



1500 SW Arrowhead Road  
Topeka, KS 66604-4027

20250108105404  
Kansas Corporation  
Commission  
Phone: 785-271-3100  
Fax: 785-271-3354  
<http://kcc.ks.gov/>

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

Laura Kelly, Governor

**NOTICE OF PENALTY ASSESSMENT**  
25-TRAM-237-PEN

January 7, 2025

Ryan Adam Miller, Owner/Operator  
Miller's Backhoe Service LLC  
3749 SE 70 Street  
Kingman, Kansas, 67068

This is a notice of a penalty assessment against Miller's Backhoe Service LLC ("Miller's Backhoe") for two violations of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted December 3, 2024, by a Kansas Corporation Commission Special Investigator. Miller's Backhoe has been assessed a \$250.00 penalty. Penalties are assessed in accordance with the FY 2025 Uniform Penalty Assessment Matrix, approved by the Commission on June 27, 2024. 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:** You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$250.00 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 Miller's Backhoe:

- a. To attend a Commission-sponsored safety seminar within thirty (30) 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](http://www.kcc.state.ks.us/trans/safety_meetings.htm).
- b. To submit a written, comprehensive Corrective Action Plan ("CAP") to Transportation Staff within thirty (30) days of the date of this order, documenting the violations described in this Penalty Order, including specific and detailed information explaining Carrier's efforts and concrete steps taken to ensure the violations do not occur in the future.
- c. To submit to one follow-up safety compliance review within eighteen (18) months from the date of this Penalty Order. Transportation Staff will contact the motor carrier at a later date to determine an appropriate time for the review.

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

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



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

Governor Jeff Colyer, M.D.

**IF YOU FAIL TO ACT:** Failure to pay the penalty of \$250.00 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](mailto:ahsan.latif@ks.gov)

**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 **Miller’s**     )  
**Backhoe Service LLC, of Kingman, Kansas.**     )  
Regarding the Violation(s) of the Motor Carrier     )  
Safety Statutes, Rules and Regulations and the     ) Docket No. 25-TRAM-237-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 66-1,115, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in 49 C.F.R. Part 390.5 as adopted by K.A.R. 82-4-3f, doing business or procuring business in Kansas, and is empowered to do all things necessary and convenient for the exercise of such power, authority and jurisdiction.

2. Pursuant to K.S.A. 66-1,129a, 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 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. Miller’s Backhoe Service, L.L.C. (“Miller’s Backhoe” or “Carrier”) is a motor carrier as defined in 49 C.F.R. 390.5 and operates under USDOT number 3945777.

5. On December 5, 2024, a Commission Transportation Staff (“Transportation Staff” or “Staff”) Special Investigators (“SIs”) completed a safety compliance investigation of the operations of Miller’s Backhoe. As a result of the compliance investigation, the SIs identified two (2) violation(s), set forth in two (2) count(s), of the Motor Carrier Safety Regulations (“MCSRs”), which carries a penalty according to the FY2025 Uniform Penalty Assessment Matrix.<sup>2</sup>

6. On December 9, 2024, Transportation Staff submitted its Report and Recommendation (“R&R”), attached hereto as Attachment “A” and hereby incorporated by reference, recommending a penalty of \$250.00 to be issued to Miller’s Backhoe based on the frequency, timeline, and severity of the violations discovered.<sup>3</sup> The Commission hereby adopts Staff’s findings as contained in its December 9, 2024, R&R.

7. The Commission finds it has jurisdiction over Miller’s Backhoe 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 and Miller’s Backhoe was operating safety sensitive vehicles and is domiciled in Kansas.

8. Specifically, based on Staff’s R&R, the Commission finds that Miller’s Backhoe committed two (2) violation(s) of the following two (2) count(s), discussed more fully in Staff’s R&R:

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<sup>2</sup> Order Designating Guidance Document and Approving Staff’s Use of the Transportation Division’s Uniform Penalty Assessment Table, pp. 10 – 24 (June 27, 2024) (“Penalty Matrix”).

<sup>3</sup> See Staff’s Report and Recommendation, p.2-3 (Sep. 30, 2024).

a. Count 1: On September 20, 2024, Miller's Backhoe was operating commercial motor vehicles in Kansas on a public road without first conducting a pre-employment query on its drivers (Ryan Miller) with the Federal Drug and Alcohol Clearinghouse, which resulted in one (1) violation of 49 C.F.R. 382.701(b)(1), adopted by K.A.R. 82-4-3c. The Commission finds that Staff's recommendation of a penalty of \$150.00 is appropriate and in accordance with the current Penalty Matrix.

b. Count 2: On September 20, 2024, Miller's Backhoe was operating commercial motor vehicles in Kansas on a public road without first obtaining its driver's (Ryan Miller) motor vehicle record (MVR) in the preceding twelve months, which resulted in one (1) violation of 49 C.F.R. 391.25, 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.

