and valid registration. Pearls Limo Service also operates a 2008 Cadillac ESV limousine that does not have current and valid registration. Neither vehicle has been registered since 2023.

Violation Pearls Limo Service permitted operation of its commercial motor vehicles without obtaining the appropriate Kansas commercial vehicle registration in violation of K.S.A. 8-142 and 49 C.F.R. 392.2 adopted by K.A.R. 82-4-3h (**Exhibit 1, Page 3**). Two (2) violations discovered two (2) violations (**Exhibit 1, Page 15**).

Recommendation: Staff recommends a fine of \$500, in accordance with the FY2025 Penalty Matrix

Count Three (3 of 11)

Authority: K.S.A. 66-1,111 and 66-1,129.

Relevant Statutes: K.S.A 66-1,142b(a) states: “ Any person violating any statute, commission orders or rules and regulations adopted by the state corporation commission pursuant to the motor carrier act and other laws relevant to motor carriers shall be subject to a civil penalty of not less than \$100 and not more than \$1,000 for negligent violations, and not more than \$5,000 for intentional violations.”

Material Facts and Supporting Documents: This violation took place during the transport described in Count One, above This transport is evidenced by trip documented in Count One, attached hereto as **Exhibit 2**. The Order Suspending Intrastate Motor Carrier operations issued August 24, 2023, in 23-486, is attached hereto as **Exhibit 5**. At the time of this transport Pearls Limo Service operated in intrastate commerce in defiance of the Commission’s August 24, 2023, Order.

Violation: Pearls Limo Service permitted or required a driver to operate a CMV in intrastate commerce in violation of the KCC’s Order Suspending Intrastate Motor Carrier Operations. The civil penalty for violation of a Commission order is authorized by K.S.A. 66-1,142b(a) and 49 C.F.R. 392.2 adopted by K.A.R. 82-4-3h. (**Exhibit 1, Page 3 & 4**). One (1) violation discovered. (**Exhibit 1, Page 15**).

Recommendation: Staff recommends a fine of \$2,000, in accordance with the FY2025 Penalty Matrix.

Count Four (4 of 11)

Authority: K.S.A. 66-1,111 and 66-1,129.

Relevant Statutes: 49 C.F.R 396.17 states: “Every commercial motor vehicle must be inspected as required by this section. The inspection must include, at a minimum, the parts and accessories set forth in appendix A to this part. The term commercial motor vehicle includes each vehicle in a combination vehicle. For example, for a tractor semitrailer, full trailer combination, the tractor, semitrailer, and the full trailer (including the converter dolly if so equipped) must each be inspected.”

Material Facts and Supporting Documents: On April 5, 2025, Pearls Limo Service required or permitted its driver, Raymon Dinkel, to operate a CDL required commercial motor vehicle CMV, a 2008 Cadillac ESV 22-passenger limousine, VIN ending in 7960, GVWR 7,200 lbs., in intrastate commerce from Garden City, Kansas to Scott City, Kansas. This transport is evidenced by the Pearls Limo Service invoice for customer Sharilyn Stewart, attached hereto as **Exhibit 6**. On this transport, Pearls Limo Service did not have a valid and current annual inspection for the CMV involved. The MC also did not have a valid and current annual inspection for the 2008 Cadillac ESV 22-passenger limousine or the 2014 Ford E-450 26-passenger bus it used in its operations.

Violation: Pearls Limo Service required or permitted operation of CMVs without obtaining a periodic (annual) inspection prior to the vehicle being operated, which is a violation of 49 C.F.R. 396.17 adopted by K.A.R. 82-4-3j (**Exhibit 1, Page 4**). Two (2) violations discovered (**Exhibit 1, Pages 15**).

Recommendation: Staff recommends a fine of \$750, in accordance with the FY2025 Penalty Matrix.

Count Five (5 of 11)

Authority: K.S.A. 66-1,111 and 66-1,129.

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

Material Facts and Supporting Documents: This violation took place during the transport described in Count One, above. This transport is evidenced by trip documented in Count One, attached hereto as **Exhibit 2**. At the time of this transport, Pearls Limo Service was listed as an interstate carrier and failed to pay the UCR fees for 2025. The MC has failed to pay its UCR fees from 2020 through 2025.

Violation: Pearls Limo service failed to register UCR fees as required, which is a violation of 49 C.F.R. 367, adopted by K.A.R. 82-4-30a (**Exhibit 1, Pages 4 & 5**). One (1) violation was discovered (**Exhibit 1, Page 15**).

Recommendation: Staff recommends a fine of \$300, in accordance with the FY2025 Penalty Matrix.

Count Six (6 of 11)

Authority: K.S.A. 66-1,111 and 66-1,129.

Relevant Statutes: 49 C.F.R 382.711 states: “Each employer and service agent must register with the Clearinghouse before accessing or reporting information in the Clearinghouse.”

Material Facts and Supporting Documents: This violation took place during the transport described in Count One, above This transport is evidenced by trip documented in Count One, attached hereto as **Exhibit 2**. The Federal Motor Carrier Safety Administration (FMCSA) Drug and Alcohol Clearinghouse (DACH) report is attached hereto as **Exhibit 7**. At the time of this transport, Pearls Limo Service was not enrolled in the DACH as required.

Violation: Pearls Limo Service failed to enroll in the Clearinghouse, which is a violation of 49 C.F.R. 382.711, as adopted by K.A.R. 82-4-3c (**Exhibit 1, Page 5**). One (1) violation discovered (**Exhibit 1, Pages 15**).

Recommendation: Staff recommends a fine of \$750 in accordance with the FY2025 Penalty Matrix.

Count Seven (7 of 11)

Authority: K.S.A. 66-1,111 and 66-1,129.

Relevant Statutes: 49 C.F.R 391.23(a)(1) states: “(a)Except as provided in subpart G of this part, each motor carrier shall make the following investigations and inquiries with respect to each driver it employs, other than a person who has been a regularly employed driver of the motor carrier for a continuous period which began before January 1, 1971:

(1) An inquiry, within 30 days of the date the driver's employment begins, to each State where the driver held or holds a motor vehicle operator's license or permit during the preceding 3 years, to obtain that driver's motor vehicle record covering that driver's prior 3-year driving history.”

Material Facts and Supporting Documents: This violation took place during the transport described in Count Four, above This transport is evidenced by trip documented in Count One, attached hereto as **Exhibit 6**. At the time of this transport Pearls Limo Service failed to obtain an motor vehicle record (MVR) within 30 days of employing driver Raymon Dinkel. Raymon Dinkel had been employed since 2024.

Violation: Pearls Limo Service failed to obtain an MVR within 30 days of employment of it's driver, which is a violation of 49 C.F.R. 391.23(a)(1) adopted by K.A.R. 82-4-3g (**Exhibit 1, Page 6**). One (1) violation discovered (**Exhibit 1, Pages 16**).

Recommendation: Staff recommends a fine of \$100, in accordance with the FY2025 Penalty Matrix.

Count Eight (8 of 11)

Authority: K.S.A. 66-1,111 and 66-1,129.

Relevant Statutes: 49 C.F.R 391.45 states: ”The following persons must be medically examined and certified in accordance with 391.43 as physically qualified to operate a commercial motor vehicle:

- (1) Any person who has not been medically examined and certified as physically qualified to operate a commercial motor vehicle.
- (2) Any driver who has not been medically examined and certified as qualified to operate a commercial motor vehicle during the preceding 24 months, unless the driver is required to be examined and certified in accordance with paragraph (c), (d), (e), (f), (g), or (h) of this section;
- (3) Any driver authorized to operate a commercial motor vehicle only within an exempt intracity zone pursuant to 391.62, if such driver has not been medically examined and certified as qualified to drive in such zone during the preceding 12 months;
- (4) [Reserved]

- (5) Any driver who has diabetes mellitus treated with insulin for control and who has obtained a medical examiner's certificate under the standards in 391.46, if such driver's most recent medical examination and certification as qualified to drive did not occur during the preceding 12 months;
- (6) Any driver who does not satisfy, with the worse eye, either the distant visual acuity standard with corrective lenses or the field of vision standard, or both, in 391.41(b)(10)(i) and who has obtained a medical examiner's certificate under the standards in 391.44, if such driver's most recent medical examination and certification as qualified to drive did not occur during the preceding 12 months;
- (7) Any driver whose ability to perform his or her normal duties has been impaired by a physical or mental injury or disease; and
- (8) On or after June 23, 2025, any person found by a medical examiner not to be physically qualified to operate a commercial motor vehicle under the provisions of paragraph (g)(3) of 391.43.”

