

1500 SW Arrowhead Road
Topeka, KS 66604-4027



20231026103927
Kansas Corporation
Commission
Phone: 785-271-3100
Fax: 785-271-3354
<http://kcc.ks.gov/>

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

Laura Kelly, Governor

NOTICE OF PENALTY ASSESSMENT
23-TRAM-920-PEN

October 26, 2023
Manuel Enriquez, Member
MYL Trucking LLC
1258 Road Y
Lakin, KS 67860

This is a notice of a penalty assessment against MYL Trucking LLC (MYL Trucking LLC) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted from May 10 through May 24, 2023, by Kansas Corporation Commission Special Investigators, Erica Pargas and Penny Fryback. Penalties are assessed in accordance with the FY 2023 Uniform Penalty Assessment Matrix, approved by the Commission on June 28, 2022. 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: MYL Trucking LLC has been assessed a \$13,300 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$13,300, through your personal account with the Kansas Corporation Commission's Kansas Trucking Regulatory Assistance Network (KTRAN) system located at <https://puc.kcc.ks.gov/ktran/>. If you have not received a letter from the Transportation Division assigning you a PIN, please contact that Division at 785-271-3145. You must have an account through KTRAN to pay the penalty owed.

The attached Order requires a representative of MYL Trucking LLC to attend a Commission-sponsored safety seminar within ninety (90) days from the date of the Order and to provide the undersigned Litigation Counsel with written proof of attendance. A schedule of dates and locations for safety seminars can be found at the Commission's website http://www.kcc.state.ks.us/trans/safety_meetings.htm.

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

IF YOU FAIL TO ACT: Failure to pay the penalty of \$13,300 within thirty (30) days from the date of service of the Penalty Order or failure to comply with the terms of the Order, or in the alternative, failure to provide a timely written request for a hearing, will result in the Order becoming final and may result in additional sanctions of suspension and/or revocation of your motor carrier operating authority.

Respectfully,

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

¹ K.A.R. 82-1-215; K.S.A. 77-542.

3. On June 8, 2023, Staff submitted its Report and Recommendation (R&R), dated, attached hereto as Attachment “A” and is hereby incorporated by reference, recommending a penalty of \$13,300 to be issued to MYL Trucking LLC 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, SIs Erica Pargas and Penny Fryback identified sixty-eight (68) violation(s), accounting for sixteen (16) count(s), of the Motor Carrier Safety Regulations (MCSRs), which carry a penalty according to the FY2023 Uniform Penalty Assessment Matrix.²

4. Additionally, Staff recommends that MYL Trucking LLC be required to have a representative responsibility for the Carrier’s safety compliance attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and provide Litigation Counsel with written proof of attendance.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.

5. Staff further recommends MYL 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 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

6. Finally, Staff recommends that MYL Trucking LLC submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order.⁵

² Order Designating Guidance Document and Approving Staff’s Use of the Transportation Division’s Uniform Penalty Assessment Table, pp. 11–25 (Jun. 28, 2022) (“Penalty Matrix”).

³ See Staff’s Report and Recommendation, p. 7 (Jun. 8, 2023).

⁴ See Staff’s Report and Recommendation, p. 7 (Jun. 8, 2023).

⁵ See Staff’s Report and Recommendation, p. 7 (Jun. 8, 2023).

Transportation Staff will contact the motor carrier at a later date to determine an appropriate time for this review.

7. Pursuant to K.S.A 66-1,108b, 66-1,111, 66-1,112 and 66-1,114b, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in 49 C.F.R. Part 390.5 as adopted by K.A.R. 82-4-3f, doing business or procuring business in Kansas, and is empowered to do all things necessary and convenient for the exercise of such power, authority and jurisdiction.

8. 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.

9. 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.

IT IS THEREFORE, BY THE COMMISSION ORDERED THAT:

A. MYL Trucking LLC, of Lakin, KS is hereby assessed a \$13,300 civil penalty for sixty-eight (68) violation(s), accounting for sixteen (16) 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. MYL Trucking LLC is hereby ordered to have a representative responsible for the Carrier's safety compliance attend a Commission-sponsored safety seminar within ninety (90)

days from the date of this Order, and is to provide Litigation Counsel with written proof of attendance.

C. Carrier is hereby ordered to submit a written, comprehensive corrective action plan (CAP) to Transportation Staff within thirty (30) days of the date of this order, documenting the violation(s) described in this Penalty Order, including specific and detailed information explaining Carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.

D. MYL Trucking LLC is ordered to submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order. Transportation Staff will contact the Carrier to set up the appointment.

E. Pursuant to K.S.A. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issue(s) by submitting a written request setting forth the specific grounds upon which relief is sought. The request may be electronically filed with the Commission's electronic filing system at <https://puc.kcc.ks.gov/e-filing/e-express/>, within fifteen (15) days from the date of service of this Order, and a copy of the request mailed to the Litigation Division. If you do not have access to the internet, you can mail an original and seven copies of the request to the Executive Director at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy of the request to Litigation Counsel. A hearing will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of MYL Trucking LLC's right to a hearing, and this Penalty Order will become a Final Order.

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

unless waived by the Commission for good cause shown and a determination that such waiver is in the public interest.⁶

G. If you do not request a hearing, the payment of the civil penalty of \$13,300 is due in thirty (30) days from the date of service of this Order. Payment of \$13,300 must be made through your personal account with the Kansas Corporation Commission's Kansas Trucking Regulatory Assistance Network (KTRAN) system located at <https://puc.kcc.ks.gov/ktran/>. You must have an account through KTRAN to pay the penalty.

H. Failure to pay the \$13,300 civil penalty within thirty (30) days from the date of service of this Penalty Order and/or failure to comply with the provisions of this Order may result in suspension of MYL Trucking LLC's motor carrier operating authority without further notice.⁷ 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: 10/26/2023



Lynn M. Retz
Executive Director

AAL

⁶ . K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2); K.A.R. 82-1-202(a).

⁷ K.S.A. 66-1,105.

ATTACHMENT "A"

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

Laura Kelly, Governor

**REPORT AND RECOMMENDATION
TRANSPORTATION DIVISION**

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

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

DATE: June 8, 2023

SUBJECT: Docket No. 23-TRAM-920-PEN
In the Matter of the Investigation of **MYL Trucking LLC of Lakin, 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:

MYL Trucking LLC (MYL Trucking LLC or Carrier) is a motor carrier possessing public for-hire operating authority from the Commission, primarily hauling grain, feed, hay, and aggregates. MYL Trucking LLC operates under USDOT 3546573. From May 10 to May 24, 2023, Commission Staff (Staff) Special Investigators (SIs) Erica Pargas and Penny Fryback conducted a safety compliance investigation of the operations of MYL 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 SIs identified sixty-eight (68) violation(s) accounting for sixteen (16) specific count(s) of the Motor Carrier Safety Regulations (MCSRs), which carry a penalty according to the FY2023 Uniform Penalty Assessment Matrix approved by the Commission. Based on the frequency, timeline and severity of the violations discovered by the SIs, staff recommends penalty of \$13,300 be issued to the MC.

On May 25, 2023, the Federal Motor Carrier Safety Administration (FMCSA) issued the Carrier an unsatisfactory safety rating letter based on the findings of Staff's investigation. The letter gave MYL Trucking LLC sixty (60) days to improve its safety rating. On July 25, 2023, the FMCSA placed the Carrier "out-of-service" after its Unsatisfactory Rating became final. The "out-of-service" designation prohibited the Carrier from operating in interstate commerce. The Commission issued an Emergency Suspension Order on August 3, 2023, suspending the Carrier from intrastate motor carrier operations as well based on the FMCSA's suspension.

DISCUSSION AND ANALYSIS:

From May 10 to May 24, 2023, SIs Erica Pargas and Penny Fryback conducted a safety compliance investigation of the operations of MYL Trucking LLC. The investigation covers a 365 day period. Each specific count is described in detail below:

Count One (1 of 16)

Jurisdiction: 49 C.F.R. 387.7(d), adopted by K.A.R. 82-4-3n, and authorized by K.S.A. 66-1,129.

Intent of Law: The MC must produce from its principal place of business the required proof of financial responsibility.

Supporting Documentation: On September 30, 2022, MYL Trucking LLC permitted its driver to operate a Commercial Driver License (CDL) required commercial motor vehicle (CMV), a 2003 Kenworth truck, VIN ending 8699, gross vehicle weight rating (GVWR) 52,000 lbs., pulling a 2008 Timpte trailer, VIN ending in 7625, GVWR 65,000 lbs., in interstate commerce from Lamar, Colorado to Dighton, Kansas. During this transport the driver was involved in a DOT recordable accident and received a citation for failure to yield. This transport is evidenced by a Driver Vehicle Examination Report Number KSHP03794557, attached hereto as **Exhibit 2**. A copy of the MC's Certificate of Liability Insurance is attached hereto as **Exhibit 3**. The Commercial General Liability section is blank indicating the carrier did not possess commercial insurance.

