



1500 SW Arrowhead Road
Topeka, KS 66604-4027

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

Dwight D. Keen, Chair
Shari Feist Albrecht, Commissioner
Susan K. Duffy, Commissioner

Laura Kelly, Governor

NOTICE OF PENALTY ASSESSMENT
20-TRAM-049-PEN

August 8, 2019

Howard Van Slyke, President
Van Slyke Body Shop, Inc.
40162 N 281 Hwy
Pratt, KS 67124

This is a notice of a penalty assessment against Van Slyke Body Shop, Inc. (Van Slyke Body Shop) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on July 25, 2019, by Kansas Corporation Commission Special Investigator Doug Handy. Penalties are assessed in accordance with the FY 2020 Uniform Penalty Assessment Matrix, approved by the Commission on July 16, 2019. 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: Van Slyke Body Shop has been assessed a \$500 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$500, through your personal account with the Kansas Corporation Commission's 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 Van Slyke Body Shop to attend a Commission-sponsored safety seminar within ninety (90) 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 Order also requires your company to submit to one follow-up safety compliance review within 18 months from the date of the Order. Transportation Staff will contact your company at a later date to determine an appropriate time for this review.

IF YOU CONTEST THE PENALTY ORDER: You have the right to request a hearing. A request for hearing must be made in writing, setting forth the specific grounds upon which relief is sought. Van Slyke Body Shop 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. K.A.R. 82-1-215; K.S.A. 2018 Supp. 77-542.

IF YOU FAIL TO ACT: Failure to pay the penalty of \$500 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 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,

Ahsan A. Latif
Litigation Counsel
(785) 271-3118

Before Commissioners: Dwight D. Keen, Chair
Shari Feist Albrecht
Susan K. Duffy

PENALTY ORDER

I. JURISDICTION

2. Pursuant to K.S.A. 2018 Supp. 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.

II. BACKGROUND

4. Van Slyke Body Shop, Inc. (Van Slyke Body Shop) has common operating authority with the Commission as of August 1, 2019, and further operates under USDOT number 1115659.

5. Marilyn Van Slyke attended the Procedures for Safety Compliance Seminar presented by the Kansas Corporation Commission, on July 15, 2019, on behalf of Van Slyke Body Shop.

6. Van Slyke Body Shop is a common motor carrier which primarily hauls motor vehicles, driveaway/towaway.

III. STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, on July 25, 2019, Commission Staff (Staff) Special Investigator Doug Handy conducted a safety compliance review of the operations of Van Slyke Body Shop. A copy of the safety compliance review is included in this Penalty Order as Attachment "A" and is hereby incorporated by reference. As a result of this investigation, the special investigator identified one (1) violation(s) of the Motor Carrier Safety Regulations.

- a. On June 30, 2019, Van Slyke Body Shop required or permitted its driver, Howard Van Slyke, to operate a CDL-required commercial motor vehicle, a 2007 International, VIN ending in 407096, GVWR 25,500 lbs., in intrastate commerce from Pratt, Kansas to Cairo, Kansas. This trip is evidenced by a Towing Bill, dated June 30, 2019, a copy of which is attached hereto as Attachment “B” and is hereby incorporated by reference. At the time of this transportation, Van Slyke Body Shop did not have the proper motor carrier authority (common KAN-C) to operate as a wrecker service in the state of Kansas. The carrier’s previous authority was cancelled on January 18, 2019 for failure to renew. Van Slyke Body Shop’s commercial operations of motor vehicles prior to obtaining and maintaining proper Commission authority is a violation of K.S.A. 2018 Supp. 66-1,111 and 49 C.F.R. 392.2, adopted by K.A.R. 82-4-3h, and authorized by K.S.A. 2018 Supp. 66-1,129. Staff recommends a fine of \$500.

IV. STAFF’S RECOMMENDATIONS

8. Based upon the available facts, Staff recommends the Commission finds Van Slyke Body Shop committed one (1) violation(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 sanctions or fines imposed by the Commission.

9. Additionally, Staff recommends a civil penalty of \$500 for one (1) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that a representative from Van Slyke Body Shop be required 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. 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.

11. Finally, Staff recommends that Van Slyke Body Shop submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order. Transportation Staff will contact the motor carrier at a later date to determine an appropriate time for this review.

V. CONCLUSIONS OF LAW

12. The Commission finds it has jurisdiction over Van Slyke Body Shop because it is a motor carrier as defined in K.A.R. 82-4-1.

13. The Commission finds Van Slyke Body Shop committed one (1) violation(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 sanctions or fines imposed by the Commission.

THE COMMISSION THEREFORE ORDERS THAT:

A. Van Slyke Body Shop, Inc., of Pratt, KS is hereby assessed a \$500 civil penalty for one (1) violation(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. Van Slyke Body Shop is hereby ordered to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and is to provide Litigation Counsel with written proof of attendance.

C. Carrier is hereby ordered to submit a written, comprehensive corrective action plan (CAP) to Transportation Staff within thirty (30) days of the date of this order.

