

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

In the Matter of the Investigation of **Giles & Son**)
Trucking LLC of Kansas City, Missouri, Pursuant to)
the Kansas Highway Patrol Issuance of a Notice of)
Violation(s) and Invoice for the Violations of the) Docket No. 22-GIMM-116-KHP
Kansas Motor Carrier Safety Statutes, Rules and)
Regulations.)

NOTICE OF FILING OF REQUEST FOR HEARING

The attached Request for Hearing and corresponding documents are hereby filed in this docket on behalf of Giles & Sons Trucking LLC. The attached documents include:

1. Driver/Vehicle Examination Report KSHP93040628, dated July 20, 2021.
2. Notice of Violations/Invoice #H000589540, dated July 27, 2021.
3. Kansas Highway Patrol (KHP) Challenge Request, dated August 2, 2021.
4. KHP Denial Letter, dated August 6, 2021.
5. Request for Hearing, dated August 13, 2021.

WHEREFORE, the attached Requests for Hearing and corresponding documents are hereby filed on behalf of Giles & Sons Transportation LLC for consideration by the Commission.

DRIVER/VEHICLE EXAMINATION REPORT

Kansas Highway Patrol
Khp.TruckInspection@KS.GOV
700 SW Jackson, Ste 704
Topeka, KS 66603
Phone #: (785)296-7189 Fax #: (785)296-2858

Report Number: KSHP93040628
Inspection Date: 7/20/2021 Certification Date: 07/27/2021
Time Started: 13:50 Time Ended: 14:20
Inspection Level: II - Walk-Around
HM Inspection Type: No HM Inspection

GILES & SON TRUCKING LLC
5424 OLIVE ST
KANSAS CITY, MO 64130
USDOT #: 03427330
MC/MX #:
State #:

Phone #: (816)305-1246
Fax #:

Driver: GILES, NOEL R
License #:
Date of Birth: State: MO

Location: OLATHE SOUTH M.C.I.S. #24W
Highway: I-35
County: JOHNSON
Shipper: NONE

MilePost: 213
Origin: KANSAS CITY,MO
Destination: EDGERTON,KS

Bill of Lading: NONE
Cargo: EMPTY

VEHICLE IDENTIFICATION:

Unit	Type	Make	Year	State	License#	Equipment ID	Unit VIN	GVWR	CVSA #	CVSA Issued #	OOS Stkr.#
1	TT	PTRB	2016	MO		4241		6354	51,200		
2	ST	HYTR	2020	ID		56513		4067	68,000		

BRAKE ADJUSTMENTS: No brake measurements recorded.

VIOLATIONS :

Vio Code	Section	Unit	OOS	State Citation Number	Verify*	Crash	Violation Description
393.9TS	393.9(a)	2	Y		U	N	Inoperative turn signal: Passenger side unit 2 right turn signal would not activate.

* U - Unknown

HazMat: No HM Transported. **Placard:** NA **Cargo Tank:**

Special Checks:

<input type="checkbox"/> Alcohol/Controlled Substance Check	<input type="checkbox"/> Traffic Enforcement	<input type="checkbox"/> Post Crash Inspection
<input type="checkbox"/> Conducted by Local Jurisdiction	<input type="checkbox"/> PASA Conducted Inspection	<input type="checkbox"/> PBBT Inspection
<input type="checkbox"/> Size and Weight Enforcement	<input type="checkbox"/> Drug Interdiction Search	Arrests:
<input type="checkbox"/> EScreening		

Inspection Notes: CMV was brought in for random inspection. Right turn signal unit 2 would not activate. once I initiated inspection in scale house driver came to door. He said he fixed turn signal. I told him it was still an out of service and violation, since at time of inspection , it was not working.

INTERNAL CHALLENGE: carrier is contesting turn signal, states the driver was able to repair the light once found and that the trailer belongs to amazon and the carrier feels they should not be held accountable for the short in the tail light.

