

**NOTICE OF PENALTY ASSESSMENT**  
25-TRAM-248-PEN

January 23, 2025

Mr. Derek Dunn, President  
Temperance Logistics, LLC  
5042 W. Highway 54  
Liberal, Kansas, 67901

This is a notice of a penalty assessment against Temperance Logistic, LLC (“Temperance”) for violations of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted from July 23, 2024, through December 12, 2024, by a Kansas Corporation Commission Special Investigator. The Special Investigator identified twenty-eight (28) violations of the Motor Carrier Safety regulations. Penalties for the violations are assessed in accordance with the FY 2025 Uniform Penalty Assessment Matrix, approved by the Commission on June 27, 2024. Temperance has been assessed a \$5,350.00 penalty. 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:** You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$5,350.00 through your personal account with the Kansas Corporation Commission’s Kansas Trucking Regulatory Assistance Network (KTRAN) system located at <https://puc.kcc.ks.gov/ktran/>. If you have not received a letter from the Transportation Division assigning you a PIN, please contact that Division at 785-271-3145. You must have an account through KTRAN to pay the penalty owed.

The attached Order also requires a representative of Temperance:

- a. To attend a Commission-sponsored safety seminar within thirty (30) days from the date of the Order and to provide the undersigned Litigation Counsel with written proof of attendance. A schedule of dates and locations for safety seminars can be found at the Commission’s website [http://www.kcc.state.ks.us/trans/safety\\_meetings.htm](http://www.kcc.state.ks.us/trans/safety_meetings.htm).
- b. To submit a written, comprehensive Corrective Action Plan (“CAP”) to Transportation Staff within thirty (30) days of the date of this order, documenting the violations described in this Penalty Order, including specific and detailed information explaining Carrier’s efforts and concrete steps taken to ensure the violations do not occur in the future.
- c. To submit to one follow-up safety compliance review within eighteen (18) months from the date of this Penalty Order. Transportation Staff will contact the motor carrier at a later date to determine an appropriate time for the review.

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

<sup>1</sup> K.A.R. 82-1-215; K.S.A. 77-542.

1500 SW Arrowhead Road  
Topeka, KS 66604-4027



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

Shari Feist Albrecht, Chair  
Jay Scott Emler, Commissioner  
Pat Apple, Commissioner

Governor Jeff Colyer, M.D.

**IF YOU FAIL TO ACT:** Failure to pay the penalty of \$5,350.00 within thirty (30) days from the date of service of the Penalty Order or failure to comply with the terms of the Order, or in the alternative, failure to provide a timely written request for a hearing, will result in the Order becoming final and may result in additional sanctions of suspension and/or revocation of your motor carrier operating authority.

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

**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 )  
**Temperance Logistics LLC of Liberal,** )  
**Kansas.** Regarding the Violation(s) of the )  
Motor Carrier Safety Statutes, Rules and ) Docket No. 25-TRAM-248-PEN  
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. Pursuant to K.S.A 66-1,108b, 66-1,111, 66-1,112 and 66-1,114b, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in 49 C.F.R. Part 390.5 as adopted by K.A.R. 82-4-3f, doing business or procuring business in Kansas, and is empowered to do all things necessary and convenient for the exercise of such power, authority and jurisdiction.

2. Pursuant to K.S.A. 66-1,129a, 66-1,130 and 66-1,142b, the Commission may suspend operations, revoke or amend certificates, and initiate sanctions or fines against every motor carrier and every person who violates any provision of Kansas law in regard to the regulation of such motor carriers and persons, or who fails to obey any order, decision or regulation of the Commission.

3. The Commission has the authority, pursuant to K.A.R. 82-1-237, to investigate an entity under the Commission’s jurisdiction and issue an order on the Commission’s own motion when the Commission believes the entity is in violation of the law or any order of the Commission.

4. Temperance Logistics, L.L.C. (“Temperance” or “Carrier”) is a motor carrier as defined in 49 C.F.R. 390.5 and operates under USDOT number 3215826.

5. The Commission finds it has jurisdiction over Temperance pursuant to K.S.A. 66-1,108b because it is a motor carrier as defined in 49 C.F.R. Part 390.5 as adopted by K.A.R. 82-4-3f.

6. On May 10, 2022, Commission Transportation Staff (“Transportation Staff” or “Staff”) Special Investigators (“SIs”) completed a safety compliance investigation of Temperance, which resulted in the Commission issuing a Penalty Order in Docket No. 22-512 Penalty<sup>2</sup>, in which it levied civil penalties totaling \$4,600.

7. From July 23 through December 12, 2024, Transportation Staff SIs completed a safety compliance investigation of the operations of Temperance. As a result of the compliance investigation, the SIs identified twenty-eight (28) violation(s), set forth in seven (7) count(s), of the Motor Carrier Safety Regulations (“MCSRs”), which carry a penalty set forth in the FY2025 Uniform Penalty Assessment Matrix.<sup>3</sup>

8. On December 19, 2024, Transportation Staff submitted its Report and Recommendation (“R&R”), attached hereto as Attachment “A” and hereby incorporated by reference herein, recommending a penalty of \$5,350.00 to be issued to Temperance based on the frequency, timeline, and severity of the violations discovered.

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<sup>2</sup> Penalty Order, Docket No. 22-TRAM-512-PEN (Jun. 2, 2022) (hereinafter, ‘22-512 Penalty’).

<sup>3</sup> Order Designating Guidance Document and Approving Staff’s Use of the Transportation Division’s Uniform Penalty Assessment Table, pp. 10 – 24 (June 27, 2024) (“Penalty Matrix”).

9. Specifically, pursuant to Staff's R&R, the Commission finds that Temperance committed twenty-eight (28) violation(s) of the following seven (7) count(s), discussed more fully in Staff's R&R:<sup>4</sup>

a. Count 1: On March 23, 2024, Temperance was operating commercial motor vehicles (a 2014 Freightliner, VIN ending in 4569, GVWR 52,350 lbs. in interstate commerce from Garden City, Kansas to Little Rock, Arkansas) in Kansas on a public road without requiring its drivers (Louis Galdamez) to maintain a record of duty status for each 24-hour period, which resulted in eighteen (18) violations(s) of 49 C.F.R. 395.8(a)(1), adopted by K.A.R. 82-4-3a. The SI found eighteen (18) violations on eighteen different dates for transports by Temperance driver Luis Galdamez on March 7, 2023, March 8-25, 2024. The Commission finds that Staff's recommendation of a penalty of \$500.00 is appropriate and in accordance with the current Penalty Matrix.

b. Count 2: On December 7, 2023, Temperance was operating commercial motor vehicles in (Ulysses to Liberal) Kansas on a public road and did not obtain and provide an annual inspection covering parts and accessories over the past 12 months for a 2000 Peterbilt truck, VIN ending in 0684, and 2013 Western trailer, VIN ending in 0238 which resulted in two (2) violations(s) of 49 C.F.R. 396.17(a), adopted by K.A.R. 82-4-3j. The Commission finds that Staff's recommendation of an enhanced penalty of \$1,500.00 is appropriate and in accordance with the current Penalty Matrix, as this same violation was previously cited during a compliance investigation conducted on May 10, 2022 and penalized in the 22-512 Penalty.

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<sup>4</sup> See Staff's Report and Recommendation (Dec. 19, 2024).

c. Count 3: On July 22, 2024, Temperance was operating commercial motor vehicles (a 2020 Peterbilt, VIN ending in 4598, GVWR 52,000 lbs.) in (interstate commerce from El Reno, Oklahoma to Creek Stone Farms in Arkansas City, Kansas) Kansas on a public road and driver(s) Tammy Anderson hauled a load of cattle with a gross weight of 88,100 lbs., which is 2,600 lbs. over the statutory weight limit of 85,500 lbs., which resulted in a violation of K.S.A. 8-1901(a) and K.S.A. 8-1909, adopted by K.A.R. 82-4-3h.<sup>5</sup> The Commission finds that Staff's recommendation of a penalty of \$500.00 is appropriate and in accordance with the current Penalty Matrix.

d. Count 4: On June 2, 2022, Temperance was required to comply with Commission Order 22-TRAM-512-PEN, specifically attend a Commission sponsored safety seminar within 90 days from June 2, 2022. As the completion of Staff's compliance investigation on December 12, 2024, Temperance had failed to attend a Commission sponsored safety seminar, which is a separate and distinct violation of the 22-TRAM-512-PEN Penalty Order for each day Temperance failed to comply.<sup>6</sup> The Commission finds that Staff's recommendation of a penalty of \$250 is appropriate and in accordance with the current Penalty Matrix and K.S.A. 66-1,142b(a).

e. Count 5: On February 13, 2023, Temperance was operating commercial motor vehicles (a 2003 Freightliner, VIN ending in 1480, a GVWR of 52,000 lbs.) in Kansas on a public road (interstate commerce from Garden City, Kansas to Little Rock, Arkansas) and failed to ensure its driver(s) (Adan Gonzales) had an equal chance of being selected for a random alcohol and controlled substance test when it failed to remove drivers not currently employed/terminated from Carrier's random pool. Temperance failed to

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<sup>5</sup> Also see K.A.R. 82-4-6a, 49 C.F.R. 392.1 and 49 C.F.R. 392.2.