Material Facts and Supporting Documents: This violation took place during the transport described in Count Four, above This transport is evidenced by trip documented in Count One, attached hereto as **Exhibit 6**. At the time of this transport driver Raymon Dinkel did not have a valid medical examiner’s certificate. Therefore, the MC failed to use a driver that has been medically examined and certified.

Violation: Pearls Limo Service failed to use a driver that has been medically examined and certified, which is a violation of 49 C.F.R. 391.45 adopted by K.A.R. 82-4-3g (**Exhibit 1, Page 6 & 7**). One (1) violation discovered (**Exhibit 1, Pages 15**).

Recommendation: Staff recommends a fine of \$250, in accordance with the FY2025 Penalty Matrix.

Count Nine (9 of 11)

Authority: K.S.A. 66-1,111 and 66-1,129.

Relevant Statutes: K.S.A. 66-1,111 states: “No public motor carrier of property or passengers or private motor carrier of property shall operate any motor vehicle for the transportation of either persons or property on any public highway in this state except in accordance with the provisions of this act, and amendments thereto, and other applicable laws.”

K.S.A. 66-1,114b states: “Except as hereinafter provided, it shall be unlawful for any public motor carrier to operate as a carrier of property other than household goods or passengers in intrastate commerce within this state without first having obtained from the commission a certificate of public service to transport property other than household goods or to transport passengers.”

49 C.F.R. 392.2 states: “Every commercial motor vehicle must be operated in accordance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated. However, if a regulation of the Federal Motor Carrier Safety Administration imposes a higher standard of care than that law, ordinance or regulation, the Federal Motor Carrier Safety Administration regulation must be complied with.”

Material Facts and Supporting Documents: This violation took place during the transport described in Count One, above This transport is evidenced by trip documented in Count One, attached hereto as **Exhibit 2**. At the time of this transport, Pearls Limo Service did not have Kansas Corporation Commission (KCC) for-hire authority to transport point to point (intrastate)

in Kansas. Therefore, the MC required or permitted operation of its commercial motor vehicles without obtaining the appropriate KCC operating authority.

Violation: Pearls Limo Service permitted operation of its CMVs in intrastate commerce without first obtaining the appropriate KCC operating authority, which is a violation of K.S.A. 66-1,111 and 49 C.F.R. 392.2 adopted by K.A.R. 82-4-3h (**Exhibit 1, Page 7 & 8**). One (1) violation discovered (**Exhibit 1, Page 15**).

Recommendation: Staff recommends a fine of \$500, in accordance with the FY2025 Penalty Matrix.

Count Ten (10 of 11)

Authority: K.S.A. 66-1,111 and 66-1,129.

Relevant Statutes: K.S.A 66-1,128 states: “Motor carrier liability insurance requirements; self-insurance, when. (a) Except as provided in subsection (c) or pursuant to federal statutes, no certificate, permit, or license shall be issued by the commission to any public motor carrier of property, household goods or passengers or private motor carrier of property, until the applicant has filed with the commission a liability insurance policy approved by the commission, in such reasonable amounts as the commission determines by rules and regulations is necessary to adequately protect the interest of the public with due regard to the number of persons and amount of property involved. Such amounts shall not be less than \$100,000 for personal injury or death to any one person in any one accident, \$300,000 for injury or death to two or more persons in any one accident and \$50,000 for loss to property of others in any one accident, which liability insurance shall bind the obligors to pay compensation for injuries to persons and loss of or damage to property resulting from the negligent operation of such carrier.”

Material Facts and Supporting Documents: This violation took place during the transport described in Count One, above This transport is evidenced by trip documented in Count One, attached hereto as **Exhibit 2**. At the time of this transport, Pearls Limo Service did not possess commercial liability insurance. Therefore, the MC operated their CMVs without the minimum state liability insurance amounts.

Violation: Pearls Limo Service operated their CMVs without the required minimum liability insurance, which is a violation of K.S.A 66-1,128 and 49 C.F.R. 392.2 adopted by K.A.R. 82-4-3h (**Exhibit 1, Page 8**). One (1) violation discovered (**Exhibit 1, Pages 16**).

Recommendation: Staff recommends a fine of \$500, in accordance with the FY2025 Penalty Matrix.

Count Eleven (11 of 11)

Authority: K.S.A. 66-1,111 and 66-1,129.

Relevant Statutes: K.S.A 8-2,132 states: “(a) On and after April 1, 1992, except when driving under a commercial class A, B or C or class A or B instruction permit or a valid class C license and accompanied by the holder of a commercial driver's license valid for the vehicle being driven, no person may drive a commercial motor vehicle unless the person has a valid commercial driver's license and is in immediate possession thereof and applicable endorsements valid for the vehicle they are driving, except that no person charged with violating this subsection shall be convicted if such person produces in court or the office of the arresting officer a commercial driver's license issued to such person and valid at the time of the arrest. (d) Any commercial driver in violation of this section shall be guilty of a class B misdemeanor.”

Material Facts and Supporting Documents: This violation took place during the transport

described in Count Four, above This transport is evidenced by trip documented in Count One, attached hereto as **Exhibit 6**. At the time of this transport, driver Raymon Dinkel did not have a valid CDL to operate a CDL-required vehicle. Therefore, the MC permitted or required a driver without a CDL to operate a CDL-required CMV.

Violation: Pearls Limo Service permitted or required a driver without a CDL to operate a CDL-required CMV, which is a violation of K.S.A. 8-2,132 and 49 C.F.R. 392.2 adopted by K.A.R. 82-4-3h (**Exhibit 1, Page 8**). One (1) violation discovered (**Exhibit 1, Pages 15**).

Recommendation: Staff recommends a fine of \$500, in accordance with the FY2025 Penalty Matrix.

RECOMMENDATION:

Transportation Staff recommends the Commission find Pearls Limo Service committed thirteen (13) violation(s), set forth as eleven (11) specific counts, of Kansas law that governs MCs, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations (K.A.R.s), and is therefore subject to sanctions or fines imposed by the Commission.

Due to the frequency, timeline and severity of the violations, Staff recommends a civil penalty of \$6,800.00 for thirteen (13) violation(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 Pearls Limo Service require a representative responsible for the company's safety to attend a Commission-sponsored safety seminar within thirty (30) 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 Pearls Limo Service 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 Pearls Limo Service 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.

