

NOTICE OF PENALTY ASSESSMENT
25-TRAM-172-PEN

November 21, 2024
Daniel Ramon Gastulo, Owner
C&D Transport LLC
809 Jenny Avenue
Garden City, Kansas, 67846

This is a notice of a penalty assessment against C&D Transport LLC (“C&D Transport”) for violations of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted August 23, 2024, to September 16, 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: C&D Transport has been assessed a \$11,650 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$11,650, 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 C&D Transport 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.

The attached Order further requires C & D Transport to 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, the attached Order requires that C & D Transport to 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.

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. C&D Transport 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.¹

IF YOU FAIL TO ACT: Failure to pay the penalty of \$11,650 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

¹ K.A.R. 82-1-215; K.S.A. 77-542.

1500 SW Arrowhead Road
Topeka, KS 66604-4027



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

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

Governor Jeff Colyer, M.D.

timely written request for a hearing, will result in the Order becoming final and may result in additional sanctions of suspension and/or revocation of your motor carrier operating authority.

Respectfully,
/s/ Ahsan A. Latif
Ahsan A. Latif
Litigation Counsel
(785) 271-3118
Ahsan.Latif@kcc.ks.gov

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

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

In the Matter of the Investigation of **C&D**)
Transport LLC of Garden City, Kansas.)
Regarding the Violation(s) of the Motor Carrier)
Safety Statutes, Rules and Regulations and the) Docket No. 25-TRAM-172-PEN
Commission’s Authority to Impose Penalties,)
Sanctions and/or the Revocation of Motor Carrier)
Authority.)

PENALTY ORDER

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (“Commission”). Having examined its files and records, and being duly advised in the premises, the Commission finds and concludes as follows:

1. Pursuant to K.S.A 66-1,108b, 66-1,111, 66-1,112, and 66-1,114b, 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 November 16, 2023, in Docket No. 24-TRAM-5031-TRA the Commission issued an Emergency Order Suspending Authority for Failure to Maintain Insurance Coverage² that suspended C&D Transport LLC’s operations until such time as the MC came into compliance and obtained appropriate insurance coverage. The Order stated: “C & D Transport LLC may not operate with a suspended authority.

5. From August 23, 2024 and September 16, 2024, Commission Staff (“Staff”) Special Investigators (“SIs”) completed a safety compliance investigation of the operations of C&D Transport, LLC (C&D Transport or Carrier). C&D Transport is a motor carrier as defined in 49 C.F.R. 390.5, and operates under USDOT number 4030972. As a result of the compliance investigation, the SIs identified ninety-one (91) violation(s), set forth in eighteen (18) count(s), of the Motor Carrier Safety Regulations (MCSRs), which carries a penalty according to the FY2025 Uniform Penalty Assessment Matrix.³

6. On September 30, 2024, Staff submitted its Report and Recommendation (“R&R”), attached hereto as Attachment “A” and is hereby incorporated by reference, recommending a penalty of \$11,650 to be issued to C&D Transport based on the frequency, timeline and severity of the violations discovered.

² Emergency Order Suspending Authority for Failure to Maintain Insurance Coverage, Docket No. 24-TRAM-5031-TRA (Nov. 16, 2023) (24-5031 Suspension Order).

³ 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 C&D Transport 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 C&D Transport committed ninety-one (91) violation(s) of the following eighteen (18) count(s), discussed more fully in Staff's R&R:

a. Count 1: On June 4, 2024, C&D Transport was operating commercial motor vehicles without first providing evidence of insurance coverage, which resulted in one (1) violations of 49 C.F.R. 387.7(a) and (b), as adopted by K.A.R. 82-4-3n. The Commission finds that Staff's recommendation of an enhanced penalty of \$1,000 is appropriate and in accordance with the current Penalty Matrix.

b. Count 2: On July 9, 2024, C&D Transport was operating commercial motor vehicles that had been declared and marked as "out-of-service" ("OOS") without being repaired, which resulted two (2) violations of 49 C.F.R. 396.9, adopted by K.A.R. 82-4-3j. The Commission finds that Staff's recommendation of a \$3,000 is appropriate and in accordance with the current Penalty Matrix.

c. Count 3: On June 18, 19, 20, 21, 22, 23, 24, 25, 26, July 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 24, 25, 26, 27, 28, 29, 30, and 31, 2024, C&D Transport was operating motor vehicles while failing to require drivers to prepare a record of duty status, which resulted in thirty four (34) violations of 49 C.F.R. 395.8, adopted by K.A.R. 82-4-3a. The Commission finds that Staff's recommendation of a penalty of \$1,000 is appropriate and in accordance with the current Penalty Matrix.

d. Count 4: On June 18, 19, 24, 25, 26, July 16, 19, 22, 25, 26 and 31, 2024, C&D Transport was operating motor vehicles while failing to provide supporting

documents, which resulted in thirty (30) violations of K.A.R. 82-4-35a and 49 C.F.R. 395.8, adopted by K.A.R. 82-4-3h. The Commission finds that Staff's recommendation of a penalty of \$900 is appropriate and in accordance with the current Penalty Matrix.

e. Count 5: On July 9, 2024, C&D Transport was operating commercial vehicles while failing to provide maintenance records, which resulted in two (2) violations of 49 C.F.R. 396.3, adopted by K.A.R. 82-4-3j. The Commission finds that Staff's recommendation of a penalty of \$750 is appropriate and in accordance with the current Penalty Matrix.

f. Count 6: On July 9, 2024, C&D Transport was operating commercial vehicles without proof of an annual inspection, which resulted in two (2) violations of 49 C.F.R. 396.17, adopted by K.A.R. 82-4-3j. The Commission finds that Staff's recommendation of a penalty of \$750 is appropriate and in accordance with the current Penalty Matrix.

g. Count 7: On June 4, 2024, C&D Transport was operating commercial vehicles without first paying the appropriate Unified MC Registration ("UCR") fees, which resulted in one (1) violation of K.S.A. 66,1-139a and 40 C.F.R. 367, adopted by K.A.R. 82-4-30a. The Commission finds that Staff's recommendation of a penalty of \$300 is appropriate and in accordance with the current Penalty Matrix.

h. Count 8: On June 4, 2024, C&D Transport was operating commercial vehicles without first paying IFTA or obtaining a fuel permit prior to re-entering the State of Kansas, which resulted in one (1) violation of K.S.A. 79-34,109 and 49 C.F.R. 392.2, adopted by K.A.R. 82-4-3h. The Commission finds that Staff's recommendation of a penalty of \$500 is appropriate and in accordance with the current Penalty Matrix.

i. Count 9: On July 22, 2024, C&D Transport was operating as a for-hire carrier point to point in the state of Kansas without Kansas Corporation Commission for-hire authority, which resulted in one (1) violation of K.S.A. 66-1,111 and 49 C.F.R. 392.2, adopted by K.A.R. 82-4-3h. The Commission finds that Staff's recommendation of a penalty of \$500 is appropriate and in accordance with the current Penalty Matrix.

j. Count 10: On July 9, 22 and 31, 2024, C&D Transport was operating commercial vehicles without valid registrations, which resulted in four (4) violations of K.S.A. 8-142 and 49 C.F.R. 392.2, adopted by K.A.R. 82-4-3h. The Commission finds that Staff's recommendation of an enhanced penalty of \$1,000 is appropriate and in accordance with the current Penalty Matrix.

k. Count 11: On July 9, 2024, C&D Transport was operating commercial vehicles without first obtaining a negative pre-employment test, which resulted in one (1) violation of 49 C.F.R. 382.301(a), adopted by K.A.R. 82-4-3c. The Commission finds that Staff's recommendation of a penalty of \$250 is appropriate and in accordance with the current Penalty Matrix.

l. Count 12: On July 9, 2024, C&D Transport was operating commercial vehicles without first providing evidence of a Drug & Alcohol policy, which resulted in one (1) violation of 49 C.F.R. 382.601, adopted by K.A.R. 82-4-3c. The Commission finds that Staff's recommendation of a penalty of \$100 is appropriate and in accordance with the current Penalty Matrix.

m. Count 13: On July 9, 2024, C&D Transport was operating commercial vehicles without first providing evidence of Reasonable Suspicion Training, which resulted in one (1) violation of 49 C.F.R. 382.603, adopted by K.A.R. 82-4-3c. The Commission

finds that Staff’s recommendation of a penalty of \$100 is appropriate and in accordance with the current Penalty Matrix.

n. Count 14: On July 9, 2024, C&D Transport was operating commercial vehicles without first conducting a pre-employment query, which resulted in one (1) violation 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 penalty of \$350 is appropriate and in accordance with the current Penalty Matrix.

o. Count 15: On July 9, 2024, C&D Transport was operating commercial vehicles without first maintaining/providing a Driver Qualification file, which resulted in one (1) violation of 49 C.F.R. 391.51(a), adopted by K.A.R. 82-4-3g. The Commission finds that Staff’s recommendation of a penalty of \$350 is appropriate and in accordance with the current Penalty Matrix.

p. Count 16: On June 4, 2024, C&D Transport was operating commercial vehicles in interstate commerce with an intrastate only USDOT number, which resulted in one (1) violation of 49 C.F.R. 392.9b, adopted by K.A.R. 82-4-3h. The Commission finds that Staff’s recommendation of a penalty of \$250 is appropriate and in accordance with the current Penalty Matrix.

q. Count 17: On June 18, 19, 24, 25, 26 and July 9, 2024, C&D Transport was operating commercial vehicles without first providing a record of a Driver Vehicle Inspection Report (“DVIR”), which resulted in six (6) violations of 49 C.F.R. 396.11, adopted by K.A.R. 82-4-3j. The Commission finds that Staff’s recommendation of a penalty of \$300 is appropriate and in accordance with the current Penalty Matrix.

r. Count 18: On July 9, 2024, C&D Transport was operating commercial vehicles without first providing evidence of inspector qualifications, which resulted in one (1) violation of 49 C.F.R. 396.19(a), adopted by K.A.R. 82-4-3j. The Commission finds that Staff's recommendation of a penalty of \$250 is appropriate and in accordance with the current Penalty Matrix.

9. The Commission concludes that C&D Transport has committed ninety-one (91) violation(s), set forth in eighteen (18) 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 \$11,650.

10. Accordingly, the Commission finds that C&D Transport 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.⁴ 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. The Commission further finds that C&D Transport 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.⁵ Finally, the

⁴ See Staff's Report and Recommendation, p.8 (Sep. 30, 2024).

⁵ *Id.*

Commission finds that C&D Transport 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.⁶

11. Failure to comply with the requirements of this Penalty Order shall result in suspension of C&D Transport's motor carrier operating authority without further notice.⁷

IT IS THEREFORE, BY THE COMMISSION ORDERED THAT:

A. C&D Transport is hereby assessed a \$11,650 civil penalty for ninety-one (91) violation(s), set forth in eighteen (18) count(s), of Kansas law governing the regulation of motor carriers, the Kansas Administrative Regulations and provisions of the Federal Motor Carrier Safety Regulations, as adopted by the Kansas Administrative Regulations.

B. C&D Transport 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. C&D Transport 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. C&D Transport 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

⁶ *Id.*

⁷ K.S.A. 66-1,105.

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 C&D Transport'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.⁸ For civil penalties of \$500 or less, a corporation may appear by a duly authorized representative of the corporation.⁹

G. If you do not request a hearing, the payment of the civil penalty of \$11,650 is due in thirty (30) days from the date of service of this Order. Payment of \$11,650 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 C&D Transport 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

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

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

suspension of C&D Transport's motor carrier operating authority without further notice.¹⁰ Additionally, the Commission may impose further sanctions to include, but not limited to, the issuance and enforcement of revocation of authority and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 11/21/24



Lynn M. Retz
Executive Director

AAL

¹⁰ K.S.A. 66-1,105.

ATTACHMENT “A”

**REPORT AND RECOMMENDATION
TRANSPORTATION DIVISION**

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

FROM: Jared Smith, Deputy Director of Transportation

DATE: September 30, 2024

SUBJECT: Docket No. 25-TRAM-172-PEN
In the Matter of the Investigation of **C&D Transport LLC of Garden City, 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:

C&D Transport LLC is a motor carrier (MC) possessing public for-hire operating authority from the Commission, primarily hauling grain, feed, hay. C&D Transport LLC operates under USDOT 4030972.

On November 16, 2023, in Docket No. 24-TRAM-5031-TRA the Commission issued an Emergency Order Suspending Authority for Failure to Maintain Insurance Coverage¹ that suspended C&D Transport LLC's operations until such time as the MC came into compliance and obtained appropriate insurance coverage. The Order stated: "C & D Transport LLC may not operate with a suspended authority. Any such operation is considered an intentional and willful violation of the motor carrier statutes, orders, and regulations..." A copy of this order is attached hereto as **Exhibit 1** and is hereby incorporated by reference.

On August 29, 2024, C&D Transport was found operating by the Kansas Highway Patrol (KHP). The Director of the Commission's Transportation Division, Mike Hoeme, issued an impound letter pursuant to K.S.A. 66-1,129a authorizing the KHP to impound vehicles operated

¹ Emergency Order Suspending Authority for Failure to Maintain Insurance Coverage, Docket No. 24-TRAM-5031-TRA (Nov. 16, 2023) (24-5031 Suspension Order).

by C&D Transport LLC. A copy of the impound letter is attached hereto as **Exhibit 1** and is hereby incorporated by reference. To date, those vehicles remain in impound.

From August 23, 2024 through September 16, 2024, Commission Staff Special Investigator(s) (SIs) completed a safety compliance investigation of the operations of C&D Transport LLC. A copy of the safety compliance report is attached hereto as **Exhibit 1** and is hereby incorporated by reference. As a result of this investigation, the SIs identified ninety-one (91) violation(s), set forth in eighteen (18) specific count(s), of the Motor Carrier Safety Regulations (MCSRs), which carries a penalty according to the FY2025 Uniform Penalty Assessment Matrix approved by the Commission. Based on the frequency, timeline and severity of the violations discovered by the SIs, staff recommends penalty of \$11,650 be issued to the MC.

DISCUSSION AND ANALYSIS:

On August 23, 2024 through September 16, 2024, Commission Staff SIs conducted a safety compliance investigation of the operations of C&D Transport LLC. The investigation covers a 365 day period and any previous compliance review. Each specific count is detailed below.

Count One (1 of 18)

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

Relevant Statutes: 49 C.F.R. 387.7 states: “(a) No motor carrier shall operate a motor vehicle until the motor carrier has obtained and has in effect the minimum levels of financial responsibility as set forth in § 387.9 of this subpart.”