<sup>6</sup> See K.S.A. 66-1,142b(c).

ensure its driver(s), Joshua Hammock and Eleazar Villalobos were no longer enrolled in Carrier's random alcohol and controlled substance testing program and pool for the first quarter of 2023 as of January 1, 2023, which resulted in two (2) violations of 49 C.F.R. 382.305(i)(2), adopted by K.A.R. 82-4-3c. The Commission finds that Staff's recommendation of an enhanced penalty of \$2,000.00 is appropriate and in accordance with the current Penalty Matrix, as this same violation was previously cited during a compliance investigation conducted on May 10, 2022 and penalized in the 22-512 Penalty.

f. Count 6: On December 7, 2023, Temperance was operating commercial motor vehicles 2000 Peterbilt truck, VIN ending in 0684, and 2013 Western trailer, VIN ending in 0238 in (Ulysses to Liberal) Kansas on a public road and failed to obtain and produce the motor vehicle record covering at least the preceding 12 months from the driver's license authority for one of its driver employees Pedro Herrera, which resulted in a violation of 49 C.F.R. 391.25, adopted by K.A.R. 82-4-3g. The Commission finds that Staff's recommendation of a penalty of \$100.00 is appropriate and in accordance with the current Penalty Matrix.

g. Count 7: On March 28, 2024, Temperance was operating commercial motor vehicles (2000 Peterbilt, VIN ending in 0684) in (interstate commerce from Liberal, Kansas to Buffalo, Oklahoma) Kansas on a public road and failed to provide inspector qualifications for its inspector, (Mel Velasquez) who had performed an annual inspection on December 11, 2023 on a 2013 Western semi-trailer, VIN ending in 0238, which resulted in a violation of 49 C.F.R. 396.19(a), adopted by K.A.R. 82-4-3j. The Commission finds that Staff's recommendation of an enhanced penalty of \$500.00 is appropriate and in accordance with the current Penalty Matrix, as this same violation was previously cited

during a compliance investigation conducted on May 10, 2022 and penalized in the 22-512 Penalty.

10. The Commission hereby adopts Staff's findings as contained in its December 19, 2024, R&R.

11. The Commission finds that Temperance is required to have a representative responsible for the Carrier's safety compliance attend a Commission-sponsored safety seminar within thirty (30) days from the date of this Order, and provide Litigation Counsel with written proof of attendance within five days.<sup>7</sup> 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](http://kcc.ks.gov/trans/safety_meetings.htm).

12. The Commission further finds that Temperance is required to submit a written, comprehensive Corrective Action Plan ("CAP") that is satisfactory to Transportation Staff within thirty (30) days of the date of this order, documenting the violation(s) described in this Penalty Order, including specific and detailed information explaining Carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.<sup>8</sup>

13. The Commission further finds that Temperance is required to submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order at a time agreeable to Staff.<sup>9</sup>

14. Failure to comply with the requirements of this Penalty Order shall result in suspension of Temperance's motor carrier operating authority without further notice.<sup>10</sup>

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<sup>7</sup> See Id., p.3.

<sup>8</sup> See Id.

<sup>9</sup> See Id.

<sup>10</sup> K.S.A. 66-1,105.



15. The Commission concludes the penalty of \$5,350.00 for the twenty-eight violations set forth above, and the additional three requirements set forth in paragraphs 11, 12 and 13 are just and reasonable.

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

A. Temperance is hereby assessed a \$5,350.00 civil penalty for twenty-eight (28) violation(s), set forth in 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. Temperance is hereby ordered to have a representative responsible for the Carrier's safety compliance attend a Commission-sponsored safety seminar within thirty (30) days from the date of this Order and is to timely provide Litigation Counsel with written proof of attendance within seventeen (17) business days of completing the safety seminar.

C. Temperance is hereby ordered to submit a written, comprehensive corrective action plan (CAP) that is satisfactory to Transportation Staff within thirty (30) days of the date of this order, documenting the 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. Temperance is ordered to submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order at a time agreeable to Staff.

E. Pursuant to K.S.A. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issue(s) by submitting a written request setting forth the specific grounds upon which relief is sought. The request may be electronically filed with the Commission's electronic filing system at <https://puc.kcc.ks.gov/e-filing/e-express/>, within fifteen (15) days from the date of

service of this Order, and a copy of the request mailed to the Litigation Division. If you do not have access to the internet, you can mail an original and seven copies of the request to the Executive Director at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy of the request to Litigation Counsel. A hearing will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of Temperance's right to a hearing, and this Penalty Order will become a Final Order.

F. If a request for hearing is filed, attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. For civil penalties exceeding \$500.00, a corporation shall appear before the Commission by its attorney, unless waived by the Commission for good cause shown and a determination that such waiver is in the public interest.<sup>11</sup> For civil penalties of \$500.00 or less, a corporation may appear by a duly authorized representative of the corporation.<sup>12</sup>

G. If you do not request a hearing, the payment of the civil penalty of \$5,350.00 is due in thirty (30) days from the date of service of this Order. Payment of \$5,350.00 must be made through your personal account with the Kansas Corporation Commission's Kansas Trucking Regulatory Assistance Network (KTRAN) system located at <https://puc.kcc.ks.gov/ktran/>. You must have an account through KTRAN to pay the penalty.

H. Failure of Temperance to perform, pay or to fully comply with the provisions of this Order, including but not limited to Ordering Clauses A through D, above, will result in suspension of Temperance's motor carrier operating authority without further notice.<sup>13</sup> Additionally, the Commission may impose further sanctions to include, but not limited to, the

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<sup>11</sup> K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2); K.A.R. 82-1-202(a).

<sup>12</sup> K.S.A. 66-1,142b(e) and amendments thereto.

<sup>13</sup> K.S.A. 66-1,105.

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: 01/23/2025



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Lynn M. Retz  
Executive Director

PJH

# **ATTACHMENT “A”**

**REPORT AND RECOMMENDATION  
TRANSPORTATION DIVISION**

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

**FROM:** Jared Smith, Deputy Director of Transportation

**DATE:** December 19, 2024

**SUBJECT: Docket No. 25-TRAM-248-PEN**  
In the Matter of the Investigation of **Temperance Logistics LLC of Liberal, 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:**

Temperance Logistics LLC is a motor carrier (MC) possessing public for-hire operating authority from the Commission, primarily hauling grain, feed, hay and livestock. Temperance Logistics LLC operates under USDOT 3215826.

On May 10, 2022, Commission Transportation Staff (Transportation Staff or Staff) completed a safety compliance investigation of the operations of Temperance Logistics LLC, which resulted in the Commission issuing a Penalty Order in Docket No. 22-TRAM-512-PEN on June 2, 2022,<sup>1</sup> that levied civil penalties totaling \$4,600. In the current docket, Staff found violations that were previously penalized in the 22-512 Penalty Order, which will be further outlined below.

On December 12, 2024, Commission Staff Special Investigators (SIs) completed a safety compliance investigation of the operations of Temperance Logistics 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 twenty-eight (28 violations), set forth in seven (7) specific counts, of the Motor Carrier Safety Regulations (MCSRs), which carries a penalty according to the FY2025 Uniform Penalty Assessment Matrix approved by the Commission.

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<sup>1</sup> Penalty Order, Docket No. 22-TRAM-512-PEN (Jun. 22, 2022) (hereinafter, 22-512 Penalty).

Based on the frequency, timeline and severity of the violations discovered by the SIs, staff recommends penalty of \$5,350 be issued to the MC.

## **DISCUSSION AND ANALYSIS:**

On December 12, 2024, Commission Staff SIs conducted a safety compliance investigation of the operations of Temperance Logistics LLC. The investigation covers a 365-day period and any previous compliance review. Each specific count is detailed below.