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

EXHIBIT 1

UNITED STATES DEPARTMENT OF TRANSPORTATION

	U.S. DOT#: 3500005 MC/MX#:	Legal: ERIC SMITH Operating (DBA): PEARLS LIMO SERVICE	Investigation Date: 05/28/2025		
Investigation Type: Onsite Comprehensive Investigation			Location of Investigation: Other (Pearls Sports Shop) Extent of Operations: Entire Operation		
Physical Address			Mailing Address		
1012 N 2ND STREET GARDEN CITY, KS 67846-4751 United States			1012 N 2ND STREET GARDEN CITY, KS 67846-4751 United States		
Contact Information					
Contact Name: ERIC SMITH Email: ERICESMITH17@YAHOO.COM Phone: (620)290-260 3 Cell: ()- Fax: (620)276-1717					
Business and Financial					
Business Type: Sole Proprietorship Name of Gross Revenue Provider: Eric Smith Title of Gross Revenue Provider: Owner Gross Revenue: For Year Ending: 12/31/2024 Federal Tax ID:					
Operation Classification and Type			Cargo		
Type of Operation: Non-HM Intrastate Carrier Operation Classification For-Hire Motor Carrier Passengers Intrastate Authority Limousine Mini-bus (16 or more passengers, including driver.)			Passengers		
Equipment			Driver Information		
	Owned	Term Leased	Trip Leased	Drivers	
Limousine 16+	1				Intrastate Interstate
Mini-Bus 16+	1			< 100 Miles	2
				>= 100 Miles	
Power units used in the U.S.: 2 Percentage of time used in the U.S.: 100%				Average trip leased driver/month: 0 Drivers with CDL: 1 Total Drivers: 2	
Person(s) Interviewed					
Name: DAISY PADILLA SMITH				Title: Co-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 PLACE, SUITE 200 TOPEKA, KS 66604-4040 Phone: (785) 271-1260 Fax: (785) 228-9725
--	--

This report will be used to assess your safety compliance.

Violations

<div>1. Primary: 382.115(a)</div> <div>Failing to implement an alcohol and/or controlled substances testing program on the date the employer begins commercial motor vehicle operations.</div> <div><div>A</div>Acute</div>		<div>Violations Discovered</div> <table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td>1</td><td></td><td>1</td></tr></table> <div>Checked</div> <table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td>1</td><td></td><td>1</td></tr></table>			Fed	State	Total	1		1	Fed	State	Total	1		1	<div>BASIC Impacted</div> <div>Controlled Substances/Alcohol</div>		<div>Rating Factor 2:</div> <div>Driver = Part 382</div>		
Fed	State	Total																			
1		1																			
Fed	State	Total																			
1		1																			
<div>Example/Notes:</div> <div>Driver name: Driver Bryon Scott</div> <div>Trip date: April 5, 2025</div> <div>Violation description: On April 5, 2025 Driver Bryon Scott operated the 2014 Ford Party Bus from Garden City, Kansas to 1102 N. Comanche Street in Ulysses, Kansas to load passengers and haul then to a Quinceanera at 1000 W. Patterson Avenue in Ulysses, KS. At the time of this transportation Eric Smith d/b/a Pearls Limo Service was not enrolled in a drug and alcohol testing program.</div>					<div>Drivers/Vehicles in Violation</div> <table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td></td><td></td><td></td></tr></table> <div>Checked</div> <table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td></td><td></td><td></td></tr></table>			Fed	State	Total				Fed	State	Total					
Fed	State	Total																			
Fed	State	Total																			
<div>2. Primary: 392.2</div> <div>State Equivalent: K.S.A. 8-142</div> <div>Operating a motor vehicle not in accordance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated.</div> <div><div>C</div>Critical</div> <div>At least 10% of the number checked had violations</div>		<div>Violations Discovered</div> <table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td></td><td>2</td><td>2</td></tr></table> <div>Checked</div> <table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td></td><td>2</td><td>2</td></tr></table>			Fed	State	Total		2	2	Fed	State	Total		2	2	<div>BASIC Impacted</div>		<div>Rating Factor 3:</div> <div>Operational = Part 392</div>		
Fed	State	Total																			
	2	2																			
Fed	State	Total																			
	2	2																			
<div>Example/Notes:</div> <div>Vehicle License or Company Number: 2014 Ford Bus & 2008 Cadillac</div> <div>Driver Name : Bryon Scott</div> <div>Trip Date: April 5, 2025</div> <div>Description of Violation: On April 5, 2025 Driver Bryon Scott operated the 2014 Ford Party Bus from Garden City, Kansas to 1102 N. Comanche Street in Ulysses, Kansas to load passengers and haul then to a Quinceanera at 1000 W. Patterson Avenue in Ulysses, KS. At the time of this transportation Eric Smith d/b/a Pearls Limo Service did not have a valid registration on the 2014 Ford Party Bus. Pearls Limo Service had not obtained any registrations since 2023.</div>					<div>Drivers/Vehicles in Violation</div> <table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td></td><td>2</td><td>2</td></tr></table> <div>Checked</div> <table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td></td><td>2</td><td>2</td></tr></table>			Fed	State	Total		2	2	Fed	State	Total		2	2		
Fed	State	Total																			
	2	2																			
Fed	State	Total																			
	2	2																			
<div>3. Primary: 392.2</div> <div>State Equivalent: K.S.A. 66-1,129a</div> <div>Operating a motor vehicle not in accordance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated.</div>		<div>Violations Discovered</div> <table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td></td><td>2</td><td>2</td></tr></table>			Fed	State	Total		2	2	<div>BASIC Impacted</div>		<div>Rating Factor 3:</div> <div>Operational = Part 392</div>								
Fed	State	Total																			
	2	2																			



Critical

At least 10% of the number checked had violations

Checked

Fed	State	Total
	2	2

Example/Notes:

Vehicle License or Company Number: 2014 Ford Party Bus

Driver Name: Bryon Scott

Trip Date: April 5, 2025

Description of Violation: On April 5, 2025 Driver Bryon Scott operated the 2014 Ford Party Bus from Garden City, Kansas to 1102 N. Comanche Street in Ulysses, Kansas to load passengers and haul then to a Quinceanera at 1000 W. Patterson Avenue in Ulysses, KS. At the time of this transportation Eric Smith d/b/a Pearls Limo Service operated in violation of a Kansas Corporation Commission Out of Service Order dated 8/24/2023.
(23-TRAM-486-PEN)

Drivers/Vehicles in Violation

Fed	State	Total
	2	2

Checked

Fed	State	Total
	2	2

4. Primary: 396.17(a)

Using a commercial motor vehicle not periodically inspected.



Critical

At least 10% of the number checked had violations

Violations Discovered

Fed	State	Total
	2	2

Checked

Fed	State	Total
	2	2

BASIC Impacted

Vehicle Maintenance

Rating Factor 4:
Vehicle = Part 396

Example/Notes:

Vehicle: 2008 Cadillac Stretch Limo

Date of trip: 4/5/2025

The annual inspection for the 2008 Cadillac Limousine was completed on October 1, 2024 and the 2014 Party Bus was completed on October 2, 2024. Both annual inspections were completed by an outside agency. The annual inspections were not completed correctly. The annual inspection for the 2008 Cadillac shows the inspector inspected the adjustable sliding axle assembly which the Cadillac Limousine does not have and did not check for fuel leaks or the wheel fasteners (lugnuts). The annual inspection on the Party Bus documented that the inspector had checked the adjustable axle sliding assembly which the party bus does not have and the inspector failed to check the wheel fasteners', Frame members and for fuel leaks.