9. The Commission also finds that Miller's Backhoe 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, and provide Litigation Counsel with written proof of attendance within five days.<sup>4</sup> A schedule of the dates and locations for safety seminars can be found on the Commission's website at [http://kcc.ks.gov/trans/safety\\_meetings.htm](http://kcc.ks.gov/trans/safety_meetings.htm).

10. The Commission further finds that Miller's Backhoe is required to submit a written, comprehensive Corrective Action Plan ("CAP") that is satisfactory to Transportation Staff within thirty (30) days of the date of this order, documenting the violation(s) described in this

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<sup>4</sup> See Staff's Report and Recommendation, p.3 (Dec. 9, 2024).

Penalty Order, including specific and detailed information explaining Carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.<sup>5</sup>

11. The Commission further finds that Miller's Backhoe is required to submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order at a time agreeable to Staff.<sup>6</sup>

12. Failure to comply with the requirements of this Penalty Order shall result in suspension of Miller's Backhoe's motor carrier operating authority without further notice.<sup>7</sup>

13. The Commission concludes the penalty of \$250.00.00 for the two violation set forth above, and the additional four requirements set forth in paragraphs 9 through 11, are just and reasonable.

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

A. Miller's Backhoe is hereby assessed a \$250.00.00 civil penalty for two (2) violation(s), set forth in two (2) count(s), of Kansas law governing the regulation of motor carriers, the Kansas Administrative Regulations and provisions of the Federal Motor Carrier Safety Regulations, as adopted by the Kansas Administrative Regulations.

B. Miller's Backhoe 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, and is to timely provide Litigation Counsel with written proof of attendance within one (1) business days of completing the safety seminar.

C. Miller's Backhoe 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

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<sup>5</sup> See Id.

<sup>6</sup> See Id.

<sup>7</sup> K.S.A. 66-1,105.

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. Miller's Backhoe 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 Executive Director at 250.000 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 Miller's Backhoe's right to a hearing, and this Penalty Order will become a Final Order.

F. If a request for hearing is filed, attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. For civil penalties exceeding \$500.00, a corporation shall appear before the Commission by its attorney, unless waived by the Commission for good cause shown and a determination that such waiver is in the public interest.<sup>8</sup> For civil penalties of \$500.00 or less, a corporation may appear by a duly authorized representative of the corporation.<sup>9</sup>

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<sup>8</sup> K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2); K.A.R. 82-1-202(a).

<sup>9</sup> K.S.A. 66-1,142b(e) and amendments thereto.

G. If you do not request a hearing, the payment of the civil penalty of \$250.00 is due in thirty (30) days from the date of service of this Order. Payment of \$250.00 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 Miller's Backhoe to perform, pay or to fully comply with the provisions of this Order, including but not limited to Ordering Clauses A through D, above, will result in suspension of Miller's Backhoe's motor carrier operating authority without further notice.<sup>10</sup> Additionally, the Commission may impose further sanctions to include, but not limited to, the issuance and enforcement of revocation of authority and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

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

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 01/08/2025



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Lynn M. Retz  
Executive Director

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<sup>10</sup> K.S.A. 66-1,105.



# **ATTACHMENT “A”**

**REPORT AND RECOMMENDATION  
TRANSPORTATION DIVISION**

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

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

**DATE:** December 9, 2024

**SUBJECT: Docket No. 25-TRAM-237-PEN**  
In the Matter of the Investigation of **Miller's Backhoe Service LLC of Kingman, 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:**

Miller's Backhoe Service LLC (Miller's Backhoe) is a motor carrier (MC) possessing private operating authority from the Commission, primarily hauling machinery, large objects, metal; sheets, coils, rolls. Miller's Backhoe Service LLC operates under USDOT 3945777. On December 3, 2024, a Commission Staff Special Investigator (SI) completed a safety compliance investigation of the operations of Miller's Backhoe Service LLC. A copy of the safety compliance report is attached hereto as **Exhibit 1** and is hereby incorporated by reference. As a result of this investigation, the SI identified two (2) violation(s), set forth in two (2) specific count(s), of the Motor Carrier Safety Regulations (MCSRs), which carry a penalty according to the FY2024 Uniform Penalty Assessment Matrix approved by the Commission. Based on the frequency, timeline and severity of the violations discovered by the SIs, staff recommends penalty of \$250 be issued to the MC.

