

1500 SW Arrowhead Road
Topeka, KS 66604-4027



20250320101754
Kansas Corporation
Commission
Phone: 785-271-3100
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<http://kcc.ks.gov/>

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

Laura Kelly, Governor

NOTICE OF PENALTY ASSESSMENT
25-TRAM-338-PEN

March 20, 2025

Myron Gibson, Member
Five Bar G Trucking LLC
PO Box 175
Hamilton, Kansas, 66853-0175

This is a notice of a penalty assessment against Five Bar G Trucking LLC (“Five Bar G Trucking”) for violations of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on February 5, 2025, by Kansas Corporation Commission Special Investigators. The Special Investigators identified two (2) violations of the Motor Carrier Safety regulations. The Penalty for the violation is assessed in accordance with the FY 2025 Uniform Penalty Assessment Matrix, approved by the Commission on June 27, 2024. Five Bar G Trucking has been assessed a \$1,000.00 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 \$1,000.00 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 Five Bar G Trucking:

- a. To attend a Commission-sponsored safety seminar within thirty (30) days from the date of the Order. 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 two (2) 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 \$1,000.00 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 **Five Bar G**)
Trucking LLC of Hamilton, Kansas. Regarding)
the Violation(s) of the Motor Carrier Safety)
Statutes, Rules and Regulations and the) Docket No. 25-TRAM-338-PEN
Commission’s Authority to Impose Penalties,)
Sanctions and/or the Revocation of Motor Carrier)
Authority.

PENALTY ORDER

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

1. Pursuant to K.S.A. 66-1,108b, 66-1,111, 66-1,112, 66-1,114b and 66-1,115, the Commission is given full power, authority, and jurisdiction to supervise and control motor carriers, as defined in 49 C.F.R. Part 390.5 as adopted by K.A.R. 82-4-3f, doing business or 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. 66-129a, 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. Five Bar G Trucking LLC (“Five Bar G Trucking” or “Carrier”) is a motor carrier as defined in 49 C.F.R. 390.5 and operates under USDOT number 4002042.

5. The Commission finds it has jurisdiction over Five Bar G Trucking 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 February 5, 2025, a Staff Special Investigator (“SI”) completed a safety compliance investigation of Five Bar G Trucking. As a result of the compliance investigation, the SI identified two (2) violations, set forth in two (2) counts, of the Motor Carrier Safety Regulations (“MCSRs”), which carry a penalty set forth in the FY2025 Uniform Penalty Assessment Matrix.¹

7. On March 3, 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 \$1,000.00 to be issued to Five Bar G Trucking based on the frequency, timeline, and severity of the violations discovered.

8. Specifically, pursuant to Staff’s R&R, the Commission finds that Five Bar G Trucking committed two (2) violations of the following two (2) counts, discussed more fully in Staff’s R&R:²

- a. Count 1: On September 16, 2024, Five Bar G Trucking required or permitted its driver, Myron Gibson, to operate a commercial driver’s license required

¹ 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”).

² See Staff’s Report and Recommendation, Transportation Division (Jan. 22, 2025).

commercial motor vehicle (a 1998 Freightliner, VIN ending in 7323, GVWR 53,200 lbs. pulling a 1988 Trim Tep Deck trailer, VIN ending in 2672, GVWR 65,000 lbs.) in Kansas on a public road in interstate commerce (Hamilton, Kansas to Pawhuska, Oklahoma) without first registering IFTA or obtaining a fuel tax permit, which resulted in one (1) violation of K.S.A. 79-34,109 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 current Penalty Matrix.