Drivers/Vehicles in Violation

Fed	State	Total
	2	2

Checked

Fed	State	Total
	2	2

5. Primary: C.F.R. 367.20

State Equivalent: K.S.A. 66-1,139a

Failure to Pay UCR fees

Violations Discovered

Fed	State	Total
	2	2

Checked

Fed	State	Total
	2	2

Example/Notes: Driver: Byron Scottl Trip Date: 4/5/2025 Violation description: On April 5, 2025 Driver Bryon Scott operated the 2014 Ford Party Bus from Garden City, Kansas to 1102 N. Comanche Street in Ulysses, Kansas to load passengers and hauled them to a Quinceanera at 1000 W. Patterson Avenue in Ulysses, KS. At the time of this transportation Eric Smith d/b/a Pearls Limo Service L.L.C. was listed as an interstate carrier and had not paid the UCR fees for 2025. Eric Smith d/b/a Pearls Limo Service was listed as an interstate carrier since 2020 and had not paid UCR fees.	<table><tr><th colspan="3">Drivers/Vehicles in Violation</th></tr><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td></td><td></td><td></td></tr><tr><th colspan="3">Checked</th></tr><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td></td><td></td><td></td></tr></table>	Drivers/Vehicles in Violation			Fed	State	Total				Checked			Fed	State	Total			
Drivers/Vehicles in Violation																			
Fed	State	Total																	
Checked																			
Fed	State	Total																	
6. Primary: 382.711(b) Failing to register in the Clearinghouse.	<table><tr><th colspan="3">Violations Discovered</th></tr><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td></td><td>1</td><td>1</td></tr><tr><th colspan="3">Checked</th></tr><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td></td><td>1</td><td>1</td></tr></table>	Violations Discovered			Fed	State	Total		1	1	Checked			Fed	State	Total		1	1
Violations Discovered																			
Fed	State	Total																	
	1	1																	
Checked																			
Fed	State	Total																	
	1	1																	
Example/Notes: Driver: Bryon Scott Trip Date: 4/5/2025 Violation Description: On April 5, 2025 Driver Bryon Scott operated the 2014 Ford Party Bus from Garden City, Kansas to 1102 N. Comanche Street in Ulysses, Kansas to load passengers and haul then to a Quinceanera at 1000 W. Patterson Avenue in Ulysses, KS. At the time of this transportation Eric Smith d/b/a Pearls Limo Service was not registered in the Drug and Alcohol Clearinghouse (DACH).	<table><tr><th colspan="3">Drivers/Vehicles in Violation</th></tr><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td></td><td></td><td></td></tr><tr><th colspan="3">Checked</th></tr><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td></td><td></td><td></td></tr></table>	Drivers/Vehicles in Violation			Fed	State	Total				Checked			Fed	State	Total			
Drivers/Vehicles in Violation																			
Fed	State	Total																	
Checked																			
Fed	State	Total																	
7. Primary: 390.19T(b)(2) Failing to file the appropriate form under 390.19(a) (MCS-150, 150B, or 150C) each 24 months according to the schedule.	<table><tr><th colspan="3">Violations Discovered</th></tr><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td></td><td>1</td><td>1</td></tr><tr><th colspan="3">Checked</th></tr><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td></td><td>1</td><td>1</td></tr></table>	Violations Discovered			Fed	State	Total		1	1	Checked			Fed	State	Total		1	1
Violations Discovered																			
Fed	State	Total																	
	1	1																	
Checked																			
Fed	State	Total																	
	1	1																	
Example/Notes: Driver Name: Raymon Dinkel Trip Date: 4/5/2025 Include appropriate secondary section: 390.19(a)(1), (a)(2), or (a)(3) Eric Smith d/b/a Pearls Limo Service failed to update their MCS-150 in May of 2023. The last MCS-150 update was filed on May 31, 2022. Therefore, Eric Smith d/b/a Pearls Limo	<table><tr><th colspan="3">Drivers/Vehicles in Violation</th></tr><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td></td><td></td><td></td></tr><tr><th colspan="3">Checked</th></tr><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td></td><td></td><td></td></tr></table>	Drivers/Vehicles in Violation			Fed	State	Total				Checked			Fed	State	Total			
Drivers/Vehicles in Violation																			
Fed	State	Total																	
Checked																			
Fed	State	Total																	

Service U.S. DOT number was inactive at the time of this investigation.			
8. Primary: 391.21(a) Using a driver who has not completed and furnished an employment application.	Violations Discovered		
	Fed	State	Total
		1	1
	Checked		
	Fed	State	Total
	1	1	
Example/Notes: Driver name: Raymon Dinkel Trip date: April 5, 2025 Description of violation: On April 5, 2024, Driver Raymon Dinkel operated the 2008 Cadillac stretch limo from Garden City, Kansas to Scott City, Ks to load passengers at 706 Antelope Street in Scott City, KS and hauled them to prom at 212 E 5th Street in Scott City, Kansas.	Drivers/Vehicles in Violation		
	Fed	State	Total
		1	1
	Checked		
	Fed	State	Total
	1	1	
9. Primary: 391.23(a) Failing to investigate driver's background.	Violations Discovered		
	Fed	State	Total
		1	1
	Checked		
	Fed	State	Total
	1	1	
Example/Notes: Driver name: Raymon Dinkel Trip date:4/5/2023 Description of violation: On April 5, 2024, Driver Raymon Dinkel operated the 2008 Cadillac 22 passenger Limousine from Garden City, Kansas to Scott City, Ks to load passengers at 706 Antelope Street in Scott City, KS and hauled them to prom at 212 E 5th Street in Scott City, Kansas. At the time of this transportation Pearls Limo Service had not obtained an MVR for driver Raymon Dinkel within 30 days of employing the driver.	Drivers/Vehicles in Violation		
	Fed	State	Total
		1	1
	Checked		
	Fed	State	Total
	1	1	
10. Primary: 391.45(a) Secondary: 391.11(a) Using a driver not medically examined and certified.	Violations Discovered		
	Fed	State	Total
		1	1
	Checked		
	Fed	State	Total
	1	1	

Example/Notes:

Driver name: Raymon Dinkel
Trip date: 4/5/2025

Description of violation: On April 5, 2024, Driver Raymon Dinkel operated the 2008 Cadillac stretch limo from Garden City, Kansas to Scott City, Ks to load passengers at 706 Antelope Street in Scott City, KS and hauled them to prom at 212 E 5th Street in Scott City, Kansas. Pearls Limo Service did not provide a medical examiners certificate for Driver Raymon Dinkel.

11. 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.

Example/Notes:

Driver name: Raymon Dinkel
Trip date: 4/5/2025

Description of violation: On April 5, 2024, Driver Raymon Dinkel operated the 2008 Cadillac stretch limo from Garden City, Kansas to Scott City, Ks to load passengers at 706 Antelope Street in Scott City, KS and hauled them to prom at 212 E 5th Street in Scott City, Kansas. Pearls Limo Service did not produce a record of road test for Driver Raymon Dinkel and Mr. Dinkel does not have a CDL.

12. Primary: 392.2
State Equivalent: K.S.A. 66-1,111

Operating a motor vehicle not in accordance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated.

Example/Notes:

Vehicle License or Company Number: 2014 Ford Party Bus
Driver Name: Bryon Scott
Trip Date: 4/5/2025

Description of Violation: On April 5, 2025 Driver Bryon Scott operated the 2014 Ford Party Bus from Garden City, Kansas to 1102 N. Comanche Street in Ulysses, Kansas to load passengers and hauled them to a Quinceanera at 1000 W. Patterson Avenue in Ulysses, KS. At the time of this transportation Eric Smith d/b/a Pearls Limo Service LLC did not have

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
Violations Discovered		
Fed	State	Total
	1	1
Checked		
Fed	State	Total
	1	1
Drivers/Vehicles in Violation		
Fed	State	Total
Checked		
Fed	State	Total

13. Primary: 392.2
State Equivalent: K.S.A. 40-3104

Operating a motor vehicle not in accordance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated.

Example/Notes:

Vehicle License or Company Number : 2014 Ford Party Bus
Driver Name: Bryon Scott
Trip Date: April 5, 2025

Description of Violation: On April 5, 2025 Driver Bryon Scott operated the 2014 Ford Party Bus from Garden City, Kansas to 1102 N. Comanche Street in Ulysses, Kansas to load passengers and hauled them to a Quinceanera at 1000 W. Patterson Avenue in Ulysses, KS. At the time of this transportation Eric Smith d/b/a Pearls Limo Service L.L.C did not have commercial liability insurance under Eric Smith d/b/a Pearls Limo Service.

14. Primary: 392.2
State Equivalent: K.S.A. 8-2,125

Operating without a valid CDL

Example/Notes:

Driver Raymon Dinkel
Trip Date: 4/5/2025

Description violation: On April 5, 2024, Driver Raymon Dinkel operated the 2008 Cadillac stretch limo from Garden City, Kansas to Scott City, Ks to load passengers at 706 Antelope Street in Scott City, KS and hauled them to prom at 212 E 5th Street in Scott City, Kansas. At the time of this transportation Driver Raymon Dinkel had a regular Class C license and not a CDL.

