

1500 SW Arrowhead Road  
Topeka, KS 66604-4027

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



20250306103215  
Kansas Corporation  
Commission  
Phone: 785-271-3100  
Fax: 785-271-3354  
<http://kcc.ks.gov/>

Laura Kelly, Governor

**NOTICE OF PENALTY ASSESSMENT**  
**25-TRAM-328-PEN**

March 4, 2025

Carthen Andrew Nash, Owner  
Nash Brush Clearing LLC  
2143 5000 Road  
Chetopa, Kansas, 67336

This is a notice of a penalty assessment against Nash Brush Clearing LLC (“Nash Brush Clearing”) for violations of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on January 29, 2025, by Kansas Corporation Commission Special Investigators. The Special Investigators identified one (1) violation of the Motor Carrier Safety regulations. The Penalty for the violation is assessed in accordance with the FY 2025 Uniform Penalty Assessment Matrix, approved by the Commission on June 27, 2024. Nash Brush Clearing has been assessed a \$100.00 penalty. For a full description of the penalties 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 \$100.00 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 Nash Brush Clearing:

- a. To attend a Commission-sponsored safety seminar within thirty (30) days from the date of the Order. 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>

**IF YOU FAIL TO ACT:** Failure to pay the penalty of \$100.00 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

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

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

Before Commissioners:     Andrew J. French, Chairperson  
                                  Dwight D. Keen  
                                  Annie Kuether

In the Matter of the Investigation of **Nash**     )  
**Brush Clearing LLC of Chetopa, Kansas.**     )  
Regarding the Violation(s) of the Motor Carrier     )  
Safety Statutes, Rules and Regulations and     )     Docket No. 25-TRAM-328-PEN  
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, 66-1,114b and 66-1,115, the Commission is given full power, authority, and jurisdiction to supervise and control motor carriers, as defined in 49 C.F.R. Part 390.5 as adopted by K.A.R. 82-4-3f, doing business or procuring business in Kansas, and is empowered to do all things necessary and convenient for the exercise of such power, authority, and jurisdiction.

2.       Pursuant to K.S.A. 66-129a, 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. Nash Brush Clearing LLC (“Nash Brush Clearing” or “Carrier”) is a motor carrier as defined in 49 C.F.R. 390.5 and operates under USDOT number 3422420.

5. The Commission finds it has jurisdiction over Nash Brush Clearing 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 January 29, 2025, a Staff Special Investigator (“SI”) completed a safety compliance investigation of Nash Brush Clearing. As a result of the compliance investigation, the SI identified one (1) violation, set forth in one (1) count of the Motor Carrier Safety Regulations (“MCSRs”), which carry a penalty set forth in the FY2025 Uniform Penalty Assessment Matrix.<sup>1</sup>

7. On February 21, 2025, Transportation Staff submitted its Report and Recommendation (“R&R”), attached hereto as “Attachment A” and hereby incorporated by reference herein, recommending a penalty of \$100.00 to be issued to Nash Brush Clearing based on the frequency, timeline, and severity of the violations discovered.

8. Specifically, pursuant to Staff’s R&R, the Commission finds that Nash Brush Clearing committed one (1) violation of the following one(1) count, discussed more fully in Staff’s R&R:<sup>2</sup>

- a. Count 1: On March 5, 2024, Nash Brush Clearing required or permitted its driver, Carthen A. Nash, to operate a commercial driver’s license required commercial

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<sup>1</sup> Order Designating Guidance Document and Approving Staff’s Use of the Transportation Division’s Uniform Penalty Assessment Table, pp. 10 – 24 (Jun. 27, 2024) (“Penalty Matrix”).

<sup>2</sup> See Staff’s Report and Recommendation, Transportation Division (Jan. 22, 2025).

motor vehicle (a 1989 Peterbilt, VIN ending in 4247, GVWR 50,000 lbs., in combination with a 1990 Hillbilt trailer, VIN ending 5040, GVWR 40,000 lbs.) on in Kansas on a public road (within Chetopa, Kansas) without first making an inquiry into the driving record of each driver to the appropriate State agencies in which the driver held a commercial motor vehicle operating license at least once every twelve months, which resulted in one (1) violation of 49 C.F.R. 391.25(a), adopted by K.A.R. 82-4-3g. Nash Brush Clearing was previously cited for the same violation during a compliance investigation conducted on December 29, 2022, and penalized in the Penalty Order issued on February 9, 2023, in 23-562. The Commission finds that Staff's recommendation of an enhanced penalty of \$100 is appropriate and in accordance with the current Penalty Matrix.