Material Facts and Supporting Documents: The MC was found operating without required insurance on three successive inspections.

On June 4, 2024, C&D Transport LLC required or permitted its driver, Carlos A. Ramon-Gastulo, to operate a commercial driver’s license (CDL) required commercial motor vehicle (CMV), a 2000 Kenworth truck, VIN ending in 7859, GVWR 52,000 lbs., pulling a 1999 Wilson trailer, VIN ending in 0701, GVWR 75,000 lbs., in interstate commerce from Dalhart, Texas to Garden City, Kansas. This transport is evidenced by Driver Vehicle Examination Report No. OKI204154518, attached hereto as **Exhibit 2**. The MC did not provide the SIs with proof of active insurance at the time of this transport as required by the regulation.

A month later, on July 9, 2024, C&D Transport LLC required or permitted its driver, Carlos A. Ramon-Gastulo, to operate a CDL-required CMV, a 2000 Kenworth truck, VIN ending in 7859, GVWR 52,000 lbs., pulling a 1999 Wilson trailer, VIN ending in 0701, GVWR 75,000 lbs., in intrastate commerce within Garden City, Kansas. This transport is evidenced by Driver Vehicle Examination Report No. KSHP04502654, attached hereto as **Exhibit 3**. At the time of this inspection, the inspector cited the MC for not having proof of insurance, stating: “State Insurance Violation: NONE FOUND ON L & I TAB IN CVIEW, NONE FOUND BY DRIVER ON PHONE OR IN PERMIT BOOK.” (**Exhibit 3, Page 2**).

Two months later, on August 29, 2024, C&D Transport LLC required or permitted its driver, Carlos A. Ramon-Gastulo, to operate a CDL-required CMV, a 2007 Volvo truck, VIN

ending in 7285, GVWR 50,350 lbs., pulling a 1997 Wilson trailer, VIN ending in 2333, GVWR 65,000 lbs., in intrastate commerce from Friend, Kansas to Kansas City, Kansas. At the time of this inspection, the inspector again cited the MC for not having proof of insurance, stating: “State Insurance Violation: CARRIER FOUND TO NOT HAVE ANY INSURANCE. (**Exhibit 4, Page 2**).”

Violation: C&D Transport LLC failed to provide the SIs with evidence of insurance coverage, which is a violation of 49 C.F.R. 387.7(a), as adopted by K.A.R. 82-4-3n. (**Exhibit 1, Page 3**). One (1) violation that was not previously penalized during a roadside inspection was discovered (**Exhibit 1, Page 20**).

Recommendation: Staff deems this to be an intentional violation and therefore recommends an enhanced penalty of \$1,000 in accordance with the FY2025 Penalty Matrix. C&D Transport LLC was operated repeatedly without insurance, despite being cited for the violation in successive roadside inspections.

Count Two (2 of 18)

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

Relevant Statutes: 49 C.F.R. 396.9(c)(2) states: “No motor carrier or intermodal equipment provider shall require or permit any person to operate nor shall any person operate any motor vehicle or intermodal equipment declared and marked “out-of-service” until all repairs required by the “out-of-service notice” have been satisfactorily completed.”

Material Facts and Supporting Documents: The MC operated a vehicle declared “out-of-service” without first repairing the “out-of-service” violations.

On June 4, 2024, the MC’s CMVs were declared “out-of-service” for “No or defective brake warning device.” *See Exhibit 2.*

On July 9, 2024, the same CMVs were cited for the same “out-of-service” violation: “No or defective brake warning device.” *See Exhibit 3, Page 2.*

Violation: C&D Transport LLC operated a vehicle declared “out-of-service” without first repairing the “out-of-service” violation (**Exhibit 1, Page 3**). This is a violation of 49 C.F.R. 396.9, adopted by K.A.R. 82-4-3j. Two (2) violations were discovered (**Exhibit 1, Page 19**).

Recommendation: Staff recommends an enhanced fine of \$3,000, as this is an intentional violation, in accordance with the FY2025 Penalty Matrix.

Count Three (3 of 18)

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

Relevant Statutes: 49 C.F.R. 395.8(a) states: “Except for a private motor carrier of passengers (nonbusiness), as defined in § 390.5 of this subchapter, a motor carrier subject to the requirements of this part must require each driver used by the motor carrier to record the driver’s duty status for each 24-hour period using the method prescribed in paragraphs (a)(1)(i) through (iv) of this section, as applicable.”

Material Facts and Supporting Documents: The MC failed to require its drivers to prepare a records of duty status.

On July 16, 2024, C&D Transport LLC required or permitted its driver, Carlos A. Ramon-Gastulo, to operate a CDL required CMV, a 2000 Kenworth, VIN ending in 7859, GVWR 52,000 lbs., in interstate commerce from Ragan, Nebraska to Hugoton, Kansas. This transport is evidenced by a trip sheet attached hereto as **Exhibit 5**. The MC could not provide a record of duty status for this transport.

Violation: C&D Transport LLC failed to require drivers to prepare a record of duty status (**Exhibit 1, Page 3 to 4**). This is a violation of 49 C.F.R. 395.8, adopted by K.A.R. 82-4-3a. Thirty-Four (34) violations were discovered (**Exhibit 1, Page 19**).

Recommendation: Staff recommends a fine of \$1,000 in accordance with the FY2025 Penalty Matrix.

Count Four (4 of 18)

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

Relevant Statutes: 49 C.F.R. 395.8(k) states: “Retention of driver's record of duty status and supporting documents.

(1) A motor carrier shall retain records of duty status and supporting documents required under this part for each of its drivers for a period of not less than 6 months from the date of receipt.

(2) The driver shall retain a copy of each record of duty status for the previous 7 consecutive days which shall be in his/her possession and available for inspection while on duty.

K.A.R. 82-4-35a details the types of documents that must be retained.”

Material Facts and Supporting Documents: This violation took place during the transport on July 16, 2024, described in Count Three, above. The MC did not provide the duty status and supporting documents for its transports as required by the regulation.

Violation: C&D Transport LLC failed to retain supporting documents for the loads hauled (**Exhibit 1, Page 4**). This is a violation of K.A.R. 82-4-35a and 49 CFR 395.8, adopted by K.A.R. 82-4-3h. Thirty (30) violations were discovered (**Exhibit 1, Page 21 to 22**).

Recommendation: Staff recommends a fine of \$900 in accordance with the FY2025 Penalty Matrix.

Count Five (5 of 18)

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

Relevant Statutes: 49 C.F.R. 396.3(b) states: “Required records. Motor carriers, except for a private motor carrier of passengers (nonbusiness), must maintain, or cause to be maintained, records for each motor vehicle they control for 30 consecutive days. Intermodal equipment providers must maintain or cause to be maintained, records for each unit of intermodal equipment they tender or intend to tender to a motor carrier. These records must include:

(1) An identification of the vehicle including company number, if so marked, make, serial number, year, and tire size. In addition, if the motor vehicle is not owned by the motor carrier, the record shall identify the name of the person furnishing the vehicle;

(2) A means to indicate the nature and due date of the various inspection and maintenance operations to be performed;

(3) A record of inspection, repairs, and maintenance indicating their date and nature; and

(4) A record of tests conducted on pushout windows, emergency doors, and emergency door marking lights on buses.”

Material Facts and Supporting Documents: This violation took place during the transport on July 9, 2024, described in Count Two, above. The MC did not provide maintenance records for the CMVs operated as required by the regulation.

Violation: C&D Transport LLC failed to systematically inspect, repair and maintain, or cause to be systematically inspected, repaired, and maintained, all commercial motor vehicles subject to its control and maintain required records of such. (**Exhibit 1, Page 4**). This is a violation of 49 C.F.R 396.3, adopted by K.A.R 82-4-3j. Two (2) violations were discovered (**Exhibit 1, Page 21**).

Recommendation: Staff recommends a fine of \$750 in accordance with the FY2025 Penalty Matrix.

Count Six (6 of 18)

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

Relevant Statutes: 49 C.F.R. 396.17 states: “Every commercial motor vehicle must be inspected as required by this section. The inspection must include, at a minimum, the parts and accessories set forth in appendix A to this part. The term commercial motor vehicle includes each vehicle in a combination vehicle. For example, for a tractor semitrailer, full trailer combination, the tractor, semitrailer, and the full trailer (including the converter dolly if so equipped) must each be inspected.”

Material Facts and Supporting Documents: This violation took place during the transport on July 9, 2024, described in Count Two, above. The MC did not provide evidence of annual inspections performed on the CMVs operated as required by the regulation.

Violation: C&D Transport LLC failed to obtain, document and retain a successful annual inspection on the commercial motor vehicle during the preceding 12-month period (**Exhibit 1, Page 5**). This is a violation of 49 C.F.R. 396.17, adopted by K.A.R. 82-4-3j. Two (2) violations were discovered (**Exhibit 1, Page 21**).

Recommendation: Staff recommends a fine of \$750 in accordance with the FY2025 Penalty Matrix.

Count Seven (7 of 18)

Authority: K.S.A. 66-1,111, 66-1,129, and 66-1,139.

Relevant Statutes: K.S.A. 66-1,139a states: “All interstate regulated public motor carriers of property, of household goods or of passengers who operate a motor vehicle in Kansas shall register their motor vehicles in their base state pursuant to federal statutes, unless exempted under the provision of K.S.A. 66-1,109, and amendments thereto.” The Unified Carrier Registration (UCR) fees are set out in 49 C.F.R. 367.

Material Facts and Supporting Documents: This violation took place during the transport on June 4, 2024, described in Count One, above. A copy of the motor carrier's UCR payment history is attached hereto as **Exhibit 6**. The MC failed to pay UCR fees prior to operating in interstate commerce.

Violation: C&D Transport LLC failed to pay UCR fees (**Exhibit 1, Page 5 to 6**). This is a violation of K.S.A. 66-1,139a and 49 C.F.R. 367, as adopted by K.A.R. 82-4-30a. One (1) violation was discovered (**Exhibit 1, Page 20**).

Recommendation: Staff recommends a fine of \$300 in accordance with the FY2025 Penalty Matrix.

Count Eight (8 of 18)

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

Relevant Statutes: K.S.A. 66-1,111 states: “No public motor carrier of property or passengers or private motor carrier of property shall operate any motor vehicle for the transportation of either persons or property on any public highway in this state except in accordance with the provisions of this act, and amendments thereto, and other applicable laws.”

K.S.A. 66-1,142b state: “Any person violating any statute, commission orders or rules and regulations adopted by the state corporation commission pursuant to the motor carrier act and other laws relevant to motor carriers shall be subject to a civil penalty of not less than \$100 and not more than \$1,000 for negligent violations, and not more than \$5,000 for intentional violations.”

K.S.A. 79-34,109 states: “There is hereby imposed on each interstate motor fuel user a tax on motor fuel used in operations on highways within this state by such interstate motor fuel user. Such tax shall be at the same rate as the current rate of tax applicable to the use or sale of the same motor fuel within this state. The number of gallons of motor fuel used in the operations of any interstate motor fuel user on highways within this state shall be deemed to be such proportion of the total number of gallons of such motor fuel used in its entire operations within and without this state, as the number of miles traveled on highways within this state bears to the total number of miles traveled within and without this state.”

Material Facts and Supporting Documents: This violation took place during the transport on June 4, 2024, described in Count One, above. At the time of this transport, the MC operated in interstate commerce from Dalhart, Texas to Garden City, KS. At the time of operation, C&D Transport LLC had not paid IFTA or obtained a fuel permit prior to re-entering the State of Kansas.

Violation: C&D Transport LLC failed to pay IFTA or obtain a fuel permit prior to re-entering the State of Kansas (**Exhibit 1, Page 6**). This is a violation of K.S.A. 79-34,109 and 49 C.F.R. 392.2, adopted by K.A.R. 82-4-3h. One (1) violation was discovered (**Exhibit 1, Page 20**).

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

Count Nine (9 of 18)

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

Relevant Statutes: K.S.A. 66-1,114b(a) states: “Except as hereinafter provided, it shall be unlawful for any public motor carrier to operate as a carrier of property other than household goods or passengers in intrastate commerce within this state without first having obtained from the commission a certificate of public service to transport property other than household goods or to transport passengers.”

Material Facts and Supporting Documents: The MC operated in intrastate commerce without first possessing KCC For-Hire authority.

On July 22, 2024, C&D Transport LLC required or permitted its owner/driver, Daniel Ramon-Gastulo, to operate a CDL required CMV, a 2007 Volvo truck, VIN ending in 7285, GVWR 52,350 lbs., in intrastate commerce from Home, Kansas to Garden City, Kansas. This transport is evidenced by Bill of Lading Ticket #00414382 attached hereto as **Exhibit 7**. Additionally attached is a copy of the MC KTRAN profile, attached hereto as **Exhibit 8**. The KTRAN profile states that the MC’s authority was cancelled on December 1, 2023.

Violation: C&D Transport LLC operated as a for-hire carrier point to point within the state of Kansas without Kansas Corporation Commission For-Hire authority (**Exhibit 1, Page 6**). This is a violation of K.S.A. 66-1,111 and 49 C.F.R. 392.2, adopted by K.A.R. 82-4-3h. One (1) violation was discovered (**Exhibit 1, Page 20**).

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

Count Ten (10 of 18)

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

Relevant Statutes: K.S.A. 66-1,111 states: “No public motor carrier of property or passengers or private motor carrier of property shall operate any motor vehicle for the transportation of either persons or property on any public highway in this state except in accordance with the provisions of this act, and amendments thereto, and other applicable laws.”

K.S.A. 66-1,142b state: “Any person violating any statute, commission orders or rules and regulations adopted by the state corporation commission pursuant to the motor carrier act and other laws relevant to motor carriers shall be subject to a civil penalty of not less than \$100 and not more than \$1,000 for negligent violations, and not more than \$5,000 for intentional violations.”

K.S.A. 8-143m(a) states: “On and after January 1, 2014, any truck or truck tractor registered for a gross weight of more than 10,000 pounds which is operating as a commercial vehicle shall, in addition to the annual fee prescribed under K.S.A. 8-143, and amendments thereto, pay an annual commercial vehicle fee...” and includes the fee schedule.

