



May 10, 2012

Received on

MAY 14 2012

Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, KS 66604-4027

by
State Corporation Commission
of Kansas

12-TRAM-779-PEN

We request a hearing to appeal the penalty assessed to us in the notice dated May 4, 2012.

The truck in question is used for many things other than as a DOT trairing vehicle. The 10,000 miles stated on the report for annual miles were not all obtained from DOT trairing use. This vehicle is used for many other duties at the dealership, i.e. snow plowing parking lots and parts pickups. It goes through periodic inspections and repairs as documented in our service repair system. A report was run and given to Mr. Jones to show these repairs, but may have not shown enough detail. We have printed out all the Repair Orders (RO's) for ease of reading. These RO's may not specifically say "Annual Vehicle Inspection" on them, but they are record of all repairs and service inspections on this vehicle. **An "Annual Vehicle Inspection Report" inspection was initiated on April 18, 2012, before a trairing trip was set up, as a result of an employee attendance of the Safety Seminar.** From that inspection, repairs were found needed and completed before William McLaughlin was allowed to leave on April 19, 2012. At each oil change, an inspection is routinely done to check for any repairs that may be needed. These RO's may not specifically say "Annual Vehicle Inspection" on them, but they are record of all repairs and service inspections on this vehicle.

Pamela Sallee, Accounting Assistant, attended a Safety Seminar in Hays, KS on April 16, 2012 (copy enclosed). This should fulfill the requirement for attendance. From her attendance, we were made aware of areas we may have been lacking in and have made attempts to bring ourselves up to date with your regulations. We attempted to comply with as much as possible between the time of her attendance (April 16, 2012) and the time of inspection (April 23, 2012).

We request a repeal of the fine.

Willie Thornberg
General Manager
Jim Clark Auto Center

JIM CLARK CHEVROLET-CADILLAC
911 Goldenbelt Blvd • Exits 295 & 296 off I-70
P.O. Box 1727 • Junction City, KS 66441-1727
Phone: 785-238-3141 • 800-238-3141
www.clarkcars.com

JIM CLARK SUZUKI
834 Grant Ave
P.O. Box 1727 • Junction City, KS 66441-1727
Phone: 785-238-3142 • 877-238-3142
www.clarkcars.com



1500 SW Arrowhead Road
Topeka, KS 66604-4027

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

Mark Sievers, Chairman
Ward Loyd, Commissioner
Thomas E. Wright, Commissioner

Sam Brownback, Governor

NOTICE OF PENALTY ASSESSMENT

May 4, 2012

William Thornberg, General Manager
JCMC, Inc.
PO Box 1727
Junction City, Kansas 66441

12-TRAM-779-PEN

This is a notice of a penalty assessment for violation of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on April 23, 2012, by Kansas Corporation Commission Special Investigator Lance Jones. For a full description of the penalty and process please refer to the Order that is attached to this notice.

IF YOU ACCEPT THE PENALTY:

You have been assessed a \$500 penalty. You have thirty (30) days from service of this Penalty Order to pay the fine amount. Check or money order must be made payable to the Kansas Corporation Commission. Payment is to be mailed to the Fiscal Section of the Kansas Corporation Commission at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and must include a reference to the docket number of this proceeding. Credit card payment may be made by calling the Fiscal Office at 785-271-3274.

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

You must submit to one follow-up safety compliance review within the next 12 months. Staff will contact you at a later date to determine an appropriate time for this review.

IF YOU CONTEST THE PENALTY:

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

IF YOU FAIL TO ACT:

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

Sincerely,

Amber Smith
Litigation Counsel
(785) 271-3301

This Is To Certify That

Pamela G Sallee , Jim Clark Auto Center ,
(Name of Attendee) (Company Name)

Is the Person Responsible
For the Safety Functions of Our Company
And Has Attended the
Procedures for Safety Compliance Seminar
Presented by
The Kansas Corporation Commission
Transportation Division

Date: 16 Apr 12



Signed: [Signature]
Special Investigator

JIM CLARK AUTO CENTER

911 GOLDENBELT BLVD
 JUNCTION CITY, KS 66441
 (785) 238-3141
 TOLL FREE (800) 238-3141

834 GRANT AVE
 JUNCTION CITY, KS 66441
 (785) 238-3142
 (785) 238-3143 BODY SHOP

JCMC, INC. PO BOX 1727 JUNCTION CITY KS 66441		VEHICLE IDENTIFICATION		MILEAGE OUT	DATE OUT	INVOICE NO.	
		[REDACTED]		65000	04/19/12	79360 A EOD - C	
		YEAR	MAKE	MODEL	COLOR	TAG NO.	
	06	CHEVROLET	CK25753	WHITE	00000		
CUST. NO.	LICENSE	HOME PHONE	WORK PHONE	STOCK NO.	PROD. DATE	SERV. ADV.	TERMS
	[REDACTED]	[REDACTED]	- -	E3540	00/00/00	28	CASH
CUST. LABOR RATE	DELIV. DATE	DELIV. MILES	MILEAGE IN	DATE IN	IN-SERV DATE		
VARI.	03/31/06	495	65000	04/18/12	03/31/06		