- b. Count 2: : On September 16, 2024, Five Bar G Trucking required or permitted its driver, Myron Gibson, to operate a commercial driver's license required commercial motor vehicle (a 1998 Freightliner, VIN ending in 7323, GVWR 53,200 lbs. pulling a 1988 Trim Tep Deck trailer, VIN ending in 2672, GVWR 65,000 lbs.) in Kansas on a public road in interstate commerce (Hamilton, Kansas to Pawhuska, Oklahoma) without first being enrolled in the Federal Motor Carrier Safety Administration (FMCSA) Drug and Alcohol Clearinghouse (DACH), resulting in one (1) violation 49 C.F.R. 382.711, adopted by K.A.R. 82-4-3c. The Commission finds that Staff's recommendation of a penalty of \$500.00 is appropriate and in accordance with the current Penalty Matrix.

9. The Commission hereby adopts Staff's findings as contained in its March 3, 2025, R&R.

10. The Commission finds that Five Bar G Trucking 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.³ A schedule of the dates and locations for safety seminars can be found on the Commission's website at http://kcc.ks.gov/trans/safety_meetings.htm.

11. The Commission further finds that Five Bar G Trucking is required to submit a written, comprehensive Corrective Action Plan ("CAP") that is satisfactory to Transportation Staff within thirty (30) days of the date of this order, documenting the violation(s) described in this Penalty Order, including specific and detailed information explaining Carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.⁴

12. The Commission further finds that Five Bar G Trucking 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.⁵

13. Failure to comply with the requirements of this Penalty Order shall result in suspension of Five Bar G Trucking's motor carrier operating authority without further notice.⁶

14. The Commission concludes the penalty of \$1,000.00 for the one violation set forth above, and the additional three requirements set forth in paragraphs 10, 11, and 12 are just and reasonable.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. Five Bar G Trucking is hereby assessed a \$1,000.00 civil penalty for two (2) violations, set forth in two (2) 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.

³ See Id., p. 4.

⁴ See Id.

⁵ See Id.

⁶ K.S.A. 66-1,105.

B. Five Bar G Trucking is hereby ordered 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.

C. Five Bar G Trucking is hereby ordered to submit a written, comprehensive corrective action plan ("CAP") that is satisfactory 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.

D. Five Bar G Trucking 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 two (2) 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 Acting Secretary to the Commission 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 Five Bar G Trucking's right to a hearing, and this Penalty Order will become a Final Order.

F. If a request for hearing is filed, attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. For civil penalties exceeding \$500.00, 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.⁷ For civil penalties of \$500.00 or less, a corporation may appear by a duly authorized representative of the corporation.⁸

G. If you do not request a hearing, the payment of the civil penalty of \$1,000.00 is due in thirty (30) days from the date of service of this Order. Payment of \$1,000.00 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 Five Bar G Trucking 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 Five Bar G Trucking' motor carrier operating authority without further notice.⁹ 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: 03/20/2025



Abigail D. Emery
Acting Secretary to the Commission

AAL

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

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

⁹ 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: March 3, 2025

SUBJECT: Docket No. 25-TRAM-338-PEN
In the Matter of the Investigation of **Five Bar G Trucking LLC of Hamilton, 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:

Five Bar G Trucking LLC is a motor carrier (MC) possessing public for-hire and private operating authority from the Commission, primarily hauling metal; sheets, coils, rolls, grain, feed, hay, general freight, and other (gravel, dirt, sand). Five Bar G Trucking LLC operates under USDOT 4002042. On February 5, 2025, Commission Staff Special Investigator (SI) completed a safety compliance investigation of the operations of Five Bar G Trucking LLC. A copy of the safety compliance report is attached hereto as **Exhibit 1** and is hereby incorporated by reference. As a result of this investigation, the SI identified two (2) violations, set forth as two (2) specific counts, of the Motor Carrier Safety Regulations (MCSRs), which carries a penalty according to the FY2025 Uniform Penalty Assessment Matrix approved by the Commission. Based on the frequency, timeline and severity of the violations discovered by the SI, staff recommends penalty of \$1,000 be issued to the MC.