K.S.A. 8-143m(c) states: “Upon the payment of the commercial vehicle fee and applicable registration fees under K.S.A. 8-143, and amendments thereto, except for vehicles registered under K.S.A. 8-1,100 et seq., and amendments thereto, the division shall provide for the registration of and the issuance of license plates for commercial motor vehicles in accordance with the provisions of this section. License plates issued under this section shall be permanent in nature and designed in such a manner as to remain with the commercial motor vehicle for the duration of the life span of the commercial motor vehicle or until the commercial motor vehicle is deleted from the owner's fleet. Such license plates shall be distinctive and shall contain the

word “commercial” and there shall be no year date thereon. License plates issued under this section shall not be transferable to any other commercial motor vehicle, except that the unused registration and commercial vehicle fee may be transferred to another commercial motor vehicle which is registered at the same or greater weight.”

Material Facts and Supporting Documents: The MC was repeatedly found operating without commercial registration or any valid registration.

This violation took place on July 22, 2024, during the transport described in Count Nine, above. Additionally, attached hereto as **Exhibit 9**, is an email from KDOR verifying that the carrier did not have active registrations. Prior to the July 22, 2024 transport, the MC was cited not having commercial registration for its CMVS during a roadside inspection on July 9, 2024. The inspector stated: “IRP Apportioned Tag or Registration Violation: NO FORM OF KS REGISTRATION – IRP OR TEMP REG – K-TRIPS.COM” (**Exhibit 3, Page**).

The MC was again cited for not having commercial registration during an August 29, 2024 roadside inspection. The inspector stated: “State vehicle registration or License Plate violation: EXPIRED REGISTRATION THRU KANSAS.” (See **Exhibit 4, Page 2**).

Violation: C&D Transport LLC operated without valid commercial registration for its CMVs (**Exhibit 1, Pages 6 to 7**). This is a violation of K.S.A. 8-142 and 49 C.F.R. 392.2, adopted by K.A.R. 82-4-3h. Four (4) violations were discovered (**Exhibit 1, Page 20**).

Recommendation: Staff deems this to be an intentional violation and therefore recommends an enhanced penalty of \$1,000 in accordance with the FY2025 Penalty Matrix. C&D Transport LLC was operated repeatedly without insurance, despite being cited for the violation in successive roadside inspections.

Count Eleven (11 of 18)

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

Relevant Statutes: 49 C.F.R. 382.301 state: “Prior to the first time a driver performs safety-sensitive functions for an employer, the driver shall undergo testing for controlled substances as a condition prior to being used, unless the employer uses the exception in paragraph (b) of this section. No employer shall allow a driver, who the employer intends to hire or use, to perform safety-sensitive functions unless the employer has received a controlled substances test result from the MRO or C/TPA indicating a verified negative test result for that driver.”

Material Facts and Supporting Documents: This violation took place during the transport on July 9, 2024, described in Count Two, above. The MC could not provide evidence of having conducted a pre-employment controlled substances test on driver Carlos Ramon-Gastulo.

Violation: C&D Transport LLC allowed a driver to operate a CMV prior to obtaining a negative pre-employment test (**Exhibit 1, Page 7**). This is a violation of 49 C.F.R. 382.301(a), adopted by K.A.R. 82-4-3c. One (1) violation discovered (**Exhibit 1, Page 20**).

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

Count Twelve (12 of 18)

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

Relevant Statutes: 49 C.F.R. 382.601(a) states: “(a) General requirements. Each employer shall provide educational materials that explain the requirements of this part and the employer's policies and procedures with respect to meeting these requirements.

(1) The employer shall ensure that a copy of these materials is distributed to each driver prior to the start of alcohol and controlled substances testing under this part and to each driver subsequently hired or transferred into a position requiring driving a commercial motor vehicle.

(2) Each employer shall provide written notice to representatives of employee organizations of the availability of this information.

49 C.F.R. 382.601(b) details the required content of the policy to be provided.

Material Facts and Supporting Documents: This violation took place during the transport on July 9, 2024, described in Count Two, above. The MC had no record of providing drivers with a written copy of a drug and alcohol program that met the requirements of 49 C.F.R. Part 382.

Violation: C&D Transport LLC failed to provide evidence of a Drug & Alcohol policy (**Exhibit 1, Page 8**). This is a violation of 49 C.F.R. 382.601, adopted by K.A.R. 82-4-3c. One (1) violation was discovered (**Exhibit 1, Page 20**).

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

Count Thirteen (13 of 18)

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

Relevant Statutes: 49 C.F.R. 382.603 states: “Each employer shall ensure that all persons designated to supervise drivers receive at least 60 minutes of training on alcohol misuse and receive at least an additional 60 minutes of training on controlled substances use. The training will be used by the supervisors to determine whether reasonable suspicion exists to require a driver to undergo testing under § 382.307. The training shall include the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances. Recurrent training for supervisory personnel is not required.”

Material Facts and Supporting Documents: This violation took place during the transport on July 9, 2024, described in Count Two, above. The MC did not provide evidence of having attended the required training.

Violation: C&D Transport LLC failed to provide evidence of having attended the required training (**Exhibit 1, Page 8**). This is a violation of 49 C.F.R. 382.603, adopted by K.A.R. 82-4-3c. One (1) violation was discovered (**Exhibit 1, Page 20**).

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

Count Fourteen (14 of 18)

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

Relevant Statutes: 49 C.F.R. 382.701(a) states: “Pre-employment query required.

(1) Employers must not employ a driver subject to controlled substances and alcohol testing under this part to perform a safety-sensitive function without first conducting a pre-employment query of the Clearinghouse to obtain information about whether the driver has a

verified positive, adulterated, or substituted controlled substances test result; has an alcohol confirmation test with a concentration of 0.04 or higher; has refused to submit to a test in violation of § 382.211; or that an employer has reported actual knowledge, as defined at § 382.107, that the driver used alcohol on duty in violation of § 382.205, used alcohol before duty in violation of § 382.207, used alcohol following an accident in violation of § 382.209, or used a controlled substance, in violation of § 382.213.

(2) The employer must conduct a full query under this section, which releases information in the Clearinghouse to an employer and requires that the individual driver give specific consent.”

Material Facts and Supporting Documents: This violation took place during the transport on July 9, 2024, described in Count Two, above. Additionally, attached hereto as **Exhibit 10**, is a copy of the carriers Drug & Alcohol Clearinghouse Compliance Report. The report does not include a pre-employment inquiry into driver Carlos Ramon-Gastulo.

Violation: C&D Transport LLC failed to conduct a pre-employment query into the DACH (**Exhibit 1, Pages 8 to 9**). This is a violation of 49 C.F.R. 382.701(a), adopted by K.A.R. 82-4-3c One (1) violation was discovered (**Exhibit 1, Page 20**).

Recommendation: Staff recommends a fine of \$350 in accordance with the FY2025 Penalty Matrix.

Count Fifteen (15 of 18)

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

Relevant Statutes: Pursuant to 49 C.F.R. 391.51(a) states: “Each motor carrier shall maintain a driver qualification file for each driver it employs. A driver's qualification file may be combined with his/her personnel file.”

The items required to be included in the driver qualification file are listed in 49 C.F.R. 391.51(b).

Material Facts and Supporting Documents: This violation took place during the transport on July 9, 2024, described in Count Two, above. The MC did not provide a driver qualification file for driver Carlos Ramon-Gastulo as required by the regulation.

Violation: C&D Transport LLC failed to maintain/provide a Driver Qualification file (**Exhibit 1, Page 9**). This is a violation of 49 C.F.R. 391.51(a), adopted by K.A.R. 82-4-3g. One (1) violation discovered (**Exhibit 1, Page 20**).

Recommendation: Staff recommends a fine of \$350 in accordance with the FY2025 Penalty Matrix.

Count Sixteen (16 of 18)

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

Relevant Statutes: 49 C.F.R. 392.9b(a) states: “Safety registration required. A commercial motor vehicle providing transportation in interstate commerce must not be operated without a safety registration and an active USDOT Number.”

Material Facts and Supporting Documents: This violation took place during the transport on June 4, 2024, described in Count One, above. Additionally, attached here to as **Exhibit 11**, is a copy of the carriers MCS-150 which verifies the carrier is listed as an intrastate only carrier.

Violation: C&D Transport LLC operated in interstate commerce with an intrastate only USDOT number (**Exhibit 1, Pages 9 to 10**). This is a violation of 49 C.F.R. 392.9b, adopted by K.A.R. 82-4-3h. One (1) violation was discovered (**Exhibit 1, Page 21**).

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

Count Seventeen (17 of 18)

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

Relevant Statutes: 49 C.F.R. 396.11(a)(1) states: “Every motor carrier shall require its drivers to report, and every driver shall prepare a report in writing at the completion of each day's work on each vehicle operated, except for intermodal equipment tendered by an intermodal equipment provider.”

49 C.F.R. 396.11(a) provides further information on what must be included in the report.

Material Facts and Supporting Documents: This violation took place during the transport described in Count Two, above. As stated in Count Two, above, Carlos A. Ramon-Gastulo, operated a CDL-required CMV, a 2000 Kenworth truck, VIN ending in 7859, GVWR 52,000 lbs., pulling a 1999 Wilson trailer, VIN ending in 0701, GVWR 75,000 lbs., in intrastate commerce within Garden City, Kansas. During that transport, Mr. Ramon-Gastulo was inspected by the KHP and placed “out-of-service for the following violations: tire-flat and/or audible air leak, leaking/spilling/blowing/falling cargo, no or defective brake warning device, brakes out of service and inoperative turn signal. Mr. Ramon-Gastulo did not complete a DVIR at the end of the business day on July 9, 2024 to record the defects found in the roadside inspection or to preserve, for record retention purposes, evidence that repairs had been made.

Violation: C&D Transport LLC failed to provide record of DVIR (**Exhibit 1, Page 5**). This is a violation of 49 C.F.R. 396.11, adopted by K.A.R. 82-4-3j. Six (6) violations were discovered (**Exhibit 1, Page 22**).

Recommendation: Staff recommends a fine of \$300 in accordance with the FY2025 Penalty Matrix.

Count Eighteen (18 of 18)

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

Relevant Statutes: 49 C.F.R. 396.19 states: “Motor carriers and intermodal equipment providers must retain evidence of that individual's qualifications under this section. They must retain this evidence for the period during which that individual is performing annual motor vehicle inspections for the motor carrier or intermodal equipment provider, and for one year thereafter.”

Material Facts and Supporting Documents: This violation took place during the transport described in Count Two, above. Additionally attached is a copy of the annual inspection, dated August 23 (no year), attached hereto as **Exhibit 12**. The inspection is signed by Mike Hoyt. The MC failed to maintain evidence of the qualifications of inspector Mike Hoyt.

Violation: C&D Transport LLC failed to provide evidence of inspector qualifications (**Exhibit 1, Page 10**). This is a violation of 49 C.F.R. 396.19(a), adopted by K.A.R. 82-4-3j. One (1) violation was discovered (**Exhibit 1, Page 19**).

Recommendation: Staff recommends a fine of \$250. As determined by the KCC uniform penalty assessment table.

RECOMMENDATION:

Transportation Staff recommends the Commission find C&D Transport LLC committed ninety-one (91) violation(s) accounting for eighteen (18) 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. Three (3) of the above counts were deemed to be intentional violations and therefore Staff recommended enhanced fines.

Due to the frequency, timeline and severity of the violations, Staff recommends a civil penalty of \$11,650 for ninety-one (91) 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 C&D Transport LLC require a representative responsible for the company's safety to attend a Commission-sponsored safety seminar within thirty (30) days from the date of the Order, and provide Litigation Counsel with written proof of attendance. A schedule of the dates and locations for safety seminars can be found on the Commission's website at http://kcc.ks.gov/trans/safety_meetings.htm.

Staff further recommends C&D Transport LLC submit a written, comprehensive Corrective Action Plan (CAP) to Transportation Staff within thirty (30) days of the date of this order, documenting the violation(s) described in the Penalty Order, including specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.

Finally, Staff recommends that C&D Transport LLC submit to one follow-up safety compliance review within eighteen (18) months from the date of the Penalty Order. Transportation Staff will contact the motor carrier at a later date to determine an appropriate time for the review.

Exhibit 1

UNITED STATES DEPARTMENT OF TRANSPORTATION



U.S. DOT#: 4030972
MC/MX#: 0

Legal: C & D TRANSPORT LLC
Operating (DBA):

Investigation Date:
09/16/2024

Investigation Type: Onsite Comprehensive Investigation

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

Extent of Operations: Entire Operation

Physical Address

809 JENNY AVE
GARDEN CITY, KS 67846
United States

Mailing Address

809 JENNY AVE
GARDEN CITY, KS 67846
United States

Contact Information

Contact Name: DANIEL A RAMON GASTULO
Email: danielramon712@yahoo.com
Phone: (620)444-0585 **Cell:** ()- **Fax:** ()-

Business and Financial

Business Type: Limited Liability Corporation
Name of Gross Revenue Provider:
Title of Gross Revenue Provider:
Gross Revenue: \$ **For Year Ending:**
Federal Tax ID: [REDACTED] (EIN)

Operation Classification and Type

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

Operation Classification

For-Hire Motor Carrier
Property
Exempt Commodities

Cargo

Grain, Feed, Hay

Equipment

	Owned	Term Leased	Trip Leased
Truck Tractors	2		
Trailers	2		

Driver Information

Drivers		
	Intrastate	Interstate
< 100 Miles		
>= 100 Miles		2

Power units used in the U.S.: 2
Percentage of time used in the U.S.: 100%

Average trip leased driver/month: 0
Drivers with CDL: 2
Total Drivers: 2

Person(s) Interviewed

Name: DANIEL A RAMON GASTULO

Title: OWNER

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: 387.7(a)

Operating a motor vehicle without having in effect the required minimum levels of financial responsibility coverage.



Acute

Violations Discovered

Fed	State	Total
1		1

Checked

Fed	State	Total
1		1

BASIC Impacted

Rating Factor 1:
General = Part 387

Example/Notes:

Vehicle License or Company Number: Unit #71 VIN # [REDACTED] 7285

Trip Date: 1/31/24

Description of Violation:

C&D Transport LLC operated in interstate commerce from Columbus, NE to Garden City, KS. Insurance Policy # [REDACTED] was cancelled on 9/29/23 with no evidence of current insurance.

Drivers/Vehicles in Violation

Fed	State	Total
1		1

Checked

Fed	State	Total
1		1

2. Primary: 396.9(c)(2)

Requiring or permitting the operation of a motor vehicle declared "out-of-service" before repairs were made.