**DISCUSSION AND ANALYSIS:**

On December 3, 2024, Commission Staff SI Matt Rose conducted a safety compliance investigation of the operations of Miller's Backhoe. The investigation covers a 365 day period and any previous compliance review. Each specific count is detailed below.

**Count One (1 of 2)**

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

**Relevant Statutes:** 49 C.F.R. 382.701(b) states: "Annual query required."

(1) Employers must conduct a query of the Clearinghouse at least once per year for information for all employees subject to controlled substance and alcohol testing under this part to determine whether information exists in the Clearinghouse about those employees.

(2) In lieu of a full query, as described in paragraph (a)(2) of this section, an employer may obtain the individual driver's consent to conduct a limited query to satisfy the annual query requirement in paragraph (b)(1) of this section. The limited query will tell the employer whether there is information about the individual driver in the Clearinghouse, but will not release that information to the employer. The individual driver may give consent to conduct limited queries that is effective for more than one year.

(3) If the limited query shows that information exists in the Clearinghouse about the individual driver, the employer must conduct a full query, in accordance with paragraph (a)(2) of this section, within 24 hours of conducting the limited query. If the employer fails to conduct a full query within 24 hours, the employer must not allow the driver to continue to perform any safety-sensitive function until the employer conducts the full query and the results confirm that the driver's Clearinghouse record contains no prohibitions as defined in paragraph (d) of this section.”

**Material Facts and Supporting Documentation:** On September 20, 2024 Miller’s Backhoe required or permitted its owner/driver Ryan Miller, to operate a commercial driver’s license (CDL) required commercial motor vehicle (CMV), a 2006 Peterbilt 335, VIN ending in 6987, GVWR 33,000 lbs., in intrastate commerce from Kingman, Kansas to Wichita, Kansas. This transport is evidenced by a copy of the time-sheet and invoice for September 20, 2024, attached hereto as **Exhibit 2**. Additionally a copy of the motor carriers Drug & Alcohol Clearinghouse (DACH) compliance report is attached as **Exhibit 3**. The DACH report states that no queries were performed after a pre-employment query was conducted on July 17, 2023.

**Violation:** Miller’s Backhoe failed to conduct an annual inquiry in the Drug & Alcohol Clearinghouse, which is a violation of 49 C.F.R. 382.701 (b)(1), adopted by K.A.R. 82-4-3c (**Exhibit 1, Page 3**). One (1) violation was discovered (**Exhibit 1, Page 9**).

**Recommendations:** Staff recommends a fine of \$150, in accordance with the FY2025 Penalty Matrix.

### **Count One (2 of 2)**

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

**Relevant Statutes:** 49 C.F.R. 391.25(a) state: “Except as provided in subpart G of this part, each motor carrier shall, at least once every 12 months, make an inquiry to obtain the motor vehicle record of each driver it employs, covering at least the preceding 12 months, to each driver's licensing authority where the driver held a commercial motor vehicle operator's license or permit during the time period.”

**Material Facts and Supporting Documentation:** During the transportation on September 20, 2024, described in Violation One, above. The MC did not provide a motor vehicle record (MVR) obtained in the twelve months prior to this transport for Mr. Miller.

**Violation:** Miller's Backhoe failed to obtain annual MVRs for its driver, which is a violation of 49 C.F.R. 391.25, adopted by K.A.R. 82-4-3g (**Exhibit 1, Page 3**). One (1) violations was discovered (**Exhibit 1, Page 9**).

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

### **RECOMMENDATION:**

Transportation Staff recommends the Commission find Miller's Backhoe Service LLC committed two (2) violation(s), setting forth two (2) specific counts, of Kansas law that governs MCs, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations (K.A.R.s), and is therefore subject to sanctions or fines imposed by the Commission.

Due to the frequency, timeline and severity of the violations, Staff recommends a civil penalty of \$250 for two (2) violation(s) of the MC Safety Statutes, Rules and Regulations, in accordance with the recommended penalties listed in the applicable Uniform Penalty Assessment Matrix.

Staff further recommends Miller's Backhoe Service LLC require a representative responsible for the company's safety to attend a Commission-sponsored safety seminar within thirty (30) days from the date of the Order, and provide Litigation Counsel with written proof of attendance. A schedule of the dates and locations for safety seminars can be found on the Commission's website at [http://kcc.ks.gov/trans/safety\\_meetings.htm](http://kcc.ks.gov/trans/safety_meetings.htm).