Carrier acknowledges turn signal was defective and that their company was responsible for the load at the time of the inspection. the load included the trailer.

violation and fine will remain as is 08/06/2021 jpeterson

Special Study Fields:

Special Study1:	Special Study6:
Special Study2:	Special Study7:
Special Study3:	Special Study8:
Special Study4:	Special Study9:
Special Study5:	Special Study10:

* Pursuant to the authority contained in Title 49, CFR; K.S.A. 66-1,129; K.C.C. Reg. 82-4-3, I hereby declare the above marked unit(s) as "OUT OF SERVICE". No person and/or carrier shall permit and/or require the removal of the "OUT OF SERVICE" stickers or the operation of this motor vehicle until ALL out of service defects have been corrected. This Out of Service condition may result in the assessment of a Civil Penalty being issued against the Carrier indicated on this report. Driver Initials _____

Report Prepared By:
J. Clark

Badge #:
9304

Copy Received By:
GILES, NOEL R

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KSHP93040628

X

X

DRIVER/VEHICLE EXAMINATION REPORT

Kansas Highway Patrol
Khp.TruckInspection@KS.GOV
700 SW Jackson, Ste 704
Topeka, KS 66603
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GILES & SON TRUCKING LLC

5424 OLIVE ST

KANSAS CITY, MO 64130

USDOT #: 03427330

Phone #: (816)305-1246

MC/MX #:

Fax #:

State #:

Driver: GILES, NOEL R

License #:

State: MO

Date of Birth:

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

Signature of Carrier Official: X

Date:

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

Signature of Repairer: X

Facility:

Date:

Report Prepared By:
J. Clark

Badge #:
9304

Copy Received By:
GILES, NOEL R

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KSHP93040628

X

X



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

Governor Laura Kelly

NOTICE OF VIOLATION(S)

July 27, 2021

GILES & SON TRUCKING LLC
5424 OLIVE ST
KANSAS CITY, MO 64130

Re: Roadside Driver/Vehicle Examination Report No. KSHP93040628

This is a Notice of Violation(s) of Kansas Motor Carrier Safety Statutes and/or Rules and Regulations discovered during a roadside inspection conducted by the Kansas Highway Patrol.

The Kansas Highway Patrol inspected vehicle [REDACTED] 6354, on July 20, 2021, and discovered violation(s) of the Federal Motor Carrier Safety Regulations, as adopted by K.S.A. 66-1,129 and K.A.R. 82-4-3 et seq. The civilly assessed violation(s) are set out in the attached invoice along with the fine(s) assessed.

You have thirty (30) days from the date of this letter to pay the fine amount as indicated in the enclosed invoice or thirty (30) days from the date of this letter to submit a challenge as described below. Failure to address this matter may negatively impact your KCC operating authority or result in the issuance of an Out-of-Service Order in the State of Kansas. You have the following options:

1. Pay the fine amount shown on the enclosed invoice: H000589540.
2. If you contest the violation(s) and/or fine(s) you may first submit a challenge to:

Kansas Highway Patrol
Motor Carrier Safety Assistance Program (MCSAP)
700 SW Jackson, Suite 704
Topeka, Kansas 66603
(785) 368-8086 fax (785) 296-2858
KHP.TruckInspection@ks.gov

In your "challenge", please specifically describe your contested issues. The KHP will review your issues and either grant, modify or dismiss your challenge.

3. If you are not satisfied with the outcome of your challenge by the KHP, you have the right to an administrative hearing with the Kansas Corporation Commission. The hearing request must be in writing and received within 15 days of the close of the challenge, and forwarded to the Kansas Highway patrol at the above address.

Failure to pay will result in the carrier being in default. Default status prohibits changes to KCC authority, including but not limited to adding vehicles, name changes or renewal of authority, until the fine has been paid or the matter is resolved.

