

1500 SW Arrowhead Road
Topeka, KS 66604-4027



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

Laura Kelly, Governor

NOTICE OF PENALTY ASSESSMENT
25-TRAM-320-PEN

March 18, 2025

Felix Onyango, Owner
Flex Solutions LLC
7720 E Gilbert St.
Wichita, Kansas, 672017

This is a notice of a penalty assessment against Flex Solutions LLC ("Flex Solutions") for violations of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted from January 15 through February 3, 2025, by Kansas Corporation Commission Special Investigators. The Special Investigators identified forty-three (43) violations 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. Flex Solutions has been assessed a \$7,100.00 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 \$7,100.00 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 Flex Solutions:

- 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.
- 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.¹

IF YOU FAIL TO ACT: Failure to pay the penalty of \$7,100.00 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

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 **Flex**)
Solutions LLC of Wichita, Kansas. Regarding)
the Violation(s) of the Motor Carrier Safety)
Statutes, Rules and Regulations and the) Docket No. 25-TRAM-320-PEN
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. 66-129a, 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. Flex Solutions LLC ("Flex Solutions" or "Carrier") is a motor carrier as defined in 49 C.F.R. 390.5 and operates under USDOT number 3209589.

5. The Commission finds it has jurisdiction over Flex Solutions 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. From January 15 through February 3, 2025, a Staff Special Investigator ("SI") completed a safety compliance investigation of Flex Solutions. As a result of the compliance investigation, the SI identified forty-three (43) violations, set forth in fifteen (15) counts, of the Motor Carrier Safety Regulations ("MCSRs"), which carry a penalty set forth in the FY2025 Uniform Penalty Assessment Matrix.¹

7. On February 13, 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 \$7,100.00 to be issued to Flex Solutions based on the frequency, timeline, and severity of the violations discovered.

8. Specifically, pursuant to Staff's R&R, the Commission finds that Flex Solutions committed forty-three (43) violations of the following fifteen (15) counts, discussed more fully in Staff's R&R:²

¹ 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").

² See Staff's Report and Recommendation, Transportation Division (Jan. 22, 2025).

- a. Count 1: On September 27, 2024, Flex Solutions required or permitted its driver, Joshua Stiles, to operate a commercial driver's license required commercial motor vehicle (a 2015 Kenworth, VIN ending in 7796, GVWR 53,200 lbs., in combination with a 2006 Wabash National trailer, VIN ending 0502, GVWR 68,000 lbs.) in Kansas on a public road in intrastate commerce (Goddard, Kansas to Wichita, Kansas) without first obtaining a negative pre-employment controlled substance test result. As more fully set forth in Staff's R&R, the SI found that Flex Solutions allowed two drivers to perform safety sensitive functions prior to obtaining a negative pre-employment controlled substance test result, which resulted in two (2) violations of 49 C.F.R. 382.301(a), adopted by K.A.R 82-4-3c. The Commission finds that Staff's recommendation of a penalty of \$650.00 is appropriate and in accordance with the current Penalty Matrix.
- b. Count 2: On December 3, 2024, Flex Solutions required or permitted its driver, Jose Gonzalez Lopez, to operate a commercial driver's license required commercial motor vehicle (a 2017 Kenworth, VIN ending in 8299, GVWR 48,000 lbs., in combination with a 2008 Utility trailer, VIN ending 9204, GVWR 65,000 lbs.) in Kansas on a public road in interstate commerce (Topeka, Kansas to Jackson, Mississippi) and failed to require its driver to be medically examined and certified. As more fully set forth in Staff's R&R, the SI found that Flex Solutions used three drivers who had not been medically examined and certified, resulting in three (3) violations of 49 C.F.R. 391.45(a), adopted by K.A.R 82-4-3g. The Commission finds that Staff's recommendation of a penalty of \$500.00 is appropriate and in accordance with the current Penalty Matrix.

- c. Count 3: On September 27, 2024, Flex Solutions required or permitted its driver, Joshua Stiles, to operate a commercial driver's license required commercial motor vehicle (a 2015 Kenworth, VIN ending in 7796, GVWR 53,200 lbs., in combination with a 2006 Wabash National trailer, VIN ending 0502, GVWR 68,000 lbs.) in Kansas on a public road in intrastate commerce (Goddard, Kansas to Wichita, Kansas) and failed to maintain a driver qualification file for this driver. As more fully set forth in Staff's R&R, the SI found that Flex Solutions did not maintain a driver qualification file for two drivers, resulting in two (2) violations of 49 C.F.R. 395.11, adopted by K.A.R. 82-4-3a. The Commission finds that Staff's recommendation of a penalty of \$750.00 is appropriate and in accordance with the current Penalty Matrix.
- d. Count 4: On December 3, 2024, Flex Solutions required or permitted its driver, Jose Gonzalez Lopez, to operate a commercial driver's license required commercial motor vehicle (a 2017 Kenworth, VIN ending in 8299, GVWR 48,000 lbs., in combination with a 2008 Utility trailer, VIN ending 9204, GVWR 65,000 lbs.) in Kansas on a public road in interstate commerce (Topeka, Kansas to Jackson, Mississippi) without first keeping minimum records of inspection and vehicle maintenance. As more fully set forth in Staff's R&R, the SI found that Flex Solutions had five vehicles for which it had not maintained minimum records of inspection and vehicle maintenance, resulting in five (5) violations of 49 C.F.R. 396.3(b), adopted by K.A.R. 82-4-3j. The Commission finds that Staff's recommendation of a penalty of \$750.00 is appropriate and in accordance with the current Penalty Matrix.

- e. Count 5: On December 3, 2024, Flex Solutions required or permitted its driver, Jose Gonzalez Lopez, to operate a commercial driver's license required commercial motor vehicle (a 2017 Kenworth, VIN ending in 8299, GVWR 48,000 lbs., in combination with a 2008 Utility trailer, VIN ending 9204, GVWR 65,000 lbs.) in Kansas on a public road in interstate commerce (Topeka, Kansas to Jackson, Mississippi) without first obtaining an annual inspection for the commercial motor vehicle being operated. As more fully set forth in Staff's R&R, the SI found that Flex Solutions had five vehicles for which it had not obtained annual inspections, which resulted in five (5) violations of 49 C.F.R. 396.17(a), adopted by K.A.R. 82-4-3j. The Commission finds that Staff's recommendation of a penalty of \$750.00 is appropriate and in accordance with the current Penalty Matrix.
- f. Count 6: On December 3, 2024, Flex Solutions required or permitted its driver, Jose Gonzalez Lopez, to operate a commercial driver's license required commercial motor vehicle (a 2017 Kenworth, VIN ending in 8299, GVWR 48,000 lbs., in combination with a 2008 Utility trailer, VIN ending 9204, GVWR 65,000 lbs.) in Kansas on a public road in interstate commerce (Topeka, Kansas to Jackson, Mississippi) without first paying IFTA or obtaining a fuel permit, which is a violation of K.S.A. 77-34-1409 and 49 C.F.R. 392.2, as adopted by K.A.R. 82-4-3h. The Commission finds that Staff's recommendation of a penalty of \$500.00 is appropriate and in accordance with the current Penalty Matrix.
- g. Count 7: On September 27, 2024, Flex Solutions required or permitted its driver, Joshua Stiles, to operate a commercial driver's license required commercial motor vehicle (a 2015 Kenworth, VIN ending in 7796, GVWR 53,200 lbs., in combination

with a 2006 Wabash National trailer, VIN ending 0502, GVWR 68,000 lbs.) in Kansas on a public road in intrastate commerce (Goddard, Kansas to Wichita, Kansas) without first obtaining Commission authority to operate as a Public (For-Hire) motor carrier, which resulted in one (1) violation of K.S.A. 66-1,111, K.S.A. 66-1,114b and 49 C.F.R 392.2, adopted by K.A.R 82-4-3h. The Commission finds that Staff's recommendation of a penalty of \$500.00 is appropriate and in accordance with the current Penalty Matrix.

- h. Count 8: On September 30, 2024, Flex Solutions required or permitted its owner/driver, Felix Onyango, to operate a commercial driver's license required commercial motor vehicle (a 2013 Kenworth, VIN ending in 4196, GVWR 52,000 lbs.) in Kansas on a public road in intrastate commerce (Hutchinson, Kansas to Wichita, Kansas) without first obtaining valid commercial registration for the commercial motor vehicle operated. As more fully set forth in Staff's R&R, the SI found that Flex Solutions had five vehicles for which it had not obtained valid commercial registration, which resulted in five (5) violations of K.S.A. 8-142 and 49 C.F.R. 392.2 K.S.A. 8-142 adopted by K.A.R. 82-4-3h. The Commission finds that Staff's recommendation of a penalty of \$500.00 is appropriate and in accordance with the current Penalty Matrix.
- i. Count 9: On December 3, 2024, Flex Solutions required or permitted its driver, Jose Gonzalez Lopez, to operate a commercial driver's license required commercial motor vehicle (a 2017 Kenworth, VIN ending in 8299, GVWR 48,000 lbs., in combination with a 2008 Utility trailer, VIN ending 9204, GVWR 65,000 lbs.) in Kansas on a public road in interstate commerce (Topeka, Kansas to Jackson,

Mississippi) without first failed 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. As more fully set forth in Staff's R&R, the SI found that Flex Solutions had three drivers which had not been added to the random selection list, which resulted in three (3) 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 a penalty of \$250.00 is appropriate and in accordance with the current Penalty Matrix.

- j. Count 10: On December 3, 2024, Flex Solutions required or permitted its driver, Jose Gonzalez Lopez, to operate a commercial driver's license required commercial motor vehicle (a 2017 Kenworth, VIN ending in 8299, GVWR 48,000 lbs., in combination with a 2008 Utility trailer, VIN ending 9204, GVWR 65,000 lbs.) in Kansas on a public road in interstate commerce (Topeka, Kansas to Jackson, Mississippi) without first providing educational materials explaining the requirements of Part 382 and the employer's drug and alcohol program policies, which, resulted in one (1) violation of 49 C.F.R. 382.601 (a), adopted by K.A.R. 82-4-3c. The Commission finds that Staff's recommendation of a penalty of \$250.00 is appropriate and in accordance with the current Penalty Matrix.
- k. Count 11: On December 3, 2024, Flex Solutions required or permitted its driver, Jose Gonzalez Lopez, to operate a commercial driver's license required commercial motor vehicle (a 2017 Kenworth, VIN ending in 8299, GVWR 48,000 lbs., in combination with a 2008 Utility trailer, VIN ending 9204, GVWR 65,000 lbs.) in Kansas on a public road in interstate commerce (Topeka, Kansas to Jackson, Mississippi) without first ensuring the person designated to determine that drivers

undergo reasonable suspicion testing had received 60 minutes training for alcohol and/or 60 minutes of training for controlled substances, which is a violation of 49 C.F.R. 382.603, adopted by K.A.R. 82-4-3c. The Commission finds that Staff's recommendation of a penalty of \$100.00 is appropriate and in accordance with the current Penalty Matrix.