DISCUSSION AND ANALYSIS:

On February 5, 2025, a Commission Staff SI conducted a safety compliance investigation of the operations of Five Bar G Trucking LLC. The investigation covers a 365-day period and any previous compliance review. Each specific count is detailed below.

Count One (1 of 2)

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

Relevant Statutes: K.S.A. 79-34,109 states: “Imposition of tax; rate; apportionment of tax liability. (a) There is hereby imposed on each interstate motor fuel user a tax on motor fuel used in operations on highways within this state by such interstate motor fuel user. Such tax shall be at the same rate as the current rate of tax applicable to the use or sale of the same motor fuel within this state. The number of gallons of motor fuel used in the operations of any interstate motor fuel user on highways within this state shall be deemed to be such proportion of the total number of gallons of such motor fuel used in its entire operations within and without this state, as the number of miles traveled on highways within this state bears to the total number of miles traveled within and without this state. (b) Whenever an interstate motor fuel user uses more than one type of motor fuel upon which different rates of tax are imposed, the tax imposed by this section shall be computed separately for each type of motor fuel, and the sum of the amounts so obtained shall be the amount of the tax imposed by this section. For each type of motor fuel, only the gallons thereof used and the miles traveled therewith shall be counted in making the separate computations for such type of motor fuel. (c) If the apportionment provisions of this section do not fairly represent the extent of an interstate motor fuel user's motor fuel use in this state, the interstate motor fuel user may petition for or the director may require in respect to all or any part of such interstate motor fuel user's operations, if reasonable, the employment of any other method to effectuate adequate apportionment of the interstate motor fuel user's tax liability under this act.”

Material Facts and Supporting Documents: On September 16, 2024, 5 BAR G Trucking LLC required or permitted its driver, Myron Gibson, to operate a commercial driver's license (CDL) required commercial motor vehicle (CMV), a 1998 Freightliner, VIN ending in 7323, GVWR 52,000 lbs., in combination with a 1988 Trim Step Deck trailer VIN ending 2672 GVWR 65,000 lbs., in interstate commerce from Hamilton, Kansas to Pawhuska, Oklahoma. This transport is evidenced by Invoice #377756, attached hereto as **Exhibit 2**, the carrier's MCMIS IFTA report, attached hereto as **Exhibit 3**, as well as a fuel receipt dated September 16, 2024, and a time sheet, both attached hereto as **Exhibit 4**. At the time of this transport, the MC operated their commercial motor vehicles without registering IFTA or obtaining a fuel tax permit.

Violation: 5 BAR G Trucking LLC operated their commercial motor vehicles without registering IFTA or obtaining a fuel tax permit, which is a violation of K.S.A. 79-34,109 and 49 C.F.R. 392.2 as adopted by K.A.R. 82-4-3h. (**Exhibit 1, Page 3**. One (1) violation discovered. (**Exhibit 1, Pages 10**).

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

Count Two (2 Of 2)

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. The MC's DACH report is attached hereto as **Exhibit 5**. At the time of this transport, the MC failed to enroll in the Drug and Alcohol Clearinghouse.

Violation: 5 BAR G Trucking LLC. failed to enroll in the Clearinghouse in violation of 49

C.F.R. 382.711, adopted by K.A.R. 82-4-3c. (**Exhibit 1, Page 3**). One (1) violation discovered. (**Exhibit 1, Page 10**).

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

RECOMMENDATION:

Transportation Staff recommends the Commission find Five Bar G Trucking LLC committed two (2) violations, set forth in two (2) specific counts, of Kansas law that governs MCs, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations (K.A.R.s), and is therefore subject to sanctions or fines imposed by the Commission.

Due to the frequency, timeline and severity of the violations, Staff recommends a civil penalty of \$1,000 for two (2) violations of the MC Safety Statutes, Rules and Regulations, in accordance with the recommended penalties listed in the applicable Uniform Penalty Assessment Matrix.

