

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

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

In the Matter of the Investigation of)
Vegas Trucking LLC, of Oberlin,)
Kansas, Regarding the Violation of the)
Motor Carrier Safety Statutes, Rules and)
Regulations and the Commission's) Docket No. 23-TRAM-357-OOS
Authority to Impose Penalties, Sanctions)
and/or the Revocation of Motor Carrier)
Authority.)

ORDER SUSPENDING INTRASTATE MOTOR CARRIER OPERATIONS

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and determination. 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, and 66-1,114b, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in 40 C.F.R. 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. 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.

II. FINDINGS OF FACTS

4. Vegas Trucking LLC of Oberlin, Kansas (Carrier) is a motor carrier as defined in 49 C.F.R. 390.5 as adopted in K.A.R. 82-4-3f, that operates commercial motor vehicle(s) in intrastate commerce.

5. Carrier operates under USDOT Number 3458956.

7. Transportation Staff (Staff) Special Investigators Penny Fryback and Erica Pargas are conducting an investigation of the carrier. During the investigation, Staff discovered a number of major violations, including:

- a. Carrier obtained its USDOT number of July 24, 2020 using a fraudulent address, utilizing a Mexican issued commercial driver's license.
- b. Carrier has been found operating in interstate, but is self-declared to be an intrastate carrier on its Motor Carrier Identification Report dated November 3, 2021, which is attached hereto as Attachment "A." Carrier does not have federal interstate authority to operate, nor does it have intrastate authority to operate from the Kansas Corporation Commission (Commission) despite also operating point to point in Kansas.

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

the time of this inspection, Tomas Vega-Casillas, owner of Carrier, was again found operating without a valid U.S. CDL.

iii. On September 7, 2022, the KHP conducted a roadside inspection documented in Driver/Vehicle Examination Report KSHP03794528, which is attached hereto as Attachment “D” At this time of this inspection, Hector Vega Bencomo (Tomas Vega’s son) was found operating without a valid CDL. Mr. Bencomo provided KHP Trooper Bradley a Mexican CDL that was not valid (expired 12/2021).

e. The inspections evidence of a number of maintenance violations that were not been repaired or corrected before being used in operation again.

f. Carrier failed to provide proof of insurance for the units being operated during the roadside inspection on September 7, 2022. At this time it is unknown if Mr. Vega possesses active, required insurance.

6. Staff recommended the Commission suspend Carrier’s intrastate motor carrier operations until it complies with the applicable motor carrier safety rules and regulations and submits a Corrective Action Plan that meets Staff’s approval. Staff’s findings and recommendation are evidenced by an e-mail from Special Investigator Erica Pargas, sent September 8, 2022. A copy of the e-mail is attached hereto as Attachment “E” and is hereby incorporated by reference

7. On September 12, 2022, Commission Staff filed a Motion to Suspend Intrastate Motor Carrier Operations, requesting that such an action be taken because Carrier’s continued operations pose a danger to the motoring public. Staff requested

Carrier's intrastate motor carrier operations remain suspended until it complies with the applicable motor carrier safety rules and regulations and submits a Corrective Action Plan that meets Staff's approval.

III. CONCLUSIONS OF LAW

8. 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.

9. The Commission finds Carrier is operating in violation of the applicable motor carrier safety rules and regulations.

10. The Commission finds Carrier's noncompliance with the applicable motor carrier safety rules and regulations poses a potential immediate threat to the safety and welfare of the public of the state of Kansas. Further, Carrier's noncompliance is intentional and 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.

THE COMMISSION THEREFORE ORDERS THAT:

A. Vegas Trucking LLC of Oberlin, Kansas is to be immediately suspended from all intrastate 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 submits a Corrective Action Plan that meets Staff's approval and comes into compliance with the applicable motor carrier safety rules and regulations. This Suspension of Intrastate Motor Carrier Operations 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 suspending operating authority.

B. **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 Commission's Secretary, at 1500 S.W. Arrowhead Road Topeka, Kansas 66604 within fifteen (15) days from the date of service of this Order.** 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 against Carrier, suspending Carrier's motor carrier operations.

C. 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.

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.

E. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further orders, as necessary.

BY THE COMMISSION IT IS SO ORDERED.

