



20231107093014  
Kansas Corporation  
Commission  
Phone: 785-271-3100  
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<http://kcc.ks.gov/>

1500 SW Arrowhead Road  
Topeka, KS 66604-4027

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

Laura Kelly, Governor

**NOTICE OF PENALTY ASSESSMENT**  
24-TRAM-321-PEN

November 7, 2023

Brenda Graham, Office Manager  
Gibson Products Co of Salina Inc d/b/a Ace Hardware Home Center  
321 S Broadway Blvd  
Salina, KS 67401

This is a notice of a penalty assessment against Gibson Products Co of Salina Inc d/b/a Ace Hardware Home Center (Ace Hardware Home Center) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on August 7, 2023, by Kansas Corporation Commission Special Investigator Gregory Askren. Penalties are assessed in accordance with the FY 2024 Uniform Penalty Assessment Matrix, approved by the Commission on June 29, 2023. For a full description of the penalty(s) and terms and obligations please refer to the Order attached to this notice.

**IF YOU ACCEPT THE PENALTY:** Ace Hardware Home Center has been assessed a \$2,200 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$2,200, 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.

**IF YOU CONTEST THE PENALTY ORDER:** You have the right to request a hearing. A request for a hearing must be made in writing, setting forth the specific grounds upon which relief is sought. Ace Hardware Home Center must file, within fifteen (15) days from the date of service of this Order, the request for hearing with the Commission's electronic filing system found at <https://puc.kcc.ks.gov/e-filing/e-express/>, and mail a copy of the request for hearing to the undersigned at the above address. If you do not have access to the internet, you can mail an original and seven copies of the request to the Executive Director at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy to the undersigned Litigation Counsel.<sup>1</sup>

**IF YOU FAIL TO ACT:** Failure to pay the penalty of \$2,200 within thirty (30) days from the date of service of the Penalty Order or failure to comply with the terms of the Order, or in the alternative, failure to provide a timely written request for a hearing, will result in the Order becoming final and may result in additional sanctions of suspension and/or revocation of your motor carrier operating authority.

Respectfully,

*/s/ Ahsan A. Latif*  
Ahsan A. Latif  
Litigation Counsel  
(785) 271-3118  
[a.latif@kcc.ks.gov](mailto:a.latif@kcc.ks.gov)

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<sup>1</sup> 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 **Gibson**        )  
**Products Co of Salina Inc d/b/a Ace**        )  
**Hardware Home Center, of Salina, KS,**        )  
Regarding the Violation(s) of the Motor Carrier        )        Docket No. 24-TRAM-321-PEN  
Safety Statutes, Rules and Regulations 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.        On August 7, 2023, Commission Staff Special Investigator (SI) Gregory Askren, completed a safety compliance investigation of the operations of Gibson Products Co of Salina Inc d/b/a Ace Hardware Home Center (Ace Hardware Home Center or Carrier). Ace Hardware Home Center is a motor carrier as defined in 49 C.F.R. 390.5, and operates under USDOT number 82434.

2.        On October 6, 2023, Staff submitted its Report and Recommendation (R&R), attached hereto as Attachment “A” and is hereby incorporated by reference, recommending a penalty of \$2,200 to be issued to Ace Hardware Home Center based on the frequency, timeline and severity of the violations discovered. Staff’s R&R indicates that as a result of the safety compliance investigations, SI Gregory Askren identified seven (7) violation(s), accounting for

seven (7) count(s), of the Motor Carrier Safety Regulations (MCSRs), which carry a penalty according to the FY2024 Uniform Penalty Assessment Matrix.<sup>2</sup>

3. Finally, Staff recommends that Ace Hardware Home Center submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order.<sup>3</sup> Transportation Staff will contact the motor carrier at a later date to determine an appropriate time for this review.

4. Pursuant to K.S.A 66-1,108b, 66-1,111, 66-1,112 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.

5. 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.

6. 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.

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<sup>2</sup> Order Designating Guidance Document and Approving Staff's Use of the Transportation Division's Uniform Penalty Assessment Table, pp. 11 – 26 (Jun. 29, 2023) ("Penalty Matrix").

<sup>3</sup> See Staff's Report and Recommendation, p. 4 (Oct. 6, 2023).

**IT IS THEREFORE, BY THE COMMISSION ORDERED THAT:**

A. Gibson Products Co of Salina Inc d/b/a Ace Hardware Home Center, of Salina, KS is hereby assessed a \$2,200 civil penalty for seven (7) violation(s), accounting for seven (7) count(s), of Kansas law governing the regulation of motor carriers, the Kansas Administrative Regulations and provisions of the Federal Motor Carrier Safety Regulations, as adopted by the Kansas Administrative Regulations.

