BEFORE THE STATE CORPORATION COMMISSION OF THE STATE OF KANSAS

In the Matter of the Investigation of Vegas)	
Trucking LLC, of Oberlin, Kansas,)	
Regarding the Violation of the Motor)	
Carrier Safety Statutes, Rules and)	
Regulations and the Commission's) Docket No. 23-TRAM-35	57-OOS
Authority to Impose Penalties, Sanctions)	
and/or the Revocation of Motor Carrier)	
Authority.)	

MOTION TO SUSPEND INTRASTATE MOTOR CARRIER AUTHORITY

The Staff of the State Corporation Commission of the State of Kansas (Staff), by and through its counsel, files its motion requesting the Commission suspend Vegas Trucking LLC of Oberlin, Kansas (Carrier) from all intrastate commercial motor carrier operations. In support of its Motion, Staff states as follows:

- 1. Carrier is a motor carrier as defined in 49 C.F.R. 390.5, as adopted by K.A.R. 82-4-3f, in that it operates commercial motor vehicle(s) in intrastate commerce.
- Carrier is registered as a motor carrier with the U.S. Department of Transportation
 (USDOT) and operates under USDOT number 3458956.
- 3. Staff Special Investigators Penny Fryback and Erica Pargas are conducting an investigation into the carrier. During the investigation, Staff discovered a number of major violations, including:
 - a. Carrier obtained its USDOT number of July 24, 2020 using a fraudulent address, utilizing a Mexican issued commercial driver's license.
 - b. Carrier has been found operating in interstate, but is self-declared to be an intrastate carrier on its Motor Carrier Identification Report dated November 3, 2021, which

is attached hereto as Attachment "A." Carrier does not have federal interstate authority, to operate, nor does it have intrastate authority to operate from the Kansas Corporation Commission (Commission) despite also operating point to point in Kansas.

- c. Carrier has failed to pay International Fuel Tax Agreement (IFTA) fees and has no International Registration Plan (IRP) plates, as required. Carrier has been found operating commercially using non-commercial plates issued by Nebraska.
- d. Carrier has several recent roadside inspections conducted by the KHP prior to and during this investigation. In five recent roadside inspections the Carrier was found using drivers that did not possess a valid U.S. commercial driver's license (CDL). The three most recent inspections noted:
 - i. On July 14, 2022, the Kansas Highway Patrol (KHP) conducted a roadside inspection documented in Driver/Vehicle Examination Report KSHP04150725, which is attached hereto as Attachment "B." At the time of this inspection, Tomas Vega-Casillas, owner of Carrier, was found operating without a valid U.S. CDL. The inspector noted "Does not possess a CDL issue[d] by state of domicile. Driver stated has lived in Kansas for a year." K.S.A. 8-2134 states: "No person who has been a resident of this state for 30 days shall drive a commercial motor vehicle under the authority of a commercial driver's license issued by another jurisdiction."
 - ii. On August 15, 2022, the KHP conducted a roadside inspection documented in Driver/Vehicle Examination Report KSHP03794528, which is attached hereto as Attachment "C." At the time of this inspection, Tomas Vega-

- Casillas, owner of Carrier, was again found operating without a valid U.S. CDL.
- iii. On September 7, 2022, the KHP conducted a roadside inspection documented in Driver/Vehicle Examination Report KSHP03794528, which is attached hereto as Attachment "D" At this time of this inspection, Hector Vega Bencomo (Tomas Vega's son) was found operating without a valid CDL. Mr. Bencomo provided KHP Trooper Bradley a Mexican CDL that was not valid (expired 12/2021).
- e. The inspections evidence of a number of maintenance violations that were not been repaired or corrected before being used in operation again.
- f. Carrier failed to provide proof of insurance for the units being operated during the roadside inspection on September 7, 2022. At this time it is unknown if Mr. Vega possesses active, required insurance.
- 4. Staff recommends the Commission suspend Carrier's intrastate motor carrier operations until it complies with the applicable motor carrier safety rules and regulations and submits a Corrective Action Plan that meets Staff's approval. Staff's findings and recommendation are evidenced by an e-mail from Special Investigator Erica Pargas, sent September 8, 2022. A copy of the e-mail is attached hereto as Attachment "E" and is hereby incorporated by reference.
- 5. Staff asks that the Commission find Carrier's compliance review demonstrates that the Carrier is operating in violation of the applicable motor carrier safety rules and regulations.
- 6. Staff asks the Commission find that Carrier's noncompliance with the applicable motor carrier safety rules and regulations poses a potential immediate threat to the safety and welfare of the public of the state of Kansas.

7. Based on the presented facts, Staff requests the Commission issue an order suspending Carrier's intrastate motor carrier authority operations until such time as Carrier submits a Corrective Action Plan that meets Staff's approval and comes into compliance with the applicable motor carrier safety rules and regulations, at which time Staff will recommend the Commission issue an order of reinstatement of intrastate motor carrier operations.

WHEREFORE, for the reasons stated above, Staff respectfully requests that the Commission issue an order suspending Carrier's intrastate motor carrier operations.

Respectfully submitted,

101 Ahoan Latif

Ahsan A. Latif, #24709 Litigation Counsel Kansas Corporation Commission 1500 SW Arrowhead Road Topeka, Kansas 66604 (785) 271-3118 (Telephone) (785) 271-3124 (Facsimile) a.latif@kcc.ks.gov (E-mail)

For Commission Staff

ATTACHMENT "A"

