

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

Before Commissioners: Andrew J. French, Chairperson
 Dwight D. Keen
 Susan K. Duffy

In the Matter of the Emergency Suspension of)
Operating Authority of **Melissa Solórzano** of)
Garden City, Kansas, for Failure to Comply)
with Safety Requirements as Required by the) Docket No. 21-TRAM-474-OOS
Motor Carrier Safety Statutes, Rules and)
Regulations.)

INTERIM EMERGENCY SUSPENSION OF OPERATING AUTHORITY ORDER

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

I. JURISDICTION AND BACKGROUND

1. Pursuant to K.S.A. 66-1,108b, 66-1,111, 66-1,112, 66-1,114b and 66-1,115, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in 49 C.F.R. 390.5 and 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. Pursuant to K.S.A. 66-1,129(a)(7), the Commission has adopted motor carrier transportation regulations (K.A.R. 82-4-3f) consistent with the federal motor carrier safety assistance program and other federal requirements concerning transportation of hazardous waste.

4. 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.

5. K.S.A. 77-536 governs the use of emergency proceedings. The statute provides in part as follows:

- (a) A state agency may use emergency proceedings: (1) In a situation involving an immediate danger to the public health, safety or welfare requiring immediate state agency action or (2) as otherwise provided by law.
- (b) The state agency may take only such action as is necessary: (1) To prevent or avoid the immediate danger to the public health, safety or welfare that justifies use of emergency adjudication or (2) to remedy a situation for which use of emergency adjudication is otherwise provided by law.

6. K.A.R. 82-1-232 grants the Commission the authority to issue interim emergency orders. The regulation provides in part as follows:

- (B)(i) Interim emergency orders may be issued by the commission upon its own initiative, or upon a request, if there has been a showing of good cause.
- (ii) An interim order may be issued by any commissioner. All parties affected by the order shall comply, except that as soon as possible after the order is issued, the order shall be approved or revoked by a majority of the commission.
- (iii) Unless a different period of time is otherwise specified by statutes, an interim order shall not be effective for a period longer than 30 days if the

matter is determined and the order is issued without a hearing on the merits.

7. K.S.A. 66-1,129a(a) provides that “at any time for good cause shown the Commission may suspend the operation of any motor carrier subject to economic or safety rules and regulations adopted by the Commission.”

II. FINDINGS OF FACTS

5. Melissa Solórzano (Carrier) is a motor carrier, as defined in 49 C.F.R. 390.5 and adopted by K.A.R. 82-4-3f, which operates commercial motor vehicle(s) in Kansas.

6. Carrier has failed to register as a motor carrier with the U.S. Department of Transportation (USDOT), and operates without a USDOT Number.

7. On June 23, 2021, at approximately 9:40 a.m., Trooper C.J. Hardaway, began an inspection on a commercial motor vehicle operated by Juan G. Adame. Mr. Adame did not possess a driver’s license. The June 23, 2021, inspection was documented in Kansas Highway Patrol Driver-Vehicle Examination Report Number KSHP01892189. A copy of the inspection report is attached hereto as Attachment A. The inspection occurred near the intersection of U160 and U83 in Seward County, Kansas. The Level II – Walk-Around inspection identified six (6) Out-of-Service violations, namely:

a. Operating a CMV without a CDL [in violation of 49 C.F.R. 383.23A2];

b. Frame cracked/loose/sagging/broken: Multiple cracks down passenger side frame of trailer and going up every uppers side rail along trailer [in violation of 49 C.F.R. 393.201A];

c. Axle positioning parts defective/missing: Axle 4, DS, welds cracked out around axle positioning part in the new welds. [in violation of 49 C.F.R. 393.207A];

d. Leaking/spilling/blowing/falling cargo: Hauling manure with no tarp, piled well above top and visible. No securement to keep from blowing off. [in violations of 49 C.F.R. 393.100B];

e. Frame cracked/loose/sagging/broken: Front section of the main frame is bent and allowing the trailer to sag in the middle. [in violation of 49 C.F.R. 393.201A];.

f. Air suspension pressure loss: Axle #5, PS, air bag flat [in violation of 49 C.F.R. 393.207F].

8. Commission Staff ("Staff") submitted a Report and Recommendation (R&R) regarding concerns stemming from the violations found during the inspection, the management practices in place by Melissa Solórzano and the unlawful operations of the Carrier. Staff's R&R, dated June 24, 2021 is attached hereto as Attachment "B" and made a part hereof by reference.

9. Staff's R&R states the carrier is operating using a trailer that is in a dangerous condition and was placed out of service when last used by another carrier. The driver operating the vehicle and trailer at the time of the inspection possessed no driver's license. Given the weight of the vehicles involved, the driver was required to possess a commercial driver's license. Carrier has not registered for a United States Department of Transportation (USDOT) number or applied for Commission authority to operate. Carrier registered the truck-tractor for a farm tag, but does not own a farm. When placed out of

service the vehicle was required by the Kansas Highway Patrol to remain parked or towed to a mechanic or safe location until the out of service violations were corrected. The vehicle instead left the site of the inspection to an undisclosed location.