B. Ace Hardware Home Center is ordered to submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order. Transportation Staff will contact the Carrier to set up the appointment.

C. 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 Ace Hardware Home Center's right to a hearing, and this Penalty Order will become a Final Order.

D. If a request for hearing is filed, attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. For civil penalties exceeding \$500, a corporation shall appear before the Commission by its attorney,



unless waived by the Commission for good cause shown and a determination that such waiver is in the public interest.<sup>4</sup>

E. If you do not request a hearing, the payment of the civil penalty of \$2,200 is due in thirty (30) days from the date of service of this Order. Payment of \$2,200 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.

F. Failure to pay the \$2,200 civil penalty within thirty (30) days from the date of service of this Penalty Order and/or failure to comply with the provisions of this Order may result in suspension of Ace Hardware Home Center's motor carrier operating authority without further notice.<sup>5</sup> 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: 11/07/2023



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Lynn M. Retz  
Executive Director

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<sup>4</sup> . K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2); K.A.R. 82-1-202(a).

<sup>5</sup> 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:** Gary Davenport, Deputy Director of Transportation  
Jared Smith, Public Service Executive

**DATE:** October 6, 2023

**SUBJECT: Docket No. 24-TRAM-321-PEN**  
In the Matter of the Investigation of **Gibson Products Co of Salina Inc d/b/a Ace Hardware Home Center of Salina, 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:**

Gibson Products Co of Salina Inc is a motor carrier (MC) possessing private operating authority from the Commission, primarily hauling general freight. Gibson Products Co of Salina Inc operates under USDOT 82434. On August 7, 2023, Commission Staff Special Investigator (SI) Gregory Askren completed a safety compliance investigation of the operations of Gibson Products Co of Salina Inc. 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 seven (7) violation(s), accounting for seven (7) specific count(s), of the Motor Carrier Safety Regulations (MCSRs), which carry a penalty according to the FY2024 Uniform Penalty Assessment Matrix approved by the Commission. Based on the frequency, timeline and severity of the violations discovered by the SI, staff recommends penalty of \$2,200 be issued to the MC.

**DISCUSSION AND ANALYSIS:**

On August 7, 2023, Commission Staff SI Gregory Askren conducted a safety compliance investigation of the operations of Gibson Products Co of Salina Inc. The investigation covers a 365 day period as well as past compliance investigations. Each specific count is detailed below.

**Count One (1 of 7)**

**Jurisdiction:** 49 C.F.R. 382.115(a), adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 66-1,129.

**Intent of Law:** Requires the MC to establish an alcohol and controlled substances testing program for its CDL drivers that complies with the procedures established in 49 C.F.R. 382.105.

**Supporting Documentation:** On June 9, 2023, Gibson Products Co of Salina Inc required or permitted its driver, Billy Cotter, to operate a commercial driver's license (CDL) required commercial motor vehicle (CMV), a 1995 Kenworth, VIN ending in 9714, GVWR 36,000 lbs., in

intrastate commerce from Salina, Kansas to Clay Center, Kansas. This transport is evidenced by a driver's record of duty status, attached hereto as **Exhibit 2**.

**Violation:** Gibson Products Co of Salina Inc failed to implement an alcohol and/or controlled substance testing program on the date the employer begins commercial motor vehicle operations (**Exhibit 1, Page 3**). One (1) violation was discovered.

**Recommendation:** Staff recommends a fine of \$350.

### Count Two (2 of 7)

**Jurisdiction:** K.S.A. 66-1,142b, and 49 C.F.R. 392.2, adopted by K.A.R. 82-4-3h, and authorized by K.S.A. 66-1,129.

**Intent of the Law:** The MC must comply with the requirements of a Commission Order, including submission of a corrective action plan (CAP) as ordered in a Penalty Order.

**Supporting Documents:** The MC was ordered to submit a CAP in the Penalty Order issued on February 23, 2021 in Docket No. 21-TRAM-300-PEN.

**Violation:** Gibson Products Co of Salina Inc failed to submit a CAP as required by Commission Order dated February 23, 2021 (**Exhibit 1, Page 3**). One (1) violation was discovered.