15. Primary: 396.3(b)(1)

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

Violations Discovered

Fed	State	Total
	1	1

Checked

Fed	State	Total
	1	1

Drivers/Vehicles in Violation

Fed	State	Total

Checked

Fed	State	Total

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

Example/Notes: Company number: 2014 Ford Party Bus Driver Bryon Scott Trip Date: 4/5/2025 Violation description: Pearls Limo Service had maintenance files but the files did not properly identify the vehicles by the make, year, VIN number, tire size and a company Unit number. .	Drivers/Vehicles in Violation		
	Fed	State	Total
		2	2
16. Primary: 396.19(b) Failing to maintain evidence of inspector's qualifications.	Checked		
	Fed	State	Total
		2	2
Example/Notes: Inspectors name: Drew Garcia Inspection date: 10/01/2024 Vehicle: 2008 Cadillac stretch Limo Trip date: On April 5, 2024, Driver Raymon Dinkel operated the 2008 Cadillac stretch limo from Garden City, Kansas to Scott City, Ks to load passengers at 706 Antelope Street in Scott City, KS and hauled them to prom at 212 E 5th Street in Scott City, Kansas. At the time of this transportation Eric Smith d/b/a Pearls Limo Service had not obtained annual inspector certification for Inspector Drew Garcia.	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

Safety Fitness Rating

This Investigation is Not Rated

DataQs: If you dispute the violations recorded in the Violations section of this investigation report, and the violations were not used in the calculation of your safety rating, you may submit a Request for Data Review (RDR) through DataQs. The DataQs system is the method to remove violations that did not affect your safety rating. DataQs is an online system that allows a motor carrier or driver to request and track a review of Federal and State issued data that it believes to be incomplete or incorrect. To submit an RDR, go to <https://dataqs.fmcsa.dot.gov>.

Process Breakdown and Remedies

BASIC: Controlled Substances/Alcohol

Process Breakdown: Policies and Procedures

Eric Smith d/b/a Pearls Limo Service will enroll in a drug and alcohol testing consortium. Eric Smith d/b/a Pearls Limo Service will also ensure someone who has contact with the drivers completes Reasonable Suspicion Supervisor Training and obtains and retains a certificate documenting it was completed. Eric Smith d/b/a Pearls Limo Service will enroll in the Drug and Alcohol Clearinghouse (DACH) and obtain a pre-employment query prior to allowing a new driver to operate the Cadillac Limo or the Ford Party Bus. Eric Smith d/b/a Pearls Limo Service will also obtain an annual query for each driver every year to ensure the drivers are qualified to operate a commercial motor vehicle. All of these things will be completed prior to operating the 2008 Cadillac Limousine and or the 2014 Ford Party Bus.

Specific Recommended Remedies

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

1. Establish written policies and procedures that promote, verify, and enforce adherence to all controlled-substance and alcohol rules and regulations. Procedures should be tailored to company operations and should provide specific checks and guidelines for interacting with a consortium, if applicable.
2. Develop a policy to ensure that all alcohol testing is conducted immediately before or after the period that employees are performing a safety-sensitive function. Drivers can be tested on their day off only for controlled substances. Once notified of their selection, drivers must proceed immediately to the testing facility. If a driver refuses to go, this should be considered as equivalent to a positive result.
3. Develop a written and progressive disciplinary policy focused on taking corrective action to ensure drivers comply with regulations and policies. A progressive disciplinary policy could include, among other things, written warnings, suspensions, or work restrictions, monetary penalties, and termination. This policy should also specify consequences for any carrier official who knowingly and willfully allows controlled-substance and alcohol violations.

Recommendations

1. **Additional Information**

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

2. **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.

3. **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.

4. **Positive Drivers**

Implement an effective process for monitoring and tracking drivers' removal from safety-sensitive functions and their return to duty according to controlled-substance and alcohol regulations and related company policies and procedures.

5. **Clearinghouse Annual Query**

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

6. **Employers must test for specific drugs.**

DOT drug testing rules require that employers test for marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP).

7. **Alcohol Testing**

Ensure that all alcohol testing is conducted immediately before or after the period that employees are performing a safety-sensitive function. Drivers can be tested on their day off only for controlled substances. Once notified of their selection, drivers must proceed immediately to the testing facility. If a driver refuses to go, this should be considered as equivalent to a positive result.

8. **Random Test Selections**

After selection of drivers for random testing, the program coordinator should send confidential correspondence to whoever is informing the selected drivers, noting the selection date, selected names, proper notification procedure, testing location, and when test results need to be completed. Drivers should be reminded that refusal to take the test will be equivalent to a positive result.

9. **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.

10. **MCS-150 biennial updates**

Is Your Registration Information Current?

FMCSA requires carriers to update their registration data via a MCS-150 form every 24 months. Please review, verify and update your contact information, Vehicle Miles Travelled (VMT) and Power Unit (PU) data to ensure that it is current and accurate, since it is used in the new Carrier Safety Measurement System. You should access the system, review all the information and press the submit button. Once you've done this, the system will record that you've reviewed the information and you will be in compliance with the biennial update requirement.

https://li-public.fmcsa.dot.gov/LIVIEW/PKG_REGISTRATION.prc_option

11. **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.

12. **Clearinghouse Registration - Employer**

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

13. **Driver's prohibited status in Clearinghouse**

1.

Do not allow a driver who is prohibited in the Clearinghouse to perform safety sensitive functions.

14. **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.

15. **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#.
16. **Physically unqualified drivers cannot drive in interstate commerce**
Do not allow physically unqualified drivers to drive in interstate commerce.
17. **Maintain all required controlled substance testing records.**
Maintain all required alcohol and controlled substance testing records including yearly summaries, quarterly summaries, test information, test results, records of training etc., as required by 49 CFR Parts 40 and 382 of the FMCSR .
18. **Clearinghouse Driver Consent**
Ensure driver consent has been obtained and is on file before conducting a limited query.
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. **10-year driver employment history required.**
Ensure that drivers provide a 10-year employment history on their employment application.
21. **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.
22. **150-mile exemption terms must be met.**
If you want some drivers to use the 150 air-mile radius exemption, make sure that the drivers meet all terms of the exemption, including being released from duty no more than 14 hours from when they report for duty. Logs must be prepared if a driver does not meet the 14 hour requirement.
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. **MANDATORY FOLLOW UP REQUIREMENTS (ALL INVESTIGATIONS THAT RESULT IN PENALTY)**

1) 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: Jared.L.Smith@ks.gov
FAX: 785-271-3124
or mail:
Kansas Corporation Commission
Attn: Jared Smith
1500 SW Arrowhead Rd
Topeka, KS 66604-4027

2) The KCC requires a representative from Eric Smith d/b/a Pearls Limo Service to attend a Commission-sponsored safety seminar within thirty (30) days from the date of the penalty order. Schedule of the dates for safety seminars can be found on the Commission's website at <https://www.kcc.ks.gov/transportation/calendar-of-events>.

FAILURE TO SUBMIT THE CORRECTIVE ACTION PLAN (CAP) AND ATTEND A SAFETY SEMINAR WITHIN 30 DAYS WILL RESULT IN THE SUSPENSION OF ERIC SMITH D/B/A PEARLS LIMO SERVICE OPERATING AUTHORITY AND/OR THE IMPOUNDMENT OF VEHICLES.

I understand that these requirements/violations and/or recommendations have been discussed with me and my questions have been answered. I understand that monetary penalties will be assessed as a result of violations found in this compliance review.