III. STAFF'S RECOMMENDATIONS

10. Staff requested the Commission find that Melissa Solórzano's out of service violations discovered during the June 23, 2021 inspection and the findings outlined in Staff's R&R are sufficient evidence of unsafe motor carrier operations and as such Carrier poses a potential immediate threat to the safety and welfare of the public of the state of Kansas.

11. Staff recommends the Commission issue an Interim Emergency Order Suspending All Intrastate Motor Carrier Operations of Melissa Solórzano to protect the motoring public. The Interim Order will be followed by another order issued at a subsequent Commission hearing.

12. Staff recommends the suspension of all intrastate motor carrier operations remain in effect unless or until Carrier submits verifiable evidence to Staff that it has taken necessary steps to obtain compliance with the federal and state motor carrier safety rules and regulations. After Carrier submits verifiable evidence of the same to Staff, Staff will recommend the Commission enter an order reinstating Carrier's motor carrier operating authority.

13. Furthermore, Staff recommends the Commission order Carrier to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and to provide Litigation Counsel with written proof of attendance.

IV. CONCLUSIONS OF LAW

14. The Commission finds it has jurisdiction over Carrier as the Carrier is a motor carrier as defined in 49 C.F.R. 390.5 as adopted by K.A.R. 82-4-3f.

15. The Commission finds Melissa Solórzano has failed to conduct safe and lawful motor carrier operations, which constitutes grounds for an emergency proceeding, as provided for in K.S.A. 77-536 and K.S.A. 66-1,129a(a) and an interim emergency proceeding, as provided for in K.A.R. 82-1-232.

16. The Commission also finds Carrier's unsafe motor carrier operations pose a potential immediate threat to the safety and welfare of the public of the state of Kansas. Therefore, this Commission orders the Carrier to suspend all intrastate motor carrier operations, other than such motor carrier operations excepted from the Commission's regulation under K.S.A. 66-1,129, until such time as the carrier takes the necessary steps to become compliant. This includes, but is not limited to, submitting to Staff verifiable evidence of the correction of the violation(s) noted in the June 23, 2021 Driver/Vehicle Inspection Report and attendance of a Commission-sponsored safety seminar within ninety (90) days from the date of this Order. A schedule of dates and locations for the safety seminar can be found at the Commission's website http://www.kcc.state.ks.us/trans/safety_meetings.htm. The proof of attendance at the safety seminar should be submitted to Litigation Counsel.

THE COMMISSION THEREFORE ORDERS THAT:

A. Melissa Solórzano of Garden City, Kansas is to be immediately suspended from all intrastate Kansas commercial motor carrier operations, other than such motor carrier operations excepted from the Commission's regulation under K.S.A. 66-1,129,

until such time as Carrier presents to Staff verifiable evidence, including, but not limited to, submitting to Staff verifiable evidence of the correction of the violation(s) noted in the June 23, 2021 Driver/Vehicle Inspection Report. This Interim Emergency Suspension of Operating Authority Order may also attach and apply to the operations of successor entities, including any motor carrier entity or entities established or used to avoid the consequences of any Order to cease operations or suspend operating authority.

B. Melissa Solórzano of Garden City, Kansas, is hereby ordered to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order and provide Litigation Counsel with written proof of attendance.

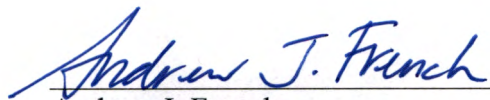
C. Pursuant to K.S.A. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issues by submitting a written request, setting forth the specific grounds upon which relief is sought, to the Executive Director, at 1500 S.W. Arrowhead Road Topeka, Kansas 66604, within fifteen (15) days from the date of service of this Order. Pursuant to K.S.A. 66-1,129a, hearings will be held within ten (10) days upon written request. Failure to timely request a hearing will result in a waiver of Carrier's right to a hearing, and this Order will become a Final Order.

D. Failure to comply with the provisions of this Order may result in further sanctions to include, but not limited to, the assessment of civil penalties and/or the impoundment of commercial motor vehicles found operating in violation of this Order and any other remedies available to the Commission by law, without further notice.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner (not participating); Duffy, Commissioner (not participating)

Dated: June 24, 2021



Andrew J. French
Chairperson of the Commission

AAL

DRIVER/VEHICLE EXAMINATION REPORT

Inspect 1.113.7779



Kansas Highway Patrol
MOTOR CARRIER SAFETY ASSISTANCE
 700 SW Jackson, Ste 704
 Topeka, KS 66603
 Phone: (785)296-7189 Fax: (785)296-2858

Report Number: KSHP01892189
Inspection Date: 06/23/2021
Start: 9:40 AM CT **End:** 10:40 AM CT
Inspection Level: II - Walk-Around
HM Inspection Type: None

Carrier: MELISSA SOLORZANO**DBA:**

1819 N COMMANCHE DR APT 14
 GARDEN CITY, KS, 67846

USDOT:**Phone#:****MC/MX#:****Fax#:****State#:****Location:** SEWARD COUNTY - 175**Highway:** U160 / U83**County:** SEWARD**Driver:** ADAMG, JUAN G**License#:** NONE**State:** KS**Date of Birth:****CoDriver:****License#:****State:****Date of Birth:****Milepost:****Shipper:** N/A**Origin:** LIBERAL,KS**Bill of Lading:** N/A**Destination:** PLAINS,KS**Cargo:** MANURE**VEHICLE IDENTIFICATION**

