

NOTICE OF PENALTY ASSESSMENT
24-TRAM-232-PEN

September 14, 2023

Gary D. Rea, Owner
Gary D. Rea d/b/a Rea Trucking
1801 Idaho Rd
Williamsburg, KS 66095

This is a notice of a penalty assessment against Gary D. Rea d/b/a Rea Trucking (Rea Trucking) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on June 29, 2023, by Kansas Corporation Commission Special Investigator Matthew Adams. Penalties are assessed in accordance with the FY 2024 Uniform Penalty Assessment Matrix, approved by the Commission on June 29, 2023. For a full description of the penalty(s) and terms and obligations please refer to the Order attached to this notice.

IF YOU ACCEPT THE PENALTY: Rea Trucking has been assessed a \$1,950 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$1,950, through your personal account system with the Kansas Corporation Commission's Kansas Trucking Regulatory Assistance Network (KTRAN) system located at <https://puc.kcc.ks.gov/ktran/>. If you have not received a letter from the Transportation Division assigning you a PIN, please contact that Division at 785-271-3145. You must have an account through KTRAN to pay the penalty owed.

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

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

IF YOU FAIL TO ACT: Failure to pay the penalty of \$1,950 within thirty (30) days from the date of service of the Penalty Order or failure to comply with the terms of the Order, or in the alternative, failure to provide a timely written request for a hearing, will result in the Order becoming final and may result in additional sanctions of suspension and/or revocation of your motor carrier operating authority.

Respectfully,

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

¹ K.A.R. 82-1-215; K.S.A. 77-542.

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

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

In the Matter of the Investigation of **Gary D.**)
Rea d/b/a Rea Trucking, of Williamsburg,)
KS, Regarding the Violation(s) of the Motor)
Carrier Safety Statutes, Rules and Regulations) Docket No. 24-TRAM-232-PEN
and the Commission’s Authority to Impose)
Penalties, Sanctions and/or the Revocation of)
Motor Carrier Authority.)

PENALTY ORDER

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

1. On June 29, 2023, Commission Staff Special Investigator (SI) Matthew Adams completed a safety compliance investigation of the operations of Gary D. Rea d/b/a Rea Trucking (Rea Trucking or Carrier). Rea Trucking is a motor carrier as defined in 49 C.F.R. 390.5, and operates under USDOT number 679510.

2. On August 30, 2023, Staff submitted its Report and Recommendation (R&R), dated, attached hereto as Attachment “A” and is hereby incorporated by reference, recommending a penalty of \$1,950 to be issued to Rea Trucking based on the frequency, timeline and severity of the violations discovered. Staff’s R&R indicates that as a result of the safety compliance investigations, SI Matthew Adams identified six (6) violation(s), accounting for six

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

3. Additionally, Staff recommends that Rea Trucking be required to have a representative responsibility for the Carrier's safety compliance attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and provide Litigation Counsel with written proof of attendance.³ A schedule of the dates and locations for safety seminars can be found on the Commission's website at http://kcc.ks.gov/trans/safety_meetings.htm.

4. Staff further recommends Rea Trucking submit a written, comprehensive corrective action plan (CAP) to Transportation Staff within thirty (30) days of the date of this order, documenting the violation(s) described in this Penalty Order, including specific and detailed information explaining Carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.⁴

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

6. Pursuant to K.S.A 66-1,108b, 66-1,111, 66-1,112 and 66-1,114b, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in 49 C.F.R. Part 390.5 as adopted by K.A.R. 82-4-3f, doing business or procuring business in

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

³ See Staff's Report and Recommendation, p. 4 (Aug. 30, 2023).

⁴ See Staff's Report and Recommendation, p. 4 (Aug. 30, 2023).

⁵ See Staff's Report and Recommendation, p. 4 (Aug. 30, 2023).