Staff further recommends Miller's Backhoe Service 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 Miller's Backhoe Service 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#:** 3945777  
**MC/MX#:** 0

**Legal:** MILLER'S BACKHOE SERVICE LLC  
**Operating (DBA):**

**Investigation Date:**  
12/03/2024

**Investigation Type:** Onsite Comprehensive Investigation

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

**Extent of Operations:** Entire Operation

**Physical Address**

3749 SE 70 ST  
KINGMAN, KS 67068-8341  
United States

**Mailing Address**

3749 SE 70 ST  
KINGMAN, KS 67068-8341  
United States

**Contact Information**

**Contact Name:** RYAN ADAM MILLER

**Email:**

**Phone:** (620)491-3223    **Cell:** ( )-    **Fax:** ( )-

**Business and Financial**

**Business Type:** Limited Liability Corporation

**Name of Gross Revenue Provider:** Heather Miller

**Title of Gross Revenue Provider:** Secretary

**Gross Revenue:** ██████████    **For Year Ending:** 12/31/2023

**Federal Tax ID:** ██████████

**Operation Classification and Type**

**Type of Operation:** Non-HM Intrastate Carrier

**Operation Classification**

Private Motor Carrier

Property – Non-Hazardous Materials

**Cargo**

Machinery, Large Objects, Metal; Sheets, Coils, Rolls

**Equipment**

	Owned	Term Leased	Trip Leased
Truck Tractors	2		
Trailers	1		

**Driver Information**

Drivers	Intrastate	Interstate
	< 100 Miles	
>= 100 Miles	1	

**Power units used in the U.S.:** 2

**Percentage of time used in the U.S.:** 100%

**Average trip leased driver/month:** 0

**Drivers with CDL:** 1

**Total Drivers:** 1

**Person(s) Interviewed**

**Name:** RYAN ADAM MILLER

**Title:** OWNER/OPERATOR

**Questions**

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

# Violations

## 1. Primary: 382.701 (b)(1)

Failing to conduct an annual query.

### Violations Discovered

Fed	State	Total
1		1

### Checked

Fed	State	Total
1		1

### Example/Notes:

Driver name, Ryan Miller

Trip date:9/20/2024

Description of violation: Failing to conduct an annual query.

On 9/20/2024, Ryan Miller drove from Kingman, KS to Wichita, KS as being contracted by Oil Producers Inc in Wichita. During this time the motor carrier did not conduct an annual query on Ryan in the Drug & Alcohol Clearinghouse for the most recent year.

### Drivers/Vehicles in Violation

Fed	State	Total
1		1

### Checked

Fed	State	Total
1		1

## 2. Primary: 391.25(a)

Failing to make an inquiry into the driving record of each driver to the appropriate State agencies in which the driver held a commercial motor vehicle operator's license at least once every 12 months.

### Violations Discovered

Fed	State	Total
1		1

### Checked

Fed	State	Total
1		1

### Example/Notes:

Driver name, Ryan Miller

Trip date:9/20/2024

Description of violation Failing to make an inquiry into the driving record of each driver to the appropriate State agencies in which the driver held a commercial motor vehicle operator's license at least once every 12 months.

On 9/20/2024, Ryan Miller drove from Kingman, KS to Wichita, KS as being contracted by Oil Producers Inc in Wichita. During this time the motor carrier did not conduct an MVR check on Ryan for the most recent year.

### Drivers/Vehicles in Violation

Fed	State	Total
1		1

### Checked

Fed	State	Total
1		1

## 3. Primary: 391.25(b)

Failing to review the driving record of each driver to determine whether that driver meets minimum requirements for safe driving or is disqualified to drive.

### Violations Discovered

Fed	State	Total
1		1

### Checked

Fed	State	Total
1		1

### Example/Notes:

MILLER'S BACKHOE SERVICE LLC (U.S.DOT# 3945777) - 12/6/2024

### Drivers/Vehicles in Violation

Fed	State	Total
1		1



Driver name, Ryan Miller

Trip date. 9/20/2024

Description of violation: Failing to review the driving record of each driver to determine whether that driver meets minimum requirements for safe driving or is disqualified to drive.

On 9/20/2024 Ryan Miller was going from Kingman, KS to Wichita, KS as he was contracted by Oil Producers Inc in Wichita. During this time the motor carrier did not conduct an annual review on Ryan for the most recent year.

**4. Primary: 396.19(b)**

Failing to maintain evidence of inspector's qualifications.

