



20241031112915  
Kansas Corporation  
Commission  
Phone: 785-271-3100  
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<http://kcc.ks.gov/>

1500 SW Arrowhead Road  
Topeka, KS 66604-4027

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

Laura Kelly, Governor

## NOTICE OF PENALTY ASSESSMENT

Docket No. 25-TRAM-171-PEN

October 31, 2024  
Eric Molz, Owner  
Gorilla Construction LLC  
207 S 5th  
Kiowa, Kansas 67070

This is a notice of a penalty assessment against Gorilla Construction LLC (Gorilla Construction) for violations of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted August 1, 2024, by a Kansas Corporation Commission Special Investigator. 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:** Gorilla Construction has been assessed a \$2,350 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$2,350, 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 requires a representative of Gorilla Construction 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).

**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. Gorilla Construction 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.<sup>1</sup>

**IF YOU FAIL TO ACT:** Failure to pay the penalty of \$2,350 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/ Madisen K. Hane*  
Madisen K. Hane  
Litigation Counsel  
(785) 271-3288  
[Madisen.Hane@ks.gov](mailto:Madisen.Hane@ks.gov)

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

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

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

In the Matter of the Investigation of **Gorilla**     )  
**Construction LLC, d/b/a Eric Molz of Kiowa,**     )  
**Kansas.** Regarding the Violation(s) of the Motor     )  
Carrier Safety Statutes, Rules and Regulations     ) Docket No. 25-TRAM-171-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. Pursuant to K.S.A 66-1,108b, 66-1,111, 66-1,112, and 66-1,114b, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in 49 C.F.R. Part 390.5 as adopted by K.A.R. 82-4-3f, doing business or procuring business in Kansas, and is empowered to do all things necessary and convenient for the exercise of such power, authority and jurisdiction.

2. Pursuant to K.S.A. 66-1,129a, 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. On January 31, 2023, Commission Transportation Staff (Transportation Staff or Staff) completed a safety investigation of the operations of Gorilla Construction LLC, d/b/a Eric Molz (Gorilla Construction or Carrier), which resulted in the Commission issuing a Penalty Order in Docket No. 23-TRAM-606-PEN on February 23, 2023,<sup>2</sup> that levied civil penalties totaling \$750. In the current docket, Staff found violations that resulted from non-compliance with the 23-606 Penalty Order, which will be further outlined below.

5. On August 1, 2024, a Staff Special Investigator (“SI”) completed a safety compliance investigation of the operations of Gorilla Construction. Gorilla Construction is a motor carrier as defined in 49 C.F.R. 390.5 and operates under USDOT number 2462433. As a result of the compliance investigation, the SI identified twelve (12) violation(s), set forth in seven (7) count(s), of the Motor Carrier Safety Regulations (MCSRs), which carries a penalty according to the FY2025 Uniform Penalty Assessment Matrix.<sup>3</sup>

6. On September 27, 2024, Staff submitted its Report and Recommendation (“R&R”), attached hereto as Attachment “A” and is hereby incorporated by reference, recommending a penalty of \$2,350 to be issued to Gorilla Construction based on the frequency, timeline and severity of the violations discovered.

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<sup>2</sup> Penalty Order, Docket No. 21-TRAM-606-PEN (Feb. 23, 2023) (hereinafter, 23-606 Penalty).

<sup>3</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”).

7. The Commission finds it has jurisdiction over Gorilla Construction 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.

8. Specifically, the Commission finds that Gorilla Construction committed twelve (12) violation(s) of the following seven (7) count(s), discussed more fully in Staff's R&R:

a. Count 1: On July 1, 2024, Gorilla Construction was operating commercial motor vehicles without accurately recording the total number of hours the driver was on-duty each day, which resulted in two (2) violations(s) of 49 C.F.R. 395.1(e), adopted by K.A.R. 82-4-3a. The Commission finds that Staff's recommendation of a fine of \$100 is appropriate and in accordance with the current Penalty Matrix.

b. Count 2: On July 12, 2024, Gorilla Construction was operating commercial motor vehicles without first conducting a pre-employment (full) query in the Drug and Alcohol Clearinghouse (DACH) prior to the driver performing safety sensitive functions which resulted in one (1) violations(s) of 49 C.F.R. 382.701(a), adopted by K.A.R. 82-4-3c. The Commission finds that Staff's recommendation of a fine of \$500 is appropriate and in accordance with the current Penalty Matrix.

c. Count 3: On July 1, 8 and 12, 2024, Gorilla Construction was operating commercial motor vehicles without first conducting an annual (limited) query in the DACH which resulted in three (3) violation(s) of 49 C.F.R. 382.701(b), adopted by K.A.R. 82-4-3c. The Commission finds that Staff's recommendation of a fine of \$250 is appropriate and in accordance with the current Penalty Matrix.

d. Count 4: On July 2, 8 and 12, 2024, Gorilla Construction was operating commercial motor vehicles without first obtaining the driving record of its drivers every

12 months which resulted in three (3) violation(s) of 49 C.F.R. 391.25(b), adopted by K.A.R. 82-4-3g. The Commission finds that Staff's recommendation of an enhanced fine of \$500 is appropriate and in accordance with the current Penalty Matrix.

e. Count 5: On July 12, 2024, Gorilla Construction was operating commercial motor vehicles without requiring its drivers to cease driving operations after a period of fourteen (14) consecutive hours after coming on duty following ten (10) consecutive hours off duty which resulted in one (1) violation of 49 C.F.R. 395.3(a)(2), adopted by K.A.R. 82-4-3a. The Commission finds that Staff's recommendation of a fine of \$250 is appropriate and in accordance with the current Penalty Matrix.

f. Count 6: On July 12, 2024, Gorilla Construction was operating commercial motor vehicles while requiring or permitting a driver to drive in excess of sixty (60) hours in a period of seven (7) consecutive days which resulted in one (1) violation(s) of 49 C.F.R. 395.3(b)(1), adopted by K.A.R. 82-4-3a. The Commission finds that Staff's recommendation of a fine of \$250 is appropriate and in accordance with the current Penalty Matrix.

g. Count 7: On July 12, 2024, Gorilla Construction was operating commercial motor vehicles while failing to require its driver to maintain a record of duty status which resulted in one (1) violation(s) of 49 C.F.R. 395.8(a)(1), adopted by K.A.R. 82-4-3a. The Commission finds that Staff's recommendation of an enhanced fine of \$500 is appropriate and in accordance with the current Penalty Matrix.

9. The Commission finds that Gorilla Construction has committed twelve (12) violation(s), set forth in seven (7) count(s), 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 fines totaling \$2,350.

10. Accordingly, the Commission finds that Gorilla Construction 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).

11. The Commission further finds that Gorilla Construction shall submit a written, comprehensive corrective action plan (CAP) that is satisfactory to Transportation Staff within thirty (30) days of the date of this order, documenting the violation(s) described in this Penalty Order, including specific and detailed information explaining Carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.<sup>5</sup>

12. Finally, the Commission finds that Gorilla Construction shall 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>

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

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

A. Gorilla Construction is hereby assessed a \$2,350 civil penalty for twelve (12) violation(s), set forth in seven (7) count(s), of Kansas law governing the regulation of motor

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<sup>4</sup> See Staff's Report and Recommendation, p.5 (Sep. 27, 2024).

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

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

carriers, the Kansas Administrative Regulations and provisions of the Federal Motor Carrier Safety Regulations, as adopted by the Kansas Administrative Regulations.

B. Gorilla Construction 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 five (5) business days of completing the safety seminar.