Keen, Chair; Duffy, Commissioner; French, Commissioner

Dated: 09/13/2022



Lynn M. Retz
Executive Director

AAL

ATTACHMENT “A”

ATTACHMENT “B”

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: KSHPO4150725
Inspection Date: 07/14/2022
Start: 10:10 AM CT End: 11:46 AM CT
Inspection Level: I - Full
HM Inspection Type: None

VEGAS TRUCKING LLC
712 N NEILL AVE
OBERLIN, KS 67749
USDOT#: 03458956
MC/MX#: 00000000
State#:

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

Driver: VEGA-CASILLAS, TOMAS
License#: [REDACTED] **State: MX**
Date of Birth: [REDACTED]
CoDriver:
License#: [REDACTED] **State: [REDACTED]**
Date of Birth: [REDACTED]

Location: DECATUR COUNTY - 039
Highway: US36
County:

MilePost: 83
Origin: OBERLIN,KS
Destination: OBERLIN,KS

Shipper:
Bill of Lading:
Cargo: EMPTY

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate #	Equipment ID	VIN	GVWR	CVSA #	New CVSA #	OOS#
1	TT	FRHT	2000	KS	717PRM	03	[REDACTED] 85959	50,000			157439
2	ST	TIMP	1993	NE	72X3380	15	[REDACTED] 84671	65,000			157440

BRAKE ADJUSTMENTS

Axle #	1	2	3	4	5
Right	1 1/2	1 1/2	1	1 1/2	1 5/8
Left	1 1/2	INOP	1/2	1	INOP
Chamber	C-24	C-30	L-30	C-30	C-30

VIOLATIONS

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

Report Prepared By:
B. Miller

Badge #:
0415

Copy Received By:
TOMAS VEGA-CASILLAS

Page 1 of 5



03458956 KS KSHPO4150725

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: KSHP04150725
Inspection Date: 07/14/2022
Start: 10:10 AM CT End: 11:46 AM CT
Inspection Level: I - Full
HM Inspection Type: None

VEGAS TRUCKING LLC

712 N NEILL AVE
OBERLIN, KS 67749

USDOT#: 03458956

MC/MX#: 00000000

State#:

Phone#: (785)470-1765

Fax#: (970)284-2143

Driver: VEGA-CASILLAS, TOMAS

License#: [REDACTED] State: MX

Date of Birth: [REDACTED]

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

Report Prepared By:
B. Miller

Badge #:
0415

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TOMAS VEGA-CASILLAS

Page 2 of 5



03458956 KS KSHP04150725

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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: KSHP04150725
Inspection Date: 07/14/2022
Start: 10:10 AM CT **End:** 11:46 AM CT
Inspection Level: I - Full
HM Inspection Type: None

VEGAS TRUCKING LLC

712 N NEILL AVE
OBERLIN, KS 67749

USDOT#: 03458956

MC/MX#: 00000000

State#:

Phone#: (785)470-1765

Fax#: (970)284-2143

Driver: VEGA-CASILLAS, TOMAS

License#: [REDACTED]

State: MX

Date of Birth: [REDACTED]

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

HazMat: No HM Transported.

Placard: No

Cargo Tank:

Special Checks:

Report Prepared By:
B. Miller

Badge #:
0415

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TOMAS VEGA-CASILLAS

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03458956 KS KSHP04150725

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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: KSHPO4150725
Inspection Date: 07/14/2022
Start: 10:10 AM CT End: 11:46 AM CT
Inspection Level: I - Full
HM Inspection Type: None

VEGAS TRUCKING LLC

712 N NEILL AVE

OBERLIN, KS 67749

USDOT#: 03458956

MC/MX#: 00000000

State#:

Phone#: (785)470-1765

Fax#: (970)284-2143

Driver: VEGA-CASILLAS, TOMAS

License#:

State: MX

Date of Birth:

CoDriver:

License#:

State:

Date of Birth:

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

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

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

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:

B. Miller

Badge #:

0415

Copy Received By:

TOMAS VEGA-CASILLAS

Page 4 of 5



03458956 KS KSHPO4150725

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: KSHPO4150725
Inspection Date: 07/14/2022
Start: 10:10 AM CT End: 11:46 AM CT
Inspection Level: I - Full
HM Inspection Type: None

VEGAS TRUCKING LLC

712 N NEILL AVE

OBERLIN, KS 67749

USDOT#: 03458956

MC/MX#: 00000000

State#:

Phone#: (785)470-1765

Fax#: (970)284-2143

Driver: VEGA-CASILLAS, TOMAS

License#: [REDACTED]

State: MX

Date of Birth: [REDACTED]

CoDriver:

License#:

State:

Date of Birth:

Inspection Notes

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

Special Studies No Special Study Data Recorded

Report Prepared By:
B. Miller

Badge #:
0415

Copy Received By:
TOMAS VEGA-CASILLAS

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03458956 KS KSHPO4150725

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X_____

ATTACHMENT “C”

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: KSHP03794471
Inspection Date: 08/15/2022
Start: 9:50 AM CT End: 10:50 AM CT
Inspection Level: II - Walk-Around
HM Inspection Type: None

