

1500 SW Arrowhead Road
Topeka, KS 66604-4027

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



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

Sam Brownback, Governor

NOTICE OF PENALTY ASSESSMENT

August 2, 2016

17-TRAM-017-PEN

James J. Kelly, Jr., Owner
d/b/a Kelly's Salvage & Towing
214 N Ash St
Harper, Kansas 67058

This is a notice of a penalty assessment for violation of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on June 2, 2016, by Kansas Corporation Commission Special Investigator Doug Handy. For a full description of the penalty and process please refer to the Order that is attached to this notice.

IF YOU ACCEPT THE PENALTY:

You have been assessed a \$1,500 penalty. You have thirty (30) days from service of this Penalty Order to pay the fine amount. Check or money order must be made payable to the Kansas Corporation Commission. Payment is to be mailed to the Transportation Division of the Kansas Corporation Commission at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and must include a reference to the docket number of this proceeding. Credit card payment may be made by faxing your credit card information to the Transportation Office at 785-271-3124, using the KCC's credit card payment form found at <http://kcc.ks.gov/trans/creditcard.pdf>.

You must attend a Commission-sponsored safety seminar within the next ninety (90) days and provide Staff with written proof of attendance. A schedule of dates and locations for the safety seminar can be found at the Commission's website http://www.kcc.state.ks.us/trans/safety_meetings.htm.

You must submit to one follow-up safety compliance review within the next 18 months. Staff will contact you at a later date to determine an appropriate time for this review.

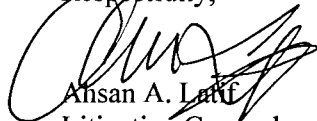
IF YOU CONTEST THE PENALTY:

You have the right to request a hearing. A request for hearing must be made in writing, setting forth the specific grounds upon which relief is sought. Respondent must submit an original and seven (7) copies of the request to the Commission's Secretary at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604 within fifteen (15) days from the date stamped on the last page of the Penalty Order. K.A.R. 82-1-215; K.S.A. 2015 Supp. 77-542.

IF YOU FAIL TO ACT:

Failure to pay the fine amount within thirty (30) days of service of the Penalty Order, or in the alternative, provide a written request for a hearing within fifteen (15) days from service of the Penalty Order will result in the attached Order becoming a Final Order and may result in the additional sanction of suspension and/or revocation of your motor carrier operating authority.

Respectfully,



Ahsan A. Lame
Litigation Counsel
(785) 271-3118

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

Before Commissioners: Jay Scott Emler, Chairman
 Shari Feist Albrecht
 Pat Apple

In the Matter of the Investigation of **James J.)**
Kelly, Jr., d/b/a Kelly's Salvage & Towing, of)
Harper, Kansas, Regarding the Violation of the)
Motor Carrier Safety Statutes, Rules and) Docket No. 17-TRAM-017-PEN
Regulations and the Commission's Authority to)
Impose Penalties, Sanctions and/or the)
Revocation of Motor Carrier Authority.)

PENALTY ORDER

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission). The Commission, having been briefed on the issue by the Director of the Commission's Transportation Division, finds and concludes as follows:

I. JURISDICTION

1. Pursuant to K.S.A. 2015 Supp. 66-1,108b, 66-1,111, 66-1,112, 66-1,114, 66-1,114b and 66-1,115, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in K.S.A. 2015 Supp. 66-1,108, 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. 2015 Supp. 66-1,129a, 66-1,130 and 66-1,142b, the Commission may suspend operations, revoke or amend certificates, and initiate sanctions or fines against every motor carrier and every person who violates any provision of Kansas law in regard to the regulation of such motor carriers and persons, or who fails to obey any order, decision or regulation of the Commission.

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

II. BACKGROUND

4. James J. Kelly, Jr., d/b/a Kelly's Salvage & Towing (Kelly's Salvage & Towing) obtained private operating authority from the Commission on November 16, 1950, and operates under KSMCID number 115448 and USDOT number 366901.

5. Kelly's Salvage & Towing has two trucks and employs two CDL drivers.

6. Kelly's Salvage & Towing is a private motor carrier which primarily hauls motor vehicles and scrap iron.

III. STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, on June 2, 2016, Commission Staff (Staff) Special Investigator Doug Handy conducted a compliance review of the operations of Kelly's Salvage & Towing. A copy of the safety compliance review is included in this Penalty Order as Attachment "A" and is hereby incorporated by reference. As a result of this investigation, Mr. Handy identified three (3) violations of the Motor Carrier Safety Regulations.