Violation: MYL Trucking LLC failed to produce required proof of financial responsibility. The MC was operating using personal auto insurance (**Exhibit 1, page 3**). One (1) violation was discovered.

Recommendations: Staff recommends a fine of \$500.

Count Two (2 of 16)

Jurisdiction: 49 C.F.R. 396.9, adopted by K.A.R. 82-4-3j, and authorized by K.S.A. 66-1,129.

Intent of Law: The MC shall not allow the operations of a commercial motor vehicle(s) that has been declared and marked as "out-of-service," without it being repaired.

Supporting Documentation: This violation took place during the transport described in count one, above. The MC was found operating the same vehicles without having corrected the "out-of-service" violations during an inspection that took place on November 9, 2022, evidenced by a Driver Vehicle Examination Report Number KSHP03794590, attached hereto as **Exhibit 4**.

Violation: On September 30, 2022, MYL Trucking LLC's trailer was declared out-of-service by the Kansas Highway Patrol (KHP). However, on November 9, 2022, the trailer previously declared out-of-service was again inspected by the KHP, see **Exhibit 4**. The Carrier had no proof or documentation the out-of-service violations had been repaired or corrected prior to their operation. The same or similar out-of-service violations were found in the November 9 inspection as in the September 30 inspection (**Exhibit 1, page 3**). One (1) violation was discovered.

Recommendations: Staff considers this to be an intentional violation and therefore recommends an enhanced fine of \$3,000.

Count Three (3 of 16)

Jurisdiction: 49 C.F.R. 382.301(a), adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 66-1,129.

Intent of Law: The MC must require its driver to submit to a pre-employment controlled substances USDOT regulated test and to obtain a negative test result prior to requiring or permitting the driver to operate a commercial motor vehicle.

Supporting Documentation: On December 12, 2022, MYL Trucking LLC permitted its driver to operate CDL-required CMV, a 2003 Kenworth truck, VIN ending 8699, GVWR 52,000 lbs., in interstate commerce from Kearney, Nebraska to Scott City, Kansas. This transport is evidenced by Scale Ticket No. 0616851 attached hereto as **Exhibit 5**.

Violation: MYL Trucking LLC failed to obtain a pre-employment test on the driver involved in this transport (**Exhibit 1, pages 3 to 4**). Two (2) violations were discovered.

Recommendations: Staff recommends a fine of \$650.

Count Four (4 of 16)

Jurisdiction: 49 C.F.R. 391.41, adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 66-1,129.

Intent of Law: The MC must confirm that its driver is medically examined and certified prior to operation of a commercial motor vehicle and maintain documentation of the medical certificate in the driver qualification file pursuant to 49 C.F.R. 391.51.

Supporting Documentation: On February 1, 2023, MYL Trucking LLC permitted its driver to operate CDL-required CMV, a 2009 International truck, VIN ending 4117, GVWR 53,200 lbs., in interstate commerce from Bertrand, Nebraska to Scott City, Kansas. This transport is evidenced by Truck Shipment Lading No. 62489 attached hereto as **Exhibit 6**.

Violation: MYL Trucking LLC failed to require the driver involved in this transport to be medically examined and certified prior to operating a commercial motor vehicle. The carrier could not provide a medical certificate for this driver. (**Exhibit 1, pages 4**). Two (2) violations were discovered.

Recommendations: Staff recommends a fine of \$500.

Count Five (5 of 16)

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

Intent of Law: The MC must maintain a driver qualification file pursuant to 49 C.F.R. 391.51.

Supporting Documentation: This violation took place during the transport described in count three, above.

Violation: MYL Trucking LLC failed to maintain a driver qualification file on the driver involved in this transport (**Exhibit 1, pages 4 to 5**). Two (2) violations were discovered.

Recommendations: Staff recommends a fine of \$750.

Count Six (6 of 16)

Jurisdiction: 49 C.F.R. 395.8, adopted by K.A.R. 82-4-3a, and authorized by K.S.A. 66-1,129.

Intent of Law: The MC shall require its driver to keep records of duty status for each 24-hour period using the method described in 49 C.F.R. 395.8(a) and to submit the original record to the motor carrier within 13 days of creation.

Supporting Documentation: This violation took place during the transport described in count three, above.

Violation: MYL Trucking LLC failed to require its driver to make a record of duty status (**Exhibit 1, page 5**). Twenty-four (24) violations was discovered.

Recommendations: Staff recommends a fine of \$750.

Count Seven (7 of 16)

Jurisdiction: 49 C.F.R. 396.3, adopted by K.A.R. 82-4-3j, and authorized by K.S.A. 66-1,129.

Intent of Law: The MC shall systematically inspect, repair, and maintain, or cause to be systematically inspected, repaired, and maintained, all commercial motor vehicles subject to its control and maintain required records of such.

Supporting Documentation: This violation took place during the transport described in count three, above.

Violation: MYL Trucking LLC was unable to provide a maintenance file for the vehicle involved in this transport (**Exhibit 1, page 5**). Two (2) violations was discovered.

Recommendations: Staff recommends a fine of \$750.

Count Eight (8 of 16)

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 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 Documentation: On November 25, 2022, MYL Trucking LLC permitted its driver to operate CDL-required CMV, a 2009 International truck, VIN ending 4117, GVWR 53,200 lbs., in interstate commerce from Bertrand, Nebraska to Scott City, Kansas. This transport is evidenced by Ticket Number 0009238 attached hereto as **Exhibit 7**.

Violation: MYL Trucking LLC could not provide any documentation or record of an annual inspection for the vehicle involved in this transport (**Exhibit 1, pages 5 to 6**). Four (4) violations were discovered.

Recommendations: Staff recommends a fine of \$750.

Count Nine (9 of 16)

Jurisdiction: 49 C.F.R. 382.301(a), (b) and (d), adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 66-1,129.

Intent of Law: The MC must require its drivers to submit to a post-accident test for alcohol within the first two hours or up to eight hours when a post-accident controlled substance test is required for controlled substances within thirty-two hours when a post-accident controlled substance test is required.

Supporting Documentation: This violation took place during the transport described in count one, above.

Violation: MYL Trucking LLC failed to conduct post-accident testing for alcohol and controlled substances on its driver after a DOT recordable accident occurred during this transport (**Exhibit 1, pages 6 to 7**). One (1) violation was discovered.

Recommendations: Staff recommends a fine of \$650.

Count Ten (10 of 16)

Jurisdiction: 49 C.F.R. 382.305(i)(2), adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 66-1,129.

Intent of Law: The MC must ensure each driver selected for random alcohol and controlled substance testing has an equal chance of being selected each time selections are made.

Supporting Documentation: This violation took place during the transport described in count four, above. The MC's Eligible Donor List is attached hereto as **Exhibit 8**.

Violation: MYL Trucking LLC failed to remove a terminated driver and add two recently hired drivers to the random drug testing pool. (**Exhibit 1, page 7**). Three (3) violation were discovered.

Recommendations: Staff recommends a fine of \$250.

Count Eleven (11 of 16)

Jurisdiction: 49 C.F.R. 382.601, adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 66-1,129.

Intent of Law: The MC must provide its alcohol and controlled substance written policy that complies with 49 C.F.R. 382.601(b) to each of its CDL drivers prior to testing and having the driver sign an acknowledgement page to retain in the driver's qualification file.

Supporting Documentation: This violation took place during the transport described in count three, above.

Violation: MYL Trucking LLC failed to provide drivers with a copy of the MC's written alcohol and controlled substance policy (**Exhibit 1, page 7**). Two (2) violations was discovered.

Recommendations: Staff recommends a fine of \$250.

Count Twelve (12 of 16)

Jurisdiction: 49 C.F.R. 382.701(a), adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 66-1,129.

Intent of Law: The MC must conduct a pre-employment inquiry into its drivers with the FMCSA Drug and Alcohol Clearinghouse.

Supporting Documentation: This violation took place during the transport described in count three, above. A copy of the Queries History from the MC's DACH profile is attached as **Exhibit 9**. There is no history of a query for Luis Zaragoza Martinez, the driver used on this transport.

Violation: MYL Trucking LLC failed to conduct a pre-employment inquiry into the driver involved in this transport prior to allowing the driver to operate a CMV. The MC could not provide any documentation of a pre-employment inquiry on this driver (**Exhibit 1, pages 7 to 8**). Two (2) violations was discovered.

Recommendations: Staff recommends a fine of \$650.

Count Thirteen (13 of 16)

Jurisdiction: 49 C.F.R. 391.23, adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 66-1,129.