U.S Department of Transportation

MOTOR CARRIER IDENTIFICATION REPORT

Federal Motor Car Safety Administra								(A _l	ppli	cati	oı	1 for	U.S	3. D	OT I	NUMBE	R)			
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1. NAME OF MOT VEGAS TRUCKIN		RIER							2	. TRAI	DΕ	OR D.B.	A. (D	OING	BUSIN	ESS AS) NAM	ΛE			
3. PRINCIPAL ADI 712 N NEILL AVE					4. CITY OBERL		-							6. ZIP CODE 67749	E + 4 7.	. COLONIA	(MEXICO O	NLY)		
8. MAILING ADDRESS 9. CITY 712 N NEILL AVE OBERLIN										0. STA		PROVII	NCE			11. ZIP COD 67749	E+4 1:	2. COLONIA	A (MEXICO	ONLY)
13. PRINCIPAL BUS (785) 470-1765		HONE NU	JMBER		l l	ICIPAI 6) 443-	L CONTA 1631	ACT (CELL F	HONE	N	UMBER				15. PRINCII (970) 284		SINESS FA	X NUMBER	
16. USDOT NO.		17. MC O	R MX N	Ο.	18. DUN	& BR/	ADSTRE	ETN	0.	19. IRS	/T/	AX ID NO).							
3458956										EIN#						SSN#				
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22. COMPANY OPE		(Mark al ntrastate h			r C, Intrasta	ate No	n-Hazma	t Car	rier	D. Inte	rst	ate Hazn	nat Sł	nipper	E. Ir	ntrastate Hazr	nat Ship	per F.Ve	hicle Regist	rant Only
23. OPERATION CL			•		t Apply)															
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C. METAL; SHEETS;	Н.					rermo sseno	DAL CON	IT.		MEAT		e been	PE TE	MOU		VERAGES	TO.	DD. 0	THER	
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I TOMAS VEGA		,		,		,													=	
1, 10.000		Please prin	nt Name)				enaltie	es of pe	rjury, I d						gulations and/or on this report is,				
Signature TOMAS	S VEGA				· · · · · · · · · · · · · · · · · · ·				3/2021	-					Ti	itle ———	'Di	- 1-1		
Form MCS-150 (Re	v. 3-24-20	005)														(Please : Exp		: 07/31/2012	

ATTACHMENT "B"

Email: Khp.TruckInspection@KS.GOV

700 SW Jackson, Ste 704

VEGAS TRUCKING LLC

Topeka, KS 66603

712 N NEILL AVE

OBERLIN, KS 67749 **USDOT#**: 03458956

MC/MX#: 00000000

State#:

Phone: (785)296-7189 Fax: (785)296-2858

Report Number: KSHP04150725 Inspection Date: 07/14/2022

Start: 10:10 AM CT End: 11:46 AM CT

Inspection Level: I - Full HM Inspection Type: None

Driver: VEGA-CASILLAS, TOMAS

License#:

State: MX

Date of Birth:

CoDriver: License#:

State:

Date of Birth:

Location: DECATUR COUNTY - 039

Highway: US36 County:

MilePost: 83

Phone#: (785)470-1765

Fax#: (970)284-2143

Shipper: Origin: OBERLIN, KS

Destination: OBERLIN, KS

Bill of Lading:

Cargo: EMPTY

VEH	HICLE	EIDEN	ITIFIC	ATION							
<u>Unit</u>	Type	Make	Year	<u>State</u>	Plate #	Equipment ID	<u>VIN</u>	<u>GVWR</u>	CVSA#	New CVSA#	OOS#
1	TT	FRHT	2000	KS	717PRM	03	85959	50,000			157439
2	ST	TIMP	1993	NE	72X3380	15	84671	65,000			157440

BRAKE A	DJUST	MENTS			
Axle#	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
Right	1 1/2	1 1/2	1	1 1/2	1 5/8
Left	1 1/2	INOP	1/2	1	INOP
Chamber	C-24	C-30	L-30	C-30	C-30

VIOLATIONS						
Vio Code 396.5B-HWSLIW	Section 396.5B-HWSLIW	Unit 2	OOS Citation #	Verify U	Crash N	Violations Discovered Hubs - Wheel seal leaking - inner wheel: AXLE#5 DRIVER SIDE INNER WHEEL SEAL LEAKING. BRAKE FRICTION MATERIAL IS
200.0	202.0	2	N	N.	N.	SOAKED WITH GREASE AND IS ACTIVELY LEAKING.
393.9	393.9	2	IN	N	N	Inoperable Required Lamp: UNIT 2 REAR OF TRAILER 2 OF 3 CENTER ID LIGHTS INOPERABLE.
393.9BRKLAMP	393.9BRKLAMP	2	Υ	U	N	Inoperative Brake Lamps: UNIT TWO REAR BOTH DRIVER AND PASSNEGER SIDE BRAKE LAMPS INOPERABLE.
393.75C	393.75C	2	N	N	N	Tire-other tread depth less than 2/32 of inch measured in a major tread groove: UNIT 2 AXLE#4 PASSENGER SIDE INSIDE TIRE LESS THAN 2/32 IN A MAJOR TREAD GROOVE.
393.75C	393.75C	2	N	N	N	Tire-other tread depth less than 2/32 of inch measured in a major tread groove: UNIT 2 AXLE#3 PASSENGER SIDE OUTSIDE TIRE LESS THAN 2/32 IN A MAJOR TREAD GROOVE.
393.45B2	393.45B2	1	N	N	N	Brake hose or tubing chafing and/or kinking: UNIT 1 AXLE#2 DRIVER SIDE AIRLINE TO BRAKE CHAMBER CHAFED INTO OUTER PROTECTIVE MATERIAL.
393.95F	393.95F	1	N	N	N	No / insufficient warning devices: ONLY 2 OF THE 3 REQUIRED EMERGENCY TRIANGLES IN THE VEHICLE.