- l. Count 12: On December 3, 2024, Flex Solutions required or permitted its driver, Jose Gonzalez Lopez, to operate a commercial driver's licenserequired commercial motor vehicle (a 2017 Kenworth, VIN ending in 8299, GVWR 48,000 lbs., in combination with a 2008 Utility trailer, VIN ending 9204, GVWR 65,000 lbs.) in Kansas on a public road in interstate commerce (Topeka, Kansas to Jackson, Mississippi) without first being enrolled in the Federal Motor Carrier Safety Administration (FMCSA) Drug and Alcohol Clearinghouse (DACH), which is a violation of 49 C.F.R. 382.711(b), adopted by K.A.R. 82-4-3c. The Commission finds that Staff's recommendation of a penalty of \$750.00 is appropriate and in accordance with the current Penalty Matrix.
- m. Count 13: On December 3, 2024, Flex Solutions required or permitted its driver, Jose Gonzalez Lopez, to operate a commercial driver's licenserequired commercial motor vehicle (a 2017 Kenworth, VIN ending in 8299, GVWR 48,000 lbs., in combination with a 2008 Utility trailer, VIN ending 9204, GVWR 65,000 lbs.) in Kansas on a public road in interstate commerce (Topeka, Kansas to Jackson, Mississippi) without first investigating its driver's background within thirty days of employment, which is a violation of 49 C.F.R. 391.23 (c), 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.

- n. Count 14: On December 3, 2024, Flex Solutions required or permitted its driver, Jose Gonzalez Lopez, to operate a commercial driver's license required commercial motor vehicle (a 2017 Kenworth, VIN ending in 8299, GVWR 48,000 lbs., in combination with a 2008 Utility trailer, VIN ending 9204, GVWR 65,000 lbs.) in Kansas on a public road in interstate commerce (Topeka, Kansas to Jackson, Mississippi) and failed to require its driver to prepare a record of duty status. As more fully set forth in Staff's R&R, the SI found that Flex Solutions had failed to require its drivers prepare a record of duty status on eleven (11) transports, which resulted in eleven (11) violations of 49 C.F.R. 395.8(a)(1), adopted by K.A.R. 82-4-3a. The Commission finds that Staff's recommendation of a penalty of \$500.00 is appropriate and in accordance with the current Penalty Matrix.
- o. Count 15: On December 3, 2024, Flex Solutions required or permitted its driver, Jose Gonzalez Lopez, to operate a commercial driver's license required commercial motor vehicle (a 2017 Kenworth, VIN ending in 8299, GVWR 48,000 lbs., in combination with a 2008 Utility trailer, VIN ending 9204, GVWR 65,000 lbs.) in Kansas on a public road in interstate commerce (Topeka, Kansas to Jackson, Mississippi) and allowed its driver to operate a commercial motor vehicle after being declared out of service and before the driver may lawfully do so under the rules of Part 395, which is a violation of 49 C.F.R. 395.13 (d), adopted by K.A.R. 82-4-3a. The Commission finds that Staff's recommendation of a penalty of \$250.00 is appropriate and in accordance with the current Penalty Matrix.

9. The Commission hereby adopts Staff's findings as contained in its February 13, 2025, R&R.

10. The Commission finds that Flex Solutions 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.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.

11. The Commission further finds that Flex Solutions 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.⁴

12. The Commission further finds that Flex Solutions 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.⁵

13. Failure to comply with the requirements of this Penalty Order shall result in suspension of Flex Solutions' motor carrier operating authority without further notice.⁶

14. The Commission concludes the penalty of \$7,100.00 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:

³ See Id., p. 4.

⁴ See Id.

⁵ See Id.

⁶ K.S.A. 66-1,105.

A. Flex Solutions is hereby assessed a \$7,100.00 civil penalty for forty-three (43) violations, set forth in fifteen (15) counts 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. Flex Solutions 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. Flex Solutions 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 specific and detailed information explaining Carrier's efforts and concrete steps taken to ensure the violations do not occur in the future.

D. Flex Solutions 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 Flex Solutions'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.⁷ For civil penalties of \$500.00 or less, a corporation may appear by a duly authorized representative of the corporation.⁸

G. If you do not request a hearing, the payment of the civil penalty of \$7,100.00 is due in thirty (30) days from the date of service of this Order. Payment of \$7,100.00 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 Flex Solutions 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 Flex Solutions' motor carrier operating authority without further notice.⁹ 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.

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

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

⁹ K.S.A. 66-1,105.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 03/18/2025

A handwritten signature in cursive script, appearing to read "Abigail D. Emery".

Abigail D. Emery
Acting Secretary to the Commission

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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 13, 2025

SUBJECT: Docket No. 25-TRAM-320-PEN
In the Matter of the Investigation of **Flex Solutions LLC of Wichita, 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:

Flex Solutions LLC is a motor carrier (MC) primarily hauling general freight. Flex Solutions LLC operates under USDOT 3209589. From January 15th through February 3, 2025, Commission Staff Special Investigators (SIs) completed a safety compliance investigation of the operations of Flex Solutions 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 forty-three (43) violations, set forth in fifteen (15) 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. Based on the frequency, timeline and severity of the violations discovered by the SIs, staff recommends penalty of \$7,100 be issued to the MC.

DISCUSSION AND ANALYSIS:

On January 15th through February 3, 2025, Commission Staff SIs conducted a safety compliance investigation of the operations of Flex Solutions LLC. The investigation covers a 365 day period and any previous compliance review. Each specific count is detailed below.

Count One (1 of 15)

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

Relevant Statutes: 49 C.F.R 382.301 (a) states: “Prior to the first time a driver performs safety-sensitive functions for an employer, the driver shall undergo testing for controlled substances as a condition prior to being used, unless the employer uses the exception in paragraph (b) of this section. No employer shall allow a driver, who the employer intends to hire or use, to perform safety-sensitive functions unless the employer has received a controlled substances test result from the MRO or C/TPA indicating a verified negative test result for that driver.”

Material Facts and Supporting Documentation: On September 27, 2024, Flex Solutions LLC required or permitted its driver, Joshua Stiles to operate a commercial driver’s license (CDL) required commercial motor vehicle (CMV), a 2015 Kenworth, VIN ending in 7796, GVWR 53,200 lbs. in combination with a 2006 Wabash National trailer, VIN ending in 0502, GVWR 68,000 lbs., in intrastate commerce from Goddard, Kansas to Wichita, Kansas. This transport is evidenced by Driver/Vehicle Examination Report No. KSHP02750500, attached hereto as **Exhibit 2**. At the time of this transport, the MC failed to have a pre-employment controlled substance test completed for its driver, Mr. Stiles. The MC also allowed failed to obtain a pre-employment controlled substance test for Felix Onyango prior to allowing him to perform safety-sensitive functions.

Violation: Flex Solutions LLC used a driver prior to receiving a negative pre-employment-controlled substance test result, which is a violation of 49 C.F.R. 382.301 (a), adopted by K.A.R. 82-4-3c (**Exhibit 1, page 3**). Two (2) violations were discovered (**Exhibit 1, page 20**).

Recommendations: Staff recommends a fine of \$650, in accordance with the FY2025 Penalty Matrix.

Count Two (2 of 15)

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

Relevant Statutes: 49 C.F.R 391.45 states:” The following persons must be medically examined and certified in accordance with § 391.43 as physically qualified to operate a commercial motor vehicle:

- (a) Any person who has not been medically examined and certified as physically qualified to operate a commercial motor vehicle;
- (b) Any driver who has not been medically examined and certified as qualified to operate a commercial motor vehicle during the preceding 24 months, unless the driver is required to be examined and certified in accordance with paragraph (c), (d), (e), (f), (g), or (h) of this section;
- (c) Any driver authorized to operate a commercial motor vehicle only within an exempt intracity zone pursuant to § 391.62, if such driver has not been medically examined and certified as qualified to drive in such zone during the preceding 12 months;
- (d) [Reserved]
- (e) Any driver who has diabetes mellitus treated with insulin for control and who has obtained a medical examiner's certificate under the standards in § 391.46, if such driver's most recent medical examination and certification as qualified to drive did not occur during the preceding 12 months;
- (f) Any driver who does not satisfy, with the worse eye, either the distant visual acuity standard with corrective lenses or the field of vision standard, or both, in § 391.41(b)(10)(i) and who has obtained a medical examiner's certificate under the standards in § 391.44, if such driver's most recent medical examination and certification as qualified to drive did not occur during the preceding 12 months;

(g) Any driver whose ability to perform his or her normal duties has been impaired by a physical or mental injury or disease; and

(h) On or after June 23, 2025, any person found by a medical examiner not to be physically qualified to operate a commercial motor vehicle under the provisions of paragraph (g)(3) of § 391.43.”

Material Facts and Supporting Documentation: On December 3, 2024, Flex Solutions LLC required or permitted its driver, Jose Gonzalez Lopez to operate a CDL-required CMV, a 2017 Kenworth, VIN ending in 8299, GVWR 48,000 lbs. in combination with a 2008 Utility trailer, VIN ending in 9204, GVWR 65,000 lbs., in interstate commerce from Topeka, KS to Jackson, MS. This transport is evidenced by the Driver/Vehicle Examination Report No. AR5450000411, attached hereto as **Exhibit 3**. The MC failed to have drivers Jose Gonzalez, Joshua Stiles and Felix Onyango medically certified as physically qualified to operate a commercial motor vehicle.

Violation: Flex Solutions LLC used drivers not medically examined and certified which is a violation of 49 C.F.R. 391.45 (a), adopted by K.A.R. 82-4-3g (**Exhibit 1, page 3**). Three (3) violations were discovered (**Exhibit 1, page 21**).

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

Count Three (3 of 15)

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

Relevant Statutes: 49 C.F.R 391.51(a) states: “Each motor carrier shall maintain a driver qualification file for each driver it employs. A driver's qualification file may be combined with his/her personnel file.

(b) The qualification file for a driver must include:

(1) The driver's application for employment completed in accordance with § 391.21;

(2) A copy of the motor vehicle record received from each driver's licensing authority pursuant to § 391.23(a)(1);

(3) The certificate of driver's road test issued to the driver pursuant to § 391.31(e), a copy of the license or certificate which the motor carrier accepted as equivalent to the driver's road test pursuant to § 391.33, or the original of the written statement providing that the motor carrier determined the driver is not required by § 391.44(d) to complete a road test pursuant to § 391.44(d)(3)(ii)(A) and the original, or a copy, of the driver's certification required by § 391.44(d)(3)(i);

(4) The motor vehicle record received from each driver's licensing authority to the annual driver record inquiry required by § 391.25(a);

(5) A note relating to the annual review of the driver's driving record as required by § 391.25(c) (2);

(6) (i) the medical examiner's certificate as required by § 391.43(g) or a legible copy of the certificate.”

Material Facts and Supporting Documentation: This violation took place on September 27, 2024, during the transport described in Count One, above. The MC failed to provide driver qualification files for drivers Joshua Stiles and Felix Onyango.

Violation: Flex Solutions LLC failed to maintain driver qualification file on each driver employed, which is a violation of 49 C.F.R. 391.51 (a), adopted by K.A.R. 82-4-3g. (**Exhibit 1, pages 3 to 4**). Two (2) Violations were discovered (**Exhibit 1, pages 21 to 22**).

Recommendations: Staff recommends a fine of \$750, in accordance with the FY2025 Penalty Matrix.