9. The Commission hereby adopts Staff's findings as contained in its February 20, 2025, R&R.

10. The Commission finds that Nash Brush Clearing 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.<sup>3</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).

11. The Commission further finds that Nash Brush Clearing 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

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<sup>3</sup> See Id., p. 4.

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>4</sup>

12. The Commission further finds that Nash Brush Clearing 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>5</sup>

13. Failure to comply with the requirements of this Penalty Order shall result in suspension of Nash Brush Clearing's motor carrier operating authority without further notice.<sup>6</sup>

14. The Commission concludes the penalty of \$100.00 for the one violation set forth above, and the additional three requirements set forth in paragraphs 10, 11, and 12 are just and reasonable.

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

A. Nash Brush Clearing is hereby assessed a \$100.00 civil penalty for one (1) violation, set forth in one (1) count 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. Nash Brush Clearing 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.

C. Nash Brush Clearing 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 violations described in this Penalty Order, including

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<sup>4</sup> See Id.

<sup>5</sup> See Id.

<sup>6</sup> K.S.A. 66-1,105.

specific and detailed information explaining Carrier's efforts and concrete steps taken to ensure the violations do not occur in the future.

D. Nash Brush Clearing 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 Acting Secretary to the Commission 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 Nash Brush Clearing'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>7</sup> For civil penalties of \$500.00 or less, a corporation may appear by a duly authorized representative of the corporation.<sup>8</sup>

G. If you do not request a hearing, the payment of the civil penalty of \$100.00 is due in thirty (30) days from the date of service of this Order. Payment of \$100.00 must be made through

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<sup>7</sup> K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2); K.A.R. 82-1-202(a).

<sup>8</sup> K.S.A. 66-1,142b(e) and amendments thereto.

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 Nash Brush Clearing to perform, pay, or fully comply with the provisions of this Order, including but not limited to Ordering Clauses A through D, above, will result in suspension of Nash Brush Clearing's motor carrier operating authority without further notice.<sup>9</sup> Additionally, the Commission may impose further sanctions to include, but not limited to, the issuance and enforcement of revocation of authority and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

**BY THE COMMISSION IT IS SO ORDERED.**

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 03/06/2025



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Abigail D. Emery  
Acting Secretary to the Commission

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<sup>9</sup> K.S.A. 66-1,105.



## **ATTACHMENT “A”**

## **REPORT AND RECOMMENDATION TRANSPORTATION DIVISION**

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

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

**DATE:** February 21, 2025

**SUBJECT: Docket No. 25-TRAM-328-PEN**  
In the Matter of the Investigation of **Nash Brush Clearing LLC of Chetopa, 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:**

Nash Brush Clearing LLC (Nash Brush Clearing) is a motor carrier (MC) possessing private operating authority from the Commission, primarily hauling building materials, garbage, refuse, trash, gravel, dirt and slag. Nash Brush Clearing operates under USDOT 3422420. On January 29, 2025, a Commission Staff Special Investigator (SI) completed a safety compliance investigation of the operations of Nash Brush Clearing 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 SI identified one (1) violation, set forth as one (1) specific count, of the Motor Carrier Safety Regulations (MCSRs), which carries a penalty according to the FY2025 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 \$100 be issued to the MC.

### **DISCUSSION AND ANALYSIS:**

On January 29, 2025, a Commission Staff conducted a safety compliance investigation of the operations of Nash Brush Clearing LLC. The investigation covers a 365 day period and any previous compliance review. Each specific count is detailed below.

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

**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:** On March 5, 2024, Nash Brush Clearing required or permitted its driver, Carthen A. Nash, to operate a commercial driver’s license (CDL) required commercial motor vehicle (CMV), a 1989 Peterbilt, VIN ending in 4247, GVWR 50,000 lbs., in combination with a 1990 Hilbilt trailer, VIN ending 5040, GVWR 40,000 lbs., in intrastate commerce within Chetopa, Kansas. This transport is evidenced by the customer invoice, attached hereto as **Exhibit 2** and a gravel scale ticket, attached hereto as **Exhibit 3**. The MC did not provide the SI with a copy of the driver’s motor vehicle record.

**Violation:** Nash Brush Clearing 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 3**). One (1) violation discovered (**Exhibit 1, Page 9**).