Report Prepared By: B. Miller

Badge #: 0415 Copy Received By: TOMAS VEGA-CASILLAS



Email: Khp.TruckInspection@KS.GOV

700 SW Jackson, Ste 704

Topeka, KS 66603

712 N NEILL AVE

OBERLIN, KS 67749

USDOT#: 03458956

Phone: (785)296-7189 Fax: (785)296-2858

Report Number: KSHP04150725 **Inspection Date:** 07/14/2022

Start: 10:10 AM CT **End:** 11:46 AM CT

Inspection Level: I - Full **HM Inspection Type:** None

VEGAS TRUCKING LLC Driver: VEGA-CASILLAS, TOMAS

Phone#: (785)470-1765

Fax#: (970)284-2143

License#:

State: MX

Date of Birth:

CoDriver: License#:

State:

MC/MX#: 00000000 State#:

Date of Birth:

			A CONTRACTOR OF THE PARTY OF TH			
<u>Vio Code</u> 393.45B2	Section 393.45B2	<u>Unit</u> <u>OO</u> 2	S Citation #	<u>Verify</u> N	<u>Crash</u> N	Violations Discovered Brake hose or tubing chafing and/or kinking:
393.4562	393.4362	2 N		IN.	N	UNIT 2 AXLE#5 DRIVER SIDE AIRLINE TO BRAKE CHAMBER KINKED WITH A ZIP TIE AND CHAFED.
390.21TB	390.21TB	1 N		N	N	Carrier name and/or USDOT Number not displayed as required: UNIT 1 DRIVER SIDE USDOT NUMBER NOT CLEARLY LEGIBLE. MISSING ONE NUMBER OUT OF USDOT NUMBER.
393.78	393.78	1 N		N	N	Windshield wipers inoperative/defective: UNIT 1 DRIVER AND PASSENGER SIDE WINDSHEILD WIPER MISSING THE RUBBER BLADE.
393.48A	393.48A	1 N		N	N	Inoperative/defective brakes: UNIT 1 AXLE#2 DRIVERS SIDE BRAKE INOPERABLE. AUDIBLE AND FELT AIR LEAK FROM BRAKE CHAMBER CLAMP UPON APPLICATION OF THE BRAKES.
393.48A	393.48A	1 N		N	N	Inoperative/defective brakes: UNIT 1 AXLE#5 DRIVERS SIDE BRAKE INOPERABLE. THE BRAKE SHOE AND DRUM ARE SOAKED WITH GREASE.
396.3A1BOS	396.3A1BOS	1 Y		U	N	BRAKES OUT OF SERVICE: The number of defective brakes is equal to or greater than 20 percent of the service brakes on the vehicle or combination: 2 OF THE 10 BRAKES ON UNITS ARE INOPERABLE.
396.9D2	396.9D2	1 N		N	N .	Failure to correct defects noted on previous inspection report: DRIVER WAS MISSING HIS EMERGENCY TRIANGLES. NOTED ON A PREVIOUS INSPECTION FROM NEBRASKA. REPORT # NEQE0006098
392.7A	392.7A	D N		N	N	Driver failing to conduct pre-trip inspection: FAILURE TO SATISFY A PRE-TRIP INSPECTION WHEN MISSING EMERGENCY EQUIPMENT.
383.23A2	383.23A2	D Y		N	N	Operating a CMV without a CDL: Operating a CMV without a CDL on 7/14/2022. DOES NOT POSSESS A CDL ISSUE BY STATE OF DOMICILE. DRIVER STATED HAS LIVED IN KANSAS FOR A YEAR. KSA 8-2.134 8-2,132
393.65C	393.65C	1 Y		U	N	Improper securement of fuel tank: UNIT 1 DRIVERS SIDE FUEL TANK ATTACHED TO THE VEHICLE WITH A RATCHET STRAP.

Report Prepared By:

B. Miller

Badge #: 0415 Copy Received By: TOMAS VEGA-CASILLAS Page 2 of 5



Email: Khp.TruckInspection@KS.GOV

700 SW Jackson, Ste 704

Topeka, KS 66603

Phone: (785)296-7189 Fax: (785)296-2858

Report Number: KSHP04150725 Inspection Date: 07/14/2022

Start: 10:10 AM CT **End:** 11:46 AM CT

Inspection Level: I - Full HM Inspection Type: None

VEGAS TRUCKING LLC Driver: VEGA-CASILLAS, TOMAS 712 N NEILL AVE

License#:

State: MX

Date of Birth:

CoDriver: License#:

State:

MC/MX#: 00000000

OBERLIN, KS 67749

USDOT#: 03458956

Phone#: (785)470-1765 Fax#: (970)284-2143

Date of Birth:

State#:

Via Cada	Continu	l loit	OOS Citation #	Varify C		Violations Discovered
<u>Vio Code</u> 393.95A	Section 393.95A	1	N Citation #	Verify Cr N	<u>rasn</u> N	No/discharged/unsecured fire extinguisher: FIRE EXT. NOT SECURED.
393.11TU	393.11TU	1	N	N	N	Truck-Tractor upper body corner requirements for retroreflective sheeting or reflex reflective material for vehicles manufactured after July 1997: UNIT 1 CAB CORNER MISSING RETROREFLECTIVE MATERIAL ON DRIVERS SIDE AND MISSING THE VERTICAL ON PASSENGER SIDE.
393.9	393.9	1	N	N	N	Inoperable Required Lamp: UNIT 1 FRONT OF TRUCK ON TOP INOPERABLE DRIVER AND PASSENGER SIDE CLEARANCE LIGHTS. UNIT 1 BACKUP LAMP INOPERABLE.
393.9T	393.9T	1	N	N I	N	Inoperable tail lamp: UNIT 1 REAR DRIVER AND PASSENGER SIDE TAILLIGHTS INOPERABLE.
393.9TS	393.9TS	1	N	N	N	Inoperative turn signal: UNIT 1 REAR PASSENGER SIDE TURN SIGNAL INOPERABLE.
393.9BRKLAMP	393.9BRKLAMP	1	N	N	N	Inoperative Brake Lamps: UNIT 1 REAR PASSENGER SIDE BRAKE LAMP INOPERABLE.
393.11TL	393.11TL	1	N	N I	N	Truck-Tractor lower rear mud flaps retroreflective sheeting / reflex reflective material requirements for vehicles manufactured after July 1997: UNIT 1 NO PASSENGER OR DRIVER SIDE LOWER RETROREFLECTIVE MATERIAL.
393.75C-OOS	393.75C-OOS	2	N	N I	N	Tire-other tread depth less than 1/32 of inch measured in 2 adjacent major tread grooves 3 separate locations 8 inches apart: UNIT 2 AXLE 4 INSIDE TIRE 0/32.

