



NOTICE OF PENALTY ASSESSMENT
24-TRAM-314-PEN

November 2, 2023
Peggy Davis, Owner
Kelley & Son Trucking Inc
3068 Nevada Terrace
Ottawa, KS 66067

This is a notice of a penalty assessment against Kelley & Son Trucking Inc (Kelley & Son Trucking) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on August 3, 2023, by Kansas Corporation Commission Special Investigator Jared Smith. Penalties are assessed in accordance with the FY 2024 Uniform Penalty Assessment Matrix, approved by the Commission on June 29, 2023. For a full description of the penalty(s) and terms and obligations please refer to the Order attached to this notice.

IF YOU ACCEPT THE PENALTY: Kelley & Son Trucking has been assessed a \$250 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$250, 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 Kelley & Son Trucking 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. Kelley & Son Trucking 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 \$250 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.

**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 **Kelley & Son Trucking Inc, of Ottawa, KS**, Regarding the Violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations and the Commission’s Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority. Docket No. 24-TRAM-314-PEN

PENALTY ORDER

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

1. On August 3, 2023, Commission Staff Special Investigator (SI) Jared Smith, completed a safety compliance investigation of the operations of Kelley & Son Trucking Inc (Kelley & Son Trucking or Carrier). Kelley & Son Trucking is a motor carrier as defined in 49 C.F.R. 390.5, and operates under USDOT number 2948006.

2. On October 4, 2023, Staff submitted its Report and Recommendation (R&R), attached hereto as Attachment “A” and is hereby incorporated by reference, recommending a penalty of \$250 to be issued to Kelley & Son Trucking based on the frequency, timeline and severity of the violations discovered. Staff’s R&R indicates that as a result of the safety compliance investigations, SI Jared Smith identified two (2) violation(s), accounting for two (2)

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

3. Additionally, Staff recommends that Kelley & Son Trucking be required 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 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.

4. Staff further recommends Kelley & Son Trucking 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

5. Finally, Staff recommends that Kelley & Son Trucking submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order.⁵ Transportation Staff will contact the motor carrier at a later date to determine an appropriate time for this review.

6. 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

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

³ See Staff's Report and Recommendation, p. # (Oct. 4, 2023).

⁴ *Id.*

⁵ *Id.*

Kansas, and is empowered to do all things necessary and convenient for the exercise of such power, authority and jurisdiction.

7. 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.

8. 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. Kelley & Son Trucking Inc, of Ottawa, KS is hereby assessed a \$250 civil penalty for two (2) violation(s), accounting for two (2) 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. Kelley & Son Trucking 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. Kelley & Son Trucking 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 Kelley & Son Trucking's right to a hearing, and this Penalty Order will become a Final Order.

F. If a request for hearing is filed, attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. For civil penalties \$500 or less, a corporation may appear by a duly authorized representative of the corporation.⁶

G. If you do not request a hearing, the payment of the civil penalty of \$250 is due in thirty (30) days from the date of service of this Order. Payment of \$250 must be made through your personal account with the Kansas Corporation Commission's Kansas Trucking Regulatory

⁶ K.S.A. 66-1,142b(e) and amendments thereto.

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 \$250 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 Kelley & Son Trucking'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: 11/02/2023



Lynn M. Retz
Executive Director

AAL

⁷ K.S.A. 66-1,105.

ATTACHMENT “A”

REPORT AND RECOMMENDATION TRANSPORTATION DIVISION

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

FROM: Gary Davenport, Deputy Director of Transportation
Jared Smith, Public Service Executive

DATE: October 4, 2023

SUBJECT: Docket No. 24-TRAM-314-PEN
In the Matter of the Investigation of **Kelley & Son Trucking Inc of Ottawa, 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:

Kelley & Son Trucking Inc is a motor carrier (MC) possessing public for-hire operating authority from the Commission, primarily hauling logs, poles, beams, lumber, construction, sand, gravel and dirt. Kelley & Son Trucking Inc operates under USDOT 2948006. On August 3, 2023, Commission Staff Special Investigator (SI) Jared Smith completed a safety compliance investigation of the operations of Kelley & Son Trucking Inc. A copy of the safety compliance report is attached hereto as **Exhibit 1** and is hereby incorporated by reference. As a result of this investigation, the SI identified two (2) violation(s), accounting for two (2) specific count(s), of the Motor Carrier Safety Regulations (MCSRs), which carry a penalty according to the FY2024 Uniform Penalty Assessment Matrix approved by the Commission. Based on the frequency, timeline and severity of the violations discovered by the SI, staff recommends penalty of \$250 be issued to the MC.