Intent of Law: The MC must obtain its driver's motor vehicle records (MVRs) within 30 days of employment and maintain the MVRs in the driver qualification files pursuant to 49 C.F.R. 391.51.

Supporting Documentation: This violation took place during the transport described in count one, above.

Violation: MYL Trucking LLC failed to obtain an MVR within 30 days of hiring and allowing its driver to operate a CMV (**Exhibit 1, page 8**). One (1) violation was discovered.

Recommendations: Staff recommends a fine of \$100.

Count Fourteen (14 of 16)

Jurisdiction: K.S.A. 8-2,134(c), K.S.A 8-2,125, *et. seq.*, 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 Law: The MC must not allow its driver to operate a commercial motor vehicle if the driver has been a resident of Kansas for over thirty days and has not obtained a valid, Class A CDL issued by the state of Kansas.

Supporting Documentation: On February 27, 2023, MYL Trucking LLC permitted its driver to operate CDL-required CMV, a 2003 Kenworth truck, VIN ending 1891, GVWR 52,000 lbs., in intrastate commerce from Pence, Kansas to Downs, Kansas. This transport is evidenced by a scale ticket attached hereto as **Exhibit 10**. Additionally, an MYL Trucking LLC driver list, which includes a hire date of January 1, 2022 for Octavio Pena, the driver involved in this transport, is attached hereto as **Exhibit 11**.

Violation: MYL Trucking LLC allowed its driver to operate without a valid U.S. CDL. At the time of this transport the driver was operating on a Mexican CDL. The driver had been hired and therefore resided in Kansas as of January 1, 2022, yet was still operating using a Mexican CDL fourteen months later (**Exhibit 1, pages 8 to 9**). Three (3) violations were discovered.

Recommendations: Staff recommends a fine of \$500.

Count Fifteen (15 of 16)

Jurisdiction: K.S.A. 8-1901, *et. seq.*, 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 Law: The MC must require its drivers to stay within the legal gross weight limits for vehicles pursuant to K.S.A. 8-1909.

Supporting Documentation: This violation took place during the transport described in count four, above.

Violation: MYL Trucking LLC hauled an amount over the allowed gross weight of 85,500 lbs. The ticket lists the gross weight of the vehicle on this trip as 95,400 lbs. (**Exhibit 1, page 9**). Seventeen (17) violation were discovered.

Recommendations: Staff recommends a fine of \$3,000.

Count Sixteen (16 of 16)

Jurisdiction: 49 C.F.R. 395.8(a)(1)(iv) and 49 C.F.R. 395 Subpart B, adopted by K.A.R. 82-4-3a, and authorized by K.S.A. 66-1,129.

Intent of Law: The MC shall require its driver to keep records of duty status using an electronic logging device (ELD).

Supporting Documentation: This violation took place during the transport described in count four, above.

Violation: MYL Trucking LLC failed to require its driver to record his hours of service using an ELD. (**Exhibit 1, pages 9 to 10**). One (1) violation was discovered.

Recommendations: Staff recommends a fine of \$250.

RECOMMENDATION:

Transportation Staff recommends the Commission find MYL Trucking LLC committed sixty-eight (68) violation(s), accounting for sixteen (16) specific counts, of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

Due to the frequency, timeline and severity of the violations, Staff recommends a civil penalty of \$13,300 for sixty-eight (68) violation(s), accounting for sixteen (16) specific counts, 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 that MYL Trucking LLC require a representative responsible for the company's safety to attend a Commission-sponsored safety seminar within ninety (90) days from the date of the Order, and provide Litigation Counsel with written proof of attendance. A schedule of the dates and locations for safety seminars can be found on the Commission's website at http://kcc.ks.gov/trans/safety_meetings.htm.

Staff further recommends MYL 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 MYL 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#: 3546573
MC/MX#: 0

Legal: MYL TRUCKING LLC
Operating (DBA):

Investigation Date:
05/24/2023

Investigation Type: Onsite Comprehensive Investigation

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

Extent of Operations: Entire Operation

Physical Address

1258 ROAD Y
LAKIN, KS 67860-6218
United States

Mailing Address

1258 ROAD Y
LAKIN, KS 67860-6218
United States

Contact Information

Contact Name: MANUEL J ENRIQUEZ

Email:

Phone: (620)214-3380 **Cell:** ()- **Fax:** (620)355-6801

Business and Financial

Business Type: Limited Liability Corporation

Name of Gross Revenue Provider: Melissa Huerta

Title of Gross Revenue Provider: Agent with TMT Truck Permitting

Gross Revenue: [REDACTED] **For Year Ending:** 12/31/2021

Federal Tax ID: [REDACTED]

Operation Classification and Type

Cargo

Type of Operation: Non-HM Interstate Carrier, Non-HM Intrastate Carrier
Grain, Feed, Hay, Other (Aggregates)

Operation Classification

For-Hire Motor Carrier

Property

Other Non-Hazardous Freight

Equipment

Driver Information

	Owned	Term Leased	Trip Leased
Truck Tractors	3		
Trailers	2		

Drivers	Intrastate	Interstate
< 100 Miles		
>= 100 Miles		3

Power units used in the U.S.: 3

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

Average trip leased driver/month: 0

Drivers with CDL: 3

Total Drivers: 3

Person(s) Interviewed

Name: MANUEL J ENRIQUEZ

Title: MEMBER

Name: MELISSA HUERTA

Title: AGENT

Questions

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

This report will be used to assess your safety compliance.

Violations

1. Primary: 387.7(a)

Operating a motor vehicle without having in effect the required minimum levels of financial responsibility coverage.



Acute

Violations Discovered

Fed	State	Total
1		1

Checked

Fed	State	Total
1		1

BASIC Impacted

**Rating Factor 1:
General = Part 387**

Example/Notes:

Company Number: Unit #20 VIN # [REDACTED] 98699

Trip Date: 9/30/2022

Description of Violation:

On 9/30/2022, MYL Trucking LLC hauled a load of Rock from Lamar, CO to Dighton, KS. At the time of operation, MYL Trucking LLC did not have Commercial Interstate Insurance.

Drivers/Vehicles in Violation

Fed	State	Total
1		1

Checked

Fed	State	Total
1		1

2. Primary: 396.9(c)(2)

Requiring or permitting the operation of a motor vehicle declared "out-of-service" before repairs were made.



Acute

Violations Discovered

Fed	State	Total
1		1

Checked

Fed	State	Total
3		3

BASIC Impacted

Vehicle Maintenance

**Rating Factor 4:
Vehicle = Part 396**

Example/Notes:

Driver Name: Luis A Zaragoza-Martinez

Vehicle Number: Unit #T35

Trip Date: 11/9/2022

Violation Description:

On 9/30/2022, MYL Trucking LLC's Unit #T35 was placed Out Of Service for: Axle 4 driver and passenger side both cracked out. Driver side has not been welded before, however passenger side has and broken again. On 11/9/2022, MYL Trucking LLC's Unit #T35 was placed Out Of Service again for Axle 4 frame cracks and drivers side frame broken. MYL Trucking LLC had no documentation verifying that the repairs had been completed prior to re-operating Unit #T35.

Drivers/Vehicles in Violation

Fed	State	Total
1		1

Checked

Fed	State	Total
3		3

3. Primary: 382.301(a)

Using a driver before the motor carrier has received a negative pre-employment controlled substance test result.

Violations Discovered

Fed	State	Total
2		2

BASIC Impacted

Controlled

Substances/Alcohol

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



Critical

At least 10% of the number checked had violations

Checked

Fed	State	Total
3		3

Example/Notes:

Driver name: Luis Zaragoza Martinez
 Trip date: 12/6/2022
 Hire date: 11/14/2022

On 12/6/2022, MYL Trucking LLC allowed or required driver Luis Zaragoza-Martinez to haul a load of corn from Kearney, NE to deliver at Poky Feeders in Scott City, KS. At the time of operation, MYL Trucking LLC had not obtained a pre-employment test on driver, Luis Zaragoza-Martinez prior to allowing the driver to operate a CMV.

4. Primary: 391.45(a)
Secondary: 391.11(a)

Using a driver not medically examined and certified.



Critical

At least 10% of the number checked had violations

Violations Discovered

Fed	State	Total
2		2

Checked

Fed	State	Total
3		3

Drivers/Vehicles in Violation

Fed	State	Total
2		2

Checked

Fed	State	Total
3		3

BASIC Impacted
Driver Fitness

Rating Factor 2:
Driver = Part 391

Example/Notes:

Driver: Octavio Pena
 Trip Date: 2/1/23

On 2/1/23, MYL Trucking LLC allowed or required driver Octavio Pena to haul a load from Bertrand, NE to deliver at Fairleigh Feed Yard in Scott City, KS. MYL Trucking LLC failed to provide a medical card for driver, Octavio Pena.

5. Primary: 391.51(a)

Failing to maintain driver qualification file on each driver employed.