### **Count One (1 of 7)**

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

**Relevant Statutes:** 49 C.F.R. 395.8(a) states: “Except for a private motor carrier of passengers (nonbusiness), as defined in § 390.5 of this subchapter, a motor carrier subject to the requirements of this part must require each driver used by the motor carrier to record the driver's duty status for each 24-hour period using the method prescribed in paragraphs (a)(1)(i) through (iii) of this section, as applicable.”

**Material Facts and Supporting Documents:** On March 23, 2024, Temperance Logistics required or permitted its driver, Luis Galdamez, to operate a commercial driver's license (CDL) required commercial motor vehicle (CMV), a 2014 Freightliner, VIN ending in 4569, GVWR 52,350 lbs., in interstate commerce from Garden City, Kansas to Little Rock, Arkansas. This transport is evidenced by the driver Weekly Payroll Sheet, attached hereto as **Exhibit 2**. On this transport the driver travelled beyond 150 air miles and was therefore required to prepare a record of duty status for the portion of the trip that was beyond 150 miles. At the time of this transport, the MC failed to require its driver to prepare a record of duty status as required by 49 C.F.R. 395.8 Luis Galdamez failed to prepare a record of duty status for transports which required their preparation on March 7, 2023, March 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24 and 25, 2024, resulting in eighteen (18) total violations.

**Violation:** Temperance Logistics failed to require its drivers to prepare a record of duty status as required, which is a violation of 49 C.F.R. 395.8(a)(1), adopted by K.A.R. 82-4-3a. (**Exhibit 1, Page 3**). Eighteen (18) violations discovered. (**Exhibit 1, Pages 15 to 16**).

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

### **Count Two (2 of 7)**

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

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

The inspection shall be retained by the MC pursuant to 49 C.F.R. 396.21(b).

**Material Facts and Supporting Documents:** On December 7, 2023, Temperance Logistics required or permitted its driver, Pedro M. Perez Herrera, to operate a CDL-required CMV, a 2000 Peterbilt, VIN ending in 0684, GVWR 52,000 lbs., pulling a 2013 Western trailer, VIN ending in

0238, GVWR 62,500 lbs., in intrastate commerce from Ulysses, Kansas to Liberal, Kansas. This transport is evidenced by Driver/Vehicle Examination Report No. KSHP01941731 attached hereto as **Exhibit 3**. The MC failed to provide an annual inspection performed in the year prior to this transport for either the truck or the trailer involved in this transport, resulting in two violations.

**Violation:** Temperance Logistics operated a CMV not periodically (annually) inspected, which is a violation of 49 C.F.R. 396.17, adopted by K.A.R. 82-4-3j (**Exhibit 1, Page 3**). Two (2) violations were discovered (**Exhibit 1, Page 15**).

**Recommendation:** Staff recommends an enhanced penalty of \$1,500, as this same violation was previously cited during a compliance investigation conducted on May 10, 2022 and penalized in the Penalty Order issued on June 2, 2022 in 22-512. The enhanced fine is in accordance with the FY2025 Penalty Matrix.

### **Count Three (3 of 7)**

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

**Relevant Statutes:** K.A.R. 82-4-6a states: “Each motor carrier and driver shall comply with the following:...(c) the uniform act regulating traffic and the size, weight, and load of vehicles as established in K.S.A. 8-1901 et seq. and amendments thereto; and (d) the regulations issued by the commission pertaining to the driving of commercial motor vehicles as adopted in K.A.R. 82-4-3h.”

49 C.F.R. 392.1 states: “(a) Every motor carrier, its officers, agents, representatives, and employees responsible for the management, maintenance, operation, or driving of commercial motor vehicles, or the hiring, supervising, training, assigning, or dispatching of drivers, shall be instructed in and comply with the rules in this part.

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

K.S.A. 8-1901(a) states: “It shall be unlawful for any person to drive or move or for the owner or lessee to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles of a size or weight exceeding the limitations stated in article 19 of chapter 8 of Kansas Statutes Annotated or otherwise in violation of this article, and the maximum size and weight of vehicles herein specified shall be lawful throughout this state, and local authorities shall have no power or authority to alter such limitations except as express authority may be granted in this article.”

K.S.A. 8-1909 describes the specific weight limits.

**Material Facts and Supporting Documents:** On July 22, 2024, Temperance Logistics required or permitted its driver, Timmy Anderson, to operate a CDL-required CMV, a 2020 Peterbilt, VIN ending in 4598, GVWR 52,000 lbs., in interstate commerce from El Reno, Oklahoma to Arkansas City, Kansas. This transport is evidenced by a bill of lading, Trip No. 642, attached hereto as **Exhibit 4**, as well as Scale Ticket No. 296810, attached hereto as **Exhibit 5**. During this transport, Driver Timmy Anderson hauled a load of rock with a gross weight of 88,500 lbs. (See **Exhibit 5**), which is over the maximum statutory weight limit of 85,500 lbs.

**Violation:** Temperance Logistics operated over the maximum gross weight of 85,500 lbs. allowed in Kansas, which is a violation of K.S.A. 8-1909, and 49 C.F.R. 392.2, adopted by K.A.R. 82-4-3h (**Exhibit 1, Pages 3 to 4**). One (1) violation discovered (**Exhibit 1, Page 15**).  
**Recommendation:** Staff recommends a penalty of \$500, in accordance with the FY2025 Penalty Matrix.

#### **Count Four (4 of 7)**

**Authority:** K.S.A. 66-1,111.

**Relevant Statutes:** K.S.A. 66-1,105 states: “Every order and decision of the commission on matters covered by this act shall become operative and effective within 30 days after service, and the motor carrier shall carry the provisions of the order into effect, unless the order is enjoined or set aside by a court of proper jurisdiction.”

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

...

(c) Every day during which the person fails to comply with any order of the commission, or any applicable statute, rule or regulation, shall constitute a separate and distinct violation.”

**Material Facts and Supporting Documents:** The MC was ordered to attend a Commission sponsored safety seminar in 22-512, dated June 2, 2022. That Penalty Order was issued pursuant to a compliance investigation conducted May 10, 2022. At the time of the current investigation, the MC had not attended a safety seminar after the completion of the May 10, 2022 investigation, as required by the Commission’s Order.

**Violation:** Temperance Logistics failed to attend a Commission-sponsored safety seminar as ordered by the Commission in the Penalty Order issued in 22-512, which is a violation of K.S.A. 66-1,105. One (1) violation discovered.

**Recommendation:** Staff recommends a fine of \$250, in accordance with the 2025 Penalty Matrix.

#### **Count Five (5 of 7)**

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

**Relevant Statutes:** 49 C.F.R. 382.305(i) states: “(1)The selection of drivers for random alcohol and controlled substances testing shall be made by a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with drivers' Social Security numbers, payroll identification numbers, or other comparable identifying numbers.

(2) Each driver selected for random alcohol and controlled substances testing under the selection process used, shall have an equal chance of being tested each time selections are made.

(3) Each driver selected for testing shall be tested during the selection period.”

**Material Facts and Supporting Documents:** On February 13, 2023, Temperance Logistics LLC required or permitted its driver, Adan Gonzalez, to operate a CDL-required CMV, a 2003 Freightliner, VIN ending in 1480, with a GVWR of 52,000 lbs., pulling a 2015 Walker trailer, VIN ending in 7419, GVWR 65,000 lbs., in intrastate commerce from Garden City, Kansas to Little Rock, Arkansas. This transport is evidenced by Driver/Vehicle Examination Report No.



OKM407154838 attached hereto as **Exhibit 6** and the random selection list for the first quarter of 2023 attached hereto as **Exhibit 7**. At the time of this transport, drivers Joshua Hammock and Eleazar Villalobos were no longer employed by the MC but were still in the random testing pool, resulting in the two (2) violations.

**Violation:** Temperance Logistics failed to ensure that each driver subject to random alcohol and controlled substance testing had an equal chance of being selected each time selections are made. This is a violation of 49 C.F.R. 382.305(i)(2), adopted by K.A.R. 82-4-3c (**Exhibit 1, Pages 4 to 5**). Two (2) violations were discovered (**Exhibit 1, Page 16**).

**Recommendation:** Staff recommends an enhanced fine of \$2,000, as this same violation was previously cited during a compliance investigation conducted on May 10, 2022 and penalized in the Penalty Order issued on June 2, 2022 in 22-512. The enhanced fine is in accordance with the FY2025 Penalty Matrix.

### **Count Six (6 of 7)**

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

**Relevant Statutes:** 49 C.F.R. 391.25(a) states: “Except as provided in subpart G of this part, each motor carrier shall, at least once every 12 months, make an inquiry to obtain the motor vehicle record of each driver it employs, covering at least the preceding 12 months, to each driver's licensing authority where the driver held a commercial motor vehicle operator's license or permit during the time period.”