Unit	Type	Make	Year	State	Plate	Equipment ID
2	ST	MATE	1990	KS	NONE	535PCG

535PCG

52000

2 ST MATE 1990 KS NONE

65000

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

Section	Type	Unit	OOS	CP	Citation #	VerifyCrash	Violations Discovered
383.23A2	F	D	Y	N		N N	Operating a CMV without a CDL: Operating a CMV without a CDL on 6/23/2021. No valid CDL was found in 50 states.
391.41A	F	D	N	N		N N	No medical certificate in driver's possession: No valid medical card.
392.9BA-NOREG	F	1	N	N		N N	USDOT REGISTRATION REQUIRED. (1st Offense) Operating a commercial motor vehicle in interstate commerce without a USDOT Registration.: No USDOT number.
390.21TB	F	1	N	N		N N	Carrier name and/or USDOT Number not displayed as required: No carrier name or USDOT number.
393.60C	F	1	N	N		N N	Damaged or discolored windshield: Multiple cracks across glass.
396.17C	F	1	N	N		N N	Operating a CMV without proof of a periodic inspection: None
392.2IRP	F	1	N	N		N N	IRP Apportioned Tag or Registration Violation: Operating on KS farm tag. Commercial registration required.
396.3A1	F	1	N	N		N N	Inspection, repair and maintenance of parts & accessories: Glad hand secured by black electrical tape.
393.201A	F	2	Y	N		U N	Frame cracked / loose / sagging / broken: Multiple cracks down passenger side frame of trailer and going up every upper side rail along trailer.
393.207A	F	2	Y	N		U N	Axle positioning parts defective/missing: Axle 4, DS, welds cracked out around axle positioning part in the new welds.
393.100B	F	2	Y	N		U N	Leaking/spilling/blowing/falling cargo: Huling manure with no tarp, piled well above top and visible. No seurement to keep from blowing off.
392.2IRP	F	2	N	N		N N	IRP Apportioned Tag or Registration Violation: Trailer just purchased, not registered at time of stop.
396.17C	F	2	N	N		N N	Operating a CMV without proof of a periodic inspection: None
393.70	F	2	N	N		N N	Fifth wheel: Missing a bolt on the passenger side out of the 5th wheel upper half. (this has a 2 part upper half and is used for this style of trailer)
393.201A	F	2	Y	N		U N	Frame cracked / loose / sagging / broken: Front section of the main frame is bent and allowing the trailer to sag in the middle.
393.207F	F	2	Y	N		U N	Air suspension pressure loss: Axle #5, PS, air bag flat.

HazMat: No HM transported**Placard:****Cargo Tank:****Special Checks:** No data for special checks

Notes: Spoke to owner via telephone. She advised her dad was using the truck to haul some manure commercially prior to harvest season on the farm. She stated it was her truck and he was working for her. Hauling manure from a feedlot to the field for a farmer for-hire.



**REPORT AND RECOMMENDATION
TRANSPORTATION DIVISION**

TO: Andrew J. French, Chairperson
Dwight D. Keen, Commissioner
Susan K. Duffy, Commissioner

FROM: Mike Hoeme, Director of Transportation
Gary Davenport, Deputy Director of Transportation

DATE: June 24, 2021

SUBJECT: Docket No. 21-TRAM-474-OOS
In the Matter of the Emergency Suspension of Operating Authority of **Melissa Solórzano of Garden City, Kansas**, for Failure to Comply with New Entrant Safety Requirements as Required by the Motor Carrier Safety Statutes, Rules and Regulations.

EXECUTIVE SUMMARY:

Melissa Solórzano (Carrier) is a motor carrier, primarily hauling manure. Carrier operates without having registered with the United States Department of Transportation (USDOT) or possessing a USDOT Number. On June 23, 2021, the Kansas Highway Patrol inspected a vehicle operated by Melissa Solórzano and driven by Juan G. Adame. During the inspection the inspector found multiple serious out of service violations. The driver did not possess any driver's license and would have been required to possess a commercial driver's license given the operations he was engaged in. The trailer was previously operated by Geyla Varela d/b/a E&J Transport and was involved in a fatality accident. At that time the trailer was placed out of service. Melissa Solórzano, a new carrier has obtained the trailer and is now operating it in motor carrier operations without having made any of the necessary repairs. The truck-tractor is registered as a farm vehicle, but Melissa Solórzano is not a farmer. When placed out of service the vehicle was required by the Kansas Highway Patrol to remain parked or towed to a mechanic or safe location until the out of service violations were corrected. The vehicle instead left the site of the inspection to an undisclosed location.

Staff recommends the Commission issue an Interim Emergency Suspension of Operating Authority Order until the Commission can meet formally to issue an Emergency Suspension of Operating Authority Order. Staff recommends the carrier's operating authority remain suspended until such time as Carrier takes the necessary steps to correct the violations found during the June 23, 2021 inspection, obtain compliance with the federal and state motor carrier safety rules and regulations and attend a Commission sponsored safety seminar within 90 days. After Carrier submits verifiable evidence of the same to Staff, Staff will recommend that the Commission enter an order reinstating the Carrier's motor carrier operating authority.