C. Gorilla Construction is hereby ordered to submit a written, comprehensive corrective action plan (CAP) that is satisfactory to Transportation Staff within thirty (30) days of the date of this order, documenting the 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. Gorilla Construction 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 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 Gorilla Construction'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.<sup>8</sup> For civil penalties of \$500 or less, a corporation may appear by a duly authorized representative of the corporation.<sup>9</sup>

G. If you do not request a hearing, the payment of the civil penalty of \$2,350 is due in thirty (30) days from the date of service of this Order. Payment of \$2,350 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 Gorilla Construction 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 Gorilla Construction'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.

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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.

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



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

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 10/31/2024

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*Lynn M. Retz*

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Lynn M. Retz  
Executive Director

MKH

# **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:** September 27, 2024

**SUBJECT: Docket No. 25-TRAM-171-PEN**  
In the Matter of the Investigation of **Gorilla Construction LLC of Kiowa, 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:**

Gorilla Construction LLC d/b/a Eric Molz (Eric Molz) is a motor carrier (MC) possessing public for-hire operating authority from the Commission, primarily hauling construction, machinery, large objects, rock, sand, and aggregates. Eric Molz operates under USDOT 2462433.

On January 31, 2023, Commission Transportation Staff (Transportation Staff or Staff) completed a safety compliance investigation of the operations of Eric Molz, which resulted in the Commission issuing a Penalty Order in Docket No. 23-TRAM-606-PEN on February 23, 2023,<sup>1</sup> that levied civil penalties totaling \$750. In the current docket, Staff found violations that resulted from non-compliance with the 23-606 Penalty Order, which will be further outlined below.

On August 1, 2024, a Commission Staff Special Investigator (SI) completed a safety compliance investigation of the operations of Eric Molz. 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 twelve (12) violation(s), set forth in seven (7) specific count(s), of the Motor Carrier Safety Regulations (MCSRs), which carries a penalty according to the FY2025 Uniform Penalty Assessment Matrix (Penalty Matrix) approved by the Commission. Based on

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<sup>1</sup> Penalty Order, Docket No. 21-TRAM-606-PEN (Feb. 23, 2023) (hereinafter, 23-606 Penalty).

the frequency, timeline and severity of the violations discovered by the SI, staff recommends penalty of \$2,350 be issued to the MC.

**DISCUSSION AND ANALYSIS:**

On August 1, 2024, a Commission Staff SI conducted a safety compliance investigation of the operations of Eric Molz. The investigation covers a 365 day period and any previous compliance review. Each specific count is detailed below.

**Count One (1 of 7)**

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

**Intent of Law:** The MC shall require its short-haul drivers to report on their time sheet the total number of hours the driver is on duty for each day.

**Supporting Documentation:** On July 1, 2024, Gorilla construction required or permitted its driver, Jimmie Ladner, to operate a commercial driver's license (CDL) required commercial motor vehicle (CMV), a 2024 Kenworth W990, VIN ending in 15605, GVWR 56,820 lbs., towing a 2021 East End Dump semi-trailer, VIN ending in 738707, GVWR 80,000 lbs. in intrastate commerce within Kiowa, Kansas. This transport is evidenced by a load invoice, attached hereto as **Exhibit 2**, and a timesheet, attached hereto as **Exhibit 3**. The time records failed to accurately record the total number of hours the driver is on-duty each day.

**Violation:** Gorilla Construction failed to report total number of hours worked by a short-haul driver (**Exhibit 1, Page 3**). This is a violation of 49 C.F.R. 395.1(e), adopted by K.A.R. 82-4-3a. Two (2) violations were discovered (**Exhibit 1, Page 10**).

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

**Count Two (2 of 7)**

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

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

**Supporting Documentation:** On July 12, 2024, Gorilla Construction required or permitted its driver, Robert Steele, to operate a CDL-required CMV, a 2018 Peterbilt 388, VIN ending in 72645, GVWR 53,200 lbs., towing a 2019 CTS Packmule trailer, VIN ending in 00521, GVWR 68,000 lbs., in intrastate commerce from Kiowa, Kansas to Arkansas City, Kansas. This transport is evidenced by a load invoice, attached hereto as **Exhibit 4**, and a DACH pre-employment query report, attached hereto as **Exhibit 5**. The DACH pre-employment query report states that no queries were submitted.

**Violation:** Gorilla Construction failed to conduct a pre-employment (full) query in the DACH. This is a violation of 49 C.F.R. 382.701(a), adopted by K.A.R. 82-4-3c (**Exhibit 1, Page 3 to 4**). One (1) violation was discovered (**Exhibit 1, Page 10**).

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

**Count Three (3 of 7)**

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

**Intent of Law:** The MC must conduct an annual inquiry into its drivers with the FMCSA Drug and Alcohol Clearinghouse (DACH).

**Supporting Documentation:** On July 12, 2024, Gorilla Construction required or permitted its driver, William Starzyk, to operate a CDL-required CMV, a 2020 Kenworth T880, VIN ending in 42344, GVWR 60,320 lbs., towing a 2020 CTS belly-dump semi-trailer, VIN ending in 00143, GVWR 68,000 lbs., in intrastate commerce from Kiowa, Kansas to Sun City, Kansas. This transport is evidenced by a load invoice, attached hereto as **Exhibit 6**, and a DACH annual query report, attached hereto as **Exhibit 7**. The DACH annual query report states that no queries were submitted.

**Violation:** Gorilla Construction failed to conduct an annual (limited) query in the DACH. This is a violation of 49 C.F.R. 382.701(b), adopted by K.A.R. 82-4-3c (**Exhibit 1, Page 4**). Three (3) violations were discovered (**Exhibit 1, Page 10**).

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

#### **Count Four (4 of 7)**

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

**Intent of Law:** The MC must make an inquiry every 12 months into the annual motor vehicle record (MVR) of its driver.

**Supporting Documentation:** This violation took place during the transport described in Count Three, above. Additionally, this transport is evidenced by the most recent MVRs provided by the carrier, attached hereto as **Exhibit 8**, an email confirming dates the carrier ran MVRs in 2023, attached hereto as **Exhibit 9**, and an email confirming dates the carrier ran MVRs in 2024 after the investigation was initiated, attached hereto as **Exhibit 10**.

**Violation:** Gorilla Construction failed to obtain the driving record of its drivers every 12 months. This is a violation of 49 C.F.R. 391.25(b), adopted by K.A.R. 82-4-3g (**Exhibit 1, Page 4**). Three (3) violations were discovered (**Exhibit 1, Page 10**). The MVRs in 2024 were obtained over twelve months after the MVRs in 2023 were obtained.

**Recommendations:** Staff recommends an enhanced fine of \$500 as this same violation was previously cited in a compliance investigation conducted January 31, 2023 and penalized in the Penalty Order issued on February 23, 2023 in 23-606. This enhanced fine is in accordance with the FY2025 Penalty Matrix.

#### **Count Five (5 of 7)**

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

**Intent of Law:** The MC shall require its drivers to cease driving operations after a period of fourteen (14) consecutive hours after coming on duty following ten (10) consecutive hours off duty.

**Supporting Documentation:** This violation took place during the transport described in Count Three, above. Additionally, this violation is evidenced by the driver's time sheet for that day, attached hereto as **Exhibit 11**. The time sheet states that the driver drove from 10 p.m. to 10:30 p.m. on July 11, 2024, then drove again at 5:30 a.m. on July 12, 2024. Therefore, there was no period of ten consecutive hours off-duty as required.