Critical

At least 10% of the number checked had violations

Violations Discovered

Fed	State	Total
2		2

Checked

Fed	State	Total
3		3

Drivers/Vehicles in Violation

Fed	State	Total
2		2

Checked

Fed	State	Total
3		3

BASIC Impacted
Driver Fitness

Rating Factor 2:
Driver = Part 391

Example/Notes:

Driver name: Luis Zaragoza Martinez
 Trip date: 12/6/22

Drivers/Vehicles in Violation

Fed	State	Total
2		2

Description of violation:

Checked

On 12/6/22, MYL Trucking LLC allowed or required driver Luis Zaragoza-Martinez to haul a load of corn from Kearney, NE to deliver at Poky Feeders in Scott City, KS. MYL Trucking LLC failed to provide a Driver Qualification for driver, Luis Zaragoza-Martinez.

Fed	State	Total
3		3

6. Primary: 395.8(a)(1)

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

Violations Discovered

BASIC Impacted
Hours-of-Service Compliance

Rating Factor 3:
Operational = Part 395

Fed	State	Total
24		24

Checked

Fed	State	Total
90		90



Critical

At least 10% of the number checked had violations

Example/Notes:

Trip date: 12/12/2022

Driver: Luis Zaragoza Martinez

On 12/12/2022, MYL Trucking LLC's driver, Luis Zaragoza-Martinez hauled a load of corn from Kearney, NE to deliver at Poky Feeders in Scott City, KS. At the time of operation, driver Luis Zaragoza-Martinez would have been required to log 38 miles from Garden City, KS and from Scott City, KS back to Garden City, KS. MYL Trucking LLC had no record of duty status for driver, Luis Zaragoza-Martinez.

Drivers/Vehicles in Violation

Fed	State	Total
2		2

Checked

Fed	State	Total
3		3

7. Primary: 396.3(b)

Failing to keep minimum records of inspection and vehicle maintenance.

Violations Discovered

BASIC Impacted
Vehicle Maintenance

Rating Factor 4:
Vehicle = Part 396

Fed	State	Total
4		4

Checked

Fed	State	Total
4		4



Critical

At least 10% of the number checked had violations

Example/Notes:

Unit #T35 VIN # [REDACTED] 17625

Trip date: 9/30/2022

On 9/30/2022, MYL Trucking LLC was involved in a DOT recordable accident. MYL Trucking LLC failed to provide a Maintenance file for Unit #T35.

Drivers/Vehicles in Violation

Fed	State	Total
4		4

Checked

Fed	State	Total
4		4

8. Primary: 396.17(a)

Using a commercial motor vehicle not periodically inspected.

Violations Discovered

BASIC Impacted
Vehicle Maintenance

Rating Factor 4:
Vehicle = Part 396

Fed	State	Total
4		4



Critical

At least 10% of the number checked had violations

Checked		
Fed	State	Total
4		4

Example/Notes:

Vehicle: Unit #30
 Date of trip: 11/25/22

On 11/25/22, MYL Trucking LLC operated Unit #30 from Bertrand, NE to Scott City, KS. At the time of operation, MYL Trucking LLC had no documentation or record of having an annual inspection for Unit #30.

9. Primary: 382.303(a)

Failing to conduct post accident alcohol testing on driver following a recordable crash.

Drivers/Vehicles in Violation

Fed	State	Total
4		4

Checked

Fed	State	Total
4		4

Violations Discovered

Fed	State	Total
1		1

Checked

Fed	State	Total
1		1

Example/Notes:

Driver name: Sergio Rivera-Chavez
 Accident date: 9/30/2022
 Driver charged/ fatality: Driver cited for No CDL, and Failure to Yield.

On 9/30/2022, MYL Trucking LLC's driver Sergio Rivera-Chavez was involved in a DOT recordable accident in which the driver was cited for No CDL and Failure to Yield. MYL Trucking LLC failed to conduct Post Accident Alcohol testing on driver, Sergio Rivera Chavez as required.

10. Primary: 382.303(b)

Failing to conduct post accident testing on driver for controlled substances.

Drivers/Vehicles in Violation

Fed	State	Total
1		1

Checked

Fed	State	Total
1		1

Violations Discovered

Fed	State	Total
1		1

Checked

Fed	State	Total
1		1

Example/Notes:

Driver name: Sergio Rivera-Chavez
 Crash date: 9/30/2022
 Citation/fatality: Cited

Drivers/Vehicles in Violation

Fed	State	Total
1		1

Checked

Fed	State	Total

On 9/30/2022, MYL Trucking LLC's driver Sergio Rivera-Chavez was involved in a DOT recordable accident in which the driver was cited for No CDL and Failure to Yield. MYL Trucking LLC failed to conduct Post Accident Controlled Substance testing on driver, Sergio Rivera Chavez as required.

11. Primary: 382.305(i)(2)

Failing to ensure that each driver subject to random alcohol and controlled substances testing has an equal chance of being selected each time selections are made.

Example/Notes:

Driver name: Octavio Pena
 Selection date: 1st Quarter of 2022
 Trip date: 2/1/2023

MYL Trucking LLC's failed to remove driver, Andres Estrada Becerril who was terminated on 9/13/2022 from the 1st Quarter Random Pool in 2023. MYL Trucking LLC also failed to add the following drivers to the 1st Quarter Random Pool in 2023: Octavio Pena hired on 1/1/23, Juan Rivera Chavez hired on 3/28/23, and Jose Ramon Delgado hired on 3/28/23. This failed to give drivers an equal chance of being selected.

12. Primary: 382.601(b)

Failing to provide to employees a written policy on misuse of alcohol and controlled substances that meets the requirements of 382.601(b) 1-12.

Example/Notes:

Driver name: Luis Zaragoza Martinez
 Trip date: 12/6/2022

MYL Trucking LLC failed to provide drivers with a copy of the carriers written Drug & Alcohol Policy.

13. Primary: 382.701(a)

Failing to conduct a pre-employment query.

1 1

Violations Discovered

Fed	State	Total
3		3

Checked

Fed	State	Total
4		4

Drivers/Vehicles in Violation

Fed	State	Total
3		3

Checked

Fed	State	Total
4		4

Violations Discovered

Fed	State	Total
2		2

Checked

Fed	State	Total
3		3

Drivers/Vehicles in Violation

Fed	State	Total
2		2

Checked

Fed	State	Total
3		3

Violations Discovered

Fed	State	Total
2		2

Checked

Fed	State	Total
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Example/Notes:

Driver: Luis Zaragoza Martinez
Trip Date: 12/6/2022

On 12/6/2022, MYL Trucking LLC failed to obtain a pre-employment query on driver, Luis Armando Zaragoza Martinez prior to allowing the driver to operate a CMV.

14. Primary: 391.21(a)

Using a driver who has not completed and furnished an employment application.

Drivers/Vehicles in Violation

Fed	State	Total
2		2

Checked

Fed	State	Total
3		3

Violations Discovered

Fed	State	Total
1		1

Checked

Fed	State	Total
3		3

Example/Notes:

Driver name: Sergio Rivera-Chavez
Trip date: 11/9/2022
Description of violation:

MYL Trucking LLC failed to provide a completed application for driver Sergio Rivera-Chavez. Driver Sergio Rivera-Chavez's application was missing prior employment history.

15. Primary: 391.23(c)

Failing to investigate driver's background within 30 days of employment.

Drivers/Vehicles in Violation

Fed	State	Total
1		1

Checked

Fed	State	Total
3		3

Violations Discovered

Fed	State	Total
1		1

Checked

Fed	State	Total
3		3

Example/Notes:

Driver name: Sergio Rivera-Chavez
Trip date: 11/9/2022
Description of violation:

MYL Trucking LLC failed to obtain an MVR within 30 days of hiring and allowing driver, Sergio Rivera-Chavez to operate a CMV.

16. Primary: 392.2

Drivers/Vehicles in Violation

Fed	State	Total
1		1

Checked

Fed	State	Total
3		3

Violations Discovered

Secondary: K.S.A. 8-2,125

Operating a CMV without a valid CDL

Fed	State	Total
2		2

Checked

Fed	State	Total
3		3

Example/Notes:

Driver: Octavio Pena

Trip Date: 2/1/2023

On 2/1/2023, MYL Trucking LLC allowed or required driver Octavia Pena to haul a load of corn from Bertrand, NE to deliver at Pokie Feeders in Scott City, KS. At the time of operation, Octavio Pena was operating on a Mexico CDL. Driver, Octavio Pena had been residing in the State Of Kansas since 1/1/2022. Driver Octavio Pena would have been required to obtain a Kansas CDL as the driver had resided in the State Of Kansas for more than 30 days.