DISCUSSION AND ANALYSIS:

K.S.A. 66-1,129a states:

a) The commission, at any time for good cause shown, may suspend the operation of any motor carrier subject to economic or safety rules and regulations adopted by the commission. Upon notice and an opportunity to be heard in accordance with the provisions of the Kansas administrative procedure act, the commission may revoke, amend, initiate sanctions or fine any motor carrier who has a certificate, license or permit issued by the commission or is subject to the safety rules and regulations adopted by the commission. Any motor carrier suspended prior to a hearing must be afforded the opportunity of a hearing on the matter. If such a hearing is requested, the hearing shall be held within 10 days of the request.

K.S.A. 77-536 governs the use of emergency proceedings. The statute provides in part as follows:

- a) A state agency may use emergency proceedings: (1) In a situation involving an immediate danger to the public health, safety or welfare requiring immediate state agency action or (2) as otherwise provided by law.
- b) The state agency may take only such action as is necessary: (1) To prevent or avoid the immediate danger to the public health, safety or welfare that justifies use of emergency adjudication or (2) to remedy a situation for which use of emergency adjudication is otherwise provided by law.

On June 23, 2021, at approximately 9:40 a.m., Trooper C.J. Hardaway, began an inspection on a commercial motor vehicle operated by Juan G. Adame. Mr. Adame did not possess a driver's license. The June 23, 2023, inspection was documented in Kansas Highway Patrol Driver-Vehicle Examination Report Number KSHP01892189. A copy of the inspection is attached as Exhibit A. The inspection occurred near the intersection of U160 and U83 in Seward County, Kansas. The Level II – Walk-Around inspection identified six (6) Out-of-Service violations, namely:

- a. Operating in CMV without a CDL [in violation of 49 C.F.R. 383.23A2];
- b. Frame cracked/loose/sagging/broken: Multiple cracks down passenger side frame of trailer and going up every uppers side rail along trailer [in violation of 49 C.F.R. 393.201A];
- c. Axle positioning parts defective/missing: Axle 4, DS, welds cracked out around axle positioning part in the new welds. [in violation of 49 C.F.R. 393.207A];
- d. Leaking/spilling/blowing/falling cargo: Hauling manure with no tarp, piled well above top and visible. No securement to keep from blowing off. [in violations of 49 C.F.R. 393.100B];

e. Frame cracked/loose/sagging/broken: Front section of the main frame is bent and allowing the trailer to sag in the middle. [in violation of 49 C.F.R. 393.201A];

f. Air suspension pressure loss: Axle #5, PS, air bag flat [in violation of 49 C.F.R. 393.207F].

Special Investigators (SIs) Penny Fryback and Erica Pargas responded to the Kansas Highway Patrol after determining the trailer involved in the June 23, 2021 had previously been involved in a fatality accident when operated by Geyla Varela d/b/a E&J Transports. A copy of Driver/Vehicle Inspection Report from the fatality accident is attached as Exhibit B. As evidenced by SI Pargas' email correspondence, attached hereto as Exhibit C, the investigators contacted Melissa Solórzano and determined the Carrier did not have USDOT Number, had not registered for Commission authority to operate, had fraudulently registered the truck-tractor with farm tag and utilized a driver with no valid driver's license.

Subsequently the vehicle, which had been declared out of service, was removed from the site of the inspection prior to any repairs being made and was transported to an undisclosed location. Melissa Solórzano resisted and remained defiant in her communications to Sis Fryback and Pargas.

Staff is very concerned this dangerous vehicle will continue to be used, posing a danger to the motoring public that could again result in a fatality accident.

RECOMMENDATION:

Staff requests the Commission find that Melissa Solórzano's out of service violations discovered during the June 23, 2021 inspection and the findings outlined in this R&R are sufficient evidence of unsafe motor carrier operations and as such Carrier poses a potential immediate threat to the safety and welfare of the public of the state of Kansas.

Staff recommends the Commission issue an Interim Emergency Order Suspending All Intrastate Motor Carrier Operations of Melissa Solórzano to protect the motoring public. The Interim Order would be followed by another order issued at a subsequent Commission hearing.

Staff recommends the suspension of all intrastate motor carrier operations remain in effect unless or until Carrier submits verifiable evidence to Staff that it has taken necessary steps to obtain compliance with the federal and state motor carrier safety rules and regulations. After Carrier submits verifiable evidence of the same to Staff, Staff will recommend the Commission enter an order reinstating Carrier's motor carrier operating authority.

Furthermore, Staff recommends the Commission order Carrier to attend a Commission-sponsored safety seminar within ninety (90) days from the date of the Order, and to provide Litigation Counsel with written proof of attendance.