HazMat: No HM Transported. Placard: No Cargo Tank:

Special Checks:

Report Prepared By: B. Miller

Badge #: 0415 Copy Received By: TOMAS VEGA-CASILLAS Page 3 of 5



Query Central 3.4

700 SW Jackson, Ste 70 Topeka, KS 66603	4	Inspection D Start: 10:10 A Inspection L	AMCT End: 11:46 AM CT evel: I-Full
VEGAS TRUCKING LLC 712 N NEILL AVE OBERLIN, KS 67749 USDOT#: 03458956 MC/MX#: 00000000 State#:	Phone#: (785)470-1765 Fax#: (970)284-2143	Driver: VEGA-CASILLAS License#: Date of Birth: CoDriver: License#: Date of Birth:	, TOMAS State: MX State:
carrier shall permit and/or require th Penalty being issued against the Ca * Pursuant to the authority contained carrier shall permit and/or require the	s driver to operate any commercial vehicle until: Driver rier indicated on this report. Driver Initials in Title 49, CFR; K.S.A. 66-1,129; K.C.C. Reg. 82-4-3 e removal of the "OUT OF SERVICE" stickers or the o	r has valid CDL. This Out of Service condition m 3, I hereby declare the above marked unit(s) as " peration of this motor vehicle until ALL out of ser	OUT OF SERVICE". No person and/or vice defects have been corrected. This
* NOTE TO MECHANIC: The under	signed certifies that all mechanical defects listed on th	is report HAVE BEEN CORRECTED at the time	of signature.
must be corrected or acknowledged	Inspection Date: 07/14/2022 Start: 10:10 AMCT End: 11:46 AM CT Inspection Level: I - Full HM Inspection Type: None RUCKING LLC Briver: VEGA-CASILLAS, TOMAS ILL AVE ILL AVE ILL AVE IL CODPRISED START: (970)284-2143 COUNTIES OF BIRTH: IL CONDITION: IL CONDITION: INSPECTION DATE: NO MAS INSPECTION DATE: NO MAS INSPECTION DATE: NO MAS INSPECTION DATE: NO MAS ILIC MINING LLC Briver: VEGA-CASILLAS, TOMAS ILIC MINING BIRTH: ILIC MINING BIRTH: INSPECTION DATE: NO MAS INSPECTION DATE:		
Signature Of Motor Carrier X:		Title:	Date:

Report Prepared By: B. Miller

Badge #: 0415

Copy Received By: TOMAS VEGA-CASILLAS Page 4 of 5



03458956 KS KSHP04150725

Query Central 3.4

Kansas Highway Patrol

Email: Khp.TruckInspection@KS.GOV

700 SW Jackson, Ste 704

Topeka, KS 66603

712 N NEILL AVE

OBERLIN, KS 67749

USDOT#: 03458956

MC/MX#: 00000000

State#:

VEGAS TRUCKING LLC

Phone: (785)296-7189 Fax: (785)296-2858

Phone#: (785)470-1765

Fax#: (970)284-2143

Report Number: KSHP04150725 Inspection Date: 07/14/2022

Start: 10:10 AM CT **End:** 11:46 AM CT

Inspection Level: I - Full HM Inspection Type: None

Driver: VEGA-CASILLAS, TOMAS

License#:

State: MX

Date of Birth:

CoDriver: License#:

State:

Date of Birth:

Inspection Notes

STOPPED FOR A RANDOM INSPECTION. THE DRIVER STATED THAT HE HAS LIVED IN KANSAS FOR A YEAR. BRAKE ON AXLE#5 IS SOAKED WITH GREASE. FUEL TANK ON DRIVERS SIDE HELD ON WITH TARP STRAP. UNIT 1 AXLE#2 ON DRIVERS SIDE IS A 30 LONG STROKE.

Special Studies No Special Study Data Recorded	

Report Prepared By: B. Miller

Badge #: 0415

Copy Received By: TOMAS VEGA-CASILLAS Page 5 of 5



03458956 KS KSHP04150725



Query Central 3.4

State: MX

State:

Kansas Highway Patrol

Email: Khp.TruckInspection@KS.GOV

700 SW Jackson. Ste 704

Topeka, KS 66603

Phone: (785)296-7189 Fax: (785)296-2858

Report Number: KSHP03794471 Inspection Date: 08/15/2022

Start: 9:50 AM CT End: 10:50 AM CT Inspection Level: II - Walk-Around

HM Inspection Type: None

VEGAS TRUCKING LLC

Driver: VEGA-CASILLAS, TOMAS 712 N NEILL AVE License#:

OBERLIN, KS 67749 Date of Birth:

USDOT#: 03458956 Phone#: (785)470-1765 CoDriver: MC/MX#: 00000000 Fax#: (970)284-2143 License#:

State#: Date of Birth:

Location: FINNEY COUNTY - 055 MilePost: 66 Shipper:

Highway: U50 Origin: GARDEN CITY,KS Bill of Lading: **Destination:** OBERLIN,KS County: Cargo: EMPTY

VEHICLE IDENTIFICATION

New CVSA # Equipment ID Unit Type Make Year State Plate # VIN **GVWR** CVSA# OOS# 50,000 TT FRHT 2000 KS **717PRM** 03 85959 1 65,000 2 TIMP 1993 NE 72X3380 15 084671