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

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

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

IT IS THEREFORE, BY THE COMMISSION ORDERED THAT:

A. Gary D. Rea d/b/a Rea Trucking, of Williamsburg, KS is hereby assessed a \$1,950 civil penalty for six (6) violation(s), accounting for six (6) count(s), of Kansas law governing the regulation of motor carriers, the Kansas Administrative Regulations and provisions of the Federal Motor Carrier Safety Regulations, as adopted by the Kansas Administrative Regulations.

B. Rea Trucking is hereby ordered to have a representative responsible for the Carrier's safety compliance attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and is to provide Litigation Counsel with written proof of attendance.

C. Carrier is hereby ordered to submit a written, comprehensive corrective action plan (CAP) to Transportation Staff within thirty (30) days of the date of this order, documenting

the violation(s) described in this Penalty Order, including specific and detailed information explaining Carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.

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

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

F. If a request for hearing is filed, attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. For civil penalties exceeding \$500, a corporation shall appear before the Commission by its attorney, unless waived by the Commission for good cause shown and a determination that such waiver is in the public interest.⁶

G. If you do not request a hearing, the payment of the civil penalty of \$1,950 is due in thirty (30) days from the date of service of this Order. Payment of \$1,950 must be made

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

through your personal account with the Kansas Corporation Commission's Kansas Trucking Regulatory Assistance Network (KTRAN) system located at <https://puc.kcc.ks.gov/ktran/>. You must have an account through KTRAN to pay the penalty.

H. Failure to pay the \$1,950 civil penalty within thirty (30) days from the date of service of this Penalty Order and/or failure to comply with the provisions of this Order may result in suspension of Rea Trucking's motor carrier operating authority without further notice.⁷ Additionally, the Commission may impose further sanctions to include, but not limited to, the issuance and enforcement of revocation of authority and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner (abstaining)

Dated: 09/14/2023



Lynn M. Retz
Executive Director

AAL

⁷ K.S.A. 66-1,105.

ATTACHMENT “A”

**REPORT AND RECOMMENDATION
TRANSPORTATION DIVISION**

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

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

DATE: August 30, 2023

SUBJECT: Docket No. 24-TRAM-232-PEN
In the Matter of the Investigation of **Gary D Rea d/b/a Rea Trucking of Williamsburg, 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:

Gary D Rea is a motor carrier (MC) possessing public for-hire operating authority from the Commission, primarily hauling grain, feed and hay. Gary D Rea operates under USDOT 679510. On June 29, 2023, Commission Staff Special Investigator(s) (SI) or (SIs) Matt Adams completed a safety compliance investigation of the operations of Gary D Rea. A copy of the safety compliance report is attached hereto as **Exhibit 1** and is hereby incorporated by reference. As a result of this investigation, the SI identified six (6) violation(s) accounting for six (6) specific count(s) of the Motor Carrier Safety Regulations (MCSRs), which carry a penalty according to the FY2024 Uniform Penalty Assessment Matrix approved by the Commission. Based on the frequency, timeline and severity of the violations discovered by the SIs, staff recommends penalty of \$1,950 be issued to the MC.

DISCUSSION AND ANALYSIS:

On June 29, 2023, Commission Staff SI Matt Adams conducted a safety compliance investigation of the operations of Gary D Rea. The investigation covers a 365 day period. Each specific count is described in detail below:

Count One (1 of 6)

Jurisdiction: 49 C.F.R. 382.115(a), adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 66-1,129.

Intent of Law: Requires the MC to establish an alcohol and controlled substances testing program for its CDL drivers that complies with the procedures established in 49 C.F.R. 382.105.

Supporting Documentation: On June 1, 2023, Gary D Rea permitted its driver to operate a Commercial Driver License (CDL) required commercial motor vehicle (CMV), a 2006 Kenworth truck, VIN ending 8294, gross vehicle weight rating (GVWR) 48,000 lbs., pulling a 1990 Timpco, VIN ending in 0573, GVWR 65,000lbs., in intrastate commerce from Williamsburg, KS to Emporia, KS. This transport is evidenced by a scale invoice, attached hereto as **Exhibit 2**.