Count Four (4 of 15)

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

Relevant Statutes: 49 C.F.R 396.3 states: “Every motor carrier and intermodal equipment provider must systematically inspect, repair, and maintain, or cause to be systematically inspected, repaired, and maintained, all motor vehicles and intermodal equipment subject to its control.

(1) Parts and accessories shall be in safe and proper operating condition at all times. These include those specified in part 393 of this subchapter and any additional parts and accessories which may affect safety of operation, including but not limited to, frame and frame assemblies, suspension systems, axles and attaching parts, wheels and rims, and steering systems.”

Material Facts and Supporting Documentation: This violation took place during the transport on December 3, 2024, described in Count Two, above. The MC failed to provide minimum records of inspection and vehicle maintenance for the following vehicles: 2017 Kenworth with VIN ending 8299, 2008 Utility trailer with VIN ending 9204, 2015 Kenworth with VIN ending 7796, 2013 Freightliner with VIN ending 4196 and 2006 Wabash National trailer with VIN ending 0502.

Violation: Flex Solutions LLC failed to keep minimum records of inspection and vehicle maintenance, which is a violation of 49 C.F.R. 396.3 (b), adopted by K.A.R. 82-4-3j (**Exhibit 1, page 4**.) Five (5) violations were discovered (**Exhibit 1, pages 23 to 24**).

Recommendations: Staff recommends a fine of \$750, in accordance with the FY2025 Penalty Matrix.

Count Five (5 of 15)

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

Relevant Statutes: 49 C.F.R 396.17 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.”

Material Facts and Supporting Documentation: This violation took place during the transport on December 3, 2024, described in Count Two, above. The MC failed to provide annual inspections for the following vehicles: 2017 Kenworth with VIN ending 8299, 2008 Utility trailer with VIN ending 9204, 2015 Kenworth with VIN ending 7796, 2013 Freightliner with VIN ending 4196 and 2006 Wabash National trailer with VIN ending 0502.

Violation: Flex Solutions LLC used a commercial motor vehicle not periodically inspected, which is a violation of 49 C.F.R. 396.17 (a), adopted by K.A.R. 82-4-3j. (**Exhibit 1, page 4**.) Five (5) violations were discovered (**Exhibit 1, page 24**).

Recommendations: Staff recommends a fine of \$750, in accordance with the FY2025 Penalty Matrix.

Count Six (6 of 15)

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

Relevant Statutes: K.S.A. 79-34,109 states: "Imposition of tax; rate; apportionment of tax liability. (a) There is hereby imposed on each interstate motor fuel user a tax on motor fuel used in operations on highways within this state by such interstate motor fuel user. Such tax shall be at the same rate as the current rate of tax applicable to the use or sale of the same motor fuel within this state. The number of gallons of motor fuel used in the operations of any interstate motor fuel user on highways within this state shall be deemed to be such proportion of the total number of gallons of such motor fuel used in its entire operations within and without this state, as the number of miles traveled on highways within this state bears to the total number of miles traveled within and without this state.

(b) Whenever an interstate motor fuel user uses more than one type of motor fuel upon which different rates of tax are imposed, the tax imposed by this section shall be computed separately for each type of motor fuel, and the sum of the amounts so obtained shall be the amount of the tax imposed by this section. For each type of motor fuel, only the gallons thereof used and the miles traveled therewith shall be counted in making the separate computations for such type of motor fuel.

(c) If the apportionment provisions of this section do not fairly represent the extent of an interstate motor fuel user's motor fuel use in this state, the interstate motor fuel user may petition for or the director may require in respect to all or any part of such interstate motor fuel user's operations, if reasonable, the employment of any other method to effectuate adequate apportionment of the interstate motor fuel user's tax liability under this act."

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."

Material Facts and Supporting Documentation: This violation took place during the transport on December 3, 2024, described in Count Two, above. MC failed to have an IFTA or trip permit for this transportation.

Violation: Flex Solutions LLC failed to pay IFTA or obtain a fuel permit, which is a violation of K.S.A. 66-1,111, K.S.A. 77-34-1409 and 49 C.F.R. 392.2, as adopted by K.A.R. 82-4-3h (Exhibit 1, page 5). One (1) violation was discovered (Exhibit 1, page 22).

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

Count Seven (7 of 15)

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

Relevant Statutes: K.S.A. 66-1,111 states: "No public motor carrier of property or passengers or private motor carrier of property shall operate any motor vehicle for the transportation of either persons or property on any public highway in this state except in accordance with the provisions of this act, and amendments thereto, and other applicable laws."

K.S.A. 66-1,114b states: "Except as hereinafter provided, it shall be unlawful for any public motor carrier to operate as a carrier of property other than household goods or passengers

in intrastate commerce within this state without first having obtained from the commission a certificate of public service to transport property other than household goods or to transport passengers.”

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.”

Material Facts and Supporting Documentation: This violation took place during the transport on September 27, 2024, described in Count One, above. The MC failed to have KCC for-hire authority at the time of this trip. Attached is a copy of the MC KTRAN account showing “No Authority,” attached hereto as **Exhibit 4**.

Violation: Flex Solutions LLC failed to obtain proper Commission authority to operate as a Public (For-Hire) MC before conducting intrastate commercial operations, which is a violation of K.S.A. 66-1,111, K.S.A. 66-1,114b and 49 C.F.R 392.2, adopted by K.A.R 82-4-3h (**Exhibit 1, page 5**). One (1) violation discovered (**Exhibit 1, page 22**).

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

Count Eight (8 of 15)

Authority: K.S.A. 8-142

Relevant Statutes: K.S.A 8-142 states: “ It shall be unlawful for any person to commit any of the following acts and except as otherwise provided, violation is subject to penalties provided in K.S.A. 8-149, and amendments thereto:

First: To operate, or for the owner thereof knowingly to permit the operation, upon a highway of any vehicle, as defined in K.S.A. 8-126, and amendments thereto, which is not registered, or for which a certificate of title has not been issued or which does not have attached thereto and displayed thereon the license plate or plates assigned thereto by the division for the current registration year, including any registration decal required to be affixed to any such license plate pursuant to K.S.A. 8-134, and amendments thereto, subject to the exemptions allowed in K.S.A. 8-135, 8-198 and 8-1751a, and amendments thereto. A violation of this subsection by a person unlawfully claiming that a motor vehicle is exempt from registration as a self-propelled crane under K.S.A. 8-128(b), and amendments thereto, shall constitute an unclassified misdemeanor punishable by a fine of not less than \$500. A person shall not be charged with a violation of this subsection for failing to display a registration decal on any vehicle except those included under K.S.A. 8-1,101 and K.S.A. 8-143m and 8-1,152, and amendments thereto, up to and including the 10th day following the expiration of the registration if the person is able to produce a printed payment receipt or electronic payment receipt from an online electronic payment processing system for the current 12-month registration period. Any charge for failing to display a registration decal up to and including the 10th day following the expiration of the registration shall be dismissed if the person produces in court a registration receipt for the current 12-month registration period which was valid at the time of arrest.”

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.”

Material Facts and Supporting Documentation: On September 30, 2024, Flex Solutions LLC required or permitted its driver, Felix Onyango, to operate a CDL-required CMV, a 2013 Kenworth, VIN ending in 4196, GVWR 52,000 lbs., in intrastate commerce from Hutchinson, Kansas to Wichita, Kansas. This transport is evidenced by the Bill Of Lading from Titus Transport Holdings LLC for Felix Onyango, order number 2215294 as **Exhibit 5**. The MC failed to have current Kansas commercial registration for the vehicle operated during this transport. Attached hereto as **Exhibit 6**, is email correspondence from KDOR stating Flex Solutions LLC has no commercial registration for the following vehicles: 2013 Freightliner with VIN ending 4196, 2017 Kenworth with VIN ending 8299, 2008 Utility trailer with VIN ending 9204, 2006 Wabash National trailer with VIN ending 0502 and 2015 Kenworth with VIN ending 7796

Violation: Flex Solutions LLC operated a commercial motor vehicle without valid registration. This is a violation of K.S.A. 8-142 and 49 C.F.R. 392.2 K.S.A. 8-142 adopted by K.A.R. 82-4-3h (**Exhibit 1, page 5 & 6**). Five (5) violations were discovered (**Exhibit 1, page 22**).

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

Count Nine (9 of 15)

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

Relevant Statutes: 49 C.F.R 382.305 (i) (2) states: “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.”

Material Facts and Supporting Documentation: This violation took place during the transport on December 3, 2024, described in Count Two, above. The MC failed to have drivers Jose Gonzalez Lopez, Joshua Stiles, and Felix Onyango in the random testing pool. Attached hereto as **Exhibit 7**, is a copy of the MC’s random selection list for the 4th quarter.

Violation: Flex Solutions LLC failed 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, which is a violation of 49 C.F.R. 382.305(i)(2), adopted by K.A.R.82-4-3c (**Exhibit 1, page 6**). Three (3) violations were discovered (**Exhibit 1, page 20 & 21**).

Recommendations: Staff recommends a fine of \$250, in accordance with the FY2025 Penalty Matrix.

Count Ten (10 of 15)

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

Relevant Statutes: 49 C.F.R 382.601 states: “Each employer shall provide educational materials that explain the requirements of this part and the employer's policies and procedures with respect to meeting these requirements.

(1) The employer shall ensure that a copy of these materials is distributed to each driver prior to the start of alcohol and controlled substances testing under this part and to each driver subsequently hired or transferred into a position requiring driving a commercial motor vehicle.

(2) Each employer shall provide written notice to representatives of employee organizations of the availability of this information.”

Material Facts and Supporting Documentation: This violation took place during the transport on December 3, 2024, described in Count Two, above. The MC had no record of a written drug & alcohol policy which met the requirements of part 382.

Violation: Flex Solutions LLC failed to provide educational materials explaining requirements of part 382 and employer's drug and alcohol program policies, which is a violation of 49 C.F.R. 382.601 (a), adopted by K.A.R. 82-4-3c (**Exhibit 1, page 6 & 7**). One (1) violation was discovered (**Exhibit 1, page 21**).

Recommendations: Staff recommends a fine of \$250, in accordance with the FY2025 Penalty Matrix.

Count Eleven (11 of 15)

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

Relevant Statutes: 49 C.F.R 382.603 states: “ Each employer shall ensure that all persons designated to supervise drivers receive at least 60 minutes of training on alcohol misuse and receive at least an additional 60 minutes of training on controlled substances use. The training will be used by the supervisors to determine whether reasonable suspicion exists to require a driver to undergo testing under § 382.307. The training shall include the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances. Recurrent training for supervisory personnel is not required.”

Material Facts and Supporting Documentation: This violation took place during the transport on December 3, 2024, described in Count Two, above. At the time of this transport, the MC had no individual who attended the required training.

Violation: Flex Solutions LLC failed to ensure the person designated to determine that drivers undergo reasonable suspicion testing receive 60 minutes training for alcohol and/or 60 minutes of training for controlled substances, which is a violation of 49 C.F.R. 382.603, adopted by K.A.R. 82-4-3c (**Exhibit 1, page 7**). One (1) violation was discovered (**Exhibit 1, page 21**).

Recommendations: Staff recommends a fine of \$100, in accordance with the FY2025 Penalty Matrix.