BRAKE ADJUSTMENTS: No Brake Measurements Required For Level 2

VIOLATIONS				
<u>Vio Code</u> 392.2RG	Section 392.2RG	Unit OOS Citation	on # <u>Verify</u> <u>Crash</u> N N	Violations Discovered State vehicle registration or License Plate violation: Has a regular Kansas tag on the power unit and has to have a commerical tag (KSA 8-143m)
390.21TB	390.21TB	1 N	N N	Carrier name and/or USDOT Number not displayed as required: USDOT number on driver and passenger side are not maintained to be legible, driver side missing the 4 and passenger side missing a few numbers
393.60C	393.60C	1 N	N N	Damaged or discolored windshield: Driver side windshield has intersecting cracks
396.3A1	396.3A1	1 Y	UN	Inspection, repair and maintenance of parts & accessories: Unable to maintain air pressure due to air leak behind the cab
393.75C	393.75C	1 N	N N	Tire-other tread depth less than 2/32 of inch measured in a major tread groove: Axle 3 driver side inside tire less than 2/32 tread all the way around the tire
393.75C	393.75C	1 N	N N	Tire-other tread depth less than 2/32 of inch measured in a major tread groove: Axle 3 driver side ourside tire less than 2/32 tread all the way around the tire
393.45PC	393.45PC	1 Y	U N	Brake Tubing and Hose Adequacy - Connections to Power Unit: Blue line on the rear of power unit is kinked and aslo air leak
393.11TL	393.11TL	1 N	N N	Truck-Tractor lower rear mud flaps retroreflective sheeting / reflex reflective material requirements for vehicles manufactured after July 1997: Driver side compleatly missing and passenger side is attached with a very short strip blowing in the wind

Report Prepared By:

H.E. Bradley

Badge #: 0379

Copy Received By: TOMAS VEGA-CASILLAS Page 1 of 3



Query Central 3.4

Kansas Highway Patrol

Email: Khp.TruckInspection@KS.GOV

700 SW Jackson, Ste 704

Topeka, KS 66603

Phone: (785)296-7189 Fax: (785)296-2858

Report Number: KSHP03794471 Inspection Date: 08/15/2022

Start: 9:50 AM CT End: 10:50 AM CT Inspection Level: II - Walk-Around

HM Inspection Type: None

Driver: VEGA-CASILLAS, TOMAS

VEGAS TRUCKING LLC

712 N NEILL AVE OBERLIN, KS 67749

USDOT#: 03458956 MC/MX#: 00000000

State#:

Phone#: (785)470-1765

Fax#: (970)284-2143

License#: Date of Birth:

CoDriver: License#:

Date of Birth:

State: MX

State:

Vio Code Section Unit OOS Citation # Verify Crash Violations Discovered Ν Inoperative Brake Lamps: Passenger side rear 393.9BRKLAMP 393.9BRKLAMP of the power unit inop Inoperative turn signal: Passenger side rear of 393.9TS 393.9TS 1 N N N the power unit inop 393.9T 1 Ν Ν Inoperable tail lamp: Passenger side rear of 393.9T N the power unit inop Inoperable Required Lamp: Inop reverse lamp 393.9 393.9 1 Ν N N required 1 white lamp be operable in reverse Tire-other tread depth less than 2/32 of inch 393.75C 393.75C 2 Ν Ν Ν measured in a major tread groove: Axle 5 passenger side inside tire of trailer has less than 2/32 treaed 393.75C 2 Ν Ν Tire-other tread depth less than 2/32 of inch 393.75C N measured in a major tread groove: Axle 5 passenger side of trailer outside tire has less than 2/32 treaed D Υ 383.23A2 383.23A2 N Operating a CMV without a CDL: Operating a CMV without a CDL on 8/15/2022. Driver is a residence of Kansas and has been for at least a year - was put out of service on 7-14-22 for no CDL and is 396.9D2 D Ν Ν Ν Failure to correct defects noted on previous 396.9D2 inspection report: Fail to correct several items as well as the CDL 392.2MI 392.2MI \Box Ν Ν Ν Miscellaneous Traffic Law Violation: Violation of an OOS order for No CDL when required

HazMat: No HM Transported. Placard: No Cargo Tank:

Signature Of Repairer X:

Signature Of Motor Carrier X:

Title:

Date:

Report Prepared By: H.E. Bradley

Badge #:

Copy Received By: TOMAS VEGA-CASILLAS

KSA -8-2,132(c)



^{*} Pursuant to the authority contained in Title 49, CFR; K.S.A. 66-1,129; K.C.C. Reg. 82-4-3, I hereby declare TOMAS VEGA-CASILLAS "OUT OF SERVICE". No person and/or carrier shall permit and/or require this driver to operate any commercial vehicle until: Has a valid Kansas CDL. This Out of Service condition may result in the assessment of a Civil Penalty being issued against the Carrier indicated on this report. Driver Initials

^{*} Pursuant to the authority contained in Title 49, CFR; K.S.A. 66-1,129; K.C.C. Reg. 82-4-3, I hereby declare the above marked unit(s) as "OUT OF SERVICE". No person and/or carrier shall permit and/or require the removal of the "OUT OF SERVICE" stickers or the operation of this motor vehicle until ALL out of service defects have been corrected. This Out of Service condition may result in the assessment of a Civil Penalty being issued against the Carrier indicated on this report. Driver Initials

^{*} NOTE TO MECHANIC: The undersigned certifies that all mechanical defects listed on this report HAVE BEEN CORRECTED at the time of signature.

^{****} DRIVER: THIS FORM IS REQUIRED TO BE RETURNED TO THE CARRIER BY REGULATION. **//** *CARRIER CERTIFICATION: All defects on this sheet must be corrected or acknowledged PRIOR TO RE-DISPATCH and then certified by a responsible carrier official who must sign below. RETURN THIS FORM WITHIN 15 DAYS to the Motor Carrier Division of the KANSAS HIGHWAY PATROL at the address listed at the top of this form.