Signed _____

Date_____

Table 1: Violations Discovered During Review/Inspection

Violation	Date	Identifying Information	Description
396.3(b)(1) - Failing to keep a maintenance record identifying the vehicle			
1	04/05/2025	Equipment: 2014 Ford Party Bus	
382.115(a) - Failing to implement an alcohol and/or drug testing program			
1	04/05/2025	Driver: BRYON SCOTT	
382.711(b) - Failing to register in the Clearinghouse.			
1	04/05/2025	Driver: BRYON SCOTT	
396.19(b) - Failing to maintain evidence of inspector's qualifications			
1	04/05/2025	Equipment: 2008 Cadillac Limo	
396.17(a) - Using a CMV not periodically inspected			
1	04/05/2025	Equipment: 2008 Cadillac Stretch Limo	
2	04/05/2025	Equipment: 2014 Ford Party Bus	
C.F.R. 367.20 - Failure to Pay UCR fees			
1	04/05/2025	Bryon ScottL	
2	12/28/2024	Ramon Dinkel	
391.21(a) - Incomplete or no employment application			
1	04/05/2025	Driver: RAYMON DINKEL	
391.45(a) - Using a driver not medically examined and certified			
1	12/28/2024	Driver: RAYMON DINKEL	
390.19T(b)(2) - Failing to File MCS-150/150B/150C each 24 months.			
1	04/05/2025	RAYMON DINKEL	
391.51(b)(3) - Road test certificate/license/equiv. not kept in qual. file			
1	04/05/2025	Driver: RAYMON DINKEL	
392.2 - Operating without a valid CDL			
1	12/28/2024	RAYMON DINKEL	
392.2 - Operating vehicle in violation of local/State laws			
1	04/04/2025	2014 Ford Party Bus	
2	04/05/2025	2008 Cadillac Dtretch Limo	
392.2 - Operating vehicle in violation of local/State laws			
1	04/05/2025	BRYON SCOTT	
392.2 - Operating vehicle in violation of local/State laws			
1	04/05/2025	BRYON SCOTT	
2	04/05/2025	RAYMON DINKEL	

391.23(a) - Failing to investigate driver's background

1	04/05/2025	Driver: RAYMON DINKEL	
---	------------	-----------------------	--

392.2 - Operating vehicle in violation of local/State laws

1	04/05/2025	BRYON SCOTT	
---	------------	-------------	--

EXHIBIT 2

Pearl's Limo Service

620-276-1717

OR

620-290-2603

DATE RESERVED FOR <u>04-05-25</u>	TIME OF PICK UP <u>3:00</u> <u>AM</u> <u>PM</u>	TIME OF DROP OFF <u>4:00</u> <u>AM</u> <u>PM</u>	TODAY'S DATE: <u>04/24/25</u>
TYPE OF CAR: <u>Party Bus</u>	DRIVER'S NAME <u>Bryan</u>	EMPLOYEE NAME <u>Adelina</u>	BALANCE DUE: <u>630</u> <u>tax</u> <u>735</u>

CUSTOMER FULL NAME:

Tanya Espino

CUSTOMER PHONE #

[REDACTED]

ALTERNATE PHONE #

[REDACTED]

PICK UP LOCATION
MUST HAVE ADDRESS

1102 N Comanche St

CITY

Ulysses KS

DROP OFF LOCATION
WITH ADDRESS

1000 W Patterson Ave

NUMBER OF PASSENGERS

more than 15

WHAT EVENT

Quince X Tanya Espino

DEPOSIT PAID

200.00

LIMO RIDE CHARGE

210

ADD 5% IF PAYING WITH CARD

AMOUNT DUE

AMOUNT PAID

BALANCE DUE

EMPLOYEE NAME

will come to sign
paid card deposit

2.5 hour.

$\frac{1}{2} \times 210 - 30 = 180 \text{ hr.}$

3.5 hour

NEED CUSTOMER

INITIALS AND SIGNATURE ON THE BACK

Paid Tip already \$76

Good for deposit

Pearls Sports Shop
1213 Fleming Street
Garden City, KS 67846
(620) 276-1717

02/24/2025

16:01

Sale

Trans #: 5 Batch #: 0

VISA

Manual

*****1869

/

BASE AMT: \$200.00

Non Cash Adj \$7.98

TOTAL AMT: \$207.98

Resp: AUTH/TKT 247923

Code: 247923

Ref #: 305055797420025

CUSTOMER COPY

4/5/2025 9 52 AM

Sales Receipt #94699

Store: 1

Workstation: 1

Pearl's Sports Shop

1213 Fleming St

Garden City, KS 67846

620-276-1717

Cashier: DP

Item Name	Qty	Price	Ext Price
LIMO SERVICE RID	1	\$630.00	\$630.00 T
Miscellaneous Item	1	\$76.00	\$76.00 T
Subtotal:			\$706.00
Local Sales Tax	8.95 % Tax	+ \$63.19	
RECEIPT TOTAL:			\$769.19

Debit Card: \$769.19

DEBIT

Merchant # ***86781

RETURN AND REFUND POLICY: MUST BE DONE
WITHIN 7 DAYS OF PURCHASE DATE. MUST HAVE
ORIGINAL RECEIPT ALL TAGS MUST BE ON
CLOTHING ITEMS. ONLY EXCHANGES ON HATS.
NO REFUND OR EXCHANGES ON OPEN ITEMS.
ALL SALE ITEMS ARE A FINAL SALE. PAYMENT
OF REFUND WILL BE MADE IN FORM OF
PAYMENT. THANK YOU



94699

Pearls Sports Shop
1213 Fleming Street
Garden City, KS 67846
(620) 276-1717

04/17/2025

11:02

Return

Trans #: 3 Batch #: 3

VISA ~~MasterCard~~
*****1869 **/**

BASE AMT: \$200.00

Resp: RETURN 587315
Code: 587315
Ref #: 585107618628043

CUSTOMER COPY

Driver's Vehicle Inspection Report

Check ANY Defective Item and Give Details under "Remarks."

DATE: 4-5-25.

TRUCK/TRACTOR NO. _____

- | | | |
|--|--|---|
| <input type="checkbox"/> Air Compressor | <input checked="" type="checkbox"/> Horn | <input type="checkbox"/> Springs |
| <input type="checkbox"/> Air Lines | <input checked="" type="checkbox"/> Lights | <input checked="" type="checkbox"/> Starter |
| <input checked="" type="checkbox"/> Battery | Head – Stop | <input type="checkbox"/> Steering |
| <input type="checkbox"/> Brake Accessories | Tail – Dash | <input type="checkbox"/> Tachograph |
| <input checked="" type="checkbox"/> Brakes | Turn Indicators | <input checked="" type="checkbox"/> Tires |
| <input type="checkbox"/> Carburetor | <input checked="" type="checkbox"/> Mirrors | <input type="checkbox"/> Transmission |
| <input type="checkbox"/> Clutch | <input type="checkbox"/> Muffler | <input type="checkbox"/> Wheels |
| <input type="checkbox"/> Defroster | <input checked="" type="checkbox"/> Oil Pressure | <input checked="" type="checkbox"/> Windows |
| <input type="checkbox"/> Drive Line | <input type="checkbox"/> On-Board Recorder | <input type="checkbox"/> Windshield Wipers |
| <input checked="" type="checkbox"/> Engine | <input type="checkbox"/> Radiator | <input type="checkbox"/> Other |
| <input type="checkbox"/> Fifth Wheel | <input type="checkbox"/> Rear End | |
| <input type="checkbox"/> Front Axle | <input checked="" type="checkbox"/> Reflectors | |
| <input checked="" type="checkbox"/> Fuel Tanks | <input checked="" type="checkbox"/> Safety Equipment | |
| <input type="checkbox"/> Heater | Fire Extinguisher | |
| | Flags – Flares – Fuses | |
| | Spare Bulbs & Fuses | |
| | Spare Seal Beam | |

TRAILER(S) NO (S). _____

- | | | |
|--|---------------------------------------|------------------------------------|
| <input type="checkbox"/> Brake Connections | <input type="checkbox"/> Hitch | <input type="checkbox"/> Tarpaulin |
| <input type="checkbox"/> Brakes | <input type="checkbox"/> Landing Gear | <input type="checkbox"/> Tires |
| <input type="checkbox"/> Coupling Chains | <input type="checkbox"/> Lights – All | <input type="checkbox"/> Wheels |
| <input type="checkbox"/> Coupling (King) Pin | <input type="checkbox"/> Roof | <input type="checkbox"/> Other |
| <input type="checkbox"/> Doors | <input type="checkbox"/> Springs | |

Remarks: _____

☐ Condition of the above vehicle is satisfactory

Driver's Signature _____

☐ Above Defects Corrected

☐ Above Defects Need NOT Be Corrected For Safe Operation Of Vehicle

Mechanic's Signature _____ Date _____


Driver's Signature  Date 4-5-25

EXHIBIT 3

Signed Statement of Daisy Smith

I, Daisy Smith with Pearl's Limo Service, voluntarily give the following statement to Penny Fryback, who has identified himself/herself as a Special Agent for the Kansas Corporation Commission. No threats or promises have been made to me in exchange for this statement.