- a. On February 29, 2016, Kelly's Salvage & Towing required or permitted its driver, Brock Wise, to operate a CDL-required commercial motor vehicle, a 2007 Sterling, VIN ending in 38189, GVWR 54,555 lbs., in interstate commerce from Harper, Kansas to Cherokee, Oklahoma. This trip is evidenced by Scale Ticket No. 10612, dated February 29, 2016, a copy of

which is attached hereto as Attachment “B” and is hereby incorporated by reference. At the time of this transportation, Kelly’s Salvage & Towing did not have implemented an alcohol and controlled substance testing program for its CDL drivers. The carrier could not produce any records to indicate they were ever in a program prior to this investigation. Kelly’s Salvage & Towing’s failure to establish an alcohol and/or controlled substances program for its CDL drivers that complies with the procedures established in 49 C.F.R. 382.105 as adopted by K.A.R. 82-4-3c is a violation of 49 C.F.R. 382.115(a), as adopted by K.A.R. 82-4-3c, and as authorized by K.S.A. 2015 Supp. 66-1,129. Staff recommends a fine of \$750.

- b. On April 15, 2016, Kelly’s Salvage & Towing required or permitted its driver, James J. Kelly, Jr., to operate a CDL-required commercial motor vehicle, a 2007 Sterling, VIN ending in 38189, GVWR 54,555 lbs., in interstate commerce from Harper, Kansas to Cherokee, Oklahoma. This trip is evidenced by Scale Ticket No. 10927, dated April 15, 2016, a copy of which is attached hereto as Attachment “C” and is hereby incorporated by reference. At the time of this transportation, Kelly’s Salvage & Towing failed to have a completed driver qualification file on its drivers. The only records the carrier produced were the drivers’ medical certificates. The carrier’s failure to maintain a driver qualification file is a violation of 49 C.F.R. 391.51(a), as adopted by K.A.R. 82-4-3g, and as

authorized by K.S.A. 2015 Supp. 66-1,129. Staff recommends a reduced fine of \$250, since the carrier did provide medical certificates.

- c. During the transportation described in paragraph b., above, Kelly's Salvage & Towing failed to require its driver, James J. Kelly, Jr., to make a record of duty status. The carrier operates within a 100 air mile radius of Harper, Kansas and is required to keep time records of their trips, showing a start time, end time and total hours worked for a day. The special investigator found 59 violations of this type. Kelly's Salvage & Towing's failure to require its drivers to keep records of duty status for each 24-hour period, or in the alternative to maintain and retain time records described in 49 C.F.R. 395.1(e) under the short haul exemption, using the method described in 49 C.F.R. 395.8(a), and to submit the original record to the motor carrier within 13 days of creation is a violation of 49 C.F.R. 395.8(a) as adopted by K.A.R. 82-4-3a and authorized by K.S.A. 2015 Supp. 66-1,129. Staff recommends a fine in the amount of \$500.

IV. STAFF'S RECOMMENDATIONS

8. Based upon the available facts, Staff recommends the Commission find Kelly's Salvage & Towing committed three (3) violations of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

9. Additionally, Staff recommends a civil penalty of \$1,500 for three (3) violations of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that Kelly's Salvage & Towing be required to attend a Commission-sponsored safety seminar within the next ninety (90) days and provide Staff with written proof of attendance. A schedule of the dates and locations for the safety seminar can be found on the Commission's website at http://kcc.ks.gov/trans/safety_meetings.htm.

11. Finally, Staff recommends that Kelly's Salvage & Towing submit to one follow-up safety compliance review within the next eighteen (18) months. Staff will contact the motor carrier at a later date to determine an appropriate time for this review.

V. CONCLUSIONS OF LAW

12. The Commission finds it has jurisdiction over Kelly's Salvage & Towing because it is a motor carrier as defined in K.S.A. 2015 Supp. 66-1,108.

13. The Commission finds Kelly's Salvage & Towing committed three (3) violations of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

THE COMMISSION THEREFORE ORDERS THAT:

A. James J. Kelly, Jr., d/b/a Kelly's Salvage & Towing, of Harper, Kansas is hereby assessed a \$1,500 civil penalty for three (3) violations 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. Kelly's Salvage & Towing is hereby ordered to attend a Commission-sponsored safety seminar within the next ninety (90) days and is to provide Staff with written proof of attendance. Further, Kelly's Salvage & Towing is ordered to submit to one follow-up safety compliance review within the next eighteen (18) months.