Query Central 3.4

State: MX

Kansas Highway Patrol

Email: Khp.TruckInspection@KS.GOV

700 SW Jackson, Ste 704

Topeka, KS 66603

Phone: (785)296-7189 Fax: (785)296-2858

Report Number: KSHP03794471 Inspection Date: 08/15/2022

Start: 9:50 AM CT End: 10:50 AM CT Inspection Level: II - Walk-Around

HM Inspection Type: None

VEGAS TRUCKING LLC Driver: VEGA-CASILLAS, TOMAS

712 N NEILL AVE

OBERLIN, KS 67749 **USDOT#**: 03458956 **Phone#**: (785)470-1765 **Date of Birth: CoDriver**:

MC/MX#: 00000000 Fax#: (970)284-2143 License#: State:

State#: Date of Birth:

Inspection Notes

Driver was given a copy of the Commercial brochure from 2014 for the proper tag for this power unit. Driver was placed out of service in Oberlin, KS on 7-14-2022 inspection report KSHP04150725 and the driver is continuing to operate. Driver was placed out of service again - little bit of a language barrier had to use GOOGLE Translate to make sure he understands that he can not drive again until he has a CDL and that the power unit OOS has been fixed. There are multiple items that have not been repaired from the previous inspection (some things have been fixed) but the vehicle was not able to maintain air pressure so brakes were not able to be checked. The air valve on the blue line on the rear of the power unit is blowing air straight out the side of the valve and the air line here is kinked. Driver liveas in Oberlin Kansas and has for over a year now and is the owner of the trucking company.

o Special Study Data R	ly Data Recorded						
	o Special Study Data R	o Special Study Data Recorded	o Special Study Data Recorded	o Special Study Data Recorded			

Report Prepared By: H.E. Bradley

Badge #: 0379

Copy Received By: TOMAS VEGA-CASILLAS Page 3 of 3



03458956 KS KSHP03794471



Query Central 3.4

State: MX

Kansas Highway Patrol

Email: Khp.TruckInspection@KS.GOV

700 SW Jackson, Ste 704

Topeka, KS 66603

Phone: (785)296-7189 Fax: (785)296-2858

Report Number: KSHP03794528 Inspection Date: 09/07/2022

Start: 1:12 PM CT End: 02:55 PM CT

Inspection Level: I - Full HM Inspection Type: None

Driver: VEGA-BENCOMO, HECTOR VEGAS TRUCKING LLC

License#: 712 N NEILL AVE

OBERLIN, KS 67749 Date of Birth:

USDOT#: 03458956 Phone#: (785)470-1765 CoDriver: MC/MX#: 00000000 Fax#: (970)284-2143 License#: State:

State#: Date of Birth:

MilePost: 107 Location: SCOTT COUNTY - 171 Shipper: AG VALLEY COOP Origin: WILSONVILLE, NE Highway: U83 Bill of Lading: 341063

Destination: SUBLETTE.KS County: Cargo: CORN

VEHICLE IDENTIFICATION

Unit Type Make Year State Plate # Equipment ID VIN **GVWR** CVSA# New CVSA # OOS# 50,000 KW 1993 NE TT 72161D 91747 155504 2 TIMP 1993 NE 72X3236 84541 65,000 155505

BRAKE ADJUSTMENTS

VIOLATIONS

Axle # <u>5</u> 1 2 Right 2 1/2 1 Left 2 1/2 2 2 1/4 1 Chamber C-30 C-30 C-30 C-24 C-30

<u>Vio Code</u>	<u>Section</u>	<u>Unit</u>	OOS Citation #	<u>Verify</u>	<u>Crash</u>	Violations Discovered
396.17C	396.17C	1	N	N	N	Operating a CMV without proof of a periodic inspection: None for the power unit
383.23A2	383.23A2	D	Υ	N	N	Operating a CMV without a CDL: Operating a CMV without a CDL on 9/7/2022. Mexico CDL that is Elgible to get a CDL - also a resident of Garden City KS for 4 months and prior to this in Nebraska
393.81	393.81	1	N	N	N	Horn inoperative: Neither horn work on the power unit
000 000	000 000		N.I.	N.I.		Description of an alternative delicated activities to

						that is Elgible to get a CDL - also a resident of Garden City KS for 4 months and prior to this in Nebraska
393.81	393.81	1	N	N	N	Horn inoperative: Neither horn work on the power unit
393.60C	393.60C	1	N	N	N	Damaged or discolored windshield: middle to passenger side windshield broken
393.78	393.78	1	N	N	N	Windshield wipers inoperative/defective: Passenger side missing/inoperable
393.203C	393.203C	1	N	N	N	Hood not securely fastened: Driver side hood latch broken and not secure
393.30	393.30	1	N	N	N	Improper battery installation: No cover over the battery box on driver side
393.9T	393.9T	1	N	N	N	Inoperable tail lamp: Driver and passenger side rear of power unit inop
393.11	393.11	1	N	N	N	No or defective lighting devices or reflective material as required: No reverse lamp installed on the rear of the power unit
391.41A	391.41A	D	N	N	N	No medical certificate in driver's possession: Driver does not have a medical card
392.2IRP	392.2IRP	1	N	N	N	IRP Apportioned Tag or Registration Violation:

Report Prepared By: H.E. Bradley

Badge #: 0379

Copy Received By: HECTOR VEGA-BENCOMO Page 1 of 5



No form of Kansas Registration - No temp registration for Kansas - only has Nebraska

Email: Khp.TruckInspection@KS.GOV

700 SW Jackson, Ste 704 **Topeka, KS 66603**

Phone: (785)296-7189 Fax: (785)296-2858

Report Number: KSHP03794528 Inspection Date: 09/07/2022

Start: 1:12 PM CT End: 02:55 PM CT

Inspection Level: I - Full HM Inspection Type: None

VEGAS TRUCKING LLC

712 N NEILL AVE OBERLIN, KS 67749

USDOT#: 03458956

MC/MX#: 00000000

Phone#: (785)470-1765

Fax#: (970)284-2143

Driver: VEGA-BENCOMO, HECTOR

License#: Date of Birth:

CoDriver: License#:

Date of Rirth

State:

State: MX

State#:		Date of Birth:							
<u>Vio Code</u>	Section	<u>Unit</u>	OOS Citation #	Verify	<u>Crash</u>	Violations Discovered registration			
392.2FT	392.2FT	D	N	N	N	State or International Fuel Tax (IFTA) Violation: No Kansas fuel permit or IFTA			
396.3A1	396.3A1	1	Y	U	N	Inspection, repair and maintenance of parts & accessories: Unable to maintain air pressure - 83 psi and continued to fall below 50 psi			
393.51	393.51	1	Υ	U	N	No or defective brake warning device: No audible or visual operational during inspection			
393.95A	393.95A	1	N	N	N	No/discharged/unsecured fire extinguisher: Discharged and unsecured fire extinguisher in sleeper of the power unit			
393.11TL	393.11TL	1	N	N	N	Truck-Tractor lower rear mud flaps retroreflective sheeting / reflex reflective material requirements for vehicles manufactured after July 1997: Missing the retroreflective sheeting from the driver and passenger side rear of the power unit			
393.47E	393.47E	1	N	N	N	Clamp or Roto type brake out-of-adjustment: Axle 1 driver side measured 2 inches and max for type 20 or 24 is 1 3/4 inches			
393.53B	393.53B	1	N	N	N	CMV manufactured after 10/19/94 has an automatic airbrake adjustment system that fails to compensate for wear			
393.47E	393.47E	1	N	N	N	Clamp or Roto type brake out-of-adjustment: Axle 1 passenger side measured 2 inches and max for type 20 or 24 is 1 3/4 inches			
393.47E	393.47E	1	N	N	N	Clamp or Roto type brake out-of-adjustment: Axle 2 driver side measured 2 1/2 inches and max for type 30 is 2 inches			
393.75C	393.75C	2	N	N	N	Tire-other tread depth less than 2/32 of inch measured in a major tread groove: Axle 5 passenger side outside tire less 2/32 tread			
393.205A	393.205A	2	Υ	U	N	Wheel/rim cracked or broken: Axle 4 passenger side outside rim is cracked between wheel stud hole and wheel stud hole			
392.2-SLLEWG3	392.2-SLLEWG3	D	N	N	N	State/Local Laws - Excessive weight - More than 5000 lbs over on allowable gross weight.: Allowable gross weight is 80,000 lbs (if he had registration for Kansas) and actual weight is 86700 lbs			
392.2RG	392.2RG	D	N	N	N	State vehicle registration or License Plate violation: No Kansas registration for this power			

Report Prepared By: H.E. Bradley

Badge #: 0379 Copy Received By: HECTOR VEGA-BENCOMO Page 2 of 5



Query Central 3.4

Kansas Highway Patrol

Email: Khp.TruckInspection@KS.GOV

700 SW Jackson, Ste 704

Topeka, KS 66603

Phone: (785)296-7189 Fax: (785)296-2858

393.53B

393.47C

393.45D

393.47E

396.3A1BOS

393.209E

393.83G

396.17C

Report Number: KSHP03794528 Inspection Date: 09/07/2022

Start: 1:12 PM CT End: 02:55 PM CT

Inspection Level: I - Full **HM Inspection Type:** None

VEGAS TRUCKING LLC

712 N NEILL AVE OBERLIN, KS 67749

USDOT#: 03458956

State#:

393.53B

393.47C

393.45D

393.47E

396.3A1BOS

393.209E

393.83G

396.17C

MC/MX#: 00000000

Phone#: (785)470-1765

Fax#: (970)284-2143

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Driver: VEGA-BENCOMO, HECTOR

License#: Date of Birth:

CoDriver: License#:

Date of Birth:

State:

State: MX

Unit OOS Citation # Violations Discovered Vio Code Section Verify Crash unit, vehicle is 86,700 lbs and has no registration at all for this state to operate D Driver failing to conduct pre-trip inspection: 392.7A 392.7A Ν Ν Ν Driver can not be satisified with a pre-trip inspection when missing/inoperable emergency safety equipment 2 Ν Clamp or Roto type brake out-of-adjustment: 393.47E 393.47E N Ν

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Axle 4 driver side measured 2 1/4 inches and max for type 30 is 2 inches CMV manufactured after 10/19/94 has an automatic airbrake adjustment system that

fails to compensate for wear Mis-matched slack adjuster effective length: Axle 5 driver side is 5 1/2 inch slack adjuster from center hole to pin and axle 5 passenger

side is 6 inches from center hole to pin

Brake connections with leaks or constrictions: Axle 5 air valve leaking large amout of air Clamp or Roto type brake out-of-adjustment: Axle 3 passenger side measured 2 1/2 inches

and max for type 30 is 2 inches

BRAKES OUT OF SERVICE: The number of defective brakes is equal to or greater than 20 percent of the service brakes on the vehicle or combination: 5 of 10 brakes out of adjustment

Power steering violations: Power steering leak at the pump and hoses

Exhaust leak under driver and/or sleeper compartment: Exhaust leak under the sleeper area on the passenger side

inspection: No Annual inspection for the trailer

Operating a CMV without proof of a periodic

HazMat: No HM Transported. Placard: No Cargo Tank:

Special Checks:

Report Prepared By: H.E. Bradley

Badge #: 0379 Copy Received By: HECTOR VEGA-BENCOMO Page 3 of 5



Query Central 3.4 Report Number: KSHP03794528 **Kansas Highway Patrol** Inspection Date: 09/07/2022 Email: Khp.TruckInspection@KS.GOV **Start:** 1:12 PM CT End: 02:55 PM CT 700 SW Jackson, Ste 704 Inspection Level: I - Full Topeka, KS 66603 Phone: (785)296-7189 Fax: (785)296-2858 HM Inspection Type: None Driver: VEGA-BENCOMO, HECTOR VEGAS TRUCKING LLC 712 N NEILL AVE License#: State: MX Date of Birth: OBERLIN, KS 67749 **USDOT#:** 03458956 Phone#: (785)470-1765 CoDriver: MC/MX#: 00000000 Fax#: (970)284-2143 License#: State: State#: Date of Birth: * Pursuant to the authority contained in Title 49, CFR; K.S.A. 66-1,129; K.C.C. Reg. 82-4-3, I hereby declare HECTOR VEGA-BENCOMO "OUT OF SERVICE". No person and/or carrier shall permit and/or require this driver to operate any commercial vehicle until: has a valid Kansas CDL and medical card. This Out of Service condition may result in the assessment of a Civil Penalty being issued against the Carrier indicated on this report. Driver Initials