**Violation:** Gorilla Construction required or permitted a driver to drive past the 14<sup>th</sup> hour on-duty. This is a violation of 49 C.F.R. 395.3(a)(2), adopted by K.A.R. 82-4-3a (**Exhibit 1, Page 5**). One (1) violation was discovered (**Exhibit 1, Page 10**).

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

#### **Count Six (6 of 7)**

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

**Intent of Law:** The MC shall not require its driver to drive in excess of sixty (60) hours in a period of seven (7) consecutive days.

**Supporting Documentation:** This violation took place during the transport described in Count Two, above. Additionally, this violation is evidenced by the driver's time sheet, attached hereto as **Exhibit 12**. The driver drove beyond sixty hours in a period of seven consecutive dates at 8:15 a.m. on July 12, 2024.

**Violation:** Gorilla Construction required or permitted a driver to drive after being on duty for 60 hours in 7 consecutive days. The MC shall not require its driver to drive in excess of sixty (60) hours in a period of seven (7) consecutive days. This is a violation of 49 C.F.R. 395.3(b)(1), adopted by K.A.R. 82-4-3a (**Exhibit 1, Page 5**). One (1) violation was discovered. (**Exhibit 1, Page 10**).

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

#### **Count Seven (7 of 7)**

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

**Intent of Law:** The MC shall require its driver to keep records of duty status for each 24-hour period 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.

**Supporting Documentation:** This violation occurred during the transportation described in Counts Three and Five, above.

**Violation:** Gorilla Construction failed to require a driver to maintain a record of duty status. This is a violation of 49 C.F.R. 395.8(a)(1), adopted by K.A.R. 82-4-3a. (**Exhibit 1, Page 6**) One (1) violation was discovered. (**Exhibit 1, Page 10**)

**Recommendation:** Staff recommends an enhanced fine of \$500 as this same violation was previously cited in a compliance investigation conducted January 31, 2023 and penalized in the Penalty Order issued on February 23, 2023 in 23-606. This enhanced fine is in accordance with the FY2025 Penalty Matrix.

#### **RECOMMENDATION:**

Transportation Staff recommends the Commission find Eric Molz committed twelve (12) violation(s) set forth in seven (7) 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. Staff recommends enhanced fines as two of the above counts were deemed to be intentional violations as they were previously discovered and penalized by the Commission in the 23-606 Penalty and for the failure of Eric Molz to take corrective action to

remedy the identified compliance issues. Staff requests the Commission take judicial notice of the findings in Docket No. 23-TRAM-606-PEN.

Due to the frequency, timeline and severity of the violations, Staff recommends a civil penalty of \$2,350 for twelve (12) 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 Eric Molz 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 Eric Molz 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 Eric Molz 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#:** 2462433  
**MC/MX#:** 857436

**Legal:** GORILLA CONSTRUCTION LLC  
**Operating (DBA):** ERIC MOLZ

**Investigation Date:**  
09/20/2024

**Investigation Type:** Offsite Investigation

**Physical Address**

614 MAIN ST  
KIOWA, KS 67070-1506  
United States

**Mailing Address**

614 MAIN ST  
KIOWA, KS 67070-1506  
United States

**Contact Information**

**Contact Name:** ERIC MOLZ  
**Email:** gorillaconstruction2011@gmail.com  
**Phone:** (620)825-4776    **Cell:** (620)825-4776    **Fax:** (620)825-4029

**Business and Financial**

**Business Type:** Limited Liability Corporation  
**Name of Gross Revenue Provider:** Chantel Molz  
**Title of Gross Revenue Provider:** Bookkeeper  
**Gross Revenue:** ██████████    **For Year Ending:** 08/01/2024  
**Federal Tax ID:** ██████████

**Operation Classification and Type**

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

**Operation Classification**

For-Hire Motor Carrier  
Property  
Other Non-Hazardous Freight

**Cargo**

Construction, Machinery, Large Objects, Other (Rock/sand/aggregates)

**Equipment**

	Owned	Term Leased	Trip Leased
Truck Tractors	5		
Trailers	9		

**Driver Information**

Drivers	Intrastate	Interstate
	< 100 Miles	
>= 100 Miles		

**Power units used in the U.S.:** 5  
**Percentage of time used in the U.S.:** 100%

**Average trip leased driver/month:** 0  
**Drivers with CDL:** 4  
**Total Drivers:** 4

**Person(s) Interviewed**

**Name:** Chantel Molz    **Title:** Bookkeeper

**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: 395.1(e)(1)(iv)

Carrier failed to maintain true and accurate time records

### Violations Discovered

Fed	State	Total
	1	1

### Checked

Fed	State	Total
	1	1

### Example/Notes:

Driver: Jimmie Ladner

Trip date: 7/19/2024 Kiowa, KS to Kiowa, KS

Carrier failed to maintain true and accurate time records-the driver's time sheet for that date was dated 7/16/2024

### Drivers/Vehicles in Violation

Fed	State	Total

### Checked

Fed	State	Total

## 2. Primary: 395.1(e)(1)(iv)(B)

Carrier failed to accurately record the total number of hours the driver is on-duty each day

### Violations Discovered

Fed	State	Total
	2	2

### Checked

Fed	State	Total
	2	2

### Example/Notes:

Driver: Jimmie Ladner

Trip date: 7/1/2024 Kiowa, KS to Kiowa, KS

Carrier failed to accurately record the total number of hours the driver is on-duty each day

### Drivers/Vehicles in Violation

Fed	State	Total

### Checked

Fed	State	Total

## 3. Primary: 382.701(a)

Failing to conduct a pre-employment query.

### Violations Discovered

Fed	State	Total
1		1

### Checked

Fed	State	Total
1		1

**Example/Notes:**

Driver: Robert Steele

Trip date: 7/12/2024 Kiowa, KS to Arkansas City, KS

Carrier failed to conduct a pre-employment query prior to the driver performing safety sensitive functions

**Drivers/Vehicles in Violation**

Fed	State	Total
1		1

**Checked**

Fed	State	Total
1		1

**4. Primary: 382.701(b)(1)**

Failing to conduct an annual query.

**Violations Discovered**

Fed	State	Total
3		3

**Checked**

Fed	State	Total
3		3

**Example/Notes:**

Driver: William Starzyk

Trip date: 7/12/2024 Kiowa, KS to Sun City, KS

Carrier failed to conduct annual queries

**Drivers/Vehicles in Violation**

Fed	State	Total
3		3

**Checked**

Fed	State	Total
3		3

**5. 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
	3	3

**Checked**

Fed	State	Total
	3	3

**Example/Notes:**

Driver: William Starzyk

Trip date: 7/12/2024 Kiowa, KS to Kiowa, KS

Carrier failed 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

**Drivers/Vehicles in Violation**

Fed	State	Total
	3	3

**Checked**

Fed	State	Total
	3	3

**6. 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
	3	3

**Checked**

Fed	State	Total
	3	3

**Example/Notes:**

Driver: William Starzyk

Trip date: 7/12/2024 Kiowa, KS to Kiowa, KS

Carrier failed 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

**Drivers/Vehicles in Violation**

Fed	State	Total
	3	3

**Checked**

Fed	State	Total
	3	3

**7. Primary: 395.3(a)(2)**

Requiring or permitting a property-carrying commercial motor vehicle driver to drive after the end of the 14th hour after coming on duty.