CUSTOMER SATISFACTION IS # ONE

SERVICE HOURS: M-F 8:00AM - 5:30 PM
 PARTS HOURS: M-F 8:00AM - 5:30 PM
 BOTH: SAT 8:00AM - 4:00 PM

LINE	OP. CODE	FAIL-CD	TECH.	HOURS/PTY	TYPE	AMOUNT	
A	Com customer request DOT inspection						
	Cor PERFORMED D.O.T INSPECTION						
	34		C8	1.00	I	60.00	
Code	Misc Charge		Inv#	Days	Hours		
NIM	RECYCLE&SS					1.0 I	3.60 0.00
Line Total.....						63.60	
B +	Com REPLACE REAR BRAKE PADS WITHOUT MACHINING ROTORS						
	Cor REPLACED REAR PADS						
	32AA		C8	1.00	I	49.95	
		88909671	PAD KIT	1	I	50.00	42.95
Code	Misc Charge		Inv#	Days	Hours		
NIM	RECYCLE&SS					1.0 I	3.00 0.00
Line Total.....						102.95	42.95
C +	Com MISC. MECHANICAL						
	Cor REPLACED REAR ROTORS						
	66		C8	2	I	159.96	79.98
		19241878	ROTOR				
Line Total.....						159.96	79.98

OFFICE COPY - PAGE 01

STATEMENT OF DISCLAIMER
 The factory warranty constitutes all of the warranties with respect to the sale of this item/items. The Seller hereby expressly disclaims all warranties either express or implied, including any implied warranty of merchantability or fitness for a particular purpose. Seller neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of this item/items.

On behalf of servicing dealer, I hereby certify that the information contained hereon is accurate unless otherwise shown. Warranty services described were performed at no charge to owner. There was no indication from the appearance of the vehicle or otherwise, that any part repaired or replaced under this claim had been connected in any way with any accident, negligence or misuse. Records supporting this claim are available for (1) year from the date of payment notification at the servicing dealer for inspection by manufacturer's representative.

 CUSTOMER SIGNATURE

 (SIGNED) DEALER, GENERAL MANAGER OR AUTHORIZED PERSON (DATE)

JIM CLARK AUTO CENTER

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 JUNCTION CITY, KS 66441
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	[REDACTED]		- -	E3540	00/00/00	28	CASH
CUST. LABOR RATE	DELIV. DATE	DELIV. MILES	MILEAGE IN	DATE IN	IN-SERV DATE		
VARI.	03/31/06	495	65000	04/18/12	03/31/06		

CUSTOMER SATISFACTION IS # ONE

SERVICE HOURS: M-F 8:00AM - 5:30 PM
 PARTS HOURS: M-F 8:00AM - 5:30 PM
 BOTH: SAT 8:00AM - 4:00 PM

LINE	OP. CODE	FAIL-CD	TECH.	HOURS/QTY	TYPE	AMOUNT	
D +							
Com REPAIR							
Cor REPLACED RIGHT OUTER TIE ROD END AND SET TOE							
	R011		C8	1.10	I	91.73	
		15891515	ROD KIT	1	I	83.86	47.80
Code	Misc Charge		Inv#	Days	Hours		
NIM	RECYCLE&SS					1.0 I	5.50 0.00
Line Total.....						181.09	47.80

46300	201.68-	51.93	TOTAL-CUSTOMER	NoCharge
48100	293.82-	170.73		
46901	12.10-			
22600	507.60			

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<p style="text-align: center; font-size: small;">STATEMENT OF DISCLAIMER</p> <p>The factory warranty constitutes all of the warranties with respect to the sale of this item/items. The Seller hereby expressly disclaims all warranties either express or implied, including any implied warranty of merchantability or fitness for a particular purpose. Seller neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of this item/items.</p> <p style="text-align: center; margin-top: 20px;">_____</p> <p style="text-align: center; font-size: x-small;">CUSTOMER SIGNATURE</p>	<p>On behalf of servicing dealer, I hereby certify that the information contained hereon is accurate unless otherwise shown. Warranty services described were performed at no charge to owner. There was no indication from the appearance of the vehicle or otherwise, that any part repaired or replaced under this claim had been connected in any way with any accident, negligence or misuse. Records supporting this claim are available for (1) year from the date of payment notification at the servicing dealer for inspection by manufacturer's representative.</p> <p style="text-align: center; margin-top: 20px;">_____</p> <p style="text-align: center; font-size: x-small;">(SIGNED) DEALER, GENERAL MANAGER OR AUTHORIZED PERSON (DATE)</p>
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