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

## **RECOMMENDATION:**

Transportation Staff recommends the Commission find Nash Brush Clearing LLC committed one (1) violation accounting for one (1) specific count 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 \$100 for one (1) violation 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 Nash Brush Clearing 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 Nash Brush Clearing 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 Nash Brush Clearing 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

		<b>U.S. DOT#:</b> 3422420 <b>MC/MX#:</b> 1106683		<b>Legal:</b> NASH BRUSH CLEARING LLC <b>Operating (DBA):</b>		<b>Investigation Date:</b> 02/10/2025	
<b>Investigation Type:</b> Onsite Comprehensive Investigation				<b>Location of Investigation:</b> Other (Carrier was reviewed at Commerce Bank at 409 Maple; Chetopa, Ks) <b>Extent of Operations:</b> Entire Operation			
<b>Physical Address</b> 2143 5000 RD CHETOPA, KS 67336 United States				<b>Mailing Address</b> 2143 5000 RD CHETOPA, KS 67336 United States			
<b>Contact Information</b> <b>Contact Name:</b> Rebekah Nash <b>Email:</b> nashbrushclearing@yahoo.com <b>Phone:</b> (620)674-1334 <b>Cell:</b> ( )- <b>Fax:</b> ( )-							
<b>Business and Financial</b> <b>Business Type:</b> Limited Liability Corporation <b>Name of Gross Revenue Provider:</b> Rebekah Nash <b>Title of Gross Revenue Provider:</b> Office Manager <b>Gross Revenue:</b> ██████████ <b>For Year Ending:</b> 12/31/2023 <b>Federal Tax ID:</b> ██████████							
<b>Operation Classification and Type</b> <b>Type of Operation:</b> Non-HM Intrastate Carrier  <b>Operation Classification</b> For-Hire Motor Carrier Property Exempt Commodities Private Motor Carrier Property – Non-Hazardous Materials				<b>Cargo</b> Building Materials, Garbage, Refuse, Trash, Other (Gravel, Dirt, Slag)			
<b>Equipment</b>				<b>Driver Information</b>			
	<b>Owned</b>	<b>Term Leased</b>	<b>Trip Leased</b>	<b>Drivers</b>			
Truck Tractors	1				<b>Intrastate</b>	<b>Interstate</b>	
Trailers	1			<b>&lt; 100 Miles</b>	1		
				<b>&gt; = 100 Miles</b>			
<b>Power units used in the U.S.:</b> 1 <b>Percentage of time used in the U.S.:</b> 100%				<b>Average trip leased driver/month:</b> 0 <b>Drivers with CDL:</b> 1 <b>Total Drivers:</b> 1			
<b>Person(s) Interviewed</b>							
<b>Name:</b> Carthen A Nash				<b>Title:</b> Owner-Member			

<b>Person(s) Interviewed</b>	
<b>Name:</b> Rebekah Nash	<b>Title:</b> Office Manager
<b>Questions</b>	
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:	1500 SW Arrowhead Rd Topeka, KS 66604-4027 Phone: (785) 271-3284
<b>This report will be used to assess your safety compliance.</b>	

# Violations

## 1. 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.

### Example/Notes:

Carthen A Nash

3/5/2025

Date of Hire: 4/01/2021

At the time of this trip, and the time of this review, the carrier/driver failed have an MVR at least every 12 months in the only driver file. There were no MVRs in the driver file.

### 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

## 2. Primary: 391.51(b)(1)

Failing to maintain driver's employment application in driver's qualification file.

### Example/Notes:

Carthen A Nash

3/5/2025

At the time of this trip, and the time of this review, the carrier/driver failed have any application for employment in the only drivers file. The carrier had driver file items with the exception to the few listed as violations in this review.