**Recommendation:** Staff recommends a fine of \$250.

### Count Three (3 of 7)

**Jurisdiction:** K.S.A. 66-1,142b, and 49 C.F.R. 392.2, adopted by K.A.R. 82-4-3h, and authorized by K.S.A. 66-1,129.

**Intent of the Law:** The MC must comply with the requirements of a Commission Order, including attendance at a Commission-sponsored safety seminar as ordered in a Penalty Order.

**Supporting Documents:** The MC was ordered to attend a KCC safety seminar in the Penalty Order issued on February 23, 2021 in Docket No. 21-TRAM-300-PEN.

**Violation:** Gibson Products Co of Salina Inc failed to attend a KCC safety seminar as required by Commission Penalty Order dated February 23, 2021 (**Exhibit 1, Page 3 to 4**). One (1) violation was discovered.

**Recommendation:** Staff recommends a fine of \$250.

### Count Four (4 of 7)

**Jurisdiction:** 49 C.F.R. 382.711, adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 66-1,129

**Intent of the Law:** The MC must be enrolled in the FMCSA Drug and Alcohol Clearinghouse (DACH).

**Supporting Documents:** This violation took place during the transport described in Count One, above. Additionally, attached is a copy of the MC's DACH search, attached hereto as **Exhibit 3**.

**Violation:** Gibson Products Co of Salina Inc failed to register in the DACH (**Exhibit 1, Page 4**). One (1) violation was discovered.

**Recommendation:** Staff recommends a fine of \$500.

### Count Five (5 of 7)

**Jurisdiction:** 49 C.F.R 391.51 (b) (4), adopted by K.A.R. 82-4-3g and authorized by K.S.A 66-1,129.

**Intent of the Law:** Requires the MCs to receive the motor vehicle record (MVR) annually from each driver's licensing authority to the annual driver record inquiry required by 391.25(a).

**Supporting Documents:** This violation took place during the transport described in Count One, above. Additionally, MC was unable to provide any MVRs to the SI.

**Violation:** Gibson Products Co of Salina Inc was found to be in violation of failing to maintain MVRs in driver's qualification file (**Exhibit 1, Page 4**). One (1) violation was discovered.

**Recommendation:** Staff recommends a fine of \$100.

### Count Six (6 of 7)

**Jurisdiction:** K.S.A. 8-142 and 49 C.F.R. 392.2, adopted by K.A.R. 82-4-3h, and authorized by K.S.A. 66-1,129.

**Intent of the Law:** The MC must obtain a proper commercial registration for its commercial motor vehicle.

**Supporting Documents:** This violation took place during the transport described in Count One, above. A copy of the expired registration is attached hereto as **Exhibit 4**. The registration expired on December 31, 2022 and the enforcement period for failing to maintain valid commercial registration began on March 1, 2023, three months prior to this transport.

**Violation:** Gibson Products Co of Salina Inc failed to have valid commercial registration for the commercial motor vehicle operated (**Exhibit 1, Page 5**). One (1) violation was discovered.

**Recommendation:** Staff recommends a fine of \$500.

### Count Seven (7 of 7)

**Jurisdiction:** 49 C.F.R. 396.17, adopted by K.A.R. 82-4-3j, and authorized by K.S.A. 66-1,129.

**Intent of the Law:** The MC shall obtain and document a successful periodic (annual) inspection on the commercial motor vehicle during the preceding 12-month period. The inspection shall be retained by the MC pursuant to 49 C.F.R. 396.21(b).

**Supporting Documents:** This violation took place during the transport described in Count One, above. An annual inspection dated June 26, 2020 is attached hereto as **Exhibit 5**. The MC was unable to provide any annual inspections conducted after this date.

**Violation:** Gibson Products Co of Salina Inc was found to be in violation of using a CMV not periodically inspected (**Exhibit 1, Page 6**). One (1) violation was discovered.

**Recommendation:** Staff recommends a fine of \$250.

### **RECOMMENDATION:**

Transportation Staff recommends the Commission find Gibson Products Co of Salina Inc committed seven (7) violation(s) accounting for seven (7) 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 \$2,200 for seven (7) violation(s) of the MC Safety Statutes, Rules and Regulations, in accordance with the recommended penalties listed in the applicable Uniform Penalty Assessment Matrix.