C. Pursuant to K.S.A. 2015 Supp. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issues by submitting a written request, setting forth the specific grounds upon which relief is sought, to the Commission's Secretary, at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604 within fifteen (15) days from the date of service of this Order. If service is by certified mail, service is complete upon the date delivered shown on the Domestic Return Receipt. Hearings will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of Kelly's Salvage & Towing's right to a hearing, and this Penalty Order will become a Final Order assessing a \$1,500 civil penalty against Kelly's Salvage & Towing, and ordering Kelly's Salvage & Towing to attend a Commission-sponsored safety seminar within the next ninety (90) days and provide Staff with written proof of attendance, and to submit to a safety compliance review within eighteen (18) months from the date of service of this Order.

D. 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. K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2); K.A.R. 82-1-202(a). For civil penalties of \$500 or less, a corporation may appear by a duly authorized representative of the corporation. K.S.A. 2015 Supp. 66-1,142b(e) and amendments thereto.

E. If you do not request a hearing, the payment of the civil penalty is due in thirty (30) days from date of service of this Order. Checks and Money Orders shall be payable to the Kansas Corporation Commission. For credit card payments, include type of card (Visa, MasterCard, Discover, or American Express), account number and expiration date. Payments shall be mailed to the Transportation Division of the Kansas Corporation Commission, 1500 S.W.

Arrowhead Road, Topeka, Kansas 66604. *The payment shall include a reference to the docket number of this proceeding.*


F. Failure to pay the \$1,500 civil penalty within thirty (30) days of the service of this Penalty Order, *see* K.S.A. 66-1,105, and/or failure to comply with the provisions of this Order, may result in suspension of Kelly's Salvage & Towing's motor carrier operating authority without further notice. Additionally, the Commission may impose further sanctions to include, but not limited to, the issuance and enforcement of out-of-service and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

G. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further orders, as necessary.

BY THE COMMISSION IT IS SO ORDERED.

Emler, Chairman; Albrecht, Commissioner; Apple, Commissioner

Dated: AUG 02 2016



Amy L. Green
Secretary to the Commission


AAL

Order Mailed Date

AUG 03 2016

ATTACHMENT “A”

Kansas Corporation Commission

	US DOT # 366901	Legal: JAMES J KELLY JR Operating (DBA): KELLY'S SALVAGE & TOWING																						
MC/MX #:		State #:	Federal Tax ID: (EIN)																					
Review Type: Compliance Review (CR)																								
Scope: Principal Office		Location of Review/Audit: Company facility in the U. S.		Territory: F																				
Operation Types <table style="width:100%; border: none;"> <tr> <td style="border: none;">Interstate</td> <td style="border: none;">Intrastate</td> <td colspan="3" style="border: none;"></td> </tr> <tr> <td style="border: none;"> Carrier: Non-HM HM </td> <td colspan="4" style="border: none;"> Business: Individual </td> </tr> <tr> <td style="border: none;"> Shipper: N/A N/A </td> <td colspan="4" style="border: none;"> Gross Revenue: for year ending: 4/15/2016 </td> </tr> <tr> <td style="border: none;"> Cargo Tank: N/A </td> <td colspan="4" style="border: none;"></td> </tr> </table>					Interstate	Intrastate				Carrier: Non-HM HM	Business: Individual				Shipper: N/A N/A	Gross Revenue: for year ending: 4/15/2016				Cargo Tank: N/A				
Interstate	Intrastate																							
Carrier: Non-HM HM	Business: Individual																							
Shipper: N/A N/A	Gross Revenue: for year ending: 4/15/2016																							
Cargo Tank: N/A																								
Company Physical Address: <div style="background-color: black; height: 30px; width: 100%;"></div>																								
Contact Name: James J Kelly Jr Phone numbers: (1) <div style="background-color: black; width: 400px; height: 15px;"></div> E-Mail Address: <div style="background-color: black; width: 400px; height: 15px;"></div>																								
Company Mailing Address: 214 N ASH ST HARPER, KS 67058																								
Carrier Classification Private Property																								
Cargo Classification <table style="width:100%; border: none;"> <tr> <td style="border: none;">Motor Vehicles</td> <td style="border: none;">Other: scrap metal</td> </tr> </table>					Motor Vehicles	Other: scrap metal																		
Motor Vehicles	Other: scrap metal																							
Hazardous Materials <table style="width:100%; border: none;"> <tr> <td style="border: none;">9 Miscellaneous HM</td> <td style="border: none;">Carried</td> <td style="border: none;">Non-Bulk</td> </tr> </table>					9 Miscellaneous HM	Carried	Non-Bulk																	
9 Miscellaneous HM	Carried	Non-Bulk																						
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	Owned	Term Leased	Trip Leased		Owned	Term Leased	Trip Leased																	
Truck	2	0	0																					
Power units used in the U.S.: 2 Percentage of time used in the U.S.: 100																								
Does carrier transport placardable quantities of HM? No Is an HM Permit required? N/A																								
Driver Information <table style="width:100%; border: none;"> <tr> <td style="border: none;"></td> <td style="border: none; text-align: center;">Inter</td> <td style="border: none; text-align: center;">Intra</td> <td style="border: none;"></td> </tr> <tr> <td style="border: none;">< 100 Miles:</td> <td style="border: none;"></td> <td style="border: none;"></td> <td style="border: none;">Average trip leased drivers/month: 0</td> </tr> <tr> <td style="border: none;">>= 100 Miles:</td> <td style="border: none; text-align: center;">2</td> <td style="border: none;"></td> <td style="border: none;">Total Drivers: 2</td> </tr> <tr> <td style="border: none;"></td> <td style="border: none;"></td> <td style="border: none;"></td> <td style="border: none;">CDL Drivers: 2</td> </tr> </table>						Inter	Intra		< 100 Miles:			Average trip leased drivers/month: 0	>= 100 Miles:	2		Total Drivers: 2				CDL Drivers: 2				
	Inter	Intra																						
< 100 Miles:			Average trip leased drivers/month: 0																					
>= 100 Miles:	2		Total Drivers: 2																					
			CDL Drivers: 2																					