Drivers/Vehicles in Violation

Fed	State	Total
2		2

Checked

Fed	State	Total
3		3

17. Primary: 392.2

Secondary: K.S.A. 8-1901

Operating over the allowable weight of 85,500 as allowed in the State of Kansas.

Violations Discovered

Fed	State	Total
17		17

Checked

Fed	State	Total
90		90

Example/Notes:

Driver: Octavio Pena

Trip: 2/1/23

On 2/1/2023, MYL Trucking LLC allowed or required driver, Octavio Pena to haul a load of corn from Bertrand, NE to deliver at Fairleigh Feed Yard in Scott City, KS. weighing 95,400 pounds, which was over the allowable weight of 85,500 as allowed in the State of Kansas.

Drivers/Vehicles in Violation

Fed	State	Total
3		3

Checked

Fed	State	Total
3		3

18. Primary: 395.8(a)(2)(i)

Driver failed to record driver's record of duty status on an Electronic Logging Device.

Violations Discovered

Fed	State	Total
1		1

Checked

Fed	State	Total
3		3

Example/Notes:

Driver: Octavio Pena

Drivers/Vehicles in Violation

Fed	State	Total
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Date: 2/1/2023

Origin and Destination: Bertrand, NE to Scott City, KS

On 2/1/2023, MYL Trucking LLC allowed or required driver Octavio Pena to haul a load of corn from Bertrand, NE to Fairleigh Feed Yard in Scott City, KS. MYL Trucking LLC's driver Octavio Pena hauled loads in interstate commerce more than 8 times which would have required the driver to log his hours of service using an ELD.

1		1
Checked		
Fed	State	Total
3		3

Safety Fitness Rating

Your proposed safety rating is: **UNSATISFACTORY** 2 or more UNSATISFACTORY 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	Conditional	1	0
Factor 2: Driver = Parts 382, 383 and, 391	Unsatisfactory	0	3
Factor 3: Operational = Parts 392 and 395	Unsatisfactory	0	1
Factor 4: Vehicle = Parts 393 and 396	Unsatisfactory	1	2
OOS Vehicles (CR): 0			
Number of Vehicles Inspected (CR): 0			
OOS Vehicles (MCMIS): 4			
Number of Vehicles Inspected (MCMIS): 4			
OOS Rate: 100%			
Factor 5: Haz. Mat. = Parts 397, 171, 177 and, 180	N/A	N/A	N/A
Factor 6: Accident Factor = Recordable Rate	Satisfactory	N/A	N/A
Total Miles Operated: 0			
Recordable Accidents: 1			
Recordable Accidents/Million Miles: 0.00			

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

PROHIBITION: Under 49 USC 31144(c) and 49 CFR 385.13, a motor carrier that receives a final Unsatisfactory safety rating is prohibited from operating a commercial motor vehicle in interstate and intrastate commerce. If applicable, the motor carrier shall have its operating authority registration revoked under 49 USC 13905(f)(1)(B).

You may request a safety rating upgrade based on corrective action under 49 CFR 385.17 and/or an administrative review under 49 CFR 385.15.

Change to safety rating based on corrective action: You may request a change to a safety rating under 49 CFR 385.17 at any time by providing evidence that you have taken actions to correct the deficiencies that resulted in the safety rating. You must make this request in writing to the Field Administrator for the FMCSA Service Center in which you maintain your principal place of business. A pending request for a change in safety rating under 49 CFR 385.17 will not delay the effective date of the rating.

Administrative Review: You may appeal your proposed safety rating in a petition filed under 49 CFR 385.15 if you believe FMCSA made an error in assigning your safety rating. You must submit your appeal within 90 days of the date of the proposed safety rating or within 90 days after denial of a request for a change in rating under section 385.17(i).

You should submit your appeal within 15 days of the date of the official safety rating notice to allow FMCSA to issue a written decision before the prohibitions in 49 CFR 385.13 take effect. A petition under section 385.15 will not delay the effective date of the rating unless the Chief Safety Officer grants a stay.

You must submit your appeal in writing to: Chief Safety Officer, Federal Motor Carrier Safety Administration, 1200 New Jersey Ave., S.E., Washington, DC 20590-0001.

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

Process Breakdown and Remedies

BASIC: Hours-of-Service Compliance

Process Breakdown: Monitoring and Tracking

MYL Trucking LLC will ensure that drivers properly log their Hours Of Service as required using an ELD, keep all supporting documents for all loads hauled by each driver for a period of 6 months, and monitor and track the drivers hours of service.

Specific Recommended Remedies

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

1. Implement an effective process for monitoring, tracking, and evaluating all drivers' compliance with Hours-of-Service (HOS) regulations and company policies.
2. Promptly review all Records of Duty Status (RODS) for Hours-of-Service (HOS) violations and falsification. Look for discrepancies by comparing driver logs with their "check-in" calls and other supporting documents.
3. Maintain roadside inspection, Records of Duty Status (RODS), supporting documents, dispatch schedules, and communication records to help evaluate the performance of all staff (drivers, dispatchers, and managers) involved in Hours of Service (HOS) and the effectiveness of compliance with HOS policies, procedures, and regulations.

BASIC: Driver Fitness

Process Breakdown: Qualification and Hiring

MYL Trucking LLC will ensure drivers are qualified by gathering all the proper documents required for a Driver Qualification file, conducting pre-employment tests and queries, and running MVR's, ensuring drivers are medically qualified prior to allowing drivers to operate a CMV.

Specific Recommended Remedies

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

1. Ensure that Motor Vehicle Records (MVRs) from States issuing Commercial Driver's Licenses (CDLs) are reviewed for driver-fitness-related violations of all prospective drivers for the last three years.
2. Ensure that drivers are qualified by querying applicants, checking with previous employers and references, and obtaining necessary documents regarding driver fitness, such as those pertaining to previous violations, Commercial Driver's License (CDL), medical qualifications, operational qualifications from training, and relevant experience.
3. Review and evaluate gaps in employment, frequent job changes, incomplete applications, within-company applications and reassignments, operational limitations such as those pertaining to long-combination vehicles (LCVs) and HAZMAT, physical impairments, and controlled-substance and alcohol involvement.
4. Check the Motor Vehicle Record (MVR) to ensure that drivers have the proper class of license and "P" or "S" endorsement, and to see if the applicable endorsement on the license has a specific restriction, such as an air-brake restriction.
5. Ensure that the employment application captures all information required by the Federal Motor Carrier Safety Regulations (FMCSRs), such as whether the driver can handle the physical requirements of the job.

BASIC: Vehicle Maintenance

Process Breakdown: Monitoring and Tracking

MYL Trucking LLC will be sure to have maintenance records, and annual inspections for all vehicles being operated. MYL Trucking LLC will be sure not to operate any units placed Out Of Service prior to making the repairs.

Specific Recommended Remedies

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

1. Maintain roadside inspection reports, observational reports, Driver Vehicle Inspection Reports (DVIRs) and customer complaints on condition of cargo to help evaluate the performance of all staff (drivers, dispatchers, managers, mechanics, technicians, and purchasing/parts inventory agents) involved in cargo handling, loading, and securement and the effectiveness of compliance with associated policies, procedures, and regulations.
2. Implement a system for keeping accurate records of employee cargo handling, loading, and securement training needs and completed training, via software, a checklist in the driver's file, and/or another appropriate method.

BASIC: Controlled Substances/Alcohol

Process Breakdown: Qualification and Hiring

MYL Trucking LLC will be sure to conduct pre-employment tests, and pre-employment queries prior to allowing drivers to operate a CMV.

Specific Recommended Remedies

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

1. Verify that the State credentials produced by applicants for the position of school bus driver meet the Commercial Driver's License qualification and testing requirements.

Recommendations

1. **Acute and Critical Violations**

Acute and/or Critical violations were recorded on this investigation report. These violations will impact your safety record.

NOTICE: A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six-year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six-year period.

2. **Additional Information**

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

3. **Accident Countermeasures website has strategies and forms.**

Accident Countermeasures is a set of defensive strategies designed to reduce preventable accidents. The strategies and forms for implementing accident countermeasures can be found on the FMCSA website at: <http://www.fmcsa.dot.gov/forms/print/accident.htm>

4. **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

5. **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>).

6. **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.

7. **Liability Insurance required.**

Cease all for-hire interstate/intrastate transportation of regulated commodities until evidence of public liability is filed with the Federal Motor Carrier Safety Administration.

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. **CDL and drug testing rules apply.**

Review the circumstances under which a CDL is required. CDL and drug testing rules apply to both interstate and intrastate commerce.

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

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

11. **Maintain a complete file documenting the qualification process.**

Ensure that all drivers are fully and properly qualified before operating in interstate commerce. Maintain a complete file as required for each driver, documenting the qualification process.

12. **Drivers may not drive interstate unless they have had a physical.**

Do not allow drivers to drive interstate/intrastate unless they have been physically re-examined each 24 months.