Narrative:

I, Daisy Smith Co-Owner of Pearl's Limo Service USDOT #3500005, participated in an investigation conducted by the Kansas Corporation Commission on 4/23/25. At the time of investigation, I did not have the following documents requested by Special Investigator Penny Fryback: Driver Qualification files for drivers currently or previously employed by Pearl's Limo Service, we are not currently enrolled in a Drug & Alcohol Program, we do not have current registrations, and have no records of Annual Inspections for vehicles owned and operated by Pearl's Limo Service. While my USDOT number is currently showing inactive, I have submitted the proper paperwork to FMCSA to get my USDOT number activated.

I have read the foregoing statement consisting of 2 page(s). It is true, accurate and complete to the best of my knowledge. I reviewed any changes and they bear my initials. I sign this statement under penalty of perjury and in the presence of [Signature]

Witness'/Interviewee's signature

Date

I certify that I prepared and took the above statement and that it is a complete and accurate summary of my interview with the witness.

Safety Investigator's signature

Date

Penny Fryback

4/23/25

EXHIBIT 4

From: Donald Lee [KDOR] <Donald.Lee@KS.GOV>

Sent: Monday, April 14, 2025 1:38 PM

To: Erica Pargas [KCC] <Erica.Pargas@ks.gov>

Subject: RE: Registrations

I had a busy one LOL..... Will be in SW Kansas tomorrow night (staying in Colby) and then at the SW regional Treasures meeting on Wednesday at Scott City. Then head home Wednesday after the meeting.

Good News and Bad LOL

Good News is 7X cab cards are attached 😊

Bad News

Pearls Limo Service USDOT is OOS so I can't reprint the Cab Cards. VINS are listed below as they have not renewed since 2023.

Unit 0685: VIN [REDACTED] 0685 2014 Ford Bus 24 pax **Plate** [REDACTED]

Unit 17: VIN [REDACTED] 8943 2016 RC Utility Trailer **Plate** [REDACTED]

Unit 7019: VIN [REDACTED] 7019 2006 Lincoln Town Car **Plate** [REDACTED]

Unit 7892: VIN [REDACTED] 7892 2019 Chevy 2500 **Plate** [REDACTED]

Unit 7960: VIN [REDACTED] 7960 2008 Cadillac Escalade **Plate** [REDACTED]

I'm going to guess the Town Car and Cadillac are both stretched Limo's that is how they were put on commercial.

If you have any other plates not in the attachment or from what I've provided on the Limo company let me know.

Don

Don Lee

Program Consultant & Compliance

IRP Peer Review Committee Member Region 3 Chair

Division of Vehicles Commercial Motor Vehicle Team

Kansas Department of Revenue

Phone: 785-368-6531

Donald.lee@ks.gov / www.ksrevenue.org

EXHIBIT 5

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

Before Commissioners: Susan K. Duffy, Chair
Dwight D. Keen
Andrew J. French

In the Matter of the Investigation of **Eric)**
Smith d/b/a Pearls Limo Service of)
Garden City, Kansas, Regarding the)
Violation of the Motor Carrier Safety)
Statutes, Rules and Regulations and the) Docket No. 23-TRAM-486-PEN
Commission's Authority to Impose)
Penalties, Sanctions and/or the)
Revocation of Motor Carrier Authority.)

ORDER SUSPENDING INTRASTATE MOTOR CARRIER OPERATIONS

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and determination. Having examined its files and records, and being duly advised in the premises, the Commission finds and concludes as follows:

I. JURISDICTION AND BACKGROUND

1. Pursuant to K.S.A. 66-1,111, 66-1,112g and 66-1,115, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in 49 C.F. R 390.5 and 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. Pursuant to K.S.A. 66-1,142b the Commission is granted the authority to prescribe reasonable rules and regulations for the assessment of administrative civil penalties and sanctions for violations of any statute, commission orders or rules and regulations adopted by the commission.

2. 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.

3. Pursuant to K.S.A. 66-1,129(a)(7), the Commission has adopted motor carrier transportation regulations (K.A.R. 82-4-3f) consistent with the federal motor carrier safety assistance program and other federal requirements concerning transportation of hazardous waste.

II. FINDINGS OF FACTS

4. On August 18, 2023, Commission Staff filed a Motion to Suspend Intrastate Motor Carrier Operations due to the carrier's failure to pay.

5. Staff advised that Eric Smith d/b/a Pearls Limo Service of Garden City, Kansas (Carrier) is a motor carrier, as defined in 49 C.F.R. 390.5 and as adopted by K.A.R. 82-4-3f, which operates commercial motor vehicle(s) in interstate commerce and operates under USDOT Number 3500005.

6. On December 8, 2022, Carrier was issued a penalty assessment of \$300 for failing to pay its 2022 Unified Carrier Registration (UCR) fees in this docket.¹ The Commission's Penalty Order is incorporated herein by reference and made a part of this Order.

7. Carrier was mailed a collection letter dated June 7, 2023, notifying it of its unpaid fine and lack of compliance with the above-referenced Penalty Order, giving the

¹See Penalty Order (December 8, 2022).

Carrier ten (10) days from the date of the collection letter to pay the penalty amount and the 2022 UCR fees. The Carrier did not respond to the collection letter.

8. As of August 17, 2023, Commission records indicate Carrier has not complied with requirements of the Penalty Order in that Carrier had thirty (30) days from the date of service to pay the fine of \$300 as well as its 2022 and 2023 UCR fees, and Transportation Division records indicate the fine and 2022 and 2023 UCR fees remain unpaid.

9. Staff recommends the Commission place Eric Smith d/b/a Pearls Limo Service out-of-service due to its failure to comply with the Commission's Penalty Order.

III. CONCLUSIONS OF LAW

10. The Commission finds it has jurisdiction over Carrier as it is a motor carrier, as defined in 49 C.F.R. 390.5 and as adopted by K.A.R. 82-4-3f.

11. The Commission finds Carrier received sufficient notice of the Commission's Penalty Order and the requirement to pay the fine within 30 days from the date of service of the Penalty Order.

12. The Commission finds Carrier's failure to comply with the requirements of the Penalty Order is intentional and therefore this Commission finds the Carrier should be suspended from all intrastate motor carrier operations other than such motor carrier operations excepted from the Commission's regulation under K.S.A. 66-1,129, until such time as the carrier takes the necessary steps to become compliant.

THE COMMISSION THEREFORE ORDERS THAT:

A. Eric Smith d/b/a Pearls Limo Service of Garden City, Kansas is immediately suspended from all intrastate commercial motor carrier operations other than

such motor carrier operations excepted from the Commission's regulation under K.S.A. 66-1,129, until such time as Carrier pays the penalty amount of \$300, pays its 2022 and 2023 UCR fees, and brings its motor carrier operation into compliance with motor carrier safety statutes, rules and regulations. This Suspension of Intrastate Motor Carrier Operations Order may also attach and apply to the operations of successor entities, including any motor carrier entity or entities established or used to avoid the consequences of any Order to cease operations or suspending operating authority.