Finally, Staff recommends that Gibson Products Co of Salina Inc 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#:** 82434  
**MC/MX#:** 0

**Legal:** GIBSON PRODUCTS CO OF SALINA INC  
**Operating (DBA):** ACE HARDWARE HOME CENTER

**Investigation Date:**  
08/07/2023

**Investigation Type:** Offsite Investigation

**Physical Address**

321 S BROADWAY BLVD  
SALINA, KS 67401-3803  
United States

**Mailing Address**

321 S BROADWAY BLVD  
SALINA, KS 67401-3803  
United States

**Contact Information**

**Contact Name:** Brenda Gahman  
**Email:** brendagraham0416@gmail.com  
**Phone:** (785)827-4474    **Cell:** ( )-    **Fax:** ( )-

**Business and Financial**

**Business Type:** Corporation  
**Name of Gross Revenue Provider:** Brenda Gahman  
**Title of Gross Revenue Provider:** Office Manager  
**Gross Revenue:** ██████████    **For Year Ending:** 12/31/2022  
**Federal Tax ID:** ██████████

**Operation Classification and Type**

**Type of Operation:** Non-HM Intrastate Carrier

**Operation Classification**

Private Motor Carrier  
Property – Non-Hazardous Materials

**Cargo**

General Freight

**Equipment**

	Owned	Term Leased	Trip Leased
Straight Trucks	1		

**Driver Information**

	Drivers	
	Intrastate	Interstate
<b>Power units used in the U.S.:</b> 1	< 100 Miles	1
<b>Percentage of time used in the U.S.:</b> 100%	>= 100 Miles	
<b>Average trip leased driver/month:</b> 0		
<b>Drivers with CDL:</b> 1		
<b>Total Drivers:</b> 1		

**Person(s) Interviewed**

<b>Name:</b> TOM JONES	<b>Title:</b> VICE-PRESIDENT
<b>Name:</b> Brenda Gahman	<b>Title:</b> Office Manager



**Questions**

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

# Violations

## 1. Primary: 382.115(a)

Failing to implement an alcohol and/or controlled substances testing program on the date the employer begins commercial motor vehicle operations.



**Acute**

### Violations Discovered

Fed	State	Total
1		1

### Checked

Fed	State	Total
1		1

**BASIC Impacted**  
Controlled  
Substances/Alcohol

**Rating Factor 2:**  
Driver = Part 382

### Example/Notes:

Driver name, Billy Cotter

Trip date; 6/9/2023

Operating a straight truck intrastate from Salina, Ks. to Clay Center Ks.

### Drivers/Vehicles in Violation

Fed	State	Total
1		1

### Checked

Fed	State	Total
1		1

## 2. Primary: 392.2

### State Equivalent: 66-1,142(b)

Failing to submit a CAP to the KCC as required in Penalty Order

21-TRAM-300-PEN.

### Violations Discovered

Fed	State	Total
	1	1

### Checked

Fed	State	Total
	1	1

### Example/Notes:

The carrier failed to submit a CAP (Corrective Action Plan) to the KCC as required in Penalty Order

21-TRAM-300-PEN. The carrier driver, Billy Cotter operated a CMV with a GVWR of 36000 lbs on an intrastate trip from Salina, Ks. to Clay Center Ks.

### Drivers/Vehicles in Violation

Fed	State	Total

### Checked

Fed	State	Total

## 3. Primary: 392.2

### State Equivalent: 66-1,142(d)

Failing to attend a KCC safety seminar by zoom as designated in the penalty order

21-TRAM-300-PEN.

### Violations Discovered

Fed	State	Total
	1	1

### Checked

Fed	State	Total
	1	1

### Example/Notes:

### Drivers/Vehicles in Violation

Company Driver Billy Cotter operated a CMV on 6/9/2023 as shown by a RODS in intrastate movement from Salina, Ks. to Clay Center, Ks.

Fed	State	Total
<b>Checked</b>		
Fed	State	Total

**4. Primary: 382.711(b)**

Failing to register in the Clearinghouse.

<b>Violations Discovered</b>		
Fed	State	Total
1		1
<b>Checked</b>		
Fed	State	Total
1		1

**Example/Notes:**

The company has failed to register in the Drug & alcohol Clearinghouse as required by law.

An intrastate trip from Salina Ks. to Clay Center Ks. is verified by the record of duty status provided for Billy Cotter on 6/9/2023.

<b>Drivers/Vehicles in Violation</b>		
Fed	State	Total
1		1
<b>Checked</b>		
Fed	State	Total
1		1

**5. Primary: 391.51(b)(4)**

Failing to maintain the responses of each State agency to the annual driver record inquiry required by 391.25(a).