**Material Facts and Supporting Documents:** This violation took place during the transport on December 7, 2023, described in Count Two, above. The MC did not provide a motor vehicle record (MVR) obtained in the twelve months prior to this transport for Pedro M. Perez Herrera, resulting in one (1) violation.

**Violation:** Temperance Logistics failed to make inquiry into the driving record of each driver to the appropriate State agencies in which the driver held a CMV operator's license at least once every 12 months, which is a violation of 49 C.F.R. 391.25, adopted by K.A.R. 82-4-3g (**Exhibit 1, Page 5**). One (1) violation discovered (**Exhibit 1, Page 16**).

**Recommendation:** Staff recommends a penalty of \$100, in accordance with the 2025 Penalty Matrix.

### **Count Seven (7 of 7)**

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

**Relevant Statutes:** 49 C.F.R. 396.19 states: “Motor carriers and intermodal equipment providers must retain evidence of that individual's qualifications under this section. They must retain this evidence for the period during which that individual is performing annual motor vehicle inspections for the motor carrier or intermodal equipment provider, and for one year thereafter.”

**Material Facts and Supporting Documents:** On March 28, 2024, Temperance Logistics required or permitted its driver, Pedro M. Perez Herrera, to operate a CDL-required CMV, a 2000 Peterbilt, VIN ending in 0684, GVWR 65,000 lbs., pulling a 2013 WSTI semi-trailer, VIN ending in 0238, GVWR 65,000 lbs., in interstate commerce from Liberal, Kansas to Buffalo, Oklahoma. This transport is evidenced by Driver/Vehicle Examination Report No.

OKM407155608 attached hereto, as **Exhibit 8**. The annual inspection provided for trailer involved in this transport is attached hereto as **Exhibit 9**. The MC failed to provide inspector

qualifications for inspector, Mel Velasquez, who had performed an annual inspection on a 2013 WSTI semi-trailer, VIN ending in 0238 involved in this transport. The MC also did not provide the qualifications for inspectors Angel Quiroz and Miguel Amador who conducted inspections for the MC, resulting in three (3) violations.

**Violation:** Temperance Logistics failed to maintain evidence of inspector's qualifications, which is a violation of 49 C.F.R. 396.19(a), adopted by K.A.R. 82-4-3j (**Exhibit 1, Page 16**). Three (3) violations were discovered (**Exhibit 1, Page 16**).

**Recommendation:** Staff recommends an enhanced penalty of \$500, as this same violation was previously cited during a compliance investigation conducted on May 10, 2022 and penalized in the Penalty Order issued on June 2, 2022 in 22-512. The enhanced fine is in accordance with the FY2025 Penalty Matrix.

### **RECOMMENDATION:**

Transportation Staff recommends the Commission find Temperance Logistics LLC committed twenty-eight (28) violations 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 \$5,350 for twenty-eight (28) violations of the MC Safety Statutes, Rules and Regulations, in accordance with the recommended penalties listed in the applicable Uniform Penalty Assessment Matrix.

Staff further recommends Temperance Logistics LLC require a representative responsible for the company's safety to attend a Commission-sponsored safety seminar within thirty (30) days from the date of the Order, and provide Litigation Counsel with written proof of attendance. A schedule of the dates and locations for safety seminars can be found on the Commission's website at [http://kcc.ks.gov/trans/safety\\_meetings.htm](http://kcc.ks.gov/trans/safety_meetings.htm).

Staff further recommends Temperance Logistics 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 Temperance Logistics 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#:** 3215826  
**MC/MX#:** 1005343

**Legal:** TEMPERANCE LOGISTICS LLC  
**Operating (DBA):**

**Investigation Date:**  
12/12/2024

**Investigation Type:** Onsite Comprehensive Investigation

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

**Extent of Operations:** Entire Operation

**Physical Address**

5042 W HIGHWAY 54  
LIBERAL, KS 67901  
United States

**Mailing Address**

5042 W HIGHWAY 54  
LIBERAL, KS 67901  
United States

**Contact Information**

**Contact Name:** DEREK DUNN  
**Email:** DEREKDUNN1980@GMAIL.COM  
**Phone:** (620)417-3158    **Cell:** ( )-    **Fax:** ( )-

**Business and Financial**

**Business Type:** Limited Liability Corporation  
**Name of Gross Revenue Provider:** DEREK DUNN  
**Title of Gross Revenue Provider:** PRESIDENT  
**Gross Revenue:** ██████████    **For Year Ending:** 12/31/2023  
**Federal Tax ID:** ██████████

**Operation Classification and Type**

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

**Operation Classification**

For-Hire Motor Carrier  
Property  
Other Non-Hazardous Freight

**Cargo**

Grain, Feed, Hay, Other (MILK), Livestock

**Equipment**

	Owned	Term Leased	Trip Leased
Truck Tractors	2	11	
Trailers	2	8	

**Driver Information**

Drivers		
	Intrastate	Interstate
< 100 Miles		
>= 100 Miles		11

**Power units used in the U.S.:** 13  
**Percentage of time used in the U.S.:** 100%

**Average trip leased driver/month:** 0  
**Drivers with CDL:** 11  
**Total Drivers:** 11

**Person(s) Interviewed**

**Name:** DEREK DUNN    **Title:** OWNER  
**Name:** LOURDES GARIBAY    **Title:** SAFETY 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: 395.8(a)(1)

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



**Critical**

At least 10% of the number checked had violations

### Violations Discovered

Fed	State	Total
18		18

### Checked

Fed	State	Total
92	58	150

**BASIC Impacted**  
Hours-of-Service  
Compliance

**Rating Factor 3:**  
**Operational** = Part  
395

### Example/Notes:

Number Checked - 150

Number Discovered - 18

On 3-23-2024 Temperance Logistics LLC failed to require driver, Luis Galdamez to prepare a record of duty status for the load of milk he hauled from Garden City KS to Little Rock, AR. Driver Luis Galdamez would have been required to log his drive time from just west of Medford, OK to Little Rock, Arkansas approximately 421 miles or 5 hours and 53 minutes.

### Drivers/Vehicles in Violation

Fed	State	Total
1		1

### Checked

Fed	State	Total
5		5

## 2. Primary: 396.17(a)

Using a commercial motor vehicle not periodically inspected.



**Critical**

At least 10% of the number checked had violations

### Violations Discovered

Fed	State	Total
	2	2

### Checked

Fed	State	Total
	5	5

**BASIC Impacted**  
Vehicle Maintenance

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

### Example/Notes:

Vehicle: Unit 339

Date of trip: December 7, 2023 Driver/Vehicle Examination Report #KSHP01941731

Violation Description: On 12-7-2023 Temperance Logistics LLC operated Unit 339 and 238 from Ulysses KS to Liberal KS. At the time of operation, Unit #339 and 238 did not have a current annual inspection

### Drivers/Vehicles in Violation

Fed	State	Total
	2	2

### Checked

Fed	State	Total
	5	5

## 3. Primary: 392.2

### Secondary: K.S.A. 8-1901

Operating in excess of the maximum gross weight of 85,500 lbs. allowed in Kansas.

### Violations Discovered

Fed	State	Total
	1	1

### Checked

Fed	State	Total
	58	58

**Example/Notes:**

Driver - Timmy Anderson

Trip Date - 7-22-24

Description of violations: On 7-22-24, Temperance Logistics LLC driver, hauled a load of cattle in interstate commerce weighing, 88,500 pounds which was over the allowable weight of 85,500 pounds. This trip was loaded in El Reno, Oklahoma going to Creek Stone Farms in Arkansas City, KS.

**4. Primary: 392.2**

**Secondary: K.S.A 66-1,142b**

The Motor Carrier must comply with the requirements of a Commission Order, including attendance at a Commission-sponsored safety seminar as ordered in a Penalty Order.

**Example/Notes:**

Temperance Logistics LLC failed to have a staff member attend a Kansas Corporation Commission-sponsored safety seminar as ordered in Penalty Order 22-TRAM-512-PEN on 6-2-2022.

**5. Primary: 376.11**

**Secondary: 376.12**

Authorized carrier performed authorized transportation in equipment it does not own without obtaining a written lease.

**Example/Notes:**

Vehicle: Unit # 339

Trip Date: 12/7/2023

Description: Temperance Logistics LLC failed to provide a written lease agreement that meets all the requirements.