Count Twelve (12 of 15)

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

Relevant Statutes: 49 C.F.R 382.711 states: “Each employer and service agent must register with the Clearinghouse before accessing or reporting information in the Clearinghouse.”

Material Facts and Supporting Documentation: This violation took place during the transport on December 3, 2024, described in Count Two, above. Attached hereto as **Exhibit 8**, is a copy of MC's DACH compliance report showing carrier did not enroll in DACH until January 31, 2025.

Violation: Flex Solutions LLC failed to register in the Drug & Alcohol Clearinghouse, which is a violation of 49 C.F.R. 382.711 (b), adopted by K.A.R. 82-4-3c. (**Exhibit 1, page 7**). One (1) violation was discovered (**Exhibit 1, page 21**).

Recommendations: Staff recommends a fine of \$750, in accordance with the FY2025 Penalty Matrix.

Count Thirteen (13 of 15)

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

Relevant Statutes: 49 C.F.R 391.23 states: "Except as provided in subpart G of this part, each motor carrier shall make the following investigations and inquiries with respect to each driver it employs, other than a person who has been a regularly employed driver of the motor carrier for a continuous period which began before January 1, 1971:

(1) An inquiry, within 30 days of the date the driver's employment begins, to each State where the driver held or holds a motor vehicle operator's license or permit during the preceding 3 years, to obtain that driver's motor vehicle record covering that driver's prior 3-year driving history."

Material Facts and Supporting Documentation: This violation took place during the transport on December 3, 2024, described in Count Two, above. The MC failed to obtain MVR on driver Jose Gonzalez Lopez within 30 days of his hire.

Violation: Flex Solutions LLC failed to investigate driver's background within 30 days of employment, which is a violation of 49 C.F.R. 391.23 (c), adopted by K.A.R. 82- 4-3g (**Exhibit 1, page 8**). One (1) Violation was discovered (**Exhibit 1, page 21**).

Recommendations: Staff recommends a fine of \$100, in accordance with the FY2025 Penalty Matrix.

Count Fourteen (14 of 15)

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

Relevant Statutes: 49 C.F.R 395.8 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 Documentation: This violation took place during the transport on December 3, 2024, described in Count Two, above. The MC failed to require drivers to prepare a record of duty status as required by 395.8. Jose Gonzalez-Lopez failed to prepare a record of duty status for transports which required their preparation on November 25, 26, 27, 28, 29, 30, 2024 and December 1, 2, 3, 4, and 5, 2024.

Violation: Flex Solutions LLC failed to require a driver to prepare a record of duty status using the appropriate method, which is a violation of 49 C.F.R. 395.8 (a) (1), adopted by K.A.R. 82-4-3a (**Exhibit 1, page 9**). Eleven (11) violations were discovered (**Exhibit 1, page 22 & 23**).

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

Count Fifteen (15 of 15)

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

Relevant Statutes: 49 C.F.R 395.13 (c) states: "No motor carrier shall:

(i) Require or permit a driver who has been ordered out of service to operate a commercial motor vehicle until that driver may lawfully do so under the rules in this part.

(ii) Require a driver who has been ordered out of service for failure to prepare a record of duty status to operate a commercial motor vehicle until that driver has been off duty for the

appropriate number of consecutive hours required by this part and is in compliance with this section. The appropriate consecutive hours off duty may include sleeper berth time.”

Material Facts and Supporting Documentation: This violation took place during the transport on December 3, 2024, described in Count Two, above. A motor carrier inspection occurred during this trip on December 3, 2024 at 12:10 p.m. The inspector placed driver Jose Gonzalez-Lopez out-of-service for failing to have a record of duty status using the prescribed method as well as not having a valid CDL (See **Exhibit 3**). However, Mr. Gonzalez-Lopez resumed operations in defiance of the out-of-service designation, completing the trip, as evidenced by the receiving report, attached hereto as **Exhibit 9**, which shows the load Mr. Gonzalez Lopez picked up on December 2, 2024, at 10:12 p.m. was delivered on December 5, 2024 at 8:14 a.m.

Violation: Flex Solutions LLC allowed driver Jose Gonzalez-Lopez to operate a commercial motor vehicle after being declared out of service and before the driver may lawfully do so under the rules of Part 395, which is a violation of 49 C.F.R. 395.13 (d), adopted by K.A.R. 82-4-3a (**Exhibit 1, page 9**). One (1) violation was discovered (**Exhibit 1, page 23**).

Recommendations: Staff recommends a fine of \$250, in accordance with the FY2025 Penalty Matrix.

RECOMMENDATION:

Transportation Staff recommends the Commission find Flex Solutions LLC committed forty three (43) violations accounting for fifteen (15) 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 \$7,100 for forty three (43) 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 Flex Solutions 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.

Staff further recommends Flex Solutions 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 Flex Solutions 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#: 3209589
MC/MX#: 1001985

Legal: FLEX SOLUTIONS LLC
Operating (DBA):

Investigation Date:
01/24/2025

Investigation Type: Onsite Comprehensive Investigation

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

Extent of Operations: Entire Operation

Physical Address

7720 E GILBERT ST
WICHITA, KS 67207
United States

Mailing Address

7720 E GILBERT ST
WICHITA, KS 67207
United States

Contact Information

Contact Name: Felix Onyango
Email: FLEXSOLUTIONSLLC@GMAIL.COM
Phone: (316)816-5111 **Cell:** (316)816-5111 **Fax:** ()-

Business and Financial

Business Type: Limited Liability Corporation
Name of Gross Revenue Provider: Felix Onyango
Title of Gross Revenue Provider: Member
Gross Revenue: [REDACTED] **For Year Ending:** 12/31/2023
Federal Tax ID: [REDACTED]

Operation Classification and Type

Type of Operation: Non-HM Interstate Carrier, Non-HM Intrastate Carrier General Freight, Other (Frozen Foods)

Cargo

Operation Classification

For-Hire Motor Carrier
Property
Other Non-Hazardous Freight

Equipment

	Owned	Term Leased	Trip Leased
Truck Tractors	1	5	
Trailers		6	

Driver Information

Drivers	Intrastate	Interstate
< 100 Miles		
>= 100 Miles	5	3

Power units used in the U.S.: 6
Percentage of time used in the U.S.: 100%

Average trip leased driver/month: 0
Drivers with CDL: 5
Total Drivers: 8

Person(s) Interviewed

Name: Felix Onyango **Title:** Member

Questions

Questions about this report or the Federal Motor Carrier 1303 SW FIRST AMERICAN PLACE, SUITE 200
Safety or Hazardous Materials regulations may be TOPEKA, KS 66604-4040
addressed to the Federal Motor Carrier Safety Phone: (785) 271-1260
Administration at: Fax: (785) 228-9725

This report will be used to assess your safety compliance.

Violations

1. Primary: 382.301(a)

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



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
Controlled
Substances/Alcohol

Rating Factor 2:
Driver = Part 382

Example/Notes:

Driver name Joshua Stiles

Trip date: 9/27/2024

Hire date: 9/27/2024

One 9/27/2024, Flex Solutions LLC allowed or required driver, Joshua Stiles to operate a CMV without conducting a pre-employment test.

Drivers/Vehicles in Violation

Fed	State	Total
2		2

Checked

Fed	State	Total
5		5

2. Primary: 391.45(a)

Secondary: 391.11(a)

Using a driver not medically examined and certified.



Critical

At least 10% of the number checked had violations

Violations Discovered

Fed	State	Total
3		3

Checked

Fed	State	Total
5		5

BASIC Impacted
Driver Fitness

Rating Factor 2:
Driver = Part 391

Example/Notes:

Driver name, Jose Gonzalez Lopez

Trip date.12/3/2024

Description of violation: On 12/3/2024, Flex Solutions LLC allowed or required driver, Jose Gozalez Lopez to operate a CMV from Topeka, KS to Jackson, MS. At the time of operation, driver Jose Gonzalez Lopez did not have a valid medical card.

Drivers/Vehicles in Violation

Fed	State	Total
3		3

Checked

Fed	State	Total
5		5

3. Primary: 391.51(a)

Failing to maintain driver qualification file on each driver employed.



Critical

At least 10% of the number checked had violations

Violations Discovered

Fed	State	Total
2		2

Checked

Fed	State	Total
5		5

BASIC Impacted
Driver Fitness

Rating Factor 2:
Driver = Part 391

Example/Notes:

Driver name, Joshua Stiles
Trip date. 9/27/2024
Description of violation: Failing to maintain driver qualification file on each driver employed.

Flex Solutions LLC failed to provide a Driver Qualification file for Joshua Stiles.

4. Primary: 396.3(b)

Failing to keep minimum records of inspection and vehicle maintenance.



Critical

At least 10% of the number checked had violations

Violations
Discovered

Fed	State	Total
5		5

Checked

Fed	State	Total
5		5

Drivers/Vehicles in Violation

Fed	State	Total
2		2

Checked

Fed	State	Total
5		5

Example/Notes:

Company number OR Vehicle license number, KS- [REDACTED], TX- [REDACTED]
Trip date. 12/3/2024

On 12/3/2024, Flex Solutions LLC allowed or required driver, Jose Gonzalez Lopez to operate a 2017 Kenworth with VIN # [REDACTED] 8299. Flex Solutions LLC failed to provide a maintenance record for this unit.

5. 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
5		5

Checked

Fed	State	Total
5		5

Drivers/Vehicles in Violation

Fed	State	Total
5		5

Checked

Fed	State	Total
5		5

Example/Notes:

Vehicle 2017 Kenworth, plate: TX- [REDACTED]
Date of trip:12/3/2024

Description: On 12/3/2024, Jose Gonzalez Lopez was operating for Flex Solutions LLC. He started the day in Topeka, KS and was stopped for vehicle inspection in Arkansas. The Arkansas Highway Patrol conducted a roadside inspection on him, report number AR5450000411. His destination was to Jackson, MS for the day. Flex Solutions LLC failed to provide proof of Annual Inspections for the vehicles being operated.

Drivers/Vehicles in Violation

Fed	State	Total
5		5

Checked

Fed	State	Total
5		5

6. Primary: 392.2
Secondary: K.S.A. 79-34,109

Failure to pay IFTA or obtain a fuel permit

Example/Notes:

Vehicle: 2017 Kenworth, plate: TX [REDACTED]

Driver: Jose Gonzalez Lopez

Trip Date: 12/3/2024

Violation Description: On 12/3/2024, Jose Gonzalez Lopez was operating for Flex Solutions LLC. He started the day in Topeka, KS and was stopped for vehicle inspection in Arkansas. The Arkansas Highway Patrol conducted a roadside inspection on him, report number AR5450000411. His destination was to Jackson, MS for the day. At the time of that inspection the motor carrier did pay the IFTA fuel tax.

7. Primary: 392.2
Secondary: K.S.A. 66-1,111

Operating without Kansas Corporation Commission For-Hire authority

Example/Notes:

Vehicle: 2013 Freightliner, plate: KS [REDACTED]

Driver: Joshua Stiles

Trip Date: 9/27/2024

Description: On 9/30/2024, Joshua Stiles was operating for Flex Solutions LLC. He made a trip that day that was strictly within the state of Kansas, originating in Wichita, KS with the destination in Goddard, KS. At that time and currently the motor carrier has not been granted operating authority in the state of Kansas.