<b>Violations Discovered</b>		
Fed	State	Total
	1	1
<b>Checked</b>		
Fed	State	Total
	1	1

**Example/Notes:**

Driver name, Billy Cotter

Trip date.6/9/2023 on an intrastate trip from Salina, Ks. to Clay Center, Ks.

Description of violation; Failing to maintain the responses of each State agency to the annual driver record inquiry required by 391.25(a).

<b>Drivers/Vehicles in Violation</b>		
Fed	State	Total
	1	1
<b>Checked</b>		
Fed	State	Total
	1	1

**6. 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).

<b>Violations Discovered</b>		
Fed	State	Total
	1	1
<b>Checked</b>		

Fed	State	Total
	1	1

**Example/Notes:**

Driver name, Billy Cotter

Trip date.6/9/2023

Description of violation; Failing to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2). As verified from the record of duty status for 6/9/29023.

**Drivers/Vehicles in Violation**

Fed	State	Total
	1	1

**Checked**

Fed	State	Total
	1	1

**7. 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, Billy Cotter

Trip date. 6/9/2023

Description of violation: 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). This is the 3rd time this violation is cited.

**Drivers/Vehicles in Violation**

Fed	State	Total
	1	1

**Checked**

Fed	State	Total
	1	1

**8. Primary: 392.2**

**State Equivalent: 8-142(1)**

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,

**Violations Discovered**

Fed	State	Total
	1	1

**Checked**

Fed	State	Total
	1	1

**Example/Notes:**

Driver Billy Cotter.

Trip date; 6/9/2023

Vehicle; 1995 KW, Ks registration 538602, expired March 2023. 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

**Drivers/Vehicles in Violation**

Fed	State	Total
	1	1

**Checked**

Fed	State	Total
	1	1

current registration year,

**9. Primary: 396.17(c)**

Using a commercial motor vehicle not periodically inspected in accordance with minimum standards.

**Violations Discovered**

Fed	State	Total
	1	1

**Checked**

Fed	State	Total
	1	1

**Example/Notes:**

Vehicle; U-1 1995 Kenworth Truck. Vin (last 4) 9714.

Trip date: 6/9/2023

Description of violation: Using a commercial motor vehicle not periodically inspected in accordance with minimum standards. The last annual inspection provided was dated 6/26/2020.

**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: Driver Fitness

#### Process Breakdown: Policies and Procedures

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Take steps to follow policy regarding annual MVR and reviews of MVRs.

#### Specific Recommended Remedies

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

1. Develop a policy for the periodic review (at least twice per year) of driver qualification files. The motor carrier should not rely on third-party sources, such as insurance agencies. The procedure should include controls to ensure that documents requiring renewals are in place, to remind drivers of expiration dates on medical certificates, so they can schedule another physical examination in advance, and to prevent falsification of documents related to driver qualification.

### BASIC: Controlled Substances/Alcohol

#### Process Breakdown: Policies and Procedures

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The company needs to develop a drug and alcohol testing program, either by doing it themselves or joining a D&A Consortium.

#### Specific Recommended Remedies

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

1. Develop a written company policy incorporating by reference all regulations regarding controlled substances and alcohol use, testing, training, and records retention for all employees.
2. Establish a process to ensure that drivers who are randomly tested can be immediately removed if they are found to be positive and that they do not return to safety-sensitive duties until they have complied with the "return-to-duty" process.
3. 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.
4. 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.

### BASIC: Vehicle Maintenance

#### Process Breakdown: Policies and Procedures

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The company needs to develop policy to insure the annual inspections are completed in a timely manner. The company vehicle needs to have the registration renewed annually.

## **Specific Recommended Remedies**

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

1. Develop a system of preventive maintenance for compliant, safe, and efficient fleet operations, including a schedule for periodic maintenance, inspection, and recordkeeping. This system should be attuned to manufacturer recommendations, the carrier's own experience, and regulatory requirements.



# Recommendations

## 1. **Additional Information**

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

## 2. **Obtain copies of the regulations, forms, interpretations, manuals.**

Copies of the regulations, forms, interpretations, and manuals are available from a variety of sources. Check the FMCSA website for a current list of suppliers. [www.fmcsa.dot.gov/safety-security/eta/index.htm](http://www.fmcsa.dot.gov/safety-security/eta/index.htm)

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

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

## 4. **Conduct periodic internal reviews. (non-HM)**

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

## 5. **Employers are responsible for the compliance of 49 CFR Part 40.**

Employers are responsible for their officers', employees', agents', consortia, and/or contractors' compliance with the requirements of 49 CFR Parts 40 and 382.