**Violations Discovered**

Fed	State	Total
	1	1

**Checked**

Fed	State	Total
	1	1

**Example/Notes:**

Driver: William Starzyk

Trip date: 7/12/2024 Kiowa, KS to Kiowa, KS

Driver failed to take 10 consecutive and uninterrupted hours off-duty between each 14 hours on-duty on 7/11 and 7/12, resulting in the driver driving after 14 hours on-duty on 7/12

**Drivers/Vehicles in Violation**

Fed	State	Total
	1	1

**Checked**

Fed	State	Total
	1	1

**8. Primary: 395.3(b)(1)**

Requiring or permitting a property-carrying commercial motor vehicle driver to drive after having been on duty 60 hours in 7 consecutive days.

**Violations Discovered**

Fed	State	Total
	1	1

**Checked**

Fed	State	Total
	1	1

**Example/Notes:**

7/8/2024-7/12/2024

Driver: Robert Steele

Trip date: 7/12/2024 Kiowa, KS to Arkansas City, KS

In violation at 0815 on 7/12

**Drivers/Vehicles in Violation**

Fed	State	Total
	1	1

**Checked**

Fed	State	Total
	1	1

**9. Primary: 395.8(a)(1)**

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

<b>Violations Discovered</b>		
<b>Fed</b>	<b>State</b>	<b>Total</b>
	1	1
<b>Checked</b>		
<b>Fed</b>	<b>State</b>	<b>Total</b>
	1	1

**Example/Notes:**

Driver: William Starzyk

Trip date: 7/12/2024 Kiowa, KS to Kiowa, KS

Carrier failed to require the driver to have at least 10 consecutive and uninterrupted hours off-duty, requiring the driver to prepare a record of duty status

<b>Drivers/Vehicles in Violation</b>		
<b>Fed</b>	<b>State</b>	<b>Total</b>
	1	1
<b>Checked</b>		
<b>Fed</b>	<b>State</b>	<b>Total</b>
	1	1

# 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

### BASIC: Driver Fitness

#### Process Breakdown: Monitoring and Tracking

---

##### 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: Hours-of-Service Compliance

#### Process Breakdown: Monitoring and Tracking

---

##### Specific Recommended Remedies

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

1. Implement an effective process for monitoring, tracking, and evaluating all drivers' compliance with Hours-of-Service (HOS) regulations and company policies.
2. Promptly review all Records of Duty Status (RODS) for Hours-of-Service (HOS) violations and falsification. Look for discrepancies by comparing driver logs with their "check-in" calls and other supporting documents.



# Recommendations

## 1. **Additional Information**

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

## 2. **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.

## 3. **Clearinghouse Driver Consent**

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

## 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 Pre-employment Query**

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

## 6. **MVR**

Make an annual inquiry to the driving record for each driver every 12 months

## 7. **Annual Review of Driving Record**

Review driver's driving record annually

## 8. **150-mile exemption terms must be met.**

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

## 9. **Ensure that all drivers' logs are accurate.**

Ensure that all drivers' time records are accurate.

## 10. **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 \*GORILLA CONSTRUCTION LLC, DBA ERIC MOLZ\*. 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: [j.smith@kcc.ks.gov](mailto:j.smith@kcc.ks.gov) FAX: 785-271-3124; or mail to;

Kansas Corporation Commission

Attn: Jared Smith

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 \*GORILLA CONSTRUCTION LLC, DBA ERIC MOLZ'S\* authority and/or the impoundment of \*GORILLA CONSTRUCTION LLC, DBA ERIC MOLZ'S\* Commercial Motor Vehicles.

## Table 1: Violations Discovered During Review/Inspection

Violation	Date	Identifying Information	Description
<b>391.25(a) - Failing to obtain driver's driving record each 12 months</b>			
1	07/12/2024	Driver: WILLIAM STARZYK	
2	07/01/2024	Driver: Jimmie Ladner	
3	07/08/2024	Driver: Eric Molz	
<b>391.25(b) - Failing to review the driving record of each driver</b>			
1	07/12/2024	Driver: WILLIAM STARZYK	
2	07/01/2024	Driver: Jimmie Ladner	
3	07/08/2024	Driver: Eric Molz	
<b>395.8(a)(1) - Failing to require a driver to prepare a RODS using the appropriate method</b>			
1	07/12/2024	WILLIAM STARZYK	
<b>395.1(e)(1)(iv)(B) - Carrier failed to accurately record the total number of hours the driver is on-duty each day</b>			
1	07/01/2024	WILLIAM STARZYK	
2	07/01/2024	Jimmie Ladner	
<b>395.1(e)(1)(iv) - Carrier failed to maintain true and accurate time records</b>			
1	07/19/2024	Jimmie Ladner	
2	07/12/2024	Robert Steele	
<b>395.3(a)(2) - Req./perm. property CMV driver to drive after 14 hours on duty</b>			
1	07/12/2024	WILLIAM STARZYK	
<b>382.701(a) - Failing to conduct a pre-employment query.</b>			
1	07/12/2024	Driver: Robert Steele	
<b>382.701(b)(1) - Failing to conduct an annual query</b>			
1	07/12/2024	Driver: WILLIAM STARZYK	
2	07/01/2024	Driver: Jimmie Ladner	
3	07/08/2024	Driver: Eric Molz	
<b>395.3(b)(1) - Req./perm. property CMV driver to drive after 60 hrs on duty in 7 days</b>			
1	07/12/2024	Robert Steele	

# EXHIBIT

2

Jim 7-1

Trans Pac

Number of Passes: 7  
USTON  
#01 0.01  
#02 4.74  
#03 5.43  
#04 4.66  
#05 4.55  
#06 4.68  
#07 3.21

-----  
Receipt of: 27.29

Truck: Truck7  
Material: MATERIAL1  
OperatorID: 0  
DATE: 01JUL2024  
TIME: 14:11  
-----  
-----