13. **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.

14. **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.

15. **150-mile exemption terms must be met.**

If you want some drivers to use the 150 air-mile radius exemption, make sure that the drivers meet all terms of the exemption,

including being released from duty no more than 14 hours from when they report for duty. Logs must be prepared if a driver does not meet the 14 hour requirement.

16. **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.
17. **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.
18. **Require all drivers to prepare a written inspection report.**
Require all drivers to prepare a written inspection report for each day a vehicle is operated. Ensure that each report is signed by the driver, certified, and reviewed if defects are reported.
19. **Keep all driver vehicle inspection reports for 90 days.**
Keep all driver vehicle inspection reports, signed, certified, and reviewed as required on file for at least 90 days.
20. **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.
21. **Driver drug tests required.**
Ensure that all drivers subject to pre-employment, random, reasonable cause, post accident, return to duty, and/or follow-up controlled substance testing are tested as required by 49 CFR Parts 40 and 382 of the FMCSR.
22. **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.
23. **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.
24. **MCS-150 biennial updates**
Is Your Registration Information Current?
FMCSA requires carriers to update their registration data via a MCS-150 form every 24 months. Please review, verify and update your contact information, Vehicle Miles Travelled (VMT) and Power Unit (PU) data to ensure that it is current and accurate, since it is used in the new Carrier Safety Measurement System. You should access the system, review all the information and press the submit button. Once you've done this, the system will record that you've reviewed the information and you will be in compliance with the biennial update requirement.
https://li-public.fmcsa.dot.gov/LIVIEW/PKG_REGISTRATION.prc_option
25. **Drug and Alcohol Clearinghouse**
Find out your responsibilities and requirements for FMCSA's Drug and Alcohol Clearinghouse by visiting <https://clearinghouse.fmcsa.dot.gov>.
26. **Clearinghouse Pre-employment Query**
Ensure pre-employment (full) queries are conducted in the Clearinghouse before hiring a driver to perform a safety sensitive function.
27. **Review with drivers procedure for pre and post trip inspections.**
Review with your drivers periodically the procedures for doing pre-trip and post-trip inspections. Ensure that safety defects reported by drivers on their Vehicle Inspection Reports (VIR) are repaired before the vehicle is re-dispatched. Require drivers to prepare Vehicle Inspection Reports on a daily basis. Keep them on file for 90 days.
28. **New Hires**
Ensure that applicants for safety-sensitive positions do not have a current controlled-substance and/or alcohol problem by querying

them and checking with their previous employers regarding controlled-substance and alcohol violations, related background, conditions and behaviors indicative of controlled-substance and/or alcohol abuse or misuse, and by conducting pre-employment testing as required by regulation and company policy. Create a detailed written record of each inquiry.

Review and evaluate driver applicants' gaps in employment, frequent job changes, and incomplete applications. Require applicants to explain reasons for any gaps in their employment record in order to allay suspicion of controlled-substance and/or alcohol abuse or misuse.

29. **Unsat & Conditional CR's**

I Understand Why Compliance Saves Time and Money: Compliance with FMCSRs will not only save lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business.

Apply Adequate Resources: Apply adequate resources to properly implement safety management practices. Consider reallocating responsibilities, additional staffing, contracting, or investing in technology to aid in this responsibility.

Document and Follow Through on Action Plans: Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance.

NOTICE: A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six year period.

Notice: 49 C.F.R. Part 391.23 requires prospective employers to, at a minimum, investigate a driver's employment information, crash record, and alcohol and controlled substance history from all employers the driver worked for within the previous three years.

The Pre-Employment Screening program (PSP) is a screening tool that assists motor carriers in investigating crash history and roadside safety performance of prospective drivers. The PSP is a screening tool that assists motor carriers to purchase 5 years of crash data and 3 years of roadside inspection data from the Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Management Information System (MCMIS). Records are available 24 hours a day via Web request. Motor carriers should visit the following website for more information: <http://www.psp.fmcsa.dot.gov/Pages/default.aspx>

All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities. Motor carriers should visit the following website for more information:

FMCSA Carrier Safety Measurement System (SMS) is based on ongoing analysis and feedback from enforcement personnel, the motor carrier industry, and other stakeholders. SMS effectively identifies and prioritize high risk and other unsafe motor carriers for enforcement interventions and is designed to reduce commercial motor vehicle crashes and hazardous materials incidents. Motor carrier's currently have the ability to preview their companies SMS information.. The data preview may be found at <http://csa.fmcsa.dot.gov/>.

For all Investigations resulting in a Penalty Order:

PLEASE NOTE: The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Penalty Order. In addition, your history of prior violations of the Federal Motor Carrier Safety Regulations, Federal Hazardous Material Regulations or the Federal Motor Carrier Commercial Regulations may also affect the civil penalty proposed in any subsequent Penalty Order. Your signature for receipt of this report acknowledges your understanding that the violations discovered by the KCC during this review may be used to calculate any civil penalty proposed as a result of this review. Your signature is not an admission of the violations identified.

For all Investigations resulting in a proposed conditional or unsatisfactory rating:

385.15

If you believe the proposed rating is in error and there are factual and procedural issues in dispute, Part 385.15 (copy provided) outlines procedures for petitioning the Federal Motor Carrier Safety Administration for an administrative review of these findings.

Your petition should be addressed to:

US Department of Transportation
Jack Van Steenburg -Chief Safety Officer
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue SE,
Washington, DC 20590

385.17

In addition, a request for a revised rating based on corrective actions may be made at any time. Part 385.17 (copy provided) outlines the procedures for such a request. The request must be made in writing, must describe the corrective action taken and must include other documentation that may be relied upon as a basis for the requested change. Address your written request to:

US Department of Transportation
Max Strathman - Midwestern Field Administrator Federal Motor Carrier Safety Administration
4749 Lincoln Mall Drive, Suite 300-A
Matteson, IL 60443

Ensure that a CC copy of the letter is mailed to:

US Department of Transportation
Kansas Division
Michael Christopher - Division Administrator
Federal Motor Carrier Safety Administration
1303 First American Place, Suite 200
Topeka, KS 66604-4040

This letter should be submitted as soon as possible. Information on your compliance status, roadside inspections, regulatory changes, accident counter measures and hazardous material counter measures is available on the Internet at the Federal Motor Carrier Safety Administration's web site at <http://www.fmcsa.dot.gov/> and <http://www.safer.fmcsa.dot.gov/>.

For all Investigations that did not result in a Cooperative Safety Plan:

The KCC requires that you prepare a corrective action plan (CAP), addressing the measures taken to correct all 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:

e-mail: g.davenport@kcc.ks.gov
FAX: 785-271-3124;

or mail to:

Kansas Corporation Commission
Attn: Gary Davenport
1500 SW Arrowhead Road
Topeka, KS 66604-4027

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

I understand that monetary penalties will be assessed as a result of violations found in this compliance review. The penalty schedule can be found at this web site: http://kcc.ks.gov/trans_penalty_assessment_table.htm

X _____

Signature

X _____

Exhibit 2

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

Report Number: KSHP03794557
Inspection Date: 09/30/2022
Start: 9:27 AM CT End: 10:30 AM CT
Inspection Level: II - Walk-Around
HM Inspection Type: None

Carrier: MYL TRUCKING LLC

DBA:
 1258 ROAD Y
 LAKIN, KS, 67860
USDOT: 3546573 **Phone#: (620)214-3380**
MC/MX#: **Fax#: (620)355-6801**
State#:
Location: LANE COUNTY - 101
Highway: K23
County:
Email:

Driver: RIVERA-CHAVEZ, SERGIO
License#: [REDACTED] **State: MX**
Date of Birth: [REDACTED]
CoDriver:
License#: **State:**
Date of Birth:
Milepost: 123 Shipper: N/A
Origin: LAMAR,CO **Bill of Lading: N/A**
Destination: DIGHTON,KS **Cargo: EMPTY**

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate	Equipment ID	VIN	GVWR	CVSA #	Issued #	OOS Sticker
1	TT	KW	2003	KS	691891	20	[REDACTED]	98699	52000		
2	ST	TIMP	2008	KS	037PUG	300	[REDACTED]	17625	65000		155509