## 6. **Ensure that inspections are done at proper intervals.**

Ensure that the persons or entities that perform preventative maintenance inspections on your equipment are abiding by agreed time or mileage intervals. Ensure that records are kept of such periodic preventative maintenance inspections. Take corrective action, if schedules are not being adhered to.

## 7. **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.

## 8. **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.

## 9. **10-year driver employment history required.**

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

## 10. **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 .

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

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

## 12. **Retain supporting documents for 6 months.**

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

## 13. **Ensure that all drivers' logs are accurate.**

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

## 14. **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.

## 15. **Part 40 Violations**

Ensure that your drug and alcohol testing program conforms with all applicable parts of Part 40.

## 16. **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.

17. **Drug and Alcohol Clearinghouse**  
Find out your responsibilities and requirements for FMCSA's Drug and Alcohol Clearinghouse by visiting <https://clearinghouse.fmcsa.dot.gov>.
18. **Clearinghouse Registration - Employer**  
Ensure you are registered in the Clearinghouse by visiting <https://clearinghouse.fmcsa.dot.gov>.
19. **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.
20. **Clearinghouse Pre-employment Query**  
Ensure pre-employment (full) queries are conducted in the Clearinghouse before hiring a driver to perform a safety sensitive function.
21. **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.
22. **Clearinghouse Driver Consent**  
Ensure driver consent has been obtained and is on file before conducting a limited query.
23. **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.
24. **DQ File Required**  
Each motor carrier shall maintain a driver qualification (DQ) file for each driver it employs. A driver's qualification file may be combined with his/her personnel file. The DQ file must include: driver's application for employment completed in accordance with 391.21; a copy of the motor vehicle record received from each State within 30 days of the hire date pursuant to 391.23(a)(1); certificate of the driver's road test issued to the driver [391.31(e)] or a copy of the CDL license [391.33]; copy of the annual motor vehicle record received from each State agency [391.25(a)]; note relating to the annual review of the driver's driving record [391.25(c)(2)]; list or certificate relating to violations of motor vehicle laws and ordinances of the annual review of the driver's driving record [391.27]; copy of the medical examiner's certificate [391.43(g)]; a note relating to the verification of medical examiner listing on the National Registry of Certified Medical Examiners [391.23(m)]; and a Skill Performance Evaluation Certificate if applicable [391.49].
25. **DQ retained 3 yrs after termination**  
Per 391.51(c), Except as provided in paragraph (d) of this section, each driver's qualification file shall be retained for as long as a driver is employed by that motor carrier and for three years thereafter.
26. **MC verify Nal Registry**  
As per 391.51(b)(9), The qualification file must include a note relating to verification of medical examiner listing on the National Registry of Certified Medical Examiners required by 391.23(m).
27. **Reasonable Suspicion Training**  
Ensure that all persons designated to supervise CDL drivers receive at least 60 minutes of training on alcohol misuse and receive at least an additional 60 minutes of training on controlled substance use.
28. 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 recurrence going forward. Include any supporting documentation and evidence as indicated in the recommendations above, (example: vehicle inspections performed, proof of drug and alcohol testing in place, etc.) necessary to prove that corrective action has been taken. Submit the letter along with copies of your supporting evidence to:  
Email: [g.davenport@kcc.ks.gov](mailto:g.davenport@kcc.ks.gov) FAX: 785-271-3124 or mail: Kansas Corporation Commission Attn: Gary Davenport 1500 SW Arrowhead Rd Topeka, KS 66604-4027  
Failure to submit the plan & attend a KCC safety presentation within 30 days of the closing of the compliance review can result in

further penalties in a follow up review. Carrier \_\_\_\_\_ Date \_\_\_\_\_

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

Signed \_\_\_\_\_ Date \_\_\_\_\_

I understand that monetary penalties will be assessed as a result of violations found in this compliance review. Carrier representative: \_\_\_\_\_ Date: \_\_\_\_\_

## **EXHIBIT 2**



# DRIVER'S DAILY LOG

(24 HOURS)

131

Total Miles Driving Today

131

Total Mileage Today

6 / 9 / 23  
(Month) (Day) (Year)

ACE HARDWARE

Name of Carrier or Carriers

321 S. BROADWAY

Main Office Address

SALINA, KS

Home Terminal Address

ACE #1

Truck/Tractor and Trailer Numbers or License Plate(s) / State (show each unit)

I certify these entries are true and correct:

Bill Carter

Driver's Full Signature

Co-Driver's Name

Original - File at home terminal  
Duplicate - Driver retains in his/her possession for eight days

**RECAP**  
Complete at end of workday.

On-duty hours today. (Total lines 3 & 4)

**70 Hour/8 Day Drivers**

A. Total hours on duty last 7 days, including today.

B. Total hours available tomorrow. 70 hr. minus A.\*

C. Total hours on duty last 8 days, including today.

**60 Hour/7 Day Drivers**

A. Total hours on duty last 6 days, including today.

B. Total hours available tomorrow. 60 hr. minus A.\*

C. Total hours on duty last 7 days, including today.

\*If you took 34 consecutive hours off duty, you have 60/70 hours available again.