VEGAS TRUCKING LLC

712 N NEILL AVE
OBERLIN, KS 67749

USDOT#: 03458956

MC/MX#: 00000000

State#:

Phone#: (785)470-1765

Fax#: (970)284-2143

Driver: VEGA-CASILLAS, TOMAS

License#: [REDACTED]

State: MX

Date of Birth: [REDACTED]

CoDriver:

License#:

State:

Date of Birth:

Location: FINNEY COUNTY - 055

Highway: U50

County:

MilePost: 66

Origin: GARDEN CITY,KS

Destination: OBERLIN,KS

Shipper:

Bill of Lading:

Cargo: EMPTY

VEHICLE IDENTIFICATION

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

BRAKE ADJUSTMENTS: No Brake Measurements Required For Level 2

VIOLATIONS

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

Report Prepared By:
H.E. Bradley

Badge #:
0379

Copy Received By:
TOMAS VEGA-CASILLAS

Page 1 of 3



03458956 KS KSHP03794471

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: KSHP03794471
Inspection Date: 08/15/2022
Start: 9:50 AM CT **End:** 10:50 AM CT
Inspection Level: II - Walk-Around
HM Inspection Type: None

VEGAS TRUCKING LLC
712 N NEILL AVE
OBERLIN, KS 67749
USDOT#: 03458956
MC/MX#: 00000000
State#:

Driver: VEGA-CASILLAS, TOMAS
License#: XXXXXXXXXX **State:** MX
Date of Birth: XXXXXXXXXX
CoDriver:
License#: XXXXXXXXXX **State:**
Date of Birth: XXXXXXXXXX

<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>
393.9BRKLAMP	393.9BRKLAMP	1	N		N	N	Inoperative Brake Lamps: Passenger side rear of the power unit inop
393.9TS	393.9TS	1	N		N	N	Inoperative turn signal: Passenger side rear of the power unit inop
393.9T	393.9T	1	N		N	N	Inoperable tail lamp: Passenger side rear of the power unit inop
393.9	393.9	1	N		N	N	Inoperable Required Lamp: Inop reverse lamp required 1 white lamp be operable in reverse
393.75C	393.75C	2	N		N	N	Tire-other tread depth less than 2/32 of inch measured in a major tread groove: Axle 5 passenger side inside tire of trailer has less than 2/32 tread
393.75C	393.75C	2	N		N	N	Tire-other tread depth less than 2/32 of inch measured in a major tread groove: Axle 5 passenger side of trailer outside tire has less than 2/32 tread
383.23A2	383.23A2	D	Y		N	N	Operating a CMV without a CDL: Operating a CMV without a CDL on 8/15/2022. Driver is a residence of Kansas and has been for at least a year - was put out of service on 7-14-22 for no CDL and is
396.9D2	396.9D2	D	N		N	N	Failure to correct defects noted on previous inspection report: Fail to correct several items - as well as the CDL
392.2MI	392.2MI	D	N		N	N	Miscellaneous Traffic Law Violation: Violation of an OOS order for No CDL when required KSA -8-2,132(c)

HazMat: No HM Transported.

Placard: No **Cargo Tank:**

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 TOMAS VEGA-CASILLAS "OUT OF SERVICE". No person and/or carrier shall permit and/or require this driver to operate any commercial vehicle until: Has a valid Kansas CDL. This Out of Service condition may result in the assessment of a Civil Penalty being issued against the Carrier indicated on this report. Driver Initials _____

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

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

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:
H.E. Bradley

Badge #:
0379

Copy Received By:
TOMAS VEGA-CASILLAS

Page 2 of 3



03458956 KS KSHP03794471

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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: KSHPO3794471
Inspection Date: 08/15/2022
Start: 9:50 AM CT End: 10:50 AM CT
Inspection Level: II - Walk-Around
HM Inspection Type: None

VEGAS TRUCKING LLC

712 N NEILL AVE

OBERLIN, KS 67749

USDOT#: 03458956

MC/MX#: 00000000

State#:

Phone#: (785)470-1765

Fax#: (970)284-2143

Driver: VEGA-CASILLAS, TOMAS

License#:

State: MX

Date of Birth:

CoDriver:

License#:

State:

Date of Birth:

Inspection Notes

Driver was given a copy of the Commercial brochure from 2014 for the proper tag for this power unit. Driver was placed out of service in Oberlin, KS on 7-14-2022 inspection report KSHPO4150725 and the driver is continuing to operate. Driver was placed out of service again - little bit of a language barrier had to use GOOGLE Translate to make sure he understands that he can not drive again until he has a CDL and that the power unit OOS has been fixed. There are multiple items that have not been repaired from the previous inspection (some things have been fixed) but the vehicle was not able to maintain air pressure so brakes were not able to be checked. The air valve on the blue line on the rear of the power unit is blowing air straight out the side of the valve and the air line here is kinked. Driver lives in Oberlin Kansas and has for over a year now and is the owner of the trucking company.