Ticket Number: 2277

K-own Yard

# EXHIBIT

3

Gorilla Construction LLC  
Jim's Tickets

DOT

Date	Company	Lease	Equipment	Time-In	Time-Out	# Hours	Material Charged To	Pit	Description
6/28/24	Gorilla			700	1230	5.50			fixed tarp cord ,gate cord on V3 and T3 repaired side boards get parts for V5 work
6/28/24	Gorilla			1330	1630	3.00			worked on V3 A/C coil went to pratt to get rim for V5
7/1/24	Gorilla			700	830	1.50			Picked up driver at Mark's, Fueled 950M, began helping with repair on T3
7/1/24	Trans Pac	Kiowa Yard	V7T5	830	1000	1.50	Trans Pac	N. StockPile	1 Load 1 1/2" Blue (2277)(27.29)
7/1/24	Gorilla			1000	1230	2.50			Picked up Parts for needed repairs
7/1/24	Gorilla			1300	1700	4.00			Installed tarp on T5
7/2/24	Gorilla	Shop		630	700	0.50			replaced tire on T5
7/2/24	Gorilla	N. Stock pile	V7T5	700	1745	10.75	Gorilla	Hy-Grade	2 loads of 1X3 rock (4548,4560)(26.19,26.64)
7/3/24	Gorilla		950M	700	730	0.50			Pushed up Shale at N. Stockpile
7/3/24	Gorilla			730	830	1.00			Assisted with tarp issue on T4
7/3/24	Gorilla	N. Stock pile	V7T5	830	1400	5.50	Gorilla	Whitaker	1 Load B67 (874129)(26.99)
7/3/24	Gorilla		950M	1400	1430	0.50			Pushed up Loads at N. Stockpile
7/3/24	Gorilla			1430	1800	3.50			Pick up brake pod at Mark's assist with brake pod install
7/8/24	Gorilla		V7T5	630	700	0.50			Took T5 to N. tockpile unhooked from T5 rehooked to T8 adjusted fifthwheel
7/8/24	Kiowa Township	Northstar Rd.	V7T8	700	1630	9.50	Gorilla	Bergkamp	6 Loads 1 1/4" Gyp Rock (226655,661,667,677,682,692)(26.26,25.04,25.91,25.40,24.66,25.42)
7/8/24	Gorilla	N. Stock pile	V7T8	1630	1730	1.00	Gorilla	M. Shale	1 Load Shale (1718)(26.94)
7/9/24	Kiowa Township	Northstar Rd.	V7T8	630	1100	4.50	Gorilla	Bergkamp	2 Loads 1 1/4" Gyp Rock (226697,708)(25.34,24.95)
7/9/24	Kiowa Township	Northstar Rd.	V7T8	1100	1430	3.50	Gorilla	Heft&Son	1 Load 1/2"X3/4" River Rock (55357)(27.06)
7/9/24	Kiowa Township	Rattlesnake Trl.	V7T8	1430	1545	1.25	Gorilla	Bergkamp	1 Load 1 1/4" Gyp Rock (226753)(25.56)
7/9/24	Gorilla	N. Stock pile	V7T8	1545	1645	1.00	Gorilla	M. Shale	1 Load Shale (1721)(26.16)
7/9/24	Ganell Goodnoo	N. Stock pile	V7T8	1645	1745	1.00	Ganell Goodnoo	N. StockPile	1 Load 1 3/4" Gyp Rock (2283)(26.12)
7/9/24	Gorilla	N. Stock pile	V7T8	1745	1900	1.25	Gorilla	M. Shale	1 Load Shale (1723)(26.28)
7/9/24	Gorilla			1930	2030	1.00			Asisted with air bag change T7
7/10/24	Gorilla			630	700	0.50			Assisted with tire change T7
7/10/24	Kiowa Township	Rattlesnake Trl.	V7T8	700	1030	3.50	Gorilla	Bergkamp	2 Loads 1 1/4" Gyp Rock (226762,766)(26.31,25.38)
7/10/24	Kiowa Township	Northstar Rd.	V7T8	1030	1600	5.50	Gorilla	Brain Wells Quarry	1 Load River Rock No ticket number given (25.50) Tons
7/10/24	Gorilla		950M	1600	1630	0.50			Pushed up Shale at N. Stockpile
7/10/24	Kiowa Township	Rattlesnake Trl.	V7T8	1630	1800	1.50	Kiowa Township	N. StockPile	1 Load B67(2286)(26.43)
7/10/24	Gorilla			1730	1830	1.00			Assisted with repairs on T3
7/11/24	Kiowa Township	Northstar Rd.	V7T8	515	1500	9.75	Kiowa Township	Brain Wells Quarry	2 loads of river rock (no ticket #)(25.35,25.50
7/11/24	Kiowa Township	Rattlesnake Trl.	V7T8	1500	1715	2.25	Kiowa Township	N. StockPile	1 load of B67 (2293)(26.51)
7/11/24	Gorilla			1715	1900	1.75			picked up V3 from mark rickes, changed tire on T7
7/12/24	Transpac	Stateline A 1-31	D65EX	715	1615	9.00			Moved in rig, cleaned up location
7/13/24	Gorilla	shop	V7	630	830	2.00			changed oil and filter service on V7
						0.00			
						0.00			
						0.00			
						0.00			
						0.00			
						0.00			
						0.00			
						0.00			
						0.00			
						0.00			
						0.00			
						102			

# EXHIBIT

4

LOADRITE  
LOADRITE  
ID: 1, LOADER 0  
JUL 12 24 6:31:18AM

Add (1)	5.45	ton
Add (2)	5.55	ton
Add (3)	4.48	ton
Add (4)	1.15	ton
Add (5)	2.78	ton
Recall	0.78	ton
Subtract	0.78	ton
Add (5)	0.55	ton
Total	25.10	ton

LOADRITE  
LOADRITE  
ID: 1, LOADER 0  
JUL 12 24 11:25:24AM

Zero	5.80	ton
Add (1)	5.45	ton
Add (2)	5.55	ton
Add (3)	4.48	ton
Add (4)	4.65	ton
Add (5)	3.95	ton
Total	25.35	ton

Robert 7-12



# EXHIBIT

5

# Report Compliance - PRE-EMPLOYMENT QUERIES CONDUCTED

**GORILLA CONSTRUCTION LLC (USDOT# 2462433)**

Address:614 MAIN ST; KIOWA, KS 67070-1506; US

As of:8/1/2024 9:42

Report Generated on : 08/01/2024 09:42

Name	Country	CDL	Most Recent Query	Submitted On
------	---------	-----	-------------------	--------------

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# EXHIBIT

6

Will 7-12

Brain Wells Quarry  
1/2" TO 3/4" RIVER ROCK  
KIOWA TOWNSHIP  
NORTH STAR Rd.

Brain Wells Quarry  
1/2" x 3/4" RIVER ROCK  
KIOWA TOWNSHIP  
NORTH STAR Rd.

LOADRITE  
LOADRITE  
ID 1: LOADER B  
JUL 12 24 11:24:35AM

LOADRITE  
LOADRITE  
ID 1: LOADER B  
JUL 12 24 11:06:04AM

Zero	0.00	ton
Add (1)	0.00	ton
Add (2)	0.00	ton
Add (3)	0.00	ton
Add (4)	0.00	ton
Add (5)	0.00	ton
Recall	0.00	ton
Subtract	0.00	ton
Add (5)	0.00	ton
Total	0.00	ton

Zero	0.00	ton
Add (1)	0.00	ton
Add (2)	0.00	ton
Add (3)	0.00	ton
Add (4)	0.00	ton
Add (5)	0.00	ton
Total	25.40	ton



Bob Bergkamp Construction Co. INC.  
Sun City Quarry  
(620) 248-3268

Ticket No.: 226855

Date: 7/12/2024 Time: 3:24:40PM  
Location: Sun City  
Customer: 2791 Gorilla Construction LLC  
Order:  
P.O.: kiowa township/northstar  
Product: 220004 1 1/4 CLEAN

	Pounds	Tons	Metric
Gross	81820 *	40.91*	37.11*
Tare	33240 *	16.62*	15.08*
Net	48580 *	24.29*	22.04*

\* Manual Weight

24.29 Ton

Carrier: GORILLA Gorilla Construction  
Vehicle: V4 V4  
Received: \_\_\_\_\_

Ordered	0.00
Received	0.00
Remaining	0.00
Today:	24.29 Loads: 1

Weighmaster: DJ Ricke

COPY 1 CARRIER

# EXHIBIT

7

# Report Compliance - DRIVER CHECK (ANNUAL QUERIES CONDUCTED)

**GORILLA CONSTRUCTION LLC (USDOT# 2462433)**

Address:614 MAIN ST; KIOWA, KS 67070-1506; US

As of:8/1/2024 9:42

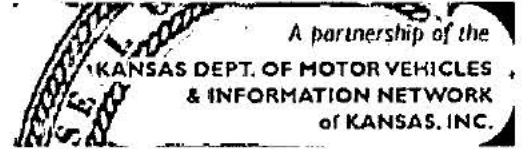
Report Generated on : 08/01/2024 09:42

Name	Country	CDL	Most Recent Query	Submitted On
------	---------	-----	-------------------	--------------

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# EXHIBIT

8



- [MVR LTD Search](#)
- [Driving Record Codes PDF document](#)
- [Helpful Hints](#)
- [Contact Info](#)
- [KDMV Web site](#)
- [Kansas Web site](#)

[Logout of Session \(Chantel Molz\)](#)

### Motor Vehicle Record Search Results

**WARNING: If you select ANY of the links on this page or hit refresh you will not be able to return to this record without paying again!**

#### Certificate of Acceptable Use Information:

Name: Chantel Molz  
Address: 614 Main St  
Kiowa, KS 67070  
Phone: 620-825-4776  
Email: gorillaconstruction2011@gmail.com

Section I: B - I have written consent from the individual to whom the requested information pertains, to obtain records on their behalf.