8. Primary: 392.2
Secondary: K.S.A. 8-142

Operating a Commercial Motor Vehicle without valid registration

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
	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
	5	5

Checked

Fed	State	Total
	5	5

Example/Notes:

Vehicle: 2013 Freightliner KS 194664

Trip Date:9/30/2024

Driver: Felix Onyango

Description: On 9/30/2024, Felix Onyango was operating for Flex Solutions LLC. He made a trip that day for Dillons that was strictly within the state of Kansas. Felix was transporting frozen food from Hutchinson, Kansas to Wichita, Kansas. The vehicle used did not have a valid registration.

9. Primary: 392.2
Secondary: K.S.A. 8-2,125
Using a driver without a valid CDL

Drivers/Vehicles in Violation

Fed	State	Total
	5	5

Checked

Fed	State	Total
	5	5

Violations Discovered

Fed	State	Total
	2	2

Checked

Fed	State	Total
	5	5

Example/Notes:

Driver: Jose Gonzalez Lopez

Trip: 12/3/2024

Description: On 12/3/2024, Flex Solutions LLC allowed or required driver, Jose Gonzalez Lopez to haul a load from Topeka, KS to Jackson, MS. At the time of operation, Jose Gonzalez Lopez did not have a valid CDL.

10. 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
	2	2

Checked

Fed	State	Total
	5	5

Violations Discovered

Fed	State	Total
3		3

Checked

Fed	State	Total
6		6

Example/Notes:

Driver name: Jose Gonzalez Lopez

Selection date:10/1/2024

Trip date: 12/3/2024

Flex Solutions LLC failed to add/remove drivers from the Random Drug & Alcohol pool which failed to give drivers an equal chance of being selected. Flex Solutions LLC failed to enroll the following drivers in the carrier random drug & alcohol pool for the 4th quarter: Colby Clark, Joshua Stiles, Jose Gonzalez Lopez, and Felix Onyango.

11. Primary: 382.601(a)
Failing to provide educational materials explaining requirements of part 382 and

Drivers/Vehicles in Violation

Fed	State	Total
3		3

Checked

Fed	State	Total
6		6

Violations Discovered

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

employer's drug and alcohol program policies.

1		1
Checked		
Fed	State	Total
1		1

Example/Notes:

Name, Jose Gonzalez Lopez
Trip date: 12/3/2024
Information not provided: Flex Solutions LLC had no record of a written Drug & Alcohol Policy that met all the requirements of part 382.

Drivers/Vehicles in Violation		
Fed	State	Total
1		1
Checked		
Fed	State	Total
1		1

12. Primary: 382.603

Failing to ensure person designated to determine that drivers undergo reasonable suspicion testing receive 60 minutes training for alcohol and/or 60 minutes of training for controlled substances.

Violations Discovered		
Fed	State	Total
1		1
Checked		
Fed	State	Total
1		1

Example/Notes:

Driver name, Jose Gonzalez Lopez
Trip date, 12/3/2024
Supervisor/Company official not trained: Felix Onyango

On 12/3/2024, Jose Gonzalez Lopez was operating for Flex Solutions LLC. During that time, there was no individual for the motor carrier who had gone through the adequate training to determine drivers undergo reasonable suspicion testing.

Drivers/Vehicles in Violation		
Fed	State	Total
1		1
Checked		
Fed	State	Total
1		1

13. Primary: 382.711(b)

Failing to register in the Clearinghouse.

Violations Discovered		
Fed	State	Total
1		1
Checked		
Fed	State	Total
1		1

Example/Notes:

Trip: 12/3/2024
Driver: Jose Gonzalez Lopez
Violation: Failing to register in the Clearinghouse.

Drivers/Vehicles in Violation		
Fed	State	Total
1		1
Checked		
Fed	State	Total

On 12/3/2024, Jose Gonzalez Lopez was operating for Flex Solutions LLC and had a vehicle inspection conducted in Arkansas. The report number is-AR5450000411, at the time of the inspection the motor carrier was not enrolled in the Drug & Alcohol Clearinghouse.

11

14. Primary: 391.21(a)

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

Violations Discovered

Fed	State	Total
1		1

Checked

Fed	State	Total
5		5

Example/Notes:

Driver name, Jose Gonzalez Lopez

Trip date. 12/3/2024

Description of violation: Using a driver who has not completed and furnished an employment application.

Drivers/Vehicles in Violation

Fed	State	Total
1		1

Checked

Fed	State	Total
5		5

Flex Solutions LLC failed to provide complete applications for drivers: Jose Gonzalez Lopez, Bashir Ibrahim, and Meschach Riley. The employment applications provided failed to provide 10 years of employment history.

15. Primary: 391.23(c)

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

Violations Discovered

Fed	State	Total
1		1

Checked

Fed	State	Total
5		5

Example/Notes:

Driver name, Jose Gonzalez Lopez

Trip date. 12/3/2024

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

Drivers/Vehicles in Violation

Fed	State	Total
1		1

Checked

Fed	State	Total
5		5

Flex Solutions LLC failed to provide record or documentation of obtaining an MVR for driver, Jose Gonzalez Lopez within 30 days of employing the driver.

16. Primary: 391.53(b)(2)

Failure to maintain in Driver Investigation History file a copy of the response(s) received for investigations required by paragraphs (d) and (e) of section 391.23 from each previous employer, or documentation of good faith efforts to contact them.

Violations Discovered

Fed	State	Total
1		1

Checked

Fed	State	Total

Example/Notes:

Driver name: Jose Gonzalez Lopez

Trip date: 12/3/2024

Description of violation: Failure to maintain in Driver Investigation History file a copy of the response(s) received for investigations required by paragraphs (d) and (e) of section 391.23 from each previous employer, or documentation of good faith efforts to contact them.

Drivers/Vehicles in Violation

Fed	State	Total
1		1

Checked

Fed	State	Total
5		5

On 12/3/2024, Jose Gonzalez Lopez was operating for Flex Solutions LLC and had a vehicle inspection conducted in Arkansas. The report number is-AR5450000411, at the time of the inspection the motor carrier had three drivers with no record of a previous employer check being conducted on them. Those individuals were Jose Gonzalez Lopez, Bashir Ibrahim, and Meshach Riley.

17. Primary: 395.8(a)(1)

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

Violations Discovered

Fed	State	Total
11		11

Checked

Fed	State	Total
150		150

Example/Notes:

Number Checked - Number of days in sample: 150

Number Discovered - Number discovered not using the appropriate method:11

On 12/3/2024, Flex Solutions LLC allowed or required driver, Jose Gonzalez Lopez to operate a CMV from Topeka, KS to Jackson, MS. Flex Solutions LLC failed to provide records of duty status for driver, Jose Gonzalez Lopez.

Drivers/Vehicles in Violation

Fed	State	Total
1		1

Checked

Fed	State	Total
5		5

18. Primary: 395.13(d)

Operating a commercial motor vehicle after being declared out of service and before the driver may lawfully do so under the rules of Part 395.

Violations Discovered

Fed	State	Total
1		1

Checked

Fed	State	Total
5		5

Example/Notes:

Driver Name Jose Gonzalez Lopez

Vehicle ID: 2017 Kenworth, Plate- [REDACTED], VIN- [REDACTED] 8299

Drivers/Vehicles in Violation

Fed	State	Total
1		1

Checked

Date/Time Driver Placed OOS: 12/3/2024 @ 11:00 AM	Fed	State	Total
OOS Violation/Duration of OOS period 395.8A1-HOSP. Until driver has ELD.	5		5
Date/Time Operated 12/3/2024 @ 11:00 AM			

On 12/3/2024, Jose Gonzalez Lopez was operating for Flex Solutions LLC. During a vehicle inspection in Arkansas, he was cited and placed OOS for failing to have a record of duty status using the method prescribed as well as not having a valid CDL. The report number is AR5450000411 and he proceeded to complete his trip which ended on 12/5/2024.

19. 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
Checked		
Fed	State	Total
3		3

Example/Notes:

Date of inspection, 9/27/2024
Issuing agency, Kansas Highway Patrol
Driver name/Vehicle ID. Joshua Stiles/ 2015 Kenworth

Drivers/Vehicles in Violation		
Fed	State	Total
3		3
Checked		
Fed	State	Total
3		3

Flex Solutions LLC failed to keep or provide records of inspection for the last 12 months. The carrier had three inspections on: 4/25/24, 9/27/24, and 12/3/24.

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	Unsatisfactory	0	3
Factor 3: Operational = Parts 392 and 395	Satisfactory	0	0
Factor 4: Vehicle = Parts 393 and 396	Unsatisfactory		2
OOS Vehicles (CR): 0			
Number of Vehicles Inspected (CR): 0			
OOS Vehicles (MCMIS): 0			
Number of Vehicles Inspected (MCMIS): 0			
OOS Rate: 0%			
Factor 5: Haz. Mat. = Parts 397, 171, 177 and, 180	N/A	N/A	N/A
Factor 6: Accident Factor = Recordable Rate	Satisfactory	N/A	N/A
Total Miles Operated: 100,802			
Recordable Accidents: 1			
Recordable Accidents/Million Miles: 9.92			

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: Driver Fitness

Process Breakdown: Monitoring and Tracking

Flex Solutions LLC will ensure that regular inquiries are conducted on all drivers for the entity, both pre-employment and annual MVR checks.

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: Vehicle Maintenance

Process Breakdown: Roles and Responsibilities

Flex Solutions LLC will ensure to keep maintenance records which properly documents all repairs and maintenance being performed on all CMV's being operated. Flex Solutions LLC will also ensure that all CMV's have an annual inspection prior to allowing drivers to operate the CMV.

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.

BASIC: Unsafe Driving

Process Breakdown: Roles and Responsibilities

Flex Solutions LLC will ensure that drivers remain in compliance with Federal & State regulations concerning safe driving and documents required to be kept and valid when in operation.

Specific Recommended Remedies

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

1. Define and document driver roles and responsibilities associated with compliance with Federal, State, and local laws and ordinances related to unsafe driving.

BASIC: Controlled Substances/Alcohol

Process Breakdown: Roles and Responsibilities

Flex Solutions LLC will ensure that employees receive the adequate training to fulfill the role of conducting reasonable suspicion testing on drivers.

Specific Recommended Remedies

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

1. Ensure that managers are responsible for ascertaining that employees receive training concerning controlled substances and alcohol in accordance with State or Federal regulations and company policy.

BASIC: Controlled Substances/Alcohol

Process Breakdown: Roles and Responsibilities

Flex Solutions LLC will ensure that a manager or managers will participate in the necessary Drug & Alcohol Testing and inform employees of testing results, implications, and what the next steps are in that process.

Specific Recommended Remedies

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

1. Ensure that managers are responsible for telling employees of a failed test and its implications.

BASIC: Controlled Substances/Alcohol

Process Breakdown: Roles and Responsibilities

Flex Solutions LLC will ensure that all drivers are pre-employment tested prior to operating a CMV, will have a written policy that covers all parts of 382, will complete Reasonable Suspicion Training, will enroll in the Drug & Alcohol Clearinghouse, and will ensure that all drivers are enrolled in a Random Drug & Alcohol pool prior to operating a CMV.

Specific Recommended Remedies

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

1. Regardless of carrier membership in a consortium, ensure that the carrier defines and documents the role and responsibilities of the designated employer representative (DER) in monitoring test procedures and checking results.