MID-NIGHT 1 2 3 4 5 6 7 8 9 10 11 NOON 1 2 3 4 5 6 7 8 9 10 11 TOTAL HOURS

- 1. OFF DUTY
- 2. SLEEPER BERTH
- 3. DRIVING
- 4. ON DUTY (NOT DRIVING)

19 1/2  
0  
2  
2 1/2  
24

REMARKS

SHIPPING DOCUMENTS:

B/L or Manifest No. or

Shipper & Commodity

From: SALINA, KS To: SALINA, KS

SALINA, KS  
CLAY CENTER, KS  
SALINA, KS

USE TIME STANDARD AT HOME TERMINAL

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## **EXHIBIT 3**





## 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

## **EXHIBIT 4**





**Kansas Department of Revenue**  
**COMMERCIAL MOTOR VEHICLE OFFICE**

PO BOX 12003  
Topeka, KS 66601  
Phone: (785) 296-6541  
[www.truckingks.org](http://www.truckingks.org)

**KANSAS CMV REGISTRATION CAB CARD**

**REGISTRATION INFORMATION**

Account : 902009      Expiration Date : 12/31/2022      Enforcement : 03/01/2023      Supplement # : 0      KS Gross Weight : 36000  
Effective : 01/01/2022

**REGISTRANT INFORMATION**

Carrier Type : Commercial Vehicle

GIBSON PRODUCTS CO OF SALINA INC

Plate No: 538602

321 S BROADWAY BLVD  
SALINA KS 674013803

Fleet : 001

Unit : 1

**Vehicle Information**

VIN : 2 [REDACTED] 9714	Year : 1995	Make : KENW
Fuel : Diesel Fuel	Type : TK	Color : WH
Empty Weight : 11000	Seats : 0	Axles : 2

**MOTOR CARRIER RESPONSIBLE FOR**

**SAFETY USDOT Number**      000082434

GIBSON PRODUCTS CO OF SALINA INC  
321 S BROADWAY BLVD  
SALINA KS 67401-3803



## **EXHIBIT 5**

# ANNUAL VEHICLE INSPECTION REPORT

VEHICLE HISTORY RECORD	
REPORT NUMBER	FLEET UNIT NUMBER
73894	1
DATE <span style="font-size: 1.2em;">06/26/2020</span>	

MOTOR CARRIER OPERATOR <span style="font-size: 1.2em;">GIBSON / ACE HARDWARE</span>	INSPECTOR'S NAME (PRINT OR TYPE) <span style="font-size: 1.2em;">JAMES QUADE</span>
ADDRESS <span style="font-size: 1.2em;">321 S. BROADWAY BLVD</span>	THIS INSPECTOR MEETS THE QUALIFICATION REQUIREMENTS IN SECTION 396.19. <input checked="" type="checkbox"/> YES
CITY, STATE, ZIP CODE <span style="font-size: 1.2em;">SALINA KS. 67401-3803</span>	VEHICLE IDENTIFICATION <input checked="" type="checkbox"/> AND COMPLETE) <input type="checkbox"/> LIC. PLATE NO. <input checked="" type="checkbox"/> VIN <input type="checkbox"/> OTHER <span style="font-size: 1.2em;">[REDACTED] 9714</span>
VEHICLE TYPE <input type="checkbox"/> TRACTOR <input type="checkbox"/> TRAILER <input checked="" type="checkbox"/> TRUCK <input type="checkbox"/> BUS <input type="checkbox"/> (OTHER)	INSPECTION AGENCY/LOCATION (OPTIONAL) <span style="font-size: 1.2em;">MAC KENWORTH SALINA KS K120</span>