KELLY'S SALVAGE & TOWING (JAMES J KELLY JR dba)
U.S. DOT #: 366901

State # [REDACTED]

Review Date:
07/08/2016

Part B Violations

1 FEDERAL ACUTE	Primary: 362.115(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation Checked
Description Failing to implement an alcohol and/or controlled substances testing program on the date the employer begins commercial motor vehicle operations Example Driver [REDACTED] Trip Date 02/29/2016 Hire Date 07/2014 Carrier had no records of implementing a program prior to this investigation.				
2 FEDERAL CRITICAL	Primary: 391.51(a)	Discovered 2	Checked 2	Drivers/Vehicles In Violation Checked
Description Failing to maintain driver qualification file on each driver employed. Example Driver Name [REDACTED] Trip Date 04/15/2016 Hire Date 08/1974 Carrier failed to maintain any record of a driver qualification file				
3 FEDERAL CRITICAL	Primary: 395.8(a)	Discovered 5	Checked 5	Drivers/Vehicles In Violation Checked
Description Failing to require driver to make a record of duty status Example Driver Name [REDACTED] Trip Date 04/15/2016 Driver operated in Interstate Commerce from Harper, Ks. to Cherokee, Ok. and return Scale Ticket #10927				
4 STATE CRITICAL	Primary: 395.8(a) CFR Equivalent: 395.8(a)	Discovered 54	Checked 54	Drivers/Vehicles In Violation Checked
Description Failing to require driver to make a record of duty status Example Driver Name [REDACTED] Trip Date 02/04/2016 Carrier operated on an Intrastate Trip from Harper, Ks. to Wichita, Ks. and return. Scale Ticket #31257				
Safety Fitness Rating Information:				
Total Miles Operated 18,328		OOS Vehicle (CR): 1		
Recordable Accidents 0		Number of Vehicle Inspected (CR): 2		
Recordable Accidents/Million Miles 0.00		OOS Vehicle (MCMIS): 0		
		Number of Vehicles Inspected (MCMIS): 0		





KELLY'S SALVAGE & TOWING (JAMES J KELLY JR dba)
U.S. DOT #: 366901

State #: [REDACTED]

Review Date
07/08/2016

Part B Requirements and/or Recommendations

1. 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
2. A copy of your carrier profile can be obtained at no cost from the FMCSA Portal (<https://portal.fmcsa.dot.gov/login>)
3. Review the circumstances under which a CDL is required. CDL and drug testing rules apply to both interstate and intrastate commerce.
4. Ensure that all drivers are fully and properly qualified before operating in interstate/intrastate commerce. Maintain a complete file as required for each driver, documenting the qualification process.
5. Require all drivers to prepare complete and accurate records of duty status for each day, and to submit them within 13 days. Maintain all duty status records on file, with all supporting documents, for at least 6 months.
6. If you want some drivers to use the 100 air-mile radius exemption, make sure that the drivers meet all terms of the exemption, including being released from duty no more than 12 hours from when they report for duty. Logs must be prepared if a driver does not meet the 12 hour requirement.
7. HOS COMPLIANCE BASIC PROCESS BREAKDOWN: Policies and Procedures

DESCRIPTION OF PROCESS BREAKDOWN- Carrier failed to have driver's complete a record of duty status or time records when operating under the 100 air mile exemption.