DISCUSSION AND ANALYSIS:

On August 3, 2023, Commission Staff SI Jared Smith conducted a safety compliance investigation of the operations of Kelley & Son Trucking Inc. The investigation covers a 365 day period. Each specific count is detailed below.

Count One (1 of 2)

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

Intent of Law: The MC must conduct an annual inquiry into its drivers with the FMCSA Drug and Alcohol Clearinghouse (DACH).

Supporting Documentation: On July 12, 2023, Kelley & Son Trucking Inc required or permitted its driver, Peggy Davis, to operate a commercial driver's license (CDL) required commercial motor vehicle (CMV), a 2016 Kenworth, VIN ending in 8012, GVWR 60,000 lbs., in intrastate commerce from Perry, Kansas to Ottawa, Kansas. This trip is evidenced by a Driver Vehicle Examination Report No. KSHP03031494, attached hereto as **Exhibit 2**. A copy of the MC's DACH query history, attached hereto as **Exhibit 3**.

Violation: Kelley & Son Trucking Inc failed to conduct an annual inquiry in the DACH (**Exhibit 1, Page 3**). The MC had no record of conducting an annual query on drivers. One (1) violation was discovered.

Recommendation: Staff recommends a fine of \$150.

Count Two (2 of 2)

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

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

Supporting Documents: This violation took place during the transport described in Count One, above. Additionally, an MVR dated July 27, 2023, attached hereto as **Exhibit 4**. The MC was unable to produce an MVR for driver of this transport that was obtained in the year before this transport.

Violation: Kelley & Son trucking Inc was found to be in violation of failing to maintain inquiries (MVR) in driver's qualification file (**Exhibit 1, Page 3**). One (1) violation was discovered.

Recommendation: Staff recommends a fine of \$100.

RECOMMENDATION:

Transportation Staff recommends the Commission find Kelley & Son Trucking Inc committed two (2) violation(s), accounting for two (2) specific counts, of Kansas law that governs MCs, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations (K.A.R.s), and is therefore subject to sanctions or fines imposed by the Commission.

Due to the frequency, timeline and severity of the violations, Staff recommends a civil penalty of \$250 for two (2) violation(s) 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 Kelley & Son Trucking Inc 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 Kelley & Son Trucking Inc 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 Kelley & Son Trucking Inc submit to one follow-up safety compliance review within eighteen (18) months from the date of the Penalty Order. Transportation Staff will contact the motor carrier at a later date to determine an appropriate time for the review.

EXHIBIT 1

UNITED STATES DEPARTMENT OF TRANSPORTATION

		U.S. DOT#: 2948006 MC/MX#: 0	Legal: KELLEY & SON TRUCKING INC Operating (DBA):	Investigation Date: 08/03/2023	
		Investigation Type: Offsite Investigation			
Physical Address		Mailing Address			
3068 NEVADA TERRACE OTTAWA, KS 66067 United States		3068 NEVADA TERRACE OTTAWA, KS 66067 United States			
Contact Information					
Contact Name: PEGGY DAVIS Email: PDAVIS12363@YAHOO.COM Phone: (913)227-9721 Cell: (785)418-6325 Fax: ()-					
Business and Financial					
Business Type: Other Name of Gross Revenue Provider: Title of Gross Revenue Provider: Gross Revenue: ██████████ For Year Ending: ██████████ Federal Tax ID: ██████████ (EIN)					
Operation Classification and Type			Cargo		
Type of Operation: Non-HM Interstate Carrier, Non-HM Intrastate Carrier Operation Classification For-Hire Motor Carrier Property Other Non-Hazardous Freight			Logs, Poles, Beams, Lumber, Construction, Other (SAND/GRAVEL/DIRT)		
Equipment			Driver Information		
	Owned	Term Leased	Trip Leased	Drivers	
Straight Trucks	1			Intrastate	Interstate
Power units used in the U.S.: 1 Percentage of time used in the U.S.: 100%			< 100 Miles		1
			>= 100 Miles		
			Average trip leased driver/month: 0 Drivers with CDL: 1 Total Drivers: 1		
Person(s) Interviewed					
Name: PEGGY DAVIS			Title: OWNER		

Questions

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

Violations

1. Primary: 382.701 (b)(1)

Failing to conduct an annual query.