DRIVER/VEHICLE EXAMINATION REPORT

Inspect 1.113.7779



Kansas Highway Patrol
MOTOR CARRIER SAFETY ASSISTANCE
 700 SW Jackson, Ste 704
 Topeka, KS 66603
 Phone: (785)296-7189 Fax: (785)296-2858

Report Number: KSHP01892189
Inspection Date: 06/23/2021
Start: 9:40 AM CT **End:** 10:40 AM CT
Inspection Level: II - Walk-Around
HM Inspection Type: None

Carrier: MELISSA SOLORZANO**DBA:**1819 N COMMANCHE DR APT 14
GARDEN CITY, KS, 67846**USDOT:****Phone#:****MC/MX#:****Fax#:****State#:****Location:** SEWARD COUNTY - 175**Highway:** U160 / U83**County:** SEWARD**Driver:** ADAMG, JUAN G**License#:** NONE**State:** KS**Date of Birth:****CoDriver:****License#:****State:****Date of Birth:****Milepost:****Shipper:** N/A**Origin:** LIBERAL,KS**Destination:** PLAINS,KS**Bill of Lading:** N/A**Cargo:** MANURE**VEHICLE IDENTIFICATION**

Unit	Type	Make	Year	State	Plate	Equipment ID	VIN	GVWR	CVSA #	Issued #	OOS Sticker
1	TT	FRHT	2003	KS	535PCG			80974	52000		
2	ST	MATE	1990	KS	NONE				65000		

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

Section	Type	Unit	OOS	CP	Citation #	Verify	Crash	Violations Discovered
383.23A2	F	D	Y	N		N	N	Operating a CMV without a CDL: Operating a CMV without a CDL on 6/23/2021. No valid CDL was found in 50 states.
391.41A	F	D	N	N		N	N	No medical certificate in driver's possession: No valid medical card.
392.9BA-NOREG	F	1	N	N		N	N	USDOT REGISTRATION REQUIRED. (1st Offense) Operating a commercial motor vehicle in interstate commerce without a USDOT Registration.: No USDOT number.
390.21TB	F	1	N	N		N	N	Carrier name and/or USDOT Number not displayed as required: No carrier name or USDOT number.
393.60C	F	1	N	N		N	N	Damaged or discolored windshield: Multiple cracks across glass.
396.17C	F	1	N	N		N	N	Operating a CMV without proof of a periodic inspection: None
392.2IRP	F	1	N	N		N	N	IRP Apportioned Tag or Registration Violation: Operating on KS farm tag. Commercial registration required.
396.3A1	F	1	N	N		N	N	Inspection, repair and maintenance of parts & accessories: Glad hand secured by black electrical tape.
393.201A	F	2	Y	N		U	N	Frame cracked / loose / sagging / broken: Multiple cracks down passenger side frame of trailer and going up every upper side rail along trailer.
393.207A	F	2	Y	N		U	N	Axle positioning parts defective/missing: Axle 4, DS, welds cracked out around axle positioning part in the new welds.
393.100B	F	2	Y	N		U	N	Leaking/spilling/blowing/falling cargo: Huling manure with no tarp, piled well above top and visible. No securement to keep from blowing off.
392.2IRP	F	2	N	N		N	N	IRP Apportioned Tag or Registration Violation: Trailer just purchased, not registered at time of stop.
396.17C	F	2	N	N		N	N	Operating a CMV without proof of a periodic inspection: None
393.70	F	2	N	N		N	N	Fifth wheel: Missing a bolt on the passenger side out of the 5th wheel upper half. (this has a 2 part upper half and is used for this style of trailer)
393.201A	F	2	Y	N		U	N	Frame cracked / loose / sagging / broken: Front section of the main frame is bent and allowing the trailer to sag in the middle.
393.207F	F	2	Y	N		U	N	Air suspension pressure loss: Axle #5, PS, air bag flat.

HazMat: No HM transported**Placard:****Cargo Tank:****Special Checks:** No data for special checks

Notes: Spoke to owner via telephone. She advised her dad was using the truck to haul some manure commercially prior to harvest season on the farm. She stated it was her truck and he was working for her. Hauling manure from a feedlot to the field for a farmer for-hire.



DRIVER/VEHICLE EXAMINATION REPORT

Inspect 1.113.7779



Kansas Highway Patrol
MOTOR CARRIER SAFETY ASSISTANCE
 700 SW Jackson, Ste 704
 Topeka, KS 66603
 Phone: (785)296-7189 Fax: (785)296-2858

Report Number: KSHP01892189
Inspection Date: 06/23/2021
Start: 9:40 AM CT **End:** 10:40 AM CT
Inspection Level: II - Walk-Around
HM Inspection Type: None

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 the 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: _____

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 driver identified on this report "OUT OF SERVICE." No person and/or carrier shall permit and/or require this driver to operate any commercial vehicle until his/her eligibility to drive has been reestablished. 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 to be sent to the carrier identified on this report within 24 hours of receipt.
 MOTOR CARRIER CERTIFICATION: All defects identified on this report 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. If no violations were discovered, you are not required to sign and return a copy.