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KANSAS CORPORATION COMMISSION

Kansas Corporation Commission
Transportation Division
1500 SW Arrowhead Road
Topeka, Kansas 66604-4027
(785) 271-3145
FEIN: 48-1124839

INVOICE

Attachment 2
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GILES & SON TRUCKING LLC
5424 OLIVE ST
KANSAS CITY, MO 64130

Invoice Date: July 27, 2021
Invoice Number: H000589540
Due Date: August 26, 2021

Power Unit Identification at Time of Inspection:

Unit #	Unit Make	Unit License	VIN	License Number	Company ID
2	HYTR	4639	6354		4241

Unit	Violation	Violation Description	Penalty
2	393.9TS	Inoperative turn signal	150.00
Total Due:			\$150.00

**Please return this invoice with your payment, payable to the
Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, KS 66604-4027
Fax: (785) 271-3124**

Failure to pay as provided in the Notice of Violation will result in the carrier being in default. Default status will prohibit carriers from making changes to KCC authority, including but not limited to adding vehicles, name changes or renewal of authority, until the fine has been paid or the matter is resolved.

Payment options: check, money order or credit card
Circle type of credit card: Visa, MasterCard, Discover or American Express

Card Holder Name _____

Credit card number: _____ Expires: Date ____/____/____

Please direct questions regarding the violation(s) and/or assessment to the
Kansas Highway Patrol, MCSAP at (785) 368-8086.

For payment questions please contact Kansas Corporation Commission at (785) 271-3145.

Jessica Peterson [KHP]

From: KHP Truck Inspection
Sent: Tuesday, August 3, 2021 12:44 PM
To: Jessica Peterson [KHP]
Subject: FW: Challenge inv# H000589540

Follow Up Flag: Follow up
Flag Status: Flagged

Gina Riis

Sr. Administrative Assistant
Troop I / MCSAP
Kansas Highway Patrol

Ph: 785-296-7189
Fax: 785-296-2858



From: Giles Noel [REDACTED]
Sent: Monday, August 2, 2021 2:00 PM
To: KHP Truck Inspection [REDACTED]
Subject: Fwd: Challenge inv# H000589540

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

----- Forwarded message -----

From: Giles Noel [REDACTED]
Date: Sun, Aug 1, 2021 at 2:05 PM
Subject: Challenge inv# H000589540
To: [REDACTED]

On July 22, 2021, Giles and Son Trucking LLC was issued a citation for the right side Amazon trailer signal not working properly. The inspector informed me of this and I explained to him that in doing my pre-trip all the lights were working properly. He explained that he would have to put me out of service until the light was fixed. Once he walked away, I got out of the truck and inspected the trailer myself and was able to correct the tail light by moving the wire around and found that there was a short. I informed the inspector that the light is now working and he inspected again and found that the light was now working, but told me he would still have to put me out of service since it was not working at the time of his initial inspection, but allowed me to continue my tour with the trailer and to inform Amazon to get the short in the tail light fixed. Being that the trailer was not my personal trailer and the light was working before I left the inspection site this should not go against my safety ratings being as though this was an error on Amazon and

not the driver. This fine should be lifted since the error was corrected and reinspected therefore I was allowed to leave the site to continue on my tour. I am including the report for reference, #KSH93040628.

Sincerely,
Noel Giles
Giles and Son Trucking, LLC
816-305-1246



700 SW Jackson, Ste 704
Topeka, KS 66603

Herman T. Jones, Superintendent

Phone: 785-296-7189
Fax: 785-296-2858
www.KansasHighwayPatrol.org

Laura Kelly, Governor

August 6, 2021

GILES & SON TRUCKING LLC
5424 OLIVE ST
KANSAS CITY, MO 64130

Re: **Invoice # H000589540**
Report # KSHP93040628

To Whom it May Concern

This letter is to inform you that your challenge concerning violation(s) **393.9TS – Inoperative turn signal**, has been **DENIED**. Please see guidance below

During a roadside inspection, if an inspector identifies critical vehicle inspection item violations, he or she will render the vehicle out of service, which means those violations must be corrected before the vehicle may proceed. Inspectors conduct a multitude of roadside inspections every year and checking lighting components is just one element of the inspection procedure inspectors perform on commercial motor vehicles every day.

After reviewing the inspection and the information provided, the violation is valid and will remain on the inspection. The Kansas Highway Patrol appreciates your prompt attention to the violations however they simply cannot be amended without evidence that the violations were entered in error, or they were coded incorrectly. Absent any such evidence, all violations will remain on this inspection.