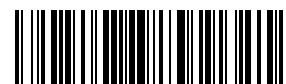
Special Studies No Special Study Data Recorded

Report Prepared By:
H.E. Bradley

Badge #:
0379

Copy Received By:
TOMAS VEGA-CASILLAS

Page 3 of 3



03458956 KS KSHPO3794471

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ATTACHMENT “D”

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: KSHPO3794528
Inspection Date: 09/07/2022
Start: 1:12 PM CT End: 02:55 PM CT
Inspection Level: I - Full
HM Inspection Type: None

VEGAS TRUCKING LLC

712 N NEILL AVE
OBERLIN, KS 67749

USDOT#: 03458956

MC/MX#: 00000000

State#:

Phone#: (785)470-1765

Fax#: (970)284-2143

Driver: VEGA-BENCOMO, HECTOR

License#: [REDACTED] State: MX

Date of Birth: [REDACTED]

CoDriver:

License#: State:

Date of Birth:

Location: SCOTT COUNTY - 171

Highway: U83

County:

MilePost: 107

Origin: WILSONVILLE, NE

Destination: SUBLETTE, KS

Shipper: AG VALLEY COOP

Bill of Lading: 341063

Cargo: CORN

VEHICLE IDENTIFICATION

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

BRAKE ADJUSTMENTS

Axle #	1	2	3	4	5
Right	2	2	2 1/2	1	1
Left	2	2 1/2	2	2 1/4	1
Chamber	C-24	C-30	C-30	C-30	C-30

VIOLATIONS

Vio Code	Section	Unit	OOS	Citation #	Verify	Crash	Violations Discovered
396.17C	396.17C	1	N		N	N	Operating a CMV without proof of a periodic inspection: None for the power unit
383.23A2	383.23A2	D	Y		N	N	Operating a CMV without a CDL: Operating a CMV without a CDL on 9/7/2022. Mexico CDL that is Eligible to get a CDL - also a resident of Garden City KS for 4 months and prior to this in Nebraska
393.81	393.81	1	N		N	N	Horn inoperative: Neither horn work on the power unit
393.60C	393.60C	1	N		N	N	Damaged or discolored windshield: middle to passenger side windshield broken
393.78	393.78	1	N		N	N	Windshield wipers inoperative/defective: Passenger side missing/inoperative
393.203C	393.203C	1	N		N	N	Hood not securely fastened: Driver side hood latch broken and not secure
393.30	393.30	1	N		N	N	Improper battery installation: No cover over the battery box on driver side
393.9T	393.9T	1	N		N	N	Inoperative tail lamp: Driver and passenger side rear of power unit inop
393.11	393.11	1	N		N	N	No or defective lighting devices or reflective material as required: No reverse lamp installed on the rear of the power unit
391.41A	391.41A	D	N		N	N	No medical certificate in driver's possession: Driver does not have a medical card
392.2IRP	392.2IRP	1	N		N	N	IRP Apportioned Tag or Registration Violation: No form of Kansas Registration - No temp registration for Kansas - only has Nebraska

Report Prepared By:
H.E. Bradley

Badge #:
0379

Copy Received By:
HECTOR VEGA-BENCOMO

Page 1 of 5



03458956 KS KSHPO3794528

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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: KSHP03794528
Inspection Date: 09/07/2022
Start: 1:12 PM CT End: 02:55 PM CT
Inspection Level: I - Full
HM Inspection Type: None

VEGAS TRUCKING LLC

712 N NEILL AVE

OBERLIN, KS 67749

USDOT#: 03458956

MC/MX#: 00000000

State#:

Phone#: (785)470-1765

Fax#: (970)284-2143

Driver: VEGA-BENCOMO, HECTOR

License#: [REDACTED]

State: MX

Date of Birth: [REDACTED]

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

Report Prepared By:
H.E. Bradley

Badge #:
0379

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HECTOR VEGA-BENCOMO

Page 2 of 5



03458956 KS KSHP03794528

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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: KSHP03794528
Inspection Date: 09/07/2022
Start: 1:12 PM CT End: 02:55 PM CT
Inspection Level: I - Full
HM Inspection Type: None

VEGAS TRUCKING LLC

712 N NEILL AVE
OBERLIN, KS 67749

USDOT#: 03458956

MC/MX#: 00000000

State#:

Phone#: (785)470-1765

Fax#: (970)284-2143

Driver: VEGA-BENCOMO, HECTOR

License#: [REDACTED]

State: MX

Date of Birth: [REDACTED]

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>
392.7A	392.7A	D	N		N	N	unit, vehicle is 86,700 lbs and has no registration at all for this state to operate
393.47E	393.47E	2	N		N	N	Driver failing to conduct pre-trip inspection: Driver can not be satisfied with a pre-trip inspection when missing/inoperable emergency safety equipment
393.53B	393.53B	2	N		N	N	Clamp or Roto type brake out-of-adjustment: Axle 4 driver side measured 2 1/4 inches and max for type 30 is 2 inches
393.47C	393.47C	2	N		N	N	CMV manufactured after 10/19/94 has an automatic airbrake adjustment system that fails to compensate for wear
393.45D	393.45D	2	N		N	N	Mis-matched slack adjuster effective length: Axle 5 driver side is 5 1/2 inch slack adjuster from center hole to pin and axle 5 passenger side is 6 inches from center hole to pin
393.47E	393.47E	1	N		N	N	Brake connections with leaks or constrictions: Axle 5 air valve leaking large amount of air
396.3A1BOS	396.3A1BOS	1	Y		U	N	Clamp or Roto type brake out-of-adjustment: Axle 3 passenger side measured 2 1/2 inches and max for type 30 is 2 inches
393.209E	393.209E	1	N		N	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: 5 of 10 brakes out of adjustment
393.83G	393.83G	1	N		N	N	Power steering violations: Power steering leak at the pump and hoses
396.17C	396.17C	2	N		N	N	Exhaust leak under driver and/or sleeper compartment: Exhaust leak under the sleeper area on the passenger side
							Operating a CMV without proof of a periodic inspection: No Annual inspection for the trailer

HazMat: No HM Transported.

Placard: No **Cargo Tank:**

Special Checks:

Report Prepared By:
H.E. Bradley

Badge #:
0379

Copy Received By:
HECTOR VEGA-BENCOMO

Page 3 of 5



03458956 KS KSHP03794528

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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: KSHPO3794528
Inspection Date: 09/07/2022
Start: 1:12 PM CT End: 02:55 PM CT
Inspection Level: I - Full
HM Inspection Type: None

VEGAS TRUCKING LLC

712 N NEILL AVE

OBERLIN, KS 67749

USDOT#: 03458956

MC/MX#: 00000000

State#:

Phone#: (785)470-1765

Fax#: (970)284-2143

Driver: VEGA-BENCOMO, HECTOR

License#:

State: MX

Date of Birth:

CoDriver:

License#:

State:

Date of Birth:

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

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

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

Signature Of Repairer X: _____ 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:
H.E. Bradley

Badge #:
0379

Copy Received By:
HECTOR VEGA-BENCOMO

Page 4 of 5



03458956 KS KSHPO3794528

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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: KSHPO3794528
Inspection Date: 09/07/2022
Start: 1:12 PM CT End: 02:55 PM CT
Inspection Level: I - Full
HM Inspection Type: None

VEGAS TRUCKING LLC
712 N NEILL AVE
OBERLIN, KS 67749
USDOT#: 03458956
MC/MX#: 00000000
State#:

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

Driver: VEGA-BENCOMO, HECTOR
License#: [REDACTED] State: MX
Date of Birth: [REDACTED]
CoDriver:
License#: State:
Date of Birth:

Inspection Notes

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

Special Studies

No Special Study Data Recorded

Report Prepared By:
H.E. Bradley

Badge #:
0379

Copy Received By:
HECTOR VEGA-BENCOMO

Page 5 of 5



03458956 KS KSHPO3794528

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ATTACHMENT “E”

From: [Erica Pargas](#)
To: [Ahsan Latif](#)
Cc: [Gary Davenport](#); [Penny Fryback](#)
Subject: Vegas Trucking LLC
Date: Thursday, September 8, 2022 3:50:22 PM

Good Afternoon,

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

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

Erica Pargas, Special Investigator

Transportation Division

Kansas Corporation Commission

1500 SW Arrowhead Road | Topeka, KS | 66604-4027

Phone (620) 255-3868 | Fax (785) 271-3124

CERTIFICATE OF SERVICE

23-TRAM-357-OOS

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of
first class mail and electronic service on 09/13/2022.

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

TOMAS VEGA
VEGAS TRUCKING LLC
712 N NEILL AVE
OBERLIN, KS 67749
tsalinas93m@gmail.com

/S/ KCC Docket Room
KCC Docket Room