NOTE: Challenges to violations may be submitted through the Federal Motor Carrier Safety Administration (FMCSA)'s Data Q Challenge process, at <https://dataqs.fmcsa.dot.gov>
 Signature Of Motor Carrier X: _____ Title: _____ Date: _____

Report Prepared By: ID/Badge #:
 C.J. Hardaway 0189

Copy Received By:
 JUAN ADAMG

X

X





Kansas Highway Patrol
MOTOR CARRIER SAFETY ASSISTANCE
 700 SW Jackson, Ste 704
 Topeka, KS 66603
 Phone: (785)296-7189 Fax: (785)296-2858

Report Number: KSHP03793320
Inspection Date: 10/26/2019
Start: 4:00 PM CT **End:** 8:50 PM CT
Inspection Level: I - Full
HM Inspection Type: None

GEYLA VARELA
 645 S TOWNS BLVD
 GARDEN CITY, KS, 67846
USDOT: 2124677 **Phone#:** (620)290-4447
MC/MX#: 740337 **Fax#:**
State#:
Location: GRANT COUNTY - 067
Highway: ROAD 10 @ ROAD X
County: GRANT

Driver: GARCIA, PAULO I
License#: **State:** KS
Date of Birth:
CoDriver:
License#: **State:**
Date of Birth:
Milepost: **Shipper:** N/A
Origin: SATANTA,KS **Bill of Lading:** N/A
Destination: ULYSSES,KS **Cargo:** MANUER

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate	Equipment ID	VIN	GVWR	CVSA #	Issued #	OOS Sticker
1	TT	KW	2007	KS	NONE	901	1175124	52000			146012
2	ST	MATE	1990	KS	NONE			34000			146013

BRAKE ADJUSTMENTS

Axle #	1	2	3	4	5
Right	1 1/2	3 1/2	2	INOP	INOP
Left	1 1/2	3	1 1/2	INOP	INOP
Chamber	C-20	MM	L-30	C-30	C-30

VIOLATIONS

Section	Type	Unit	OOS	Citation #	VerifyCrash	Violations Discovered
392.2IRP	F	1	N		N	IRP Apportioned Tag or Registration Violation: No form of registration or temp registration for this power unit
396.17C	F	1	N		N	Operating a CMV without proof of a periodic inspection: None at all
393.60C	F	1	N		N	Damaged or discolored windshield: Passenger side windshiled damaged
393.209D	F	1	Y		U	Steering system components worn, welded, or missing: Top U-joint by firewall has approximately 1/2 inch movement with gentle hand pressure
393.83G	F	1	N		N	Exhaust leak under truck cab and/or sleeper: There are two exhaust leaks one one each side of the turbo - there is not any holes into the cab where the exhaust is leaking into the cab
393.9TS	F	1	N		N	Inoperative turn signal: Driver side rear of the power unit inoperable
393.9BRKLMFF	F	1	N		N	Inoperative Brake Lamps: Driver side rear of the power unit inoperabel
393.75A3	F	1	Y		U	Tire-flat and/or audible air leak: 3 axle passenger side outside tire has no measureable air pressure
393.45PC	F	1	Y		U	Brake Tubing and Hose Adequacy - Connections to Power Unit: Red air line on glad hand connected to the trailer from the power unit is leaking however it is not at a proper connection (has a DOT fitting for hose but noting)
393.203D	F	1	N		N	Cab seats not securely mounted: Driver seat is easily moved and not properly secured- you sit in the seat and can recline backwards easily
393.100B	F	2	Y		U	Leaking/spilling/blowing/falling cargo: There is no tarp on this load and it is mounded over the top of the sides. There is nothing to prevent it from falling or coming off
393.201A	F	2	Y		U	Frame cracked / loose / sagging / broken: front section of the main frame is bent and allowing the trailer to sag in the middle due to the damage around landing gear and componets.
393.201A	F	2	Y		U	Frame cracked / loose / sagging / broken: Driver side front nose main beam of the trailer is cracked in through the frame - this is not from the crash
393.70	F	2	N		N	Fifth wheel: Missing a bolt on the passenger side out of the 5th wheel upper half. (this has a 2 part upper half and is used for this style of trailer) -
393.201C	F	2	N		N	Frame rail flange improperly bent/cut/notched other than by vehicle manufacturer: Passenger side #4 axle subframe into axle position parts bent and cut- as a result of the crash
393.207A	F	2	Y		U	Axle positioning parts defective/missing: driver and passenger side at the 4 axle has rusted breaks in the metal that are bolted from the axle assembly to the main frame - this is not from the crash
393.75A3	F	2	Y		U	Tire-flat and/or audible air leak: 4 axle passenger side inside tire has no measureable air pressure
393.75C	F	2	N		N	Tire-other tread depth less than 2/32 of inch measured in a major tread groove: # 4 passenger side outside tire has less than 2/32 tread in a section of the tire, measures 1/32 to 0/32 across this section





Kansas Highway Patrol
MOTOR CARRIER SAFETY ASSISTANCE
 700 SW Jackson, Ste 704
 Topeka, KS 66603
 Phone: (785)296-7189 Fax: (785)296-2858

Report Number: KSHP03793320
Inspection Date: 10/26/2019
Start: 4:00 PM CT **End:** 8:50 PM CT
Inspection Level: I - Full
HM Inspection Type: None