D. Van Slyke Body Shop is ordered to submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order. Transportation Staff will contact the carrier to set up the appointment.

E. Pursuant to K.S.A. 2018 Supp. 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 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 Van Slyke Body Shop's right to a hearing, and this Penalty Order will become a Final Order assessing a \$500 civil penalty against Van Slyke Body Shop, and ordering a representative from Van Slyke Body Shop 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, and to submit to a safety compliance review within 18 months from the date of this 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. K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2); K.A.R. 82-1-202(a). For civil penalties less than \$500, a corporation may appear by a duly authorized representative of the corporation. K.S.A. 2018 Supp. 66-1,142b(e) and amendments thereto.

G. If you do not request a hearing, the payment of the civil penalty of \$500 is due in thirty (30) days from the date of service of this Order. Payment of \$500 must be made through your personal account with the Kansas Corporation Commission's KTRAN system located at <https://puc.kcc.ks.gov/ktran/>. You must have an account through KTRAN to pay the penalty.

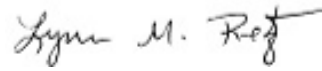
H. Failure to pay the \$500 civil penalty within thirty (30) days from the date of service of this Penalty Order, *see* K.S.A. 66-1,105, and/or failure to comply with the provisions of this Order, may result in suspension of Van Slyke Body Shop's motor carrier operating authority without further notice. 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.

I. 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; Albrecht, Commissioner; Duffy, Commissioner


Dated: 08/08/2019



Lynn M. Retz
Executive Director

AAL

ATTACHMENT “A”

	US DOT # 1115659		Legal: VAN SLYKE BODY SHOP INC Operating (DBA):	
	MC/MX #:		State #: 165070	
Review Type: Compliance Review (CR)		Federal Tax ID: [REDACTED] (EIN)		
Scope: Principal Office		Location of Review/Audit: Company facility in the U. S.		Territory: F
Operation Types		Business: Corporation		
Interstate Intrastate		Gross Revenue: [REDACTED] for year ending: 1/31/2019		
Carrier: N/A HM				
Shipper: N/A N/A				
Cargo Tank: N/A				
Company Physical Address:				
40162 N 281 HWY PRATT, KS 67124				
Contact Name: Marilyn Van Slyke				
Phone numbers: (1) [REDACTED]				
E-Mail Address: [REDACTED]				
Company Mailing Address:				
40162 N 281 HWY PRATT, KS 67124				
Carrier Classification				
Authorized for Hire				
Cargo Classification				
Motor Vehicles Driveaway / Towaway				
Hazardous Materials				
9 Miscellaneous HM Carried Non-Bulk				
Equipment				
	Owned		Term Leased Trip Leased	
Truck	1	0	0	
Power units used in the U.S.: 1				
Percentage of time used in the U.S.: 100				
Does carrier transport placardable quantities of HM? No				
Is an HM Permit required? N/A				
Driver Information				
	Inter	Intra	Average trip leased drivers/month: 0	
< 100 Miles:		4	Total Drivers: 4	
>= 100 Miles:			CDL Drivers:	



VAN SLYKE BODY SHOP INC
U.S. DOT #: 1115659

State #: 165070

Review Date:
07/25/2019

Part A

QUESTIONS regarding this report or the Federal Motor Carrier Safety or
Hazardous Materials rules may be addressed to the Office of Motor Carriers at:

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: Marilyn Van Slyke

Title: Office Manager

Name: Howard Van Slyke

Title: President





VAN SLYKE BODY SHOP INC
U.S. DOT #: 1115659

State #: 165070

Review Date:
07/25/2019

Part B Violations

1 STATE	Primary: 392.2 Secondary: KSA 66-1330	Discovered 1	Checked 1	Drivers/Vehicles In Violation Checked
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Description

Operating a commercial motor vehicle without KCC wrecker operating Authority.

Example

Driver Name: Howard Van Slyke

Trip Date: 06/30/2019

Carrier operated in Intrastate commerce from Cairo, Ks. to Pratt, Ks. without the FOR-HIRE authority. The economic authority was cancelled on 01/18/2019 for failure to renew with the Commission.

Safety Fitness Rating Information:

Total Miles Operated 6,693
Recordable Accidents 0

OOS Vehicle (CR): 0
Number of Vehicle Inspected (CR): 0
OOS Vehicle (MCMIS): 0
Number of Vehicles Inspected (MCMIS): 0

Your proposed safety rating is :

This Review is not Rated.