BASIC: Driver Fitness

Process Breakdown: Roles and Responsibilities

Flex Solutions LLC will ensure that managers will maintain qualifications to adhere to the regulations that are applicable to the entity.

Specific Recommended Remedies

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

1. Define and document roles and responsibilities of managers and supervisors in providing training and maintaining qualifications for all employees according to driver-fitness regulations and company policies and procedures.

BASIC: Driver Fitness

Process Breakdown: Roles and Responsibilities

Flex Solutions LLC will ensure that drivers have a valid CDL prior to operating a CMV, are medically examined, and will ensure that the carrier obtain an MVR within 30 days to ensure the drivers are in fact qualified to operate a CMV.

Specific Recommended Remedies

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

1. Define and document roles and responsibilities of drivers, dispatchers, and other personnel according to driver fitness regulations and company policies and procedures.

BASIC: Vehicle Maintenance

Process Breakdown: Roles and Responsibilities

Flex Solutions LLC will ensure to keep maintenance records which properly documents all repairs and maintenance being performed on all CMV's being operated. Flex Solutions LLC will also ensure that all CMV's have an annual inspection prior to allowing drivers to operate the CMV.

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.

BASIC: Vehicle Maintenance

Process Breakdown: Roles and Responsibilities

Flex Solutions LLC will ensure to keep maintenance records which properly documents all repairs and maintenance being performed on all CMV's being operated. Flex Solutions LLC will also ensure that all CMV's have an annual inspection prior to allowing drivers to operate the CMV.

Specific Recommended Remedies

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

1. Empower the person who is in charge of fixing trucks with the authority to complete tasks, such as the purchasing of new parts when needed.

BASIC: Unsafe Driving

Process Breakdown: Roles and Responsibilities

Flex Solutions LLC will ensure that drivers remain in compliance with Federal & State regulations concerning safe driving and documents required to be kept and valid when in operation.

Specific Recommended Remedies

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

1. Define and document roles and responsibilities of managers and supervisors for implementing safe-driving policies and monitoring compliance with them.

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

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

4. **SMS website**

You are encouraged to review your company's SMS results and take action to make the roads safer for everyone. Your public safety records are available at the following website: <http://ai.fmcsa.dot.gov/sms>. Also visit <https://portal.fmcsa.dot.gov> which provides real time data and the opportunity to review you safety data. You will need to use your PIN number that has been provided by FMCSA. Registration and access is free.

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

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

6. **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.

7. **Clearinghouse Registration - Employer**

Ensure you are registered in the Clearinghouse by visiting <https://clearinghouse.fmcsa.dot.gov>.

8. **Clearinghouse Driver Consent**

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

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. **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.

11. **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.

12. **Reasonable Suspicion Training**

Provide new-hire and refresher training, to all managers, other designated personnel, and the designated employer representative (DER), on controlled-substance and alcohol regulations and related company policies and procedures, including those pertaining to prohibited behavior; testing protocols and monitoring, for example, on grounds of "reasonable suspicion"; the consequences of a positive test result; referral to a substance-abuse professional (SAP); and confidentiality requirements in relation to recordkeeping.

13. **Driver drug tests required.**

Ensure that all drivers subject to pre-employment, random, reasonable cause, post accident, return to duty, and/or follow-up controlled substance testing are tested as required by 49 CFR Parts 40 and 382 of the FMCSR.

14. **Part 40 Violations**

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

15. Liability Insurance required.

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

16. Retain MCS-90 financial responsibility endorsement on file.

Retain on file a properly completed & current copy of your form MCS-90 financial responsibility endorsement.

17. 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.

18. Duty status records must be kept on file for 6 months.

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

19. Obtain new driver's on-duty-time for past 7 days.

Obtain from any driver used for the first time (or intermittently) a signed statement showing the total time on-duty during the preceding seven (7) days and the time at which the driver was last relieved from duty.

20. Retain supporting documents for 6 months.

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

21. 150-mile exemption terms must be met.

If you want some drivers to use the 150 air-mile radius exemption, make sure that the drivers meet all terms of the exemption, including being released from duty no more than 14 hours from when they report for duty. Logs must be prepared if a driver does not meet the 14 hour requirement.

22. 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.

23. 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.

24. Ensure that inspections are done at proper intervals.

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

25. Inspector's Qualifications

Ensure that the individual conducting an annual inspections on vehicles and/or trailers has the proper qualifications. Place all certificates of inspector's qualifications in the vehicle maintenance files along with all completed annual inspections.

26. 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>).

27. Serious Violations

This review contains violations that are serious in nature and may result in a penalty assessment against the company and/or drivers.

28. 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.

29. **Unsatisfactory & Conditional Compliance Reviews**

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

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

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

NOTICE: A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation.

Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six year period.

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

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

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

FMCSA Carrier Safety Measurement System (SMS) is based on ongoing analysis and feedback from enforcement personnel, the motor carrier industry, and other stakeholders. SMS effectively identifies and prioritize high risk and other unsafe motor carriers for DC TRANSPORT LLC (U.S.DOT# 2574635) - 1/18/2023 11:58:51 AM - Page 15

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 Holiday 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/>.

30. **CAP to Commission**

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: 785-721-3124

or mail:

Kansas Corporation Commission

Attn: Jared Smith

1500 SW Arrowhead Rd

Topeka, KS 66604-4027

31. **Acknowledgment Signature**

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

Carrier Representative

Date

Table 1: Violations Discovered During Review/Inspection

Violation	Date	Identifying Information	Description
391.21(a) - Incomplete or no employment application			
1	12/03/2024	Driver: Jose Gonzalez Lopez	Using a driver who has not completed and furnished an employment application.
391.53(b)(2) - Previous employer check not in Investigation History file			
1	12/03/2024	Driver: Jose Gonzalez Lopez	Failure to maintain in Driver Investigation History file a copy of the response(s) received for investigations required by paragraphs (d) and (e) of section 391.23 from each previous employer, or documentation of good faith efforts to contact them.
396.9(d)(3) - Failing to keep roadside inspection form 12 mo. at PPOB			
1	04/25/2024	Equipment: Felix Onyango	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.
2	09/27/2024	Equipment: Joshua Stiles	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.
3	12/03/2024	Equipment: Jose Gonzalez-Lopez	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.
382.301(a) - Using a driver before receiving a pre-employment result			
1	09/27/2024	Driver: Joshua Stiles	Using a driver before the motor carrier has received a negative pre-employment controlled substance test result.
2	09/30/2024	Driver: Felix Onyango	Using a driver before the motor carrier has received a negative pre-employment controlled substance test result.
382.305(i)(2) - Not ensuring each driver has an equal chance at random test			

- | | | |
|---|------------|---|
| 1 | 12/03/2024 | Driver: Joshua Stiles-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. |
| 2 | 12/03/2024 | Driver: Jose Gonzalez-Lopez-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. |
| 3 | 12/03/2024 | Driver: Felix Onyango-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. |

382.601(a) - Failing to provide controlled substances educational materials

- | | | |
|---|------------|--|
| 1 | 12/03/2024 | Driver: Jose Gonzalez Lopez-Failing to provide educational materials explaining requirements of part 382 and employer's drug and alcohol program policies. |
|---|------------|--|

382.603 - Fail to get "reasonable suspicion" designee 60 min training

- | | | |
|---|------------|---|
| 1 | 12/03/2024 | Driver: Felix Onyango-Failing to ensure person designated to determine that drivers undergo reasonable suspicion testing receive 60 minutes training for alcohol and/or 60 minutes of training for controlled substances. |
|---|------------|---|

382.711(b) - Failing to register in the Clearinghouse.

- | | | |
|---|------------|---|
| 1 | 12/03/2024 | Driver: Failing to register in the Clearinghouse. Jose Gonzalez Lopez |
|---|------------|---|

391.23(c) - Failing to investigate driver's background within 30 days

- | | | |
|---|------------|--|
| 1 | 12/03/2024 | Driver: Jose Gonzalez Lopez-Failing to investigate driver's background within 30 days of employment. |
|---|------------|--|

391.45(a) - Using a driver not medically examined and certified

- | | | |
|---|------------|--|
| 1 | 09/27/2024 | Driver: Joshua Stiles-Using a driver not medically examined and certified. |
| 2 | 12/03/2024 | Driver: Jose Gonzalez-Lopez-Using a driver not medically examined and certified. |
| 3 | 09/30/2024 | Driver: Felix Onyango-Using a driver not medically examined and certified. |

391.51(a) - Failing to maintain driver qual. file on each driver

- | | | |
|---|------------|--|
| 1 | 09/30/2024 | Driver: Felix Onyango-Failing to maintain driver qualification file on each driver employed. |
|---|------------|--|

2 09/27/2024 Driver: Joshua Stiles-Failing to maintain driver qualification file on each driver employed.

392.2 - Failure to pay IFTA or obtain a fuel permit

1 12/03/2024 Jose Gonzalez-Lopez-Failure to pay IFTA or obtain a fuel permit

392.2 - Operating without Kansas Corporation Commission For-Hire authority

1 09/27/2024 Joshua Stiles-Operating without Kansas Corporation Commission For-Hire authority

392.2 - Operating a Commercial Motor Vehicle without valid registration

1 04/25/2024 Felix Onyango- 2013 Freightliner VIN # [REDACTED] 4196. Operating a Commercial Motor Vehicle without valid registration

2 12/03/2024 Jose Gonzalez-Lopez 2017 KW VIN # [REDACTED] 8299. Operating a Commercial Motor Vehicle without valid registration

3 12/03/2024 Jose Gonzalez-Lopez- 2008 UTIL VIN # [REDACTED] 9204. Operating a Commercial Motor Vehicle without valid registration

4 09/27/2024 Joshua Stiles- WANC VIN # [REDACTED] 0502. Operating a Commercial Motor Vehicle without valid registration

5 09/27/2024 Joshua Stiles- 2015 KW VIN # [REDACTED] 8299. Operating a Commercial Motor Vehicle without valid registration

392.2 - Using a driver without a valid CDL

1 09/27/2024 Joshua Stiles- 9/27/2024, Joshua Stiles had a vehicle inspection conducted with a violation of operating a CMV without a CDL

2 12/03/2024 Jose Gonzalez-Lopez-12/3/2024, Jose Gonzalez Lopez had a vehicle inspection conducted with a violation of operating a CMV without a CDL

395.8(a)(1) - Failing to require a driver to prepare a RODS using the appropriate method

1 11/25/2024 Jose Gonzalez-Lopez- Failing to require a driver to prepare a record of duty status using the appropriate method.

2 11/26/2024 Jose Gonzalez-Lopez- Failing to require a driver to prepare a record of duty status using the appropriate method.