Violation: Gary D Rea failed to implement an alcohol and/or controlled substances testing program on the date the employer begins commercial motor vehicle operations. One (1) violation was discovered (**Exhibit 2, page 3**).

Recommendations: Staff recommends a fine of \$350.

Count Two (2 of 6)

Jurisdiction: K.S.A. 8-1901, et. seq., and 49 C.F.R. 392.2, adopted by K.A.R. 82-4-3h, and authorized by K.S.A. 66-1,129.

Intent of Law: The MC must require its drivers to stay within the legal gross weight limits for vehicles pursuant to K.S.A. 8-1909.

Supporting Documentation: During the transportation described in count one, **Exhibit 2** shows that MC operated at 89,120 lbs., therefore the MC was operating a vehicle that was over the 85,500 lb. the statutory weight limit found in K.S.A. 8-1909.

Violation: Gary D Rea operated above the 85,500 lb. Kansas statutory weight limit. One (1) violation was discovered (**Exhibit 2, page 3**).

Recommendations: Staff recommends a fine of \$500.

Count Three (3 of 6)

Jurisdiction: 49 C.F.R. 382.711, adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 66-1,129.

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

Supporting Documents: This violation took place during the transport described in Count One, above. Additionally a copy of the MC's DACH search history is attached hereto as **Exhibit 3**.

Violation: Gary D Rea Failed to register in the DACH. One (1) violation was discovered (**Exhibit 2, page 3 to 4**).

Recommendations: Staff recommends a fine of \$500.

Count Four (4 of 6):

Jurisdiction: 49 C.F.R. 391.51(b) (2) and (4), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 66-1,129.

Intent of the Law: The MC must maintain a copy of the motor vehicle record (MVR) received from each State in the driver qualification file.

Supporting Documents: his violation took place during the transport described in Count One, above. MC failed to submit a current MVR.

Violation: Gary D Rea failed maintain inquiries into driver's qualification file. One (1) violation was discovered (**Exhibit 2, page 4**).

Recommendation: Staff recommends a fine of \$100.

Count Five (5 of 6)

Jurisdiction: K.S.A. 66-1,142b.

Intent of Law: The MC must comply with the requirements of a Commission Order, including submission of a corrective action plan (CAP) as ordered in a Penalty Order.

Supporting Documentation: Commission's Penalty Order in Docket No. 21-TRAM-260-PEN, dated January 26, 2021.

Violation: Gary D Rea failed to submit a CAP as required by Commission Penalty Order dated January 26, 2021. One (1) violation was discovered (**EXHIBIT 1, Page 4**).

Recommendations: Staff recommends a fine of \$250.

Count Six (6 of 6)

Jurisdiction: K.S.A. 66-1,142b.

Intent of Law: The MC must comply with the requirements of a Commission Order, including attendance at a Commission-sponsored safety seminar as ordered in a Penalty Order.

Supporting Documentation: Commission's Penalty Order in Docket No. 21-TRAM-260-PEN, dated January 26, 2021.

Violation: Gary D Rea failed to attend a KCC safety seminar as required by Commission Penalty Order dated January 26, 2021. One (1) violation was discovered (**EXHIBIT 1, Page 4 to 5**).

Recommendations: Staff recommends a fine of \$250.

RECOMMENDATION:

Transportation Staff recommends the Commission find Gary D Rea committed six (6) violation(s) accounting for six (6) 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 \$1,950 for six (6) violation(s) of the MC Safety Statutes, Rules and Regulations, in accordance with the recommended penalties listed in the applicable Uniform Penalty Assessment Matrix.

Staff further recommends Gary D Rea require a representative responsible for the company's safety to attend a Commission-sponsored safety seminar within ninety (90) days from the date of the Order, and provide Litigation Counsel with written proof of attendance. A schedule of the dates and locations for safety seminars can be found on the Commission's website at http://kcc.ks.gov/trans/safety_meetings.htm.