VAN SLYKE BODY SHOP INC
U.S. DOT #: 1115659

State #: 165070

Review Date:
07/25/2019

Part B Requirements and/or Recommendations

1. 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
2. A copy of your carrier profile can be obtained at no cost from the FMCSA Portal (<https://portal.fmcsa.dot.gov/login>).
3. This report contains citations of regulations that are deemed serious in nature and could result in penalties against your company and/or your drivers.
4. Intrastate operation beyond exempt radius in Kansas requires carrier to obtain KAN-C operating authority from Kansas Corporation Commission prior to operating in commerce. Records indicate the carrier failed to renew and the authority was cancelled.
5. For all Investigations:
 - 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.
 - 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 CFR Part 391.23 requires prospective employers to, at a minimum, investigate a driver's employment information, crash record, and alcohol and controlled substances history from all employers the driver worked for within the previous 3 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 allows 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. Discuss with your employees/drivers the "Security Measures for Truck Drivers and Companies" which were provided and reviewed with motor carrier official. Motor carriers should visit the following website for more information:
<http://www.fmcsa.dot.gov/documents/Hijacking-Brochure.pdf>
FMCSA recently announced planned improvements to the Carrier Safety Measurement System (SMS) which was implemented in December 2010 as part of the Agency's broader Compliance, Safety, Accountability (CSA) initiative. A preview of these improvements is currently available to motor carriers. The system changes are scheduled to be available to the public in July 2012. There will be additional opportunity for public comment on the changes after the preview period ends in July 2012. The improvements to SMS are based on ongoing analysis and feedback from enforcement personnel, the motor carrier industry, and other stakeholders. The changes more effectively identify and prioritize high-risk and other unsafe motor carriers for enforcement interventions designed to reduce commercial motor vehicle crashes and hazardous materials incidents. Motor carriers currently have the ability to preview how the improvements impact their individual safety data in SMS. These improvements include: (1) Changes to the SMS methodology that identify higher risk carriers while addressing industry biases; (2) better applications of SMS results for Agency interventions by more accurately identifying safety sensitive carriers (i.e., carriers transporting people and carriers hauling hazardous materials (HM)), so that such firms can be selected for CSA interventions at more stringent levels; and, (3) more specific fact-based displays of SMS results on the SMS Web site. The data preview





VAN SLYKE BODY SHOP INC
U.S. DOT #: 1115659

State #: 165070

Review Date:
07/25/2019

Part B Requirements and/or Recommendations

may be found at <http://csa.fmcsa.dot.gov/>. During the data preview period, the Agency requests comments on the impacts of the changes.

6. 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 Van Slyke Body Shop, Inc. operating authority and/or the impoundment of Van Slyke Body Shop, Inc. vehicles.

For all investigations that did not result in a Cooperative Safety Plan:

The KCC required 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 recurrence 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: g.davenport@kcc.ks.gov

FAX-785-271-3124

or mail:

Kansas Corporation Commission

Attn: Gary Davenport

1500 SW Arrowhead Road

Topeka, KS 66604-4027

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 *Marilyn Van Slyke*
Signature

Date 7-25-19

Signed



ATTACHMENT “B”

BILL

PAGER ()

CELL PHONE ()

4:30 pm
E 4Y54
1E Cairo

NAME _____ DATE 6-30-19 WORK PHONE () _____ HOME PHONE () _____

ADDRESS _____ CITY _____ STATE _____ ZIP _____

YEAR 2001 MAKE Cadillac MODEL DHS VIN [REDACTED] 295365

PAINT CODE White PROD. DATE 05/01 TRIM _____ MILEAGE _____ LICENSE NO. [REDACTED] STATE KS

WRITTEN BY _____ INS.CO. _____ CLAIM NO. _____ P.O. NO. 5W

ADJUSTER _____ PHONE () _____ DEDUCTIBLE/BETTERMENT _____

LINE NO.	RE-PAIR	RE-PLACE	DETAILS OF REPAIR R = Repair S = Straighten P/C = Recycle / Recchrome / Recore	PARTS INDEX A = Aftermarket N = New U = Used R = Rebuilt	PI	PARTS	LABOR	PAINT	SUBLET/ MISC.
1									
2			Tow to storage per 50				300.00		
3									
4			Storage @ \$40 per day						
5									
6			6-30 \$40						
7			7-1 \$40				120.00		
8			7-2 \$40						
9			7-3						
10									
11									
12									
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14									
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16									
17									
18									
19									
20									
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22									
23									
24									
25									
26									

I hereby authorize the above work and acknowledge receipt of copy.

TOTAL

Signed **X**

Date

VAN SLYKE
BODY SHOP and
WRECKER SERVICE

40162 N. HIGHWAY 281
PRATT, KS 67124
(620) 672-1281

PARTS Prices subject to invoice \$ _____

LABOR _____ hrs. @ _____ \$ _____

Shop Supplies \$ _____

PAINT _____ hrs. @ _____ \$ _____

Paint Supplies \$ _____

Towing / Storage \$ _____

Sublet / Miscellaneous \$ _____

EPA / Waste Disposal Charge \$ _____

SUBTOTAL \$ _____

TAX \$ _____

TOTAL \$ _____

CERTIFICATE OF SERVICE

20-TRAM-049-PEN

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 08/09/2019.

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

HOWARD VAN SLYKE, PRESIDENT
VAN SLYKE BODY SHOP, L.L.C.
40162 N 281 HIGHWAY
PRATT, KS 67124
vanslykebody@sctelcom.net

/S/ DeeAnn Shupe

DeeAnn Shupe