3	11/27/2024	Jose Gonzalez-Lopez- Failing to require a driver to prepare a record of duty status using the appropriate method.
4	11/28/2024	Jose Gonzalez-Lopez- Failing to require a driver to prepare a record of duty status using the appropriate method.
5	11/29/2024	Jose Gonzalez-Lopez- Failing to require a driver to prepare a record of duty status using the appropriate method.
6	11/30/2024	Jose Gonzalez-Lopez- Failing to require a driver to prepare a record of duty status using the appropriate method.
7	12/01/2024	Jose Gonzalez-Lopez- Failing to require a driver to prepare a record of duty status using the appropriate method.
8	12/02/2024	Jose Gonzalez-Lopez- Failing to require a driver to prepare a record of duty status using the appropriate method.
9	12/03/2024	Jose Gonzalez-Lopez- Failing to require a driver to prepare a record of duty status using the appropriate method.
10	12/04/2024	Jose Gonzalez-Lopez- Failing to require a driver to prepare a record of duty status using the appropriate method.
11	12/05/2024	Jose Gonzalez-Lopez- Failing to require a driver to prepare a record of duty status using the appropriate method.

395.13(d) - Driving CMV after being placed OOS for HOS violation (DRIVER).

1	12/03/2024	Jose Gonzalez-Lopez-Operating a commercial motor vehicle after being declared out of service and before the driver may lawfully do so under the rules of Part 395.
---	------------	--

396.3(b) - Failing to keep minimum records of inspection and maintenance

1	12/03/2024	Equipment: Jose Gonzalez-Lopez- KW 2017 VIN # [REDACTED] 8299. Failing to keep minimum records of inspection and vehicle maintenance.
2	12/03/2024	Equipment: Jose Gonzalez-Lopez- UTIL 2008 VIN # [REDACTED] 9204. Failing to keep minimum records of inspection and vehicle maintenance.
3	09/27/2024	Equipment: Joshua Stiles- KW VIN # [REDACTED] 7796. Failing to keep minimum records of inspection and vehicle maintenance.

- 4 09/27/2024 Equipment: Joshua Stiles- WANC VIN # [REDACTED] 0502. Failing to keep minimum records of inspection and vehicle maintenance.
- 5 05/25/2024 Equipment: Felix Onyango- UTIL VIN # [REDACTED] 4196. Failing to keep minimum records of inspection and vehicle maintenance.

396.17(a) - Using a CMV not periodically inspected

- 1 04/25/2024 Equipment: Felix Onyango- UTIL VIN # [REDACTED] 4196. Using a commercial motor vehicle not periodically inspected.
- 2 12/03/2024 Equipment: Jose Gonzalez-Lopez- KW 2017 VIN # [REDACTED] 8299. Using a commercial motor vehicle not periodically inspected.
- 3 12/03/2024 Equipment: Jose Gonzalez-Lopez- UTIL VIN # [REDACTED] 9204. Using a commercial motor vehicle not periodically inspected.
- 4 09/27/2024 Equipment: Joshua Stiles- KW VIN # [REDACTED] 7796. Using a commercial motor vehicle not periodically inspected.
- 5 09/27/2024 Equipment: Joshua Stiles WANC VIN # [REDACTED] 0502 . Using a commercial motor vehicle not periodically inspected.

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: KSHP02750500
Inspection Date: 09/27/2024
Start: 9:55 PM CT End: 12:30 AM CT
Inspection Level: III - Driver/Credential
HM Inspection Type: None

Carrier: FLEX SOLUTIONS LLC

DBA:

7720 E GILBERT ST
WICHITA, KS, 67207

USDOT: 3209589

MC/MX#:

State#:

Location: SEDGWICK COUNTY - 173

Highway: 1600 S 151ST W

County:

Email:

Phone#: (316)816-5111

Fax#:

Driver: STILES, JOSHUA E

License#:

Date of Birth:

CoDriver:

License#:

Date of Birth:

State: KS

State:

Milepost: Shipper: N/A

Origin: GODDARD,KS

Destination: WICHITA,KS

Bill of Lading: N/A

Cargo: GENERAL FREIGHT

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate	Equipment ID	VIN	GVWR	CVSA #	Issued #	OOS Sticker
1	TT	KW	2015	US				7796	53200		
2	ST	WANC	2006	IL		0306155		0502	68000		

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

VIOLATIONS

Section	Type	Unit	OOS	Citation #	VerifyCrash	Violations Discovered
392.2	F	D	N		N	N Violation of Local Laws - Explain:: Operating a vehicle without head lights on when required sunset to sunrise. Local law K.S.A. 8-1703.
392.5A2-UI	F	D	Y		N	N Operating a CMV while under the influence of an intoxicating beverage regardless of its alcohol content.: Driver's BAC .063%. Local law K.S.A. 8-2,144(a).
392.2	F	D	N		N	N Violation of Local Laws - Explain:: Operating a vehicle without an Ignition Interlock Device when required. Local law K.S.A. 8-1017(a)(4).
392.2DL	F	D	N		N	N Miscellaneous Drivers License Violation: Operating a vehicle in violation of court ordered restrictions. Local law K.S.A. 8-291.
392.4A-POS	F	D	Y		N	N Driver on duty and in possession of a narcotic drug / amphetamine: Driver possessed 16.6 grams of Psilocybin and 2.22 grams of methamphetamine. Local law K.S.A. 21-5706.
383.23A2	F	D	Y		N	N Operating a CMV without a CDL: Operating a CMV without a CDL on 9/27/2024
392.5A2-DETECT	F	D	Y		N	N Driver having any measured alcohol concentration, or any detected presence of alcohol while on duty, or operating, or in physical control of a CMV
392.2FT	F	D	N		N	N State or International Fuel Tax (IFTA) Violation: Local law K.S.A. 79-34,122.
391.41A1-NPH	F	D	N		N	N Operating a property-carrying vehicle without possessing a valid medical certificate - no previous history.: Driver did not have a medical card to operate a CMV.

HazMat: No HM transported

Placard:

Cargo Tank:

Special Checks: X Alcohol/Controlled Substance Check X Traffic Enforcement

Notes: KHP case # 2024-011658. Goddard Case # 24-798. Outside assist for Goddard PD. Officer Carpenter ID# GO23 primary investigating officer. 316-619-4183. Requested a DOT inspection on the driver due to being arrested for DUI. Driver was operating a non-registered truck-tractor pulling a Dillon's trailer loaded with general freight. When I arrived on scene Officer Carpenter had already transported Stiles to the Goddard Police Dept for Intox analysis. Officer Carpenter advised Stiles tested .063% BAC and was arrested for DUI and transported to the SG Co. jail. were I met him. Stiles stated he was just helping out with the load. He said the truck-tractor that was supposed to take the load broke down so, he literally got into another truck-tractor that was not registered or assigned any DOT # or company affiliated and hooked up to the trailer. Stiles said he was passing through from Pratt, KS and picked the trailer up at the Dillon's distribution center in Goddard, KS and was taking the load to Dillons on 47th St South in Wichita, KS. The truck-tractor needed to have everything associated with a CMV. Drisco's DOT # 1123267 was still on the sides of the vehicle. 2023 IFTA stickers were on the sides of the vehicle. The name "DRISCO" was seen but it was from the decals being pulled off and it was just the shadow of the letters left. The old unit number 0306155 was still on the sides of the vehicle. Officer Carpenter took a photograph of business cards with Stiles'



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: KSHP02750500
Inspection Date: 09/27/2024
Start: 9:55 PM CT End: 12:30 AM CT
Inspection Level: III - Driver/Credential
HM Inspection Type: None

name on them showing he was an employee of Flex Solutions. Flex's DOT # is 3209589. Flex Solutions is still a valid DOT # and in good standing. When I questioned Stiles about who he was working for or operating under, he said no one. He said he was simply in the area passing through. Stiles admitted he did not have a medical card. When checked through SmartCop there was no medical card information. SmartCop also indicated Stiles has never had a CDL. All information was confirmed with KHP dispatch. see imagenow 01.16

* 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 JOSHUA STILES "OUT OF SERVICE". No person and/or carrier shall permit and/or require this driver to operate any commercial vehicle until: Until eligibility is reestablished.. This Out of Service condition may result in the assessment of a Civil Penalty being issued against the Carrier indicated on this report. Driver Initials _____

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

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

Report Prepared By: ID/Badge #:
P. Perez 0275

Copy Received By:
JOSHUA STILES

X

X



EXHIBIT 3

DRIVER/VEHICLE EXAMINATION REPORT

Arkansas Highway Police
District 2
PO Box 2779
Little Rock, AR 72203
501-569-2421

Report Number: AR5450000411
Inspection Date: 12/03/2024
Start: 11:00 AM CT End: 12:10 PM CT
Inspection Level: III - Driver/Credential
HM Inspection Type: None

Carrier: FLEX SOLUTIONS LLC

DBA:

7720 E GILBERT ST
WICHITA, KS, 67207

USDOT: 3209589

MC/MX#:

State#:

Location: Interstate 40, Russellville

Highway:

County: Pope County

Email:

Phone#: 3168165111

Fax#:

Driver: GONZALEZ LOPEZ, JOSE A

License#:

Date of Birth:

CoDriver:

License#:

Date of Birth:

State: KS

State:

Milepost: 84 Shipper: Resers Fine Foods

Origin: TOPEKA, KS

Destination: JACKSON, MS

Bill of Lading: LD861289

Cargo: Refrigerated Foods

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate	Equipment ID	VIN	GVWR	CVSA #	Issued #	OOS Sticker
1	TT	KW	2017	TX				8299	48000		
2	ST	UTIL	2008	KS				9204	65000		

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

VIOLATIONS

Section	Type	Unit	OOS	Citation #	Verify	Crash	Violations Discovered
383.23A2-LCDLN	F	D	Y	800A1905020	U	N	License (CDL) - Operate a CMV and does not possess a valid CDL: A.C.A. 27-23-107 No CDL: Downgraded to a valid Non-CDL status due to not having a valid medical card on file
391.41A-MCPC	F	D	N		N	N	Medical (Certificate) - Operating a property-carrying vehicle without possessing a valid medical certificate: Driver does not possess a valid medical certification to operate the CMV being driven. Last medical card expired Nov 10, 2024
395.8A1-HOSP	F	D	Y		U	N	HOS (Property) - Failing to have a record of duty status using the method prescribed: Driver does not possess any form of a record of duty status. Tractor not equipped with ELD and driver didn't have a paper log
392.2-SLLIRP	F	1	N	800A1905020	U	N	State/Local Laws - IRP apportioned tag or registration violation: A.C.A. 27-14-701 Expired Registration: Tractor registration expired the last day of June 2024
392.2-SLLFY	F	D	N		N	N	State/Local Laws - Failed to yield right of way: A.C.A. 27-51-501: Driver failed to yield right of way while merging onto the interstate from an on-ramp and struck another motor vehicle in the slow lane

HazMat: No HM transported

Placard: No

Cargo Tank:

Special Checks: X Traffic Enforcement

Pursuant to authority contained in Title 49, Code of Federal Regulations, Section 395.13, I hereby notify and declare the driver: JOSE GONZALEZ LOPEZ named on this report OUT OF SERVICE. No motor carrier shall permit or require this driver to drive or operate any motor vehicle until: Qualified. Penalties up to \$10,000 are prescribed for violating this out-of-service order (49 CFR 386.82).

The undersigned certifies that all violations noted on this report have been corrected and action has been taken to assure compliance with the Federal Motor Carrier Safety and Hazardous Materials Regulations insofar as they are applicable to motor carriers and drivers. False certifications of the required repairs are required to be prosecuted with penalties up to \$10,000.