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

VIOLATIONS

Section	Type	Unit	OOS	Citation #	Verify	Crash	Violations Discovered
396.17C	F	1	N		N	N	Operating a CMV without proof of a periodic inspection: Last inspection done 4-5-21
392.2IRP	F	1	N		N	N	IRP Apportioned Tag or Registration Violation: No IRP registration - only has Kansas registration and made an interstate move from Colorado and does not have a temp Colorado permit
392.2UCR	F	1	N		N	N	Failure to pay UCR Fee: None paid for 2022- verified through UCR website
392.9AA1	F	1	Y		U	N	Operating without the Required Operating Authority: Has no operating authority for interstate transportation to haul rock
390.19A1	F	1	N		N	N	Motor Carrier failed to file required biennial update of MCS-150 as required.: MCS-150 shows this carrier is intrastate only
393.9H	F	1	N		N	N	Inoperable head lamps: Driver side high beam headlamp inop
393.11TL	F	1	N		N	N	Truck-Tractor lower rear mud flaps retroreflective sheeting / reflex reflective material requirements for vehicles manufactured after July 1997: No retroreflective sheeting on driver and passenger side rear of power unit mud flap brackets
393.9T	F	1	N		N	N	Inoperable tail lamp: Driver and passenger side rear of power unit inop
393.9BRKLAMP	F	1	N		N	N	Inoperative Brake Lamps: Passenger side rear of power unit inop
393.9TS	F	1	N		N	N	Inoperative turn signal: Passenger side rear of power unit inop
393.9	F	1	N		N	N	Inoperable Required Lamp: Reverse lamp on the rear of the power unit inop
396.17C	F	2	N		N	N	Operating a CMV without proof of a periodic inspection: None can be located
393.201A	F	2	Y		U	N	Frame cracked / loose / sagging / broken: Axle 4 driver and passenger side both cracked out and shown to driver. Driver side hasnot been welded before, however passenger side has and broken again
392.9A2	F	2	Y		U	Y	Failing to secure vehicle equipment: Cranck for the hopper bottom ripped off from the rear hopper and laying on ground and still other end attached to the trailer
393.100B	F	2	Y	006609	U	N	Leaking/spilling/blowing/falling cargo: Hopper open and loosing cruhed rock as leaving the plant where he was unloading
392.2FT	F	D	N		N	N	State or International Fuel Tax (IFTA) Violation: No fuel permit and no IFTA for this carrier

HazMat: No HM transported

Placard:

Cargo Tank:

Special Checks: Alcohol/Controlled Substance Check
 Conducted by Local Jurisdiction
 Size and Weight Enforcement
 eScreen Inspection

Traffic Enforcement
 PASA Conducted Inspection
 Drug Interdiction Search

X Post Crash Inspection
 PBBT Inspection



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

Report Number: KSHPO3794557
Inspection Date: 09/30/2022
Start: 9:27 AM CT End: 10:30 AM CT
Inspection Level: II - Walk-Around
HM Inspection Type: None

Notes: Post crash inspection done for Lane Coutny Sheriffs Department. Case number 22-116. This vehicle came from Lamar Colorado to Dighton, KS with a load of crushed washer fines. This carrier has no authority to haul for hire or interstate operation.

* 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 _____

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

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

Report Prepared By: ID/Badge #:
H.E. Bradley 0379

Copy Received By:
SERGIO RIVERA-CHAVEZ

X

X



03546573 KS KSHPO3794557

Exhibit 3



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
05/16/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

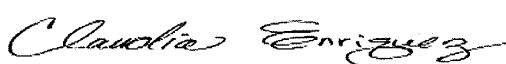
PRODUCER The Agency Inc 122 N. Main Street P. O. Box 27 Lakin KS 67860	CONTACT NAME: Lakin Office PHONE (A/C, No, Ext): (620) 355-6789 FAX (A/C, No): (620) 355-7990 E-MAIL ADDRESS:																				
	<table border="1"> <tr> <th colspan="2">INSURER(S) AFFORDING COVERAGE</th> <th>NAIC #</th> </tr> <tr> <td>INSURER A:</td> <td>United Financial and Casualty Ins Co.</td> <td>11770</td> </tr> <tr> <td>INSURER B:</td> <td></td> <td></td> </tr> <tr> <td>INSURER C:</td> <td></td> <td></td> </tr> <tr> <td>INSURER D:</td> <td></td> <td></td> </tr> <tr> <td>INSURER E:</td> <td></td> <td></td> </tr> <tr> <td>INSURER F:</td> <td></td> <td></td> </tr> </table>	INSURER(S) AFFORDING COVERAGE		NAIC #	INSURER A:	United Financial and Casualty Ins Co.	11770	INSURER B:			INSURER C:			INSURER D:			INSURER E:			INSURER F:	
INSURER(S) AFFORDING COVERAGE		NAIC #																			
INSURER A:	United Financial and Casualty Ins Co.	11770																			
INSURER B:																					
INSURER C:																					
INSURER D:																					
INSURER E:																					
INSURER F:																					
INSURED MYLTrucking LLC 1258 Road Y Lakin KS 67860																					

COVERAGES **CERTIFICATE NUMBER:** CL2351602897 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:						EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$ \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input checked="" type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY			02631588-1	01/11/2022	01/11/2023	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory In NH) <input type="checkbox"/> Y/N If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	BUSINESS AUTO			02631588-1	01/11/2022	01/11/2023	CSL 1,000,000 PIP 25,000 MTRTK 5000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE 

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Exhibit 4

DRIVER/VEHICLE EXAMINATION REPORT

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

Report Number: KSHP03794590
 Inspection Date: 11/09/2022
 Start: 8:59 AM CT End: 10:46 AM CT
 Inspection Level: I - Full
 HM Inspection Type: None

Carrier: MYL TRUCKING LLC

DBA:
 1258 ROAD Y
 LAKIN, KS, 67860
 USDOT: 3546573 Phone#: (620)214-3380
 MC/MX#: Phone#: (620)355-6801
 State#:
 Location: FINNEY COUNTY - 055
 Highway: U50
 County:
 Email:

Driver: ZARAGOZA-MARTINEZ, LUIS A
 License#: [REDACTED] State: MX
 Date of Birth: [REDACTED]
 CoDriver:
 License#: State:
 Date of Birth:
 Milepost: 67 Shipper: N/A
 Origin: GARDEN CITY,KS Bill of Lading: N/A
 Destination: HOLCOMB,KS Cargo: EMPTY

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate	Equipment ID	VIN	GVWR	CVSA #	Issued #	OOS Sticker
1	TT	INTL	2009	KS	710108	30	[REDACTED] 94117	53200			
2	ST	TIMP	2008	KS	037PUG	300	[REDACTED] 17625	65000			

BRAKE ADJUSTMENTS

Axle #	1	2	3	4	5
Right	2 1/8	2	1 1/2	INOP	1 1/2
Left	2 1/2	2 1/4	1/2	INOP	1 1/2
Chamber	C-24	L-30	C-30	C-30	C-30

VIOLATIONS

Section	Type	Unit	OOS	Citation #	Verify	Crash	Violations Discovered
393.60C	F	1	N		N	N	Damaged or discolored windshield: Large rock burst toward center of windshield about the size of a tennis ball
393.11TU	F	1	N		N	N	Truck-Tractor upper body corner requirements for retroreflective sheeting or reflex reflective material for vehicles manufactured after July 1997: The retroreflective sheeting should be white not, red and silver
393.11TL	F	1	N		N	N	Truck-Tractor lower rear mud flaps retroreflective sheeting / reflex reflective material requirements for vehicles manufactured after July 1997: Missing the retroreflective sheeting from the driver and passenger side mud flap bracket- mudflaps are not required in Kansas, however the retroreflective sheetin
393.47E	F	1	N		N	N	Clamp or Roto type brake out-of-adjustment: Axle 1 driver side measured 2 1/2 inches and max for type 24 is 1 3/4 inches
393.53B	F	1	N		N	N	CMV manufactured after 10/19/94 has an automatic airbrake adjustment system that fails to compensate for wear
393.47E	F	1	N		N	N	Clamp or Roto type brake out-of-adjustment: Axle 1 passenger side measured 2 1/8 inches and max for type 24 is 1 3/4 inches
396.3A1DSCB	F	1	Y		U	N	Center Bearing (Carrier Bearing) Cracked / Loose / Broken / Missing: Bearing has seperated from the housing and easily movable with gentle hand pressure
393.48A	F	2	N		N	N	Inoperative/defective brakes: Axle 4 driver side slack adjuster push rod is loose and flops around (using manual slack adjusters)
393.48A	F	2	N		N	N	Inoperative/defective brakes: Axle 4 passenger side slack adjuster push rod is loose and flops around (using manual slack adjusters)
393.53BMAN	F	2	N		N	N	CMV manufactured after 10/20/1994 is not equipped with automatic air brake adjusters.: Using manuel slack adjusters on axle 4 of the trailer driver and passenger side
396.3A1BOS	F	1	Y		U	N	BRAKES OUT OF SERVICE: The number of defective brakes is equal to or greater than 20 percent of the service brakes on the vehicle or combination: 4 of 10 out of adjustment or inoperable
393.201A	F	2	Y		U	N	Frame cracked / loose / sagging / broken: Driver side frame broken (one place was repaired however the other place has not been repaired)
393.207A	F	2	Y		U	N	Axle positioning parts defective/missing: Axle 4 passenger side bolts are seperating from the frame, can stick my wooden ruler tip between the frame and axle parts that hold it all together



DRIVER/VEHICLE EXAMINATION REPORT

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

Report Number: KSHP03794590
Inspection Date: 11/09/2022
Start: 8:59 AM CT End: 10:46 AM CT
Inspection Level: I - Full
HM Inspection Type: None

Table with 6 columns: ID, F, 2, N, N, N. Rows include 396.9D2, 396.17C, and 392.2RG with descriptions of defects like 'Failure to correct defects noted on previous inspection report' and 'Operating a CMV without proof of a periodic inspection'.