* Pursuant to the authority contained in Title 49, CFR; K.S.A. 66-1,129; K.C.C. Reg. 82-4-3, I hereby declare the above marked unit(s) as "OUT OF SERVICE". No person and/or carrier shall permit and/or require the removal of the "OUT OF SERVICE" stickers or the operation of this motor vehicle until ALL out of service defects have been corrected. This Out of Service condition may result in the assessment of a Civil Penalty being issued against the Carrier indicated on this report. Driver Initials * NOTE TO MECHANIC: The undersigned certifies that all mechanical defects listed on this report HAVE BEEN CORRECTED at the time of signature. Signature Of Repairer X: Date: **/** DRIVER: THIS FORM IS REQUIRED TO BE RETURNED TO THE CARRIER BY REGULATION. **//** *CARRIER CERTIFICATION: All defects on this sheet must be corrected or acknowledged PRIOR TO RE-DISPATCH and then certified by a responsible carrier official who must sign below. RETURN THIS FORM WITHIN 15 DAYS to the Motor Carrier Division of the KANSAS HIGHWAY PATROL at the address listed at the top of this form. Signature Of Motor Carrier X: Date:

Report Prepared By: H.E. Bradley

Badge #:

Copy Received By: HECTOR VEGA-BENCOMO



Query Central 3.4

State: MX

State:

Kansas Highway Patrol

Email: Khp.TruckInspection@KS.GOV

700 SW Jackson, Ste 704

Topeka, KS 66603

712 N NEILL AVE

OBERLIN, KS 67749 USDOT#: 03458956

MC/MX#: 00000000

VEGAS TRUCKING LLC

Phone: (785)296-7189 Fax: (785)296-2858

Report Number: KSHP03794528 Inspection Date: 09/07/2022

Start: 1:12 PM CT **End:** 02:55 PM CT

Inspection Level: I - Full HM Inspection Type: None

Driver: VEGA-BENCOMO, HECTOR

License#:

Date of Birth:

CoDriver:

Date of Birth:

State#:

Inspection Notes

Stopped vehicle and moved to the Loves truck stop in Scott City, KS for a safer place to perform the inspection. During the inspection the violations listed on this report were discovered. KCC assisted with the inspection. The driver did not speack a lot of English but we were able to complete the inspection. The driver lives in Garden City, KS and has for the last 4 months, prior to this he lived in Nebraaska. Driver still has a Mexico CDL however it is not valid as of 12-2021. Driver does not have a medical card and the there is no form of Kansas registration or fuel permits for this equipment. It has just Nebraska registration and all these vehicles are housed in Oberlin, KS where the owner moved the company a while back. KCC is working on paperwork for this carrier as well as conducting a compliance review.

Phone#: (785)470-1765

Fax#: (970)284-2143

Special Studies No Special Study Data Recorded									

Report Prepared By: H.E. Bradley

Badge #: 0379

Copy Received By: HECTOR VEGA-BENCOMO

Page 5 of



03458956 KS KSHP03794528



From: <u>Erica Pargas</u>
To: <u>Ahsan Latif</u>

Cc: <u>Gary Davenport</u>; <u>Penny Fryback</u>

Subject: Vegas Trucking LLC

Date: Thursday, September 8, 2022 3:50:22 PM

Good Afternoon,

We would like to request an Emergency Suspension on carrier: Vegas Trucking LLC (USDOT #3458956) based on the following issues that have been discovered which pose a danger to the traveling public:

- 1. Vegas Trucking LLC obtained their USDOT number on 7/24/2020 using a fraudulent address, and with a Mexico CDL.
- 2. Vegas Trucking LLC is an Intrastate carrier that has been operating in Interstate Commerce without an interstate USDOT number and has been operating point to point in Kansas without KCC Authority.
- 3. Vegas Trucking LLC has failed to pay IFTA, and has no IRP. Some of the vehicles are being operated with regular County Nebraska Tags.
- 4. Vegas Trucking LLC has been cited on five (5) different occasions for using drivers without a valid CDL. Specifically, On 7/14/22, Driver and Owner of Vegas Trucking LLC, Tomas Vega was put OOS for operating on a Mexico CDL while a resident of Kansas. Tomas Vega was put OOS again for the same violation on 8/15/2022. On 9/7/2022, Hector Vega Bencomo (Tomas Vega's son) was placed OOS for operating without a Valid CDL. Hector Vega Bencomo provided KHP Trooper Bradley with a Mexico CDL that was not valid and a Tourist Visa that does not allow tourists to be employed while in the US.
- 5. Vegas Trucking LLC continues to operate units that have been previously placed OOS. On 7/14/2022 the Truck Tractor and Trailer being operated were placed OOS for numerous violations. On 8/15/2022, the same vehicle was placed OOS and the company was cited for failure to correct defects previously noted on a roadside inspection.
- 6. Vegas Trucking LLC failed to provide proof of Insurance for the units being operated on 9/7/2022. At this time, it is unknown if Tomas Vega currently has active insurance.

Erica Pargas, Special Investigator

Transportation Division
Kansas Corporation Commission
1500 SW Arrowhead Road | Topeka, KS | 66604-4027
Phone (620) 255-3868 | Fax (785) 271-3124

CERTIFICATE OF SERVICE

23-TRAM-357-OOS

I, the undersigned, certify that a true and correct copy of the above and foregoing Motion to Suspend Intrastate Motor Carrier Authority was served via First Class U.S. Mail and electronic service this 12th day of September, 2022, to the following:

AHSAN LATIF, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604 a.latif@kcc.ks.gov TOMAS VEGA VEGAS TRUCKING LLC 712 N NEILL AVE OBERLIN, KS 67749 tsalinas93m@gmail.com