### 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

## 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).

### Example/Notes:

### Violations Discovered

Fed	State	Total
	1	1

### Checked

Fed	State	Total
	1	1

### Drivers/Vehicles in Violation



Carthen A Nash 3/5/2025 Date of Hire: 4/01/2021 At the time of this trip, and the time of this review, the carrier/driver failed have any notation of annual review in the driver file.	<b>Fed</b>	<b>State</b>	<b>Total</b>
		1	1
	<b>Checked</b>		
	<b>Fed</b>	<b>State</b>	<b>Total</b>
		1	1
<b>4. Primary: 391.51(b)(8)</b> 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).	<b>Violations Discovered</b>		
	<b>Fed</b>	<b>State</b>	<b>Total</b>
		1	1
	<b>Checked</b>		
	<b>Fed</b>	<b>State</b>	<b>Total</b>
		1	1
<b>Example/Notes:</b>  Carthen A Nash 3/5/2025 Date of Hire: 4/01/2021 At the time of this trip, and the time of this review, the carrier/driver failed have to have verification of medical examiner in driver file.	<b>Drivers/Vehicles in Violation</b>		
	<b>Fed</b>	<b>State</b>	<b>Total</b>
		1	1
	<b>Checked</b>		
	<b>Fed</b>	<b>State</b>	<b>Total</b>
		1	1
<b>5. Primary: 396.3(b)(2)</b> Failing to have a means of indicating the nature and due date of the various inspection and maintenance operations to be performed.	<b>Violations Discovered</b>		
	<b>Fed</b>	<b>State</b>	<b>Total</b>
		2	2
	<b>Checked</b>		
	<b>Fed</b>	<b>State</b>	<b>Total</b>
		2	2
<b>Example/Notes:</b>  Driver: Carthen Nash Trip Date: 03-05-2025 Origination: Chetopa, Ks Destination: Chetopa, Ks At the time of this trip, and the time of this review, the carrier had no means of providing the nature and due dates of maintenance and inspections to be performed. This carrier had two tractors and one trailer that was actively tagged but not in service. The carrier had 1 1ton Dodge Ram that was listed as intrastate and could not be documented as an interstate vehicle. As an intrastate vehicle it is subject to annual inspection roadside by Kansas Law. It is exempt from the regulations under the CFR if registered and operated in Kansas. The 2000 Peterbilt had not been operated and could not be documented as operating in 2024. However, 1 1989 Peterbilt and the carrier 1990	<b>Drivers/Vehicles in Violation</b>		
	<b>Fed</b>	<b>State</b>	<b>Total</b>
		2	2
	<b>Checked</b>		
	<b>Fed</b>	<b>State</b>	<b>Total</b>
		2	2

Hillbilt dump trailer was operating in 2024 and was documented.

This carrier had no means of indicating the nature and due dates of maintenance to be performed. 1 tractor and 1 trailer over 26000 lbs. GVWR. Therefore the actual numbers of the carrier vehicles were 2 tractors and 1 trailer. But for sampling purposes only the 1989 Peterbilt and the 1990 Hillbilt dump trailer were sampled.

## Safety Fitness Rating

### This Investigation is Not Rated

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

## Process Breakdown and Remedies

### BASIC: Driver Fitness

#### Process Breakdown: Roles and Responsibilities

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##### Specific Recommended Remedies

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

1. Define and document the role of managers and supervisors for implementing driver-fitness policies and for monitoring compliance with them. This should include regular evaluation of the carrier's driver-wellness program.
2. Designate a manager to collect and evaluate all driver-fitness-related customer complaints and their safety implications.

### BASIC: Vehicle Maintenance

#### Process Breakdown: Roles and Responsibilities

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##### Specific Recommended Remedies

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

1. Define and document responsibilities of managers, supervisors, drivers, dispatchers, mechanics, and technicians as related to vehicle inspection, repair, and maintenance policies, including the monitoring and documentation of defects and repairs.

# Recommendations

## 1. **Additional Information**

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

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

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

## 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. **Reporting violations into the Clearinghouse**

Ensure violations are entered into the Clearinghouse within the required time frame. The type of violation and time frame may be found in 49 CFR 382.705(b) of the Federal Motor Carrier Safety Regulations.

## 5. **Driver's prohibited status in Clearinghouse**

1.

Do not allow a driver who is prohibited in the Clearinghouse to perform safety sensitive functions.

## 6. **Clearinghouse Driver Consent**

Ensure driver consent has been obtained and is on file before conducting a limited query.

## 7. **Maintain a complete file documenting the qualification process.**

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

## 8. **Drug and Alcohol Clearinghouse**

Find out your responsibilities and requirements for FMCSA's Drug and Alcohol Clearinghouse by visiting <https://clearinghouse.fmcsa.dot.gov>.

## 9. **Clearinghouse Pre-employment Query**

Ensure pre-employment (full) queries are conducted in the Clearinghouse before hiring a driver to perform a safety sensitive function.

## 10. **Dach Annual Queries**

All drivers are to have a pre-employment full query in the DACH. The drivers are to have an annual partial query at least annually after that.

## 11. **Annual review of drivers record.**

Carriers are to complete the certification of drivers records annually. This signifies that a carrier representative has verified the status of their drivers licenses.

## 12. **Attendance in KCC Safety Class required by order of the Kansas Corporation Commission**

Attend online ZOOM Safety Class available for enrollment at no cost.