- Subpart B—Lamps, Reflective Devices, and Electrical Wiring
 - §393.9 Lamps operable, prohibition of obstructions of lamps and reflectors.
 - (a) All lamps required by this subpart shall be capable of being operated at all times. This paragraph shall not be construed to require that any auxiliary or additional lamp be capable of operating at all times.
 - Table 1 of §393.11—Required Lamps and Reflectors on Commercial Motor Vehicles
 - Footnote—12 Every bus, truck, and truck tractor shall be equipped with a signaling system that, in addition to signaling turning movements, shall have a switch or combination of switches that will cause the two front turn signals and the two rear signals to flash simultaneously as a vehicular traffic signal warning, required by §392.22(a). The system shall be capable of flashing simultaneously with the ignition of the vehicle on or off.
- North American Standard Out-Of-Service Criteria
 - Lighting Devices (Headlamps, Tail Lamps, Stop Lamps, Turn Signals and Lamps/Flags on Projecting Loads)
 - (b) At any time – Day or night
 - Does not have an operative turn signal visible on each side of the rear of a single unit vehicle or the rear of the rearmost vehicle of a combination of vehicles render the vehicle out-of-service.

Effective 04/01/2006, KCC will assess civil penalties to all motor carrier for the applicable OOS violations discovered during a roadside inspection as determined by the CVSA, North American Out-Of-Service Criteria.

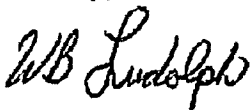
Pursuant to K.S.A. 66-1, 129a, 66-1,130 and 66-1,142b, the commission may suspend operations, revoke, or amend certificated, and initiate sanctions or fines against every motor carrier and every person who violates any provision of Kansas law regarding the regulation of such motor carriers and persons, or who fails to obey any order, decision, or regulation of the Commission. Please reference to: KS Statute 66-1,142b

The violation(s) will remain on your carrier profile and Invoice # **H000589540** remains valid. Please see the invoice for information regarding the fines due. Failure to pay will result in the carrier being in default. Default status prohibits changes to KCC authority, including but not limited to adding vehicles, name changes or renewal of authority until the fine has been paid or the matter is resolved.

If you are not satisfied with the outcome of your challenge by the KHP, you have the right to an administrative hearing with the Kansas Corporation Commission. The hearing request must be in writing and received **WITHIN 15 DAYS** of the close of the challenge and forwarded to the Kansas Highway Patrol at the above address.

Thank you for your time and attention to this inspection report.

Sincerely,



Wes Ludolph, Captain
Troop I, Topeka

WL: JLP

8/13/21

Kansas Corporation Commission
700 SW Jackson
Ste 704
Topeka, KS 66603

RE: Hearing request
Invoice #H000589540
Report #KSHP93040628

On July 22, 2021 Giles and Son Trucking LLC was issued a citation for the right-side Amazon trailer signal not working properly. The inspector informed me of this, and I explained to him that in doing my pre-trip all the lights were working properly. He explained that he would have to put me out of service until the light was fixed. Once he walked away, I got out of the truck and inspected the trailer myself and was able to correct the taillight by moving the wire around and found that there was a short. I informed the inspector that the light is now working and he inspected again and found that the light was now working, but told me he would still have to put me out of service since it was not working at the time of his initial inspection, but allowed me to continue my tour with the trailer and to inform Amazon to get the short in the tail light fixed. Being that the trailer was not my personal trailer and the light was working before I left the inspection site this should not go against my safety ratings being as though this was an error on Amazon and not the driver. This fine should be lifted since the error was corrected and re-inspected therefore, I was allowed to leave the site to continue on my tour. I am including the report for reference, #KSHP93040628.

Sincerely,
Noel Giles
Giles and Son Trucking, LLC
816-305-1246

CERTIFICATE OF SERVICE

22-GIMM-116-KHP

I, the undersigned, certify that a true and correct copy of the above and foregoing notice was placed in the United States mail, postage prepaid, this 7th day of September, 2021, to the following:

Noah Giles, SR., MEMBER
Giles & Son Trucking LLC
5424 Olive St
Kansas City, MO 64130
noelgiles31066@gmail.com

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

Abigail Emery

Abigail Emery, CRP
Paralegal