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

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

EXHIBIT 1

UNITED STATES DEPARTMENT OF TRANSPORTATION



U.S. DOT#: 4002042
MC/MX#: 1504390

Legal: FIVE BAR G TRUCKING LLC
Operating (DBA):

Investigation Date:
02/20/2025

Investigation Type: Onsite Comprehensive Investigation

Location of Investigation: Other (Review conducted at 112 W 2nd Eureka Ks due to inclement weather.)
Extent of Operations: Entire Operation

Physical Address

Mailing Address

301 CHEROKEE
VIRGIL, KS 66870
United States

PO BOX 175
HAMILTON, KS 66853-0175
United States

Contact Information

Contact Name: MYRON GIBSON
Email: myrongibson.89@gmail.com
Phone: (620)583-3909 **Cell:** () - **Fax:** () -

Business and Financial

Business Type: Limited Liability Corporation
Name of Gross Revenue Provider: Myron Gibson
Title of Gross Revenue Provider: Member Owner
Gross Revenue: ██████████ **For Year Ending:** 12/31/2024
Federal Tax ID: ██████████

Operation Classification and Type

Cargo

Type of Operation: Non-HM Interstate Carrier, Non-HM Intrastate Carrier
Metal; Sheets, Coils, Rolls, Grain, Feed, Hay, General Freight, Other (gravel dirt sand)

Operation Classification

For-Hire Motor Carrier
Property
Exempt Commodities
Other Non-Hazardous Freight
Private Motor Carrier
Property – Non-Hazardous Materials

Equipment

Driver Information

	Owned	Term Leased	Trip Leased	Drivers	Intrastate	Interstate
Straight Trucks	1					
Truck Tractors	1			< 100 Miles		1
Trailers	3			> = 100 Miles		1

Power units used in the U.S.: 2

Average trip leased driver/month: 0

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

Drivers with CDL: 1

Total Drivers: 2

Person(s) Interviewed**Name:** MYRON GIBSON**Title:** MEMBER**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:	1500 SW Arrowhead Rd Topeka, KS 66604-4027 Phone: (785) 271-3284
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This report will be used to assess your safety compliance.

Violations

1. Primary: 392.2

State Equivalent: K.S.A. 79-34,109

No IFTA Registration of required vehicles.

Example/Notes:

Driver name: Myron Gibson

Trip date: 9/16/2024

Origination: Hamilton Ks

Destination: Pawhuska, Ok

Cargo: Hay

At the time of this trip, and the time of this review, the carrier, 5 BAR G Trucking LLC ,had a revoked IFTA Registration as of 02/17/2023. IFTA was checked on the following dates:

02/03/2025 Revoked

02/19/2025 Revoked

Violations Discovered

Fed	State	Total
1		1

Checked

Fed	State	Total
1		1

Drivers/Vehicles in Violation

Fed	State	Total
2		2

Checked

Fed	State	Total
2		2

2. Primary: 382.711(b)

Failing to register in the Clearinghouse.

Example/Notes:

Driver name: Myron Gibson

Trip date: 9/16/2024

Origination: Hamilton Ks

Destination: Pawhuska, Ok

Cargo: Hay

At the time of this trip, and the time of this review, the carrier 5 BAR G Trucking LLC had failed to enroll in the Drug and Alcohol Clearing House as required by 382.711.

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

3. Primary: 391.51(b)(1)

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

Violations Discovered

Fed	State	Total
	1	1

Checked

Fed	State	Total
	1	1

Example/Notes:

Driver name: Myron Gibson
 Trip date: 9/24/2024
 Origination: Eureka, Ks
 Destination: Emporia, Ks
 Cargo: Scrap Metal

At the time of this trip, and the time of this review, the carrier had no application for employment in his driver file.