Staff further recommends Gary D Rea 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 Gary D Rea 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

Questions

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

Violations

1. Primary: 382.115(a)

Failing to implement an alcohol and/or controlled substances testing program on the date the employer begins commercial motor vehicle operations.



Acute

Violations Discovered

Fed	State	Total
	1	1

Checked

Fed	State	Total
	1	1

BASIC Impacted
Controlled
Substances/Alcohol

Rating Factor 2:
Driver = Part 382

Example/Notes:

Driver name: Gary Rea

Trip date: 6/1/2023

Carrier does not have an active drug and alcohol testing program.

Drivers/Vehicles in Violation

Fed	State	Total

Checked

Fed	State	Total

2. Primary: 392.2

State Equivalent: KSA 8-1901

Overweight

Violations Discovered

Fed	State	Total
	1	1

Checked

Fed	State	Total
	1	1

Example/Notes:

Driver name: Gary Rea

Trip date: 6/1/2023

Carrier was operating overweight with a gross weight of 89,120lbs.

Drivers/Vehicles in Violation

Fed	State	Total
	1	1

Checked

Fed	State	Total
	1	1

3. 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:

Drivers/Vehicles in Violation

Driver name: Gary Rea

Trip date: 6/1/2023

Carrier is not registered with the Drug and Alcohol Clearinghouse.

Fed	State	Total
Checked		
Fed	State	Total

4. Primary: 391.51(b)(2)

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

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

Example/Notes:

Driver name: Gary Rea

Trip date: 6/1/2023

Failure to conduct or maintain inquiries into driver's driving record in driver's qualification file.

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

5. Primary: 392.2

Failing to submit a corrective action plan

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

Example/Notes:

Driver: Gary Rea

Trip date: 6/1/2023

Carrier failed to submit a corrective action plan as required after their prior compliance review that resulted in a penalty order.

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

6. Primary: 392.2

Failing to attend a KCC safety seminar

Violations Discovered		
Fed	State	Total
	1	1
Checked		

Fed	State	Total
	1	1

Example/Notes:

Driver: Gary Rea

Trip date: 6/1/2023

Carrier failed to attend a KCC safety seminar as directed by SI Smith after their prior compliance review resulted in a penalty order.

Drivers/Vehicles in Violation

Fed	State	Total

Checked

Fed	State	Total

Safety Fitness Rating

This Investigation is Not Rated

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

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

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

Process Breakdown and Remedies

None

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. **Drug and Alcohol Clearinghouse**

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

4. **Clearinghouse Registration - Employer**

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

5. **Clearinghouse Registration - Owner/Operator**

As a registered Owner/Operator you must designate a C/TPA in the Clearinghouse to comply with the employer requirements related to your own drug and alcohol program compliance. You may continue to perform the employer functions for any other drivers that you employ who are subject to the requirements of 49 CFR Part 382.

6. **Clearinghouse Annual Query**

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

7. **Clearinghouse Driver Consent**

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

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

Maintain a complete file as required for each driver, documenting the qualification process.

9. **KCC For All Investigations**

For all Investigations that could result 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 and/or the Federal Motor Carrier Commercial Regulations may also affect the civil penalty proposed for *GARY D REA dba REA TRUCKING USDOT #679510 6/29/2023*. 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. Information on your compliance status, roadside inspections, regulatory changes, accident countermeasures and hazardous material incident prevention manual is available on the Internet at the Federal Motor Carrier Safety Administration's web site at <http://www.fmcsa.dot.gov/> and <http://www.safer.fmcsa.dot.gov/>. For all Investigations that did not result in a Cooperative Safety Plan: The KCC requires that you prepare a corrective action plan (CAP), addressing the measures taken to correct all violations identified within this report. Submit this letter within 30 days outlining the carrier's updated changes to their policies and procedures regarding all listed violations. Explain in detail how, as a carrier representative, you will rectify these deficiencies and prevent their reoccurrence going forward. Include any supporting documentation and evidence as indicated in the recommendations above (example: vehicle inspections performed, proof of drug and alcohol testing in place, etc.) necessary to prove that corrective action has been taken. Submit the letter along with copies of your supporting evidence to: e-mail: g.davenport@kcc.ks.gov FAX: 785-271-3124; or mail to;