Signature Of Repairer X: _____ Facility: _____ Date: _____

NOTE TO DRIVER: This report must be furnished to the motor carrier whose name appears at the top of this report. [49 CFR 396.9(d)(1)] NOTE TO MOTOR CARRIERS: The undersigned certifies all violations noted on this report have been corrected and action has been taken to assure compliance insofar as they are applicable to motor carriers and drivers. Retain a copy at the principal place of business or where the vehicle is housed for 12 months from the date of the inspection.

Signature Of Motor Carrier X: _____ Title: _____ Date: _____

Report Prepared By: ID/Badge #:

A. James

545

Copy Received By:

JOSE GONZALEZ LOPEZ

X

X



EXHIBIT 4

MCMIS Status: A

▼ Company Information

Legal Name: FLEX SOLUTIONS LLC

DBA Name:

Phone: (316) 816-5111 Cell:

Fax:

Email: FLEXSOLUTIONSLLC@GMAIL.COM

Bus. Type: No Data BEIN:

[Edit](#)

► Address

Insurance

Authority

Cargo

S

Date Granted

Authority

Service

Status

Status Date

Reason

Action

Aut

No Authority

EXHIBIT 5



Titus Transport Holdings LLC Trip Sheet

Order No 2215294

Status Available

Ref No 20240930-F22107

Order date 09/30/2024 0618

--Early Date/Time--

--Late Date/Time--

Pickup 09/30/2024 2200

10/01/2024 2300

BOL

Trailer

-----Shipper-----

-----Consignee-----

DILLHUKS Dillons Hutchinson DC 036
2700 East Fourth Ave
HUTCHINSON, KS 67501

DILLHUKS Dillons Hutchinson DC 036
2700 East Fourth Ave
HUTCHINSON, KS 67501

N/A

N/A

Shipper DILLHUKS

Bill Miles 120.0

Consignee DILLHUKS

Weight 0.0

Pieces 0

Dispatch Information

Delivered at HUTCHINSON, KS

Tractor 52164

4196Trailer

E.T.A.

Driver FLEXSO Felix Onyango Flex solutions

Stop Detail

Type	Name	Address	City	State
			Date/Time	
PU	Dillons Hutchinson DC 036 <u>620-689-3459</u>	2700 East Fourth Ave	HUTCHINSON <u>09/30/2024 2200</u>	KS
SO	Dillons Store 03600025 <u>620-683-4464</u>	208 W 5th St	HUTCHINSON <u>10/01/2024 0000</u>	KS
SO	Dillons Store 03600056 <u>316-891-9142</u>	3707 N Woodlawn	WICHITA <u>10/01/2024 0100</u>	KS
SO	Dillons Store 03600091 <u>316-881-6830</u>	3020 E Douglas Ave	WICHITA <u>10/01/2024 0200</u>	KS
SO	Dillons Store 03600089 <u>316-838-1158</u>	1910 W 21st St North	WICHITA <u>10/01/2024 0300</u>	KS
SO	Dillons Hutchinson DC 036 <u>620-689-3459</u>	2700 East Fourth Ave	HUTCHINSON <u>10/01/2024 2300</u>	KS

Date _____

RD

TEMP ZONE 1

TEMP ZONE 2

TRAILER #

To/From	Warehouse	Driver Signature	Seal	Seal Intact Y/N	Driver Signature	Temp
	56	Mike Rower				
	55	A. J. J.				

Blue seals are for return to DC

[illegible]

Notes

EXHIBIT 6

Jared Smith [KCC]

To: Matthew Rose [KCC]
Subject: RE: Flex Solutions LLC Vehicle Registration

From: Donald Lee [KDOR] <Donald.Lee@KS.GOV>
Sent: Tuesday, February 11, 2025 8:45 AM
To: Matthew Rose [KCC] <Matthew.Rose@ks.gov>
Subject: RE: Flex Solutions LLC Vehicle Registration

Good Morning Matt,

I can tell you Flex Solutions has been on our radar for a while. They currently have no current registrations on 4 trucks and 1 trailer that had been registered in 2023. They invoiced their 2024 renewal but at that time there was an issue with their USDOT via PRISM. They never made it past invoice stage on their 2024 renewal.

They then acquired a new USDOT 3991995 Prime 777 and attempted to build a new account and move all the trucks over to that account but due to chameleon carrier issues we stopped that and sent the information up to FMCSA and KCC. Since then, Flex has tried to do several different avenues to acquire registration, but we have stopped it due to chameleon carrier issues we are obligated to via PRISM.

If you want to give me VINs I'll be happy to look them up but I'm going to bet, they are one of the following:

- 2013 Freightliner VIN [REDACTED] 4196 plate [REDACTED] declared weight 66K, unit 2
- 2014 Freightliner VIN [REDACTED] 0726 plate [REDACTED] declared weight 20K, unit 0726
- 2016 Freightliner VIN [REDACTED] 8725 plate [REDACTED] declared weight 80K, unit 1001 (this unit they deleted off their invoiced 2024 registration saying it was wrecked)
- 2016 Kenworth VIN [REDACTED] 8775 plate [REDACTED] declared weight 80K, unit 8775 (this unit they deleted off their invoiced 2024 registration saying it was sold)
- 2013 Utility VIN [REDACTED] 1044 plate [REDACTED] unit RT115 (ownership says Fleix Onyango)

None of these units or plates have active registration

Let me know how I can assist you.
Don

Don Lee
Program Consultant & Compliance
IRP Peer Review Committee Member Region 3 Chair
Division of Vehicles Commercial Motor Vehicle Team
Kansas Department of Revenue
Phone: 785-368-6531
Donald.lee@ks.gov / www.ksrevenue.org

"Life should not be a journey to the grave with the intention of arriving safely in a preey and well preserved body, but rather to skid in broadside in a cloud of smoke, thoroughly used up, totally worn out, and loudly proclaiming "WOW! What a Ride!" (Hunter S. Thompson)

EXHIBIT 7

Express Labs, Inc. DOT Drug & Alcohol Random Testing Consortium Certificate
445 Broadhollow Rd. Suite 25 Melville, NY 11747 Phone: 800-341-1185 Fax: 877-300-9762
Company below is Enrolled in Express Labs Drug & Alcohol Consortium that meets the following
DOT Requirements of 49 CFR Parts 40 & 382

2024-10-02 20:15:04

Company Name:	flex Solutions LLC
DOT Authority Number:	3209589
Enrollment Start Date:	5/10/2024
Enrollment Renewal Date:	5/10/2025
Contact Person (DER):	Felix Onyango
DER Email:	flexsolutionsllc@gmail.com
Title:	
Phone:	3168165111
Address:	7720 E Gilbert ST
City, State & Zip:	Wichita, KS 67207

Drug Testing - After Enrolling, Express Labs does not accept Drug Test Results from other Companies. Members are Required to Order Drug Tests Online or use the Quest Diagnostics Forms that Express Labs provides.

Adding Drivers to the Random Pool

Upon Enrolling, Members can Add Drivers to the Random Pool who have Negative DOT Pre-Employment Drug Test Results and have been in a Random Pool within the Previous 30 Days.


After Enrolling, Drivers are Added to the Random Pool when Negative Pre-Employment Drug Test Results are Reported from Express Labs Medical Review Officer (MRO).

Deactivating Drivers - DOT Requires Drivers to be Deactivated Immediately who are Terminated, Not Hired or Unable to be Randomly Tested.

Random Testing - DOT Requires Owner Operators to Get Tested Immediately when Notified (Once you Know you are Selected). DOT Requires Employers to Notify Drivers within the Selection Period with No Prior Notice - Once Drivers are Notified, they must get Tested Immediately. Immediately means that after Notification, All the Driver's Actions must lead to an Immediate Collection.

Random Notifications & Selections - Express Labs Conducts 4 Computerized Quarterly Random Selections which are Emailed & Posted to Member's Accounts. Employers & Owner Operators are Required to Check your Express Labs Account. If you are the Driver Selected be Prepared to Get Tested Immediately.

FMCSA Clearinghouse - As of January 6, 2020, Employers & Owner Operators are Required to Register in the FMCSA Clearinghouse and to Designate "Express Labs Consortium OFFICIAL" (Babylon NY) as your TPA/Consortium. Express Labs does not Conduct Limited or Full Queries for Employers or Owner Operators.


Mike Youngerman
Express Labs

Express Labs, Inc. DOT Drug & Alcohol Random Testing Consortium Certificate
445 Broadhollow Rd. Suite 25. Melville, NY 11747 Phone: 800-341-1185 Fax: 877-300-9762

Active Drivers Currently in the Random Pool

flex Solutions LLC - Wichita

BASHIR IBRAHIM 8877

MICHEL MUNYAMPIRWA BALINDA 5424

OLIVIER MAHORO 7069

COLBY CLARK 2456

_____ Do Not Write Below This Line _____

EXHIBIT 8

Report Compliance - REGISTERED USERS

FLEX SOLUTIONS LLC (USDOT# 3209589)

Address: 7720 E GILBERT ST; WICHITA, KS 67207; US

Email: FLEXSOLUTIONSLLC@GMAIL.COM

As of: 2/7/2025 9:27

Report Generated on : 02/07/2025 09:27

Email	Name	Role	Created	Last Login
flexsolutionsllc@gmail.com	FELIX ONYANGO	Admin	1/31/2025	1/31/2025

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 9

RESER'S FINE FOODS, INC.
3121 S. Main Ave
Topeka, KS 66607

Ship To: 00900003 00021780
SYSCO JACKSON
4400 MILWAUKEE ST.
JACKSON, MS, 39209

B.O.L.# :00711170024094626
Order :1798715
P.O.# :13553730

Trip/VIA :0861289/ SOC
Ship Date :12/02/24
Ship Time :22:12:25
Seal :0083749

817-759-6000

FREIGHT CHARGES TO BE PREPAID

Cases	Description	Weight
102	SALADS, PREPARED FOODS, MAINTAIN 33F.	1857.00
1	TEMP RECORDER REQUIRED SN:	1.00
103	TOTALS	1858.00

DISCREPANCY REPORT

Notify RESER'S by phone at 1-800-759-3151 within 24 hrs. of any discrepancy in addition to mailing written notice.

ATTACH PROOF OF DELIVERY TO ALL FREIGHT BILLS

Cases	Item#	Pack/Size Description	Pack/Size Description

I received the above freight in good order. I will maintain my refrigeration unit at 34 degrees Fahrenheit. This Trip was short _____ pallets Number of Chep pallets received 1

Driver Sig:

Alfred Gordon

CARRIER: Elberta Logistics

DRIVER NAME:

Date 12/03/2024

Received by X _____ Date _____

RECEIPT BY CUSTOMER

No credit for discrepancies will be allowed unless noted on delivery receipt.
ATTENTION RECEIVING DEPT: This carrier has met Reser's pallet exchange requirement.

Cust Sig X _____ # Cases rcv'd 102 Date 12/15/24

Sysco Jackson Receiving	
Date <u>12/15/24</u>	Case # <u>36102</u>
Time <u>8:14</u>	Temp <u>36</u>
Damage Condition Clean yes <u>no</u>	Damage yes <u>no</u>
Received By <u>J.W. [Signature]</u>	
Company <u>[Signature]</u>	

CERTIFICATE OF SERVICE

25-TRAM-320-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 03/18/2025.

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