Drivers/Vehicles in Violation

Fed	State	Total
	1	1

Checked

Fed	State	Total
	1	1

4. Primary: 391.51(b)(5)

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

Violations Discovered

Fed	State	Total
	1	1

Checked

Fed	State	Total
	1	1

Example/Notes:

Driver name: Myron Gibson
 Trip date: 9/24/2024
 Origination: Eureka, Ks
 Destination: Emporia, Ks
 Cargo: Scrap Metal

At the time of this trip, and the time of this review, the carrier 5 BAR G Trucking LLC had failed to have an annual review of drivers record in their only driver file.

Drivers/Vehicles in Violation

Fed	State	Total
	1	1

Checked

Fed	State	Total
	1	1

5. Primary: 391.51(b)(8)

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

Violations Discovered

Fed	State	Total
	1	1

Checked

Fed	State	Total
	1	1

Example/Notes:

Driver name: Myron Gibson
 Trip date: 9/24/2024
 Origination: Eureka Ks
 Destination: Emporia, Ks
 Cargo: Scrap metal

Drivers/Vehicles in Violation

Fed	State	Total
	1	1

Checked

Fed	State	Total
	1	1

At the time of this trip, and the time of this review, the carrier 5 BAR G Trucking LLC had failed to confirm the only drivers medical provider. Allison Railsback APRN was the provider. Her ME certification was 93466143109.

Safety Fitness Rating

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

RATING FACTORS	RATING	ACUTE	CRITICAL
Factor 1: General = Parts 387 and 390	Satisfactory	0	0
Factor 2: Driver = Parts 382, 383 and, 391	Satisfactory	0	0
Factor 3: Operational = Parts 392 and 395	Satisfactory	0	0
Factor 4: Vehicle = Parts 393 and 396 OOS Vehicles (CR): 0 Number of Vehicles Inspected (CR): 0 OOS Vehicles (MCMIS): 0 Number of Vehicles Inspected (MCMIS): 0 OOS Rate: 0%	Satisfactory		
Factor 5: Haz. Mat. = Parts 397, 171, 177 and, 180	N/A	N/A	N/A
Factor 6: Accident Factor = Recordable Rate Total Miles Operated: 14,152 Recordable Accidents: 0 Recordable Accidents/Million Miles: 0.00	Satisfactory	N/A	N/A

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

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

Process Breakdown and Remedies

BASIC: Driver Fitness

Process Breakdown: Roles and Responsibilities

Carrier is responsible to establish required enrollments of designated areas such as DACH.

Carrier is responsible for breakdowns and not completing certain driver qualification items.

Carrier is also responsible for IRP and IFTA requirements for required vehicles and intersate trips

Specific Recommended Remedies

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

1. Define and document the role of managers and supervisors for implementing driver-fitness policies and for monitoring compliance with them. This should include regular evaluation of the carrier's driver-wellness program.

Recommendations

1. **Additional Information**

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

2. **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.

3. **Reporting Follow Up information into the Clearinghouse**

Ensure that completion of the follow up testing plan is reported in the Clearinghouse by the end of the third business day after receiving the information.

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

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

5. **Clearinghouse Registration - Employer**

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

6. **Reporting violations into the Clearinghouse**

Ensure violations are entered into the Clearinghouse within the required time frame. The type of violation and time frame may be found in 49 CFR 382.705(b) of the Federal Motor Carrier Safety Regulations.

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

1.

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

8. **Clearinghouse Driver Consent**

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

9. **Drug and Alcohol Clearinghouse**

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

10. **Clearinghouse Pre-employment Query**

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

11. **Reporting Return to Duty information into the Clearinghouse**

Ensure that the negative return to duty test result is reported in the Clearinghouse by the end of the third business day after receiving the information.

12. **Dach Annual Queries**

All drivers are to have a pre-employment full query in the DACH. The drivers are to have an annual partial query at least annually after that.

13. **Annual review of drivers record.**

Carriers are to complete the certification of drivers records annually. This signifies that a carrier representative has verified the status of their drivers licenses.

14. **Verify Medical Examiner Certification**

Carriers must verify that the Medical Examiners are registered in the NRME.