BASIC SPECIFIC RECOMMENDED REMEDIES

Implement Safety Improvement Practices: The following are recommended practices related to Policies and Procedures.

- Develop a policy and procedure describing how management will monitor and track logs for falsification.
- Establish a policy that prohibits dispatchers from assigning a load to drivers without hours available to complete the load on time.
- Develop a policy stating that drivers should not violate their Hours-of-Service (HOS) Out-of-Service (OOS) order under any circumstances, and immediately contact the carrier when a driver is placed OOS.
- Develop a policy requiring drivers to report their available hours to dispatch during "check-in" calls.
- Develop policies and procedures for ensuring proper retention of Record of Duty Status (RODS) according to regulations.
- Establish a policy requiring drivers to submit copies of all roadside inspections to carrier management within 24 hours.
- Develop a policy stating that drivers are required to submit all Records of Duty Status (RODS) and supporting documentation, such as expense receipts, within 13 days of the end of the trip.
- Establish a policy stating that drivers are required to check with their supervisor, manager, or dispatcher to review their "fit-for-duty" status before starting a job, and that drivers who are ill to the extent that their ability and/or alertness is impaired are prohibited from working on safety-sensitive assignments.
- Develop a written and progressive disciplinary policy focused on taking corrective action to ensure drivers comply with regulations and policies. A progressive disciplinary policy could include, among other things, written warnings, suspensions, or work restrictions, monetary penalties, and termination. This policy should also specify consequences for any carrier official who knowingly and willfully allows Hours-of-Service (HOS) violations.

Seek Out Resources:

- You are encouraged to review your company's record at the following website: <http://ai.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry.

8. CONTROLLED SUBSTANCES AND ALCOHOL BASIC PROCESS BREAKDOWN: Policies and Procedures





KELLY'S SALVAGE & TOWING (JAMES J KELLY JR dba)

U.S. DOT #: 366901

State #

Review Date

07/08/2016

Part B Requirements and/or Recommendations

- Establish a policy requiring all new (since 2003) Commercial Driver's License (CDL) drivers to submit documentation of entry-level driver training in - for example, driver qualification requirements, Hours of Service (HOS), driver wellness, and whistleblower protection - or to take entry-level training provided by the carrier.
- Develop a policy for document retention and recordkeeping, including documents that are to be in the possession of the driver as proof of credentials
- Develop a process to ensure that operations will always have the proper amount of fit drivers. This process would address how to deal with issues such as sick leave, vacation, training, suspension, and termination
- Develop a written and progressive disciplinary policy focused on taking corrective action to ensure drivers comply with regulations and policies. A progressive disciplinary policy could include, among other things, written warnings, suspensions, or work restrictions, monetary penalties, and termination. This policy should also specify consequences for any carrier official who knowingly and willfully allows Driver Fitness Violations

Seek Out Resources

- You are encouraged to review your company's record at the following website: <http://a1.fmcsa.dot.gov/SMS>. You will need to use your PIN Number that has been provided by the FMCSA.
- Contact industry associations to get resources and ideas on safety improvement practices from other carriers in the industry

10. FMCSA recently announced planned improvements to the Carrier Safety Measurement System (SMS) which was implemented in December 2010 as part of the Agency's broader Compliance, Safety, Accountability (CSA) initiative. A preview of these improvements is currently available to motor carriers. The system changes are scheduled to be available to the public in July 2012. There will be additional opportunity for public comment on the changes after the preview period ends in July 2012.

The improvements to SMS are based on ongoing analysis and feedback from enforcement personnel, the motor carrier industry, and other stakeholders. The changes more effectively identify and prioritize high-risk and other unsafe motor carriers for enforcement interventions designed to reduce commercial motor vehicle crashes and hazardous materials incidents.

Motor carriers currently have the ability to preview how the improvements impact their individual safety data in SMS. These improvements include: (1) Changes to the SMS methodology that identify higher risk carriers while addressing industry biases; (2) better applications of SMS results for Agency interventions by more accurately identifying safety sensitive carriers (i.e., carriers transporting people and carriers hauling hazardous materials (HM)), so that such firms can be selected for CSA interventions at more stringent levels; and, (3) more specific fact-based displays of SMS results on the SMS Web site.