#### Drivers License search on:

Name: Robert Steel  
Date of Birth: 10/28/1963  
DL Number: [REDACTED]

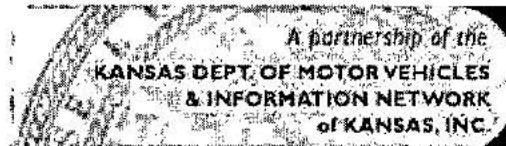
[Print This Page](#)

#### \*\*\* Opt Out Record \*\*\*

STEELE ROBERT GENE                                      DOB [REDACTED]                                      DL# [REDACTED]  
SEX/M EYE/HAZ HGT/601 WGT/310 IMG/                                      OLD DL#  
STATUS: REG:VALID KANSAS    CDL:VALID KANSAS    SOC/  
OLN [REDACTED] TYPE/COMMERCIAL    CLASS/A    CDLCLASS/A    PREV OLN/  
ENDOR/    ISS/10152020    EXP/10282025    RENEWAL/00000000    OIS/    10152020  
401 JEFFERSON  
MEDICINE LODGE    KS    67104  
RSTR:B    :CORRECTIVE LENSES                                      :  
CAT:1 CODE:NI STATUS:A EXAM:00000000    ISSUE:01042023    EXPIRE:01042025  
SPE EFF:00000000    SPE EXP:00000000    WVR EFF:00000000    WVR EXP:00000000    JRS:KS  
SPC:AN EX NMB:77599                                      MED RES:1                                      TEL:6208865949    REG:5174796340  
LAST NAME:NELSON                                      SFX:  
FIRST:MEGAN                                      MID:  
CNV/S93:SPEDING (DETAIL OPTIONAL)                                      CITD/10022023    CNVD/12132023  
CNV ST/KS    CNV LCL/HP    CRT TYP/MUN    CMV IND/N    CDL IND/  
HZD MAT/N    SPD LMT/20    ACT SPD/029







MVR LTD Search | Driving Record Codes PDF document | Helpful Hints | Contact Info | KDMV Web site | Kansas Web site

[Logout of Session \(Jimmie Ladner\)](#)

### Motor Vehicle Record Search Results

**WARNING: If you select ANY of the links on this page or hit refresh you will not be able to return to this record without paying again!**

#### Certificate of Acceptable Use Information:

Name: Jimmie Ladner

Address: 4 Oak St CT  
Medicine Lodge, KS 67104

Phone: 620-825-4776

Email: gorillaconstruction2011@gmail.com

Section I: **K** - I am an employer or an agent or insurer working on the behalf of an employer of licensed commercial drivers. I am requesting records information in order to obtain or verify information relating to a holder of a commercial driver's license.

#### Drivers License search on:

Name: Jimmie Ladner

Date of Birth: 05/10/1964

DL Number: [REDACTED]

[Print This Page](#)

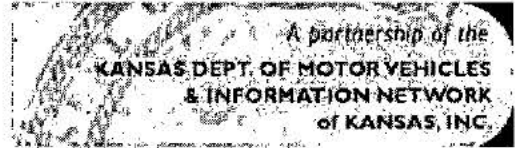
#### \*\*\* Opt Out Record \*\*\*

```

LADNER JIMMIE DEAN                DOB/[REDACTED]                DL# [REDACTED]
SEX/M EYE/BLU HGT/506 WGT/200 IMG/           OLD DL#
STATUS: REG:VALID KANSAS   CDL:VALID KANSAS   SOC/
OLN/[REDACTED] TYPE/COMMERCIAL CLASS/A      CDLCLASS/A  PREV OLN/
ENDOR/T ISS/04262024 EXP/05102029 RENEWAL/00000000 OIS/ 06122015
4 OAK STREET CT
MEDICINE LODGE KS 67104-1259
CAT:1 CODE:NI STATUS:A EXAM:11222023 ISSUE:11222023 EXPIRE:11222024
SPE EFF:00000000 SPE EXP:00000000 WVR EFF:00000000 WVR EXP:00000000 JRS:KS
SPC:CH EX NMB:01-03836      MED RES:      TEL:6206723638 REG:7470083672
LAST NAME:EASTES           SFX:SELECT
FIRST:WILLIAM              MID:
ACC/07052022 JUR/KS LCLJUR/HP SVRTY/1 HAZMAT/N CDL/Y CMV/Y CASE/0095097
CNV ST/   CNV LCL/   CRT TYP/   CMV IND/   CDL IND/
HZD MAT/   SPD LMT/   ACT SPD/
CAN/B65:FAILED TO FILE MEDICAL CERTIFICATI WD/07152014 ED/00000000 RD/01011900

```





[MVR LTD Search](#) [Driving Record Codes PDF document](#) [Helpful Hints](#) [Contact Info](#) [KDMV Web site](#) [Kansas Web site](#)

[Logout of Session \(Chantel Molz\)](#)

### Motor Vehicle Record Search Results

**WARNING:** If you select ANY of the links on this page or hit refresh you will not be able to return to this record without paying again!

#### Certificate of Acceptable Use Information:

Name: Chantel Molz

Title: Bookkeeper

Address: 614 Main St  
Kiowa, KS 67070

Phone: 620-825-4776

Email: gorillaconstruction2011@gmail.com

Section I: **K** - I am an employer or an agent or insurer working on the behalf of an employer of licensed commercial drivers. I am requesting records information in order to obtain or verify information relating to a holder of a commercial driver's license.

#### Drivers License search on:

Name: Lazarus Garcia

Date of Birth: 12/17/2003

DL Number: [REDACTED]

[Print This Page](#)

#### \*\*\* Opt Out Record \*\*\*

GARCIA LAZARUS LEROY                                   DOB/[REDACTED]                                   DL# [REDACTED]  
SEX/M EYE/BLU HGT/508 WGT/195 IMG/                                   OLD DL#  
STATUS: REG:VALID KANSAS   CDL:VALID KANSAS   SOC/  
OLN/[REDACTED]   TYPE/COMMERCIAL   CLASS/   CDLCLASS/A   PREV OLN/  
ENDOR/N   ISS/04142023   EXP/12172024   RENEWAL/00000000   OIS/   12182020  
17800 W ILLINOIS AVE  
ABBYVILLE                   KS 67510-9542  
RSTR:K :CDL INTRASTATE :  
CAT:4 CODE:EA STATUS:   EXAM:00000000   ISSUE:00000000   EXPIRE:00000000

RECORD CLEAR

ENDOFDATA

[Issue another search](#) or if you are done please [logout of your session \(Chantel Molz\)](#)

# EXHIBIT

9

**From:** [Chantel Molz](#)  
**To:** [Matt Adams \[KCC\]](#)  
**Subject:** RE: Time sheet Question  
**Date:** Thursday, September 19, 2024 5:05:09 PM  
**Attachments:** [MVR's 1-30-23.pdf](#)  
[7FD3F4C7363A49B9B3E2D1F3D396A910.png](#)

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**EXTERNAL:** This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Good to know. Attached are from 1-30-23.