Use the link below and type in the Medical Examiners certificate number.

Print any and all results.

<https://nationalregistry.fmcsa.dot.gov/home>

15. **Application for Employment**

Make certain that all drivers have a completed, dated, and signed application for employment.

This can be found at www.kcc.ks.gov.

click on Transportation and Safety Information. Procedures for Safety Compliance "Red Book" for the current application for

employment.

16. **For violations that will result in a Penalty Order.**

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 5 BAR G Trucking LLC 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 5 BAR G Trucking LLC OPERATING AUTHORITY AND/OR THE IMPOUNDEMENT OF MOTOR CARRIER NAME VEHLICES.

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
391.51(b)(5) - Failing to maintain notation of annual review			
1	09/24/2024	Driver: Myron Gibson	
391.51(b)(8) - Failing to note verification of medical examiner in DQ file.			
1	09/24/2024	Driver: Myron Gibson	
392.2 - No IFTA Registration of required vehicles.			
1	09/16/2024	Myron Gibson Unit #29 1998 Freightliner	
382.711(b) - Failing to register in the Clearinghouse.			
1	09/16/2024	Driver: Myron Gibson	
391.51(b)(1) - Employment application not maintained in qual. file			
1	09/24/2024	Driver: Myron Gibson	

EXHIBIT 2

EXHIBIT 3

FIVE BAR G TRUCKING LLC (4002042)

DBA: No Data

Last MCMIS Update: 7/15/2024

<u>State</u>	<u>Expiration</u>	<u>Issue Date</u>	<u>IFTA License Number</u>	<u>Status Code</u>	<u>Status Date</u>	<u>Update Date</u>
KS	12/31/2023	2/17/2023	KS921300102	R - Revoked	6/28/2023	4/12/2024

CVIEWplus displays IFTA license data for the current year plus 4 years, based on the expiration date of each license.

EXHIBIT 4

Five Bar G Trucking, LLC. DRIVER myron gibson MONTH sep

301 Virgil, KS 66870 PO Box 175 Hamilton, KS 66853 TRUCK NO. 29

Driver's Time Record

Date	Start Time "All Duty"	End Time "All Duty"	Total Hours	Total Driving Hours	Truck #	Job Description
9/16	0700	1600	9	5		Hay for nutch feeders to pawhuska ok
9/23	1000	1500	5	2.5		scrap
9/24	1100	1500	4	2.5		scrap
9/30	1200	1600	4	3		scrap

EASTSIDE SERVICE = 29
1500 E RIVER ST
EUREKA KS 67045
XXXXXXXXXX8001

09/16/24 1:00:47 PM
Register: 1 Trans #: 4198 Op ID: 1
Your cashier: KOURTNIE

DIESEL CA PUMP# 10
101.782 GAL @ \$3.209/GAL \$326.62

Subtotal = \$326.62
Tax = \$0.00

Total = \$326.62

Change Due = \$0.00

Credit \$326.18

XXXX XXXX XXXX 3230 Visa
INVOICE: 026440
AUTH 336221
=====

POS Purchase/Capture
Sequence Number 36877
Chip Read
US DEBIT
Mode: Issuer
AID: A0000000980840
TVR: 8000088000
IAD: 06011203A0A000
TSI: 6800
ARC: 10
APPROVED 336221
PIN Bypassed
=====

I agree to pay the above total amount
according to the card issuer agreement.

Cash \$0.44

Signature: _____

THANKS, COME AGAIN!

EXHIBIT 5



Search for an Employer

USDOT#

or

Company Name

Country (optional)

State (optional)

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

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

Search

CERTIFICATE OF SERVICE

25-TRAM-338-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 03/20/2025.

Myron Gibson, MEMBER
Five Bar G Trucking LLC
PO Box 175
Hamilton, KS 66853
myrongibson.89@gmail.com

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

/S/ KCC Docket Room
KCC Docket Room