Violations Discovered

Fed	State	Total
1		1

Checked

Fed	State	Total
1		1

Example/Notes:

Driver name: Peggy Davis

Trip date: 7/12/2023

Carrier failed to run annual query in the Drug and Alcohol Clearinghouse.

Drivers/Vehicles in Violation

Fed	State	Total
1		1

Checked

Fed	State	Total
1		1

2. Primary: 391.51(b)(4)

Failing to maintain inquiries into driver's driving record in driver's qualification file.

Violations Discovered

Fed	State	Total
	1	1

Checked

Fed	State	Total
	1	1

Example/Notes:

Driver name, Peggy Davis

Trip date, 7/12/2023

Kelley & Son Trucking Inc failed to maintain the responses of each State agency at least once every 12 months.

Drivers/Vehicles in Violation

Fed	State	Total
	1	1

Checked

Fed	State	Total
	1	1

3. Primary: 391.51(b)(5)

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

Violations Discovered

Fed	State	Total
	1	1

Checked

Fed	State	Total
	1	1

Example/Notes:

Driver name, Peggy Davis

Trip date, 7/12/2023

Kelley & Son Trucking Inc failed to maintain a note relating to the annual review of the driver's driving record.

Drivers/Vehicles in Violation

Fed	State	Total
	1	1

Checked

Fed	State	Total
	1	1

Safety Fitness Rating

This Investigation is Not Rated

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

This was an offsite investigation. An offsite investigation allows FMCSA to evaluate your safety compliance with minimal disruption to your business. An offsite investigation will not result in a safety rating.

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

Process Breakdown and Remedies

BASIC: Driver Fitness

Process Breakdown: Monitoring and Tracking

Specific Recommended Remedies

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

1. Review and retain each driver's Motor Vehicle Record (MVR) at least annually to ensure compliance with company policies, Federal regulations, and State and local laws and ordinances related to driver fitness. If a driver seems to have numerous violations, the MVR should be reviewed more often. Random MVR checks in addition to annual checks are also effective. File the MVR in each driver's driver qualification file after review.

BASIC: Controlled Substances/Alcohol

Process Breakdown: Policies and Procedures

Specific Recommended Remedies

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

1. Establish written policies and procedures that promote, verify, and enforce adherence to all controlled-substance and alcohol rules and regulations. Procedures should be tailored to company operations and should provide specific checks and guidelines for interacting with a consortium, if applicable.
2. Per the requirements of 49 CFR 382.711, each employer and service agent must register with the Clearinghouse.
3. Ensure you are registered in the Clearinghouse by visiting <https://clearinghouse.fmcsa.dot.gov>

Recommendations

1. **Additional Information**

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

2. **Clearinghouse Annual Query**

Ensure annual queries are conducted in the Clearinghouse at least once per year. You may conduct a full or limited query to fulfill this requirement.

3. **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.

4. **Annual Review of MVR**

Per 49 CFR 391.51(b)(5), the motor carrier is required to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2).

5. **Safety Seminar**

Motor carriers are responsible for complying with all tasks ordered by the Commission in its Penalty Order. In addition to paying any civil fines issued, you are also required to attend a Commission sponsored safety seminar. Failure to fulfill this requirement may lead to the issuance of further penalties or other repercussions, including revocation of authority to operate intrastate in Kansas.