Acute

Violations Discovered

Fed	State	Total
2		2

Checked

Fed	State	Total
2		2

BASIC Impacted

Vehicle Maintenance

Rating Factor 4:
Vehicle = Part 396

Example/Notes:

Driver Name: Carlos Ramon Gastulo

Vehicle Number: Unit #10 VIN # [REDACTED] 7859

Trip Date: 7/9/2024

Violation Description:

On 6/4/24, C&D Transport LLC was placed OOS for "No/defective brake warning device". On 7/9/2024, C&D Transport LLC was placed OOS again for the same violation.

Drivers/Vehicles in Violation

Fed	State	Total
2		2

Checked

Fed	State	Total
2		2

3. Primary: 395.8(a)(1)

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



Critical

At least 10% of the number checked had violations

Violations Discovered

Fed	State	Total
34		34

Checked

Fed	State	Total

BASIC Impacted

Hours-of-Service Compliance

Rating Factor 3:
Operational = Part 395

60 60

Example/Notes:

Number Checked - 60
Number Discovered - 34

C&D Transport LLC failed to require driver, Carlos Ramon Gastulo to prepare a record of duty status for the load of corn he hauled from Raegan, NE to Reeve Cattle in Garden City, KS. Driver, Carlos Ramon Gastulo would have been required to log 50 miles from Garden City, KS on his way up to Raegan, NE where he will load and failed to log 50 miles prior to his arrival at Reeve Cattle in Garden City, KS.

4. Primary: 395.11(c)

Failing to retain supporting documents as required by § 395.11(c).



Critical

At least 10% of the number checked had violations

Violations Discovered

Fed	State	Total
30		30

Checked

Fed	State	Total
49		49

Drivers/Vehicles in Violation

Fed	State	Total
2		2

Checked

Fed	State	Total
2		2

BASIC Impacted
Hours-of-Service
Compliance

Rating Factor 3:
Operational = Part
395

Example/Notes:

On 7/16/2024, C&D Transport LLC hauled a load of corn from Ragan, NE to Hugoton, KS and failed to retain copies of bills of lading/scale tickets.

Drivers/Vehicles in Violation

Fed	State	Total
2		2

Checked

Fed	State	Total
2		2

5. Primary: 396.3(b)

Failing to keep minimum records of inspection and vehicle maintenance.



Critical

At least 10% of the number checked had violations

Violations Discovered

Fed	State	Total
2		2

Checked

Fed	State	Total
4		4

BASIC Impacted
Vehicle Maintenance

Rating Factor 4:
Vehicle = Part 396

Example/Notes:

Company number: Unit #10 VIN # [REDACTED] 7859
Trip date: 7/9/2024

C&D Transport LLC failed to provide maintenance records for vehicles being operated.

Drivers/Vehicles in Violation

Fed	State	Total
2		2

Checked

Fed	State	Total
4		4

6. Primary: 396.11(a)

Failing to require driver to prepare driver vehicle inspection report.

**Critical**

At least 10% of the number checked had violations

Violations Discovered

Fed	State	Total
6		6

Checked

Fed	State	Total
6		6

BASIC Impacted
Vehicle Maintenance**Rating Factor 4:**
Vehicle = Part 396**Example/Notes:**

Driver name: Carlos Ramon Gastulo

Vehicle Number: Unit #10 VIN # [REDACTED] 7859

Trip Date: 7/9/24

C&D Transport LLC failed to require driver, Carlos Ramon Gastulo to prepare a driver vehicle inspection report noting violations cited at roadside.

Drivers/Vehicles in Violation

Fed	State	Total
1		1

Checked

Fed	State	Total
2		2

7. Primary: 396.17(a)

Using a commercial motor vehicle not periodically inspected.

**Critical**

At least 10% of the number checked had violations

Violations Discovered

Fed	State	Total
2		2

Checked

Fed	State	Total
4		4

BASIC Impacted
Vehicle Maintenance**Rating Factor 4:**
Vehicle = Part 396**Example/Notes:**

Vehicle: Unit #10 VIN # [REDACTED] 7859

Date of trip: 7/9/24

C&D Transport LLC failed to provide evidence of Annual Inspections for vehicles being operated.

Drivers/Vehicles in Violation

Fed	State	Total
2		2

Checked

Fed	State	Total
4		4

8. Primary: 367.60**Secondary: K.S.A. 66-1,139(a)**

Failure to pay UCR fees

Violations Discovered

Fed	State	Total
1		1

Checked

Fed	State	Total
1		1

Example/Notes:**Drivers/Vehicles in Violation**

On 6/4/24, C&D Transport LLC operated in interstate commerce from Dalhart, TX to Garden City, KS and failed to pay UCR fees.

Fed	State	Total
1		1
Checked		
Fed	State	Total
1		1

9. Primary: 392.2
Secondary: K.S.A. 79-34,109

Failure to pay IFTA or obtain a fuel permit

Violations Discovered		
Fed	State	Total
1		1
Checked		
Fed	State	Total
1		1

Example/Notes:

On 6/4/24, C&D Transport LLC operated in interstate commerce from Dalhart, TX to Garden City, KS. At the time of operation, C&D Transport LLC had not paid IFTA or obtained a fuel permit prior to re-entering the State of Kansas.

Drivers/Vehicles in Violation		
Fed	State	Total
1		1
Checked		
Fed	State	Total
1		1

10. Primary: 392.2
Secondary: K.S.A. 66-1, 111

Operating without Kansas Corporation Commission For-Hire Authority

Violations Discovered		
Fed	State	Total
	1	1
Checked		
Fed	State	Total
	1	1

Example/Notes:

On 7/26/24, C&D Transport LLC hauled a load of corn from Home, KS to Heritage Beef in Sublette, KS. At the of operation, C&D Transport LLC did not have Kansas Corporation Commission For-Hire Authority.

Drivers/Vehicles in Violation		
Fed	State	Total
	1	1
Checked		
Fed	State	Total
	1	1

11. Primary: 392.2
Secondary: K.S.A. 8-142

Operating a Commercial Motor Vehicle without valid registration

Violations Discovered		
Fed	State	Total
	4	4
Checked		

Fed	State	Total
	4	4

Example/Notes:

On 7/9/2024, C&D Transport LLC operated Unit #10 with VIN # [REDACTED] 7859 from Garden City, KS to Garden City, KS without valid registration.

Drivers/Vehicles in Violation

Fed	State	Total
	4	4

Checked

Fed	State	Total
	4	4

**12. Primary: 392.2
Secondary: K.S.A. 8-2, 125**

Using a driver without a valid CDL

Violations Discovered

Fed	State	Total
	1	1

Checked

Fed	State	Total
	2	2

Example/Notes:

On 9/2/2023, C&D Transport LLC allowed/required driver, Daniel Ramon Gastulo to operate a CMV without a valid CDL.

Drivers/Vehicles in Violation

Fed	State	Total
	1	1

Checked

Fed	State	Total
	2	2

13. Primary: 382.301(a)

Using a driver before the motor carrier has received a negative pre-employment controlled substance test result.

Violations Discovered

Fed	State	Total
1		1

Checked

Fed	State	Total
2		2

Example/Notes:

Driver Name: Carlos Ramon Gastulo
Trip date: 7/9/24
Hire date: 6/1/24

C&D Transport LLC failed to obtain a negative pre-employment test on driver, Carlos Ramon Gastulo prior to the driver operating a CMV.

Drivers/Vehicles in Violation

Fed	State	Total
1		1

Checked

Fed	State	Total
2		2

14. Primary: 382.601(a)

Failing to provide educational materials explaining requirements of part 382 and employer's drug and alcohol program policies.

Violations Discovered

Fed	State	Total
1		1

Checked

Fed	State	Total
1		1

Example/Notes:

Name: Carlos Ramon Gastulo

Trip date: 7/9/24

C&D Transport LLC had no record of providing drivers with a written copy of the carriers Drug & Alcohol Policy that met all the requirements of part 382.

Drivers/Vehicles in Violation

Fed	State	Total
1		1

Checked

Fed	State	Total
1		1

15. Primary: 382.603

Failing to ensure person designated to determine that drivers undergo reasonable suspicion testing receive 60 minutes training for alcohol and/or 60 minutes of training for controlled substances.

Violations Discovered

Fed	State	Total
1		1

Checked

Fed	State	Total
1		1

Example/Notes:

Driver name: Carlos Ramon Gastulo

Trip date: 7/9/24

Supervisor/Company official not trained: Daniel Ramon Gastulo

C&D Transport LLC failed to provide evidence of Supervisor Reasonable Suspicion Training.

Drivers/Vehicles in Violation

Fed	State	Total
1		1

Checked

Fed	State	Total
1		1

16. Primary: 382.701(a)

Failing to conduct a pre-employment query.

Violations Discovered

Fed	State	Total
1		1

Checked

Fed	State	Total
2		2

Example/Notes:

Driver Name: Carlos Ramon Gastulo

Trip Date: 7/9/24

Drivers/Vehicles in Violation

Fed	State	Total
1		1

Checked

C&D Transport LLC failed to complete a pre-employment query on driver, Carlos Ramon Gastulo prior to the driver operating a CMV.

Fed	State	Total
2		2

17. Primary: 391.21(a)

Using a driver who has not completed and furnished an employment application.

Violations Discovered

Fed	State	Total
1		1

Checked

Fed	State	Total
2		2

Example/Notes:

Driver name: Daniel Ramon Gastulo

Trip date: 1/31/24

Description of violation:

C&D Transport LLC failed to provide a completed employment application for driver, Daniel Ramon Gastulo.

Drivers/Vehicles in Violation

Fed	State	Total
1		1

Checked

Fed	State	Total
2		2

18. Primary: 391.51(a)

Failing to maintain driver qualification file on each driver employed.

Violations Discovered

Fed	State	Total
1		1

Checked

Fed	State	Total
2		2

Example/Notes:

Driver name: Carlos Ramon Gastulo

Trip date: 7/9/24

Description of Violation:

C&D Transport LLC failed to provide a driver qualification file for driver, Carlos Ramon Gastulo.

Drivers/Vehicles in Violation

Fed	State	Total
1		1

Checked

Fed	State	Total
2		2

19. Primary: 392.9b(a)

Operating a CMV in interstate commerce without USDOT Registration.

Violations Discovered

Fed	State	Total
1		1

Checked

Fed	State	Total
1		1

Example/Notes:

Trip date: 6/4/2024

Driver's name: Carlos Ramon Gastulo

MCS-150 last update date: 2/20/23

C&D Transport LLC operated in interstate commerce with an intrastate only USDOT number.

Drivers/Vehicles in Violation

Fed	State	Total
1		1

Checked

Fed	State	Total
1		1

20. Primary: 396.9(d)(3)

Failing to maintain completed inspection form for 12 months from the date of inspection at the carrier's principal place of business or where vehicle is housed.

Violations Discovered

Fed	State	Total
5		5

Checked

Fed	State	Total
5		5

Example/Notes:

Date of inspection: 7/9/2024

Issuing agency: Kansas Highway Patrol

Driver name/Vehicle ID: Carlos Ramon Gastulo

C&D Transport LLC failed to retain copies of roadside inspections for the last 12 months.

Drivers/Vehicles in Violation

Fed	State	Total
5		5

Checked

Fed	State	Total
5		5

21. Primary: 396.19(b)

Failing to maintain evidence of inspector's qualifications.

Violations Discovered

Fed	State	Total
1		1

Checked

Fed	State	Total
1		1

Example/Notes:

Inspectors name: Mike Hoyt

Inspection date: 8/2023

Vehicle: [REDACTED] 2333

Trip date: 1/31/24

C&D Transport LLC failed to provide evidence of inspector qualifications for inspector, Mike Hoyt.

Drivers/Vehicles in Violation

Fed	State	Total
1		1

Checked

Fed	State	Total
1		1

Safety Fitness Rating

Your proposed safety rating is: **UNSATISFACTORY** 2 or more UNSATISFACTORY rating factors. Corrective actions must be taken for any violations (deficiencies) identified in this report. See below for more information.

RATING FACTORS	RATING	ACUTE	CRITICAL
Factor 1: General = Parts 387 and 390	Conditional	1	0
Factor 2: Driver = Parts 382, 383 and, 391	Satisfactory	0	0
Factor 3: Operational = Parts 392 and 395	Unsatisfactory	0	2
Factor 4: Vehicle = Parts 393 and 396 OOS Vehicles (CR): 0 Number of Vehicles Inspected (CR): 0 OOS Vehicles (MCMIS): 3 Number of Vehicles Inspected (MCMIS): 3 OOS Rate: 100%	Unsatisfactory	1	3
Factor 5: Haz. Mat. = Parts 397, 171, 177 and, 180	N/A	N/A	N/A
Factor 6: Accident Factor = Recordable Rate Total Miles Operated: 0 Recordable Accidents: 0 Recordable Accidents/Million Miles: 0.00	Satisfactory	N/A	N/A

Effective date: You will receive an official notice of proposed safety rating from the Federal Motor Carrier Safety Administration in Washington, D.C. The Unsatisfactory rating will take effect 60 days after the date of the official notice.

PROHIBITION: Under 49 USC 31144(c) and 49 CFR 385.13, a motor carrier that receives a final Unsatisfactory safety rating is prohibited from operating a commercial motor vehicle in interstate and intrastate commerce. If applicable, the motor carrier shall have its operating authority registration revoked under 49 USC 13905(f)(1)(B).

You may request a safety rating upgrade based on corrective action under 49 CFR 385.17 and/or an administrative review under 49 CFR 385.15.

Change to safety rating based on corrective action: You may request a change to a safety rating under 49 CFR 385.17 at any time by providing evidence that you have taken actions to correct the deficiencies that resulted in the safety rating. You must make this request in writing to the Field Administrator for the FMCSA Service Center in which you maintain your principal place of business. A pending request for a change in safety rating under 49 CFR 385.17 will not delay the effective date of the rating.

Administrative Review: You may appeal your proposed safety rating in a petition filed under 49 CFR 385.15 if you believe FMCSA made an error in assigning your safety rating. You must submit your appeal within 90 days of the date of the proposed safety rating or within 90 days after denial of a request for a change in rating under section 385.17(i).

You should submit your appeal within 15 days of the date of the official safety rating notice to allow FMCSA to issue a written decision before the prohibitions in 49 CFR 385.13 take effect. A petition under section 385.15 will not delay the effective date of the rating unless the Chief Safety Officer grants a stay.

You must submit your appeal in writing to: Chief Safety Officer, Federal Motor Carrier Safety Administration, 1200 New Jersey Ave., S.E., Washington, DC 20590-0001.

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: Qualification and Hiring

C&D Transport LLC will ensure that all drivers are qualified to operate a CMV, have gone through the qualification process, and have a driver qualification file.