**6. 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.

**Drivers/Vehicles in Violation**

Fed	State	Total
	1	1

**Checked**

Fed	State	Total
92	58	150

**Violations Discovered**

Fed	State	Total
	1	1

**Checked**

Fed	State	Total
	1	1

**Drivers/Vehicles in Violation**

Fed	State	Total
	1	1

**Checked**

Fed	State	Total
	1	1

**Violations Discovered**

Fed	State	Total
3		3

**Checked**

Fed	State	Total
5		5

**Drivers/Vehicles in Violation**

Fed	State	Total
3		3

**Checked**

Fed	State	Total
5		5

**Violations Discovered**

Fed	State	Total

2		2
---	--	---

**Checked**

Fed	State	Total
-----	-------	-------

14		14
----	--	----

**Example/Notes:**

Driver name: Luis Galdamez  
 Selection date: 1st Quarter of 2023  
 Trip date: 3/2/2024

Description: Temperance Logistics LLC failed to ensure drivers had an equal chance of being selected by failing to remove drivers not currently employed/terminated from the carriers random pool and failing to ensure drivers employed were enrolled in the carriers random pool.

**Drivers/Vehicles in Violation**

Fed	State	Total
-----	-------	-------

2		2
---	--	---

**Checked**

Fed	State	Total
-----	-------	-------

14		14
----	--	----

**7. Primary: 391.21(a)**

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

**Violations Discovered**

Fed	State	Total
-----	-------	-------

3		3
---	--	---

**Checked**

Fed	State	Total
-----	-------	-------

5		5
---	--	---

**Example/Notes:**

Driver name,: Luis Galdamez  
 Trip date: 3-3-2024

Description of violation -Temperance Logistics LLC provided incomplete applications that failed to provide 10 years of employment history.

**Drivers/Vehicles in Violation**

Fed	State	Total
-----	-------	-------

3		3
---	--	---

**Checked**

Fed	State	Total
-----	-------	-------

5		5
---	--	---

**8. Primary: 391.25(a)**

Failing to make an inquiry into the driving record of each driver to the appropriate State agencies in which the driver held a commercial motor vehicle operator's license at least once every 12 months.

**Violations Discovered**

Fed	State	Total
-----	-------	-------

1		1
---	--	---

**Checked**

Fed	State	Total
-----	-------	-------

5		5
---	--	---

**Example/Notes:**

Driver name: Pedro Herrera  
 Trip date: 12-7-2023

Description of violation: Temperance Logistics LLC failed to obtain annual MVR's for Pedro

**Drivers/Vehicles in Violation**

Fed	State	Total
-----	-------	-------

1		1
---	--	---

**Checked**



Herrera every 12 months.

Fed	State	Total
5		5

**9. 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
5		5

**Example/Notes:**

Driver name: Pedro Perez Herrera

Trip date: 7-1-24

Description of violation - Temperance Logistics LLC failed to verify that Keyah Richardson was on the national registry.

**Drivers/Vehicles in Violation**

Fed	State	Total
1		1

**Checked**

Fed	State	Total
5		5

**10. Primary: 395.3(a)(2)**

Requiring or permitting a property-carrying commercial motor vehicle driver to drive after the end of the 14th hour after coming on duty.

**Violations Discovered**

Fed	State	Total
2		2

**Checked**

Fed	State	Total
92	58	150

**Example/Notes:**

Driver: Adan Gonzales

Trip Date: 7/19/2024

Description: On 7-19-2024, Temperance Logistics LLC required or allowed Driver , Adan Gonzales to operate a CMV in interstate commerce after having been on duty for 14 hours. The driver exceeded the 14hr rule from 1319 to 1345.

**Drivers/Vehicles in Violation**

Fed	State	Total
1		1

**Checked**

Fed	State	Total
5		5

**11. Primary: 395.8(e)(1)**

Making, or permitting a driver to make, a false report regarding duty status

**Violations Discovered**

Fed	State	Total
4		4

**Checked**

Fed	State	Total
92	58	150

**Example/Notes:**

Driver name: Timmy Anderson

Trip Date: 7/16/2024

Description of violation: On 7-16-2024, Temperance Logistics LLC driver, Timmy Anderson loaded cattle in Scottsbluff, NE at 9:36 a.m. and went to Tolleson, AZ. to be delivered at JBS meat processing facility. At 12:40 pm, driver failed to record the HOS from Limon, Colorado to near Sun Valley, Arizona approximately 412 nautical miles.

**12. Primary: 395.8(e)(1)**

False reports of records of duty status (inaccurate).

**Example/Notes:**

Driver Adan Gonzalez

Trip Date: 7/19/2024

On 7/19/2024 Driver Adan Gonzalez failed to log his drive time from Childress, Tx to Wellington, TX. Approximately 32 miles.

**13. Primary: 395.8(f)**

Failing to require driver to prepare record of duty status in form and manner prescribed.

**Example/Notes:**

Driver name: Adan Gonzalez

Trip date:7/19/2024

Description: Driver Adan Gonzalez showed the same bill of lading number for the entire 30 days of hours of service reviewed.

**14. Primary: 396.3(b)(1)**

Failing to keep a maintenance record which identifies the vehicle, including make, serial

**Drivers/Vehicles in Violation**

Fed	State	Total
2		2

**Checked**

Fed	State	Total
5		5

**Violations Discovered**

Fed	State	Total
4		4

**Checked**

Fed	State	Total
92	58	150

**Drivers/Vehicles in Violation**

Fed	State	Total
1		1

**Checked**

Fed	State	Total
5		5

**Violations Discovered**

Fed	State	Total
20		20

**Checked**

Fed	State	Total
92	58	150

**Drivers/Vehicles in Violation**

Fed	State	Total
2		2

**Checked**

Fed	State	Total
5		5

**Violations Discovered**

number, year, and tire size.

Fed	State	Total
2		2
<b>Checked</b>		
Fed	State	Total
5		5

**Example/Notes:**

Company number: Unit 339 and Unit 202

Description: Temperance Logistics LLC provided a maintenance file for Unit 202, that was not properly identified and failed to note the unit's make, serial number, year, and tire size. Carrier also provided a maintenance file for Unit 339 that was not properly identified and failed to note the unit's tire size.

**Drivers/Vehicles in Violation**

Fed	State	Total
2		2
<b>Checked</b>		
Fed	State	Total
5		5

**15. Primary: 396.9(d)(3)**

Failing to maintain completed inspection form for 12 months from the date of inspection at the carrier's principal place of business or where vehicle is housed.

**Violations Discovered**

Fed	State	Total
3		3
<b>Checked</b>		
Fed	State	Total
14		14

**Example/Notes:**

Date of inspection: 5/14/2024  
Issuing agency: Kansas Highway Patrol Report # KSHP92603050  
Driver name: Timmy Anderson  
Vehicle ID: Unit 20

Description: Temperance Logistics L.L.C. failed to obtain or retain roadside inspection for the the last 12 months.

**Drivers/Vehicles in Violation**

Fed	State	Total
3		3
<b>Checked</b>		
Fed	State	Total
14		14

**16. Primary: 396.19(b)**

Failing to maintain evidence of inspector's qualifications.

**Violations Discovered**

Fed	State	Total
3		3
<b>Checked</b>		
Fed	State	Total
4		4

**Example/Notes:**

**Drivers/Vehicles in Violation**

Inspectors name : Mel Velasquez

Inspection date: 12/11/2023

Vehicle: 238

Trip date: 3/27/2024

Description: Temperance Logistics L.L.C. failed to provide the Inspector qualifications for Inspector Mel Velasquez who completed the annual inspection on Unit 238 on December 11, 2023.

<b>Fed</b>	<b>State</b>	<b>Total</b>
3		3
<b>Checked</b>		
<b>Fed</b>	<b>State</b>	<b>Total</b>
4		4

# 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	Satisfactory	0	0
Factor 2: Driver = Parts 382, 383 and, 391	Satisfactory	0	0
Factor 3: Operational = Parts 392 and 395	Unsatisfactory	0	1
Factor 4: Vehicle = Parts 393 and 396 OOS Vehicles (CR): 0 Number of Vehicles Inspected (CR): 0 OOS Vehicles (MCMIS): 2 Number of Vehicles Inspected (MCMIS): 5 OOS Rate: 40%	Unsatisfactory		1
Factor 5: Haz. Mat. = Parts 397, 171, 177 and, 180	N/A	N/A	N/A
Factor 6: Accident Factor = Recordable Rate Total Miles Operated: 1,800,000 Recordable Accidents: 0 Recordable Accidents/Million Miles: 0.00	Satisfactory	N/A	N/A

**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

---

Temperance Logistics LLC will ensure that all drivers prepare a RODS when required and will monitor and review all hours of service to ensure no discrepancies.