## VEHICLE COMPONENTS INSPECTED

OK			NEEDS REPAIR			REPAIRED DATE			ITEM		
1. BRAKE SYSTEM											
<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>						a. Service Brakes		
<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>						b. Parking Brake System		
<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>						c. Brake Drums or Rotors		
<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>						d. Brake Hose		
<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>						e. Brake Tubing		
<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>						f. Low Pressure Warning Device		
<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>						g. Tractor Protection Valve		
<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>						h. Air Compressor		
<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>						i. Electric Brakes		
<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>						j. Hydraulic Brakes		
<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>						k. Vacuum Systems		
<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>						l. Antilock Brake System		
<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>						m. Automatic Brake Adjusters		
2. COUPLING DEVICES											
<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>						a. Fifth Wheels		
<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>						b. Pintle Hooks		
<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>						c. Drawbar/Towbar Eye		
<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>						d. Drawbar/Towbar Tongue		
<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>						e. Safety Devices		
<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>						f. Saddle-Mounts		
3. EXHAUST SYSTEM											
<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>						a. Exhaust system leaking forward of or directly below the driver/sleeper compartment.		
<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>						b. Bus exhaust system leaking or discharging in violation of standard.		
<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>						c. Exhaust system likely to burn, char, or damage the electrical wiring, fuel supply, or any combustible part of the motor vehicle.		
4. FUEL SYSTEM											
<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>						a. Visible leak.		
<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>						b. Fuel tank filler cap missing.		
<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>						c. Fuel tank securely attached.		
5. LIGHTING DEVICES											
<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>						All lighting devices and reflectors required by Part 393 shall be operable.		
6. SAFE LOADING											
<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>						a. Part(s) of vehicle or condition of loading such that the spare tire or any part of the load or dunnage can fall onto the roadway.		
<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>						b. Protection against shifting cargo.		
<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>						c. Container securement devices on intermodal equipment.		
7. STEERING MECHANISM											
<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>						a. Steering Wheel Free Play		
<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>						b. Steering Column		
<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>						c. Front Axle Beam and All Steering Components Other Than Steering Column		
<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>						d. Steering Gear Box		
<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>						e. Pitman Arm		
<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>						f. Power Steering		
<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>						g. Ball and Socket Joints		
<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>						h. Tie Rods and Drag Links		
<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>						i. Nuts		
<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>						j. Steering System		
8. SUSPENSION											
<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>						a. Any U-bolt(s), spring hanger(s), or other axle positioning part(s) cracked, broken, loose or missing resulting in shifting of an axle from its normal position.		
<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>						b. Spring Assembly		
<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>						c. Torque, Radius or Tracking Components		
9. FRAME											
<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>						a. Frame Members		
<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>						b. Tire and Wheel Clearance		
<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>						c. Adjustable Axle Assemblies (Sliding Subframes)		
10. TIRES											
<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>						a. Tires on any steering axle of a power unit.		
<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>						b. All other tires.		
<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>						c. Installation of speed-restricted tires unless specifically designated by motor carrier.		
11. WHEELS AND RIMS											
<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>						a. Lock or Side Ring		
<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>						b. Wheels and Rims		
<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>						c. Fasteners		
<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>						d. Welds		
12. WINDSHIELD GLAZING											
<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>						Requirements and exceptions as stated pertaining to any crack, discoloration or vision reducing matter (reference 393.60 for exceptions).		
13. WINDSHIELD WIPERS											
<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>						Any power unit that has an inoperative wiper, or missing or damaged parts that render it ineffective.		
14. MOTORCOACH SEATS											
<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>						Any passenger seat that is not securely fastened to the vehicle structure.		
15. OTHER											
<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>						List any other condition(s) which may prevent safe operation of this vehicle.		

INSTRUCTIONS: MARK COLUMN ENTRIES TO VERIFY INSPECTION:  OK,  NEEDS REPAIR,  NA IF ITEMS DO NOT APPLY, \_\_\_\_\_ REPAIRED DATE

CERTIFICATION: THIS VEHICLE HAS PASSED ALL THE INSPECTION ITEMS FOR THE ANNUAL VEHICLE INSPECTION IN ACCORDANCE WITH 49 CFR PART 396.

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VEHICLE COPY



**CERTIFICATE OF SERVICE**

24-TRAM-321-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 11/07/2023.

BRENDA GRAHAM, OFFICE MANAGER  
GIBSON PRODUCTS CO OF SALINA INC.  
D/B/A ACE HARDWARE HOME CENTER  
321 S BROADWAY BLVD  
SALINA, KS 67401-3803  
brendagraham0416@gmail.com

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

/S/ KCC Docket Room  
KCC Docket Room