Chantel Molz  
Gorilla Construction, LLC  
Bookkeeper  
Office: 620-825-4776

---

**From:** [Matt Adams \[KCC\]](#)  
**Sent:** Thursday, September 19, 2024 4:49 PM  
**To:** [Chantel Molz](#)  
**Subject:** Re: Time sheet Question

I believe he concluded the review in January of 2023. You have to hold onto 3 years worth of MVRs so whatever you have prior to what you sent me already I require as well.

**\*Please note my new email address is [matt.adams@ks.gov](mailto:matt.adams@ks.gov)**

**Matt Adams-KS8227**  
**Special Investigator, Transportation**  
**Kansas Corporation Commission**  
**1500 SW Arrowhead Road | Topeka, KS | 66604-4027**  
**Cell (785) 414-0625 | Office (785) 271-3145 | Fax (785) 271-3124**  
**[matt.adams@ks.gov](mailto:matt.adams@ks.gov) | <http://kcc.ks.gov/trans/>**

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**From:** Chantel Molz <[gorillaconstruction2011@gmail.com](mailto:gorillaconstruction2011@gmail.com)>  
**Sent:** Thursday, September 19, 2024 4:47:49 PM  
**To:** Matt Adams [KCC] <[Matt.Adams@ks.gov](mailto:Matt.Adams@ks.gov)>  
**Subject:** RE: Time sheet Question

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I can't remember when Doug came. I do have MVR's printed on 1-30-23.

Chantel Molz  
Gorilla Construction, LLC  
Bookkeeper  
Office: 620-825-4776

# EXHIBIT

10

**From:** [Chantel Molz](#)  
**To:** [Matt Adams \[KCC\]](#)  
**Subject:** RE: Question  
**Date:** Thursday, September 19, 2024 2:56:24 PM

---

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Hello,

No problem. Yes, I do see the dates on the next page. Sorry about that!

These are the dates when they were ran...

Lazarus Garcia- 9-20-23

Robert Steele- 6-3-24

William Starzyk- 8-5-24

Jimmie Ladner- 8-5-24

Eric Molz- 8-5-24

Thanks,

Chantel Molz  
Gorilla Construction, LLC  
Bookkeeper  
Office: 620-825-4776

---

**From:** [Matt Adams \[KCC\]](#)  
**Sent:** Thursday, September 19, 2024 2:33 PM  
**To:** [Chantel Molz](#)  
**Subject:** Question

Good afternoon Mrs. Molz-

My apologies for not being able to get to this sooner. I had a dumpster fire of an investigation that took priority assigned to me right after you sent everything. I'm trying to get your review done so I can get out of your hair.

I was just reviewing the MVRs, look like scanned copies of hard copies you printed off. Unfortunately none of them have dates on them. When you print them off from the KDOR website, that usually prints on a second page at the top. Would you still have those? Or can you tell me when you ran them?

Thanks,



Matt

**Matt Adams-KS8227**  
**Special Investigator, Transportation**  
**Kansas Corporation Commission**  
**1500 SW Arrowhead Road | Topeka, KS | 66604-4027**  
**Cell (785) 414-0625 | Office (785) 271-3145 | Fax (785) 271-3124**  
**matt.adams@ks.gov | <http://kcc.ks.gov/trans/>**

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# EXHIBIT

11

Gorilla Construction LLC  
Will's Tickets

DOT

Date	Company	Lease	Equipment	Time-In	Time-Out	# Hours	Material Charged To	Pit	Description
6/28/24	Gorilla			700	1230	5.50			worked on T6 welded turn buckle greased drop axle,took steer tires off of V5
6/28/24	Gorilla			1330	1630	3.00			worked on V3 cleaning A/C coils still didn't work
7/1/24	Gorilla			700	1200	5.00			Took V3 T2 to Mark's for repairs, changed air valve on T3 collected end of the month forms and scanned into system.
7/1/24	Gorilla			1300	1700	4.00			Assisted with tarp change on T5
7/2/24	Gorilla			630	700	0.50			Changed Axel 5 Left inner tire
7/2/24	Gorilla	N. Stockpile	V4T6	700	1730	10.50	Gorilla	Hy-Grade	2 Loads 1X3" Rock (4547,4559)(26.75,26.54)
7/2/24	Gorilla		950M	1730	1800	0.50			Pushed up Loads at N. Stockpile Post trip inspection
7/2/24	Gorilla		V4T6	700	1000	3.00			Took Rock samples to the Port Shop found a brake pod leaking air to T6 to Mark's for repairs
7/3/24	Gorilla	N. Stockpile	V4T6	1000	1530	5.50	Gorilla	Whitaker	1 Load B67 (874147)(26.46)
7/3/24	Gorilla			1530	1800	2.50			Replaced Axel 7 left brake Pod
7/8/24	Gorilla		V4T6	900	930	0.50			Took T6 to N. Stockpile Unhooked from T6 Rehooked to T7 adjusted fifthwheel
7/8/24	Kiowa Township	Northstar Rd.	V4T7	930	1530	6.00	Gorilla	Bergkamp	4 Loads 1 1/4" Gyp Rock (226664,671,678,686)(25.88,25.19,25.72,25.33)
7/8/24	Gorilla	N. Stockpile	V4T7	1530	1630	1.00	Gorilla	M.Shale	1 Load Shale (1713)(25.42)
7/8/24	Gorilla		950M	1630	1700	0.50			Pushed up Loads at N. Stockpile Post trip inspection
7/9/24	Kiowa Township	Northstar Rd.	V4T7	630	1230	6.00	Gorilla	Bergkamp	3 Loads 1 1/4" Gyp Rock (226699,710,723)(25.46,25.08,25.09)
7/9/24	Kiowa Township	Rattlesnake Trl.	V4T7	1230	1630	4.00	Gorilla	Bergkamp	3 Loads 1 1/4" Gyp Rock (226731,741,757)(25.66,25.28,25.45)
7/9/24	Gorilla	N. Stockpile	V4T7	1630	1730	1.00	Gorilla	M.Shale	1 Load Shale (1722)(26.05)
7/9/24	Kiowa Township	Rattlesnake Trl.	V4T7	1730	1830	1.00	Kiowa Township	N.Stockpile	1 Load B67(2284)(25.03)
7/9/24	Gorilla	N. Stockpile	V4T7	1830	1930	1.00	Gorilla	M.Shale	1 Load Shale (1724)(27.34)
7/9/24	Gorilla			1930	2030	1.00			Changed Axel 5 Left Air Bag
7/10/24	Gorilla		V4T7	630	700	0.50			Changed Axel 4 Right Inner tire Pretrip
7/10/24	Kiowa Township	Rattlesnake Trl.	V4T7	700	1215	5.25	Gorilla	Bergkamp	3 Loads 1 1/4" Gyp Rock (226763,767,774)(26.08,25.52,25.53)
7/10/24	Kiowa Township	Northstar Rd.	V4T7	1215	1500	2.75	Gorilla	Bergkamp	2 Loads 1 1/4" Gyp Rock (226782,789)(24.27,25.57)
7/10/24	Gorilla	N. Stockpile	V4T7	1500	1630	1.50	Gorilla	M.Shale	1 Load Shale (1725)(25.54)
7/10/24	Kiowa Township	Rattlesnake Trl.	V4T7	1630	1730	1.00	Kiowa Township	N.Stockpile	1 Load B67 (2287)(25.68)
7/10/24	Gorilla			1730	1830	1.00			Assisted with repairs to T3
7/11/24	Kiowa Township	Northstar Rd.	V4T7	530	1600	10.50	Gorilla	Brain Wells Quarry	2 Loads 1/2" X 3/4" River Rock No Ticket Number Given (25.5,25.25) Tons
7/11/24	Kiowa Township	Rattlesnake Trl.	V4T7	1600	1700	1.00	Kiowa Township	N.Stockpile	1 Load B67 (2292)(26.79)
7/11/24	Gorilla		V4T7	1700	1730	0.50			Unhooked from T7 Hooked to T1 Adjusted Fifthwheel
7/11/24	Deer Head Township	Fire Station	V4T1	1730	2000	2.50			Transported 772D to Deer Head Fire Station
7/11/24	Gorilla		V4T1	2000	2030	0.50			Unhooked from T1 hooked to T7 Adjusted Fifthwheel
7/12/24	Kiowa Township	Northstar Rd.	V4T7	530	1515	9.75	Gorilla	Brain Wells Quarry	2 Loads 1/2" X 3/4" River Rock No Ticket Number Given (25.65,25.40) Tons
7/12/24	Kiowa Township	Northstar Rd.	V4T7	1515	1645	1.50	Gorilla	Bergkamp	1 Load 13/4" Gyp Rock (226855)(24.29)
7/13/24	Gorilla			700	900	2.00			Welding repair T3 broke tires down assisted with service on V7
						0.00			
						0.00			
						0.00			
						0.00			
						0.00			
						0.00			
						0.00			
						0.00			
						0.00			
						0.00			
						102.25			