Specific Recommended Remedies

To implement Safety Improvement Practices, the following list are recommended practices related to Qualification and Hiring:

1. Ensure that Motor Vehicle Records (MVRs) from States issuing Commercial Driver's Licenses (CDLs) are reviewed for driver-fitness-related violations of all prospective drivers for the last three years.
2. Ensure that drivers are qualified by querying applicants, checking with previous employers and references, and obtaining necessary documents regarding driver fitness, such as those pertaining to previous violations, Commercial Driver's License (CDL), medical qualifications, operational qualifications from training, and relevant experience.
3. Review and evaluate gaps in employment, frequent job changes, incomplete applications, within-company applications and reassignments, operational limitations such as those pertaining to long-combination vehicles (LCVs) and HAZMAT, physical impairments, and controlled-substance and alcohol involvement.
4. Require that drivers fill out the long form for the medical card and be examined by the carrier's preferred doctor to ensure that their medical qualifications are accurate.
5. Ensure that the employment application captures all information required by the Federal Motor Carrier Safety Regulations (FMCSRs), such as whether the driver can handle the physical requirements of the job.

BASIC: Vehicle Maintenance

Process Breakdown: Monitoring and Tracking

C&D Transport LLC will ensure that all vehicles being operated have a maintenance file that documents and notes all maintenance being conducted, have annual inspections, and will ensure to fix all mechanical defects to include OOS violations cited at roadside prior to the vehicle being re-operated.

Specific Recommended Remedies

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

1. Implement a system for keeping accurate records of employee cargo handling, loading, and securement training needs and completed training, via software, a checklist in the driver's file, and/or another appropriate method.
2. Maintain a maintenance file for each vehicle being operated that makes note of all maintenance and repairs being conducted.
3. Ensure all vehicles have an annual inspection prior to the vehicle being operated.
4. Ensure that all OOS violations/defects are repaired prior to a vehicle being operated.

BASIC: Controlled Substances/Alcohol

Process Breakdown: Monitoring and Tracking

C&D Transport LLC will ensure all newly hired drivers complete a pre-employment test and query prior to a driver operating a CMV. C&D Transport LLC will complete supervisor reasonable suspicion training and a Drug & Alcohol Policy that covers all parts of 382.

Specific Recommended Remedies

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

1. Evaluate personnel who are monitoring drivers against performance standards related to controlled-substance and alcohol regulations and company policies to ensure that they are applying standards fairly, consistently, and equitably, and are documenting evaluations.
2. 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 controlled substances and alcohol. 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.
3. Monitor and adjust the testing program to ensure proper annual driver sampling.
4. Implement a system for keeping accurate records of controlled-substance and alcohol completed training needs and completed training, via software, checklist in the driver's file, and/or another appropriate method.
5. Maintain the following documents to help evaluate the performance of all staff (drivers and managers) involved in controlled-substance and alcohol testing and the effectiveness of the policies and procedures: Motor Vehicle Record (MVR); records related to testing, the designated employer representative (DER), return to duty, and dispatch; lists of drivers removed due to a history of controlled-substance and/or alcohol misuse and those disqualified for personal driving under the influence (DUI); substance-abuse professional (SAP) letters; and for each test type, include selection criteria, the eligibility-pool list, and the statistical laboratory summary.
6. Provide adequate oversight of all personnel hiring and training processes, including qualification of service agents, to ensure adherence to controlled-substance and alcohol regulations and company policies and procedures.

BASIC: Hours-of-Service Compliance

Process Breakdown: Monitoring and Tracking

C&D Transport LLC will ensure all drivers prepare a record of duty status (RODS) as required, and will maintain all supporting documents.

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.
3. Systematically check to see if drivers and dispatchers are regularly communicating about Hours-of-Service (HOS) availability and driver-fatigue level.
4. Maintain roadside inspection, Records of Duty Status (RODS), supporting documents, dispatch schedules, and communication records to help evaluate the performance of all staff (drivers, dispatchers, and managers) involved in Hours of Service (HOS) and the effectiveness of compliance with HOS policies, procedures, and regulations.

5. Implement a system for keeping accurate records of employees' Hours-of-Service (HOS) training needs and completed training, via software, a checklist in the driver's file, and/or another appropriate method.

Recommendations

1. **Acute and Critical Violations**

Acute and/or Critical violations were recorded on this investigation report. These violations will impact your safety record.

NOTICE: A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six-year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six-year period.

2. **Additional Information**

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

3. **Obtain copies of the regulations, forms, interpretations, manuals.**

Copies of the regulations, forms, interpretations, and manuals are available from a variety of sources. Check the FMCSA website for a current list of suppliers. www.fmcsa.dot.gov/safety-security/eta/index.htm

4. **CDL and drug testing rules apply.**

Review the circumstances under which a CDL is required. CDL and drug testing rules apply to both interstate and intrastate commerce.

5. **Establish a maintenance records program for all vehicles.**

Establish a systematic maintenance records program for all vehicles. Maintain a complete file for each subject vehicle, recording all repair, maintenance and inspection operations performed.

6. **Review with drivers procedure for pre and post trip inspections.**

Review with your drivers periodically the procedures for doing pre-trip and post-trip inspections. Ensure that safety defects reported by drivers on their Vehicle Inspection Reports (VIR) are repaired before the vehicle is re-dispatched. Require drivers to prepare Vehicle Inspection Reports on a daily basis. Keep them on file for 90 days.

7. **Liability Insurance required.**

Cease all for-hire interstate transportation of regulated commodities until evidence of public liability is filed with the Federal Motor Carrier Safety Administration.

8. **Require drivers to prepare complete and accurate records.**

Require all drivers to prepare complete and accurate records of duty status for each day, and to submit them within 13 days. Maintain all duty status records on file, with all supporting documents, for at least 6 months.

9. **Duty status records must be kept on file for 6 months.**

Ensure that all documents supporting records of duty status (such as toll, fuel repair and other on-the-road expense receipts, as well as invoices, bills of lading, dispatch records, etc.) are kept on file for at least 6 months.

10. **Reasonable Suspicion Training**

Provide new-hire and refresher training, to all managers, other designated personnel, and the designated employer representative (DER), on controlled-substance and alcohol regulations and related company policies and procedures, including those pertaining to prohibited behavior; testing protocols and monitoring, for example, on grounds of "reasonable suspicion"; the consequences of a positive test result; referral to a substance-abuse professional (SAP); and confidentiality requirements in relation to recordkeeping.

11. **A copy of your profile can be obtained by accessing the Portal.**

A copy of your carrier profile can be obtained at no cost from the FMCSA Portal (<https://portal.fmcsa.dot.gov/login>).

12. **Conduct periodic internal reviews. (non-HM)**

Conduct periodic internal reviews of your driver qualification, hours of service control, maintenance, accident analysis/reporting, training, and other safety systems to ensure continued compliance with the FMCSR.

13. **Obtain a copy of each driver's driving record and review it.**

Obtain a copy of each driver's driving record and review it annually.

14. **UCR (Unified Carrier Registration)**

The UCR Application form can be obtained from <https://www.ucr.in.gov>.

15. **Driver drug tests required.**

Ensure that all drivers subject to pre-employment, random, reasonable cause, post accident, return to duty, and/or follow-up controlled substance testing are tested as required by 49 CFR Parts 40 and 382 of the FMCSR.

16. **Require all drivers to prepare a written inspection report.**

Require all drivers to prepare a written inspection report for each day a vehicle is operated. Ensure that each report is signed by the driver, certified, and reviewed if defects are reported.

17. **Drug and Alcohol Testing Company Policy (Educational Materials)**

Provide employees with a written controlled substance and alcohol testing policy that complies with all the requirements noted in Part 382.601(b). Also, ensure you maintain a certificate signed by the employee certifying they have received your company drug and alcohol testing policy.

18. **New Hires**

Ensure that applicants for safety-sensitive positions do not have a current controlled-substance and/or alcohol problem by querying them and checking with their previous employers regarding controlled-substance and alcohol violations, related background, conditions and behaviors indicative of controlled-substance and/or alcohol abuse or misuse, and by conducting pre-employment testing as required by regulation and company policy. Create a detailed written record of each inquiry.

Review and evaluate driver applicants' gaps in employment, frequent job changes, and incomplete applications. Require applicants to explain reasons for any gaps in their employment record in order to allay suspicion of controlled-substance and/or alcohol abuse or misuse.

19. **Maintain a complete file documenting the qualification process.**

Ensure that all drivers are fully and properly qualified before operating in interstate commerce. Maintain a complete file as required for each driver, documenting the qualification process.

20. **Drivers may not drive interstate unless they have had a physical.**

Do not allow drivers to drive interstate unless they have been physically re-examined each 24 months.

21. **Drug and Alcohol Clearinghouse**

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

22. **Clearinghouse Pre-employment Query**

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

23. **UNSAT & CONDITIONAL**

Understand Why Compliance Saves Time and Money: Compliance with FMCSRs will not only save lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business. Apply Adequate Resources: Apply adequate resources to properly implement safety management practices. Consider reallocating responsibilities, additional staffing, contracting, or investing in technology to aid in this responsibility. Document and Follow Through on Action Plans: Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance.

NOTICE: A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six year period.

Notice: 49 C.F.R. Part 391.23 requires prospective employers to, at a minimum, investigate a driver's employment information, crash record, and alcohol and controlled substance history from all employers the driver worked for within the previous three years.

The Pre-Employment Screening program (PSP) is a screening tool that assists motor carriers in investigating crash history and

roadside safety performance of prospective drivers. The PSP is a screening tool that assists motor carriers to purchase 5 years of crash data and 3 years of roadside inspection data from the Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Management Information System (MCMIS). Records are available 24 hours a day via Web request. Motor carriers should visit the following website for more information: <http://www.psp.fmcsa.dot.gov/Pages/default.aspx> All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities. Motor carriers should visit the following website for more information:

FMCSA Carrier Safety Measurement System (SMS) is based on ongoing analysis and feedback from enforcement personnel, the motor carrier industry, and other stakeholders. SMS effectively identifies and prioritize high risk and other unsafe motor carriers for enforcement interventions and is designed to reduce commercial motor vehicle crashes and hazardous materials incidents. Motor carrier's currently have the ability to preview their companies SMS information.. The data preview may be found at <http://csa.fmcsa.dot.gov/>.

For all Investigations resulting 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 or the Federal Motor Carrier Commercial Regulations may also affect the civil penalty proposed in any subsequent Penalty Order. 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.

For all Investigations resulting in a proposed conditional or unsatisfactory rating:

385.15

If you believe the proposed rating is in error and there are factual and procedural issues in dispute, Part 385.15 (copy provided) outlines procedures for petitioning the Federal Motor Carrier Safety Administration for an administrative review of these findings. Your petition should be addressed to:

US Department of Transportation
Jack Van Steenburg -Chief Safety Officer
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue SE,
Washington, DC 20590

385.17

In addition, a request for a revised rating based on corrective actions may be made at any time. Part 385.17 (copy provided) outlines the procedures for such a request. The request must be made in writing, must describe the corrective action taken and must include other documentation that may be relied upon as a basis for the requested change. Address your written request to:

US Department of Transportation
Matthew Marrin - Midwestern Field Administrator Federal Motor Carrier Safety Administration
600 Holiday Plaza Dr, Suite 240
Matteson, IL 60443

Ensure that a CC copy of the letter is mailed to:

US Department of Transportation
Kansas Division
Eric Pearson - Acting Division Administrator
Federal Motor Carrier Safety Administration
1303 First American Place, Suite 200
Topeka, KS 66604-4040

This letter should be submitted as soon as possible. Information on your compliance status, roadside inspections, regulatory changes, accident counter measures and hazardous material counter measures 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: jared.L.Smith@KS.gov

FAX: 785-271-3124;

or mail to:

Kansas Corporation Commission

Attn: Jared L 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 C&D Transport LLC's operating authority and/or the impoundment of C&D Transport LLC's commercial motor vehicles.

I understand that monetary penalties will be assessed as a result of violations found in this compliance review. The penalty schedule can be found at this web site: http://kcc.ks.gov/trans_penalty_assessment_table.htm

X _____

Signature

X _____

Table 1: Violations Discovered During Review/Inspection

Violation	Date	Identifying Information	Description
396.9(c)(2) - Operating out-of-service vehicle before making repairs			
1	07/09/2024	Equipment: Unit #10	
2	07/09/2024	Equipment: Unit #20	
396.19(b) - Failing to maintain evidence of inspector's qualifications			
1	01/31/2024	Equipment: Unit #972	
395.8(a)(1) - Failing to require a driver to prepare a RODS using the appropriate method			
1	06/18/2024	CARLOS RAMONGASTULO	
2	06/19/2024	CARLOS RAMONGASTULO	
3	06/20/2024	CARLOS RAMONGASTULO	
4	06/21/2024	CARLOS RAMONGASTULO	
5	06/22/2024	CARLOS RAMONGASTULO	
6	06/23/2024	CARLOS RAMONGASTULO	
7	06/24/2024	CARLOS RAMONGASTULO	
8	06/25/2024	CARLOS RAMONGASTULO	
9	06/26/2024	CARLOS RAMONGASTULO	
10	07/09/2024	CARLOS RAMONGASTULO	
11	07/10/2024	CARLOS RAMONGASTULO	
12	07/11/2024	CARLOS RAMONGASTULO	
13	07/12/2024	CARLOS RAMONGASTULO	
14	07/13/2024	CARLOS RAMONGASTULO	
15	07/14/2024	CARLOS RAMONGASTULO	
16	07/15/2024	CARLOS RAMONGASTULO	
17	07/12/2024	DANIEL RAMONGASTULO	
18	07/13/2024	DANIEL RAMONGASTULO	
19	07/14/2024	DANIEL RAMONGASTULO	
20	07/15/2024	DANIEL RAMONGASTULO	
21	07/16/2024	DANIEL RAMONGASTULO	
22	07/17/2024	DANIEL RAMONGASTULO	
23	07/18/2024	DANIEL RAMONGASTULO	
24	07/19/2024	DANIEL RAMONGASTULO	
25	07/22/2024	DANIEL RAMONGASTULO	
26	07/24/2024	DANIEL RAMONGASTULO	

27	07/25/2024	DANIEL RAMONGASTULO	
28	07/26/2024	DANIEL RAMONGASTULO	
29	07/27/2024	DANIEL RAMONGASTULO	
30	07/28/2024	DANIEL RAMONGASTULO	
31	07/29/2024	DANIEL RAMONGASTULO	
32	07/30/2024	DANIEL RAMONGASTULO	
33	07/31/2024	DANIEL RAMONGASTULO	
34	07/23/2024	DANIEL RAMONGASTULO	
367.60 - Failure to pay UCR fees			
1	06/04/2024	CARLOS RAMONGASTULO	
392.2 - Using a driver without a valid CDL			
1	09/02/2023	DANIEL RAMONGASTULO	
392.2 - Operating a Commercial Motor Vehicle without valid registration			
1	07/09/2024	Unit #10	
2	07/09/2024	Unit #20	
3	07/31/2024	Unit #71	
4	07/31/2024	Unit #972	
392.2 - Failure to pay IFTA or obtain a fuel permit			
1	06/04/2024	CARLOS RAMONGASTULO	
392.2 - Operating without Kansas Corporation Commission For-Hire Authority			
1	07/26/2024	DANIEL RAMONGASTULO	
382.301(a) - Using a driver before receiving a pre-employment result			
1	07/09/2024	Driver: CARLOS RAMONGASTULO	
382.601(a) - Failing to provide controlled substances educational materials			
1	07/09/2024	Driver: CARLOS RAMONGASTULO	
382.603 - Fail to get "reasonable suspicion" designee 60 min training			
1	07/09/2024	Driver: DANIEL RAMONGASTULO	
382.701(a) - Failing to conduct a pre-employment query.			
1	07/09/2024	Driver: CARLOS RAMONGASTULO	
387.7(a) - Inadequate or no financial responsibility			
1	01/31/2024	Unit #71	
391.21(a) - Incomplete or no employment application			
1	01/31/2024	Driver: DANIEL RAMONGASTULO	
391.51(a) - Failing to maintain driver qual. file on each driver			
1	07/09/2024	Driver: CARLOS RAMONGASTULO	

392.9b(a) - Operating a CMV in interstate commerce without USDOT Registration.