393.50	F	2	Y	U	Y	Inadequate reservoir for air/vacuum brakes: Air tank by the #4 axle under trailer damaged and broken fittings
393.45B2	F	2	Y	U	Y	Brake hose or tubing chafing and/or kinking: 4 axle passenger side air lines chafed into the white cord showing in several areas
393.45	F	2	Y	U	Y	Brake tubing and hose adequacy: several of the air lines at the rear of the trailer are cut/broken due to the crash
393.9	F	2	N	N	N	Inoperable Required Lamp: Marker light on the driver side rear of the trailer inop
396.3A1	F	1	Y	U	Y	Inspection, repair and maintenance of parts & accessories: Unable to maintain air pressure when trailer brakes are released - due to damage from cut air lines and broken air valve on the trailer
396.17C	F	2	N	N	N	Operating a CMV without proof of a periodic inspection: None for the trailer at all
392.2IRP	F	2	N	N	N	IRP Apportioned Tag or Registration Violation: No form of registration at all for the trailer - this company has not registered the trailer
392.2Y	F	D	N	N	N	Failure to yield right of way: Fail to yield the right of way at an uncontrolled intersection
392.2MI	F	D	N	N	N	Miscellaneous Traffic Law Violation: Leaving the scene of an injury crash that caused a death
391.41A-F	F	D	N	N	N	Operating a property-carrying vehicle without possessing a valid medical certificate.: Driver does not have a medical card
383.23A2	F	D	Y	N	N	Operating a CMV without a CDL: Operating a CMV without a CDL on 10/26/2019
391.15A-NSIN	F	D	Y	N	N	Driving a CMV while disqualified. Suspended for non-safety-related reason and in the state of driver's license issuance.: Driver regular license is suspended K.S.A. 8-262
392.2-SLLEWG3	F	D	N	N	N	State/Local Laws - Excessive weight - More than 5000 lbs over on allowable gross weight.: Scale ticket shows 97,000 lbs and 1 weighed truck and trailer and had 96,000 lbs gross - no registration at all for this equipment
392.2-SLLEWA3	F	D	N	N	N	State/Local Laws - Excessive weight - More than 5000 lbs over on an axle/axle groups.: axle group 2-3 legal weight is 34,000 lbs, physicl weight is 41,700 lbs - 7700 lbs over on this axle group
392.2-SLLEWA3	F	D	N	N	N	State/Local Laws - Excessive weight - More than 5000 lbs over on an axle/axle groups.: axle group 4-5 legal weight is 34,000 lbs, physicl weight is 43,300 lbs -9300 lbs over on this axle group
392.2-SLLEWA3	F	D	N	N	N	State/Local Laws - Excessive weight - More than 5000 lbs over on an axle/axle groups.: axle group 1-5 weight 96,000 lbs - there is no registration for this equipment -
393.47E	F	1	N	N	N	Clamp or Roto type brake out-of-adjustment: 2 axle driver side is a type 30 regular brake chamber - measured 3 inches, the max for type 30 regular chamber is 2 inches
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: 2 axle passenger side is a type 30 long stroke brake chamber - measured 3 1/2 inches, the max for type 30 long stroke chamber is 2 1/2 inches
396.3A1BOS	F	1	Y	U	N	BRAKES OUT OF SERVICE: The number of defective brakes is equal to or greater than 20 percent of the service brakes on the vehicle or combination: 2 of 10 brakes - the power unit brakes are in an oos condition prior to the accident - the 4 trailer brakes are a result of the crash
393.48A	F	2	N	N	N	Inoperative/defective brakes: 4 axle driver side inop - due to damage, none of the brakes on the trailer would release - tow company had to back them off to move the equipment
393.48A	F	2	N	N	N	Inoperative/defective brakes: 4 axle passenger side inop - due to damage, none of the brakes on the trailer would release - tow company had to back them off to move the equipment
393.48A	F	2	N	N	N	Inoperative/defective brakes: 5 axle passenger side inop - due to damage, none of the brakes on the trailer would release - tow company had to back them off to move the equipment
393.48A	F	2	N	N	N	Inoperative/defective brakes: 5 axle driver side inop - due to damage, none of the brakes on the trailer would release - tow company had to back them off to move the equipment
393.207F	F	2	Y	U	Y	Air suspension pressure loss: Axle 4 and axle 5 driver and passenger side of both axles air bags are deflated due to cut air lines and not able to hold any air.
393.45PC	F	1	N	N	N	Brake Tubing and Hose Adequacy - Connections to Power Unit: coiled tubing has a straight segment (pigtail) at each end that is at least 2 in. in length and is encased in a spring guard or similar device - pulled back away

HazMat: No HM transported

Placard:

Cargo Tank:

Special Checks:

Alcohol/Controlled Substance Check
 Conducted by Local Jurisdiction
 Size and Weight Enforcement

X Traffic Enforcement
 PASA Conducted Inspection
 Drug Interdiction Search

X Post Crash Inspection
 PBBT Inspection





Kansas Highway Patrol
MOTOR CARRIER SAFETY ASSISTANCE
700 SW Jackson, Ste 704
Topeka, KS 66603
Phone: (785)296-7189 Fax: (785)296-2858