HazMat: No HM transported

Placard:

Cargo Tank:

Special Checks: No data for special checks

Notes: Vehicle stopped for random inspection. During the inspection, I realized I had inspected the trailer prior and checked to see if they repairs had been made. Upon looking at the trailer, I noticed that the driver side of the trailer frame had not been repaired...

* 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.

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

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

Report Prepared By: ID/Badge #:
H.E. Bradley 0379

Copy Received By:
LUIS ZARAGOZA-MARTINEZ

X

X



03546573 KS KSHP03794590

Exhibit 5

EPOS>

GAVILON GRAIN LLC KEARNEY
PO BOX 187, 2610 GRAND AVENUE
KEARNEY, NE 68848
80822

United States Warehouse Act
Grain Inspection and Weight Certificate
Copy Not Negotiable

Scale Ticket: 0616851
TRUCK OUTBOUND
Shipment Date 12/12/2022

(Inspection not valid for purposes of the United States Grain Standards Act)

Customer THE ANDERSONS INC
10975 BENSON DRIVE SUITE 400

GAVILON
NEBRASKA ELEVATORS
Ref/Farm
B/L# 88535

ORG KEARNEY NE 473
FRT NO 000
Bin#44

OVERLAND PARK KS 66210

Cert# 0000396450 THE ANDERSONS INC
Gross Weight 76,000 12/12/2022 9:45 AM Scale #1
Tare Weight 27,980 12/12/2022 9:13 AM Scale #1
Net Weight 48,020
Driver On Y
Comment TRACK SHED

YELLOW CORN
857.5 NET BUSHELS
Truck ID RED MYL

SAMPLE# 21
Gross 857.50
Shrink 0.00
Net 857.50
TW TEST WEIGHT 59.20
MT-MOISTURE 16.00
FM-FOREIGN MAT 1.00

NO DISCOUNT
NO DISCOUNT
U S Grade # 1

0000080822 THE ANDERSONS INC 100.00 % Hold-Hot Applied 857.50 857.50

This certificate is issued by an inspector and/or weigher licensed under the U.S. Warehouse Act and regulations thereunder

By Licensed Inspector/Weigher STEPH MALOLEY

POKY FEEDERS, INC.

Scott City, KS 67871 620-872-5834

Date _____

Customer's Name _____

Address _____

Commodity _____

	East
	Remarks
Lbs. Gross	
Lbs. Tare	
Lbs. Net	

Bu _____ Driver ON OFF

Weigher _____

Exhibit 6

Exhibit 7

Tractor #: _____

Trailer #: _____

Driver Signature: _____

JIM

Licensed Insr

Vehicle ID: _____

CHS

P.O. Box 82289

Lincoln, NE 68501-2289

(800) 782-3434 FAX (402) 476-8566



SHIPPED FROM

SHIPPER: **CHS**

CONSIGNEE: _____

ORIGIN: **Bertrand**

DESTINATION: _____

COMMODITY: **COAL**

DATE UNLOADED: _____

DATE LOADED: **11-25**, 20**22** SHIPPERS CONT. NO:

CHS - S **1**

CHS - P **50293**

UNLOADING SCALE TICKET NO.:

LOADING SCALE TICKET NO.: **9238**

WEIGHTS

COMPANY NAME: _____

LOADING

IF SPLIT

UNLOADING

COMPANY PHONE N

GROSS **816,560**

DRIVER'S NAME

TARE **28,180**

DRIVER'S CITY AND

NET **58,380**

TRUCKER'S DRIVER

TRANSPORT NOTE: WIND ICE MUD

SHIPPERS SIGNATURE: **Carla Wilcox**

TRAILER _____

NOTICE TO SHIPPER

DRIVER'S SIGNATURE

PLEASE FILL IN ALL APPLICABLE INFORMATION ABOVE! GIVE THE LAST TWO

DESTINATION COPY

Exhibit 8

TMT Truck Permitting

1516 Taylor Plaza
Garden City, KS 67846
620-272-9486



MYL TRUCKING LLC

1258 ROAD Y
LAKIN, KS 67860
620-214-3380

REGULATED BY

DOT

Selection Date

Person	ID	Occupation	Test For
--------	----	------------	----------

COMPANY: MYL TRUCKING LLC

Location: 1258 ROAD Y LAKIN, KS 67860 (Manuel Enriquez 620-214-3380)

ANDRES ESTRADA BECERRIL	MYHG000726		Driver
SERGIO RIVERA CHAVEZ	MXDGO0003808		Driver

Exhibit 9

Queries History

All Queries

Report Generated on : 05/07/2023 10:35

Key	First Name	Last Name	Country	State	Number
QUERY.29ETZ	JUAN JOSE	RIVERA-CHAVEZ	MX	MX	DGO01406
QUERY.29EU	JOSE RAMON	DELGADO-RODRIGUEZ	MX	MX	DGO02094
QUERY.1S6JS	SERGIO	RIVERA-CHAVEZ	MX	MX	DGO0003808
QUERY.1S6JC	ANDRES	ESTRADA-BECERRIL	MX	MX	HGO00726

Disclaimer:**This document contains sensitive information and is for official use only. Improper handling of this information could negatively affect individuals. Handle and secure this information according to Federal Motor Carrier Safety Administration privacy and security guidelines. Properly dispose of this document according to agency policy when this document is no longer needed.**

Query Type	Query Submitted	Query Completed
Pre-employment	Manually	5/7/2023
Pre-employment	Manually	5/7/2023
Pre-employment	Manually	6/1/2022
Pre-employment	Manually	6/1/2022

Exhibit 10



Inspection and sold for purpose of the United States Grain Standards Act

PO Box 350 • Scott City, KS 67871

Scott Cooperative Association, Inc.
Gross 91,180 lbs
Tare 30,480 lbs
Net 60,700 lbs
Dockage 0
Applied 60,700
Discount \$0.00
Bushels 1,011.67

LOCATION: PENCE ELEVATOR OPERATOR: SE

PENCE ELEVATOR WHEAT OUTBOUND

NO: 53900 02/27/2023 08:24 GROSS ... 91,180 lbs
TARE ... 30,480 lbs
NET ... 60,700 lbs
DOCKAGE ... 0
APPLIED ... 60,700
DISCOUNT ... \$0.00
BUSHELS ... 1,011.67

TEST WEIGHT 60.00 GRADES 0 MOISTURE 13.50 DOCKAGE 0.00 PROTEIN 0.00
REF1: BL-1259913 REF2: 59100 \$0.00

DRIVER: ON THE SCOLAR COMPANY TRUCK: MYL TRUCKING LLC 30
100.00% 60,700 OWNED 059100

I hereby certify that I hold a license under the United States Warehouse Act, and the regulations for grain warehouse thereunder

(Driver's Signature)

(License Inspector & Weights)

TRUCK SHIPMENT LADING The Scoular Company

Form 400 (Rev. 03-13) containing shipping and receiving details, including shipper/consignee, origin/destination, date loaded/unloaded, and driver information.

NOTE TO SHIPPER: Please fill in all applicable information above and give this copy below to the truck driver and ask him to deliver to Consignee. Be sure to show Loading Ticket Number. Check (✓) to show if Freight is Prepaid or Collect. If Prepaid show Date Paid, Voucher No. and Amount Paid. SCOLAR RETURN COPY THANK YOU

The Scoular Company

Date 02 27 2023
Ticket # 384316
Time In 12 15

APPROVED BY KANSAS DEPARTMENT OF AGRICULTURE

MANUAL 12.25 GROSS Bu 90,560 TARE 30,260 NET 60,300 GROSS Bu 1,005.00 NET Bu 998.97

ID: NM12040 SOUTHWEST PLAINS MERCH 10801 MASTIN SUITE 800 OVERLAND PARK KS IRWW TRUCK IN MYL 015246 SCOTT COOP - PENCE

SUBJECT TO SPECIAL INSPECTION U.S. No. 1 0.6 0.6 0.6 1.2

Exhibit 11

CERTIFICATE OF SERVICE

23-TRAM-920-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 10/26/2023.

Manuel J. Enriquez, MEMBER
MYL Trucking LLC
1258 Road Y
Lakin, KS 67860

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