1	06/04/2024	CARLOS RAMONGASTULO	
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396.3(b) - Failing to keep minimum records of inspection and maintenance

1	07/09/2024	Equipment: UNIT #10	
2	07/09/2024	Equipment: UNIT #20	

396.17(a) - Using a CMV not periodically inspected

1	07/09/2024	Equipment: UNIT #10	
2	07/09/2024	Equipment: UNIT #20	

395.11(c) - Failing to retain supporting documents.

1	07/22/2024	DANIEL RAMONGASTULO	
2	07/22/2024	DANIEL RAMONGASTULO	
3	07/22/2024	DANIEL RAMONGASTULO	
4	07/22/2024	DANIEL RAMONGASTULO	
5	07/19/2024	DANIEL RAMONGASTULO	
6	07/19/2024	DANIEL RAMONGASTULO	
7	07/16/2024	CARLOS RAMONGASTULO	
8	07/16/2024	CARLOS RAMONGASTULO	
9	07/19/2024	DANIEL RAMONGASTULO	
10	07/19/2024	DANIEL RAMONGASTULO	
11	07/25/2024	DANIEL RAMONGASTULO	
12	07/25/2024	DANIEL RAMONGASTULO	
13	07/26/2024	DANIEL RAMONGASTULO	
14	07/26/2024	DANIEL RAMONGASTULO	
15	07/31/2024	DANIEL RAMONGASTULO	
16	07/31/2024	DANIEL RAMONGASTULO	
17	07/31/2024	DANIEL RAMONGASTULO	
18	07/31/2024	DANIEL RAMONGASTULO	
19	06/18/2024	CARLOS RAMONGASTULO	
20	06/18/2024	CARLOS RAMONGASTULO	
21	06/19/2024	CARLOS RAMONGASTULO	
22	06/19/2024	CARLOS RAMONGASTULO	
23	06/24/2024	CARLOS RAMONGASTULO	
24	06/24/2024	CARLOS RAMONGASTULO	
25	06/24/2024	CARLOS RAMONGASTULO	
26	06/24/2024	CARLOS RAMONGASTULO	

27	06/25/2024	CARLOS RAMONGASTULO	
28	06/25/2024	CARLOS RAMONGASTULO	
29	06/26/2024	CARLOS RAMONGASTULO	
30	06/26/2024	CARLOS RAMONGASTULO	

396.9(d)(3) - Failing to keep roadside inspection form 12 mo. at PPOB

1	07/09/2024	Equipment: CARLOS RAMONGASTULO	
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396.11(a) - Failing to require driver to prepare vehicle inspection report

1	07/09/2024	Equipment: Unit #10	
2	06/18/2024	Equipment: Unit #10	
3	06/19/2024	Equipment: Unit #10	
4	06/24/2024	Equipment: Unit #10	
5	06/25/2024	Equipment: Unit #10	
6	06/26/2024	Equipment: Unit #10	

EXHIBIT 2

DRIVER/VEHICLE EXAMINATION REPORT

OKLAHOMA HIGHWAY PATROL (TROOP S)
COMMERCIAL VEHICLE ENFORCEMENT
200 NE 21ST ST
OKLAHOMA CITY, OK 73105
Phone: (405)521-6060 Email: ohpcmv@dps.ok.gov

Report Number: OKI204154518
Inspection Date: 06/04/2024
Start: 9:17 AM CT End: 10:01 AM CT
Inspection Level: II - Walk-Around
HM Inspection Type: None

Carrier: C & D TRANSPORT LLC

DBA:
809 JENNY AVE
GARDEN CITY, KS, 67846

USDOT: 4030972 Phone#: (620)444-0585
MC/MX#: Fax#:

State#:
Location: C.R. EW 8

Highway: U.S. 56

County:

Email:

Driver: RAMON-GASTULO, CARLOS A

License#: State: KS

Date of Birth: 07/29/1984

CoDriver:

License#: State:

Date of Birth:

Milepost: Shipper: MC

Origin: DALHART, TX

Destination: GARDEN CITY, KS

Bill of Lading: N/A

Cargo: EMPTY

VEHICLE IDENTIFICATION

Table with columns: Unit, Type, Make, Year, State, Plate, Equipment ID, VIN, GVWR, CVSA #, Issued #, OOS Sticker. Contains two rows of vehicle data.

BRAKE ADJUSTMENTS: No brake measurements required for level II or level III

VIOLATIONS

Table with columns: Section, Type, Unit, OOS, Citation #, Verify Crash, Violations Discovered. Lists various traffic violations.

HazMat: No HM transported

Placard:

Cargo Tank:

Table for Special Checks with columns for check type and status (X). Includes Alcohol/Controlled Substance Check, Traffic Enforcement, etc.

** Pursuant to the authority contained in Title 47 O.S. Section 230.4 (4)(d); I hereby declare vehicles with defects followed by a "Y" in the "Out-of-Service" column of this report to be OUT-OF-SERVICE. NO PERSON SHALL REMOVE the out-of-service stickers applied to these vehicles, OR OPERATE such vehicles until the "OUT-OF-SERVICE" defects have been repaired and the vehicles have been restored to a safe operating condition. A CIVIL PENALTY MAY BE ASSESSED FOR OOS VIOLATIONS NOTED ON THIS INSPECTION.

NOTE TO DRIVER: This report must be furnished to the motor carrier whose name appears at the top of this report. NOTE TO CARRIER: If violations are noted, please ensure corrections are completed and sign the below certification. Please return the signed copy of this report within fifteen (15) days to the Oklahoma Highway Patrol, Troop S. Failure to comply may result in forfeiture of OCC License.

Signature Of Repairer X: Facility: Date:

**CARRIER CERTIFICATION: THE UNDERSIGNED CERTIFIES THAT ALL VIOLATIONS NOTED ON THIS REPORT HAVE BEEN CORRECTED AND ACTION HAS BEEN TAKEN TO ASSURE COMPLIANCE WITH THE OKLAHOMA MOTOR CARRIER SAFETY STATUTES AS THEY ARE APPLICABLE TO MOTOR CARRIERS AND DRIVERS.

Signature Of Motor Carrier X: Title: Date:

Report Prepared By: ID/Badge #:
B. PERRY 935

Copy Received By:
CARLOS RAMON-GASTULO

X

X



EXHIBIT 3

DRIVER/VEHICLE EXAMINATION REPORT

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: KSHP04502654
Inspection Date: 07/09/2024
Start: 1:35 PM CT End: 3:34 PM CT
Inspection Level: I - Full
HM Inspection Type: None

Carrier: C & D TRANSPORT LLC

DBA:
 809 JENNY AVE
 GARDEN CITY, KS, 67846
USDOT: 4030972 **Phone#: (620)444-0585**
MC/MX#: **Fax#:**
State#:
Location: FINNEY COUNTY - 055
Highway: U50
County:
Email:

Driver: RAMON-GASTULO, CARLOS A
License#: [REDACTED] **State: KS**
Date of Birth: 07/29/1984
CoDriver:
License#: **State:**
Date of Birth:
Milepost: 67 **Shipper: N/A**
Origin: GARDEN CITY,KS **Bill of Lading: N/A**
Destination: GARDEN CITY,KS **Cargo: EMPTY**

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate	Equipment ID	VIN	GVWR	CVSA #	Issued #	OOS Sticker
1	TT	KW	2000	KS	[REDACTED]	10	[REDACTED]	7859 52000			
2	ST	WILX	1999	KS	[REDACTED]	20	[REDACTED]	0701 75000			

BRAKE ADJUSTMENTS

Axle #	1	2	3	4	5	6
Right	2 1/4	2 1/2	2 1/2	1 1/4	1 3/4	1
Left	1	2 1/4	1 1/4	1 1/2	2 1/4	1/2
Chamber	C-20	C-30	C-30	C-30	C-30	C-20

VIOLATIONS

Section	Type	Unit	OOS	Citation #	Verify	Crash	Violations Discovered
393.95F	F	1	N		N	N	No / insufficient warning devices: PASSENGER SIDE UNDER SLEEPER - 2 PRESENT - MISSING 3RD
392.2IRP	F	1	N		N	N	IRP Apportioned Tag or Registration Violation: NO FORM OF KS REGISTRATION - IRP OR TEMP REG - K-TRIPS.COM
393.95A	F	1	N		N	N	No/discharged/unsecured fire extinguisher: FIRE EXT LAYING ON PASSENGER SIDE FLOORBOARD NOT SECURED
396.9D2	F	1	N		N	N	Failure to correct defects noted on previous inspection report: FTC - 393.95F, 392.2IRP, & 393.51 VIOLATIONS FROM 6-4-24 INSPECTION# OKI204154518
392.2UCR	F	1	N		N	N	Failure to pay UCR Fee: NO UCR FOR 2024 - HAS INTERSTATE MOVE DALHART, TX TO GARDEN CITY, KS ON 6-4-24 INSPECTION# OKI204154518
390.19A1-NOREG	F	1	N		N	N	Motor Carrier failed to register with FMCSA prior to beginning interstate operations: MCS-150 SHOWS INTRASTE ONLY AND NOT INTERSTATE - SEE OKLAHOMA INS OKI204154518 ON 6-4-24
393.203C	F	1	N		N	N	Hood not securely fastened: DRIVER SIDE LATCH BROKEN
393.11	F	1	N		N	N	No or defective lighting devices or reflective material as required: NO REVERSE LAMP - 1 REQUIRED
393.9	F	1	N		N	N	Inoperable Required Lamp: ID LAMPS AND CLEARANCE LAMPS ALL INOP
393.9T	F	1	N		N	N	Inoperable tail lamp: DRIVER SIDE AND PASSENGER SIDE TAILS INOP
393.11TU	F	1	N		N	N	Truck-Tractor upper body corner requirements for retroreflective sheeting or reflex reflective material for vehicles manufactured after July 1997: NOT WHITE ON WHITE - RED / WHITE - MEASURED 6 1/2" WHITE
393.11TL	F	1	N		N	N	Truck-Tractor lower rear mud flaps retroreflective sheeting / reflex reflective material requirements for vehicles manufactured after July 1997: NONE ON EITHER SIDE
396.5B	F	1	N		N	N	Oil and/or grease leak: ENGINE OIL DRIPPING ONTO PAVEMENT
393.205C	F	1	N		N	N	Wheel fasteners loose and/or missing: DRIVER SIDE AXLE 2 - MISSING 1 OUT OF 10
393.75C	F	1	N		N	N	Tire-other tread depth less than 2/32 of inch measured in a major tread groove: DRIVER SIDE AXLE 2 OUTSIDE DUAL IS BALD IN MTG
393.75C	F	1	N		N	N	Tire-other tread depth less than 2/32 of inch measured in a major tread groove: DRIVER SIDE AXLE 2 INSIDE DUAL IS BALD IN MTG
393.75A3	F	1	Y		U	N	Tire-flat and/or audible air leak: AXLE 2, PASSENGER SIDE INSIDE DUAL MEASURED 30 PSI - SIDEWALL SHOWS 123 PSI



DRIVER/VEHICLE EXAMINATION REPORT

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: KSHP04502654
Inspection Date: 07/09/2024
Start: 1:35 PM CT End: 3:34 PM CT
Inspection Level: I - Full
HM Inspection Type: None