#### Specific Recommended Remedies

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

1. 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.
2. Implement an effective process for monitoring, tracking, and evaluating all drivers' compliance with Hours-of-Service (HOS) regulations and company policies.
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: Vehicle Maintenance

#### Process Breakdown: Monitoring and Tracking

---

Temperance Logistics LLC will ensure to keep complete maintenance records. Which properly documents all repairs and maintenance being conducted on vehicles.

#### Specific Recommended Remedies

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

1. Check all inspections and relevant records, such as Driver Vehicle Inspection Records (DVIRs), pre-trip and annual inspections, and maintenance and repair records, to ensure that company inspection, repairing, and maintenance policies and procedures are adhered to and properly documented.
2. Monitor and track roadside inspection results to ensure that vehicle defects are repaired and documented promptly and to prevent Out-of-Service (OOS) vehicles from operating prior to being repaired.
3. Maintain inspection, repair, maintenance, vehicle identification, and communication records to help evaluate the performance of all staff (drivers, dispatchers, mechanics, and managers) involved in fleet maintenance and the effectiveness of compliance with vehicle maintenance policies, procedures, and regulations.

# 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. **Establish a maintenance records program for all vehicles.**

Establish a systematic maintenance records program for all vehicles. Maintain a complete file for each subject vehicle, recording all repair, maintenance and inspection operations performed.

## 4. **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.

## 5. **Require drivers to prepare complete and accurate records.**

Require all drivers to prepare complete and accurate records of duty status for each day, and to submit them within 13 days. Maintain all duty status records on file, with all supporting documents, for at least 6 months.

## 6. **Random Test Selections**

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

## 7. **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.

## 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. **Review maintenance and inspection records for all lease vehicles.**

Periodically review the maintenance and inspection records for all lease vehicles as required by Part 396 of the FMCSR. Keep a record to document these reviews and notify the vehicle owner of any violations detected.

## 10. **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.

## 11. **10-year driver employment history required.**

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

## 12. **MANDATORY FOLLOW UP REQUIRMENTS (ALL INVESTIGATIONS THAT RESULT IN PENALTY)**

1) The KCC requires that you prepare a corrective action plan, addressing the measures taken to correct all the violations identified within this report. Submit this letter within 30 days outlining the carrier's updated changes to their policies and procedures regarding all listed violations. Explain in detail how, as a carrier representative, you will rectify these deficiencies and prevent their reoccurrence going forward. Include any supporting documentation and evidence as indicated in the recommendations above, (example: vehicle inspections performed, proof of drug and alcohol testing in place, etc.) necessary to prove that corrective action has been taken.

Submit the letter along with copies of your supporting evidence to:

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

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

FAILURE TO SUBMIT THE CORRECTIVE ACTION PLAN (CAP) AND ATTEND A SAFETY SEMINAR WITHIN 30 DAYS WILL RESULT IN THE SUSPENSION OF MOTOR CARRIER NAME OPERATING AUTHORITY AND/OR THE IMPOUNDMENT OF VEHICLES.

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

Signed \_\_\_\_\_

Date \_\_\_\_\_

### 13. **UNSAT 7 CONDITIONAL**

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  
Matthew Marrin - Midwestern Field Administrator Federal Motor Carrier Safety Administration  
600 Holidia Plaza Drive, Suite 240  
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/>.

# Table 1: Violations Discovered During Review/Inspection

Violation	Date	Identifying Information	Description
<b>392.2 - Operating in excess of the maximum gross weight of 85,500 lbs. allowed in Kansas.</b>			
1	07/22/2024	Timmy Anderson	
<b>391.21(a) - Incomplete or no employment application</b>			
1	03/03/2024	Driver: Luis Galdamez	
<b>391.51(b)(8) - Failing to note verification of medical examiner in DQ file.</b>			
1	07/01/2024	Driver: Pedro Perez Herrera	
<b>392.2 - The Motor Carrier must comply with the requirements of a Commission Order, including attendance at a Commission-sponsored safety seminar as ordered in a Penalty Order.</b>			
1	06/02/2022	Derek Dunn	
<b>395.8(f) - Failing to prepare RODS in form and manner prescribed</b>			
1	07/19/2024	Adan Gonzalez	
<b>376.11 - Failure to obtain written lease granting use of the equipment</b>			
1	12/07/2023	Unit 339	
<b>395.8(e)(1) - False reports of logs, inaccurate log (not critical)</b>			
1	07/19/2024	Adan Gonzalez	
<b>396.3(b)(1) - Failing to keep a maintenance record identifying the vehicle</b>			
1	12/07/2023	Equipment: Unit 339	
<b>396.9(d)(3) - Failing to keep roadside inspection form 12 mo. at PPOB</b>			
1	05/14/2024	Equipment: Timmy Anderson	
<b>396.17(a) - Using a CMV not periodically inspected</b>			
1	12/07/2023	Equipment: Unit 339	
2	12/07/2023	Equipment: Unit 238	
<b>395.8(e)(1) - False reports of records of duty status</b>			
1	07/16/2024	Timmy Anderson	
2	07/12/2024	Timmy Anderson	
3	07/19/2024	Timmy Anderson	
4	07/16/2024	Adan Gonzalez	
<b>395.8(a)(1) - Failing to require a driver to prepare a RODS using the appropriate method</b>			
1	03/23/2024	Luis Galdamez	
2	03/07/2023	Luis Galdamez	
3	03/08/2024	Luis Galdamez	
4	03/09/2024	Luis Galdamez	
5	03/10/2024	Luis Galdamez	

6	03/11/2024	Luis Galdamez	
7	03/12/2024	Luis Galdamez	
8	03/13/2024	Luis Galdamez	
9	03/14/2024	Luis Galdamez	
10	03/15/2024	Luis Galdamez	
11	03/17/2024	Luis Galdamez	
12	03/18/2024	Luis Galdamez	
13	03/19/2024	Luis Galdamez	
14	03/20/2024	Luis Galdamez	
15	03/21/2024	Luis Galdamez	
16	03/22/2024	Luis Galdamez	
17	03/24/2024	Luis Galdamez	
18	03/25/2024	Luis Galdamez	

**382.305(i)(2) - Not ensuring each driver has an equal chance at random test**

1	01/01/2023	Joshua Hammock	
2	01/01/2023	Eleazar Villalobos	

**391.25(a) - Failing to obtain driver's driving record each 12 months**

1	07/01/2024	Driver: Pedro Perez Herrera	
---	------------	-----------------------------	--

**396.19(b) - Failing to maintain evidence of inspector's qualifications**

1	03/28/2024	Equipment: Mel Velasquez	
2	03/03/2024	Equipment: Angel Quiroz	
3	03/28/2024	Equipment: Miguel Amador	

**395.3(a)(2) - Req./perm. property CMV driver to drive after 14 hours on duty**

1	07/19/2024	Adan Gonzalez	
2	07/30/2024	Adan Gonzalez	

## **EXHIBIT 2**



03-24-2024

Weekly Payroll Sheet

Name: Luis Armando Goddard Truck #: 720

Pay Period: 03-24-2024

Date	Route ID #	Manifest #	Pickup	Destination	Days Per Diem
03-23	WST5	0018100828	Boardman city KS	Little Rock AR	
03-18	Shuttle	At Hutchinson, KS	Finished At 22:59 P.m	12+ Hours	
03-19	Shuttle	at Hutchinson, KS	Finished At 23:51 P.m	12+ Hours	
03-20	Shuttle	at Hutchinson, KS	Finished At 20:49 P.m	12+ Hours	
03-21	Shuttle	at Hutchinson, KS	Finished At 23:44 P.m	12+ Hours	
03-22	Shuttle	at Hutchinson, KS	Finished At 21:52 P.m	12+ Hours	

Detention Time

Date	Trailer #	Manifest #	Destination	Appointment Time	Departure Time	Hours

Notes: (Any info regarding Payroll, Safety, Reroutes, Reimbursements, etc.)

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Date: 03-24-2024

Driver Signature:

## **EXHIBIT 3**

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: KSHP01941731
Inspection Date: 12/07/2023
Start: 10:46 AM CT End: 11:14 AM CT
Inspection Level: II - Walk-Around
HM Inspection Type: None

Carrier: TEMPERANCE LOGISTICS LLC

DBA:
5042 W HIGHWAY 54
LIBERAL, KS, 67901
USDOT: 3215826 Phone#: (620)417-3158
MC/MX#: Fax#:
State#:
Location: LIBERAL M.C.I.S. #37A
Highway: 54
County:
Email:

Driver: PEREZ HERRERA, PEDRO M
License#:
Date of Birth:
CoDriver:
License#:
Date of Birth:
State:
Milepost: Shipper: N/A
Origin: ULYSSES,KS
Destination: LIBERAL,KS
Bill of Lading: N/A
Cargo: EMPTY

VEHICLE IDENTIFICATION

Table with columns: Unit, Type, Make, Year, State, Plate, Equipment ID, VIN, GVWR, CVSA #, Issued #, OOS Sticker. Contains two rows of vehicle data.