**Example/Notes:**

Inspectors name Greg Beat

Inspection date 9/6/2024

Vehicle: 2006 Peterbilt, Model 335

Trip date 9/20/2024

Violation: Failing to maintain evidence of inspector's qualifications.

On 9/20/2024, Ryan Miller was going from Kingman, KS to Wichita, KS as he was contracted by Oil Producers Inc in Wichita. During this time the motor carrier did not maintain evidence of inspector's qualifications on the mechanic who performed an annual inspections on the truck.

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

## Safety Fitness Rating

### This Investigation is Not Rated

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

## Process Breakdown and Remedies

### BASIC: Driver Fitness

#### Process Breakdown: Monitoring and Tracking

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The motor carrier did not conduct an annual MVR on the driver.

#### Specific Recommended Remedies

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

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

### BASIC: Controlled Substances/Alcohol

#### Process Breakdown: Monitoring and Tracking

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The motor carrier did not conduct an annual query in the Drug & Alcohol Clearinghouse.

#### Specific Recommended Remedies

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

1. Monitor and conduct an annual query of driver information in the Drug & Alcohol Clearinghouse to ensure the driver is fit to conduct safety sensitive operations.

### BASIC: Vehicle Maintenance

#### Process Breakdown: Roles and Responsibilities

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The motor carrier did not maintain an inspector's qualification certificate after the mechanic performed an annual inspection on the vehicle that used by the driver.

#### Specific Recommended Remedies

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

1. Designate a manager to collect and evaluate all vehicle- inspection, repair, and maintenance-related customer complaints and their safety implications.

# Recommendations

## 1. **Additional Information**

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

## 2. **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](http://www.fmcsa.dot.gov/safety-security/eta/index.htm)

## 3. **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.

## 4. **Drug and Alcohol Clearinghouse**

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

## 5. **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.

## 6. **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.

## 7. **Serious Violations**

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

## 8. **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](mailto: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

## 9. **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 Miller's Backhoe Service LLC operating authority and/or the impoundment of Miller's Backhoe Service LLC commercial motor vehicles.

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Carrier Representative



## Table 1: Violations Discovered During Review/Inspection

Violation	Date	Identifying Information	Description
<b>382.701 (b)(1) - Failing to conduct an annual query.</b>			
1	09/20/2024	Driver: Ryan Miller- 9/20/2024	
<b>391.25(b) - Failing to review the driving record of each driver</b>			
1	09/20/2024	Driver: Ryan Miller- 9/20/2024	
<b>391.25(a) - Failing to obtain driver's driving record each 12 months</b>			
1	09/20/2024	Driver: Ryan Miller- 9/20/2024	
<b>396.19(b) - Failing to maintain evidence of inspector's qualifications</b>			
1	09/20/2024	Equipment: Ryan Miller- 9/20/2024. Motor carrier failed to obtain an inspector's qualification, for Unit 1. No certification of inspector's qualification.	

# **EXHIBIT 2**

OIL PRODUCERS, INC. OF KANSAS  
WICHITA, KS 67206-6603  
(316) 681-0231

VENDOR

CHECK DATE

084634

INVOICE NUMBER	INVOICE DATE	MIL002	10/25/24	DISCOUNT TAKEN	AMOUNT PAID
1147	09/20/24	37971		\$0.00	\$4,381.10
Total:				\$0.00	\$4,381.10

9-20

2:00-4:00 ramp #1 changed out governor

reinstated 2



# **EXHIBIT 3**

## Queries History

### All Queries

Report Generated on : 12/06/2024 12:27

Key	First Name	Last Name	Country	State	Number	Employer Conducting Query	DBA	DOT Number	Query Status	Query Result	Conducted By	Query Type	Query Submitted	Query Completed
QUERY.ZD45	RYAN	MILLER	US	KS		MILLER'S BACKHOE SERVICE LLC		3945777	Completed	Driver Not Prohibited	UCI Testing (official)	Pre-employment	Manually	7/17/2023

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.\*\*

**CERTIFICATE OF SERVICE**

25-TRAM-237-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 01/08/2025.

BRETT W. BERRY, LITIGATION COUNSEL  
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1500 SW ARROWHEAD RD  
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AHSAN LATIF, LITIGATION COUNSEL  
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Heather Miller, SECRETARY  
Miller's Backhoe Service LLC  
3749 SE 70 St  
Kingman, KS 67068  
hmiller.millersbackhoeservice@gmail.com

/S/ KCC Docket Room  
KCC Docket Room

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