393.100B	F	1	Y	U	N	Leaking/spilling/blowing/falling cargo: 2 SPARE TIRES LAYING ON TOP OF UPPER 5TH WHEEL WITH NO MEANS OF SECUREMENT - CAN FALL OUT REAR ONTO ROADWAY
396.17C	F	1	N	N	N	Operating a CMV without proof of a periodic inspection: NONE FOUND IN PERMIT BOOK OR DECALS
393.51	F	1	Y	U	N	No or defective brake warning device: AIR DRAINED TO 0 PSI - NO VISUAL LIGHT OR AUDIBLE BEEPER - BOTH INOP
393.47E	F	1	N	N	N	Clamp or Roto type brake out-of-adjustment: PASSENGER SIDE AXLE 1 MEASURED 2 1/4" - MAX FOR CLAMP 20 IS 1 3/4"
393.53B	F	1	N	N	N	CMV manufactured after 10/19/94 has an automatic airbrake adjustment system that fails to compensate for wear
393.47E	F	1	N	N	N	Clamp or Roto type brake out-of-adjustment: PASSENGER SIDE AXLE 2 MEASURED 2 1/2" - MAX FOR CLAMP 30 IS 2"
393.47E	F	1	N	N	N	Clamp or Roto type brake out-of-adjustment: PASSENGER SIDE AXLE 3 MEASURED 2 1/2" - MAX FOR CLAMP 30 IS 2"
393.48A	F	1	N	N	N	Inoperative/defective brakes: PASSENGER SIDE AXLE 2 - SLACK ADJUSTER ACTUATOR ROD CLEVIS PIN GONE
393.45B2UV	F	1	N	N	N	Brake Hose or Tubing Chafing and/or Kinking Under Vehicle: DRIVER SIDE AXLE 3 - LINE TO PARKING BRAKE SIDE OF CHAMBER IS WORN TO PLY BUT PLY LOOKS INTACT
392.2IN	F	1	N	N	N	State Insurance Violation: NONE - NONE FOUND ON L & I TAB IN CVIEW, NONE FOUND BY DRIVER ON PHONE OR IN PERMIT BOOK
393.47E	F	2	N	N	N	Clamp or Roto type brake out-of-adjustment: DRIVER SIDE AXLE 5 MEASURED 2 1/4" - MAX FOR CLAMP 30 IS 2"
396.3A1BOS	F	2	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: 7 OUT OF 10 ARE DEFECTIVE
393.48A	F	2	N	N	N	Inoperative/defective brakes: DRIVER SIDE AXLE 4 - BRAKES APPLIED AND THEN RELEASED..... PUSHROD STAYS EXTENDED, DOES NOT RETURN TO HOME CORRECT - SLOW TO RETURN
393.48A	F	2	N	N	N	Inoperative/defective brakes: PASSENGER SIDE AXLE 4 - BRAKES APPLIED AND THEN RELEASED..... PUSHROD STAYS EXTENDED, DOES NOT RETURN TO HOME CORRECT - SLOW TO RETURN
393.48A	F	2	N	N	N	Inoperative/defective brakes: DRIVER SIDE AXLE 5 - BRAKES APPLIED AND THEN RELEASED..... PUSHROD STAYS EXTENDED, DOES NOT RETURN TO HOME CORRECT - SLOW TO RETURN
393.48A	F	2	N	N	N	Inoperative/defective brakes: PASSENGER SIDE AXLE 5 - BRAKES APPLIED AND THEN RELEASED..... PUSHROD STAYS EXTENDED, DOES NOT RETURN TO HOME CORRECT - SLOW TO RETURN
396.5B-HWSLIW	F	2	N	N	N	Hubs - Wheel seal leaking - inner wheel: DRIVER SIDE AXLE 4 - INNER WS LEAK BUT NOT CONTAMINATING BRAKE COMP AT THIS TIME
393.9TS	F	2	Y	U	N	Inoperative turn signal: PASSENGER SIDE (RIGHT) TURN SIGNAL INOP
396.9D2	F	2	N	N	N	Failure to correct defects noted on previous inspection report: FTC 393.TS VIOLATION FROM 6-4-24 INSPECTION# OKI204154518
396.17C	F	2	N	N	N	Operating a CMV without proof of a periodic inspection: NONE FOUND IN PERMIT BOOK OR DECALS
393.75C	F	2	N	N	N	Tire-other tread depth less than 2/32 of inch measured in a major tread groove: DRIVER SIDE AXLE 5 INSIDE DUAL IS BALD IN MTG
393.205C	F	2	N	N	N	Wheel fasteners loose and/or missing: PASSENGER SIDE AXLE 6 - MISSING 1 OUT OF 10 FASTENERS
392.2MI	F	D	N	N	N	Miscellaneous Traffic Law Violation: KSA 8-2,132(C) No person shall drive a commercial motor vehicle in violation of an out-of-service order. - STILL OOS FROM INS OKI204154518
392.7A	F	D	N	N	N	Driver failing to conduct pre-trip inspection: PT CAN NOT BE SATISFIED WITH MISSING EMERGENCY EQUIPMENT

HazMat: No HM transported

Placard:

Cargo Tank:

Special Checks: No data for special checks

Notes: DRIVER SIDE AXLE 2 IS A LONG STROKE CHAMBER 30AXLE 6 WAS LIFTED AT TIME OF INSPECTIONPHOTOS TAKENOOS IN GARDEN CITY, KS AT VARELA'S SHOP ON INDUSTRIALDRIVER ADVISED



DRIVER/VEHICLE EXAMINATION REPORT

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: KSHP04502654
Inspection Date: 07/09/2024
Start: 1:35 PM CT End: 3:34 PM CT
Inspection Level: I - Full
HM Inspection Type: None

THEY DON'T USE THIS TRUCK AND IT IS NOT READY FOR INSPECTION. SAID HE WAS TAKING IT TO GET REPAIRS HERE IN GARDEN CITY CANCELLED KCC ON 12-2023

* 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: _____ Facility: _____ 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: _____ Title: _____ Date: _____

Report Prepared By: ID/Badge #:
A.S. Wagner 0450

Copy Received By:
CARLOS RAMON-GASTULO

X

X



EXHIBIT 4

DRIVER/VEHICLE EXAMINATION REPORT

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: KSHP02195287
Inspection Date: 08/29/2024
Start: 12:05 PM CT **End:** 04:20 PM CT
Inspection Level: I - Full
HM Inspection Type: None

C & D TRANSPORT LLC
 809 JENNY AVE
 GARDEN CITY, KS 67846
USDOT#: 04030972 **Phone#:** (620)444-0585
MC/MX#: 00000000 **Fax#:**
State#:

Driver: RAMON-GASTULO, DANIEL A
License#: [REDACTED] **State:** KS
Date of Birth: 09/29/1987
CoDriver:
License#: **State:**
Date of Birth:

Location: RICE COUNTY - 159 **MilePost:** **Shipper:** GARDEN CITY COOP
Highway: U56/LYONS KS **Origin:** FRIEND,KS **Bill of Lading:** 780984
County: **Destination:** KANSAS CITY,KS **Cargo:** WHEAT

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate #	Equipment ID	VIN	GVWR	CVSA #	New CVSA #	OOS#
1	TT	VOLV	2007	KS	[REDACTED]	71	[REDACTED]7285	50,350			151120
2	ST	WILX	1997	KS	[REDACTED]	972	[REDACTED]2333	65,000			

BRAKE ADJUSTMENTS

Axle #	1	2	3	4	5
Right	1 7/8	INOP	N/M	N/M	N/M
Left	1 3/4	INOP	N/M	N/M	N/M
Chamber	C-20	C-30	C-30	C-30	C-30

VIOLATIONS

Vio Code	Section	Unit	OOS	Citation #	Verify	Crash	Violations Discovered
393.47A	393.47A	1	Y		U	N	Inadequate brakes for safe stopping - Brake Lining condition: AXLE #2 RIGHT SIDE BRAKE DRUM/PAD SURFACE CONTAMINATED WITH OIL/GREASE RENDERING FRICTION SURFACE NOT ADEQUATE OR OPERABLE
392.2RG	392.2RG	1	N		N	N	State vehicle registration or License Plate violation: EXPIRED REGISTRATION THRU KANSAS
395.8F01	395.8F01	D	N		N	N	Drivers record of duty status not current: No log/log not current on 8/29/2024 12:05 PM--DRIVER HAD NOT STARTED A LOG AND STATED HE HAD NOT DRIVEN A CMV FOR APPRX. 2 WEEKS PRIOR TO TODAY
393.47A	393.47A	1	Y		U	N	Inadequate brakes for safe stopping - Brake Lining condition: AXLE #2 LEFT SIDE BRAKE DRUM/PAD SURFACE CONTAMINATED WITH OIL/GREASE RENDERING FRICTION SURFACE NOT ADEQUATE OR OPERABLE
392.9AA2	392.9AA2	1	Y		U	N	Operating beyond the Scope of Operating Authority Granted: NO KCC AUTHORITY -STATUS SHOWS NOT AUTHORIZED IN CVIEW 8-29-24 - CALLED KCC TO CONFIRM AND THEY PROVIDED IMPOUND ORDER
392.2UCR	392.2UCR	1	N		N	N	Failure to pay UCR Fee: HAD INTERSTATE MOVE ON 6/4/24 WHERE CARRIER WAS STOPPED BY OKLAHOMA HP AND NO UCR FEES PAID FOR 2024
393.95A	393.95A	1	N		N	N	No/discharged/unsecured fire extinguisher:

Report Prepared By:
D.A. PATRICK

Badge #:
0219

Copy Received By:
DANIEL RAMON-GASTULO

Page 1 of 4



04030972 KS KSHP02195287

X _____

X _____

DRIVER/VEHICLE EXAMINATION REPORT

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: KSHP02195287
Inspection Date: 08/29/2024
Start: 12:05 PM CT **End:** 04:20 PM CT
Inspection Level: I - Full
HM Inspection Type: None

C & D TRANSPORT LLC
 809 JENNY AVE
 GARDEN CITY, KS 67846
USDOT#: 04030972 **Phone#:** (620)444-0585
MC/MX#: 00000000 **Fax#:**
State#:

Driver: RAMON-GASTULO, DANIEL A
License#: [REDACTED] **State:** KS
Date of Birth: 09/29/1987
CoDriver:
License#: **State:**
Date of Birth:

<u>Vio Code</u>	<u>Section</u>	<u>Unit</u>	<u>OOS</u>	<u>Citation #</u>	<u>Verify</u>	<u>Crash</u>	<u>Violations Discovered</u>
396.5B	396.5B	1	N		N	N	GAUGE SHOWED RECHARGE--HAVE PHOTO Oil and/or grease leak: OIL WAS POOLING UP/LEAKING ONTO GROUND UNDER FRONT AXLE DURING INSPECTION AND ENTIRE UNDERCARRIAGE WAS COATED WITH OIL
393.45DLUV	393.45DLUV	1	N		N	N	Brake Connections with Leaks Under Vehicle: LEAK UNDER TRACTOR AND WITHIN DASH AREA BUT COULD NOT FIND EXACT LOCATIONS---AIR LOSS RATE WAS NEGATIVE BUT AIR PRESSURE DROPPED ONCE TRACTOR TURNED OFF
392.2IN	392.2IN	1	N		N	N	State Insurance Violation: CARRIER FOUND TO NOT HAVE ANY INSURANCE
393.9TS	393.9TS	1	N		N	N	Inoperative turn signal: FRONT RIGHT TURN SIGNAL INOPERATIVE
393.9TS	393.9TS	1	N		N	N	Inoperative turn signal: RIGHT REAR TURN SIGNAL INOPERATIVE ON TRACTOR
393.47E	393.47E	1	N		N	N	Clamp or Roto type brake out-of-adjustment: AXLE #1 RIGHT BRAKE MEASURED 1 7/8" AND WAS OUT OF ADJUSTMENT
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
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: 3 OF 10 DEFECTIVE THEREFORE EXCEEDS 20%
396.17C	396.17C	1	N		N	N	Operating a CMV without proof of a periodic inspection: LAST INSPECTION WAS 8/23 THEREFORE CONCLUDED EXPIRED
396.17C	396.17C	2	N		N	N	Operating a CMV without proof of a periodic inspection: LAST INSPECTION WAS 8/23 THEREFORE CONCLUDED EXPIRED
393.9	393.9	2	N		N	N	Inoperable Required Lamp: REAR TRAILER TOP-- CENTER AND ID LAMPS INOPERATIVE
393.9TS	393.9TS	1	N		N	N	Inoperative turn signal: LEFT REAR TURN SIGNAL INOPERATIVE ON TRACTOR
393.9BRKLAMP	393.9BRKLAMP	1	N		N	N	Inoperative Brake Lamps: LEFT AND RIGHT BRAKE LIGHTS ON TRACTOR INOPERATIVE
393.9T	393.9T	1	N		N	N	Inoperable tail lamp: LEFT AND RIGHT TAIL LAMPS INOPERATIVE ON TRACTOR

HazMat: No HM Transported.

Placard: No **Cargo Tank:**

Report Prepared By:
D.A. PATRICK

Badge #:
0219

Copy Received By:
DANIEL RAMON-GASTULO

Page 2 of 4



04030972 KS KSHP02195287

X _____

X _____

DRIVER/VEHICLE EXAMINATION REPORT

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: KSHPO2195287
Inspection Date: 08/29/2024
Start: 12:05 PM CT End: 04:20 PM CT
Inspection Level: I - Full
HM Inspection Type: None

C & D TRANSPORT LLC
809 JENNY AVE
GARDEN CITY, KS 67846
USDOT#: 04030972 Phone#: (620)444-0585
MC/MX#: 00000000 Fax#:
State#:

Driver: RAMON-GASTULO, DANIEL A
License#: K01646983 State: KS
Date of Birth: 09/29/1987
CoDriver:
License#: State:
Date of Birth:

Special Checks:

* 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: _____ Facility: _____ 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: _____ Title: _____ Date: _____

Report Prepared By:
D.A. PATRICK

Badge #:
0219

Copy Received By:
DANIEL RAMON-GASTULO



04030972 KS KSHPO2195287

X _____

X _____

DRIVER/VEHICLE EXAMINATION REPORT

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: KSHPO2195287
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C & D TRANSPORT LLC
809 JENNY AVE
GARDEN CITY, KS 67846
USDOT#: 04030972
MC/MX#: 00000000
State#:

Phone#: (620)444-0585
Fax#:

Driver: RAMON-GASTULO, DANIEL A
License#:
Date of Birth: 09/29/1987
CoDriver:
License#:
Date of Birth:
State: KS
State:

Inspection Notes

AT APPROX. 1200 HOURS ON 8/29 I WAS CONTACTED BY TROOP F TROOPER K312 ABOUT NEEDING TO DO A LEVEL 1 CVSA INSPECTION FOR A LYONS PD OFFICER WHOM WAS OUT WITH A CMV THAT HAD SOME SIGNIFICANT EQUIPMENT ISSUES THAT OFFICER WAS ANGIE ALLISON WITH LYONS, PDSHE CONTACTED ME DIRECTLY AND GAVE ME A BRIEF OVERVIEW OF THE SITUATION AND I RESPONDED TO ASSIST I NOTED THE CARRIER WAS PREVIOUSLY STOPPED BY TECH TROOPER ALAN WAGNER IN JULY OF 2024 WITH A VIOLATION LENGTHY INSPECTION I WAS ABLE TO TALK WITH TECH TROOPER WAGNER ABOUT THIS CARRIER AND HE TOLD ME THEY WERE SUSPENDED FROM OPERATING BY KCC AND A FEDERAL OOS ORDER WAS PENDING I WAS ABLE TO THEN CONTACT ERICA PARGAS ABOUT THIS CARRIER AND SHE GAVE ME AN OVERVIEW OF ALL THE PROBLEMS WITH THEM SHE ASKED ME TO DO A LEVEL 1 AND SHE WOULD PROCEED WITH GETTING THE IMPOUND ORDER AND RELAY IT TO MTHIS CMV HAD SO MUCH OIL LEAKAGE THAT THE ENTIRE UNDERCARRIAGE WAS COATED WITH OIL AND GREASE. I NOTED AXLE #2 BRAKE SURFACES ON BOTH SIDES WERE COATED WITH GREASE AND OIL THAT COMPROMISED THE FRICTION ON THE BRAKES THE TRUCK WAS LEAKING A LOT OF AIR IN AND AROUND THE CAB AND DASH AREA BUT I WAS UNABLE TO DETERMINE THE POINT WHERE IT EXACTLY WAS LEAKING....I DID AN AIR LOSS RATE BUT IT PASSED HOWEVER WHEN TRUCK WAS SHUT OFF THE AIR LOSS DEPLETED SO FAST THAT THE PRESSURE WAS UNDER 90 PSI BEFORE I COULD GET UNDER THE CMV TO MEASURE AXLES 3, 4 AND 5 I TOOK PICS OF MANY OF THE ISSUES NOTED ON INSPECTION CMV WAS TOWED BY AUTOHOUSE DRIVER WAS NOT CITED AND CIVIL ASSESSMENT IS RECOMMENDED ON CARRIER