B. **Pursuant to K.S.A. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issues by submitting a written request, setting forth the specific grounds upon which relief is sought, to the Executive Director, at 1500 S.W. Arrowhead Road Topeka, Kansas 66604 within fifteen (15) days from the date of service of this Order.** Pursuant to K.S.A. 66-1,129a, hearings will be held within ten (10) days upon written request. Failure to timely request a hearing will result in a waiver of Carrier's right to a hearing, and this Order will become a Final Order.

C. Attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. For civil penalties of \$500 or less, a corporation may appear by a duly authorized representative of the corporation. K.S.A. 66-1,142b(e) and amendments thereto.

D. Failure to comply with the provisions of this Order may result in further sanctions to include, but not limited to, the assessment of civil penalties and/or the impoundment of commercial motor vehicles found operating in violation of this Order and any other remedies available to the Commission by law, without further notice.

BY THE COMMISSION IT IS SO ORDERED.

Duffy, Chair; Keen, Commissioner; French, Commissioner

Dated: 08/24/2023



Lynn M. Retz
Executive Director

AAL

CERTIFICATE OF SERVICE

23-TRAM-486-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 08/24/2023.

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

ERIC B. SMITH, OWNER/OPERATOR
ERIC B. SMITH
1406 N PEARL LOT 1
PAOLA, KS 66071
erictheredgerkin@yahoo.com

/S/ KCC Docket Room
KCC Docket Room

EXHIBIT 6

Pearl's Limo Service

620-276-1717

OR

620-290-2603

DATE RESERVED FOR <u>4-5-25</u>	TIME OF PICK UP <u>5:30</u> <u>AM</u> <u>PM</u>	TIME OF DROP OFF <u>7:30</u> <u>AM</u> <u>PM</u>	TODAY'S DATE: <u>2-28-25</u>
TYPE OF CAR: <u>Cadi</u>	DRIVER'S NAME <u>Ray</u>	EMPLOYEE NAME <u>Alissa</u>	BALANCE DUE: <u>Ø</u>

CUSTOMER FULL NAME: Sharilyn Stewart

CUSTOMER PHONE # [REDACTED]

ALTERNATE PHONE # [REDACTED] (Daren)

PICK UP LOCATION
MUST HAVE ADDRESS 706 Antelope Street Scott City

CITY Scott City

DROP OFF LOCATION
WITH ADDRESS 212 E 5th Street
Scott City High School

NUMBER OF PASSENGERS Within 15

WHAT EVENT Prom

DEPOSIT PAID	<u>\$200.00</u>
LIMO RIDE CHARGE	<u>\$455</u>
ADD 5% IF PAYING WITH CARD	
AMOUNT DUE	<u>\$655</u>
AMOUNT PAID	<u>\$655</u>
BALANCE DUE	<u>Ø</u>
EMPLOYEE NAME	<u>Alissa</u>

Tipped

NEED CUSTOMER
INITIALS AND SIGNATURE ON THE BACK

4/8/2025 4 55 PM

Sales Receipt #94738

Store: 1

Workstation. 1

Pearl's Sports Shop

1213 Fleming St

Garden City, KS 67846

620-276-1717

Cashier: DP

<u>Item Name</u>	<u>Qty</u>	<u>Price</u>	<u>Ext Price</u>
LIMO DEPOSIT	-1	\$200.00	(\$200.00)
Subtotal:			(\$200.00)
Local Sales Tax		0 % Tax:	+ \$0.00
RECEIPT TOTAL:			(\$200.00)

Amount Tendered: \$0.00

Change Given: \$200.00

Credit Card: (\$200.00)

Visa

Merchant # ***86781

RETURN AND REFUND POLICY: MUST BE DONE
WITHIN 7 DAYS OF PURCHASE DATE. MUST HAVE
ORIGINAL RECEIPT. ALL TAGS MUST BE ON
CLOTHING ITEMS. ONLY EXCHANGES ON HATS.
NO REFUND OR EXCHANGES ON OPEN ITEMS.
ALL SALE ITEMS ARE A FINAL SALE. PAYMENT
OF REFUND WILL BE MADE IN FORM OF
PAYMENT. THANK YOU



94738

Driver's Vehicle Inspection Report

Check ANY Defective Item and Give Details under "Remarks."

DATE: 4-5-25

TRUCK/TRACTOR NO. _____

- | | | |
|--|--|---|
| <input type="checkbox"/> Air Compressor | <input checked="" type="checkbox"/> Horn | <input type="checkbox"/> Springs |
| <input type="checkbox"/> Air Lines | <input checked="" type="checkbox"/> Lights | <input checked="" type="checkbox"/> Starter |
| <input checked="" type="checkbox"/> Battery | Head – Stop | <input type="checkbox"/> Steering |
| <input type="checkbox"/> Brake Accessories | Tail – Dash | <input type="checkbox"/> Tachograph |
| <input checked="" type="checkbox"/> Brakes | Turn Indicators | <input checked="" type="checkbox"/> Tires |
| <input type="checkbox"/> Carburetor | <input checked="" type="checkbox"/> Mirrors | <input type="checkbox"/> Transmission |
| <input type="checkbox"/> Clutch | <input checked="" type="checkbox"/> Muffler | <input checked="" type="checkbox"/> Wheels |
| <input type="checkbox"/> Defroster | <input type="checkbox"/> Oil Pressure | <input checked="" type="checkbox"/> Windows |
| <input type="checkbox"/> Drive Line | <input type="checkbox"/> On-Board Recorder | <input checked="" type="checkbox"/> Windshield Wipers |
| <input type="checkbox"/> Engine | <input type="checkbox"/> Radiator | <input type="checkbox"/> Other |
| <input type="checkbox"/> Fifth Wheel | <input type="checkbox"/> Rear End | |
| <input type="checkbox"/> Front Axle | <input checked="" type="checkbox"/> Reflectors | |
| <input checked="" type="checkbox"/> Fuel Tanks | <input checked="" type="checkbox"/> Safety Equipment | |
| <input type="checkbox"/> Heater | Fire Extinguisher | |
| | Flags – Flares – Fuses | |
| | Spare Bulbs & Fuses | |
| | Spare Seal Beam | |

TRAILER(S) NO (S). _____

- | | | |
|--|---------------------------------------|------------------------------------|
| <input type="checkbox"/> Brake Connections | <input type="checkbox"/> Hitch | <input type="checkbox"/> Tarpaulin |
| <input type="checkbox"/> Brakes | <input type="checkbox"/> Landing Gear | <input type="checkbox"/> Tires |
| <input type="checkbox"/> Coupling Chains | <input type="checkbox"/> Lights – All | <input type="checkbox"/> Wheels |
| <input type="checkbox"/> Coupling (King) Pin | <input type="checkbox"/> Roof | <input type="checkbox"/> Other |
| <input type="checkbox"/> Doors | <input type="checkbox"/> Springs | |

Remarks: _____

☐ Condition of the above vehicle is satisfactory

Driver's Signature _____

☐ Above Defects Corrected

☐ Above Defects Need NOT Be Corrected For Safe Operation Of Vehicle

Mechanic's Signature _____ Date _____

Driver's Signature  Date 4-5-25

EXHIBIT 7

CLEARINGHOUSE

o

Search for a Driver

Country of Issuance (optional)

United States

State of Issuance (optional)

Kansas

Driver Name or CDL

K03596199

No drivers with the CDL information you entered have information recorded about them in the Clearinghouse. Verify the CDL number and try again. If the CDL number has special characters (such as spaces or hyphens), try entering the number with or without those characters, as requirements vary by State.

+

Search for an Employer

USDOT#

or

Company Name

Country (optional)

United States

State (optional)

Kansas

Run Reports

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

CERTIFICATE OF SERVICE

25-TRAM-448-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 06/17/2025.

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

ERIC EARL SMITH
ERIC SMITH d/b/a PEARLS LIMO SERVICE
1012 N 2ND ST
GARDEN CITY, KS 67846-4751
ericesmith17@yahoo.com

/S/ KCC Docket Room
KCC Docket Room