Report Number: KSHP03793320
Inspection Date: 10/26/2019
Start: 4:00 PM CT End: 8:50 PM CT
Inspection Level: I - Full
HM Inspection Type: None

eScreen Inspection

Notes: Trailer - there is no annual inspection at all - this vehicle has not been registered. There are no measurement for trailer brakes due to damage. The tow company had attempted to cage the brakes however this did not work, they attempted to release them by removing the pins from the adjusters and this did not work. The wrecker company had to back the brakes off to get them to release. There are several cracks in the axle position components connecting to the frame that are rusted showing they existed before the crash and there are new ones in the frame and aluminum that are a result of the crash. There is no tarp on this load and there is nothing to prevent the load from spilling. The latches on the rear of the trailer have cracked holding point that hold the latches close. There is heavy damage under the frame of the trailer from the 4 axle to the fifth wheel to include the landing gear. The spring guard on red line is pulled away from fitting and the fitting is loose and not properly secure. It is a DOT approved splice however its missing components that keep it in place. I had the wrecker move the equipment up the road 2 miles to get on a hard flat surface to weight the equipment on. The scale ticket for this load shows 97000 lbs. When I took each wheel end weight i came up with a gross weight of 96,000lbs. The power unit has no registration or annual inspection as well. The driver seat is easily moved out of position (not secured down). The driver had fled the scene of the crash in a vehicle he took from an individual who had stopped to render aid and was calling 911. At the completion of this inspection report, the driver has been identified as the individual listed on this inspection report. Additional information will be found under KHP case# 2019-015984.

Driver is using multiple alias: MARIO EMILIO ALFARO - DOB: 05/26/1970, JESUS IVAN GARCIA - DOB: 01/23/1977, ALFARO MARIO EMILIO, GARCIA PAULO IVAN and IVAN ALFARO

Pursuant to the authority contained in Title 49, CFR; K.S.A. 86-1, 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 the 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: _____

Pursuant to the authority contained in Title 49, CFR; K.S.A. 86-1, 129; K.C.C. Reg. 82-4-3, I hereby declare the driver identified on this report "OUT OF SERVICE." No person and/or carrier shall permit and/or require this driver to operate any commercial vehicle until his/her eligibility to drive has been reestablished. 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: _____

Advisory: This vehicle has been identified as having brake adjustment violations. 49 CFR Section Section 393.53 requires that a brake system be equipped on this vehicle. A qualified service technician needs to determine why the defective brake has excessive stroke and make the appropriate repairs. Simply re-adjusting a self-adjusting brake adjustor, or replacing it, does not guarantee that the problem is corrected. The problem may exist in the foundation brake system. By certifying this inspection report you have indicated that this vehicle now has a properly functioning self-adjusting brake adjustment system.

* 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 to be sent to the carrier identified on this report within 24 hours of receipt.

MOTOR CARRIER CERTIFICATION: All defects identified on this report 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. If no violations were discovered, you are not required to sign and return a copy.

NOTE: Challenges to violations may be submitted through the Federal Motor Carrier Safety Administration (FMCSA)'s Data Q Challenge process, at <https://dataqs.fmcsa.dot.gov>

Signature Of Motor Carrier X: _____ Title: _____ Date: _____

Report Prepared By: ID/Badge #:
H.E. Bradley 0379

Copy Received By:
PAULO GARCIA

X

X



Ahsan Latif

From: Erica Pargas
Sent: Thursday, June 24, 2021 10:58 AM
To: Gary Davenport; Mike Hoeme; Penny Fryback; Ahsan Latif
Subject: FW: Inspection
Attachments: KSHP01892189.pdf

Good Morning,

Attached is a copy of the Roadside Inspection for a unit that was stopped yesterday by KHP. We were informed that the trailer was not registered and belongs to Geyla Varela d/b/a E&J Transports. This is the same trailer that was involved in the fatality accident and is currently in an OOS condition. We visited with the owner Melissa Solorzano regarding her recent operations and she advised that she registered the Truck Tractor for her father, Juan Adame who has no drivers license. She stated she didn't know where or from who he had purchased the Truck Tractor from. Melissa Solorzano has no USDOT number and no Authority. Further investigation revealed that the Truck Tractor was previously owned by Geyla Varela, and was recently registered by Melissa Solorzano with a farm tag. She stated they do not own a farm and currently reside in an apartment with her father who also does not own a farm.

My question is, what do we do with these carriers who are illegally operating with nothing and using drivers that have no licenses which is typical of E&J Transports. Will we need to sit back and wait until there is another fatality accident before we go in and do something about this? We have advised Melissa Solorzano she cannot illegally operate and she told us we needed to quit harassing her.

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

From: Herbert Bradley [KHP] <Herbert.Bradley@KS.GOV>
Sent: Wednesday, June 23, 2021 3:42 PM
To: Erica Pargas <e.pargas@kcc.ks.gov>
Subject: FW: Inspection

This is an EXTERNAL EMAIL. Think before clicking a link or opening attachments.

From: Clayton Hardaway [KHP] <Clayton.Hardaway@KS.GOV>
Sent: Wednesday, June 23, 2021 1:05 PM
To: Herbert Bradley [KHP] <Herbert.Bradley@KS.GOV>
Subject: Inspection

Here it is.

Clayton J. Hardaway K-189
Technical Trooper / Safety Auditor

***Kansas Highway Patrol
New Entrant Safety Program
Troop I / MCSAP - Meade
Work – (620) 255-0391***



CERTIFICATE OF SERVICE

21-TRAM-474-OOS

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of
first class mail/hand delivered on 06/24/2021.

AHSAN LATIF, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3354
a.latif@kcc.ks.gov

MELISSA SOLORZANO, OWNER
MELISSA SOLORZANO
1819 N COMMANCHE DR APT 14
GARDEN CITY, KS 67846

/S/ DeeAnn Shupe

DeeAnn Shupe