Special Studies No Special Study Data Recorded

Report Prepared By:
D.A. PATRICK

Badge #:
0219

Copy Received By:
DANIEL RAMON-GASTULO



X _____

X _____

EXHIBIT 5

C & D Transport				COI Expires	#N/A					Gross Pay	\$1,325.25	
										Dispatch Fee		
										Fuel	-\$332.48	
									1 Loads	Net Pay	\$992.77	
Customer - Origin	Load Date	Outbound Ticket	Out Weight	Destination	Inbound Ticket	Commodity	Rate	Net Weight	Gain/Loss	Bushels/Tons	Freight	Notes
CHS - Ragan	7/16/2024	83202		Next-Gen Cattle Feeding	72893	Corn	1.05	70680		1,262.14	\$1,325.25	No weight on OB ticket, pd off IB weight

EXHIBIT 6

Carrier Info [Update MCS-150](#)

Last Updated October 01 2023

USDOT #: 4030972

Legal Name: C & D TRANSPORT LLC

DBA:

Principal: 809 JENNY AVE
GARDEN CITY, KS 67846

Mailing: 809 JENNY AVE
GARDEN CITY, KS 67846

Base State: Kansas

Frequently Asked Questions

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[Looking for information about an upcoming UCR Board of Directors or Subcommittee Meeting? Click Here](#)

[Looking for information about a specific UCR policy? Click Here](#)

[Not sure if you need to register? Click Here](#)

Registration History

Year	Status	Action
2025	Year Unavailable	VIEW STATUS
2024	Unregistered	REGISTER NOW
2023	Unregistered	REGISTER NOW
2022	N/A	
2021	N/A	
2020	N/A	

EXHIBIT 7

HOME CITY GRAIN - HOME, KS

LOAD DATE: 07/22/2024

LOAD RECEIPT (SHIPMENT)

TICKET #: 00414382

NOT NEGOTIABLE

COMPUTER GENERATED

TO: SCOULAR (SCOULA)
10801 MASTIN, SUITE 800

OVERLAND PARK, KS 66210

FROM: HOME CITY GRAIN
208 2ND ST

HOME, KS 66438

COMMODITY: CORN
TICKET TYPE: 2 - SHIPMENT (Outbound)
LADING #: 401483 BIN: DUMP 3-3
CARRIER:

DRIVER: (OFF) C&D 71
TRACTOR:
TRAILER:
U.S. GRADE:

AXLES:

GROSS WEIGHT: 80,660 Lbs 11:01 AM
TARE WEIGHT: 26,800 Lbs 9:35 AM
NET WEIGHT: 53,860 Lbs (26.930 tons)

GROSS UNITS: 961.79 BU
NET UNITS: 961.79 BU

MOISTURE :	0.00	OPEN	_____
TEST WEIGH:	0.00	CONTRACT	_____
FM :	0.00	STORAGE	_____
DAMAGE :	0.00	PRICE LATER	_____
HT DMG :	0.00	GRAIN BANK	_____
AFLOTOXIN :	0.00	PRICE	_____

CONTRACT #: 1-00001256 (balance: 24,487.92)

COMMENTS:

WEIGHED BY _____

* Customer Receipt *

EXHIBIT 8

▼ Company Information

Legal Name: C & D TRANSPORT LLC

DBA Name:

Phone: (620) 444-0585 Cell:

Fax:

Email: ekraisinger08@gmail.com

Bus. Type: INDIVIDUAL BEIN:

[Edit](#)

► Address

Insurance

Authority

Cargo

Date Granted	Authority	Service	Status	Status Date	Reason
09/22/2023	FOR-HIRE	PUBLIC SERVICE	CANCELLED	12/01/2023	INSURANC

EXHIBIT 9

From: [Donald Lee \[KDOR\]](#)
To: [Erica Pargas \[KCC\]](#)
Cc: [Juan Barajas \[KCC\]](#)
Subject: RE: C & D Transport LLC
Date: Monday, August 5, 2024 11:26:11 AM
Attachments: [Erica 5 Aug 24.pdf](#)
[image002.png](#)

Good Morning Erica and Welcome to the team Juan.

Where do I start LOL

C&D Transport LLC:

They have a Kansas Commercial account built in 2023 and has not been renewed.

We have them suspended due to Suspension for Hire Operating authority, looking at their USDOT on CVIEW it appears they are exempt for hire.

Roadsides show they are running out of state and need IRP (apportioned registration) while running on intrastate plates (CMV). They also need IFTA.

Roadside KSHP04502654

Unit 10 VIN [REDACTED] 7859

- (Plate was last registered commercially in 2020 to a Cesar Ivan Fierro Amaya dba Fierros Trucking USDOT 3273661) as of 2023 ownership still shows Julio C Fierro Soto in Ulysses, KS.
- A new title was issued 2023 when the lien was paid off.
- No current registration on this unit to include possible apportioned registration in other jurisdictions.

Unit 20 VIN [REDACTED] 0701

- Plate [REDACTED], renewed 2024 to Joshua C Brock USDOT 1972959 as T20.

Roadside OKI204154518

Unit 10 VIN [REDACTED] 7859

- Plate [REDACTED], plate is a trailer plate ([REDACTED] 3052, 2016 Taller Fehr silage CT) issued to Donald Dean Mangels (Ulysses, KS) should be pulled and seized.
- We do have a power unit with that plate company name is Davis Automotive & Towing LLC in Ellis County. No plate replacement on account for this unit.

Unit 20 VIN [REDACTED] 0701

- Plate [REDACTED], renewed 2024 to Joshua C Brock USDOT 1972959 as T20.

Roadside KSHP92452558 01/031/2024

Unit 71 VIN [REDACTED] 7285

- Plate [REDACTED], plate issued to Carlos E Ramon- Barzola, USDOT 1786746 last renewed 2022 (this account is currently under a KCC OOSO Docket # 23-TRAM-072-PEN) we show owner of truck as Daniel Ramon.

Unit 333 VIN [REDACTED] 2333

Plate [REDACTED] issued to Antonio Reyes USDOT 2468726 and deleted off their 2024 renewal, plate and unit does not have any active registration and plate should be seized.

Unit 71 VIN [REDACTED] 7285

- Registered to C & D Transport in 2023 but has not been renewed and is running an Intrastate plate # [REDACTED]

All Stops in 2023 vehicles were assigned to Carlos E Ramon-Barzola USDOT 1786746.

Let me know if you need anything else

DL

Don Lee
Program Consultant & Compliance
IRP Peer Review Committee Member Region 3\ Vice Chair
Division of Vehicles - Commercial Motor Vehicle Team
Kansas Department of Revenue
Phone: 785-368-6531
donald.lee@ks.gov / www.ksrevenue.org

"Life should not be a journey to the grave with the intention of arriving safely in a pretty and well preserved body, but rather to skid in broadside in a cloud of smoke, thoroughly used up, totally worn out, and loudly proclaiming "Wow! What a Ride!" (Hunter S. Thompson)



From: Erica Pargas [KCC] <Erica.Pargas@ks.gov>
Sent: Monday, August 5, 2024 10:31 AM
To: Donald Lee [KDOR] <Donald.Lee@KS.GOV>
Cc: Juan Barajas [KCC] <Juan.Barajas@ks.gov>
Subject: C & D Transport LLC

Good Morning Don,

I hope all is well with you. We have been assigned an investigation on C & D Transport LLC (USDOT #4030972) and I hoped you could assist me with registrations if any for this carrier. We originally got a complaint on them as they have been operating without authority and no registrations. I've attached copies of those RSI's for your review.

Erica Pargas, Special Investigator

EXHIBIT 10

Queries History

All Queries

Report Generated on : 09/17/2024 10:16

Key	First Name	Last Name	Country	State	Number	Employer Conducting Query	DBA	DOT Number	Query Status	Query Result	Conducted By	Query Type	Query Submitted	Query Completed
QUERY.2G93	DANIEL	RAMON-GASTULO	US	KS		C & D TRANSPORT			Completed	Driver Not Prohibited	TMT TRUCK PERMITTING INC	Pre-employment	Manually	9/12/2023

Disclaimer:**This document contains sensitive information and is for official use only. Improper handling of this information could negatively affect individuals. Handle and secure this information according to Federal Motor Carrier Safety Administration privacy and security guidelines. Properly dispose of this document according to agency policy when this document is no longer needed.**

EXHIBIT 11

EXHIBIT 12

ANNUAL VEHICLE INSPECTION REPORT

VEHICLE HISTORY RECORD	
REPORT NUMBER	FLEET UNIT NUMBER
61680192	71
DATE 08/23	

MOTOR CARRIER OPERATOR C/D Transport	INSPECTOR'S NAME (PRINT OR TYPE) MIKE HOYT
ADDRESS 809 Jenny AVE	THIS INSPECTOR MEETS THE QUALIFICATION REQUIREMENTS IN SECTION 396.19. <input checked="" type="checkbox"/> YES
CITY, STATE, ZIP CODE Gardner City KS 67846	VEHICLE IDENTIFICATION (✓ AND COMPLETE) <input type="checkbox"/> LIC. PLATE NO. <input checked="" type="checkbox"/> VIN <input type="checkbox"/> OTHER [REDACTED] 2285
VEHICLE TYPE <input checked="" type="checkbox"/> TRACTOR <input type="checkbox"/> TRAILER <input type="checkbox"/> TRUCK <input type="checkbox"/> BUS <input type="checkbox"/> (OTHER)	INSPECTION AGENCY/LOCATION (OPTIONAL) H4H

VEHICLE COMPONENTS INSPECTED

OK	NEEDS REPAIR	REPAIRED DATE	ITEM	OK	NEEDS REPAIR	REPAIRED DATE	ITEM	OK	NEEDS REPAIR	REPAIRED DATE	ITEM
1. BRAKE SYSTEM				6. SAFE LOADING				12. WINDSHIELD GLAZING			
✓			a. Service Brakes	✓			a. Vehicle parts, load, dunnage, spare tire, etc., secured.	✓			No cracks, discoloration, obstacles, etc. (see 393.60 for exceptions).
✓			b. Parking Brake System	✓			b. Front End Structure				13. WINDSHIELD WIPERS
✓			c. Brake Drums or Rotors	✓			c. Intermodal Container Securement Devices	✓			No missing, damaged, or inoperable wipers.
✓			d. Brake Hose	NA			7. STEERING MECHANISM				14. MOTORCOACH SEATS
✓			e. Brake Tubing	✓			a. Steering Wheel Free Play	NA			Seats securely fastened to the vehicle structure.
✓			f. Low Pressure Warning Device	✓			b. Steering Column				15. REAR IMPACT GUARD
✓			g. Tractor Protection Valve	✓			c. Front Axle Beam/All Other Steering Components				In place, securely attached, proper size, proper placement (see 393.86).
✓			h. Air Compressor	✓			d. Steering Gear Box	NA			16. OTHER
✓			i. Electric Brakes	✓			e. Pitman Arm				List any other condition(s) which may prevent safe operation of this vehicle.
✓			j. Hydraulic Brakes	✓			f. Power Steering				
✓			k. Vacuum Systems	✓			g. Ball and Socket Joints				
✓			l. Antilock Brake System	✓			h. Tie Rods and Drag Links				
✓			m. Automatic Brake Adjusters	✓			i. Nuts				
2. COUPLING DEVICES				8. SUSPENSION							
✓			a. Fifth Wheels	✓			a. Axle Positioning Parts				
NA			b. Pintle Hooks	✓			b. Spring Assembly				
✓			c. Drawbar/Towbar Eye	✓			c. Torque, Radius or Tracking Components				
✓			d. Drawbar/Towbar Tongue	✓			9. FRAME				
✓			e. Safety Devices	✓			a. Frame Members				
✓			f. Saddle-Mounts	✓			b. Tire and Wheel Clearance				
3. EXHAUST SYSTEM				10. TIRES							
✓			a. No leaks forward of/ directly below the driver/ sleeper compartment.	✓			a. Steer-Axle Tires				
NA			b. Bus: No leaking/ discharging in violation of standard.	✓			b. All Other Tires				
✓			c. Unlikely to burn, char, or damage the electrical wiring, fuel supply, or any combustible part of vehicle.	NA			c. Speed-Restricted Tires				
4. FUEL SYSTEM				11. WHEELS AND RIMS							
✓			a. No visible leak.	✓			a. Lock or Side Ring				
✓			b. Fuel Tank Filler Cap	NA			b. Wheels and Rims				
✓			c. Fuel tank securely attached.	✓			c. Fasteners				
5. LIGHTING DEVICES											
✓			All required lights/reflectors operable.	✓			d. Welds				

INSTRUCTIONS: MARK COLUMN ENTRIES TO VERIFY INSPECTION: ✓ OK, X NEEDS REPAIR, NA IF ITEMS DO NOT APPLY, _____ REPAIRED DATE

CERTIFICATION: THIS VEHICLE HAS PASSED ALL THE INSPECTION ITEMS FOR THE ANNUAL VEHICLE INSPECTION IN ACCORDANCE WITH 49 CFR PART 396.

CERTIFICATE OF SERVICE

25-TRAM-172-PEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 11/21/2024.

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

Daniel Ramon-Gastulo, OWNER
C & D Transport LLC
809 Jenny Ave
Garden City, KS 67846
danielramon712@yahoo.com

/S/ KCC Docket Room
KCC Docket Room