[www.kcc.ks.gov](http://www.kcc.ks.gov)

Click on Transportation Square.

Go to Safety information

Then on right side click on safety presentation. Enroll on a day that is convenient to you. Free of charge.

## 13. **Verify Medical Examiner Certification**

Carriers must verify that the Medical Examiners are registered in the NRME.

Use the link below and type in the Medical Examiners certificate number.

Print any and all results.

<https://nationalregistry.fmcsa.dot.gov/home>

## 14. **Inspectors Qualification**

Please obtain the Annual Inspectors Inspection and Brake inspectors qualification letters from the mechanic that performs the inspection.

## 15. **Application for Employment**

Make certain that all drivers have a completed, dated, and signed application for employment.

This can be found at [www.kcc.ks.gov](http://www.kcc.ks.gov).

click on Transportation and Safety Information. Procedures for Safety Compliance "Red Book" for the current application for employment.

16. **For violations that will result in a Penalty Order.**

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 Nash Brush Clearing LLC 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 Nash Brush Clearing LLC. OPERATING AUTHORITY AND/OR THE IMPOUNDMENT OF MOTOR CARRIER NAME VEHILCES.

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\_\_\_\_\_

Table 1: Violations Discovered During Review/Inspection

Violation	Date	Identifying Information	Description
391.51(b)(1) - Employment application not maintained in qual. file			
1	03/05/2024	Driver: Carthen Nash	
391.51(b)(8) - Failing to note verification of medical examiner in DQ file.			
1	03/05/2024	Driver: Carthen Nash	
391.51(b)(5) - Failing to maintain notation of annual review			
1	03/05/2024	Driver: Carthen Nash	
391.25(a) - Failing to obtain driver's driving record each 12 months			
1	03/05/2024	Driver: Carthen Nash	
396.3(b)(2) - Failing to have a means of indicating maintenance due dates			
1	03/05/2024	Equipment: 1989 Peterbilt 4247 1990 Hillbilt 5040	

## **EXHIBIT 2**



**Nash Brush Clearing**  
Carthen Nash  
2143 5000 RD  
Chetopa KS. 67336

# INVOICE

Invoice# INV-2320

Bill To:

Nancy Whetstone  
119 N 2nd  
Chetopa KS  
U.S.A.

Invoice Date : 3/6/2024

Due Date : 3/6/2024

#	Item Description	Qty	Rate	Amount
1	Labor and Equipment to hook up sewer	1	1500	1500.00
2	materials for water and sewer, including 1 hydrant, 3/4 pex, and 4" schedule 40 sewer line.	1	625	625.00
3	rock for pad and drive. 1989 Pete	1	950	950.00
4	labor for pad and drive	1	500	500.00
5	8"x20' colvert for drive	1	200	200.00
			Sub total	3775.00
			<b>Total</b>	<b>\$3775.00</b>

## Notes

It was great doing business with you. Paid in full on 3/7/24.

## Terms and Conditions

Please make the payment by the due date. 10% charge will be added to all past due invoices over 30 days.

## **EXHIBIT 3**



# INVOICE

Invoice: 712190  
Date: 03/05/24  
Customer: 103498  
PO: CARTHEN CK 5 CK NO  
Order:  
  
Location: Chetopa Quarry  
  
1 of 1

Cash-Midwest Minerals  
Midwest Minerals Inc  
Pittsburg, KS 66762

Remit To:  
Midwest Minerals  
PO Box 505556  
St. Louis, MO 63150-5556  
620-231-8120

TICKET	DATE	PRODUCT	UNITS UM	UNIT PRICE	TOTAL	TAX CODE	TAX	TOTAL
140009626	03/05/24	AB-3/AS-1/Grandular Base/Type E Base	25.74 TON	14.55	374.52	LABCO	29.03	403.55
		Subtotal: AB-3/AS-1/Grandular Base/Typ	25.74		\$374.52		\$29.03	\$403.55
		Totals :	25.74		\$374.52		\$29.03	\$403.55

TOTAL DUE: \$403.55

Terms: Net 30 days. Past due amounts may be subject to finance charge.

## **CERTIFICATE OF SERVICE**

25-TRAM-328-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 03/06/2025.

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

Rebekah Nash, OFFICE MANAGER  
Nash Brush Clearing LLC  
2143 5000 Rd  
Chetopa, KS 67336  
nashbrushclearing@yahoo.com

/S/ KCC Docket Room  
KCC Docket Room