The data preview may be found at <http://csa.fmcsa.dot.gov/>. During the data preview period, the Agency requests comments on the impacts of the changes.

11. For all Investigations,

- **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.

- **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.





KELLY'S SALVAGE & TOWING (JAMES J KELLY JR dba)
U.S. DOT #: 366901

State #: [REDACTED]

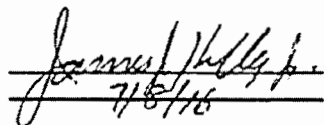
Review Date:
07/08/2016

Part B Requirements and/or Recommendations

necessary to prove the corrective action has been taken to:

Kansas Corporation Commission
Attn: Gary Davenport
1500 SW Arrowhead Rd.
Topeka, Ks. 66604-4027

14. This report contains citations of regulations that are deemed serious in nature and could result in penalties against your company and/or your drivers.
15. This review will result in a Safety Rating.
16. 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 the Kansas Motor Carrier Safety Statutes and Regulations could result in suspension of James J Kelly Jr./DBA Kelly's Salvage & Towing operating authority and/or the impoundment of James J Kelly Jr./DBA Kelly's Salvage & Towing vehicles.


7/8/16

James J. Kelly Jr., Owner
Date



ATTACHMENT “B”

WEIGHED ON A FAIRBANKS SCALE

TICKET NUMBER 10612

at LARTAT

Unprep

INBOUND 40680 lb
LOOP ID 83

FEB-22-2010 TIME 4:24PM

FEB-23-2010 TIME 4:30PM

40680 lb GROSS
32040 lb TARE
8640 lb NET

LOOP ID 83

OFF

FAIRBANKS SCALE CAT. 96757

WEIGHED ON A FAIRBANKS SCALE

TICKET NUMBER 10612

CUSTOMER'S NAME LARTAT

ADDRESS _____

COMMODITY Unprep.

CARRIER _____

INBOUND 39640 lb
LOOP ID 833

INBOUND DATE FEB-17-2010 TIME 11:41AM

OUTBOUND DATE FEB-17-2010 TIME 11:52AM

39640 lb GROSS
31900 lb TARE
7740 lb NET

LOOP ID 833

DRIVER ON _____ OFF _____

SHIPPER _____

WEIGHER _____

FAIRBANKS SCALE CAT. 96757

FAIRBANKS SCALE CAT. 96757

WEIGHED ON A FAIRBANKS SCALE

TICKET NUMBER 10612

CUSTOMER'S NAME LARTAT

ADDRESS _____

COMMODITY Unprep

CARRIER _____

INBOUND 43400 lb
LOOP ID 248

INBOUND DATE FEB-29-2010 TIME 11:16AM

OUTBOUND DATE FEB-29-2010 TIME 11:24AM

43400 lb GROSS
32060 lb TARE
11340 lb NET

LOOP ID 248

DRIVER ON _____ OFF _____

SHIPPER _____

WEIGHER _____

FAIRBANKS SCALE CAT. 96757

ATTACHMENT “C”

FAIRBANKS SCALES KC, MO 1-800-821-3322

WEIGHED ON A FAIRBANKS SCALE

TICKET NUMBER 10927

CUSTOMER'S NAME Fruit Supply
ADDRESS Cherokee, OK
COMMODITY _____
CARRIER _____

INBOUND 38300 lb
LOOP ID 257

INBOUND DATE APR-15-2016 TIME 11:21AM
OUTBOUND DATE APR-15-2016 TIME 11:30AM

38300 lb GROSS
31600 lb TARE
6700 lb NET

LOOP ID 257

DRIVER ON _____ OFF _____

SHIPPER _____

WEIGHER _____

FAIRBANKS SCALE CAT. 96757

CERTIFICATE OF SERVICE

17-TRAM-017-PEN

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail/hand delivered on AUG 02 2016 .

JAMES J. KELLY, JR., OWNER
JAMES J. KELLY, JR.
D/B/A KELLY'S SALVAGE & TOWING
214 N ASH ST
HARPER, KS 67058
Fax: 620-896-7573
jjkelly427@hotmail.com

AHSAN LATIF, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604-4027
Fax: 785-271-3354
a.latif@kcc.ks.gov

/S/ DeeAnn Shupe

DeeAnn Shupe

Order Mailed Date

AUG 03 2016