# EXHIBIT

12

DOT

Date	Company	Lease	Equipment	Time-In	Time-Out	# Hours	Material Charged To	Pit	Description
06/28/24	Gorilla	Shop	V5/T3	700	1745	10.75	Gorilla		Repairs on V5, V3, T3
06/28/24	Gorilla	Shop	V5/T3	1745	1800	0.25	Gorilla		Paperwork
07/01/24									Off for Dental appt
07/02/24	Gorilla	Shop	V5/T4	700	730	0.5	Gorilla		Pre-Trip, Equipment Check
07/02/24	Gorilla	North Stockpile	V5/T4	730	800	0.5	Gorilla		P/U T4
07/02/24	Gorilla	North Stockpile	V5/T4	800	1900	11	Gorilla	Hy-Grade	2 load 1x3 rock 4551, 4561 (26.33, 26.08 tons)
07/02/24	Gorilla	Shop	V5/T4	1900	1930	0.5	Gorilla		Fuel, paperwork, repair to wiper V5
07/03/24	Gorilla	Shop	V5/T4	630	830	2.00	Gorilla		Trailer repairs and tarp repair
07/03/24	Gorilla	North Stockpile	V5/T4	830	1430	6.00	Gorilla	Whittaker	1 load B67 rock, 874130 (26.17 tons)
07/03/24	Gorilla	Shop	V5/T4	1430	1600	1.50	Gorilla		Fuel, paperwork, cleaned, paperwork
07/04/24						0.00			Off 4th of July
07/08/24	Gorilla	Shop	V5/T3	545	615	0.50	Gorilla		Pre-Trip, Equipment Check
07/08/24	Kiowa Township	Northstar Road	V5/T3	615	1030	4.25	Gorilla	Bergkamp	2 loads 1-1/4 rock 226653, 226660 (26.11, 26.37 tons)
7/8/2024	Gorilla	Shop	V5/T3	1030	1130	1	Gorilla		Replaced 2 tires on T3
07/08/24	Kiowa Township	Northstar Road	V5/T3	615	1630	10.25	Gorilla	Bergkamp	3 loads 1-1/4 rock 226675, 226681, 226690 (24.70, 25.04, 25.87 tons)
07/08/24	Gorilla	North Stockpile	V5/T3	1630	1730	1.00	Gorilla	M-Shale	1 load shale 1715 (24.93 tons)
07/08/24	Gorilla	Shop	V5/T3	1730	1800	0.50	Gorilla		Fuel, paperwork
07/09/24	Gorilla	Shop	V5/T3	545	615	0.50	Gorilla		Pre-Trip, Equipment Check
07/09/24	Kiowa Township	Northstar Road	V5/T3	615	1545	9.50	Gorilla	Bergkamp	5 loads 226696, 226707, 226725, 226733, 226746 (25.46, 25.21, 24.64, 25.32, 25.22 tons)
7/9/2024	Gorilla	North Stockpile	V5/T3	1545	1630	0.75	Gorilla	M-Shale	1 load 1720 (26.60 tons)
07/09/24	Gorilla	Shop	V5/T3	1630	1645	0.25	Gorilla		Fuel
07/09/24	Kiowa Township	Rattlesnake Road	V5/T3	1645	1800	1.25	Gorilla	North Stockpile	1 load 2282 (23.75 tons)
07/09/24	Gorilla	Shop	V5/T3	1800	1815	0.25	Gorilla		Paperwork
07/10/24	Gorilla	Shop	V5/T3	545	615	0.50	Gorilla		Pre-Trip, Equipment Check
07/10/24	Kiowa Township	Rattlesnake Road	V5/T3	615	1300	6.75	Gorilla	Bergkamp	3 loads 1-1/4 rock 226760, 226769, 226775 (26.34, 24.44, 24.84 tons)
07/10/24	Kiowa Township	Northstar Road	V5/T3	1300	1600	3.00	Gorilla	Bergkamp	2 loads 1-1/4 rock 226783, 226790 (24.91, 24.88 tons)
07/10/24	Gorilla	North Stockpile	V5/T3	1600	1715	1.25	Gorilla	M-Shale	1 load 1726 ( 25.10 tons)
07/10/24	Gorilla	Shop	V5/T3	1715	1730	0.25	Gorilla		Paperwork
07/10/24	Gorilla	Shop	V5/T3	1730	1845	1.25	Gorilla		Repairs to T3, fuel
07/11/24	Gorilla	Shop	V5/T3	445	530	0.75	Gorilla		Pre-Trip, Equipment Check
07/11/24	Kiowa Township	Northstar Road	V5/T3	530	1200	6.50	Gorilla	Bryan Wells Quarry	1 load river rock (24.80 tons)
07/11/24	Gorilla	Shop	V5/T3	1200	1300	1.00	Gorilla	Mark Ricke's	Tarp pepair on T3
07/11/24	Kiowa Township	Northstar Road	V5/T3	1300	1815	5.25	Gorilla	Bryan Wells Quarry	1 load river rock (25.05 tons)
07/11/24	Gorilla	Shop	V5/T3	1815	1845	0.50	Gorilla		Fuel, Paperwork
07/12/24	Gorilla	Shop	V5/T3	515	530	0.25	Gorilla		Pre-Trip, Equipment Check
07/12/24	Kiowa Township	Northstar Road	V5/T3	530	1600	10.50	Gorilla	Bryan Wells Quarry	2 loads river rock (25.10, 25.35 tons)
12/12/01	Gorilla	Shop	V5/T3	1600	1745	1.75	Gorilla		Repair V5 Fender Cover, fuel, paperwork
						0.00			
						0.00			
						0.00			
						0.00			
						102.50			

**CERTIFICATE OF SERVICE**

25-TRAM-171-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 10/31/2024.

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

ERIC MOLZ, OWNER  
GORILLA CONSTRUCTION LLC  
D/B/A Eric Molz  
614 MAIN STREET  
KIOWA, KS 67070-1506  
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/S/ KCC Docket Room  
KCC Docket Room