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

VIOLATIONS

Table with columns: Section, Type, Unit, OOS, Citation #, VerifyCrash, Violations Discovered. Lists various traffic violations and their descriptions.

HazMat: No HM transported

Placard:

Cargo Tank:

Special Checks: No data for special checks

Notes: Driver gave me his binder which had the periodic inspection in it for the truck. The paper is the carbon copy paper and someone has changed with an ink pin the 2022 to read 2023. Just a 3 was written over the last 2, but the 2 is still visible. Paper has been altered.

\* 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 #:
J. Greene 0194

Copy Received By:
PEDRO PEREZ HERRERA

X

X



## **EXHIBIT 4**



**TEMPERANCE LOGISTICS**

5042 W. Highway 54

Liberal, KS 67901

email: derekdunn1980@gmail.com

TRIP NO. 642Date 7/21/24

At OKC Stockyards City El Reno State OK  
 Consigned to Hauxwell Trucking  
 Destination Creek Stone farms City Arkansas State KS

**SUBJECT TO CONDITIONS OF UNIFORM BILL OF LADING**

Number of Articles	DESCRIPTION	Mileage One Way	Weight	Rate	Charge
<u>37</u>	<u>Fats</u>	<u>163</u>			
<b>Total</b>					

Signature of Shipper		Truck No. <u>20</u>	Trailer No. <u>202</u>	Weights Above Certified By
Driver <u>Timmy Anderson</u>		Unloaded <u>By Driver</u>		Consignee <u>[Signature]</u> Received Above Property in Good Order

**DISCLAIMER**

- \* \$500.00 Mim. on loads less then 200 miles  
50,000 + weight prorate 2.85 cwt
- \* 48,000 + weight not held liable for death loss or cripples due to overweight and overcrowding. Only liable if load is under 48,000 lbs. legal load, except for normal circumstances.
- \* Not responsible for shipment after delivery
- \* Not responsible for any death or cripples on animals without Health papers
- \* Must be cleared by vet before shipping.

## **EXHIBIT 5**



Creekstone Farms  
Premium Beef, LLC  
Arkansas City, KS

296810

20

Date 7/22/24

Seller/ Buyer Tim

Remarks Haxell

Address \_\_\_\_\_

Context

City \_\_\_\_\_

State \_\_\_\_\_ Zip \_\_\_\_\_

ID: 20

05:29 07/22/24

Store \_\_\_\_\_ Sell \_\_\_\_\_

88500 1b Gross

Commodity 37

ID: 20

05:48 07/22/24

Price \_\_\_\_\_

88500 1b Gross

Driver: On ✓ Off \_\_\_\_\_

36920 1b Tare

Shipper \_\_\_\_\_

51500 1b Net

Weigher lw

## **EXHIBIT 6**

DRIVER/VEHICLE EXAMINATION REPORT

Query Central 3.4

OKLAHOMA HIGHWAY PATROL (TROOP S)
COMMERCIAL VEHICLE ENFORCEMENT
200 NE 21ST ST
OKLAHOMA CITY, OK 73105
Phone: (405)521-6060 Email: ohpcmve@dps.ok.gov

Report Number: OKM407154838
Inspection Date: 02/13/2023
Start: 10:50 AM CT End: 11:05 AM CT
Inspection Level: III - DriverOnly
HM Inspection Type: None

TEMPERANCE LOGISTICS LLC
5042 W HIGHWAY 54
LIBERAL, KS 67901
USDOT#: 03215826 Phone#: (620)417-3158
MC/MX#: 00000000 Fax#:
State#:

Driver: GONZALES, ADAN
License#:
Date of Birth:
CoDriver:
License#:
Date of Birth:
State:
State:

Location: SLAPOUT MilePost: Shipper: DFA
Highway: U.S. 270 Origin: GARDEN CITY,KS Bill of Lading: 047897445
County: Destination: LITTLE ROCK,AR Cargo: MILK

VEHICLE IDENTIFICATION

Table with columns: Unit, Type, Make, Year, State, Plate #, Equipment ID, VIN, GVWR, CVSA #, New CVSA #, OOS#. Contains two rows of vehicle data.

BRAKE ADJUSTMENTS: No Brake Measurements Required For Level 3

VIOLATIONS

Table with columns: Vio Code, Section, Unit, OOS, Citation #, Verify, Crash, Violations Discovered. Shows a speeding violation.

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

Special Checks: Traffic Enforcement;

State Information:

CIVIL PENALTY?: 0; DOCUMENTATION VERIFIED: 1; DRIVER OOS?: 0; GROSS: 1; INTERSTATE (ROAD TYPE): 0; LEGAL (WEIGHT ENF. ACTION): 1; OFF INTERSTATE: 1; TURNPIKE: 0; VEHICLE OOS?: 0; WEIGHT GROSS: 77800;

NOTE TO DRIVER: This report must be furnished to the motor carrier whose name appears at the top of this report. NOTE TO CARRIER: If violations are noted, please ensure corrections are completed and sign the below certification. Please return the signed copy of this report within fifteen (15) days to the Oklahoma Highway Patrol, Troop S. Failure to comply may result in forfeiture of OCC License.

Signature Of Repairer X: Facility: Date:

\*\*CARRIER CERTIFICATION: THE UNDERSIGNED CERTIFIES THAT ALL VIOLATIONS NOTED ON THIS REPORT HAVE BEEN CORRECTED AND ACTION HAS BEEN TAKEN TO ASSURE COMPLIANCE WITH THE OKLAHOMA MOTOR CARRIER SAFETY STATUTES AS THEY ARE APPLICABLE TO MOTOR CARRIERS AND DRIVERS.

Signature Of Motor Carrier X: Title: Date:

Report Prepared By: DUSTIN MCATEE

Badge #: 927

Copy Received By: ADAN GONZALES



X \_\_\_\_\_

X \_\_\_\_\_

## **EXHIBIT 7**

**Eligible Donor List for Temperance Logistics LLC on 01/01/2023 - Page 1 of 1**

**TMT Truck Permitting**

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



**Temperance Logistics LLC**

5042 W US 54  
 Liberal, KS 67901  
 (620) 417-3158

<b>REGULATED BY</b>	<b>DOT</b>
Selection Date	01/01/2023

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

**COMPANY: TEMPERANCE LOGISTICS LLC**

**Location: 5042 W US 54 Liberal, KS 67901 ( (620) 417-3158)**

DAVID ALVARADO		Driver	
IVAN CARILLO		Driver	
VICTOR CORONA		Driver	
FABIAN FLORES RODRIGUEZ		Driver	
LUIS A GALDAMEZ		Driver	
ADAN GONZALEZ		Driver	
JOSHUA HAMMOCK		Driver	
JOHN MCCORD JR		Driver	
DENNIS RAY MCKAY		Driver	
ROBERT MCKAY		Driver	
PEDRO PEREZ		Driver	
JOSE RUBIO		Driver	
PHILLIP E SUTTON		Driver	
FREDDIE THOMS		Driver	
ELEAZAR VILLALOBOS		Driver	
CARL GREGORY WARD		Driver	

## **EXHIBIT 8**



DRIVER/VEHICLE EXAMINATION REPORT

OKLAHOMA HIGHWAY PATROL (TROOP S)
COMMERCIAL VEHICLE ENFORCEMENT
200 NE 21ST ST
OKLAHOMA CITY, OK 73105
Phone: (405)521-6060 Email: ohpcmv@dp.ok.gov

Report Number: OKM407155608
Inspection Date: 03/28/2024
Start: 11:55 AM CT End: 12:10 PM CT
Inspection Level: III - Driver/Credential
HM Inspection Type: None

Carrier: TEMPERANCE LOGISTICS LLC

DBA:
5042 W HIGHWAY 54
LIBERAL, KS, 67901
USDOT: 3215826
MC/MX#:
State#:

Phone#: (620)417-3158
Fax#:

Location: 8 MILES W. OF BUFFALO
Highway: US 64
County:
Email:

Driver: PEREZ HERRERA, PEDRO M
License#:
Date of Birth:
CoDriver:
License#:
Date of Birth:
State: OK
State:

Milepost: Shipper: ARKALON ETHANOL LLC
Origin: LIBERAL,KS Bill of Lading: 444668
Destination: BUFFALO,OK Cargo: WDG

VEHICLE IDENTIFICATION

Table with columns: Unit, Type, Make, Year, State, Plate, Equipment ID, VIN, GVWR, CVSA #, Issued #, OOS Sticker. Contains two rows of vehicle data.