Kansas Corporation Commission

Attn: Gary Davenport

1500 SW Arrowhead Road

Topeka, KS 66604-4027

I acknowledge that these requirements and/or recommendations have been discussed with me and my questions have been

answered. I understand that failure to satisfactorily remedy the above-listed requirements, and/or failure to comply with Kansas Motor Carrier Safety Statutes and Regulations could result in the suspension of *GARY D REA dba REA TRUCKING'S* authority and/or the impoundment of *GARY D REA dba REA TRUCKING'S* commercial motor vehicles.

Exhibit 2

BUNGE

Bunge North America (OPD WEST) Inc.

Ticket # 0742837

701 E 6th, Emporia, KS

620-342-7270

INBOUND TRUCK REGULAR

Yellow Soybeans US #1

Sample #: 108

Bin #

Pit #

0086031800 BEACHNER GRAIN (Beans)

2600 FLYNN DR

PARSONS

KS

67357-7448

Vehicle ID: REA

Trailer ID:

Driver:

Driver: ON? Y

Test Weight	55.90
Splits	7.20
Foreign Material	1.30
Moisture	10.40

Gross: lbs 89,120

2:10 PM 6/1/23 Scale #2

Tare: lbs 32,280

2:43 PM 6/1/23 Scale #1

Net: lbs 56,840

Net BU 947.333

Gross BU 947.333

U.S. Grade 2

REF/BOL: x108

LOAD#:

CUST TIC#: 3500504813

COMMENT: RICHMOUND

GRADER: Stacy welsh

WEIGHER: STEVE JACOB

LOAD#

APPLICATION: Contract

CUST PROD CODE:

REM SAP MAT#

TERMS:

SEAL#:

CUST PO:

CONTRACT#

TARGET\CU FT:

SEC. COMMENT: RICHMOUND

ACCT NO: 0086031800

BEACHNER GRAIN (Beans)

100 % NET BU 947.333

Contract

35

Not Negotiable - United States Warehouse Act Inspection and Weight Certificate (Inspection not Valid for Purpose of the United States Grain Standards Act) This Certificate is Issued By An Inspector and Weigher Licensed Under the U.S. Warehouse Act and The Regulation Thereunder.

Driver/Carrier is responsible for compliance with all statutes and regulations applicable to equipment, including but not limited to loaded weight limits. Driver/Carrier is responsible for its equipment being clean and sanitary, including but not limited to not carrying a mammalian protein product, a peanut product or other hazardous substance as the previous cargo unless cleaned in accordance with FDA regulations.

\$ 331-91

Carrier/Hauler:

Weigher/Inspector:

DUPLICATE

Exhibit 3

WELCOME MATTHEW

This is your Enforcement Dashboard. Use the fields below to run a report on a driver's violation history or an employer's Clearinghouse activity.



Search for a Driver

Country of Issuance (optional)

State of Issuance (optional)

Driver Name or CDL

Search



Search for an Employer

USDOT#

or

Company Name

Country (optional)

State (optional)

There is no employer account associated with the DOT Number you entered. Please confirm the DOT Number is correct.

You can also try searching by motor carrier name (partial or full) and State/country, in case the carrier does not have a DOT Number associated with their Clearinghouse account.

Search

CERTIFICATE OF SERVICE

24-TRAM-232-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 09/14/2023.

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

GARY D. REA, OWNER
GARY D. REA
D/B/A REA TRUCKING
1801 IDAHO RD
WILLIAMSBURG, KS 66095
s.baugher@hotmail.com

/S/ KCC Docket Room
KCC Docket Room