6. **CAP Requirement**

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: g.davenport@kcc.ks.gov

FAX: 785-271-3124

or mail:

Kansas Corporation Commission

Attn: Gary Davenport

1500 SW Arrowhead Rd

Topeka, KS 66604-4027

EXHIBIT 2

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: KSHP03031494
Inspection Date: 07/12/2023
Start: 11:35 AM CT End: 12:30 PM CT
Inspection Level: II - Walk-Around
HM Inspection Type: None

Carrier: KELLEY & SON TRUCKING INC

DBA:
 3068 NEVADA TERRACE
 OTTAWA, KS, 66067
USDOT: 2948006 **Phone#: (785)418-6325**
MC/MX#: 00112343 **Fax#:**
State#:

Driver: DAVIS, PEGGY A
License#: [REDACTED] **State: KS**
Date of Birth: [REDACTED]
CoDriver:
License#: **State:**
Date of Birth:

Location: DOUGLAS COUNTY - 045

Milepost: 151 **Shipper: CARRIER**

Highway: US-59

Origin: PERRY,KS

Bill of Lading: 22093706

County:

Destination: OTTAWA,KS

Cargo: SAND-57,040 LBS

Email:

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate	Equipment ID	VIN	GVWR	CVSA #	Issued #	OOS Sticker
1	TR	KW	2016	KS	199321	22	[REDACTED]	8012 60000			165429

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

VIOLATIONS

Section	Type	Unit	OOS	Citation #	Verify	Crash	Violations Discovered
392.16	F	D	N		N	N	Failing to use seat belt while operating a CMV: Driver had shoulder belt in front of her at first contact. She was sitting on top of the lap portion, it was connected into the latch.
392.2-SLLEWA1	F	D	N		N	N	State/Local Laws - Excessive weight - 1-2500 lbs over on an axle/axle groups.: 35000 lbs on drive tandems, allowed 34000 lbs.
392.2-SLLEWA1	F	D	N		N	N	State/Local Laws - Excessive weight - 1-2500 lbs over on an axle/axle groups.: 56500 lbs, 21 ft 4 axle allowed 56000 lbs.
393.75C	F	1	N		N	N	Tire-other tread depth less than 2/32 of inch measured in a major tread groove: Axle #2 passenger side tire smooth the width of the tire in two separate locations.
393.75A	F	1	Y		A	N	Flat tire or fabric exposed: Axle #4 passenger outer tire measured 58 PSI, rated at 120 PSI. Located a screw in the tread, notified the driver.
393.75G-LOAD	F	1	Y		A	N	Weight carried exceeds tire load limit: Axle #2 passenger side inner tire rated at 6005 lbs. Actual weight on axle end: 8400 lbs. Outer tire flat, unable to carry any load.
390.21TB	F	1	N		N	N	Carrier name and/or USDOT Number not displayed as required: Sides of vehicle display "KELLEY AND SON TRUCKING" CVIEW shows "KELLEY & SON TRUCKING INC" with no DBA.

HazMat: No HM transported

Placard:

Cargo Tank:

Special Checks:	Alcohol/Controlled Substance Check	Traffic Enforcement	Post Crash Inspection
	Conducted by Local Jurisdiction	PASA Conducted Inspection	PBBT Inspection
X	Size and Weight Enforcement	Drug Interdiction Search	
	eScreen Inspection		

Notes: Stopped to weigh. Factory GVWR located. Driver neg DACH. Driver had an air hose and was able to air up the flat tire on scene.

* 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: _____



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: KSHP03031494
Inspection Date: 07/12/2023
Start: 11:35 AM CT End: 12:30 PM CT
Inspection Level: II - Walk-Around
HM Inspection Type: None**

Report Prepared By: ID/Badge #:
D. E. WILLS 0303

Copy Received By:
PEGGY DAVIS

X

X



EXHIBIT 3

Queries History

All Queries

Report Generated on : 08/03/2023 09:39

Key	First Name	Last Name	Country	State	Number
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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.**

EXHIBIT 4

CERTIFICATE OF SERVICE

24-TRAM-314-PEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of first class mail and electronic service on 11/02/2023.

Peggy Davis, OWNER
Kelley & Son Trucking Inc.
3068 Nevada Terrace
Ottawa, KS 66067
pdavis12363@yahoo.com

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

/S/ KCC Docket Room
KCC Docket Room