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

VIOLATIONS

Table with columns: Section, Type, Unit, OOS, Citation #, VerifyCrash, Violations Discovered. Contains one row of violation data.

HazMat: No HM transported

Placard:

Cargo Tank:

Special Checks: X Traffic Enforcement

NOTE TO DRIVER: This report must be furnished to the motor carrier whose name appears at the top of this report. NOTE TO CARRIER: If violations are noted, please ensure corrections are completed and sign the below certification. Please return the signed copy of this report within fifteen (15) days to the Oklahoma Highway Patrol, Troop S. Failure to comply may result in forfeiture of OCC License.

Signature Of Repairer X: Facility: Date:

\*\*CARRIER CERTIFICATION: THE UNDERSIGNED CERTIFIES THAT ALL VIOLATIONS NOTED ON THIS REPORT HAVE BEEN CORRECTED AND ACTION HAS BEEN TAKEN TO ASSURE COMPLIANCE WITH THE OKLAHOMA MOTOR CARRIER SAFETY STATUTES AS THEY ARE APPLICABLE TO MOTOR CARRIERS AND DRIVERS.

Signature Of Motor Carrier X: Title: Date:

Report Prepared By: ID/Badge #:
D. MCATEE 927

Copy Received By:
PEDRO PEREZ HERRERA

X

X



**EXHIBIT 9**

# ANNUAL VEHICLE INSPECTION REPORT

	FLEET UNIT NUMBER
	238
DATE <span style="font-size: 24px;">Dec 11 2023</span>	

MOTOR CARRIER OPERATOR <span style="font-size: 24px;">Power cab</span>	INSPECTOR'S NAME (PRINT OR TYPE) <span style="font-size: 24px;">MEL VELASQUEZ</span>
ADDRESS <span style="font-size: 24px;">1100 W. Pancake Ave</span>	THIS INSPECTOR MEETS THE QUALIFICATION REQUIREMENTS IN SECTION 396.19. <input checked="" type="checkbox"/> YES
CITY, STATE, ZIP CODE <span style="font-size: 24px;">Liberal KS 67901</span>	VEHICLE IDENTIFICATION AND COMPLETE FLIC PLATE NO. <input checked="" type="checkbox"/> VIN <input type="checkbox"/> OTHER <span style="font-size: 24px;">[REDACTED] 0238</span>
VEHICLE TYPE <input type="checkbox"/> TRACTOR <input type="checkbox"/> TRAILER <input type="checkbox"/> TRUCK <input type="checkbox"/> BUS <input type="checkbox"/> (OTHER)	INSPECTION AGENCY/LOCATION (OPTIONAL) <span style="font-size: 24px;">Power Cab Service Center</span>

## VEHICLE COMPONENTS INSPECTED

OK	NEEDS REPAIR	REPAIRED DATE	ITEM	OK	NEEDS REPAIR	REPAIRED DATE	ITEM	OK	NEEDS REPAIR	REPAIRED DATE	ITEM	
			<b>1. BRAKE SYSTEM</b>				<b>6. SAFE LOADING</b>				<b>12. WINDSHIELD GLAZING</b>	
<input checked="" type="checkbox"/>			a. Service Brakes	<input checked="" type="checkbox"/>			a. Vehicle parts, load, dunnage, spare tire, etc., secured.	<input checked="" type="checkbox"/>			No cracks, discoloration, obstacles, etc. (see 393.60 for exceptions).	
<input checked="" type="checkbox"/>			b. Parking Brake System	<input checked="" type="checkbox"/>			b. Front End Structure	<input checked="" type="checkbox"/>			<b>13. WINDSHIELD WIPERS</b>	
<input checked="" type="checkbox"/>			c. Brake Drums or Rotors	<input checked="" type="checkbox"/>			c. Intermodal Container Securement Devices	<input checked="" type="checkbox"/>			No missing, damaged, or inoperable wipers.	
<input checked="" type="checkbox"/>			d. Brake Hose	<input checked="" type="checkbox"/>			<b>7. STEERING MECHANISM</b>			<input checked="" type="checkbox"/>		<b>14. MOTORCOACH SEATS</b>
<input checked="" type="checkbox"/>			e. Brake Tubing	<input checked="" type="checkbox"/>						a. Steering Wheel Free Play	<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/>			f. Low Pressure Warning Device	<input checked="" type="checkbox"/>			b. Steering Column	<input checked="" type="checkbox"/>			<b>15. REAR IMPACT GUARD</b>	
<input checked="" type="checkbox"/>			g. Tractor Protection Valve	<input checked="" type="checkbox"/>			c. Front Axle Beam/All Other Steering Components	<input checked="" type="checkbox"/>			In place, securely attached, proper size, proper placement (see 393.86).	
<input checked="" type="checkbox"/>			h. Air Compressor	<input checked="" type="checkbox"/>			d. Steering Gear Box	<input checked="" type="checkbox"/>			<b>16. OTHER</b>	
<input checked="" type="checkbox"/>			i. Electric Brakes	<input checked="" type="checkbox"/>			e. Pitman Arm				List any other condition(s) which may prevent safe operation of this vehicle.	
<input checked="" type="checkbox"/>			j. Hydraulic Brakes	<input checked="" type="checkbox"/>			f. Power Steering					
<input checked="" type="checkbox"/>			k. Vacuum Systems	<input checked="" type="checkbox"/>			g. Ball and Socket Joints					
<input checked="" type="checkbox"/>			l. Antilock Brake System	<input checked="" type="checkbox"/>			h. Tie Rods and Drag Links					
<input checked="" type="checkbox"/>			m. Automatic Brake Adjusters	<input checked="" type="checkbox"/>			i. Nuts					
			<b>2. COUPLING DEVICES</b>				<b>8. SUSPENSION</b>					
<input checked="" type="checkbox"/>			a. Fifth Wheels	<input checked="" type="checkbox"/>			a. Axle Positioning Parts					
<input checked="" type="checkbox"/>			b. Pintle Hooks	<input checked="" type="checkbox"/>			b. Spring Assembly					
<input checked="" type="checkbox"/>			c. Drawbar/Towbar Eye	<input checked="" type="checkbox"/>			c. Torque, Radius or Tracking Components					
<input checked="" type="checkbox"/>			d. Drawbar/Towbar Tongue	<input checked="" type="checkbox"/>			<b>9. FRAME</b>					
<input checked="" type="checkbox"/>			e. Safety Devices	<input checked="" type="checkbox"/>						a. Frame Members		
<input checked="" type="checkbox"/>			f. Saddle-Mounts	<input checked="" type="checkbox"/>			b. Tire and Wheel Clearance					
			<b>3. EXHAUST SYSTEM</b>				<b>10. TIRES</b>					
<input checked="" type="checkbox"/>			a. No leaks forward of/directly below the driver/sleeper compartment.	<input checked="" type="checkbox"/>			a. Steer-Axle Tires					
<input checked="" type="checkbox"/>			b. Bus: No leaking/discharging in violation of standard.	<input checked="" type="checkbox"/>			b. All Other Tires					
<input checked="" type="checkbox"/>			c. Unlikely to burn, char, or damage the electrical wiring, fuel supply, or any combustible part of vehicle.	<input checked="" type="checkbox"/>			c. Speed-Restricted Tires					
			<b>4. FUEL SYSTEM</b>				<b>11. WHEELS AND RIMS</b>					
<input checked="" type="checkbox"/>			a. No visible leak.	<input checked="" type="checkbox"/>			a. Lock or Side Ring					
<input checked="" type="checkbox"/>			b. Fuel Tank Filter Cap	<input checked="" type="checkbox"/>			b. Wheels and Rims					
<input checked="" type="checkbox"/>			c. Fuel tank securely attached.	<input checked="" type="checkbox"/>			c. Fasteners					
<input checked="" type="checkbox"/>			<b>5. LIGHTING DEVICES</b>	<input checked="" type="checkbox"/>			d. Welds					
<input checked="" type="checkbox"/>			All required lights/reflector operable.	<input checked="" type="checkbox"/>								

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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 Neenah, WI • JJKeller.com • (800) 327-6868  
 Printed in the USA

DUPLICATE

**CERTIFICATE OF SERVICE**

25-TRAM-248-PEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of  
01/23/2025  
first class mail and electronic service on \_\_\_\_\_.

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